



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
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PGCPB No. 2023-28(C)

File No. 4-22044

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

WHEREAS, G3 & D, LLC is the owner of 156.87 acres of land known as Parcel 16 and Parcel 25, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned Legacy Comprehensive Design (LCD) and partially within the Military Installation Overlay (MIO) Zone; and

WHEREAS, on December 6, 2022, Stanley Martin Homes, LLC filed an application for approval of a Preliminary Plan of Subdivision for *[487] 514 lots and 76 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-22044 for Parkland Rock Creek was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on March 9, 2023; and

WHEREAS, new Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 24-1703(b) of the Subdivision Regulations, subdivision applications submitted under a valid comprehensive design plan approved under the prior Zoning Ordinance and still valid pursuant to the time limit specified under 24-1703(b), must be reviewed and decided in accordance with the Subdivision Regulations in existence at the time of the approval of the comprehensive design plan; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022; and

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

WHEREAS, on March 9, 2023, 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 TCP1-022-2021-01, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-22044, including Variations from Section 24-121(a)(3) and Section 24-128(b)(7)(A), for *[487] 514 lots and 76 parcels with the following conditions:

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

1. Prior to signature approval, the preliminary plan of subdivision shall be revised to provide the following:
 - a. Label the multifamily parcel as Parcel 2.
 - b. Create a separate parcel, 60 feet in width, that connects the existing Matapeake Drive to the proposed MC-631 right-of-way to be provided on-site, which shall be labeled on the plat as “to be retained by the Home Owner’s Association and reserved in perpetuity, for dedication upon demand by the operating agency for the extension of Matapeake Drive, should the operating agency upgrade Matapeake Drive to standards consistent with a primary residential road.”
2. Development of the site shall be in conformance with Stormwater Management Concept Plan 19190-2022, and any subsequent revisions.
3. Prior to approval, the final plat of subdivision shall include:
 - a. Public street dedication, in accordance with the approved preliminary plan of subdivision, including dedication along Westphalia Road (C-626), Ritchie Marlboro Road (A-39), and MC-631, and reflection of the on-site dedication on-demand of the Matapeake Drive roadway extension per Condition 1.b of this resolution.
 - b. The granting of public utility easements along all private and public roads, in accordance with the Prince George’s County Subdivision Regulations.
 - c. For the plat including the age-restricted multifamily development parcel, a note indicating a variation from Section 24-121(a)(3) of the prior Prince George’s County Subdivision Regulations, is approved by the Prince George’s County Planning Board to allow one direct driveway access to Ritchie Marlboro Road (A-39), pursuant to the approved Preliminary Plan of Subdivision, 4-22044.
 - d. For the affected single-family attached lots, a note indicating a variation from Section 24-128(b)(7)(A) of the prior Prince George’s County Subdivision Regulations, is approved by the Prince George’s County Planning Board for lots to be served by alleys, without frontage on a public street, pursuant to the approved Preliminary Plan of Subdivision, 4-22044.
 - e. A note reflecting the recording reference for a cross-access easement or covenant between the proposed commercial parcel and abutting Parcel 2, approved with Preliminary Plan of Subdivision 4-17034. The easement or covenant shall be reviewed and approved by the Subdivision Section of the Development Review Division of the Prince George’s County Planning Department and be fully executed, prior to approval of a final plat for the development. The document shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of the Maryland-National Capital

Park and Planning Commission. The documents shall be recorded in the Prince George's County Land Records, and the Liber/folio indicated on the final plat, prior to recordation.

4. The total development within this preliminary plan of subdivision (PPS) shall be limited to uses which generate no more than 401 AM peak-hour trips and 488 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein shall require a PPS with a new determination of the adequacy of transportation facilities.
5. Prior to issuance of each residential building permit, the applicant and the applicant's heirs, successors, and/or assignees shall pay to Prince George's County (or its designee) a fee of \$1,443.25 (in 2010 dollars) per dwelling unit, pursuant to the Memorandum of Understanding required by Prince George's County Council Resolution CR-66-2010. 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 issuance of each permit.
6. Prior to approval of any final plat for this project, pursuant to Prince George's County Council Resolution CR-66-2010, the owner/developer and 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 and its heirs, successors, and/or assignees, pursuant to the Public Facilities Financing and Implementation Program. The MOU shall be executed and recorded among the Prince George's County Land Records and the Liber/folio noted on the final plat of subdivision.
7. Prior to issuance of any commercial building permit, the applicant and the applicant's heirs, successors, and/or assignees shall pay to Prince George's County (or its designee) a fee of \$11.19 (in 2010 dollars) per square foot for nonresidential development, pursuant to the Memorandum of Understanding required by Prince George's County Council Resolution CR-66-2010. 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 issuance of each permit.
8. Prior to approval of the first building permit, the following transportation 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. The reconfiguration of the westbound approach at the Westphalia Road/Darcy Road intersection to include a single through-left and an exclusive right-turn lane configuration.
 - b. The installation of a traffic signal at the MC-631/Ritchie Marlboro Road intersection.
9. Prior to acceptance of a specific design plan (SDP), the applicant and the applicant's heirs, successors and/or assignees shall include, as part of the SDP site plan submission, the following:

- a. Sidewalks along both sides of internal streets, except Road P, for which sidewalks shall be provided along at least the south side of the roadway.
 - b. Americans with Disabilities Act-accessible curb ramps and associated crosswalks at all intersections and throughout the site at pedestrian crossings.
 - c. Ten-foot-wide shared-use paths along the full extent of Ritchie Marlboro Road (A-39), Westphalia Road (C-626), and MC-631 within the limits of the site, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement.
 - d. Short-term bicycle parking at all recreation areas, consistent with the American Association of State Highway and Transportation Officials *Guide for the Development of Bicycle Facilities*.
10. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. Identify TCP1-022-2021-01 with Line 8 of the woodland conservation worksheet.
 - b. Identify TCP1-022-2021 in the Environmental Planning Section approval block as plan title, and for the -01 revision, add 4-22044 as the Development Review Division case number.
 - c. Identify the prior approval information for Comprehensive Design Plan CDP-2101 along the -00 line within the Environmental Planning Section approval block.
 - d. Revise General TCP1 Note 8 to state that this site is adjacent to both Westphalia Road and Ritchie Marlboro Road, which are designated as historic roadways.
11. Development of this subdivision shall be in conformance with an approved Type 1 tree conservation plan (TCP1-022-2021-01). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-022-2021-01, or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (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.”
12. 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.”

13. 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."
14. Prior to the issuance of any permits, which impact 100-year floodplain, 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 complied with, and associated mitigation plans.
15. At least 40 days prior to the Planning Board hearing for any specific design plan that includes stream or wetland mitigation, the applicant shall provide a mitigation concept plan subject to agreement by the Maryland Department of the Environment and the Army Corps of Engineers.
16. In accordance with Section 24-135(b) of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees, shall provide adequate on-site recreational facilities.
17. 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.
18. 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 specific design plan (SDP). The timing for construction shall be determined at the time of SDP review.
19. Prior to approval of building permits for each phase of 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 that are adequate to serve the cumulative development.

20. Prior to approval of each residential building permit, the applicant and the applicant's heirs, successors, and/or assignees shall make a monetary contribution to 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 contribution amount using the Consumer Price Index for inflation, at the time of payment. Monetary contributions shall be used to construct, operate, and maintain the public recreational facilities in the central park and/or the other parks that will serve the Westphalia Sector Plan area.
21. 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.
22. Prior to the approval of the first specific design plan for existing Parcel 16, all buildings on existing Parcel 16 shall be documented through the completion of a Maryland Inventory of Historic Properties (MIHP) form, according to Maryland Historical Trust (MHT) standards, by a qualified 36CFR60 consultant. The draft and final MIHP form shall be reviewed and approved by Historic Preservation Section staff prior to submittal by the applicant to the MHT.
23. Prior to issuance of a use and occupancy permit for nonresidential development, the applicant and the applicant's heirs, successors, and/or assignees, shall:
 - a. Contact the Prince George's County Fire/EMS Department to request a pre-incident emergency plan for the facility.
 - b. Install and maintain automated external defibrillators, in accordance with Code of Maryland Regulations; and
 - c. Install and maintain hemorrhage kits next to fire extinguishers.
24. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in this resolution of approval, shall require the approval of a new preliminary plan of subdivision, prior to approval of any building permits.
25. Prior to approval of the final plat, 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 of the Development Review Division of the Prince George's County Planning Department for approval,

and 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.

26. 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 deed for the property to be conveyed shall be submitted to the Subdivision 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 operations 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.
27. Prior to acceptance of a specific design plan, a Phase II noise analysis that demonstrates that any outdoor activity areas are located outside of the mitigated 65 dBA Ldn, and that the building structures proposed mitigate interior noise levels to 45 dBA Ldn or less shall be provided.
28. Prior to approval of a building permit, which includes residential dwelling units located within the unmitigated 65 dBA Ldn noise contour, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located on the north side of Westphalia Road, approximately one-third of a mile west of its intersection with Ritchie Marlboro Road. The site consists of 156.87 acres of land known as Parcel 16, recorded in the Prince George's County Land Records in Book 45749 page 15, and Parcel 25, recorded in Book 38426 page 59. The entire property is within the Legacy Comprehensive Design (LCD) Zone, with the southwest corner of the property also located in Military Installation Overlay (MIO) Zone for height. However, this preliminary plan of subdivision (PPS) was reviewed in accordance with the prior Prince George's County Zoning Ordinance and prior Prince George's County Subdivision Regulations, in accordance with Section 24-1703(b) of the Subdivision Regulations. Under the prior Zoning Ordinance, Parcel 16 was zoned Residential Medium Development (R-M) and Parcel 25 was split-zoned R-M and Local Activity Center (L-A-C), with the southwest corner of the parcel located in the M-I-O Zone for height, which were effective prior to April 1, 2022. Out of the total project area, 138.74 acres is zoned R-M, and 18.13 acres is zoned L-A-C. The subject property is located within and evaluated in accordance with the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (sector plan), Subtitles 24 and 27 of the prior Prince George's County Code, and other applicable plans, as outlined herein. This PPS includes 514 lots and 76 parcels (1 parcel for multifamily development, and 75 parcels for open space and private roads) for the development of 98 single-family detached dwellings, 416 single-family attached dwellings, 160 (Senior) multifamily dwelling units, and 12,500 square feet of commercial use. The site is currently vacant.

Section 24-121(a)(3) of the prior Subdivision Regulations requires that lots adjacent to planned arterial classification roadways be designed to front on either an interior street or a service road. The subject property has frontage on Ritchie Marlboro Road, which is classified as an arterial roadway. The applicant requested approval of a variation from this section, as Parcel A of the PPS is proposed with direct access to Ritchie Marlboro Road and does not use in interior street or service road. This request is discussed further in the Transportation finding of this resolution.

Section 24-128(b)(7)(A) of the prior Subdivision Regulations allows lots in the R-M and L-A-C Zones to be served by private roads. This section also allows lots to be served by an alley, provided that they have frontage on and pedestrian access to a public right of way. There are 152 of the 416 single-family attached dwellings that are served by an alley, but do not have frontage on or pedestrian access to a public right-of-way. A variation requested from this requirement is discussed further in the Transportation finding of this resolution.

The applicant also 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 40 specimen trees. This request is discussed further in the Environmental finding of this resolution.

3. **Setting**—The subject property is located on Tax Map 83 in Grids A2–A4, and B2–B4 and is within Planning Area 78. The properties to the north of the site, beyond Ritchie Marlboro Road, consist of agricultural land and undeveloped land in the Agricultural-Residential (AR) Zone. The abutting property to the east consists of agricultural land and single-family residential development within the Residential Estate (RE) and LCD Zones. The property to the south, beyond Westphalia Road, consists of vacant land and is located within the LCD Zone. The abutting properties to the west consist of agricultural land and single-family detached dwellings within the AR and RE Zones.
4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	EXISTING	APPROVED
Zone	LCD/MIO	LCD/MIO
Use(s)	Agricultural/Residential	Residential/Commercial
Acreage	156.87	156.87
Lots	0	514
Parcels	2	77 (includes additional parcel conditioned herein)
Dwelling Units	Single-family detached - 1	Single-family Detached - 98 Single-family Attached - 416 Multifamily - 160
Gross Floor Area	0	12,500 sq. ft.

Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, this case, as well as the applicant’s variation requests from Section 24-121(a)(3) and Section 24-128(b)(7)(A), were heard at the Subdivision and Development Review Committee meeting on December 22, 2022.

