



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2023-120(C)

File No. 4-22064

C O R R E C T E D R E S O L U T I O N

WHEREAS, Westphalia Meadows, LLC is the owner of a 63.35-acre parcel of land known as Parcel 14, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned Legacy Comprehensive Design (LCD); and

WHEREAS, the subject property was included in Comprehensive Design Plan CDP-0601, which was approved by the Prince George's County Planning Board on July 31, 2008 (PGCPB Resolution No. 08-121), pursuant to the Zoning Ordinance in effect prior to April 1, 2022 (prior Zoning Ordinance); and

WHEREAS, pursuant to Section 27-1704(a) of the Zoning Ordinance, CDP-0601 remains valid for a period of twenty (20) years from April 1, 2022; and

WHEREAS, on July 28, 2023, Stanley Martin Homes, LLC filed an application for approval of a Preliminary Plan of Subdivision for 282 lots and 29 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-22064 for Woodside Village – Westphalia Meadows, 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 November 2, 2023; and

WHEREAS, new Subdivision Regulations, Subtitle 24, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 27-1704(b) of the Zoning Ordinance, subdivision applications submitted under a valid comprehensive design plan approved under the prior Zoning Ordinance and still valid pursuant to the time limit specified under 27-1704(a), may be reviewed and decided in accordance with the Subdivision Regulations in existence at the time of the approval of the comprehensive design plan; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Subdivision Regulations, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022; and

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

WHEREAS, on November 2, 2023, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

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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 TCP1-002-2023-01, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-22064, including a Variation from Section 24-128(b)(7)(A), for 282 lots and 29 parcels with the following conditions:

1. Prior to signature approval, the preliminary plan of subdivision shall be revised, as follows:
 - a. Label the center line of the Westphalia Road right-of-way.
 - b. Provide the dimensions from the center line of the Westphalia Road right-of-way to the property boundary.
 - c. Provide bearings and distances for the area to be dedicated to Westphalia Road on all sides and provide a label indicating the total acreage of the dedication.
 - d. Provide width dimensions for the Suitland Parkway (MC-631) and Polo Place (P-617) rights-of-way.
2. Development of the site shall be in conformance with Stormwater Management Concept Plan 6120-2023-0, once approved, and any subsequent revisions.
3. Prior to approval, the final plat of subdivision shall include:
 - a. Public street dedication, in accordance with the approved preliminary plan of subdivision, including dedication along Westphalia Road (C-626), Suitland Parkway (MC-631), and Polo Place (P-617).
 - b. Dedication of 10-foot-wide public utility easements, along both sides of all proposed public rights-of-way and either side of all proposed private rights-of-way, as delineated on the approved preliminary plan of subdivision.
 - c. A note, for the affected single-family attached lots, indicating a variation from Section 24-128(b)(7)(A) of the prior Prince George's County Subdivision Regulations, is approved by the Prince George's County Planning Board, for lots to be served by alleys, without frontage on a public street, pursuant to the approved Preliminary Plan of Subdivision, 4-22064.
4. In accordance with Section 24-135(b) of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.
5. Prior to submission of the final plat of subdivision for any residential lot/parcel, the applicant and the applicant's heirs, successors, and/or assignees shall submit an executed private Recreational Facilities Agreement (RFA), for approval, to the Development Review Division (DRD) of the

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Prince George's County Planning Department, for construction of on-site recreational facilities. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the book and page of the RFA shall be noted on the final plat, prior to recordation.

6. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the *Park and Recreation Facilities Guidelines*, with the review of the specific design plan (SDP). Timing for construction shall be determined, at the time of SDP.
7. Prior to approval of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee, for construction of recreational facilities.
8. Prior to approval of each residential building permit, the applicant and the applicant's heirs, successors, and/or assignees shall make a monetary contribution to a park club. The total value of the payment shall be \$3,500 per dwelling unit, in 2006 dollars, as recommended by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. The Maryland-National Capital Park and Planning Commission shall adjust the contribution amount using the Consumer Price Index for inflation, at the time of payment. Monetary contributions shall be used to construct, operate, and maintain the public recreational facilities in the central park and/or the other parks that will serve the Westphalia sector plan area.
9. Prior to approval of the final plat, the applicant shall enter into an agreement with the Prince George's County Department of Parks and Recreation establishing a mechanism for payment of fees into a park club account administered by the Maryland-National Capital Park and Planning Commission. If not previously determined, the agreement shall also establish a schedule of payments. The payment schedule shall include a formula for any needed adjustments to account for inflation. The agreement shall be recorded by the applicant in the Land Records of Prince George's County, Maryland, prior to final plat approval.
10. 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 for the subdivision. The draft covenants shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department for approval, and to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The book and page of the declaration of covenants shall be noted on the final plat, prior to recordation.
11. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey land to the homeowners association, as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:

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- a. A copy of the deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division of the Prince George's County Planning Department.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation, upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls, that adversely impact property to be conveyed, shall be reviewed and approved by the Development Review Division of the Prince George's County Planning Department.
 - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
12. Prior to approval of the first final plat of subdivision, the applicant shall provide evidence that a hydraulic planning analysis has been submitted to Washington Suburban Sanitary Commission (WSSC) to address access to adequate water storage facilities and water service (to be approved by the WSSC), to support the fire flow demands, required to serve all site development.
13. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following on-site pedestrian and bicycle amenities and improvements and reflect these facilities on the specific design plan.
 - a. Minimum 10-foot-wide concrete or asphalt side paths, along both sides of the master-planned road, Polo Place (P-617), unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - b. Short-term bicycle parking at all recreation areas, consistent with the Guide for the Development of Bicycle Facilities (American Association of State Highway and Transportation Officials (AASHTO)).

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14. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. The qualified professional certification block shall be signed and dated on each sheet on which it appears.
 - b. Revise the labeling for specimen trees to be ST-# for each tree.
 - c. Add the following note to the plan under the specimen tree table:

“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE): The removal of 11 specimen trees (Section 25-122(b)(1)(G)), specifically specimen trees ST-30 through ST-39 and ST-416.”
 - d. Revise the TCP1 to remove the limits of disturbance associated with primary management area Impacts A2 and B2.
15. Development of this subdivision shall be in conformance with approved Type 1 Tree Conservation Plan TCP1-002-2023-01. The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan TCP1-002-2023-01, or most recent revision, or as modified by the Type 2 tree conservation plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
16. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 tree conservation plan, when approved.”
17. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section, prior to approval of the final plat. The following note shall be placed on the plat:

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“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.”

18. Prior to issuance of any permits which impact 100-year floodplain, 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.
19. Prior to issuance of the first permit, the final erosion and sediment control plan shall be submitted. The limits of disturbance shall be consistent between the Type 2 tree conservation plan and the final erosion and sediment control plan.
20. Prior to issuance of the first permit, the final location of stormwater management (SWM) features on the Type 2 tree conservation plan shall be reflective of the approved SWM concept plan. The limits of disturbance shall be consistent between the plans.

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 located on the south side of Westphalia Road, approximately 2,000 square feet from its intersection with Ritchie Marlboro Road and is 63.35 acres. The property consists of one parcel, recorded by deed in the Prince George’s County Land Records in Liber 42390 at folio 548, known as Parcel 14. The property is within the Legacy Comprehensive Design (LCD) Zone; however, this preliminary plan of subdivision (PPS) was reviewed in accordance with the prior Prince George’s County Zoning Ordinance and prior Prince George’s County Subdivision Regulations, pursuant to Section 27-1704(b) of the Zoning Ordinance. Under the prior Zoning Ordinance, the subject property was in the Residential Medium Development (R-M) and Military Installation Overlay (M-I-O) Zones. In accordance with Section 24-4503(a)(4) of the Subdivision Regulations, this PPS is supported by, and subject to, approved Certificate of Adequacy *~~ADQ-2022-019~~ ADQ-2022-077. The subject property is located within the boundary of, and evaluated in accordance with, the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (sector plan), the prior versions of Subtitles 24 and 27 of the Prince George’s County Code, and other applicable plans, as outlined herein. This PPS includes 282 lots and 29 parcels for development of 268 single-family attached dwellings and 14 single-family detached dwellings. Vehicular access is to be provided from Westphalia Road.

