



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2021-41

File No. 4-19012

R E S O L U T I O N

WHEREAS, Braveheart Land, LLC is the owner of a 68.70-acre parcel of land known as Parcel 10, 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 Military Installation Overlay (M-I-O); and

WHEREAS, on January 7, 2021, Braveheart Land, LLC filed an application for approval of a Preliminary Plan of Subdivision for 356 lots and 41 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-19012 for Enclave at Westphalia was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on March 18, 2021, 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 March 18, 2021, 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 TCP1-006-2016-03, and APPROVED a Variance from Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-19012 for 356 lots and 41 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to:
 - a. Provide the center line of Melwood Road, indicate its width, and provide dimensions from the center line to the property line of the subject site.
 - b. Indicate the right-of-way dedication for master planned right-of-way Greenpoint Lane (C-636), 70 feet wide, through the subject site and provide the total area on the PPS.
2. Any nonresidential development on the subject property shall require approval of a new preliminary plan of subdivision, prior to issuance of any permits.
3. Development of the site shall be in conformance with the pending Stormwater Management Concept Plan (59055-2019-0) and any subsequent revisions.

4. Prior to approval of a final plat:
 - a. The final plat shall include the grant of 10-foot-wide public utility easements along both sides of all public rights-of-way and along one side of all private rights-of-way.
 - b. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section to ensure that the rights of The Maryland-National Capital Park and Planning Commission are included. The liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.
 - c. At the time of final plat, the applicant shall dedicate the right-of-way at the western corner of the property for the future master plan road Greenpoint Lane (C-636), as shown on the approved preliminary plan of subdivision.
5. Prior to acceptance of a detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall depict the following pedestrian and bicycle facilities:
 - a. Standard five-foot-wide sidewalks along both sides of all roads, public or private, excluding alleys.
 - b. Continental style crosswalks crossing both points of vehicle entry along Bridle Vale Road (P-615), unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - c. Perpendicular or parallel Americans with Disabilities Act curb ramps and marked crosswalks at all locations where sidewalks intersect with roads or streets.
 - d. Outdoor bicycle parking at all community recreational areas.
 - e. A minimum eight-foot-wide shared-use path connecting the sidewalk to Road "A" and surrounding the Proposed Pond No. 4.
 - f. A minimum eight-foot-wide shared-use path connecting the sidewalk along Road "B" with the sidewalk along Road "G".

6. Prior to the approval of the first building permit, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following facilities:
 - a. R4-11, "Bikes may use full lane" signage and shared-lane pavement markings (sharrows) along the subject site's frontage of Melwood Road, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
7. In accordance with Section 24-135(b) of the Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private on-site recreational facilities.
8. The private on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division, of the Prince George's County Planning Department for adequacy and proper siting, in accordance with the Park and Recreation Facilities Guidelines, at the time of detailed site plan.
9. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original, executed recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department for construction of private on-site recreational facilities, for approval prior to a submission of a final record plat. Upon approval by DRD, the RFAs shall be recorded among the Land Records of Prince George's County, Maryland and the liber and folio of the RFAs shall be noted on the final plat, prior to recordation.
10. 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 recreational facilities, prior to issuance of building permits.
11. The applicant shall make a monetary contribution into a "park club". The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars, as recommended by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. The Maryland-National Capital Park and Planning Commission shall adjust the amount of the contribution using the Consumer Price Index for inflation at the time of payment. Monetary contributions shall be used for construction, operation, and maintenance of the public recreational facilities in the central park and/or the other parks that will serve the Westphalia Sector Plan area.
12. Prior to approval of the final plat, the applicant shall enter into an agreement with the Prince George's County Department of Parks and Recreation establishing a mechanism for payment of fees into a "park club" account administered by the Maryland-National Capital Park and Planning Commission. If not previously determined, the agreement shall also establish a schedule of payments. The payment schedule shall include a formula for any needed adjustments to account for inflation. The agreement shall be recorded in the Land Records of Prince George's County, Maryland by the applicant prior to final plat approval.

13. Total development within the subject property shall be limited to uses which generate no more than 249 AM peak-hour trips and 285 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.
14. Prior to issuance of each building permit, the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of Prince George's County Council Resolution CR-66-2010 and the MD 4/Westphalia Road Public Facilities Financing and Implementation Program, pay to Prince George's County (or its designee) a fee of \$2,670.46 (in 2010 dollars) per dwelling unit, 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, Maryland. These unit costs will be adjusted based on an inflation cost index factor to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement at the time of the issuance of each permit.
15. Prior to the approval of any final plat for this project, pursuant to Prince George's County Council Resolution CR-66-2010, 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 Public Facilities Financing and Implementation Program. The MOU shall be executed and recorded among the Land Records of Prince George's County, Maryland and the liber/folio noted on final plat of subdivision.
16. Except as provided in Condition 17, prior to the approval of any building permit within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Bridle Vale Road extension; Extend the stub end of existing Bridle Vale Road for approximately 1,300 feet as a primary residential street to its terminus at Dower House Road.
17. In the event that Dower House Road has full financial assurances and is permitted for construction to the northern boundary of the subject property, the applicant may obtain building permits for Lots 1-3, Block A to allow for the completion of all necessary excavation and piers and footings of the three townhouse units.
18. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

19. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been completed and associated mitigation plans.
20. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-006-2016-03). The following note shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-006-2016-03), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."
21. Prior to the issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

"This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved."
22. Prior to signature approval of the preliminary plan of subdivision, an approved stormwater concept plan shall be submitted. The limits of disturbance shall be consistent between the stormwater concept plan and Type 1 tree conservation plans.
23. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association, land as identified on the approved preliminary plan of subdivision and detailed site plan. Land to be conveyed shall be subject to the following:
 - a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision and Zoning Section of the Development Review Division of the Prince George's County Planning Department.

- b. All waste matter of any kind shall be removed from the property, 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 or 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 the association shall be in accordance with an approved site plan and tree conservation 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 the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division of the Prince George's County Planning Department.
- f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.

