

R E S O L U T I O N

WHEREAS, Westphalia Row Partners, LLC is the owner of a 22.44-acre parcel of land known as Tax Map 74, Parcels 48, 81, 82, 83, 84, 121, 141, 148, 149 and 150, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned M-X-T; and

WHEREAS, on October 16, 2007, Westphalia Row Partners, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 153 lots and 6 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07038 for Westphalia Row 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 January 10, 2008, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on January 10, 2008, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/033/07), and further APPROVED Preliminary Plan of Subdivision 4-07038, Westphalia Row, for Lots 1-39 Block A, Lots 1-114 Block B and Parcels A-F with the following conditions:

1. Prior to the signature of the preliminary plan, the Type I tree conservation plan shall be revised to:
 - a. Revise the net tract area and any other incorrect calculations to be in conformance with the NRI.
 - b. Mark the specimen trees to be removed and add all required information to the specimen tree table.
 - c. Revise the worksheet to reflect the correct acreages.
 - d. Have the revised plans signed and dated by the qualified professional who prepared them.

2. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/033/07), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”

3. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the primary management area except for the one area of impact approved and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from The Maryland-National Capital Park and Planning Commission Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

4. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
5. Prior to signature approval of the preliminary plan, both the preliminary plan and the TCPI shall be revised to show the correct 65 dBA Ldn noise contours associated with the Capital Beltway (I-95) and Ritchie-Marlboro Road.
6. Prior to the acceptance of the detailed site plan, the package shall be evaluated to ensure that it contains a Phase II noise study. The noise study shall address how noise has been mitigated to 65 dBA Ldn or less for the outdoor activity areas and 45 dBA Ldn or less for the interiors of buildings within the 65 dBA Ldn noise contour. The DSP and the TCPII shall show the location of the mitigated 65 dBA Ldn noise contour.
7. Prior to the approval of any residential building permits for buildings located within the 65 dBA Ldn noise contour, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.
8. Prior to signature approval of the preliminary plan, the TCPI shall be revised to show the easements required per Stormwater Management Concept Approval Plan 36373-2006-00.

9. The proposed development shall be limited to a mix of uses where the net new trips shall not exceed 398 AM and 471 PM peak-hour trips. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
10. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency

Sansbury Road/D'Arcy Road intersection (unsignalized)

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

Sansbury Road/Ritchie-Marlboro Road intersection

Provide the addition of a third eastbound and westbound through lane on Ritchie-Marlboro Road.

Ritchie Marlboro Road/White House Road intersection

Provide the following improvements:

Northbound approach: 2 left turn lanes and a shared left/through-right lane

11. At the time of the detailed site plan approval, a Type II tree conservation plan shall be approved.
12. Development of this site shall be in conformance with Stormwater Management Concept Plan 36373-2006-00 and any subsequent revisions.
13. The applicant, his successors, and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting, prior to approval of the detailed site plan by the Planning Board.
14. The applicant shall submit three original, executed private Recreational Facilities Agreements (RFAs) to DRD for their approval three weeks prior to applying for building permits. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

15. The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DRD, at least two weeks prior to applying for building permits.
16. The developer, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.
17. An automatic fire suppression system shall be provided in all new commercial buildings proposed in this preliminary plan unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
18. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Provide an eight-foot-wide side path or wide sidewalk along Sansbury Road, unless modified by DPW&T.
 - b. Provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage along Sansbury Road. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.
 - c. Provide standard sidewalks along both sides of Private Roads A, B, C, D, and E.
 - d. Provide standard sidewalks along both sides of relocated Fernwood Drive, unless modified by DPW&T.
 - e. Provide pedestrian amenities and pedestrian safety features deemed appropriate at the time of DSP.
19. Prior to the approval of a final plat of subdivision affecting existing Fernwood Drive, the applicant, his successor and/or assignees shall obtain fee-simple ownership of the land associated with the existing right-of-way for Fernwood Drive over the subject property
20. The final plat of subdivision shall contain a note denying access to Ritchie Marlboro Road.

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, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject property is located at the southwest quadrant of the intersection of Ritchie Marlboro Road and Sansbury Road. It is developed with several single-family detached dwellings and contains a segment of Fernwood Drive, which is to be re-aligned through the site. This road

provides the current northern access point to the Fernwood Mobile Home Park. The subject property is surrounded by undeveloped land in the M-X-T Zone to the east, scattered residences in the R-R Zone to the south and the Ritchie Marlboro Road/Capital Beltway intersection to the north and west.

