

R E S O L U T I O N

WHEREAS, SHF Project Owner, LLC is the owner of a 121.68-acre parcel of land known as Parcels 151, 122, 160, and 219, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned Residential Medium Development (R-M), within the Military Installation Overlay (M-I-O) Zone; and

WHEREAS, on May 1, 2018, SHF Project Owner, LLC filed an application for approval of a Preliminary Plan of Subdivision for four hundred forty-one lots and eighty-one parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-16001 for Parkside, Sections 5 & 6 was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on September 13, 2018, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on September 13, 2018, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-038-05-02, and DISAPPROVED a Variation from Section 24-122(b), and further APPROVED Preliminary Plan of Subdivision 4-16001, Parkside, Sections 5 & 6, for four hundred forty-one lots and eighty-one parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plans shall be revised to:
 - a. Show the right-of-way for C-636, with the right-of-way width labeled. The right-of-way should be realigned to intersect P-615 at an approximate 90-degree angle, and Lots 68-75 within Block B shall be revised to accommodate this right-of-way. At that time, these rights-of-way shall be verified by the Transportation Planning Section. These facilities shall be dedicated at the time of final plat.
 - b. Delineate a 10-foot-wide public utility easement along both sides of all public rights-of-way and at least one side of all private rights-of-way.

- c. Provide alleys which are a minimum of 22 feet wide, where alleys provide the sole frontage and access to a lot.
- d. Remove reference on the plans that Rock Spring Drive is to be vacated.
- e. Add the following general note:

“Pursuant to Section 24-128(b)(7)(A), the Planning Board may approve a subdivision within the R-M Zone with alleys that serve any permitted use, provided the lot has frontage on and pedestrian access to a public right-of-way. There are several lots within the subject site that do not have frontage on a public street and are served by alleys. This relationship was reviewed with the preliminary plan, however the applicant did not submit a variation from Section 24-128 (b)(7)(A). Therefore, the layout will be further reviewed at SDP and if the current layout is supported, a variation will be required prior to final plat.”

- 2. Total development within the subject property shall be limited to uses which generate no more than a net total of 341 AM and 273 PM peak-hour trips. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.
- 3. Prior to issuance of each building permit, the applicant and the applicant’s heirs, successors, and/or assignees shall, pursuant to the provisions of Prince George’s County Council Resolution CR-66-2010 and the MD 4/Westphalia Road Public Facilities Financing and Implementation Program, pay to Prince George’s County (or its designee) a fee of \$1,660.29 per dwelling unit, pursuant to the Memorandum of Understanding required by CR-66-2010. These unit costs will be adjusted based on an inflation cost index factor, to be determined by the Prince George’s County Department of Permitting, Inspections and Enforcement at the time of issuance of each permit.
- 4. Prior to approval of any final plat for this project, pursuant to Prince George’s County Council Resolution CR-66-2012, the owner/developer, its heirs, successors, and/or assignees shall execute a new Memorandum of Understanding (MOU) or revise the MOU recorded in Liber 34592 folio 003 among the Prince George’s County Land Records that sets forth the terms and conditions for the payment of fees by the owner/developer, its heirs, successors, and/or assignees, pursuant to the MD 4/Westphalia Road Public Facilities Financing and Implementation Program. The MOU shall be executed and recorded among the County Land Records and the liber/folio noted on the final plat of subdivision. The MOU shall specifically be revised with the consent of all parties to indicate that building permits approved under this preliminary plan of subdivision 4-16001 are subject to the MOU, to include a revised Westphalia PFFIP Cost Allocation Table which lists this preliminary plan of subdivision, and to include a land area exhibit which reflects the total acreage and dwelling units to be developed by the Applicant within the Parkside project.

5. The final plats shall reflect dedication of the following rights-of-way, in accordance with the recommendations shown in the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, as shown on the subject preliminary plan of subdivision:
 - a. 96 feet along MC-637
 - b. 100 feet along MC-632
 - c. A minimum of 60 feet along P-615
6. Prior to the approval of each final plat, the applicant shall demonstrate that adequate public streets are dedicated to connect this development to the external public street system.
7. The following road improvements shall be addressed as specific design plans (SDPs) proposing development are reviewed:
 - a. All intersections along the major collector facilities shall include exclusive left-turn lanes, where appropriate. Unless the intersection will be a roundabout, plans must show left-turn lanes, unless specifically waived by the Prince George's County Department of Public Works and Transportation. Any road improvements required shall be verified at the time of SDP review for the appropriate sections of roadway and constructed through the permit process for the County.
 - b. All proposed transit facilities, as shown on the plan "Transit Plan- Smith Farm," shall be reflected on the appropriate SDPs and verified by the Transportation Planning Section. Installation of such facilities must have specific approval of the Prince George's County Department of Public Works and Transportation prior to approval of the appropriate SDP.
8. Prior to approval of any specific design plans that include buildings in the vicinity of the Blythewood Historic Site (78-013) and its environmental setting, the applicant shall provide viewshed studies that demonstrate the extent to which proposed new construction will be visible.
9. Based on the findings of the required viewshed studies for the vicinity of the Blythewood Historic Site (78-013) and its environmental setting, any proposed new construction determined to be visible from the historic site shall be subject to a limited specific design plan review for scale, mass, proportion, materials, architecture, landscaping, and lighting, as they would impact the character of the historic site.
10. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings shall require the approval of a new preliminary plan of subdivision prior to approval of any building permits.

11. Prior to certification of the preliminary plan of subdivision, the table of impacts to regulated environmental features for the site shall be revised to include the permanent and temporary impacts resulting from the construction of stream restoration on Reach 3-4, and the area of impacts to the primary management area shall be included on the woodland conservation worksheet for mitigation at 1:1.
12. No part of the Patuxent River primary management area shall be placed on any single-family detached or attached lot.
13. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan and PPS shall be revised to eliminate all impacts not essential to the overall development of the site such as impacts for the construction of lots, adjacent road grading not associated with road crossings, and stormwater management ponds. These are identified as Impact 11, which affects Lots 105, 132, and 148, Section 6, and an impact identified by staff adjacent to Lot 70 in Section 6.
14. At the 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 and all adjacent areas of preservation and afforestation/reforestation, except for areas of approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
15. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan (TCP1) and PPS shall be revised, as follows:
 - a. The table of woodland clearing off-site, in the primary management area, and in the floodplain shall be revised to correctly reflect clearing on the site, and the revised quantities shall be applied in the woodland conservation worksheet.
 - b. The quantities of woodland cleared and woodland preservation shall be verified and be applied in the woodland conservation worksheet.
 - c. The “Areas Total” table shall be replaced with a Woodland Conservation Summary Table.
 - d. The TCP1 approval block on all sheets shall be revised to include the TCP1 number in the correct format, “TCP1-038-05,” and include all previous approvals.

- e. On Sheet 9, Section 5:
 - (1) Adjacent to the two-over-two units, woodland conservation areas shall be set a minimum of 20 feet from the front of structures and adhere to other design guidelines contained in the Prince George's County Zoning Ordinance and the Environmental Technical Manual.
 - f. The shaded area adjacent to Reach 3-4 restoration shall be placed under the layer showing the location of the primary management area and proposed afforestation/reforestation so it is legible.
 - g. On Sheet 10, Section 6:
 - (1) Master-planned road C-636 shall be shown on the TCP1 on both Section 6 and the adjacent parkland, and no woodland conservation shall be shown with a master-planned right-of-way;
 - (2) Revise the limits of disturbance so that the primary management area is preserved where impacts are not approved.
 - h. After all required revisions are made to the plan, revise the woodland and other tables on the site so that the quantities are reconciled; and
 - i. Have the plans signed and dated by the qualified professional who prepared the plans.
 - j. Revise the legend label for "Specimen, Champion, and/or Historic Tree to be removed under 1991 Ordinance, Subtitle 25. variance not required."
 - k. Revise the Specimen Tree Tables for Sections 5 and 6, on Sheet 11, to add the following notes under the appropriate table:
 - "Note: The specimen trees indicated for removal in Section 5 are not subject to approval of a Subtitle 25 variance because of prior approval for removal under TCP2-020-13-02."
 - "Note: The specimen trees indicated for removal in Section 6 are not subject to approval of a Subtitle 25 variance because of prior approval for removal under TCP2-019-13-02."
16. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-038-05-02). The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-038-05-02), 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.”

17. All afforestation/reforestation and associated fencing shall be installed prior to issuance of the building permits adjacent to the afforestation/reforestation area. A certification prepared by a qualified professional may be used to provide verification that the planting and fencing have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for area, with labels on the photos identifying the locations, and a plan showing the locations where the photos were taken.
18. Prior to signature approval of the preliminary plan of subdivision, the approved limits of Marlboro clay, as shown on Type 1 Tree Conservation Plan TCP1-038-05 or as modified by an updated geotechnical study, shall be shown on the plan. Any lots within the 1.5 safety factor line shall be relocated outside of that line, unless a slope stability study to determine a new mitigated 1.5 safety factor line is submitted and approved by appropriate staff.
19. At the time of specific design plan for the subject property, a detail of the 10-foot-wide master plan trail connector to Westphalia Central Park, to be constructed within this subdivision, shall be coordinated with and approved by the Prince George’s County Department of Parks and Recreation.
20. All trails shall be constructed to ensure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed and approved by the Prince George’s County Department of Parks and Recreation, prior to construction, for trails located on Maryland-National Capital Park and Planning Commission parkland.
21. At the time of final plat, the final plat shall include:
 - a. Granting of a 10-foot-wide public utility easement along both sides of all public rights-of-way and one side of all private rights-of-way.
 - b. A note indicating that the property is subject to the Westphalia Park Club Contribution Agreement and the MD 4/Westphalia Road Public Facilities Financing and Implementation Program agreement and provide the Liber and folio of the recorded documents.
22. Development of this site shall be in conformance with an approved Stormwater Management Concept Plan (14846-2006-02) and any subsequent revisions.

23. Prior to approval of building permits associated with residential development, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association (HOA) has been established and that the common areas have been conveyed to the HOA.
24. Prior to final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees and the Prince George's County Department of Parks and Recreation shall enter into a public recreational facilities agreement (RFA) for construction of the master-planned trail and any associated trail structures within the Public Use Trail and Maintenance Easement area within this preliminary plan of subdivision. The RFA shall establish the scope, bonding provisions, and schedule of construction for the master plan trail extension to the Westphalia Central Park.
25. The applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of public recreational facilities on park property prior to issuance of building permits.
26. Prior to issuance of grading permits, the applicant shall demonstrate, within the limits of the grading permit, that any abandoned well or septic system has been pumped, backfilled, and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Prince George's County Health Department.
27. A note shall be provided on the preliminary plan of subdivision and the Type 1 tree conservation plan which states that no disturbance is permitted within the Blythewood Historic Site environmental setting including, but not limited to, stormwater management, grading for stormwater management, and public or private roads, without the approval of a Historic Area Work Permit.
28. The following note shall be placed on the final plat:

“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland designated acceptable noise level for residential uses.”
29. Prior to issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams, or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
30. Prior to approval of any residential building permits within the 65 or higher dBA Ldn noise contours, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.

31. In conformance with the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* the 2009 *Approved Countywide Master Plan of Transportation*, and approved specific design plans (SDPs), the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
- a. Standard sidewalks along both sides of all internal roads, excluding alleys. A detailed analysis of the internal sidewalk network will be made at the time of each SDP.
 - b. A multi-use, stream valley trail along the subject site's portion of Cabin Branch, in conformance with the *Park and Recreation Facilities Guidelines*. Timing for the construction shall be determined with the appropriate SDP. Connector trails shall be provided from the stream valley trail to adjacent residential development.
 - c. A shared-use sidepath (or wide sidewalk) along the subject site's entire portion of MC-632. Within Sections 5 and 6 the shared-use sidepath will serve as a segment of the Melwood Legacy Trail.
 - d. A connector trail within the limits of this application from Dowerhouse Road to the adjacent Cabin Branch Stream Valley Trail, as indicated on the previously approved comprehensive trails plan.
 - e. Provide standard sidewalks and designate bike lanes with appropriate signage and pavement markings along both sides of C-635 and P-615, unless modified by DPW&T or DPIE.
 - f. Trails shall be constructed in conjunction with each section of development, with bonding prior to issuance of the first building permit, and completion prior to issuance of 50 percent of the building permits, as required in Condition 11 of Comprehensive Design Plan CDP-0501.
 - g. Each SDP that contains trails shall show the field-identified location for all trails and the associated grading.
32. Prior to signature approval of the preliminary plan of subdivision, the applicant shall submit an updated comprehensive trails map. All trails and trail connections shall be constructed within homeowners' association (HOA) or Maryland-National Capital Park and Planning Commission (M-NCPPC) land. No trails shall be proposed on private lots. This map shall show the location of the proposed trails within either M-NCPPC or HOA lands and shall show all trails and trail connections in relation to proposed lots. This plan shall be revised in accordance with the recommendations of the Transportation Planning Section and be utilized in the review of each SDP that contains trails.

33. Prior to approval of any building permit for the subject property within this application, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities, as designated below, in accordance with Section 24-124.01 of the Subdivision Regulations, have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:
 - a. Construct appropriate off-site improvements and amenities along the Melwood Legacy Trail. The improvements along the Melwood Legacy Trail shall be consistent with Section 24-124.01(d) and will be determined at the time of specific design plan (SDP). Cost estimates for the off-site improvements will be provided at the time of SDP and improvements are subject to the cost cap specified in Section 24-124.01(c). Improvements provided along the trail shall be above and beyond what is already required for standard trail construction and may include, but not be limited to, pedestrian safety features at road crossings, trail lighting, landscaping, pedestrian amenities, bike racks, bicycle repair stations, wayfinding, and interpretative signage.
 - b. At the time of specific design plan, provide an exhibit that illustrates the location, limits, and details of the off-site improvements proffered along the Melwood Legacy Trail, consistent with Section 24-124.01(f).
34. The applicant and the applicant's heirs, successors, and/or assignees shall preserve as much of Melwood Road, as feasible, for use as a pedestrian/trail corridor, in keeping with recommendations from the Westphalia Comprehensive Concept Plan study. Consideration should be given to the use of existing Melwood Road as a pedestrian/trail corridor east and west of MC-632 at the time of specific design plan.
35. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan and PPS shall be revised to conceptually show the limits of disturbance for all proposed trails.
36. The property included in this application (as reflected in Applicant's Exhibit B) is subject to the Westphalia Park Club Contribution Agreement, originally recorded among the Prince George's County Land Records in Liber 34726 folio 202. The applicant and the applicant's heirs, successors, and/or assignees are subject to a monetary contribution into the Westphalia Park Club (Park Club) with the total value of a payment being \$3,500 per dwelling unit in 2006 dollars and adjusted for inflation on an annual basis using the Consumer Price Index. Monetary contributions shall be used for construction, operation, and maintenance of the public recreational facilities in the Central Park and/or the other parks that will serve the Westphalia Sector Plan area. Monetary contribution into the Park Club shall be payable by the applicant to the Maryland-National Capital Park and Planning Commission prior to issuance of each building permit for each dwelling unit.

