

May 19, 2020



Westphalia Development
448 Viking Drive, Suite 220
Virginia Beach, VA 23452

Re: Notification of Planning Board Action on
Detailed Site Plan DSP-19009
Westphalia East

Dear Applicant:

This **revised notification** is in replacement of the notice you received, dated April 16, 2020, with PGCPB Resolution No. 2020-47.

This is to advise you that, on **April 9, 2020**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-290, the Planning Board's decision will become final 30 calendar days after the date of the final notice **April 16, 2020** of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Acting Clerk of the County Council, at 301-952-3600.

Detailed Site Plan DSP-19009
Westphalia East
PGCPB Resolution No. 2020-47 **Revised Notice**
May 19, 2020
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Please be advised that, pursuant to Council Resolution 10-2020, adopted on March 17, 2020, the District Council suspended certain time periods that may be applicable to an appeal of the matter approved by the Planning Board in the attached resolution. For questions concerning your right to appeal, please contact the Office of the County Clerk at Clerkofthecouncil@co.pg.md.us.

Sincerely,
James R. Hunt, Chief
Development Review Division

By: Jill Kosack
Reviewer

PGCPB Resolution No. **2020-47**

cc: Donna J. Brown, Acting Clerk of the County Council
Persons of Record

MN
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
PPC

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

April 16, 2020



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448 Viking Drive, Suite 220
Virginia Beach, VA 23452

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Sincerely,
James R. Hunt, Chief
Development Review Division

By: JEREMY HURLBUTT
Reviewer

Attachment: PGCPB Resolution No. **2020-47**

cc: Donna J. Brown, Acting Clerk of the County Council
Persons of Record



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

PGCPB No. 2020-47

File No. DSP-19009

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 April 2, 2020, regarding Detailed Site Plan DSP-19009 for Westphalia East, the Planning Board finds:

1. **Request:** The subject detailed site plan (DSP) is for construction of 75 single-family detached homes, 416 single-family attached (townhouses), and 164 two-family attached (two-over-two) dwelling units.
2. **Development Data Summary**

	EXISTING	APPROVED
Zone(s)	M-X-T/M-I-O	M-X-T/M-I-O
Use	Vacant	One-family detached, one-family and two-family attached
Total Gross Acreage	58.06	58.06
Floodplain	0.00	0.00
Right-of-way Dedication	0.00	0.00
Total Net Acreage	58.06	58.06
Lots	0.00	491
Parcels	1	75
Dwelling Units	0	655
Single-Family Detached	0	75
Single-Family Attached	0	416
Two-Family Attached	0	164

Parking Requirements*

	PROVIDED
Total Parking Spaces	1,428*
Single-family 75 @ 2 garage spaces per unit	150
Townhouse 416 units @ 2 garage spaces per unit	832
Two-family attached 164 units @ 1 garage space per unit	164
On-street Parking	200
Off-street Parking	82

Note: *The number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Prince George's County Planning Board approval at the time of DSP. As discussed in Finding 7, the Planning Board found that the provided parking is sufficient for the proposed development.

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 property is located to the east of the core of the Westphalia Town Center development and is surrounded by properties in the M-X-T, Residential-Agricultural (R-A), and M-I-O Zones. The DSP is bounded to the east by the public right-of-way of Melwood Road and beyond by existing one-family attached dwelling units, to the north by existing one-family detached dwelling units, and to the west by Manor Park Drive and existing one-family attached dwellings in the Westphalia Town Center development beyond. The property will front on the future Presidential Parkway (C-636) to the south, with a planned school site and multifamily development within the Westphalia Town Center beyond.
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 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (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 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 subject site, approximately 58 acres, covers the eastern portion of the residential section of the overall Westphalia Town Center project, which has a total land area of 478.48 acres. The applicant proposes to construct 75 single-family detached, 416 single-family

attached (townhouses), and 164 two-family attached (two-over-two) dwelling units within the Westphalia Town Center development. Master-planned road, Presidential Parkway (C-636) will help define the southern boundary of the development before turning to the north. A grid of streets will provide connectivity throughout the development. A central greenway will connect the east circle in the existing residential section of the development with the proposed community center, as shown on the site plan. The specific design of the community center and gathering place is included in previously approved special purpose DSP-12043 under the section of public open space, which identifies public and civic spaces, community open spaces, and stormwater management (SWM) ponds, as well as neighborhood pocket parks. Single-family detached units will be located on the northern and eastern edges of the subject site and will be separated from existing single-family detached homes and the historic Melwood Road by a previously conditioned landscape buffer. Two-over-two dwelling units will be located on the southern edge and the center of the subject site, and will front on the extension of Presidential Parkway and the central open space. The rest of the site will be occupied by townhouses that will mostly front on common open spaces or perimeter streets, and will be serviced by rear alleys. There is an exception for those units that will be front-loaded on Public Road B and do not have alleys. All units will have garage parking, and on-street parking will be provided throughout the development.

