



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

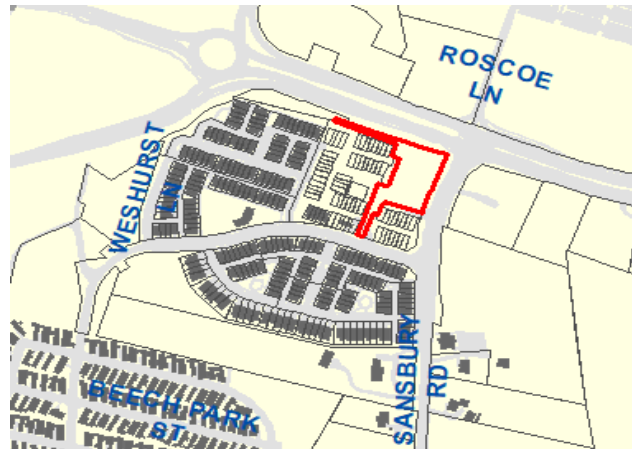
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Conceptual Site Plan Westphalia Row

CSP-07001-03

REQUEST	STAFF RECOMMENDATION
<p>This case was continued from the Planning Board hearing date of April 1, 2021 to April 22, 2021.</p> <p>Removal of 10,000 square feet of commercial/retail uses in Phase III and replace it with 19 single-family attached dwelling units.</p>	APPROVAL with conditions

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



Planning Board Date:	04/22/2021
Planning Board Action Limit:	04/22/2021
Staff Report Date:	04/05/2021
Date Accepted:	01/28/2021
Informational Mailing:	09/02/2020
Acceptance Mailing:	01/25/2021
Sign Posting Deadline:	Continued

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.

Table of Contents

EVALUATION.....	3
FINDINGS	3
1. Request	3
2. Development Data Summary	4
3. Location	4
4. Surrounding Uses	4
5. Previous Approvals.....	5
6. Design Features	5
COMPLIANCE WITH EVALUATION CRITERIA	6
7. The Prince George’s County Zoning Ordinance.....	6
8. 2007 Approved Westphalia Sector Plan and Sectional Map Amendment	10
9. Conceptual Site Plan CSP-07001 and its amendments	12
10. Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance.....	18
11. Other site-related regulations	18
12. Referral Comments	19
RECOMMENDATION	22

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Conceptual Site Plan CSP-07001-03
 Type 1 Tree Conservation Plan TCP1-033-07-04
 Westphalia Row

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

EVALUATION

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

- a. The requirements of the Prince George's County Zoning Ordinance in the Mixed Use-Transportation Oriented (M-X-T) Zone and the site design guidelines;
- b. The requirements of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*.
- c. The requirements of Conceptual Site Plan CSP-07001 and its amendments.
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.
- e. The requirements of other site-related regulations; and
- f. Referral comments.

FINDINGS

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

1. **Request:** The subject application proposes a revision to the previously approved conceptual site plan (CSP) for Westphalia Row by replacing the previously approved 10,000 square feet of commercial uses with 19 single-family attached (townhouse) dwelling units.

2. Development Data Summary:

	EXISTING	PROPOSED
Zone(s)	M-X-T	M-X-T
Use(s)	Single-family attached residential Commercial/Retail	Single-family attached residential
Acreage	20.67	20.67

	Approved CSP-07001	Approved CSP-07001- 01	Approved CSP-07001- 02	Proposed CSP-07001- 03
Dwelling Units Total	420 – 600	388 – 600	238 – 375	238 - 375
Townhouses	140 – 180	188 – 275	238 – 375	294*
Three-Family Dwelling (Triplexes)	48 – 96	0	0	0
Multifamily	200 – 325	200 – 325	0	0
Commercial – Office/Retail (sq. ft.)	50,000 – 100,000	40,000 – 100,000	10,000	0
Floor to Area Ratio (FAR)	1.4	1.4	0.90	0.90

Note: * A total of 275 townhouse units have been constructed. With the addition of 19 townhouse units, the total units of this development will be 294, which is below the maximum allowed 375 units.

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

Base Density Allowed	0.40 FAR
Residential	1.00 FAR
Total FAR Permitted:	1.40 FAR*
Total FAR Proposed:	0.90 FAR

*Additional density was previously approved in accordance with Section 27-545, Optional method of development, of the Prince George's County Zoning Ordinance.

- 3. Location:** The subject property is located in the southwest corner of the intersection of Ritchie Marlboro Road and Sansbury Road, in Planning Area 78 and Council District 6. This intersection is designated by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) as one of nine gateways into the Westphalia area. Specifically, the proposed 19 townhouses will be located on the parcel previously designated as the location for 10,000 square feet of commercial/retail space, as approved in CSP-07001-02.
- 4. Surrounding Uses:** To the northwest of the larger site is the exit ramp leading from the I-95/I-495 (Capital Beltway) to Ritchie Marlboro Road. To the south of the site is an existing single-family residence in the Rural Residential (R-R) Zone. Further south and west on Fernwood Drive is a mobile home park. Across Sansbury Road to the east are the Ritchie Baptist Church property and the PB&J property, which are also zoned

Mixed Use-Transportation Oriented (M-X-T) as part of the village center and includes a constructed Royal Farms food and beverage store and gas station.

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

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

On July 1, 2008, the District Council granted approval of CSP-07001 for the development of the property as a mixed-use development including 420–600 dwelling units and up to 100,000 square feet of commercial office and retail. On January 10, 2008, the Prince George's County Planning Board approved Preliminary Plan of Subdivision (PPS) 4-07038 (PGCPB Resolution No. 08-07). On November 6, 2008, the Planning Board approved Detailed Site Plan DSP-08024 (PGCPB Resolution No. 08-168), for the relocation of Fernwood Drive to the location shown on the CSP. The first phase of development, consisting of 153 townhouses on the southern portion of the site, was approved by the Planning Board as DSP-08039, on March 5, 2009 (PGCPB Resolution No. 09-44). DSP-08039-01 was approved by the Planning Board on September 10, 2009 (PGCPB Resolution No. 09-131), for the originally proposed 96 triplex units. Subsequent DSP revisions '02' and '05' were approved at the Planning Director level for the addition and modification of unit types.

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

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

A new PPS, 4-20024, to reflect the proposed change in this CSP is pending and currently is scheduled on April 15, 2021 and is anticipated to also be continued to the April 22, 2021 hearing, prior to DSP-08039-10, all for the same plan revision.

6. **Design Features:** The larger Westphalia Row project was originally proposed as a mixed-use residential and commercial/retail development. With the constant change of market conditions, the developer amended the original approval two times previously and gradually turned the development into a townhouse subdivision. This amendment will complete the last phase (Phase III) of the development with additional 19 townhouses.

The proposed 19 townhouses in three building groups will be located at the southwest corner of the intersection of Ritchie Marlboro Road and Sansbury Road, where the previously approved (by CSP-07001-02) 10,000 square feet of commercial/retail space was located. The 19 rear-loaded garage townhouses will follow the established development pattern, in terms of orientation and total number of the unit in each building, with the extension of Private Road E and Private Alley 9 to serve the additional units.

The 19 townhouses units will share the existing recreational facilities already installed on the larger development site and will be integrated into the established homeowners' association. The same previously approved townhouse models will be used in the construction of the proposed 19 units. Specific site improvements along with the architecture will be further reviewed at time of DSP.

COMPLIANCE WITH EVALUATION CRITERIA

7. **The Prince George's County Zoning Ordinance:** The subject CSP has been reviewed for compliance with the requirements of the M-X-T Zone and the site design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-547, Uses Permitted, of the Zoning Ordinance. The proposed residential use in this application is permitted in the M-X-T Zone.
 - b. This CSP amendment proposes to replace previously approved commercial/retail uses with 19 townhouses which turns Westphalia Row into a townhouse-only subdivision, in accordance with Section 27-547(e) of the Zoning Ordinance, as follows:

For property placed in the M-X-T Zone by a Sectional Map Amendment approved after October 1, 2006, and recommended for mixed-use development in the General Plan, and a Master Plan, or Sector Plan for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, a Conceptual Site Plan submitted for any property located in the M-X-T Zone may include only one (1) of the above categories, provided that it conforms to the visions, goals, policies, and recommendations of the plan for that specific portion of the M-X-T Zone.

