

## R E S O L U T I O N

WHEREAS, the Prince George=s County Planning Board has reviewed Zoning Map Amendment Petition No. A-9973, Woodside Village requesting rezoning from the R-A (Rural Agriculture) Zone to the R-M (Residential Medium Development) Comprehensive Design Zone in accordance with Subtitle 27 of the Prince George=s County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on May 11, 2006, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The 370.3-acre subject property has approximately 4,500 feet of frontage along the south side of Westphalia Road, approximately one-third mile southwest of its intersection with Ritchie Marlboro Road, and opposite the Westphalia Woods Subdivision. The property is hatchet-shaped and comprises four contiguous parcels ranging in size from 63 to 149 acres: Parcel 5 (Yergat); Parcel 14 (A. Bean); Parcel 19 (Case); and Parcel 42 (Suit) on Tax Map 82. A rectangular shaped property wedges into the site from Westphalia Road and divides the frontage into two parts. The property is adjacent to the Smith Home Farms project to the west and Marlboro Ridge (Villages of Clagett Farm) to the east. The southern boundary is the Cabin Branch stream.

A certified nonconforming use (CNU 6730-88-U) for a trash hauling operation exists on the western-most portion of the subject property on Parcel 19 (Case property), operating under the name PG Trash. The remainder of the subject property contains agricultural fields, a few barns, and a dwelling.

- B. **History:** The 1994 *Melwood-Westphalia Approved Master Plan and Sectional Map Amendment* (SMA) retained the property in the R-A (Residential-Agricultural) Zone. The R-A Zone is intended to be a holding zone for the majority of the subject property until the area is developed in accordance with the master plan's designated "planned community" and comprehensive design zone recommendations.

- C. **Master Plan Recommendation:**

1. **2002 General Plan:** This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. Growth policies in the Developing Tier encourage compact residential neighborhood design and limit commercial uses to designated centers, preserve and enhance environmental features and green infrastructure elements, provide as many multimodal transportation options as feasible, and provide public facilities to support the planned development pattern.
2. **1994 Approved Master Plan and Sectional Map Amendment (SMA) for Melwood and Westphalia (Planning Areas 77 and 78):** The master plan shows the subject property within the South Westphalia community. All except the 63-acre A. Bean portion (Parcel 14) is within a 1,300-acre rural area recommended for a "planned community." A

proposed stream valley park is recommended along Cabin Branch. There are no public facilities recommended on the subject property, other than improvements to Westphalia Road and Dower House Road extended. The 1994 SMA placed the property in the R-A Zone.

Several design principles are recommended by the plan to guide implementation of the planned community concept. Several residential, open space and general guidelines to direct the physical form of development are provided (pp. 68 and 69). Implementation of the planned community is envisioned through use of several different comprehensive design zones that correspond to the density levels shown on the master plan's "conceptual planned community" map, and described in Table 8 of the master plan (p. 67). We emphasize that these density levels are not intended to be property specific because they are graphically rendered as a series of concentric rings to convey diminishing densities as distance from planned activity centers increases. The master plan's "planned community" recommendations are:

- [A planned community shall be] comprehensively planned with a balanced mix of residential, commercial, recreational and public uses and include public gathering places for residents to participate in community activities.
- [It shall provide] a variety of lot sizes and dwelling types to ensure housing for a broad spectrum of incomes, ages and family structures.
- [It shall have] a distinct physical identity, expressed through a coherent and compact land plan, consistent treatment of common design elements such as streetscape and signage, and emphasis on the public realm.
- [It shall promote] a form of development that facilitates the most efficient use of costly public infrastructure.
- [It shall provide] development on a human scale with strong community identity based on a shared, coherent, physical, economic, social and cultural environment.
- [It shall] link proximate land uses with trails, sidewalks and paths.

On January 17, 2006, the District Council initiated a sector plan amendment to the 1994 master plan and a concurrent SMA, including an amendment to the 2002 General Plan (Council Resolution CR-5-2006). The amendment will establish goals, policies and strategies to guide orderly development of a planned community recommended in the October 2005 *Westphalia Comprehensive Concept Plan* study (WCCP Study). The resolution states: "The goals of the sector plan are to recommend land use, zoning, and design guidelines that will establish a foundation for new real estate and economic development...The [WCCP Study] shall constitute the goals, concepts and guidelines for preparation of the preliminary sector plan and SMA...[and] the land use and public facility recommendations of the [WCCP Study] shall be the basis for publication of the preliminary sector plan and SMA...."

3. **2005 Westphalia Comprehensive Concept Plan (WCCP Study):** The Urban Design Section indicates (March 20, 2006 memorandum) that the 2005 *Westphalia Comprehensive Concept Plan* (WCCP Study) produced a comprehensive land use vision for the Westphalia study area that is consistent with the 2002 General Plan. On January 10, 2006, the District Council endorsed the WCCP Study, which provides specific land use and density guidance to the subject application.

The purpose of the WCCP Study is stated in its executive summary.

“The purpose of the Plan is to supplement M-NCPPC planning for the 6,000 acre Westphalia area, Councilmanic District 6. This plan refines policies established by the 2002 General Plan and the 1994 Melwood-Westphalia plan. Its major goal is to provide an updated vision, coordination and detailed guidance for several major developments that have begun to create the long planned Westphalia Community Center.”

“This document is consistent with the 2002 General Plan and the intent of the 1994 Melwood-Westphalia plan. It serves as a supplement to the adopted area plan. It will be used by the M-NCPPC to review and approve zoning and development applications and permits as well as to guide funding and implementation of public infrastructure improvements within the study area.”

The WCCP Study was authorized by the County Council who directed the hiring of independent consultants to assist county staff in conducting community workshops and developing an agreed upon comprehensive concept for reviewing several comprehensive design zone applications in the context of implementing the master plan’s planned community. The WCCP Study was developed through an extensive design and consensus-building process over a four-month period in 2005. The process included five well-attended community meetings/charrettes, a comprehensive visual preference survey, and a community survey. The study included the subject property and the applicant actively participated in its development. The applicant uses the study as the primary rationale for justifying this application.

Technically, the 2005 WCCP is a “study” because, at the time of its publication, it had not been subjected to the requirements for the adoption and approval of a master plan. Section 27-140 of the Zoning Ordinance states that studies, “...which have not been subjected to the requirements for the adoption and approval of a master plan, shall not be used as a basis for approval or disapproval of zoning cases.” However, as stated above, the District Council initiated a sector plan amendment and concurrent SMA that uses the WCCP’s development vision, issues, and public involvement process as prerequisites for preparing the preliminary sector plan. These prerequisites consist of goals, concepts, guidelines and a public participation process. Therefore, the WCCP’s development vision, issues, goals, concepts and guidelines can be viewed as constituting the preliminary plan in progress.

Section 27-140 also allows the Planning Board to consider preliminary master plan

recommendations, prior to Council approval of the plan, provided the plan and SMA are prepared in accordance with the concurrent plan/SMA provisions of Section 27-225.01.05; which is the process being followed for the Westphalia sector plan amendment and SMA. While the preliminary sector plan and SMA are in progress, it is permissible to consider factual and empirical evidence contained in the WCCP Study.

In the context of the WCCP Study, the Urban Design Section indicates that: “the subject site has been retained in the outer fringe residential area...that consists of approximately 3,488 acres of land and about 1,597 acres are for public uses including streets and other uses. Approximately 7,677 out of the total 15,301 dwelling units for the Westphalia area have been allocated in the outer fringe residential area. The density for the outer fringe area is 4.06 dwelling units per acre, which is very close to the minimum density (4 dwelling units per acre) as recommended for the edge area in the General Plan. The subject application requests a density range of 3.8 to 4.0 residential dwelling units per gross acre and dwelling units of a minimum 1,377 and a maximum 1,450. With a total of 370.3 acre of the proposed development, the allowable dwelling units for the subject site pursuant to the [WCCP Study] is a maximum 1,503. The requested land use as residential development and the requested density of 3.8 to 4.0 dwelling units per gross acre in the subject application are within the allowable limits established by the 2005 WCCP Study.”

Staff notes that the published October 2005, WCCP does not account for the complete development of the subject property. The applicant explains (February 24, 2006 letter) that Appendix V (Land Use Development Estimates) of the WCCP Study unintentionally excluded a portion of the subject property (Parcel 42 or Land Bay 10), referred to as the Suit property (148.7 acres and 592 dwellings), from the density calculations. Therefore, by inserting the Suit development factors back into the Land Use Density Estimates table, the overall density for the Outer Fringe Area is 4.06 dwellings per acre. This density excludes the 1,597 acres that are proposed for “public uses” in the outer fringe area as described on Page 11 of the WCCP Study. The outer fringe area is shown containing 7,677 dwelling units on 3,488 gross acres (pp. 10/11), with 1,597 of these acres devoted to open space.

- D. **Request:** The application seeks rezoning from the R-A (Rural Agricultural) Zone to the R-M (Residential Medium Development) Comprehensive Design Zone (3.6 to 5.8 dwellings per acre). The basic plan and accompanying basic plan submission text propose a density of between 3.8 to 4.0 dwellings per net acre in conformance with the recommendations of the WCCP Study.

