



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

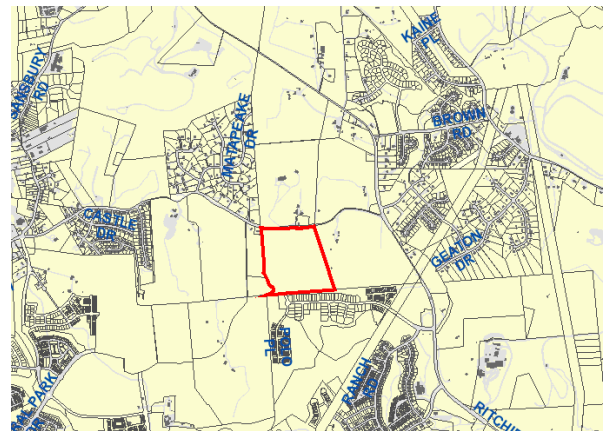
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Zoning Map Amendment Woodside Village

A-9973-01

REQUEST	STAFF RECOMMENDATION
Amendment to divide a single basic plan into two basic plans. This application concerns the Bean Property.	APPROVAL with conditions

Location: On the southern side of Westphalia Road, approximately 72 feet west of its intersection with Ritchie Marlboro Road.	
Gross Acreage:	63.30
Zone:	R-M/M-I-O
Gross Floor Area:	N/A
Lots:	0
Parcels:	1
Planning Area:	78
Council District:	06
Election District:	15
Municipality:	N/A
200-Scale Base Map:	205SE09
Applicant/Address: Westphalia Meadows, LLC 7419 Baltimore Annapolis Blvd Glen Burnie, MD 21061	
Staff Reviewer: Sam Braden IV Phone Number: 301-952-3411 Email: Sam.BradenIV@ppd.mncppc.org	



Planning Board Date:	09/30/2021
Planning Board Action Limit:	N/A
Staff Report Date:	09/15/2021
Date Accepted:	08/06/2021
Informational Mailing:	03/08/2021
Acceptance Mailing:	N/A
Sign Posting Deadline:	N/A

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/. 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

TECHNICAL STAFF REPORT

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Jeremy Hurlbutt, Supervisor, Zoning Section
Development Review Division

FROM: Sam Braden IV, Senior Planner, Zoning Section
Development Review Division

SUBJECT: Zoning Map Amendment A-9973-01
Westphalia Meadows

REQUEST: **Amendment to divide a single basic plan into two basic plans. This application concerns the Bean Property.**

RECOMMENDATION: **APPROVAL with conditions**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of September 30, 2021. If the Planning Board decides to hear the application, it will be placed on a future agenda. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions on becoming a person of record should be directed to the Zoning Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS

- 1. Location and Site Description:** The overall Woodside Village development is 381.95 acres of land with about 4,500 feet of frontage along the south side of Westphalia Road, one-third of a mile southwest of its intersection with Ritchie Marlboro Road, and opposite the Westphalia Woods Subdivision. The property is hatchet-shaped and comprises four contiguous parcels ranging in size from 63 to 149 acres: Parcel 5 (Yergat); Parcel 14 (A. Bean); Parcel 19 (Case); and Parcel 42 (Suit) on Tax Map 82. A rectangular shaped Parcel 13 (Wholey) property wedges into the site from Westphalia Road and divides the frontage into two parts. The property is adjacent to the Smith Home Farms development to the west, and Marlboro Ridge (Villages of Clagett Farm) to the east. The southern boundary is the Cabin Branch stream.

The subject property is adjacent to the Wholey and Yergat properties (part of the original Woodside Village Basic Plan), which is to the west. Marlboro Ridge is to the south. Vacant land in the Residential Estate (R-E) Zone is to the east. Westphalia Road is to the north, with single-family and vacant land in the Residential Medium Development (R-M) and Local Activity Center (L-A-C) Zones beyond.

This case is for the owner and/or contract purchaser of the Bean parcels, totaling 63.30 acres (pending case A-9973-02, seeking to divide the Yergat and Case properties, totaling 158.11 acres, leaving 223.84 acres from the initial basic plan area of 381.95 acres). The property owner is requesting to divide the initial basic plan area by dividing the Bean parcel from the total assemblage of properties in A-9973.

- 2. History:** The 1994 *Approved Master Plan and Sectional Map Amendment for Melwood Westphalia (Planning Areas 77 and 78)* (Melwood-Westphalia Master Plan and SMA) retained the property in the Residential Agricultural (R-A) Zone. The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) rezoned the property from R-A to R-M.

A Certified Nonconforming Use (CNU 6730-88-U) for a trash hauling operation exists on the westernmost portion of the property on Parcel 19, operating under the name PG Trash.

In 2006, the Prince George's County Planning Board recommended approval of A-9973, which requested rezoning from R-A to R-M.