37. The applicant and the applicant's heirs, successors, and/or assignees shall dedicate to the Prince George's County Board of Education (BOE), upon their agreement, Parcel A19. Dedication of this parcel, upon the agreement of BOE, shall be concurrent with the dedication of MC-632. The BOE property shall not be utilized for improvements necessary to support the Parkside development, except upon specific agreement with the BOE. The Homeowners association land shall not be utilized to support development of the BOE property including, but not limited to, stormwater management.
38. Prior to signature approval of the preliminary plan of subdivision (PPS) for Parkside, Sections 5 & 6, the 10-foot-wide master plan trail connector shall be shown on the PPS and Type 1 tree conservation plan, as well as the corresponding boundaries of the Public Use Trail and Maintenance Easement, extending from and aligning with the Public Use Trail and Maintenance Easement located on adjacent property, and recorded among the Prince George's County Land Records in Liber 35222 folio 100.
39. The applicant shall amend the Public Use Trail and Maintenance Easement Agreement recorded among the Prince George's County Land Records in Liber 35222 folio 100 to include the master plan trail located within Preliminary Plan of Subdivision 4-16001.
40. Prior to issuance of a grading or building permit for the development pursuant to this application, a public safety mitigation fee shall be paid in the amount equivalent to \$1,320 x 115 dwelling units approved in this application. Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Prince George's County Planning Board and the total fee payment shall be determined by multiplying the total number of dwelling units that do not fall within the seven-minute travel time by the per unit factor noted above. The per unit factor of \$1,320 is subject to adjustment on an annual basis, in accordance with the percentage change in the Consumer Price Index for All Urban Consumers. The actual fee to be paid will depend upon the year the grading permit is issued. Prior to certification of this preliminary plan, the Public Safety Mitigation Plan Commitment Form shall be revised to reflect the actual number of units outside of the seven-minute travel time boundary (and related mitigation fee total) approved in this application.
41. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners' association has been established. The draft covenants shall be submitted to the Subdivision Section for review and approval to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The liber and folio of the declaration of covenants shall be noted on the final plat prior to recordation.
42. The applicant must obtain approval of more than six dwelling units in a row at the time of specific design plan, pursuant to Section 27-480(d) of the Prince George's County Zoning Ordinance.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is 121.71 acres in size and is known as Parcels 151, 122, 160, and 219, located approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue). The site is zoned Residential Medium Development (R-M), within the Military Installation Overlay (M-I-O) Zone and is subject to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA). The instant application is for the resubdivision of part of Sections 5 and 6, which are included within a larger project known as Parkside (formerly Smith Home Farm). The project is approximately 757 acres and was previously approved per PPS 4-05080 (PGCPB Resolution No. -04-64(A/2)(C)).

The overall Parkside project was zoned Residential-Agricultural (R-A) and rezoned to the R-M (727 acres) and Local Activity Center (L-A-C, 30 acres) Zones per Zoning Map Amendments (Basic Plans) A-9965-C and A-9966-C. The basic plans set the maximum allowable development at 3,648 residential dwelling units and 140,000 square feet of commercial development. More specifically, the basic plans approved the R-M zoned portion of the overall project for a total of 2,124 market-rate dwelling units and 1,224 mixed retirement dwelling units, and the L-A-C portion for 300 dwelling units and 140,000 square feet of commercial development. A Comprehensive Design Plan, CDP-0501, was subsequently approved for the entire 757 acres, and the overall project was approved for 1,506 lots, 355 parcels, and 140,000 square feet of commercial space per PPS 4-05080.

To date, 1,148 lots, 107 parcels and 1,288 dwelling units have been approved pursuant to various specific design plans (SDP), all attributed to market-rate dwellings in the R-M Zone. The lot sizes and dwelling unit types were revised, while maintaining the overall development envelope and general layout, through SDP approvals of Sections 1 through 3 of the Parkside project. These revisions resulted in the creation of additional lots in those areas. Because the addition of 441 lots would exceed the number of lots approved by PPS 4-05080, the applicant has filed this PPS for a portion of the overall Parkside development (part of Sections 5 and 6), to create an additional 441 lots and 81 parcels for the development of 32 single-family detached dwellings, 409 townhomes, and 86 two-family attached dwellings. The total dwelling units proposed with this application (527), together with the 1,288 dwelling units, which have been previously approved under the various SDPs, are within the overall 2,124 R-M-zoned market-rate dwelling units approved for the overall Parkside development and, therefore, the capacity established with PPS 4-05080. This PPS application is for the creation of additional lots with no net increase to the number of dwelling units previously approved.

The Type 1 Tree Conservation Plan (TCP1-038-05-02), identifies 77 specimen trees, 20 of which were proposed to be removed. However, during review, it was discovered that previous grandfathered tree conservation plan approvals for Parkside Sections 5 and 6 included the removal of the 20 specimen trees prior to the requirement for a variance. This fact was communicated to the applicant who subsequently withdrew the variance request for removal of specimen trees on

August 6, 2018 via email (Leitzinger to Onyebuchi). The variance application and previous approvals are discussed further in the Environmental finding.

The applicant requested two variations from the Subdivision Regulations with this application, one from the requirement to show master plan rights-of-way and the second from the requirement to dedicate or reserve the master plan rights-of-way. Both of these requirements were discussed with the applicant and the applicant was advised that a variation from required findings for master plan conformance could not be circumvented via a variation request. The variation requests are as follows:

The applicant requested a variation from Section 24-123(a)(1) of the Subdivision Regulations, which requires rights-of-way shown on the General Plan, functional master plans, and area master plans to be shown on a PPS. The applicant was informed that a variation from the required findings of Section 24-123, for conformance with the master plan, was not permissible. The PPS was subsequently revised to reflect the master plan rights-of-way. Master plan conformance was evaluated and dedication of all of the master plan rights-of-way that affect this portion of the property will not be required, as discussed further in the Transportation finding. Consequently, this variation was withdrawn by the applicant on July 18, 2018 via email (Antonetti to Conner).

Section 24-122(b) of the Subdivision Regulations requires that land for public facilities shown on the General Plan, functional master plans and/or area master plans, and watershed plans be reserved, dedicated, or otherwise provided for. Although the master plan rights-of-way have been shown on the PPS, the applicant is requesting a variation from Section 24-122(b) in order to forgo dedication of the roadways. The Planning Board disapproves the variation request, as discussed further herein.

The site includes a master plan public school site, dedicated to Prince George's County for an elementary site, as set forth in the approval of PPS 4-05080. The requirement for the dedication is brought forward with this PPS, which is consistent with the Westphalia Sector Plan, as discussed further.

3. **Setting**—The property is located on Tax Map 90, Grids D-3 and F-3 in Planning Area 78. The site is bounded by to the north by the Blythewood Historic Site and Rock Spring Drive with the Westphalia Central Park beyond, all in the R-M Zone; to the east by single-family detached lots, part of the Marlboro Ridge development, in the Rural Residential (R-R) Zone; to the west by single-family attached and detached development, within Section 1A of the Parkside development, in the R-M Zone; and to the south by vacant land in the Mixed Use-Transportation Oriented (M-X-T) Zone, which has obtained PPS approval for single-family attached development as part of the Moore Property and Westphalia Center developments.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

EXISTING

APPROVED

Zone Use(s)	R-M/M-I-O Vacant	R-M/M-I-O Single-Family Detached Single-Family Attached (Townhomes) Two-Family Attached Dwellings
Acreage	121.71	121.71
Lots	0	441
Outlots	0	0
Parcels	4	81
Dwelling Units:	0	527
Public Safety Mitigation Fee	No	Yes
Variance	No	No
Variation	No	Yes

Section 24-122(b)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on May 18, 2018. The requested variations were accepted on May 1, 2018 and heard at the SDRC meeting on May 18, 2018 as required in accordance with Section 24-113 of the Subdivision Regulations.

5. **Previous Approvals**—On September 29, 2005, the Prince George’s County Planning Board approved Zoning Map Amendment applications A-9965-C and A-9966-C, which rezoned a 757-acre property from the R-A Zone to the L-A-C and the R-M Zones, subject to 19 conditions. On October 26, 2005, the Zoning Hearing Examiner approved the zoning map amendment applications with 2 conditions, which included the 19 conditions of approval of the Planning Board as subconditions. The Prince George’s County District Council, on February 13, 2006, approved both zoning map amendment applications, subject to three conditions, with final conditional zoning becoming effective on March 9, 2006. The following conditions of approval are applicable to the instant PPS:

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

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

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

R-M Zone Proposed Land Use Types and Quantities:

- **Total area: 727± acres***
Of which residential use: 572.4 acres
Mixed Retirement Development: 154.6 acres
- **Density permitted under the R-M (Residential Medium 3.6) Zone: 3.6-5.7 dus/ac**
- **Permitted dwelling unit range: 1,877 to 2,973 dwellings**
- **Proposed Residential Development: 2,124 Units**
- **Density permitted in a Mixed Retirement Community in the R-M (Mixed Residential) Zone: 3.6-8 dus/ac**
- **Permitted dwelling unit range: 551 to 1,224 Units**
- **Proposed Residential Development: 1,224 Units**

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

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

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

The instant PPS is for 441 lots and 81 parcels for the development of 527 dwelling units within the R-M Zone. To date 1,288 dwelling units have been approved. Specific design plan approval for the development of the L-A-C portion of the site has not yet occurred and an infrastructure only SDP-1601 for grading has been approved for the mixed retirement portion of the site. The addition of 527 dwelling units is within the permitted range for market rate development within the R-M Zone.

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

A. At time of Comprehensive Design Plan, the Applicant shall:

- 9. Preserve as much of Melwood Road as feasible, for use as a pedestrian corridor. Before approval of a preliminary plan of subdivision for the area of the subject property adjoining Melwood Road, the applicant shall ask the technical staff, working with the Department of Public Works and Transportation, to determine the disposition of existing Melwood Road. Staff's evaluation should include review of signage and related issues.**

Conditions 2(A)(9) and (10) are addressed further in the Trails finding.

- C. At the time of preliminary plan of subdivision, the Applicant shall dedicate 75 acres of developable land suitable for active recreation and convey Cabin Branch Stream Valley to the M-NCPPC. The location of the dedicated parkland shall be established at the time of comprehensive design plan review and be approved by the DPR. The Applicant may be required to dedicate an additional 25 acres of developable parkland, suitable for active recreation to the M-NCPPC, at the time of Comprehensive Design Plan. The acreage may be provided on-site or off-site, and shall conform to the final Westphalia Comprehensive Conceptual Plan if, and only if that Plan is ever adopted and approved by the District Council. Prior to approval of the Comprehensive Design Plan, DPR and the Development Review Division shall determine the need for the additional acreage of parkland.**
- D. The land to be conveyed to M-NCPPC shall be subject to the conditions labeled "Exhibit B Conditions for Conveyance of Parkland to the Maryland-National Capital Park and Planning Commission", an attachment to Exhibit 6 (the Technical Staff Report in A-9965/A-9966).**
- E. The Applicant shall provide adequate private recreational facilities to meet the future subdivision requirements for the proposed development. The**

private recreational facilities shall be determined at time of Specific Design Plan and be constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.

- F. The Applicant shall construct public recreational facilities on the dedicated parkland and granted as a credit against the Westphalia “Park Club.” The recreational facilities package shall be reviewed and approved by the DPR and the Planning Department prior to Comprehensive Design Plan approval.**
- G. The public recreational facilities shall be constructed in accordance with the standards outlined in the Parks and Recreational Facilities Guidelines. The concept plan for the development of the parks shall be shown on the Comprehensive Design Plan.**

The parkland dedication in accordance with Conditions 2(C)-(G) has occurred with prior approvals and the applicant will be required to contribute to the Westphalia Park Club as part of this approval. These requirements are discussed further in the Parks finding.

K. At time of preliminary plan of subdivision,

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

Conformance to this condition is addressed via financial contribution, pursuant to a memorandum of understanding (MOU), for development of the interchange and is discussed further in the Transportation finding.

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

Conformance with this condition is discussed further in the Historic finding.

- L. The development of this site should be designed to minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible and by minimizing the creation of ponds within the regulated areas.**
- M. The woodland conservation threshold for the site shall be 25 percent for the R-M portion of the site and 15 percent for the L-A-C portion. At a minimum, the woodland conservation threshold shall be met on-site.**
- N. All Tree Conservation Plans shall have the following note:**

“Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1.”

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

Conditions 2 (L)-(O) are discussed further in the Environmental finding.

- P. Prior to issuance of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.**

- Q. The following note shall be placed on the Basic Plan for the subject property and the Final Subdivision Plat for any part of the property:**

“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland designated acceptable noise level for residential uses.”

The requirements of Conditions 2(P) and (Q) have been carried forward as conditions of approval of this application to ensure the appropriate notification is provided.

Comprehensive Design Plan CDP-0501 was approved by the Planning Board (PGCPB Resolution No. 06-56(C)) on February 23, 2006 and affirmed by the District Council on June 12, 2006, subject to 34 conditions. A reconsideration of CDP-0501 was approved by the District Council on March 28, 2016. The following conditions of approval are applicable to the instant PPS:

- 2. Total development within the subject property shall be limited to uses generating no more than the number of peak hour trips (1,847 AM peak-hour vehicle trips and 1,726 PM peak-hour vehicle trips). Any development generating an impact greater**

than that identified herein above shall require a new comprehensive design plan with a new determination of the adequacy of transportation facilities.

This condition is discussed further in the Transportation finding.

- 3. The applicant shall be required to build the MD 4/Westphalia Road interchange with the development of the subject property. This shall be accomplished by means of a public/private partnership with the State Highway Administration. This partnership shall be further specified at the time of preliminary plan of subdivision, and the timing of the provision of this improvement shall also be determined at the time of preliminary plan of subdivision.**
 - a. Prior to the issuance of the first building permit, the above improvement shall have full financial assurances through private funding, full CIP funding, or both.**
 - b. Prior to the issuance of the 1,000th building permit for the residential units, the MD 4/Westphalia Road interchange must be open to traffic.**
 - c. The applicant has agreed to construct a flyover at Westphalia Road and MD 4. The construction timing shall be as follows:**
 - (1) The flyover shall be financially guaranteed prior to the initial building permit.**
 - (2) The flyover shall be open to traffic prior to issuance of the 1,000th building permit for the residences, or prior to use and occupancy of the commercial portion of the development.**

The requirements for improvement of the MD 4/Westphalia Road interchange are discussed further in the Transportation finding.

