

The Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530



Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>.

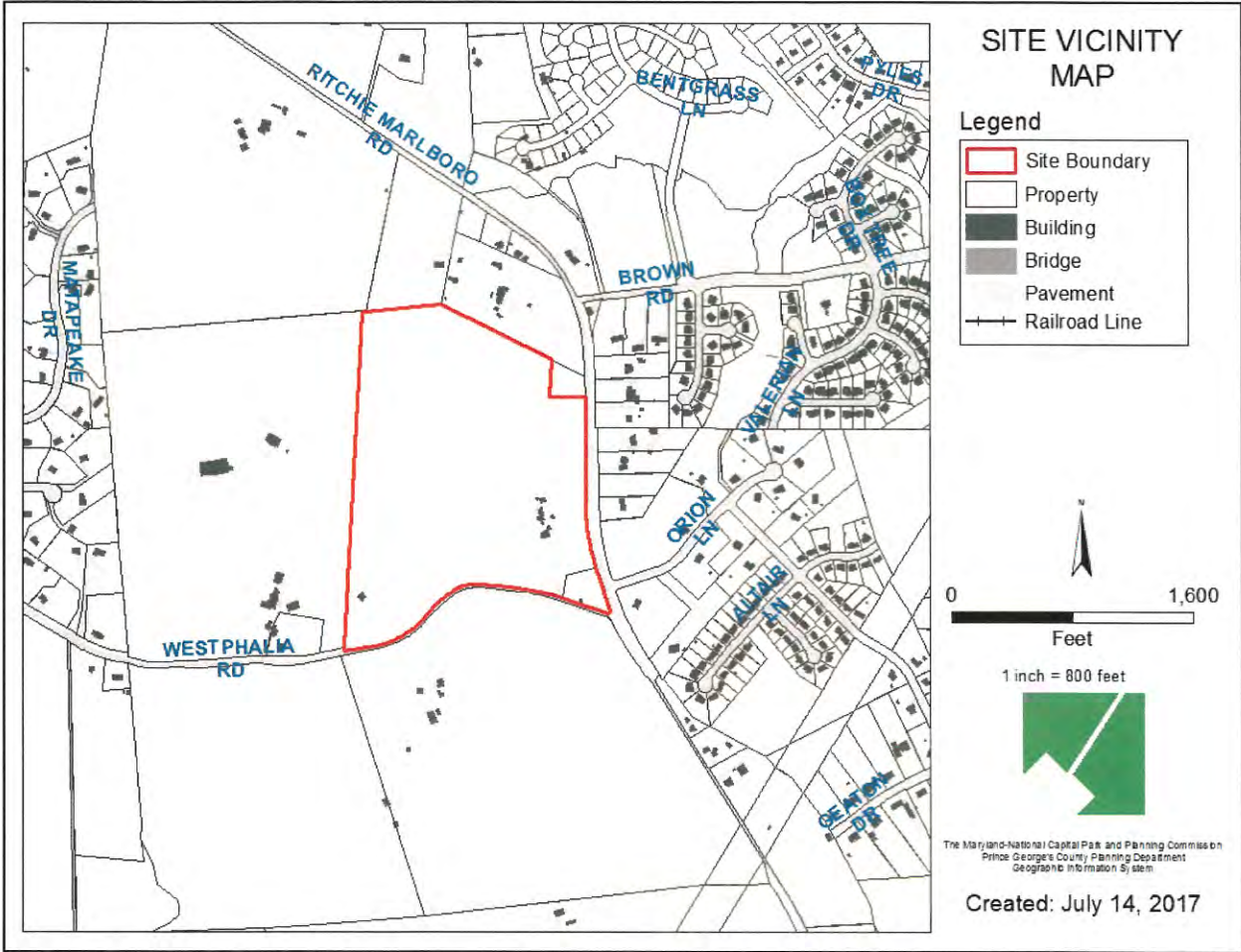
## Comprehensive Design Plan

CDP-1701

Application	General Data	
<b>Project Name:</b> The Preserve at Westphalia  <b>Location:</b> In the northwest quadrant of the intersection of Westphalia Road and Ritchie Marlboro Road.  <b>Applicant/Address:</b> Green Revolution Reality, LLC 1101 Mercantile Lane, Suite 280 Upper Marlboro, MD 20774  <b>Property Owner:</b> Same as applicant	Planning Board Hearing Date:	07/26/18
	Staff Report Date:	07/18/18
	Date Accepted:	03/01/18
	Planning Board Action Limit:	07/26/18
	Plan Acreage:	63.66
	Zone:	R-M/L-A-C
	Dwelling Units:	235-330
	Gross Floor Area:	N/A
	Planning Area:	78
	Council District:	06
	Election District:	15
	Municipality:	N/A
	200-Scale Base Map:	204SE10

Purpose of Application	Notice Dates	
This case was continued from the Planning Board hearing date of July 19, 2018 to July 26, 2018.  147 single-family attached and 123 single-family detached residential units and 1.93 acres of land for commercial use.	Informational Mailing:	10/24/17
	Acceptance Mailing:	03/01/18
	Sign Posting Deadline:	05/29/18

<b>Staff Recommendation</b>		Staff Reviewer: Henry Zhang, AICP LEED AP Phone Number: 301-952-4151 E-mail: Henry.Zhang@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Comprehensive Design Plan CDP-1701  
The Preserve at Westphalia  
Type 1 Tree Conservation Plan TCP1-002-2018

PUBLIC HEARING

In accordance with the comprehensive design plan provisions of Section 27-522 of the Prince George's County Zoning Ordinance, a public hearing is scheduled before the Prince George's County Planning Board at 10:00 a.m. on July 19, 2018. The purpose of this hearing is to review Comprehensive Design Plan CDP-1701 for development of 147 single-family attached units and 123 single-family detached dwelling units and a commercial development of 12,500 square feet in the Local Activity Center (L-A-C) and Residential Medium Development (R-M) Zones.

INTRODUCTION

The Development Review Division of the Prince George's County Planning Department has coordinated a review of the subject application with all offices and agencies having any planning activities that might be affected by the proposed development. This staff report documents that process and presents findings and a recommendation to be acted upon by the Prince George's County Planning Board.

RECOMMENDATION SUMMARY

The Urban Design Section recommends APPROVAL of Comprehensive Design Plan CDP-1701 with conditions, relative to conformance to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* that governs this property and consistency with some of the design standards and guidelines of the sector plan, specifically regarding density in the L-A-C Zone, lot sizes, and widths.

COMPREHENSIVE DESIGN ZONES

The comprehensive design plan phase of the three-phase comprehensive design zone (CDZ) review process requires the submission of a plan that establishes the general location, distribution, and size of buildings and roads. The plan includes several drawings, the schedule for development of all or portions of the proposal, and standards for height, open space, public improvements, and other design features. The regulations for any of the CDZs are, at the same time, more flexible and more rigid than those of other zones in Prince George's County. The zones are more flexible in terms of permitted uses, residential densities, and building intensities. They are more rigid because some of the commitments

made by a developer carry the force and effect of law once approved by the Planning Board and the Prince George's County District Council.

The principal difference between CDZs and conventional zones is that the CDZ includes a list of public benefit features and density or intensity increment factors. If a development proposes to include a public benefit feature in a development, the Planning Board, at this stage of the process, may grant an increment factor that increases the dwelling unit density or building intensity. The value of the public benefit feature proposal determines the size of the increase in density or intensity. A public benefit feature is an item that will improve the built environment or lessen the public cost of a development. The intent is to create a development, through the granting of incremental density increases, which will result in a better quality residential, commercial, and industrial environment.

#### EVALUATION CRITERIA

- a. The requirements of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*;
- b. The requirements of the Prince George's County Zoning Ordinance for the Residential Medium Development (R-M) and Local Activity Center (L-A-C) Zones;
- c. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance; and
- d. Referral comments.

#### FINDINGS

Based upon the analysis of the subject application, the Urban Design Section recommends the following findings:

- 1. **Request:** This comprehensive design plan (CDP) application proposes to develop a 63.66-acre site with a range of 235–330 residential dwelling units and 12,500 square feet of commercial development. Specifically, the CDP illustrates 101 single-family detached (SFD) dwellings in the Residential Medium Development (R-M) Zone, and 147 single-family attached (SFA) dwellings and 22 SFD dwellings in the Local Activity Center (L-A-C) Zone. In addition, the CDP also includes a 1.93-acre area for the proposed 12,500 square feet of commercial development.

- 2. **Development Data:**

Gross tract area	63.66 acres
Gross tract area of the R-M-zoned parcel	44.21 acres
100-year floodplain in the R-M Zone	2.26 acres
Net tract area	41.95 acres
Base density*of the R-M-zoned property (3.6 x 43.08 acres)	155 dwelling units
Proposed density in the R-M Zone	101 dwelling units
Gross tract area of the L-A-C-zoned parcel	19.45 acres
100-year floodplain in the L-A-C Zone	0 acre

Net tract area	19.45 acres
Residential acreage proposed	17.52
Base density* of the L-A-C (Neighborhood) zoned property (8 x 17.52 acres)	140 dwelling units
Proposed density in the L-A-C Zone	147 SFA 22 SFD
Commercial acreage proposed	1.93
Base commercial intensity (0.16 FAR per acre)	13,451 sq. ft.
Commercial development proposed	12,500 sq. ft. (0.15 FAR)

**Note:** \*Per Section 27-486(a) of the Zoning Ordinance, residential density determinations in the L-A-C and M-A-C Zones shall be based on an average number of dwelling units per gross residential acre. Residential density determinations in the R-S, R-M, R-U, V-M, V-L, and R-L Zones shall be based on an average number of dwelling units per gross acre, minus 50 percent of the density attributed to any land located within a 100-year floodplain.

3. **Location:** The subject site is located in the northwest quadrant of the intersection of Westphalia Road and Ritchie Marlboro Road in Upper Marlboro, Maryland. The site is also located in Planning Area 78, Councilmanic District 6.
4. **Surroundings and Uses:** The subject property is part of a larger property known as The Villages at Westphalia, referenced as Sector Plan Development Concept 4 of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA). The site is bounded on the east side by the public right-of-way (ROW) of Ritchie Marlboro Road and on the south side by the ROW of Westphalia Road. Across from both roadways to the east and south are properties in the Residential-Estate (R-E) Zone. To the north of the subject site are properties in the R-E Zone and to the west of the site is the remainder of the Villages at Westphalia in both the L-A-C and R-M Zones.
5. **Previous Approvals:** The Westphalia Sector Plan and SMA rezoned a larger property of approximately 223.5 acres from the Residential-Agricultural (R-A) Zone to the R-M and L-A-C Zones. As part of the approval of these comprehensive design zones, the Prince George's County District Council approved Sector Plan Development Concept 4 as the Basic Plan for development of the subject property. The specific land use types and development quantities/densities are stated in Approved Zoning Change 9 of the SMA (see Finding 7 for specific land use types).  
  
A comprehensive land use study of the Westphalia Sector Plan was conducted before its initiation. The sector plan specifically states that the land use concepts included in the sector plan serve as the Basic Plan for those properties in the comprehensive design zones (see page 91).
6. **Design Features:** The subject CDP proposes to develop the subject 63.66-acre site, which is split zoned L-A-C and R-M, with commercial and SFA and SFD units. The L-A-C-zoned parcel has frontage on Westphalia Road at the southwest corner of the site, and is surrounded on three sides by the R-M-zoned property.

An east-west oriented major roadway, identified as ‘Street A,’ provides access to the site from Ritchie Marlboro Road and extends to the western edge connecting to the remainder of the Villages at Westphalia. Two north-south roadways, labelled as ‘Street F’ and ‘Street C,’ intersect Street A and provide access to most of the SFD units. The majority of the SFD units are located to the north of Street A and east of Street F. One cul-de-sac off Street C and an additional three culs-de-sac off Street F provide access to the rest of the SFDs. The applicant is proposing four different lot widths for the SFDs, including 50 feet, 60 feet, 65 feet, and 70 feet. All the proposed SFA units are located to the south of Street A and west of Street F, and are accessed through private alleys and Street D, which loops back to Street A. Two lot widths have been proposed in this CDP, including 16 feet and 20 feet.

The applicant has proposed the following development standards for the SFD and SFA development:

**Single-Family Detached (SFD) Units**

STANDARDS

Minimum Net Lot area	6,000 square feet
Minimum Front Yard setback:	20 feet
Minimum Rear Yard setback:	20 feet
Minimum Side Yard setback (one side / combined)	5 feet/10 feet
Minimum Lot Width at Street Line	50 feet
Minimum Lot Width at Front BRL	50 feet
Minimum Lot Width at Street (cul-de-sac)	40 feet
Maximum Height	40 feet

**Single-Family Attached (SFA-Townhouse) Units**

STANDARDS

Minimum Net Lot area	1,100 square feet
Minimum Front Yard setback:	6 feet
Minimum Lot Width at Street Line	16 feet
Minimum Lot Width at Front BRL	16 feet
Minimum Space between end buildings	15 feet
Minimum Gross Living Space	1,250 square feet
Maximum Height	45 feet

The CDP identifies one major open space, that is labeled as a community amenity area, and two pocket park sites. One pocket park site is located in the northwest quadrant of the intersection of Street A and Street F and the other one is located in the southeast quadrant of the intersection of Street A and Street H, which is in the townhouse section. The major community area is centrally located in the northeast quadrant of the intersection of Street A and Street C. Given the overall site layout, three green open spaces are necessary and will well serve the future residents of this subdivision.

The CDP proposes a neo-traditional design approach for the townhouse development and clusters smaller lots and higher density away from environmentally sensitive areas. This site design approach creates a land pattern where green area surrounds and permeates into the neighborhoods, to give all of the future residents visual and physical access to space. An additional review of the location and amount of the open space will be carried out at the time of specific design plan (SDP).

A monument sign is located at the main entrance to the Preserve at Westphalia neighborhood and reflects the neighborhood's character. Internal signage will be used to facilitate wayfinding and distribute information. Temporary and permanent signage will be designed to be distinctive, cohesive, and visually appealing and placed appropriately to avoid being obstructive. A detailed signage plan should be developed at the time of SDP.

No specific design standards have been proposed for the commercial/retail uses, but should have been submitted with this application; therefore, a condition has been recommended to address the design components of the commercial pod of development.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Approved Zoning Change 9 of the Sectional Map Amendment/Sector Plan Development Concept 4: The Villages at Westphalia in the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment:** The larger property of approximately 223.5 acres, which consists of 183.5 acres in the R-M Zone and 40 acres in the L-A-C Zone, including the subject site, was rezoned to the L-A-C and R-M Zones from the R-A Zone by the Westphalia Sector Plan and SMA. Sector Plan Development Concept 4 (page 106) serves as the Basic Plan for the property. The specific land use types, development quantities, and densities for each zone are stated in Approved Zoning Change 9 of the SMA (page 91), as follows.

**The R-M (Residential Medium) and L-A-C (Local Activity Center) comprehensive design zones implement the sector plan recommendation for low- to moderate-density residential, neighborhood-oriented commercial and institutional land uses on these three properties. Public Record Exhibit 58 contains an illustration for a comprehensively planned mix of civic, residential, commercial, and open space uses as the basic plan (as amended by CR-2-2007 (DR-2) below) for these comprehensive design zones per Section 27-478 of the Zoning Ordinance. The land use relationships illustrated in Exhibit 58 are represented in SMA Rezoning Development Concept 4 (see Appendix 1). The land use types and quantities approved for the Rock Creek Baptist Church, Washington, and Bean properties are defined by CR-2- 2007 (DR-2), SMA Amendment 3 as follows:**

- **Land Use Types: All uses allowed in the R-S and L-A-C Zones.**
- **Land Use Quantities (to be determined at CDP, based on Exhibit 58):**

**R-M (3.6) Zone: Approximately 183.5 acres, capped at 4.0 DU/acre**

**Residential—712 units**

**Age-Restricted Community—160 units**

**Public/Quasi-Public Use—Church, school and recreation amenities**

**L-A-C (Neighborhood) Zone: Approximately 40 acres**

**Residential—Approximately 12 acres**

**Residential—320 units**

**Commercial/Retail (including live/work)—25,000 square feet GFA**

**Country Inn—40,000 square feet GFA**

**Comprehensive Design Plan Review Considerations:**

**MC-631 is located on the subject property and should connect directly to the portion of MC-631 located on the Woodside Village property at a four-way intersection with Westphalia Road.**

The Basic Plan (Development Concept 4 in Appendix 1) calls for a mix of residential and commercial uses interspersed between a host of amenities along a major collector roadway, and a gateway entrance at the southeastern edge of the site. The subject CDP application proposes 270 SFDs and SFAs and approximately 2.00 acres of the L-A-C-zoned property as a potential location for future commercial/retail uses. The review by the Community Planning Division dated June 27, 2018 (Zamore to Zhang), found that this CDP is not consistent with three sector plan design guidelines and principles identified in Policy 5-Residential Areas (page 31), that include the following:

- 1. Design an efficient, safe, and interconnected residential street system:**
  - **Design or retrofit street systems to link individual subdivisions/projects to each other and the community.**
  - **Avoid closed loop subdivisions and extensive cul-de-sac systems, except where the street layout is dictated by the topography or the need to avoid sensitive environmental resources.**
- 2. Design new low- to medium-density residential neighborhoods that are varied in housing styles and architecture and promote best practices for residential design:**
  - **Arrange driveways so that cars are parked to the side or rear of the house or otherwise hidden from the street.**
- 3. Design residential developments that connect and appropriate transition to pre-existing communities and neighboring commercial areas:**
  - **Develop neighborhoods to reflect the character of their location within Westphalia, with areas closer to the town center being more compact and more urban, and outlying areas more rural.**
  - **Create lot divisions that respect the existing pattern of development for neighborhood continuity and compatibility.**

This CDP is part of a larger property for which the District Council approved the rezoning with very specific uses and development quantities. In addition, the proposed development is within the density normally allowed by the R-M Zone, but exceeds the density allowed for the



L-A-C-zoned parcel. The Basic Plan, as discussed previously, includes 40 acres of land in the L-A-C Zone, of which about 12 acres is for residential use and was capped at a total of 320 residential units. However, the total number of dwelling units cannot exceed the calculation, in proportion to the land area contained in this application. In this case, the L-A-C Zone contains 19.45 acres, and 1.93 acres is proposed as commercial development. The maximum allowed dwelling units in the L-A-C Zone residential area is 140. The applicant proposes 169 dwelling units; 29 units above the maximum allowed. A condition has been included in the Recommendation section of this report requiring the applicant to revise the CDP to not include more than 140 dwelling units on the L-A-C-zoned property. This will allow for the development of more open space, larger units, and a more attractive community, that will be more compatible with the adjacent R-E Zone and its rural surroundings.

The CDP proposes small townhouses, in terms of lot size and width, as shown on the illustrative plan. Minimum lot size is proposed at 1,100 square feet and minimum lot width is 16 feet. In accordance with the sector plan, specifically Policy 5–Residential Area, Design principles, the idea of transitioning from smaller lot sizes to larger lot sizes is specifically addressed, as follows:

- **Provide a variety of single-family attached residential lot sizes in and near the Westphalia town center**
- **Within the town center urban areas, there should be a range of lot sizes for single family attached dwelling units, with a minimum lot size of 1,000.**
- **Near the town center, lot sizes may range from 1,300 to 1,800 square feet.**

The site of this application is at the edge of the sector plan, far away from the town center. In fact, the site is in an outlying area, very much a rural part of Westphalia. Therefore, the subject site is not the right place for small-lot townhouses, as proposed, and the townhouse regulations associated with other CDPs and other Euclidian zones should be applied. See Finding 8(b) for further discussion of this issue relating to the townhouse development, as proposed. Given that the site is in the middle of R-E-zoned development, the minimum width of the townhouses should be 20 feet. However, since the sector plan calls for low- to medium-density and diverse development, in terms of housing types and affordability, and the comprehensive design zone does promote high-quality development with flexibility, as long as the density for the townhouses does not exceed eight dwelling units per acre, a limited amount of the townhouses can be 16 feet in width and should be located to the interior of the site. Staff recommends that no more than 20 percent of the townhouses be 16 feet wide, in order to keep a predominantly larger lot appearance for the townhouse development. A condition has been proposed in the Recommendation section of this report requiring that at least 80 percent of the townhouse lots be 20 feet in width. The development standards for the townhouses should be revised accordingly, prior to certification, to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.

The sector plan specifically promotes a grid street pattern and only allows the use of culs-de-sac where the street layout is dictated by the topography or the need to avoid sensitive environmental resources. The CDP shows six culs-de-sac. The four culs-de-sac north of Street A are logical solutions to the environmental constraints in the northern part of the site. However, the two culs-de-sac on Street E and Street I should be connected to form a loop street. A condition has been included in the Recommendation section of this report requiring the applicant to connect the two culs-de-sac at the end of Street E and Street I, prior to certification.

The CDP also sets aside 1.93 acres of land in the L-A-C Zone, located in the southwestern corner of the site and fronting on Westphalia Road, for future commercial/retail uses. At the time of preliminary plan of subdivision (PPS) and SDP review, attention should be paid to presenting the townhouse units along Street C, across from the future commercial site. The siting of townhouses should be set back sufficiently to provide large open spaces and landscaping in a manner to indicate a separation, but also directing the front façade of the townhouse units toward Street C. The townhouses will provide for an attractive appearance and the commercial development should reflect the architectural character of the residential development, to provide for a harmonious setting of the two uses and to visually connect the community, as a whole, along Street C.

8. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for conformance with the requirements of the R-M and L-A-C Zones.
- a. In accordance with Section 27-515(b) of the Zoning Ordinance, the proposed residential use consisting of SFD and SFA units, as well as commercial/retail uses, are permitted in the R-M and L-A-C Zones.
  - b. In accordance with Section 27-521(a) of the Zoning Ordinance, prior to approving a CDP, the Planning Board must make the following required findings:
    - (1) **The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

As discussed in Finding 7 above, the subject site, as part of a larger property, was rezoned to the R-M and L-A-C Zones by the Westphalia Sector Plan and SMA. The exhibit attached to the sector plan, along with Approved Zoning Change 9, serves as the Basic Plan for the property. The proposed CDP is in conformance with the approved Basic Plan for the development types and quantities, except for density in the L-A-C Zone. The CDP is not in conformance with the design guidelines and standards of the sector plan. The Urban Design Section has proposed several conditions to address the inconsistency, that will bring the CDP into conformance with the sector plan and the Basic Plan contained within it.
    - (2) **The proposed plan would result in a development with a better environment than could be achieved under other regulations;**

The proposed CDP would result in a development with a better environment than could be achieved under other regulation, if it is approved with the recommended conditions. As discussed previously, the CDP is not consistent with some of the design standards and guidelines of the sector plan, specifically regarding density in the L-A-C Zone, lot sizes and widths, and the number of culs-de-sac. Staff has proposed solutions, in the form of conditions of approval, to address those inconsistencies.

- (3) **Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;**

The CDP does include the bulk standards for the proposed SFD and SFA units, as discussed in Finding 6. As noted above, staff believes that the lot width and sizes are too small. In addition, maximum lot coverage should be provided for the SFD lots, and a minimum yard area should be established for the SFA lots. However, staff is recommending approval of the CDP because it includes various housing types and three locations of recreational facilities and amenities, as well as a 1.93-acre area for future commercial/retail uses, that is consistent with the approved Basic Plan.

- (4) **The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings;**

The subject site is part of a larger property that was rezoned to the R-M and L-A-C Zones by the Westphalia Sector Plan and SMA as a planned community that is compatible with the existing land use, zoning, and facilities in the immediate surroundings. The sector plan envisions a local activity center with low to medium residential development on the property. The proposed development is to implement this land use vision.

- (5) **Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:**

- (A) **Amounts of building coverage and open space;**
- (B) **Building setbacks from streets and abutting land uses; and**
- (C) **Circulation access points;**

The application is in general conformance with the layout, development types, and unit distribution, as shown on Development Concept 4 and in Approved Zoning Change 9 (page 91), which is the Basic Plan for this CDP. The CDP should be revised to reduce the density of the L-A-C Zone and to conform to the design guidelines. In terms of amount of building coverage and open space, relationship with abutting land uses, circulation, and access points, the CDP is acceptable, if the conditions relating to the maximum lot coverage and minimum yard area are adopted. Further, analysis and review of those elements will be carried out at the time of PPS and SDP review.

- (6) **Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;**

There are two stages to the proposal in this CDP. The proposed residential component will be the first stage. The commercial/retail component will be developed as the second stage.

