



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Preliminary Plan 4-07060

Application	General Data
Project Name: WESTPHALIA TOWNS Location: Northwest quadrant of the intersection of Cedar Way and Westphalia Road. Applicant/Address: Westphalia Towns, LLC. 6502 Grason Court Bowie, MD 20715 Property Owner: Westphalia Towns, LLC.	Date Accepted: 7/20/07
	Planning Board Action Limit: 10/29/07
	Plan Acreage: 46.39
	Zone: R-T & R-R
	Lots: 205
	Parcels: 6
	Planning Area: 78
	Tier: Developing
	Council District: 06
	Election District: 06
	Municipality: N/A
	200-Scale Base Map: 204/5SE08

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003) 06/20/07
	Sign(s) Posted on Site and Notice of Hearing Mailed: 09/25/07

Staff Recommendation		Staff Reviewer: Tom Lockard	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-07060
Westphalia Towns, Lots 1-205 and Parcels A-F

OVERVIEW

The property is located on Tax Map 82, Grid D-2 through D-4, and is known as Parcels 30, 143, 144 and 329. The applicant is proposing to subdivide these four parcels into 200 townhouse lots, five single-family lots and six parcels to be conveyed to a homeowner's association (HOA) for open space, private roads, and stormwater management. The subject property was the subject of a Zoning Map Amendment in 1989 which rezoned 39 acres of the property from the R-R Zone (Rural-Residential) to the R-T (Residential-Townhouse) Zone. The District Council, on October 17, 2005, revised the conditions of approval for A-9683 to be:

1. **A contiguous 6.4 acre tract lying adjacent to the M-NCPPC parkland (Westphalia Neighborhood Park), to the west of subject property, shall be dedicated for the use as Community Park, open space, or recreational facilities.**

Comment: This tract is shown as Parcel A and is shown to be conveyed to M-NCPPC.

2. **A fifty-foot landscaped buffer strip, west of the ultimate right-of-way of Cedar Way, west of its intersection with Westphalia Road, north to "Outlot A", at the current termination of Cedar Way, shall be maintained by the applicant and thereafter by the ultimate builder/homeowners' association, to assure maintenance in perpetuity.**

Comment: Adequate area is shown on the plan to accommodate this buffer. At the time of detailed site plan this buffer strip shall be addressed and the method of delineation on the final plat of subdivision (easement, building restriction line etc.) shall be decided.

3. **Vehicular access from Cedar Way to the subject property shall be allowed provided the access point does not align with Spring Way. Traffic calming devices shall be considered at the time of preliminary plan and shall be constructed by the developer.**

Comment: The preliminary plan shows three connections to Cedar Way on the west side and one on the east side. None of these access points is opposite Spring Way. The only traffic calming device shown on the plan is a roundabout at the northern end of Cedar Way where it turns to connect with Chester Grove Road.

4. **The citizens living in the Cedar Way/Spring Way community and the Westphalia Community Coordination Council, or its subsequent entity, shall be given the opportunity to review and comment on any proposed subdivision or site plan prior to its submittal for local government review and approval, and this community and coordination council, or its subsequent entity, shall be made persons of record in any subdivision or site plan applications for the subject property.**

Comment: The applicant has stated that they have met this and all other pertinent notification requirements. The adjoining neighborhood has met with the applicant to discuss the development.

5. **The applicant shall pay the amount of \$300.00 per unit into an escrow account established by the Westphalia Community Coordination Council, or its subsequent entity, to be utilized at its discretion. Such sum shall be paid into the escrow account prior to the issuance of any permit, including grading for the subject property.**
6. **The maximum number of units per acre shall be six (6), and the total number of units shall be no more than 200.**

Comment: The applicant is proposing 200 units on the R-T-zoned section of the subject property. The additional five lots are on the R-R-zoned portion of the site.

7. **The Cedar Way/Spring Way community and Westphalia Community Coordination Council, or its subsequent entity, shall have the right to monitor at all times, and seek enforcement of, the development of the subject property and its conformance to these conditions and State and County laws.**
8. **All parties of record in this application and the Cedar Way/Spring Way community lot owners shall be notified by the applicant upon the filing of the Preliminary Plan of Subdivision or any other application for the subject property.**
9. **The citizens living in the Cedar Way/Spring Way community and Westphalia Community Coordination Council, or its subsequent entity, shall be given the opportunity to review and comment on any proposed subdivision or site plan prior to its submittal for local government review and approval, and this community and coordination council, or its subsequent entity, shall be made persons of record in any subdivision or site plan applications for the subject property.**

Comment: This is the same as Condition 4 above, but is shown twice in the ordinance of approval. The applicant has stated that they have met this and all other pertinent conditions and notification requirements. The adjoining neighborhood has met with the applicant to discuss the development.

10. **Developer agrees to utilize Prince George's County minority contractors/suppliers in the development of this project at least in the amount of fifteen (15) percent of any contracts for services or supplies. Developer/Builder shall certify to the Prince George's County Minority Business Commission, at the time of building permit that the condition has been fulfilled including names and addresses of such contractor/suppliers.**

The site is undeveloped and partially cleared. There appears to have been some dumping activity on the property. The subject property is within the Air Installation Compatible Use Zone (AICUZ) study area for Andrews Air Force Base (AAFB). AICUZ places this site within the 65-70 DNL noise contours, with recommended noise mitigation for any interior areas, a low floor-to-area ratio, and with notice of airport nuisance.

SETTING

The property is located at the northwest quadrant of the intersection of Cedar Way and Westphalia Road. The properties to the north, east and southeast are zoned R-R and developed with single-family dwelling units. The property to the west is zoned R-18 and R-T and is developed with multi-family and single-family attached dwelling units. To the southwest is vacant R-30 and R-55-zoned land.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	R-T & R-R	R-T & R-R
Use(s)	Vacant	Single-Family Attached Single-Family Detached
Acreeage	R-T: 39.03 R-R: 7.36 Total: 46.39	R-T: 39.03 R-R: 7.36 Total: 46.39
Lots	0	205
Outlots	0	0
Parcels	4	6
Dwelling Units:		
Detached	0	5
Attached	0	200
Public Safety Mitigation Fee		No

2. **Environmental**— There are streams, wetlands, 100-year floodplain, and severe slopes found on this property associated with the Southwest Branch of the Patuxent River watershed. According to the Prince George’s County Soil Survey, the soils found on this property are in the Beltsville, Bibb, Sandy Land, Sassafras, and Woodstown series. Marlboro clays are not found to occur in the vicinity of this property. Based on the most recent Air Installation Compatible Use Zone (AICUZ) Study released to the public in August 1998 by the Andrews Air Force Base, aircraft generated noise is significant. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, rare, threatened, or endangered species are not found to occur in the vicinity of this property. There are no designated scenic or historic roads adjacent to this site. This site is not located within the designated network of the Countywide Green Infrastructure Plan. The site is in the Developing Tier according to the 2002 General Plan and the 2007 *Westphalia Sector Plan and Map Amendment*.

