



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

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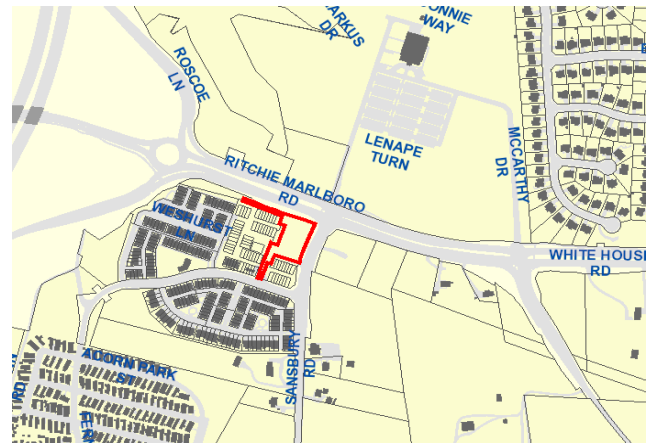
Detailed Site Plan

Westphalia Row

DSP-08039-10

REQUEST	STAFF RECOMMENDATION
Addition of 19 single-family attached (townhouse) dwelling units.	APPROVAL with conditions

Location: In the southwest quadrant of the intersection of Ritchie Marlboro Road and Sansbury Road.	
Gross Acreage:	20.67
Zone:	M-X-T
Dwelling Units:	19
Gross Floor Area:	N/A
Planning Area:	78
Council District:	06
Election District:	15
Municipality:	N/A
200-Scale Base Map:	203SE09
Applicant/Address: Westphalia Row Partners, LLC 6110 Executive Boulevard, Suite 310 Rockville, MD 20852	
Staff Reviewer: Henry Zhang, AICP, LEED AP Phone Number: 301-952-4151 Email: Henry.Zhang@ppd.mncppc.org	



Planning Board Date:	04/22/2021
Planning Board Action Limit:	04/22/2021
Staff Report Date:	04/06/2021
Date Accepted:	01/28/2021
Informational Mailing:	09/02/2020
Acceptance Mailing:	01/25/2021
Sign Posting Deadline:	03/23/2021

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/. 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-08039-10
Type 2 Tree Conservation Plan TCP2-055-08-05
Westphalia Row

The Urban Design staff has completed the review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

EVALUATION

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

- a. The requirements of the Zoning Ordinance in the Mixed Use–Transportation Oriented (M-X-T) Zone;
- b. The requirements of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*;
- c. The requirements of Conceptual Site Plan CSP-07001 and its amendments;
- d. The requirements of Preliminary Plan of Subdivision 4-20024;
- e. The requirements of Detailed Site Plan DSP-08039 and its amendments;
- f. The requirements of the 2010 *Prince George's County Landscape Manual*;
- g. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- h. The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and
- i. Referral comments.

FINDINGS

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

1. **Request:** This subject detailed site plan (DSP) is for approval of 19 fee-simple, rear-loaded single-family attached (townhouse) dwelling units to replace 10,000 square feet of commercial uses previously approved in Phase III of Westphalia Row.
2. **Development Data Summary:**

	PREVIOUSLY APPROVED	PROPOSED
Zone	M-X-T	M-X-T
Use	Single-family attached residential/ Commercial retail	Single-family attached residential
Acreage	20.67	20.67
Dwelling Units (Townhouses)	275	294 (19 additional)
Residential Square Footage	553,996*	587,232*
Commercial Square Footage	10,000	0
Total Square Footage	563,996	587,232

Note: *In addition to the townhouses, a 2,408-square-foot community building has been previously approved within Phase I of the proposal and is included in this residential gross floor area calculation.

Overall Floor Area Ratio (FAR) in the M-X-T Zone

	0.40 FAR
Residential	1.00 FAR
Total FAR Permitted:	1.40 FAR*
Total FAR Proposed:	0.64 FAR

Note: * Additional density was previously approved, in accordance with Section 27-545, Optional method of development, of the Zoning Ordinance. However, the final FAR for the entire development is 0.64.

Phase III Parking

Total Residential Parking Spaces Required*	194 Spaces
86 Townhouses @ 2.04 spaces each +10% per CSP-07001-02 Condition 8	
Total Residential Parking Spaces Provided	224 Spaces
Garage Spaces (1 compact and 1 standard per unit)	172 spaces
Private On-street Spaces (1 handicap-accessible space)	42 spaces
Public On-street Spaces	10 spaces

Note: * The number of parking spaces for developments in the M-X-T Zone are to be calculated by the applicant and submitted for Planning Board approval at the time of DSP, as stated in Section 27-574 of the Zoning Ordinance. In this case, the applicant has chosen to provide the number of parking space normally required under Section 27-568, as was previously approved for the property.

3. **Location:** The subject property is located in the southwest corner of the intersection of Ritchie Marlboro Road and Sansbury Road, in Planning Area 78 and Council District 6. This intersection is designated by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) as one of nine gateways into the Westphalia area. Specifically, the proposed 19 townhouses will be located on the parcel previously designated as the location for 10,000 square feet of commercial/retail space.
4. **Surrounding Uses:** To the northwest of the larger site is the exit ramp leading from I-95/I-495 (Capital Beltway) to Ritchie Marlboro Road. To the south of the site is an existing single-family residence in the Rural Residential (R-R) Zone. Further south and west on Fernwood Drive is a mobile home park. Across Sansbury Road to the east are the Ritchie Baptist Church property and the PB&J property, which are also zoned Mixed Use-Transportation Oriented (M-X-T), as part of the village center and includes a constructed Royal Farms food and beverage store and gas station.

The area for the 19 townhouses is bounded on the north and east sides by the rights-of-way of Ritchie Marlboro Road and Sansbury Road, respectively, and on the south and west sides by the constructed townhouses in the larger Westphalia Row development.

5. **Previous Approvals:** This property was rezoned to the M-X-T Zone by the Westphalia Sector Plan and SMA. As part of this rezoning, the Prince George's County District Council approved the concept plan for development of the subject property and the neighboring properties to the east and southeast as an integrated mixed-use development.

On July 1, 2008, the District Council granted approval of Conceptual Site Plan CSP-07001 for development of the property as a mixed-use development, including 420–600 dwelling units and up to 100,000 square feet of commercial office and retail spaces. On January 10, 2008, the Prince George's County Planning Board approved Preliminary Plan of Subdivision (PPS) 4-07038 (PGCPB Resolution No. 08-07). On November 6, 2008, the Planning Board approved DSP-08024 (PGCPB Resolution No. 08-168) for the relocation of Fernwood Drive to the location shown on the CSP.

The first phase of development, consisting of 153 townhouses in the southern portion of the site, was approved by the Planning Board as DSP-08039 on March 5, 2009 (PGCPB Resolution No. 09-44). DSP-08039-01 was approved by the Planning Board on September 10, 2009 (PGCPB Resolution No. 09-131) for the originally proposed 96 triplex units. Subsequent DSP amendments '02' to '05' were approved at the Planning Director-level for the addition and modification of unit types.

On June 5, 2014, the Planning Board approved an amendment to CSP-07001-01 (PGCPB Resolution No. 14-51), to replace the previously approved triplex units in the northwest corner of the site with townhouses. Subsequently, PPS 4-13026 (PGCPB Resolution

No. 14-68) and DSP-08039-06 (PGCPB Resolution No. 14-69) were also approved by the Planning Board to reflect the same plan revision.

On January 7, 2016, the Planning Board approved an amendment to CSP-07001-02 (PGCPB Resolution No. 16-02), to replace the previously approved 250 multifamily units and 57,600 square feet of commercial uses with 67 fee-simple, rear-loaded townhouses and 10,000 square feet of commercial uses. Subsequently, PPS 4-15021 (PGCPB Resolution No. 16-03) and DSP-08039-08 (PGCPB Resolution No. 16-62) were also approved by the Planning Board to reflect the same plan revision.

An amendment to CSP-07001-03, to replace the previously approved 10,000 square feet of commercial uses with 19 townhouses was heard by the Planning Board on April 1, 2021 and continued to the April 22, 2021 hearing. A new PPS 4-20024 is currently scheduled on April 15, 2021, and is anticipated to also be continued to the April 22, 2021 hearing, prior to the subject DSP-08039-10, all for the same plan revision. All approvals will have to conform to each other, prior to certification, as conditioned herein.

The site also has an approved Stormwater Management (SWM) Concept Plan, 36373-2006-04, which was approved on December 21, 2018 and is valid through December 21, 2021.

6. **Design Features:** The subject application proposes 19 townhouses at the location where a previously approved (by CSP-07001-02 and DSP-08039-08) 10,000-square-foot commercial retail building was located, in the northeast corner of the Westphalia Row development. All of the 19 townhouses have rear-loaded, two-car garages and are accessed by the extension of the existing Weshire Drive and private alley 9. Two building sticks of seven units each are fronting on both Sansbury Road and Ritchie Marlboro Road, and a five-unit stick faces an internal green space parcel. The proposed 19 townhouses will be part of the existing townhouse pattern that surrounds a common green area at homeowners association (HOA) Parcel B. An additional 9 surface parking spaces will serve as visitor spaces for the 19 proposed townhouses.

The applicant will use the previously approved “Skytown” architectural model for the proposed 19 townhouses. The four-story model has already been built in the Westphalia Row development, is 16-foot-wide with a maximum building height of 42 feet, and a base finished square footage of 1,812, and a two-car, rear-loaded garage. Four different front elevations are available, which offer a combination of the following features: brick veneer, vinyl siding, brick rowlocks and headers, keystones, specialty windows, shutters, and enhanced trim. All side elevations offer a substantial amount of fenestration, approximately 10 windows, with brick facing up to the top of the first floor as standard feature. The rear elevations include decks, carriage-style garage doors, and standard brick facing up to the top of the first floor, with vinyl siding above. All units have a flat roof with roof decks on approximately the rear half of the top level.

With the approval of DSP-08039, the Planning Board evaluated the layout of Phase I, designated higher-visibility lots, and determined that the sides of townhouses on these lots shall be fully faced finished with brick. In keeping with this approach, the applicant proposed the lots in Phase III to be designated as higher-visibility lots, and sides of townhouses on these lots should be fully finished with brick or stone, including: Lots 162, 168, 169, 175, 176, and 180. The location of these additional lots and their visibility within

the community is similar to those lots designated in previous phases. Therefore, a condition has been included in the Recommendation section of this report requiring this addition.

The Planning Board also previously approved a standard that at least 60 percent of the units in each building stick shall have a full brick front. This standard should be applied to the townhouses in this application too, with the exception that the lots that front Ritchie Marlboro Road and Sansbury Road (Lots 162-175) should be treated with full brick or stone fronts, due to the higher visibility and the gateway designation of the subject site. A brick tracking chart with the lots in each stick has been added to the plans to monitor conformance with this requirement.

Recreational Facilities: The Westphalia Row project has a previously approved package of indoor and outdoor recreational facilities for the future population that have been constructed, as follows:

Recreational Facilities for 294 (including the addition of 19) Townhouses:	
Community Building (2400 sq. ft. +/-)	\$360,000
2 Rail Vinyl Fence (330 l.f. @ \$12.00/l.f.)	\$3,960
Brick Piers (4 @ \$800 each)	\$3,200
Landscaping	\$18,730
(1) 10' by 29' Trellis	\$14,250
(1) 11' by 11' Gazebo	\$5,500
(3) Exercise equipment (community bldg.) @ \$5,000 ea.	\$15,000
Recreation/Sitting Areas	
(39) Victor Stanley Benches @ \$1200 ea.	\$46,800
(2) Eagle Play Structure Climbers	\$5,000
(1) Swing Set	\$750
Metal picket fence 304 l.f. @ \$47.00/l.f.	<u>\$14,290</u>
 Total	 \$487,480

In accordance with the current recreational facility formula, the applicant's recreational facility obligation for 294 townhouses is estimated at \$303,862. The total installed recreational facilities are estimated at \$487,480, which exceeds the required value.

COMPLIANCE WITH EVALUATION CRITERIA

- 7. **The Prince George's County Zoning Ordinance:** The subject DSP, which has a very limited disturbance of 1.23 acres out of 20.67 acres, has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Prince George's County Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-547, Uses Permitted, of the Zoning Ordinance. The proposed residential use in this application is a permitted use in the M-X-T Zone, in conformance with the approved CSP-07001-03.
 - b. The DSP is consistent with Section 27-548, Regulations, of the Zoning Ordinance. The following discussion is offered:

- (1) The proposed floor area ratio of 0.64 is provided on the DSP and is within the amount permitted (1.4).
- (2) Developments in the M-X-T Zone are required to have vehicular access to a public street, in accordance with Section 27-548(g) noted below.

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

While the overall development is accessed by public streets, the individual townhouse lots will be served by private streets and alleys. The use of private streets and alleys will be authorized, pursuant to Subtitle 24 of the Subdivision Regulations, as proposed in PPS 4-20024.

- c. The DSP is in conformance with the applicable site plan site design guidelines contained in Section 27-283 of the Zoning Ordinance, as cross-referenced in Section 27-274 of the Zoning Ordinance. The subject development provides a more compact, urban layout, and in accordance with Section 27-274(a)(11)(B), with the units fronting on roadways. Where the units do not orient toward roadways, they front on shared green space.

To convey the individuality of each townhouse unit, the design of abutting units should avoid the use of repetitive architectural elements and should employ a variety of architectural features such as roofline, window and door treatments, projections, colors, and materials. The approved townhouse architecture is consistent with this guideline.

- d. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone has been calculated by the applicant and submitted for Planning Board approval at this time. The parking provided is adequate to serve the use. In the approval of CSP-07001, the Planning Board found that each portion of the development should provide extra parking for guests and visitors that constitutes at least 10 percent of the spaces required by the Zoning Ordinance. The site plan conforms to this standard.
- e. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings for the Planning Board to approve 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 proposed addition of 19 townhouses is in conformance with this requirement. In accordance with Section 27-542(a)(2) of the Zoning Ordinance, the proposed DSP will implement the recommendation of the Westphalia Sector Plan and SMA by contributing to the creation of a compact, urban community. The walkable, pedestrian-friendly

development proposed on the site takes advantage of the transportation links available and allows for reduction of the number and distance of automobile trips by constructing residential urban townhouses in compact form. This development meets the purposes of the M-X-T Zone.

- (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 previously approved CSPs and DSPs were found to be in conformance with this requirement and the current application proposes a revision in the development and density. The applicant has incorporated a Westphalia Gateway feature into the site and has constructed it, becoming the first applicant to do so. Therefore, this application can be found to be in conformance with the land use recommendations, and design policies and principles intended to implement the development concepts recommended by the Westphalia Sector Plan and SMA.

- (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 addition of townhouses will be an organic extension of the townhouse development that has been constructed and is outwardly oriented. Although the main village green forms an internal focal point at the center of the community, residential buildings at the edge of the site front onto Sansbury Road and Ritchie Marlboro Road, consistent with previous approvals.

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

The proposed development will be compatible with the proposed and existing commercial development in the rest of the village center across Sansbury Road. The proposed townhouse units are consistent with approved units in other phases of the subject development project.

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

The addition of 19 townhouses will follow the same pattern of the existing townhouse buildings, and other on-site improvements and amenities of the village center area will reflect 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 Westphalia Row development is comprised of three phases that have been mostly completed. These 19 additional townhouses will be the last part of this development that will be finished without additional phasing.

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

The DSP shows the extension of the existing sidewalks along all public and private roads, forming a comprehensive pedestrian network throughout the site. The pedestrian system includes clearly defined routes and crossings within Phase III to connect to the other phases.

- (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 amendment only includes 19 townhouses as an organic extension of the existing townhouse community that shows high-quality urban design of the gathering places through the use of decorative fencing and lighting, benches, berming, and varied landscaping.

- (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, or will be provided by the applicant, 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 not a CSP, so this finding is not applicable.

- (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 subject application is a modification to Phase III of Westphalia Row. This phase of the development is the subject of pending PPS 4-20024, which is currently scheduled on the agenda of the Planning Board on April 15, 2021 and includes a finding of adequacy for the subject development.

- 8. 2007 Approved Westphalia Sector Plan and Sectional Map Amendment:** The subject site plan is located within the Westphalia Sector Plan and SMA and is identified as a Mixed-Use Activity Center and one of nine gateways into Westphalia area.

This site was rezoned as part of the sector plan from the R-R to M-X-T Zone. As part of that application process, a series of design concepts were included as appendices in the Westphalia Sector Plan and SMA, as Public Exhibit 19. The Westphalia Row project is located in a designated mixed-use activity center at the northern gateway to the sector plan area along a local street (Sansbury Road) and an arterial highway (Ritchie Marlboro Road), close to the interchange with I-95/495.

Village Center Guidelines

The plan designates the subject property, along with other land to the east, as part of a mixed-use activity center, one of two such areas in the Westphalia area. The plan establishes a number of guidelines for these areas. The following design principles warrant discussion at this time:

- **Design internal streets/site circulation as low-speed streets with parallel or angled on-street parking.**

The proposed private streets (not the private alleys) throughout the site are designed to have parallel and perpendicular parking on one or both sides.

- **Residential and commercial development should be medium-to-high density with a minimum of two-story buildings, up to six.**

There is no more commercial use included in this project. The proposed townhouses will fall within the specified height range and have three to four stories.

The addition of 19 townhouses will result in an overall net residential density increase from approximately 13.7 dwelling units per acre to 14.63 dwelling units per acre. However, the residential density is still within the middle of the desired development density range provided in the sector plan, which is 4.5 to 28 dwelling units per net acre.

- **Design off-street surface parking to be placed to the side and rear of buildings, in the interior of blocks, and screened from public walks and streets.**

Each townhouse unit will have a two-car garage to accommodate off-street parking needs of the residents. Additional residential surface parking, mainly for the visitors, is proposed on the north side of HOA Parcel W and is screened from Sansbury Road by the townhouses.

Gateway Guidelines

Policy 7 on page 32 of the sector plan establishes the intersection of Ritchie Marlboro Road and Sansbury Road as one of the gateways entering the Westphalia community. Gateways require compliance with design principles aimed at distinguishing and delineating them as attractive entrances into the sector plan area. Gateway design principles from the sector plan include the following:

Design designated gateways to include at least the following design elements:

- **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 elements.**
- **Resting and recreational facilities, information kiosks, or other amenities as appropriate.**

The required gateways elements, as included in these guidelines, have been constructed, in accordance with prior approvals.

9. **Conceptual Site Plan CSP-07001 and its amendments:** CSP-07001 was approved by the District Council on July 1, 2008, for construction of 140-180 townhouses, 48-96 three-family (triplex) dwelling units, 200-325 multifamily dwelling units, 40,000-70,000 square feet of office, and 10,000–30,000 square feet of retail. On June 18, 2012, the District Council approved Zoning Ordinance No. 7-2012 to amend Condition 9(b)(2). On June 5, 2014, the Planning Board approved a revision to CSP-07001-01 (PGCPB Resolution No. 14-51) to replace the previously approved triplex units in the northwest corner of the site with townhouses, subject to 24 conditions. The conditions of CSP-07001, CSP-07001-01, and CSP-07001-02 were thoroughly reviewed and carried forward with CSP-07001-03, as necessary. Therefore, those prior conditions do not need to be included here for review and only the conditions of the latest approval, CSP-07001-03, which is currently scheduled on the Planning Board’s agenda on April 22, 2021, are applicable, as follows:

2. **At the time of detailed site plan for the proposed townhouses, public views of alleys shall be minimized by screening the ends of alleys to the fullest extent possible.**

As reflected on the site layout of this DSP, public views of alleys have been mostly blocked by the building sticks and landscaping on the site. This condition has been met.

3. **The detailed site plan shall include examples and evidence of all necessary covenants or other legal instruments that will be used to ensure that the recreational facilities on the site will be available in perpetuity to all residents of the Westphalia Row development. If a legally sufficient arrangement to share the recreational facilities cannot be demonstrated, then adequate recreational facilities shall be demonstrated for the individual portions of the development.**

As discussed previously, the proposed 19 townhouses will be part of the existing townhouse community to be included in the established HOA, and will share the existing on-site recreational facilities.

4. **The following development standards shall apply to, and be reflected on the detailed site plan (DSP). At the time of DSP review, the Planning Board may make modifications to the development standards without the need to amend the conceptual site plan, if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the conceptual site plan and the sector plan.**

- a. **Front-loaded townhouses (fee simple)**

- (1) **Minimum lot size: 1300 square feet**
- (2) **Minimum front yard setback: 20 feet from back of sidewalk**
- (3) **Minimum yard area: 400 square feet**
- (4) **Maximum building height: 45 feet**
- (5) **Minimum lot width: 20 feet**

- b. **Rear-loaded townhouses (fee simple)**

- (1) **Minimum lot size: 1,000 square feet for no less than 50 percent of the units and a minimum of 800 feet for the remainder**
- (2) **Minimum front yard setback: six feet from property line.**
- (3) **Maximum building height: 45 feet.**
- (4) **Minimum lot width: 20 feet for no less than 50 percent of the units and a minimum of 16 feet for the remainder.**

This DSP complies with this condition. The above development standards have been reflected on the DSP plan sheets.

5. **At the time of detailed site plan review, parking shall be calculated separately for the rear-loaded townhouses north of Fernwood Drive. Parking spaces in driveways and carports must allow at least 19 feet of parking space for cars, which must not obstruct pedestrian or vehicular travel routes. In addition to the total number of off-street parking spaces required for each type of unit, this portion of the development shall also provide an additional ten percent of this number for visitor parking or demonstrate that sufficient visitor parking is available in the close vicinity of this section, which may include parallel parking spaces on private roads.**

The townhouses provide two tandem parking spaces within the units. The additional 10 percent visitor parking required for this development is met and exceeded with on-street spaces.

6. **At the time of detailed site plan review for the Phase III of the development, the site will be evaluated for conformance to the gateway design guidelines of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. A package of design items such as gateway entrance features, architectural design, materials, colors, landscape palette, and streetscape features shall be provided in order to create a distinctive sense of arrival. Design details for a gateway feature near the Ritchie Marlboro Road and Sansbury Road intersection shall be provided.**

This condition was satisfied at the time of DSP-08039-08 approval. A Westphalia gateway feature is shown on sheet 13A of the DSP. Additional design items include brick piers, fencing, and landscaping along Sansbury and Ritchie Marlboro Roads.

7. **The applicant, the applicant's heirs, successors, and/or assignees shall provide adequate private recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines. The private recreational facilities shall be reviewed by the Urban Design Section of Development Review Division for adequacy and proper siting, prior to approval of the detailed site plan by the Planning Board.**

As discussed in the above Finding 6, this condition has been satisfied.

8. **The applicant shall provide an eight-foot-wide side path or wide sidewalk along Sansbury Road, unless modified in writing by the Prince George's County Department of Permitting, Inspections and Enforcement.**

In compliance with this condition, an 8-foot-wide sidewalk is shown along Sansbury Road on this DSP.

9. **Appropriate pedestrian amenities and pedestrian safety features will be evaluated at the time of detailed site plan.**

This condition has been satisfied, as those appropriate pedestrian amenities, such as sidewalks and crosswalks, have been shown on the site plan.

- 10. At the time of detailed site plan approval, the applicant, or the applicant's heirs, successors, and/or assignees shall provide:**
- a. Standard sidewalk connection from townhomes 162-168 to existing sidewalk along Sansbury Road.**
 - b. Standard sidewalk connection to Ritchie Marlboro Road from the townhomes fronting the roadway.**
 - c. Standard sidewalk connecting townhome 106 to 162, along Private Alley 9.**
 - d. Continental style crosswalk traversing Private Alley 9.**
 - e. The site plan notes as follows:**

"During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

"During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control."

In compliance with this condition, sidewalks, crosswalks, and notes were added to this DSP.