- (7) **The staging of development will not be an unreasonable burden on available public facilities;**

Residential and commercial/retail components are included in this CDP. However, the commercial/retail uses will be reserved for future development. There is 12,500 square feet of gross floor area for nonresidential development proposed in the CDP. The quantities included in this CDP will not generate an unreasonable burden on the transportation facilities, in accordance with the review of the traffic impact study (TIS) by the Transportation Planning Section.

The proposed development needs mitigation for fire and rescue because the entire site is not completely within a seven-minute travel time from the first due fire station, in accordance with the review of the Special Projects Section dated March 26, 2018 (Mangalvedhe to Zhang). This is not an unusual situation where a small portion of the site is not within the shape file generated by the geographic information system (GIS). Mitigation tools are available to address the inconsistency at the time of PPS, when a complete adequate public facility test is conducted.

**(8) Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:**

- (A) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;**
- (B) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**
- (C) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

The proposed CDP does not propose an adaptive re-use of an historic site.

**(9) The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and except as provided in Section 27-521(a)(11), where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d);**

This section is overridden by (12) below, pursuant to Section 27-226(f)(4) of the Zoning Ordinance.

**(10) The Plan is in conformance with an approved Tree Conservation Plan;**

The Environmental Planning Section has reviewed the CDP's conformance with the Type 1 Tree Conservation Plan (TCP1-002-2018). In the memorandum dated July 3, 2018, the Environmental Planning Section concluded that the proposed development is in conformance with the TCP1.

- (11) **The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

As stated previously, the Environmental Planning Section has reviewed the proposed TCP1 included with this CDP, and concluded that all regulated environmental features on the subject site have been preserved and/or restored, to the fullest extent possible, and recommended approval of this CDP with conditions that have been included in the Recommendation section of this report.

- (12) **Notwithstanding Section 27-521(a)(9), property placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set forth in Section 27-480(g)(1) and (2); and**

The subject property was rezoned to the R-M and L-A-C Zones through the Westphalia Sector Plan and SMA, which is pursuant to Section 27-226(f)(4). Public Record Exhibit 58 was referenced in the record and was further represented in Development Concept 4, which is the Basic Plan for a larger property including the subject site. Therefore, the guidelines are in accordance with Section 27-480(g) of the Zoning Ordinance, which states the following:

- (g) **When property is placed in a Comprehensive Design Zone through a Sectional Map Amendment or through a Zoning Map Amendment intended to implement land use recommendations for mixed-use development recommended by a Master Plan or Sector Plan that is approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation:**

- (1) **The design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property should establish and provide guidance for the development regulations to be incorporated in the Specific Design Plan.**
- (2) **The limitations on the maximum percentages of townhouse and multifamily dwelling units contained in Section 27-515(b)(7), footnote 29, the lot area requirement in Subsection (b) above, and the lot width requirements in Subsection (e) above shall not apply. However, the Planning Board or District Council may impose similar restrictions where appropriate, only to implement the recommendations of the Master Plan or Sector Plan.**

Staff recommends that the development standards for the townhouse portion of the site be revised to provide for units that are in keeping with the regulations of the comprehensive design zones, as contained in Section 27-480, which mirrors the development standards for most other townhouse communities in the County. The reason staff believes this is appropriate in this location is because the development is not within the town center of Westphalia, but in a rural area.

- (13) **For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies the requirements for the use in Section 27-508(a)(1) and Section 27-508(a)(2) of this Code.**

This requirement does not apply to this CDP because the subject site is not a regional urban community.

- c. **Density Analysis**—The subject site is split-zoned in the R-M (44.21 acres) and L-A-C (19.45 acres) Zones. Each zone has specific density requirements and factors that can be utilized to increase the density, subject to the development caps established in the Basic Plan. In the R-M Zone, in accordance with Section 27-509, Regulations, for the Residential Medium 3.6 development, the base density is 3.6 dwelling units per acre and the maximum density is 5.7 dwelling units per acre. The proposed 101 dwelling units in the R-M Zone is below the base density for the zone/property.

For the L-A-C Zone, the CDP proposes 147 townhouses and 22 SFD units. In accordance with Section 27-496, the Neighborhood Center allows a residential density of 8–12.1 dwelling units per residential acre. The Basic Plan capped the L-A-C Zone residential development at a total of 320 dwelling units for the entire 40 acres. As previously discussed, the CDP can only support 140 dwelling units, per the acreage proposed for residential development in the L-A-C Zone. A condition has been included in the Recommendation section of this report requiring the applicant to remove 29 dwelling units.

9. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan, TCP1-002-2018, has been submitted with this application.

- a. The property has an approved Natural Resources Inventory (NRI-152-2017). The TCP1 and CDP show all the required information correctly, in conformance with the NRI.
- b. The TCP1 describes the site with 19.97 acres of existing woodland in the net tract area and 2.26 acres in the floodplain. The woodland conservation threshold is 11.31 acres (18.42 percent). The Woodland Conservation worksheet shows the removal of 12.47 acres of woodland on the net tract area, 0.04 acre in the floodplain, and 0.10 acre off-site, resulting in a woodland conservation requirement of 17.42 acres. This requirement is proposed to be met with 7.46 acres of woodland preservation, 1.71 acres of afforestation, and 8.25 acres in off-site woodland conservation credits.

The current R-M and L-A-C Zones for this site, and two adjacent properties, were the result of an SMA. As illustrated in Exhibit 58, which is the approved Basic Plan, this site is subject to a comprehensively planned mix of civic, residential, commercial, and open space uses. A review of the submitted materials shows that the designated open space (shown as green space) on the Basic Plan is being impacted with the development of single-family dwellings and associated infrastructure. To bring the proposal into substantial conformance with Exhibit 58, proposed Lots 68–75 and the associated road improvements must be removed from the designated open space. A portion of the

8.25 acres in off-site woodland credits shown on the TCP1 should then be changed to on-site woodland conservation, in this area.

The Environmental Planning Section concluded that the CDP, if revised in accordance with the recommended conditions, is in conformance with the requirements of the WCO.

10. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned R-M are required to provide a minimum of 15 percent of the gross tract area in TCC and properties that are zoned L-A-C are required to provide a minimum of 10 percent of the gross tract area in TCC. During the future review of SDPs and building permits, the applicant must demonstrate conformance with the Tree Canopy Coverage Ordinance. A TCC schedule will be required to be added to the SDP to show how the tree canopy requirement is being met.
11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
  - a. **Historic Preservation**—In a memorandum dated July 2, 2018 (Stabler to Zhang), the Historic Preservation Section provided a summary of the Historic Preservation Commission's (HPC) review of this case and the Historic Preservation Section's findings, as follows:

**Historic Preservation Commission's Review**

The subject application was referred to HPC for its review of potential effects on the Talburtt Tobacco Barn Historic Resource (PG:78-009) located on the subject property, and the adjoining Osborn-Talburtt Family Cemetery Historic Resource (PG:78-008) located to the south of the subject property. HPC reviewed the subject application at its May 15, 2018 meeting. Historic Preservation staff gave a presentation on the CDP, noting that a Phase I archeological survey was conducted on the property in 2008. Two archeological sites were identified, but neither contained intact or significant resources, and no further work was recommended.

Staff also noted that the Talburtt Tobacco Barn Historic Resource is in the southwestern portion of the subject property, where an entry road is proposed into the development from Westphalia Road. The subject property was once part of a larger farm that extended across Westphalia Road and included the Osborn-Talburtt Family Cemetery. The two parcels were divided into separate farms later in the twentieth century.

The HPC Chairman questioned why the Talburtt Tobacco Barn Historic Resource, PG:78-009, was not being evaluated at this stage of the application process. Mr. Berger noted that the evaluations are typically done at the time of PPS, when the layout of lots and parcels is determined. The Chairman noted that it would be more beneficial to the applicant if the historic site status was determined earlier in the process.

Commissioner Schneider moved that HPC recommend to the Planning Board approval of CDP-1701, Preserve at Westphalia. The motion was seconded by Commissioner Muckle. HPC voted 5-0-1 (the Chairman voted "present") to forward the following findings, conclusions, and recommendations to the Planning Board.

## **“Historic Preservation**

- “(1) The subject property contains one Prince George’s County Historic Resource, the Talburtt Tobacco Barn (78-009), and is adjacent to another Historic Resource, the Osborn-Talburtt Family Cemetery (78-008). According to Section 29-118.a.2, the Historic Preservation Commission shall conduct a public hearing to make findings as to the significance of any unclassified historic resource designated as such on the master plan for historic preservation, and shall determine whether it should be classified as a Historic Site or property within a Historic District as required by either Subtitle 27 or Subtitle 24 of the Prince George’s County Code. If the resource does not meet Historic Site criteria, it will be eliminated from the *Historic Sites and Districts Plan’s* Inventory of Historic Resources.
- “(2) The ownership of the subject property can be traced back to the original land grant known as Alexandria made to Alexander Magruder in 1670. A portion of the Alexandria patent was acquired by Jesse Talburtt in the early nineteenth century. The Talburtt family may have been residing on the property as tenants prior to their acquisition. Members of the Talburtt family retained possession of the subject property until 1925, when 319 acres were sold to Arcenious W. Bean. The family graveyard (not included in the subject application but adjacent to it to the south) was reserved from the transaction, along with the right of ingress and egress to and from the same. The subject property is in the northwestern part of the Alexandria land patent. The Talburtt residence appears to have been located in the southwestern portion of the 319-acre tract, which was located on the south side of Westphalia Road. Aerial photographs depict the land as primarily agricultural up to the present. The Westphalia Schoolhouse (PG:78-007) was located in the southeastern corner of the subject property, at the northwest intersection of Ritchie Marlboro and Westphalia Roads. The school house was built about 1874 and was used as a school until the 1930s. The building was converted to a tenant residence in 1936, greatly altering its original form before its demolition between 2000 and 2005.

## **“Archeology**

- “(1) A Phase I archeology survey was conducted on the subject property in 2008. The survey involved archival and background research, the systematic and intensive pedestrian surface survey or excavation of shovel test pits, and an inventory of all structures within the subject property. A total of 770 shovel test pits (STPs) were excavated across the 65-acre property and 65 locations were investigated by surface collection.

The Phase I archeological survey of the subject property resulted in the identification of two archeological sites, 18PR932 and 18PR933, along with several historic and prehistoric isolated finds. Site 18PR932 represents the remains of the easternmost Talburtt tobacco barn, which burned in 1985, and was demolished sometime between 1984 and 1993.



That barn was originally recorded as part of PG:78-009, along with the barn still standing. Site 19PR933 represents the remains of the Westphalia Schoolhouse (PG:78-007), that was later converted to a tenant house. No intact cultural deposits were noted at either site. Therefore, no further work is recommended on sites 18PR932 and 18PR933 due to their lack of research potential.

- “(2) A draft Phase I archeological report was submitted to the Planning Department in September 2008. The staff review letter was sent to the applicant in December 2008 that included corrections to be made to the final reports. The final archeological reports have not been submitted to the Planning Department.”

After HPC’s review of the subject application, the applicant submitted revised plans. The revised plan indicates that the Talburt Tobacco Barn (Historic Resource 78-009) will be located within the proposed commercial area, pending its evaluation by HPC.

The Historic Preservation Section recommends that the Planning Board approve CDP-1701, The Preserve at Westphalia, with one condition that has been included in the Recommendation section of this report.

- b. **Community Planning**—In a memorandum dated June 27, 2018 (Zamore to Zhang), the Community Planning finds that, pursuant to Section 27-521(a)(1), this application does not conform to the design guidelines or standards intended to implement Development Concept 4, Exhibit 58, and Table 5: Approved Zoning Changes, Change 9 (page 91), in the 2007 Westphalia Sector Plan and SMA, as outlined in Finding 7 above.

#### **General Plan**

This application is in the Established Community Growth Policy Area. The vision for the Established Communities area is “context-sensitive infill and low- to medium-density development” (page 20).

The *Plan Prince George’s 2035 Approved General Plan* (Plan 2035) carries forward the center boundaries established by the 2002 *Prince George’s County General Plan*, as amended by master and sector plans approved between 2002 and 2014. The boundaries of the Westphalia Town Center Core are found on page 19 of the Westphalia Sector Plan and SMA. While Westphalia is listed as a Local Center (Town Center) on the Growth Policy Map in Plan 2035 (page 107), the subject property is not included within the boundaries of the Westphalia Town Center Core. Thus, the recommendations of Plan 2035, pertinent to centers, are not relevant to the subject application.

#### **Master Plan**

The Westphalia Sector Plan and SMA recommends low-density residential land uses for the subject property. In addition, the R-M and L-A-C comprehensive design zones implement the sector plan’s recommendation for low- to moderate-density residential, neighborhood-oriented commercial, and institutional land uses on the three properties contained in Development Concept 4. Development Concept 4 contains an illustration for a comprehensively planned mix of civic, residential, commercial, and open space uses as the Basic Plan (as amended by County Council Resolution CR-2-2007 (DR-2)) for these comprehensive design zones, per Section 27-478 of the Zoning Ordinance.

In addition, the sector plan also makes the following comments that affect the subject property:

- **Construct MC-631 (Suitland Parkway extended) from MC-634 (Presidential Parkway extended) to A-39 (Ritchie-Marlboro Road) as a major collector. Require additional right-of-way at major intersections for one additional lane in each direction (but not along the entire road length) in order to minimize the impacts on adjacent properties and provide LOS D operation at the major intersections during peak hours. (pages 40 to 42)**
- **Promote the development of attractive gateways into the Westphalia area that define the site's image as an inviting and safe place. (page 32) The Westphalia Road/Ritchie Marlboro Road Intersection is one of 10 key intersections where gateways will be developed.**

The Community Planning Division concluded that the subject application is in conformance with the Basic Plan, but it is not consistent with key sector plan design guidelines and standards, that have been discussed in Finding 7 above.

- c. **Trails**—In a memorandum dated July 3, 2018 (Shaffer to Zhang), the Transportation Planning Section provided comments on this application as follows:

Two master plan trail recommendations impact the subject property. Shared-use sidepaths (or wide sidewalks) are recommended along both Ritchie Marlboro Road and Westphalia Road. Text from the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) for each master plan recommendation is copied below:

**Westphalia Road (C-626) Shared-Use Side path: A shared-use side path should be provided as part of the planned improvements to Westphalia Road if practical and feasible. On-road bicycle facilities may also be appropriate.**

**Ritchie Marlboro Road (A-39) Side path: The existing wide sidewalk along the Marlboro Ridge portion of Ritchie Marlboro Road should be extended along the entire length of the road. This trail will link adjacent residential communities and connect two stream valley trails. On-road bicycle facilities may also be appropriate.**

A sidepath has been completed along a portion of Ritchie Marlboro Road, to the south of the subject site, along the frontage of Marlboro Ridge Subdivision. Staff recommends sidepath construction along the subject site's frontage of Ritchie Marlboro Road, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). It appears that, from the MPOT and the information available on PGAtlas, the trail along Westphalia Road will be completed as the road is reconstructed/realigned in the vicinity of the subject site. This means that sidepath construction may not be appropriate along the road's current alignment, but will be necessary at the time the road is realigned.

The MPOT includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

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

**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.**

In keeping with the policies noted above, standard sidewalks are recommended along both sides of all internal roads, excluding alleys. Additional internal pathways or trails may also be appropriate on homeowners association land and will be evaluated at the time of SDP.

- d. **Transportation Planning**—In a memorandum dated July 3, 2018 (Burton to Zhang), the Transportation Planning Section reviewed the CDP and provided the following comments:

The subject property is located within the Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

- (1) **Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better;
- (2) **Unsignalized intersections:** The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. Once the CLV exceeds 1,150, this 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.
- (3) **Roundabouts:** Where the analysis using *The Highway Capacity Manual* (Transportation Research Board) indicates a volume-to-capacity (v/c) ratio greater than 0.850 for the intersection, geometric improvements or trip reduction measures should be considered that will reduce the v/c ratio to an acceptable level. The operating agency can deem a v/c between 0.850 and 0.900 to be acceptable, and that agency must do this in writing in order for the Planning Board to make a similar finding.

Since the trip generation for the proposed development is projected to exceed 50 trips in either peak hour, the applicant has provided a TIS dated February 2018. Using data from this TIS, the following results were determined:

<b>EXISTING CONDITIONS</b>		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road & Westphalia Road *	212.2 seconds	49.3 seconds
Ritchie Marlboro Road & White House Road	B/1114	A/960
Ritchie Marlboro Road & Sansbury Road	C/1258	A/995
Westphalia Road & MD 4	D/1388	E/1529
Westphalia Road & Darcy Road*	55.7 seconds	14.6 seconds
Ritchie Marlboro Road & Site Access – A*	N/A	N/A
Westphalia Road & Site Access – B*	N/A	N/A
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

In evaluating the effect of background traffic, 14 background developments were identified in the TIS. A growth rate of one percent, for six years, was applied to the primary through routes as per the “Transportation Review Guidelines, Part 1” (Guidelines). A background scenario analysis, based on future developments, yielded the following results:

<b>BACKGROUND CONDITIONS</b>		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road & Westphalia Road-Orion Lane **	75.8 seconds	120.4 seconds
Ritchie Marlboro Road & White House Road	C/1212	B/1087
Ritchie Marlboro Road & Sansbury Road	C/1161	D/1399
Westphalia Road & MD 4	F/1883	F/2037
Westphalia Road & Darcy Road	167.2 seconds	64.2 seconds
Ritchie Marlboro Road & Site Access – A	N/A	N/A
Westphalia Road & Site Access – B	N/A	N/A
** Under the Background and Total scenarios, the “T” intersection of Ritchie Marlboro Road and Westphalia Road has been realigned to create a 4-legged, unsignalized intersection with Orion Lane.		

Regarding the evaluation of traffic from the proposed development, Table 1 below outlines the development densities and the trip generation rates from the Guidelines, based on the following uses:

Land Use		AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Townhouse	150	21	84	105	78	42	120
Single Family	125	19	75	94	74	39	113
Office/Commercial	12.5k	23	2	25	4	19	23
<b>Total</b>		<b>63</b>	<b>161</b>	<b>224</b>	<b>156</b>	<b>100</b>	<b>256</b>

Based on the proposed uses, the following results under total conditions were generated:

Intersection	AM (LOS/CLV)	PM (LOS/CLV)
Ritchie Marlboro Road & Westphalia Road-Orion Lane **	<b>80.9 seconds</b>	<b>178.0 seconds</b>
Ritchie Marlboro Road & White House Road	C/1262	B/1135
Ritchie Marlboro Road & Sansbury Road	C/1195	D/1431
Westphalia Road & MD 4	<b>F/1899</b>	<b>F/2041</b>
Westphalia Road & Darcy Road *	199.9 seconds	74.6 seconds
Ritchie Marlboro Road & Site Access – A *	469.4 seconds	123.9 seconds
Westphalia Road & Site Access – B *	13.0 seconds	11.3 seconds

\*\* Under the Background and Total scenarios, the “T” intersection of Ritchie Marlboro Road and Westphalia Road has been realigned to create a 4-legged, unsignalized intersection with Orion Lane. Fails 2-part tests for unsignalized intersection.  
\* Pass 2-part tests for signalized intersections.

The results of the traffic analyses show that, under total traffic for the proposed development, two of the critical intersections will require improvements in order to achieve the transportation adequacy thresholds. To that end, for the failing intersection at Ritchie Marlboro and Westphalia Road/Orion Lane, the TIS has recommended that a traffic signal warrant study be done, as a condition of approval. Regarding the Westphalia Road/MD 4 intersection, the study recommends participation in the previously established Public Facilities Financing and Implementation Program (PFFIP) funding mechanism that was approved by the County Council under the provisions of CR-66-2010.

#### Agency review

The TIS was referred to and reviewed by representatives from the Prince George’s County Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA). In a letter to staff (Futrell to Dixon) dated April 23, 2018, SHA expressed concurrence with the study’s findings and offered no further comments. In a memorandum dated April 5, 2018 to staff (Abrahamian to Masog), DPW&T expressed a similar finding of concurrence.

#### Master Plan, Right-of-Way Dedication, Site Layout

The property is located in an area where the development policies are governed by the Westphalia Sector Plan and SMA, as well as the MPOT. The plans recommend Ritchie Marlboro Road to be upgraded to an arterial road (A-39) within a variable-width ROW of 100–120 feet. Westphalia Road is recommended to be upgraded to a collector (C-626) within an 80-foot ROW. A relatively small section of the road along the property’s frontage will be realigned and will have a marginal impact, in terms of future dedication.

The site plan shows dedication for both A-39 and C-626 that is consistent with the sector plan recommendations.

### **Transportation Findings**

The application analyzed is a CDP for a mixed-use development consisting of 125 single-family houses, 150 townhouses, and 12,500 square feet of commercial. Using trip generation rates from the Guidelines, the proposed development will generate 224 (63 in, 161 out) AM peak-hour trips and 256 (156 in, 100 out) PM peak-hour trips.

All of the intersections deemed critical to the development will operate adequately with the full buildout of the development, with the exception of:

- Ritchie Marlboro Road and Westphalia Road/Orion Lane
- MD 4 and Westphalia Road

The applicant's TIS recommends that a traffic signal warrant study be done prior to release of any building permit. Should a signal be warranted, and the installation approved by the operating agency, the cost of the installation and the appropriate road improvements will be borne by the applicant. Regarding the intersection of MD4 and Westphalia Road, while no improvements are being proffered by the applicant, pursuant to the provisions of CR-66-2010, the applicant will be required to contribute money as part of the PFFIP. At the time of the PPS, the amount of the contribution will be calculated.

The Transportation Planning Section concludes that the staging of development will not be an unreasonable burden on available public facilities, as required by Section 27-521, if the application is approved with the conditions that have been included in the Recommendation section of this report, as appropriate.

- e. **Subdivision Review**—In a memorandum dated July 12, 2018 (Onyebuchi to Zhang), the Subdivision Review Section provided the following comments on this CDP plan:

The subject property is known as Parcel 26 recorded in Liber 39463 folio 560, located on Tax Map 83 in Grid C-4. The site is approximately 63.66 acres, with 44.21 acres located in the R-M Zone and 19.45 acres located in the L-A-C Zone. The site is currently improved with one SFD dwelling.

### **Plan Comments**

Pursuant to Section 24-121(a)(4) of the Subdivision Regulations, residential lots adjacent to existing or planned roadways of arterial or higher classification shall be platted with a minimum depth of 150 feet. Ritchie Marlboro Road, a master-planned arterial roadway, abuts the subject property to the east. The 150-foot lot depth requirement is provided for the proposed lotting pattern shown on the CDP. It is recommended that any future lots are provided in accordance with the Subdivision Regulations and that appropriate mitigation be provided to protect dwellings from traffic noise and nuisance, which will be further evaluated at the time of PPS.

PGAtlas indicates that Marlboro clay soils are present on the subject property, which may impact the developable area of the site and should be further evaluated by the Environmental Planning Section.

- f. **Special Projects**—In a memorandum dated July 15, 2018 (Mangalvedhe to Zhang), the Special Projects Section provided comments on this CDP, as follows:

If the applicant offers to mitigate impacts on fire and rescue services at the time of PPS, then the “staging of development will not be an unreasonable burden on available public facilities.”

The Special Projects Section has reviewed this CDP in accordance with Section 27-521(a)(7).

**Police Facilities**

The Special Projects Section has reviewed this CDP for adequacy of police services, in accordance with Section 24-122.01(c) of the Subdivision Regulations.

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

**Fire and Rescue Service**

The Special Projects Section has reviewed this CDP for adequacy of fire and rescue services, in accordance with Section 24-122.01(d) of the Subdivision Regulations.

The proposed project is served by Upper Marlboro Fire/EMS, Company 837, which is located at 14815 Pratt Street, Upper Marlboro, Maryland.

The Deputy Fire Chief, Dennis C. Wood, Emergency Services Command of the Prince George’s County Fire/EMS Department, stated in writing that, as of March 6, 2018 the project is **not** within a seven-minute travel time from the first due station.

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

**Mitigation plan**

At the time of PPS, an applicant may offer to mitigate, as stated in Council Resolution CR-078-2005, as follows:

**4. MITIGATION PLAN**

**A. Public Safety Mitigation Fee**

- ii. **If the application fails in a fire service area, the fee per dwelling unit would consist of \$1,320 per unit. This number was derived from the costs associated with building and equipping fire stations to house the fire and EMS personnel that are necessary to help meet the response times associated with CB-56-2005.**

- iv. **The Public Safety Surcharge shall not be reduced by the payment of any Public Safety Mitigation Fee.**

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

#### **B. IN KIND SERVICES**

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

#### **C. POOLING RESOURCES**

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

#### **Capital Improvement Program (CIP)**

There are no CIP projects for public safety facilities proposed near the site.

