

PGCPB No. 2024-103

File No. 4-23044

## R E S O L U T I O N

WHEREAS, Shella and Jessie Alexander are the owners of a 10.00-acre parcel of land known as Parcel 48, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned Residential, Rural (RR) and Military Installation Overlay (MIO); and

WHEREAS, on July 1, 2024, ESC 9401 Westphalia, L.C. filed an application for approval of a Preliminary Plan of Subdivision for 61 lots and 11 parcels, also known as Preliminary Plan 4-23044 for Alexander Landing; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision 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 at a public hearing on October 10, 2024; and

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

WHEREAS, pursuant to Council Resolution CR-025-2024 and Section 24-1900 *et seq.* of the Prince George's County Subdivision Regulations, subdivision applications submitted and accepted as complete before April 1, 2026 may be reviewed and decided in accordance with the Subdivision Regulations, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022 (prior Subdivision Regulations); and

WHEREAS, the applicant has complied with the procedures required in order to proceed with development under the prior Subdivision Regulations contained in Section 24-1904 of the Prince George's County Subdivision Regulations; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the prior Subdivision Regulations; and

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

WHEREAS, at the October 10, 2024 public hearing, 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 Subtitles 24 and 25, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-024-2024 and APPROVED Preliminary Plan of Subdivision 4-23044 for 61 lots and 11 parcels, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised as follows:

- a. Remove “(pending)” from General Note 5 for Special Exception SE-4856 and Type 2 Tree Conservation Plan TCP2-006-2023.
  - b. Revise General Note 24 to indicate that mandatory dedication of parkland is being met by private on-site recreation facilities.
  - c. Revise General Note 27 to reference Type 1 Tree Conservation Plan TCP1-024-2024.
  - d. In General Note 11, add a note stating that this PPS was submitted for review under the Prince George’s County Zoning Ordinance and Prince George’s County Subdivision Regulations in effect prior to April 1, 2022.
  - e. On the plan drawings, show the boundaries of off-site Parcel B2 owned by the Maryland-National Capital Park and Planning Commission and part of Westphalia Estates Neighborhood Park.
2. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (53735-2021-00), and any subsequent revisions.
3. Prior to approval, the final plat of subdivision shall include the following:
  - a. Public utility easements in accordance with the preliminary plan of subdivision.
  - b. Public right-of-way dedication to Westphalia Road, in accordance with the preliminary plan of subdivision.
4. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
  - a. Revise the specimen tree table to accurately reflect the critical root zone impacts for all specimen trees, including but not limited to Specimen Trees ST-8, ST-10, ST-12, ST-14, and ST-25. In addition, verify the locations of all specimen trees which exist on the edge of the property, clearly indicating within the specimen tree table if the tree is on- or off-site.
  - b. Where practicable, adjust the grading to further reduce impacts to specimen tree critical root zones for all specimen trees to be retained, including Specimen Tree ST-41.
  - c. Revise the Environmental Planning Section approval block to provide a -00 row which features 4-23044 within the DRD case number column and N/A as the reason for revision.
  - d. Revise TCP1 General Note 1 to remove DRD from the case number.
  - e. All specimen trees which were approved for removal shall be clearly indicated with an “X” through the symbol, and this symbol shall not be obscured below other symbols.

- f. All proposed woodland conservation areas shall meet the design requirements as established in Section 25-122(b)(1) of the Prince George's County Code. Additional connected reforestation area may be provided on-site where practicable, and additional preservation may be provided to establish a continuous protected woodland area with the parkland to the south.
5. 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 private recreational facilities.
6. Prior to the 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 three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of private on-site recreational facilities, for approval. 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 plat recordation.
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 the construction of the on-site private recreational facilities.
8. 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 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. The Maryland-National Capital Park and Planning Commission 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 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 in the Prince George's County Land Records, by the applicant, prior to final plat approval.
10. 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 three original executed public recreational facilities agreements (RFAs) to the Prince George's County Department of Parks and Recreation (DPR) for construction of off-site recreational facilities on Maryland-National Capital Park and Planning Commission land, for approval. Upon approval by DPR, the RFA shall be recorded among the Prince George's County Land Records, and the Liber and folio of the RFA

shall be noted on the final plat prior to plat recordation. The public RFA shall establish the timing for the construction of the off-site recreational facilities.

11. 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 the off-site public recreational facilities.
12. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2007 *Approved Westphalia Sector Plan*, the applicant shall provide the following facilities, and show the following facilities on the permit plan for the development, prior to its approval:
  - a. A minimum 8-foot-wide shared-use path along the frontage of Westphalia Road, unless modified by the operating agency with written correspondence.
  - b. Continental-style crosswalks and associated perpendicular Americans with Disabilities Act curb ramps crossing all entrances proposed along Westphalia Road.
13. Prior to approval of a 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, to ensure that the rights of The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Board, are included. The Book/page of the declaration of covenants shall be noted on the final plat prior to recordation.
14. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey land to a homeowners association or property owners association, as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:
  - a. A copy of the recorded 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.
15. Development of this subdivision shall be in conformance with approved Type 1 Tree Conservation Plan TCP1-024-2024. 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 TCP1-024-2024, 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 and wildlife habitat 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. Prior to the certification of the Type 2 tree conservation plan (TCP2) for this site, documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section of the Prince George's County Planning Department, for review by the Office of Law, and submission to the Office of Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan as follows:
- “Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George's County Land Records at Liber \_\_\_\_ Folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”

18. At the time of final plat of subdivision, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated regulated environmental features except for any approved impacts, and shall be reviewed by the Environmental Planning Section of the Prince George's County Planning Department, prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the Prince George's County Planning Department Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

19. The applicant shall provide a specimen tree maintenance plan on the Type 2 tree conservation plan (TCP2), which includes a recommendation from a Maryland licensed tree expert or certified arborist, for appropriate tree protection measures such as root pruning, given the amount of disturbance to the critical rootzone for each impacted specimen tree. The TCP2 shall include the permanent tree protection fence and any other appropriate tree protection measures along the limits of disturbance, associated with the sewer line connection, and trail connection located on the adjacent park property to minimize disturbance to the existing trees.
20. Prior to issuance of any permits which impact wetlands, wetland buffers, and streams or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions were complied with, and associated mitigation plans.
21. The private recreational facilities shall be constructed prior to approval of the 40th single-family attached dwelling unit building permit and inspected by the Maryland-National Capital Park and Planning Commission. It is occasionally necessary to adjust the precise timing of the construction of recreational facilities, as more details concerning grading and construction become available. Phasing of the recreational facilities may be adjusted by written permission of the Prince George's County Planning Director, as designee of the Prince George's County Planning Board, under certain circumstances, such as the need to modify construction sequence due to engineering necessity. An increase in the number of permits allowed to be released, prior to construction of any given facility, shall not exceed 10 percent over the number originally approved by the Planning Board.