Architecture: All residential architectural models to be used in the subject DSP will be designed, in accordance with, and as a separate amendment to, the approved Umbrella Architecture DSP-13001. The applicant will utilize the guidelines to select architectural options, such as type of roof, elevation, building material, color, and other features, in order to assemble a high quality final residential product. This umbrella approach allows maximum flexibility in residential architectural design to provide an opportunity and incentive to the developer to achieve excellence in planning.

Other DSP elements such as signage, appropriate locations for transit stops, details of public open spaces, and public trails covered in this DSP will be governed by the approval of DSP-12043.

Lighting: The applicant will provide street lighting throughout the development. The submitted photometric plan shows that there is adequate lighting for pedestrians and vehicles within the right-of-way and indicates minimum spillover at property lines.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The DSP application 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 has been reviewed for conformance with the requirements of Section 27-547, Uses permitted, of the Zoning Ordinance. The proposed one-family detached, one-family attached, and two-family attached residential uses are permitted in the M-X-T Zone.

- b. This DSP is in conformance with 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 regarding parking and circulation, lighting, green areas, amenities, grading, and public spaces.
- c. Section 27-546, Site Plans, of the Zoning Ordinance, includes 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 of the Zoning Ordinance, are as follows:

(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;**

The subject DSP is for the second phase of a larger project known as Westphalia Town Center, which already includes existing residential uses and planned commercial and residential uses. The overall town center will allow for an orderly development of land in the vicinity of three major interchanges along MD 4. The proposed town center will enhance the economic status of the county and provide desirable employment, living, and entertainment 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;**

This DSP is for residential use only, but the development is recommended by the sector plan and the entire layout is compact and walkable. As part of a larger mixed-use development, this DSP will help to create a compact, mixed use, and walkable neighborhood, including a mix of residential, commercial, recreational, open space, employment, and institutional uses, as anticipated in the approved CSP-07004-01.

- (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 overall town center plan takes full advantage of the development potential of the site, allowing for both public and private development, as well as a mix of various uses that create a viable community. This DSP is the next step in implementing the vision, as approved in the town center plan.

- (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 overall development plan for a mix of residential and nonresidential uses in proximity to one another will facilitate walking and bicycling and will position the town center for the development of transit services. This DSP presents a compact residential section around one of the major public open spaces, known as Community Center, with a complete pedestrian system connecting to surrounding destinations. The entire design is consistent with the previously approved CSP for this residential section, which is located in proximity to the proposed commercial main street of the Westphalia Center.

- (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;

This DSP presents a compact residential section, which is located in proximity to the proposed commercial main street of the Westphalia Center. This will facilitate a 24-hour environment once the development is completed as planned.

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

The larger CSP plan proposes an appropriate horizontal and vertical mix of land uses. This DSP is one phase of the larger development including only residential development with a mixture of housing types.

(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. This residential section will provide buffers and screening to transition from existing uses. The proposed buildings will use the umbrella architecture that ensures the utilization of various design features to create a distinctive character that will be consistent with future development and can respond to, build on, and further develop the visual identity and character of the town center.

(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 overall development plan will promote optimum land planning through compact development, which will concentrate multiple uses in close proximity to ensure economies of scale and savings in energy. The residential section included in this DSP also has a compact dense form around a large public space with

recreational facilities. Stormwater will be retained on-site. In addition, various green building techniques will be applied both at the site level and building level. The public facilities and infrastructure of parking and roadways are beyond the scope of a single-purpose project.

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

The overall development plan proposes a variety of dwelling unit types and flexible ranges of commercial and office development, which will allow for appropriate responses to the market, promoting economic vitality, and investment. The residential section in this DSP also includes various single-family, townhouse, and two-over-two condominiums. Numerous design options, that can be chosen from the final residential products in this DSP, will permit a flexible response to the market.

(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.

All residential architectural models used in this DSP have been, or will be, approved in an umbrella DSP for residential architecture. DSP-13001 includes a review process that allows the applicant to select different architectural options, such as type of roof, elevation, building material, color, and other features, to assemble a final residential product. This umbrella approach allows maximum flexibility in residential architectural design, in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.

(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. This DSP only covers approximately 58 acres of the Westphalia Town Center property, as included in the CSP, but includes 13 percent of the approved total residential density. The site plan is designed around the large public space, known as Community Center, with four distinctive residential blocks. The site layout and the proposed residential blocks and alleys system are in general conformance with the design guidelines and 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;**

This DSP is one phase of Westphalia Center, which was approved as a planned regional urban community. The proposed development included in this DSP is the second phase of the planned residential section, which is physically integrated with the adjacent planned community that is to be developed in subsequent phases. The proposed development helps to create an ultimate cohesive regional urban community, which is both physically and visually united and will catalyze the improvement of the adjacent community.

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

The 75 single-family detached, 416 townhouses, and 164 two-over-two dwellings proposed in this DSP are compatible with the rest of the planned regional urban community, based on the previously approved CSP. This DSP is designed with a grid street system within four blocks around a public green to achieve a development with a 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;**

This DSP contains only the second phase of the planned residential development of a larger mixed-use project, which includes residential, commercial, retail, office, and hotel. The arrangement and design of the buildings, landscaping, and other improvements, and the provision of public amenities is consistent with those approved in CSP-07004-01.