#### **Schools**

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-95/495 (Capital Beltway) 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 (WMATA); 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 \$9,317 and \$ 15,972, to be paid at the time of issuance of each building permit.

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

#### **Water and Sewerage**

The proposed development is in water Category 4 and sewer Category 4, Community System Adequate for Development.



- g. **Prince George's County Police Department**—As of the writing of this technical staff report, the Police Department did not offer comments on the subject application.
- h. **Environmental Planning**—In a memorandum dated July 3, 2018 (Burke to Zhang), the Environmental Planning Section has reviewed the CDP for The Preserve at Westphalia and provided comments on this application, as follows:

**Soils**

The predominant soils found to occur, according to the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), Web Soil Survey, are the Adlephi-Holmdel complex (2 to 5 percent slopes) Collington-Wist complex (2 to 5 percent slopes), Croom-Marr complexes, Marr-Dodon complexes, Howell and Dodon Soils (15 to 25 percent slopes), Westphalia and Dodon Soils (25 to 40 percent slopes), Woodstown sandy loam, Westphalia and Dodon soils, and Widewater and Issue soils (frequently flooded).

This property is located in an area with extensive amounts of mapped Marlboro clay, which is known to be an unstable, problematic geologic formation. The presence of this formation raises concerns about slope stability and the potential for constructing buildings on unsafe land. A geotechnical report is required for the subject property, in order to evaluate the areas of the site that are unsuitable for development without mitigation.

Because a detailed structure configuration and grading studies are not required with this phase of the development process, it is not practical to discuss specific details, with respect to lot reconfiguration, grading, or the placement of structures, infrastructure, and stormwater management devices, at this time. However, during the review of the PPS, the configuration of lots and location of structures and applicable site features shall be designed to be outside of the unmitigated 1.5 safety factor line, or the proposed grading shall be such that the 1.5 safety factor has been mitigated to eliminate potential slope failure areas.

**Recommended Condition:** At the time of PPS for this site, the applicant shall submit a geotechnical report for review and approval by DPIE, to confirm the elevation of the Marlboro clay and determine the slope stability factor.

**Stormwater Management**

A stormwater management conceptual site plan was not submitted with the subject application because it is not required for this type of application.

An approved stormwater management concept plan is required to be designed, in conformance with any approved watershed management plan, pursuant to Subtitle 32, Water Resources and Protection, Division 3, Stormwater Management, Section 172, Watershed Management Planning, of the Prince George's County Code.

- i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—As of the writing of this technical report, DPIE did not offer comments on the subject application.

- j. **Prince George's County Health Department**—As of the writing of this technical report, the Health Department did not offer comments on the subject application.
- k. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated April 23, 2018 (Zyla to Zhang), DPR provided the following comments:

The staff of the Department of Parks and Recreation (DPR) has reviewed and evaluated the above referenced Comprehensive Design Plan (CDP) for conformance with the requirements and recommendations of the Approved Prince George's County General Plan, Approved Westphalia Sector Plan and Sectional Map Amendment for Planning Area 78, the Land Preservation, Parks and Recreation Plan (LPPRP) for Prince George's County and the Formula 2040 Functional Master Plan for Parks, Recreation and Open Space; as policies in these documents pertain to public parks and recreational facilities.

The subject property consists of 63.66 acres of land located in the northwest quadrant of the Westphalia Road and Ritchie-Marlboro Road intersection in Upper Marlboro, Maryland. 44.21 acres of this property is zoned R-M and 19.45 acres of this property is zoned L-A-C. The applicant's CDP proposes single family attached (townhouse) dwelling units and single family detached dwelling units. Using current occupancy statistics for single family dwelling units for this planning area, the proposed development will result in a population that will determine the final recommendation for the mandatory dedication at the time of the preliminary plan of subdivision.

The Approved Westphalia Sector Plan and Sectional Map Amendment rezoned this property in 2007 from R-A to R-M and L-A-C, with the anticipation that the development of this property under these zones would promote the implementation of the visions, goals and policies of the sector plan. The sector plan envisioned this property as a combination of mixed residential, commercial, institutional and park uses.

The Approved Westphalia Sector Plan and Sectional Map Amendment identifies a community park for this property at the intersection of Westphalia Road and Ritchie-Marlboro Road, per Sector Plan Development Concept 4. Due to the location and size of this proposed community park, and the fact that it will be used primarily by the residents of this proposed community, DPR recommends that this park should be privately owned and maintained. While the applicant proposes pockets parks throughout the proposed development, DPR staff recommends these private recreational facilities be centrally located as recommended by the sector plan. Due to the topographical constraints and the proposed re-alignment of Westphalia Road at this location on the property, DPR also recommends moving this private community park further west along Westphalia Road. A more appropriate location is the high point along this road and in the vicinity of the open space created in front of the townhouse development as shown on the CDP. Since there are Master Plan trails proposed along both Westphalia Road and Ritchie-Marlboro Road, this centralized community park should be connected to these trails as well.

#### **Westphalia Central Park**

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

- Create public and private parks, open space, and recreational facilities sufficient to meet the needs of the current and future residents of the Westphalia sector plan area.
- Create a park system consisting of 1,850 acres of public and private parks and green spaces.
- Ensure development of the parks system that result in central green spaces which serve to unite the Westphalia community and its surrounding neighborhoods.
- Designate the Westphalia Central Park and Cabin Branch Greenway as community focus areas. These parks should become a regional draw and icon for Westphalia.
- Ensure major development projects are adequately integrated into the implementation of the sector plan parks system recommendations.
- Ensure the proper financing, construction and maintenance of the proposed park system.
- Develop and finalize a comprehensive public facilities plan that includes detailed recommendations for financing mechanisms, phasing, construction and maintenance of the proposed park facilities.
- Ensure parks, streets, and public squares are all designed to accommodate community parades, festivals and other events.
- Establish a park fee of \$3,500 (in 2006 dollars) for each new dwelling unit built in the Westphalia sector plan area to fund construction of the public parks facilities recommended in the sector plan.
- Form a multi-agency public/private work group to implement the vision for the Westphalia Central Park on an expedite basis.

The Approved 2007 Westphalia Sector Plan and Sectional Map Amendment introduced the concept of a 'Central Park', a single major recreational complex serving the entire Westphalia Area. The Westphalia Central Park is 257 acres of open space. 145 acres of the parkland was dedicated by the developer of the Smith Home Farm project and 112 acres of additional parkland was acquired by M-NCPPC from the Suit Farm. In addition, M-NCPPC is actively pursuing additional parkland acquisition to the north in order to enlarge its original size and scope and expand the park to Westphalia Road to provide secondary access to the major park. The Preserve at Westphalia project is located less than a mile from Westphalia Central Park. This Central Park will be accessible to the residents of this community through a system of roads and hiker/biker trails along existing Westphalia Road and ultimately proposed MC-631. This large urban park will serve as a unifying community destination and an amenity for the entire Westphalia Sector Plan area.

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

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

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

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

The Preserve at Westphalia project is also located in close proximity to newly constructed in 2017 Westphalia Community Center Park, located on Westphalia Road. The recreational facilities at this park include a 16,000 sf Community Center, tennis court, basketball court, playground and fitness trail. The residents of this development will be able to use this community center and the recreational facilities located within the park.

The DPR staff believes that the applicant should provide private on-site recreational facilities to serve the residents within in the proposed community and make a monetary contribution in the amount of \$3,500 per dwelling unit in 2006 dollars into a 'park club' for the design and construction of the major public recreational facilities in the Westphalia Central Park, as per the recommendations of the Approved Westphalia Sector Plan and Sectional Map Amendment."

## RECOMMENDATION

Based on the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Comprehensive Design Plan CDP-1701 and Type 1 Tree Conservation Plan TCP1-002-2018 for The Preserve at Westphalia, subject to the following conditions:

1. Prior to certification, the applicant shall revise the comprehensive design plan (CDP) or provide information, as follows:
  - a. Revise the proposed residential development quantity for the L-A-C-zoned property to a maximum of 140 dwelling units.
  - b. Revise the CDP layout and text to increase the minimum townhouse lot width to 16 feet for interior units and 20 feet for end units. At least 80 percent of the townhouse lots shall be 20 feet in width. The development standards for the townhouses shall also be revised in accordance with Section 27-480(a)–(f) of the Prince George’s County Zoning Ordinance.
  - c. Redesign the layout between Street E and Street I to connect the two culs-de-sac, to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
  - d. Remove proposed Lots 68–75 and the associated road infrastructure from the designated open space, in accordance with Public Record Exhibit 58. This area shall be designated as woodland conservation on the plan.
  - e. Revise the Type 1 tree conservation plan (TCP1), as follows:
    - (1) Add “TCP1-002-2018” to the approval block on all sheets and to the Conservation worksheet.
    - (2) Correct the stream buffer to 75 feet.
    - (3) Correct the project name on the worksheet, line 7.
    - (4) Correct the existing woodland in the net tract on the worksheet and in the Site Statistics table, to be consistent. It is understood that this is a rounding error and is inconsequential in the calculations.
    - (5) Correct line 9 of the worksheet to indicate “N.” This site is not subject to the 1991 Woodland and Tree Preservation Ordinance.
    - (6) Provide an Owners Awareness Certification on the plan.
    - (7) Have the revised plan signed and dated by the qualified professional preparing the plan.
  - f. Provide design standards for the proposed commercial development.
2. Prior to acceptance of the preliminary plan of a subdivision, a revised statement of justification for the necessary primary management area impacts and specimen tree variance shall be included in the application package.

3. Prior to approval of the preliminary plan of subdivision (PPS):
  - a. The Talburt Tobacco Barn (PG:78-009) and the Osborn-Talburt Cemetery (PG:78-008) shall be evaluated by the Historic Preservation Commission to determine if the historic resources meet the criteria to be designated as Prince George's County historic sites.
  - b. If the Talburt Tobacco Barn (PG:78-009) is designated as a Prince George's County historic site, the establishment of its associated environmental setting may necessitate the adjustment of lot lines, to ensure its preservation.
  - c. The applicant shall dedicate all rights-of-way for A-39 and C-626, as identified by the Prince George's County Planning Department.
  - d. A contribution to the Public Facilities Financing and Implementation Program (PFFIP) will be determined, based on the density approved for the PPS.
  - e. The applicant shall provide a geotechnical report to confirm the elevation of the Marlboro clay and determine the slope stability factor.
4. The applicant and the applicant heirs, successors, and/or assignees shall provide the following:
  - a. A shared-use sidepath (or wide sidewalk) along the subject site's entire frontage of Ritchie Marlboro Road, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement.
  - b. Standard sidewalks along both sides of all internal roads (excluding alleys), unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement.
5. Total development within the subject property shall be limited to uses, which generate no more than 224 AM peak-hour trips and 256 PM peak-hour trips. Any development generating an impact greater than that identified herein shall require a new comprehensive design plan with a new determination of the adequacy of transportation facilities.
6. Prior to issuance of any building permit, the applicant and the applicant heirs, successors, and/or assignees shall conduct a traffic signal warrant study for the intersection of Ritchie Marlboro Road and Westphalia Road/Orion Lane. If the signal is deemed to be warranted and approved by the operating agency, the signal shall be installed.
7. The residential dwelling units are subject to the development standards, as follows:

**Single-Family Detached (SFD) Units**

STANDARDS\*\*

Minimum Net Lot area	6,000 square feet
Minimum Front Yard setback:	20 feet
Minimum Rear Yard setback:	20 feet*
Minimum Side Yard setback (one side / combined)	5 feet/10 feet

Minimum Lot Width at Street Line	50 feet
Minimum Lot Width at Front BRL	50 feet
Minimum Lot Width at Street (cul-de-sac)	40 feet
Maximum Height	40 feet
Maximum Lot Coverage	35 percent

**Single-Family Attached (SFA-Townhouse) Units**

**STANDARDS\*\***

Minimum Net Lot area	1,800 square feet
Minimum Front Yard setback:	6 feet
Minimum Lot Width at Street Line	16 feet
Minimum Lot Width at Front BRL	16 feet
Minimum Distance Between Buildings	15 feet
Minimum Gross Living Space	1,250 square feet
Maximum Height	45 feet
Minimum Yard Area	800 sq. ft.

**Other Design Standards:**

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

For all alley-loaded townhouses, a cantilevered deck, a minimum four feet in depth, shall be a standard feature.

Highly visible end units for dwelling units require additional design and finish treatments, that will be decided at the time of specific design plan approval.

**Notes:** \*A deck or patio can encroach into the rear yard by 10 feet.

\*\*Variation to the standards can be granted by the Prince George’s County Planning Board on a case-by-case basis, with the approval of a specific design plan.

**ITEM: 27**

**CASE: CDP-1701**

# **THE PRESERVE AT WESTPHALIA**

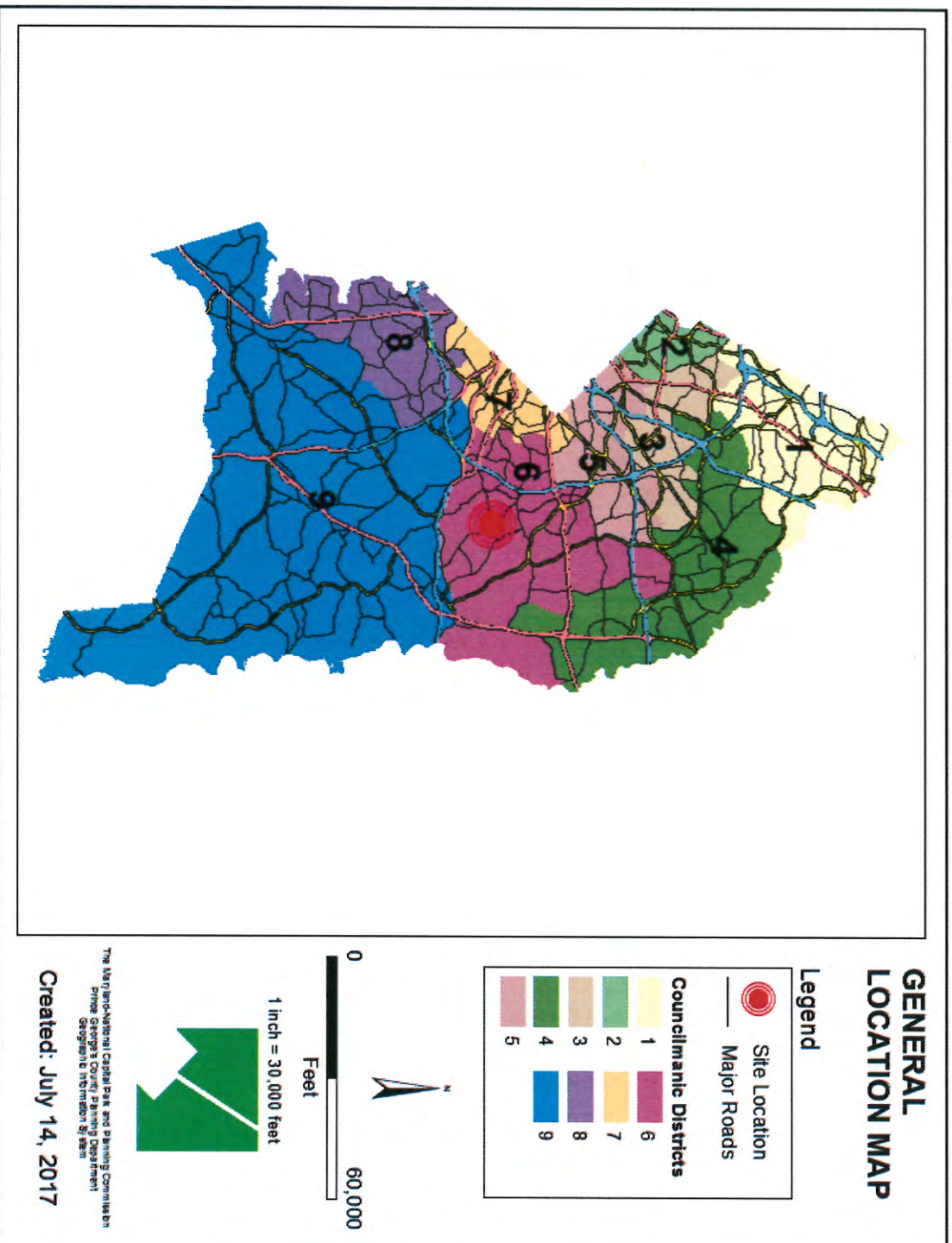
**THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT**



