



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

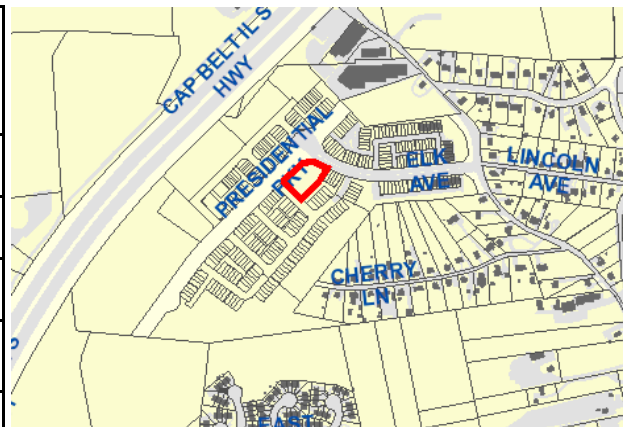
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Detailed Site Plan DSP-06079-05

Westridge (D'Arcy Park South)

REQUEST	STAFF RECOMMENDATION
Revise the DSP condition on the timing of recreational facilities construction.	With the condition recommended herein: <ul style="list-style-type: none"> Approval of Detailed Site Plan DSP-06079-05

Location: On the south side of Elk Avenue, approximately 933 feet west of its intersection with D'Arcy Road.	
Gross Acreage:	0.82
Zone:	RR/MIO
Zone Prior:	R-R/M-I-O
Reviewed per prior Zoning Ordinance:	Section 27-1704(b)
Dwelling Units:	N/A
Gross Floor Area:	N/A
Planning Area:	78
Council District:	06
Municipality:	N/A
Applicant/Address: CGMG Capital, LLC 4514 Cole Avenue, Suite 1175 Dallas, TX 75205	
Staff Reviewer: Tom Burke Phone Number: 301-952-2739 Email: Thomas.Burke@ppd.mncppc.org	



Planning Board Date:	12/15/2022
Planning Board Action Limit:	01/13/2023
Staff Report Date:	11/29/2022
Date Accepted:	11/04/2022
Informational Mailing:	09/19/2022
Acceptance Mailing:	11/04/2022
Sign Posting Deadline:	11/16/2022

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-06079-05
Westridge (D'Arcy Park South)

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

EVALUATION CRITERIA

This property is within the Residential, Rural (RR) Zone and the Military Installation Overlay (MIO) Zone; however, this application is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, as permitted by Section 24-1704(b) of the Zoning Ordinance, which allows for projects with prior approvals to continue to be reviewed under the prior Zoning Ordinance for development of a property. The detailed site plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of Detailed Site Plan DSP-06079 and its amendments;

FINDINGS

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

- 1. **Request:** The subject amendment to a detailed site plan (DSP) proposes a revision to the previous conditions relating to the timing of recreational facilities construction.
- 2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone	RR/MIO	R-R/M-I-O
Use	Residential	Residential
Total Acreage	0.82	0.82
Parcels	1	1

3. **Location:** This application is part of the larger Westridge project, a 56.19-acre community which was formally known as D’Arcy Park South and is located in the southeastern quadrant of the intersection of the I-95/I-495 (Capital Beltway) and D’Arcy Road, in Planning Area 78 and Council District 6. More specifically, the area of this amendment is located on the north side of proposed Presidential Parkway, adjacent to the Capital Beltway, along the site’s northwestern property line.
4. **Surrounding Uses:** The overall Westridge site is surrounded by single-family detached homes in the Residential, Rural (RR) Zone; industrial uses in the Industrial, Employment (IE) Zone and D’Arcy Park North to the north; Little Washington, a single-family detached community in the RR Zone, to the east; Chester Grove Apartments in the Residential, Multifamily-20 (RMF-20) Zone, vacant land in the IE Zone, and vacant land in the RR Zone to the south; and the Capital Beltway to the west. The subject parcel is within the Westridge Community, which is comprised of single-family attached units in the RR Zone.
5. **Previous Approvals:** This project is subject to the requirements of Preliminary Plan of Subdivision 4-05116, which includes the entirety of the property and was approved on October 26, 2006, subject to 22 conditions (PGCPB Resolution No. 06-220(A)).

The Prince George’s County Planning Board originally approved Detailed Site Plan DSP-06079 on November 29, 2007 (PGCPB Resolution No. 07-224), for 556 total dwelling units including 226 townhouses, 154 two-family attached, and 176 multifamily dwelling units, subject to 11 conditions. The Prince George’s County District Council affirmed the Planning Board’s decision on June 17, 2008, with 14 conditions. The DSP was amended three times by the Planning Director. DSP-06079-01 approved the conversion of 154 two-family attached dwellings to 77 townhouses on February 11, 2019. DSP-06079-02 was approved for the addition of two new single-family attached architectural models in December 2019. DSP-06079-03 was approved on June 1, 2020 to revise unit specifications, as well as architecture and layout of the clubhouse and central recreational facilities.

The Planning Board approved DSP-06079-04 on June 11, 2020 (PGCPB Resolution No. 2020-100), to replace the multifamily units with single-family attached units, reducing the total number of units from 476 to 460.

The site has an approved Stormwater Management Concept Plan, 8276-2006-01, which expired on June 23, 2022.

6. **Design Features:** All design criteria for this site were approved with previous applications and shall carry forward with this amendment.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Detailed Site Plan DSP-06079 and its amendments:** DSP-06079 was approved by the Planning Board and affirmed by the District Council, with additional conditions, on November 29, 2007. The following condition is relevant to this application:
 2. **The applicant shall construct the proposed community center and swimming pool prior to issuance of the building permit that would allow construction of the 250th unit in the development.**

The purpose of this application is to amend this condition to allow more building permits to be issued prior to the requirement for construction of the community center and swimming pool. The applicant, in the statement of justification (SOJ), requested to move the timing from the 250th permit to the 375th permit. When the timing was established with DSP-06079, the applicant was proposing 556 units as a combination of single-family attached, two-family, and multifamily units. The timing for this recreational facility was set at approximately 45 percent of the total community build-out. Since this initial approval, the proposed multifamily and two-family units were removed and replaced with single-family attached units, for a net reduction resulting in a total of 460 units.

The applicant is committed to construction of the recreational facilities, indicating in the SOJ that building permits have been secured, construction materials have been ordered, and the footings have already been installed for the building. By moving the timing to 375 issued permits, the community then would be approximately 82 percent complete, prior to construction of these facilities. Staff felt that this was too far into completion of the community, as many residents have already moved into the finished units and are expecting recreational facilities, as approved. Staff believes that moving the timing to 330 units, at which time approximately 71 percent of the community will be completed, is acceptable. A recommendation is therefore provided herein to require that, prior to issuance of the building permit that would allow construction of the 330th unit in the development, the applicant shall fully construct the proposed community center and swimming pool.

8. As required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP, if approved as conditioned, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
9. As required by Section 27-285(b)(4) of the Zoning Ordinance, for approval of a DSP, the regulated environmental features on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations. No new impacts are proposed with this application to the on-site regulated environmental features or primary management area.

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-06079-05 Westridge (D'Arcy Park South), subject to the following conditions:

1. The applicant shall fully construct the proposed community center and swimming pool, prior to issuance of the building permit that would allow construction of the 330th unit in the development.
2. Revise the recreational facilities agreement to reflect the change in timing to the 330th unit.

WESTRIDGE (D'ARCY PARK SOUTH)

Detailed Site Plan

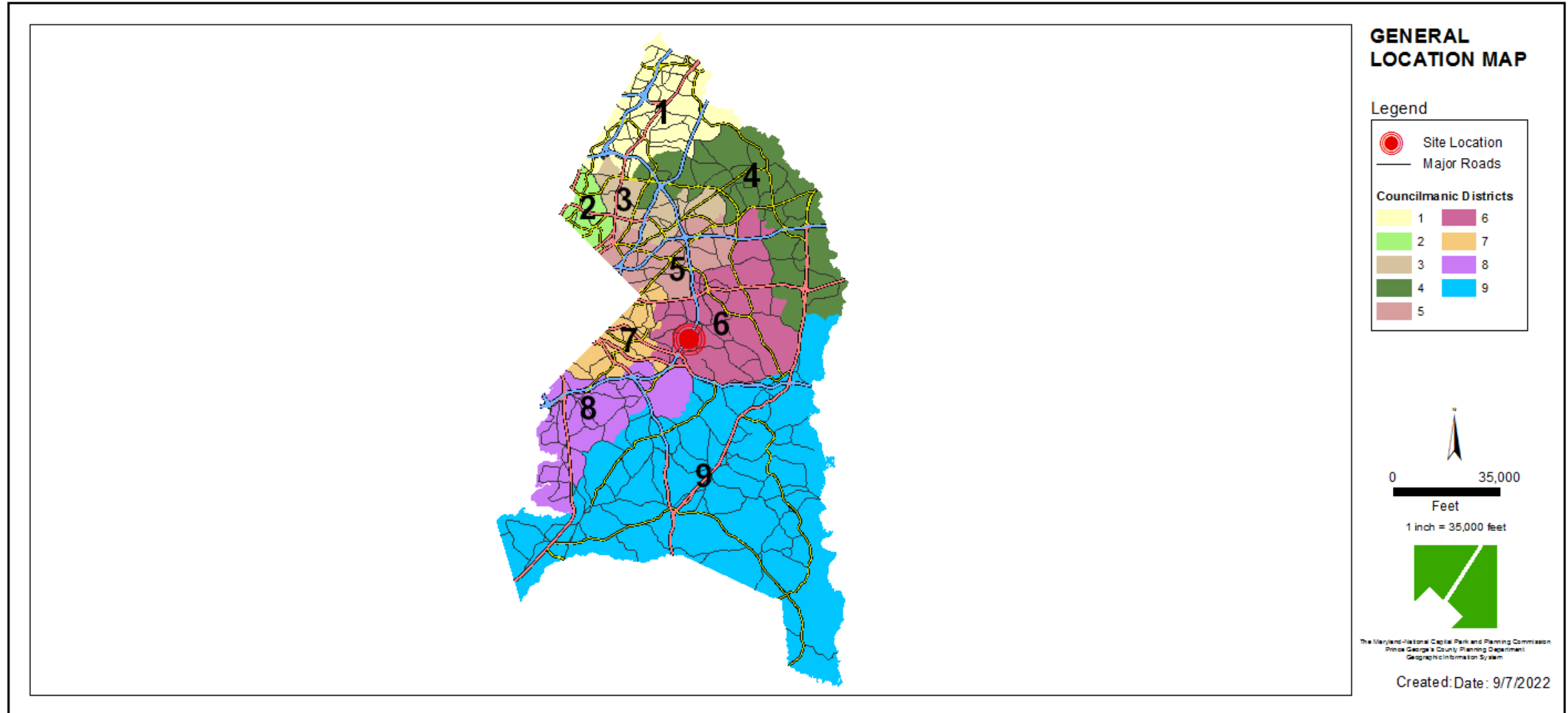
Staff Recommendation: APPROVAL with conditions