- 4. At time of preliminary plan of subdivision, the applicant shall:**
 - a. Submit a detailed geotechnical study as part of the preliminary plan application package and all appropriate plans shall show the elevations of the Marlboro clay layer based on that study.**
 - b. Minimize impacts by making all road crossings perpendicular to the streams, by using existing road crossings to the extent possible, and by minimizing the stormwater management ponds within the regulated areas. The preliminary plan shall show the locations of all existing road crossings.**

- c. **Design the preliminary plan so that no lots are proposed within the areas containing the Marlboro clay layer. If the geotechnical report describes an area of 1.5 safety factor lines, then no lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line, and a 25-foot building restriction line shall be established along the 1.5 safety factor line.**
- d. **Submit a completed survey of the locations of all rare, threatened and endangered species within the subject property for review and approval.**

Conformance to Conditions 4(a)–(d) is discussed further in the Environmental finding.

- e. **Submit a Phase II archeological study, if any buildings within the Blythewood Environmental Setting will be disturbed. The Phase II archeological investigations shall be conducted according to Maryland Historical Trust (MHT) guidelines, Standards and Guidelines for Archeological Investigations in Maryland (Shaffer and Cole, 1994) and the Prince George’s County Planning Board’s Guidelines for Archeological Review (May 2005), and report preparation should follow MHT guidelines and the American Antiquity or the Society of Historical Archaeology style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report. The significant archeological resources shall be preserved in place.**

Archeological investigation has occurred with prior approvals and no further investigations are necessary, as discussed further in the Historic Preservation finding.

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

Stream restoration has been addressed through prior approvals and is discussed further in the Environmental finding.

- 5. **At the time of preliminary plan of subdivision, the applicant shall propose right-of-way recommendations consistent with the final Westphalia Comprehensive Concept Plan and/or the 1994 Melwood-Westphalia Master Plan in consideration of**

the needs shown on those plans and in consideration of county road standards. The plan shall include approval of the ultimate master plan roadway locations.

Conformance with Condition 5 is discussed further in the Transportation finding.

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

The Blythewood environmental setting was reevaluated by the Historic Preservation Commission and is addressed in the Historic Preservation finding. The preservation of Melwood Road is discussed further in the Trails finding.

- 10. Consistent with Condition 22, the applicant (SHF Project Owner, LLC) and its heirs, successors, and/or assignees shall perform design and construction work calculated to cost up to \$13,900,000 (which shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI), beginning in 2016), of which approximately \$6,500,000 shall be reimbursed from the applicant's generated park club permit fees, and the balance of \$7,400,000 shall be reimbursed from other developer-generated park club fees or other sources. The applicant's obligation to provide design and construction work for the Central Park is applicable only through the 1600th building permit. Beyond the 1600th building permit, the applicant shall only be required to make a contribution to the Westphalia Park Club per Condition 22. Design and construction work performed by the applicant shall be subject to the following:**
- a. \$100,000 shall be used by the applicant for the retention of an urban park planner for the programming and development of the overall master plan for the Central Park. DPR shall review and approve the master plan for the Central Park. Said consultant is to assist staff/applicant in programming the park. These actions shall occur prior to approval of the first residential SDP.**
 - b. \$400,000 shall be used by the applicant for the schematic design and SDP for the Central Park. DPR shall review and approve the design plan. These actions shall occur prior to issuance of the 500th building permit.**
 - c. \$500,000 shall be used by the applicant for the development of construction documents sufficient to permit and build Phase I (as shown in attached Exhibit A) of the Central Park. DPR shall review and approve the construction documents. Final approval of the construction documents by DPR for Phase I of the Central Park, pursuant to the agreed upon scope of work as reflected in attached Exhibit A, shall occur prior to issuance of the 700th building permit. DPR shall respond to the applicant in writing with**

any comments pertaining to the construction documents within 15 business days of the applicant's submission of said documents to DPR. DPR's approval of the construction documents submitted by the applicant shall not be unreasonably withheld.

- d. \$12,900,000 (which will include funds to be contributed by other developers within the Westphalia Sector or other sources) shall be used by the applicant for the grading and construction of Phase I (as shown in attached Exhibits B and C) of the Central Park prior to issuance of the 1600th building permit. The amount of \$12,900,000 referenced in this Condition 10(d) shall be adjusted for inflation on an annual basis using the CPI, beginning in 2016.**
- e. The applicant shall complete the pond construction and rough grading of Phase I of the Central Park prior to issuance of the 1000th building permit.**
- f. In the event that sufficient funding is not available to fully construct Phase I at time of the 1400th permit, DPR and the applicant shall work together to determine how the available funding shall be used to construct portions of Phase I, as called for in Exhibits A and B. Prior to issuance of the 1400th building permit, the applicant and DPR shall enter into a recreational facilities agreement (RFA) establishing both scope and a schedule for construction of Phase I of the Central Park.**

DPR shall review the actual expenditures associated with each phase described above. The applicant's obligation to provide services for the design, grading, and construction of the Central Park set forth in Condition 10 herein shall be limited to: (i) the amount of funds to be generated from 1600 of the applicant's building permits pursuant to Condition 22; OR (ii) the amount of funds available in the Westphalia Park Club Fund (which shall include amounts to be contributed by other developers in the Westphalia Sector) or other sources at the time of issuance of the applicant's 1599th building permit, whichever is greater, provided that the total amount of applicant's services does not exceed \$13,900,000 (adjusted for inflation on an annual basis using the CPI, beginning in 2016). Based on the foregoing, the applicant shall have no further obligations for in-kind services and/or construction of the Central Park beyond the limits of this Condition 10. The applicant shall be entitled to receive reimbursement(s) from the Westphalia Park Club Fund for costs incurred and paid for by the applicant for design, grading, and construction of the Central Park pursuant to this Condition 10. The applicant shall also be entitled to receive progress billing payments from the Westphalia Park Club Fund for costs incurred for services rendered toward the design and/or construction of the Central Park (provided said funds are available in the Westphalia Central Park Fund). All reimbursement and/or progress billing payments from the Westphalia Park

Club Fund shall be paid to the applicant according to a progress completion schedule established by DPR in the RFA. Such payments shall be made by DPR to the applicant on a priority basis, as further defined in the revised Westphalia Park Club Contribution Agreement (dated May 15, 2013) and the Central Park Escrow Agreement (dated May 15, 2013, to be executed by the applicant and DPR. Thirty days prior to the start of construction of the Central Park, a performance bond equal to the amount of construction work agreed upon between DPR and the applicant for Phase I work shall be posted with DPR for the applicant's construction of the Central Park. The cost for such bond(s) will be included as part of the cost of construction of the Central Park. If Phase I (as shown in attached Exhibit A and B) construction costs exceeds \$12,900,000 (adjusted for inflation on an annual basis using the CPI, beginning in 2016) and the Westphalia Park Club Fund has sufficient funds to support construction beyond that amount, the applicant shall assign its current contracts to the Maryland-National Capital Park and Planning Commission (M-NCPPC) to complete the Phase I construction at M-NCPPC's request. In the event of such an assignment to M-NCPPC, and upon confirmatory inspection by DPR that the recreational facilities provided by applicant were constructed pursuant to the approved construction documents set forth in Condition 10(d), the required performance bond shall be released to the applicant. DPR and the applicant shall revise the Westphalia Park Club Contribution Agreement (dated May 15, 2013) and the Central Park Escrow Agreement (dated May 15, 2013) to reflect the terms of this Condition 10.

Conformance to Condition 10 is addressed by participation in the Westphalia Park Club and is discussed further in the Parks finding.

- 11. Per the applicant’s offer, the recreational facilities shall be bonded and constructed in accordance with the following schedule:**

PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
Private Recreation Center Outdoor Recreation Facilities on HOA	Prior to the issuance of the 200th building permit overall	Complete by 400th building permit
Pocket Parks (including Playgrounds) within each phase on HOA property	Prior to the issuance of any building permits for that	Complete before 50% of the building permits are issued in that
Trail system within each phase on HOA property	Prior to the issuance of any building permits for that	Complete before 50% of the building permits are issued in that
<p>It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.</p>		

Pocket parks within each phase of development shall be reviewed at the time of SDP, but are not a requirement of this PPS, and will therefore not be bonded or require a recreational facilities agreement. Trail connections are discussed further within the Trails finding.

- 13. A raze permit is required prior to the removal of the existing houses found on the subject property. Any hazardous materials located in the houses on site shall be removed and properly stored or discarded prior to the structure being razed. A note shall be affixed to the plan that requires that the structure is to be razed and the well and septic system properly abandoned before the release of the grading permit.**
- 14. Any abandoned well found within the confines of the above-referenced property shall be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the grading permit. The location of the well shall be located on the plan.**
- 15. Any abandoned septic tank shall be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system shall be located on the plan.**

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

“Properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland-designated acceptable noise level for residential uses.”

18. Prior to the issuance of any grading permit, which impact the waters of the U.S., non-tidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.

19. Prior to the approval of any residential building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans in the R-M Zone stating that building shells of structures have been designed to reduce interior noise level to 45 dBA or less.

The conditions above shall be addressed at the time of final plat or permitting, as appropriate.

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

The appropriate dedication has been provided with prior approvals and is discussed further in the Parks and Recreation finding.

22. The applicant shall make a monetary contribution into a “park club.” The total value of the payment shall be in the range of \$2,500 to \$3,500 per dwelling unit in 2006 dollars. The exact amount of the financial contribution shall be decided after the approval of the Sector Plan and Sectional Map Amendment for the Westphalia Area by the District Council, but prior to the second SDP. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI). The funds shall be used for the construction and maintenance of the recreational facilities in the Westphalia study area and the other parks that will serve the Westphalia study area. The “park club” shall be established and managed by DPR. 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.

The applicant will be required to contribute to the Westphalia Park Club as part of this approval. This requirement is discussed further in the Parks and Recreation finding.

On December 12, 2011, the Planning Board approved an amendment to the Comprehensive Design Plan (CDP-0501-01), which was affirmed by the District Council on May 21, 2012, subject to conditions, which included revisions to Conditions 3, 7, and 16 of CDP-0501. The following conditions of approval are applicable to the instant PPS:

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

3.¹ Prior to issuance of each building permit for the Smith Home Farms, applicant or applicant's heirs, successors and/or assignees shall pay to Prince George's County (or its designee) a fee per dwelling unit based on either the current cost estimate to construct the MD4/Westphalia interchange and interim improvements or, if determined, the final cost estimate to construct the interchange. In no case shall the total per dwelling unit fees paid by Smith Home Farms, the applicant, its heirs, successors and/or assigns exceed the current or final cost estimate of \$80 million and any overpayment of the total per dwelling unit fees may be reimbursed to the applicant.

Conformance to this condition is addressed via financial contribution, pursuant to an MOU, for development of the interchange and is discussed further in the Transportation finding.

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

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

Notes:

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

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

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

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

The subject PPS application demonstrates compliance with the lot standards established by this condition.

The Planning Board approved PPS 4-05080 (PGCPB Resolution No. 06-64(A)) on July 27, 2006, for 1,176 lots and 355 parcels for the development of 3,648 dwelling units and 140,000 square feet of retail development on 757 acres, subject to 77 conditions. The subject PPS application supersedes the approval of PPS 4-05080 for 121.68 acres included in this application. The conditions of approval of PPS 4-05080, which remain applicable to this site have been carried forward as conditions of approval of this application.

The 2007 Westphalia Sector Plan and SMA was approved by the District Council on February 6, 2007. In Prince George's County Council Resolution CR-2-2007, the District Council modified several conditions in CDP-0501. Specifically, in Amendment 1, the District Council prescribed a minimum residential lot size for single-family attached lots (Condition 16), near Westphalia Town Center to be in the range from 1,300 to 1,800 square feet, and further in the resolution, established a minimum lot size for single-family attached dwellings in the R-M (market-rate) Zone, to be 1,300 square feet and Amendment 8 established park fees (Condition 22) of \$3,500 per new dwelling unit (in 2006 dollars). These revisions have been outlined above.

Specific Design Plan SDP-1302, including two subsequent revisions, has been approved for infrastructure, including grading, stormwater management, and afforestation, for the portion of Sections 5 and 6, which are included in this PPS. None of the conditions of the SDP-1302 approvals affect the instant PPS application.

6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) designated the subject property in the Established Communities growth policy area. The vision for the Established Communities area is most appropriate for context-sensitive infill and low- to medium-density development. (page 20)

Master Plan

The Westphalia Sector Plan recommends low-density residential land uses on the subject property. In addition, the sector plan also makes the following recommendations on residential development, that affects the subject property:

Design Principles:

1. **Design new low- to medium-density residential neighborhoods that are varied in housing styles and architecture and promote best practices for residential design:**
 - a. **Feature the same quality design and treatments on the exposed façades as on the front façade of highly visible residences on corner lots and elsewhere.**
 - b. **Create varied architecture and avoid flat façades by using bays, balconies, porches, stoops, and other projecting elements.**

- c. **Design single-family detached and attached homes and multifamily buildings so the mass of the living space and the front door dominates the front façade:**
 - **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.**
- d. **Incorporate a variety of housing types in single-family projects/subdivisions:**
 - **Build townhomes and small lot single-family homes to add diversity to neighborhoods or as a transition between higher density units and lower density single-family neighborhoods.**
 - **Allow the use of detached accessory dwelling units.**
- e. **Maximize the number of windows facing public streets.**

The subject application includes lots which will accommodate single-family detached, single-family attached, and two-family attached dwelling types. The review of architecture, including building placement, will be evaluated at the time of specific design plan review.

2. **Design residential developments that connect and appropriately transition to preexisting communities and neighboring commercial areas:**
 - a. **Develop neighborhoods to reflect the character of their location within Westphalia, with areas closer to the town center being more compact and more urban, and outlying areas more rural.**
 - b. **Create lot divisions that respect the existing pattern of development for neighborhood continuity and compatibility.**
 - c. **Discourage use of walls, gates, and other barriers that separate residential neighborhoods from the surrounding community and commercial areas.**

This PPS includes a development pattern that provides connectivity and compatibility with the abutting existing/approved development.

3. **Design an efficient, safe, and interconnected residential street system:**
 - a. **Design or retrofit street systems to link individual subdivisions/projects to each other and the community.**
 - b. **Avoid closed loop subdivisions and extensive cul-de-sac systems, except where the street layout is dictated by the topography or the need to avoid sensitive environmental resources.**
 - c. **Emphasize the provision of high-quality pedestrian and bikeway connections to transit stops/stations, village centers, and local schools.**
 - d. **Clarify neighborhood roadway intersections through the use of special paving and landscaping.**

The PPS has been designed for interconnectivity to abutting roadways, except in areas where environmental features are prevalent. Additional discussion is provided in the Trails and Transportation findings.

4. **Create a system of open space and parks and preserve sensitive environmental features:**
 - a. **Cluster residences around shared amenities to form distinct neighborhoods with a sense of identity. Use green space to define and divide the clusters.**

The overall Parkside development is designed in sections that surround the Westphalia Central Park. Sections 5 and 6 are bisected by Melwood Road and separated from the abutting sections of the Parkside development by natural environmental features.

5. **Provide a variety of single-family attached residential lot sizes in and near the Westphalia town center.**

The instant PPS includes varying single-family attached lots, which will accommodate 20, 22 and 24-foot-wide attached dwelling units abutting Westphalia Center to the south. The proposed lots are consistent with the design principles.

