



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 16-86

File No. 4-13005

RESOLUTION

WHEREAS, VP, LLC (Mark Vogel) is the owner of a 24.59-acre parcel of land known as Tax Map 90, Grid C-3, 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 Rural-Residential (R-R);

WHEREAS, on March 25, 2016, VP, LLC (Mark Vogel) filed an application for approval of a Preliminary Plan of Subdivision for 204 lots and 33 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-13005 for Cabin Branch Village 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 July 28, 2016, 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 July 28, 2016, 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 Type 1 Tree Conservation Plan (TCP1-008-14-01), and APPROVED Preliminary Plan of Subdivision 4-13005, including a Variation to Sections 25-122(b)(1)(G) for specimen tree removal and Section 24-128(b)(7)(A) for the use of an alley with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the follow technical corrections shall be made:
 - a. Amend General Note 5 (Sheet 1) to include CSP-13001, approved by the Planning Board on July 30, 2015, with Prince George's County Resolution No. 15-85 adopted by the Planning Board on September 10, 2015, formalizing that approval.
 - b. Amend General Note 11 to add the acreage for each zone.
 - c. Reduce the scale for the PPS and TCP.
 - d. Provide dimensions between sticks of units and lot lines and ROW's.

- e. Amend the development data table to accurately reflect which standards are and are not required.
 - f. Add a general note regarding TH variation approved providing code cite.
 - g. Label, dimension, and provide a note that Parcels 1 and 2 have access authorized pursuant to Section 24-128(b)(9) of the Subdivision Regulations and are subject to a joint access easement.
 - h. Label the zoning line and acreage of the R-R Zone on the appropriate sheet of the PPS.
 - i. Open spaces T and I shall be adjusted so that they are stand alone parcels.
 - j. Reflect sidewalks on both sides of all public and private streets, not alleys in conformance to Section 27-548(h) of the Zoning Ordinance.
 - k. Reflect 'Private Road D' connecting to Ryon Road.
 - l. Label 'Road C,' Parcels CC and FF to be dedicated, to public use, and labeled for "HOA Maintenance."
 - m. The PPS and TCP must match acreage being 24.59 (23.59 M-X-T and 1. R-R).
 - n. Clearly label the zoning line.
 - o. Clearly label the limit of I-603 (70-foot-wide) extending from the intersection with MC-634 west. Label the center line and ultimate ROW of Armstrong Lane east of MC-634 (50-foot-wide).
 - p. Provide match line on all sheet (i.e. west on sheet 7).
- 2. Development of this site shall be in conformance with approved Stormwater Management Concept Plan 15564-2013-00 and any subsequent revisions consistent with the approved preliminary plan of subdivision.
 - 3. At the time of final plat, the applicant shall grant public utilities as approved on the approved DSP.
 - 4. Prior to approval of the final plat of subdivision for Parcels 1 and 2, (Commercial) a draft vehicular access easement pursuant to Section 24-128(b)(9) and the approved PPS shall be approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC) and be fully executed. The easement documents shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of M-NCPPC. The easement document shall allow for the future extension of the easement to the west upon the approval of a PPS for the abutting property. Prior to recordation of the final plat, the easement shall be recorded in land records and the

liber/folio of the easement shall be indicated on the final plat and the limit of the easement reflected.

5. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowner's association (HOA) has been established for the townhouse portion of the property and that the common areas have been conveyed to the HOA.
6. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowner's association (HOA) land as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:
 - a. A copy of the unrecorded special warranty deed for the property to be conveyed shall be submitted to the M-NCPPC Subdivision Review Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - b. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials, soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to a HOA shall be in accordance with an approved detailed site plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the M-NCPPC DRD Division in accordance with the approved detailed site plan.
 - f. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
7. Total development within the subject property shall be limited to uses which generate no more than adding 157 (38 in; 119 out) AM peak-hour trips and 209 (128 in; 81 out) PM peak-hour trips in consideration of the approved trip rates as well as a 60 percent by-pass rates for retail. Any development generating an impact greater than that identified herein shall require a new determination of adequacy of transportation facilities.

8. Prior to issuance of each building permit, the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of CR-66-2010 and the MD 4/Westphalia Road Public Facilities Financing and Implementation Program (PFFIP), pay to Prince George's County (or its designee) a fee of \$3,760.63 per dwelling unit, and \$26,324.39 for the retail component of the development, pursuant to the Memorandum of Understanding (MOU) required by CR-66-2010. The MOU shall be recorded in the Land Records of Prince George's County, MD. These unit costs will be adjusted based on an inflation cost index factor to be determined by the Department of Public Works and Transportation (DPW&T) at the time of the issuance of each permit.
9. Prior to the approval of any final plat for this project, pursuant to CR-66-2012, the owner/developer, its heirs, successors and/or assignees shall execute a Memorandum of Understanding ("MOU") with the County that sets forth the terms and conditions for the payment of Fees by the Owner/Developer, its heirs, successor and/or assignees pursuant to the PFFIP that covers the entire limit of the preliminary plan of subdivision. The MOU shall be executed and recorded among the County land records and the liber/folio noted on final plat of subdivision.
10. Prior to approval of building permits for residential buildings located within the unmitigated 65 dBA Ldn noise contour, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.
11. At the time of detailed site plan, a lighting plan shall be submitted. The lighting plan shall demonstrate the reduction of sky glow through the use of full cut-off optics. Lighting from the commercial development shall be directed away from the adjacent on-site and off-site residential areas.
12. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval and on the approved plan, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
13. The applicant, his successors, and/or assignees, shall provide adequate, private recreational facilities on site in accordance with the standards outlined in DPR's *Park and Recreation Facilities Guidelines*. The applicant and the applicant's heirs, successors and/or assignees shall submit three (3) original Recreational Facilities Agreements (RFA) to the M-NCPPC Development Review Division (DRD) of the Planning Department for construction of private recreational facilities on homeowners' land, for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the County Land Records and the liber/folio reflected on the plat prior to recordation.
14. The applicant and the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of private recreational facilities on homeowners' land, prior to the issuance of building permits.

15. At the time of final plat the applicant shall dedicate public rights-of-way as reflected on the approved PPS.
16. Prior to the approval of the DSP the applicant shall obtain approval from DPW&T and/or DPIE for the dedication to public use of any non-standard public ROW (Section 24-123(a)(4)).
17. Prior to approval of a detailed site plan (DSP) for the project, the applicant shall show conformance with or provide information as follows:
 - a. Adequate attention be paid to the interface between the commercial and residential sections utilizing items such as landscaping, fencing and/or required upgrades to architecture to make the one land use more compatible with the other.
 - b. The private recreational facilities shall be reviewed for conformance with the standards outlined in the *Park and Recreation Facilities Guidelines*, including adequacy and proper siting by the Urban Design Section.
 - c. The architecture shall be reviewed for the project that meets the following requirements:
 - (1) The architecture shall follow the general guidance of the illustrative contained on page 2 of Exhibit 40 of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. This includes the following:
 - (i) A predominant use of brick;
 - (ii) Well-designed façades with regular and objectively attractive patterns of fenestration;
 - (iii) Use of architectural detail such as shutters, keystone arches or decorative lintels, and over and pronounced sills at the base of the windows;
 - (iv) A varied roofline, utilizing dormers.
 - d. The applicant shall provide a list of green building techniques to be used in this project.
 - e. Sufficient and suitably located guest parking shall be provided for the development.
 - f. In the areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention shall be paid to human scale, high-quality urban design, and other amenities, such as types and textures of materials, landscaping and screening, street furniture, and natural and artificial lighting.
 - g. Plans shall identify an area for a community garden.

- h. A detailed analysis of the internal pedestrian network shall be provided and pedestrian safety features and additional neighborhood connections shall be provided.
- 18. Prior to the approval of the final plat, 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 Westphalia Park Club Agreement, with the Department of Parks and Recreation, shall establish the mechanism for the payment of \$3,500, per dwelling unit in 2006 dollars into a "park club" account administered by the M-NCPPC. M-NCPPC shall adjust the amount of the contribution using the Consumer Price Index (CPI) for inflation at the time of payment. The payment shall be made prior to issuance of the building permit for each residential dwelling unit.
- 19. Prior to the approval of building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities as designated below or as modified by DPW&T/DPIE/DPR, in accordance with Section 24-124.01 of the Subdivision Regulations, have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:
 - a. One off-site bus shelter installation along east bound Presidential Parkway.
 - b. One off-site bus shelter installation along west bound Presidential Parkway.
- 20. At the time of DSP, provide an exhibit that illustrates the location and limits of all of the off-site improvements proffered in the BPIS for the review and approval of the operating agencies. This exhibit shall show the location of all off-site pad or bus shelter installation, as well as any other associated improvements. If it is determined at the time of Detailed Site Plan that alternative off-site improvements are appropriate, the applicant shall demonstrate that the substitute improvements shall comply with the facility types contained in Section (d), be within ½ mile walking or bike distance of the subject site, within the public right-of-way, and within the limits of the cost cap contained in Section(c). The Planning Board shall find that the substitute off-site improvements are consistent with the BPIS adequacy finding made at the time of Preliminary Plan of Subdivision.
- 21. Prior to the approval of the detailed site plan the applicant shall provide for non-motorized transportation with the following conditions:
 - a. Modify the Street Section for MC-634 to accommodate the master plan trail by replacing the five-foot sidewalk along one side of the road with an eight-foot-wide sidepath (or wide sidewalk), unless modified by DPW&T.

