



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

PGCPB No. 2021-103

File No. 4-20008

R E S O L U T I O N

WHEREAS, Strittmatter Land, LLC is the owner of a 3.82-acre parcel of land known as Parcel 105, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned Rural Residential (R-R) and Military Installation Overlay (M-I-O); and

WHEREAS, on March 8, 2021, Strittmatter Land, LLC filed an application for approval of a Preliminary Plan of Subdivision for 37 lots and 5 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-20008 for Heppe Property 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 22, 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 July 22, 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 TCP1-005-2021, and APPROVED a Variance from Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-20008 for 37 lots and 5 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised as follows:
 - a. Correct General Note 25 on the PPS to state that the mandatory dedication of parkland requirement is being addressed by providing on-site recreational facilities.
 - b. Reconfigure road Parcels A and B so that the proposed alley is on its own parcel, and the private streets are on the other parcel.
 - c. In front of Lots 1–12 and Lots 33–37, move the property lines of the road parcels so they encompass the five-foot-wide sidewalks in front of the lots and additional one-foot-wide grass maintenance strips, and move the front lot lines of the lots to meet the new property lines of the road parcels.

- d. Move the public utility easements on Lots 1–19 and Lots 33–37 so that they abut the property lines of the road parcels in front of the lots.
 - e. Show on the plan the boundary line between Areas D and E of the Military Installation Overlay Zone for height.
 - f. On the coversheet, remove the parking requirement table and lot requirements table, as the provided standards are to be approved with the detailed site plan.
 - g. On Sheet 2, remove the labels and delineation for the landscape buffers, as the buffers are not approved with the PPS.
2. Any nonresidential development shall require the approval of a new preliminary plan of subdivision prior to approval of any building permits.
3. Development of this site shall be in conformance with approved Stormwater Management Concept Plan 12733-2020-00 and any subsequent revisions.
4. Prior to approval of a final plat, in accordance with the approved preliminary plan of subdivision, the final plat shall include:
 - a. The granting of public utility easements along the public and private roadways.
 - b. The dedication of right-of-way to Westphalia Road.
5. Prior to approval of a building permit for each dwelling unit, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permit stating that the building shell or structure has been designed to reduce interior noise levels to 45 dBA Ldn/DNL or less.
6. 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 allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.
7. The 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*, with the review of the detailed site plan (DSP). The on-site recreational facilities used to meet the minimum facility value shall not include any sidewalks located along the roadways, or any leadwalks for the dwellings. Triggers for construction shall be determined at the time of DSP.
8. Prior to submission of the final plat of subdivision for any residential lot/parcel, the applicant and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of on-site recreational facilities,

for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records, and the Liber and folio of the RFA shall be noted on the final plat prior to plat recordation.

9. Prior to approval of building permits for residential development, 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 construction of recreational facilities.
10. 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.
11. 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.
12. Total development within the subject property shall be limited to uses which generate no more than 26 AM peak-hour trips and 30 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.
13. 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 \$3,043.31 (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.
14. 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, successors, 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 and the liber/folio noted on final plat of subdivision.

15. The applicant and the applicant's heirs, successors, and/or assignees shall provide, and shall show on the detailed site plan prior to its certification, the following facilities:
 - a. Standard sidewalks along both sides of all internal streets, public or private, excluding alleys.
 - b. A minimum 10-foot-wide shared-use path along the subject site frontage of Westphalia Road, consistent with the 2012 *AASHTO Guidelines for The Development of Bicycle Facilities*, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - c. A crosswalk crossing the east end of the southern leg of Road B, connecting sidewalk in front of Lot 13 with sidewalk on Parcel C.
 - d. A 10-foot-wide shared-use path connecting the west end of the northern leg of Road B and Westphalia Road, consistent with the 2012 *AASHTO Guidelines for The Development of Bicycle Facilities*.
16. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. Revise the title block and the Environmental Planning Approval Block to reflect the "TCP1-005-2021" case number.
 - b. Correct the worksheet to reference the TCP1 number as "TCP1-005-2021," and that the project is not subject to the 1991 Ordinance (Line 9).
 - c. Correct Note 1 of the Standard Type 1 Tree Conservation Plan Notes to reflect that this plan is to fulfill the requirements of "4-20008," and if "4-20008" expires, then this TCP1 also expires and is no longer valid.
 - d. Show the location of the specimen tree on the plan view of the TCP1.
 - e. To the specimen tree inventory table, add the disposition column that the specimen tree is "to be removed." Remove the second note under the specimen tree table that references the TCP2.
 - f. Add the standard Subtitle 25 variance note under the Specimen Tree Table or Woodland Conservation Worksheet identifying with specificity the variance decision consistent with the decision of the Prince George's County Planning Board:

“NOTE: This plan is in accordance with the following variance(s) from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE) for the removal of the following specified specimen trees (Section 25-122(b)(1)(G): (Identify the specific trees to be removed).

- g. Have the plans signed and dated by the qualified professional who prepared them.
17. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-005-2021). 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 (TCP1-005-2021 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). 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.”
18. Prior to the approval 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.”
19. At 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 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.”
20. Prior to signature approval of the preliminary plan of subdivision (PPS), the applicant shall submit a revised statement of justification for the variance request for the removal of Specimen Tree 1. The letter should be corrected to list the address for the Prince George’s County Planning Department (14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772), and to reference the PPS case number of 4-20008 and the tree conservation plan number of TCP1-005-2021 in the title and body of the text. All references to the application as a detailed site plan shall be revised to refer to the current PPS application.

21. Prior to approval of a final plat, the applicant and the applicant's heir, 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.
22. 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. 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 Section of the Development Review Division.
 - 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.
 - 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 site is located on the south side of Westphalia Road, approximately 500 feet west of its intersection with Rock Spring Drive. The site consists of one legal acreage parcel known as Parcel 105, which is recorded in Liber 5969 folio 920 of the Prince George’s County Land Records. The property has an address of 9007 Westphalia Road. The 3.82-acre property is in the Rural Residential (R-R) Zone and is also subject to the Military Installation Overlay (M-I-O) Zone for height and noise. The property is subject to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (sector plan).

This PPS is for approval to subdivide the property into 37 lots for development of 37 townhouse units. Five parcels are also included, which are to be conveyed to a homeowners association (HOA). The subject site is currently vacant. The property is not the subject of any previous record plats or preliminary plans of subdivision (PPS); therefore, a PPS is required in order to permit the division of land and the construction of multiple dwelling units.

