



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

PGCPB No. 06-64(A/2)(C)

File No. 4-05080

C O R R E C T E D A M E N D E D R E S O L U T I O N

WHEREAS, a 757-acre parcel of land known as Tax Map 90 in Grid A1, said property being in the 15th Election District of Prince George's County, Maryland, and

WHEREAS, on October 14, 2005, Daniel Colton filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1,176 lots (total dwelling units ~~†[3,628]~~[3,648] and 355 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05080 for Smith Home Farm was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on March 9, 2006, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended DISAPPROVAL of the application with conditions; and

WHEREAS, on March 9, 2006, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

*WHEREAS, on March 9, 2006, the Planning Board disapproved Preliminary Plan of Subdivision 4-05080; and

*WHEREAS, on April 6, 2006, the Planning Board approved a request to reconsider the action of denial for Preliminary Plan of Subdivision 4-05080 based on the furtherance of substantial public interest; and

*WHEREAS, on July 27, 2006, the Planning Board reconsidered the Preliminary Plan of Subdivision and approved the subject application with all new findings and conditions.

~~†~~[WHEREAS, on April 19, 2012, the Planning Board approved a request for a waiver of the Rules of Procedure and a reconsideration of Condition 42 and Finding 9, for good cause in furtherance of a substantial public interest, relating solely to the MD4/Westphalia Road interchange;

~~†~~[WHEREAS, on May 24, 2012, the Planning Board reconsidered the Preliminary Plan of Subdivision and approved the subject application with deletions and additions.]

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NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board ~~[DIS]~~APPROVED the Type I Tree Conservation Plan (TCPI/38/05-01), and further ~~[DIS]~~APPROVED Preliminary Plan of Subdivision 4-05080, Smith Home Farm for 355 parcels with the following conditions:

- *1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
- a. To conform to the certificate approved CDP-0501.
 - b. Revise Sheet 3 to accurately reflect that M-NCPPC is the owner of abutting property to the north.
 - c. Revise the preliminary plan and update the required development standards table to reflect the allowable dwelling unit mix in accordance with Section 27-515(b), Footnote 29. Remove "use" variance language.
 - d. Provide dimensions on all parcel lines.
 - e. Relabel Parcel 85 after required adjustment as a letter parcel and to be conveyed to the BOE.
 - f. Label all roads private or public on each sheet. Multifamily dwelling units are not permitted to be served by private streets (24-128(b)(7)).
 - g. Contain a note that pursuant to Section 24-135.02(d) of the Subdivision Regulations the cemetery located on the Blythwood Historic Site (78-013) is deemed to be a certified nonconforming use.
 - h. Indicate number of parcels proposed, once the plan is revised.
 - i. Correct General Note 26 to be two sentences.
 - j. Remove from all sheets the five-foot-wide strip of land separating lots. Remove five-foot strip between Lot 8 and the rears of 9-11, Block NN, for example.
 - k. Provide totals in General Note 18 for number of lots and parcels proposed.
 - l. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan shall be revised to conceptually show the limits of disturbance for all proposed trails.
 - m. Revise the general notes to reflect that the allowable GFA for commercial retail is 140,000 square feet, not 170,000.

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- n. Label the general location of the pit feature, 18PR766.
 - o. Relabel A-66 as M-634.
 - p. Provide the acreage of the proposed M-NCPPC land located in the L-A-C Zone.
 - q. Clearly label all existing structures and the disposition of those structures.
 - r. Label Parcel R to be retained by the owner.
 - s. Conform to DPR Exhibit A, dated 6/7/06, or modified by the Planning Board.
 - t. Provide adequate setback from abutting existing subdivisions to allow bufferyards to be installed in the future without encumbering each individual lot, to be approved by the Urban Design Section.
 - u. Remove general note that indicates that "2 over 2" dwelling units are multifamily. Two-over two dwelling units are attached, unless architecture demonstrates conformance to Section 27-107.01(75), definition of multifamily, demonstrate at the time of SDP.
 - v. Dimension the width of the frontage of Parcel R on MC-632.
- 2. A Type II Tree Conservation Plan shall be approved with each specific design plan.
 - 3. Development of this site shall be in conformance with an approved Stormwater Management Concept Plan, 36059-2005-00 and any subsequent revisions.
 - 4. Prior to signature approval of the preliminary plan the applicant shall submit evidence that the property is not encumbered by any prescriptive or descriptive easements that are to the benefit of other properties. If encumbered that applicant shall submit evidence that the rights-and privileges associated with those easements will not be interrupted with the development of this property. If appropriate the applicant shall provide evidence of the agreement of those benefited properties to the abandonment or relocation of said easements.
 - 5. Prior to the approval of building permits associated with residential development, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
 - 6. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. Upon approval by the DRD, the RFA shall be recorded among the county Land Records.

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7. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.
8. The applicant, his heirs, successors and/or assignees shall submit to the Park Planning and Development Division (PP&D) three original recreational facilities agreements (RFAs) for construction of recreational trail facilities on park property. The RFA shall be approved prior to the approval of final plats. Upon approval by the PP&D, the RFA shall be recorded among the county Land Records and noted on the final plat of subdivision.
9. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on park property prior to the approval of building permits.
10. Prior to the issuance of building permits for proposed residential structures, the applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section demonstrating that the design and construction of building shells will attenuate noise to interior noise levels of 45 dBA (Ldn) or less.
11. The submittal requirements for the specific design plan (SDP) filed subsequent to SDP-0506 shall include a proposal for a sequential platting plan [†][(24-119.01(e)(2))][(24-119(e)(2))] of all of the land within this preliminary plan of subdivision. This plan shall establish a framework for the orderly development of the property.
12. The final plat shall contain a note that pursuant to Section 24-135.02(d) of the Subdivision Regulations the cemetery located on the Blythwood Historic Site (#78-013) is deemed to be a certified nonconforming use.
13. The applicant, his heirs, successors and/or assignees shall provide a multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest *Department of Parks and Recreation Guidelines* and standards. Timing for the construction shall be determined with the appropriate SDP. Connector trails should be provided from the stream valley trail to adjacent residential development as shown on the approved CDP-0501.
14. The applicant, his heirs, successors and/or assignees shall preserve as much of Melwood Road as feasible for use as a pedestrian/trail corridor, in keeping with recommendations from the WCCP study. Consideration should be given to the use of existing Mellwood Road as a pedestrian/trail corridor east and west of C-632 at the time of SDP. The Cabin Branch Stream Valley trail and the Mellwood Road trail should converge on the west side of the C-632 and a pedestrian trail crossing provided under C-632 where the bridging of the stream valley and Cabin Branch could occur for the construction of C-632. An at-grade pedestrian crossing of C-632 shall be avoided, unless otherwise determined appropriate by the DRD and the DPR. The grade-separated crossing shall

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be provided for the master-planned Cabin Branch Stream Valley trail at major road crossings. The SDP for the central park shall identify all needed road crossings and bridging.

15. The applicant, his heirs, successors and/or assignees shall provide:

- a. The Cabin Branch Trail from P-615 to the proposed trail east of Road RR. This connection will allow for a continuous stream valley trail through the site and extend the Cabin Branch Trail Road W. If feasible, the stream crossing should correspond with the construction required for stormwater management pond number 4 (access road and outfall) in order to minimize impacts to the PMA.
- b. Where the Melwood Legacy Trail crosses Blocks L, P, and R, it should be within a 30-foot-wide HOA parcel(s). This 30-foot-wide parcel will include Parcels 16, 17, and 20 (currently shown as 20 feet wide) shown on the submitted plans, plus an additional five feet on each side (30-foot-wide total). This additional green space will accommodate a buffer between the trail and the adjacent residential lots on both sides of the trail and allow the trail to be in the green corridor envisioned in the Westphalia Sector Plan (Sector Plan, page 28). Additional plantings and/or pedestrian amenities or other design modifications may be considered at the time of specific design plan.
- c. Provide a ten-foot wide multiuse trail along the subject site's entire portion of Suitland Parkway extended (MC-631) (Preliminary Westphalia Sector Plan, page 28). This trail shall be asphalt and separated from the curb by a planting strip.
- d. Provide a six-foot wide asphalt trail connector from Road FF to the Cabin Branch Trail. This trail may utilize a portion of the access road for SWM Pond number 19.
- e. Provide a six-foot wide trail connector from Road YY to the Cabin Branch Trail. This connection shall, unless another location is determined appropriate, be located between Lots 33 and 34, Block H within a 30-foot wide HOA access strip.

16. The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along both sides of all internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of each SDP.

17. Prior to signature approval of the preliminary plan, the applicant shall provide written evidence from DPW&T that the cul-de-sac extending from C-635 to serve existing dwellings is acceptable to DPW&T standards and shall be dedicated to public use, and not to the Smith Home Farm HOA, or the preliminary plan shall be revised to address this issue.

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18. Prior to the approval of each final plat the applicant shall demonstrate that existing adequate public streets, connecting this development to the external public street system, shall exist to support the development.
19. Prior to signature approval of the preliminary plan the applicant shall submit a comprehensive trail map. All trails and trail connections shall be constructed within HOA or M-NCPPC land. No trails shall be proposed on private lots. This map shall show the location of the proposed trails within either M-NCPPC or HOA lands and shall show all trails and trail connections in relation to proposed lots. This plan shall be revised in accordance with the recommendations of the trails coordinator and be utilized in the review of each SDP that contains trails.
20. A trailhead facility for the Cabin Branch Trail shall be considered at the time of review of the appropriate SDP. A trailhead could be appropriate either in the central park or along Cabin Branch in the vicinity of the site access point from Presidential Parkway. Additional dedication may be required to ensure that the master plan trail is located on public lands and not on private homeowners open space. If unavoidable, that portion of the master plan trail located on HOA land shall be placed in a public use trail easement, and reflected on the final plat. All trails shall be located on an approved SDP prior to final plat.
21. The plant materials located within the reforestation areas within the 100-year floodplain, within the central park (M-NCPPC), shall be mutually agreed upon by the DRD and DPR.
22. Prior to the issuance of grading permits the applicant shall demonstrate that within the limits of the grading permit, that any abandoned well or septic system has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.
23. Prior to signature approval of the preliminary plan, the applicant shall conduct additional Phase I archaeological investigations with the concurrence of the Development Review Division (DRD). The applicant shall submit the revised Phase I investigation (including research into the property history and archaeological literature) for the entire property. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.
24. The Phase II archeological investigations shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the Prince George's County Planning Board's *Guidelines for Archeological Review* (May 2005), if any buildings within the Blythewood environmental setting will be disturbed and report preparation should follow MHT guidelines and the *American Antiquity* or the *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations shall be clearly identified on a

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map to be submitted as part of the report. The significant archeological resources shall be preserved in place.

25. Prior to signature approval of the preliminary plan the applicant shall submit a Security and Maintenance Plan for all the structures (addendum) within the environmental setting of Blythewood Historic Site (78-013) for ratification to ensure that these structures are maintained and monitored throughout the development process.
26. A note shall be provided on the preliminary plan and final plat that states no disturbance is permitted within the Blythewood environmental setting, including but not limited to stormwater management, grading for stormwater management and public or private roads, without the approval of a Historic Area Work Permit approved by the Historic Preservation Commission. A Phase II investigation should be conducted if the proposed development results in the destruction of the farm tenant houses or any other structures. Archeological investigations may be able to determine construction dates and locate features associated with butchering and food preparation.
27. The applicant shall submit Phase II archeological investigation for pit feature 18PR766, with the first SDP within the R-M zoned mixed retirement portion of the property for review and approval. The pit feature is located within this portion of the site and is labeled on the preliminary plan of subdivision. A Phase III Data Recovery Plan as determined by DRD staff may be required as needed. The SDP plan shall provide for the avoidance or preservation of the resources in place, or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994)* and must be presented in a report following the same guidelines.
28. Prior to signature approval of the preliminary plan, the 33-acre environmental setting for Blythewood shall be delineated as approved by the HPC, including the main house and domestic outbuildings, barns stables and other agricultural outbuildings, the circa 1860s tenant houses, tobacco barn and any other cultural and historical resources. The limit of disturbance shall be expanded to exclude the entire 33-acre environmental setting of Blythewood. A note shall be provided on the preliminary plan and the Type I Tree Conservation Plan that states no disturbance is permitted within the Blythewood environmental setting, including but not limited to stormwater management, grading for stormwater management and public or private roads, without the approval of a Historic Area Work Permit.
29. Prior to signature approval of the preliminary plan, the 5.9-acre boundary line around "Historic Blythewood Homesite Parcel" should be revised to also include the tree-lined lane leading to the house and outbuildings, and the land connecting these two stems. The tree-lined access appears to be approximately 15 feet wide and may not be adequate to serve as vehicular access to a commercial or office use. To ensure that the historic entrance remains intact, options for review at the time of SDP including the conversion of the tree-lined driveway to a pedestrian path may be appropriate.

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30. The following note shall be placed on the Final Plat:

"Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland-designated acceptable noise level for residential uses."

31. The applicant shall dedicate to M-NCPPC 148± acres of parkland as shown on attached Exhibit A (dated June 7, 2006), or as adjusted by DPR and as authorized by the approving authority prior to final plat. The applicant shall dedicate that portion of part of Parcel 15 (DPR Exhibit A), Parcel S, and the central park individually at the time of approval of the final plat of any right-of-way (public or private) on which the parkland fronts. The remaining parkland shall be conveyed in accordance with the sequential platting plan.

32. Prior to the approval of the first final plat of subdivision, (not infrastructure) the applicant shall enter into an agreement with the Department of Parks and Recreation establishing a mechanism for payment of the applicant's fees into an account administered by M-NCPPC. The agreement shall note that the value of the in-kind services shall be determined at the sole discretion of DPR. If not previously determined, it shall establish a schedule of payments and/or a schedule for park construction. The value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. If, the sector plan and sectional map amendment for the Westphalia area establish the exact amount of the required contribution; between \$2,500 and \$3,500 per dwelling unit, the agreement shall incorporate this amount. Monetary contributions may be used for the design, construction, operation and maintenance of the recreational facilities in the central park and/or the other parks that will serve the Westphalia study area. The specifics to accomplish this will be specified in the agreement.

Per the applicant's offer at the time of CDP approval, the applicant, his heirs, successors and/or assignees shall make a monetary contribution/in-kind services of a minimum \$5,000,000 toward the design and construction of the central park, which shall be counted as a credit against the developer's required financial contribution to the Westphalia Park Club as set forth above.

33. Prior to the approval of the final plat and the conveyance of Parcel S to M-NCPPC, the applicant shall obtain approval from the Historic Preservation Commission for the removal of the tenant house and the tobacco barn, located on Parcel S. If the applicant cannot obtain approval from the HPC, the limits of Parcel R and S shall be adjusted so that the land that is to be conveyed to M-NCPPC (Parcel S) does not contain these buildings. The applicant shall make appropriate adjustments to ensure the conveyance of 148± acres to M-NCPPC.

34. Submission of three original, executed agreements for participation in the "park club" to DPR for their review and approval, prior to the submission of the first final plat of subdivision (not infrastructure). Upon approval by DPR, the agreement shall be recorded among the land records

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of Prince George's County, Upper Marlboro, Maryland, and the liber folio reflected on the final plat.

35. Prior to signature approval of the preliminary plan, the applicant shall submit revised concept approved stormwater management (SWM) plan showing no SWM ponds on dedicated parkland except the recreational lake in the central park parcel, or those agreed to by DPR and authorized by the approving authority.
36. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR for trails on M-NCPPC parkland.
37. The applicant, his heirs, successors and/or assignees shall be subject to the following conditions for the conveyance of parkland to M-NCPPC:
 - a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plats.
 - b. The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
 - c. The boundaries and acreage of land to be conveyed to the M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.

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- f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
 - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to the M-NCPPC.
 - i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.
38. Prior to the approval of each final plat, the applicant shall obtain a raze permit from DER for any existing structures to be removed. Any abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structure being razed.
39. Prior to the approval of final plat(s) of subdivision for development, which includes portions of the Melwood Road right-of-way, the applicant shall obtain approval of the road closure process as determined appropriate by DPW&T, in accordance with Subtitle 23 and/or vacated in accordance with Subtitle 24.
40. The applicant, his heirs, successors and/or assignees shall convey to the Board of Education (BOE) upon their agreement approximately seven acres at the same time as the dedication of the rights-of-way of MC 632 and Road C, whichever comes first, on which the BOE school property fronts. The BOE property shall not suffer the disposition of improvements necessary to support the Smith Home Farm development, unless upon specific agreement with the BOE. HOA land shall not be utilized to support development of the BOE property for public use, to include but not be limited to stormwater management.
41. Prior to signature approval of the preliminary plan the BOE property, as delineated on the preliminary plan, shall be revised to reflect seven acres of dedication to include that portion of Parcel T, between Parcel R and MC632, south of the parcel stem extending to the traffic circle.
42. †[The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property, subject to the following requirements:

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~~†[a. Prior to the issuance of the first building permit, the above improvement shall have full financial assurances through either private money and/or full funding in the CIP.]~~

~~†[b. Prior to the issuance of building permits for the residential permit that represents the 30 percent of the residential units, the MD 4/Westphalia Road interchange shall be open to traffic.]~~

†[Prior to issuance of each building permit for the **residential** component of the Smith Home Farm project (4-05080), the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of CR-66-2010 and the MD 4/Westphalia Road Public Facilities Financing and Implementation Program (PFFIP), pay to Prince George's County (or its designee) a fee, pursuant to the MOU required by CR-66-2010, based on ~~‡[11.30]~~ 7.57 percent of the cost estimate as determined by the Federal IAPA review. This fee shall be divided by ~~‡[3,628]~~ 3,648 to determine the unit cost.]

43. Prior to the approval of the initial Specific Design Plan proposing development (not infrastructure) within the subject property, the applicant shall submit acceptable traffic signal warrant studies to SHA for signalization at the intersections of the MD 4 ramps and MD 223 (both the eastbound and the westbound ramps). The applicant should utilize new 12-hour counts, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agency. If signals are deemed warranted at that time, the applicant shall bond the signals with SHA prior to the release of any building permits within the subject property, and install them at a time when directed by that agency.

44. At the time of final plat approval, the applicant shall dedicate the following rights-of-way, in accordance with the recommendations shown in the preliminary Westphalia Sector Plan:

a. 80 feet along MC-635, as shown on the submitted plan

b. 100 feet along MC 632, as shown on the submitted plan

c. A minimum of 60 feet along P-616, as shown on the submitted plan (70 feet from C 631 to Road M)

d. A minimum of 60 feet along P-615, as shown on the submitted plan

e. 40 feet from centerline along existing Westphalia Road

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These alignments may be modified through further environmental study. Findings at time of Specific Design Plan shall include comments on the degree of conformity with the Westphalia Sector Plan, at whatever state of approval exists at the time of review.

45. At the time of final plat approval, the applicant shall dedicate 100 feet of right-of-way for C-631, in substantial conformance with the alignment shown in the preliminary plan. Any variations or PMA impacts associated with said alignment shall be deemed approved.
46. At the time of final plat approval, the applicant shall dedicate 100 feet of right-of-way, in accordance with the recommendations shown in the preliminary Westphalia Sector Plan, along MC-634. Such dedication shall be along an alignment that is similar to that shown on the submitted plan and that is deemed, at the time of Specific Design Plan, to conform to the Westphalia Sector Plan and to other proposed development plans for adjacent properties.
47. Prior to signature approval of the preliminary plan, Parcel 62 shall be revised to align and provide fillets and this parcel shall be dedicated at the time of final plat as a public right-of-way to become an extension of Road EE into the Claggett Property as the future P-612 facility.
48. The SDP and final plat shall demonstrate a primary residential street connection at the end of Road DD, Block SS (public 60-foot wide ROW) north to connect to the Woodside Village property. This connection shall not be required only if a preliminary plan of subdivision has been approved for the Woodside Village Subdivision to the north that does not require the connection.
49. The following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency, with all issues of timing and implementation to be addressed as Specific Design Plans proposing development are reviewed:
 - a. MC-631/Presidential Parkway intersection: The applicant shall submit, at the time of the initial Specific Design Plan proposing development, an acceptable traffic signal warrant study to DPW&T. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If a signal is deemed warranted by DPW&T, the applicant shall bond the signal prior to the release of any building permits within the subject property and install it at a time when directed by DPW&T. Installation of the signal, or any other traffic control device deemed to be appropriate by DPW&T, shall include any needed physical improvement needed to ensure adequate and safe operations.
 - b. At the intersection of Westphalia Road/D'Arcy Road and MC-635, signalization shall be studied and a signal shall be installed if deemed warranted. Such study shall be required prior to specific design plan approval for the age-restricted portion of the development. Installation of the signal, or any other traffic control device deemed to be appropriate by

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DPW&T, shall include any needed physical improvement needed to ensure adequate and safe operations, including the alignment of MC-635 with D'Arcy Road.

- c. At the intersection of MC-631 and MC-635/P-615, signalization shall be studied and a signal shall be installed if deemed warranted. Such study shall be required prior to specific design plan approval for either the age-restricted portion of the development or the L-A-C portion of the development.
- d. At the intersection of MC-631 and MC-632/P-616, signalization shall be studied and a signal shall be installed if deemed warranted. Such study shall be required prior to specific design plan approval for the L-A-C portion of the development.
- e. At the intersection of MC-632 and P-615, in accordance with the master plan recommendation for a four-lane major collector, the intended one-lane roundabout shall be designed for a two-lane roundabout in order that sufficient right-of-way for the ultimate facility is obtained. Affirmative approval of DPW&T shall be received for the conceptual design of the roundabout prior to the approval of the initial specific design plan that includes any portion of this intersection. DPW&T shall determine whether a one-lane or a two-lane roundabout will be implemented at this location by the applicant; however, such determination shall, if a one-lane roundabout is chosen, also indicate the ultimate responsibility for upgrading the roundabout.
- f. At the intersection of MC-635 and Road J, the proposed two-lane roundabout shall be designed and constructed. Affirmative approval of DPW&T shall be received for the conceptual design of the roundabout prior to the approval of the initial specific design plan that includes any portion of this intersection.
- g. All intersections along the major collector (MC) facilities shall include exclusive left-turn lanes where appropriate. Unless the intersection will be a roundabout, plans must show left-turn lanes unless specifically waived by DPW&T. Such configurations shall be verified at the time of specific design plan review for the appropriate sections of roadway.
- h. All proposed traffic calming devices, as shown on the plan "Smith Home Farm Traffic Calming," shall be reflected on the appropriate specific design plans and verified by transportation staff. Installation of such devices must have specific approval of DPW&T prior to approval of the appropriate specific design plan.
- i. All proposed transit facilities, as shown on the plan "Transit Plan—Smith Farm," shall be reflected on the appropriate specific design plans and verified by transportation staff. Installation of such facilities must have specific approval of DPW&T prior to approval of the appropriate specific design plan.

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50. Total development within the subject property shall be limited to uses generating no more than the number of peak-hour trips (1,847 AM peak-hour vehicle trips and 1,726 PM peak-hour vehicle trips). Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
51. The applicant, his heirs, successors and/or assignees shall record among the Land Records of Prince George's County a declaration of covenants which establishes that the premises will be solely occupied by elderly persons, in accordance with state and federal fair housing laws, for a fixed term of not less than 60 years. The covenant shall run to the benefit of the county and be reflected on all final plats for the R-M Zoned Mixed Retirement Community portion of this project.
52. Prior to signature approval of the preliminary plan, all plans shall be evaluated for conformance with the Final Decision of the District Council on the CDP approval and all conditions associated with the District Council's Final Decision shall be addressed.
53. Prior to signature approval of the preliminary plan, and the Type I Tree Conservation Plan the following road impacts shall be re-evaluated and revised:
- Road crossings A and B shall be revised to make crossing A perpendicular to the stream and crossing B shall be relocated to be combined with the stream impact for the sanitary sewer connection and shall also be designed to be perpendicular to the stream.
54. Prior to signature approval of the preliminary plan, all plans shall be revised to identify all proposed stormwater management ponds; show conceptual grading for all proposed stormwater management ponds; and redesign all ponds to eliminate impacts to the PMA associated solely with pond grading.
55. All Tree Conservation Plans shall not show woodland conservation on any single-family residential detached or attached lot.
56. A limited SDP for stream restoration shall be developed outlining areas that are identified to be in need of stream restoration. The limited SDP shall receive certificate approval prior to the certificate approval of the SDP for the first phase of development, excluding SDP-0506. Prior to issuance of any grading permits, all SDPs shall be revised to reflect conformance with the certified stream restoration SDP. There will not be a separate TCPII phase for the stream restoration work; it shall be addressed with each phase of development that contains that area of the plan. Each subsequent SDP and associated TCPII revision shall reflect the stream restoration work for that phase. As each SDP is designed, it shall include the detailed engineering for the stream restoration for that phase.

The limited SDP for stream restoration shall:

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- a. Be coordinated with the Department of Parks and Recreation for land to be dedicated to DPR, other agencies who have jurisdiction over any other land to be dedicated to that agency and the review agency that has authority over stormwater management.
- b. Consider the stormwater management facilities proposed;
- c. Include all land necessary to accommodate the proposed grading for stream restoration;
- d. Address all of the stream systems on the site as shown on the submitted Stream Corridor Assessment and provide a detailed phasing schedule that is coordinated with the phases of development of the site; .
- e. Be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces;
- f. Identify what areas of stream restoration will be associated with future road crossings, stormwater management and utility crossings; and identify areas of stream restoration that are not associated with future road crossings, stormwater management and utility crossings that have an installation cost of no less than \$1,476,600 which reflects the density increment granted in the M-R-D portion of the project (see Finding No. 8, 15 of CDP-0504).