- b. Provide standard sidewalks along both sides of all internal roads, excluding alleys (Section 27-548(h).
 - c. Provide sidewalk access from the end of both 'Road B' and along 'Road D' to Ryon Road, unless modified.
22. Prior to signature approval of the preliminary plan, the Tree Conservation Plan 1 shall be revised to reflect the 14 trees to be removed on-site clearly in the table.
23. Prior to signature approval of the preliminary plan, the following note shall be placed on the TCP1 which reflects this approval, directly under the woodland conservation worksheet:
- “NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE):
The removal of fourteen on-site specimen trees (Section 25-122(b)(1)(G), Specimen Trees 1, 2, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, and 24.”
24. Prior to signature approval of the preliminary plan, revise TCP1 to add the AICUZ noise contours and label it in the legend.
25. The following note shall be placed on the Final Plat:
- “Properties within this subdivision have been identified as possibly having noise levels that exceed 65 dBA Ldn due to military aircraft over flights. This level of noise is above the Maryland designated acceptable noise levels for residential uses.”

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 with conditions, 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. **Background**—The subject property is located on Tax Map 90, in Grid C-3 and is known as Parcels 137, 147, 148, 149, 172, 199 and 201. The project calls for the demolition of five existing single-family residences and several outbuildings. These legal acreage parcels (24.59 acres) have not been the subject of a preliminary plan of subdivision or record plat. The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* rezoned Parcels 137, 147, 148, 149, 172, and 199 (23.59 acres) from the R-R and I-1 Zone to the M-X-T Zone while retaining Parcel 201 (one acre) in the R-R Zone.

The subject property comprises 24.59 acres and is located along the north side of Armstrong Lane and abutting the west side of Ryon Road. This application proposes a mixed-use residential and

commercial development in conformance with an approved Conceptual Site Plan (CSP-13001 PGCPB Resolution No. 15-85). The Preliminary Plan of Subdivision (PPS) is for 204 single-family attached dwelling units and two commercial parcels to accommodate 8,676 square feet of gross floor area in the M-X-T and R-R Zones. Parcels 1 and 2 are split zoned (M-X-T and R-R), and are proposed for the commercial component of the development. Access to Parcel 1 and 2 will be via a shared single driveway onto Armstrong Lane (I-603) and will also be served by a shared access easement along the northern property line of both parcels (Section 24-128(b)(9)) for the consolidation of access, which will extend into the abutting property to the west when developed. The commercial and TH development is authorized in the R-R Zone pursuant the adoption of County Council Bill CB-27-2015.

Development conforms to the requirements of the M-X-T Zone as applicable to the PPS, and has been evaluated for conformance to the Westphalia Sector Plan, and concept plans. The lot size and lots width are not subject to the requirements of the M-X-T Zone pursuant to Section 27-542(c)(2) of the Zoning Ordinance. The lots are proposed to range in size between 1,760 and 2,989. One variance is requested for the removal of specimen trees and one variation is required for the use of alleys for dwellings that front on private open space, both are recommended for approval. Section 27-547(b) Table of Uses limits the maximum number and type of dwelling units to what was approved with the Conceptual Site Plan. In this case, CSP-13001 approved 206 single-family attached dwelling units.

The sector plan calls for MC-634, a major public collector roadway (110-foot-wide ROW) to extend through the site in a north/south orientation. Armstrong Lane abutting the southern property line is to be upgraded to an industrial road (I-603) (70-foot-wide ROW) west from its intersection with MC-634, that will extend along the east side of Pennsylvania Avenue (MD 4) and connect to Westphalia Road to the north. Armstrong Lane east of MC-634 is an existing 50-foot-wide public street with no further dedication required. In addition to MC-634 running north and south through the site, Public 'Road C' is proposed to extend from Ryon Road west through the site to the abutting M-X-T zoned property to the west, which will connect these two communities when developed in the future. 'Road C' is currently labeled as a "private street" on the PPS but is being upgraded to a 50-foot-wide public street, with a 26-foot-wide paving section. Public 'Road C' and MC-634 cross in the center of the property creating a four-way intersection at a proposed median break within MC-634.

3. **Setting**—The project is located in the northwestern quadrant of the intersection of Armstrong Lane and Ryon Road. The site is bounded to the north by vacant land in the Light Industrial (I-1) and Residential-Medium (R-M) Zones; to the west by land uses in the Mixed-Use Transportation-Oriented Zone; to the south across Armstrong Lane by vacant land in the M-X-T Zone; and to the east across Ryon Road by single-family detached residential units in the R-R Zone.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

Zone Use(s)	EXISTING	APPROVED
	M-X-T/R-R Vacant	M-X-T/R-R Mixed Use Residential/Commercial
Acreage	24.59	24.59
Gross Floor Area	0	8,676 Commercial
Lots	0	204
Outlots	0	0
Parcels	7	33
Dwelling Units:		
Multifamily	0	0
Townhouse	0	204
Public Safety Mitigation Fee	N/A	N/A
Variance(s)	No	Yes 25-122(b)(1)(G)
Variation	No	Yes 24-128(b)(7)(A)

Pursuant to Section 24-113 of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on April 8, 2016. The requested variation to Section 24-128(b)(7)(A) for the use of an alley fronting on open space of the Subdivision Regulations was accepted and were heard at the SDRC meeting on June 3, 2016 as required by Section 24-113(b) of the Subdivision Regulations.

5. **Conceptual Site Plan CSP-13001**—CSP-13001 was approved by the Planning Board on July 30, 2015. On September 10, 2015 the Planning Board adopted Prince George's County Planning Board Resolution Number 15-85 subject to seven conditions. The conditions are listed below in [boldface] type followed by staff findings:

2. **Total development within the subject property shall be limited to uses which generate no more than 162 (39 in; 123 out) AM peak-hour trips and 216 (133 in; 83 out) PM peak-hour trips in consideration of the approved trip rates. 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.**

The applicant has filed a traffic impact study with the PPS which has been evaluated for adequacy, and is analyzed in the Transportation Finding. A trip cap has been recommended which is consistent with the trip cap within this condition.

3. **Prior to submission of a preliminary plan of subdivision application for subject property, the applicant shall meet with the Transportation Planning trails coordinator to determine the scope of a Bicycle and Pedestrian Impact Statement (BPIS) required due to the project's location both in the Pennsylvania Avenue (MD 4) Corridor and in the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*.**

The applicant has filed a Bicycle and Pedestrian Impact Statement (BPIS) which has been evaluated in the Trail Finding. Appropriate conditions have been recommended to ensure adequate bike and pedestrian facilities are provided.

4. **Prior to approval of a preliminary plan of subdivision for the subject project:**
 - a. **Active recreational facilities shall be included for residents of all ages either within a quarter mile or on the subject property.**

The applicant is providing a tot-lot, a pre-teen lot, a community garden and a passive recreational area for the project. The currently proposed lotting and parceling on the subject property leaves ample room to accommodate these facilities. Proper siting and review of the details of these facilities will occur with the review of the DSP.

With the review of the PPS the applicant has identified additional opportunities to connect communities, not only with public streets but with open space elements. Abutting the north and south side of the proposed public road extension running east and west through the site, Parcel I and Parcel T abutting Lots 21 and 22 will be planned with a linear park-like setting. These HOA open space elements will have sitting areas and a path which will setback from the ROW. These open space elements are intended to connect to open-space parcels when the abutting M-X-T zoned property develops. These open-space parcels should be separate parcels and identified on the PPS prior to signature approval.

Access to the Westphalia Central Park can be accommodated along MC-634 to the north or to the south which is planned to connect to another public road which extends west from the Smith Home Farm project. Either route when constructed will be direct, along a public road system and be within three-quarters of a mile from the Westphalia Central Park.