- 12. The applicant has indicated a desire to be a part of the established Westphalia Financing Plan. Therefore, at the time of the detailed site plan (DSP), if the applicant is a recognized participant in a designated Westphalia Financing Plan, any designated financial contributions to the overall Westphalia Plan, including contributions to the Central Park, shall be so designated as a condition on the DSP, as part of the established financing formula and plan.**

The applicant no longer wants to be recognized as a participant to the Westphalia Financing Plan. Staff agrees with the applicant that the Westphalia Row development provides more than adequate amenities on-site for the homeowners.

- 10. Preliminary Plan of Subdivision 4-20024:** PPS 4-20024, that reflects the proposed 19 townhouses, is currently scheduled on the agenda of the Planning Board on April 15, 2021, and is anticipated to be continued to April 22, 2021 so that it may be heard following the pending CSP and prior to this DSP application. Any conditions attached to the approval of 4-20024 that may result in changes to the DSP must be properly addressed by the applicant.

A condition has been included in the Recommendation section of this report to require the applicant to obtain signature approval of PPS 4-20024, prior to certificate approval of this DSP, and make any necessary revisions.

11. **Detailed Site Plan DSP-08039 and its amendments:** DSP-08039 was first approved for the development of Phase I of Westphalia Row in 2008. DSP-08039 has been revised nine times for Phases II and III development, which have been fully constructed, except for the location of the proposed 19 townhouses where the previously approved 10,000-square-foot commercial building is located, as approved in DSP-08039-08. However, out of the six conditions attached to the approval of DSP-08039-08, none of them is relevant to the review of this DSP.
12. **2010 Prince George's County Landscape Manual:** Per Section 27-548, landscaping, screening, and buffering within the M-X-T Zone shall be provided, pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). This DSP is subject to Section 4.1, Residential Requirements, Section 4.6, Buffering Development from Streets, and Section 4.9, Sustainable Landscaping Requirements of the Landscape Manual. The required plantings and schedules are provided, in conformance with the Landscape Manual.
13. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the site exceeds 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. Currently, this site has an approved TCPI-033-07-03 and TCPII-055-08-04. The submitted DSP application includes a revised TCP2-055-08-05 which is subject to the current regulations because a new PPS 4-20024 is pending.
 - a. A signed Natural Resources Inventory, NRI-114-06-04, was submitted with the application, which updated the area of focus for this DSP. The complete NRI for the site was approved under NRI-114-06-01. The overall site contains sensitive environmental features such as streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils. Regulated environmental features are not located within the area of focus for this DSP.
 - b. This 22.44-acre property contains a total of 8.74 acres of woodland outside the 100-year floodplain, according to the NRI. The woodland conservation threshold is 3.01 acres. The subject site proposes to clear an additional 8.31 acres of the existing 8.74 acres. The cumulative woodland conservation requirement is 7.07 acres. The TCP2 proposes to meet the subject site's portion of the overall requirement with 0.35 acre of woodland preservation, 0.53 acre of reforestation/afforestation, and 6.19 acres of off-site woodland conservation. Through other permitting activities at the subject site, the overall site has complied with the required bonding of on-site planting and purchasing of off-site woodland credits. No additional clearing is proposed, as part of this DSP amendment.
14. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires properties that are zoned M-X-T to provide a minimum 10 percent of the gross tract area in tree canopy coverage (TCC). The subject property is 20.67 acres in size, resulting in TCC requirement of 2.07 acres. The DSP

indicates compliance with this requirement for the entire site through both preservation of existing woodlands and proposed tree plantings.

15. Referral Comments: The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:

- a. **Historic Preservation**—In a memorandum dated February 12, 2021 (Stabler and Smith to Zhang), incorporated herein by reference, the Historic Preservation Section indicated that the subject property does not contain and is not adjacent to any Prince George’s County historic sites or resources. This proposal will not impact any historic sites, historic resources, or known archeological sites. Historic Preservation staff recommends approval of DSP-08039-10 Westphalia Row with no conditions.
- b. **Community Planning**—In a memorandum dated March 8, 2021 (Gravitz to Zhang), incorporated herein by reference, the Community Planning Division provided that pursuant to Part 3, Division 9, Subdivision 3 ,of the Zoning Ordinance, master plan conformance is not required for this application.
- c. **Transportation Planning**—In a memorandum dated March 19, 2021 (Burton to Zhang), incorporated herein by reference, the Transportation Planning Section offered an analysis of the DSP’s conformance with the transportation-related PPS conditions and comments, as follows:

The applicant has provided staff with information indicating that 275 townhouse units have been built to date. The table below provides an overview of past and future trip generation and how the trip cap is affected.

Table 1 – Traffic Analysis			
		AM Peak	PM Peak
Trip Cap - PGCPB No. 08-07	Residential + Office	398	471
<i>Total built to-date</i>	<i>275 Residential Units</i>	<i>-193</i>	<i>-220</i>
Remaining trip cap		205	251
<i>Pending CSP, DSP, PPS</i>	<i>19 Residential Units</i>	<i>-13</i>	<i>-15</i>
Remaining Trip Cap		192	236

The results from Table 1 show that the 19 residential units being proposed will not exceed the existing trip cap.

The site plan for the proposed development shows a street/alley layout that will integrate seamlessly with the road network of the existing development. Staff has no issues with future circulation of the combined development.

The Transportation Planning Section concluded that from the standpoint of transportation, it is determined that this plan is acceptable and meets the findings required for a DSP if approved.

- d. **Subdivision Review**—In a memorandum dated March 18, 2021 (DiCristina to Zhang), incorporated herein by reference, the Subdivision Section offered comments

on this DSP that have been summarized, as follows:

The subject property considered in this amendment to DSP-08039-10 is known as Parcel Q, Block A, of Westphalia Row, and is located on Tax Map 74 in Grid E4. Parcel Q is part of Phase III of a larger multiphase development known as Westphalia Row. The total area of Westphalia Row is 20.67 acres and Parcel Q consists of 1.23 acres in the northeastern corner of the development at the intersection of Ritchie Marlboro Road and Sansbury Road. The entire development, including the subject property, is within the M-X-T Zone and the Westphalia Sector Plan and SMA. DSP-08039-10 was submitted concurrently with a new PPS 4-20024 and an amendment to CSP-07001-03 for the subject property for the purpose of amending the proposed land use on Parcel Q from commercial to residential.

Parcel Q is recorded among the Prince George's County Land Records in Plat Book SJH 245 page 98, dated October 28, 2016. The bearings and distances shown for the property boundary on DSP-08039-10 are in conformance with the record plat.

A new PPS 4-20024 was submitted concurrently with DSP-08039-10 to subdivide the property into 19 lots for townhouse development, in accordance with Section-24-107(a) of the Prince George's County Subdivision Regulations. Several variations to the Subdivision Regulations are requested with PPS 4-20024 for the proposed development. These include variations to Section 24-121(a)(4) for the 150-foot minimum lot depth requirement for the residential lots adjacent to an arterial road; Section 24-128(b)(7)(A), which requires lots with alleys to have frontage on and pedestrian access to a public street; and Section 24-122(a), which requires a public utility easement adjoining a public right-of-way. Upon approval, PPS 4-20024 will supersede PPS 4-15021 for a portion of the subject property. All the related conditions of PPS 4-20024, once approved, will be applicable to this site.

Section 24-121(a)(4) of the Subdivision Regulations states that when residential lots are proposed adjacent to an existing or planned roadway of arterial or higher classification, the applicant must demonstrate adequate protection and screening from traffic nuisance. The subject property is located adjacent to Ritchie Marlboro Road, which is classified as an arterial roadway. Staff notes that a noise study has been submitted with PPS 4-20024. The noise study provides a list of lots which will require engineered building envelopes to reduce interior noise levels to 45 dBA Ldn or less. The existing General Note 24 on the DSP coversheet should be revised to reflect the additional lots created under PPS 4-20024, which will need this acoustical design. This and other technical corrections are included herein.

A condition requiring the applicant to provide certification at time of building permit, to ensure that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less, for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise impact area, has been included in the Recommendation section of this report.

- e. **Pedestrian and Bicycle Facilities**—In a memorandum dated March 19, 2021 (Smith to Zhang), incorporated herein by reference, the pedestrian and bicycle facilities planner provided an analysis of the DSP's conformance with previous approvals and applicable regulations and comments summarized, as follows:

The submitted plans include standard sidewalk and continental-style crosswalks throughout the site. All curb ramps have been revised to be ADA accessible. The existing 8-foot-wide trail along Sansbury Road is also shown on the submitted plan. These improvements support separating pedestrian and vehicular transportation routes within the site, pursuant to Sections 27-283 and 27-274. Staff finds that with the proposed improvements pursuant to Section 27-274(c), the relevant design guidelines for pedestrian and bicycle transportation, the proposed pedestrian and bicyclist circulation on the site are to be safe, efficient, and convenient.

The Transportation Planning Section concluded that the pedestrian and bicycle access and circulation for this plan is acceptable, consistent with the site design guidelines pursuant to Section 27-274, and 27-546 and meets the findings for pedestrian and bicycle transportation purposes and conforms to the prior development approvals and the Westphalia Sector Plan and SMA.

- f. **Prince George’s County Department of Parks and Recreation (DPR)**—In a memorandum dated March 22, 2021 (Burke to Zhang), incorporated herein by reference, the Prince George’s County Department of Parks and Recreation (DPR) indicated that with the development of the 19 townhomes, this site is now subject to mandatory parkland dedication. At the time of PPS 4-20024, DPR concurred with the applicant’s proposal to annex the proposed units into the existing Westphalia HOA for access to the existing on-site recreational facilities. A cost estimate calculation report was provided with the PPS, demonstrating that the value of the recreational facilities provided, including a community building, a gazebo, a trellis, 39 benches, and a play structure with swings exceeds the requirement for the 806 projected residents of the overall community. DPR recommends approval of this DSP with no conditions.
- g. **Environmental Planning**—In a memorandum dated March 23, 2021 (Rea to Zhang), incorporated herein by reference, Environmental Planning staff provided comments, as follows:

Scenic and Historic Roads

Ritchie Marlboro Road is designated as an historic road in the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and has the functional classification of arterial. The MPOT includes a section on special roadways, which includes designated scenic and historic roads, and provides specific policies and strategies, which are applicable to this roadway, including to conserve and enhance the viewsheds along designated roadways.

Any improvements within the right-of-way of an historic road are subject to approval by the County under the Design Guidelines and Standards for Scenic and Historic Roads.

The Landscape Manual addresses the requirements regarding buffers on scenic and historic roads. Adjacent to an historic road, the Landscape Manual requires a Section 4.6 landscape buffer (Buffering Development from Special Roadways) based on the development tier (now Environmental Strategy Area 2). The DSP shows the required buffer, in accordance with the Landscape Manual.

Soils

The predominant soils found to occur on-site, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Collington-Wist complex, Downer-Hammonton complex, Marr-Dodon complex, Potabac-Issue complex, and the Westphalia and Dodon soil series. According to available information, neither Marlboro clay nor Christiana complex soils occur on this property.

No further action is needed as it relates to this application. A soils report may be required by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), at time of permit.

Stormwater Management

The site has a Site Development Concept approval letter (36373-2006-04), which will expire on December 21, 2021. However, this concept does not show the change in development. DPIE is currently reviewing Site Development Concept 36373-2006-05, which reflects the development change.

The Environmental Planning Section recommends approval of DSP-08039-10 and TCP2-55-08-05, subject to one condition that has been included in the Recommendation section of this report.

- h. **Prince George's County Fire/EMS Department**—At the time of the writing of this technical staff report, the Fire Department did not offer comments on the subject application.
- i. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated March 26, 2021 (Giles to Zhang), incorporated herein by reference, DPIE noted that the proposed development is not consistent with the previously approved SWM concept plan. The applicant should provide a revised SWM concept plan, prior to DSP certification.

The majority of DPIE's comments are either factual, to be addressed through the associated PPS, or are required to be addressed, prior to issuance of permits, at the time of technical plan approvals. The rest of DPIE's comments will be enforced through their separate permitting process.

A revised SWM concept plan has not been signed off by DPIE yet as of this writing. A condition has been included in the Recommendation section to require the applicant to provide a revised SWM concept approval, prior to certification of this DSP.

- j. **Prince George's County Police Department**—At the time of the writing of this technical staff report, the Police Department has not offered comments on the subject application. However, the Police Department provided comments on prior approvals for this site.
- k. **Prince George's County Health Department**—In a memorandum dated February 16, 2021 (Adepoju to Zhang), incorporated herein by reference, the Health Department provided the following comments on the subject application:

- (1) There are approximately 10 existing carry-out/convenience stores food facilities and no grocery store/markets within a 0.5 mile radius of this site. A 2008 report by the UCLA Center for Health Policy Research found that the presence of a supermarket in a neighborhood predicts higher fruit and vegetable consumption and a reduced prevalence of overweight and obesity. The department acknowledges that Royal Farms chain facilities are designed as convenient stores; however, they do provide healthy food options such as an assortment of fresh fruits and vegetables for retail sale.

The applicant is aware of this comment; however, no commercial uses are proposed with this DSP amendment.

- (2) Research shows that access to public transportation can have major health benefits as it contributes to good connectedness and walkability. Provide specific information related to this development project of the available and/or proposed means of connecting to neighboring communities through public transportation.

The applicant is fully aware of this comment. Limited public transportation is available in the vicinity of this development. Sufficient on-site parking has been provided with this DSP.

- (3) During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code.

- (4) During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

Comments 3 and 4 have been included as site plan notes on the DSP.

- i. **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.

16. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP will, if approved with the proposed conditions below, represent a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
17. As required by Section 27-285(b)(2), this DSP is also in general conformance with the approved CSP-07001-03.
18. Section 27-285(b)(4) of the Zoning Ordinance provides the following required finding for

approval of a DSP:

The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

No impacts to regulated environmental features are proposed with this application. This required finding has been satisfied with all prior approvals for this property.

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-08039-10, and Type 2 Tree Conservation Plan TCP2-055-08-05 for Westphalia Row, subject to the following conditions:

1. Prior to certificate approval of the detailed site plan (DSP), the applicant shall make the revisions to the DSP, or provide information, as follows:
 - a. Obtain certificate approval of Conceptual Site Plan CSP-07001-03 and revise the DSP, as necessary.
 - b. Obtain signature approval of Preliminary Plan of Subdivision 4-20024 and revise the DSP, as necessary.
 - c. Provide a copy of the revised approved Site Development Concept plan showing the proposed residential development and the stormwater management facilities shall be correctly reflected on the DSP and the Type 2 tree conservation plan.
 - d. Provide architecture related notes, as follows:

“Add Lots 162, 168, 169, 175, 176 and 180 to the list of high-visibility lots. The sides of townhouses on these lots shall be fully finished either with brick or stone, or a combination of both.”

“The standard side and rear elevations of the 19 townhouses shall utilize brick or stone to finish the entire first floor.”

“At least 60 percent of the units in each attached stick of townhouse units shall have a full brick or stone front, with the exception of Lots 162 to 175 which require full brick or stone fronts.”
 - e. Revise General Note 24 on the DSP coversheet to reflect the additional lots created under Preliminary Plan of Subdivision 4-20024 that are impacted by noise and will need special acoustical design.
 - f. Under the Site Data section on Sheet 1, revise “Proposed Use/Development Type” to reflect change of use in Phase III to only “Single-Family Residential – Townhomes.”

- g. Revise General Note 20 to note Preliminary Plan of Subdivision 4-13026 and its approval date.
 - h. Revise General Note 24 to include Lots 162–168, 169–175, and 180 being subject to certification by a professional engineer with competency in acoustical analysis, prior to the approval of any residential building permits.
 - i. Add a label along Ritchie Marlboro Road that vehicular access is denied.
 - j. Clearly label and depict the required 10-foot-wide public utility easement, along the west side of Private Road E.
 - k. Correct the label for the area of right-of-way dedication along Sansbury Road to state 3,642 square feet instead of 3,630 square feet, in accordance with the record plat.
2. Applications for building permits shall contain a certification, to be submitted to the Maryland-National Capital Park and Planning Commission, 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 for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise impact area.

ITEM: 7

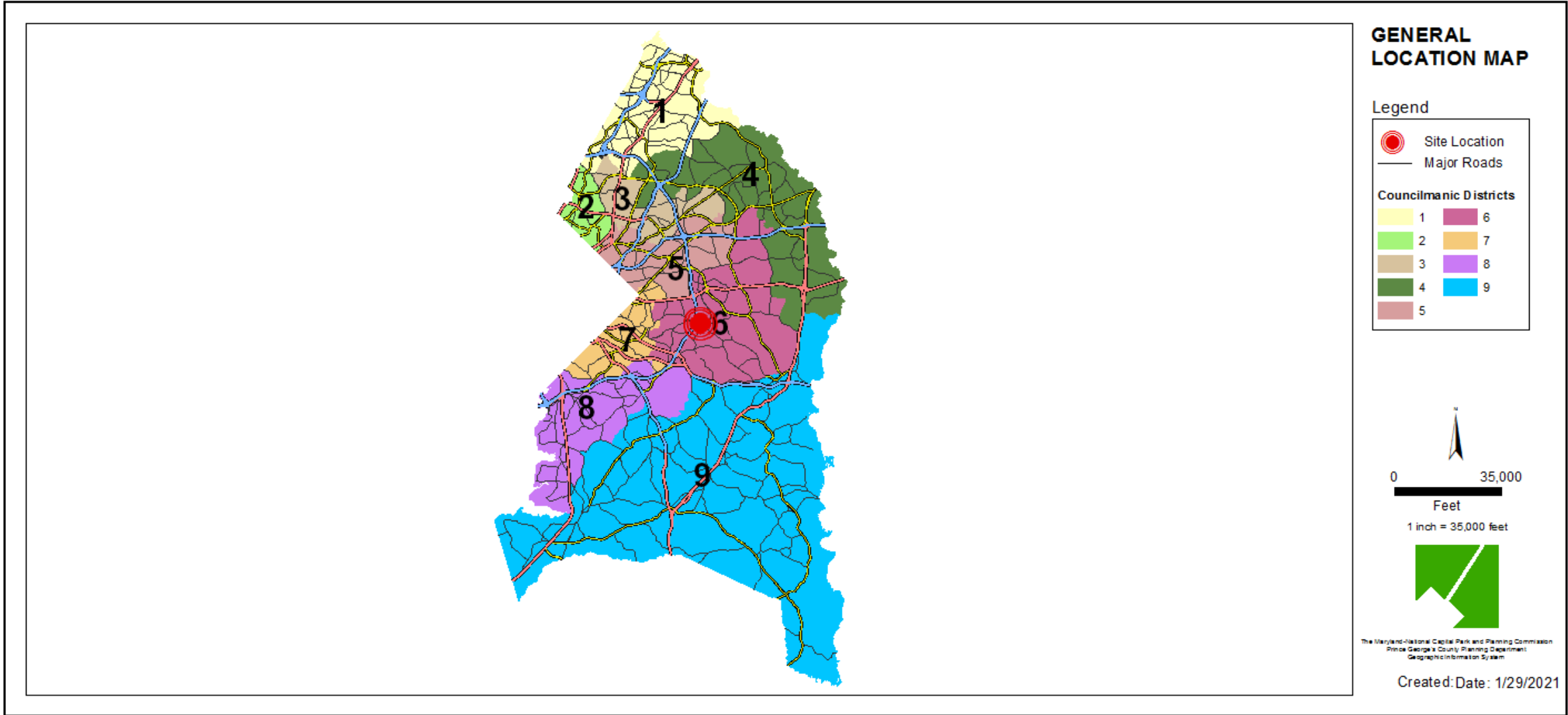
CASE: DSP-08039-10

WESTPHALIA ROW

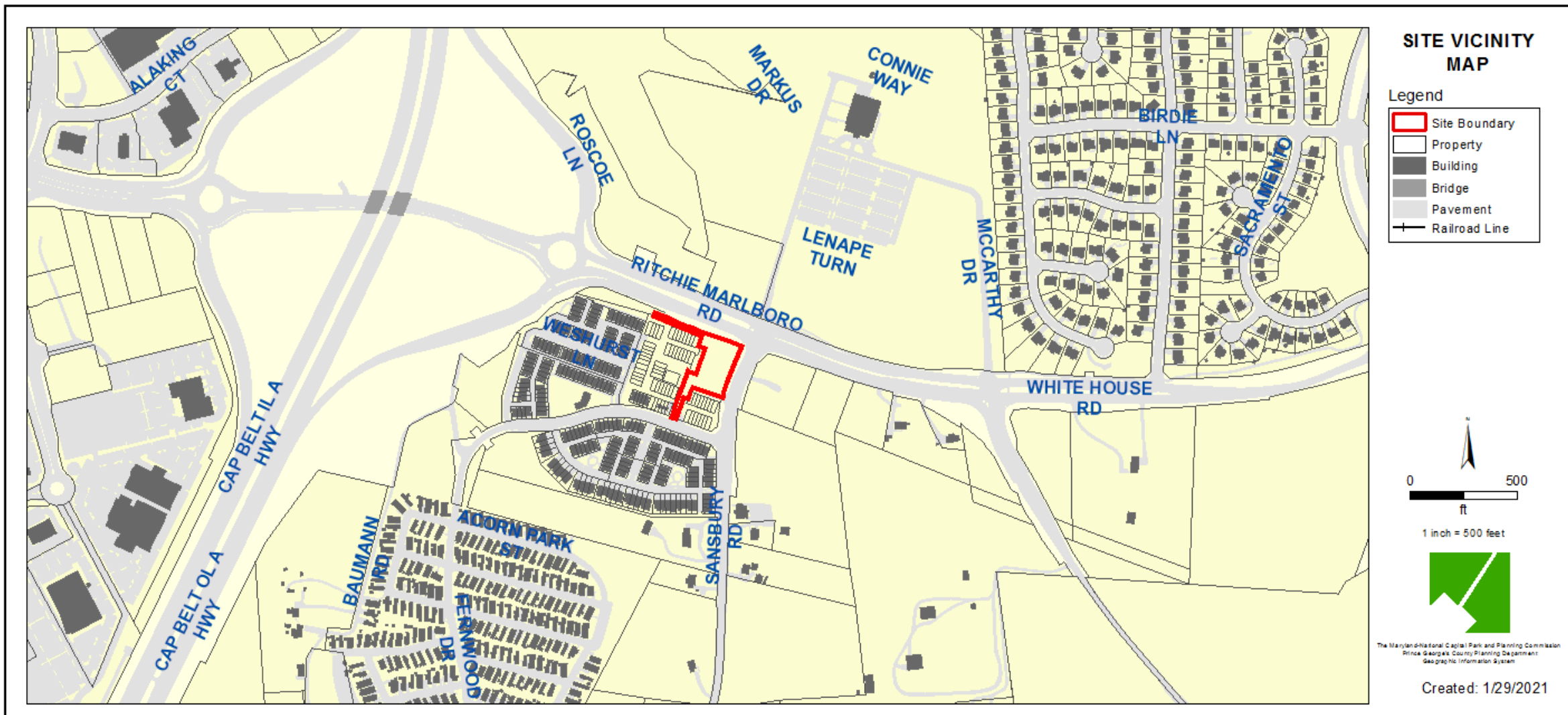
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