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

	EXISTING	PROPOSED
Zone	M-X-T	M-X-T
Use(s)	Single-family residences	Mixed uses
Acreage	22.44	22.44
Lots	0	153
Parcels	10	6
Dwelling Units:		
Attached	0	252
Multifamily	0	250
Detached	4	0
Commercial (Sq. Ft.):		
Retail	0	14,100
Office	0	42,300

4. **Environmental**— A review of the available information indicates that streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. The site is adjacent to the Capital Beltway, which is a source of traffic-generated noise. The soils found to occur on this site, according to the Prince George’s County Soil Survey, are in the Adelphia, Collington, Ochlockonee, Rumford, Sandy, Sassafra, and Westphalia soil series. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this property, which is located in the Southwest Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the General Plan.

Environmental Issues addressed in the Westphalia Sector Plan

The subject property is located in the Westphalia Sector Plan and Sectional Map Amendment. There are four policies of the Westphalia Sector Plan that relate to environmental infrastructure:

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

The site is not located within the defined network of the *Countywide Green Infrastructure Plan*.

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

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

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

- a. 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.
- b. Encourage the use of alternative energy sources such as solar, wind and hydrogen power. Provide public examples of uses of alternative energy sources.

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

- a. Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.
- b. Restrict uses within the noise impact zones of Andrews Air Force Base to industrial and office use.
- c. Evaluate development proposals using Phase I noise studies and noise models.
- d. 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.

- e. Provide for the use of appropriate attenuation measures when noise issues are identified.**

Comment: These policies were addressed in the review of CSP-07001.

Natural Resources Inventory

A signed natural resources inventory (NRI/114/06), which included a detailed forest stand delineation (FSD), was submitted with the application. The site contains sensitive environmental features such as streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils.

The FSD report describes four forest stands totaling 8.92 acres, labeled A, B, C and E, dominated by yellow poplar, sweetgum, and red oak. Stands A and B are relatively dense immature hardwood stands with an average diameter at breast height of 11 inches. Stand C is more sparsely dense, with an average diameter at breast height of ten inches. These stands are a high priority for preservation because of the good condition of the vegetation. Stand E is an early secession hardwood stand with an average diameter at breast height of only two inches. Stand E has a medium priority rating for preservation. The revised NRI shows the required information correctly.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area exceeds 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A Type I tree conservation plan has been submitted.

This 22.44-acre property contains a total of 8.73 acres of woodland outside the floodplain, according to the NRI. The woodland conservation threshold has been incorrectly calculated and should be revised to be 3.28 acres.

As currently shown, the areas of clearing result in a total requirement of 7.64 acres. The plan proposes to meet the requirement by providing 0.19 acre of woodland preservation, 0.65 acres of afforestation/reforestation, and 6.45 acres of off-site mitigation. The gross tract acreage is correct on the plans (22.44 acres) but the net tract is incorrect and must be revised to 21.86 acres.

According to the CSP, 1.59 acres of dedicated parkland are required for this development. If, at the time of preliminary plan, the park dedication is required, the area must be identified on the TCPI. It should be noted that woodland conservation is not permitted on dedicated parkland unless written authorization from the Department of Parks and Recreation is provided.

Environmental Impacts

The site contains significant environmental features that are required to be protected under Section 24-130 of the Subdivision Regulations. The design should avoid any impacts to streams, wetlands, or their associated buffers unless the impacts are essential for the development as a whole. Staff will generally not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], road crossings, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which can be designed to eliminate the impacts. The Subdivision Regulations require that the PMA be “preserved in a natural state to the fullest extent possible.”

A letter of justification and associated exhibits were submitted for one proposed impact for the creation of an outfall for the stormwater management pond on Parcel D. Staff supports this impact as it is necessary for reasonable development of the site.

Noise

This property is located on the eastern side of the Capital Beltway (I-95), classified as a freeway, and on the south side of Ritchie-Marlboro Road, a classified arterial. Both are considered transportation-related noise generators.

A Phase I noise study was submitted with the conceptual site plan and was found to require some revisions. The preliminary plan shows the “existing” 65 dBA Ldn noise contour; however, no contour is shown on the TCPI. The plans must reflect the ten-year projected noise contour, without assuming that any of the proposed building exist.

Soils

The soils found to occur on this property are in the Adelpia, Collington, Ochlockonee, Rumford, Sandy land, Sassafras, and Westphalia soil series. This information is provided for the applicant’s benefit. No further action is needed as it relates to this conceptual site plan. A soils report may be required by the Prince George’s County Department of Environmental Resources during the permit process review.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The property will be served by public systems.