This DSP is one step closer to realizing the land use vision of the CSP and 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 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. This DSP is in the second phase of the residential section and is the implementation of the previously approved staging plan, which will allow for effective integration of the subsequent phases.

- (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 further implement the pedestrian system, as previously approved, and will provide specific design of pedestrian crossings, sidewalks, and trails.

- (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 DSP includes, in its geographical center, a very important public open space known as Community Center. The specific design of this

public open space was approved with the special purpose DSP-12043 for the entire Westphalia Town Center. Per the approved layout included in DSP-12043, 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.

- (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.**

The most recent adequacy finding for the overall M-X-T site was made in 2009 with PPS 4-08002, and the proposed DSP falls 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 Center project contains approximately 530 acres of land and is envisioned and was previously approved as part of CSP 07004-01 as a mixed-use regional urban community.

- d. 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:**
 - (A) **The maximum number and type of dwelling units shall be determined at the time of the Conceptual Site Plan approval.**

The number and type of dwelling units is consistent with the approved CSP.

- (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 Type II tree conservation plan is in conformance with this requirement, as modified by previous conditions of approval.

- (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.**

The DSP has an approved SWM concept.

- (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 proposed residences meet these setbacks, as there is no floodplain within this DSP area.

- (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 proposed DSP conforms to this requirement, as no townhouse building group contains more than eight dwelling units.

- (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 proposed 1,428 parking spaces exceed the normal parking requirement for the residential uses, which is 1,334 spaces. The Planning Board concluded that overall parking needs created by this proposed development will be adequately met with the proposed parking spaces.

- (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 DSP demonstrates conformance with this requirement, as all townhouses are proposed to have a minimum width of 20 feet.

- (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.**

The DSP demonstrates conformance with this minimum setback requirement.

- e. **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.
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, the following are applicable to the review of this DSP:

1. **Prior to certificate approval, the following revisions shall be made to the CSP:**

- i. **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.**

The applicant submitted an exhibit showing the minimum 75-foot-wide buffer, to be planted with trees, along Melwood Road and the Twin Knolls Subdivision, with an average of at least 150 feet wide outside of the Fringe area.

- †*i. **A maximum of 68 front-loaded garage attached units shall be allowed within the Moore Property portion of Westphalia Center. Their location shall be restricted to areas adjacent to a stream valley or preserved environmental features, preventing the use of a rear alley to serve the dwellings...**

The subject DSP proposes only 46 front-load townhouses, in conformance with this condition. The other design portions of this condition will be addressed by the separate umbrella architecture DSP.

15. **Prior to approval of a detailed site plan (DSP) for specific buildings for either Moore Property or the balance of Westphalia Center, excluding Moore Property, the applicants of Moore Property and the balance of Westphalia Center, separately, shall obtain approval of a special-purpose DSP to establish regulating standards for signage and to identify appropriate locations for transit stops, in consultation with the Prince George's County Department of Public Works and Transportation and the Washington Metropolitan Area Transit Authority. The special-purpose DSP shall also show the site plan details of the public open spaces and establish a timing plan for improvement of these public spaces and the public trail system. This condition requires approval of two special-purpose DSPs: one encompassing the entire Westphalia Town Center site, excluding Moore Property, and another for Moore Property. This condition shall be construed such that Moore Property may proceed prior to the entire Westphalia Center. However, standards established in the first special-purpose DSP shall be evaluated with respect to the feasibility of their inclusion in the subsequent special-purpose DSP for the balance of the Westphalia Center site, and the subsequent plan shall be evaluated in its review with respect to the standards and requirements established in the Moore Property special-purpose DSP. Regulating standards established by a previous special-purpose DSP for any portion of the Westphalia Center project shall provide guidance for similar standards to be established in a subsequent special-purpose DSP for the balance of Westphalia Center.**

Special Purpose DSP-12043 was approved for the balance of Westphalia Center, currently known as Westphalia Town Center, which covers the subject site of this DSP.

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.**

Green building techniques will be identified by the specific home builders with the DSP for architecture.

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.**

The DSP shows the required residential lot landscaping with tables on the landscape plans that are discussed in Finding 13.

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 siting prior to approval of the detailed site plan by the Planning Board.**

The open space dedicated for the future community center is over 1.5 acres, which is appropriate for this facility, which will be detailed in a future DSP.

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.**

The future DSP that includes the community center will need to be followed by a recreational facilities agreement, to ensure the development as required by this condition.

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

The subject application proposes on-street parking and road bump-outs that will support traffic calming. The subject application also proposes sidewalks along both sides of the internal roadways. These proposed amenities meet the intent of the condition above.

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.**

Condition 4 of the Special Purpose DSP describes a detailed analysis for conformance to this requirement. The applicant has developed a comprehensive plan for private recreational facilities within the Westphalia Town Center. The size, timing of recreational facilities, and other amenities will be set forth as a revision to Special Purpose DSP-12043.