In 2008, the Planning Board approved Comprehensive Design Plan CDP-0601, requesting approval of 1,496 residential dwelling units (1,276 attached and detached single-family units and 220 multifamily units) in the R-M Zone.

- 3. Neighborhood:** Significant natural features or major roads usually define neighborhoods. The following roadways define the boundary of this neighborhood:

North— Ritchie Marlboro Road;

South— MD 4 (Pennsylvania Avenue) ;

East— Ritchie Marlboro Road; and

West— I-95/I-495 (Capital Beltway)

Surrounding Uses and Roadways: The following uses and roadways immediately surround the site:

North— Single-family and multifamily dwellings in the R-M and L-A-C Zones;

South— Single-family residential dwellings in the Rural Residential Zone;

East— Single-family residential dwellings and vacant land in the R-E Zone; and

West— Single-family and multifamily dwellings in the R-M Zone.

4. **Request:** Amendment to divide a single basic plan into two basic plans. This application concerns the Bean Property. The amendment requires approval by the Prince George's County District Council after a hearing held by the Zoning Hearing Examiner. The Planning Board is required to submit any comments it has on the application to the District Council, the Zoning Hearing Examiner, the applicant, and all persons of record in the original Zoning Map Application.

5. **General and Master Plan Recommendations:**

2007 Approved Westphalia Sector Plan

The basic plan is in the Developing Tier, as described in the 2002 *Prince George's County Approved General Plan*. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The sector plan recommends a low-density residential land use for the property (map 4, page 19). There are no design or density recommendations for low-density residential land uses within the *Sector Plan*.

2014 Plan Prince George's 2035 Approved General Plan

The basic plan is in the Established Communities policy area, as defined by the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035). The vision for Established Communities is context-sensitive infill and low- to medium-density development. The Generalized Future Land Use Map in Plan 2035 recommends a residential low land use for the property. Plan 2035 defines residential low land use as primarily single-family detached residential areas with a maximum density of up to 3.5 dwelling units per acre.

The property is not within a regional transit district, a local center, or an employment area, as defined in Plan 2035.

Plan 2035 established the following policies and strategies that are relevant to the basic plan:

Policy 8 (page 115): Strengthen and enhance existing residential areas and neighborhoods in the Plan 2035 Established Communities.

As previously indicated, Plan 2035 recommends a maximum residential density of up to 3.5 dwelling units per acre. The R-M Zone permits a residential density of 3.6 to 5.8 dwelling units per acre. In 2007, the District Council approved the R-M Zone on the property in the

SMA. The statement of justification (SOJ) indicates that the applicant plans to construct 354 single-family attached and detached dwellings in the applicant's basic plan area that would equal 5.6 dwelling units per gross acre.

6. **Environmental Review:** This finding is provided to describe the existing site features on the property and the impact of the requested amendment to A-9973-01, as it pertains to environmental conformance.

Existing Conditions/Natural Resources Inventory

A natural resources inventory (NRI) is not required as part of a zoning amendment application; however, a NRI is necessary to confirm the presence or absence of regulated environmental features. NRI-158-05-01, approved on March 30, 2020, which only included Parcel 14, was also submitted with this application. No further information is needed at this time.

Grandfathering

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 of the Prince George's County Code that came into effect on September 1, 2010, and February 1, 2012, because the development proposal will be required to file an amended CDP and a new preliminary plan of subdivision (PPS) application to reflect changes proposed under the basic plan amendment.

Site Description

The subject property is a 381.95-acres site in the R-M Zone, located on the south side of Westphalia Road and west of Ritchie Marlboro Road. There are streams, wetlands and 100-year floodplains, and associated areas of steep slopes. Marlboro clay is found to occur along the southern property line of Parcel 48, which now belongs to the Maryland-National Capital Park and Planning Commission (M-NCPPC). No sensitive species project review areas are indicated or mapped on the site. Furthermore, no rare, threatened, or endangered species are indicated as present on-site. Westphalia Road is a designated historic road affected by this development. This property is located in the Western Branch watershed in the Patuxent River basin. The site is currently located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035. The site contains regulated areas and evaluation areas, as designated on the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan (Green Infrastructure Plan)*. The subject property is in the Westphalia Sector Plan and SMA.

Master Plan Conformance

The Westphalia Sector Plan and SMA, approved by the Prince George's County District Council, is the current master plan for this area. This master plan included environmentally related policies and their respective strategies in the Environmental Infrastructure section.

Below in **BOLD** are the primary policies relating to the site. More detail regarding the strategies can be found in the Westphalia Sector Plan and SMA.

Policy 1 – Green Infrastructure

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

This policy has been addressed under the Green Infrastructure Plan analysis.