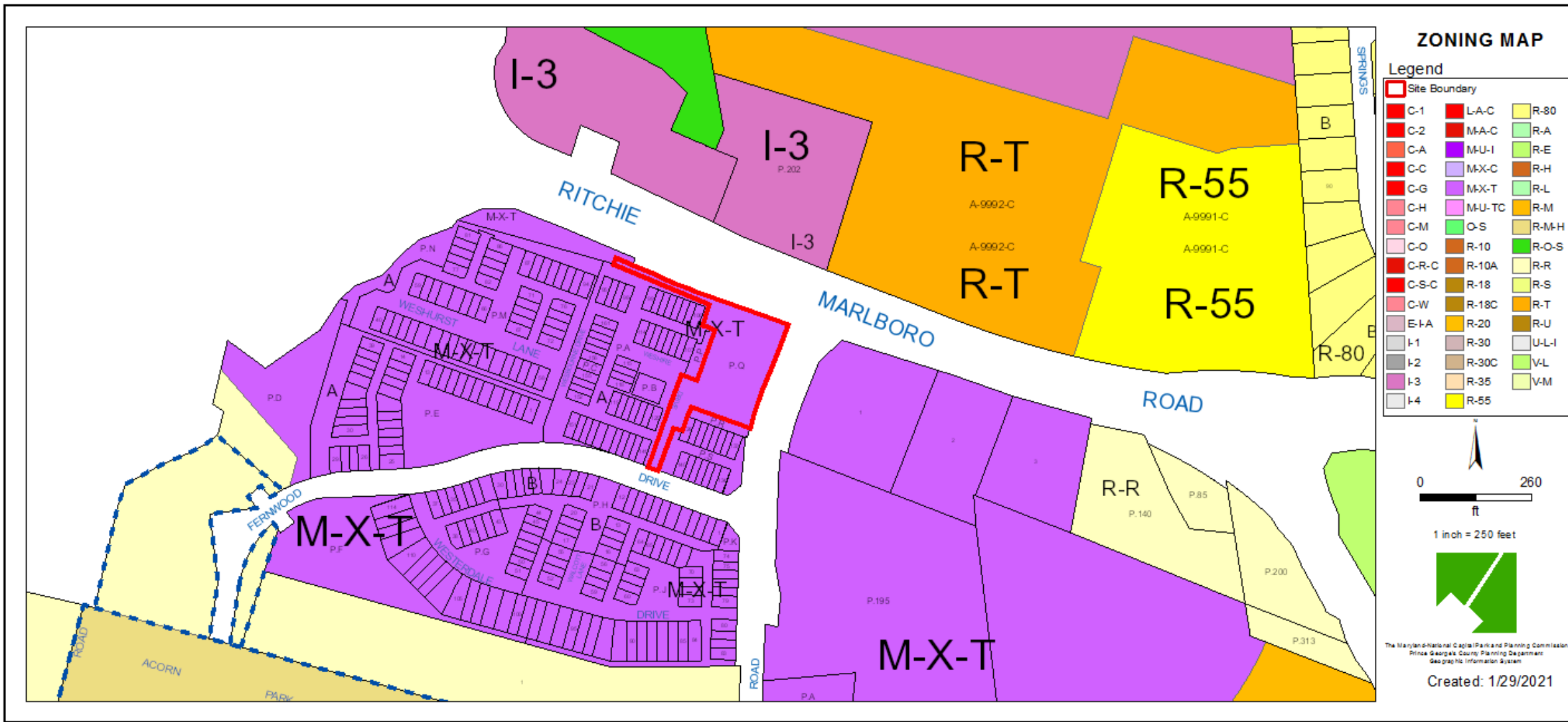
GENERAL LOCATION MAP



SITE VICINITY



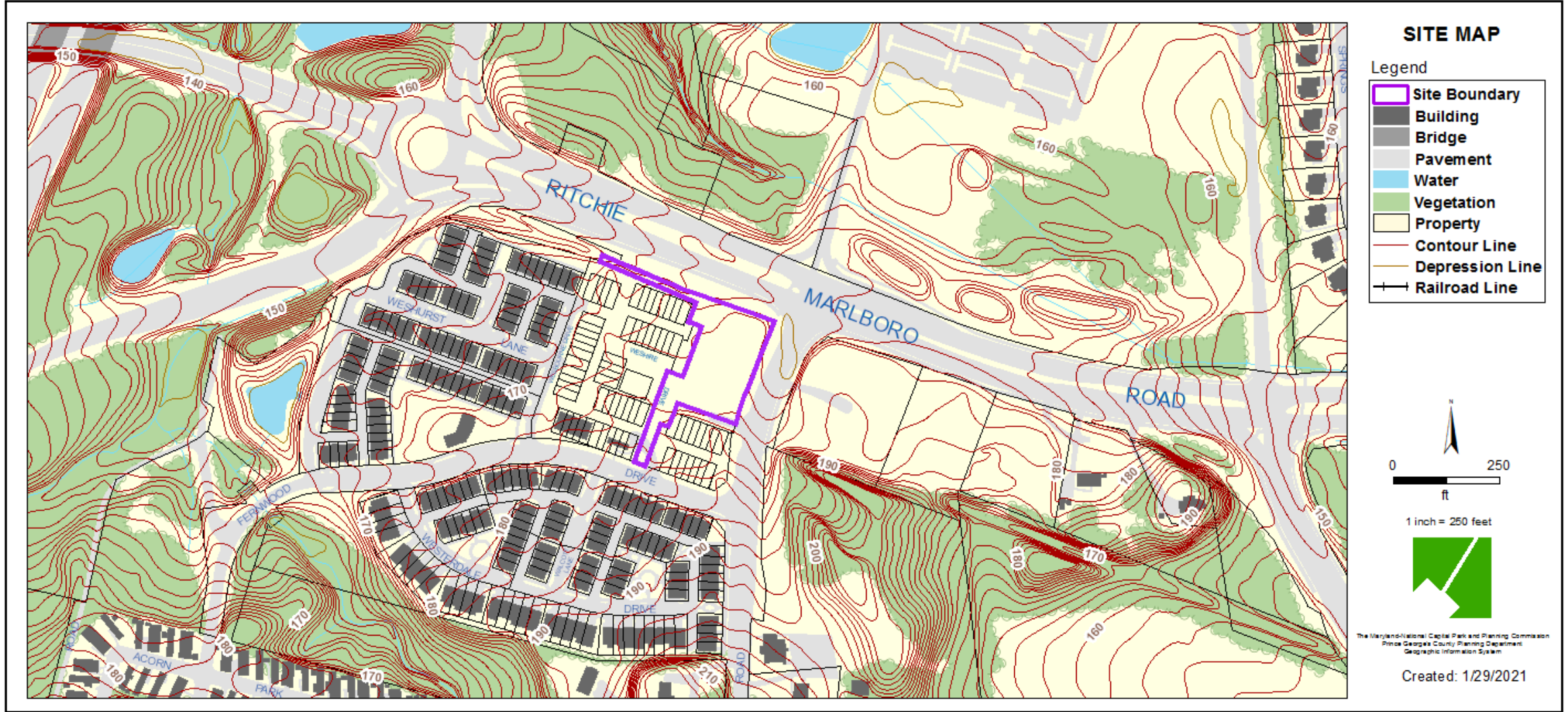
ZONING MAP



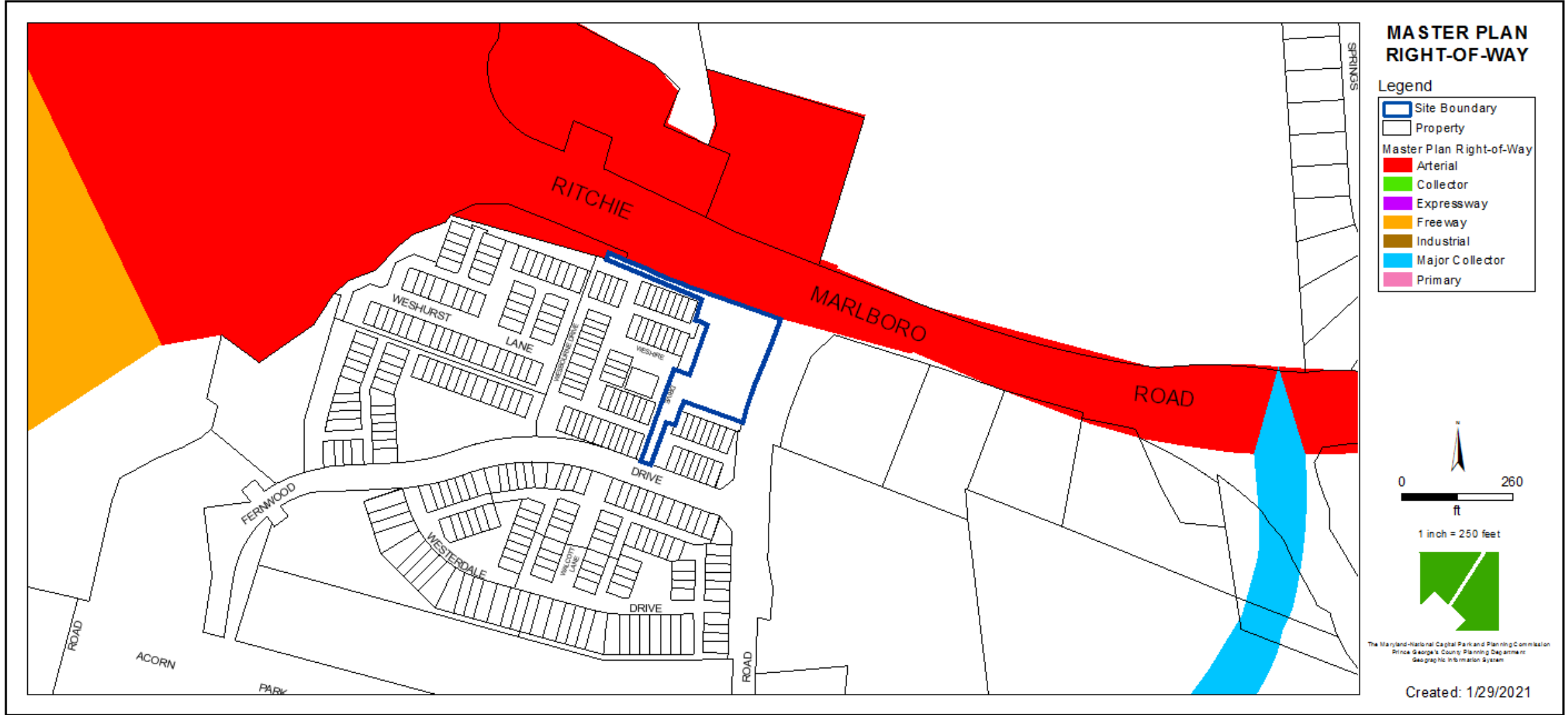
AERIAL MAP



SITE MAP



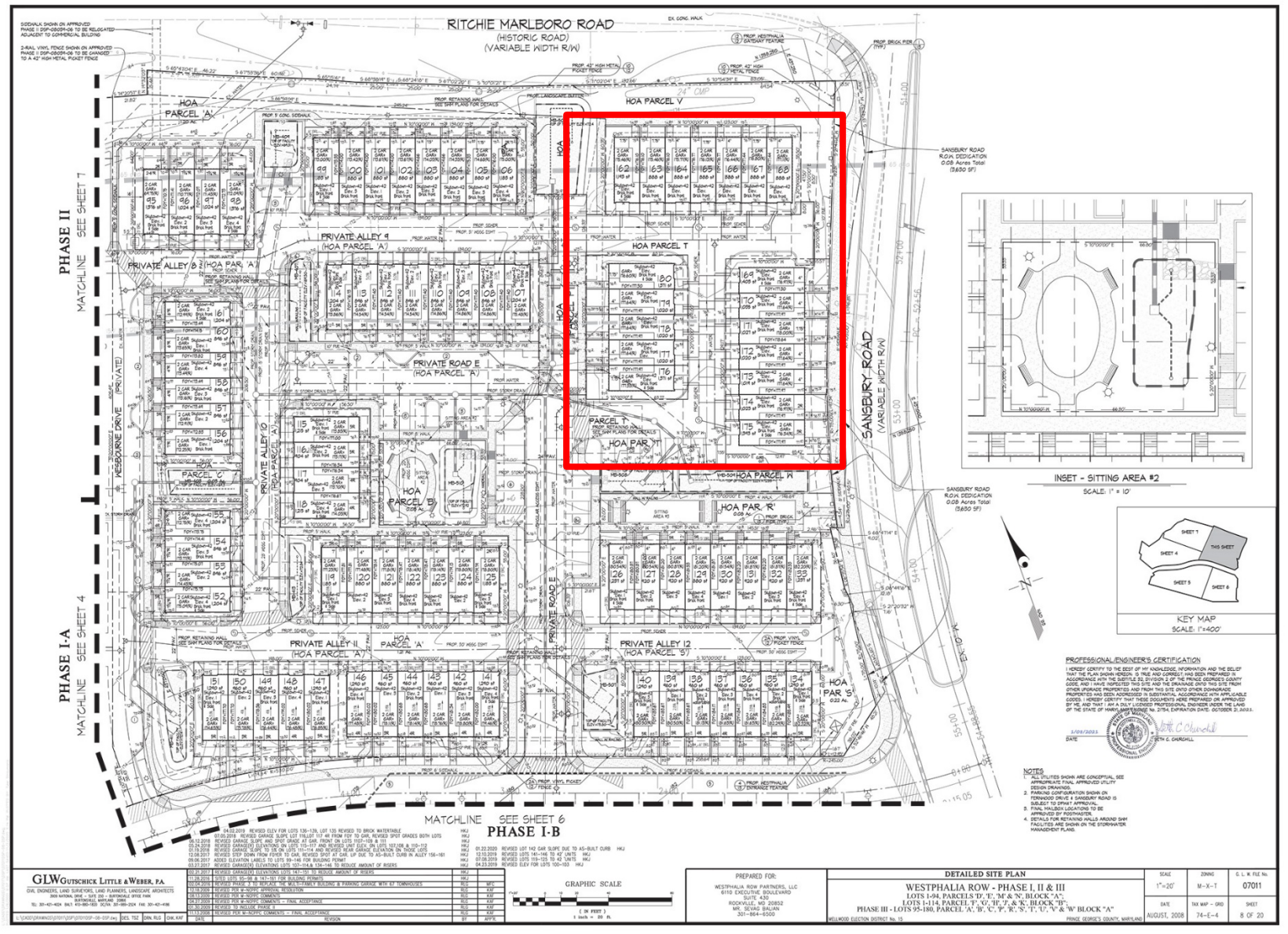
MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW



SITE PLAN



RENDERED SITE PLAN



WESTPHALIA ROW
 PHASE 3 DSP 08039-10

WESTPHALIA ROW PARTNERS, LLC
 100 WESTPHALIA ROW, SUITE 100
 WESTPHALIA, OHIO 43081
 614-885-1100
 10-2021-000



ELEVATIONS



REAR ELEVATION



lessard
DESIGN
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CONCEPTUAL STREETSCAPE

16' WIDE TOWNHOMES

WESTPHALIA TOWNHOMES
PRINCE GEORGE'S COUNTY, MD
HAVERFORD HOMES

03/31/16

SCALE: 1/8" = 1'

A1



CLUB HOUSE



EXISTING TOWNHOUSES



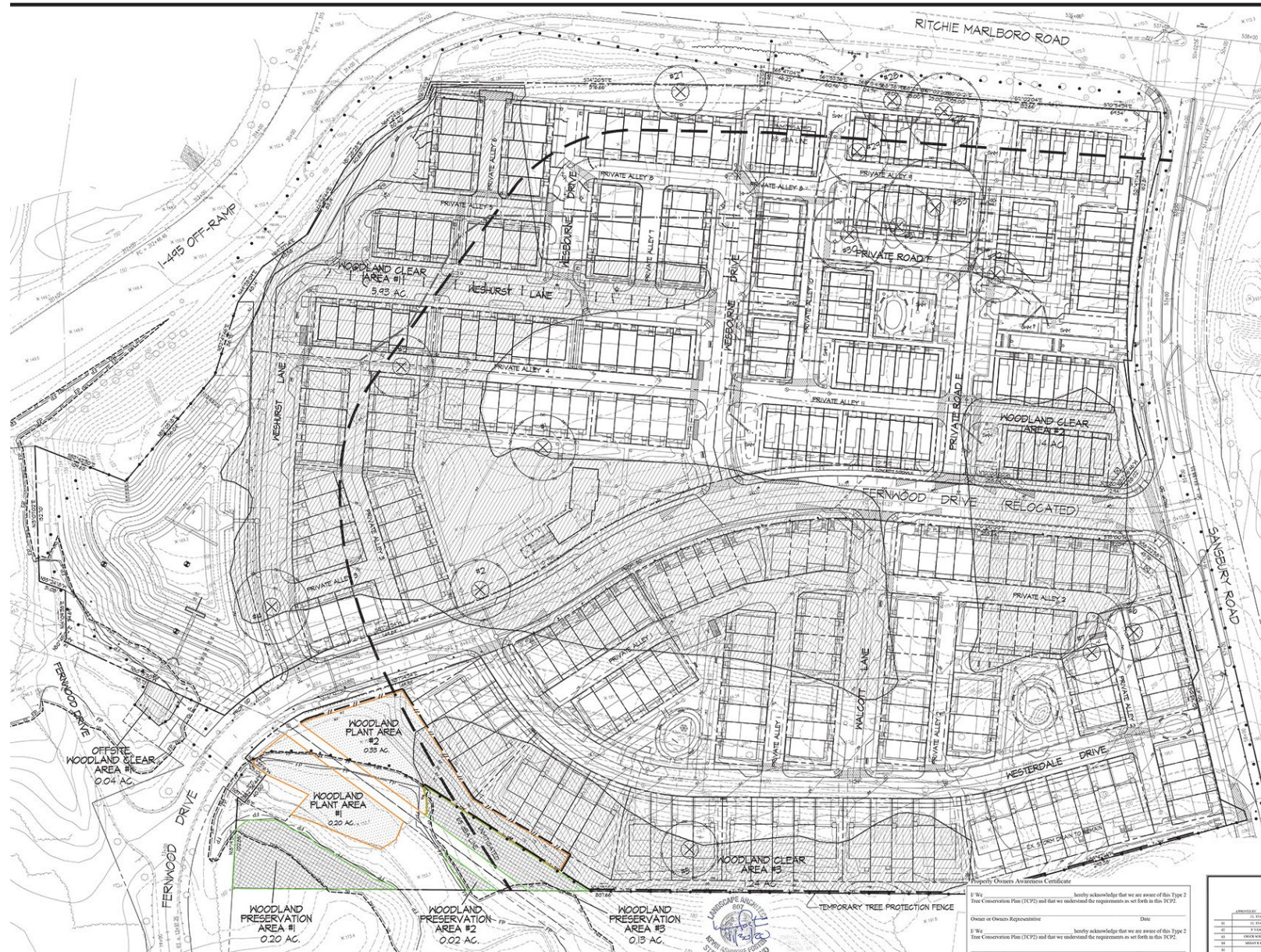
EXISTING TOWNHOUSES

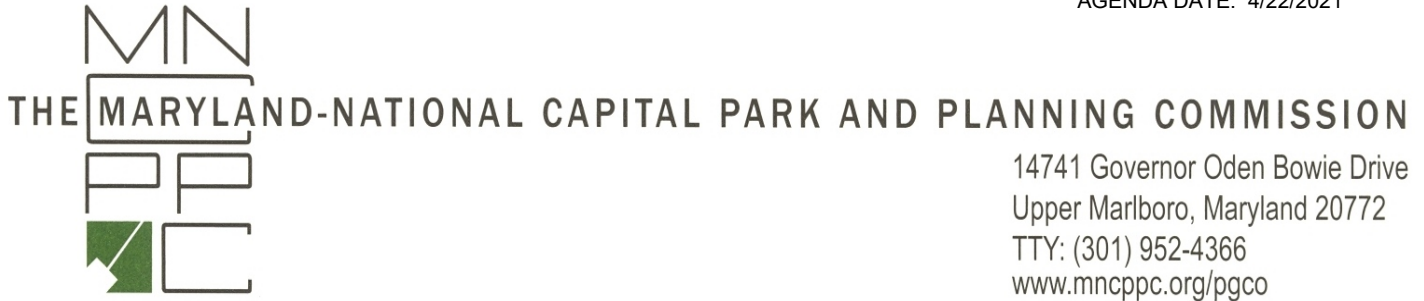


EXISTING SIGN



TYPE II TREE CONSERVATION PLAN





Countywide Planning Division
Historic Preservation Section

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

301-952-3680

February 12, 2021

MEMORANDUM

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

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

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division **JRS**
Tyler Smith, Historic Preservation Section, Countywide Planning Division **TAS**

SUBJECT: CSP-07001-03 and DSP-08039-10 Westphalia Row

The subject property comprises 20.67-acres and is located on the southwest corner at the intersection of Ritchie Marlboro road and Sansbury Road. The subject CSP application proposes removing 10,000 square feet of retail/office use in Phase III to be replaced with 19 townhouses. The subject DSP application proposes the development of the 19 townhouses in Phase III of the Westphalia Row development. The subject property is Zoned M-X-T.

A Phase I archeological survey was completed on the Westphalia Row property in August 2007. Four copies of the final report, *Phase I Archeological Survey Report: The Westphalia Row Property in Prince George's County, Maryland, Plan #CSP-07001*, were received and approved by Historic Preservation staff on December 6, 2007. No archeological sites were identified in the survey. Four dwellings were located on the property, one built around 1935 and the other three built in the 1950s. None of these buildings were considered eligible for inclusion in the National Register of Historic Places. Due to the lack of archeological sites and the lack of significance of the buildings on the property, no further archeological work was recommended. Staff concurs that no further archeological work is necessary on the Westphalia Row property.

The subject property does not contain and is not adjacent to any Prince George's County Historic Sites or resources. This proposal will not impact any historic sites, historic resources or known archeological sites. Historic Preservation staff recommend approval of CSP-07001-03 and DSP-08039-10 Westphalia Row with no conditions.

March 8, 2021

MEMORANDUM

TO: Henry Zhang, Master Planner, Urban Design Development Review Division
VIA: David A. Green, MBA, Master Planner, Community Planning Division
FROM: Adele Gravitz, ASLA Senior Planner, Placemaking Section, Community Planning Division
SUBJECT: DSP-08039-10, Westphalia Row

FINDINGS

Pursuant to Part 3, Division 9, Subdivision 3 of the Zoning Ordinance, Master Plan conformance is not required for this application.

BACKGROUND

Application Type: Detailed Site Plan for property outside of an overlay zone.

Application Type: DSP-08039-10, WESTPHALIA ROW

Location: 1601 Sansbury Road, Upper Marlboro, MD 20772

Size: 20.67 acres

Existing Use: vacant

Proposal: Replace 10,000 SF of retail building with 19 townhouses

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan:

This application is in the Established Communities. The vision for the Established Communities is to create the most appropriate for context-sensitive infill and low-to medium density development (Pg. 20).

Master Plan:

The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* recommends Medium Density Residential, and Activity Center uses on the subject property.

DSP-08039-10, WESTPHALIA ROW

The property is located at the intersection of Ritchie Marlboro and Sansbury Road and is considered a Mixed-Use Activity Center (Policy 4, p. 29) and is one of ten designated Gateways (Policy 7 p 32) in the sector plan.

Planning Area 78

Community: Westphalia

Aviation/MIOZ: This application is not located within the Military Installation Overlay Zone.

SMA/Zoning: The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* changed the zoning of the subject property from R-R (Rural) and R-A (Rural agriculture) to MXT (Mixed Use Transportation Oriented)

ADDITIONAL INFORMATION

No additional information

c: Long-range Agenda Notebook

Adam Dodgshon, Supervisor, Placemaking Section, Community Planning Division



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
 Upper Marlboro, Maryland 20772
 TTY: (301) 952-4366
 www.mncppc.org/pgco

Countywide Planning Division
 Transportation Planning Section


301-952-3680

March 19, 2021

MEMORANDUM

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

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

FROM:  Glen Burton, Transportation Section, Countywide Planning Division

SUBJECT: DSP-08039-10, Westphalia Row

Proposal

The applicant is seeking a detailed site plan (DSP) approval for the purpose of developing a residential development consisting of 19 townhomes.

Background

The 20.67-acre, M-X-T zoned property and is located within the southwest quadrant of the Ritchie-Marlboro Road and Sansbury Road intersection, east of the Capital Beltway (I-495). The site has been the subject of multiple applications and approvals, including a preliminary plan of subdivision (PPS) on January 10, 2008. Pursuant to the provision of Planning Board Resolution 08-07, the PPS (4-07038) was approved with a number of transportation-related conditions including the following:

9. **The proposed development shall be limited to a mix of uses where the net new trips shall not exceed 398 AM and 471 PM peak-hour trips. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

The applicant has provided staff with information indicating that 275 town home units have been built to date. The Table below provides an overview of past and future trip generation and how the trip cap is affected.