The project benefits from Prince George’s County Council Bill CB-93-2017, which was adopted by the Prince George’s County Council on November 14, 2017. This council bill amended Section 27-441 of the Prince George’s County Zoning Ordinance, to permit townhouses in the R-R Zone, subject to certain criteria. The council bill also established that when the required criteria are met and townhouses are proposed, all regulations concerning net lot area, lot coverage, frontage, setbacks, density, landscaping, and other requirements of the R-R Zone shall not apply. Instead, these requirements shall be established and approved with the detailed site plan (DSP).

DSP-20023 has been filed for the site and is scheduled to be heard by the Prince George’s County Planning Board on July 29, 2021, one week after the hearing for this PPS. The PPS and DSP were reviewed concurrently for the site-specific standards proposed by the applicant. In general, the applicant’s proposed standards are supportable, and are recommended for approval at the time of DSP. Certain standards, including net lot area, frontage, and density, are evaluated in more detail with this PPS because they establish the lotting pattern of the site. These are covered under the Site Layout finding of this resolution.

The applicant filed a variance request to Section 25-122(b)(1)(G) of the 2010 Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO), to allow removal of one specimen tree. This request is discussed further in the Environmental finding of this resolution.

3. **Setting**—The subject site is located on Tax Map 90 in Grid D-1 and is within Planning Area 78. To the north of the site is Westphalia Road, a historic roadway, with vacant wooded land in the (R-T) Zone beyond. To the northeast are single-family detached dwellings in the R-R Zone. To the east and southeast is the campus of the Prince George’s Community College Westphalia Training Center, in the R-R and Commercial Office Zones. To the south and west is the Parkside development (formerly known as Smith Home Farm) in the Residential Medium Development (R-M) Zone; the houses in this development include single-family detached dwellings south of the subject site and townhouses west of the site. To the northwest of the site are the Westphalia

Neighborhood Park and Community Center in the R-R Zone. The site and its surroundings are in the M-I-O Zone for height and noise.

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

	EXISTING	APPROVED
Zones	R-R	R-R
Use(s)	Vacant	Residential
Acreage	3.82	3.82
Parcels	1	5
Lots	0	37
Dwelling Units	0	37
Variance	No	Yes (Section 25-122(b)(1)(G))
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Prince George's County Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on April 2, 2021.

5. **Previous Approvals**—This property is not subject to any previous approvals.
6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the sector plan are evaluated as follows:

Plan 2035

This PPS is in the Established Communities area. The vision for the Established Communities area is for context-sensitive infill and low- to medium-density development (page 20).

Sector Plan

The sector plan and sectional map amendment changed the zoning of the subject property from Residential-Agricultural to R-R. The sector plan recommends low-density residential uses on the subject property.

The density proposed with the subject PPS exceeds the recommended density range for low-density residential areas. However, pursuant to Section 24-121(a)(5) of the Subdivision Regulations, events have occurred to render the relevant land use recommendations within the sector plan no longer appropriate, due to the Prince George's County District Council's approval of CB-93-2017. This council bill allows single-family attached units in the R-R Zone, subject to certain criteria. As discussed further in the Urban Design finding of this resolution, the proposed development will be required to meet these criteria in order to permit the use.

The sector plan includes strategy and design principles for low and medium density residential areas outside the mixed-use center under Policy 5- Residential Areas, starting on page 30. The design principles include the following recommendations:

- **Design single-family detached and attached homes and multifamily buildings so the mass of the living space and the front door dominates the front façade:**
- **Require garages that are hidden or clearly subordinate to the main structure and do not project beyond the main façade of residential buildings.**
- **Arrange driveways so that cars are parked to the side or rear of the house or otherwise hidden from the street.**
- **Promote rear alleys to have access to parking and garages for residences that are sited back-to-back.**

The proposed development includes 13 dwellings featuring rear-loaded garages, all of which are near the front of the site. Though the above recommendations are not met by every dwelling in the development, placing the rear-loaded units near the front of the site will help the development present an image to the community which places it in line with the sector plan recommendations. This in turn will help the development better integrate with the adjacent townhouse neighborhoods.

Military Installation Overlay Zone

This PPS is located within the M-I-O Zone. Pursuant to Section 27-548.54 of the Zoning Ordinance, the proposed development must meet the maximum height requirements for Surface Area E (Conical Surface (20:1)–Right Runway, Area Label E). A portion of the property’s southwest corner is in Surface Area D; however, development is not proposed in this area. Pursuant to Section 27-548.55 of the Zoning Ordinance, the development must also meet the requirements of the Noise Intensity Zone (60 db–74 db).

Residential structures within Surface Area E shall not exceed a specific height, which is determined using the methodology established in Section 27-548.54. Conformance with the height requirements of the M-I-O Zone will be evaluated at the time of DSP review when buildings are proposed.

Residential structures within the Noise Intensity Zone are required to demonstrate that all interior noise levels will be mitigated to 45 dBA Ldn or less. Certification by a professional engineer, with competency in acoustical analysis, shall be placed on the building permits stating that the building shell or structure has been designed to reduce interior noise levels to 45 dBA Ldn/DNL or less.

7. **Stormwater Management**—An approved Stormwater Management (SWM) Concept Plan, 12733-2020-00, for the area in this PPS has been submitted, which shows the use of one bioretention and one micro-bioretention facility, a submerged gravel wetland, porous pavement, and the use of four rooftop disconnects for roof runoffs to manage the stormwater for the development. Submission of an approved SWM concept plan satisfies the requirements of Section 24-121(a)(15). No additional information is required regarding SWM.

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 has been reviewed for conformance with the requirements and recommendations of the sector plan and Subdivision Regulations (Subtitle 24), as they pertain to public parks and recreation and facilities.

Approximately 300 feet west of this property, on the north side of Westphalia Road, is the Westphalia Community Center and Park. The community center contains several amenities including a gymnasium, game and multipurpose social rooms, a fitness room, and a community lounge. Outdoor amenities include a playground, a parkour park, a basketball court, a tennis court, a National Football League Play 60 obstacle course, and an open field.