The applicant states: “The vision for Woodside Village is to compliment and harmonize with the other villages of the New Town of Westphalia, but at the same time create a sense of its own unique character and charm.... The Village will represent an upscale luxury community which will serve as an appropriate transition and linkage between the Smith Home Farms and Marlboro Ridge Villages.” The applicant also states the following purposes for the application:

- a. “To facilitate the future development of the planned Westphalia New Town as envisioned by the Westphalia CCP Study to include the following:
  - “The completion of master plan road connections that are crucial to the

development of the entire New Town

- “To provide a diversity of housing types to address local and regional demand
  - “To master plan and dedicate two school sites as recommended by the Westphalia CCP, to serve the new development and the surrounding areas.”
- b. “To provide an expanding economic base for Prince George’s County that will foster economic development within the County and State of Maryland.”

#### DEVELOPMENT DATA

The proposed basic plan and/or text reflects the following land use types and quantities:

<b>Total area</b>	370.3 acres
Land in the 100 year floodplain	15.69 acres
Adjusted gross area: (370.3 less half the floodplain)	362.5 acres
Density permitted under the R-M (Residential Medium Zone)	3.6–5.8 dwellings/acre
Base residential density (3.6 du/ac)	1,305 dwellings
Maximum residential density (5.8 du/ac)	2,103 dwellings
<b>Proposed Land Use Types and Quantities:</b>	
Residential: 362.5 adjusted gross acres @ 3.8-4.0 du/ac	1,377-1,450 dwellings
Number of the units above the base density:	73-145 dwellings
Permanent open space: (31 percent of total site area)	116 acres
Public active open space: (parkland and school sites)	26.0 acres parkland 10.0 acres elementary school 20.0 acres middle school
Private Open Space (homeowner association and other)	60 acres

The R-M density range (3.6 to 5.8), will allow between 1,305 to 2,103 dwelling units. The proposed density (3.8 to 4.0) yields between 1,377 to 1,450 dwellings, or 653 dwellings less than the maximum permitted in the R-M Zone.

Staff notes that the amended basic plan (February 27, 2006) indicates a discrepancy in the amount of total open space measured (135.2 acres) and the total listed in the legend (124.83 acres). Prior to approval of the basic plan by the Zoning Hearing Examiner, the applicant must correct the acreage discrepancy. Also the basic plan legend indicates a different range of dwelling types between 1,121 and 1,821 units that equate to a density of 3.03 to 4.92 dwellings per acre, including single-family detached dwellings (232 to 732 units); townhouse dwellings (599 to 799 units), and condominium dwellings (190 to 290 units). The applicant indicated in a telephone conversation on February 28, 2006, regarding this discrepancy, that the proposed density will not exceed 4.0 dwellings per acre. It was explained that the range of units shown in the basic plan legend are for illustrative purposes only and do not necessarily tie down the exact number of each unit type because this will be done during review of the comprehensive design plan.

## BASIC PLAN CONCEPTUAL DESIGN FEATURES

**Site conditions:** Forested land comprises approximately 98 acres of the subject property primarily along the stream channels and in areas to the south. The site is generally hilly with many areas containing slopes of 15 to greater than 25 percent. These slope areas are not limited to forested areas and are located throughout the site with concentrations along the stream channels. Approximately 1.2 acres of wetlands exist. The remainder of the property contains agricultural fields.

**General layout:** Woodside Village is proposed as one of several residential villages that will comprise the “New Town of Westphalia”, as recommended in the 2005 WCCP Study. The revised basic plan (submitted on February 27, 2006) shows higher density condominiums concentrated adjacent to a central park with attached units located nearby and along the proposed main access roads (C-631) and portions of the Westphalia Road frontage (Exhibit 1). Various single-family detached units are located along proposed road C-632, adjacent to adjoining properties or open space. In the case of the adjoining Marlboro Ridge project, the proposal maintains continuity in street, block, and lot layout. Three roadways extend south and are intended to (but do not) link with the roadways on the Smith Home Farms site. Direct street and sidewalk connections are also planned to link with the W. Bean parcel, adjacent to the east.

The stream valley open space and a planned central open space divide the development into roughly four sections. These sections are linked together by a 56-acre open space, inclusive of a 26-acre central park and adjacent 30-acre academic campus proposed for an elementary and middle school. The applicant indicates 45 acres of preserved stream valley parks radiate out to connect the three neighborhoods. The Urban Design Section notes that the parkland on the subject property, along with approximately 75 acres of parkland on the adjacent Smith Home Farms site, will constitute the grand central park of the Westphalia area, as envisioned in the WCCP Study.

Each neighborhood is designed to be within a 20-minute walk from the central park and academic campus. Most lots are within a 500-foot radius of a green open space except for lots on portions of the Case parcel. The Urban Design Section indicates that a neighborhood open space should be preserved in the middle of the grid streets in the Case section.

The pedestrian and road connections, including the stream valley parks, are proposed to knit Woodside Village together with the applicant’s adjacent equestrian-themed community of Marlboro Ridge. Three roadways are shown extending south, attempting to link with the roadways on the Smith Home Farms site. The applicant also proposes to support the concept of a community-wide Westphalia central sports complex and actively work with surrounding developers to create a comprehensive recreational program for the consolidation of the facility, develop architectural designs for the center, and arrive at a financial formula to fairly allocate costs to all land developers and builders in the 6,000 acre WCCP Study area.

The basic plan shows a general layout and access points that are consistent with the final preferred land use option of the WCCP Study. Initial access to Woodside Village will be from Westphalia Road (C-626) and from internal road connections to the planned recreation

community of Marlboro Ridge to the east. Seven access roads intersect with Westphalia Road. Other future access is proposed via an extension of Suitland Parkway as collector road (C-631), providing primary access to the proposed school sites and the central park. The applicant proposes development of C-631 as a tree-lined urban boulevard with substantial setbacks and no direct driveway access. The applicant also proposes a new north-south connector across the Cabin Branch to the Smith Home Farms property for extension to the Westphalia Urban Core. It is noted that this north-south connector is shown as collector road (C-632) in the 2005 WCCP Study. Eight-foot-wide hiker/biker trails are proposed parallel to the alignments of Westphalia Road, C-631, and the north-south connector road.

- E. **Neighborhood and Surrounding Uses:** The applicant appears to have adopted the general neighborhood identified in the 1994 *Melwood-Westphalia Approved Master Plan and Sectional Map Amendment*, extending from north of MD 4 to Westphalia Road. The master plan identifies this area, including most of the subject property, as “the last opportunity at a location adjacent to the Capital Beltway to build a cohesive planned community.” Staff has extended the neighborhood boundary to be coterminous with those accepted in the Smith Home Farms rezoning application (A-9965 and A-9966), and used in the 2005 WCCP. The neighborhood contains approximately 6,000 acres and is bounded by:

North and East—Ritchie Marlboro Road  
South—Pennsylvania Avenue (MD 4)  
West—Capital Beltway (I-495)

The neighborhood is rural in the vicinity of the subject property. However adjacent properties have been approved for or are proposing substantial development as indicated in the WCCP Study. The adjacent Smith Home Farms planned community forms another residential village that will comprise the New Town of Westphalia. It has recently been rezoned to the R-M and L-A-C (Local Activity Center) Comprehensive Design Zones to allow 3,243 dwellings. The approved Marlboro Ridge equestrian-themed planned community will contain 1,058 single-family dwellings in the R-R (Rural Residential) Zone. There is one parcel adjacent to the east of Woodside Village that is not currently proposed for development (W. Bean property) in the R-A Zone.

- F. **Zoning Requirements:** Section 27-195(b) provides that prior to the approval of the application and the Basic Plan, the applicant shall demonstrate, to the satisfaction of the District Council, that the entire development meets the following criteria:

(A) The proposed Basic Plan shall either conform to:

- (i) The specific recommendation of a General Plan map, Area Master Plan map, or urban renewal plan map; or the principles and guidelines of the plan text which address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties; or
- (ii) The principles and guidelines described in the Plan (including the text) with

**respect to land use, the number of dwelling units, intensity of nonresidential buildings, and the location of land uses.**

**Applicant's Position:** The applicant has evaluated the proposal against the applicable master plan, General Plan and the WCCP Study. They acknowledge that the 1994 Melwood-Westphalia master plan recommends the use of comprehensive design zones (R-L and R-S Zones), including retention of R-A zoning outside of the area designated for the planned community (A. Bean parcel). However, they suggest the master plan recommendations are outdated because of subsequent policy changes and because the 2002 General Plan significantly changes the guiding principles and values reflected in the 1994 master plan. They acknowledge that the request increases densities over those recommended in the master plan in order to "...compensate for the high percentage of preserved stream valleys and nature areas and yet still provide villages compact enough to encourage pedestrian use, future public transportation and a diversity of housing types." The applicant cites several policy changes since the 1994 master plan and 1982 General Plan in support of higher density. These changes include:

- Operational changes to the road and transit systems (completion of Metro to Largo; completion of Beltway interchanges at Ritchie Marlboro Road and Arena Drive; and the preclusion of the extension of arterial A-37 beyond Ritchie-Marlboro Road). Staff notes that all but the Arena Drive interchange was envisioned by the 1994 master plan and the 1982 General Plan. The extension of A-37 is still planned to Ritchie-Marlboro Road.
- New environmental regulations related to preserving sensitive environmental features, conserving forestland, and providing open space linkages in accordance with the Green Infrastructure Plan. The applicant believes these changes "prevent the development of the future planned community in the concentric circle pattern recommended in the 1994 Master Plan."
- New General Plan policies supporting smart growth; increased densities in Centers and Corridors, in which the applicant suggests the subject property is located; and emphasis on quality housing. The applicant suggests the 2002 General Plan contradicts and amends sections of the 1994 master plan related to centers, corridors, quality housing and smart growth.

