

RESOLUTION

WHEREAS, Cambridge Place at Westphalia is the owner of a 68.94-acre parcel of land known as Tax Map 90 in Grid C-1 and is also known as Parcel C, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned Mixed Use-Transportation Oriented (M-X-T); and

WHEREAS, on February 12, 2014, Westphalia Bus Transit Partners, LLC filed an application for approval of a Preliminary Plan of Subdivision for 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-11012 for Cambridge Place at Westphalia 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 June 5, 2014, for its review and action in accordance with the Land Use Article of the 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 APPROVAL of the application with conditions; and

WHEREAS, on June 5, 2014, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

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 APPROVED the Type 1 Tree Conservation Plan (TCP1/011/12/01), and further APPROVED Preliminary Plan of Subdivision 4-11012, Cambridge Place at Westphalia, including a Variance from Section 25-122(b)(1)(G) for 2 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following corrections shall be made:
  - a. Revise General Note 25 to indicate that mandatory parkland dedication is met by on-site private recreational facilities.
  - b. Clearly label the dimension of the master-planned right-of-way of MC-634 on Parcel 2.
  - c. Revise General Note 22 with the updated stormwater management concept plan approval number and date.
  - d. Update the revision block.

- e. Submit a revised and approved stormwater management concept plan that shows the same site layout as the preliminary plan and its associated Type 1 tree conservation plan.
  - f. Show a concept location for the pedestrian trail connecting Parcel 1 to Deer Stream Drive.
2. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan (TCP1) shall be revised as follows:
  - a. Revise the TCP approval block to include the previous approval information (Megan K. Reiser on March 14, 2014) and to provide an additional column reflecting the conceptual site plan case number it was approved with.
  - b. Revise the PPS approval block on the TCP1 to reflect the standard Development Review Division approval block.
  - c. Show all of the proposed stormwater management and stormdrain structures necessary for the multifamily development.
  - d. Show all of the existing stormwater management and stormdrain structures on-site.
  - e. Have the plan signed and dated by the qualified professional who prepared it.
3. Prior to signature approval of the preliminary plan of subdivision (PPS), the PPS and the Type 1 tree conservation plan (TCP1) shall be revised as follows:
  - a. Unless the JLUS Interim Land Use Controls have expired, delineate the Joint Base Andrews Naval Air Facility Washington imaginary surfaces, and noise contour established in County Council Bill CB-3-2012 and add a note that states the following:

“This property lies within the JLUS Interim Land Use Controls area as established by Subtitle 27, Part 18 (CB-3-2012).”
  - b. Show a minimum a 20-foot-wide scenic buffer, outside of the ultimate right-of-way and the ten-foot-wide public utility easement, along the site’s frontage. The TCP1 shall be revised to remove all of the proposed buildings from the 20-foot scenic buffer.
4. Development of this subdivision shall be in conformance with approved Type 1 Tree Conservation Plan TCP1-011-12-01. The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-011-12-01 or most recent revision), or as modified by the Type 2 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 and

Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."

5. At the time of final plat, a conservation easement (Parcel 2) shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any 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. Future impacts within the conservation easements may be approved pursuant to a new preliminary plan of subdivision or detailed site plan under applicable regulations."
6. The Detail Site Plan and Type 2 tree conservation plan for Parcels 1 and 2 shall be designed to accommodate the appropriate landscape and signage treatments for the frontage of historic Westphalia Road in accordance with the 2010 *Prince George's County Landscape Manual*.
7. Westphalia Road improvements shall be carried out in accordance with the 1994 *Prince George's County Design Guidelines and Standards for Scenic and Historic Roads*, unless modified by the Department of Permitting, Inspections and Enforcement (DPIE).
8. Development of this site shall be in conformance with Stormwater Management Concept Plan 15908-2011-00 and any subsequent revisions.
9. Prior to approval of the Detailed Site Plan, the private on-site recreational facilities for Parcel 1 shall be reviewed for adequacy and proper siting. An appropriate mix of recreational facilities shall be specified at that time and triggers for their construction determined.
10. Prior to approval of the final plat(s), the applicant and the applicant's heirs, successors, and/or assignees shall submit three original executed recreational facilities agreements (RFA) to The Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Planning Department, Development Review Division (DRD), for the construction of private recreational facilities on-site. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the liber/folio indicated on the record plat.
11. Prior to a recommendation for approval of building permits by The Maryland-National Capital Park and Planning Commission (M-NCPPC), the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by the Development Review Division for the construction of private on-site recreational facilities.

12. Prior to the approval of the final plat for Parcel 1, the applicant and the applicant's heirs, successors, and/or assignees shall submit 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 of Prince George's County, Upper Marlboro, Maryland, and the liber folio reflected on the final plat.

The agreement with the Department of Parks and Recreation (DPR) establishing a mechanism for payment of the applicant's fees into an account administered by M-NCPPC shall note that the value of the in-kind services shall be determined at the sole discretion of DPR. If not previously determined, the agreement shall establish a schedule of payments and/or a schedule for park construction. The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars. The 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.

13. At the time of Detailed Site Plan for Parcel 1 and/or Parcel 2, the applicant and the applicant's heirs, successors, and/or assignees shall address the following:
  - a. Evaluate the feasibility of providing an access point into the multifamily on Parcel 1 that is aligned with the entrance of Westphalia Neighborhood Park/School Site to the north of the site, if permitted by DPIE.
  - b. Provide a trail connection from Parcel 1 through Parcel 2 to the terminus of Deer Stream Drive on the adjacent Smith Home Farms property consistent with the conceptual alignment reflected on the Pedestrian and Bikeway Facilities Plan. The nature and design of this connection shall be determined at the time of detailed site plan.
  - c. Evaluate the feasibility of a location and treatments for the pedestrian crossings of Westphalia Road in coordination with DPW&T/DPIE. Treatments may include high visibility crosswalks, lighting, warning signage, and hazard beacons. The exact location and design will be determined at the time of detailed site plan.
  - d. Unless the JLUS Interim Land Use Controls have expired, ensure that the structures do not exceed the Imaginary Surfaces established in County Council Bill CB-3-2012.
14. The applicant and the applicant's heirs, successors, and/or assignees shall construct the following frontage improvement listed in order of priority, unless modified by the Department of Public Works and Transportation (DPW&T):
  - a. Construct a sidepath and a bike lane, minimum, in conjunction with a "Bike Lane" sign (MUTCD R3-17) along the entire subject property frontage on Westphalia Road consistent with DPW&T STD 100.03.

- b. Provide the installation of the "SHARE THE ROAD" sign (MUTCD W16-1P combined with W11-1 sign assembly) along the property frontage.
- 15. Prior to the approval of the final plat for Parcel 2, the applicant, their heirs, successors, and assignees shall submit to M-NCPPC for approval a draft trail access easement, benefitting Parcel 1, which extends from Parcel 1 through Parcel 2 connecting to Deer Stream Drive to the east, as reflected on the Bike and Pedestrian Facilities Plan submitted with the approved PPS or subsequent DSP.
  - a. The final plat shall delineate the final alignment of the easement with bearings and distances.
  - b. The easement document shall set forth the rights, responsibilities and liabilities of the parties and liber/folio of the easement, shall include the rights of M-NCPPC and will be reflected on the plat prior to recordation.
- 16. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
  - a. Grant a ten-foot-wide public utility easement (PUE) along the public right-of-way as delineated on the approved preliminary plan of subdivision.
  - b. Dedicate public right-of-way of 40 feet from the centerline of Westphalia Road (approximately 28,314 square feet) along the property frontage, as shown on the approved preliminary plan of subdivision.
  - c. Unless the JLUS Interim Land Use Controls have expired, add a note that states the following:

"This property lies within the JLUS Interim Land Use Controls area as established by Subtitle 27, Part 18 (CB-3-2012)"
- 17. The total development within Parcel 1 of the subject property shall be limited to uses which generate no more than 157 AM peak-hour trips, 181 PM peak-hour trips, and 1,957 daily trips in consideration of the approved trip rates. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.
- 18. The total development within Parcel 2 of the subject property shall be limited to uses which generate no more than 122 AM peak-hour trips, 122 PM peak-hour trips, and 682 daily trips in consideration of the approved trip rates. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.

19. Prior to issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (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:

At the Westphalia Road/D'Arcy Road intersection, conduct a signal warrant study and install the signal pursuant to the Department of Public Works and Transportation (DPW&T) specifications if a signal is deemed warranted and approved by DPW&T.

20. Prior to approval of the final plat for Parcel 1, the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of County Council Resolution CR-66-2010 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 final plat.
21. Prior to issuance of each building permit for Parcel 1, the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of Council Resolution 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 of \$4,991.15 per residential dwelling unit, pursuant to the Memorandum of Understanding (MOU) required by CR-66-2010. The MOU shall be recorded in the Prince George's County Land Records. This unit cost will be adjusted based on an inflation cost index factor to be determined by the Department of Public Works and Transportation at the time of issuance of each permit.
22. A substantial revision to the mix of uses on the subject property that significantly affects Subtitle 24 (Prince George's County Code) adequacy findings may require approval of a new preliminary plan of subdivision prior to approval of any building permits. The redevelopment of Parcel 2 which includes residential development, the razing of the existing building or additional gross floor area of more than 1,000 square feet, shall require a new preliminary plan of subdivision.
23. Prior to approval of any grading permit, the failing riser structure in the on-site stormwater management pond on Parcel 2 shall be maintained and/or repaired to allow water to exit the pond properly.

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, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Setting**—The property is located on the south side of Westphalia Road, less than one-half mile east of its intersection with Pennsylvania Avenue (MD 4), and less than one-half mile east of the

Capital Beltway (I-95/495). The neighboring properties to the south and west of the site are zoned Light Industrial (I-1) and are currently developed with industrial uses. The neighboring properties to the east are zoned Residential Medium Development (R-M) and are currently undeveloped. The neighboring properties to the northwest of the site are zoned Multifamily Medium Density Residential (R-18) and are developed with multifamily buildings. The property directly across Westphalia Road to the northeast is zoned Rural Residential (R-R), is owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC), and is to be developed as the Westphalia neighborhood park and school site.