Policy 2—Water Quality and Quantity

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

As part of Policy 2, environmental site design will be required for stormwater management (SWM) control to ensure that water quality and quantity is protected to the fullest extent practical, as required by the County. A SWM plan reviewed by the Prince George's County Department of Permitting, Inspections and Enforcement will be required at the time of PPS.

Green Infrastructure Plan

The site is mapped within the Green Infrastructure Network, as delineated in accordance with the Green Infrastructure Plan. The regulated area is mapped along the streams and other regulated environmental features, and the evaluation area is mapped on the remainder of the site, due to the existing forest contiguous to the streams. The plans, as submitted, generally show the preservation of the regulated areas; however, more detailed information will be evaluated during the subsequent applications. Prior to acceptance of any future development applications, an updated NRI is required to confirm the regulated features on the site and to establish the primary management area. The amended basic plan can be found in conformance with the Green Infrastructure Plan.

Woodland Conservation

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010, and February 1, 2012. The woodland conservation threshold (WCT), per A-9973, shall be 25 percent, with the WCT requirements being met on-site. There is an approved Type I Tree Conservation Plan (TCPI-006-08) on the overall development, and a TCPII (TCPII-223-92) for Parcel 19. All future applications will require a revision to the TCPs.

7. **Zoning Requirements:** The District Council cannot approve an application to divide an existing basic plan unless it finds that the entire development meets the criteria for approval, as set forth in Section 27-197(b) of the Prince George's County Zoning Ordinance. Further analysis has been provided through Section 27-195(b) Zoning Ordinance, as follows.
 - (b) **An amendment of an approved Basic Plan which results in dividing a single approved Basic Plan into two (2) or more separate Basic Plans may be approved by the District Council where significant changes in circumstances with regard to the approved Basic Plan have created practical difficulties for the applicant to the extent that, unless the Basic Plan is amended to separate a specified amount of land area, the applicant will be unable to proceed to the Comprehensive Design Plan phase. An amendment will not be granted where the practical difficulty is self-created or self-imposed, or where the applicant had knowledge of, and control over, the changing circumstances and the problems bringing about the practical difficulty at the time the Basic Plan was approved. The following procedures shall apply to consideration of any such amendment in lieu of the requirements of Subsection (c), below:**

The basic plan amendment proposes the division of A-9973 into two basic plans, the applicant's subject area, consisting of the Bean property, and the remaining area.

Another application, A-9973-02, which will divide the Yergat and Case properties, is also currently in review, and if both applications are approved, the basic plan will divide the property into three basic plans.

The applicant argues that practical difficulties require an amendment to A-9973. In order to proceed to the comprehensive design phase, the applicant needs to divide the subject area from original basic plan, since 41 percent of the land has been purchased by M-NCPPC.

The practical difficulties cited by the applicant are multiple ownership of properties within the existing basic plan area and M-NCPPC's purchase of property within the basic plan area.

According to the applicant, the acquisition of the Suit property occurred prior to the applicant's acquisition of the subject property. The later acquisition of the Wholey property further complicated the ability to unify the remaining portions of the basic plan, and the applicant had no involvement in that acquisition. Finally, the circumstances that exist which prevented the implementation of the basic plan as a single unit were clearly not known at the time the basic plan was approved. Staff agrees with the applicant because the implementation of the original basic plan was predicated by a cohesive land development scheme, which has since been compromised by the lack of common ownership. The basic plan should be amended to reflect the loss of the Suit property, which occurred after the approval of A-9973. Therefore, some of the conditions set forth in the original basic plan are no longer feasible, due to the lack of common ownership with this parcel and are further complicated by the fact that the fee-simple purchase of the land by M-NCPPC included a much larger area than what was approved in A-9973.

M-NCPPC's purchase of property within the basic plan area "prevents the Applicant from conforming to the land use requirements for a park/school site mandated by Conditions 1 and 4(e)." Condition 1 requires the basic plan area contain 56.0 acres of public open space consisting of 26.0 acres of minimum parkland, 10 acres minimum for an elementary school, and 20 acres minimum for a middle school. Condition 4(e) requires the dedication of the 56 acres of public open space to the Prince George's County Board of Education and M-NCPPC, respectively. Staff agrees with the applicant that the acquisition of these parcels by M-NCPPC significantly alters the development patterns approved in A-9973 and necessitates the division of the basic plan area to allow for the appropriate development of the subject property, as well as the Case and Yergat properties controlled by the applicant. The original development pattern required the dedication of parkland within the Suit property, which was possible at the time because said parcel was held in common ownership and was a viable site to be used for dedication of parkland. Since M-NCPPC acquired the property, it is no longer available to be dedicated, as indicated by Condition 4(e). Therefore, the original development pattern is impaired by the lack of common ownership and the remaining parcels should be amended as a standalone basic plan.