Aviation/ Military Installation Overlay (M-I-O) Zone

This application is not located within an aviation policy area, but it is partially located within the 60 dB–74 dB Noise Intensity Zone, and within the height limits of Imaginary Surfaces E and D of the M-I-O Zone.

Properties within this subdivision have been identified as having noise levels that exceed 65 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland designated

acceptable noise level for residential uses. A note shall be placed on the final plat that properties within this subdivision have been identified as possibly having noise levels that exceed 65 dBA Ldn due to military aircraft overflights. Residential building materials shall be provided, which mitigate interior noise levels to 45 dBA Ldn or less, in accordance with Section 27-548.55 of the Zoning Ordinance.

Sectional Map Amendment/Zoning

The 2016 *Approved Military Installation Overlay Zoning Map Amendment* retained the subject property in the R-M Zone and applied the M-I-O Zone. Pursuant to Section 24-121(a)(5), this application conforms to the Westphalia Sector Plan and SMA.

7. **Stormwater Management**—An approved Stormwater Management (SWM) Concept Letter and Plan (14846-2006-02) was submitted with the subject application, which expires on May 25, 2020. The plan proposes that SWM will be provided using environmental site design. The Site/Road Plan Review Division of the Prince George’s County Department of Permitting, Inspection and Enforcement will review the project for conformance with the current provisions of the Prince George’s County Code that address the state regulations. Development must conform to the approved SWM concept plan, or subsequent revisions, to ensure that on-site or downstream flooding do not occur.
8. **Parks and Recreation**—The mandatory dedication of parkland requirement for Parkside, Sections 5 and 6, per Section 24-134 of the Subdivision Regulations, requires that the applicant provide 8.09 acres of parkland dedication for the development of the subject property. The applicant previously met this requirement as a condition of approval with PPS 4-05080, in which 148 acres were dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for Westphalia Central Park. In addition, a contribution of \$3,500 (in 2006 dollars) per each residential building permit for the construction of Westphalia Central Park is required.

Pursuant to Section 24-124(a)(3)(D) of the Subdivision Regulations, for any resubdivision of a property in which land was previously dedicated, the applicant shall be credited to the extent that land dedication would otherwise be required upon such resubdivision. With the previous dedication as described above, the applicant has met the dedication for the area of land being resubdivided with this instant PPS. The total value of the contribution will remain at \$3,500 per dwelling unit in 2006 dollars but shall be adjusted for inflation using the Consumer Price Index.

Westphalia Central Park

The Westphalia Sector Plan and SMA introduced the concept of a “Central Park,” a single major recreational complex serving the entire Westphalia area. The Westphalia Central Park is 257 acres of open space. Parkland dedication was provided by the developer of the Smith Home Farm project (currently known as Parkside) in accordance with PPS 4-05080 and 112 acres of additional parkland was acquired by M-NCPPC from the Suit Farm. In addition, M-NCPPC is actively pursuing additional parkland acquisition to the north in order to enlarge its original size and scope and expand the park to Westphalia Road to provide secondary access to this major park. Parkside Sections 5 and 6 are located south of the Westphalia Central Park. This Central Park will be

accessible to the residents of this community through a system of roads and hiker/biker trails. This large urban park will serve as a unifying community destination and an amenity for the entire Westphalia Sector Plan area.

The Westphalia Sector Plan recommends developing the Central Park with recreational amenities such as a recreational lake, active and passive recreational facilities, lawn areas, and bandstands suitable for public events, a trail system, group picnic areas, and tennis facilities. The developer of the Smith Home Farm (currently known as Parkside) project received approval of Specific Design Plan SDP-1101, for this park and provided in-kind services for construction of the Phase 1 recreational facilities in the Central Park.

Specific Design Plan SDP-1101 includes an array of active and passive recreational facilities within the park such as: a lake, open play areas, an amphitheater for large public events, a tennis center, an adventure playground, splash pad, multi-purpose open fields and courts, a dog park, group picnic areas, formal gardens and an extensive pedestrian, bicycle, and equestrian trail network providing recreational opportunities to all residents in Westphalia Sector Plan area, as well as establishing pedestrian and bicycle connectivity to the town centers and surrounding residential development.

In addition, the Smith Home Farm (Parkside) developer entered into an agreement for the development of construction documents, grading of the park and construction of the Phase 1 recreational amenities. The developer of Smith Home Farm (Parkside) is planning to grade the parkland and construct an amenity Pond in summer of 2018, and construct Phase 1 recreational amenities funded by developers of the Sector Plan area, managed through the Park Club account managed by DPR.

Westphalia Park Club

The Westphalia Sector Plan and SMA anticipated that major recreational needs of the residents of the sector plan will be addressed by contribution of the funds for the development of the Westphalia Central Park. The developers of Smith Home Farm (Parkside), Westphalia Town Center, Moore Property, Cambridge Place at Westphalia, and Cabin Branch Village are committed to implementation of the sector plan park system recommendations, as follows:

Smith Home Farm/Parkside

Dedication of 148 acres of parkland dedication. Monetary contribution of \$3,500 per dwelling unit in 2006 dollars. Private recreational facilities on-site.

Westphalia Town Center

Monetary contribution of \$3,500 per dwelling unit in 2006 dollars. Private recreational facilities on-site. Private recreational facilities in the project area.

Moore Property

Monetary contribution of \$3,500 per dwelling unit in 2006 dollars. Private recreational facilities on-site.

Cambridge Place at Westphalia

Monetary contribution of \$3,500 per dwelling unit in 2006 dollars. Private recreational facilities on-site.

Cabin Branch Village

Monetary contribution of \$3,500 per dwelling unit in 2006 dollars. Private recreational facilities on-site.

The Central Park site is suitable for providing major public recreational facilities as envisioned by the sector plan. The monetary contribution for the construction of the recreational facilities in the Central Park will provide the resources to create a unique focal area in the planned community with surrounding developments overlooking the parkland and the roads and trails connecting to the park.

Master Plan Trails

The Westphalia Sector Plan and SMA identifies a 10-foot-wide public master plan trail from Phase 1A of the Westphalia development to the northeast connecting to Westphalia Central Park. Although this master plan trail was modified by the Smith Home Farm Comprehensive Trail Plan Exhibit dated November 2012, the alignment of this proposed trail still traverses through Section 5 of the subject property's PPS. At the time of SDP for this property, details of this trail connection shall be coordinated with and approved by the Prince George's County Department of Parks and Recreation (DPR).

The previously approved conditions related to the public parks and recreation of the overall PPS 4-05080, which are applicable to this PPS 4-16001, have been brought forward as appropriate. Pursuant to Condition 10 of CDP-0501, the applicant was required to fulfill specific requirements related to the design and construction of Westphalia Central Park. To date, the applicant has completed Conditions 10(a), (b), and (c). Conditions 10(d), (e), and (f) therefore still remain in effect.

9. **Trails**—This PPS has been reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Westphalia Sector Plan and SMA (area master plan), in order to implement planned trails, bikeways, and pedestrian improvements.

Multiple trail and sidewalk issues impact the subject application and were addressed via prior conditions of approval. More specifically, these approvals determined the road cross sections for the master plan roads and the types of facilities that will be provided for bicyclists and pedestrians. Designated bicycle lanes and/or wide sidewalks were required along some master plan roads, consistent with the master plan. Appropriate conditions of approval are required for the subject application, consistent with these prior approvals. Because the site is located in the Westphalia Center, it is subject to the requirements of Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines, Part 2" at the time of PPS.

Several master plan trails/bikeways impact the subject site. Trails, sidewalks, and/or on-road bicycle facilities are required along the master plan roads that bisect the subject site, and the master plan trail along the Cabin Branch Stream Valley which is adjacent to both Sections 5 and 6. Conditions of approval of PPS 4-05080 addressed issues including the location and timing of trail construction, sidewalk construction, and road cross-section issues. Sections 5 and 6 will include a segment of the Westphalia Legacy Trail, which will be along MC-632, through the subject site. Prior conditions of approval related to the Westphalia Legacy Trail, sidewalks, and the comprehensive trails map are included as conditions of this PPS approval. Conditions or sub-conditions pertaining to trails beyond the scope of Sections 5 and 6 are not included in this analysis.

Basic Plan A-9965-C and A-9966-C recognized the importance of preserving the Melwood Road corridor with the sub-condition copied below.

- 2. The following conditions of approval shall be printed on the face of the Basic Plan:**
 - A. At time of Comprehensive Design Plan, the Applicant shall:**
 - 9. Preserve as much of Melwood Road as feasible, for use as a pedestrian corridor. Before approval of a preliminary plan of subdivision for the area of the subject property adjoining Melwood Road, the applicant shall ask the technical staff, working with the Department of Public Works and Transportation, to determine the disposition of existing Melwood Road. Staff's evaluation should include review of signage and related issues.**
 - 10. Provide standard sidewalks along internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of specific design plan.**

The Melwood Legacy Trail will be accommodated along MC-632 through Sections 5 and 6. The previously approved Comprehensive Trails Plan indicates that designated bicycle lanes and a sidepath (for the legacy trail) will be provided along this road. Sidewalks are included along the internal roads, excluding alleys.

Condition 11 of CDP-0501 included the following timing for the construction of the trails. The trails constructed within Sections 5 and 6 shall be constructed in conformance with this timing.

- 11. Per the applicant’s offer, the recreational facilities shall be bonded and constructed in accordance with the following schedule:**

PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
Private Recreation Center Outdoor Recreation Facilities on HOA property	Prior to the issuance of the 200th building permit overall	Complete by 400th building permit overall
Pocket Parks (including Playgrounds) within each phase on HOA property	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
Trail system within each phase on HOA property	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.		

Approved PPS 4-05080 included the following conditions of approval related to trail, sidewalk, and bicycle facilities:

- 13. The applicant, his heirs, successors and/or assignees shall provide a multiuse, stream valley trail along the subject site’s portion of Cabin Branch, in conformance with the latest *Department of Parks and Recreation Guidelines* and standards. Timing for the construction shall be determined with the appropriate SDP. Connector trails should be provided from the stream valley trail to adjacent residential development as shown on the approved CDP-0501.**

A portion of the Cabin Branch Trail extends through Section 5. Trail connections are required from both Sections 5 and 6 to the Cabin Branch Trail. The stream valley trail and the connector trail shall be provided in phase with development and determined with the SDP, as required by this condition.

- 14. The applicant, his heirs, successors and/or assignees shall preserve as much of Melwood Road as feasible for use as a pedestrian/trail corridor, in keeping with recommendations from the WCCP study. Consideration should be given to the use of existing Melwood Road as a pedestrian/trail corridor east and west of C-632 at the time of SDP. The Cabin Branch Stream Valley trail and the Melwood Road trail should converge on the west side of the C-632 and a pedestrian trail crossing provided under C-632 where the bridging of the stream valley and Cabin Branch could occur for the construction of C-632. An at-grade pedestrian crossing of C-632 shall be avoided, unless otherwise determined appropriate by the DRD and the DPR. The grade-separated crossing shall be provided for the master-planned Cabin**

Branch Stream Valley trail at major road crossings. The SDP for the central park shall identify all needed road crossings and bridging.

This condition applies to the portion of the Melwood Legacy Trail that will be utilizing the historic road bed. These portions of the trail are beyond the limits of the subject site. Within Sections 5 and 6, the Melwood Legacy Trail will be accommodated with a shared-use sidepath along MC-632.

15. The applicant, his heirs, successors and/or assignees shall provide:

- a. **The Cabin Branch Trail from P-615 to the proposed trail east of Road RR. This connection will allow for a continuous stream valley trail through the site and extend the Cabin Branch Trail Road W. If feasible, the stream crossing should correspond with the construction required for stormwater management pond number 4 (access road and outfall) in order to minimize impacts to the PMA.**
- b. **Where the Melwood Legacy Trail crosses Blocks L, P, and R, it should be within a 30-foot-wide HOA parcel(s). This 30-foot-wide parcel will include Parcels 16, 17, and 20 (currently shown as 20 feet wide) shown on the submitted plans, plus an additional five feet on each side (30-foot-wide total). This additional green space will accommodate a buffer between the trail and the adjacent residential lots on both sides of the trail and allow the trail to be in the green corridor envisioned in the Westphalia Sector Plan (Sector Plan, page 28). Additional plantings and/or pedestrian amenities or other design modifications may be considered at the time of specific design plan.**
- c. **Provide a ten-foot wide multiuse trail along the subject site's entire portion of Suitland Parkway extended (MC-631) (Preliminary Westphalia Sector Plan, page 28). This trail shall be asphalt and separated from the curb by a planting strip.**
- d. **Provide a six-foot wide asphalt trail connector from Road FF to the Cabin Branch Trail. This trail may utilize a portion of the access road for SWM Pond number 19.**
- e. **Provide a six-foot wide trail connector from Road YY to the Cabin Branch Trail. This connection shall, unless another location is determined appropriate, be located between Lots 33 and 34, Block H within a 30-foot-wide HOA access strip.**

A portion of the Cabin Branch Trail extends through Section 5. Trail connections are required from both Sections 5 and 6 to the Cabin Branch Trail. The trail along MC-631 is beyond the scope of the subject application and have either been addressed through prior

approvals or will be addressed in future applications. The Melwood Legacy Trail will be accommodated as a shared-use path along MC-632 through the subject site. The conditions of approval of this PPS incorporate the portions of Condition 15 that apply to Sections 5 and 6.

- 16. The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along both sides of all internal roads. Wide sidewalks may be recommended within the community core or at the L-A-C. A detailed analysis of the internal sidewalk network will be made at the time of each SDP.**

Sidewalks are shown along both sides of all internal roads on the submitted plan, excluding alleys.

Conditions of approval from Specific Design Plan SDP-0506 (PGCPB Resolution No. 06-192) that addressed the improvements along MC-635 are copied below:

- 1. Prior to certificate approval of this SDP, the applicant shall**
 - c. The applicant shall demonstrate the following trail/sidewalk improvements on the plans:**
 - (1) Provide designated bike lanes with appropriate signage and pavement markings along both sides of C-635 and P-615, unless modified by DPW&T.**
 - (2) Provide standard sidewalks along both sides of C-635 and P-615, unless modified by DPW&T.**

Bicycle lanes and standard sidewalks shall be provided along both sides of MC-635 (Rock Spring Drive), which runs along the northern edge of Phase 5.

Review of the Bicycle and Pedestrian Impact Statement (BPIS) and Proposed Off-Site Improvements

Due to the location of the subject site within the Westphalia Town Center, the application is subject to County Council Bill CB-2-2012, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Section 24-124.01(c) includes the following guidance regarding off-site improvements:

- (c) As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds**

that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.

Council Bill CB-2-2012 also included specific guidance regarding the cost cap for the off-site improvements.

The amount of the cost cap is determined pursuant to Section 24-124.01(c):

The cost of the additional off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed retail or commercial development proposed in the application and Three Hundred Dollars (\$300.00) per unit of residential development proposed in the application, indexed for inflation.