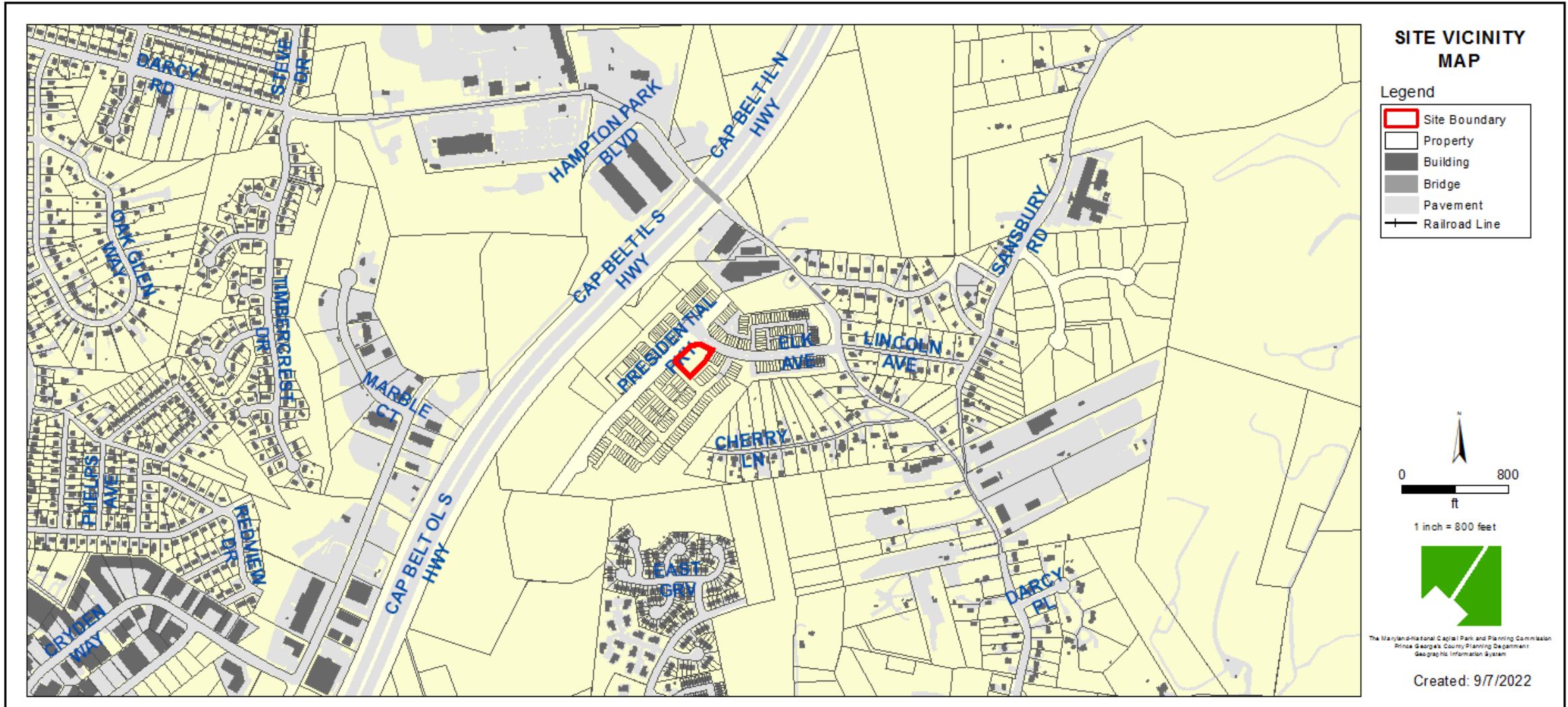
GENERAL LOCATION MAP

Council District: 06

Planning Area: 078



SITE VICINITY MAP

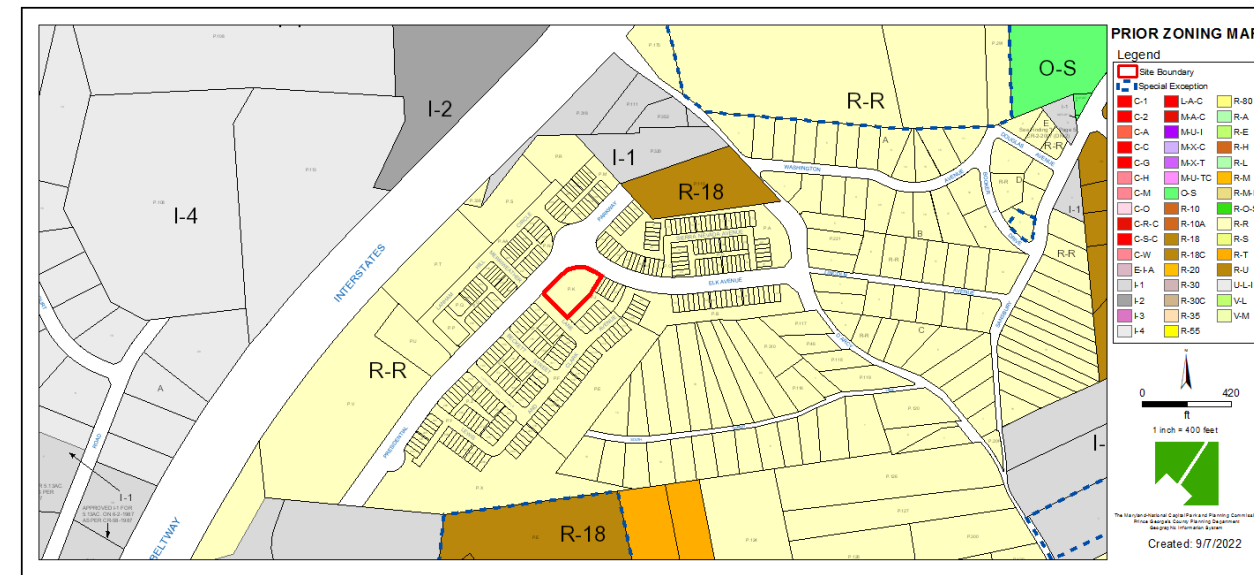
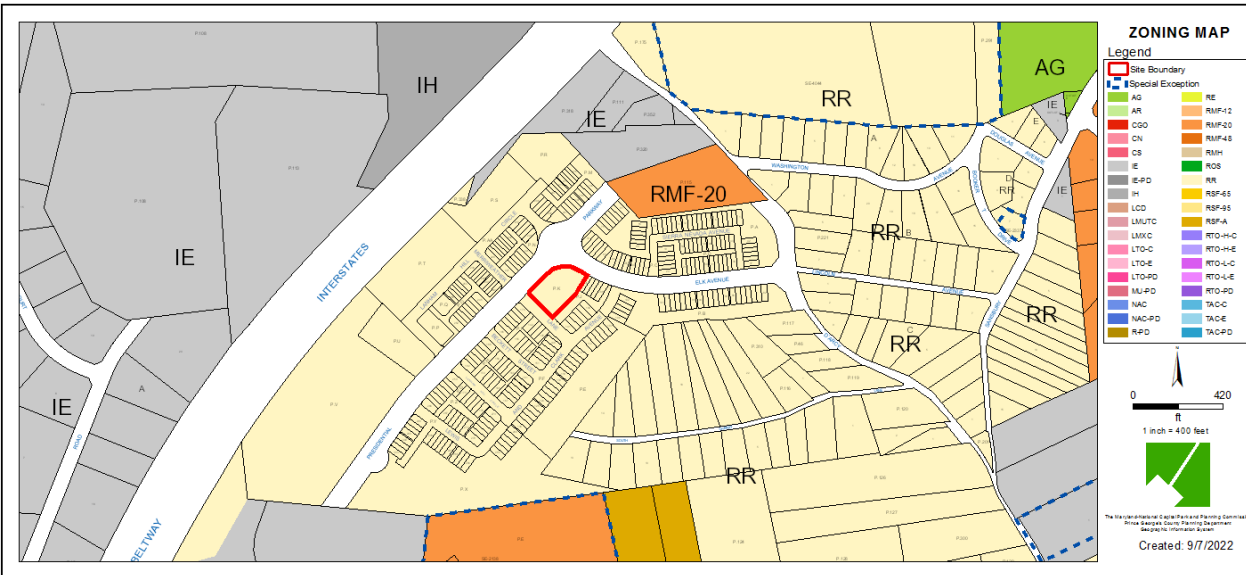


ZONING MAP (CURRENT & PRIOR)

Property Zone: RR

CURRENT ZONING MAP

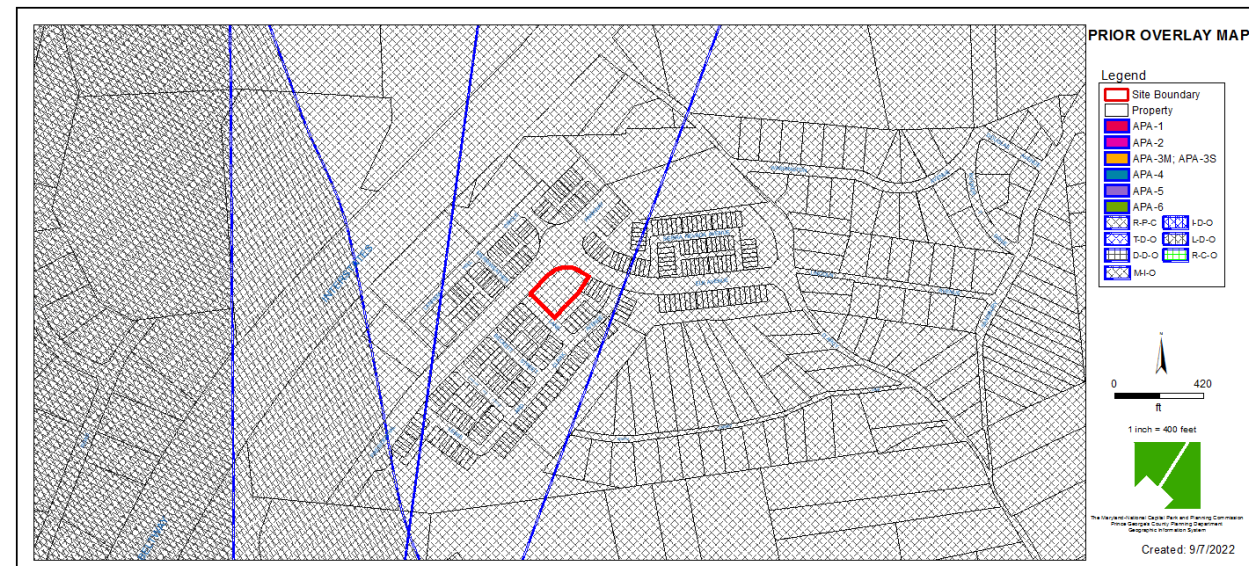
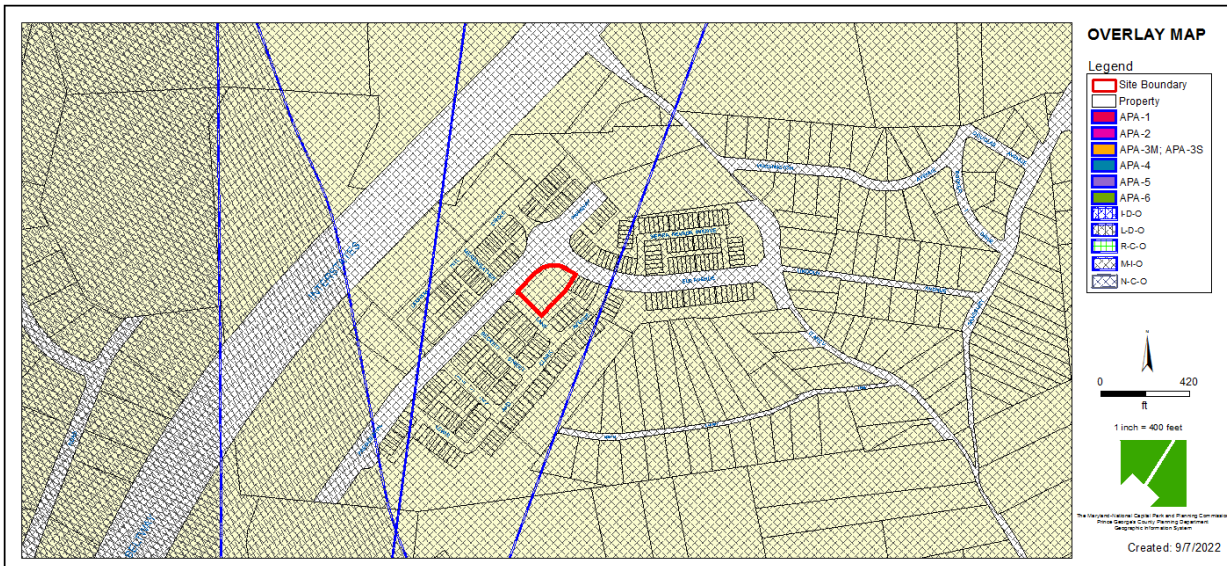
PRIOR ZONING MAP