Master Plan Conformance-Westphalia Sector Plan

The TCPI is in general conformance with the environmental policies of the Westphalia Sector Plan with the exception of unnecessary impacts and the proximity of structures to the Patuxent River Primary Management Area (PMA). Both of these issues are discussed in detail in the Environmental Review section of this memo.

Natural Resources Inventory

The preliminary plan application has a staff signed Natural Resources Inventory (NRI/26/06) that was included with the application package. The site contains streams, wetlands, 100-year floodplain, and slopes greater than 25 percent. The PMA is correctly shown on the NRI.

The 2005 color aerial photos show a cleared area on the site that was not present in 2000. The cleared area is larger than 5,000 square feet in area; however, the site does not have an approved Type II Tree Conservation Plan or grading permit according to available records. A copy of the grading permit associated with this clearing must be provided if one exists. If the site was cleared without a county-issued grading permit, the cleared area must be shown as woodland and the acreage must be added to the on-site woodland acreage. Also, the signed NRI shows 2.12 acres of 100-year floodplain on-site, while the TCPI only shows 1.97 acres of floodplain. The signed NRI also states that there are 37.36 acres of existing woodland on-site, while the submitted TCPI states there are 36.60 acres of existing woodland on-site.

Obviously the original Natural Resources Inventory plan was signed in error as there is a substantial amount of required information that is missing. In addition, the TCPI calls into question the calculations on the site. A revised NRI is required prior to signature approval of the TCPI.

Noise

Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1998 by the Andrews Air Force Base, aircraft generated noise is significant. The study indicates that the noise threshold is within the 65-70 dBA (Ldn) noise contours. This noise level is above the state acceptable noise level for outdoor activity areas for residential land uses. It will not be possible to mitigate noise in the outdoor activity areas; however, the use of proper construction materials must be used to ensure that the noise inside of the residential structures does not exceed 45 dBA Ldn.

Environmental Impacts

Streams, wetlands, 100-year floodplain, and severe slopes in excess of 25 percent are found on this property. These features along with their respective buffers comprise the Patuxent River Primary Management Area (PMA). The Subdivision Ordinance, Section 24-130(b)(5), requires that the PMA be preserved in a natural state to the fullest extent possible. All disturbances not essential to the development of the site as a whole are prohibited within stream and wetland buffers. Essential development includes such features as stormwater pond outfalls, public utility lines, road crossings, and so forth, which are mandated for public health and safety.

A Letter of Justification and associated exhibits were submitted for four proposed impacts. The following is a summary of the proposed PMA impacts:

Impact Number	Comments	Quantity of Impacts	Staff Recommendation
1 and 2	These impacts are associated with an entry road into the proposed subdivision. These impacts are located east of proposed Lots 49-51.	3,398 square feet	Supported

Impact Number	Comments	Quantity of Impacts	Staff Recommendation
3 and 4	These impacts are associated with the realignment of an existing WSSC sewer line to accommodate the appropriate residential design of townhouses. These impacts are located to the east of proposed Lot 20 and to the north of proposed Lots 14.	3,093 square feet	Supported

The TCPI shows three other impacts that were not requested. Impact 5 is located to the north of proposed Lot 5, Block B and is associated with a small area of steep slopes that were included in the buffer. This impact is supported because it is very small and it appears that it may be needed to tie-in the grades from the proposed roadway and the house proposed on Lot 5.

Impact 6 is located to the east of proposed Lot 4. This impact is partly for the installation of the stormwater outfall from a pond and for the connection to the existing sanitary sewer line. This impact is supported because it is small and essential to the development of the site. Protection of the small portion of the PMA to the west of the proposed pipes while allowing the construction of both pipes in the area would be difficult if not impossible.

Impact 7 is a separate impact for connection to the sanitary sewer line located to the east. This impact was not requested but is essential for the provision of sanitary sewer services to the site. This impact is supported.

Woodland Conservation

This site is subject to the provisions of the Woodland Conservation Ordinance because it is larger than 40,000 square feet in size and contains more than 10,000 square feet of woodlands. Conformance with the Woodland Conservation Ordinance cannot be addressed in detail at this time due to a discrepancy with a cleared area on the site, which is discussed above.

Several other revisions are required. The utility easements on-site are not shown on the TCPI or the preliminary plan. Woodland conservation cannot be counted in these areas.

The existing and proposed sanitary sewer lines are not clearly depicted. It appears that a sewer line is being placed through a woodland conservation area with no clearing proposed. All of the symbols need to be clarified and shown correctly on the plans.

There are several woodland conservation areas in Block C that are less than 35 feet in width. These areas should be revised to meet the minimum forest width.

Soils

The soils found to occur on this property are in the Beltsville, Bibb, Sandy Land, Sassafras, and Woodstown series. This information is provided for the applicant's benefit. No further action is needed as it relates to this Preliminary Plan of Subdivision review. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

Water and Sewer Categories

The water and sewer categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003 and the property will, therefore, be served by public systems.

3. **Community Planning**—The property is located in Planning Area 78 of the 2007 *Westphalia Sector Plan and SMA* within the Westphalia community. The master plan recommends a residential low-density use for that section of the site east of Cedar Way and a residential medium-density use west of Cedar Way. This application proposes a low- to medium-density residential land use in a combination of townhouses and single-family residences and is therefore generally consistent with the recommendations within the 2007 Master Plan. The plan does show townhouse lots east of Cedar Way in an area shown on the master plan for low-density residential uses; however, this proposed use is in conformance with the R-T Zoning of that section of the subject property.