5. **Community Planning**—The subject property is located within the limits of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, Planning Area 78/Westphalia and vicinity community. The land use recommendation is for a mixed-use activity center at Sansbury and Ritchie Marlboro Roads and a designated gateway along Ritchie Marlboro Road east of I-95. The 2002 General Plan locates the property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. Given the mixed use proposal, the Westphalia Row development is consistent overall with the land use recommendations of the master plan and General Plan.
6. **Parks and Recreation**—Staff of the Department of Parks and Recreation (DPR) has reviewed the above-referenced conceptual site plan application for conformance with the requirements of the *Approved Westphalia Sector Plan and Sectional Map Amendment*, conditions of Council Resolution CR-2-2007, the Land Preservation and Recreation Program for Prince George's County, current zoning, and subdivision regulations as they pertain to public parks and recreation.

The property is located in the Westphalia Sector Plan area. The Westphalia Sector Plan goals, policies and strategies related to park and recreational development are:

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

Amendment 8 of the approved Westphalia Sector Plan, Council Resolution CR-2-2007, states: Revise the adopted plan parks and recreation element text to:

- **Add text to Policy 3, under the strategy describing the Westphalia Central Park (p.38) as follows:**
- **Add a new paragraph that states: Form a multi-agency public/private work group to implement the vision for the Westphalia Central Park on an expedited basis.**
- **Revise the plan text to specify that a parks fee of \$3,500 per new dwelling unit (in 2006 dollars) is required to construct the public parks facilities recommended for the sector plan area.**

Comments: M-NCPPC and county staff are working on preparation of state legislation to address this recommendation. At this time, DPR staff encourage the applicant to comply with the sector plan recommendation.

The subject property is located within the Westphalia Sector Plan and Sectional Map Amendment area at its northern edge. The applicant anticipates developing the site with residential development, including 502 residential units, with single-family (townhouses, triplexes) and multifamily residential units, 14,100 square feet of retail, and 42,300 square feet of office space.

DPR staff believe that mandatory dedication requirement applicable to this subdivision should be met by the provision of private on-site recreational facilities to serve an anticipated population of 1,390 new residents in this development. The applicant allocates some open space for private recreational facilities on site, but includes no specific proposal for private recreational facilities on site. DPR staff is of the opinion that at the time of detailed site plan the applicant should provide centrally located private recreational facilities. The recreational facilities package should include a trail connector to the existing Chesapeake Beach Railroad trail located along the Ritchie Marlboro Road.

In addressing the Westphalia Sector Plan recommendation for contribution of a \$3,500 per unit parks fee toward construction of the regional Central Park, DPR staff encourage the applicant to comply with Westphalia Sector Plan recommendation and be part of the county and community effort to build a unique community with high quality recreational facilities for the benefit of all future Westphalia residents.

7. **Trails**—The approved Westphalia Sector Plan designates Ritchie Marlboro Road as a master plan trail corridor and Sansbury Road as a master plan bikeway. It should also be noted that the right-of-way of the former Chesapeake Beach Railroad runs through the subject site.

The master plan trail along Ritchie-Marlboro Road has been completed in the vicinity of the subject site via the recent interchange improvements made by SHA. These improvements consist of an eight-foot-wide sidewalk that provides access under the Capital Beltway and around the existing traffic circles.

The sector plan also recommends a master plan trail within the former Chesapeake Beach Railroad right-of-way. This trail has been implemented through several recent developments between the subject site and Upper Marlboro, including Winshire, Kings Grant, and Fox Chase. The sector plan, as well as the 1994 approved Melwood-Westphalia Master Plan and 1985 Equestrian Addendum to the adopted and approved Countywide Trails Plan, recommend a trail within the railroad right-of-way. However, in the vicinity of the Capital Beltway the trail is shown merging with Ritchie-Marlboro Road to utilize the existing underpass of the limited access roadway.

After an evaluation of the trail corridor and discussions with the Department of Parks and Recreation, staff concur that this is the appropriate alignment for the trail. The right-of-way for the abandoned railroad runs through the middle of the subject site, then directly across an existing Beltway ramp, across the Capital Beltway, and across another Beltway ramp in the vicinity of one of the traffic circles. Due to these constraints, staff support utilizing the existing wide sidewalk along Ritchie-Marlboro Road as the most practical way of getting the master plan trail under the Capital Beltway. This existing wide sidewalk fulfills the master plan recommendation for a trail along Ritchie-Marlboro Road and will also accommodate the planned Chesapeake Beach Rail-Trail under the Beltway.