Table 1 – Traffic Analysis			
		AM Peak	PM Peak
Trip Cap - PGCPB No. 08-07	Residential + Office	398	471
<i>Total built to-date</i>	<i>275 Residential Units</i>	<i>-193</i>	<i>-220</i>
Remaining trip cap		205	251
<i>Pending CSP, DSP, PPS</i>	<i>19 Residential Units</i>	<i>-13</i>	<i>-15</i>
Remaining Trip Cap		192	236

The results from Table 1 show that the 19 residential units being proposed will not exceed the existing trip cap.

Site Access and Circulation

The site plan for the proposed development shows a street/alley layout that will integrate seamlessly with the road network of the existing development. Staff has no issues with future circulation of the combined development.

Conclusion

From the standpoint of transportation, it is determined that this plan is acceptable and meets the findings required for a detailed site plan if approved.

March 23, 2021

MEMORANDUM

TO: Henry Zhang, Master Planner, Urban Design Section, DRD

VIA: Megan Reiser, Supervisor, Environmental Planning Section, CWPD *MR*

FROM: Mary Rea, Senior Planner, Environmental Planning Section, CWPD *MAR*

SUBJECT: **Westphalia Row; DSP-08039-10 and TCP2-055-08-05**

The Environmental Planning Section has reviewed the above referenced Detail Site Plan and Type 2 Tree Conservation Plan stamped as received on February 5, 2021. Comments were provided in a Subdivision Development Review Committee meeting on February 19, 2021. The Environmental Planning Section recommends approval of DSP-08039-08 and TCP2-055-08-05 subject to the conditions found at the end of this memorandum.

Background

The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
CSP-07001	TCPI-033-07	District Court	Approved	6/18/12	PGCPB No. 08-06
4-07038	TCPI-033-07	Planning Board	Approved	1/10/08	PGCPB No. 08-07
DSP-08024	TCPII-055-08	Planning Board	Approved	11/6/08	PGCPB No. 96-375
4-13026	TCP1-033-07-01	Planning Board	Approved	7/17/14	PGCPB No. 14-68
DSP-08039	TCPII-055-08-01	Planning Board	Approved	3/05/09	PGCPB No. 09-44
DSP-08039-01	TCPII-055-08-01	Planning Board	Approved	9/10/09	PGCPB No. 09-131
DSP-08039-02	TCPII-055-08-02	Planning Director	Approved	11/18/10	N/A
DSP-08039-03	TCPII-055-08-02	Planning Director	Approved	2/09/11	N/A

DSP-08039-04	TCPII-055-08-02	Planning Director	Approved	2/29/12	N/A
DSP-08039-05	TCPII-055-08-02	Planning Director	Approved	12/17/12	N/A
DSP-08039-06	TCPII-055-08-03	Planning Board	Approved	7/17/14	PGCPB No. 14-69
AC-14009	N/A	Planning Director	Approved	6/30/14	N/A
CSP-07001-01	TCP1-033-07-02	Planning Board	Approved	6/5/14	14-51
CSP-07001-02	TCP1-033-07-02	Planning Board	Approved	1/7/16	16-02
4-15021	TCP1-033-07-03	Planning Board	Approved	1/7/16	16-03
DSP-08039-08	TCP2-055-08-04	Planning Board	Approved	5/12/16	16-62
CSP-07001-03	TCP1-033-07-04	Planning Board	Pending	Pending	Pending
4-20024	TCP1-033-07-05	Planning Board	Pending	Pending	Pending
DSP-08039-10	TCP2-55-08-05	Planning Board	Pending	Pending	Pending

Proposed Activity

The current application is a detail site plan and revised TCP2 to change the approved commercial area to 19 townhomes in the M-X-T Zone.

Grandfathering

The project is subject to the current regulations of Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012, because it is subject to a new preliminary plan that is pending approval.

Site Description

The overall Westphalia Row site is a 22.44-acre site in the M-X-T zone which is located on the east side of the Capital Beltway (I-495/95) and on the southwestern corner of the Ritchie Marlboro Road and Sansbury Road intersection. The subject DSP application is for 1.23 acres of the overall site. A review of the available information indicates that streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the overall property. The overall site is adjacent to the Capital Beltway, which is a source of traffic-generated noise. The soils found to occur on this overall site according to the Prince George’s County Soil Survey are in the Collington-Wist complex, Downer-Hammonton complex, Marr-Dodon complex, Potabac-Issue complex and the Westphalia and Dodon soil series. According to available information, Marlboro clay does not occur on this property. According to information obtained

from the Maryland Department of Natural Resources Natural Heritage Program (DNR NHP), there are no Rare, Threatened, or Endangered (RTE) species found to occur on or adjacent to this property. Ritchie-Marlboro Road is a designated historic road in the vicinity of this property which is located in the Southwest Branch watershed of the Patuxent River basin. The site is located within the Established Communities Area of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

Review of 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. The plain text provides the comments on the plan's conformance with the conditions. No environmental conditions of the original CSP-07001, the 01 or 02 revision apply to the current application.

Recommended conditions with PPS 4-20024

- 1. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-033-07-05). The following note shall be placed on the Final Plat of Subdivision:**

"This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-033-07-05 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Planning Department."

This condition will be met at the time of final plat.

- 2. Prior to signature approval of the preliminary plan, an approved Site Development Concept shall be submitted. The limits of disturbance shall be consistent between the stormwater concept and TCP1 plans.**

The Department of Permitting, Inspections and Enforcement (DPIE) is currently reviewing Site Development Concept #36373-2006-05 which reflects the development change.

Environmental Review

Natural Resource Inventory

A signed Natural Resources Inventory (NRI-114-06-04) was submitted with the application, which updated the area of focus for this DPS. The complete NRI for the site was approved under

NRI-114-06-01. The overall site contains sensitive environmental features such as streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils. Regulated Environmental Features (REF) are not located within the area of focus for this DSP. No revisions are required for conformance with the NRI.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance (WCO) because the gross tract area exceeds 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. Currently, this site has an approved TCP1 (TCP1 033-07-03) and TCP2 (TCP2-05-08-04). The submitted DSP application includes a revised TCP2 which is subject to the current regulations because a new Preliminary Plan of Subdivision is pending approval.

This overall 22.44-acre property contains a total of 8.74 acres of woodland outside the floodplain according to the NRI. The woodland conservation threshold is 3.01 acres. The subject site proposes to clear an additional 8.31 acres of the existing 8.74 acres. The cumulative woodland conservation requirement is 7.07 acres. The TCP2 proposes to meet the subject site's portion of the overall requirement with 0.35 acres of woodland preservation, 0.53 acres of reforestation/afforestation, and 6.19 acres of off-site woodland conservation. Through other permitting activities at the subject site, the overall site has complied with the required bonding of on-site planting and purchasing of off-site woodland credits. No additional clearing is proposed as part of this submission.

Specimen Trees

In accordance with approved NRI-114-06-04; no specimen, champion, or historic trees have been identified on the subject property. No further information is required regarding specimen, champion, or historic trees.

Preservation of Regulated Environmental Features (REF)/Primary Management Area (PMA)

The site in the DSP does not contain Regulated Environmental Features (REF). No review of impacts to REF is necessary and no conservation easements are required for this site.

Scenic and Historic Roads

Ritchie-Marlboro Road is designated as a historic road in the *Approved Countywide Master Plan of Transportation* (November 2009), and has the functional classification of arterial. The *Master Plan of Transportation* (MPOT) includes a section on Special Roadways, which includes designated scenic and historic roads, and provides specific policies and strategies which are applicable to this roadway, including to conserve and enhance the viewsheds along designated roadways. Any improvements within the right-of-way of an historic road are subject to approval by the County under the Design Guidelines and Standards for Scenic and Historic Roads.

The Prince George's County Landscape Manual addresses the requirements regarding buffers on scenic and historic roads. These provisions will be evaluated at the time of the review of the

detailed site plan. Adjacent to a historic road, the Landscape Manual requires a Section 4.6 landscape buffer (Buffering Development from Special Roadways) based on the development tier (now ESA 2). In ESA2, the required buffer along a historic road is a minimum of 20 feet wide to be planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings. Landscaping is a cost-effective treatment which provides a significant visual enhancement to the appearance of a historic road.

The Special Roadway buffer must be located outside of the right-of-way and public utility easements, and preferably by the retention of existing good quality woodlands, when possible.

Soils

The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Collington-Wist complex, Downer-Hammonton complex, Marr-Dodon complex, Potabac-Issue complex and the Westphalia and Dodon soil series. According to available information, neither Marlboro clay nor Christiana complex soils occur on this property

No further action is needed as it relates to this application. A soils report may be required by the Prince George's County Department of Permits, Inspections and Enforcement (DPIE) at time of permit.

Stormwater Management

The site has a Site Development Concept approval letter (36373-2006-04) which will expire on December 21, 2021. However, this concept does not show the change in development. The Department of Permitting, Inspections and Enforcement (DPIE) is currently reviewing Site Development Concept #36373-2006-05 which reflects the development change.

Conformance with the provisions of the County Code and state regulations with regards to the stormwater management (SWM) will be reviewed by DPIE and reflected on an approved concept plan. The applicant must submit an approved stormwater concept prior to signature approval of the DSP and the Limits of Disturbance (LOD) on the concept and TCP2 must match.

Summary of Recommended Findings and Conditions

The Environmental Planning Section recommends approval of DSP-08039-10 and TCP2-55-08-05 subject to the following recommended findings and conditions:

Recommended Findings:

1. No Regulated Environmental Features (REF) are located on the subject site.
2. No specimen trees are located on the subject site.

Summary of Recommended Conditions

Westphalia Row; DSP-08039-10 and TCP2-55-08-05
March 23, 2021
Page 6

The Environmental Planning Section recommends approval of DSP-08039-10 and TCP2-055-08-05 subject to the following conditions:

Recommended Condition:

1. Prior to certification of the detail site plan (DSP), a copy of the revised approved Site Development Concept plan showing the proposed residential development shall be submitted and the facilities shall be correctly reflected on the DSP and the Type 2 tree conservation plan.

If you have any questions concerning these comments, please contact me at 301-952-3650 or by e-mail at mary.rea@ppd.mncppc.org.

March 18, 2021

MEMORANDUM

TO: Henry Zhang, Master Planner, Urban Design Section
VIA: Mridula Gupta, Planner Coordinator, Subdivision Section *MG*
FROM: Kayla DiCristina, Senior Planner, Subdivision Section *KD*
SUBJECT: DSP-08039-10; Westphalia Row

The subject property considered in this amendment to a Detailed Site Plan (DSP-08039-10) is known as Parcel Q, Block A of Westphalia Row, and is located on Tax Map 74 in Grid E4. Parcel Q is part of Phase III of a larger multi-phase development known as Westphalia Row. The total area of Westphalia Row is 20.67 acres and Parcel Q consists of 1.23 acres in the northeastern corner of the development at the intersection of Ritchie Marlboro Road and Sansbury Road. The entire development, including the subject property, is within the Mixed Use-Transportation Oriented (M-X-T) Zone and the area of the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment. DSP-08039-10 was submitted concurrently with a new Preliminary Plan of Subdivision (PPS 4-20024) and an amendment to a Conceptual Site Plan (CSP-07001-03) for the subject property for the purpose of amending the proposed land use on Parcel Q from commercial to residential.

Parcel Q is recorded among the Land Records of Prince George's County in Plat Book SJH 245 page 98 dated October 28, 2016. The bearings and distances shown for the property boundary on DSP-08039-10 are in conformance with the record plat.

DSP-08039 was originally approved for 153 single-family attached townhouses as a part of Phase I of Westphalia Row by the Prince George's County Planning Board on March 5, 2009 (PGCPB Resolution No. 09-44). DSP-08039 has undergone eight amendments since its initial approval as phased development took place including revisions to add dwelling units, change architectural drawings, modify residential unit types, and amend the square footage of commercial development throughout the overall Westphalia Row site. The DSP-08039-01 approval added 96 triplex units. DSP revisions '-02' to '-05' were approved at the Planning Director level for the addition and modification of unit types.

On June 5, 2014, the Planning Board approved a revision to the Conceptual Site Plan, CSP-07001-01 to replace the previously approved triplex units in the northwest corner of the site with townhouses for Phase II. Subsequently, PPS 4-13026 and DSP-08039-06 were also approved by the Planning Board to reflect the same plan revision.

On January 7, 2016, the Planning Board approved CSP 07001-02, to replace the previously approved 250 multifamily units and 57,600 square feet of commercial uses with 67 fee-simple, rear-loaded townhouses and 10,000 square feet of commercial uses for Phase III. Subsequently, PPS 4-15021 was also approved by the Planning Board to reflect the same plan revision. DSP-08039-08 amendment was approved with 10,000 square-foot commercial use on the subject property. DSP revision '-09' was approved at the Planning Director level for the addition of model types.

Most of the residential development consisting of single-family attached townhomes has been constructed, but the commercial development, which was approved on the subject property, has not been completed. DSP-08039-10 has been submitted for the revision of the proposed development on the subject property to replace the previously approved commercial use with residential uses. This application proposes 19 townhouses which are designed to complement the existing surrounding townhouse development. The adjoining public roads have been improved under previous approvals for Westphalia Row and no additional public right-of-way dedication is required for the proposed development.

PPS 4-15021, which was approved by the Planning Board on January 7, 2016 (PGCPB Resolution No. 16-03) is applicable to the subject property and shows the site as one parcel for commercial development. A new PPS (PPS 4-20024) was submitted concurrently with DSP-08039-10 to subdivide the property into 19 lots for townhouse development in accordance with Section 24-107(a) of the Subdivision Regulations. Several variations to the Subdivision Regulations are requested with PPS 4-20024 for the proposed development. These include variations to Section 24-121(a)(4) for the 150-foot minimum lot depth requirement for the residential lots adjacent to an arterial road; Section 24-128(b)(7)(A) which requires lots with alleys to have frontage on and pedestrian access to a public street; and Section 24-122(a) which requires a public utility easement adjoining a public right-of-way. Upon approval, PPS 4-20024 will supersede PPS 4-15021 for the subject property. PPS 4-20024 is tentatively scheduled to be heard by the Planning Board on April 15, 2021. All the related conditions of PPS 4-20024, once approved, will be applicable to this site.

Plan Comments

1. Any modifications to CSP-07001-03 and PPS 4-20024, required by their respective approvals and which affect the DSP, should be reflected on DSP-08039-10.
2. Section 24-121(a)(4) of the Subdivision Regulations states that when residential lots are proposed adjacent to an existing or planned roadway of arterial or higher classification, the applicant must demonstrate adequate protection and screening from traffic nuisance. The subject property is located adjacent to Ritchie Marlboro Road which is classified as an arterial roadway. Staff notes that a noise study has been submitted with the PPS 4-20024 review. The noise study provides a list of lots which will require engineered building envelopes to reduce interior noise levels to 45 dBA Ldn or less. The existing General Note 24 on the DSP coversheet should be revised to reflect the additional lots created under PPS 4-20024 which will need this acoustical design.
3. Per Section 27-270 of the Zoning Ordinance, DSP-08039-10 cannot be approved prior to the approval of PPS 4-20024. At the time of this referral, the PPS is scheduled to be heard by the Planning Board one week prior to this DSP Amendment.

Recommended Conditions

1. Prior to certification, the Detailed Site Plan shall be revised to address the following:
 - a. Under the Site Data section on sheet 1, revise “Proposed Use/Development Type” to reflect change of use in Phase III to only “Single-Family Residential – Townhomes”.
 - b. Revise General Note 20 to note PPS 4-13026 and its approval date.
 - c. Revise General Note 24 to include Lots 162-168, 169-175, and 180 being subject to certification by a professional engineer with competency in acoustical analysis, prior to the approval of any residential building permits.
 - d. Add a label along Ritchie Marlboro Road that vehicular access is denied.
 - e. Clearly label and depict the required 10-foot-wide public utility easement along the west side of Private Road E.
 - g. Correct the label for the area of right-of-way dedication along Sansbury Road to state 3,642 square-feet instead of 3,630 square-feet in accordance with the record plat.

The referral is provided for the purposes of determining conformance with any pending subdivision approvals for the subject property and Subtitle 24. This DSP has been found to be in substantial conformance with the pending preliminary plan of subdivision and recommended conditions. All bearings and distances must be clearly shown on the DSP and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: March 22, 2021

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

VIA: Sonja Ewing, Assistant Division Chief
Park Planning and Development Division
Department of Parks and Recreation

FROM: Tom Burke, Planner Coordinator
Land Acquisition/Management & Development Review Section
Park Planning and Development Division
Department of Parks and Recreation

SUBJECT: **DSP-08039-10**
Westphalia Row

The Department of Parks and Recreation (DPR) has reviewed and evaluated this detailed site plan (DSP) amendment for conformance with the requirements as they pertain to public parks and recreational facilities.

PROPOSAL

This application is for the development of 19 townhomes and associated infrastructure, replacing 10,000 square feet of retail space, approved with previous applications.

BACKGROUND:

The subject property is 1.23-acres and will be incorporated into the surrounding 19.44-acre townhouse community, within the Mixed Use - Transportation Oriented (M-X-T) Zone. The site is located on the southwest corner of Richie Marlboro Road and Sansbury Road, in Upper Marlboro and is subject to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, the 2017 *Land Preservation, Parks and Recreation Plan for Prince George's County*, and *Formula 2040, Functional Master Plan for Parks, Recreation and Open Space*. This property is currently unimproved.

March 22, 2021

DISCUSSION:

The applicant received approval from the Prince George's County Planning Board for preliminary plan of subdivision (PPS), 4-15021, and detailed site plan, DSP-08039-08, on January 7, 2016 and May 12, 2016, respectively, for the development of a 10,000 square foot retail building. The applicant has provided this current application for the development of 19 townhomes to replace the retail building. The property was previously exempted from the mandatory parkland dedication because it was a commercial use; however, for the surrounding residential townhomes, on-site recreational facilities were provided. With the development of the 19 townhomes, this site is now subject to mandatory parkland dedication. At the time of PPS 4-20024, DPR concurred with the applicant's proposal to annex the proposed units into the existing Westphalia homeowners association for access to the existing on-site recreational facilities. A cost estimate calculation report was provided with the PPS demonstrating that the value of the recreational facilities provided, including a community building, a gazebo, a trellis, 39 benches, and a play structure with swings exceeds the requirement for the 806 projected residents of the overall community. The details of the on-site recreational facilities provided with this application will be evaluated by the Urban Design Section of the Prince George's Planning Department.

RECOMMENDATION:

The Park Planning & Development Division of DPR recommends to the Planning Board approval of Detailed Site Plan amendment DSP-08039-10 for Westphalia Row.

C: Bridget Stesney
 Alvin McNeal



Division of Environmental Health/Disease Control

Date: February 16, 2021

To: Henry Zhang, Urban Design, M-NCPPC

From: Adebola Adepoju, Environmental Health Specialist, Environmental Engineering/ Policy Program

Re: CSP-07001-03 and DSP-08039-10, Westphalia Row

The Environmental Engineering / Policy Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the detailed site plan submission for Westphalia Row located off of Richie Marlboro Road and has the following comments/recommendations:

1. There are approximately 10 existing carry-out/convenience stores food facilities and no grocery store/markets within a ½ mile radius of this site. A 2008 report by the UCLA Center for Health Policy Research found that the presence of a supermarket in a neighborhood predicts higher fruit and vegetable consumption and a reduced prevalence of overweight and obesity. The department acknowledges that Royal Farms chain facilities are designed as convenient stores; however, they do provide healthy food options such as an assortment of fresh fruits and vegetables for retail sale.
2. Research shows that access to public transportation can have major health benefits as it contributes to good connectedness and walkability. Provide specific information related to this development project of the available and/or proposed means of connecting to neighboring communities through public transportation.
3. During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.



Environmental Engineering/Policy Program
Largo Government Center
9201 Basil Court, Suite 318, Largo, MD 20774
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711
www.princegeorgescountymd.gov/health



Division of Environmental Health/Disease Control

4. During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

If you have any questions or need additional information, please contact me at 301-883-7677 or aoadepoju@co.pg.md.us.



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Angela D. Alsbrooks
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Site/Road Plan Review Division



MEMORANDUM

March 26, 2021

TO: Henry Zhang, Urban Design Section
Development Review Division, M-NCPPC

FROM: Mary C. Giles, P.E., Associate Director *Mary Giles*
Site/Road Plan Review Division, DPIE

Re: Westphalia Row
Detailed Site Plan, DSP-08039-10

CR: Ritchie Marlboro Road
CR: Sansbury Road
CR: Fernwood Drive

This memorandum supersedes our previous memorandum dated February 18, 2021.

In response to the proposed Detailed Site Plan, DSP-08039-10, referral for replacing the previously proposed retail/office infrastructure with the proposed Phase III townhomes with associated infrastructure, the Department of Permitting, Inspections, and Enforcement (DPIE) offers the following:

- The property is in Upper Marlboro, MD, on the southwest quadrant of the intersection of Ritchie Marlboro Road and Sansbury Road.
- Ritchie Marlboro Road is a State-maintained roadway to the north of the subject property with varying right-of-way width and Master Plan Road Classification A-36. The applicant shall coordinate right-of-way dedications and roadway/frontage improvements with the Maryland State Highway Administration (MSHA) as determined necessary. This work shall be permitted prior to the issuance of a fine grading permit.
- Sansbury Road is a County-maintained urban collector roadway to the east of the subject property with a varying right-of-way width. The applicant shall provide right-of-way dedications and roadway/frontage improvements as required in accordance to the Department of Public Works and Transportation (DPW&T) Urban Major Collector Road standard (Std. 100.02). This work shall be permitted prior to or concurrent with issuance of a fine grading permit.

9400 Peppercorn Place, Suite 230, Largo, Maryland 20774
Phone: 301.636.2060 ♦ <http://dpi.e.mypgc.us> ♦ FAX: 301.925.8510

- Fernwood Drive is a County-maintained urban primary residential roadway to the south of the subject property with a 60' right-of-way width. The applicant shall provide right-of-way dedications and roadway/frontage improvements as required in accordance to the Department of Public Works and Transportation (DPW&T) Urban Primary Residential Road standard (Std. 100.06). This work shall be permitted prior to or concurrent with issuance of a fine grading permit.
- Full-width, 2-inch mill-and-overlay for all existing County, roadway frontages are required.
- Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.
- Compliance with DPW&T's Utility Policy is required. Based upon the plans submitted, proper temporary and final patching and the related mill and overlay in accordance with "DPW&T Policy and Specifications for Utility Installation and Maintenance Permits" is required.
- Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance. Any new sidewalk installation is to match existing sidewalks in the area. In addition, sidewalks must always be kept open for pedestrians.
- The internal subdivision streets' centerline radii are to be designed and constructed in accordance with DPW&T's Table I-2 design criteria.
- Private roads to be at least 22' wide, bonded and permitted in accordance with applicable County codes, standards and specifications.
- Maintenance of private streets is not the responsibility of Prince George's County.
- Conformance with DPIE street lighting specifications and standards are required. Adjustments to street lighting, to accommodate the proposed plan improvements, are required in accordance with Section 23-140 of the Prince George's Road Ordinance.
- Trees will be required along County-maintained roadways within the limits of the permit area.
- All improvements within the public right-of-way as dedicated to the County are to be in accordance with the County Road Ordinance, DPW&T's Specifications and Standards and the Americans with Disabilities Act (ADA).