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 approximately 3900 feet north of the intersection of Pennsylvania Avenue (MD 4) and Woodyard Road. The property is known as Parcel 10, described by deed recorded in Liber 41847 Folio 247 and consists of 68.70 acres in the Mixed Use-Transportation Oriented (M-X-T) Zone. The site is also located within the Military Installation Overlay (M-I-O) Zone for height. The site is subject to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA). This preliminary plan of subdivision (PPS) includes 356 lots and 41 parcels for single-family attached development. There is an existing building at the center of the site, which is to be razed. This building was constructed as the German Orphan Home of Washington in 1965. The facility is no longer in use. The proposed development is subject to a PPS, in accordance with Section 24-107 of the Prince George's County Subdivision Regulations.

Section 25-122(b)(1)(g) of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) requires that the preservation of specimen trees, champion trees, or trees that are associated with a historic site or structure have their critical root zones protected

through judicious site design. The applicant requested approval of a variance for the removal of seven specimen trees, which is discussed further in this resolution.

3. **Setting**—The property is located on Tax Map 91 in Grids A3, A4, B3, and B4 in Planning Area 78, and is zoned M-X-T. The surrounding properties are all within residential zones. The property to the north of the subject site is located in the Residential Medium Development Zone and is currently being developed with both single-family and two-family dwellings. The properties to the east are located within the Rural Residential (R-R) Zone and consist of single-family detached dwellings, vacant property, and a Potomac Electric Power Company (PEPCO) utility parcel. The PEPCO utility parcel is located in the R-R and Rural-Agriculture (R-A) Zone. The properties abutting the site to the south are also located in the R-A Zone and consist of single-family detached dwellings.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	APPROVED
Zone	M-X-T	M-X-T
Use(s)	Residential	Residential
Acreage	68.70	68.70
Lots	0	356
Parcels	1	41
Dwelling Units	N/A	356
Gross Floor Area	42,050	N/A
Variance	No	Yes
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on January 22, 2021.

5. **Previous Approvals**—Prior approvals for this site include Conceptual Site Plan CSP-15003, PPS 4-16009, and Detailed Site Plan DSP-16045. CSP-15003 was approved by the Prince George's County Planning Board on December 1, 2016 (PGCPB Resolution No. 16-142), for an 85,733-square-foot group residential and medical facility. PPS 4-16009 was approved by the Planning Board on December 1, 2016 (PGCPB Resolution No. 16-143), for a group residential use on one 68.70-acre parcel. DSP-16045 was approved on April 6, 2017 (PGCPB Resolution No. 17-61), for 85,733-square-foot, 120 bed group residential and medical facility. The development approved under these applications was never implemented and single-family development is now proposed.

CSP-19004 was approved for the subject development by the Planning Board on April 16, 2020 (PGCPB Resolution No. 2020-62), for the development of 474 one-family attached (townhouse) dwelling units. This PPS supersedes PPS 4-16009. A new DSP will be required for the proposed development.

6. **Community Planning**—The subject site is within the Westphalia Sector Plan and SMA. The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the Westphalia Sector Plan are evaluated as follows:

Plan 2035

The application is in the Established Communities Growth Policy area designated in Plan 2035. The vision for the Established Communities area is most appropriate for context-sensitive infill and low- to medium-density development (page 20).

Sector Plan Conformance

The Westphalia Sector Plan recommends Low Density Residential and some Public-Private Open Space uses on the subject property.

SMA/Zoning

The SMA rezoned the subject property from R-A to the M-X-T Zone. The site is also located within the M-I-O Zone. Pursuant to Section 27-548.54(e)(2)(D), Requirements for Height, of the Prince George's County Zoning Ordinance, the application must comply with the requirements for height properties located in Conical Surface (20:1) – Right Runway Area (E). The height of proposed buildings will be evaluated further with the DSP.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application conforms to the Westphalia Sector Plan.

7. **Stormwater Management**—A Stormwater Management (SWM) Concept Plan (59055-2019-0) and receipt, pending review by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), were submitted with the subject application. According to the SWM concept plan, 45 micro-bioretenion facilities and 13 drywells are proposed on site. In accordance with Section 24-130 of the Subdivision Regulations, development of the site shall conform with the SWM concept plan and any subsequent revisions, to ensure no on-site or downstream flooding occurs.
8. **Parks and Recreation**—This PPS was reviewed for conformance with the requirements and recommendations of CSP-19004, the Westphalia Sector Plan, the Land Preservation, Parks and Recreation Plan for Prince George's County, and the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space* as policies in these documents pertain to public parks and recreational facilities.

The subject property consists of 68.70 acres of land located on the northeast side of Melwood Road, approximately 0.75 miles north of MD 4 and Woodyard Road. The subject property is bounded to the north by Bridle Vale Road (P-615), which is a master planned road, and Sections

5 and 6 of the Parkside development (which have obtained PPS approval). To the east are a few large lot single-family residences. At the northwestern corner of the site is Greenpoint Lane (C-636), which is a master planned road, and the Westphalia Center development (which has also obtained PPS approval). Master planned road P-615 will provide public street access to the subject property. The subject development is not adjacent to any existing Maryland-National Capital Park and Planning Commission (M-NCPPC) parkland.

The purpose of this PPS is to subdivide the property into 356 lots and 41 parcels for the development of 356 single-family attached dwelling units.

Since this development consists of a residential subdivision, Section 24-134(a) of the Subdivision Regulations is applicable with this PPS. Based on the density proposed, this development is subject to the mandatory dedication of 5.15 acres of parkland to M-NCPPC. As per the approved CSP-19004 for this property, the applicant is proposing private on-site recreational facilities to meet the mandatory dedication requirements, which is permissible per Section 24-135(b) of the Subdivision Regulations. This is recommended by the Westphalia Sector Plan and consistent with CSP-19004.