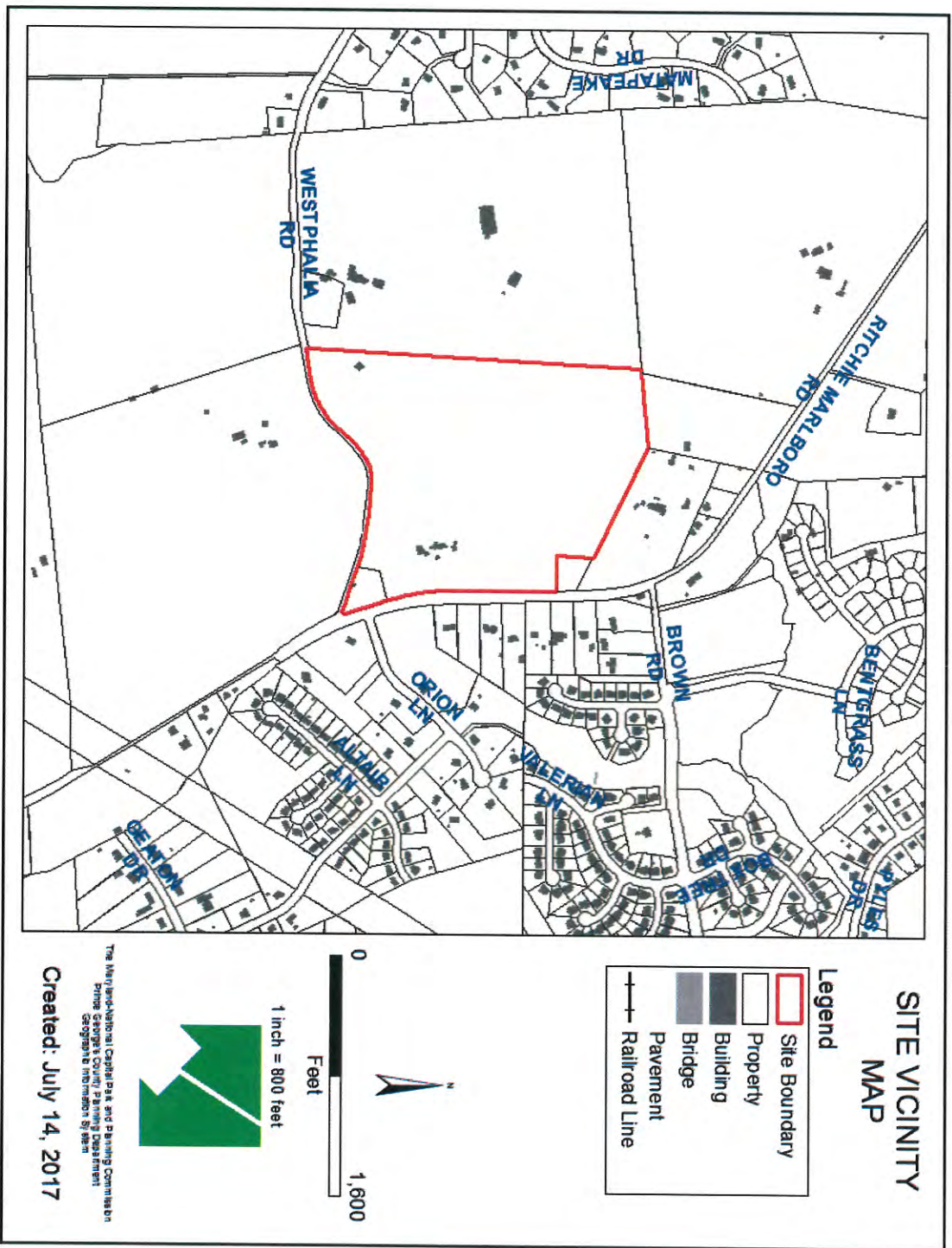


# GENERAL LOCATION MAP

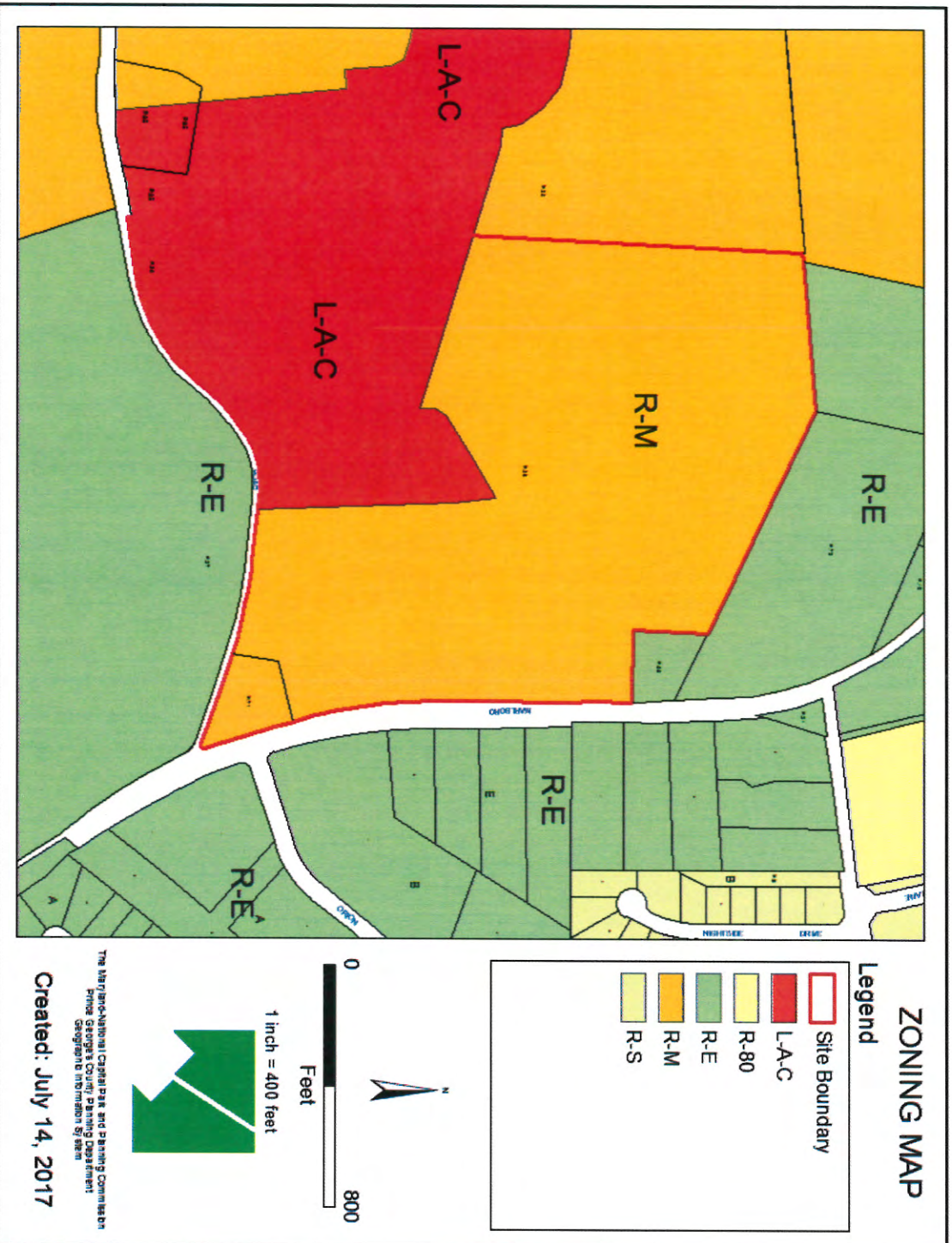
Case #CDP-1701



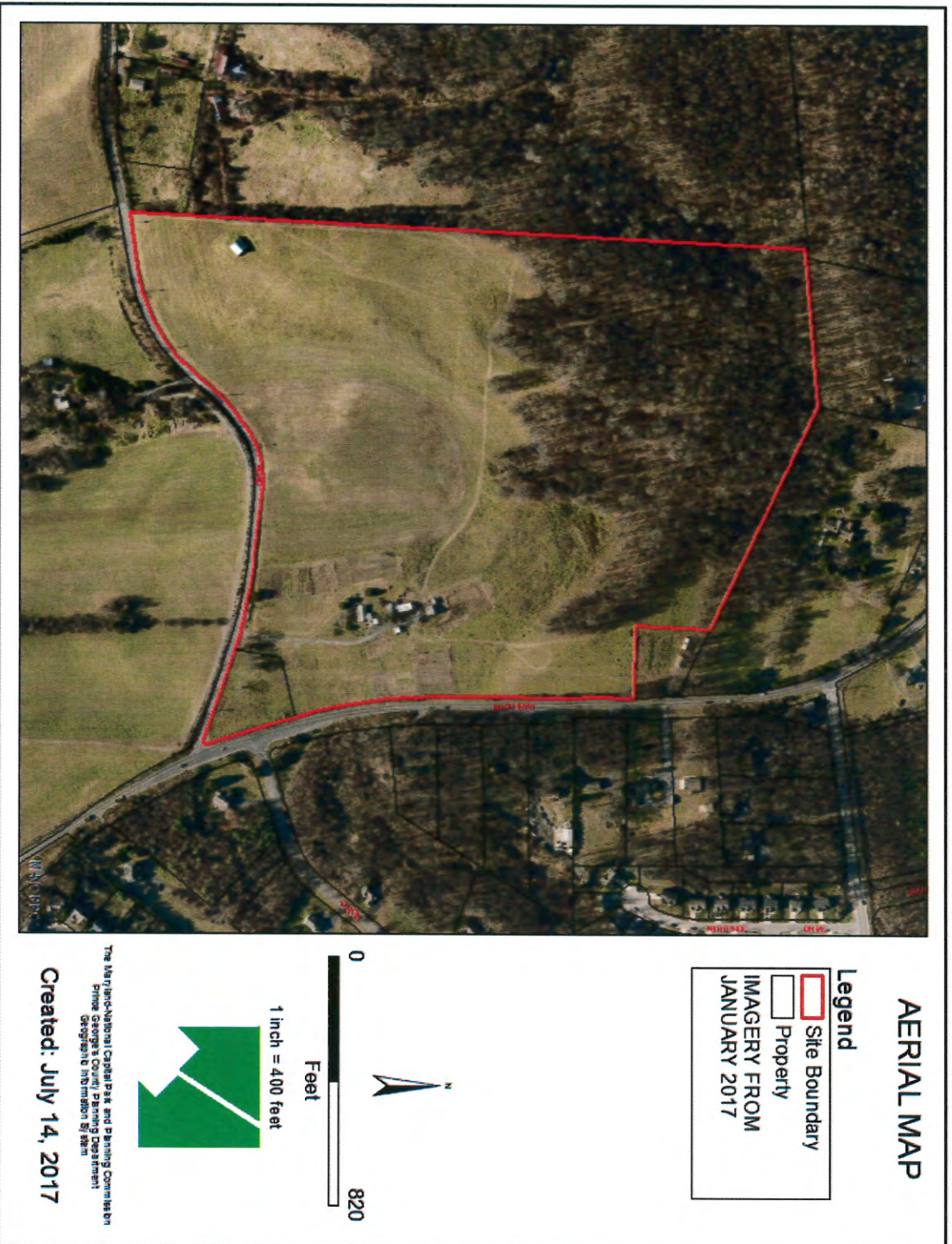
# SITE VICINITY



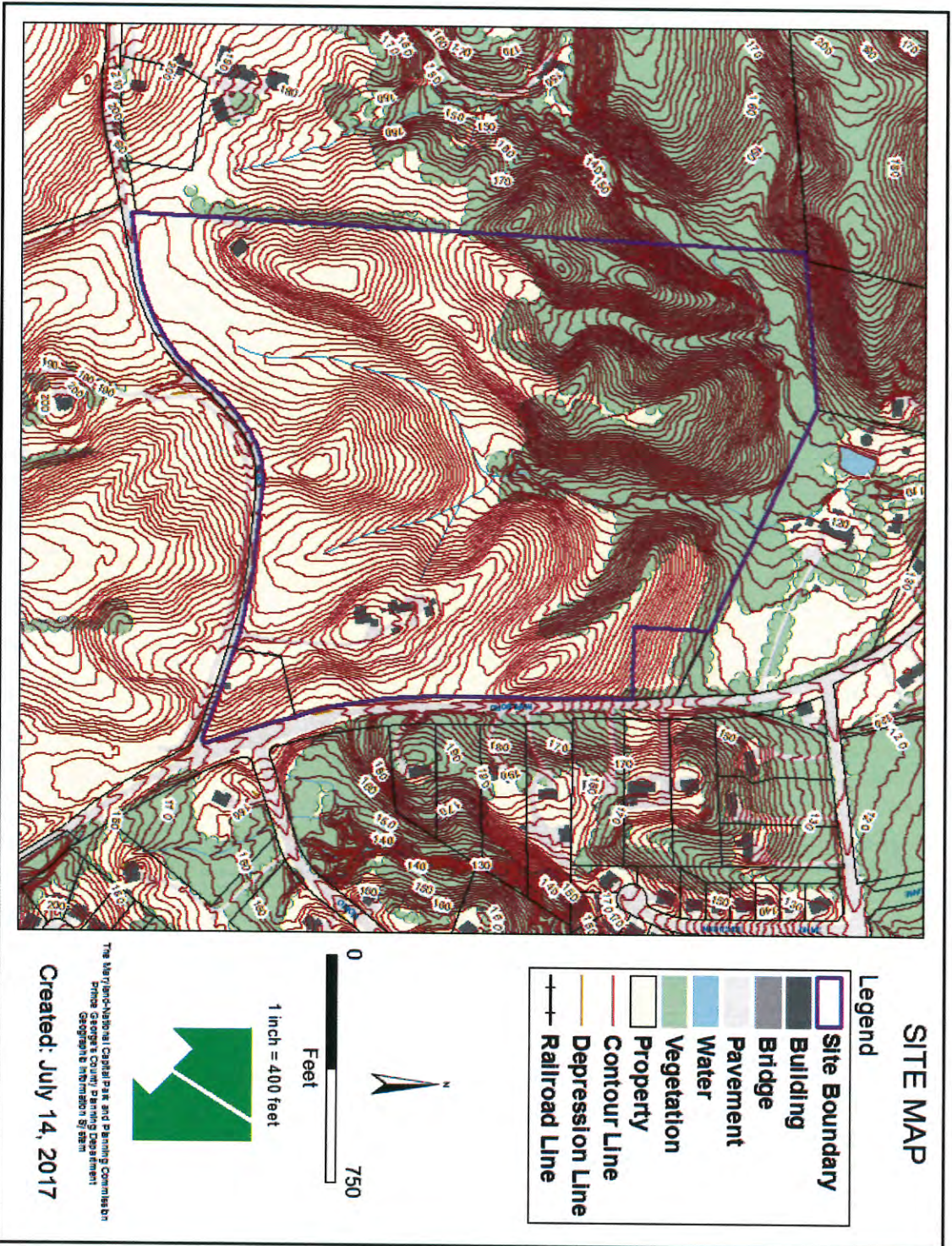
# ZONING MAP



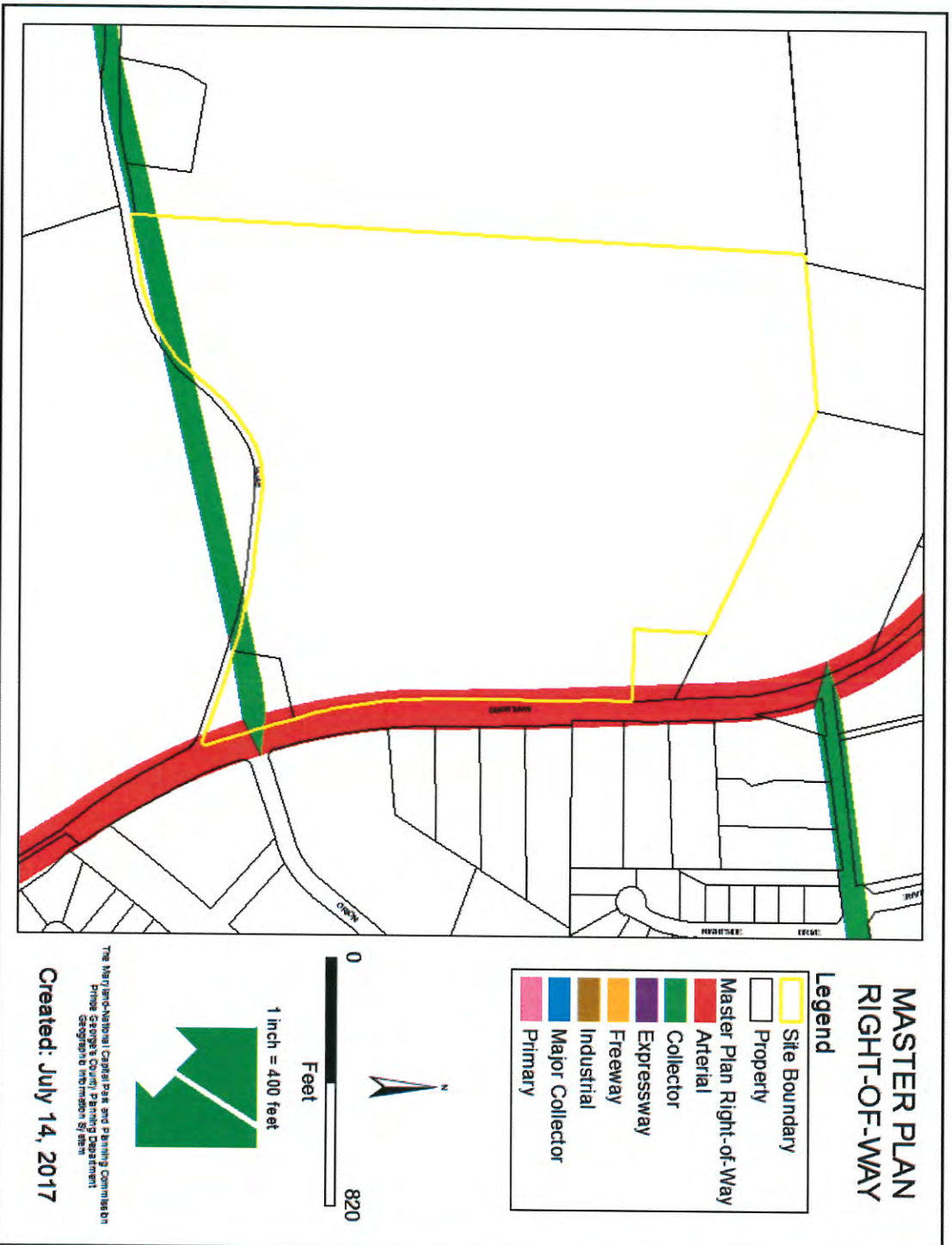
# AERIAL MAP



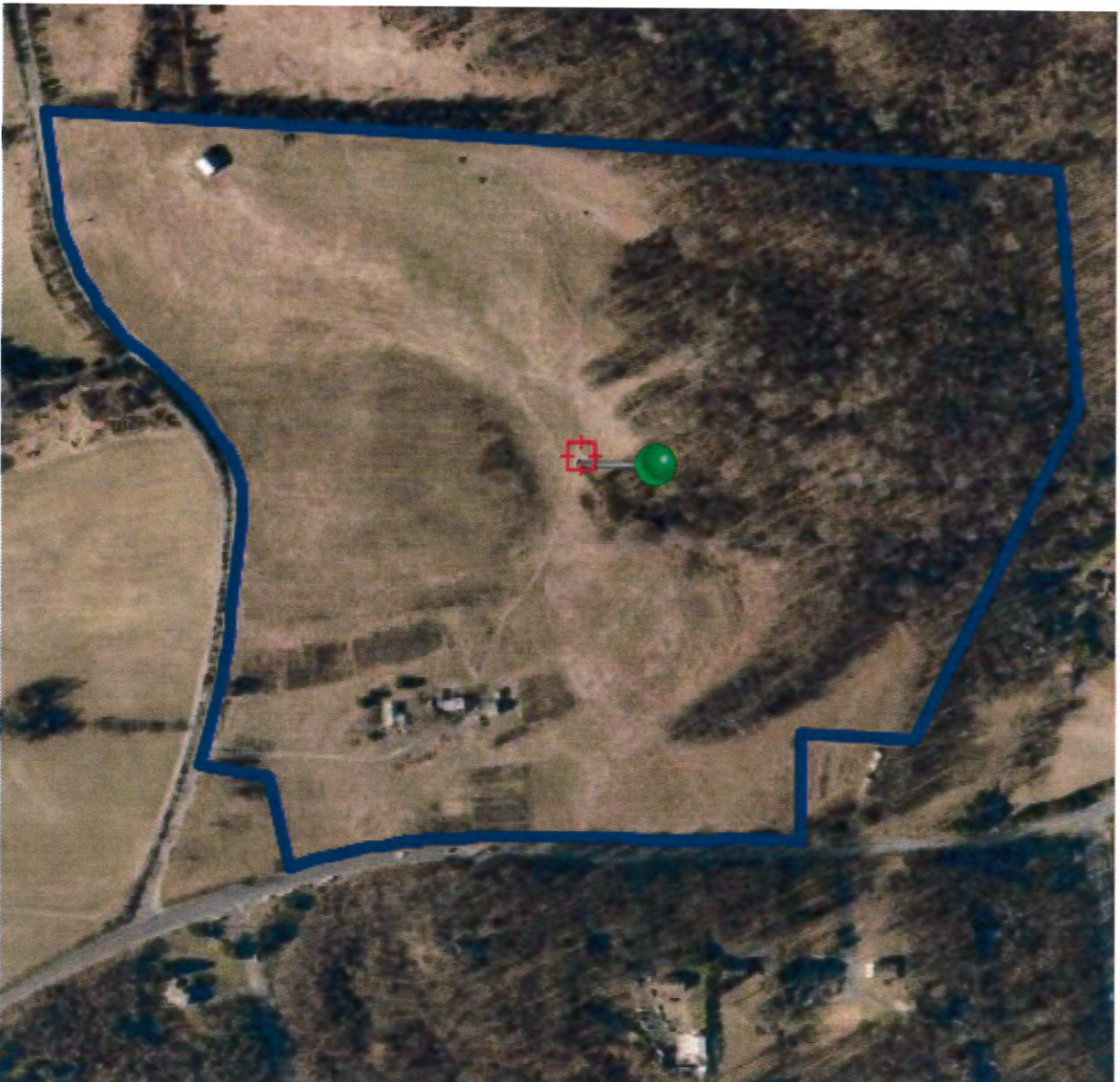
# SITE MAP



# MASTER PLAN RIGHT-OF-WAY MAP



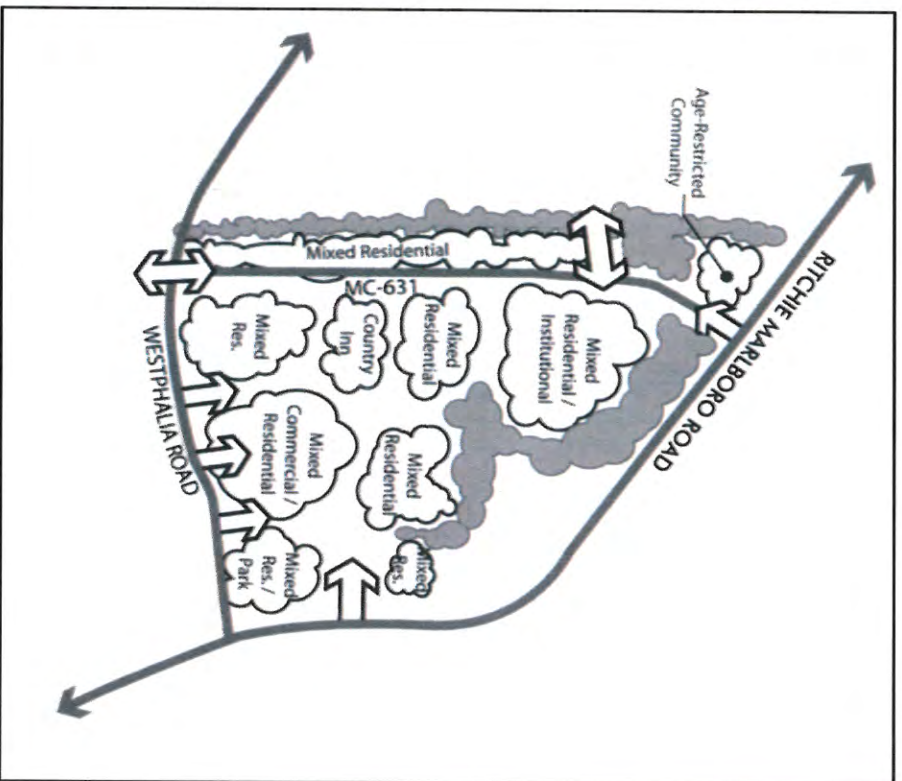
# BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED





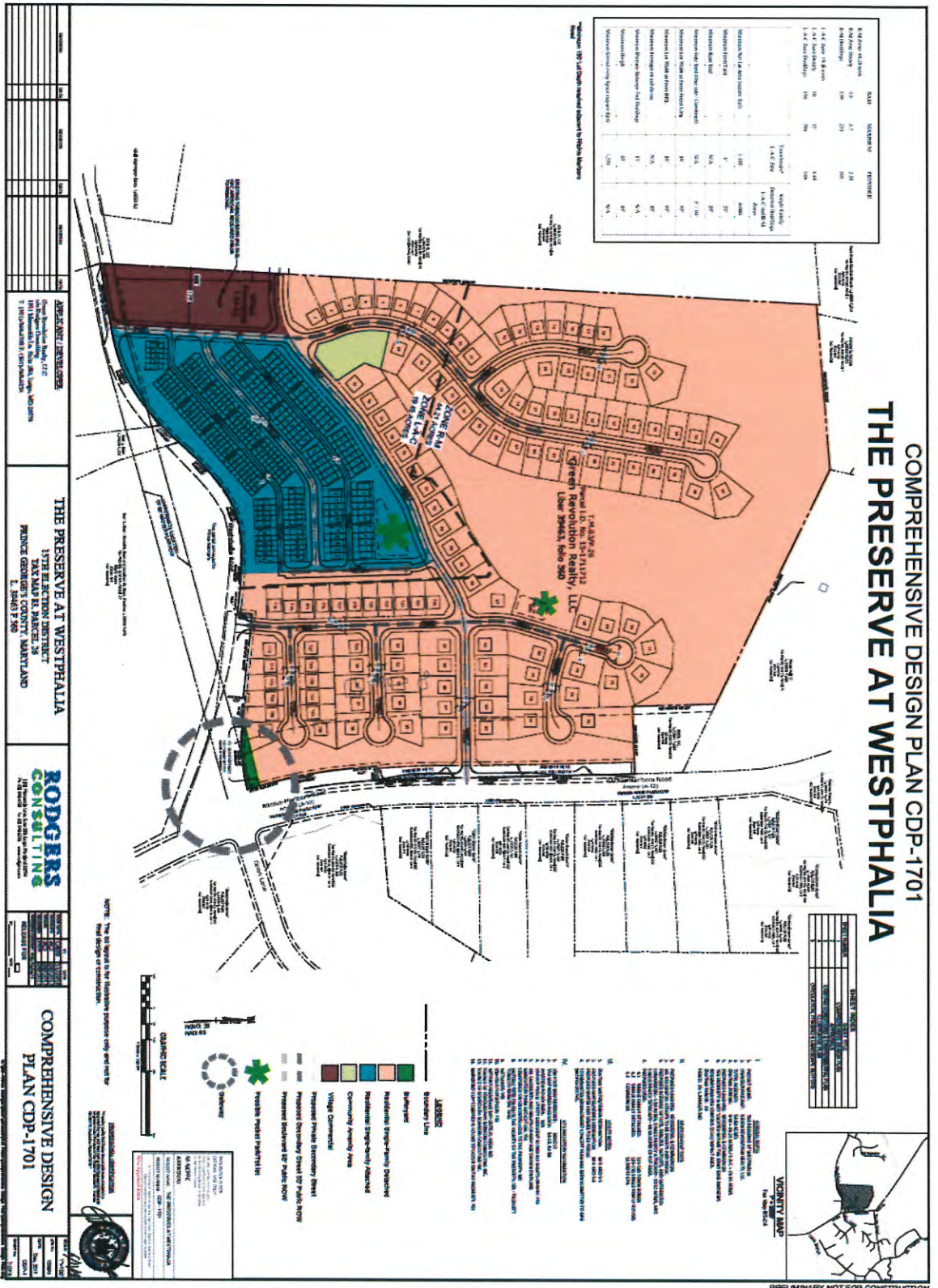


# BASIC PLAN (CONCEPT 4, EXHIBIT 58 / TABLE 5: APPROVED ZONING CHANGES, CHANGE NUMBER 9 (PAGE91))



# ILLUSTRATIVE PLAN

Case #CDP-1701



Slide 11 of 11

7/26/2018



**THE PRESERVE AT WESTPHALIA**

**COMPREHENSIVE DESIGN PLAN**

**CDP - 1701**

**STATEMENT OF JUSTIFICATION**

**April 4, 2018**

*Revised June 11, 2018*

**Table of Contents**

**INTRODUCTION and SETTING ..... 3**  
**NATURE OF THE REQUEST..... 3**  
**PRIOR APPROVALS ..... 6**  
**MASTER PLAN and GENERAL PLAN ..... 6**  
**RELATIONSHIP TO THE PROVISIONS OF THE ZONING ORDINANCE..... 21**  
**CONCLUSION ..... 35**

## I. INTRODUCTION and SETTING

Green Revolution Realty, LLC (the “Applicant”), proposes a development of single-family attached and detached homes on property located at 11100 Westphalia Road, Upper Marlboro, Maryland (the “Property”). The Property is in the northwest quadrant of the Westphalia Road/Ritchie-Marlboro Road intersection, and is identified as Parcel 26, Tax Map 83, Grid C-4. It is in the L-A-C (Local Activity Center) Zone and the R-M (Residential Medium) Zone.

The Property is 63.66± acres—19.45 acres in the L-A-C Zone and 44.21 acres in the R-M Zone—and is characterized by remarkably rolling terrain. Unnamed tributaries to Turkey Branch enter the Property from the north. It has been farmed. It is surrounded by land that is generally undeveloped, mostly older farmland. North of the Property, is a single-family home and wooded land in the R-E Zone. East, across Ritchie-Marlboro Road, are lots in the Ritchie-Brown Acres subdivision, between one- and two-acres in size in the R-E Zone. South, across Westphalia Road, is more farmland in the R-E Zone. Finally, to the west, is undeveloped land in the R-M and L-A-C Zones.

## II. NATURE OF THE REQUEST

The Applicant seeks approval of a Comprehensive Design Plan for approximately 150 single-family attached dwellings and 125 single-family detached dwellings and 1.93 acres of commercial development. The Property has frontage on Ritchie Marlboro Road and Westphalia Road, with two access points—one from each roadway—proposed. Townhouses are proposed in the southwest corner of the Property, in the L-A-C portion of the site with their main access provided from Westphalia Road. Single-family detached are located north and east, with primary access to Ritchie-Marlboro Road. Interior circulation patterns, however, ensure that all areas of the proposed development have easy access to both major roadways. Townhomes are

designed as rear-loaded in a village-like setting; single-family detached homes are generally proposed along cul-de-sacs, many of which back to the environmental features that finger into the Property from the north, creating impressive views.

All 147 of the single-family attached dwellings and 22 single-family detached dwellings are proposed in the L-A-C Zone. The remaining 101 detached units are proposed in the R-M Zone. The line between the L-A-C and R-M Zones is irregular and the 22 lots for detached dwellings in the L-A-C Zone are split. These lots have been included in the L-A-C Zone because the house location will likely be in the L-A-C portion of the Property.

The illustrative plan demonstrates that overall densities proposed are less than the base in each zone: approximately 8.68 dwellings per acre (169 dwellings in 19.45 acres) in the L-A-C Zone (10 dus/acre base density); and approximately 2.28 dwellings per acre (101 dwellings in 44.21 acres) in the R-M Zone (3.6 dus/acre base density).

	BASE	MAXIMUM	PROVIDED
R-M Zone: 44.21 acres			
R-M Zone Density	3.6	5.7	2.28
R-M Dwellings	159	251	101
L-A-C Zone: 19.45 acres			
L-A-C Zone Density	10	15	8.68
L-A-C Zone Dwellings	194	291	169

Additional density caps were placed on the Property and are discussed in Section IV of this statement of justification. The proposal is well below these additional caps.