Henry Zhang
March 26, 2021
Page 3

- Provide the approved Site Development Concept Plan and Stormwater Management Approval Letter filed under Case No. 36373-2006-05. The Site Development Concept Plan and Stormwater Management Approval Letter filed under Case No. 36373-2006-04 approved by DPIE, respectively, on December 22, 2015 and December 21, 2018 are inconsistent with the Preliminary Plan filed under Case No. 4-20024. The Preliminary Plan filed under Case No. 4-20024 must be consistent with the approved revised Site Development Concept Plan filed under Case No. 36373-2006-05.
- All stormwater management facilities and drainage systems, including their recreational features and visual amenities (if applicable), are to be designed and constructed in accordance to the standards and specifications set forth by the Department of Permitting, Inspections, and Enforcement (DPIE) and the Department of Public Works and Transportation (DPW&T). Approval of all facilities are required prior to permit issuance.
- All easements are to be approved by DPIE and recorded prior to technical approval.
- A maintenance agreement is to be approved by DPIE and recorded prior to technical approval.
- The proposed development will require a site development permit approved by the Department of Permitting, Inspections and Enforcement (DPIE).
- A soils investigation report which includes subsurface exploration and geotechnical engineering evaluation for all proposed roadways and Marlboro Clay is required.
- The proposed project must obtain an approved floodplain delineation in accordance with DPIE's requirements.
- A floodplain easement is to be dedicated prior to issuance of any permit.

If you have any questions or require additional information, please contact Mr. Mariwan Abdullah, District Engineer for the area, at 301.883.5710.

MA:TJ:AG

cc: Rene' Lord-Attivor, Chief, Traffic Engineering, S/RPRD, DPIE
Mariwan Abdullah, P.E., District Engineer, S/RPRD, DPIE
Salman Babar, CFM, Engineer, S/RPRD, DPIE
MJ Labban, Engineer, S/RPRD, DPIE
Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE
Ted Jeong, E.I.T, Engineer, S/RPRD, DPIE
Westphalia Row Partners, LLC, 6110 Executive Boulevard, Suite 310, Rockville, MD
3909 National Drive, Suite 250, Burtonsville, MD 20866



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Countywide Planning Division
Transportation Planning Section


14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco


301-952-3680

March 19, 2021

MEMORANDUM

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

VIA: Bryan Barnett-Woods, Transportation Planning Section, Countywide Planning Division 

FROM: Noelle Smith, Transportation Planning Section, Countywide Planning Division 

SUBJECT: Detailed Site Plan Review for Pedestrian and Bicycle Transportation Master Plan Compliance

The following detailed site plan was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the 2007 *Approved Westphalia Sector Plan*, and Subtitle 27 to provide the appropriate pedestrian and bicycle transportation recommendations.

Detail Site Plan Number: DSP-08039-10

Development Case Name: Westphalia Row

	<u>Type of Master Plan Bikeway or Trail</u>	
Private R.O.W.	<input type="checkbox"/>	Public Use Trail Easement
County R.O.W.	<input type="checkbox"/>	Nature Trails
SHA R.O.W.	<input type="checkbox"/>	M-NCPPC - Parks
HOA	<input type="checkbox"/>	Bicycle Parking
Sidewalks	<input checked="" type="checkbox"/>	Trail Access
Add'l Connections	<input checked="" type="checkbox"/>	Bikeway Signage

Subject to 24-124.01: No

Bicycle and Pedestrian Impact Statement Scope Meeting Date: n/a

Development Case Background	
Lot Size	1.23 acres
Number of Units (residential)	19 townhomes
Abutting Roadways	Ritchie Marlboro Road, Sansbury Road
Abutting or Nearby Master Plan Roadways	Ritchie Marlboro Road
Abutting or Nearby Master Plan Trails	Side path along Ritchie Marlboro Road(existing), Side Path along Sansbury Road (partially existing)
Proposed Use(s)	Residential
Zoning	M-X-T

Centers and/or Corridors	n/a
Prior Approvals on Subject Site	CSP-07001, 4-15021, DSP-08039
Subject to 24-124.01:	No
Bicycle and Pedestrian Impact Statement Scope Meeting Date	n/a

Development Proposal

The subject application proposes to remove the previously approved 10,00 square feet of commercial retail and replace it with 19 townhomes.

Prior Approvals

The site has a pending conceptual site plan (CSP-07001-03) and preliminary plan (4-20024) that contain pedestrian and bicycle related conditions reflected on the submitted plan sheets. The proposed development is subject to the following prior approvals that include conditions related to bicycle and pedestrian transportation:

CSP-07001:

18. The applicant shall provide an eight-foot-wide side path or wide sidewalk along Sansbury Road, unless modified by DPW&T.
19. The final record plat shall include a note that the applicant, the applicant’s heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of signage for Class III bikeway along Sansbury Road. The contribution shall be made prior to the issuance of first building permit. The applicant shall provide standard sidewalks along both sides of Private Roads A, B, C, D and E. The applicant shall provide standard sidewalks along both sides of relocated Fernwood Drive, unless modified by DPW&T.

Comment: The subject application includes all relevant facilities and fulfills the conditions above.

4-15021

3. In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, the applicant and the applicant’s heirs, successors, and/or assignees shall provide the following:
 - a. Provide a financial contribution of \$210 to Department of Public Works and Transportation for the placement of this signage along Sansbury Road. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.

Comment: The subject application does not alter the condition above.

DSP-08039

5. Provide striped crosswalks across Roads A, B, C and D where they intersect with Fernwood Drive, unless modified by DPW&T.
6. Provide a striped crosswalk across Fernwood Drive at Sansbury Road, unless modified by DPW&T.

Comment: Striped crosswalks are provided throughout the site and fulfill the conditions above.

Review of Proposed On-Site Improvements

The submitted plans include standard sidewalk and continental style crosswalks throughout the

site. All curb ramps have been revised to be ADA accessible. The existing eight-foot-wide trail along Sansbury Road is also shown on the submitted plan.

These improvements support separating pedestrian and vehicular transportation routes within the site, pursuant to Sections 27-283 and 27-274. Staff find that with the proposed improvements, pedestrian, and bicyclist circulation on the site to be safe, efficient, and convenient, pursuant to Section 27-274(c), the relevant design guidelines for pedestrian and bicycle transportation.

Proposed Improvements and conformance with Mixed-Use-Transportation Zoning

The subject site is located within the Mixed-Use-Transportation (M-X-T) Zone. Section 27-546, Site Plans, provides additional requirements for a detailed site plan.

The submitted site plan proposes sidewalk and crosswalks throughout the site depicting a comprehensive pedestrian system. Additional sidewalk connections have been provided connecting the proposed and existing pathways to Sansbury Road and Ritchie Marlboro Road.

Comment: Staff find the pedestrian system to be convenient and comprehensively designed. The provided improvements support separated pedestrian routes and a pedestrian system designed to encourage pedestrian activity.

Review of Connectivity to Adjacent/Nearby Properties

The subject site is adjacent to additional mixed used and residential areas connected via existing side paths along Ritchie Marlboro Road and Sansbury Road. The provided sidewalk connections will enhance the overall pedestrian system and provide convenient pathways from the proposed site to the existing facilities.

Review Master Plan of Transportation (MPOT) Compliance

This development case is subject to 2009 *Approved Countywide Master Plan of Transportation* (MPOT). Two master plan trail facility impacts the subject site, an existing side path along Ritchie Marlboro Road and an existing side path along the property frontage of Sansbury Road. The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling.

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

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Comment: The site is currently developed with eight-foot-wide sidewalk along the property frontage of Ritchie Marlboro and Sansbury Road, which fulfill the intent of the recommended master plan facilities and the Complete Streets Policies above. The subject application proposes alleyways connecting to the additional townhomes; therefore, sidewalk is not required along both sides. However, the proposed sidewalk and crosswalks are provided in convenient locations

allowing for a continuous connection.

Review Area Master Plan Compliance

This development is also subject to the 2007 *Approved Westphalia Sector Plan* which includes the following recommendations for pedestrian and bicyclist facilities (pg.47):

Sidewalks should be provided throughout the Westphalia community except designated scenic rural roads, highways, bikeways, trails, and lanes.

Comment: The subject site is currently developed with side paths along the property frontages to accommodate multimodal users. The proposed sidewalk facilities will enhance the overall system within the Westphalia community.

Recommended Conditions of Approval

Based on the findings presented above, staff conclude that the pedestrian and bicycle access and circulation for this plan is acceptable, consistent with the site design guidelines pursuant to Section 27-274, and 27-546 and meets the findings for pedestrian and bicycle transportation purposes and conforms to the prior development approvals and the 2007 *Approved Westphalia Sector Plan*.

June 7, 2016

Westphalia Row Partners, LLC.
Attn: G. Sevag Balian
6110 Executive Boulevard
Suite 430
Rockville, MD 20852

Re: Notification of Planning Board Action on
Detailed Site Plan – DSP-08039-08
Westphalia Row, Phase III

Dear Applicant:

This is to advise you that on **June 2, 2016** 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 **June 7, 2016** of the Planning Board's decision unless:

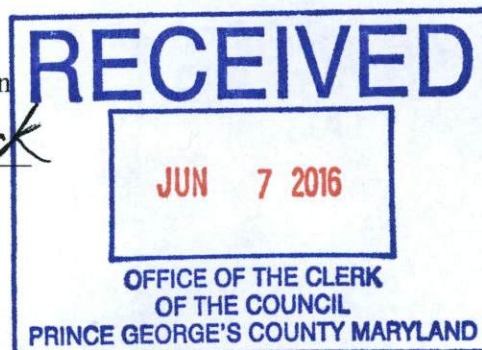
1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land 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. Redis C. Floyd, Clerk of the Council, at the above address.

Very truly yours,
Alan Hirsch, Chief
Development Review Division

By: Jill Kosack
Reviewer



c: Redis C. Floyd, Clerk to the County Council
Persons of Record

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 12, 2016 regarding Detailed Site Plan DSP-08039-08 for Westphalia Row, Phase III, the Planning Board finds:

1. **Request:** This detailed site plan (DSP) is for 67 fee-simple, rear-loaded townhouses and 10,000 square feet of commercial uses. This DSP is a revision to the previously approved DSP for Phase III of the Westphalia Row project that included 250 multifamily units and 57,600 square feet of commercial uses.
2. **Development Data Summary:**

Zone(s) Use(s)	APPROVED PHASE III	APPROVED OVERALL
	M-X-T	M-X-T
	Single-family attached residential	Single-family attached residential
	Commercial/Retail	Commercial/Retail
Acreage	4.51	20.67
Dwelling Units	67	275
Residential Square Footage	124,860	553,996*
Commercial Square Footage	10,000	10,000
Total Square Footage	134,860	563,996

Note: *In addition to the townhouses, a 2,408-square-foot community building has been previously approved within Phase I of the proposal and is included in this residential gross floor area calculation.

Overall Floor Area Ratio (FAR) in the M-X-T Zone

Base Density Allowed	0.40 FAR
Residential	1.00 FAR
Total FAR Permitted:	1.40 FAR*
Total FAR Approved:	0.62 FAR

Note: *Additional density was previously approved in accordance with Section 27-545, Optional method of development, of the Zoning Ordinance.

Phase III Parking Requirements*

Total Residential Parking Spaces Required	151 Spaces
67 Townhouses @ 2.04 spaces each +10% per CSP-07001-02 Condition 8.	
Total Residential Parking Spaces Approved	172 Spaces
Garage Spaces (1 compact and 1 standard per Private On-street Spaces (1 handicapped space) Public On-street Spaces	134 spaces 28 spaces 10 spaces
Total Commercial Parking Spaces Required	55 Spaces
Commercial Trade (General Retail Services) 3,000 GFA @ 1 space per 150 GFA 3,000 +GFA @ 1 space per 200 GFA	20 spaces 35 spaces
Total Commercial Parking Spaces Approved	58 Spaces
Regular Spaces (9.5 ft. x 19 ft.) Compact Spaces (8 ft. x 16.5 ft.) Handicapped Spaces (8 ft. x 19 ft.; 1 van-	38 spaces 17 spaces 3 spaces
Loading Spaces Required	1 space
Loading Spaces Approved	1 space

Note: * The number of parking and loading spaces for developments in the M-X-T Zone are to be calculated by the applicant and submitted for Planning Board approval at the time of DSP, as stated in Sections 27-574 and 27-583 of the Zoning Ordinance. In this case, the applicant has chosen to provide the number of parking and loading spaces normally required under Sections 27-568 and 27-582.

3. **Location:** The subject property is located in the southwest corner of the intersection of Ritchie Marlboro Road and Sansbury Road, in Planning Area 78, Council District 6. This intersection is designated by the February 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan SMA) as one of nine gateways into Westphalia area. It is proposed in the plan as the location of a mixed-use village center. Fernwood Drive passes through the site.
4. **Surrounding Uses:** To the northwest of the subject site is the exit ramp leading from the Capital Beltway (I-95/495) to Ritchie Marlboro Road. To the south of the site is an existing single-family residence in the Rural Residential (R-R) Zone. Further south and west on Fernwood Drive is a mobile home park. Across Sansbury Road to the east are the Ritchie Baptist Church property and

the PB&J property, which are also zoned Mixed-Use Transportation-Oriented (M-X-T) as part of the sector plan designated village center.

5. **Previous Approvals:** This property was rezoned to the M-X-T Zone by the Westphalia Sector Plan SMA. As part of this rezoning, the Prince George's County District Council approved the concept plan for development of the subject property and the neighboring properties to the east and southeast as an integrated mixed-use development.

On July 1, 2008, the District Council granted approval of Conceptual Site Plan CSP-07001 for the development of the property as a mixed-use development including 420–600 dwelling units and up to 100,000 square feet of commercial office and retail spaces. On January 10, 2008, the Prince George's County Planning Board approved Preliminary Plan of Subdivision (PPS) 4-07038 (PGCPB Resolution No. 08-07). On November 6, 2008, the Planning Board approved Detailed Site Plan DSP-08024 (PGCPB Resolution No. 08-168) for the relocation of Fernwood Drive to the location shown on the CSP.

The first phase of development, consisting of 153 townhouses in the southern portion of the site, was approved by the Planning Board as Detailed Site Plan DSP-08039 on March 5, 2009 (PGCPB Resolution No. 09-44). Detailed Site Plan DSP-08039-01 was approved by the Planning Board on September 10, 2009 (PGCPB Resolution No. 09-131) for the originally proposed 96 triplex units. Subsequent DSP revisions '02' to '05' were approved at the Planning Director level for the addition and modification of unit types.

On June 5, 2014, the Planning Board approved a revision to the Conceptual Site Plan, CSP-07001-01 (PGCPB Resolution No. 14-51), to replace the previously approved triplex units in the northwest corner of the site with townhouses. Subsequently, PPS 4-13026 (PGCPB Resolution No. 14-68) and DSP-08039-06 (PGCPB Resolution No. 14-69) were also approved by the Planning Board to reflect the same plan revision.

On January 7, 2016, the Planning Board approved a revision to the Conceptual Site Plan, CSP-07001-02 (PGCPB Resolution No. 16-02), to replace the previously approved 250 multifamily units and 57,600 square feet of commercial uses with 67 fee-simple, rear-loaded townhouses and 10,000 square feet of commercial uses. Subsequently, PPS 4-15021 (PGCPB Resolution No. 16-03) was also approved by the Planning Board to reflect the same plan revision.

The site also has an approved Stormwater Management Concept Plan, 36373-2006-04, which was approved on December 22, 2015 and is valid through May 4, 2017.

6. **Design Features:** Phases I and II of Westphalia Row are under construction. South of Fernwood Drive, Phase I includes 114 townhouses on fee-simple lots around two small open spaces. Of these 114 townhouse units, 83 are rear-alley loaded units, while 31 are front-loaded units laid out along the southern edge of the site. The majority of this phase of the development is already built and occupied and no changes are proposed with the subject revision.

In the northwest portion of the site, north of Fernwood Drive, additional rear-alley loaded townhomes are located along the north and west sides of a large roughly triangular open space that forms a "village green" in the center of the site. These units are proposed on fee-simple lots. The majority of this phase of the development is built or under construction and no changes are proposed with the subject revision.

This subject application proposes a modification of Phase III of Westphalia Row, which was previously approved with 250 multifamily units and 57,600 square feet of commercial uses in the northeastern portion of the site. The subject application proposes a one-story, 10,000-square-foot commercial retail building located in the northeast corner of the property, closest to the intersection of Sansbury Road and Ritchie Marlboro Road. Surface parking for the commercial use would be located to the west and south of the building, with one new access point from Sansbury Road. A loading space and enclosed trash facility are located at the north end of the parking lot. Sixty-seven, rear-loaded townhomes are laid out in a grid pattern to the west and south of the commercial parking area, with some open spaces serving as a buffer between the two uses. All of the townhouses have rear-loaded garages and are accessed by private streets and alleys. The townhouses are arranged in groups, or sticks, of four, five, six, seven, and eight units. There are three sticks with four units; one stick with five units; two sticks with six units; two sticks with seven units; and three sticks with eight units.

Three outdoor sitting areas are proposed in the middle of this phase, helping to buffer between the commercial and residential uses. Stormwater is being accommodated in small bioretention facilities throughout this phase. Decorative 42-inch-high metal-picket fencing with brick piers is proposed between the residential and commercial uses and along the Ritchie Marlboro Road and Sansbury Road frontages. Additionally, a ten-foot-high Westphalia gateway entrance sign is proposed to be located on the commercial property facing the intersection of Ritchie Marlboro Road and Sansbury Road. Vinyl-picket fencing, brick piers and entrance features are provided along the residential frontages on Sansbury Road and Fernwood Drive, similar to those that were proposed in the previous phases.

Residential Architecture: The applicant has submitted new architecture with the subject DSP as Phase III is the first portion of the development to propose 16-foot-wide townhomes. The proposed units are either 40 or 42 feet deep, with a maximum building height of 42 feet, four-story, and have a base finished square footage of either 1,812 square feet or 1,876 square feet. Four different front elevations are available, which offer a combination of the following features: brick veneer, vinyl siding, brick rowlocks and headers, keystones, specialty windows, shutters, and enhanced trim. All side elevations offer a substantial amount of fenestration, approximately ten windows, with brick facing up to the top of the first floor as standard feature. The rear elevations include optional decks, carriage-style garage doors, and standard brick facing up to the top of the first floor, with vinyl siding above. All units have a flat roof with roof decks on approximately the rear half of the top level.

With the approval of Detailed Site Plan DSP-08039, the Planning Board evaluated the layout of Phase I, designated higher-visibility lots, and determined that the sides of townhouses on these lots shall be fully faced finished with brick. In keeping with this approach, the applicant proposed the lots in Phase III to be designated as higher-visibility lots, and sides of townhouses on these lots should be fully finished with brick or stone including: Lots 95, 99, 106, 107, 125, 126, 133, 134, 140, 141, 151, and 152. The Planning Board agrees with this list, however, they found that the additional lots should also be designated as higher-visibility for Phase III including, Lots 98, 114, 115, 118, 119, and 161. The location of these additional lots and their visibility within the community is similar to those lots designated in previous phases. Therefore, a condition has been included in this approval requiring this addition.

The Planning Board also approved previously a standard that at least 60 percent of the units in each building stick shall have a full brick front. This standard should be applied to the townhouses in Phase III, with the exception that the lots that front Ritchie Marlboro Road (Lots 95–106) should be treated with full brick or stone fronts due to the higher visibility associated with proximity to that roadway, and the gateway designation of the subject site. A brick tracking chart with the lots in each stick has been added to the plans to monitor conformance with this requirement.

Commercial Architecture: The front elevation of the 27.5-foot-high, one-story, 10,000-square-foot, commercial building is oriented west towards the proposed parking lot. However, all four elevations have a high-quality design finished in the same materials including a cast stone base, red brick veneer finish, aluminum storefront windows and doors, aluminum shade canopies at either end, vinyl or canvas awnings, a varied, flat, roofline with cream or white exterior insulation finishing systems (EIFS) cornice and accent pieces, and some cementitious panels. All elevations include a fair amount of windows, with the majority of the doors on the western façade, and only one door on each of the north, south and eastern façades. Typical building-mounted signage was also provided; however, the specifics and exact door and sign locations may change per some tenant's specific requirements.

Two freestanding signs are proposed along the property's Ritchie Marlboro Road frontage. An eight-foot-high, double-sided, approximately 77-square-foot sign that says "Westphalia Row Shoppes" is located near the western end of Phase III's frontage and a second, 13.75-foot-high, double-sided, approximately 110-square-foot sign is located closer to the commercial building. The second sign says "Westphalia Row Shoppes" at the top and includes multiple tenant panels below. Both signs are finished in red brick with precast concrete caps and have a decorative arch feature.

Recreational Facilities: Westphalia Row proposes to provide a mix of indoor and outdoor recreational facilities for the future population. The central village green, located in Phase I, is proposed to include a community building and also a gazebo and benches. Finding 10 of PGCPB Resolution No. 09-44 for DSP-08039 states that "the applicant proffered to construct the community building prior to the issuance of the 175th building permit for the site." At the time of

Detailed Site Plan DSP-08039-06, this was revised to require construction of the community building prior to approval of the 204th building permit in Phases I and II.

At this time, the applicant has requested that this requirement be extended slightly to the 209th building permit. The total number of residential units in all phases is 275, so the 209th building permit requested would be approximately 76 percent of the total units. However, the requested 209 number would allow the applicant to completely build out Phases I and II without constructing the community building, which could prove problematic. Therefore, the Planning Board found that this trigger be established to require construction of the community building prior to approval of the 208th building permit, which would mean it must be under construction prior to the completion of Phases I and II combined. This is the main recreation facility on the development site that needs to be completed and open to the residents before the beginning of Phase III.

In addition to the community building, outdoor activity areas, with active play equipment for children, have been provided in the previous phases. The only recreational amenities provided in Phase III are three sitting areas with walkways and benches. This is appropriate because these areas are located between the commercial and residential uses and will be more exposed to commercial site users and the adjacent public rights-of-way. The sitting areas will create an attractive buffer between the two uses. Notes are provided on the coversheet indicating that the sitting areas will be started upon completion of the adjacent residential lots, which is similar to the triggers for the previous phases. The applicant's previously approved recreational facilities agreement (RFA) should be updated to reflect the changes in the subject DSP and to account for any facilities that have been inspected and deemed complete.

COMPLIANCE WITH EVALUATION CRITERIA

7. **The requirements of the Zoning Ordinance:** The subject DSP has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-547, Uses Permitted, of the Zoning Ordinance. The proposed residential and commercial uses in this application are permitted uses in the M-X-T Zone.
 - b. The DSP is consistent with Section 27-548, Regulations. The following discussion is offered:
 - (1) The proposed floor area ratio (FAR) is provided on the DSP. The proposed FAR (0.62) is within the amount permitted (1.4).
 - (2) Developments in the M-X-T Zone are required to have vehicular access to a public street in accordance with Section 27-548(g) noted below.

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

While the overall development is accessed by public streets, the individual townhouse lots will be served by private streets and alleys. The use of private streets and alleys has been authorized pursuant to Subtitle 24.

- c. The DSP is in conformance with the applicable site plan site design guidelines contained in Section 27-283 as cross-referenced in Section 27-274. The subject development provides a more compact, urban layout, and in accordance with Section 27-274(a)(11)(B) the units front on roadways. Where the units do not front on roadways they front on shared green space.

To convey the individuality of each townhouse unit, the design of abutting units should avoid the use of repetitive architectural elements and should employ a variety of architectural features such as roofline, window and door treatments, projections, colors, and materials. The proposed townhouse architecture is consistent with this guideline.

- d. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone has been calculated by the applicant and submitted for Planning Board approval at this time. The parking provided is adequate to serve the use. In the approval of Conceptual Site Plan CSP-07001, the Planning Board found that each portion of the development should provide extra parking for guests and visitors that constitutes at least ten percent of the spaces required by the Zoning Ordinance. The site plan conforms to this standard. For additional discussion of the parking requirement see Finding 9.
- e. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings for the Planning Board to approve 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 proposed development is in conformance with this requirement. In accordance with Section 27-542(a)(2), the proposed DSP will implement the recommendation of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* by contributing to the creation of a compact, mixed-use community. The walkable, mixed-use development proposed on the site takes advantage of the transportation links available, and allows for reduction of the number and distance of automobile trips by constructing residential and nonresidential uses in close proximity to each other. This development meets the purposes of the M-X-T Zone.