The initial basic plan contemplated that Woodside Village would be developed as a residential development organized around a park/school site of approximately 56 acres within the Suit property, which would then be combined with the larger Westphalia Central Park located in the adjacent Parkside subdivision. Although the Suit and Wholey properties now form part of the land assemblage for the Westphalia Central Park, its ownership by M-NCPPC prevents the applicant from conforming to the land use requirements for a park/school site mandated by Conditions 1 and 4(e) in the initial basic plan, which requires that the applicant dedicate approximately 56 acres for the park/school site on property now owned by M-NCPPC. Further, the residential development designated in A-9973 for the Suit and Wholey properties will no longer be achieved (due to its ownership by M-NCPPC). Again, staff recommends the Bean property should be amended as a standalone basic plan.

(4) In approving the petition, the applicant shall establish, and the District Council shall find, that:

(A) The approval of the amended Basic Plan will not result in a change in land area, or an increase in land use density or intensity, for the overall area included in the original, approved Basic Plan;

The proposed basic plan amendment does not involve an increase in the overall density approved for the Woodside Village development, set forth in A-9973. The central purpose of this basic plan amendment is to divide the basic plan area by separating the Bean property from the total assemblage of properties in A-9973. The Bean property is controlled by the applicant and will stand on its own as a separate basic plan. The residential development of Westphalia Meadows will not exceed the total 1,497 dwelling units approved in A-9973. Specifically, the applicant proposes a maximum aggregate density of 354 dwelling units for the Bean property. An additional 661 dwelling units are proposed for the Case and Yergat properties. This leaves a density of 482 remaining units that were approved in the basic plan and can be allocated to the 11.66-acre Wholey property and the 148.7-acre Suit property (the remaining properties within the original Woodside Village assemblage). As such, this basic plan amendment is eligible to be processed under the condensed review procures set forth in Section 27-197(b) of the Zoning Ordinance.

(B) The approval of the amended Basic Plan will not significantly impair the character of the original, approved Basic Plan with respect to land uses, density ranges, unit types, circulation, accessibility, public facilities, public benefit features, and open space;

The basic plan amendment will not impair the character of the originally approved basic plan. The land use, density ranges, circulation patterns, and amenities proposed for the Bean property

are consistent with those approved in the initial basic plan. The applicant's SOJ states that the applicant is considering developing the property only with single-family attached dwelling units and the original basic plan proposed single-family detached and attached dwelling units. The mix of dwelling unit types should be evaluated at the time of CDP.

(C) The proposed amended Basic Plan conforms to the requirements of Section 27-195(b);

This basic plan amendment conforms to the requirements of Section 27-195(b), as detailed in the finding below.

(D) The separate Basic Plans that result will be capable of standing by themselves as individual, cohesive developments;

This basic plan amendment will be capable of standing alone as an individual development. There is currently a separate application for the Yergat and Case properties (A-9973-02), proposing residential development, which will be cohesive with this development, made up of the Bean property. Both developments will be cohesive with the remaining portions of Woodside Village, which are owned by M-NCPPC.

(E) Any staging of development that was required in the approval of the original Basic Plan, and that is still appropriate, is included as part of the amended Basic Plan; and

There is no staging required in A-9973.

(F) No owner of any land which is included in the original, approved Basic Plan will, by the approval of the proposed amended Basic Plan, be denied reasonable use of his property.

No owner(s) of land included in the original basic plan will be denied reasonable use of their property. The Suit and Wholey properties are owned by M-NCPPC and abut other M-NCPPC land for the Westphalia Central Park. The Yergat and Case properties have also requested to divide those properties into a separate basic plan. The residential development of the applicant's property, the Bean property, and the Case and Yergat portions of Woodside Village would not exceed the total 1,497 dwelling units approved in A-9973. Specifically, the applicant proposes a maximum aggregate density of 354 dwellings on the Bean property and 661 dwellings for the Case and Yergat properties. This leaves a density of 483 remaining units that were approved in the basic plan and can be allocated to the Suit or Wholey property, which are the remaining properties within the original Woodside Village assemblage.

Section 27-195 – Map Amendment approval.

(b) Criteria for approval.

(1) Prior to the approval of the application and the Basic Plan, the applicant shall demonstrate, to the satisfaction of the District Council, that the entire development meets the following criteria:

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

- (i) The specific recommendation of a General Map plan, Area Master Plan map, or urban renewal plan map; or the principles and guidelines of the plan text that address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact that the development may have on the environment and surrounding properties;**
- (ii) The principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, intensity of nonresidential buildings, and the location of land uses;**

In order to approve the requested amendment, the District Council must find, among other things, that the proposed amendment conforms to either Section 27-195(b)(1)(A)(i), (ii), or (iii).