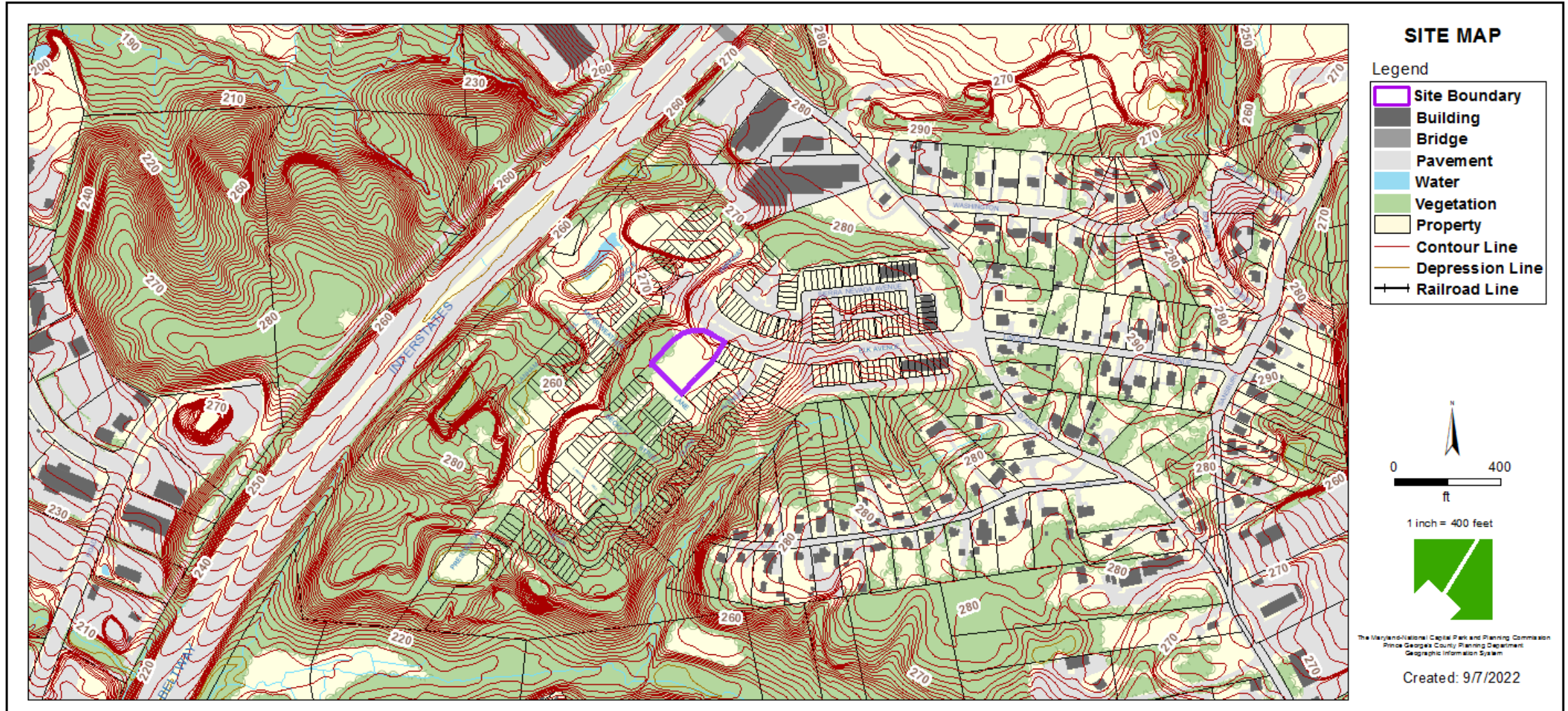
OVERLAY MAP(CURRENT & PRIOR)

CURRENT OVERLAY MAP

PRIOR OVERLAY MAP



SITE MAP



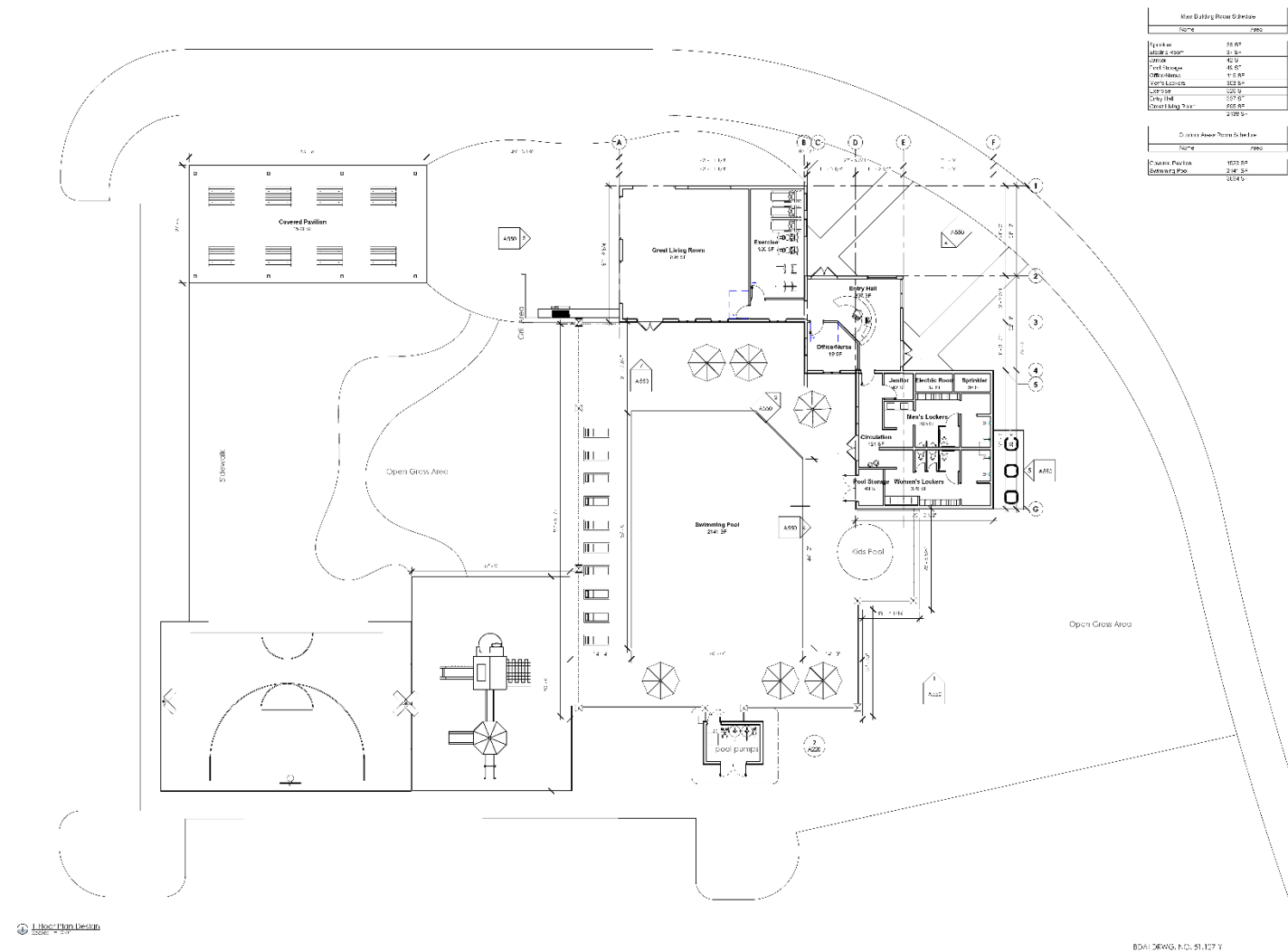
BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



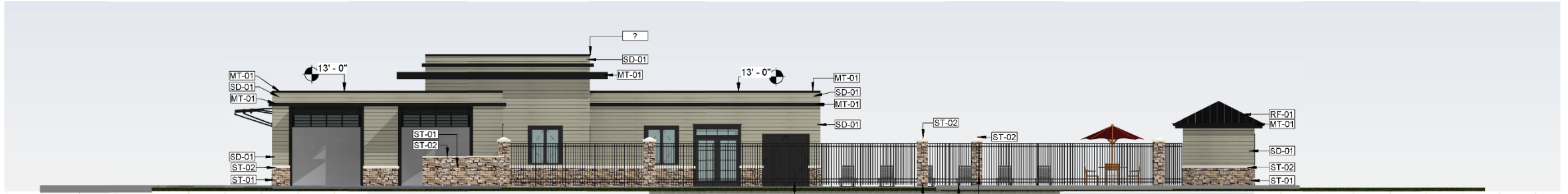
DETAILED SITE PLAN – SECTION C-4



COMMUNITY CENTER



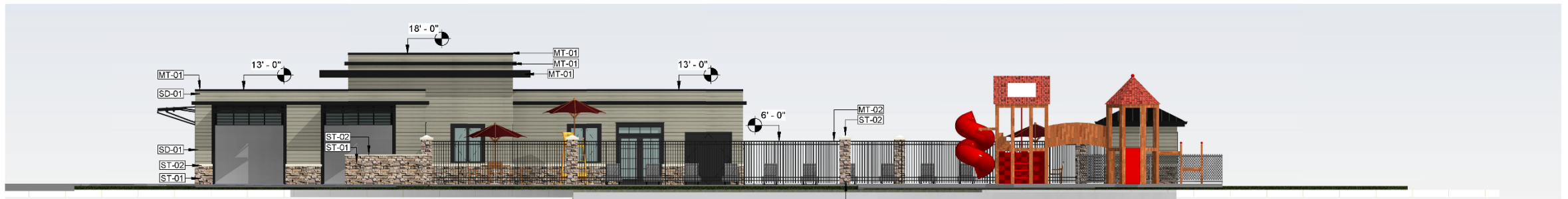
COMMUNITY CENTER ELEVATIONS



3 Color Elevation 3
Scale: 1" = 10'-0"



5 Color Elevation 5
Scale: 1" = 10'-0"



6 Color Elevation 6
Scale: 1" = 10'-0"

STAFF RECOMMENDATION

APPROVAL with conditions

[Major/Minor] Issues:

- N/A

Applicant Required Mailings:

- Information Mailing: 9/19/2022
- Acceptance Mailing: 11/04/2022

LAW OFFICES
SHIPLEY & HORNE, P.A.

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Russell W. Shipley
Arthur J. Horne, Jr.*
Dennis Whitley, III*
Robert J. Antonetti, Jr.

Bradley S. Farrar
L. Paul Jackson, II*
* Also admitted in the District of Columbia

October 13, 2022

VIA HAND DELIVERY

Ms. Jill S. Kosack
Urban Design Section
Development Review Division
Prince George's County Planning Department
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

**RE: Statement of Justification for Westridge DSP-06079-05
Detailed Site Plan Limited Planning Board Amendment**

Dear Ms. Kosack:

On behalf of our client, CGMG Capital, LLC ("Applicant"), by and through their attorneys, Arthur J. Horne, Jr., and Shipley & Horne, P.A., please find the enclosed request for the proposed Limited Minor Planning Board Amendment to Detailed Site Plan DSP-06079 submitted herein.

- Specifically, with reference to the Westridge project (F/K/A) Darcy South, the Applicant is fast approaching the 250th building permit threshold, and the foundation for the clubhouse is in, but the clubhouse and pool will not be completed at or near the time of the 250th permit, but yet there are dozens upon dozens of additional potential homeowners seeking to purchase homes within this development. Though the home building has progressed, as all of are aware, the pandemic has delayed the delivery of many construction-related materials that are necessary for the completion of a building like the clubhouse and pool.
- The language in the RFA (attached) says: ...only 250 permits can be issued until the clubhouse is bonded, and the same 250 permit limitation exists saying the clubhouse is to be completed by this period. This makes no sense and seems like the conflicting language was an oversight or misprint. There should have been permit limits for the two separate benchmarks: bonding and building.
- This language we believe was intended to say that the clubhouse had to be bonded by the 250th permit but not necessarily built by the 250th permit. The Applicant is able to bond the same, but for the reason stated above and for many other legitimate and mitigating reasons, we will not be able to have the clubhouse built and completed by then.

Background: The subject clubhouse property is identified as Parcel K with an assigned street address of 7700 Presidential Pkwy, Upper Marlboro, Maryland 20774. The Applicant has been actively pursuing the construction of the approved community center, swimming pool, and related recreation facilities by ordering the necessary materials, obtaining the required building permits, and has already installed the foundation and footers for these recreational amenities.