This property is also located approximately 1.05 miles northwest of the proposed Westphalia Central Park, a premier park facility currently being developed. Once completed, the park will provide playgrounds, a network of trails, tennis and basketball courts, informal fields and lawn areas, a recreational pond, a seasonal ice rink, and several other amenities for public enjoyment. A future sidepath along Westphalia Road, to which this project contributes, as well as along Rock Spring Drive, will ultimately provide a safe route to the park for bicyclists and pedestrians. Mandatory dedication of parkland, pursuant to Section 24-134(a) of the Subdivision Regulations, provides for the dedication of land, the payment of a fee-in-lieu, or the provision of on-site recreational facilities. Based on the proposed density of development, 15 percent of the net residential lot area could be required to be dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for public parks, which equates to 0.57 acre. The applicant has instead opted to provide on-site recreational facilities and has designated an area on the PPS to serve the recreational needs of the proposed community.

The plans provided show open space areas on the property with benches and gazebos. There are also walkway connections to these features and to the sidewalk on Westphalia Road. The details and the cost estimates for the conceptual on-site amenities have been provided and will be evaluated further with DSP-20023. The applicant should be aware that walkway connections required for access to the site, including sidewalks along the roadways and leadwalks for the private dwellings, should not be counted towards the on-site recreational facilities, and alternate or additional amenities may be required at the time of DSP, if not as much walkway can be counted towards the recreational facilities, as anticipated in the applicant's estimate.

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 sector plan. M-NCPPC shall adjust the amount of the contribution using the Consumer Price Index for inflation at the time of payment. Monetary contributions shall be used for construction, operation, and maintenance of the public recreational facilities in the central park and/or the other parks that will serve the sector plan area.

The Planning Board finds that future residents would be best served by the provision of on-site recreational facilities and the on-site recreational facilities proposed will meet the requirements of mandatory park dedication, as required by Section 24-135(b) of the Subdivision Regulations.

9. **Bicycle/Pedestrian**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the sector plan, and the Subdivision Regulations to provide the appropriate pedestrian and bicycle transportation recommendations.

Review of Proposed On-Site Improvements

The proposed development includes an eight-foot-wide shared-use path paralleling the south side of Westphalia Road. Sidewalks are shown on both sides of Road A. Crosswalks are provided in most locations where sidewalks cross roadways. Sidewalk ramps are provided at crosswalk locations in most instances. However, Road B lacks complete sidewalks. Specifically, there is no sidewalk along the south side of the southern leg and the east side of the western leg. Aside from the proposed shared-use path paralleling Westphalia Road, no bicycle facilities are provided, though bicyclists may use the internal roadways.

Pursuant to Section 24-121(a)(9), the proposed PPS provides walkways with rights-of-way at least 10 feet wide through all blocks over 750 feet long.

Pursuant to Section 24-123(a)(6) of the Subdivision Regulations, the proposed PPS indicates the location of all land for bike trails and pedestrian circulation systems that are indicated on a master plan, County trails plan, or abutting existing or dedicated trails.

Review of Connectivity to Adjacent/Nearby Properties

The subject site is adjacent to the Parkside development. Although connection to this community may be provided by means of a sidewalk, as shown on the site plan submitted for approval, a sidewalk would need to be constructed from Spruce Tree Lane within Parkside to the boundary of the subject site, in order to complete the connection. During the Planning Board meeting on July 26, 2021, the applicant stated that the owners of Parkside had not agreed to complete the connection and, therefore, requested that the Planning Board not make constructing the connection a requirement of this PPS. The Board agreed not to require the connection. Therefore, the sidewalk shown on the approved PPS, connecting to the western boundary of the site, may be eliminated prior to certification of the plans.

Review of Master Plan Compliance

Section 24-121(a) provides the following:

The Planning Board shall require that proposed subdivisions conform to the following:

- (5) The preliminary plan and final plat shall conform to the area master plan, including maps and text unless the Planning Board finds that events have occurred to render the relevant recommendations within the comprehensive plan no longer appropriate, is no longer applicable, or the District Council has not imposed the recommended zoning.**

While the approval of CB-93-2017 rendered the land use recommendations of the sector plan no longer applicable, the pedestrian and bicycle transportation recommendations from the area master plan and functional master plan remain applicable.

The Complete Streets element of the MPOT reinforces the need for these recommendations and includes the following policies regarding sidewalk and bikeway construction and the accommodation of pedestrians and bicyclists (MPOT, pages 8-10):

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.

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

POLICY 9: Provide trail connections within and between communities as development occurs, to the extent feasible and practicable.

The sector plan includes the following recommendations applicable to the subject site:

A greatly expanded and inter-connected road and trail network to provide convenient vehicle and pedestrian access to schools, recreation, green spaces, shopping, and the town center (page 1).

Designs should promote pedestrian and bike activity (page 49).

Sidewalks should be provided throughout the Westphalia community, except on designated scenic roads, highways, bikeways, trails, and lanes (page 49).

Under the current design, the site plans are not fully consistent with the above master plan policies. The applicant shall provide sidewalks on both sides of all streets, public or private, excluding alleyways. This includes the southern and western legs of Road B where there is currently only sidewalk on one side of the street. In addition to the crosswalks shown on the submitted plans, the applicant shall provide a crosswalk crossing the east end of the southern leg of Road B, connecting sidewalk in front of Lot 13 with sidewalk on Parcel C. This will ensure that required sidewalk along the south side of the southern leg of Road B is connected at both ends to sidewalk along the north side of that same leg. The shared-use path along Westphalia Road shall be widened to a minimum of 10 feet, consistent with the 2012 *AASHTO Guidelines for The Development of Bicycle Facilities*. In addition, the proposed standard sidewalk shall be converted to a 10-foot-wide shared-use path where it connects between the west end of the northern leg of Road B and Westphalia Road. This change would provide a bicycle-friendly alternative to reaching the shared-use path along Westphalia Road, which does not run into conflict with vehicles at the subject site's entrance. Such a route would be consistent with the above listed policies.

In addition to the above required revisions, two additional revisions to the sidewalks shown on the submitted plans should be considered at the time of DSP. Within the central park area on Parcel C, the applicant should consider providing the required sidewalks directly abutting the streets. The applicant should also consider shortening the leadwalks for Lots 20 through 24, while giving them a connection to the adjacent streets closer to the houses. If these changes are implemented, they will maximize the amount of useable green space within the park area, by consolidating several of the smaller green areas currently shown on the plan surrounded by sidewalks and streets into larger green areas. Maximizing the amount of useable green space in this way should balance the loss of green space caused by the requirement for additional sidewalks along the southern and western legs of Road B.