5. **Previous Approvals**—Comprehensive Design Plan CDP-2101 was approved by the Prince George’s County Planning Board (PGCPB Resolution No. 2022-29) on March 3, 2022. The CDP included approval for 770 residential dwelling units, including 350–440 single-family attached dwellings, 130–170 single-family detached dwellings, and 110–160 age-restricted multifamily dwelling units, as well as approximately 6,000 square feet of commercial retail space.
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 located within the Established Communities area. The vision for the Established Communities area is to create the most appropriate context-sensitive infill and low- to medium-density development (page 20). Plan 2035 designates this area as a Local Town Center, an area with a mix of horizontal uses across the centers rather than vertical within individual buildings (Table 16).

Sector Plan Conformance

The sector plan recommends low-density residential and mixed-use neighborhood center land uses on the subject property. The mixed-use neighborhood center is intended to “develop distinct commercial activity centers serving communities and neighborhoods outside the town center core area with medium-to high-density, mixed-use commercial, retail, and office development that is designed around a main street and anchored by shared amenities such as open space or civic centers” (page 29).

Sectional Map Amendment/Zoning

The 2007 *Approved Westphalia Sectional Map Amendment* (SMA) reclassified the subject property into the R-M and L-A-C zones (page 91). The R-M and L-A-C comprehensive design zones implement the sector plan recommendation for low- to moderate-density residential, neighborhood-oriented commercial and institutional land uses on these three properties. More specifically, Exhibit 58 contains an illustration of a comprehensively planned mix of civic, residential, commercial, and open space uses as the basic plan for these comprehensive design zones. The land-use relationships illustrated in Exhibit 58 are represented in SMA Rezoning Development Concept 4 (page 106).

On November 29, 2021, the Prince George’s County District Council approved Prince George’s County Council Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from the R-M and L-A-C Zones to the LCD Zone, effective April 1, 2022. However, pursuant to Section 24-1703(b) of the Subdivision Regulations, this PPS is evaluated according to the prior R-M and L-A-C zoning, and in accordance with the prior Zoning Ordinance and prior Subdivision Regulations.

Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, this PPS conforms to the sector plan’s recommended land use, as evaluated in this finding.

7. **Stormwater Management**—An unapproved Stormwater Management (SWM) Concept Plan (19190-2022) was submitted with this PPS, which shows the use of submerged gravel wetlands and micro-bioretenention. An approved SWM concept plan will be required, as part of the application, at time of specific design plan (SDP) review. No further information is required at this time regarding SWM with this PPS. Development of the site, in conformance with the SWM concept approval and any subsequent revisions, to ensure that no on-site or downstream flooding occurs, satisfies the requirements of Section 24-130 of the prior Subdivision Regulations.

8. **Parks and Recreation**—This PPS was reviewed for conformance with the requirements and recommendations of Plan 2035, the sector plan, the Land Preservation, Parks and Recreation Plan for Prince George’s County, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the Subdivision Regulations, as they pertain to public parks and recreation and facilities.

The subject property is within two miles of the Westphalia Community Center Park, developed with a full basketball court, horseshoe pit, picnic area, picnic shelter, open playfield, and an outdoor tennis court, and less than a quarter mile from 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.

Sector Plan

The sector plan provides goals and policies related to parks and recreation (pages 50–56). The sector plan introduced the concept of a “Central Park,” a single major recreational complex serving the entire Westphalia area. The Westphalia Central Park is 257 acres of open space. This central park will be accessible to the residents of this community through a system of roads and hiker/biker trails. This large urban park will serve as a unifying community destination and an amenity for the entire sector plan area. The proposed development aligns with the sector plan’s intention to provide parks and recreation facilities designed to support existing development patterns and future residents.

Per the sector plan recommendations, 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. The Maryland-National Capital Park and Planning Commission (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.

Conformance with the Subdivision Regulations

Mandatory dedication of parkland, pursuant to Section 24-134(a) of the prior Subdivision Regulations, provides for the dedication of land, the payment of a fee-in-lieu, or on-site recreational facilities. Based on the proposed density of development, 7.5 percent of the net residential lot area could be required to be dedicated to M-NCPPC for public parks, which equates to 11.7 acres. In accordance with Section 24-135(b) of the prior Subdivision Regulations, recreational facilities may be approved by the Planning Board, provided that the facilities will be superior or equivalent to those that would have been provided under the provisions of mandatory dedication. Further, the facilities shall be properly developed and maintained to the benefit of future residents through covenants, or a recreational facilities agreement, with this instrument being legally binding upon the subdivider and his heirs, successors, and/or assignees.

The applicant has opted to provide on-site recreational facilities and has designated areas on the PPS to serve the recreational needs of the proposed community. The plans provided show open space areas on the property with sidewalk connections to these features. Given the proximity of the development to Westphalia Central Park, on-site recreational facilities to serve the residents are appropriate. These on-site recreational facilities are to be provided in phase with the residential development. The details and cost estimates of these amenities will be reviewed and approved by Development Review Division staff at the time of SDP.

The applicant's proposal to provide on-site recreational facilities will meet the requirements of Section 24-135(b).

9. **Transportation (pedestrian, bicycle and vehicular)**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the sector plan, and CDP-2101 to provide the appropriate transportation facilities.

Prior Approvals

The site is subject to prior approved CDP-2101. The following transportation conditions of CDP-2101 are relevant to this PPS:

2. **Total development within the subject property shall be limited to uses which generate no more than 470 AM peak-hour trips and 564 PM peak-hour trips, unless modified by the adequate public facilities test for transportation, at the time of preliminary plan of subdivision.**

The PPS includes development that will generate less trips than were assumed as part of the CDP. However, transportation adequacy is a requirement of the subject PPS and is further discussed below.

5. **At the time of preliminary plan of subdivision (PPS), the applicant shall:**

- a. **Label the future dedication of all rights-of-way for MC-631, A-39, and P-616, as identified by the applicable master plans.**

The dedication of master plan rights-of-way MC-631 and A-39 (Ritchie Marlboro Road) are labeled on the PPS. The right-of-way of P-616 is not adjacent to the property and is not included in the PPS.

- d. **Explore a 60-foot street connection between the stub end of Matapeake Drive and MC-631.**

This connection, as described above, is identified in the sector plan as Sector Plan Development Concept 4: The Villages at Westphalia Sectional Map Amendment Change 6 (page 106). At the hearing of the CDP, the Planning Board heard testimony from citizens of the Westphalia Woods subdivision, which is served by the existing Matapeake Drive, in opposition to the connection

between Matapeake Drive and MC-631. The Planning Board determined that the connection shall be explored at the time of PPS. As part of the PPS, the applicant provided discussion and explanation in the traffic impact study, emails, the CDP conformance memorandum, and a separate memorandum dated February 17, 2022 (Lenhart to Prince George's County Planning Board). The applicant provided correspondence indicating that the residents along Matapeake Drive strongly oppose this connection and expressed their concern that it may encourage "cut-thru" traffic. The applicant also noted that Westphalia Road and MC-631 are designated collector and major collector roads respectively, in the MPOT, but Matapeake Drive is a "substandard" residential street, adding that the pavement is approximately 23 feet to 24 feet wide with no shoulders or pavement markings, and was constructed to only serve the local traffic, not the through traffic. Furthermore, the applicant noted that the applicable sector plan, which indicates this conceptual connection, does not specify whether Matapeake Drive would be required to be primary or remain a secondary roadway. The applicant provided a list of several road improvement standards that would be necessary to bring the roadway conditions to the level of a primary residential road, including wider lanes for bike access, as well as vehicles.

The Matapeake Drive extension, which is a concept of the approved basic plan, adopted as part of the sector plan and SMA (page 106), also meets the intent and goals envisioned in Plan 2035, which provides the following narrative:

Many of the County's recent residential developments have discouraged physical connections—roads and trails—with neighboring communities due to concerns over privacy, noise, and cut-through traffic. However, reducing connectivity has been shown to actually cause, rather than remedy, congestion. It also discourages walking and biking, which worsens commute time, air quality, and community health.

However, the Planning Board finds that the current conditions of Matapeake Drive, in the adjacent community, would necessitate significant improvements to ensure a safe and functional connection to MC-631, and those improvements may be significantly delayed following the development of the connection, impacting the operation and functionality of the existing road. Therefore, in consideration of the current condition of the existing roadway, the applicant shall create a parcel of sufficient size to accommodate a 60-foot-wide right-of-way for the possible future connection between Matapeake Drive and MC-631. Dedication of the parcel for public right-of-way shall occur on the demand of the operating agency, so that the appropriate design and necessary improvements are adequately addressed, prior to implementation of the vehicular connection. Until that time, the area shall be delineated as a parcel on the PPS and final plat and retained in ownership by the designated homeowners association.

- f. Explore a public or private street connection to Westphalia Road from Pod E to the stub connection in the Preserve at Westphalia development to the east, unless otherwise modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondences.**

Pod E is located along the southern boundaries of the site, along the north side of Westphalia Road. The PPS shows a roadway extension from Pinnacle Green Road through the limits of Pod E to the adjacent property to the east (also known as the Preserve at Westphalia Development). This configuration satisfies the requirements of Condition 5(f).

MPOT and Sector Plan Conformance

This PPS is subject to the MPOT which shows several master plan right-of-way facilities adjacent to and within the limits of the site. The subject site has frontage on Westphalia Road (C-626), which is designated in the MPOT and sector plan as a collector roadway, with an ultimate right-of-way of 80 feet along the property's southern boundary. The PPS shows the extent of right-of-way along the property's frontage and includes 40 feet of dedication from centerline to facilitate the ultimate condition, which is consistent with the plan recommendations. The site is also impacted by Ritchie Marlboro Road (A-39), which is designated as an arterial road, with 120 feet ultimate right-of-way along the property's north boundary. The PPS shows an additional 40 feet of dedication from the existing property boundary that provides a total of 60 feet of right-of-way from centerline, which is acceptable.

The MPOT shows MC-631 traversing the site to connect C-626 and A-39 to the north and south of the property. The MPOT designates MC-631 as a 100-foot-wide major collector, four-lane right-of-way. The PPS displays the ultimate right-of-way throughout the subject property.

As previously noted, the applicable sector plan includes Sector Plan Development Concept 4 for the subject site, which is the basic plan for the property, and illustrates a connection between the planned MC-631 right-of-way and the existing Matapeake Drive on the west side of the property. Although this connection is not a designated master-planned right-of-way, the extension could provide enhanced connectivity and facilitate more efficient and safer travel for the Westphalia community. As previously mentioned, on-demand dedication of the Matapeake Drive extension to MC-631 on the subject property will be required, at the time improvements to the existing roadway are made, which would facilitate a safe and functional connection to MC-631.

Analysis of Pedestrian and Bicycle Facilities

The MPOT recommends four shared-use paths located in or adjacent to the property. There are planned shared-use paths along Westphalia Road (C-626), Ritchie Marlboro Road (A-39), the planned MC-631, and from the northern part of MC-631 to Sansbury Road. 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. The MPOT includes the following policies that are related to the subject development:

Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers (page 9).

Policy 3: Small area plans within the Developed and Developing Tiers should identify sidewalk retrofit opportunities in order to provide safe routes to school, pedestrian access to mass transit, and more walkable communities (page 10).

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* (page 10).

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles (page 10).

The development is also subject to the sector plan which includes the following strategy:

- **Sidewalks should be provided throughout the Westphalia community, except on designated scenic rural roads, highways, bikeways, trails, and lanes.**

The PPS submission includes shared-use paths and sidewalks along C-626, A-39, and the planned MC-631 abutting the subject property. The shared-use path between the northern part of MC-631 and Sansbury Road has not been included in the PPS. The shared-use path along MC-631 shall be extended to Sansbury Road on the PPS, and the specifications and details for all MPOT and sector plan facilities shall be shown on the SDP.

Analysis of Traffic Impacts

The applicant submitted a traffic impact study dated (as revised) January 18, 2023. This study is used as the basis for a determination of adequacy.

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 D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

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.

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 CLV is computed and the standard of CLV is 1,150 or less.

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 CLV is computed and the standard of CLV is 1,150 or less.