5. **Prior to approval of the first final plat for the project, the applicant shall obtain an administrative amendment to the 2008 *Water and Sewer Plan* to change the sewer category from 4 to 3.**

Prior to signature approval of the final plat by the Department of the Environment (DoE), an administrative category change will be required pursuant to the authority of the DoE, over the implementation of the 2008 *Water and Sewer Plan*, which is standard practice.

6. **Prior to approval of each detailed site plan (DSP) for the project:**

- a. The private recreational facilities to be included in the land area covered by the DSP shall be reviewed for conformance with the standards outlined in the *Park and Recreation Facilities Guidelines*, including adequacy and proper siting by the Urban Design Section.
- b. The architecture shall be reviewed for the project that meets the following requirements:
 - (1) The architecture shall follow the general guidance of the illustrative contained on page 2 of Exhibit 40 of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. This would include:
 - (a) A predominant use of brick.
 - (b) Well-designed façades with regular and objectively attractive patterns of fenestration.
 - (c) Use of architectural detail such as shutters, keystone arches or decorative lintels, and over and pronounced sills at the base of the windows.
 - (d) A varied roofline, utilizing dormers.
 - (e) The applicant shall provide a list of green building techniques to be used in this project.
- c. Sufficient and suitably located guest parking shall be provided for the development.
- d. Plans for the project shall conform to Section 27-548(h) with respect to the development of the townhouses that are part of this development or appropriate relief shall be obtained.
- e. In the areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention shall be paid to human scale, high-quality urban design, and other amenities, such as types and textures of materials, landscaping and screening, street furniture, and natural and artificial lighting.
- f. Plans shall identify an area for a community garden.

- g. A detailed analysis of the internal pedestrian network shall be provided and pedestrian safety features and additional neighborhood connections shall be analyzed.**

Further review with the DSP will ensure conformance with this condition. Development of the townhouse lots has been reviewed with this PPS as it relates to establishing the lotting pattern and infrastructure. All of the lots proposed including the number of units in a row conform to the requirements of Section 27-548(h) of the Zoning Ordinance. Section 27-544(c)(2) states that "[T]he limitations on the lot size and lot width requirements in Section 27-548(h) shall not apply." No variances are required with the PPS. Conformance to the 2010 *Prince George's County Landscape Manual* (Landscape Manual) is required and will be further reviewed with the DSP.

7. Prior to issuance of a building permit for each residential structure to be included in the development:

- a. The applicant shall make a monetary contribution to a "park club" in the amount of \$3,500 per dwelling unit in 2006 dollars as recommended by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. The Maryland-National Capital Park and Planning Commission (M-NCPPC) shall adjust the amount of the contribution using the Consumer Price Index (CPI) for inflation at the time of payment. The monetary contributions shall be used for construction, operations, and maintenance of the recreational facilities in the central park and/or the other parks that will serve the Westphalia Sector Plan area.**

This condition has been carried forward as appropriate to ensure that the required Memorandum of Understanding (MOU) be recorded in land records prior to the approval of the final plat. The MOU shall include the entire PPS and the liber and folio of the document indicated on the final plat prior to recordation.

6. Community Planning—This application is located in an area mapped Mixed Use on the Generalized Future Land Use Map in the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). The Mixed-Use mapping designation is described in the general plan as:

"Areas of various residential, commercial, employment and institutional uses. Residential uses may include a range of unit types. Mixed-use areas may vary with respect to their dominant land uses, i.e. commercial uses may dominate in one mixed-use area, whereas residential uses may dominate in another."

This application is located in an area mapped Medium-Density Residential in the 2007 *Westphalia Approved Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA). The Sector Plan calls for the development of:

“Approximately 3,500 acres of new low- to medium-density residential areas in a manner that conserves and is integrated with approximately 1,300 acres of existing residential development in accordance with the overall development pattern concept.”

This application is consistent with the Plan Prince George's 2035 Plan future land use categorization of Mixed Use, and is in conformance with the 2007 Westphalia Sector Plan and SMA.

The 2007 Westphalia Sector Plan and SMA rezoned Parcels 137, 147, 148, 149, 172, and 199 (23.59 acres) of the subject property from the R-R and I-1 zones to the M-X-T Zone while retaining Parcel 201 (one acre) in the R-R Zone.

The property is located within two Joint Base Andrews noise contours, including 65-70 dBA and 70-75 dBA. Prior to the issuance of a building permit for new residential construction, interiors of new residential construction are recommended to be certified to 45 dBA Ldn or less by an acoustical engineer or qualified professional of competent expertise. The subject property is not within the Joint Base Andrews Accident Potential Zone.

7. **Stormwater Management**—A Stormwater Management Concept Plan (15564-2013-00) has been approved by the Department of Permitting, Inspections and Enforcement to ensure that development of this site does not result in any down-stream or on-site flooding. Proposed stormwater management features include bio-swales, dry wells, micro-bioretenment and landscape infiltration. The site will be required to pay a stormwater management fee of \$59,926.40, in lieu of providing on-site attenuation/quality control measures. The concept plan is valid until July 31, 2017. Development of this site shall conform to that approval or any subsequent revisions. No further information pertaining to stormwater management is required.
8. **Parks and Recreation**—The submitted subdivision plan is found to conform to the requirements of the Conceptual Site Plan CSP-13001, the Plan Prince George's 2035, and the 2007 Westphalia Sector Plan and SMA for Planning Area 78, 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 recreation facilities.

The Westphalia Sector Plan envisioned this property as mixed-use residential development. The applicant proposes construction of 204 townhouse dwelling units and an 8,676 square feet of commercial. The subject property is located 0.8 miles from the future Westphalia Central Park. Using current occupancy statistics for single-family dwelling units, this residential development will generate approximately 551 residents in the new community.

The approved Westphalia Sector Plan and SMA anticipates that major recreational needs of the residents of the sector plan will be addressed by 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 approximately three-quarters of 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. 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, plaza for 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 Conceptual Site Plan CSP-13001 approval, the applicant agreed to contribute to the construction of the Westphalia Central Park and provide on-site private recreational facilities to address the recreational needs of the new residents in this subdivision to meet the mandatory dedication of parkland requirements (Section 24-135).

Subdivision Regulations, Section 24-134, Mandatory Dedication of Parkland.

The statutory requirements of the Subdivision Regulations, Section 24-134 require that the applicant provide mandatory dedication of 2.5 acres of land suitable for active and passive recreation based on the density and acreage of this parcel. Mandatory dedication of parkland for this subdivision shall be met by provisions of on-site private recreational facilities as recommended by CSP-13001, Condition 6. The applicant proposes on-site recreational facilities including two tot-lots, pre-teen playground, and community garden.

Existing Parkland in Area

The Cabin Branch Village project is also located in close proximity to Westphalia Community Center Park, located on Westphalia Road, north of the project. The current park facilities include a softball field, tennis court, half basketball court, playground, and fitness cluster. M-NCPPC is in process of constructing a 16,223 square feet Community Center in addition to the recreational facilities in the park. The residents of this development will be able to use this community center and the recreational facilities within the park.

9. **Trails**—The following Preliminary Plan was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master plan in order to provide the Master Plan Trails.

Type of Master Plan Bikeway or Trail

Private R.O.W.*	_____	Public Use Trail Easement	_____
PG Co. R.O.W.*	<u>X</u>	Nature Trails	_____
SHA R.O.W.*	_____	M-NCPPC – Parks	_____
HOA	_____	Bicycle Parking	_____
Sidewalks	<u>X</u>	Trail Access	_____

*If a Master Plan Trail is within a city, County, or state right-of-way, an additional two- to four feet of dedication may be required to accommodate construction of the trail.

The PPS conforms to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the appropriate area master/sector plan to implement planned trails, bikeways, and pedestrian

improvements. Due to the site's location in both the Westphalia Center and MD 4 Corridor, it will be subject to the requirements of Section 24-124.01 and the "Transportation Review Guidelines, Part 2, 2013" at the time of Preliminary Plan. Findings and conditions are based upon a review of the submitted bicycle and pedestrian impact statement (BPIS) and the preliminary plan of subdivision.

Master Plan Compliance and Prior Approvals

The site is covered by the 2009 Countywide Master Plan of Transportation (MPOT) and the 2007 Westphalia Sector Plan and SMA (area master plan). There is one master plan trail issues identified in both the MPOT and the area master plan that impacts the subject site. The master planned roadway (MC-634) that runs through the subject site includes a recommendation for a shared use sidepath. The MPOT also includes the following text regarding this master plan facility:

"C-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)."