57. Prior to signature approval of the preliminary plan, the full limits of the primary management area (PMA) shall be delineated clearly and correctly on all plans in conformance with the staff-signed Natural Resource Inventory (NRI). A written explanation shall be provided regarding how the floodplain woodland acreage was reduced by approximately 10 acres from previous submissions. The text shall be accompanied by a plan at 1"=300' scale that shows where the floodplain woodland limits changed. The NRI shall be revised as appropriate to reflect the changes.

58. The SDPs and Type II Tree Conservation Plans shall show the 1.5 safety factor line and a 25-foot building restriction line for Marlboro clay in relation to all proposed structures. The final plat shall show all 1.5 safety factor lines and a 25-foot building restriction line from the 1.5 safety factor line for any affected lots. The location of the 1.5 safety factor lines shall be reviewed and approved by M-NCPPC, at the time of SDP by the Environmental Planning Section and the Prince George's County Department of Environmental Resources. The final plat shall contain the following note:

"No part of a principal structure may be permitted to encroach beyond the 25-foot building restriction line established adjacent to the 1.5 safety factor lines. Accessory structures may be

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positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER."

59. Prior to signature approval of the preliminary plan, the preliminary plan and the TCPI shall be revised to show the noise contours associated with Andrews Air Force Base as depicted on the latest Air Installation Compatibility Use Zone study.
60. Prior to the approval of final plats, the proposed road network shall be evaluated at an interagency meeting attended by the US Army Corps of Engineers, the Maryland Department of the Environment, and the Department of Environmental Resources. The meeting minutes shall reflect the direction provided by these agencies and the road network shall consider the direction provided which is determined at the time of permit applications.
61. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
62. Prior to the approval of any residential building permits within the 65 or 70 dBA Ldn noise contours, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.
63. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised so that the individual sheets reflect the same land area for both plans.
64. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan shall be revised as follows:
 - a. Eliminate woodland conservation from residential lots, proposed road corridors, existing road corridors planned for preservation, or areas where woodlands already exist;
 - b. Show the lot and/or parcel numbers, as well as block numbers for all proposed lots and parcels on the plan that match the lot and parcel numbers on the preliminary plan;
 - c. Show disturbance of only those areas that are necessary for development and all proposed buildings and grading within the limits of disturbance shall be shown.
 - d. Show the location of all specimen trees, their associated critical root zones, and the specimen tree table per the approved NRI;
 - e. Eliminate the background shading on all symbols for woodland cleared within the 100-year floodplain, reforestation/afforestation, and woodland preserved not counted, and revise the legend accordingly;

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- f. Eliminate all woodland conservation areas less than 35 feet wide;
 - g. Identify all off-site clearing areas with a separate label showing the acreage for each;
 - h. Show clearing only for those areas that are necessary for development;
 - i. Revise the font of the existing and proposed contours so that they are legible;
 - j. Revise the limits of disturbance to accurately reflect the proposed area of disturbance;
 - k. Eliminate woodland conservation within the Melwood Road right-of-way;
 - l. Revise the limits of disturbance so that the PMA is preserved where impacts are not approved;
 - m. Revise the worksheet as necessary; and
 - n. Have the plans signed and dated by the qualified professional who prepared the plans.
 - o. Eliminate tree conservation and reforestation from the land to be dedicated to M-NCPPC outside of the 100-year floodplain.
65. At the time of specific design plan, the TCPII shall contain a phased worksheet for each phase of development and the sheet layout of the TCPII shall be the same as the SDP for all phases.
66. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/38/05-01). The following note shall be placed on the Final Plat of Subdivision:
- “Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/38/05-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”
67. No part of the Patuxent River Primary Management Area shall be located on any single-family detached or attached lot.
68. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to reflect the following:

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- i. Impacts for road crossings as reflected on exhibits A, B, C, E, J, M, N, N1, and S shall be revised on the SDP to reduce the impacts to the fullest extent possible;
 - ii. Impacts shown for road crossings on exhibits Q, R, T, and U shall be eliminated;
 - iii. Impacts for sanitary sewer installations as reflected on Exhibit 3 shall be revised on the SDP to reduce the impacts to the fullest extent possible; and
 - iv. Impacts for trail construction as reflected on Exhibit 1 shall be revised on the SDP to reduce the impacts to the fullest extent possible.
69. Each specific design plan that contains trails shall show the field identified location for all trails and the associated grading.
70. Prior to signature approval of the preliminary plan, the letter of justification shall be supplemented to include a discussion of the alternatives evaluated for the road network to reduce the number of road crossings; to state which crossings will use the "Con-Span" or "Bridge-Tek" bridges"; to include a detail of the bridges that shows how these types of crossings reduce impacts to the PMA; to provide a discussion of how the road network is in conformance with the master plan; to provide the acreage of woodland impact for each PMA impact proposed; and to provide a discussion of whether the placement of the sanitary sewer connection (Impact 3) can be relocated to the south given the proposed grades of the site. The preliminary plan and TCPI shall be revised as necessary to show where the bridge structures will be used.
71. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area and all adjacent areas of preservation and afforestation/ reforestation except for areas of approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:
- "Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
72. All afforestation/ reforestation and associated fencing shall be installed prior to the issuance of the building permits adjacent to the afforestation/ reforestation area. A certification prepared by a qualified professional may be used to provide verification that the planting and fencing have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for area, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

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73. Prior to signature approval of the preliminary plan, a copy of the signed approved stormwater concept plan shall be submitted. All conditions contained in the concept approval letter shall be reflected on the preliminary plan and TCPI. If impacts to the PMA that were not approved in concept by the Planning Board are shown on the approved concept plan, the concept plan shall be revised to conform to the Planning Board's approval.
74. Prior to signature approval of the preliminary plan of subdivision the following Urban Design issues shall be addressed:
- a. All dead-end private alleys that are longer than 100 feet shall be designed to provide adequate turn around capabilities in accordance with standards and recommendations of the Department of Public Works and Transportation that will allow an emergency vehicle to negotiate a turn.
 - b. The townhouse section shall be revised to provide no more than six units in any building group. The applicant must obtain approval of more than six dwelling units in a row at the time of SDP, pursuant to Section 27-480(d).
 - c. To fulfill CDP condition 1 (h), to provide additional visitor's parking space and to ensure an emergency access to the site be maintained at all times.
75. The following note shall be placed on the final plat: "Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland-designated acceptable noise level for residential uses."
76. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan shall be revised to conceptually show the limits of disturbance for all proposed trails.
77. Prior to specific design plan approval for the applicable area, the road network shall show a connection (r/w to be determined) between the cul-de-sac of Private Road DD to the north to connect to the Woodside Village property (Sheet 10), and to the south to connect to the Westphalia Town Center as a dedicated public right-of-way.

- †[78. Prior to issuance of each building permit for the **commercial** component of the Smith Home Farm project (4-05080), the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of CR-66-2010 and the MD 4/Westphalia Road Public Facilities Financing and Implementation Program (PFFIP), pay to Prince George's County (or its designee) a fee, pursuant to the MOU required by CR-66-2010, based on ‡[1.22] 0.96 percent of the cost estimate as determined by Federal IAPA review. This fee shall be divided by 140,000 to determine the cost on a per square foot basis.
- †[79. Prior to approval of final plats for the Smith Home Farm project (4-05080), the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of CR-66-2010 (Exhibit C) and the MD 4/Westphalia Road Public Facilities Financing and Implementation Program (PFFIP), provide a copy of the recorded Memorandum of Understanding (MOU) and reflect the liber/folio on each record plat for the project.]

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, ~~[does not]~~ meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject property is located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4).
- ~~[3. The preliminary plan for Smith Home Farm was accepted on October 14, 2005. The Subdivision Review Committee (SRC) meeting was held on November 4, 2005. At that meeting the applicant was advised that additional information was required for the review of the preliminary plan and the Type I tree conservation plan. Staff requested that the applicant provide additional information no later than 30 days prior to the Planning Board hearing, originally scheduled on January 5, 2006. The applicant was also clearly advised at the SRC meeting that failure to provide the requested information less than 30 days prior to the Planning Board hearing could result in inadequate time for review and an unfavorable recommendation to the Planning Board. On November 8, 2005, the attorney for the applicant granted a 70-day waiver to allow additional time for the applicant to submit the requested information, and the preliminary plan was scheduled for a Planning Board hearing date of March 9, 2006. The 140-day mandatory action time frame for this plan expires on March 18, 2006.~~

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4. ~~The applicant has failed to provide essential information necessary for the review of the preliminary plan and Type I tree conservation plan. Information that was requested at the November 4, 2005, SRC meeting. This property is 757 acres and contains significant environmental features including the Cabin Branch stream valley. The applicant has failed to address over an estimated 70 proposed impacts to the primary management area. A large number of the impacts not requested are necessary to implement the required stormwater management for the site. Without the approval of those impacts the site cannot be developed as proposed.~~
5. ~~The applicant has not addressed Condition 2.A.9 of the District Council's Order of Final Zoning Decision in A-9965/66. Specifically:~~

~~"9. Preserve as much of Melwood Road as feasible, for use as a pedestrian corridor. Before approval of a preliminary plan of subdivision for the area of the subject property adjoining Melwood Road, the applicant shall ask the technical staff, working with the Department of Public Works and Transportation, to determine the disposition of existing Melwood Road. Staff's evaluation should include review of signage and related issues.~~

6. ~~Environmental~~ The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision, 4-05080, stamped as received by the Environmental Planning Section on February 9, 2006, and the revised Type I Tree Conservation Plan, TCPI/38/05-01, stamped as received on February 22, 2006. Information critical to the review of the application has not been received.

A Letter of Justification is required for all proposed impacts to the regulated environmental areas of a site. A complete list of requested impacts is necessary for the Planning Board to make a determination with regard to Section 24-130(b)(5) which states that the regulated areas of the site must be preserved "...to the fullest extent possible."

At the Subdivision Review Committee meeting on November 4, 2005, the applicant was informed that a Letter of Justification was not received with the application package and that one is required no less than 30 days prior to any Planning Board hearing date. A Letter of Justification was received on January 26, 2006. It only addressed the road crossings and did not address the necessary impacts for stormwater management outfalls, sanitary sewer installations or the proposed impacts for stream restoration projects.

A revised Letter of Justification was requested and has not yet been received. The original letter, dated January 25, 2006, was resubmitted without the required additions on February 24, 2006. The new submission was not revised from the original submission. The applicant has been informed of this deficiency multiple times in writing (on November 4, 2005 at the Subdivision Review Committee) and in person (at a meeting regarding the CDP conditions on February 14, 2006 and a meeting on February 27, 2006 at the Maryland Department of the Environment).

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The second outstanding issue is the submission of a Type I Tree Conservation Plan that meets the minimum requirements of the Woodland Conservation Ordinance. Over the course of the review of this application, several TCPI plans have been submitted. The plans contained calculation errors that resulted in the placement of negative numbers in the worksheet, showed areas of woodland conservation wholly within the boundaries of proposed lots, showed lot layouts that were different from the preliminary plan under review, and were often not signed by a qualified professional as required. The most recent TCPI submitted does not show the proposed impacts for the stormwater management outfalls and the plans have not been revised to fully address the conditions of the approved CDP.

One of the most important conditions of the CDP has not been addressed. The condition regarding showing the limits of the regulated environmental areas (the "PMA") correctly has not been addressed. The preliminary plan shows a secondary PMA line near the intersection of proposed Road J and proposed Melwood Road on sheet 3. There are also other areas on the preliminary plan and TCPI where the PMA is shown incorrectly. These areas include the portion of the PMA on proposed Parcel 56 on Sheet 3, Parcel C on Sheet 4, Parcel 23 on Sheet 8, Parcel 81 on Sheet 9, and the area north of Parcel 24 on Sheet 7. The plan also shows a secondary PMA line on sheets 2, 3, and 5 of the preliminary plan.

Condition 4.f. requires the submission of information related to stream restoration projects for which density increments were approved with the CDP. None of the required information relating to this condition has been submitted to date.

7. ~~Transportation~~ The applicant proposes 2,424 conventional mixed-type residences and 1,224 senior housing units, for a total of 3,648 residences. Also, 170,000 square feet of commercial retail space is planned within the L A C zone.

The applicant prepared a traffic impact study dated September 2005, along with an additional analysis dated November 2005 covering intersections internal to the overall site, and prepared in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

During 2005, the Prince George's County Planning Department worked with a consultant team on the Westphalia Comprehensive Concept Plan. The purpose of the plan was to refine policies contained in the 1994 Melwood Westphalia Master Plan and the 2002 General Plan for Prince George's County, and to provide an updated vision and detailed guidance for several major development proposals within the Westphalia Planning Area, including the subject property. As a part of the preparation of that plan, the recommendations were tested with an independent traffic analysis based upon the operation of links, or sections of roadway (either existing or planned) within the study area. This study was completed in August 2005. The plan proposed a modified roadway system in consideration of planned development patterns, current environmental constraints, and the intent to provide transit-oriented development within a core area with proposed future rail transit service.

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The Transportation Planning Section has utilized the results of the August 2005 study to prepare roadway recommendations for a Westphalia Sector Plan and Sectional Map Amendment. While these recommendations do not yet carry the power of law, they are consistent with the WCCP study which was done in response to the subject applications and other applications in the area that are either pending or planned. The Westphalia Sector Plan and Sectional Map Amendment recommendations should be addressed as follows:

1. ~~The sector plan will show MC 631 as a four-lane major collector within a 100-foot right of way through the site. The current plan shows this right of way as 85 feet. It is required that the plan be revised to show dedication of 100 feet of right of way along MC 631 within the subject property. This change could affect the configuration of lots along the roadway, but may be resolvable if there is a clear support by the County Department of Public Works and Transportation (DPW&T) for the Section 2 typical section along the entire MC 631 facility. The typical section requires DPW&T review and approval because it is non-standard.~~
2. ~~MC 631 exits the subject property to the east at a location and angle that is different than that shown in the WCCP. It is noted that the location shown on the current preliminary plan appears to minimize environmental impacts. Nonetheless, this roadway exits the site with an east-northeast orientation. Given that the adjacent property to the east (Woodside Village, A 9973) is intending to set aside a sizable school site, it is recommended that this roadway exit the site due east. This will allow the adjacent developer better flexibility to configure the planned development with the school site.~~
3. ~~The sector plan will show MC 632 as a four-lane major collector within a 100-foot right of way between MC 631 and P-615, and as a four-to-six-lane major collector within a 120-foot right of way from P-615 to the southern boundary of the property. The current plan shows this right of way as 62 feet. It is required that the plan be revised to show dedication of 100 feet of right of way between MC 631 and P-615, 120 feet of right of way south of Road C, and a transition section between P-615 and Road C. This is a significant change that will likely affect lotting patterns in the southern portion of the site, and will also affect the configuration of the proposed elementary school site.~~
4. ~~The sector plan will show MC 635 as a four-lane major collector within a 100-foot right of way between MC 631 and the northern boundary of the site. The current plan shows this right of way as 62 feet. The plan should have been revised to show dedication of 100 feet of right of way along MC 635 within the subject property. This change could affect up to 30 proposed lots that are adjacent to this facility.~~

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5. — The sector plan will show C-626, Westphalia Road as a two-to-four-lane collector facility with an 80-foot right-of-way. The current plan shows no dedication along C-626. The plan should have been revised to show dedication of 40 feet from centerline along C-626.
6. — The sector plan will show A-66, Presidential Parkway, as a 100-foot arterial facility north of MC-631. A zoning application has been submitted for the adjacent Cabin Branch Village site (A-9976), and this plan shifts A-66 coincident to and west of Ryon Road. Given the function of the A-66 facility, it is probably not desirable to route it through the Cabin Branch Village site or to establish several points of access to it within that site. The plan should have been revised to show dedication of 100 feet of right-of-way along A-66 within the subject property along the alignment shown.
7. — The sector plan will show P-615 as a primary residential facility (60-foot right-of-way) between MC-631 and MC-632. The current plan shows this right-of-way as 62 feet.
8. — The sector plan will show P-616 as a primary residential facility (60-foot right-of-way) between MC-631 and the northern boundary of this site. The current plan shows this right-of-way as 62 feet.
9. — P-616 exits the subject property to the north at a location that is different than that shown in the WCCP. It is noted that the location shown on the current preliminary plan is approximately 150 feet west of the location shown on the WCCP. Given that this roadway must cross an environmental feature on the adjacent site, this roadway should have been moved eastward to exit the site at the correct location. This will allow the adjacent developer the ability to actually get the road permitted with the appropriate environmental agencies for construction.

The WCCP also showed a number of minor or secondary connections between properties. As review had progressed, staff believed that better connections needed to be established to the west so that there is connectivity to future A-66. Also, a number of roadways are shown to be public roadways serving many residences with a right-of-way consistent with a secondary residential street. The standard for the 50-foot, or secondary residential street indicates pavement 26 feet in width and parking on both sides of the street. Where excessive traffic would use the street, parked vehicles result in excessive conflicts between oncoming vehicles because the pavement is not wide enough to allow two-way vehicle operation. Increasing the right-of-way to 60 feet improves the situation by increasing the pavement width to 36 feet, allowing two-way traffic to proceed with parked vehicles on each side. The applicant had made several changes to the plan based on staff's comments on the original submitted plan. Nonetheless, further changes would be needed, as the plan has been greatly reconfigured. Given the development proposed on this plan, staff recommended that the following streets be shown with a right-of-way of 60 feet:

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1. ~~_____~~ The entire length of Road AA.
2. ~~_____~~ The entire length of Road B.
3. ~~_____~~ The entire length of Road J.
4. ~~_____~~ Road W between MC 631 and Private Road YY.

At the time of the Planning Board hearing there remained many elements of this plan that were unresolved. The plan includes several public streets without acceptable end treatments, secondary residential streets in townhouse areas, and a lack of demonstrated off-street parking in townhouse areas. The Department of Public Works and Transportation has stated that the preliminary plan as proposed is unacceptable. Approval from the Department of Public Works and Transportation would be essential for this development.

Prior plans have a number of conditions that require review. The status of the transportation-related conditions is summarized below:

A-9966:

Condition 2(A)(9): This condition requires that the applicant work with staff to determine the disposition of existing Mellwood Road. With regard to the transportation staff, there has been no coordination with the applicant. It is duly important to ensure that the impact of this site on existing Mellwood Road is greatly limited. To that end, the staging of the construction of Road C, which would connect the overall site to Mellwood Road, should be determined at this time. There is no clear understanding by transportation staff or DPW&T of the disposition of Mellwood Road.

Condition 2(I): This condition was met during review of the comprehensive design plan, and was fulfilled with the submittal of the November 2005 supplemental traffic study.

Condition 2(K)(1): This condition requires that the timing for the construction of the MD 4/Westphalia Road interchange be determined at the time of preliminary plan. While the applicant has proffered to construct this interchange, the applicant had not proffered construction timing. Given that the at-grade intersection currently fails in both peak hours, staff would recommend that the interchange be financially guaranteed prior to the initial building permit, and that it be open to traffic prior to permitting beyond 25 percent of the residences, or prior to use and occupancy of the commercial portion of the development.

CDP-0501:

Condition 1(h)(1): This condition requires the right of way required for A-66 be determined at the time of subdivision. This has been done.

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Condition 1(h)(2): This condition requires the provision of a secondary external connection near the northern end of Ryon Road. It is recommended that this connection be made to the identified A-66 right-of-way.

Condition 2: This condition establishes a trip cap for the subject site. The trip cap in this plan is identical to that reviewed at the time of CDP; therefore, the trip cap is not an issue and will be carried forward in any preliminary plan approval.

Condition 3: This condition requires the construction of the MD-4/Westphalia Road interchange. As modified under the discussion of A-9966, this condition will be carried forward.

Condition 5: This condition requires that the applicant propose rights-of-way consistent with the WCCP in consideration of the needs shown and county standards. As a matter of course, it is observed that the plan did not "propose" the appropriate rights-of-way—the staff has taken the initiative to recommend what is needed. The transportation recommendations are consistent with Exhibit 7 of the August 31, 2005 traffic study done for the WCCP. The applicant's proposal of primary residential sections along roadways that were shown in that study to carry between 16,000 and 30,000 daily vehicles is ill advised, and completely at odds with the sound planning principles that are normally employed in Prince George's County.

Condition 8: This condition requires the submitted of traffic signal warrant studies at two locations. This condition will be carried over as a part of any approval, and enforced at the time of the initial specific design plan.

There has not been sufficient coordination regarding the disposition of Mellwood Road within the site as required by the Basic Plan approval. Furthermore, there needs to be a more complete understanding of staging issues regarding Mellwood Road both north and south of the subject property prior to approval of this subdivision. This discussion must involve both transportation planning and DPW&T staff.

The Basic Plan requires that the timing for construction of the proposed interchange at MD-4 and Westphalia Road be determined at the time of preliminary plan. While a condition could be written by staff, there has been no proffer in this regard by the applicant.

The master plan roadways in most cases are not adequately sized. Staff recommendations for the Westphalia Sector Plan propose wider sections—15 feet to 40 feet wider—than the sections proposed by the applicant on the plan. These changes, particularly along the MC-632 facility in the south-central part of the plan, could have a significant impact on lotting patterns and on the configuration of a proposed school site. There are many unresolved issues of layout and many non-standard practices employed in this plan. DPW&T has indicated that the plan, as currently submitted, is unacceptable.

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8. ~~**Zoning**~~ The preliminary plan is not consistent with the approved A-9965 and A-9966. The approved Comprehensive Design Plan (CDP-0501) and the preliminary plan propose the majority of the mixed use commercial and retail within the R-M Zone where those uses are not permitted. The location of the commercial/retail mixed use was approved with the rezoning application for this property, and permitted in the L-A-C Zone. The L-A-C was approved at the intersection of C-631 (running east/west) and C-632 (running north/south) and was proposed abutting the north side of C-631 at its intersection with C-632. Through the planning process with the CDP the intersection of C-631 and C-632 shifted to the south. The L-A-C zoning boundary, however, was not modified. A reconsideration of the approval of A-9965 and A-9966 by the District Council to modify the zoning boundary between the L-A-C and R-M is required, or a reconsideration of the CDP to adjust the location of the commercial/retail uses.

The rezoning application for this property obtained final approval by the District Council on February 13, 2006, just 10 days prior to the Planning Boards approval of the comprehensive design plan (CDP-0501), on February 23, 2006. This preliminary plan, which is based on the foundation of those approvals, was scheduled just 18 days later on March 9, 2006. There are numerous conditions of both the re-zoning approval and the CDP approval that impact the review and approval of the preliminary plan. In fact many issues relating to layout and ownership that were approved as conditions of the CDP have yet to be determined. Conditions of the approval of CDP will require revisions to that plan prior to its certification, revisions that will require revisions to the preliminary plan and the Type I Tree Conservation Plan.

9. ~~**Planning Board Hearing**~~ On March 9, 2006 the Planning Board found that substantive revisions to both the preliminary plan and the Type I Tree Conservation plan are necessary, including coordination with the Department of Public Works and Transportation before the preliminary plan can be found to conform to A-9965 and A-9966, and CDP-0501. Therefore, the Planning Board disapproved the preliminary plan, finding that adequate time to determine conformance to these other approved plans and find conformance to the requirement of Subtitle 24 (Subdivision Regulations) was not available in the 140-day mandatory action time for the preliminary plan.]

- *3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

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	<u>EXISTING</u>	<u>‡[PROPOSED] APPROVED</u>
<u>Zone</u>	<u>LAC (30.04-acres)</u>	<u>L-A-C (30.04-acres)</u>
	<u>R-M (727-acres)</u>	<u>R-M (728.95-acres)</u>
<u>Use(s)</u>	<u>Miscellaneous single-family dwelling units (to be removed)</u>	<u>3,648 dwelling units;</u> <u>+ [170,000][140,000] square feet of commercial/retail (140,000 permitted)</u>
<u>Acreage</u>	<u>757</u>	<u>759</u>
<u>Lots</u>	<u>0</u>	<u>1,506</u>
<u>Parcels</u>	<u>12</u>	<u>355</u>
<u>Dwelling Units:</u>		<u>3,648 total</u>
<u>Detached</u>	<u>10 (to be razed) not including any structures to remain within Blythwood environmental setting</u>	<u>285</u>
<u>Attached</u>		<u>1,577</u>
<u>Multifamily</u>		<u>1,786</u>
<u>Public Safety Mitigation Fee</u>		<u>No</u>

4. Urban Design—The Urban Design Section reviewed the second revised preliminary plan received on May 25, 2006.

The Comprehensive Design Plan CDP-0501 for this property was approved by the Planning Board on February 23, 2006. Three variances were included in CDP-0501 as follows:

- A variance from the maximum multifamily dwelling unit percentage requirements as stated in Section 27-515 (b), Footnote 29, which allows a maximum ten percent of multifamily dwellings in the R-M Zone.
- A variance from the maximum multifamily dwelling unit percentage requirements as stated in Section 27-515 (b), Footnote 29, which allows a maximum 30 percent of multifamily dwellings in the L-A-C Zone.
- A variance from the maximum building height as stated in Section 27-480 (f), which allows a maximum of 40 feet in the R-M Zone.