The subject site is part of the Westphalia Sector Plan and SMA that had a comprehensive land use planning study prior to initiation and was approved in 2007. The use categories referenced in Section 27-547(d) of the Zoning Ordinance include retail, office and residential. The townhouse use proposed in this CSP meets the requirement with only one use as it conforms with the recommendations of the Westphalia Sector Plan and SMA as discussed in Finding 7g below.

c. The CSP is consistent with Section 27-548, Regulations, of the Zoning Ordinance, as follows;

- (1) The proposed floor area ratio (FAR) is provided on the CSP. The overall FAR for the site is 0.90, which is below the maximum FAR that is allowed on the site.
- (2) Developments in the M-X-T Zone are required to have vehicular access to a public street, in accordance with Section 27-548(g) noted below:

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

While the overall development is accessed by public streets, the individual townhouse lots will be served by private streets and alleys. At the time of PPS 4-20024 approval for the proposed 19 townhomes included in this CSP, appropriate frontage and direct vehicular access for the townhouse lots must be properly addressed.

d. The site is subject to Section 27-544(c) of the Zoning Ordinance, which states:

- (1) **The design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan.**

The previous CSP approvals have imposed minimum lot size and lot width requirements on the subject development. The subject CSP is consistent with the approved standards. Those development standards are provided in Finding 8 below.

- (2) **The limitations on the lot size and lot width requirements in Section 27-548(h) shall not apply.**

The previous CSP approvals have imposed minimum lot size and lot width requirements on the subject development, which will be reviewed for compliance with the required PPS and DSP applications.

e. The CSP is in conformance with the applicable CSP site design guidelines contained in Section 27-274 of the Zoning Ordinance. The subject development provides a more compact urban layout and, in accordance with Section 27-274(a)(11)(B) of the Zoning Ordinance, the units front on roadways or on shared green space.

To convey the individuality of each townhouse unit, the design of abutting units should avoid the use of repetitive architectural elements and should employ a variety of architectural features and designs such as roofline, window and door

treatments, projections, colors, and materials. Conformance with this design guideline will be addressed at the time of DSP.

- f. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of DSP. When the parking calculation is made, the townhouses should demonstrate 2.04 off-street parking spaces per unit. In the approval of CSP-07001, the Planning Board found that each portion of the development should provide extra parking for guests and visitors and should constitute at least ten percent of the spaces required by the Zoning Ordinance. Adequate visitors' parking will be addressed at the time of DSP.
- g. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings for the Planning Board to approve a CSP in the M-X-T Zone, as follows:

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

The proposed development is in conformance with this requirement and serves the purposes of the M-X-T Zone. In accordance with Section 27-542(a)(2) of the Zoning Ordinance, the proposed CSP will implement the recommendation of the Westphalia Sector Plan and SMA by contributing to the creation of a compact, residential townhouse community. The walkable, urban townhouse development proposed on the site takes advantage of the transportation links available and allows for reduction of the number and distance of automobile trips by constructing residential use in close proximity to adjacent commercial/retail uses across the street.

(2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;

The previous CSPs were found to be in conformance with this requirement and the current application does not change previous findings. In addition, the applicant has incorporated a Westphalia Gateway feature into the site in prior approvals. Therefore, this application can be found to be in conformance with the land use recommendations, and design policies and principles intended to implement the development concepts recommended by the Westphalia Sector Plan and SMA.

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

The proposed development will be outwardly oriented. Although the main village green forms an internal focal point at the center of the community, residential buildings at the edge of the site will front onto Sansbury Road and Ritchie Marlboro Road. As previously required, the townhouse units along Ritchie Marlboro Road will front on it. This is consistent with previous approvals.

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

The proposed development will be compatible with the proposed development in the rest of the village center across Sansbury Road. The subject revision does not affect previous findings regarding the CSP's conformance to this section. The proposed townhouse units are consistent with approved units in other phases of the subject development project that have been constructed.

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

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

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

The development is comprised of four phases. Phase I consisted of fee-simple townhouses as well as infrastructure. Phase II consisted of fee-simple townhouses. Phase III is proposed to consist of more fee-simple townhouses and a commercial building. The 19 townhouses will replace the commercial/retail spaces in Phase III and will complete this project. Each building phase has been designed as a self-sufficient entity, while allowing for effective integration of subsequent phases.

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

This requirement will be evaluated in detail at the time of DSP. The CSP shows sidewalks along all public and private roads, forming a pedestrian network throughout the site. Pedestrian routes have not been proposed and are not deemed necessary within the private alleyways.

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

The above finding is not applicable because the subject application is a CSP. Further attention should be paid to the design of pedestrian spaces and public spaces at the time of DSP.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The subject property was rezoned to the M-X-T Zone as part of the Westphalia Sector Plan and SMA approval. Consequently, a traffic study was approved with the original CSP-07001, and a finding of adequate transportation facilities was subsequently made at time of PPS. In accordance with the review by the Transportation Planning Section (Burton to Zhang dated March 1, 2021), the addition of 19 townhouses will be still within the approved trip caps for this development. No additional dwelling units or building square footage beyond the previously approved development caps are proposed in this CSP amendment. Therefore, the Planning Board's original finding of adequacy is not affected by the subject amendment.

8. **2007 Approved Westphalia Sector Plan and Sectional Map Amendment:** The subject site is located within the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) and is identified as part of a mixed-use activity center and one of nine gateways into the Westphalia area.

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

Village Center Guidelines

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

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

The proposed private streets (not the private alleys) throughout the site are designed to be low-speed streets and have parallel parking on one or both sides, wherever it is practical.

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

The proposed townhouses will fall within the specified height range and usually have three to four stories.

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

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

Each townhouse unit will have a two-car garage to accommodate off-street parking needs of the residents. Additional residential surface parking, mainly for the visitors, proposed on the site is envisioned as parallel on-street parking. This issue will be examined further at the time of DSP when a detailed design is submitted.

Gateway Guidelines

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

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

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

The design of buildings, landscaping, signs, and any special features along the Ritchie Marlboro Road frontage, as well as Sansbury Road, are critical to the image of Westphalia that will be portrayed at this northern entryway. A package of design items such as gateway entrance features, architectural design, materials, colors, landscape palette, and streetscape features creating a distinctive sense of arrival has been approved with prior phases and constructed. Stakeholders in the Westphalia Sector Plan area have been working together for several years to provide for gateway signage design that can be used at all gateway locations. The applicant has provided the design and location of a gateway feature. This is the first project in the Westphalia area to incorporate and commit to providing the selected signage and logo.

- 9. Conceptual Site Plan CSP-07001 and its amendments:** CSP-07001 was approved by the District Council on July 1, 2008, for construction of 140–180 townhouses, 48–96 three-family (triplex) dwelling units, 200–325 multifamily dwelling units, 40,000–70,000 square feet of office and 10,000–30,000 square feet of retail. On June 18, 2012, the District Council approved Zoning Ordinance No. 7-2012 to amend Condition 9(b)(2). The conditions of CSP-07001 were thoroughly reviewed and carried forward with the -01 amendment approval, as necessary. Therefore, they do not need to be included here for review.

CSP-07001-01: On June 5, 2014, the Planning Board approved CSP-07001-01 (PGCPB Resolution No. 14-51), to replace the previously approved triplex units in the northwest corner of the site with townhouses, subject to 24 conditions. The applicable conditions of CSP-07001-01 are as follows:

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

This condition was met with previous applications, including DSPs. The current Type 1 tree conservation plan (TCP1) does not show any woodland conservation on dedicated parkland.