Based on the preceding findings, adequate bicycle and pedestrian facilities will exist to serve the proposed subdivision, in accordance with Subtitle 24.

10. **Transportation**—Transportation-related findings for adequacy are made for this PPS, in accordance with the Subdivision Regulations, along with any needed determinations related to dedication, access, and general subdivision layout.

The subject property is located within Transportation Service Area 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 (LOS) 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 transportation service area subject to meeting the geographical criteria in the 2010 Transportation Review Guidelines - Part 1 (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

Pursuant to the Guidelines, any development that is projected to generate 50 or more trips in either peak hour must submit a traffic impact study (TIS) as part of the application documents. Since this development is projected to generate fewer than 50 trips, a TIS was not required. However, turning movement counts were received for the intersections deemed critical for the subject PPS. All counts were taken in accordance with current Prince George's County Planning Department policy, as provided in the September 3, 2020 Development Review Bulletin. Those counts were collected in October and November of 2020. In addition, a TIS was submitted by the applicant on July 15, 2021, in support of a request for revised findings and conditions for the PPS. 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		
Intersections	AM	PM
	(LOS/CLV)	(LOS/CLV)
Westphalia Road and D'Arcy Road *	N/A	N/A
MD 4 at Westphalia Road/Old Marlboro Pike (signalized)	A/888	D/1336
*Unsignalized intersections. In analyzing two-way stop-controlled intersections, a three-step procedure is undertaken in which the greatest average delay (in seconds) for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume is computed and compared to the approved standard. According to the Guidelines, all three tests must fail in order to require a signal warrant study.		

Using the trip rates from the Guidelines, the subject PPS represents the following trip generation:

Table 1 - Trip Generation								
		AM Peak			PM Peak			Daily
		In	Out	Total	In	Out	Total	
Townhouse (Guidelines)	37 Units	5	21	26	20	10	30	296
Total new trips		5	21	26	20	10	30	296

The table above indicates that the proposed development will be adding 26 (5 in; 21 out) AM peak-hour trips, 30 (20 in; 10 out) PM peak-hour trips, and 296 daily trips. A second analysis depicting total traffic conditions was done with the following factors included:

- Growth in traffic
- Background developments that affected one or both intersections

These factors plus the projected traffic in the table above yielded the following results:

TOTAL CONDITIONS		
Intersections	AM	PM
	(LOS/CLV)	(LOS/CLV)
Westphalia Road and D'Arcy Road * Step 1 – HCM Delay Test (data collection during construction) Step 2 - Minor Street Volume Test Step 3 – CLV Test	<i>Not tested **</i> <i>>100 vehicle</i> <i>A/678</i>	<i>Not tested</i> <i>>100 vehicle</i> <i>A/901</i>
MD 4 at Westphalia Road/Old Marlboro Pike (signalized)	F/1986	F/2221
Westphalia Road and Site access *	29.0 seconds	41.8 seconds
*Unsignalized intersections. In analyzing two-way stop-controlled intersections, a three-step procedure is undertaken in which the greatest average delay (in seconds) for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume is computed and compared to the approved standard. According to the Guidelines, all three tests must fail in order to require a signal warrant study.		
** Intersection was under construction during data collection		

The results under total traffic conditions show that the intersection of MD 4 and Westphalia Road will operate inadequately. This intersection has a previously approved Public Facilities Financing and Implementation Program (PFFIP) funding mechanism in place that will ultimately provide for an upgrade to a grade separated interchange, with interim improvements occurring until that point.

Westphalia Public Facilities Financing and Implementation Program

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) a cost allocation table (Table) was prepared 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 performed for this PPS show that the development will generate 296 daily trips. Given the proximity of the property to the failing intersection, 40 percent of the trips are assigned through that intersection. Consequently, this development will send $296 \times 0.4 = 118$ daily trips through that intersection. Based on 118 daily trips, this site's contribution for the PFFIP was computed as \$112,602.54 (2010 dollars). Given that 37 dwelling units are being proposed, the unit cost computes as \$3,043.31 per dwelling unit.

Master Plan and Site Access

The property is in an area where the development policies are governed by the sector plan, as well as the MPOT. The property fronts on Westphalia Road, currently a two-lane road within a variable-width right-of-way. One of the recommendations of the master plan is to upgrade this road to a collector (C-626), within 80 feet of right-of-way. The PPS shows dedication, which is consistent with the planned upgrade. All other aspects of the site regarding access and road layout are deemed to be acceptable.

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision, in accordance with Subtitle 24.

11. **Site Layout**—The site features 37 townhouse units arranged around a central open space. Access is provided by a circle of private rights-of-way with a turnaround at the end of each leg of the circle. The northernmost leg is designed as an alley, so that rear access is provided to Lots 20–32. The other three legs are designed as private streets, with front driveway access provided to the remaining lots. There is also a network of sidewalks provided for pedestrian circulation around the site.

The site's lotting pattern is dependent on certain bulk standards, which have been proposed by the applicant. Specifically, the PPS states that the development will meet a maximum density of 10.11 units per acre; a minimum net lot area of 1,100 square feet; and a minimum lot width of 20 feet. The applicant has also proposed additional bulk standards pertaining to building placement, including setbacks, lot coverage, and building height. According to Section 27-441(b) of the Zoning Ordinance, Footnote 123, all of these proposed standards shall, if deemed acceptable, be approved at the time of DSP. However, the bulk standards which establish the lotting pattern of the site need to be evaluated with this PPS.

In order to evaluate the applicant's proposed standards, the recommendations of plans with broad applicability, such as Plan 2035 and the MPOT, were looked to for guidance. The uses and zones surrounding the site were also examined to see if the development would fit into its context. The plan proposes townhouses, a use in keeping with the surrounding uses and zoning. Smith Home Farm includes townhouses similar to the ones proposed on the subject site just to the west. Land across Westphalia Road from the site, though undeveloped, is zoned R-T and will likely be developed with townhouses in the future. Though Plan 2035 recommends a density of 0.5 to 3.5 units per acre for this site, a higher density for this site would be appropriate. The Plan 2035 recommended density range is both lower than what would typically be expected for townhouses, and lower than that permitted in the zones surrounding this site. Plan 2035 specifically recommends context-sensitive infill for the Established Communities area, and a higher density is consistent with the context set by the surrounding development and zoning.