The applicant has provided a conceptual recreation facility plan for the development, which proposes three main “localized” amenity areas, along with a community wide loop trail system within the extensive green space area. The community wide loop trail system is to include exercise equipment and dog waste stations. The “localized” amenity areas may include fenced recreation areas with benches, overlook/gazebo, hardscape seating areas, tot lots, and/or dog parks. All these on-site recreational facilities will be detailed further with the DSP application for this project and shall be designed in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.

Westphalia Park Club

The Westphalia Sector Plan anticipated that major recreational needs of the residents of the sector plan will be addressed by contribution of the funds for the development of the “Westphalia Central Park.” The developers of Smith Home Farm, Westphalia Town Center, Moore Property, and Cabin Branch Village are committed to the implementation of the sector plan park system recommendations:

Smith Home Farm

Dedication of 145 acres of parkland dedication. Monetary contribution of \$3,500 per dwelling unit in 2006 dollars. Private recreational facilities on-site.

Westphalia Town Center

Monetary contribution of \$3,500 per dwelling unit in 2006 dollars. Private recreational facilities on site. Private recreational facilities in the project area.

Moore Property

Monetary contribution of \$3,500 per dwelling unit in 2006 dollars. Private recreational facilities on-site.

Cabin Branch Village

Monetary contribution of \$3,500 per dwelling unit in 2006 dollars. Private recreational facilities on site.

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

The applicant's proposal of private on-site recreational facilities will meet the requirements of Section 24-134(b) of the Subdivision Regulations. In addition, this development will be subject to a monetary contribution in the amount of \$3,500 per dwelling unit in 2006 dollars into a "park club" for the design and construction of the major public recreational facilities in the Westphalia Central Park, in accordance with the recommendations of the Westphalia Sector Plan.

9. **Bicycle and Pedestrian**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Westphalia Sector Plan, to provide the appropriate pedestrian and bicycle transportation facilities.

Existing Conditions, Sidewalks and Bike Infrastructure

The subject site is located along Melwood Road, approximately 1.50 miles east-southeast of the intersection of MD 4 and Suitland Parkway. There are currently no pedestrian or bicycle facilities built on the subject property. The area under review for the subject application is not within a 2002 General Plan Corridor or a 2035 General Plan Center and therefore, is not subject to Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines – Part 2."

Previous Conditions of Approval

PPS 4-16009 and DSP-16045 were approved for a group residential facility use on the subject site. However, the construction of the facility never moved forward, and previously approved plans have no bearing on the application under review.

CSP-19004 was approved by the Planning Board in April of 2020 and would be considered the parent case to the subject application. While CSP-19004 did not have any binding prior conditions of approval regarding bicycle and pedestrian improvements, the subject application is reflective of the plan. The pedestrian and bicycle facilities incorporated into the CSP are maintained in this PPS.

Review of Master Plan Compliance

This development case is subject to the MPOT, which recommends the following facilities:

- Planned Side Path: C-636
- Planned Shared Roadway: Melwood Legacy Trail, P-615

The subject property abuts Melwood Road to the west and the submitted plans include a pedestrian and bicycle connection to Melwood Road. Melwood Road intersects with C-636, which is a planned road, and features a planned side path. The subject site is also adjacent to P-615, which is a planned road, and features a planned shared roadway.

The applicant shall provide “bikes may use full lane” signage assemblies and shared-lane markings (sharrows) along the subject site’s frontage of Melwood Road, subject to modification by DPIE, with written correspondence. In the submitted SDRC response to comments (Roe to Heath, February 11, 2021), the applicant indicated that they will confer with DPIE regarding the request for bicycle signage and shared-lane markings at this location.

The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling:

Policy 1: Provide standard sidewalks along both 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.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

The property falls in the developing tier and will require five-foot-wide sidewalks on both sides of all new internal roads. The applicant shall provide five-foot-wide sidewalks on both sides of all new roads throughout the subdivision and the sidewalks shall be shown on the DSP.

The applicant shall provide continental style crosswalks across the drive aisles at both points of vehicle entry along P-615, parallel or perpendicular curb ramps at all locations within the subject site, and two bicycle racks at each of the proposed recreation areas, specifically Parcel B, Parcel I, and the recreational facility directly north of Parcel K. These facilities shall be shown on a DSP prior to its acceptance.

The applicant’s submission depicts a six-foot-wide shared-use path surrounding the SWM pond, a six-foot-wide shared-use path located on the western bounds of the subject property connecting to Melwood Road, a six-foot-wide shared-use path that connects the dwelling units on the west portion of the property and Road “B” with the residents on the east side of the property and Road “G,” and an eight-foot-wide shared-use path that runs through the forested area and

connects the northern amenity area near P-615 with the southern end of the property. Shared-use paths shall be a minimum of eight feet wide.

The subject site is located within property zoned M-X-T and is subject to additional requirements. Section 27-546 of the Zoning Ordinance discusses site plan requirements for properties in the M-X-T Zone. Section 27-546(d)(7) of the Zoning Ordinance is copied below.

7. The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;

The submitted plans provide pedestrian facilities through the subject site. Additional sidewalks, crosswalks, wider shared-use paths, and strategically placed bicycle racks will contribute to this design requirement. Further review the proposed development will occur at the time of DSP to evaluate the conformance with the M-X-T Zone design guidelines.

This development is subject to Westphalia Sector Plan. A bicycle/pedestrian trail network is displayed as Map 11 (page 45). This map shows several pedestrian and bicycle facilities which will connect to the subject property upon construction, specifically the Melwood Legacy Trail. As previously noted, the applicant has provided an eight-foot-wide recreation trail which links the subject property to the Melwood Legacy Trail.

Within the Westphalia Sector Plan, the subject property falls within the Low-Density Residential category per Map 4: Land Use (page 19). Per Policy 5 - Residential Areas - Design Principles (page 31):

- **Emphasize the provision of high-quality pedestrian and bikeway connections to transit stops/stations, village centers, and local schools.**

The 20 Bus serves the vicinity of the subject property to the direct south with five stops, specifically at the intersections of Marlboro Pike and Marwood Boulevard, Marlboro Pike and Woodyard Road, Old Marlboro Pike and Melwood Road, Old Marlboro Pike and Melwood Park Avenue, and Old Marlboro Pike and Roblee Drive. While the nearest stop is approximately 1.1 miles from the subject site, the proposed connection to Melwood Road and the Melwood Legacy Trail provides a connection to that stop.