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 applicable 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, 750 feet east of its intersection with Rock Spring Drive, within Tax Map 82 Grid E4 and Tax Map 90 Grid E1. The property totals 10.00 acres and consists of one parcel identified in the Maryland State Department of Assessments and Taxation records as Parcel 48, recorded by deed in Book 6195 page 900 of the Prince George's County Land Records. The property is subject to the 2007

*Approved Westphalia Sector Plan and Sectional Map Amendment* (sector plan). The property is zoned Residential, Rural (RR) and is also subject to the Military Installation Overlay (MIO) Zone for height. However, this preliminary plan of subdivision (PPS) was submitted for review in accordance with the Prince George's County Zoning Ordinance and Prince George's County Subdivision Regulations effective prior to April 1, 2022 ("prior Zoning Ordinance" and "prior Subdivision Regulations"), pursuant to Section 24-1900 *et seq.* of the Subdivision Regulations. Under the prior Zoning Ordinance, the site was within the Rural Residential (R-R) Zone and the prior version of the Military Installation Overlay (M-I-O) Zone, which were effective prior to April 1, 2022.

The subject PPS qualifies for review under the prior Zoning Ordinance and prior Subdivision Regulations because it meets the requirements of Section 24-1904 of the current Subdivision Regulations. In accordance with Section 24-1904(a), a pre-application conference was held on December 1, 2023. In accordance with Section 24-1904(b), the applicant provided a statement of justification explaining why they were requesting to use the prior regulations. In accordance with Section 24-1904(c), this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2023-076.

The site is mostly wooded and improved with an existing single-family detached dwelling, which is to be razed. This PPS allows subdivision of the property into 61 lots and 11 parcels for the development of 61 single-family attached dwellings for the elderly. The use of the property for single-family attached dwellings for the elderly was approved under Special Exception SE-4856. The subject PPS is required for the division of land and the construction of multiple dwelling units.

3. **Setting**—The subject property is located within Planning Area 78. North of the site is Westphalia Road, with single-family detached dwellings in the RR Zone (formerly the R-R Zone) beyond. East of the site is the Westphalia Estates subdivision, consisting of single-family detached dwellings in the RR Zone (formerly the R-R Zone). Southeast of the site is the Westphalia Estates Neighborhood Park (Westphalia Park) in the Agriculture and Preservation Zone (formerly in the Open Space Zone). South of the site is the Parkside development in the Legacy Comprehensive Design Zone (formerly in the Residential Medium Development Zone). West of the site is vacant land belonging to the Spirit of God Deliverance Church (subject to PPS 4-23027), in the Commercial, General, and Office Zone (formerly in the Commercial Shopping Center Zone). The property and its surroundings are all in the Military Installation Overlay (MIO) Zone for height (formerly the M-I-O Zone).
4. **Development Data Summary**—The following information relates to the subject PPS and the evaluated development.

	EXISTING	EVALUATED
Zones	RR/MIO	R-R/M-I-O
Use(s)	Residential	Residential
Acreage	10.00	10.00
Parcels	1	11
Lots	0	61
Dwelling Units	1	61
Subtitle 25 Variance	Yes (25-122(b)(1)(G))*	Yes (25-122(b)(1)(G))*
Variation	No	No

**Note:** \*Approved with Special Exception SE-4856

The subject PPS was accepted for review on July 1, 2024. Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, the PPS was referred to the Subdivision and Development Review Committee and comments were provided to the applicant at its meeting on July 19, 2024. Revised plans and documents were received on September 5, 2024, which was used for the analysis contained herein.

5. **Previous Approvals**—The site is subject to SE-4856, which was approved by the Prince George’s County District Council on April 8, 2024. SE-4856 approved the development of 61 single-family attached dwellings for the elderly on the subject property. The development evaluated with this PPS is consistent with the approved SE application. The conditions of approval of the SE relevant to the review of this PPS are discussed throughout this resolution.
6. **Community Planning**—The 2014 *Plan Prince George’s 2035 Approved General Plan* (Plan 2035) and conformance with the sector plan is evaluated as follows:

#### **Plan 2035**

Plan 2035 places the subject property in the Established Communities Growth Policy Area, which classifies existing residential neighborhoods and commercial areas served by public water and sewer, outside of the Regional Transit Districts and Local Centers, as Established Communities. “Established communities are 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**

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 applicable, or the District Council has not imposed the recommended zoning. The sector plan recommends



Residential Low land use on the subject property. The sector plan is silent on a description of Low-Density Residential land use. However, Plan 2035 defines Low-Density Residential (Residential Low) as areas greater than 0.5 dwelling units per acre and less than or equal to 3.5 dwelling units per acre (Plan 2035, page 100).

The PPS shows 61 single-family attached dwellings for the elderly, at a density of 6.1 dwelling units per net acre. While the development is residential in nature, it exceeds the Residential Low density recommended in the sector plan. The sector plan's density recommendation has been rendered inapplicable by subsequent events. Following the adoption of the sector plan in 2007, the subject property was placed in the R-R Zone, which generally allows for densities in line with the Residential Low land use recommendation. However, in 2021, the District Council adopted Prince George's County Council Bill CB-106-2021, which allows single-family attached dwelling for the elderly in the R-R Zone at a density of up to eight units per acre with approval of a SE. In accordance with CB-106-2021, the District Council approved SE-4856, which allows for single-family attached elderly housing at 6.1 dwelling units per net acre at the subject property.