Pursuant to Sections 27-494 and 27-507 of the Zoning Ordinance, development regulations are established at the Comprehensive Design Plan Stage in the L-A-C and R-M Zones. The Applicant proposes the following Standards for residential development:

PROPOSED RESIDENTIAL DEVELOPMENT STANDARDS

	Townhouses* L-A-C Zone	Single-Family Detached Dwellings L-A-C and R-M Zones
Net Lot Area (Minimum square feet)	1,100	6,000
Front Yard Minimum	6'	20'
Rear Yard Minimum	N/A	20'
Side Yard Minimum (One side / Combined)	N/A	5' / 10'
Lot Width Minimum at Front Street Line	16'	50'
Lot Width Minimum at Front BRL	16'	50'
Minimum Frontage on cul-de-sac	N/A	40'
Minimum Space Between End Buildings	15'	N/A
Maximum Height	45'	40'
Minimum Gross Living Space (square feet)	1,250	N/A

\*Additional requirements for Townhouses are discussed Section V of this statement of justification—Relationship to the Provisions of the Zoning Ordinance.

### III. PRIOR APPROVALS

Four prior approvals affect the site, though they are not development proposals.

1. Mandatory Referral MR-1605F was approved for a water main along Ritchie-Marlboro Road.
2. Natural Resources Inventory NRI-239-2015 was approved for intersection improvements planned at Westphalia and Ritchie-Marlboro Road.
3. Council Resolution CR-23-2017 was adopted on June 13, 2017. This action changed the Water and Sewer Category from 5 to 4.
4. The Approved Westphalia Sector Plan and Sectional Map Amendment rezoned the Property to the R-M and L-A-C Zones and included land use types and quantities that effectively act as the Basic Plan for the Property. These are discussed in Section IV of this statement of justification.

### IV. MASTER PLAN and GENERAL PLAN

#### A. Master Plan

The Property was rezoned to the L-A-C and R-M Zones from the R-A Zone by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (“Sector Plan” and “SMA”). Sector Plan Development Concept 4 (p. 106) serves as the Basic Plan for the Property. The Sector Plan includes the intersection of Westphalia Road and Ritchie-Marlboro Road intersection as a Gateway for the Sector Plan area. At the time of Sector plan approval, the Property was in the Developing Tier.



The Sectional Map Amendment outlines the Land Use Types and Quantities for the rezoning from R-A to R-M and L-A-C (p. 91).

**The R-M (Residential Medium) and L-A-C (Local Activity Center) comprehensive design zones implement the sector plan recommendation for low- to moderate-density residential, neighborhood-oriented commercial and institutional land uses on these three properties. Public Record Exhibit 58 contains an illustration for a comprehensively planned mix of civic, residential, commercial, and open space uses as the basic plan (as amended by CR-2-2007 (DR-2) below) for these comprehensive design zones per Section 27-478 of the Zoning Ordinance. The land use relationships illustrated in Exhibit 58 are represented in SMA Rezoning Development Concept 4 (see Appendix 1). The land use types and quantities approved for the Rock Creek Baptist Church, Washington, and Bean properties are defined by CR-2- 2007 (DR-2), SMA Amendment 3 as follows:**

- **Land Use Types: All uses allowed in the R-S and L-A-C Zones.**
- **Land Use Quantities (to be determined at CDP, based on Exhibit 58):**

**R-M (3.6) Zone—Approximately 183.5 acres, capped at 4.0 DU/acre**

**Residential—712 units**

**Age-Restricted Community—160 units**

**Public/Quasi-Public Use—Church, school and recreation amenities**

**L-A-C (Neighborhood) Zone: Approximately 40 acres**

**Residential—Approximately 12 acres**

**Residential—320 units**

**Commercial/Retail (including live/work)—25,000 square feet GFA**

**Country Inn—40,000 square feet GFA**

**Comprehensive Design Plan Review Considerations:**

**MC-631 is located on the subject property and should connect directly to the portion of MC-631 located on the Woodside Village property at a four-way intersection with Westphalia Road.**

The proposed development falls below these maximum densities and intensities.

The rezoning covered two large properties: the subject Property (Parcel 26) and the property abutting to the west (Parcel 25). MC 631 runs north/south on Parcel 25 to the west. The proposed development does not inhibit the ultimate construction of M 631.

Westphalia Road, between D'Arcy Road and Ritchie Marlboro Road, is designated in the Sector Plan as a Scenic and Historic Road. The designation dates back to the 1992 Historic Sites and Districts Plan, and the Sector Plan recognizes that it 'is proposed for improvement to serve anticipated traffic from local development.' (p. 69) A narrow, winding, two-lane road, the Sector Plan notes that it dates "from the third quarter of the eighteenth century, before 1762." (p. 69) The Sector plan also classifies Westphalia Road as C-626, a planned connector road with a right-of-way of 80 feet. Several plats have been recorded along Westphalia Road in the vicinity of the Property, including Westphalia Woods (NLP 122 @ 90 and NLP 132 @ 27) and Sun Valley Estates (REP 203 @ 84 and 85). These plats show dedication of new Westphalia Road right-of-way, including some realignment, in accordance with its collector status. Once realigned and widened, the road will bear little resemblance to its 1762 ancestor.

The other access road serving the Property is Ritchie Marlboro Road, classified in the Sector Plan as an Arterial roadway (A-39). Although classified as an arterial, the Sector Plan also recommends that:

**only four lanes of road construction for the segment between C-604 (old Marlboro Pike) and MC-631 (Suitland Parkway extended) to prohibit direct access to the road**

**from individual lots, and require additional right-of-way at major intersections....**

(p. 40)

Essentially, though an arterial, Ritchie Marlboro Road will serve as a major collector. Section 24-121(a)(3) of the Subdivision Regulations prohibits lots from having direct access to an arterial highway; and Section 24-121(a)(4) requires a lot depth of 150 feet. Lots in The Preserve at Westphalia are designed to access internal streets; no direct access to lots is proposed from Ritchie Marlboro Road. Some lots along Ritchie Marlboro Road may be less than 150 feet deep. A variation may be required and justification for such depths will be presented at the Preliminary Plan of Subdivision stage.

#### B. General Plan

Subsequent to the 2017 approval and adoption of the Sector Plan and SMA, in 2014, the County approved a new general plan, *Plan Prince George's 2035* ("Plan 2035"). Plan 2035, which provides a new vision for Prince George's County, abandons the three tier structure of the 2002 General Plan, and creates new Growth Policy Areas in the County. These include:

Regional Transit Districts

Local Centers

Employment Areas

Established Communities

Future Water and Sewer Service Areas

Rural and Agricultural Areas

The Property is in the Future Water and Sewer Growth Policy Area. Future Water and Sewer Areas are areas that are "within the Growth Boundary, but which have not been approved for a water and sewer category change (which would allow for denser development)...." (p. 20). A category change from Water and Sewer 5 to Water and Sewer 4 has been approved by the

County in early 2017, effectively moving the Property into the Established Communities Policy Area, and allowing for the development envisioned in the 2007 Sector Plan.

The new vision presented by Plan 2035 includes major development around transit stations and a concentration of new commercial development in Regional Transit Districts, Local Centers and Employment Areas. In fact, while not meant to be applied as a specific test for new development, Table 17 of Plan 2035 recommends 90 percent of all future employment uses occur within these three areas (p. 110).

Plan 2035 sets forth the following 12 Land Use Policies. Some of these do not apply to the proposed development.

***POLICY 1: Direct a majority of projected new residential and employment growth to the Regional Transit Districts in accordance with the Growth Policy Map and the Growth Management Goals set forth in Table 17.***

*Goals*

*LUI.1 To support areas best suited in the near term to become economic engines and models for future development, encourage projected new residential and employment growth to concentrate in the Regional Transit Districts that are designated as Downtowns (see the Strategic Investment Program under the Implementation section).*

*LUI.2 Revise and update the Zoning Ordinance, Subdivision Ordinance, and other county regulations to ensure they are consistent with and support the Plan 2035 growth management goals, vision, and policies. Conduct a comprehensive analysis of the Zoning Ordinance, including its use tables, zoning districts and densities, and variance criteria.*

*LUI.3 Evaluate the existing zoning districts in the Regional Transit Districts to ensure that sufficient development capacity is available to meet desired population and employment targets set forth by the Center Classification System (see Table 16).*

*LUI.4 Annually review and report on county growth trends to measure progress toward meeting Plan 2035 growth management goals. Identify potential revisions to policies and ordinances to assist with meeting the goals.*

*LUI.5 Annually review the CIP program to ensure consistency with the Plan 2035 vision, goals, and policies. The Planning Board will review proposed public facility and infrastructure projects and submit its recommendations to the District Council and County Executive for consideration (also see Strategic Investment Program under the Section V: Implementation).*

*LUI.6 Identify the key capital improvement projects for each of the centers identified in Table 16 that are necessary to promote and facilitate economic and residential development within the center. Identify and coordinate the capital improvement projects with county agencies and key stakeholders. Prepare a summary of the Center Diagnostic score for each center.*

**RESPONSE:** The Growth Policy Map (Map 1; p. 18) shows the Westphalia Local Center on the north side of Pennsylvania Avenue outside (east) of the Capital Beltway. This Center is also shown in the 2007 Sector Plan (Map 3; p. 16). The Westphalia Local Center is developing now at a moderate to fast pace. Located at the corner of Ritchie-Marlboro and Westphalia Roads, the subject Property is outside the conceptual boundary of this Center and located in the Future Water and Sewer Policy Area (p. 20). A change from Water and Sewer Category 5 to 4 was approved earlier in 2017. The R-A Zone is also sometimes used as a holding zone; when the Property was rezoned from the R-A Zone to the R-M and L-A-C Zones, it was moved out of this holding pattern and recommended for moderate density development. It immediately abuts the

Established Communities Policy Area. These areas are “existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers...” (p. 20). This intersection is designated as a Gateway to the Sector Plan area and recommended for residential development. The Sector Plan rezoned the Property from the R-A to the R-M and L-A-C Zones encouraging the Property to develop as a rural hamlet. Increased development potential for this Property has been a County policy since 2007, and in 2014, the County continued to recognize this potential. The recent change to the water and sewer category on the Property recognizes development on the Property as a logical extension of the development in the area.

***POLICY 2: Limit the expansion of public water and sewer outside the Growth Boundary in Rural and Agricultural Areas.***

*Goals*

*LU2.1 Coordinate the provision of public water and sewer, as outlined in the Public Facilities Element, with the Department of Environmental Resources (DER) and the Washington Suburban Sanitary Commission (WSSC) and in accordance with the Growth Policy Map to ensure that water and sewer facilities are not extended beyond the Growth Boundary. The Growth Boundary should be reviewed on a periodic basis to assess compatibility with Plan 2035 goals.*

*LU2.2 Coordinate amendments to the Growth Boundary with future updates to the Septic Tier Map and the county's Water and Sewer Plan.*

**RESPONSE:** The Property is within the Growth Boundary.

***POLICY 3: Use Plan 2035, including the Growth Policy Map and Center Classification System, to guide the development of land use policies for all future master and sector plans, functional plans, and other county planning documents.***

*Goals*

*LU3.1 Evaluate the Plan 2035 future land use categories and apply to new master plans so that, over time, all plans use a common nomenclature to describe similar land uses. Allow plans to develop common land use subcategories.*

*LU3.2 Review preliminary master plans and rezoning requests to ensure that proposed development is consistent with the Growth Policy Map and the Center Classification System (see Table 16). (see also Section V: under Plan Administration for Amendments and Updates).*

*LU3.3 Review approved master plans to evaluate the consistency of existing Regional Transit Districts and Local Centers with the Center Classification System (see Table 16). To ensure consistency, future master plan revisions and/or rezonings may be warranted.*

**RESPONSE:** Upon approval of the Comprehensive Design Plan, the Applicant will take the Property through the Preliminary Plan of Subdivision process, allowing the Applicant to pursue a development in conformance with the Westphalia Sector Plan and Sectional Map Amendment, which rezoned the Property from the R-A Zone to the L-A-C and R-M Zones. The Sector Plan seeks medium density development on the Property at a Gateway to the Westphalia area and the Westphalia Local Center. The Sector Plan envisioned a local activity center on this Property (and the adjoining property to the west) to be developed with a mix of commercial and residential uses which the applicant intends to develop in accordance with.

***POLICY 4: Phase new residential development to coincide with the provision of public facilities and services.***

*Goals*

*LU4.1 Annually evaluate the county's residential and employment forecast projections to identify the amount of new land area required to meet demand.*

*LU4.2 Create a working group to address the magnitude of the residential pipeline in Established Communities and Rural and Agricultural Areas. Potential strategies to reduce the pipeline include amending the county code to limit validity periods, reevaluating approved adequate public facilities for projects that have not provided assurances that public infrastructure will be constructed in a timely manner, and requiring performance bonding prior to recordation of final plat.*

*LU4.3 Evaluate strategies to phase development countywide. Potential strategies include establishing a residential allocation process.*

**RESPONSE:** Properties in the adjacent areas are in Water and Sewer Categories 3, 4 and 5, including the existing Cabin Branch Acres Subdivision, directly across Ritchie Marlboro Road (W/S Category 3); the Bean Property to the southwest across Westphalia Road (W/S Category 4); and the Westphalia Woods Subdivision one property to the west (W/S Category 3). Existing or coming planned development characterizes the area, phasing development as envisioned by the County. Development of this Property with residential uses is consistent with strategies to phase development to coincide with provision of public facilities.

***POLICY 5: Implement the Growth Policy Map through coordinated multimodal transportation and mobility planning and programs.***



**RESPONSE:** The Property is at the intersection of Ritchie Marlboro Road and Westphalia Road. Transportation facilities will be evaluated at the time of Preliminary Plan of Subdivision; the evaluation will include a review of the multimodal transportation and mobility planning and programs.

***POLICY 6: Support new employment growth in Employment Areas in accordance with the Growth Policy Map and the Growth Management Goals (see Table 17).***

*Goals*

*LU6.1 Align the Economic Development Corporation's work program with the Growth Policy Map to establish programs and policies to support employment growth in the Employment Areas, with a particular emphasis on the Innovation Corridor (see the Strategic Investment Program under Implementation).*

**RESPONSE:** The Growth Policy Map and land use recommendations encourage employment uses to be concentrated in Employment Areas and Innovation Corridors. The proposal does not include employment uses which are generally more appropriate in those locations.

***POLICY 7: Limit future mixed-use land uses outside of the Regional Transit Districts and Local Centers.***

*Goals*

*LU7.1 Reevaluate mixed-use land use designations outside of the Regional Transit Districts and Local Centers as master plans are updated.*

*LU7.2 Consider developing, as part of the Zoning Ordinance update, alternative lower density zoning districts that promote walkability and allow for a mix of uses.*

**RESPONSE:** The Property is not in a Regional Transit District or Local Center, although is it fairly close to the Westphalia Local Center described in Plan 2035. As such, mixed uses are not generally recommended. Part of the Property is in the L-A-C Zone, and therefore a mix of uses is proposed.

***POLICY 8: Strengthen and enhance existing residential areas and neighborhoods in the Plan 2035 Established Communities.***

*Goals*

*LU8.1 Coordinate land use planning with county municipalities.*

*LU8.2 Use conservation subdivisions in areas adjacent to Rural and Agricultural Areas to transition density and to encourage preservation of green infrastructure corridors as defined by the county's Green Infrastructure Plan.*

*LU8.3 Encourage municipalities to designate Development Review Districts to promote and preserve the integrity of high-quality and complementary infill development in the Established Communities.*

*LU8.4 Revise and update the Zoning Ordinance, Subdivision Ordinance, and other county regulations to ensure they help protect, strengthen, and revitalize the Established Communities.*

*LU8.5 Continue to coordinate, apply for, and use state and federal programs and resources for neighborhood revitalization and reinvestment of low- and moderate-income communities. Programs and resources include Sustainable Community designations, HUD program funds, and tax incentives.*

**RESPONSE:** Although not in the Rural and Agricultural Policy Area, part of the northern portion of the Property is included in the Green Infrastructure Plan as Regulated, Evaluation and Network Gap areas. It adjoins the Established Communities Policy Area. It is not within or near a municipality. The northern portion of the Property is proposed for the less intense development and the regulated features will be preserved to the fullest extent possible.

***POLICY 9: Limit the expansion of new commercial zoning outside of the Regional Transit Districts and Local Centers to encourage reinvestment and growth in designated centers and in existing commercial areas.***

*Goals*

*LU9.1 Evaluate rezoning requests to determine if the location, population projections, and market demand justify an increase in commercially-zoned property.*

*LU9.2 Develop a countywide strategic plan for future retail development and implement its recommendations through the Zoning Ordinance update, master plan process, and public private partnerships with county agencies. As part of this retail plan, inventory older commercial areas and shopping centers to identify candidates for potential (re)development and rezoning to accommodate residential infill or other neighborhood-serving uses.*

**RESPONSE:** At the time of Sector plan approval, commercial uses were envisioned for this Property and the applicant is developing in accordance with the Sector Plan recommendations.

***POLICY 10: Retain Future Water and Sewer Service Areas in water and sewer categories S5 and W5 until additional residential development capacity is needed to meet growth projections.***

### *Goals*

*LU10.1 Evaluate the Future Water and Sewer Service Areas through annual reviews of the residential pipeline and residential development capacity analysis. Establish criteria to determine when land within the Future Water and Sewer Service Areas should be reclassified.*

*LU10.2 Review the annual water and sewer amendments to retain the S5 and W5 water and sewer categories until additional residential capacity is required and public facilities are in place to serve projected development.*

*LU10.3 Evaluate Future Water and Sewer Service Areas as potential woodland conservation banks or stormwater management offset areas to meet the requirements of the Watershed Implementation Plan (see the Natural Environment Element).*

**RESPONSE:** This Property is prime for residential development. The Westphalia Sector Plan, specifically in and around the Town Center, is developing as planned. Subdivision plats have been approved in the Town Center, infrastructure is being installed, homes are being built and commercial uses are being planned. Additional residential capacity within the Sector Plan is appropriate. As to woodland conservation, a large area in the northern portion of the Property is shown to be wooded.

***POLICY 11: Preserve and protect the Rural and Agricultural Areas to conserve agricultural and forest resources.***

### *Goals*

*LU11.1 Continue to implement the Priority Preservation Plan (PPA) to achieve identified agricultural and forestry land preservation goals and coordinate with the Prince*

*George's County Soil Conservation District, University of Maryland Extension Service, the agricultural community, residents, and community groups.*

*LU11.2 Amend the Zoning Ordinance and Subdivision Ordinance to support agricultural production and forest preservation in the Rural and Agricultural Areas.*

*LU11.3 Evaluate the impacts of extractive industries, such as sand and gravel mining, on resource lands, rural character, economic development, and post-reclamation requirements in the Rural and Agricultural Areas. Map remaining sand and gravel natural resources to locate potential future sand and gravel operations, update and revise development standards, and identify post-reclamation land uses, including residential development, agriculture, and forestry. Propose comprehensive legislation to revise county codes and identify recommendations for the Zoning Ordinance update.*

*LU11.4 To preserve environmentally sensitive land and to encourage development in the Regional Transit Districts, evaluate a transfer of development rights program, density exchanges, or purchase of development rights program for the Rural and Agricultural Areas. Explore opportunities to transfer development rights within areas and to coordinate with the Watershed Implementation Plan and Maryland Accounting for Growth Policy.*

**RESPONSE:** No impacts to the Rural and Agricultural Policy Area are proposed by this proposal. The Property is not in the Rural and Agricultural Policy Area.

***POLICY 12: Participate in regional planning activities to enhance collaboration, coordination, and implementation. Regional issues include employment, transportation, sustainability, health, air quality, climate change, workforce and affordable housing, food system planning, infrastructure, water quality, and land use.***

## *Goals*

*LU12.1 Participate in the Washington Metropolitan Council of Governments' regional planning activities to improve coordination on transit and land use planning. Provide periodic briefings to the Planning Board on regional issues to identify potential land use strategies and programs.*

*LU12.2 Coordinate with the Washington Metropolitan Council of Governments to develop forecasts for residential and employment growth based on the Plan 2035 vision, goals, and policies. The forecast should include an analysis of the remaining development capacity in Prince George's County based on approved zoning, residential and commercial pipeline development, and the Growth Management Goals (see Table 17).*

*LU12.3 Collaborate with adjacent jurisdictions and county municipalities to ensure coordinated land use patterns, connected transportation networks, and continuous environmental networks, in particular during the preparation of master, sector, and functional plans.*

**RESPONSE:** Policy 12 does not apply to the subject request.

## V. RELATIONSHIP TO THE PROVISIONS OF THE ZONING ORDINANCE

### **Sec. 27-521. - Required findings for approval.**

**(a) Prior to approving a Comprehensive Design Plan, the Planning Board shall find that:**

**(1) The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

RESPONSE: The Property was placed in the R-M and L-A-C Zones through the Westphalia Sector SMA; and a comprehensive land use planning study was conducted prior to initiation of the SMA. Therefore, the proposal is subject to the recommendations of the SMA.

**(2) The proposed plan would result in a development with a better environment than could be achieved under other regulations;**

RESPONSE: Minimal setbacks and additional building height for townhouses create an urban feel in this suburban setting, helping to create a sense of place. Single-family lots also carry smaller setbacks and lot widths, allowing for a neo-traditional style of development imposed in a suburban setting that includes large expanses of open space.

This fusion of urban and suburban style development cannot be achieved under normal regulations designed solely for suburban settings.

**(3) Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;**

RESPONSE: Urban design elements imposed in a suburban setting, preservation of environmental features (and the views into them), and accessible pocket parks, create a development that will satisfy the needs of the residents and guest on the Property, all within close proximity to shopping and institutional uses in the Westphalia Town Center.

**(4) The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings;**

RESPONSE: The surrounding area is a mix of undeveloped land and single-family detached dwellings on lots ranging from 0.45 acres to just under 2.0 acres. The proposed residential development fits easily into this environment.

**(5) Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:**

**(A) Amounts of building coverage and open space;**

RESPONSE: Building coverage is minimal and within the maximum requirements. The exact percentages will be determined at the time of Specific Design Plan.



**(B) Building setbacks from streets and abutting land uses; and**

RESPONSE: Setbacks proposed are equivalent to the standards already found in the Zoning Ordinance for townhouses and single-family detached dwellings.

**(C) Circulation access points;**

RESPONSE: Two internal streets will access adjoining roadways—one will enter the site from Westphalia Road and the other from Ritchie Marlboro Road. These will be “T” intersections, as there are no streets opposite with which to connect. Internally, the detached dwellings will line mostly cul-de-sacs. The townhouse, near Westphalia Road, will be served by private streets that will connect with the public streets serving detached dwellings. Connectivity between the two residential types helps create a sense of one community.

**(6) Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;**

RESPONSE: As a predominantly residential community, the entire development will exist stably on its own.

**(7) The staging of development will not be an unreasonable burden on available public facilities;**

RESPONSE: The proposal will be developed in one phase.

**(8) Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:**

**(A) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;**

**(B) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**

**(C) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

RESPONSE: This is not an adaptive use of a historic site.

**(9) The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and except as provided in Section 27-521(a)(11), where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d);**

RESPONSE: Section 27-274, as applicable to residential development, and the requirements of Section 27-433 for townhouse dwellings are touched upon briefly later in this statement of justification. Essentially, though, this Comprehensive Design Plan is a bubble plan; precise details of the development as it relates to these requirements will be examined at the Preliminary Plan of Subdivision and Specific Design Plan stages.

**(10) The Plan is in conformance with an approved Type I Tree Conservation Plan;**

RESPONSE: A Type I Tree Conservation Plan is submitted in conjunction with this Comprehensive Design Plan for concurrent review and approval. The CDP is in conformance with the Type I TCP.

**(11) The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130-(b)(5).**

RESPONSE: The Primary Management Area is completely preserved. If some intrusion is required for sewer connection or stormwater outfall, justification will be provided at the Preliminary Plan of Subdivision stage.

**(12) Notwithstanding Section 27-521(a)(9), property placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set forth in Section 27-480(g)(1) and (2); and**

RESPONSE: The Property was placed in the R-M and L-A-C Zones pursuant to Section 27-226(f)(4)—through a Sectional Map Amendment and a comprehensive land use planning study was conducted by Technical Staff prior to initiation and therefore, Section 27-480(g)(1) and (2) applies.

**(13) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies the requirements for the use in Section 27-508(a)(1) and Section 27-508(a)(2) of this Code.**

RESPONSE: The proposal is not a Regional Urban Community. This requirement does not apply.

**Sec. 27-507. – Purposes of the R-M Zone.**

**(a) The purposes of the R-M Zone are to:**

**(1) Establish (in the public interest) a plan implementation zone, in which (among other things):**

**(A) Permissible residential density is dependent upon providing public benefit features and related density increment factors; and**

RESPONSE: Public benefit features are required when increased density over the base density is proposed. In fact, the Zoning Ordinance specifies that the base density shall not be deemed as the minimum density in the Zone [Sec. 27-509(a) Footnote 2]. In cases where density is below the base, as in the instant case for the R-M portion of the project, public benefit features are not required.