- 4. Prior to acceptance of the Detailed Site Plan for the multifamily and office buildings, the package shall be evaluated to ensure that it includes a description of the use of green building techniques and the use of alternative energy sources.**

No multifamily or office buildings are proposed anymore. However, the applicant should still consider the incorporation of green building techniques for all new proposed buildings. This issue will be further examined at the time of DSP.

5. **Prior to approval of a future detailed site plan for the proposed townhouses, the arrangement of the townhouse units between Private Road "C" and Ritchie-Marlboro Road shall be designed to front on Ritchie-Marlboro Road as well as on Private Road "C," consistent with what is shown on the subject CSP. Public views of alleys should be minimized by screening the ends of alleys to the fullest extent possible.**

This condition was relative to the previous phases. The current amendment proposes townhouse units fronting on Ritchie Marlboro Road. However, the part of this condition regarding minimizing public views of alleys is still applicable and should be carried forward as part of this approval.

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

This condition from the original CSP approval has been carried forward with this approval.

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

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

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

b. Rear-loaded townhouses (fee simple)

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

c. Multifamily, office, and retail buildings

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

This condition from the original CSP approval has been carried forward with this approval, with a minor modification to remove the reference to multifamily buildings and commercial uses.

- 8. At the time of Detailed Site Plan review, parking shall be calculated separately for: (1) the multifamily and commercial buildings, (2) for the rear-loaded townhouses north of Fernwood Drive, and (3) for the townhouses south of Fernwood Drive. Parking spaces in driveways and carports must allow at least 19 feet of parking space for cars, which must not obstruct pedestrian or vehicular travel routes. In addition to the total number of off-street parking spaces required for each type of unit by Section 27-568 of the Zoning Ordinance, each portion of the development shall also provide an additional ten percent of this number for visitor parking, which may include parallel parking spaces on private roads.**

This condition remains in effect and is carried forward with this approval. The reference to the multifamily and commercial building is eliminated, as that is no longer proposed.

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

This condition remains in effect and is carried forward with this approval.

10. **The Applicant, his successors, and/or assignees shall provide adequate private recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines. The private recreational facilities shall be reviewed by the Urban Design Section of Development Review Division for adequacy and proper siting, prior to approval of the Detailed Site Plan by the Planning Board.**

This condition remains in effect and is carried forward with this approval.

11. **The Applicant, his successors, and/or assignees shall submit three (3) original, executed private Recreational Facilities Agreements (RFA) to the Development Review Division for their approval three weeks prior to applying for building permits. Upon approval by the Development Review Division, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.**

12. **The Applicant, his successors, and/or assignees shall submit to the Development Review Division a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by the Development Review Division, within at least two (2) weeks prior to applying for building permits.**

13. **The developer, his successor and/or assignees shall satisfy the Planning Board or designee that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.**

These issues regarding the recreational facilities mentioned in the three conditions above will be examined and conditioned, as necessary, with the new required PPS.

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

The subject amendment complies with this requirement. Those play areas are located within Phase I of the development and are within walking distance to the proposed townhouses in Phase III. The future DSP will have to continue to demonstrate the provision of adequate on-site recreational facilities.

- 15. The noise attenuation wall shall be designed to promote attractive views from the public roadways.**

The noise attenuation wall was required and proposed within Phases I and II and does not extend into Phase III. Therefore, this condition does not need to be carried forward.

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

The submitted CSP reflects this condition, which remains in effect and is carried forward with this approval.

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

This condition has been met.

- 18. The Applicant shall provide standard sidewalks along both sides of Private Roads A, B, C, and D.**

Standard sidewalks have been shown on both sides of the proposed private roads extensions. Therefore, this condition does not need to be carried forward at this time.

- 19. The Applicant shall provide standard sidewalks along both sides of relocated Fernwood Drive, unless modified by DPW&T.**

Fernwood Drive has been fully constructed with standard sidewalks on both sides. This condition has been fulfilled.

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

This condition remains in effect and is carried forward with this approval.

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

- a. The mix of uses used to calculate the site's trip generation must include no less than a total of 40,000 square feet of office, retail, or commercial space, which shall be more specifically set forth at the time of detailed site plan.**

- b. The mix of dwelling units shall fall within the ranges proposed on the conceptual site plan, unless modified at the time of detailed site plan.**

The trip cap portion of this condition remains in effect and is being met by the submitted amendment. The requirement for no less than a total of 40,000 square feet of office, retail, or commercial space is no longer being met, as the purpose of this revision is to reduce the previously approved amount of residential and commercial development due to market conditions. With the addition of 19 townhouses, the whole development is still within the established trip caps according to the review by the Transportation Section.

Table 1 – Traffic Analysis

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

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

The sector plan states that a contribution of \$3,500 per new dwelling unit (in 2006 dollars) is needed to construct the public central park facility recommended for the sector plan area. The applicant is encouraged to comply with the sector plan recommendation and participate in the County and community efforts to build a unique community with high-quality recreational facilities for the benefit of all future Westphalia residents. This condition is carried forward.

- 24. At the time of the Detailed Site Plan, the Applicant shall provide to the District Council, any plans or specifications that the Applicant may have, with reference to its efforts that will be used in trying to achieve the Westphalia Sector Plan's policy goal of ensuring minority participation.**

This issue will be reviewed further at the time of DSP.

CSP-07001-02: On January 7, 2016, the Planning Board approved CSP-07001-02 (PGCPB Resolution No. 16-02), to replace 250 multifamily units and 57,600 square feet of commercial uses with 67 fee-simple townhouses and 10,000 square feet of commercial uses, subject to 16 conditions. Except for Condition 1 that has been fulfilled at time of the certification of CSP-07001-02, all other conditions are either carried-over or modified conditions of approval attached to CSP-07001-01, as discussed in detail above. Only the conditions relevant to townhouses, including Conditions 3, 4, 5, 12, and 16 have been modified or simply included in the Recommendation section of this report.

- 10. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area exceeds 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. Currently, this site has an approved TCP1 (TCP1-033-07-03) and Type 2 Tree Conservation Plan (TCP2-55-08-04). The submitted CSP application includes a revised TCP1 (-04), which is subject to the current regulations because it is a part of a new PPS application submission.
- a. A signed Natural Resources Inventory (NRI-114-06-04) was submitted with the application, which updated the area of focus for this CSP. The complete NRI for the site was approved under NRI-114-06-01. The overall site contains sensitive environmental features such as streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils. Regulated environmental features are not located within the area of focus for this CSP.
 - b. This subject property contains a total of 8.74 acres of woodland outside the floodplain, according to the NRI. The woodland conservation threshold is 3.01 acres. The subject site has cleared 8.31 acres of the existing 8.74 acres. The cumulative woodland conservation requirement is 7.07 acres. The TCP1 proposes to meet the subject site's portion of the overall requirement with 0.35 acre of woodland preservation, 0.53 acre of reforestation/afforestation, and 6.19 acres of off-site woodland conservation. Through other permitting activities at the subject site, the overall site has complied with bonding on-site and purchasing off-site woodland credits. No additional clearing is proposed as part of this submission.
- 11. Other site-related regulations:** Additional regulations are applicable to site plan review that usually require detailed information, which can only be provided at the time of DSP. The discussion provided below is for information only:
- a. **2010 Prince George's County Landscape Manual**—This development in the M-X-T Zone will be subject to the requirements of the Landscape Manual at the time of DSP. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets.
 - b. **Prince George's County Tree Canopy Coverage Ordinance**—Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area covered by tree canopy. The subject site is 20.67 acres in size and the required TCC is 2.067 acres. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of DSP.