The applicant indicates the basic plan was designed in accordance with master plan guidelines to decrease density as distance from the planned community center increases. They believe the basic plan conforms to General Plan guidelines that support a density of 4.0 dwellings per acre on the "edge" of the planned community center, including the WCCP Study recommendations for 4.0 units per acre on the subject property.

**Staff Comment:** The Community Planning staff (December 22, 2005, memorandum) finds that the application is not inconsistent with the above mentioned 2002 General Plan Development Pattern policies for the Developing Tier. The General Plan shows the location for the Westphalia Community Center near Pennsylvania Avenue (MD 4) on the site of the Presidential Corporate Center, and designates MD 4 as a corridor. The General Plan defines center cores as generally having a radius of one-quarter to one-third mile walking distance from a transit stop or station, while center edges are an additional one-quarter to one-third mile beyond the center core.



Residential densities for community center “edge” areas are between 4 to 20 dwellings per gross acre. By specific measurement of the General Plan graphic, the subject site is beyond the “edge” by about a mile and half, according to the Urban Design staff (March 20, 2006 memorandum). However, the location of the subject site at the edge of the Westphalia planned community is compatible with the minimum edge densities suggested by the General Plan.

The 1994 master plan indicates three levels of density for the subject property that are described in Table 8. The R-L (0.5 to 1.5) Zone is appropriate to implement the larger area in the “Transitional-Suburban Planned Community” portion of the community located south of Westphalia Road (approximately 158 acres). The R-S (1.6 to 2.6) Zone is appropriate to implement the smaller “Low-Suburban Planned Community” portion located in the southern portion of the Suit property nearest Cabin Branch. The third area, located outside the designated “Planned Community” (the 63-acre A. Bean parcel), falls within the Large Lot/Alternative Low Density area where the R-L Zone at a density of 0.5 to 0.9 units per acre is appropriate. The overall densities suggested by the master plan yield approximately 600 dwelling units while the proposed basic plan yields a maximum 1,450 dwellings. However, the applicant’s requested density of 1,450 dwellings is approximately 650 units less than the maximum permitted in the R-M Zone.

The Community Planning staff finds (November 22, 2005, memorandum) that the basic plan is not in strict conformance with the master plan because the proposed densities are higher than those recommended and the transportation network alignments have been changed somewhat from those in the master plan. Notwithstanding this finding, staff agrees that the request, with the conditions recommended in the Conclusion section of this technical staff report, is in conformance with the principles and guidelines of the 1994 Melwood-Westphalia master plan text that address the design and physical development of the property. These principles provide for a general gradient of densities and relationship between land uses that fits the master plan’s vision for a planned community. Staff finds that the overall element, spirit, and intent of the basic plan, with a maximum density of 4.0 dwellings per acre, can be considered to be in conformance with master plan principles and design guidelines for development of a planned community in this area.

- (B) The economic analysis submitted for a proposed retail commercial area adequately justifies an area of the size and scope shown on the Basic Plan.**

**Staff Comment:** There are no retail commercial uses proposed for this site.

- (C) Transportation facilities (including streets and public transit) (i) which are existing, (ii) which are under construction, or (iii) for which 100 percent of the construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation program, or will be provided by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plan, or urban renewal plans.**

**APPLICANT'S POSITION:** The applicant proposes to implement the master plan's transportation goals and guidelines to provide an efficient transportation system that minimizes impacts on environmental features by slightly modifying alignments where necessary, while ensuring that required facilities are provided and built. The applicant commits to providing full rights-of-way and building their portion of Suitland Parkway extended (C-631) that will form the backbone of the road/street/sidewalk network, a new north/south connector road across Cabin Branch to the Smith Home Farms property and will provide full right-of-way and upgrading of its section of Westphalia Road. The extension of Suitland Parkway (C-631) will be designed as a tree-lined boulevard with double rows of street trees, sidewalks and parallel parking. Other road connections recommended in the WCCP will be provided and built by the applicant. These connections include realignment of one road in the previously approved Marlboro Ridge to connect to the relocated Westphalia Town Center and a southern connector from the central park to the town center. Wherever possible, a continuous street grid and alleyways are incorporated. The applicant will also provide public bus stops to allow integration of WMATA and county bus service to the community. In addition, the applicant will participate with other landowners to establish a new town commuters hotline on its community bulletin board to facilitate carpool opportunities.

**Staff Comment:** The basic plan does not conform to the road alignments recently approved or proposed in other communities being developed as part of the master plan's planned community or WCCP Study. The alignments for several roads in the adjacent Smith Home Farms Preliminary Plan of Subdivision (4-05080) do not match alignments shown on this basic plan. Also, a cul-de-sac, extending from Parcel 19 (Case property) on the subject site into Parcel 219 in Smith Home Farms is shown for a stormwater management pond in the Smith Home Farms preliminary plan. These issues must be resolved at the time of CDP review.

The Transportation Planning Section staff (March 27, 2006 memorandum) finds that "...the existing transportation facilities and those to be provided by the applicant will be adequate to carry anticipated traffic generated by the development based on the maximum proposed density [4.0 dwellings per acre]. Furthermore, [if the application is approved with conditions] the uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved area master plan, in accordance with Section 27-195..." The recommended conditions are in the Conclusion section of this technical staff report. The following findings are extracted from the March 27, 2006, memorandum:

"The applicant has not submitted a formal traffic study with this application. It is anticipated that future comprehensive design plan and preliminary plan of subdivision applications will be accompanied by a traffic study that will examine the site impact at the following existing intersections:

- "• MD 4 and Westphalia Road/Old Marlboro Pike (signalized)
- "• MD 4 and Suitland Parkway/Presidential Parkway (signalized)
- "• Westphalia Road and Sansbury Road/Mellwood Road (unsignalized)
- "• Westphalia Road and Ritchie Marlboro Road (unsignalized)
- "• Ritchie Marlboro Road and White House Road (signalized)
- "• Ritchie Marlboro Road and Sansbury Road (signalized)"

“The proposal is estimated to generate (assuming a mix of 60 percent single-family, 30 percent townhouse, and 10 percent condominium) 1,031 AM (206 in, 825 out) and 1,216 PM (795 in, 421 out) peak-hour vehicle trips.”

“The following observations have been made regarding other applications in the area:

- “1. The Ritchie Marlboro Road intersections with Sansbury Road and White House Road are operating at LOS C or better in both peak hours in consideration of existing traffic and traffic generated by other approved developments. Nonetheless, both intersections should be studied in the future to ensure that both operate adequately with the buildout of the subject property.
- “2. The two unsignalized intersections along Westphalia Road (Sansbury/Mellwood and Ritchie Marlboro Roads) will not operate acceptably as unsignalized intersections in consideration of existing traffic and traffic generated by other approved developments. Future traffic analyses should consider signalization at both locations, but must also first give consideration to physical improvements to each leg as a means of improving operations both before and after signalization.
- “3. Several master plan roadways cross the site and lead traffic from the site to the regional highway network. As the review process continues, it must be determined that these roadways are constructed to adequately serve traffic and that the necessary traffic controls are installed. Therefore, at the time of comprehensive design plan, the plan must be reviewed by transportation staff in order to determine major intersections within and near the site for study at the time of preliminary plan.
- “4. Other traffic studies done in the vicinity have determined that it is essential that MD 4 be upgraded to a controlled access facility in the area of the subject site. It is essential to note that the MD 4/Suitland Parkway intersection is currently programmed for construction in the State Consolidated Transportation Program (CTP) for reconstruction as an interchange. Other sites have recommended that a public/private partnership be formed wherein developers would construct the MD 4/Westphalia Road interchange as a condition of approval of their plans. The materials provided with this application have given no such proffer, nor do they provide any consideration of the potential impact of this site on MD 4. An assurance of funding for the major intersections along MD 4 would be a major part of the overall determination of adequacy in accordance with Section 27-195. Therefore, a condition will be written to ensure funding of major transportation facilities along MD 4.”

“This abbreviated traffic analysis is provided for purposes of establishing a record and allowing comment upon the scope of future studies as a part of this process. If the zoning is granted, detailed transportation conditions will be imposed at the time of the comprehensive design plan (CDP) and the preliminary plan applications. It is anticipated, with a condition to require construction of the MD 4/Westphalia Road interchange and other conditions that may be imposed at the time of CDP, sufficient evidence exists to show that the transportation system as exists, with improvements to be funded and constructed by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density.”

“Master Plan Impacts and Plan Comments”

As part of the WCCP Study, land use “...recommendations were tested with an independent traffic analysis based upon the operation of links, or sections of roadway (either existing or planned) within the study area. The plan proposes a modified roadway system in consideration of planned development patterns, current environmental constraints, and the intent to provide transit-oriented development within a core area with proposed future rail transit service.”