**(B) The location of the zone must be in accordance with the adopted and approved General Plans, Master Plan, Sector Plan, public urban renewal plan, or Sectional Map Amendment Zoning Change;**

RESPONSE: The Property was placed in the R-M Zone per the recommendations of the Sector Plan and by the Sectional Map Amendment.

**(2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, Sector Plans, public urban renewal plans, and Sectional Map Amendment Zoning Changes) can serve as the criteria for judging individual physical development proposals;**

RESPONSE: The Applicant proposes regulations to implement the recommendations of Plan 2035 and the Sector Plan. Certain requirements of the Zoning Ordinance apply to townhouses; additional regulations are promulgated and outlined in Section II of this statement of justification—Nature of the Request. The regulations concerning setbacks, lot size and lot coverage, help create a moderately dense suburban development that enhances the nearby Westphalia Town Center and contributes to the viability of its commercial activity.

**(3) Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District;**

RESPONSE: As noted, the residential community is compatible with residential communities nearby, including Westphalia Woods and Sun Valley Estates (west along Westphalia Road) and Ritchie Brown Estates (east along Ritchie Marlboro Road). Undeveloped land immediately west is also zoned R-M and L-A-C. Development of residential uses is presumed compatible in these zones.

**(4) Encourage amenities and public facilities to be provided in conjunction with residential development;**

RESPONSE: Road improvements will be determined at the time of Preliminary Plan of Subdivision, and with the recent approval of Category 4 for water and sewer, extension of water and sewer is planned. The Applicant proposes to provide three pocket parks onsite to be built with the development. No additional public facilities are necessary, and many are planned in the nearby Town Center.

**(5) Encourage and stimulate balanced land development; and**

RESPONSE: With the approval of the Westphalia Town Center, and the County approval of Plan 2035, commercial, institutional and recreational facilities are concentrated in the Town Center, leaving The Preserve at Westphalia prime for residential development. At the time the zones were approved on the Property, County policy was for more decentralized commercial activity. Plan 2035 changed that policy. Commercial uses are now recommended to be concentrated in Centers. This proposal leaves commercial uses to the Town Center and develops the Property with additional residential uses that contributes to the balance of land use in the area.

**(6) Improve the overall quality and variety of residential environments in the Regional District.**

RESPONSE: The Applicant proposes high quality design elements that will be more fully vetted at the Specific Design Plan stage. Both single-family attached and detached units are proposed, maintaining a variety within the development and contributing to the varied housing stock in the county. And, a combination of urban and suburban design is applied to the development, creating

a varied residential environment on Property and in the Regional District as a whole.

**Sec. 27-509. – R-M Zone Regulations.**

Section 27-509(a) sets the following requirements for the R-M Zone:

R-M 3.6:	Required	Provided
Minimum Acreage	10 acres	44.21
Base—Maximum Density	3.6—5.7 dus/acre	2.28

Section 27-509(b) sets forth Public Benefit Features required to increase density above the base. While these are not necessary for the R-M portion of this proposal (it does not increase the density above the base), the Applicant is providing a total of three pocket parks, well distributed throughout the community. These pocket parks will provide passive recreational activity for residents and guests.

Additional requirements of Section 27-509 include:

**(d) Other regulations.**

- (1) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

RESPONSE: Single-family detached lots in the R-M Zone will all have frontage on, and direct vehicular access to, a public street.

**(2) Additional regulations concerning development and use of property in the R-M Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

RESPONSE: All lots within the R-M Zone will have off-street parking in accordance with the requirements of Part 11. Signs and landscaping will be fully analyzed at the Specific Design Plan stage.

**(e) Adjoining properties.**

**(1) For the purposes of this Section, the word "adjoining" also includes properties separated by streets, other public rights-of-way, or railroad lines.**

RESPONSE: The analysis of code requirements for compatibility has taken into account these properties.

**(f) Gross density.**

**(1) In establishing the maximum gross density, the District Council shall consider the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change and the existing zoning of the property being rezoned.**

RESPONSE: The Applicant proposes density well below the maximum allowed.



**Sec. 27-494. – Purposes of the L-A-C Zone.**

**(a) The purposes of the L-A-C Zone are to:**

**(1) Establish (in the public interest) a plan implementation Zone, in which (among other things):**

**(A) Permissible residential density and building intensity are dependent on providing public benefit features and related density/intensity increment factors; and**

RESPONSE: Public benefit features are required when increased density or intensity over the base is proposed. The proposed development of 169 dwellings in the L-A-C Zone represents a density of 8.68 dwellings per acre which falls below the base density of 10 dwellings per acre and therefore no Public benefit features are required.

**(B) The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, Sector Plan, public urban renewal plan, or Sectional Map Amendment Zoning Change;**

RESPONSE: The Property was placed in the L-A-C Zone through the Sector Plan and Sectional Map Amendment.

**(2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, Sector Plans, public urban**

**renewal plans, and Sectional Map Amendment Zoning Changes for Community, Village, and Neighborhood Centers) can serve as the criteria for judging individual physical development proposals;**

RESPONSE: Both the 2007 Sector Plan and the 2014 Plan 2035 include recommendations to be applied appropriately to the proposed development. They are outlined in Section IV of this statement of justification.

**(3) Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety and welfare of the present and future inhabitants of the Regional District;**

RESPONSE: Existing land uses in the area are large farms and single-family homes. The large farm to the west of the Property is zoned R-M and L-A-C and development in these same zones is presumed to be compatible with the townhouses and single-family detached dwellings. Public health, safety and welfare are fostered by the proposed development in that public facilities are adequate to serve the Property and traffic and circulation patterns proposed create safe movement throughout the community.

**(4) Encourage and stimulate balanced land development;**

RESPONSE: The Preserve at Westphalia, with its small-scale, intimate neighborhood setting, provides a nice juxtaposition to the nearby large-scale Westphalia Town Center. Indeed, it creates balance to the County's new push for high-density, intense development of Transit Centers. It is a small enclave of suburban-density residential development in a quickly urbanizing area.

**(5) Group uses serving public, quasi-public, and commercial needs together for the convenience of the populations they serve; and**

RESPONSE: Commercial uses are proposed which will serve the proposed residential community.

**(6) Encourage dwellings integrated with activity centers in a manner which retains the amenities of the residential environment and provides the convenience of proximity to an activity center.**

RESPONSE: Finally, the activity center in this area is the Westphalia Town Center. The proposed development takes advantage of the nearby Town Center, while providing on-site amenities for its residents.

**Sec. 27-496. – L-A-C Zone Regulations.**

Given its size, the Property falls within the Village Center category in the L-A-C Zone. For Village Centers, Section 27-496(a) sets the following requirements:

Village Center:	Required	Provided
Minimum Acreage	10 acres	19.45
Base--Maximum Density	10--15 dus/acre	8.68

Additional requirements of Section 27-496 include:

**(d) Other regulations.**

**(1) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

RESPONSE: Single-family detached lots will have frontage on, and direct vehicular access to, public streets. Townhouse lots in the L-A-C Zone are proposed with frontage on, and direct vehicular access to, private streets. Authorization from the Planning Board will be sought at the Preliminary Plan of Subdivision stage.

**(2) Additional regulations concerning development and use of property in the L-A-C Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

RESPONSE: Off-street parking is provided in accordance with the requirements of Part 11. Signs and landscaping will be fully analyzed at the Specific Design Plan stage.

**(e) Adjoining properties.**

**(1) For the purposes of this Section, the word "adjoining" also includes properties separated by streets, other public rights-of-way, or railroad lines.**

RESPONSE: This definition is employed in the analysis.

**Sec. 27-480. - General development regulations.**

**(g) When property is placed in a Comprehensive Design Zone through a Sectional Map Amendment or through a Zoning Map Amendment intended to implement land use recommendations for mixed-use development recommended by a Master Plan or Sector Plan that is approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation:**

**(1) The design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property should establish and provide guidance for the development regulations to be incorporated in the Specific Design Plan.**

**(2) The limitations on the maximum percentages of townhouse and multifamily dwelling units contained in Section 27-515(b)(7), footnote 29, the lot area requirement in Subsection (b) above, and the lot width requirements in Subsection (e) above shall not apply. However, the Planning Board or District Council may impose similar restrictions where appropriate, only to implement the recommendations of the Master Plan or Sector Plan.**

RESPONSE: Because the Property was placed in the M-X-T Zone through an SMA approved after October 1, 2006, for which a comprehensive land use planning study was conducted prior to initiation, it is subject to these above regulations. The Property was the subject SMA Public Record Exhibit 58, which was included in the SMA as Sector Plan Development Concept 4 (p. 106). Sector Plan Development Concept 4 shows a conceptual layout of the Property, that, in general, includes mixed-use residential as its primary land use. The proposed CDP shows mixed-use residential in general conformance with Concept 4.

**Sec. 27-274. - Design guidelines.**

**The design guidelines of Section 27-274(a) will be evaluated in detail at the time of Specific Design Plan. The guidelines pertain to:**

**- Parking, loading, and circulation.**

Off street parking and loading is not required for residential development. Circulation allows for easy movement throughout the community, with minimal access points to Westphalia Road and Ritchie Marlboro Road.

**- Lighting.**

No lighting, other than street and house lighting, is proposed on the Property. Street lighting design will be determined at the Specific Design Plan stage.

**- Views.**

The development is designed so that the rear yards of many of the single-family detached dwellings overlook the environmental features of the site, creating stunning views from most of the lots in the community.

**- Green area.**

The majority of the green area on site is associated with the streams, slopes and buffers in the northern portion of the Property (zoned R-M). However, the three pocket parks are well-distributed throughout the community and provide passive green area

and focal points for community activity. Specifics of the pocket parks will be reviewed at the Specific Design Plan stage.

**- Site and streetscape amenities.**

The ultimate specifications of site and streetscape amenities will be determined at the Specific Design Plan stage.

**- Grading.**

Grading will be necessary on the site, but is minimized by the design approach to the environment, leaving large spaces ungraded.

**- Service areas.**

Service areas are neither required nor proposed.

**- Public spaces.**

The Public spaces guideline is aimed at providing public space in large scale commercial or multifamily development; it is not generally applicable to single-family developments. However, a series of public spaces are proposed in this development—specifically, three pocket parks—that are readily accessible to the residents and will include “sitting areas, landscaping, access to the sun, and protection from the wind.”

**- Architecture.**

At the Specific Design Plan stage, the Applicant will propose architecture with an appropriate variety of building forms, and a unified, harmonious use of materials and styles.

**- Townhouses and three-family dwellings.**

The precise layout of the townhouse portion of the community will be determined at the Preliminary Plan of Subdivision stage. Architecture will be addressed at the Specific Design plan stage.

VI. CONCLUSION

This Property, at the crucial Westphalia Road/Ritchie Marlboro Road intersection—a Gateway to the Westphalia Sector Plan area—has lain fallow for some time. As the rest of Westphalia develops, it is critical that the Property develop with a compatible, sustainable community that enhances the viability of the greater area around the Westphalia Town Center. The proposal is a well-designed, environmentally sensitive mix of urban and suburban styles that easily fits into the growing surrounding neighborhood. Details of the proposed development will be fully scrutinized at the Preliminary Plan of Subdivision and Specific Design Plan stages. The proposed Comprehensive Design Plan sets forth a development pattern in accordance with the Basic Plan Land Use Types as set forth in the Basic Plan approved with the Westphalia Sector plan and Sectional Map Amendment. Therefore, the Applicant respectfully requests the Comprehensive Design Plan be approved.

Respectfully submitted,



**Development Team**

**Applicant**

Green Revolution Realty. LLC  
c/o Rodgers Consulting  
1101 Mercantile Ln, Suite 280  
Largo, Md 20774  
301-948-6256  
Contact: Alex Villegas  
[avillegas@Rodgers.com](mailto:avillegas@Rodgers.com)

---

**Land Use Attorney**

Marva Joe Camp  
1301 Sea Pine Terrace  
Mitchelville, MD 20721  
301-499-8429  
[mjcamp@comcast.net](mailto:mjcamp@comcast.net)

---

**Engineer**

Rodgers Consulting  
1101 Mercantile Lane, Suite 280  
Largo, MD 20774  
301-948-4700  
Contact: Philip R. Hughes  
[Phughes@rodgers.com](mailto:Phughes@rodgers.com)

---

**Urban Planning Consultant**

Del Balzo Development Services, LLC  
12 S. Adams Street  
Rockville, MD 20850  
410-916-6433  
Contact: Joe Del Balzo, AICP  
[jdelbalzo@jdplanning.com](mailto:jdelbalzo@jdplanning.com)

---

**Traffic Engineer**

Lenhart Traffic Consulting  
645 Baltimore Annapolis Blvd  
Severna Park, MD 21146  
410-216-3333  
Contact: Mike Lenhart  
[mlehart@lenharttraffic.com](mailto:mlehart@lenharttraffic.com)

---

June 27, 2018

## MEMORANDUM

**TO:** Henry Zhang, Master Planner, Urban Design Section, Development Review Division

**VIA:** Kipling Reynolds, AICP, Chief, Community Planning Division  
David A. Green, Master Planner, Community Planning Division

**FROM:** Michael Zamore, Planner Coordinator, Long Range Planning Section, Community Planning Division

**SUBJECT:** **CDP-1701, The Preserve at Westphalia**

## FINDINGS

Community Planning Division staff finds that, pursuant to Section 27-521(a)(1), this application conforms to the design guidelines or standards intended to implement Development Concept 4, Exhibit 58, and Table 5: Approved Zoning Changes, Change Number 9 (page 91) in the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*.

## BACKGROUND

**Application Type:** Comprehensive Design Plan within the Westphalia Sector Plan.

**Location:** 11100 Westphalia Road; the Northwest quadrant of the Westphalia Road/Richie Marlboro Road intersection.

**Size:** 63.66 acres

**Existing Uses:** Mainly agriculture and woodland

**Proposal:** Residential and commercial uses – construct 115 to 180 single-family attached dwellings, 120 to 150 single-family detached dwellings, and 12,500 square feet GPA of commercial.

## GENERAL PLAN, MASTER PLAN, AND SMA

### General Plan:

This application is in the Established Community Growth Policy Area. The vision for Established Communities is “context-sensitive infill and low- to medium-density development” (page 20).

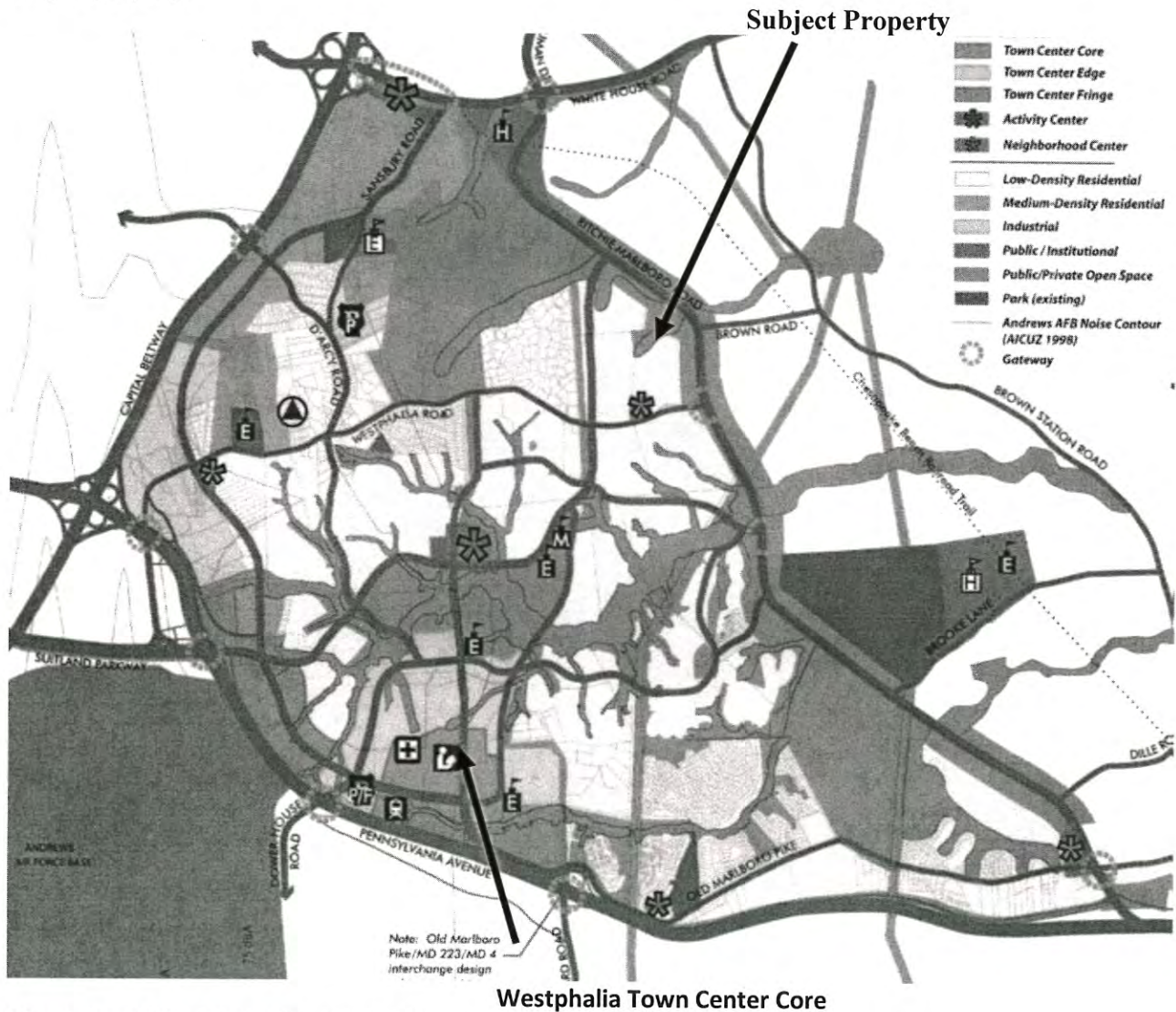
The General Plan carries forward the center boundaries established by the 2002 General Plan, as amended by master and sector plans approved between 2002 and 2014. The boundaries of the Westphalia Town

## CDP-1701 The Preserve at Westphalia

Center Core are found on page 19 of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. While Westphalia is listed as a Local Center (Town Center) on the Growth Policy Map in Plan 2035 (Page 107), the subject property is not included within the boundaries of the Westphalia Town Center Core (see map below). Thus, the recommendations of Plan 2035 pertinent to Centers are not relevant to the subject application.

### Master Plan:

The 2007 *Approved Westphalia Sector Plan* recommends Low-Density Residential land uses for the subject property.



Map 4. Land Use (Sector Plan, page 19)

In addition, the R-M (Residential Medium) and L-A-C (Local Activity Center) comprehensive design zones implement the sector plan's recommendation for low- to moderate-density residential, neighborhood-oriented commercial and institutional land uses on the three properties contained in Sector Plan Development Concept 4 below. Development Concept 4 contains an illustration for a comprehensively planned mix of civic, residential, commercial, and open space uses as the basic plan (as amended by CR-2-2007 (DR-2)) for these comprehensive design zones per Section 27-478 of the Zoning Ordinance.

**CDP-1701 The Preserve at Westphalia**



Figure 1. Sector Plan Development Concept 4: The Villages at Westphalia (page 106)

In addition, the Sector Plan also makes the following recommendations that affect the subject property:

- “Construct MC-631 (Suitland Parkway extended) from MC-634 (Presidential Parkway extended) to A-39 (Ritchie-Marlboro Road) as a major collector. Require additional right-of-way at major intersections for one additional lane in each direction (but not along the entire road length) in order to minimize the impacts on adjacent properties and provide LOS D operation at the major intersections during peak hours.” (pages 40 to 42)
- “Promote the development of attractive gateways into the Westphalia area that define the site’s image as an inviting and safe place.” (page 32) The Westphalia Road/Richie Marlboro Road Intersection is one of 10 key intersections where gateways will be developed.

**Planning Area:** 78

**Community:** Westphalia

**Aviation/MIOZ:** This application is not located within the Military Installation Overlay Zone (MIOZ) or within an Aviation Policy Area (APA).

## CDP-1701 The Preserve at Westphalia

**SMA/Zoning:** The 2007 *Approved Westphalia Sectional Map Amendment (SMA)* rezoned the subject property into the R-M (Residential Medium) and L-A-C (Local Activity Center) comprehensive design zones.

As part of its approval of these comprehensive design zones, the District Council, in its approval of the SMA, approved Sector Plan Development Concept 4, as the Basic Plan for development of the subject property (see above).

### MASTER PLAN CONFORMANCE ISSUES:

Community Planning Division staff finds that Pursuant to Section 27-521(a)(1); the proposed plan is in conformance with the Basic Plan, also known as Development Concept 4, Exhibit 58 or Table 5: Approved Zoning Changes, Change Number 9 (page 91) in the 2007 *Approved Westphalia Sectional Map Amendment*.

While the application conforms to the Basic Plan, it is not consistent with key sector plan design guidelines and standards. Approval of a Comprehensive Design Plan for properties reclassified into a comprehensive design zone by the 2007 Westphalia SMA requires the Planning Board to find conformance with “the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change.” [Section 27-521(a)(1)].

The applicant should follow key design guidelines and principles identified in Policy 5-Residential Areas, that include (Sector Plan page 31):

1. Design an efficient, safe, and interconnected residential street system:
  - Design or retrofit street systems to link individual subdivisions/projects to each other and the community.
  - Avoid closed loop subdivisions and extensive cul-de-sac systems, except where the street layout is dictated by the topography or the need to avoid sensitive environmental resources.
2. Design new low- to medium-density residential neighborhoods that are varied in housing styles and architecture and promote best practices for residential design:
  - Arrange driveways so that cars are parked to the side or rear of the house or otherwise hidden from the street.
3. Design residential developments that connect and appropriate transition to pre-existing communities and neighboring commercial areas:
  - Develop neighborhoods to reflect the character of their location within Westphalia, with areas closer to the town center being more compact and more urban, and outlying areas more rural.
  - Create lot divisions that respect the existing pattern of development for neighborhood continuity and compatibility.

With regard to the above strategies of Policy 5, the application is not near the town center but in an outlying, more rural part of Westphalia. The townhouses are compact and on relatively narrow lots that reflect urban rather than rural development. Moreover, the proposed lot divisions do not respect the existing pattern of development, or neighborhood compatibility and continuity. The applicant should reconsider lot sizes and building widths for the single-family attached dwellings, to better transition to the existing low density residential development on adjacent properties.

**CDP-1701 The Preserve at Westphalia**

**ADDITIONAL INFORMATION**

**None.**

c: Long-range Agenda Notebook

Scott Rowe, Long Range Section, Acting Supervisor, Community Planning Division




**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George's County Planning Department  
Countywide Planning Division, Transportation Planning Section

(301) 952-3680  
www.mncppc.org

July 3, 2018

**MEMORANDUM**

TO: Henry Zhang, Development Review Division  
FROM:  Fred Shaffer, Transportation Planning Section, Countywide Planning Division  
SUBJECT: Comprehensive Design Plan Review for Master Plan Compliance

The following Comprehensive Design Plan was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* and/or the appropriate area master plan in order to provide the Master Plan Trails.

Comprehensive Design Plan: CDP-1701

Name: The Preserve at Westphalia

Type of Master Plan Bikeway or Trail

Municipal R.O.W.*	<input type="checkbox"/>	Public Use Trail Easement	<input type="checkbox"/>
PG Co. R.O.W.*	<input checked="" type="checkbox"/>	Nature Trails	<input type="checkbox"/>
SHA R.O.W.*	<input type="checkbox"/>	M-NCPPC – Parks	<input type="checkbox"/>
HOA	<input type="checkbox"/>	Bicycle Parking	<input type="checkbox"/>
Sidewalks	<input checked="" type="checkbox"/>	Trail Access	<input type="checkbox"/>

\*If a Master Plan Trail is within a city, county, or state right-of-way, an additional two - four feet of dedication may be required to accommodate construction of the trail.

The Transportation Planning Section has reviewed the submitted comprehensive design plan application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. The subject property consists of 63.66 acres in the R-M and L-A-C zones. The current application proposes 235 to 330 dwelling units (both single-family attached and detached).

**Review Comments (Master Plan Compliance and Prior Approvals)**

Two master plan trail recommendations impact the subject property. Shared use sidepaths (or wide sidewalks) are recommended along both Ritchie-Marlboro Road and Westphalia Road. Text from the MPOT for each master plan recommendation is copied below:

Westphalia Road (C-626) Shared-Use Side path: A shared-use side path should be provided as part of the planned improvements to Westphalia Road if practical and feasible. On-road bicycle facilities may also be appropriate.