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

- a. **Community Planning**—In a memorandum dated March 1, 2021 (Gravitz to Zhang), incorporated herein by reference, the Community Planning Division indicated that pursuant to Part 3, Division 9, Subdivision 2 of the Zoning Ordinance, master plan conformance is not required for this application.
- b. **Transportation Planning**—In a memorandum dated March 1, 2021 (Burton to Zhang), incorporated herein by reference, the Transportation Planning Section provided an analysis on the change of trips as a result of this addition of 19 townhouses, as discussed in findings above.

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

From the standpoint of transportation, it is determined that this plan is acceptable and meets the findings required for a CSP, as described in the Zoning Ordinance, if approved.

- c. **Subdivision Review**—In a memorandum dated March 1, 2021 (DiCristina to Zhang), incorporated herein by reference, the Subdivision Review Section provided the following comments:

Any modifications to CSP-07001-03 should be reflected on the pending plans for PPS 4-20024 and DSP-08039-10.

Several variations to the Prince George's County Subdivision Regulations will be required with PPS 4-20024 for the proposed development. These include variations to Section 24-121(a)(4), for the 150-foot minimum lot depth requirement for residential lots adjacent to an arterial road; Section 24-128(b)(7)(A), which requires lots with alleys to have frontage on, and pedestrian access to a public street; and Section 24-122(a), which requires a public utility easement layout adjoining a public right-of-way. Staff notes that the aforementioned variation requests were submitted with PPS 4-20024.

The subject site is located on the eastern side of the Capital Beltway, which is classified as a freeway, and on the south side of Ritchie Marlboro Road, which is classified as an arterial roadway. Both are considered transportation-related noise generators. Prior approvals have required acoustical analysis and certification of reduction of interior noise levels. The addition of new lots requires a new Phase 1 Noise Analysis at the time of PPS. No outdoor recreation areas will be permitted within the area of 65 dBA Ldn, as mitigated, and interior noise levels must be reduced to 45 dBA Ldn or less. The proposed lots and structures will be evaluated for noise impacts at the PPS and DSP stages.

Given the addition of dwelling units to the overall Westphalia Row development, the adequacy of on-site private recreation facilities will be evaluated at the PPS stage.

A new final plat of subdivision will be required, pursuant to the new PPS, before permits can be issued.

- d. **Pedestrian/Bicycle Facilities**—In a memorandum dated March 1, 2021 (Noelle to Zhang), incorporated herein by reference, the Trails Planner with the Transportation Planning Section reviewed the CSP application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* and/or the appropriate area master/sector plan, in order to implement planned trails, bikeways, and pedestrian improvements. The review comments are summarized as follows:

The submitted plans include sidewalks and continental style crosswalks throughout the site. The existing eight-foot-wide trail along Sansbury Road is also shown on the submitted plan. These improvements support separating pedestrian and vehicular transportation routes within the site, pursuant to Section 27-274. Staff finds that with the proposed and recommended improvements, pedestrian and bicyclist circulation on the site is safe, efficient, and convenient, pursuant to Section 27-274(c) of the Zoning Ordinance, the relevant design guidelines for pedestrian and bicycle transportation.

The submitted site plan proposes sidewalks and crosswalks throughout the site. Staff finds the pedestrian system to be convenient and comprehensively designed if additional sidewalk connections are provided to Sansbury Road, Ritchie Marlboro Road, and connecting townhomes 106 to 162. Staff also recommends an additional crosswalk be provided crossing Private Alley 9 for a continuous pathway through the site. The recommended improvements support separated pedestrian routes and a convenient pedestrian system designed to encourage pedestrian activity.

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

Staff concludes that the pedestrian and bicycle access and circulation for this plan is acceptable, consistent with the site design guidelines, pursuant to Sections 27-274 and 27-546 of the Zoning Ordinance. The CSP meets the findings for pedestrian and bicycle transportation purposes and conforms to the prior development approvals and the Westphalia Sector Plan and SMA, with four conditions related to sidewalk connections and crosswalks that will be reviewed at time of DSP.

- e. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated March 2, 2021 (Burke to Zhang), incorporated herein by reference, DPR stated that with the development of the 19 townhomes, the site will be subject to mandatory parkland dedication, which will be evaluated further with the review of PPS 4-20024.
- f. **Environmental Planning**—In a memorandum dated March 1, 2021 (Rea to Zhang), incorporated herein by reference, the Environmental Planning Section provided the following summarized comments on the subject application:

Soils

The predominant soils found to occur on-site, according to the US Department of Agriculture Natural Resource Conservation Service Web Soil Survey, include Collington-Wist complex, Downer-Hammonton complex, Marr-Dodon complex, Potabac-Issue complex, and the Westphalia and Dodon soil series. According to available information, neither Marlboro clay nor Christiana complex soils occur on this property. No further action is needed as it relates to this application. A soils report may be required by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) at the time of permit application.

Stormwater Management

A stormwater management (SWM) concept plan was not submitted with this application as it is not required as part of a CSP application. DPIE is currently reviewing SWM Concept Plan 36373-2006-05.

The Environmental Planning Section recommends approval of CSP-07001-03 and TCP1-033-07-04, subject to one condition that has been included in the Recommendation section of this report.

- g. **Prince George's County Fire/EMS Department**—At the time of the writing of this technical staff report, the Fire Department did not offer comments on the subject application.
- h. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated February 18, 2021, incorporated herein by reference, DPIE noted that the proposed development is not consistent with the previously approved SWM concept plan. The applicant should provide a revised SWM concept plan prior to DSP.

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

- i. **Prince George's County Police Department**—At the time of the writing of this technical staff report, the Police Department did not offer comments on the subject application.
- j. **Prince George's County Health Department**—In a memorandum dated February 16, 2021, incorporated herein by reference, the Health Department provided the following comments on the subject application:

- (1) There are approximately 10 existing carry-out/convenience stores food facilities and no grocery store/markets within a half mile radius of this site. A 2008 report by the UCLA Center for Health Policy Research found that the presence of a supermarket in a neighborhood predicts higher fruit and vegetable consumption and a reduced prevalence of overweight and obesity. The department acknowledges that there is one nearby food facility designed as a convenient store which provides healthy food options such as an assortment of fresh fruits and vegetables for retail sale.

No commercial uses are proposed with this application.

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

A note should be provided on the DSP indicating the intent to conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code.

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

A note should be provided on the DSP indicating conformance with the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control requirements.

- k. **Westphalia Sector Development Review Council**—At the time of the writing of this technical staff report, the Westphalia Sector Development Review Council did not offer comments on the subject application.
- 13. Based on the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, the CSP, if approved with the proposed conditions below, represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
 - 14. Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a CSP:

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

No new impacts to regulated environmental features are proposed with this application. All impacts were previously approved for the subject property.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Conceptual Site Plan CSP-07001-03 and Type 1 Tree Conservation Plan TCP1-033-07-04 for Westphalia Row, subject to the following conditions:

1. Prior to certificate of approval of the conceptual site plan (CSP), the following revisions shall be made to the CSP, or information shall be provided:
 - a. Revise General Note 18. There is 100-year floodplain in the southwest corner of the subject site.
 - b. Revise the Type 1 tree conservation plan as follows:
 - (1) Correct the past approval names in the approval block. C. Schultz should be C. Schneider.
 - (2) Add CSP-07001-03 to the 04-approval line in the approval box.
2. At the time of detailed site plan for the proposed townhouses, public views of alleys shall be minimized by screening the ends of alleys to the fullest extent possible.
3. The detailed site plan shall include examples and evidence of all necessary covenants or other legal instruments that will be used to ensure that the recreational facilities on the site will be available in perpetuity to all residents of the Westphalia Row development. If a legally sufficient arrangement to share the recreational facilities cannot be demonstrated, then adequate recreational facilities shall be demonstrated for the individual portions of the development.
4. The following development standards shall apply to, and be reflected on the detailed site plan (DSP). At the time of DSP review, the Planning Board may make modifications to the development standards without the need to amend the conceptual site plan, if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the conceptual site plan and the sector plan.
 - a. Front-loaded townhouses (fee simple)
 - (1) Minimum lot size: 1300 square feet
 - (2) Minimum front yard setback: 20 feet from back of sidewalk
 - (3) Minimum yard area: 400 square feet
 - (4) Maximum building height: 45 feet
 - (5) Minimum lot width: 20 feet
 - b. Rear-loaded townhouses (fee simple)
 - (1) Minimum lot size: 1,000 square feet for no less than 50 percent of the units and a minimum of 800 feet for the remainder
 - (2) Minimum front yard setback: six feet from property line.

