



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

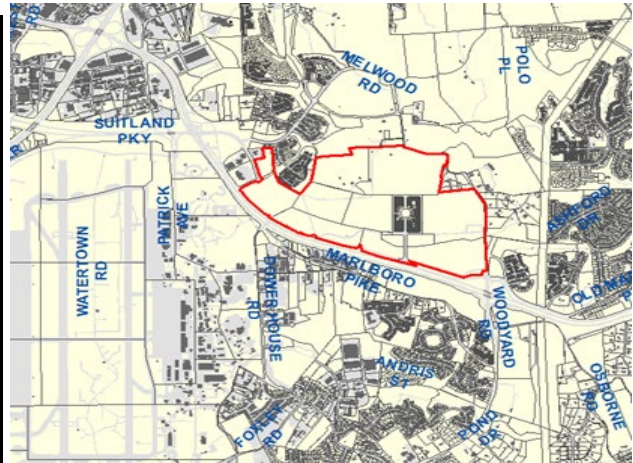
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# Detailed Site Plan DSP-12043-01

## Westphalia Town Center (Special Purpose)

REQUEST	STAFF RECOMMENDATION
Adjust the timing for the community center in Open Space 2 and the dedication of the school site known as Parcel 25.	APPROVAL with conditions

<b>Location:</b> At the intersection of MD 4 (Pennsylvania Avenue) and Melwood Road, approximately 800 feet north of Woodyard Road.	
Gross Acreage:	478.48
Zone:	M-X-T/M-I-O
Dwelling Units:	N/A
Gross Floor Area:	N/A
Planning Area:	78
Council District:	06
Election District:	15
Municipality:	N/A
200-Scale Base Map:	207SE09
<b>Applicant/Address:</b> Westphalia Development 448 Viking Drive, Suite 220 Virginia Beach, VA 23452	
<b>Staff Reviewer:</b> Jeremy Hurlbutt <b>Phone Number:</b> 301-952-4277 <b>Email:</b> <a href="mailto:Jeremy.Hurlbutt@ppd.mncppc.org">Jeremy.Hurlbutt@ppd.mncppc.org</a>	



Planning Board Date:	09/17/2020
Planning Board Action Limit:	11/09/2020
Staff Report Date:	09/03/2020
Date Accepted:	08/18/2020
Informational Mailing:	08/05/2020
Acceptance Mailing:	08/18/2020
Sign Posting Deadline:	08/18/2020

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at [http://www.mncppcapps.org/planning/Person\\_of\\_Record/](http://www.mncppcapps.org/planning/Person_of_Record/). Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-12043-01  
Westphalia Town Center (Special Purpose)

The Urban Design Staff has reviewed the subject application and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this staff report.

**EVALUATION CRITERIA**

This detailed site plan was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the Prince George's County Zoning Ordinance in the Mixed Use-Transportation Oriented (M-X-T) Zone and the site design guidelines;
- b. The requirements of Conceptual Site Plan CSP-07004-01;
- c. The requirements of Preliminary Plan of Subdivision 4-08002;
- d. The requirements of Special Purpose Detailed Site Plan DSP-12043; and
- e. Referral comments.

**FINDINGS**

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

- 1. **Request:** This amendment to a detailed site plan (DSP) requests the modification of the condition regarding the timing for the community center in Open Space 2 and a condition to modify the timing for the dedication of the school site, known as Parcel 25.

**2. Development Data Summary**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	M-X-T/M-I-O	M-X-T/M-I-O
Use	Commercial, Retail, Office, Hotel and Residential Uses	Commercial, Retail, Office, Hotel and Residential Uses
Total Gross Acreage	478.48	478.48*

**Note:** \*Westphalia Town Center is a multi-phase development project. This special purpose DSP covers the entire town center development.

**Additional Development Data**

(As approved in Conceptual Site Plan CSP-07004-01 (PGCPB Resolution No. 10-59(c)))

- a. Total dwelling units: 4,000–5,000, of which:
    - 150–200 single-family detached houses
    - 1,650–2,500 single-family attached dwelling units
    - 1,800–3,100 multifamily dwelling units
  - b. 500–600 hotel rooms
  - c. 900,000–1,400,000 square feet of retail
  - d. 2,200,000–4,500,000 square feet of office
3. **Location:** The overall Westphalia Town Center is located at the intersection of MD 4 (Pennsylvania Avenue) and Melwood Road, approximately 800 feet north of Woodyard Road, in Planning Area 78, Council District 6. The subject property is zoned Mixed Use-Transportation Oriented (M-X-T) within the Military Installation Overlay (M-I-O) Zone.
  4. **Surrounding Uses:** The 478.48-acre parcel of land in the M-X-T Zone is in the middle of the southern end of the 2007 *Approved Westphalia Sector Plan and Subject Map Amendment* area, adjacent to the right-of-way of MD 4. To the north of the site, is the Parkside residential development in the Residential Medium Development Zone; to the east of the site are existing single-family houses and open spaces in the Reserved Open Space, Residential-Agricultural (R-A), and Residential Suburban Development Zones; to the west of the site are properties in the M-X-T Zone.
  5. **Previous Approvals:** The subject property was rezoned to the M-X-T Zone from the Light Industrial, Planned Industrial/Employment Park, and R-A Zones by the Westphalia Sector Plan and SMA. The property is also the subject of Conceptual Site Plan CSP-07004, which was approved with conditions by the Prince George’s County Planning Board on December 18, 2008 (PGCPB Resolution No. 08-189). It was approved with conditions by the Prince George’s County District Council on May 19, 2009, with a first revised Order of Approval issued on June 8, 2009, and a second revised Order of Approval issued on September 21, 2009.



CSP-07004-01 was originally approved with conditions by the Planning Board on May 20, 2010 (PGCPB Resolution No. 10-59), reconsidered by the Planning Board on October 24, 2013 (PGCPB Resolution No. 10-59(A)(C)), and finally approved with conditions by the District Council on February 24, 2014. CSP-07004-02 was approved by the Planning Board on June 27, 2019 (PGCPB Resolution No. 19-83), but was subsequently withdrawn.

The subject property has a valid Preliminary Plan of Subdivision, PPS 4-08002 (Westphalia Center). The resolution of approval (PGCPB Resolution No. 09-93) was adopted by the Planning Board on June 25, 2009.

A DSP for Infrastructure (DSP-12017), Special Purpose DSP (DSP-12043), and an Umbrella Architecture DSP (DSP-13001) have been previously approved for the subject site.

6. **Design Features:** The special purpose DSP covers the entire Westphalia Town Center development, which has a total land area of 478.48 acres. As stated in Condition 15 attached to the approval of CSP-07004-01, the special purpose DSP focuses specifically on establishing regulating standards for signage, identifying transit stop locations, providing preliminary designs for public open spaces, and establishing a timing plan for the public space improvements and public trail system. A similar special purpose DSP-09015 was approved specifically for the Moore Property by the Planning Board in 2011.

The original special purpose DSP was presented in a booklet format consisting of 37 sheets. The booklet covered previous conditions, public open space, phasing, trails, signage, and transit stop locations.

The subject amendment to a DSP requests the modification of the condition regarding the timing for the community center in Open Space 2, and a condition to modify the timing for the dedication of the school site, known as Parcel 25. These are discussed further in Findings 9 and 11 below.

## COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject amendment to a DSP has been reviewed for conformance to the requirements of the M-X-T and M-I-O Zones of the Zoning Ordinance, as follows:
  - a. The subject application is in conformance with the requirements of Section 27-547 of the Zoning Ordinance, which governs permitted uses in all mixed-use zones. This amendment to the special purpose DSP does not propose any changes to the previously-approved use mix, and is therefore in conformance with Section 27-547.
  - b. This amendment to the special purpose DSP also does not propose any changes to the previously approved general site layout, including lotting, street patterns, and environmental features, and the site layout is consistent with previously approved Conceptual Site Plan CSP 07004-01.

- c. This amendment to the special purpose DSP is limited in its scope to the above-mentioned issues. The project's conformance to the applicable site design guidelines, as referenced in Section 27-283 of the Zoning Ordinance and contained in Section 27-274 of the Zoning Ordinance, as previously established at the time of CSP-07004-01 approval, is still valid.
- d. Section 27-546(d), Site Plans, of the Zoning Ordinance, includes additional findings for approval of a DSP in the M-X-T Zone, as follows:

**(1) The proposed development is in conformance with the purposes and other provisions of this Division;**

The subject special purpose DSP amendment is the next step towards implementation of the land use and development patterns envisioned in the previously approved CSP 07004-01. This DSP does not change any uses or development density. Therefore, this amendment to the special purpose DSP conforms to the purposes and other provisions of the M-X-T Zone with respect to guiding and helping to promote the orderly development of land, and to create dynamic functional relationships among individual uses with a distinctive visual character and identity. The applicant is requesting a change in the timing of the construction of the Community Center in Westphalia East and the dedication of the school site, in order to respond to the current market and economic forces.

**(2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development 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;**

The subject Westphalia Town Center property was placed in the M-X-T Zone through the Westphalia Sector Plan and SMA. The special purpose DSP was limited in scope and found to be in general conformance with the design guidelines or standards intended to implement the previously approved development concept recommended by the sector plan. The subject application for the revision of two conditions does not change this finding.

**(3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The regulating standards established in this DSP will guide and help to create a cohesive development, which is both physically and visually united and will greatly improve the image of the immediate community, which is currently developing.

**(4) The proposed development is compatible with existing and proposed development in the vicinity;**

The special purpose DSP established the standards for the entire development, as previously approved in CSP-07004-01, and found to be compatible with the proposed development in the vicinity. The subject application for the revision of two conditions does not change this finding.

- (5) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

The special purpose DSP established additional standards to implement the development as approved in CSP-07004-01, and helped to create a unique and cohesive independent town center for the Westphalia area. The subject application for the revision of two conditions does not change this finding.

- (6) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

The Westphalia Town Center project is a multi-stage development for a mixed-use, master-planned, regional urban community consisting of up to 5,000 single-family detached, single-family attached, and multifamily dwelling units; approximately 5,900,000 square feet of commercial retail and office space; and three hotels with up to 600 rooms. According to the previously approved CSP-07004-01, the Westphalia Town Center will be developed in five phases and each phase is designed to allow for effective integration of subsequent phases as a self-sufficient entity. The subject application for the revision of two conditions does not change this finding.

- (7) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

An extensive pedestrian system consisting of master plan trails, bikeways, and sidewalks on all internal streets has been planned for the Westphalia Town Center, as well as the adjacent areas. The system is connected to all major destinations within the development and is convenient and comprehensively designed. A comprehensive network of sidewalks will ensure that non-motorized access is possible throughout Westphalia Town Center and surrounding developments. Approved CSP-07004-01 and PPS 4-08002 included detailed road cross sections that incorporate facilities for pedestrians and bicyclists. The subject DSP will not affect the implementation of the pedestrian system, as previously approved.

- (8) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

The original special purpose DSP provides specific information on the design of the pedestrian activity centers or gathering places. However, the specific design and amenities in each public open space within the Westphalia Town Center will be decided at the time of DSP for the specific area. The subject application for the revision of two conditions does not change this finding.

- (9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant, or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

This does not apply, as the subject application is a DSP.

- (10) On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant.**

This application is not proposing any new development and an adequacy finding is not required. The most recent adequacy finding for the overall M-X-T site was made in 2009 with PPS 4-08002, and the other current approvals for the town center fall within the allowed trip cap.

- (11) On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

The larger Westphalia Town Center project contains approximately 530 acres of land and was previously approved in CSP 07004-01 as a mixed-use regional urban community.

- e. The subject property was approved as part of a regional urban community and is subject the regulations found in Sections 27-544(c) and (f) of the Zoning Ordinance, as follows:

- (c) **For property placed in the M-X-T 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 the Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan.**
  - (2) **The limitations on the maximum percentages of townhouses contained in Section 27-547(b)(7), footnote 7 and the lot size and lot width requirements in Section 27-548(h) 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.**

The property was placed in the M-X-T Zone through a sectional map amendment approved after October 1, 2006, for which a comprehensive land use planning study was conducted, prior to initiation. The proposed development is consistent with the approved CSP, including the townhouse standards.

**(f) Regional Urban Community Regulations.**

- (2) **In addition to the definition, regulations, and other requirements set forth in Sections 27-107.01, 27-276, and 27-508 of this Code, the following regulations shall apply to a Regional Urban Community in the M-X-T Zone:**

The previous approvals demonstrate conformance with these regulations and the subject amendment to two conditions does not change these findings.

- f. **Military Installation Overlay (M-I-O) Zone:** The subject property is located within Conical Surface (20:1) – Right Runway of the M-I-O Zone. The maximum height for structures in this area is 499 feet above the runway surface. All proposed architecture will need to demonstrate conformance with this height restriction. This application does propose any architecture or changes to already approved architecture.

- 8. **Conceptual Site Plan CSP-07004-01:** The Planning Board approved CSP-07004 for a mixed-use town center known as Westphalia Center project, consisting of up to 5,000 dwelling units; 800,000-1,400,000 square feet of retail space; and 4,000,000-4,500,000 square feet of office space, as well as up to 600 hotel rooms, on

December 18, 2008. The District Council approved the CSP on September 21, 2009. CSP-07004-01, which fully replaced and modified the conditions of CSP-07004, was approved with conditions by the District Council on February 24, 2014. Of the 41 conditions attached to the approval of CSP-07004-01, none are applicable to this DSP.

9. **Preliminary Plan of Subdivision 4-08002:** The site is the subject of PPS 4-08002, approved by the Planning Board on June 25, 2009, for the creation of 1,352 lots and 209 parcels for 1,400,000 square feet of retail, 4,500,000 square feet of office, 172 single-family detached, 1,287 townhouse, 424 detached, and 2,473 multifamily dwelling units, subject to 54 conditions. Of the 54 conditions (PGCPB Resolution No. 09-93) the following are applicable to this DSP:

17. **The applicant and the applicant's heirs, successors and/or assignees shall dedicate Parcel 25 to the Board of Education at the time of dedication of any public rights-of-way abutting Parcel 25, or as determined at the time of approval of the special-purpose site plan.**

Condition 17 of PPS 4-08002 provides for the dedication of a parcel, known as Parcel 25, to the Board of Education for use as a school site. This condition also allows for the timing of the dedication to be modified with the approval of the special purpose DSP. Since these original approvals, the developer of the Westphalia Town Center has engaged in multiple discussions with the Board of Education concerning its long-range plans for new school sites. However, the Board has indicated that they do not wish to accept the conveyance of the property at this time. Therefore, in order to be able to continue development of the town center, the applicant proposes a new condition with this amendment, as follows:

“The applicant and the applicant's heirs, successor and/or assigns shall convey Parcel 25 to the Board of Education at such time as the Board of Education provides written notice to the applicant of its desire to accept the conveyance of Parcel 25, in its sole discretion, based upon its determination that the long-range pupil growth forecast indicates the need for an additional school site in the approved Educational Facilities Master Plan in the vicinity of Parcel 25. The applicant and the Board of Education shall be entitled to provide for the conveyance of an alternative parcel within the Westphalia Town Center, upon mutual agreement, provided any such alternative site shall equal or exceed the size of Parcel 25. Any revisions required to implement the dedication of an alternative site shall be subject to approval of the Prince George's County Planning Director. Board of Education acceptance of the conveyance of the land does not suggest or imply that a new school will be constructed on the land except as subsequently communicated to the public through the Board's CIP and Facilities Master Plan process.”

Staff agrees with the revision to the language requiring the dedication of Parcel 25, at such time as the Board of Education provides notice of its desire to accept the conveyance. However, other parts of the suggested condition language are not recommended, as they mandate what the Board should use to make its determination, and allow for any necessary plan revisions for an alternative site to be approved by the Planning Director. Staff does not agree that these are

appropriate and, as such, recommends the alternative language, as conditioned herein:

The applicant and the applicant's heirs, successors and/or assignees shall dedicate Parcel 25, or an acceptable alternative parcel as approved by a conceptual site plan or preliminary plan of subdivision applicable to Westphalia Town Center, to the Board of Education at such time as the Board provides written notice to the applicant of its desire to accept the conveyance of the parcel.

Staff contacted Prince George's County Public School's staff to ensure agreement with staff's proposed revised condition language; however, at the time of publishing this staff report, PGCPs staff was still reviewing the revised condition language. Again, staff agrees that the Board of Education may use the suggested metrics and master plans in making their determination for timing of dedication, and may or may not choose how to use the dedicated property.

In addition, staff agrees it is appropriate to include language in the condition to allow an alternative, acceptable parcel to Parcel 25 be provided for dedication to the Board of Education, upon approval of required applications. Parcel 25 is shown on the current applicable CSP and PPS as a school site, and cannot be developed with anything else until amendment applications are submitted, reviewed, and approved, in accordance with the Zoning Ordinance.

**10. Infrastructure Detailed Site Plan DSP-12017:** The Planning Board approved DSP-12017 for infrastructure on October 18, 2012 with three conditions, none of which are relevant to the review of this DSP.

**11. Special Purpose Detailed Site Plan DSP-12043:** The Planning Board approved special purpose DSP-12043 on May 2, 2013 with seven conditions. The applicant requests an amendment to only Condition 4 at this time, which reads as follows:

**4. Prior to issuance of the 400th building permit for single-family dwelling units, the community building in Community Open Space 2 (located in the eastern residential area) and associated recreational facilities shall have approved building permits and be fully bonded.**

**Prior to issuance of the 500th building permit for single-family dwelling units, the aforementioned community building shall begin construction.**

**Prior to issuance of the 600th building permit for single-family dwelling units, the aforementioned community building shall be open for the residents.**

**The associated recreational facilities contained in Community Open Space 2 shall include, at a minimum, the following elements:**

**C2. Community Center (Located in the eastern residential area)**

**Club House with resort-style pool;  
Hot tub;**

**Kids pool;  
Gazebo and trellis;  
Open lawn space;  
Walking trails;  
Kids play area with facilities such as a multi-age playground (including ages 2-5 and 5-12);  
Entry plaza area; and  
Benches.**

**The actual list of facilities is subject to modification and substitution at the time of detailed site plan review for the phase of development in which the open space parcel is located with the understanding that such modifications will be of equal or greater value and quality to those listed above.**

The applicant requests that this condition be modified only to allow the timing to more specifically reflect the current phasing and development progress within the overall Westphalia Town Center Development. When DSP-12043 was originally approved seven years ago, it was anticipated that one developer would develop the entire Westphalia Town Center. However, to date, Walton has fully developed Phase I of the town center with 348 townhouses. The current Phase 2 of the development, which includes community center C2, DSP-19009, Westphalia East, was approved by the Planning Board on April 2, 2020, for a total of 665 dwelling units, by a second developer. In addition, DSP-19062, Westphalia Town Center North, has been accepted and is under review for an additional approximately 629 dwelling units by a third developer.

The applicant's justification for the change in timing of the community center is also in part that the process for obtaining permits for the construction of units in Westphalia Town Center, makes the current triggers set forth in Condition 4 impracticable and unrealistic. The current condition ties the different triggers for the community center to the overall development, as opposed to the specific phase of development, which is critical for construction practicalities.

Given the delays inherent in permit processing, and the potential for permitting under DSP-19062 to move forward simultaneously with permitting under DSP-19009, the applicant is requesting a modification of Condition 4. Under the revised condition, the applicant would be required to progress as their phase of the development progresses. The applicant requests the following revised language:

- 4. Prior to the issuance of the ~~400th~~ 150th building permit for single-family dwelling units in Westphalia East, approved pursuant to DSP-19009, the community building in Community Open Space 2 (located in the eastern residential area) and associated recreational facilities shall ~~have approved building permits and~~ be fully bonded.**

**Prior to issuance of the ~~500th~~ 250th building permit for single-family dwelling units in Westphalia East, approved pursuant to DSP-19009, the aforementioned community building shall begin construction.**



**Prior to issuance of the ~~600th~~ 400th building permit for single-family dwelling units in Westphalia East, approved pursuant to DSP-19009, the aforementioned community building shall be open for the residents.**

The above modifications translate to the applicant bonding the community center, prior to issuance of 25 percent of the permits in their phase, construction beginning prior to 40 percent, and opening the community center prior to issuance of approximately 60 percent of the residential permits in their phase.

These modifications will reduce confusion by separating which building permits affect the triggers and are in keeping with the general timing originally envisioned with the special purpose DSP. In addition, no changes are proposed to the required elements or facilities. The additional permits will allow for more infrastructure to be constructed to access the community center. Therefore, staff recommends approval of the applicant's requested modifications to Condition 4.

- 12. Referral Comments:** The subject application was referred to the concerned agencies and divisions, which were limited due to the scope of this application. The referral comments are included in this report by reference, and major findings are summarized, as follows:
- a. **Community Planning**—In a memorandum dated August 20, 2020 (McCray to Hurlbutt), incorporated herein by reference, the Community Planning Division indicated that master plan conformance is not required for this application.
  - b. **Prince George's County Department of Parks and Recreation (DPR)**—At the time of the writing of this technical staff report, DPR did not provide comments on the subject project.
  - c. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of the writing of this technical staff report, DPIE did not provide comments on the subject project.
  - d. **Prince George's County Health Department**—At the time of the writing of this technical staff report, the Health Department did not provide comments on the subject project.
  - e. **Prince George's County Police Department**—At the time of the writing of this technical staff report, the Police Department did not provide comments on the subject project.
  - f. **Westphalia Sector Development Review Advisory Council (WSDRAC)**—At the time of the writing of this technical staff report, WSDRAC did not offer comments on the subject application.
- 13.** Based on the foregoing analysis and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP, if revised as conditioned, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

14. In accordance with Section 27-285(b)(4), the regulated environmental features on the subject property have been fully preserved and/or restored based on consistency with the limits of disturbance shown on the previously approved CSP-07004-01 and Type I Tree Conservation Plan TCPI-014-08; and PPS 4-08002 and TCPI-014-08-01.

## RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-12043-01 for Westphalia Town Center (Special Purpose), subject to the following conditions:

1. All of the previously approved conditions of Detailed Site Plan DSP-12043 remain in full effect, with the following revised language for Condition 4:

4. Prior to issuance of the 150th building permit for single-family dwelling units in Westphalia East, approved pursuant to DSP-19009, the community building in Community Open Space 2 (located in the eastern residential area) and associated recreational facilities shall be fully bonded.

Prior to issuance of the 250th building permit for single-family dwelling units in Westphalia East, approved pursuant to DSP-19009, the aforementioned community building shall begin construction.

Prior to issuance of the 400th building permit for single-family dwelling units in Westphalia East, approved pursuant to DSP-19009, the aforementioned community building shall be open for the residents.

The associated recreational facilities contained in Community Open Space 2 shall include, at a minimum, the following elements:

**C2. Community Center** (Located in the eastern residential area)

Club House with resort-style pool;

Hot tub;

Kids pool;

Gazebo and trellis;

Open lawn space;

Walking trails;

Kids play area with facilities such as a multi-age playground (including ages 2-5 and 5-12);

Entry plaza area; and

Benches.

The actual list of facilities is subject to modification and substitution at the time of detailed site plan review for the phase of development in which the open space parcel is located, with the understanding that such modifications will be of equal or greater value and quality to those listed above.

2. Pursuant to Condition 17 of Preliminary Plan of Subdivision (PPS) 4-08002 (PGCPB Resolution No. 09-93), the applicant and the applicant's heirs, successors, and/or assignees shall dedicate Parcel 25, or an acceptable alternative parcel as approved by a conceptual site plan or PPS applicable to Westphalia Town Center, to the Prince George's County Board of Education at such time as the Board provides written notice to the applicant of its desire to accept conveyance of the parcel.

ITEM: 10

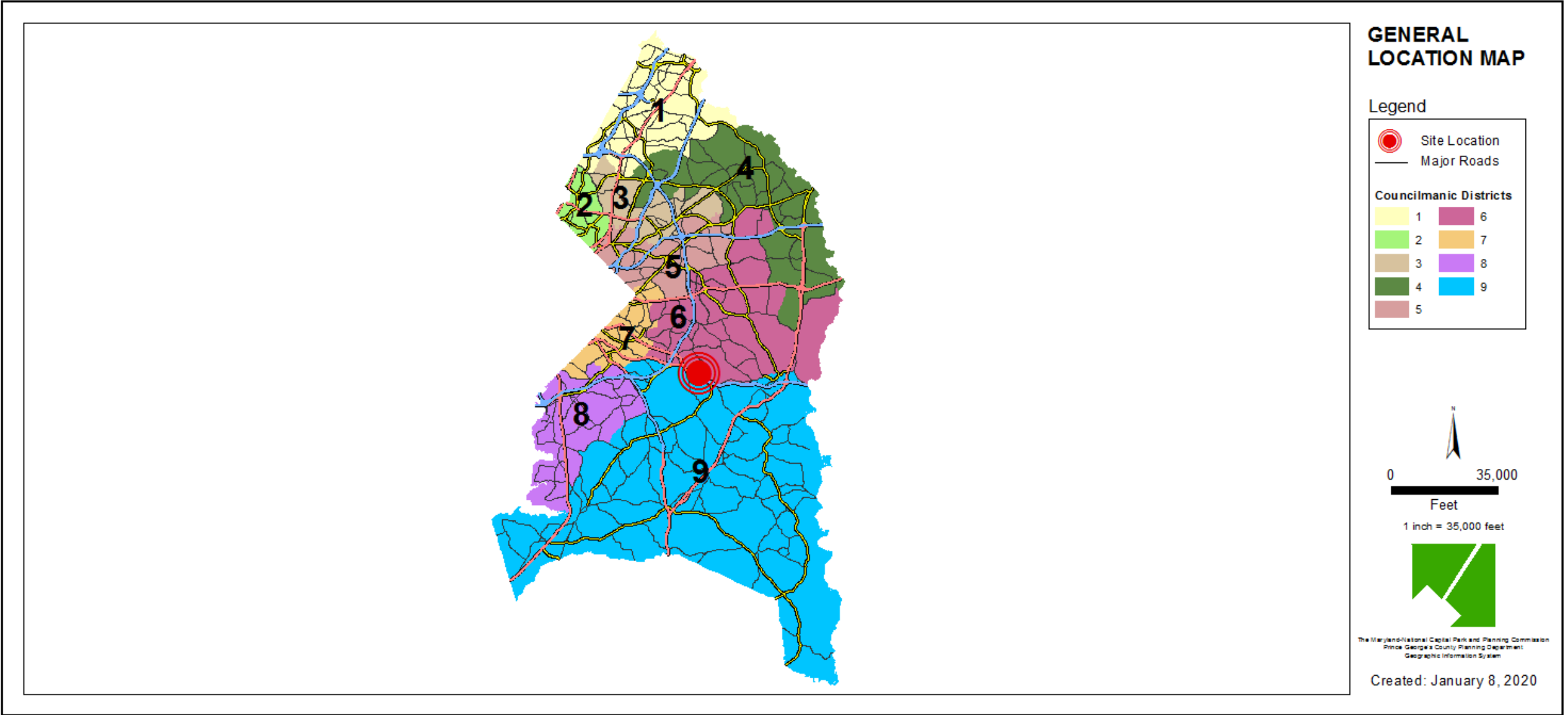
CASE: DSP-12043-01

# WESTPHALIA TOWN CENTER (SPECIAL PURPOSE)

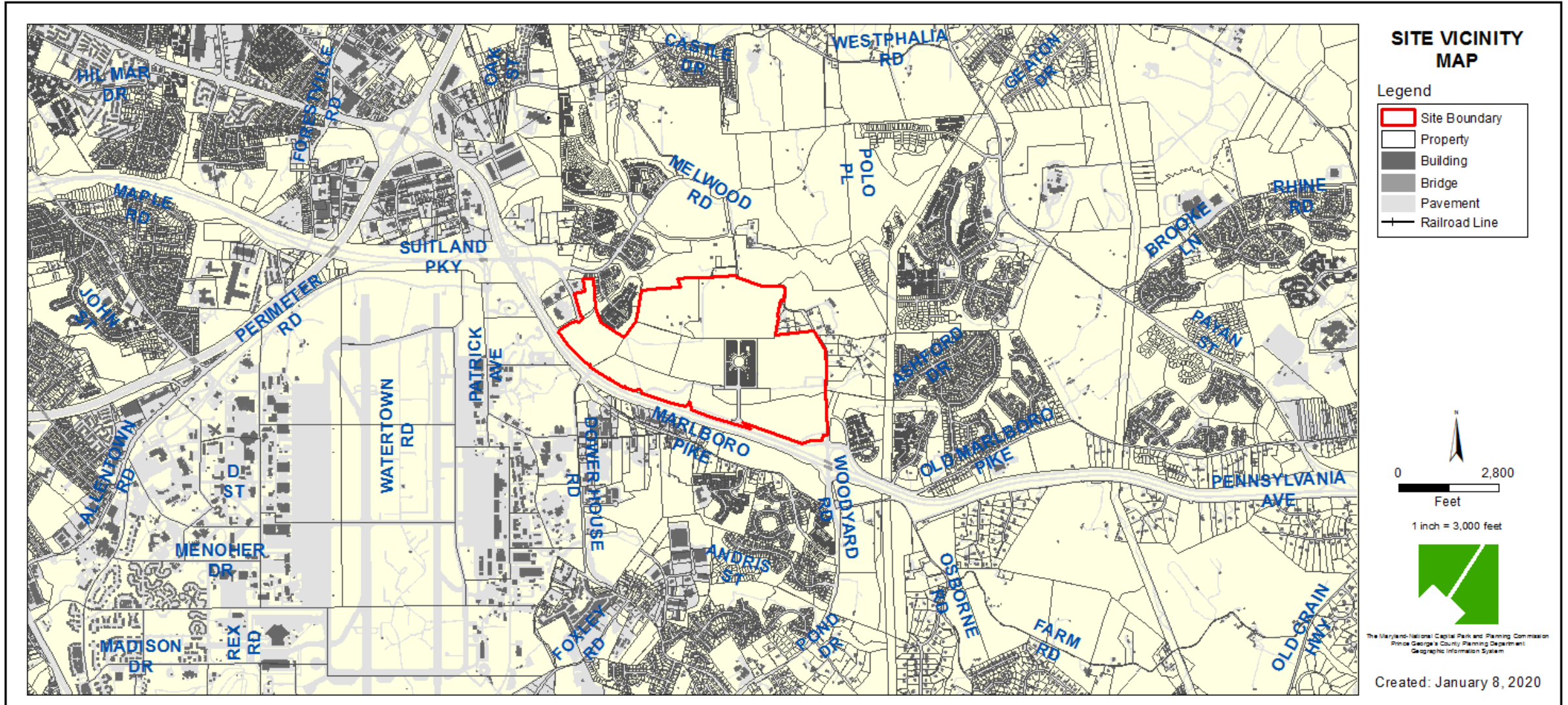
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



# GENERAL LOCATION MAP

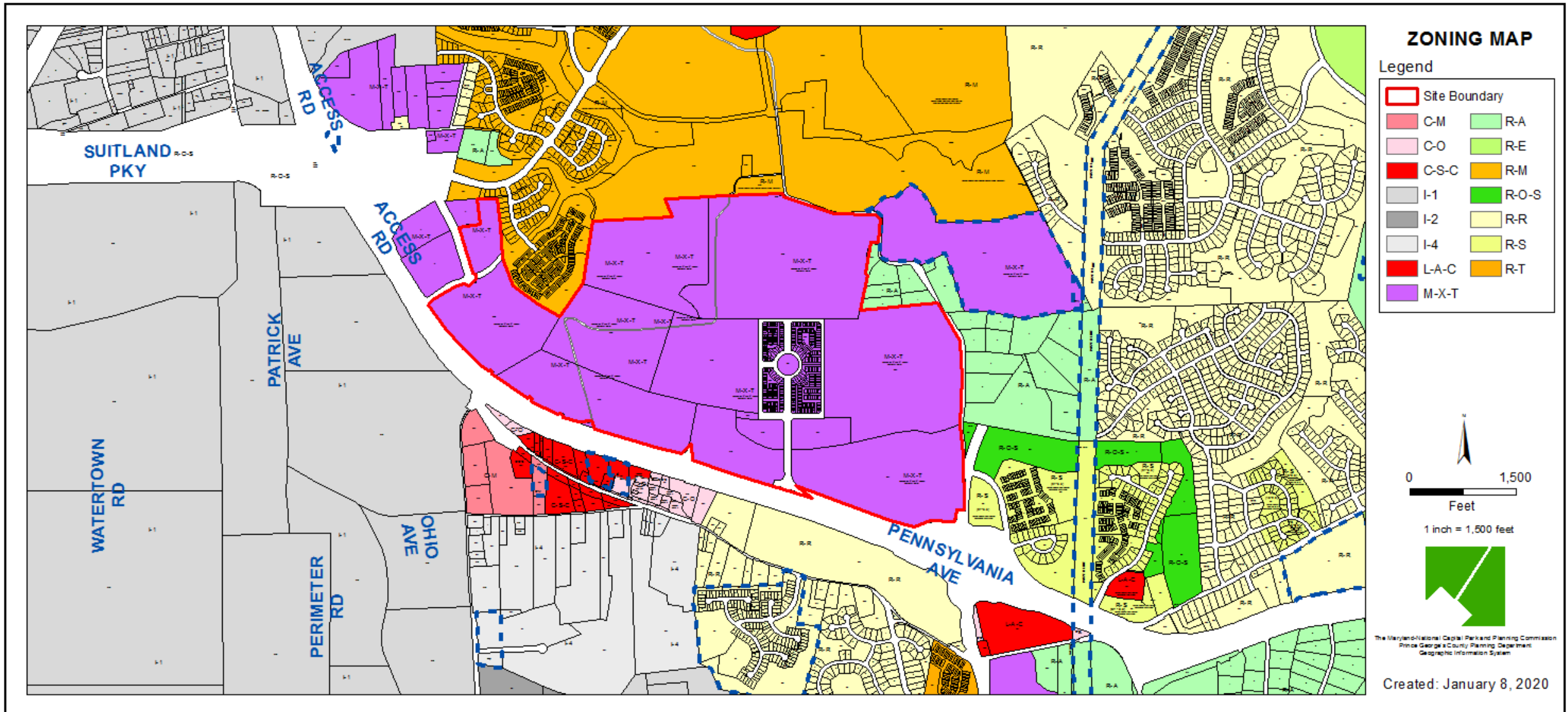


# SITE VICINITY



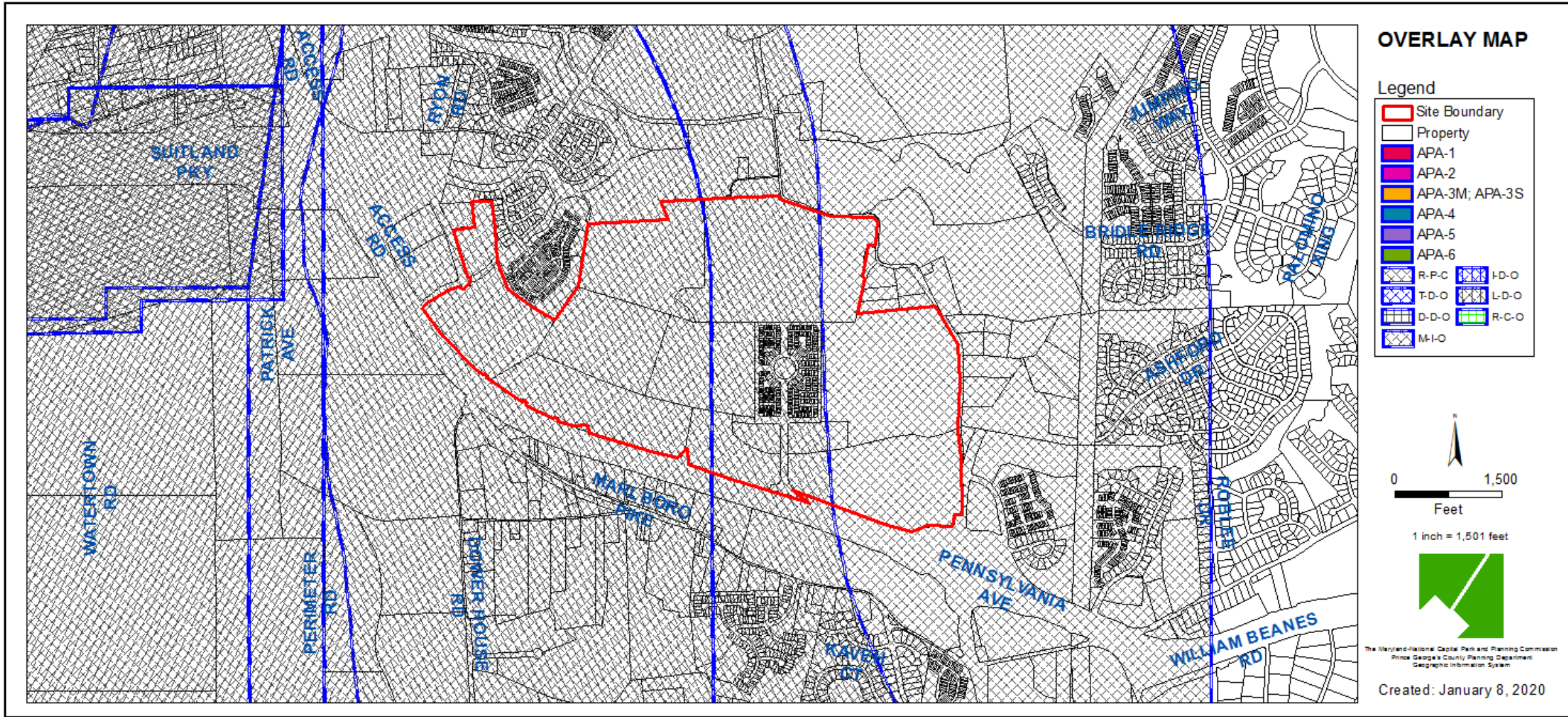


# ZONING MAP



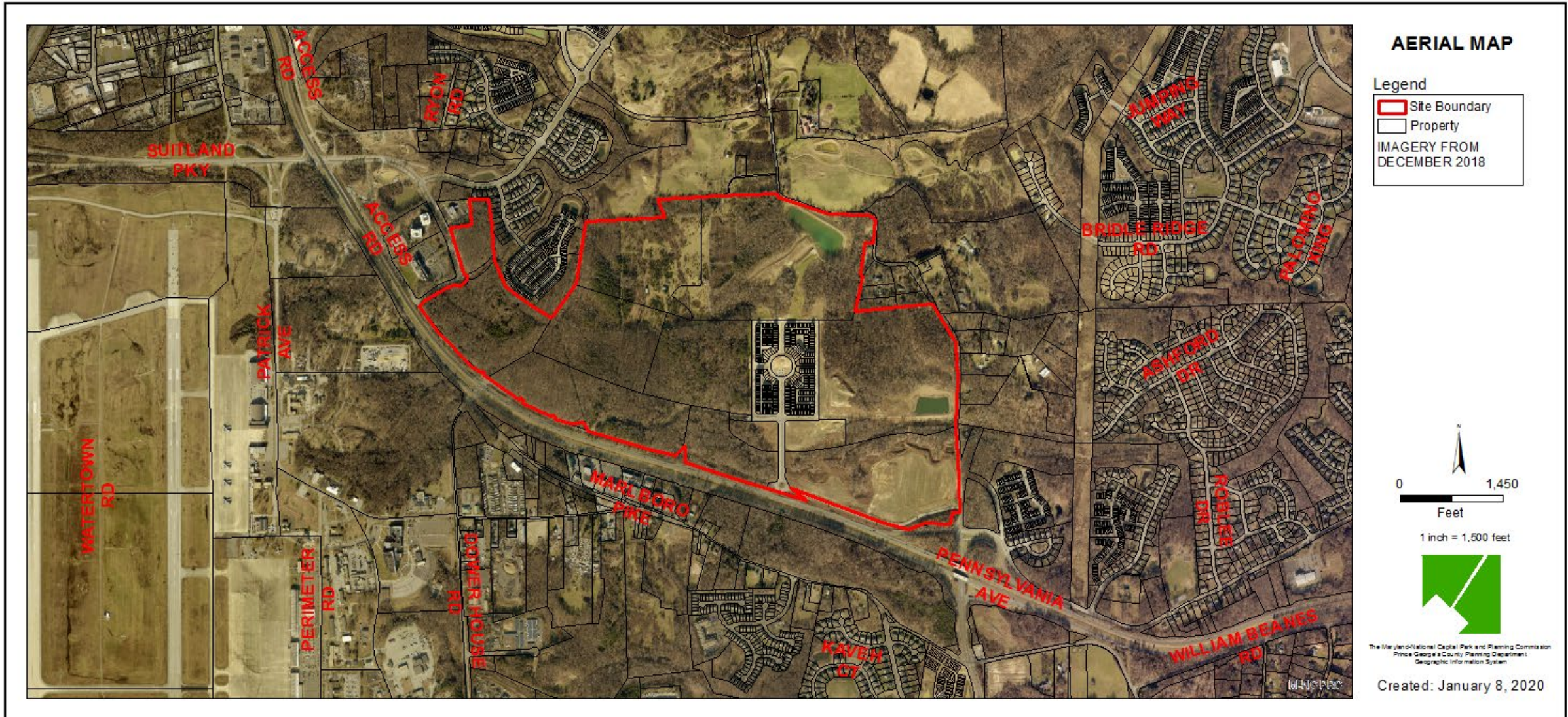


# OVERLAY MAP



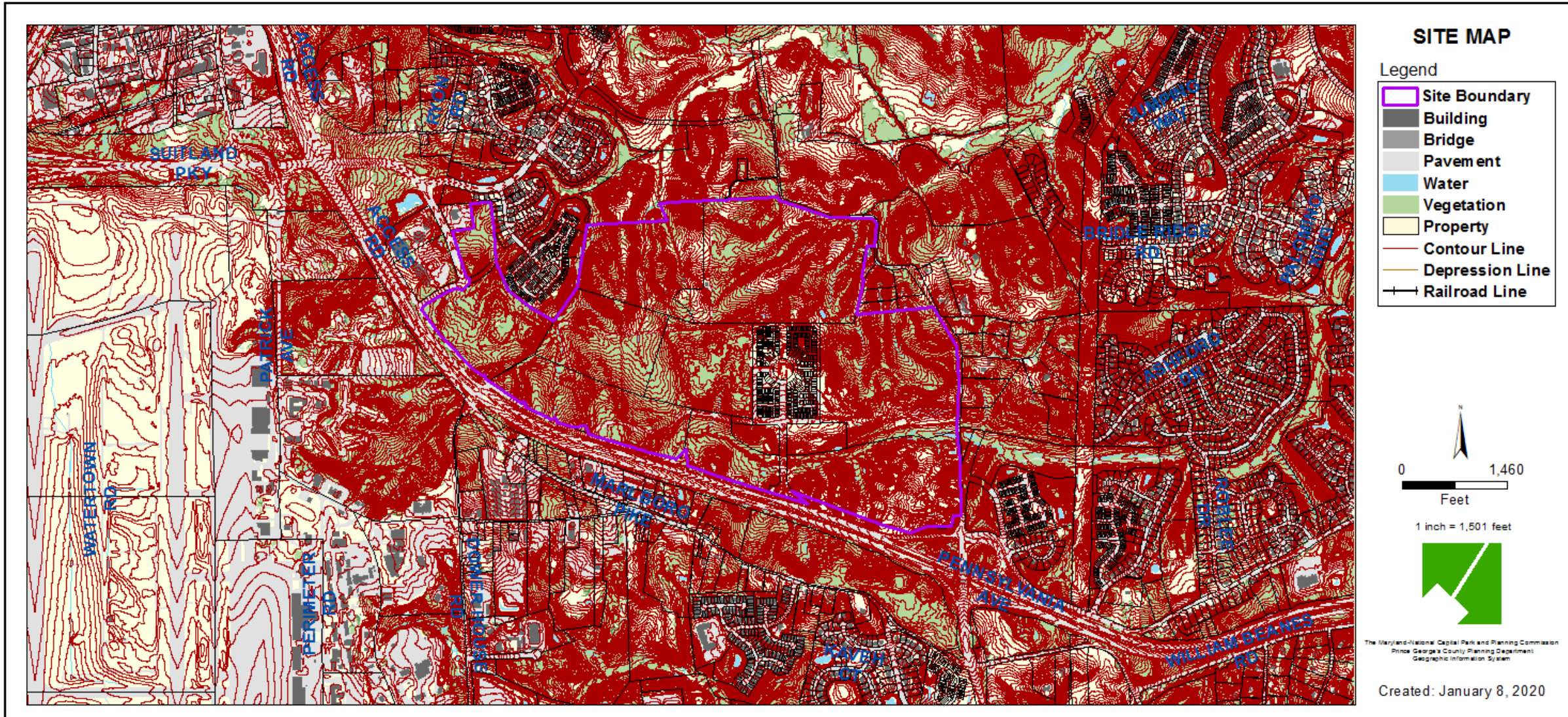


# AERIAL MAP



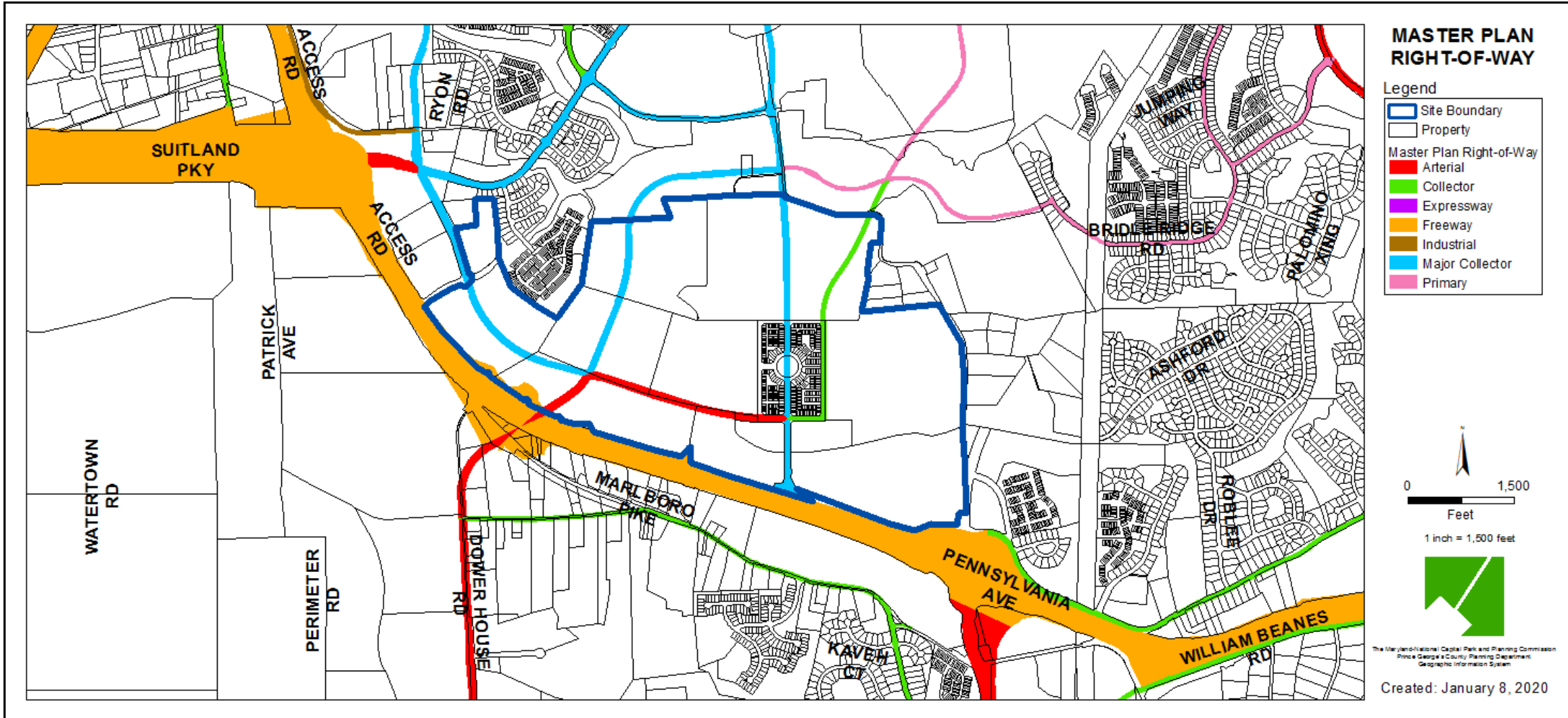


# SITE MAP





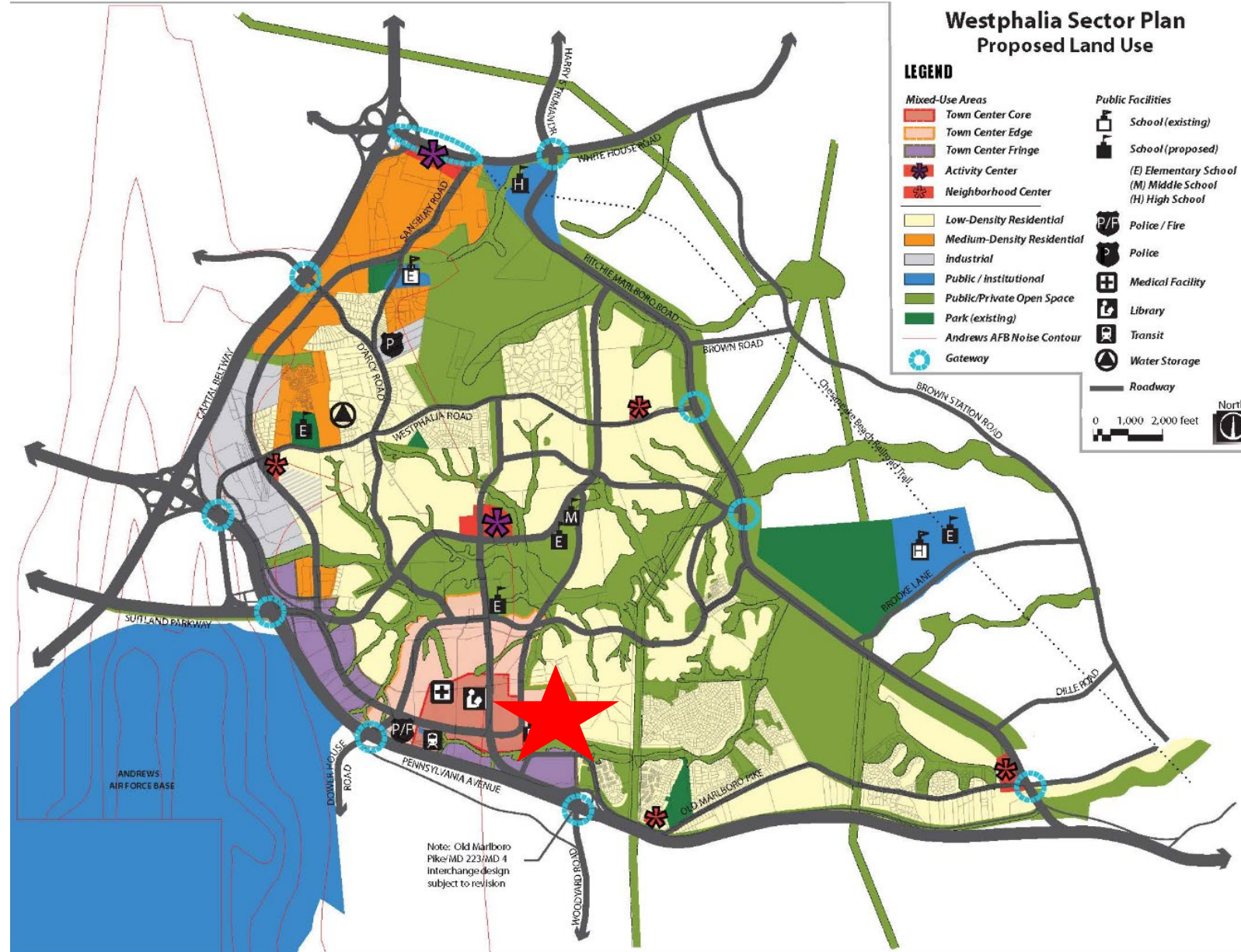
# MASTER PLAN RIGHT-OF-WAY MAP



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

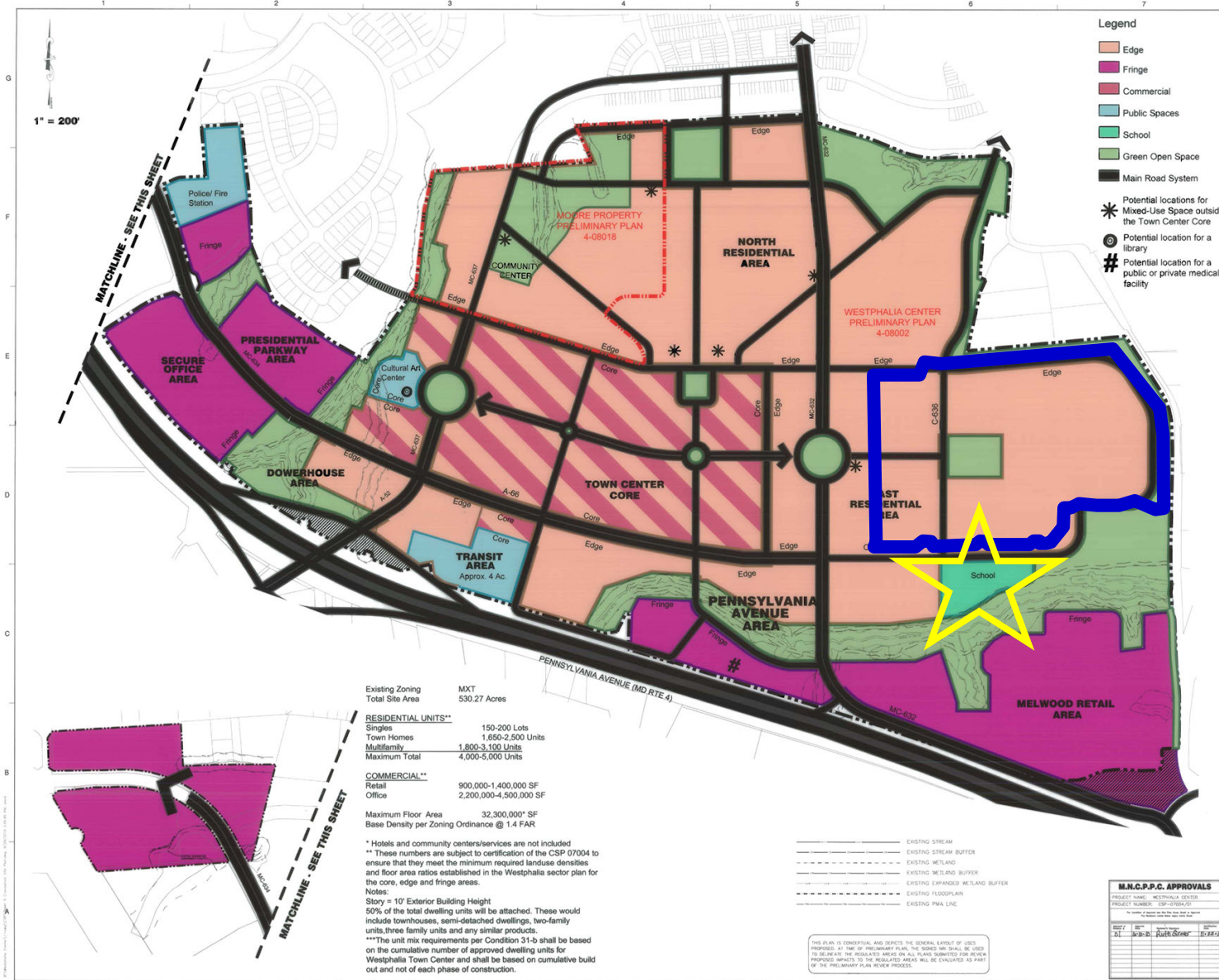


# WESTPHALIA SECTOR PLAN





# CONCEPTUAL SITE PLAN CSP-07004-01



**Dewberry**

Dewberry & Davis LLC  
1000 SPRINGWOOD LANE  
COLUMBIA, SC 29910  
TEL: (803) 792-7100  
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**THE LESSARD ARCHITECTURAL GROUP, INC.**  
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# RENDERING - DSP-19009



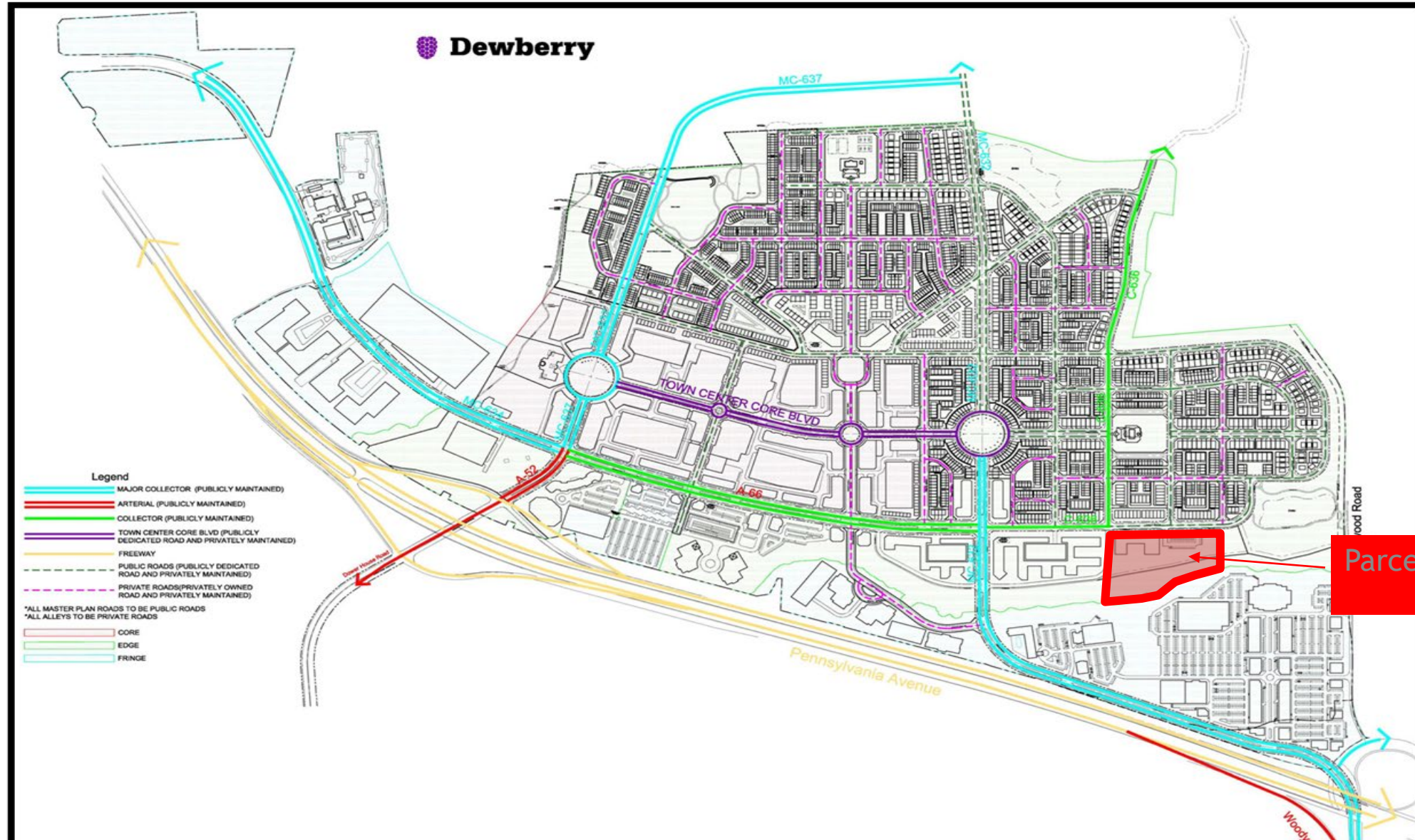
**LEGEND**

- 76 SINGLE FAMILY DETACHED
- 416 TOWN HOMES
- 164 TWO FAMILY ATTACHED DWELLINGS





# PRELIMINARY PLAN 4-08002





## REVISED CONDITION FOR COMMUNITY BUILDING IN OPEN SPACE 2

1. All of the previously approved conditions of DSP-12043 remain in full effect, with the following revised language for Condition 4:
  4. Prior to the issuance of the 150th building permit for single family dwelling units in Westphalia East, approved pursuant to DSP-19009, the community building in Community Open Space 2 (located in the eastern residential area) and associated recreational facilities shall be fully bonded.

Prior to issuance of the 250th building permit for single-family dwelling units in Westphalia East, approved pursuant to DSP-19009, the aforementioned community building shall begin construction.

Prior to issuance of the 400th building permit for single-family dwelling units in Westphalia East, approved pursuant to DSP-19009, the aforementioned community building shall be open for the residents.

# REVISED LANGUAGE FOR SCHOOL SITE CONDITION

2. Pursuant to Condition 17 of Preliminary Plan of Subdivision (PPS) 4-08002, (PGCPB Resolution No. 09-93), the applicant and the applicant's heirs, successors, and/or assignees shall dedicate Parcel 25, or an acceptable alternative parcel as approved by a conceptual site plan or preliminary plan of subdivision applicable to Westphalia Town Center, to the Board of Education at such time as the Board provides written notice to the applicant of its desire to accept the conveyance of the parcel.

**STATEMENT OF JUSTIFICATION (Draft)**

**WESTPHALIA TOWN CENTER  
SPECIAL PURPOSE DETAILED SITE PLAN DSP – 12043  
July 7, 2020**

**APPLICANT:** Westphalia Development MD, LLC  
448 Viking Drive #220  
Virginia Beach, VA 23452  
301-943-0255

**OWNER:** Westphalia MD, LP  
448 Viking Drive #220  
Virginia Beach, VA 22102  
301-943-0255

**ATTORNEY/AGENT:** Law Offices of Marva Jo Camp, Esq.  
9701 Apollo Drive #100  
Largo, Maryland 20774  
301-943-0255

**CIVIL ENGINEER:** Dewberry Engineers Inc.  
4601 Forbes Blvd., Suite 300  
Lanham, MD 20706  
301-731-5551

**REQUEST:** Revision to Westphalia Town Center Special Purpose DSP 12043 in order to adjust the timing for the bonding, construction, and completion of the Community Center in Community Open Space 2, and to modify the timing for the dedication of the Board of Education school site parcel known as Parcel 25 as set forth in Condition 17 of Preliminary Plan of Subdivision for the Westphalia Town Center (4-8002)

**I. Description of Property:**

1. Location — The subject property is located on the west side of Melwood Road, adjoining the east side of the boundary of Westphalia Phase 1 DSP-03006, within the area of the *Approved Westphalia Sector Plan and Sectional Map Amendment*.
2. Use—The subject application includes a residential phase of the overall mixed-use development, which is anticipated to include up to a maximum

of 5,000 dwelling units, 800,000–1,400,000 square feet of retail space, 4,000,000–4,500,000 square feet of office space, three hotels with up to 600 hotel rooms and public or institutional buildings and spaces. The subject DSP proposes 76 single-family detached, 416 townhouse, and 164 two-family residential dwelling units and associated recreational facilities.

3. Incorporated Area —None
4. Council District — 6
5. Existing Lot — Part of Parcels 1 and 8, Westphalia Phase 1B
6. Total Area — 58.06 acres
7. Tax Map/Grid — 100/A1
8. Zoned: M-X-T
9. WSSC Grids — 206SE09, 207SE09

## **II. Applicant's Proposal**

The subject Application is for the revision to the Westphalia Town Center Special Purpose DSP 12043 in order to adjust the timing for the bonding, construction, and completion of the Community Center in Community Open Space 2, and to modify the timing for the dedication of the Board of Education school site parcel known as Parcel 25 as set forth in Condition 17 of Preliminary Plan of Subdivision for the Westphalia Town Center (4-8002). The Application is part of an overall mixed-use development, which is anticipated to include a maximum of 5,000 dwelling units, 800,000–1,400,000 square feet of retail space, 4,000,000–4,500,000 square feet of office space, three hotels with up to 600 hotel rooms and public or institutional buildings and spaces. To date, there have been approvals of Conceptual Site Plan (CSP-07004-01); Preliminary Plan of Subdivision (4-08002); Detailed Site Plan for Infrastructure (DSP-12017), Special Purpose Detailed Site Plan (SPDSPSP-12043), and an Umbrella Architecture Detailed Site Plan (DSP-13001); DSP-13006; and DSP-19009.

## **III. Conformance to the Required Findings in the M-X-T Zone**

In addition to the requirements of Section 27-285(b), and in accordance with Section 27-546 of the Zoning Ordinance, the Planning Board must make the following finding for approval of a DSP in the M-X-T Zone, as follows:

### **Section 27-546. Site Plans.**

- (d) **In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division**



9), the Planning Board shall also find that:

- (1) The proposed development is in conformance with the purposes and other provisions of this Division;

**Section 27-542. Purposes.**

(a) The purposes of the M-X-T Zone are:

- (1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;
- (2) To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;
- (3) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;
- (4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;
- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;
- (6) To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;
- (7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;

- (8) To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;**
- (9) To permit a flexible response to the market and promote economic vitality and investment; and**
- (10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.**

**COMMENT:** Conditions d.1-10 are not applicable to this Application.

**(b) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development 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;**

- (1) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**
- (2) The proposed development is compatible with existing and proposed development in the vicinity;**
- (3) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**
- (4) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**
- (5) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**



- (6) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and
- (7) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant, or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.
- (8) On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant.
- (9) On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548. (CB-1-1989; CB-26-1991; CB-13-2002; CB-78-2006).