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The District Council approved the comprehensive design plan on May 22, 2006, without approving the accompanying variance applications. Preliminary Plan of Subdivision 4-05080 should be revised to reflect the maximum allowable percentage for multifamily and townhouse dwelling units on the preliminary plan and to delete any variance-related notes.

The revised preliminary plan greatly reduces the number of long cul-de-sac streets, as previously requested. However, there are still alleys, such as in Blocks G, K and R that are cul-de-sac streets and are more than 100 feet long without any special turning treatment that will allow a larger emergency vehicle other than a passenger car to negotiate a turn. A condition of approval should be attached to the preliminary plan to ensure that all dead-end private alleys that are longer than 100 feet have a special turn-around design in accordance with the standards of the Department of Public Works and Transportation.

Two design issues previously raised in the previous memorandum dated May 12, 2006 (Zhang to Chellis) have not fully been addressed as follows:

- A. Section 27-480, General Development Regulations for Comprehensive Design Zones, has a specific provision on the number of townhouses per building group that limits the maximum dwelling units in one building group to six. The subject preliminary plan shows in many places more than six units. For example, in Block W, the longest row of townhouses has 13 lots; in Block KK, LL, the longest row of townhouses has 10 lots; in Block EE, the longest row has 16 lots. HOA space should be provided at appropriate intervals to break the monotonous long row of the townhouse units into smaller groups.
- B. Block W is an isolated pod with 58 lots. The right-of-way width of the road leading to this pod has been reduced to 30 feet and the road has been proposed as a private street. From the internal loop to the public street round-about is more than 1,600 feet. This pod should be redesigned to provide additional parking spaces for visitors and to make sure that any on-street parking will not block emergency access to the pod.

In addition, the comprehensive design plan condition calls for a redesign of this pod to provide a better mixture of housing types (both single-family detached and single-family attached) to provide a good transition between the proposed two over/two models and the existing large lot single-family houses. For this pod, a direct connection to Road S may be easily justified from the Environmental Planning point of view. But parking and emergency access to this site are still a concern.

Access has been a major concern of the review of this site and the connectivity of the site to the existing roadways and to the future and existing adjacent developments, especially to the east of the subject site. For the connection to the existing roadways, the proposed connection between Presidential Parkway and the proposed MC 631 is not consistent with the 1994 Master Plan and 2005 Westphalia Comprehensive Concept Plan study, both of which calls for a direct extension of Presidential Parkway to the subject site. For the connection to the adjacent development, the

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preliminary plan shows two possible connections to the east and one to the west without providing road network information on both sides. The review of all plans of development should ensure that the proposed development is adequately linked to the public road network in the larger Westphalia area.

Basic Plans A-9965/66

The Planning Board approved the rezoning applications (basic plans) for this property on September 29, 2005, and the resolutions (PGCPB No. 05-199/200) were adopted on October 6, 2005. Subsequently, the Zoning Hearing Examiner heard this case on October 7, 2005. On October 26, 2005, the decision of the Zoning Hearing Examiner was filed with the District Council. On February 13, 2006, the District Council approved Basic Plans A-9965 and A-9966 subject to three conditions. The conditions of approval that are pertinent to the review of the Preliminary Plan of Subdivision are listed as follows. The three conditions were identical for both applications. The following is the list of conditions; staff comments have been provided as appropriate to the preliminary plan of subdivision:

The basic plan for Application No. A-9965-C was approved, as amended, subject to the following conditions:

- 1. The Basic Plan shall be revised as follows prior to the approval of the Comprehensive Design Plan, and submitted to the Office of the Zoning Hearing Examiner for approval and inclusion in the record:**

A. Land use types and quantities:

- Total area: 757± acres*
- Land in the 100-year floodplain: 105 acres
- Adjusted Gross Area (757 less half the floodplain): 704± acres

R-M Zone Proposed Land Use Types and Quantities:

- Total area: 727± acres*
- Of which residential use: 572.4 acres
- Mixed Retirement Development: 154.6 acres
- Density permitted under the R-M (Residential Medium 3.6) Zone:
3.6-5.7 dus/ac
- Permitted dwelling unit range: 1,877 to 2,973 dwellings

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- Proposed Residential Development: 2,124 Units
- Density permitted in a Mixed Retirement Community in the R-M (Mixed Residential) Zone: 3.6-8 dus/ac
- Permitted dwelling unit range: 551 to 1,224 Units
- Proposed Residential Development: 1,224 Units

L-A-C Zone Proposed Land Use Types and Quantities:

- Total area: 30± acres*
Of which Theoretical Commercial/Retail: 10.7 acres
Theoretical residential use: 19.3 acres
- Residential density permitted under the L-A-C (Local Activity Center) Zone: 10-20 dus/ac
- Permitted dwelling unit range: 193 to 386 Units
- Proposed Residential Development: 300 Units
- Commercial density permitted under the L-A-C (Local Activity Center) Zone: 0.2-0.68 FAR
- Permitted gross floor area range: 93,218 to 316,943 Square Feet
- Proposed Commercial Development: 140,000 Square Feet
- Public accessible active open space: 75± acres
- Passive open space: 185± acres

*Note: The actual acreage may vary to an incremental degree with more detailed survey information available in the future.

- B. The recreational area east of Melwood Road shall be expanded to include the entire proposed environmental setting for Blythewood (approximately 33 acres).
- C. The proposed centrally located recreational area shall be expanded eastward along the Cabin Branch stream valley all the way to the eastern property line

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and shall be further expanded northward to connect to the Blythewood site and its environmental setting.

D. The Basic Plan and zoning map amendment documents shall be revised to be consistent with each other regarding, but not limited to, total site area, land in floodplain, number of units, and gross floor area in the L-A-C Zone.

E. The Basic Plan shall be revised to show parkland dedication and a master plan trail.

Comment: The proposed preliminary plan conforms to land use types and quantities because the District Council approved a subsequent amendment to the Basic Plan to allow for a total gross floor area of the retail/commercial to be 170,000 square feet.

2. The following conditions of approval shall be printed on the face of the Basic Plan:

A. At time of Comprehensive Design Plan, the Applicant shall:

1. Submit a signed natural resources inventory (NRI). The NRI shall be used by the designers to prepare a site layout that results in no impacts on the regulated areas of the site.

2. Provide a geotechnical study that identifies the location and elevation of the Marlboro clay layer throughout the site as part of the CDP application package.

3. If recommended by the appropriate agency to be on site, provide the sites for the following public facilities to be reviewed and approved by the respective agencies:

(a) A fire station site

(b) A middle school site

(c) A library site

(d) A police office complex site

4. Submit a timetable and plan for the ultimate re-use of the historic buildings for appropriate recreational or interpretive uses.

5. Document the Moore Farmhouse to HABS standards, including photo documentation and floor plans, to add to the database of late

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19th/early 20th-century vernacular farmhouses. Appropriate interior and exterior architectural components shall be donated to the Newel Post.

6. Define an environmental setting for Blythewood and submit a security and maintenance plan for all structures within the Blythewood environmental setting, to be documented by semi-annual reports to the historic preservation staff, until the final plan for this area is implemented.
7. Obtain a protocol for surveying the locations of all rare, threatened and endangered species within the subject property from the Maryland Department of Natural Resources prior to acceptance of the CDP. This protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any application for preliminary plans.
8. Provide a multiuse stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation ("DPR") guidelines and standards. Connector trails should be provided from the stream valley trail to adjacent residential development and recreational uses.
9. Preserve as much of Melwood Road as feasible, for use as a pedestrian corridor. Before approval of a preliminary plan of subdivision for the area of the subject property adjoining Melwood Road, the applicant shall ask the technical staff, working with the Department of Public Works and Transportation, to determine the disposition of existing Melwood Road. Staff's evaluation should include review of signage and related issues.
10. Provide standard sidewalks along internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of specific design plan.
11. Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage and Marlboro clay will affect development.

C. At the time of preliminary plan of subdivision, the Applicant shall dedicate 75 acres of developable land suitable for active recreation and convey Cabin Branch Stream Valley to the M-NCPPC. The location of the dedicated

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parkland shall be established at the time of comprehensive design plan review and be approved by the DPR. The Applicant may be required to dedicate an additional 25 acres of developable parkland, suitable for active recreation to the M-NCPPC, at the time of Comprehensive Design Plan. The acreage may be provided on-site or off-site, and shall conform to the final Westphalia Comprehensive Conceptual Plan if, and only if that Plan is ever adopted and approved by the District Council. Prior to approval of the Comprehensive Design Plan, DPR and the Development Review Division shall determine the need for the additional acreage of parkland.

- D. The land to be conveyed to M-NCPPC shall be subject to the conditions labeled "Exhibit B Conditions for Conveyance of Parkland to the Maryland-National Capital Park and Planning Commission", an attachment to Exhibit 6 (the Technical Staff Report in A-9965/A-9966).
- E. The Applicant shall provide adequate private recreational facilities to meet the future subdivision requirements for the proposed development. The private recreational facilities shall be determined at time of Specific Design Plan and be constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.
- F. The Applicant shall construct public recreational facilities on the dedicated parkland and granted as a credit against the Westphalia "Park Club." The recreational facilities package shall be reviewed and approved by the DPR and the Planning Department prior to Comprehensive Design Plan approval.
- G. The public recreational facilities shall be constructed in accordance with the standards outlined in the *Parks and Recreational Facilities Guidelines*. The concept plan for the development of the parks shall be shown on the Comprehensive Design Plan.
- H. At the time of the first Specific Design Plan, the Applicant shall:
1. Provide a comprehensive trail and sidewalk map for the entire site.
 2. Provide noise mitigation construction methods to reduce the internal noise level of the residential buildings to 45 dBA (Ldn) or lower.
- I. At time of Comprehensive Design Plan, the Transportation Planning staff shall make recommendations regarding significant internal access points along master plan roadways, along with intersections of those roadways within the site, for detailed adequacy study at the time of preliminary plan of subdivision.

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Note: Zoning Ordinance No. 5-2005 published by the District Council for the approval of A-9966-C does not contain a subpart "J" in this condition and the sequence is from "I" to "K".

K. At time of preliminary plan of subdivision,

- 1. The timing for the construction of the Pennsylvania Avenue/Westphalia Road Interchange shall be determined. The Applicant shall be required to build the interchange.**

Comment: This condition is addressed in the Transportation Section of this resolution.

- 2. If it is determined that potentially significant archaeological resources exist in the project area, the Applicant shall either provide a plan for evaluating the resource at the Phase II level, or avoiding and preserving the resource in place. The study shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and a report shall be submitted according to the MHT guidelines and the American Antiquity or Society of Historical Archaeology style guide. Archeological excavations shall be spaced along a regular 20-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.**

Comment: This condition is addressed in the Historic Section of this resolution.

- L. The development of this site should be designed to minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation of ponds within the regulated areas.**

- M. The woodland conservation threshold for the site shall be 25 percent for the R-M portion of the site and 15 percent for the L-A-C portion. At a minimum, the woodland conservation threshold shall be met on-site.**

- N. All Tree Conservation Plans shall have the following note:**

"Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1."

- O. No woodland conservation shall be provided on any residential lots.**

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Comment: Conditions L thru O are addressed in the Environmental Section of this resolution

- P. Prior to issuance of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.**

Comment: An appropriate condition is contained in this resolution.

- Q. The following note shall be placed on the Basic Plan for the subject property and the Final Subdivision Plat for any part of the property:**

"Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland designated acceptable noise level for residential uses."

Comment: An appropriate condition is contained in this resolution.

- 3. Before approval of the first Specific Design Plan, staff and Planning Board shall review and evaluate the buffers between this development project and the adjoining properties, to determine appropriate buffering between the subject property and existing development on adjacent properties.**

Comprehensive Design Plan CDP-0501

The Comprehensive Design Plan (CDP) for this property was approved by the Planning Board on February 23, 2006, subject to 30 conditions. The District Council approved the CDP on May 22, 2006. Additional comments are provided where the conditions are not restated elsewhere in this resolution.

- 1. Prior to certificate approval of the CDP and prior to submission of any specific design plan (SDP), the applicant shall:**
- a. Provide a comprehensive phasing plan for the proposed development.**
- b. Conduct a stream corridor assessment (SCA) to evaluate areas of potential stream stabilization, restoration, or other tasks related to overall stream functions. All of the streams on site shall be walked and an SCA report with maps and digital photos shall be provided. The applicant shall demonstrate to the satisfaction of the Environmental Planning Section, based on estimates from qualified consultants, that total expenditures related to the stream**

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corridor assessment and actual stream restoration work performed, will be no less than \$1,476,600.

- c. Revise the development standard chart pursuant to the staff's recommendations as shown in Condition 16.
- d. Delineate clearly and correctly the full limits of the primary management area (PMA) on all plans in conformance with the staff-signed natural resources inventory. The PMA shall be shown as one continuous line. The Tree Conservation Plan (TCP) shall clearly identify each component of the PMA. The shading for regulated slopes is not required to be shown on the TCPI when a signed Natural Resources Inventory has been obtained.
- e. Document the Moore farmhouse to HABS standards, including photo documentation and floor plans, to add to the database of late 19th/early 20th-century vernacular farmhouses. Appropriate interior and exterior architectural components shall be donated to the Newel Post.
- f. Revise the layout of the two pods located east of the five-acre parkland in the northern boundary area. The revised layout shall be reviewed and approved by the Planning Board, or its designee.

Note: The Notice of Final Decision published by the District Council does not contain a subpart "g" in this condition and the sequence is from "f" to "h".

- h. Revise the CDP to indicate the following:
 - (1) The impact of A-66 in the area proposed for Stage I-A, with a determination of right-of-way width and location to be made at the time of preliminary plan.
 - (2) A secondary external connection shall be provided at the terminus of the cul-de-sac to the north of Ryon Road.
- i. Obtain a protocol for surveying the locations of all rare, threatened and endangered species within the subject property from the Maryland Department of Natural Resources. The completed surveys and required reports shall be submitted as part of any application for specific design plans.
- i. Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage, and Marlboro clay will affect development.

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- k. Submit a security and maintenance plan for all structures within the Blythewood environmental setting, to be implemented and documented by semiannual reports to the historic preservation staff, until such time as the final plan for this area is implemented.**
- l. Provide a revised plan showing the dedicated parkland to be reviewed and approved by Department of Parks and Recreation (DPR) staff as designee of the Planning Board.**
- m. Submit a concept plan for the central park and a list of proposed recreational facilities to be reviewed and approved by the Planning Board, or its designee. Final park design will be finalized with the approval of a special purpose SDP for the central park.**
- n. Revise the Type I Tree Conservation Plan (TCP I) as follows:**

 - (1) Show the threshold for the R-M portion at 25 percent and the threshold for the L-A-C portion at 15 percent and the woodland conservation threshold shall be met on-site;**
 - (2) Reflect the clearing in the PMA to be mitigated at a ratio of 1:1. This information must be included in the column for "off-site impacts" and the label for the column shall be revised to read "PMA and off-site impacts."**
 - (3) No woodland conservation shall be provided on any residential lots;**
 - (4) Show the location of all specimen trees, their associated critical root zones, and the specimen tree table per the approved NRI;**
 - (5) Include the following note: "The limits of disturbance shown on this plan are conceptual and do not depict approval of any impacts to regulated features."**
 - (6) Provide a cover sheet at the same scale as the CDP (1inch=300 feet) without the key sheet over the 300-foot scale plan;**
 - (7) Clearly show the limits of each proposed afforestation/reforestation area by using a different symbol;**
 - (8) Eliminate all isolated woodland conservation areas from the Woodland Conservation Work Sheet;**

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- (9) Eliminate woodland preservation and afforestation in all proposed or existing road corridors;
- (10) Eliminate all woodland conservation areas less than 35 feet wide;
- (11) Identify all off-site clearing areas with a separate label showing the acreage for each;
- (12) Show all lot lines of all proposed lots;
- (13) Show clearing only for those areas that are necessary for development;
- (14) Remove the edge management notes, reforestation management notes, reforestation planting details, planting method details, tree planting detail, and soils table from the TCPI;
- (15) Revise the TCPI worksheet as necessary;
- (16) Replace the standard notes with the following:
 - (a) This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements of CDP-0501. The TCPI will be modified by a TCP I in conjunction with the review of the preliminary plan of subdivision and subsequently by a Type II Tree Conservation Plan (TCP II) in conjunction with the approval of a detailed site plan, a SDP, and/or a grading permit application.
 - (b) The TCPII will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the Woodland Conservation Ordinance on this site.
 - (c) Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised TCP I by the Prince George's County Planning Board.
 - (d) Cutting, clearing, or damaging woodlands contrary to this plan or as modified by a Type II tree conservation plan will be subject to a fine not to exceed \$1.50 per square foot of

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woodland disturbed without the expressed written consent from the Prince George's County Planning Board or designee. The woodlands cleared in conflict with an approved plan shall be mitigated on a 1:1 basis. In addition, the woodland conservation replacement requirements (¼:1, 2:1, and/or 1:1) shall be calculated for the woodland clearing above that reflected on the approved TCP.

- (e) Property owners shall be notified by the developer or contractor of any woodland conservation areas (tree save areas, reforestation areas, afforestation areas, or selective clearing areas) located on their lot or parcel of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property, the owner/developer or owner's representative shall notify the purchaser of the property of any woodland conservation areas.

(17) Have the plans signed and dated by the qualified professional who prepared them.

- o. Submit a timetable and plan for the ultimate re-use of the historic buildings for appropriate recreational or interpretive uses.
- p. Enter into a legally binding agreement with the adaptive user of Blythewood and outbuildings to adequately ensure the provision of security, maintenance and the ultimate restoration of the historic site. The agreement shall also include a maintenance fund that will help the adaptive user to preserve the historic buildings.
- q. Consult the Maryland-National Capital Park and Planning Commission (M-NCPPC) Park Police with regard to the possible location of mounted park police on the property (in a manner similar to Newton White Mansion), to ensure the security of the historic site and the surrounding public park.
- r. Obtain approval of the location and size of the land that will be dedicated to the Board of Education.

2. Total development within the subject property shall be limited to uses generating no more than the number of peak hour trips (1,847 AM peak-hour vehicle trips and 1,726 PM peak-hour vehicle trips). Any development generating an impact greater than that identified herein above shall require a new comprehensive design plan with a new determination of the adequacy of transportation facilities.

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Comment: An appropriate condition is contained in this resolution.

- 3. The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property. This shall be accomplished by means of a public/private partnership with the State Highway Administration. This partnership shall be further specified at the time of preliminary plan of subdivision, and the timing of the provision of this improvement shall also be determined at the time of preliminary plan of subdivision.**

Comment: An appropriate condition is contained in this resolution.

- 4. At time of preliminary plan of subdivision, the applicant shall:**

- a. Submit a detailed geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.**
- b. Minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible, and by minimizing the stormwater management ponds within the regulated areas. The preliminary plan shall show the locations of all existing road crossings.**
- c. Design the preliminary plan so that no lots are proposed within the areas containing the Marlboro clay layer. If the geotechnical report describes an area of 1.5 safety factor lines, then no lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line, and a 25-foot building restriction line shall be established along the 1.5 safety factor line.**
- d. Submit a completed survey of the locations of all rare, threatened and endangered species within the subject property for review and approval.**

Comments: Conditions a through d are addressed in the Environmental Section of this resolution.

- e. Submit a Phase II archeological study, if any buildings within the Blythewood Environmental Setting will be disturbed. The Phase II archeological investigations shall be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the Prince George's County Planning Board's *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the *American Antiquity* or the *Society of Historical Archaeology* style**

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guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report. The significant archeological resources shall be preserved in place.

Comment: This condition is addressed in the Historic Section of this resolution, and appropriate conditions are contained in this resolution.

- f. Request the approval of locations of impacts that are needed for the stream restoration work and provide the required documentation for review. A minimum of six project sites shall be identified and the restoration work shall be shown in detail on the applicable SDP. This restoration may be used to meet any state and federal requirements for mitigation of impacts proposed, and all mitigation proposed impacts should be met on-site to the fullest extent possible.

Comment: This condition is addressed in the Environmental Section of this resolution.

- g. Provide a comprehensive trail map. The map shall show the location of the trails within either M-NCPPC or Home Owners' Association (HOA) lands and shall show all trails and trail connections in relation to proposed lots. No trails shall be proposed on private lots.

Comment: This condition is addressed in the Trails Section of this resolution. A trails map has been required prior to signature approval of the preliminary plan, after the certificate of the CDP occurs.

5. At the time of preliminary plan of subdivision, the applicant shall propose right-of-way recommendations consistent with the final Westphalia Comprehensive Concept Plan and/or the 1994 Melwood-Westphalia Master Plan in consideration of the needs shown on those plans and in consideration of county road standards. The plan shall include approval of the ultimate master plan roadway locations.

Comment: This condition is addressed in the Transportation Section of this resolution.

6. Prior to approval of a preliminary plan of subdivision, the Blythewood environmental setting shall be reevaluated and Melwood Road shall be preserved to the greatest extent possible by dedicating it to a pedestrian/ trail corridor and limiting pass-through vehicular traffic.

Comment: Melwood Road along the east side of C-632 is to be retained as a pedestrian connection.

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7. Prior to acceptance of the applicable SDPs,
- a. The following shall be shown on or submitted with the plans:
- (1) The community building shall be shown as a minimum of 15,000 square feet, in addition to the space proposed to be occupied by the pool facilities.
- (2) The swimming pool shall be a 33 1/3 by 50-meter, 8-lane competition pool, and a minimum 2,000 square-foot wading/activity pool.
8. Prior to the approval of the initial SDP within the subject property, the applicant shall submit acceptable traffic signal warrant studies to SHA for signalization at the intersections of the MD 4 ramps and MD 223 (both the eastbound and the westbound ramps). The applicant shall utilize new 12-hour counts and shall analyze signal warrants under total future traffic, as well as existing traffic, at the direction of the operating agency. If signals are deemed warranted at that time, the applicant shall bond the signals with SHA prior to the release of any building permits within the subject property, and install them at a time when directed by that agency.
9. At time of the applicable SDP, the following areas shall be carefully reviewed:
- a. The streetscape, amenities and landscaping of the L-A-C Zone to make sure the "Main Street" style environment will be achieved.
- b. Landscaping of the parking lots in the L-A-C Zone to ensure that the expanses of the parking will be relieved.
- c. The design of the condominiums and parking garage to maximize the application of solar energy.
- d. Pedestrian network connectivity, including provision of sidewalks, various trails and connectivity along all internal roadways, and streets of the L-A-C and along the Cabin Branch stream valley. A comprehensive pedestrian network map connecting all major destinations and open spaces shall be submitted with the first SDP.
- e. The adaptive use of the Historic Site 78-013, Blythewood. The SDP review shall ensure that
- (1) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;

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- (2) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the historic site;
- (3) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a historic site, or of a new structure within the environmental setting, are in keeping with the character of the historic site;
- f. A multiuse, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails shall be provided from the stream valley trail to adjacent residential development as shown on the CDP.
- g. A trailhead facility for the Cabin Branch Trail.
- h. The architectural design around the central park and the view sheds and vistas from the central park.
- i. The subject site's boundary areas that are adjacent to the existing single-family detached houses.
- 10. Per the applicant's offer, the applicant, his heirs, successors and/or assignees shall make a monetary contribution/in-kind services of a minimum \$5,000,000 toward the design and construction of the central park, which shall be counted as a credit against the developer's required financial contribution to the Westphalia Park Club as set forth in Condition 22, as follows:

 - a. \$100,000.00 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall Master Plan for the Central Park. DPR staff shall review and approve the Master Plan for the Central Park. Said consultant is to assist staff/applicant in programming the park. These actions shall occur prior to approval of the first residential SDP.
 - b. \$200,000.00 00 shall be used by the applicant for the schematic design and design development plan of the central park. DPR staff shall review and approve the design plan. These actions shall occur prior to the issuance of the 50th building permit.
 - c. \$200,000.00 shall be used by the applicant for the development of construction documents (permit and bid ready) for the construction of the central park. DPR staff shall review and approve the construction

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documents. These actions shall occur prior to the issuance of the 100th building permit.

d. \$300,000.00 shall be used by the applicant for the grading of the central park prior to issuance of the 200th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).

e. \$4,200,000 shall be used by the applicant for the construction of the central park. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the CPI.

DPR staff shall review the actual expenditures associated with each phase described above.

11. Per the applicant's offer, the recreation facilities shall be bonded and constructed in accordance with the following schedule:

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<u>PHASING OF AMENITIES</u>		
<u>FACILITY</u>	<u>BOND</u>	<u>FINISH CONSTRUCTION</u>
<u>Central Park-Passive Areas</u>	<u>Prior to the issuance of any building permits</u>	<u>Complete by 300th building permit overall</u>
<u>Private Recreation center Outdoor recreation facilities</u>	<u>Prior to the issuance of the 200th building permit overall</u>	<u>Complete by 400th building permit overall</u>
<u>Central Park-Public Facilities</u>	<u>Prior to the issuance of the 400th permit overall</u>	<u>To be determined with the applicable SDP for central park</u>
<u>Pocket Parks (including Playgrounds) within each phase</u>	<u>Prior to the issuance of any building permits for that phase</u>	<u>Complete before 50% of the building permits are issued in that phase</u>
<u>Trail system Within each phase</u>	<u>Prior to the issuance of any building permits for that phase</u>	<u>Complete before 50% of the building permits are issued in that phase</u>
<u>It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.</u>		

12. **All future SDPs shall include a tabulation of all lots that have been approved previously for this project. The tabulation shall include the breakdown of each type of housing units approved, SDP number and Planning Board resolution number.**
13. **A raze permit is required prior to the removal of the existing houses found on the subject property. Any hazardous materials located in the houses on site shall be removed and properly stored or discarded prior to the structure being razed. A note shall be affixed to the plan that requires that the structure is to be razed and the well and septic system properly abandoned before the release of the grading permit.**
14. **Any abandoned well found within the confines of the above-referenced property shall be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the grading permit. The location of the well shall be located on the plan.**

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- 15. Any abandoned septic tank shall be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system shall be located on the plan.**

Comment: Appropriate conditions are contained in this resolution to address Conditions 14 and 15 of CDP-0501.