However, due to ongoing issues and overall delays and interrelated problems, most industries, including the building industry, have been suffering relating to the growing problems and failures in the national supply chain that support the manufacturing and delivery of building materials, the Applicant is unable to complete the final construction of the community center and swimming pool facilities based on a construction schedule that was prepared early 2021. Therefore, the Applicant is proposing a Limited Minor Planning Board Amendment level application to Detailed Site Plan DSP-06079 to revise condition 2 approved by the Planning Board in PGCPB No. 07-224. The request sought is to allow the development to continue its building of houses while the materials needed for the construction of the community center and swimming pool are manufactured and delivered to the site. Meanwhile, despite the hopefully temporary rise in interest rates, potential homeowners are anxiously purchasing previously approved homes in this beautiful community.

Proposed Modification: Any substantial modification to this Agreement, as determined by the Commission, shall be permitted only upon the filing of a new preliminary plan or site plan by the Developer, approval by the Planning Board or its designee, and the recording of an Amended Recreation Facilities Agreement. The Applicant is seeking the trigger to be moved up from 250 units, to 375 units. Thus far, with the three (3) citizens who have called in to ask about the clubhouse and pool, they are okay with the delay and extension, so long as they know the clubhouse and pool is still coming.

Phasing Schedule of Amenities

Facility	Bond	Finish Construction
- 2,138 sq. ft. Community Building - 2,141 sq. ft. Swimming Pool and kids pool) - 1,523 sq. ft. covered pavilion - open grass area, sports court and composite structure playground	Prior to issuance of the 250th residential unit Building permit	Complete prior to issuance of the 250th overall residential unit building permit.

Exhibit 1 (not to scale)

Previous Approvals:

The previous land use applications/approvals are relevant to the Property:

October 26, 2006 – The proposed project is subject to the requirements of Preliminary Plan of Subdivision (PPS) 4-05116, which includes the entirety of the property and was approved on October 26, 2006, subject to 22 conditions (PGCPB Resolution No. 06-220(A)). The 4-05116 Preliminary Plan was certified on November 01, 2007.

November 29, 2007 – The Prince George’s County Planning Board originally approved DSP-06079 on November 29, 2007 (PGCPB Resolution No. 07-224) for 556 total dwelling units, including 226 townhouses, 154 two-family attached, and 176 multifamily dwelling units, subject to 11 conditions.

June 17, 2008 – The Prince George’s County District Council affirmed the Planning Board’s DSP-06079 decision on June 17, 2008, with 14 conditions. The DSP-06079 was certified on October 26, 2018.

October 11, 2013 – Detailed Site Plan DSP-06079 was moved to a dormant status.

February 11, 2019 – The Detailed Site Plan DSP-06079-01 was approved was approved by the Planning Director for the conversion of the two-family dwellings to townhouse and other associated changes to the architectural building designs and site features. The DSP-06079-01 was certified on December 11, 2019.

December 11, 2019 – The DSP-06079-02 application was approved by the Planning Director approved for the addition of two new single-family attached architectural models by Dan Ryan Homes. The DSP-06079-02 was certified on in December 2019. It is noted that a third amendment, DSP-06079-03, for revisions to the recreational facilities, is pending with the Planning Director.

June 1, 2020 – The DSP-06079-03 application was approved by the Planning Director approved to implement several additional minor modifications to the approved project design for the remaining phases of the project, including, but not limited to revised community recreation area and building amenities exceed what was provided in the original approval and therefore is superior to the original design. The DSP-06079-01 was certified on June 1, 2020.

June 1, 2020 – The Prince George’s County Planning Board approved DSP-06079-04 amendment to replace the multifamily dwelling with single family attached town homes and replace the noise barrier wall along Interstate 95/495, with a landscaped raised berm on June 11, 2020 (PGCPB Resolution No. 2020-100). The District Choose to not hear the DSP-06079-04 case that was certified on November 4, 2020.

Location: The subject application is part of the larger Westridge project, which was formally known as D’Arcy Park South, and is located in the southeastern quadrant of the intersection of the I-95/I-495 (Capital Beltway) and D’Arcy Road, in Planning Area 78 and Council District 6. More specifically, the area of this amendment is located on the north side of proposed Presidential Parkway, adjacent to the Capital Beltway along the site’s northwest property line. The proposed community center and swimming pool being constructed on Parcel K is identified in the below location map (*see Exhibits 2 and 3*).

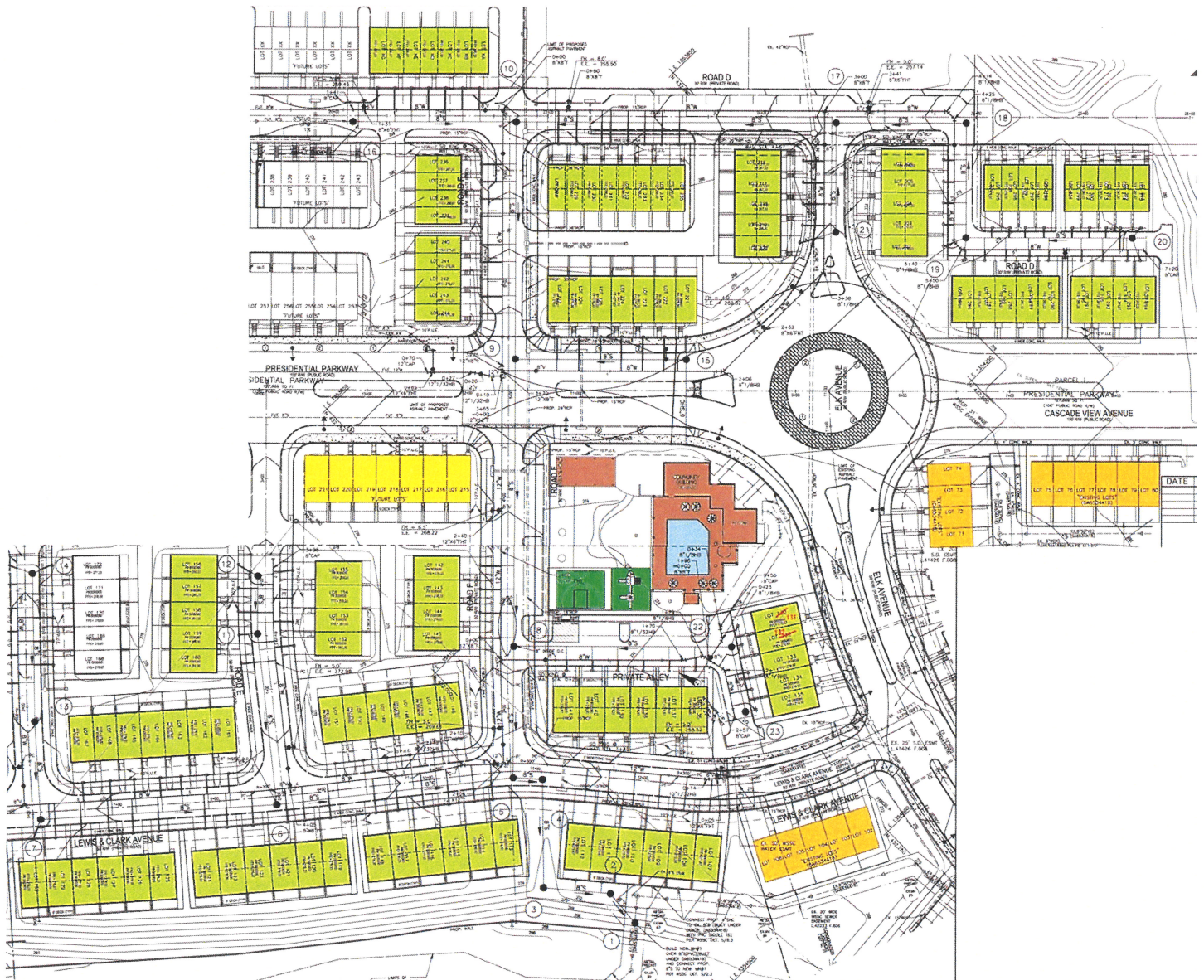


Exhibit 3 (not to scale)

A. Election to Utilize the R-R Zoning Procedures (Section 27-1704 (b))

On April 1, 2022, the approved Countywide Sectional Map Amendment (“CMA”) and the updated Prince George’s County Zoning Ordinance (“New Zoning Ordinance”) became effective and rezoned the property to the newly created RR Zone. Notwithstanding, the Applicant elects to amend DSP-06079 utilizing the applicable provisions of the prior zoning ordinance pursuant to Section 27-1704(b), which states in the pertinent part:

Section 27-1704. Projects Which Received Development or Permit Approval Prior to the Effective Date of this Ordinance

- (b) *Until and unless the period of time under which the development approval or permit remains valid expires, the project may proceed to the next steps in the approval process (including any subdivision steps that may be necessary) and continue to be reviewed and decided under the Zoning Ordinance and Subdivision Regulations under which it was approved.*

A revision to the DSP-06079 was most recently approved by the Planning Board for case number DSP-06079-04 on June 11, 2020, and is valid and under construction. Since these underlying approvals are currently valid, the Applicant can proceed with applications utilizing the provisions of the zoning ordinance that existed prior to April 1, 2022, per Section 27-1704(b) of the New Zoning Ordinance. The Applicant hereby elects to pursue an amendment of DSP-06079 using the provisions of the former zoning ordinance.

B. Section 27-289(b) Limited Minor Amendment:

Under Section 27-289(c) Limited minor amendment, Planning Director, the aforementioned DSP-06079-01, DSP-06079-02, and DSP-06079-03 application modifications qualified, and were reviewed as minor amendments to Detailed Site Plan DSP-06079, and were eligible to be approved by the Planning Director.

However, due to the changes in the timing for the construction of the clubhouse and pool beyond the 250th building permit threshold set in the Recreational Facilities Agreement (RFA) approved in Detailed Site Plan DSP-06079 condition 2 of DSP-06079 approved by the Planning Board in PGCPB No. 07-224, a Limited minor amendment, Planning Director review and approval is not appropriate. Therefore, this instant application has been submitted and has been in review by M-NCPPC under Section 27-289(b) Limited Amendment, Planning Board of the Zoning Ordinance, which authorizes the Planning Board the authority to approve a limited minor amendment to a detailed site plan if the changes are limited in scope and nature as follows:

- (A) An increase of no more than ten percent (10%) in the gross floor area of a building;

Response: There are no changes involving the increase in gross floor area proposed as part of the DSP application.

- (B) An increase of no more than ten percent (10%) in the land area covered by a structure other than a building;

Response: There are no other structures being proposed; therefore, this standard is inapplicable.

- (C) The redesign of parking or loading areas;

Response: There are no changes (i.e., enlargement) to the parking garage or loading areas. Therefore, this standard is inapplicable.

(D) The redesign of the landscape plan;

Response: There are no changes or redesign to the landscape plan. Therefore, this standard is inapplicable.

(E) New or alternative architectural plans that are equal or superior to those originally approved and certified in DSP-19023 in terms of overall size and quality;

Response: As noted above, the Applicant submits the changes are minor in nature, representing a well-thought-out refinement of the details and design of the architectural plans that are equal or superior to those originally approved by the Planning Board.

(F) Changes required by engineering necessity to grading, utilities, stormwater management, or related plan elements; or

Response: There are no changes or redesign to the grading, utilities, stormwater management, or related plan elements proposed. Therefore, this standard is not applicable.

(G) Changes to any other plan element to have minimal effect on the overall design, layout, quality, or intent of the approved site plan.

Response: As discussed on pages 1 and 2 above, the Applicant has been actively pursuing the construction of the approved community center, swimming pool, and related recreation facilities by ordering construction materials, obtaining the necessary building permits, having already installed the building footers for these recreational amenities.

The Applicant request the Planning Board allow them to continue its building of townhouses while the materials needed for the construction of the community center and swimming pool are manufactured and delivered to the site. Meanwhile, despite what are hopefully temporary rise in interest rates, potential homeowners are anxiously purchasing previously approved homes in this beautiful community.

The Applicant is seeking the trigger to be moved up from 250 units, to 375 units. Any substantial modification to this Agreement, as determined by the Commission, shall be permitted only upon the filing of a new preliminary plan or site plan by the Developer, for approval by the Planning Board or its designee, and the recording of an Amended Recreation Facilities Agreement.

Conclusion:

In view of the above, this proposed modification is so minor and limited in scope as to provide either an equal or superior design as approved in DSP-06079 (PGCPB No. 07-224) by the Planning Board.

October 13, 2022
DSP-06079-05
Page 2 | of 6

Thank you for your help and attention to this matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Arthur J. Horne, Jr.", with a stylized flourish at the end.