The Complete Streets Section of 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 DSP should reflect the master plan trail along MC-634. The road should be revised to substitute an eight-foot sidepath (or wide sidewalk) for the standard sidewalk along one side of the road. The standard sidewalk should be retained on the opposite side of MC-634. Furthermore, standard sidewalks should be provided along both sides of all internal roads, excluding private alleys, per the Complete Streets Section of the MPOT and Section 27-548(h) of the Zoning Ordinance. The plans appear to be consistent with this, although a few additional short sidewalk connections are recommended to complete the pedestrian network. Additional pedestrian safety measures and neighborhood trail connections will be required at the time of Detailed Site Plan.

Proposed On-Site Bicycle and Pedestrian Improvements:

Consistent with the policies of the MPOT, standard or wide sidewalks are provided along both

side of all internal roads (excluding alleys) and along the subject site's frontages of both Armstrong Lane and Ryon Road. The road cross section for MC-634 should comply with the previously approved cross section from the CSP and should include the eight-foot-wide sidepath (or wide sidewalk) along one side. And, since 'Road B' and 'Road D' are no longer proposed to connect to Ryon Road, it is recommended that sidewalk connections be provided at these locations as appropriate, to be determined with the DSP. As noted above, the master plan trail along MC-634 is the only master plan trail issue that impacts the subject site.

Review of the Bicycle and Pedestrian Impact Statement (BPIS) and Proposed Off-Site Improvements:

Due to the location of the subject site within a designated corridor, the application is subject to CB-2-2012, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Section 24-124.01(c) includes the following guidance regarding off-site improvements:

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

County Council Bill CB-2-2012 also included specific guidance regarding the cost cap for the off-site improvements.

The amount of the improvements is calculated according to Section 24-124.01(c):

The cost of the additional off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed retail or commercial development proposed in the application and Three Hundred Dollars (\$300.00) per unit of residential development proposed in the application, indexed for inflation.

Based on Section 24-124.01(c) the 206 townhouses and 8,676 square feet of commercial space (originally proposed) the cost cap for the site is \$64,836.60. This cost cap was generated before the final development scenario was proposed which includes 204 dwelling units and 8,656 square feet of commercial GFA.

Section 24-124.01 of the Subdivision Regulations also provided specific guidance regarding the types of off-site bicycle and pedestrian improvements that may be required, per Section 24-124.01(d):

- (d) **Examples of adequate pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):**
- (1) **Installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;**
 - (2) **Installing or improving streetlights;**
 - (3) **Building multi-use trails, bike paths, and/or pedestrian pathways and crossings;**
 - (4) **Providing sidewalks or designated walkways through large expanses of surface parking;**
 - (5) **Installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and**
 - (6) **Installing street trees.**

The required Bicycle and Pedestrian Impact Statement (BPIS) was submitted on April 5, 2016. Also a GIS map was compiled for the vicinity of the site showing existing and planned bicycle and pedestrian facilities within a one-half mile radius of the subject site, as well as potential pedestrian destinations that future residents and guests of the site may use. This map indicates that there is an existing master plan trail along the north side of Presidential Parkway which is located approximately 600 linear feet from the subject site. Upon the completion of the master plan road network, this trail will provide access from the subject site to the Westphalia Town Center and the Central Park.

Compliance with Section 24-124.01 and the Transportation Review Guidelines – Part 2, 2013:

Due to the site's location in both the Westphalia Center and MD 4 Corridor, it will be subject to the requirements of Section-24-124.01 and the "Transportation Review Guidelines, Part 2, 2013" at the time of Preliminary Plan of Subdivision. The required Bicycle and Pedestrian Impact Statement (BPIS) has been submitted. Proffered off-site improvements included in the BPIS:

- A sidepath along the south side of Presidential Parkway
- A standard sidewalk along the north side of Presidential Parkway
- Four ADA sidewalk ramps
- Crosswalk pavement markings
- Pedestrian safety signage

The applicant's proffered package of improvements includes sidewalk and sidepath construction, as well as crosswalk and Americans with Disabilities (ADA) ramp improvements to meet the cost cap of \$64,836.60. The proffered off-site improvements will directly link the subject site with the existing master plan trail along Presidential Parkway. The sidepath along Presidential Parkway will ultimately connect to the Westphalia Town Center. The cost estimate for the off-site improvements included in the BPIS comes to \$55,304.

The package of off-site improvements was reviewed with the Department of Permitting, Inspections and Enforcement (DPIE) and the Maryland State Highway Administration (SHA) at the April 19th 2016 coordination meeting. After reviewing the package of off-site improvements with the Department of Public Works and Transportation (DPW&T), DPIE and SHA, it was determined that the latest version of the plans for the Pennsylvania Avenue (MD 4) and Suitland Parkway interchange will include the improvements proffered by the applicant. This makes the package of improvements ineligible towards the off-site improvements that can be provided by the applicant.

A review of the sidewalks in the vicinity of the subject site show limited opportunities for alternative sidewalk retrofit projects. Much of the road network closest to the development is being reconstructed due to the interchange improvements (MD 4 and Westphalia Road), and there are few sidewalks in the immediate vicinity to connect into. After discussion with the M-NCPPC Development Review Division and the applicant, it was determined that the most appropriate off-site improvement for the subject applicant is the provision of two bus shelters at locations convenient to the subject site. This will enhance the environment for transit users and provide a needed improvement that will benefit the future residents of the site. It appears that there are several existing bus stops in the vicinity of the subject site that need bus shelter improvements. The Planning Board approves a condition for these improvements that can be implemented at stops along Presidential Parkway within walking distance of the site, or at other locations deemed appropriate by the DPW&T Office of Transit.

Demonstrated nexus between the subject application and the off-site improvements:

Section 24-124.01(c) of the Subdivision Regulations requires that a demonstrated nexus be found with the subject application in order for the Planning Board to require the construction of off-site pedestrian and bikeway facilities. This section is copied below, and the demonstrated nexus between each of the proffered off-site improvements and the subject application is set forth below.

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

Demonstrated Nexus Finding: The proffered off-site bus shelters will improve transit accommodations for the future residents of the subject site at the existing bus stops closest to the subject application. The improvements are recommended at the two existing bus stops closest to the subject site. These locations are both within one-half mile of the site and will be easily accessible to the future residents of the subject property.

Finding of Adequate Bicycle and Pedestrian Facilities:

Section 24-124.01 of the Subdivision Regulations requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of Preliminary Plan. More specifically, Section 24-124.01(b)(1) and (2) includes the following criteria for determining adequacy:

- (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.**
 - (1) **The finding of adequate public pedestrian facilities shall include, at a minimum, the following criteria:**
 - (A) **The degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area.**
 - (B) **The presence of elements that make is safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield lines, "bulb out" curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage.**

The subject application includes standards sidewalks along both sides of all internal roads and along all road frontages. The applicant identified an appropriate off-site sidewalk construction along MC-634 which staff was in support of. However, the most recent plans for the MD 4 and Suitland Parkway interchange have been revised to include sidewalk construction along this road. An existing shared use path and sidewalk exist along Presidential Parkway. Based on review of the sidewalks in the vicinity of the subject site there are limited opportunities for alternative sidewalk retrofit projects.

- (2) **The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:**
- (A) **the degree to which bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area;**
 - (B) **the presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;**
 - (C) **the degree to which protected bike lanes, on-street vehicle parking, medians or other physical buffers exist to make it safer or more inviting for bicyclists to traverse the area; and**
 - (D) **the availability of safe, accessible and adequate bicycle parking at transit stops, commercial areas, employment centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.**

The master plan shared use path along Presidential Parkway has been constructed. This trail will be extended into the Westphalia Town Center as development occurs. An additional segment of this master plan trail will be constructed as part of the MD 4 and Suitland Parkway interchange. An extensive network of on-road bike facilities and trails will be constructed throughout the town center as development occurs. Due to the interchange improvements, there are limited opportunities for striping bike facilities in the vicinity of the subject site. Given the limited retrofit opportunities for either bicycle or pedestrian facilities in the immediate vicinity of the subject site, the Planning Board approves the provision of two bus shelters as an appropriate off-site improvements.

Based on the proceeding analysis, adequate bicycle and pedestrian facilities will exist.