The table below summarizes trip generation for each peak period that will be used in reviewing site traffic generated impacts and developing a trip cap for the site:

Trip Generation Summary								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Single-Family Housing (Prince George's County Rates)	98	unit	15	59	74	58	30	88
Townhouse (Prince George's County Rates)	416	unit	58	233	291	216	117	333
Senior Adult Housing – Multifamily (Prince George's County Rates)	160	unit	8	13	21	16	10	26
Shopping Center (ITE-820)	12,500	sf	18	12	30	41	41	82
Pass-by (50%):			-9	-6	-15	-20	-21	-41
Net Commercial Primary Trips:			9	6	15	21	20	41
Total Trip Cap Recommendation			401			488		

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

- Ritchie Marlboro Road and Westphalia Road (unsignalized)
- Ritchie Marlboro Road and Orion Lane (unsignalized)
- Ritchie Marlboro Road and White House Road (signalized)
- Ritchie Marlboro Road and Sansbury Road (signalized)
- MD 4 (Pennsylvania Avenue) and Westphalia Road (signalized)
- Westphalia Road and Darcy Road (unsignalized)

Existing Traffic:

The critical intersections identified above, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service /Pass/Fail (AM & PM)	
Ritchie Marlboro Road and Westphalia Road	17 s*	27 s*	Pass	Pass
Ritchie Marlboro Road and Orion Lane	13 s*	13 s*	Pass	Pass
Ritchie Marlboro Road and White House Road	913	750	A	A
Ritchie Marlboro Road and Sansbury Road	992	927	A	A
MD 4 and Westphalia Road	1211	1174	C	C
Westphalia Road and Darcy Road	22 s*	27 s*	Pass	Pass
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

Background Traffic

The traffic study identified 23 background developments whose impact would affect study intersections. In addition, annual growth of 1.0 percent over six years were applied to primary through-traffic volumes along all the study roads. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service /Pass/Fail (AM & PM)	
Ritchie Marlboro Road and Westphalia Road	72 s*	191 s*	Fail	Fail
	>100 veh	>100 veh	Fail	Fail
	780	1203	Pass	Fail
Ritchie Marlboro Road and White House Road	1083	976	B	A
Ritchie Marlboro Road and Sansbury Road	989	1283	A	C
MD 4 and Westphalia Road	1921	1967	F	F
Westphalia Road and Darcy Road	>500 s*	>500 s*	Fail	Fail
	>100 veh	>100 veh	Fail	Fail
	1173	1134	Fail	Fail
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

Total Traffic

Four access intersections are proposed: two on Ritchie Marlboro Road and two on Westphalia Road. One access on Ritchie Marlboro Road will exclusively serve the senior living facility. Only Ritchie Marlboro Road at proposed Suitland Parkway (MC-631) will be a signalized intersection. The traffic impact study also considered the background improvement for the reconfiguration of Orion Lane/Ritchie Marlboro Road/Westphalia Road as a four-legged intersection under total

future conditions with trips generated by the site. The study intersections, when analyzed with total developed future traffic, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service /Pass/Fail (AM & PM)	
Ritchie Marlboro Road and Westphalia Road	>500 s*	>500 s*	Fail	Fail
	>100 veh	>100 veh	Fail	Fail
	841	1246	Pass	Fail
Ritchie Marlboro Road and White House Road	1175	1076	C	B
Ritchie Marlboro Road and Sansbury Road	1047	1342	B	D
MD 4 and Westphalia Road	1937	2021	F	F
Westphalia Road and Darcy Road	>500 s*	>500 s*	Fail	Fail
	>100 veh	>100 veh	Fail	Fail
	1243	1170	Fail	Fail
Ritchie Marlboro Road and Rock Creek Access	409 s*	339 s*	Fail	Fail
	>100 veh	>100 veh	Fail	Fail
	1116	1329	Pass	Fail
Westphalia Road and Preserve at East Site Access	13 s*	12 s*	Pass	Pass
Westphalia Road and West Site Access	11 s*	11 s*	Pass	Pass
Ritchie Marlboro Road and Senior Living Access	43 s*	67 s*	Pass	Fail
	N/A	<100 veh	N/A	Pass
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

Total Traffic with Improvements

The study intersections, when analyzed with total developed future traffic with the improvements, operate as follows:

TOTAL TRAFFIC CONDITIONS WITH IMPROVEMENTS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service /Pass/Fail (AM & PM)	
Ritchie Marlboro Road and Westphalia Road	>500 s*	>500 s*	Fail	Fail
	>100 veh	>100 veh	Fail	Fail
	841	1247	Pass	Fail
Ritchie Marlboro Road and White House Road	1175	1076	C	B
Ritchie Marlboro Road and Sansbury Road	1047	1342	B	D
MD 4 and Westphalia Road	1937	2021	F	F
Westphalia Road and Darcy Road	>500 s*	>500 s*	Fail	Fail
	>100 veh	>100 veh	Fail	Fail
	1081	1080	Pass	Pass
Ritchie Marlboro Road and Rock Creek Access	1116	1329	B	D
Westphalia Road and Preserve at East Site Access	13 s*	12 s*	Pass	Pass
Westphalia Road and West Site Access	11 s*	11 s*	Pass	Pass
Ritchie Marlboro Road and Senior Living Access	43 s*	67 s*	Pass	Fail
	N/A	<100 veh	N/A	Pass
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The traffic impact study assumed several improvements to offset the site’s incremental impacts to the adjacent roadway network based on total future conditions. The proposed improvements for the total traffic conditions include adding a westbound right-turn lane along Westphalia Road at Darcy Road. The existing westbound left-through right lane will be converted to a shared left-through lane, which is acceptable. In addition, the traffic impact study shows that the future intersection of MC-631 (Rock Creek Access) and Ritchie Marlboro Road will not meet the adequacy requirements during the PM peak period. The traffic impact study recommended and shows that signalization will bring this intersection to an acceptable level of service and demonstrated that a signal will be warranted in total future conditions.

The traffic impact study also indicates that the intersection of Ritchie Marlboro Road and Westphalia Road does not satisfy the adequacy requirement for unsignalized intersections under total future conditions during the PM peak hour. However, the signal warrant analysis showed that a signal will not be warranted based on future demand.

Westphalia Public Facilities Financing and Implementation Program (PFFIP)

On October 26, 2010, the Prince George’s County Council approved Council Resolution CR-66-2010, establishing a PFFIP district for the financing and construction of the MD 4 (Pennsylvania Avenue)/Westphalia Road interchange for a total cost of \$79,990,000.00. Pursuant to CR-66-2010 (Sections 6, 7, and 8), a cost allocation of the interchange for all the properties within the PFFIP district was determined. The allocation for each development is based on the proportion (percentage) of average daily trips (ADT) generated by each development passing through the intersection, to the estimated total ADT contributed by all the developments

in the district passing through the same intersection. The PPS future traffic impact (or ADT) becomes the basis on which each development's share of the overall cost is calculated.

An analysis of the site's proposed generated trips was conducted and assumed that the proposed development will generate 5,448 daily trips. Given the proximity of the property to the failing intersection, the traffic study recommends a 20 percent trip assignment through that intersection. The proposed development will send a total of 1,090 ($5,448 \times 0.2$) daily trips through the intersection. With these additional daily trips, the total ADT for all the PFFIP properties = 78,366 trips. Based on the daily trips from the subject property, the total fee is calculated as: $1,090/78,366 \times 79,990,000.00 = \$1,112,588.37$ (2010 dollars). Since the site is proposing two uses, the following analyses is provided to break down the unit costs for each use:

- Total number of dwelling units = 674
- Total ADT for residential = $4,767 \text{ trips} \times 20\% = 953$
- Total cost for residential = $953/78,366 \times 79,990,000 = \$972,749.28$
- Total residential unit cost = $\$972,749.28/674 \text{ units} = \$1,443.25 \text{ per dwelling unit.}$
- Total retail = 12,500 square feet
- Total ADT for retail = $681 \text{ trips} \times 20\% = 137$
- Total cost for retail = $137/78,366 \times 79,990,000 = \$139,839.09$
- Total unit cost (sq. ft.) = $\$139,839.09/12,500 \text{ sq. ft.} = \$11.19 \text{ per square foot.}$

Access and Circulation

The subject site is provided access and circulation by a network of proposed public and private streets, alleys, and connections to existing roadways. The Subdivision Regulations provide standards for access which impact the subject property as discussed below.

Ritchie Marlboro Road (A-39), an arterial facility abutting the subject site to the north, is proposed to provide access to the multifamily parcel at the northwest corner of the site. Section 24-121(a)(3) requires that lots proposed on land adjacent to an existing or proposed planned roadway of arterial or higher classification be designed to front on either an interior street or service roadway. Therefore, a variation from Section 24-121(a)(3) was requested by the applicant for one direct driveway access to Ritchie Marlboro Road.

There are four criteria that must be met for this variation to be approved (a fifth criterion does not apply). The criteria are in **BOLD** text below, while findings for each criterion are in plain text.

Section 24-113—Variations

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

- (1) **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property. The access will have a stop control, as well as acceleration and deceleration lanes for safe egress and ingress from and to Ritchie Marlboro Road. The proposed parcel will contain age-restricted multifamily dwelling units, which have a lower trip generation than market rate multifamily dwellings. The proposed access was depicted on CDP-2101 and the basic plan (as adopted within the sector plan) associated with this site. The Ritchie Marlboro and MC-631 intersection will be signalized, slowing down traffic traveling east and west.

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

The subject property is unique in that it is bisected by the master-planned right-of-way of MC-631 which provides primary access to the majority of the site. However, the age-restricted multifamily pod of development is separated from MC-631 by environmental features which are required to be preserved to the greatest extent possible. The property contains steep slopes, primary management area (PMA), specimen trees, and forest interior dwelling species habitat which would be severely impacted in order to provide access from MC-631. The environmental features limit the areas feasible, and create isolated pockets of land, for development. Therefore, the most feasible access for age-restricted multifamily pod of development is to Ritchie Marlboro Road.

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

No other known applicable law, ordinance, or regulation will be violated by this request. The approval of a variation, in accordance with Section 24-113 of the prior Subdivision Regulations, is unique to the Subdivision Regulations and under the sole authority of the Planning Board.

- (4) **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

As previously stated, the subject property contains steep slopes, PMA, forest interior dwelling species habitat, and specimen trees. These features limit and create isolated pockets of land that are suitable for development. A particular hardship to the owner would result if the strict letter of these regulations is carried out because removing the proposed direct access to Ritchie Marlboro Road would either preclude development of this portion of the site or require access be provided to MC-631, causing significantly more grading and severely impact the PMA, which is required to be preserved to the fullest extent possible. The proposed development and access are designed to avoid impacts to PMA and is in conformance with the basic plan and CDP applicable to the site.

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

The subject property is not in any of the above listed zones. Therefore, this criterion does not apply.

The site is unique to the surrounding properties and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to guide development according to the sector plan and to provide efficient and appropriate locations for development. Therefore, the variation from Section 24-121(a)(3) for one direct access driveway to Ritchie Marlboro Road, for the age-restricted multifamily development pod, is approved.

Section 24-128(b)(7)(A) provides standards for the use of alleys as follows:

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

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

- (A) For land in the V-L, V-M, R-L, R-S, R-M, R-U, M-U-I, L-A-C, M-A-C, M-X-C, M-U-TC, and M-X-T Zones, the Planning Board may approve a subdivision (and all attendant plans of development) with private roads to serve attached single-family dwellings, two-family dwellings, and three-family dwellings, but not single-family detached or multifamily dwellings, in accordance with the requirements of Subsections I and (f) of Section 27-433 of the Zoning Ordinance, except as hereinafter provided. In all of the above zones, and in the R-R Zone when developed as a cluster subdivision, the Planning Board may approve a subdivision with alleys to serve any permitted use, provided the lot has frontage on and pedestrian access to a public right-of-way. The District Council may disapprove the inclusion of alleys during the consideration of the detailed site plan for a cluster subdivision. For the purposes of this Section, an “alley” shall mean a road providing vehicular access to the rear or side of abutting lots, and which is not intended for general traffic circulation.**

Of the 416 single-family attached lots in the subject PPS, 152 lots receive access by means of alleys, but do not all front on a public street, as required by Section 24-128(b)(7)(A). Instead, these lots will front on private streets or open space. These lots will be provided pedestrian access to the public street system via a network of sidewalks within the private streets and open spaces which they will front on. A variation from Section 24-128(b)(7)(A) was filed with the subject PPS and is required to permit the applicant’s proposed development.