3. **Background**—The subject site is located on Tax Map 90 in Grid C-1 and is known as Parcel C. The property consists of 68.94 acres and is within the Mixed Use-Transportation Oriented (M-X-T) Zone. The site is currently improved with a 142,500-square-foot industrial building and parking, which are proposed to remain. Parcel C was recorded in Plat Book VJ 191-23 on December 25, 2000. The plat was prepared in accordance with Section 24-108(a)(3) of the Subdivision Regulations to adjust the common boundary lines, for which a preliminary plan of subdivision (PPS) was not required. A note on the plat indicates that the total building gross floor area that can be constructed on existing Parcel C is an additional 5,000 square feet, and any development beyond this total will require a new PPS. Pursuant to Section 24-107(c)(7) of the Subdivision Regulations, any subdivision of land, or proposed additional development, over 5,000 square feet that occurred after January 1, 1982 would require a PPS, saving certain exemptions.

There are two existing stormdrain easements (Liber 6129 Folio 465) and one Washington Suburban Sanitary Commission (WSSC) easement (Liber 6078 Folio 738) on the northern portion of the site. The TCP shows proposed multifamily buildings on the WSSC easement and one of the stormdrain easements on proposed Parcel 1. If the easements have not been abandoned or relocated prior to approval of the final plat, then the easements will be reflected on the plat as an encumbrance on the subject property.

4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	M-X-T	M-X-T
Use(s)	Industrial (142,500 sq. ft.) (to remain)	Residential (301 multifamily units) Industrial (142,500 sq. ft.)
Acreage	68.94	68.94
Lots	0	0
Outlots	0	0
Parcels	1	2
Dwelling Units	0	301
Public Safety Mitigation Fee	No	No
Variance	No	Yes
		Section 25-122(b)(1)(G)
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on February 28, 2013.

5. **Community Planning**—The 2002 *Prince George's County Approved General Plan* (General Plan) designates the subject property within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment centers that are increasingly transit serviceable. The PPS is consistent with the General Plan Development Pattern policies for the Developing Tier by proposing residential and industrial development. The approval of this application does not violate the General Plan's growth goals for the year 2025, upon review of Prince George's County's current General Plan Growth Policy Update.

The land use proposed by this PPS conforms to the land use recommendations of the Westphalia Sector Plan and SMA for a commercially-oriented neighborhood center and a mix of uses on the subject property. The Westphalia SMA placed the subject property in the M-X-T Zone, and the proposed land uses are in conformance with the zoning.

The property is located within the Joint Base Andrews Naval Air Facility Washington Interim Land Use Control (ILUC) impact area. The property is within Imaginary Surface D, establishing a height limit of 150 feet above the runway surface, which will be evaluated at the time of DSP.

The property is within the 65 to 79 dBA Ldn noise contours. The proposed multifamily units on Parcel 1 are located within the lower noise contours (65 to 75 dBA Ldn), where the interior noise level can be mitigated with building materials. For the southern portion of the property, Parcel 2, the existing industrial building is located within the higher noise contours (70 to 80 dBA Ldn). However, noise attenuation is not required for industrial uses. These categories do not prevent the



conceptual land uses proposed with the CSP and PPS. The ILUC noise contours should be delineated and noted on the PPS and any future plans of development.

The property is located in the Westphalia Sector Development Review area. This PPS has been referred to the Westphalia Sector Development Review Advisory Council (WSDRAC) for review and comment. This PPS was reviewed during the WSDRAC meeting on April 09, 2014. The Council submitted written comments dated May 15, 2014 (Duke to Nguyen) stating that the Council is in support of the PPS and recommends approval of the application.

6. **Previous Approvals**—On October 24, 2013, the Planning Board reviewed and approved Conceptual Site Plan CSP-11003 for the subject property. The CSP was approved with 14 conditions and the following conditions in bold are related to the review of this PPS:
  1. **Prior to certificate of approval of the conceptual site plan (CSP), the following revisions shall be made to the plans, or information shall be provided:**
    - a. **A note shall be added that the appropriate location of the access to the multifamily portion of the development shall be made at the time of preliminary plan of subdivision. Consideration shall be given to aligning the access with Chester Grove Road.**
    - b. **The allowable FAR of 1.4 shall be indicated on the CSP.**
    - c. **The plan shall note the property's position relative to the Joint Base Andrews Interim Land Use Controls (ILUC) Study area. The ILUC Imaginary Surface boundaries and height and development limits associated with those boundaries shall be shown on the plan.**
    - d. **Label the location of additional public spaces for use by the residents, with the location and number to be further developed at time of detailed site plan.**
  2. **Prior to certification of the conceptual site plan (CSP), Type 1 Tree Conservation Plan TCP1-011-12 shall be revised as follows:**
    - a. **Revise the limits of disturbance (LOD) to reflect the disturbance necessary for the multifamily development only.**
    - b. **Provide labels for Joint Base Andrews noise contours on the cover sheet and add the noise contour symbol to the legend.**
    - c. **Label the bearings and distances for all boundary lines.**

- d. **Revise the approval block to include the assigned TCP plan number (TCP1-011-12).**
- e. **Show all proposed stormwater management and stormdrain structures necessary for the multifamily development only.**

The CSP is currently in the process of being certified. Condition 1a relates to Condition 9 of the CSP and is further addressed below.

- 3. **Prior to the signature of the Type 2 Tree Conservation Plan for this site, the liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard Type 2 Tree Conservation Plan notes on the plan as follows:**

**“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber \_\_\_\_ Folio \_\_\_\_.  
Revisions to this TCP2 may require a revision to the recorded easement.”**

This condition will be addressed prior to certification of a Type 2 tree conservation plan (TCP2).

- 4. **Prior to acceptance of a preliminary plan of subdivision, the following information shall be provided:**
  - a. **A statement of justification describing how the application meets each of the goals, policies, and strategies of the Environmental Infrastructure Section of the 2007 Approved Westphalia Approved Master Plan and Sectional Map Amendment.**
  - b. **A detailed statement of justification for the proposed removal of any specimen trees. The statement of justification shall be based on a detailed site design, including grading and stormwater management, and shall show how each of the required findings have been met by the application.**
  - c. **A stream corridor assessment using the Maryland Department of Natural Resources protocol shall be prepared for any on-site stream restoration efforts.**
  - d. **A statement of justification for proposed impacts to regulated environmental features that incorporates the findings of the required**

**stream corridor assessment and the goals, policies, and strategies found in the Environmental Infrastructure section of the Westphalia Sector Plan.**

- e. **An inventory of scenic and historic features along the site's frontage on Westphalia Road.**
- f. **An approved stormwater concept plan with a focus on stormwater facilities designed as amenities using LID techniques. The concept plan shall show the same site layout as the preliminary plan and its associated TCP1.**
- g. **A copy of the Erosion and Sediment Control Concept Plan.**

The applicant has submitted the above information with this PPS. The Environmental Planning Section has evaluated the above information and is discussed further in the Environmental finding.

**5. At the time of the preliminary plan of subdivision the applicant shall:**

- a. **Demonstrate that rights-of- way for Westphalia Road, MC-634, are consistent with the recommendations of the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment.**

The PPS delineates the rights-of-way for Westphalia Road and MC-634 as consistent with the Westphalia Sector Plan and SMA. The PPS proposes approximately 28,314 square feet of dedication along Westphalia Road.

In regard to MC-634, it was determined that a nexus cannot be found for the dedication of the right-of-way that was proportional to the development proposed. Therefore, a request for reservation was sent to DPW&T, as discussed further in the Transportation finding. Prior to signature approval of the PPS, the dimensions of the right-of-way for MC-634 should be clearly labeled.

- b. **Evaluate the feasibility of providing an access point into the multifamily portion of the development that is aligned with the existing intersection of Chester Grove Road and Westphalia Road.**

The Transportation Planning Section has evaluated the possibility of the access point of the multifamily development on Parcel 1 to be aligned with Chester Grove Road, to the northwest of site. Transportation Planning found that the curve in the Westphalia Road right-of-way at that location may not have the best sight distance for an access driveway. However, the DPW&T general standard is to align vehicular access driveways whenever feasible to reduce traffic conflict on

the roadway. It was determined that the access driveway to Parcel 1 should be further evaluated at the time of DSP, where the site layout of multifamily development will be more defined. Parcel E to northeast of site, directly across Westphalia Road, is planned to be developed as the Westphalia neighborhood park and school site (M-NCPPC). There should be an evaluation of the feasibility of aligning the vehicular access for Parcel 1 with the access for Parcel E, the Westphalia neighborhood park and school site, at the time of DSP for Parcel 1.

- 6. At the time of detailed site plan, the following issues shall be addressed, or information shall be provided:**
  - a. The multifamily development shall demonstrate adequate screening of all surface parking lots that are adjacent to Westphalia Road.**
  - b. The multifamily development shall include public spaces for the benefit of future residents that include sitting areas and objectively attractive site and landscape features. These public spaces shall incorporate high-quality design details and be integrated into the site design by a well-designed pedestrian system. An objectively attractive mix of public spaces that include focal points, seating areas, specialty landscaping, and specialty paving materials shall be provided.**
  - c. Adequate visitor parking spaces to serve the proposed multifamily development shall be provided.**
  - d. The applicant shall propose and provide a written description of the proposed green development techniques for evaluation by staff and the Planning Board.**
  - e. The final landscape treatments for the frontage of Westphalia Road shall be determined. The landscape treatment shall provide an equivalent or better streetscape appearance than would be achieved under the strict application of Section 4.6, Buffering Development from Special Roadways.**
  - f. The applicant shall allocate appropriate and developable areas for the private recreational facilities.**
  - g. The applicant shall demonstrate to the Planning Board in writing that the on-site private recreational facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement, or other appropriate**

**means and that such instrument is legally binding upon the subdivider and his heirs, successors, and assigns.**

- h. Access to existing or future bus routes shall be evaluated at time of detailed site plan, and facilities for a bus stop shall be shown if deemed appropriate by the Department of Public Works and Transportation (DPW&T).**
- i. The multifamily development shall utilize an appropriate balance of finish materials such as brick, stone, and cementitious siding. The cumulative area of all of the building elevations of all of the multifamily buildings should be no less than 40 percent brick or stone. A chart indicating the composition of the building materials shall be provided with the architectural elevations.**
- j. A variety in building styles and architecture shall be demonstrated. Flat façades shall be avoided by using bays, balconies, and other projecting elements.**

This condition will be addressed at the time of DSP.