- (3) Maximum building height: 45 feet.
 - (4) Minimum lot width: 20 feet for no less than 50 percent of the units and a minimum of 16 feet for the remainder.
- 5. At the time of detailed site plan review, parking shall be calculated separately for the rear-loaded townhouses north of Fernwood Drive. Parking spaces in driveways and carports must allow at least 19 feet of parking space for cars, which must not obstruct pedestrian or vehicular travel routes. In addition to the total number of off-street parking spaces required for each type of unit, this portion of the development shall also provide an additional ten percent of this number for visitor parking or demonstrate that sufficient visitor parking is available in the close vicinity of this section, which may include parallel parking spaces on private roads.
- 6. At the time of detailed site plan review for the Phase III of the development, the site will be evaluated for conformance to the gateway design guidelines of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. A package of design items such as gateway entrance features, architectural design, materials, colors, landscape palette, and streetscape features shall be provided in order to create a distinctive sense of arrival. Design details for a gateway feature near the Ritchie Marlboro Road and Sansbury Road intersection shall be provided.
- 7. The applicant, the applicant's heirs, successors, and/or assignees shall provide adequate private recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines. The private recreational facilities shall be reviewed by the Urban Design Section of Development Review Division for adequacy and proper siting, prior to approval of the detailed site plan by the Planning Board.
- 8. The applicant shall provide an eight-foot-wide side path or wide sidewalk along Sansbury Road, unless modified in writing by the Prince George's County Department of Permitting, Inspections and Enforcement.
- 9. Appropriate pedestrian amenities and pedestrian safety features will be evaluated at the time of detailed site plan.
- 10. At the time of detailed site plan approval, the applicant, or the applicant's heirs, successors, and/or assignees shall provide:
 - a. Standard sidewalk connection from townhomes 162–168 to existing sidewalk along Sansbury Road.
 - b. Standard sidewalk connection to Ritchie Marlboro Road from the townhomes fronting the roadway.
 - c. Standard sidewalk connecting townhome 106 to 162, along Private Alley 9.

- d. Continental style crosswalk traversing Private Alley 9.
 - e. The site plan notes as follows:

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

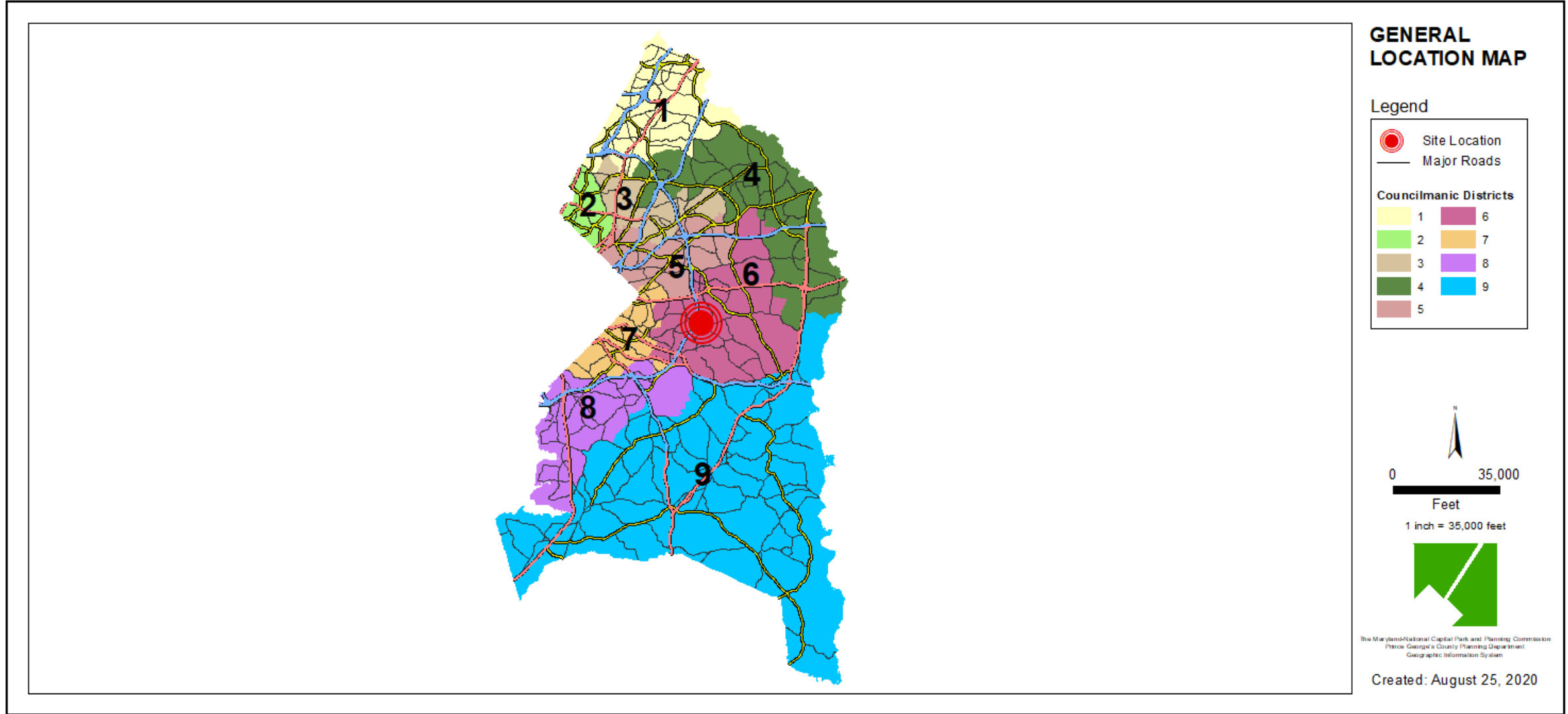
“During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.”
- 11. At the time of building permit approval, applications for building permits shall be prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise.
 - 12. The applicant has indicated a desire to be a part of the established Westphalia Financing Plan. Therefore, at the time of the detailed site plan (DSP), if the applicant is a recognized participant in a designated Westphalia Financing Plan, any designated financial contributions to the overall Westphalia Plan, including contributions to the Central Park, shall be so designated as a condition on the DSP, as part of the established financing formula and plan.