In accordance with Section 24-113(a), there are four criteria that must be met for this variation to be approved (a fifth criterion does not apply). The criteria, with discussion, are noted below:

- (1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property. Staff finds that all private streets and alleys are designed at the minimum 22 feet of width to accommodate fire, rescue, and service vehicles. In addition, alleys will not be used for general circulation, as an extensive private and public street network is provided.

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

The sector plan and SMA rezoned a number of properties in the area. This property and its neighbor to the east were placed in the R-M and L-A-C Zones.

The property is encumbered by steep slopes, PMA, specimen trees, forest interior dwelling species habitat, and Marlboro clay which control and compact the areas available for development. This requirement is problematic. To achieve the densities envisioned by the sector plan, and to create the urban form development envisioned, with rear-loaded garages and parking for homeowners in the alleys and guest parking on the private streets, a variation is necessary. The use of private streets and alleys must be provided in order to provide compact design and access and circulation to townhouse lots as public roads require larger pavement widths, and the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) does not take public control of roads that contain on-street parking and direct access to townhouse lots. This limits the rights-of-way that can be designated as public, and the above conditions collectively create conditions that are unique to the property and not generally applicable to other properties.

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

No other known applicable law, ordinance, or regulation will be violated by this request. The approval of a variation, in accordance with Section 24-113, is unique to the Subdivision Regulations and under the sole authority of the Planning Board. The private streets and alleys have been designed to accommodate fire, rescue, and service vehicles and the variation request was referred to the appropriate County agencies for commenting, none of which have opposed this request.

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

As previously stated, the subject property contains steep slopes, PMA, forest interior dwelling species habitat, and specimen trees. These features limit and create isolated pockets of land that are suitable for development. A particular hardship to the owner would result if the strict letter of these regulations is carried out because the use of public streets would require additional land area to be allocated towards infrastructure and consequently reduce the achievable density and available parking. The proposed development and access are designed to provide adequate access and circulation while avoiding impacts to PMA and is in conformance with the basic plan and CDP applicable to the site.

(5) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units

accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.

The subject property is not in any of the above listed zones. Therefore, this criterion does not apply.

The site is unique to the surrounding properties and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to guide development according to the sector plan and to provide efficient and appropriate locations for streets and alleys. Therefore, the variation from Section 24-128(b)(7)(A), to allow 152 townhouse lots to be served by alleys without frontage on a public right-of-way, is approved.

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed development, as required, in accordance with Section 24-124 of the prior Subdivision Regulations, the MPOT, and the sector plan.

10. **Schools**—This PPS was reviewed for impact on school facilities, in accordance with Section 24-122.02 of the prior Subdivision Regulations, Council Resolutions CR-23-2001 and CR-38-2002, *Amended Adequate Public Schools Facility Regulations for Schools*, commercial development is exempt from a review for school impacts. The subject property is located within Cluster 4, as identified in the *Pupil Yield Factors & Public-School Clusters 2022 Update*. The project includes a total of 514 dwelling units (416 attached, 98 detached). The 160 age-restricted units are exempt from the school's adequacy test per Section 24-122.02(b)(2) of the prior Subdivision Regulations.

The adopted "level of service" standard is the number of students generated by the PPS at each stage of development will not exceed 105 percent of the state rated capacity, as adjusted by the School Regulations, of the affected elementary, middle, and high school clusters. Per the table below, the existing state rated capacity are compliant at less than 105 percent utilization.

Impact on Affected Public School Clusters

	Affected School Cluster		
	Elementary School Cluster 4	Middle School Cluster 4	High School Cluster 4
Single-Family Attached	416	416	416
Pupil Yield Factor (PYF) – SFA	.150 (62)	.095 (40)	.125 (52)
Single-Family Detached	98	98	98
Pupil Yield Factor (PYF) – SFD	.104 (10)	.072 (7)	.091 (9)
Future Enrollment	72	47	61
Adjusted Student Enrollment 9/30/21	12,730	10,182	7,914
Total Future Student Enrollment	12,802	10,229	7,975
State Rated Capacity	17,095	10,737	8,829
Percent Capacity	75%	95%	90%

Section 10-192.01 of the Prince George’s County Code 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 I-95/495 (Capital Beltway) and the District of Columbia; \$9,741 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 \$16,698 per dwelling for all other buildings. This project is outside of the Capital Beltway; thus, the surcharge fee is \$16,998. This fee is to be paid to DPIE at the time of issuance of each building permit.

11. **Public Facilities**—In accordance with Section 24-122.01 of the prior Subdivision Regulations, police facilities are found to be adequate to serve both the proposed residential and nonresidential development. Fire and rescue facilities are found to be adequate to serve the proposed residential development, but not the nonresidential development, as outlined in a memorandum from the Special Projects Section, dated January 24, 2023 (Ray to Heath), incorporated by reference herein.

As stated above and as outlined in a statement provided by Prince George’s County Fire/EMS Department representative, James V. Reilly, the proposed development fails the four-minute travel time test for nonresidential development. Therefore, as mitigation, the following is required: (1) contact the Prince George’s County Fire/EMS Department to request a pre-incident Emergency Plan for the facility; (2) install and maintain automated external defibrillators in accordance with the Code of Maryland Regulations; and (3) install and maintain hemorrhage kits next to fire extinguishers.

Water and Sewer

Section 24-122.01(b)(1) of the prior Subdivision Regulations states, “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.” The subject properties were placed in Water and Sewer Category 4 “Community System Adequate for Development Planning”. Administrative approval for Category 3 “Community System” must be completed before final plat approval. The subject site is in Sustainable Growth Tier II.

Sector Plan

This PPS was reviewed for conformance to the sector plan, in accordance with Section 24-121(a)(5). The sector plan contains a section on Public Facilities within the Infrastructure Element chapter (page 48).

The Goal of the Public Facilities discussion is to:

Provide needed public facilities and infrastructure to create a quality community and support the planned land use program consistent with county standards.

The proposed development will not impede achievement of the above-referenced goal. The analysis provided in this memo illustrates that, pursuant to adopted tests and standards, and subject to mitigation, public safety facilities are adequate to serve the proposed development. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries proposed on the subject property.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities, however, none of its recommendations affect the subject site.

12. **Public Utility Easement**—Section 24-122(a) of the prior 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 public utility easements (PUEs) is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on the public rights-of-way of Ritchie Marlboro Road and Westphalia Road. There are also internal roads which are designated as public rights-of-way. The required PUEs along all public rights-of-way are delineated on the PPS. This PPS also contains private rights-of-way. Section 24-128(b)(12) of the prior Subdivision Regulations requires that private roads have a 10-foot-wide PUE on either side of the right-of-way. All required PUEs along private rights-of-way are delineated.

13. **Historic**—The property is characterized by mostly wooded rolling terrain associated with unnamed tributaries of Turkey Branch that enter the property from the north, as well as a significant amount of flatter land atop the slopes. The subject property is bordered by farmland to the north and south. To the west of the property are single-family detached homes in the Westphalia Woods Subdivision. The property to the east has received CDP and PPS approval as The Preserve at Westphalia. The Preserve at Westphalia contains the Talburt Tobacco Barn Historic Site (PG:78-009) and its Environmental Setting.

The subject property comprises two parcels. The northern parcel, Parcel 16, containing 77.8654 acres, was part of the “Vale of Benjamin” land patent. The “Vale of Benjamin” land patent comprised 1,030 acres and was patented to Benjamin Wells on October 29, 1670. This land patent was purchased by Samuel Magruder from Mary Wells Yate in 1696. Through his will, Samuel Magruder allotted 193 acres of the “Vale of Benjamin” to his son, William Magruder. At William Magruder’s death in 1765, he willed his plantation to his wife, Sarah Magruder, and at her death, William Magruder’s plantation was to go to his son, Thomas Magruder, except for the dwelling house, which was to be occupied by Sarah and their five daughters until they married. By 1775, Thomas Magruder had moved to Fairfax County, Virginia and sold his land in the “Vale of Benjamin” to John Clarke Sprigg. This deed excepted from the transaction one acre with the dwelling house, which was occupied by his three unmarried sisters, and excepted the burying ground on the land.

John Clarke Sprigg died in 1781 and in his will bequeathed 339 acres in the “Vale of Benjamin” to his wife and son, Benjamin Sprigg. The Spriggs resided on the property until Benjamin Sprigg sold 319 3/8 acres of the “Vale of Benjamin” to Zachariah Berry in 1810. Excepted from the land transfer was a tract of about 30 by 30 feet containing the family burial ground, which Sprigg reserved to himself and his heirs. It is unclear if this burial ground was separate from the one reserved by the Magruder family. Zachariah Berry died in 1845 and in his will devised the lands he purchased from Benjamin Sprigg to his daughter, Mary Beall. In 1853, Mary Beall deeded a 319 3/8-acre tract of the “Vale of Benjamin” to her son, Zachariah Beall, once again excepting the 30-foot square burial ground of Benjamin Sprigg from the transaction.

Zachariah B. Beall died in the 1860s. An equity case was brought against the estate of Zachariah Beall and his land in Westphalia was sold in 1871 to three land speculators from Pennsylvania, one of whom was Dr. William H. Marr. Dr. Marr constructed a house on the east side of Westphalia Road in 1880 when the land was conveyed to his son, James Marr. This house was documented on a Maryland Inventory of Historic Properties (MIHP) form as 78-020, the James Marr House. James Marr farmed the land and operated a store directly across the road from his dwelling. This store was located on the subject property. A post office was established in the store in 1891 and was designated “Westphalia Post Office.” James Marr was appointed the first postmaster of Westphalia Post Office and held the position until 1896. James C. Marr died in 1925 and his widow, Sarah E. Marr, conveyed 90.96 acres on the west side of Westphalia Road to their daughter, May M. Armstrong, in 1928. The property went through several owners until the current owner purchased the property on April 28, 2021. Several deeds from the 18th and 19th

centuries mention a family burial ground on the larger 339-acre tract in the Vale of Benjamin land grant. It is unclear from the deeds where on the larger tract the family burial ground was located.

The subject property is adjacent to the Talburt Tobacco Barn Historic Site (78-009). The Talburt Tobacco Barn is a wood frame, front-gable barn constructed in the late 18th or early 19th century with vertical board siding and a metal roof. The structure is comprised of a gable-roofed central section flanked by two shed roofed additions. The Talburt Tobacco Barn is significant as an example of a mid-Atlantic farm building, which exemplifies the cultural and economic heritage of Prince George's County and its rural communities. The historic site represents a familiar visual feature of the landscape with its prominent hilltop location along the historic roadway that connected the communities of Westphalia and Forestville.

Parcel 25, containing 79.82 acres, was part of the "Alexandria" land patent, which comprised 700 acres and was patented to Alexander Magruder on May 28, 1670. The Magruder family held the property until 1796, when an approximately 302-acre parcel was sold to Benjamin Berry. The property was acquired by Jesse Talburt in 1818 and the tract remained in the Talburt-Berry family until 1925 when it was sold to Arcenious W. Bean. An 81.82 acre parcel out of the northwest corner of the Alexandria land patent was conveyed to James Edwin Bean and his children in 1950. The Beans retained ownership of this parcel until they sold their acreage to Rollie J. and Dorothy A. Washington in 1985. The current owners acquired 79.82 acres from Dorothy A. Washington, in 2016. According to tax records, the current house on Parcel 25 was constructed in 1997.

The subject PPS includes a mix of development directly around the Talburt Tobacco Barn, including commercial to the southwest, single-family houses to the west, and townhouses to the northwest. A roadway connection to the proposed Preserve at Westphalia development that contains the Talburt Tobacco Barn is proposed just to the north of the historic site.

The Historic Preservation Commission (HPC) reviewed the associated CDP at its January 18, 2022, meeting. The HPC encouraged the retention of an open view of the Talburt Tobacco Barn from Westphalia Road during the review of The Preserve at Westphalia (CDP-1701 and PPS 4-17034). With the subject development, a Type E buffer will be required on the developing property, along the shared property boundary with the Talburt Tobacco Barn Historic Site (78-009) environmental setting, to encourage retention of the existing tree and fence line and to buffer the potential visual impact of the rear elevations of proposed adjacent townhouses.

The house on Parcel 16 possibly served as the Westphalia Post office in the late 19th and early 20th centuries. All structures located on Parcel 16 should be recorded on a MIHP form prior to demolition. This MIHP form should be submitted for review to the Historic Preservation Section before its submittal in final to the Maryland Historical Trust by the applicant.