**COMMENT:** Conditions b.1. – 9. are not applicable to the subject Application.

V. Conformance to Conceptual Site Plan CSP-07004-01

The Planning Board approved Conceptual Site Plan CSP-07004 for a mixed-use town center known as Westphalia Town Center project, consisting of up to 5,000 dwelling units; 800,000-1,400,000 square feet of retail space; and 4,000,000-4,500,000 square feet of office space, as well as up to 600 hotel rooms, on December 18, 2008. The District Council approved the project with conditions on May 8, 2009 and issued a revised order on June 8, 2009. On May 20, 2010, the Planning Board approved a revision to previously approved CSP-07004 to allow the development of Moore Property (consisting of a maximum 505 attached dwelling units, 135 multifamily units, and 3,000 square feet of community/retail land use) to proceed prior to other portions of the Westphalia Town Center development. At the time of CSP approval, the Planning Board specifically stated in Resolution No. 10-59(C) that CSP-07004-01 superseded and replaced previously approved CSP-07004 in its entirety. This DSP has been reviewed for conformance with the approved CSP-07004-01. There were 40 conditions attached to the approval of CSP-07004-01. The conditions that are applicable to the review of the subject DSP are set forth below:

**COMMENT:** Conditions 1.a.-o are not applicable to this application

**COMMENT:** Conditions 2.a-2v are not applicable to the subject application.

**COMMENT:** Conditions 3.-34. are not applicable to the subject application.

#### **IV. Conformance to Preliminary Plan of Subdivision 4-08002**

The Planning Board approved Preliminary Plan of Subdivision 4-08002 for Westphalia Town Center with 54 conditions. The conditions that are relevant to the review of the subject DSP are discussed below:

**COMMENT:** Conditions 1. – 16. and re not applicable to the subject Application.

Condition 17:

- 17. The applicant and the applicant's heirs, successor and/or assigns shall dedicate Parcel 25 to the Board of Education at the time of the dedication of any public rights-of way abutting Parcel 25, or as determined at the time of approval of the special purpose site plan.**

**COMMENT:** Condition 17 of the Preliminary Plan of Subdivision for Westphalia Town Center (4-08002) provides for the dedication of a parcel known as Parcel 25 to the Board of Education for use as a school site. Condition 17 of the Preliminary Plan of Subdivision allows for the dedication of the school site parcel to be modified with the approval of the Special Purpose Site Plan. The developer of the Westphalia Town Center has engaged in discussions with the school system concerning its long-range plans for new school sites. The school system has requested and agreed to language for the



dedication of land for a school site. The condition would be added to the 01 revision of the Special Purpose DSP 12043 as follows:

8. **The applicant and the applicant's heirs, successors and/or assigns shall convey Parcel 25 to the Board of Education at such time as the Board of Education provides written notice to the applicant of its desire to accept the conveyance of Parcel 25, in its sole discretion, based upon its determination that the long-range pupil growth forecast indicates the need for an additional school site in the approved Educational Facilities Master Plan in the vicinity of Parcel 25. The applicant and the Board of Education shall be entitled to provide for the conveyance of an alternative parcel within the Westphalia Town Center, upon mutual agreement, provided any such alternative site shall equal or exceed the size of Parcel 25. Any revisions required to implement the dedication of an alternative site shall be subject to approval of the Prince George's County Planning Director. Board of Education acceptance of the conveyance of the land does not suggest or imply that a new school will be constructed on the land except as subsequently communicated to the public through the Board's CIP and Facilities Master Plan process.**

**COMMENT:** Conditions 18. – 54. Are not applicable to the subject Application.

#### **CONFORMANCE WITH SPECIAL PURPOSE DSP12043**

The Planning Board approved Special Purpose DSP – 12043 on (date). The conditions that are relevant to the review of the subject Special Purpose DSP are discussed below:

**4. Prior to issuance of the 400 building permit for single-family dwelling units, the community building in Community Open Space 2 (located in the eastern residential area) and associated recreational facilities shall have approved building permits and be fully bonded.**

**Prior to issuance of the 500<sup>th</sup> building permit for single-family dwelling units, the aforementioned community building shall begin construction.**

**Prior to issuance of the 600<sup>th</sup> building permit for single-family dwelling unit, the aforementioned community building shall be open for the residents.**

**COMMENT:** At the time of approval of Condition 4, above, Walton Westphalia Development, LLC was the Owner/Applicant for the Westphalia Town Center. It was anticipated that Walton would develop the entire Westphalia Town Center. To date, Walton has fully developed Phase 1 of the Town Center with three hundred and forty eight (348) town house dwelling uses. However, Walton sold Phase 2 of the development to Westphalia East to the Applicant, Westphalia MD, LP after the property sat dormant for several years. There will be a total of six hundred and sixty-five units in



Phase 2. Having multiple Owner/Applicants, coupled with the process for obtaining permits for the construction of units in Westphalia, make the current triggers set forth in Condition 4 impracticable and unrealistic. More specifically, Applicant would have to bond the community building with only fifty-two (52) dwelling units being permitted. This number of units does not align with the Builders intent to request permits for its first phase of construction. Moreover, the County process tracks the application for permits but does not track the issuance of permits. As a result, Builders may hold permits without actually constructing the associated units. Given the delay inherent in the process, Applicant is requesting a modification of Condition 4 as the timing applies to the Applicant. Under a revised condition, Applicant would be required to bond the community center prior to the issuance of the 500<sup>th</sup> building permit rather than the 400<sup>th</sup> permit. The requirement for Applicant to begin construction prior to issuance of the 500<sup>th</sup> permit would be deleted and modification of the condition to open the community building would be modified from prior to issuance of the 600<sup>th</sup> permit to prior to the issuance of the 750<sup>th</sup> permit. I would note that the requested modification translates to the Applicant bonding the community center prior to the issuance of its 152<sup>nd</sup> permit and opening the community center prior to the issuance of its 402<sup>nd</sup> permit. Applicant request the following language replace the current language in Special Purpose DSP 12043:

4. **Prior to the issuance of the 400<sup>th</sup> 500<sup>th</sup> building permit for single-family dwelling unit, the community building in Community Open Space 2 (located in the eastern residential area) and associated recreation facilities shall have approved building permits and be fully bonded.**

~~Prior to issuance of the 500<sup>th</sup> building permit for single-family dwelling unit, the aforementioned community building shall begin construction.~~

**Prior to issuance of the 600<sup>th</sup> 750<sup>th</sup> building permit for single-family dwelling unit, the aforementioned community building shall be open for the residents.**

#### V. **Conformance to Infrastructure Detailed Site Plan DSP-12017**

The Planning Board approved Detailed Site Plan DSP-12017 for infrastructure on October 18, 2012 with three conditions. Two conditions are relevant to the review of this DSP:

**COMMENT:** Conditions 1. – 2. are not applicable to the subject Application.

**COMMENT:** Conditions 3.a-c. above is not applicable to the subject Application. .

#### VII. **Conformance to Umbrella Architecture Detailed Site Plan DSP-13001**

The District Council approved Umbrella Architecture Detailed Site Plan DSP-13001 on February 24, 2014 with five conditions. The models approved will be used in all of the residential development of the Westphalia Town Center project. The conditions relevant to the review of the subject DSP are discussed below:

**COMMENT:** Condition 1a. -b. is not applicable to the subject Application

**COMMENT:** Condition 2.a – b. is not applicable to the subject Application.

**COMMENT:** Condition 3 a. – c is not Applicable to the subject Application.

**COMMENT:** Conditions 4. – 5. Is not Applicable to the subject Application.

**VIII. Conformance to the requirements of the Prince George's County Landscape Manual**

This DSP is subject to the requirements of Section 4.8, Landscape Requirements in a Regional Urban Community, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). According to Section 4.8, the landscape requirements for a regional urban community shall be determined at the time of conceptual site plan pursuant to Section 27-544 of the Zoning Ordinance. At the time of the approval of CSP-07004-01 for the Westphalia Town Center project, landscaping requirements were established in Condition 18. The portions of Condition 18 relevant to this review warrant discussion as follows:

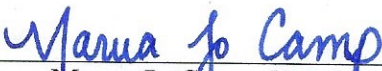
**COMMENT:** conditions 1.-18 are not applicable to the subject case.

**IX. Conformance to the requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Coverage Ordinance**

**COMMENT:** Condition IX is not applicable to the subject Application.

**X. Conclusion**

Based on the foregoing analysis, as well as the plans and supporting documentation filed in conjunction with this application, the applicant respectfully requests the approval of the above referenced detailed site plan.

  
Marva Jo Camp, Esq.



**RESOLUTION**

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on May 2, 2013, regarding Detailed Site Plan DSP-12043 for Westphalia Town Center, the Planning Board finds:

1. **Request:** The application is for approval of a special purpose DSP for the Westphalia Town Center development. Specifically, this special purpose DSP, as required by Condition 15 attached to the approval of Conceptual Site Plan CSP-07004-01, is to establish regulating standards for signage, identify appropriate locations for transit stops in consultation with the Department of Public Works and Transportation (DPW&T) and the Washington Metropolitan Area Transit Authority (WMATA), provide design details of public open spaces and establish a timing plan for their improvements, and for the installation of public trails.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	M-X-T	M-X-T
Use(s)	Commercial, Retail, Office, Hotel and Residential Uses	Commercial, Retail, Office, Hotel and Residential Uses
Acreage	478.48	478.48*

**Note:** \*Westphalia Town Center is a multi-phase development project. This special purpose DSP covers the entire town center development.

**Additional Development Data**

(As approved in Conceptual Site Plan CSP-07004-01 (PGCPB Resolution No. 10-59(c)))

- a. Total dwelling units: 4,000–5,000, of which
  - 150–200 single-family detached houses
  - 1,650–2,500 single-family attached dwelling units
  - 1,800–3,100 multifamily dwelling units
- b. 500–600 hotel rooms
- c. 900,000–1,400,000 square feet of retail
- d. 2,200,000–4,500,000 square feet of office

3. **Location:** The Westphalia Town Center property is located on the north side of Pennsylvania Avenue (MD 4), west of Melwood Road and east of the interchange of Suitland Parkway and Pennsylvania Avenue, in Planning Area 78, Council District 6, within the Developing Tier of the county.
4. **Surrounding Uses:** The 478.48-acre parcel of land in the M-X-T (Mixed Use–Transportation Oriented) Zone is in the middle of the northern end of the Westphalia sector plan area, adjacent to the right-of-way of Pennsylvania Avenue (MD 4). To the north of the site is the Smith Home Farms development in the R-M (Residential Medium Development) Zone; to the east of the site are existing single-family houses and open spaces in the R-O-S (Reserved Open Space), R-A (Residential-Agricultural), and R-S (Residential Suburban Development) Zones; to the west of the site are properties in the M-X-T Zone.
5. **Previous Approvals:** The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* rezoned the larger property, consisting of many smaller parcels, from the I-1 (Light Industrial), I-3 (Planned Industrial/Employment Park), and R-A Zones to the M-X-T Zone as shown on Exhibits 44 and 45 of the plan, which outlines the vision for the subject property. The property is also the subject of a previously approved Conceptual Site Plan, CSP-07004, which was approved with conditions by the Prince George’s County Planning Board on December 18, 2008, and adopted on January 29, 2009 (PGCPB Resolution No. 08-189). Conceptual Site Plan CSP-07004 was approved with conditions by the Prince George’s County District Council on May 8, 2009 subject to a revised order issued by the District Council on June 8, 2009. The property is also the subject of a second revised order issued by the District Council on September 21, 2009. The Planning Board approved a revision to CSP-07004 on May 20, 2010 to allow the development of the Moore Property to proceed prior to development of other portions of the Westphalia Town Center project. Conceptual Site Plan CSP-07004-01 (PGCPB Resolution No.10-59(C)) completely superseded CSP-07004 for the rest of the Westphalia Town Center development project. In addition, the Moore Property has a previously approved Preliminary Plan of Subdivision, 4-08018, and the subject property has its own Preliminary Plan of Subdivision, 4-08002, which covers the balance of the Westphalia Town Center project. The resolutions of approval, PGCPB Resolution No. 09-93 and No. 09-95(C), respectively, were adopted on June 25, 2009 and remain valid until June 25, 2015. An infrastructure Detailed Site Plan, DSP-12017, for Phase I that covers 119 acres of the land predominantly for residential use in the middle of the larger Westphalia Town Center development was approved by the Planning Board (via PGCPB Resolution No. 12-99) on October 18, 2012. The property is also the subject of an approved Stormwater Management Concept Plan, 44782-2007-01, dated February 18, 2011 which is valid for three years until February 18, 2014.
6. **Design Features:** The subject special purpose DSP covers the entire Westphalia Town Center development, which has a total land area of 478.48 acres. As stated in Condition 15 attached to the approval of CSP-07004-01, the special purpose DSP focuses specifically on establishing regulating standards for signage, identifying transit stop locations, providing preliminary designs for public open spaces, establishing a timing plan for the public space improvements and public

trail system. A similar special purpose DSP (DSP-09015) was approved specifically for the Moore Property by the Planning Board in 2011.

The special purpose DSP is presented in a booklet format consisting of 37 sheets. The booklet covers the relevant topics as follows:

**Previous Conditions:** Previously approved Conceptual Site Plan CSP-07004-01 and Preliminary Plan of Subdivision 4-08002 have several conditions that are specifically relevant to the review of the special purpose DSP. The booklet lists all applicable conditions and discusses how the conditions have been fulfilled with this application.

**Public Open Space:** The types of open spaces that have been identified under this title include public and civic space, community open space, and stormwater management ponds, as well as neighborhood pocket parks. Three exhibits have been included that show the location of parks, green open spaces, and green corridors within the Westphalia Town Center development.

As required by the prior conditions of approval, the special purpose DSP provides schematic site design plans for 13 public open spaces, including the design schemes and recommended programs for seven public and civic space sites, two neighborhood pocket green sites, and two stormwater management pond sites. Photographs of different types of public open spaces have been provided to illustrate the design intent, quality, and possible activities that can be accommodated in different types of open spaces. Future specific designs of each identified public open space site will be provided with the applicable DSP. The specific layout, programs, construction materials, planting materials, color scheme, and schematic design may be changed due to future project needs. However, the development quality of those spaces should be consistent with the illustrations presented in this special purpose DSP booklet.

Two community open space sites have been identified for future community center buildings. Additional recreational facilities, such as two tot lots, have been shown on the site of the centers. Since the entire Westphalia Town Center development will be carried out in multiple phases, recreational facility demands at the neighborhood level cannot be determined at this time. Only the information regarding community-wide facilities and sites, such as the two community center sites, can be provided with this special purpose DSP. From the quantity of the neighborhood-level green open spaces provided on the exhibit, it seems that additional spaces should be provided at the street-block level, specifically within the blocks where the attached and multifamily dwellings are located. The revised Public Open Space key plan shows a total of 33 neighborhood pocket greens, which should be enough to serve the needs of future residents. The detailed layout and possible facilities within each neighborhood pocket green will be provided at the time of submission of each specific DSP covering the neighborhood pocket green sites.

**Phasing:** A total of five phases has been identified on the phasing exhibit. Compared with the previously approved phasing plan in the conceptual site plan, the new phasing plan is in general conformance with the prior phasing. However, the new phasing plan included in this special purpose DSP provides no further subdivision of the phasing under each development phase. The

applicant should provide additional information within each phase to further divide each phase into sub-phases because the area within each phase is still too large to develop at one time. A condition has been included in the resolution to require the applicant to provide this information at the time of the full-scale DSP.

**Trails:** The trail exhibit demonstrates all types of pedestrian systems throughout the entire Westphalia Town Center development, including trails, sidewalks with varied widths, and bike lanes. Sidewalks are usually included in the rights-of-way of streets. Bike lanes are provided along all primary streets and around mixed-use areas. Trails are provided around the two proposed stormwater management ponds, as well as along the portion of the stream within the site. The comprehensive pedestrian system is designed to adhere to the accessibility guidelines of the Americans with Disabilities Act (ADA) and intended to provide efficient connectivity throughout the development, while promoting healthier lifestyles and less dependency on automobiles. Different sections of the pedestrian system will be constructed along with each phase of the development where the pedestrian system is located.

**Signage:** Establishing the design standards and a unified theme for signage within the Westphalia Town Center development is a primary goal of the special purpose DSP. The purpose of the sign standards is to create a coordinated exterior signage program that defines the quality, character, and theme of the Westphalia project and establishes the sign design parameters. Graphics and signage are also intended to enhance the architecture, streetscape, and overall theme as part of Westphalia's distinctive sense of place. Consistent color, shape, ornamental motifs, materials, scale, and orientation will help to create a unified sense of place. Specialty treatments such as paving patterns, unified style of handrails, banners, sculptures, fountains, and public art add to the sense of quality and excitement within the Westphalia Town Center development.

The proposed sign standards cover project identification signage, multimodal way-finding signage, residential multifamily and single-family signs, as well as commercial, office, hotel, and tenant signage. Detailed design guidelines have been proposed for each sign category. Colorful photographs and illustrations are provided as a reference to show examples of signage and graphics that meet the standards. Above all, project-wide design standards are also provided as general guidance to be considered throughout the design process. The project identification signage standards cover project gateway signage, including landmark gateway signs and arrival signs; neighborhood gateway signage, including primary and secondary neighborhood gateway signs; open space signage, including identification signs and directory signs; and special identity graphics for infrastructure and public art. The multimodal way-finding signage standards cover vehicular-scaled directional signage, including parking/service signs, regulatory signs, and site information signs; and pedestrian/cyclist-scaled directional signage, including site information signs, public transportation signs, and trail signs. Tenant signage standards cover boutique retail signs, anchor retail signs, multifamily residential signs, single-family and townhouse residential signs, as well as signage for offices and hotels. A list of prohibited signs is also included in the sign design standards.

**Transit Stop Locations:** Identifying the appropriate locations for transit stops within the Westphalia Town Center development is one of the elements required to be included in the special purpose DSP. The transit plan shows different roadway classifications, traffic calming techniques and locations of bus stops and a five-minute or 1,200-foot walking radius from the proposed bus stops throughout the Westphalia Town Center development. Highly-overlapped five-minute radii indicate that the entire development will be well served by the proposed transit system. The updated location map should be included in the special purpose DSP booklet.

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance as follows:
- a. The subject application is in conformance with the requirements of Section 27-547 of the Zoning Ordinance, which governs permitted uses in all mixed-use zones. The special purpose DSP does not propose any changes to the previously-approved use mix, but only establishes regulating standards for signage, preliminary design for public spaces, timing of public trails, and appropriate locations for transit stops, and is therefore in conformance with Section 27-547.
  - b. The special purpose DSP also does not propose any changes to the previously approved general site layout, including lotting, street patterns, and environmental features, and shows a site layout that is consistent with previously approved Conceptual Site Plan CSP-07004-01.
  - c. The special purpose DSP is limited in its scope to the above-mentioned issues. The project's conformance to the applicable site design guidelines as referenced in Section 27-283 of the Zoning Ordinance and contained in Section 27-274, as previously established at the time of CSP-07004-01 approval, is still valid.
  - d. Section 27-546, Site Plans, of the Zoning Ordinance has additional requirements for approval of a DSP in the M-X-T Zone as follows:
    - (d) **In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:**
      - (1) **The proposed development is in conformance with the purposes and other provisions of this Division;**

The purposes of the M-X-T Zone as stated in Section 27-542 are as follows:

**Section 27-542. Purposes.**

- (a) **The purposes of the M-X-T Zone are:**



- (1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**
- (2) To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;**
- (3) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**
- (4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;**
- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**
- (6) To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;**
- (7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;**
- (8) To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater**

**management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;**

- (9) To permit a flexible response to the market and promote economic vitality and investment; and**
- (10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.**

The subject special purpose DSP is the next step toward implementation of the land use and development patterns envisioned in previously approved CSP-07004-01. The DSP does not change any uses or development density, but proposes development standards specifically for signage, public open space, timing for public open space and the public trail network, and appropriate locations for transit stops that are essential to the future development of the Westphalia Town Center. Therefore, this special purpose DSP conforms to the purposes and other provisions of the M-X-T Zone with respect to guiding and helping to promote the orderly development of land and to create dynamic functional relationships among individual uses with a distinctive visual character and identity.

- (2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development 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;**

The subject Westphalia Town Center property was placed in the M-X-T Zone through the 2007 *Westphalia Sector Plan and Sectional Map Amendment*. The special purpose DSP is limited in scope to establishing regulating standards for signage, appropriate locations for transit stops, preliminary designs for public open spaces, and a timing plan for public open spaces and the public trail network, and is in general conformance with the design guidelines or standards intended to implement the previously approved development concept recommended by the sector plan.

- (3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The regulating standards established in this DSP will guide and help to create a cohesive development, which is both physically and visually united and will greatly improve the image of the immediate community, which is predominantly undeveloped.

**(4) The proposed development is compatible with existing and proposed development in the vicinity;**

The special purpose DSP will establish the standards for the entire development as previously approved in CSP-07004-01, which covers a master-planned mixed-use community of approximately 479 acres. The special purpose DSP will establish standards to guide a more uniform development, specifically for signage, public open spaces, trails, and transit stops for the master-planned community in order to achieve a development with unique character that is compatible with the proposed development in the vicinity.

**(5) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

The special purpose DSP will establish additional standards to implement the development as approved in CSP-07004-01, which was envisioned as an independent town center. The mix of uses, including residential, commercial, retail, office, and hotel; the arrangement and design of the buildings, landscaping, and other improvements; and the provision of public amenities as approved in the CSP-07004-01 will not be changed with this DSP. This special purpose DSP will help in creating a unique and cohesive, independent town center for the Westphalia area.

**(6) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

The Westphalia Town Center project is a multiple-stage development for a mixed-use, master-planned, regional urban community consisting of up to 5,000 single-family detached, single-family attached, and multifamily dwelling units; approximately 5,900,000 square feet of commercial retail and office space; and three hotels with up to 600 rooms. According to previously approved CSP-07004-01, the Westphalia Town Center will be developed in five phases and each phase is designed to allow for effective integration of subsequent phases as a self-sufficient entity. This special purpose DSP will not impact the staging plan, but will provide specific guidance for the design of signage, public open

spaces, and the location of transit stops, as well as the timing for installation of major recreational facilities and public trails.

**(7) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

An extensive pedestrian system consisting of master plan trails, bikeways, and sidewalks on all internal streets has been planned for the Westphalia Town Center as well as the adjacent areas. The system is connected to all major destinations within the development and is convenient and comprehensively designed. A comprehensive network of sidewalks can ensure that non-motorized access is possible throughout Westphalia Town Center and surrounding developments. Approved Conceptual Site Plan CSP-07004-01 and approved Preliminary Plan of Subdivision 4-08002 included detailed road cross sections that incorporate facilities for pedestrians and bicyclists. The special purpose DSP will further implement the pedestrian system as previously approved in the conceptual site plan and will provide preliminary design of all public open spaces that will serve as a base for detailed design of those important pedestrian destinations in each future DSP.

**(8) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

This special purpose DSP provides specific information on the design of the pedestrian activity centers or gathering places. Each design scheme for different types of public open space has suggested design features and programs, such as a focal point landmark feature, plaza areas, benches, programmed activities such as free concerts and seasonal events, Wi-Fi hotspots, a skating rink, water features, open grass areas, landscaping with ornamental trees and flowers, outdoor meeting areas, etc. Additional photos of those built facilities from different places have been used to illustrate the scale, quality, lighting, and landscaping of the future public open spaces. The information provided shows that adequate attention will be paid to the design details of those pedestrian destinations. However, the specific design and amenities in each public open space within the Westphalia Town Center will be decided at the time of DSP for the specific area.

**(9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the**

**adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant, or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The subject application is a special purpose DSP. This requirement is not applicable to this DSP.

- (10) On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant.**

Conceptual Site Plan CSP-07004-01 covers the entire Westphalia Town Center site and was approved by the Planning Board on May 20, 2010 and adopted on June 10, 2010 (PGCPB Resolution 10-59(C)). As the CSP was approved less than six years ago, the prior finding of adequacy is still valid.

- (11) On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

The larger Westphalia Town Center project contains 478.48 acres of land and is envisioned in previously approved CSP-07004-01 as a mixed-use regional community.

- e. Section 27-548 of the Zoning Ordinance prescribes additional regulations regarding density, building, landscaping, buffering, gross floor area computation, building height for multifamily buildings, townhouses, etc. for development in the M-X-T Zone. Since this special purpose DSP contains limited information, conformance to the requirements of Section 27-548 will be reviewed at the time of each DSP when the detailed site, building, and landscaping information are complete.

8. **Conceptual Site Plan CSP-07004-01:** The Planning Board approved Conceptual Site Plan CSP-07004 for a mixed-use town center, known as Westphalia Town Center, consisting of up to 5,000 dwelling units, 800,000-1,400,000 square feet of retail space, and 4,000,000-4,500,000 square feet of office space, as well as up to 600 hotel rooms, on December 18, 2008. The District Council approved the project with conditions on May 8, 2009 and issued a revised order on June 8, 2009. On May 20, 2010, the Planning Board approved a revision to previously approved CSP-07004 to allow the development of the Moore Property (consisting of a maximum 505 attached dwelling units, 135 multifamily units, and 3,000 square feet of community/retail land use) to proceed prior to other portions of the Westphalia Town Center development. At the time of CSP approval, the Planning Board specifically stated in the resolution (No. 10-59(C)) that CSP-07004-01 supersedes and replaces previously approved CSP-07004 in its entirety. Of 40 conditions attached to the approval of CSP-07004-01, the conditions that are applicable to the review of this special purpose DSP are discussed as follows:

**15. Prior to approval of a detailed site plan for specific buildings for either the Moore Property or the balance of Westphalia Center, excluding the Moore Property, the applicants of the Moore Property and the balance of Westphalia Center, separately, shall obtain approval of a special-purpose detailed site plan to establish regulating standards for signage and to identify appropriate locations for transit stops in consultation with DPW&T and WMATA. The special-purpose detailed site plan shall also show site plan details of the public open spaces and establish a timing plan for the improvement of these public spaces and for the public trail system. This condition requires the approval of two special-purpose detailed site plans, one encompassing the entire Westphalia Town Center site excluding the Moore Property, and another for the Moore Property. This condition shall be construed such that the Moore Property may proceed prior to the entire Westphalia Center. However, standards established in the first special-purpose detailed site plan shall be included in the subsequent special-purpose detailed site plan for the balance of the Westphalia Center unless the applicant can affirmatively demonstrate to the Planning Board that such inclusion is inappropriate in whole or in part. The subsequent plan may include any additional standards and requirements that the Planning Board deems necessary for inclusion at that time.**

The special purpose DSP has been filed specifically to fulfill this condition. As discussed in Finding 6 above, this DSP contains limited elements required by this condition as follows:

- To establish regulating standards for signage;
- To identify appropriate locations for transit stops in consultation with DPW&T and WMATA;
- To show site plan details of the public open spaces; and

- To establish a timing plan for the improvement of these public spaces and for the public trail system.

A detailed set of regulating standards has been provided for the following types of signage.

### **Site Identity Signage**

#### **Project Gateway Signage**

Landmark gateway  
Arrival gateway

#### **Neighborhood Gateway**

Primary neighborhood gateway  
Secondary neighborhood gateway (pole)  
Banner (Min. clearance)

#### **Open Space Signage**

Identification signage  
Directory signage

**Special Identity Graphics** including infrastructural graphics and public art have been required

### **Multimodal Way-Finding Signage**

#### **Vehicular Scaled Directional**

Parking/service signage  
Regulatory signage

#### **Pedestrian/Cyclist Scaled Directional**

Site Information signage  
Public Transportation signage  
Trail signage

The specific sign standards include suggested location, heights including both the sign height and lettering height, quantity, colors, illumination, required and suggested design guidelines, maximum sign face area, and additional optional information.

For the tenant signs, a different format of organization has been used to provide specific design guidance for future signs. Each type of signage contains an intent statement and location suggestion. A list of required, recommended, and optional signs has been provided with detailed design guidelines. The tenant signs have the following sign types:

### **Tenant Signage**

#### **Boutique Retail Signage**

##### **Required**

Canopy sign or enhanced entrance signage



Façade signage

**Recommended**

Small blade sign

Awning sign

Wall plaques

**Optional**

Window graphic signage

Menu board

**Anchor Retail Signage**

**Required**

Canopy sign or enhanced entrance signage

Façade signage

**Recommended**

Window graphic signage

Small blade sign

Awning signage

**Optional**

Wall plaques

Entry monumental sign

**Multifamily Residential Signage**

**Required**

Canopy sign or enhanced entrance signage

Façade signage

Large vertical blade sign

**Recommended**

Entry monumental sign

Awning signage

Wall plaques

**Optional**

Paving graphics

**Single-family and Townhouse Residential Signage**

**Required**

Façade signage

Wall plaques

**Office Signage**

**Required**

Canopy sign or enhanced entrance signage

Window graphic signage

**Recommended**

Façade signage

Tenant listing

Large Vertical blade sign

**Optional**

Entry monumental sign

Wall plaques

**Hotel Signage**

**Required**

Canopy sign or enhanced entrance signage

Façade signage

**Recommended**

Window graphic signage

Small blade sign

Awning signage

**Optional**

Wall plaques

Entrance Monumental Sign

The site plan also includes site designs for 13 typical public open spaces of various types, as well as the location map for future transit stops. A list of 23 prohibited signs has also been included in the sign standards. As acknowledged in previous discussion, the detailed site design and final location of each open space and transit stop will be reviewed and finalized at the time of a full-scale DSP that covers the sites.

- 16. Prior to approval of a special-purpose detailed site plan for either the Moore Property or the balance of Westphalia Center, excluding the Moore Property, the following items shall be determined to ensure they will be addressed during the review of each incremental detailed site plan submitted subsequently.**
  - a. Evaluate accessibility, safety, and traffic control needs for the circular public space within public road MC-637 or propose an alternative road design or location for the public spaces.**
  - b. Address gateway design themes and concepts.**
  - c. Define the responsibility for construction and ownership of other public spaces, recreation, and open space facilities proposed in the town center.**

- d. Address a comprehensive organizational structure and financing system to manage and maintain the public, quasi-public, and common ownership infrastructure networks and amenities, such as streets, sidewalks, recreation facilities, open spaces, and management operations for Westphalia center as a whole, including the Moore property.**
- e. Acknowledge that the transit center will be dedicated to public use.**

The five items have been addressed as follows:

Schematic designs for all circular public spaces including the one within Public Road MC-637 have been provided as required by Condition 15 above. The designs provide schematic analyses of the circular public spaces including site layouts, programs, accessibility, safety, and traffic control measures after consulting with DPW&T. The proposed safety measures include stop signs at each terminus of a road with the traffic circle so that vehicular traffic is stopped before entering the circle. Design emphasis has been placed not only on efficient vehicular circulation, but also on the safety of pedestrians.

The special purpose DSP proposes a grouped kinetic (wind) sculpture theme for major gateway signs. Landmark signage will be integrated into the design of the gateway sculptures. No more than 45 percent of sign face area should be dedicated to landmark gateway sculptural elements. Specific details for gateway signs will be provided at the time of the DSP that covers the location of the gateway sign.

All public spaces and recreational facilities proposed in the Westphalia Town Center development will be constructed by the applicant as the master developer, or its designees, and be owned by property owners associations to be established later on. The developer of the Moore Property, which is no longer part of this application, will be responsible for construction of all facilities and public open spaces within the boundary of that development. The proposed transit center (Parcel 28, a 4-acre site), the school site (Parcel 25), and the fire station (existing Lot 7) will be dedicated or conveyed to the appropriate authority and constructed by others. In addition, a civic use site (Parcel 30) potentially for a library will also be dedicated to the appropriate county authority and be constructed by others. Any additional recreational facilities within the multifamily development will be constructed, owned, and maintained by the owners of the multifamily buildings.

The applicant, as a master developer, will establish a governance structure for the community through recorded covenants that provide for two mandatory membership owners associations, including a residential association with jurisdiction over all for-sale residential properties and a separate commercial association with jurisdiction over the commercial properties and rental apartments, each with some rights to enforce the other's governing documents. Architectural control authority under each set of documents would be vested in the developer until the community is fully built out, then transferred to a committee appointed by the board of directors of each association. The covenants for each association would incorporate a service area concept,

which would enable the respective associations to provide special services to different areas of the community, or to different land uses or product types (such as landscaping and exterior maintenance) within their jurisdiction, and to charge the costs of such services as a service area assessment to only those lots or parcels that benefit from such services. A parcel developer will also be creating a sub-association for its parcel to provide additional levels of service or control to that specific parcel if it chooses to do so, but any such sub-association would be in addition to and subordinate to the primary association established by the applicant. Prior to any final plat for this development, a declaration of covenants should be submitted which defines the comprehensive organizational structure and financing system to manage and maintain the public, quasi-public, and common ownership infrastructure networks and amenities, such as streets, sidewalks, recreation facilities, open spaces, and management operations to be reviewed and approved by the Planning Board and to be recorded among the Land Records of Prince George's County.

To address maintenance of community improvements such as landscaping within public rights-of-way, open spaces, parks, and ponds that serve as aesthetic features or as part of the overall stormwater drainage system for the community, and any other improvements or services that are intended to benefit both residential and commercial properties, the applicant will record a declaration of easements and covenants to share costs by which one association will be responsible for the maintenance of the shared elements and the other association will be obligated to share in the cost of such maintenance in accordance with a predetermined formula. According to the applicant, DPW&T has agreed that certain public streets will be maintained by the property owners association for snow removal, landscaping, and other specified daily operational activities, while major capital repairs and improvements will remain a public responsibility. A breakdown of the treatment of the streets within the town center is shown as part of the conceptual site plan approval, CSP-07004-01. The Moore Property will have its own owners association to address the construction and maintenance of any facilities within its boundary.

The transit center has been clearly labeled in the special purpose DSP. The applicant is required to dedicate the transit parcel to the county to construct a transit facility to be open to public use.

- 17. Prior to acceptance of each detailed site plan, the package shall include a description of the use of green building techniques and alternative energy sources for the development throughout the site. At least three green building techniques shall be used in each development area of the site as identified on the CSP.**

This is a special purpose DSP and has a limited scope as described above in response to Condition 15. This condition will be fulfilled at the time of full-scale DSP.

- 18. Each detailed site plan shall demonstrate conformance to landscaping standards. In general, development on the site shall be subject to the standards of Section 4.8 of the Landscape Manual, in addition to the following standards:**

- a. **Single-family detached lots larger than 9,500 square feet shall provide at least one shade tree and one ornamental or evergreen tree on the lot.**
- b. **Required landscaping for attached dwelling units shall be provided on the individual lots or common open space directly associated with the attached dwellings. Plantings within public or private open spaces shall only be counted towards the requirements where those spaces are located adjacent to the attached dwellings and are easily accessible to residents.**
- c. **Surface parking lots larger than five parking spaces shall be subject to the landscaping standards of Section 4.3 of the Landscape Manual.**
- d. **In general, uses within the town center shall not be buffered from each other. However, buffering of highly incompatible adjacent uses may be deemed necessary at the time of detailed site plan review.**

This is a special purpose DSP and has a limited scope as described above in response to Condition 15. This condition will be fulfilled at time of full-scale DSP.

19. **The applicant shall allocate appropriate and developable areas for the private recreational facilities on HOA open space land. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (M-NCPPC) for adequacy and \*proper[ty] siting prior to approval of the detailed site plan by the Planning Board.**

The special purpose DSP has identified both public and private open spaces throughout the Westphalia Town Center development. The DSP has also provided schematic designs for those open spaces with photos illustrating the types of recreational facilities and programs as well as the character of spaces. Specific recreational facilities will be provided and reviewed at the time of full-scale DSP when the specific recreational needs of the community are confirmed.

20. **At the time of detailed site plan approval, the applicant shall demonstrate to the Planning Board that on-site private recreational facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement (RFA), or other appropriate means and that such instrument is legally binding upon the subdivider and his heirs, successors, and/or assignees.**

This condition will be enforced at the time of full-scale DSP.

21. **Pedestrian safety features, traffic calming, and pedestrian amenities shall be evaluated at the time of each detailed site plan.**

This condition will be enforced at the time of full-scale DSP.



- 24. The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DRD, in accordance with the timing established in the applicable special-purpose DSP. The developer, his heirs, successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.**

It is envisioned that the construction of the proposed recreational facilities will be phased with the construction of the community immediately surrounding the facility. There will be a series of DSPs for the phases of development at Westphalia Town Center, and the associated recreational facilities will be included with each applicable DSP. As phases of development are platted, a recreational facilities agreement(s) (RFA) will be required to address the facilities covered by the applicable final plats. Those RFAs will contain the requirements for financial guaranties related to the completion of the facilities covered by each RFA. The recreational facilities will be conveyed to a property owners association to be established to manage open spaces and private facilities within the Westphalia Town Center development. Since the subject development is a multi-phased project involving many recreational facilities and sites, the specific recreational needs of the neighborhoods will not be decided until the time of a full-scale DSP.

- 25. As part of the private recreational facilities package, the applicant and the applicant’s heirs, successors, and/or assignees shall construct three community buildings. The size, timing, and location of the community buildings shall be determined with the review of the applicable special-purpose detailed site plan.**

Two community buildings with a minimum of 10,000 square feet of gross floor area will be constructed within the Westphalia Town Center project. There is another one to be constructed within the Moore Property which is addressed in its own special purpose Detailed Site Plan, DSP-10017. The location of the community buildings is depicted on Sheets 12 and 13. The minimum size of the community building should be provided. Each building will be constructed in phase with the units contained in the DSP applicable to that respective stage of development. The community building in the eastern residential area will be constructed in phase with the residential units adjacent to that building, but in any event will be completed no later than the issuance of the 600th residential building permit (not including multifamily uses) for Westphalia Town Center. The community building in the northern residential area will be constructed in phase with the residential units adjacent to that building, but in any event will be completed no later than the issuance of the 1200th residential building permit (not including multifamily uses) for Westphalia Town Center.

The specific timing of the two proposed community buildings, including their timing of building permit approval, bonding, construction, and occupancy are as follows:

	Approved Permit and Bonding	Begin Construction	Open for Occupancy
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Community Open Space 1 (in the northern residential area)	Prior to the issuance of the building permit for the 1000 <sup>th</sup> single-family dwelling unit.	Prior to the issuance of the building permit for the 1100 <sup>th</sup> single-family dwelling unit.	Prior to the issuance of the building permit for the 1200 <sup>th</sup> single-family dwelling unit.
Community Open Space 2 (in the eastern residential area)	Prior to the issuance of the building permit for the 400 <sup>th</sup> single-family dwelling unit.	Prior to the issuance of the building permit for the 500 <sup>th</sup> single-family dwelling unit.	Prior to the issuance of the building permit for the 600 <sup>th</sup> single-family dwelling unit.

**Note:** Building permit triggers shall not include multifamily dwelling units. It is envisioned that each community open space will be designed as part of the DSP for the phase of the overall project which contains the open space parcel, and will be constructed in sequence with the adjacent phase of development.

The above timing of the construction of the proposed two community buildings has been translated into conditions of approval for this special purpose DSP and has been included in the Recommendation section of this report.

The applicant plans to build two community buildings for a minimum 10,000 square feet as proposed in this special purpose DSP at this time. However, the applicant would like to maintain as much flexibility as possible by not identifying the exact square footage for each community building at this time. The specific size of each community building will be finalized at the time of the full-scale DSP covering the community open space site. The total square footage of the two community buildings may be increased in the future. This minimum footage of the community buildings should be clearly identified in the special purpose DSP. A condition has been proposed in this resolution to include the minimum square footage of the community buildings in the timing conditions.

**30. The applicant and the applicant’s heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined during the review of the applicable special-purpose detailed site plan. While the applicant acknowledges that public recreational facilities are to be provided in the central park, details regarding the installation of those facilities will be determined at the time of the review of the special-purpose detailed site plan for the balance of Westphalia Center, which includes the central park.**

The private recreational facilities within the Westphalia Town Center are shown on Sheets 6–15 of the special purpose booklet. It is envisioned that the recreational facilities, private and public, will be phased with each section of development within which each are located. A phasing plan is included on Sheet 5 of the booklet that identifies five phases. Revisions to the phasing plan may occur based on market conditions or other factors, but the facilities within each phase will be constructed with each respective phase. As previously discussed, the entire project will need to provide a huge number of on-site private recreational facilities to serve the recreational demands of the future residents. However, the specific recreational needs of the residents at the neighborhood level are generally unknown at this time. Only the recreational facilities at the larger community level are clear and will be provided as follows:

**C1. Community Center** (Located in the northern residential area)

Club House with entry plaza;

Competition-style pool;

Gazebo and trellis;

Kids play area with facilities such as a multi-age playground (including ages 2–5 and 5–12);

Dog park;

Walking trails;

Outdoor meeting areas; and

Benches and seating areas.

**C2. Community Center** (Located in the eastern residential area)

Club House with resort-style pool;

Hot tub;

Kids pool;

Gazebo and trellis;

Open lawn space;

Walking trails;

Kids play area with facilities such as a multi-age playground (including ages 2–5 and 5–12);

Entry plaza area; and

Benches.

The specific timing of construction and occupancy of the community buildings and the associated recreational facilities has been provided above. Other on-site private recreational facilities will be determined at the time of DSP revision for each specific section of the Westphalia Town Center.

- 31. The phasing of residential and commercial uses shall be determined with approval of the conceptual site plan covering the whole property. All properties within Westphalia Center shall be subject to this CSP and the relevant special-purpose DSP.**

**The Planning Board, in subdivision review for any proposed residential construction on the subject property, shall include all relevant issues, including without limitation, public facilities adequacy and master plan conformance, as they concern the entire Westphalia Center property and project, not just the issues arising at the site for that subdivision.**

**The following phasing regulations will apply to this project. For the purposes of this condition, “constructed” shall be construed to mean that the buildings are built and ready for occupancy except for tenant-specific fit-out improvements.**

- a. The minimum development amounts on the site shall be 150 single-family detached houses, 1,650 attached dwelling units, 1,800 multifamily dwelling units, 500 hotel rooms, 900,000 square feet of retail, and 2,200,000 square feet of office. As development proceeds, adequate traffic capacity shall be reserved to allow the development of these minimum amounts. Development may proceed beyond these minimums provided adequate transportation capacity will exist for that development.**
- b. Attached dwelling units shall be limited to 50 percent of the total dwelling units on the Westphalia Center site as a whole, including the Moore Property. Regardless of the relative quantities of different unit types approved on detailed site plans, building permits shall not be issued which would result in the attached units cumulatively exceeding 50 percent of the total of all dwelling units for which permits have been issued for the Moore Property and the balance of the Westphalia Center property. Up to 100 percent of the building permits for attached dwelling units may be issued for development on the Moore property if it is in compliance with all other requirements.**
- c. Prior to issuance of permits for the 1,400th dwelling unit on the balance of the Westphalia Center property, excluding the Moore Property, 300,000 square feet of retail space and 500,000 square feet of office space shall be constructed in the Core area. Permits for development on the Moore Property may be issued prior to any commercial development in the central Core Area.**
- d. Prior to issuance of permits for the 2,800th dwelling unit, 600,000 square feet of retail space and 1,000,000 square feet of office space shall be constructed in the Core area.**

- e. **Prior to issuance of permits for the 4,200th dwelling unit, 900,000 square feet of retail space and 1,500,000 square feet of office space shall be constructed in the Core area.**
- f. **Prior to issuance of permits for the 500,000 square feet of retail development, 250,000 square feet of office shall be constructed.**
- g. **Prior to issuance of permits for the 750,000 square feet of retail development, 500,000 square feet of office space shall be constructed.**
- h. **No single retail space shall be approved that exceeds 125,000 square feet of gross floor area within Westphalia Center.**
- i. **A phasing and tracking chart shall be prepared in accordance with the approved phasing plan prior to certification of the CSP. This chart shall be submitted with each detailed site plan and comprehensively updated to ensure conformance with the phasing plan. The chart shall also be submitted with every building permit. No building permit shall be issued which does not conform to the phasing schedule above.**

The special purpose DSP will not have any revisions to the above phasing arrangements for residential and commercial uses as approved in CSP-07004-01. The information regarding tracking of the permits issued, as well as the minimum development, has been required at the time of each full-scale DSP.

- 40. Any subsequent approvals which contain the requirement for a special-purpose detailed site plan, including but not limited to Conditions 10 and 17 of Preliminary Plan of Subdivision 4-08018 (as expressed in PGCPB Resolution No. 09-95) and Conditions 11, 17, 18, 19, 21, and 50 of Preliminary Plan of Subdivision 4-08008 [sic 4-08002] (as expressed in PGCPB Resolution No. 09-93), shall be construed to permit separate special-purpose detailed site plans for the Moore Property and for the balance of Westphalia Center.**

Preliminary Plan of Subdivision 4-08018 covers only the Moore Property, which was approved by the Planning Board on June 4, 2009. The Moore Property has an approved Special Purpose Detailed Site Plan, DSP-10017. Conditions 10 and 17 of 4-08018 are applicable only to the area covered in the plan which is outside the boundary of this DSP. See Finding 9 below for discussion on the applicable conditions attached to the approval of 4-08002.

9. **Preliminary Plan of Subdivision 4-08002:** The Planning Board approved Preliminary Plan of Subdivision 4-08002 for Westphalia Town Center with 54 conditions. That approval does not include the Moore Property, which was approved under a separate Preliminary Plan of



Subdivision, 4-08018. The conditions that are relevant to the review of this special purpose DSP are discussed as follows:

- 2. A Type II tree conservation plan shall be approved at the time of approval of each detailed site plan, except the special purpose detailed site plan. The special purpose DSP shall be reviewed for conformance with the signed TCPI. No Permits will be issued using the special purpose DSP. The first TCPII shall provide a cover sheet that clearly depicts the phasing and requirements for the entire site.**

Since this is a special purpose DSP, no tree conservation plan is included in this application. A site plan note will be added to this DSP indicating that no permits will be issued using this special purpose DSP.

- 3. Development of this site shall be in conformance with Stormwater Management Concept Plan 44782-2007-00 and any subsequent revisions.**

This DSP has a limited scope and will not alter what has been approved previously.

- 4. At the time of final plat, the applicant shall dedicate a public utility easement as approved on the detailed site plan along the public rights-of-way.**

This special purpose DSP does not include any dedication of public utility easements (PUEs) along the public rights-of-way. The PUEs along public rights-of-way will be reviewed at time of full-scale DSPs.

- 7. Prior to approval of each detailed site plan, the public utility companies shall provide comments to ensure adequate area exists to provide proper siting and screening of the required utilities, and to provide for direct bury utilities where feasible. Review shall include, but may not be limited to the following:**
  - a. Coordination with other utility companies to use one side of the street for Potomac Electric and Power Company (PEPCO) use only. If this is not possible Verizon may ask for two feet or so of additional space on the public utility easement (PUE) for FIOS cables making some of the PUEs to be 12 feet wide in some areas. The main transmission line may require up to a 15-foot-wide PUE.**
  - b. Private roads shall have a five to seven-foot-wide utility easement (UE). (The current plan shows seven-foot-wide UEs, but at the time of detailed site plan continued coordination with utility companies will establish the ultimate UE locations and sizes). Gas service shall be provided in the alley as shown on the utility sketch plan.**

- c. **At the time of detailed site plan, coordination with PEPCO is required to account for locations of transformers especially in some of the tighter arranged townhome blocks.**
- d. **Unless modified by a, b, or c above, a ten-foot PUE shall be provided along public roads and master-plan roads.**

As discussed previously, this special purpose DSP has a limited scope and focuses on signage, schematic designs of public open spaces, timing of installation of public trails and recreational facilities, and identification of appropriate transit stops. PUEs will be reviewed at the time of full-scale DSP.

- 10. **The applicant shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (M-NCPPC) for adequacy and property siting prior to approval of the detailed site plan by the Planning Board. Or as modified by any subsequent revisions to CSP-7004.**

Adequate developable areas within the Westphalia Town Center development have been designated as the location for various public open spaces. Specifically, seven public and civic spaces, four community spaces of which two will contain community buildings, and 33 neighborhood pocket greens have been identified in this DSP. In addition, schematic site designs with suggested recreational facilities and programs have also been provided for seven public and civic spaces, two community spaces, and two neighborhood pocket greens. The specific recreational facilities on each open space will be reviewed in detail at the time of full-scale DSP when the recreational facility demand is specified.

- 11. **The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined during the review of the special-purpose detailed site plan. Private and public recreational facilities shall be reviewed as a package, acknowledge the contribution of \$3,500 per dwelling unit, and determine the total expenditures for the package. Or as modified by any subsequent revisions to CSP-7004.**

As previously discussed, adequate on-site private recreational facilities and sites have been identified in this DSP. The DSP also provides photos to illustrate the type and quality of the facilities to be provided at each level of open space. Those facility schemes are in addition to the \$3,500 per dwelling unit park fee. The specific recreational facilities on each open space will be finally determined at the time of full-scale DSP.

- 16. **Detailed site plan(s) shall demonstrate that lots fronting on MC-637, MC-632, C-636 will be rear loaded and shall not have direct vehicular access to these master-plan roads.**

This special purpose DSP does not involve any specific lots. This condition will be reviewed for conformance at the time of full-scale DSP when specific lot layouts are available.

- 17. The applicant and the applicant's heirs, successors and/or assignees shall dedicate Parcel 25 to the Board of Education at the time of dedication of any public rights-of-way abutting Parcel 25, or as determined at the time of approval of the special-purpose site plan.**

The applicant has decided to dedicate the parcel in question to the Prince George's County Board of Education at the time of dedication of the public rights-of-way abutting the parcel. This special purpose DSP does not involve any specific parcels, but covers the entire Westphalia Town Center development. However, the applicant plans to dedicate the property in question to the appropriate authority if the need arises and warrants an earlier dedication.

- 18. The applicant and the applicant's heirs, successors and/or assignees shall dedicate Lot 7 to Prince George's County for the construction of a fire/EMS station at the time of dedication of Parcel 25 to the Board of Education, or as determined at the time of approval of the special-purpose site plan, unless otherwise determined by the District Council or Planning Board.**

The applicant has decided to dedicate Lot 7 in question to the county at the time of dedication of Parcel 25 to the Board of Education. This special purpose DSP does not involve any specific parcels, but covers the entire Westphalia Town Center development. However, the applicant plans to dedicate the property in question to the appropriate authority if the need arises and warrants an earlier dedication.

- 19. The applicant and the applicant's heirs, successors and/or assignees shall dedicate the transit station (to be labeled on the preliminary plan) to public use, and shall be a minimum of four acres. Dedication shall occur at the time of dedication of any public rights-of-way abutting the site or as determined at the time of approval of the special-purpose site plan. The transit station parcel shall have frontage on and the ability for direct access to a public street. The creation of the addition parcel is anticipated by this condition.**

The applicant has decided to dedicate the four-acre transit station in question to the future transit operator at the time of dedication of the portion of the A-66 (Presidential Parkway Extension) in front of the site. This special purpose DSP does not involve any specific parcels, but covers the entire Westphalia Town Center development. However, the applicant plans to dedicate the property in question to the appropriate authority if the need arises and warrants an earlier dedication.

- 23. All detailed site plans which include property abutting Pennsylvania Avenue (MD 4) except the Special Purpose DSP, shall provide a landscape buffer with a minimum**

**width of 20 feet and an average width of 40 feet wide, using native plants with a planting density equivalent to those found in the Landscape Manual for similar bufferyards along the ultimate right-of-way of MD 4.**

This application is a special purpose DSP. This condition will be enforced at the time of the full-scale DSP covering the property abutting Pennsylvania Avenue (MD 4).

- 24. Prior to approval of a detailed site plan located in the Fringe area or south of Presidential Parkway, the architecture of buildings which are adjacent to and visible from Pennsylvania Avenue (MD 4) shall be evaluated with regard to scale and building materials of adjacent buildings with similar uses to promote harmony in visual relationships along this gateway corridor.**

This application is a special purpose DSP with a limited scope and does not include any architecture. This condition will be enforced at the time of full-scale DSP when detailed architectural information is available.

- 26. Any detailed site plan, except the special-purpose DSP, adjacent to Melwood Road from Public Road O to 500 feet north of Public Road O (approximately 900 feet north of MD 4) shall address the following:**
- a. The conservation of historic Melwood Road by providing a transitional landscape buffer along the western frontage of the road. The landscape buffer shall begin with a width of 10 feet at the southern end, and expanding to a width of 30 feet, subject to the provision of plant units equivalent to those for similar width bufferyards as indicated in the Landscape Manual. Existing trees shall be preserved to the greatest extent possible, and supplemental planting shall be with native plant species; and**
  - b. Establish a building restriction line 50 feet from the property boundary fronting on Melwood Road to encourage development to be set well back from the historic road.**

This application is a special purpose DSP. This condition will be enforced at the time of the full-scale DSP covering the property in question.

- 27. Any detailed site plan, except the special-purpose DSP, adjacent to Melwood Road from approximately 500 feet north of Public Road O (900 feet north of MD 4) to Westphalia Road shall address the conservation of historic Melwood Road as an integral part of the community's trail and greenway network and address the following concerns:**
- a. Design road improvements in accordance with the Department of Public Works and Transportation road design standards for scenic and historic**

**roads, and provide for the necessary road improvements without compromising the valuable contribution to community character Melwood Road provides:**

- b. Discourage entrance features and signs at the one recommended entrance onto Melwood Road.**

This application is a special purpose DSP. This condition will be enforced at the time of the full-scale DSP covering the property in question with frontage on Melwood Road.

- 29. The submission package for the first DSP for any area of the Westphalia Center draining into Back Branch shall contain:**

- a. A comprehensive and detailed stream restoration plan for Back Branch.**
- b. A technical stormwater management plan which demonstrates the use of stream restoration as an innovative stormwater management technique. Access to conduct the proposed work must be shown, along with all required clearing and grading for the proposed work. Staging areas, phasing, and other plan details needed for construction shall also be provided.**

This application is a special purpose DSP. This condition will be enforced at the time of the first full-scale DSP.

- 30. Prior to approval of a DSP, other than the special-purpose DSP which includes the stormwater management ponds, the design shown on the conceptual stormwater facility layout renderings shall be shown on the DSP.**

This application is a special purpose DSP with limited scope. However, the two stormwater management ponds, one located in the northwestern corner of the site, the other located in the southeastern corner of the site, have been identified as community open spaces. A schematic design has been provided for each stormwater management pond. The concept shown in this special purpose DSP should be reflected in the full-scale DSP that covers the stormwater management ponds. A condition has been included in this resolution.

- 32. All detailed site plans, other than the special-purpose detailed site plans, which include property located within the 65 dBA Ldn noise contour associated with the roads on the north side of Presidential Parkway, shall demonstrate that outdoor activity areas associated with any residential dwelling units are located outside the 65 dBA Ldn noise contour.**

This application is a special purpose DSP. This condition will be enforced at the time of the full-scale DSP that covers the impacted property.



- 33. With the submittal of each detailed site plan, other than the special-purpose DSP, design scenarios may be submitted and evaluated for the final design for the use of the land in the areas surrounding proposed Impacts A through D. The Planning Board shall evaluate the proposed scenarios to determine the design that results in the preservation of the regulated areas to the fullest extent possible.**

This is a special purpose DSP with limited scope. There are no environmental issues included in this DSP. This condition will be enforced at the time of full-scale DSP.

- 39. Each detailed site plan, other than the special-purpose DSP, shall survey locate specimen trees within 100 feet of the ultimate limits of disturbance within the Westphalia Center property boundary. The specimen trees that are determined to remain as part of the survey shall be evaluated for appropriate preservation measures. Details of the preservation methods shall be shown on the TCPII including information on treatments to occur prior to, during, and after construction.**

This is a special purpose DSP with limited scope that does not involve any tree conservation plan. This condition will be enforced at the time of full-scale DSP when a Type II tree conservation plan is included.

- 43. A traffic phasing analysis will be submitted and reviewed during the processing of the detailed site plan for each phase. This traffic phasing analysis will define the improvements required for Phase 1A, 1B, 1C, 2A, 2B, 2C, 2D, 3A, 3B, and Phase 5. These above-mentioned traffic conditions will be modified to adjust the timing trigger and extent of these improvements for each phase. This phasing analysis will not exceed the 6,186 AM peak-hour trips, and 8,526 PM peak-hour trip cap, unless a new preliminary plan of subdivision is processed.**

This is a special purpose DSP with limited scope. This condition will be enforced at the time of full-scale DSP.

- 50. Prior to approval of a special-purpose detailed site plan, proposed Parcel T-1 shall be evaluated to determine the adequacy of accessibility, safety, and if traffic controls are needed for the circular public space (park) within public road MC-637 (Dower House Road), or an alternative road design or location for the public spaces shall be approved. This study may affect the proposed road design and lot patterns in this area.**

Parcel T-1 is referred to as P1, also known as West Circle, which is a public and civic space that terminates the western view of the commercial main street in the downtown of the Westphalia Town Center development. The design scheme utilizes traffic calming techniques to slow down traffic entering this circle and includes both landscaping and hardscape in the public space design along with suggested recreational facilities and programs to achieve a balance between safety and

accessibility. The schematic design and suggested facilities are acceptable and no alternative road design is necessary.

- 54. At the time of each detailed site plan review, except the special purpose detailed site plan the applicant shall:**
- a. Integrate the proposed commercial development located on residential and recreational parcels within the Edge with the residential and recreational uses in a mixed-use arrangement.**
  - b. Provide a parking study for each block group of the site so as to ensure an adequate provision and distribution of parking (including handicapped-accessible parking) across the site.**
  - c. Minimized to the fullest extent possible the direct vehicular access from lots and parcels onto master-planned roads.**

This is a special purpose DSP with limited scope. This condition will be enforced at the time of full-scale DSP.

10. **Prince George's County Landscape Manual:** Any DSP is technically subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). However, since this special purpose DSP deals with only a limited number of issues, the Planning Board, at the time of approval of Conceptual Site Plan CSP-07004-01 and Preliminary Plan of Subdivision 4-08002, specifically exempted the special purpose DSP from many of the conditions attached to both approvals. As such, no landscape plan is required for this DSP. Conformance with Landscape Manual requirements will be found at the time of full-scale DSP when the landscape plan is included.
11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** Any DSP is technically subject to the requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO). However, since this special purpose DSP deals with only a limited number of issues, the Planning Board, at the time of approval of Conceptual Site Plan CSP-07004-01 and Preliminary Plan of Subdivision 4-08002, specifically exempted the special purpose DSP from many of the conditions attached to both approvals. Neither a tree conservation plan (TCP) nor a natural resources inventory (NRI) is required for this special purpose DSP, and conformance to the TCP and NRI is not required. Conformance with the requirements of the WCO will be found at the time of full-scale DSP when a Type II tree conservation plan is included.
12. **Further Planning Board Findings and comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning**
  - **Conformance with the 2002 Prince George’s County Approved General Plan:** This application is consistent with the 2002 *General Plan* Development Pattern policies for the Developing Tier.
  - **Conformance with the 2007 Westphalia Sector Plan and Sectional Map Amendment:** This application is in conformance with the land use recommendations of the 2007 *Westphalia Sector Plan and Sectional Map Amendment* for the Town Center.
- b. **Subdivision Review**—There is no subdivision issue with this DSP.
- c. **Transportation Planning**—The Planning Board concluded that this application is acceptable.
- d. **Trails**—The Planning Board reviewed the applicable elements of the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the applicable conditions attached to the previous approvals (Conceptual Site Plan CSP-07004-01 and Preliminary Plan of Subdivision 4-08002) governing the subject site and concluded that, from the standpoint of non-motorized transportation, this plan is acceptable and fulfills the intent of the applicable master plans and functional plans and meets prior conditions of approval and findings required for a detailed site plan. Three conditions that have been included in this resolution.
- e. **Permit Review**—There is no permit issue with this DSP.
- e. **Department of Public Works and Transportation (DPW&T)**—There was no response from DPW&T.
- f. **Historic Preservation Section**—In a memorandum dated March 11, 2013, the Historic Preservation Section stated that this DSP proposal will not impact any known archeological site.
- g. **The Maryland State Highway Administration (SHA)**—There was no response from SHA.
- h. **The Department of Parks and Recreation (DPR)**—In a memorandum dated March 29, 2013, DPR provided no comments on this application.
- i. **The Westphalia Sector Development Review Council (WSDRC)**—There was no response from WSDRC.

- j. **Washington Metropolitan Area Transit Authority (WMATA)**—There was no response from WMATA.
13. Based upon the foregoing analysis and as required by Section 27-285(b)(3) of the Zoning Ordinance, the subject detailed site plan satisfies the site design guidelines as contained in Section 27-274 of the Zoning Ordinance, prevents off-site property damage, and prevents environmental degradation to safeguard the public’s health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge. In addition, as required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board must also find that the regulated environmental features on a site have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations.

The subject special purpose DSP has limited components and does not involve setting any standards dealing with regulated environmental features, such as streams, wetlands, steep slopes, or floodplain, and those features will be required to be preserved to the fullest extent possible at the time of detailed site plan for each specific property.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-12043, subject to the following conditions:

1. Prior to certification of this detailed site plan (DSP), the applicant shall:
- a. Revise the special purpose DSP booklet to include a public open space key plan, a transit stop location plan, and the total minimum square footage of the two community buildings.
  - b. Remove the Tot Lot Location map and the projected hotel signage photograph from the special purpose DSP booklet.
  - c. Provide a note on the public open space key plan indicating that the specific recreational facilities for the open space parcels will be determined at the time of full-scale DSP covering that site.
  - d. Provide site plan notes to be added on this DSP as follows:

“All future DSPs for the Westphalia Town Center development shall be in conformance with the sign regulations, schematic designs of the public open space, timing of the construction of the community centers and buildings, and location of transit stops as approved in this special purpose DSP, in addition to the required findings as contained in Section 27-285(b)(3) of the Zoning Ordinance.”



“No permits shall be issued based only on this special purpose DSP.”

- e. Add the following project-wide standards for the multimodal way-finding signage:
- (1) Signage shall not create an obstruction within any standard or wide sidewalk.
  - (2) Signage shall be consistent with the 2009 Edition of the Manual of Uniform Traffic Control Devices.
  - (3) The designated bike lanes shall include pavement markings and signage consistent with the 2009 Edition of the Manual of Uniform Traffic Control Devices and the AASHTO (American Association of State Highway and Transportation Officials) Guide for the Development of Bicycle Facilities, unless modified by the Department of Public Works and Transportation (DPW&T).
  - (4) Directional or informational signage shall be provided where trails intersect with the road network, as appropriate.
  - (5) The project-wide standards for the multimodal way-finding signage shall also be applied to the pedestrian/cyclist-scaled directional signage.
2. At time of the full-scale detailed site plan (DSP) that covers either one or both of the stormwater management ponds as referred on Sheet 19 of the special purpose DSP booklet, the applicant shall provide the same layout or equivalent as approved on the special purpose DSP.
3. Prior to any final plat (other than infrastructure plats) for this development, a declaration of covenants defining the comprehensive organizational structure and financing system to manage and maintain the public, quasi-public, and common ownership infrastructure networks and amenities, such as streets, sidewalks, recreational facilities, open spaces, and management operations shall be reviewed and approved by the Planning Board to be recorded among the Land Records of Prince George’s County.
4. Prior to issuance of the 400th building permit for single-family dwelling units, the community building in Community Open Space 2 (located in the eastern residential area) and associated recreational facilities shall have approved building permits and be fully bonded.

Prior to issuance of the 500th building permit for single-family dwelling units, the aforementioned community building shall begin construction.

Prior to issuance of the 600th building permit for single-family dwelling units, the aforementioned community building shall be open for the residents.

The associated recreational facilities contained in Community Open Space 2 shall include, at a minimum, the following elements:

**C2. Community Center** (Located in the eastern residential area)

Club House with resort-style pool;  
Hot tub;  
Kids pool;  
Gazebo and trellis;  
Open lawn space;  
Walking trails;  
Kids play area with facilities such as a multi-age playground (including ages 2–5 and 5-12);  
Entry plaza area; and  
Benches.

The actual list of facilities is subject to modification and substitution at the time of detailed site plan review for the phase of development in which the open space parcel is located with the understanding that such modifications will be of equal or greater value and quality to those listed above.

5. Prior to issuance of the 1000th building permit for single-family dwelling units, the community building in Community Open Space 1 (located in the northern residential area) shall have an approved building permit and be fully bonded.

Prior to issuance of the 1100th building permit for single-family dwelling units, the aforementioned community building shall begin construction.

Prior to issuance of the 1200th building permit for single-family dwelling units, the aforementioned community building shall be open for the residents.

The associated recreational facilities contained in Community Open Space 1 shall include, at a minimum, the following elements:

**C1. Community Center** (Located in the northern residential area)

Club House with entry plaza;  
Competition-style pool;  
Gazebo and trellis;  
Kids play area with facilities such as a multi-age playground (including ages 2–5 and 5-12);  
Dog park;  
Walking trails;  
Outdoor meeting areas; and  
Benches and seating areas.

The actual list of facilities is subject to modification and substitution at the time of detailed site plan review for the phase of development in which the open space parcel is located with the understanding that such modifications will be of equal or greater value and quality to those listed above.

6. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following phasing for the sidewalk, bikeway, and trail facilities:
  - a. All standard and wide sidewalks and designated bike lanes that are included in the Trails Exhibit shall be completed concurrently with the road construction.
  - b. The segments of the Back Branch Trail that are along proposed roadways shall be completed concurrently with the road construction.
  - c. The remainder of the Back Branch Trail east of MC-632 shall be completed prior to issuance of the last building permit for Phase 1.
  - d. The portion of the Back Branch Trail west of MC-632 shall be completed prior to issuance of the last building permit for Phase 3.
  - e. The Cabin Branch Trail shall be completed prior to the issuance of the second building permit east of MC-637 for Phase 5.
  - f. The fee for the bikeway signage along Melwood Road shall be paid prior to issuance of the first building permit for Phase 1.
  - g. The fee for the bikeway signage along C-636 shall be paid prior to issuance of the first building permit for Phase 1.
  - h. The trail around the southern stormwater management pond shall be completed prior to the final building permit for Phase 1.
  - i. The trail around the northern stormwater management pond shall be completed prior to issuance of the last building permit for that section.
7. At the time of full-scale DSP, the applicant shall provide additional phasing information within each of the five phases of the development.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Shoaff, seconded by Commissioner Geraldo, with Commissioners Shoaff, Geraldo and Hewlett voting in favor of the motion, and with Commissioners Bailey and Washington absent at its regular meeting held on Thursday, May 2, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16<sup>th</sup> day of May 2013.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator

PCB:JJ:HZ:arj



R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Conceptual Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, the Prince George's County Planning Board approved with conditions CSP-07004 on December 18, 2008 and the Prince George's County District Council approved with conditions on May 8, 2009 as amended by a revised order dated June 8, 2009 and a second revised order dated September 21, 2009; and

WHEREAS, the relevant findings and conditions of that approval have been included in the subject resolution; and

WHEREAS, in consideration of evidence presented at a public hearing on May 20, 2010 regarding Conceptual Site Plan CSP-07004-01 for Westphalia Center, the Planning Board finds:

1. **Request—CSP-07004:** The CSP proposes to develop the subject property as a regional urban community in accordance with Section 27-544(e) of the Zoning Ordinance. The plan proposes a new town center with a vertical and horizontal mix of commercial and residential uses organized into Core, Edge, and Fringe areas, with distinct development standards applying to each area. The residential development would consist of a mix of single-family detached, single-family attached, and multifamily dwelling units, up to a maximum of 5,000 dwelling units for the entire project. The commercial development is proposed to consist of 800,000–1,400,000 square feet of retail space and 4,000,000–4,500,000 square feet of office space, for a total of up to 5,900,000 square feet of commercial space. The plan also proposes three hotels with up to 600 hotel rooms in total and public or institutional buildings and spaces.

The CSP includes plan sheets and an accompanying text describing the development, its conformance to regulations and policies, and development standards that will apply to the site.

**CSP-07004-01:** This approval to the conceptual site plan revises Conditions 15, 16, 24, and 25 regarding the special-purpose detailed site plan, and Conditions 30 and 31 regarding phasing and the restriction on development of attached dwelling units. These changes will allow the development of the Moore Property to proceed prior to other portions of Westphalia. Development on the Moore Property would be a maximum of 505 attached dwelling units, 135 multifamily units, and 3,000 square feet of community/retail land use.

2. **Development Data Summary—CSP-07004:** During the original public hearing on the conceptual site plan, the information submitted by the applicant presented several inconsistent development totals, as described below. Because of the inconsistencies, some of the referrals received at that time for the case have mentioned various levels of development being proposed.



Similarly, the phasing plan proposed by the applicant includes multiple different phases providing the following total development numbers:

- 178 single-family detached houses
- 1,715 townhouses
- 460 other attached units (back-to-back, triplexes, two-over-twos)
- 600 hotel rooms
- 1,855 multifamily dwelling units (rental and condominium)
- 4,460,000 square feet of office space
- 1,224,000 square feet of retail space

During the original public hearing on the project, it was felt that the overall number of residential units shown in the phasing plan was acceptable, but the mix of units provided was not. The phasing plan proposed 2,175 attached dwelling units out of a total of 4,208 dwelling units, which was more than 50 percent of the units. Under the provisions of County Council Bill CB-29-2008 for a Regional Urban Community, the total number of attached units may not exceed 50 percent of the dwelling units in the project. Therefore, it was felt that the mix of units proposed in the conceptual phasing plan should be adjusted to meet this requirement. Please see, however, the discussion in Finding 5 below regarding how compliance with this requirement is shifted in the subject application.

Finally, during the original public hearing on the project, the applicant indicated that their preferred ranges for the different types of development are as follows:

- 150–200 single-family detached dwelling units
- 1,650–2,500 attached dwelling units
- 1,800–3,100 multifamily dwelling units  
(4,000–5,000 total dwelling units)
- 500–600 hotel rooms
- 900,000–1,400,000 square feet of retail
- 2,200,000–4,500,000 square feet of office

As these final numbers were submitted at the original Planning Board hearing on the project, verification is needed that the minimum development within the ranges will allow the Core, Edge, and Fringe areas to meet the minimum densities and floor-area ratios established by the sector plan. The applicant should provide this verification prior to certification of the plan and adjust the numbers if necessary to meet the sector plan's required thresholds. The plan sheets and text shall be revised to reflect these ranges as constituting the proposed development amounts. The reductions in the minimum office development should be applied within the fringe in order to assure that the other areas will still meet the sector plan density requirements.

**CSP-07004-01:** The Moore Property contains a subset of the development approved in CSP-07004. More specifically, it consists of the following:

475–640 two-over-two, townhouses, and triplexes  
475–640 attached dwelling units and  
0–265 multifamily units  
3,000 square feet of neighborhood retail commercial space

3. **Location**—The overall Westphalia Center property consists of 530.27 acres in the M-X-T Zone. It is located along the north side of Pennsylvania Avenue (MD 4), west of its intersection with Melwood Road and east of its intersection with Suitland Parkway.

The Moore Property is a 47.7-acre property within the larger Westphalia Center project, located on the north and west sides of Moore's Way, a private street winding from Pennsylvania Avenue to Melwood Road. It is located approximately one-half mile north of Pennsylvania Avenue and one-half mile east of Presidential Parkway, with access proposed from Presidential Parkway as it extends through Westphalia Center via proposed collector road C-637.

4. **Surrounding Uses**—CSP-07004: The overall Westphalia property is surrounded by single-family residential detached units, parkland, and office to the west; a mix of single-family detached and attached houses to the southeast; undeveloped land to the north, including the land subject to the approved Smith Home Farm and Woodside Village projects; by Pennsylvania Avenue to the south with a variety of commercial and industrial uses and the Joint Base Andrews Naval Air Facility beyond; and Melwood Road, with single-family detached units beyond to the east.

CSP-07004-01: The Moore Property abuts Smith Home Farm to the north and west, and is surrounded in all other directions by other portions of the Westphalia Center project, consisting of existing woodland, agricultural land uses, and scattered single-family detached units.

5. **Design Features**—CSP-07004: This approval involves a regional urban community, which is defined as follows by Section 27-107.01(a)(197.1) of the Zoning Ordinance:

A contiguous land area of 500 or more acres in the M-X-T or R-M Zone within a General Plan designated center in the Developing Tier, and which is to be developed as follows: a mixed use, urban town center including retail office and residential uses with a defined core, edge and fringe as defined by the Sector Plan; transit- and pedestrian-oriented, with ample public spaces suitable for community events, adjacent to a planned or developed public park of 100 or more acres that includes a variety of recreational and cultural facilities for public use, such as amphitheatres, performance stages and plazas.

The plan provides for the extension of Presidential Parkway from its current terminus into the center of the site as master plan roadways MC-634 and A-66. In the eastern portion of the subject property, Presidential Parkway connects to another master planned roadway, C-636, which turns to the north to provide a connection to future development north of the site. The plan also provides for the extension of Woodyard Road north from Pennsylvania Avenue, A-52 and MC-637, and through the site to connect to the future development. Similarly, the plan shows the extension of a

road from the interchange of Melwood Road and Pennsylvania Avenue through the center of the site, MC-632, connecting to the future development.

As specified by the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment and referenced in the definition of a regional urban community, the proposed town center is divided into a Core, an Edge, and a Fringe area.

The Core is mostly a rectangular area slightly offset to the west of the center of the site, and also extends southwards to Pennsylvania Avenue near the future interchange of Woodyard Road and Pennsylvania Avenue. The Core is envisioned as a distinctive urban environment, with a regular grid of streets, multistory, vertical, mixed-use buildings constructed close to the streets, and wide sidewalks. The grid of streets is formed by three east-west streets, including A-66 (Presidential Parkway extended), along the southern edge of the rectangular area, a main street through the center of the rectangular area, another street along the northern edge of the Core, four north-south streets, including M-637 (Dower House Road extended), through the western portion of the Core, two other streets through the center and eastern portions of the Core, and another street along the eastern side. The main east-west street through the center of the Core includes three roundabout intersections. A square open space is proposed at an intersection on the northern side of the Core, while the three roundabout intersections have been shown providing varying amounts of green space in the centers of the roundabouts. A transit area is located in the portion of the Core that extends south to Pennsylvania Avenue and is currently foreseen as a park-and-ride location for a future bus rapid-transit station, but could eventually allow for a rail station. The highest density of development should occur within the Core area. Other public or institutional uses proposed in the Core include a cultural arts center including an amphitheatre.

The Edge is the largest area of the site and includes a strip of land south of the Core as well as large areas in the northern and eastern portions of the site. The Edge is envisioned as including commercial uses along Pennsylvania Avenue, with residential neighborhoods in the northern and eastern areas. The residential neighborhoods would be a mix of single-family attached dwelling units (townhouses, two-family dwellings, three-family dwellings, and other stacked or attached unit types) and multifamily dwellings, with a small number of small-lot single-family detached houses around the northern and eastern edges of the site in the vicinity of existing single-family neighborhoods. Sites for small-scale neighborhood commercial or mixed-use development have been identified within the residential neighborhoods. Both residential and commercial uses will be densely developed. Community open spaces are also distributed throughout the Edge, and a site for a future school has been identified in the southeastern corner of the Edge. One roundabout has been shown at the intersection of MC-632 and the east-west main street through the Core, which continues eastward, past the roundabout to terminate at a green space in the middle of the eastern residential neighborhood.

The Fringe includes the southeastern corner of the site near Melwood Road and along MC-632, and the western portion of the site on either side of Presidential Parkway. The Fringe is separated from the Core and Edge by stream valleys that provide a natural division. The Fringe is primarily intended for commercial development, capitalizing on the locations near the major roadway



interchanges that will be constructed along Pennsylvania Avenue. The proposed development regulations are more flexible and allow for more suburban office park and “lifestyle center” retail development within these areas. The applicant has indicated a desire to attract federal office uses in a “secure office area” on the south side of Presidential Parkway. The plan also identifies a piece of land in the western portion of the Fringe for the use of the Police Department and Fire/EMS Department.

**CSP-07004-01:** The design features included on the Moore Property will be decided in subsequent detailed site plans in the following order:

- A detailed site plan for infrastructure.
- A special-purpose detailed site plan.
- A standard detailed site plan, including items such as layout of the units on the site, common space, recreational facilities and landscaping, and reflecting the requirements of all relevant prior approvals.

The design program for the Moore Property, as approved in Preliminary Plan of Subdivision 4-08018 and reflected in PGCPB Resolution No. 09-95, included 3,000 square feet of commercial retail development and 640 dwelling units (135 multifamily and 505 single-family attached). No dwelling units were specified as single-family detached.

6. **Previous Approvals—CSP-07004 and CSP-07004-01:** The property is subject to the rezoning to the M-X-T Zone from the I-1 (Light Industrial), I-3 (Planned Industrial/Employment Park), and R-A (Residential-Agricultural) Zones by the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment (SMA), including Exhibits 44 and 45, outlining the vision for the subject property. The property is also the subject of previously approved Conceptual Site Plan CSP-07004, approved with conditions by the Planning Board on December 18, 2008, then approved with conditions by the District Council on May 8, 2009, and subject to a revised order issued by the District Council on June 8, 2009. The property is also the subject of a second revised order issued by the District Council on September 21, 2009. The property is also the subject of approved Stormwater Management Concept 44782-2007-00, dated January 23, 2008 and valid for three years or until January 23, 2011. Lastly, the property is subject to the requirements of Preliminary Plan of Subdivision 4-08018 (Moore Property) and Preliminary Plan of Subdivision 4-08002 (the balance of Westphalia Center). The resolutions of approval, PGCPB Nos. 09-93 and 09-95 respectively, were adopted on June 25, 2009 and remain valid until June 25, 2015.

See Finding 7 below for a more detailed description of the conformance of the proposed revisions to Conditions 15, 16, 24, 25, 30, and 31 to the requirements of the relevant preliminary plans of approval.

7. **Revisions Requested to Conditions of CSP-07004 by CSP-07004-01:** The requested revisions to CSP-07004 deal specifically with Conditions 15, 16, 24, and 25 regarding the special-purpose detailed site plan and Conditions 30 and 31 regarding phasing and the restriction on development

of attached dwelling units. Each of the previously approved conditions is listed below individually in bold face type followed by the proposed condition, the applicant's response, and comment.

CSP-07004 Approved Condition:

15. **Prior to approval of a detailed site plan for specific buildings, the applicant shall obtain approval of a special purpose detailed site plan encompassing the entire Westphalia Town Center site to establish regulating standards for signage and identify appropriate locations for transit stops within the town center in consultation with DPW&T and WMATA. The special-purpose detailed site plan shall also show proposed preliminary designs of the public open spaces within the town center and establish a timing plan for the improvement of these public spaces and for the public trail system.**

CSP-07004-01 Proposed Revision:

15. Prior to approval of a detailed site plan for specific buildings for either the Moore Property or the entire Westphalia Center, excluding the Moore Property, the applicants of the Moore Property and Westphalia Center, separately, shall obtain approval of a special-purpose detailed site plan encompassing the entire Westphalia Town Center site to establish regulating standards for signage and identify appropriate locations for transit stops within the town center in consultation with DPW&T and WMATA. The special-purpose detailed site plan shall also show proposed preliminary designs of public open spaces within the town center and establish a timing plan for the improvement of these public spaces and for the public trail system. This condition requires the approval of two special-purpose detailed site plans, one encompassing the entire Westphalia Town Center site excluding the Moore Property, and another for the Moore Property. This condition should be construed such that the Moore Property may proceed prior to the entire Westphalia Center.

**Applicant's Justification:** Condition 15 requires a special-purpose detailed site plan for Westphalia Center's "Town Center," prior to approval of any detailed site plan for specific buildings within the project. Moore is the only property owner in the entire Westphalia Center presently prepared to move towards development. In order for Moore to develop, this condition has the impact of requiring the owner of the Moore Property to process a special-purpose detailed site plan to set standards for the entire 530.27 acre project, for which there is presently no developer other than the owner of the 47.7-acre Moore Property. The owner of the Moore Property seeks relief from this predicament and respectfully requests that the Moore Property be subject to its own special-purpose detailed site plan. While this will certainly set a precedent for the "Town Center Edge" area and Westphalia Center as a whole, when the remainder of Westphalia Center moves forward, the details of conformance, compatibility, and consistency will be addressed with its special-purpose detailed site plan. The Moore Property will be reviewed against the requirements for approval of a detailed site plan in the M-X-T Zone. The proposed change has the

effect of establishing two special-purpose detailed site plans in order to set the standards described in Conditions 15, 16, 24, and 25.

While staff is in agreement with this change in principal, staff would recommend that coordination between the two be required so as to attempt to create some degree of uniformity of design throughout the larger Westphalia project. Therefore, staff would suggest that the following language be added at the end of the revised condition: "However, standards established in the first special-purpose detailed site plan shall be included in the subsequent special-purpose detailed site plan for the balance of the Westphalia Center unless the applicant can affirmatively demonstrate to the Planning Board that such inclusion is inappropriate in whole or in part. The subsequent plan may include any additional standards and requirements that the Planning Board deems necessary for inclusion at that time." Thus, it is hoped that ultimate design of the two subsections of the Westphalia Center project will be well coordinated.

CSP-07004 Approved Condition:

16. **Prior to approval of a special purpose detailed site plan, covering the whole site, the following items shall be determined to ensure they will be addressed during review of each incremental detailed site plan submitted subsequently:**
  - a. **Evaluate accessibility, safety, and traffic control needs for the circular public space within public road MC-637, or propose an alternative road design or location for the public spaces.**
  - b. **Address gateway design themes and concepts.**
  - c. **Define the responsibility for construction and ownership of other public spaces, recreation and open space facilities proposed in the town center.**
  - d. **Address a comprehensive organizational structure and financing system to manage and maintain the public, quasi-public and common ownership infrastructure networks and amenities, such as streets, sidewalks, recreation facilities, open spaces, and management operations.**
  - e. **Acknowledge that the transit center will be dedicated to public use.**

CSP-07004-01 Proposed Revision:

16. **Prior to approval of a special-purpose detailed site plan for either the Moore Property or the Westphalia Center, excluding the Moore Property ~~covering the whole site~~, the following items shall be determined to ensure they will be**

addressed during review of each incremental detailed site plan submitted subsequently:

- a. Evaluate accessibility, safety, and traffic control needs for the circular public space within public road MC-637, or propose an alternative road design or location for the public spaces.
- b. Address gateway design themes and concepts.
- c. Define the responsibility for construction and ownership of other public spaces, recreation, and open space facilities proposed in the town center.
- d. Address a comprehensive organizational structure and financing system to manage and maintain the public, quasi-public, and common ownership infrastructure networks and amenities, such as streets, sidewalks, recreation facilities, open spaces, and management operations.
- e. Acknowledge that the transit center will be dedicated to public use.

**Applicant's Justification:** The proposed change to the condition would allow for the two separate detailed site plans to be processed independently and the proposed circular public space would be included in the one for the balance of Westphalia Center, as it is not located on the Moore Property.

While the Moore Property does not contain a gateway as defined in the sector plan, the Moore Property will be accessed via a gateway area which will be developed concurrent with the development of the Moore Property. As such, the special-purpose detailed site plan for the Moore Property will address this condition. Further, the Westphalia sector plan established a policy in its "Development Pattern Element" to, "(p)romote the development of attractive gateways into the Westphalia area that define the site's image as an inviting and safe place." The strategy defined to achieve this goal was to "(d)velop ten gateways at key intersections entering the Westphalia community." The sector plan requires that the design of gateways include the following elements stated on page 12:

- Landmark elements such as entrance signage, artwork, monuments constructed on features such as stone or masonry, decorative columns, water features, or clock towers.
- Landscape design including both softscape and hardscape.
- Resting and recreation facilities, information kiosks, or other amenities as appropriate.

The applicant will comply with gateway concepts and themes, consistent with the above. The details will be set with the approval of the special-purpose detailed site plan for the Moore Property.

Concerns regarding the responsibility for construction and ownership of other public spaces, recreation, and open space facilities proposed in the town center will be addressed at time of the special-purpose detailed site plan for the Moore Property.

To the extent that streets, sidewalks, and recreation facilities and/or open space are made public and dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC) or the County, the standard maintenance of such will be the responsibility of the governmental entity taking ownership thereof. Otherwise, it is anticipated that the owners of Westphalia Center will enter into an umbrella management structure for residential and nonresidential uses. The documents related to this effort are private agreements between the owners. At the time of detailed site plan, the applicant shall provide further detail in this regard. Until such time as the remainder of Westphalia Center develops, the Moore Property will establish its management structure at the time of its special-purpose detailed site plan and commit to coordinating the umbrella management structure with the owner of the balance of Westphalia Center as it proceeds.

The transit center is located outside of the Moore Property. As such, the requirement that the transit center be dedicated to public use should be considered when the balance of the Westphalia Center is developed.

The Planning Board is in agreement with this change, but is rewording the applicant's proposed modified version of the condition in order to ensure that adequate attention is given to the issues involved before a special-purpose detailed site plan is approved for the portion of the project affected, which was the intent of the original approval.

“Prior to approval of a special-purpose detailed site plan for any portion of the site affected by these issues, the following items shall be determined to ensure they will be addressed during review of each incremental detailed site plan submitted subsequently.”

CSP-07004 Approved Condition:

24. **The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DRD, in accordance with the timing established in the special purpose DSP. The developer, his successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.**

CSP-07004-01 Proposed Revision:



24. The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by DRD, in accordance with the timing established in the applicable special-purpose DSP. The developer, his successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.

**Applicant's Justification:** While the Moore Property will contain private recreational facilities and a portion of the public trail network, issues such as timing will be thoroughly reviewed during the special-purpose detailed site plan and the detailed site plan process for the Moore Property. Further, with regard to retention and future maintenance of any such recreational facilities, the applicant, its successors or assigns will be required to enter into public and/or private recreational facilities agreements, as applicable, just as with all development in the County.

The Planning Board approves this rewording to ensure that timing provisions for recreational facilities are established for the recreational facilities to be installed on the Moore Property at the time of approval of its special-purpose detailed site plan and for the recreational facilities to be installed on the balance of the Westphalia Center property at the time of approval of its special-purpose detailed site plan.

CSP-07004 Approved Condition:

25. **As part of the private recreational facilities package, the applicant and the applicant's heirs, successors, and/or assignees shall construct three community buildings. The size, timing, and location of the buildings shall be determined with the review of the special purpose detailed site plan.**

CSP-07004-01 Proposed Revision:

25. As part of the private recreational facilities package, the applicant and the applicant's heirs, successors, and/or assignees shall construct three community buildings. The size, timing, and location of the community buildings shall be determined with the review of the applicable special-purpose detailed site plan.

**Applicant's Justification:** There are two private community centers in the Town Center. The Moore Property contains one community center. Issues such as timing for the community center located on the Moore Property should be thoroughly reviewed during the special-purpose detailed site plan and detailed site plan processes for the Moore Property, independent of the special-purpose detailed site plan for the rest of the Westphalia Center. The applicant will be unable to move forward without the requested change.

Noting that one community building is included in the Moore Property portion of Westphalia Center, the Planning Board approves the suggested revisions to Condition 25. It is reasonable to specify that the timing and location of this community building be determined at the time of

review of the applicable special-purpose detailed site plan, and the Planning Board has no objection to clarifying that the building referenced in the condition is a community building.

CSP-07004 Approved Condition:

30. **The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined during the review of the special-purpose detailed site plan. Private and public recreational facilities shall be reviewed as a package, acknowledge the contribution of \$3,500 per dwelling unit, and determine the total expenditures for the package.**

CSP-07004-01 Proposed Revision:

30. The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined during the review of the applicable special-purpose detailed site plan. The review of the Westphalia Center special purpose detailed site plan shall acknowledge public recreational facilities to be provided in the central park.

**Applicant's Justification:** While the Moore Property will contain private recreational facilities and a portion of the public trail network, issues such as timing should be thoroughly reviewed during the special-purpose detailed site plan and detailed site plan processes for the Moore Property.

The Planning Board finds that it is reasonable to specify that the recreational facilities included in a particular detailed site plan be determined at the time of the approval of its special-purpose detailed site plan as this is the first approval of details to be included in the land area covered. The prior site plan approvals were of a conceptual nature and/or only dealt with the installation of infrastructure. However, since the Moore Property is part of the larger Westphalia Center, it is reasonable for them to acknowledge that public recreational facilities are to be provided in the central park, but to specify that details regarding the installation of those facilities will be handled at the time of the review of the special-purpose detailed site plan for the balance of Westphalia Center. Hence, the Planning Board approves the following rewording:

30. The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined during the review of the applicable special-purpose detailed site plan. While the applicant acknowledges that public recreational facilities are to be provided in the central park, details regarding the installation of those facilities will be determined at the time of the review of the special-purpose detailed site plan for the balance of Westphalia Center, which includes the central park.

CSP-07004 Approved Condition:

31. **The phasing of residential and commercial uses shall be determined with approval of the Conceptual Site Plan covering the whole property. All properties within Westphalia Center shall be subject to this CSP and to any special purpose DSP.**

**The Planning Board, in subdivision review for any proposed residential construction on the subject property, shall include all relevant issues, including without limitation, public facilities adequacy and Master Plan conformance, as they concern the entire Westphalia Center property and project, not just the issues arising at the site for that subdivision.**

**The following phasing regulations will apply to this project. For the purposes of this condition, "constructed" shall be construed to mean that the buildings are built and ready for occupancy except for tenant-specific fit-out improvements.**

- a. **The minimum development amounts on the site shall be 150 single-family detached houses, 1,650 attached dwelling units, 1,800 multifamily dwelling units, 500 hotel rooms, 900,000 square feet of retail, and 2,200,000 square feet of office. As development proceeds, adequate traffic capacity shall be reserved to allow the development of these minimum amounts. Development may proceed beyond these minimums provided adequate transportation capacity will exist for that development.**
- b. **Attached dwelling units shall be limited to 50 percent of the total dwelling units on the site. Regardless of the relative quantities of different unit types approved on detailed site plans, building permits shall not be issued which would result in attached units exceeding 50 percent of the total of all dwelling units for which permits have been issued.**
- c. **Prior to issuance of permits for the 1,400th dwelling unit, 300,000 square feet of retail space and 500,000 square feet of office space shall be constructed in the Core.**
- d. **Prior to issuance of permits for the 2,800th dwelling unit, 600,000 square feet of retail space and 1,000,00 square feet of office space shall be constructed in the Core.**
- e. **Prior to issuance of permits for the 4,200th dwelling unit, 900,000 square feet of retail space and 1,500,000 square feet of office space shall be constructed in the Core.**

- f. Prior to issuance of permits for the 500,000 square feet of retail development, 250,000 square feet of office shall be constructed.
- g. Prior to issuance of permits for the 750,000 square feet of retail development, 500,000 square feet of office space shall be constructed.
- h. No single retail space shall be approved that exceeds 125,000 square feet of gross floor area within Westphalia Center.
- i. A phasing and tracking chart shall be prepared in accordance with the approved phasing plan prior to certification of the CSP. This chart shall be submitted with each detailed site plan and comprehensively updated to ensure conformance with the phasing plan. The chart shall also be submitted with every building permit. No building permit shall be issued which does not conform to the phasing schedule above.

CSP-07004-01 Proposed Revision:

- 31. The phasing of residential and commercial uses shall be determined with approval of the Conceptual Site Plan covering the whole property. All properties within Westphalia Center shall be subject to this CSP ~~and to any special purpose DSP.~~
- c. Prior to issuance of permits for the ~~1,400th~~ 1905<sup>th</sup> dwelling unit, 300,000 square feet of retail space and 500,000 square feet of office space shall be constructed in the Core.

**Applicant's Justification:** The applicant requested removal of the Moore Property to "any special purpose DSP" and asked that the trigger for the installation of 300,000 square feet of retail space and 500,000 square feet of office space be moved up from the issuance of the 1,400th to the 1,905th building permit. Additionally, the applicant stated that the intent of the trigger is understood as an effort to develop the Core area first, and to balance the unit types within Westphalia Center. They said that the condition results in a limited ability to build units outside the Core until certain other events occur. The restriction set forth in this condition is onerous to those developers outside of the Core who are prepared to immediately move forward with development. Further, based on the private development agreement between the owners of the Westphalia Center, established in a more favorable development climate, the first 1,400 units remain restricted to the Core area. As such, it is necessary to either delete Condition 31(c) or adjust the phasing to allow for the development of the Moore Property.

With respect to Condition 31(b) which restricts the townhouse development in Westphalia Center to 50 percent, the applicant argued that this condition applies to the project as a whole and

suggested a finding be made in the subject case that the total dwelling unit count for attached units in Westphalia Center will not exceed 50 percent.

The Planning Board prefers that the reference in the condition “and to any special purpose DSP” be changed to “and to the relevant special-purpose DSP,” and approves the following with respect to the adjustment in the trigger.

Noting that the definition of urban regional communities (of which this application is a part) in the Zoning Ordinance sets a limit of 50 percent on attached dwelling units to include townhouses, two-over-twos, and triplexes, CSP-07004 does not limit building types on the Moore Property. Illustrations and development phasing concepts submitted at the time of the approval of CSP-07004 indicated that it would be developed primarily with attached dwellings and that the preliminary plan of subdivision for the Moore Property supported this notion by approving up to 505 attached and 135 multifamily dwelling units. Although the Moore Property cannot independently comply with the 50 percent limitation on attached units contained in Condition 31(b), Westphalia Center as a whole, could. Since Condition 31(b) also restricts the issuance of building permits for attached dwelling units to no more than 50 percent of the permits issued for all dwelling units, unless permits for multifamily units (or single-family units) are issued for the Moore property, this restriction would limit the number of permits for attached dwellings to 135 (50 percent of all permits issued) corresponding to the number of permits that could be issued for multifamily development as approved by 4-04018. Full development of the Moore property could not proceed until building permits for dwelling units other than attached units were issued on the balance of the Westphalia Center property. Language has been incorporated into the revised condition to prevent this from happening and to allow up to 100 percent of the building permits for the Moore Property to be for attached dwelling units, as allowed by the original approval of CSP-07004.

8. **Urban Design Review—CSP-07004:** The originally submitted development regulations for this CSP provided minimal standards for streetscape and building placement. These regulations are based upon the roads on which a lot fronts. The roads within the site are divided into the following different categories:

**Urban Mixed-Use Roads:** These include the two main north-south roads and the one main east-west road running through the Core. Development along these roads should be multistory, pedestrian-oriented commercial, residential, and mixed-use buildings. The development regulations call for a build-to line to be established along the frontage of all properties. The build-to line will run along the edge of the wide pedestrian area (proposed to be a minimum of six feet wide, alongside a five-foot-wide area where the sidewalk alternates with street tree planting areas and street furniture). The total sidewalk width is therefore a minimum of 11 feet, but only six feet of this is free of obstructions for pedestrians. Buildings may be set back up to 30 feet (the setback is called the optional zone) from the build-to line only for the purpose of providing seating areas, public art, handicapped access routes, plazas, balconies, or merchandise display areas. A minimum of 60 percent of the property frontage should consist of a continuous building frontage along the build-to line or optional zone. Landscaping is also permitted in the optional zone, but landscaping



should only be incidental to the other uses permitted within the optional zone and should not be used to justify a setback from the build-to line.

The urban mixed-use standards also apply along the northern side of Presidential Parkway in the Core.

**Urban Residential Roads:** These roads are the main routes running through the residential Edge neighborhoods. Most of the development along these roads will be residential buildings, primarily multifamily and attached dwellings. Small-scale commercial and mixed-use development will also be located along these roads. Similar streetscape standards to the mixed-use roads apply along the residential roads, except that the optional setback from the sidewalk is only ten feet. This optional setback is intended for residential buildings to allow for stoops, porches, and small garden areas between the building and the sidewalk. Fifty percent of the property frontage should consist of a continuous building frontage along the build-to line or optional setback.

**Internal Circulation Roads:** These roads are the internal streets within the residential Edge neighborhoods. The minimum streetscape standards will include a four-foot-wide planting zone for street trees and a six-foot-wide sidewalk. As with the development regulations elsewhere, a build-to line is established along the sidewalk. At least 50 percent of the property frontage should consist of a continuous building frontage along the build-to line. Where single-family detached houses are proposed, the building façade will not be continuous, but will still meet the 50 percent frontage requirement. It seems appropriate to allow for an optional setback of the residential buildings from the sidewalk along these roads as allowed on the Urban Residential Roads above.

The design as presented is basically acceptable, providing for a comprehensive, interconnected street network, and appropriately locating public spaces and facilities throughout the development. The following issues with the plan have been identified, some of which are also discussed in more detail in the finding below:

- a. **Small-scale commercial sites within the Edge:** The plan locates six potential sites for small-scale commercial or mixed-use development within the residential areas of the Edge. Of these six, at least four will be required to be developed as commercial or mixed-use sites. This means that if two sites are instead developed as residential areas, then all of the remaining four sites will need to be set aside as commercial areas.

Development of these sites should be done in accordance with the sector plan's recommendations for vertical mixed use in the Edge, along main streets. Uses may be mixed retail and office, or mixed commercial and residential. Commercial development on these sites should consist of small-scale uses that will either directly cater to the market of the surrounding residential areas (such as convenience grocery or small retail stores), or wider-focused commercial uses that will not disrupt the residential neighborhoods (such as small professional offices). If the commercial sites are not developed concurrently with the surrounding residential areas, an adequate parcel of land (at least half of an acre) should

be set aside at a street intersection in each location for future mixed-use or commercial development.

- b. Front-loaded garages: The sector plan strongly discourages the provision of front-loaded garages and driveways for townhouses, recommending instead that parking should be located in the rear and sides of lots. The applicant's CSP text does not prohibit the use of front-loaded townhouses in the Edge area. There may be some locations where front-loaded townhouses are unavoidable, specifically where the rear of a townhouse row is adjacent to a stream valley or preserved environmental feature, preventing the use of a rear alley to serve the houses. In all other circumstances, however, front-loaded units should not be permitted.
- c. Drive through regulations: The sector plan text also strongly discourages drive through commercial services in the Core and Edge and prohibits them where visible from public streets. The CSP text states that drive throughs will not be permitted in the Core except where accessed from the auxiliary access roads and not visible from the main (public) streets. This regulation is appropriate and allows for the provision of drive throughs behind buildings where they will be least disruptive to the urban environment. However, the CSP text is more permissive regarding drive throughs within the Edge and Fringe areas, stating that "drive-through commercial services are permitted, generally, in the Fringe and Edge areas." (CSP text, p. 18) The design guidelines section of the text states that drive through services are permitted in the Fringe and Edge along urban residential roads and internal circulation roads, provided that they are not visible from "Major Urban Roads" and will not be detrimental to the public health, safety, and welfare (CSP text, pp. 40 and 42).

The terminology of the CSP text is unclear as major urban roads are not defined. Drive through services in the Edge should only be permitted in situations where they are not disruptive to the visual character of the development. They should be designed to be as unobtrusively as possible and should not create functional difficulties for pedestrians.

- d. Parking provision: The sector plan encourages the provision of parking in structured parking garages and discourages large areas of off-street surface parking in the Core and Edge. It is expected that the great majority of parking within these areas will be provided in garages and as parallel parking along streets. The CSP text states that surface parking will not be provided in the Core except for "small residential interior block areas." (CSP text, p. 23) The CSP also states that surface parking in the Edge and Fringe will be separated from streets and pedestrian areas by landscaping, small walls, or buildings (CSP text, p. 27).

Surface parking lots are only permitted in the Core where they are screened from view of streets by buildings. However, it is recognized that larger parking lots may exist in the Core adjacent to streets prior to the final build-out of the project. These parking lots should be regarded as an interim condition that will eventually be replaced as buildings

are constructed along the right-of-way and surface parking is converted to structured parking.

- e. **Building heights:** The sector plan calls for the Core to be constructed with multistory buildings, generally three to ten stories in height. In the Edge, buildings are to be generally two to five stories in height, and the construction of one-story buildings is to be avoided. The CSP text basically supports these design principles. However, the text does allow for the possibility of one-story buildings in the Core for the cultural center, movie theaters, and retail anchor stores. In these cases, design of the buildings will hold to a minimum height of 30 feet and utilize articulation to give the impression of multiple stories (CSP pp. 16–17). Similarly, in the Edge, the buildings will be two to five stories except that retail and community centers may be one-story buildings with a minimum height of 20 feet (CSP p. 24).

Rather than constructing single-story buildings that give the visual impression of multiple stories for single-story uses such as movie theaters and retail anchors, the most appropriate arrangement for such uses in the Core and Edge would be to integrate them into the lower stories of a vertically mixed-use building. One-story buildings are not completely inappropriate in dense urban areas, but the sector plan clearly intended that such buildings should be strongly discouraged. The minimum heights and architectural detailing included in the CSP text should be utilized when the necessary uses cannot be integrated into a mixed-use building, but single-story buildings are generally discouraged. Mixed-use buildings should be utilized wherever possible.

The sector plan also recommends that sites specifically and exclusively intended for high-intensity office, mixed-use, and residential development should be identified and reserved in the Core. One of the exhibits in the CSP text (16A) shows proposed building heights within the Core. The locations for five to eight and eight to eleven-story buildings should be interpreted as being reserved for high-intensity development.

- f. **Building placement regulations:** The CSP text includes design guidelines to provide minimum regulations for the development of the site. Such guidelines are based around the proposed roads and establish minimum streetscape and building placement regulations. In general, these regulations are intended to create a pedestrian-friendly urban streetscape with a public space along the street defined by consistent building setbacks. Minor corrections and clarifications to the CSP text regarding these development regulations shall be made pursuant to conditions of this approval.

For instance, the regulations for residential development along urban residential and internal circulation roads are unclear as to the required build-to line and setbacks. The text states that buildings shall be built up to the pedestrian zone (the sidewalk), although townhouse setbacks may vary somewhat to allow for offsets along a row of houses. However, this contradicts a diagram on page 41, which shows an additional possible ten-foot setback for residential buildings beyond the pedestrian zone allowing for stoops,

porches, and gardens. The text shall be revised to state that residential buildings fronting on urban residential and internal circulation roads may be set back up to ten feet from the established build-to line along the pedestrian zone or public utility easement.

- g. **Utilities:** The proposed street sections include utility easements seven-to-ten-foot wide. Along some of the possible road sections in the Core, the utility easements may be underneath sidewalk pavements. It is expected that utilities within the Core will be provided within conduits, which is standard practice for commercial developments. Within the residential neighborhoods (along urban residential and internal circulation roads), the majority of the street sections reflect utility easements that run outside of the sidewalks as is more common practice for residential development. As specific buildings are not yet proposed, the utility companies have not provided a full review of the utility easements shown in the CSP. Further evaluation of the utility easements has been provided during the review of the preliminary plans and will be provided during the review of the detailed site plans for the project.

The development regulations for building placement currently do not account for the presence of a public utility easement, rather stating that buildings should be built up to the designated pedestrian zone. In most cases the utility easement will run alongside the sidewalk, and in these circumstances the buildings should be built up to the utility easement.

- h. **Planting standards:** The CSP includes two planting details for street trees to be set into the sidewalks of the town center (in the CSP text, following p. 42). One detail shows street trees to be placed in planting beds four feet wide by eight feet long, and also shows that the open planting beds will connect to structural soil underneath the adjacent sidewalk, effectively extending the area into which the trees' roots will be able to expand. This is an acceptable arrangement for street trees. The second detail shows trees to be placed in smaller beds beneath tree grates, four feet wide by four feet long. The smaller planting area would be stressful for trees and the detail does not show any connection to structural soil beneath the sidewalk. This arrangement would greatly restrict the trees' roots and cause many premature deaths among the street trees, harming the character of the streetscape and adding to maintenance and replacement costs. The tree grate detail should either be removed from the plan or modified to provide a large planting area and extension of the soil bed with structural soil underneath the adjacent sidewalk area.

**CSP-07004-01:** The findings regarding the urban design aspects of the project remain unchanged by the proposed revisions to conditions of the CSP.

9. **Zoning Ordinance—CSP-07004:** The subject project is in compliance with the requirements in the M-X-T Zone including the requirements for a regional urban community.

As stated in Section 27-276(b)(3),

The Planning Board may approve a Conceptual Site Plan for a Regional Urban Community in the M-X-T Zone if it finds that proposed development meets the purposes and applicable requirements of the M-X-T Zone and the Plan meets all requirements stated in the definition of the use and Section 27-544 of this Code.

The proposed development meets the definition of a regional urban community, found in Section 27-107.01(a)(197.1), and as more fully analyzed in Finding No. 5 above. Conformance to the purposes and applicable requirements of the M-X-T Zone and Section 27-544 of the Zoning Ordinance are discussed below.

Required findings for conceptual site plans in the M-X-T Zone (Section 27-546(d)) are that:

- (1) The development is in conformance with the purposes and other provisions of this Division;

The development is in conformance with this requirement. It clearly meets the purposes of the M-X-T Zone as specified in Section 27-542(a):

- (1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;

The plan will allow for an orderly development of land in the vicinity of three major interchanges along Pennsylvania Avenue. The site is designated as a Regional Center by the *Prince George's County Approved General Plan* and may include a major transit stop. The proposed town center will enhance the economic status of the county and provide desirable employment and living opportunities for its citizens.

- (2) To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;

The plan will promote compact, mixed-use and walkable development, including a mix of residential, commercial, recreational, open space, employment, and institutional uses, as further described in Finding No. 5 above.

- (3) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;

The plan takes full advantage of the development potential of the site, allowing for both public and private development, as further described in Finding No. 5 above.

- (4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;

The plan locates a mix of residential and nonresidential uses in proximity to one another, particularly in the Core where uses may be mixed within the same building. The design will facilitate walking and bicycling, and will be well suited for the development of transit services, as further described in Finding No. 5 above.

- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;

The mix of uses provided within the Core will facilitate and encourage a 24-hour environment, as further described in Finding No. 5 above.

- (6) To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;

The plan proposes an appropriate horizontal and vertical mix of land uses, as further described in Finding No. 5 above. Building heights are specifically addressed in Finding No. 7 above.

- (7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;

The individual uses will coexist in a common urban environment, with a distinctive character and identity, as further described in Finding No. 5 above.

- (8) To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;

The plan will promote optimum land planning through the compact form of the development, which will concentrate multiple uses in close proximity to ensure economies of scale and savings in energy, as further described in Finding No. 5 above.

- (9) To permit a flexible response to the market and promote economic vitality and investment; and



The plan proposes a variety of dwelling unit types and flexible ranges of commercial development which will allow for appropriate responses to the market, promoting economic vitality, and investment, as further described in Finding No. 5 above.

- (10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.

Architecture will be reviewed at the time of detailed site plan. The exhibits and illustrative views submitted by the applicant, in conjunction with this application, reflect a high standard of architecture including well-detailed façades that address the streetscape.

- (2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development 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 noted above, as in Finding No. 6, the property was placed in the M-X-T Zone by a SMA approved after October 1, 2006. The proposed development implements the development concept recommended by the sector plan, which is discussed generally in Finding No. 19. Design guidelines and standards have been proposed by the applicant to implement the development concept, as further described in Finding No. 5 above.

- (3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;

The proposed development is generally ordered around the three interchanges along Pennsylvania Avenue: Suitland Parkway/Presidential Parkway, Dower House Road, and Woodyard Road/Melwood Road. These interchanges are expected to provide the primary access into the site, and the plan envisions the development of regionally-attractive uses including federal offices, a medical center, and the Melwood retail center in proximity to the main entrances to the site. The size and quality of proposed development will be certain to catalyze adjacent community improvement and rejuvenation where necessary, and will contribute to the successful development of other projects in Westphalia by providing a nearby retail commercial and entertainment destination for those projects.

- (4) The proposed development is compatible with existing and proposed development in the vicinity;

The proposed development is compatible with existing and proposed development in the vicinity to the fullest extent possible. The proposed development concentrates its greatest densities and intensities of development in the Core and the southern portions of the development along

Pennsylvania Avenue and Presidential Parkway, with lower densities to the north and east. The existing commercial and industrial uses along Presidential Parkway should be compatible with the proposed office uses in that area. Small numbers of single-family detached houses are proposed in the area closest to the smaller-scale existing residential areas along Melwood Road, which are also to be buffered from the subject property by an afforestation and tree preservation buffer.

The proposed future development to the north of the site (the planned communities in the R-M and L-A-C Zones) will follow the overall scheme of development approved by the Approved Westphalia Sector Plan and Sectional Map Amendment (2007) are expected to include a mix of unit types integrated with smaller commercial areas and open-space networks. This will be consistent with the northern residential uses with neighborhood commercial proposed in the Edge of the subject site.

- (5) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;

The proposed plan includes commercial, residential, and institutional uses organized around a comprehensive network of streets, open spaces, and recreational amenities. Overall, the plan proposes a cohesive development capable of sustaining an independent environment of continuing quality and stability.

- (6) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;

The CSP text proposes twelve main phases of development, as discussed below. The phases are based on geographic divisions of the site, allowing for each phase to be developed independently of the others, subject to adequate public facilities being available at that time. Most of the proposed phases include a mix of residential, commercial, and hotel development, which are intended for large amounts of regionally-marketed commercial space that can be marketed independently of the other phases. However, the unified overall transportation network and design guidelines that will be set by this CSP and the special purpose detailed site plans will promote the effective integration of the separate phases into a cohesive whole.

- (7) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;

The pedestrian system includes sidewalks along all public and private roads (not alleys) within the development. A number of additional trail connections have been required by conditions of this approval to fulfill the planned network of the sector plan, which will enhance the convenience and comprehensively connected nature of the pedestrian system.

- (8) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human

scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and

The subject application is a conceptual site plan.

- (9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant, or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.

The conceptual site plan submittal included a traffic study intended to demonstrate the transportation adequacy of the development for the anticipated future traffic to be generated by the development. This study has been amended and reviewed by the Transportation Planning Section, the State Highway Administration (SHA), and the Department of Public Works and Transportation (DPW&T).

- (10) On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant.

This finding is not applicable to the subject conceptual site plan.

- (11) On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.

The applicant does not propose a Mixed-Use Planned Community.

Regulations of the M-X-T Zone (Section 27-544)

The following regulations of the M-X-T Zone in Section 27-544(b) and (e) of the Zoning Ordinance are applicable to the subject property:

- (b) For property placed in the M-X-T 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 the Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan.
  - (2) The limitations on the maximum percentages of townhouses contained in Section 27-547(b)(7), footnote 7 and the lot size and lot width requirements in Section 27-548(h) 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.

As discussed above, 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. The subject property was the topic of Exhibit 44, an exhibit of record showing the development of the site in a fashion similar to what is proposed by this conceptual site plan. The applicant proposed design guidelines, which will be adjusted below by conditions of this approval, in order to implement the development concept recommended by the sector plan.

- (e) Regional Urban Community Regulations.
- (1) A Regional Urban Community shall conform to the definitions, regulations, and requirements set forth in Sections 27-107.01, 27-276, and 27-508 of the Zoning Ordinance.

Section 27.101(a)(197.1) of the Zoning Ordinance refers to the definition of a Regional Urban Community, which is met by this project. Section 27-276 refers to the required findings for CSP approval. Section 27-508 refers to the regulations of the R-M Zone for portions of a Regional Urban Community that may be in the R-M Zone, which is not applicable to the subject application which is entirely in the M-X-T Zone.

- (2) In addition to the definition, regulations, and other requirements set forth in Sections 27-107.01, 27-276, and 27-508 of this Code, the following regulations shall apply to a Regional Urban Community in the M-X-T Zone:
  - (A) The maximum percentage of attached dwelling units, which includes but is not limited to townhouses, two over twos and triplexes, shall be fifty percent (50%) of the total units in the project;

The CSP proposes 1,650–1,850 townhomes out of a maximum total of 5,000 dwelling units. However, the phasing plan shows a total of 1,715 townhouses and 460 other attached units (back-to-back, triplexes, and two-over-twos), or 2,175 attached dwelling units out of a total of 4,208 dwelling units in the project. As this is more than 50 percent of the total, the development quantities proposed in the phasing plan are not in conformance with this requirement. It is recognized that the phasing plan presented by the applicant does not present an exact number of units that will be built, but rather describes a suggested phasing that will likely be modified as the project moves closer to construction. However, even the suggested phasing plan should be consistent with the overall totals that can be developed on the site. Therefore, the number of attached units shown on the phasing plan should be reduced and the other dwelling unit types (multifamily and/or single-family detached) should be increased, in order to show a mix of units that would be approvable.

The restriction on attached dwelling units applies to townhouses, two-family dwellings, three-family dwellings, semi-detached dwellings, metropolitan dwellings, quadruple-attached dwellings, and all similar products which feature horizontally or vertically attached dwellings. Variations of stacked or attached dwelling unit products which have been altered to meet the Zoning Ordinance's definitions of multifamily dwellings will not be considered multifamily dwellings in the town center.

- (B) For Regional Urban Community developments in the M-X-T Zone, the woodland conservation and afforestation thresholds shall be fifteen percent (15%) with no requirement for on-site mitigation. A fee-in-lieu of \$0.30 per square foot shall be required.

The woodland conservation and afforestation threshold for the town center will be 15%. If a fee-in-lieu is utilized to meet the requirements, the fee will be \$0.30 per square foot.

- (C) Innovative stormwater management techniques may be used upon a finding that the techniques meet the purpose of the M-X-T Zone as set forth in Section 27-541(a)(2), including but not limited to the utilization of stream channel and floodplain enhancement and restoration. Stream restoration may be utilized to meet channel protection and water quality volumes.

Stormwater management concepts have been evaluated by DPW&T and will continue to be reviewed by them and Environmental Planning Section staff at subsequent steps in the approval process.

- (D) No setback shall be required from the 100-year floodplain to the lot line. There shall be a twenty-five (25) foot setback from the building to the 100-year floodplain for residences as a building restriction line as set forth in Section 24-129.

The required lot line setbacks and building restriction lines from the floodplain will be evaluated at the time of preliminary plan of subdivision review and subsequent reviews.

- (E) The maximum number of townhouse dwelling units per building group shall be ten (10). No more than thirty percent (30%) of the building groups shall contain nine (9) to ten (10) dwelling units. All other townhouse building groups shall contain no more than eight (8) dwelling units.

This requirement will be evaluated at the time of detailed site plan review.

- (F) The number of parking spaces required in the core area of the Regional Urban Community are to be calculated by the applicant and submitted for Planning Board approval at the time of Detailed Site Plan approval. The applicant shall submit the methodology, assumptions, and data used in performing the calculations with the Detailed Site Plan. The number of parking spaces within the core area of the Regional Urban Community shall be calculated based on the procedures described in Sections 27-574(b) and (c).

The parking requirements of development will be evaluated in this fashion at the time of detailed site plan review.

- (G) End units on townhouse building groups shall be a minimum of twenty (20) feet in width and the minimum building width of a contiguous attached townhouse building group shall be sixteen (16) feet per unit. A variety of townhouse sizes shall be provided, with a minimum gross living space of a townhouse unit shall be 1,500 square feet except that ten percent (10%) of the townhouse units may be reduced to 1,200 square feet.

These minimum standards will be applied to any detailed site plan that proposes townhouses.

- (H) The minimum front setback from any public or private right-of-way may be reduced to seven (7) feet. In the core area, the public maintenance shall be one foot from back-of-curb to one foot to back-of-curb.



Detailed site plans for the site will be required to comply with the minimum front setback of seven feet from public and private rights-of-way.

**CSP-07004-01:** The proposed revisions to conceptual plan conditions in CSP-07004-01 do not affect the previous findings made regarding conformance with Zoning Ordinance requirements because said conformance must be judged taking into consideration the ultimate build-out of Westphalia Center as a whole.

10. **2007 Approved Westphalia Sector Plan and Sectional Map Amendment—CSP-07004 and CSP-07004-01:** The proposed revision to the conceptual site plan, including the proposed amendments to conditions of approval, has been determined to be in conformance with the approved sector plan.
11. **Recreational Facilities—CSP-07004 and CSP-07004-01:** Residents of the Westphalia Town Center will have access to a wide range of recreational opportunities. The CSP shows two community buildings located on open space parcels roughly in the center of the Eastern Residential neighborhood (3 acres) and at the northern edge of the Northern Residential neighborhood (2.5 acres). These areas should provide for a variety of indoor and outdoor recreational opportunities. In view of the large size and population of the project, these buildings should be large and accommodate a variety of recreational opportunities. The buildings should be constructed concurrently with the Edge residential neighborhoods. The applicant should construct the master-planned trails along the Cabin Branch and Back Branch stream valleys in this development.

The open spaces located throughout the development include the following:

- a. Westphalia Square (0.9 acre), located roughly in the center of the entire site, on the northern side of the Core.
- b. West Circle (1.9 acres), open space within the roundabout along MC-637 in the western portion of the Core.
- c. East Circle (1.6 acres), open space within the roundabout along MC-632, within the Eastern Residential neighborhood of the Edge.
- d. Amphitheatre Area (1.6 acres), envisioned as an open area west of the West Circle, with a cultural building such as a museum or art gallery and an outdoor amphitheatre for performances.
- e. Small open areas (0.1 acre and 0.3 acre) within the two smaller roundabouts along the main east-west street through the Core.
- f. Three neighborhood pocket parks (0.2 acre, 0.4 acre, and 0.3 acre) within the Edge residential neighborhoods.

- g. The preserved stream valley corridors along Back Branch and Cabin Branch (37.2 acres).

The space within the roundabouts along major roads is hardly large enough to be usable for amenities. The two smaller circles may eventually be developed as visual amenities that are not intended to be used by pedestrians. However, the two larger circles propose significant areas which are intended to be developed as usable space accessible by pedestrians. The applicant's exhibits presented in the first public hearing on the project show Dupont Circle and Logan Circle as models for these two circles. However, the heavy traffic expected along the major collector roads passing around the circles may deter pedestrians from attempting to reach the open space in the center of the circles. Traffic signals may be needed to stop traffic and give pedestrians a chance to cross. At the West Circle, it may be desirable to route both sides of MC-637 around the eastern side of the circle and allow the western side of the circle as a local access route for the cultural arts center and amphitheatre. This would also require a traffic signal to be installed at the eastern edge of the circle. The advantage of this approach would be to functionally link the open space within the West Circle to the art center and amphitheatre and create more opportunities for pedestrians to reach and use the space.

The feasibility of traffic control strategies to enhance pedestrian access to the circles was evaluated during the review of the preliminary plan of subdivision. At a minimum, the applicant should show preliminary construction details and proposed phasing of the recreational facilities within the circles during the review of the relevant special-purpose detailed site plan.

The residents of the town center will also have access to the Westphalia Central Park, located to the north of the site and connected to the site by the stream valley trail along Cabin Branch. Additional connections should be provided along the master-planned roadways running north from the site. Financial contributions to the development of the central park will be made in accordance with preliminary plan conditions.

Private recreational facilities in Westphalia Center have been made reciprocally available to all residents by a condition of this approval.

12. **The Prince George's County Landscape Manual—CSP-07004 and CSP-07004-01:** As a regional urban community, the proposed town center is subject to Section 4.8 of the Landscape Manual.

The submitted CSP contains a conceptual landscape plan (Sheet 16), but the sheet demonstrates conformance to the other sections of the Landscape Manual. The sheet should be revised to show that the development will conform to Section 4.8.

#### Section 4.8 Landscape Requirements in a Regional Urban Community

The landscape requirements for a Regional Urban community shall be determined at the time of the Conceptual Site Plan pursuant to Section 27-544 of the Zoning Ordinance or, where

appropriate, at the time of the Comprehensive Design Plan pursuant to Section 27-480 of the Zoning Ordinance. The requirements, at a minimum, shall include:

A. Residential Requirements

- All lots for single-family detached dwellings that are smaller than 9,500 square feet shall be planted with a minimum of 1 shade tree or 1 ornamental tree per individual lot.
- For townhouses, one-family, semi-detached, two-family and three-family dwellings a minimum total of 1 shade tree and 1 ornamental or evergreen tree per every two units shall be provided on individual lots or on public or private open space.
- For multi-family buildings, 1 major shade tree shall be provided for each 2,400 square feet of surrounding green area provided. The number of trees may be satisfied on a 2:1 basis by the use of ornamental trees or evergreen trees, not to exceed one quarter of the number of shade trees provided on individual lots or on public or private open space.

Sheet 16 of the CSP includes notes to demonstrate conformance to Section 4.1 of the Landscape Manual, which requires provision of landscaping for residential development. The CSP should be revised to show that the development will conform to the above standards. The limited number of lots for single-family detached dwellings within the town center (150-200) may all be smaller than 9,500 square feet in area, in which case they should provide one shade tree or one ornamental tree, as noted above. Lots larger than 9,500 square feet for single-family detached dwellings are not specifically addressed in Section 4.8, and should be provided with one shade tree and one ornamental or evergreen tree as would be required under Section 4.1.

The standards of Section 4.8 for attached dwellings represent a 50 percent reduction in landscaping from what would normally be required under Section 4.1. It is certainly appropriate to count landscaping provided on common open areas associated with the attached units toward the landscaping requirements of the attached units, but landscaping provided within public or private open space (which would include urban parks and stream valley parks provided within the town center) should only be counted towards the landscaping requirements of attached units if those areas are within reasonable proximity to the proposed units.

The landscaping requirements for multifamily developments are based upon the amount of green area provided for the multifamily development. In a Euclidean Zone, there are specific requirements for green area within multifamily developments on which the Landscape Manual requirements provide for regulated numbers of plantings. In the M-X-T Zone, multifamily development does not generate a specific green area requirement, so the Landscape Manual's regulation may not require any plantings for multifamily development if the applicant does not propose any green area in conjunction with the multifamily development. This is perfectly

appropriate in an urban setting, as the public open spaces and quality sidewalk environment will provide open space for the residents. The urban parks should, at a minimum, meet the landscaping requirement of one shade tree per 2,400 square feet of green area, and in general should be more heavily landscaped.

B. Screening Requirements

- Screening materials shall consist of evergreen trees and shrubs, wall, and fences.
- At the time of installation or planting of screening materials, screening must occupy 75% of a vertical rectangular plane, excluding driveways, sufficiently high and long to accomplish the required screening.
- All loading areas consisting of loading spaces, loading docks, vehicular lanes providing access to them and service or maintenance areas shall be screened from residential areas (single-family dwellings and townhouses) and all adjacent public roads.
- All dumpsters, trash pads, and trash collection or storage areas shall be carefully located and oriented on the site to be as inconspicuous as possible.
- All mechanical equipment and meters shall be screened accordingly to prevent excessive noise on surrounding properties.
- Screening options may include:
  - 6-foot-high-sight-tight-fence
  - Architecturally decorative walls
  - Evergreen screen (height, spacing and variety to be determined by size and location of area to be screened)

The screening requirements will be enforced during the review of detailed site plans.

Traditional landscape strips will not be provided along the roads within the town center. Street trees will be provided along all streets (not along alleys or along internal access roads in the Core).

Section 4.8 does not provide minimum standards for parking lot landscaping. Large surface parking lots will not be permitted within the Core, where parking should be provided almost exclusively in structures or along streets. Surface parking lots may occur within the commercial portions of the Edge and Fringe. The standards of Section 4.3 should be applied to large surface parking lots within the town center. In situations where surface parking is proposed, the standards of Section 4.3 will appropriately provide for landscaping.

In an urban mixed-use environment, uses should generally not be separated from each other by landscaped bufferyards. Therefore, particular buffering requirements are not established by this approval. During the review of detailed site plans, particular situations or marked incompatibilities may be identified where buffering of incompatible uses is warranted.

The revisions to the CSP conditions will not affect previous findings regarding compliance with the requirements of the *Prince George's County Landscape Manual*.

13. **Phasing—CSP-07004 and CSP-07004-01:** The applicant has presented a phasing plan which breaks the development geographically into six phases and 13 sub-phases. However, the applicant has not committed to building the phases in a particular order. In terms of the staging of residential and commercial development, the applicant has proffered to build 250,000 square feet of commercial development as part of the first phase of development, prior to the issuance of the 1,000<sup>th</sup> residential building permit. This has been altered by the 01 revision. Once 80 percent of the existing commercial development has been leased, the applicant will commit to develop additional commercial space.

As discussed in Finding No. 19 below, the applicant's proposed staging plan is inadequate to address the sector plan's strategies for concurrent timing of commercial and residential development. Without additional assurance, the County would run the risk of residential development on the site substantially outpacing the commercial development. Furthermore, unbalanced development might proceed to a point where there is not enough land or traffic capacity associated with the site to allow for the development to reach its required minimums. For instance, if too many residential units are developed, the site's trip cap may not permit enough commercial development in order to meet the minimum amount of commercial approved with this site plan. A binding phasing plan that provides for the balanced development of the different uses should be determined while the entire site is under unified control.

The following elements should be included in the staging plan and should be comprehensively tracked to ensure compliance:

Minimum development levels should be established within the town center to ensure that the Core, Edge, and Fringe meet the density and floor-area thresholds established by the sector plan. Furthermore, adequate traffic capacity should be reserved at all times so that the minimum levels of each type of development (residential and commercial) can be built. The number of attached units within the town center should not exceed 50% of the total dwelling units built at the time of ultimate build-out. Finally, commercial office development within the Core should be phased so that it is constructed concurrently with specified levels of residential and retail construction.

Construction of 505 residential dwelling units proposed by the subject revision as a first phase of development, will not affect the project's overall conformance with this requirement.

14. **The Prince George's County Woodland Conservation and Tree Preservation Ordinance—CSP-07004-01:** This property is subject to the provisions of the Woodland Conservation

Ordinance because it has previously approved Type I Tree Conservation Plans associated with it: TCPI/004/09 associated with the Moore Property Preliminary Plan 4-08018; TCPI/014/08 associated with the original CSP approval for the overall Westphalia Center; and the -01 revision to TCPI/014/08 associated with Westphalia Center Preliminary Plan 4-08002. A Type I Tree Conservation Plan (TCPI/014/08-02) has been found to conform with the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance and is being approved with the subject CSP revision. Therefore, the application is in accordance with the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance.

15. **Referral Agencies and Departments**

- a. **Historic Preservation—CSP-07004 and CSP-07004-01:** The proposed revisions to CSP-07004, in order to permit development of the Moore Property first, will have no effect on identified historic sites, resources, or districts.
- b. **Archeological Review—CSP-07004 and CSP-07004-01:** A Phase I archeological survey was completed on the 530.27-acre Westphalia Center property in September and October 2006 and that eleven archeological sites (18PR843, 18PR844, 18PR845, 18PR846, 18PR847, 18PR848, 18PR849, 18PR850, 18PR851, 18PR852, and 18PR853) were identified in the survey. All of the sites consisted of early to mid 20<sup>th</sup> century farmsteads. Most of the sites were adversely impacted by recent house demolition or by gravel mining activities on the property. The sites also did not contain intact artifact deposits of sufficient research value to require further investigation. No further work was recommended on any of the eleven historic archeological sites identified on the Westphalia Center property. The Planning Board concurs with the conclusions of the Phase I archeology report that, due to the lack of research potential of these sites and their compromised integrity, no further work is necessary on the eleven historic archeological sites identified on the Westphalia Center property.

The Phase I archeological investigations of the Westphalia Center property were also reviewed by the Maryland Historical Trust. State reviewers concurred with the recommendations of the Phase I report that none of the archeological sites was eligible for listing in the Maryland Register of Historic Properties or the National Register of Historic Places. No further work was requested by the Maryland Historical Trust on any of the eleven archeological sites on the Westphalia Center property. State reviewers also concurred that none of the standing structures were eligible for listing in the Maryland Register of Historic Places or the National Register of Historic Places.

Four copies of the final report, Phase I Archeological Survey of the Westphalia Center Development Tract, Prince George's County, Maryland, were received and accepted on July 17, 2007. The Planning Board concurs with the report conclusions and recommended that no further archeological work is necessary within the Westphalia Center Property.



c. **Community Planning—**

**General Plan**

This application is consistent with the 2002 General Plan (as amended by the 2007 Westphalia sector plan) Development Pattern policies for a regional center in the Developing Tier. This application proposes a modification in boundaries between the Core and Edge areas which are consistent with the policies and strategies of the revised General Plan and the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment (SMA).

**Master Plan**

This application generally conforms to the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment policies for mixed uses at the regional center. The illustrative site plans included in the sector plan demonstrate one concept for implementing the development strategies and design principles recommended for this regional center. The conceptual site plan (CSP) and general design standards submitted by this application demonstrates another concept which, with revisions and clarifications listed below, also conforms to the development strategies and design principles recommended by the sector plan.

**Other Determinations**

This conceptual site plan establishes the regulations for review of subsequent development applications on this property. Council Bill CB-78-2006 revised the review criteria for conceptual site plans in the M-X-T Zone under certain circumstances, which apply in the Westphalia sector plan area, to establish master plan design guidelines or standards and referenced exhibits in the public record as important review criteria for development regulations to be established by the conceptual site plan. Exhibits 44 and 45 in the public record for the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment pertain to review of this application.

Flight operations at Andrews Air Force Base yield high noise impacts (65–70 dBA and 70–75 dBA) on the western portion of the subject site. CSP maps should be revised to show high noise areas and interior acoustical buffering shall be required for all structures built in high noise areas.

The CSP-07004 maps shall be revised to:

- a. Show buffer area along the full length of historic Melwood Road including the Fringe area.
- b. Recommend a location for a medical facility (public or private).
- c. Recommend a site for a possible future library.

- d. Show bikeway corridor trails along major roads and hiker/biker/equestrian trails along Cabin Branch and Back Branch greenways.

The CSP-07004 text (pp. 11–34) will be revised to:

- a. Dedicate a \$3,500 fee for each dwelling unit for construction of the Westphalia central park.
- b. Quantify the proposed mix of public/quasi-public uses in the Edge area and if necessary, revise proposals to conform to the recommended range.
- c. Clarify the proposed level of development and show consistent numbers on CSP Map 11, in the text tables for phasing, and the transportation analysis—all are different.
- d. Incorporate omitted sector plan design principles for the Core, Edge, and Fringe areas in the CSP text as criteria to be included in subsequent development review procedures.
- e. Emphasize that proposed commercial land uses in Edge areas, including live-work structures, need to strictly conform to all sector plan design principles, particularly with respect to scale, site and building design, and parking. On-street parking should be designed to contribute to parking requirements for commercial uses in Edge areas.
- f. Require a range of lot sizes for single-family attached dwelling units in the town center on lots of a minimum of 1,000 square feet in size.
- g. Incorporate the regulations of CB-29-2008 which are applicable to a regional urban center such as this development, particularly with respect to townhouse and attached dwelling unit criteria for the percentage of total units, lot size, living area, units in a row, and building widths.

The CSP-07004 General Design Guidelines and Standards (pp. 35–43) shall be revised to:

- a. Clarify inconsistent terminology used to describe roads in the CSP text, on road identification maps, and on road section illustrations.
- b. Strictly limit potential for front-loaded townhouses.
- c. Clearly restrict permitted drive-through commercial services to areas behind buildings and/or not visible from streets.