Arthur J. Horne, Jr., Esq.

Enclosures

cc:

Mr. Paul Woodburn
Mr. Mike Novy

AJH/fms

N:\Michael Companies\Westridge\DSP-06079-05 (RFA Rev)\DSP-06079-05 SOJ 2022\DSP-06079-05 SOJ 10-04-2022.docx

R E S O L U T I O N

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 November 29, 2007, regarding Detailed Site Plan DSP-06079 for D'Arcy Park South, the Planning Board finds:

1. **Request:** The subject application is for approval of 226 townhouse, 154 two-family, and 176 multifamily residential condominium units, private recreational and stormwater management facilities.
2. **Development Data Summary:**

	Existing	Proposed		
Zone	R-R	R-R		
Uses	Vacant	Residential		
Acreage (in the subject SDP)	56.19	56.19		
Parcels	3	3		
Lots	0	0		
Units	0	556		
Unit types	None	Multifamily	Single-Family Attached	Two-Family Attached
		176	226	154

Parking Tabulation

Use	Required
Townhouse (226 Units)	462 Spaces
Two-Family Attached (154 Units)	308 Spaces
Multifamily Condominium (176 two Bedroom Units)	440 Spaces
Community Building	
Multipurpose Room (1,415 square feet)	18 Spaces
Library/Business Center (447 square feet)	6 Spaces
Exercise Room (473 square feet)	6 Spaces
Lobby (807 square feet)	0 Spaces
Homeowners' Office (183 square feet)	1 Space
Men's/Women's Locker Rooms (740 square feet)	0 Spaces
Lifeguard Office (130 square feet)	0 Spaces
Pool Equipment Room (166 square feet)	0 Spaces
Community Pool (248 persons maximum occupancy)	36 Spaces
Total	1,277 Spaces

Of which 27 Handicap

Type	Provided
Standard (9.5' X 19')	1,285
Compact (8' X 16.5')	0
Handicap	27
Total	1,312

3. **Location:** The subject project is located in Planning Area 78 and Council District 6. More specifically the property is located in the southeastern quadrant of the intersection of the Capital Beltway (I-495) and D'Arcy Road.
 4. **Surrounding Uses:** The subject site is surrounded by single-family detached homes in the R-R Zone and industrial uses in the I-1 Zone and D'Arcy Park North to the north; Little Washington, a single-family detached community in the R-R Zone, to the east; Chester Grove Apartments in the R-18 Zone, vacant land in the I-1 Zone and vacant land in the R-R Zone to the south; and the Capital Beltway (I-495) to the west.
 5. **Previous Approvals:** The proposed project is subject to the requirements of Preliminary Plan of Subdivision 4-05116, approved on October 26, 2006, and formalized in PGCPB Resolution No. 06-220. In addition, the site has an approved Stormwater Management Concept Plan, 4260-2001-02, which is valid until August 16, 2009.
 6. **Design Features:** A singular access point to the subdivision is proposed on D'Arcy Road via Road B, which extends westward towards a roundabout where it converges with Road A, a four-lane divided major collector facility. Access to individual units is provided by an extensive network of private streets and alleys. A community center is centrally located south of the roundabout that joins Roads A and B, establishing this intersection as the focal point of the development. The proposed townhouses are situated in sticks of 4 to 8 units, which, where possible, front on main streets and are accessed from the rear. The 11 multifamily buildings are positioned in the western periphery of the site in two groups. The first group of three buildings is sited in a linear fashion and is immediately adjacent to a stormwater management facility to the northeast. Parking for these units is located between the buildings and the Capital Beltway (I-495). The remaining eight units are organized to form a square southwest of the first group. These buildings surround a surface parking facility and are also immediately adjacent to a stormwater management facility to the northeast. A portion of land to the northeast of the roundabout is proposed to be placed in reservation for the future connection of MC-643 (Road A), a master plan major collector roadway, as outlined in the 2007 Approved Westphalia Sector Plan.
- A noise attenuation wall is proposed for a portion of the shared property line with the Capital Beltway (I-495). Several retaining walls are also proposed within the development.

The following architectural models are included in the subject application:

Single-family attached, Ryan/NV Homes

Model		Base Finished Area (square feet)
Astor	Level Entry	2,064
	Mid-Level Entry	2,045
	Basement Level Entry with Front Garage	2,112
	Basement Level Entry with Rear Garage	2,056
Carnegie	Level Entry	2,267
	Mid-Level Entry	2,527
	Basement Level Entry with Front Garage	2,339
	Basement Level Entry with Rear Garage	2,337
Fairgate	Level Entry Trim A	1,962
	Level Entry Trim B	1,962
Hazelton	Basement Level Entry at Garage	2,109
	Basement Level Entry	2,451
Norwood	Basement Level Entry at Garage	2,925
	Basement Level Entry with Garage with Side Entry	2,833
	Basement Level Entry with Front Entry	2,800
	Basement Level Entry with Side Entry	2,815
Vanderbilt	Level Entry	1,480
	Mid-Level Entry	1,480
	Basement Level Entry with Front Garage	1,755
	Basement Level Entry	1,843

Two-Over-Two, NVR

Model	Square Feet
Matisse	1,642
Picasso	2,641

Multifamily, Ryan Homes

Windsor	16 Unit Building with Elevator
	12 Unit Building with Elevator
Hampton Court	16 Unit Building with Elevator
	12 Unit Building with Elevator

The proposed architectural models for the single-family attached and two-over-two units feature traditional detailing such as keystone, dentil molding, dormers, front doors accented with pediments and pilasters, paneled shutters, brick rowlock windowsills, brick water tables, and bay windows. All six townhouse models feature an optional garage and basement and are treated with either vinyl siding, brick veneer or a combination of the two. The two-over-two units feature a mixture of vinyl siding and brick veneer. Several of the proposed townhouse models do not include two standard end wall features.

The two products offered for the four-story multifamily buildings included in the project are the “Windsor” and the “Hampton Court.” The Windsor model presents a façade identical on the front and rear, in terms of massing, fenestration, and use of materials. The front entrance is not located centrally, nor is it architecturally accentuated. Rather, it is off-center and decorative features immediately adjacent are more architecturally accented. In addition, it is offered alongside a number of openings of various sizes that provide visual entrée into the structured parking proposed on the ground floor of the buildings. The arched openings are enhanced with a decorative row lock with a keystone and wrought iron fencing is used to partially close them off. The materials are a mix of a variety of colors of brick and siding and the details include: decorative window design with arched central windows and window lights above the central window in dome clustered windows and on the sides of the front door; reverse gables; decorative lintels; balconies, and some unidentified architectural detail in the upper stories immediately adjacent to the front door. The side facades are either blank or have brick on the first story or a façade with regular fenestration (windows only) with brick on the first story. The architecture of the Hampton Court features a centrally located, covered entrance, which creates a focal point for the front façade and features a standing seam metal roof and tapered columns. The glass entry door is topped with fanlights and flanked by sidelights. Immediately above the entrance is a two story arched casement window. The relationship and repetition of windows, projections, recessed balconies, roof lines, and materials produces a logical, rhythmic aesthetic.

The entry feature proposed in the subject detailed site plan includes a sign on each side of Road B at its intersection with D’Arcy Road. A pergola in the median of Road B and two brick arches, serve as gateways through which pedestrians may access the site. A strip of brick pavers traverses the roadway and visually emphasizes the transition into the development.

The subject detailed site plan proposes the following recreational facilities:

One community building including a 1,415 square-foot multipurpose room, a 473 square-foot exercise room, men’s and women’s dressing rooms, a lifeguard office and pool equipment room

1 swimming pool

1 wading pool

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The proposed multifamily and townhouse uses are permitted by Section 27-441(b) Table of Uses, Footnote 79 for Residential Zones. Further, that footnote specifies that the development regulations outlined in Sec. 27-442 do not apply in certain cases. More specifically, the footnote states that the requirements of the Zoning Ordinance regarding lot size, coverage, frontage, setbacks, density, bedroom percentages and other requirements shall not apply in cases where multifamily and townhouse units are proposed in the R-R Zone to replace existing surface mining or Class III fill operations located directly adjacent to an interstate. Those cases shall set their own development regulations on a case-by-case basis, when a particular detailed site plan meeting the criteria described in Footnote 79 is reviewed and approved by the Planning Board and/or the District Council.

The plan proposes 154 two-over-two units, a residential use that is currently not permitted on the subject site by the Zoning Ordinance provisions described above. Two-over-two units are defined as two-family dwellings and are not a permitted use in the R-R Zone pursuant to Section 27-441(b). Therefore, a condition has been incorporated in the recommendation section of this report requiring the replacement of the two-over-two units with single-family attached units prior to signature approval.

8. **2007 Westphalia Sector Plan and Sectional Map Amendment:** The sector plan contains the following design principles for development in residential areas, embodied in council resolution CR-2-2007, which apply to the review of this detailed site plan application:

“Design Principles:

- Design new low- to medium-density residential neighborhoods that are varied in housing styles and architecture and promote best practices for residential design:
 - Feature the same quality design and treatments on the exposed façades as on the front façade of highly visible residences on corner lots and elsewhere.
 - Create varied architecture and avoid flat façades by using bays, balconies, porches, stoops, and other projecting elements.
 - Design single-family detached and attached homes and multifamily buildings so the mass of the living space and the front door dominates the front façade:
 - Require garages that are hidden or clearly subordinate to the main structure and do not project beyond the main façade of residential buildings.
 - Arrange driveways so that cars are parked to the side or rear of the house or otherwise hidden from the street.

- Promote rear alleys to have access to parking and garages for residences that are sited back-to-back.
- Incorporate a variety of housing types in single-family projects/subdivisions:
 - Build townhomes and small lot single-family homes to add diversity to neighborhoods or as a transition between higher density units and lower density single-family neighborhoods.
 - Allow the use of detached accessory dwelling units.
- Maximize the number of windows facing public streets.”

Comment: In keeping with the intent of the sector plan, by recommending a condition below, staff suggests upgrading the treatment of the side elevations of all highly visible attached units to include materials and detailing comparable in quality of design to the front façade. Windows should be included on the side elevations of the condominium architecture. On all elevations provided for townhouses without a gable on the front façade, dormers should be required in order to reduce the single plane of roof. Units along the main roadways of the development are designed with rear-load garages; therefore, front facades are not dominated by garage doors in these locations. Where possible, rear alley service units are sited back to back; however, many units on secondary internal streets feature front-load garages. For those units that will have garages on the front façade, NVHomes Vanderbilt model is preferred as it has a one-car garage door. Ryan Homes (Hazelton and Norwood) and NVHomes (Astor and Carnegie) should be revised to include a one-car garage, or if a two-car garage is to be utilized, a carriage-style garage door with decorative hinges and handles should be used to provide interest and detail. The doors should be a non-white color and the applicant should work with staff to explore the option of providing a two-tone garage door in order to break-up the mass of the door and provide the illusion of two separate garage doors. The doors should be accentuated with white trim, where appropriate, to produce a cohesively designed façade. A condition below requires use of this type of door. The townhouse portion of the development is situated adjacent to the existing single-family detached community of Little Washington and serves as a transition to the taller and more dense multifamily structures that are located adjacent to the industrial uses to the south and I-495 to the east. Conditions have been included in the recommendation section of this report that would bring the proposed architecture in accordance with the design principles of the 2007 Approved Westphalia Sector Plan.

The sector plan policies and strategies promote the development of gateways at key intersections into the Westphalia Sector Plan area, including D’Arcy Road at the Capital Beltway:

“Design Principles

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.
- Resting and recreation facilities, information kiosks, or other amenities as appropriate”

Comment: The applicant has offered an enhanced entranceway. In addition to the typical gateway signage integrated with a wall design, the applicant has offered extensive brick paving at the entranceway including a wide bricked crosswalk, a pedestrian entrance feature formed by two brick columns spanned by a bricked archway, EIFS detailing for contrast, enhanced landscaping, and a median island with a trellis in four low brick base elements and enhanced landscaping. It is staff’s opinion that the gateway meets the design principles of the 2007 approved Westphalia Sector Plan.