The applicant is proposing a density which is higher than that permitted in the surrounding zones. Despite this, the proposed development will fit into the context established by the existing and possible future townhouse neighborhoods and, therefore, the proposed density is acceptable. The context will be respected in part because the applicant has taken steps to ensure the proposed density will not lead to an overly compact development, including providing common open spaces and providing appropriate distance between the townhouse sticks. The applicant has also proposed other standards and design features which are similar to those seen in the existing neighborhood, including 20-foot-wide lots, 15 feet of open space between the two townhouse sticks on Road A, and sidewalks abutting the curbs. Where the standards are lower than what is provided in the existing neighborhood, this is in service of making the development less compact. For instance, the 1,100-square-foot minimum net lot area is provided to trade for additional amenitized open space, centralized on the site. This means that more of the development's green area will be accessible to all its residents, rather than compartmentalized into compact private open spaces. Where not specifically prohibited by the zoning, the applicant's standards and design features could be replicated by a future development in the R-T Zone; for instance, the R-T zone requires a minimum 20-foot lot width.

Based on the above analysis, the lot layout proposed will create a favorable design which will visually and spatially fit into the context established by the surrounding neighborhoods and zoning.

Lotting Pattern Recommendations

Notwithstanding the general finding that the proposed lotting pattern is acceptable, a few minor changes are needed in order to clarify areas of responsibility for the HOA, to ensure code requirements are met, and to ensure one proposed lot meets the applicant's proposed minimum standards.

On the current plan, Lots 1–12 and 33–37 do not have direct frontage on the private road parcels. Instead, 10-foot-wide strips of the open space parcel, Parcel D, run north to south in between the road parcels and the private lots. While this configuration allows residents access to their driveways, the conceptual drawings show each driveway has a portion of its length on HOA

property, which presents an issue to providing required parking on the private lots. The property lines of the road parcels and the private lots shall be moved so that they meet in the middle, eliminating the intervening strips of Parcel D. Specifically, the boundaries of the road parcels shall be moved, in order to encompass the five-foot-wide sidewalks in front of the lots, as well as a minimum one-foot-wide grass strip to allow for sidewalk maintenance. The fronts of the lots shall correspondingly be moved to meet the new boundaries of the road parcels, which will allow driveway parking for the individual lots to be encompassed on the lots they serve. These changes shall be made prior to signature approval.

With the above changes, Parcel D will be broken into multiple parcels unless contiguous open space strips of Parcel D are provided at the rears of the lots instead of the fronts of the lots. It is anticipated that such open space extension will be needed on the east side of the property to accommodate a recommended landscape buffer. Extension of open space may not be needed on the west side of the property, where it is anticipated a landscape buffer will not be needed. Currently, the plan proposes five parcels to be dedicated to the HOA, but this number may be increased to six or seven parcels if the required lotting pattern changes are enacted in such a way that the continuation of open space Parcel D is not provided at the rears of the lots.

The current plan exhibits two private road parcels. The first, Parcel A (Road A), provides frontage for Lots 1–12. The second, Parcel B (Road B) provides frontage for the remaining lots. Lots 20–32 have rear frontage on the northernmost leg of Road B, which is designed as an alley with rear loaded units. Because this leg is designed as an alley, it should be labeled as such and made into a separate alley parcel, in order to clarify that any design requirements applying to private streets but not alleys do not apply to this leg. The boundaries between Parcel A and Parcel B shall be adjusted so that the alley is on one parcel and the private streets are on the other. The number of private street parcels shall remain at two. This change shall also be made prior to signature approval.

Lot 12 currently has a lot width at the front street line of 17.77 feet, which is less than the 20 feet the applicant is proposing as standard. At the time of DSP, this discrepancy will have to be resolved, either by revising the lot or approving a standard which allows for the 17.77-foot width.

12. **Schools**—This PPS has been 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 Cluster 4, as identified in the *Pupil Yield Factors and Public-School Clusters 2020 Update*, and it is located outside the Capital Beltway (I-495). The results of the analysis are as follows:

Impact on Affected Public School Clusters by Dwelling Units

Affected School Clusters Number	Elementary School Cluster 4	Middle School Cluster 4	High School Cluster 4
Total Dwelling Units	37	37	37
Townhouse	37	37	37
SF Attached Townhouse (PYF)	.114	0.073	0.091
SF Attached TH * PYF	4,218	2,701	3,367
Total Future Subdivision Enrollment	4	3	3
Adjusted Enrollment in 2019	12,927	9,220	7,782
Total Future Enrollment	12,931	9,223	7,885
State Rated Capacity	15,769	9,763	8,829
Percent Capacity	82%	94%	88%

Section 10-192.01 establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$9,770 per dwelling if a building is located between I-495 and the District of Columbia; \$9,770 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$16,748 per dwelling for all other buildings. This project is outside of I-495; thus, the surcharge fee is \$16,748 per dwelling unit. This fee is to be paid to the Prince George's County Department of Permitting, Inspections and Enforcement at the time of issuance of each building permit.

13. **Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated June 15, 2021 (Thompson to Diaz-Campbell), incorporated by reference herein.
14. **Use Conversion**—The total development included in this PPS is for 37 townhouse dwellings in the R-R Zone. If a substantial revision to the mix of uses on the subject property is proposed, including any non-residential development, that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.
15. **Public Utility Easement**—In accordance with Section 24-122(a) of the Subdivision Regulations, 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 public utility easements (PUEs) is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on the existing public right-of-way of Westphalia Road to the north. The PPS shows the required PUE along this street, abutting the proposed 0.16 acre of right-of-way dedication. There are no new public rights-of-way included in this PPS.

Section 24-128(b)(12) of the Subdivision Regulations requires a 10-foot-wide PUE along one side of all private streets. The PPS shows PUEs on the private lots, parallel to proposed private roads A and B. However, there are several locations where the PUEs do not actually abut the street lines. The boundaries of the road parcels and the lots shall be adjusted, so that there will be no gaps between private road Parcel A and Lots 1–12 and between private road Parcel B and Lots 33–37. This requirement is described in more detail in the Site Layout finding of this resolution. The PUEs shall be adjusted accordingly to abut the new boundaries of the private roads. The PUE on Lots 13–19 shall also be adjusted so it abuts the boundary of the private road in front of those lots. It is recognized that moving the PUEs may affect some of the landscaping proposed with the DSP in front of the dwellings. The applicant will need to coordinate with the utility companies for the placement and maintenance of landscaping within the PUEs.

