



The Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
Development Review Division  
301-952-3530

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

## Preliminary Plan of Subdivision Parkside Section 7

## 4-21029

REQUEST	STAFF RECOMMENDATION
627 lots and 95 parcels for development of 627 single-family attached units and 32,000 square feet of commercial development.	With the conditions recommended herein: <ul style="list-style-type: none"><li>•Approval of Preliminary Plan of Subdivision 4-21029</li><li>•Approval of Type 1 Tree Conservation Plan TCP1-038-05-04</li><li>•Approval of a Variation from Section 24-128(b)(7)(A)</li></ul>

<b>Location:</b> 1,650 feet northeast of the intersection of Central Park Drive and Rock Spring Drive.	
Gross Acreage:	113.51
Zone:	LCD/MIO
Prior Zone:	R-M/L-A-C/M-I-O
Reviewed per prior Subdivision Regulations:	Section 24-1703(b)
Gross Floor Area:	32,000 sq. ft.
Dwelling Units:	627
Lots:	627
Parcels:	95
Planning Area:	78
Council District:	06
Municipality:	None
<b>Applicant/Address:</b> Dan Ryan Builders, Mid-Atlantic LLC 2101 Gaither Road, Suite 200 Rockville, MD 20850	
<b>Staff Reviewer:</b> Eddie Diaz-Campbell <b>Phone Number:</b> 301-952-3665 <b>Email:</b> Eddie.Diaz-Campbell@ppd.mncppc.org	



Planning Board Date:	07/21/2022
Planning Board Action Limit:	07/26/2022
Mandatory Action Timeframe:	70 days
Staff Report Date:	07/11/2022
Date Accepted:	05/18/2022
Informational Mailing:	07/29/2021
Acceptance Mailing:	05/13/2022
Sign Posting Deadline:	06/21/2022

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at [http://www.mncppcapps.org/planning/Person\\_of\\_Record/](http://www.mncppcapps.org/planning/Person_of_Record/). Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-21029  
Type 1 Tree Conservation Plan TCP1-038-05-04  
Parkside Section 7

**OVERVIEW**

The site is located 1,650 feet northeast of the intersection of Central Park Drive and Rock Spring Drive and consists of two acreage parcels both known as Adjusted Parcel II or Parcel 219, recorded in Liber 44802 folio 527 of the Prince George's County Land Records in January 2021. The two parcels are separated by public rights-of-way (ROWs) for Central Park Drive and Woodyard Road recorded in June 2021 in Liber 46163 folio 122 and Liber 46163 folio 108, respectively. The property measures 113.51 gross acres (including the previously dedicated ROWs) and is in the Legacy Comprehensive Design (LCD) Zone. The property is subject to a prior comprehensive design plan (CDP), therefore, this application is being reviewed in accordance with the prior Prince George's County Zoning Ordinance and Prince George's County Subdivision Regulations, as required by Section 24-1703(b) of the Subdivision Regulations. Under the prior Zoning Ordinance, the site is partially in the Residential Medium Development (R-M) Zone, partially in the Local Activity Center (L-A-C) Zone, and within the Military Installation Overlay (M-I-O) Zone for height and noise. The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (sector plan) is applicable to this development. The site is currently vacant and wooded.

This application proposes to subdivide the property into 627 lots and 95 parcels for development of 627 single-family attached (townhouse) dwelling units and 32,000 square feet of commercial development. Of the 95 parcels, Parcels CP4 and CP5 are proposed to be dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC) for use as public parkland, while Parcel P1 is proposed for the commercial development. The remaining parcels will consist of open space, stormwater management, and private street and alley parcels to be retained by the homeowners association (HOA).

The property is the subject of a previous Basic Plan (associated with Zoning Map Amendments A-9965-C and A-9966-C), CDP-0501-03, as most recently amended, and Preliminary Plan of Subdivision PPS 4-05080, all of which cover the overall 760.93-acre Parkside development, formerly known as Smith Home Farms. These prior plans are discussed further in the Previous Approvals finding of this technical staff report. The subject PPS covers Section 7 of Parkside and will supersede 4-05080 for that section only. The findings and conditions of PPS 4-05080, which are still relevant to the review and approval of the subject PPS, are carried forward in this technical staff report. The PPS is required for the revised development proposal, which includes a substantially different lotting pattern from the prior PPS, due to the reduction in commercial development and replacement of multifamily dwellings with single-family attached dwellings.

The applicant filed a request for a variation from Section 24-128(b)(7)(A) of the prior Subdivision Regulations to allow the use of alleys to serve lots within the development, where the lots front on private streets or open space rather than public ROWs. This request is discussed further in the Site Access and Layout finding of this technical staff report.

Staff recommends **approval** of the PPS, with conditions, and **approval** of the variation, based on the findings contained in this technical staff report.

## SETTING

The subject site is located on Tax Map 90 in Grids E-1, E-2, F-1, and F-2, and on Tax Map 91 in Grids A-1 and A-2. The site is within Planning Area 78. Northwest of the project site are existing subdivisions known as Westphalia Estates and Sun Valley Estates in the Rural Residential Zone. Northeast of the site is farmland in the LCD (formerly in the R-M) Zone, which is subject to a concurrent development proposal known as Woodside Village. The Case Yergat PPS application (PPS 4-21049), associated with the Woodside Village development proposal, is scheduled for review by the Prince George's County Planning Board on July 21, 2022. East of the site is farmland on two parcels, known as Parcels 42 and 48, which are now owned by M-NCPPC. South of the site is the central park of the Parkside development, which is discussed further in the Parks and Recreation finding of this technical staff report. West of the site is Section 4 of Parkside, the layout of which was most recently revised with Specific Design Plan SDP-1603-03, approved November 10, 2020. SDP-1603-04 was also approved for Section 4 on June 14, 2022, to add an additional architectural model. Section 4 is proposed to contain single-family attached and detached dwelling units. The adjoining portions of the Parkside development are in the LCD Zone (formerly in the R-M Zone).

The entirety of the site is within the MIO Zone, with all of the site in the MIO for height (specifically the Conical Surface (20:1) – Right Runway Area E). The western portion of the site is also in the MIO for noise (specifically the 60 db–74 db Noise Intensity Zone). The boundaries of the MIO Zone, including its sub-zones, are identical to those of the M-I-O Zone, which was in effect prior to the implementation of the 2022 *Approved Countywide Sectional Map Amendment*. This PPS was evaluated according to the standards of the prior M-I-O Zone.

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zones	LCD/MIO	LCD/MIO (reviewed per prior R-M, L-A-C, and M-I-O standards)
Use(s)	Vacant	Single-family attached commercial
Acreage	113.51	113.51
Parcels	1	95
Lots	0	627
Dwelling Units	0	627
Commercial GFA	0	32,000 sq. ft.
Variance	No	No
Variation	Yes (Section 24-130)	Yes (Section 24-128(b)(7)(A))

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on May 27, 2022. The requested variation from Section 24-128(b)(7)(A) was accepted on May 26, 2022, and also heard at the SDRC meeting on May 27, 2022, as required by Section 24-113(b) of the Subdivision Regulations.

**2. Previous Approvals**—The property is subject to the following prior approvals:

**A-9965 and A-9966**

The property was rezoned into the R-M and L-A-C Zones via Zoning Map Amendment applications A-9965 and A-9966, respectively. The Prince George's County District Council approved the applications on February 13, 2006, with an effective date of March 9, 2006. The applications were revised by the District Council on the basis of mistake or inadvertence, and final approval of the revisions A-9965-C and A-9966-C occurred on August 18, 2006. A basic plan was approved with A-9965-C and A-9966-C, and the applications were each approved, subject to the same three conditions. The following conditions of approval listed in **BOLD** below are relevant to the review of the subject PPS application; staff findings regarding each condition are listed in the following plain text:

**1. The Basic Plan shall be revised as follows prior to the approval of the Comprehensive Design Plan, and submitted to the Office of the Zoning Hearing Examiner for approval and inclusion in the record:**

**A. Land use types and quantities:**

- **Total area: 757± acres\***
- **Land in the 100-year floodplain: 105 acres**
- **Adjusted Gross Area (757 less half the floodplain): 704± acres**

**R-M Zone Proposed Land Use Types and Quantities:**

- **Total area: 727± acres\***  
**Of which residential use: 572.4 acres**  
**Mixed Retirement Development: 154.6 acres**

- **Density permitted under the R-M (Residential Medium 3.6) Zone: 3.6-5.7 dus/ac**
- **Permitted dwelling unit range: 1,877 to 2,973 dwellings**
- **Proposed Residential Development: 2,124 Units**
- **Density permitted in a Mixed Retirement Community in the R-M (Mixed Residential) Zone: 3.6-8 dus/ac**
- **Permitted dwelling unit range: 551 to 1,224 Units**
- **Proposed Residential Development: 1,224 Units**

**L-A-C Zone Proposed Land Use Types and Quantities:**

- **Total area: 30± acres\***  
**Of which Theoretical Commercial/Retail: 10.7 acres**  
**Theoretical residential use: 19.3 acres**
- **Residential density permitted under the L-A-C (Local Activity Center) Zone: 10-20 dus/ac**
- **Permitted dwelling unit range: 193 to 386 Units**
- **Proposed Residential Development: 300 Units**
- **Commercial density permitted under the L-A-C (Local Activity Center) Zone: 0.2-0.68 FAR**
- **Permitted gross floor area range: 93,218 to 316,943 Square Feet**
- **Proposed Commercial Development: 140,000 Square Feet**
- **Public accessible active open space: 75± acres**
- **Passive open space: 185± acres**

**\*Note: The actual acreage may vary to an incremental degree with more detailed survey information available in the future.**

The development proposed with this PPS will comply with the maximum development approved by the basic plan when combined with the rest of the development proposed for Parkside. This PPS contains the entirety of the L-A-C Zone within Parkside, and it proposes 190 lots/dwelling units (6.96 dwelling units per acre) and 32,000 square feet of commercial gross floor area (GFA) for that zone. These comply with the respective limits of the 386 dwelling units and

316,943 square feet of commercial GFA for the L-A-C Zone, approved under A-9966-C and provided in the condition above.

This PPS also proposes 477 lots/dwelling units in the R-M Zone, which, when combined with the development proposed for the remainder of the R-M-zoned portion of Parkside, results in a total of 2,311 (market rate) residential units (4.41 dwelling units per acre) and 284 mixed-retirement units (1.86 dwelling units per acre). These comply with the respective limits of the 2,973 residential units and 1,224 mixed-retirement units approved under A-9965-C and provided in the condition above. Note that this PPS includes 40 lots/dwellings which are split-zoned between the R-M and L-A-C Zone, therefore the total number of dwelling units proposed across both zones is 2,745 units overall. Note also that since the approval of the basic plan, the Parkside property has been resurveyed and determined to be a total of 760.93 acres.

**2. The following conditions of approval shall be printed on the face of the Basic Plan:**

- C. At the time of preliminary plan of subdivision, the Applicant shall dedicate 75 acres of developable land suitable for active recreation and convey Cabin Branch Stream Valley to the M-NCPPC. The location of the dedicated parkland shall be established at the time of comprehensive design plan review and be approved by the DPR. The Applicant may be required to dedicate an additional 25 acres of developable parkland, suitable for active recreation to the M-NCPPC, at the time of Comprehensive Design Plan. The acreage may be provided on-site or off-site, and shall conform to the final Westphalia Comprehensive Conceptual Plan if, and only if that Plan is ever adopted and approved by the District Council. Prior to approval of the Comprehensive Design Plan, DPR and the Development Review Division shall determine the need for the additional acreage of parkland.**

The location of the parkland to be dedicated was established with the previously approved CDP-0501 (as amended). The subject PPS includes two parcels, Parcels CP4 and CP5, which are part of the previously identified dedication area, and these are proposed to be dedicated to M-NCPPC, as required. The total parkland dedication with this PPS is 7.28 acres.

- E. The Applicant shall provide adequate private recreational facilities to meet the future subdivision requirements for the proposed development. The private recreational facilities shall be determined at time of Specific Design Plan and be constructed in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.**

With this PPS, the applicant has identified areas on-site for private recreation facilities and provided a conceptual list of the facilities to be provided. These are discussed further in the Parks and Recreation finding of this technical staff report.

**K. At time of preliminary plan of subdivision,**

- 1. The timing for the construction of the Pennsylvania Avenue/Westphalia Road Interchange shall be determined. The Applicant shall be required to build the interchange.**

The applicant will be responsible for funding a portion of the MD 4 (Pennsylvania Avenue)/Westphalia Road interchange through the Westphalia Public Facilities Financing and Implementation Program (PFFIP), which is discussed further in the Transportation finding of this technical staff report.

- 2. If it is determined that potentially significant archaeological resources exist in the project area, the Applicant shall either provide a plan for evaluating the resource at the Phase II level, or avoiding and preserving the resource in place. The study shall be conducted according to Maryland Historical Trust (MHT) guidelines, Standards and Guidelines for Archeological Investigations in Maryland (Shaffer and Cole 1994), and a report shall be submitted according to the MHT guidelines and the American Antiquity or Society of Historical Archaeology style guide. Archeological excavations shall be spaced along a regular 20-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.**

The subject property was surveyed for archeological resources in 2005. No archeological sites were identified in Section 7 of the Parkside development.

- L. The development of this site should be designed to minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation of ponds within the regulated areas.**

The proposed development of Section 7 does not include any stream crossings except for the master-planned Central Park Drive's perpendicular crossing of a stream on the east side of the site. Evaluation of impacts to regulated environmental features is further discussed in the Environmental finding of this technical staff report.