- 16. The following standards shall apply to the development. (Variations to the standards may be permitted on a case-by-case basis by the Planning Board at the time of SDP if circumstances warrant.)**

R-M ZONE

	<u>Condominiums</u>	<u>Single-family Attached</u>	<u>Single-family Detached</u>
<u>Minimum Lot size:</u>	<u>N/A</u>	<u>1,800 sf</u>	<u>6,000 sf</u>
<u>Minimum frontage at street R.O.W:</u>	<u>N/A</u>	<u>N/A</u>	<u>45*</u>
<u>Minimum frontage at Front B.R.L.</u>	<u>N/A</u>	<u>N/A</u>	<u>60***</u>
<u>Maximum Lot Coverage</u>	<u>N/A</u>	<u>N/A</u>	<u>75%</u>
<u>Minimum front setback from R.O.W.</u>	<u>10'***</u>	<u>10'***</u>	<u>10'***</u>
<u>Minimum side setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>0'-12'***</u>
<u>Minimum rear setback:</u>	<u>N/A</u>	<u>10'</u>	<u>15'</u>
<u>Minimum corner setback to side street R-O-W.</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
<u>Maximum residential building height:</u>	<u>50'****</u>	<u>40'</u>	<u>35'</u>

*** For perimeter lots adjacent to the existing single-family houses, the minimum frontage at street shall be 50 feet and minimum frontage at front BRL shall be 60 feet.**

**** See discussion of side setbacks in Section E of CDP text Chapter III. Zero lot line development will be employed.**

*****Stoops and or steps can encroach into the front setback, but shall not be more than one-third of the yard depth. For the multistory, multifamily condominium building, the minimum setback from street should be 25 feet.**

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****** Additional height up to 75 feet may be permitted at time of SDP with sufficient design justification.**

R-M MRD

	<u>Condominiums</u>	<u>Single-family attached</u>	<u>Single-family detached</u>
<u>Minimum Lot size:</u>	<u>N/A</u>	<u>1300 sf</u>	<u>N/A</u>
<u>Minimum frontage at street R.O.W.:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum frontage at Front B.R.L.</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Maximum Lot Coverage</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum front setback from R.O.W.</u>	<u>10'*</u>	<u>10'*</u>	<u>N/A</u>
<u>Minimum side setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum rear setback:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum corner setback to side street R.O.W.</u>	<u>10'</u>	<u>10'</u>	<u>N/A</u>
<u>Maximum residential building height:</u>	<u>50' **</u>	<u>40'</u>	<u>N/A</u>

***Stoops and or steps can encroach into the front setback, but shall not be more than one-third of the yard depth. For the multistory, multifamily condominium building, the minimum setback from street should be 25 feet.**

**** Additional height up to 75 feet may be permitted at time of SDP with sufficient design justification.**

Comment: The preliminary plan must be revised to demonstrate conformance with all of the conditions of the CDP prior to signature approval. The preliminary plan is in general conformance with the design standards approved on May 22, 2006, except the dwelling unit type allowable percentages.

17. The following note shall be placed on the final plat:

"Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This

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level of noise is above the Maryland-designated acceptable noise level for residential uses.”

Comment: An appropriate condition is contained in this resolution.

18. Prior to the issuance of any grading permit, which impact the waters of the U.S., non-tidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.

19. Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans in the R-M Zone stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.

Comment: An appropriate condition is contained in the resolution.

20. Approximately 148± acres of parkland shall be dedicated to M-NCPPC as shown on DPR Exhibit “A” dated 6/07/06.

Comment: The preliminary plan should be revised to conform to DPR Exhibit A.

21. The land to be conveyed to M-NCPPC shall be subject to the conditions as follows:

- a. An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The M-NCPPC, along with the final plat.
- b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
- c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
- d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General

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Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.

- e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
- f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance prior to dedication.
- g. All existing structures shall be removed from the property to be conveyed unless the applicant obtains the written consent of the DPR.
- h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
- i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and maintenance and easement agreements shall be required prior to the issuance of grading permits.

Comment: The applicant has proposed stormwater management on land to be conveyed to M-NCPPC as delineated on DPR Exhibit A (6/7/06), and the SWM should be removed in accordance with this condition. DPR has not granted authorization to the applicant to place SWM on proposed parkland, with the exception of the central park lake.

22. The applicant shall make a monetary contribution into a "park club." The total value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. The exact amount of the financial contribution shall be decided after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, but prior to the second SDP. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI). The funds shall be used for the construction and maintenance of the recreational facilities in the Westphalia study area and the other parks that will serve the Westphalia study area. The "park club" shall be established and administered by DPR. The applicant may make a contribution

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into the "park club" or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff.

- 23. The applicant shall develop a SDP for the central park. The SDP for the central park shall be reviewed and approved by the Planning Board as a second SDP in the CDP-0501 area or after the approval of the Sector Plan and Sectional Map Amendment for Westphalia Area by the District Council whichever comes first. The SDP shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of SDP plans. The SDP shall include a phasing plan.**
- 24. Submission of three original, executed recreational facilities agreements (RFA) for trail construction of the recreational facilities on dedicated parkland to DPR for their approval, six weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.**

Comment: An appropriate condition is contained in this resolution.

- 25. Prior to application of the building permit for the construction of any recreational facilities in the central park, DPR staff shall review credentials and approve the contractor for the park construction based on qualifications and experience.**
- 26. Prior to issuance of the 2,000th building permit in the R-M- or L-A-C-zoned land, a minimum 70,000 square feet of the proposed commercial gross floor areas in the L-A-C Zone shall be constructed.**
- 27. The public recreational facilities shall include a ten-foot-wide asphalt master planned trail along the Cabin Branch and six-foot-wide trail connectors to the neighborhoods.**
- 28. Submission to DPR of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DPR, at least two weeks prior to applying for building permits.**

Comment: An appropriate condition is contained in this resolution.

- 29. At time of Specific Design Plan approval, an appropriate bufferyard shall be evaluated and be determined to be placed between the proposed development and the existing adjacent subdivisions.**

Comment: An appropriate condition is contained in this resolution.

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30. At the time of Preliminary Plan approval, the technical staff, in conjunction with the Department of Public Works and Transportation, shall determine the disposition of existing Melwood Road for the property immediately adjoining the subject property, including but not limit to, designating it as Other Public Road and putting up signage such as "Local Traffic Only."

Comment: The preliminary plan proposed two cul-de-sac streets to serve these residences. It is not clear if these roads are public or private. Staff is recommending that DPW&T approve these streets prior to signature approval and the preliminary plan be revised to clearly label these rights-of-way.

Landscape Manual

The application is subject to provisions of the *Landscape Manual*. The subject site's compliance with the requirements of other sections such as Section 4.1, Residential Requirements, and Section 4.3, Parking Lot Requirements, will be reviewed by the Urban Design Section at time of SDP approval when the detailed landscaping information becomes available.

The approved basic plans (Condition 3) and comprehensive design plan (Condition 30) have a specific condition to require the technical staff to review, evaluate and determine a bufferyard between the proposed development and the adjacent existing subdivisions at time of SDP approval. The subject site is also subject to Section 4.7, Buffering Incompatible Uses, of the *Landscape Manual*. Thus, the subdivision review should make sure that enough space has been preserved along the boundary area adjacent to the existing subdivisions to allow a bufferyards to be installed in the future without encumbering each individual lot. The SDPs should maintain substantial conformance with the approved preliminary plan of subdivision.

Other Design Issues

Prior to signature approval, the preliminary plan should be revised to address the following issues:

- a. The Preliminary Plan shows a wide application of private alleys. Pursuant to Section 24-128, Private Roads and Easements, the minimum width of private alleys is allowed at 18 feet. The applicant has proposed 20-foot-wide alleys, and will be provided at this width. But many alleys are cul-de-sac streets and are more than 100 feet long without any special turning treatment that will allow an emergency vehicle larger than a passenger car to negotiate a turn.
- b. The approved basic plans and comprehensive design plan call for the preservation of the existing Melwood Road to the extent possible. The preliminary plan shows that part of the Melwood Road will be preserved as a pedestrian/trail path.

- c. The approved CDP has two conditions that prescribe development standards for the proposed development in the regular R-M Zone and in the R-M Mixed Retirement Development Section.
- d. At time of CDP review, the applicant requested 170,000 square feet for the L-A-C Center and provided additional amenities to justify the requested increase. However, Condition 1 of Basic Plan A-9966-C for the L-A-C Zone permits no more than 140,000 square feet of commercial development for Smith Home Farm. The comprehensive design plan, therefore, approves a density increment of 50.2 percent, or 46,782 square feet for a maximum of 140,000 square feet of commercial use in the L-A-C Zone.
5. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision, 4-05080, and the revised Type I Tree Conservation Plan, TCPI/38/05-01, received on May 25, 2006. The Environmental Planning Section recommends approval of 4-05080 and TCPI/38/05-01 subject to conditions.

Background

The Environmental Planning Section previously reviewed this property as an application for a water and sewer system area change request, 04/W-10. This property was also reviewed as an application for rezoning from R-A to R-M and L-A-C, A-9965 and A-9966, and as Comprehensive Design Plan CDP-0501 and TCPI/38/05, which were all approved with conditions. The CDP has not yet been certified.

Site Description

The site is approximately 20 percent wooded with a mixture of mature hardwood forests, coniferous forests, and forests that contain a mixture of the two. Fields currently used for agricultural production dominate the remaining area. This site is subject to the Woodland Conservation Ordinance because it is more than 40,000 square feet in total area and contains more than 10,000 square feet of woodland. Other than TCPI/38/05, there are no previously approved tree conservation plans or exemptions. According to the "Prince George's County Soils Survey," the principal soils on this site are in the Adelphia, Bibb, Collington, Mixed Alluvial, Sandy land steep, Sassafras and Westphalia soil series. According to available information Marlboro clay occurs on this property in and around the floodplain for Cabin Branch, a tributary of Western Branch. Streams, wetlands, and floodplain associated with the Cabin Branch and Western Branch watersheds of the Patuxent River basin occur on the property. Although there are no nearby traffic-generated noise sources, most of this property is located within the 65 dBA Ldn noise contour associated with aircraft flying into and out of Andrews Air Force Base. Mellwood Road is a designated scenic and historic road that bisects this property. There are no rare, threatened or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources, Natural Heritage Program.

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Previous Conditions of Approval

The text below in **bold** is the text from the approved conditions for the basic plan. The plain text provides a discussion of how the current plans meet the approved conditions.

A-9965 and A-9966

2.L. The development of this site should be designed to minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation ponds within the regulated areas.

The TCPI and preliminary plan show several road crossings that are not perpendicular to the streams. Impacts are discussed further in the Environmental Review section of this memo. The road configuration associated with impacts K and L are consistent with Preliminary decisions made by the District Council regarding the Westphalia Master Plan.

The roads associated with crossings A and B are configured in such a way that the impacts are increased over previous designs. To provide access to these two pods for development, two stream crossings are necessary. The eastern pod has a sanitary sewer connection to the trunk line to the south, which causes a stream impact in this area. This is where the road connection to this pod should occur. A previous design for road crossing A showed a perpendicular crossing in this location.

The TCPI shows at least two ponds impacting the regulated area of the site. Stormwater management pond 10 and an unidentified pond, both on sheet 5, have been designed with significant impacts to the PMA. As noted below, the TCPI and preliminary plan should be revised to redesign these and all ponds with no impacts to any regulated area, except for the impacts associated with the necessary pond outfalls.

Many other revisions are required with regard to the proposed ponds. The TCPI shows unidentified ponds, such as the one shown on sheet 5, and the pond near preservation area P on sheet 8. Some of the ponds show footprints that are inconsistent with the proposed grading. This includes ponds 10 and 17, which show the footprints for large ponds, but only shows grading for much smaller ponds. Other ponds that are shown do not show any grading at all. This includes ponds 1, 4, 6, 8, 9, 11, and 19 among several other proposed ponds that are not identified by a number.

Road crossings A and B should be revised to make crossing A perpendicular to the stream and crossing B should be relocated and combined with the stream impact for the sanitary sewer connection and should also be designed to be perpendicular to the stream.

2.M. The woodland conservation threshold for the site shall be 25 percent for the R-M portion of the site and 15 percent for the L-A-C portion. At a minimum, the woodland conservation threshold shall be met on-site.

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This condition has been addressed. The worksheet correctly calculates the woodland conservation threshold in accordance with the above condition. According to the TCPI worksheet, it appears as though the threshold has been met on-site; however, it is not clear how approximately ten acres of land previously shown as floodplain is shown on the most recent worksheet to be outside the floodplain. This recent change results in a higher threshold amount than shown on previous worksheets. These numbers need additional analysis and explanation as detailed in the Environmental Review section below.

2.N. All Tree Conservation Plans shall have the following note:

“Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1.”

This condition has been addressed.

2.O. No woodland conservation shall be provided on any residential lots.

This condition has been addressed on the plans currently under review. All previous submissions showed woodland conservation on lots that are too small to support conservation and development. Because so many previous submissions showed the conservation on lots, it is appropriate to provide a condition to ensure that all future submissions also address this issue appropriately. All tree conservation plans should not show woodland conservation on any single-family residential detached or attached lot.

2.P. Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans in the R-M zone stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.

Comment: An appropriate condition is contained in this resolution.

2.Q. The following note shall be placed on the Final Plat:

“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft over flights. This level of noise is above the Maryland designated acceptable noise level for residential uses.”

Comment: An appropriate condition is contained in this resolution.

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CDP-0501 and TCPI/38/05

The CDP for this site contains numerous environmental conditions of approval that relate to the current application. The text below in **bold** is the text from the Planning Board's approved conditions for the CDP. The plain text below provides a discussion of how the preliminary plan addresses the conditions of approval contained in PBPGC Resolution No. 06-56.

Prior to signature approval of the preliminary plan, all plans will be evaluated for conformance with the final decision of the District Council on the CDP approval and all conditions associated with the District Council's final decision shall be addressed.

1b. Prior to certificate approval of the CDP and prior to submission of any specific design plan (SDP), the applicant shall:

Conduct a stream corridor assessment (SCA) to evaluate areas of potential stream stabilization, restoration, or other tasks related to overall stream functions. All of the streams on site shall be walked and an SCA report with maps and digital photos shall be provided. The applicant shall demonstrate to the satisfaction of the Environmental Planning Section, based on estimates from qualified consultants, that total expenditures related to the stream corridor assessment and actual stream restoration work performed, will be no less than \$1,476,600.

This condition has not been fully addressed. The first stream corridor assessment (SCA) that was submitted only covered the northern portion of the site. A new SCA has been submitted that covers the entire site.

Submitted with the SCA was a list of proposed project sites with expenditures for each proposed project. The list does not indicate in detail where these project sites would be located and there was no map to identify these areas. Based on the location description and review of the SCA report, it appears that there are several areas that are more in need of restoration than the areas described in the report. It does not appear that some of the most degraded areas of the site have been included in this evaluation.

The applicant requested that this issue be addressed at time of SDP review and has committed to providing a separate specific design plan that will contain all of the stream areas and show how the most critical areas will be restored. This SDP will need to address the timing and placement of the restoration in relation to the other development proposed on the site and the site work will need to be phased. The plan must be developed prior to the development of the first phase of the project, so that the timing of the restoration is appropriate. Because the stream restoration work will include areas within the central park area of the site, the SDP for stream restoration should be coordinated with the SDP for the central park. This does not mean that the stream restoration SDP cannot move forward until the SDP for the central park area is completed.

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Prior to the Planning Board hearing for the SDP for the first phase of development, excluding the SDP that is currently under review for infrastructure (SDP-0506), the SDP for stream restoration should have received certificate approval. The SDP for stream restoration should be coordinated with the design of the central park area and the timing of restoration in this area should be compatible with the development of the park. The stream restoration plan should consider the stormwater management facilities proposed and should include all adjacent lots or parcels where grading will occur. It will address all of the stream systems on the site and should provide a detailed phasing schedule that is coordinated with the phases of development of the site. It should be developed using engineering methods that ensure that the future development of the site, and the addition of large expanses of impervious surfaces, do not adversely affect the stream systems on-site and off-site.

1d. Delineate clearly and correctly the full limits of the primary management area (PMA) on all plans in conformance with the staff-signed natural resources inventory. The PMA shall be shown as one continuous line. The Tree Conservation Plan (TCP) shall clearly identify each component of the PMA. The shading for regulated slopes is not required to be shown on the TCPI when a signed Natural Resources Inventory has been obtained.

This condition has not been fully addressed on the TCPI. The TCPI shows one area on Sheet 9 near woodland preservation area Z where the PMA is shown incorrectly because the 50-foot stream buffer in that area was not included in the PMA. All sensitive environmental features in accordance with the NRI must be shown on the plan.

An additional issue arose with the latest submission of the TCPI. The amount of woodland in the 100-year floodplain has been reduced by approximately ten acres. It is not possible to determine where this change occurred; however, it potentially impacts the natural resource inventory and the TCPI calculations for woodland conservation.

Prior to signature approval of the preliminary plan, the full limits of the primary management area (PMA) should be delineated clearly and correctly on all plans in conformance with the staff-signed NRI. A written explanation should be provided regarding how the floodplain woodland acreage was reduced by approximately ten acres from previous submissions. The text shall be accompanied by a plan at 1 inch = 300 feet scale that shows where the floodplain woodland limits changed. The NRI should be revised as appropriate to reflect the changes.

1j. Submit an exhibit showing those areas where seasonally high water tables, impeded drainage, poor drainage, and Marlboro clay will affect development.

This condition has been addressed.

1n. Revise the Type I Tree Conservation Plan (TCP I) as follows:

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- (1) Show the threshold for the R-M portion at 25 percent and the threshold for the L-A-C portion at 15 percent and the woodland conservation threshold shall be met on-site;

This condition has been addressed on the TCPI submitted with this application.

- (2) Reflect the clearing in the PMA to be mitigated at a ratio of 1:1. This information must be included in the column for "off-site impacts" and the label for the column shall be revised to read "PMA and off-site impacts."

This condition has been addressed on the TCPI submitted with this application.

- (3) No woodland conservation shall be provided on any residential lots;

This condition has been addressed on the TCPI submitted with this application.

- (4) Show the location of all specimen trees, their associated critical root zones, and the specimen tree table per the approved NRI;

This condition has been addressed.

- (5) Include the following note: "The limits of disturbance shown on this plan are conceptual and do not depict approval of any impacts to regulated features."

This condition has been addressed.

- (6) Provide a cover sheet at the same scale as the CDP (1inch=300 feet) without the key sheet over the 300-foot scale plan;

This condition has been addressed.

- (7) Clearly show the limits of each proposed afforestation/reforestation areas by using a different symbol;

This condition has been addressed.

- (8) Eliminate all isolated woodland conservation areas from the Woodland Conservation Work Sheet;

This condition has been addressed.

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(9) Eliminate woodland preservation and afforestation in all proposed or existing road corridors;

This condition has been addressed; however, the TCPI shows afforestation in areas where existing woodland is to remain. These areas should be revised to show woodland afforestation outside areas where existing woodland already exists. The existing woodland may be counted as preservation if the additional afforestation results in the area meeting the minimum size requirements for woodland conservation.

Prior to signature approval of the preliminary plan, the TCPI should be revised to eliminate woodland afforestation/reforestation where existing woodland already exists.

(10) Eliminate all woodland conservation areas less than 35 feet wide;

This condition has been addressed.

(11) Identify all off-site clearing areas with a separate label showing the acreage for each;

This condition has been addressed.

(12) Show all lot lines of all proposed lots;

This condition has been addressed; however, all lots and parcel are not identified on the TCPI. Sheet 8 shows all lots without the proper lot identification. Prior to signature approval of the preliminary plan, the TCPI should be revised to show the lot and/or parcel numbers, as well as block numbers for all proposed lots and parcels on the plan. The lot and parcel numbers should match the preliminary plan.

(13) Show clearing only for those areas that are necessary for development;

This condition has not been addressed. The plan shows several areas with proposed clearing where no development is proposed, such as the area proposed for clearing on Parcel 9 of Sheet 2, and it shows disturbed areas that are not necessary for development, such as the area around the historic site. Although at a minimum the woodland conservation threshold must be met on site, the plan should exhaust every opportunity to meet the full requirement on-site and the plans should not show any area to be disturbed without showing what development is proposed in that area, if any.

Prior to signature approval of the preliminary plan, the TCPI should be revised to show disturbance of only those areas that are necessary for development and all proposed buildings and grading within the limits of disturbance should be shown.

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- (14) Remove the edge management notes, reforestation management notes, reforestation planting details, planting method details, tree planting detail, and soils table from the TCPI;**

This condition has been addressed.

- (15) Revise the TCPI worksheet as necessary;**

The worksheet requires revisions to be in conformance with the Woodland Conservation Ordinance and the previously approved conditions. This condition is addressed in the Environmental Review section below.

- (16) Replace the standard notes with the following:**

- (a) This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements of CDP-0501. The TCPI will be modified by a TCP I in conjunction with the review of the preliminary plan of subdivision and subsequently by a Type II Tree Conservation Plan (TCP II) in conjunction with the approval of a detailed site plan, a SDP, and/or a grading permit application.**
- (b) The TCPII will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the Woodland Conservation Ordinance on this site.**
- (c) Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised TCP I by the Prince George's County Planning Board.**
- (d) Cutting, clearing, or damaging woodlands contrary to this plan or as modified by a Type II tree conservation plan will be subject to a fine not to exceed \$1.50 per square foot of woodland disturbed without the expressed written consent from the Prince George's County Planning Board or designee. The woodlands cleared in conflict with an approved plan shall be mitigated on a 1:1 basis. In addition, the woodland conservation replacement requirements (¼:1, 2:1, and/or 1:1) shall be calculated for the woodland clearing above that reflected on the approved TCP.**
- (e) Property owners shall be notified by the developer or contractor of any woodland conservation areas (tree save areas, reforestation areas, afforestation areas, or selective clearing areas) located on their**

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lot or parcel of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property, the owner/developer or owner's representative shall notify the purchaser of the property of any woodland conservation areas.

This condition has been addressed.

(17) Have the plans signed and dated by the qualified professional who prepared them.

This condition has been addressed.

4a. At time of preliminary plan of subdivision, the applicant shall submit a detailed geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.

This condition has been addressed. The areas of Marlboro clay on this site are generally limited to areas that are otherwise regulated and will not be disturbed for the development of buildings. Where the layer is close to buildings, the issue has been addressed (see below). Some areas of Marlboro clay will likely be disturbed for the stream restoration projects and these will be evaluated with the SDP for stream restoration.

4b. Minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible, and by minimizing the stormwater management ponds within the regulated areas. The preliminary plan shall show the locations of all existing road crossings.

This condition is discussed above in condition 2L of the basic plan.

4c. Design the preliminary plan so that no lots are proposed within the areas containing the Marlboro clay layer. If the geotechnical report describes an area of 1.5 safety factor lines, then no lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line, and a 25-foot building restriction line shall be established along the 1.5 safety factor line.

This condition has been addressed. The plans show the mitigated 1.5 safety factor line, designated as "SSL" on the plans. The preliminary plan and TCPI do not show proposed structures, so it is not possible to determine if all structures will be outside the 1.5 safety factor line or impacts by a 25-foot BRL. A condition is recommended to address this previous condition on future plans.

The SDPs and Type II tree conservation plans should show the 1.5 safety factor line and a 25-foot building restriction line in relation to all proposed structures. The final plat should show all 1.5

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safety factor lines and a 25-foot building restriction line from the 1.5 safety factor line for any affected lots. The location of the 1.5 safety factor lines should be reviewed and approved by the M-NCPPC Environmental Planning Section and the Prince George's County Department of Environmental Resources. The final plat should contain the following note:

"No part of a principal structure may be permitted to encroach beyond the 25-foot building restriction line established adjacent to the 1.5 safety factor lines. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER."

4d. Submit a completed survey of the locations of all rare, threatened and endangered species within the subject property for review and approval.

This condition has been addressed.

4f. Request the approval of locations of impacts that are needed for the stream restoration work and provide the required documentation for review. A minimum of six project sites shall be identified and the restoration work shall be shown in detail on the applicable SDP. This restoration may be used to meet any state and federal requirements for mitigation of impacts proposed, and all mitigation proposed impacts should be met on-site to the fullest extent possible.

This condition should be addressed at the time of specific design plan. It should be noted that the Maryland Department of the Environment has stated that the stream restoration may not be allowed to be counted toward mitigation requirements. See condition 1b above and the recommended condition.

17. The following note shall be placed on the final plat: "Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft over flights. This level of noise is above the Maryland-designated acceptable noise level for residential uses."

This condition will be carried over to this preliminary plan application. The noise contours associated with Andrews Air Force Base have not been shown on the plans.

The following note should be placed on the final plat: "Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft over flights. This level of noise is above the Maryland-designated acceptable noise level for residential uses."