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.**
- 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 applicant has provided a phasing plan in the DSP, which is consistent with the CSP phasing that shows this property within Phase 2 and meets subcondition i. The construction of 75 single-family detached homes, 416 townhouses, and 164 two-over-two dwellings within the requirements of subcondition a. above. The 13 percent attached dwellings in this phase brings the total attached dwelling units to 21 percent and complies to subcondition b. above. The existing DSP-13006 and proposed DSP-19009 result in a combined 840 dwelling units that is within the 1,400-unit trigger of subcondition c. The percentage of attached dwelling units needs to be included in the tabulation sheet, as conditioned herein.

35. **The developer shall pay a fee-in-lieu to satisfy woodland conservation requirements in accordance with CB-29-2008.**

This condition was reviewed as part of PPS 4-08002, resulting in Condition 37 of PGCPB Resolution No. 09-93, which describes a process and priorities for how the woodland conservation requirement should be met. The use of fee-in-lieu is discussed in more detail in Finding 14.

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.**

Alleys have been used extensively in this DSP. A review by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) generated no specific comments on alleys.

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:

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.**

A revised TCPII-029-12-10 has been submitted with the current application for Section 4 of Westphalia Town Center. The woodland conservation worksheet shown on the TCPII is phased and shows how the requirement will be met for the entire site and for individual sections. The TCPII is discussed in detail in Finding 14.

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

An approved SWM Concept Letter (44782-2007-03), approved by DPIE on June 28, 2017, and which expires on June 28, 2020, was submitted with the current application, addresses both the overall Westphalia Town Center property and Moore property (530.27 acres).

SWM for the site shall be provided with on-site ponds, underground storage, a regional lake, stream restoration, or a combination of the above. On-site pre-treatment is required for all options. In keeping with Condition 8 of the CSP, the SWM ponds must be designed as amenities to the community, to the fullest extent possible.

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 DSP does have a copy of the signed utility plan that the applicant has coordinated with the relevant utility companies, which shows public utility easements (PUEs) along the public rights-of-way. The DSP does show 7-foot and 10-foot PUEs through the development. This condition must be conformed to at the time of final plat.

5. **At the time of final plat, the applicant shall dedicate rights-of-way consistent with the approved preliminary plan of subdivision.**

The PPS delineates 211 parcels, and north-south and east-west roadways in the area of this site. The subject application changed the layout shown on the PPS to reduce vehicular through connections, the location of lots and parcels, and add pedestrian connections. The following roadways shown on the approved PPS are proposed to be modified or removed with this DSP:

- Public Road A (Town Center Core Boulevard)
- Public Road B
- Public Road B-15
- Public Road FF
- Public Road MM
- Public Road BBB
- Public Road KKK
- Private Road CG

It is noted that none of the roadways affected are master-planned roads. The Planning Board determined that the right-of-way modifications proposed will still allow for adequate circulation, are consistent with the approved PPS, and that the development proposed does not exceed the capacity established with the PPS.

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.**

Comments from the utility companies were not included in the documents submitted with this application. The DSP reflects that a 10-foot-wide and 7-foot-wide PUE are provided along the public rights-of-way. Prior to certification, the applicant should provide confirmation from the utility companies that the 10-foot-wide and 7-foot-wide PUEs are sufficient to serve the site, as conditioned herein.

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-07004.**

A major public open space known as Community Center is included in this DSP. On-site recreational facilities have been included and approved with special purpose DSP-12043 to serve the proposed single-family, townhouses, and two-over-two dwelling units.

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.**

Only a limited number of lots included in this DSP have frontage on a small portion of C-636 and do not have direct access to this master plan road. Alleys have been used throughout the DSP to access individual units.

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 extension of C-636 abutting Parcel 25 is subject to a separate infrastructure DSP-12017-01. Parcel 25 should be dedicated at the time of final plat of C-636.

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.**

The unmitigated and mitigated 65 dBA-Ldn noise contours must be shown on the DSP and TCPII on the north side of Presidential Parkway, because Section 4 contains residential uses. Noise is further discussed under the Environmental Review section of this report.

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.

A note must be added below the specimen tree table to indicate that the trees within 100 feet of the limits of disturbance have been survey located.

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.
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).

Conditions 42, 43, 47, and 48 all made references to two trip caps; an overall trip cap of 6,186 AM and 8,526 PM peak-hour trips, and a secondary trip cap of 1,610 AM and 1,719 PM peak-hour trips. The larger cap represents the maximum amount of development allowed without the need for a new test of transportation adequacy. The secondary trip cap represents the maximum level of development allowed without the need for any off-site road improvements. As of this writing, and pursuant to Condition 43

specifically, the Planning Board is in receipt of a traffic phasing analysis that documents the level of development to-date, as follows:

Table 1 – Traffic Phasing Analysis			
		AM Peak	PM Peak
Approved DSP-13006 (Phase 1)	346 Townhouse units	242	277
Pending DSP-19009 (Phase 1A)	76 Single-family units	57	68
	580 Townhouse units	406	464
Total development to date		705	809
Grandfathered trips (Condition 48 – PGCPB No. 09-93)		1,610	1,719
Grandfathered trips remaining		905	910

The results show that the total development of Phase 1, combined with the pending phase, will total 705 AM and 809 PM peak-hour trips and will fall within the trip caps referenced in Conditions 42, 47, and 48.