Staff recommends an eight-foot-wide side path (or wide sidewalk) along the subject site's entire frontage of Sansbury Road in order to provide access from the subject property to the master plan trail. The internal sidewalk network appears to be adequate, with sidewalks being provided along both sides of the main roadways, including relocated Fernwood Drive, Private Roads A, B, D, and E, and most of Private Road C. Staff recommends that a sidewalk be provided along the segment of Private Road C adjacent to the HOA Parcel D.

8. **Transportation**—The applicant (in a joint effort with the developer of the adjacent PB&J Property 4-07057) prepared a traffic impact study dated September 25, 2007, in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The study has been referred to the County Department of Public Works and Transportation (DPW&T), and the State Highway Administration (SHA). The findings and recommendations outlined below are based upon a review of all materials received and analyses conducted by the staff, are consistent with the guidelines. It is worth noting that all of the analyses presented in the study are based on the traffic generated by both the subject application and the adjacent PB&J property. Both applications are located on either side of Sansbury Road, will impact the same transportation facilities, and consequently, will receive the same off-site transportation conditions.

Growth Policy—Service Level Standards

The subject property is located within the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized intersections: The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Traffic Study

Pursuant to the scoping agreement between the applicant and staff, the traffic impact study identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
Ritchie Marlboro Road & Sansbury Road	C/1171	A/915
Ritchie Marlboro Road & White House Road	B/1072	A/727
Sansbury Road & D'Arcy Road (unsignalized)	B/12.6 secs.	B/12.2 secs.
Unsignalized intersections are analyzed using the highway capacity software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "D," which is deemed acceptable, corresponds to a maximum delay of 45 seconds/car. For signalized intersections, a CLV of 1,450 or less is deemed acceptable as per the guidelines.		

The traffic study identified 18 background developments whose impact would affect some or all of the study intersections. Additionally, a growth rate of 1.5 percent per year (through 2010) was applied to the existing traffic counts. A second analysis was done to evaluate the impact of the background developments on the existing infrastructure. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
Ritchie Marlboro Road & Sansbury Road	F/1736	E/1515
Ritchie Marlboro Road & White House Road	E/1476	B/1012
Sansbury Road & D'Arcy Road	F/947 secs.	F/538 secs.
I-95 @ Ritchie Marlboro Road SB Ramps- Roundabout	A/8.4	C/33.1
I-95 @ Ritchie Marlboro Road NB Ramps- Roundabout	A/9.4	B/17.0
Unsignalized intersections are analyzed using the highway capacity software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "D," which is deemed acceptable, corresponds to a maximum delay of 45 seconds/car. For signalized intersections, a CLV of 1,450 or less is deemed acceptable as per the guidelines.		

An analysis of the traffic data under total conditions represents a combination of background traffic and site-generated traffic. Using trip generation rates from the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, as well as the Institute of Transportation Engineer's (ITE) *Trip Generation Manual*, 7th edition, the study has determined that the proposed development, based on the above-mentioned uses, would generate a net total of 398 (146 in, 252 out) AM peak-hour trips, and 471 (264 in, 207 out) PM peak-hour trips. In the case of the PB&J property, that development would generate a net 207 (106 in, 101 out) AM peak-hour trips, and 269 (133 in, 136 out) PM peak-hour trips. Using these site-generated trips, an analysis of total traffic conditions was done, and the following results were determined:

TOTAL CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
Ritchie Marlboro Road & Sansbury Road <i>With Improvements</i>	F/1834 <i>D/1373</i>	E/1665 <i>C/1286</i>
Ritchie Marlboro Road & White House Road <i>With Improvements</i>	E/1512 <i>C/1300</i>	B/1043 <i>A/994</i>
Sansbury Road & D'Arcy Road	F/999 secs.	F/635 secs.
I-95 @ Ritchie Marlboro Road SB Ramps- Roundabout	A/8.8 secs.	C/52.9 secs.
I-95 @ Ritchie Marlboro Road NB Ramps- Roundabout	A/9.7 secs.	B/21.2 secs.
Ritchie Marlboro Road @ PB&J (west)	B/11.1	E/35.8
Ritchie Marlboro Road @ PB&J (east)	B/11.1	E/36.1
Sansbury Road @ PB&J	C/19.2	C/18.9
Sansbury Road @ Westphalia Row	C/22.6	E/48.0
Unsignalized intersections are analyzed using the highway capacity software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "D," which is deemed acceptable, corresponds to a maximum delay of 45 seconds/car. For signalized intersections, a CLV of 1,450 or less is deemed acceptable as per the guidelines.		