- 7. The applicant shall submit three (3) original executed private Recreational Facilities Agreements (RFA) for the private recreational facilities on-site to the M-NCPPC Development Review Division for their approval three weeks prior to a submission of a final plat. Upon approval by the DRD, the RFA shall be recorded among the land records of Prince George's County, Maryland.**
- 8. The applicant shall submit to the M-NCPPC Development Review Division a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by the DRD, within at least two weeks prior to applying for building permits. The developer, his successor and/or assigns shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.**

Conditions 7 and 8 will be carried forward with this PPS and will be addressed at the time of final plat.

- 9. Prior to the issuance of any building permits within the subject property the evidence of the following certifications shall be provided:**
  - a. The interior noise level of new residential construction shall be certified to be 45 dBA Ldn or less by an Acoustical Engineer or qualified professional of competent expertise.**

- b. A registered Engineer or qualified professional of competent expertise shall certify that structures do not exceed the Imaginary Surfaces established in CB-3-2012.**

Condition 9 of the CSP requires that the interiors of new residential construction be certified to 45 dBA Ldn or less by an acoustical engineer or a qualified professional of competent expertise, and that a registered engineer or a qualified professional of competent expertise shall certify that structures do not exceed the imaginary surfaces established in CB-3-2012; however, the delineation of the imaginary surfaces has not been shown on any plans with the current application. Prior to signature approval of the PPS, the PPS and TCP1 needs to be revised to show the imaginary surfaces established in CB-3-2012.

Condition 9 will be carried forward with this PPS as appropriate. Condition 9b should be addressed at the time of DSP.

- 10. Total development within the subject property shall be limited to uses which generate no more than 279 (129 in; 150 out) AM peak hour trips and 303 (142 in; 161 out) PM peak hour trips. Any development generating an impact greater than that identified herein above shall require a revision to the Conceptual Site Plan with a new determination of the adequacy of transportation facilities.**

A traffic study was submitted with this PPS. The proposed development with this PPS will generate trips within the trip limit of the CSP. The evaluation of the traffic study and findings of adequacy of transportation facilities is discussed further in the Transportation finding.

- 11. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances; (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:**

- a. Westphalia Road @ D'Arcy Road Intersection**

**Conduct a signal warrant study and install signal, pursuant to DPW&T specifications if signal is deemed warranted and approved by DPW&T.**

- b. Westphalia Road @ West site access intersection**

**Conduct a signal warrant study and install signal, pursuant to DPW&T specifications if signal is deemed warranted and approved by DPW&T.**

**c. Westphalia Road @ East site access Intersection**

**Conduct a signal warrant study and install signal, pursuant to DPW&T specifications if signal is deemed warranted and approved by DPW&T.**

Based on the traffic study analysis with this PPS, Condition 11a will be carried forward with this PPS as part of transportation adequacy, while Condition 11b and c are not required to meet transportation adequacy and are therefore not included as conditions of this PPS.

12.
  - a. **The applicant shall make a monetary contribution to the “park club”, which is to be established and administered by the M-NCPPC Department of Parks and Recreation. The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars. Monetary contributions may be used for construction, operation and maintenance of the recreational facilities in the central park and/or the other public parks that will serve the Westphalia Study Area. The park club shall be established and administered by the DPR.**
  - b. **Prior to the first final plat of subdivision, the applicant shall enter into an agreement with the Department of Parks and Recreation establishing a mechanism for payment of fees into an account administered by the M-NCPPC. If not previously determined, the agreement shall also establish a schedule of payments and/or a schedule for park construction. The payment shall include a formula for any needed adjustments to account for inflation. The agreement shall be recorded among the Prince George’s County Land Records by the applicant prior to final plat approval.**

The monetary contribution to the park club is discussed further in the Park and Recreation finding. Condition 12 requirements will be carried forward with this PPS.

13. **The applicant, his successors, and/or assigns, shall provide on-site private, recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.**

Condition 13 will be carried forward with this PPS and will be addressed at the time of final plat.

14. **A comprehensive and safe pedestrian network shall be provided. A pedestrian and bikeway facilities plan shall be provided with the preliminary plan or detailed site plan, as appropriate, that demonstrates how these pedestrian connections can be provided for the entire area of the CSP, and provide a timeline for the implementation of those connections. The following items shall be addressed in the pedestrian and bikeway facilities plan:**

- (a) **Pedestrian connectivity to recreation facilities and amenities on the subject site and adjacent sites.**
- (b) **Additional consideration shall be paid to providing safe pedestrian route across Westphalia Road.**
- (c) **Linkage of private recreational facilities to trails via a ten-foot-wide asphalt master planned trail along the Cabin Branch and eight-foot-wide trail connectors to the neighborhoods.**
- (d) **Pedestrian connectivity from the existing industrial building to Westphalia Road and the proposed multifamily development.**
- (e) **Connections to transit facilities including but not limited to bus stops.**

**The items evaluated within the connectivity plan are subject to modification by staff for final review by the Planning Board.**

A pedestrian and bikeway facilities plan that addresses the above conditions has been submitted with this PPS. The pedestrian and bikeway facilities plan has been reviewed by the Transportation Planning Section and is discussed further in the Trail finding.

The PPS conforms to Conceptual Site Plan CSP-11003 if the application is approved with conditions.

7. **Urban Design**—The 2010 *Prince George's County Landscape Manual* (Landscape Manual) and the Zoning Ordinance contain the site design guidelines and requirements that are applicable to the review of this PPS.

**Conformance with the Zoning Ordinance**

The subject application is in conformance with the requirements of Section 27-547, Uses Permitted, of the Zoning Ordinance. The proposed uses, multifamily, residential, and industrial, are permitted uses in the M-X-T Zone. Pursuant to County Council Bill CB-61-2013, uses permitted in the I-1 Zone are also permitted in the M-X-T Zone until July 1, 2015, at which time the uses will be deemed as nonconforming in accordance with part 3, Division 6 of Subtitle 27.



The M-X-T Zone requires approval of a conceptual site plan (CSP) and a detailed site plan (DSP) for all uses and improvements. The Conceptual Site Plan, CSP-11003 for the subject property was approved by the Planning Board on October 24, 2013 (PGCPB 13-122). The Prince George's County District Council did not request to hear the CSP. The CSP was approved for proposed multifamily residential use on Parcel 1 and existing industrial use on Parcel 2. The proposed multifamily buildings on Parcel 1 will require approval of a DSP.

With the approval of CSP-11003 for the subject site, the Planning Board encouraged the applicant to consider future tenants for the existing industrial building that blend together harmoniously with the proposed multifamily residential development. The Planning Board indicated that it would strongly support an adaptive reuse of the existing industrial building that promotes the purposes of the M-X-T Zone, such as integration of office, research, institutional, residential, and/or commercial uses. If the applicant chooses an adaptive reuse, the existing building with no modification, a detailed site plan may not be required. With this PPS no new improvements are being proposed on Parcel 2, therefore, Parcel 2 could move forward to plat and occupy the existing building with a use permitted in the M-X-T Zone.

The proposed floor area ratio (FAR) is provided on the site plan. A bonus of 1.0 FAR is permitted because residential development is proposed. However, the overall FAR for the site is 0.19, which is much lower than the maximum allowed FAR of 1.4.

Development in the M-X-T Zone is required to have direct vehicular access to a public street in accordance with Section 27-548(g), as noted below:

- (g) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

This PPS application is to subdivide the subject property into Parcels 1 and 2. Parcel 1 is proposed to have frontage and direct vehicular access to Westphalia Road, a public right-of-way. Parcel 2 is proposed to retain its existing direct vehicular access to Westphalia Road. Parcels 1 and 2 have frontage on and access to a public right-of-way in accordance with Section 27-548(g).

Conformance with the requirements of Section 27-546, Site Plans in the M-X-T Zone; Part 11, Off-Street Parking and Loading; and Part 12, Signs, of the Zoning Ordinance is required for the proposed development and will be evaluated at the time of DSP.

#### **Conformance with the 2010 Prince George's County Landscape Manual**

In accordance with Section 27-548 of the Zoning Ordinance, landscaping, screening, and buffering within the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. The following discussion is offered regarding the applicable provisions of the Landscape Manual. Conformance with the requirements of the Landscape Manual will be determined at the time of DSP review.

- a. **Section 4.1—Residential Requirements**, require that multifamily dwellings located in the Developing Tier include a minimum of one major shade tree per 1,600 square feet or fraction of green area provided.
- b. **Section 4.2—Requirements for Landscape Strips along Streets**, require the planting of shade trees and shrubs on the property abutting all public and private streets. For properties with frontage on a special roadway, such as a scenic or historic roadway, the requirements of Section 4.6(c)(2), Buffering Development from Special Roadways, supersede the requirements of this section. The requirements of Section 4.2 do not apply to Westphalia Road, which is a historic roadway.
- c. **Section 4.3—Parking Lot Requirements**, specifies that any proposed parking lots larger than 7,000 square feet will be subject to Section 4.3(2), Parking Lot Interior Planting Requirements, which requires that parking lots provide interior planting islands throughout the parking lot to reduce the impervious area. When these planting islands are planted with shade trees, the heat island effect created by large expanses of pavement would be minimized.
- d. **Section 4.4—Screening Requirements**, require that all dumpsters, loading spaces, and mechanical areas be screened from adjoining existing residential uses, land in any residential zone, and constructed public streets.
- e. **Section 4.6(c)(2)—Westphalia Road** is a designated historic road. Therefore, compliance with Section 4.6, Buffering Development from Special Roadways, is required. In the Developing Tier, a minimum 20-foot-wide landscape buffer planted with 80 plant units per 100 linear feet of frontage, excluding driveway openings is required.

