

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Comprehensive Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 26, 2018, regarding Comprehensive Design Plan CDP-1701 for The Preserve at Westphalia, the Planning Board finds:

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

2. **Development Data:**

Gross tract area	63.66 acres
Gross tract area of the R-M-zoned parcel	44.21 acres
100-year floodplain in the R-M Zone	2.26 acres
Net tract area	41.95 acres
Base density*of the R-M-zoned property (3.6 x 43.08 acres)	155 dwelling units
Approved density in the R-M Zone	101 dwelling units
Gross tract area of the L-A-C-zoned parcel	19.45 acres
100-year floodplain in the L-A-C Zone	0 acre
Net tract area	19.45 acres
Residential acreage proposed	17.52
Base density* of the L-A-C (Neighborhood) zoned property (8 x 17.52 acres)	140 dwelling units
Proposed density in the L-A-C Zone	147 SFA 22 SFD
Commercial acreage proposed	1.93
Base commercial intensity (0.16 FAR per acre)	13,451 sq. ft.
Commercial development approved	12,500 sq. ft. (0.15 FAR)

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

3. **Location:** The subject site is located in the northwest quadrant of the intersection of Westphalia Road and Ritchie Marlboro Road in Upper Marlboro, Maryland. The site is also located in Planning Area 78, Councilmanic District 6.
4. **Surroundings and Uses:** The subject property is part of a larger property known as The Villages at Westphalia, referenced as Sector Plan Development Concept 4 of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA). The site is bounded on the east side by the public right-of-way (ROW) of Ritchie Marlboro Road and on the south side by the ROW of Westphalia Road. Across from both roadways to the east and south are properties in the Residential-Estate (R-E) Zone. To the north of the subject site are properties in the R-E Zone and to the west of the site is the remainder of the Villages at Westphalia in both the L-A-C and R-M Zones.
5. **Previous Approvals:** The Westphalia Sector Plan and SMA rezoned a larger property of approximately 223.5 acres from the Residential-Agricultural (R-A) Zone to the R-M and L-A-C Zones. As part of the approval of these comprehensive design zones, the Prince George's County District Council approved Sector Plan Development Concept 4 as the Basic Plan for development of the subject property. The specific land use types and development quantities/densities are stated in Approved Zoning Change 9 of the SMA (see Finding 7 for specific land use types).

A comprehensive land use study of the Westphalia Sector Plan was conducted before its initiation. The sector plan specifically states that the land use concepts included in the sector plan serve as the Basic Plan for those properties in the comprehensive design zones (see page 91).

6. **Design Features:** The subject CDP proposes to develop the subject 63.66-acre site, which is split zoned L-A-C and R-M, with commercial and SFA and SFD units. The L-A-C-zoned parcel has frontage on Westphalia Road at the southwest corner of the site, and is surrounded on three sides by the R-M-zoned property.

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

through private alleys and Street D, which loops back to Street A. Two lot widths have been proposed in this CDP, including 16 feet and 20 feet.

The following development standards for the SFD and SFA development were proposed:

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

STANDARDS

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

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

STANDARDS

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

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

The CDP proposes a neo-traditional design approach for the townhouse development and clusters smaller lots and higher density away from environmentally sensitive areas. This site design approach creates a land pattern where green area surrounds and permeates into the neighborhoods,

to give all of the future residents visual and physical access to space. An additional review of the location and amount of the open space will be carried out at the time of specific design plan (SDP).

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

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

#### COMPLIANCE WITH EVALUATION CRITERIA

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

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

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

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

**Residential—712 units**  
**Age-Restricted Community—160 units**  
**Public/Quasi-Public Use—Church, school and recreation amenities**

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

**Residential—Approximately 12 acres**  
**Residential—320 units**  
**Commercial/Retail (including live/work)—25,000 square feet GFA**  
**Country Inn—40,000 square feet GFA**

**Comprehensive Design Plan Review Considerations:**

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

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

- 1. Design an efficient, safe, and interconnected residential street system:**
  - **Design or retrofit street systems to link individual subdivisions/projects to each other and the community.**
  - **Avoid closed loop subdivisions and extensive cul-de-sac systems, except where the street layout is dictated by the topography or the need to avoid sensitive environmental resources.**
- 2. Design new low- to medium-density residential neighborhoods that are varied in housing styles and architecture and promote best practices for residential design:**
  - **Arrange driveways so that cars are parked to the side or rear of the house or otherwise hidden from the street.**