Section 24-128(b)(7)(A) of the prior Subdivision Regulations allows lots in the R-M Zone to be served by private roads. This section also allows lots to be served by an alley, provided that they have frontage on and pedestrian access to a public right of way (ROW). A variation from

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Section 24-128(b)(7)(A) is approved for 60 of the 268 single-family attached lots, which are served by an alley but do not have frontage on a public ROW. This approval is discussed further in the Transportation finding of this resolution.

This PPS also approves a variance to Section 25-122(b)(1)(G) of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), in order to allow the removal of 14 specimen trees. This variance is discussed further in the Environmental finding of this resolution.

3. **Setting**—The subject property is located on Tax Map 83 in Grid B4 and F4, and Tax Map 91 in Grid B1, and is within Planning Area 78. The property abutting the subject site to the east consists of a single-family detached dwelling within the Residential Estate (RE) Zone. The abutting property to the south consists of single-family detached dwellings within the Rural Residential Zone. The abutting properties to the west consist of single-family detached dwellings, parks and open space, and vacant land, within the Residential Rural (RR) and LCD Zones. The properties to the north, beyond Westphalia, consist of single-family detached dwellings and agricultural and natural resources land within the RE and LCD Zones.
4. **Development Data Summary**—The following information relates to the subject PPS and the evaluated development.

	EXISTING	EVALUATED
Zone	R-M/M-I-O	R-M/M-I-O
Use(s)	Vacant	Residential
Acreage	63.35	63.35
Lots	0	282
Parcels	1	29
Dwelling Units	0	282

PPS 4-22064 was accepted for review on July 28, 2023. Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, this case was reviewed at the Subdivision and Development Review Committee (SDRC) meeting on August 18, 2023. Revised plans were received on September 25 and 27, 2023, which were used for the analysis contained herein.

5. **Previous Approvals**—Zoning Map Amendment (Basic Plan) A-9973 and Comprehensive Design Plan CDP-0601, titled Woodside Village, established the original plan for the overall development of the subject site.

On February 6, 2007, the Prince George's County District Council approved the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (sector plan) and sectional map amendment (SMA) (Prince George's County Council Resolution CR-2-2007). Zoning Map Amendment A-9973, which requested rezoning from the prior Residential-Agricultural Zone to the prior R-M Zone, for approximately 381.95 acres of land, was included within the District Council's approval of the SMA. On July 31, 2008, the Prince George's County Planning Board

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approved CDP-0601 (PGCPB Resolution No. 08-121). In 2009, the District Council affirmed the Planning Board's approval of CDP-0601 for development of 1,422 to 1,496 residential units, including approximately 1,276 single-family dwelling units (attached and detached) and 220 multifamily dwelling units. However, no subsequent applications were ever submitted or approved, pursuant to these approvals.

On April 11, 2022, the District Council approved A-9973-C-01 to amend the original Woodside Village basic plan, in order to separate approximately 63.30 acres consisting of Parcel 14 and establishing a new basic plan specific to the property included in this PPS. A-9973-C-01 approved up to 354 dwelling units on the subject site, with six conditions. The conditions relevant to the subject PPS are shown below in **bold** text and the analysis of the project's conformance to the conditions follows each one in plain text. Any remaining conditions of the basic plan applicable to the review of this PPS are analyzed in the related findings in this resolution.

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

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

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

The land use types, quantities, and densities of the subject PPS are within the ranges of the approved basic plan.

6. **At the time of preliminary plan of subdivision, and/or prior to the first plat of subdivision, the applicant shall:**
 - a. **Submit a Hydraulic Planning Analysis to WSSC to address access to adequate water storage facilities and water service to be approved by the WSSC to support the fire flow demands required to serve all site development.**

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The applicant provided a statement of justification (SOJ) with this PPS, which indicates that a hydraulic planning analysis submitted to the Washington Suburban Sanitary Commission (WSSC). Documentation verifying this submittal will be required, prior to the first plat of subdivision.

On March 30, 2023, the Planning Board approved CDP-0601-02 for Woodside Village – Westphalia Meadows (PGCPB Resolution No. 2023-38), to allow 200–257 single-family attached dwellings and 15–28 single-family detached dwellings, subject to nine conditions. The conditions of CDP-0601-02, applicable to the review of this PPS, are shown below in **bold** text and the analysis of the project’s conformance to the conditions follows each one in plain text. Any remaining conditions of the CDP, applicable to the review of this PPS, are analyzed in the related findings in this resolution.

3. This development is governed by the following design standards:

Single-Family Detached Units

STANDARDS*

Minimum Net Lot Area	6,000 square feet
Minimum Front Yard Setback	20 feet**
Minimum Rear Yard Setback	20 feet**
Minimum Side Yard Setback	5 feet**
(One side/combined)	5 feet/10 feet**
Minimum Lot Width at Street Line	50 feet
Minimum Lot Width at Front BRL	47 feet
Minimum Lot Width at Street (cul-de-	30 feet
Maximum Height	50 feet
Maximum Lot Coverage	50 percent
Minimum Rear Yard Area	1,350 square feet

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Single-Family Attached (Townhouse) Units

STANDARDS*

Minimum Lot Area	Townhouse Type				
Width (in feet)	16***	20	22	24	28
Minimum Lot Area (in square feet)	1,200	1,400	1,600	1,800	2,000
Minimum Front Yard Setback**	10 feet	10 feet	10 feet	10 feet	10 feet
Minimum Lot Width at Street Line	16 feet	20 feet	22 feet	24 feet	28 feet
Minimum Lot Width at Front BRL	16 feet	20 feet	22 feet	24 feet	28 feet
Minimum Distance Between Buildings	15 feet	15 feet	15 feet	15 feet	15 feet
Minimum Gross Living Space (in square feet)	1,250	1,500	1,500	1,550	1,600
Maximum Height	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum Rear Yard Area (in square feet)	300	300	300	300	300

Other Design Standards:

A minimum of 60 percent of all townhouse units shall have a full front façade (excluding gables, bay windows, trim, and doors) of brick, stone, or stucco.

For all alley-loaded townhouses, a cantilevered deck, a minimum of four feet in depth, shall be a standard feature. A deck or patio can encroach into the rear yard by 10 feet.

Highly visible end units for dwellings will provide additional design and finish treatments, to be determined at the time of specific design plan approval.

Notes: *Modification of the standards can be granted by the Prince George's County Planning Board, on a case-by-case basis, with the approval of a specific design plan.

****A deck or patio can encroach into the rear yard by 10 feet. In addition, bay windows can encroach 3 feet, porches 10 feet, chimneys 2 feet, stoops 4 feet, foundations 4 feet, and cantilevers 6 feet into the setbacks, and sheds are allowed anywhere in the rear yard.**

*****The minimum width is 16 feet for interior units and 20 feet or larger for end units. At least 80 percent of the single-family attached units shall be a combination of 20 feet to 28 feet in width, to achieve the highest architectural quality and a variety of unit sizes. The**

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Prince George's County Planning Board and/or the Prince George's County District Council may allow variations to these standards, in accordance with Section 27-480 of the prior Prince George's County Zoning Ordinance, during the review of specific design plans.

The areas and widths of the single-family detached and attached lots included in the subject PPS conform to the design standards required by this condition.

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

Plan 2035

This property is located 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. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met (page 20).