- M. The woodland conservation threshold for the site shall be 25 percent for the R-M portion of the site and 15 percent for the L-A-C portion. At a minimum, the woodland conservation threshold shall be met on-site.**

Woodland conservation is discussed in the Environmental finding of this technical staff report.

- N. All Tree Conservation Plans shall have the following note: "Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1."**

This note is on the submitted Type 1 Tree Conservation Plan TCP1-038-05-04, as required.

**O. No woodland conservation shall be provided on any residential lots.**

TCP1-038-05-04 does not show woodland conservation on any of the residential lots within Section 7.

**CDP-0501 and Amendments**

The District Council approved CDP-0501, subject to 34 conditions, on June 12, 2006. Subsequently, on March 28, 2016, the District Council approved a reconsideration of CDP-0501 specifically related to Conditions 10, 11, 24, 31, and 32; to findings related to services for the design, grading, and construction of the Westphalia Central Park; and to issuance of building permits for development of the subject property. CDP-0501, as reconsidered, approved a maximum of 3,648 dwelling units (including single-family detached, townhouse, and multifamily units), and 170,000 square feet of commercial development, subject to 31 conditions.

Two other actions by the District Council have also revised several conditions of CDP-0501. First, the sector plan was approved by the District Council on February 6, 2007. In Prince George's County Council Resolution CR-2-2007 approving the sector plan, the District Council included language which affected and clarified the conditions of CDP-0501. Specifically, in Amendment 1 of the resolution, the District Council prescribed the minimum residential lot size for single-family attached lots near the Westphalia Town Center to be in the range of 1,300 to 1,800 square feet, which affects Condition 16 of the CDP. The resolution further established a minimum lot size of 1,300 square feet for single-family attached dwellings in the R-M Zone. The resolution also established park fees of \$3,500 per new dwelling unit (in 2006 dollars) in Amendment 8 (affecting Condition 22); and clarified the intent of the District Council regarding Conditions 10 and 23 of CDP-0501, saying these conditions require submission of an SDP for the central park following approval of the sector plan, and not as the second SDP.

Second, on October 26, 2010, the District Council approved a resolution concerning the PFFIP District at Westphalia Center to provide financing strategies including, but not limited to, pro-rata contributions, sale leasebacks, funding clubs, the Surplus Capacity Reimbursement Procedure provided in Section 24-124 of the Subdivision Regulations, and other methods, in order to ensure timely provision of adequate public facilities for larger projects, such as Westphalia.

On May 12, 2012, the District Council affirmed the Planning Board's decision on CDP 0501-01 (PGCPB Resolution No. 11-112) to amend Condition 3 regarding construction of the MD 4/Westphalia Road interchange; to amend Condition 7 regarding the location and size of the proposed community center and pool; and to amend Condition 16 regarding the size of the market-rate, single-family, attached lots in the R-M Zone, with five conditions.

On February 20, 2020, the Planning Board approved CDP-0501-02 (PGCPB Resolution No. 2020-12), which revised Condition 25 of CDP-0501. The revision changed the requirement that a minimum of 70,000 square feet of commercial GFA be constructed, prior to the 2,000th building permit, and instead required the commercial development be

constructed prior to the 2,113th permit. This condition was later further modified with CDP-0501-03.

On March 10, 2022, the Planning Board approved CDP-0501-03 (PGCPB Resolution No. 2022-13) for the purposes of increasing the number of market-rate single-family dwellings in the R-M Zone from 2,124 units to 2,273 units; reducing the acreage of the L-A-C Zone designated for commercial development to 3.1 acres, and the commercial development proposed to 32,000 square feet; replacing the 300 multifamily units in the L-A-C Zone with 194 townhouses; reducing the number of mixed-retirement dwelling units to 284 units while removing them entirely from Section 7; and again modifying the trigger for construction of the commercial development. As approved, the amendment requires that prior to approval of the 480th residential building permit in Section 7, a minimum of 16,000 square feet of commercial GFA be constructed. The subject PPS has been submitted to establish the lotting pattern for the increased number of townhouse units and reduced commercial development, as approved by CDP-0501-03.

CDP-0501-03 approved a total of 2,751 dwelling units for Parkside, of which 2,273 were to be residential units in the R-M Zone, 284 were to be mixed-retirement units in the R-M Zone, and 194 of which were to be townhouses in the L-A-C Zone. Specifically for Section 7, CDP-0501-03 approved a total of 639 dwelling units, of which 445 were to be residential units in the R-M Zone, and 194 of which were to be townhouses in the L-A-C Zone. The subject PPS proposes Section 7 with a total of 627 townhouse units, of which 477 are to be in the R-M Zone and 190 are to be in the L-A-C Zone, due to the split-zoning of 40 units. Staff finds that, pursuant to Section 24-119(b)(2) of the Subdivision Regulations, the PPS conforms to the density of the approved CDP. The split-zoning will not affect the density increment for the R-M Zone approved with CDP-0501-03; the approved density increment was based on the total number of dwelling units then proposed for the overall development (2,751) and on a required dedication of parkland (96.3 acres) well below the acreage actually dedicated (over 280 acres), as shown on page 9 of PGCPB Resolution No. 2022-13. The split-zoning does not increase the total number of units proposed within the overall development, nor for Section 7 specifically. Staff also finds that the 32,000 square feet of commercial development proposed with this PPS conforms to the 32,000 square feet of commercial development approved with the CDP.

The following conditions from CDP-0501 and its amendments are relevant to the review of the subject PPS:

#### **CDP-0501**

#### **4. At time of preliminary plan of subdivision, the applicant shall:**

- a. Submit a detailed geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.**

A geotechnical report was provided and reviewed with the current PPS and TCP1-038-05-04, and the elevation of the Marlboro clay layer was identified using the soil boring logs. Further discussion of this report is given in the Environmental section of this technical staff report.

- c. **Design the preliminary plan so that no lots are proposed within the areas containing the Marlboro clay layer. If the geotechnical report describes an area of 1.5 safety factor lines, then no lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line, and a 25-foot building restriction line shall be established along the 1.5 safety factor line.**

Lots included in this PPS are not within the Marlboro clay layer and are not impacted by a 1.5 safety factor line, which is discussed further in the Environmental findings of this technical staff report.

- d. **Submit a completed survey of the locations of all rare, threatened and endangered species within the subject property for review and approval.**

The overall site has a previous rare, threatened, and endangered species survey which was performed in 2006, alongside the previous PPS 4-05080. Further discussion of conformance to this condition is given in the Environmental section of this staff report.

- f. **Request the approval of locations of impacts that are needed for the stream restoration work and provide the required documentation for review. A minimum of six project sites shall be identified and the restoration work shall be shown in detail on the applicable SDP. This restoration may be used to meet any state and federal requirements for mitigation of impacts proposed, and all mitigation proposed impacts should be met on-site fully possible.**

Conformance with this condition is discussed in the Environmental section of this staff report.

- g. **Provide a comprehensive trail map. The map shall show the location of the trails within either M-NCPPC or HOA lands and shall show all trails and trail connections in relation to proposed lots. No trails shall be proposed on private lots.**

The applicant submitted an updated comprehensive trails map alongside the current PPS. The plan shows that in Section 7 of Parkside, all trails will be within the ROW. No trails are proposed on private lots.

- 5. **At the time of preliminary plan of subdivision, the applicant shall propose right-of-way recommendations consistent with the final Westphalia Comprehensive Concept Plan and/or the 1994 Melwood-Westphalia Master Plan in consideration of the needs shown on those plans and in consideration of county road standards. The plan shall include approval of the ultimate master plan roadway locations.**

Dedication of ROW for master-planned roads is discussed in the Transportation section of this technical staff report. ROW will be required for master-planned roads identified by the 2009 Approved Countywide Master Plan of Transportation (MPOT), which supersedes the above-named plans.

- 6. Prior to approval of a preliminary plan of subdivision, the Blythewood environmental setting shall be reevaluated and Melwood Road shall be preserved to the greatest extent possible by dedicating it to a pedestrian/ trail corridor and limiting pass-through vehicular traffic.**

This condition was addressed at the time of 4-05080 and again at the time of 4-16001 for Parkside Sections 5 and 6. At this time, Melwood Road has been preserved as a pedestrian corridor to the greatest extent possible, as shown on the applicant's comprehensive trails map, within Sections 4, 5, 6, and the central park. The central park lies between Section 7 and Blythewood, and staff did not find that the development of Section 7 would have an impact on the historic site. It is therefore not necessary to reevaluate the Blythewood environmental setting with this PPS.

- 20. Approximately 148± acres of parkland shall be dedicated to M-NCPPC as shown on DPR Exhibit "A."**

The 7.28 acres to be dedicated with this PPS are part of the 148± acres identified for dedication on the Prince George's County Department of Parks and Recreation (DPR) Exhibit A (contained in the record of PPS 4-05080). The remaining acreage identified is outside the boundaries of Section 7.

- 21. The land to be conveyed to M-NCPPC shall be subject to the conditions as follows:**

- c. 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.**

The boundaries and acreage of the 7.28 acres of land to be conveyed are indicated on the PPS.

- d. 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 the 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.**

The PPS includes land to be conveyed to M-NCPPC which will be disturbed by the installation of a culvert needed to support Central Park Drive's crossing of a stream on the east side of the property; therefore, this

condition (which has also been carried forward as a recommended condition of approval of this PPS) applies. This disturbance is discussed further in the Parks and Recreation finding of this staff report.

**CDP-0501-01**

2. The following three conditions attached to previously approved Comprehensive Design Plan CDP-0501 shall be revised as follows (underlined text is added/changed):

16. The following standards shall apply to the development. (Variations to the standards may be permitted on a case-by-case basis by the Planning Board at the time of specific design plan if circumstances warrant).

<b>R-M Zone</b>	<b>Condominiums</b>	<b>Single-family Attached</b>	<b>Single-family Detached</b>
<b>Minimum Lot size:</b>	N/A	<u>1,300 sf</u> †	6,000 sf
<b>Minimum frontage at street R.O.W:</b>	N/A	N/A	45*
<b>Minimum frontage at Front B.R.L.</b>	N/A	N/A	60'*
<b>Maximum Lot Coverage</b>	N/A	N/A	75%
<b>Minimum front setback from R.O.W.</b>	10'****	10'****	10'****
<b>Minimum side setback:</b>	N/A	N/A	0'-12'****
<b>Minimum rear setback:</b>	N/A	10'	15'
<b>Minimum corner setback to side street R-O-W.</b>	10'	10'	10'
<b>Maximum residential building height:</b>	50'	40'	35'

**Notes:**

\*For perimeter lots adjacent to the existing single-family houses, the minimum frontage at street shall be 50 feet and minimum frontage at front BRL shall be 60 feet.

\*\*See discussion of side setbacks in Section E of CDP text Chapter III. Zero lot line development will be employed.

**\*\*\*Stoops and or steps can encroach into the front setback, but shall not be more than one-third of the yard depth. For the multistory, multifamily condominium building, the minimum setback from street should be 25 feet.**

**†No more than 50 percent of the single-family attached lots shall have a lot size smaller than 1,600 square feet. The minimum lot width of any single-family attached lot shall not be less than 16 feet with varied lot width ranging from 16 -28 feet. The 50 percent limit can be modified by the Planning Board at time of SDP approval, based on the design merits of specific site layout and architectural products.**

Of the 627 single-family attached lots proposed with this PPS, 140 lots have a lot size smaller than 1,600 square feet, or 22 percent of the proposed total, well below the limit of 50 percent. However, since this requirement applies to the overall R-M-zoned portion of the Parkside development, the applicant should provide a tracking chart on the SDP indicating the number and percentage of lots smaller than 1,600 square feet across the different sections of the development. If there is a need for the total number of lots less than 1,600 square feet proposed to be greater than 50 percent, this may be addressed at the time of SDP. The lot widths proposed on the PPS vary from 16 feet to 28 feet, with some outliers being wider, and comply with the minimum lot width approved. Proposed setbacks will be evaluated at the time of SDP when buildings are shown on the plans.

#### **CDP-0501-03**

- 2. Total development within the subject property shall be limited to uses which generate no more than 1,729 AM peak-hour trips and 1,945 PM peak-hour trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

The traffic study submitted with this PPS application stated that the proposed development, combined with previously approved sections of the overall Parkside development, is projected to generate 1,847 AM and 1,726 PM trips. The projection of 1,847 AM trips exceeds the trip cap of 1,729 AM trips established with CDP 0501-03; consequently, a new determination of adequacy is required with this PPS and is discussed further in the Transportation section of this staff report.

- 3. At the time of preliminary plan of subdivision (PPS) for Section 7, the applicant shall:**

- a. Show all rights-of-way for MC-631 and P-616, as identified by the Prince George's County Planning Department, to be dedicated for public use.**

The PPS shows the proposed ROWs for these master-planned roads; however, additional notes need to be shown on the plan to clearly identify these as being dedicated to public use, as discussed further in the Transportation section of this staff report.

- b. Calculate its contribution to the Public Facilities Financing and Implementation Program. The exact amount will be determined based on the density approved with the PPS, to be paid at time of building permit.**

The applicant provided a calculation of their contribution to the PFFIP, which is incorporated by reference herein. However, the data used in the applicant's analysis dates from 2014. Staff performed a parallel analysis and came to a different conclusion for what fees should be paid. Staff's analysis is contained in the Transportation section of this staff report.