Prior to signature approval of the preliminary plan, the preliminary plan and the TCPI should be revised to show the noise contours associated with Andrews Air Force Base as depicted on the latest Air Installation Compatibility Use Zone study.

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18. Prior to the issuance of any grading permit, which impact the waters of the U.S., non-tidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.

This condition is standard when the design of the site has been finalized and there is no indication from state and federal review agencies that the impacts proposed will be problematic. At this time, the US Army Corps of Engineers and the Maryland Department of the Environment have expressed concerns about the impacts shown and have identified some of the road crossings as impacts they will not support at time of permit issuance. This raises concerns about proceeding with the approval and platting of land in a manner that could cause problems with the required approvals of state and federal agencies. As a result of the lack of certainty at this time regarding the future approvals of state and federal agencies, staff is recommending a condition that prohibits the platting of land until the final layout of the road network and development pods has been determined.

Prior to the approval of final plats by the Planning Board, written confirmation should be provided from the US Army Corps of Engineers and the Maryland Department of the Environment providing guidance on the road network and development pod layout and the associated areas of proposed impacts.

Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or waters of the U.S., the applicant should submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

19. Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans in the R-M Zone stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.

This condition will be carried over to this preliminary plan application and should be modified to address other potential residential areas. Prior to the approval of any residential building permits within the 65 or 70 dBA Ldn noise contours, a certification by a professional engineer with competency in acoustical analysis should be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.

Environmental Review

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it has an approved conceptual Type I Tree Conservation Plan (TCPI/38/05) that was approved with conditions as part of Conceptual Design Plan CDP-0501. A Type I Tree Conservation Plan (TCPI/38/05-01) was submitted with the preliminary plan application.

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The Type I Tree Conservation Plan, TCPI/38/05-01, has been reviewed and was found to require revisions. The worksheet states that the site has a gross acreage of 758.77 acres, of which 109.34 is within the 100-year floodplain. According to the worksheet, the site contains 145.84 acres of woodland on the net tract and 26.12 acres of woodland in the floodplain. As discussed above, this is a change from previous submissions and the drop in the amount of woodland in the floodplain needs to be verified. The woodland conservation threshold has been correctly calculated at 159.52 acres because the site has a mandatory 25 percent threshold requirement due to a previous condition of approval.

The sheet layout for the TCPI and preliminary plan are different. The TCPI must be revised so that all plans show the same sheet configuration. Having a different configuration adds significantly to the review time. The sheet sections of future SDPs and the TCPII should also be similar. It appears likely that the proposed project will be done in phases. At the time of SDP the TCPII should show a phased worksheet for each phase of development.

Revisions to the symbols shown on the TCPI are required. The background shading for woodland cleared within the 100-year floodplain, reforestation/afforestation, and woodland preserved not counted is not necessary and it makes other symbols within these areas, such as the existing contours, unreadable. The background shading for these symbols should be removed and the hatching kept for each symbol. The font identifying the existing contour elevations is too small to be legible. Revise the font so that the numbers are more readable.

The limit of disturbance (LOD) for Clearing Area 11 (Sheet 11) does not reflect the area shown as cleared. The LOD should be revised to accurately reflect the area to be disturbed for the proposed structure. There are several areas proposed for afforestation where woodland already exists, such as areas 2, 4, and 5 on Sheet 3. Where woodland already exists, proposed afforestation should be eliminated. Woodland areas adjacent to the afforestation areas may be counted as preservation if the afforestation brings the area into conformance with the size requirements for a conservation area. The TCPI also shows afforestation within the right-of-way of Melwood Road, an existing road to be preserved as a rural roadway and greenway in accordance with the Westphalia Master Plan. Afforestation within this area should be eliminated.

There are several areas where the LOD is close to the PMA such that it appears that there will be disturbance within the PMA. There should be a clear distinction between the LOD and the PMA boundary. With the exception of approved impacts, the PMA should be revised so that no portion of the LOD encumbers the PMA.

Staff recommended a number of revisions to the Type I tree conservation plan, as contained in the conditions section of this resolution. At the time of the specific design plan, the TCPII should contain a phased worksheet for each phase of development and the sheet layout of the TCPII should be the same as the SDP for all phases. Development of this subdivision should be in compliance with an approved Type I Tree Conservation Plan (TCPI/38/05-01).

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Streams, wetlands, and 100-year floodplain associated with the Patuxent River Basin occur on the site. These sensitive environmental features are afforded special protection in accordance with Section 24-101(b)10 of the Subdivision Ordinance, which defines the Patuxent River primary management area (PMA), and Section 24-130(b)(5) of the Subdivision Ordinance, which provides for the protection of streams and the associated buffers comprising the PMA. The PMA is required to be preserved to the fullest extent possible.

It should be noted that staff generally will not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), street crossings, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. If impacts cannot be avoided for essential development activities such as road crossings and the installation of public utilities, then a letter of justification is required at the time of preliminary plan submittal.

The TCPI shows multiple (43) impacts to the PMA for the installation of road crossings, sewer outfalls, stormwater outfalls and trail crossings, which are necessary for development. The plan also shows impacts associated with stormwater management ponds, road grading, and grading for areas where no development is proposed. These types of impacts are not supported.

A letter of justification was received on May 25, 2006, for the total of 43 impacts. Some of the road crossings as shown on the TCPI can be minimized further to exclude areas graded for residential lots. There are also impacts that can be minimized by relocating structures to the location of other nearby proposed impacts.

The letter of justification states that "...the impacts to the PMA will not be detrimental to the environment since the greatest possible effort has been made to prevent adverse impacts with the use of "Con-Span" or "Bridge-Tek" bridges where appropriate to facilitate maximum restoration of the natural stream system." A plan has not been provided showing where this bridge type will be used and how it serves to reduce the impacts to the PMA. No text was provided making a commitment to the use of this type of crossing. A detail showing the type of structures proposed was not provided and this type of crossing was not previously discussed. It is not clear from the description whether or not these types of crossings can be constructed in the limits of disturbance shown on the plans. A revised letter of justification is need to explain how these structures reduce impacts and provide a detail showing the types of crossings proposed and their proposed locations. The plan should be revised to realistically show the LOD at all road crossings with the proposed bridge design.

As previously discussed, the TCPI shows some stormwater management ponds with no identification, no associated outfall, footprints inconsistent with the proposed grading; some ponds show no conceptual grading at all and some show no footprint or grading.

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Sheet 6 of the TCPI shows a symbol to the east of the trail crossing of the stream (Impact 2) that is not in the legend and does not have a limit of disturbance associated with it and should be removed from the plans.

The TCPI shows several PMA impacts not part of the variation request and not necessary for development. These impacts should also be eliminated.

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The following is a summary of the proposed PMA impacts for road crossings and associated grading.

<u>Impact Number</u>	<u>Comments</u>	<u>Quantity of Impact</u>	<u>Staff Recommendation</u>
<u>A</u>	<u>This impact is necessary for access to an isolated area. The impact area can be minimized by eliminating the roundabout and making the road more perpendicular to the stream.</u>	<u>24,394 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>B</u>	<u>This impact is necessary for access to an isolated area. The plan shows an adjacent stream crossing where the installation of a sewer line is proposed. Impact B impact should be relocated to the same location as the proposed sewer line, minimizing both impacts to the fullest extent possible.</u>	<u>28,750 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>C</u>	<u>This impact is necessary for access to an isolated area. The impact as designed results in disturbance to areas where no development is proposed. Narrowing the area to be disturbed can minimize this impact further.</u>	<u>33,106 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>D</u>	<u>This impact is necessary to provide access to the community center from a master plan collector. The impact has been minimized to the fullest extent possible.</u>	<u>14,375 square feet</u>	<u>Supported</u>
<u>E</u>	<u>This impact is for the crossing of the stream to connect to a collector roadway. If the collector (C-627) were moved to the east, impact E would be reduced and impact V would be eliminated.</u>	<u>60,984 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>F</u>	<u>This impact is necessary for a crossing associated with a Master Plan collector (C-631).</u>	<u>40,075 square feet</u>	<u>Supported</u>
<u>G</u>	<u>This impact is necessary for a crossing associated with a Master Plan collector (C-631).</u>	<u>36,590 square feet</u>	<u>Supported</u>
<u>H</u>	<u>This impact is necessary for a crossing associated with a Master Plan collector (C-632).</u>	<u>85,813 square feet</u>	<u>Supported</u>
<u>I</u>	<u>This impact is necessary for a crossing associated with a Master Plan collector (C-631).</u>	<u>67,082 square feet</u>	<u>Supported</u>

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<u>J</u>	<u>This impact is necessary for a crossing associated with a Master Plan collector (C-631). The exhibit shows unnecessary grading into a wetland for an area not associated with the stream crossing. Disturbance to this area should be eliminated.</u>	<u>87,557 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>K and L</u>	<u>These impacts are associated with two stream crossings for a Master Plan collector (C-631).</u>	<u>124,146 square feet</u>	<u>Supported</u>
<u>M</u>	<u>This impact is necessary for a road crossing for an internal street. The exhibit also shows impacts associated with an outfall for stormwater management pond 7 which appears to be designed to be in the same location as a building (see the grading on sheet 8 of the TCPI). The additional grading in the PMA for the pond should be eliminated and the outfall should be relocated farther south to minimize the impacts to the fullest extent possible.</u>	<u>38,768 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>N</u>	<u>This impact is for a crossing to connect the eastern and western portions of the site. This impact can be minimized by eliminating the adjacent grading west of Lots 5 and 6.</u>	<u>30,928 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>N1</u>	<u>This impact was not requested in the letter of justification. It is needed to connect to the site to the north in this location, in conformance with the master plan. It will be located in the vicinity of "Private Road DD" and will extend from Road C north to the edge of the property.</u>	<u>unknown</u>	<u>Supported with a condition for a design that preserves the PMA to the fullest extent possible</u>
<u>O</u>	<u>This impact is necessary to provide access to an isolated portion of the site.</u>	<u>23,958 square feet</u>	<u>Supported</u>
<u>P</u>	<u>This impact is necessary for provide access to an isolated portion of the site.</u>	<u>17,424 square feet</u>	<u>Supported</u>
<u>Q, R, T, U</u>	<u>These impacts are for grading associated with roadways and are not necessary for the development of the site. These impacts can be completely avoided through a minor redesign of the road network.</u>	<u>27,443 square feet</u>	<u>Not supported</u>

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Thirteen impacts associated with stormwater management were requested in the letter of justification. Below is a summary of the impacts requested in the current application. It should be noted that most of the impacts requested are for stormwater management pond outfalls and that the master plan recommends that stormwater be handled without the use of ponds. It should also be noted that the exhibits for the stormwater impacts do not show proposed grading and as such may not reflect the required areas of disturbance associated with the requested impacts.

<u>Impact Number</u>	<u>Comments</u>	<u>Quantity of Impact</u>	<u>Staff Recommendation</u>
<u>1</u>	<u>This impact is necessary for a stormwater outfall. Eliminating the secondary impact for grading that is not associated with the outfall will minimize this impact.</u>	<u>436 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>2, 4-6, 8-11, and 13</u>	<u>These impacts are necessary for an outfall to provide safe conveyance of stormwater runoff to the stream. The impacts have been minimized to the fullest extent possible. Note that Impact 10 shows an impact to the PMA for pond grading that was not requested and is not supported.</u>	<u>7,840 square feet</u>	<u>Supported</u>
<u>3</u>	<u>This impact is located in the same area as impact K, which staff does not support. If any revisions are required with regard to the relocation of the road, the pond shall be redesigned and the associated impacts shall be minimized to the fullest extent possible.</u>	<u>1,307 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>7</u>	<u>Redesigning the pond and relocating the stormwater outfall to the area where Road X crosses the stream could minimize this impact. The stream crossing (Impact A) is recommended to be redesigned. As part of that redesign, Impact 7 for the pond outfall should be reevaluated.</u>	<u>1,306 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>12</u>	<u>The pond outfall is shown north of a proposed road crossing. Combining the two areas of impact will reduce this impact.</u>	<u>2,004 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>

Eight impacts associated with sanitary sewer line connections were requested in the letter of justification. An existing WSSC sewer right-of-way exists on the property. Below is a summary of the impacts requested in the current application.

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<u>Impact Number</u>	<u>Comments</u>	<u>Quantity of Impact</u>	<u>Staff Recommendation</u>
<u>1, 2, 5-8</u>	<u>These impacts are necessary to connect to an existing sewer line within the stream valley. The impact has been minimized to the fullest extent possible.</u>	<u>17,380 square feet</u>	<u>Supported</u>
<u>3</u>	<u>This impact is for a sanitary sewer connection from one part of the residential portion of the site to the another. A road crossing is proposed 300 feet to the south. Because the conceptual grading provided does not reflect the actual grading to be conducted on the site, it is not possible for staff to evaluate whether or not moving the sanitary sewer crossing to the south is feasible. The letter of justification does not discuss whether this design was considered. This redesign should be evaluated further in a revised letter of justification.</u>	<u>1,699 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>4</u>	<u>This impact is necessary to connect to an existing sewer line within the stream valley.</u>	<u>1,307 square feet</u>	<u>Supported</u>

Eight impacts associated with trail crossings were requested in the letter of justification. Neither the TCPI nor letter of justification states what types of surface are proposed for the trails. Trails with a natural surface can be field located to avoid trees; trails with hard surfaces may require extensive grading to cross steep slopes of the PMA. The trails as shown on the TCPI are not readable because the shading is too light and too similar to other symbols. The symbol should be revised to change weight of the shading so that is readable when reproduced in black and white. Below is a summary of the impacts requested in the current application.

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<u>Impact Number</u>	<u>Comments</u>	<u>Quantity of Impact</u>	<u>Staff Recommendation</u>
<u>1</u>	<u>This impact consists of two trail crossings; a 6-foot-wide crossing and a 10-foot-wide crossing that both connect to the same general area north of the stream valley. The 6-foot-wide crossing is associated with a proposed impact for a sewer line (Impact 8). The 10-foot-wide crossing uses an existing stream crossing. One of the two stream crossings for the trail can be eliminated through the use of another impact that is not shown on Exhibit 1 (sanitary sewer Impact 1). The trail configuration in this area must be revised to reduce impacts.</u>	<u>9,640 square feet</u>	<u>Supported with a condition for redesign to reduce impacts</u>
<u>2, 3, 5, 6, and 7</u>	<u>These impacts are for 6-foot and 10-foot-wide trail crossings. They are located at existing stream crossings and have been minimized to the fullest extent possible.</u>	<u>13,092 square feet</u>	<u>Supported</u>
<u>4</u>	<u>This impact is for a 10-foot-wide trail crossing and has been minimized to the fullest extent possible.</u>	<u>1,464 square feet</u>	<u>Supported</u>

No part of the Patuxent River primary management area should be placed on any single-family detached or attached lot. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan should be revised to eliminate all impacts not essential to the overall development of the site such as impacts for the construction of lots, adjacent road grading not associated with road crossings, and stormwater management ponds.

Prior to signature approval of the preliminary plan, the preliminary plan and TCPI should be revised to reduce the impacts associated with impacts for road crossings identified on exhibits A, B, C, E, J, M, N, and N1; for stormwater management identified on exhibits 1, 3, 7, 12; and the sanitary sewer connection identified on exhibit 3; and a trail crossing identified on exhibit 1. Impacts identified on exhibits Q, R, T and U for road impacts should be eliminated. The required redesigns may result in a loss of lots.

Each specific design plan that contains trails should show the field identified location for all trails and the associated grading.

Prior to signature approval of the preliminary plan, the letter of justification should be supplemented to include a discussion of the alternatives evaluated for the road network to reduce the number of road crossings; to state which crossings will use the "Con-Span" or "Bridge-Tek" bridges;" to include a detail of the bridges that shows how these types of crossings reduce impacts to the PMA; to provide a discussion of how the road network is in conformance with the master plan; to provide the acreage of woodland impact for each PMA impact proposed; and to provide a

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discussion of whether the placement of the sanitary sewer connection (Impact 3) can be relocated to the south given the proposed grades of the site. The preliminary plan and TCPI should be revised as necessary to show where the bridge structures will be used.

At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the Patuxent River PMA and all adjacent areas of preservation and afforestation/reforestation except for areas of approved impacts, and should be reviewed by the Environmental Planning Section prior to approval of the final plat.

Extensive afforestation is proposed in order to fulfill woodland conservation requirements on this site. In order to protect the afforestation areas after planting, so that they may mature into perpetual woodlands, the afforestation must be completed prior to the issuance of building permits adjacent to the area of afforestation. The easement language for PMA protection has been modified to include the afforestation areas.

All afforestation/reforestation and associated fencing should be installed prior to the issuance of the building permits adjacent to the afforestation/reforestation area. A certification prepared by a qualified professional may be used to provide verification that the planting and fencing have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

A stormwater concept plan was submitted; however, it is not an approved plan. A copy of the concept approval letter was submitted that contains multiple conditions of approval. These conditions are not addressed on the plans as submitted. The conditions of approval may result in a significant redesign of the site.

Prior to signature approval of the preliminary plan, a copy of the signed approved stormwater concept plan should be submitted. All conditions contained in the concept approval letter should be reflected on the preliminary plan and TCPI. If impacts to the PMA that were not approved in concept by the Planning Board are shown on the approved concept plan, the concept plan should be revised to conform to the Planning Board's approval.

The Environmental Planning Section recommends approval of 4-05080 and TCPI/38/05-01 subject to conditions.

Water and Sewer Categories

Pursuant to CR-7-2006, approved by the County Council on February 28, 2006, the water and sewer service categories are W-4 and S-4. The property will be served by public systems.

6. **Community Planning**—These following findings update the previous memorandum on this application dated February 27, 2006.

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The application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The application conforms to the land use recommendations in the 1994 Melwood-Westphalia Master Plan and the 2005 Westphalia Comprehensive Concept Plan (WCCP) for residential and commercial development in the R-M and L-A-C Comprehensive Design Zones, as approved by zoning applications A-9965 and A-9966 and comprehensive design plan CDP-0501.

The application conforms to the mixed residential and commercial land use recommendations in the 2006 preliminary Westphalia Sector Plan and SMA.

A determination of the application's conformity to the infrastructure element of the 2006 preliminary Westphalia Sector Plan/SMA (environmental infrastructure, transportation systems, public facilities and parks and recreation) cannot be determined at this time because the analysis recommended in the WCCP and preliminary plan has not been completed.

GENERAL PLAN, MASTER PLAN AND SMA

A 2006 preliminary Westphalia Sector Plan and SMA were published in April 2006 reflecting the planning concepts of the 2005 WCCP study. A public hearing on the sector plan/SMA was held on May 23, 2006, and it is anticipated that the District Council will approve the plan/SMA in fall 2006.

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<u>2002 General Plan Designations</u>	<u>Westphalia Sector Plan/SMA Recommendations</u>
<u>Developing Tier</u> - a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable The General Plan also designates	
A Corridor (MD 4) and a possible future center to the south of the subject site	General Plan Community Center or higher designation for the proposed Westphalia town center area
<u>1994 Melwood-Westphalia Master Plan and SMA</u>	<u>2006 Preliminary Westphalia Sector Plan/SMA Recommendations</u>
<u>Planning Area/Community—</u> PA 78 / Westphalia Planned Community	
<u>Land Use—</u> The subject site is located in the northern part of an area recommended for development of a planned residential community of various densities and different housing types. A core community activity center area is recommended to the south of this property near MD 4. The residential densities recommended for the planned community range from the minimum 0.5 dwelling unit per acre to the maximum 7.9 dwelling units per acre; higher densities are anticipated in the core activity center. The overall density of residential development is intended to decrease as the distance from the activity center at the core of the planned community increases.	A low-density residential land use, mixed residential and commercial uses in a village center and on the fringe and edge of the proposed Westphalia town center core, and public and private open space
<u>Environmental -</u> The subject property. Portions of the subject property are identified as a natural reserve area, which are areas that either (1) exhibit physical features that present severe constraints to development, or (2) are important to sensitive ecological systems. The master plan recommends preserving these areas in their natural state.	There are streams, regulated areas evaluation areas, and network gaps on this site, as defined in the 2005 Countywide Green Infrastructure Plan

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<p><u>Historic Resources</u> <u>No historic sites or resources were identified.</u> <u>However, Blythewood (78-013) has subsequently been designated as a historic site on this property.</u></p>	<p><u>Blythewood identified as historic site 78-013</u></p>
<p><u>Transportation -</u> <u>Access to and from the subject property will be via Westphalia Road (C-626), which the master plan recommends be upgraded to a four-lane collector roadway between Ritchie-Marlboro Road (A-39) and Suitland Parkway (F-7) via proposed road A-67. A number of new collector and primary roads are proposed across this site to serve development of the new planned community: C-627, C-631, C-632, and P-612.</u></p>	<p><u>Recommends a revised road network, based on the 2005 WCCP study; proposed new roads are MC-631, MC-632, MC-635, P-615, and P-616. The applicant has proposed to relocate P-612 to this site.</u></p>
<p><u>Public Facilities -</u> <u>No master plan public facilities are indicated on this site.</u></p>	<p><u>Does not show any master plan public facilities on this site. However, the applicant has proposed to relocate an elementary school on the southeast portion of the site for a site farther south.</u></p>
<p><u>Parks and Trails -</u> <u>The master plan map indicates a floating symbol for a large community park on the northern portion of this site and stream valley park along Cabin Branch on the south part of the site. Trails or bikeways are proposed along the Cabin Branch stream valley, along existing Melwood Road, and along the proposed collector roads.</u></p>	<p><u>Recommends a number of park facilities on this site: the Cabin Branch Greenway, a central park including a community center, expansion of the Westphalia Estates Neighborhood Park, and the Melwood Greenway Trail.</u></p>
<p><u>SMA/Zoning -</u> <u>Retained in the R-A Zone. On February 13, 2006, the District Council approved two rezoning applications for the subject property: (1) A-9965-C for the R-M Zone on 727 acres, and (2) A-9966-C for the L-A-C Zone on 30 acres. On May 22, 2006, the District Council voted to approve comprehensive design plan application CDP-0501-C for the subject property. Together, these applications propose development of 3,648 dwelling units in a variety of types and 170,000 square feet of commercial development.</u></p>	<p><u>Proposes to retain the existing R-M and L-A-C Zones</u></p>

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PLANNING ISSUES

2005 Westphalia Comprehensive Concept Plan

The approved zoning cases and comprehensive design plan for the L-A-C and R-M Zones on this property are based on a comprehensive planning study, the Westphalia Comprehensive Concept Plan (WCCP), which further examined the recommendations of the 1994 Melwood-Westphalia Master Plan and the 2002 General Plan for this area. This study further refined the planned community concept specifically advocated by the master plan for this area and by the general plan for large properties in the Developed Tier. The WCCP study calls for primarily residential use of various densities with a mixed-use retail center and a central park on the subject site that serves the entire Westphalia area. Preliminary Plan of Subdivision 4-05080 should be evaluated based primarily on the findings and conditions of the approved comprehensive design zone applications (A-9965 and A-9966) and the approved comprehensive design plan (CDP-0501), which establish the maximum and minimum land use types, quantities and relationships and the conceptual site design for this site.

The 2005 Westphalia Comprehensive Concept Plan (WCCP) study addressed the numerous key issues, hopes and concerns identified during the planning process that are now being addressed in the 2006 preliminary Westphalia Sector Plan and SMA.

2006 Preliminary Westphalia Sector Plan and SMA

The 2006 preliminary Westphalia Sector Plan and SMA was initiated in January 2006 for the area encompassing this application and is intended to translate the recommendations of the WCCP into a preliminary sector plan and SMA for public hearings, evaluation and approval by the Planning Board and the District Council. It has been produced on an accelerated schedule in order to enable review by the County Council for approval prior to the end of the current legislative term. A public hearing on the preliminary sector plan/SMA was held on May 23, 2006. It is anticipated that the Planning Board will transmit a recommended plan to the District Council during the summer for final action by the Council in fall 2006.

A consequence of the accelerated processing schedule is that many of the analyses referenced in the WCCP study are still ongoing or remain to be completed while the master plan is being publicly reviewed and as development applications such as this one are being processed. Key analysis regarding the second round of transportation studies to assess peak-hour traffic capacity, special level of service and road design standards for the Westphalia area, identification of roads and facilities in existing communities that need to be upgraded, and finalization of a public amenities and fair share contribution package (all referenced in the WCCP study) are either in progress in conjunction with the master plan or remain to be done.

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This application is partially based on the 2005 WCCP's planned community recommended in the 1994 master plan, albeit at approximately twice the density anticipated by the 1994 master plan. Until the additional studies recommended by the WCCP are completed, it is premature to specify the additional criteria that should apply to this application being processed in advance of completing the sector plan.

7. **Parks and Recreation**—The staff of the Department of Parks and Recreation (DPR) has reviewed the above referenced preliminary plan application for conformance with the requirements of the Basic Plans A-9965 and A-9966, Comprehensive Design Plan CDP-0501, and the recommendations of the approved Prince George's County General Plan, approved Master Plan and Sectional Map Amendment for the Melwood-Westphalia Planning Area, and the current zoning and subdivision regulations and existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation facilities.