Prior Approvals

CDP-2101: The following conditions are relevant to historic preservation and archeology:

5. At the time of preliminary plan of subdivision (PPS), the applicant shall:

- c. Prepare Phase I (Identification) archeological investigations, according to the 2005 Planning Board's Guidelines for Archeological Review, on the above-referenced property to determine if any cultural resources are present. Evidence of Maryland-National Capital Park and Planning Commission concurrence with the final Phase I report and recommendations is required prior to signature approval.**

Upon receipt of the report by the Prince George's County Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of the final plat, the applicant shall provide a plan for:

- (1) Evaluating the resource at the Phase II level, or**
- (2) Avoiding and preserving the resource in place.**

A Phase I archeology survey was conducted on the Parkland Rock Creek property in April and May 2022. A draft of the Phase I archeology report was submitted to Historic Preservation staff on June 12, 2022. A total of 336 shovel test pits were excavated across the property. A historic Archeological Site, 18PR1229—a late 18th to early 19th century domestic site, was identified on the property. As the historic component of 18PR1229 was possibly eligible for listing on the National Register of Historic Places, a limited Phase II archeology survey was recommended. Historic Preservation staff concurred with the findings of the Phase I report, that limited Phase II excavations were necessary on Site 18PR1229, to determine if intact deposits or features were present on the site.

Phase II excavations were conducted on Site 18PR1229 in August 2022, and a draft Phase II archeology report was submitted to Historic Preservation staff on October 5, 2022. Investigations included intensive metal-detecting and a further 67 shovel test pits, excavated at 25-foot intervals across the site. Subsequently, five 3-foot by 3-foot test units were excavated at the western edge of the newly refined site boundaries, where the highest concentration of artifacts had been discovered. Diagnostic material recovered from the Phase II excavations included: tobacco pipe stems measuring 5/64 inches and 4/64 inches; ceramics including Buckley, Jackfield, Creamware, Pearlware, Chinese Porcelain, and Westerwald; wine bottle glass; and four metal buttons, two of which could be dated to the late 18th century. Phase II excavations did not yield many architectural artifacts or any structural features. Therefore, while 18PR1229 is highly focused, it lacks visibility and further investigation was not recommended. Therefore, no further work is necessary on Site 18PR1229. Copies of the final report are still outstanding and will need to be submitted to Historic Preservation staff.

6. At the time of specific design plan (SDP), the applicant shall:

- a. **Provide a plan for any interpretive signage to be erected and public outreach measures (if applicable, based on the findings of the Phase I, II, and/or Phase III archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Maryland-National Capital Park and Planning Commission staff archeologist. The plan shall include the timing for the installation of the signage and the implementation of public outreach measures.**
- b. **Document all buildings on Parcel 16 through the completion of a Maryland Inventory of Historic Properties (MIHP) form according to Maryland Historical Trust (MHT) standards by a qualified 36CFR60 consultant. The draft and final MIHP form shall be reviewed and approved by Historic Preservation Section staff prior to submittal by the applicant to MHT.**

At the HPC's hearing on January 17, 2023, the applicant's counsel asked that the HPC consider clarifying Condition 6(b) to be satisfied at the time of an SDP that includes Parcel 16, as the applicant plans to develop that portion of the property at a later date. The HPC concurred and recommended that Condition 6(b) be clarified to be satisfied at the time an SDP is submitted for that portion of the property.

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

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
N/A	E-053-00	Staff	Approved	8/1/2000	N/A
N/A	TCP2-015-2018	Staff	Approved	5/21/2019	N/A
N/A	TCP2-015-2018-01	Staff	Approved	10/22/2019	N/A
NRI-123-2021	N/A	Staff	Approved	11/04/2021	N/A
CDP-2101	TCP1-022-2021	Planning Board	Approved	3/03/2022	2022-29
4-22044	TCP1-022-2021-01	Planning Board	Approved	3/09/2023	2023-28

Grandfathering

The project is subject to the environmental regulations contained in Subtitle 25 and prior Subtitles 24 and 27 that came into effect on September 1, 2010, and February 1, 2012, because this is a new PPS.

Site Description

This site contains streams, 100-year floodplain, and wetlands associated with Turkey Branch in the Western Branch of the Patuxent River basin. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. Ritchie

Marlboro Road, which borders the site on the north, and Westphalia Road, which borders the site on the south, are designated historic roads. A master plan major collector road MC-631 proposes a connection between Ritchie Marlboro Road and Westphalia Road along the western edge of the site. Ritchie Marlboro Road is classified as an arterial, which is generally regulated for noise impacts when associated with residential development. 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 both Regulated and Evaluation Areas.

Prior Approvals

TCP2-015-2018 and TCP2-015-2018-01: These tree conservation plans were associated with the Washington Gas Pipeline project, which runs parallel to the master-planned road on the western edge of the property. No modifications to the prior Type 2 tree conservation plans (TCP2) are required for conformance.

CDP-2101 and TCP1-022-2021: This CDP and associated Type 1 tree conservation plan (TCP1) were approved by the Planning Board on March 3, 2022, subject to nine conditions, three of which are environmental in nature. None of the conditions affect this PPS.

Sector Plan

The sector plan's Environmental Infrastructure Section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan, and the plain text provides comments on the plan conformance.

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

Strategy 1: Use the sector plan designated green infrastructure network to identify opportunities for environmental preservation and restoration during the review of land development proposals.

According to the Green Infrastructure Plan, the site contains regulated and evaluation areas. The plan shows 30.80 acres of existing woodland that is proposed to be preserved, and the applicant has proposed to provide 13.47 acres of reforestation to further enhance the regulated environmental features (REF).

Strategy 2: Preserve 480 or more acres of primary management area (PMA) as open space within the developing areas.

Fourteen impacts are proposed to REF with this PPS. Impacts for stormwater and the 1.5 factor of safety line are requested in addition to impacts for frontage improvements along Ritchie Marlboro Road and for the master-planned road MC-631. Preservation of REF is proposed along the on-site stream system to retain the natural buffer for the on-site stream. The preservation of the PMA

provides protection for the stream system and associated wetlands. This area helps maintain a green corridor along the sensitive edge. This site contains a master-planned roadway identified as MC-631, an extension of Suitland Parkway. Further discussion is in the Environmental Review section of this finding. Impacts to PMA are to be minimized, to the extent practicable.

Strategy 3: Place preserved sensitive environmental features within the park and open space networks to the fullest extent possible.

This PPS proposes development throughout the site. The majority of the sensitive environmental areas are currently proposed to remain undisturbed with green space along the on-site stream network. These features are to be placed within a woodland conservation easement and supported by afforestation to further encourage protection of the network.

Strategy 4: Protect primary corridors (Cabin Branch) during the review of land development proposals to ensure the highest level of preservation and restoration possible. Protect secondary corridors (Back Branch, Turkey Branch, and the PEPCO right-of-way) to restore and enhance environmental features, habitat, and important connections.

The site is within the Western Branch of the Patuxent River watershed. Preservation and restoration of the on-site stream system has been evaluated under the Environmental Review section of this finding.

Strategy 5: Limit overall impacts to the primary management area to those necessary for infrastructure improvements, such as road crossings and utility installations.

Strategy 6: Evaluate and coordinate development within the vicinity of primary and secondary corridors to reduce the number and location of primary management area impacts.

Strategy 7: Develop flexible design techniques to maximize preservation of environmentally sensitive areas.

Regarding Policy 1, Strategies 5–7, 14 impacts to the PMA were proposed with this PPS and are discussed in the Environmental Review section of this finding.

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

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

The site was a prior agricultural use, but no agricultural uses are proposed to remain.

Strategy 2: Require stream corridor assessments using Maryland Department of Natural Resources protocols and include them with the submission of a natural resource inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites.

The on-site streams which exist are being preserved, to the extent practicable, within the woodland conservation area. Several impacts to the stream system, such as frontage improvements and master-planned road crossings, were proposed with this PPS and are discussed in the Environmental Review section of this finding.

Strategy 3: Coordinate the road network between parcels to limit the need for stream crossings and other environmental impacts. Utilize existing farm crossings where possible.

No farm crossings exist on this site. The current PPS includes development of MC-631, which connects Westphalia Road to Ritchie Marlboro Road. As part of this development, two stream crossings are proposed. The location of these crossings is intended to avoid impacting REF.

Strategy 4: Encourage shared public/private stormwater facilities as site amenities.

Strategy 5: Ensure the use of low-impact development (LID) techniques to the fullest extent possible during the development review process with a focus on the core areas for use with bioretention and underground facilities.

To address Strategies 4 and 5, SWM is discussed in detail in the Environmental Review section of this finding.

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

Strategy 1: Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.

The use of green building and energy conservation techniques is encouraged. This will be addressed during the SDP review.

Strategy 2: Encourage the use of alternative energy sources such as solar, wind and hydrogen power. Provide public examples of uses of alternative energy sources.

The use of alternative energy sources is encouraged.

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

Strategy 1: Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.

Strategy 2: Restrict uses within the noise impact zones of Andrews Air Force Base to industrial and office use.

Strategy 3: Evaluate development proposals using Phase I noise studies and noise models.

Strategy 4: Provide for adequate setbacks and/or noise mitigation measures for projects located adjacent to existing and proposed noise generators and roadways of arterial classification or greater.

Strategy 5: Provide for the use of appropriate attenuation measures when noise issues are identified.

Strategies 1 and 2 are specific to noise associated with Andrews Air Force Base. The subject property is not located within the military installation overlay (MIO) Zone for noise. Section 24-121(a)(4) of the prior Subdivision Regulations requires residential lots adjacent to an existing or planned roadways of arterial classification be platted with a minimum depth of 150 feet. The subject property abuts arterial road Ritchie Marlboro Road, and the proposed residential lots are beyond the 150 feet minimum. However, development of these lots may still be affected by noise, which is addressed further in the Noise Analysis finding of this resolution to ensure the appropriate attenuation is provided.

Conformance with the Green Infrastructure Plan

The following policies and strategies are applicable to the subject PPS. The text in **BOLD** is the text from the Green Infrastructure 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.**
- 1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.**
 - a. Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

The property is within Western Branch of the Patuxent River watershed, but is within a Tier II catchment area identified as Turkey Branch 1. The site contains multiple stream systems, which are within the regulated area of the green infrastructure network. The current plan will retain the majority of the stream system and buffer the stream with a portion of reforestation. Stream crossings are proposed as part of the development of MC-631.

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 PPS indicates that the regulated system on-site will be impacted with the majority proposed to be protected by reforestation. A TCP1 is required with this review, which shows that 44.32 acres of the required woodland conservation requirement will be met as 31.90 acres of woodland preservation and 12.42 acres of reforestation.

Policy 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.

- 3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**

- a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

No fragmentation of REF is proposed with this PPS. The environmentally sensitive areas on-site are being preserved, to the extent practicable.

- b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

A trail system along Ritchie Marlboro Road is proposed with this PPS, located within the right-of-way.

Policy 4: Provide the necessary tools for implementation of the 2017 GI Plan.

- 4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

On-site woodland conservation shall be placed in woodland and wildlife habitat conservation easements, prior to the certification of the TCP2.

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.**

The proposal has not received SWM concept approval. The submitted unapproved draft concept plan shows use of submerged gravel wetlands and micro-bioretenment to meet the current requirements of environmental site design to the maximum extent practicable. No SWM features aside from outfalls are being placed within the PMA. A total clearing of 2.66 acres of clearing within the floodplain is proposed, and the TCP1 shows 12.42 acres of reforestation being used to supplement the stream buffer.

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.**

Woodland exists on-site along the on-site stream systems and throughout the site. The TCP1 meets the requirements with on-site preservation and reforestation. Retention of existing woodlands and planting of native species on-site is required by both the Environmental Technical Manual (ETM) and the 2010 *Prince George's County Landscape Manual*. Tree canopy coverage (TCC) requirements will be evaluated at the time of SDP.

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.**

Clearing of woodland is proposed with the subject PPS. Woodland conservation is designed to minimize fragmentation and reinforce new forest edges. This site does not contain potential forest interior dwelling species habitat. Green space is encouraged to serve multiple eco-services.

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.**

Section 24-121(a)(4) requires residential lots adjacent to an existing or planned roadways of arterial classification be platted with a minimum depth of 150 feet. The subject property abuts arterial road Ritchie Marlboro Road, and the proposed residential lots are beyond the 150 feet minimum. However, development of these lots may still be affected by noise, which is addressed further in the Noise Analysis finding of this resolution to ensure the appropriate attenuation is provided.