Based on the preceding findings, the pedestrian and bicycle transportation facilities will serve the PPS, meet the findings required by Subtitle 24, and conform to the Westphalia Sector Plan and the MPOT.

10. **Transportation**—The subject property is located within Transportation Service Area (TSA) 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level-of-service D, with signalized intersections operating at a critical lane volume of 1,450 or better. Mitigation, per Section 24-124(a)(6)

of the Subdivision Regulations, is permitted at signalized intersections within any TSA, subject to meeting the geographical criteria in the “Transportation Review Guidelines - Part 1- 2012” (Guidelines).

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections:

For two-way stop-controlled intersections, a three-part process is employed: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed.

For all-way stop-controlled intersections, a two-part process is employed: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed.

Analysis of Traffic Impacts

The applicant submitted a traffic impact study (TIS) with a date of November 2020. The findings outlined below are based upon a review of these materials and analyses conducted consistent with the Guidelines. 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 at Westphalia Road/Old Marlboro Pike (signalized)	A/852	C/1254
Ritchie Marlboro Road at White House Road (signalized)	A/550	A/788
Ritchie Marlboro Road at Westphalia Road/Orion Drive *	12.7 seconds	23.1 seconds
Ritchie Marlboro Road at North Riding Road *	20.0 seconds	33.7 seconds
Ritchie Marlboro Road at Marlboro Ridge Road *	A/508	A/494
MD 4 at Suitland Parkway/Presidential Parkway (signalized)	C/1219	F/2387
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using The Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed. If the critical lane volume falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

The traffic study identified 16 background developments whose impact would affect some or all of the study intersections. In addition, a growth of 0.25 percent over six years was also applied to the traffic volumes. A second analysis was done to evaluate the impact of the background developments. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 4 at Westphalia Road/Old Marlboro Pike (signalized)	F/1660	F/2157
Ritchie Marlboro Road at White House Road (signalized)	A/578	A/835
Ritchie Marlboro Road at Westphalia Road/Orion Drive *	17.7 seconds	30.7 seconds
Ritchie Marlboro Road at North Riding Road *	30.4 seconds	90.0 seconds
Ritchie Marlboro Road at Marlboro Ridge Road *	A/618	A/596
MD 4 at Suitland Parkway/Presidential Parkway - interchange	overpass	
MD 4 SB Ramps at Suitland Parkway (new interchange)	A/980	B/1090
MD 4 NB Ramps at Presidential Parkway (new interchange)	A/771	A/794
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using The Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed. If the critical lane volume falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

Using the trip rates from the Guidelines, the study has indicated that the subject application represents the following trip generation:

Table 1 - Trip Generation							
		AM Peak			PM Peak		
		In	Out	Total	In	Out	Total
Townhouse (Guidelines)	360 Units	50	199	249	185	100	285
Total new trips		50	199	249	185	100	285

The table above indicates that the proposed development will be adding 249 (50 in; 199 out) AM peak-hour trips and 285 (185 in; 100 out) PM peak-hour trips. A third analysis depicting total traffic conditions was done, yielding the following results:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 4 at Westphalia Road/Old Marlboro Pike (signalized)	F/1681	F/2217
Ritchie Marlboro Road at White House Road (signalized)	A/616	A/882
Ritchie Marlboro Road at Westphalia Road/Orion Drive * <i>Tier 2 – Minor Street Volume</i> <i>Tier 3 – CLV Test</i>	23.2 seconds >100 A/760	53.4 seconds >100 A/980
Ritchie Marlboro Road at North Riding Road * <i>Tier 2 – Minor Street Volume</i> <i>Tier 3 – CLV Test</i>	>200 seconds >100 A/856	>200 seconds >100 A/775
Ritchie Marlboro Road at Marlboro Ridge Road *	A/618	A/626
MD 4 at Suitland Parkway/Presidential Parkway - interchange	overpass	
MD 4 SB Ramps at Suitland Parkway (new interchange)	A/987	B/1118
MD 4 NB Ramps at Presidential Parkway (new interchange)	A/779	A/798
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using The Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed. If the critical lane volume falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

Results from the total traffic revealed the following:

The MD 4 at Suitland Parkway/Presidential Parkway intersection will operate inadequately based on its current geometry. However, when analyzed as a proposed (fully funded) two-point diamond interchange, the results show that the interchange will operate adequately.

The intersection of MD 4 and Westphalia Road was found to be operating inadequately at all phases of the adequacy evaluations. This intersection has a previously approved Public Facilities Financing and Implementation Program (PFFIP) funding mechanism in place that will ultimately upgrade the intersection to a grade-separated interchange, with interim improvements occurring until that point. It is recommended in the TIS that a condition be approved allowing the applicant to contribute funds to the PFFIP in lieu of off-site improvements at this intersection. This issue is discussed further.

Plan Comments

As of the Planning Board hearing, no feedback from either the Maryland State Highway Administration (SHA), or the Prince George's County Department of Public Works and Transportation has been received. The intersection of MD 4 and Westphalia Road is under the control of SHA. This intersection has been the subject of multiple evaluations for other

developments where pro-rated monetary contributions have been proffered before, with SHA concurrence.

A memorandum from DPIE (Giles to Heath) dated February 5, 2021 was received on February 18, 2021. In that memorandum, DPIE raised a number of issues, including some pertaining to the TIS submitted by the applicant. Below are some of the issues expressed (in bold) along with responses from the applicants traffic consultant.

DPIE: Exhibit 6 (Primary Trip Assignment) shows all the development's trips accessing the development via Bridle Ridge Road (an already built residential neighborhood road). There is a total of 252 and 288 vehicles per hour (vph) in the AM and PM respectively, that will use Bridle Ridge Road in addition to the already existing vehicles on this roadway. Exhibit 10 (Trip Assignment Future Scenario) shows a much more realistic trip assignment through multiple residential neighborhoods. Having all the development's trips through one existing residential neighborhood as shown in Exhibit 6 may trigger some safety concerns (i.e., speeding, aggressive driving, collisions at intersections). As such, the developer should be conditioned to not implement their trip assignment as shown in Exhibit 6.