10. **Transportation**—The property is located in the northeast quadrant of the intersection of Pennsylvania Avenue (MD 4) and Suitland Parkway. The property consists of two zones; 23.59 acres in the M-X-T Zone, and one acre in the R-R Zone. The subject application originally proposed the construction of a 212 townhouse units and 8,600 square feet of retail. Subsequently, the application was revised to 204 dwelling units and 8,676 square feet of commercial gross floor area. The analysis below is based on the traffic study and the original submittal. Appropriate conditions are approved regarding the trip cap and contributions to the PFFIP are based on the approval for 204 dwelling units and 8,676 square feet of gross floor area of commercial, a reduction from the original submittal

Traffic Study Analyses:

The applicant submitted a traffic impact study (TIS) dated May, 2016. The findings below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the "Transportation Review Guidelines Part 1, 2012." The table below shows the intersections deemed to be critical, as well as the levels of service representing existing conditions:

EXISTING CONDITIONS		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
MD 4 & Westphalia Road-Old Marlboro Pike	C/1281	C/1281
MD 4 & Suitland Parkway	E/1552	E/1461

The traffic study identified seven background developments whose impact would affect some or all of the study intersections. Additionally, a growth of one percent over six years was also applied to the regional traffic volumes. A second analysis was done to evaluate the impact of the background developments. The analysis revealed the following results:

BACKGROUND CONDITIONS (with interchanges)		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
MD 4 and Westphalia Road	--	--
MD 4 SB Off Ramp & Old Marlboro Pike	A/485	A/788
MD 4 NB Off Ramp & Westphalia Road	A/513	A/481
MD 4 and Suitland Parkway	--	--
MD 4 SB Off Ramp & Suitland Parkway	B/1072	A/633
MD 4 NB Off Ramp & Suitland Parkway	C/1162	A/636
Presidential Parkway (MC-634) & Suitland Parkway extended	A/962	C/1255

Using the trip rates from the "Guidelines" as well as the *Trip Generation Manual, 9th edition* (Institute of Transportation Engineers), the study has indicated that the subject application represents the following trip generation:

		AM Peak			PM Peak			ADT
		In	Out	Total	In	Out	Total	
Townhouse (Guidelines)	212 Units	30	118	148	111	59	170	1,696
Retail (ITE-820)	8,600 sq. ft.	22	13	35	56	60	116	1,386
	<i>Less 60% pass-by</i>	-13	-8	-21	-34	-36	-70	-831
	Total new trips	39	123	162	133	83	216	2,251

The table above indicates that the proposed development will be adding 162 (39 in; 123 out) AM peak-hour trips and 216 (133 in; 83 out) PM peak-hour trips. A third analysis depicting total traffic conditions was done, yielding the following results:

TOTAL CONDITIONS (with interchanges)		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
MD 4 and Westphalia Road	--	--
MD 4 SB Off Ramp & Old Marlboro Pike	A/485	A/789
MD 4 NB Off Ramp & Westphalia Road	A/513	A/482
MD 4 and Suitland Parkway	--	--
MD 4 SB Off Ramp & Suitland Parkway	B/1072	A/678
MD 4 NB Off Ramp & Suitland Parkway	C/1162	A/647
Presidential Parkway (MC-634) & Suitland Parkway extended	B/1010	C/1277

Based on the results shown above, the TIS concludes that "all of the study intersections will operate at satisfactory levels of service."

In addition to the Transportation Planning staff, the TIS was also reviewed by the State Highway Administration (SHA) as well as other county agencies (DPW&T/DPIE). In their review of the study, both state and county agencies raised questions regarding assumptions made and used in the TIS analyses. Some of the salient issues presented in a June 16, 2016 letter from SHA (*Young to Lenhart*) are summarized as follows:

- Disparity in traffic volumes used in the TIS compared to data supplied by SHA
- Explanation of volumes used at various intersections
- Concerns regarding the elimination of some background developments

The following represents a summary of the issues raised by DPW&T in a June 13, 2016) memorandum to staff (*Issayans to Masog*):

- Disparity in traffic volumes used in the TIS compared to signed scoping agreement
- The need for studying additional intersections
- A queuing analysis should have been done at certain intersections
- Peak volumes were incorrectly reported based on transitioning from existing geometry to the planned upgrade interchanges along MD 4 at both Suitland Parkway and Westphalia Road

Given the concerns raised by the reviewing agencies, the applicant's traffic consultant has provided staff with a June 24, 2016 memorandum in which all of the above-mentioned concerns were addressed. There was an issue that was significant enough to justify a reassignment and reevaluation of the traffic data at the intersections of MD 4 with both Suitland Park and Westphalia Road-Old Marlboro Pike. The following tables represent the results of the analyses based on the updated traffic assignment and lane usage:

Revised-BACKGROUND CONDITIONS (with interchanges)		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
MD 4 and Westphalia Road	--	--
MD 4 SB Off Ramp & Old Marlboro Pike	A/501	A/788
MD 4 NB Off Ramp & Westphalia Road	A/513	A/481
MD 4 and Suitland Parkway	--	--
MD 4 SB Off Ramp & Suitland Parkway	B/1072	A/633
MD 4 NB Off Ramp & Suitland Parkway	B/1177	A/636
Presidential Parkway (MC-634) & Suitland Parkway extended	B/1003	C/1255

Revised-TOTAL CONDITIONS (with interchanges)		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
MD 4 and Westphalia Road	--	--
MD 4 SB Off Ramp & Old Marlboro Pike	A/501	A/789
MD 4 NB Off Ramp & Westphalia Road	A/513	A/482
MD 4 and Suitland Parkway	--	--
MD 4 SB Off Ramp & Suitland Parkway	B/1084	A/678
MD 4 NB Off Ramp & Suitland Parkway	C/1184	A/647
Presidential Parkway (MC-634) & Suitland Parkway extended	B/1051	C/1278

The results showed that with the modified lane usage as recommended by the traffic consultant, all of the critical intersections will operate adequately.

Master Plan, site review

The property is located in an area where the development policies are governed by the 2007 Westphalia Sector Plan and SMA as well as the 2009 Countywide Master Plan of Transportation. One of the recommendations from the master plans was the construction of a major collector road (MC-634), whose terminal points are beyond the limits of this property. The alignment of MC-634 is accurately depicted on the site plan within the recommended 100-foot-wide right-of-way. The plan shows one full median break of MC-634 within the confines of the property. This median break is necessary to allow for the construction of a proposed east west street and its connection. This public street ('Road C,' Parcel CC) provides a direct connection to the adjacent properties immediately to west of the subject property, as well as to Ryon Road to the east. In the review of the PPS, the DPIE indicated concerns with this east west connection being a non-standard road and having TH driveways onto this public roadway. Because of the need for this public connection, the County agreed to the dedication with a maintenance agreement and that all liabilities associated with the roadway are that of the HOA. The purpose of this arrangement is to ensure continued public access, so that the neighborhoods can connect without requiring stub streets. The layout as proposed is consistent with the approved concept plan. The cross section of the new public road must be approved by DPW&T & DPIE with the review of the DSP.

A second connection to Ryon Road ('Road D,' Parcel GG) is being proposed in the northeastern section of the site. 'Road D' (private road) was originally proposed as a 500-foot cul-de-sac. The proposed length of this road exceeded the Planning Department's 150-foot requirement for a cul-de-sac. Consequently, a connection to Ryon Road will be made, thereby obviating the need for a cul-de-sac. Conditions of approval will require the provision of left-turn lanes along MC-634 where it intersects with these proposed east-west streets. All other aspects of the site regarding access and layout are acceptable.

Westphalia Public Facilities Financing and Implementation Program (PFFIP)

One of the conclusions cited in the applicant's traffic study was the fact 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.

On October 26, 2010, the County Council approved CR-66-2010, establishing a PFFIP district for the financing and construction of the MD 4/Westphalia Road interchange. Pursuant to CR-66-2010 (Sections 6, 7 and 8), the Planning Board has approved (with this PPS) a cost allocation table (Table) that allocates the estimated \$79,990,000 cost of the interchange to all of the properties within the 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.

Transportation Findings

The application analyzed is a Preliminary Plan of Subdivision (PPS) for a mixed-use development consisting of 204 townhouse units, and 8,676 square feet of retail. Based on trip rates from the "Guidelines" as well as the *Trip Generation Manual, 9th edition* (Institute of Transportation Engineers), this development will be adding 157 (38 in; 119 out) AM peak-hour trips and 209 (128 in; 81 out) PM peak-hour trips.

The traffic generated by the proposed preliminary plan would impact the following intersections:

- Westphalia Road and MD 4
- Suitland Parkway and MD 4
- Suitland Parkway extended and Presidential Parkway (MC-634)

The application is supported by a traffic study dated May 2016 provided by the applicant and referred to SHA and DPW&T/DPIE. The findings and recommendations are based upon a review of these materials consistent with the "Guidelines."

The subject property is located within the Transportation Service Area (TSA) 2, as defined in the *Plan Prince George's 2035 Approved 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;

Unsignalized intersections: *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed 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.