The PPS must still conform to the relevant sector plan recommendations that do not conflict with the implementation of the single-family attached dwellings for the elderly, pursuant to the approved SE. Relevant policies and strategies of the sector plan (pages 30–31) are listed below in **bold** text, and responses to each policy follow in plain text.

#### **Policy 5—Residential Areas**

**Promote new residential development and preserve, protect, and enhance existing residential neighborhoods.**

#### **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.**

Though the development is not low density, it falls within the definition of medium-density development, as defined by Plan 2035 (page 100). As discussed in the findings below, the development will be integrated with the existing residential development in the area.

The PPS shows medium-density development in an area intended for low density per the overall development concept plan, which places compact and urban areas closer to the town center and rural development in outlying areas. However, as discussed above, CB-106-2021 and the approval of the SE render the density recommendations inapplicable to the evaluated single-family attached elderly housing project.

***Design Principles:***

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

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

The PPS's single-family attached lotting pattern differs from the lotting pattern of the adjacent single-family detached units in the Westphalia Estates subdivision. However, the perimeter landscaping of the subject development, approved with the SE and consistent with the 2010 *Prince George's County Landscape Manual*, will ensure compatibility with the adjacent neighborhood. Continuity with the existing neighborhood will be achieved by means of a trail connection to Westphalia Park, through which residents of the subject development will be able to ultimately reach the public streets of the existing neighborhood.

- **Discourage use of walls, gates, and other barriers that separate residential neighborhoods from the surrounding community and commercial areas.**

The site plan makes use of sight-tight fencing, screening walls, and retaining walls, as shown on the SE and TCP1. However, these will not serve to separate the development from the surrounding community. Connection with the adjacent neighborhood will be achieved by means of the trail connection to Westphalia Park. There are no commercial areas adjacent to the site.

- **Design an efficient, safe, and interconnected residential street system:**

The residential street system for the development will allow for efficient and safe travel between the units and Westphalia Road. Due to Westphalia Road being a collector roadway, only one vehicular site access is shown; however, multiple pedestrian connections are included to the Westphalia Road frontage, to allow pedestrian travel to and along Westphalia Road that does not conflict with vehicular traffic.

- **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.**

The dwellings are clustered around an on-site shared amenity area and form a distinct neighborhood. Westphalia Park will also act as a shared amenity for the development and the adjacent Westphalia Estates subdivision. Green space in the form of perimeter landscaping, as well as woodland preservation and reforestation areas, will help define the edges of the development.

- **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 development utilizes small lot sizes compared to adjacent development and preserves wooded areas at the edges of the site. Usable shared green areas in the immediate neighborhood include the on-site amenity area and Westphalia Park.

Additional relevant sector plan policies related to master-planned rights-of-way, the environment, and bicycle and pedestrian friendly development are listed and addressed in the Environmental and Transportation findings of this resolution, respectively. The PPS conforms to the relevant policies and strategies of the sector plan, based on the above findings and findings related to other relevant master plan policies given throughout this resolution.

### **Zoning**

The sectional map amendment associated with the sector plan rezoned the property from the Residential-Agricultural Zone to the R-R Zone. On November 29, 2021, the District Council approved Prince George's County Council Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from the R-R Zone to the RR Zone. However, this PPS is reviewed according to the prior R-R zoning.

### **Aviation/Military Installation Overlay Zone**

This PPS is within the prior M-I-O Zone for height. The subject property is under the Conical Surface (20:1) – Right Runway Area E. Conformance to Section 27-548.54 of the prior Zoning Ordinance is required to ensure no structure exceeds the height limit for structures under this surface.

7. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or indication that an application for such approval has been filed with the appropriate agency or municipality having approval authority. A SWM Concept Plan (53735-2021-00) approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) was submitted with this PPS. The approved plan shows the use of a submerged gravel wetland and an infiltration trench to meet the stormwater requirements for the site. This plan was approved on March 10, 2023, and expires on March 10, 2026.

Development of the site, in conformance with the SWM concept approval and any subsequent revisions, if approved by DPIE, will ensure that no on-site or downstream flooding occurs. Therefore, this PPS 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 the sector plan, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George's County*, and Sections 24-134 and 24-135 of the prior Subdivision Regulations as they pertain to public parks and recreation and facilities.

One of the strategies of the sector plan is to designate the Westphalia Central Park and Cabin Branch Greenway as community focus areas. 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.

Given the subject property is within the Westphalia sector plan area, 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 (page 51). The Maryland-National Capital Park and Planning Commission (M-NCPPC) 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 the other parks that will serve the Westphalia Sector Plan area.

Sections 24-134 and 24-135, which relate to mandatory dedication of parkland, provide for the dedication of land, the payment of a fee-in-lieu, and/or the provision of private on-site recreational facilities to serve the active recreational needs of residential development. Based on the density of the development, five percent of the net residential lot area could be required to be dedicated to M-NCPPC for public parks, which equates to 0.5 acre for public parklands. This PPS shows the fulfillment of mandatory dedication via the provision of on-site recreation facilities on Parcel B. The 11,062-square-foot Parcel B includes an outdoor community area improved with a covered pavilion, seating, and a community garden, all of which are located along the main road and will be managed by the homeowners association. The community area connects to a hard surface walking path that loops around the SWM pond and provides a connection to Westphalia Park.

The sector plan recommends the expansion and improvement of Westphalia Park (accessed via Squire Road) into adjoining residential development (page 53, Table 1: Proposed Park Facilities). Consistent with the sector plan, the site was evaluated for mandatory parkland dedication as a possible extension of the existing parkland. However, based on the site design, and the SWM feature on forested steep slopes directly adjacent to park property, the subject site is not suitable for land dedication. Therefore, the provision of mandatory dedication of parkland shall be met through on-site recreation facilities.