Section 27-195(b)(1)(A)(i) is drafted in the disjunctive, providing two alternative bases for approval, separated by a semi-colon. With respect to the first, the basic plan conforms to the specific recommendations of the general map plan, the area master plan map, or the urban renewal plan map.

2014 Plan Prince George's Approved General Plan

Plan 2035's Future Land Use Map (page 101), classifies the property as residential low, and this land use is appropriate for primarily single-family detached dwellings up to 3.5 dwelling units per acre. The Westphalia Sector Plan rezoned the property R-M, which is a Comprehensive Development Plan Zone. The R-M Zone permits a residential density of 3.6 to 5.8 dwelling units per acre. In 2006, the Planning Board approved A-9973 that rezoned the property from R-A to R-M. The SOJ indicates that the property owner plans to construct 354 single-family attached and/or detached dwellings in this portion of the Woodside Village development. These dwelling units are equal to 5.6 dwelling units per gross acre.

The property is within the Established Communities category on the Growth Policy Map (Map 11), and the vision for the Established Communities is to create the most appropriate and context sensitive infill for low- to medium-density development (page 20).

2007 Westphalia Sector Plan and Sectional Map Amendment

The Westphalia Sector Plan and SMA recommends a low-density residential land use for the property (map 4, page 19). The SMA also placed the development within the R-M Zone and prescribed the recommended density of 3.5–5.8 dwelling units per acre. There are no design or density recommendations for low-density residential land uses within the sector plan. Therefore, this basic plan amendment conforms to the sector plan.

With respect to the criteria requiring conformance to the “urban plan map,” there is no such map applicable to this application.

Environmental

As for the second half of Section 27-195(b)(1)(A)(i)—the principles and guidelines of the plan text that address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact that the development may have on the environment and surrounding properties—which is drafted in the conjunctive (i.e., and), the relevant portion is “the impact the development may have on the environment and surrounding properties.”

The Environmental Planning Section determined that the requested zoning amendment can be found in conformance with the Woodlands, Wildlife and Habitat Policy of the Environmental Infrastructure Section within the master plan for the reasons outlined above. Therefore, the requested amendment would not have a significant negative impact on the environment, and it aligns with the master plan’s goals of protecting the environmental features within the Westphalia Sector Plan and SMA.

The District Council could also approve the basic plan if it meets Section 27-195(b)(1)(A)(ii)—that is if it finds that the proposed basic plan conforms to the “principles and guidelines described in the plan (including the text) with respect to land use, the number of dwelling units, intensity of nonresidential buildings, and the location of land uses.” Much of the discussion for Section 27-195(b)(1)(A)(i) could apply to this criterion as well. The basic plan requests a density that conforms to the master plan’s recommended density and satisfies this criterion. Specifically, the basic plan conforms to the principles and guidelines with respect to the number of dwelling units for residential low areas based on the approved rezoning of the property from the R-A to the R-M Zone.

Section 27-195(b)(1)(A)(iii) allows approval of a basic plan if, “The regulations applicable to land zoned R-S and developed with uses permitted in the E-I-A Zone as authorized pursuant to Section 27-515(b) of this Code.” This criterion is inapplicable because the property is not currently zoned Residential Suburban Development or developed with uses permitted in the Employment and Institutional Area Zone, as authorized, pursuant to Section 27-515(b) of the Zoning Ordinance.

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

The application does not contain a proposal for retail commercial development. Therefore, an economic analysis is not required for this application.

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

To meet the legal threshold cited above, the applicant for the A-9973-02 case has provided staff with an April 2021 traffic impact study. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the "2012 Transportation Review Guidelines, Part 1." The table below shows the intersections deemed to be critical, as well as the levels of service representing existing conditions.

TOTAL CONDITIONS		
Intersections	AM	PM
	(LOS/CLV) delay	(LOS/CLV) delay
Ritchie Marlboro Road and Sansbury Road	A/799	D/1338
Ritchie Marlboro Road and Whitehouse Road	A/656	A/953
MD 4 and Westphalia Road-Old Marlboro Pike		
MD 4 SB Ramps and Old Marlboro Pike	A/463	A/850
MD 4 NB Ramps and Westphalia Road	A/361	A/597
Westphalia Road and D'Arcy Road*		
<i>Tier 1 – HCM Delay Test</i>	272.9 seconds	1265.3 seconds
<i>Tier 2 – Minor Street Volume Test</i>	>100	>100
<i>Tier 3 – CLV Test</i>	A/927	B/1086
Westphalia Road and West Site Access	12.8 seconds	13.4 seconds
Westphalia Road and East Site Access	11.1 seconds	9.5 seconds
Westphalia Road and Main Site Access	11.9 seconds	11.0 seconds
Ritchie Marlboro Road and Westphalia Road *		
<i>Tier 1 – HCM Delay Test</i>	29.8 seconds	66.3 seconds
<i>Tier 2 – Minor Street Volume Test</i>		>100
<i>Tier 3 – CLV Test</i>		B/1029
MD 4 and Suitland Parkway		
MD 4 SB Ramp and Suitland Parkway	B/1121	A/921
MD 4 NB Ramp and Presidential Parkway	A/797	A/746
D'Arcy Road and Sansbury Road*		
<i>Tier 1 – HCM Delay Test</i>	59.9 seconds	120.2 seconds
<i>Tier 2 – Minor Street Volume Test</i>	>100	>100
<i>Tier 3 – CLV Test</i>	A/858	A/892
* Unsignalized intersections. In analyzing two-way stop-controlled intersections, a three-step procedure is undertaken in which the greatest average delay (in seconds) for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume (CLV) is computed and compared to the approved standard. According to the "Guidelines", all three tests must fail in order to require a signal warrant study.		