Based on Subsection (c) and the 527 dwelling units proposed, the cost cap for PPS 4-16001 is \$158,100. Section 24-124.01 also provided specific guidance regarding the types of off-site bicycle and pedestrian improvements that may be required, per Section 24-124.01(d):

(d) Examples of adequate pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):

- 1. Installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;**
- 2. Installing or improving streetlights;**
- 3. Building multi-use trails, bike paths, and/or pedestrian pathways and crossings;**
- 4. Providing sidewalks or designated walkways through large expanses of surface parking;**
- 5. Installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and**
- 6. Installing street trees.**

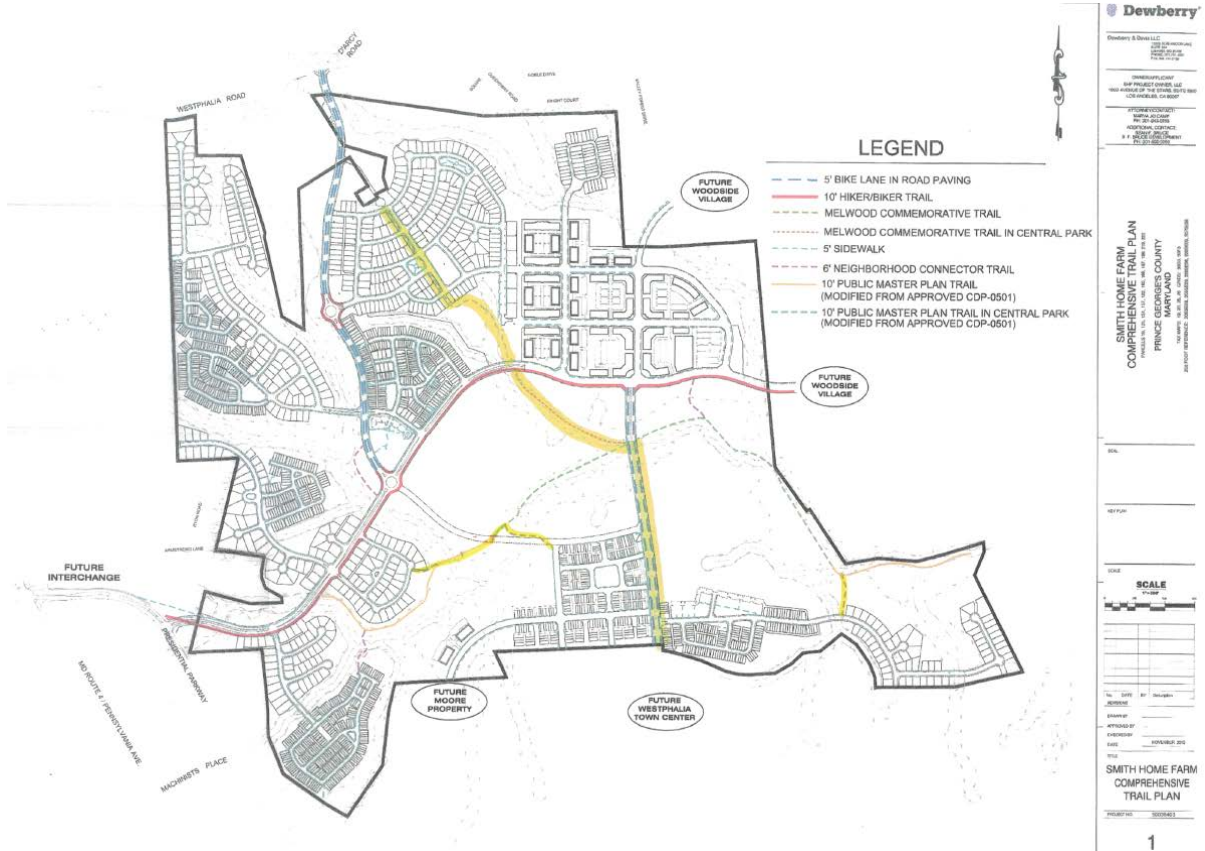
A scoping meeting was held with the applicant on November 3, 2017. The provisions and requirements of Section 24-124.01 were reviewed, and possible off-site improvements were identified. Improvements that were discussed that could serve as appropriate off-site improvements include possible safety, wayfinding, interpretive signage or amenities along the Melwood Legacy Trail. Subsequent meetings and phone conversations with the applicant have confirmed that the off-site dollars will be utilized to improve portions of

the Melwood Legacy Trail beyond the limits of the subject site. An exhibit of the proposed off-site improvements will be required with the SDP. This exhibit will indicate the location, limits, details and specifications of any and all improvements along the Melwood Legacy Trail. The specific improvements provided as part of the required off-site improvements shall be specified at the time of SDP and shown on the exhibit, in keeping with the provisions, requirements, and cost cap included in Section 24-124.01. It is noted that the Melwood Legacy Trail construction is planned in phase with adjacent development. Improvements for meeting the BPIS requirements with this application include improvements to the Melwood Legacy Trail that are in addition to the already planned/approved trail construction adjacent to this site. Appropriate improvements may include, but not be limited to, pedestrian safety features at road crossings, trail lighting, landscaping, pedestrian amenities, bike racks, bicycle repair stations, wayfinding and interpretative signage.

The sector plan includes the following text regarding the Melwood Legacy Trail:

Melwood Road Greenway Trail: Preserve segments of the road with a green buffer on either side as an integral part of the community's trail and greenway network. The preserved segments should be incorporated into a north/south multipurpose path that wends through the center of the community. Sections of the trail that are not wooded and outside of the PMA may be realigned to parallel new streets, through parks, along lakes, etc., as needed to achieve the desired result. The path should extend from Old Marlboro Pike to the central park and up to the intersection of D'Arcy and Westphalia Roads. It could feature a trail head at Old Marlboro Pike on a section of unused right-of-way east of Melwood Road. Where Melwood Road provides access to preexisting homes it may be retained as privately maintained ingress/egress easements or a county-maintained road at the discretion of the county. Access will be provided to the nearest publicly maintained road. Access points should be located to discourage through vehicular traffic.

The alignment of the Melwood Trail (both on- and off-site) is highlighted on the map below:



Comprehensive Trails Plan: Melwood Legacy Trail highlighted in yellow.

Demonstrated nexus between the subject application and the off-site improvements:

Section 24-124.01(c) requires that a demonstrated nexus be found with the subject application in order for the Planning Board to require the construction of off-site pedestrian and bikeway facilities. This section is copied below, and the demonstrated nexus between each of the proffered off-site improvements and the subject application is summarized below.

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

The improvements proffered by the applicant along the Melwood Legacy will enhance one of the major recreational trails serving the subject site. The Melwood Legacy Trail bisects Sections 5 and 6 and will provide the future residents of the subject site with non-motorized access to the Central Park to the north, other portions of the Smith Home Farm development and the Westphalia Center to the south.

Finding of Adequate Bicycle and Pedestrian Facilities: Council Bill CB-2-2012 requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of PPS. Council Bill CB-2-2012 is applicable to PPSs within designated centers and corridors. The subject application is located within the designated Westphalia Town Center, as depicted on the Adequate Public Facility Review Map of the General Plan. Council Bill CB-2-2012 also included specific guidance on the criteria for determining adequacy, as well as what steps can be taken if inadequacies need to be addressed.

As amended by CB-2-2012, Section 24-124.01(b)(1) and (2) include the following criteria for determining adequacy:

- (b) Except for applications for development project proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any preliminary plan may be approved for land lying, in whole or part, within County Centers and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.**
 - 1. The finding of adequate public pedestrian facilities shall include, at a minimum, the following criteria:**
 - a. The degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area; and**
 - b. The presence of elements that make is safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield lines, “bulb out” curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage. (These elements address many of the design features that make for a safer and more inviting streetscape and pedestrian environment. Typically, these are the types of facilities and amenities covered in overlay zones).**

2. **The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:**
 - a. **The degree to which bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area;**
 - b. **The presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;**
 - c. **The degree to which protected bike lanes, on-street vehicle parking, medians or other physical buffers exist to make it safer or more inviting for bicyclists to traverse the area; and**
 - d. **The availability of safe, accessible and adequate bicycle parking at transit stops, commercial areas, employment centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.**

Sidewalks are shown along both sides of all internal roads on the subject property, on-road bicycle facilities are included on master plan roads, and an extensive network of sidewalks, bicycle facilities, and trails, is planned in the communities and parkland surrounding the site. The applicant has proffered off-site improvements to the Melwood Legacy Trail that will enhance this master plan facility beyond what would ordinarily be required or expected. Possible improvements to the trail are outlined in Section 24-124.01(d) and may include pedestrian-oriented lighting, pedestrian safety improvements at intersections, landscaping and other trail-related amenities. The Melwood Legacy Trail is one of the major trails serving the site and the nearby Central Park, and these improvements will ensure that it is a high quality, safe and amenity-rich trail for the residents of the subject site and visitors to the Westphalia Center. Based on the improvements proposed on-and off-site, the Planning Board determines the public pedestrian and bikeway facilities to be adequate.

10. **Transportation**—Pursuant to PGCPB Resolution No. 06-64(A/2)(C), an approximate 757-acre parcel of land formerly known as Smith Home Farm, was the subject of an approved PPS (4-05080) on July 27, 2006, which included the subject property. The development was approved with multiple conditions, including the following pertaining to transportation:
 42. **Prior to issuance of each building permit for the residential component of the Smith Home Farm project (4-05080), the applicant and the applicant’s heirs, successors, and/or assignees shall, pursuant to the provisions of CR-66-2010 and the MD 4/Westphalia Road Public Facilities Financing and Implementation Program (PFFIP), pay to Prince George’s County (or its designee) a fee, pursuant to the MOU**

required by CR-66-2010, based on 7.57 percent of the cost estimate as determined by the Federal IAPA review. This fee shall be divided by 3,648 to determine the unit cost.

50. Total development within the subject property shall be limited to uses generating no more than the number of peak-hour trips (1,847 AM peak-hour vehicle trips and 1,726 PM peak-hour vehicle trips). Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

Traffic Impacts

The subject development occupies approximately 121.68 acres of the original Smith Home Farm PPS area. Because the previous PPS was approved with a trip cap (Condition 50), a new traffic impact study (TIS) for the subject application is not necessary, provided that its trip generation does not exceed the original trip cap. To that end, on June 20, 2018, an internal traffic analysis was received. This analysis evaluated traffic flow within the area of the original Smith Home Farm, including all of the proposed development. It also included a breakdown of the overall trip cap and how it is being reapportioned through the various SDPs that are part of the original PPS. Table 1 below illustrates that breakdown.

Table 1			
Previous Approvals	Dwelling Units	Peak Hour Trips	
		AM	PM
SDP-1003	1129	740 (137 in, 603 out)	598 (439 in, 159 out)
SDP-1302/02	159	103 (19 in, 84 out)	82 (60 in, 22 out)
SDP-1601/02	297	112 (26 in, 86 out)	92 (66 in, 26 out)
<i>PPS 4-16001 (Pending)</i>	<i>527</i>	<i>341 (63 in, 278 out)</i>	<i>273 (200 in, 73 out)</i>
Total	2112	1296 (245 in, 1051 out)	1045 (765 in, 280 out)
Original Trip Cap (4-05080)		1847	1726
Remaining (Unused) Trip Cap		551	681

The analysis summarized in Table 1 indicates that Condition 50 of PGCPB Resolution No. 06-64(A/2)(C) has been met. Therefore, this resubdivision of a portion of PPS 4-05080 would generate no new net trips as a result of the resubdivision. A given number of trips is associated with the limits of this property, and that the entirety of the trip cap has not changed as a result of this application. Therefore, trips associated with the subject subdivision are not in addition to but are a rearrangement of the trips in Condition 50.

There are 527 dwelling units within the area of this application. Using trip generation rates from the “Transportation Review Guidelines, Part 1,” the proposed development will have a net projected trip generation of 341 AM (63 in, 278 out) and 273 PM (200 in, 73 out).

All of the transportation facilities deemed critical to this development, will operate within the County's transportation adequacy thresholds, with the exception of the intersection of MD 4 and Westphalia Road. Because this development was part of the original Smith Home Farm development, and has opted not to submit a new traffic study, the provisions of Condition 42 pursuant to PGCPB Resolution No. 06-64(A/2)(C), still apply. Based on the April 8, 2013 MOU between the then-ownership of Smith Home Farm and Prince George's County, a fee of \$1,660.29 (indexed to October 2010) per dwelling unit shall be required by this applicant prior to release of any building permit.

The MOU recorded in Land Records in Liber 34592 folio 003 includes a description of the development and acreage covered by the MOU. It is not the entire Smith Home Farm site. Neither the acreage nor the development quantity match phasing or ownership records, and so it is not apparent which portions of PPS 4-05080 or PPS 4-16001 are covered under the current MOU. The applicant shall execute a new or amended MOU to reflect current and planned phasing.

Master Plan, Right-of-Way Dedication

The property is located in an area where the development policies are governed by the Westphalia Sector Plan and SMA, as well as the MPOT. There are five master plan roads whose locations are within the area of the subject application. Those roads are:

- MC-637
- MC-632
- P-615
- P-619
- C-636

MC-637, MC-632, and P-615 are all accurately reflected on the plan regarding the location and right-of-way widths. However, MC-635 is shown differently than the approved routing on the sector plan. Also, C-636 and P-619 are located towards the eastern end of the proposed development, and together form a north/south connection between Westphalia Road and the Westphalia Town Center. These two rights-of-way are delineated with dash lines and labeled with associated right-of-way widths on the proposed PPS.

Variation Request

Toward the goal of addressing MC-635 and P-619, the applicant has provided a variation request from Section 24-122(b) of the Subdivision Regulations. Section 24-122(b) requires that land for public facilities shown on the General Plan, functional master plans and/or areas master plans, and watershed plans be reserved, dedicated, or otherwise provided for. Both MC-635 and P-619 are shown in the Westphalia Sector Plan and SMA, as well as the MPOT. Maryland state law requires the County to adopt master plans as a vehicle to guide development and implement necessary infrastructure. Consequently, the Planning Board disapproves the variation request because the determination of master plan conformance is not limited to the findings of a variation and is a fundamental basis by which proposed development is evaluated. However, the requirement of

dedication or reservation is evaluated for each of the master plan roads, which impact the property, taking into consideration the applicant's original request, as discussed below:

The applicant must meet several legal requirements, pursuant to Section 24-113(a), for approval of a variation. Those requirements are shown in **boldface** type below, followed by the applicant's response to each:

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

The applicant submits that the granting of the instant variation request will not be detrimental to public safety, health, or welfare or be injurious to other property. The updated transportation analysis conducted on October 15, 2017 (Exhibit B), demonstrates that the master-planned roadways could be eliminated without creating unsatisfactory conditions along the remaining internal roadways within the development, and that all internal intersections and roadway segments within the development will operate at acceptable levels of service, in accordance with the transportation standards established by the Planning Board.