Westphalia Road along the site's frontage is categorized as a collector, while Westphalia Road west of the subject property is categorized as an arterial roadway. The yards of the multifamily development are not required to have additional buffering due to their proximity to a collector roadway. Historic road buffering in accordance with Section 4.6(c)(2) will be required. A minimum 20-foot-wide landscape buffer should be provided outside of the public utility easement along Westphalia Road. Whether this buffer should be placed within an easement will be determined at the time of DSP.
- f. **Section 4.7—The site** will be subject to Section 4.7, Buffering Incompatible Uses. More specific information regarding the bufferyard requirements along property lines adjoining other uses will be evaluated at the time of DSP.
- g. **Section 4.9—The site** will be subject to Section 4.9 of the Landscape Manual, which requires that a percentage of the proposed plant materials be native plants.

### **Other Urban Design Issues**

The following issues are identified now for informational purposes, as final design review will be done at the time of DSP when additional information is available.

- a. Buildings should be designed to front internal streets.
- b. On-site private recreational facilities is recommended for the proposed development on Parcel 1. The site is located within Joint Base Andrews (JBA) Interim Land Use Control (ILUC) impact area, specifically Parcel 1 is located within 65 to 75 dBA Ldn noise contours. Therefore, it is recommended that private recreational facilities for proposed multifamily residential development on Parcel 1 should be located indoors. Appropriate mix of recreational facilities and proper siting should be evaluated at the time of DSP.
- c. Pedestrian improvements, such as but not limited to, sidewalk connections, bus shelters, benches, trash receptacles, bike racks, and pedestrian-scaled lighting fixtures should be incorporated into the site design and will be reviewed at the time of DSP.
- d. Green building techniques should be employed in this development to the extent practical.

### **Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that require a grading permit. Properties that are zoned M-X-T are required to provide a minimum of ten percent of the gross tract area to be covered by tree canopy. The subject property is 68.94 acres in size and has a tree canopy coverage (TCC) requirement of 6.89 acres. The TCC requirement can be met in full through on-site woodland preservation, which totals 9.03 acres. Compliance with this requirement will be further evaluated at the time of DSP. If a DSP is submitted separately for each parcel, then each DSP will need to be evaluated for conformance to the TCC requirement individually.

8. **Environmental**—A Type 1 Tree Conservation Plan, TCP1-011-12-01, and an approved Natural Resources Inventory, NRI-016-11, are required and have been reviewed. The subject application is not grandfathered with respect to Subtitle 24, Subtitle 25, or Subtitle 27 of the County Code because the current application is a new PPS.

### **Master Plan Conformance**

The current master plan for this area is the Westphalia Master Plan and SMA. The Environmental Infrastructure section of the master plan contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on the plan conformance.

**Policy 1. Protect, preserve, and enhance the identified green infrastructure network within the Westphalia sector planning area.**

**Strategies:**

- **Use the sector plan designated green infrastructure network to identify opportunities for environmental preservation and restoration during the review of land development proposals.**

According to the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan), the site contains no regulated areas, evaluation areas or network gaps.

- **Preserve 480 or more acres of primary management area (PMA) as open space within the developing areas.**

The proposed impacts to regulated environmental features and the PMA have been evaluated under the Primary Management Area finding below.

- **Protect primary corridors (Cabin Branch) during the review of land development proposals to ensure the highest level of preservation and restoration possible. Protect secondary corridors (Back Branch, Turkey Branch, and the PEPCO right-of-way) to restore and enhance environmental features, habitat, and important connections.**

The site contains headwaters of Cabin Branch, within the Western Branch watershed. Preservation and restoration of the on-site stream system has been evaluated under the Environmental Review section below.

- **Limit overall impacts to the primary management area to those necessary for infrastructure improvements, such as road crossings and utility installations.**

Impacts to the PMA are discussed in detail in the Primary Management Area finding below.

- **Evaluate and coordinate development within the vicinity of primary and secondary corridors to reduce the number and location of primary management area impacts.**

Impacts to the PMA are discussed in detail in the Primary Management Area finding below.

- **Develop flexible design techniques to maximize preservation of environmentally sensitive areas.**

Impacts to the PMA are discussed in detail in the Primary Management Area finding below.

**Policy 2. Restore and enhance water quality of receiving streams that have been degraded and preserve water quality in areas not degraded.**

**Strategies:**

- **Remove agricultural uses along streams and establish wooded stream buffers where they do not currently exist.**

The site does not contain agricultural uses.

- **Require stream corridor assessments using Maryland Department of Natural Resources protocols and include them with the submission of a natural resource inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites.**

A stream corridor assessment using the Maryland Department of Natural Resources protocol was stamped as received on March 14, 2014. Discussion regarding the stream corridor assessment is provided in detail in the Environmental Review section below.

- **Construct shared public/private stormwater facilities as site amenities using native plants and natural landscaping.**

Stormwater management is discussed in detail in the Stormwater Management finding below.

- **Use low-impact development (LID) techniques such as green roofs, rain gardens, innovative stormwater outfalls, underground stormwater management, green streets, cisterns, rain barrels, grass swales, and stream restoration, to the fullest extent possible during the development review process with a focus on the core areas for use of bioretention and underground stormwater facilities under parking structures and parking lots.**

Stormwater management is discussed in detail in the Stormwater Management finding below.

**Policy 3. Reduce overall energy consumption and implement more environmentally sensitive building techniques.**

**Strategies:**

- **Use green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental**

**technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.**

The use of green building techniques and energy conservation techniques should be encouraged for the residential portion of the development (Parcel 1). The commercial/industrial redevelopment in the southern portion of the site will require an evaluation as part of a development application for that portion of the site.

- **Use alternative energy sources such as solar, wind and hydrogen power. Provide public examples of uses of alternative energy sources.**

The use of alternative energy sources is encouraged.

**Policy 4. Plan land uses appropriately to minimize the effects of noise from Andrews Air Force Base and existing and proposed roads of arterial classification and higher.**

**Strategies:**

- **Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.**
- **Restrict uses within the noise impact zones of Andrews Air Force Base to industrial and office use.**
- **Evaluate development proposals using Phase I noise studies and noise models.**
- **Provide for adequate setbacks and/or noise mitigation measures for projects located adjacent to existing and proposed noise generators and roadways of arterial classification or greater.**
- **Provide for the use of appropriate attenuation measures when noise issues are identified.**

Policy 4 above is specific to noise associated with Joint Base Andrews Naval Air Facility Washington (JBA). The subject property is located within the Air Installation Compatible Use Zone (AICUZ) of the Joint Land Use Study (JLUS). Based on the most recent Air Installation Compatible Use Zone (AICUZ) study released to the public in 2007 by JBA, aircraft-generated noise in the vicinity is significant. The PPS proposes multifamily residential uses on Parcel 1 (northern portion of the site), which is mapped within the 65 to 70 dBA Ldn zones. Parcel 2 is proposed to retain its existing industrial uses (southern portion of the site), which is mapped in the 70 to 80 dBA Ldn zones. Noise attenuation is not required for industrial uses. The AICUZ guidelines discourage

residential uses in the 65 to 69 and 70 to 74 dBA Ldn zones, and consider residential incompatible in zones with noise levels exceeding 75 dBA Ldn. The AICUZ guidelines indicate that, during the development review process, if it is determined that residential uses are appropriate in the 65 to 74 dBA Ldn zone, measures to achieve outdoor to indoor noise level reduction should be incorporated into building codes and considered in individual development approvals. Condition 9 of the approved CSP for the subject site requires that interiors of new residential construction be certified to 45 dBA Ldn or less by an acoustical engineer.

Council Bills CB-3-2012 and CB-4-2012 were adopted on November 20, 2012 which established the Interim Land Use Controls (ILUC) for JBA. Council Bill CB-47-2013 was adopted on July 24, 2013 which extended the ILUC until June 6, 2014. Because the ILUC is currently in effect, the current application must be evaluated for conformance. The ILUC affects properties that are located within the mapped impact area; these include properties located within the mapped accident potential zone (APZ), the noise contours, and the imaginary runway surface. The subject site is not mapped within an APZ, but is located within the mapped noise contours and is within the imaginary runway surface.

Section 27-1807(b)(1) of the Zoning Ordinance, established in CB-3-2012, requires:

- (1) At the time of construction permit, interiors of new residential construction must be certified to 45 dBA Ldn or less by an Acoustical Engineer or qualified professional of competent expertise.**

Section 27-1806(b), established in CB-3-2012, requires:

- (b) The issuance of permits authorizing any construction within the boundaries established in Figure [height] shall be subject to the following additional restrictions:**
  - (1) No permit shall be issued for construction in the boundaries shown in Figure [height] that exceeds the height of the Imaginary Surfaces**
  - (2) At the time of permit, a registered Engineer or qualified professional of competent expertise shall certify that structures do not exceed the Imaginary Surfaces shown in Figure [height].**

The entire property is mapped as imaginary runway surface. A majority of the property is mapped as inner horizontal surface (D). A small area on the northeastern corner is mapped as conical surface (E). Another small portion of the property along the western boundary is mapped as transitional surface (G). The delineation of these mapped surfaces must be shown and labeled on the plans.

Policy 4 above also discusses traffic-generated noise. The site fronts on Westphalia Road, a master-planned collector along the sites frontage, and a small portion is designated as arterial west of the subject site. The arterial portion, which is regulated for noise, is associated with the off-ramp from Pennsylvania Avenue (MD 4). A master-planned right-of-way designated as a major collector, MC-634, runs through the site. No roadway designated as arterial or higher classification is located along the property's frontage.

**Conformance with the Countywide Green Infrastructure Plan**

The subject property is not located within the designated network of the Countywide Green Infrastructure Plan.

**Conformance with the Water Resources Functional Master Plan**

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection, and preservation of drinking water, stormwater, and wastewater systems within the county, on a countywide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, county ordinances for stormwater management, floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections & Enforcement (DPIE), the Prince George's County Health Department, the Prince George's County Department of Environmental Resources, the Prince George's Soil Conservation District, M-NCPPC, and the WSSC are also deemed to be consistent with this master plan.

**Environmental Review**

An approved Natural Resources Inventory, NRI-016-11, was submitted with the application which was approved on November 4, 2011. There is PMA on-site comprised of streams and wetlands, associated buffers, 100-year floodplain, and adjacent steep slopes. The site also contains an isolated wetland along the northern property line adjacent to Westphalia Road. The on-site streams are the headwaters of Cabin Branch, which is located within the Western Branch drainage basin of the Patuxent River watershed. The floodplain information shown on the plan is from Floodplain Study No. 201010 dated February 2011.