ITEM: 6

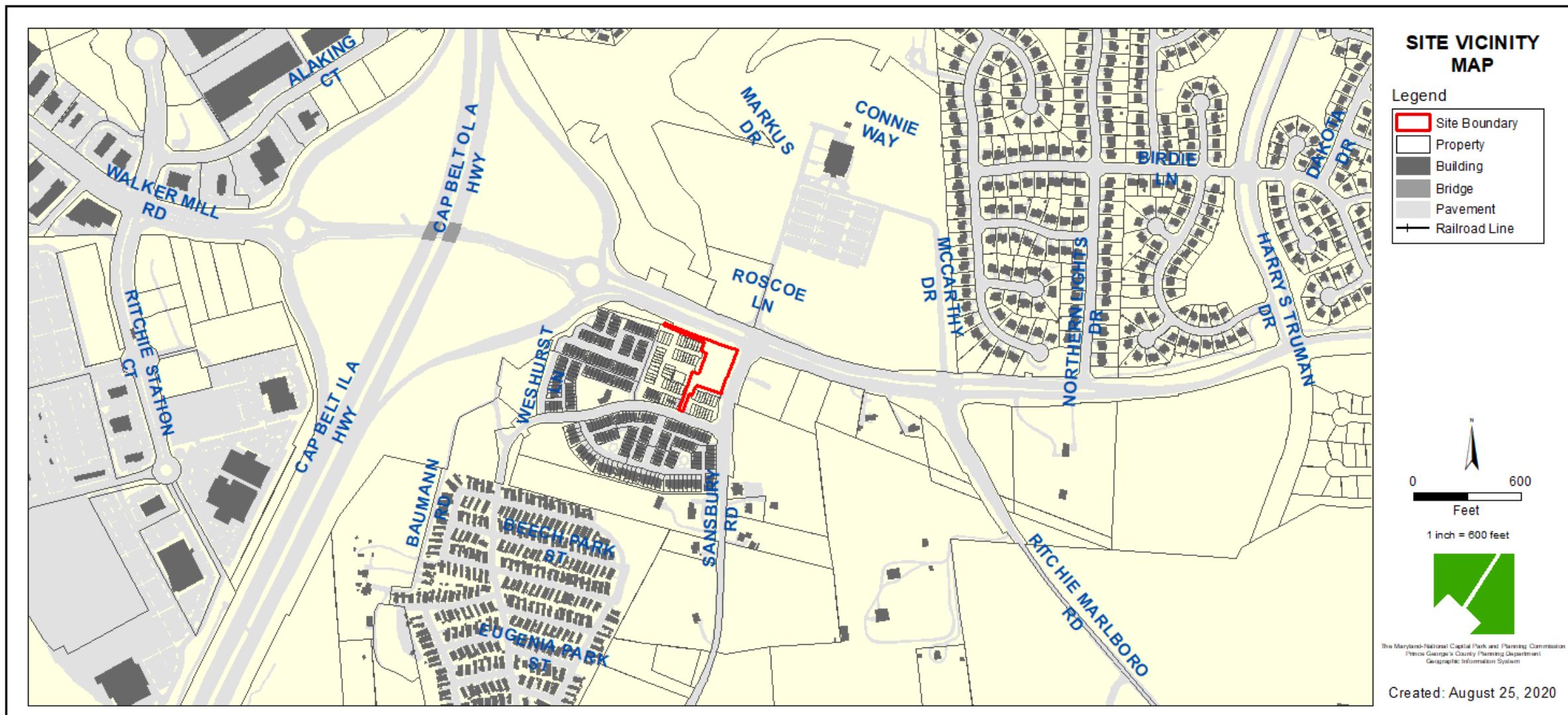
CASE: CSP-07001-03

WESTPHALIA ROW

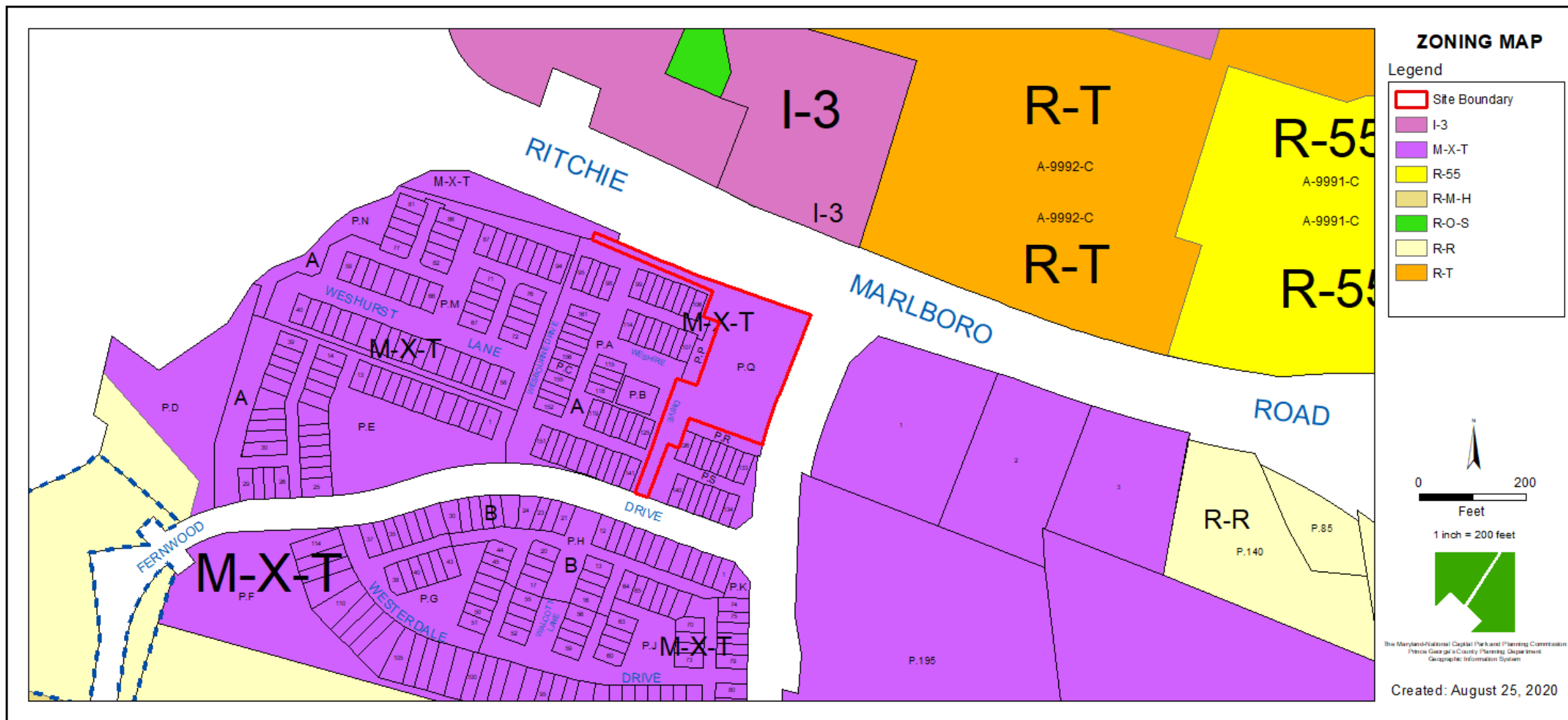
GENERAL LOCATION MAP



SITE VICINITY