The master-planned alignments for both roadways cross wide sections of stream valley, jurisdictional wetlands and unnamed tributaries that drain into Cabin Branch making their full planned alignment unpractical for construction. During the evaluation of the project, the U.S. Army Corps of Engineers (USACE) identified alternatives that were less damaging to the aquatic environment and recommended that the applicant reduce wetland and stream impacts, to the minimum necessary, to meet access and safety requirements.

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

The applicant submits that the property has several conditions which are unique and are not applicable generally to other properties. Streams, wetlands, and floodplain associated with the Cabin Branch and Western Branch watersheds of the Patuxent River basin occur on the property, as well as Marlboro clay in and around the floodplain for Cabin Branch, a tributary of Western Branch. The two master-planned roadways would impact wide sections of stream valley and be detrimental to the aquatic environment both on-site and downstream.

USACE has only approved proposed road crossings that are aligned, along or close, to existing farm road crossings in order to minimize interruption in stream flow from construction and to minimize the length of the proposed culverts. There are no existing farm road crossings along the proposed master-planned alignments of MC-635 and P-619, and the permit that was issued by USACE does not include authorization for any new culverts along the two roadways.

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

The applicant submits that the granting the variation will not be in violation of any law, ordinance, or regulation. To the contrary, the granting of the instant variation request would allow the Parkside project to create the “Residential Medium” development recommended within Plan 2035 and envisioned by CDP-0501 without requiring additional and extensive stream crossing impacts for roadways that are not required for the purposes of transportation adequacy and circulation. Further, the proposed development supports the design guidelines for residential areas set forth in the Westphalia Sector Plan.

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

The applicant submits that, because of the combination of factors stated above, the applicant would experience hardship/practical difficulties if the instant variation request is not granted. Again, the “practical difficulty” in this case results from the site constraints associated with a master-planned roadway alignment that would require extensive environmental impacts to implement. These impacts are not acceptable to USACE and the Maryland Department of the Environment (MDE) and are not required for the purposes of obtaining transportation adequacy. Due to the streams, wetlands, and floodplain associated with the property, the applicant is unable to obtain USACE and MDE approval to impact these sensitive features for the construction of the roadways. This presents a practical hardship to the applicant, and not a mere inconvenience. As such, the applicant cannot have the PPS drawn to conform to Sections 24-122(b).

There are significant environmental features on the subject property, which may preclude construction of the master-planned roadways. A letter from USACE to the applicant dated June 9, 2018 was reviewed, which indicated USACE’s desire to reduce environmental impacts to Cabin Branch. However, the applicant is requesting the variation from the very portion of the regulations that require consistency with the master plans. Master plan roads are created through comprehensive transportation planning on a countywide basis. Analyses that are done on a small area do not provide a comparable set of results. Evaluation of master plan conformance is required and outlined further in the findings below. The applicant cannot obtain a variation from the requirement to conform to the master plan.

Master Plan Rights-of-Way

The five master plan rights-of-way which impact the property have been evaluated as follows:

Regarding the **P-619** roadway, this roadway was placed on the plan for the purpose of serving the Woodside Village property to the north. This property has been substantially purchased by DPR as parkland. DPR has verbally stated that they have no interest in P-619 connecting to their property

from the south. Based on language in Section 24-121(a)(5), along with the preceding facts and those revealed through the variation request, the Planning Board finds that events have occurred to render the relevant plan recommendations no longer appropriate, and that the P-619 facility shall not be required to be dedicated or reserved with this PPS, and therefore not reflected on the submitted plan.

The **MC-635** facility was originally planned to traverse the western part of the subject site. In approving Comprehensive Design Plan CDP-0501-01, the District Council rerouted the roadway along the northern border of the subject property and downgraded it to a primary roadway, and the roadway is currently dedicated as such. With this action, combined with the facts revealed by means of the variation request, the Planning Board finds that events have occurred to render the relevant plan recommendations no longer appropriate regarding MC-635, and that this facility shall not be required to be dedicated or reserved, and therefore not shown on the submitted plan, as shown in the Westphalia Sector Plan. The PPS indicates an intention to vacate a portion of this roadway connection along the south side of the Central Park (“ring road”). Given that the area remains under development and the land uses and densities of properties in the area of this roadway, even the park property, are still not fully known, the Planning Board does not approve vacation of this portion of this right-of-way until the area is more fully built out. Any notation on the PPS that the dedicated public right-of-way on the south side of the Central Park is “to be vacated” shall be removed prior to certification.

Regarding the **C-636** facility, which was not addressed by the variation request, this facility provides a connection to Westphalia Town Center to the south. The applicant has provided no justification for the removal of this master plan roadway. In 2009, PPS 4-08002 for Westphalia Center was approved showing the C-636 facility to a point where it stubs into the subject property to the south. Pursuant to the comments made at SDRC, the C-636 roadway must be reflected on the plan, with the future right-of-way shown for dedication to public use. Given that this facility stops at P-615, however, the right-of-way must be realigned to intersect P-615 at approximately a 90-degree angle. Furthermore, C-636 impacts Lots 68–75 in Block B, and the lot layout shall be revised to accommodate this right-of-way prior to certification of the PPS.

The **MC-632 and MC-637** facilities are consistent with the master plan and shown on the PPS with the appropriate dedication.

Circulation

An email referral from James V. Reilly, Office of the Fire Marshal for Prince George’s County, dated May 14, 2018 was reviewed. His comments include the following:

“With regard to fire access to the subdivision, preliminarily, all fire access roads must be built to DPW&T standards and not be less than 22’ wide at any point. Various alleys are shown as “16’ PAV.” While the Subtitle may allow alleys less than 22’ in width in certain arrangements, where alleys provide or facilitate general traffic circulation, intended or not, rather than solely rear access to an individual lot, it shall be the position of the Fire/EMS Department that those alleys be 22’ wide.”

The Transportation Planning Section developed internal standards regarding alleys on December 11, 2014, and these were further clarified on March 29, 2018, based on information received from the Prince George's County Fire/EMS Department. The second email included the following standard:

“TPS staff should consider access by fire equipment. Any alley of any length that would be used for fire equipment access may be deemed as such by TPS staff and must be a minimum of 22 feet in width. Any such determination must be by means of a Fire Department referral response.”

Several alleys provide sole access to the residences along them. Therefore, prior to signature approval of the PPS, any alley providing sole vehicular access to the townhouse units, with no adjacent public or private street on the opposite side of the units, shall be revised to show a minimum width of 22 feet in paving width.

Prior Conditions and the Westphalia Public Facilities Financing and Implementation Program (PFFIP)

On October 26, 2010, the County Council approved CR-66-2010, establishing a PFFIP district for the financing and construction of the MD 4/Westphalia Road interchange. Pursuant to CR-66-2010 (Sections 6, 7, and 8), a cost allocation table was prepared that allocates the estimated \$79,990,000 cost of the interchange to all of the properties within the PFFIP district. Council Resolution CR-66-2010 also established \$79,990,000 (in 2010 dollars) as the maximum cost on which the allocation can be based. The allocation for each development is based on the proportion of average daily trips (ADT) contributed by each development passing through the intersection, to the total ADT contributed by all of the developments in the district passing through the same intersection. The ratio between the two sets of ADT becomes the basis on which each development's share of the overall cost is computed.

As a result of the reconsideration of the former Smith Home Farm PPS, the residential component of that development was allocated a total of \$6,056,728.68 towards the construction of the interchange at MD 4 and Westphalia Road. This was Condition 42 of the PPS. Based on an approval of 3,648 dwelling units, that fee structure amounts to a per dwelling unit cost of \$1,660.29. While the proposed development represents a total of 527 dwelling units, its unit cost will remain at \$1,660.29. Consequently, its total cost to the PFFIP will be $527 \times \$1,660.29 = \$874,972.83$, indexed to 2010. The revised cost allocation table reflects these totals.

All transportation conditions of the previous preliminary plan were evaluated as further outlined in the transportation memorandum dated August 9, 2018 (Masog to Onyebuchi). The conditions which remain relevant to Sections 5 and 6 have been brought forward as conditions of approval of this application. The status of these conditions, in part, are summarized below:

Condition 18: This condition requires, with each final plat, a demonstration that adequate existing streets needed to connect this development with the external public street system are in place. Given that connections from the site to external roadways are still under development, this condition must remain in place.

Condition 39: The condition requires that final plats that include portions of the Melwood Road right-of-way demonstrate approval of the road closure process. Melwood Road crosses a portion of this site, and so this condition must remain in place.

Condition 48: This condition requires a primary street connection to Woodside Village by extending Road DD, Block SS. Road DD actually was replaced on the master plan by P-619, which is discussed at length earlier in this finding. Per that discussion, this condition shall not be carried forward with the subject plan.

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision, as required in accordance with Section 24-124, with conditions.

Pursuant to Section 24-128(b)(7)(A) of the Subdivision Regulations, the Planning Board may approve a subdivision within the R-M Zone with alleys that serve any permitted use, provided the lot has frontage on and pedestrian access to a public right-of-way. There are several lots within the subject site that do not have frontage on a public street and are served by alleys. This relationship was reviewed with the PPS; however, the applicant did not submit a variation from Section 24-128(b)(7)(A). Therefore, the layout shall be further reviewed at the time of SDP and, if the current layout is supported as adjusted in accordance with the Fire/EMS Department recommendations, a variation shall be required prior to final plat.

11. **Schools**—This PPS has been reviewed for impact on school facilities, which is outlined in a memorandum dated August 9, 2018 (Mangalvede to Onyebuchi) incorporated by reference herein.

Board of Education (BOE) (Parcel A19)

The instant PPS reflects a 6.75-acre parcel to be conveyed to the Prince George's County Board of Education (BOE), which has not yet been conveyed in accordance with the condition of the previous PPS. The dedication of land to the BOE is a result of the Westphalia Sector Plan recommendation for an elementary school on the subject site. The approved CDP and PPS discussed the dedication of land to the BOE, as noted below. The following discussion applies:

CDP-0501 (PGCPB Resolution No. 06-56(C)(A))

“The Historic Preservation and Public Facilities Planning Section, in a memorandum dated January 18, 2006 (Izzo to Zhang), indicated that the staff of the Public Facilities Section has reviewed the proposed school site with the representatives of the Board of Education and endorses the site for a future elementary school south of the Blythewood historic site” (page7).

PPS 4-05080

This PPS contained the following discussion concerning the parcel to be conveyed to the BOE:

“The Board of Education typically needs 12–15 acres to construct a school and playfields in a suburban environment. The preliminary plan currently indicated 3.9 acres of land for a future school site and this should be increased to ensure that onsite stormwater management, parking and recreational facilities can be provided. Staff recommends a minimum of seven acres, to be dedicated concurrent with the dedication of the rights-of-way of MC 632 and Road C, whichever comes first, in the vicinity of the BOE school site. Prior to signature approval of the preliminary plan the BOE property as delineated on the preliminary plan should be revised to reflect seven acres of dedication to include that portion of Parcel T, between Parcel R and MC632, south of the parcel stem extending to the traffic circle. The BOE is aware that this additional acreage is within the environmental setting for the historic site. Historic Preservation staff has indicated that the HPC would generally concur with the use of that portion of the property which is lawn area, be utilized for recreation purposes such as ball fields. The BOE property should not suffer the disposition of improvements necessary to support the Smith Home Farm development.”

This instant PPS was referred to the BOE; however, at the time of the Planning Board hearing, a referral from the BOE had not been received. The subject PPS indicates the BOE parcel as Parcel A19. A condition for dedication of Parcel A19, concurrent with the dedication of MC-632, in the vicinity of the BOE site is included with this approval.

12. **Fire and Rescue**—This PPS has been reviewed for adequacy of fire and rescue services, in accordance with Section 24-122.01(d) of the Subdivision Regulations. The response time standard established by Section 24-122.01(e) is a maximum of seven minutes travel time from the first due station.

The proposed project is served by Forestville Fire/EMS, Company 823, which is located at 8321 Old Marlboro Pike, Forestville, Maryland.

The Fire Chief, as of May 15, 2016, has outlined the adequacy of personnel and equipment as required by Section 24-122.01(e).

The Assistant Fire Chief, James V. Reilly, Emergency Services Command of the Prince George’s County Fire/EMS Department, stated in writing that “as of May 15, 2018” *only a portion* (see Staff’s Exhibit 1) of the project is within a seven-minute travel time from the first due station.”

The Planning Board may not approve a PPS until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board, in accordance with the County Council’s adopted “Guidelines for the Mitigation of Adequate Public Facilities for Public Safety Infrastructure.” If any portion of a proposed lot is beyond the response time, the entire lot will be considered as beyond the response time and mitigation will be required. Exhibit 2

shows 115 lots beyond the seven-minute response time. The mitigation fee consists of \$1,320 per dwelling unit; this fee is adjusted on July 1st of each year by the percentage change in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor from the previous fiscal year. The fee was derived from the costs associated with building and equipping fire stations to house the fire/EMS personnel that are necessary to help meet the response times associated with CB-56-2005. The public safety mitigation fee is paid at the time of issuance of a grading permit for the development. However, because grading for this development has already commenced pursuant to previous approvals, the Planning Board has determined that the mitigation fee be required prior to issuance of a grading or building permit, subsequent to approval of this application. Council Resolution CR-078-2005 states the following:

3. TEST PROCEDURES

- B. The Fire Chief shall submit a statement that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven minutes travel time.**
- C. If an application for a preliminary plan is located in an area that fails either of the requirements mentioned above, then the Planning Board may not approve the preliminary plan until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board.**

4. MITIGATION PLAN

Fire Service Areas

- If an application for a preliminary plan fails in any of the fire service areas, an applicant may offer to mitigate as provided below.**

The Public Safety Mitigation Fee will be assessed when the applicant applies for grading permits with the Department of Environmental Resources.

A. Public Safety Mitigation Fee

- ii. If the application fails in a fire service area, the fee per dwelling unit would consist of \$1,320 per unit. This number was derived from the costs associated with building and equipping fire stations to house the fire and EMS personnel that are necessary to help meet the response times associated with CB-56-2005.**
- iv. The Public Safety Surcharge shall not be reduced by the payment of any Public Safety Mitigation Fee.**

Beginning in Fiscal Year 2007, the fee shall be adjusted by July 1 of each year by the percentage change in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor from the previous fiscal year. The fee shall be paid at the time of issuance of a grading permit for the development.

B. In Kind Services

An applicant may offer to provide equipment and or facilities that equal or exceed the cost of the Public Safety Mitigation Fee or offer a combination of in kind services and supplemental payment of the Public Safety Mitigation Fee. Acceptance of in kind services are at the discretion of the County based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB-56-2005.

C. Pooling Resources

Applicants may pool together with other applicants to purchase equipment or build facilities that would equal or exceed the cost of paying the Public Safety Mitigation Fee. Acceptance of pooled resources to provide in kind services are at the discretion of the County based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB-56-2005.