16. **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 property is low. The subject property does not contain and is not adjacent to any Prince George’s County historic sites or resources. This proposal will not impact any historic sites, historic resources, or known archeological sites. A Phase I archeology survey is not required.
17. **Environmental**—The subject PPS (4-20008) and a Type 1 Tree Conservation Plan (TCP1-005-2021) were received on March 8, 2021. Verbal and written comments were provided in a SDRC meeting on April 2, 2021. Revised information was received on June 4, 2021.

The following applications and associated plans for the subject site applicable to this case were previously reviewed:

Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
NRI-030-2020	N/A	Planning Director	Approved	04/08/2020	N/A
4-20008	TCP1-005-2021	Planning Board	Pending	Pending	Pending
DSP-20023	TCP2-010-2021	Planning Board	Pending	Pending	Pending

Grandfathering

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010 because it is a new PPS.

Site Description

The subject property is a 3.82-acre site in the R-R Zone located on the south side of Westphalia Road, west of its intersection with Rock Spring Drive. Regulated environmental features are located on the property including streams and associated buffer, nontidal wetlands and their buffers, and steep slopes. A specimen tree is located in the northern portion of the site, separated from the primary management area (PMA). The site is in the Western Branch watershed of the Patuxent River basin. The on-site stream is not a Tier II water nor is it within a Tier II catchment. The predominant soils found to occur according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Beltsville-Urban Land Complex (0-5 percent slopes), and Udorthents, reclaimed gravel pits (0-5 percent slopes and 5-15 percent slopes). Marlboro and Christiana clays are not found to occur on this property. According to available information from the Maryland Department of Natural Resources Natural Heritage Program, rare, threatened, and endangered species are not found to occur on-site. The site fronts on Westphalia Road, a MPOT designated collector roadway and a historic road. According to the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the site contains regulated areas and evaluation areas. The property is located within the Established Communities area of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035.

Master Plan Conformance

The site is located within the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. It is mapped as regulated and evaluation areas within the Green Infrastructure Plan.

Sector Plan

The sector plan contains environmentally related policies and strategies that are applicable to the subject PPS. The text in **bold** is the text from the sector plan and the plain text provides comments on plan conformance.

Policy 1 - Green Infrastructure

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

According to the Green Infrastructure Plan, the overall site contains regulated and evaluation areas. The regulated area is associated with a stream system partially on the southern portion of the site. The applicant has demonstrated that the regulated areas, included in the PMA, have been preserved and/or restored to the fullest extent possible on the overall site because there are no proposed impacts, as discussed under the Environmental Review section of this finding.

Policy 2 - Water Quality and Quantity

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

An approved SWM Concept Plan, 12733-2020-00, for the area in this PPS has been submitted which shows the use of 1 bio-retention and 1 micro-bioretenion facility, a submerged gravel wetland, porous pavement, and the use of four rooftop disconnects for roof runoffs to manage the stormwater for the development.

Policy 3 - Energy Consumption

Reduce overall energy consumption and implement environmentally sensitive building techniques.

Green building techniques and energy conservation techniques are encouraged, and if used should be shown at the time of DSP.

Policy 4 - Noise

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

The site is not adjacent to any existing or proposed roads of arterial classification or higher. To minimize the effects of noise from Joint Base Andrews (JBA), conformance with Section 27-548.55 - Requirements for Noise is required. The interiors of all proposed dwelling units must be certified to 45 dBA Ldn or less by an acoustical engineer or qualified professional of competent expertise, prior to approval of building permits.

Conformance with the 2017 Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan

The 2017 *Countywide Green Infrastructure Plan* was approved with the adoption of the *Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017) on March 7, 2017. According to the Green Infrastructure Plan, the site contains regulated and evaluation Areas. This area includes streams with its buffer, and nontidal wetlands and their buffers. A specimen tree is located in the northern portion of the site, separated from the PMA. The site is in the Western Branch watershed of the Patuxent River basin. The on-site stream is not a Tier II water nor is it within a Tier II catchment.

The following policies and strategies are applicable to the subject PPS. The text in **bold** is the text from the master plan and the plain text provides comments on plan conformance.

POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.

- 1.1 Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:**
- a. Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
 - b. Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
 - c. Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
 - d. Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.**

POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.

- 2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**
- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**
- 2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

The applicant is providing the minimum woodland conservation threshold on site and is not requesting impacts to the PMA. The woodland conservation area proposed with TCP1-005-2021 is adjacent to a conservation easement to the south (recorded in Plat Book SJH 248 page 70), which will provide connectivity with other conservation areas.

POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**
- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

An approved SWM concept plan for the area in this PPS has been submitted. Environmental site design techniques are proposed, and no stormwater structures are proposed within the boundaries of the regulated environmental features. The existing woodlands that contain the regulated environmental features of the site are proposed to be preserved.

POLICY 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.

General Strategies for Increasing Forest and Tree Canopy Coverage

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

The applicant is providing the minimum woodland conservation threshold on-site and is not requesting impacts to the PMA. The woodland conservation area proposed with TCP1-005-2021 is adjacent to a conservation easement to the south (recorded in Plat Book SJH 248 page 70), which will provide connectivity with other conservation areas. The woodland conservation worksheet proposes to fulfill the developments requirements through 0.22 acre of fee-in-lieu.

Forest Canopy Strategies

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**
- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**
- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

The woodlands that exist on the property are located on the southern portion of the site. This area of woodland, which contains the regulated environmental features, will be preserved. The woodland conservation area proposed with TCP1-005-2021 is adjacent to a conservation easement to the south (recorded in Plat Book SJH 248 page 70), which will provide connectivity with other conservation areas.

POLICY 12: Provide adequate protection and screening from noise and vibration.

- 12.2 Ensure new development is designed so that dwellings or other places where people sleep are located outside designated noise corridors. Alternatively, mitigation in the form of earthen berms, plant materials, fencing, or building construction methods and materials may be used.**

The site is not adjacent to any existing or proposed roads of arterial classification or higher. To minimize the effects of noise from JBA, conformance with Section 27-548.55, Requirements for Noise, is required. The interiors of all proposed dwelling units must be certified to 45 dBA Ldn or less by an acoustical engineer or qualified professional of competent expertise, prior to approval of building permits. No mitigation is required for outdoor activity areas in the form of berms, fencing, or plant materials, as these would not be effective at reducing outdoor noise coming from JBA.