Ritchie Marlboro Road (A-39) Side path: The existing wide sidewalk along the Marlboro Ridge portion of Ritchie Marlboro Road should be extended along the entire length of the road. This trail will link adjacent residential communities and connect two stream valley trails. On-road bicycle facilities may also be appropriate.

A sidepath has been completed along a portion of Ritchie-Marlboro Road to the south of the subject site along the frontage of Marlboro Ridge. Staff recommends sidepath construction along the subject site's frontage of Ritchie-Marlboro Road, unless modified by DPIE. It appears from the MPOT and the information available on PGAtlas that the trail along Westphalia Road will be completed as the road is reconstructed/realigned in the vicinity of the subject site. This means that sidepath construction is probably not appropriate along the road's current alignment but will only be necessary at the time the road is realigned.

The *Approved Countywide Master Plan of Transportation* includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

**POLICY 1:**

Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

**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.

In keeping with the policies noted above, standard sidewalks are recommended along both sides of all internal roads, excluding alleys. Additional internal pathways or trails may also be appropriate on HOA land and will be evaluated at the time of SDP.

**Conclusion**

In conformance with the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment and the 2009 Approved Countywide Master Plan of Transportation the applicant and/or the applicant heirs, successors or assigns shall provide the following:

- a. Shared use sidepath (or wide sidewalk) along the subject site's entire frontage of Ritchie-Marlboro Road, unless modified by DPIE.
- b. Standard sidewalks along both sides of all internal roads (excluding alleys), unless modified by DPIE.





**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George's County Planning Department  
Countywide Planning Division, Transportation Planning Section

(301) 952-3680  
www.mncppc.org

**MEMORANDUM**

July 3, 2018

TO: Henry Zhang, Subdivision Section, Development Review Division

VIA: Tom Masog, Transportation Planning Section, Countywide Planning Division

FROM: Glen Burton, Transportation Planning Section, Countywide Planning Division

SUBJECT: CDP-1701: The Preserve at Westphalia

The Transportation Planning Section has reviewed the Comprehensive Design Plan (CDP) application referenced above. The site consists of 63.66 acres; 19.44 acres in the L-A-C Zone and 44.22 acres in the R-M Zone. It is located in the northwest quadrant of the intersection of Westphalia Road and Ritchie-Marlboro Road intersection. The subject property is currently undeveloped, but was previously used as farmland. The applicant is proposing a development of the site with 125 single family dwellings, 150 townhomes and 12,500 square feet of commercial.

**Traffic Impacts**

The findings and recommendations outlined below are based upon a review of the materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the "Transportation Review Guidelines," otherwise termed the "Guidelines."

The subject property is located within the Transportation Service Area (TSA) 2, as defined in the *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to the following standards:

- a. Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better;
- b. Unsignalized intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. Once the CLV exceeds 1,150, this 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.
- c. Roundabouts: Where the analysis using the Highway Capacity Manual (Transportation Research Board) indicates a volume-to-capacity (v/c) ratio greater than 0.850 for the intersection, geometric improvements or trip reduction measures should be considered that will reduce the v/c ratio to an acceptable level. The operating agency can deem a v/c between 0.850 and 0.900 to be

acceptable, and that agency must do this in writing in order for the Planning Board to make a similar finding.

Since the trip generation for the proposed development is projected to exceed 50 trips in either peak hour, the applicant has provided a traffic impact study (TIS) dated February 2018. Using data from this TIS, the following results were determined:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road & Westphalia Road *	212.2 seconds	49.3 seconds
Ritchie Marlboro Road & White House Road	B/1114	A/960
Ritchie Marlboro Road & Sansbury Road	C/1258	A/995
Westphalia Road & MD 4	D/1388	E/1529
Westphalia Road & Darcy Road *	55.7 seconds	14.6 seconds
Ritchie Marlboro Road & Site Access – A *	n/a	n/a
Westphalia Road & Site Access – B *	n/a	n/a
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the The Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

In evaluating the effect of background traffic, 14 background developments were identified in the TIS. A growth rate of one percent for six years was applied to the primary through routes as per the “Guidelines.” A background scenario analysis based on future developments yielded the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road & Westphalia Road-Orion Lane **	75.8 seconds	120.4 seconds
Ritchie Marlboro Road & White House Road	C/1212	B/1087
Ritchie Marlboro Road & Sansbury Road	C/1161	D/1399
Westphalia Road & MD 4	F/1883	F/2037
Westphalia Road & Darcy Road	167.2 seconds	64.2 seconds
Ritchie Marlboro Road & Site Access – A	n/a	n/a
Westphalia Road & Site Access – B	n/a	n/a
** Under the Background and Total scenarios, the “T” intersection of Ritchie Marlboro Road and Westphalia Road has been realigned to create a 4-legged, unsignalized intersection with Orion Lane.		

Regarding the evaluation of the traffic from the proposed development, Table 1 below outlines the development densities and the trip generation rates from the “Guidelines,” based on the following uses:

Table 1							
Trip Generation Summary							
Land Use		AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Townhouse	150	21	84	105	78	42	120
Single Family	125	19	75	94	74	39	113
Office/Commercial	12.5k	23	2	25	4	19	23
<b>Total</b>		<b>63</b>	<b>161</b>	<b>224</b>	<b>156</b>	<b>100</b>	<b>256</b>

Based on the proposed uses, the following results under Total condition were generated:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road & Westphalia Road-Orion Lane **	<b>80.9 seconds</b>	<b>178.0 seconds</b>
Ritchie Marlboro Road & White House Road	C/1262	B/1135
Ritchie Marlboro Road & Sansbury Road	C/1195	D/1431
Westphalia Road & MD 4	<b>F/1899</b>	<b>F/2041</b>
Westphalia Road & Darcy Road *	199.9 seconds	74.6 seconds
Ritchie Marlboro Road & Site Access – A *	469.4 seconds	123.9 seconds
Westphalia Road & Site Access – B *	13.0 seconds	11.3 seconds
** Under the Background and Total scenarios, the “T” intersection of Ritchie Marlboro Road and Westphalia Road has been realigned to create a 4-legged, unsignalized intersection with Orion Lane. Fails 2-part tests for unsignalized intersection.		
* Pass 2-part tests for signalized intersections.		

The results of the traffic analyses show that under total traffic for the proposed development, two of the critical intersections will require improvements in order to achieve the transportation adequacy thresholds. To that end, for the failing intersection at Ritchie Marlboro & Westphalia Road-Orion Lane, the traffic study has recommended that a traffic signal warrant study be done as a condition of approval. Regarding the Westphalia Road-MD 4 intersection, the study recommends participation in the previously established Public Facilities Financing and Implementation Program (PFFIP) funding mechanism that was approved by the County Council under the provisions of CR-66-2010.

**Agency review**

The TIS was referred to and reviewed by representatives from the Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA). In an April 23, 2018 letter to staff (*Futrell to Dixon*), SHA expressed concurrence with the study findings and offers no further comments. In an April 5, 2018 memorandum to staff (*Abrahamian to Masog*), DPW&T expressed a similar finding of concurrence.

**Master Plan, Right-of-Way Dedication, Site Layout**

The property is located in an area where the development policies are governed by the *2013 Approved Westphalia Sector Plan and Sectional Map Amendment, as well as the 2009 Approved Countywide Master Plan of Transportation*. The plans recommend Ritchie Marlboro Road to be upgraded to an arterial road (A-39) within a variable width right-of-way of 100-120 feet. Westphalia Road is recommended to be upgraded to a collector (C-626) within an 80-foot right-of-way. A relatively small section of the road along the property's frontage will be realigned and will have a marginal impact in terms of future dedication. The site plan shows dedication for both A-39 and C-626 that are consistent with the master plan recommendations.

**TRANSPORTATION STAFF FINDINGS**

The application analyzed is a comprehensive design plan (CDP) for a mixed-use development consisting of 125 single family houses, 150 townhouses and 12,500 square feet of commercial. Using trip generation rates from the Transportation Review Guidelines 2012, the proposed development will generate 224 (63 in, 161 out) AM peak hour trips and 256 ( 156 in, 100 out) PM peak hour trips

All of the intersections deemed critical to the development will operate adequately with the full buildout of the development, with the exception of

- Ritchie Marlboro Road & Westphalia Road-Orion Lane
- MD 4 and Westphalia Road

The applicant's traffic study recommends that a traffic signal warrant study be done prior to the release of any building permit. Should a signal be warranted, and the installation approved by the operating agency, the cost of the installation and the appropriate road improvements will be borne by the applicant. Regarding the intersection of MD4 and Westphalia Road, while no improvements are being proffered by the applicant, pursuant to the provisions of CR-66-2010, the applicant will be required to contribute money as part of the PFFIP. At the time of the preliminary plan of subdivision, the amount of the contribution will be calculated.

**TRANSPORTATION STAFF CONCLUSIONS**

The Transportation Planning Section concludes that the staging of development will not be an unreasonable burden on available public facilities as required by Section 27-521 of the Prince George's County Code if the application is approved with the following conditions:

1. Total development within the subject property shall be limited to uses which generate no more than 224 AM peak hour trips and 256 PM peak hour trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
2. At the time of preliminary plan, the applicant shall be conditioned to dedicate all rights-of-way for A-39 and C-626 as identified by the Planning Department.
3. At the time of preliminary plan, the applicant shall be conditioned to contribute to the Public Facilities Financing and Implementation Program PFFIP. The exact amount will be determined based on the density approved for the preliminary plan.

CDP-1701: The Preserve at Westphalia

July 3, 2018

Page 5 of 5

4. Prior to the issuance of any building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100% funded in a CIP/CTP or otherwise provided by the applicant, his heirs, successors or assigns:
  - a. Conduct a traffic signal warranted study for the intersection of Ritchie Marlboro Road & Westphalia Road-Orion Lane. If the signal is deemed to be warranted and approved by the operating agency, the signal shall be installed.



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
www.mncppc.org/pgco

July 11, 2018

## MEMORANDUM

**TO:** Henry Zhang, Urban Design Section

**VIA:** Sherri Conner, Subdivision and Zoning Section *SC*

**FROM:** Joseph Onyebuchi, Subdivision and Zoning Section *J.O.*

**SUBJECT:** CDP-1701, The Preserve at Westphalia

The subject property is known as Parcel 26 recorded in Liber 39463 folio 560, located on Tax Map 83 in Grid C-4. The site is approximately 63.66 acres, with 44.21 acres located in the Residential Medium Development (R-M) Zone and 19.45 acres located in the Local Activity Center (L-A-C) Zone. The site is currently improved with one single-family detached dwelling.

The property is subject to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* which rezoned the property from the Residential-Agricultural (R-A) Zone to the R-M and L-A-C Zones. Sector Plan Development Concept 4 (pg. 106) and Public Record Exhibit 58 establish a vision for a planned mix of civic, residential, commercial, and open space uses for the subject property. The applicant is now requesting to develop 150 single-family attached and 125 single-family detached dwelling units with 1.93 acres of commercial development. The CDP is in substantial conformance with the land uses and relationships set forth in the sector plan.

### **Plan Comments**


1. Pursuant to Section 24-121(a)(4) of the Subdivision Zoning Regulations, residential lots adjacent to existing or planned roadways of arterial or higher classification shall be platted with a minimum depth of 150 feet. Ritchie Marlboro Road, a master planned arterial roadway, abuts the subject property to the east. The 150-foot depth requirement is provided for the proposed lotting pattern shown on the CDP. It is recommended that any future lots are provided in accordance with the Subdivision Regulations and appropriate mitigation be provided to protect dwellings from traffic noise and nuisance, which will be further evaluated at the time of preliminary plan of subdivision.
2. PG Atlas indicates that Marlboro clay are present on the subject property, which may impact the developable area of the site and should be further evaluated by the Environmental Planning Section.


This referral is provided for the purposes of determining conformance with any underlying subdivision approvals on the subject property and Subtitle 24. There are no other subdivision issues at this time.

July 3, 2018

**MEMORANDUM**

**TO:** Henry Zhang, Planner Coordinator, Urban Design Section

**VIA:** Katina Shoulars, Supervisor, Environmental Planning Section 

**FROM:** Thomas Burke, Senior Planner, Environmental Planning Section 

**SUBJECT: The Preserve at Westphalia, CDP-1701 and TCP1-002-2018**

The Environmental Planning Section (EPS) has reviewed the Comprehensive Design Plan for The Preserve at Westphalia, received on March 1, 2018. A meeting with the applicant on March 30, 2018, resulted in a revised plan, received on June 19, 2018. The Environmental Planning Section recommends approval of CDP-1701 and TCP1-002-2018 subject to the recommended conditions found at the end of this memorandum.

**Background**

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-152-2017	N/A	Staff	Approved	9/26/2017	N/A
CDP-1701	TCP1-002-2018	Planning Board	Pending	Pending	Pending

**Proposed Activity**

The applicant is requesting approval of a Conceptual Design Plan (CDP) and a Type 1 Tree Conservation Plan (TCP1) for the construction of a residential development consisting of single-family attached units and single-family detached units, as well as a commercial/retail site.

**Grandfathering**

The project is subject to the current regulations of Subtitles 24, 25 and 27 that came into effect on September 1, 2010 and February 1, 2012

**Site Description**

The 63.66-acre property is located on the northwest quadrant of Westphalia Road/Ritchie Marlboro Road intersection, in Upper Marlboro, and is currently developed as a farm with two, single-family detached dwellings and associated outbuildings. The site is split zoned with 44.21 acres of R-M and 19.45 acres of L-A-C zoning. This site is located within the Patuxent River basin, and according to the approved Natural



Resources Inventory, NRI-152-2017, the northern section of the site contains the sources of a stream system that ultimately drains to The Western Branch, a Maryland Stronghold watershed. This site has also been mapped by The Department of Natural Resources (DNR) as a Tier II Catchment area. Floodplain, non-tidal wetlands, steep slopes, and PMA are mapped on the northern section this property. The Sensitive Species Project Review Area (SSPRA) map received from the Maryland Department of Natural Resources Natural Heritage Program shows no rare, threatened, or endangered species found to occur on, or near this property. Potential Forest Interior Dwelling Species (FIDS) habitat or FIDS buffer are mapped on-site. The site is located within the Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*. The approved 2017 Countywide Green Infrastructure Plan shows that the much of the property contains both Regulated and Evaluation network features, related to the stream sources and other regulated environmental features. Marlboro clays are mapped in the northern section of the property.

### **Environmental Review**

Note that as revisions are made to the submitted plans the revision box on each sheet shall be used to describe in detail the revisions made, when and by whom.

### **Natural Resource Inventory Plan/Existing Features**

The application has an approved Natural Resource Inventory NRI-152-2017. The TCP1 and the CDP show all the required information correctly in conformance with the NRI.

No revisions are required for conformance to the NRI.

### **Woodland Conservation**

This property is subject to the provisions of the Prince George's County 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO). A Type 1 Tree Conservation Plan (TCP1-002-2018) was submitted with the CDP application.

The TCP1 describes the site with 19.97 acres of existing woodland in the net tract area and 2.26 acres in the floodplain. The woodland conservation threshold is 11.31 acres (18.42 percent). The woodland conservation worksheet shows the removal of 12.47 acres of woodland on the net tract area, 0.04 acre in the floodplain, and 0.10 acre off-site, resulting in a woodland conservation requirement of 17.42 acres. This requirement is proposed to be met with 7.46 acres of woodland preservation, 1.71 acres of afforestation, and 8.25 acres in off-site woodland conservation credits. One specimen tree is proposed to be removed as part of this project.

The current R-M and L-A-C comprehensive design zones for this site, and two adjacent properties, were the result of a Sectional Map Amendment. As illustrated in Public Record Exhibit 58, which is the approved basic plan, this site is subject to a comprehensively planned mix of civic, residential, commercial, and open space uses as the basic plan. A review of the submitted materials shows that the designated open space (shown as green space) on the Basic Plan is being impacted with the development of single family dwellings and associated infrastructure. To bring the proposal into substantial conformance with Public Record Exhibit 58, proposed lots 68-75 and associated road improvements must be removed from the designated open space. A portion of the 8.25 acres in off-site woodland credits shown on the TCP1 should then be dedicated to on-site conservation in this area.

**Recommended Condition:** Prior to certification of the CDP, proposed lots 68-75 and associated road infrastructure shall be removed from the designated open space, in accordance with Public Record Exhibit 58. This area shall be designated as woodland conservation on the plan.

**Recommended Condition:** Prior to certification of the CDP, the TCP1 shall be revised as follows:

- a. Add “TCP1-002-2018” to the approval block on all sheets and to the conservation worksheet.
- b. Correct the stream buffer to 75 feet.
- c. Correct the project name on the worksheet, line 7.
- d. Correct the existing woodland in the net tract on the worksheet and the site statistics table to be consistent. It is understood that this is a rounding error and is inconsequential in the calculations.
- e. Correct line 9 of the worksheet to indicate “N”. This site is not subject to the 1991 ordinance.
- f. Provide an Owners Awareness Certification on the plan.
- g. Have the revised plan signed and dated by the qualified professional preparing the plan.

**Specimen Trees**

Section 25-122(b)(1)(G) 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 zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.”

The site contains 13 specimen trees on-site and one specimen tree off-site, with the ratings of good (specimen trees 1-3, 7, and 14), fair (specimen trees 4-6, 8-10, 12, and 13), and poor (specimen tree 11). The current design proposes to remove specimen tree 14 for the development of dwellings and infrastructure.

**Review of Subtitle 25 Variance Request**

A Subtitle 25 variance application, a statement of justification in support of a variance, and a tree removal plan were received for review on March 1, 2018.

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The Letter of Justification submitted seeks to address the required findings for the three specimen trees together; however, details specific to individual trees has also been provided in the following chart.

**SPECIMEN TREE SCHEDULE SUMMARY**

ST #	COMMON NAME	DBH (in inches)	CONDITION	COMMENTS	DISPOSITION
1	Southern red oak	33	good	off-site	to be saved
2	American beech	41	good		to be saved
3	Tulip poplar	32	good		to be saved
4	Tulip poplar	32	fair		to be saved
5	Tulip poplar	32	fair		to be saved
6	Tulip poplar	33	fair		to be saved
7	Tulip poplar	32	good		to be saved
8	Tulip poplar	37	fair		to be saved

9	Tulip poplar	33	fair		to be saved
10	Tulip poplar	30	fair		to be saved
11	Tulip poplar	47	fair	heart rot	to be saved
12	Tulip poplar	21	poor	triplet	to be saved
13	Tulip poplar	39	fair	twin	to be saved
<b>14</b>	<b>Tulip poplar</b>	<b>34</b>	<b>fair</b>		<b>to be removed</b>

**Statement of Justification request:**

A variance from Section 25-122(b)(1)(G) is requested for the clearing of the specimen tree on-site. The Subtitle Variance Application form requires a Statement of Justification of how the findings are being met.

The text in **BOLD**, labeled A-F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria.

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

The property is generally square in shape. Sensitive environmental features occupy a significant portion of the property and include regulated streams, wetlands, wetland buffers, steep slopes and floodplain, greatly limiting the developable portion of the R-M Zone. The tree in question is located in the southeast corner of the Property, well away from the majority of sensitive environmental features. Necessary demolition of existing buildings and grading for roadway and utility installation in this area requires removal of ST-14. The proposed plan saves 12 of the 13 specimen trees on-site. Requiring this tree to be saved would present an unwarranted hardship on the applicant who has received zoning approval to develop the site with up to 4 dwellings per acre in the R-M portion of the property; the hardship is a direct result of these special conditions of the Property.

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

The property was placed in the R-M Zone through approval of the Sectional Map Amendment associated with the *Westphalia Sector Plan* in 2007. The sectional map amendment contemplated up to 4 dwellings per acre in the R-M Zone here. A significant portion of the R-M zone is occupied by sensitive environmental features which will be preserved to the greatest extent possible. Specimen Tree 14 is located away from these sensitive features within a grouping of existing buildings proposed to be demolished. The demolition of these buildings will impact the critical root zone of Specimen Tree 14. Not allowing the buildings to be demolished and the removal of Specimen Tree 14 would deprive the applicant of the right to develop the property in accordance with its approved zoning and in a similar fashion to other R-M Zoned properties in the immediately area.

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

Similar to the Finding (B) above, the variance confers no special privileges on the applicant that would be denied to other applicants. This property is at a gateway to the Westphalia area. The sector plan envisions dense development in the Westphalia Town Center, with less dense areas on the edges. The variance is necessary if the applicant is to be permitted to develop the property in accordance with sector plan vision. If the variance were denied, the Applicant would be denied rights granted to

others in the area—specifically, the right to develop the property in accordance with the county vision and approved zoning densities. Approval allows development to proceed with similar rights afforded to others on nearby properties to develop in accordance with their zones, not with special privileges.

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

The property was placed in the R-M Zone by District Council approval of the 2006 Sectional Map Amendment for the Westphalia Sector Plan. The zoning action envisions development of up to 4 dwellings per acre at this gateway to the Westphalia area. To approach this density, a road necessary to serve development is proposed in the area of the tree. The request is based on conformance with prior county approvals and zoning actions and is not a result of actions by the applicant.

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

The request is based solely on the conditions existing on the property and has nothing to do with land or building use on neighboring properties.

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

The applicant will be required to provide stormwater management on this site, utilizing environmentally sensitive design to the maximum extent practicable. Twelve of thirteen on-site specimen trees are proposed to be saved. Specimen Tree 14 is far from the sensitive environmental resources contained on the site and is surrounded by existing buildings on the site; there is no evidence that the removal of this specimen tree in an area approved for development will have any impact on water quality.

**Recommended Finding:** The required findings of Section 25-119(d)(1) have been adequately addressed by the applicant for the removal of specimen tree 14.

Prior to signature approval of the TCP2, the TCP2 shall include the following note to the plan on the same plan sheet where the woodland conservation worksheet is provided:

“NOTE: A variance application to Section 25-122(b)(1)(G) was approved by the Planning Board in association with the approval of the detailed site plan to allow removal of specimen tree 14.

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

The site contains regulated environmental features. According to the TCP1, impacts to the PMA are proposed for grading, sewer mains, and stormwater management outfalls. A statement of justification has been received for the proposed impacts to the PMA, stream, and stream buffer impacts.

**Statement of Justification**

The Statement of Justification was provided with the original application, however; a revised statement of justification was not received with the revised layout on June 19, 2018.

**Recommended Finding:** Based on the level of design information currently available, the limits of

disturbance shown on the TCP1 and the statement of justification, the applicant has not demonstrated that the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. The site contains numerous environmental features, including streams associated with a Tier II Catchment, floodplain, wetlands and buffers, steep slopes, Marlboro clays, woodlands, and potential FIDS habitat. Impacts to regulated environmental features shall be re-evaluated at the time of Preliminary Plan of Subdivision. Staff acknowledges that certain impacts are necessary for stormwater management outfalls, however; not enough complete information was provided, and the level of impact may change considerably to address layout, slope instability due to the presence of Marlboro clays, and conformance to the general plan requirements.

**Recommended Condition:** Prior to acceptance of preliminary plan application, a revised statement of justification for the necessary PMA impacts shall be included in the application package. The statement of justification shall address all proposed impacts to regulated environmental features.

### **Soils**

The predominant soils found to occur according to the United States Department of Agriculture, Natural Resources Conservation Service (USDA NRCS), Web Soil Survey are the Adlephi-Holmdel complex (2 to 5 percent slopes) Collington-Wist complex (2 to 5 percent slopes), Croom-Marr complexes, Marr-Dodon complexes, Howell and Dodon Soils (15 to 25 percent slopes), Westphalia and Dodon Soils (25 to 40 percent slopes), Woodstown sandy loam (0 to , Westphalia and Dodon soils, and Widewater and Issue soils (frequently flooded).

This property is located in an area with extensive amounts of mapped Marlboro clay, which is known to be an unstable, problematic geologic formation. The presence of this formation raises concerns about slope stability and the potential for constructing buildings on unsafe land. A geotechnical report is required for the subject property in order to evaluate the areas of the site that are unsuitable for development without mitigation.

Because a detailed structure configuration and grading studies are not required with this phase of the development process, it is not practical to discuss specific details with respect to the lot reconfiguration, grading, or the placement of structures, infrastructure and stormwater management devices at this time. However, during the review of the Preliminary Plan of Subdivision the configuration of lots and location of structures and applicable site features shall be designed to be outside of the unmitigated 1.5 safety factor line or the proposed grading shall be such that the 1.5 safety factor has been mitigated to eliminate potential slope failure areas.