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

Sansbury Road/D'Arcy Road intersection (unsignalized)

Given the projected delay in excess of 50 seconds, the applicant proposes a traffic signal warrant study for this intersection.

Sansbury Road/Ritchie-Marlboro Road intersection

The applicant proposes the addition of a third eastbound and westbound through lane on Ritchie-Marlboro Road. With this improvement in place, the intersection is projected to operate with a LOS/CLV of D/1373 during the AM peak hour and C/1,283 during the PM peak hour.

Ritchie Marlboro Road/White House Road intersection

Provide the following improvements:

Southbound approach: A right turn lane and a shared through-left lane

Eastbound approach: A left turn lane, 2 through lanes, and a right-turn lane

Westbound approach: A left turn lane, 2 through lanes, and a right-turn lane

Northbound approach: 2 left turn lanes and a shared left/through-right lane

With all of the improvements cited above, the traffic study concluded that the development of the site as proposed will satisfy traffic adequacy.

Staff Review and Findings

Upon review of the applicant's traffic study, staff agrees with its overall conclusion regarding the road system being able to accommodate the proposed development. In addition to the Transportation Planning staff, the traffic study was reviewed by two other agencies, the State Highway Administration (SHA) and the Department of Public and Transportation (DPW&T). The SHA concurred with the study findings and conclusion pending the provision of the proffered improvements. While the DPW&T is also in general agreement with the study's conclusions, in its November 16, 2007, letter to staff (Issayans to Burton), it has stated that it would not permit two separate median breaks along Sansbury Road for the Westphalia Row and the PB&J properties. In light of DPW&T's position on median openings, the PB&J property would be limited to a right-in right-out access along Sansbury Road.

The DPW&T letter also addressed the issue of the D'Arcy Road-Sansbury Road intersection. The DPW&T suggest the applicant should contribute to the relocation. In fact, there are three developments ((D'Arcy Park North, D'Arcy Park South, and Westphalia Towns) that have been required to realign the intersection AND conduct a signal warrant study. Should the signal be warranted, then all parties would be required to share in the cost of installation.

While the traffic study reported the level of service at the intersections of I-95 at Ritchie Marlboro Road SB/NB ramps/roundabout in terms of delay, it has also reported the performance of those facilities by listing the corresponding volume-to-capacity (v/c) ratio. The Planning Department's guidelines do not address adequacy for roundabouts. However, SHA has written

guidelines for evaluating the adequacy of roundabouts. Based on SHA's guidelines, a roundabout with a v/c ratio greater than 0.85 is considered to be operating inadequately. The results from the traffic study show v/c ratios of 0.896, 0.866, 0.400 and 1.342 for both roundabouts during the AM and PM peak hours.

In its November 8, 2007, letter to staff (Foster to Foster), SHA did not address those inadequacies. While one may perceive this omission as an oversight by SHA, it should be noted that previously the SHA has provided written comments on its position regarding the issue of adequacy at the roundabouts at the Beltway and Ritchie Marlboro Road. During the Planning Board hearing (9/20/07) for the preliminary plan of subdivision for the Kenwood Village (4-06159) application, staff discussed the contents of a September 12, 2007, letter from SHA to staff (Foster to Foster). In that letter, SHA acknowledged the fact that the roundabouts would operate inadequately under background condition even with the addition of a third lane to that facility. It further stated that no additional expansion to the roundabouts would be acceptable. In light of those comments by the SHA in September 2007, staff is of the opinion that SHA's position remains unchanged.

The site will be accessed primarily from Sansbury Road by way of a relocated Fernwood Drive. Fernwood Drive will be rebuilt as a 60-foot primary residential street for which parking on both sides will be allowed. A series of internal streets and alleys will provide internal circulation between the various components of the proposed development. Staff find the proposed site layout to be acceptable. The site does not propose access to Ritchie Marlboro Road, an arterial. The final plat of subdivision should include a note denying access to Ritchie Marlboro Road.

Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions consistent with the above findings.