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.**

One direct access point has been shown off Melwood Road, but within 500 feet of the intersection of Woodyard Road and Pennsylvania Avenue. The applicant does not propose any additional access to Melwood Road.

54. **At the time of each detailed site plan review, except the special purpose detailed site plan the applicant shall:**

- 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.**

A parking analysis was submitted by the applicant and the provided parking was found to be adequate.

- c. **Minimized to the fullest extent possible the direct vehicular access from lots and parcels onto master-planned roads.**

The DSP shows no direct vehicular access onto master-planned roads.

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. Those conditions related to building permits will be enforced at that time. The conditions relevant to the review of this DSP warrant discussion, as follows:
 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.

This DSP covers one phase of the Westphalia Town Center project and contains only a small portion of the comprehensive trail system for the project.

7. **At the time of full-scale DSP, the applicant shall provide additional phasing information within each of the five phases of the development.**

A phasing table was provided on the DSP.

12. **Umbrella Detailed Site Plan for Residential Architecture DSP-13001:** The umbrella DSP for residential architecture includes different townhouse models with varied frontage widths, two-over-two models in pitched and flat roofs, and one single-family detached model. Those models will be used in all of the residential development of the Westphalia Town Center project. The umbrella DSP for residential architecture was approved by the Planning Board on September 26, 2013 with two conditions, neither of which are relevant to the subject DSP.
13. **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*. According to Section 4.8, the landscape requirements for a regional urban community shall be determined at the time of CSP, pursuant to Section 27-544 of the Zoning Ordinance.

The landscaping requirements were established in Condition 18, of which subconditions 18b and c are applicable to this review. There are three single-family detached lots that are larger than 9,500 square feet and each single-family detached lot has at least one shade tree and one ornamental tree per lot.

Per Section 4.8, for one-family attached dwellings, a minimum total of one shade tree and one ornamental or evergreen tree per every two units shall be provided. These trees may be planted either on individual lots, or on public or private open space. This DSP includes 416 townhouse units and 164 two-over-two units, therefore, a total of 290 shade trees and 290 ornamental or evergreen trees are required. The landscape plan provides 475 shade trees, 322 ornamental trees, and 140 evergreen trees that meet the above requirements. A condition has been included herein to revise the landscape table to reflect the requirements of CSP-07004-01, Condition 18.

In addition, this DSP also demonstrates conformance to the requirements of Section 4.9, Sustainable Landscaping Requirements, and Section 4.10, Street Trees along Private Streets.

14. **1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance:** This property is subject to the provisions of the Woodland Conservation Ordinance adopted in 1993 and contained in the Woodland Conservation and Tree Preservation Policy Document for the purposes of this review. The revised TCPII associated with this DSP is TCPII-029-12-10. The last TCPII revisions for this site were TCPII-29-12-(-06, -07, and -08), identical plans which were approved on September 12, 2019, to allow for the issuance of rough grading permits in Section 2, 3 and 4.

Subsequently, a rough grading permit (37368-2019-00) was issued for Section 2 on September 16, 2019 after payment of a fee-in-lieu \$46,914.12; and a rough grading permit

(14230-2019-G-00) was issued for Section 4 on October 4, 2019 after bonding of 3.54 acres of afforestation/reforestation and the payment of a fee-in-lieu of \$253,519.20.

The overall worksheet on the current TCPII revision provides information for the sections of the overall application, and individual worksheets are provided for Sections 1 through 4, but the overall worksheet is not consistent with the baseline information established with the -08 revision. The overall worksheet and individual worksheet require revisions to correctly reflect prior approvals and reconcile with revisions proposed with the -10.

There is a note provided under the overall woodland conservation worksheet on the -10 revision to the TCP, consistent with prior approvals of the TCP2-129-12, which reads as follows:

“** Per CB-29-2008 on Page 6 (Part 10. Mixed Use Zones, Subdivision 11. M-X-T Zone, Section 27.544 Regulations) Subsection (B) states: “For Regional Urban Community Development 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.

This has been conditioned in CSP-07004-02 revisions on Page10, Condition (2)(B) and on Page 30(36) approved on July 9, 2019.”

Consistent with this note, previous approvals of TCP2-129-12 allowed for the off-site woodland conservation requirement to be met by the payment of fee-in-lieu. Two rough grading permits have been issued for the site with the payment of a fee-in-lieu.