The results under total traffic conditions show that the intersections will all operate adequately. It is worth noting that while the intersection of MD 4 and Westphalia Road-Old Marlboro Pike is projected to operate adequately, the analysis was predicated on an interchange being built at the current location. Pursuant to Prince George's County Council Resolution CR-66-2010, the cost of the construction of that interchange will be borne by developers whose development traffic will pass through that intersection.

While these results did not consider the trips from the additional 355 dwelling units for the subject application, the proposed density is consistent with the original density of A-9973. It is the opinion of staff that the uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved general or area master plans, or urban renewal plans, and further opines that these adequacy issues

will be dealt with in greater detail at the PPS phase of this development.

- (D) Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six (6) years of the adopted County Capital Improvement Program (such as schools, recreation areas, water and sewerage systems, libraries, and fire stations) will be adequate for the uses proposed;**

The public facilities, which are either existing, under construction or fully-funded within the County's Capital Improvement Program, will be adequate for residential uses proposed in this application. Moreover, it should be noted that the residential units proposed in this development will be subject to all appropriate school and public safety surcharges imposed by the County.

The applicant's property is also subject to the provisions of CR-66-2010, and the applicant is required to pay a share of the cost for the planning, engineering, and construction of the Westphalia Road/MD 4 intersection/interchange.

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

As previously mentioned, the request has been found in conformance with the environmental regulations set forth in the Westphalia Sector Plan and SMA. Therefore, the requested amendment satisfies Section 27-195(b)(1)(E).

Section 27-487 – Housing Provisions

All Comprehensive Design Zone proposals shall contain provisions for housing to serve all income groups.

The applicant proposes single-family attached, or single-family attached and detached dwelling units.

The applicant's SOJ states: "Conformance with this condition for the overall Basic Plan containing 381 acres, with the variety of dwelling unit types approved in the concept plan, would have been simply accomplished. With the reduced size of the instant Basic Plan, less variety of dwelling unit types can be offered than was originally proposed for the overall Basic Plan, in that it does not include multifamily dwellings." The applicant determined that providing dwelling unit types consistent with the land use types approved for the subject property in the basic plan is the preferred option for demonstrating conformance with the sector plan and the basic plan principles. The portion of the Woodside Village Basic Plan, which contained the multifamily dwelling units, is now part of the land acquired by

M-NCPPC. The applicant cannot provide multifamily units on the subject property and stay within the density cap applicable in the R-M Zone.

A greater variety of residential options at different price points should be considered in the overall development. The lack of low income housing in this development should be addressed. The mix of housing types should be further analyzed at the time of CDP

Section 27-507(a) – Purposes of the Residential Medium (R-M) Zone

Pursuant to Section 27-507(a) of the Zoning Ordinance, the proposed location is consistent with the purposes of the R-M Zone. This analysis is provided for additional context as to the position of this application within the R-M Zone. The complete list of purposes is copied below, followed by comments:

(a) The purposes of the R-M Zone are to:

- (1) Establish (in the public interest) a plan implementation zone, in which (among other things):**
 - (A) Permissible residential density is dependent upon providing public benefit features and related density increment factors; and**
 - (B) The location of the zone must be in accordance with the adopted and approved General Plans, Master Plan, Sector Plan, public urban renewal plan, or Sectional Map Amendment Zoning Change.**

As previously noted, the basic plan amendment is requesting a maximum residential density of 5.6 dwelling units per acre with the development of 354 single-family detached and/or attached residential units. The residential development of the Bean portion of Woodside Village would not exceed the total 1,497 dwelling units approved in A-9973. With the requested 354 dwelling units and the 661 for the Case and Yergat properties, this leaves a density of 453 remaining units that were approved in the basic plan and can be allocated to the 148.7-acre Suit property and 11.33-acre Wholey property, (the remaining properties within the original Woodside Village assemblage). The SOJ has not included any public benefit features with this basic plan amendment.