### **Trail Connection to Westphalia Estates Neighborhood Park**

The plans show a trail connection to the abutting Westphalia Estates Neighborhood Park, which is owned by M-NCPPC and operated by the Prince George's County Department of Parks and Recreation (DPR). Staff met with the applicant to discuss the trail connection, to recommend it continue further south to the Parkside development located south of the park. It is anticipated that the full trail would start on the applicant's property and connect south through park property, to the edge of the Parkside development. The applicant agreed to provide the recommended trail, in return for being granted a right-of-entry into the park (discussed below) for installation of a sewer line necessary to serve the development. The trail meets the sector plan goal to improve the park into adjoining development, as it will help connect the two communities.

The trail will need to be implemented via a public recreation facilities agreement (RFA), and the applicant proffered that the public RFA and the associated bond be included as a condition of approval of the PPS. The trail will require construction drawings as a requirement of the public RFA. The alignment of the trail segments will be determined prior to issuance of permits. It is anticipated that the trail and sewer line will be subject to the mandatory referral process.

Based on the preceding findings, the provision of mandatory dedication of parkland shall be met through on-site recreation facilities, subject to the conditions in this resolution.

### **Right of Entry**

In the vicinity of the trail connection discussed above, the PPS includes a sewer connection from the subject site, traversing Westphalia Park to connect to the Washington Suburban Sanitary Commission (WSSC) Sewer Main at Squire Road. Squire Road serves as the park's existing entrance and terminates at the park's eastern boundary. The sewer connection is needed to serve the lots included in this PPS, and DPR finds it acceptable for the connection to be installed within the park. However, the sewer and trail connections will require the coordination of permits and agreements with DPR's Engineering Section staff, Capital Planning and Development Division. The applicant received a notice of intent letter granted for a Construction and Maintenance Agreement dated May 3, 2022 (Case No. ACR350926). Eligibility for a construction and maintenance agreement is contingent upon the applicant meeting the following criteria:

- a. Submission of one (1) digital copy of the WSSC approved map for this project.
- b. Submission of current Certificate of Liability Insurance from private consultant(s), naming M-NCPPC as Certificate Holder, and/or contractor(s), executing work on behalf of the applicant, naming M-NCPPC as an additional insured. M-NCPPC reserves the right to require increased coverage and coverage amounts if those provided are deemed inadequate.
- c. Submission of a performance bond in the amount to be determined upon receipt of a cost estimate, and to warrant satisfactory restoration of parkland affected by this project. Said bond shall be in favor of M-NCPPC and must be automatically renewed until released by M-NCPPC not sooner than 90 calendar days after satisfactory final inspection.

- d. Submission of the project schedule.
  - e. Should the applicant desire to use or access park property for any other reason than as listed, an easement may be required. The request for easements shall be coordinated with M-NCPPC's DPR.
  - f. The following conditions shall be applicable for all work conducted within M-NCPPC property and shall be shown on the approved plans or referenced by notes thereon:
    - (1) Blaze orange safety fence shall be erected and maintained around the work area, and "Caution/No Trespassing" signs shall be placed along this fence at a maximum spacing of 100 feet.
    - (2) Construction access to the work area shall be via the Squire Road alignment.
    - (3) Restoration of the affected park land shall include, but not be limited to:
      - (a) The removal of all flagging, construction equipment, erosion and sediment control practices, construction access road materials, and debris from parkland upon completion of work.
      - (b) The repair of any damaged asphalt trail or park infrastructure in kind to the satisfaction of M-NCPPC.
      - (c) Stabilization of all disturbed areas; for existing grassed areas, a live, uniform stand of grass is required for acceptance upon completion of work.
9. **Transportation**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the sector plan, and the prior Subdivision Regulations to provide the appropriate transportation facilities.

**Prior Conditions of Approval**

SE-4856 includes the following condition which is applicable to this PPS:

**3. At the time of preliminary plan of subdivision:**

- a. **The Applicant shall construct a 10- to 12-foot-wide side path along the site's frontage, subject to modification by the Prince George's County Department of Public Works and Transportation, with written correspondence.**

Adjacent properties along Westphalia Road have provided an 8-foot-wide side path, and therefore, the applicant sought to confirm with the Prince George's County Department of Public Works and Transportation (DPW&T) whether an 8-foot-wide side path would be appropriate for

the subject property's frontage. By email dated August 2, 2024 (Beckert to Mitchell et. al.), DPW&T referred the applicant's question to DPIE. DPIE previously provided written correspondence confirming that an 8-foot-wide path is to be provided along the property frontage, consistent with adjacent properties (email dated January 7, 2022, from Abdullah to Ballestero). This requirement was affirmed during an applicant meeting with DPIE held on August 15, 2024. Accordingly, the above-quoted condition is satisfied.

### **Transportation Related Master Plan Conformance**

#### **Master Plan Right-of-Way**

The subject property has frontage on Westphalia Road (C-626), a master-planned collector road with an 80-foot right-of-way. The PPS shows dedication of 0.21 acre (9,077 square feet) along Westphalia Road, to meet the recommended right-of-way width. The right-of-way dedication shown on the plans will meet the master plan recommendation.

#### **Master Plan Pedestrian and Bike Facilities**

The master plan facilities which impact the subject site include:

- **Side path: Westphalia Road (C-626)**

The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling (MPOT, pages 9–10). The policies are listed in **bold** text below, and responses to each policy are given in plain text:

#### **Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

The PPS shows sidewalks on both sides of all new streets throughout the site, as well as marked crosswalks and Americans with Disabilities Act (ADA) curb ramps to facilitate continuous pedestrian movement. Continental-style crosswalks and perpendicular ADA curb ramps are required to meet current standards, and the PPS shows crosswalks and curb ramps of the required design. It is noted that the approved SE site plan does not show crosswalks and curb ramps which meet the required design. The permit plans for the development shall show continental-style crosswalks along with the associated perpendicular ADA curb ramps, consistent with the PPS.

#### **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.**

**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.**

The site plan includes an 8-foot-wide side path along the property frontage, which will meet Policies 2 and 4 by serving both pedestrians and cyclists.

In addition, the sector plan recommends the following:

**Policy 3: Provide appropriate trails and bicycle and pedestrian facilities throughout the Westphalia area (page 43).**

The 8-foot-wide side path along the property frontage will also meet the above recommendation of the sector plan.