During the 2019 Maryland Legislative Session, a bill entitled “Natural Resources – State and Local Forest Conservation Funds,” (House Bill 272/Senate Bill 234) was enacted “for the purpose of requiring a person that is subject to the Forest Conservation Act to demonstrate that appropriate credits generated by a forest mitigation bank are not available before the person may pay money to a State or local forest Conservation fund to meet any afforestation reforestation requirements,” among other purposes. The goal was to limit the collection of fee-in-lieu, which was not spent efficiently or providing equivalent mitigation for forest that were removed during development activities. As a result, after the effective date of October 1, 2019, a TCP application that is approved must demonstrate that the resulting appropriate credits generated by a forest mitigation bank in the same county or watershed are not available before a person may pay a fee to a state or local forest conservation fund to meet the afforestation or reforestation requirement.

The new state legislation does not impact the previous rough grading TCPII approval for Section 4, as the fee-in-lieu was approved prior to the effective date of the bill, the fee was paid, and the rough grading permit was issued. The rough grading plan was subsequently implemented.

The new state legislation supersedes local ordinance Prince George’s County Council Bill (CB-29-2008) and is applicable to the approval of this TCPII, should it result in additional woodland conservation. It should be noted that Prince George’s County has an active off-site woodland conservation banking program and there are currently over 1000 acres of off-site

woodland conservation credits available, so additional fee-in-lieu could not be accepted in the future under new state requirements.

The revised TCP II with this DSP for Section 4, shows revisions to the TCP II reflected in Section 3 that are unrelated to this application. The individual worksheet for Section 3 must be revised to be consistent with the -08 revision.

With regard to Section 4, this revision proposed additional clearing, resulting in an increase in conservation requirements. This increase of 1.6 acres is proposed to be met with fee-in-lieu; however, the recently enacted state legislation would preclude the approval of additional fee-in-lieu over what was previously approved when there are off-site woodland conservation banking options.

The Planning Board does not support the proposed changes to the individual worksheet for Sections 3 and 4. The woodland conservation fulfillment for Section 3 should be consistent with the -08 revision, and the additional penalty for clearing in Section 4 must be met with credits from an off-site mitigation bank if there are no available on-site options in Section 4. The note provided on Sheet 1A relative to the use of fee-in-lieu shall be revised to reflect the most current revisions to the state Forest Conservation Act with regards to fee-in-lieu on this site.

Buffering of Existing Adjacent Residences

The TCP II proposes the clearing of all existing woodland on Section 4, and 4.34 acres of afforestation/reforestation planting is proposed with 1-inch-caliper, balled and burlapped planting material, at a rate of 600 trees per acre.

The adjacent property owners have expressed their concern about the adequacy of the buffering provided and the size of the trees proposed. The Planning Board found that the outer perimeter of the afforestation/reforestation (along the property line) be augmented with a staggered-double row of 2–2.5-inch caliper trees spaced 25 feet on center to provide a stronger buffer. Prior to certification of the DSP, the TCP II shall be revised to provide a detail for a double row of planting proposed, show where the double-row planting shall occur, adjust the reforestation planting schedule to reflect the additional material sizes proposed, and planting quantities, and any other technical revisions necessary to provide the recommended buffer treatment.

15. **Prince George's County Tree Canopy Coverage Ordinance:** The site is subject to the requirements of the Tree Canopy Coverage Ordinance and must provide a minimum 10 percent of the site to be covered by tree canopy because the site is zoned M-X-T. As the site measures 58.06 acres, approximately 5.806 acres (252,909 square feet) of tree canopy must be provided. The site plan proposes 25.34 acres (1,103,810 square feet) in on-site woodland conservation, and 303,850 square feet in proposed landscape trees. Therefore, the total tree canopy coverage on the site, 1,407,660 square feet, exceeds the requirement.

16. Further Planning Board Findings and Comments from Other Entities: The subject application was referred to the concerned agencies and divisions. The referral comments are included in this report by reference, and major findings are summarized, as follows:

- a. **Community Planning**—The Planning Board adopts, herein by reference, a memorandum dated March 5, 2020 (McCray to Hurlbutt), which indicated that master plan conformance is not required for this application.
- b. **Transportation**—The Planning Board adopts, herein by reference, a memorandum dated February 24, 2020 (Burton to Hurlbutt), which provided a review of conditions attached to prior approvals, found the site circulation to be adequate, as proposed, and concluded that, overall from the standpoint of transportation, it is determined that this plan is acceptable and meets the findings required for a DSP, as described in the Zoning Ordinance.
- c. **Trails**—The Planning Board adopts, herein by reference, a memorandum dated February 24, 2020 (Smith to Hurlbutt), which provided a review of conditions attached to prior approvals, as well as the following summarized discussion:

The subject application proposes sidewalk widths between 4 to 10 feet throughout the site. Hiker/biker trails are also proposed throughout the site, ranging from 8 to 12 feet wide. The Planning Board findings, pursuant to Section 27-546(d)(7), to provide a convenient pedestrian system, the minimum sidewalk width shall be 5 feet wide. While this DSP does not explicitly include residential and nonresidential uses, it is a component of a larger CSP that includes multiple uses. The comprehensive sidewalk network proposed as part of this development will help facilitate the reduction of automobile use pursuant to the purposes of the M-X-T Zone.

Three master plan trail facilities impact the subject site. These include a side path along C-636, the planned Back-Branch Trail, and an unnamed planned hard surface trail that connects C-636 and the Back-Branch Trail.