The PPS and TCP1 are found to be in conformance with the Green Infrastructure Plan.

Environmental Review

Natural Resources Inventory Plan

A signed Natural Resources Inventory (NRI-030-2020) was submitted with the PPS. The site contains wetlands, streams, and their associated buffers, and steep slopes that comprise the PMA. The NRI indicates the presence of one forest stand labeled as Stand No.1, and one specimen tree

identified on the site. The TCP1 and the PPS show all required information correctly in conformance with the NRI. No additional information is required regarding the NRI.

Woodland Conservation

This site is subject to the provisions of Division 2 of Subtitle 25, the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), because it is a new PPS. This project is subject to the WCO and the Environmental Technical Manual. TCP1-005-2021 has been submitted with the subject PPS and requires minor revisions to be found in conformance with the WCO.

The woodland conservation threshold for this 3.82-acre property is 20 percent of the net tract area or 0.76 acre. The total woodland conservation requirement, based on the amount of clearing, is 1.10-acres. This requirement is to be satisfied with 0.88 acre of on-site preservation; the remainder of the requirement (0.22 acre) is to be met with fee-in-lieu.

Technical revisions to the TCP1 are required and included in the conditions of approval of this PPS.

Specimen Trees

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

If after careful consideration has been given to the preservation of the specimen trees there remains a need to remove any of the specimen trees, a variance to Section 25-122(b)(1)(G) is required. Applicants can request a variance to the provisions of Division 2 of Subtitle 25 (WCO) provided all of the required findings in Section 25-119(d) can be met. An application for a variance must be accompanied by a Letter of Justification stating the reasons for the request and how the request meets each of the required findings. A Subtitle 25 Variance Application and a statement of justification (SOJ), in support of a variance, dated July 23, 2020, were submitted.

Several corrections to this SOJ for the specimen tree variance request will need to be submitted prior to signature approval of the PPS and TCP1. The letter should be corrected to list the address of the Planning Department as 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772, to reference the PPS case number of 4-20008 and the TCP number of TCP1-005-2021 in the title and body of the text. All references to the application as a DSP must be revised to refer to the current PPS application.

Notwithstanding the requested corrections listed above, the SOJ requests the removal of one specimen tree located on-site. The TCP and specimen tree removal exhibit show the location of the tree proposed for removal, which is located close to Westphalia Road, within the developable area of the property. The specimen tree is in fair condition.

**SPECIMEN TREE SCHEDULE SUMMARY FOR TREE PROPOSED FOR
REMOVAL ON TCP1-005-2021**

ST 1	COMMON NAME	DBH (inches)	CONDITION	APPLICANT'S PROPOSED DISPOSITION	NOTES/ RECOMENDATIONS
1	White Oak	42	Fair	To be Removed.	English Ivy-covered trunk and into lower canopy branches.

Removal of the specimen tree requested by the applicant is supported, based on the findings below.

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

The property is 3.82 acres and contains approximately 0.96 acre of PMA comprised of streams, wetlands, associated buffers, and steep slopes. This represents approximately 25 percent of the overall site area. These existing conditions are peculiar to the property. The specimen tree was identified in the upland area of the site. The applicant is proposing to remove the specimen tree to focus the proposed development into the non-wooded upland area close to the road and away from the regulated environmental features. To further restrict development of the non-wooded upland areas of the site through the preservation of this specimen tree would cause unwarranted hardship.

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

The proposed residential community includes housing options that align with the uses permitted in the R-R zone as well as the vision for such zones as described in the master plan. Based on the unique characteristics for the property, enforcement of these rules would deprive the applicant of the right to develop the property in a similar manner to other properties zoned R-R in the area.

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

If other constrained properties encounter trees in similar locations 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 existing site conditions or circumstances, including the location of the specimen tree, are not the result of actions by the applicant.

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

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

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

All proposed land development activities will require sediment control and SWM measures to be reviewed and approved by the County.

The required findings of Section 25-119(d) have been adequately addressed for the removal of one specimen tree and, therefore, the requested variance is approved.

Preservation of Regulated Environmental Features

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5). The on-site regulated environmental features include streams, stream buffers, wetlands, wetland buffers, and steep slopes.

Section 24-130(b)(5) states: “Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.”

Based on the level of design information available at the present time, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the TCP1 and the stormwater concept plan. No impacts to regulated environmental features are proposed. No additional information is required regarding the regulated environmental features.

18. Urban Design—The subject development project will be subject to DSP review.

Conformance with the Requirements of the Prince George’s County Zoning Ordinance

The subject property is in the R-R Zone and will have 37 fee-simple lots for the future construction of single-family attached dwellings (townhomes). Townhomes are permitted in the R-R Zone, pursuant to CB-93-2017, subject to certain conditions as outlined by Section 27-441(b) of the Zoning Ordinance, Footnote 123, which requires that:

Notwithstanding any other provision of this Section, townhouses are a permitted use, provided:

- (A) The use is located on a lot(s) or parcel(s) that is less than four (4) acres in size and is adjacent to land zoned R-T;**
- (B) The property is adjoined on two (2) sides by land which was zoned R-M as of November 1, 2017 and which is improved with or is the subject of an approved development application which includes townhouses;**
- (C) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle. Regulations concerning the net lot area, lot coverage, frontage, setbacks, density, landscaping and other requirements of the R-R Zone shall not apply. All such requirements shall be those as shown, established and approved on the Detailed Site Plan. The Detailed Site Plan shall also include architectural review to ensure high quality design and construction materials compatible with that approved for development on the abutting property.**

The parcel is 3.82 acres in size; is across the street from land zoned R-T; and is adjoined on its south and west sides by land zoned R-M, which is currently improved with townhouses. A DSP has been filed for the project. The basic requirements of the footnote have therefore been met. However, the DSP also needs to be reviewed to ensure the project features high quality design and construction materials, compatible with those approved for development on the abutting property. As such, full conformance with the regulations of this footnote will be reviewed at time of DSP approval.