Prior to approval of a preliminary subdivision plan (or any special purpose detailed site plan), the following items if relevant to the particular approval shall be determined:

- a. Evaluate accessibility, safety, and traffic control needs for the circular public space within public road MC-637, or propose an alternative road design or location for the public spaces.
- b. Establish gateway design themes and concepts.
- c. Define the responsibility for construction and ownership of other public spaces, recreation, and open space facilities proposed in the town center and transit center.
- d. Define a comprehensive organizational structure and financing system to manage and maintain the public, quasi-public, and common ownership infrastructure networks and amenities, such as streets, sidewalks, recreation facilities, open spaces, and management operations.
- e. Define a phasing program with balanced proportions of concurrent commercial and residential development within both the center and the Core and a comprehensive method for tracking throughout the life of this project; consider requiring a cyclical review to evaluate and update phasing targets, perhaps every five years.

This CSP references all the maps and illustrations presented in the application (as revised herein or in any subsequent comprehensive review) as guidelines for approval of subdivision and each detailed site plan for the duration of this project.

#### BACKGROUND

- Location:** The property is located on the north side of Pennsylvania Avenue (MD 4) between the intersection of Suitland Parkway and Woodyard Road.
- Size:** 530.27 total acres, including several non-contiguous parcels along existing Presidential Parkway near the MD 4 intersection in the Fringe area.
- Existing Uses:** These properties are largely wooded, with smaller areas of agricultural fields, and several residential homes and agricultural buildings.
- Proposal:** This conceptual site plan (see CSP Map 11) proposes a vertically and horizontally mixed-use commercial/residential project that includes (Note: The CSP phasing plan and the CSP transportation analysis each show different residential and commercial numbers):

Residential Units—Up to 5,000 total units

Single-Family	150–200
Townhouse	1,650–1,850
Multifamily	2,350–3,100

Commercial—

Retail	800,000–1,400,000 square feet of floor area
Office	4,000,000–4,500,000 square feet of floor area
Hotel	Three hotels± (approximately 600 rooms)

Community Features/Sites (see CSP Map 16)

Transit Center  
Police/Fire Station  
Cultural Arts Center  
Amphitheater  
Urban Elementary School  
Urban Park and Community Centers  
Open space/buffers along small stream valleys and historic  
Melwood Road

GENERAL PLAN, MASTER PLAN AND SMA

2002 General Plan: This application is located in a regional center along the MD 4 Corridor in the Developing Tier. The vision for centers and corridors is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.

Master Plan: 2007 Approved Westphalia Sector Plan and Sectional Map Amendment. (CR-2-2008 (DR-2))

Planning Area/Community: Planning Area 78/Westphalia

Land Use: The sector plan recommends development of an urban mixed-use town center with a defined core, edge, and fringe, including mixed residential and nonresidential uses at medium to high densities and intensities, ample public spaces suitable for public events, and a strong emphasis on pedestrian- and transit-oriented design.

- Environmental:** Sector Plan Map 5: Green infrastructure shows regulated areas, evaluation areas, and network gaps on the subject property.
- Sector Plan Map 6: Primary and secondary corridors show a primary environmental corridor along Cabin Branch on the western periphery of the property and a secondary environmental corridor along Back Branch, across the southern part of the site.
- NOTE: A December 2007 Air Installation Compatible Use Zone Study (AICUZ) indicates that flight operations at Andrews Air Force Base yield high noise impact areas (65–70 dBA and 70–75 dBA) on the western portion of this application, which are somewhat different than the previous noise contours shown on the plan land use map. Interior acoustical buffering shall be required for all structures built in high noise areas.
- Historic Resources:** No historic sites or resources are indicated on the subject property. However, the eastern and northeastern portions of the site front on Melwood Road, which is identified as both historic and scenic. The plan requires a buffer along Melwood Road and the adjacent neighborhood with a minimum depth of 40 feet and an average depth of 150 feet (see CR-2-2007 (DR-2), Finding (e), p. 6). A buffer area is shown on CSP Map 11 along the central and northern segments of Melwood Road, but not the southern segment adjacent to the Fringe area. The buffer area along the west side of Melwood Road shall be shown in the Fringe area.
- Transportation:** Council Resolution CR-2-2007 (DR-2) added a new design principle to the transportation element: “Design a Town Center road network that reflects the sector plan’s design principles for development with an urban character, provides functional continuity with the sector plan transportation network, and needed capacity for adequate circulation of non-motorized as well as motorized transportation on internal streets.” (An urban grid of interconnected streets is illustrated as the intended development pattern evolving from the proposed CSP development regulations and concepts.)
- Pennsylvania Avenue/MD 4 (F-6) is located along the southern boundary of this property and is recommended for improvement to freeway standards with grade-separated interchanges. Multiple road access points are recommended for this site:
- Existing access is from:

- Presidential Parkway at MD 4—to be upgraded and extended as major collector road MC-634 and arterial road A-66 (on CSP)
- Woodyard Road/MD 223 (A-53) and Melwood Road at MD 4—this interchange is to be upgraded to include connection with Old Marlboro Pike (C-604) similar to Alternative "N" identified during the first public hearing on the plan or another alternative approved by the Maryland State Highway Administration in subsequent design review. (on CSP)
- Marlboro Pike (C-604)—a collector road that provides local access from the east at the interchange with MD 223 and Melwood Road (Not shown on CSP Map 11, but illustrated on other maps pertaining to character areas, phasing, and road designs)

Future access is proposed from:

- Dowerhouse Road at a new interchange with MD 4 extending north as arterial road A-52 and major collector road MC-637. (on CSP)
- MC-637, MC-632 and C-636—unnamed new roads extending south from the adjacent Smith Homes Farm project. (on CSP)

Sector Plan Map 7A: Metro Line Extension shows a transit station location on the north side of MD 4, east of the proposed Dowerhouse Road interchange at the edge of the Core area, initially as a Park and Ride/bus transit site that could evolve into a rail station extended from the Branch Avenue Metro as the Town Center develops. (Transit site shown on CSP)

Melwood Road Improvement: "As determined by the Department of Public Works and Transportation, adequate safety roadway improvements for Melwood Road between MD 4 and new road MC-632, including traffic calming devices, should be bonded for construction prior to issuance of building permits for the Westphalia Center development project." (CR-2-2007 (DR-2), Finding (d), p. 6 and SMA Amendment 1, pp. 9-10)



Public Facilities: Sector Plan Map 9: Public Facilities show a number of public facility sites recommended within this center:

- Police and fire stations (Site shown on CSP)
- Library (Site not specifically shown on CSP)
- Elementary school—urban model (Site shown on CSP)
- Medical facility—public or private (Not shown on CSP)

The potential locations for a library and a medical facility shall be identified on the CSP.

Parks and Trails: Map 10: Parks and open space show recommendations for a Westphalia Town Center Park/Square and sections of the Cabin Branch and Back Branch greenways within this application (shown on CSP). The Melwood Trail greenway is located along the eastern boundary of this site (not shown on CSP).

Map 8: The trail network shows bikeway corridor trails that are recommended along major roads and hiker/biker/equestrian trails that are proposed within the segments of Back Branch and Cabin Branch within the town center area (not shown on CSP). The Melwood Legacy Trail is shown along the eastern boundary of the town center (not shown on CSP). Local pedestrian urban walkways and bikeways are recommended throughout the center to provide multiple nonautomotive connections to and between neighborhoods within the center and to surrounding communities.

Development Pattern Element Policy 1, Strategy 2, recommends: "A minimum of one public space in a prominent, centralized location of the Town Center Core at a minimum of three acres in size." The CSP shows three to five public spaces in the Core area totaling more than three acres, the largest of which is 1.7 acres emulating the design of DuPont Circle in the District of Columbia. It is located across the street from another relatively large public use facility, the Cultural Arts Center. The distribution of useable public spaces has some advantages in terms of accessibility to people in and around the Core area. The main concern is that the proposed 1.7-acre space is located in the midst of a major collector road (MC-637) somewhat north of the Dowerhouse Road interchange. Unlike DuPont Circle, it will not have an underpass for through traffic. As such, there is a question

as to the volume of traffic involved, the safety of accessibility, and the traffic control methods that may be needed. These issues shall be addressed in the preliminary plan of subdivision process.

In addition, a large M-NCPPC, Westphalia central park, facility is recommended at the northern edge of the urban town center, on the Smith Homes Farm and Woodside Village development project sites, as a unique recreation feature for the entire Westphalia sector plan area. In order to construct and maintain the proposed variety of active and passive recreation facilities in the central park, a fee of \$3,500 per dwelling unit built in the Westphalia sector plan area is required by this approval. A network of local park sites and recreation facilities (private or public) are recommended within each neighborhood area. It should be determined who will build and maintain the park facilities and open spaces shown on the site plan. (Park sites are shown on CSP)

SMA/Zoning: The 2007 Approved Westphalia Sector Plan and Sectional Map Amendment rezoned the subject property from the I-3 and R-A Zones to the M-X-T Zone. (Table 5: Proposed Zoning Changes, SMA Change 1, Preliminary Plan text, p. 59 as approved by CR-2-2007 (DR-2); SMA Amendment 1, CR-2-2007 (DR-2), p. 12 directs preparation of "concept illustrations based on and referencing exhibits submitted to the record for each property)...that will serve as...the illustrative site plan to guide the character of development for the M-X-T Zone for the properties rezoned by this SMA."

#### PLANNING ISSUES

Conceptual Site Plan Review Criteria—The Sector Plan Development Pattern Element, Policy 2, states that "the Westphalia Town Center should be designed and reviewed in accordance with design standards and best practices for urban development as described in this sector plan." The strategy for Policy 2 is to "approve development standards specifically for the Town Center area in a conceptual site plan review per Part 3, Division 9, of the Zoning Ordinance to ensure development of urban land use patterns and character and that may revise or replace the suburban development standards contained in the zoning ordinance pertaining to lot size, lot coverage, frontage, setbacks, height, and mix of land use types, signs, off-street parking and loading, landscaping, and other parts of the zoning ordinance."

Concurrent with preparation of the Westphalia Sector Plan and SMA, Zoning Ordinance regulations pertaining to the M-X-T Zone (Sections 27-542 and 27-547) and CSP review

criteria (Section 27-548) were revised by approval of Council Bill CB-78-2006. This ordinance revision added master plan design guidelines or standards and referenced exhibits in the public record as important CSP review criteria in the M-X-T Zone for certain plans and SMAs approved after October 1, 2006, such as the Westphalia Sector Plan and SMA. Exhibits and development illustrations submitted to the public record are not to be considered as the approved site plan for the area; they are only the development concept that was presented to the public during preparation of the sector plan that generally reflects the intended land use and design character for that area. These exhibits are the starting point for more formal review, not the end result. When inconsistencies between development concepts, design principles, and exhibits occur, they should be resolved in ways that best achieve the development goals and policies of the sector plan.

Exhibits to Public Record of the Westphalia Sector Plan—An illustrative concept plan and illustrative site development plan, along with graphic illustrations and concepts for urban road sections, were submitted to the public record of the Westphalia sector plan as Exhibits 44 and 45. These referenced exhibits provide guidance to site plan review for the intended character of the mixed-use urban town center at Westphalia. The specific designs illustrated in these exhibits will be superseded upon finding that the proposals of CSP-07004 conform to the intended character of urban development for the Westphalia Center.

2002 General Plan (as revised by the 2007 Westphalia Sector Plan)—The 2002 General Plan recommended a “Possible Future Community Center” along the north side of MD 4 between Westphalia Road and Woodyard Road. This section of MD 4 is also identified as a limited access corridor for concentrations of mixed-use, transit-oriented development in the vicinity of major intersections. Evaluation of these General Plan recommendations, in context of preparing the 2007 Westphalia Sector Plan and SMA, resulted in an amendment to the General Plan designating the Westphalia Center as a regional center with slightly different boundaries than indicated on Map 1 in the 2002 General Plan. The revised boundaries incorporate all of the property subject to this application, and approximately 70 to 80 acres of property adjoining to the north, known as the Smith Home Farms project, which was approved for the R-M Zone by Zoning Amendment Application A-9965-C prior to approval of the Westphalia Sector Plan and SMA. Both the Westphalia Center project and the Smith Home Farms project are currently owned by the same development group and have been coordinated with respect to development patterns and sector plan recommendations. Several additional properties along MD 4 to the northwest are also included within the center boundary. Except for the redefined regional center area, the corridor designation along MD 4 remains as originally designated in the 2002 General Plan.

Upon approval of the sector plan in 2007, the overall boundaries for this General Plan regional center were defined, as were internal boundaries for a center Core, Edge, and Fringe. These boundaries were based on General Plan policies and strategies and the Westphalia Center development concept envisioned and illustrated at that time. This

application proposes an updated development concept with a revised shape for the Core area, thus proposing a revision to the previously defined boundary between the Core and Edge areas. The overall center boundaries remain the same as defined in the sector plan.

The revision of internal center boundaries between Core and Edge areas should have some flexibility to respond to new or refined development proposals, so long as the result conforms to the development policies and design principles established by the sector plan. In this case, the application contains all of the land areas affected by these Core and Edge boundary revisions, and the development application generally conforms to the policies, strategies, and design principles of the General Plan and the sector plan for development in this center.

2007 Approved Westphalia Sector Plan and Sectional Map Amendment —The 2007 Approved Westphalia Sector Plan and Sectional Map Amendment was approved by CR-2-2007 (DR-2) and establishes the policies, strategies, and design principles for development of the General Plan designated regional center at Westphalia. The intent of these policies and strategies is to ensure development of an urban Town Center with a defined Core and Edge and a moderate- to high-intensity, vertical and horizontal mix of commercial and residential uses that are transit-supportive and transit- and pedestrian-oriented. Amenities and characteristics of urban, rather than suburban, development patterns are sought. As a result of the public hearing and stakeholders participation process conducted during its preparation and review, this sector plan was approved by CR-2-2007 (DR-2) with a number of substantial revisions including a completely revised Development Pattern Element, a new Existing Communities Element, a new Economic Development Element, and a substantially revised Environmental Infrastructure Element.

CB-29-2008 Regional Urban Community—Subsequent to approval of the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment, CB-29-2008 established a new use in the Zoning Ordinance, a Regional Urban Community, which is defined as a “contiguous land area of 500 or more acres in the M-X-T or R-M Zone within a General Plan designated center in the Developing Tier, and which is to be developed as follows: a mixed use, urban Town Center including retail office and residential uses with a defined Core, Edge and Fringe as defined by the Sector Plan; transit- and pedestrian-oriented, with ample public spaces suitable for community events, adjacent to a planned or developed public park of 100 or more acres that includes a variety of recreational and cultural facilities for public use, such as amphitheaters, performance stages and plazas.” (Section 27-107.01(a) 197.1) The new legislation contains regulations that address the percentage of attached dwelling units, woodland conservation and afforestation, stormwater management, lot line and building setbacks from floodplains, number of townhouses in a row, parking calculations, townhouse building width and living space, building setback from rights-of-way, public maintenance of streets in the core area, and landscaping. This CSP application fits the criteria for a regional urban community as described above and should conform to the new regulations.

Conceptual Site Plan CSP-07004—This 530-acre CSP application for Westphalia Center includes all of the property in the Core of the urban Town Center, and the majority of the property within the Edge and Fringe areas of this designated center. The CSP application (pp. 11–34) identifies and discusses each of the policies, strategies, and design principles under the Development Pattern Element that apply to the Town Center, and includes numerous illustrations that clarify the intended character of development. This CSP submittal also proposes a set of design standards based on adjoining street classifications as criteria to guide review of subsequent development applications, e.g. subdivision, detailed site plan, and building permit, consistent with requirements for this CSP as established by CB-78-2006. In general, this application demonstrates conformance with the intent of the sector plan recommendations and establishes suitable regulations for subsequent review of development applications for subdivision and detailed site plans. The included charts, maps, and illustrations (as revised by any CSP approval) shall be clearly established as concepts and guidelines to be referenced for subsequent review of subdivision and detailed site plan applications regarding the intended character of urban development patterns sought in the Westphalia Center. Additional evaluation or clarification are listed below for each identified sector plan element.

#### **DEVELOPMENT PATTERN ELEMENT ISSUES**

Westphalia Center is comprised of a Core, Edge and Fringe, with nine distinct development (or character) areas that together comprise a mixed-use urban Town Center as recommended by the sector plan. Development will occur in five overall phases, generally building into the site from access points along MD 4, which could occur in any order or combination depending on market demands. The development areas and phasing are described on pages 11 to 34 of the CSP text, including numerous maps and illustrations. General design guidelines and standards, based on the classification of adjacent roadways are described (with illustrations) on pages 35 to 43. Overall, the CSP proposal and design standards establish an appropriate framework to guide development of an urban town center in Westphalia. However, several issues regarding the density, intensity, mix of proposed development, the phasing sequence, and site and building design require clarification.

Commercial Intensity, Residential Density: Map 11 of the CSP application indicates up to 5,000 dwelling units may be developed in various combinations of multifamily, townhouse, or single-family units and 4.8 to 5.9 million square feet of commercial floor area. The phasing plan (dated August 2008, following CSP text page 31) indicates only 4,208 dwelling units, 5.684 million square feet of commercial and 600 hotel rooms. The transportation analysis submitted with this application calculates capacity for only 4.7 million square feet of commercial floor area, approximately 1 to 1.2 million square feet less development than indicated elsewhere.

The intended levels of proposed development shall be clarified and made consistent throughout this CSP. Any reduction in proposed commercial floor area shall come from the Fringe, not the Core or Edge areas.

The Development Pattern Element of the sector plan, Policy 1, Strategies II and III, recommend a range of land use densities and intensities for the Westphalia Center Core and Edge areas that reflect the minimums and target ranges specified in the 2002 General Plan for a regional center. Development targets for Fringe areas were established by the sector plan to reflect recommended commercial land uses in those locations (see Policy 1, Strategy IV). Recommendations for the appropriate mix of land uses in each area are also described. As shown in the table below, this CSP development proposal corresponds to the lower ends of the target density/intensity scale for each measure in the Core (CSP p. 16) and Edge (CSP p. 23), but may exceed minimums in the Fringe (CSP p. 28).

Westphalia Regional Center Density/Intensity Recommendations

<u>Area</u>	<u>Land Use</u>	<u>Sector Plan Recommendation</u>		<u>CSP-07004</u>
		Minimum	Target Range	
Core	Residential	24 DU/AC	40–60 DU/AC	30 DU/AC
	Commercial	1.0 FAR	Not limited	1.07 FAR
Edge	Residential	8 DU/AC	15–30 DU/AC	15 DU/AC
	Commercial	0.5 FAR	0.5–1.5 FAR	0.5 FAR
Fringe	Residential	N/A	N/A	N/A
	Commercial	0.3 FAR		0.3–1.0 FAR

This CSP conforms to the minimum levels of development envisioned for a regional center as perceived for the existing market. However, the block-grid development pattern recommended for this town center by the approved sector plan, as illustrated by Plan Exhibit 44, and as modified by this CSP application, is capable of accommodating substantially more development if market conditions change in the future. Higher concentrations of population and employment would provide increased support for transit services and commercial activity in the town center area. Revisions to increase the density and intensity to correspond with the higher end of the development target range should be encouraged in the future.

Recommended Mix of Land Use: The Development Pattern Element identifies a range for the proportion of land uses sought in the center for Core, Edge, and Fringe areas, i.e. the residential, retail and services, office, and public/quasi-public uses, in order to ensure an appropriate mix in each area. The proportions in the Core and Fringe areas are within the ranges specified by the sector plan. In the Edge area, the CSP text (p. 23) does not identify the public or quasi-public land use quantities, which are recommended to comprise ten to

20 percent of the Edge land use mix, even though some of these uses are shown on CSP Map 11 and other illustrations.

The proposed public and quasi-public uses in the Edge area shall be quantified to determine whether they conform to the proportions recommended by this sector plan and if necessary, be adjusted, prior to signature approval.

Westphalia Town Center Design Principles: The Development Pattern Element of the sector plan contains a matrix of design principles for the Core, Edge, and Fringe (see Policy 1, Strategies II, III, and IV respectively) which are intended to ensure that development will have an urban character. Most of the design principles are reflected in the CSP document, and others have been added or clarified by condition.

The following design principles listed in the sector plan for the Core area that are not reflected in the text of CSP-07004 (bold text) shall be included as criteria to be evaluated in subsequent development review procedures by condition below.

*Westphalia Town Center Core (Policy 1, Strategy II)*

- Bullet 3      Create a high-quality urban environment...  
Roof design should be added to the list of design elements for building façade articulation (missing from CSP text, p. 18)
- Bullet 6      Develop in a way that promotes walking and transit use...  
Restore four omitted principles (Missing in CSP text, p. 21):
- Provide necessary right-of-way for transit, transit stops, or stations.
  - Provide direct access from public sidewalks to all buildings, unless the building fronts a plaza, green or courtyard.
  - Design sidewalks adjacent to master planned roads to an appropriate standard for city boulevards, city collectors, and city residential streets (See Transportation Illustration 1).
  - Provide attractively designed transit stops and stations that are adjacent to active uses and recognizable by the public.

*Westphalia Town Center Edge (Policy 1, Strategy III)*

- Bullet 2      (Missing from CSP text, pp. 23–25)



- Design single-family detached and attached homes and multifamily buildings so that the mass of the living space and the front door dominates the front façade.
- Require garages that are hidden or clearly subordinate to the main structure and do not project beyond the main façade of residential buildings.
- Arrange driveways so that cars are parked to the side or rear of the house or otherwise hidden from the street.
- Promote rear alleys to have access to parking and garages for residences that are sited back to back.
- Enhance community gateways to demonstrate neighborhood pride and delineate boundaries.
- Design streets to include high levels of interconnectivity between neighborhoods:
  - Do not build culs-de-sac, except to avoid sensitive environmental resources.
  - Do not allow gated streets or developments.
- Emphasize the provision of high-quality pedestrian and bikeway connections to transit stops/stations and surrounding neighborhoods.
- Build large multifamily development within approximately one-quarter mile of transit serviceable roadways.

Bullet 3 Design attractive commercial, retail and office use areas.

- Restrict drive-in commercial services to the rear areas behind main structures; do not allow on street fronts. (Missing from CSP text, p. 25)

*Westphalia Town Center Fringe (Policy 1, Strategy IV)*

Bullet 5 Utilize green space as buffers or public spaces, and integrate them into campus-like settings:

- Design structures to border or overlook green spaces.

- Create large landscaped squares or interconnected public spaces with walkways or trails, particularly adjacent to office complexes.
- Design all developments along MD 4 frontage to include landscaping or buffering to minimize the appearance of large building façades or parking lots.

Bullet 6

Integrate appropriately designed transit stops and centers, particularly near employment centers:

- Provide attractively designed transit stops and stations that are recognizable by the public.
- Provide necessary rights-of-way for transit, transit stops, or stations.

Bullet 7

(Missing from CSP text, pp. 28–30)

Create signage that functions to market services or denote building tenants but does not compromise aesthetics or safety:

- Design signs to only advertise a service, product, or business on the site on which the sign is located.
- Design signs to be compatible in style and character with the primary structure on the site.
- Discourage large wall signs.
- Promote monument signage.
- Encourage appropriately scaled monument signage:
  - Do not exceed eight feet in height and 60 square feet of area per side for multitenant monument signage.
- Prohibit pole-mounted signs except directional signs.
- Prohibit signs that compromise motorist safety:
  - No florescent, reflective, or blinking signs.
  - Discourage animated, flashing, rotating signs.
  - Prohibit roof signs.

Front Loaded Garages for Townhouse Units: No townhouses with front-loaded garages are proposed in the Core or Fringe areas. However, in the Edge area, the original CSP text (p. 24) indicated that townhouses with front-loaded garages may be built; illustrations of single-bay garages in townhouses along an urban street were shown. The original CSP general design standards (text p. 42) indicated that some front-loaded townhouses shall be allowed to front on secondary circulation roads.

The design principles under Policy 1, Strategy II of the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment Development Pattern Element clearly discourage garages (and driveways) in front of any dwelling units located in the Edge area. Garages, driveways, and parking should be located in the back or on the side of residences. Front-loaded garages, particularly for townhouses, disrupt sidewalks and pedestrian traffic, encourage excessive mid-block vehicle turning movements, reduce the availability of on-street parking, and can be detrimental to the appearance and pedestrian orientation of an urban neighborhood. There may be some locations where a townhouse with a front-loaded garage may be justified, perhaps where the back of a townhouse overlooks a stream valley and cannot be served by an alley, but it should be very limited.

Townhouse Building, Lot Size and Interior Living Area Criteria: Council Resolution CR-2-2007 (DR-2), Sector Plan Amendment I (p. 7, line 18) states: "Within the town center urban areas there should be a range of lot sizes for single-family attached dwelling units with a minimum of 1,000 square feet. The finished floor area for dwelling units should be determined during site plan review in order to ensure an urban character of development. The percentage of townhouses and other dwelling units should be determined at site plan review based on the policies and exhibits referenced in the sector plan text." Subsequently, CB-29-2008 established the following criteria in the Zoning Ordinance for townhouses and attached dwelling units in the M-X-T Zone in an urban regional community, such as in the Westphalia Town Center.

Zoning Ordinance Section 27-544(e)(2):

- (A) The maximum percentage of attached dwelling units, which includes but is not limited to townhouses, two over twos and triplexes, shall be fifty percent (50%) of the total units in the project...
- (E) The maximum number of townhouse dwelling units per building group shall be ten (10). No more than thirty percent (30%) of the building groups shall contain nine (9) to ten (10) dwelling units. All other townhouse building groups shall contain no more than eight (8) dwelling units...
- (G) End units on townhouse building groups shall be a minimum of twenty (20) feet in width and the minimum building width of a contiguous attached townhouse building group shall be sixteen (16) feet per unit. A variety of townhouse sizes

shall be provided, with a minimum gross living space of a townhouse unit shall be 1,500 square feet except that ten percent (10%) of the townhouse units may be reduced to 1,200 square feet.

The standards for townhouses and attached dwelling units established by CB-29-2008 for an urban regional community applies to this CSP.

**Edge Commercial Sites:** The Edge area, as redefined by this CSP, includes opportunities for a variety of larger commercial land uses along the major roadways adjoining the Core and smaller commercial businesses distributed within the residential neighborhoods. The 2007 Approved Westphalia Sector Plan and Sectional Map Amendment design principles for commercial development in the Edge area are discussed on pp. 26–27 of the CSP text. In general, the CSP proposals conform to 2007 Approved Westphalia Sector Plan and Sectional Map Amendment design principles. Six potential areas for neighborhood-oriented mixed-use commercial development, up to four of which may be developed, are identified on the CSP, Map 11; the specific sites shall be determined during the detailed site plan review process.

Retail commercial uses should be mixed vertically with office or residential uses and scaled in context of its immediate surroundings. Live-work structures may be considered within neighborhoods where considered feasible. On-street parking should be designed to contribute to parking requirements for neighborhood-oriented commercial uses in Edge areas. In order to ensure the most appropriate size and design for mixed commercial development in context of neighboring development, sector plan design principles need to be strictly followed for any proposed commercial uses in the Edge areas, particularly for urban neighborhood-oriented commercial uses:

Sector Plan Development Pattern Element, Policy 1, Strategy 3

- Front the façade of all buildings to public roads or internal streets, unless they face a plaza, green, courtyard, or public park.
- Feature vertical mixing of uses, particularly along main streets, to include ground level retail or commercial and upper level office or residential uses.
- Encourage building designs that are sensitive to the scale, form, rhythm, and materials proximate to commercial areas and residential neighborhoods that have a well-established, distinctive character.
- Encourage location of mixed-use commercial projects in transition areas and areas where small-scale commercial uses can fit into a residential neighborhood context.
- Provide architectural variation in buildings to discourage the appearance of a uniform structure.

- Restrict drive-in commercial services to rear areas behind main structures; do not allow on street fronts.
- Provide public plazas, squares, or other public gathering spaces.
- Encourage structured parking that is multiuse and does not interfere with aesthetics or safety of the streetscape:
  - Screen any free-standing parking structure from public walks and streets by locating it off street, or behind the primary structure or a liner building.
  - Encourage ground-floor retail development in structured parking that fronts public streets; integrate structured parking with active uses.
  - Design clear and safe pedestrian pathways with signs that link parking to destinations.

#### Commercial Drive Through Services:

In the Core Area: Sector plan design principles prohibit drive through commercial service areas that are visible from the street. In the Core area, the CSP originally proposed that drive through commercial services be allowed along auxiliary access roads (there are only two) providing access to commercial alleys and parking garages, so long as they are not visible from "Major Urban Edge Roads."

Major urban edge roads however were not defined or referenced elsewhere in the CSP text. Referring to CSP terminology describing roads in or around the Core area, it is assumed that drive through commercial services should not be visible from (1) urban mixed-use roadways, (2) Presidential Parkway, and (3) urban residential roadways. Commercial drive through services in the Core area shall be allowed behind buildings along auxiliary access roads or in driveways or parking garages, so long as they are not visible from streets and not otherwise disruptive.

In the Edge and Fringe Areas: The CSP text indicates that drive through commercial services are "permitted generally in the Fringe and Edge areas, on Internal Circulation Roads provided that... (a) it is not visible from Major Urban Roads, and (b) it will not be detrimental to the health, safety and welfare of motorists or pedestrians." (CSP text, p. 42)

The terminology regarding road classifications is unclear. Moreover, according to the illustrative map, internal circulation roads in the Edge areas are primarily neighborhood residential streets, along which there are very limited commercial opportunities. Although drive through commercial areas are not prohibited, they should be minimized and fully in compliance with sector plan design principles. Finally, as noted above, the CSP text

omitted reference to the design principle for Edge areas to “restrict drive-in commercial services to the rear areas behind main structures; do not allow on street fronts.” This CSP design standard shall be rewritten to reflect the design principle of the sector plan for Edge areas, and should be extended to Fringe areas as well.

### **GATEWAYS**

The subject development is located at two designated “gateways” along MD 4 at MD 223 and Dowerhouse Road. (See Plan Map 3: Proposed Land Use—Attachment 3). Development Pattern Element Policy 6 establishes these as two of ten gateways at “key intersections entering the Westphalia community.” Gateways require compliance with design principles aimed at distinguishing them as attractive entrances into Westphalia, including such elements as “entrance signage, artwork, monuments... landscape design including both softscape and hardscape...” etc. “Resting and recreation facilities, information kiosks, or other amenities as appropriate” are also cited. The design of buildings, landscaping, signs, and any special features at these interchanges with MD 4 are critical to the image of Westphalia that will be portrayed at these southern entryways.

Design themes and elements should be coordinated with other projects within this sector plan and along the gateway frontages. The Westphalia Public Facilities Financing Plan Stakeholders Work Group is addressing coordination of this issue collaboratively to establish consistent design themes to be reflected at each gateway. As indicated in the CSP text (p. 34), approval of this application should reflect the need to address these design issues at time of approval of the relevant special purpose detailed site plan.

### **DEVELOPMENT PHASING**

Westphalia Sector Plan Development Pattern Element Policy 3 states:

Ensure high-intensity commercial and office development in the first phases of town center construction.

Strategies to implement Policy 3 are:

Identify and reserve sites specifically and exclusively for high-intensity office, high-intensity mixed use, and high-density residential uses in the town center core.

In the site plan and subdivision review and approval processes, define and require high-intensity office and retail construction in the town center core prior to or in conjunction with specified levels of residential construction, except as modified in the 01 revision to the CSP.

CR-2-2007 (DR-2), Adopted 2007 Westphalia Sector Plan Amendment I (p. 7, line 3) states:

Add text to clarify the phasing of commercial development in the Westphalia Town Center to ensure that such development precedes or occurs concurrently with and in proportion to residential development.

The CSP addresses this Adopted 2007 Westphalia Sector Plan policy and its strategies in text, on maps, and in charts (pp. 30–32). Illustrations accompany the CSP text for each of the project's nine development/character areas, along with maps indicating block patterns and building heights and where higher intensity office and commercial development should occur. The maps and tables describe development phasing in five to six general phases which are broken down into 12 sub-phases, one of which is devoted solely to the completion of Presidential Parkway. The tables describing each of the 12 development sub-phases allocate in detail the residential or commercial development program as currently envisioned. It is noted that there is no specified sequence for these phases, which are dependent on and responsive to market demands, but it is likely that the phases in the Fringe closest to existing access roads will occur first, e.g., either Phase 1 (at the MD 4—Woodyard/Melwood Road interchange) or Phase 5 (at the east end of Existing Presidential Parkway). Subsequent development phases will likely take place on immediately adjoining sections as new roads are built into the site. The majority of proposed development in these areas is commercial, so if a commercial development market exists, there could well be commercial development prior to or concurrent with, and in proportion to, residential development. However, if the commercial market is weak and the residential market is strong, roads could be built through undeveloped commercial areas to access residential areas for development and sale.

To address the requirement of Policy 3 for early commercial development, the CSP text (p. 31) indicates that: "...the Applicant will develop 250,000 square feet of commercial space during the first phase of development prior to the issuance of the 1000<sup>th</sup> building permit. Once 80% of the existing commercial space has been leased, Applicant will develop additional commercial space..." It does not specify whether this commercial space will be retail or office, or be built early in the development sequence or closer to the end of the phase. It only commits to a relatively small amount (five–ten percent) of commercial development in exchange for a relatively large amount (20–25 percent) of residential development proposed for the project.

The Adopted 2007 Westphalia Sector Plan phasing policies require three things:

- a. Retail and office development in the first several development phases.
- b. Reservation of sites in the Town Center Core for high-intensity development.
- c. High intensity retail and office development in the Town Center Core before or concurrently with a specified level of residential construction in the center.



It is noted in the CSP that the commercial market (particularly for intense office development) may not be as strong as the residential market at any given point in time. If residential development is rigidly predicated on commercial development targets that cannot be marketed, development will not be financed, cash flow will not be generated (private or public), infrastructure improvements will not be made, and the project will stall. On the other hand, allowing residential development to proceed relatively unrestricted encourages bedroom community development, excessive commuting, and a lack of economic development, all of which are contrary to county goals and policies. This is a difficult issue to address. One of the keys is good "place making," as advocated by the development strategies and design principles of the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment, so that both people and businesses will want to locate in Westphalia.

Regardless of where development is intended to begin, an overriding principle is that to justify the investment in infrastructure and development products, development needs to be sold or leased in order to generate cash flow. Establishing phasing that balances the ability of the developer to market commercial and residential products and satisfies the plan requirement to develop a balanced commercial and residential community is the challenge posed by the policies and strategies of this sector plan. It may be necessary to lead the market or "prime the pump" for some land uses in order to achieve or maintain a proportionate balance of commercial and residential development throughout the project.

In order to comply with the policies of the sector plan for phasing, it is suggested that:

- a. A minimum ratio of commercial to residential development be defined for each development phase (such as at least 20 percent of proposed base commercial to no more than 20 percent of proposed base residential).
- b. A minimum ratio for commercial office and retail targets should also be established for each phase (such as at least 2:1).
- c. A comprehensive project development tracking matrix be established to monitor phasing.
- d. Progress is monitored cyclically (such as every 5 years after first building permit) to evaluate market conditions and adjustments needed to achieve or revise phasing objectives.
- e. The phased development of the town center Core be given particular attention to ensure that balanced development in the Core area is underway in conjunction with development in the Fringe and Edge areas.

- f. A preliminary ratio for commercial and residential development, including initial development locations, should be established with approval of this conceptual site plan, subject to refinement or revision at the time of preliminary subdivision.

#### **PUBLIC FACILITY FINANCING PLAN AND INFRASTRUCTURE MANAGEMENT**

The 2007 Approved Westphalia Sector Plan Public Facilities Element, Policy 4 states:

Enable cooperative planning and shared implementation of public infrastructure improvements and mitigations among individual parcels.

The strategy under Policy 4 is:

Conduct a comprehensive public facilities plan analysis to establish the appropriate method, staging and financing mechanism that ensures provision of the aforementioned public facilities concurrently with development of new homes and businesses.

Concurrent with preparation of the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment, a Public Facilities Financing Program study was prepared and reviewed by the Planning Board and County Council (Public Record Exhibit 73). Subsequently, a Westphalia Public Facilities Financing Plan Stakeholder Work Group was established to prepare a public facility financing program to calculate and finance costs for needed county facilities and infrastructure among public and private stakeholders on a "fair share" basis to the greatest extent possible. The stakeholders held meetings throughout 2008 and updated cost estimates for needed public infrastructure beyond that normally required of developers and identified shared financing and bonding strategies, as well as shared costs savings and incentive strategies. Phasing, marketing, branding, and management strategies were also under discussion.

At the time of the approval of the CSP for the project, there had been no agreement on a new shared funding strategy or approach. New public facility improvements not then required of the developer still needed to be funded and built according to the standard approach of programming for construction via the County Capital Improvement Program using general obligation bonds financed by tax revenues. The ongoing credit crisis and the downturn in the real estate market had slowed the work of the stakeholders group and forced a rethinking of its approach. The stakeholder work group continued to meet in 2009 to arrive at a financing program that would ensure concurrent improvement of public facilities and infrastructure on a comprehensive basis for the Westphalia area. Approval of the original CSP acknowledged that creative financing for public infrastructure in the Westphalia sector plan area was still anticipated on a fair share basis as financing programs and methodologies were proposed and implemented, and as subsequent development review procedures were encountered. Until such a program is approved by

county officials and implemented, the promise of a public facility financing program cannot be relied upon to any finding of adequate public facilities.

**CSP-07004-01:** The land use proposed by this application is consistent with the 2002 General Plan Development Pattern policies for a Regional Center in the Developing Tier and that the land use proposed by this application conforms to the recommendations of the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment (SMA) for the Westphalia Center area as approved by CSP-07004. Although the application does not propose changes to land use types, quantities, or relationships, the proposed revisions to the special-purpose detailed site plan procedures and development phasing sequences are less strict than those approved in CSP-07004. Certain modifications to the proposed revisions to conditions that conform better to the policies and strategies of the 2007 Sector Plan for development of the Westphalia Center area have been incorporated into this approval.

- d. **Transportation—CSP-07004:** The applicant prepared and submitted a traffic impact study with a revised date of July 2008. Prior studies dating back to March 2008 were submitted and were found to be unacceptable based on differing opinions on trip generation rates. After discussions regarding the trip generation rates for some of the proposed uses, the applicant provided a revised study. The July 2008 revised study did not adequately apply the guidelines governing the use of mitigation. Specifically, a traffic facilities mitigation plan (TFMP) was required, but one was not submitted, and secondly, the applicant assumed the use of mitigation procedures at intersections along MD 223, a corridor where mitigation is not allowed. Consequently, the applicant was required to provide supplemental information, specifically to fully address the use of mitigation where it is applicable, as well as to evaluate the intersections along MD 223 based on the regional center threshold of LOS E.

On Tuesday, November 4, 2008, a supplemental traffic analysis was submitted evaluating the intersections along MD 223, as well as a TFMP that evaluated the intersection of MD 4 and Forestville Road. The findings and recommendations outlined below are based upon a review of these materials (including portions of the July 2008 study) and analyses consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

**TRAFFIC IMPACT STUDY**

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

EXISTING CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
1 - MD 4 & Forestville Road	F/1785	E/1502
2 - MD 4 & Westphalia Road/Old Marlboro Pike	E/1472	F/1723
3 - MD 4 & Suitland Parkway	F/2350	F/1903
4 - MD 4 & Dower House Road	F/1808	E/1486
5 - MD 223 & Old Marlboro Pike – MD 4 WB On-Ramps **	B/14.8 seconds	B/11.7 seconds
6 - MD 223 & MD 4 WB Off-Ramps **	B/14.5 seconds	B/13.8 seconds
7 - MD 223 & MD 4 EB On-Ramps **	E/40.7 seconds	E/44.5 seconds
8 - MD 223 & Marlboro Pike – Osborne Road	D/1335	E/1524
9 - MD 223 & Perrywood Road **	F/72.8 seconds	F/61.8 seconds
10 - MD 223 & Dowerhouse Road	B/1066	D/1374
11 - MD 223 & Rosaryville Road	B/1120	E/1477
12 - Old Marlboro Pike & Ritchie Marlboro Road	D/1339	D/1328
**Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "E" which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the <i>Guidelines</i> .		

The traffic study identified thirty nine background developments (including Smith Home Farm) whose impact would affect some or all of the study intersections. Additionally, an annual growth rate of two percent per year (through 2017) was applied to the existing traffic counts along MD 4 and one percent along the other roads. A second analysis was done to evaluate the impact of background developments on the existing infrastructure. By definition, a background analysis evaluates traffic by combining existing traffic with projected traffic from approved developments.

The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
1 - MD 4 & Forestville Road	F/2435	F/2055
2a - MD 4 WB Ramps & Westphalia Road	A/720	A/759
2b - MD 4 EM Ramps & Old Marlboro Pike	A/511	A/704
3a - MD 4 SB Ramps & Suitland Parkway	A/962	B/1101
3b - MD 4 NB Ramps & Presidential Parkway	A/926	A/854
4a - MD 4 SB Ramps & Dowerhouse Road	A/439	A/586
4b - MD 4 NB Ramps & Dowerhouse Road	A/558	A/723
5a - Old Marlboro Pike & Melwood Road	A/809	A/505
5b - Old Marlboro Pike & MD 4 WB Off-Ramp	A/669	C/1196
6 - Old Marlboro Pike & Presidential Parkway	A/760	A/587
7 - MD 223 & MD 4 EB On-Ramps	E/1482	A/995
8 - MD 223 & Marlboro Pike – Osborne Road	F/1686	F/1968
9 - MD 223 & Perrywood Road **	F/556.5 seconds	F/632.2 seconds
10 - MD 223 & Dowerhouse Road	F/1684	F/1925
11 - MD 223 & Rosaryville Road	F/1611	F/2055
12 - Old Marlboro Pike & Ritchie Marlboro Road	F/1665	F/1791
<p>**Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "E" which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the <i>Guidelines</i>.</p>		

An analysis of the traffic data under "total" conditions represents a combination of background traffic and site-generated traffic. The site-generated traffic was determined based on the following uses:

	Morning Peak Hour			Evening Peak Hour		
	In	Out	Total	In	Out	Total
<b>Residential</b>						
600 Rooms Hotel-Motel	210	180	390	270	210	480
178 Single Family Units	27	107	134	104	56	160
1,715 Apartment Units	178	714	892	669	360	1,029
2,315 Apartment Units (high rise)	139	556	695	602	324	926
<b>Total</b>	<b>554</b>	<b>1,557</b>	<b>2,111</b>	<b>1,645</b>	<b>950</b>	<b>2,595</b>
<i>Less Internal trips</i>	<i>-43</i>	<i>-38</i>	<i>-81</i>	<i>-234</i>	<i>-139</i>	<i>-373</i>
<b>Net New Trips</b>	<b>511</b>	<b>1,519</b>	<b>2,030</b>	<b>1,411</b>	<b>811</b>	<b>2,222</b>
<b>Office</b>						
1,000,000 sq. ft. General Office (equation)	1,041	142	1,183	204	995	1,199
2,240,000 sq. ft. General Office (average)	3,045	427	3,472	561	2,777	3,338
<b>Total</b>	<b>4,086</b>	<b>569</b>	<b>4,655</b>	<b>765</b>	<b>3,772</b>	<b>4,537</b>
<i>Less Internal trips</i>	<i>-8</i>	<i>-19</i>	<i>-27</i>	<i>-50</i>	<i>-64</i>	<i>-114</i>
<b>Net New Trips</b>	<b>4,078</b>	<b>550</b>	<b>4,628</b>	<b>715</b>	<b>3,708</b>	<b>4,423</b>
<b>Retail</b>						
1,194,000 sq. ft. Shopping Center	423	270	693	1,544	1,673	3,217
<i>Less Internal trips</i>	<i>-46</i>	<i>-40</i>	<i>-86</i>	<i>-170</i>	<i>-251</i>	<i>-421</i>
<b>Net External Trips</b>	<b>377</b>	<b>230</b>	<b>607</b>	<b>1,374</b>	<b>1,422</b>	<b>2,796</b>
<i>Less Pass-by trips (19%)</i>	<i>-72</i>	<i>-44</i>	<i>-116</i>	<i>-261</i>	<i>-270</i>	<i>-531</i>
<b>Net New Trips</b>	<b>305</b>	<b>186</b>	<b>491</b>	<b>1,113</b>	<b>1,152</b>	<b>2,265</b>
<b>Total Net New Trips</b>	<b>4,894</b>	<b>2,255</b>	<b>7,149</b>	<b>3,239</b>	<b>5,671</b>	<b>8,910</b>

Using trip generation rates from the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," as well as the Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 7<sup>th</sup> Edition*, the study has determined that the proposed development,

based on the above-mentioned uses, would generate a net total of 7,149 AM (4,894 in and 2,255 out) peak-hour trips, and 8,910 PM (3,239 in and 5,671 out) peak-hour trips.

Using these site-generated trips, an analysis of total traffic conditions was done and the following results were determined:

TOTAL CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
1 - MD 4 & Forestville Road With improvements (MITIGATION)	F/2611 F/1749	F/2452 F/1804
2a - MD 4 WB Ramps & Westphalia Road	A/720	A/759
2b - MD 4 EM Ramps & Old Marlboro Pike	A/511	A/704
3a - MD 4 SB Ramps & Suitland Parkway	D/1388	E/1477
3b - MD 4 NB Ramps & Presidential Parkway	D/1400	B/1093
4a - MD 4 SB Ramps & Dowerhouse Road	B/1036	E/1462
4b - MD 4 NB Ramps & Dowerhouse Road	A/894	D/1404
5a - Old Marlboro Pike & Melwood Road	D/1325	A/777
5b - Old Marlboro Pike & MD 4 WB Off-Ramp	C/1196	A/925
6 - Old Marlboro Pike & Presidential Parkway	B/1044	C/1246
7 - MD 223 & MD 4 EB On-Ramps With improvements	F/2072 D/1406	F/2186 E/1582
8 - MD 223 & Marlboro Pike-Osborne Road With improvements	F/1839 C/1186	F/2111 E/1528
9 - MD 223 & Perrywood Road (Unsignalized) With separate thru/left on SB MD 223 +(signal)	F/1485 Seconds E/1515	F/2465 Seconds F/1610
10 - MD 223 & Dowerhouse Road With improvements	F/2157 E/1597	F/2630 E/1453
11 - MD 223 & Rosaryville Road With improvements	F/2082 D/1393	F/2668 E/1467
12 - Old Marlboro Pike & Ritchie Marlboro Road	F/1665	F/1791



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

- a. MD 4 and Forestville Road Intersection
  - Add a third westbound through lane along MD 4.
  - Add a second northbound double left turn lane along Forestville Road at MD 4.
  - Add a second northbound through lane along Forestville Road at MD 4.
  - Convert the southbound right turn lane into a combined through-and-right lane.
  - Add a second southbound left turn lane along Forestville Road at MD 4.
  - Rebuild the existing traffic signal.
- b. MD 4 and Westphalia Interchange
  - Construct an interchange as detailed which will be prepared under the Surplus Capacity Reimbursement Procedure (SCRPP)
- c. MD 4 and Suitland Parkway
  - The State Highway Administration will construct this new interchange and the applicant will provide right-of-way, resulting in full funding.
- d. MD 4 and Dowerhouse Road
  - The State Highway Administration will construct this new interchange and the applicant will provide right-of-way. The construction timing will be part of the future phasing analysis.
- e. MD 4 and MD 223 Interchange
  - The applicant will rebuild this interchange as detailed on Exhibit 12 as Alternate P-1.
  - Install new traffic signals at Old Marlboro Pike and Presidential Parkway, Old Marlboro Pike and Melwood Road, and Old Marlboro Pike and MD 4 WB off-ramp.

- Construct a second southbound left turn along MD 223 at the MD 4 EM on-ramp.
  - Widen the MD 4 EB on-ramp to accept the southbound double left movement.
  - Provide a third NB through lane along MD 223 at the MD 4 EB on-ramp.
  - Install a traffic signal at the intersection of MD 223 and MD 4 EB off-ramp—MD 4 EB on-ramp.
- f. MD 223 and Marlboro Pike
- Construct a southbound double left turn lane.
  - Modify the traffic signal.
  - Provide separate left, through, and right turn lanes on the eastbound approach.
- g. MD 223 and Perrywood Road
- Conduct a signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.
- h. MD 223 and Dowerhouse Road
- Create a double left, a through, and a separate right turn lane on the northbound approach along MD 223.
  - Create a left turn, a through, and a shared through-and-right lane on the southbound approach along MD 223.
  - Modify the traffic signal.
- i. MD 223 and Rosaryville Road
- Create a second eastbound left turn lane along MD 223 to northbound MD 223.
  - Create a second through lane along southbound MD 223.
  - Create a double left turn along Rosaryville Road.
  - Modify the traffic signal.

With all of the improvements in place, the analyses show that all of the critical intersections along MD 223 will operate adequately and the proffered improvements at the MD 4/Forestville Road intersection will reduce the site's critical trips by greater than 100 percent.

#### **TRANSPORTATION REVIEW**

The traffic study was also reviewed by representatives of the Department of Public Works and Transportation (DPW&T), as well as the State Highway Administration (SHA). In a memorandum from DPW&T dated May 20, 2008, Mr. Issayans noted the following:

“In addition to the improvements noted in the study, the developer should be conditioned for the following improvements:

- Old Marlboro Pike @ Ritchie Marlboro Road will have a level of service “F” in 2017 in both the a.m. and p.m. peak hours. Additional through and turn lanes are necessary on Ritchie Marlboro Road for capacity.
- It should be noted that the intersection of Marlboro Pike/Osborne Road @ MD 223, Perrywood Road @ MD 223, Dowerhouse Road @ MD 223, Forestville Road @ MD 4 and Rosaryville Road @ MD 223 are still at a level of service “F” with the proposed improvements.
- We do not totally agree with the proposed storage lengths at several of the studied intersections. However, since all the intersections are under the jurisdiction of the Maryland State Highway Administration, they will have the final decision as to the recommended geometric adequacies of the proposed improvements.”

Similar comments were made in a November 10, 2008, letter from DPW&T in response to the November 4, 2008, supplemental traffic analysis, as well as the TFMP.

- While the Old Marlboro Pike at Ritchie Marlboro Road intersection shows a projected LOS F under both background and total traffic, all of the changes in level-of-service are attributed to pipeline development only. Based on the traffic distribution, none of the site traffic will affect this intersection.
- The November 4, 2008 supplemental traffic study recommends improvements at the intersections along MD 223. Four of the five intersections along MD 223 were projected to operate with LOS E, which is the minimum standard for properties designated as regional centers. Additional improvements will be required at the Perrywood Road intersection with MD 223 to provide at least a LOS E.

In response to the July 2008 revised study, a letter from SHA, dated September 2, 2008 reiterated many of the traffic study recommendations at most of the critical intersections.

Objections were raised however, with the applicant's assumption that SHA will be constructing the interchange at MD 4 and Dowerhouse Road. The letter stated that "the report assumed that SHA will be constructing interchanges at MD 4 at Suitland Parkway and MD 4 at Dowerhouse Road. SHA will be constructing only the MD 4 at Suitland Parkway interchange. The MD 4 at Dowerhouse Road interchange will need to be funded from an alternative source other than SHA."

Subsequent to the September 2, 2008 letter from SHA, SHA representatives have indicated that changes to the funding status of several projects within the current Consolidated Transportation Program (CTP) FY 2008–2013 are being sought by the Maryland Department of Transportation (MDOT). In an effort to help evaluate the impact of the impending funding changes on some local projects, SHA offered documentation outlining the impact of these changes in a letter dated September 26, 2008 from the then Director of Planning and Preliminary Engineering, Mr. Raja Veeramachaneni. Among the salient points of the letter are the following:

"The Maryland Department of Transportation (MDOT) assessed the budgetary impacts of the current fiscal situation and made some difficult decisions in developing the draft FY 2009–2014 Consolidated Transportation Program (CTP). While I am pleased that all safety, bridge, and system-preservation funding remains intact, I regret that construction funding for several projects were indefinitely deferred. Those projects include the following:

- MD 4/Suitland Parkway Interchange—This project was fully funded, except \$13.6 million for right-of-way purchases. However, the funds have been indefinitely deferred, and the project has been included in the Development and Evaluation (D&E) Program of the new draft CTP. The SHA will continue working with developers, M-NCPPC, and Prince George's County toward right-of-way donations for the project."

While it is the intent of MDOT to defer funding for the MD 4/Suitland Parkway interchange, the guidelines states that "Transportation improvements that should be used for traffic studies as part of the required test for adequacy must have 100 percent of the construction funds programmed in either the adopted county CIP or the current state CTP." The applicant has met this test.

#### Westphalia Sector Plan

The Approved Westphalia Sector Plan and Sectional Map Amendment (2007) recommends an extensive road network which impacts the subject application. All of the planned roads that were proposed in the sector plan's transportation network are accurately represented in the proposed application.

- a. The application is a conceptual site plan for 530.27 acres of land in the M-X-T Zone. The proposed development would generate 7,149 AM (4,894 in and

2,255 out) peak-hour trips, and 8,910 PM (3,239 in and 5,671 out) peak-hour trips. These trip projections were determined using the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," as well as the Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 7<sup>th</sup> Edition*.

b. The traffic generated by the proposed conceptual plan would impact the following intersections:

- MD 4 and Forestville Road
- MD 4 and Westphalia Road/Old Marlboro Pike
- MD 4 and Suitland Parkway
- MD 4 and Dower House Road
- MD 223 and Old Marlboro Pike—MD 4 WB on-ramps \*\*
- MD 223 and MD 4 WB off-ramps \*\*
- MD 223 and MD 4 EB on-ramps \*\*
- MD 223 and Marlboro Pike—Osborne Road
- MD 223 and Perrywood Road \*\*
- MD 223 and Dowerhouse Road
- MD 223 and Rosaryville Road

c. None of the intersections identified in finding (b) above is programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation (MDOT) Consolidated Transportation Program or the Prince George's County Capital Improvement Program with the exception of the following:

- MD 4 and Suitland Parkway—(MDOT CTP FY 2008–2013) \*\*
- MD 223 and Dowerhouse Road (CIP 2008–2013, FD669451)
- MD 223 and Rosaryville Road (CIP 2008–2013, FD669451)

\*\*The MD 4/Suitland Parkway intersection is funded for upgrade to an interchange in MDOT's current CTP (FY 2008–2013). As in a letter from SHA dated September 26, 2008, funding for this intersection upgrade is indefinitely deferred. The current CTP has a validity period beginning July 1, 2008 and ending June 30, 2009. Consequently, based on the provisions outlined in Subtitle 24-124(a) (1) of the Subdivision Regulations, the project can still be used to meet the transportation adequacy requirement.

d. The subject property is located within the Developed Tier, as defined in the General Plan (2002) for Prince George's County. However, as part of the approval of the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment, the subject property was designated as a regional center. Consequently, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better.

Unsignalized intersections: *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed an unacceptable operating condition at unsignalized intersections. In response to such a finding, we 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.

e. The following intersections identified in finding (b) above, when analyzed with the total future traffic as developed using the guidelines, were not found to be operating at or better than the policy service level defined in finding (d) above:

- MD 4 and Forestville Road
- MD 4 and Dowerhouse Road
- MD 223 and Old Marlboro Pike—MD 4 WB on-ramps \*\*
- MD 223 and MD 4 WB off-ramps \*\*
- MD 223 and MD 4 EB on-ramps \*\*
- MD 223 and Marlboro Pike—Osborne Road
- MD 223 and Perrywood Road \*\*
- MD 223 and Dowerhouse Road
- MD 223 and Rosaryville Road

f. The applicant shall provide the following improvements to the intersections, in consideration of the findings in finding (e) above:

MD 4 and Forestville Road Intersection

- Add a third westbound through lane along MD 4.
- Add a second northbound double left turn lane along Forestville Road at MD 4.
- Add a second northbound through lane along Forestville Road at MD 4.
- Convert the southbound right turn lane into a combined through-and-right lane.
- Add a second southbound left turn lane along Forestville Road at MD 4.
- Rebuild the existing traffic signal.

#### MD 4 and Westphalia Interchange

- Construct an interchange as detailed which will be prepared under the SCRP.

#### MD 4 and MD 223 Interchange

- Rebuild the interchange as detailed on Exhibit 12 as Alternate P-1.
- Install new traffic signals at Old Marlboro Pike and Presidential Parkway, Old Marlboro Pike and Melwood Road, and Old Marlboro Pike and MD 4 WB off-ramp.
- Construct a second southbound left turn along MD 223 at the MD 4 EM on-ramp.
- Widen the MD 4 EB on ramp to accept the southbound double left movement.
- Provide a third NB through lane along MD 223 at the MD 4 EB on-ramp.
- Install a traffic signal at the intersection of MD 223 and MD 4 EB off-ramp—MD 4 EB on-ramp.

#### MD 223 and Marlboro Pike

- Construct a southbound double left turn lane.
- Modify the traffic signal.
- Provide separate left, through and right turn lanes on the eastbound approach.

#### MD 223 and Perrywood Road

- Conduct a signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

#### MD 223 and Dowerhouse Road ++

- Create a double left, a through, and a separate right turn lane on the northbound approach along MD 223.



- Create a left turn, a through, and a shared through-and-right lane on the southbound approach along MD 223.
- Modify the traffic signal.

MD 223 and Rosaryville Road ++

- Create a second eastbound left turn lane along MD 223 to northbound MD 223.
- Create a second through lane along southbound MD 223.
- Create a double left turn along Rosaryville Road.
- Modify the traffic signal.

++The improvements associated with the intersections along MD 223 at Rosaryville Road and Dowerhouse Road are projected to operate adequately as a result of upgrades that are funded in the County CIP. As part of the funding schedule for the CIP, there is a provision for developer contribution, consequently, the applicant is required to participate in this funding contribution by providing a pro rata contribution.

A pro rata contribution of \$812.00 per dwelling unit was previously included as a condition of approval in the following resolutions:

Mill Creek—PGCPB Resolution No. 05-232, November 3, 2005  
Brazelton—PGCPB Resolution No. 06-119, May 18, 2006

In the current approved CIP (FY 2008–2013), the overall cost is listed as \$2,625,000 with \$1,810,000 coming from developer contributions. However, these cost estimates were established for the County's FY 1992–1997 approved Capital Budget. In the current MDOT CTP for FY 2008–2013, the cost associated with the improvement at MD 223 at the Rosaryville Road intersection is \$5,148,000.

Information presented in the traffic study indicated that under total traffic condition, an average of 4,571 peak-hour trips will pass through this intersection. Of that number, 1,085 trips will come from the subject application. Since the proposed development will represent 23.74 percent of the total traffic, then the applicant shall contribute its commensurate share of the cost which is calculated as:

$$23.74\% \times \$5,148,000 = \$1,221,960$$

For every average peak-hour trip the proposed development generates, its pro rata share will be  $\$1,221,960/1,085 = \$1,126.23$  per trip.

- g. ALL of the intersections identified in finding (b) above, when analyzed with the improvements identified in finding (f) above and total future traffic as developed

using the guidelines, were found to be operating at or better than the policy service level defined in finding (d) above, with the exception of:

MD 4 and Forestville Road  
MD 4 and Dowerhouse Road

- h. Regarding finding (g) above, the traffic study has assumed that funding exists within the current SHA CTP for the construction of the interchange at MD 4 and Dowerhouse Road. However, it cannot be verified that such funding exists. Since the analyses of this intersection was predicated on an interchange being built, and there is no evidence that such an interchange has full funding in any current CIP/CTP, we will not recommend a condition that the applicant to provide funding for this interchange.
- i. All of the analyses for the intersection of MD 4 and Forestville Road show that the intersection will not operate within the required adequacy threshold. The intersection is eligible, however, for the use of mitigation pursuant to Subtitle 24 of the Subdivision Regulations and the guidelines. On November 4, 2008, a transportation facilities mitigation plan (TFMP) was received, which was subsequently referred to SHA for review. A December 1, 2008 response letter from SHA made no objections to the applicant's proposed mitigation improvements. The proffered improvements will mitigate the total CLV's by 490 percent in the AM peak hour and 490 percent in the PM peak hour.

**CSP-07004-01:** The Planning Board does not object to the proposed revisions to conditions from a transportation-perspective because they conform to the parallel conditions of the approved preliminary plan for the Moore Property. Also with respect to Condition 16, the Planning Board stated that they additionally had no objections because the proposed transit center will not be located on the Moore Property.

- e. **Subdivision—CSP-07004:** The subject property is zoned M-X-T. Subtitle 24 of the Subdivision Regulations restricts the use of private streets, alleys, and easements for development in the M-X-T Zone. Specifically, as applicable:

Section 24-128. Private roads and easements.

- (a) No subdivision plat or plan of development (however designated) shall be approved that provides for a private road, right-of-way, or easement as the means of vehicular access to any lot, and no building permit shall be issued for the construction of any building in a subdivision unless such building is to be located on a lot or parcel of land having frontage on and direct vehicular access to a public street, except as hereinafter provided.

and,

(b)(7) In Comprehensive Design and Mixed Use Zones:

- (A) For land in the V-L, V-M, R-L, R-S, R-M, R-U, M-U-I, L-A-C, M-A-C, M-X-C, M-U-TC, and M-X-T Zones, the Planning Board may approve a subdivision (and all attendant plans of development) with private roads to serve attached single-family dwellings, two-family dwellings, and three-family dwellings, but not single-family detached or multifamily dwellings, in accordance with the requirements of Subsections (e) and (f) of Section 27-433 of the Zoning Ordinance, except as hereinafter provided. In all of the above zones, and in the R-R Zone when developed as a cluster subdivision, the Planning Board may approve a subdivision with alleys to serve any permitted use, provided the lot has frontage on and pedestrian access to a public right-of-way. The District Council may disapprove the inclusion of alleys during the consideration of the detailed site plan for a cluster subdivision. For the purposes of this Section, an "alley" shall mean a road providing vehicular access to the rear or side of abutting lots, and which is not intended for general traffic circulation.
- (i) The pavement width of private roads may be reduced to not less than a minimum of twenty-two (22) feet when it is determined that the provision of the minimum width is consistent with a safe, efficient, hierarchical street system for a development.
- (ii) The pavement width of private alleys shall be not less than eighteen (18) feet when it is determined that the provision of the minimum width is consistent with a safe, efficient, vehicular access to individual lots. Since alleys only provide vehicular access to lots with frontage on a public street, alleys shall not be required to be improved with street trees or curb and gutter, unless a drainage problem has been identified by the Department of Environmental Resources or the Department of Public Works and Transportation.

The use of alleys and private streets are permitted to serve residential uses in certain circumstances and not commercial and retail. Single-family dwellings must have frontage on a public street. The conceptual site plan should indicate if private streets and alleys are proposed, and indicate specific standards to be approved by the Department of Public Works and Transportation. This issue should be vetted prior to the approval of the conceptual site plan. The expectation of adequate parking and circulation has been established with this approval. The applicant is proposing the extensive use of alleys. Based on the concept, a large number of alleys do not provide thru streets.

The site is made up of a combination of record lots and parcels. Sheet 3 of 18 shall be revised to accurately reflect the existing street dedications which have occurred. Specifically, the dedication of Executive Lane recorded in land records in CEC 89@66, unless vacated.

Section 24-107 of the Subdivision Regulations restricts the division of land after 1982 by deed. It appears that there have been several divisions of land after 1982. Prior to signature approval the applicant should review the deeds for the property and ensure that there have been no illegal divisions of land resulting in the creation of additional lots or parcels that have not been included in the development, after 1982.

The disposition and/or integration into the development of Moore's Way and Melwood Road shall be addressed and will be the subject of the review of the preliminary plan. Any existing access easements located on the property must remain unless abandoned.

All of the exhibits contained in the CSP text document shall include the property in its entirety prior to signature approval. The water and sewer plan exhibit does not include all of the properties listed in the title block and boundary exhibit, nor do all the properties appear on the Type I tree conservation plan (TCPI) exhibit. Sheet 13 does not include the entire property in the phasing plan.

Final determination of which streets will be publicly owned and maintained and which streets will be privately owned and maintained will be made at time of approval of a preliminary plan of subdivision. In accordance with the Subdivision Regulations, access for the commercial, multifamily, and single-family detached development will need to be on publicly owned streets unless a variation is granted at the time of preliminary plan. Discussions so far, as formalized in CB-29-2008, have indicated that DPW&T will accept ownership of streets in the Core, but only from curb to curb and without accepting ownership or responsibility for the wide urban sidewalks and streetscaping elements.

**CSP-07004-01:** Resolutions of approval PGCPB Nos. 09-93 and 09-95, were both adopted by the Planning Board on June 25, 2009 and are valid until June 25, 2015.

Westphalia Center Preliminary Plan 4-08002 was approved for the following:

<b>4-08002</b>	<b>APPROVED</b>
Zone	M-X-T
Use(s)	Mixed Use
Acreage	482.57
Lots	1,352
Outlots	0
Parcels	211
Commercial	
Retail	1,400,000
Office	4,500,000*
Dwelling Units:	
Detached	172
Townhouse	1,287
Attached (misc)	424
Multifamily	2,473
Public Safety Mitigation Fee	No

\*Condition 2 of CSP-07004 restricts the amount of office in the Fringe area to 2.2 million

The Moore Property preliminary plan was approved for the following:

4-08018	APPROVED
Zone	M-X-T
Use(s)	Mixed-Use
Acreage	47.70
Lots	375
Parcels	52
Commercial	
Retail	3,000
Dwelling Units:	0
Detached	0
Townhouses	375
Attached (misc)	130
Multifamily	135
Public Safety Mitigation Fee	No

The following are CSP-07004 conditions of approval (15, 16, 24, 25, 30, and 31 of PGCPB Resolution No. 08-189) were proposed to be modified by the applicant as follows:

15. ~~Prior to approval of a detailed site plan for specific buildings, the applicant shall obtain approval of a special purpose detailed site plan encompassing the entire Westphalia Town Center site to establish R[r]egulating standards for signage and identification of~~ identify appropriate locations for transit stops within the town center ~~shall be made in consultation with DPW&T and WMATA. The first special purpose detailed site plan for the Town Center Core, Town Center Edge, Fringe Area, or the Village Center each shall also show proposed preliminary designs of the public open spaces within its respective area of the Westphalia Sector Plan the town center and establish a timing plan for the improvement of these public spaces and for the public trail system.~~

The Moore Property is located in the Edge area of the Town Center. The special-purpose detailed site plan was to coordinate the entire Town Center (Preliminary Plans 4-08018 and 4-08002), with details to be established with each DSP, consistent with the special-purpose detailed site plan. The applicant's proposed revisions to the condition would delete the overall special-purpose detailed site plan and require only "preliminary designs" with the DSP for each area, and provides no trigger for the appropriate locations for transit stops and signage standards.