D. Use of Funds

The Public Safety Mitigation Fee shall be used in the police districts or fire service areas that are failing the response time requirements of CB-56-2005. For example, guidance provided by the Approved Operating Expense and Capital Budgets, Tri Data Final Report dated May 2004, the Maryland-National Capital Park and Planning Commission, and the Approved Public Safety Master Plan will be considered.

The applicant was provided a Public Safety Mitigation Agreement form for the development, which consists of 115 dwelling units, a development that is beyond the seven-minute response time, which they signed and submitted prior to approval of this application by the Planning Board.

Capital Improvement Program (CIP)

The Prince George's County FY 2018–2023 Approved CIP provides funding for replacing the existing Forestville Station with a new three-bay fire/EMS station.

13. **Police Facilities**—This PPS has been reviewed for adequacy of police services in accordance with Section 24-122.01(c) of the Subdivision Regulations.

The subject property is in Police District II, Bowie. The response time standards established by Section 24-122.01(e) is 10 minutes for emergency calls and 25 minutes for nonemergency calls. This PPS was accepted for processing by the Planning Department on May 1, 2018. Based on the most recent available information provided by the Police Department as of December 2015, the police response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls are met.

14. **Water and Sewer**—Section 24-122.01(b)(1) states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in the Water and Sewer Category 3, Community System. The property is within Tier 1 under the Sustainable Growth Act, for development on public sewer, and will therefore be served by public systems.

15. **Use Conversion**—The total development included in this PPS is 441 lots and 81 parcels for the development of 32 single-family detached dwellings, 409 single-family attached dwellings, and 86 two-family attached dwellings in the R-M and M-I-O-Zones. If a substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings is proposed, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.

16. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a), when utility easements are required by a public company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for public utility easements (PUEs) is 10 feet wide along both sides of all public rights-of-way. The required PUE has been delineated along a portion of the public roads within and abutting the subject site; however, the plans shall be revised to demonstrate compliance with this requirement along both sides of all public roads prior to signature approval.

In accordance with Section 24-128(b)(12), a 10-foot-wide public PUE is required to be provided contiguous and adjacent to either right-of-way line of a private road. The required PUE has been delineated along a portion of the private roads within the subject site; however, the plans shall be revised to demonstrate compliance with this requirement along all private roads prior to signature approval.

17. **Historic**—The subject application was referred to the Historic Preservation Commission (HPC) for its review of potential effects on the Blythewood Historic Site (78-013) to the north and northeast of the subject property. HPC reviewed the subject application at its June 19, 2018 meeting. Historic Preservation section staff gave a presentation on the subject PPS, noting that a Phase I archeological survey was conducted on the property in 2005. One archeological Site, 18PR762, the Moore Farmhouse, was identified, but was disturbed and not recommended for further investigation.

Staff noted that the previous PPS 4-05080 approved for the site included three multifamily buildings and townhouses to the south of the Blythewood Historic Site. The subject application removed the multifamily buildings and replaced those with townhouse lots in approximately the same footprint as the previously approved plan. The previously approved townhouse lots faced the historic site, while in the current proposal the sides of the townhouses would be visible from the historic site. The HPC Chairman noted that, in years past, HPC worked with applicants to have buildings face the historic site, so that there was more of a feeling of inclusiveness of the historic site into the new development. Staff noted that HPC would have an opportunity to comment on the materials, lighting, landscaping, etc. associated with the new construction, with the submission of the SDP.

Commissioner Schneider moved that HPC recommend to the Planning Board approval of 4-16001, Parkside, Sections 5 and 6. The motion was seconded by Commissioner Davidson. HPC voted 7-0-1 (the Chairman voted “present”) to forward the following findings, conclusions, and recommendations to the Planning Board:

HPC Findings

- a. The Parkside development includes a Prince George’s County Historic Site, Blythewood (78-013). Built circa 1830, with later additions, Blythewood is a multi-section frame farmhouse, and the principal feature of a large farm complex. The two-story, side-gabled main block of the house was built circa 1830; a shed-roof kitchen wing was added circa 1860 at one end, and a one-story enclosed porch was built at the other end in the 1920s. The principal west façade of the main block is fronted by a two-story portico, also added in the 1920s. The house and domestic buildings stand on high ground overlooking a complex of agricultural outbuildings. Originally developed for William F. Berry, the Blythewood complex is an excellent example of a complete nineteenth and twentieth-century farm establishment. The area included within the boundaries of this PPS application is adjacent to the Blythewood Historic Site to the south.
- b. A Phase I archeology survey was conducted in February and March 2005 on the subject property to comply with Section 106 of the National Historic Preservation Act of 1966, as amended and with Sections 24-121 and 24-135.01 of the Prince George’s County Subdivision Regulations. Eleven historic archeological sites and one multi-component prehistoric and historic site were identified. One of these archeological sites, 18PR762 the Moore Farmhouse, is located within the boundaries of the subject application. Site

18PR762 comprised an early twentieth century dwelling with a small shed, barn, wagon shed, concrete silo and large livestock pen. A total of 16 artifacts were recovered in two shovel test pits to the south of the Moore farmhouse, including a mix of nineteenth and twentieth century material. The area around the farmstead had been disturbed by landscaping and trampling by farm animals. No further work was recommended or required, and the site was determined to not meet historic site or National Register criteria.

- c. Preliminary Plan of Subdivision 4-05080 was approved by the Planning Board on July 27, 2006. On May 24, 2012, the PPS was reconsidered by the Planning Board and approved with deletions and additions. The subject application is a re-subdivision of a portion of Section 5 and all of Section 6 within the Parkside development. The original subdivision did not create enough fee simple lots to accommodate the density approved in the conceptual design plan, CDP-0501, approved on June 12, 2006.
- d. The proposed layout of lots for PPS 4-16001 adjacent to the Blythewood Historic Site is similar to the layout of the previously approved PPS 4-05080. Preliminary Plan of Subdivision 4-05080 proposed three multi-story buildings to the south of the Blythewood Historic Site, with single-family attached lots and buildings to the south of those. Proposed Alley 6B is approximately 120 feet south of the Blythewood Environmental Setting. The Blythewood house sits at an elevation of approximately 180 feet above sea level (ASL). The topography of the subject property to the south of the environmental setting slopes down to approximately 140 feet ASL, then rises again to a height of approximately 200 feet ASL. The topography to the west of the Blythewood House slopes down to 160 feet ASL to the west and rises again on the west side of Melwood Road to approximately 180 to 190 feet ASL.

HPC Conclusions

- a. The Blythewood Historic Site (78-013) is adjacent to Sections 5 and 6 of the Parkside development included in the subject application. At the time of any specific design plan that is adjacent to the Blythewood Historic Site, the applicant should submit a viewshed study that demonstrates the extent to which the proposed new construction will be visible. Based on the findings of the viewshed studies, any new construction determined to be visible from the historic site will be reviewed for scale, mass, proportion, materials, architecture, landscaping, and lighting as they would impact the character of the historic site.
- b. The area included within the subject specific design plan was surveyed for archeological resources in 2006. No significant archeological sites were identified. No further archeological investigations are recommended.

HPC recommended approval of PPS 4-16001, subject to conditions.

18. **Environmental**—The Environmental Planning Section (EPS) previously reviewed the subject site under a number of previous applications, as indicated in the EPS memorandum dated August 7, 2018 (Finch to Onyebuchi).

Grandfathering

The current application is no longer grandfathered from the requirements in Subtitles 24 and 27 of the County Code that came into effect on September 1, 2010 because it is a new PPS application. The project is also no longer grandfathered from the requirements of Subtitle 25, Division 2, effective September 2010.

Proposed Activity

The current application is a new preliminary and revised Type 1 tree conservation plan (TCP1) for residential development in Sections 5 and 6 of the Parkside development, formerly known as Smith Home Farm.

Site Description

The current application is part of a larger development know as Parkside and is located 4,000 feet northeast of the intersection of Pennsylvania Avenue and Presidential Parkway, and just south of Westphalia Road, in Upper Marlboro, MD. According to the *Prince George's County Soil Survey* (1967), the principal soils on this site are in the Adelphia, Bibb, Collington, Mixed Alluvial, Sandy land steep, Sassafra and Westphalia soil series. According to available information Marlboro clay occurs on this property in and around the floodplain for Cabin Branch, a tributary of Western Branch, and may be found in exposed locations in Section 6. Streams, nontidal wetlands and buffers, and floodplain associated with the Cabin Branch and Western Branch watersheds of the Patuxent River basin occur on the property. Sections 5 and 6 have a total gross tract area of 167.82 acres. There is 49.00 acres of Section 5, and 72.71 acres of Section 6 subject to the current application. The site includes regulated streams, wetlands and 100-year floodplain. The predominant soils found to occur according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS) include: Adelphia Holmdel, Collington-Wise, Croom-Marr, Dodon, Marr-Dodon Potobac – Issue, Westphalia and Dodon, and Widewater and Issues soils. According to available mapping information, Marlboro clay and Christiana clay does not occur on or in the vicinity of this property. Although there are no nearby traffic-generated noise sources, most of this property is located within the 65 dBA Ldn noise contour associated with aircraft flying into and out of Andrews Air Force Base. Melwood Road is a designated scenic and historic road that bisects this property. There are no rare, threatened or endangered species (RTEs) located near this property based on information provided by the Maryland Department of Natural Resources, Natural Heritage Program. The site is in Environmental Strategy Area (ESA) 2, formerly known as the Developing Tier, according to Plan 2035, the most current comprehensive (general) plan. According to the 2017 Countywide Green Infrastructure Plan (Green Infrastructure Plan), Sections 5 and 6 contain regulated areas, evaluation areas, and network gaps within the designated network of the plan.

Plan Prince George's 2035 Approved General Plan (2014)

The site is located within the Established Communities area of the Growth Policy Map and ESA 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035.

Countywide Green Infrastructure Plan (2017)

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

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

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

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

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

A significant portion of the site is designated as primary management area (PMA). Proposed impacts to regulated area is discussed further in more detail in this section of this report. Western Branch, which runs along the northern boundary of the developing property, is a designated stream valley park, which links to the Patuxent River Park.

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

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

The preservation of regulated environment features within the green infrastructure, as well as mitigation and restoration opportunities are evaluated further within this section for conformance with subdivision requirements, and evaluation of impacts.

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

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

Environmental impacts due to vehicular transportation shown on the PPS and TCP1 is evaluated within this section for conformance with subdivision requirements and evaluation of impacts.

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

Environmental impacts related to trail connections will be evaluated after the location of the stream valley park trail is confirmed with DPR and potential impacts are located and quantified on the plans for review. Additional environmental impacts associated with construction of the stream valley park trail is deferred until trail construction is reviewed with the SDP. If the trail will be

constructed separately by DPR in the future, environmental impacts will be evaluated with the review of construction design for the project.

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

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

Conservation easements are required for the subject application because areas on-site are identified within the PMA that are proposed for retention. These will be addressed at the time of final plat. The areas of on-site woodland conservation will be required to be placed in Woodland and Wildlife Habitat Conservation Easements prior to approval of the Type 2 tree conservation plan (TCP2).

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

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

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

The issue of water quality has been addressed. The site will be required to provide stream restoration to a section of stream in Parkside, Section 5. The site has an approved SWM Concept Plan and Letter (14846-2006-02), which is grandfathered to regulations prior to 2011, and the proposed structures have been implemented. All impacts to regulated environmental features are limited to those necessary, including outfalls for approved stormwater facilities. The overall site has many areas of unvegetated buffers that will be replanted. The TCP shows the areas along the stream where afforestation is proposed.

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

General Strategies for Increasing Forest and Tree Canopy Coverage

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

Due to the existing conditions of the overall site, the use of off-site banking will be necessary to meet the woodland conservation requirements because the existing woodland is less than the required woodland conservation threshold.

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

Due to the existing conditions of the overall site, the use of off-site banking will be necessary to meet the woodland conservation requirements because the existing woodland is less than the required woodland conservation threshold.

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

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

Forest Canopy Strategies

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

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

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

Clearing of woodland is proposed with the subject application. Woodland conservation should be designed to minimize fragmentation and reinforce new forest edges. The retention of potential forest interior dwelling species habitat and green infrastructure corridors is also strongly encouraged. Green space is encouraged in compact developments to serve multiple eco-services.

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

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

Conditions of this approval require that building shells of residential structures be designed to mitigate interior noise levels to 45 dBA Ldn or less.

Area Master Plan Conformance

The subject property is located in the Westphalia Sector Plan and SMA. There are four policies of the sector plan that relate to the environmental infrastructure on the subject property.

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

The site is located within the designated network of the Green Infrastructure Plan.

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

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

The site does not contain active agricultural uses. The plan proposes that SWM will be provided using environmental site design. A copy of the approved stormwater concept plan and letter were provided with this application. The approved SWM facilities shall be shown on the plans. Refer to the Environmental Review section below for a discussion of this requirement.

The existing woodland adjacent to the stream is proposed for preservation and areas within the floodplain and PMA are proposed for planting to provide expanded riparian buffers.

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

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

The site is located within noise impact areas associated with Andrews Air Force Base, and noise will be addressed with plat notes and required acoustical certification at the time of building permit review.

Review of Previously Approved Conditions

The following text addresses previously approved environmental conditions related to the subject application. The text in **BOLD** is the actual text from the previous cases or plans. The plain text provides comments on the plan's conformance with the conditions.

District Council Final Decision for CDP-0501 and VCDP-0501 (revised order)

Comprehensive Design Plan CDP-0501 and Type I Tree Conservation Plan TCPI-038-05 were approved by the District Council on June 12, 2006, subject to conditions. Type I Tree Conservation Plan TCP1-038-05 was revised and certified with CDP-0501.

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

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

There is known to be Marlboro clay locations in Sections 5 and 6 of the Parkside development. A geotechnical exploration was reviewed with PPS 4-05080 and the associated TCP1. That review confirmed that the limits of existing Marlboro clay are confined to the area within the stream valley, protected by the PMA, where only limited impacts area allowed. The previously approved TCPI shows the limits of Marlboro clay and the previously approved PPS shows the location of the 1.5 safety factor line, but neither of those features are shown on the TCP1 proposed with this application. Upon review of the previously approved TCPI with the TCP1 proposed with this application, it appears that all of the proposed lots are outside the limits of Marlboro clay; however, Lots 85–89 are within the 1.5 safety factor line and shall be relocated, or appropriate mitigation shall be proposed to relocate the 1.5 safety factor line, prior to signature approval of the PPS.

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

SWM ponds have been constructed on the site in accordance with previous approvals. The minimization of impacts for road crossings is evaluated further in this report.

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

The site has a previously submitted survey. Recent revisions to the natural resources inventory (NRI) plan have not identified additional RTEs located on the site.

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

On-site stream restoration sites were identified with the approval of Specific Design Plan SDP-1002, and stream restoration projects have been incorporated in the site development process during the review and approval of the SDPs. SDP-1302-02 provided for a stream restoration project in Section 5, which is currently under construction, and must be completed prior to the issuance of

building permits for Section 5. There are no stream restoration projects proposed in Section 6.