TIS Response: The trip assignment shown on Exhibit 6 details a temporary condition where the future access via P-615 (via Presidential Parkway) has not yet been constructed. There are multiple other projects in the Westphalia Town Center that are constructing roadway infrastructure at a relatively fast pace. While the trip assignment shown on Exhibit 10 is considered a "future" condition, it is assumed that the extension of P-615 will occur in the near future as these adjacent developments are constructed and therefore it is unlikely that the "temporary" scenario with access to the site exclusively via Bridle Ridge Road will ever come to fruition. In addition, the trip assignment was conducted in a conservative method with all traffic to/from the north utilizing N Riding Road. It is likely that some percentage of these vehicles would also utilize Marlboro Ridge Road as discussed in the response to Comment #3.

It should also be noted that Bridle Ridge Road and new roadways within the vicinity of the Westphalia Town Center have all been constructed per Master Plan standards and to accommodate much larger volumes of traffic than currently utilize the roadway under existing conditions. Therefore, it is not anticipated that any significant safety concerns would occur in the event there is a short timeframe where the site traffic exclusively utilizes Bridle Ridge Road.

The applicant's explanation is adequate.

DPIE: We performed an internal queuing analysis at the future DPW&T signalized intersection of Ritchie Marlboro Road and North Riding Road and found queues on North Riding Road extending past Bridle Ridge Road. As such, the develop should be conditioned to provide one left and a shared left/right turn lane on North Riding

Road. By creating the double left turn lane, an additional lane should be provided on Ritchie Marlboro Road. The improvements on both Ritchie Marlboro Road and North Riding Road can be done with pavement marking only and no widening. The developer should be conditioned to add the travel lanes as described above. The approved signal plan should be revised to address this improvement.

TIS Response: SimTraffic queuing analyses were performed for the intersection of Ritchie Marlboro Road & N Riding Road. In order to provide the most conservative analysis, the Total Peak Hour Volumes shown on Exhibit 7 with all site traffic utilizing N Riding Road was evaluated (no P-615 site access). Refer to the response to Comment #1 for discussion regarding this temporary condition. In addition, refer to the response to Comment #3, and the attached exhibits for the volumes used for the purposes of the SimTraffic analyses as thru traffic along Ritchie Marlboro Road has been increased due to the inclusion of two additional background developments. It should be noted that the proposed signal at this intersection will be installed as a condition of the approved and currently under construction Marlboro Ridge development.

The applicant's explanation is adequate.

DPIE: The developer should revise the TIA to include the traffic volumes from the Greater Morning Star Apostolic Church and The Venue as background developments.

TIS Response: The Venue and the remaining trips from the Greater Morning Star Apostolic Church (PGCPB No. 4-97107) have been included in the background developments. A supplemental analysis has been included with this response. As shown, the findings of the study remain unchanged from the previous submission. As noted in the response to Comment #2, the updated volumes as a result of these background developments being included in the study were utilized for the purposes of the SimTraffic analyses of N Riding Road at Ritchie Marlboro Road. Note that the Synchro analyses were not updated on the Results table from the previous submission as all unsignalized intersections meet the third tier CLV requirement for adequacy (updated CLVs are shown on the results tables). The updated CLV worksheets are included with this report.

All of the traffic-related concerns expressed by DPIE have been adequately addressed.

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 Prince George's County Council Resolution 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) staff prepared a cost allocation table (Table) that allocates the estimated \$79,990,000 cost of the interchange to all the properties within the PFFIP district. 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 contributed by each development passing through the intersection, to the total average daily trips contributed by all the developments in the district passing through the same intersection. The ratio between the two sets of average daily trips becomes the basis on which each development's share of the overall cost is computed.

The analyses in the TIS were based on a density of 360 units. However, the revised site layout shows only 356 dwelling units being proposed. These units will therefore generate 249 (50 in, 199 out) AM peak trips, 285 (185 in, 100 out) PM peak trips and $(356 \times 8 =) 2,848$ daily trips. The trip assignment from the TIS, indicates that 35 percent of the site daily trips $(2,848 \times 0.35 = 997)$ will pass through the intersection of Westphalia Road and MD 4. Based on 997 daily trips, this site's contribution for the PFFIP was computed as \$950,684.98 (2010 dollars). Given that 356 dwelling units are being proposed, the unit cost computes as \$2,670.46 per dwelling unit. An attached spreadsheet provides greater detail of this computation.

Master Plan and Site Access

The property is in an area where the development policies are governed by the Westphalia Sector Plan, as well as the MPOT. On the westernmost corner of the site runs the alignment of master plan road C-636, an unbuilt road requiring 70 feet of dedication. The planned developments immediately to the north and south of the subject property have both dedicated rights-of-way of 70 feet, and the applicant shall provide the same amount of dedication for this development. It is worth mentioning that the total amount of dedication required from the subject site is approximately 4,762 square feet or 0.11 acre. No development is being proposed within the proposed right-of-way for C-636.

The subject property currently fronts on Melwood road to the east, a rural residential street from which there will be no access to the site. There are two points of access being proposed for the subject development. Both access points will be to a future road (P-615) entirely within the adjacent property (Parkside Sections 5 and 6; PPS 4-16001) to the north. Because the future P-615 master planned road is currently unbuilt, the approval of this application is conditional on the completion of the construction of P-615, and its connection to the stub end of Bridle Ridge Road to the east. All other aspects of the site regarding access and layout are deemed to be acceptable.

Based on the preceding findings, adequate transportation facilities will exist to serve the PPS, as required, in accordance with Section 24-124 of the Subdivision Regulations.