Several areas of steep slopes occur on the property. The predominant soils found to occur on-site, according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), include the Beltsville-Urban land complex, Croom gravelly sandy loam, Croom-Urban land complex, Marr-Dodon complex, Potomac-Issue complex, Sassafra-Urban land complex, and Udorthents reclaimed clay and gravel pits. Marlboro and Christiana clays are not mapped on this property.

According to information obtained from the Maryland Department of Natural Resources (DNR), Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on



or in the vicinity of this property; however, DNR has documented that an area of acidic seepage swamp is located on-site, which is a watch-list habitat.

The forest stand delineation indicates the presence of two forest stands totaling 45.95 acres and 33 specimen trees. Stand 1 is a mid-successional mixed hardwood forest and Stand 2 is a pine stand.

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. Type 1 Tree Conservation Plan TCP1-011-12-01 was submitted with the PPS application.

The TCP1 as submitted shows multifamily dwelling units along the northern portion of the site. The PPS shows the creation of two parcels; one for the proposed multifamily use (Parcel 1) and the second for the remainder of the property containing the existing industrial building (Parcel 2). Because the application proposes new development of multifamily on the northern portion of the site, and the remainder of the site is to remain as it exists today, the TCP1 has been designed to reflect the limits of disturbance associated with the multifamily development envelope only.

Type 1 Tree Conservation Plan TCP1-011-12-01 has been reviewed and requires technical revisions to be in conformance with the WCO. The woodland conservation threshold for this 68.94-acre property is 15 percent of the net tract area, or 9.84 acres. The total woodland conservation requirement based on the amount of clearing shown on the plan is 13.58 acres. The woodland conservation requirement is proposed to be satisfied with on-site preservation.

The TCP1 approval block must be revised to type-in the previous approval information (Megan K. Reiser on March 14, 2014) and to provide an additional column reflecting the CSP number it was approved with. The Development Review Division standard approval block must be shown on the plan for signature approval of the PPS. All proposed stormwater and stormdrain structures must be shown on the plan for the multifamily development envelope. All existing stormwater and stormdrain structures must be shown on the plan; specifically, the existing culvert pipe running under the entrance driveway. After all revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revisions made.

A stream corridor assessment using the DNR protocol was submitted on March 14, 2014 pursuant to Condition 4(c) of the CSP-11003. The stream corridor assessment report indicates that there are six problem areas in the on-site stream system; however, all of the problems that were identified are located on the southern portion of the site (Parcel 2), which is proposed to remain as it exists today and is not within the scope of the proposed multifamily development in the northern portion of the site (Parcel 1).

At the time of a DSP for the southern portion of the site (Parcel 2), the problem areas identified in the assessment must be addressed. However, it should be noted that the stream corridor assessment report identified a failing riser structure in the existing in-stream stormwater management pond in

the southern portion of the site. This is a concern for the current application because the approved stormwater management concept plan shows all drainage from the northern portion of the site entering the stream system that feeds the in-line pond. Prior to signature approval of the PPS, the stormwater management concept plan and approval letter must be revised to address the issue of the on-site failing riser structure, which is not allowing the water to exit the pond properly.

Conceptual Site Plan CSP-11003, Condition 4(f), required the submittal of an approved stormwater management concept plan using low-impact development (LID), now commonly referred to as environmental site design (ESD). Per the condition, the CSP was to show the same site layout as the PPS and TCP1. An approved stormwater management concept plan and letter, dated December 12, 2011, were submitted with the subject application. This is the same stormwater management concept approval that was submitted with the CSP.

The concept shows stormwater management requirements to be met through the use of bioretention, retention, infiltration, micro-bioretention, and porous paving. The proposed stormwater management shown on the TCP1 is in general conformance with the approved concept plan; however, the lot layout for the multifamily area shown on the TCP1 continues to be shown differently than what was shown on the concept plan. The TCP does not reflect the areas approved for use as porous pavement or the numerous areas of micro-bioretention that are shown on the concept plan. The concern with the differing designs is that the current site design may not provide the same water quality controls that were approved on the concept plan.

Prior to signature approval of the PPS, the stormwater management concept plan shall be revised and approved to show a site design layout that is consistently shown on all plans in the package with a focus on stormwater facilities designed as amenities using LID/ESD techniques.

Prior to grading of the site, the county requires approval of an erosion and sediment control plan. The TCP must reflect the ultimate limits of disturbance (LOD) not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure including erosion and sediment control measures. An unapproved copy of the erosion and sediment control concept plan was stamped as received on April 17, 2014. The LOD shown on the erosion and sediment control plan is the same LOD shown on the TCP1. Prior to signature approval of the PPS, a copy of the erosion and sediment control concept plan approved by the Soil Conservation District must be submitted.

The site fronts on Westphalia Road, a master-planned collector along the site's frontage, and a small portion is designated as arterial west of the subject site. A master-planned right-of-way designated as a major collector, MC-634, runs through the site. No roadway designated as arterial or higher classification exists that would require noise mitigation.

Westphalia Road was designated a historic road in the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). An inventory of scenic and historic features along the site's frontage on Westphalia Road was submitted on March 24, 2014 pursuant to Condition 4(e) of the CSP-11003

approval. The inventory includes a plan with photos along the site's frontage on Westphalia Road; however, no written evaluation was provided.

The MPOT includes a section on special roadways, which includes designated scenic and historic roads, and provides specific policies and strategies which are applicable to this roadway as follows:

**Policy 2: Conserve and enhance the viewsheds along designated roadways.**

**STRATEGIES:**

- 1. Require submission of an inventory of scenic and historic features with all applications that propose work adjacent to the right-of-way of a designated roadway.**
- 2. Require the conservation and enhancement of the existing viewsheds of designated roads to the fullest extent possible during the review of land development or permit applications, whichever comes first. Elements to be considered shall include views of structures from the roadway; design character and materials of constructed features; preservation of existing vegetation, slopes and tree tunnels; use of scenic easements; and limited access points.**

Any improvements within the right-of-way of a historic road are subject to approval by the county under the 1994 *Prince George's County Design Guidelines and Standards for Scenic and Historic Roads*.

The Landscape Manual addresses the requirements with regard to buffering of scenic and historic roads. These provisions will be evaluated at the time of review of the DSP. Adjacent to a historic road, the Landscape Manual requires a Section 4.6 landscape buffer (Buffering Development from Special Roadways) based on the development tier. In the Developing Tier, the required buffer along a historic road is a minimum of 20 feet wide to be planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings. The 20-foot-wide scenic buffer is required to be provided behind the public utility easement. Landscaping is a cost-effective treatment which provides a significant visual enhancement to the appearance of a historic road.

When a roadway is designated as historic, it is because it is located in its historic alignment and there is an expectation that historic features will be found along its length, although not on every property. Roadways are a linear element, and the intention of the scenic buffer is to preserve or enhance the extent of the roadway and enhance the travel experience if scenic qualities or historic features have not been preserved.

The site design shown on the TCP1 shows a proposed building within the 20-foot scenic buffer. At the time of DSP, the site design shall be revised to remove all proposed buildings from the 20-foot

scenic buffer, which must be located behind the ten-foot-wide public utility easement. The PPS and TCP1 shall be revised to show the location of the 20-foot-wide scenic and historic buffer.

9. **Primary Management Area (PMA)**—This site contains regulated environmental features that are required to be protected under Section 24-130 of the Subdivision Regulations. The on-site regulated environmental features include non-tidal wetlands, streams, 100-year floodplain, and their associated buffers. The site also contains an isolated wetland along the northern property line adjacent to Westphalia Road. These regulated environmental features are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5), which states:

- (5) Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. Any lot or parcel proposed for development shall provide a minimum of one acre of contiguous land area exclusive of any land within regulated environmental features in a configuration that will support the reasonable development of the property. This limitation does not apply to open space and recreational parcels. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.**

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing, or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code. Impacts to regulated environmental features must first be avoided and then minimized if necessary. The statement of justification must address how each impact has been avoided and/or minimized.

A statement of justification, including impact exhibits, was stamped as received on January 22, 2014, and reviewed as part of this application. The statement of justification submitted with the current application is identical to the statement of justification that was submitted for the Conceptual Site Plan, CSP-11003. The impacts to the PMA were approved with the CSP. The statement of justification and associated exhibits reflect the same two impacts to regulated environmental features that are associated with the proposed multifamily development on Parcel 1,

and no additional impact is requested with this PPS. The site contains a total of 12.34 acres of PMA.

**Impact 1** is an impact of 37,790 square feet (0.86 acre) of isolated wetland and wetland buffer for development of a building, parking, and frontage improvements along Westiphalia Road.

**Impact 2** is an impact of 1,652 square feet (0.04 acre) of PMA comprised of wetland and wetland buffer for the installation of a stormwater outfall.

The proposed site design and the statement of justification show that the impacts proposed will provide the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. The proposed two impacts on Parcel 1, one impact for development of a building, parking, and frontage improvements along Westiphalia Road and a second impact for installation of a stormwater outfall, totaling 39,442 square feet, were approved with CSP-11003.

10. **Variance to Section 25-122(b)(1)(G)**—Type 1 tree conservation plan applications are required to meet all of the requirements of Subtitle 25, Division 2, Section 25-122(b)(1)(G), which includes the preservation of specimen trees. Every effort should be made to preserve the trees considering the different species' ability to withstand construction disturbance. The applicant should refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances.

If, after careful consideration has been given to the preservation of the specimen trees, there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Division 2 of Subtitle 25 (the Woodland and Wildlife Habitat Conservation Ordinance (WCO)) provided all of the required findings in Section 25-119(d) can be met and the request is not less stringent than the requirements of the applicable provisions of the Code of Maryland Regulations (COMAR). An application for a variance must be accompanied by a letter of justification stating the reasons for the request and how the request meets each of the required findings.

A variance application to Section 25-122(b)(1)(G) of the WCO, a statement of justification dated March 12, 2014 in support of a variance, and tree removal exhibits were received. The specimen tree table on the TCP1 shows 33 specimen trees total; seven are located off-site, but have been included because the critical root zones are located on-site, or are very close to the property boundary. The statement of justification and the specimen tree table indicate the need to remove three specimen trees for the current application. Tree 33 is located on-site and Trees 27 and 28 are located off-site. All three trees are tulip poplars and are in good condition.