“Within the Developing Tier, all links are planned to operate at a volume-to-capacity ratio (V/C) of 0.80 or better. The V/C is a measure of the degree of congestion along a roadway link, and a value of 0.80 is equivalent to a Level-of-Service (LOS) D. The traffic analysis done for the [WCCP Study] dated August 31, 2005, included the following:

- “1. The master plan network (existing roadways plus proposals on the 1994 Melwood-Westphalia master plan) was used to establish a future base case within the study area. This base case assumed no development within the study area.
- “2. The land uses on the approved 1994 master plan were added to the network. These land uses would have added approximately 135,000 daily vehicle trips to the network. It was determined that all links within the study area would operate at a V/C of 0.80 or better.
- “3. A revised roadway concept within the study area was developed in consideration of planned development patterns, current environmental constraints, and the intent to provide transit-oriented development within a core area with proposed future rail transit service. The base traffic volumes shown in (2) above were then assigned or reassigned to this revised network to provide a base for the proposed plan.
- “4. Land uses were developed in consideration of current General Plan policies as well as planned development patterns. These land uses were then added to the revised roadway concept described in (3) above. These proposed land uses are estimated to add approximately 239,500 daily vehicle trips to the network. In discussions, it was determined that trips within the core area of the study area would be decreased by 25 percent to account for the improved availability of transit and the ability for residents to live, work, and shop within a walkable community.
- “5. Lane recommendations were assigned to each link to create a plan recommendation. It was determined that most links within the study area would operate at a V/C of 0.80 or better. The exceptions included several links within or adjacent to the core area that could eventually become a designated center and be subject to a higher V/C. Another link was identified to potentially become eight lanes under the 1994 master plan.
- “6. For the subject site, the August 31, 2005, study has been reviewed in detail to ensure that the request conforms to the analysis. The original study did not include full buildout for the proposal on the subject property, and has been modified by the applicant. Appendix B of the study contains the detailed sheets that were used in preparing the analysis. Particular attention is given to pages B-4, B-4A, B-5, and B-7—these sheets show the trip distributions and assignments associated with the subject property and the adjacent

Village of Clagett Farm (VCF) development (approved as Preliminary Plan 4-04080), along with the land use assumptions. The following is noted:

- “a. The original Page B-4 included 529 residences, all of which were within VCF. The revised Page B-4 includes 529 residences within VCF and 592 residences within the subject site.
- “b. The original page B-4A includes 529 residences, which are totally within VCF. This page was not revised.
- “c. The original page B-5 includes 574 residences, which are split between the subject property and the W. Bean Property. The initial proposal for the W. Bean Property is 126 residences, leaving 448 residences within the subject property. This page was not revised.
- “d. The original page B-7 includes 717 residences, which are split between the subject property and two small properties surrounded by the subject site that are not part of the application. The two small properties at their current zoning could contain a net of 4 residences, leaving 713 residences within the subject property. This page was not revised.
- “e. The VCF development includes 1,058 residences and is wholly encompassed within Pages B-4 and B-4A. Those pages together total 1,650 residences, leaving 592 residences within the subject property.
- “f. Only pages B-4, B-5, and B-7 include portions of the subject property, and the development within the subject property potentially shown for this site totals 1,753 residences under the revised analysis.”

“The August 31, 2005, study together with the revision is being used to recommend an adequate roadway system in the area of all proposed rezoning cases in the Westphalia Planning Area. This information is currently being used to prepare recommendations for a Westphalia Sector Plan, which will eventually govern development in the area upon its approval.”

“The area of this basic plan is adjacent to Westphalia Road, and dedication to collector standards along the frontage of this property in accordance with the master plan must be reflected on future plans. Two other collector roadways identified as C-631 and C-632 also traverse the site. Regarding these facilities, the following comments are offered:

- “1. The plan shows C-631 as the major roadway through the site. In the draft Westphalia sector plan, this roadway has been redesignated as MC-631. Future plans must demonstrate right-of-way dedication of a minimum of 100 feet along this roadway.
- “2. The plan conceptually shows townhouses fronting on C-631. Although these townhouses are designated as alley-loaded, it is recommended that discussions occur with the county Department of Public Works and Transportation (DPW&T) if this application and concept moves forward. DPW&T is averse to fronting townhouses on public streets in

general, and that agency would likely have grave concerns with maintenance of a collector facility in front of townhouses. Issues such as deliveries and guest parking must be adequately addressed before this configuration can be approved.

- “3. The plan also shows C-632 along the western end of the site, traversing a north-south path between Westphalia Road and the adjacent Smith Home Farms development. In the draft Westphalia sector plan, this roadway has been redesignated as P-616. The initial plan showed this facility as a primary residential street. Initially, it was thought that a larger street would be needed, but it appears that a dedication of 60 feet will be sufficient.
- “4. It is noted that the current basic plan proposal for MC-631 and P-616 does not match the most recent preliminary plan for Smith Home Farms (4-05080). Further discussions will be occurring in order to ensure that there is consistency between Smith Home Farms and the subject site regarding master plan roadway location.”

“The circulation pattern for the site includes several street connections between the site and the adjacent VCF [Marlboro Ridge] development. However, that site has subdivision approval without most of the street connections shown. Will that adjacent plan be revised as it proceeds through detailed site plan review and recordation? Also, a primary street connection is shown to the south into the Smith Home Farms site. While that applicant [Smith Home Farms] has been requested by transportation staff to show that connection on their plan, such a connection has not been shown by that applicant to date. Finally, the [WCCP Study] shows several connections between the subject site and the W. Bean property to the east. None are shown on the circulation plan for the subject property even though these connections are useful for creating and enhancing vehicular and pedestrian movement, particularly to public school, recreational, and shopping facilities within the Westphalia Planning Area. It is recommended that the circulation plan be revised to show at least one such primary street connection.”

- (D) Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six years of the adopted County Capital Improvement Program (such as schools, recreation areas, water and sewerage systems, libraries and fire stations) will be adequate for the uses proposed.**

**APPLICANT’S POSITION:** The applicant believes other public facilities are or will be adequate to serve the proposal. They support proposals in the WCCP Study to locate various facilities in the Westphalia urban core. They also indicate (p. 58) in reference to schools “...we support the concept of a fair financial formula equitable to all land owners based on residential units and/or commercial development approved. This formula should include all public uses on developable land.”

**Staff Comment:** Other public facilities are generally considered to be adequate for the uses proposed as indicated in the referral replies below, except for the provision of parkland. The 1994 Melwood-Westphalia master plan identifies no existing or proposed public facilities at this location other than the Cabin Branch Stream Valley Park.

## **Trails**

The applicant proposes hiker/biker and equestrian trails and sidewalks that interconnect with the Marlboro Ridge and other trails on adjoining properties. Trails will be both hard surface and pervious surface where required for environmental reasons.

**Staff Comment:** The Transportation Planning Section staff (December 12, 2005, memorandum) indicates that the 1994 master plan recommends several trails that impact the subject site. Staff analysis indicates the following and includes several recommendations included in the Conclusions section of this technical staff report to ensure integration of the trail system on the subject site with trail systems on surrounding development projects as recommended in the master plan and WCCP Study:

Staff points out that it is important to coordinate the trails and sidewalk facilities on the subject property with facilities on the adjacent Smith Home Farms and Marlboro Ridge (Clagett Farm) properties. Marlboro Ridge already has a network of trails planned on the previously approved CSP-03005 and 4-04080. This network includes the Cabin Branch Trail, as well as several trail and pedestrian connections between the Marlboro Ridge and Woodside Village. The applicant's hiker and biker trail plan shows the proposed trails for the two sites.

Staff finds that the proposed trail plan is comprehensive and utilizes available open space as trail corridors. Also, several sidepaths or trails adjacent to proposed roadways supplement the network. In general, staff supports this network as shown. However, the following is noted:

- The Sidepath (Class II Trail) along Westphalia Road should be extended for the entire length of the subject site's road frontage.
- The trail/bikeway along Suitland Parkway extended should connect to Westphalia Road, not end part way through the subject site as currently shown.
- Future development submittals should delineate M-NCPPC trails from homeowner association (HOA) trails.
- The adjacent Smith Home Farms application (CDP-0501 and 4-05080) provides a hiker-biker-equestrian trail along its Cabin Branch frontage. The WCCP Study indicates that such a trail may be desirable along both sides of Cabin Branch in some areas. However, such a trail, its location and any stream crossings should be coordinated with and approved by the Department of Parks and Recreation. A detailed analysis of the trail and pedestrian facilities will be completed at the time of CDP and SDP review.

## **Parks and Recreation**

The major issue with this application relates to the amount of parkland proposed by the applicant and that recommended by the Department of Parks and Recreation (DPR) in their March 27, 2006, memorandum (see staff comments below). The applicant has found that in trying to provide the 63 acres of dedicated parkland requested by DPR staff, it is no longer feasible to also dedicate a minimum of 30 acres for the two school sites that are shown on the basic plan and are

recommended in the WCCP Study. The applicant, as discussed in Section 3c above, has relied on the WCCP Study recommendations as the primary rationale for developing and justifying this application.

The applicant and the DPR staff have been meeting to reach a compromise whereby the applicant would dedicate 53 acres of parkland to implement the DPR concepts for the grand central park and still provide an elementary and/or a middle school. This solution, however, jeopardizes the ability to obtain dedication of both school sites at the time of subdivision. Moreover, after considering the park acreage compromise and reexamining the WCCP Study, the applicant contends that the basic plan conforms to and implements the public facility and open space recommendations shown on Modified Preferred Option WCCP Study map (page 10 of 29) and described in a table on page 21 of 29.