The following intersections when analyzed with the total future traffic as developed using the "Guidelines," were found to be operating at or better than the policy service level defined above:

- Westphalia Road and MD 4
- Suitland Parkway and MD 4
- Suitland Parkway extended and Presidential Parkway (MC-634)

Both of the intersections along Suitland Parkway are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation (MDOT) Consolidated Transportation Program (CTP). Westphalia Road and MD 4 are 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 and Westphalia Road. Based on the applicant's proposed density of 204 dwelling units and 8,676 square feet of retail, the projected daily trip generation would be 2,187 trips. The traffic study assigned 50 percent of the residential traffic ($1,632 \times 0.5 = 816$) and five percent of the retail traffic ($555 \times 0.05 = 28$) towards the intersection of MD 4 and Westphalia Road. The total trips being sent through the intersection of MD 4 and Westphalia Road will be $816 + 28 = 844$ daily trips. Consequently, the applicant's share of the cost was computed as **\$793,492.27**.

The retail portion of the property will send 28 daily trips through the intersection of MD 4 and Westphalia Road. These trips represent approximately 3.318 percent of the total daily trips from the subject application. Consequently, the commensurate share of the PFFIP relating to the issuance of a commercial building permit would be $\$793,492.27 \times 0.03318 = \textbf{\$26,324.39}$. The remaining balance of $\$767,167.88$ would be divided by the number of dwelling units (204) for an amount of $\$767,167.88 / 204 = \textbf{\$3,760.63}$ per dwelling unit.

Based on the preceding findings, the plan conforms to the required findings for approval of the Preliminary Plan of Subdivision for transportation adequacy (24-124).

11. **Schools**—This preliminary application is for a mixed-use development of 204 townhomes and two commercial pad sites.

Residential

The Special Projects Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and County Council Resolution CR-23-2003 and concluded the following:

**Impact on Affected Public School Clusters
Single-Family Attached Units**

Affected School Clusters #	Elementary School 4 Cluster	Middle School 4 Cluster	High School 4 Cluster
Dwelling Units	204 DU	204 DU	204 DU
Pupil Yield Factor	.145	.076	.108
Subdivision Enrollment	30	16	22
Actual Enrollment	11,626	4,454	8,008
Total Enrollment	11,656	4,470	8,030
State Rated Capacity	14,216	5,518	9,389
Percent Capacity	82%	81%	86%

County 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. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$9,017 and \$ 15,458 to be paid at the time of issuance of each building permit.

In 2013, Maryland House Bill 1433 reduced the school facilities surcharge by 50 percent for multifamily housing constructed within an approved transit district overlay zone; or where there is no approved transit district overlay zone within a quarter mile of a Metro station; or within the Bowie State MARC Station Community Center Designation Area, as defined in the 2010 *Approved Bowie State MARC Station Sector Plan and Sectional Map Amendment*. The bill also established an exemption for studio or efficiency apartments that are located within the County urban centers and corridors as defined in Section 27A-106 of the County Code; within an approved Transit District Overlay Zone; or where there is no approved transit district overlay zone then within a quarter mile of a Metro station. This act is in effect from October 1, 2013 through September 30, 2018.

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 subdivision 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 concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.

12. **Fire and Rescue**—This preliminary application is for a mixed-use development of 204 townhomes and two commercial parcels for the construction of 8,676 square feet of gross floor area.

Residential

The Special Projects Section has reviewed this preliminary plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

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 Co. 823, a first due response station (a maximum of seven (7) minutes travel time), is located at 8321 Old Marlboro Pike.

"In the Fire/EMS Department's Statement of Adequate Apparatus, as of February 15, 2016, the Department states they have developed an apparatus replacement program to meet all the service delivery needs of the County."

Nonresidential

The Special Projects Section has reviewed this preliminary plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

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 Co. 823, a first due response station (a maximum of seven (7) minutes travel time), is located at 8321 Old Marlboro Pike.

"In the Fire/EMS Department's Statement of Adequate Apparatus, as of February 15, 2016, the Department states they have developed an apparatus replacement program to meet all the service delivery needs of the County."

Capital Improvement Program (CIP)

The Capital Improvement Program for Fiscal Years 2016-2021 provides funding for replacing the existing station with a new 3-bay Fire/EMS Station.

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."

13. **Police Facilities**—This preliminary application is for a mixed-use development of 204 townhomes and two commercial parcels for the construction of 8,676 square feet of gross floor area.

Residential

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 preliminary plan was accepted for processing by the Planning Department on March 25, 2016.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 3/25/2016	12/2015-1/2015	8 minutes	13 minutes
Cycle 1			
Cycle 2			
Cycle 3			

Based on the most recent available information as of December 2015, police response times, the response time standards of 10 minutes for emergency calls and the 25 minutes for nonemergency calls were met on March 30, 2016.

Nonresidential

The proposed development is within the service area of Police District II, Bowie. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the July 1, 2014 (U.S. Census Bureau) county population estimate is 904,430. Using the 141 square feet per 1,000 residents, it calculates to 127,524 square feet of space for police. The current amount of space 267,660 square feet is within the guideline.

14. **Water and Sewer Categories**—Section 24-122.01(b)(1) 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 4, Community System Adequate for Development. In addition, the property is located within Sustainable Growth Tier 2, and shall be served by public sewer pursuant to Section 24-122.01(b)(2)(ii) of the Subdivision Regulations.
15. **Use Conversion**—The subject application is proposing 204 townhouse dwelling units and 8,676 square feet of proposed commercial. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy and findings as set forth in the resolution of approval, a new preliminary plan of subdivision shall be required prior to approval of any building permits.
16. **Public Utility Easement (PUE)**—Section 24-122 of the Subdivision Regulations requires a public utility easement (PUE) along both sides of all public rights-of-way and Section 24-128(b)(12) requires a ten-foot-wide PUE along one side of all private streets. The utility companies continue to request a minimum ten-foot-wide PUE.

Based on the analysis the applicant has provided the required public utility easements along all public streets and one side of all private streets, with the exception of alley's which is not required.

In accordance with the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the owner's dedication on the final plat:

“Utility easements are granted pursuant to the terms and provisions recorded among the Prince Georges County Land Records of Prince George’s County in Liber 3703 at Folio 748.”

17. **Historic**—PPS proposes the demolition of five existing single-family residences and several outbuildings on the aforementioned property. The existing structures were constructed between the years of 1940 and 1987. As part of the preliminary plan pre-application process, the applicant addressed the need for archeological investigations and documented four of the five existing houses on the property (the fifth was built in 1987). The applicant completed Phase I archeology investigations with the review of CSP-13001 and included in that report an analysis of the standing structures. No further documentation is warranted. The proposed project will not impact any identified Prince George’s County historic sites, historic resources or significant archeological sites.
18. **Environmental**—The finding is based on the approved Conceptual Site Plan and Type 1 Tree Conservation Plan stamped as received on March 25, 2016. Verbal comments were provided in a Subdivision Development Review Committee (SDRC) meeting on April 7, 2016.

Background

The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
A-9976	N/A	Zoning Hearing Examiner	Dismissed	3/20/2013	N/A
CSP-13001	TCPI-008-14	Planning Board	Approved	7/30/2015	PGCPB No. 15-85
4-13005	TCP1-008-14-01	Planning Board	Pending	Pending	Pending

The Environmental Planning Section signed a Natural Resource Inventory, NRI-065-13, for this project area on April, 29, 2014.

Grandfathering

The project is subject to the environmental regulations of Subtitle 24 that came into effect on September 1, 2010 because this is a new preliminary plan. The project is subject to the Woodland and Wildlife Habitat Conservation Ordinance effective September 1, 2010.

Site Description

The subject 24.59-acre Cabin Branch Village site is located just north of Presidential Parkway and west of Ryon Road. A review of the available information indicates that no wetlands, streams or floodplain are located within subject project area. The predominant soils found to occur according to the USDA NRCS Web Soil Survey are five types of Marr-Dodon Complex, and Udorthent soils series. According to available information, Marlboro clay does not occur on or in the vicinity of this site. According to the Sensitive Species Project Review Area (SSSPRA) map received from

the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. The on-site stormwater drains to the north and south to off-site stream systems that flow in an easterly direction to form Cabin Branch, which drains to the Western Branch then to the Patuxent River.

According to PGAtlas.com, this site is not within the designated network of the Approved Countywide Green Infrastructure Plan. The site has frontage on Armstrong Lane and Ryon Road which are not classified as a master plan roadway. A proposed master planned major collect roadway is shown going through the center of this project. No designated scenic or historic roadways are adjacent to the project site. The site is now located within the Established Communities Area of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General 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, Prince George's County Department of Health, Prince George's County Department of Environment, Prince George's Soil Conservation District, Maryland-National Park and Planning Commission and Washington Suburban and Sanitary Commission are also deemed to be consistent with this master plan.