Sector Plan Conformance

According to Plan 2035, all planning documents which were duly adopted and approved, prior to the date of adoption of Plan 2035, remain in full force and effect, except for the designation of tiers, corridors, and centers, until those plans are revised or superseded. Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS must conform to the area master plan, unless events have occurred to render the relevant recommendations no longer appropriate, or the District Council has not imposed the recommended zoning. The sector plan recommends low-density residential on the subject property (page 19). The property was rezoned to the R-M Zone with the approval of A-9973, subject to subsequent amendments thereto. The R-M Zone allows a residential density of 3.6 to 5.8 dwelling units per acre, and the density included with this PPS is approximately 4.4 dwelling units per acre, which is consistent with that zone.

The sector plan makes the following recommendations that affect the subject property. The text in **Bold** is the text from the sector plan and the plain text provides comments on plan conformance:

Policy 5—Residential Areas

Promote new residential development and preserve, protect, and enhance existing residential neighborhoods. (page 30)

Strategy

Develop approximately 3,500 acres of new low- to medium-density residential areas in a manner that conserves and is integrated with approximately 1,300 acres of existing residential development in accordance with the overall development pattern concept. (page 30)

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Design Principles:

- **Design new low- to medium-density residential neighborhoods that are varied in housing styles and architecture and promote best practices for residential design:**

The density included with this PPS is consistent with low- to medium-density residential neighborhoods, which are described by the sector plan as zones that have a density of 1.0–5.7 dwelling units per acre (pages 134 and 135).

- **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.**

The proposed development includes both attached and detached single-family dwellings. Accessory dwelling units are not permitted in the R-M Zone.

- **Design residential developments that connect and appropriately transition to preexisting communities and neighboring commercial areas:**

- **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.**

The property is located outside of the town center and fringe areas shown in the sector plan, and the lotting pattern on the PPS shows open space and trails that are spread throughout the development. These open spaces and trails should be appropriately programmed and designed to include amenities for the enjoyment of the community, and will be evaluated during future applications.

- **Create lot divisions that respect the existing pattern of development for neighborhood continuity and compatibility.**

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The lotting pattern shown on the PPS is consistent with other areas of Westphalia and provides a lotting pattern and spacing that preserves sensitive environmental features, and allows space to provide adequate buffering from surrounding properties.

- **Create a system of open space and parks and preserve sensitive environmental features:**
 - **Cluster residences around shared amenities to form distinct neighborhoods with a sense of identity. Use green space to define and divide the clusters.**
 - **Preserve large wooded areas and fields by using cluster or conservation subdivision design techniques, by allowing smaller lot sizes and by permitting usable shared green areas in the immediate neighborhood.**

The lotting pattern shown on the subject PPS preserves sensitive environmental features and provides opportunities for open space and preservation of wooded areas.

Policy 4—Noise

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 (page 38).

Strategies

- **Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.**
- **Restrict uses within the noise impact zones of Andrews Air Force Base to industrial and office use.**
- **Provide for adequate setbacks and/or noise mitigation measures for projects located adjacent to existing and proposed noise generators and roadways of arterial classification or greater.**
- **Provide for the use of appropriate attenuation measures when noise issues are identified.**

The subject property is not located within the noise area associated with Andrews Air Force Base and is not adjacent to any roadways of arterial or higher classification.

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Aviation/MIOZ

This property is within the M-I-O Zone for height and is subject to the regulations for height, as required by Section 27-548.23 of the prior Zoning Ordinance.

Sectional Map Amendment/Zoning

Zoning Map Amendment A-9973 reclassified the subject property to the R-M/M-I-O Zones.

On November 29, 2021, the District Council approved Council Resolution CR-136-2021, the Countywide Sectional Map Amendment (CMA) which reclassified the subject property from the R-M/M-I-O Zones to the LCD/MIO Zones, effective April 1, 2022.

Pursuant to Section 24-121(a)(5), this PPS conforms to the land use recommendation of the sector plan.

7. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or an indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An unapproved SWM Concept Plan (6120-2023-0) was submitted with this PPS. The SWM concept plan shows the use of 11 micro-bioretenement facilities, 6 swales, and 2 submerged gravel wetlands to treat and detain stormwater before it leaves the site. Pursuant to Section 24-121, “[t]he Planning Board shall not approve a preliminary plan of subdivision until evidence is submitted that a stormwater management concept plan has been approved by the Department of Permitting, Inspections, and Enforcement or the municipality having approval authority, *unless the Planning Board finds that such approval will not affect the subdivision*” [emphasis added]. Although the SWM concept plan has not yet been approved, the proposed SWM facilities are located on large open space parcels with space for adjustments, if necessary, which will not affect the overall lotting pattern and circulation of the PPS. An approved SWM concept plan will be required, at the time of specific design plan (SDP). No further information is required regarding SWM with this PPS.

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

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the 2017 *Land Preservation, Parks and Recreation Plan*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, the sector plan, and the prior Subdivision Regulations, as they pertain to public parks and recreation and facilities.

Prior Approvals

The following conditions are relevant to the subject PPS:

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Basic Plan A-9973-01

6. **At the time of Preliminary Plan of Subdivision, and/or prior to the first Plat of Subdivision, the Applicant shall:**
 - b. **Submit three original, executed agreements for participation in the Park Club to the Prince George's County Department of Parks and Recreation (DPR) for their review and approval, eight weeks prior to a submission of a final Plat of subdivision. Upon approval by DPR, the agreement shall be recorded among the Prince George's County Land Records, Upper Marlboro, Maryland.**

The applicant will be required to submit three original executed agreements to DPR for participation in the park club, prior to the first plat of subdivision.

Conceptual Design Plan CDP-0601-02

7. **Prior to issuance of each building permit for each dwelling unit, monetary contribution into the park club shall be payable by the applicant to the Maryland-National Capital Park and Planning Commission.**
8. **The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site recreational facilities, in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines* and be reviewed by the Development Review Division of the Prince George's County Planning Department, at the time of preliminary plan of subdivision and specific design plan.**
9. **Prior to approval of the final plat, the applicant shall enter into an agreement with the Prince George's County Department of Parks and Recreation, establishing a mechanism for payment of fees into a park club account administered by the Maryland-National Capital Park and Planning Commission. If not previously determined, the agreement shall also establish a schedule of payments. The payment schedule shall include a formula for any needed adjustments, to account for inflation. The agreement shall be recorded in the Land Records of Prince George's County, Maryland by the applicant, prior to final plat approval.**

Contribution to the park club and provisions for on-site recreational facilities are discussed further in this finding, and appropriate conditions are included in the PPS approval to ensure that the above CDP conditions are met.

This PPS was reviewed for conformance to the sector plan, per Section 24-121(a)(5). One of the strategies of the sector plan is to designate Westphalia Central Park and Cabin Branch Greenway as community focus areas.

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Another strategy calls for the establishment of a parks fee of \$3,500 (in 2006 dollars) for each new dwelling unit built in the sector plan area, to fund construction of the public park facilities recommended in the sector plan.

Park and recreation amenities serving the subject property include Westphalia Park, located approximately 1 mile west of Woodside Village, and Mellwood Parke Park, located 5 miles to the south. The subject property is also approximately 1.5 miles east of the Westphalia Community Center. Adjacent to the property (south and west) is the proposed Westphalia Central Park, a premier park facility currently being developed. Once completed, the park will provide playgrounds, a network of trails, informal fields and lawn areas, a recreational pond, a seasonal ice rink, and several other amenities for public enjoyment. As discussed below, the applicant is required to make a monetary contribution into a park club, in the amount of \$3,500 per dwelling unit, as recommended in the sector plan. The PPS and an exhibit provided by the applicant depict open space and recreational opportunities for future residents.

Separate from the evaluation of adequacy, mandatory dedication of parkland requirements is applicable. This PPS was reviewed per the provisions of Sections 24-134 and 24-135 of the prior Subdivision Regulations, which pertain to mandatory dedication of parkland and requires residential subdivisions to provide the dedication of land, payment of a fee-in-lieu, or recreational facilities, to meet the requirement.