3. **Design residential developments that connect and appropriate transition to pre-existing communities and neighboring commercial areas:**
  - **Develop neighborhoods to reflect the character of their location within Westphalia, with areas closer to the town center being more compact and more urban, and outlying areas more rural.**
  - **Create lot divisions that respect the existing pattern of development for neighborhood continuity and compatibility.**

This CDP is part of a larger property for which the District Council approved a rezoning with very specific uses and development quantities. In addition, the proposed development is within the density normally allowed by the R-M Zone, but exceeds the density allowed for the L-A-C-zoned parcel. The Basic Plan includes 40 acres of land in the L-A-C Zone, of which about 12 acres is for residential use and was capped at a total of 320 residential units. However, the total number of dwelling units cannot exceed the calculation, in proportion to the land area contained in this application. In this case, the L-A-C Zone contains 19.45 acres, and 1.93 acres is proposed as commercial development. The base allowed dwelling units in the L-A-C Zone residential area is 140. The applicant proposes 169 dwelling units; 29 units above the base allowed. A condition has been included requiring the applicant to revise the CDP to a maximum of 160 dwelling units on the L-A-C-zoned property, incorporating the previously proffered public benefit features to gain the additional density.

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

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

The site of this application is at the edge of the sector plan, far away from the town center. In fact, the site is in an outlying area, very much a rural part of Westphalia. Therefore, the subject site is not the right place for small-lot townhouses, as proposed, and the townhouse regulations associated with other CDPs and other Euclidian zones should be applied. See Finding 8(b) for further discussion of this issue relating to the townhouse development, as proposed. Given that the site is in the middle of R-E-zoned development, the minimum width of the majority of the townhouses should be 20 feet. However, since the sector plan calls for low- to medium-density and diverse development, in terms of housing types and affordability, and the comprehensive design

zone promotes high-quality development with flexibility, a limited number of townhouses can be 16 feet in width and should be located to the interior of the site. A condition requires that the majority of the townhouse lots be 20 feet in width. The Planning Board finds that the development standards for the townhouses shall be revised accordingly.

The sector plan specifically promotes a grid street pattern and only allows the use of culs-de-sac where the street layout is dictated by the topography or the need to avoid sensitive environmental resources. The CDP shows six culs-de-sac. The four culs-de-sac north of Street A are logical solutions to the environmental constraints in the northern part of the site. However, the two culs-de-sac on Street E and Street I should connect to form a loop street. A condition requires the applicant to remove the lots and road layout from the CDP as these issues will be reviewed at the time of Preliminary Plan of Subdivision.

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

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

The subject site, as part of a larger property, was rezoned to the R-M and L-A-C Zones by the Westphalia Sector Plan and SMA. The exhibit attached to the sector plan (Exhibit 58), along with Approved Zoning Change 9, serves as the Basic Plan for the property. The proposed CDP is in conformance with the approved Basic Plan for the development types and quantities, except for density in the L-A-C Zone. The CDP, as proposed, was not in conformance with the design guidelines and standards of the sector plan. Several conditions of this approval have addressed the inconsistency that will bring the CDP into conformance with the sector plan and the Basic Plan contained within it.

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

The CDP would result in a development with a better environment than could be achieved under other regulation. The CDP is not consistent with some of the design standards and guidelines of the sector plan, specifically regarding density in the L-A-C Zone, lot sizes and widths, and the number of culs-de-sac. Conditions of approval have addressed those inconsistencies.

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

The CDP includes the bulk standards for the proposed SFD and SFA units. The lot width and sizes, as originally proposed, were too small, but conditions of this approval will address these issues. Maximum lot coverage should be provided for the SFD lots, prior to certification. The CDP includes various housing types and three locations of recreational facilities and amenities, as well as a 1.93-acre area for future commercial/retail uses, that is consistent with the approved Basic Plan.

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

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

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



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

The application is in general conformance with the layout, development types, and unit distribution, as shown on Development Concept 4 and Exhibit 58 and in Approved Zoning Change 9 (page 91), which is the Basic Plan for this CDP. The CDP should be revised to reduce the density of the L-A-C Zone and to conform to the design guidelines. In terms of amount of building coverage and open space, relationship with abutting land uses, circulation, and access points, the CDP is acceptable, with the condition relating to the maximum lot coverage. Further, analysis and review of those elements will be carried out at the time of PPS and SDP review.