The plans do not show any proposed development or grading on the southern portion of the site (Parcel 2) at this time. However, an off-site sewer connection is proposed to the south of the property. All of the specimen trees are located on the southern portion of the site. The proposed design shows the sewer line running along the eastern property boundary and connecting to the

existing line to the south. All three trees that are proposed to be removed are for the installation of the sewer connection.

Section 25-119(d) of the WCO contains six required findings **[text in bold]** to be made before a variance can be granted. The evaluation of a variance for the removal of three trees for the installation of a sewer connection is provided below.

**(A) Special conditions peculiar to the property have caused the unwarranted hardship;**

The proposed development is located on the northern portion of the site on Parcel 1. An existing sewer line is located to the south of the subject site. The proposed design shows the sewer line running along the eastern property boundary and connecting to the existing line to the south. No impacts to regulated environmental features and only minimal impacts to specimen trees are proposed for the sewer connection, which is needed for purposes of health, safety, and welfare.

**(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;**

If other properties encounter similar species, in similar locations on a site, in similar condition, the same considerations would be provided during the review of the required variance application.

**(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;**

The sewer connection is needed for purposes of health, safety, and welfare for the proper disposal of sewage.

**(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;**

The existing conditions or circumstances are not the result of actions by the applicant.

**(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and**

The request to remove the trees does not arise from any condition on a neighboring property.

**(F) Granting of the variance will not adversely affect water quality.**

All proposed land development activities will require sediment control and stormwater management measures to be reviewed and approved by the county.

Based on the preceding analysis, the required findings of Section 25-119(d) have been adequately addressed and the removal of Specimen Trees 27, 28, and 33 is approved.

11. **Stormwater Management**—The Department of Permitting, Inspections and Enforcement (DPIE) has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 15908-2011-00, for the site was approved with conditions on December 12, 2011, and is valid until December 12, 2014. The approval letter states that the applicant will pay a fee-in-lieu of providing on-site attenuation/quality control measures. The submitted concept plan shows stormwater management requirements to be met through the use of bioretention, retention, infiltration, micro-bioretention, and porous paving. However, the lot layout for the multifamily area shown on the TCP1 continues to be shown differently than what was shown on the concept plan. The concern with the differing designs is that the current site design may not provide the same water quality controls that were approved on the concept plan. Prior to signature approval of the PPS, the stormwater management concept plan shall be revised and approved to show the conceptual site design layout that is consistently shown on the TCP1. Development must be in accordance with the approved plan or any subsequent revisions, as well as the approved PPS.

The approved stormwater management plan is required to be designed in conformance with any approved watershed management plan pursuant to Subtitle 32, Water Resources and Protection; Division 3, Stormwater Management Plan; and Section 172, Watershed Management Planning, of the Prince George's County Code. As such, the requirement of Section 24-130(b)(4) of the Subdivision Regulations, which requires that a subdivision be in conformance with any watershed management plan, has been addressed with the approval of the stormwater management concept plan by DPIE.

12. **Parks and Recreation**—This PPS has been reviewed by the Department of Parks and Recreation (DPR) for conformance to the Subdivision Regulations, the General Plan, the 2007 Westphalia Sector Plan and SMA for Planning Area 78, Conceptual Site Plan CSP-11003, the Land Preservation and Recreational Program for Prince George's County, current subdivision regulations, and existing conditions in the vicinity of the proposed development as they pertain to public parks and recreational facilities.

The subject property is adjacent to the Smith Home Farm project to the east. A network of hiker/biker trails approved in the Westphalia Sector Plan will connect this subdivision to the Westphalia Central Park and surrounding public recreational facilities. Using current occupancy statistics for multifamily dwelling units, one would anticipate that the proposed development would result in a population of 842 residents in this new community.

The Westphalia Sector Plan and SMA anticipates that the major recreational needs of the residents of the sector plan will be addressed by the contribution of funds for the development of the 124-acre central park, a single major recreational complex to serve the entire Westphalia area. The

Westphalia Central Park will be located half a mile southeast from the southern boundary of this project. The central park will be accessible to the residents of this community through a system of roads and pedestrian and hiker/biker trails. This large urban park will serve as a unifying community destination providing recreational amenities for the entire Westphalia Sector Plan area. The sector plan recommends developing the central park with the following recreational amenities: a recreational lake or other water feature, active and passive recreational facilities, lawn areas and bandstands suitable for public events, a trail system, group picnic areas, and tennis facilities.

At the time of CSP-11003 approval, the applicant agreed to contribute to the construction of the central park for conformance with the sector plan recommendation. Condition 12 of CSP-11003 established the trigger for the monetary contribution to a park club:

12. a. **The applicant shall make a monetary contribution to the “park club”, which is to be established and administered by the M-NCPPC Department of Parks and Recreation. The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars. Monetary contributions may be used for construction, operation and maintenance of the recreational facilities in the central park and/or the other public parks that will serve the Westphalia Study Area. The park club shall be established and administered by the DPR.**
- b. **Prior to the first final plat of subdivision, the applicant shall enter into an agreement with the Department of Parks and Recreation establishing a mechanism for payment of fees into an account administered by the M-NCPPC. If not previously determined, the agreement shall also establish a schedule of payments and/or a schedule for park construction. The payment shall include a formula for any needed adjustments to account for inflation. The agreement shall be recorded among the Prince George’s County Land Records by the applicant prior to final plat approval.**

The central park site is suitable for providing major recreational facilities as envisioned by the sector plan. The dedicated parkland and monetary contribution for the construction of the recreational facilities in the park will provide the resources to create a unique focal area in the planned community with surrounding developments overlooking the parkland, roads, and trails connecting to the park.

The statutory requirements of Section 24-134 of the Subdivision Regulations applicable to the residential portion of development located on Parcel 1 require that the applicant provide mandatory dedication of approximately 2.5 acres of land suitable for active and passive recreation. Mandatory dedication requirement for Parcel 1 should be met by the provision of on-site private recreational facilities. The requirement of Section 24-134 are independent of Condition 12 of the CSP.



This property is located directly across the road from the 16.7-acre Westphalia neighborhood park/school site. The current park facilities include a softball field, a tennis court, a half basketball court, a playground, and a fitness cluster. In the spring of 2014, DPR plans to begin construction of a community center and additional recreational facilities in the park. It is anticipated that an elementary school will be constructed on this park/school site in the future. The residents of this development should be able to walk to this park. Safe pedestrian crossing should be provided across Westphalia Road at this project area. This crossing is proposed by the applicant in their Pedestrian and Bikeway Facility Plan.

13. **Trails**—This PPS has been reviewed for conformance with Section 24-123 of the Subdivision Regulations, previous approvals, the MPOT, and the appropriate area master plan in order to implement planned trails, bikeways, and pedestrian improvements.

The subject site is bound by Westphalia Road to the north and the master plan road, MC-634, runs roughly north to south through the site. The property abuts the approved Smith Home Farm development immediately to the east.

Both the MPOT and area master plan identify two master plan trails issues in the vicinity of the subject property. Sidepaths are recommended along both Westphalia Road and MC-634. Text for these recommendations as copied from the MPOT and area plan are as follows:

**Westphalia Road (C-626) Shared-Use Side path:** A shared-use side path should be provided as part of the planned improvements to Westphalia Road if practical and feasible. On-road bicycle facilities may also be appropriate (MPOT, page 36).

**Presidential Parkway Extended (MC-634) Side Path:** The Westphalia Sector Plan recommends extending the existing side path along Presidential Parkway and along the entire length of MC-634 and A-66. This facility will provide access to the town center, Little Washington, and several park facilities. On-road bicycle facilities may also be appropriate (MPOT, page 36).

Regarding the master plan trail along Westphalia Road, an eight-foot wide sidepath or wide sidewalk should be constructed along the frontage of the subject site, unless modified by DPW&T. However, it should be noted that Westphalia Road is a designated scenic and historic road in the vicinity of the subject site, and this may ultimately impact the cross section that DPW&T decides to utilize for the road. If an open section scenic and historic road standard is used for the frontage improvements, bicycles may be accommodated with a six-foot wide paved shoulder.

Regarding the master plan trail along MC-634, this trail will be provided at the time of road construction. However, no road dedication or construction of this major collector is required at this time.

The MPOT also includes a Complete Streets element which lays out specific policies and recommendations for providing roads that accommodate all modes as development occurs and as

frontage improvements are made. The MPOT includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

**Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

**Policy 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

The Trails, Bikeways, and Pedestrian Mobility chapter of the MPOT also includes the following policy regarding pedestrian connections between and within communities.

**Policy 9: Provide trail connections within and between communities as development occurs, to the extent feasible and practical.**

Related to Policy 9, the adjacent residential community (Smith Home Farm) includes a stub street (Deer Stream Drive) that terminates along the southeastern boundary of the site (Parcel 2). Consideration should be given to providing a trail and pedestrian connection at this location. This will provide access between the two developments and provide for the more connected and integrated community envisioned in the Westphalia Sector Plan. This vehicular connection will also more directly connect the subject site with the future Westphalia Town Center.

Condition 14 of CSP-11003 requires submission of a pedestrian and bikeway facilities plan at the time of PPS or DSP. This pedestrian and bikeway facilities plan has been submitted by the applicant and it addresses points (a) through (e) of Condition 14. The plan reflects the proposed on-site sidewalk network; the master plan sidepath along Westphalia Road; the future master plan sidepath along MC-634; potential pedestrian crossings of Westphalia Road; and future connections to the adjacent Smith Home Farm property. The trail along MC-634 should be relabeled as a master plan sidepath on the pedestrian and bikeway facilities plan. This exhibit adequately addresses Condition 14 of the CSP and the design details and specific treatments can be determined at the time of DSP. Also, the details regarding the sidewalks provided within the residential portion of the site will be made at the time of DSP.