Based on the included density of development, 5 percent of the net residential lot area could be required to be dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for public parks, which equates to 4.75 acres for public parklands. This PPS shows that the mandatory parkland dedication requirement is met via the provision of on-site recreational facilities to include active recreation areas, a playground, and sitting areas with trail connections, within the subdivision. The design of these facilities will be reviewed, in greater detail, at the time of SDP. Since the subject property is adjacent to Westphalia Central Park, the applicant shall make a monetary contribution into a park club. The total value of the payment shall be \$3,500 per dwelling unit, in 2006 dollars, as recommended by the sector plan. M-NCCPC shall adjust the amount of the contribution using the Consumer Price Index for inflation, at the time of payment. Monetary contributions shall be used for construction, operation, and maintenance of the public recreational facilities in the central park and/or other parks that will serve the Westphalia Sector Plan area.

The applicant's proposal, to provide on-site recreational facilities, will meet the requirements of Section 24-135(b) of the prior Subdivision Regulations.

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9. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the sector plan, to provide the appropriate transportation facilities.

Prior Approvals

The following conditions are relevant to the subject PPS:

Basic Plan A-9973-01

3. **Internal streets and shared-use paths are to follow the 2009 Approved Countywide Master Plan of Transportation Complete Streets Policies and Principles and provide multimodal transportation.**

The subject PPS is consistent with the MPOT, Complete Streets Policies and Principles, and provides multimodal transportation, as the ROWs necessary to accommodate shared use paths are provided. The PPS shows a 10-foot-wide sidepath along MC-631 and a 10-foot-wide sidewalk along P-617. However, the sidewalks along P-617 should be revised to sidepaths, at the time of SDP.

Conceptual Design Plan CDP-0601-02

2. **Total development within the subject property shall be limited to uses which generate no more than 205 AM peak-hour trips and 238 PM peak-hour trips, unless modified by the adequate public facilities test for transportation, at the time of preliminary plan of subdivision.**

Based on the latest traffic impact study, dated February 2023, the trip cap was updated to 199 AM peak-hour trips and 227 PM peak-hour trips, which is included in the Certificate of Adequacy (ADQ-2022-077) approved for this development.

4. **Prior to approval of a preliminary plan of subdivision (PPS), the applicant shall:**
- a. **Work with the Prince George's County Planning Department on the contribution to the Westphalia Public Facilities Financing and Implementation Program. The exact amount will be determined, based on the density approved with the PPS.**
 - b. **Provide a network of pedestrian and bikeway facilities internal to the site. The exact location and design of said facilities shall be evaluated with future specific design plan applications.**

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Payment of the public facilities financing and implementation program (PFFIP) fee, is included in the conditions of approval of this PPS. The PPS shows sidewalks along both sides of the internal streets. Pedestrian and bicycle facilities will be further evaluated at the time of SDP.

6. **Prior to approval of any building permit within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed upon timetable for construction with the appropriate operating agency:**

- **Ritchie Marlboro Road and Westphalia Road-Orion Lane**

Conduct a signal warrant study for this intersection and install signal, if it is deemed to be warranted and approved for construction by the Prince George's County Department of Permitting, Inspections and Enforcement.

A signal warrant study will be required for the intersection of Ritchie Marlboro Road and Westphalia Road-Orion Lane, prior to approval of any building permit, and is included as a condition of approved ADQ-2022-019.

TRANSPORTATION CONFORMANCE WITH APPLICABLE PLANS

Right-of-way

The subject site is adjacent to Westphalia Road (C-626), which is included in the MPOT and sector plan, with an ultimate ROW of 80 feet along the property's northern boundary. Suitland Parkway (MC-631) is located along the northwest portion of the site and is classified as a major collector roadway, with an ultimate ROW of 100 feet. Polo Place (P-617) is located along the southwest portion of the site and is classified as a primary roadway, with an ultimate ROW of 60 feet. The PPS shows the extent of the master plan facilities to be dedicated, within the limits of the planned ROW. The width dimensions should be provided for the ROW facilities. The subject PPS is consistent with the MPOT and sector plan recommendations.

Pedestrian and Bike Facilities

The MPOT includes planned shared-use paths along the C-626, MC-631, and P-617. The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element and recommends how to accommodate infrastructure for people walking and bicycling. The MPOT also includes the following policies that relate to the subject development:

Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers. (page 9)

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Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical. (page 10)

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*. (page 10)

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles. (page 10)

The sector plan includes the following strategy regarding the accommodation of pedestrian and bicycle facilities:

- **Design an efficient, safe, and interconnected residential street system.** (page 31)

The PPS shows 10-foot-wide sidepaths along the property's frontage of C-626; 10-foot-wide sidepaths along both sides of MC-631; and 10-foot-wide sidewalks along both sides of P-617, within the property. However, the 10-foot-wide sidewalks along P-617 should be revised to 10-foot-wide sidepaths. Short-term bicycle parking shall be provided at all recreational areas within the site, to accommodate and encourage multimodal users to travel along the bicycle facilities.

- **Design or retrofit street systems to link individual subdivisions/projects to each other and the community.**
- **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.**

The subject property is bisected by two master-planned ROWs, one of which is P-717, which will provide a connection to the existing development to the south, and future development to the west. The other master-planned ROW is MC-631, which will provide a connection to future development to the west. The applicant shall dedicate ROW for both of these roads. The roadway sections shown on this PPS include adequate space for sidewalks.

- **Emphasize the provision of high-quality pedestrian and bikeway connections to transit stops/stations, village centers, and local schools.**

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The subject property is not adjacent to any transit stops/stations, village centers, or local schools.

- **Clarify neighborhood roadway intersections through the use of special paving and landscaping.**

Conformance with landscaping requirements and paving details will be reviewed at the time of specific design plan (SDP).

Access and Circulation

The PPS indicates that the site will be served by full access at C-626, MC-631, and P-617. The Polo Place (P-617) access to the south connects with another community, Marlboro Ridge.

The subject site is provided access and circulation by a network of public and private streets, alleys, and connections to existing roadways. The Subdivision Regulations provide standards for access, which impact the subject property, as discussed below.

Section 24-128(b)(7)(A) of the prior Subdivision Regulations provides standards for the use of alleys, as follows:

- (b) **The Planning Board may approve preliminary plans of development containing private roads, rights-of-way, alleys, and/or easements under the following conditions:**

- (7) **In Comprehensive Design and Mixed-Use Zones:**

- (A) **For land in the V-L, V-M, R-L, R-S, R-M, R-U, M-U-I, L-A-C, M-A-C, M-X-C, M-U-TC, and M-X-T Zones, the Planning Board may approve a subdivision (and all attendant plans of development) with private roads to serve attached single-family dwellings, two-family dwellings, and three-family dwellings, but not single-family detached or multifamily dwellings, in accordance with the requirements of Subsections (e) and (f) of Section 27-433 of the Zoning Ordinance, except as hereinafter provided. In all of the above zones, and in the R-R Zone when developed as a cluster subdivision, the Planning Board may approve a subdivision with alleys to serve any permitted use, provided the lot has frontage on and pedestrian access to a public right-of-way. The District Council may disapprove the inclusion of alleys during the consideration of the detailed site plan for a cluster subdivision. For the purposes of this Section, an “alley” shall mean a road providing vehicular access to the rear or side of abutting lots, and which is not intended for general traffic circulation.**

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Of the 268 single-family attached lots in the PPS, 60 lots receive access by means of alleys, but do not all front on a public street, as required by Section 24-128(b)(7)(A). Instead, these lots front on private streets. Pedestrian access to the public street system for these lots will be provided via a network of sidewalks within the private streets on which they front. These lots are shown as Lots 1–60, Block C, on the PPS. A variation from Section 24-128(b)(7)(A) was filed by the applicant, and is required, to permit the provided lotting pattern.