In an April 10, 2006, letter, the applicant notes that during the extensive WCCP Study public input process, they consistently proposed to dedicate approximately 56 acres for civic use. The applicant states: "These uses could include a variety of amenities and functions, including, but not limited to, schools and parks." The applicant contends that the requested DPR acreage, shown on Exhibit A, does not follow the recommendation and guidelines of the WCCP Study with regard to the central park and the park school sites. The applicant concludes that: "...the Parks Department, not the applicant, has failed to conform to the guidelines and recommendations with regards to the 'central park' and the location and number of school sites within the WCCP Study." The applicant believes the basic plan implements and conforms to the WCCP Study recommendations pertaining to the following:

1. The "central park" shown on the WCCP's Open Space Plan (pages 20 and 21 of 29) is reflected as open space on the basic plan. The two school sites proposed for dedication by the applicant fall all or partially within the area designated as the "central park" (page 10 of 29).
2. The location for the middle school site falls within the area designated as the WCCP's "central park."
3. The location for the elementary school site falls partially within the subject property (also on the Clagett Farm property) and is also within the area designated as the WCCP's "central park." The applicant, who is also developing the Clagett Farm property, has elected to provide the elementary school site entirely within the subject property and adjacent to the middle school site (see basic plan).
4. The table in the WCCP Study (page 21 of 29) identifies both the Woodside Village elementary school and middle school sites as: "School site[s] with additional land and recreational facilities in Central Park." The table also lists the sites as school/park sites.
5. The applicant in essence is proposing to dedicate the two school sites as part and parcel of a park/school concept that provides 10 acres for the elementary school, 20 acres for the middle school and 26 acres for their share of the WCCP Study's recommended 400-acre central park/Cabin Branch Greenway.



6. The applicant contends that the DPR acreage request and the exhibit showing which land is to be dedicated extends the “central park” boundary and acreage beyond the limits shown on the WCCP Study map (pages 20 and 21 of 29) and therefore is not in conformance with the WCCP.

**Staff Comment:** The Department of Parks and Recreation staff evaluated the request in the context of the General Plan, master plan, WCCP Study, and surrounding developments (March 27, 2006, memorandum) and offer the following comments and recommendations. Their comments are:

“The approved Smith Home Farms applications A-9965C and CDP-0501 were approved with provisions for the dedication of 148 acres of open space for a public central park and Cabin Branch stream valley park. The applicant for Woodside Village A-9973 proposes the dedication of 26 acres of additional parkland to be added to the planned central park.

“The approved master plan for the Melwood-Westphalia Planning Area designates the Cabin Branch stream valley as public parkland. The approved Smith Home Farms and Villages of Clagett Farm projects include the dedication of the Cabin Branch stream valley and construction of the hiker/biker and equestrian trails along the stream valley.”

“The applicant’s proposal includes 1,377 to 1,450 residential dwellings units. Using current occupancy statistics for single-family dwelling units, one would anticipate that the proposed development would result in a population of 3,718 to 3,915 residents in the new community.”

“The General Plan establishes objectives for the provision of public parkland. They [are a] minimum of 15 acres of M-NCPPC local parkland...per 1,000 population (or equivalent amenity in terms of parks and recreation service) and 20 acres of regional, countywide and special M-NCPPC parkland per 1,000 residents.”

“By applying the General Plan standards for projected population in the new community (3,718 to 3,915 residents), staff has determined that 56 acres of local and 74 acres of regional public parkland suitable for active recreation are needed to serve the proposed community. The applicant’s proposal shows only 26 acres of recreational open space to be allocated for the public park. The subject development proposal falls 104 acres short. Needless to say, the proposed rezoning application does not meet the General Plan objectives for providing public parkland.”

The technical staff notes that the WCCP Study only considers local parkland needs because no regional parks are proposed (page 19 of 29). Also we cannot find within the WCCP Study any reference to a public open space acreage requirement for the entire subject property. However, we note that the WCCP Study recommends (page 8 of 29) that developers be permitted and encouraged to meet a portion of the requirements for local and regional public recreation needs by using several options to include:

- Dedication of land for public parks and park school sites
- Contributions to the park club infrastructure
- Construction of new public park facilities and improvements at new or existing public park sites or school park sites within the area
- Providing public access to privately owned facilities, green spaces and trail networks through covenants or other means
- Providing some of the recreational obligation with private recreational land and facilities reserved for the exclusive use of development residents through HOA covenants or other means

Overall, the technical staff believes it is a worthy goal to acquire more land for the central park. However, in the context of the planning effort and proffers made as part of the WCCP Study, including a review of the basic plan in context of the WCCP Study, we must agree with the applicant that the basic plan conforms to the WCCP Study.

“DPR staff finds that the demand for public parkland will only grow with the extensive residential development, which is anticipated (38,550 new residents) in this region.... Further, Planning Area 78 is currently ranked as in high need for public parkland and for public recreational facilities such as football, soccer and baseball fields, basketball courts, playgrounds and picnic areas.” The technical staff notes that the WCCP Study recommends 578 acres of local parkland for the entire WCCP Study area.

The DPR staff refers to Section 27-507 and the purposes of the R-M Zone. One purpose is to encourage the provision of amenities and public facilities in conjunction with residential development and to improve the overall quality and variety of residential environments. The DPR staff then states the following: “The applicant proposes to dedicate 26 acres and improve the dedicated parkland with ball fields, tennis courts, tot lots, picnic areas and sitting areas. While the applicant strives to meet the intent of the General Plan, Master Plan, and provides public benefits and amenities, we believe that proposed rezoning application does not measure up to the criteria set forth in this section of the Zoning Ordinance.”

“The development vision of the [WCCP Study] addresses the needs of the larger and more urban community. The [WCCP Study] proposes 400 acres for the central park and Cabin Branch stream valley park. The central park shown on the plan is approximately 210 acres in size and is located within the Smith Home Farms and Woodside Village projects. This park is planned as a major recreational component and focal point for the entire Westphalia region.”

“The [WCCP Study] envisions a centrally located urban park in the heart of Westphalia study area similar to Grant Park in Chicago and Central Park in New York City. Central Park in New York City contains 843 acres and Grant Park in Chicago 319 acres of parkland. DPR staff believes that the land provided for this [Westphalia] urban park from these two projects [Smith Home Farms and Woodside Village] would be the ultimate acreage available for the central park. Currently, only 148 acres will be dedicated from the Smith Home Farm development. To achieve

the goal of the [WCCP Study], DPR staff believes that a larger public parkland contribution is needed than proposed by the applicant.” The technical staff cannot find any reference within the WCCP Study to a stated public open space acreage requirement for the subject property.

“DPR staff accomplished the following analysis of Woodside Village and Smith Home Farms... to evaluate the public recreational package and benefit features of the two projects. We believe that these projects are very similar in scope and location. In addition, they are codependent and support each other with regard to public facilities such as schools, roads, parks and recreation.”

- The Smith Home Farms is 723 acres in size. The applicant dedicated a total 148 acres of open space for the central park and Cabin Branch stream valley park, of which 75 acres are developable for active recreation. The applicant proposes an extensive package of private recreational facilities on HOA land. In addition, the Smith Home Farms developer has agreed to make a monetary contribution or provide in-kind services totaling \$2,500-3,500 per dwelling unit into a “park club.”
- “The Woodside Village project area is 370 acres in size and the applicant proposes to dedicate 26 acres of open space for the central park and Cabin Branch stream valley park, of which only 20 acres are developable for active recreation. The Woodside Village developer proposes to develop the dedicated parkland. The applicant shows three soccer fields, four softball fields, and six tennis courts on dedicated parkland. The proposed layout shown on the plan is conceptual, with no consideration made for slopes, setbacks, layout, need for SWM facilities, parking lots and other development infrastructures. Further, DPR staff believes that these recreational facilities cannot be accommodated on the proposed park parcel.”

Based on the above analysis of the two projects, DPR staff “...finds that the proposed parkland dedication and recreational facilities package within Woodside Village does not measure up to the recreational facilities package proposed within the Smith Home Farms development. DPR staff further believes that the conditions of approval applied to Smith Home Farms should also be used for the Woodside Village rezoning application.”

The DPR staff concludes that the proposal has not demonstrated compliance with the goals, concepts, and guidelines of the WCCP Study in terms of public parks and recreational facilities. The DPR staff cites Council Resolution CR-5-2006, wherein the District Council stated that the development vision and issues of the WCCP Study shall constitute the goals, concepts and guidelines for preparation of the preliminary plan and SMA. DPR staff finds that to satisfy the WCCP Study recommendations and General Plan objectives regarding the recreational needs for Woodside Village, the applicant should dedicate 63 acres of parkland, including 56 acres of developable land suitable for active recreation, and convey the Cabin Branch Stream Valley to M-NCPPC as shown on DPR Exhibit “A.” DPR staff is also requesting the applicant provide in an amount similar to that required of the Smith Home Farms development, \$2,500 to \$3,500 per dwelling unit. The fund should be used for the development, operation and maintenance of the central park.” Aside from requesting the above acreage, DPR provides several conditions of approval in the Conclusion section of this technical staff report.

## **Other Community Facilities**

The Public Facilities Planning Section provides comments regarding fire and rescue, police, library, and school facilities (November 23, 2005, memorandum):

### **Fire and Rescue**

The applicant supports the location of a fire and rescue facility in the Westphalia urban core area as recommended in the WCCP Study.