It should be noted that the master plan trail along Cabin Branch ends to the southeast of the subject site, per prior approvals for the Smith Home Farm development. Access to this stream valley trail should be considered to the site via the pedestrian connection to Smith Home Farm, as well as the master plan trail along Westphalia Road. The conceptual alignment of the trail from Parcel 1 through Parcel 2 to connect to the Smith Home Farm development at Deer Stream Drive as reflected on the Pedestrian and Bikeway Facilities Plan submitted by the applicant is acceptable. The nature and design of this connection should be reviewed further and determined at the time of DSP. At the time of DSP for Parcel 1, the design of the trail head should be integrated with the sidewalk on the multifamily development and terminate at the southeast of Parcel 1 abutting Parcel

2. If the applicant chooses to reuse the existing building with no modification on Parcel 2, a detailed site plan may not be required if no new improvement is being proposed. Therefore, prior to final plat of Parcel 2, a private trail easement to the benefit of Parcel 1 should be required. The easement should delineate the alignment of the trail as reflected on the Pedestrian and Bikeway Facilities Plan submitted with this PPS or subsequent DSP and set forth the rights, responsibilities, and liabilities of the parties and the liber and folio of the easement should be reflected on the plat prior to recordation. The alignment of this easement may be modified upon the redevelopment of Parcel 2 to accommodate a new development layout.

**Applicability of Section 24-124.01, Adequate Public Pedestrian and Bikeway Facilities (CB-2-2012)**

A small portion of the subject site lies within the MD 4 Corridor. According to information on PGAtlas, approximately 60 square feet of the subject site lies within this corridor. As defined in the General Plan, the corridor is defined as follows:

**Corridors: The land within one-quarter mile of both sides of designated high-volume transportation facilities, such as arterial roads. If the designated transportation facility is a limited access highway, the Corridor extends one-quarter mile from the interchanges (General Plan, page 104).**

The applicability of CB-2-2012 (Section 24-124.01 of the Subdivision Regulations) to the subject site is noted in section of Section 24-124.01(b), which is copied below:

- (b) Except for applications for development project proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any preliminary plan may be approved for land lying, in whole or part, within County Centers and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.**

It should be noted that the portion of the subject site within the center is not proposed to be developed and is within a woodland conservation area. After discussions with the M-NCPPC Legal Department, it was determined that Section 24-124.01 is not applicable to the subject application due to the extremely small portion of the site within the corridor and the lack of development proposed within this portion of the site, and as stated "the required nexus (*Nollan v. California Coastal Commission*, 483 U.S. 825 (1987)), and proportionality (*Dolan v. City of Tigard*, 512 U.S. 374 (1994)) are completely lacking."

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision as required under Section 24-123 of the Subdivision Regulations.

14. **Transportation**—The property is located on the south side of Westphalia Road, approximately 3,000 feet east of the intersection of Pennsylvania Avenue (MD 4) and Westphalia Road. The

subject application proposes the construction of 301 apartment dwelling units on proposed Parcel 1 and to retain the existing 142,500 square feet of industrial space on proposed Parcel 2.

**Growth Policy—Service Level Standards**

The subject property is located within the Developing Tier as defined in the General Plan. 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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

**Unsignalized intersections:** The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using The Highway Capacity Manual (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using The Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this 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.

**Analysis of Traffic Impacts**

Based on trip rates from the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," the proposed new development consisting of 301 apartment dwelling units on Parcel 1 will be adding 157 (31 in; 126 out) AM peak-hour trips, 181 (118 in; 63 out) PM peak-hour trips, and 1,957 daily trips to the transportation network.

Proposed Parcel 2 of the site is currently improved with a 142,500-square-foot building which is currently dormant, but once functioned as a light industrial facility. In the traffic study, this facility was included as background with a trip generation of 122 (98 in; 24 out) trips during the AM peak hours and 122 (24 in; 98 out) trips during the PM peak hours. In light of this inclusion in the background traffic analyses, the existing building on Parcel 2 could therefore, be occupied as any allowable uses provided those uses do not exceed 122 trips in either peak period.

The traffic generated by the proposed PPS would impact the following intersections:

- Westphalia Road and MD 4

- Westphalia Road and D'Arcy Road
- Westphalia Road and Site Access

The applicant submitted a traffic study dated March, 2014. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the "Transportation Review Guidelines, Part 1" (Guidelines). The study identified the following intersections as critical:

<b>EXISTING CONDITIONS</b>		
<b>Intersection</b>	<b>AM (LOS/CLV)</b>	<b>PM (LOS/CLV)</b>
Westphalia Road and MD 4	D/1343	<b>F/1587</b>
Westphalia Road and D'Arcy Road*	15.4 seconds	13.5 seconds
Westphalia Road and Site Access	Future	Future
*In analyzing unsignalized intersections, the 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.		

The traffic study identified 33 background developments whose impact would affect some or all of the study intersections. A second analysis was done to evaluate the impact of the background developments. The analysis revealed the following results:

<b>BACKGROUND CONDITIONS</b>		
<b>Intersection</b>	<b>AM (LOS/CLV)</b>	<b>PM (LOS/CLV)</b>
Westphalia Road and MD 4	<b>F/2369</b>	<b>F/2716</b>
Westphalia Road and D'Arcy Road*	<b>&gt;999 seconds</b>	<b>&gt;999 seconds</b>
Westphalia Road and Site Access	Future	Future
*In analyzing unsignalized intersections, the 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.		

Using the trip rates from the Guidelines, the study has indicated that the proposed development of 301 garden apartments will generate 157 (31 in; 126 out) AM peak-hour trips, 181 (118 in; 63 out) PM peak-hour trips, and 1,957 daily trips. A third analysis depicting total traffic conditions was done, yielding the following results:

<b>TOTAL CONDITIONS</b>		
<b>Intersection</b>	<b>AM (LOS/CLV)</b>	<b>PM (LOS/CLV)</b>
Westphalia Road and MD 4	<b>F/2412</b>	<b>F/2736</b>
Westphalia Road and D'Arcy Road* When analyzed as a signalized intersection	<b>&gt;999 seconds</b> A/925	<b>&gt;999 seconds</b> A/823
Westphalia Road and Site Access* When analyzed as a signalized intersection	<b>50.8 seconds</b> A/975	<b>36.0 seconds</b> A/883
*In analyzing unsignalized intersections, the 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.		

When analyzed with the total future traffic as developed using the Guidelines, the critical intersections were not found to be operating at or better than the policy service level.

None of the intersections are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program (CTP) or the Prince George's County Capital Improvement Program (CIP).

Based on the results shown above, the following represents a summary of the traffic study's conclusions:

- One of the movements at the proposed site access exceeds the 50-second delay threshold; however, signalization is not necessary, as discussed below.
- The intersection of Westphalia Road and D'Arcy Road will operate adequately when signalized.
- With monetary contributions towards the construction of the planned interchange at the MD 4/Westphalia Road intersection, the development would meet the requirements for transportation adequacy, pursuant to Subtitle 24 of the County Code.

The Transportation Planning Section is in general agreement with the findings and conclusions of the traffic study.

The two unsignalized intersections are projected to operate with delays in excess of 50 seconds; consequently, the intersection of Westphalia Road and D'Arcy Road will be subject to a signal warrant study to determine the need for signalization. However, the intersection at the site access will not be the subject of any additional analyses. A CLV analysis was done by staff that resulted

in a CLV that is less than 1,150 in both peak hours. Per the Guidelines, this intersection is deemed to be adequate.

The applicant's traffic study concludes that with monetary contributions towards the construction of the planned interchange at the MD 4/Westphalia Road intersection, the development would meet the requirements for transportation adequacy, pursuant to Subtitle 24 of the County Code. The Planning Board concurs.

**Westphalia Public Facilities Financing and Implementation Program (PFFIP)**

On October 26, 2010, the County Council approved Council Resolution CR-66-2010 establishing a Public Facilities Financing and Implementation Program (PFFIP) district for the financing and construction of the MD 4/Westphalia Road interchange. Pursuant to CR-66-2010 (Sections 6, 7, and 8), a cost allocation table has been prepared that allocates the estimated \$79,990,000 cost of the interchange to all of the properties within the Westphalia PFFIP district. County Council Resolution CR-66-2010 also established \$79,990,000 as the maximum cost on which the allocation can be based. The allocation for each development is based on the proportion of average daily trips (ADT) contributed by each development passing through the intersection, to the total ADT contributed by all of the developments in the district passing through the same intersection. The ratio between the two sets of ADT becomes the basis on which each development's share of the overall cost is computed.

However, under the provisions of CR-66-2010, the applicant has agreed to provide a commensurate share of the cost to construct an interchange at the intersection of MD 4/Westphalia Road. Based on the applicant's proposed density of 301 dwelling units, the projected daily trip generation would be 1,957 trips. The traffic study assigned 90 percent of the site traffic ( $1,957 \times 0.9$ ), or 1,761, daily trips towards the intersection of MD 4/Westphalia Road. Consequently, the applicant's share of the cost was computed as **\$1,502,336.34**. Assuming the subject application is approved for 301 dwelling units, the unit share will be **\$4,991.15** ( $\$1,502,336.34 / 301$ ).

It is worth mentioning that, should this application be approved with a density other than 301 dwelling units, the applicant's cost share will need to be recalculated, which must occur prior to approval of the PPS.

In the traffic study, the existing a 142,500-square-foot building on proposed Parcel 2 was included as background traffic. This PPS proposes to retain the existing building and propose no new development on Parcel 2, therefore, there is no new trips being generated by the existing development on Parcel 2. Since the Parcel 2 generated no new trips and no need for the interchange at the MD 4 and Westphalia Road intersection, Parcel 2 is not subject to PFFIP at this time. If in the future Parcel 2 redevelops that include residential development, the razing of the existing building or additional gross floor area of more than 1,000 square feet a new PPS is recommended, a traffic study and PFFIP will be revisited with the new PPS application.

**SHA & DPW&T Comments**

The traffic study was referred out to the Maryland State Highway Administration (SHA), as well as DPW&T, for review and comments. In a memorandum dated April 17, 2014 (Issayans to Masog), the following represents the issues that were raised by DPW&T:

- “The developer shall provide a right turn lane at Westphalia Road and the site entrance along eastbound (EB) Westphalia Road as part of the frontage improvement to accommodate the high evening (PM) peak hour right turning movement.”

This is supported.