In accordance with Section 24-113(a) of the prior Subdivision Regulations, there are four criteria that must be met for this variation to be approved (a fifth criterion does not apply). The criteria, with discussion, are noted below:

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

The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property. All private streets and alleys are designed at a minimum width of 22-feet to accommodate fire, rescue, and service vehicles. In addition, alleys will not be used for general circulation, as an extensive private and public street network is provided.

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

The property is encumbered by steep slopes, primary management area (PMA), specimen trees, Marlboro clay, as well as two master-planned ROWs, which control and compact the areas available for development. This requirement is problematic. To achieve the densities envisioned by the sector plan, and to create a mix of dwelling unit types, which includes townhouses, a variation is necessary. The use of private streets and alleys must be provided, in order to provide compact design and access and circulation to townhouse lots, as public roads require larger pavement widths and the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) does not take public control of roads that contain on-street parking and direct access to townhouse lots. This limits the ROW that can be designated as public, and the above conditions collectively create conditions that are unique to the property and not generally applicable to other properties.

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

No other known applicable law, ordinance, or regulation will be violated by this request. The approval of a variation, in accordance with Section 24-113, is

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unique to the Subdivision Regulations and under the sole authority of the Planning Board. The private streets and alleys have been designed to accommodate fire, rescue, and service vehicles, and the variation request was referred to the appropriate County agencies for commenting, none of which have opposed this request.

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

As previously stated, the subject property contains steep slopes, PMA, specimen trees, and master-planned ROWs. These features limit and create isolated pockets of land that are suitable for development. A particular hardship to the owner would result if the strict letter of these regulations is carried out because the use of public streets would require additional land area to be allocated towards infrastructure, and consequently reduce the achievable mix of dwelling types and available parking. The proposed development and access are designed to provide adequate access and circulation, while avoiding impacts to PMA, and is in conformance with the basic plan and CDP applicable to the site.

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

The subject property is not in any of the above-listed zones. Therefore, this criterion does not apply.

The site is unique to the surrounding properties and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to guide development according to the sector plan and to provide efficient and appropriate locations for streets and alleys. Therefore, the variation from Section 24-128(b)(7)(A) to allow 60 townhouse lots to be served by alleys, without frontage on a public ROW, is approved.

Based on the preceding findings, the transportation facilities will be in conformance with the MPOT, the sector plan, and the Subdivision Regulations.

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10. **Public Facilities**—This PPS was reviewed for conformance to the sector plan, in accordance with Section 24-121(a)(5). The sector plan contains a section on Public Facilities within the Infrastructure Element chapter (page 48). The goal of the public facilities discussion is to:

Provide needed public facilities and infrastructure to create a quality community and support the planned land use program consistent with county standards.

The proposed development will not impede achievement of the above-referenced goal. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries proposed on the subject property. This PPS is further supported by an approved Certificate of Adequacy (ADQ-2022-077), which ensures adequate public facilities to support the proposed land use. The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities; however, none of its recommendations affect the subject site.

11. **Public Utility Easement**—Section 24-122(a) of the prior Subdivision Regulations requires that, when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for public utility easements (PUEs) is 10 feet wide along both sides of all public ROWs. The subject site has frontage along the existing public ROW of Westphalia Road to the north. To provide access and public street frontage to subdivided lots, a network of public roads, including master-planned ROWs P-617 and MC-631, are shown on the subdivision.

Private streets are also included, which require PUEs. Section 24-128(b)(12) of the prior Subdivision Regulations requires that 10-foot-wide PUEs be provided along at least one side of all private streets. The PPS meets this requirement and provides additional PUEs at appropriate locations to provide continuity and ease in laying of utilities to service lots adjacent to these private streets.

The required 10-foot-wide PUEs are correctly shown and labeled parallel, contiguous, and adjacent to the ROW lines of all public and private streets. All required PUEs, as shown on the PPS, will be recorded with the final plat.

12. **Historic**—The sector plan contains goals and policies related to historic preservation (pages 66-68). However, these are not specific to the subject site or applicable to the proposed development. An initial archeological survey was conducted on the subject property in May 2005, with an additional survey between March and May 2007. One multi-component prehistoric lithic scatter and historic artifact scatter, 18PR891, was identified on the property. On March 28, 2008, Historic Preservation staff acknowledged receipt of four copies of the final Phase I archeological report. Due to the limited research potential of Site 18PR891, the applicant’s consultant recommended no further archeological investigations on the subject property. Historic

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Preservation staff concurred with the findings and conclusions of the Phase I report, that no further work is necessary on Site 18PR891.

The project area history, provided in the Phase I archeology report, traces ownership of the subject property back to the original land patent of Alexandria, granted to Alexander Magruder in 1670. Alexandria eventually ended up in the ownership of the Talburtt family, which occupied the tract until the early twentieth century. The Bean property is on the western end of the Alexandria land patent. The Talburtt residence appears to have been located on the eastern portion of the survey. Aerial photographs show the land covered by this survey as primarily agricultural, up to the present. The subject property does not contain, and is not adjacent to, any designated Prince George's County historic sites or resources.

13. **Environmental**—The following applications and associated plans have been reviewed for the subject site:

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
NRI-158-05	N/A	Staff	Approved	7/10/2006	N/A
A-9973	N/A	Planning Board	Approved	2/6/2007	PGCPB No. 06-112
CDP-0601	TCP1-006-08	District Council	Approved	2/9/2009	PGCPB No. 08-121
N/A	TCPII-223-92	Staff	Approved	11/30/1992	N/A
NRI-158-05-01	N/A	Staff	Approved	10/4/2012	N/A
N/A	TCP2-083-05-14	Staff	Approved	2/12/2020	N/A
A-9973-02	N/A	District Council	Approved	11/15/2021	Z.O. No. 8-2021
A-9973-01	N/A	District Council	Approved	4/11/2022	Z.O. No. 5-2022
NRI-158-05-03	N/A	Staff	Approved	9/16/2021	N/A
CDP-0601-01	TCP1-006-2022	Planning Board	Approved	4/28/2022	PGCPB No. 2022-50
4-21049	TCP1-006-2022-01	Planning Board	Approved	7/21/2022	PGCPB No. 2022-86
NRI-158-05-04	N/A	Staff	Approved	11/2/2022	N/A
SDP-2203	TCP2-048-2022	Planning Board	Approved	3/9/2023	PGCPB No. 2023-05
CDP-0601-02	TCP1-002-2023	Planning Board	Approved	3/30/2023	PGCPB No. 2023-38
NRI-158-05-05	N/A	Staff	Approved	10/2/2023	N/A
4-22064	TCP1-002-2023-01	Planning Board	Approved	11/2/23	PGCPB No. 2023-120

Prior Approvals

The following conditions are relevant to the subject PPS:

Basic Plan A-9973-01

6. **At the time of Preliminary Plan of Subdivision, and/or prior to the first Plat of Subdivision, the Applicant shall:**
 - b. **Submit a letter of justification for all proposed Primary Management Area impacts, in the event disturbances are unavoidable.**

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The applicant provided a letter of justification (LOJ) for all proposed impacts, which is discussed in the Environmental Review section of this finding.

Grandfathering

The project is subject to the environmental regulations contained in Subtitle 25 of the County Code, the prior Subdivision Regulations, and the prior Zoning Ordinance, that came into effect on September 1, 2010, and February 1, 2012, because this is a new PPS.

Site Description

This site contains wetlands and streams associated with the Patuxent River basin. According to the Maryland Department of Natural Resources, Natural Heritage Program and as provided on Natural Resources Inventory NRI-158-05-03, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. The site has frontage on C-626, a designated historic roadway. This site is not adjacent to any roads identified as arterial or greater. Two master-planned ROWs, MC-631 and P-617, cross through the western portion of the site. According to the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's Resources Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the site contains regulated and evaluation areas.