It is important to note that with the CSP and preliminary plan review, the conceptual details were not available at the time of CSP-07004 approval. The special-purpose detailed site plan allowed the applicant to move forward with the CSP and preliminary plan, based on the special-purpose detailed site plan tool being required.

In order to allow the applicant to move forward, it must have its own special-purpose detailed site plan approved for the Moore Property, with details not "proposed preliminary design."

16. ~~Prior to approval of a special-purpose detailed site plan covering the whole site, At the time of the first detailed site plan for the Town Center Core, Town Center Edge, Fringe Area, or the Village Center,~~ the following items shall be determined to ensure they will be addressed during review of each incremental detailed site plan submitted subsequently:
- a. Evaluate accessibility, safety, and traffic control needs for the circular public space within public road MC-637, or propose an alternative road design or location for the public spaces.
  - b. Address gateway design themes and concepts.
  - c. Define the responsibility for construction and ownership of other public spaces, recreation and open space facilities proposed in the town center.
  - d. Address a comprehensive organizational structure and financing system to manage and maintain the public, quasi-public and common ownership infrastructure networks and amenities, such as streets, sidewalks, recreation facilities, open spaces, and management operations.
  - e. ~~Acknowledge that the transit center will be dedicated to public use.~~

In the applicant's justification, they indicated that many of the elements of the special-purpose detailed site plan are applicable to the Moore Property. In fact, the special-purpose detailed site plan requirement in the original approval of CSP-07004 was to coordinate the entire development. However, a special-purpose detailed site plan could be required for the Moore Property only where elements applicable to both 4-08018 and 4-08002 can be coordinated, by requiring that a second special-purpose detailed site plan is approved for the balance of Westphalia Center unless it can be affirmatively demonstrated to the Planning Board that such inclusion is inappropriate in whole or in part.

The applicant proposed to delete Condition 16(e) above, however, as the DSP is reviewed for the transit site, that information should be required as part of the conceptual site plan. The applicant indicated within the justification that they acknowledge that the transit



center will be dedicated to public use, but does not control that property. Condition 16(e) should remain as a part of the “umbrella” plan for the entire Westphalia property.

24. The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DRD, in accordance with the timing established in the applicable DSP ~~special-purpose DSP~~. The developer, his successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
25. As part of the private recreational facilities package, the applicant and the applicant's heirs, successors, and/or assignees shall construct three community buildings. The size, timing, and location of the community buildings shall be determined with the review of the first special-purpose detailed site plan for each mixed-use area (i.e., the Town Center Core, Town Center Edge, Fringe Area, and the Village Center) and developed in accord and in conformance with the design principles for Westphalia Center and the Sector Plan.
30. The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined ~~during the review of the special-purpose detailed site plan review.~~ The review of the Town Center Core detailed site plan shall acknowledge public recreational facilities to be provided in the central park.

Conditions 24, 25, and 30 could be addressed with the first DSP if it is determined appropriate. However, the amount and location of an integrated recreational amenities package was to be the subject of the special-purpose detailed site plan. The recreational package, including bonding and triggers for construction, is necessary prior to final plat.

31. The phasing of residential and commercial uses shall be determined with approval of the Conceptual Site Plan covering the whole property. All properties within Westphalia Center shall be subject to this CSP ~~and to any special-purpose DSP.~~
  - c. Prior to issuance of permits for the ~~1,400th~~ 1905<sup>th</sup> dwelling unit, 300,000 square feet of retail space and 500,000 square feet of office space shall be constructed in the Core.
  - b. Attached dwelling units shall be limited to 50 percent of the total dwelling units ~~on the site in Westphalia Center.~~ Regardless of the relative quantities of different unit types approved on detailed site plans, building permits shall not be issued which would result in attached units exceeding 50 percent of the total of all dwelling units for which permits have been issued. The Moore Property is

exempt from this condition and its unit mix shall be excluded from calculations made in satisfaction of this condition in the remainder of Westphalia Center.

The applicant appears to be establishing a trigger for conformance as being "construction shall be construed to mean that the buildings are built and ready for occupancy except for tenant specific fit-out improvement." Concurrently, triggers are required prior to building permit. Building permits include an occupancy component. The applicant is asking to require a permit process which is not consistent with normal permitting practices and not under the jurisdiction of M-NCPPC, but Prince George's County Department of Environmental Resources (DER), by separating occupancy from building permits.

There does not appear to be a trigger for the construction of retail on the Moore Property with the applicant's proposal, and should be addressed with this application. The Transportation Planning Section should provide comments regarding conditions of approval relating to transportation phasing.

With respect to preliminary plan conformance, the Subdivision Review staff offered the following:

The applicant proposes to revise the concept plan which could have implications to the Westphalia Preliminary Plan, 4-08008. The applicant should provide an analysis of the impact that the removal of the special-purpose detailed site plan could have on the conditions of approval for both the Moore Property and Westphalia preliminary plan conditions.

The resolution of approval (PGCPB No. 09-95) of the preliminary plan for the Moore Property (4-08018) contains two conditions which specifically relate to the special-purpose detailed site plan (*emphasis added*):

10. **The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined during the review of the special-purpose detailed site plan. Private and public recreational facilities shall be reviewed as a package, acknowledge the contribution of \$3,500 per dwelling unit, and determine the total expenditures for the package. Or as modified by any subsequent revisions to CSP-7004.**
  
17. **In conformance with the adopted Westphalia sector plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following with triggers for construction to be determined with the special-purpose detailed site plan:**

- a. **Construct the master plan trail along the subject site's portion of Cabin Branch. The trail alignment shall follow the existing sewer easement to the extent practical and will cross the Westphalia Center, Moore Property, and Smith property applications.**
- b. **Pedestrian safety features, traffic calming, and pedestrian amenities will be evaluated at the time of each DSP.**
- c. **Provide six-foot-wide sidewalks and designated bike lanes along MC-637 as approved on the street sections for CSP-07004.**
- d. **Standard sidewalks shall be provided along both sides of all internal roads (excluding alleys), unless modified by DPW&T.**
- e. **Each DSP shall be referred to WSSC for additional review and comments concerning the stream valley trail alignment within the sanitary sewer easement.**
- f. **Each DSP shall identify the locations of all of the public trail easements to ensure that they are identified on the final plat(s).**

Condition 40 of this approval states that these conditions shall not be construed to permit separate special-purpose detailed site plans for the Moore Property and the balance of Westphalia Center.

The resolution of approval (PGCPB No. 09-93) of the preliminary plan for the Westphalia Property (4-08008) contains six conditions which specifically relate to the special-purpose detailed site plan (*emphasis added*). Conditions 17-19 below are permissive and are not solely tied to the special-purpose detailed site plan.

11. **The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined during the review of the special-purpose detailed site plan. Private and public recreational facilities shall be reviewed as a package, acknowledge the contribution of \$3,500 per dwelling unit, and determine the total expenditures for the package. Or as modified by any subsequent revisions to CSP-7004.**
17. **The applicant and the applicant's heirs, successors and/or assignees shall dedicate Parcel 25 to the Board of Education at the time of dedication of any public rights-of-way abutting Parcel 25, or as determined at the time of approval of the special-purpose site plan.**

18. The applicant and the applicant's heirs, successors and/or assignees shall dedicate Lot 7 to Prince George's County for the construction of a fire/EMS station at the time of dedication of Parcel 25 to the Board of Education, *or as determined at the time of approval of the special-purpose site plan, unless otherwise determined by the District Council or Planning Board.*
19. The applicant and the applicant's heirs, successors and/or assignees shall dedicate the transit station (to be labeled on the preliminary plan) to public use, and shall be a minimum of four acres. Dedication shall occur at the time of dedication of any public rights-of-way abutting the site *or as determined at the time of approval of the special-purpose site plan.* The transit station parcel shall have frontage on and the ability for direct access to a public street. The creation of the addition parcel is anticipated by this condition.
21. In conformance with the approved Westphalia sector plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following, *with triggers for construction to be determined with the special purpose detailed site plan:*
  - a. Construct the master plan trail along the subject site's portion of Cabin Branch. The trail alignment shall follow the existing sewer easement to the extent practical and will cross the Westphalia Center, Moore Property, and Smith Property applications.
  - b. Construct the master plan trail along the subject site's entire segment of Back Branch on the alignment proposed by the applicant on the Trail Alignment Exhibit. The stream valley trail shall be completed in phase with the completion of the associated proposed roadways and the stormwater management pond. If some or all of Private Road QQ is eliminated (per discussion with the applicant and EPS), the master plan trail shall still be constructed on or near the same alignment as envisioned in the sector plan.
  - c. Construct the minimum eight-foot-wide master plan trail along the subject site's entire frontage of the north side of MC-634 and A-66. In the vicinity of the town center, this trail may be replaced by a decorative wide sidewalk and streetscape. Treatment alternatives can be evaluated at the time of DSP.
  - d. Pedestrian safety features, traffic calming, and pedestrian amenities will be evaluated at the time of each DSP.
  - e. The approved Westphalia sector plan recommends that Melwood Road be designated as a Class III bikeway with appropriate signage.

Because Melwood Road is a County right-of-way, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$1,260 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. Any appropriate safety improvements necessary along this County OP minimal maintenance road will be determined by DPW&T and should accommodate bicycle movement.

- f. Provide minimum ten-foot-wide sidewalks along both sides of the town center boulevard.
- g. Mark and label the six-foot-wide sidewalks on the urban residential road 70-foot right-of-way.
- h. In areas of landscaping and street furniture, a clear horizontal sidewalk space of eight feet shall be maintained to accommodate the heavier pedestrian traffic anticipated in the town center Core. The optional zone may be reduced to 28 feet in order to accommodate this change.
- i. Provide minimum ten-foot-wide sidewalks (clear pedestrian zones) along both sides of the town center boulevard. The optional zone for the town center boulevard may be reduced to 26 feet.
- j. Modify the width of the "urban sidewalks" included on the north-south urban mixed use roads to be a minimum of eight feet. The optional zone for the north-south urban mixed use roads may be reduced to 28 feet.
- k. Provide minimum sidewalks of six feet along both sides of MC-632 as approved on the street sections for CSP-07004.
- l. Provide six-foot-wide sidewalks and designated bike lanes along MC-637 as approved on the street sections for CSP-07004.
- m. Standard sidewalks shall be provided along both sides of all internal roads (excluding alleys), unless modified by DPW&T.
- n. Each DSP shall be referred to WSSC for additional review and comments concerning the stream valley trail alignment within the sanitary sewer easement.

- o. Each DSP shall identify the limits of the public use easements to ensure that the easements are reflected on the final plat(s).**

- 50. Prior to approval of a special purpose detailed site plan, proposed Parcel T-1 shall be evaluated to determine the adequacy of accessibility, safety, and if traffic controls are needed for the circular public space (park) within public road MC-637 (Dower House Road), or an alternative road design or location for the public spaces shall be approved. This study may affect the proposed road design and lot patterns in this area.**

The requirement for the special-purpose detailed site plan is a condition of the CSP and not required by the preliminary plan. The preliminary plan only recognizes that requirement. If it is determined to be appropriate to remove the requirement for the special-purpose detailed site plan, the CSP should clearly indicate that any subsequent approvals which contain the requirement for a special-purpose detailed site plan are modified by the revision to the CSP, and specifically referring to the preliminary plan of subdivision conditions. The elements of the conditions are not to be removed, only the timing of when they are to be addressed.

The impact of the CSP revision on transportation phasing contained in the conceptual and preliminary plans of subdivision should be evaluated by the Transportation Planning Section.

Subdivision-related concerns have been addressed by Condition 40 of this approval which states that these conditions shall not be construed to permit separate special-purpose detailed site plans for the Moore Property and the balance of Westphalia Center.

- f. Trails—CSP-07004:** The subject application covers 530.27 acres of proposed mixed-use development in the Westphalia planning area. The 2002 General Plan designates MD 4 as a corridor and also identifies a community center north of MD 4 in the vicinity of the subject site. The site is adjacent to the proposed Smith Home Farms and Woodside Village developments, as well as the existing Presidential Corporate Center. Master plan trails issues that impact the subject application include the following:

- Back Branch Stream Valley Trail
- Cabin Branch Stream Valley Trail
- Melwood Legacy Trail/Bikeway
- Presidential Parkway (MC-634 and A-66) Sidepath/Wide Sidewalk
- MC-632 Wide Sidewalk and Designated Bike Lanes
- MC-637 Bikeway Corridor
- C-636 Bikeway Corridor

The stream valley trails shall be constructed in conformance with the Department of Parks and Recreation (DPR) guidelines and standards. The location of both trails will be

determined by DPR. Segments of the Cabin Branch Trail may be on adjacent developments, if determined appropriate by DPR.

Master-planned roadways A-66, MC-634, MC-632, and MC-637 reflect designated bike lanes and six-foot-wide sidewalks on the submitted plans. The sidewalk along the north side of both A-66 and MC-634 be widened to eight feet in order to accommodate the master plan trail. Master-planned roadway C-636 includes six-foot-wide sidewalks along both sides. Bikeway signage to designate the bikeway along this residential road shall be installed. Also sidewalks along MC-632 shall be widened from six feet to eight feet in width. Master-planned roadway MC-632 is a major north-south corridor through the town center and is also designated as a master plan trail corridor.

The subject site is adjacent to approximately 6,500 linear feet of Melwood Road. The approved 2007 Westphalia sector plan includes the following recommendation regarding the utilization of this road as a trail/bikeway corridor:

Melwood Road Greenway Trail: Preserve segments of the road with a green buffer on either side as an integral part of the community's trail and greenway network. The preserved segments should be incorporated into a north/south multipurpose path that winds through the center of the community. Sections of the trail that are not wooded and outside of the PMA may be realigned to parallel new streets, through parks, along lakes, etc., as needed to achieve the desired result. The path should extend from Old Marlboro Pike to the central park and up to the intersection of D'Arcy and Westphalia Roads. It could feature a trailhead at Old Marlboro Pike on a section of unused right-of-way for the planned improvements to A-37 (Westphalia Road). Where Melwood Road provides access to pre-existing homes it may be retained as privately maintained ingress-egress easements or County OP codes at the discretion of the County. Access will be provided to the nearest publicly maintained road. Access points should be located to discourage through vehicular traffic. (Sector Plan, p. 28)

The entire portion of Melwood Road that abuts the subject site provides access to pre-existing homes and therefore will be maintained for ingress-egress to these lots. In keeping with the recommendation of the sector plan, bikeway signage shall be provided along the site's segment of the roadway. To the north of the subject application, the Melwood Legacy Trail will be accommodated with a sidepath parallel to MC-632. The Smith Home Farms development will also preserve a segment of the road as a trail corridor within an open space greenway.

#### SIDEWALK CONNECTIVITY

The sidewalk network is a crucial component of providing a walkable town center. Roads should be designed to accommodate bicyclists, pedestrians, and Americans with Disabilities Act (ADA) users, in addition to automobiles. A comprehensive network of sidewalks can ensure that nonmotorized access is possible throughout the subject site and

surrounding developments. The subject development includes detailed road cross sections that incorporate facilities for pedestrians and bicyclists. Standard or wide sidewalks are provided along all roads. Designated bike lanes are also included with some cross sections.

Designated bike lanes are included on road cross sections for urban major collector roads (MC-632, 634, and 637), urban arterial roads (A-52 and A-66), urban major collector road, residential (MC-637 (Residential)).

Six-foot-wide sidewalks are included along urban mixed-use roads, urban residential roads, internal circulation roads, and most of the urban primary residential roadways.

The "typical alley" is the only proposed road cross section that does not include accommodations for pedestrians or bicyclists. Sidewalks are included along all other roads and, in some cases, extensive streetscape improvements are included. The sidewalk network is comprehensive and will complement the master plan trails proposed for the site. A few roadways shall include wider sidewalks than what is currently shown on the subject application due to density or master plan trail recommendations.

The approved Westphalia sector plan designates MC-634, MC-637, MC-632, C-636, and A-66 as bikeway corridors. Master-planned roadways MC-634 and A-66 are continuations of Presidential Parkway, which exists to the west of the subject site. Existing Presidential Parkway includes an eight-foot-wide, asphalt sidepath along its northern edge, to the west of Westphalia Center, which shall be continued onto the subject site along both MC-634 and A-66.

The existing sidepath along Presidential Parkway shall be continued along the subject site's entire frontage of MC-634. This trail can be implemented as a wide sidewalk if necessary due to urban design considerations.

The sidewalk facility along the 70-foot right-of-way for urban residential roads shall be labeled.

The width of the "urban sidewalks" included on the 42-foot and 62-foot urban mixed-use rights-of-way should be clarified. In areas of landscaping and street furniture, a clear space of at least eight feet shall be maintained to accommodate the heavier pedestrian traffic anticipated in the town center core. Along the town center boulevard, sidewalks should be at least ten feet wide to accommodate large amounts of pedestrian movement along this major corridor through the town center core.

The sector plan also designates C-636 as a master plan bikeway corridor. C-636 reflects six-foot-wide sidewalks along both sides. Bikeway signage shall also be provided.



The 2007 approved Westphalia sector plan also recommends a trail connection between the headwaters of the Back Branch and Cabin Branch stream valley trails. This connection will provide for the longer, loop-trail opportunities envisioned in the plan, as well as direct trail connections to the future transit center and A-52. This trail connection shall be included in the subject development, with the exact alignment and nature of the connection to be determined at later phases of review. In some areas, this connection may be accommodated via sidewalk connections.

If the roadways are not accepted by DPW&T as part of the public road network, the extensive sidewalk and bicycle facilities will not be accessible to the public as part of the larger, countywide trail network. This issue should be explored in more detail. As much of the pedestrian and trail network as possible should be open and accessible to the public. Since DPW&T would not maintain the pedestrian zone/streetscape, public use easements for the sidewalks were recommended at the time of preliminary plan.

Pedestrian safety features will be an important component of the street network. Curb bumpouts, decorative crosswalks, raised crosswalks, pedestrian safety features, pedestrian refuges, and pedestrian amenities shall be considered at the time of detailed site plan.

The road cross sections shown on the submitted circulation plan. Standard or wide sidewalks are included along all roadways and designated bike lanes are provided throughout the town center. However, the applicant should work with DPW&T to make as much of the road network public as possible through the detailed site plan process.

**CSP-07004-01:** The Planning Board makes the following findings regarding the trails-related issues raised by the subject revisions to conditions:

Condition 15—The trails, bicycle, and pedestrian conditions of the approved preliminary plan for the Moore Property are not affected by these changes. The design, timing, and maintenance of the trails on the Moore Property can be determined at the time of detailed site plan for the Moore Property.

Condition 16—The trails, bicycle, and pedestrian conditions of the approved preliminary plan for the Moore Property are not affected by these proposed changes. However, the construction, ownership, and maintenance of the trails and streetscapes will have to be addressed at the time of detailed site plan for the Moore Property. Decisions regarding these issues will have to be done so that the continuity and accessibility of the trail and pedestrian network is not impacted and the vision for a continuous, accessible pedestrian network in the town center is not impaired.

Condition 24—The approved trail and streetscape improvements can be addressed in this manner for the Moore Property.

Condition 25—The trails, bicycle, and pedestrian conditions of the approved preliminary plan for the Moore Property are not affected by these proposed changes.

Condition 30—The private HOA (homeowners association) trails and other private recreational facilities can be addressed in this manner.

Condition 31—The trails, bicycle, and pedestrian conditions of the approved preliminary plan for the Moore Property are not affected by these proposed changes.

In conclusion, the proposed revisions contained in the subject application do not impact the previously approved requirements for trails, bikeways, and pedestrian improvements on the Moore Property or the surrounding Westphalia Center. The previously approved requirements of the preliminary plan are still applicable. Issues related to the construction, ownership, and maintenance of the trails and streetscapes will be addressed at the time of the appropriate detailed site plan.

- g. **Parks and Recreation—CSP-07004:** The plan has been reviewed in accordance with the recommendations of the *Approved Prince George's County General Plan*, the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment for Planning Area 78, the Land Preservation and Recreational Program for Prince George's County, current Zoning and Subdivision Regulations, and existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation facilities.

The town center is adjacent to the Smith Home Farm project to the north. The Cabin Branch Stream Valley will provide stream valley pedestrian and hiker/biker trail connection from the town center to the future Westphalia central park.

The applicant's proposal includes 150–200 single-family homes, 1,650–1,850 townhouses and 2,350–3,100 multifamily residential dwelling units. Using current occupancy statistics for single-family and multifamily dwelling units, one would anticipate that the proposed development would result in a population between 11,440 and 14,215 residents in this new community.

The 2007 Approved Westphalia Sector Plan and Sectional Map Amendment developed design principles for the Westphalia Town Center to promote the development of quality public spaces such as:

- Design a minimum of one public space in a prominent and centralized location of the town center core at a minimum of three acres in size.
- Develop numerous smaller public spaces such as plazas, courtyards, and green spaces of approximately one-quarter to one-half acre in size.

- Develop in a way that promotes walking and transit use and provide high levels of pedestrian accommodation, safety, and amenity.

The 2007 Approved Westphalia Sector Plan and Sectional Map Amendment indicates that these squares, plazas, etc. shall be privately owned and maintained spaces designed and programmed to host community events.

The development includes: four circular urban parks, green spaces/plazas, boulevards, and pocket parks and the construction of two privately operated and maintained community centers in the residential portion of the development, located on the edge of the town center.

The 2007 Approved Westphalia Sector Plan and Sectional Map Amendment introduced the concept of a "Central Park," a single major recreational complex to serve the entire Westphalia area. The Westphalia central park will be located 1,100 feet north from the northern boundary of this project. The central park will be accessible to the residents of the town center through a system of roads and pedestrian and hiker/biker trails. A large urban park will serve as a unifying community destination and amenity for the entire Westphalia sector plan area. The sector plan recommends developing the central park with the following recreational amenities: a recreational lake or other water feature, active and passive recreational facilities, lawn areas and bandstands suitable for public events, a trail system, group picnic areas, and tennis facilities.

The developers of the Smith Home Farm and Woodside Village projects developed the comprehensive concept plan for the central park. The comprehensive concept plan was prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and the Urban Design Section.

#### Westphalia Central Park Concept Plan

The Westphalia central park comprises 174 acres of open space. The Westphalia Central Park Concept Plan shows a large 34-acre lake and surrounding recreational facilities with a waterfront activities center, restaurants, open play areas, an amphitheater for large public events, a recreational center, tennis center, an adventure playground, ball fields, group picnic areas, an extensive trail network providing recreational opportunities, and a pedestrian connection to the town center and surrounding residential development.

#### Subdivision Regulations, Section 24-134, Mandatory Dedication of Parkland

The Planning Board has evaluated the CSP-07004 application for conformance with the Subdivision Regulations to determine the possible impact of the mandatory dedication requirement on the Westphalia Center site plan. The Planning Board found that approximately 257 acres of the 530-acre site include a residential component and may be subject to the mandatory dedication of 38.5 acres of open space.

The Westphalia sector plan goals, policies, and strategies related to 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 the financing mechanisms, phasing, construction, and maintenance of the proposed park facilities.

Amendment 8 of the adopted Westphalia sector plan, Council Resolution CR-2-2007, states:

Revise the adopted plan parks and recreation element text to:

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

The 2007 Approved Westphalia Sector Plan and Sectional Map Amendment anticipated that major recreational needs of the residents of the town center will be addressed by

contribution of the funds for the development of the 174-acre "Central Park," a single major recreational complex to serve the entire Westphalia area.

The applicant should provide on-site, privately-maintained recreational facilities throughout the town center core including four circular urban parks, green spaces/plazas, boulevards and pocket parks, and make a monetary contribution in the amount of \$3,500 per dwelling unit in 2006 dollars into a "park club" for the design, construction, and maintenance of the recreational facilities in the central park and other parks that will serve the Westphalia area.

**CSP-07004-01:** The Parks and Recreation issues connected with the Westphalia Center project are unchanged by the subject proposed revisions to conditions.

**h. Environmental—CSP-07004:**

**Background**

The Planning Board has no record of any previous applications for this property. The current application is for residential, retail, and office development in the M-X-T Zone.

During the review of this application, the delineation of the regulated site features with the Maryland Department of the Environment (MDE), the U.S. Army Corps of Engineers, and the applicant's consultants were coordinated. This time was well spent because the delineation of the streams on-site was finalized. The delineation of some of the wetlands on the site had not been finalized because MDE has not provided their opinion of the wetlands on-site. The applicant was asked for, as part of the review of the natural resources inventory (NRI), an update to the wetlands delineation. The NRI was a required submittal item for acceptance of the preliminary plan.

**Site Description**

This 530.04-acre site in the M-X-T X Zone is located on the north side of Pennsylvania Avenue (MD 4), to the west of Old Marlboro Pike, and bordered by Melwood Road to the north. A review of approved NRI/094/06 indicates that streams, 100-year floodplain, wetlands, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. There are 158 specimen trees located on-site. The site is adjacent to Pennsylvania Avenue (MD 4), which is a source of traffic-generated noise. It is also located in close proximity to Andrews Air Force Base, a source of aviation-generated noise. According to the *Prince George's County Soil Survey*, the soils found on-site are in the Adelpia, Bibb, Collington, Marr, Matapeake, Sassafra, Shrewsbury, Westphalia, and Woodstown series. According to available information, Marlboro clay does not occur on this property, but occurs just north of the site. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or adjacent to this property. Habitat for forest interior dwelling species does exist on-site. Melwood Road is a designated historic road, located to the east and north of the subject site. This site is located in the

Western Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the General Plan.

#### Master Plan Conformance

The current master plan for this area is the 2007 Westphalia Approved Master Plan and Sectional Map Amendment and in it, the Environmental Infrastructure Section contains goals, policies, and strategies. The following guidelines are applicable to the subject project. The text in BOLD is text from the master plan and the plain text provides comments on plan conformance.

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

##### Strategies:

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

According to the *Approved Countywide Green Infrastructure Plan*, there are regulated areas, evaluation areas, and network gaps that encompass most of the property. The proposed woodland conservation areas are located in regulated and evaluation areas.

As noted below, some regulated streams are proposed to be eliminated on the site for the construction of buildings. Some of the road crossings shown are not necessary to the overall development. The conditions of this approval address conformance with this provision of the master plan.

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

Preservation of the primary management area (PMA) will be addressed in the Environmental Review section below.

- 3. Place preserved sensitive environmental features within the park and open space networks to the fullest extent possible.**

No identified park or open space areas are proposed for the subject site. It appears that an open amphitheater is proposed on the western part of the site. The comments below seek to expand on this open space area to create the "gateway" to the town center.

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

The original CSP application contained elements of primary management areas associated with Cabin Branch, a designated primary corridor. There are various areas of proposed road crossings and sewer line connections that will impact Cabin Branch on-site, some of which are necessary and some which are not necessary for construction as noted below. Details on protecting the Cabin Branch primary corridor are discussed below in the Environmental Review section.

5. **Limit overall impacts to the primary management area to those necessary for infrastructure improvements, such as road crossings and utility installations.**

The initially submitted plans were not in conformance with this strategy. The proposed impacts to the primary management areas are more than necessary for development. These issues are discussed in more detail in the Environmental Review section below.

6. **Evaluate and coordinate development within the vicinity of primary and secondary corridors to reduce the number and location of primary management area impacts.**

Cabin Branch is a designated primary corridor in the master plan and the streams on-site are tributaries to this stream. Prior to the initial submission of the CSP application, the development of the overall roadway network was discussed in detail and the major road crossings were placed at optimal locations to reduce impacts. The roadways shown are not in complete conformance with this overall plan, in particular the road crossing identified as Area 3 below. There are also several road crossings that were not part of that analysis that are shown on the plans. Some of these roads result in impacts to the primary management areas that were not anticipated in the previous design. The proposed impacts are discussed in more detail in the Environmental Review section below and are modified by conditions of this approval.

7. **Develop flexible design techniques to maximize preservation of environmentally sensitive areas.**

Council Bill CB-29-2008 addresses some flexibility to county design standards with regard to building placement, etc. and the text provided with the CSP alludes to flexible design standards, but no statement is provided regarding what these standards are.

A condition of this approval requires further definition and inclusion of flexible design standards.

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

**Strategies:**

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

The site contains some minor areas of agricultural uses, mainly in the northwestern quadrant of the town center. The stream system associated with the previous agricultural uses does not currently have a wooded buffer and is proposed to be removed for the construction of buildings and roads. A condition of this approval eliminates these impacts from the current design, unless an alternative design is provided that addresses the water quality functions provided by this existing system. The proposed impacts are discussed in more detail in the Environmental Review section below.

- 2. Require stream corridor assessments using Maryland Department of Natural Resources protocols and include them with the submission of a natural resource inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites.**

A signed NRI was submitted, but it does not include a stream corridor assessment. The signed NRI has since been modified by the applicant to eliminate some of the streams previously shown as regulated. This NRI was further reviewed through the preliminary plan approval process.

The streams on-site are highly degraded from erosion of the highly-erodible soils on-site. A stream corridor assessment is needed to determine where restoration efforts should be focused and whether or not the stream system in its current condition can handle the stormwater runoff proposed. The stormwater management plan should consider the information obtained from the stream corridor assessment as part of the process of designing the overall system because a poorly designed system



will continue to degrade the streams on-site and result in the continuation of downstream degradation.

The stream corridor assessment is also needed because there are multiple on-site impacts proposed to regulated features and the mitigation for those impacts should occur on-site where they are most needed.

Stormwater outfalls shall be carefully placed to ensure stream stability. If stream restoration recommendations are appropriate, they shall be included in the report. Streams shall not be piped unless absolutely necessary to address a water quality or water conveyance problem.

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

The subject development shall involve the dedication of rights-of-way for three master-planned roads. At the time of creation of the Westphalia master plan, the general locations of A-66, C-636, and MC-637 were determined for the subject property. As noted above, there are crossings shown that are not all placed in the most sensitive locations. The proposed impacts are discussed in more detail in the Environmental Review section below.

- 4. Encourage shared public/private stormwater facilities as site amenities.**
- 5. Ensure the use of low-impact development (LID) techniques to the fullest extent possible during the development review process with a focus on the core areas for use with bioretention and underground facilities.**

At this time, there is insufficient information to fully address these standards. The CSP shows a variety of stormwater management ponds, all placed adjacent to the PMA. As stated above, a stream corridor assessment is needed to determine if the stream system will be stable enough to handle the influx of runoff. During the review of the preliminary plan, the stormwater management concept proposed was evaluated to ensure that it has been designed to include low impact development techniques as amenities.

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

**Strategies:**

- 1. Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.**
- 2. Encourage the use of alternative energy sources such as solar, wind and hydrogen power. Provide public examples of uses of alternative energy sources.**

The plan proposes 5,150 residential dwelling units, 1.4 million square feet of retail space, and 4.5 million square feet of office space in nine development areas. This type of development has a substantial "environmental footprint" that includes the consumption of raw materials, the transport of raw and pre-fabricated materials to the site, and the future consumption of energy in the form of oil, gas, and electricity. The use of environmentally sensitive building techniques should be considered as part of this development to improve its sustainability over time and to reduce its overall footprint on the environment.

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

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

Residential uses have been placed in the portions of the site that are away from the higher noise levels of Andrews Air Force Base. Noise has not been addressed from MD 4 or the planned arterials A-52 and A-66. Noise mitigation is discussed in detail in the Environmental Review Section.

#### Summary of Master Plan Conformance

Conditions of this approval have brought the CSP into conformance with the master plan.

#### Conformance with the Countywide Green Infrastructure Plan

The subject property contains extensive regulated, evaluation, and network gap areas. The regulated areas of countywide significance, as reflected on the green infrastructure network, do not include all of the regulated areas on the site. There are other streams of local significance that warrant protection and consideration during the design stage.

To be in conformance with the Countywide Green Infrastructure Plan, the designated regulated areas must be preserved with impacts limited to those necessary for development. Evaluation areas must be protected on-site as much as possible. Wherever network gaps occur, every effort should be made to reconnect the areas that have become fragmented.

Conditions of this approval have brought the CSP into conformance with the Green Infrastructure Plan.

The following policies support the stated measurable objectives of the Countywide Green Infrastructure Plan:

**Policy 1. Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.**

The 2002 General Plan was amended by the Westphalia sector plan, which calls for a "center" and associated high-density uses on the subject site. The protection of the green infrastructure network and the construction of a dense town center core are not incompatible. The challenge comes in delineating the regulated areas first and then designing around these features. In two places in particular, this concept was not followed: the area of the northwestern "community center" in the middle of a regulated stream and the elimination of 800 linear feet of a channel designated as "Waters of the State" for the construction of office buildings.

There are several other areas of impact that are not necessary to the overall development of the site. These areas include: the placement of the curve north into the site of MC-632 (placed at the intersection of two streams); the provision of the "fringe road" from MC-632 west that then curves north to cross the stream (this results in an additional stream crossing that is not necessary); and the ring roads

around the southern portions of the two pods on each side of MC-632, west of the school site (these do not result in direct impacts, but add to the overall percentage of impervious surfaces and do not provide additional benefits). Conditions of this approval enable a finding of conformance with this strategy.

**Policy 2. Preserve, protect enhance or restore the green infrastructure network and its ecological functions while supporting the desired development patterns of the 2002 General Plan.**

Preservation of water quality in this area will be provided through the protection of the expanded stream buffers and the application of best stormwater management practices for stormwater management. Low-impact development stormwater management methods should be applied on this site, to the fullest extent possible.

**Policy 3. Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.**

Conditions of this approval bring the TCPI into conformance with the requirements of the Woodland Conservation Ordinance and the Countywide Green Infrastructure Plan.

Summary of Conformance with the Countywide Green Infrastructure Plan  
The plans as conditioned are in conformance with the functional master plan. By addressing the conditions of approval, the revised plans will be in conformance with the Countywide Green Infrastructure Functional Master Plan.

Environmental Review

- a. A signed Natural Resources Inventory Plan (NRI/094/06), which included detailed forest stand delineation (FSD), was submitted. The site contains sensitive environmental features such as streams, 100-year floodplain, wetlands, severe slopes, and areas of steep slopes with highly erodible soils. The site also contains 158 specimen trees. Because the FSD portion of the NRI has been reviewed in detail, and the FSD meets the submittal requirement for this application type, no additional FSD or NRI information is required.

The FSD report describes this site as containing eight different forest stands, for a total of 440.87 acres of woodland on-site. The dominant trees on-site are tulip poplar, red maple, sweetgum, beech, and Virginia pine. Stand A is a 108.22-acre stand of mixed early succession and immature hardwoods, including tulip poplar, sweetgum, and red maple. This stand was selectively harvested approximately five years ago. Stand B is a 212.93-acre stand of immature mixed hardwoods, also

dominated by tulip poplar, sweetgum, and red maple. There is evidence of selective harvest in recent years. Stand C is an 8.73-acre stand of immature conifer dominated by Virginia pine. No logging activities appear to have occurred within this stand. Stand D is a 19.45-acre stand of early succession hardwoods including sweetgum and tulip poplar. There is no evidence of recent logging activity, and portions of this stand would be classified as interior forest habitat because areas are located more than 300 feet from the nearest forest edge. Stand E is a 5.13-acre stand of early succession conifers dominated by Virginia pine. A small portion of this stand is considered interior forest habitat. Stand F is a 43.96-acre stand of immature upland hardwoods dominated by hickory, beech, red oak, white oak, and tulip poplar. This stand is a high priority for retention due to its location next to regulated streams, wetlands, and floodplains. There are also portions of the stand classified as forest interior habitat. Stand G is a 25.84-acre stand of mature conifer forest dominated by Virginia pine. There are portions of this stand that are considered interior forest habitat. Stand H is a 16.61-acre stand of mixed hardwood dominated by sweetgum, red maple, black cherry, black locust, and tulip poplar. Portions of this stand are considered interior forest habitat. The total area of the nonforested land on the property is approximately 89.82 acres.

The NRI that has been submitted was approved on October 19, 2006. Due to field work performed on March 18, 2008, additional regulated stream areas were found on-site. In a letter dated March 26, 2008 to McCarthy and Associates, it was requested that these areas be added to the NRI. Mapping detailing the additional streams was included in the letter to McCarthy and Associates. Subsequent to that communication, stream delineation was submitted that eliminated all but the streams regulated by the U.S. Army Corps of Engineers. Because these are not the only streams regulated at state or local levels, this delineation needed to be expanded to include these items.

On September 24, 2008, the applicant's representatives met with MDE to request that they conduct the field visits necessary to determine the regulated site features. They were only able to send a stream expert (and not a wetland expert) and that field visit occurred on October 14, 2008. No one from MDE has visited the site to determine which of the remaining isolated wetlands are under the state's jurisdiction. The applicant was then required to submit additional information to verify whether or not the wetlands previously delineated on the plans are regulated wetlands, per the Corps of Engineer's 1987 delineation manual.

- b. As noted above, the site contains extensive areas of Patuxent River primary management areas (PMAs) and some associated and isolated wetlands. Though the full extent of the regulated features on the site had not yet been determined the overall conceptual layout was discussed in terms of impacts to known regulated features at the original hearing.

The following points were made:

There are several areas where the impacts to the PMA are excessive and are not necessary for the development of the site in conformance with the desired development pattern of the sector plan. The following discussion references Staff Exhibit "A" prepared November 24, 2008, that notes the locations of the impact areas being discussed. The pink areas shown on the exhibit are the areas of concern. The orange areas are the areas of impact that are considered appropriate.

Area 1: This area is identified as the northwestern "community center" which is proposed to be built in the middle of a regulated stream. The stream is shown on the plans and the impacts include the community center building, several roads, and some townhouses. Another nearby stream segment is also impacted.

During the discussions with the applicant's engineer, the question was asked whether a concept that showed a stormwater management pond in this location might be acceptable. Buildings and roads were never discussed. It was indicated that a pond in this location with the caveat that the pond would have to be designed as an amenity with extensive landscaping and community access might be acceptable. That design, however, had not been submitted as of the public hearing on this case.

The design concept also created additional impacts off-site by setting road connections that would have to be followed on adjacent sites.

It was felt that the design should be revised to eliminate the extensive impacts to this 700-foot-long stream segment.

Area 2: This impact is located north of the interchange of Suitland Parkway and MD 4. It is understood that the interchange must be in the location shown; however, the plan shows the elimination of 800 linear feet of a channel designated as "Waters of the State" for the construction of office buildings. The stream is over 1,200 feet long on the subject property and approximately 400 linear feet of disturbance is needed for road crossings that are not disputed. The remaining stream segments, while fragmented, still have value.

In addition to the need to preserve the stream segments to be in conformance with the Green Infrastructure Plan, the preservation of the streams and associated woodlands in this area would provide a natural break from the more office-related uses to the west and the town center itself. This natural area will also provide a gateway from the west into the town center and would provide a logical extension to the amphitheater area to the north. The preservation of this area is critical to the overall health of the stream system itself.

The design shall be revised to eliminate the extensive impacts to this 1,200-foot-long stream segment. The impacts should be reduced to those necessary for the two stream crossings.

Area 3: Where MC-632 curves to enter the site, there is an intersection of two streams. This road could easily be shortened to bring it onto the site in a place where the impacts will be reduced, preferably to the east.

The design shall be revised to eliminate the extensive impacts to the two stream systems in this location.

Area 4: The plans show the provision of a "fringe road" from MC-632 west that then curves north to cross the stream. This design results in an additional stream crossing that is not necessary because there is another road crossing just to the east and there are two ways in and out of this portion of the site. A third access point is not necessary.

The design in this location shall be revised to eliminate the additional stream crossing.

Area 5: To the west of the school site, the plan shows two ring roads around the southern portions of the two pods on each side of MC-632. These are single-loaded roads that do not result in direct impacts, but add to the overall percentage of impervious surfaces and the amount of grading necessary for construction. These two roads do not provide additional benefits to the design.

The layout of this area shall be redesigned and the two ring roads should be eliminated.

Area 6: To the east of Area 3 an impact is proposed for a small scale road to connect two large surface parking lots. If this road was moved to the south, it would avoid the PMA impact altogether.

Area 7: To the east of Area 5 and north of Area 6, on the north side of the major stream system that runs east to west through the property, there are multiple small impacts whose purpose is not shown. At the submitted scale of one inch equals 200 feet, it is impossible to discern exactly what areas are being proposed for impact. Except for necessary utilities to serve the development that cannot be placed outside the PMA, these impacts have been eliminated by a condition of this approval.

Area 8: This area is located in the northeast corner of the site. Because the TCPI does not show any proposed grading or the stormwater management ponds that

are shown on the conceptual plans, it is not possible to discern the magnitude or purpose of these impacts. Impacts to the PMA for stormwater management outfall is appropriate, impacts for the grading or construction of the stormwater management pond are not appropriate.

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

This 530.04-acre property contains a total of 419.96 acres of woodland outside the floodplain and 20.26 acres inside the floodplain according to the TCPI submitted October 30, 2008. The woodland conservation threshold has been correctly calculated as 76.15 acres. As currently shown, the areas of clearing result in a total requirement of 223.97 acres. The plan proposes to meet the requirement by providing 21.63 acres of woodland preservation, 28.35 acres afforestation/reforestation, and 173.99 acres of fee-in-lieu.

The TCPI was provided on one sheet at a scale of one inch equals 200 feet. At this scale, it is impossible to determine if the woodland conservation areas are shown correctly. In addition, the TCPI has no limits of disturbance. Without plans at a finer scale, it is not possible to make conclusive comments on the plans submitted; however, at the request of the Environmental Planning Section, the plans contain the following note:

"This plan is conceptual and depicts the general layout of uses proposed. At time of preliminary plan, the signed NRI was used to delineate the regulated areas on all plan submitted for review. Proposed impacts to the regulated areas were evaluated as part of the preliminary plan review process."

As conditioned, the TCPI for the Conceptual Site Plan is acceptable.

One concept shown on the plan is of concern. The reforestation areas appear to encompass every piece of open space on the site, which is ambitious and not realistic. During the review of the preliminary plan, the reforestation areas were reviewed to determine which are feasible and which are not, given the placement of utilities, sight distance issues, aesthetic concerns, etc. The following note must be added to the TCPI:

"The afforestation/reforestation areas on this plan will be reviewed in more detail during the preliminary plan review and review of the future TCPI and TCPII. Afforestation and reforestation areas must be placed so



as to provide open space, locations for utilities, sight distance, and to address aesthetic concerns throughout the site.”

- d. The plan shows an excessive amount of fee-in-lieu being used to meet the woodland conservation requirement. Council Bill CB-29-2008 allows for the use of fee-in-lieu, just as any site is allowed to use fee-in-lieu, after exhausting all other woodland conservation options.

Council Bill CB-29-2008 states: “(B) For Regional Urban Community developments in the M-X-T Zone, the woodland conservation and afforestation thresholds shall be fifteen percent (15%) with no requirement for on-site mitigation. A fee-in-lieu of \$0.30 per square foot shall be required.”

As written, this passage allows the fee-in-lieu to be provided at a rate of \$0.30 per square foot, if this option is used. This provision was added because draft legislation has been prepared that proposes an increase in the fee-in-lieu.

A justification for skipping over all the other mitigation methods that come before fee-in-lieu has not been provided. The other priorities are:

- preservation on-site
- areas preserved with selective clearing to improve the forest
- on-site afforestation/reforestation
- landscaping
- off-site afforestation/reforestation
- off-site woodland conservation through preservation

Fee-in-lieu can only be considered when all other options have been exhausted.

- e. This property is located adjacent to MD 4 and portions are within the noise contours of Andrews Air Force Base (AAFB). The plan proposes the construction of two arterial roadways, A-52 and A-66. Roadways of arterial classification and greater generate traffic levels and resultant noise levels that are above the state standard of 65 dBA Ldn for residential uses.

A Phase I noise study was not submitted with the CSP application and it does not appear that noise issues have been addressed, except that the residential uses are planned to be constructed in areas outside the highest noise contours of AAFB.

- f. The soils found to occur on this property are in the Adelpia, Bibb, Chillum, Collington, gravel and borrow pits, Matapeake, Sandy land steep, Sassafras, Shrewsbury, Westphalia, and Woodstown. Many of these soils have limitations, but they are generally well drained making them appropriate for infiltration methods of stormwater management.

This information is provided for the applicant's benefit. No further action is needed as it relates to this conceptual site plan. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

- g. The site has a Stormwater Management Concept Approval Letter (44782-2007-00) and is referenced in the CSP text as being provided in the appendix.

The conceptual layout shows only two stormwater management ponds to handle over 400 acres of primarily impervious surfaces and some underground facilities to handle water quality requirements. Based on the existing drainage area map (Sheet 17), there should be many more facilities to handle both the volume of runoff and the quality of the runoff. Council Bill CB-29-2008 allows for the use of "innovative" stormwater techniques. A pipe-and-pond design is not considered an "innovative" technique.

This is an ideal site for infiltration in the areas where the elevation permits direct infiltration and infiltration with drainage systems elsewhere. As part of the overall beautification of this site and to show aesthetically its prominence in the region, bioretention areas are recommended throughout the site. This will increase the overall tree canopy coverage, reduce the overall runoff, and enhance the quality of the runoff. This will also bring the site into conformance with the new state stormwater regulations which require the use of environmentally-sensitive designs.

Conditions below require further review of the concept plan and associated letter.

**CSP-07004-01:** The proposed revisions to Conditions 15, 16, 24, 25, 30, and 31 will not change the intent of the previous approvals with regard to environmental conditions. All other conditions of the previous CSP approval should be carried forward; however, additional TCPI conditions are necessary to address timing and phasing issues as well as general plan revisions that are needed based on the TCPI plan received as part of the CSP revision application. These conditions have been made a part of this approval.

- i. **Fire/EMS Department—CSP-07004-01:** In comments dated May 10, 2010, the Prince George's County Fire/EMS Department offered information regarding needed accessibility, private road design, and the location and performance of fire hydrants.
- j. **Department of Public Works and Transportation (DPW&T)—CSP-07004-01:** In a memorandum dated March 30, 2010, DPW&T stated that they had no objections to the proposed revisions to Conditions 15, 16, 24, 25, 30, and 31 of approved Conceptual Site Plan CSP-07004.

- k. **Maryland State Highway Administration (SHA)—CSP-07004-01:** In undated comments received from SHA, a representative stated that they had no objections to the proposed revisions to conditions.
- l. **Washington Suburban Sanitary Commission (WSSC)—CSP-07004-01:** At the time of this writing, staff has not received referral comments from WSSC.
- m. **Verizon—CSP-07004-01:** In an email dated April 12, 2010, a representative of Verizon stated that the location of the public utility easement should be established and placement of utilities coordinated between all providers at the time of preliminary plan of subdivision. The representative was specifically concerned about how this would be accomplished because the Moore Property is not accessed by a public right-of-way and it is questionable how all utilities will be able to be provided to the subject development.
- n. **Potomac Electric Power Company (PEPCO)—CSP-07004-01:** At the time of this writing, PEPCO has not provided staff with referral comments.
- o. **Westphalia Sector Development Review Advisory Council (WSDRAC)—CSP-07004-01:** In comments dated May 6, 2010, the Westphalia Sector Development Review Council expressed their unanimous opposition to revisions to Conditions 15, 16, 24, 25, 30, and 31. Further, they stated their strong support for the previously approved plan (Conceptual Site Plan CSP-07004).
- p. **Washington Metropolitan Area Transit Authority (WMATA)—CSP-07004:** In a letter dated June 4, 2008 (Washington to Parker), the Washington Metropolitan Area Transit Authority (WMATA) commented on the creation of a transit-ready community to support bus operations and possible future rail transit. The letter emphasizes the need to create a comprehensive pedestrian network and allow adequate space for the provision of bus stops and services within the design. The letter notes specific design constraints such as the size of bus station areas and the desirability of providing bus layover areas within the transit center parcel.

The CSP does provide for a comprehensive pedestrian network throughout the site. The design guidelines in the CSP text will not provide for the fine detail of pedestrian- and bus-friendly streetscape design which will need to be reviewed in more detail with the detailed site plans.

The appropriate party to take ownership of the transit center has also not been determined at this time. It may be appropriate for the transit center parcel to be dedicated to public use and given to Prince George's County or WMATA for development as a bus rapid transit center.

- q. **Joint Base Andrews Naval Air Facility—CSP-07004:** In a memorandum dated May 12, 2008, the community planner for Andrews Air Force Base offered the following comments.

This property is located within the 65–69 and 70–75 dBA noise contours. Residential development in this area is generally discouraged. The Andrews AFB Air Installation Compatible Use Zone Study (2007) suggests a maximum density of one dwelling unit per acre for areas within the 70–75 dBA noise contours. Where the community determines the residential uses must be allowed, measures to achieve outdoor to indoor noise level reduction (NLR) for DNL/CNEL 65–69 dBA and DNL/CNEL 70–74 dBA should be incorporated into building codes and considered in individual approvals.

- r. **Special Projects—CSP-07004:** The 2007 approved Westphalia sector plan recommends the construction of a public library with community meeting space, in the “proposed community center core.” This library is not shown on the CSP maps or discussed in the CSP text. At the preliminary plan of subdivision, the applicant is required to either dedicate land to Prince George’s County or to M-NCPPC for this library, to show where a public library will be constructed to the specifications of the Prince George’s County Memorial Library System (PGCMLS), or to indicate in which commercial or retail building 25,000 to 50,000 square feet of space will be provided for this library.

The applicant should coordinate with the Office of Central Services and PGCMLS on the provision of this library prior to the preliminary plan of subdivision. This library is intended to serve the residents of Westphalia and the surrounding communities and may not be needed for several years.

The 2007 approved Westphalia sector plan recommends the construction of a police facility near the proposed community center core area. The 2008 *Public Safety Facilities Master Plan* recommends relocation of the Prince George’s County Police Department (PGPD), Special Operations Division (SOD), from 6700 Riverdale Road, Riverdale, Maryland to a more centrally-located area within the county. PGPD has indicated their desire to relocate SOD to the proposed police facility in the Westphalia Town Center. The sufficiency of the dedicated property will be determined by the cooperative efforts of PGPD, M-NCPPC, and the applicant. The applicant should continue to coordinate with PGPD to determine the necessary dedication prior to the preliminary plan of subdivision.

The 2007 approved Westphalia sector plan recommends a co-location of the police and fire/EMS facilities. The Prince George’s County Fire/EMS Department (PGFD) has indicated a desire to construct the Fire/EMS station immediately, independent of private development on the property. The applicant should continue to coordinate with PGFD to determine the appropriate size and location of the property to be dedicated for this facility.

The police and fire/EMS facilities are shown in Phase 4 of development. The 2007 approved Westphalia sector plan recommends staging that “ensures provision of the

“aforementioned public facilities concurrently with development of new homes and businesses.”

The fire/EMS station is immediately necessary because construction of the interchange at MD 4 and Suitland Parkway will render the existing Forestville Fire/EMS Station, Company 23, on Old Marlboro Pike inoperable; the new Westphalia station is necessary to ensure seamless delivery of first response in the Westphalia and Forestville areas *independent* of the construction of the Westphalia Town Center.

The PGPD, Special Operations Division, is currently located at 6700 Riverdale Road in Riverdale. This outdated facility is inadequate for SOD needs and requires vehicles to be stored and maintained outside, where they are deteriorating at a fast rate. In addition, the proposed Purple Line will run on shared right-of-way along this portion of Riverdale Road and situations may arise where transit vehicles (either light-rail trains or large buses) may block the exit of SOD headquarters and inhibit response times.

These public facilities are needed as soon as possible and should be in the earliest phase of development. Since they require dedications of land, such dedications should occur at the preliminary plan of subdivision in consultation and agreement with PGPD and PGFD.

16. As required by Section 27-276(b) of the Zoning Ordinance, Conceptual Site Plan CSP-07004-01 represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

Conceptual Site Plan CSP-07004-01 supersedes and replaces previously approved CSP-07004 in its entirety.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type I Tree Conservation Plan (TCPI/014/08-02), and further APPROVED Conceptual Site Plan CSP-07004-01 for the above-described land, subject to the following conditions:

1. Prior to certificate approval, the following revisions shall be made to the CSP:
  - a. All appropriate sheets of the CSP shall be revised to show the same proposed ranges of development. These ranges shall be as follows:
    - (1) 4,000–5,000 total dwelling units
      - 150–200 single-family detached houses
      - 1,650–2,500 attached dwelling units
      - 1,800–3,100 multifamily dwelling units

- (2) 500–600 hotel rooms
- (3) 900,000–1,400,000 square feet of retail
- (4) 2,200,000–4,500,000 square feet of office

These numbers are subject to verification prior to certification of the CSP to ensure that they meet the minimum required land use densities and floor-area ratios established in the Westphalia Sector Plan for the Core, Edge, and Fringe areas.

- b. Remove the note referring to possible increases of 10 percent of the development categories.
- c. Revise the conceptual landscape plan to demonstrate conformance to Section 4.8 of the Landscape Manual.
- d. Revise the phasing plan to propose up to 50 percent of the total dwelling units as attached units (including townhouses, semi-detached dwellings, two-family units, three-family units, and any similar products).
- e. Provide minimum ten-foot-wide sidewalks (clear pedestrian zones) along both sides of the town center boulevard. The optional zone for the town center boulevard may be reduced to 26 feet.
- f. Mark and label the six-foot-wide sidewalks on the urban residential road 70-foot right-of-way.
- g. Modify the width of the “urban sidewalks” included on the north-south urban mixed-use roads to be a minimum of eight feet. The optional zone for the north-south urban mixed-use roads may be reduced to 28 feet.
- h. Provide minimum sidewalks of six feet along both sides of MC-632.
- i. All portions of the plan shall show the entire property.
- j. Show that the detached portion of the property along the western portion of existing Presidential Parkway is part of the Fringe area.
- k. Add a floating symbol for the potential location of a library within the town center.
- l. Show a buffer area along the full length of historic Melwood Road and the Twin Knolls Subdivision, including the Fringe area. The buffer along the Fringe area shall be a minimum of 30 feet. The buffer along the remaining length of historic Melwood Road and the Twin Knolls Subdivision, excluding the Fringe area, shall be a minimum of 75 feet wide and an average of at least 150 feet wide.

- m. Add a floating symbol for the potential location of a public or private medical facility.
  - n. Show bikeway corridor trails along major roads.
  - o. Either the TCPI and the preliminary plan shall be revised to show the correct delineation of existing environmental features per the signed natural resources inventory (NRI), or the NRI shall be revised to reflect the correct delineation of existing environmental features. If the second option is used, revised studies must be provided to support the changes.
2. Prior to certificate approval, the following revisions shall be made to the CSP plan text. Where available, the specific pages of the proposed CSP text to which the revision applies are provided in parentheses.
- a. Revise the proposed development totals to match those shown in Condition 1(a).
  - b. Revise the proposed intensity of commercial development within the Fringe area to reflect the reduction in the minimum amount of office development from 4,000,000 square feet to 2,200,000 square feet.
  - c. Add proposed public/quasi-public uses to the breakdown of land use ranges in the Edge area, and if necessary, revise the proposed mix to conform to the recommended range (p. 23).
  - d. Incorporate the omitted sector plan design principles for the Core, Edge, and Fringe areas in the CSP text as criteria to be included in subsequent development review procedures.
  - e. Emphasize that proposed commercial land uses in the Edge areas need to be in substantial conformance with all sector plan design principles, particularly with respect to scale, site and building design, and parking. On-street parking will be designed to contribute to the parking requirements of commercial uses within the Edge.
  - f. Require a range of lot sizes for single-family attached dwelling units in the town center with a minimum of 1,000 square feet.
  - g. Incorporate the regulations of Council Bill CB-29-2008, particularly with respect to townhouse and attached dwelling unit criteria for the percentage of total units, lot size, living area, number of units in an attached row, and building widths.
  - h. Use consistent terminology throughout the text to refer to the streets (urban mixed-use roads, urban residential roads, internal circulation roads, and auxiliary access roads).

- i. A maximum of 68 front-loaded garages shall be allowed within Westphalia Center. Their location shall be restricted to areas adjacent to a stream valley or preserved environmental feature, preventing the use of a rear alley to serve the dwellings.
- j. No drive-through services are permitted within Westphalia Center.
- k. Update the discussion of noise based on the most up-to-date noise contours (p. 6).
- l. Clarify that surface parking lots will only be permitted within the Core area at final build-out where they are small in size and screened from the street by buildings. Interim parking lots in the Core, prior to final build-out, shall be screened by landscaping (pp. 22–23).
- m. Correct the reference to an informal street pattern in the Core area to refer to the street pattern of the Fringe (p. 28).
- n. Include all three gateways (Suitland Parkway, Dowerhouse Road, and Woodyard Road) in the discussion of gateways (p. 34).
- o. Revise the text on page 38 to remove the second exemption for continuous building façade (for drive-throughs in the Core area).
- p. Remove the reference to off-street parking provided along the roadway in the Core area (p. 38).
- q. Specify that residential buildings fronting on urban residential roads and internal circulation roads may be set back up to 10 feet from the established build-to line along the pedestrian zone or public utilities easement to allow for stoops, porches, gardens, etc. The setback may be up to 15 feet from the established public utilities easement where front-loaded garages are permitted (pp. 40–42).
- r. Clarify the building placement regulations to note that buildings shall be built to the pedestrian zone, optional zone, or public utilities easement, whichever is farthest from the street centerline.
- s. Change the standard spacing of street trees to a maximum of 40 feet on center for all roads.
- t. Add language to state that multistory buildings are strongly encouraged in the Core area.
- u. Remove the detail of tree grates or modify the detail to show a larger planting area and an expanded structural soil area underneath the adjacent sidewalk (following p. 42).
- v. One-story buildings shall not be constructed in the Core area.



3. Prior to certification of the CSP, the Type I tree conservation plan shall be revised to:
  - a. Show all proposed impacts to the Patuxent River primary management area (PMA) as previously approved with Preliminary Plans 4-08002 and 4-08018.
  - b. Show the unmitigated 65 dBA Ldn noise contour and the noise contours associated with Andrews Air Force Base that were shown on TCPI/014/08-01 approved with Preliminary Plan 4-08002 for the Westphalia Center, and as shown on TCPI/004/09 approved with Preliminary Plan 4-08018 for the Moore Property.
  - c. Include all required information per the TCPI preparation checklist, including but not limited to the following:
    - (1) The plan must be signed by a qualified professional.
    - (2) Provide a legend on all sheets of the plan set depicting all symbols used on the plan.
    - (3) Update the revision box with a description of all revisions made to the plan since the approval of the last TCPI.
    - (4) Provide an approval block on all sheets of the plan set with the previous approval information typed-in.
    - (5) Provide standard TCPI notes on the plan.
  - d. Revise the table on the cover sheet as needed to reflect the signed NRI. Specifically, the areas for existing site area, existing floodplain, existing woodland, and existing wooded floodplain. In addition to the totals for these areas, this table should be revised to separate the areas for the Moore Property and the greater Westphalia Center.
  - e. Revise the plan to graphically show all existing environmental features, including but not limited to streams, wetlands, floodplain, PMA, etc., as shown on the signed NRI.
  - f. Provide a table on the cover sheet itemizing the areas of existing woodland, woodland cleared, preservation, reforestation, woodland saved not counted, and woodland saved but considered cleared for each phase of construction. The itemized table shall include the areas within the limits of disturbance (LOD) necessary to allow the Moore Property to move forward before the remainder of the site.
  - g. Provide a note below the specimen tree table to indicate how the trees were located (field estimated or survey located).

- h. Revise woodland conservation areas as necessary to ensure that no woodland conservation is proposed within any existing or proposed easements and/or floodplain area.
  - i. Ensure that the layout shown on the plan is the most current layout.
  - j. Provide labels for the matchlines on all sheets in the plan set.
  - k. Revise the matchlines and the sheet labels on the cover sheet to accurately reflect the configuration and sheet numbers of the individual sheets of the plan set.
  - l. Show a proposed LOD for the entire site.
  - m. Provide a separate sheet within the plan set to show the proposed LOD for all improvements necessary to allow access to the Moore Property without construction of the remainder of the Westphalia Center. This LOD shall include the clearing needed for all improvements, including but not limited to proposed grading, utility connections, road improvements, stream crossings, and stockpiles.
  - n. Provide a phased worksheet on the cover sheet. This worksheet shall include as Phase 1, the area within the LOD for all improvements necessary to allow access to the Moore Property without construction of the remainder of the Westphalia Center. The remaining phase of the worksheet shall include the remaining area of the Westphalia Center. The remaining area of the Westphalia Center shall be further separated into phases on the TCPII at time of DSP review so that each phase of the worksheet includes the area of each DSP.
  - o. The areas of existing environmental features (site area, existing woodland, existing floodplain, and existing wooded floodplain) used in the worksheet shall match the areas on the signed NRI.
  - p. After all revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revisions made.
4. At least 35 days prior to Planning Board approval of the preliminary plan of subdivision, a stream corridor assessment using the Maryland Department of Natural Resources protocol shall be submitted. General impacts to the entire stream valley for stream restoration shall be approved at the preliminary plan stage. Specific impacts for stream restoration will be determined, reviewed, and approved at the detailed site plan stage. Streams shall not be piped unless absolutely necessary to address a water quality or water conveyance problem.
5. Prior to acceptance of the preliminary plan package for review, NRI/094/06 shall be revised to include information obtained from the field work of the Maryland Department of the Environment, the comments provided by the Environmental Planning Section (M-NCPPC), and additional information on existing wetlands.

6. Prior to approval of the preliminary plan of subdivision, any roadway sections described in this plan that are not consistent with the County Road Ordinance, whether proposed for public or private maintenance, shall have approval from the Department of Public Works and Transportation.
7. At least 35 days prior to Planning Board approval of the preliminary plan of subdivision, the applicant shall attend a joint meeting with the staff reviewers of DPW&T and the Environmental Planning Section of M-NCPPC to evaluate the results of the stream corridor assessment.
8. The stormwater management (SWM) ponds shown on the TCPI with the preliminary plan and all subsequent plans shall be designed as amenities to the community to the fullest extent possible with features such as utilization of the natural contours of the site, providing extensive landscaping, providing walking trails where appropriate, and shall include the use of low-impact development (LID) stormwater management techniques to the fullest extent possible, such as the use of forebays to trap sediment, bioretention, French drains, depressed parking lot islands, and native plants.
9. At the time of review of the preliminary plan of subdivision, a letter of justification shall be submitted for all proposed impacts to the regulated areas shown on the signed NRI, including the regulated areas described as Areas 1–8 on Staff Exhibit A, dated November 24, 2008. Where impacts cannot be eliminated, the letter of justification shall state the reasons and provide evidence regarding why the impacts cannot be eliminated or reduced. Such evidence could include roadway designs by the State or previously approved plans, including master plans that require or show the placement of the roadways. Evidence may also include features, such as an amphitheater, or other infrastructure in the locations shown on the conceptual site plan, as provided in CB-29-2008 and consistent with CR-2-2007.
10. No woodland conservation shall be proposed on dedicated parkland, unless written authorization from the Department of Parks and Recreation has been provided prior to Planning Board approval of the associated TCP.
11. At least 35 days prior to Planning Board approval of the preliminary plan of subdivision, a Phase I noise study that addresses noise related to Andrews Air Force Base, MD 4, and A-52 and A-66 shall be submitted. The TCPI for the preliminary plan shall show the resulting noise contours at both ground level and upper-story elevations. The plan shall also illustrate conceptually how noise levels will be reduced to 65 dBA Ldn for outdoor activity areas and 45 dBA Ldn for indoor living areas.
12. The preliminary plan and TCPI shall propose restoration of the stream valley for the Back Branch drainage area. Along with this innovative LID stream restoration, on-site pretreatment will be provided at each stormdrain outfall in the amount of 10 percent of the water quality volume for that area. For this pretreatment, innovative LID techniques such as bioretention within parking lot islands, vegetated buffers, infiltration trenches, or pervious pavement will be utilized in the areas

draining to Back Branch between Pennsylvania Avenue and Presidential Parkway. By providing improved water quality and protecting the channel through stream restoration, the proposed SWM pond treating the residential area draining to Back Branch and its conveyance system can also be greatly reduced.