The 2002 General Plan locates the subject property within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application proposes a low to medium-density residential community, and is therefore consistent with 2002 General Plan Development Pattern policies for the Developed Tier.

4. **Parks and Recreation**— The staff of the Department of Parks and Recreation (DPR) has reviewed the above referenced preliminary plan application for conformance with the requirements of the approved *Westphalia Sector Plan and Sectional Map Amendment*, conditions and findings of the approved Zoning Map Amendment Application, A-9683-C, the Land Preservation and Recreation Program for Prince George’s County and current zoning and subdivision regulations as they pertain to public parks and recreation.

FINDINGS

Zoning Map Amendment Application, A-9683-C

1. **A contiguous 6.4 acre track lying adjacent to the M-NCPPC parkland (Westphalia Neighborhood Park), to the west of subject property, shall be dedicated for the use as Community Park, open space, or recreational facilities.**

This was a condition of approval in the Zoning Map Amendment for this site which rezoned 39 acres from the less dense R-R Zone to the higher density R-T Zone. The applicant is showing this area for dedication as Parcel A.

2007 Westphalia Sector Plan

The sector plan envisions expansion of the existing Westphalia Community Park and partial conversion of the park into a school/park site with adjoining development. The Sector Plan strategy is to co-locate an elementary school on Westphalia Road with the Westphalia Community Park.

The Westphalia Sector Plan goals, policies and strategies related to the Park and Recreational issues are:

- **Create public and private parks, open space, and recreational facilities sufficient to meet the needs of the current and future residents of the Westphalia sector plan area.**
- **Create a park system consisting of 1,850 acres of public and private parks and green spaces.**
- **Ensure development of the parks system that result in central green spaces which serve to unite the Westphalia community and its surrounding neighborhoods.**
- **Designate the Westphalia Central Park and Cabin Branch Greenway as community focus areas. These parks should become a regional draw and icon for Westphalia.**
- **Ensure major development projects are adequately integrated into the implementation of the sector plan parks system recommendations.**
- **Ensure the proper financing, construction and maintenance of the proposed park system.**
- **Develop and finalize a comprehensive public facilities plan that includes detailed recommendations for the financing mechanisms, phasing, construction and maintenance of the proposed park facilities.**

Amendment 8 to the adopted Westphalia Sector Plan, Council Resolution CR-2-2007

This amendment to the plan revised the adopted plan parks and recreation element text to:

- **Add text to Policy 3, under the strategy describing the Westphalia Central Park (p.38) as follows:**

Add a new paragraph that states: Form a multi-agency public/private work group to implement the vision for the Westphalia Central Park on expedited basis.

Revise the plan text to specify that a parks fee of \$3,500 per new dwelling unit (in 2006 dollars) is required to construct the public parks facilities recommended for the sector plan area.

Comments: M-NCPPC and County staff are working on preparation of State legislation to address this recommendation. At this time, DPR staff encourages the applicant to comply with the Sector Plan recommendation, but cannot require it.

The subject property is located within the *Westphalia Sector Plan and Sectional Map Amendment* area. The subject property includes a 7.36-acre parcel in the R-R Zone which the applicant anticipates developing with single family homes and a 39-acre parcel in R-T Zone to be developed with single family attached townhouses. The subject application is for 205 residential dwellings units including townhouses and single family units. Using current occupancy statistics for single-family dwelling units, one would anticipate that the proposed development would result in a population of approximately 600 residents in the new community. *The Prince George's County General Plan* establishes objectives related to the provision of public parkland. They indicate that a minimum of 15 acres of M-NCPPC local parkland should be provided per 1,000 population (or equivalent amenity in terms of parks and recreation service) and 20 acres of regional, countywide and special M-NCPPC parkland per 1,000 residents. By applying the General Plan standards for projected

population in the new community (600 residents), staff has determined that **9 acres** of local and **12 acres** of regional public parkland suitable for active recreation are needed to serve the proposed community.

As recommended in Condition 1 of A-9683-C the applicant proposes dedication of 6.4 acres of open space to the M-NCPPC for the use as Community Park, open space, or recreational facilities. This dedication will improve the situation with regard to needed parkland in this community.

This property is adjacent to the 16.7-acre Westphalia Neighborhood Park. The neighborhood park is improved with a softball field, tennis court, half basketball court, playground and fitness cluster.

DPR staff believes that the applicant should provide trail connectors from the subdivision to the existing park facilities. Any improvements on dedicated parkland should be reviewed and approved by DPR staff.

In summary, DPR staff recommends the provision of parkland dedication as shown on the preliminary plan "Parcel A" and construction of the trail connectors to the existing park facilities at a location acceptable to the DPR. The location of the trail connectors on dedicated and/or existing parkland should be determined at the time of detailed site plan.

5. **Trails**—The Adopted and Approved Westphalia Sector Plan places an emphasis on a comprehensive and interconnected trail network, as well as walkable, pedestrian friendly streetscapes. The trail network utilizes several stream valley corridors, historic Melwood Road, sidepaths along major roadways, and on-road bicycle facilities. The Sector Plan also recommends that all community town center core roads have either standard or wide sidewalks. Miles of trail and sidewalk connections have already been approved through previous approvals for the Marlboro Ridge and Smith Home Farms developments. The subject site is located towards the western edge of the Westphalia study area along the north side of existing Westphalia Road.

Westphalia Road is designated as C-626 in the Sector Plan. The Sector Plan recommends a sidepath along the length of Westphalia Road. Staff recommends that this sidepath be provided in conjunction with on-road bicycle facilities. This trail will provide an east to west bicycle and pedestrian connection through residential northern portion of the Westphalia area. The existing residential development immediately to the west of the subject site includes standard sidewalks along one or both sides of most roads. Existing Cedar Way is open section with no sidewalks. M-NCPPC parkland abuts the subject site to the west along Westphalia Road. This parkland includes a tennis court, basketball court and softball field, as well as ten acres of undeveloped parkland (Parcel B).

The subject site includes six proposed open space parcels (Parcels A-F), a stormwater management pond, five single-family lots, and 200 R-T (townhouse) lots. The majority of the developed portion of the site is proposed as townhouse units. Due to the density of the proposed site, sidewalks are appropriate along both sides of the internal roads, excluding alleys. These sidewalks will accommodate pedestrian movement through the site and provide access to the open space/park parcels.