**Staff Comment:** “The existing, (first due) fire engine service to the subject property is currently provided by Company 23, Forestville, located at 8321 Old Marlboro Pike. The response time to the entrance to the property is 5.25 minutes. The design of the internal road system will determine the exact coverage that would be possible.”

“The Melwood-Westphalia Plan approved in March 1994 recommends the relocation of the Forestville Fire Station to a location that has access to Pennsylvania Avenue in both directions. The Public Facilities Planning Section met with representatives of the fire department to review the proposal to construct a new station on an adjacent property. The fire department and Countywide Planning Division staff endorse the concept of a new station. This application should include a condition that provisions for a new station deemed acceptable to the fire department and the Countywide Planning Division staff, will be provided as part of this development. The location and timing of the station can be determined at the time of CDP approval.”

### **Police Facilities**

The applicant supports the location of a police substation in the Westphalia urban core area as recommended in the WCCP Study.

**Staff Comment:** “The [WCCP Study] identifies a police facility as an appropriate use in the central urban core, in the vicinity of the intersection of Melwood Road and Pennsylvania Avenue. This application should include a condition that a police facility will be provided that is deemed acceptable to the Prince George’s County Police Department and the Countywide Planning Division staff. The location and timing of the police facility can be determined at the time of CDP approval.”

### **Library Facility**

The applicant agrees with the WCCP Study recommendation to locate a library in the Westphalia urban core area.

**Staff Comment:** “The [WCCP Study] identifies a library as an appropriate use in the central urban core area. This application should include a condition that a library will be provided that is deemed acceptable to the Prince George’s County Memorial Library Department and the Countywide Planning Division staff. The location and timing of the library can be determined at the time of CDP approval.”

## **Schools**

The WCCP Study identifies one new middle school park site of 20± acres and an elementary school of 12 to 18± acres located in the central park area fronting the parkway (page 18 of 29). The applicant is dedicating land for a 10-acre elementary school and a 20-acre middle school in accordance with the acreage standards in the 1994 Melwood-Westphalia master plan.

**Staff Comment:** Staff indicates that the WCCP Study proposes four elementary schools, one middle school and one high school. The residential units proposed in this basic plan application will generate 355 elementary school children, 89 middle school pupils, and 177 high school students. Although the applicant is proposing to dedicate a 10-acre elementary school site and a 20-acre middle school site, the Board of Education has advised the Planning Department that 10 usable acres and 20 useable acres are necessary for these types of schools. This acreage does not take into account stormwater management, tree preservation and other environmental considerations. The final determination of location and size of the land to be dedicated will be made at the time of CDP approval.

## **Water and Sewerage Facilities**

The applicant indicates that there is adequate sewerage capacity and that connections will be needed to both water and sewer lines in adjacent properties.

The Washington Suburban Sanitary Commission (WSSC) indicates in a November 9, 2005, E-mail from Beth Forbes, that a request was made during the August 2005 Water and Sewer Amendment Cycle to move the property from Sewer/Water Category S5/W5 to S4/W/4. Regarding the basic plan text pertaining to Adequacy of Utility Services (pages 70-71), WSSC staff indicates the following:

1. The property is within the Western Branch Basin where interceptor and treatment capacity is adequate. The development will produce a flow of 230,000 gallons per day (GPD) and program sized sewer mains are not required to serve the property.
2. “A 24-inch sewer line in the Cabin Branch stream valley traverses the southern edge of the property (contract no. 68-2970A). Twelve- and eight-inch diameter sewers traverse the property along its western boundary (Contract Nos. 68-970C and 68-2970B, respectively). Nevertheless, a non-CIP-sized sewer extension about 2,400 feet long is required to serve the eastern portion of the property. This extension would connect to the 24-inch diameter sewer mentioned above and would abut approximately one property in addition to the applicant’s. Rights-of-way would be required. Construction of this extension may involve the removal of trees and temporarily disturb a stream.”
3. “Adequate water service cannot be provided to the development from the existing 12-inch and 16-inch diameter mains in Westphalia Road. These mains cannot support the fire flow demand necessary for townhouses, schools or recreation facilities. Some of the detached homes MAY be able to receive service from these mains. The proposed development will likely be dependent on either (a) the mains within the Smith Farm and Marlboro Ridge subdivisions or (b) a three-mile-long CIP-sized main in

Ritchie-Marlboro Road between the Beltway and Westphalia Road. More information on the phasing of the development is required before the service dependencies can be finalized.”

4. “Water storage in this area is at deficient levels. The development may become dependent on water storage projects proposed for this area. The Clinton Zone Water Storage Facility (CIP Project #W-62.04) and the Prince George’s County High Zone Storage Study (#W-65.09) have been proposed for the WSSC's FY07 CIP.”

**(E) Environmental relationships reflect compatibility between the proposed general land use types, or if identified, the specific land use types, and surrounding land uses, so as to promote the health, safety and welfare of the present and future inhabitants of the Regional District.**

#### **APPLICANT’S POSITION**

The applicant explains that the basic plan was prepared using the sites natural features to design a curvilinear relationship between the road network, lotting patterns, and open space. Environmental impacts have been minimized except for limited disturbance at road crossings and utility outfalls. This applicant’s emphasis on preserving ecological features explains the apparent fragmentation of the development areas. The basic plan overcomes this fragmentation by an intricate system of roads interconnecting developed areas without impacting sensitive areas. The application appears to adequately accommodate pertinent environmental goals and guidelines in the master plan.

#### **Natural Environment**

The Environmental Planning Section (November 16, 2005, memorandum) indicates an approved Type II Tree Conservation Plan, TCP II/223/92 exists on a portion of the property as part of a grading permit. Other comments are provided below and appropriate conditions are in the Conclusion section of this technical staff report:

- “1. Streams, wetlands, and floodplain associated with Western Branch watershed of the Patuxent River basin occur on the property. The Subdivision Ordinance provides for the protection of streams, 50-foot stream buffers, wetlands, 25-foot wetland buffers, 100-year floodplain, adjacent areas of slopes in excess of 25 percent, adjacent areas of slopes between 15 and 25 percent with highly erodible soils, and specific areas of rare or sensitive wildlife habitat. The review package contains a brief discussion of the environmental features of the site and includes a detailed forest stand delineation on page 97 of the basic plan application. The application also states that a natural resources inventory (NRI) has been prepared. Because of the numerous environmental features of the site, an approved NRI will be necessary at the time of comprehensive design plan. The main purpose of an NRI is to identify the environmental features that are regulated by federal, state and county code. Although a signed NRI is a required submission for any preliminary plan of subdivision, the information provided by an NRI is of significant value for the consideration of a comprehensive design plan.”

- “2. When a property is located within the Patuxent River watershed, certain designated features comprise the Patuxent River Primary Management Area (PMA). Because the Subdivision Ordinance, Section 24-130(b)(5), requires that the PMA shall be preserved to the fullest extent possible, all disturbances to these features shall be avoided. All disturbances not essential to the development of the site as a whole are prohibited within stream and wetland buffers. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], road crossings, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. In the event disturbances are unavoidable, a letter of justification for all proposed PMA impacts will be required as part of the submission for a preliminary plan.”
- “3. The 370.3 acre property is subject to the Prince George’s County Woodland Conservation and Tree Preservation Ordinance because a portion of the property has a previously approved TCP II. The Type I TCP for the entire site will invalidate all previously approved Type II Tree Conservation Plans. A TCPI is required with the comprehensive design plan.”
- “The current R-A Zone has a Woodland Conservation Threshold (WCT) of 50 percent while the proposed R-M Zone has a WCT of 20 percent. The site is currently approximately 25 percent wooded. The reduced WCT would result in a 23-acre reduction of the current base requirement for this property. The site contains woodland for priority preservation along the stream, wetlands, and within the floodplain. Provisions to ensure the preservation of these features are needed. Additionally, the Green Infrastructure Plan shows a major corridor along the Cabin Branch stream valley that runs along the southern property line. Tree planting should be concentrated in areas of wetland buffers and stream buffers, which are priority areas for afforestation and the creation of contiguous woodland.”
- “4. According to the “Prince George’s County Soils Survey” the soils found to occur are in the Adelphia, Bibb, Collington, Howell, Marr, Mixed Alluvial, Sassafras, Sandy Land, Shrewsbury, and Westphalia soil series. Some of these soils series have a variety of limitations that could affect the development potential of the property including seasonally high water tables, impeded drainage, poor drainage and slopes. Marlboro clay does occur on this property in and around the elevation of the floodplain for Cabin Branch, a tributary of Western Branch.”

### **Cultural Environment**

The applicant is advised that the Prince George’s County Historic Sites and Districts Plan (1992) is the appropriate reference document for historic resources in this county, not the Maryland Historical Trust (MHT). The MHT is the definitive authority for historical and cultural projects involving state or federal involvement.