- (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 previous CSPs and DSPs were found to be in conformance with this requirement and the current application proposes a revision in the development and density. Although the applicant has not fully achieved the original vision of the sector plan for main street design character, the applicant has provided a well-designed mixed-use community in the northern Westphalia Gateway area. In addition, the applicant has incorporated a Westphalia Gateway feature into the site, becoming the first applicant to do so. Therefore, this application can be found to be in conformance with the land use recommendations, and design policies and principles intended to implement the development concepts recommended by the 2007 *Westphalia Sector Plan and Sectional Map Amendment*.

- (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 will be outwardly oriented. Although the main village green forms an internal focal point at the center of the community, residential and commercial buildings at the edge of the site will front onto Sansbury Road and Ritchie Marlboro Road respectively. As previously required, the townhouse units along Ritchie Marlboro Road will front the road and this is consistent with previous approvals.

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

The most intensive use, the commercial building, is located in the northeast corner of the site, with the single-family attached units occupying the rest of the site, helping to transition toward the lower-density residential uses south of the site. The proposed development will be compatible with the proposed development in the rest of the village center across Sansbury Road. The proposed townhouse units are consistent with approved units in other phases of the subject development project.

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

The mix of uses, arrangement of buildings, and other improvements and amenities of the village center area will reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability. The proposed development on the subject site will be a key component of the village center.

- (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 development is comprised of three phases. Phase I consisted of fee-simple townhouses as well as infrastructure. Phase II consisted of fee-simple townhouses. Phase III is proposed to include more fee-simple townhouses and a commercial building. Each building phase has been designed as a self-sufficient entity, while allowing for effective integration of subsequent phases.

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

The DSP shows sidewalks along all public and private roads, forming a comprehensive pedestrian network throughout the site. The pedestrian system includes clearly defined routes and crossings within Phase III to connect to the commercial building and the other phases.

- (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 submitted DSP shows high-quality urban design of the gathering places through the use of decorative fencing and lighting, benches, berming and varied landscaping.

- (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, or will be provided by the applicant, 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 not a CSP, so this finding is not applicable.

- (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 subject application is a modification to Phase III of Westphalia Row. This phase of the development is the subject of PPS 4-15021, which was approved by the Planning Board on January 7, 2016 and included a finding of adequacy for the subject development.

8. **2007 Approved Westphalia Sector Plan and Sectional Map Amendment:** The subject site plan is located within the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, and is identified as a Mixed-Use Activity Center and one of nine gateways into Westphalia area.

This site was rezoned as part of the sector plan from the R-R to M-X-T Zone. As part of that application process, a series of design concepts were included as appendices in the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* as Public Exhibit 19. The Westphalia Row project is located in a designated mixed-use activity center at the northern gateway to the sector plan area along a local street (Sansbury Road) and an arterial highway (Ritchie Marlboro Road), close to the interchange with the Capital Beltway (I-95/495).

Village Center Guidelines

The plan designates the subject property, along with other land to the east, as part of a mixed-use activity center, one of two such areas in Westphalia area. The plan establishes a number of guidelines for these areas. The following design principles warrant discussion at this time:

- **Design commercial development to front a main street or parks, plazas, or courtyards.**

Illustration 5 in the sector plan and SMA is taken directly from Public Exhibit 19, dated June 7, 2009. The exhibit graphically depicts a perspective of future Sansbury Road (see page 10 of Exhibit 19) showing the main street development character referenced in the sector plan. However, Exhibit 19 also includes a gas station and convenience store at the eastern corner of Sansbury and Ritchie Marlboro Roads (see page 11 of Exhibit 19) as a potential development option. While the originally approved DSP for the subject property achieved the desired main street development character and higher density on the western side of Sansbury Road, it is not clear that the main street character would ever be fully achieved if a gas station and convenience store would be constructed directly across Sansbury Road by a different applicant.

The proposed commercial development is located in a one-story building that will front on Sansbury Road. This is appropriate in order to promote a walkable main street character along that frontage.

- **Design internal streets/site circulation as low-speed streets with parallel or angled on-street parking.**

The proposed private streets (not the private alleys) throughout the site are designed to have parallel and perpendicular parking on one or both sides.

- **Residential and commercial development should be medium-to-high density with a minimum of two-story buildings, up to six.**

The commercial building is proposed to be one-story. However, it will be approximately 27 feet high and is designed to have a two-story appearance. The proposed townhouses will fall within the specified height range.

This application will result in an overall net density reduction from approximately 22.7 dwelling units per acre to 13.7 dwelling units per acre. However, the reduced residential density is still within the middle of the desired development density range provided in the sector plan, which is 4.5 to 28 dwelling units per net acre.

- **Design off-street surface parking to be placed to the side and rear of buildings, in the interior of blocks, and screened from public walks and streets.**

The majority of the residential surface parking proposed on the site is envisioned as parallel or perpendicular parking along the private internal roads. The proposed commercial parking areas are located to the side and rear of the building, and will be screened from the public walks and streets by landscaping, fences and decorative walls.

Gateway Guidelines

Policy 7 on page 32 of the sector plan establishes the intersection of Ritchie Marlboro Road and Sansbury Road as one of the gateways entering the Westphalia community. Gateways require compliance with design principles aimed at distinguishing and delineating them as attractive entrances into the sector plan area. Gateway design principles from the sector plan include the following:

Design designated gateways to include at least the following design elements:

- **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 elements.**
- **Resting and recreational facilities, information kiosks, or other amenities as appropriate.**

The design of buildings, landscaping, signs and any special features along the Ritchie Marlboro Road frontage as well as Sansbury Road are critical to the image of Westphalia area that will be portrayed at this northern entryway. The submitted DSP includes a package of design items, such as a gateway entrance feature, fencing and landscaping that create a distinctive sense of arrival. Stakeholders in the Westphalia Sector Plan area have been working together for several years to provide for gateway signage design that can be used at all gateway locations. The applicant has shown the design and location of a gateway feature on the plans. This is the first project in the Westphalia area to incorporate and commit to providing the selected signage and logo.

9. **Conceptual Site Plan CSP-07001 and its revisions:** Conceptual Site Plan-07001 was approved by the District Council on July 1, 2008, for construction of 140–180 townhouses, 48–96 three-family (triplex) dwelling units, 200–325 multifamily dwelling units, 40,000–70,000 square feet of office, and 10,000–30,000 square feet of retail. On June 18, 2012, the District Council approved Zoning Ordinance No. 7-2012 to amend Condition 9(b)(2). On June 5, 2014, the Planning Board approved a revision to Conceptual Site Plan CSP-07001-01 (PGCPB Resolution No. 14-51) to replace the previously approved triplex units in the northwest corner of the site with townhouses, subject to 24 conditions. The conditions of CSP-07001 and CSP-07001-01 were thoroughly reviewed and carried forward with the subsequent revisions, as necessary. Therefore, they do not need to be included here for review and only the conditions of the latest approval, CSP-07001-02, are applicable as follows:

2. **No woodland conservation shall be proposed on dedicated parkland unless written authorization from the Department of Parks and Recreation (DPR) has been provided.**

No dedicated parkland is proposed with the subject DSP.

3. **Prior to approval of a future detailed site plan for the proposed townhouses, public views of alleys shall be minimized by screening the ends of alleys to the fullest extent possible.**

The submitted DSP is consistent with the layout of the approved CSP. All alleys that end in public view have been shown to be screened to the fullest extent possible through the use of fencing and landscaping.

4. **The following development standards shall apply to and be reflected on the Detailed Site Plan. At the time of Detailed Site Plan review, the Planning Board may make modifications to the development standards without the need to amend the Conceptual Site Plan if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the conceptual site plan and the sector plan.**

- a. **Front-loaded townhouses (fee simple)**

- (1) **Minimum lot size: 1300 square feet**
- (2) **Minimum front yard setback: 20 feet from back of sidewalk**
- (3) **Minimum yard area: 400 square feet**
- (4) **Maximum building height: 45 feet**
- (5) **Minimum lot width: 20 feet**

No front-loaded townhouses are proposed on the subject DSP revision.

- b. **Rear-loaded townhouses (fee simple)**

- (1) **Minimum lot size: 1,000 square feet for no less than 50 percent of the units and a minimum of 800 feet for the remainder.**
- (2) **Minimum front yard setback: 6 feet from property line.**
- (3) **Maximum building height: 45 feet.**
- (4) **Minimum lot width: 20 feet for no less than 50 percent of the units and a minimum of 16 feet for the remainder.**

The proposed rear-loaded townhomes conform to these standards, however, the development standards chart on the coversheet is incorrect. Therefore, a condition has been included in this approval requiring a revision to reflect those standards.

c. Commercial/Retail building

- (1) Buildings shall be set back 15–35 feet from the ultimate right-of-way line of Ritchie Marlboro Road. Building walls must be within 35 feet of the ultimate right-of-way line for at least 75 percent of the linear distance of the parcel’s frontage on Ritchie Marlboro Road.**
- (2) Buildings shall be set back 15–25 feet from the ultimate right-of-way line of Sansbury Road. Building walls must be within 25 feet of the ultimate right-of-way line for at least 75 percent of the linear distance of the parcel’s frontage on Sansbury Road.**
- (3) Maximum building height: 75 feet.**

The proposed commercial building conforms to standard (3) as it is proposed to be 27.5 feet high. However, as allowed in this condition, the applicant is now requesting a revision to standards (1) and (2) for the commercial/retail building. They request the following standards instead:

- (1) For its entire length, the commercial/retail building shall be set back 15-35 feet from the ultimate right-of-way line of Ritchie Marlboro Road. Commercial and residential building walls must be within 35 feet of the ultimate right-of-way line for at least 34 percent of the linear distance of Phase III’s frontage on Ritchie Marlboro Road.
- (2) For its entire length, the commercial/retail building shall be set back 15-25 feet from the ultimate right-of-way line of Sansbury Road. Building walls must be within 25 feet of the ultimate right-of-way line for at least 55 percent of the linear distance of the parcel’s frontage on Sansbury Road.

The Planning Board can approve this modification with this DSP, without modification of the CSP, if it finds such modification is appropriate and consistent with the character and quality of the development envisioned by the CSP and the sector plan. These approved standards were put in place during the 2008 CSP and Westphalia sector plan approval process to require that buildings fronting on Ritchie Marlboro and Sansbury Roads be in close proximity to the ultimate rights-of-way in order to create an inviting, pedestrian-friendly environment suitable for the recommended dense, mixed-use development at this gateway to Westphalia area.

The submitted DSP shows that the commercial building is located within 15 to 25 feet from the Ritchie Marlboro and Sansbury Road rights-of-way for the entire length of the building's sides, which positions the building as close or closer to the street as originally envisioned. Additionally, sidewalks connect at multiple points providing access to the commercial/retail area from Ritchie Marlboro (which connects to the bus stop) and Sansbury Roads and the interior of the Westphalia Row community that will continue to create an inviting, pedestrian-friendly environment.

In regard to the Sansbury Road setback standard, this DSP proposes a vehicular entrance along this frontage that will create a safer, more efficient, direct access to the retail parking lot. As a result, the vehicular entrance takes up a portion of the frontage along Sansbury Road that would have previously been available for the building. The commercial parcel has approximately 260 feet of frontage on Sansbury Road and the building length along this frontage is approximately 150 feet.

In regard to the Ritchie Marlboro Road setback standard, at the time of PPS, the commercial parcel was extended to include almost all of Phase III's frontage on Ritchie Marlboro Road to accommodate signage and the required historic road landscape buffer. This change gave the commercial parcel approximately 448 feet of frontage on Ritchie Marlboro Road with only approximately 67 feet of commercial building within 35 feet of the right-of-way. However, approximately seven townhomes are also within 35 feet of the right-of-way and should be included in the calculation, which should be extended to the entire length of Phase III's frontage on the road. The combination of buildings, fencing and enhanced landscape buffer will create an inviting, pedestrian friendly frontage on Ritchie Marlboro Road as was envisioned by the CSP and sector plan. As a result, the Planning Board finds that the proposed modifications are appropriate and consistent with the character and quality of development envisioned in the CSP and sector plan.

5. **At the time of Detailed Site Plan review, parking shall be calculated separately for: (a) the commercial building, (b) for the rear-loaded townhouses north of Fernwood Drive, and (c) for the townhouses south of Fernwood Drive. Parking spaces in driveways and carports must allow at least 19 feet of parking space for cars, which must not obstruct pedestrian or vehicular travel routes. In addition to the total number of off-street parking spaces required for each type of unit, each portion of the development shall also provide an additional ten percent of this number for visitor parking, which may include parallel parking spaces on private roads.**

While this condition originally applied to the Phase I townhouses, it is equally relevant to the subject proposal. The applicant proposes adequate parking for each residential unit as well as visitors' parking spaces, as follows:

Number of Units: 67
Parking Required Per Unit: 2.04 x 67 units = 137 spaces
Parking Provided: 172 spaces

Percent of Visitor Parking Spaces Required (non-garage): 10 percent
Percent of Visitor Parking Spaces Provided (on-street): 25 percent

Each townhouse includes a two-car garage and no driveway parking spaces. On-street parking spaces are provided that will serve the needs of residents and their visitors.

6. **At time of detailed site plan review for Phase III of the development, the site shall be evaluated for conformance with the gateway design guidelines of the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment. A package of design items such as gateway entrance features, architectural design (including four highly-designed sides with a two-story appearance), materials, colors, landscape palette, and streetscape features shall be provided in order to create a distinctive sense of arrival. Design details for a gateway feature near the Ritchie Marlboro Road and Sansbury Road intersection shall be provided.**

The submitted DSP conforms to this requirement through the provision of the following: a detail and location for a gateway entrance feature; a commercial building with a two-story appearance; decorative metal fencing, with brick piers in some locations; and diverse landscape plantings, which in combination create a distinctive sense of arrival.

7. **Prior to approval of the detailed site plan by the Planning Board, the applicant and the applicant's heirs, successors, and/or assignees shall provide adequate on-site private recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. The private recreational facilities shall be reviewed by the M-NCPPC Development Review Division (DRD), Urban Design Section, for adequacy and proper siting.**

The Planning Board finds that adequate recreational facilities will be provided on the subject site in accordance with the guidelines. There are two play areas, a sitting area and the community building with exercise room located within Phase I, one sitting area within Phase II and three sitting areas within Phase III. No additional playgrounds are proposed within Phase III.

- 8. The private recreational facilities package to be provided by this development shall include those facilities proposed with the Conceptual Site Plan application, which includes two (2) outdoor play areas for children.**

The subject revision complies with this requirement. Those play areas are located within Phase I of the development, and are within walking distance to the proposed townhouses in Phase III.

- 9. The Applicant shall provide an eight-foot-wide side path or wide sidewalk along Sansbury Road, unless modified by the Department of Public Works & Transportation (DPW&T).**

The submitted DSP reflects an eight-foot-wide sidewalk along Sansbury Road in conformance with this condition.

- 10. The final record plat shall include a note that the Applicant, the Applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of appropriate signage for the Class III bikeway along Sansbury Road. The contribution shall be made prior to the issuance of the first building permit.**

This condition remains in effect and will be enforced at the time of record plat and building permit.

- 12. Appropriate pedestrian amenities and pedestrian safety features will be evaluated at the time of Detailed Site Plan.**

As approved with conditions, the pedestrian amenities on the subject site will be adequate to serve the proposed population. Sidewalks and crosswalks are proposed in appropriate locations throughout the development.

- 15. The Applicant has indicated a desire to be a part of the established Westphalia Financing Plan. Therefore, at the time of the Detailed Site Plan, if the Applicant is a recognized participant in a designated Westphalia Financing Plan, any designated financial contributions to the overall Westphalia Plan, including contributions to the Central Park, shall be so designated as a condition on the detailed site plan, as part of the established financing formula and plan.**

At the time this original condition was written, a financing structure for Westphalia had not been created, and contributions to Westphalia were voluntary. While contributions are no longer voluntary, the above condition appears to create an exemption for the applicant. As the subject application is a minor modification to a previously approved plan that

reduces the number of units from the number within the previous approval, this finding has not been revisited by the Planning Board. The applicant has been asked if a desire to contribute to Westphalia's Central Park remains. The applicant has declined to make such contributions.

16. **At the time of building permit issuance, applications for building permits shall be 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 for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise impact area.**

The above condition remains in effect and should be addressed prior to the approval of any residential building permits for buildings located within the 65 dBA Ldn noise contour.

10. **Preliminary Plan of Subdivision 4-15021:** Preliminary Plan of Subdivision 4-15021 for Westphalia Row was approved by the Planning Board on January 7, 2016, subject to 18 conditions, of which the following are relevant to the review of this DSP:

3. **In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:**
 - a. **Provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage along Sansbury Road. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.**

This condition will be enforced prior to the issuance of the first building permit as required.

4. **Development of this site shall be in conformance with Stormwater Management Concept Plan 36373-2006-04 and any subsequent revisions. A copy of the revised approved Stormwater Management Concept plan associated with approval 36373-2006-04 shall be submitted at the time of DSP.**

The DSP is in conformance with Stormwater Management Concept Plan 36373-2006-04. The plans were part of the submittal package, and General Note 22 correctly references the stormwater concept approval.

6. **The proposed development shall be limited to a mix of uses that shall not exceed 66 AM and 118 PM peak-hour trips. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

The Planning Board finds that, based on the proposed site plan, the approved trip cap will not be exceeded.

7. **At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a ten-foot-wide public utility easement (PUE) along all public rights-of-way, and a ten-foot-wide PUE along one side of all private streets, unless an alternative to the PUE along the private streets is approved at the time of DSP.**

The submitted DSP shows the public utility easement (PUE) as required, except the PUE along Fernwood Drive needs to be extended to serve Lots 150 and 151. Therefore, a condition requiring this revision has been included in this approval.

8. **The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate private recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. 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.**

Private recreational facilities are shown on the submitted DSP and have been reviewed for adequacy and proper siting as discussed in Finding 6 above.

11. **The final plat of the subdivision shall contain a note denying access to Ritchie Marlboro Road.**

This issue will be reviewed at the time of final plat; however, the submitted site plan does not propose access to Ritchie Marlboro Road.

13. **Prior to approval of the final plat of subdivision for Parcel Q (commercial), a draft vehicular access and public utility easement to the benefit of the homeowner's association (HOA) pursuant to Section 24-128(b)(9) and the approved PPS shall be approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC) and be fully executed. The easement documents shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of M-NCPPC. Prior to recordation of the final plat, the easement shall be recorded in land records and the liber/folio**

of the easement shall be indicated on the final plat and the limit of the easement reflected.

The specified vehicular access and public utility easement must be reflected on the DSP plans. Therefore, a condition requiring this revision has been included in this approval. Conformance to the easement documents will be further reviewed with the final plat.

- 14. Prior to approval of building permits for residential buildings located within the unmitigated 65 dBA Ldn noise contour of Ritchie Marlboro Road and dwellings located on Lots 106, 107, 125-133, 140 and 141, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that the building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.**

General Note 24 on the DSP coversheet should be revised to correctly reflect the lots listed within this condition.

- 15. At time of DSP, the relationship between the commercial and residential land uses shall be evaluated to incorporate berming or decorative fencing as determined appropriate.**

In conformance with this condition, a berm and decorative fence have been incorporated between the commercial building and the residences to the west. Between the commercial building and the residences to the south, a buffer is created by the proposed retaining wall with decorative fence at the top.

- 17. At the time of final plat approval, the applicant shall dedicate 3,484.8 square feet of additional public right-of-way along Sansbury Road, as reflected on the approved preliminary plan of subdivision.**

The proposed road dedication is unclear on the submitted DSP. The DSP should be revised to clearly show the proposed road dedication, label the boundaries with bearings and distances, and quantify the area in square feet that is to be dedicated to public use, to match the future record plat. Therefore, a condition has been included in this approval requiring this revision.

- 11. Detailed Site Plan DSP-08039 and its revisions:** The following is an analysis regarding the plan's conformance with previous conditions of approval attached to DSP-08039 and its revisions:
 - a. The first phase of development, consisting of 153 townhouses on the southern portion of the site, was approved by the Planning Board as Detailed Site Plan DSP-08039 on March 5, 2009 (PGCPB Resolution No. 09-44), and later approved by the District Council on September 14, 2009. The following condition of DSP-08039 are relevant to the subject DSP as follows:

9. **Prior to the issuance of building permits for the townhouses north of Fernwood Drive, the applicant shall submit and obtain approval of a revision to the site plan by the Planning Board or its designee. The revised site plan shall show the location and appearance of the noise wall. The noise mitigation shall be reviewed for the adequacy of noise reduction and for appearance by the Environmental Planning Section and the Urban Design Section. If grading in the northwest portion of the site has altered the required noise mitigation, an updated Phase II noise study shall be submitted to demonstrate the required height and location of any required noise wall or other mitigation.**

This condition was addressed by a prior DSP approval.

- b. A total of 96 triplex units in Phase II were approved by the Planning Board as Detailed Site Plan DSP-08039-01 on September 10, 2009 (PGCPB Resolution No. 09-131), subject to six conditions, none of which are relevant to the subject revision.
- c. DSP revisions -02, -03, -04, and -05 were all for architectural revisions and were approved by the Planning Director between 2010 and 2012.
- d. Detailed Site Plan DSP-08039-06 was approved by the Planning Board on September 10, 2009 (PGCPB Resolution No. 14-69) to replace the triplex units in Phase II with fee-simple townhouse lots. The following conditions of DSP-08039-06 are relevant to the subject DSP as follows:

6. **Prior to final plat, the applicant's private recreational facilities agreement (RFA) shall be amended to reflect the changes to recreational facilities approved in the subject detailed site plan. The RFA shall specify the timing for the construction of the community building, and state that there shall be no fewer than three pieces of exercise equipment in the community building.**

This condition should be carried forward with this approval as the RFA will need to be amended again to include the recreational facilities approved in this DSP.

- 8.a. **The applicant may not begin construction of the multifamily buildings or the parking structure that will serve the commercial retail and office building until a detailed site plan is approved for the multifamily buildings and parking structure (the "Multifamily DSP"). The Multifamily DSP shall show all parking required for the commercial retail and office building.**

This condition is no longer valid as no multifamily buildings or parking structure are proposed. The submitted DSP does show all parking required for the commercial retail building as discussed in Finding 2 above.

- b. The applicant shall complete construction of the multifamily buildings and the parking structure that will serve the commercial building concurrently.**

This condition is no longer applicable as no multifamily buildings or parking structure are proposed. However, the intention of this condition is still valid and the applicant proposed to revise it to require completion of construction of the Phase III townhouses and the parking lot that will serve the commercial retail building concurrently. The Planning Board agrees with this revision and the new condition has been included in this approval.

- c. Prior to M-NCPPC approval of a use and occupancy permit for the multifamily buildings and the parking structure referred to above, the applicant shall obtain M-NCPPC approval of a building permit to begin construction of the commercial retail and office building.**

This condition is no longer valid as no multifamily buildings or parking structure are proposed. However, the intention of this condition is still valid and the applicant proposed to revise it to require that prior to M-NCPPC approval of a use and occupancy permit for the 272nd townhouse, the applicant shall obtain M-NCPPC approval of a building permit to begin construction of the commercial retail building. The Planning Board agrees with this revision and the new condition has been included in this approval.

- 9. Prior to M-NCPPC approval of the 204th building permit for Westphalia Row, Phases I and II, the applicant shall complete construction of the 2,400-square-foot community building on Parcel E.**

Based on Finding 6 above, and in response to the applicant's request, the Planning Board finds that this condition should be revised to the 208th building permit.