ENVIRONMENTAL CONFORMANCE WITH APPLICABLE PLANS

Sector Plan Conformance

The sector plan's Environmental Infrastructure Section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is from the master plan, and the plain text provides comments on plan conformance.

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

Strategy 1: Use the sector plan designated green infrastructure network to identify opportunities for environmental preservation and restoration during the review of land development proposals.

According to the sector plan, the site contains regulated and evaluation areas. The plan shows 7.68 acres of existing woodland that is proposed to be preserved, and the applicant has proposed to provide 7.80 acres of reforestation to further enhance and buffer the regulated environmental features (REF).

Strategy 2: Preserve 480 or more acres of primary management area (PMA) as open space within the developing areas.

Strategy 3: Preserve or restore the regulated areas within the sector plan, both within and outside the designated green infrastructure network and those designated through the development review process.

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Five impacts are proposed to REF with this PPS. Impacts for stormwater and the 1.5 factor of safety line are requested. The preservation of REF is proposed, along the on-site stream system, to retain the natural buffer for the on-site stream. The preservation of PMA provides protection for the stream system and associated wetlands. This area helps maintain a green corridor along the sensitive edge. This is further discussed in the Environmental Review section of this finding. Impacts to PMA are to be minimized to the extent practicable.

Strategy 4: Consider legislated revisions that, subject to appropriate legislative authority, allow a variation process to address thresholds below current requirements for designated General Plan centers in order to encourage an urban character of development.

This site is located outside the designated general plan center. This site is being developed with a residential use similar to the developments proposed on adjacent properties. Legislative changes are established by the County Council and are not project-specific.

Strategy 5: Evaluate current policies and ordinances to consider providing the option of woodland conservation credit for stream restoration, for the removal of invasive plant species, and to consider credit for the planting of a community tree grove or arboretum.

No stream restoration is proposed as part of this PPS. The woodland conservation requirements met on-site will be through preservation, reforestation, and natural regeneration. A portion of the project's requirement will be met with off-site credits.

Strategy 6: Allow street trees within the designated town center to count towards woodland conservation requirements where the trees have been provided sufficient root zone space to ensure long-term survival and sufficient crown space that is not limited by existing or proposed overhead utility lines.

This site is located outside of the designated town center. No street tree credit is proposed or supported with this PPS.

Strategy 7: Enhance regulated areas by concentrating required woodland conservation adjacent to regulated areas and in an interconnected manner.

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With the exception of the requested PMA impacts, the regulated areas are being retained and buffered with woodland conservation. No crossings through REF are proposed.

Strategy 8: Evaluate current policies and ordinances to consider allowing plantings on slopes of rubblefills and Class III fills to count toward woodland conservation requirements.

This site was not a rubblefill or Class III fill. The prior use of this site was agricultural.

Strategy 9: Place sensitive environmental areas within conservation easements to ensure preservation in perpetuity.

As stated above, with the exception of PMA impacts for a SWM facility and grading for the 1.5 safety factor line, the sensitive environmental features are being preserved, to the extent practicable, within proposed woodland conservation and will be protected by an easement.

Strategy 10: Protect primary corridors (Cabin Branch) during the review of land development proposals to ensure the highest level of preservation and restoration possible. Protect secondary corridors (Back Branch, Turkey Branch, and the PEPCO right-of-way) to restore and enhance environmental features, habitat, and important connections.

The site is within the Western Branch of the Patuxent River watershed. Preservation and restoration of the on-site stream system is evaluated under the Environmental Review section of this finding.

Strategy 11: Limit overall impacts to the sensitive environmental areas to those necessary for infrastructure improvements, such as road crossings and utility installations.

Strategy 12: Evaluate and coordinate development within the vicinity of primary and secondary corridors to reduce the number and location of impacts to sensitive environmental areas.

Strategy 13: Develop flexible design techniques to maximize preservation of environmentally sensitive areas.

With regards to Strategies 11, 12, and 13, five impacts to the PMA are proposed with this PPS and are discussed in the Environmental Review finding of this resolution. The PMA impacts supported are considered necessary infrastructure.

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

Strategy 1: Remove agricultural uses along streams and establish wooded stream buffers where they do not currently exist.

The site was an agricultural use and is not proposing to retain any agricultural uses; however, the stream buffer will be preserved within an area of woodland conservation.

Strategy 2: 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.

The existing on-site streams are being preserved, to the extent practicable, and designated as woodland conservation areas. Several impacts to the stream system, in the form of outfalls, are proposed with this PPS and are discussed in the Environmental Review finding of this resolution.

Strategy 3: Coordinate the road network between parcels to limit the need for stream crossings and other environmental impacts. Utilize existing farm crossings where possible.

No bridges are proposed with this PPS. No farm crossings exist on this site and no stream crossings are proposed with this PPS. The PPS includes the development of MC-631 and P-617, which connects Westphalia Road to Suitland Road and Polo Place. No stream crossings are proposed as part of this development.

Strategy 4: Encourage shared public/private stormwater facilities as site amenities.

Although the proposed stormwater facilities are not proposed as site amenities, some will be in proximity to the proposed on-site trail network. Planting of native species, where applicable, is strongly encouraged.

Strategy 5: 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.

SWM is discussed in detail in Finding 7 of this resolution. The use of green building techniques is strongly encouraged.

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Policy 3: Reduce overall energy consumption and implement more environmentally sensitive building techniques.

Strategy 1: Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.

The use of green buildings and energy conservation techniques is encouraged. This will be addressed at the time of SDP.

Strategy 2: Encourage the use of alternative energy sources such as solar, wind and hydrogen power. Provide public examples of uses of alternative energy sources.

The use of alternative energy sources is encouraged.

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.

Strategy 1: Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.

Strategy 2: Restrict uses within the noise impact zones of Andrews Air Force Base to industrial and office use.

Strategy 3: Evaluate development proposals using Phase I noise studies and noise models.

Strategy 4: Provide for adequate setbacks and/or noise mitigation measures for projects located adjacent to existing and proposed noise generators and roadways of arterial classification or greater.

Strategy 5: Provide for the use of appropriate attenuation measures when noise issues are identified.

Strategies 1 and 2 are specific to noise associated with Andrews Air Force Base. The subject property is not located within the MIO for noise, but is located in the MIO for height. Strategies 3 through 5 apply to noise generated by traffic. This site is proposing a residential use, but is not adjacent to roadways of arterial or greater classification, which are known to produce noise impacts.

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Conformance with the Green Infrastructure Plan

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

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

Strategies

- 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.**
- 1.2 **Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.**
 - a. **Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

The property is within the Western Branch of the Patuxent River watershed and is partially within a Tier II catchment area, along the northwestern corner of the site, identified as Turkey Branch. The site contains a stream system, which is within the regulated area of the Green Infrastructure network. The PPS proposes

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to retain the majority of the stream system and to provide woodland preservation within the stream buffer and PMA. Stream crossings are not proposed with this PPS; however, impacts to the PMA are proposed which are discussed in the Environmental Review section of this finding. The applicant is proposing reforestation and woodland preservation around the on-site stream systems, in order to further buffer the sensitive areas and protect downstream habitats.

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 PPS proposes to minimally impact the regulated system on-site by two stormwater outfalls, with the majority of the stream buffer proposed to be protected by woodland preservation. A Type 1 tree conservation plan (TCP1-002-2023-01) was provided with this PPS, which shows that the required woodland conservation requirement will be met with woodland preservation, natural regeneration, reforestation, and off-site credits.

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.**

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No fragmentation of REF by transportation systems is proposed with this PPS; however, the environmentally sensitive areas on-site are being impacted for necessary stormwater outfalls, resulting in impacts to the PMA.

- 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.**

A trail system is proposed with this PPS and has been placed outside of the PMA.