Environmental Issues Addressed in the Westphalia Sector Plan

The subject property is located in the 2007 Westphalia Sector Plan and SMA. There are four policies of the Westphalia Sector Plan that relate to the Environmental Infrastructure on the subject property.

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

The site is not located within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*.

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

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

2. **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.**
3. **Coordinate the road network between parcels to limit the need for stream crossings and other environmental impacts. Utilize existing farm crossings where possible.**
4. **Encourage shared public/private stormwater facilities as site amenities.**
5. **Ensure the use of low-impact development (LID) techniques to the fullest extent possible during the development review process with a focus on the core areas for use with bioretention and underground facilities.**

The site does not currently contain agricultural uses. No regulated environmental features are located on the property.

The plan proposes that stormwater management will be provided through the use of one above-ground pond and seven bio-retention facilities. The TCPI does show the proposed treatment areas of the seven bioretention facilities. A copy of the approved stormwater concept approval plan and letter were provided with this application. The concept approval number is 15564-2013-00 and expires July 31, 2017. Proposed stormwater management features include bio-swales, dry wells, micro-bioretention and landscape infiltration. The site will also be required to pay a stormwater management fee of \$59,926.40 in lieu of providing on-site attenuation/quality control measures.

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

- a. **Encourage the use of 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.**
- b. **Encourage the use of alternative energy sources such as solar, wind and hydrogen power. Provide public examples of uses of alternative energy sources.**

The plan proposes a 204 townhouse units and two retail parcels. The use of environmentally sensitive building techniques should be considered as part of this development.

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

- a. **Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.**
- b. **Restrict uses within the noise impact zones of Andrews Air Force Base to industrial and office use.**
- c. **Evaluate development proposals using Phase I noise studies and noise models.**
- d. **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.**
- e. **Provide for the use of appropriate attenuation measures when noise issues are identified.**

The site has frontage on Armstrong Lane and Ryon Road, which are not classified as master plan roadways. A proposed master planned major collect roadway is shown going through the center of this project. The site also have frontage on and proposes right-of-way (ROW) dedication of MC-634, a master plan collector ROW that is not regulated for noise or lot depth.

This site is also located within two noise contour zones for Joint Base Andrews Air Force Base. According to the 1998 Air Installation Compatible Use Zone Study (AICUZ) prepared for Andrews Air Force Base, the noise levels on this property range from 65 to 75 decibels. While it is not possible to mitigate the noise impacts from the aircraft over flights in outdoor areas, indoor noise impacts must be adequately addressed. These noise levels are over the state noise goals for the proposed use. Noise is discussed further.

Conformance with the 2005 Countywide Green Infrastructure Plan

The 2005 *Approved Countywide Green Infrastructure Plan* indicates that none of the property is within or near the designated network.

Environmental Review

As revisions are made to the plans submitted the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

Natural Resource Inventory/ Environmental Features

An approved Natural Resource Inventory, NRI-065-13, in conformance with the environmental regulations that became effective September 1, 2010 was submitted with the application. The site contains no regulated environmental features (wetlands, streams, floodplains or their associated buffers).

No revisions are required for conformance to the NRI.

Woodland Conservation

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 it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-008-14) was submitted with the CSP application.

The plan proposed to use of an off-site woodland bank to meet the entire requirement. Although no regulated environmental features, such as streams and wetlands, are located on the site, the project proposes to clear the entire property resulting in a loss of a significant amount of woodlands.

This 24.59-acre property contains a total of 13.73 acres of woodlands according to the NRI. The woodland conservation threshold is 3.69 acres. The subject site proposes to clear all of the on-site woodlands and 0.87 acres of off-site woodlands. The cumulative woodland conservation requirement is 10.75 acres. The TCP1 proposes to meet the subject site's overall requirement with 10.75 acres of off-site woodland conservation.

No additional information is required with regard to woodland conservation at this time.

Specimen Trees

Section 25-122(b)(1)(G) requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual."

Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted County Code effective on September 1, 2010.

The submitted TCP1 plan's specimen tree chart does not indicate which trees are proposed to be removed and should. The variance dated March 17, 2016 is not consistent with the TCP plan sheet specimen tree table, or the depiction of the specimen tree locations described in the variance written request. The following analysis is based on the review of the TCP1, which is supported by the approved NRI. There are 23 specimen trees (ST) on and off-site which have been located on the approved NRI and reflected on the TCP1. Of those, 14 ST are located on-site and nine are located off-site. The ST table on the TCP1 shall be revised to reflect the plan depiction of the removal of the 14 on-site ST.

The applicant has requested the approval of a variance for the removal of two (2) ST off-site within a LOD on an abutting property to the north which is not within the limit of this PPS application. While staff supports the removal of the off-site ST for the implementation of the

master plan ROW, the approval of those variances may be subject to review under a permit for Lot 14, Block A, located within the Penn-East Business Park subdivision. Lot 14, Block B, is currently under the ownership of PEPCO based on SDAT records. Lot 14, Block A, is the subject of previous approvals including TCP2-027-91, DSP-83045-01, and PPS 4-88055 based on PGAtlas. Lot 14, Block B, is recorded among land records in plat book VJ 186-6. A determination if those approvals should be made for the off-site grading and ST removal prior to the approval of the DSP and associated TCP2 for this site. Revisions to the TCP2 and DSP may be required for Lot 14, Block A.

These trees range from 31 to 61 inches at diameter at breast height (DBH) and from poor to excellent. The larger DBH and some smaller DBH specimen trees (31, 35, 38, 40, 46, 46, 47 and 61 inch DBH Red Maple and 42, 44 and 54 inch DBH Yellow Poplar) seem to be in poor condition.

There are trees, Yellow Poplars (34 and 32 inch DBH), two Yellow Poplars (44 and 39 inch DBH) in excellent condition, one Red Maple (32 in DBH) in fair condition, and one Yellow Poplar (32 inch DBH) in excellent condition. Both Yellow Poplar and Red Maple are soft mast trees that grow fast. The limits of disturbance on the plan also show that all of the on-site trees are to be removed.

A Subtitle 25 Variance Application and a statement of justification in support of a variance dated March 17, 2016 was received by on April 29, 2015. Section 25-119(d) of the WCO contains six required findings [**text in bold**] to be made before a variance can be granted. The Letter of Justification submitted addresses the required findings for the removal of 14 on-site specimen trees.

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

The impact of the 100-foot-wide master plan road running north and south and another public road running east and west dividing the property into four quadrants is unique to other properties and creates a hardship in developing the property to attain the densities envisioned.

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

If other properties include a tree in similar location and in similar condition on a site, 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 Planning Board generally supports the removal of specimen tree in the most developable areas if the tree could become a hazard or if the tree is in poor condition and cannot be saved from further decline. If other properties include a tree in similar location and in similar condition on a

site, the same considerations would be provided during the review of the required variance application.

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

The site is undeveloped. The applicant has taken no action to date on the subject property.

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

The requested variance does not arise from a condition relating to the land or building use, either permitted or nonconforming on a neighboring property. There are no existing conditions on the neighboring properties that have any impact on the location or size of the trees, nor are there conditions that are affecting the layout and development of the size with respect to the specimen trees to be removed.

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

Granting the variance to remove Specimen Tree ST-1, 2, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23 and 24 (14 total) will not directly affect water quality because the reduction in tree cover. Specific requirements regarding stormwater management for the site will be further reviewed by the Department of Permitting, Inspection and Enforcement (DPIE) to ensure the development meets water quality standards for storm runoff.

The required findings of Section 25-119(d) have been adequately addressed by the applicant for the removal of 14 Specimen Trees and the Planning Board approved this variance request.

Prior to signature approval of the preliminary, the following note shall be placed on the TCP1 which reflects this approval, directly under the woodland conservation worksheet:

“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE):

The removal of fourteen specimen trees (Section 25-122(b)(1)(G), Specimen Trees 1, 2, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, and 24.”

Noise

The site has frontage on Armstrong Lane and Ryon Road. Armstrong Lane west of MC-634 is a master industrial roadway, which are not regulated for noise. A proposed master planned major collect roadway is shown going through the center of this project. No designated scenic or historic roadways are adjacent to the project site.

This site is located within two noise contour zones for Joint Base Andrews Air Force Base. According to the 1998 Air Installation Compatible Use Zone Study (AICUZ) prepared for Andrews Air Force Base, the noise levels on this property are approximately 65–75 decibel. While it is not possible to mitigate the noise impacts from the aircraft over flights in outdoor activity areas, indoor noise impacts must be adequately addressed. These noise levels are over the state noise standards for the proposed use. Prior to signature approval of the PPS, revise TCP1 to add the AICUZ noise contours and label it in the legend.

Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA or less.

The following note shall be placed on the Final Plat:

“Properties within this subdivision have been identified as possibly having noise levels that exceed 65 dBA Ldn due to military aircraft over flights. This level of noise is above the Maryland designated acceptable noise levels for residential uses.”

19. **Urban Design**—The project includes single-family attached residential units (TH) and commercial uses permitted in the M-X-T and R-R zones. The District Council adopted Council Bill CB-8-2015, which permits the proposed commercial use in the R-R Zone. Section 27-441, Footnote 102 in the table of uses sets forth the criterion. The project has been evaluated to these regulations and conforms to the requirements, therefore the commercial component (Parcels 1 and 2) which is located in the R-R Zone is a permitted land use.

Conformance to the Landscape Manual has been evaluated with this PPS to ensure that adequate space is provided to implement the required landscaping. Street trees are required along all private and public streets. Minor adjustments to the lotting pattern may be necessary to accommodate street trees and sidewalk along all public and private streets (27-548(h)).

Ryon Road

Access has been evaluated to ensure adequate on-site circulation for emergency vehicles. The Fire Department has stated that if a private street is greater than 150 feet long a standard street end turnaround, preferably a cul-de-sac, is required. In this case, access to Ryon Road (50-foot-wide) from the subject property was of issue. The CSP was approved and did not propose any private street connections Ryon Road with the exception of emergency vehicles. This would require bollards at the end of stub streets with permeable pavers. This arrangement would result in the inability to landscape the eastern edge of the property where it abuts Ryon Road.

Moreover, as stated Ryon Road is a 50-foot-wide dedicated public street abutting the eastern edge of the property, which provides vehicular access to five (5) existing single-family dwellings within the Good Hope Subdivision recorded in land records in 1948 in plat book BB 15-3. Ryon Road terminates abutting the northwestern most point of the subject property. After an analysis it was determined that ‘Private Road D’ (Parcel GG) is proposed at over 520 feet long with no turn

around. Originally the applicant proposed an emergency access at the end of 'Private Road D' onto Ryon Road to the east, but an emergency access is not intended for general circulation. 'Private Road D,' to the west terminates onto the 100-foot-wide master plan road which extends north and south through the property (MC-634). This master plan road will be dedicated to public use with this application and has been designed (Westphalia Sector Plan) with a raised median. This median, at the intersection with 'Private Road D,' will not have a break. Therefore, to go south from 'Private Road D,' vehicles will be required to turn right and go north until a future median break is provided when the road is construction within the abutting Smith Home Farm project. This relationship is not supported, and staff does not believe provides adequate and efficient vehicular circulation (Section 24-124).

To address the issues of on-site circulation as it relates to Ryon Road, the applicant submitted a study dated June 9, 2016 (Ballard to Chellis), in which the applicant studied other options than direct access to Ryon Road from 'Private Road D.' The analysis demonstrates that connecting 'Private Road D' to Ryon road is the most viable option. Other options would require a loss of lots and possible undesirable modifications to the approved stormwater management concept plan approval including significant alternations to the grading plans and a loss of lots. The extension of 'Private Road D' onto Ryon Road will not result is significant traffic, or generate cut through traffic. 'Private Road D' shall be extended to Ryon Road in order to provide safe and efficient on-site vehicular circulation for Lots 1-18, Block G and Lots 1-20, Block F.

20. **Variation**—The applicant has proposed the use of alleys for Lots 1-6, Block D, 7-12, Block E, 1-6, 7-12, 13-19, and 20-24, Block I. Section 24-128(b)(7)(A) of the Subdivision Regulations requires that for dwellings to utilize alleys they must front on a public street. In this case, Lots 13-19 and 20-24, Block I, have frontage on an open-space parcel. All other lots served by an alley front on a public ROW. The applicant filed a variation request from Section 24-128(b)(7)(A) of the Subdivision Regulations to allow the use of alleys where two sticks of townhouse (TH) units front on open space Parcel C, Block I.

(b) **The Planning Board may approve preliminary plans of development containing private roads, rights-of-way, alleys, and/or easements under the following conditions:**

(7) **In Comprehensive Design and Mixed Use Zones:**

- (A) **For land in the V-L, V-M, R-L, R-S, R-M, R-U, M-U-I, L-A-C, M-A-C, M-X-C, M-U-TC, and M-X-T Zones, the Planning Board may approve a subdivision (and all attendant plans of development) with private roads to serve attached single-family dwellings, two-family dwellings, and three-family dwellings, but not single-family detached or multifamily dwellings, in accordance with the requirements of Subsections (e) and (f) of Section 27-433 of the Zoning Ordinance, except as hereinafter provided. In all of the above**

zones, and in the R-R Zone when developed as a cluster subdivision, the Planning Board may approve a subdivision with alleys to serve any permitted use, provided the lot has frontage on and pedestrian access to a public right-of-way. The District Council may disapprove the inclusion of alleys during the consideration of the detailed site plan for a cluster subdivision. For the purposes of this Section, an "alley" shall mean a road providing vehicular access to the rear or side of abutting lots, and which is not intended for general traffic circulation.

The applicant is asking for relief from this requirement to allow townhouse lots which are served by alleys to have frontage on open space instead of a public right-of-way.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of a variation request. The applicant has filed a variation from Section 24-128(b)(7)(A), which was submitted and heard at the SDRC meeting, as required by Section 24-113(b).

Section 24-113(a) sets forth the required findings for approval of variation requests as follows:

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

Approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. Strict compliance with the requirements of Section 24-128(b)(7)(A) could result in a practical difficulty. The applicant's proposal cannot provide the density envisioned without alternative on-site circulation. The ability to develop garage townhouse units on private open space is appropriate in this case, due to the density and configuration of the developable areas.

- (1) **The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The use of alleys to serve garage units is encouraged in dense environments. The current plan has the residential development to be served primarily by private streets. The private streets and alleys in this

case are being constructed to a standard that is adequate to support the development as analyzed by the Transportation Planning and Urban Design sections. The private streets are proposed with a 46-foot-wide right-of-way with a 22-foot-wide paving section, and the private alleys are being provided within a 30-foot-wide private ROW also with a 22-foot-wide paving section. The only change to this standard is that the two sticks of units will be setback from the public ROW with an intervening open space parcels, proposing a more desirable relationship, which is not injurious to the health, safety, or welfare of the users.

- (2) **The conditions on which the variations is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

Development of the site is controlled by the presence of the master plan ROW of MC-634, a proposed 100-foot-wide ROW, which the applicant is dedicating to public use. This north/south ROW which extends entirely thru the property creates several separate pods of development. The applicant is also proposing an east/west public street connection to connect neighborhoods and provide for appropriate on-site circulation in accordance with the sector plan. Public streets at the location needed would further divide the property which could result in the further reduction in the developable area of the site, not generally appropriate for dense developments envisioned in the M-X-T Zone. The applicant contends that the loss of units which would result from the need to provide public rights-of-way within the site constitutes a particular hardship because the applicant could not develop to the density envisioned when the property was rezoned to the M-X-T. The expectation of the amount of development that could occur on this property based on the zoning, and resulting separate land bays available for development, is a situation which is unique to this property and not generally shared by other properties.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

The variation is unique to the Subdivision Regulations and is not regulated by any other law, ordinance, or regulations. Therefore, granting the variation will not violate any other legal requirement.

- (4) **Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from**

a mere inconvenience, if the strict letter of these regulation is carried out.

The uniqueness of the property is imposed by the presence of the master plan ROW (MC-634) and the proposed additional public street dedication. These rights-of-way present topographically challenges to implement because they cross in the center of the property and have to tie into existing grades on abutting properties, which is a result of the existing topography of the site. Because of the topography and the requirement to implement the rights-of-way the applicant could not accommodate additional public or private streets and meet the grades for the required east/west and north/south connections. This scenario is unique to the surrounding properties and not shared by adjoining properties.

- (5) **In the R-30, R-30c, R-18, R-18c, R-10, R-10, and R-H zones, where multi-family dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113 (a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The site is not located in any of the listed zones; therefore, this condition does not apply.

Based on the preceding findings for each of the criteria, the Planning Board approves of the requested variation from Section 24-128(b)(7)(A) of the Subdivision Regulations.

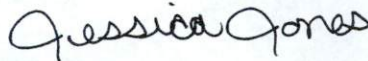
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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 Bailey, seconded by Commissioner Washington, with Commissioners Bailey, Washington, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Shoaff absent at its regular meeting held on Thursday, July 28, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of July 2016.

Patricia Colihan Barney
Executive Director



By Jessica Jones
Planning Board Administrator

PCB:JJ:WC:ydw

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 8/1/16