11. **Schools**—This PPS was reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2001. The subject property is located within School Cluster 4, as identified the Pupil Yield Factors and Public-School Clusters 2020 update. The results of this analysis are as follows:

Impact on Affected Public School Clusters by Dwelling Units

	Affected School Clusters		
	Elementary School Cluster 4	Middle School Cluster 4	High School Cluster 4
Townhouse (TH) Dwelling Units	356 DU	356 DU	356 DU
Pupil Yield Factor (PYF) – Townhouse	0.114	0.073	0.091
TH x PY=Future Subdivision Enrollment	41	26	32
Adjusted Student Enrollment 9/30/19	12,927	9,220	7,782
Total Future Student Enrollment	12,968	9,246	7,814
State Rated Capacity	15,769	9,763	8,829
Percent Capacity	82 percent	95 percent	89 percent

Section 10-192.01 establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$9,741 per dwelling if a building is located between Interstate 495 and the District of Columbia; \$9,741 per dwelling if the building is included within a Basic Plan or CSP that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$16,698 per dwelling for all other buildings. This project is outside of the I-495 Capital Beltway; thus, the surcharge fee is \$16,698. This fee is to be paid to DPIE at the time of issuance of each building permit.

12. **Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, police and water and sewerage facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated February 16, 2021 (Perry to Heath), incorporated by reference herein. Fire and rescue require additional discussion as follows:

Fire and Rescue

This PPS was reviewed for adequacy of fire and rescue services, in accordance with Section 24-122.01(d) of the Subdivision Regulations. The response time standard established by Section 24-122.01(e) of the Subdivision Regulations is a maximum of seven minutes travel time from the first due station. Prince George’s County Fire and EMS Department representative, James V. Reilly, stated in writing (via email) that as of January 27, 2021, the subject project fails the seven-minute travel time test from the first due station, Forestville VFD Co. 823 located at 8321 Old Marlboro Pike in Upper Marlboro. Mitigation is not required, however, because a Forestville Fire/EMS station is identified to be located in Planning Area 78 Westphalia and Vicinity and listed in the Fire/EMS section of the Prince George's County FY 2020-2025 Approved Capital Improvement Program and Capital Budget. The Department has reported that there is adequate equipment to meet the standards stated in Prince George’s County Council Bill CB-56-2005.

- 13. Public Utility Easement (PUE)**—Section 24-122(a) of the Subdivision Regulations requires that, when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on the public right-of-way of Melwood Road and includes an internal network of private streets. Section 24-128(b)(12) of the Subdivision Regulations requires that 10-foot-wide PUEs be provide along one side of all private streets. The required PUEs are delineated on the PPS along the private streets as well as public right-of-way Melwood Road.

- 14. Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject was high. A Phase I archeology survey was completed on a 28-acre portion of the subject property in 2008. Two archeological sites were identified. Site 18PR1104 comprised of a mid-19th to late-20th century dwelling site and site 18PR1105 was identified as an early to mid-20th century trash scatter. Phase II investigations were recommended on both sites.

The original Phase I study did not include the entire property, therefore, Historic Preservation staff recommended that the portion of the property, not covered in the earlier study be surveyed for archeological resources. Phase I investigations of the portion of the property not previously surveyed and Phase II evaluations of sites 18PR1104 and 18PR1105 were conducted on the subject property in June 2019. No additional archeological sites were identified on the portions of the property not previously investigated. Phase II evaluation of sites 18PR1104 and 18PR1105 did not identify any intact soil layers or features. Both sites were extensively disturbed by the destruction of buildings located in those areas in the late 20th century. Therefore, no further work is required on the subject property. No additional archeological investigations are necessary on the subject property. The draft report for the Phase II and additional Phase I investigations were reviewed by Historic Preservation staff in February 2020 and copies of the final report have been received.

- 15. Environmental**—The following applications and associated plans have been reviewed for the subject site:

Development Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
NRI-090-05	N/A	Staff	Approved	9/15/2005	N/A
NRI-090-05-01	N/A	Staff	Approved	4/28/2016	N/A
NRI-090-05-02	N/A	Staff	Approved	11/14/2016	N/A
CSP-15003	TCP1-006-16	Planning Board	Approved	12/1/2016	16-142
4-16009	TCP1-006-16-01	Planning Board	Approved	12/1/2016	16-143
DSP-16045	TCP2-005-2017	Planning Board	Approved	4/6/2017	17-61
CSP-19004	TCP1-006-16-02	Planning Board	Approved	4/16/2020	2020-62
NRI-090-05-03	N/A	Staff	Approved	10/21/2020	N/A
4-19012	TCP1-006-16-03	Planning Board	Approved	3/18/2021	2021-41

Proposed Activity

The applicant is requested approval of a PPS and a Type 1 Tree Conservation Plan (TCP1-006-16-03) for the development of 356 lots and 41 Parcels for single-family attached dwellings.

Grandfathering

This project is subject to the current regulations of Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new PPS.

Site Description

A review of the available information indicates that streams, 100-year floodplain and steep slopes occur on the property. The predominant soils found to occur, according to the US Department of Agriculture Natural Resource Conservation Service Web Soil Survey, include the Adelphia-Holmdel complex, Dodon fine sandy loam, Marr-Dodon complex and Westphalia-Dodon soils series. According to available mapping information, Marlboro clay does not occur on this property; however, a small area of Marlboro clay evaluation area is located in the northwest corner of the property. There is Potential Forest Interior Dwelling Species (FIDS) habitat mapped on-site. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species on or in the vicinity of this property. The site has three stream systems that drain northward towards Cabin Branch, connecting to the Western Branch watershed, and then to the Patuxent River basin. According to the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*, the site contains regulated and evaluation areas.

Master Plan Conformance

The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035: The Established Communities of the General Plan Growth Policy Map and Residential Low designation of the General Plan Generalized Future Land Use.

Westphalia Sector Plan

In the sector plan, the Environmental Infrastructure Section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project.

Policy 1: Protect, preserve, and enhance the identified green infrastructure network within the Westphalia Sector Planning Area.