9. ***Landscape Manual:*** The project is subject to the requirements of Sections 4.1(f), Residential Requirements for townhomes and two-family dwellings, 4.1(g), Residential Requirements for multifamily dwellings, 4.3(c), Parking Lot Interior Planting Requirements, 4.6, Buffering Residential Development from Streets and 4.7, Buffering Incompatible Uses. The plans do not include schedules for Section 4.1(f), 4.1(g) or 4.3(c). A condition has been incorporated in the recommendation section of this report requiring the revision of the plans to include these schedules prior to signature approval of the subject detailed site plan. Many townhouse yards are completely devoid of landscaping. A condition has been included requiring both the revision of the landscape plans and also the provision of appropriate schedules for the residential units in order to demonstrate conformance with Section 4.1 and the Design Criteria set forth in Section 3 of the *Landscape Manual*. In order to verify that the requirements of Section 4.3(c) of the *Landscape Manual* have been met for the parking facilities which will service the multifamily units, an appropriate schedule should be included on the plans. The detailed site plan, as submitted, is in substantial conformance with the requirements of Sections 4.6 and 4.7 of the *Landscape Manual*. Due to their weak nature, the Virginia Pines proposed within the development should be replaced with a heartier evergreen species. A condition has been incorporated in the recommendation section, which would require their replacement prior to signature approval.
10. ***Woodland Conservation Ordinance:*** The site is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because it has a previously approved Tree Conservation Plan, TCPII/34/98. A revised Type II Tree Conservation Plan has been submitted with this application. This 56.19-acre site has a Woodland Conservation Threshold (WCT) of 10.82 acres or 20 percent of the net tract area. The site has 48.97 acres of existing woodland, of which 2.11 acres are in the 100-year floodplain. The TCPI proposes the clearing of 41.91 acres

of upland woodland and 0.04 acres of woodland within the 100-year floodplain. The total requirement for the site based on the proposed clearing is 24.10 acres. The plan proposes to meet the requirement by providing 3.59 acres of on-site preservation, 4.24 acres of on-site afforestation/reforestation, and 16.27 acres of off-site mitigation. The TCPII proposes reforestation within the embankment of the proposed stormwater management pond on Parcel B. Permission to plant in this area must be obtained from the stormwater approval agency.

Recommended Condition: Prior to certification of the detailed site plan, written approval from the Prince George's County Department of Public Works and Transportation for the proposed planting within the stormwater management pond embankment shall be submitted, or the TCPII shall be revised to eliminate the proposed planting from that area.

Recommended Condition: Prior to certification of the detailed site plan, all plans shall be revised to show the existing and proposed easements. This shall include but not be limited to the required stormwater management easements, water easements, and sewer easements. Any woodland conservation within those easements shall be eliminated.

Comment: These recommended conditions have been incorporated in the recommendation section of this report.

11. **Preliminary Plan of Subdivision 4-05116:** Please see finding 13d, e, f, and h below for a detailed discussion of the requirements of Preliminary Plan 4-05116.
12. **Urban Design Analysis:** The proposed recreational facilities are concentrated in one location within the development. While this location should be easily accessible for many of the community's residents, some residents will have to travel a substantial distance in order to utilize these amenities. Additional passive and active recreational facilities are recommended to more conveniently service these residents. Details of the recreational facilities should be included in the subject application and are required by a recommended condition below for review and approval by Urban Design staff as designee of the Planning Board prior to certification of this detailed site plan. These details should include construction details for the pool area and all elements of the community center area. A fence is proposed adjacent to the industrial warehouse use to the northeast as part of the required 4.7 bufferyard. While a detail was provided for this fence which indicated it would be a tan, vinyl, 6-foot privacy fence, the fence is labeled as 6-foot board-on-board on the detailed site plan. A condition has been incorporated in the recommendation section of this report, which would require the proper labeling of this fence prior to signature approval. A noise attenuation wall is proposed for portions of the site's eastern edge, adjacent to I-495. However, exact details and specifications of the construction of this wall have not been included on the plans. A condition has been included in the recommendation section of this report requiring these details, including construction materials, wall thickness and wall height for review and approval by Urban Design staff as designee of the Planning Board prior to signature approval of the subject detailed site plan. Due to its proximity to the road, the retaining wall adjacent to the Capital Beltway should feature instead of a vinyl safety fence, a masonry wall that coordinates with the materials of the wall. The noise attenuation fence should likewise coordinate since it connects to the retaining wall. A condition

has been included that would require the review and approval of these materials prior to signature approval of this detailed site plan. In addition, the 42-inch vinyl security fence proposed to be located on top of the additional retaining walls should be replaced with a durable, non-wood, non-chain link, rail-style alternative. A condition has been incorporated in the recommendation section of this report, which would require the replacement of this fence prior to signature approval.

Although details of the proposed dumpster enclosures were provided on the plans they should be revised to indicate brick walls and vinyl gates. A condition has been included, which would require this revision prior to signature approval.

Although the architecture of the townhouse units is generally acceptable, some side elevations fail to include a minimum of two standard features. A condition has been incorporated in the recommendation section of this report requiring that all side elevations of the townhouse units demonstrate a minimum of two standard end wall features prior to signature approval of this detailed site plan. In addition, the applicant is proffering three end wall features on some highly visible units; however, it is staff's position that additional units are highly visible and should include three endwall features and similar treatment in terms of quality of materials and detailing to the front elevations. The elevations should specify which additional feature will be standard on highly visible units. Although brick is shown as an option on all townhouse models, staff recommends that a minimum of 80 percent of these units should be required to feature a brick front. Likewise, architectural shingles should be included on all units to enhance their overall aesthetic. In addition, the units which back up to the Beltway should feature brick rears in order to enhance the viewshed for passing motorists. These requirements, which will help guarantee that a level of quality appropriate to this gateway to the Westphalia area is maintained throughout the development, have been incorporated as conditions of approval of this detailed site plan.

The architecture for the multifamily buildings lacks interest and detail on various side elevations. Some optional side elevations do not include any windows. A condition has been incorporated requiring the revision of the architecture for the multifamily buildings to indicate that all optional windows on the side elevations are standard and the side elevations revised to meet the design principles of the 2007 Westphalia Sector Plan that suggests the creation of varied architecture and avoiding flat facades by using bays, balconies, porches, stoops, and other projecting elements. In addition, the architecture of the Windsor should be revised to include arched wrought iron railing in the large rectangular opening to the parking garage matching the railing provided in the additional openings.

It is staff's position that landscaping should be included in the median of both Road A and Road B. Likewise, the vast center of the roundabout should be planted with a combination of deciduous and evergreen plant material in order to provide year round interest at this focal point. Although street trees were provided along all secondary internal streets, they were not incorporated in the design of the development's two major roadways, Road A and Road B. In keeping with the vision of the sector plan of establishing a more walkable community, street trees should be provided along both sides of Roads A and B so as to soften the streetscape and provide a more human scale for pedestrians. The design of street lights should coordinate with the overall design of the community and further enhance the streetscape. Details of the proposed street lights

should be submitted to, reviewed, and approved by Urban Design staff prior to signature approval of this detailed site plan. These recommendations have been incorporated in the recommendation section of this report as conditions required prior to signature approval of this detailed site plan unless modified by DPW&T if the lights are in their right-of-way.

13. **Referral Comments:** The subject application was referred to concerned agencies and divisions. The referral comments are summarized as follows:
- a. **Historic Preservation**—In comments dated May 25, 2007, the Historic Preservation Planning Section stated that the subject detailed site plan would have no effect on historic resources.
 - b. **Archeological Review**—In a memorandum dated June 7, 2007, the staff archeologist stated that a Phase I archeological survey was completed in November 2005, on the D’Arcy Park South Property under Preliminary Plan of Subdivision 4-05116. At that time no archeological sites were identified and no further work was recommended. Historic Preservation staff concurred with the report’s findings that no additional archeological work was necessary of the D’Arcy Park South Property. The final report, “A Phase I archaeological Survey of the D’Arcy Road Property, Prince George’s County, Maryland, Preliminary Plans 4-05113 and 4-05116,” was received and accepted by Historic Preservation staff in April 2006. According to the archeological planner, no further archeological work would be necessary on the D’Arcy Park South Property.
 - c. **Community Planning**—In a memorandum dated June 21, 2007, the Community Planning South Division stated that:
 - (1) The application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.
 - (2) The application conforms to the land use recommendations in the 2007 Westphalia Sector Plan for medium-density residential for the subject property. Guidelines for this area are contained in the approved plan text. D’Arcy Road at the Capital Beltway is identified as a gateway to the Westphalia area and the subject application should include appropriate design features.

The residential design principles of the 2007 sector plan include the designing of new low- to medium-density residential neighborhoods that are varied in housing styles and architecture and promote best practices for residential design, in accordance with the following design principals:

 - Feature the same quality design and treatments on the exposed facades as on the front façade of highly visible residences on corner lots and elsewhere.

- Create varied architecture and avoid flat facades by using bays, balconies, porches, stoops, and other projecting elements.
 - Design single-family detached and attached homes and multifamily buildings so the mass of the living space and the front door dominates the front façade.
 - Require garages that are hidden or clearly subordinate to the main structure and do not project beyond the main façade of residential buildings.
 - Arrange driveways so that cars are parked on the side or rear of the house or otherwise hidden from the street.
 - Promote rear alleys to have access to parking and garages for residences that are sited back-to-back.
 - Incorporate a variety of housing types in single-family projects/subdivisions:
 - Build townhomes and small lot single-family homes to add diversity to neighborhoods or as a transition between higher density units and lower density single-family neighborhoods.
 - Allow the use of detached accessory dwelling units.
 - Maximize the number of windows facing public streets.
- (3) The approved sector plan proposes a major collector road (MD-634) across this application.
- (4) Council bill CB 37-2005 revised Zoning Ordinance Section 27-441(b) Footnote 79 to allow multifamily and townhouse residential development in the R-R Zone under circumstances that apply to this site.
- (5) Approximately half of the land area for this application is within the Andrews Air Force Base Air Installation Compatible Use Zone (AICUZ) Study 65-70 decibel (dB) noise contours.
- d. **Transportation**—In a memorandum dated June 14, 2007, the Transportation Planning Section provided an analysis of the relevant conditions of Preliminary Plan 4-05116. The transportation planner indicated that Conditions 19-22 are applicable to the subject detailed site plan.

Site Access

Although the plans currently propose one access point, via Road B, a four-lane divided major collector facility, the site could eventually gain two additional access points via Road A, also a four-lane divided major collector. In addition to the acceleration and deceleration lanes provided at the intersection of Road B and D'Arcy Road, the transportation planner recommends the provision of a by-pass lane consistent with DPW&T requirements.

Internal Site Circulation

The Transportation Planning Section then addressed internal site circulation, stating at the outset that they were not satisfied with many aspects of the proposed street network including the following:

- (1) Dead end streets are located where there is no opportunity for a vehicle to make a turnaround, forcing the vehicles to back up long distances and increasing the potential for accidents.
- (2) The plan shows four access points along Road B, between the site entrance and the roundabout. Access to Road B should be minimized due to the heavy volume of traffic anticipated along this roadway. No more than two access points/median openings should be provided along Road B and the first access point along Road B should be eliminated in order to reduce the possibility of conflict as vehicles are turning into and out of the site.
- (3) The second access point along Road B, located approximately 630 feet from D'Arcy Road, should be relocated 150 feet to the west to create a four-legged intersection approximately 350 feet east of the center of the roundabout.
- (4) No more than two median openings are recommended along Road A between the round about and the cul-de-sac.
- (5) A revision to the alignment of the future extension of Road B with Road A of the D'Arcy Park North project is required in order to accurately reflect the center line geometry of this planned facility (MC 643).

Comment: Transportation-related concerns have been addressed through revisions to the plans.

- e. **Subdivision**—In a memorandum dated July 12, 2007, the Subdivision Section indicated that the relevant preliminary plan has not received signature approval. In addition, a reconsideration request was made at the time of Planning Board approval, which the applicant wished to postpone until further notice. Further they stated that signature approval of the preliminary plan of subdivision will be required prior to signature

approval of the subject detailed site plan. Lastly they noted that although the applicant retained the same number of parcels and units, the mix has changed to 176 apartments and 380 townhomes whereas the preliminary plan approval was for 176 apartments and 383 townhomes. A condition requiring signature approval of the preliminary plan of subdivision prior to signature approval of the subject detailed site plan has been included in the recommendation section of this report.