The Basic Plan 9965 and 66 Conditions 1h, 2, 3, 6 and 7 State:

- 1h. Provide multiuse stream valley trail along the subject site's portion of Cabin Branch, in conformance with the latest Parks and Recreation Facilities Guidelines and standards. Connector trails should be provided from the stream valley to adjacent residential development and recreational uses.
2. At the time of preliminary plan of subdivision, the applicant shall dedicate 75 acres of developable land suitable for active recreation and convey Cabin Branch stream valley to M-NCPPC. The location of the dedicated parkland shall be established at the time of comprehensive design plan review and be approved by the Department of Parks and Recreation (DPR). The applicant may be required to dedicate an additional 25 acres of developable parkland, suitable for active recreation to M-NCPPC, at the time of comprehensive design plan. The acreage may be provided on-site or off-site and shall conform to the final Westphalia Comprehensive Concept Plan, CDP. The need for additional acreage of parkland shall be determined by DPR and the Development Review Division prior to approval of the comprehensive design plan.
3. The land to be conveyed to M-NCPPC shall be subject to the conditions of attached Exhibit "B."
6. The applicant shall construct recreational facilities on the dedicated parkland. The recreational facility packages shall be reviewed and approved by DPR and the Planning Department prior to comprehensive design plan approval.
7. The public recreational facilities shall be designed and constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. The concept plan for the development of the parks shall be shown on the comprehensive design plan.

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The Comprehensive Design Plan CDP-0504 was approved with the following Conditions 10, 22, 23, 24, 25, 27 and 28:

10. Per the applicant's offer, the applicant, his heirs, successors and/or assignees shall make a monetary contribution/in-kind services of a minimum \$5,000,000 toward the design and construction of the central park, which shall be counted as a credit against the developer's required financial contribution to the Westphalia Park Club as set forth in Condition 22, as follows:
- a. \$100,000.00 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall master plan for the central park. DPR staff shall review and approve the master plan for the central park. Said consultant is to assist staff/applicant in programming the park. These actions shall occur prior to approval of the first residential SDP.
 - b. \$200,000.00 shall be used by the applicant for the schematic design and design development plan of the central park. DPR staff shall review and approve the design plan. These actions shall occur prior to the issuance of the 50th building permit.
 - c. \$200,000.00 shall be used by the applicant for the development of construction documents (permit and bid ready) for the construction of the central park. DPR staff shall review and approve the construction documents. These actions shall occur prior to the issuance of the 100th building permit.
 - d. \$300,000.00 shall be used by the applicant for the grading of the central park prior to issuance of the 200th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
 - e. \$4,200,000 shall be used by the applicant for the construction of the central park. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the CPI.

DPR staff shall review the actual expenditures associated with each phase described above.

22. The applicant shall make a monetary contribution into a "park club." The total value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. The exact amount of the financial contribution shall be decided after the approval of the sector plan and sectional map amendment for the Westphalia area by the District Council, but prior to the second SDP. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the CPI. The funds shall be used for the construction and maintenance of the recreational facilities in the Westphalia

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study area and the other parks that will serve the Westphalia study area. The "park club" shall be established and administered by DPR. The applicant may make a contribution into the "park club" or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff.

23. The applicant shall develop an SDP for the central park. The SDP for the central park shall be reviewed and approved by the Planning Board as a second SDP in the CDP-0501 area or after the approval of the sector plan and sectional map amendment for Westphalia Area by the District Council, whichever comes first. The SDP shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. The Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of SDP plans. The SDP shall include a phasing plan.
24. Submission of three original, executed recreational facilities agreements (RFA) for trail construction of the recreational facilities on dedicated parkland to DPR for their approval, six weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
25. Prior to application of the building permit for the construction of any recreational facilities in the central park, DPR staff shall review credentials and approve the contractor for the park construction based on qualifications and experience.
27. The public recreational facilities shall include a ten-foot-wide asphalt master planned trail along Cabin Branch and six-foot-wide trail connectors to the neighborhoods.
28. Submission to DPR of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DPR, at least two weeks prior to applying for building permits.

The Department of Parks and Recreation staff has reviewed the plan and made the following findings, as the preliminary plan relates to the conditions of the rezoning and CDP, relating to M-NCPPC parkland issues:

The applicant proposes that more that 148 acres of open space be dedicated to M-NCPPC for use as public parkland. The dedicated parkland is primarily centrally located and will be accessible to the surrounding residential communities by roads and trails. Five acres of the dedicated parkland is recommended for the expansion of Westphalia Neighborhood Playground Park located to the north of the development.

According to Condition 2 of A-9965-66, 75 acres of dedicated parkland is required and should be developable land suitable for active recreation. The applicant and DPR staff

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have mutually agreed that developable area of the parkland should not be used for the stormwater management ponds. DPR staff has agreed that a lake may be constructed in the main park parcel as a recreational amenity, as part of a stormwater management concept. The applicant shows a concept for a stream valley trail along the Cabin Branch. The final location of the master planned trail will be determined during consideration of the SDP plans. That portion of the master plan trail located on homeowners land shall be placed in a public use easement, unless with the review of the SDP additional parkland dedication is agreed to by DPR.

The applicant's proposal includes private recreational facilities including an active adult recreation center with tennis courts, trails, open play areas, sitting areas, trails in Cabin Branch Stream Valley, water features, five playgrounds, a private community recreation center with a swimming pool, and plaza.

The applicant has agreed to contribute \$2,500 to \$3,000 per dwelling unit into a "park club." The applicant will provide in-kind services in the amount of \$5,000,000 toward the design and phase-one construction of the central park.

DPR staff finds that, subject to conditions, the applicant will satisfy the conditions of approval of Basic Plans A-996/66 and Comprehensive Design Plan CDP-0501, the requirements and recommendations of the approved Prince George's County General Plan, approved master plan and sectional map amendment for the Melwood-Westphalia planning area, and the Subdivision Regulations if the preliminary plan is revised after the certificate of approval of CDP-0501 to conform to that plan, and DPR Exhibit A (dated 6/7/06) and conditions of the conveyance.

8. **Trails**—Staff supports the modification of the plans to preserve an additional segment of Old Melwood Road as a trail corridor. The importance of the trail along Suitland Parkway extended (MC-631) has also been reiterated.

Extensive community input went into the development of the Westphalia Comprehensive Concept Plan (WCCP) study, which includes the subject site. This study was a facilitated effort to coordinate the many development proposals in the Westphalia area to ensure that development in the area is done in a compatible manner and that adequate roads, public facilities, parkland and other amenities are provided to support this development. The WCCP study was the basis for the preliminary Westphalia Sector Plan. Trails and pedestrian accessibility were also addressed during this process, and pedestrian accessibility was been identified by the community as a priority for the area, particularly within the core. Some of the recommended pedestrian and trail facilities noted during the WCCP study and included in the preliminary Westphalia Sector Plan that impact the subject application include:

- A multiuse stream valley trail along Cabin Branch
- Preservation of segments of Melwood Road as a pedestrian/trail corridor

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- Bicycle- and pedestrian-compatible roadways
- Standard or wide sidewalks within the community core
- Trail along Suitland Parkway extended (MC-631)

Trail and pedestrian connectivity between sites within the study area is also encouraged. Neighborhood sidewalks and trail connections, both within and between sites, will greatly assist in providing a walkable community and the ability to make some trips by walking or biking. Pedestrian and trail connections should be provided to the proposed L-A-C from the surrounding residential areas, as well as to the core. The revised preliminary plan accommodates all trails on M-NCCPC land, HOA land, or within public rights-of-way. This addresses staff's earlier concern that no trails be shown on private lots.

An extensive network of trails is proposed in the subject application, and the applicant has expressed the intent to implement the recommendations of the preliminary sector plan. In order to more fully implement the trail network proposed in the sector plan and provide additional connectivity with the subject site, staff recommends the following additional feeder trails, as well as the additional trail segments and improvements along the Cabin Branch Trail and Melwood Legacy Trail discussed below. Sidewalk widths and neighborhood trail connections will be evaluated more fully at the time of SDP.

Proposed Additional Connector Trails (six-foot-wide bike/pedestrian trails):

- Trail connector from Road FF to the Cabin Branch Trail. This trail may utilize a portion of the access road for SWM Pond number 19.
- Trail connector from Road YY to the Cabin Branch Trail. This connection can be placed between Lots 33 and 34 within a 30-foot-wide HOA access strip. The Cabin Branch trail is located immediately behind the previously noted lots.

Cabin Branch Stream Valley Trail:

The Cabin Branch Stream Valley Trail is one of the primary trail recommendations included in the preliminary Westphalia Master Plan. This stream valley trail will provide bicycle, pedestrian, and equestrian access throughout the area, as well as connecting adjoining residential communities with the planned central park. A trail was also recommended along the entirety of the Cabin Branch stream valley in the 1994 adopted and approved Melwood-Westphalia Master Plan. A continuous trail is important for the overall connectivity of the planned trail network in the Westphalia area, as well as to provide longer continuous trails and loop trail opportunities for bicyclists, hikers, and equestrians.

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The revised plans show a continuous trail along the portion of Cabin Branch east of P-615. A trail is also shown north of Road W that loops around Road RR. However, there is a gap in the Cabin Branch Trail immediately to the south of P-615. Staff recommends that the Cabin Branch Trail be provided south of P-615. This connection will extend the Cabin Branch Trail to the already planned trail just east of Road RR, thereby extending the stream valley trail all the way to Road W, as envisioned on earlier preliminary plan and CDP submittals. This additional segment of trail would require one stream and PMA crossing of a feeder creek of Cabin Branch, and this crossing should be located in the area of minimum impact and/or the shortest crossing of the PMA.

Cabin Branch Trail at MC-632:

During earlier discussions with the applicant regarding the Cabin Branch Trail, the need for safely accommodating trail users where MC-632 crosses the stream valley was noted. A traditional at-grade crossing is not desirable for several reasons at this location. MC-632 is a planned major collector with a 100-foot right-of-way. As noted above, the Cabin Branch Trail is one of the major recreational trails in the Westphalia area. It will provide recreational opportunities for hikers, bicyclists, and equestrians, will connect to the planned central park, and will provide an extended trail for residents of the Marlboro riding equestrian community into the larger Westphalia area. Due to the large number of trail users anticipated along the master plan trail, the equestrian heritage of the Westphalia community, and the continued equestrian use fostered by the adjacent Marlboro riding community, staff recommends that the MC-632 bridge over Cabin Branch be designed to safely and attractively accommodate trail users along the Cabin Branch Trail underneath the roadway, thereby avoiding the at-grade crossing. The Department of Parks and Recreation has done similar work with DPW&T for bridges over the Henson Creek Trail to ensure that the trail accommodates trail users without having to cross major roads. A similar treatment is warranted here due to the nature of the master plan trail, the need to provide safe trail access to the central park, and the anticipated traffic traveling on MC-632 coming to and from the town center.

Suitland Parkway Extended:

Another road that will require special attention is the planned extension of Suitland Parkway (MC-631) through the subject site. MC-631 will be a major collector running through the subject site and the entire Westphalia study Area. It is planned to extend from the current terminus of Suitland Parkway at MD 4 to Harry S Truman Drive at White House Road. The National Park Service is currently evaluating the feasibility of the extension of the Suitland Parkway Trail into Prince George's County along the portion of the road between Washington D.C. and the Capital Beltway.

Although there are environmental constraints and design challenges that must be considered, it appears that this trail will be feasible and that planning for a trail along the Suitland Parkway will continue. Consequently, staff recommends that MC-631 be designed so that an asphalt side path can be provided parallel to this planned extension of Suitland Parkway.

Trail Network Overview:

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The trail network shown on the subject site is extensive, with major segments of several master plan facilities being provided. The major trails include the Cabin Branch Trail, which runs east to west through the subject site, the Suitland Parkway Extended Trail, and the Melwood Legacy Trail, which incorporates segments of old Melwood Road as a trail connection. Including trails along planned roads and feeder trail connections, the trail network provided in Smith Homes Farm will be extensive and will complement the overall vision for trails and bikeways promoted in the Westphalia Sector Plan. Staff estimates that over seven miles of trails are being provided within the subject application. Staff supports the network proposed with the changes. Approximate distances of the major trails provided include the following. These distances include the additional trail segments recommended below for the Cabin Branch Trail, Melwood Legacy Trail, and connector trails.

Cabin Branch Stream Valley Trail: 9,960 linear feet

Melwood Legacy Trail: 2,580 linear feet (not including portion along MC-632)

Suitland Parkway Extended Trail (MC-631): 7,410 linear feet

Trail along MC-632: 2,550 linear feet

Trail along P-616: 1,140 linear feet

Trail along MC-635: 3,960 linear feet

Trail along P-615: 1,470 linear feet

Stream valley feeder trail (north of Cabin Branch): 990 linear feet

Six-foot bike/pedestrian trails: 8,970 linear feet

Trail along Road C and Road OO: 1,230 linear feet

TOTAL: 40,260 linear feet (7.6 miles)

Complementing the trail network will be bicycle and pedestrian compatible roadways. Roads should include standard sidewalks, and wide sidewalks may be warranted within the core or leading to the LAC. A comprehensive network of sidewalks will help to ensure that a pedestrian-friendly, walkable community is provided. Similarly, new road construction should accommodate bicycle traffic in conformance with the 1999 AASHTO *Guide for the Development of Bicycle Facilities*. Major roads through the subject site should include either standard or wide sidewalks with on-road bike facilities, or the provision of a side path or trail to accommodate pedestrians and bicyclists.

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Melwood Road Legacy Trail:

The preliminary Westphalia Sector Plan recommends that segments of Melwood Road “be preserved along with a green buffer on either side as an integral part of the community’s trail and greenway network. The preserved segments should be incorporated into a north/south multipurpose path that wends through the center of the community. Sections of the trail/lane that are not wooded and outside of the PMA may be realigned to parallel new streets, through parks, along lakes, etc., as needed to achieve the desired result.” (page 28, preliminary Westphalia Sector Plan).

The revised preliminary plan includes the preservation of long segments of Melwood Road as a trail corridor in both HOA and M-NCPPC land. This trail will be relocated along C-632 to the south of Cabin Branch. South of the subject property, the old road may again be utilized as a trail to the east of C-632. The amount of Melwood Road preserved as a trail has been greatly increased from the earlier preliminary plan submittal and the CDP. Staff supports the current proposal to preserve Melwood Road within HOA and M-NCPPC land as indicated on the revised preliminary plan. Much of the road has been preserved as intended in the sector plan, and the trail connection is made through the subject site as envisioned in last year’s charrette for the Westphalia area. Where the trail is adjacent to C-632, it should be a minimum of eight feet wide, asphalt, and separated from the curb by a planting strip. Approximately 2,580 linear feet of old Melwood Road has been preserved as the Melwood Legacy Trail on the subject site, while approximately 2,010 linear feet of the trail will be provided along C-632 (where this improved road replaces the current Old Melwood Road).

Staff is concerned about the width of the corridor being preserved as the trail/greenway for the segment of Old Melwood Road being preserved to the north of Road M (see sheet 3). Current plans reflect a corridor being preserved in HOA land that is 20 feet wide. This appears to be adequate to retain the existing portion of the roadway, but leaves little or no land along either side of the road to be preserved as a “green buffer” as recommended on page 28 of the preliminary Westphalia Sector Plan. Staff recommends that a minimum of five feet of green space be preserved along both sides of the planned trail to serve as the green corridor envisioned in the sector plan (30 feet wide total HOA parcel). This green space would also serve to buffer the trail from the adjacent residential lot and would ensure that the actual trail would not be immediately on the lot line of the adjacent lot. This green space would allow for suitable plantings, pedestrian amenities, lighting, and the preservation of any existing specimen trees adjacent to the roadway. This recommendation impacts Lots 18, 19, 34 and 35 of Block L; Lots 13, 14, 26, and 27 of Block P; and Lots 6, 7, 23, and 24 of Block R.

Crosswalks and other pedestrian safety features can be considered at the time of specific design plan. These types of treatments may be warranted along the trail where it intersects with Road M, Road T, Road S, and Road Q. Roads M and Q perhaps require the most attention as they include 70- and 60-foot wide rights-of-ways, respectively. The crossing at MC-631 will also have to be

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evaluated and appropriate pedestrian safety features will be recommended. MC-631 is a major collector and includes a 100-foot wide right-of-way, making the pedestrian crossing more difficult.

The segment of Old Melwood Road on Parcel 25 is eliminated due to the proposed building, parking lot, extensive areas of PMA, and several stormwater management ponds. However, long segments of the road are preserved both to the north and the south of Parcel 25. Staff recommends that the connection through this parcel be accommodate through the provision of wide sidewalks along Road Z and Road M and/or trail connections through the HOA open space. Appropriate sidewalk widths or trail connections should be determined at the time of SDP.

9. **Transportation**—The property is located generally between MD 4 and Westphalia Road and along both sides of Mellwood Road. The applicant has recently received the current zoning, and currently has the comprehensive design plan CDP-0501 approved by the Planning Board and the District Council. The applicant proposes 2,424 conventional mixed-type residences and 1,224 senior housing units, for a total of 3,648 residences. Also, † [170,000][140,000] square feet of commercial retail space is proposed on the preliminary plan within the L-A-C Zone.

The applicant prepared a traffic impact study dated September 2005, along with an additional analysis dated November 2005 covering intersections internal to the overall site and prepared in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The findings and recommendations outlined below are based upon a review of all materials received and analyses conducted by the staff, are consistent with the guidelines.

Growth Policy—Service Level Standards

The subject property is located within the developing tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized intersections: The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

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The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections:

MD 4 and Westphalia Road (signalized)
MD 4 and Suitland Parkway/Presidential Parkway (signalized)
MD 4 and Dower House Road (signalized)
MD 223 and MD 4 westbound ramps (unsignalized)
MD 223 and MD 4 eastbound ramps (unsignalized)

Existing conditions in the vicinity of the subject property are summarized below:

<u>EXISTING TRAFFIC CONDITIONS</u>				
<u>Intersection</u>	<u>Critical Lane Volume (AM & PM)</u>		<u>Level of Service (AM & PM)</u>	
<u>MD 4 and Westphalia Road</u>	<u>1,425</u>	<u>1,554</u>	<u>D</u>	<u>E</u>
<u>MD 4 and Suitland Parkway/Presidential Parkway</u>	<u>1,740</u>	<u>1,731</u>	<u>F</u>	<u>F</u>
<u>MD 4 and Dower House Road</u>	<u>2,236</u>	<u>1,922</u>	<u>F</u>	<u>F</u>
<u>MD 223 and MD 4 westbound ramps</u>	<u>16.8*</u>	<u>16.1*</u>	<u>--</u>	<u>--</u>
<u>MD 223 and MD 4 eastbound ramps</u>	<u>34.4*</u>	<u>27.7*</u>	<u>--</u>	<u>--</u>
<u>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.</u>				

A review of background development was conducted by the applicant. The area of background development includes over 20 sites encompassing over 2,150 approved residences and over two million square feet of employment-related uses. The traffic study also includes a growth rate of 2.0 percent per year along MD 4 and 1.0 percent per year along the other facilities within the study area to account for growth in through traffic.

It is further noted that all computations for background and total traffic assume full funding of the planned interchanges at MD 4/Westphalia Road, MD 4/Suitland Parkway, and MD 4/Dower House Road. Although the MD 4/Suitland Parkway interchange is fully funded for construction in the current state Consolidated Transportation Program (CTP), neither of the other interchanges is currently programmed for construction. While this applicant has committed to † [major] [participate in the PFFIP] improvements at MD 4 and Westphalia Road, no such commitment currently exists for MD 4 and Dower House Road; while this intersection will be discussed further below, it is not appropriate to assume that it will soon become an interchange and report the results thusly. Therefore, the results at MD 4 and Dower House Road will be reported as they would be

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for an at-grade signalized intersection. There are improvements in the county Capital Improvement Program (CIP) that have been factored into the analysis.

Background traffic is summarized below:

<u>BACKGROUND TRAFFIC CONDITIONS</u>				
<u>Intersection</u>	<u>Critical Lane Volume (AM & PM)</u>		<u>Level of Service (AM & PM)</u>	
<u>MD 4 westbound ramps and Westphalia Road</u>	<u>621</u>	<u>940</u>	<u>A</u>	<u>A</u>
<u>MD 4 eastbound ramps and Old Marlboro Pike</u>	<u>813</u>	<u>1,063</u>	<u>A</u>	<u>B</u>
<u>MD 4 westbound ramps and Presidential Parkway</u>	<u>349</u>	<u>389</u>	<u>A</u>	<u>A</u>
<u>MD 4 eastbound ramps and Suitland Parkway</u>	<u>334</u>	<u>171</u>	<u>A</u>	<u>A</u>
<u>MD 4 and Dower House Road</u>	<u>1,865</u>	<u>1,647</u>	<u>F</u>	<u>F</u>
<u>MD 223 and MD 4 westbound ramps</u>	<u>28.8*</u>	<u>29.4*</u>	<u>--</u>	<u>--</u>
<u>MD 223 and MD 4 eastbound ramps</u>	<u>69.4*</u>	<u>123.5*</u>	<u>--</u>	<u>--</u>
<u>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.</u>				

The site is proposed for development with 2,424 conventional mixed-type residences and 1,224 senior housing units, for a total of 3,648 residences. Additionally, † [170,000] [140,000] square feet of commercial retail space is planned within the L-A-C Zone. Of the conventional housing, a mix of 319 detached, 531 townhouse, and 1,574 multifamily residences are proposed. The proposal is currently estimated to generate 1,847 AM (404 in, 1,443 out) and 1,726 PM (1,194 in, 532 out) peak-hour vehicle trips. This considers that approximately 75 percent of the trips utilizing the retail component are internal to the site, and given the quantity of housing versus the quantity of commercial space, along with the location of the retail space internal to the development, this would seem a reasonable assumption.

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Total traffic (for the three sites, including the subject site) is summarized below:

TOTAL TRAFFIC CONDITIONS				
<u>Intersection</u>	<u>Critical Lane Volume (AM & PM)</u>		<u>Level of Service (AM & PM)</u>	
<u>MD 4 westbound ramps and Westphalia Road</u>	<u>822</u>	<u>999</u>	<u>A</u>	<u>A</u>
<u>MD 4 eastbound ramps and Old Marlboro Pike</u>	<u>813</u>	<u>1,063</u>	<u>A</u>	<u>B</u>
<u>MD 4 westbound ramps and Presidential Parkway</u>	<u>524</u>	<u>470</u>	<u>A</u>	<u>A</u>
<u>MD 4 eastbound ramps and Suitland Parkway</u>	<u>425</u>	<u>415</u>	<u>A</u>	<u>A</u>
<u>MD 4 and Dower House Road</u>	<u>2,014</u>	<u>1,835</u>	<u>F</u>	<u>F</u>
<u>MD 223 and MD 4 westbound ramps</u>	<u>154.3*</u>	<u>70.5*</u>	--	--
<u>MD 223 and MD 4 eastbound ramps</u>	<u>+999*</u>	<u>+999*</u>	--	--
<u>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.</u>				

Traffic Impacts: The traffic analysis makes the following determinations:

1. Signalized intersections of all ramp junctions with the minor roadways will operate acceptably with the development of the site.
2. The unsignalized ramp junctions along MD 223 are analyzed in the traffic study as signalized intersections. They are not; they are currently unsignalized, and the appropriate means of analysis has been employed in this memorandum. The analysis indicates that both intersections would operate unacceptably as unsignalized intersections. It is recommended that signal warrants be studied prior to specific design plan in consideration that the signal warrant study is a better and more detailed study of the adequacy of intersection operations. This is actually recommended in the traffic study as Exhibit 12 labels the traffic signals at these locations as "new." Each intersection would operate acceptably with the development of the site if signalized.
3. The traffic study states that the site is not making a direct connection to Dower House Road and notes that traffic using eastbound MD 4 or southbound MD 223 will utilize the MD 4/MD 223 junction, while westbound traffic will use either the MD 4/Suitland Parkway or the MD 4/Westphalia Road intersections. Although the traffic study does not state this, because there are no recommendations for this failing intersection, it would be presumed that the applicant believes this intersection to be noncritical. This is partially

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correct, as traffic headed southbound from the site would utilize this intersection. The intersection does serve ten percent of site traffic, but there are no turning movements at the intersection, only through (north/south) movements. Therefore, it is agreed that the MD 4/Dower House Road intersection is not critical to the development of this site.

4. The traffic study states that "it is essential that MD 4 be upgraded to a controlled access facility" in the area of the subject site. Furthermore, the traffic study recommends that "a fair share contribution to this regional transportation problem [will] be addressed by a public/private partnership whereby the developer of the Smith Home Farm Property would build the Westphalia Road interchange as a condition of approval" of the subject plan. Given that this proffer is a major part of the overall determination of adequacy, it is advisable that this be made a condition of approval for the subject property.