According to the Green Infrastructure Plan, the site contains regulated and evaluation areas associated with the three stream systems on the adjacent site. The Applicant has demonstrated that the regulated areas, included in the primary management area (PMA), have been preserved and/or restored to the fullest extent possible.

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

An unapproved SWM concept plan has been submitted which shows the use of 13 drywells, 45 micro-bioretenion facilities, and four ponds to manage the stormwater of the development of 356 townhomes. The current project is in review as a site development concept plan with DPIE.

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

Green building techniques and energy conservation technique should be applied as appropriate and is encouraged at the building design stage.

Conformance with Countywide Green Infrastructure Plan

According to the approved *Countywide Green Infrastructure Plan*, the site contains regulated and evaluation areas within the designated network of the plan. While the Green Infrastructure elements mapped on the subject site will be impacted, the site was previously developed with an institutional use and the design of the site meets the zoning requirements and the intent of the growth pattern established in Plan 2035.

Previous Approvals

Prince George's County Planning Board Resolution No. 2020-62 for CSP-19004 and TCP1-006-2016-03 was adopted by the Planning Board on May 7, 2020. The technical environmental conditions of approval found in PGCPB Resolution No. 2020-62 have been addressed.

ENVIRONMENTAL REVIEW

Natural Resources Inventory Plan/Existing Features

An approved Natural Resource Inventory, NRI-090-05-03, in conformance with the environmental regulations that became effective September 1, 2010, was submitted with the application. The site contains regulated environmental features (steep slopes, streams, stream buffers, and floodplain) which comprise the PMA. There are nine specimen trees scattered throughout the property. The TCP1 and the PPS show all the required information correctly in conformance with the NRI. No revisions are required for conformance to the NRI.

Woodland Conservation

The site is subject to the provisions of the 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.

The site contains a total of 50.35 acres of woodlands and 2.35 acres of wooded floodplain. The site has a woodland conservation threshold of 15 percent or 9.95 acres. The TCP1 proposes to clear 30.48 acres of woodland resulting in a total woodland conservation requirement of 17.57 acres. The TCP1 proposes to meet the requirement fully with on-site preservation.

The TCP1 plan as resubmitted does not require technical changes to be in conformance with the Woodland and Wildlife Habitat Conservation Ordinance.

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 Environmental Technical Manual."

The site contains nine specimen trees with the ratings of fair to excellent. The removal of seven specimen trees is requested.

Review of Subtitle 25 Variance Request

A Subtitle 25 variance application, a statement of justification (SOJ) in support of a variance, and a tree removal plan were received for review on January 7, 2021.

Section 25-119(d)(1) of the WCO contains six required findings be made before a variance can be granted. The Letter of Justification submitted seeks to address the required findings for the seven specimen trees and details specific to individual trees have also been provided in the following chart.

**SPECIMEN TREE SCHEDULE SUMMARY FOR 7 TREES PROPOSED FOR REMOVAL
ON TCP1-006-2016-03**

ST Number	COMMON NAME	DBH (in inches)	CONDITION	APPLICANTS PROPOSED DISPOSITION	NOTES / RECOMENDATIONS
22	Willow Oak	47.1	Excellent	Remove	
32	Willow Oak	59.9	Excellent	Remove	
52	Tulip Poplar	35.8	Excellent	Remove	
53	Tulip Poplar	35.9	Excellent	Remove	
54	White Oak	34.1	Fair	Remove	
55	White Oak	37.2	Excellent	Remove	
56	Silver Maple	37	Excellent	Remove	

Statement of Justification Request

A variance to Section 25-122(b)(1)(G) of the WCO is requested for the clearing of seven specimen trees on-site. The site consists of 68.70 acres and is zoned M-X-T. The current proposal for this property is to develop townhomes. This variance is requested to the WCO which requires, under Section 25-122, that “woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case.” The Subtitle Variance Application form requires an SOJ of how the findings are being met.

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

This site is zoned M-X-T and proposes townhomes. The site is divided into three development pods due to environmental features that separate each section. The existing site conditions, such as streams, steep slopes, and regulated buffers, limit the extent of developable space. In order to have developable and functional use for residential development, the specimen trees located within the limits of disturbance must be removed. Any additional loss in developable area for specimen tree retention will cause the site to not meet its development requirements and will cause the applicant an unwarranted hardship.

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

Based on the various site constraints (steep slopes, streams, stream buffers, and 100- year floodplain which comprise the PMA), the granting of this variance to clear specimen trees outside of the PMA will allow the project to be developed in a functional and efficient manner. If other properties encounter trees in a similar condition and in a similar location on a site, the same considerations would be provided during the review of the required variance application.

- (c) **The request is not based conditions or circumstances which are the result of actions by the applicant.**

This request is not based on conditions or circumstances which are solely the result of actions by the applicant. The applicant has attempted to provide a layout that meets zoning requirements and provide an efficient layout based upon the high-density zone's goal and to protect the existing environmental features. The request is not the result of actions by the applicant.

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

This request is not based on conditions related to land or a building use on a neighboring property.

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

The removal of seven specimen trees will not adversely affect water quality. The proposed development will not adversely affect water quality because the project is subject to the requirements of the Maryland Department of the Environment, the Prince George's County Soil Conservation District related to sediment and erosion control, and approval of SWM by DPIE. The applicant is proposing to meet the woodland conservation threshold with on-site preservation.

The required findings of Section 25-119(d) of the WCO have been adequately addressed by the applicant for removal of seven specimen trees (ST 22, 32, 52, 53, 54, 55, and 56).

Regulated Environmental Features / Primary Management (PMA)

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use, orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities.

Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary if the site has been designed to place the outfall at a point of least impact. The types of impacts that should be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

Seven PMA impacts are proposed; one for a recreational trail, one for the removal of existing structures, and five for stormdrain outfalls. An SOJ in support of a variation for impacts to regulation environmental features was received with the application.

Statement of Justification

The SOJ includes a request to impact a total of 54,205 square feet of the PMA. The total impact includes 21,898 square feet of temporary PMA impact for the removal of the existing structures, and the installation of a recreation trail on-site. The remaining 35,507 square feet of PMA impact is for five stormdrain outfalls, which will be permanent impacts.