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.**

On-site woodland conservation shall be placed in Woodland and Wildlife Habitat Conservation Easements, prior to certification of the SDP and associated 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.

Strategies

- 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 proposed development has not received stormwater concept approval. The unapproved draft concept plan submitted with this PPS shows the use of swales, micro-bioretenion, and submerged gravel wetlands to meet the current requirements of environmental site design, to the maximum extent practicable. The TCP1 submitted shows two impacts to the PMA for stormwater outfalls. The

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TCP shall be updated to match the stormwater concept, when approved. No stormwater features, aside from stormwater outfalls, shall be placed within the PMA.

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.**
- 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.**
- 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.**

Woodland exists on-site along the stream systems and throughout the site. The TCP1 proposes to meet the requirements with on-site preservation, on-site reforestation, natural regeneration, and off-site credits. The majority of the woodland conservation requirement will be met on-site with 7.68 acres of on-site woodland preservation, 7.80 acres of reforestation, 1.49 acres of natural regeneration, and 1.55 acres of off-site credit. Retention of existing woodlands and planting of native species on-site is required by both the Environmental Technical Manual (ETM) and the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Tree canopy coverage requirements will be evaluated, at the time of SDP.

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.**

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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 PPS. Woodland conservation is to be designed to minimize fragmentation and reinforce new forest edges. This site does not contain potential forest interior dwelling (FIDS) species. Green space is encouraged 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.

The project does not abut, nor is it in the vicinity of, any roadways classified as a master-planned arterial or greater.

ENVIRONMENTAL REVIEW

Natural Resources Inventory

A signed NRI-158-05-05 was submitted with the PPS. The site contains steep slopes, streams, and associated buffers that comprise the PMA. The NRI indicates the presence of two forest stands, labeled as Stand 1 and Stand 4, with 24 specimen trees identified on-site and 9 off-site. The revised NRI-158-05-05 was submitted on September 27, 2023, following a meeting with the applicant. Revisions to the NRI were required, to correct inaccurate specimen tree locations on NRI-158-05-04. The TCP1 and the PPS show all required information correctly, in conformance with the NRI.

Woodland Conservation

This project is subject to the WCO because this is a new PPS and is subject to the ETM. Type 1 Tree Conservation Plan TCP1-002-2023-01 was submitted with the subject PPS and requires minor revisions, to be found in conformance with the WCO.

The woodland conservation threshold for this 63.35-acre property is 20 percent of the net tract area, or 12.67 acres. The total woodland conservation requirement, based on the amount of clearing proposed, is 18.52 acres. The woodland conservation requirement is proposed to be satisfied with 7.68 acres of on-site woodland preservation, 7.80 acres of reforestation, 1.49 acres of natural regeneration, and 1.55 acres of off-site credit. The natural regeneration area is proposed in the area indicated as a wetland, in the center of the site. Based on imagery supplied by the applicant, during the review of the NRI and CDP, this area has already begun to regenerate, and is expected to return to a wooded wetland area.

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Technical revisions to the TCP1 are required and are included in the conditions of approval of this resolution.

Specimen Trees

Section 25-122(b)(1)(G) requires that “[s]pecimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.” The code, however, is not inflexible.

The authorizing legislation of the WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16, of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in the WCO are set forth in Section 25-119(d) of the County Code. Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

A revised Subtitle 25 variance, dated September 2023, was submitted for review with this PPS. The approved NRI-158-05-05 shows a total of 29 specimen trees identified on-site and 9 off-site. The following analysis is the review of the request to remove 11 specimen trees.

The LOJ requested the removal of 11 specimen trees identified as ST-30 through ST-39 and ST-416. All trees are located within forest Stand 1. The condition of trees proposed for removal ranges from fair to good. The TCP1 shows the location of the trees proposed for removal, for development of the site and associated infrastructure.

Specimen Tree Variance SOJ Table						
ST #	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
30	47	Northern red oak	Northwest property boundary	Good	MC-631 and Grading	Medium/Good
31	51	Northern red oak	Northwest property boundary	Good	MC-631 and Grading	Medium/Good
32	41	Southern red oak	Northwest property boundary	Good	MC-631 and Grading	Good
33	49	Black oak	Western property boundary	Good	MC-631 and P-617	Good
34	30	Tulip poplar	Western property boundary	Fair	MC-631 and P-617	Poor
35	46	Tulip poplar	Western property boundary	Fair	MC-631 and P-617	Poor
36	38	Tulip poplar	Western property boundary	Good	MC-631 and P-617	Poor
37	55	Tulip poplar	Southern property boundary	Fair	MC-631 and P-617	Poor

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Specimen Tree Variance SOJ Table						
ST #	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
38	32	Tulip poplar	Western property boundary	Fair	MC-631 and P-617	Poor
39	32	Tulip poplar	Western property boundary	Fair	MC-631 and P-617	Poor
416	32	Tulip poplar	Southern property boundary	Good	P-617 and Grading	Poor

Evaluation

Section 25-119(d) contains six required findings [text in **bold** below] to be made before a variance to the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below. The removal of the 11 specimen trees requested by the applicant is approved, based on these findings:

(A) Special conditions peculiar to the property have caused the unwarranted hardship.

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship, if the applicant were required to retain the 11 specimen trees identified as ST-30 through ST-39 and ST-416. Those special conditions relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The property is 63.35 acres, and the NRI shows approximately 10.50 acres of PMA comprised of streams, steep slopes, wetlands, and associated buffers. This represents approximately 17 percent of the overall site area. The applicant is proposing five impacts to the site's PMA, which shall be fully minimized, to the extent practicable, and is proposing woodland conservation to further protect the PMA.

This site was previously a farm, which results in woodland edge areas. The specimen trees are located in two key areas of the site, along the western property boundary and along the southern property boundary, with the remaining trees either near or within the PMA. The specimen trees proposed for removal are located in the upland areas of the site, along the woodland edges. This site contains steep slopes, wetlands, and streams within the PMA located in the center of the site, running west to east. All specimen trees proposed for removal with this PPS are associated with the grading and development of two master-planned ROWs, MC-631 and P-617. The locations of these master-planned (ROW) were established by the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). The specimen trees proposed for removal are mostly poplars and oaks. The oak species tend to have medium to good construction tolerances, and poplars tend to have poor tolerances towards construction. All trees proposed for

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removal are in fair to good condition. These trees are located outside of the PMA and REF. Retention of these trees would not allow for the grading required to establish the master-planned roadways, MC-631 and P-617, and to install necessary infrastructure.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their critical route zone (CRZ), would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for the removal of specimen trees are evaluated in accordance with the requirements of Subtitle 25 and the ETM for site-specific conditions. Specimen trees grow to such a large size because they have been left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site.

Based on the location and species of the specimen trees proposed for removal, retaining the trees and avoiding disturbance to the CRZ would have only a minor impact on the development potential of the property. However, the applicant is required to obtain the approvals necessary to develop the portion of the master-planned roadway, which exists on their property. If similar trees were encountered on other sites, they would be evaluated under the same criteria.

The proposed residential development is a use that aligns with the uses permitted in the R-M Zone. Specimen trees ST-30 through ST-39 and ST-416 are located along the western and southern boundaries of the site. None of the specimen trees proposed for removal are located within the PMA. The applicant is proposing to preserve the REF within an area of woodland preservation and is proposing reforestation to increase the buffers.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.

Not granting the variance request for ST-30 through ST-39 and ST-416 would prevent the required master-planned roadways from being developed in a functional and efficient manner. The applicant is required to obtain the approvals necessary to develop the portions of both MC-631 and P-617, which exist on their property. This is not a special privilege that would be denied to other applicants. If other similar developments featured REF and specimen trees in similar conditions and locations, they would be given the same considerations during the review of the required variance application.

(D) The request is not based on conditions or circumstances, which are the result of actions by the applicant.