13. The locations of the master-planned trails along Back Branch and Cabin Branch shall be determined at the time of preliminary plan review. The trails shall be designed to avoid the PMA to the extent possible and trail alignments along parallel roads may be utilized where necessary. Impacts to the PMA shall be addressed at that time.
14. At time of preliminary plan review, a detailed transportation phasing plan shall be submitted to identify specific improvements for specified levels of development in each phase.
15. Prior to approval of a detailed site plan for specific buildings for either the Moore Property or the balance of Westphalia Center, excluding the Moore Property, the applicants of the Moore Property and the balance of Westphalia Center, separately, shall obtain approval of a special-purpose detailed site plan to establish regulating standards for signage and to identify appropriate locations for transit stops in consultation with DPW&T and WMATA. The special-purpose detailed site plan shall also show site plan details of the public open spaces and establish a timing plan for the improvement of these public spaces and for the public trail system. This condition requires the approval of two special-purpose detailed site plans, one encompassing the entire Westphalia Town Center site excluding the Moore Property, and another for the Moore Property. This condition shall be construed such that the Moore Property may proceed prior to the entire Westphalia Center. However, standards established in the first special-purpose detailed site plan shall be included in the subsequent special-purpose detailed site plan for the balance of the Westphalia Center unless the applicant can affirmatively demonstrate to the Planning Board that such inclusion is inappropriate in whole or in part. The subsequent plan may include any additional standards and requirements that the Planning Board deems necessary for inclusion at that time.
16. Prior to approval of a special-purpose detailed site plan for either the Moore Property or the balance of Westphalia Center, excluding the Moore Property, the following items shall be determined to ensure they will be addressed during the review of each incremental detailed site plan submitted subsequently.
  - a. Evaluate accessibility, safety, and traffic control needs for the circular public space within public road MC-637 or propose an alternative road design or location for the public spaces.
  - b. Address gateway design themes and concepts.
  - c. Define the responsibility for construction and ownership of other public spaces, recreation, and open space facilities proposed in the town center.

- d. Address a comprehensive organizational structure and financing system to manage and maintain the public, quasi-public, and common ownership infrastructure networks and amenities, such as streets, sidewalks, recreation facilities, open spaces, and management operations for Westphalia center as a whole, including the Moore property.
  - e. Acknowledge that the transit center will be dedicated to public use.
17. Prior to acceptance of each detailed site plan, the package shall include a description of the use of green building techniques and alternative energy sources for the development throughout the site. At least three green building techniques shall be used in each development area of the site as identified on the CSP.
18. Each detailed site plan shall demonstrate conformance to landscaping standards. In general, development on the site shall be subject to the standards of Section 4.8 of the Landscape Manual, in addition to the following standards:
- a. Single-family detached lots larger than 9,500 square feet shall provide at least one shade tree and one ornamental or evergreen tree on the lot.
  - b. Required landscaping for attached dwelling units shall be provided on the individual lots or common open space directly associated with the attached dwellings. Plantings within public or private open spaces shall only be counted towards the requirements where those spaces are located adjacent to the attached dwellings and are easily accessible to residents.
  - c. Surface parking lots larger than five parking spaces shall be subject to the landscaping standards of Section 4.3 of the Landscape Manual.
  - d. In general, uses within the town center shall not be buffered from each other. However, buffering of highly incompatible adjacent uses may be deemed necessary at the time of detailed site plan review.
19. The applicant shall allocate appropriate and developable areas for the private recreational facilities on HOA open space land. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (M-NCPPC) for adequacy and property siting prior to approval of the detailed site plan by the Planning Board.
20. At the time of detailed site plan approval, the applicant shall demonstrate to the Planning Board that on-site private recreational facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement (RFA), or other appropriate means and that such instrument is legally binding upon the subdivider and his heirs, successors, and/or assignees.
21. Pedestrian safety features, traffic calming, and pedestrian amenities shall be evaluated at the time of each detailed site plan.

22. Prior to the first final plat of subdivision, the applicant shall enter into an agreement with the Department of Parks and Recreation (DPR) establishing a mechanism for payment of fees into an account administered by M-NCPPC or provision of in-kind services. The agreement shall note that the value of in-kind services shall be determined solely by DPR. DPR decisions regarding choice and value of in-kind services are appealable to the Planning Board. The agreement shall also establish a schedule of payments and/or a schedule for park construction. The payment or construction 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.
23. The applicant shall submit three original executed private RFAs for the private recreational facilities on-site to DRD for their approval three weeks prior to submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
24. The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DRD, in accordance with the timing established in the applicable special-purpose DSP. The developer, his heirs, successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
25. As part of the private recreational facilities package, the applicant and the applicant's heirs, successors, and/or assignees shall construct three community buildings. The size, timing, and location of the community buildings shall be determined with the review of the applicable special-purpose detailed site plan.
26. Prior to the issuance of the first building permit for the development, the applicant and the applicant's heirs, successors, and/or assignees shall:
  - a. Pay a pro rata share of the cost of construction of an interchange at MD 4 and Old Marlboro Pike/Westphalia Road. The pro rata share shall be payable to Prince George's County (or its designee) with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be determined after the Planning Board adopts a resolution establishing a Surplus Capacity Reimbursement Procedure (SCRPP). The pro rata share shall be indexed by multiplying the dollar amount (\$) x Engineering News Record Highway Construction Cost Index (at the time of building permit application) / Engineering News Record Highway Construction Cost Index (for the second quarter 2006).
  - b. The above improvement shall have full financial assurances through either private money and/or full funding in the Prince George's County Capital Improvement Program (CIP), a SCRPP, State Consolidated Transportation Program (CTP), or public financing plan approved by the District Council.

27. Prior to the issuance of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall pay a pro rata share of the road improvements at the intersection of MD 223 at Rosaryville Road. The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be  $\$1,126.23$  per average peak-hour trip  $\times$  Engineering News Record Highway Construction Cost Index (at the time of building permit application) / Engineering News Record Highway Construction Cost Index (for the second quarter 2008).
28. Prior to the issuance of any building permits for each phase or DSP within the subject property, the following road improvements as may be phased shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
- a. MD 4 and Forestville Road Intersection
- Add a third westbound through lane along MD 4.
  - Add a second northbound double left turn lane along Forestville Road at MD 4.
  - Add a second northbound through lane along Forestville Road at MD 4.
  - Convert the southbound right turn lane into a combined through-and-right lane.
  - Add a second southbound left turn lane along Forestville Road at MD 4.
  - Rebuild the existing traffic signal.
- b. MD 4 and Dowerhouse Road
- Construct a grade separated two-point diamond interchange with traffic signals at both at-grade intersections, subject to the requirements of SHA.
- c. MD 4 and MD 223 Interchange
- The applicant will rebuild this interchange as detailed on Exhibit 12 as Alternate P-1.
  - Install new traffic signals at Old Marlboro Pike and Presidential Parkway, Old Marlboro Pike and Melwood Road, and Old Marlboro Pike and MD 4 WB off-ramp.

- Construct a second southbound left turn along MD 223 at the MD 4 EB on-ramp.
  - Widen the MD 4 EB on-ramp to accept the southbound double left movement.
  - Provide a third NB through lane along MD 223 at the MD 4 EB on-ramp.
  - Install a traffic signal at the intersection of MD 223 and MD 4 EB off-ramp – MD 4 EB on-ramp.
- d. MD 223 and Perrywood Road
- Conduct a signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.
- e. MD 223 and Marlboro Pike
- Construct a southbound double left turn lane.
  - Modify the traffic signal.
  - Provide separate left, through, and right turn lanes on the eastbound approach.
- f. MD 223 and Dowerhouse Road
- Create a double left, a through, and a separate right turn lane on the northbound approach along MD 223.
  - Create a left turn, a through, and a shared through-and-right lane on the southbound approach along MD 223.
  - Modify the traffic signal.
29. 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. The applicant may make a contribution to the park club or provide an equivalent amount of in-kind services for the construction of the recreational facilities in the central park. Monetary contributions may be used for construction, operation, and maintenance of the recreational facilities in the central park and/or other recreational amenities that will serve the Westphalia Study Area. The park club shall be established and administered by the Department of Parks and Recreation. The choice between a monetary contribution and the provision of in-kind services shall be at the sole discretion of DPR. The value of in-kind services shall be reviewed and approved by DPR staff. DPR decisions regarding choice of contributions and the value of in-kind services are appealable to the Planning Board.



30. The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined during the review of the applicable special-purpose detailed site plan. While the applicant acknowledges that public recreational facilities are to be provided in the central park, details regarding the installation of those facilities will be determined at the time of the review of the special-purpose detailed site plan for the balance of Westphalia Center, which includes the central park.
31. The phasing of residential and commercial uses shall be determined with approval of the conceptual site plan covering the whole property. All properties within Westphalia Center shall be subject to this CSP and the relevant special-purpose DSP.

The Planning Board, in subdivision review for any proposed residential construction on the subject property, shall include all relevant issues, including without limitation, public facilities adequacy and master plan conformance, as they concern the entire Westphalia Center property and project, not just the issues arising at the site for that subdivision.

The following phasing regulations will apply to this project. For the purposes of this condition, "constructed" shall be construed to mean that the buildings are built and ready for occupancy except for tenant-specific fit-out improvements.

- a. The minimum development amounts on the site shall be 150 single-family detached houses, 1,650 attached dwelling units, 1,800 multifamily dwelling units, 500 hotel rooms, 900,000 square feet of retail, and 2,200,000 square feet of office. As development proceeds, adequate traffic capacity shall be reserved to allow the development of these minimum amounts. Development may proceed beyond these minimums provided adequate transportation capacity will exist for that development.
- b. Attached dwelling units shall be limited to 50 percent of the total dwelling units on the Westphalia Center site as a whole, including the Moore Property. Regardless of the relative quantities of different unit types approved on detailed site plans, building permits shall not be issued which would result in the attached units cumulatively exceeding 50 percent of the total of all dwelling units for which permits have been issued for the Moore Property and the balance of the Westphalia Center property. Up to 100 percent of the building permits for attached dwelling units may be issued for development on the Moore property if it is in compliance with all other requirements.
- c. Prior to issuance of permits for the 1,400th dwelling unit on the balance of the Westphalia Center property, excluding the Moore Property, 300,000 square feet of retail space and 500,000 square feet of office space shall be constructed in the Core area. Permits for development on the Moore Property may be issued prior to any commercial development in the central Core Area.
- d. Prior to issuance of permits for the 2,800th dwelling unit, 600,000 square feet of retail space and 1,000,000 square feet of office space shall be constructed in the Core area.

- e. Prior to issuance of permits for the 4,200th dwelling unit, 900,000 square feet of retail space and 1,500,000 square feet of office space shall be constructed in the Core area.
  - f. Prior to issuance of permits for the 500,000 square feet of retail development, 250,000 square feet of office shall be constructed.
  - g. Prior to issuance of permits for the 750,000 square feet of retail development, 500,000 square feet of office space shall be constructed.
  - h. No single retail space shall be approved that exceeds 125,000 square feet of gross floor area within Westphalia Center.
  - i. A phasing and tracking chart shall be prepared in accordance with the approved phasing plan prior to certification of the CSP. This chart shall be submitted with each detailed site plan and comprehensively updated to ensure conformance with the phasing plan. The chart shall also be submitted with every building permit. No building permit shall be issued which does not conform to the phasing schedule above.
32. In conformance with the adopted and approved Westphalia sector plan, the applicant and the applicant's heirs, successors, and/or assignees shall:
- a. Construct the subject site's portion of the Cabin Branch master plan trail. The trail alignment, design, and timing shall be determined at the time of preliminary plan.
  - b. Construct the master plan trail along the subject site's entire segment of Back Branch. The trail alignment, design, and timing shall be determined at the time of the preliminary plan.
  - c. Construct the minimum eight-foot-wide master plan trail along the subject site's entire frontage of the north side of MC-634 and A-66. In the vicinity of the town center, this trail may be replaced by a decorative wide sidewalk and streetscape. Treatment alternatives shall be evaluated at the time of detailed site plan.
  - d. Provide a financial contribution of \$840 to the Department of Public Works and Transportation for the placement of appropriate signage indicating that C-636 is designated as a Class III bikeway. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders are encouraged.
33. In areas of landscaping and street furniture, a clear horizontal sidewalk space of eight feet shall be maintained to accommodate the heavier pedestrian traffic anticipated in the town center Core area. The optional zone may be reduced to 28 feet in order to accommodate this change.

34. Total development within the subject property shall be limited to uses which generate no more than 7,149 AM peak-hour trips, and 8,910 PM peak-hour trips, in consideration of the approved trip rates and methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified herein-above shall require a revision to the conceptual site plan with a new determination of the adequacy of transportation facilities.
35. The developer shall pay a fee-in-lieu to satisfy woodland conservation requirements in accordance with CB-29-2008.
36. Where there is a mixture of products and/or lot sizes, alleys shall not be required to be aligned, unless determined otherwise by DPW&T at the detailed site plan stage.
37. Prior to certificate approval, the preliminary plan shall be revised to reflect an increase in the developable acreage of the school site from 3.6 acres to 7 acres.
38. The acreage for the transit center is approximately four acres.
39. All private recreational facilities located in Westphalia Center shall be made available to all residents living within its boundaries.
40. Any subsequent approvals which contain the requirement for a special-purpose detailed site plan, including but not limited to Conditions 10 and 17 of Preliminary Plan of Subdivision 4-08018 (as expressed in PGCPB Resolution No. 09-95) and Conditions 11, 17, 18, 19, 21, and 50 of Preliminary Plan of Subdivision 4-08008 (as expressed in PGCPB Resolution No. 09-93), shall be construed to permit separate special-purpose detailed site plans for the Moore Property and for the balance of Westphalia Center.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, May 20, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10<sup>th</sup> day of June 2010.

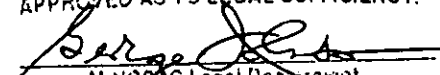
Patricia Colihan Barney  
Executive Director



By Frances J. Guertin  
Planning Board Administrator

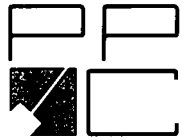
PCB:FJG:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY.

  
M-NCA/C Legal Department

Date 6/1/10

MN  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



PGCPB No. 09-93

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
www.mncppc.org/pgco

File No. 4-08002

R E S O L U T I O N

WHEREAS, Sandler at Westphalia, LLC is the owner of a 482.57-acre parcel of land, located on Tax Map 90, 91, 99 and 100 said property being in the 15th Election District of Prince George's County, Maryland, and being zoned M-X-T; and

WHEREAS, on January 29, 2009, Sandler at Westphalia, LLC filed an application for approval of a Preliminary Plan of Subdivision for 1,352 lots and 209 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-08002 for Westphalia Center was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on June 4, 2009, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on June 4, 2009, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/14/08-01), and further APPROVED Preliminary Plan of Subdivision 4-08002, Westphalia Center, including Variations from Section 24-128 and 24-130 for 1,352 lots and 211 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Relocate Lots 41-47 Block H or change the product type to provide a minimum of 150-foot lot depth along A-66.
  - b. Provide a note regarding the approval of a variation to Section 24-128 for the use of private streets to serve multifamily dwelling units.
  - c. Correct match lines.
  - d. Dimension the width of each private alley.
  - e. Clearly label dwelling unit types.

- f. Dimension the lot width on Lots 30–39 and 41, Block J on Sheet 9.
  - g. Provide the gross and net tract acres.
  - h. Revise general Note 13, to state the public utility easements shall be approved by the utility companies at the time of approval of the DSP and reflected on the final plat.
  - i. Remove Lot 7 table from Sheet 2.
  - j. Revise Sheet 3, to label Lot 7 to be conveyed to Prince George’s County.
  - k. Label all rights-of-way “to be dedicated” to public, or private use.
  - l. Add the disposition of Parcel U1 to Sheet 5.
  - m. Clearly label the dedicated right-of-way of Machinists Place north of Presidential Parkway.
  - n. Provide a general note regarding the parcel description, and who the land is to be dedicated to with acreage for the police, library, transit, fire/EMS, and school sites. Include a note regarding the trigger for dedication of each consistent with the approved preliminary plan.
  - o. Resolve and align the center line of MC-637 with the approved center line alignment within the Smith Home property, Preliminary Plan 4-05080 (PGCPB Resolution No. 06-64(A)), to the north or demonstrate that it is not an issue for the alignment shown on this preliminary plan.
  - p. Increase Parcel 25 (school site) to seven developable acres.
  - q. Label the Core, Edge, and Fringe on the coversheet on the layout of Westphalia.
  - r. Label the four-acre transit facility on Parcel 26 and that it is to be dedicated to public use, increase the proposed parcels by two to a total of 211 parcels.
  - s. Expand the spaces between the end units of attached dwellings in adjacent rows to a minimum of 10 feet.
2. A Type II tree conservation plan shall be approved at the time of approval of each detailed site plan, except the special purpose detailed site plan. The special purpose DSP shall be reviewed for conformance with the signed TCPI. No Permits will be issued using the special purpose DSP. The first TCPII shall provide a cover sheet that clearly depicts the phasing and requirements for the

entire site.

3. Development of this site shall be in conformance with Stormwater Management Concept Plan 44782-2007-00 and any subsequent revisions.
4. At the time of final plat, the applicant shall dedicate a public utility easement as approved on the detailed site plan along the public rights-of-way.
5. At the time of final plat, the applicant shall dedicate rights-of-way consistent with the approved preliminary plan of subdivision.
6. Prior to the approval of the first final plat of subdivision, the applicant shall enter into an agreement with the Department of Parks and Recreation, unless modified by subsequent revisions to CSP-07004, establishing a mechanism for payment of fees into an account administered by M-NCPPC or provision of in-kind services. The agreement shall note that the value of the in-kind services shall be determined solely by DPR. DPR decisions regarding choice and value of in-kind services are appealable to the Planning Board. The agreement shall also establish a schedule of payments and/or a schedule for park construction. The payment or construction 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.
7. Prior to approval of each detailed site plan, the public utility companies shall provide comments to ensure adequate area exists to provide proper siting and screening of the required utilities, and to provide for direct bury utilities where feasible. Review shall include, but may not be limited to the following:
  - a. Coordination with other utility companies to use one side of the street for Potomac Electric and Power Company (PEPCO) use only. If this is not possible Verizon may ask for two feet or so of additional space on the public utility easement (PUE) for FIOS cables making some of the PUEs to be 12 feet wide in some areas. The main transmission line may require up to a 15-foot-wide PUE.
  - b. Private roads shall have a five to seven-foot-wide utility easement (UE). (The current plan shows seven-foot-wide UEs, but at the time of detailed site plan continued coordination with utility companies will establish the ultimate UE locations and sizes). Gas service shall be provided in the alley as shown on the utility sketch plan.
  - c. At the time of detailed site plan, coordination with PEPCO is required to account for locations of transformers especially in some of the tighter arranged townhome blocks.
  - d. Unless modified by a, b, or c above, a ten-foot PUE shall be provided along public roads and master-plan roads.

8. Any abandoned well or septic system shall be pumped, backfilled, and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to final plat approval.
9. 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. The applicant may make a contribution to the park club or provide an equivalent amount of in-kind services for the construction of the recreational facilities in the central park. Monetary contributions may be used for construction, operation, and maintenance of the recreational facilities in the central park and/or other recreational amenities that will serve the Westphalia Study Area. The park club shall be established and administered by the Department of Parks and Recreation. The choice between a monetary contribution and the provision of in-kind services shall be at the sole discretion of the Department of Parks and Recreation. The value of in-kind services shall be reviewed and approved by DPR staff. DPR decisions regarding choice of contributions and the value of in-kind services are appealable to the Planning Board. Or as modified by any subsequent revisions to CSP-7004.
10. The applicant shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (M-NCPPC) for adequacy and property siting prior to approval of the detailed site plan by the Planning Board. Or as modified by any subsequent revisions to CSP-7004.
11. The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined during the review of the special-purpose detailed site plan. Private and public recreational facilities shall be reviewed as a package, acknowledge the contribution of \$3,500 per dwelling unit, and determine the total expenditures for the package. Or as modified by any subsequent revisions to CSP-7004.
12. Prior to the approval of building permits, the applicant and the applicant's heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
13. The applicant and the applicant's heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for construction of recreational facilities on homeowner association land. Upon approval by DRD, the RFA shall be recorded among the County Land Records prior to the approval of final plats.
14. The applicant and the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners association land prior to the issuance of building permits.
15. Prior to signature approval of the preliminary plan, the applicant shall submit evidence that the



property is not encumbered by any prescriptive or descriptive easements that are to the benefit of other properties, and not already provided on the preliminary plan. The applicant shall submit evidence that the rights and privileges associated with those easements will not be interrupted with the development of this property, or the applicant shall provide evidence of the agreement of those benefited properties to the abandonment or relocation of said easements. Prior to approval of the final plat, the applicant shall submit a copy of the recorded abandonment of said easement(s) including Moore's Way.

16. Detailed site plan(s) shall demonstrate that lots fronting on MC-637, MC-632, C-636 will be rear loaded and shall not have direct vehicular access to these master-plan roads.
17. The applicant and the applicant's heirs, successors and/or assignees shall dedicate Parcel 25 to the Board of Education at the time of dedication of any public rights-of-way abutting Parcel 25, or as determined at the time of approval of the special-purpose site plan.
18. The applicant and the applicant's heirs, successors and/or assignees shall dedicate Lot 7 to Prince George's County for the construction of a fire/EMS station at the time of dedication of Parcel 25 to the Board of Education, or as determined at the time of approval of the special-purpose site plan, unless otherwise determined by the District Council or Planning Board.
19. The applicant and the applicant's heirs, successors and/or assignees shall dedicate the transit station (to be labeled on the preliminary plan) to public use, and shall be a minimum of four acres. Dedication shall occur at the time of dedication of any public rights-of-way abutting the site or as determined at the time of approval of the special-purpose site plan. The transit station parcel shall have frontage on and the ability for direct access to a public street. The creation of the addition parcel is anticipated by this condition.
20. Prior to signature approval of the preliminary plan, the CSP shall have signature approval, and any modifications which result shall be reflected on the preliminary plan of subdivision.
21. In conformance with the approved Westphalia sector plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following, with triggers for construction to be determined with the special purpose detailed site plan:
  - a. Construct the master-plan trail along the subject site's portion of Cabin Branch. The trail alignment shall follow the existing sewer easement to the extent practical and will cross the Westphalia Center, Moore Property, and Smith Property applications.
  - b. Construct the master-plan trail along the subject site's entire segment of Back Branch on the alignment proposed by the applicant on the Trail Alignment Exhibit. The stream valley trail shall be completed in phase with the completion of the associated proposed roadways and the stormwater management pond. If some or all of Private Road QQ is eliminated (per discussion with the applicant and EPS), the master-plan trail shall still be constructed

on or near the same alignment as envisioned in the sector plan.

- c. Construct the minimum eight-foot-wide master-plan trail along the subject site's entire frontage of the north side of MC-634 and A-66. In the vicinity of the town center, this trail may be replaced by a decorative wide sidewalk and streetscape. Treatment alternatives can be evaluated at the time of DSP.
- d. Pedestrian safety features, traffic calming, and pedestrian amenities will be evaluated at the time of each DSP.
- e. The approved Westphalia sector plan recommends that Melwood Road be designated as a Class III bikeway with appropriate signage. Because Melwood Road is a County right-of-way, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$1,260 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. Any appropriate safety improvements necessary along this County OP minimal maintenance road will be determined by DPW&T and should accommodate bicycle movement.
- f. Provide minimum ten-foot-wide sidewalks along both sides of the town center boulevard.
- g. Mark and label the six-foot-wide sidewalks on the urban residential road 70-foot right-of-way.
- h. In areas of landscaping and street furniture, a clear horizontal sidewalk space of eight feet shall be maintained to accommodate the heavier pedestrian traffic anticipated in the town center Core. The optional zone may be reduced to 28 feet in order to accommodate this change.
- i. Provide minimum ten-foot-wide sidewalks (clear pedestrian zones) along both sides of the town center boulevard. The optional zone for the town center boulevard may be reduced to 26 feet.
- j. Modify the width of the "urban sidewalks" included on the north-south urban mixed-use roads to be a minimum of eight feet. The optional zone for the north-south urban mixed-use roads may be reduced to 28 feet.
- k. Provide minimum sidewalks of six feet along both sides of MC-632 as approved on the street sections for CSP-07004.
- l. Provide six-foot-wide sidewalks and designated bike lanes along MC-637 as approved on the street sections for CSP-07004.

- m. Standard sidewalks shall be provided along both sides of all internal roads (excluding alleys), unless modified by DPW&T.
  - n. Each DSP shall be referred to WSSC for additional review and comments concerning the stream valley trail alignment within the sanitary sewer easement.
  - o. Each DSP shall identify the limits of the public use easements to ensure that the easements are reflected on the final plat(s).
22. Prior to the issuance of building permits, the applicant and the applicant's heirs, successors and/or assignees shall provide a financial contribution of \$840 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along C-636, a designated Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.
23. All detailed site plans which include property abutting Pennsylvania Avenue (MD 4) except the Special Purpose DSP, shall provide a landscape buffer with a minimum width of 20 feet and an average width of 40 feet wide, using native plants with a planting density equivalent to those found in the Landscape Manual for similar bufferyards along the ultimate right-of-way of MD 4.
24. Prior to approval of a detailed site plan located in the Fringe area or south of Presidential Parkway, the architecture of buildings which are adjacent to and visible from Pennsylvania Avenue (MD 4) shall be evaluated with regard to scale and building materials of adjacent buildings with similar uses to promote harmony in visual relationships along this gateway corridor.
25. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to limit the number of access points along the western side of Melwood Road into the commercial shopping center to one point located approximately 900 feet north of MD 4, unless otherwise determined through the detailed site plan process.
26. Any detailed site plan, except the special-purpose DSP, adjacent to Melwood Road from Public Road O to 500 feet north of Public Road O ( approximately 900 feet north of MD 4) shall address the following:
- a. The conservation of historic Melwood Road by providing a transitional landscape buffer along the western frontage of the road. The landscape buffer shall begin with a width of 10 feet at the southern end, and expanding to a width of 30 feet, subject to the provision of plant units equivalent to those for similar width bufferyards as indicated in the Landscape Manual. Existing trees shall be preserved to the greatest extent possible, and supplemental planting shall be with native plant species; and
  - b. Establish a building restriction line 50 feet from the property boundary fronting on

Melwood Road to encourage development to be set well back from the historic road.

27. Any detailed site plan, except the special-purpose DSP, adjacent to Melwood Road from approximately 500 feet north of Public Road O (900 feet north of MD 4) to Westphalia Road shall address the conservation of historic Melwood Road as an integral part of the community's trail and greenway network and address the following concerns:
  - a. Design road improvements in accordance with the Department of Public Works and Transportation road design standards for scenic and historic roads, and provide for the necessary road improvements without compromising the valuable contribution to community character Melwood Road provides:
  - b. Discourage entrance features and signs at the one recommended entrance onto Melwood Road.
28. Prior to signature approval of the preliminary plan, a drainage area exhibit shall be submitted depicting the existing drainage areas located on-site.
29. The submission package for the first DSP for any area of the Westphalia Center draining into Back Branch shall contain:
  - a. A comprehensive and detailed stream restoration plan for Back Branch.
  - b. A technical stormwater management plan which demonstrates the use of stream restoration as an innovative stormwater management technique. Access to conduct the proposed work must be shown, along with all required clearing and grading for the proposed work. Staging areas, phasing, and other plan details needed for construction shall also be provided.
30. Prior to approval of a DSP, other than the special-purpose DSP which includes the stormwater management ponds, the design shown on the conceptual stormwater facility layout renderings shall be shown on the DSP.
31. Prior to final plat approval, the declaration of covenants for the property, in conjunction with the formation of a homeowners association, shall include language notifying all future contract purchasers of the proximity of the property to Andrew's Air Force Base and noise levels related to military aircraft overflights. The property is approximately 3,000 feet from the north end of the runway. The declaration of covenants shall include the disclosure notice. At the time of purchase contract with homebuyers, the contract purchaser shall sign an acknowledgement of receipt of a copy of the declaration. The liber and folio of the recorded declaration of covenants shall be noted on the final plat along with a description of the proximity of the development to Andrew's Air Force Base and noise levels related to military aircraft overflights.

32. All detailed site plans, other than the special-purpose detailed site plans, which include property located within the 65 dBA Ldn noise contour associated with the roads on the north side of Presidential Parkway, shall demonstrate that outdoor activity areas associated with any residential dwelling units are located outside the 65 dBA Ldn noise contour.
33. With the submittal of each detailed site plan, other than the special-purpose DSP, design scenarios may be submitted and evaluated for the final design for the use of the land in the areas surrounding proposed Impacts A through D. The Planning Board shall evaluate the proposed scenarios to determine the design that results in the preservation of the regulated areas to the fullest extent possible.
34. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River Primary Management Area and all proposed adjacent on-site woodland conservation areas, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

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

35. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
36. Applications for all residential building permits on the Westphalia Property, with the exception of buildings located to the east of Public Road EE, shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.
37. Prior to signature approval of the preliminary plan, the following note shall be placed under the worksheet on the TCPI:

“The use of fee-in-lieu to meet the off-site woodland conservation requirement was approved by the District Council. Other methods of meeting the woodland conservation threshold on-site may be explored during the preparation and review of the TCPII. Every attempt shall be made to meet the threshold on-site using street trees, trees in bioretention areas, preservation of woodlands in the PMA outside the 100-year floodplain, and other allowable methods. If, during the review of the TCPII, the threshold cannot be met completely on-site, the remainder of the requirement shall be met using fee-in-lieu. Prior to signature approval of the DSP, a recipient of the fee-in-lieu funds shall be identified.”

38. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised as follows:
- a. Revise the site statistics (specifically for the existing floodplain, the forested floodplain, and the existing forest outside of the floodplain) as necessary to reconcile the discrepancy in site statistics between the current TCPI (TCPI/014/08-01) and the TCPI (TCPI/004/09) for the recently submitted preliminary plan for the adjacent Moore Property (4-08018) so that the site statistics between the two plans add up to the site statistics shown on the approved NRI for both sites.
  - b. Provide a legend on the cover sheet.
  - c. Remove Note 2 from the notes located on the lower left corner of the cover sheet.
  - d. Revise the specimen tree table to account for only those trees located in the current application.
  - e. Provide a note below the specimen tree table indicating whether the trees were survey or field located.
  - f. Revise the notes to include all optional Type I tree conservation notes.
  - g. Provide the standard Type I TCP approval block on all sheets.
  - h. Type in the original signature information once the plans receive signature approval of the CSP, leaving the -01 signature line open for the current approval.
  - i. Remove the extra area 9 listed under "forest saved and counted as cleared" on the cover sheet.
  - j. Separate out the information listed on the cover sheet under the heading for "forest saved and counted as cleared (non-FPA)" into the following categories, and revise the plan and worksheet accordingly:
    - (1) "forest preserved not counted"—areas 1, 2, 4, and 6
    - (2) "Preservation"—areas 7 and 8
    - (3) "Forest saved and counted as cleared"—areas 3, 5, 9, 10, 11
  - k. Revise all match lines to be consistently shown on all sheets.
  - l. Revise the plans to remove all residential buildings from the 25-foot floodplain building restriction line for residential buildings.

- m. Revise the plan to show all proposed retaining walls a minimum of ten feet from the PMA or any woodland conservation area.
  - n. Show reforestation on Sheet 5, adjacent to non-FPA 8, within and adjacent to the PMA.
  - o. Remove the building footprint from the PMA and the floodplain building restriction line on Sheet 6.
  - p. Revise the location of the label for clearing area EE on Sheet 14, to be within the proposed clearing area, or provide an arrow indicating where the clearing is to occur.
  - q. Update the worksheet to reflect all changes made to the plan.
  - r. After all revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revisions made.
39. Each detailed site plan, other than the special-purpose DSP, shall survey locate specimen trees within 100 feet of the ultimate limits of disturbance within the Westphalia Center property boundary. The specimen trees that are determined to remain as part of the survey shall be evaluated for appropriate preservation measures. Details of the preservation methods shall be shown on the TCPII including information on treatments to occur prior to, during, and after construction.
40. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/014/08-01). The following notes shall be placed on the final plat of subdivision:
- “This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/014/08-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
41. Prior to signature approval of the preliminary plan, the two ring roads (Private Road QQ) located east and west of Public Road O shall be redesigned to provide access to the rears of the proposed multifamily residential parcels (Parcels 22 and 24) without completing the loops. The extension of Private Road QQ should extend from Public Road O in the similar alignment as shown on the preliminary plan, but only enough to serve the rear of each parcel.

42. Total development within the subject property shall be limited to uses which generate no more than 6,816 AM peak-hour trips, and 8,526 PM peak-hour trips, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates. 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.
43. A traffic phasing analysis will be submitted and reviewed during the processing of the detailed site plan for each phase. This traffic phasing analysis will define the improvements required for Phase 1A, 1B, 1C, 2A, 2B, 2C, 2D, 3A, 3B, and Phase 5. These above-mentioned traffic conditions will be modified to adjust the timing trigger and extent of these improvements for each phase. This phasing analysis will not exceed the 6,186 AM peak-hour trips, and 8,526 PM peak-hour trip cap, unless a new preliminary plan of subdivision is processed.
44. The transportation improvements expressed herein shall remain in full force and effect unless otherwise modified pursuant to agreement initiated by the Transportation Planning Section of M-NCPPC, SHA, and DPW&T, in concurrence with the applicant, and provided any such technical or engineering change maintains the levels of adequate transportation facilities approved herein. Any modification of transportation improvements may not be inconsistent with the Planning Board findings and conditions.
45. The following rights-of-way shall be dedicated at the time of the appropriate final plat, consistent with the rights-of-way approved by DPW&T or SHA:
  - a. The right-of-way for A-52 and MC-637 (between MC-634 and West Circle) within a 104-foot (or greater) right-of-way.
  - b. The right-of-way for MC-634, MC-632, and MC-637 (north of West Circle) within a 96-foot right-of-way.
  - c. The right-of-way for A-66, within a 118-foot right-of-way.
  - d. The right-of-way for C-636, within a 70-foot right-of-way.
  - e. The rights-of-way associated with the interchanges along MD 4 at Suitland Parkway, Dower House Road, and MD 223.
46. Prior to signature approval of the preliminary plan of subdivision, any roadway sections described in this plan that are not consistent with the County Road Ordinance shall have approval of DPW&T or be approved for private maintenance.
47. Prior to the issuance of any building permits within the subject property for uses generating



peak-hour trips in excess of 1,610 AM and 1,719 PM, the applicant and the applicant's heirs, successors and/or assignees shall pay a pro rata share of the road improvements at the intersection of MD 223 at Rosaryville Road. The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be \$1,126.23 per average peak-hour trip x (Engineering News Record Highway Construction Cost Index at the time of building permit application) / (Engineering News Record Highway Construction Cost Index for the second quarter 2008).

48. Prior to the issuance of any building permits within the subject property for uses generating peak-hour trips in excess of 1,610 AM and 1,719 PM, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

a. MD 4 and Forestville Road intersection

- (1) Add a third westbound through lane along MD 4.
- (2) Add a second northbound double-left-turn lane along Forestville Road at MD 4.
- (3) Add a second northbound through lane along Forestville Road at MD 4.
- (4) Convert the southbound right-turn lane into a combined through-and-right lane.
- (5) Add a second southbound left-turn lane along Forestville Road at MD 4.
- (6) Rebuild the existing traffic signal.

b. MD 4 and MD 223 Interchange

- (1) The applicant will rebuild this interchange as detailed on Exhibit 12 as Alternate P-1.
- (2) Install new traffic signals at Old Marlboro Pike and Presidential Parkway, Old Marlboro Pike and Melwood Road and Old Marlboro Pike and MD 4 WB off ramp.
- (3) Construct a second southbound left turn along MD 223 at the MD 4 EM on ramp.
- (4) Widen the MD 4 EB on ramp to accept the southbound double-left movement.
- (5) Provide a third NB through lane along MD 223 at the MD 4 EB on ramp.
- (6) Install a traffic signal at the intersection of MD 223 and MD 4 EB off ramp—MD 4 EB on ramp.

c. MD 223 and Perrywood Road—Conduct a signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate

operating agency.

- d. Old Marlboro Pike and Ritchie Marlboro Road
  - (1) Create a separate northbound left-turn lane along Ritchie Marlboro Road.
  - (2) Create a separate southbound left-turn lane along Ritchie Marlboro Road.
  - (3) Create a separate eastbound right-turn lane along Old Marlboro Pike.
  - (4) Modify traffic signal.
  
- e. MD 223 and Marlboro Pike
  - (1) Construct a southbound double-left-turn lane.
  - (2) Modify traffic signal.
  - (3) Provide separate left, through and right-turn lanes on eastbound approach.
  
- f. MD 223 and Dower House Road
  - (1) Create a double left, a through and a separate right-turn lane on the northbound approach along MD 223.
  
  - (2) Create a left turn, a through and a shared through-and-right lane on the southbound approach along MD 223.
  
  - (3) Modify traffic signal.
  
- g. MD 4 and Dower House Road—Construct a grade-separated, two-point diamond interchange with traffic signals at both at-grade intersections, subject to the requirements of SHA.
  
- h. MD 4 and Westphalia Road—Prior to the issuance of any building permits within the subject property for uses generating peak-hour trips in excess of 1,610 AM and 1,719 PM, the following road improvements (which shall not commence construction until the interchange at Suitland Parkway and MD 4 is completed and open to traffic) shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, (c) have an agreed-upon timetable for construction with the appropriate operating agency.
  - (1) Reconfigure the intersection with a set of channelized traffic islands such that through movements across MD 4 and left turns from all approaches are prohibited.
  
  - (2) Reconstruct/upgrade Burton's Lane to DPW&T standards.

- (3) Upgrade Old Marlboro Pike from a point approximately 400 feet north of its intersection with Burton's Lane to the point where it connects to the proposed interchange at MD 4 and Suitland Parkway OR
- (4) Prior to the issuance of the first building permit within the subject property for uses generating peak-hour trips in excess of 1,610 AM and 1,719 PM for the development, the applicant and the applicant's heirs, successors, and/or assignees shall:
  - In lieu of Condition 48 H(1), (2), and (3), pay a pro rata share of the cost of construction of an interchange at MD 4 and Old Marlboro Pike-Westphalia Road. The pro rata share shall be payable to Prince George's County (or its designee) with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be determined after the Planning Board adopts a resolution establishing a surplus capacity reimbursement procedure (SCRIP). The pro rata share shall be indexed by multiplying the dollar amount (\$) x (Engineering News Record Highway Construction Cost Index at the time of building permit application) / (Engineering News Record Highway Construction Cost Index for the second quarter 2006).
  - The above improvement shall have full financial assurances through either private money and/or full funding in the CIP, in a SCRIP, State CTP, or public financing plan approved by the Council.
49. Direct vehicular access to historic Melwood Road shall be limited to one access point within the Fringe, and shall be located to the south to the greatest extent possible. Adequate safety roadway improvements for Melwood Road between MD 4 and new road MC-632, including traffic calming devices, shall be bonded for construction prior to the issuance of building permits for the Westphalia Center development project as determined appropriate by the Department of Public Works and Transportation.
50. Prior to approval of a special-purpose detailed site plan, proposed Parcel T-1 shall be evaluated to determine the adequacy of accessibility, safety, and if traffic controls are needed for the circular public space (park) within public road MC-637 (Dower House Road), or an alternative road design or location for the public spaces shall be approved. This study may affect the proposed road design and lot patterns in this area.
51. Prior to signature approval, revise the preliminary plan to delineate the master-plan right-of-way alignment for proposed roads A-67/MC-631 (Suitland Parkway Extended) and MC-634 (Presidential Parkway and Presidential Parkway Extended) on application 4-08002, within the land to be dedicated to SHA.

52. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
53. Prior to the approval of building permits, the applicant and the applicant's heirs, successors and/or assignees shall convey to the homeowners association (HOA) open space land as identified on the approved detailed site plan. Land to be conveyed shall be subject the following:
  - a. Conveyance shall take place prior to the issuance of building permits.
  - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
  - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
  - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
  - f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
  - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
  - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
54. At the time of each detailed site plan review, except the special purpose detailed site plan the applicant shall:

- a. Integrate the proposed commercial development located on residential and recreational parcels within the Edge with the residential and recreational uses in a mixed-use arrangement.
- b. Provide a parking study for each block group of the site so as to ensure an adequate provision and distribution of parking (including handicapped-accessible parking) across the site.
- c. Minimized to the fullest extent possible the direct vehicular access from lots and parcels onto master-planned roads.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the north side of Pennsylvania Avenue (MD 4), west of Melwood Road and east of the interchange of Suitland Parkway and Pennsylvania Avenue.
3. **Background**—The subject property is located on Tax Map 90, 91, 99 and 100, is 482.57 acres and zoned M-X-T (Mixed Use-Transportation Oriented). The property is made up of a combination of twenty-three acreage parcels, two record lots, and two outlots as listed on the preliminary plan of subdivision. The application is to subdivide the property into 1,352 lots and 210 parcels for the construction of 172 single-family dwellings, 424 attached dwelling units, 1,287 townhouses, and 2,473 multifamily dwelling units (4,356 total dwelling units). The development also includes 5.9 million square feet of office and retail uses.

This preliminary plan is a part (482.57 acres) of Westphalia Center, CSP-07004 (530.27 acres). The conceptual site plan (CSP) also includes Moore Property (4-08018). Conceptual Site Plan CSP-07004, which is required for the M-X-T Zone, was approved by the Planning Board (PGCPB Resolution No. 08-189) and the resolution was adopted on January 29, 2009 with 34 conditions. On February 9, 2009, the District Council elected to review the case and on May 21, 2009 the Notice of Final Decision was issued. This preliminary plan has been reviewed for conformance to that final decision.

The property is a part of a regional urban community, which is defined as follows by Section 27-107.01(197.1) of the Zoning Ordinance:

**A contiguous land area of 500 or more acres in the M-X-T or R-M Zone within a General Plan designated center in the Developing Tier, and which is to be developed as follows: a mixed use, urban town center including retail office and residential uses with a defined core, edge and fringe as defined by the Sector Plan; transit-and-pedestrian-oriented, with ample**

**public spaces suitable for community events, adjacent to a planned or developed public park of 100 or more acres that includes a variety of recreational and cultural facilities for public use, such as amphitheaters, performance stages and plazas.**

The plan provides for the extension of Presidential Parkway from its current terminus into the center of the site as master plan roadways MC-634 and A-66. In the eastern portion of the subject property, Presidential Parkway connects to another master planned roadway, C-636, which turns to the north to provide a connection to future development north of the site. The plan also provides for the extension of Woodyard Road north from Pennsylvania Avenue, A-52 and MC-637, and through the site to connect to future development. Similarly, the plan shows the extension of a road from the interchange of Melwood Road and Pennsylvania Avenue through the center of the site, MC-632, connecting to future development.

As specified by the *Approved Westphalia Sector Plan and Sectional Map Amendment* and referenced in the definition of a regional urban community, the proposed town center is divided into a Core (77± acres), an Edge (260± acres), and a Fringe (145± acres). This preliminary plan contains all three elements.

The Core is mostly a rectangular area slightly offset to the west of the center of the site, and also extends southward to Pennsylvania Avenue near the future interchange of Woodyard Road and Pennsylvania Avenue. The Core is envisioned as a distinctive urban environment with a regular grid of streets, multistory, vertical, mixed-use buildings constructed close to the streets and wide sidewalks. The grid of streets is formed by three east-west streets, including A-66 (Presidential Parkway Extended), along the southern edge of the rectangular area, a main street through the center of the rectangular area, another street along the northern edge of the Core, four north-south streets, including M-637 (Dower House Road Extended), through the western portion of the Core, two other streets through the center and eastern portions of the Core, and another street along the eastern side. The main east-west street through the center of the Core includes three roundabout intersections. A square open space is proposed at an intersection on the northern side of the Core, while the three roundabout intersections have been shown providing varying amounts of green space in the centers of the roundabouts.

A transit area is located in the portion of the Core that extends south to Pennsylvania Avenue in the conceptual site plan, but is not labeled on the preliminary plan of subdivision and should be. The transit parcel is foreseen as a park-and-ride for a future bus rapid transit station, but could eventually allow for a rail station. The highest density of development should occur within the Core area.

The Edge is the largest area of the site and includes a strip of land south of the Core as well as large areas in the northern and eastern portions of the site. The Edge is envisioned as including commercial uses along Pennsylvania Avenue, with residential neighborhoods in the northern and eastern areas. The residential neighborhoods would be a mix of single-family attached dwelling units (townhouses, two-family dwellings, three-family dwellings, and other stacked or attached

unit types) and multifamily dwellings, with a small number of small-lot single-family detached houses around the northern and eastern edges of the site in the vicinity of existing single-family neighborhoods. Sites for small-scale neighborhood, commercial, or mixed-use development have been identified within the residential neighborhoods. A potential library site is also envisioned within the Edge. Both residential and commercial uses will be densely developed. Community open spaces are also distributed throughout the Edge, and Parcel 25 has been identified for a future school in the southeastern corner of the Edge.

The Fringe includes the southeastern corner of the site near Melwood Road and along MC-632, and the western portion of the site on either side of Presidential Parkway. The Fringe is separated from the Core and Edge by stream valleys that provide a natural division. The Fringe is primarily intended for commercial development, capitalizing on locations near the major roadway interchanges that will be constructed along Pennsylvania Avenue. The proposed development regulations are more flexible and allow for more suburban office park and “lifestyle center” retail development within these areas. The plan also identifies Lot 7 (9.56 acres) in the western portion of the Fringe for the construction of a fire/EMS facility.

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

	EXISTING	APPROVED
Zone	M-X-T	M-X-T
Use(s)	Residential	Mixed Use
Acreage	482.57	482.57
Lots	3	1,352
Outlots	2	0
Parcels	23	211
Commercial		
Retail	0	1,400,000
Office	0	4,500,000*
Dwelling Units:		
Detached	1(to be razed)	172
Townhouse	0	1,287
Attached (misc)	0	424
Multifamily	0	2,473
Public Safety Mitigation Fee		No

\*Condition 2 of CSP-07004 restricts the amount of office in the Fringe to 2.2 million

5. **Regional Urban Community Regulations**—Section 27-544 of the Zoning Ordinance sets forth regulations for the development of a regional urban community, in part. Section 27-544(e)(2)(A)

of the Zoning Ordinance establishes that the maximum percentage of attached dwelling units, which includes but is not limited to townhouses, two over twos, and triplexes, shall be no more than fifty percent of the total units in the project. In this case, this regulation applies to the entire area of land covered by Westphalia Center, CSP-07004. This preliminary plan is a part (482.57 acres) of the Westphalia Center (530.27 acres), which includes Moore Property (4-08018), and was approved by the Planning Board in January 2009 (CSP-07004). On May 21, 2009, the District Council's Notice of Final Decision was released for CSP-07004. This preliminary plan has been evaluated for conformance with that decision. At the Planning Board hearing staff advised the Board that the District Council (DC) had proposed further revisions to their decision. It was staffs understanding that the DC had voted on the amendments but had not yet signed or released the decision. Staff was advised that the DC revised the phasing plan and made revisions to the parks conditions. The phasing is not a condition of the preliminary plan and the parks conditions contained in the decision for this case reflected the possibility of revisions based on further revisions to the CSP.

When evaluating the two preliminary plans together, the applicant is proposing forty-four percent of the total dwelling units as attached dwelling units:

Preliminary Plan	Total Dwelling Units	Multifamily	Single-Family Detached	Attached
4-08002 (Westphalia)	4,356	2,473	172	1,711
4-08018 (Moore)	640	135	0	505
<b>Total</b>	4,996	2,608	172	2,216
<b>Percent of Attached</b>				<b>44%</b>

**Section 27-544(e)(2)**

- (B) For Regional Urban Community developments in the M-X-T Zone, the woodland conservation and afforestation thresholds shall be fifteen percent (15%) with no requirement for on-site mitigation. A fee-in-lieu of \$0.30 per square foot shall be required.**

Conformance to this regulation is discussed further in the environmental planning section.

- (C) Innovative stormwater management techniques may be used upon a finding that the techniques meet the purpose of the M-X-T Zone as set forth in Section 27-541(a)(2), including but not limited to the utilization of stream channel and floodplain enhancement and restoration. Stream restoration may be utilized to meet channel protection and water quality volumes.**



Conformance to this regulation is discussed further in the environmental planning section.

- (D) No setback shall be required from the 100-year floodplain to the lot line. There shall be a twenty-five (25) foot setback from the building to the 100-year floodplain for residences as a building restriction line as set forth in Section 24-129.**

Conformance to this regulation will be reviewed with the detailed site plan (DSP).

- (E) The maximum number of townhouse dwelling units per building group shall be ten (10). No more than thirty percent (30%) of the building groups shall contain nine (9) to ten (10) dwelling units. All other townhouse building groups shall contain no more than eight (8) dwelling units.**

The preliminary plan is not inconsistent with this regulation. The applicant does, however, propose townhouse lots which include nine and ten lots in a row. Staff would note that lots in a row do not necessarily mean that dwelling units are attached. A side yard can break up each stick to conform to this regulation. At the time of review of the DSP, the number of attached dwelling units in a row (a stick) should be reviewed for conformance to this regulation.

- (F) The number of parking spaces required in the core area of the Regional Urban Community are to be calculated by the applicant and submitted for Planning Board approval at the time of Detailed Site Plan approval. The applicant shall submit the methodology, assumptions, and data used in performing the calculations with the Detailed Site Plan. The number of parking spaces within the core area of the Regional Urban Community shall be calculated based on the procedures described in Sections 27-574(b) and (c).**

This regulation is not applicable to the review of the preliminary plan of subdivision.

- (G) End units on townhouse building groups shall be a minimum of twenty (20) feet in width and the minimum building width of a contiguous attached townhouse building group shall be sixteen (16) feet per unit. A variety of townhouse sizes shall be provided, with a minimum gross living space of a townhouse unit shall be 1,500 square feet except that ten percent (10%) of the townhouse units may be reduced to 1,200 square feet.**

The minimum lot width proposed is 16 feet wide, with the minimum width of an end unit being 20 feet wide. The variety of sizes of the townhouses will be reviewed with the detailed site plan(s) when architecture is introduced.

- (H) The minimum front setback from any public or private right-of-way may be reduced to seven (7) feet. In the core area, the public maintenance shall be one foot from back-of-curb to one foot to back-of-curb.**

This regulation will be evaluated with the detailed site plan process when dwelling unit types are introduced.

6. **Conceptual Site Plan**—On May 21, 2009, the District Council's Notice of Final Decision was issued for CSP-07004. This preliminary plan has been evaluated for conformance with that decision. Comments have been provided where the condition is applicable to the preliminary plan of subdivision, or not otherwise specifically addressed.

1. **Prior to certificate approval, the following revisions shall be made to the CSP:**

a. **All appropriate sheets of the CSP shall be revised to show the same proposed ranges of development. These ranges shall be as follows:**

- (1) **4,000–5,000 total dwelling units**
  - **150–200 single-family detached houses**
  - **1,650–2,500 attached dwelling units**
  - **1,800–3,100 multifamily dwelling units**
- (2) **500–600 hotel rooms**
- (3) **900,000–1,400,000 square feet of retail**
- (4) **2,200,000–4,500,000 square feet of office**

**These numbers are subject to verification prior to certification of the CSP to ensure that they meet the minimum required land use densities and floor-area ratios established in the Westphalia Sector Plan for the Core, Edge, and Fringe areas.**

The preliminary plan is not inconsistent with the mix and range of uses approved with the CSP. Prior to signature approval of the preliminary plan, the CSP should be signature approved.

- b. **Remove the note referring to possible increases of 10 percent of the development categories.**
- c. **Revise the conceptual landscape plan to demonstrate conformance to Section 4.8.**
- d. **Revise the phasing plan to propose up to 50 percent of the total dwelling units as attached units (including townhouses,**

**semi-detached dwellings, two-family units, three-family units, and any similar products).**

- e. **Provide minimum ten-foot-wide sidewalks (clear pedestrian zones) along both sides of the town center boulevard. The optional zone for the town center boulevard may be reduced to 26 feet.**
- f. **Mark and label the six-foot-wide sidewalks on the urban residential road 70-foot right-of-way.**
- g. **Modify the width of the “urban sidewalks” included on the North-South urban mixed-use roads to be a minimum of eight feet. The optional zone for the North-South urban mixed-use roads may be reduced to 28 feet.**
- h. **Provide minimum sidewalks of six feet along both sides of MC-632.**
- i. **All portions of the plan shall show the entire property.**
- j. **Show that the detached portion of the property along the western portion of existing Presidential Parkway is part of the Fringe.**
- k. **Add a floating symbol for the potential location of a library within the town center.**

The library is proposed on Parcel 30, west of MC-637 and is 2.9 acres.

- l. **Show a buffer area along the full length of historic Melwood Road and the Twin Knolls Subdivision, excluding the Fringe area. The buffer shall be a minimum of 75 feet wide along the entire length, and an average of at least 150 feet wide, excluding the Fringe area.**

The buffer required along the fringe is 10 feet wide from the southern point of Melwood Road to the southern side of the only access allowed onto Melwood Road. Starting on the north side of the access, the buffer starts at 10 feet wide and increases to 30 feet wide to the edge of the fringe. The buffer is required along the entire edge of Melwood Road within the fringe by condition of this preliminary plan. The details of the buffer will be reviewed with the detailed site plan for this area, and may be modified by revisions to the conceptual site plan.

- m. **Add a floating symbol for the potential location for a public or private medical facility.**

The preliminary plan proposes a “potential wellness center” on Parcel 26 in the Fringe area.

- n. **Show bikeway corridor trails along major roads.**
2. **Prior to certificate approval, the following revisions shall be made to the CSP plan text. Where available, the specific pages of the proposed CSP text to which the revision applies are provided in parentheses.**
- a. **Revise the proposed development totals to match those shown in Condition 1(a).**
  - b. **Revise the proposed intensity of commercial development within the Fringe to reflect the reduction in the minimum amount of office development from 4,000,000 square feet to 2,200,000 square feet.**
  - c. **Add proposed public/quasi-public uses to the breakdown of land use ranges in the Edge, and if necessary, revise the proposed mix to conform to the recommended range. (p. 23)**
  - d. **Incorporate the omitted sector plan design principles for the Core, Edge, and Fringe areas in the CSP text as criteria to be included in subsequent development review procedures.**
  - e. **Emphasize that proposed commercial land uses in the Edge areas need to be in substantial conformance with all sector plan design principles, particularly with respect to scale, site and building design, and parking. On-street parking will be designed to contribute to the parking requirements of commercial uses within the Edge.**
  - f. **Require a range of lot sizes for single-family attached dwelling units in the town center with a minimum of 1,000 square feet.**

The preliminary plan has a range of sizes for the attached dwelling units with a minimum lot size of 1,000 square feet.

- g. **Incorporate the regulations of CB-29-2008, particularly with respect to townhouse and attached dwelling unit criteria for the percentage of total units, lot size, living area, number of units in an attached row, and building widths.**

Council Bill CB-29-2008 amended Section 24-544 of the Zoning Ordinance. The preliminary plan is consistent with Section 24-544.

- h. Use consistent terminology throughout the text to refer to the streets (urban mixed-use roads, urban residential roads, internal circulation roads, and auxiliary access roads).**
- i. A maximum of 68 front-loaded garages shall be allowed within Westphalia Center. Their location shall be restricted to areas adjacent to a stream valley or preserved environment feature, preventing the use of a rear alley to serve the dwellings.**

Detailed site plans should ensure conformance to this condition.

- j. No drive-through services are permitted within Westphalia Center.**
- k. Update the discussion of noise based on the most up-to-date noise contours. (p. 6)**

The noise information was submitted and evaluated in the environmental planning section.

- l. Clarify that surface parking lots will only be permitted within the Core at final build-out where they are small in size and screened from the street by buildings. Interim parking lots in the Core prior to final build-out shall be screened by landscaping. (pp. 22–23)**
- m. Correct the reference to an informal street pattern in the Core to refer to the street pattern of the Fringe. (p. 28)**
- n. Include all three gateways (Suitland Parkway, Dowerhouse Road, and Woodyard Road) in the discussion of gateways. (p. 34)**
- o. Revise the text on page 38 to remove the second exemption for continuous building façade (for drive throughs in the Core). (p. 38)**
- p. Remove the reference to off-street parking provided along the roadway in the Core. (p. 38)**
- q. Specify that residential buildings fronting on urban residential roads and internal circulation roads may be set back up to 10 feet from the established build-to line along the pedestrian zone or public utilities easement to allow for stoops, porches, gardens, etc. The setback may be up to 15 feet from the established public utilities easement where front-loaded garages are permitted. (pp. 40–42)**

- r. **Clarify the building placement regulations to note that buildings shall be built to the pedestrian zone, optional zone, or public utilities easement, whichever is farthest from the street centerline.**
- s. **Change the standard spacing of street trees to a maximum of 40 feet on center for all roads.**
- t. **Add language to state that multi-story buildings are strongly encouraged in the Core.**
- u. **Remove the detail of tree grates or modify the detail to show a larger planting area and an expanded structural soil area underneath the adjacent sidewalk. (following p. 42).**
- v. **One-story buildings shall not be constructed in the Core.**

Prior to signature approval of the preliminary plan, the CSP will have signature approval.

3. **Prior to certification of the CSP, the Type I tree conservation plan shall be revised to:**
- a. **Show all regulated features per the revised, signed NRI.**
  - b. **Show a limit of disturbance.**
  - c. **Show the correct symbol in the legend for floodplain cleared.**
  - d. **Add the entire required standard notes for a TCP I.**
  - e. **Add the following note:**
    - “Woodland conservation shall not be credited in easements of any kind except surface drainage easements.”**
  - f. **The TCP I for the CSP shall be at the same scale as the NRI.**
  - g. **Match the graphics in the legend to the graphics on the plan (in particular, floodplain clearing).**
  - h. **Add the following note to the TCP I:**

**“The afforestation/reforestation areas on this plan will be reviewed in more detail during the preliminary plan review and the review of the future TCP I and TCP II. Afforestation and reforestation areas must be placed so as to provide open space, locations for utilities, sight distance, and to address aesthetic concerns throughout the site.”**

- i. Address all other comments provided during certificate review.**
- j. Have the revised plans signed and dated by the qualified professional who prepared them.**

Prior to signature approval of the preliminary plan, the CSP will have signature approval.

- 4. At least 35 days prior to Planning Board approval of the preliminary plan, a stream corridor assessment using the Maryland Department of Natural Resources protocol shall be submitted. General impacts to the entire stream valley for stream restoration shall be approved at preliminary plan. Specific impacts for stream restoration will be determined, reviewed, and approved at the detailed site plan stage. Streams shall not be piped unless absolutely necessary to address a water quality or water conveyance problem.**

This condition has been complied with and is discussed further in the environmental planning section.

- 5. Prior to acceptance of the preliminary plan package for review, NRI/094/06 shall be revised to include the information obtained from the field work with the Maryland Department of the Environment, the comments provided by the Environmental Planning Section, and the additional information on existing wetlands.**

This condition has been complied with and is discussed further in the environmental planning section.

- 6. Prior to approval of the preliminary plan of subdivision, any roadway sections described in this plan that are not consistent with the County Road Ordinance, whether proposed for public or private maintenance, shall have approval from the Department of Public Works & Transportation.**

By e-mail dated May 27, 2009, the Department of Public Works and Transportation (DPW&T) provided their approval, indicating that the final referral is forthcoming. Prior to signature approval of the preliminary plan the final referral is required, and the

preliminary plan will be revised to reflect any modification requested by DPW&T.

7. **At least 35 days prior to the approval of the preliminary plan by the Planning Board, the applicant shall attend a joint meeting with the staff reviewers of DPW&T and the Environmental Planning Section of M-NCPPC to evaluate the results of the stream corridor assessment.**

This condition has been complied with and is discussed further in the environmental planning section.

8. **The stormwater management ponds shown on the TCP I with the preliminary plan and all subsequent plans shall be designed as amenities to the community to the fullest extent possible with features such as utilization of the natural contours of the site, providing extensive landscaping, providing walking trails where appropriate, and shall include the use of low-impact development stormwater management techniques to the fullest extent possible, such as the use of forebays to trap sediment, bioretention, french drains, depressed parking lot islands, native plants.**

This condition has been complied with and is discussed further in the environmental planning section.

9. **At the time of review of the preliminary plan, a letter of justification shall be submitted for all proposed impacts to the regulated areas shown on the signed NRI, including the regulated areas described as Areas 1-8 on Staff Exhibit A, dated November 24, 2008. Where impacts cannot be eliminated, the letter of justification shall state the reasons and provide evidence regarding why the impacts cannot be eliminated or reduced. Such evidence could include roadway designs by the State or previously approved plans, including master plans that require or show the placement of the roadways. Evidence may also include features, such as an amphitheater, or other infrastructure in the locations shown on the conceptual site plan, as provided in CB-29-2008 and consistent with CR-2-2007.**

This condition has been complied with and is discussed further in the environmental planning section.

10. **No woodland conservation shall be proposed on dedicated parkland, unless written authorization from the Department of Parks and Recreation has been provided prior to Planning Board approval of the associated TCP.**

The plan proposes no parkland dedication.



11. **At least 35 days prior to Planning Board approval of the preliminary plan, a Phase I noise study that addresses noise related to Andrews Air Force Base, MD 4, and A-52 and A-66 shall be submitted. The TCP I for the preliminary plan shall show the resulting noise contours at both ground level and upper story elevations. The plan shall also illustrate conceptually how noise levels will be reduced to 65 dBA Ldn for outdoor activity areas and 45 dBA Ldn for indoor living areas.**

This condition has been complied with and is discussed further in the environmental planning section.

12. **The preliminary plan and TCP I shall propose restoration of the stream valley for the Back Branch drainage area. Along with this innovative LID stream restoration, on-site pretreatment will be provided at each storm drain outfall in the amount of 10% of the water quality volume for that area. For this pretreatment, innovative LID techniques such as bioretention within parking lot islands, vegetated buffers, infiltration trenches or pervious pavement will be utilized in the areas draining to Back Branch between Pennsylvania Avenue and Presidential Parkway. By providing improved water quality and protecting the channel through stream restoration, the proposed SWM pond treating the residential area draining to Back Branch and its conveyance system can also be greatly reduced.**

This condition has been complied with to the extent possible with the review of the preliminary plan and is discussed further in the environmental planning section.

13. **The locations of the master-planned trails along Back Branch and Cabin Branch shall be determined at the time of preliminary plan review. The trails shall be designed to avoid the PMA to the extent possible and trail alignments along parallel roads may be utilized where necessary. Impacts to the PMA shall be addressed at that time.**

This condition has been complied with to the extent possible with the review of the preliminary plan and is discussed further in the environmental planning and trails sections.

14. **At time of preliminary plan review, a detailed transportation phasing plan shall be submitted to identify specific improvements for specified levels of development in each phase.**

A transportation phasing plan has been submitted and is discussed further in the transportation section.

15. **Prior to approval of a detailed site plan for specific buildings, the applicant**

**shall obtain approval of a special-purpose detailed site plan encompassing the entire Westphalia Town Center site to establish regulating standards for signage and identify appropriate locations for transit stops within the town center in consultation with DPW&T and WMATA. The special-purpose detailed site plan shall also show proposed preliminary designs of the public open spaces within the town center and establish a timing plan for the improvement of these public spaces and for the public trail system.**

- 16. Prior to approval of a special purpose detailed site plan covering the whole site, the following items shall be determined to ensure they will be addressed during review of each incremental detailed site plan submitted subsequently:**
  - a. Evaluate accessibility, safety, and traffic control needs for the circular public space within public road MC-637, or propose an alternative road design or location for the public spaces.**
  - b. Address gateway design themes and concepts.**
  - c. Define the responsibility for construction and ownership of other public spaces, recreation and open space facilities proposed in the town center.**
  - d. Address a comprehensive organizational structure and financing system to manage and maintain the public, quasi-public and common ownership infrastructure networks and amenities, such as streets, sidewalks, recreation facilities, open spaces, and management operations.**
  - e. Acknowledge that the transit center will be dedicated to public use.**
- 17. Prior to acceptance of each detailed site plan, the package shall include a description of the use of green building techniques and alternative energy sources for the development throughout the site. At least three green building techniques shall be used in each development area of the site as identified on the CSP.**
- 18. Each detailed site plan shall demonstrate conformance to landscaping standards. In general, development on the site shall be subject to the standards of Section 4.8 of the Landscape Manual, in addition to the following standards:**
  - a. Single-family detached lots larger than 9,500 square feet shall provide at least one shade tree and one ornamental or evergreen tree**

on the lot.

- b. **Required landscaping for attached dwelling units shall be provided on the individual lots or common open space directly associated with the attached dwellings. Plantings within public or private open spaces shall only be counted towards the requirements where those spaces are located adjacent to the attached dwellings and are easily accessible to residents.**
  - c. **Surface parking lots larger than five parking spaces shall be subject to the landscaping standards of Section 4.3 of the Landscape Manual.**
  - d. **In general, uses within the town center shall not be buffered from each other. However, buffering of highly incompatible adjacent uses may be deemed necessary at the time of detailed site plan review.**
19. **The applicant shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (M-NCPPC) for adequacy and property siting prior to approval of the detailed site plan by the Planning Board.**
20. **At the time of detailed site plan approval, the applicant shall demonstrate to the Planning Board that the on-site private recreational facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement, or other appropriate means and that such instrument is legally binding upon the subdivider and his heirs, successors, and/or assignees.**
21. **Pedestrian safety features, traffic calming, and pedestrian amenities shall be evaluated at the time of each detailed site plan.**
22. **Prior to the first final plat of subdivision, the applicant shall enter into an agreement with the Department of Parks and Recreation (DPR) establishing a mechanism for payment of fees into an account administered by the M-NCPPC or provision of in-kind services. The agreement shall note that the value of the in-kind services shall be determined solely by DPR. DPR decisions regarding choice and value of in-kind services are appealable to the Planning Board. The agreement shall also establish a schedule of payments and/or a schedule for park construction. The payment or construction 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.**

This condition has been included.

- 23. The applicant shall submit three original executed private recreational facilities agreements (RFA) for the private recreational facilities on-site to DRD for their approval three weeks prior to submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.**

This condition has been included.