Analysis of Impacts

Based on the SOJ, the applicant is requested a total of seven impacts as described below:

Impact 1 – PMA and stream buffer impacts totaling 4,268 square feet is requested for construction of a stormdrain outfall and the grading for the device. Because of the surrounding slopes, the outfall must be designed to be closer to the stream so that it will not be a source of future erosion. The outfall was designed, and the limits of disturbance set to minimize the area to be disturbed. This is a permanent impact.

Impact 2 – PMA and stream buffer impacts totaling 4,424 square feet is requested for construction of a stormdrain outfall and the grading for the device. Because of the surrounding slopes, the outfall must be designed to be closer to the stream so that it will not be a source of future erosion. The outfall was designed, and the limits of disturbance set to minimize the area to be disturbed. This is a permanent impact.

Impact 3 – PMA and stream buffer impacts totaling 7,075 square feet is requested for the removal of the existing structures that are located in the PMA. There is currently no forest in this location. At the time of razing the structures the area will be graded to tie existing grades and will be planted with trees. This will create a natural buffer for the stream. This is a temporary impact.

Impact 4 – PMA and stream buffer impacts totaling 14,823 square feet is requested for the creation of an eight-foot-wide paved recreation trail that is 1,400 linear feet long. The trail has been designed to follow the existing contours and no forest is proposed to be removed, however, there will be the need to remove understory. Approximately 823 square feet will need to be cleared and graded to accommodate 60 lateral feet of the trail. This impact is temporary in nature.

Impact 5 – PMA and stream buffer impacts totaling 486 square feet is requested for construction of a stormdrain outfall and the grading for the device. Because of the surrounding slopes, the outfall must be designed to be closer to the stream so that it will not be a source of future erosion. The outfall was designed, and the limits of disturbance set to minimize the area to be disturbed. This is a permanent impact.

Impact 6 – PMA and stream buffer impacts totaling 15,520 square feet for construction of a stormdrain outfall and clearing for downstream ponds. A majority of this disturbance is to meet the State and County stormwater regulations. Because of the surrounding slopes, the outfall must

be designed to be closer to the stream so that it will not be a source of future erosion. The outfall was designed, and the limits of disturbance set to minimize the area to be disturbed. This is a permanent impact.

Impact 7 – PMA and stream buffer impacts totaling 7,809 square feet is requested for construction of a stormdrain outfall and the grading for the device. Because of the surrounding slopes, the outfall must be designed to be closer to the stream so that it will not be a source of future erosion. The outfall was designed, and the limits of disturbance set to minimize the area to be disturbed. This is a permanent impact.

Analysis of Impacts

The site contains significant regulated environmental features, which are required to be protected under Section 24-130(b)(5) of the Subdivision Regulations. Based on the level of design information currently available, the limits of disturbance shown on the TCP1 and the impact exhibits provided, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. The impacts necessary for the SWM outfalls, removal of existing structures, and a recreation trail are reasonable for the orderly and efficient redevelopment of the subject property.

Scenic and Historic Roads

Melwood Road is designated a historic road in the MPOT. The 2010 *Prince George's County Landscape Manual* (Landscape Manual) addresses the requirements regarding buffers on scenic and historic roads. These provisions will be evaluated at the time of DSP review. Adjacent to a historic road, the Landscape Manual requires a Section 4.6 (Buffering Development from Special Roadways) landscape buffer based on the development tier (now ESA 2). In ESA2, the required buffer along a historic road is a minimum of 20 feet wide to be planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings. Landscaping is a cost-effective treatment which provides a significant visual enhancement to the appearance of a historic road.

The Special Roadway buffer must be located outside of the right-of-way and PUEs, and preferably by the retention of existing good quality woodlands, when possible.

16. Urban Design—Conformance with the Zoning Ordinance (Subtitle 27) is evaluated as follows:

Conformance with the Zoning Requirements

The exhibit and revisions to the PPS, submitted on February 11, 2021, provided clarifications regarding parking, including parking for visitors, building orientation, pedestrian circulation and on-site private recreation amenities requested at the time of the SDRC meeting. The exhibit and revised PPS satisfactorily address Urban Design Section's questions and concerns raised at the SDRC meeting. While specific development criteria will be evaluated at the time of DSP review, the lotting pattern and site layout provided by the PPS are acceptable for the townhouse development.

The subject property is also in the M-I-O Zone for height. Conformance with the requirements of Conical Surface, Right Runway (E) for height will be evaluated at the time of DSP review.

Conformance with the Prior Approvals

CSP-19004 was approved by the Planning Board (PGCPB Resolution No. 2020-62) on April 16, 2020, for development of 475 townhouse units. The proposed use and layout of this PPS is generally consistent with CSP-19004. The number of residential units proposed by the PPS is under the maximum allowed, as approved in CSP. No condition of CSP approval is applicable to the review of this PPS.

Previous development approvals associated with the former orphanage and proposed rehabilitation center were never constructed at the site. The Enclave at Westphalia project, including the CSP, PPS, and future DSP will supersede prior approvals associated with past uses on this site.

Conformance with the 2010 Prince George's County Landscape Manual

At the time of DSP review, the proposed development will be required to demonstrate conformance with the requirements of Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements, and Section 4.10, Street Trees Along Private Streets, of the Landscape Manual.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance and require a grading permit. The subject site, being zoned M-X-T, is required to provide a minimum of 10 percent of the gross tract area covered with tree canopy. The subject site is 68.70 acres in size and will be required to provide 6.87 acres in tree canopy coverage. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of DSP.

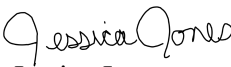
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, March 18, 2021, in Upper Marlboro, Maryland.

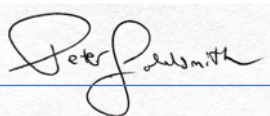
Adopted by the Prince George's County Planning Board this 8th day of April 2021.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:AH:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: March 31, 2021