- f. **Trails**—In a memorandum dated July 17, 2007, the senior trails planner indicated that one master plan trail issue identified in the Approved Westphalia Sector Plan impacts the subject site and was addressed at the time of Preliminary Plan through Condition 15, which continues to be relevant. According to the trails planner, the Class II trail along MC-634 recommended in the sector plan is appropriately indicated on the subject detailed site plan. In addition the sector plan designates D’Arcy Road as a master plan bikeway corridor, which should be accommodated through the provision of two “Share the Road with a Bike” signs and standard sidewalks along D’Arcy Road. In order to address the community’s desire for a more pedestrian friendly environment, as expressed in the Westphalia Planning Charrette, the trails planner recommends that sidewalks be provided along D’Arcy Road. In addition to establishing a more walkable community, the provision of these sidewalks will improve access to the existing Arrowhead Elementary School. The trails planner went on to examine issues regarding sidewalk connectivity and recommended the provision of the following:

1. Standard sidewalks along both sides of all internal roads.
2. Wide sidewalks along both sides of Road B.
3. Sidewalks along D’Arcy Road.
4. A sidewalk connection along at least one side of the access road from the parking lot behind the condominium units to Road D.
5. Crosswalks at the traffic circle.

Recommended Conditions:

In conformance with the approved Westphalia Sector Plan and approved Preliminary Plan 4-05116 (Condition 15 of PGCPB 06-220), the applicant and the applicant’s heirs, successors, and/or assignees shall provide the following:

1. Construct the master plan Class II Trail along the subject site’s entire east side of MC-634 within the 80-foot right-of-way, unless modified by DPW&T.
2. Provide six-foot wide sidewalks along both sides of Road B, unless modified by DPW&T.

3. Provide standard sidewalks along both sides of all other internal roads, unless modified by DPW&T.
4. The approved Westphalia Sector Plan recommends that D'Arcy Road be designated as a Class III bikeway with appropriate signage. Because D'Arcy Road is a county right-of-way, the applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders or wide outside curb lanes are encouraged.
5. Provide a standard sidewalk along the subject site's entire frontage of D'Arcy Road, unless modified by DPW&T.
6. Provide a standard sidewalk along at least one side of the access road from the parking lot to Road D (Sheet C-2).
7. Provide designated crosswalk at all intersecting roads at the traffic circle. These crosswalks shall be marked and labeled on the approved SDP.

The senior trail planner's concerns have been addressed by revision to the plans or in the recommended conditions below.

- g. **Permits**—In a memorandum dated May 31, 2007, the Permit Review Section has offered numerous comments that have either been addressed by revisions to the plans or in the recommended conditions below.
- h. **Environment Planning**—In a memorandum dated August 14, 2007, the Environmental Planning Section provided the following comments:

This site is 56.19 acres in size and is zoned R-R. It is located on the east side of the Capital Beltway (I-95) approximately 600 feet south of D'Arcy Road. Streams, wetlands, and 100-year floodplain occur on this site. The entire site drains into Ritchie Branch, a tributary of Southwest Branch Watershed located in the Patuxent River Basin. According to the "Prince George's County Soils Survey" the principal soils on this site are in the Aura, Beltsville, Bibb, Chillum, Croom, Fallsington, Galestown, Iuka, Sandy Land, Sassafra, Shrewsbury, and Westphalia series. The site also contains sand and gravel pits from past mining operations. Marlboro clay does not occur in this area. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, rare, threatened, or endangered species do not occur in the vicinity of this property. No designated scenic or historic roads will be affected by the proposed development. The site is adjacent to the Capital

Beltway (I-95), which is a source of traffic-generated noise. Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1998 by the Andrews Air Force Base, aircraft-related noise is significant. This property is located in the Developing Tier as reflected in the approved General Plan.

Review of Previously Approved Conditions

The following text addresses previously approved environmental conditions related to the subject applications. The text in **BOLD** is the actual text from the previous cases or plans. The regular text provides the comments on the plan's conformance with the conditions.

- 1. Prior to signature approval of the preliminary plan, the TCPI shall be revised to show 10 feet of unencumbered land on each side of the proposed retaining wall, and eliminate the associated impact to the PMA.**

Comment: This condition has been addressed on the TCPII. For the proposed retaining wall, there is a minimum of 10 feet of unencumbered area on each side. The plans show no impacts to the PMA associated with the retaining wall.

- 2. Prior to the issuance of any grading permit, which impact the waters of the U.S., non-tidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.**

Comment: This condition should be carried forward.

Recommended Condition: Prior to the issuance of any grading permit, which impact the waters of the U.S., nontidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.

- 5. All afforestation and associated fencing shall be installed prior to the issuance of the first building permit. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.**

Comment: This condition should be revised for only the adjacent lots or parcels.

Recommended Condition: All afforestation and associated fencing shall be installed prior to the issuance of the first building permit for the adjacent lots or parcels. A certification prepared by a qualified professional may be used to

provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

7. **At the time of detailed site plan, the TCPI shall be revised to identify the location of all proposed outdoor activity areas.**

Comment: The proposed outdoor activity area is identified on the TCPII.

9. **Prior to acceptance of the Detailed Site Plan package, it shall be inspected to ensure that it includes a Phase II noise study that states the proposed noise mitigation measures and to ensure that these measures are shown on the DSP. The Phase II noise study shall address all traffic related noise and aircraft related noise. This shall include, but not be limited to noise impacts associated with Andrews Air Force Base, I-95, and the master planned road. All outdoor activity areas shall be mitigated to 65 dBA Ldn or less and all interior residential areas shall be mitigated to 45dBA Ldn or less.**

Comment: A Phase II Noise Study addressing traffic-related noise was submitted with the Detailed Site Plan package. According to the study, a noise attenuation barrier in the form of a wall or berm must be used in order to mitigate outdoor noise impacts associated with the Capital Beltway (I-95) to below 65 dBA Ldn. The DSP and TCPII propose a noise wall along the northwest boundary and berms along the southwest boundary. For the noise wall, the detail shown on the DSP does not specify the type of materials to be used to construct the wall or its intended thickness. For the proposed materials, the noise wall must be at a specific thickness to ensure that noise will be mitigated to below 65 dBA Ldn. More detail must be provided on the plan. The appearance of the wall will also be significant to the character of the community and should be evaluated prior to certification of the DSP.

It will not be possible to mitigate the outdoor activity areas for noise impacts associated with Andrews Air Force Base; however, proper construction materials must be used to ensure that the noise inside of the residential structures does not exceed 45dBA.

Recommended Condition: Prior to certification of the detailed site plan, details and material samples for the noise attenuation barrier shall be provided. Such details and materials shall be approved by the Environmental Planning Section for acoustical sufficiency and by the Urban Design Section as to aesthetics, both as designee of the Planning Board. The DSP and TCPII shall show a detail of the noise attenuation barrier and include the proposed materials and thickness of the barrier.

Recommended Condition: The following note shall be placed on the final plat:

“Prior to the approval of building permits for the proposed residential structures, the applicant, his heirs, successors and or assignees shall place on the building permit a certification by a professional engineer with competency in acoustical analysis demonstrating that the design and construction of the building shells will reduce interior noise levels to 45 dBA or less. Due to the proximity of Andrews Air Force Base, properties within this subdivision have been identified as possibly having noise levels between 65-75 dBA (Ldn) due to military aircraft overflights.”

Recommended Condition: Prior to final plat approval, the declaration of covenants for the property, in conjunction with the formation of a homeowners association, shall include language notifying all future contract purchasers of the proximity of the property to Andrew’s Air Force Base and noise levels related to military aircraft overflights. The property is approximately two miles from the north end of the runway. The declaration of covenants shall include the disclosure notice. At the time of purchase contract with home buyers, the contract purchaser shall sign an acknowledgement of receipt of the declaration. The liber and folio of the recorded declaration of covenants shall be noted on the final plat along with a description of the proximity of the development to Andrew’s Air Force Base and noise levels related to military aircraft overflights.

10. If a noise wall is proposed, that noise wall shall be located outside any woodland conservation areas.

The proposed noise wall is located outside the proposed woodland conservation areas.

11. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA or less.

Comment: This note should be reflected on the final plat.

Recommended Condition: The following note shall be placed on the final plat:

“Prior to the approval of building permits for the proposed residential structures, the applicant, his heirs, successors and or assignees shall place on the building permit a certification by a professional engineer with competency in acoustical analysis demonstrating that the design and

construction of the building shells will reduce interior noise levels to 45 dBA or less.”

- 13. At the time of detailed site plan, a soils study shall be submitted that clearly defines the limits of past excavation and indicates all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. Borings and test pits in fill areas shall be deep enough to reach undisturbed ground.**

Comment: This condition has been addressed. A study dated August 20, 2005, included a sketch of the locations where fill had been placed on the subject site. The report also included the locations and results of 18 soil boring tests in the areas where Class III fill was placed. The purpose of the tests is to identify the depth of undisturbed ground in areas where the fill was placed. A recent study dated June 13, 2007, included additional tests as required because the testing of two of the pits each failed to identify the depth of the undisturbed ground in those locations. Based on both submitted studies the depth of the on-site Class III fill ranges from 5 inches to 23 feet.

At the time of permitting, the appropriate agencies, including, but not limited to Washington Suburban Sanitary Commission, the Prince Georges County Department of Public Works and Transportation, and the Department of Environmental Resources, may require additional information so that the safe removal and processing of the Class III fill material is properly addressed.

- 14. Prior to signature approval of the preliminary plan, copies of the approved Stormwater Management Concept plan and approval letter shall be submitted. The concept shall be reflected on all plans. The TCPI shall be revised to reflect the proposed stormwater management as shown on the approved Stormwater Management Concept plan.**

Comment: The approved Stormwater Management Concept plan and approval letter have been submitted for this site. The proposed concept is correctly reflected on the DSP and TCPII; however, the existing and proposed easements are not shown on the plans. This information needs to be shown on the plan to ensure that the proposed woodland conservation is placed outside of the utility easements.

Recommended Condition: Prior to certification of the detailed site plan, all plans shall be revised to show the existing and proposed easements. This shall include but not be limited to the required stormwater management easements, water easements, and sewer easements. Any woodland conservation within those easements shall be eliminated.

ENVIRONMENTAL REVIEW

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

1. An approved natural resources inventory, NRI/138/05, was submitted with the application. There are streams, wetlands, and 100-year floodplain on the property. The FSD indicates four forest stands totaling 20.74 acres. Stand A is associated with steep slopes on highly erodible soils, Stands B and D have a high invasive plant populations and Stand C is associated with Waters of the U.S.

According to the Countywide Green Infrastructure Plan, none of the property is in or near any regulated area, evaluation area or network gap; however, it is clear that locally significant regulated features exist on-site. Based upon this analysis, the only area of significant woodland is associated with Waters of the US, designated as Stand C.

Recommended Condition: At time of final plat, bearings and distances shall describe a conservation easement. The conservation easement shall contain the Patuxent River Primary Management Area, and all adjacent reforestation/afforestation areas, excluding those areas where requests for impacts have been approved, and the plat shall be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

- i. **Prince George’s County Fire Department**—At the time of this writing, staff has not received comment from the Prince George’s County Fire Department.
- j. **The Department of Public Works and Transportation (DPW&T)**—In a memorandum dated August 13, 2007, DPW&T offered the following comments:
 - (1) Right-of-way dedication and frontage improvements in accordance with DPW&T’s urban four-lane collector road standards are required for D’Arcy Road and dedication and frontage improvements in accordance with DPW&T’s specifications and standards are required for the proposed internal subdivision streets.
 - (2) The development should be consistent with the adopted Westphalia Sector Plan.

- (3) Access study shall be conducted by the applicant and reviewed to determine the adequacy of access point(s) and the need for construction of an acceleration/deceleration lane with dedication of the additional necessary right-of-way along Sansbury Road.
- (4) Master Plan roadway A-66 lies within the property limits and must be addressed through coordination between The Maryland-National Capital Park and Planning Commission (MNCPPC) and DPW&T and will require right-of-way dedication and road construction in accordance with DPW&T's standards.
- (5) Full-width, 2-inch mill and overlay for all county roadway frontages are required.
- (6) 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.
- (7) Conformance with DPW&T street tree and street lighting standards is required.
- (8) All storm drainage systems and facilities are to be in accordance with DPW&T's requirements.
- (9) The proposed site has an approved Concept Plan No. 8276-2006, dated August 1, 2007.
- (10) Culs-de-sac are required to allow, as a minimum, turning movement for a standard WB-40 vehicle and a standard length fire truck. When considering turning movement, it is assumed that parking is provided on the outside edge or radius of the cul-de-sac.
- (11) Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.