6. **Transportation**—The applicant submitted a traffic study dated April 27, 2007. 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 *Guidelines for the*

Analysis of the Traffic Impact of Development Proposals. The study identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Sansbury Road/Ritchie-Marlboro Road	A/931	A/946
Sansbury Road/D'Arcy Road **	B/11.0 secs.	B/10.4 secs.
Westphalia Road/D'Arcy Road **	C/18.7 secs.	B/12.8 secs.
Westphalia Road/Cedar Way **	B/10.3 secs.	B/10.0 secs.
Westphalia Road-Old Marlboro Pike/MD 4	F/1632	F/1745
I-95 @ Ritchie-Marlboro Road/ SB Ramps Round-about	A/6.6 secs.	A/8.8 secs.
I-95 @ Ritchie-Marlboro Road/ NB Ramps Round-about	A/8.2 secs.	A/7.5 secs.
** Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "E" which is deemed acceptable corresponds to a maximum delay of 50 seconds/vehicle. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the <i>Guidelines</i> . All results in boldface represent failing levels.		

The traffic study also identified eighteen (18) background developments whose impact would affect some or all of the study intersections. Additionally, a growth rate of 2 percent per year was applied to the through traffic along Ritchie-Marlboro Road, based on historical traffic data provided by the Maryland State Highway Administration (MSHA). A second analysis was done to evaluate the impact of the background developments on existing infrastructure. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Sansbury Road/Ritchie-Marlboro Road	E/1452	D/1419
Sansbury Road/D'Arcy Road **	F/418.9 secs.	F/863.1 secs.
Westphalia Road/D'Arcy Road **	F/448.3 secs.	F/999.9 secs.
Westphalia Road/Cedar Way **	B/17.5 secs.	B/14.2 secs.
Westphalia Road-Old Marlboro Pike/MD 4 (Based on previous analyses)	F/2441	F/2547
I-95 @ Ritchie-Marlboro Road/ SB Ramps Round-about	A/6.8 secs.	B/11.1 secs.
I-95 @ Ritchie-Marlboro Road/ NB Ramps Round-about	B/10.5 secs.	F/82.9 secs.

Using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, the study has indicated that the proposed developments will be adding 145(29 in; 116 out) AM peak-hour trips and 166 (108 in; 58 out) PM peak-hour trips at the time of full build-out. A third analysis depicting total traffic conditions was done, yielding the following results:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Sansbury Road/Ritchie-Marlboro Road	F/1481	D/1419
Sansbury Road/Ritchie-Marlboro Road <i>with Improvement</i>	B/1098	D/1433
Sansbury Road/D'Arcy Road **	F/789.9 secs.	F/999+ secs.
Westphalia Road/D'Arcy Road **	F/999+ secs.	F/999+ secs.
Westphalia Road/Cedar Way **	E/43.5 secs.	E/40.5 secs.
I-95 @ Ritchie-Marlboro Road/ SB Ramps Round-about	A/6.8 secs.	B/11.2 secs.
I-95 @ Ritchie-Marlboro Road/ NB Ramps Round-about	B/10.6 secs.	F/84.5 secs.

The results shown in the table above have indicated that there are four intersections that would operate unacceptably under total traffic conditions. To address those inadequacies, the following improvements were proposed in the traffic study:

Sansbury Road/D’Arcy Road intersection (unsignalized)

Given the failing LOS projected for this intersection under total traffic, the applicant proposes a provision of separate left and right turn lanes for the D’Arcy Road approaches in addition to a realignment of the intersection. Recognizing that with these improvements, the intersection would still operate with delays above the 50-second threshold, the applicant examined the possibility of signalization.

Sansbury Road/Ritchie-Marlboro Road intersection

The applicant proposes the addition of a third westbound through lane on Ritchie-Marlboro Road. With this improvement in place, the intersection is projected to operate with a LOS/CLV of B/1098 during the AM peak hour, and D/1433 during the PM peak hour.

Westphalia Road/D’Arcy Road intersection

The applicant recommends a signal warrant study be done for this application, and is prepared to provide said installation if deemed to be warranted

I-95 @ Ritchie-Marlboro Road/ NB Ramps Roundabout

This intersection is projected to operate with a delay of 84.5 seconds per car during the PM peak hour. Based on the State Highway Administration’s (SHA) minimum threshold of 0.85 volume to capacity ratio (v/c), the computed delay of 84.5 seconds corresponds to a v/c ratio of 2.214 which is significantly above the acceptable level of 0.85. The applicant offered no improvements.

With all of the improvements cited above, combined with the proffer to install signals if warranted, the traffic study concluded that the proposed project will have a minimal impact on traffic operations.

Transportation Staff Review and Comments

In addition to the Transportation Planning staff, the traffic study was reviewed by two other agencies, the State Highway Administration (SHA) and the Department of Public and Transportation (DPW&T).

In an August 31, 2007 memorandum to staff (*Hijazi to Burton*), Dr. Hijazi – the director for the DPW&T – expressed his general agreement with the study findings and recommendations. He further added that the following should be provided:

- A left turn bay, an acceleration and a deceleration lane along Westphalia Road for Cedar Way
- Improvements to Cedar Way to county standard for a primary residential road.
- After build-out of the development, signal warrant studies at the intersections of D’Arcy Road with Sansbury Road as well as Westphalia Road should be undertaken, with contribution to the cost of installation, if signalizations are deemed to be warranted.

In closing, the DPW&T deferred comments regarding the inadequacies of the MD 4-Westphalia Road intersection, as well as the intersections of Ritchie Marlboro Road with I-495 ramps to the SHA, based on the fact that those facilities are under the jurisdiction of SHA.

In its September 17, 2007, letter to staff (*Foster to Foster*), the SHA also concurred with the conclusions reached in the traffic study. It is worth mentioning that despite the fact that the ramps at the Beltway and Ritchie Marlboro Road were projected to operate inadequately (under background and total traffic); those inadequacies were not addressed by SHA in their response to staff. While one may perceive this omission as an oversight by SHA, it should be noted that previously, the SHA has provided written comments on its position regarding the issue of adequacy at the roundabouts at the Beltway and Ritchie Marlboro Road. During the Planning Board hearing (9/20/07) for the preliminary plan of subdivision for the Kenwood Village (4-06159) application, staff discussed the contents of a September 12, 2007 letter from SHA to staff (*Foster to Foster*). In that letter, SHA acknowledged the fact that the roundabouts would operate inadequately under background condition even with the addition of a third lane to that facility. It further stated that no additional expansion to the roundabouts would be acceptable. In light of those comments by the SHA in September 2007, staff is of the opinion that SHA's position remains unchanged.