#### **Preliminary Plan of Subdivision 4-05080**

The site is subject to a previous PPS, 4-05080, originally approved in July 2006 (and reconsidered in May 2012). This PPS approved 1,506 lots and 355 parcels for development of 3,648 dwelling units and 140,000 square feet of commercial floor area within the overall Parkside (then Smith Home Farms) development. The subject PPS will supersede 4-05080 for Section 7 of the Parkside development only. PPS 4-05080 was approved subject to 79 conditions. Previous conditions of approval from 4-05080, which are still outstanding, and which are pertinent to Section 7, will be carried forward to the subject PPS with appropriate modifications.

The following condition of 4-05080 merit additional discussion not covered elsewhere in this technical staff report:

- 22. Prior to the issuance of grading permits the applicant shall demonstrate that within the limits of the grading permit, that any abandoned well or septic system has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.**

The Prince George's County Health Department reviewed PPS 4-05080 and gave comments resulting in the above condition. Though the Health Department did not comment on the subject PPS, abandoned wells or septic systems may still exist on the property and would still be of concern. Therefore, staff recommends that this condition be carried forward as conditions of approval of the subject PPS.

#### **Specific Design Plans**

Numerous specific design plans (SDPs) have been approved for the Parkside development, variously covering the overall infrastructure for the development, the central park, the proposed architecture, and the detailed layouts of the other six sections. There has not been an SDP approved for the detailed layout of Section 7, and one will be required following approval of the subject PPS.

Stream restoration is required on the subject site by previous conditions of approval associated with SDP-1002. This SDP is discussed further in the Environmental section of this technical staff report.

- 3. Community Planning—**The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035), and conformance with the sector plan, is evaluated as follows:

### **Plan 2035**

This application is located within the Established Communities growth policy area. Plan 2035 describes Established Communities as areas appropriate for context-sensitive infill and low- to medium- density development and recommends maintaining and enhancing existing public services, facilities, and infrastructure to ensure that the needs of residents are met (page 20).

### **Sector Plan**

This application conforms to Section 24-121(a)(5) of the Subdivision Regulations.

The sector plan recommends Mixed-Use Area (Activity Center), low-density residential, and public/private open space land uses on the subject property. However, the sector plan also recognizes, and the associated sectional map amendment carried forward, the R-M and L-A-C zoning for the subject property approved via A-9965-C and A-9966-C, which set forth the approved development types and quantities for the project. As analyzed above, this project conforms to the permitted uses and quantities approved with A-9965-C and A-9966-C. Page 31 of the sector plan also recommends the following design principles applicable to the subject property:

- **Build townhomes and small lot single-family homes to add diversity to neighborhoods or as a transition between higher density units and lower density single-family neighborhoods.**
- **Develop neighborhoods to reflect the character of their location within Westphalia, with areas closer to the town center being more compact and more urban, and outlying areas more rural.**
- **Design an efficient, safe, and interconnected residential street system.**

Staff finds that the proposed PPS incorporates the above design principles.

### **Sectional Map Amendment/Zoning**

As discussed in the Previous Approvals finding of this technical staff report, the property was rezoned to the R-M and L-A-C Zones via Zoning Map Amendments A-9965 and A-9966. The 2007 sectional map amendment retained this zoning. The 2016 *Approved Military Installation Overlay Zoning Map Amendment* classified the subject property in the M-I-O Zone, overlaying the zone over the prior enacted R-M and L-A-C Zones. The 2022 *Approved Countywide Sectional Map Amendment* classified the subject property in the MIO and LCD Zones.

### **Aviation/Military Installation Overlay Zone**

This application is located within the M-I-O Zone for both Height and Noise. Pursuant to Section 27-548.54–Requirements for Height, the applicant must meet the applicable requirements for properties located in the Conical Surface (20:1) - Right Runway, Area Label: E. Pursuant to Section 27-548.55–Requirements for Noise, the applicant must meet the applicable requirements for the Noise Intensity Zone, Area Label: 60 db–74 db. Appropriate conditions to ensure noise will be mitigated for the proposed dwellings are contained in the Recommendation section of this technical staff report.

4. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An unapproved SWM Concept Plan (41639-2021-00) was submitted to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and included as part of this PPS application. The SWM concept plan proposes three submerged gravel wetlands with outfalls. Prior to signature approval of the PPS, an approved SWM concept plan for the current proposal shall be submitted. The approved SWM concept plan, the PPS, and the TCP1 shall show the same site layout, and the limits of disturbance shall be consistent between the plans.

Staff finds that development of the site, in conformance with the SWM concept approval and any subsequent revisions, to ensure that no on-site or downstream flooding occurs, satisfies the requirements of Section 24-130 of the Subdivision Regulations.

5. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of the sector plan, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the Subdivision Regulations (Subtitle 24), as they pertain to public parks and recreation and facilities. The 2017 *Land Preservation, Parks and Recreation Plan for Prince George's County* was also evaluated for this application.

The property is located within the western branch watershed. Approximately 1.36 miles northwest of the subject property is Westphalia Park, developed with a full basketball court, horseshoe pit, picnic area, picnic shelter, open playfield, and an outdoor tennis court. Adjacent to the property (south and east) is the proposed Westphalia Central Park, a premier regional park facility currently being developed. Once completed, the park will provide playgrounds, a network of trails, informal fields and lawn areas, a recreational pond, a seasonal ice rink, and other amenities for public enjoyment. An existing side path along Central Park Drive, which will be extended onto the subject property, provides a safe route to the park for bicyclists and pedestrians.

Staff reviewed this PPS for conformance to the sector plan, per Sections 24-121(a)(5) and 24-122(b) of the Subdivision Regulations. The sector plan provides goals and policies related to parks and recreation (pages 50–56). The sector plan introduced the concept of a “Central Park,” a single major recreational complex serving the entire Westphalia area. The Westphalia Central Park is 257 acres of open space. This Central Park will be accessible to the residents of the community through a system of roads and hiker/biker trails. This large urban park will serve as a unifying community destination and an amenity for the entire sector area. Through the proposed land dedication to the Central Park and recreation facilities discussed below, the proposed development aligns with the sector plan’s intent to provide parks and recreation facilities designed to support existing development patterns and future residents.

This PPS is being reviewed per the provisions of Section 24-134 of the Subdivision Regulations relating to mandatory dedication of parkland. The mandatory dedication requirement may be met with the dedication of land, the payment of a fee-in-lieu, or on-site recreational facilities. Based on the proposed density of development, 7.5 percent of the net residential area of the site could be required to be dedicated to M-NCPPC for public parks, which equates to 7.42 acres. The applicant has proposed to dedicate Parcels CP4 and CP5,

totaling 7.28 acres, to M-NCPPC with this application. Though this area falls somewhat short of the total area which could be dedicated, this area is all of the land on-site, which has been previously designated as part of the Central Park. In addition to the land dedication, the applicant will provide on-site private recreational facilities to serve the recreational needs of the proposed community. The applicant has designated areas on the PPS for recreation facilities and the plans provided show sidewalk connections to these features. The facilities are conceptually proposed to include two playgrounds, outdoor exercise equipment, and passive recreation facilities such as a gazebo, benches, and walkways. Given the adjacency of Westphalia Central Park, staff finds that on-site recreational facilities are appropriate. The details of these amenities and the cost estimates will be reviewed by Development Review Division staff, at the time of SDP.

Per the sector plan recommendations, the applicant shall make a monetary contribution to a “park club.” The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars, as recommended by the sector plan. M-NCPPC shall adjust the amount of the contribution using the Consumer Price Index for inflation at the time of payment. Monetary contributions shall be used for the construction, operation, and maintenance of the public recreational facilities in the central park and/or the other parks that will serve the Westphalia Sector Plan area.

The applicant is proposing the installation of a culvert that traverses Parcel CP5 and off-site Parcel CP2, both of which will be part of the Central Park. The applicant shall obtain a Right of Entry permit from the DPR for the installation of the culvert on M-NCPPC-owned land. DPR may request adjustments to the culvert design to ensure nonerosive conveyance and limit impacts to parkland.

Staff finds that future residents would be best served by the dedication of parkland and the provision of on-site recreation facilities, and that the facilities meet the requirements of mandatory parkland dedication, with the recommended conditions. Staff also finds that the PPS is in conformance with the applicable master plans, sector plan, and the requirements of Subtitle 24, as they pertain to parks and recreation facilities, with the recommended conditions.

6. **Transportation**—This PPS was reviewed for conformance with the MPOT, the sector plan, and the Subdivision Regulations to provide the appropriate transportation recommendations.

## **CONFORMANCE WITH APPLICABLE PLANS**

### **Sector Plan and Master Plan Roads**

The subject property is governed by the approved sector plan, as well as the MPOT. This development will be served by the following master plan roads:

- MC-631 (Central Park Drive)
- MC-632 (Woodyard Road)
- P-616 (Woodyard Road)

All three roads are unbuilt, so the property currently has no frontage on any existing road. However, when MC-631 and MC-632 are completed, they will connect to other built roads to the south and west. The latest submission of the PPS shows the extent of the master plan

ROWs within the limits of the property, including areas previously dedicated by deed and areas for future dedication, but does not clearly identify the ROWs as to be dedicated. As a condition of approval, staff recommends that the MPOT recommended ultimate ROWs for the master plan roadways be shown as “previously dedicated to public use” or “to be dedicated to public use,” depending on their status. The specific land area to be dedicated for each public road should also be provided in the General Notes section.

### **Master Plan Pedestrian and Bike Facilities**

The MPOT includes the following goal and policies regarding sidewalk and bikeway construction, and the accommodation of pedestrians and bicyclists (MPOT, pages 7 and 8):

**GOAL: Provide a continuous network of sidewalks, bikeways and trails that provide opportunities for residents to make some trips by walking or bicycling, particularly to mass transit, schools, employment centers, and other activity centers.**

**POLICY 2: Provide adequate pedestrian and bicycle linkages to schools, parks, recreation areas and employment centers.**

**POLICY 3: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.**

**POLICY 4: Identify sidewalk retrofit opportunities for small area plans within the Developed and Developing Tiers to provide safe routes to school, pedestrian access to mass transit and more walkable communities.**

**POLICY 5: Plan new development to help achieve the goals of this master plan.**

The sector plan includes the following recommendation for pedestrian and bicycle facilities (page 47):

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

The MPOT recommended pedestrian and bicycle facilities will be further evaluated with future SDP applications. However, the latest submission of the PPS shows that all internal roadways and master plan ROWs provide sufficient space to accommodate the MPOT recommended facilities. As a condition of approval, staff recommends that the subject site be served by a continuous network of internal pedestrian and bicycle facilities that shall be evaluated with future SDP applications. The following facilities should be provided in support of this network:

- a. A minimum six-foot-wide sidewalk along both sides of internal streets, unless modified by the operating agency, with written correspondence.
- b. Americans with Disabilities Act-accessible curb ramps and associated crosswalks at all intersections and throughout the site at pedestrian crossings.

- c. Shared roadway pavement markings and signage along P-616, consistent with the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities, unless modified by the operating agency, with written correspondence.
- d. Short-term bicycle parking at all recreation areas, consistent with the AASHTO Guide for the Development of Bicycle Facilities.
- e. Side paths along both MC-631 and MC-632.

With these recommendations, the PPS will conform to the MPOT and sector plan recommendations for bicycle and pedestrian facilities.

## **TRANSPORTATION REVIEW**

### **Analysis of Bicycle and Pedestrian Impacts**

This development is not located within any established center or corridor. Therefore, it is not subject to Section 24-124.01 and the "Transportation Review Guidelines – Part 2."

### **Traffic Evaluation**

The proposed development is projected to generate greater than 50 new trips in either peak hour, consequently, a traffic impact study has been provided. The findings and recommendations outlined below are based upon a review of the materials and analyses conducted by staff, consistent with the "Transportation Review Guidelines – Part 1" (Guidelines).

### **Analysis of Traffic Impacts**

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

**Links and Signalized Intersections:** Level-of-service D, with signalized intersections operating at a critical lane volume of 1,450 or less. Mitigation per Section 24-124(a)(6) is permitted at signalized intersections within any TSA subject to meeting the geographical criteria in the Guidelines.

**Unsignalized Intersections:** The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted:

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

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

The table below shows the intersections deemed to be critical, as well as the levels of service representing existing conditions for the proposed development:

<b>EXISTING CONDITIONS</b>		
<b>Intersections</b>	<b>AM</b>	<b>PM</b>
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road & Sansbury Road	A/725	A/864
Westphalia Road & D'Arcy Road*	12.5 seconds	14.4 seconds
MD 4 & Westphalia Road-Old Marlboro Pike	A/892	C/1246
MD 4 & Suitland Parkway	B/1059	E/1503
MD 223 & Old Marlboro Pike*	12.2 seconds	12.4 seconds
MD 223 & MD 4 WB Ramps*	12.3 seconds	15.4 seconds
MD 223 & MD 4 EB Ramps*	19.1 seconds	21.2 seconds
<p>*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition. However, if the CLV is 1151 or greater, a traffic signal warrant study must be done.</p>		

The traffic study identified 25 developments, including some that are partially built. Pursuant to the Guidelines, traffic studies must apply a growth to through traffic based on average growth over the last 10 years. The data from the traffic revealed that there was negative growth along MD 4 over the last 10 years, consequently, no growth adjustment was applied to the data on MD 4. The traffic study did apply a 4 percent adjustment to all the counts collected (between January and February 2021) at the critical intersections. This was a requirement established by the Planning Board as a result of the COVID-19 virus and its effect on regional and local traffic.