**Additional Transportation Findings**

The PPS shows one vehicle access point along Westphalia Road. There are pedestrian improvements shown along Westphalia Road, throughout the site, and connecting to Westphalia Road. The applicant will provide a 6-foot-wide asphalt trail around the SWM pond, and a trail connecting the subject property to the existing park adjacent to the site. Private streets are shown on the plans and are permissible, pursuant to Section 24-128(b)(19) of the prior Subdivision Regulations. The transportation facilities shown on the PPS are appropriate.

Based on the findings presented above, multimodal transportation facilities will exist to serve the subdivision, as required under the prior Subdivision Regulations, and will conform to the MPOT and sector plan.

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 the following goal:

**Provide needed public facilities and infrastructure to create a quality community and support the planned land use program consistent with county standards (page 48).**

The development will not impede achievement of the above-referenced goal. The analysis provided with approved Certificate of Adequacy ADQ-2023-076 illustrates that, pursuant to adopted tests and standards, public safety facilities will be adequate to serve the development. There are no master-planned police, fire and emergency medical service facilities, public schools, parks, or libraries recommended on the subject property.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades, renovations to existing facilities, and construction of new facilities; however, none of its recommendations affect the subject site.



Section 24-122.01(b)(1) of the prior Subdivision Regulations states that the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for PPS or final plat approval. The 2018 *Water and Sewer Plan* placed this property in water and sewer Category 4, Community System Adequate for Development Planning. This category comprises properties where water and sewer lines are available and/or accessible for extending. The *Water and Sewer Plan* states that once a property has been changed to Category 4 and meets certain criteria, a plan amendment application to move to Category 3 may be submitted. Category 3 status allows the owner of the property to obtain appropriate water and sewer extension authorization, and it must be obtained prior to approval of the final plat and receiving building permits. Accordingly, the subject property is in the appropriate service area at this time.

The property is within Tier 2 of the Sustainable Growth Act. Tier 2 includes those properties currently planned for service by public sewerage systems.

11. **Public Utility Easement**—In accordance with Section 24-122(a) of the prior Subdivision Regulations, 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 rights-of-way. The subject property has frontage on the public right-of-way of Westphalia Road, and the required PUE is provided along this roadway.

PUEs are also required along at least one side of all private streets, pursuant to Section 24-128(b)(12) of the prior Subdivision Regulations. The PPS shows PUEs along at least one side of all private streets.

12. **Historic**—The sector plan contains goals and policies related to historic preservation (pages 66 through 68). However, these are not specific to the subject site or applicable to the development. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. 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 were previously reviewed for the subject site:

Development Review Case Number	Associated Tree Conservation Plan or Natural Resources Inventory Number	Authority	Status	Action Date	Resolution Number
NRI-005-2022	N/A	Staff	Approved	3/16/2022	N/A
SE-4856	TCP2-006-2023	District Council	Approved	4/8/2024	N/A
4-23044	TCP1-024-2024	Planning Board	Approved	10/10/2024	2024-103

### Applicable Woodland Conservation Ordinance

This site is subject to the provisions of the 2010 Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the 2018 Environmental Technical Manual (ETM) because the site is subject to an approved SE, and the Type 2 tree conservation plan (TCP2) was accepted prior to July 1, 2024. This site is also subject to the environmental regulations contained in prior Subtitles 24 and 27.

### Site Description

The site has frontage along Westphalia Road, which is a historic roadway. Primary management area (PMA) is not identified on-site, but an area of regulated environmental features (REF) in the form of an isolated wetland is present along the eastern property line. No forest interior dwelling species are indicated on-site per PGAtlas. According to information obtained from the Maryland Department of Natural Resources (DNR), Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. No Tier II waterbodies are located on-site; however, the site is located with the Western Branch of the Patuxent River watershed, which is identified as a stronghold watershed, as established by DNR.

### Plan 2035

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

### Environmental Conformance with Applicable Plans

### Prior Approvals

### Special Exception SE-4856

The following condition of SE-4856 is environmental in nature and relevant to the subject TCP1. The condition is shown below, in **bold** text, and analysis regarding the condition is listed in plain text.

**2. The Type 2 tree conservation plan (TCP2) shall be revised, as follows:**

- d. The TCP2 shall be revised to include the following note under the specimen tree table, “This plan is in accordance with the following variance from the strict requirements of Subtitle 25, approved by the Zoning Hearing Examiner with SE-4856, for the removal of Specimen Trees 1 through 7, 14 through 22, 31, and 41 through 48. If**

**the Planning Board or its designee determines that Specimen Trees 7 and 41 are savable these trees may be preserved and said preservation will not require an amendment to the Special Exception.”**

The applicant shows both Specimen Trees ST-7 and ST-41 as removed on the TCP1. A specimen tree variance is not required for these removals, as the removal is based on an approval condition from the Zoning Hearing Examiner, which was affirmed by the District Council. During the review of SE-4856, Planning Department staff had recommended that ST-7 and ST-41 be retained or evaluated with future entitlement reviews.

With SE-4856, staff found that Specimen Tree ST-7, while in poor condition, was proposed to be placed within an area of afforestation with minimal impacts to its critical root zone, for the trail connection to the adjacent park to the south. Compared to the SE, the grading and location of the trail, as shown on the TCP1, has been modified, showing additional impacts within ST-7’s critical root zone. A new retaining wall is shown in this area. The change in the grading has also modified the afforestation area, so that the afforestation area does not appear to meet the design requirements established in Section 25-122(b)(1) of the WCO. The increased impact to the critical root zone of ST-7 would result in significant stresses to this tree. Specimen Tree ST-7 is a Tulip poplar in poor condition. Given that this species has poor tolerances to construction and is already in poor condition, pursuant to Condition 2(d), Specimen Tree ST-7 is not savable.

Specimen Tree ST-41 is a Sweetgum in good condition. This species has a good construction tolerance. This tree is located at the northern edge of the on-site isolated wetland. Modifications to grading in this area could further reduce the impact to this tree. The proposed grading is roughly a 2-foot difference from the existing condition.