In addition, at time of DSP, the applicant will also need to demonstrate conformance with the applicable M-I-O Zone regulations. These include regulations given in Section 27-548.54, Requirements for Height and Section 27-548.55, Requirements for Noise. The site is within the Noise Intensity Zone of the M-I-O Zone, and as such, the interiors of all proposed dwelling units must be certified to 45 dBA Ldn or less by an acoustical engineer or qualified professional of competent expertise, prior to approval of building permits.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development project that proposes more than 5,000 square feet of gross floor area or disturbance and requires a grading permit. Properties in the R-R Zone are required to provide a minimum of 15 percent of the gross tract area, which equals to approximately 0.57 acre, or 24,960 square feet for this site, to be covered by tree canopy. Compliance with this requirement will be evaluated at the time of DSP review.

Conformance with the Requirements of the Prince George's County Landscape Manual

It is noted that Footnote 123 specifically states that landscaping and other requirements of the R-R Zone shall not apply. Therefore, the specific requirements of the 2010 *Prince George's*

County Landscape Manual (Landscape Manual) do not apply. The requirements of the Landscape Manual instead provide guidance for how the site development should be designed and organized.

The PPS generally meets the spacing requirements of the Landscape Manual, with the exception of the landscape buffers along the eastern property line. Space constraints have resulted in no space between the lots and adjacent developed sites along both the eastern and western property lines.

Parkside, the development abutting to the west, includes single-family attached dwellings near the subject site. The Parkside development has provided the full width of a Section 4.7 bufferyard to screen its existing dwellings from the subject property; therefore, an additional buffer on the subject site is not needed. However, the property on the east is developed with an educational facility, the Prince George's Community College Westphalia Training Center. Even though the existing educational facility is more than 200 feet from the subject site, the Landscape Manual would normally require a 30-foot-wide landscape bufferyard along the eastern property line. In order to protect the future residents in this development, a minimum five feet of bufferyard should be provided as a HOA parcel, to be planted with 80 plant units (per 100 linear feet of property line) of predominantly evergreen trees and shrubs, in order to screen the townhouses from the adjacent property. Space for this buffer shall be shown on the PPS, prior to signature approval.

19. Planning Board Hearing of July 22, 2021—At the Planning Board hearing, the applicant and one member of the public gave testimony on the PPS.

The applicant requested two changes to the conditions of approval recommended by staff. The recommended conditions of approval included a requirement that a signal warrant study be conducted for the intersection of Westphalia Road and D'Arcy Road, and a requirement that the applicant provide an 8-foot-wide shared-use path connecting the western boundary of the subject site and the west end of the southern leg of Road B. The applicant requested that both these conditions of approval be removed, and the Board concurred.

Removal of the signal warrant study requirement was supported by a traffic study conducted by the applicant, as well as a memorandum written by staff, which concurred with the study's conclusions. The study is dated July 15, 2021, and the staff memorandum is dated July 16, 2021. Both documents are incorporated by reference herein. The study found that the AM critical lane volume (CLV) for the intersection of Westphalia Road and D'Arcy Road would not exceed 1,150, the threshold for which a signal warrant study is typically required. Staff's initial findings showed an AM CLV of 1,335, while the revised findings included in this resolution show a CLV of 678.

Removal of the shared-use path connecting to the western boundary of the site was supported by the applicant's testimony that the HOA of Parkside, the development to the west, did not want to complete the connection. The Board agreed with the applicant that the shared-use path was not desirable if it would not provide a complete connection.

Upon examining the sidewalk network that would be created with the adoption of recommended conditions of approval, the Board noted that the sidewalk required in front of Lots 13–19 would dead-end in front of Lot 13, unless a crosswalk was provided in that location crossing the street to Parcel C. The Board asked if the applicant would proffer this crosswalk, and the applicant agreed.

One member of the public spoke in opposition to the case, and requested that the case either be denied or, if approved, be approved with a requirement for a signal warrant study. Concerns raised by the citizen included lack of mailed notice of the application to her neighborhood, the infrastructure impact of the development, public safety, and traffic hazards.

In response to the concern about mailed notice, the applicant stated they had sent informational and acceptance mailings in accordance with Planning Department procedures and the requirements of Section 27-125.01 of the Zoning Ordinance. The citizen's neighborhood did not have a formal association to which notice could be mailed, and it is far enough away from the site that only one address within the neighborhood (9100 Westphalia Road) received direct mailings. The citizen stated that she was a person of record for the Parkside development; however, the applicant noted that this would not entitle her to notice of development on the subject property, as it is being developed under a separate application not connected to the Parkside series of approvals.

The citizen's infrastructure concerns included impacts by the development on water and sewer lines, as well as the power grid, and the Fire Department's response time. The citizen stated that existing infrastructure in the area has been unable to keep up with development, such that water and sewer lines, as well as electrical service, frequently break down. The citizen also cited an incident in which the Fire Department only arrived to put out a fire after 30 minutes. In response to these concerns, the applicant pointed to the adequate public facilities findings, which were recommended by staff and are incorporated by reference in this resolution. Water, sewer, and fire and rescue services have been found to be adequate to serve the subject site, in accordance with Section 24-122.01 of the Subdivision Regulations.

The citizen's public safety and traffic concerns included the subject site's position along an alleged blind curve, and uncertainty over whether a traffic signal would be constructed at the intersection of Westphalia Road and D'Arcy Road. The citizen stated that they had not been given enough time to review the applicant's July 15, 2021 traffic study, and disagreed that the requirement for a signal warrant study should be removed. The citizen also stated it was her understanding that the Parkside development was being required to construct the signal. In response, the applicant stated that the Prince George's County Department of Public Works and Transportation (DPW&T) had previously found that a signal is not warranted. Transportation staff testified that no matter what had previously been required for Parkside, it was their position that the revised CLV for the development would not require a signal warrant study. The applicant also disagreed that the subject site was positioned along a blind curve.

Based on the discussion, the Board did not concur with the citizen's requests to deny the application or, if approving it, approve it with the requirement for a signal warrant study. The Board did agree that there seems to be traffic safety concerns at the site location, regardless of

whether the road's curve is a blind curve or not. The Board directed staff to prepare a letter to DPW&T asking them to investigate the issue and, if necessary, install appropriate signage.

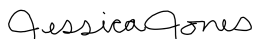
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 22, 2021, in Upper Marlboro, Maryland.

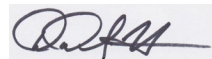
Adopted by the Prince George's County Planning Board this 29th day of July 2021.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:EDC:nz

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: July 27, 2021