The Historic Preservation and Public Facilities Planning Section provides the following information regarding archeological resources and architectural assessments (November 15, 2005

memorandum):

- “The Historic Sites and Districts Plan 1981 and 1982 identifies the Dunblane Site and Cemetery (Historic Resource 78-010) as the location of an eighteenth century plantation. The main house was destroyed by fire in 1969. The small Magruder family cemetery (approximately 50 feet by 60 feet) exists adjacent to a small cluster of buildings. Because archeological artifacts may remain at the Dunblane House site, the applicant should conduct a Phase I archeological investigation as required by Planning Board directives. Completion of the Phase I investigation is required prior to approval of the CDP.”
- “The applicant identifies two cemeteries on the property; however, the Historic Preservation Section has records only for the Dunblane (Magruder family) cemetery. Documentation of these two cemeteries is needed from the applicant.”
- “The applicant offers to erect markers at the cemeteries as per recommendations of the ‘Prince George’s County Historical Society’ (page 72). Consultation for these markers should be with the Historic Preservation Commission (HPC) or staff of the Historic Preservation Section. The Dunblane Site and its interpretation is not addressed by the basic plan.”
- “Westphalia Road is an historic road between D’Arcy and Ritchie Marlboro Roads. The basic plan proposes to widen Westphalia Road to a four-lane collector. A guideline in the 1994 Melwood-Westphalia master plan states that the design of public facilities in the vicinity of historic resources should be sensitive to their historic character. The widening of roads and choice of street trees are examples of design elements that can either reinforce or change the character of an area.” It is noted that the applicant indicates agreement to meet with Historic Preservation and Transportation staff during preparation of roadway improvement plans to ensure that all scenic and historic features are properly located and resolved (pages 41 and 42).
- “Subtitle 29-118 (a)(2) requires that the Historic Preservation Commission (HPC) conduct a public hearing to determine whether any unclassified historic resource should be classified as a historic site or property within a Historic District when any zoning map amendment is referred to the Commission. The HPC will review the significance of the Dunblane Site and Cemetery features and artifacts after the Phase I Archeological Investigation report is submitted. If the HPC determines that Dunblane and Cemetery meet the criteria of Subtitle 29-104 and designates the property as a historic site, an environmental setting will also be delineated at that time.”

Based on the above findings, the Historic Preservation Section staff recommends several conditions contained in the Conclusion section of this technical staff report. Staff advises that further comments may be warranted after the Phase I Archeological Investigation Report.

- F. Notwithstanding subparagraphs (C) and (D) above, where the application anticipates a construction schedule of more than six years (Section 27-179), public facilities (existing or scheduled for construction within the first six years) will be adequate to serve the development proposed to occur within the first six years. The**



**Council shall also find that public facilities probably will be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.**

**Staff Comment:** The applicant does not anticipate a construction schedule beyond six years and believes that public facilities will be adequate to serve the proposal. However, the Urban Design Section recommends that the applicant submit with the CDP application package a phasing plan to ensure that necessary infrastructure and amenities are in place to support each phase of development, including recreation facilities.

**G. Conformance with the Purposes of the R-M Zone:**

The application must further the purposes of the R-M Zone as found in Section 27-507(a) as follows:

**Section 27-507(a)(1) Establish (in the public interest) a plan implementation zone, in which (among other things):**

- (A) Permissible residential density is dependent upon providing public benefit features and related density increment factors; and**
- (B) The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, or public urban renewal plan;**

**APPLICANT'S POSITION**

The staff agrees with the applicant's contention that the proposal satisfies all criteria for approval in that it meets master plan principles and guidelines that address the design and physical development of the property, while providing public benefit features above and beyond those anticipated on the master plan in return for increased density. The applicant believes a modest density increase of between 3.8 to 4.0 dwellings per acre, above the 3.6 dwelling base density, furthers the above criteria. Although density could potentially increase by 70 percent (an additional 911 units) by providing public benefit components, only an 11 percent increase is proposed (approximately 145 units) above the base density.

**Section 27-507(a)(2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, and public urban renewal plans) can serve as the criteria for judging individual physical development proposals;**

**Staff Comment:** Until a new sector plan implementing the WCCP Study is approved by the District Council, the 1994 master plan and the 2002 General Plan are the only public documents upon which approval or disapproval can be based. However, as discussed earlier, Section 27-140 of the Zoning Ordinance allows the Planning Board to consider the recommendations of a

preliminary master plan and any factual or empirical evidence contained in staff studies when making recommendations on CDZ applications. The District Council, in initiation of the Preliminary Westphalia Sector Plan and concurrent SMA, indicates that the WCCP Study "...shall constitute the goals, concepts and guidelines for preparation of the preliminary sector plan and SMA...[and] the land use and public facility recommendations of the [WCCP Study] shall be the basis for publication of the preliminary sector plan and SMA." Therefore, in addition to the current master plan and General Plan, staff also used the factual and empirical findings in the WCCP Study and its land use and public facility recommendations to evaluate the proposed basic plan.

**Section 27-507(a)(3) Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District;**

**Staff Comment:** The proposal is part of an integrated planned community envisioned by the 1994 master plan and reaffirmed by the latest planning efforts reflected in the 2005 WCCP Study. However, regarding a compatible road network, the Urban Design Section (March 20, 2006, memorandum) indicates that since the adjacent Smith Home Farms site has gone through both basic plan and comprehensive design plan approvals, the applicant should coordinate with the design team of Smith Home Farms to make sure that the proposed three major road connections are aligned with the approved locations on the Smith Home Farms site. The applicant is aware that these roadway connections are required. Also, the basic plan shows one of the cul-de-sac streets on the Case parcel stretching out of the subject site boundary into the Smith Home Farms property. This street should be terminated within the site boundary.

Another compatibility issue is the location of two-over-two townhouses shown along Westphalia Road and along both sides of the C-631 extension. Since the subject site is located in the outer fringe area and is close to Ritchie Marlboro Road where the WCCP Study calls for rural character to be preserved, a general layout principle should be established to arrange large single-family lots along the perimeter areas of the site and along the major roadways, and to locate townhouses around the internal open spaces in order to be compatible with the surrounding land use pattern. If the townhouses or two-over-two townhouses are to be located along any roadways, which are classified as collector and above, they should be accessed through an alley. Staff finds that with the recommended conditions in the Conclusion section of this technical staff report, the proposal will be compatible with existing and proposed surrounding land uses.

**Section 27-507(a)(4) Encourage amenities and public facilities to be provided in conjunction with residential development;**

**Staff Comment:** The basic plan provides several public amenities and facilities that are not required by the 1994 Melwood-Westphalia master plan. These additional amenities and facilities are proposed to support the level of development recommended in the WCCP Study (e.g., two proposed park/school sites, a large central park, and an indoor recreational facility). The applicant recognizes that the basic plan is part of the larger planned community that will eventually contain a police substation, library, public schools, and other public facilities. The basic plan text (pp. 80-81) states: "To the extent necessary, the applicant, along with adjacent Land Owners who

make up the New Town, will privately contribute to the construction of public facilities not currently provided in the Basic Plan or County Capital Improvement Program....”

To help ensure availability of adequate facilities and amenities for each phase of development, the Urban Design Section recommends the following as part of the CDP submittal package:

- Submission of a phasing plans to ensure that necessary infrastructure and amenities are in place to support each phase of development, including recreation facilities.
- Submission of a design package that includes an image board and general design guidelines that establish review parameters, including design, material and color, for architectural, signage, entrance features and landscaping for the entire site.
- Description of the type, amount, and general location of the recreation facilities on the dedicated parkland and elsewhere on the site.
- Relocate larger single-family detached lots along the perimeter areas of the site and major roadways and align the attached and multifamily dwelling units along internal public open space.

**Section 27-507(a)(5) Encourage and stimulate balanced land development;**

**Staff Comment:** The basic plan proposes land use relationships in line with the physical development recommendations of the master plan, while providing several residential housing products including detached, attached and condominium units. By integrating the development and transportation system with the goal of preserving sensitive environmental features, the proposal will further the last purpose of the R-M Zone —to improve the overall quality of residential environments in the Regional District (Section 27-507(a)(6)).

**Section 27-487** requires that CDZ proposals shall contain provisions for housing to serve all income groups. The applicant must address how housing will be provided for all income groups. One can infer from the size of the drawn lots, and the Conceptual Residential Components map shown in the application that most houses of the same variety are grouped together. As part of the plan for providing housing for all income groups, the Community Planning staff recommends that the applicant explore the potential of mixing housing units and styles on individual block lengths instead of segregating them.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George=s County Code, the Prince George=s County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and recommends to the District Council for Prince George=s County, Maryland that the above-noted application be APPROVED, subject to the following conditions:

1. The following development data and conditions of approval shall be printed on the face of a revised basic plan prior to approval by the Zoning Hearing Examiner:

**DEVELOPMENT DATA:**

<b>Total area</b>	370.3 acres
Land in the 100 year floodplain	15.69 acres
Adjusted gross area: (370.3 less half the floodplain)	362.5 acres
Density permitted under the R-M (Residential Medium Zone)	3.6–5.8 dwellings/acre
Base residential density (3.6 du/ac)	1,305 dwellings
Maximum residential density (5.8 du/ac)	2,103 dwellings
<b>Approved Land Use Types and Quantities:</b>	
Residential: 362.5 adjusted gross acres @ 3.8-4.0 du/ac	1,377-1,450 dwellings
Number of the units above the base density:	72-145 dwellings
Permanent open space: (31 percent of total site area)	116 acres
Public active open space: (parkland and school sites)	26.0 acres minimum parkland 10 acres minimum elementary school 20 acres minimum middle school
Private open space (homeowner association and other)	60 acres

2. Prior to approval of the basic plan the applicant shall revise the plan to provide the following:
  - a. Eliminate the cul-de-sac streets on the Case property that stretch out of the subject site boundary into the Smith Home Farms property, and terminate the cul-de-sac within the subject property.
  - b. Show the location and correct acreage for all active dedicated parkland and passive open space, including stream valley parks and proposed homeowner association open space.
  - c. Show dedicated parkland that shall be reviewed and approved by the Department of Parks and Recreation (DPR) staff.
3. The following shall be required as part of the Comprehensive Design Plan (CDP) submittal package:
  - a. The Transportation Planning staff shall make master plan transportation facility recommendations consistent with the Westphalia Sector Plan. The CDP road alignments shall conform to road alignments in all other adjacent approved subdivisions.
  - b. The Transportation Planning staff shall review the list of significant internal access points as proposed by the applicant along master plan roadways, including intersections of those roadways within the site. This list of intersections shall receive detailed adequacy study at the time of preliminary plan of subdivision. The adequacy study shall consider appropriate traffic control as well as the need for exclusive turn lanes at each location.