- 24. The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DRD, in accordance with the timing established in the special purpose DSP. The developer, his successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.**

This condition has been included.

- 25. As part of the private recreational facilities package, the applicant and the applicant's heirs, successors, and/or assignees shall construct three community buildings. The size, timing, and location of the buildings shall be determined with the review of the special-purpose detailed site plan.**
- 26. Prior to the issuance of the first building permit for the development, the applicant and the applicant's heirs, successors, and/or assignees shall:**
- a. Pay a pro rata share of the cost of construction of an interchange at MD 4 and Old Marlboro Pike-Westphalia Road. The pro rata share shall be payable to Prince George's County (or its designee) with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be determined after the Planning Board adopts a resolution establishing a Surplus Capacity Reimbursement Procedure (SCRCP). The pro rata share shall be indexed by multiplying the dollar amount (\$) x Engineering News Record Highway Construction Cost Index (at the time of building permit application) / Engineering News Record Highway Construction Cost Index (for the second quarter 2006).**
  - b. The above improvement shall have full financial assurances through**

either private money and/or full funding in the CIP, a SCRIP, State CTP, or Public Financing Plan approved by the Council.

27. Prior to the issuance of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall pay a pro rata share of the road improvements at the intersection of MD 223 at Rosaryville Road. The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be  $\$1,126.23$  per average peak-hour trip  $\times$  Engineering News Record Highway Construction Cost Index (at the time of building permit application) / Engineering News Record Highway Construction Cost Index (for the second quarter 2008).

This condition is discussed further in the transportation section.

28. Prior to the issuance of any building permits for each phase or DSP within the subject property, the following road improvements as may be phased shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

a. MD 4 and Forestville Road Intersection

- Add a third westbound through lane along MD 4.
- Add a second northbound double left turn lane along Forestville Road at MD 4.
- Add a second northbound through lane along Forestville Road at MD 4.
- Convert the southbound right turn lane into a combined through-and-right lane.
- Add a second southbound left turn lane along Forestville Road at MD 4.
- Rebuild the existing traffic signal.

b. MD 4 and Dowerhouse Road

- Construct a grade separated two-point diamond interchange

**with traffic signals at both at-grade intersections, subject to the requirements of SHA.**

**c. MD 4 and MD 223 Interchange**

- **The applicant will rebuild this interchange as detailed on Exhibit 12 as Alternate P-1.**
- **Install new traffic signals at Old Marlboro Pike and Presidential Parkway, Old Marlboro Pike and Melwood Road, and Old Marlboro Pike and MD 4 WB off-ramp.**
- **Construct a second southbound left turn along MD 223 at the MD 4 EM on-ramp.**
- **Widen the MD 4 EB on-ramp to accept the southbound double left movement.**
- **Provide a third NB through lane along MD 223 at the MD 4 EB on-ramps.**
- **Install a traffic signal at the intersection of MD 223 and MD 4 EB off-ramp—MD 4 EB on-ramp.**

**d. MD 223 and Perrywood Road**

- **Conduct a signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.**

**e. MD 223 and Marlboro Pike**

- **Construct a southbound double left turn lane.**
- **Modify the traffic signal.**
- **Provide separate left, through, and right turn lanes on the eastbound approach.**

**f. MD 223 and Dowerhouse Road**

- **Create a double left, a through, and a separate right turn lane on the northbound approach along MD 223.**
- **Create a left turn, a through, and a shared through-and-right**

**lane on the southbound approach along MD 223.**

- **Modify the traffic signal.**

This condition is discussed further in the transportation section.

- 29. 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. The applicant may make a contribution to the park club or provide an equivalent amount of in-kind services for the construction of the recreational facilities in the central park. Monetary contributions may be used for construction, operation, and maintenance of the recreational facilities in the central park and/or other recreational amenities that will serve the Westphalia Study Area. The park club shall be established and administered by the Department of Parks and Recreation. The choice between a monetary contribution and the provision of in-kind services shall be at the sole discretion of the Department of Parks and Recreation. The value of in-kind services shall be reviewed and approved by DPR staff. DPR decisions regarding choice of contributions and the value of in-kind services are appealable to the Planning Board.**

This condition is discussed further in the parks section.

- 30. The applicant and the applicant’s heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined during the review of the special-purpose detailed site plan. Private and public recreational facilities shall be reviewed as a package, acknowledge the contribution of \$3,500 per dwelling unit, and determine the total expenditures for the package.**
- 31. The phasing of residential and commercial uses shall be determined with approval of the Conceptual Site Plan covering the whole property. All properties within Westphalia Center shall be subject to this CSP and to any special purpose DSP.**

**The following phasing regulations will apply to this project. For the purposes of this condition, “constructed” shall be construed to mean that the buildings are built and ready for occupancy except for tenant-specific fit-out improvements. The minimum development amounts on the site shall be 150 single-family detached houses, 1,650 attached dwelling units, 1,800 multifamily dwelling units, 500 hotel rooms, 900,000 square feet of retail, and 2,200,000 square feet of office. As development proceeds, adequate traffic capacity shall be reserved to allow the development of these minimum**

**amounts. Development may proceed beyond these minimums provided adequate transportation capacity will exist for that development.**

- a. Attached dwelling units shall be limited to 50 percent of the total dwelling units on the site. Regardless of the relative quantities of different unit types approved on detailed site plans, building permits shall not be issued which would result in attached units exceeding 50 percent of the total of all dwelling units for which permits have been issued.**
- b. Prior to issuance of permits for the 1,400th dwelling unit, 300,000 square feet of retail space and 500,000 square feet of office space shall be constructed in the Core.**
- c. Prior to issuance of permits for the 2,800th dwelling unit, 600,000 square feet of retail space and 1,000,00 square feet of office space shall be constructed in the Core.**
- d. Prior to issuance of permits for the 4,200th dwelling unit, 900,000 square feet of retail space and 1,500,000 square feet of office space shall be constructed in the Core.**
- e. Prior to issuance of permits for the 250,000th square feet of retail development, 500,000 square feet of office shall be constructed.**
- f. Prior to issuance of permits for the 500,000th square feet of retail development, 750,000 square feet of office space shall be constructed.**
- g. The first 600 dwelling units shall be constructed in the Core before permits will be issued for any residential development in the Edge.**
- h. No single retail space shall be approved that exceeds 125,000 square feet of gross floor area within Westphalia Center.**
- i. A phasing and tracking chart shall be prepared in accordance with the approved phasing plan prior to certification of the CSP. This chart shall be submitted with each detailed site plan and comprehensively updated to ensure conformance with the phasing plan. The chart shall also be submitted with every building permit. No building permit shall be issued which does not conform to the phasing schedule above.**

Conformance to the required phasing will occur with the review of detailed site plans and



building permits.

32. In conformance with the adopted and approved Westphalia sector plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
- a. Construct the subject site's portion of the Cabin Branch master plan trail. The trail alignment, design, and timing shall be determined at the time of preliminary plan.
  - b. Construct the master plan trail along the subject site's entire segment of Back Branch. The trail alignment, design, and timing shall be determined at the time of the preliminary plan.
  - c. Construct the minimum eight-foot-wide master plan trail along the subject site's entire frontage of the north side of MC-634 and A-66. In the vicinity of the town center, this trail may be replaced by a decorative wide sidewalk and streetscape. Treatment alternatives can be evaluated at the time of detailed site plan.
  - f. The applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$840 to the Department of Public Works and Transportation for the placement of appropriate signage indicating that C-636 is designated as a Class III bikeway. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders are encouraged.

This condition is discussed further in the trails section.

33. In areas of landscaping and street furniture, a clear horizontal sidewalk space of eight feet shall be maintained to accommodate the heavier pedestrian traffic anticipated in the town center Core. The optional zone may be reduced to 28 feet in order to accommodate this change.
34. Total development within the subject property shall be limited to uses which generate no more than 7,149 AM peak-hour trips, and 8,910 PM peak-hour trips, in consideration of the approved trip rates and methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified herein above shall require a revision to the conceptual site plan with a new determination of the adequacy of transportation facilities.

The preliminary plan proposes a trip cap for development as discussed further in the transportation section.

- 35. Developer shall pay a fee-in-lieu to satisfy woodland conservation requirements in accordance with CB-29-2008.**

This condition is discussed further in the environmental planning section.

- 36. Where there is a mixture of products and/or lot sizes, alleys shall not be required to be aligned, unless determined otherwise by DPW&T at the detailed site plan stage.**
- 37. Prior to certificate approval, the preliminary plan shall be revised to reflect an increase in the developable acreage of the school site from 3.6 acres to 7 acres.**

This condition is included.

- 38. The acreage for the transit center is approximately four (4) acres.**

The preliminary plan locates the four-acre transit center and indicates that it is to be conveyed to a public use.

7. **Urban Design**—The subject property is within the area of the 2007 Approved Westphalia Sector Plan, and is designated as part of the Westphalia Town Center.

#### **Conformance with Previous Approvals**

The subject property and the adjoining Moore property (4-08018) are included in the larger conceptual site plan for Westphalia Town Center, CSP-07004. The CSP was approved by the Planning Board on December 18, 2008 (PGCPB Resolution No. 08-189), and was affirmed by the District Council on May 19, 2009, subject to 38 conditions.

#### **Conformance with the *Prince George's County Landscape Manual***

As part of a proposed Regional Urban Community, the site is subject to Section 4.8 of the *Prince George's County Landscape Manual*. The site's conformance with that section will be reviewed at the time of detailed site plan.

#### **Other Design Issues**

#### **Commercial Sites**

The CSP designates four small commercial sites located within the Edge areas of the town center to allow for small-scale commercial uses to be mixed into the largely residential areas of the Edge. The applicant has shown three Edge commercial sites in the Westphalia Center subdivision, and one in the adjacent Moore Property. One of the sites is shown as a separate retail parcel, another is shown as sharing a parcel with multifamily residential units in a vertical mixed-use arrangement, and the other two are shown as comprising portions of the community recreational parcels. Although these are not the exact locations that were shown on the CSP, they fulfill the intent of the CSP to allow for the even distribution of limited commercial services within the Edge areas. Placement of commercial uses on the community parcels has the potential to create mixed-use neighborhood service centers. The amount of commercial development on these sites should be limited in order to ensure that the commercial development does not overwhelm the recreational use of the parcels. Furthermore, the commercial space should be designed so that it is integrated with the recreational and residential uses which are to be reviewed with the detailed site plan(s).

#### **Parking Adequacy**

The dense development proposed on the site will generate a great demand for parking. During the review of the preliminary plan, staff requested that the applicant submit a parking study for the site to demonstrate that the necessary amount of parking could be provided to accommodate the proposed development. The applicant believes this issue is more appropriately dealt with in the review of detailed site plans and did not provide a parking study. Although the detailed site plan review process will allow for an exact determination of the parking adequacy on the site, if insufficient parking is found at the time of DSP review, the only available alternatives will be either to provide additional structured parking or reduce the number of residential units or the amount of commercial development. Parking should be reviewed at the time of detailed site plan with attention to the usability of the parking for its intended users. With such a large site, parking provided at one end of the site will not be readily available for dwellings or businesses elsewhere on the site. Ensuring an adequate provision and distribution of the parking spaces across the site is critical to the success of the development.

#### **Pedestrian Connections**

The preliminary plan includes numerous rows and blocks of townhouses and other attached units, such as rows up to ten units long and multiple rows along a block. Although the proposed attached blocks are generally not longer than 500 feet, access from the fronts of the units to the rear yards and alleys is an issue. The applicant's plan provides for small gaps between the ends of the sticks to allow for pedestrian passage. These gaps are part of the HOA parcels. The plans show these gaps to be typically four feet in width. Although four feet is wide enough for a narrow sidewalk, the important consideration for this space is not the width of the HOA space but the distance between the endwalls of the surrounding units. If the buildings are to be built up to the property line, the four-foot space between the lot lines will result in an overly-enclosed space not suitable for pedestrians. The end lots of the sticks are shown to be typically three feet wider than the

middle lots, raising the possibility that the end buildings could be set back three feet from the property line, creating a space that is ten feet wide, which would be more suitable. Furthermore, architectural variations in the end units, such as stoops or bay windows, would intrude into the ten-foot space. In order to provide for adequate spacing of the units and access between the attached sticks, the preliminary plan reflects the space between the lots to be no less than ten feet.

### **Melwood Road and Twin Knolls Bufferyard**

The buffer required along the fringe is 10 feet wide from the southern point of Melwood Road to the southern side of the only access allowed onto Melwood Road. Starting on the north side of the access, the buffer starts at 10 feet wide and increases to 30 feet wide to the edge of the fringe. The buffer is required along the entire edge of Melwood Road within the fringe by condition of this preliminary plan. The details of the buffer will be reviewed with the detailed site plan for this area, and may be modified by revisions to the conceptual site plan.

### **Master Plan Roadways**

The plan shows MC-637, a master-planned roadway, extending north from the Town Center Core area through the Moore Property and into the Smith Home Farms site to the north. It appears that the proposed location of the roadway at the northern edge of the Moore Property does not connect to the approved continuation of the roadway through the Smith Home Farms site. It will be necessary to align the roadway in order to allow the future connection to be made. The center line of the streets should align. Because the Smith Home Farm property has preliminary plan approval the alignment on the Moore and Westphalia Center property should make the adjustment. This shift will primarily affect the layout of the Moore Property, but could also affect the layout in the Westphalia Center property.

The preliminary plan also includes numerous lots and parcels along the master-planned roadways throughout the site. Although units should be encouraged to be oriented toward the main roadways, direct vehicular access onto the master-planned major collector roads (MC-637, MC-632) from single-family and single-family attached units is not permitted.

### **Recreational Facilities**

Condition 19 of the CSP requires the applicant to allocate appropriate and developable areas for private recreational facilities on HOA open space land. The applicant has designated three large community recreation parcels for dedication to the HOA (two on the Westphalia Center property, one on the Moore property), as well as numerous smaller open spaces scattered throughout the Edge area. Additional recreational areas will include the open space parcels in the center of traffic circles and the Westphalia Square in the Core area. The CSP requires that a recreational facilities package be reviewed at the time of the special-purpose detailed site plan, taking into consideration the public recreational facilities that will be provided in the Westphalia Central Park to the north of the site.

8. **Environmental**—This site in the M-X-T Zone is located on the north side of Pennsylvania Avenue (MD 4), to the west of Old Marlboro Pike, and bordered by Melwood Road to the north. A review of the approved Natural Resources Inventory, NRI/094/06, indicates that streams, 100-year floodplain, wetlands, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. There are 158 specimen trees located on-site, which is a part of the larger Westphalia Conceptual Site Plan (CSP-07004). The site is adjacent to Pennsylvania Avenue (MD 4), which is a source of traffic-generated noise. It is also located in close proximity to Andrews Air Force Base, a source of aviation-generated noise. According to the *Prince George's County Soil Survey*, the soils found on-site are in the Adelphia, Bibb, Collington, Marr, Matapeake, Sassafras, Shrewsbury, Westphalia, and Woodstown series. According to available information, Marlboro clay does not occur on this property, but occurs just north of the site. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or adjacent to this property. Habitat for forest interior dwelling species does exist on-site. Melwood Road is a designated historic road, located to the east and north of the subject site. This site is located in the Western Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the *Prince George's County Approved General Plan*.

#### **Sector Plan Conformance**

The sector plan for this site is the *Approved Westphalia Sector Plan and Sectional Map Amendment* (February 2007). In the approved sector plan and sectional map amendment, the Transportation Systems section in the Infrastructure Element, and the Scenic and Historic Roads section in the Community Character Element contain visions, policies, and strategies that are pertinent to the review of the current application. The following policies and strategies have been determined to be applicable to the current project. The text in **BOLD** is the text from the sector plan.

- a. In the Infrastructure Element of the sector plan, Transportation; Bicycles, Pedestrian and Trails Element, Policy 3, calls for the provision of appropriate trails and bicycle and pedestrian facilities throughout the Westphalia area. Strategies to implement this vision include the following:
- **Create a system of sidewalks, bikeways, natural surface paths, and hiker/biker/equestrian paths as shown on Map 8 and described below:**
    - **Melwood Road Greenway Trail: Preserve segments of the road with a green buffer on either side as an integral part of the community's trail and greenway network. The preserved segments should be incorporated into a north/south multi-purpose path that wends through the center of the community. Sections of the trail that are not wooded and**

**outside of the PMA may be realigned to parallel new streets, through parks, along lakes, etc., as needed to achieve the desired result. The path should extend from Old Marlboro Pike to the central park and up to the intersection of D'Arcy and Westphalia Roads. It could feature a trailhead at Old Marlboro Pike on a section of unused right-of-way east of Melwood Road. Where Melwood Road provides access to preexisting homes it may be retained as privately maintained ingress/egress easements or a county-maintained road at the discretion of the county. Access will be provided to the nearest publicly maintained road. Access points should be located to discourage through vehicular traffic.**

Melwood Road, a designated historic road, is proposed to become a greenway trail extending from Old Marlboro Pike to Westphalia Road as described in the approved sector plan. Strategies propose the preservation of segments of the road "with a green buffer on either side as an integral part of the community's trail and greenway network." This is in keeping with the historic designation of the roadway. The roadway is indicated in the Department of Public Works and Transportation Atlas as a County road.

The use of Melwood Road as a greenway trail is compatible with its historic designation, which will be discussed further in a review of the Scenic and Historic Roads section of the Community Character Element. Design elements to be considered in that review include the provision of green buffers along the trail/historic road, and the limiting and careful placement of access points to discourage through vehicular access on the trail/historic road, except for preexisting homes. Only one access is permitted onto Melwood Road from the fringe.

- b. In the Community Character Element, the Scenic and Historic Roads section calls for a vision that the most scenic features of historic roads and highway corridors are preserved or restored as an integral part of the Westphalia community. Policies and strategies to implement this vision include the following:

**Policy 1: Preserve and enhance the scenic character of the MD 4 corridor viewshed.**

**Strategies—Implement the MD 4 scenic viewshed recommendations of the 1994 Melwood-Westphalia Master Plan (see Illustration 4) during the development review process or when the highway is improved, as follows:**

- **Protect existing woodlands along the MD 4 corridor to act as**

**a visual barrier to the fullest extent possible.**

- **Provide intensive natural screening to ensure a visual barrier between manmade structures and natural features along the corridor.**
- **Enhance the rural appearance of the highway median and corridor by expanding stands of native trees and vegetation.**
- **Encourage structures developed along the corridor to be:**
- **Positioned on midslopes (to avoid hilltops), in clusters (to avoid sprawl), and into existing landforms (to avoid major grading).**
- **Designed to fit in with the architecture, scale and building materials of adjacent buildings with similar uses to promote harmony in visual relationships.**
- **Design residential subdivisions along the north side of MD 4, between Melwood Road and Ritchie Marlboro Road, to reflect the low-density characteristics of residential development on the south side of MD 4.**

Pennsylvania Avenue (MD 4) serves as an attractive gateway to Prince George's County. A study of MD 4 prepared for the 1994 *Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia (Planning Areas 77 and 78)* identified a scenic corridor of varying width that fluctuates with the rolling topography, generally extending from the highway to nearby ridges or hilltops. Within the MD 4 corridor, the master plan study identified a scenic viewshed as seen by motorists traveling on MD 4. The eastern section of the corridor contains cultivated fields, pastures, tobacco barns, farmhouses, and historic estates that provide visual continuity and maintains the rural character. However, the visual appeal of the MD 4 corridor as it approaches the Capital Beltway, and also sections along the Capital Beltway corridor to the north, needs improvement through more effective buffering and landscaping. This buffer will be reviewed with each detailed site plan subsequent to the special purpose site plan. Review will evaluate for opportunities to preserve existing trees, establishing a building setback and provide additional landscaping to enhance the appearance on this significant gateway. The 1994 master plan contains a detailed illustration and recommendations intended to preserve and enhance the high-quality views of the area along MD 4.

**Bulleted items 1–3** above recommend preserving existing trees and providing additional landscape planting of native materials to enhance the rural appearance of the highway corridor. This is consistent with a recommendation for the equivalent of a “D” bufferyard along designated scenic and historic roadways. A “D” bufferyard requires a 50-foot-wide building restriction line, and a 40-foot-wide landscape strip containing the equivalent of 160 plant units adjacent.

**Bulleted item 4** above deals with the pattern of development on the site. Because the single-family residential portions of the proposed development are located north of Presidential Parkway, they will not be visible from the Pennsylvania Avenue (MD 4) corridor.

- c. In the Community Character Element, the Scenic and Historic Roads section, the following policies and strategies are pertinent to the conservation of Melwood Road as a designated historic road and its adaptive reuse as a greenway trail within the Westphalia Town Center Development:

**Policy 3: Preserve and incorporate the most important features of scenic or historic roads in the designs for road improvements and new development.**

**Strategies:**

- **Maintain the designation of the four existing historic roads in the sector plan area as scenic and historic.**
- **Design road improvements in accordance with the Department of Public Works and Transportation road design standards for scenic and historic roads.**
- **Apply special design criteria for scenic and historic roads in the Westphalia sector plan area that provide for the necessary road improvements without compromising the valuable contribution of these roads to the community character:**
- **Avoid excessively wide roadways and limit use of paved shoulders.**
- **Adjust road design features (vertical and horizontal alignments, pavement sections, turn lanes) to the extent possible to preserve historic or scenic features and views along the right-of-way.**
- **Encourage development to be set well back from a scenic road.**
- **Use vegetated drainage swales instead of raised curbs and gutters where applicable.**



- **Preserve existing vegetation in the buffer area and add plantings to screen new development and create a wooded character along the road.**
- **Avoid large subdivision entrance features and signs.**
- **Limit the number of driveway entrances onto the roadway.**
- **Review plans to improve these roads with the M-NCPPC Historic Preservation and Public Facilities Planning Section and the Transportation Planning Section to ensure that all scenic and historic features are properly located and issues addressed.**

**Policy 4: Preserve designated segments of Melwood Road as an integral part of the community's trail and greenway network.**

**Strategies:**

- **Incorporate preserved segments into a north/south multipurpose path with a green buffer on either side that winds through the center of the community.**
- **Realign sections of the trail/lane that are not wooded and outside the Patuxent River primary management area (PMA) to parallel new streets, through parks, and along lakes as needed.**
- **Extend trail from Old Marlboro Pike to the central park and up to the intersection of D'Arcy and Westphalia Roads.**
- **Feature a trailhead at Old Marlboro Pike on a section of unused right-of-way for planned road A-37.**
- **Retain access to preexisting homes as privately maintained ingress/egress easements or county OP (other public) roads at the discretion of the county.**
  - **Provide an access point at the nearest public road.**
  - **Locate access to discourage through traffic.**

Portions of four roads in the Westphalia sector plan area were designated as scenic and/or historic roads in the 1992 *Approved Historic Sites and Districts Master Plan* and the 1994 Melwood-Westphalia master plan, including Melwood Road between Westphalia Road and Old Marlboro Pike, dating from around 1830. The

sector plan includes specific guidelines to be addressed to maintain the scenic and historic qualities of this roadway.

Melwood Road runs along the eastern boundary of the project site. The southern portion of Melwood Road is adjacent to a commercial center proposed in the northwest quadrant of Public Road "O" and Melwood Road, extending up to Back Branch. Extensive improvements to the intersection of Public Road "O" and the interchange onto MD 4, which are proposed to extend up Melwood Road to provide one access point into the commercial area. Access onto Melwood Road should be limited, and moved to the south to the extent possible, to provide the greatest protection for the historic roadway. A transitional greenway buffer should be provided along the western boundary of Melwood Road through the improved and realigned section north of MD 4 up to a single entrance point allowed into the commercial center, beginning with a width of 20 feet at the southern end, and expanding to a width of 40 feet wide, subject to the provision of plant units equivalent to those for similar width bufferyards as indicated in the *Prince George's County Landscape Manual*, or as determined by the approved CSP.

#### **Previously Approved Conditions**

The following text addresses previously approved environmental conditions related to the subject application. The text in **BOLD** is the actual text from the previous cases or plans.

Conformance with the Notice of Final Decision of the District Council, CSP-07004

3. **Prior to certification of the CSP, the Type I tree conservation plan shall be revised to:**

- a. **Show all regulated features per the revised, signed NRI.**
- b. **Show a limit of disturbance.**
- c. **Show the correct symbol in the legend for floodplain cleared.**
- d. **Add the entire required standard notes for a TCP I.**
- e. **Add the following note:**

**"Woodland conservation shall not be credited in easements of any kind except surface drainage easements."**

- f. **The TCP I for the CSP shall be at the same scale as the NRI.**
- g. **Match the graphics in the legend to the graphics on the plan (in**

particular, floodplain clearing).

**h. Add the following note to the TCP I:**

**“The afforestation/reforestation areas on this plan will be reviewed in more detail during the preliminary plan review and the review of the future TCP I and TCP II. Afforestation and reforestation areas must be placed so as to provide open space, locations for utilities, sight distance, and to address aesthetic concerns throughout the site.”**

**i. Address all other comments provided during certificate review.**

**j. Have the revised plans signed and dated by the qualified professional who prepared them.**

A revised TCPI for CSP-07004 has not been submitted, to date, for certification of the CSP. Prior to signature approval of the preliminary plan, TCPI/014/08 for CSP-07004 will receive signature approval.

**4. At least 35 days prior to Planning Board approval of the preliminary plan, a stream corridor assessment using the Maryland Department of Natural Resources protocol shall be submitted. General impacts to the entire stream valley for stream restoration shall be approved at preliminary plan. Specific impacts for stream restoration will be determined, reviewed, and approved at the detailed site plan stage. Streams shall not be piped unless absolutely necessary to address a water quality or water conveyance problem.**

A stream corridor assessment stamped as received March 25, 2009 and an addendum stamped as received April 16, 2009 have been reviewed. The stream corridor assessment submitted for Moore Property is identical to the study submitted for the Westphalia Property and evaluates both Back Branch and Cabin Branch.

Three protocols were used for the stream assessment: the United States Department of Agriculture (USDA) Stream Visual Assessment Protocol (SVAP), the Pfankuch Stability Methodology, and the David Rosgen Level III Bank Erodibility Hazard Index Rating (BEHI) methodology. The combined protocols were used to predict channel instability based on visual geomorphic characteristics and are more detailed than the Maryland Department of Natural Resources protocol.

The stream corridor assessment concluded that Back Branch and Cabin Branch are highly degraded systems with long-term instability both laterally and vertically. The addendum proposes stream restoration of Back Branch only, as part of the Westphalia application.

5. **Prior to acceptance of the preliminary plan package for review, NRI/094/06 shall be revised to include the information obtained from the field work with the Maryland Department of the Environment, the comments provided by the Environmental Planning Section, and the additional information on existing wetlands.**

A revised NRI was signed on December 16, 2008 and was submitted as part of the preliminary plan package.

7. **At least 35 days prior to the approval of the preliminary plan by the Planning Board, the applicant shall attend a joint meeting with the staff reviewers of DPW&T and the Environmental Planning Section of M-NCPPC to evaluate the results of the stream corridor assessment.**

A meeting was held April 28, 2009 between the applicant, DPW&T, and M-NCPPC including Environmental Planning Section (EPS), to evaluate the results of the stream corridor assessment. The discussion focused on the stream mitigation proposed for the Westphalia property. The proposed stream valley restoration is described as a best management practice that would include restoring the existing gulley as a broader valley to convey storm events. The stream restoration, as conceptually proposed, requires the approval of federal and state agencies. It should be noted that any endorsement at the county level of such stream restoration does not preclude federal and state requirements and does not guarantee the approval of such agencies. A detailed stream restoration plan will be needed at the time of detailed site plan review and will need to be incorporated into the technical stormwater management plan. Prior to signature approval of the preliminary plan, a drainage area exhibit should be submitted depicting the existing drainage areas located on-site. The submission package for the first DSP for any area of the Westphalia Center draining into Back Branch should contain:

- (1) A comprehensive and detailed stream restoration plan for Back Branch.
  - (2) A technical stormwater management plan which demonstrates the use of stream restoration as an innovative stormwater management technique. This plan should address channel protection volume and conveyance of stormwater through the site. Access to conduct the proposed work should be shown, along with all required clearing and grading for the proposed work. Staging areas, phasing, and other plan details needed for construction should also be provided.
8. **The stormwater management ponds shown on the TCP I with the preliminary plan and all subsequent plans shall be designed as amenities to the community to the fullest extent possible with features such as utilization of the natural contours of the site, providing extensive landscaping,**

**providing walking trails where appropriate, and shall include the use of low-impact development stormwater management techniques to the fullest extent possible, such as the use of forebays to trap sediment, bioretention, french drains, depressed parking lot islands, native plants.**

The plans, as submitted, show two ponds; one located on the northern portion of the site and the other located on the southeastern portion of the site. Stormwater facility conceptual layout renderings were submitted which show the use of forebays for both ponds. A stream restoration concept was also submitted and will need to be incorporated into the final stormwater management technical design; however, the information submitted to date meets the intent of the concept and is acceptable.

Separate conceptual stormwater facility layout renderings stamped as received on May 18, 2009 show how the ponds have been designed as amenities. The plans show the location of the proposed sidewalks, which provide access to the ponds from the surrounding roads. The plans also show several proposed seating areas and numerous plantings ranging from shade trees to aquatic plants. Prior to approval of a DSP which includes the stormwater management ponds, the design shown on the conceptual stormwater facility layout renderings should be shown on the DSP with the appropriate required details for construction.

- 9. At the time of review of the preliminary plan, a letter of justification shall be submitted for all proposed impacts to the regulated areas shown on the signed NRI, including the regulated areas described as Areas 1-8 on Staff Exhibit A, dated November 24, 2008. Where impacts cannot be eliminated, the letter of justification shall state the reasons and provide evidence regarding why the impacts cannot be eliminated or reduced. Such evidence could include roadway designs by the State or previously approved plans, including master plans that require or show the placement of the roadways. Evidence may also include features, such as an amphitheater, or other infrastructure in the locations shown on the conceptual site plan, as provided in CB-29-2008 and consistent with CR-2-2007.**

The site is within the Patuxent River Primary Management Area (PMA) as defined in Section 24-101 of the Subdivision Regulations. Section 24-130 requires that when a property is partially or totally within the Patuxent River watershed, the preliminary plan and tree conservation plan shall demonstrate that the PMA is preserved in a natural state to the fullest extent possible. If impacts are proposed to the PMA, a letter of justification is required to be submitted describing the impacts proposed, and justifying why they are unavoidable.

A revised letter of justification, stamped as received on April 14, 2009, has been submitted with the subject application, including an overall exhibit and 18 exhibits for

individual impacts labeled 'A' through 'N'. While the proposed road network for this site follows the master-planned roadway design and aligns with the existing roads at fixed points, a different design for the use of the land pods created by these roads should be explored in the areas surrounding proposed impacts A through D. The final design for this area should be determined at the time of detailed site plan. The following is an analysis of the proposed impacts.

**Impact A:** The PMA in this area is comprised of a state and county regulated stream and associated buffer. Impact A proposes 0.78 acre (33,960 square feet) of permanent, on-site impacts to the PMA for the extension of Presidential Parkway, a master-planned roadway that runs east-west. The exhibit for Impact A also shows a small portion of a commercial building proposed to be located in the PMA. The justification statement does not include information pertaining to the impact proposed by the building; however, the construction of Presidential Parkway in this area will effectively eliminate the headwaters of this stream channel and drastically alter the hydrology of the area. The PMA located to the south of the road crossing will essentially be eliminated by the change in hydrology and therefore, the use of this area should not be limited. This impact because it is necessary for the construction and installation of a portion of a public roadway.

**Impact B:** The PMA in this area is comprised of a federal, state, and county-regulated stream, a small portion of nontidal wetlands, county-regulated floodplain, and all associated buffers. Impact B proposes 1.24 acres (54,047 square feet) of permanent, on-site impacts to the PMA for the extension of Presidential Parkway, a master-planned roadway that runs east-west, as well as the construction of an eight-foot-wide public trail. The trail is located within an existing Washington Suburban Sanitary Commission (WSSC) sanitary sewer easement which reduces impacts to other portions of the stream valley by confining the trail to an existing area of disturbance. This trail is identified in the countywide trail plan and will serve as an important pedestrian connection between the Westphalia Center and developments to the north and west.

This impact is necessary for the construction and installation of a portion of a public roadway as well as a master-planned public trail.

**Impact C:** The PMA in this area is comprised of a state and county-regulated stream, county-regulated floodplain, and associated buffers. Impact C proposes 0.82 acre (35,701 square feet) of permanent, on-site impacts to the PMA for the construction of the Dower House Road interchange. The State Highway Administration is slated to build the grade-separated intersection as outlined in the sector plan to provide access to the core of the center. The grade-separated interchange will provide a safe crossing condition from the south side of MD 4.

This impact is necessary for the construction and installation of a portion of a public roadway.

**Impact D:** The PMA in this area is comprised of a state and county-regulated stream and associated buffer. Impact D proposes 1.00 acre (43,420 square feet) of permanent, on-site impacts to the PMA for the extension of Presidential Parkway, a master-planned roadway that runs east-west.

This impact is necessary for the construction and installation of a portion of a public roadway.

**Impact E:** The PMA in this area is comprised of a state and county-regulated stream and associated buffer. Impact E proposes 1.13 acres (49,047 square feet) of permanent, on-site and off-site impacts to the PMA for the construction of the Dower House Road interchange. The State Highway Administration is slated to build the grade-separated intersection as outlined in the sector plan to provide access to the core of the center. The grade-separated interchange will provide a safe crossing condition from the south side of MD 4.

This impact is necessary for the construction and installation of a portion of a public roadway.

**Impacts F and G:** The PMA in this area is comprised of a federal, state, and county-regulated stream, county-regulated floodplain, and associated buffers. Impact F proposes 0.06 acre (2,491 square feet) and impact G proposes 0.07 acre (2,904 square feet) of permanent, on-site impacts to the PMA for the installation of stormdrain outfalls.

These impacts are necessary to safely convey stormwater runoff to the stream.

**Impacts H and I:** The PMA in this area is comprised of a federal, state, and county-regulated stream, county-regulated floodplain, and associated buffers. Impact H proposes 0.85 acre (37,165 square feet) and Impact I proposes 0.08 acre (3,298 square feet) of permanent, on-site impacts to the PMA for the construction of a private road, currently labeled as "Private Road AN." The exhibit for Impact H also shows that a stormdrain outfall is included in the disturbance calculation.

These impacts are necessary for the construction and installation of a portion of a private roadway that will provide access to the core area, as well as northern sections of the site. The stormwater outfall is necessary to safely convey stormwater runoff to the stream.

**Impact J:** The PMA in this area is comprised of a federal, state, and county-regulated stream, county-regulated floodplain, and associated buffers. Impact J proposes 2.11 acres (91,917 square feet) of permanent, on-site impacts to the PMA for the construction of a public road, currently labeled as "Public Road O." This is a master-planned entrance to the Center.

These impacts are necessary for the construction and installation of a portion of a master-planned public roadway that will provide the main access to the core area and points north.

Additionally, to the north of Impacts H through K, the plan shows two ring roads around the southern portions of the two pods labeled as multifamily residential, on each side of "Public Road O." These are single-loaded roads that do not result in direct impacts because retaining walls are proposed between the proposed roads and the PMA. These roads add to the overall percentage of impervious surfaces and the amount of grading necessary for construction. These two roads do not provide additional benefits to the design and could be redesigned to provide access to the rears of the proposed multifamily residential units without completing the loop. A redesign would result in a reduction in impervious surface and a reduction in the length of retaining wall necessary adjacent to the PMA.

Prior to signature approval of the preliminary plan, the two ring roads (Private Road QQ) located east and west of Public Road O will be redesigned to provide access to the rears of the proposed multifamily residential parcels (Parcels 22 and 24) without completing the loops. The extension of Private Road QQ should extend from Public Road O in a similar alignment as shown on the preliminary plan, but only enough to serve the rear of each parcel.

**Impact K:** The PMA in this area is comprised of a federal, state, and county-regulated stream, county-regulated floodplain, nontidal wetlands and all associated buffers. Impact K proposes 1.11 acres (48,233 square feet) of temporary, on-site impacts and 0.61 acre (26,678 square feet) of permanent impacts to the PMA for the construction of a sewer main and stormdrain outfalls respectively.

This impact is necessary to safely convey sewage to an off-site treatment facility and to safely convey stormwater runoff to the stream.

**Impacts M and N:** The PMA in this area is comprised of a state and county-regulated stream, county-regulated floodplain, and associated buffers. Impact M proposes 0.13 acre (5,603 square feet) and Impact N proposes 0.09 acre (4,004 square feet) of permanent, on-site impacts to the PMA for the installation of stormdrain outfalls.

These impacts are necessary to safely convey stormwater runoff to the stream.

**Impact L:** The site also contains an isolated wetland that is required to be protected under Section 24-130 of the Subdivision Regulations. The Planning Board will generally not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility



lines, including sewer and stormwater outfalls, street crossings, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which can be designed to eliminate the impacts. Impacts to sensitive environmental features require variations to the Subdivision Regulations. Impacts to these buffers are restricted by Section 24-130 of the Subdivision Regulations.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

**Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property in accordance with the approved CSP, and could further compromise safety by unduly restricting the parking capacity for this permitted use.

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

The removal of the isolated wetland would not result in impacts that are detrimental to public safety, health, or welfare, nor would this be injurious to other properties. The installation of parking facilities for a proposed pad site is required by Prince George's County to provide for public safety, health, and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

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

The isolated wetland and its associated buffer are located in the center of a

primary commercial center of the Westphalia development. There are no other properties which contain this size wetland. Federal and state permits to disturb this wetland will be required prior to permit issuance.

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

Because the applicant will have to obtain permits from other local, state, and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

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

If left untouched, the surrounding development would alter the hydrology currently supporting this isolated wetland and it would most likely not survive as a wetland. Without the development of this area, the property could not be properly developed in accordance with the M-X-T zoning and the approved conceptual site plan, and, as stated previously, strict compliance with Section 24-130 of the Subdivision Regulations could compromise safety by unnecessarily limiting parking capacity for this permitted use.

This is a complete impact to an isolated wetland and its associated buffer which is located in the center of a primary commercial center of the Westphalia development. Specifically, this impact is proposed for the construction of a pad site and associated parking.

The Planning Board approves Impacts A through N and the variation request for proposed Impact L.

**10. No woodland conservation shall be proposed on dedicated parkland, unless written authorization from the Department of Parks and Recreation has been provided prior to Planning Board approval of the associated TCP.**

Land is proposed to be dedicated to public agencies including the State Highway Administration and the Prince George's County School Board, but not the Department of Parks and Recreation (DPR); however, no woodland conservation areas are currently proposed on land shown to be dedicated to these public agencies.

**11. At least 35 days prior to Planning Board approval of the preliminary plan, a**

**Phase I noise study that addresses noise related to Andrews Air Force Base, MD 4, and A-52 and A-66 shall be submitted. The TCP I for the preliminary plan shall show the resulting noise contours at both ground level and upper story elevations. The plan shall also illustrate conceptually how noise levels will be reduced to 65 dBA Ldn for outdoor activity areas and 45 dBA Ldn for indoor living areas.**

A Phase I noise study, stamped as received March 25, 2009, and an addendum, stamped as received April 16, 2009, were submitted with the subject application. A separate full-scale exhibit was included in the addendum depicting the noise contours related to traffic and Andrews Air Force Base. The noise study submitted for the Westphalia Property is identical to the study submitted for Moore Property.

The noise report and noise contours indicate that traffic-related noise contours associated with MD 4, Presidential Parkway Extended, and the proposed extension of Dower House Road are located on the Westphalia Property. The uses that abut MD 4 and Presidential Parkway are generally those that are not mitigated with respect to noise levels, with the exception of the area of proposed condominium units and townhouses north of Presidential Parkway and west of Public Road O. These residential uses are regulated with respect to noise and can be designed to meet noise standards by having the affected units face the noise source (Presidential Parkway) and placing the outdoor activity area (the backyard) behind the proposed units. The buildings themselves provide sufficient noise mitigation so that additional measures to reduce outdoor noise are not necessary.

The noise report and noise contours indicate that a majority of the site is subject to elevated noise levels from Andrews Air Force Base averaging 70 dBA Ldn or higher centrally and from 65 dBA Ldn to 70 dBA Ldn on the western portion of the property, as well as a small portion of the eastern portion of the site. Only the easternmost portion of the site, east of Public Road EE, is located outside of noise contours with a measurement of 65 dBA Ldn or higher.

Applications for all residential building permits on the Westphalia Property, with the exception of buildings located to the east of Public Road EE, will contain a certification to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification will state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.

- 12. The preliminary plan and TCP I shall propose restoration of the stream valley for the Back Branch drainage area. Along with this innovative LID stream restoration, on-site pretreatment will be provided at each storm drain outfall in the amount of 10% of the water quality volume for that area. For this pretreatment, innovative LID techniques such as bioretention within**

**parking lot islands, vegetated buffers, infiltration trenches or pervious pavement will be utilized in the areas draining to Back Branch between Pennsylvania Avenue and Presidential Parkway. By providing improved water quality and protecting the channel through stream restoration, the proposed SWM pond treating the residential area draining to Back Branch and its conveyance system can also be greatly reduced.**

This condition was intended to focus on the larger land area of the CSP application and was intended to target the areas of commercial development that generally have large expanses of impervious areas for parking/loading, etc.

A meeting was held April 28, 2009 between the applicant, DPW&T, and M-NCPPC. The main topic of discussion was to evaluate the results of the stream corridor assessment and to tie the proposed mitigation and the use of other innovative stormwater management techniques into the proposed stormwater management for the Moore and Westphalia sites.

The plans, as submitted for this preliminary plan, show two ponds; one located on the northern portion of the site and the other located on the southeastern portion of the site. Stormwater facility conceptual layout renderings were submitted which show the use of forebays for both ponds. The plans also show the use of numerous water quality structures throughout the commercial area on the southern portion of the site. These low-impact structures provide water quality treatment for stormwater before it enters the stream. A stream restoration concept was also submitted and will need to be incorporated into the final stormwater management technical design. No further information is needed for review of the preliminary plan with respect to innovative stormwater management design techniques on the Westphalia Property.

- 13. The locations of the master-planned trails along Back Branch and Cabin Branch shall be determined at the time of preliminary plan review. The trails shall be designed to avoid the PMA to the extent possible and trail alignments along parallel roads may be utilized where necessary. Impacts to the PMA shall be addressed at that time.**

The trail alignments have been shown on the TCPI, stamped as received April 14, 2009. The eight-foot-wide public trail along Cabin Branch is located within an existing WSSC sanitary sewer easement which reduces impacts to other portions of the stream valley by confining the trail to an existing area of disturbance. The trail location along Cabin Branch has been field located by county and EPS in collaboration with the engineer to minimize impacts. Three on-site stream crossings are proposed as part of the Cabin Branch trail design that will require a footbridge or similar low-impact crossing feature.

The eight-foot-wide public trail along Back Branch is located on the ring roads connecting to the sidewalk system along Presidential Parkway and extends to the trail surrounding

Stormwater Management Facility 2. As discussed under Condition 9 above, the two ring roads located on each side of Public Road O should be redesigned to provide access to the rears of the proposed multifamily residential units without completing the loops. A redesign of the ring roads should not affect the location of the stream valley trail in this area.

PMA impacts have been addressed. These trails are identified in the Countywide Trails Plan and will serve as important pedestrian connections between Moore Property, Westphalia Center, and developments to the north and west.

**35. Developer shall pay a fee-in-lieu to satisfy woodland conservation requirements in accordance with CB-29-2008.**

The plan shows the use of fee-in-lieu to meet the woodland conservation requirement. Council Bill CB-29-2008 allows for the use of fee-in-lieu, just as any site is allowed to use fee-in-lieu, after exhausting all other woodland conservation options.

Council Bill CB-29-2008 states “(B) For Regional Urban Community developments in the M-X-T Zone, the woodland conservation and afforestation thresholds shall be fifteen percent (15%) with no requirement for on-site mitigation. A fee-in-lieu of \$0.30 per square foot shall be required.”

As written this passage allows the fee-in-lieu to be provided at a rate of \$0.30 per square foot, if this option is used. This provision was added due to pending legislation that proposes an increase in the fee-in-lieu. According to state law (Natural Resources Article 5-1607) and the Prince George’s County Woodland Conservation and Tree Preservation Ordinance, fee-in-lieu can only be considered when all other options have been exhausted.

A statement of justification was received on May 19, 2009 that outlines some of the applicant’s reasons for not using other options.

The other priorities for woodland conservation are:

1. Preservation on-site,
2. areas preserved with selective clearing to improve the forest,
3. on-site afforestation/reforestation,
4. landscaping,
5. off-site afforestation/reforestation,
6. off-site woodland conservation through preservation.

Preserving woodlands on-site is problematic because the master plan calls for a dense town center and the grading necessary to provide a cohesive design limits the opportunities for on-site woodland preservation. In a similar fashion, replanting areas to

replace forests lost is difficult because of the extensive impervious areas and limited amount of planting space. Landscaping is an option that has not been fully explored and will be evaluated further at time of DSP review. Off-site woodland conservation, for the acreages required for this project (163.43 acres), is problematic because of the limited amount of off-site woodland conservation that is currently available.

If all of the requirement cannot be met on-site, the next level of evaluation is whether the threshold amount could be met on-site. It is clear from the design that the threshold cannot be met on-site through preservation, but because the proposed landscaping has not been evaluated for credit toward meeting the threshold on-site, it is not clear at this time that the threshold cannot be met on-site. This analysis should take place at the time of DSP review.

Because this site design does not allow for the woodland conservation threshold to be met on-site and because it is important to meet the woodland conservation threshold in trees, a fee-in-lieu will only be considered once the woodland conservation threshold has been met with woodland conservation either on-site or off-site. The remainder of the woodland conservation requirement will be considered for fee-in-lieu.

Additionally, it should be noted that the use of such a large fee-in-lieu must be accompanied by the naming of a recipient that can ensure the funds are used for tree planting and/or land acquisition (for example, a local watershed society, a land trust, the Department of Parks and Recreation, etc.). It was discussed with the applicant that the future homeowners association (HOA) or whomever is the governing body of Westphalia could be provided these funds for future tree planting and maintenance of the urban forest.

#### **Environmental Review**

A signed Natural Resources Inventory (NRI/094/06-01) was submitted with the application. The -01 revision to the NRI was signed by the Environmental Planning Section on December 16, 2008. The signature approval of the NRI was based on the results of a field visit held October 14, 2008 made by representatives the applicant, stream experts (not wetland experts) from the Maryland Department of the Environment, and the Environmental Planning Section. Additional wetland information was provided by the applicant to verify the delineation of on-site wetlands per the Army Corps of Engineer's 1987 delineation manual. The site contains sensitive environmental features such as streams, 100-year floodplain, wetlands, severe slopes, and areas of steep slopes with highly erodible soils.

The forest stand delineation (FSD) report for the larger Westphalia Center describes the site as containing eight different forest stands, for a total of 440.22 acres of woodland on-site and 158 specimen trees. The dominant trees on-site are tulip poplar, red maple, sweetgum, beech, and Virginia pine. Stand A is a 108.22-acre stand of mixed early succession and immature hardwoods, including tulip poplar, sweetgum, and red maple. This stand was selectively harvested approximately five years ago. Stand B is a 212.28-acre stand of immature mixed hardwoods, also dominated by tulip poplar, sweetgum, and red maple. There is evidence of selective harvest in

recent years. Stand C is an 8.73-acre stand of immature conifer dominated by Virginia pine. No logging activities appear to have occurred within this stand. Stand D is a 19.45-acre stand of early succession hardwoods including sweetgum and tulip poplar. There is no evidence of recent logging activity and portions of this stand would be classified as interior forest habitat because areas are located more than 300 feet from the nearest forest edge. Stand E is a 5.13-acre stand of early succession conifers dominated by Virginia pine. A small portion of this stand is considered interior forest habitat. Stand F is a 43.96-acre stand of immature upland hardwoods dominated by hickory, beech, red oak, white oak, and tulip poplar. This stand is a high priority for retention due to its location next to regulated streams, wetlands, and floodplains. There are also portions of the stand classified as forest interior habitat. Stand G is a 25.84-acre stand of mature conifer forest dominated by Virginia pine. There are portions of this stand that are considered interior forest habitat. Stand H is a 16.61-acre stand of mixed hardwood dominated by sweetgum, red maple, black cherry, black locust, and tulip poplar. Portions of this stand are considered interior forest habitat. The total area of the nonforested land on the property is approximately 90.05 acres.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it has an approved Tree Conservation Plan, TCPI/014/08. A -01 revision to the Type I tree conservation plan has been submitted. This 482.57-acre property contains a total of 413.37 acres of woodland outside the floodplain and 19.14 acres inside the floodplain according to the TCPI as submitted. The 15 percent woodland conservation threshold has been correctly calculated as 69.48 acres. As currently shown, the areas of clearing result in a total woodland conservation requirement of 204.80 acres. The plan proposes to meet the requirement by providing 22.16 acres of woodland preservation, 19.21 acres of afforestation/reforestation, and 163.41 acres of fee-in-lieu for a total of 204.78 acres of proposed woodland conservation provided. The amount of woodland conservation provided must meet or exceed the woodland conservation required.

The subject site is a portion of the overall Westphalia Center site approved with CSP-07004. The total site statistics of the subject property (specifically the acreages for the existing floodplain, the forested floodplain, and the existing forest outside of the floodplain), when combined with the site statistics of the recently submitted preliminary plan for the adjacent Moore Property (4-08018), do not add up to the total areas shown on the signed NRI for the entire property or the previously approved CSP. It is unclear on either set of plans where the discrepancy in the site statistics occurs. Revisions to one or both sets of plans are needed to account for this discrepancy, or an explanation of the missing acreage needs to be provided. The worksheet must be revised to reflect any change in site statistics.

Woodland preservation and reforestation must meet certain minimum requirements to count as woodland conservation. These requirements include, but are not limited to, the following: they must be located five feet from curbs, 30 feet from commercial/industrial buildings, ten feet from the back or front of retaining walls, they must not be fragmented in nature, not located within utility easements or on top of existing or proposed structures, and they must allow for proper sight distance at intersections.

The specimen tree table shown on the plan appears to account for all of the specimen trees located on the larger overall site. The specimen tree table should be revised to account for only the trees located on the current application or provide some indication regarding which trees are off-site. A note needs to be located below the specimen tree table to indicate whether the specimen trees were field or survey located. It should be noted that any specimen trees located within 100 feet of the limit of disturbance (LOD) will need to be survey located prior to approval of the TCPII. These trees may require special treatment prior to and during construction. The measures necessary to ensure preservation of the specimen trees will need to be provided on the Type II tree conservation plan.

The information listed under the heading for "forest saved and counted as cleared (non-FPA)," on the cover sheet, needs to be separated into the following categories: forest preserved not counted, preservation, and forest saved and counted as cleared. The areas currently numbered under this heading should be divided among the new categories as follows: Areas 1, 2, 4, and 6 should fall under forest preserved not counted, Areas 7 and 8 should fall under preservation, and Areas 3, 5, 9, 10, and 11 should fall under forest saved and counted as cleared. These revisions should be reflected on the plan and in the worksheet. Additionally, it appears as though Area 9 was counted twice in this list. The additional area should be removed.

Several of the match lines between the sheets are not consistently shown on the adjacent sheets. All match lines must be shown consistently on all plans. The 25-foot floodplain building restriction line (BRL) appears to be shown correctly on the plan; however, there are many areas where the restriction line is not honored. Building within the 25-foot BRL for the floodplain requires a variation and none was submitted. Staff would not support this variation because it can easily be avoided on a site this size. Specifically, on Sheet 6, a building footprint needs to be removed from the 25-foot floodplain BRL.

Retaining walls are shown throughout the site. All retaining walls should be located a minimum of ten feet from the PMA or any woodland conservation area. An opportunity for reforestation is available on Sheet 5, adjacent to non-FPA 8, within and adjacent to the PMA. This would also allow for the non-FPA 8 to be counted as preservation. The clearing area label EE located on Sheet 14 needs to be moved within the area proposed to be cleared, or an arrow indicating where the clearing is to occur is needed.

The soils found to occur on this property are in the Adelpia, Bibb, Chillum, Collington, gravel and borrow pits, Matapeake, Sandy land steep, Sassafras, Shrewsbury, Westphalia, and Woodstown. Many of these soils have limitations, but they are generally well drained making them appropriate for infiltration methods of stormwater management. This information is provided for the applicant's benefit. No further action is needed as it relates to this conceptual site plan. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

An approved Stormwater Management Concept Plan and approval letter (44782-2007-00) were



submitted with the subject application. The concept letter outlines the use of ponds, an underground system, a regional lake, stream restoration, or a combination of any of the above. The concept letter also states that all ponds shall have a forebay. The concept plan shows the use of two stormwater management ponds on the Westphalia property and numerous water quality structures.

9. **Community Planning**—This application is generally consistent with the 2002 General Plan (as amended by the 2007 Westphalia sector plan) Development Pattern policies for a Regional Center in the Developing Tier as defined by approval of CSP-07004.

**Sector Plan:** This application generally conforms to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* policies, strategies, and design principles for mixed-use development at a General Plan Regional Center. The proposed lot, block, and street patterns establish a development pattern that generally conforms to the sector plan concepts for mixed-use development that is transit- and pedestrian-oriented with an urban character as recommended by the Westphalia sector plan.

**Other Determinations:** Conceptual Site Plan CSP-07004, establishes regulations for review of subsequent development applications on these properties, including this preliminary subdivision application. The development pattern proposed by this preliminary subdivision application is generally consistent with the development pattern concepts of the sector plan as approved in CSP-07004. The preliminary plan of subdivision should:

- a. Establish the timing criteria for dedication of the future library and site.
- b. Establish timing criteria for dedication of the elementary school site so that the needed school facilities can be provided concurrently with development of this neighborhood.
- c. Require that, prior to approval of a special-purpose detailed site plan, proposed Parcel T-1 is subject to CSP-07004, Condition 16.a., which requires evaluation of accessibility, safety, and traffic control needs for the circular public space (park) within public road MC-637 (Dower House Road), or to propose an alternative road design or location for the public spaces. This study may affect the proposed road design and lot patterns in this area.
- d. Revise maps for both preliminary plan of subdivision applications (4-08002 and 4-08018) to show high noise areas where interior acoustical buffering should be required for all structures. Flight operations at Andrews Air Force Base yield high noise impacts (65–70 dBA Ldn and 70–75 dBA Ldn) on the western portion of these applications.
- e. Show the master plan right-of-way alignment for proposed roads A-67/MC-631 (Suitland Parkway Extended) and MC-634 (Presidential Parkway and Presidential Parkway Extended) on application 4-08002.
- f. Acknowledge that a minimum of four acres will be dedicated to public use for a transit

center within proposed Parcel 28.

The 2002 General Plan locates this property in a Regional Center along the MD 4 Corridor in the Developing Tier. The vision for Centers and Corridors is mixed-residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. The preliminary plan is consistent with the recommendations of the General Plan as proposed with the mix of uses in a highly-dense urban environment, with a strong emphasis on transit.

The property is located within the limits of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, in Planning Area 78 in the Westphalia community. The recommended land use is for an urban, mixed-use town center with a defined Core, Edge, and Fringe, including mixed-residential and nonresidential uses at medium to high densities and intensities, ample public spaces suitable for public events, and a strong emphasis on pedestrian- and transit-oriented design as approved with CSP-07004, and to which this preliminary plan conforms.

**Sector Plan Map 7A:** The Metro Line Extension shows a transit station location on the north side of MD 4, east of the proposed Dower House Road interchange at the edge of the Center Core area, initially as a park-and-ride/bus transit site that could evolve into a rail station extended from the Branch Avenue Metro Station as the town center develops. The transit site is shown on approved CSP-07004 as within proposed Parcel 28 in application 4-08002, but there is no acknowledgement on the preliminary plan of a transit facility to be dedicated for public use at this site as required by CSP-07004, Condition 16 e and CSP Condition 38 requires a minimum of four acres for the transit facility. Prior to signature approval, the four-acre transit site should be located on the preliminary plan. The parcel should have frontage on and the ability for direct vehicular access to a dedicated public street and labeled to be dedicated to public use. This revision will result in an additional parcel being created with this preliminary plan or 410 parcels total.

Adequate safety roadway improvements for Melwood Road between MD 4 and new road MC-632, including traffic calming devices, should be bonded for construction prior to the issuance of building permits for the Westphalia Center development project as determined appropriate by DPW&T (CR-2-2007 (DR-2), Finding (d), p. 6 and SMA Amendment 1, pp. 9-10).

Sector Plan Map 9, Public Facilities, shows that a number of public facility sites are recommended within this Center. Specifically, the timing for conveyance of the public library to the Prince George's County Memorial Library System (PGCMLS) should be established at this time. Consideration may be given to co-location on property to be dedicated to the HOA, as to be determined by agreement between the Library System and the HOA.

Development Pattern Element Policy 1, Strategy 2 recommends: "A minimum of one public space in a prominent, centralized location of the town center core at a minimum of three acres in size." Approved CSP-07004 shows three to five public spaces in the center core totaling more than three acres, the largest of which is 1.7 acres emulating the design of DuPont Circle in the District of

Columbia. It is located across the street from another relatively large public use facility—the library. The distribution of useable public spaces has some advantages in terms of accessibility to people in and around the core area. The main concern is that the proposed 1.7-acre space is located in the midst of a major collector road (MC-637) somewhat north of the Dower House Road interchange. Unlike DuPont Circle, it will not have an underpass for through traffic. As such, there is a question as to the volumes of traffic involved, the safety of accessibility, and the traffic control methods that may be needed. Pursuant to CSP-07004, Condition 16 a., these issues are to be addressed prior to approval of a special-purpose detailed site plan, and if necessary an alternative road design or park site identified. This requirement with respect to the traffic circle/park on proposed Parcel T-1 may affect the proposed road design for MC-637 and adjoining lot lines for proposed Parcels 3, 35, 36, 6 and 9 or other parcels within this application if the proposed park feature needs to be relocated.

The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* rezoned the subject property from the I-3 and R-A Zones to the M-X-T Zone. The concepts and illustrations approved by CSP-07004 are consistent with and supersede those shown in the approved sector plan. The preliminary plan is consistent with those approvals.

The 2002 General Plan (as revised by the 2007 Westphalia sector plan) recommended a “Possible Future Community Center” along the north side of MD 4 between Westphalia Road and Woodyard Road. This section of MD 4 is also identified as a limited access Corridor for concentrations of mixed-use, transit-oriented development in the vicinity of major intersections. Evaluation of these General Plan recommendations in the context of preparing the 2007 Westphalia Sector Plan and SMA resulted in an amendment to the General Plan designating the Westphalia Center as a Regional Center with slightly different boundaries than indicated on Map 1 in the 2002 General Plan. The revised boundaries incorporate all of the property subject to CSP-07004, and approximately 70 to 80 acres of property adjoining to the north, known as the Smith Home Farms project, which was approved for the R-M Zone by application A-9965-C prior to approval of the Westphalia Sector Plan and SMA. Except for the redefined Regional Center area, the Corridor designation along MD 4 remains as originally designated in the 2002 General Plan. Center Core, Edge, and Fringe boundaries are defined in approved CSP-07004 and should be clearly labeled on the preliminary plan of subdivision.

The 2007 Westphalia Sector Plan and SMA was approved by CR-2-2007 (DR-2) and establishes the policies, strategies, and design principles for development of the General Plan designated Regional Center at Westphalia. The intent of these policies and strategies is to ensure development of an urban town center with a defined Core and Edge and a moderate- to high-intensity, vertical and horizontal mix of commercial and residential uses that are transit-supportive and transit- and pedestrian-oriented. Amenities and characteristics of urban, rather than suburban, development patterns are sought. The preliminary plan is not inconsistent with this recommendation.

Subsequent to approval of the Westphalia sector plan, Council Bill CB-29-2008 (Section 27-544) established a new use in the Zoning Ordinance, a Regional Urban Community as defined in

Section 27-107.01(a)197.1. This new legislation contains regulations that address the percentage of attached dwelling units, woodland conservation and afforestation, stormwater management, lot lines and building setbacks from floodplains, number of townhouses in a row, parking calculations, townhouse building width and living space, building setback from rights-of-way, public maintenance of streets in the core area, and landscaping, as discussed above. This preliminary plan of subdivision application meets the criteria for a Regional Urban Community as described above.

The 530-acre CSP-07004 application for Westphalia Center, which encompasses Preliminary Plans of Subdivision 4-08002 and 4-08018 (Moore Property), received final approval by the District Council on May 19, 2009. Approved CSP-07004 identifies and discusses each of the policies, strategies, and design principles under the Development Pattern Element that apply to the Westphalia Center, and includes numerous illustrations that clarify the intended character of development. Conceptual Site Plan CSP-07004 also establishes a set of design standards based on adjoining street classifications as criteria to guide review of subsequent development applications, e.g. subdivision, detailed site plan, and building permit. In general, the two preliminary plan of subdivision applications are consistent with CSP-07004, which established regulations for subsequent review of development applications for subdivision and detailed site plans, and thus conformance with the intent of sector plan recommendations. The included charts, maps, and illustrations within CSP-07004 (as revised by Council approval) are established as concepts and guidelines to be referenced for subsequent review of subdivision and detailed site plan applications regarding the intended character of urban development patterns sought in the Westphalia Center.

Westphalia Sector Plan, Development Pattern Element, Policy 3 states: "Ensure high-intensity commercial and office development in the first phases of town center construction." Strategies to implement Policy 3 are: "Identify and reserve sites specifically and exclusively for high-intensity office, high-intensity mixed use, and high-density residential uses in the town center core"; and "In the site plan and subdivision review and approval processes, define and require high-intensity office and retail construction in the town center core prior to or in conjunction with specified levels of residential construction." Council Resolution CR-2-2007 (DR-2), Adopted Sector Plan Amendment 1 (p. 7, line 3) further states: "Add text to clarify the phasing of commercial development in the Westphalia Town Center to ensure that such development precedes or occurs concurrently with and in proportion to residential development."

Approved CSP-07004, Condition 31, establishes a phasing plan for the Westphalia Town Center as a whole to ensure that the recommendations of the Westphalia sector plan regarding the timing and location of commercial and residential development are met. Review of the detailed site plan(s) should ensure conformance to the required phasing plan.

The Westphalia Sector Plan, Public Facilities Element, Policy 4 states: "Enable cooperative planning and shared implementation of public infrastructure improvements and mitigations among individual parcels." The strategy under Policy 4 is: "Conduct a comprehensive public facilities plan analysis to establish the appropriate method, staging and financing mechanism that ensures

provision of the aforementioned public facilities concurrently with development of new homes and businesses.” Concurrent with preparation of the sector plan, a Public Facilities Financing Program study was prepared and reviewed by the Planning Board and County Council (Public Record Exhibit 73). Subsequently, a Westphalia Public Facilities Financing Plan Stakeholder Work Group was established to prepare a public facility financing program that can be implemented which calculates and finances costs for county facilities and infrastructure among public and private stakeholders on a “fair share” basis to the greatest extent possible. The stakeholders have held meetings throughout 2008 and have updated cost estimates for needed public infrastructure beyond that normally required of development projects (such as gaps in road and trail improvements), identified shared financing and bonding strategies, as well as shared costs savings and incentive strategies. Phasing, marketing, branding, and management strategies are also under discussion.

To date, there has been no agreement on a new shared funding strategy or approach. New public facility improvements not currently required of development proposals still need to be funded and built according to the standard approach of programming for construction via the County Capital Improvement Program (CIP) using general obligation bonds financed by tax revenues. The ongoing credit crisis and the downturn in the real estate market has slowed the work of the stakeholder work group, and forced a rethinking of its approach. Meetings of the stakeholder work group were suspended at the end of 2008, but it is intended that meetings will resume in the latter part of 2009 to address issues outlined above and propose a financing program that will promote concurrent improvement of public facilities and infrastructure on a comprehensive basis for the Westphalia area. Approval of the CSP acknowledged that creative financing for public infrastructure in the Westphalia sector plan area is still anticipated on a fair share basis as financing programs and methodologies are proposed and implemented, and as subsequent development review procedures are encountered. Until such a program is approved by county officials and implemented, the promise of a public facility financing program cannot be relied upon to satisfy findings for adequate public facilities required under the Zoning Ordinance or the Subdivision Regulations, as it is not in this preliminary plan of subdivision.

10. **Parks and Recreation**—The staff of the Department of Parks and Recreation (DPR) has reviewed the above referenced preliminary plan. The review was in consideration of the recommendations of the *Prince George’s County Approved General Plan, Approved Westphalia Sector Plan and Sectional Map Amendment* for Planning Area 78, conditions of approved Conceptual Site Plan CSP-07004, The Land Preservation and Recreational Program for Prince George’s County, current Zoning Ordinance and Subdivision Regulations, and existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation facilities.

The preliminary plan shows a mix of residential and nonresidential uses with a defined Core, Edges, and Fringe areas with medium- to high-densities and intensities. The subject property is south of and adjacent to the Smith Home Farm Development (4-05080). The Cabin Branch Stream Valley will provide a stream valley pedestrian and hiker/biker trail connector from the town center to the future Westphalia Central Park located within the Smith Home Farm Development.

The Westphalia sector plan goals, policies and strategies related to 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 the financing mechanisms, phasing, construction, and maintenance of the proposed park facilities.

The Westphalia sector plan established design principles for the Westphalia Town Center to promote the development of quality public spaces such as:

- Design a minimum of one public space in a prominent and centralized location of the town center core at a minimum of three acres in size.
- Develop numerous smaller public spaces such as plazas, courtyards, and green spaces of approximately one-quarter to one-half acre in size.
- Develop in a way that promotes walking and transit use and provide high levels of pedestrian accommodation, safety, and amenity.