- “The Highway Capacity Manual (HCM) 2018 total traffic intersection analysis methodology at Westphalia Road and the site entrance shows a failing morning (AM) peak hour level of service (LOS) for the northbound (NB) movement. Additionally, the approach delay at the intersection exceeds 50.0 seconds with the NB movement volumes exceeding 100 vehicles per hour (vph) during the AM peak period. Conduct a critical lane analysis (CLV) analysis at the intersection of Westphalia Road and the Site Entrance using the requirements set forth in the Prince George’s County Transportation Review Guidelines to further assess the operation of the intersection.”

This analysis was done by the Transportation Planning Section with the results shown in the preceding table depicting “Total” conditions.

- “It should be noted, if the Cambridge Place at Westphalia development is implemented prior to the Smith Home Farm project, the developer for Cambridge Place at Westphalia shall place all necessary roadway improvement at the intersection of Westphalia Road and D’Arcy Road to increase the EB movement storage lengths and improve the LOS at the intersection. The developer for Cambridge Place at Westphalia should not rely on the signalization of Westphalia Road and D’Arcy Road to improve the intersections’ LOS operationally.”

The applicant’s justification for adequacy was predicated on this intersection being signalized. Consequently, the applicant (and all others for whose development the intersection is critical) will be required to do a signal warrant study, and will be responsible for all of the preparatory improvements needed to prepare the intersection for signalization if warranted by the approving agency.

#### **Master Plan Right-of-Way**

With regard to the master plan for the site, the property is subject to the Westphalia Sector Plan and SMA, as well as the MPOT.



The property fronts on Westphalia Road, which is a master-planned 80-foot collector (C-626). The PPS proposes 28,314 square feet of dedication along Westphalia Road, which is consistent with the master plan recommendation.

The planned MC-634 facility as shown on the Westphalia Sector Plan and the MPOT, MC-634 is planned as a major collector with a 100-foot-wide right-of-way to connect from Dower House Road to White House Road. The current master plan alignment shows MC-634 to be located at the southwestern portion of the site on Parcel 2 and aligning along the southern property line.

The PPS proposes a new development of 301 multifamily dwellings on proposed Parcel 1 with one direct access to Westphalia Road. The PPS also proposes Parcel 2, which is to retain the existing 142,500 square feet of industrial space and its existing access to Westphalia Road. The current alignment of the MC-634 facility does not impact the residential development on proposed Parcel 1. However the MC-643 alignment does bifurcate the southern portion of Parcel 2 with a minor impact to the parking area of the existing industrial space. Since the proposed development has no impact or need for access onto MC-634, it was concluded that no nexus exists between the development and the use of MC-634 at this time. Consequently, it was more appropriate to seek reservation of the right-of-way for MC-634, rather than dedication.

The PPS is required to conform to the sector plan. Making an appropriate determination of dedication or reservation is a significant part of demonstrating that conformance. In the case of MC-634, Section 24-139(b) of the Subdivision Regulations states, "If a reservation appears desirable, the Planning Board shall refer the preliminary plan to the public agency concerned with acquisition for its consideration and report; and to the County Executive, County Council, and any municipality within which such property is located, for their comments." That section goes on to state that, "the Planning Board may propose alternate areas for such reservation and shall allow thirty (30) days for reply."

On March 20, 2014, a letter was sent to DPW&T officially requesting comments on the proposed reservation of right-of-way for MC-634 pursuant to Section 24-139(b) of the Subdivision Regulations. A letter dated April 24, 2014 from DPW&T (Mobley to Masog) was received. In that letter, there was no indication that DPW&T will commit funds to acquire the reserved area within a three year period. In order for the Planning Board to place property in reservation, an agency must demonstrate (with good faith) a willingness to acquire said property within a three year period. Citing a lack of commitment by DPW&T to acquire the area of the future MC-634, reservation or dedication for this planned roadway was not recommended.

The Department of Public Works and Transportation (DPW&T) general standard is to align vehicular access driveways whenever feasibility to reduce traffic conflict on the roadway. Transportation Planning staff has evaluated the possibility of aligning the access driveway of the multifamily development on Parcel 1 with Chester Grove Road, to the northwest of site. The curve in the Westphalia Road right-of-way at Chester Grove Road does not have the best sight distance for an access driveway on Parcel 1. Parcel E to northeast of site, directly across Westphalia Road is planned to be developed as the Westphalia neighborhood park and school site (M-NCPPC). There

should be an evaluation of the feasibility of aligning the vehicular access for Parcel 1 with the future access for Parcel E, the Westphalia neighborhood park and school site, at the time of detailed site plan for Parcel 1. The location of the access driveway to Parcel 1 should be further evaluated at the time of detailed site plan, where the site layout of multifamily development will be more established.

The subject property abuts to the Smith Home Farm Development (4-05080, PGCPB Resolution No. 06-64(A/2)(C)). The approved Specific Design Plan SDP-1003-04 for Smith Home Farm Development shows Deer Stream Drive, a proposed public right-of-way that has not been to record plat, terminus to the east boundary of proposed Parcel 2. The extension of Deer Stream Drive would provide more vehicular access and connectivity between the site and the Smith Home Farm Development and ultimately to the Westphalia Town Center. However, Parcel 2 proposes to retain the existing use and access to Westphalia Road and proposes no new development. Since the existing development on Parcel 2 has no impact or need for vehicular access onto Deer Stream Drive, therefore, it is not required for the extension of Deer Stream Drive onto Parcel 2 at this time. If in the future Parcel 2 redevelops that include residential development, the razing of the existing building or additional gross floor area of more than 1,000 square feet a new PPS should be required, an extension of Deer Stream Drive to connect to Smith Home Farm Development will be revisited with the new PPS application.

Based on the preceding findings, the Planning Board determined that adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations if the application is approved with conditions.

15. **Schools**—The residential portion of this PPS was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and Council Resolution CR-23-2003, and concluded the following:

## Residential

### Impact on Affected Public School Clusters Multi-Family Units

Affected School Clusters #	Elementary School Cluster	Middle School Cluster	High School Cluster
Dwelling Units	301	301	301
Pupil Yield Factor	0.042	0.039	0.033
Subdivision Enrollment	13	12	10
Actual Enrollment	3,383	4,599	11,684
Total Enrollment	3,396	4,611	11,694
State Rated Capacity	4,399	5,540	13,106
Percent Capacity	77%	83%	89%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between the Capital Beltway (I-95/495) 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 (WMATA); 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 \$8,858 and \$15,020 to be paid at the time of issuance of each building permit.

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

## Nonresidential

The commercial portion of this PPS (Parcel 2) has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the "Adequate Public Facilities Regulations for Schools" (CR-23-2001 and CR-38-2002), and the Planning Board concluded that this portion of the subdivision is exempt from a review for schools because it is a nonresidential use.

16. **Fire and Rescue**—The proposed mixed-use development has been reviewed 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 Regulations and is within the recommended response times.

Section 24-122.01(e)(1)(E) states that, "a statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7)

minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.”

The proposed project is served by Forestville Fire/EMS, Company 23, a first due response station located at 8321 Old Marlboro Pike. The proposed development is within the seven-minute required response time for the first due fire station using the *Seven-Minute Travel Times and Fire Station Locations Map* provided by the Prince George’s County Fire/EMS Department.

**Prince George’s County Capital Improvement Program (CIP)**

The CIP for Fiscal Years 2014–2019 provides funding for replacing existing Forestville Fire/EMS Station, Company 23, at 8321 Old Marlboro Pike.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure.”

17. **Police Facilities**—The subject property is located in Police District II, Bowie. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The PPS was accepted for processing by the Planning Department on February 12, 2014.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 2/12/2014	2/2013-1/2014	7 minutes	14 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of ten minutes for emergency calls and the 25 minutes for nonemergency calls were met on February 19, 2014.

The Police Chief has reported that the Prince George’s County Police Department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, the County Council and the County Executive temporarily suspended the provisions of Section 24-122.01 (e)(1)(A) and (B) regarding sworn police personnel staffing levels.

**Nonresidential**

The proposed development is within the service area of Police District II, Bowie, Maryland. There is 267,660 square feet of space in all of the facilities used by the Police Department, and the July 1, 2009 (U.S. Census Bureau) county population estimate is 834,560. Using 141 square feet per

1,000 residents, it calculates to 117,672 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.

18. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System, and within Tier 1 under the Sustainable Growth Act, the site will therefore be served by public systems.

An eight-foot water line in Westphalia Road and an eight-foot sewer line extending from Oak Street abuts the site via Westphalia Road. Water and sewer line extensions and/or an on-site system may be required to service the proposed mixed-use development and must be approved by the Washington Suburban Sanitary Commission (WSSC).

19. **Health Department**—The PPS was referred to Prince George’s County Health Department for evaluation. The Health Department has not offered any comments.
20. **Public Utility Easement**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The PPS correctly delineates a ten-foot-wide public utility easement along the public rights-of-way as requested by the utility companies which will be required to be reflected on the final plat prior to approval.

21. **Historic**—A Phase I archeology survey was conducted on the subject property in January 2013. Based on the results of the Phase I survey, no cultural material was identified and no archeological sites were delineated. Due to the lack of cultural material or identified archeological sites, no further work was recommended on the Cambridge Place at Westphalia property.
22. **Use Conversion**—The PPS proposes a mixed of residential and industrial use for the subject property consistent with the approved Conceptual Site Plan CSP-11003. If a substantial revision to the mix of uses on the subject property is proposed, that significantly affects Subtitle 24 adequacy findings, that revision may require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.

The PPS propose 301 multifamily dwelling units on Parcel 1 and to retain the existing 142,500 square feet for industrial uses on Parcel 2. The focus of the analysis of this PPS has been on the

new residential development on Parcel 1. Since Parcel 2 proposes no new development, it was reviewed as existing and some of the analysis such as road and trail connections, traffic impact, and stream assessment were deferred. Parcel 2 can move forward with occupying the existing building with a use permitted in the M-X-T Zone and within the background trip analysis of PPS. However, if in the future the existing building on Parcel 2 proposes to be redeveloped which includes residential development, the razing of the existing building or additional gross floor area of more than 1,000 square feet, then a new preliminary plan of subdivision is required for Parcel 2.


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 date of notice of 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 Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff and Hewlett voting in favor of the motion, and with Commissioners Bailey and Geraldo absent at its regular meeting held on Thursday, June 5, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of June 2014.

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department  
Date 6/16/14

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:QN:arj