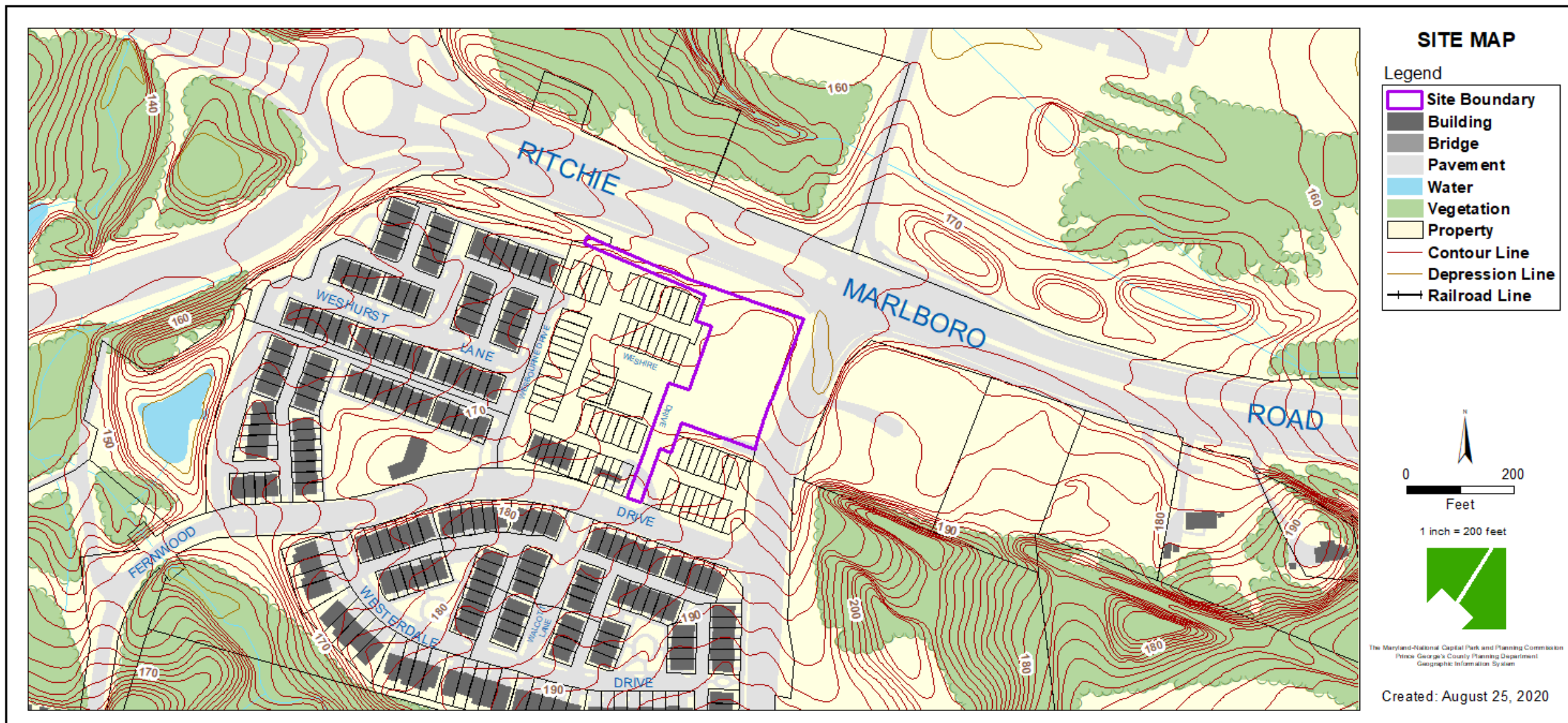
ZONING MAP



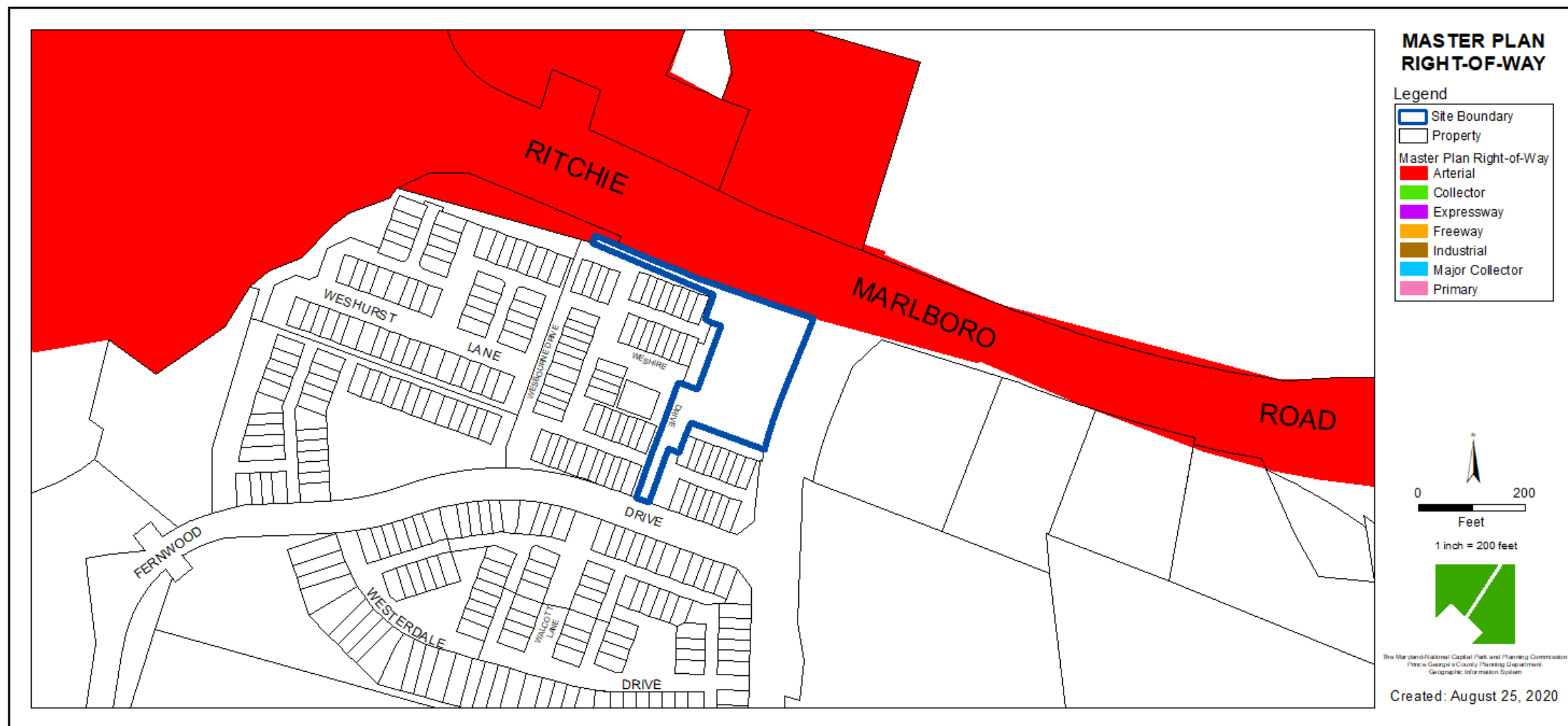
AERIAL MAP



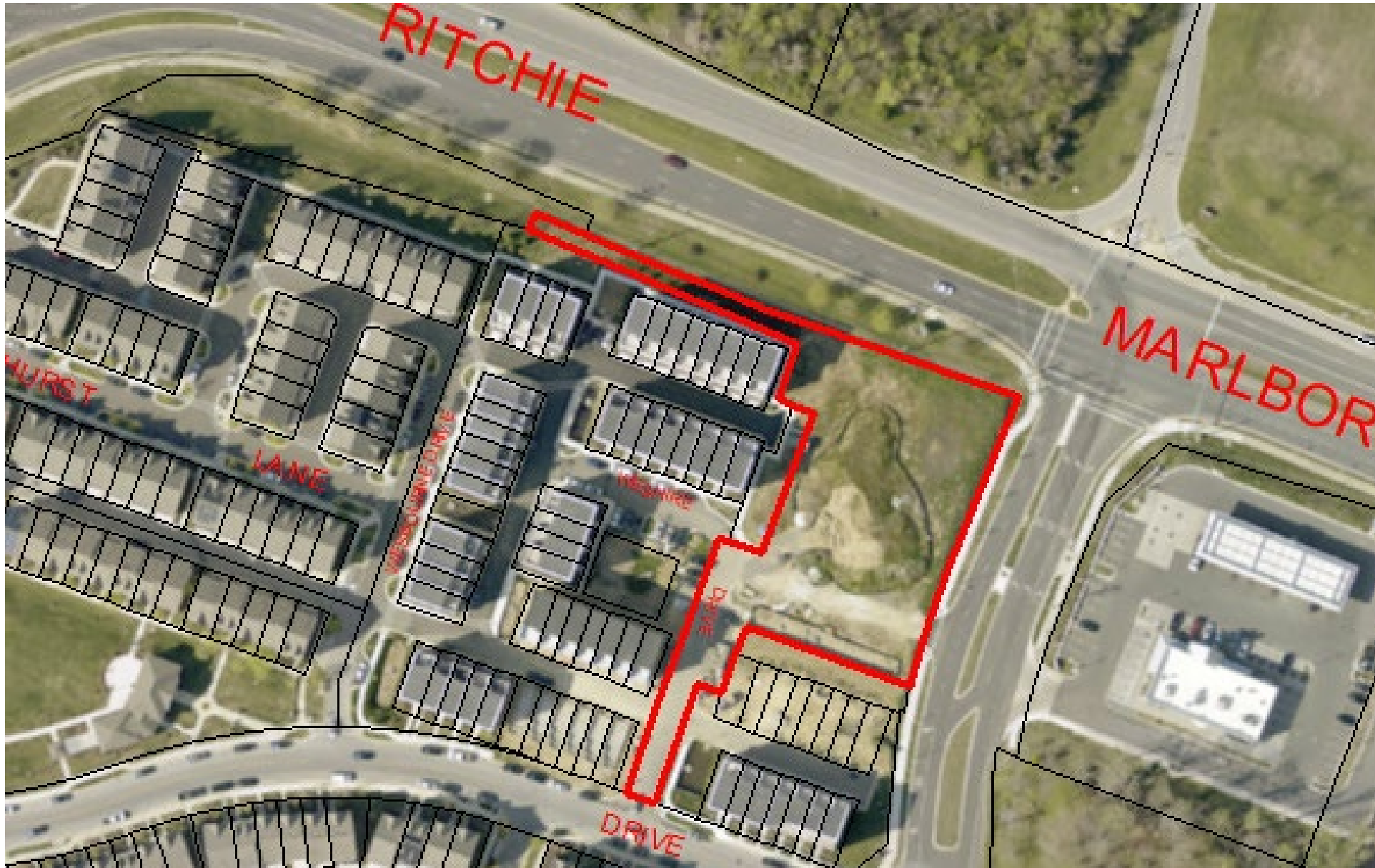
SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