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

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

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

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

The proposed development needs mitigation for fire and rescue because the entire site is not completely within a seven-minute travel time from the first due fire station, in accordance with the review. Mitigation tools are available to address the inconsistency at the time of PPS.

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

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

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

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

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

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

The Planning Board reviewed the CDP's conformance with the Type 1 Tree Conservation Plan (TCP1-002-2018) and concluded that the proposed development is in conformance with the TCP1.

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

As stated previously, the Planning Board has reviewed the TCP1 included with this CDP, and concluded that all regulated environmental features on the subject site have been preserved and/or restored, to the fullest extent possible.

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

The subject property was rezoned to the R-M and L-A-C Zones through the Westphalia Sector Plan and SMA, which is pursuant to Section 27-226(f)(4). Public Record Exhibit 58 was referenced in the record and was further

represented in Development Concept 4, which is the Basic Plan for a larger property including the subject site. Therefore, the guidelines are in accordance with Section 27-480(g) of the Zoning Ordinance, which states the following:

- (g) When property is placed in a Comprehensive Design Zone through a Sectional Map Amendment or through a Zoning Map Amendment intended to implement land use recommendations for mixed-use development recommended by a Master Plan or Sector Plan that is approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation:**
  - (1) The design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property should establish and provide guidance for the development regulations to be incorporated in the Specific Design Plan.**
  - (2) The limitations on the maximum percentages of townhouse and multifamily dwelling units contained in Section 27-515(b)(7), footnote 29, the lot area requirement in Subsection (b) above, and the lot width requirements in Subsection (e) above shall not apply. However, the Planning Board or District Council may impose similar restrictions where appropriate, only to implement the recommendations of the Master Plan or Sector Plan.**

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

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

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

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

For the L-A-C Zone, the CDP proposed 147 townhouses and 22 SFD units. In accordance with Section 27-496, the Neighborhood Center allows a residential density of 8 to 12.1 dwelling units per residential acre. The Basic Plan capped the L-A-C Zone residential development at a total of 320 dwelling units for the entire 40 acres. The CDP can only support 160 dwelling units, per the acreage herein approved for residential development in the L-A-C Zone. A condition of this approval requires that the applicant provide the previously proffered public benefit features.

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

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

The R-M and L-A-C Zones for this site, and two adjacent properties, were the result of an SMA. As illustrated in Exhibit 58, which is the approved Basic Plan, this site is subject to a comprehensively planned mix of civic, residential, commercial, and open space uses. A review of the submitted materials shows that the designated open space (shown as green space) on the Basic Plan is being impacted with the development of single-family dwellings and associated infrastructure. To bring the approval into substantial conformance with Exhibit 58, proposed Lots 68–75 and the associated road improvements should be removed from the designated open space. A portion of the 8.25 acres in off-site woodland credits shown on the TCP1 shall then be changed to on-site woodland conservation, in this area. The Planning Board conditioned that the lot and road layout be

removed from the CDP, so this issue will be reviewed in more detail at the time of Preliminary Plan of Subdivision.

The Planning Board concluded that the CDP, as revised in accordance with conditions of this approval, is in conformance with the requirements of the WCO.

10. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned R-M are required to provide a minimum of 15 percent of the gross tract area in TCC and properties that are zoned L-A-C are required to provide a minimum of 10 percent of the gross tract area in TCC. During the future review of SDPs and building permits, the applicant must demonstrate conformance with the Tree Canopy Coverage Ordinance. A TCC schedule will be required to be added to the SDP to show how the tree canopy requirement is being met.

11. **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. **Historic Preservation**—The Planning Board reviewed a summary of the Historic Preservation Commission's (HPC) review of this case and the historic preservation findings, as follows:

**Historic Preservation Commission's Review**

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

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

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

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

**“Historic Preservation**

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

### **“Archeology**

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

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

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

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

The Planning Board has included one historic preservation-related condition of approval.

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

### **General Plan**

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

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

### **Master Plan**

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

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

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

The Planning Board concluded that the subject proposal is in conformance with the Basic Plan, but it is not consistent with key sector plan design guidelines and standards, that have been discussed in Finding 7 above. These inconsistencies have been addressed by conditions of this approval.