The location of the R-M Zone on the property is in accordance with the following:

- (1) The residential low land use recommendation from Plan 2035;**
- (2) The residential low land use recommendation from the Westphalia Master Plan and SMA; and**
- (3) The minimum WCT for the property conforms to the recommendations of the Green Infrastructure Plan.**

- (2) **Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, Sector Plans, public urban renewal plans, and Sectional Map Amendment Zoning Changes) can serve as the criteria for judging individual physical development proposals;**

The R-M Zone establishes the density ranges and regulations. The site plan will establish the range, as allowed by the R-M Zone. The CDP will establish an exact density and apply the other R-M Zone regulations. This basic plan amendment conforms to the policies and recommendations of Plan 2035, the Westphalia Sector Plan and SMA, and the Green Infrastructure Plan.

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

As an overall use, the proposed single-family attached and detached homes are compatible with the existing and proposed surrounding land uses, with single-family residential land and single-family homes immediately adjacent to the property. The development has access to existing public facilities and services, and needed improvements will be determined at the time of PPS.

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

The basic plan has incorporated open space areas, and passive and active recreational facilities, and trails that create opportunities for an active environment for residents that eases the impact on the public park system.

- (5) **Encourage and stimulate balanced land development;**

The basic plan amendment conforms with the recommendations of Plan 2035, the Westphalia Sector Plan and SMA, and the Green Infrastructure Plan. Therefore, it encourages and stimulates balanced land development for the immediate adjacent areas. There are no commercial uses included on the basic plan for the property.

- (6) **Improve the overall quality and variety of residential environments in the Regional District; and**

As previously indicated, there are single-family residential and large vacant single-family residential lands surrounding the property. The basic plan incorporates 354 single-family attached or detached residential units that could improve the overall quality and variety of residential environments in the regional district. The variety and quality of the residential units proposed for the property will need to be addressed during the specific design plan stage.

8. **Referral Comments:** Referral memoranda comments directly related to the request to amend the basic plan on the property were included in the body of this technical report. Referral memoranda were received from the following divisions, all are included as backup to this report, and are incorporated herein by reference:
- a. Transportation Planning Section, dated September 3, 2021 (Burton to Braden);
 - b. Prince George's County Department of Parks and Recreation, dated August 19, 2021 (Yu to Braden);
 - c. Community Planning Section, dated August 26, 2021 (Gravitz to Braden);
 - d. Transportation Planning Section (Pedestrian/Bicycle), dated August 30, 2021 (Ryan to Braden);
 - e. Urban Design Section, dated March 26, 2021 (Zhang to Braden);
 - f. Environmental Planning Section, dated August 27, 2021 (Rea to Braden);
 - g. Historic Planning Section, dated August 31, 2021 (Stabler to Braden);
 - h. Subdivision Section, dated August 27, 2021 (Heath to Braden);
 - i. Special Projects Section, dated September 20, 2021 (Thompson to Braden).

9. **Basic Plan A-9973 Conditions**

Basic Plan A-9973, as approved by CR-2-2007, contained five conditions. Staff recommends that Conditions 3b, 3j, 4b,4c, and 4g be carried forward and renumbered 4b, 4c, 6a, 6b, and 6c below, as part of the Applicant's Basic Plan Conditions of Approval. Staff also recommends removing Condition 3g(1) because the Cabin Branch stream valley is not located on the subject property, and modifying Condition 1 to update development standards and conditions.

CONCLUSION

This application meets the requirements of Section 27-197(b) of the Prince George's County Zoning Ordinance. The division of the single basic plan is needed for development to proceed to the comprehensive design phase, given that a significant portion of the original development was purchased by the Maryland-National Capital Park and Planning Commission and cannot be dedicated as parkland by the applicant. The amended basic plan will maintain the density of the original basic plan, will be able to stand on its own, and will not impair other development nor deny the use of other land in the original basic plan. The residential character of the Residential Medium Development Zone and the requested basic plan provides an appropriate transition in the density and land uses envisioned in the 2014 *Plan Prince George's 2035 Approved General Plan*, the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, and the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*. Consequently, staff recommends APPROVAL of Zoning Map Amendment

A-9973-01, Westphalia Meadows, with conditions, to accommodate development of 354 single-family attached and detached dwelling units, respectively, on a single parcel.