The issues regarding the adequacy of the intersection of MD 4 and Westphalia Road-Old Marlboro Pike are numerous and rather complex. The results of the traffic study provided by this applicant have demonstrated that the intersection fails under existing traffic. Recent traffic studies that were done for other developments have also demonstrated that this intersection fails with existing traffic, and will continue to fail under background traffic and total (site generated + background) traffic. Ordinarily, after such a finding has been made, an applicant would be required to identify improvements that would bring the failing intersection to adequacy. In the case of this intersection however, the applicants for the recently approved Smith Home Farm Preliminary Plan of Subdivision (4-05080) are pursuing plans for the funding and construction of a grade-separated interchange to replace the current at-grade intersection of MD 4 and Westphalia Road. This improvement is necessary, since it was the basis on which a finding of adequacy was determined for the Smith Home Farm. While such an interchange would create enough capacity to serve the Smith Home Farm development, it would also create excess capacity that would benefit other developments, including the subject property. The funding of such a project can be very costly, and understandably, the developers of said project are pursuing an avenue through which some of the cost can be reimbursed.

One such avenue is called the Surplus Capacity Reimbursement Procedure (SCRCP) as provided in Section 24-124(a) (4), which was the subject of the Planning Board's adopted finding as noted above. It allows for the developer (providing the initial capital) to be reimbursed in part by other developers for the creation of excess capacity. Section 24-124(b) also allows subsequent developers to receive Planning Board approval with a condition to pay a pro-rata share of the MD 4/Old Marlboro Pike-Westphalia Road interchange, rather than a condition requiring the construction of the interchange.

The applicant for the Smith Home Farm has accepted a condition to construct the interchange, and must bond it, obtain permits for it, and schedule it for construction prior to the release of the initial building permit. At that point, the Planning Board would be able to establish a resolution establishing the SCRCP (Surplus Capacity Reimbursement Procedure) for the MD 4/Old Marlboro Pike-Westphalia Road interchange. In order to ensure compliance with Section 24-124(a) (4), it will be necessary for this to occur prior to other developments paying the pro-rata share and moving into the building permit stage of development. To date, the applicant for the Smith Home

Farm has provided no firm timetable for completing the needed bonding so that the SCRP can be formally established. However, condition 42b of resolution 06-64(A) provides that the interchange will be open to traffic prior to the issuance of building permits that represents the 30 percent of the residential units in Smith Home Farm.

Transportation Staff Findings

The application analyzed is a preliminary plan of subdivision for residential consisting of 200 townhouse units and 7 single-family detached units. Collectively, these units will be adding 145(29 in; 116 out) AM peak-hour trips and 166 (108 in; 58 out) PM peak-hour trips at the time of full build-out. The traffic generated by the proposed preliminary plans would impact the following intersections:

- Sansbury Road/Ritchie Marlboro Road
- Sansbury Road/D'Arcy Road (unsignalized)
- Westphalia Road/D'Arcy Road (unsignalized)
- Westphalia Road-Old Marlboro Pike/MD 4
- Westphalia Road – Cedar Way (unsignalized)
- I-95 @ Ritchie Marlboro Road/ SB Ramps Round-about
- I-95 @ Ritchie Marlboro Road/ NB Ramps Round-about

None of the intersections, identified above is programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

The subject property is located within the Developing Tier as defined in the *General Plan for Prince George's County*. As such, the subject property is evaluated according to the following standards: **Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better; **Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The following intersections, when analyzed with the total future traffic as developed using the *Guidelines*, were not found to be operating at or better than the policy service level defined above:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Sansbury Road/Ritchie-Marlboro Road	F/1481	D/1419
Sansbury Road/D'Arcy Road **	F/789.9 secs.	F/999+ secs.
Westphalia Road/D'Arcy Road **	F/999+ secs.	F/999+ secs.
I-95 @ Ritchie-Marlboro Road/ NB Ramps Round-about	B/10.6 secs.	F/84.5 secs.

The applicant will be required to provide the following improvements to the intersections in consideration of the findings above:

Sansbury Road/D'Arcy Road intersection (unsignalized)

Given the failing LOS projected for this intersection under total traffic, the applicant proposes a provision of separate left and right turn lanes for the D'Arcy Road approaches in addition to a realignment of the intersection. Recognizing that with these improvements, the intersection would still operate with delays above the 50-second threshold, the applicant examined the possibility of signalization.

Sansbury Road/Ritchie-Marlboro Road intersection

The applicant proposes the addition of a third westbound through lane on Ritchie-Marlboro Road. With this improvement in place, the intersection is projected to operate with a LOS/CLV of B/1098 during the AM peak hour and D/1433 during the PM peak hour.

Westphalia Road/D'Arcy Road intersection

The applicant recommends a signal warrant study be done for this application, and is prepared to provide said installation if deemed to be warranted.

I-95 @ Ritchie-Marlboro Road/ NB Ramps Round-about

The SHA has acknowledged in written correspondence that there are no additional improvements that will be acceptable for this intersection

In addition to the afore-mentioned intersections, the traffic generated by the proposed preliminary plan would also impact the intersection of Westphalia Road-Old Marlboro Pike/MD 4. Based on numerous traffic studies in which this intersection has been analyzed, this intersection is currently operating at unacceptable levels of service. It is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program nor the Prince George's County Capital Improvement Program. However, there are plans that are currently in design for the upgrade of this signalized intersection to a grade-separated interchange. The design and construction of this

interchange has been proffered by the developers of the recently approved Smith Home Farm preliminary plan of subdivision (PGCPB No. 06-64(A), 4-05080, Condition 42).