Environmental Review

Natural Resources Inventory

A signed Natural Resources Inventory (NRI-123-2021) was submitted with the PPS. The site contains floodplain, streams, and associated buffers that comprise the PMA. The NRI indicates the presence of seven forest stands, labeled as Stands 1–7, with 132 specimen trees identified on-site. The TCP1 and the PPS show all required information correctly in conformance with the NRI.

Woodland Conservation

A numbered Woodland Conservation Letter of Exemption (E-053-00) was issued for the site for timber harvest, which was approved on August 1, 2000. TCP2-015-2018 and TCP2-015-2018-01

were approved in May 2019, for a portion of the site for the Washington Gas Pipeline easement, which was revised later in October 2019.

This project is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it is for a new PPS and subject to the ETM. TCP1-022-2021-01 was submitted with the subject PPS and requires minor revisions to be found in conformance with the WCO.

The woodland conservation threshold for this 156.87-acre property is 19.25 percent of the net tract area, or 27.59 acres. The total woodland conservation requirement, based on the amount of clearing proposed, is 44.32 acres. The woodland conservation requirement is proposed to be satisfied with 31.90 acres of on-site woodland preservation and 12.42 acres of reforestation to meet all requirements on-site. Technical revisions to the TCP1 are required prior to signature approval of the PPS.

Specimen Trees

Section 25-122(b)(1)(G) of the WCO requires that “Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.” The code, however, is not inflexible.

The authorizing legislation of the WCO is the Maryland Forest Conservation Act, which is codified under Title 5, subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in the WCO are set forth in Section 25-119(d) of the County Code. Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

A Subtitle 25 variance, dated January 2023, was submitted for review with this PPS. Approved NRI-123-2021 identifies a total of 132 specimen trees on-site. The following analysis is the review of the request to remove 40 specimen trees.

The letter of justification (LOJ) requests the removal of 40 specimen trees identified as ST-1–2, 19, 21–22, 31, 35, 44, 49, 53,55–56, 61, 68–70, 76, 84–88, 90–92, 97, 106–107, 109 through 113, 116, 119, 124, 126–128, and 132. The condition of trees proposed for removal ranges from poor to good. The TCP1 shows the location of the trees proposed for removal. These specimen trees are proposed for removal for the development of the site, the master-planned roadway MC-631, and associated infrastructure.

Specimen Tree Variance LOJ Table						
ST-#	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
1	31	Red Maple	Within Forest Stand 3	Good	Grading for geotechnical stability of slopes	Good
2	34	Tulip Poplar	Within Forest Stand 3	Good	Grading for geotechnical stability of slopes	Poor
19	60	American Sycamore	Located outside of any forest stand, near existing buildings in southeast corner of Parkland site	Good	Lot and associated grading	Medium
21	33.5	American Sycamore	Within Forest Stand 1	Good	Grading for geotechnical stability of slopes/stormwater management	Medium
22	39.5	Willow Oak	Within Forest Stand 1	Good	Grading for geotechnical stability of slopes/stormwater management	Good/ Medium
35	31.5	Northern Red Oak	Within Forest Stand 3	Fair	Grading for stormwater management	Good/ Medium
44	39	Tulip Poplar	Within Forest Stand 4	Fair	Grading for MC-631	Poor
49	32.5	Tulip Poplar	Within and Forest Stand 4	Good	Grading for MC-631	Poor
53	34.5	Northern Red Oak	Within Forest Stand 4	Good	Grading for MC-631.	Good/ Medium
55	34.5	Tulip Poplar	Within Forest Stand 4	Poor	Grading for MC-631	Poor
56	30.5	Tulip Poplar	Within Forest Stand 4	Poor	Grading for MC-631	Poor
61	42	Tulip Poplar	Within Forest Stand 4	Good	Grading for MC-631	Poor
68	32	Tulip Poplar	Within Forest Stand 2	Good	Lot and associated grading/ stormwater management	Poor
69	36	Black Cherry	Within Forest Stand 2	Good	Proposed interior roadway, storm drain, and associated grading	Medium
70	34	Tulip Poplar	Within Forest Stand 3	Good	Lot and associated grading	Poor
76	30	Red Maple	Within Forest Stand 1	Fair	Required road improvements to Ritchie Marlboro Road	Good
84	30	Tulip Poplar	Within Forest Stand 2	Fair	Lot and associated grading	Poor

Specimen Tree Variance LOJ Table						
ST-#	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
85	49.5	Tulip Poplar	Within Forest Stand 2	Poor	Lot and associated grading/ stormwater management	Poor
86	30	Tulip Poplar	Within Forest Stand 2	Fair	Lot and associated grading	Poor
87	31	Tulip Poplar	Within Forest Stand 2	Good	Lot and associated grading/ stormwater management	Poor
88	38.5	American Sycamore	Within Forest Stand 2	Fair	Lot and associated grading/ stormwater management	Medium
89	34.5	American Holly	Located outside of any forest stand, towards the north end of the Rock Creek site	Fair	Non-woody buffer	Good
90	34	Tulip Poplar	Located outside of any forest stand, within the middle of the Rock Creek site	Fair	Lot and associated grading/ stormwater management	Poor
91	36.5	Tulip Poplar	Within Forest Stand 4	Good	Grading for MC-631	Poor
92	35.5	American Sycamore	Located outside of any forest stand, towards the north end of the Rock Creek site	Poor	Non-woody buffer	Medium
97	35	Tulip Poplar	Located outside of any forest stand, towards the north end of the Rock Creek site	Fair	Grading for MC-631	Poor
106	31	Tulip Poplar	Within Forest Stand 6	Good	Multifamily associated grading/ stormwater management	Poor
107	30.5	Tulip Poplar	Within Forest Stand 6	Good	Multifamily associated grading/ stormwater management	Poor
109	30.5	Tulip Poplar	Within Forest Stand 6	Fair	Multifamily associated grading/ stormwater management	Poor
110	39.5	Tulip Poplar	Within Forest Stand 6	Fair	Multifamily associated grading/ stormwater management	Poor
111	43	Tulip Poplar	Within Forest Stand 6	Fair	Multifamily associated grading	Poor

Specimen Tree Variance LOJ Table						
ST-#	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
112	36.5	Tulip Poplar	Within Forest Stand 6	Fair	Multifamily associated grading	Poor
113	30	Tulip Poplar	Within Forest Stand 6	Fair	Multifamily associated grading	Poor
116	31.5	Tulip Poplar	Within Forest Stand 6	Fair	Multifamily associated grading/ stormwater management	Poor
119	51	Tulip Poplar	Within Forest Stand 5	Poor	Required road improvements to Ritchie Marlboro Road	Poor
124	35	Tulip Poplar	Within Forest Stand 6	Good	Multifamily associated grading	Poor
126	43.5	Tulip Poplar	Within Forest Stand 7	Good	Grading for MC-631	Poor
127	34	Tulip Poplar	Within Forest Stand 7	Good	Grading for MC-631	Poor
128	31	Tulip Poplar	Within Forest Stand 7	Fair	Grading for MC-631	Poor
132	36	Silver Maple	Located outside of any forest stand, towards the middle of the Rock Creek site	Good	Grading for MC-631	Poor

Evaluation

The removal of 40 specimen trees requested by the applicant is approved, based on the findings below. Section 25-119(d) contains six required findings (text in **bold** below) to be made before a variance from the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below.

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

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship if the applicant were required to retain the 40 specimen trees. Those “special conditions” relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The property is 156.87 acres, and the NRI shows approximately 41.48 acres of PMA comprised of streams, floodplain, wetlands, and associated buffers. This represents approximately 26 percent of the overall site area. The applicant is proposing 14 impacts

to the site's PMA, fully minimized to the extent practicable, and is proposing woodland conservation and afforestation to further protect the PMA.

The specimen trees are located across the entire site, many within the PMA. The specimen trees proposed for removal are located in the upland areas of the site outside of the PMA. This site contains steep slopes, wetlands, streams, and floodplains, which restrict development potential. Complete retention of these trees would severely limit the developable area of the site. A summary of each removal impact follows.

Grading for Geotechnical Stability of Slopes

ST-#	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
1	31	Red Maple	Within Forest Stand 3	Good	Grading for geotechnical stability of slopes	Good
2	34	Tulip Poplar	Within Forest Stand 3	Good	Grading for geotechnical stability of slopes	Poor
21	33.5	American Sycamore	Within Forest Stand 1	Good	Grading for geotechnical stability of slopes/stormwater management	Medium
22	39.5	Willow Oak	Within Forest Stand 1	Good	Grading for geotechnical stability of slopes/stormwater management	Good/Medium

The table above indicates the specimen trees requested for removal due to the grading required to meet the 1.5 factor of safety line for Marlboro clays. The species in this area are maple, poplar, sycamore, and oak. With the exception of the poplar, these trees have good to medium construction tolerances. All trees in this category are in good condition. The poplar trees have a poor construction tolerance. The largest tree in this set is a 39.5-inch diameter at breast height Willow oak. Retention of these trees would not allow for the grading required to meet the 1.5 factor of safety line for unsafe soils groups. Retaining these trees and not accounting for this factor of safety line could result in unsafe and potentially hazardous conditions for future residents. The removal of these trees maintains safe standard engineering practices for slope stability due to unsafe soils.

Grading for Stormwater Management, Non-woody Buffer, and Internal Connections

ST-#	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
35	31.5	Northern Red Oak	Within Forest Stand 3	Fair	Grading for stormwater management	Good/Medium
69	36	Black Cherry	Within Forest Stand 2	Good	Proposed interior roadway, storm drain, and associated grading	Medium
89	34.5	American Holly	Located outside of any forest stand, towards the north end of the Rock Creek site	Fair	Non-woody buffer	Good
92	35.5	American Sycamore	Located outside of any forest stand, towards the north end of the Rock Creek site	Poor	Non-woody buffer	Medium

The table above consists of the specimen trees requested for removal for SWM, interior connections, and non-woody buffers. The species in this grouping consist of oaks, cherry, holly, and sycamore. These species all have medium to good construction tolerances. The condition ratings of these trees range from poor to good. The largest tree is a 36-inch diameter at breast height Black Cherry. These trees are requested for removal in accordance with the best engineering practices and requirements from other agencies.

Grading for the construction of MC-631

ST-#	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
44	39	Tulip Poplar	Within Forest Stand 4	Fair	Grading for MC-631	Poor
49	32.5	Tulip Poplar	Within and Forest Stand 4	Good	Grading for MC-631	Poor
53	34.5	Northern Red Oak	Within Forest Stand 4	Good	Grading for MC-631.	Good/Medium
55	34.5	Tulip Poplar	Within Forest Stand 4	Poor	Grading for MC-631	Poor
56	30.5	Tulip Poplar	Within Forest Stand 4	Poor	Grading for MC-631	Poor
61	42	Tulip Poplar	Within Forest Stand 4	Good	Grading for MC-631	Poor
91	36.5	Tulip Poplar	Within Forest Stand 4	Good	Grading for MC-631	Poor
97	35	Tulip Poplar	Located outside of any forest stand, towards the north end of the Rock Creek site	Fair	Grading for MC-631	Poor
126	43.5	Tulip Poplar	Within Forest Stand 7	Good	Grading for MC-631	Poor

ST-#	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
127	34	Tulip Poplar	Within Forest Stand 7	Good	Grading for MC-631	Poor
128	31	Tulip Poplar	Within Forest Stand 7	Fair	Grading for MC-631	Poor
132	36	Silver Maple	Located outside of any forest stand, towards the middle of the Rock Creek site	Good	Grading for MC-631	Poor

The above table identifies the specimen trees proposed for removal in association with the construction of master-planned roadway MC-631. The species within this set consist of a majority of poplars, with one oak and maple. The condition of these specimen trees ranges from poor to good, with construction tolerances ranging from poor to good. A 43.5-inch diameter at breast height Tulip Poplar is the largest tree in this group. The location of the master-planned roadway MC-631 is determined, based upon the MPOT. As part of the design process, the roadway is to be designed in such a way to meet the engineering requirements and minimize impacts to PMA, to the extent practicable. To avoid additional PMA impacts, specimen trees are proposed for removal. If the applicant was to retain these trees, the alignment of MC-631 would need to be modified, which would result in additional impacts to the PMA. The majority of the trees within the planned right-of-way are Tulip Poplar, which have poor construction tolerances and weak wood that is prone to failure. The majority of trees in this group are in poor condition, which could result in a hazardous condition if saved, but the risk is compounded with impacts by grading within the critical root zone. The request for removal of these trees, to construct master-planned roadway MC-631, is in accordance with best engineering practices.