Using the trip rates from the *Trip Generation Manual, 10th edition* (Institute of Transportation Engineers), and County rates as well, the study has indicated that the subject application represents the following trip generation. Note that the traffic study evaluated 639 townhouse units and 46,000 square feet of commercial development, which exceed the 627 townhouse units and 32,000 square feet of commercial development proposed:

Proposed uses	Units	Daily	AM Peak			PM Peak		
			In	Out	Total	In	Out	Total
Townhouse (County)	639	5112	89	358	447	332	179	511
<i>Less internal trips</i>			-12	-20	-32	-29	-27	-56
Net Townhouse			<b>77</b>	<b>338</b>	<b>415</b>	<b>303</b>	<b>152</b>	<b>455</b>
Shopping Center (ITE-820) 10th Edition	46,000 sq. ft.	3546	108	67	175	147	159	306
<i>Less pass-by</i>			-81	-50	-131	-110	-119	-229
<b>Net Shopping Center</b>			<b>27</b>	<b>17</b>	<b>44</b>	<b>37</b>	<b>40</b>	<b>77</b>
<b>Total New Trips (Trip Cap)</b>		8658	104	355	<b>459</b>	340	192	<b>532</b>

The table above indicates that the proposed development will be adding 459 AM and 532 PM new peak trips. A second analysis depicting total traffic conditions was done. This analysis included existing traffic with a 4 percent adjustment factor, background developments, and site-generated traffic. This analysis yielded the following results:

TOTAL CONDITIONS		
Intersections	AM	PM
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road & Sansbury Road <i>With Improvements</i>	D/1335 C/1189	<b>E/1596</b> D/1445
Westphalia Road & D'Arcy Road*	A/914	B/1133
MD 4 & Westphalia Road-Old Marlboro Pike**	<b>F/1606</b>	<b>F/1806</b>
MD 4 SB Ramps & Suitland Parkway	A/547	A/641
MD 4 NB Ramps & Presidential Parkway	A/584	A/594
Old Marlboro Pike & Old Marlboro Pike Ext.	A/392	A/504
Old Marlboro Pike & MD 4 NB Ramps	A/136	A/202
MD 223 & Melwood Road-Woodyard Road	A/717	A/773
MD 223 & MD 4 EB Ramps	A/714	A/803
*Unsignalized intersection that does not exceed 1151 CLV. Consequently, a signal warrant study is not necessary.		
**Exceed the 1450 CLV threshold, but will participate in the PFFIP in lieu of improvements.		

The results under total traffic conditions show that all signalized intersections will operate adequately with two exceptions. The intersection of Ritchie Marlboro Road and Sansbury Road will operate inadequately, but with the inclusion of the following improvements, will operate adequately:

#### **Ritchie Marlboro Road and Sansbury Road**

- Restripe the northbound right lane along Sansbury Road to a right- and left-turn lane.
- Restripe the eastbound right/thru shared lane along Ritchie Marlboro Pike to a right-turn only lane.

- Design and prepare Traffic Signal Modification Plans.

The second failing intersection is MD 4 and Westphalia Road. There is a planned interchange for this intersection and the funding will come from contributions from developers within the Westphalia Sector Plan district.

### **Westphalia Public Facilities Financing and Implementation Program**

On October 26, 2010, the County Council approved CR-66-2010, establishing a PFFIP district for the financing and construction of the MD4/Westphalia Road interchange, at a total cost of \$79,990,000.00. Pursuant to CR-66-2010 (Sections 6, 7, and 8) staff has determined a cost allocation of the interchange for all the properties within the PFFIP district. The allocation for each development is based on the proportion (percentage) of average daily trips (ADT) generated by each development passing through the intersection, to the estimated total ADT contributed by all the developments in the district passing through the same intersection. The application's future traffic impact (or ADT) becomes the basis on which each development's share of the overall cost is calculated.

### **Analysis of PFFIP Contribution**

The analyses by staff shows that the proposed development will generate 8,658 daily trips. The approved scoping agreement required that the traffic study assigns 35 percent of the total new trips through the MD 4/Westphalia Road intersection. The proposed development will therefore send a total of 3,030 ( $8,658 \times 0.35$ ) daily trips through the intersection. As previously mentioned, the overall ADT for the properties within the Westphalia district is an important variable in the calculation of each property's proportionate share. It should be noted that since the evaluation by staff began in 2012, staff has been keeping track of the overall ADT, as various developments have been evaluated through the PPS process, including the overall Smith Home Farm PPS, which included the previous approved density for the property within the limits of Section 7 of the development. The total new daily trips generated by the site, combined with the total ADT for all the PFFIP properties, equals 75,674 trips.

As previously mentioned, the subject application was a part of the original Smith Home Farm (now known as Parkside) PPS, which at the time of approval proposed a different mix of uses from what is now referred to as Section 7. The table below shows the difference between the original PPS for Smith Home Farm, Section 7, and the pending proposal.

<b>Table – Section 7 Development Comparison (ADT)</b>		
Original Section 7 – Smith Home Farm		
Use	Unit	ADT
Senior Adult Housing	939	3,474
Shopping Center	140,000 sq. ft.	5,285
<b>Total ADT</b>		<b>8,759</b>
Proposed Section 7 (4-21029)		
Townhomes	639	5,112
Shopping Center	46,000 sq. ft.	3,546
<b>Total ADT</b>		<b>8,658</b>
<b>Difference</b>		<b>-101</b>

The results of the ADT comparisons between applications show that the pending application will generate 101 fewer ADT trips than the original proposal. The ADT to be used for evaluation of the PFFIP should therefore be adjusted downward to 77,185 (77,286 – 101) trips. Based on the projected daily trips from the subject property, the total fee is calculated as:  $3,030 / 77,185 \times 79,990,000.00 = \$3,140,114.01$ . Because two uses are being proposed, the unit cost for each use is broken down, as follows:

Residential:  $5,112 \times 35\% = 1789$  trips  
 $1,789 / 77,185 \times 79,990,000 = \$1,854,014.51$ .  
 $\$1,854,014.51 / 639 = \mathbf{\$2,901.43}$  per dwelling unit

Commercial:  $3,546 \times 35\% = 1241$   
 $1,241 / 77,185 \times 79,990,000 = \$1,286,099.50$   
 $\$1,286,099.50 / 46,000 = \mathbf{\$27.96}$  per square foot

Based on the above calculations, the applicant should, prior to issuance of each residential building permit, pay to the County a fee of \$2901.43 (in 2010 dollars) per dwelling unit, pursuant to the Memorandum of Understanding (MOU) required by CR-66-2010. The applicant should also, prior to issuance of any commercial building permit, pay to the County a fee of \$27.96 (in 2010 dollars) per square foot, pursuant to the MOU. These unit costs will be adjusted based on an inflation cost index factor to be determined by DPIE at time of issuance of each permit. If the development is phased, the applicant should provide a phasing plan indicating the per dwelling unit fee for each residential building, and per square foot fee for nonresidential development (excluding escalation adjustment), at the time of each SDP.

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision, in accordance with Subtitle 24, if the application is approved with the conditions recommended in this technical staff report.

7. **Site Access and Layout**—The subject property includes previously dedicated ROWs for Central Park Drive and Woodyard Road, both of which are to be extended via ROW dedication proposed with this PPS. The internal streets of the development are proposed to be designed in a grid pattern, which will enhance the internal circulation of the property. Upon the streets' completion and connection to adjacent streets outside Section 7, the proposed street network will be adequate to serve this development. The site will ultimately connect to adjacent development within Parkside through Central Park Drive and Victoria Park Drive to the west and Woodyard Road to the south. It will connect to the Woodside Village development through Woodyard Road to the north. Central Park Drive, following its exit from the site to the east, will ultimately connect north to Westphalia Road and Ritchie Marlboro Road.

A mixture of front and rear access is proposed for the townhouse lots, with access to some lots provided by private streets in front of the lots and access to other lots provided by private alleys at the rears of the lots. No townhouse lots with frontage on a public street have direct vehicular access to that public street, per DPIE requirements; all such lots are served by private alleys. No proposed alleys have dead ends longer than 150 feet.

## Variation

The use of private alleys to serve townhouse development in the R-M and L-A-C Zones is permitted, in accordance with Section 24-128(b)(7)(A), with the stipulation that when alleys are used to serve townhouse lots the lots must also front on a public street. However, in this case, the applicant has proposed that certain lots front on private streets or open space instead. Specifically, the following lots are served by private alleys and do not have frontage on a public street:

- Lots 40–45, Block A
- Lots 43–83, Block B
- Lots 29–72, Block D
- Lots 1–39, Block G
- Lots 1–18 and 32–45, Block J
- Lots 11–36, Block K
- Lots 1–22, Block L

In order to permit the use of alleys to serve these lots, the applicant has requested a variation from Section 24-128(b)(7)(A).

Section 24-113 of the Subdivision Regulations requires that the following criteria be met for the Planning Board to approve a variation. The criteria are in **BOLD** text below, while staff findings for each criterion are in plain text.

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

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

The Subdivision Regulations generally require frontage on public streets to ensure adequate access and public safety. The affected lots will have rear-loaded garage units, which allow vehicles to access each unit from the alleys rather than directly from the public streets. The proposed alleys connect to the public streets for full circulation, and no alley has a dead end longer than 150 feet. In addition, all alleys serving lots which front on private open spaces have pavement at least 22 feet wide. Therefore, the alleys will allow adequate access for emergency vehicles where such vehicles must utilize the alleys. The design separates vehicular traffic using the alleys from pedestrian traffic using the sidewalks in front of the units, thereby reducing the number of sidewalk/driveway crossings, and improving safety for residents and visitors. This better achieves the purpose of the Subdivision Regulations that land be subdivided in such a way that it

can be used safely for building purposes without danger to health, safety, and welfare.

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

The property is unique in that it has a long-standing CDP (CDP-0501 was originally approved in 2006), which established a grid development pattern for Section 7 of Parkside. The most recent CDP amendment, CDP-0501-03, altered the proposed development of Section 7 to remove multifamily and mixed-retirement uses, reduce the commercial component, and provide townhouse dwellings, and it made some alterations to the streets in support of this change. However, the new proposed grid pattern is not fundamentally different. The grid is framed by master-planned roads Central Park Drive and Woodyard Road, with Victoria Park Drive providing an additional public street connection between Woodyard Road and Section 4 of Parkside. The secondary streets within this grid, extending from the public streets, are proposed to be private. While in theory, additional public streets could be provided in lieu of the private streets, there would be no advantage to doing this. Rather, the private streets act as a logical extension of the public streets, reduce the road maintenance burden of the operating agency, and allow greater flexibility in the design of the subdivision (for instance, by allowing some townhouse lots to have front access onto the streets). In addition, the street grid allows for the placement of a variety of open spaces within and at the edges of the blocks. From the standpoint of future homeowners, some may find the lots fronting on these open spaces to be more desirable than the lots fronting on the streets. Staff finds that the proposed development pattern, rooted in the prior CDP approvals, is a unique condition on which the variation is based, is unique to the property for which the variation is sought, and is not applicable generally to other properties.

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

Staff is not aware of any applicable law, ordinance, or regulation that will be violated if this variation is granted. The approval of a variation is under the sole authority of the Planning Board. This request was referred to the road operating agency and the Prince George's County Fire Department for review and comments, neither of which have objected to this request.

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

The particular physical surroundings of this development include the other portions of Parkside to the west and south, as well as existing environmental features to the north and east. Within these boundaries, the applicant has

proposed a compact development pattern within the developable areas of the site, supported by the previously discussed grid of public and private streets. If the strict letter of Section 24-128(b)(7)(A) were to be carried out, the applicant would need to significantly alter this development pattern, to include additional public streets and further constrain the lot placement. This would constitute a particular hardship to the owner rather than a mere inconvenience, given that, as established above, there would be no particular benefit which would accrue to the development from this alteration. Due to the constraints provided by the physical surroundings, a grid pattern is the most efficient way of attaining the approved density of the site, and a different development pattern that conforms to Section 24-128(b)(7)(A), even one that is still a grid, may be less efficient. Staff therefore finds that, because of the particular physical surroundings of this specific property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations is carried out.

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

This property is not in any of the above listed zones. Therefore, this section does not apply.

Staff finds that the site is unique to the surrounding properties, and the variation request is supported by the required findings. Pursuant to Section 24-113(a), the Planning Board may approve a variation when it finds that extraordinary hardship or practical difficulties may result from strict compliance with the Subdivision Regulations, and/or when it finds that the purposes of the Subdivision Regulations may be served to a greater extent by an alternative proposal, provided that the variation does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. Staff finds that because the site plan demonstrates adequate access for residents, visitors, and emergency services, that the applicant may indeed encounter a practical difficulty if strict compliance with the Subdivision Regulations were required, as the applicant would need to make significant changes to their site design that would be neither needed to gain better access, nor guaranteed to actually have a better result. Staff further finds that approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, but instead will result in a better outcome than could be achieved through strict compliance with the Subdivision Regulations, due to the variation allowing for a site layout that places much of the responsibility for the streets on the HOA and gives some of the lots frontage on desirable open spaces. Therefore, staff recommends approval of the variation to allow the above-listed lots to be served by alleys without fronting on a public street.

- 8. Schools**—This PPS was reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations, and in accordance with CR-23-2001 and CR-38-2002, *Amended Adequate Public Facilities Regulations for Schools*. Per Section 24-122.02(a)(2), the subdivision is considered adequate when the future student

enrollment does not exceed 105 percent of the state-rated capacity. The subject property is located within Cluster 4, as identified in the *Pupil Yield Factors and Public-School Clusters* 2021 Update. Staff has conducted an analysis and the results are as follows:

**Impact on Affected Public School Clusters by Dwelling Units**

	Affected School Cluster		
	Elementary School Cluster 4	Middle School Cluster 4	High School Cluster 4
Single-Family Attached (SFA) Dwelling Units	627 DU	627 DU	627 DU
Pupil Yield Factor (PYF) – SFA	0.104	0.072	0.091
SFA x PYF = Future Subdivision Enrollment	65	45	57
Adjusted Student Enrollment 9/30/21	12,730	10,182	7,914
Total Future Student Enrollment	12,795	10,227	7,971
State Rated Capacity	17,095	10,737	8,829
Percent Capacity	75	95	90

Per Section 24-114.01, School Planning Capacity Analysis, of the Subdivision Regulations, this adequacy analysis was completed for planning purposes to assess the need for new or expanded school facilities; it is not a condition of approval for a subdivision.