Based on the preliminary design (30 percent complete) of the proposed interchange, the at-grade intersection of MD 4 and Westphalia Road-Old Marlboro Pike will no longer exist, however, the following new signalized at-grade intersections will be created as part of the new interchange design:

- Westphalia Road-Service Road
- Old Marlboro Pike-Ramps
- Service Road-Ramps

These intersections, when analyzed with the total future traffic (which includes the subject property, the Smith Home Farms and D’Arcy Park—North & South, Rajae Warehouse) as developed using the Guidelines, were found to be operating at or better than the policy service level defined above:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Westphalia Road-Service Road	D/1309	B/1109
Old Marlboro Pike-Ramps	A/788	B/1042
Service Road-Ramps	A/673	A/422

Ordinarily, if an improvement that is not listed in the CTP or CIP as being fully funded, is factored in the determination of adequacy, the applicant would be conditioned on either providing that improvement, or await the provision of that improvement prior to a building permit being issued. In the current circumstance however, this applicant will not be required to construct the proposed interchange at MD 4 and Westphalia Road.

As mentioned previously, the developers for the Smith Home Farm are in the process of having design plans prepared for an interchange at the MD 4-Westphalia Road intersection. During the July 27, 2006 Planning Board hearing for the Smith Home Farm preliminary plan, staff prepared and presented a set of findings, outlining the basic groundwork for the creation and implementation of a Surplus Capacity Reimbursement Procedure (SCRP) for the proposed interchange. Specifically, the findings identified:

- Scope of the improvement
- Cost of improvement
- Total capacity of the improvement
- Capacity associated with the Smith Home Farm (SHF) development
- Excess capacity (total capacity less SHF capacity)
- Formulation for pro rata contribution for SHF
- Formulation for pro rata contribution for subsequent development(s)

Based on the findings adopted by the Planning Board (PGCPB 06-64(A)) for The Smith Home Farm, the following represents the methodology for computing the pro-rata amount for this application:

Pro Rata Share for Subject Development:

It is determined that approximately 50 percent of the site-generated traffic would use the MD 4/Westphalia Road intersection, with 90 percent destined for I-495 (north and south) and MD 4 (inside I-495), and 10 percent for MD 4 towards Upper Marlboro. The following results are determined:

Base Condition

Total cost of Construction **\$25,841,100.00**

Westphalia Road/service road:	AM CLV – 788; PM CLV – 679	Average 733.5
Old Marlboro Pike/MD 4 EB ramps:	AM CLV – 623; PM CLV – 620	Average 621.5
Service road/MD 4 WB ramps:	AM CLV – 569; PM CLV – 366.	Average 467.5
Interchange base statistic	$(733.5 + 621.5 + 467.5) / 3 = 607.50$	
Base Capacity: 1450 – 607.5		842.50 (capacity units)

Allocable cost per capacity unit: $\$25,841,100.00 / 842.5 = \mathbf{\$30,671.81}$

Base Condition (with SHF + D’Arcy + Rajae + Westphalia Towns)

Westphalia Road/service road:	AM CLV – 1309; PM CLV – 1109	Average 1209
Old Marlboro Pike/MD 4 EB ramps:	AM CLV – 788; PM CLV – 1042	Average 915
Service road/MD 4 WB ramps:	AM CLV – 673; PM CLV – 422.	Average 547.5

Westphalia Towns

Interchange traffic statistic: $(1209 + 915 + 547.5) / 3 = 890.5$

D’Arcy (North & South) + SHF + Rajae

Interchange traffic statistic: 861.5

Change in traffic statistic = Westphalia - (D’Arcy + SHF + Rajae)

Change in traffic statistic = $890.5 - 861.5 = 29$

Share = Change x Allocable cost per capacity unit

Share = $29 \times \$30,671.81 = \mathbf{\$889,482.49}$

Cost per dwelling unit: $\$889,482.49 / 205 = \mathbf{\$4,338.94}$

It should be noted that all of the CLV computations are based on a lane configuration as shown on the most recently available construction drawings (30 percent complete) for the proposed interchange. These computations may vary from those that were outlined in PGCPB 06-64(A)) for The Smith Home Farm since staff had to rely on a design (and lane usage) that was in the very early planning phase. As the design plans get closer to 100 percent completion, it is conceivable that the proposed lane usage and subsequently, the final CLV’s for the three intersections may change yet again. Staff is confident that by the time final action by the Planning Board is taken regarding the establishment of a SCRP, staff will have available, 100 percent design plans with a definitive lane usage.

With the approval of the Smith Home Farm preliminary plan, and

- a. The establishment of SCR improvement in accordance with Section 24-124; and
- b. A methodology for computing the pro-rata payment associated with this improvement, subsequent developments; including the subject property could use this finding and methodology as a means of finding adequacy at the MD 4/Westphalia Road intersection.

In making this recommendation, all parties must be aware that subsequent action will be needed by the Planning Board to establish a SCR at this location. This would be done by resolution at a later date only after the improvement is bonded and permitted. Any subsequent developments seeking to utilize the SCR prior to the passage of the SCR resolution by the Planning Board must receive a condition that requires passage of the resolution establishing the SCR prior to issuance of building permits.

Site Plan Review

The applicant has made a number of changes to the interior street layout consistent with staff’s recommendation, including a connection to Chester Grove Road to the north and west and additional access points onto Cedar Way. The street patterns, as currently revised, are acceptable to staff.

Transportation Staff Conclusion

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George’s County Code if the application is approved with conditions consistent with the above findings.

- 7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	205 DU	205 DU	205 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	49.20	12.30	24.60
Actual Enrollment	3,933	6,782	10,542
Completion Enrollment	165	117	234
Cumulative Enrollment	0	18.84	37.92
Total Enrollment	4,147.20	6,930.14	10,838.52
State Rated Capacity	4,140	6,356	10,254
Percent Capacity	100.17	109.03	105.70

Source: Prince George's County Planning Department, M-NCPPC, January 2007

These figures are correct on the day the referral was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 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 \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

8. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George's County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Forestville, Company 23, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire/EMS Department.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

9. **Police Facilities**—The subject property is located in Police District IV. The response standard is 10 minutes for emergency calls and 25 minutes for non-emergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on July 20, 2007.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Non-emergency
Acceptance Date July 20, 2007	6/06-6/07	10 minutes	18 minutes
Cycle 1	7/06-7/07		
Cycle 2	8/06-8/07		
Cycle 3	9/06-9/07		

The response time standards of 10 minutes for emergency calls and 25 minutes for non-emergency calls were met July 31, 2007.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

10. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision and had no comments to offer.
11. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Engineering Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan (CSD # 42317-2004-00) has been approved to ensure that development of this site does not result in on-site or downstream flooding. Development must be in conformance with this approval or any approved revision thereto.
12. **Historic**— A Phase I archeological survey was completed on the 46.39-acre Westphalia Towns property in March 2007. Four copies of the final report, *A Phase I Archeological Investigation of the Westphalia Road Property, Prince George's County, Maryland, Pre-Preliminary Plan #P-04016* were received and accepted by the Historic Preservation and Public Facilities Section on April 6, 2007. One archeological site, 18PR866, a mid-nineteenth to early-twentieth century dwelling, was identified in the survey. No intact archeological deposits were identified due to modern disturbance. Therefore, no further work was recommended on the property. The extant house on the site was recorded on a Maryland Inventory of Historic Properties (MIHP) form. Staff concurs with the report's findings that no further archeological work is necessary on the Westphalia Towns Property. The archeological conditions for prior submissions for this development have been fulfilled.
13. **Urban Design**— The Urban Design Section has reviewed the proposed preliminary plan of subdivision for 200 single-family attached units and 5 single-family detached units in the R-T and R-R Zones, respectively.

Applicable Regulations

The project would be subject to Section 27-433 for the development of the single-family attached portion of the site and Section 27-428 for the single-family detached portion of the site. In addition, the Westphalia sector plan and A-9683-C include conditions that must be adhered to for all subsequent plans of development.

Landscape Manual

The development of the site is subject to certain sections of the *Landscape Manual* including Sections 4.1 Residential Requirements, 4.6 Buffering Residential Development from Streets, and 4.7 Buffering Incompatible Uses (where incompatible existing uses or possible uses will most likely occur). Compatibility issues with surrounding uses will be examined at the time of the detailed site plan, however, if the plans do not provide enough room on the preliminary plan to accommodate the buffer, it may result in a loss of units at the time of the DSP review.

Conformance to Westphalia Sector Plan and A-9683-C

The approved Westphalia sector plan designates the subject property for medium density residential uses. The following conditions included in the approved Westphalia sector plan are applicable to Urban Design review of the plans that impact the site layout. Other architecture related conditions will be applied to this development at time of detailed site plan.

Policy 5

Design Principles:

Require garages that are hidden or clearly subordinate to the main structure and do not project beyond the main façade of residential buildings.

Arrange driveways so that cars are parked to the side or rear of the house or otherwise hidden from the street.

Promote rear alleys to have access to parking and garages for residences that are sited back-to-back.

The preliminary plan shows all townhouses as front-loaded units. The plan should be revised to incorporate the above design principles. In addition, townhouses in Block C are accessed through a dead end street without proper turn around treatment. The units at the very end of the street are more than 600 feet from existing Cedar Way. Additional turn around space should be provided to allow larger vehicle other than regular passenger cars to negotiate a turn.

Create a system of open space and parks and preserve sensitive environmental features:

Cluster residence around shared amenities to form distinct neighborhoods with a sense of identity. Use green space to define and divide the clusters.

Preserve large wooded areas and fields by using cluster or conservation subdivision designed techniques, by allowing smaller lot sizes and by permitting usable shared green areas in the immediate neighborhood.

The preliminary plan clusters 172 units of the proposed townhouses on approximately 19 acres of the buildable site without creating distinct neighborhoods. The net density is nine dwelling units per acre. There is no green space to define and divide the clusters.

A-9683-C

A fifty-foot landscaped buffer strip, west of the ultimate right-of-way of Cedar Way, west of its intersection with Westphalia Road, north to “Outlot A”, at the current termination of Cedar Way, shall be maintained by the applicant and thereafter by the ultimate builder/homeowners’ association, to assure maintenance in perpetuity.

It does not appear the plans conform to this standard. At the time of detailed site plan, this buffer strip shall be addressed and the method of delineation on the final plat of subdivision (landscape easement, building restriction line, etc.) shall be assessed. If an easement is chosen, it shall run to

the benefit of the single-family detached units located across Cedar Lane, if that was the original intended purpose, and recorded among the Land Records of the Prince George's County.

Urban Design Review and Detailed Site Plan Considerations

Section 27-433(e)(1)(B) requires that the streets be 26 feet wide.

(B) Private streets which are interior to the project (and are not dedicated to public use) shall be improved to not less than the current standards set forth in Subtitle 23 of this Code which apply to a public, twenty-six (26) foot wide secondary residential street, except that roadside trees are not required (within the street right-of-way)....Sidewalks cast monolithically with the curb and gutter shall be permitted;

Some of the streets are shown to be 22 feet in width and would have to be justified at the time of detailed site plan. If 26-foot-wide roads are required, it may result in the loss of lots. Staff is recommending sidewalks on both sides of all the roads within the development.

Parking

The plan does not seem to provide for enough parking for guests and overflow parking spaces. The plan indicates that only single-car garages are provided for the entire townhouse development and only 29 spaces are provided on the streets for the provision of handicap spaces, guest parking, and overflow parking. It is likely that many of the single-car garages will be used for storage by the residents, as this is a common practice in townhouse development. We note this issue with concern, because townhouse developments in the county have suffered from deficits in available parking. It might be reasonable to incorporate the use of two-car garages as an alternative product type and carefully consider the appearance of the development to avoid car-dominated streetscapes.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the TCPI, the applicant shall submit a copy of the grading permit associated with the clearing on Parcel 144 that occurred between 2000 and 2005, or revise the TCPI to show the cleared area as wooded and add the acreage of that area to the total woodland acreage on the net tract. Documented evidence shall also be provided to verify the appropriate acreage of the floodplain and existing woodland on-site. Prior to signature approval of the TCPI, the NRI shall be revised accordingly, resubmitted and signed by staff.
2. Prior to signature approval of the preliminary plan, the approved Stormwater Management Concept Approval Letter and the associated plans for this site will be provided. The concepts shall show no conflicts with the proposed woodland conservation areas.
3. The following note shall be placed on the Final Plat of Subdivision:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/003/07), or as modified by the Type II 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 Conservation Ordinance. 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."