Based on the submitted plans, a wide sidewalk is shown along Manor Park Drive, which fulfills the intent of the unnamed planned hard surface trail. Hiker/biker trails with widths of 8 and 12 feet are proposed along the planned Presidential Parkway and around the stormwater pond in the southern portion of the site, proposed per DSP-12043, which fulfill the intent of the planned Back-Branch Trail that impacts the subject site. The Planning Board approved the minimum sidewalk width throughout the site be 5 feet.

- d. **Prince George's County Department of Parks and Recreation (DPR)**—The Planning Board adopts, herein by reference, a memorandum dated March 4, 2020 (Sun to Hurlbutt), which provided comments on previous conditions of approval and had no comments.

- e. **Environmental**—The Planning Board adopts, herein by reference, a memorandum dated March 4, 2020 (Finch to Hurlbutt), which included a discussion of relevant previous conditions of approval, which have been incorporated into findings above, and conditions that have been included in the approval.

Natural Resources Inventory/Existing Conditions

A revised Natural Resources Inventory Plan (NRI-094-06-02) was approved by the Environmental Planning Section on July 11, 2019. A review of the NRI-094-06-02 indicates that streams, 100-year floodplain, wetlands, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the overall property. There are 151 specimen trees located on the overall site.

Preservation of Regulated Environmental Features/Primary Management Area

Impacts to the primary management area were approved with PPS 4-08002 for the Westphalia Town Center and are grandfathered for this project. The application, as submitted, shows impacts that are in general conformance with the previous approvals.

Specimen Trees

This project is grandfathered from the current environmental regulations found in Subtitles 24, 25, and 27 that became effective in 2010. Because of this grandfathering, no variance for the removal of specimen trees is required.

Based on the TPCII and a tree summary memorandum dated April 22, 2019, as submitted, there are more specimen trees located on the site than were identified on previous versions of the plan. In accordance with a detailed forest stand delineation, prepared by JM Forestry Services, LLC, dated February 21, 2019, Specimen Tree Table 1 has been updated to “Identify specimen trees from original NRI which are either dead, not found or have been removed;” identify “Specimen trees which are shown on the specimen tree tables but which are no longer part of the subject NRI application (Moore Property and SHA ownership.” Specimen Tree Table 2 (additional trees added per updated NRI) has also been added to the plan.

Within the limits of Section 4, Specimen Trees 28-30, 32, 34-40, 45-49, and 206 are proposed to be removed with this application. Many of the trees are located centrally within the subject application area and need to be removed for the reasonable development of the site. The specimen trees that are located along the edge of the proposed clearing are either of poor quality or a species that does not withstand adjacent development well. The Planning Board supports the clearing of specimen trees, as shown on the TCPII.

- f. **Historic Preservation**—The Planning Board adopts, herein by reference, a memorandum dated January 24, 2020 (Stabler to Hurlbutt), which indicated that the subject property was previously surveyed for archeological resources in 2006 and 2007.

Five archeological sites, 18PR849, 18PR850, 18PR851, 18PR852, and 18PR853, were identified. Site 18PR849 is an early- to mid-20th century house site; Site 18PR850 is a mid-20th century domestic site; Site 18PR851 is an early-20th century standing frame house; Site 18PR852 is an early-20th century frame house ruin; and Site 18PR853 is a mid-20th century farmstead. The consultant archeologist recommended no further work on all of the sites. The Planning Board concurred that no additional studies were necessary on sites 18PR849 to 18PT853. This proposal will not affect any historic sites, resources, or known archeological sites.

- g. **Prince George's County Fire/EMS Department**— The Planning Board adopts, herein by reference, a memorandum dated February 6, 2020 (Reilly to Hurlbutt), which offered numerous comments that were provided to the applicant and will be addressed in their separate permitting process. The applicant provided an exhibit demonstrating fire truck access throughout the development.
 - h. **Permits**—The Planning Board adopts, herein by reference, a memorandum dated February 14, 2020 (Chaney to Hurlbutt) which offered numerous comments, which have been addressed through revisions to the plan or as conditioned herein.
 - i. **Washington Suburban Sanitary Commission (WSSC)**— WSSC did not provide comments on the subject project.
 - j. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**— DPIE did not provide comments on the subject project.
 - k. **Prince George's County Health Department**—The Health Department did not provide comments on the subject project.
 - l. **Prince George's County Department of Public Works and Transportation (DPW&T)**— DPW&T did not provide comments on the subject project.
 - m. **Prince George's County Police Department**—In a memorandum dated February 3, 2020 (Contic to Hurlbutt), incorporated herein by reference, the Police Department offered numerous comments that were provided to the applicant.
 - n. **Verizon**—Verizon had not offered comments on the subject application.
 - o. **Potomac Electric Power Company (PEPCO)**— PEPCO did not offer comments on the subject application.
 - p. **Westphalia Sector Development Review Advisory Council (WSDRAC)**— WSDRAC did not offer comments on the subject application.
16. 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.