The Westphalia sector plan and sectional map amendment indicates that these squares, plazas, etc. should be privately-owned and maintained spaces designed and programmed to host community events.

Amendment 8 of Council Resolution CR-2-2007 for the adopted Westphalia sector plan, revised the adopted plan parks and recreation element text to:

**Revise the plan text to specify that a parks fee of \$3,500 per new dwelling unit (in 2006 dollars) is required to construct the public parks facilities recommended for the sector plan area.**

The Westphalia sector plan and sectional map amendment anticipated that the major recreational needs of the residents of the town center will be addressed by contribution of the funds for the development of the 174-acre "Central Park," a single major recreational complex to serve the entire Westphalia Area.

The Westphalia Central Park will be located 1,100 feet north of the northern boundary of this project, within the limits of the approved Smith Home Farm development (4-05080). The central park will be accessible to the residents of the town center through a system of roads and pedestrian and hiker/biker trails. A large urban park will serve as a unifying community destination and amenity for the entire Westphalia sector plan area. The park concept plan shows a large 34-acre lake and surrounding recreational facilities with a waterfront activities center, restaurants, open play areas, an amphitheater for large public events, a recreational center, a tennis center, an adventure playground, ball fields, group picnic areas, an extensive trail network providing recreational opportunities, and a pedestrian connection to the town center and surrounding residential development.

The following conditions of Conceptual Site Plan CSP-07004, address park and recreational issues:

- 19. The applicant shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (M-NCPPC) for adequacy and property siting prior to approval of the detailed site plan by the Planning Board.**

The applicant's proposal includes two circular urban parks, green spaces/plazas, boulevards, and pocket parks. The applicant also proposes construction of three privately operated and maintained community centers in the residential portion of the development, located on the edge of the town center. The applicant proposes that the Westphalia Center Business and Homeowners Association maintain all proposed private recreational facilities on-site.

- 22. Prior to the first final plat of subdivision, the applicant shall enter into an agreement with the Department of Parks and Recreation (DPR) establishing a mechanism for payment of fees into an account administered by the M-NCPPC or provision of in-kind services. The agreement shall note that the value of the in-kind services shall be determined solely by DPR. DPR decisions regarding choice and value of in-kind services are appealable to the**

**Planning Board. The agreement shall also establish a schedule of payments and/or a schedule for park construction. The payment or construction 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.**

- 25. As part of the private recreational facilities package, the applicant and the applicant's heirs, successors, and/or assignees shall construct three community buildings. The size, timing, and location of the buildings shall be determined with the review of the special-purpose detailed site plan.**
  
- 29. 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. The applicant may make a contribution to the park club or provide an equivalent amount of in-kind services for the construction of the recreational facilities in the central park. Monetary contributions may be used for construction, operation, and maintenance of the recreational facilities in the central park and/or other recreational amenities that will serve the Westphalia Study Area. The park club shall be established and administered by the Department of Parks and Recreation. The choice between a monetary contribution and the provision of in-kind services shall be at the sole discretion of the Department of Parks and Recreation. The value of in-kind services shall be reviewed and approved by DPR staff. DPR decisions regarding choice of contributions and the value of in-kind services are appealable to the Planning Board.**

Condition 29 was proposed and adopted by the Planning Board. In order to clarify the third sentence in this condition which states: "Monetary contributions may be used for construction, operation, and maintenance of the recreational facilities in the central park and/or other recreational amenities that will serve the Westphalia Study Area," staff notes that "the other recreational amenities" are public recreational amenities which will serve all residents of the Westphalia Study Area. For example, the three proposed community buildings and recreational amenities in Westphalia Center will be used and maintained by the members of the homeowners associations (HOA) and will not be available to the general public and all residents of the Westphalia Study Area; therefore, the applicant would not receive a credit toward the required monetary contribution for the public recreational facilities, which will serve the general public and existing and future residents of the entire Westphalia Study Area, for the fulfillment of the requirements of the mandatory dedication of parkland (Section 24-134 of the Subdivision Regulations). Mandatory dedication requirements are a required adequacy finding for the approval of a preliminary plan of subdivision. In this case, consistent with Condition 30 below, staff is recommending the provision of private on-site recreational facilities for the fulfillment of Section 24-134, separate from the CSP Condition 29 above, which is unrelated.



- 30. The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined during the review of the special-purpose detailed site plan. Private and public recreational facilities shall be reviewed as a package, acknowledge the contribution of \$3,500 per dwelling unit, and determine the total expenditures for the package.**

At the time of the special-purpose detailed site plan, the private recreational facilities package will be reviewed to ensure that the recreational facilities are not duplicated in the Westphalia Central Park and acknowledge the contribution of \$3,500 toward construction, operation, and maintenance of the public recreational facilities in the central park and/or other public recreational amenities in the Westphalia Study Area.

Further, in regard to Section 24-134 of the Subdivision Regulations, the mandatory dedication requirement is met by the provision of private recreational facilities on-site, taking into consideration the dense urban nature of the site. Review of the private recreational facilities will be evaluated with the special-purpose detailed site plan required by the approval of the CSP.

In summary, the combination of private recreational facilities and a monetary contribution of \$3,500 per dwelling into a "park club" for the construction and maintenance of the recreational facilities in the central park and other public amenities in the Westphalia Study Area will satisfy the recreational needs of Westphalia Center as established in the CSP and as required by Section 24-134 of the Subdivision Regulations, respectively.

11. **Trails**—The 2002 General Plan designates MD 4 as a Corridor and also identifies a community center north of MD 4 in the vicinity of the subject site. The site is adjacent to the proposed Smith Home Farms and Woodside Village developments, as well as the existing Presidential Corporate Center. Master plan trails issues that impact the subject application include the following:

Back Branch Stream Valley Trail  
Cabin Branch Stream Valley Trail  
Melwood Legacy Trail/Bikeway  
Presidential Parkway (MC-634 and A-66) Sidepath/Wide Sidewalk  
MC-632 Wide Sidewalk and Designated Bike Lanes  
MC-637 Bikeway Corridor  
C-636 Bikeway Corridor

Road cross sections were approved as part of CSP-07004 on the Street Sections Sheet. These cross sections were further amended by the conditions of approval regarding the width of sidewalks and optional zone width.

**Stream Valley Trails:** The approved Westphalia sector plan recommends master plan trails along both Cabin Branch and Back Branch. Condition 13 provides guidance for the location of the master plan trails.

- 13. The locations of the master-planned trails along Back Branch and Cabin Branch shall be determined at the time of preliminary plan review. The trails shall be designed to avoid the PMA to the extent possible and trail alignments along parallel roads may be utilized where necessary. Impacts to the PMA shall be addressed at that time.**

The master plan trail along Back Branch will be constructed on HOA land and along proposed roadways. Where the trail is along proposed roads, the street section shown in Illustration 3 of the approved Westphalia sector plan shall be used (Sector Plan, p. 29). The alignment of the Back Branch Trail as shown on the submitted Trail Alignment Exhibit is appropriate. This trail will largely follow proposed roadways and should utilize the cross section included in the sector plan.

The location of the trail along the Cabin Branch received additional focus in consideration of a desire to preserve the stream valley corridor, the desire for a trail within the wooded stream valley, and the location of several retaining walls proposed along that corridor. The submitted trails exhibit shows a conceptual alignment following the stream valley, but did not determine the specific alignment of the trail.

The Cabin Branch Trail should be located within the existing sewer easement. This easement runs along a portion of both the Westphalia Center and Moore Property and also crosses over Cabin Branch onto the adjacent Smith Property. This easement should serve as a suitable trail location for all or a majority of the trail for both the subject site and the adjacent Smith Property to the north and northwest. Staff walked the proposed trail alignment with the applicant and is in agreement that the utility right-of-way will serve as a suitable trail corridor through Westphalia Center, Moore Property, Smith Property, and to the planned central park. The applicant has marked and labeled the location of the trail on the TCP. The location of the stream valley trails should be marked and labeled on the approved TCP to allow for a more detailed analysis of the relationship of the trail to planned buildings and preserved environmental features. Timing of the stream valley trail construction should be determined at the time of the special purpose DSP. The alignment of the trail within the right-of-way may have to be shifted slightly in order to avoid impacts to the utility line and preserve WSSC access to their facilities (see attached e-mail from WSSC).

It should be noted that approved Preliminary Plan 4-05080 for the Smith Property requires the construction of the Cabin Branch Trail along that site's portion of Cabin Branch (Condition 13, PGCPB Resolution No. 06-64). However, a final alignment was not determined with the review of the preliminary plan of subdivision. The trail is most appropriate along the sanitary sewer easement that runs along the creek. This alignment should be acceptable from a planning and environmental perspective on all three properties. The trail will cross Westphalia Center, Moore

Property, and Smith Property before entering the planned central park.

**Master Plan Bikeways:** Master plan roadways A-66, MC-634, MC-632, and MC-637 reflect designated bike lanes and six-foot-wide sidewalks on the approved CSP. The sidewalk along the north side of both A-66 and MC-634 should be widened to eight feet to accommodate the master plan trail. Master plan bikeway C-636 includes six-foot-wide sidewalks along both sides. The bikeway signage should designate the bikeway along this residential road. The sidewalks along MC-632 should be widened from six to eight feet in width. Major Collector Road MC-632 is a major north-south corridor through the town center and is also designated as a master plan trail corridor. Standard or wide sidewalks are generally provided along all roads. Designated bike lanes are also included with some cross sections. Designated bike lanes are included on road cross sections for Urban Major Collector Roads (MC-632, MC-634, and MC-637), Urban Arterial Roads (A-52 and A-66), and Urban Major Collector Road, Residential (MC-637 (Residential)).

**Melwood Road:** The subject site is adjacent to approximately 6,500 linear feet of Melwood Road. The Westphalia sector plan includes the following recommendation regarding the utilization of this road as a trail/bikeway corridor:

**Melwood Road Greenway Trail: Preserve segments of the road with a green buffer on either side as an integral part of the community's trail and greenway network. The preserved segments should be incorporated into a north/south multi-purpose path that wends through the center of the community. Sections of the trail that are not wooded and outside of the PMA may be realigned to parallel new streets, through parks, along lakes, etc., as needed to achieve the desired result. The path should extend from Old Marlboro Pike to the central park and up to the intersection of D'Arcy and Westphalia Roads. It could feature a trailhead at Old Marlboro Pike on a section of unused right-of-way east of Melwood Road. Where Melwood Road provides access to preexisting homes it may be retained as privately maintained ingress/egress easements or a county-maintained road at the discretion of the county. Access will be provided to the nearest publicly maintained road. Access points should be located to discourage through vehicular traffic. (Sector Plan, p. 28).**

It appears that the entire portion of Melwood Road that abuts the subject site provides access to pre-existing homes and therefore, will be maintained for ingress-egress to these lots. In keeping with the recommendation of the sector plan, bikeway signage should be provided along the site's segment of the roadway.

To the north of the subject application, the Melwood Legacy Trail will be accommodated with a sidepath parallel to MC-632. The Smith Home Farms development will also preserve a segment of the road as a trail corridor within an open space greenway.

**Sidewalk Connectivity:** The sidewalk network is a crucial component of providing a walkable town center. Roads should be designed to accommodate bicyclists, pedestrians, and ADA

(Americans with Disabilities Act) users, in addition to automobiles. A comprehensive network of sidewalks can ensure that nonmotorized access is possible throughout the subject site and surrounding developments. The subject application includes detailed road cross sections that incorporate facilities for pedestrians and bicyclists. Standard or wide sidewalks are provided along all roads. Designated bike lanes are also included with some cross sections. Designated bike lanes are included on road cross sections for Urban Major Collector Roads (MC-632, MC-634, and MC-637), Urban Arterial Roads (A-52 and A-66), Urban Major Collector Road, Residential (MC-637 (Residential)). Condition 1.g. of approved CSP-07004 decision requires a minimum width of eight feet for the urban sidewalks along the north-south urban mixed-use roads.

The "typical alley" is the only proposed road cross section that does not include accommodations for pedestrians or bicyclists. Sidewalks are included along all other roads and in some cases extensive streetscape improvements are included. The sidewalk network proposed by the applicant is comprehensive and will complement the master plan trails proposed for the site. A few roadways should include wider sidewalks than what is currently shown on the subject application because of density or master plan trail recommendations.

The Westphalia sector plan designates MC-634, MC-637, MC-632, C-636, and A-66 as bikeway corridors. Master plan roadways MC-634 and A-66 are continuations of Presidential Parkway, which exists to the west of the subject site. Existing Presidential Parkway includes an eight-foot-wide, asphalt sidepath along its northern edge to the west of Westphalia Center. A continuation of this facility onto the subject site along both MC-634 and A-66 (Condition 32.c., CSP-07004), should be provided.

As noted above, approved CSP-07004 included several conditions of approval regarding sidewalk and trail facilities. These include Condition 1.e-h, 1.n., 13, 16c, 21, 32, and 33. These conditions are still applicable.

It should be noted that the applicant has provided a Trail Alignment Exhibit. This exhibit shows all master plan trails and bikeways for Westphalia Center and Moore Property. The more detailed alignment of the stream valley trails is reflected on the submitted TCP for each plan. The special-purpose DSP needs to be referred to WSSC for additional review and comments concerning the stream valley trail alignment within the sanitary sewer easement.

The extensive sidewalk and bicycle facilities should be accessible to the public as part of the larger, countywide trail network. As much of the pedestrian and trail network as possible should be open and accessible to the public. If the Department of Public Works and Transportation (DPW&T) will not maintain the pedestrian zone/streetscape, public use easements for the sidewalks may be recommended at the time of review of the special-purpose DSP, to ensure that they are reflected on the final plat(s). Pedestrian safety features will be an important component of the street network. Curb bumpouts, decorative crosswalks, raised crosswalks, pedestrian safety features, pedestrian refuges, and pedestrian amenities should be considered at the time of detailed site plan.

The road cross sections shown on the submitted circulation plan provide standard or wide sidewalks along all roadways, and designated bike lanes are provided throughout the town center.

12. **Transportation**—On December 18, 2008, the Prince George’s County Planning Board approved CSP-07004. Pursuant to PGCPB Resolution No. 08-189, the CSP was approved with numerous transportation-related conditions. Among those conditions was a trip cap limiting the total development within the 530.27-acre property to uses which generate no more than 7,149 AM peak-hour trips, and 8,910 PM peak-hour trips, in consideration of the approved trip rates and methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified herein above shall require a revision to the conceptual site plan with a new determination of the adequacy of transportation facilities.

The subject application reflects a preliminary plan consisting of 482.57 acres. The remaining 47.70 acres represent an adjacent Preliminary Plan of Subdivision (Moore Property 4-08018), which is being processed concurrently with the subject application. Because the properties in these preliminary plans were the subject of a trip cap under approved CSP-07004, the trip caps of both properties combined cannot exceed the cap mandated in the approved CSP application.

#### **TRAFFIC IMPACT STUDY**

Subsequent to the traffic impact study used to support the approval of CSP-07004, the applicant prepared and submitted a traffic impact study with a date of March 2009.

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

<b>EXISTING CONDITIONS</b>		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
1 - MD 4 & Forestville Road	<b>F/1615</b>	<b>D/1363</b>
2 - MD 4 & Westphalia Road/Old Marlboro Pike	C/1205	<b>D/1305</b>
3 - MD 4 & Suitland Parkway	<b>F/1647</b>	<b>E/1585</b>
4 - MD 4 & Dower House Road	<b>F/1868</b>	E/1496
5 - MD 223 & Old Marlboro Pike – MD 4 WB On-Ramps **	B/13.8 seconds	<b>B/11.3 seconds</b>
6 - MD 223 & MD 4 WB Off-Ramps **	C/17.5 seconds	<b>C/16.8 seconds</b>
7 - MD 223 & MD 4 EB On-Ramps **	D/34.9 seconds	<b>C/23.6 seconds</b>
8 - MD 223 & Marlboro Pike – Osborne Road	C/1175	C/1168
9 - MD 223 & Perrywood Road **	F/73.6 seconds	D/27.7 seconds
10 - MD 223 & Dower House Road	B/1017	<b>B/1145</b>
11 - MD 223 & Rosaryville Road	B/1100	<b>D/1304</b>
12 - Old Marlboro Pike & Ritchie Marlboro Road	D/1303	<b>D/1402</b>
**Unsignalized intersections are analyzed using the Highway Capacity software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service “E” which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1,450 or less is deemed acceptable as per the <i>Guidelines</i> .		

The traffic study identified forty background developments (including Moore Property—a pending preliminary plan of subdivision) whose impact would affect some or all of the study intersections. Additionally, an annual growth rate of 2.0 percent per year (between 2009 and 2019) was applied to the existing traffic counts along MD 4 and MD 223, and 1.0 percent per year along the other roads. A second analysis was done to evaluate the impact of the background developments on the existing infrastructure. By definition, a background analysis evaluates traffic by combining existing traffic with projected traffic from approved developments. The analysis revealed the following results:

<b>BACKGROUND CONDITIONS</b>		
<b>Intersection</b>	<b>AM</b>	<b>PM</b>
1 - MD 4 & Forestville Road	<b>F/2257</b>	<b>F/1909</b>
2a - MD 4 WB Ramps & Westphalia Road	A/685	A/947
2b - MD 4 EM Ramps & Old Marlboro Pike	A/627	A/775
3a - MD 4 SB Ramps & Suitland Parkway	A/886	B/1023
3b - MD 4 NB Ramps & Presidential Parkway	A/802	A/742
4a - MD 4 SB Ramps & Dower House Road	A/423	A/568
4b - MD 4 NB Ramps & Dower House Road	A/542	A/688
5a - Old Marlboro Pike & Melwood Road	B/1073	A/624
5b - Old Marlboro Pike & MD 4 WB Off-Ramp	A/661	A/787
6 - Old Marlboro Pike & Presidential Parkway	A/659	A/430
7 - MD 223 & MD 4 EB On-Ramps	E/1500	A/972
8 - MD 223 & Marlboro Pike – Osborne Road	E/1520	<b>F/1683</b>
9 - MD 223 & Perrywood Road **	<b>F/627.6 seconds</b>	<b>F/152 seconds</b>
10 - MD 223 & Dower House Road	<b>F/1704</b>	F/1674
11 - MD 223 & Rosaryville Road	<b>F/1616</b>	F/1893
12 - Old Marlboro Pike & Ritchie Marlboro Road	<b>F/1614</b>	F/1972
13- Westphalia Road & MC-634	A/810	D/1428
14- Suitland Pkwy & MC-634	B/1121	A/946
<p>**Unsignalized intersections are analyzed using the Highway Capacity software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service “E” which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1,450 or less is deemed acceptable as per the <i>Guidelines</i>.</p>		

An analysis of the traffic data under “Total” conditions represents a combination of background traffic and site-generated traffic. The site-generated traffic was determined based on the following uses:

	Morning Peak Hour			Evening Peak Hour		
	In	Out	Total	In	Out	Total
<b>Residential</b>						
600 Rooms Hotel-Motel	210	180	390	270	210	480
178 Single Family Units	27	107	134	104	56	160
1,715 Apartment Units	178	714	892	669	360	1,029
2,315 Apartment Units (high rise)	139	556	695	602	324	926
<b>Total</b>	<b>554</b>	<b>1,557</b>	<b>2,111</b>	<b>1,645</b>	<b>950</b>	<b>2,595</b>
<i>Less Internal trips</i>	<i>-43</i>	<i>-38</i>	<i>-81</i>	<i>-234</i>	<i>-139</i>	<i>-373</i>
<b>Net New Trips</b>	<b>511</b>	<b>1,519</b>	<b>2,030</b>	<b>1,411</b>	<b>811</b>	<b>2,222</b>
<b>Office</b>						
1,000,000 sq. ft. General Office (equation)	1,041	142	1,183	204	995	1,199
2,240,000 sq. ft. General Office (average)	3,045	427	3,472	561	2,777	3,338
<b>Total</b>	<b>4,086</b>	<b>569</b>	<b>4,655</b>	<b>765</b>	<b>3,772</b>	<b>4,537</b>
<i>Less Internal trips</i>	<i>-8</i>	<i>-19</i>	<i>-27</i>	<i>-50</i>	<i>-64</i>	<i>-114</i>
<b>Net New Trips</b>	<b>4,078</b>	<b>550</b>	<b>4,628</b>	<b>715</b>	<b>3,708</b>	<b>4,423</b>
<b>Retail</b>						
1,194,000 sq. ft. Shopping Center	423	270	693	1,544	1,673	3217
<i>Less Internal trips</i>	<i>-46</i>	<i>-40</i>	<i>-86</i>	<i>-170</i>	<i>-251</i>	<i>-421</i>
<b>Net External Trips</b>	<b>377</b>	<b>230</b>	<b>607</b>	<b>1,374</b>	<b>1,422</b>	<b>2,796</b>
<i>Less Pass-by trips (19%)</i>	<i>-72</i>	<i>-44</i>	<i>-116</i>	<i>-261</i>	<i>-270</i>	<i>-531</i>
<b>Net New Trips</b>	<b>305</b>	<b>186</b>	<b>491</b>	<b>1,113</b>	<b>1,152</b>	<b>2,265</b>
<b>Total Net New Trips</b>	<b>4,894</b>	<b>2,255</b>	<b>7,149</b>	<b>3,239</b>	<b>5,671</b>	<b>8,910</b>

Using trip generation rates from the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," as well as the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 7<sup>th</sup> Edition, the study has determined that the proposed development, based on the above-mentioned uses, would generate a net total of 7,149 (4,894 in, 2,255 out) AM peak-hour trips, and 8,910 (3,239 in, 5,671 out) PM peak-hour trips. Using these site-generated trips, an analysis of total traffic conditions was done, and the following results were determined:



TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
1 - MD 4 & Forestville Road <i>With improvements (MITIGATION)</i>	F/2433 F/1634	F/2307 F/1683
2a - MD 4 WB Ramps & Westphalia Road	A/685	A/947
2b - MD 4 EM Ramps & Old Marlboro Pike	A/627	A/775
3a - MD 4 SB Ramps & Suitland Parkway	D/1312	D/1399
3b - MD 4 NB Ramps & Presidential Parkway	C/1276	B/1118
4a - MD 4 SB Ramps & Dower House Road	B/1021	D/1443
4b - MD 4 NB Ramps & Dower House Road	A/919	D/1369
5a - Old Marlboro Pike & Melwood Road	E/1591	A/910
5b - Old Marlboro Pike & MD 4 WB Off-Ramp	C/1187	C/1290
6 - Old Marlboro Pike & Presidential Parkway	B/1123	E/1524
7 - MD 223 & MD 4 EB On-Ramps <i>With Improvements</i>	F/1977 D/1376	F/1880 E/1392
8 - MD 223 & Marlboro Pike-Osborne Road <i>With improvements</i>	F/1672 C/1168	F/1826 E/1528
9 - MD 223 & Perrywood Road (Unsignalized) <i>With separate through/left on SB MD 223</i>	F/>999 Seconds F/>999 Seconds	F/767 Seconds F/767 Seconds
10 - MD 223 & Dower House Road <i>With improvements</i>	F/2177 E/1552	F/2379 D/1436
11 - MD 223 & Rosaryville Road <i>With improvements</i>	F/2087 D/1371	F/2506 D/1406
12 - Old Marlboro Pike & Ritchie Marlboro Road <i>With improvements</i>	F/1727 E/1557	F/2255 E/1540
13- Westphalia Road & MC-634	A/810	D/1428
14- Suitland Pkwy & MC-634	B/1377	E/1531

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

a. **MD 4 and Forestville Road intersection**

- (1) Add a third westbound through lane along MD 4.
- (2) Add a second northbound left-turn lane along Forestville Road at MD 4.
- (3) Add a second northbound through lane along Forestville Road at MD 4.
- (4) Convert the southbound right-turn lane into a combined through-and-right lane.
- (5) Add a second southbound left-turn lane along Forestville Road at MD 4.
- (6) Rebuild the existing traffic signal.

b. **MD 4 and Westphalia Intersection**—Reconstruct the intersection with a series of channelized islands so that through movements across MD 4 would be restricted, and all left turn movements would be restricted. To compensate for these restrictions, the applicant has proffered the following improvements:

- (1) Construct MC-634 between Westphalia Road and Suitland Parkway Extended.
- (2) Reconstruct Burton Lane along with portions of Old Marlboro Pike as detailed in the applicant's exhibit.

c. **MD 4 and Suitland Parkway**—The State Highway Administration (SHA) will construct this new interchange and the applicant will provide right-of-way, resulting in full funding.

d. **MD 4 and Dower House Road**—The State Highway Administration (SHA) will construct this new interchange and the applicant will provide right-of-way. The construction timing will be part of the future phasing analysis.

e. **MD 4 and MD 223 Interchange**

- (1) The applicant will rebuild this interchange as detailed on Exhibit 12 as Alternate P-1.
- (2) Install new traffic signals at Old Marlboro Pike and Presidential Parkway, Old Marlboro Pike and Melwood Road and Old Marlboro Pike and MD 4 WB off ramp.
- (3) Construct a second southbound left turn along MD 223 at the MD 4 EB on ramp.
- (4) Widen the MD 4 EB on ramp to accept the southbound double-left movement.
- (5) Provide a third NB through lane along MD 223 at the MD 4 EB on ramp.
- (6) Install a traffic signal at the intersection of MD 223 and MD 4 EB off ramp—MD 4 EB on ramp.

- f. **MD 223 and Marlboro Pike**
  - (1) Construct a southbound double-left-turn lane.
  - (2) Modify traffic signal.
  - (3) Provide separate left, through and right-turn lanes on eastbound approach.
  
- g. **MD 223 and Perrywood Road**—Conduct a signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.
  
- h. **MD 223 and Dower House Road**
  - (1) Create a double left, a through and a separate right-turn lane on the northbound approach along MD 223.
  - (2) Create a left turn, a through and a shared through-and-right lane on the southbound approach along MD 223.
  - (3) Modify traffic signal.
  
- i. **MD 223 and Rosaryville Road**
  - (1) Create a second eastbound left-turn lane along MD 223 to northbound MD 223.
  - (2) Create a second through lane along southbound MD 223.
  - (3) Create a double-left-turn along Rosaryville Road.
  - (4) Modify traffic signal.
  
- j. **Old Marlboro Pike and Ritchie Marlboro Road**
  - (1) Create a separate northbound left-turn lane along Ritchie Marlboro Road.
  - (2) Create a separate southbound left-turn lane along Ritchie Marlboro Road.
  - (3) Create a separate eastbound right-turn lane along Old Marlboro Pike.
  - (4) Modify traffic signal.

With all of the improvements in place, the analyses show that all of the critical intersections along MD 223 will operate adequately, and the proffered improvements at the MD 4/Forestville Road intersection will reduce the site's critical trips by greater than 100 percent.

The traffic study was reviewed by representatives of the Department of Public Works and Transportation (DPW&T) as well as the State Highway Administration (SHA). In an April 10, 2009 memorandum to staff from the DPW&T (Issayans to Burton), Mr. Issayans noted the following:

Adequate storage should be provided for the following left-turn movements:

- EB Dower House Road double left onto NB MD 4 on ramp;
- SB MD 223 double left onto MD 4 EB on ramp;
- NB MD 223 to WB Marlboro Pike; and
- WB Old Marlboro Pike to SB Ritchie Marlboro Road.

At the MD 223 intersection with Marlboro Pike/Osborne Road, either the EB Marlboro Pike right-turn bay should be extended to approximately 175 feet or a free right turn should be provided with an acceleration lane on SB MD 223.

Roundabout @ Road A/Road L:

- The inscribed circle diameter is 182 feet, which is typically the size for a double-lane roundabout. The inscribed circle diameter for a single-lane roundabout typically ranges from 100–130 feet.
- The single-lane entry widths should be between 14 feet and 18 feet to eliminate the appearance of a double-lane entry.
- The preliminary plan indicates that Public Road A approaches should provide two entry and two exit lanes. On the design in the traffic study, it only shows one entry and one exit lane.

Roundabouts at Dower House Road/Road A (West Circle) and Road A/Road O (East Circle):

- The proposed inscribed diameters are greater than 300 feet. According to the Federal Highway Administration (FHWA) Roundabout Guide, the recommended inscribed diameter for an urban double-lane roundabout is 150–180 feet. The guide indicates that diameters larger than 200 feet will have higher circulating speeds and an increased number of crashes with greater severity.
- The preliminary plan indicates that Public Road A approaches should provide two entry and two exit lanes. On the design in this report, it only shows one entry and one exit lane.

At the intersection of Dower House Road and Presidential Parkway, adequate storage length must be provided for the double lefts from WB Presidential Parkway and from NB Dower House Road. Queuing analysis should be performed as needed.

An acceleration lane should be provided on EB Presidential Parkway for the free right turn movement from NB Dower House Road.

An acceleration lane should be provided on SB Presidential Parkway for the free right turn

movement from EB Presidential Parkway. (The intersection of Presidential Parkway/Public Road KK with Presidential Parkway/Public Road O).

In a letter of April 15, 2009 from DPW&T (Abraham to Townsend), comments were provided and directed at the proposed road/transit network within the preliminary plan, rather than the analyses of the traffic study. Some of the salient issues of that letter are as follows:

- Any proposed and/or existing master plan roadways that lie within the property limits must be addressed through coordination between the M-NCPPC and DPW&T and may involve rights-of-way reservation, dedication, and/or road construction in accordance with DPW&T specifications and standards.
- All improvements within the public rights-of-way, dedicated for public use to the County, are to be in accordance with the County's Road Ordinance, DPW&T specifications and standards, and the Americans with Disabilities Act (ADA). Additionally, all breaks made in the median for pedestrian crosswalks shall have proper sight distance and be ADA accessible.
- Resolution of all roadway requirements per Council Resolution CR-2-2007 and PGCPB Resolution No. 06-159 are required prior to the issuance of street construction permits for this site.
- Determination of roadway identification (public or private) within the site is necessary prior to the detailed site plan approval.
- Transit routes on designated public roadways are to be determined by the applicant and submitted to the DPW&T Division of Transit for review and approval. Modification to these transit roadways to accommodate pull on/off for a transit bus at every proposed bus stop location is required. These roadways are to be consistent with the *Approved Westphalia Sector Plan and Sectional Map Amendment* dated February, 2007.
- Access from public roadways to serve each individual townhouse is prohibited. Additional on-site parking areas are to be constructed to mitigate overflow parking from these proposed townhouses.

In response to the March 2009 study, in a letter of May 4, 2009 from SHA (Foster to Burton), in which many of the traffic study recommendations at most of the critical intersections were reiterated. Objections were raised, however, with the applicant's assumption that SHA will be constructing the interchanges at MD 4 and Dower House Road, as well as Suitland Parkway. The letter acknowledged that SHA has no funds for the design or the construction of an interchange at MD 4 and Dower House Road. It further added that funds for this interchange will need to be acquired from an alternative source other than SHA.

Regarding the funding for the interchange at Suitland Parkway at MD 4, SHA acknowledged in that same letter that there were plans to fund this interchange, however, the funding for the interchange has been delayed. During the December 2008 public hearing for Conceptual Site Plan CSP-07004 for the subject property, staff made reference to a September 26, 2008 letter from the then Director of Planning and Preliminary Engineering, Raja Veeramachaneni to staff. Among the salient points of the letter were the following:

“The Maryland Department of Transportation (MDOT) assessed the budgetary impacts of the current fiscal situation and made some difficult decisions in developing the draft FY 2009–2014 Consolidated Transportation Program (CTP). While I am pleased that all safety, bridge, and system-preservation funding remains intact, I regret that construction funding for several projects were indefinitely deferred. Those projects include the following:

- **“MD 4/Suitland Parkway Interchange—**This project was fully funded, except \$13.6 million for right-of-way purchases. However, the funds have been indefinitely deferred, and the project has been included in the Development and Evaluation (D&E) Program of the new draft CTP. SHA will continue working with developers, M-NCPPC and Prince George’s County toward right of way donations for the project.”

While it is the intent of MDOT to defer funding for the MD 4/Suitland Parkway interchange, the guidelines states that “Transportation improvements that should be used for traffic studies as part of the required test for adequacy must have 100 percent of the construction funds programmed in either the adopted county CIP or the current state CTP.”

### **Westphalia Sector Plan**

The *Approved Westphalia Sector Plan and Sectional Map Amendment (2007)* recommends an extensive road network within the planning area, some of which will impact the subject application. All of the planned roads that were proposed in the sector plan’s transportation network, A-52, A-66, MC-632, MC-634, MC-637, and C-636, are accurately represented in the proposed application.

The pending preliminary plan proposes two access points on Melwood Road, a road designated as a historic road. While every effort should be made to preserve the rural, scenic, and historic characteristics of this facility, it is also necessary to provide a site layout that can accommodate adequate on-site vehicular circulation. The plan proposes two access points at the southern end of Melwood Road. It is the opinion of staff that a single access to Melwood Road, as close to its southernmost end as is feasible, along with other points of access along MC-634 could provide the necessary on-site circulation of traffic. Prior to signature approval, the preliminary plan should be revised to indicate that one access is permitted to Melwood Road only.

**Phasing Plan**

Pursuant to Condition 14 of the District Council's Notice of Final Decision for CSP-07004, the applicant has outlined a phasing plan for the proposed development. The table shown below represents the peak trips associated with each phase, as well as the cumulative total as each phase is developed.

Phase	Trips		Accumulative Trips	
	AM	PM	AM	PM
Phase 1A	771	1,737	771	1,737
Phase 1B	275	322	1,046	2,059
Phase 1C	579	538	1,625	2,597
Phase 2A	148	178	1,773	2,775
Phase 2B	270	330	2,043	3,105
Phase 2C	925	1,252	2,968	4,357
Phase 2D	835	870	3,803	5,227
Phase 3A	747	1,132	4,550	6,359
Phase 3B	439	465	4,989	6,824
Phase 5	2,160	2,086	7,149	8,910

It should be noted that the Presidential Corporate Center (PCC), which has been included in several traffic studies as a background development, has been incorporated into the proposed preliminary plan of subdivision. By virtue of the PCC being the subject of recordation (record plat), the property has been vested for 1,610 AM peak-hour trips and 1,719 PM peak-hour trips. However, based on the proposed phasing plan as shown in the table above, all of the applicant's Phase 1A development cannot be contained within the vested trip cap, without the need to provide any off-site transportation improvements. Consequently, any development regardless of phasing that generates trips greater than 1,610 AM and 1,719 PM peak-hour trips will trigger the need for off-site improvements.

In the traffic study, there is an assumption that both Phase 1A and 1B could move forward by utilizing the available vested trips. This assumption is neither accurate nor is it supported by staff. If the applicant wishes to propose uses that utilize the vested trips without the need for off-site improvements, then those uses must collectively generate no more than 1,610 AM and 1,719 PM peak-hour trips.

The traffic study provided data indicating that, prior to the start of Phase 5, the interchanges at MD 4 and Westphalia Road as well as Dower House Road must be in place.

## FINDINGS

- a. The application is a preliminary plan of subdivision on 482.57 acres of land in the M-X-T Zone. The application analyzed is based on a mix of uses consisting of:

- 3,240,000 square feet office
- 1,194,000 square feet retail
- 600 hotel rooms
- 4,208 residential units

These proposed uses will generate 7,149 AM (4,894 in; 2,255 out) peak-hour trips, and 8,910 PM (3,239 in; 5,671 out) peak-hour trips. These trip projections, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates, were determined using the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," as well as the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 7<sup>th</sup> Edition.

- b. The traffic generated by the proposed preliminary plan would impact the following intersections:

- MD 4 and Forestville Road
- MD 4 and Westphalia Road/Old Marlboro Pike
- MD 4 and Suitland Parkway
- MD 4 and Dower House Road
- MD 223 and Old Marlboro Pike—MD 4 WB On Ramps \*\*
- MD 223 and MD 4 WB Off Ramps \*\*
- MD 223 and MD 4 EB On Ramps \*\*
- MD 223 and Marlboro Pike—Osborne Road
- MD 223 and Perrywood Road \*\*
- MD 223 and Dower House Road
- MD 223 and Rosaryville Road
- Westphalia Road and MC-634
- Suitland Pkwy and MC-634

- c. None of the intersections identified in Finding b above is programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation (MDOT) Consolidated Transportation Program or the Prince George's County Capital Improvement Program with the exception of the following:

- MD 4 and Suitland Parkway—(MDOT CTP FY 2008–2013) \*\*
- MD 223 and Dower House Road (CIP 2008–2013, FD669451)



- MD 223 and Rosaryville Road (CIP 2008–2013, FD669451)

\*\* As stated previously, the MD 4/Suitland Parkway intersection is funded for upgrade to an interchange in MDOT's current CTP 2008–2013. Staff is in receipt of a September 26, 2008 letter from the SHA indicating that funding for this intersection upgrade is indefinitely deferred. The current CTP has a validity period beginning on July 1, 2008 and ending on June 30, 2009. Consequently, based on the provisions outlined in Subtitle 24-124(a)(1) of the Subdivision Regulations, it is the opinion of M-NCPPC legal staff that the project can still be used to meet the transportation adequacy requirement.

- d. The subject property is located within the Developed Tier, as defined in the General Plan (2002) for Prince George's County. However, as part of the approval of the Westphalia sector plan and sectional map amendment, the subject property was designated as a regional center. Consequently, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better.

**Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed 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.

- e. The following intersections identified in Finding b above, when analyzed with the total future traffic as developed using the guidelines, were not found to be operating at or better than the policy service level defined in Finding d above:

- MD 4 and Forestville Road
- MD 4 and Dower House Road
- MD 223 and Old Marlboro Pike—MD 4 WB On Ramps \*\*
- MD 223 and MD 4 WB Off Ramps \*\*
- MD 223 and MD 4 EB On Ramps \*\*
- MD 223 and Marlboro Pike—Osborne Road
- MD 223 and Perrywood Road \*\*
- MD 223 and Dower House Road
- MD 223 and Rosaryville Road

- f. The applicant has agreed to provide the following improvements to the intersections, in

consideration of the Finding e above:

**MD 4 and Forestville Road intersection**

- (1) Add a third westbound through lane along MD 4.
- (2) Add a second northbound double-left-turn lane along Forestville Road at MD 4.
- (3) Add a second northbound through lane along Forestville Road at MD 4.
- (4) Convert the southbound right-turn lane into a combined through-and-right lane.
- (5) Add a second southbound left-turn lane along Forestville Road at MD 4.
- (6) Rebuild the existing traffic signal.

**MC-634, Westphalia Road/MC-634 intersection, Suitland Parkway/MC-634 Intersection**

- (1) Construct two lanes of MC-634 between Westphalia Road and Suitland Parkway Extended.
- (2) Provide separate left turn and through lanes on the westbound approach of the MC-634 @ Westphalia Road intersection.
- (3) Provide separate right turn and through lanes on the eastbound approach of the MC-634 @ Westphalia Road intersection.
- (4) Provide separate left turn and a shared left-right lane on the northbound approach of the MC-634 @ Westphalia Road intersection.
- (5) Provide a free right turn and a shared left-through lane on the southbound approach of the MC-634 @ Suitland Parkway intersection.
- (6) Provide a left, a through, and a shared right-through lane on the eastbound approach of the MC-634 @ Suitland Parkway intersection.
- (7) Provide a double-left turn and a shared right-through lane on the northbound approach of the MC-634 @ Suitland Parkway intersection.
- (8) Provide a free right turn, two through and a left lane on the eastbound approach of the MC-634 @ Suitland Parkway intersection.

**MD 4 and Westphalia Road Intersection**

- (1) Reconfigure the intersection with a set of channelized traffic islands such that:
  - All through movements across MD 4 are prohibited.
  - All left turns from ALL approaches are prohibited.

- (2) Reconstruct/upgrade Burton's Lane to DPW&T standards.
- (3) Upgrade Old Marlboro Pike from a point approximately 400 feet north of its intersection with Burton's Lane to the point where it connects to the proposed interchange at MD 4 and Suitland Parkway.

**MD 4 and MD 223 Interchange**

- (1) The applicant will rebuild this interchange as detailed on Exhibit 12 as Alternate P-1.
- (2) Install new traffic signals at Old Marlboro Pike and Presidential Parkway, Old Marlboro Pike and Melwood Road, and Old Marlboro Pike and MD 4 WB off ramp.
- (3) Construct a second southbound left turn along MD 223 at the MD 4 EM on ramp.
- (4) Widen the MD 4 EB on ramp to accept the southbound double-left movement.
- (5) Provide a third NB through lane along MD 223 at the MD 4 EB on ramp.
- (6) Install a traffic signal at the intersection of MD 223 and MD 4 EB off ramp—MD 4 EB on ramp.

**MD 223 and Marlboro Pike**

- (1) Construct a southbound double-left-turn lane.
- (2) Modify traffic signal.
- (3) Provide separate left, through, and right-turn lanes on eastbound approach.

**MD 223 and Perrywood Road**—Conduct a signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency

**MD 223 and Dower House Road\***

- (1) Create a double-left, a through, and a separate right-turn lane on the northbound approach along MD 223.
- (2) Create a left turn, a through, and a shared through-and-right lane on the southbound approach along MD 223.
- (3) Modify traffic signal.

**MD 223 and Rosaryville Road\***

- (1) Create a second eastbound left-turn lane along MD 223 to northbound MD 223.
- (2) Create a second through lane along southbound MD 223.
- (3) Create a double-left turn along Rosaryville Road.
- (4) Modify traffic signal.

\*The improvements associated with the intersections along MD 223 at Rosaryville Road and Dower House Road are projected to operate adequately as a result of upgrades that are funded in a county CIP. As part of the funding schedule for the CIP, there is a provision for developer contribution, consequently, staff is still requiring that the applicant participate in this funding contribution by providing a pro rata contribution.

A pro rata contribution of \$812.00 per dwelling unit was previously included as a condition of approval in the following Planning Board resolutions:

Mill Creek—PGCPB Resolution No. 05-232, November 3, 2005

Brazelton—PGCPB Resolution No. 06-119, May 18, 2006

In the current FY 2008–2013 approved CIP, the overall cost is listed as \$2,625,000 with \$1,810,000 coming from developer contributions. It is worth noting, however, that these cost estimates were established for the County's FY 1992–1997 approved Capital Budget. In the current MDOT CTP for FY 2008–2013, the cost associated with the improvement at intersection of MD 223 and Rosaryville Road is \$5,148,000.

Information presented in the traffic study indicated that under total traffic conditions, an average of 4,571 peak-hour trips will pass through this intersection. Of that number, 1,085 trips will come from the subject application. Since the proposed development will represent 23.74 percent of the total traffic, the applicant is proffering its commensurate share of the cost which is calculated as:  $23.74 \text{ percent} \times \$5,148,000 = \$1,221,960$ . For every average peak-hour trip the proposed development generates, its pro rata share will be  $\$1,221,960 / 1,085 = \$1,126.23$  per trip.

- g. All of the intersections identified in Finding b above, when analyzed with the improvements identified in Finding f above and total future traffic as developed using the guidelines, were found to be operating at or better than the policy service level defined in Finding d above, with the exception of:
- MD 4 and Forestville Road
  - MD 4 and Dower House Road
- h. Regarding Finding g above, the traffic study has assumed that funding exists within

SHA's current CTP for the construction of the interchange at MD 4 and Dower House Road. However, neither staff nor any representative of SHA can verify that such funding exists. Since the analyses of this intersection was predicated on an interchange being built, and there is no evidence that such an interchange has full funding in any current CIP/CTP, staff will recommend that a condition be placed on this application for the applicant to provide funding for this interchange.

- i. All of the analyses for the intersection of MD 4 and Forestville Road show that the intersection will not operate within the required adequacy threshold. The intersection is eligible however, for the use of mitigation pursuant to Subtitle 24 and the guidelines. Within Appendix F of the applicant's traffic study is a transportation facilities mitigation plan (TFMP) for the subject intersection. Pursuant to the guidelines governing mitigation, a minimum of 100 percent of the site trips are required to be mitigated. The results from the TFMP showed that the proffered improvements will mitigate the total CLV's by 453 percent in the AM peak hour and 156 percent in the PM peak hour.

Based on the preceding findings, adequate access roads will exist as required by Section 24-124 and Section 24-125 of the Prince George's County Code.

- 13. **Schools**—This subdivision application is for a mixed-use commercial and residential development.

**Residential**

The residential portion of this preliminary plan has been evaluated for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003 and concluded the following:

**Single Family Detached—Impact on Affected Public School Clusters**

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	172 DU	172 DU	172 DU
Pupil Yield Factor	.16	.13	.14
Subdivision Enrollment	27.5	22.4	24
Actual Enrollment	3,921	5,525	12,866
Total Enrollment	3,948.5	5,547.4	12,890
State Rated Capacity	4,144	5,430	13,026
Percent Capacity	95.3%	102.2%	98.9%

**Single-Family Attached—Impact on Affected Public School Clusters**

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	1,711 DU	1,711 DU	1,711 DU
Pupil Yield Factor	.14	.11	.11
Subdivision Enrollment	239.5	188.2	188.2
Actual Enrollment	3,921	5,525	12,866
Total Enrollment	4,160.5	5,713.2	1,3054.2
State Rated Capacity	4,144	5,430	13,026
Percent Capacity	100.4%	105.2%	100.2%

**Multifamily with Structured Parking—Impact on Affected Public School Clusters**

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	2,473 DU	2,473 DU	2,473 DU
Pupil Yield Factor	.04	.04	.03
Subdivision Enrollment	98.9	98.9	74.2
Actual Enrollment	3,921	5,525	12,866
Total Enrollment	4,019.9	5,623.9	1,2940.2
State Rated Capacity	4,144	5,430	13,026
Percent Capacity	97.0%	103.6%	99.3%

Source: Prince George's County Planning Department, M-NCPPC, April 2009

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 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 unit for all other buildings Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,177 and \$14,019 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.

**School Facilities**

In accordance with the CSP-07004 Notice of Final Decision from the District Council, the preliminary plan of subdivision should be revised to show a school site consistent with the District Council decision. A potential school site is identified on Parcel 25 (5.4 acres). However, the condition of the CSP requires that the parcel be increased in size to seven developable acres which should occur prior to signature approval of the preliminary plan.

#### **Library Facilities**

In accordance with the CSP-07004 Notice of Final Decision from the District Council, the preliminary plan of subdivision should show a floating library symbol within the town center. Parcel 30 has been identified as a potential library site west of MC-637.

#### **Nonresidential**

The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002) and concluded that the nonresidential portion of the subdivision is exempt from a review for schools because it is a nonresidential use.

14. **Fire and Rescue**—This subdivision application is for a mixed-use commercial and residential development.

#### **Residential**

The Special Projects Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B) through (E) of the Subdivision Regulations.

Special Projects staff has determined that the residential portion of this preliminary plan is within the required seven minute response time for the first due fire station, Forestville, Company 23, using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

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

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

#### **Fire/EMS Facility**

The 2007 approved Westphalia sector plan recommends co-location of the police and fire/EMS facilities near a major intersection to "expedite emergency response time to police and fire service areas," and the 2008 *Approved Public Safety Facilities Master Plan* recommends, as an intermediate need, the relocation of the existing fire station, Forestville, Company 23, to a site in the vicinity of Melwood Road and Pennsylvania Avenue (MD 4). The Prince George's County

Fire/EMS Department (PGFD) has indicated a desire to construct the fire/EMS station immediately, independent of private development in the vicinity of Presidential Parkway.

The new construction and relocation of Company 23 fire/EMS station is immediately necessary because of the impact that the construction of the interchange at MD 4 and Suitland Parkway will have on access and response time from the existing station. The relocated station is necessary to ensure delivery of first response in the Westphalia and Forestville areas independent of the construction of the Westphalia Town Center. The preliminary plan of subdivision proposes Lot 7 (9.5 acres) to be conveyed to Prince George's County for the relocated station.

**Nonresidential**

The Special Projects Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B) through (E) of the Subdivision Regulations.

The existing engine service at Forestville Fire/EMS Station, Company 23, located at 8321 Old Marlboro Pike has a service travel time of 4.6 minutes, which is beyond the 3.25-minute travel time guideline.

The existing ambulance service at Forestville Fire Station, Company 23, located at 8321 Old Marlboro Pike has a service travel time of 4.6 minutes, which is beyond the 4.25-minute travel time guideline.

The existing ladder truck service at Forestville Fire Station, Company 23, located at 8321 Old Marlboro Pike has a service travel time of 4.6 minutes, which is beyond the 4.25-minute travel time guideline. In order to alleviate the negative impact on fire services due to the inadequate service, all new buildings should be fully sprinklered.

Forestville Fire/EMS Station, Company 23 is programmed in the FY 2009–2014 Capital Improvement Program. Relocating the station to the vicinity of Pennsylvania Avenue (MD 4) and Presidential Parkway will ameliorate the response time to the subject property.

15. **Police Facilities**—This subdivision application is for a mixed-use commercial and residential development.

**Residential**

The subject property is located in Police District II, Bowie.

The response time standard for emergency calls is ten minutes and the standard for nonemergency calls is 25 minutes. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on January 29, 2009.



Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date January 29, 2009	January 2008–December 2008	9 minutes	11 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were met May 22, 2009.

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

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

**Nonresidential**

The proposed development is located in Police District II, Bowie. The police facilities test for nonresidential development is performed on a countywide basis for nonresidential development in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George’s County Police Department and the latest population estimate is 825,520. Using the 141 square feet per 1,000 residents, it calculates to 116,398 square feet of space for police. The current amount of space, 267,660 square feet, is above the guideline.

- 16. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Westphalia Center and has the following comments to offer:

Any abandoned well associated with the abandoned/dilapidated house found on existing Outlot A must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department. The location of the well should be located on the preliminary plan.

The abandoned shallow well associated with the abandoned/dilapidated house found on existing Parcel 164 must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the raze permit. The location of the shallow well should be located on the preliminary plan.

The abandoned deep well associated with the abandoned house found on existing Parcel 11 must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller as part of the raze permit. The location of the deep well should be located on the preliminary plan.

Any abandoned septic tanks associated with the abandoned houses found on existing Outlot A, existing Parcel 11, and existing Parcel 164 must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic systems should be located on the preliminary plan.

Once the existing house at 4701 Moores Way (existing Parcel 168) is vacated, any abandoned well located on the property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department. The location of the well should be located on the preliminary plan.

Once the existing house at 4701 Moores Way (existing Parcel 168) is vacated, any abandoned septic tank must be pumped out by a licensed scavenger and either removed or backfilled in place. The location of the septic system should be located on the preliminary plan.

A raze permit is required prior to the removal of any of the structures (one house on existing Outlot A; one house and one detached garage on existing Parcel 11; one house, one shed, and one barn on existing Parcel 164; and one house, one shed, one detached garage/carport, and one barn at 4701 Moores Way/existing Parcel 168) on-site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structures being razed. A note should be affixed to the preliminary plan that requires that the structures are to be razed and the wells and septic systems properly abandoned before the release of the grading permit.

17. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 44782-2007-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The concept approval is for the entire Westphalia Center, Conceptual Site Plan CSP-07004, and includes both Preliminary Plan of Subdivision 4-08018 for the Moore Property and the subject site. Development must be in accordance with this approved plan.
18. **Historic**—A Phase I archeological survey was completed on the 530.27-acre Westphalia Center property in September and October 2006. Eleven archeological sites, 18PR843, 18PR844, 18PR845, 18PR846, 18PR847, 18PR848, 18PR849, 18PR850, 18PR851, 18PR852, and 18PR853, were identified in the survey. All of the sites consisted of early to mid 20th century farmsteads. Most of the sites were adversely impacted by recent house demolition or by gravel mining activities on the property. The sites also did not contain intact artifact deposits of sufficient research value to require further investigation. No further work was recommended on any of the eleven historic archeological sites identified on the Westphalia Center property. Historic Preservation staff concurs with the conclusions of the Phase I archeology report that, due to the lack of research potential of these sites and their compromised integrity, no further work is necessary on the eleven historic archeological sites identified on the Westphalia Center property.

The Phase I archeological investigations of the Westphalia Center property were also reviewed by the Maryland Historical Trust. State reviewers concurred with the recommendations of the Phase I report that none of the archeological sites was eligible for listing in the Maryland Register of Historic Properties or the National Register of Historic Places. No further work was requested by the Maryland Historical Trust on any of the eleven archeological sites on the Westphalia Center property. State reviewers also concurred that none of the standing structures were eligible for listing in the Maryland Register of Historic Places or the National Register of Historic Places.

Four copies of the final report, *Phase I Archeological Survey of the Westphalia Center Development Tract, Prince George's County, Maryland*, were received and accepted by the Historic Preservation Section on July 17, 2007. Staff concurs with the report's conclusions and recommendations that no further archeological work will be necessary within the Westphalia Center property.

Historic Preservation staff also requested that all standing structures on the property be recorded on Maryland Inventory of Historic Properties (MIHP) forms. MIHP forms were completed for each of the standing structures and the draft forms were submitted to Historic Preservation staff for review. Two sets of the corrected and final MIHP forms were submitted to and approved by Historic Preservation staff. No further archeological investigations or architectural studies are recommended on the Westphalia Center property.

19. **Public Utility Easement (PUE)**—In accordance with Subdivision Regulations, Section 24-128(b)(12) for private streets and Section 24-122(a) for public streets when utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents recorded on the record plat:

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

Prior to the approval of each detailed site plan, the public utility companies should provide comments to ensure adequate area exists to provide required utilities and to provide for direct bury utilities where feasible. The detailed site plan will provide greater detail to ensure proper siting and landscaping. The following comments are based on the utility coordination meeting held on May 12, 2009. The purpose of the meeting was to review the overall plan for utilities on the project:

Item #	Item	Details
1	Public Roads	10-foot PUE along public roads/master plan roads.
2	Main Transmission Lines	Coordination with other utility companies to use one side of street for PEPCO use only. If this is not possible Verizon may ask for 2 feet or so additional space on utility easement for FIOS cables making some of the PUE's to be 12 feet in some areas. The main transmission line may require up to a 15-foot PUE.
3	Private Roads	Private roads will have a 5-foot to 7-foot Utility Easement (UE). (The current plan shows 7-foot UE's but at the time of Detailed Site Plan continued coordination with utility companies will establish the ultimate UE's locations and sizes). Gas service to be provided in the alley as shown on the utility sketch plan.
4	Town Center Blvd	Need PUE to touch R/W line, even if that portion is not used, i.e. 15-foot PUE instead of a 10-foot PUE and the additional 5-feet covers the tree planters portion of the road section so that PEPCO can have access.
5	Transformers	At the time of Detailed Site Plan coordination with PEPCO is required to account for locations of transformers especially in some of the tighter arranged townhome blocks.

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

The 2001 Water and Sewer Plan as amended, designates this property in water and sewer service Category 3 as of July 28, 2008, and the site will therefore be served by public systems.

21. **Variation to Section 24-128(b)(7)**—Section 24-128 of the Subdivision Regulations establishes that no subdivision plat or plan of development (however designated) should be approved that provides for a private road, right-of-way, or easement as the means of vehicular access to any lot, and no building permit shall be issued for the construction of any building in a subdivision unless such building is to be located on a lot or parcel of land having frontage on and direct vehicular access to a public street, except in certain circumstances. In the M-X-T Zone, the Planning Board may approve a subdivision (and all attendant plans of development) with private roads to serve attached single-family dwellings, two-family dwellings, and three-family dwellings, but not

single-family detached or multifamily dwellings.

The applicant has proposed to serve several of the multifamily dwelling unit buildings with a combination of public and private streets. The applicant has filed a variation to provide the opportunity to use private streets to serve multifamily dwellings in this instance. Based on the following findings, staff recommends approval of the variation as requested by the applicant.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests, which reads:

**Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In this instance the use of private roads to serve multifamily dwelling units is consistent with the approved Conceptual Site Plan (CSP-07004) and the vision established by the Westphalia Town Center development plan.

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

Condition 6 of the approved CSP (PGCPB Resolution No. 08-189) requires that the Department of Public Works and Transportation review and approve all of the streets proposed whether public or private. This review will ensure that the layout, including street widths is safe and efficient to serve the development proposed.

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

The development is unique in its size and mix of uses compared with other area properties. The applicant has proposed a dense urban community with a mix of multifamily, commercial, retail, and civic uses. This mix is unique to the surrounding community and is not in keeping with the general suburban model on which the regulation is based.

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

The variation is unique to the Subdivision Regulations and is not a restriction found in any other law, ordinance, or regulation in the County Code. The granting of this variation does not affect the applicant's obligation to comply with all other applicable authority and to obtain all other necessary approvals.

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

The shape and size of the property is unique to the surrounding properties, and include master-plan road connections to adjoining properties that have been located due to environmental features and topographical conditions of the subject property and surrounding properties. The applicant has had to plan the layout of the subdivision around these master-plan roads at locations that have been previously established. The location of the multifamily dwellings and the road systems serving them, at the locations proposed, have been driven by these elements. To require an additional public street system not envisioned by the approved CSP plan could require a redesign of the preliminary plan and CSP resulting is a particular hardship and set back for the project, and ultimately result in a hardship to the applicant.

22. **Andrews Air Force Base**—In a memorandum dated May 12, 2008, the community planner for Andrews Air Force Base offered the following comments.

This property is located within the 65–69 and 70–75 dBA Ldn noise contours. Residential development in this area is generally discouraged. The Andrews AFB Air Installation Compatible Use Zone Study (2007) suggests a maximum density of one dwelling unit per acre for areas within the 70–75 dBA Ldn noise contours. Where the community determines the residential uses must be allowed, measures to achieve outdoor to indoor noise level reduction (NLR) for DNL/CNEL 65–69 dBA Ldn and DNL/CNEL 70–74 dBA Ldn should be incorporated into building codes and considered in individual approvals.

Issues associated with noise have been evaluated in the environmental planning section of this report.

23. **Variation to Section 24-121(a)(4)**—Section 24-121 of the Subdivision Regulations establishes certain planning and design requirements. Specifically, Section 24-121(a)(4) establishes that residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of 150 feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building

restriction line, when appropriate. The applicant was advised that a variation would be required for townhouse lots abutting Presidential Parkway (A-66). Specifically, Lots 41-48 do not meet the minimum lot depth of 150 feet. The applicant has determined that they would not file a variation, and would either change the product type or relocate the lots from this area just west of MC-632, prior to signature approval.

24. **Special Purpose Detailed Site Plan**—The Planning Board provided clarification that the special purpose site plan is not adequate to provide for an applicant to proceed to final plat. The special purpose site plan is a requirement of the CSP and intended only to provide a process for the determination of a number of issues which include but is not limited to triggers for conveyance of the public facilities. Prior to final plat a detailed site plan is required, and the special purpose site plan is not a sufficient planning tool for approval of final plat(s).

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Cavitt abstaining at its regular meeting held on Thursday, June 4, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of June 2009.

Oscar S. Rodriguez  
Executive Director

By *Frances J. Guertin*  
Frances J. Guertin  
Planning Board Administrator

OSR:FJG:WC:bjs

APPROVED AS TO LEGAL SUFFICIENCY.

*Serge...*  
M-NCPPC Legal Department


Date 7/1/09

301-952-3972

August 20, 2020

**MEMORANDUM**

**TO:** Jeremy Hurlbutt, Master Planner, Urban Design Section

**VIA:** David A. Green, MBA, Master Planner, Community Planning Division 

**FROM:** Andrew McCray, Senior Planner, Long-Range Planning Section, Community Planning Division *AM*

**SUBJECT: DSP-12043-01 Westphalia East**

**FINDINGS:**

Pursuant to Section 289.C2G - Limited Minor Amendment, Planning Director, the applicant's request to amend Approved DSP-12043 to adjust the timing for the bonding, construction, and completion of the Community Center in Community Open Space 2 and to modify the timing for the dedication of Board of education school site will have minimal effect on the overall design, layout, quality, or intent of the approved site plan.

**BACKGROUND**

**Application Type:** Detailed Site Plan for property outside of an overlay zone.

**Location:** 4901 Melwood Road, Upper Marlboro, MD 20772

**Size:** 260

**Existing Uses:** Vacant

**Proposal:** Request director level approval of amendments to an approved DSP.

**GENERAL PLAN, MASTER PLAN, AND SMA**

**General Plan:** Plan 2035 places the subject property in one of 26 Local Centers. This site is in Westphalia Town Center. Local Town Centers are focal points for development and civic activity based on their access to transit or major highways. The plan contains recommendations for directing medium to medium-high residential development, along with limited commercial uses, to these locations, rather than scattering them throughout the Established Communities. These centers are envisioned as supporting walkability, especially in their cores and where transit service



is available. Town Centers will often be larger in size and may rely more on vehicular transportation. See Table 16 for further description of the various centers.

In addition, the General Growth Policy Area Map places the subject property the Established Communities. The vision for the Established Communities is to develop context-sensitive infill and low- to medium- density development.

**Master Plan:** The 2007 Approved Westphalia Sector Plan and Sectional Map Amendment recommends Mixed-Use Town Center Edge land uses on the subject property. (Page 19)

In addition, Strategy III. Town Center Edge: states “Develop a medium- to high-density urban pattern surrounding the high-density town center core, including medium-density mixed-use commercial and office, and several interconnected residential neighborhoods that have diverse housing styles and a network of open space (see Map 5 and Illustration 3).” (Page 24)

**Planning Area:** 78

**Community:** Westphalia & Vicinity

**Aviation/MIOZ:** Pursuant to Sec. 27-548.54. 2C - Requirements for Height. this application is located within Conical Surface (20:1) – Right Runway Area Label: E of the Military Installation Overlay Zone. Therefore, the maximum structure it must adhere to a maximum 499 feet height requirement on the subject property.

**SMA/Zoning:** The Westphalia Sector Plan and SMA 2007 Map Amendment reclassified the subject property into the M-X-T zone.

**ADDITIONAL INFORMATION:** None

CC: Long-range Agenda Notebook

Scott Rowe, AICP, CNU-A, Supervisor, Long-Range Planning Section, Community Planning Division

**Additional Back-up**

**For**

**DSP-12043-01**

**WestphaliaTown Center**  
**(Special Purpose)**



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

September 14, 2020

## MEMORANDUM

TO: The Prince George's County Planning Board

VIA: James Hunt, Chief, Development Review Division  
Jill Kosack, Supervisor, Urban Design Section, Development Review Division *JSK*

FROM: Jeremy Hurlbutt, Master Planner, Urban Design Section *JDH*  
Development Review Division

SUBJECT: **Item #10 – Detailed Site Plan DSP-12043-01 Westphalia Town Center  
(Special Purpose)**

Planning Board Agenda September 17, 2020 – Staff Revisions to Technical Report

Based upon comments received from the Prince George's County Public Schools and the applicant, staff recommends the following revised condition of approval (added text underlined, deleted text [~~strikethrough~~):

### Revised Condition, page 15

2. Pursuant to Condition 17 of Preliminary Plan of Subdivision (PPS) 4-08002 (PGCPB Resolution No. 09-93), the developer of the Westphalia Town Center (applicant) and the applicant's heirs, successors, and/or assignees shall dedicate Parcel 25, or an acceptable alternative parcel, which is acceptable to the Prince George's County Board of Education and the applicant, as approved by a conceptual site plan or PPS applicable to Westphalia Town Center, to the Board of Education, at such time as the Board provides written notice to the applicant of its desire to accept conveyance of the parcel.

**From:** [Diana Wyles](#)  
**To:** [William Shipp](#)  
**Cc:** [Hurlbutt, Jeremy](#); [Marva Jo Camp, Esq.](#); [Warner, David](#); [Barry Stanton](#); [Kosack, Jill](#)  
**Subject:** Re: DSP-12043-01, Final Staff Condition  
**Date:** Monday, September 14, 2020 5:08:49 PM

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**[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.**

This is fine with me as well.

Diana Wyles  
Associate General Counsel  
Contracts/Transactions  
Prince George's County Public Schools  
Office of General Counsel  
Facilities Administration Building  
13300 Old Marlboro Pike, Room 20  
Upper Marlboro, MD 20772  
(301) 952-6119 (office)

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On Mon, Sep 14, 2020 at 4:08 PM William Shipp <[wshipp@omng.com](mailto:wshipp@omng.com)> wrote:

Fine with me

Sent from my iPhone

On Sep 14, 2020, at 4:00 PM, Hurlbutt, Jeremy  
<[Jeremy.Hurlbutt@ppd.mncppc.org](mailto:Jeremy.Hurlbutt@ppd.mncppc.org)> wrote:

All:

Here is the language we plan to present to the Board on Thursday to revise the condition that was originally proposed in the staff report. Please let me know if have any issues and we continue to work together.

Based upon comments received from the Prince George's County Public Schools and the applicant, staff recommends the following revised condition of approval (added text underlined, deleted text [~~striketrough~~):

**Revised Condition, page 15**

2. Pursuant to Condition 17 of Preliminary Plan of Subdivision (PPS) 4-08002 (PGCPB Resolution No. 09-93), the developer of the Westphalia Town Center (applicant) and the applicant's heirs, successors, and/or assignees shall dedicate Parcel 25, or an ~~acceptable~~ alternative parcel, which is acceptable to the Board of Education and the applicant, as approved by a conceptual site plan or PPS applicable to Westphalia Town Center, to the Prince George's County Board of Education at such time as the Board provides written notice to the applicant of its desire to accept conveyance of the parcel.

Sincerely,

**Jeremy Hurlbutt**

*Master Planner | Urban Design Division*

<image001.jpg>

14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772  
301-952-4277 | Google Voice 240-630-2062 [jeremy.hurlbutt@ppd.mncppc.org](mailto:jeremy.hurlbutt@ppd.mncppc.org)

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