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The existing site conditions or circumstances, including the location of specimen trees, are not the result of actions by the applicant. The removal of all 11 specimen trees would be the result of infrastructure and grading required for the development of MC-631 and P-617, as proposed by the applicant. The request to remove the trees is solely based on the trees' locations on the site, their species, and their condition.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

There are no existing conditions relating to land or building uses on the site, or on neighboring properties, which have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size, based on natural conditions, and have not been impacted by any neighboring land or building uses.

(F) Granting of the variance will not adversely affect water quality.

Granting this variance request will not violate state water quality standards, nor cause measurable degradation in water quality. Requirements regarding SWM will be reviewed and approved by DPIE. Erosion and sediment control requirements are reviewed and approved by the Prince George's County Soil Conservation District. Both SWM and sediment and erosion control requirements are to be met, in conformance with state and local laws, to ensure that the quality of water leaving the site meets the state's standards, set to ensure that no degradation occurs.

Conclusion

The required findings of Section 25-119(d) have been adequately addressed for the removal of 11 specimen trees identified as ST-30 through ST-39 and ST-416. The Planning Board approves the requested variance for the removal of 11 specimen trees (ST-30 through ST-39 and ST-416) for construction of MC-631 and P-617.

Regulated Environmental Features

This site contains REF that is required to be preserved and/or restored, to the fullest extent possible, under Section 24-130(b)(5) of the prior Subdivision Regulations. The on-site REF includes streams, stream buffers, 100-year floodplain, and steep slopes. An LOJ for impacts to the PMA was submitted with the acceptance of this PPS. A revised LOJ, dated September 2023, was submitted addressing comments presented at the SDRC meeting. A total of 68,141 square feet (1.56 acres) of PMA impacts were requested with this PPS. Slope stability analysis is required to evaluate the slope stability and to estimate the limits of problematic soils such as Marlboro Clay and Christiana Clay. The stability of the slopes can be represented using a factor of safety, which is defined as the ration of the force resisting failures to the forces driving failure. The slope stability requirement has a minimum factor of safety of 1.5 or greater. No structures, including roads, walls, SWM facilities, etc., shall be planned at a lower elevation than the 1.5 factor of

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safety line. Of the five impacts proposed, three of the impacts are required, as part of the 1.5 factor of safety line, totaling 59,908 square feet (1.38 acres). The remaining two impacts are for stormwater facilities and associated outfalls, totaling 8,233 square feet (0.19 acre). The stormwater facilities have been co-located in areas which are also being graded, as part of the 1.5 factor of safety line.

Impact A1 Grading for Slope Stability

This impact proposes 43,806 square feet (1.01 acres) of PMA impacts for grading required to establish the 1.5 factor of safety line. The majority of this PMA impact consists of steep slopes. Grading of this area satisfies the geotechnical requirements and will also serve to establish the slope that will be used for the stormwater facility, as described in Impact A2. This impact is necessary to meet the geotechnical requirements for the 1.5 factor of safety and is approved, as proposed.

Impact A2 Grading for Stormwater Facility and Outfall

This impact proposes 1,684 square feet (0.04 acre) of PMA impacts for development of a stormwater facility and an associated outfall. As described in Impact A1 above, this facility has been collocated with the slope stability impact. This impact shall be evaluated with a subsequent application, once the SWM concept plan has been approved, and is not approved at this time.

Impact B1 Grading for Slope Stability

This impact proposes 14,211 square feet (0.33 acre) of PMA impacts for grading required to establish the 1.5 factor of safety line. This impact is partially split, with a portion of the impacted PMA being only steep slopes. Grading of this area satisfies the geotechnical requirements and will also serve to establish the slope that will be used for the stormwater facility, as described in Impact B2. This impact is necessary to meet the geotechnical requirements for the 1.5 factor of safety and is approved, as proposed.

Impact B2 Grading for Stormwater Facility and Outfall

This impact proposes 6,549 square feet (0.15 acre) of PMA impacts for development of a stormwater facility and an associated outfall. As described in Impact B1 above, this facility has been collocated with the slope stability impact. A portion of the PMA impacted is also only steep slopes, necessary to tie off the remaining grading for the facility. This impact shall be evaluated with a subsequent application, once the SWM concept plan has been approved, and is not approved at this time.

Impact C Grading for Slope Stability

This impact proposes 1,891 square feet (0.04 acre) of PMA impacts for grading required to establish the 1.5 factor of safety line. This impact to the PMA is only to steep slopes. The grading of this area satisfies the geotechnical requirements of the 1.5 factor of safety. This impact is necessary to meet the geotechnical requirements for the 1.5 factor of safety and is approved, as proposed.

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Conclusion

This PPS proposes five impacts to the PMA, for a total of 68,141 square feet (1.56 acres). Impacts A1, B1, and C are all for slope stability, with the majority of the PMA impacted in the steep slopes of these areas. The remaining two impacts, A2 and B2, are for development of stormwater facilities and outfalls, which have been co-located with the prior mentioned impacts, for further minimization. The applicant is proposing mitigation, where feasible, to buffer unimpacted PMA areas. These impacts are required for the geotechnical requirements and for the safe conveyance of stormwater off-site. Impacts A1, B1, and C are approved, as proposed. Impacts A2 and B2 shall be evaluated with a subsequent application, once the stormwater concept plan has been approved.

Soils

The predominant soils found to occur, according to the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, are Adelphi-Holmdel complex, Croom -Marr complex, Fallsington sandy loam, Marr-Dodon complex, Woodstown sandy loam, and Widewater and Issue soils. Soils containing Marlboro clays are located on-site, while Christiana complexes do not occur on-site. However, Marlboro clays were not encountered in the soil borings. This information is provided for the applicant's benefit and may affect the architectural design of structures, grading requirements, and SWM elements of the site. DPIE may require a soils report, in conformance with Section 32-131 of the County Code, during the permit review process.

Erosion and Sediment Control

The County requires approval of an erosion and sediment control plan. The TCP2 must reflect the ultimate limit of disturbance (LOD), not only for the installation of permanent site infrastructure, but also for installation of all temporary infrastructure, including erosion and sediment control measures. A copy of the erosion and sediment control plan must be submitted with the TCP2, so that the ultimate LOD for the project can be verified and shown on the TCP2.

14. **Urban Design**—Conformance with the requirements of the prior Zoning Ordinance, the Tree Canopy Coverage Ordinance, and the Landscape Manual will be applicable to the development of the subject site, as follows:

Conformance with the prior Zoning Ordinance

Conformance with the prior Zoning Ordinance is required for the proposed development, at the time of SDP review including, but not limited to, the following:

- **Section 27-507 requirements for the R-M Zone, as applicable;**
- **Section 27-508 regarding uses permitted in the R-M Zone;**
- **Section 27-509 regarding uses permitted in the R-M Zone;**
- **Part 10C M-I-O Zone;**
- **Part 11 Off-Street Parking and Loading; and**
- **Part 12.**

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Conformance with the 2010 Prince George’s County Landscape Manual

This development in the R-M Zone will be subject to the requirements of the Landscape Manual. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets. Conformance with the applicable landscaping requirements will be evaluated, at the time of SDP.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area, or disturbance, and requires a grading permit. Compliance with this requirement will be evaluated, at the time of future SDP review.

15. **Community feedback**—No written correspondence or verbal testimony were received from the community for this subject PPS. No community members signed up to speak at the Planning Board hearing held on November 2, 2023.

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.

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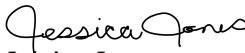
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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Doerner, with Commissioners Bailey, Doerner, and Shapiro voting in favor of the motion, with Commissioner Washington abstaining, and with Commissioner Geraldo absent at its regular meeting held on Thursday, November 2, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of November 2023 *and was corrected administratively on December 13, 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:AH:rpg


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel
11/8/2023

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