Lots and associated grading

ST-#	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
19	60	American Sycamore	Located outside of any forest stand, near existing buildings in southeast corner of Parkland site	Good	Lot and associated grading	Medium
68	32	Tulip Poplar	Within Forest Stand 2	Good	Lot and associated grading/ stormwater management	Poor
70	34	Tulip Poplar	Within Forest Stand 3	Good	Lot and associated grading	Poor
84	30	Tulip Poplar	Within Forest Stand 2	Fair	Lot and associated grading	Poor
85	49.5	Tulip Poplar	Within Forest Stand 2	Poor	Lot and associated grading/ stormwater management	Poor
86	30	Tulip Poplar	Within Forest Stand 2	Fair	Lot and associated grading	Poor
87	31	Tulip Poplar	Within Forest Stand 2	Good	Lot and associated grading/ stormwater management	Poor
88	38.5	American Sycamore	Within Forest Stand 2	Fair	Lot and associated grading/ stormwater management	Medium
90	34	Tulip Poplar	Located outside of any forest stand, within the middle of the Rock Creek site	Fair	Lot and associated grading/ stormwater management	Poor

The above table are specimen trees proposed for removal in association with planned lots. These specimen trees are located in the upland portions of the site outside of the PMA. Species in this group are predominately poplar with a few sycamores. Condition ratings are poor to good with the construction tolerances poor to medium. The largest tree in this group is a 60-inch diameter at breast height American sycamore in good condition. As noted with other areas of the site, the trees proposed for removal in association with lots are mostly poplars, which exhibit poor construction tolerances. If the applicant was required to retain these trees, it is likely that they would not survive, given the condition rating and construction tolerances.

During the Planning Board hearing, an abutting property owner provided testimony regarding the retention of Specimen Tree 19. In response, arboriculture expert Steve Allison, testified on behalf of the applicant, indicating that the rating for Specimen Tree 19 (an American Sycamore) should be downgraded to fair, instead of good, based on field analysis conducted that morning revealing the general declining health of the

tree. It was also found that approximately 50 percent of the tree's critical root zone would be within the proposed roadway extension of Pinnacle Green Road, which connects Westphalia Road to the stub end of Pinnacle Green Road, and is located abutting the eastern boundary of the site. The roadway connection was anticipated with the approval of the abutting Preserve at Westphalia development and with the CDP for the subject property. The grading associated with this road was found to be too substantial for this specimen tree to survive. Shifting the roadway to the north was also found to be an inviable option, as it would result in additional PMA impacts. Therefore, the removal of Specimen Tree 19 was found to be unavoidable. The applicant proffered to plant Sycamore trees along the northern property line of the adjacent property, known as Parcel 95 (recorded by deed in Prince George's County Land Records in Liber 45982 folio 172). Proposed landscaping will be further reviewed at the time of SDP.

Required Road Improvements to Ritchie Marlboro Road

ST-#	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
76	30	Red Maple	Within Forest Stand 1	Fair	Required road improvements to Ritchie Marlboro Road	Good
119	51	Tulip Poplar	Within Forest Stand 5	Poor	Required road improvements to Ritchie Marlboro Road	Poor

The above table identifies the specimen trees proposed for removal in association with the required right-of-way improvements for Ritchie Marlboro Road. Within this area is a maple and a poplar. The condition of these trees is poor to fair with construction tolerances poor to good. The largest tree in this section is a 51-inch diameter at breast height poplar in poor condition. The proposal to remove these trees is aligned with the requirements by other agencies for frontage improvements associated with the development of this property.

Multifamily Associated Grading

ST-#	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
106	31	Tulip Poplar	Within Forest Stand 6	Good	Multifamily associated grading/ stormwater management	Poor
107	30.5	Tulip Poplar	Within Forest Stand 6	Good	Multifamily associated grading/ stormwater management	Poor
109	30.5	Tulip Poplar	Within Forest Stand 6	Fair	Multifamily associated grading/ stormwater management	Poor
110	39.5	Tulip Poplar	Within Forest Stand 6	Fair	Multifamily associated grading/ stormwater management	Poor
111	43	Tulip Poplar	Within Forest Stand 6	Fair	Multifamily associated grading	Poor
112	36.5	Tulip Poplar	Within Forest Stand 6	Fair	Multifamily associated grading	Poor
113	30	Tulip Poplar	Within Forest Stand 6	Fair	Multifamily associated grading	Poor
116	31.5	Tulip Poplar	Within Forest Stand 6	Fair	Multifamily associated grading/ stormwater management	Poor
124	35	Tulip Poplar	Within Forest Stand 6	Good	Multifamily associated grading	Poor

The above table identifies all specimen trees proposed for removal in association with the proposed multifamily portion of the development. This section is comprised exclusively of Tulip Poplars in fair to good condition. The largest tree in this section is a 43-inch diameter at breast height Tulip Poplar. As discussed in the other above tables, poplars have poor construction tolerances and can easily become hazardous. If the developer were required to retain any portion of these trees, due to poplars' poor construction tolerances, it is highly likely that many would need to be removed due to decline.

Conclusion

The applicant submitted a letter of justification (LOJ) to request the removal of 40 specimen trees identified as ST-1-2, 19, 21-22, 31, 35, 44, 49, 53,55-56, 61, 68 through 70, 76, 84-88, 90-92, 97, 106-107, 109 through 113, 116, 119, 124, 126 through 128, and 132. The condition of trees proposed for removal ranges from poor to good. The TCP1 shows the location of the trees proposed for removal. These specimen trees are proposed for removal for the development of the site, the master-planned roadway MC-631, and associated infrastructure. While this site is broken into multiple stands, the majority of the site is dominated by Tulip Poplars, as reflected in the forest stand delineation that was submitted for review with the NRI, which have poor

construction tolerances. If these poplars were required to be retained, poor construction tolerances could lead to hazardous trees if any were to decline further.

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

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their critical root zone, would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for the removal of specimen trees are evaluated, in accordance with the requirements of Subtitle 25 and the ETM, for site specific conditions. Specimen trees grow to such a large size because they have been left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site.

Based on the location and species of the specimen trees proposed for removal, retaining the trees and avoiding disturbance to the critical root zone would have a considerable impact on the development potential of the property. If similar trees were encountered on other sites, they would be evaluated under the same criteria. The proposed residential and retail development is a use that aligns with the uses permitted in the R-M and L-A-C Zones. The specimen trees requested for removal are located within the developable parts of the site.

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

Not granting the variance would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other similar developments contained REF and specimen trees, in similar conditions and locations, they would be given the same considerations 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 trees, are not the result of actions by the applicant. The removal of the 40 specimen trees would be the result of the infrastructure and grading required for the development. As poplars have poor construction tolerances, construction activities while retaining these trees could lead to hazardous conditions. The request to remove the trees is solely based on the trees' locations on the site, their species, and their condition.

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

There are no existing conditions relating to land or building uses on the site, or on neighboring properties, which have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size based on natural conditions and have not been impacted by any neighboring land or building uses.

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

Granting this variance request will not violate state water quality standards nor cause measurable degradation in water quality. Requirements regarding SWM will be reviewed and approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). Erosion and sediment control requirements are reviewed and approved by the Prince George's Soil Conservation District. Both SWM and sediment and erosion control requirements are to be met in conformance with state and local laws to ensure that the quality of water leaving the site meets the state's standards. State standards are set to ensure that no degradation occurs.

Conclusion

The required findings of Section 25-119(d) have been adequately addressed for the removal of 40 specimen trees identified as ST-1-2, 19, 21-22, 31, 35, 44, 49, 53,55-56, 61, 68-70, 76, 84-88, 90-92, 97, 106-107, 109-113, 116, 119, 124, 126-128, and 132. The condition of trees proposed for removal ranges from poor to good. The TCP1 shows the location of the trees proposed for removal. These specimen trees are proposed for removal for the development of the site, the master-planned roadway MC-631, and associated infrastructure. Therefore, the requested variance for the removal of 40 specimen trees for construction of a mixed-use development is approved.

Regulated Environmental Features

This site contains REF that is required to be preserved and/or restored, to the fullest extent possible under Section 24-130(b)(5) of the prior Subdivision Regulations. The on-site REF include streams, stream buffers, 100-year floodplain, and steep slopes. An LOJ for impacts to the PMA was submitted with the acceptance of this PPS. A revised LOJ, dated January 2023, was submitted following comments presented at the Subdivision and Development Review Committee meeting. The revised LOJ showed a decrease in total square footage of requested impacts of 26,198 square feet (0.60 acre), bringing the total request down from 288,490 square feet (6.62 acres) to 262,292 square feet (6.02 acres).

Impact A

This impact is for 49,085 square feet (1.13 acres) of PMA impacts for site access and partial construction of MC-631, Suitland Parkway. This impact area was chosen to provide adequate and safe access, while reducing the need for additional PMA impacts. A bridge is proposed for the stream crossing to further reduce impacts to regulated water ways. The applicant is proposing reforestation, where possible, to off-set the clearing from grading and provide additional buffer support.

Impact B

This impact is for 74,638 square feet (1.71 acres) of PMA impacts for required road improvements along Ritchie Marlboro Road and construction of the master-planned trail. This impact is to provide the required improvements to provide safe vehicular access to MC-631 and to provide the appropriate SWM systems. Reforestation is proposed to off-set impacts outside of the public utility easement.

Impact C

This impact is for 1,878 square feet (0.04 acre) of PMA impacts for required road improvements along Ritchie Marlboro Road for SWM. This impact location was chosen to avoid additional impacts to the forested wetland area in the vicinity.

Impact D

This impact is for 2,385 square feet (0.07 acre) of PMA impacts for grading associated with the installation of an outfall structure of a submerged gravel wetland in the northern section of the site. This impact provides for safe conveyance of stormwater off-site and is approved, as proposed; however, the approved SWM concept plan and sediment control plan shall be provided, prior to acceptance of the SDP or signature approval of the TCP2, whichever comes first.

Impact E

This impact is for 9,833 square feet (0.23 acre) of PMA impacts for grading associated with the installation of an outfall structure of a submerged gravel wetland in the northern section of the site. This impact provides for safe conveyance of stormwater off-site and is approved, as proposed; however, the approved SWM concept plan and sediment control plan shall be provided, prior to acceptance of the SDP or signature approval of the TCP2, whichever comes first.

Impact F

This impact is for 1,984 square feet (0.05 acre) of PMA impacts for grading associated with MC-631 due to the steep slopes on-site. This site has Marlboro clays, which require extensive grading to maintain the 1.5 factor of safety line. Due to the geotechnical nature of this area, reforestation is not proposed; however, a vegetative buffer is proposed to provide additional support for the forest stand.

Impact G

This impact is for 840 square feet (0.02 acre) of PMA impacts for grading associated with the installation of an outfall structure of a submerged gravel wetland in the eastern section of the site. This impact provides for safe conveyance of stormwater off-site and is approved, as proposed; however, the approved SWM concept plan and sediment control plan shall be provided, prior to acceptance of the SDP or signature approval of the TCP2, whichever comes first.

Impact H

This impact is for 9,494 square feet (0.22 acre) of PMA impacts for grading required to maintain the 1.5 factor of safety lines, due to the presence of Marlboro clays on-site. The applicant is proposing to provide reforestation to support the stream buffer in this area.

Impact I

This impact is for 53,457 square feet (1.23 acres) of PMA impacts associated with grading for MC-631, Suitland Parkway. As a result of the location of the REF on-site and the requirements for safe construction of the master-planned roadway, impacts to the on-site streams are unavoidable impacts. This impact also incorporates the sewer line crossing, adjacent to the proposed road construction, to reduce PMA impacts. Additional reforestation is proposed in this area to provide a buffer for the on-site stream system.

Impact J

This impact is for 7,756 square feet (0.18 acre) of PMA impacts for grading required for a stormwater outfall structure located on the southern portion of the site. This impact is needed for the safe conveyance of stormwater off-site. The approved SWM concept plan and sediment control plan shall be provided, prior to acceptance of the SDP or signature approval of the TCP2, whichever comes first.

Impact K

This impact is for 15,980 square feet (0.37 acre) of PMA impacts for two SWM outfall structures located on the eastern edge of the site. This impact is for the safe conveyance of stormwater off-site and is approved, as proposed; however, the approved SWM concept plan and sediment control plan shall be provided, prior to acceptance of the SDP or signature approval of the TCP2, whichever comes first.