Comment: A recommended condition below would assure that WSSC's concerns regarding water and sewer facilities are addressed prior to signature approval of the plans.

Urban Design Staff Comment: A recommended condition below would assure that WSSC's concerns regarding water and sewer facilities are addressed prior to signature approval of the plans.

- (12) Compliance with DPW&T's utility policy is required. Proper temporary and final patching and the related mill and overlay in accordance with the established "DPW&T Policy and Specification for Utility Installation and Maintenance Permits" are required.

- (13) A soils investigation report which includes subsurface exploration and geotechnical engineering evaluation for public streets is required.

Comment: These issues will be addressed during DPW&T's permit review process.

k. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated June 8, 2007, WSSC stated that water and sewer extension will be required and because existing WSSC facilities are located on the site, a submission should be made to WSSC's Development Services Center. They went on, however, to offer the following comments:

- (1) WSSC will be unable to review the detailed site plan without water and sewer alignments;
- (2) The water and sewer alignments shown on the TCP II are unacceptable to WSSC design standards;
- (3) The plan shows several conflicts and inadequate horizontal clearances with curbing, sidewalks, stormdrains, buildings and also reversed water and sewer alignment locations, etc;
- (4) The proposed water and sewer impacts streams, wetlands, steep slopes and buffers;
- (5) The requirement of a minimum right-of-way width of 30 feet is required for both water and sewer lines installed in the same right-of-way at normal depth is not met;
- (6) The minimum right-of-way width for one extension, either water or sewer installed at normal depth, is 20 feet;
- (7) Installation of deep water and/or sewer mains will require additional right-of-way width;
- (8) Minimum clearance between a building and a WSSC pipeline is 15 feet;
- (9) WSSC requirements stipulate a minimum spacing between adjacent buildings with both water and sewer lines between them is 40 feet with a preference of 45 to 50 feet;
- (10) Balconies and other building appurtenances are not to be within the right-of-way;
- (11) Water and sewer should maintain a 5-foot separation from stormdrain pipeline, structures and other utilities.

1. **Maryland State Highway Administration (SHA)**—In a letter dated June 8, 2007, SHA stated that they had no objection to the approval of Detailed Site Plan DSP-06079 as submitted. They pointed out, however, that the proposed project falls within the purview of SHA's I-495 Capital Beltway HOV Feasibility Study and that, according to preliminary mapping, the development may be impacted slightly along its western boundary, shared with the Tommie Broadwater and TSC/Flowers LLC properties. The later two properties are identified as a future stormwater management pond location and though no structures are proposed, grading may be required on the adjacent D'Arcy property.

14. As required by Section 27-285(b), the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

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 II Tree Conservation Plan (TCPII/34/98-01) and further APPROVED Detailed Site Plan DSP-06079 for the above-described land, subject to the following conditions:

1. Prior to certification of the plans for the project, the following revisions shall be made or additional information submitted:
 - a. Applicant shall procure signature approval of Preliminary Plan of Subdivision 4-05116 and TCPI/21/06.
 - b. Provide details for all elements of the entry feature including the square footage of lettering area for the gateway sign to be reviewed and approved by the Urban Design staff as designee of the Planning Board.
 - c. The reference to the proposed wooden board-on-board fence along the northeastern boundary of the subject project shall be replaced with a reference to a tan vinyl fence.
 - d. Proposed requirements regarding building set backs, setbacks for decks and additions and green space shall be provided on the plans.
 - e. Garages shall be shown and particularized on the plans. All front-loaded garage doors shall be carriage-style with decorative hinges and handles and shall be a color chosen from a palette to be developed by the applicant, which shall not contain white. Colors shall harmonize with the other colors on the façade on which the garage door is located. The applicant shall specify in what instance each color is to be utilized so as to ensure a pleasing final aesthetic composite design. The color palette and final design of all such garage doors shall be approved by the Urban Design Section as designee of the Planning Board.

- f. Two-over-two (two-family) dwelling units shall be eliminated from the plans and every two such units shall be replaced by one townhome, unless the use of two-over-two units are approved by the District Council by legislation.
- g. Revise the architectural elevations so that townhouse sticks containing 7 or 8 units will have no more than two adjacent units without gables or dormers and townhouse sticks with 6 units or less shall have no more than one adjacent unit without gables or dormers.
- h. Provide evidence from DPW&T that the subject DSP is consistent with the approved stormwater management concept plan.
- i. Provide detailed samples of the proposed construction material for the retaining walls. Materials shall be a masonry product and shall be approved by Urban Design staff as designee of the Planning Board.
- j. Revise the plans to indicate the height and top-of-wall and bottom-of-wall elevations of each retaining wall at regular intervals (no greater than 40 feet) along the length of the wall.
- k. Revise the architecture of the multifamily buildings to indicate that all optional windows on the side elevations shall be standard and the side elevations revised to meet the design principles of the 2007 Westphalia Sector Plan that suggests the creation of varied architecture avoiding flat facades and providing shadows and relief using the sketch offered by staff at the public hearing as a guide. Such redesign shall be approved by the Urban Design Section as designee of the Planning Board.
- l. Revise the architecture of the single-family attached units to provide a minimum of two standard end wall features on all side elevations and three end wall features on all highly visible side elevations. Indicate on the architectural elevations which additional feature will be standard for the highly visible units. Such choice shall be approved by the Urban Design Section as designee of the Planning Board.
- m. Revise the architectural side elevations of all highly visible units, including the multifamily buildings, to include materials and detailing comparable in quality of design to the front façade, final design shall be approved by the Urban Design Section as designee of the Planning Board. The highly visible units shall be agreed upon by Urban Design staff as designee of the Planning Board and the applicant. Final design shall be approved by the Urban Design Section as designee of the Planning Board.
- n. Include a note on the plans that townhouse facades will range from 40% to 100% brick. The average brick content on all facades of the attached housing for the entire development shall be a minimum of 76 percent. Each façade of the multifamily buildings, including side elevations, shall utilize a minimum of 75 percent brick. A brick tracking chart shall be included on the plans.

- o. Revise the architecture to include architectural shingles on all models.
- p. The parking schedule shall be revised to reflect the shift in unit types from two-family to townhouse, if necessary.
- q. The applicant shall include a variety of permanent passive and active recreational facilities proximate to multifamily buildings in the southeastern portion of the site. The final design shall be approved by the Urban Design Section as designee of the Planning Board.
- r. Provide a black estate style brushed aluminum fence on top of the retaining wall.
- s. Replace the Virginia Pines with another evergreen species and revise the landscape plans and planting schedules accordingly. Final selection shall be approved by Urban Design Section as designee of the Planning Board.
- t. Revise the detail for the dumpster enclosure to indicate that it will feature brick walls and vinyl gates. Final design shall be approved by the Urban Design Section as designee of the Planning Board.
- u. Revise the architecture for the Windsor model to include arched brushed aluminum railing in the large rectangular opening to the parking garage matching the material of the railing provided in the additional openings.
- v. Provide details and a masonry material sample for the noise attenuation barrier. The DSP and TCPII shall show a detail of the noise attenuation barrier and include the proposed materials and thickness of the barrier. The materials shall be masonry and shall coordinate with the adjoining retaining wall. Such details and masonry material shall be approved by the Environmental Planning Section for acoustical sufficiency and by the Urban Design Section as to aesthetics, both as designee of the Planning Board.
- w. All plans shall be revised to show the existing and proposed easements. This shall include but not be limited to the required stormwater management easements, water easements, and sewer easements. Any woodland conservation within those easements shall be eliminated.
- x. Written approval from the Prince George's County Department of Public Works and Transportation for the proposed planting within the stormwater management pond embankment shall be submitted, or the TCPII shall be revised to eliminate the proposed planting from that area.
- y. The proposed aluminum fence in the community center area shall employ a sufficiently thick gauge of aluminum to ensure that it is durable and long lasting. Sample of same shall be approved by Urban Design staff as designee of the Planning Board.

- z. Applicant shall furnish to Urban Design staff proof that WSSC's concerns regarding water and sewer facilities relative to the project have been addressed.
- aa. The three end wall features required on side elevations for highly visible units shall have the same level of quality of architectural detail and materials as the front façade.
- bb. Applicant shall identify the unit in the first multifamily building to receive a Certificate of Occupancy to be temporarily utilized for recreation until completion of the recreational facilities required by Condition 1s above. The details and specifications for the temporary recreational facilities to be provided therein shall be provided to staff and final design of such facilities shall be approved by the Urban Design Section as designee of the Planning Board.
- cc. Revise the Landscape Plan to provide necessary landscaping schedules pursuant to Sections 4.1 (f), 4.1 (g) and 4.3 (c) of the *Landscape Manual*.
- dd. The applicant shall provide a materials board that shall be approved by the Urban Design Section as designee of the Planning Board.
- 2. The applicant shall construct the proposed community center and swimming pool prior to issuance of the building permit that would allow construction of the 250th unit in the development.
- 3. The applicant shall construct the additional private recreational facilities required by Condition 1.q. above prior to the issuance of the first certificate of occupancy for the multifamily component of the subject development.
- 4. In conformance with the Approved Westphalia Sector Plan and approved Preliminary Plan 4-05116 (Condition 15 of PGCPB 06-220), the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. The Approved Westphalia Sector Plan recommends that D'Arcy Road be designated as a Class III bikeway with appropriate signage. Because D'Arcy Road is a county right-of-way, the applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders or wide outside curb lanes are encouraged.
 - b. Provide designated crosswalk at all intersecting roads at the traffic circle. These crosswalks shall be marked and labeled on the approved DSP.
- 5. Prior to final plat approval, the declaration of covenants for the property, in conjunction with the

formation of a homeowners association, shall include language notifying all future contract purchasers of the proximity of the property to Andrews Air Force Base and noise levels related to military aircraft overflights. The property is approximately two miles from the north end of the runway. The declaration of covenants shall include the disclosure notice. At the time of purchase contract with home buyers, the contract purchaser shall sign an acknowledgement of receipt of the declaration. The liber and folio of the recorded declaration of covenants shall be noted on the final plat along with a description of the proximity of the development to Andrews Air Force Base and noise levels related to military aircraft overflights.

6. The following note shall be placed on the final plat:

“Prior to the approval of building permits for the proposed residential structures, the applicant, his heirs, successors and or assignees shall place on the building permit a certification by a professional engineer with competency in acoustical analysis demonstrating that the design and construction of the building shells will reduce interior noise levels to 45 dBA or less. Due to the proximity of Andrews Air Force Base, properties within this subdivision have been identified as possibly having noise levels between 65-75 dBA (Ldn) due to military aircraft overflights.”

7. At time of final plat, bearings and distances shall describe a conservation easement. The conservation easement shall contain the Patuxent River Primary Management Area, and all adjacent reforestation/afforestation areas, excluding those areas where requests for impacts have been approved, and the plat shall be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

8. All afforestation and associated fencing shall be installed prior to the issuance of the first building permit for the adjacent lots or parcels. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
9. Prior to the issuance of any grading permit, which impacts the Waters of the U.S., nontidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.
10. Prior to the issuance of any building permits for the project, the subject improvements listed below shall; 1) have full financial assurances; 2) have been permitted for construction by DPW&T and 3) have an agreed upon timetable for construction with DPW&T:

- a. Provide a bypass lane at the intersection of Road B and D'Arcy Road pursuant to DPW&T guidelines.
11. Prior to the issuance of the first building permit for the project, applicant shall revise the plans to include:
- a. Street trees along both sides of Roads A and B, subject to DPW&T approval.
 - b. A landscaped median along Roads A and B, subject to DPW&T approval.
 - c. Landscaping, including deciduous and evergreen plant material, within the center of the roundabout at the intersection of Roads A and B, subject to DPW&T approval.
 - d. Details of the proposed street lights, the design of which shall be approved by the Urban Design Section as designee of the Planning Board, unless modified by DPW&T due to a street light's location in its right-of-way.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Cavitt abstaining at its regular meeting held on Thursday, November 29, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of January 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:RG:bjs