**Recommended Condition:** At the time of preliminary plan application for this site, the applicant shall submit a geotechnical report for review and approval by the Prince George's County Department of Permitting, Inspections and Enforcement to confirm the elevation of the Marlboro clay and determine the slope stability factor.

### **Stormwater Management**

A Conceptual Stormwater Management plan was not submitted with the subject application.

An approved stormwater management concept plan is required to be designed in conformance with any approved watershed management plan, pursuant to Subtitle 32 Water Resources and Protection, Division 3 Stormwater Management, Section 172 Watershed Management Planning.

Submittal of an approved SWM concept approval letter will be required prior to signature approval of the preliminary plan.

### **Summary of Recommended Findings and Conditions**

#### **Recommended Findings:**

1. The required findings of Section 25-119(d)(1) have been adequately addressed by the applicant for the removal of specimen tree 14.

Prior to signature approval of the TCP2, the TCP2 shall include the following note to the plan on the same plan sheet where the woodland conservation worksheet is provided:

“NOTE: A variance application to Section 25-122(b)(1)(G) was approved by the Planning Board in association with the approval of the detailed site plan to allow removal of specimen tree 14.

2. Based on the level of design information currently available, the limits of disturbance shown on the TCP1 and the statement of justification, the applicant has not demonstrated that the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. The site contains numerous environmental features, including streams associated with a Tier II Catchment, floodplain, wetlands and buffers, steep slopes, Marlboro clays, woodlands, and potential FIDS habitat. Impacts to regulated environmental features shall be re-evaluated at the time of Preliminary Plan of Subdivision. Staff acknowledges that certain impacts are necessary for stormwater management outfalls, however; not enough complete information was provided, and the level of impact may change considerably to address layout, slope instability due to the presence of Marlboro clays, and conformance to the general plan requirements.

#### **Recommended Conditions:**

1. Prior to certification of the CDP, proposed lots 68-75 and associated road infrastructure shall be removed from the designated open space, in accordance with Public Record Exhibit 58. This area shall be designated as woodland conservation on the plan.
2. Prior to certification of the CDP, the TCP1 shall be revised as follows:
  - a. Add “TCP1-002-2018” to the approval block on all sheets and to the conservation worksheet.
  - b. Correct the stream buffer to 75 feet.
  - c. Correct the project name on the worksheet, line 7.
  - d. Correct the existing woodland in the net tract on the worksheet and the site statistics table to be consistent. It is understood that this is a rounding error and is inconsequential in the calculations.
  - e. Correct line 9 of the worksheet to indicate “N”. This site is not subject to the 1991 ordinance.
  - f. Provide an Owners Awareness Certification on the plan.
  - g. Have the revised plan signed and dated by the qualified professional preparing the plan.

3. Prior to acceptance of preliminary plan application, a revised statement of justification for the necessary PMA impacts shall be included in the application package. The statement of justification shall address all proposed impacts to regulated environmental features.

If you have any questions concerning these comments, please contact me at 301-952-4534 or by e-mail at [Thomas.burke@ppd.mncppc.org](mailto:Thomas.burke@ppd.mncppc.org) .



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department  
Historic Preservation Section

(301) 952-3680  
www.mncppc.org

TO: Henry Zhang, Master Planner  
Urban Design Section  
Development Review Division

VIA: Howard Berger, Supervisor **HB**  
Historic Preservation Section  
Countywide Planning Division

FROM: Jennifer Stabler, Archeology Planner Coordinator **JAS**  
Historic Preservation Section  
Countywide Planning Division

SUBJECT: **CDP-1701, The Preserve at Westphalia (contains Talburtt Tobacco Barn  
Historic Resource, PG:78-009) and adjacent to Osborn-Talburtt Family Cemetery  
Historic Resources (PG:78-008)**

**Background**

The subject property comprises 63.66 acres located in the northwest quadrant of the intersection of Westphalia Road and Ritchie Marlboro Road in Upper Marlboro, Maryland. The subject application proposes a development of 188 single-family attached and 127 single-family detached houses on the property located at 11100 Westphalia Road (Attachment 1). The subject property contains 19.45 acres in the L-A-C Zone and 44.21 acres in the R-M Zone.

The property has frontage on Ritchie Marlboro Road and Westphalia Road. Two access points into the development are proposed – one from each roadway. Townhouses are proposed in the southwest corner of the subject property, in the L-A-C portion of the site, with the main access provided from Westphalia Road. Single-family detached houses are proposed in the northern and eastern sections of the subject property, with primary access provided from Ritchie Marlboro Road.

The subject application was referred to the Historic Preservation Commission (HPC) for its review of potential effects on the Talburtt Tobacco Barn Historic Resource (PG:78-009) located on the subject property and the adjoining Osborn-Talburtt Family Cemetery Historic Resources (PG:78-008) located to the south of the subject property. The HPC reviewed the subject application at its May 15, 2018 meeting. Historic Preservation staff gave a presentation on the Comprehensive Design Plan noting that a Phase I archeological survey was conducted on the property in 2008. Two archeological sites were identified, but neither contained intact or significant resources and no further work was recommended.

Staff also noted that the Talburtt Tobacco Barn Historic Resource is in the southwestern portion of the subject property where an entry road is proposed into the development from Westphalia Road. The subject property was once part of a larger farm that extended across Westphalia Road and included the Osborn-Talburtt Family Cemetery. The two parcels were divided into separate farms later in the twentieth century.

The Chairman questioned why the Talburtt Tobacco Barn Historic Resource, PG:78-009, was not being evaluated at this stage of the application process. Mr. Berger noted that the evaluations are typically done at the time of Preliminary Plan of Subdivision, when the layout of lots and parcels is determined.



The Chairman noted that he felt it would be more beneficial to the applicant if the historic site status was determined earlier in the process.

Commissioner Schneider moved that the HPC recommend to the Planning Board approval of CDP-1701, Preserve at Westphalia. The motion was seconded by Commissioner Muckle. The HPC voted 5-0-1 (the Chairman voted "present") to forward the following findings, conclusions and recommendations to the Planning Board.

After the Historic Preservation Commission's review of the subject application, the applicant submitted revisions that provide for 147 single-family attached dwellings and 22 single-family detached dwellings within the LAC zone and 101 single-family detached dwellings in the R-M zone. As currently configured, the application now includes 1.93 acres of commercial uses in the southwest corner of the property and a relocated access road in this area. The revised plan indicates that the Talburtt Tobacco Barn (Historic Resource 78-009) will be located within the proposed commercial area pending its evaluation by the Historic Preservation Commission.

## **Findings**

### **Historic Preservation**

1. The subject property contains one Prince George's County Historic Resource, the Talburtt Tobacco Barn (78-009), and is adjacent to another Historic Resource, the Osborn-Talburtt Family Cemetery (78-008). According to Section 29-118.a.2, the Historic Preservation Commission shall conduct a public hearing to make findings as to the significance of any unclassified historic resource designated as such on the master plan for historic preservation, and shall determine whether it should be classified as a Historic Site or property within a Historic District when any zoning map amendment, special exception, subdivision, or site plan approval application is referred to the Commission, as required by either Subtitle 27 or Subtitle 24 of the Prince George's County Code. If the resource does not meet Historic Site criteria, it will be eliminated from the *Historic Sites and Districts Plan's* Inventory of Historic Resources.
2. The ownership of the subject property can be traced back to the original land grant known as Alexandria made to Alexander Magruder in 1670. A portion of the Alexandria patent was acquired by Jesse Talburtt in the early nineteenth century. The Talburtt family may have been residing on the property as tenants prior to their acquisition. Members of the Talburtt family retained possession of the subject property until 1925, when 319 acres were sold to Arcenious W. Bean. The family graveyard (not included in the subject application but adjacent to it to the south) was reserved from the transaction, along with the right of ingress and egress to and from the same. The subject property is in the northwestern part of the Alexandria land patent. The Talburtt residence appears to have been located in the southwestern portion of the 319-acre tract, which was located on the south side of Westphalia Road. Aerial photographs depict the land as primarily agricultural up to the present. The Westphalia Schoolhouse (PG:78-007) was located in the southeastern corner of the subject property, at the northwest intersection of Ritchie Marlboro and Westphalia Roads. The school house was built about 1874 and was used as a school until the 1930s. The building was converted to a tenant residence in 1936, greatly altering its original form before its demolition between 2000 and 2005.

## **Archeology**

1. A Phase I archeology survey was conducted on the subject property in 2008. The survey involved archival and background research, the systematic and intensive pedestrian surface survey or excavation of shovel test pits, and an inventory of all structures within the subject property. A total of 770 shovel test pits (STPs) were excavated across the 65-acre property and 65 locations were investigated by surface collection.

The Phase I archeological survey of the subject property resulted in the identification of two archeological sites, 18PR932 and 18PR933, along with several historic and prehistoric isolated finds. Site 18PR932 represents the remains of the easternmost Talburtt tobacco barn, which burned in 1985, and was demolished sometime between 1984 and 1993. That barn was originally recorded as part of PG:78-009, along with the barn still standing. Site 19PR933 represents the remains of the Westphalia Schoolhouse (PG:78-007), that was later converted to a tenant house. No intact cultural deposits were noted at either site. Therefore, no further work is recommended on sites 18PR932 and 18PR933 due to their lack of research potential.

2. A draft Phase I archeological report was submitted to the Planning Department in September 2008. The staff review letter was sent to the applicant in December 2008 that included corrections to be made to the final reports. The final archeological reports have not been submitted to the Planning Department.

## **Conclusions**

### **Historic Preservation**

1. The Talburtt Tobacco Barn (PG:78-009) and the Osborn-Talburtt Family Cemetery (PG:78-008) will be evaluated by the Historic Preservation Commission when a Preliminary Plan of Subdivision for the subject property is submitted to the Planning Department to determine if the historic resources meet the criteria for designation as Prince George's County Historic Sites. If either of these historic resources are designated as historic sites, they will be subject to the requirements of the Prince George's County Historic Preservation Ordinance (Subtitle 29 of the Prince George's County Code).
2. The layout of the the proposed commercial area that includes the Talburtt Tobacco Barn (PG:78-009) may have to be modified if the barn is designated as a Prince George's County Historic Site.

### **Archeology**

1. Archeological site 18PR932 represents the remains of the easternmost Talburtt Tobacco Barn, recorded as part of PG:78-009. The site consists of the remains of a foundation and a light concentration of twentieth century artifacts. No intact subsurface deposits or features were identified in the site area. As such, this site has little potential to yield significant information on the history of Prince George's County and no further work is recommended.

Archeological site 18PR933 is the location of the Westphalia School House, constructed ca. 1876 and demolished between 2000 and 2005. While many artifacts were recovered in the site area, most consist of structural debris associated with demolition of the school house or are twentieth century domestic artifacts, likely associated with the use of the school as a tenant residence. No intact subsurface deposits or features were identified within the site. Therefore, site 18PR933 has

little potential to yield significant information on the history of Prince George's County. No further work is recommended on site 18PR933.

### **Recommendation**

Historic Preservation staff recommends that the Planning Board approve CDP-1701, The Preserve at Westphalia, with the following conditions:

1. Prior to the approval of the preliminary plan:
  - a) The Talburtt Tobacco Barn (PG:78-009) and the Osborn-Talburtt Cemetery (PG:78-008) shall be evaluated by the Historic Preservation Commission to determine if the historic resources meet the criteria to be designated as Prince George's County Historic Sites.
  - b) If the Talburtt Tobacco Barn (PG:78-009) is designated as a Prince George's County Historic Site, the establishment of its associated Environmental Setting may necessitate the adjustment of lot lines to ensure its preservation.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George's County Planning Department  
Countywide Planning Division

(301) 952-3680  
www.mncppc.org

March 12, 2018

**MEMORANDUM**

TO: Henry Zhang, Master Planner, Urban Design Section, Development Review Division

FROM: Jay Mangalvedhe, Senior Planner, Special Projects Section, Countywide Planning Division

SUBJECT: **CDP-1701: The Preserve at Westphalia (Residential)**



**Recommendation:**

If the applicant offers to mitigate their impact on Fire and Rescue Services at the time of Preliminary Plan of Subdivision, then the “staging of development will not be an unreasonable burden on available public facilities”.

**Background:**

The Special Projects Section has reviewed this Comprehensive Design Plan (CDP) in accordance with Section 27-521(a) (7) of the Zoning Ordinance which states the Planning Board must find that:

*The staging of development will not be an unreasonable burden on available public facilities.*

**Police Facilities**

The Special Projects Section has reviewed this CDP plan for adequacy of police services in accordance with Section 24-122.01(c) of the Subdivision Regulations.

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

**Fire and Rescue Service**

The Special Projects Section has reviewed this CDP plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) of the Subdivision Regulations.

The proposed project is served by Upper Marlboro Fire/EMS Co. 837, which is located at 14815 Pratt Street, Upper Marlboro, MD.

The Deputy Fire Chief Dennis C. Wood, Emergency Services Command of the Prince George's County Fire/EMS Department, stated in writing that as of March 6, 2018 the project is **not** within a 7-minute travel time from the first due station.

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

**Mitigation plan**

During preliminary plan, an applicant may offer to mitigate as provided below, as stated in CR-078-2005.

**A. “Public Safety Mitigation Fee**

.....

ii. If the application fails in a fire service area, the fee per dwelling unit would consist of \$1,320 per unit. This number was derived from the costs associated with building and equipping fire stations to house the fire and EMS personnel that are necessary to help meet the response times associated with CB-56-2005.

.....

iv. The Public Safety Surcharge shall not be reduced by the payment of any Public Safety Mitigation Fee.

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

**B. IN KIND SERVICES**

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

**C. POOLING RESOURCES**

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

**Capital Improvement Program (CIP)**

There are no CIP projects for public safety facilities proposed near the site.

**Schools**

County Council bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between Interstate 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. CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$9,317 and \$ 15,972 to be paid at the time of issuance of each building permit.

In 2013 Maryland House Bill 1433 reduced the school facilities surcharge by 50 percent for multi-family housing constructed within an approved Transit District Overlay Zone; or where there is no approved Transit District Overlay Zone within a ¼ mile of a Metro station; or within the Bowie State MARC Station Community Center Designation Area, as defined in the Approved Bowie State Marc Station Sector Plan and Sectional Map Amendment. The bill also established an exemption for studio or efficiency apartments that are located within the County urban centers and corridors as defined in §27A-106 of the County Code; within an approved Transit District Overlay Zone; or where there is no Approved Transit District Overlay Zone then within a ¼ mile of a Metro station. This act is in effect from October 1, 2013 through September 30, 2018.

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

### **Water and Sewerage**

The proposed development is in Water Category 4 and Sewer Category 4, Community System Adequate for Development.

4-1157 (2/2009) (page 12) (rev. 3-13-11) (Mason to CM) (2)  
To Review: Set 11-300's (1) (1) Residential-181200

## Mangalvedhe, Jay

---

**From:** Wood, Dennis C. <dcwood@co.pg.md.us>  
**Sent:** Monday, March 05, 2018 7:07 PM  
**To:** Mangalvedhe, Jay  
**Cc:** Martin, Maria  
**Subject:** Re: EPlan referral for CDP-1701, The Preserve at Westphalia via DROPBOX

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I think we can connect the PGC OIT GIS folks with the MNCPPC GIS folks so these determinations can be automated.

I am comfortable saying this parcel is majority outside the 7 minute travel distance requirement. Therefore it fails the test

Dennis C. Wood, MS, NR-P

Prince George's County Fire/EMS Department  
Deputy Fire Chief  
Emergency Services Command

"Nothing can be more hurtful to the service, than the neglect of discipline; for that discipline, more than numbers, gives one army the superiority over another." - George Washington

---

**From:** Mangalvedhe, Jay <Jay.Mangalvedhe@ppd.mncppc.org>  
**Sent:** Monday, March 5, 2018 11:36:00 AM  
**To:** Wood, Dennis C.  
**Cc:** Martin, Maria  
**Subject:** RE: EPlan referral for CDP-1701, The Preserve at Westphalia via DROPBOX

Dennis,  
Do think county GIS would be able automate the process? The referral is due on 3/16/2018.  
Please let me know.  
Jay

**From:** Wood, Dennis C. <dcwood@co.pg.md.us>  
**Sent:** Thursday, March 01, 2018 1:30 PM  
**To:** Mangalvedhe, Jay <Jay.Mangalvedhe@ppd.mncppc.org>  
**Cc:** Martin, Maria <Maria.Martin@ppd.mncppc.org>  
**Subject:** Re: EPlan referral for CDP-1701, The Preserve at Westphalia via DROPBOX

Jay,

# MEMO

---

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Department of Parks and Recreation, Prince George's County

April 23, 2018

TO: Henry Zhang, Master Planner  
Urban Design Section  
Development Review Division  
Planning Department

VIA: Darin Conforti, Deputy Director  
Administration & Development  
Department of Parks and Recreation

FROM: Thomas Zyla, Landscape Architect  
Land Acquisition / Development Review Section  
Park Planning and Development Division  
Department of Parks and Recreation

*TZ*  
*4/23/18*

SUBJECT: **CDP-1701, THE PRESERVE AT WESTPHALIA**

---

The staff of the Department of Parks and Recreation (DPR) has reviewed and evaluated the above referenced Comprehensive Design Plan (CDP) for conformance with the requirements and recommendations of the Approved Prince George's County General Plan, Approved Westphalia Sector Plan and Sectional Map Amendment for Planning Area 78, the Land Preservation, Parks and Recreation Plan (LPPRP) for Prince George's County and the Formula 2040 Functional Master Plan for Parks, Recreation and Open Space; as policies in these documents pertain to public parks and recreational facilities.

## FINDINGS

The subject property consists of 63.66 acres of land located in the northwest quadrant of the Westphalia Road and Ritchie-Marlboro Road intersection in Upper Marlboro, Maryland. 44.21 acres of this property is zoned R-M and 19.45 acres of this property is zoned L-A-C. The applicant's CDP proposes 188 single family attached (townhouse) dwelling units and 125 single family detached dwelling units. Using current occupancy statistics for single family dwelling units for this planning area, the proposed development will result in a population of approximately 892 new residents to the community.



The Approved Westphalia Sector Plan and Sectional Map Amendment rezoned this property in 2007 from R-A to R-M and L-A-C, with the anticipation that the development of this property under these zones would promote the implementation of the visions, goals and policies of the sector plan. The sector plan envisioned this property as a combination of mixed residential, commercial, institutional and park uses.

The Approved Westphalia Sector Plan and Sectional Map Amendment identifies a community park for this property at the intersection of Westphalia Road and Ritchie-Marlboro Road, per Sector Plan Development Concept 4. Due to the location and size of this proposed community park, and the fact that it will be used primarily by the residents of this proposed community, DPR recommends that this park should be privately owned and maintained. While the applicant proposes pocket parks throughout the proposed development, DPR staff recommends these private recreational facilities be centrally located as recommended by the sector plan. Due to the topographical constraints and the proposed re-alignment of Westphalia Road at this location on the property, DPR also recommends moving this private community park further west along Westphalia Road. A more appropriate location is the high point along this road and in the vicinity of the open space created in front of the townhouse development as shown on the CDP. Since there are Master Plan trails proposed along both Westphalia Road and Ritchie-Marlboro Road, this centralized community park should be connected to these trails as well.

### **Westphalia Central Park**

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

- Create public and private parks, open space, and recreational facilities sufficient to meet the needs of the current and future residents of the Westphalia sector plan area.
- Create a park system consisting of 1,850 acres of public and private parks and green spaces.
- Ensure development of the parks system that result in central green spaces which serve to unite the Westphalia community and its surrounding neighborhoods.
- Designate the Westphalia Central Park and Cabin Branch Greenway as community focus areas. These parks should become a regional draw and icon for Westphalia.
- Ensure major development projects are adequately integrated into the implementation of the sector plan parks system recommendations.
- Ensure the proper financing, construction and maintenance of the proposed park system.
- Develop and finalize a comprehensive public facilities plan that includes detailed recommendations for financing mechanisms, phasing, construction and maintenance of the proposed park facilities.
- Ensure parks, streets, and public squares are all designed to accommodate community parades, festivals and other events.
- Establish a park fee of \$3,500 (in 2006 dollars) for each new dwelling unit built in the Westphalia sector plan area to fund construction of the public parks facilities recommended in the sector plan.
- Form a multi-agency public/private work group to implement the vision for the Westphalia Central Park on an expedite basis.

The Approved Westphalia Sector Plan and Sectional Map Amendment introduced the concept of a "Central Park", a single major recreational complex serving the entire Westphalia Area. The Westphalia Central Park is 257 acres of open space. 145 acres of the parkland was dedicated by the developer of the Smith Home Farm project and 112 acres of additional parkland was acquired by M-NCPPC from the Suit Farm. In addition, M-NCPPC actively pursuing additional parkland acquisition to the north in order to enlarge its original size and scope and expand the park to Westphalia Road to provide secondary access to major park. The Preserve at Westphalia project is located less than a mile for Westphalia Central Park. This Central Park will be accessible to the residents of this community through a system of roads and hiker/biker trails along existing Westphalia Road and ultimately proposed MC-631. This large urban park will serve as a unifying community destination and an amenity for the entire Westphalia Sector Plan area.

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

The developer of Smith Home Farm has developed SDP-1101 for the 145-acre portion of the park. This plan includes an array of active and passive recreational facilities within the park such as: a lake, open play areas, an amphitheater for large public events, a tennis center, an adventure playground, splash pad, multi-purpose open fields and courts, a dog park, group picnic areas, formal gardens and an extensive pedestrian, bicycle, and equestrian trail network providing recreational opportunities to all residents in Westphalia Sector Plan area, as well as establishing pedestrian and bicycle connectivity to the town centers and surrounding residential development.

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

### **Westphalia Park Club**

The Approved Westphalia Sector Plan and Sectional Map Amendment anticipated that major recreational needs of the residents of the Sector Plan will be addressed by contribution of the funds for the development of the "Westphalia Central Park." The developers of Smith Home Farm, Westphalia Town Center, Moore Property, Cambridge Place at Westphalia and Cabin Branch Village, are committed to the implementation of the Sector Plan park system recommendations:

<u>Smith Home Farm</u> -	Dedication of 145 acres of parkland dedication. Monetary contribution of \$3,500 per dwelling unit in 2006 dollars. Private recreational facilities on-site.
--------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------

<u>Westphalia Town Center</u> -	Monetary contribution of \$3,500 per dwelling unit in
---------------------------------	-------------------------------------------------------

2006 dollars. Private recreational facilities on site.  
Private recreational facilities in the project area

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

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

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

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

#### **Other Existing Parkland in Area**

The Preserve at Westphalia project is also located in close proximity to newly constructed in 2017 Westphalia Community Center Park, located on Westphalia Road. The recreational facilities at this park include a 16,000 sf Community Center, tennis court, basketball court, playground and fitness trail. The residents of this development will be able to use this community center and the recreational facilities located within the park.

#### **Subdivision Ordinance, Section 24-134, Mandatory Dedication of Parkland.**

The DPR staff has evaluated the CDP-1701 application for future conformance with the subdivision ordinance to determine the possible impact of the mandatory dedication requirement on the subject CDP. The statutory requirements of subdivision Section 24-134 require that the applicant provide mandatory dedication of 4.77 acres of land suitable for active and passive recreation based on the density and acreage of this parcel. The applicant's CDP proposes three green spaces, labelled as "possible pocket park/tot lot", interspersed throughout the community. DPR recommends consolidating these private recreational facilities into a centralized private community park located along Westphalia Road.

#### **CONCLUSION**

The DPR staff believes that the applicant should provide private on-site recreational facilities to serve the residents within in the proposed community and make a monetary contribution in the amount of \$3,500 per dwelling unit in 2006 dollars into a "park club" for the design and construction of the major public recreational facilities in the Westphalia Central Park, as per the recommendations of the Approved Westphalia Sector Plan and Sectional Map Amendment.

## RECOMMENDATIONS

The staff of the Department of Parks and Recreation recommends that the above-referenced Comprehensive Design Plan, CDP-1701 be approved, subject to the following conditions:

1. 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 Approved Westphalia Sector Plan and Sectional Map Amendment. M-NCPPC shall adjust the amount of the contribution using the Consumer Price Index (CPI) 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.
2. Prior to the first final plat of subdivision, the applicant shall enter into an agreement with the Department of Parks and Recreation establishing a mechanism for payment of fees into a "park club" account administered by the M-NCPPC. 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.
3. The applicant, his successors, and/or assigns, shall provide on-site private, recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.
4. The applicant shall allocate appropriate and developable areas for the private recreational facilities to be located in a centralized area along Westphalia Road. The private recreational facilities shall be reviewed by the Urban Design Review Section of the Development Review Division for adequacy and property siting, prior to approval of the Detailed Site Plan by the Planning Board.