17. In accordance with Section 27-285(b)(4) of the Zoning Ordinance, 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 TCPI-014-08; and Preliminary Plan 4-08002 and TCPI-014-08-01. No regulated environmental features are located within the limits of the current application.

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 Type II Tree Conservation Plan TCPII-029-12-10, and further APPROVED Detailed Site Plan DSP-19009 for the above described land, subject to the following conditions:

1. Prior to certification of this detailed site plan (DSP), the applicant shall:
 - a. Revise all 4-foot-wide sidewalks to be a minimum of 5-foot-wide, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.
 - b. Note the minimum square feet of soil surface provided in the Section 4.10 schedule.
 - c. Provide confirmation from the utility companies that the 10-foot-wide and 7-foot-wide public utility easements are sufficient to serve the site.
 - d. Add Liber and folio information to Note 9 of the DSP.
 - e. Provide the correct adjoining property information on all sheets for Parcel 25 that is to the south of the subject site.
 - f. Provide the percentage of attached dwelling units for this phase in the tabulation.
 - g. Clarify with revised landscape schedules or a note that the landscaping meets the requirements of Condition 18, as approved by the Prince George's County District Council with Conceptual Site Plan CSP-07004-01.
 - h. Show the unmitigated and mitigated noise contours 65 dBA-Ldn noise contours on the DSP and Type II tree conservation plan on the north side of Presidential Parkway.
2. Prior to certification of the DSP, the Type II tree conservation plan (TCPII) shall be revised, as follows:

- a. On all plan sheets:
 - (1) Add a line in the approval block for the -10 revision and provide complete information for all previous approvals.
 - (2) Add a woodland conservation sheet summary table confirming the amount of woodland conservation provided.

- b. On Sheet 1:
 - (1) In the General Information Table, add the Police District VIII and the General Plan 2035 Generalized Future Use Mixed-Use.
 - (2) Remove or revise notes included in the General Information Table necessary to reflect the current revision is for residential development, and the TCPII plan covers the entirety of the site.
 - (3) Add the purposes of revision -10 in the Revision Table.
 - (4) Revise and reconcile the Site Statistics table to accurately reflect the -10 revision to the TCPII plan. Trees which have been cleared on the net tract and in the floodplain cannot be counted as woodland conservation.

- c. On Sheet 1A:
 - (1) Revise the phased worksheet to correctly reflect the -10 revisions proposed to the TCP II. The phased worksheet shall be consistent with -08 revision to the plan for Section 3, and any additional fee-in-lieu for Section 4 shall be shown to be met with off-site woodland conservation.
 - (2) Reconcile the Individual Worksheets with the phased woodland conservation worksheet.
 - (3) With reference to the first note provided under the phased woodland conservation table, identify the first note as Note 1 and do not include an asterisk on the worksheet.
 - (4) The second note below the phase worksheet shall be identified as Note 2, the double asterisk shall be removed from the worksheet, and the note shall be revised, as follows:

“Note 2. Prior to October 1, 2019 per CB-29-2008.”

- (5) A third note shall be added under the phased worksheet, as follows:

“Note 3. On and after October 1, 2019, the requirements of adopted SB234 Natural Resources – State and Local Forest Conservation Funds supersedes local ordinance with regards to the use of fee-in-lieu of woodland conservation.”
- (6) Notes provided under the woodland conservation summary table shall be revised to reflect the -10 revision.
- d. On Sheet 2, revise the Specimen Tree Table to identify in the Preservation Comments column specimen trees which are located in Section 4.
- e. On Sheet 2A, revise Note 1 to reflect the current revision -10 to the plan.
- f. Revise the outer perimeter of the afforestation/reforestation area provided in Section 4 (along the property line) to augment with a staggered-double row of 2-2.5-inch caliper trees spaced 25 feet on center to provide a stronger buffer. The TCPII shall be revised to provide a detail for the double row of planting proposed, show where the double-row planting shall occur, adjust the reforestation planting schedule to reflect the additional material sizes proposed, and planting quantities, and any other technical revisions necessary to provide the recommended buffer treatment.
- g. Show temporary tree protection fence and signs along the edge of all clearing areas.
- h. Show permanent tree protection fence and signs along the edge of all planting areas.
- i. Ensure all woodland conservation areas meet the minimum requirements for woodland conservation credits.
- j. Ensure all symbols shown on the plan are unique and are in conformance with the Environmental Technical Manual and are labeled in the legend.
- k. Revise the TCPII as needed to be in conformance with the requirements of the Environmental Technical Manual.
- l. Have the plan signed and dated by a qualified professional.

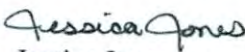
BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with the District Council of Prince George’s County within thirty (30) days following the final notice of the Planning Board’s decision.

* * * * *

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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, April, 2, 2020, in Upper Marlboro, Maryland.

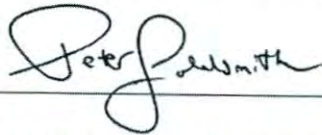
Adopted by the Prince George's County Planning Board this 9th day of April 2020.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:JH:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: April 2, 2020