4. Prior to signature approval of the preliminary plan, the Type I Tree Conservation Plan shall be revised to:
 - a. Add the graphic symbol for the limit of disturbance to the legend and revise the limits of disturbance to include all the proposed construction.
 - b. Clarify the graphic symbols for the existing and proposed sanitary sewer lines.
 - c. Add conceptual grading to justify the limits of disturbance shown.
 - d. Eliminate woodland conservation from within 10 feet of the rear lot lines of townhouse units.
 - e. Eliminate the symbol for slopes from the legend.
 - f. Revise note 1 as follows: "This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements for 4-07060. The TCPI will be modified by a Type II Tree Conservation Plan in conjunction with the approval of a detailed site plan, a Specific Design Plan, and/or a grading permit application."
 - g. Revise note 1 to reference the TCPI number.
 - h. Revise note 6 to reference the approved stormwater management concept plan.
 - i. Include all utility easements on-site and show no woodland conservation within any easement, existing or proposed.
 - j. Revise woodland conservation areas to be at least 35 feet in width.
 - k. Have the plans signed and dated by the qualified professional who prepared them.
5. All afforestation/reforestation and associated fencing shall be installed prior to the issuance of the first building permit. A certification prepared by a qualified professional shall be used to provide verification that the afforestation and fence installation have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
6. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area Preservation Area, except for areas of approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval. In addition, 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 permitted."

7. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans shall be submitted to the M-NCPPC, Planning Department.
8. All deeds conveying lots to future homeowners within this subdivision shall include language notifying all future contract purchasers of the proximity of the property to Andrews Air Force Base and noise levels related to military aircraft overflights. The deeds of conveyance shall include the disclosure notice. At the time of purchase contract with homebuyers, the contract purchaser shall sign an acknowledgement of receipt of the disclosure notice. This condition shall be noted on the final plat along with a description of the proximity of the development to Andrew's Air Force Base and noise levels related to military aircraft overflights.”
9. The following note shall be placed on the Final Plat:

“Properties within this subdivision have been identified as possibly having noise levels that exceed 65 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland designated acceptable noise levels for residential uses.”
10. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.
11. A Type II Tree Conservation Plan shall be approved in connection with the detailed site plan.
12. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the M-NCPPC 6.42± acres of land (Parcel A). Land to be conveyed shall be subject the following:
 - a. At the time of final plat an original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.
 - b. The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
 - c. The boundaries and acreage of land to be conveyed to the 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 the Department of Parks and Recreation (DPR). If the land is to be disturbed, the 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, The M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.

- e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by The M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by The M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. 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. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
 - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to the M-NCPPC.
 - i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to the M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
13. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 20± acres of open space land (Parcels B–F). Land to be conveyed shall be subject the following:
- a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved plan or shall require the written consent of DRD. 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 storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.

- g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
14. In conformance with the Approved Westphalia Sector Plan, the applicant and the applicant's heirs, successors and/or assigns shall provide the following:
 - a. An eight-foot-wide hard surface Class II Trail along the subject site's entire frontage of Westphalia Road.
 - b. Standard sidewalks along both sides of the subject site's portion of Cedar Way, unless modified by DPW&T.
 - c. Standard sidewalks along both sides of the subject site's portion of Chester Grove Road, unless modified by DPW&T.
 - d. Standard sidewalks along both sides of all internal roads (excluding alleys), unless modified by DPW&T.
 15. The applicant shall construct 8-foot-wide trail connectors from the subdivision to the existing recreational facilities on adjacent parkland. The location of the trail connectors on dedicated and/or existing parkland shall be determined at the time of detailed site plan.
 16. The detailed construction drawings for the construction of the trail connectors on adjacent parkland shall be submitted to the DPR for review and approval with submission of the detailed site plan. It shall include a grading plan, limit of disturbance and construction details.
 17. All trails shall be constructed to assured dry passage. If wet areas must be traversed, suitable structures shall be constructed to assure dry passage along the trail.
 18. The applicant shall submit three original, executed public Recreational Facilities Agreements (RFA) for trail construction to the DPR for their approval three weeks prior to a submission of a final plat of subdivision. Upon approval by the DPR, the RFA shall be recorded among the land records of Prince George's County.
 19. Submission to the DPR of a performance bond, letter of credit or other suitable financial guarantee for trail construction, in an amount to be determined by the DPR, at least two weeks prior to applying for building permits.
 20. Development of the site shall be in conformance with the approved stormwater management concept plan (CSD # 42317-2004-00) or any approved revision thereto.
 21. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees, shall pay a pro-rata share of the cost of construction of an interchange at MD 4 and Old Marlboro Pike-Westphalia Road. The pro rata share shall be payable to Prince George's County (or its designee), with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be **\$4,338.94** per dwelling unit x (*Engineering News*

Record Highway Construction Cost Index at the time of building permit application) / (Engineering News Record Highway Construction Cost Index for the fourth quarter 2007). Before this payment can be made, the Planning Board must adopt a resolution establishing the SCRCP.

22. Prior the issuance of the first building permit, the improvement discussed in Condition 16 shall have full financial assurances through either private money and/or full funding in the CIP.
23. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency
 - a. **At Sansbury Road/D'Arcy Road intersection (unsignalized)**

The applicant shall provide a separate left and right turn lanes for the D'Arcy Road approaches. Since these additional improvements will not lower the delay below 50 seconds in any given movement, and per the requirement of DPW&T, the applicant shall conduct a traffic signal warrant study and install a signal if deem to be warranted.
 - b. **Sansbury Road/Ritchie-Marlboro Road intersection**

The applicant shall provide the addition of a third westbound through lane on Ritchie Marlboro Road.
 - c. **Westphalia Road/D'Arcy Road intersection**

The applicant shall perform a signal warrant study and shall install a traffic signal if deemed to be warranted.
24. At the time of detailed site plan the 50-foot buffer strip along the west side of Cedar Way shall be addressed and the method of delineation on the final plat of subdivision (easement, building restriction line etc.) shall be decided. Additional considerations as described in the findings of this report shall also be addressed by the detailed site plan.
25. Prior to signature approval, the preliminary plan shall be revised to show:
 - a. The dimensions of lot lines for those lots in the R-R Zone.
 - b. Parcel E shall be identified.
 - c. The paved width of proposed private roads shall be shown.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN, TCPI/003/07, SUBJECT TO CONDITIONS.