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



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

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

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

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

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

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

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

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

- (1) **Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better;

- (2) **Unsignalized intersections:** The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. Once the CLV exceeds 1,150, this is deemed to be an unacceptable operating condition at unsignalized intersections. As a result, the Planning Board finds that the applicant shall provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.
- (3) **Roundabouts:** Where the analysis using *The Highway Capacity Manual* (Transportation Research Board) indicates a volume-to-capacity (v/c) ratio greater than 0.850 for the intersection, geometric improvements or trip reduction measures should be considered that will reduce the v/c ratio to an acceptable level. The operating agency can deem a v/c between 0.850 and 0.900 to be acceptable, and that agency must do this in writing in order for the Planning Board to make a similar finding.

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

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

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

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

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

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

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

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

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

**Agency review**

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

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

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

### **Transportation Findings**

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

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

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

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

The Planning Board concludes that the staging of development will not be an unreasonable burden on available public facilities, as required by Section 27-521, as the application is approved with appropriate transportation-related conditions.

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

### **Plan Comments**

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

PGAtlas indicates that Marlboro clay soils are present on the subject property, which may impact the developable area of the site and will be further evaluated at the time of PPS.

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

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

**Police Facilities**

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

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

**Fire and Rescue Service**

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

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

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

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

**Mitigation plan**

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

**4. MITIGATION PLAN**

**A. Public Safety Mitigation Fee**

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

that are necessary to help meet the response times associated with CB-56-2005.

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

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

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

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

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

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

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

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

#### **Schools**

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-95/495 (Capital Beltway) and the District of Columbia; \$7,000 per dwelling if the building is included within a Basic Plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. Council Bill CB-31-2003 allows for these surcharges

to be adjusted for inflation, and the current amounts are \$9,317 and \$ 15,972, to be paid at the time of issuance of each building permit.

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

#### **Water and Sewerage**

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

- g. **Prince George's County Police Department**—The Police Department did not offer comments on the subject approval.
- h. **Environmental Planning**—The Planning Board found the following:

#### **Soils**

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

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

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

A condition of this approval requires that at the time of PPS for this site, the applicant shall submit a geotechnical report for review and approval by DPIE, to confirm the elevation of the Marlboro clay and determine the slope stability factor.



### **Stormwater Management**

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

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

- i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**— DPIE did not offer comments on the subject application.
- j. **Prince George's County Health Department**—The Health Department did not offer comments on the subject application.
- k. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated April 23, 2018 (Zyla to Zhang), DPR provided the following comments:

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

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

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

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

#### **Westphalia Central Park**

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

- Create public and private parks, open space, and recreational facilities sufficient to meet the needs of the current and future residents of the Westphalia sector plan area.
- Create a park system consisting of 1,850 acres of public and private parks and green spaces.
- Ensure development of the parks system that result in central green spaces which serve to unite the Westphalia community and its surrounding neighborhoods.
- Designate the Westphalia Central Park and Cabin Branch Greenway as community focus areas. These parks should become a regional draw and icon for Westphalia.
- Ensure major development projects are adequately integrated into the implementation of the sector plan parks system recommendations.
- Ensure the proper financing, construction and maintenance of the proposed park system.
- Develop and finalize a comprehensive public facilities plan that includes detailed recommendations for financing mechanisms, phasing, construction and maintenance of the proposed park facilities.

- Ensure parks, streets, and public squares are all designed to accommodate community parades, festivals and other events.
- Establish a park fee of \$3,500 (in 2006 dollars) for each new dwelling unit built in the Westphalia sector plan area to fund construction of the public parks facilities recommended in the sector plan.
- Form a multi-agency public/private work group to implement the vision for the Westphalia Central Park on an expedite basis.