The basic plan was approved by the Planning Board with a condition that CDP review would include "recommendations regarding significant internal access points along master plan roadways, along with intersections of those roadways within the site, for detailed adequacy study at the time of preliminary plan of subdivision." A list of intersections was determined during review of the CDP and these intersections were reviewed in the November 2005 supplemental study. The following intersections are included in this review:

1. Westphalia Road and west access point (in original plan but deleted from current plan)
2. Westphalia Road and MC-635
3. Presidential Parkway and MC-631
4. MC-631 and MC-635/P-615
5. MC-632 and P-615
6. MC-631 and MC-632/P-616
7. MC-632 and P-612/Road C
8. MC-635 and Road J
9. MC-631 and Road M
10. MC-631 and Road RR
11. MC-635 and Road A
12. P-616 and Road M

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It is noted that two of the intersections are analyzed as roundabouts, while the remaining ten intersections are analyzed as signalized intersections. It has been stated on many occasions in memoranda that if a potentially unsignalized intersection has a CLV reported, then it is presumed that the applicant will study signalization at that location. Nonetheless, transportation staff has taken the step of computing the delay by means of the *Highway Capacity Manual* for all intersections involving roadways of a primary or commercial classification. CLVs will be reported for each intersection involving two master plan roadways (except where a roundabout is assumed). Total traffic (for the three sites, including the subject site) is summarized below:

TOTAL TRAFFIC CONDITIONS				
<u>Intersection</u>	<u>Critical Lane Volume (AM & PM)</u>		<u>Level of Service (AM & PM)</u>	
<u>Westphalia Road and east access point/MC-635</u>	<u>429</u>	<u>435</u>	<u>A</u>	<u>A</u>
<u>Presidential Parkway and MC-631</u>	<u>13.7**</u>	<u>13.2**</u>	<u>B</u>	<u>B</u>
<u>MC-631 and MC-635/P-615</u>	<u>842</u>	<u>681</u>	<u>A</u>	<u>A</u>
<u>MC-632 and P-615</u>	<u>0.65***</u>	<u>0.48***</u>	<u>C</u>	<u>B</u>
<u>MC-631 and MC-632/P616</u>	<u>1,013</u>	<u>1,014</u>	<u>B</u>	<u>B</u>
<u>MC-632 and Road C</u>	<u>30.7*</u>	<u>21.9*</u>	<u>--</u>	<u>--</u>
<u>MC-635 and Road J</u>	<u>0.25***</u>	<u>0.28***</u>	<u>A</u>	<u>B</u>
<u>MC-631 and Road M</u>	<u>12.3*</u>	<u>15.2*</u>	<u>--</u>	<u>--</u>
<u>MC-631 and Road RR</u>	<u>41.7*</u>	<u>33.6*</u>	<u>--</u>	<u>--</u>
<u>MC-635 and Road A</u>	<u>8.7*</u>	<u>8.5*</u>	<u>--</u>	<u>--</u>
<u>P-616 and Road M</u>	<u>0.24***</u>	<u>0.45***</u>	<u>A</u>	<u>B</u>
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.</p> <p>**The multilane roundabout is evaluated using SIDRA (Signalized and Unsignalized Intersection Design and Research Aid). Average delay for various movements through the roundabout is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. Delay exceeding 50.0 seconds indicates inadequate traffic operations.</p> <p>***The roundabout is evaluated using the <i>Highway Capacity Manual</i> software. The measurement is expressed as a ratio of volume through the roundabout to capacity of the roundabout. A ratio of 0.80 is the upper limit of LOS D.</p>				

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The supplemental analysis was intended to answer two questions regarding internal intersections: what type of traffic would be needed, and what lane configuration would be needed. Staff would offer the following determinations:

Regarding traffic control:

- At the MC-631/Presidential Parkway intersection, a two-lane roundabout was shown to be acceptable at this time. However, DPW&T has indicated that a roundabout would not be an acceptable traffic control device at this location. Given the master plan recommendations for Presidential Parkway, there indeed may be a future need for something more significant than a two-lane roundabout at this location as other sites (with no pending applications) in the subarea develop. Therefore, a traffic signal warrant study should be conducted at this location, and a traffic signal should be installed if warranted. Such study may be waived by DPW&T in the event that affirmative approval of DPW&T for the use of the roundabout and its conceptual design is received.
- At the intersection of Westphalia Road and MC-635, it is recommended that signalization be studied and that a signal be installed if deemed warranted. Such study should be required prior to specific design plan approval for the age-restricted portion of the development. Also, the MC-635 facility should be aligned to provide a direct connection opposite to D'Arcy Road.
- At the intersection of MC-631 and MC-635/P-615, it is recommended that signalization be studied and that a signal be installed if deemed warranted. Such study should be required prior to specific design plan approval for either the age-restricted portion of the development or the L-A-C portion of the development.
- At the intersection of MC-631 and MC-632/P-616, it is recommended that signalization be studied and that a signal be installed if deemed warranted. Such study should be required prior to specific design plan approval for the L-A-C portion of the development.
- At the intersection of MC-632 and P-615, in accordance with the master plan recommendation for a four-lane major collector, it is recommended that the intended one-lane roundabout be designed for a two-lane roundabout in order that sufficient right-of-way for the ultimate facility is obtained. Affirmative approval of DPW&T must be received for the conceptual design of the roundabout prior to the approval of the initial specific design plan that includes any portion of this intersection. DPW&T should determine whether a one-lane or a two-lane roundabout will be implemented at this location; however, such determination should, if a one-lane roundabout is chosen, also indicate the ultimate responsibility for upgrading the roundabout.
- At the intersection of MC-635 and Road M, in accordance with the master plan recommendation for a four-lane major collector, it is recommended that the roundabout be

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designed for a two-lane roundabout in order that sufficient right-of-way for the ultimate facility is obtained. Affirmative approval of DPW&T must be received for the conceptual design of the roundabout prior to the approval of the initial specific design plan that includes any portion of this intersection.

Regarding lane configuration:

- It is recommended that intersections along the major collector (MC) facilities include exclusive left-turn lanes. DPW&T should reasonably determine all construction within dedicated rights-of-way. Nonetheless, the recommendations for major collectors assume that four travel lanes and a median will be available, and for safety reasons left-turning traffic should be separated from through traffic to the extent possible.

Plan Comments

During 2005, the Prince George's County Planning Department worked with a consultant team on the Westphalia Comprehensive Concept Plan. The purpose of the plan was to refine policies contained in the 1994 Melwood-Westphalia Master Plan and the 2002 General Plan for Prince George's County and to provide an updated vision and detailed guidance for several major development proposals within the Westphalia planning area, including the subject property. As a part of the preparation of that plan, the recommendations were tested with an independent traffic analysis based upon the operation of links, or sections of roadway (either existing or planned) within the study area. The plan proposed a modified roadway system in consideration of planned development patterns, current environmental constraints, and the intent to provide transit-oriented development within a core area with proposed future rail transit service.

Nonetheless, †[previously] the approved transportation plan in the 1994 Melwood-Westphalia Master Plan and the proposed network in the WCCP are quite different—and the 1994 plan † [currently] govern[s][ed] as policy. During review of the comprehensive design plan, it was determined by the transportation planning staff that, within the subject property, the transportation network proposed under the WCCP was indeed equivalent to the existing master plan.

† [At this time, staff is in the midst of finalizing][The] roadway recommendations for the Westphalia Sector Plan and Sectional Map Amendment †[. While these recommendations do not yet carry the power of law, they] are †[made] consistent with the WCCP study—which was done in response to the subject applications and other applications in the area that are either pending or planned. † [Furthermore, given the timeframe for t][T]he processing and review of the Westphalia Sector Plan and Sectional Map Amendment, †[it is very likely that the recommendations in that plan will be][the plan is] applicable †[when this site is subjected to further review]. It should be noted that these alignments may be modified through further environmental study associated with †[completion of] the sector plan and where specific issues currently exist they are explained further below. Findings at time of specific design plan should include comments on the degree of conformity with the Westphalia Sector Plan † [, at whatever state of approval exists at the time of

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review]. Therefore, the following proposed facilities on the Westphalia Sector Plan affect the subject site:

1. MC-635 is shown on the sector plan within a 100-foot right-of-way. During review of this plan, DPW&T has agreed to a modified 80-foot right-of-way along MC-635, as shown on the submitted plan.
2. MC-632 is shown on the sector plan within a 100-foot right-of-way, and this is consistent with the submitted plan.
3. P-616 is shown on the sector plan within a 60-foot right-of-way (70 feet from C-631 to Road M), consistent with the submitted plan.
4. P-615 is shown on the sector plan within a 60-foot right-of-way, and this is consistent with the submitted plan.
5. C-626, Westphalia Road, is shown on the sector plan within a 80-foot right-of-way, and the plan reflects 40 feet from centerline along existing Westphalia Road.
6. MC-631 is shown on the sector plan within a 100-foot right-of-way. The location shown on the preliminary plan is not consistent with the sector plan over the westernmost 1,000 feet. The sector plan aligns the roadway slightly north of the location on the preliminary plan to form a direct link with the MD 4/Suitland Parkway interchange. The preliminary plan location appears to involve greater environmental impacts and would create a "T" intersection with the existing Presidential Parkway. Creating this "T" intersection is not optimal; Presidential Parkway is intended to continue northward along a new alignment in the sector plan and in order to effectuate this recommendation under the applicant's proposal, a second "T" intersection would need to be implemented 400 feet north of the applicant's proposed "T" intersection. Figure 1 is attached to show this arrangement. As a means of achieving the sector plan's vision for the transportation network in this area, it is recommended that the sector plan alignment, and not the alignment shown on the preliminary plan, be utilized to the west of Road RR. Details of this alignment must be finalized prior to signature approval of the preliminary plan. Consistency with the sector plan should be verified at the time of specific design plan.
7. MC-634 is shown on the sector plan within a 100-foot right-of-way as an extension of the existing Presidential Parkway. A zoning application has been submitted for the adjacent Cabin Branch Village site (A-9976), and this plan shifts MC-634 coincident to and west of Ryon Road. Given the function of this facility, it is probably not desirable to route it through the Cabin Branch Village site or to establish several points of access to it within that site. The subject subdivision shows this right-of-way.

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8. P-612 is shown on the sector plan within a 60-foot right-of-way (note: Map 7 in the preliminary sector plan erroneously labels this facility as P-615, but the text on page 27 identifies it correctly) in a location that would not affect the subject plan. As a means of minimizing impacts to the community along Mellwood Road, the sector plan is being revised to move this roadway north. It would be coincident with Road C and Road EE within the subject property. However, the current plan shows this roadway to end at Road FF approximately 200 feet short of the Claggett Property, with the extension of the roadway to potentially occur through Parcel 62, which is labeled for dedication to the homeowners association. It is recommended that this parcel be reconfigured to align with Road EE and include the fillets needed at an intersection, and be dedicated for the future P-612 facility.

Transportation staff determines that the plan, as currently submitted, is largely acceptable for circulation within the overall community. However, adequate connections to existing dedicated public streets are not provided around the perimeter of the property. Prior to the approval of each final plat adequate public street connections should be required. These connections will be the responsibility of the applicant to secure. All roadways are adequately sized with clear distinctions between public and private roadways. There remain a few outstanding issues, and these issues are described below:

1. The plan should show a primary street connection between the adjacent Woodside Village site (A-9973) across the Cabin Branch. This street should connect to Road C near private road DDD. This connection is needed to connect the subject property to park and school facilities that will be located within Woodside Village. It will also provide a connection between Woodside Village and a school site on the subject property, as well as providing a more direct connection for Woodside Village to the town center area. Finally, it will provide a secondary connection for a large portion of Woodside Village.
2. A plan entitled "Smith Home Farm Traffic Calming" has been received. All proposed traffic calming devices shown on this plan should be reflected on the appropriate specific design plans and verified by transportation staff. Installation of such devices must have specific approval of DPW&T prior to approval of the appropriate specific design plan.
3. A plan entitled "Transit Plan—Smith Farm" has been received. Transportation staff remains concerned that the bus circulation plan provided by the applicant is based upon straight-line distances of 0.45 miles. The transit staff at DPW&T clearly indicated that most of the development should be transit-serviceable within one-quarter mile, and the applicant indicated that the plan would be based upon walking distance, not straight-line distance. Nonetheless, all proposed transit facilities shown on this plan should be reflected on the appropriate specific design plans and verified by transportation staff.

Installation of such facilities must have specific approval of DPW&T prior to approval of the appropriate specific design plan.

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4. The environmental impacts of Road M and its stream crossing have become an issue. The transportation staff believes that Road M provides a major entrance to the mixed retirement residential component of the development. It is the primary entrance to the recreational facility serving the mixed retirement community. This roadway will be a secondary entrance to the multifamily residential components in and around the L-A-C portion of the site. This roadway should not be deleted from the plan.

Prior plans have a number of conditions that require review. The status of the transportation-related conditions is summarized below:

A-9966:

Condition 2(A)(9): This condition requires that the applicant work with staff to determine the disposition of existing Mellwood Road. It is important to ensure that the impact of this site on existing Mellwood Road is greatly limited. To that end, the staging of the construction of Road C, which would connect the overall site to Mellwood Road, shall be determined by transportation staff in conjunction with the review of the specific design plan that includes the portion of Road C between MC-632 and Mellwood Road.

Condition 2(I): This condition was met during review of the comprehensive design plan, and was fulfilled with the submittal of the November 2005 supplemental traffic study.

Condition 2(K)(1): This condition requires that the timing for the construction of the MD 4/ Westphalia Road interchange be determined at the time of preliminary plan. The applicant has generously proffered to construct this interchange and has agreed to a schedule that would involve bonding and finalization of design prior to the initial building permit, and completion prior to issuance of permits for the 1,001st residential unit.

CDP-0501:

Condition 1(h)(1): This condition requires the right-of-way required for A-66 be determined at the time of subdivision. Through determination of the right-of-way for MC-634, this has been done.

Condition 1(h)(2): This condition requires the provision of a secondary external connection near the northern end of Ryon Road. The plan reflects a connection to MC-634; this is acceptable.

Condition 2: This condition establishes a trip cap for the subject site. The trip cap in this plan is identical to that reviewed at the time of CDP; therefore, the trip cap is not an issue and will be carried forward in the preliminary plan approval.

Condition 3: This condition requires the construction of the MD 4/Westphalia Road interchange. As modified under the discussion of A-9966, this condition will be carried forward.

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Condition 5: This condition requires that the applicant propose rights-of-way consistent with the WCCP in consideration of the needs shown and county standards. This condition is addressed in this resolution.

Condition 8: This condition requires the submitted of traffic signal warrant studies at two locations. This condition will be carried over as a part of this approval and enforced at the time of the initial specific design plan proposing development.

Surplus Capacity Reimbursement

This Finding is provided as a supplement to the June 6, 2006 memorandum. A transportation facilities financing plan is being prepared as a part of the Westphalia Sector Plan. As a part of the transportation needs for the area, the applicant for the subject property has made a significant proffer to construct an interchange at the intersection of MD 4 and Westphalia Road. In order to facilitate the approval of other smaller sites in the area until the approval of the financing plan and the sector plan, † ~~[the transportation staff believes that the]~~ Planning Board † ~~[should]~~ make[s] additional findings so that the MD 4/Westphalia Road interchange can be treated as a Surplus Capacity Reimbursement (SCR) improvement pursuant to the *Guidelines* and Section 24-124(b).

It is determined that the MD 4/Westphalia Road interchange meets the criteria for consideration as an SCR improvement. The *Guidelines* indicate four separate criteria to be met for such consideration:

- a. This improvement is needed solely to satisfy the Planning Board's finding of adequate transportation facilities. This improvement is not access-related or frontage-related, and it is not otherwise required pursuant to other County or State regulations.
- b. The total estimated cost to complete this improvement is greater than \$500,000. Estimated costs for this improvement exceed \$20,000,000.
- c. The current Maryland Department of Transportation Consolidated Transportation Program (CTP) shows this improvement with funding for planning. While the planning phase is a small part of the total cost to complete the improvement, it is a part of the cost. Therefore, it is determined that this improvement is shown with funding of greater than zero percent but less than one hundred percent of the total cost to complete the improvement.
- d. Upon completion of the interchange, the intersection of the westbound MD 4 ramps and Westphalia Road will operate at LOS A in both peak hours. The intersection of the eastbound MD 4 ramps and Old Marlboro Pike will operate at LOS A in the AM peak hour and LOS A in the PM peak hour. Therefore, in accordance with the *Guidelines* it is determined that this improvement will create substantial surplus capacity beyond that required by the applicant to satisfy the adequacy finding.

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Given that the MD 4/Westphalia Road interchange meets the necessary criteria for consideration as an SCR improvement, it is determined that the interchange is appropriate for treatment as an SCR improvement. By this determination, Section 24-124(b) allows for the developer to be reimbursed in part by other developers for the creation of excess capacity. Conversely, Section 24-124(b) allows other developers to receive a requirement to pay a pro-rata share of the MD 4/Westphalia Road interchange rather than receiving a condition requiring the construction of the interchange. The subject applicant has accepted a condition to construct the interchange, and must bond it, obtain permits for it, and schedule it for construction prior to the release of the initial building permit. At this point, the Planning Board would be able to formally pass a resolution establishing the SCR (Surplus Capacity Reimbursement Procedure) for the MD 4/Westphalia Road interchange. In order to ensure compliance with Section 24-124(b), it will be necessary for this to occur prior to other developments paying the pro-rata share and moving into the building permit stage of development. Despite repeated requests, however, the applicant has provided no firm timetable for completing the needed bonding so that the SCR can be formally established.

The following information will be needed to establish the SCR:

- a. Engineering and construction plans for the transportation improvement sufficient to provide detailed cost estimates for completion, including right-of-way acquisition, utility relocation, design and construction costs.
- b. A certification with SHA of the total estimated cost.

The subject application has proffered to construct the SCR improvement. While the *Guidelines* provide detailed guidance for computations involving simple intersection or link improvements, there is no guidance for the interchange that is proposed. Therefore, the following methodology will be used to compute the SCR fee for each succeeding development:

Base: SCR Improvement:

The traffic study computations have been reviewed in great detail, and a number of issues have arisen:

- The MD 4/Westphalia Road interchange is represented as two intersections connecting to ramps. Actually, the interchange involves three intersections: Westphalia Road/service road; Old Marlboro Pike/MD 4 EB ramps; and service road/MD 4 WB ramps. It is proposed that the AM and PM critical lane volumes of the three intersections be averaged in order to determine a traffic statistic for the interchange. While this statistic is roughly analogous to the critical lane volume, it is termed the "traffic statistic" in order to differentiate it from the commonly-used critical lane volume measure.

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- The traffic study assumes that all traffic can use the MD 4/Westphalia Road interchange. In fact, the general westbound on-ramp is restricted to use by emergency and public safety vehicles only due to the potential weaving conflicts between this ramp and the ramp to the outer loop of the Capital Beltway. A ramp allows general traffic to access the Beltway ramp
- only; other traffic must utilize another interchange to reach the inner loop of the Capital Beltway or continue inbound on MD 4. Staff's analysis has rerouted traffic away from this interchange as needed.
- A number of approved background developments are mislocated on the locator map, and hence are misassigned to the area roadway network. Staff's analysis has taken note of these problems and has reassigned the traffic accordingly.

With the changes as outlined above, the following results are determined, not including the subject property, as shown on Attachment A to this memorandum:

<u>Westphalia Road/service road:</u>	<u>AM CLV – 584; PM CLV – 578. Average 581</u>
<u>Old Marlboro Pike/MD 4 EB ramps:</u>	<u>AM CLV – 683; PM CLV – 831. Average 757</u>
<u>Service road/MD 4 WB ramps:</u>	<u>AM CLV – 682; PM CLV – 589. Average 635.5</u>
	<u>Base interchange traffic statistic: 657.83</u>
	<u>Created Capacity: $1450 - 657.83 = 792.17$</u>

SCR Improvement Cost:

A concept and a cost for the MD 4/Westphalia Road interchange have been provided by the applicant. These are shown as Attachments B through D. Through discussions, the costs have been refined as follows:

- Contingency is a factor that is normally applied to construction cost estimates as a means of accounting for any number of unforeseen costs. A higher contingency factor suggests the level of design that has been completed, with a lower factor used for a more advanced design. Given that the design plans are 30 percent complete, and furthermore given that the cost estimate made no allowance for right-of-way acquisition, a 35 percent contingency factor is recommended. Increasing this factor adds \$1,072,500 to the overall cost estimate.
- The cost estimate assumed the installation of traffic signals at two locations. Given that all ramps are very short in length, it is believed likely that signals will be needed at all three intersections within the interchange, and the cost estimate is corrected to add \$150,000 to include a third signal.

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- Aside from traffic control, paving, and structures, other signage will also be needed. An additional \$200,000 is added to the cost estimate to account for additional signage.
- The unit costs utilized cause the greatest concern. The roadway unit cost of \$250 per lane-foot covers paving only and not needed shoulders, barriers, drainage structures, or medians, and should be increased by one-third. This factor would increase the cost to \$332.50 per lane-foot.

With these changes, the overall cost of the interchange to be allocated would be \$25,840,000.

Pro-Rata Share for Smith Home Farm:

Using the information in the traffic study, trips are assigned as shown on Attachment E (keeping in mind that south along the Beltway or inside the Beltway cannot use the on-ramp to get onto MD 4), and total traffic with Smith Home Farm is shown on Attachment F. The following results are determined:

<u>Westphalia Road/service road:</u>	<u>AM CLV – 782; PM CLV – 731. Average 756.5</u>
<u>Old Marlboro Pike/MD 4 EB ramps:</u>	<u>AM CLV – 683; PM CLV – 831. Average 757</u>
<u>Service road/MD 4 WB ramps:</u>	<u>AM CLV – 682; PM CLV – 758. Average 720</u>
	<u>SHF interchange traffic statistic: 744.5</u>

Change in traffic statistic = SHF – Base
Change in traffic statistic = 744.5 – 657.83 = 86.67

Share = Change/Created Capacity
Share = 86.67/792.17 = 0.1094

Allocated Cost = Allocable Cost * Share
Allocated Cost = 25,840,000 * 0.1094 = \$2,830,000

Pro-Rata Share for Subsequent Development:

As an example, a Development X consisting of 712 townhouses and 344 condominiums is proposed within the area of the SCR improvement. It is determined that 42.5 percent of site traffic would use the MD 4/Westphalia Road intersection, with 25 percent destined for the Beltway south of MD 4, 5 percent for MD 4 inside the Beltway, 10 percent for Old Marlboro Pike, and 2.5 percent for MD 4 outbound. Trips are assigned as shown on Attachment G (keeping in mind that traffic heading south along the Beltway or inside the Beltway cannot use the on-ramp to get onto MD 4), and total traffic is shown on Attachment H. The following results are determined:

<u>Westphalia Road/service road:</u>	<u>AM CLV – 851; PM CLV – 829. Average 840</u>
<u>Old Marlboro Pike/MD 4 EB ramps:</u>	<u>AM CLV – 710; PM CLV – 890. Average 800</u>
<u>Service road/MD 4 WB ramps:</u>	<u>AM CLV – 784; PM CLV – 771. Average 778</u>

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Dev X interchange traffic statistic: 805.83

Change in traffic statistic = Dev X – SHF

Change in traffic statistic = 805.83 – 744.5 = 61.33

Share = Change/Created Capacity

Share = 61.33/792.17 = 0.0774

Allocated Cost = Allocable Cost * Share

Allocated Cost = 25,840,000 * 0.0774 = \$2,000,000

Summary:

It is recommended that, † [if the subject case is approved, that] (a) the proposed interchange at MD 4/Westphalia Road – which has been proffered for construction by the subject applicant – be considered as a SCR improvement in accordance with Section 24-124; and (b) a methodology for computing the pro-rata payment associated with this improvement be approved in conjunction with the above finding. Subsequent developments could use this finding and methodology as a means of finding adequacy at the MD 4/Westphalia Road intersection.

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

†[By letter dated March 21, 2012, Marva Jo Camp, Esq. representing all of the property owners of the land which is the subject of this application requested a waiver of the Planning Board's Rules of Procedures and a reconsideration of Condition 42 and Finding 9 relating solely to the construction of the Pennsylvania Avenue (MD 4)/ Westphalia Road interchange and the funding for the improvement. The Planning Board granted the waiver and request for reconsideration for good cause in furtherance of substantial public interest (Rules of Procedure, Section 10(e)) on April 19, 2012.

†[The Subdivision Regulations require that the Planning Board find adequate transportation facilities pursuant to Section 24-124 prior to approval of the preliminary plan. The Planning Board finds that under total traffic conditions the critical intersection of MD 4 and Westphalia Road failed to meet the adequate level of service required in accordance with the Planning Board's "Guidelines for the Analysis of the Traffic Impact of Development Proposals." The Planning Board placed the following condition for the construction of the MD 4/Westphalia Road interchange on this project:

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†[42. The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property, subject to the following requirements:

†[a. Prior the issuance of the first building permit, the above improvement shall have full financial assurances through either private money and/or full funding in the CIP.

†[b. Prior to the issuance of building permits for the residential permit that represents the 30 percent of the residential units; the MD 4/Westphalia Road interchange shall be open to traffic.

†[Subsequent to the Planning Board's approval of the preliminary plan, the District Council approved the 2007 *Westphalia Sector Plan and Sectional Map Amendment* by resolution (CR-2-2007) on February 6, 2007. The Smith Home Farm project (4-05080) is within the limits of the Westphalia Sector Plan. In order to "ensure the timely provision of adequate public facilities," the District Council adopted CR-66-2010 on October 26, 2010, establishing the Public Facilities Financing and Implementation Program (PFFIP) District for Westphalia Center.

†[Prior to the adoption of CR-66-2010, the Prince George's County Council amended Section 24-124 of the Subdivision Regulations, on July 23, 2008 (CB-25-2008), relating to adequate roads required in anticipation of the creation of the PFFIP as follows (emphasis added):

†[Section 24-124. Adequate roads required.