Section 10-192.01 of the Prince George’s County Code establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$10,180 per dwelling if a building is located between I-95/495 (Capital Beltway) and the District of Columbia; \$10,180 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$17,451 per dwelling for all other buildings. This project is located outside the Capital Beltway; thus, the surcharge fee is \$17,451 per dwelling unit. This fee is to be paid to DPIE at time of issuance of each building permit.

This PPS is found to conform to the sector plan recommendations for schools, as discussed in the Public Facilities finding below.

9. **Public Facilities**—In accordance with Section 24-122.01, water and sewerage and police facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section, dated June 29, 2022 (Perry to Diaz-Campbell), provided in the backup of this technical staff report, and incorporated by reference herein. According to the memorandum, fire and rescue facilities are found to be adequate to serve the residential portion of the site. Fire and rescue adequacy for the nonresidential portion of the site requires additional discussion, as provided below.

**Fire and Rescue Facilities- Nonresidential**

The subject property is served by Forestville Volunteer Fire/EMS Company 823 located at 8321 Old Marlboro Pike in Suitland.

Per Section 24-122.01(d)(1)(A), a five-minute total response time is recognized as the national standard for Fire/EMS response times. The five-minute total response time arises

from the 2020 Edition of the National Fire Protection Association (NFPA) 1710 Standards for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments. This standard is being applied to the review of nonresidential subdivision applications. Per the NFPA 1710, Chapter 4, 240 seconds (four minutes) or less travel time is the national performance objective.

According to NFPA 1710, Chapter 3 Definitions, the total response time and travel time are defined, as follows:

**3.3.53.6 Total Response Time. The time interval from the receipt of the alarm at the primary Public Safety Answering Point (PSAP) to when the first emergency response unit is initiating action or intervening to control the incident.**

**3.3.53.7 Travel Time. The time interval that begins when a unit is in route to the emergency incident and ends when the unit arrives at the scene.**

According to NFPA 1710, Chapter 4 Organization:

**4.1.2.1 The fire department shall establish the following performance objectives for the first-due response zones that are identified by the authority having jurisdiction (AHJ):**

- 1. Alarm handling time completion in accordance with 4.1.2.3 (4.1.2.3.1 The fire department shall establish a performance objective of having an alarm answering time of not more than 15 seconds for at least 95 percent of the alarms received and not more than 40 seconds for at least 99 percent of the alarms received, as specified by NFPA 1221).**
- 2. 80 seconds turnout time for fire and special operations response and 60 seconds turnout time for EMS response.**
- 3. 240 seconds or less travel time for the arrival of the first engine company at a fire suppression incident.**

Prince George's County Fire and EMS Department representative, James V. Reilly, stated in writing (via email) that as of June 28, 2022, the subject project fails the four-minute travel time test from the closest Prince George's County Fire/EMS Station Forestville Volunteer Fire/EMS, Company 823, when applying the national standard and [NFPA 1710.4.1.2.1 (3)]. Therefore, this property would fail to meet an associated total response time under five-minutes from the closest Fire/EMS Station.

Staff recommends that prior to issuance of a use and occupancy permit, the applicant and the applicant's heirs, successors, and/or assignees contact the Prince George's County Fire/EMS Department to request a pre-incident emergency plan for the facility, install and maintain a sprinkler system that complies with NFPA 13 standards, install and maintain automated external defibrillators, in accordance with the Code of Maryland Regulations, and install and maintain hemorrhage kits next to fire extinguishers.

### **Applicable Plan Conformance**

This PPS was reviewed for conformance to the sector plan, in accordance with Section 24-121(a)(5). The sector plan provides a goal and policies related to public facilities (pages 48–50). Specifically, the sector plan goal is to “Provide needed public facilities and infrastructure to create a quality community and support the planned land use program consistent with county standards,” and the policies and their associated strategies relate to schools, public safety, libraries, and implementation. The first three policies are inapplicable to this site because there are no police, fire and emergency medical service facilities, schools, or libraries proposed on the subject property. The public utility easements (PUEs) to be provided on the property are supportive of the implementation policy’s strategy to “develop a comprehensive underground utilities network, particularly for the Westphalia town center area, that addresses the location of public utility easements (including fiber-optic lines).” Staff finds that the PPS conforms to the relevant public facilities’ policies of the sector plan.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities; this plan does not contain any recommendations which affect the subject property.

10. **Use Conversion**—The total development included in this PPS is for 627 townhouse units and 32,000 square feet of commercial development in the R-M and L-A-C Zones. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.
11. **Public Utility Easement**—In accordance with Section 24-122(a), when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for PUEs is 10 feet wide along both sides of all public ROWs. The subject site will contain the public ROWs of MC-631, MC-632, and P-616, and Victoria Park Drive. The PPS shows PUEs along both sides of all these public ROWs.

In addition, Section 24-128(b)(12) requires that all private streets have a PUE along at least one side of the ROW. This requirement is met for the proposed private streets in the development.

The PUE on the north side of Central Park Drive overlaps with the two PUEs serving Lots 29 and 38, Block D. Rather than overlapping PUEs, the PPS should show the PUEs serving the lots to be continuous with the PUE along Central Park Drive.

12. **Historic**—The subject property was surveyed for archeological resources in 2005. No archeological sites were identified in Section 7 of the Parkside development. No additional archeological investigations are recommended in Section 7 of the Parkside development.

The sector plan includes goals and policies related to historic preservation (pages 67–68). However, these are not specific to the subject site or applicable to the proposed development. This proposal will not impact any Prince George's County historic sites, historic resources, or significant archeological sites.

From the standpoint of historic preservation, staff recommends approval of the PPS, subject to the conditions recommended in this technical staff report.

- 13. Environmental**—The subject PPS was received on May 18, 2022. Environmental comments were provided in an SDR meeting on May 27, 2022. Revised information was received on June 10, 2022.

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

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
A-9965-C A-9966-C	NA	District Council	Approved	5/22/2006.	N/A (Final Decision)
NRI-006-05	NA	Planning Director	Signed	8/8/2005	N/A
NRI-006-05-01	NA	Planning Director	Signed	11/14/2006	N/A
NRI-006-05-02	NA	Planning Director	Approved	7/25/2012	N/A
NRI-006-05-03	NA	Planning Director	Approved	3/7/2018	N/A
CDP-0501	TCPI-038-05	District Council Affirmation of Planning Board Approval	Approved	6/12/2006	PGCPB No. 06-56
CDP-0501 Reconsideration	TCPI-038-05	District Council Affirmation of Planning Board Approval	Approved	3/28/2016	PGCPB No. 06-56 (C)(A)
CDP-0501-01	TCPI-038-05-01	Planning Board	Approved	12/01/2011	PGCPB No. 11-112
CDP-0501-01	TCPI-038-05-01	District Council Affirmation of Planning Board Approval amending Conditions 3, 7 and 9	Approved	5/21/2012	PGCPB No. 11-112
4-05080	TCPI-038-05-01	Planning Board	Approved	10/14/2005	PGCPB No. 06-64(A)
SDP-0506	TCPII-057-06	Planning Board	Approved	7/27/2006	PGCPB No. 06-192
SDP-0506-01	TCPII-057-06-01	Planning Board	Approved	2/23/2012	PGCPB No. 12-14.
SDP-0506-02	TCPII-057-06-02	Planning Board	Approved	2/12/2015	PGCPB No. 15-18
SDP-1002 Stream Restoration	NA	Planning Board	Approved	1/26/2012	PGCPB No. 12-07

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
SDP-0506-03	TCP11-057-06-02	Planning Board	Approved	7/17/2014	PGCPB No. 14-70
CDP-0501-02	TCP1-038-05-02	Planning Board	Approved	1/30/2020	PGCPB No. 2020-12
CDP-0501-03	TCP1-038-05-03	Planning Board	Approved	3/10/2022	PGCPB No. 2022-13
4-21029	TCP1-038-05-04	Planning Board	Pending	Pending	Pending

### **Grandfathering**

The current application is no longer grandfathered from the requirements in the prior Subtitles 24 and 27, and from the requirements of Subtitle 25, Division 2, because the revised TCP1 is associated with a new PPS application.

### **Site Description**

The site is located within the Established Communities area of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035. Section 7 of Parkside includes regulated streams, wetlands and 100-year floodplain, and associated buffers. The site does not contain any wetlands of special state concern. The site is located in the Western Branch watershed of the Patuxent River basin, as mapped by the Maryland Department of Natural Resources (DNR); this watershed is identified by DNR as a Stronghold watershed. The on-site stream is not a Tier II water, or a Tier II catchment. Although there are no nearby traffic-generated noise sources, part of the property is located within the 65 dBA Ldn noise contour associated with aircraft flying into and out of Joint Base Andrews (JBA). There are no rare, threatened, or endangered species located near this property, based on information provided by the DNR Natural Heritage Program, at the time of the previous natural resources inventory (NRI) update in 2012.

## **SECTOR AND FUNCTIONAL PLAN CONFORMANCE**

### **Sector Plan**

There are four policies of the sector plan that relate to the environmental infrastructure on the subject property. The following policies and strategies are applicable to the subject application. The text in **BOLD** is the text from the sector plan and the plain text provides comments on plan conformance.

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

The current application is located within the designated network of the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan). On-site woodland conservation, preservation of regulated environmental features (REF), and stream restoration are proposed.

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

### **Strategies**

- a. Remove agricultural uses along streams and establish wooded stream buffers where they do not currently exist.**
- b. Require stream corridor assessments using Maryland Department of Natural Resources protocols and include them with the submission of a natural resource inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites.**
- c. Coordinate the road network between parcels to limit the need for stream crossings and other environmental impacts. Utilize existing farm crossings where possible.**
- d. Encourage shared public/private stormwater facilities as site amenities.**
- e. Ensure the use of low-impact development (LID) techniques to the fullest extent possible during the development review process with a focus on the core areas for use with bioretention and underground facilities.**

The site does not contain active agricultural uses. The plan proposes that SWM will be provided using environmental site design, a SWM strategy consistent with the prior low-impact development techniques. An unapproved SWM concept plan was provided with this application and is under review by DPIE. The proposed SWM facilities consisting of three submerged gravel wetlands and associated outfalls have been shown on the PPS and revised TCP1.

Existing woodlands located within the primary management area (PMA) and adjacent to regulated streams are proposed for preservation, and areas within the floodplain and PMA that are barren are proposed for planting to provide expanded riparian buffers.

**Policy 4. Plan land uses appropriately to minimize the effects of noise from Joint Base Andrew and existing and proposed roads of arterial classification and higher.**

### **Strategies**

- a. Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.**
- c. Evaluate development proposals using Phase I noise studies and noise models.**
- e. Provide for the use of appropriate attenuation measures when noise issues are identified.**

The site is located within noise impact areas associated with JBA. Staff recommends that at the time of building permits for the residential development, a certification by a professional engineer with competency in acoustical analysis shall be placed on each building permit, stating that the building shell or structure has been designed to reduce interior noise levels to 45 dBA Ldn or less. Staff also recommends that a note be placed on the final plat of subdivision advising future property owners of the elevated noise levels generated by the base. The property is not in the vicinity of any roads of arterial classification or higher, therefore a Phase I noise study was not required.

### **Conformance with the Green Infrastructure Plan**

The Green Infrastructure Plan was approved with the adoption of the *Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017) on March 7, 2017. According to the approved Green Infrastructure Plan, the site contains regulated and evaluation areas related to streams, wetlands, floodplain, and associated buffers. The site is not located in a special conservation area.

The following policies and strategies in bold are applicable to the subject application. The text in **BOLD** is the text from the Green Infrastructure Plan and the plain text provides comments on plan conformance.

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

#### **1.1 Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:**

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

In Section 7 there is a significant amount of PMA associated with a stream and 100-year floodplain crossing the property from west to east, then heading south along the eastern boundary, which is shown as regulated area within the Green

Infrastructure Plan. Proposed impacts to REF are discussed in more detail in the Preservation of Regulated Environmental Features/Primary Management Area sections below.

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

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

The preservation of REF within the green infrastructure, as well as mitigation and restoration opportunities, are evaluated in the Woodland Conservation and Preservation of Regulated Environmental Features/Primary Management Area sections below, for conformance with the Subdivision Regulations, as well as the evaluation of proposed impacts.

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

- 3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**
  - a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

Environmental impacts due to the master-planned transportation pattern shown on the PPS and revised TCP1 are evaluated within the Preservation of Regulated Environmental Features/Primary Management Area section below, for conformance with Subdivision and Zoning requirements, and the evaluation of impacts.
  - b. Locate trail systems outside of the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer they must be**

**designed to minimize clearing and grading and to use low impact surfaces.**

Environmental impacts due to master-planned pedestrian and bike facilities along MC-631 and P-616 will be minimized to the fullest extent possible by combining these facilities with the master-planned roadways as side paths and shared road markings. Any proposed impacts will be further evaluated during the review of the SDP and TCP2 plans.