- c. The Transportation Planning staff shall review minor street connections between the subject site and adjacent properties. All minor street connections shown on the comprehensive design plan shall conform to all other adjacent approved subdivisions. The basic plan shall be revised to show one primary street connection between the subject site and the adjacent W. Bean Property to the east.
- d. The applicant shall build the MD 4/Westphalia Road interchange with the development of the subject property and this shall be accomplished by means of a public/private partnership with the State Highway Administration and with other developers in the area. This partnership shall be further specified at the time of preliminary plan of subdivision, and the timing of the provision of this improvement shall also be determined at the time of preliminary plan of subdivision.
- e. The CDP shall demonstrate that a majority of lots located along Westphalia Road are single-family detached lots in order to be compatible with the surrounding land use pattern and to preserve a rural character as recommended in the WCCP Study.
- f. The applicant shall meet with and obtain written approval from the DPW&T to front and/or provide driveway access to any townhouse units that may be located along C-631. If the townhouses or two-over-two townhouses are to be located along any roadways, which are classified as collector and above, they should be accessed through an alley.
- g. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following in conformance with the 1994 master plan and the WCCP Study:
  - (1) Provide the master plan hiker-biker-equestrian trail along the subject site's entire portion of the Cabin Branch stream valley subject to Department of Parks and Recreation coordination and approval.
  - (2) Provide an eight-foot wide sidepath or wide sidewalk along the subject property's entire frontage of Suitland Parkway extended.
  - (3) Provide a sidepath (Class II Trail) along the subject site's entire road frontage of Westphalia Road.
  - (4) Provide the internal HOA trails and sidepaths as conceptually shown on the submitted hiker and biker trail plan.
- h. Submit a design package that includes an image board and general design guidelines that establish review parameters, including design, material and color, for architectural, signage, entrance features and landscaping for the entire site.
- i. Provide a description of the type, amount, and general location of the recreation facilities on the dedicated parkland and elsewhere on the site, including provision of private open space and recreation facilities to serve development on all portions of the subject property.

- j. The applicant, his heirs, successors and/or assignees shall agree to make a monetary contribution or provide in-kind services for the development, operation and maintenance of the central park. The recreational facilities packages shall be reviewed and approved by DPR prior to comprehensive design plan (CDP) approval. The total value of the monetary contribution (or in-kind services) for the development, operation and maintenance of the central park shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. The applicant may make a contribution into the “park club” or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff. Monetary contributions may be used for the design, construction, operation and maintenance of the recreational facilities in the central park and/or the other parks that will serve the Westphalia Study Area. The park club shall be established and administered by DPR.
- k. The applicant shall submit a scope of services from a qualified urban park design consultant for development of a Comprehensive Concept Plan for the portion of central park in the project area. The Comprehensive Concept Plan shall be prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and Urban Design Section. Urban Design Section and DPR staff shall review credentials and approve the design consultant prior to development of a Comprehensive Concept Plan. Said Comprehensive Concept Plan shall be approved by DPR prior to approval of the Comprehensive Design Plan (CDP).
- l. The public recreational facilities shall be constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. The concept plan for the development of the parks shall be shown on the comprehensive design plan.
- m. Provide a multiuse stream valley trail along the subject site’s portion of Cabin Branch, in conformance with the latest Department of Parks and Recreation guidelines and standards. Connector trails should be provided from the stream valley to adjacent residential development and recreational uses.
- n. Provide the site location and timing or propose a contribution for the pro-rata share of funding for the following public facilities to be reviewed and approved by the appropriate agencies and the Countywide Planning Division:
  - (1) Fire station
  - (2) Library
  - (3) Police facility
  - (4) Middle school
  - (5) Elementary school
- o. Submit a signed natural resources inventory (NRI) with the comprehensive design plan. All subsequent plan submittals shall clearly show the Patuxent River Primary

Management Area (PMA) as defined in Section 24-101(b)(10), and as shown on the signed NRI.

- p. Demonstrate that the PMA has been preserved to the fullest extent possible. Impacts to the PMA shall be minimized by making all necessary road crossings perpendicular to the streams and by using existing road crossings to the extent possible.
  - q. Submit a required Type I Tree Conservation Plan (TCPI). The TCPI shall:
    - (1) Focus on the creation and/or conservation/preservation of contiguous woodland
    - (2) Concentrate priority areas for tree preservation in areas within the framework of the approved Green Infrastructure Master Plan, such as stream valleys. Reflect a 25 percent Woodland Conservation Threshold (WCT) and meet the WCT requirements on-site.
    - (3) Mitigate woodland cleared within the PMA's Preservation Area on-site at a ratio of 1:1, with the exception of impacts caused by master plan roads which shall be mitigated 1:25. This note shall also be placed on all Tree Conservation Plans.
    - (4) Focus afforestation in currently open areas within the PMA and areas adjacent to them. Tree planting should be concentrated in areas of wetland buffers and stream buffers, which are priority areas for afforestation and the creation of contiguous woodland.
    - (5) Prohibit woodland conservation on all residential lots.
  - r. Submit an exhibit showing areas where Marlboro Clay occurs on-site.
  - s. Submit a plan that addresses how housing will be provided for all income groups in accordance with Section 27-487 and the master plan recommendations for the planned community.
  - t. Present all roadway improvement plans for Westphalia Road to the Historic Preservation and Transportation Planning staff for review and comment to ensure that all scenic and historic features associated with this historic road are properly evaluated and preserved as necessary.
  - u. Complete a Phase I archeological investigation report and submit to the Historic Preservation staff for approval.
4. At the time of preliminary plan of subdivision and/or prior to the first plat of subdivision, the applicant shall:
- a. Show proposed dedication area for a non-CIP-sized sewer extension approximately 2,400 feet long to serve the eastern portion of the property and connect to the 24-inch diameter sewer in the Cabin Branch stream valley, or other alternative as required by WSSC.

- b. Submit Hydraulic Planning Analysis to WSSC to address access to adequate water storage facilities and water service to be approved by the WSSC to support the fire flow demands required to serve all site development.
- c. Submit a letter of justification for all proposed PMA impacts, in the event disturbances are unavoidable.
- d. Submit a plan, prior to Planning Board approval of a preliminary plan of subdivision, that shall provide for:
  - (1) Either the evaluation of any significant archaeological resources existing in the project area at the Phase II level, or
  - (2) Avoiding and preserving the resource in place.
- e. The applicant shall dedicate 56 acres of public open space to the M-NCPPC for a park/school. The portion of the parkland needed for school construction shall be conveyed to the Board of Education when funding for construction is in place and conveyance of the property is requested by the Board of Education. The final determination of location of the land to be dedicated for park/school sites **shall be determined at the time of CDP Plan approval**. The land to be conveyed to the M-NCPPC shall be subject to the following conditions:
  - (1) An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plats.
  - (2) M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
  - (3) The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
  - (4) The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
  - (5) Stormdrain outfalls shall be designed to avoid adverse impacts on land to be



conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.

- (6) All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
    - (7) All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
    - (8) The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.
    - (9) No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.
  - f. Enter into an agreement with the DPR, prior to the first final plat of subdivision, that shall establish a mechanism for payment of fees into an account administered by the M-NCPPC. The agreement shall note that the value of the in-kind services shall be determined at the sole discretion of DPR.
  - g. Submit three original, executed agreements for participation in the park club to DPR for their review and approval, eight weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the agreement shall be recorded among the Land Records of Prince George's County, Upper Marlboro, Maryland.
5. Prior to submittal of any grading or building permits, the applicant shall demonstrate that the Dunblane (Magruder family) Cemetery shall be preserved and protected in accordance with Section 24-135-02 of the Subdivision regulations, including:
- a. An inventory of existing cemetery elements.
  - b. Measures to protect the cemetery during development.
  - c. Provision of a permanent wall or fence to delineate the cemetery boundaries, and placement of an interpretive marker at a location close to or attached to the cemetery fence/wall. The applicant shall submit for review and approval by the Historic Preservation staff, the design of the wall and design and proposed text for the marker at the Dunblane (Magruder family) cemetery.

- d. Preparation of a perpetual maintenance easement to be attached to the legal deed (i.e., the lot delineated to include the cemetery). Evidence of this easement shall be presented to and approved by the Planning Board or its designee prior to final plat.

\* \* \* \* \*

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, May 11, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of June 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:RB:bjs