Impact L

This impact is for 6,981 square feet (0.16 acre) of PMA impacts for installation of a stormwater outfall due south of Impacts J and K. This impact is for the safe conveyance of stormwater off-site and is approved, as proposed; however, the approved SWM concept plan and sediment control plan shall be provided, prior to acceptance of the SDP or signature approval of the TCP2, whichever comes first.

Impact M

This impact is for 27,375 square feet (0.63 acre) of PMA impacts for grading required to maintain the 1.5 factor of safety lines, due to the presence of Marlboro clays on-site.

Impact N

This impact is for 606 square feet (0.01 acre) of PMA impacts for the stormwater outfall for the age-restricted development to the north. This impact is requested for site access located at a gap between two wetlands areas. The PMA impact LOJ shows an impact to the isolated wetland feature in the northern most portion of the site. This area is considered an REF, and an impact shall be requested and evaluated with a future

application. This isolated wetland impact is not requested with this PPS. Impact N is approved, as proposed.

Conclusion

This project includes 14 impacts to PMA, for a total of 262,292 square feet (6.02 acres). Three of these impacts (A, F, and I) are directly associated with the construction of master-planned roadway MC-631. Two impacts (B and C) are associated with frontage improvements required along Ritchie Marlboro Road. Two impacts (H and M) are required to retain the 1.5 factor of safety line, due to the presence of Marlboro clays on-site. Six impacts (D, E, G, J, K, and L) are proposed for outfalls associated with submerged gravel wetlands. Finally, one impact (N) is for site access and an outfall associated with SWM for the development proposed in the northwest corner of the site. The majority of the impacts are associated with requirements from other agencies, such as frontage improvements, safety factor lines, and outfalls.

The applicant proposed reforestation to promote retention of the existing stream network and is proposing additional stream restoration on-site. In an email from the applicant dated January 23, 2023, the applicant indicated that the joint permit application is still in progress with the Maryland Department of the Environment and the Army Corps of Engineers. Mitigation will be required along the stream reaches found on-site. At this time, locations have not been chosen, as this case is still in review with the respective agencies. The Planning Board finds that Impacts A–N are the minimum necessary and REF is preserved, to the fullest extent possible. Therefore, Impacts A–N are approved, as requested. Impacts and/or plans for stream restoration shall be analyzed in association with the SDP.

Soils

The predominant soils found to occur, according to the U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey are in the Adelpia-Holmdel complex, Collington-Wist complex, Croom-Marr complex, Dodon fine sandy loam, Marr-Dodon complex, Westphalia and Dodon soils, and Widewater and Issue soils. Marlboro clays occur on-site within the areas of REF. This information is provided for the applicant's benefit, and may affect the architectural design of structures, grading requirements, and SWM elements of the site. DPIE may require a soils report, in conformance with Prince George's County Council Bill CB-94-2004, during the permit process review.

Erosion and Sediment Control

The County requires the approval of an erosion and sediment control plan. The TCP2 must reflect the ultimate limits of disturbance (LOD), not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure, including erosion and sediment control measures. A copy of the erosion and sediment control technical plan must be submitted with the TCP2 so that the ultimate LOD for the project can be verified and shown on the TCP2.

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

Conformance with the Prince George’s County Zoning Ordinance

Single-family attached, single-family detached, and multifamily uses are permitted in the L-A-C and R-M zones. The commercial development is only located within the prior L-A-C Zone, and the specific commercial use will be determined with a future application. The use will be evaluated in accordance with the use table in Section 27-515 of the prior Zoning Ordinance, for the L-A-C Zone. This development is exempt from filing a DSP, in accordance with Section 27-281.01 of the prior Zoning Ordinance. However, since the site is located within two comprehensive design zones, a future SDP will be required. At the time of SDP, the proposed development will be required to demonstrate conformance with the applicable requirements of the Zoning Ordinance including, but not limited to, the following:

- Section 27, Part 8, Subdivision 2 - regarding requirements for the L-A-C Zone, as applicable;
- Section 27, Part 8, Subdivision 5 - regarding requirements for the R-M Zone, as applicable;
- Section 27-515 - regarding the Table of Uses for the L-A-C and R-M Zones; and
- Part 11 Off Street Parking and Loading, and;
- Part 12 Signs

Conformance with CDP-2101

CDP-2101 was approved with nine conditions and the following are applicable to the review of this PPS, as follows:

3. **This development is governed by the following design standards:**

Single-Family Detached Units

STANDARDS**

Minimum Net Lot Area	6,000 square feet
Minimum Front Yard Setback	20 feet
Minimum Rear Yard Setback	20 feet*
Minimum Side Yard Setback	
(one side / combined)	5 feet/10 feet
Minimum Lot Width at Street Line	50 feet
Minimum Lot Width at Street Line for Lots on a Concave	46 feet
Minimum Lot Width at Front BRL	47 feet
Minimum Lot Width at Street (cul-de-sac)	28 feet
Maximum Height	40 feet
Maximum Lot Coverage	50 percent
Minimum Rear Yard Area	1,000 square feet

Single-Family Attached (Townhouse) Units

STANDARDS**

Minimum Net Lot Area	
16-foot-wide	1,200 square feet
20-foot-wide	1,400 square feet
22-foot-wide	1,600 square feet
24-foot-wide	1,800 square feet
Minimum Front Yard Setback	6 feet
Minimum Lot Width at Street Line	16 feet***
Minimum Lot Width at Front BRL	16 feet ***
Minimum Distance Between Buildings	15 feet
Minimum Gross Living Space	1,250 square feet
Maximum Height	45 feet
Minimum Rear Yard Area	300 square feet

Other Design Standards:

- A minimum of 60 percent of all townhouse units shall have a full front façade (excluding gables, bay windows, trim, and doors) of brick, stone, or stucco.
- For all alley-loaded townhouses, a cantilevered deck, a minimum four feet in depth, shall be a standard feature.

- **Highly visible end units for dwelling units require additional design and finish treatments, which will be decided at the time of specific design plan approval.**
- **A deck or patio can encroach into the rear yard by 10 feet.**

Notes: *Minimum 150-foot lot depth required adjacent to Ritchie Marlboro Road.

****Variation to the standards can be granted by the Prince George's County Planning Board on a case-by-case basis, with the approval of a specific design plan.**

*****The minimum width is 16 feet for interior units and 20 feet or larger for end units. At least 80 percent of the single-family attached units shall be a combination of 20 feet, 22 feet, and 24 feet or greater in width, to achieve the highest architectural quality and a variety of unit sizes. The Prince George's County Planning Board and/or the Prince George's County District Council may allow variations to these standards, in accordance with Section 27-480 of the Prince George's County Zoning Ordinance, during review of the specific design plans.**

Multifamily Building – Age-restricted

STANDARDS*

Maximum Building Height	110 feet
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Note: *Modifications to the standards can be granted by the Prince George's County Planning Board on a case-by-case basis, with the approval of a specific design plan.

Commercial Development

STANDARDS*

Minimum Front Yard Setback	10 feet
Minimum Rear Yard Setback	10 feet
Minimum Side Yard Setback	10 feet
Maximum Building Height	30 feet
Lighting	Full Cutoff optics
	0.0 Light levels at common property line

Other Standards:

- **The design standards for all freestanding on-site signs shall be determined by the Prince George's County Planning Board for each individual development at the time of specific design plan review. As a guide, signage should be reviewed in accordance with the requirements of the Commercial Office Zone.**

Note: *Modifications to the standards can be granted by the Prince George's County Planning Board on a case-by-case basis, with the approval of a specific design plan.

Written correspondence provided by the applicant indicates they requested modifications of the minimum net lot area for single-family detached units from 6,000 square feet to 5,500 square feet, the minimum net lot area for 16-foot-wide single-family attached units from 1,200 square feet to 1,070 square feet, and the increase in the permitted percentage of 16-foot-wide single-family attached dwellings from 20 percent to 30 percent. However, pursuant to Section 27-480 of the prior Zoning Ordinance, and the above condition, variations from the lot standards set by the CDP shall be determined at the time of SDP. The most current submitted PPS reflects the requirement for review at SDP accurately, although the applicant has provided conflicting written correspondence.

Notwithstanding the variation must be requested at the time of SDP, the applicant did not provide ample justification for the requested modifications. Accordingly, the Planning Board did not approve the modifications with the approval of the PPS and finds that additional justification will be needed at the time of SDP. If the variations to the lot standards are not approved at the time of SDP, the applicant will have to revise the SDP, which may result in the loss of lots. This PPS is found to meet adequacy for the overall development, irrespective of the lot standards which are to be determined at the time of SDP.

Conformance with the 2010 Prince George's County Landscape Manual

Development in the L-A-C and R-M zones will be subject to the requirements of the 2010 *Prince George's County Landscape Manual*. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.4, Screening Requirements; Section 4.5, Stormwater Management Facilities; Section 4.6 Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscape Requirements; and Section 4.10, Street Trees Along Private Streets. Conformance with the applicable landscaping requirements will be evaluated at the time of SDP.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of TCC on projects that require a grading permit and propose greater than 5,000 square feet of disturbance. The TCC for properties that are in the LCD Zone are determined via CB-27-2010, which states that properties in the prior R-M Zone shall provide a minimum of 15 percent of the gross tract area in TCC, or 20.81 acres for this site. The bill also states that properties in the

L-A-C Zone shall provide a minimum of 10 percent of the gross tract area in TCC or 1.81 acres for this site. Conformance with this requirement will be evaluated at the time of SDP.

Other Design Issues

The commercial parcel proposed with the PPS, described as Parcel 1, is located in the southeast corner of the subject property with frontage on Westphalia Road. However, the applicant is not proposing access from Westphalia Road, and the property does not have frontage along any other public right-of-way. The applicant proposes to access the commercial parcel from the abutting property to the east, which is also a commercial parcel approved with PPS 4-17034, described as Parcel 2. It is anticipated that the properties would be developed together with commercial use(s), as indicated on the applicable basic plan, and designated in the L-A-C-zoned portion of the site. The applicant shall record a cross-access agreement, prior to approval of a final plat for Parcel 1. In addition, the SWM concept plan shows a micro-bioretenention facility and associated piping on Parcel 1. The applicant has indicated that the SWM concept plan is being revised and that this facility will be removed, and accordingly, the SWM on Parcel 1 is not shown on the PPS. Final design of the site and proposed infrastructure should ensure that the proposed lots and parcels have been designed to be buildable.

16. **Noise Analysis**—The subject site is located south of Ritchie Marlboro Road, which is designated as an arterial roadway. Section 24-121(a)(4) requires a minimum lot depth of 150 feet and adequate protection and screening from traffic nuisances be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate. The subject property abuts arterial road Ritchie Marlboro Road, and the proposed residential lots are beyond the 150-foot minimum lot depth. Although the minimum lot depth is met, development of the property may still be subject to noise impacts from the arterial roadway. The applicant did submit a noise study dated June 16, 2022, which provides estimates that identify the location of the unmitigated 65 dBA Ldn noise contours from Ritchie Marlboro Road and Westphalia Road, based on day-night average sound level measurements that were taken. Westphalia Road, although is not an arterial or higher classification roadway, was studied due to the proximity of residential lots and orientation to the right-of-way. The study estimates that the development areas along Ritchie Marlboro Road will not be affected by noise exceeding 65 dBA Ldn, but that mitigation will be needed in the form of a 6-foot-tall wood noise wall, and sound transmission class windows and doors for several lots, due to noise impacts from Westphalia Road. However, the noise study depicts earlier iterations of the site layout. This study will need to be updated at the time of SDP to account for the most recent lotting pattern and proposed buildings. For any 65 dBA Ldn noise contours affecting residential parcels and lots proposed with the PPS and any parcels used for recreation, mitigation techniques shall be provided to reduce interior noise levels to 45 dBA or less, and 65 dBA or less for outdoor activity areas.


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 Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, March 9, 2023, in Upper Marlboro, Maryland.

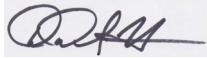
Adopted by the Prince George's County Planning Board this 30th day of March 2023 *and was corrected administratively on May 17, 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

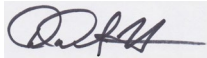
PAS:JJ:AH:jah

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: March 27, 2023

CORRECTION APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: May 18, 2023

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language