As shown, the impact to the critical root zone is shown as 30 percent, which the State Forest Conservation Act identifies as the point when a tree should be considered for removal. Given the tree’s condition and construction tolerance of this species, minor modifications to grading and potential root treatments could bring this impact to be below 30 percent. Other specimen trees on-site are being impacted in similar ways and are shown as retained. As such, the removal of Specimen Tree ST-41 is not approved. The TCP1 shall be revised to show ST-41 as retained, and reduce the critical root zone impact to less than 30 percent. The applicant shall provide a specimen tree maintenance plan on the TCP2, for ST-41.

### **Sector Plan Conformance**

The Environmental Infrastructure Section of the sector plan contains goals, policies, and strategies. Of these, the following have been determined to be applicable to the current project. The text in **bold** is the text from the sector 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 (page 35).**

According to the Countywide *Green Infrastructure Plan* (GI Plan) of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*, evaluation areas occur on majority of the property. The site does not contain any streams or associated buffers, but is located within the Western Branch watershed. Approved Natural Resources Inventory NRI-005-2022 shows an isolated wetland on the eastern property boundary, which is a REF. One impact to this REF was requested and approved with SE-4856. The forested portion of this isolated wetland is to be preserved as part of the total woodland conservation; however, additional preservation areas to fully buffer and preserve this sensitive area are required, to the fullest extent possible.

While the NRI identifies both forest Stand A and Sub-Stands B-1 and B-2 as low priority for preservation and restoration, the applicant shall strive to meet as much woodland conservation on-site as possible to serve multiple ecoservices. The development will meet half of the woodland conservation threshold on-site. However, woodland conservation is shown in the areas near to sensitive REF and specimen trees. Thus, while woodland conservation on-site is limited, the priority areas are protected.

#### **Policy 2: Restore and enhance water quality of receiving streams that have been degraded and preserve water quality in areas not degraded (page 38).**

The site does not contain any streams or associated buffers, but is located within the Western Branch watershed. Preservation and restoration of the on-site isolated wetland are evaluated under the Environmental Review section below.

This site has an approved SWM Concept Plan (53735-2021-0), which was approved on March 10, 2023, and expires March 10, 2026. The SWM provided is designed to preserve water quality.

#### **Policy 3: Reduce overall energy consumption and implement more environmentally sensitive building techniques (page 38).**

The use of green building techniques and energy conservation techniques is encouraged for this development. The use of alternative energy sources is also 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 (page 38).**

The site is not within the M-I-O Zone for noise, and there are no adjacent roads of arterial classification or higher.

#### **Conformance with the Green Infrastructure Plan**

The GI Plan was approved on March 17, 2017, with the adoption of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017). According to the approved GI Plan, roughly 60 percent of this property is located within an evaluation area, and the remaining 40 percent does not fall within a designated network area. Aerial imagery from PGAtlas shows that a portion of the site was developed around 1965, with a detached single-family dwelling, associated accessory buildings, and a driveway. Based on this new PPS associated with SE-4856, the new development is subject to the WCO and ETM.

The following policies and strategies are applicable to the subject PPS and associated TCP1. The text in **bold** is the text from the GI Plan, and the plain text provides findings 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, re-stored, 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.**

The property is within the Western Branch of the Patuxent River watershed, and is not within a Tier II catchment area. The site does not contain any stream systems, but does feature steep slopes and an isolated wetland. The majority of the southern portion of the site, which contains the isolated wetland and steep slopes, falls within the evaluation area of the GI Plan. A stream system is located off-site to the west and south of the property boundary. The current plan retains the majority of the isolated wetland with one impact to the wetland buffer for a utility connection. Additional preservation or reforestation may be provided on-site to meet the woodland conservation threshold and to fully protect the isolated wetland. While the preservation area along the southwestern property line preserves numerous specimen trees, additional preservation or reforestation in this area is strongly encouraged to reduce the impacts to the critical root zones of specimen trees within the conservation area. DPIE has approved a SWM concept plan for the subject property. Development of the site, in conformance with the SWM concept approval, will ensure that no on-site or downstream flooding occurs. Sediment and erosion control measures will be reviewed by the Prince George's County's Soil Conservation District. The limits of disturbance shown on the SWM plans and sediment and erosion control plans shall be consistent with the limits of disturbance on the TCP2.

**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.**

Sensitive species habitat is not identified on this site. The project is also not within a special conservation area.

**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.**

The evaluation area of the GI Plan is primarily located along the southern and eastern portions of the property, where the isolated wetlands are located, and where the site is nearest to the off-site stream and adjacent to the park. Due to this concentration of evaluation area, there were no identifiable network gaps to bridge.

**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.**

The TCP1 shows the majority of the wetland buffer will be protected with a small area to be impacted for a utility line and trail to access the park. The TCP1 shows that the 3.80 acres of the required woodland conservation requirement will be met with 0.90 acre of on-site woodland preservation, all located along the southeastern boundary of the property, within the evaluation area.

**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 TCP1 shows 2.77 acres of off-site woodland conservation credits. Off-site woodland conservation shall be placed within a woodland conservation bank located within the same sub-watershed as the development site. If no credits are available at the sub-watershed level, then the applicant shall provide the off-site credits with the next appropriate bank at the watershed level.

**Policy 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan [Green Infrastructure 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.**

The TCP1 shows the woodland conservation areas to be contiguous with existing off-site corridors along the southern portion of the property; however, the wetland area and the woodland preservation and reforestation in the eastern portion of the property are fragmented by significant grading and stormwater infrastructure. This section of the property will not be developed with units, and will remain open, which will provide some benefit to field and edge habitat, thereby maintaining that connection across the southern boundary of the property. Reforestation outside of the SWM facility non-woody buffer is encouraged to enhance this corridor, provide a visual buffer to the adjacent park property, and fulfill more of the woodland conservation requirement on-site.

- 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 to connect this site and the adjacent park to the southeast is shown on the plans. This trail is outside of the on-site REF.

**Policy 4: Provide the necessary tools for implementation of the 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 the certification of the TCP2. The isolated wetland will be included within the easement.