1. The following development data and conditions of approval serve as limitations on the land use types, densities, and intensities, and shall become a part of the approved basic plan:

Total Area	63.30 acres
Land in the 100-year floodplain*	0.0 acres
Adjusted gross area: (63.3 acres less half the floodplain)	63.30 acres
Density permitted under the Residential Medium Zone	3.6–5.8 dwelling units/acre
Base residential density (3.6 du/ac)	228 dwelling units
Maximum residential density (5.7 du/ac)	367 dwelling units

Proposed Land Use Types and Quantities	
Residential: 63.30 gross acres @ 3.6-5.6 du/ac	228- 354 dwelling units
Number of the units above the base density:	126 dwelling units
Density proposed in the Residential Medium Zone	5.6 dwelling units/acre
Permanent open space: (33 percent of original site area) (Includes environmental, recreational, and HOA areas)	20.52 acres

2. Prior to certification of the basic plan, add bearings and distances for the boundaries of the subject property (on Sheet 2) and for the A-9973 basic plan area (on Sheet 1).
3. Internal streets and shared-use paths are to follow the 2009 *Approved Countywide Master Plan of Transportation* Complete Streets Policies and Principles and provide multimodal transportation.
4. The following shall be required as part of the comprehensive design plan (CDP) submittal package:
 - a. Provide a description of the type, amount, and general location of any recreational facilities on the site, including provision of private open space and recreational facilities to serve development on all portions of the subject property.
 - b. The Transportation Planning staff shall review the list of significant internal access points as proposed by the applicant along master plan roadways, including intersections of those roadways within the site. This list of intersections shall receive a detailed adequacy study at the time of preliminary plan of subdivision. The adequacy study shall consider appropriate traffic control, as well as the need for exclusive turn lanes at each location.
 - c. The applicant, and the applicant's heirs, successors and/or assignees shall agree to make a monetary contribution or provide in-kind services for the development, operation, and maintenance of the central park. The recreational facilities packages shall be reviewed and approved by the Prince George's County Department of Parks and Recreation (DPR) prior to CDP approval. The total value of the monetary contribution (or in-kind services) for development, operation, and maintenance of the central park shall be \$3,500 per dwelling unit in 2006 dollars. The applicant may

make a contribution into the park club or provide an equivalent amount of recreational facilities. The value of the recreational facilities shall be reviewed and approved by DPR staff. Monetary contributions may be used for the design, construction, operation, and maintenance of the recreational facilities in the central park and/or the other parks that will serve the Westphalia study area. The park club shall be established and administered by DPR.

- d. Submit a signed natural resources inventory (NRI) with the CDP. All subsequent plan submittals shall clearly show the Patuxent River primary management area, as defined in Section 24-101(b)(10) of the Prince George's County Subdivision Regulations, and as shown on the signed NRI.
 - e. Demonstrate that the primary management area (PMA) has been preserved to the fullest extent possible. Impacts to the PMA shall be minimized by making all necessary road crossings perpendicular to the streams and by using existing road crossings to the extent possible.
 - f. Submit a required Type I tree conservation plan (TCPI). The TCPI shall:
 - (1) Focus on the creation and/or conservation/preservation of contiguous woodland.
 - (2) Concentrate priority area for tree preservation in areas within the framework of the approved *Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan* (2017), such as stream valleys. Reflect a 25 percent woodland conservation threshold (WCT) and meet the WCT requirements on-site.
 - (3) Mitigate woodland cleared within the primary management area's preservation area on-site at a ratio of 1:1, with the exception of impacts caused by master plan roads, which shall be mitigated 1:25. This note shall also be placed on all TCPs.
 - (4) Focus afforestation in currently open areas within the primary management area and areas adjacent to them. Tree planting should be concentrated in areas of wetland buffers and stream buffers, which are priority areas for afforestation and the creation of contiguous woodland.
 - (5) Prohibit woodland conservation on all residential lots.
 - g. Submit an exhibit showing areas where Marlboro Clay occurs on-site.
5. The following comprehensive design plan (CDP) considerations shall be addressed and incorporated into the CDP guidelines:
- a. Traffic calming measures are to be provided within the internal roadway network, including but not limited to, curb extension, mini traffic circles, chicanes, neckdowns and narrow traffic lanes, speed tables, elevated pedestrian crossings, and roadway striping and markings;

- b. Shared-use paths, consistent with the 2012 AASHTO Guide for the Development of Bicycle Facilities (or later edition), provided to extend beyond the termini of internal culs-de-sac;
 - c. Shared-lane roadway markings (sharrows) provided along internal streets to create a neighborhood bicycle boulevard.
- 6. At the time of preliminary plan of subdivision, and/or prior to the first plat of subdivision, the applicant shall:
 - a. Submit a Hydraulic Planning Analysis to WSSC to address access to adequate water storage facilities and water service to be approved by the WSSC to support the fire flow demands required to serve all site development.
 - b. Submit a letter of justification for all proposed primary management area impacts, in the event disturbances are unavoidable.
 - c. Submit three original, executed agreements for participation in the park club to the Prince George's County Department of Parks and Recreation (DPR) for their review and approval, eight weeks prior to a submission of a final plat of subdivision. Upon approval by DPR, the agreement shall be recorded among the Prince George's County Land Records, Upper Marlboro, Maryland.