12. **2010 Prince George's County Landscape Manual:** Per Section 27-548 of the Zoning Ordinance, landscaping, screening, and buffering within the M-X-T Zone shall be provided pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The following discussion is offered regarding the applicable provisions of the Landscape Manual:

- a. **Section 4.1, Residential Requirements**—Section 4.1 requires a minimum number of trees be provided per townhouse lots, which can be provided on lots or in common open space. The correct schedule is provided on the landscape plan showing this requirement being met for the 67 proposed townhouse lots through the provision of 101 shade trees, 61 ornamental trees and 6 evergreen trees.
- b. **Section 4.2, Requirements for Landscape Strips Along Streets**—Section 4.2 applies to all public and private road frontages of properties with nonresidential uses, which in this DSP includes only the Sansbury Road frontage of the commercial parcel within the subject development. The correct schedule showing the requirements being met, with 6 shade trees and 51 shrubs, has been provided on the landscape plan.
- c. **Section 4.3, Parking Lot Requirements**—Section 4.3 requires a percentage of the parking lots over 7,000 square feet, determined by the size, to be interior planting area and a perimeter landscape strip along all adjacent properties. The required schedule has been provided demonstrating conformance with this section for the commercial parking lot by the provision of eight percent interior landscaping area planted with the six required shade trees.
- d. **Section 4.4, Screening Requirements**—The site is subject to Section 4.4, which requires screening of loading spaces, trash facilities, and mechanical equipment. A detail for a brick-veneered trash enclosure has been provided for the proposed dumpster. No proposed ground-level mechanical equipment is shown on the submitted DSP. The proposed loading space will be screened from the public streets and the adjacent residential units by a combination of plantings and fences.
- e. **Section 4.6, Buffering Development from Streets**—Section 4.6 requires a buffer between any use and the right-of-way of a special roadway. Ritchie Marlboro Road is classified as a designated historic roadway adjacent to the subject property. Therefore, a Section 4.6 buffer is required, including a minimum 20-foot-wide buffer planted with a minimum 80 plant units per 100 linear feet of frontage, excluding driveway openings (within the area formerly designated as the Developing Tier). Section 4.6 requires all plant materials to be located outside of any public utility easements (PUEs) adjacent to the right-of-way, which there are none along this frontage. The correct schedule is provided on the landscape plan showing this requirement being met for the roadway frontage.
- f. **Section 4.7, Buffering Incompatible Uses**—Section 4.7 requires a buffer between adjacent incompatible land uses, but not between different land uses in a mixed-use development under a unified development scheme. Therefore, there are no buffers required under this section. However, landscaping treatments and sitting areas are provided between the commercial building and the townhouse units.

- g. **Section 4.9, Sustainable Landscaping Requirements**—Section 4.9 requires that a certain percentage of plants within each plant type (including shade trees, ornamental trees, evergreen trees, and shrubs) should be native species (or the cultivars of native species). The minimum percentage of plants of each plant type required to be native species and/or cultivars is specified below:

Shade trees	50 percent
Ornamental trees	50 percent
Evergreen trees	30 percent
Shrubs	30 percent

The landscape plan provides approximately 66 percent native shade trees, 52 percent native ornamental trees, 31 percent native evergreen trees, and 45 percent native shrubs and, therefore, meets the above requirements.

- h. **Section 4.10, Street Trees along Private Streets**—Section 4.10 provides specifics for the planting of street trees along private streets, which apply to the subject development. The submitted landscape plan provides the required schedule showing some of the requirements of this section not being met. Therefore, the applicant filed a request for Alternative Compliance, AC-16002, from the requirements of Section 4.10, Street Trees along Private Streets, discussed as follows:

Private streets will serve both the residential and commercial development. Private streets are required to be planted with street trees in accordance with Section 4.10 of the 2010 *Prince George's County Landscape Manual*. The applicant has filed this request for Alternative Compliance from Section 4.10 for the required street trees to be located in a non-continuous landscape strip, to vary from the street tree spacing requirements, to locate trees in spaces other than between the sidewalk and face of curb, and for a minimum distance to point of curvature of 17.5 feet.

REQUIRED: 4.10 Street Trees Along Private Streets (Private 'Road E' and east side of Westborne Drive)

Length of Street Frontage	1,031 feet
Number of Street Trees	30

PROVIDED: 4.10 Street Trees Along Private Streets (Private 'Road E' and east side of Westborne Drive)

Length of Street Frontage	1,031 feet
Number of Street Trees	30

Justification

Section 4.10, Street Trees Along Private Streets, includes multiple requirements for street trees along private streets. These requirements include that street trees should be planted in a space not less than five feet wide between the curb and the sidewalk, be spaced between 25 and 50 feet on-center, in a minimum soil surface area of 150 square feet for isolated trees, located a minimum 35 feet from the point of curvature of an intersection, and located a minimum ten feet from the point of curvature of a residential driveway. The subject application proposes to provide on-street parallel parking spaces in front of the townhouses, as visitor parking spaces within this compact urban subdivision. The application does not provide for the required continuous five-foot-wide tree bank between the face of curb and sidewalk, the trees are placed in islands, are spaced less than 25 feet and more than 50 feet apart, and some trees are planted closer than 35 feet to the point of curvature of an intersection of two streets. Nonetheless, the applicant is proposing to provide more than the required number of street trees with the minimum soil surface areas required. The Planning Board agrees that the applicant has made an effort to meet the intent of Section 4.10, though it was not possible to meet every dimensional requirement within the compact site design. The proposed street trees are generally provided along the entire length of the private streets, within an area a minimum five feet wide and with a minimum 150 square feet of soil surface, which will provide tree canopy over the streets. However, the Planning Board finds that provision of three more than the required number of street trees with modified dimensional standards is a reasonable alternative which will be equally effective as compliance with Section 4.10 of the Landscape Manual.

The Planning Board approves Alternative Compliance from Section 4.10 of the Landscape Manual for Westphalia Row, Phase III, Lots 95–161 and Parcels A, B, C, P, Q, R, and S, Block A, subject to the following condition, prior to certificate of approval of the plans:

- (1) Three additional landscape islands and street trees shall be provided in the following approximate locations: on 'Private Road E' between Lots 111 and 112; on 'Private Road E' across from Lot 110 adjacent to Parcel B; and on the east side of Westborne Drive between Lots 157 and 158.

13. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the site exceeds 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. Currently, this site has an approved TCPI (TCPI-033-07-03) and TCPII (TCPII-055-08-03). The submitted DSP application includes a revised TCP2 which is subject to the current regulations because a new PPS was recently approved.

This 22.44-acre property contains a total of 8.74 acres of woodland outside the 100-year floodplain according to the NRI. The woodland conservation threshold is 3.01 acres. The subject site proposes to clear an additional 8.31 acres of the existing 8.74 acres. The cumulative woodland conservation requirement is 7.07 acres. The TCP2 proposes to meet the subject site's portion of

the overall requirement with 0.35 acres of woodland preservation, 0.53 acres of reforestation/afforestation, and 6.19 acres of off-site woodland conservation. Through other permitting activities at the subject site, the overall site has complied with the required bonding of on-site planting and purchasing of off-site woodland credits. No additional clearing is proposed as part of this submission. Conditions have been included in this approval regarding small technical revisions needed on the TCP2.

14. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires properties that are zoned M-X-T to provide a minimum ten percent of the gross tract area in tree canopy. The subject property is 20.67 acres in size, resulting in a tree canopy coverage requirement of 2.07 acres. The DSP indicates compliance with this requirement for the entire area of the DSP through both preservation of existing woodlands and proposed tree plantings.
15. **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**—This application is consistent with the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) Future Land Use category for Mixed-Use described as areas of various residential, commercial, employment, and institutional uses. This application is in conformance with the land use recommendations, and design policies and principles intended to implement the development concepts recommended by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (sector plan and SMA).

Development Pattern: The Westphalia Row project is located in a designated mixed-use activity center at the northern gateway to the sector plan along a local street, Sansbury Road, and an arterial highway, Ritchie Marlboro Road, close to an interchange for the Capital Beltway, a freeway. The original CSP for Westphalia Row was approved by the Planning Board in 2008. The townhouse portions of the project (Phases I and II) are currently under construction. The layout of Phase II was amended in 2014 when triplex units were replaced with 20-foot-wide townhouses.

For Phase III, the applicant proposes to amend Detailed Site Plan DSP-08039 by maintaining 10,000 square feet of retail; eliminating 4,400 square feet of retail, 43,200 square feet of office, 250 multifamily dwelling units, and a five-story parking structure; and adding 67, four-story rear-loaded, urban chic townhouse dwelling units. The sector plan envisioned this mixed-use activity center as having a main street development character (see Illustration 5 on page 29 of the Westphalia sector plan). The Design Principles on page 30 of the plan called for developing distinct, high-quality, walkable, mixed-use and "main street" commercial development areas.

Illustration 5 in the sector plan is taken directly from Exhibit 19 of the Westphalia Preliminary Sector Plan and Sectional Map Amendment, dated June 7, 2009. The exhibit graphically depicts a perspective of future Sansbury Road (see page 10 of Exhibit 19) showing the main street development character referenced in the sector plan. However, Exhibit 19 also includes a gas station and convenience store at the eastern corner of Sansbury and Ritchie Marlboro Roads (see page 11 of Exhibit 19) as a potential development option. While the originally approved CSP for the subject property achieved the desired main street development character and higher density on the western side of Sansbury Road, it is not clear that the main street character would ever be fully achieved if a gas station and convenience store would be constructed directly across Sansbury Road by a different applicant.

The Planning Board considered concerns with the reduction in density during the review of CSP-07001-02 and PPS 4-15021 because the project misses the opportunity to create market demand for desired non-residential uses. This project will result in an overall net density reduction from approximately 22.7 dwelling units per acre to 13.7 dwelling units per acre. However, the reduced residential density does fall within the desired development density range provided in the sector plan, which is 4.5 to 28 dwelling units per net acre.

Conceptual Site Plan CSP-07001 and Detailed Site Plan DSP-08039 placed high-density, multifamily residential directly across Sansbury Road from a future gas station and convenience store. While this is permitted in the Zoning Ordinance, it is not an ideal mix of uses. The 10,000-square-foot neighborhood commercial center, proposed by the applicant at the corner of Sansbury and Ritchie Marlboro Roads, will help buffer future uses across Sansbury Road from the residential portions of the development. In addition, green space has been provided in strategic areas between the on-site residential and retail to buffer the residential from the retail, and pedestrian connections are also included between the on-site residential areas and the commercial center.

Westphalia Gateway: This project is located within a designated “gateway” in the Westphalia Sector Plan. Policy 7 on page 32 of the Plan, establishes the intersection of Ritchie Marlboro Road and Sansbury Road as one of the gateways entering the Westphalia community. Gateways require compliance with design principles aimed at distinguishing and delineating them as attractive entrances into the sector. Gateway design principles from the Westphalia Sector Plan include the following:

Design designated gateways to include at least the following design elements:

- **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 elements.**
- **Resting and recreational facilities, information kiosks, or other amenities as appropriate.**

The design of buildings, landscaping, signs, and any special features along the Ritchie Marlboro Road frontage as well as Sansbury Road are critical to the image of Westphalia that will be portrayed at this northern entryway. Stakeholders in the Westphalia sector have been working together for several years to provide for gateway signage design that can be used at all gateway locations. The applicant has shown the design and location of a gateway feature on the plans. This is the first project in Westphalia area to incorporate and commit to providing the selected signage and logo. The Planning Board commends the applicant for leading the way on this issue for the entire sector.

Conformance with the Sector Plan: Section 27-546(d)(2) of the Zoning Ordinance requires that for property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development be 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. Although the applicant has not fully achieved the original vision of the sector plan for main street design character, the applicant has provided a well-designed, mixed-use community at the northern Westphalia Gateway area. In addition, the applicant has incorporated a Westphalia Gateway feature into their site, becoming the first applicant to do so.

Specific Design Comments:

- (1) Revise the configuration of the gateway sign to face the middle of the Sansbury Road and Ritchie Marlboro Road intersection instead of being perpendicular to Ritchie Marlboro Road. Revise the configuration of the three river birch trees to ensure the gateway signage is visible from the intersection. Once the sign is turned, link the 48-inch-high picket fence to both sides of the sign.
- (2) Add an outdoor dining area between the picket fence and commercial building towards Fernwood Drive.
- (3) Address the variability of existing and proposed fence types, i.e., four-foot-high, scalloped, vinyl picket; three-foot-high, vinyl, two-rail; six-foot-high, black, metal picket; four-foot high, black, metal picket, especially at the transition from the six-foot to four-foot-high black metal picket fence at the boundary between the residential and commercial uses.

The DSP was revised to address the comments regarding the gateway sign and fences. The DSP should be further revised to show a potential outdoor dining area between the southern end of the commercial building and the picket fence along Sansbury Road, if it is practical.

- b. **Transportation Planning**—The Planning Board reviewed an analysis of the DSP’s conformance with the transportation-related PPS conditions, which is incorporated into Finding 10 above. Additionally, the Board found that all other aspects of the site design pertaining to access and circulation are adequate.
- c. **Subdivision Review**—The Planning Board reviewed an analysis of the DSP’s conformance with the PPS conditions, which is incorporated into Finding 10 above with conditions of approval. The Planning Board concluded that the PPS conditions are addressed and that the DSP is in substantial conformance with the PPS.
- d. **Trails**—The Planning Board reviewed an analysis of the DSP’s conformance with previous approvals incorporated into Findings 9, 10 and 11 above as well as the following summarized comments:

The DSP was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements. The site is covered by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (area master plan). Because the site is not within a designated Center or Corridor, it is not subject to Section 24-124.01 or the “Transportation Review Guidelines – Part 2, 2013.”

Two master plan trails are in the vicinity of the subject site. Both the MPOT and the area master plan recommend shared use paths along Ritchie Marlboro Road and Sansbury Road. The trail along Ritchie Marlboro Road has been completed along the south side of the road for approximately 3,600 linear feet in the vicinity of its intersection with the Capital Beltway. This trail provides bicycle and pedestrian access under the beltway.

The MPOT includes several policies related to pedestrian access and the provision of sidewalks. The Complete Streets section includes the following policies regarding sidewalk construction and the accommodation of pedestrians and provision of complete streets:

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

Policy 2: All road frontage improvements and road capital improvement projects within the developed and developing tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Sidewalks have been required along the internal roads (excluding alleys) at the time of prior approvals. At the time of PPS 4-15021, one additional segment of sidewalk was added on the south side of Private Alley 8 within Phase III. This sidewalk connection has been incorporated into the revised DSP. Sidewalks and crosswalks are shown at all appropriate locations. The Planning Board supports the relocation of the sidewalk connection to the trail along Ritchie Marlboro Road to the retail portion of the site as shown on the plans. A small amount of bicycle parking is required at the retail development. A condition requiring this revision has been included in this approval.

- e. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated March 10, 2016, the Department of Parks and Recreation indicated that per the PPS, the applicant is required to provide private recreational facilities on-site. Private recreational facilities should be reviewed by the Urban Design Section for adequacy and proper configuration on-site prior to approval of the subject DSP.
- f. **Environmental Planning**—The Planning Board reviewed comments on the DSP and Type 2 Tree Conservation Plan TCP2-055-08-04 as follows:
 - (1) **Site Description:** This project area is part of an overall 22.44-acre site in the M-X-T Zone, is located on the east side of the Capital Beltway (I-495/95), and on the southwestern corner of the Ritchie Marlboro Road and Sansbury Road intersection. A review of the available information indicates that streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly-erodible soils are found to occur on the property. The site is adjacent to the Capital Beltway (I-95/495) and Ritchie Marlboro Road both of which are roadways that are sources of traffic-generated noise. The soils found to occur on this site according to the *Prince George's County Soil Survey* are in the Collington-Wist complex, Downer-Hammonton complex, Marr-Dodon complex, Potabac-Issue complex and the Westphalia and Dodon soil series. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or adjacent to this property. Ritchie Marlboro Road is designated as a historic roadway adjacent to this property. This site is located in the Southwest Branch watershed of the Patuxent River basin. The site is located within the Established Communities Area of the Growth Policy Map and Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated

Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

- (2) **Natural Resource Inventory:** A signed Natural Resources Inventory (NRI 114 06), which included a detailed forest stand delineation (FSD), was submitted with the application. The site contains sensitive environmental features such as streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils. The FSD report describes four forest stands totaling 8.92 acres dominated by yellow poplar, sweet gum, and red oak. Because the most recent NRI is now expired, a revised NRI may be required for any stormwater management application.
- (3) **Regulated Environmental Features:** The primary management area (PMA) on the plan is shown with impacts. These impacts were previously approved with applications CSP-07001, 4-07038, DSP-08024, and DSP-08039. No new impacts to the PMA area shown with this application.
- (4) **Noise–Roadways:** This property is located on the eastern side of the Capital Beltway (I-95), a classified freeway, and on the south side of Ritchie Marlboro Road, a classified arterial. Both are considered transportation-related noise generators. Sansbury Road is not classified as an arterial or greater roadway so it does not need to be included in the calculations. The TCP2 shows a noise attenuation wall in Phase II that will help mitigate the 65 dBA Ldn noise contour associated with I-95 and a portion of Ritchie Marlboro Road. The noise attenuation wall was previously approved with DSP-08039-06.

There are 20 proposed lots that front on Richie Marlboro Road and 32 proposed lots that back up to the Capitol Beltway that will be affected by noise. The units that back up to the Capitol Beltway (some have already been constructed) will be mitigated by the previously approved noise attenuation wall. The proposed buildings located in Phase III along Ritchie Marlboro Road will require an engineer to perform an acoustical analysis and recommend noise reducing building materials prior to permit approval. A condition has been included in this approval regarding this issue.

- (5) **Historic/Scenic–Roadways:** Ritchie Marlboro Road is designated as an historic road. When a roadway is designated as historic, it is because it is located in its historic alignment and there is an expectation that historic features will be found along its length, although not necessarily on every property. Roadways are a linear element, and the intention of the scenic buffer is to preserve or enhance the extent of the roadway and enhance the travel experience if scenic qualities or historic features have not been preserved.

The Landscape Manual, which became effective on December 13, 2010, requires a Section 4.6(2) landscape buffer (Buffering Development from Special Roadways) based on the development tier. In the Environmental Strategy Area 2 of Plan 2035 (formerly the Developing Tier), the required buffer along a historic road is a minimum of twenty feet wide to be planted with a minimum of eighty plant units per one hundred linear feet of frontage, excluding driveway openings. Landscaping is a cost effective treatment which provides a significant visual enhancement to the appearance of the historic road. Landscape Manual conformance is discussed in Finding 12 above.

- (6) **Soils:** The soils found to occur on this property are Collington-Wist complex, Downer-Hammonton complex, Marr-Dodon complex, Potabac-Issue complex and the Westphalia and Dodon soil series. According to available information, Marlboro clay does not occur on this property. This information is provided for the applicant's benefit and no further action is needed at this time. A soils report may be required by the Prince George's County Department of Environmental Resources (DoE) during the permit process review.
- (7) **Stormwater Management:** A Stormwater Management Concept Approval Letter (36373-2006-04) and associated plan were submitted with the application for this site. The approval was issued on December 22, 2015 with this project from the Prince George County Department of Permitting, Inspections and Enforcement (DPIE). This project will use micro-bioretenention facilities with infiltration. A stormwater management fee of \$19,190.00 for on-site attenuation/quality control measures is required.
- g. **Prince George's County Fire/EMS Department**—The Fire Department did not offer comments on the subject application.
- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated April 25, 2016, DPIE offered the following comments on the subject application:
 - (1) The subject DSP follows the previously approved Conceptual Site Plan CSP-07001-01, dated June 5, 2014, which proposed 250 multifamily units, 57,600 square feet retail/office building, and multifamily parking garage.
 - (2) A subsequent revision to the Conceptual Site Plan, CSP-07001-02, approved December 24, 2015, proposed 66 townhouse units, 10,000 square feet of retail/office building, and associated surface parking, utilities, stormwater management and landscaping.

- (3) The proposed changes to the layout of the property meet the intent of the approved Stormwater Management Concept Plan 36373-2006-04 dated December 22, 2015, which was originally approved on August 31, 2006.
- (4) The final stormwater management plans for this site were originally approved on October 7, 2009 (approval number 34729-2008). The existing ponds were constructed under Rough Grading Permit 16307-2009. These ponds were designed to provide channel protection and water quality.
- (5) The final erosion and sediment (E&S) control plans were originally approved on November 4, 2009 (approval number SC 244-09).
- (6) The approval of stormwater management concept, final stormwater management and final E&S plans prior to May 2010 results in this site being grandfathered from Environmental Site Design (ESD) to the maximum extent practicable (MEP) requirements.
- (7) The site plan has been revised; however, the amount of impervious has not increased. Therefore, the constructed stormwater management facilities are adequate.
- (8) This memorandum incorporates the site development plan review pertaining to stormwater management (Section 32-182(b) of the Prince George's County Code). The following comments are provided pertaining to this approval phase:
 - (a) Final site layout, the exact impervious area locations are shown on plans.
 - (b) The exact acreage of impervious areas has not been provided.
 - (c) Proposed grading is shown on the plans.
 - (d) Delineated drainage areas at all points of discharge from the site have not been provided.
 - (e) Stormwater volume computations have not been provided.
 - (f) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in the submittal.
 - (g) A narrative in accordance with the County Code has not been provided.

- (9) Modifications to the internal roadways may be required to allow for the turning movements required for a standard WB-40 vehicle, and a standard length fire truck. Please submit a truck turning maneuverability analysis to DPIE.
- (10) The property is located along the south side of Ritchie Marlboro Road, southwest of its intersection with Sansbury Road, on the southeast quadrant of the Capital Beltway (I-95/495) and Ritchie Marlboro Road interchange. Ritchie Marlboro Road is a State-maintained roadway up to the intersection with Sansbury Road; therefore, coordination with the Maryland State Highway Administration (SHA) is required. East and south of the intersection, Ritchie Marlboro Road and Sansbury Road are both County-maintained roadways. An eight-foot-wide sidewalk along Sansbury Road and Ritchie Marlboro Road is required.
- (11) Sidewalks, trails and bike-lanes are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance. Any new sidewalk and trail installation is to match existing sidewalks and trails in the area. Additionally, sidewalks and trails must be kept open for pedestrians at all times.
- (12) Conformance with DPW&T's street tree and lighting specifications and standards is required, with lighting fixtures to match those in existence in the area. Adjustments to street lighting, where necessary, to accommodate the improvements constructed under this scenario, are required. In accordance with Section 23-141 of the County Road Ordinance, roadside trees will be required within the limits of the permit area.
- (13) 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's Specifications and Standards, and the Americans with Disabilities Act (ADA). Additionally, all pedestrian crosswalks shall have proper sight distance and be American with Disabilities Act (ADA) accessible.
- (14) Westphalia Row shall construct frontage improvements along Sansbury Road from Ritchie Marlboro Road to Fernwood Drive. Improvements shall include a median on Sansbury Road from Ritchie Marlboro Road to Fernwood Drive. The proposed median shall be constructed providing a break to allow for a left turn movement from the proposed driveway on the eastern side of Sansbury Road onto southbound Sansbury Road.
- (15) The proposed driveway out of Westphalia Row onto Sansbury Road shall be a right-in/right-out only.

- (16) Right-of-way dedication and frontage improvements, in accordance with Department of Public Works and Transportation's (DPW&T) urban major collector road for Sansbury Road (100-foot right-of-way), are required prior to permit issuance.

The majority of DPIE's comments are required to be addressed prior to issuance of permits, at the time of technical plan approvals. It should be noted that DPIE has stated that the plans meet the intent of the approved stormwater management concept plan.

- i. **Prince George's County Police Department**—The Police Department did not offer comments on the subject application. However, the Police Department provided comments on prior approvals for this site.
- j. **Prince George's County Health Department**—The Health Department did not offer comments on the subject application. However, the Health Department provided comments on prior approvals for this site.
- k. **Maryland State Highway Administration (SHA)**—SHA did not offer comments on the subject application. They had no comments on the prior CSP revisions.
- l. **Washington Suburban Sanitary Commission (WSSC)**—WSSC did not offer comments on the subject application. However, they provided standard comments on the applicable CSP and PPS regarding existing water and sewer systems in the area, along with requirements for service and connections, requirements for easements, spacing, work within easements, and meters. These issues must be addressed at the time of permits for site work.
- m. **Verizon**—Verizon did not offer comments on the subject application.
- n. **Potomac Electric Power Company (PEPCO)**—PEPCO did not offer comments on the subject application.
- o. **Westphalia Sector Development Review Advisory Council (WSDRAC)**—In an e-mail dated April 18, 2016, the WSDRAC indicated that they had no objection to the applicant's proposal of 67 townhomes and 10,000 square feet of commercial retail space. However, they have some concerns about the lack of, or limited, visitor parking. The WSDRAC would not like to see overflow parking on Sansbury Road and appreciate that their concern be given serious consideration and it not become an issue after development is completed.