†[(a) Before any preliminary plat may be approved, the Planning Board shall find that:

†[(1) There will be adequate access roads available to serve traffic which would be generated by the proposed subdivision, or there is a proposal for such roads on an adopted and approved master plan and construction scheduled with one hundred percent (100%) of the construction funds allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, and/or such roads are incorporated in a specific public facilities financing and implementation program as defined in Section 27-107.01(186.1);

†[Section 27-107.01(186.1) of the Zoning Ordinance, which defines the Public Facilities Financing and Implementation Program (PFFIP), provides (in part) that "[t]his program should include provisions for financing strategies including, but not limited to, pro-rata contributions, sale leasebacks, funding 'clubs,' and the Surplus Capacity Reimbursement Procedures provided in Section 24-124 of the County Code, and other methods to ensure equity."

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†[Subsequent to the amendment of Section 24-124(a)(1), which provided for the PFFIP, the County Council adopted CR-66-2010 which established the Public Facilities Financing and Implementation Program (PFFIP) District for Westphalia Center. Council Resolution CR-66-2010 includes three exhibits, in general, the exhibits are:

- †[• **Exhibit A** is a map which generally sets forth the Westphalia PFFIP District and “shall consist of the property described in Attached Exhibit A of this Resolution and any additional owner/developer, its heirs, successors and/or assigns that are required to construct the MD 4/Westphalia Road Interchange and Interim Improvements” This exhibit includes the Smith Home Farm project.
- †[• **Exhibit B** sets forth the planning, engineering, construction, and administrative cost of the interchange at MD 4/Westphalia. The fee (\$79,990,000) will be paid into the Westphalia PFFIP District Fund (Fund) at the time of issuance of each building permit for the projects which are conditioned on building the interchange to meet the adequate transportation facilities at the time of preliminary plan of subdivision. The Fund “shall be established prior to the collection of any fees and all revenue collected for the Fund shall only be used for the cost of the improvements listed on Exhibit B and for customary administrative cost associated with the planning, engineering and construction of the MD 4 at Westphalia Road Interchange and Interim Improvements.” The fee is based on the average daily trips (ADT) for each project as a proportional share. In addition, Exhibit B includes a schedule and milestones.
- †[• **Exhibit C** is a draft Memorandum of Understanding (MOU) that is required to be executed by the owner/developer with the county, which sets forth the terms and conditions for the payment of fees. Council Resolution CR-66-2010 requires that the MOU be executed and recorded in Land Records and the liber/folio reflected on the record plats for the project. The MOU contains the fee to be paid with each permit. A provision does exist in CR-66-2010 for the county to establish a Tax Increment Financing District (Westphalia TIF District), excluding the Moore Property. The TIF funds will be used to offset costs related to the interchange construction associated with the commercial development within the Westphalia Town Center. The TIF fund has not yet been established and, therefore, the mechanics of how it would be operated are not understood.

†[This legislation provided the specific financing strategy under which owners/developers in the Westphalia Center would meet the adequate public facilities (APF) requirement when conditioned on the construction of the MD 4/Westphalia Road interchange. As adopted, the PFFIP District consists of all current and future projects, which are required to construct the MD 4/Westphalia Road interchange and interim improvements in order to “[m]eet a finding of adequacy of transportation facilities for an approved preliminary plan of subdivision pursuant to Section 24-124 of the Regulations.” The adoption of CR-66-2010 specifically provided for a pay-as-you-go financing mechanism to fund the Westphalia interchange and interim improvements.

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†[Council Resolution CR-66-2010, Section 7, provides that “[a]ny Owner/Developer, their heirs, successors and/or assigns that have approved plans of subdivision that include a requirement for the construction of MD 4 at Westphalia Road Interchange and Interim Improvements to meet a finding of adequacy of transportation facilities shall be subject to the provisions of the Resolution.”

†[The original Condition 42 for Smith Home Farm was approved prior to the adoption of Council Resolution CR-66-2010 and, therefore, did not provide for the use of the PFFIP. Condition 42(a) required that the applicant provide full financial assurances that the interchange at MD 4/Westphalia would be constructed prior to building permits beyond those ADTs grandfathered with this project. The reconsideration was necessary to amend Condition 42 to provide for the participation in the PFFIP, which is not a full financial assurance, and to establish conditions consistent with the requirements of CR-66-2010.

†[**Additional Background**

†[At a public hearing on December 1, 2011, regarding Comprehensive Design Plan CDP-0501/01 for Smith Home Farms, the Planning Board heard evidence presented by the applicant regarding a revision to Condition 3 of the previously approved CDP-0501. The language of Condition 3 was as follows:

†[“The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property. This shall be accomplished by means of a public/private partnership with the State Highway Administration. This partnership shall be further specified at the time of preliminary plan of subdivision, and the timing of the provision of this improvement shall also be determined at the time of preliminary plan of subdivision.”

†[Specifically, the applicant proposed the following replacement condition:

†[“Prior to the issuance of each building permit for the Smith Home Farm development, the applicant and the applicant’s heirs, successors, and/or assigns shall, pursuant to the provisions of CR-66-2010, pay to Prince George’s County (or its designee) a fee per dwelling unit. Evidence of payment must be provided to the Planning Department with each building permit application.”

†[Given the provisions of CR-66-2010 and in light of the fact that the Planning Board has taken similar action on at least three previous applications, staff supported the revision of Condition 42, with an exception.

†[**Westphalia Public Facility Financing and Improvement Program (PFFIP) District Cost Allocation Table per CR-66-2010 (Revised 10/14/2011)**

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†[On October 26, 2010, the County Council approved CR-66-2010, establishing a PFFIP District for the financing and construction of the MD 4/Westphalia Road interchange. Pursuant to CR-66-2010, staff has created a cost allocation table that allocates the estimated \$79,990,000 cost of the interchange to all of the properties within the PFFIP District. The allocation is based on the proportion of average daily traffic contributed by each development, to the total contributed by all of the developments in the District.

†[In the preparation of that table, staff had originally assigned 9,377 average daily trips (ADT) from the residential component of the proposed Smith Home Farm Development through the MD 4/Westphalia Road intersection. However, based on the PGCPB No. 06-64(A), the approved preliminary plan for the subject development was approved for a mix of dwelling units totaling ‡[3,628] 3,648. Consequently, staff is adjusted the cost allocation table to reflect the number of dwelling units approved in the preliminary plan of subdivision.

†[PFFIP Cost Allocation Update

†[As a result of the revised ADTs attributed to the subject property, the fee associated with the subject development is computed on a per dwelling unit bases and will be reflected in the MOU required by CR-66-2010. This cost is based on the fact that the residential component of the subject property accounts for ‡[11.30] 7.57 percent of the total trips allocated through the MD 4/Westphalia Road intersection. Similarly, the commercial component (‡[170,000] 140,000 square feet) accounts for ‡[1.22] 0.96 percent of the assigned trips through the subject intersection. A copy of the table (as amended by the Planning Board) was provided to the PB at the public hearing for this reconsideration as approved on May 24, 2012.

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†[Based on the current design of the proposed interchange at MD 4 and Westphalia Road, and given its close proximity to the existing interchange at MD 4 and the Capital Beltway (I-95/I-495), it is quite likely that traffic operation between both interchanges could be affected. To that end, the Federal Highway Administration (FHWA) is requiring that an Interstate Access Point Approval (IAPA) application be filed by the applicant working through the Maryland State Highway Administration (SHA). As part of the IAPA process, detailed engineering drawings of the proposed interchange must be produced, from which a final cost estimate will be derived. It is this cost estimate (up to a maximum of \$79,990,000.00) that will determine the share of each property owner within the PFFIP District. Information provided by the applicant and SHA has indicated that the IAPA process is likely to last for approximately one year. Consequently, the final cost estimate is not likely to be available before the IAPA process is completed. Since the final cost estimate is not known as of this writing, all development costs shown in the previous and current cost allocation tables are based on an assumed estimate of \$79,990,000.00. Applicants seeking building permits will pay an amount based on what was assumed at the time the cost allocation table was previously revised and as reflected in the recorded MOU that the applicant will enter into with Prince George's County prior to the approval of final plats. Pursuant to Section 4 of CR-66-2010, applicants who paid more than the amount based on the final cost estimate will be eligible for a credit refund of the overpayment.

†[CR-66-2010, Section 11 - Memorandum of Understanding ("MOU")]

†[Pursuant to Section 11 of CR-66-2010, the following is provided:

†[*"BE IT FURTHER RESOLVED that any Owner/Developer, its heirs, successors and/or assigns that are subject to the provisions of this legislation shall execute a Memorandum of Understanding ("MOU") with the County that sets forth the terms and conditions for the payment of Fees by the Owner/Developer, its heirs, successor and/or assigns pursuant to the PFFIP substantially in the form set forth in Attached Exhibit C, attached hereto and made a part hereof as if fully expressed herein. The MOU for each project shall be executed prior to Planning Board approval of any final plat for that Project. Upon approval by the County, the MOU shall be recorded among the County land records and noted on the final plat of subdivision. Failure of the Owner/Developer or its heirs, successors and/or assigns to execute and record the MOU shall preclude the issuance of any building permit to any Owner/Developer, heirs, successors and/or assigns that are subject to the provisions of the legislation."*

†[In light of this provision, all preliminary plans of subdivision subject to CR-66-2010 shall be conditioned on providing a copy of the recorded MOU and the liber/folio reflected on the record plat.

†[CR-66-2010, Section 12 – Management Consortium]

†[Pursuant to Section 11 of CR-66-2010, the following is provided:

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†[“BE IT FURTHER RESOLVED that any Owner/Developer, its heirs, successors and/or assigns that are subject to the provisions of this legislation and have a project with more than five hundred seventy-five (575) projected units or one hundred thousand (100,000) projected square footage shall join a Management Consortium (“Consortium”). The Consortium shall be formed by the owners/developers, their heirs, successors and/or assigns six months following the adoption of this Resolution but not later than the date of submission of construction plans and specifications for any part of the MD 4 at Westphalia Road Interchange and Interim Improvements to SHA and/or DPW&T for review specifically for the purpose of administering the planning, design and construction of the MD 4 at Westphalia Road Interchange and Interim Improvements.”]

†[Information provided to staff by the applicant has indicated that on May 17, 2011, a filing to establish the Westphalia Sector Management Consortium, LLC (“Consortium”) was made. Staff was further advised by the applicant’s attorney that acknowledgement of said filing was received on July 6, 2011. Staff has also been provided with electronic evidence (e-mail) of correspondence between the applicant and SHA, indicating that the IAPA process began in April 2011.]

***Transportation Staff Conclusions**

Based on the preceding findings, † ~~[the Transportation Planning Section concludes that]~~ adequate transportation facilities †~~[would]~~~~[will]~~ exist to serve the proposed subdivision as required under Section 24-124 of the Prince George’s County Code †~~[if the application is approved with conditions]~~.

10. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for the impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

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Residential

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	3648 sfd	3648 sfd	3648 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	875.52	218.88	437.76
Actual Enrollment	3965	7218	10839
Completion Enrollment	176	112	223
Cumulative Enrollment	63.12	17.04	35.16
Total Enrollment	5079.64	7565.92	11534.92
State Rated Capacity	4140	6569	8920
Percent Capacity	122.70%	115.18%	129.32%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

These figures are correct on the day the referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution of approval will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and 12,706 to be a paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

Proposed School Site

The subject site is located in an area recommended by the 1994 approved and adopted Melwood Westphalia master plan with a proposed floating elementary school and library symbols.

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The application shows a proposed school site located south of the Blythwood Historic site, east of road C-632, currently outside of the limits of the Blythwood Historic Site and its environmental setting. It appears that the applicant is proposing to provide for the stormwater management for the school site on private homeowners association land, or public parkland if conveyed to M-NCPPC. Staff would not recommend that the public institution utilize land privately owned by the homeowners association, or M-NCPPC. The Department of Environmental Resources does not manage or take maintenance responsibilities for stormwater management facilities on private lands. DER only requires a maintenance schedule and agreement, which would require that the BOE and the HOA or M-NCPPC enter into an agreement for responsibility of the SWM facility, staff believes inappropriately requiring a contractual arrangement between these entities.

The Board of Education typically needs 12–15 acres to construct a school and playfields in a suburban environment. The preliminary plan currently indicated 3.9 acres of land for a future school site and this should be increased to ensure that onsite stormwater management, parking and recreational facilities can be provided. Staff recommends a minimum of seven acres, to be dedicated concurrent with the dedication of the rights-of-way of MC 632 and Road C, whichever comes first, in the vicinity of the BOE school site. Prior to signature approval of the preliminary plan the BOE property as delineated on the preliminary plan should be revised to reflect seven acres of dedication to include that portion of Parcel T, between Parcel R and MC632, south of the parcel stem extending to the traffic circle. The BOE is aware that this additional acreage is within the environmental setting for the historic site. Historic Preservation staff has indicated that the HPC would generally concur with the use of that portion of the property which is lawn area, be utilized for recreation purposes such as ball fields. The BOE property should not suffer the disposition of improvements necessary to support the Smith Home Farm development.

The Historic Preservation and Public Facilities Planning Section staff have evaluated this project for conformance to the public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

Commercial

The portion of the subdivision that is developed with commercial and retail uses is not subject to review for its impact on schools clusters.

11. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance. This preliminary plan was accepted for processing by the Planning Department on October 14, 2006.

Residential

The Prince George's County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Forestville, Company 23,

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using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CB-56-2005.

The Fire Chief has reported by letter, dated December 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

Commercial

The existing fire engine service at Forestville Fire Station, Company 23 located at 8321 Old Marlboro Pike has a service travel time of 4.20 minutes, which is beyond the 3.25-minute travel time guideline.

The existing ambulance service at Forestville Fire Station, Company 23 located at 8321 Old Marlboro Pike has a service travel time of 4.20 minutes, which is within the 4.25-minute travel time guideline.

The existing paramedic service at Kentland Fire Station, Company 46 located at 10400 Campus Way South has a service travel time of 11.32 minutes, which is beyond the 7.25-minute travel time guideline.

The existing ladder truck service at District Heights Fire Station, Company 26 located at 6208 Marlboro Pike has a service travel time of 8.43 minutes, which is beyond the 4.25-minute travel time guideline.

The existing paramedic services located at Kentland Station, Company 46, are beyond the recommended travel time guideline. The nearest fire station Forestville, Company 23 is located at 8311 Old Marlboro Pike, which is 4.20 minutes from the development for commercial. This facility would be within the recommended travel time for paramedic services. If an operational decision to locate this service at that facility is made by the county.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

12. **Police Facilities**—The Prince George's County Planning Department has determined that this preliminary plan is located in Police District II-Bowie. The preliminary plan was accepted for processing by the Planning Department on October 14, 2005.

Residential

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The standard for emergency calls response is 10 minutes and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months beginning with January 2005.

<u>Reporting Cycle</u>	<u>Date</u>	<u>Emergency Calls</u>	<u>Nonemergency</u>
Acceptance Date	01/05/05-09/05/05	11.00	24.00
Cycle 1	01/05/05-10/05/06	11.00	24.00
Cycle 2	01/05/05-11/05/05	10.00	24.00
Cycle 3			

The Police Chief has reported that the then current staff complement of the Police Department is 1302 sworn officers, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005, for an application filed prior to January 1, 2006.

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on November 5, 2005. In accordance with Section 23-122.01 of the Subdivision Regulations, all applicable tests for adequacy of police and fire facilities have been met.

Commercial

The proposed development is within the service area for Police District II-Bowie. The Police Chief has reported that the current staff complement of the Police Department is 1302 sworn officers, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420, for an application filed prior to January 1, 2006.

13. **Health Department**—The Health Department has reviewed the preliminary plan and offers the following comments:

All existing/abandoned shallow and deep wells found within the confines of the above-referenced property should be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the grading permit.

The location of the wells should be located on the preliminary plan. The applicant should be advised that the wells serving occupied houses should not be disconnected/abandoned until the houses are vacated. Once all the existing houses within the confines of the above-referenced property are vacated, all abandoned septic systems serving said houses must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic systems should be located on the preliminary plan.

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The 2-hole privy serving the bunkhouse near the barn/stable associated with 4101 Melwood Road must be removed. To abandon the privy, the contents should be removed, if possible, by a licensed scavenger and the excavation limed prior to backfilling. If the contents cannot be removed, the materials should be limed and then backfilled.

Numerous above/below ground fuel storage tanks (oil, transmission fluid, fuel) as well as containers of fertilizers/pesticides were noted on-site. These tanks must be removed as part of the raze permits and the contents properly discarded. If staining is encountered, the soils beneath these tanks must be removed and properly disposed. A representative from the Health Department should evaluate the soils for possible contamination once the tanks are removed prior to grading permit approval.

Prior to the approval of a final plat that contains existing structures to be razed, those structures should be razed, and the well and septic systems properly abandoned. A raze permit is required prior to the removal of any of the structures on-site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structure being razed.

The German Orphan Home is located to the south of the site. The Home is currently served by well and septic systems. The Health Department recommends that upon availability that public water and sewer connection be provided to the adjacent German Orphan Home at 4620 Melwood Road.

14. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #36059-2005-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan. The preliminary plan and Type I Tree Conservation plan should be revised to conform to the conditions of the SWM approval.
15. **Historic**- This Preliminary Plan of Subdivision surrounds Blythewood and its 33-acre environmental setting. The Historic Preservation Commission reviewed this plan at the February 21, 2006 meeting. Subsequent to that meeting, the M-NCPPC archeologist clarified that the pit feature at archeological site, 18PR766, is not within the environmental setting for Blythewood but to the northwest at Road I and Road X of Block M. This memo carries forward their recommendations as well as staff recommendations on further information submitted with this preliminary plan under reconsideration.

The District Council approved the re-zoning of Smith Home Farm (A-9965/6) with conditions on February 14, 2006. The plans submitted with this preliminary plan of subdivision match the plans submitted with CDP-0501 (referred April 19, 2006). The environmental setting for Blythewood

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(33 acres) was determined by the Historic Preservation Commission (HPC) at its October 18, 2005, meeting. This proposal does not delineate the Blythewood Complex within the 33-acre environmental setting. The boundary of the Environmental setting shown on the preliminary plan is slightly different from what was approved by the HPC and is only 29.2 acres. In addition, a 5.5-acre area containing the Blythewood house and domestic and agricultural outbuildings is shown. The two tenant houses are not included in 5.5 acres.

The plans submitted delineate the approximate location of modern gravesites, directly south of the Blythewood on the top of the knoll and within the environmental setting. In order to comply with Section 106 review and the Planning Board directive concerning archeological investigation, the applicant has conducted a Phase I archeological investigation to determine whether or not the property contains important evidence of Native American and African American habitation and burials.

Further archeological investigation should be required. Additional information about African-Americans on-site in the eighteenth and nineteenth centuries is needed to document their presence. Wills and inventories of past owners of the Smith property should be searched for the transfer of land and material property including slaves. The 1864 Slave Statistics show that 39 slaves are recorded for William F. Berry. Analysis of earlier sources may provide information about African-Americans on the Smith property prior to William F. Berry. Review of recent archaeological reports on plantation sites from Prince George's County may provide information useful to determining the location of structures not located on historic maps.

Twelve archaeological sites were discovered during the survey of the Smith property. At one site, 18PR766, a pit feature was discovered. It is stated that shovel test pits at 18PR766 did not determine the depth and nature of the pit feature. Phase II investigations to determine the depth and nature of the pit feature should be conducted. In addition, a more detailed examination of primary historic documents may determine if a household was established in the area prior to the nineteenth century and if the structure was associated with either of the two earlier tracts, Free School or Lucky Discovery, which pre-dated Blythewood and the tenure of William F. Berry.

An archaeological survey was conducted around the two Blythewood tenant houses. Three low-density artifact scatters from the mid-nineteenth to the twentieth century were recovered but no artifact patterning was identified. It is stated that the two circa 1860 tenant structures were identified in a 1924 deed of sale. Further research into the material property owned by Berry may determine if the two tenant houses were slave quarters and if additional slave quarters were on the property. The proposed development of the Smith property shows a Stormwater Management Pond located where the two tenant structures are located, within the environmental setting. This will result in the destruction of these two structures, which would require the approval of an historic work area permit. Phase II investigations should be conducted to determine the construction dates and to look for features associated with free and enslaved African-American occupation. The limit of disturbance should be revised to relocate the pond outside of the environmental setting.

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The Moore Farmhouse (78-035), part of this preliminary plan of subdivision, to the west of Mellwood Road, is not eligible for the National Register, and has not been designated as a historic site or resource.

The Blythewood House, outbuilding complex and fields are associated with the agricultural history of Prince George's County during the nineteenth and twentieth centuries. The environmental setting for the Blythewood complex includes all the associated buildings, as well as the view shed of the existing fields and is not accurately reflected on the preliminary plan. The good physical condition of the buildings will assist in their adaptive reuse as a focal point of the development. The opportunity to showcase this unique property in Prince George's County and promote the county's agrarian past through historical interpretation should be capitalized upon. The applicant should demonstrate how these buildings would be maintained and restored, through further phases of development.

Further Phase I investigations should be conducted to determine whether or not the property contains important evidence of Native American and African American habitation and burials. In addition, Phase II investigations should be conducted if the proposed development of the Smith property results in the destruction of the farm tenant houses or any other structures. Archeological investigations may be able to determine construction dates and locate features associated with butchering and food preparation. Phase II investigations are being conducted at the pit feature known as 18PR766, and additional modifications to layout and improvement locations may result through the development review process in order to ensure protection of historic features.

The "Historic Blythewood Homesite Parcel" is proposed for adaptive reuse to be retained at this time by the applicant. A plan for the maintenance of the tobacco barn and tenant houses should be submitted to Historic Preservation staff. The 5.9-acre parcel should include the tree-lined lane leading to the house and outbuildings. The tree-lined access appears to be approximately 15 feet wide and is not adequate to serve as vehicular access to a commercial or office use. To ensure that it remains, staff believe that options including the conversion of the tree lined driveway to a pedestrian path connecting may be appropriate. Prior to signature approval, the parcel should be revised to provide a minimum 22-foot-wide stem to the proposed traffic circle, to provide direct vehicular access on to the circle.

16. **Cemeteries**—The property contain one known cemetery, to the north of the Blythewood Historic House within the 33-acre environmental setting, and within the 5.5 acre "homesite parcel."

Section 24-135.02 of the Subdivision Regulations establishes that when a proposed preliminary plan of subdivision includes a cemetery within the site, and there are no plans to relocate the human remains to an existing cemetery, the applicant shall observe the following requirements:

"(a)(1) The corners of the cemetery shall be staked in the field prior to preliminary plat submittal. The stakes shall be maintained by the applicant until preliminary plat approval.

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(2) An inventory of existing cemetery elements (such as walls, gates, landscape features and tombstones, including a record of their inscriptions) and their condition shall be submitted as part of the preliminary plat application.

(3) The placement of lot lines shall promote long-term maintenance of the cemetery and protection of existing elements.

(4) An appropriate fence or wall constructed of stone, brick, metal or wood shall be maintained or provided to delineate the cemetery boundaries. The design of the proposed enclosure and a construction schedule shall be approved by the Planning Board, or its designee, prior to the issuance of any permits. When deemed appropriate, the Planning Board may require a limited review Detailed Site Plan in accordance with Section 27-286 of the Prince George's County Code, for the purpose of reviewing the design of the proposed enclosure.

(5) If the cemetery is not conveyed and accepted into municipal ownership, it shall be protected by arrangements sufficient to assure the Planning Board of its future maintenance and protection. The applicant shall establish a fund in an amount sufficient to provide income for the perpetual maintenance of the cemetery. These arrangements shall ensure that stones or markers are in their original location. Covenants and/or other agreements shall include a determination of the following:

(A) Current and proposed property ownership;

(B) Responsibility for maintenance;

(C) A maintenance plan and schedule;

(D) Adequate access; and

(E) Any other specifications deemed necessary by the Planning Board.

(b) Appropriate measures to protect the cemetery during the development process shall be provided, as deemed necessary by the Planning Board.

(c) The Planning Board, or its designee, shall maintain a registry of cemeteries identified during the subdivision review process.

(d) Upon approval of a preliminary plat of subdivision, any cemetery approved in accordance with this Section which does not meet the regulations of the zone in which it is located, shall be deemed to be a certified nonconforming use unless otherwise specified by the Planning Board."

The cemetery site on the Blythewood knoll is just to the south of the house and contains four headstones. There are three graves, the fourth headstone is a marker for a future interment. This is a modern family cemetery for the Smith Family. The cemetery is completely within the environmental setting for Blythewood.

Staff notes the following that relates to the review of the preliminary plan for conformance to this Section 24-135(02):

- (a) (1) The boundary of the four modern graves is discrete and staking prior to preliminary plan approval should not be necessary.
- (2) An inventory of all cemetery elements should be submitted.
- (3) The lot lines for the environmental setting for Blythewood will promote the long term maintenance and protection.
- (4) The cemetery is within the environmental setting for Blythewood and adding a fence is not appropriate at this site.
- (5) The plan proposes that M-NCPPC will be the owner of this property.
- (b) The cemetery will be protected by being within the environmental setting of Blythewood.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

* * * * *

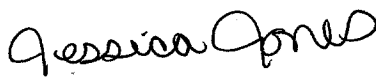
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Eley, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, July 27, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of September 2006.

†[This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Washington, with Commissioners Bailey, Washington, Squire, Shoaff and Hewlett voting in favor of the motion at its regular meeting held on Thursday, May 24, 2012, in Upper Marlboro, Maryland.]

†[Adopted by the Prince George's County Planning Board this 14th day of June 2012] ‡and was corrected administratively on February 19, 2013.

Patricia Colihan Barney
Executive Director



By Jessica Jones
Planning Board Administrator

PCB:JJ:WC:arj

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APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department
Date 2/20/13

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