**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.**

The proposal has received SWM concept approval. The submitted approved concept plan shows use of a submerged gravel wetland and an infiltration trench to meet the current requirements of environmental site design to the maximum extent practicable. No SWM features are being placed within the REF.

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

One isolated wetland is located on-site on the southeastern edge of the property. The applicant will retain this wetland within an area of woodland preservation. The only impact is to the outermost buffer of the wetland, for the utility connection to the park property to the south. No SWM features are being placed within the REF.



**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.**

According to the TCP1, the property contains 4.78 acres of woodland. Currently, the TCP1 meets the majority of the woodland conservation requirements off-site by purchasing credits within an off-site tree bank. The on-site woodland preservation/reforestation areas are 0.97 acre short of the 2.00-acre woodland conservation threshold. Woodland conservation is relegated to the property boundaries, and the eastern woodland conservation area is fragmented from the western conservation areas. The technical staff report for SE-4856 transmitted to the Zoning Hearing Examiner recommended a condition that the applicant meet the full 20 percent conservation threshold on-site (Condition 1.i.(1)); however, this condition was not carried forward in the Zoning Hearing Examiner decision. The District Council adopted the written decision of the Zoning Hearing Examiner on April 8, 2024. As adopted by the District Council, the 20 percent conservation threshold is not required to be met on-site. Retention of more existing woodlands and reforestation on-site would support Policy 7 of the GI Plan and preserve the connection of the on-site wetland to the evaluation area to the west. To the extent possible, the applicant shall look for opportunities to provide that connection on-site, outside of the SWM facility non-woody buffer.

**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.**

The planting of native species on-site is required by both the ETM and the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

***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.**

Clearing of 3.88 of the 4.78 acres of woodland is shown on the TCP1. Woodland conservation is designed to minimize fragmentation and reinforce new forest edges. However, due to the nature of the submerged gravel wetland and the shape of the property, a new forest edge is created along the property boundary shared by the adjacent park site. While 23 of the 48 specimen trees are to be preserved, the on-site greenspace will be reduced from the current site conditions. These

issues may be mitigated by ensuring that the afforestation area meets the design requirements established in Section 25-122(b)(1).

**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.**

This site does not contain potential forest interior dwelling species.

**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.**

Green space is encouraged to serve multiple eco-services.

## **Environmental Review**

### **Natural Resources Inventory/Environmental Features**

The site has an approved NRI plan (NRI-005-2022). The NRI shows steep slopes, specimen trees, and an isolated wetland feature on the eastern property edge. No further information is required with this PPS regarding the existing site conditions.

### **Woodland Conservation**

The site is subject to the provisions of the WCO and ETM because the property contains more than 10,000 square feet of woodland, more than 5,000 square feet will be cleared, and the TCP2 was submitted for review prior to July 1, 2024. TCP1-024-2024 was submitted with this PPS which shows a total of 4.78 acres of woodland on-site and clearing of 3.88 acres of woodland. The threshold as established by the zone is 20 percent, or 2.00 acres. Based on the clearing shown, a total woodland conservation requirement of 3.80 acres is required. The applicant will meet this requirement with 0.90 acre of on-site preservation, 0.13 acre of on-site reforestation, and 2.77 acres of off-site credits. With the approval of SE-4856, a recommended condition to provide the full 20 percent woodland conservation threshold on-site was not carried forward, and instead the plan allowed the use of off-site woodland conservation credits.

Compared to the SE, the TCP1 has modified the afforestation area due to the changes in grading with a new retaining wall and the relocation of the trail that connects to the park to the south. The new afforestation area appears to not meet the design requirements as established in Sections 25-122(b)(1)(I), 25-122(b)(1)(J), and 25-122(b)(1)(O) of the WCO. These sections of Subtitle 25 establish the minimum area, width, and setbacks for woodland conservation areas. All woodland conservation areas shall be in conformance with Section 25-122(b)(1). Technical corrections are required to the TCP1, which are listed in the conditions of this resolution.

### **Specimen Trees**

Section 25-122(b)(1)(G) of the WCO requires that “Specimen 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 zones of each tree in its entirety or preserve an appropriate percentage of the critical root zones 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 Prince George’s County’s 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). Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

A Subtitle 25 variance was submitted for review with SE-4856, for the removal of 25 of the 48 specimen trees on-site. With the SE, it was recommended by the Planning Department that Specimen Trees ST-7 and ST-41 be retained or evaluated with future entitlement reviews. The required findings of Section 25-119(d) were adequately addressed for the removal of 23 specimen trees, identified as ST-1 through ST-6, ST-14 through ST-22, ST-31, and ST-42 through ST-48. The Zoning Hearing Examiner approved the requested variance for the removal of all 25 specimen trees for construction of a residential development; however, they also stated that if the Prince George’s County Planning Board or its designee determines that ST-7 and ST-41 are savable, these trees may be preserved. An evaluation of whether these two trees are savable and may be preserved is given above in the review of the conditions of approval of SE-4856. In summary, ST-7 is approved for removal, but ST-41 shall be saved and placed under a specimen tree protection plan with the TCP2.

### **Off-Site Specimen Trees**

The subject property’s forest is of high quality due to its composition and steep slopes. The subject property’s woods buffer and are an extension of the adjacent public park forest. The specimen tree inventory provided on the plans notes that Specimen Trees ST-8, ST-10, and ST-12 are located on-site. However, the plans show these trees off-site on park property. The inventory shall be corrected, prior to signature approval of the TCP1.

The TCP1 shows multiple trees off-site in Westphalia Park that are to be saved but have substantial impacts to their critical root zones. To ensure the protection of these trees, prior to signature approval of the TCP2, a specimen tree protection plan shall be provided. The plan shall include, but may not be limited to, tree protection fencing and any other appropriate tree protection measures, such as root pruning, along the limits of disturbance associated with the sewer line connection and trail connection located on the adjacent park property, to minimize disturbance to the existing trees. Specific specimen trees on park property which are at issue are discussed below.