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

Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	502 DU	502 DU	502 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	120.48	30.12	60.24
Actual Enrollment	3,933	6,782	10,542
Completion Enrollment	165	117	234
Cumulative Enrollment	55.44	33.78	67.8
Total Enrollment	4,273.92	6,962.9	10,904.04
State-Rated Capacity	4,140	6,356	10,254
Percent Capacity	103.23	109.54	106.33

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,870 and \$13,493 to be paid at the time of issuance of each building permit.

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

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

10. Fire and Rescue

Residential

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

Public Facilities staff have determined that this preliminary plan is within the required seven-minute response time for the first due fire station Ritchie, Company 37, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire

Department.

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

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

Commercial

The existing fire engine service at Ritchie Fire Station, Company 37, located at 1412 Ritchie Marlboro Road has a service travel time of 2.88 minutes, which is within the 3.25-minute travel time guideline.

The existing paramedic service at Kentland Fire Station, Company 46, located at 10400 Campus Way South has a service travel time of 5.78 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike has a service travel time of 10.27 minutes, which is beyond the 4.25-minute travel time guideline.

However, if a ladder truck was assigned to Ritchie Fire Station, Company 37, located at 1415 Ritchie-Marlboro Road, which is 2.88 minutes from the development, then the project would be within the recommended travel time for ladder truck service. An operational decision to locate this service at that facility would need to be made by the county fire department.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this preliminary plan unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

11. Police Facilities

Residential

The subject property is located in Police District II. The response time standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on October 16, 2007.

Reporting Cycle	Previous 12-Month Cycle	Emergency Calls	Nonemergency
Acceptance Date October 16, 2007	9/06-9/07	10 minutes	17 minutes
Cycle 1	10/06-10/07		
Cycle 2	11/06-11/07		
Cycle 3	12/06-12/07		

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met October 25, 2007.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police personnel staffing levels.

Commercial

The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future county residents. The plan includes planning guidelines for police facilities and they are:

Station space per capita: 141 square feet per 1,000 county residents

The police facilities test is performed on a countywide basis in accordance with the policies of the Planning Board. There are 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the latest population estimate is 825,520. Using the standard of 141 square feet per 1,000 residents, 116,398 square feet of space for police facilities are needed. The current amount of space available, 267,660 square feet, is above the guideline.

12. **Health Department**—The Health Department reviewed the application and had no comments.
13. **Stormwater Management**—According to The Department of Public Works and Transportation (DPW&T), Engineering Division, Stormwater Management Concept Plan 36373-2006-00 has been approved (August 31, 2006) with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **Historic Preservation**— A Phase I archeological survey was completed on the Westphalia Row property in August 2007. *Phase I Archeological Survey Report: The Westphalia Row Property in Prince George's County, Maryland, Plan CSP-07001 (Draft Report)*, has been received and was reviewed by Historic Preservation staff on October 30, 2007. No archeological sites were identified in the survey. Four dwellings are located on the property, one built around 1935 and the other three built in the 1950s. None of these buildings is considered eligible for inclusion in the National Register of Historic Places. Due to the lack of archeological sites and the lack of

significance of the buildings on the property, no further archeological work was recommended. Staff concurs that no further archeological work is necessary on the Westphalia Row property. Some minor revisions and additional historical information are requested for the final report. Once four copies of the final report have been received and accepted by Historic Preservation staff, the archeological conditions will be satisfied.

Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

15. **Urban Design**—This site is the subject of a concurrent conceptual site plan. The conceptual site plan includes a mixed-use scenario with a complex of both commercial and residential land uses in the northeast quadrant of the site in a lot pattern that is conducive to achieving the sector plan concept for a distinctive, walkable, mixed-use area with a main-street character. The design of commercial and multifamily buildings along Sansbury Road will need to be addressed during review of the detailed site plan to ensure that building orientations, streetscape, and the desired main-street character are realized. The proposed subdivision is consistent with the mixed-use scenario approved by the conceptual site plan.
16. **Fernwood Drive**— The right-of-way for existing Fernwood Drive over the subject property is owned fee simple by Prince George's County. The applicant is proposing to re-align the existing roadway outside of the existing right-of-way. The area of the existing right-of-way is to be developed with lots for dwelling units and parcels for open space and drive aisles. Prince George's County must agree to the fee-simple transfer of the land containing the existing right-of-way to the applicant and determine the appropriate procedures necessary to close the existing roadway in accordance with the requirements of Subtitle 23. The ownership of the land associated with the existing right-of-way should be transferred to the applicant prior to the approval of a final plat of subdivision affecting this area.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, January 10, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of February 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:TL:bjs