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

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

Conservation easements are required for the subject application because areas of REF on-site are identified within the PMA and are proposed for retention. The conservation easements will be addressed at the time of final plat. The areas of on-site woodland conservation will be required to be placed in a Woodland and Wildlife Habitat Conservation Easement, prior to signature approval of the TCP2.

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

**5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**

**5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

The site is required to provide stream restoration to Stream Reach 7 by previous conditions of approval associated with SDP-1002. Reaches 7-2, 7-3, 7-5, and 7-6 have been identified as priority stream restoration areas. Technical design to implement the required stream restoration in Section 7 will be required to be shown on the SDP and TCP2 plans, prior to certification.

The proposal has not yet received stormwater concept approval. The submitted unapproved concept plan shows use of three submerged gravel wetlands that do not impact the PMA to meet the current requirements of environmental site design to the maximum extent practicable. The Site/Road Plan Review Division of DPIE will review the project for conformance with the current provisions of the county code that addresses the state regulations.

The unapproved SWM Site Development Concept Plan (41639-2021) is subject to the current regulations of Subtitle 32. All SWM impacts to REF shall be limited to

those identified as necessary in the Environmental Technical Manual (ETM), including outfalls for approved stormwater facilities, and approved by the Planning Board.

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

**General Strategies for Increasing Forest and Tree Canopy Coverage**

**7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**

Because of the existing conditions of the overall Parkside site, which was previously in agricultural use, extensive afforestation/reforestation is proposed on-site in order to satisfy the District Council conditions that the overall woodland conservation threshold (WCT) of 159.04-acres is required to be met on-site. The use of off-site banking will be necessary to meet the full woodland conservation requirements for the site.

**7.2 Protect, restore and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**

The use of native species is required for all afforestation/reforestation planting credited as woodland conservation.

**7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/or amendments are used.**

The TCP2 will include specifications regarding the appropriate soil, root space, soil amendments, timing of planting, and quality standards, per the ETM.

**Forest Canopy Strategies**

**7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**

**7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where Forest Interior Dwelling Species (FIDS) habitat is present or within Sensitive Species Project Review Areas (SSPRA).**

- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

Clearing of woodlands is proposed with the subject application. Woodland conservation shall be designed to minimize fragmentation and reinforce new forest edges. The retention or expansion of potential forest interior dwelling species habitat, and green infrastructure corridors are also strongly encouraged. Green space shall be encouraged in compact developments to provide multiple ecoservices, such as heat island reduction.

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

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

Adequate protection of proposed dwellings from noise, and vibration impacts associated with aircraft flying overhead to access JBA is recommended to be addressed at time of building permit with requirements to provide acoustical shell certification for proposed residential architecture.

**Conformance with Prior Conditions of Approval**

Listed below are previously approved environmental conditions related to the subject application. The conditions are given in **BOLD** text, while staff comments on conformance to the conditions are given in plain text.

**District Council Final Decision for A-9965-C and A-9966-C**

The Basic Plan for applications A-9965-C and A-9966-C was approved by the District Council on May 22, 2006, subject to conditions. The following environmentally related conditions have been identified as pertinent to the current review:

- 2. The following conditions of approval shall be printed on the face of the Basic Plan:**
- L. The development of this site should be designed to minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation of ponds within the regulated areas.**
  - M. The woodland conservation threshold for the site shall be 25 percent for the R-M portion of the site and 15 percent for the L-A-C portion. At a minimum, the woodland conservation threshold shall be met on-site.**

- N. All Tree Conservation Plans shall have the following note:  
“Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1.”**
- O. No woodland conservation shall be provided on any residential lots.**

Based on the District Council’s requirements, the WCT for the overall Parkside development (including both the R-M and L-A-C Zones) is 24.53 percent. The District Council also required 1:1 replacement for clearing within the PMA, prohibited the crediting of woodland conservation on residential lots, and required that the WCT for the overall development be met on-site. The minimization of impacts to REF is addressed in the Environmental Review section below.

#### **District Council Final Decision for CDP-0501**

The CDP and Type 1 Tree Conservation Plan, TCPI-038-05, were approved by the District Council on June 12, 2006, subject to conditions. Those conditions that are pertinent to the current review, because they were not previously satisfied, addressed, or found redundant, are listed below. TCP1-038-05 was revised and certified with CDP-0501. The 2016 reconsideration of CDP-0501 did not affect any of the environmental conditions.

- 4. At time of preliminary plan of subdivision, the applicant shall:**
  - a. Submit a detailed geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.**
  - c. Design the preliminary plan so that no lots are proposed within the areas containing the Marlboro clay layer. If the geotechnical report describes an area of 1.5 safety factor lines, then no lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line, and a 25-foot building restriction line shall be established along the 1.5 safety factor line.**

The applicant submitted a detailed geotechnical study as part of this application. It was determined that Marlboro clay is located in the vicinity of Section 7 of the Parkside development. A geotechnical report was provided and reviewed with the current PPS and revised TCP1, and the elevation of the Marlboro clay layer was identified using the soil boring logs. It was determined that no lots are proposed in the area containing the Marlboro Clay layer. A slope stability analysis was performed, which resulted in a safety factor line of less than 1.5, based on the grading shown on the PPS submitted. The geotechnical report has also shown the site to have a less than 1.5 safety factor line. The applicant will be required to provide a slope stability analysis based on the final grading plan submitted at time of SDP review to confirm the safety factor line.

- b. Minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible, and by minimizing the stormwater management ponds within the regulated areas. The preliminary plan shall show the locations of all existing road crossings.**

SWM facilities, including three submerged gravel wetlands, are proposed in Section 7, but the SWM concept plan has not yet been approved. The SWM elements proposed shown on the PPS appear to propose no impacts to the REF except for required outfalls. The minimization of impacts for the road crossing and outfalls is evaluated in the Preservation of Regulated Environmental Features/Primary Management Area section below and will also be evaluated by the Maryland Department of the Environment for impacts requiring stream or wetland permits.

**d. Submit a completed survey of the locations of all Rare, Threatened and Endangered (RTE) species within the subject property for review and approval.**

The overall site has a previous rare, threatened, and endangered species (RTE) survey performed in 2006. A revision to the approved NRI-005-06-03 in 2018 was limited to Sections 5 and 6, and the last revision to the NRI for Section 7 (NRI-006-05-02) occurred in 2012. A new revision to the NRI for Section 7 will be required, prior to acceptance of an SDP and TCP2 for Section 7; this revision is necessary to inform the design of the master-planned stream crossing and the required stream restoration. PGAtlas does not indicate that Section 7 includes any sensitive species review area on the site, and the DNR Natural Heritage Program did not find any RTE species on the site at the time of the 2012 NRI revision. However, the absence of RTE species should be confirmed with a letter from the DNR Natural Heritage Program, in conformance with Part B of the ETM, with the currently required NRI revision.

**f. Request the approval of locations of impacts that are needed for the stream restoration work and provide the required documentation for review. A minimum of six project sites shall be identified and the restoration work shall be shown in detail on the applicable SDP. This restoration may be used to meet any state and federal requirements for mitigation of impacts proposed, and all mitigation proposed impacts should be met on-site fully possible.**

Six on-site stream restoration sites on the overall Parkside site were identified with the approval of SDP-1002, and two stream restoration projects have been completed during the site development process in Sections 3 and 5.

There are four priority stream restoration projects identified in Section 7 associated with Stream Reach 7 (7-2, 7-3, 7-5, and 7-6). Discussions will be held with the applicant to determine which priority projects will be addressed with the SDP and TCP2 for Section 7.

**Conditions of Approval for SDP-1002 Stream Restoration**

The Planning Board approved SDP-1002 on January 26, 2012 (PGCPB Resolution No. 12-07), subject to the following conditions:

1. **Prior to certificate approval of this SDP, the applicant shall revise the plans for the project as follows:**
  - a. **Show Stream Reaches 3-4, 6-2, 7-2, 7-3, 7-5, and that portion of 7-6 that is not on land to be dedicated to the Department of Parks and Recreation as priority areas for restoration. Identify the approximate land area necessary for the associated grading and revise all charts and information, as necessary.**
  - b. **Provide two additional columns in the stream restoration chart that include:**
    - (1) **a column for the estimated cost for the restoration of each stream segment, with the cost typed in; and**
    - (2) **a column for the actual cost (to be typed in upon completion of each restoration project).**
  - c. **The applicant shall revise the plans to remove all proposed stream restoration areas from the land to be dedicated for the central park.**
  - d. **The applicant shall ensure that the subject plan conforms in all respects to the final approving Prince George's County Planning Board resolution or District Council order and the certified plans for Comprehensive Design Plan CDP-0501-01, Smith Home Farm.**
  - e. **The phasing plan for the overall site shall be revised such that the areas of restoration for Stream Reaches 3-4, and 7-2 are within only one phase.**
  - f. **The limited specific design plan for stream restoration shall be revised to reflect the location of the master plan trail and all associated connector trails. Boardwalk or bridge construction that is incorporated into the trail shall be designed to minimize environmental impacts and support the restoration measures. Location of the master and connector trail and design of any boardwalks, bridges, or underpasses shall be approved by the trails coordinator and the Environmental Planning Section as designees of the Planning Board.**
  - g. **The applicant shall place a conspicuous note on the cover sheet of the plan set stating that any lot layout or road configuration shown on a set of plans approved by the Planning Board for SDP-1002 shall be for illustrative purposes only. Lot layout and road configuration shall be approved in separate SDPs such as the currently pending SDP-1003 for section 1a, 1b, 2 and 3.**

SDP-1002 was revised to conform to the above conditions prior to certification. Impacts to REF for priority stream restoration projects were illustrated conceptually on SDP-1002, and the area of impacts and costs were estimated. However, stream restoration impacts to REF were not shown on the previous PPS

4-05080, 4-16001 (Sections 5 and 6, Reach 3-4), TCP1-039-05, or revisions -01, -02, or -03, and are not reflected on the current PPS and revised TCP1 application.

Stream restoration impacts were also not included in the Statement of Justification for Impacts to Regulated Environmental Features. This is consistent with how the stream restoration impacts were addressed for Reach 3-4 and 6-2. The full design for the stream restoration and related REF impacts shall be provided on the required SDP, when impacts to woodlands will be addressed at the required replacement rate, and impacts within the PMA will be mitigated at a 1:1 ratio.

2. **Prior to certification of the site development plan for each phase containing priority areas of stream restoration, a detailed stream restoration plan for that area shall be certified. Each plan shall be developed using engineering methods that ensure that the stream restoration measures anticipate future development of the site and the addition of large expanses of impervious surfaces.**

Discussions will be held with the applicant to determine which priority projects will be addressed with the SDP and TCP2 for Section 7.

3. **Prior to issuance of the first building permit for each individual phase/section of development containing the stream restoration for all reaches located within that individual phase/section shall be completed. Evidence of completion including a summary of all work performed and photographs shall be submitted to and approved by the Environmental Planning Section, following a confirmatory site visit by an Environmental Planning Section staff member.**

Any required stream restoration projects shall be completed, prior to issuance of any building permits.

4. **Should the required minimum \$1,476,600 expenditure in stream restoration efforts not be met upon completion of work on the identified priority areas, the subject specific design plan (SDP-1002) shall be revised, and additional priority area(s) recommended as necessary to meet the minimum required expenditure. The applicant shall be required to undertake stream restoration efforts specified in the revision approval in accordance with all other requirements of the SDP approval, until the required minimum expenditure is met.**

A minimum expenditure of \$1,476,600 in priority stream restoration is required on the overall Parkside development site by SDP-1002. Previous stream restoration projects on Reach 3-4 and 6-2 have expended \$942,146. The remaining required funds to be spent on priority stream restoration projects is \$534,454. Section 7 is the last developing section in Parkside and contains the remaining priority sections for stream restoration.

If the identified priority stream restoration projects within Section 7 (7-2, 7-3, 7-5, and 7-6) do not fulfill the minimum stream restoration expenditures, a revision to SDP-1002 would be required to identify the location and cost of additional stream restoration segments.

The estimated cost for stream restoration projects for Reach 7-2, 7-3, 7-5, and 7-6 was \$595,938 in 2010, which exceeds the remaining expenditure required. It is anticipated that current costs to implement will be higher, which will limit the projects undertaken. Because the development of the northernmost area of Section 7 (above Reach 7) has been eliminated with the approval of CDP-1501-03, the need for priority projects on Reach 7-2 and 7-3 may no longer be indicated.

If all four priority projects identified in Reach 7 are determined to be inappropriate or are not granted required approvals for implementation, a revision to SDP-1002 may be necessary to fulfill this condition.

**5. Prior to issuance of any grading permits, all specific design plans (SDPs) for the Smith Home Farm project shall be revised to conform to the certified stream restoration SDP.**

Prior to issuance of any grading permits for Parkside, Section 7, the SDP and TCP shall be revised to include any required detailed stream restoration projects and the plans shall be certified.

## **ENVIRONMENTAL REVIEW**

### **Natural Resources Inventory**

The site contains wetlands, streams, and associated buffers that comprise the PMA. NRI-006-05-03 was approved by staff on March 7, 2018, but was limited to updating Sections 5 and 6 to the requirements of the ETM, Part B (2018). A revision to NRI-006-05-03 is now required to provide updated information for Section 7, as this section was not updated with the 2018 revision. The updated NRI plan for Section 7 is specifically needed to confirm expanded stream buffers, which could enlarge the PMA area on the site; update the RTE survey performed in 2005 for Section 7 to inform the design of the required stream restoration; and confirm the size and location of specimen trees proposed for removal in Section 7, including those within the limits of the stream restoration requiring a Subtitle 25 variance. The revised NRI shall be approved, prior to acceptance of the SDP and TCP2.