The TCP1 indicates that ST-8, a white oak noted in good condition, will have a 29 percent impact to the critical root zone and will be saved. Based on the limits of disturbance shown, it is estimated that the critical root zone impact is 40 percent. The limits of disturbance could be tightened up closer to the edge of the grading to reduce the impact to the tree. Prior to signature approval of the TCP1, the applicant shall, to the extent practicable, adjust grading to reduce impacts to the critical root zone and revise the limits of disturbance to follow tightly to the grading/disturbance. The applicant shall provide a recommendation from a Maryland licensed tree expert or certified arborist for appropriate tree protection measures given the amount of disturbance. These measures shall be included in the required specimen tree protection plan.

The TCP1 indicates that ST-12, a red oak noted in good condition, will have a seven percent impact to the critical root zone and will be saved. The impact to this critical root zone shall be further reduced, if possible.

The TCP1 shows ST-25 is an off-site tree that will be substantially impacted based on the limits of disturbance, but the tree list notes there will be zero percent impact to this tree. This information shall be corrected, prior to signature approval of the TCP1. This tree shall be placed under the required specimen tree protection plan.

ST-14, a southern red oak noted in fair condition, is shown to be just inside the property line (on the development site). This tree is noted on the TCP1 to have a 38 percent impact to the critical root zone and will be removed. A variance for removal of this tree was approved with the SE. However, this tree shall be survey located to ensure it is not located on park property. If the tree is on park property, the applicant shall provide mitigation for removal of the tree via tree planting on the park property. This will be required as part of the right-of-entry agreement for construction of a sewer line on park property.

Conditions to address the above issues regarding specimen trees are included in this resolution.

#### **Preservation of Regulated Environmental Features/Primary Management Area**

Section 24-130(b)(5) of the prior Subdivision Regulations states: "Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat."

No areas of PMA are located on this property based on the approved NRI plan; however, REF are located on-site in the form of an on-site isolated wetland. The applicant requested one impact to this REF with SE-4856. Impact 1 is for 998 square feet (0.02 acre) of impact to the on-site wetland buffer for connection, installation, and associated grading for a sanitary sewer line. The impact was approved with the SE. No additional REF impacts are approved with this PPS. Accordingly, the subject PPS demonstrates the preservation and/or restoration of REF in a natural state to the fullest extent possible, consistent with the guidance provided by the ETM.

### **Soils**

The predominant soils found to occur, according to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, include Beltsville-Urban land complex, Grosstown gravelly silt loam, Marr-Dodon complex, Matapeake silt loam, and Marr-Dodon-Urban land complex. No unsafe soils containing Marlboro clay or Christiana complexes have been identified on or within the immediate vicinity of this property. DPIE may require a geotechnical report at later stages of review, prior to permit.

Based on the foregoing findings, the PPS will conform to the relevant environmental policies of the sector plan and GI Plan, and the relevant environmental requirements of Subtitle 25 and prior Subtitle 24.

14. **Urban Design**—A detailed site plan is not required for this development. The use was approved with SE-4856.

Section 27-352.01 of the prior Zoning Ordinance contains requirements for approval of one-family attached dwellings for the elderly. Conformance with this section was found at the time of the SE.

Conformance with the requirements of the Landscape Manual was found at the time of the SE. Alternative Compliance AC-23002 was approved with SE-4856 from the requirements of Sections 4.6(c)(1)(A)(ii) and 4.6(c)(2)(A)(ii) of the Landscape Manual, along the frontage of the subject property on Westphalia Road, which is designated as a collector road and a historic roadway.

Prince George's County Council Bill CB-21-2024, for the Tree Canopy Coverage Ordinance, became effective July 1, 2024. Prior to July 1st, the Tree Canopy Coverage Ordinance required a minimum percentage of the site to be covered by tree canopy for any development projects that proposed more than 5,000 square feet of gross floor area, or disturbance, and required a building or grading permit. The subject site in the RR Zone was required to provide a minimum of 15 percent of the gross tract area to be covered by tree canopy. Conformance with this requirement was reviewed with SE-4856, and the plan was found to meet the tree canopy coverage (TCC) requirement. Subsequent to July 1st, 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 2,500 square feet of gross floor area, or disturbance, and require a grading permit. The subject site in the RR Zone would be required to provide a minimum of 20 percent of the net tract area to be covered by tree canopy. The net tract area of the subject site is approximately 10.00 acres and the required TCC would be approximately two acres. Conformance with TCC requirements does not need to be demonstrated at the time of PPS. However, if any future revision is required to SE-4856, the landscape plan associated with that revision may be subject to the requirement of 20 percent the net tract area to be covered by tree canopy.

### **Additional Urban Design Findings**

The approved SE depicts a 3-foot-tall decorative wall along the property's frontage on Westphalia Road. The TCP1 shows instead of this decorative wall a site screening wall of undefined height. It is unclear whether the site screening wall is proposed to be taller than three feet for screening purposes. The walls provided should shield vehicular traffic from direct sight lines into residents' properties, while also being aesthetically pleasing, compliant with design requirements set forth in the prior Zoning Ordinance, and in conformance with the approved SE. A revision to the design of the walls that is not in conformance with the approved SE may require a revision to the SE.

The mandatory dedication of parkland requirement is to be met with on-site recreation facilities. The applicant submitted with the PPS a schedule of the on-site facilities and their estimated value, which is consistent with the on-site facilities depicted on the approved SE. However, the approved SE does not include any information regarding the timing for construction of the recreational facilities. Typically, construction of recreation facilities should be completed before most of the dwellings in the development are constructed, so that residents who move into the development before it is complete have recreation facilities available. Therefore, all the private on-site recreation facilities shall be constructed, prior to approval of the 40th building permit for a dwelling.

The applicant is encouraged to provide dog waste stations. If any are proposed, their locations and details should be provided on the SE prior to its certification.

15. **Community Feedback**—No correspondence from the community was received regarding the subject PPS. No members of the public signed up to speak at the October 10, 2024 Planning Board hearing.


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.

\* \* \* \* \*

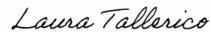
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Shapiro voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, October 10, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of October 2024.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:EDC:tr



Approved for Legal Sufficiency  
M-NCPPC Office of General  
Counsel