The amount of parking has long been an issue relative to the subject property. Previous DSP approval conditions, as discussed in Finding 11 above, require provision of the number of off-street parking spaces required by Section 27-568 of the Zoning Ordinance plus an additional ten percent of parking for visitors. The submitted DSP shows that for the residential and commercial uses, a total of 206 parking spaces are required and 227 are

provided. The Planning Board found this is sufficient to allow for visitor parking. Sansbury Road is a public DPW&T right-of-way and no on-street parking is proposed adjacent to Phase III at this time; however, as the operating agency, that issue, in terms of allowance and enforcement, is at DPW&T's discretion.

16. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP will, if approved with the proposed conditions below, represent a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
17. As required by Section 27-285(b)(2) of the Zoning Ordinance, this DSP is also in general conformance with the approved CSPs.
18. Section 27-285(b)(4) of the Zoning Ordinance provides the following required finding for approval of a DSP:

The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

No impacts to regulated environmental features are proposed with this application. All impacts were previously approved with the Conceptual Site Plan (CSP-07001), Preliminary Plan of Subdivision (4-07038), and Detailed Site Plans (DSP-08024 and DSP-08039) for the subject 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 Type 2 Tree Conservation Plan (TCP2-055-08-04) and APPROVED Alternative Compliance AC-16002, and further APPROVED Detailed Site Plan DSP-08039-08 for the above-described land, subject to the following conditions:

1. Prior to certificate of approval of the detailed site plan (DSP), the applicant shall make the revisions to the DSP, or provide information as follows:
 - a. Add the required vehicular access and public utility easement over 'Private Road E' on Parcel Q to Sheet 8 of the DSP.
 - b. Show the proposed road dedication and label the boundaries with bearings and distances, and quantify the area in square feet that is to be dedicated to public use.
 - c. Extend the public utility easement along Fernwood Drive to serve Lots 150 and 151.

- d. Provide a minimum of five bicycle parking spaces at a location convenient to the entrance of the commercial building.
- e. Indicate a potential outdoor dining area between the southern end of the commercial building and the picket fence along Sansbury Road, if it is practical.
- f. Revise the development standards chart and floor area ratio chart on the coversheet to correctly reflect the allowed and provided numbers.
- g. Provide bottom and top elevations for all proposed retaining walls and correct all detail labels.
- h. Revise the Commercial/Retail Building development standards to read as follows:

Commercial/Retail Building

- (1) For its entire length, the commercial/retail building shall be set back 15–35 feet from the ultimate right-of-way line of Ritchie Marlboro Road. Commercial and residential building walls must be within 35 feet of the ultimate right-of-way line for at least 34 percent of the linear distance of Phase III's frontage on Ritchie Marlboro Road.
- (2) For its entire length, the commercial/retail building shall be set back 15–25 feet from the ultimate right-of-way line of Sansbury Road. Building walls must be within 25 feet of the ultimate right-of-way line for at least 55 percent of the linear distance of the commercial parcel's frontage on Sansbury Road.
- (3) Maximum building height: 75 feet.
- i. Revise General Note 24 to reflect Preliminary Plan of Subdivision 4-15021, Condition 14.
- j. Three additional landscape islands and street trees shall be provided in the following approximate locations: on 'Private Road E' between Lots 111 and 112; on 'Private Road E' across from Lot 110 adjacent to Parcel B; and on the east side of Westborne Drive between Lots 157 and 158.
- k. Revise the Section 4.10 schedule to reflect all of the elements that are part of the alternative compliance approval.
- l. Add Lots 98, 114, 115, 118, 119, and 161 of Phase III to the list of higher-visibility lots. The sides of townhouses on these lots shall be fully faced with brick or stone.
- m. The standard side and rear elevations of the townhouse models in Phase III shall utilize brick or stone to finish the entire first floor.

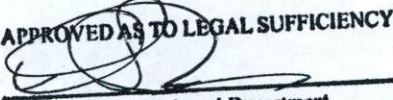
- n. With the exception of Lots 95–106 of Phase III, which require full brick or stone fronts, at least 60 percent of the units in each attached stick of units shall have a full brick or stone front.
- o. Revise the Type 2 tree conservation plan as follows:
 - (1) Add a noise contour symbol and label to the legend.
 - (2) Have the revised plans signed and dated by the qualified professional who prepared them.
- 2. Applications for building permits on Lots 106, 107, 125–133, 140, and 141 shall contain a certification, to be submitted to the Maryland-National Capital Park and Planning Commission, 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 for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise impact area.
- 3. Prior to final plat, the applicant’s private recreational facilities agreement (RFA) shall be amended to reflect the changes to the recreational facilities approved in the subject detailed site plan. The RFA shall specify the timing for the construction of the community building and include exercise equipment in the community building.
- 4. The applicant shall complete construction of the Phase III townhouses and the parking lot that will serve the commercial retail building concurrently.
- 5. Prior to issuance of a use and occupancy permit for the 272nd townhouse, the applicant shall begin construction of the commercial retail building.
- 6. Prior to issuance of the 208th building permit for Westphalia Row, Phases I and II, the applicant shall start construction of the 2,400-square-foot community building on Parcel E.

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, Shoaff, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, May 12, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of June 2016.

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department
Date 5/19/16

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:JK:rpg



**STATEMENT OF JUSTIFICATION/
VARIATION REQUEST
Westphalia Row**

Conceptual Site Plan Amendment 07001-03

Detailed Site Plan 08039-10

September, 2020

Rev. October 16, 2020

Prepared for:

Westphalia Row Partners, LLC
6110 Executive Boulevard, Suite 310
Rockville, Maryland 20852

Prepared by:

Gutschick, Little and Weber
3909 National Drive, Suite 250
Burtonsville, Maryland 20866

PROJECT DESCRIPTION

On behalf of our client, Westphalia Row Partners, LLC (Applicant), we are submitting this Statement of Justification as part of an amended Conceptual Site Plan (CSP), a new Preliminary Plan, and an amended Detailed Site Plan. Westphalia Row is a mixed-use development on 20.67 acres of M-X-T zoned land located at the intersection of Ritchie-Marlboro Road and Sansbury Road, near the Capital Beltway. The property is located within the Westphalia Sector Plan area, and being located on a main access road at the northernmost boundary, is considered a “gateway property”. The previously approved Conceptual Site Plan (07001-02), Preliminary Plan (4-15021), and Detailed Site Plan (08039-09) show 275 townhouses in all three development phases plus 10,000 square feet of commercial (office/retail) development as part of Phase III. The proposed development is a high density, compact, urban design, with a recreation center and numerous landscaped activity areas interconnected by an extensive sidewalk network throughout the development which encourages pedestrian movement and recreational pursuits. Currently, all of the fee simple townhomes in Phases I & II are sold and all the townhomes in Phase III are sold or under construction.

DESCRIPTION OF PROPOSED PLAN

The change to Phase III of the CSP proposes to remove the 10,000 square feet of retail/office use and replace it with 19 fee simple townhouses. The lots will have the same 4 story, rear-loaded, 16’ wide townhouses with an urban row house appearance that have been previously approved, built and sold in this phase.

The proposed density range and floor area ratio (FAR) continues to fall within the range of units and FAR approved in the previous approved CSP 07001-02. All streets and alleys in Phase III will be private and maintained by the homeowner’s association. The driveway entrance into the development from Sansbury Road has been removed leaving a single, main access from Fernwood Drive and safer vehicular and pedestrian circulation. Eliminating the entrance also offers a more attractive streetscape with townhouses fronting both Ritchie Marlboro Road and Sansbury Road with similar front yard fencing and landscaping that are found in other phases of the development.

The M-X-T zone requires at least two (2) of the following three (3) use categories to be included on the CSP and ultimately present in every development in the M-X-T Zone:

- (1) Retail businesses;
- (2) Office, research, or industrial uses;
- (3) Dwellings, hotel, or motel.

When the CSP application for Westphalia Row was first submitted in 2007, the adjacent property across Sansbury Road, owned by PB&J and zoned M-X-T, was part of a combined developer’s agreement with Prince Georges County to provide the commercial use required for the M-X-T zone. Westphalia Row provided the second required use, residential in this case. The PB&J property is currently partially developed with a gas/convenience store fulfilling its required commercial use for the M-X-T zone. Additionally, a single use within the Westphalia Row development is supported by Sec. 27-547.(e) of the

Prince Georges County Zoning Code states “For property placed in the M-X-T Zone by a Sectional Map Amendment approved after October 1, 2006, and recommended for mixed-use development in the General Plan, and a Master Plan, or Sector Plan for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, a Conceptual Site Plan submitted for any property located in the M-X-T Zone may include only one (1) of the above categories, provided that it conforms to the visions, goals, policies and recommendations of the plan for that specific portion of the M-X-T Zone. Finally, Westphalia Row has been built in three phases that included only residential use in the first two phases and the retail/commercial use proposed to be built in the last phase. During that time the Applicant has tried to lease the retail/commercial space with no success and with the existing retail (convenience store/gas station) across the street it seems the demand has been met.

REQUIRED FINDINGS FOR CONCEPTUAL SITE PLANS IN THE M-X-T ZONE -Sec. 27-546(d):

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

The Conceptual Site Plan (CSP) continues to implement the recommendation of the Approved Westphalia Sector Plan and Sectional Map Amendment by creating a compact, walkable, mixed-use community. In combination with the commercial development across Sansbury Road (the commercial use part of the M-X-T zone) it takes advantage of available transportation links and allows for the reduction of the number and distance of automobile trips by constructing residential and nonresidential uses in close proximity to each other.

(2) 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 will continue to be outwardly oriented by fronting the proposed townhouses on two surrounding external roads, Sansbury Road and Ritchie-Marlboro Road. Additionally, some proposed units face a green/sitting area which is centrally located for Phase III homeowners and the extensive interconnected sidewalk network provides easy access to all residents of the community. The proposed townhouses along Sansbury Road provide an attractive streetscape for motorists entering the Westphalia Town Center study area. The Sansbury Road streetscape includes a gateway feature at the corner of Sansbury Road and Ritchie Marlboro Road, brick piers, fencing and landscaping that are similar to features found in other sections of Westphalia Row.

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

The 19 proposed townhouses are compatible with the other 275 existing townhouses in the Westphalia Row development, in particular the 61 other townhouses in Phase III which are the

same architecture. There are also 180 similar townhouses proposed to be built across Ritchie Marlboro Road from the subject development that will start construction in 2021. The Royal Farm convenience store is compatible in that it provides some of the necessary services for the Westphalia Row community.

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

The arrangement and mix of uses of Westphalia Row and the adjacent PB&J Property are compatible and complementary to each other. The Royal Farms store provides the necessary services for the surrounding community and the residents of Westphalia Row are customers that that residential and commercial, arrangement of building and other improvements and amenities of the village center area will continue to be cohesive and will provide a key component of the surrounding community.

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

As stated above the Westphalia Row development is a high density, compact, urban design, with landscaped amenity areas intermixed throughout the development. A network of sidewalks is provided along all public and private roads which interconnects the various amenities within Westphalia Row such as sitting areas, open spaces, recreation facilities and the Community Center. Also available to residents are sidewalks with crosswalks connecting streets within Westphalia Row to the nearby services such as the Royal Farms convenience store and the Greater Morning Star church. This extensive sidewalk network encourages pedestrian movement and outdoor recreation.

On January 12, 2016 the Planning Board approved CSP 07001-02 subject to 14 conditions shown below in bold italics. Responses are shown in red.

- 1. Prior to certificate of approval of the conceptual site plan (CSP), a copy of the revised approved stormwater management concept plan associated with approval 36373-2006-03 shall be submitted and the facilities shall be correctly reflected on the CSP and the Type 1 tree conservation plan.***

Conceptual Site Plan (CSP-07001-02) was certified on January 12, 2016 and complies with condition 1 above.

- 2. No woodland conservation shall be proposed on dedicated parkland unless written authorization from the Department of Parks and Recreation (DPR) has been provided.***

No woodland conservation has been proposed on dedicated parkland.

- 3. Prior to approval of a future detailed site plan for the proposed townhouses, public***

views of alleys shall be minimized by screening the ends of alleys to the fullest extent possible.

Public views of the ends of alleys have been screened by noise walls, fences and or landscaping to the fullest extent possible.

4. *The following development standards shall apply to and be reflected on the Detailed Site Plan. At the time of Detailed Site Plan review, the Planning Board may make modifications to the development standards without the need to amend the Conceptual Site Plan if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the conceptual site plan and the sector plan.*

a. *Front-loaded townhouses (fee simple)*

- (1) *Minimum lot size: 1300 square feet*
- (2) *Minimum front yard setback: 20 feet from back of sidewalk*
- (3) *Minimum yard area: 400 square feet*
- (4) *Maximum building height: 45 feet*
- (5) *Minimum lot width: 20 feet*

b. *Rear-loaded townhouses (fee simple)*

- (1) *Minimum lot size: 1,000 square feet for no less than 50 percent of the units and a minimum of 800 feet for the remainder.*
- (2) *Minimum front yard setback: 6 feet from property line.*
- (3) *Maximum building height: 45 feet.*
- (4) *Minimum lot width: 20 feet for no less than 50 percent of the units and a minimum of 16 feet for the remainder.*

The Development Standards required by condition 4. a-b are shown on the cover sheet of DSP 08039-10.

c. *Commercial/Retail building*

- (1) *Buildings shall be set back 15-35 feet from the ultimate right-of-way line of Ritchie Marlboro Road. Building walls must be within 35 feet of the ultimate right-of-way line for at least 75 percent of the linear distance of the parcel's frontage on Ritchie Marlboro Road.*
- (2) *Buildings shall be set back 15-25 feet from the ultimate right-of-way line of Sansbury Road. Building walls must be within 25 feet of the ultimate right-of-way line for at least 75 percent of the linear distance of the parcel's frontage on Sansbury Road.*

- (3) **Maximum building height: 75 feet.**

The Commercial/Retail building and its development standards have been removed from CSP 07001-06-03, Preliminary Plan 4-20024 and DSP 08039-10.

5. ***At the time of Detailed Site Plan review, parking shall be calculated separately for: (a) the commercial building, (b) for the rear-loaded townhouses north of Femwood Drive, and (c) for the townhouses south of Femwood Drive. Parking spaces in driveways and carports must allow at least 19 feet of parking space for cars, which must not obstruct pedestrian or vehicular travel routes. In addition to the total number of off-street parking spaces required for each type of unit, each portion of the development shall also provide an additional ten percent of this number for visitor parking, which may include parallel parking spaces on private roads.***

The DSP 08029-10 shows parking calculations as required by Condition 5.

6. ***At time of detailed site plan review for Phase III of the development, the site shall be evaluated for conformance with the gateway design guidelines of the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment. A package of design items such as gateway entrance features, architectural design (including four highly-designed sides with a two-story appearance), materials, colors, landscape palette, and streetscape features shall be provided in order to create a distinctive sense of arrival. Design details for a gateway feature near the Ritchie Marlboro Road and Sansbury Road intersection shall be provided.***

The Westphalia gateway feature detail is shown on Sheet 12 of Detailed Site Plan 08039-10. The gateway feature is shown on the DSP at the intersection of Ritchie Marlboro Rd and Sansbury Rd.

7. ***Prior to approval of the detailed site plan by the Planning Board, the applicant and the applicant's heirs, successors, and/or assignees shall provide adequate on-site private recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines. The private recreational facilities shall be reviewed by the M-NCPPC Development Review Division (DRD), Urban Design Section, for adequacy and proper siting.***

Detailed Site Plan (DSP-08039-08) was certified on August 3, 2016 and complies with condition 7 above.

8. ***The private recreational facilities package to be provided by this development shall include those facilities proposed with the Conceptual Site Plan application, which includes two (2) outdoor play areas for children.***

Detailed Site Plan (DSP-08039-08) was certified on August 3, 2016 and complies with conditions 1. a-o above. The RFA (recorded October 14, 2016 liber 38641, folio 296) for the recreation facilities specified on DSP 08039-10 includes the facilities above

and many others.

9. *The Applicant shall provide an eight-foot-wide side path or wide sidewalk along Sansbury Road, unless modified by the Department of Public Works & Transportation (DPW&T).*

Detailed Site Plan (DSP-08039-08) was certified on August 3, 2016 and complies with condition 7 above.

10. *The final record plat shall include a note that the Applicant, the Applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of appropriate signage for the Class III bikeway along Sansbury Road. The contribution shall be made prior to the issuance of the first building permit.*

Final record plat includes the above note.

11. *The applicant shall extend the sidewalk along the north side of Femwood Drive to the stormwater management access road/pedestrian walkway on Parcel D, unless modified by the Department of Public Works and Transportation (DPW&T).*

Detailed Site Plan (DSP-08039-08) was certified on August 3, 2016 and complies with condition 11 above.

12. *Appropriate pedestrian amenities and pedestrian safety features will be evaluated at the time of Detailed Site Plan.*

Acknowledged.

13. *The proposed development shall be limited to a mix of uses where the net new trips shall not exceed 398 AM and 471 PM peak-hour trips.*

Acknowledged.

14. *Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:*

- a. *Sansbury Road/D'Arcy Road intersection (unsignalized):*

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

b. Sansbury Road/Ritchie Marlboro Road intersection:

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

c. Ritchie Marlboro Road/White House Road intersection:

(i) Provide the following improvements:

Northbound approach: (2) two left-turn lanes and a shared left-through right lane.

Detailed Site Plan (DSP-08039-08) was certified on August 3, 2016 and complies with condition 11. a-c. above.

15. *The Applicant has indicated a desire to be a part of the established Westphalia Financing Plan. Therefore, at the time of the Detailed Site Plan, if the Applicant is a recognized participant in a designated Westphalia Financing Plan, any designated financial contributions to the overall Westphalia Plan, including contributions to the Central Park, shall be so designated as a condition on the detailed site plan, as part of the established financing formula and plan.*

Detailed Site Plan (DSP-08039-08) was certified on August 3, 2016 and complies with condition 11. a-c. above.

16. *At the time of building permit issuance, applications for building permits shall be 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 for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise impact area.*

Building permits have been issued for all 275 townhouses in Westphalia Row. The townhouses have been permitted, constructed and are now occupied. Noise levels were reduced to below 45dBA or less based on construction methods recommended in a report by Wyle Laboratories dated October 27, 2008.

On May 19, 2016 the Planning Board approved DSP 08039-09 subject to 6 conditions shown below in bold italics. Responses are shown in red.

1. ***Prior to certificate of approval of the detailed site plan (DSP), the applicant shall make the revisions to the DSP, or provide information as follows:***
- a. ***Add the required vehicular access and public utility easement over 'Private Road E' on Parcel Q to Sheet 8 of the DSP.***
- b. ***Show the proposed road dedication and label the boundaries***

with bearings and distances, and quantify the area in square feet that is to be dedicated to public use.

- c. *Extend the public utility easement along Fernwood Drive to serve Lots 150 and 151.*
- d. *Provide a minimum of five bicycle parking spaces at a location convenient to the entrance of the commercial building.*
- e. *Indicate a potential outdoor dining area between the southern end of the commercial building and the picket fence along Sansbury Road, if it is practical.*
- f. *Revise the development standards chart and floor area ratio chart on the coversheet to correctly reflect the allowed and provided numbers.*
- g. *Provide bottom and top elevations for all proposed retaining walls and correct all detail labels.*
- h. *Revise the Commercial/Retail Building development standards to read as follows:*

Commercial/Retail Building

- 1. *For its entire length, the commercial/retail building shall be set back 15-35 feet from the ultimate right-of-way line of Ritchie Marlboro Road. Commercial and residential building walls must be within 35 feet of the ultimate right-of-way line for at least 34 percent of the linear distance of Phase III's frontage on Ritchie Marlboro Road.*
- 2. *For its entire length, the commercial/retail building shall be set back 15-25 feet from the ultimate right-of-way line of Sansbury Road. Building walls must be within 25 feet of the ultimate right-of-way line for at least 55 percent of the linear distance of the commercial parcel's frontage on Sansbury Road.*
- 3. *Maximum building height: 75 feet.*
- i. *Revise General Note 24 to reflect Preliminary Plan of Subdivision 4-15021 Condition 14.*
- j. *Three additional landscape islands and street trees shall be provided in the following approximate locations: on*

'Private Road E' between Lots 111 and 112; on 'Private Road E' across from Lot 110 adjacent to Parcel B; and on the east side of Westborne Drive between Lots 157 and 158.

- k. Revise the Section 4.10 schedule to reflect all of the elements that are part of the alternative compliance approval.*
- l. Add Lots 98, 114, 115, 118, 119, and 161 of Phase III to the list of higher-visibility Jots. The sides of townhouses on these Jots shall be fully faced with brick or stone.*
- m. The standard side and rear elevations of the townhouse models in Phase III shall utilize brick or stone to finish the entire first floor.*
- n. With the exception of Lots 95-106 of Phase III, which require full brick or stone fronts, at least 60 percent of the units in each attached stick of units shall have a full brick or stone front.*
- o. Revise the Type 2 tree conservation plan as follows:*
 - (1) Add a noise contour symbol and label to the legend.*
 - (2) Have the revised plans signed and dated by the qualified professional who prepared them.*

Detailed Site Plan (DSP-08039-08) was certified on August 3, 2016 and complies with conditions 1. a-o above.

- 2. Applications for building permits on Lots 106, 107, 125-133, 140, and 141 shall contain a certification, to be submitted to the Maryland-National Capital Park and Planning Commission, 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 for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise impact area.*

Townhouses on the above listed lots have been permitted, constructed and occupied. Noise levels were reduced to below 45dBA Ldn or less based on construction methods recommended in a report by Wyle Laboratories dated October 27, 2008.

- 3. Prior to final plat, the applicant's private recreational facilities agreement (RFA) shall be amended to reflect the changes to the*

recreational facilities approved in the subject detailed site plan. The RFA shall specify the timing for the construction of the community building and include exercise equipment in the community building.

The RFA (recorded October 14, 2016 liber 38641, folio 296) was amended to address the above condition and the community building has been permitted, constructed and is currently in use. Exercise equipment has been installed in the building.

4. *The applicant shall complete construction of the Phase III townhouses and the parking lot that will serve the commercial retail building concurrently.*

This amendment to DSP 08039 seeks to remove the parking lot that will serve the commercial retail building and replace it with townhouses.

5. *Prior to issuance of a use and occupancy permit for the 272nd townhouse, the applicant shall begin construction of the commercial retail building.*

This amendment to DSP 08039 seeks to remove the commercial retail building and replace it with townhouses.

6. *Prior to issuance of the 208th building permit for Westphalia Row, Phases I and II, the applicant shall start construction of the 2,400-square-foot community building on Parcel E.*

The community building on Parcel E has been constructed and is currently in use by the residents.

After completing a full review of the previously approved Conceptual Site Plan and Detailed Site Plan and incorporating on-site requirements including unit type, street layout, landscaping, recreation, forest conservation, existing environmental features, and surrounding neighborhoods, the Applicant has proposed amendments to the previously approved Conceptual Site Plan and Detailed Site Plan which meet the intent of the originally approved plans. Note that a TCP1 is not included with this CSP submission package. A comment by Henry Zhang that if there is no change to the LOD that a TCP1 does not need to be included in the CSP submission package.

Thank you in advance for your consideration of this request. If you need any additional information, or if we can be of further assistance, please do not hesitate to contact us.

Sincerely,

Michael Clay
Senior Planner