### **Woodland Conservation**

This site is subject to the provisions of the Prince George's County Woodland and Wildlife Conservation Ordinance (WCO) because it is more than 40,000 square feet in size, contains more than 10,000 square feet of woodland, and a TCP1 was previously approved for the Parkside development. A revised TCP1 (TCP1-038-05-04), which is subject to the 2010 version of the WCO, has been submitted with the current application.

The gross tract area of the overall Parkside site is 760.93 acres, with 112.65 acres in 100-year floodplain, resulting in a net tract area of 648.28 acres. The WCT for the overall Parkside development is 24.53 percent. The site has a mandatory 25 percent threshold requirement for land in the R-M Zone, as determined by the District Council. The required

on-site woodland conservation requirement is 159.52 acres. Woodland clearing of 104.20 acres is proposed on the net tract, 5.02 acres in the 100-year floodplain, and 7.00 acres of PMA, and the resulting total woodland conservation requirement is 253.55 acres.

The revised TCP1 proposed the preservation of 29.04 acres of on-site woodland, 135.60 acres of on-site afforestation/reforestation, and 88.91 acres of off-site mitigation to fulfill the requirement.

It should be noted that the revised TCP1 does not include clearing impacts that may be necessary for required stream restoration to be implemented, but it anticipates that afforestation/reforestation will be provided to offset the loss and provide expanded riparian and stream buffers. The woodland conservation worksheet included on the TCP1 plan is labeled as the -02 revision and was signed by the qualified professional in 2019. The -03 revision to the TCP1 included various revisions to woodland conservation summaries and tables which have not been reflected on the woodland conservation worksheets. The tables and worksheets related to the current revision shall be reconciled, and the woodland conservation worksheet shall be revised to reflect the -03 and -04 revisions to the TCP1. Technical revisions to the TCP1 are required and included in the recommended conditions of this technical staff report.

### **Soils**

The predominant soils found to occur on-site according to the U. S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey are Adelphia-Holmdel complex, Grosstown-Hoghole complex, Marr-Dodon complex, Dodon fine sandy loam, and Widewater-Issue soils. Christiana clays do not occur on or in the vicinity of this site, but Marlboro clay has been identified in the project area.

Marlboro clay is known to be an unstable, problematic geologic formation. The presence of this formation raises concerns about slope stability and the potential for constructing buildings on unsafe land. A geotechnical report is required for the subject property in order to evaluate the areas of the site that are unsuitable for development without mitigation.

There is known to be Marlboro clay located in Section 7 of the Parkside development. A geotechnical report was provided and reviewed with the current PPS and revised TCP1, and the elevation of the Marlboro clay layer was identified using the soil boring logs. A slope stability analysis was performed, which resulted in a safety factor line of less than 1.5, based on the grading shown on the PPS submitted. The geotechnical report has also shown the site to have a less than 1.5 safety factor line. Because the slope stability analysis was performed based on the PPS, the applicant shall provide a slope stability analysis based on the final grading plan submitted at time of SDP review to confirm the safety factor line.

### **Specimen Trees**

In the 2010 version of the WCO, Section 25-122(b)(1)(G) requires that specimen trees, champion trees, and trees that are part of an historic site or are associated with an historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction, as provided in the ETM. Section 5-1611 of the Natural Resources Article requires local jurisdictions to provide procedures for granting variances to the local forest conservation

program for the removal of specimen trees, and the variance criteria in the County's WCO are set forth in Section 25-119(d).

The last NRI to include updated information for Section 7 was the -02 revision prepared in 2012, and this NRI indicated that there were specimen trees present. An update to the inventory of specimen trees in Section 7 was submitted with the current application and provided on the TCP1. However, without a recently revised NRI, it is not certain that this inventory is complete. Although there are limited wooded areas on the site, the additional 10 years of growth, which have occurred since 2012, may have resulted in additional trees being identified as specimen by diameter.

The new PPS application requires that Section 7 be subject to the variance requirements of Subtitle 25 for the removal of any specimen trees. Three specimen trees are currently indicated to be removed on TCP1-038-05-04 within Section 7 (ST-53, ST-54, and ST-55). No Subtitle 25 variance application or justification statement for the removal of the specimen trees was submitted with the current application. Specimen Trees ST-54 and ST-55 were previously requested for removal with 4-05080, and under the WCO regulations then applicable (pre-2010), no variance was required for their removal. However, a variance is now required because the PPS is not grandfathered with respect to the current regulations.

Because of the need to confirm the presence of specimen trees on the site through a revision to the NRI, and because of the review schedule related to PPS approval, staff recommends that the review of the required Subtitle 25 variance for the removal of specimen trees be deferred until review of the SDP and TCP2 application, when an updated inventory of specimen trees with assessment forms, the scope and stream restoration projects and treatment have been identified, and a complete Subtitle 25 variance application and justification statement shall be provided by the applicant. The revised NRI, which is a prerequisite to this information being provided, should be provided prior to acceptance of an application for the SDP for Parkside, Section 7.

#### **Preservation of Regulated Environmental Features/Primary Management Area**

Streams, wetlands, and 100-year floodplain associated with the Patuxent River Basin occur on the site. These sensitive environmental features are afforded special protection, in accordance with Sections 24-130(b) and 24-130(b)(5) of the Subdivision Regulations, which provides for the protection of REF to the fullest extent possible.

Section 24-130(b)(5) states:

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

The overall Parkside development has previously approved impacts associated with PPS 4-05080 and 4-16001 for roads approved and implemented under SDP-0506; revisions for infrastructure; SWM features implemented as part of the previously approved concept plan; and previously approved conceptual impacts for the stream restoration project on the overall Parkside development associated with SDP-1002.

Impacts to the REF should be limited to those that are necessary for the development of the property and are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare.

Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the REF. SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact.

The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site, in conformance with County Code.

#### **Statement of Justification**

A statement of justification (SOJ) was submitted for the proposed impacts to REF dated April 14, 2022; and a revised SOJ was submitted dated June 7, 2022. The current SOJ and associated exhibits propose three permanent impacts to REF associated with the proposed pattern of development, totaling approximately 1.72 acres, which are necessary for SWM facilities and a culvert installation for a road crossing and street connection.

The table below summarizes the proposed permanent impacts to REF on the property, which are included in the PMA Impacts Exhibits attached to the SOJ. It should be noted that the previously proposed layout of Parkside Section 7 (as shown in CDP-0501-02) included an additional crossing of the stream in the northwest portion of the site which has been eliminated, thus reducing the total impacts required.

Impact ID	Impact Type/ Duration	PMA Impact (SF/AC)	Stream Buffer Impact (SF)	Wetland Impact (SF/AC)	Wetland Buffer (SF/AC)	Floodplain Impact (SF)
1	Stormdrain outfall & grading/ Permanent	2,925 SF/ 0.07 AC	1,582 SF	0 SF/0.00 AC	0 SF/0.00 AC	2,831 SF
2	Stormdrain outfall & grading/ Permanent	5,432 SF/ 0.12 AC	0 SF/0.00 AC	0 SF/0.00 AC	0 SF/0.00 AC	4,932 SF
3	Road Crossing/ Permanent	66,605 SF/ 1.53 AC	43,600 SF	0.00 SF	0.00 SF	64,207 SF
Total		74,962 SF/ 1.72 AC	49,258 SF	0.00 SF	0.00 SF	71,976 SF

### Analysis of Impacts

#### Impact 1: Stormwater Outfall For SGW-3

This permanent impact is for a proposed stormwater outfall from a Submerged Gravel Wetland (SGW-3). The rip-rap apron from the outfall pipe extends into the PMA. Room is provided to allow for the appropriate grading of the 10:1 slope from the stormdrain rap-rap outfall to the stream, per Soil Conservation District (SCD) and DPIE standards. The total impact to the PMA will be approximately 2,925 square feet (0.07 acre). The stormwater outfall meets best management practices for discharging water back into the stream while limiting erosion at the discharge points and is required by County Code.

#### Impact 2: Stormwater Outfall For SGW-2

This permanent impact is for a proposed stormwater outfall from a Submerged Gravel Wetland (SGW-2). The rip-rap apron from the outfall pipe extends into the PMA. Room is provided to allow for the appropriate grading of the 10:1 slope from the stormdrain rap-rap outfall to the stream per SCD and DPIE standards. The total impact to the PMA will be approximately 5,432 square feet (0.12 acre). The stormwater outfall meets best management practices for discharging water back into the stream while limiting erosion at the discharge points and is required by County Code.

#### Impact 3: Road Crossing of master-planned road MC-631

This permanent impact is proposed for a road crossing over a stream for the construction of a planned major collector (MC-631, Central Park Drive) roadway connecting to properties east of Parkside, Section 7. The road crossing is placed perpendicular to the PMA to minimize the amount of disturbance. As part of the MPOT, the proposed major collector is intended to provide and improve the overall connectivity of the Westphalia Section Plan Area. The impacts proposed allow for the installation of an appropriately sized culvert and the required temporary diversion of the stream. The impact also includes an outfall with appropriate grading for SGW-1, per SCD and DPIE standards. Also included is the sanitary sewer outfall for the site, which connects to the existing sewer main that runs through the stream valley. Due to the location of the existing sewer line, this impact is needed to provide access to services necessary for development and has been colocated with the road crossing, in order to minimize additional impacts. This impact involves 66,605 square feet of permanent disturbance to REF and 380 linear feet of stream. It is noted that portions of

the impact are on land to be conveyed to M-NCPPC and on land outside of Section 7 previously conveyed to M-NCPPC. Approval is required from DPR for these portions of the impact, in accordance with Condition 21d of CDP-0501.

#### **Summary of Regulated Environmental Features Impacts**

After evaluating the applicant's SOJ for proposed impacts to REF, the proposed impacts are supported by staff. The proposed PMA impacts are considered necessary to the orderly development of the subject property and surrounding infrastructure, and impacts cannot be avoided because they are required by other provisions of the County and state codes. The TCP1 shows the preservation and enhancement of the PMA to the fullest extent practicable.

The REF on the subject property have been found to have been preserved and/or restored to the fullest extent possible with regards to proposed Impacts 1 through 3. Additional grading impacts to the PMA for stream restoration were conceptually approved by the Planning Board with SDP-1002 and will be restored to the fullest extent possible with the required SDP and TCP2 for Section 7.

Based on the foregoing findings, staff finds that the PPS conforms to the relevant environmental policies of the sector plan and Green Infrastructure Plan, and the relevant environmental requirements of Subtitles 24 and 25, with the recommended conditions of approval.

- 14. Urban Design**—The proposed development project will be subject to SDP review.

#### **Conformance with the Requirements of the Prince George's County Zoning Ordinance**

The proposed townhomes are permitted in both the R-M and L-A-C Zone, subject to SDP approval. In addition, this development will need to show conformance with applicable Zoning Ordinance Regulations at the time of SDP, including but not limited to, the following:

- Section 27-494, L-A-C Zone
- Section 27-515, Uses (L-A-C and R-M Zones)
- Section 27-496, Regulations (L-A-C Zone)
- Section 27-508, Uses (R-M Zone)
- Section 27-509, Regulations (R-M Zone)
- Part 10C Military Installation Overlay Zone
- Part 11 Off-street Parking and Loading, and
- Part 12 Signs.

#### **Conformance with the Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance and require a grading permit. The part of the property in the R-M Zone will require 15 percent of the gross tract area to be covered by tree canopy, while the part in the L-A-C Zone will require 10 percent of the gross tract area to be covered by tree canopy. Compliance with the tree canopy coverage requirements will be evaluated at the time of SDP review.

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

Pursuant to Section 27-124.03 of the Zoning Ordinance, the proposed development is

subject to the 2010 *Prince George's County Landscape Manual*, including Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. Conformance with landscaping requirements will be evaluated at the time of SDP.

### **Other Urban Design Issues**

Additional parking spaces are shown near the potential recreation areas on the PPS in combination with on-street parking for residents and visitors. In the past, the Planning Board has required up to 10 percent more parking than that required by the Zoning Ordinance, in compact townhouse developments like this one. It is recommended that additional parking spaces for guests be provided, to the extent practical, which may result in the loss of some lots. Parking issues will be further reviewed at the time of SDP.

Section 27-480(d) of the Zoning Ordinance requires that, in the R-M Zone and in any L-A-C Zone greater than 0.5 mile away from a Washington Metropolitan Area Transit Authority Metrorail station, there shall be no more than six townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than six dwelling units (but not more than eight dwelling units) would create a more attractive living environment or would be more environmentally sensitive. Section 27-480(d) also requires that in no event shall the number of building groups containing more than six dwelling units exceed 20 percent of the total number of building groups in the SDP, and the end units on such building groups shall be a minimum of 24 feet wide. The proposed lotting pattern conforms to the above requirements, except for the requirement that there shall be no more than six townhouses per building group. Less than 20 percent of the townhouse groups exceed six units. The groups that exceed six units include the following:

- Lots 6–13, Block A
- Lots 5–11, 12–18, 19–25, and 35–42, Block B
- Lots 10–16 and 36–41, Block C

At the time of SDP, in accordance with Section 27-480(d), the applicant shall seek approval of the groups which exceed six units and shall demonstrate that they would create a more attractive living environment or would be more environmentally sensitive.

Based on the foregoing analysis, from the standpoint of urban design, staff recommends approval of the PPS, subject to the conditions recommended in this technical staff report.

- 15. Westphalia Sector Development Review Advisory Council**—At the time of this writing, the Westphalia Sector Development Review Advisory Council has not provided comments on the subject application.