District Council Final Decision for Reconsideration of CDP-0501

Comprehensive Design Plan CDP-0501 and Type I Tree Conservation Plan TCPI-038-05 were reviewed by the Planning Board and District Council for a reconsideration of Conditions 10, 11, 24, 31, and 32. There are no environmental conditions applicable to this review.

Conditions of Approval for SDP-1002 Smith Home Farm Stream Restoration (PGCPB Resolution No. 12-07)

The Planning Board approved Specific Design Plan SDP-1002 on January 26, 2012, subject to the following conditions:

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

restoration measures. Location of the master and connector trail and design of any boardwalks, bridges, or underpasses shall be approved by the trails coordinator and the Environmental Planning Section as designees of the Planning Board.

- g. The applicant shall place a conspicuous note on the cover sheet of the plan set stating that any lot layout or road configuration shown on a set of plans approved by the Planning Board for SDP-1002 shall be for illustrative purposes only. Lot layout and road configuration shall be approved in separate SDPs such as the currently pending SDP-1003 for section 1a, 1b, 2 and 3.**

Stream Reach 3-4 was required to be implemented with Specific Design Plan SDP-1302-01 for Section 5. What appears to be in conflict with the conditions of approval for SDP-1002 is most likely a practical decision necessary because the two phases are now in different ownerships, and no development is currently proposed in Section 7.

Detailed stream restoration plans for implementation concurrently with Section 5 were approved with SDP-1302-02 and TCP2-020-13-02, which was required to include the approved technical plans for Reach 3-4. These are new impacts not shown on the previous PPS and, while they are correctly reflected on the subject PPS and TCP1 application, they have not been included in the SOJ for impacts to regulated environmental features. The Planning Board acknowledges that this impact is necessary to fulfill the stream restoration requirements of prior approvals and supports the impacts, as reflected on the subject plans. The table of impacts to regulated environmental features shall be updated to include this impact prior to signature approval of the PPS and TCP1.

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

The Planning Board concurs that the detailed stream restoration plans for Reach 3-4 and Reach 7-2 were deferred for review until rough grading for the appropriate sections. Reach 3-4 was included in SDP-1302-02.

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

As previously stated, if the identified priority stream restoration projects do not fulfill the minimum stream restoration expenditures, revision to SDP-1002 to identify the location and cost of additional stream restoration segments would be required.

Four of the restoration sites are in Section 7 which is now under separate ownership. Within the remaining sections, under the ownership of the current applicant, only two projects areas are currently identified in Sections 1 through 6; Reach 6-2 (Section 4) and Reach 3-4 (Section 5). If additional priority projects need to be identified, they must be located within Sections 1 through 6, and cannot occur on property dedicated or to be dedicated to M-NCPPC.

Conditions of Approval for Specific Design Plan SDP-1302-01 Parkside, Sections 5 & 6 (formerly Smith Home Farm) (PGCPB Resolution No. 16-140)

The Prince George's County Planning Board approved SDP-1302-01 on December 1, 2016, for Sections 5 and 6 primarily for the construction of SWM infrastructure in advance of the May 4, 2017 termination of grandfathering. There are no conditions of approval that are applicable to this review.

Environmental Review

Natural Resources Inventory

A Natural Resources Inventory (NRI-006-05-03) was approved on March 7, 2018, to update Sections 5 and 6 for the NRI to the requirements of the ETM, which included expanded stream buffers which expanded the area of PMA. The approved NRI-006-05-03 was submitted with the current application, and the information on the revised NRI is correctly shown on Sections 5 and 6 of the PPS and the TCP2. No further information is required.

Protection of Regulated Environmental Features

Streams, wetlands, and 100-year floodplain associated with the Patuxent River Basin occur on the site. These sensitive environmental features are afforded special protection in accordance with Section 24-101(b)10 of the Subdivision Regulations, which defines the Patuxent River PMA and Section 24-130(b)(5) of the Subdivision Regulations, which provides for the protection of streams and the associated buffers comprising the PMA. The PMA is required to be preserved to the fullest extent possible.

The site has previously approved impacts associated with PPS 4-05080. Impacts for SWM were implemented as part of an approved concept plan. A statement of justification (SOJ) dated June 21, 2018, for the proposed impacts to PPS 4-16001, was submitted. The PPS includes impacts to the PMA in Sections 5 and 6. The applicant requests approval of impacts to regulated environmental features totaling 3.318 acres of permanent impacts and 0.882 acres of temporary impacts. The impacts involve the installation of one SWM facility outfall, one water loop, five sanitary sewer outfalls, three road crossings, and one grading area. The PMA impacts are described in further detail in below. The applicant's SOJ states that the majority of these impacts

were previously approved under PPS 4-05080, as well as SDP-1302-02 for infrastructure in Sections 5 and 6. The review of the additional impacts is due to the expanded buffer, as a result of the new PPS, and the site is no longer being grandfathered.

The table below summarizes the impacts to regulated environmental features on the property identified by the applicant, and these impacts are also reflected on the PMA Impacts Exhibit dated June 2018. The applicant states that the proposed PMA impacts are considered necessary to the orderly development of the subject property, cannot be avoided, are required by other provisions of the County and state codes, and have been minimized to the fullest extent possible.

Table 1: PMA Impact(s) Summary Table

Impact ID	Impact type / and duration	Temporary or Permanent	Total acreage of impact (ac)	Recommendation
1	Utility – Water	Temporary	0.073	Approval
2	Utility – Stormwater outfall	Permanent	0.039	Previously Approved/Implemented
3	Roadway Crossing	Permanent	1.155	Approval
4	Roadway Crossing	Permanent	0.667	Approval
5	Roadway Crossing	Permanent	0.487	Approval
6	Utility – Sanitary Sewer Outfall	Temporary	0.378	Approval
7	Utility – Sanitary Sewer Outfall	Temporary	0.173	Approval
8	Utility – Sanitary Sewer Outfall	Temporary	0.099	Approval
9	Utility – Sanitary Sewer Outfall	Temporary	0.025	Approval
10	Utility – Sanitary Sewer Outfall	Temporary	0.134	Approval
11	Grading	Permanent	0.088	Disapproval
Total PMA impacts			3.318	

Impacts 1 and 6 through 10: Utility Impacts for Water and Sewer

Impact 1 is for the installation of a 12-inch water line to connect the 12-inch line that was installed in Section 1A-3 to the Section 5 development. This “loop” is required by the Washington Suburban Sanitary Commission (WSSC) to provide redundant connections and was approved with the previous PPS.

Impacts 6 and 7 are for sanitary sewer to outfall the proposed development into the existing sewer that runs along the Cabin Branch main stem. Due to the existing topography, Impact 6 was aligned to run through the flat portion of the PMA, rather than the very steep slopes to the east. Impact 7 was placed in the location shown to be able to cross under the existing stream, while maintaining proper cover over the pipe, and still be able to tie into the existing sewer line.

Impact 9 is a smaller impact in Section 6 to outfall the sanitary sewer into the existing line that runs through the site from the adjacent property and is primarily located within the existing WSSC easement.

Impacts 8 and 10 are sanitary sewer outfalls that run through the Westphalia Central Park property to connect to the existing line that runs through the site from the adjacent property. These impacts were previously approved in PPS 4-05080 and Specific Design Plan SDP-1101. A small portion of both impacts lie within the existing WSSC easement. All of these utility impacts were required by WSSC and are shown on the approved HPA DA4358Z06.

The Planning Board concurs that these impacts are necessary for development of the site and have been minimized and coordinated with other impacts to the fullest extent possible.

Impact 2: Utility Impact for Stormwater Management Facility outfall

Impact 2 is a SWM outfall for the underground infiltration facility 5B. This SWM facility and outfall were previously approved under SDP-1302-01 and the facility has already been installed.

Impacts 3, 4, and 5: Impacts for Road Crossings

Impacts 3, 4, and 5 are for proposed road crossings for master-planned roads MC-637 and P-615. The crossings have been located at the narrowest points of the PMA and positioned in such a manner to create the least amount of disturbance as possible.

The Planning Board concurs that these impacts are necessary for development of the site and have been minimized and coordinated with other impacts to the fullest extent possible.

Impact 11: Impact for Grading

Impact 11 is a permanent impact for the grading of an alley and townhomes in Section 6 and is not supported. The purpose of the three impact areas proposed is to provide three additional townhouse lots (Lots 105, 132 and 148) and show the PMA less than 10 feet from the property line of the townhouse, impeding a 10-foot-wide accessway around the townhouse. These impacts are unnecessary, are not supported, and shall be eliminated with the removal of any grading into the PMA prior to signature approval of the PPS and TCP1.

The applicant's exhibits do not identify one additional PMA impact proposed on the site adjacent to Lot 79, where grading into the PMA is proposed resulting in a permanent impact. The impact proposed is necessary only to support an additional townhouse lot and cannot be found to be necessary for development of the site or minimized to the fullest extent possible. The Planning Board does not approve this impact.

The regulated environmental features on the subject property have been found to have been preserved and/or restored to the fullest extent possible with regards to proposed Impacts 1 through 10. Impact 11 has been determined to be unnecessary for development of the site and is not approved. An additional grading impact to the PMA, which was not included in the SOJ or exhibit, was identified adjacent to Lot 79, where grading into the PMA is proposed, resulting in a

permanent impact. The impact proposed is necessary only to support an additional townhouse lot and cannot be found to be necessary for development of the site or minimized to the fullest extent possible. Consequently, the Planning Board does not approve this impact.

Woodland Conservation

This site is subject to the provisions of the Woodland Conservation Ordinance because it is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland, and TCPI and TCPIIs have been approved for the Parkside development. A revised TCP1 (TCP1-038-05-02) has been submitted with the current application.

The revised TCP1 has been reviewed and was found to require technical revisions to comply with previous conditions of approval related to approval of the basic plan for the site, as follows:

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

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

N. All Tree Conservation Plans shall have the following note:

“Woodland cleared within the Patuxent River Primary Management Area Preservation shall be mitigated on-site at a ratio of 1:1.”

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

The woodland conservation worksheet included on the TCP1 plan fails to address the correct woodland conservation threshold for the site, which is 24.53 percent, and does not include the PMA impacts, so the amount of woodland conservation required on site is not correctly calculated. The woodland conservation threshold is correctly calculated at 159.52 acres because the site has a mandatory 25 percent threshold requirement for land in the R-M that must be met on-site.

Extensive afforestation is proposed in order to fulfill woodland conservation requirements on this site. In order to protect the afforestation areas after planting, so that they may mature into perpetual woodlands, the afforestation must be completed prior to the issuance of building permits adjacent to the area of afforestation. The easement language for PMA protection has been modified to include the afforestation areas.

Specimen Trees

A Subtitle 25 Variance application and a Statement of Justification dated June 21, 2018, was submitted with the current application. The application requested a variance from Section 25-122(b)(1)(G) of Subtitle 25, Division, for the removal of 20 of the existing 77 specimen trees, which was subsequently withdrawn. The variance was withdrawn because previous grandfathered tree conservation plan approvals for Parkside Sections 5 and 6, included

the removal of the 20 specimen trees prior to the requirement for a variance (Subtitle 25). The previous approvals included tree conservation plans: TCP1-038-05, TCP1-038-05-01, TCPII-019-13 and TCPII-020-13-02 (1991 Ordinance).

Because a new PPS was proposed, the applicant assumed that a Subtitle 25 Variance would be necessary because the area of the proposed PPS is no longer grandfathered from variance requirements of the 2010 Ordinance. This case is unusual because grading permits have been issued under the approved TCPIIs for stream restoration work, installation of SWM facilities, and for rough grading and infrastructure.

Because permits have been issued for the previously approved TCPIIs, the proposed limits of disturbance on the proposed TCP1 are very similar to approved TCPII, and no additional specimen trees are proposed for removal, a variance request for the removal of specimen trees is not necessary at this time. The following is a list of trees previously approved with those approvals.

Tree Number	Tree Name	DBH	Condition Rating	Disposition
159	Silver Maple	36	Poor	Approved for Removal with TCPII-020-13-02
160	Silver Maple	52	Fair	
192	Northern Red Oak	46	Fair	
193	Northern Red Oak	31	Dead	
194	Northern Red Oak	38	Fair	
195	Yellow Poplar	40	Good	
196	White Oak	50	Fair	
197	Northern Red Oak	32	Fair	
198	Yellow Poplar	30	Good	
226	Yellow Poplar	35	Fair	
238	Sweetgum	32	Fair	
265	Black Walnut	33	Poor	
366	Yellow Poplar	43	Fair	
367	Yellow Poplar	37	Fair	
111	Sweetgum	37	Good	
112	Elm	36	Poor	
166	Red Maple	31	Poor	
167	Red Maple	30	Poor	
168	Hickory	31	Poor	
169	Black Locust	36	Poor	

19. **Urban Design**—The site is subject to the regulations of a comprehensive design zone and pursuant to Section 27-480 (d) of the Zoning Ordinance, there shall be no more than six single-family attached units in a building group. Condition 74b has been carried forward as a condition of approval of this application to ensure consistent design across the entire 757-acre Parkside development:

74. Prior to signature approval of the preliminary plan of subdivision, the following Urban Design issues shall be addressed:

b. The townhouse section shall be revised to provide no more than six units in any building group. The applicant must obtain approval of more than six dwelling units in a row at the time of SDP, pursuant to Section 27-480(d).

Lots 49–55 in Block B do not meet this condition, however, the applicant may seek approval of more than six units in a building group at the time of SDP. At the time of SDP, if the layout for these seven units is not approved, one unit must be removed. The site will be subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Specifically, the project is subject to Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. Conformance with the requirements of the Landscape Manual will be reviewed at the time of SDP. However, it should be noted that Section 4.6, Buffering Residential Development from Streets, requires a 20-foot-wide buffer between rear yards and a primary roadway, such as Dowerhouse Road, east of Woodyard Road, and a 50-foot-wide buffer along major collector roadways, such as Dowerhouse Road, west of Woodyard Road. Conformance with this requirement will have to be demonstrated at the time of SDP, which may result in revisions to the lotting pattern and could result in a loss of lots. Section 25-128 of the County Code requires projects which involve more than 5,000 square feet of land disturbance to provide a certain percentage of the area of the site in tree canopy. Conformance with the Tree Canopy Ordinance shall be evaluated at the time of SDP.

Other Site Design Issues

The spacing between some of the townhouse lot lines is less than 10 feet. The lotting pattern in these areas shall be revised to increase the spacing to allow for adequate passage for residents, fencing, and location of any utility easements off the townhouse lots.

In some of the townhouse lotted areas, there does not appear to be room for visitor parking. However, this issue will be more closely examined at the time of SDP when specific site improvements are provided. Provision for visitor parking spaces conveniently located to all townhouses will be further at the time of review of the SDP.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, and Hewlett voting in favor of the motion, and with Commissioners Washington and Doerner absent at its regular meeting held on Thursday, September 13, 2018 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of October 2018.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:JO:gh