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

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

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

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

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

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

The applicant should provide private on-site recreational facilities to serve the residents within in the proposed community and make a monetary contribution in the amount of \$3,500 per dwelling unit in 2006 dollars into a “park club” for the design and construction of the major public recreational facilities in the Westphalia Central Park, as per the recommendations of the Approved Westphalia Sector Plan and Sectional Map Amendment. This will be analyzed and determined at subdivision.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George’s County Code, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 1 Tree Conservation Plan TCP1-002-2018, and further APPROVED Comprehensive Design Plan CDP-1701 for the above described land, subject to the following conditions:

1. Prior to certification, the applicant shall revise the comprehensive design plan (CDP) or provide information, as follows:
  - a. Revise the proposed residential development quantity for the L-A-C-zoned property to a maximum of 160 dwelling units, subject to the provision of Public Benefit Features as set forth in the applicant’s Statement of Justification dated April 4, 2018.
  - b. Remove the lots and roads layout from the CDP Plan. Add a general note stating that a majority of the townhouse lots shall be a minimum of 20’ in width.
  - c. Revise the Type 1 tree conservation plan (TCP1), as follows:
    - (1) Add “TCP1-002-2018” to the approval block on all sheets and to the Conservation worksheet.
    - (2) Correct the stream buffer to 75 feet.
    - (3) Correct the project name on the worksheet, line 7.

- (4) Correct the existing woodland in the net tract on the worksheet and in the Site Statistics table, to be consistent. It is understood that this is a rounding error and is inconsequential in the calculations.
      - (5) Correct line 9 of the worksheet to indicate "N." This site is not subject to the 1991 Woodland and Tree Preservation Ordinance.
      - (6) Provide an Owners Awareness Certification on the plan.
      - (7) Have the revised plan signed and dated by the qualified professional preparing the plan.
    - d. Provide design standards for the proposed commercial development.
  2. Prior to acceptance of the preliminary plan of a subdivision, a revised statement of justification for the necessary primary management area impacts and specimen tree variance shall be included in the application package.
  3. Prior to approval of the preliminary plan of subdivision (PPS):
    - a. The Talburtt Tobacco Barn (PG:78-009) and the Osborn-Talburtt Cemetery (PG:78-008) shall be evaluated by the Historic Preservation Commission to determine if the historic resources meet the criteria to be designated as Prince George's County historic sites.
    - b. If the Talburtt Tobacco Barn (PG:78-009) is designated as a Prince George's County historic site, the establishment of its associated environmental setting may necessitate the adjustment of lot lines, to ensure its preservation.
    - c. The applicant shall dedicate all rights-of-way for A-39 and C-626, as identified by the Prince George's County Planning Department.
    - d. A contribution to the Public Facilities Financing and Implementation Program (PFFIP) will be determined, based on the density approved for the PPS.
    - e. The applicant shall provide a geotechnical report to confirm the elevation of the Marlboro clay and determine the slope stability factor.
  4. The applicant and the applicant heirs, successors, and/or assignees shall provide the following:
    - a. A shared-use sidepath (or wide sidewalk) along the subject site's entire frontage of Ritchie Marlboro Road, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement.

- b. Standard sidewalks along both sides of all internal roads (excluding alleys), unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement.
- 5. Total development within the subject property shall be limited to uses, which generate no more than 224 AM peak-hour trips and 256 PM peak-hour trips, unless modified by the APF test for transportation at the time of Preliminary Plan of Subdivision.
- 6. Prior to issuance of any building permit, the applicant and the applicant heirs, successors, and/or assignees shall conduct a traffic signal warrant study for the intersection of Ritchie Marlboro Road and Westphalia Road/Orion Lane. If the signal is deemed to be warranted and approved by the operating agency, the signal shall be installed, unless modified by the APF test for transportation at the time of Preliminary Plan of Subdivision.
- 7. The residential dwelling units are subject to the development standards, as follows:

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

**STANDARDS\*\***

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

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

STANDARDS\*\*

Minimum Net Lot area	
16' Wide	1,200 square feet
20' Wide	1,400 square feet
24' Wide	1,800 square feet
Minimum Front Yard setback:	6 feet
Minimum Lot Width at Street Line	16 feet***
Minimum Lot Width at Front BRL	16 feet***
Minimum Distance Between Buildings	15 feet
Minimum Gross Living Space	1,250 square feet
Maximum Height	45 feet

**Other Design Standards:**

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

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

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

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

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

\*\*\*The minimum width is 16 feet for interior units and 20 feet for end units. At least 80 percent of the single-family attached lots shall be 20 feet wide

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 Doerner, with Commissioners Washington, Doerner, Bailey, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 26, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of July 2018.

Elizabeth M. Hewlett  
Chairman

By Jessica Jones  
Planning Board Administrator

EMH:JJ:HZ:gh