### **RECOMMENDATION**

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised, as follows:

- a. Label the portions of MC-631 (Central Park Drive) and MC-632 (Woodyard Road), which have been previously dedicated as “previously dedicated to public use.” Label the portions of MC-631, P-616 (Woodyard Road), and Victoria Park Drive, which are to be dedicated as “to be dedicated to public use.”
  - b. Edit General Note 7 to include a breakdown of how much land will be dedicated to each of the master-planned roads (MC-631, MC-632, and P-616), as well as Victoria Park Drive.
  - c. Provide a public utility easement along Central Park Drive, which is continuous with the public utility easements serving Lots 29–27 and 38–46, Block D, rather than overlapping them.
  - d. Correct the rear lot width label of Lot 19, Block G, to be 36 feet, consistent with the equivalently wide Lot 20, Block G.
  - e. Show the homeowners association land abutting to the north of Lot 1, Block D as a separate parcel from Parcel D1. Adjust the Parcel Area Summary table and the labels on the plan to account for the new parcel.
  - f. Show the homeowners association land between Lots 5 and 6, Block G, as a separate parcel from Parcel G8. Adjust the Parcel Area Summary table and the labels on the plan to account for the new parcel.
2. A substantial revision to the proposed uses on-site, which affects Subtitle 24 adequacy findings, shall require the approval of a new preliminary plan of subdivision, prior to approval of any building permits.
  3. Development of this site shall be in conformance with Stormwater Management Concept Plan 41639-2021-00, once approved, and any subsequent revisions.
  4. Prior to approval, the final plat of subdivision shall include:
    - a. The granting of public utility easements along the public rights-of-way.
    - b. Dedication of MC-631 (Central Park Drive), MC-632 (Woodyard Road), and P-616 (Woodyard Road), and Victoria Park Drive, in accordance with the approved preliminary plan of subdivision.
    - c. A note reflecting the granting of a variation with the preliminary plan of subdivision from Section 24-128(b)(7)(A) of the Prince George’s County Subdivision Regulations to allow Lots 40-45, Block A, Lots 43-83, Block B, Lots 29-72, Block D, Lots 1-39, Block G, Lots 1-18 and 32-45, Block J, Lots 11-36, Block K, and Lots 1-22, Block L to be served by alleys while fronting on private streets or open space.
  5. In accordance with Section 24-135(b) of the Prince George’s County Subdivision Regulations, the applicant and the applicant’s heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.

6. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Park and Recreation Facilities Guidelines, with the review of the specific design plan (SDP). Triggers for construction shall be determined at the time of SDP.
7. Prior to submission of the final plat of subdivision for any residential lot, the applicant and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records, and the Liber and folio of the RFA shall be noted on the final plat, prior to plat recordation.
8. Prior to approval of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities.
9. At the time of final plat, in accordance with Section 24-134(a)(4) of the Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall dedicate to the Maryland-National Capital Park and Planning Commission (M-NCPPC) Parcels CP4 and CP5 ( $\pm 7.28$  acres), in accordance with the land area shown for dedication on Prince George's County Department of Parks and Recreation's (DPR) Exhibit A. The land to be conveyed shall be subject to the following conditions:
  - a. An original, special warranty deed for the property to be conveyed, (signed by the Washington Suburban Sanitary Commission Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, Upper Marlboro, along with the application of first final plat.
  - b. 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 application of the building permit.
  - c. The boundaries, lot or parcel identification, and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
  - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of 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.

- e. 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 an acceptable condition for conveyance, prior to dedication.
  - f. 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.
  - g. In general, no stormwater management facilities, tree conservation, or utility easements shall be located on land owned by, or to be conveyed to, M-NCPPC. However, DPR recognizes that there may be need for conservation or utility easements in the dedicated M-NCPPC parkland. Prior to the granting of any easements, the applicant must obtain written consent from and have the location and/or design of any needed easements reviewed and approved by DPR. Should the easement requests be approved by DPR, a performance bond, maintenance, and easement agreements may be required, prior to issuance of any grading permits.
- 10. The applicant shall make a monetary contribution into a “park club.” The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars, as recommended by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. The Maryland-National Capital Park and Planning Commission shall adjust the amount of the contribution using the Consumer Price Index for inflation at time of payment. Monetary contributions shall be used for construction, operation, and maintenance of the public recreational facilities in the central park and/or the other parks that will serve the Westphalia Sector Plan area.
  - 11. Prior to approval of the final plat, the applicant shall enter into an agreement with the Prince George’s County Department of Parks and Recreation, establishing a mechanism for payment of fees into a “park club” account administered by the Maryland-National Capital Park and Planning Commission. If not previously determined, the agreement shall also establish a schedule of payments. The payment schedule shall include a formula for any needed adjustments to account for inflation. The agreement shall be recorded in the Prince George’s County Land Records, by the applicant, prior to final plat approval.
  - 12. Prior to issuance of a building permit for each dwelling unit, monetary contribution into the park club shall be payable by the applicant to the Maryland-National Capital Park and Planning Commission.
  - 13. Prior to any work being performed for the proposed Central Park Drive culvert or any other work on Maryland-National Capital Park and Planning Commission property, the applicant and the applicant’s heirs, successors, and/or assignees shall obtain a right of entry permit from the Prince George’s County Department of Parks and Recreation.
  - 14. Total development within the subject property shall be limited to uses which generate no more than 459 AM peak-hour trips and 532 PM peak-hour trips. Any development generating an impact greater than that identified herein above shall require a new

preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

15. Prior to issuance of each residential building permit, the applicant and the applicant's heirs, successors, and/or assignees shall pay to Prince George's County (or its designee) a fee of \$2901.43 (in 2010 dollars) per dwelling unit pursuant to the Memorandum of Understanding required by Prince George's County Council Resolution CR-66-2010. These unit costs will be adjusted based on an inflation cost index factor to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement at the time of issuance of each permit.
16. Prior to issuance of any commercial building permit, the applicant and the applicant's heirs, successors, and/or assignees shall pay to Prince George's County (or its designee) a fee of \$27.96 (in 2010 dollars) per square foot pursuant to the Memorandum of Understanding required by Prince George's County Council Resolution CR-66-2010. These unit costs will be adjusted based on an inflation cost index factor to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement, at the time of issuance of each permit.
17. If the development is phased, the applicant shall provide a phasing plan indicating the per dwelling unit fee for each residential building and per square foot fee for nonresidential development (excluding escalation adjustment) at the time of each specific design plan.
18. Prior to approval of the first building permit, the following transportation improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency. The details of the following facilities shall be provided as part of the specific design plan:

**Ritchie Marlboro Road and Sansbury Road**

- a. Restripe the northbound right lane along Sansbury Road to a right- and left-turn lane.
  - b. Restripe the eastbound right/thru shared lane along Ritchie Marlboro Pike to a right-turn only lane.
  - c. Design and prepare Traffic Signal Modification Plans.
19. If the development is phased, the applicant shall provide a phasing plan (with supplemental operational analysis and adequate justification) as part of each specific design plan to show the phasing of transportation improvements provided in Condition 18 to the phased development of the site. A determination shall be made at that time as to when said improvements shall have full financial assurances and have been permitted for construction through the operating agency's access permit process.
  20. Prior to acceptance of a specific design plan (SDP), the applicant and the applicant's heirs, successors and/or assignees shall include as part of the SDP site plan submission the following:

- a. A minimum six-foot-wide sidewalk along both sides of internal streets, unless modified by the operating agency, with written correspondence.
  - b. Americans with Disabilities Act-accessible curb ramps and associated crosswalks at all intersections and throughout the site at pedestrian crossings.
  - c. Shared roadway pavement markings and signage along P-616, consistent with the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities, unless modified by the operating agency, with written correspondence.
  - d. Short-term bicycle parking at all recreation areas, consistent with the AASHTO Guide for the Development of Bicycle Facilities.
  - e. Side paths along both MC-631 and MC-632.
21. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
- a. The woodland conservation worksheet shall be updated to reflect the -03 and -04 revisions to the TCP1 and reconciled with the woodland conservation summary table, and other tables quantifying woodland conservation on the overall site.
  - b. Add a separate Specimen Tree Table to the TCP1 for Section 7, consistent with tables for Sections 5 and 6 that were previously added with the -02 revision.
  - c. Show the location of all specimen trees, their associated critical root zones, per the approved natural resources inventory.
  - d. Identify any off-site clearing areas with a separate label showing the acreage for each.
  - e. Revise the limits of disturbance, as needed, to accurately reflect the proposed area of disturbance.
  - f. No part of the Patuxent River primary management area shall be placed on any single-family detached or attached lot.
  - g. Have the revised plans signed and dated by the qualified professional who prepared them.
22. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-038-05-04). The following note shall be placed on the final plat of subdivision:
- “This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-038-05-04 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation

under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."

23. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

"This plat is subject to the recordation of a woodland conservation easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved."

24. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section, prior to approval of the final plat. The following note shall be placed on the plat:

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

25. The following note shall be placed on the final plat:

"Development of this site shall be in conformance with an approved Stormwater Management Concept Plan, 41639-2021 and any subsequent revisions."

26. Prior to acceptance of an application for the specific design plan for Parkside, Section 7, a revised natural resources inventory (NRI) shall be approved and submitted with the application. The updated NRI plan for Section 7 is specifically needed to confirm required stream buffers, which may enlarge the primary management area on the site; confirm the status of rare, threatened, and endangered species by the Maryland Department of Natural Resources Natural Heritage Program; and update the table of on-site specimen and champion trees and the plan drawing to confirm their size and location, because a Subtitle 25 variance would be required for removal.

27. At time of specific design plan (SDP) review, a slope stability analysis based on the final grading plan proposed with the SDP shall be submitted for review to confirm that the safety factor line is less than 1.5. If a safety factor line greater than 1.5 is determined, it shall be shown on the SDP and Type 2 tree conservation plan.

28. Prior to issuance of any permits which impact wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

29. All afforestation/reforestation and associated fencing shall be installed, prior to approval of any building permits for development adjacent to the afforestation/reforestation area. A certification prepared by a qualified professional may be used to provide verification that

the planting and fencing have been completed. The certification must include, at a minimum, photos of the afforestation areas and the associated fencing for the area, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

30. Prior to signature approval of the preliminary plan of subdivision (PPS), an approved stormwater concept shall be submitted. The limits of disturbance shall be consistent with the PPS and Type 1 tree conservation plan.
31. Prior to approval of a building permit for any residential building identified on the specific design plan as being within the Noise Intensity Zone of the Military Installation Overlay Zone, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permit stating that the building shell or structure has been designed to reduce interior noise levels to 45 dBA Ldn or less.
32. The following note shall be placed on the final plat:

“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland-designated acceptable noise level for residential uses.”
33. Prior to approval of a final plat, the applicant and the applicant’s heirs, successors, and/or assignees shall demonstrate that a homeowners association (HOA) has been established for the subdivision, or the subdivision has been incorporated into the existing Parkside Homeowner’s Association. If a separate HOA is established, the draft covenants shall be submitted to the Subdivision Section of the Development Review Division, to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.
34. Prior to approval of building permits, the applicant and the applicant’s heirs, successors, and/or assignees shall convey to the homeowners association land, as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:
  - a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division.
  - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
  - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
  - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or

permanent stormwater management facilities, utility placement, and stormdrain outfalls.

- e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.
  - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
35. Prior to issuance of grading permits, the applicant shall demonstrate that within the limits of the grading permit, that any abandoned well or septic system has been pumped, backfilled and/or sealed, in accordance with the Code of Maryland 26.04.04, by a licensed well driller or witnessed by a representative of the Prince George's County Health Department.
36. Pursuant to Section 27-480(d) of the Prince George's County Zoning Ordinance, the applicant shall seek approval at the time of specific design plan for all townhouse groups exceeding six units. If such approval is not granted, the affected townhouse lots of those building groups shall be reduced and final platting shall conform to such reduction.
37. Prior to approval of a use and occupancy permit for any nonresidential development, the applicant and the applicant's heirs, successors, and/or assignees shall:
- a. Contact the Prince George's County Fire/EMS Department to request a pre-incident emergency plan for the facility.
  - b. Install and maintain a sprinkler system that complies with National Fire Protection Association 13 Standards for the Installation of Sprinkler Systems.
  - c. Install and maintain automated external defibrillators (AEDs), in accordance with the Code of Maryland Regulations (COMAR) requirements (COMAR 30.06.01-05), so that any employee is no more than 500 feet from an AED.
  - d. Install and maintain bleeding control kits to be installed next to a fire extinguisher installation, which must be no more than 75 feet from any employee.

These requirements shall be noted on the specific design plan, including the nonresidential development for the subject site.

38. Prior to acceptance of the specific design plan, a tracking chart on the coversheet, which shows the number and percentage of lots in the Residential Medium Development Zone, smaller than 1,600 square feet across the different sections of the Parkside development shall be provided.
39. Prior to approval of any final plat for this project, pursuant to Prince George's County Council Resolution CR-66-2010, the owner/developer, its heirs, successors, and/or assignees shall execute a Memorandum of Understanding (MOU) with the County that sets

forth the terms and conditions for the payment of fees by the owner/developer, its heirs, successors, and/or assignees, pursuant to the Public Facilities Financing and Implementation Program. The MOU shall be executed and recorded among the Prince George's County Land Records and the Liber/folio noted on final plat of subdivision.

**STAFF RECOMMENDS:**

- Approval of Preliminary Plan of Subdivision 4-21029
- Approval of Type 1 Tree Conservation Plan TCP1-038-05-04
- Approval of a Variation from Section 24-128(b)(7)(A)