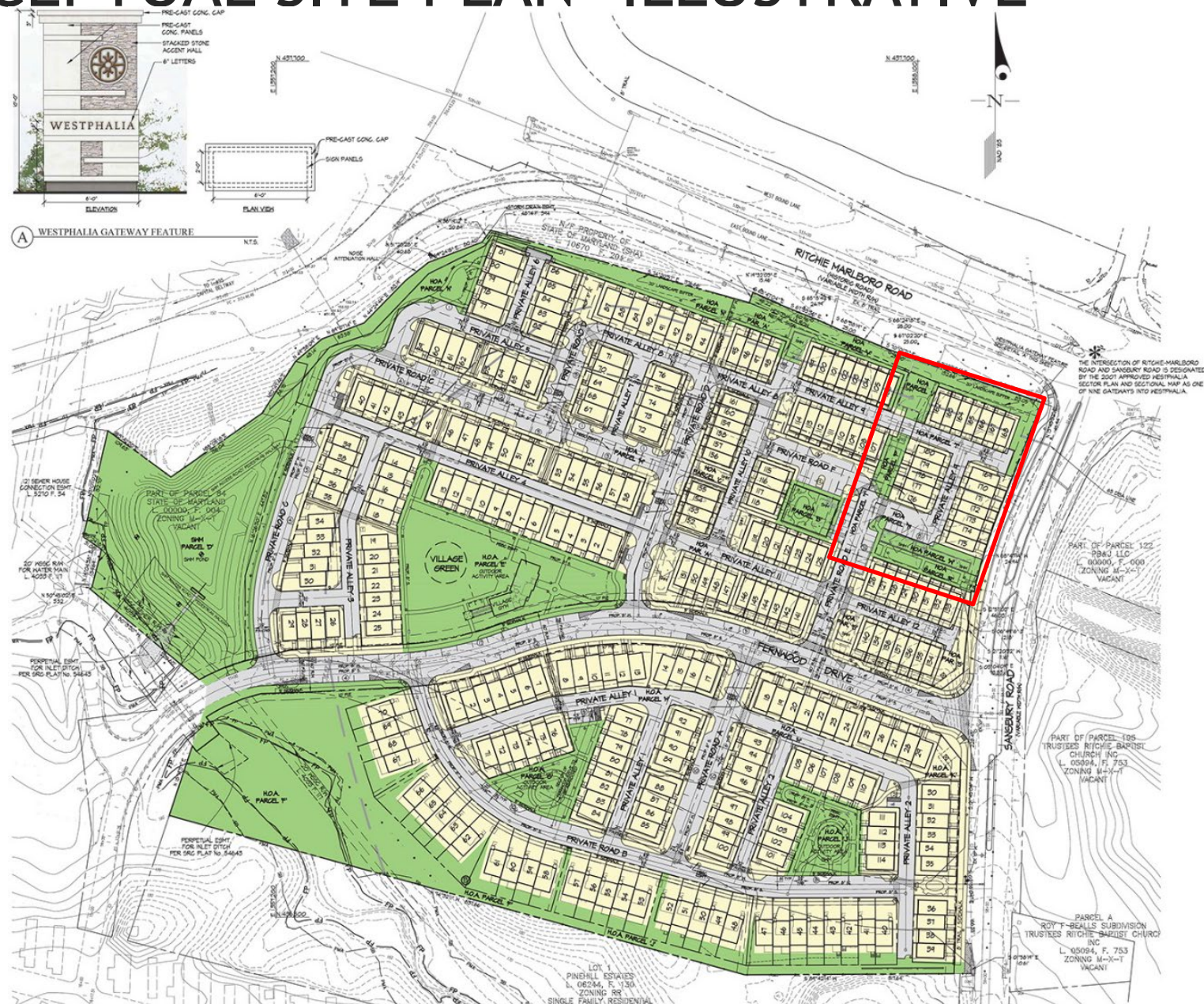
BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



PREVIOUSLY APPROVED CSP-07001-02 ILLUSTRATIVE



REVISED CONCEPTUAL SITE PLAN- ILLUSTRATIVE





Prince George's County Planning Department
Community Planning Division

AGENDA ITEM: 6
AGENDA DATE: 4/22/2021


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


301-952-3972

March 1, 2021

MEMORANDUM

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

VIA: David A. Green, MBA, Master Planner, Community Planning Division 

FROM: Adele Gravitz, Senior Planner, Placemaking Section, Community Planning Division 

SUBJECT: CSP- 07001-03, Westphalia Row

FINDINGS

Pursuant to Part 3, Division 9, Subdivision 2 of the Zoning Ordinance, Master Plan conformance is not required for this application.

BACKGROUND

Application Type: Conceptual Site Plan outside of an overlay zone.

Application Type CSP-07001-03, WESTPHALIA ROW

Location: 1601 Sansbury Road, Upper Marlboro, MD 20772

Size: 20.67 acres

Existing Use: Vacant

Proposal: Remove 10,000 square feet of retail/office use in phase III and replace it with 19 Townhouses

GENERAL PLAN, MASTER PLAN, AND SMA

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

Master Plan:

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

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

Planning Area: 78

Community: Westphalia

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

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

MASTER PLAN CONFORMANCE ISSUES:

None

OVERLAY ZONE CONFORMANCE ISSUES

None

c: Long-range Agenda Notebook

Adam Dodgshon, Supervisor, Placemaking Section, Community Planning Division.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

Countywide Planning Division
Transportation Planning Section


301-952-3680

March 1, 2021

MEMORANDUM

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

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

FROM:  Glen Burton, Transportation Section, Countywide Planning Division

SUBJECT: **CSP 07001-03, Westphalia Row**

Proposal

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

Background

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

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

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

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

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

Site Access and Circulation

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

Conclusion

From the standpoint of transportation, it is determined that this plan is acceptable and meets the findings required for a conceptual site plan as described in the Zoning Ordinance if approved.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

March 1, 2021

MEMORANDUM

TO: Henry Zhang, Master Planner, Urban Design Section

VIA: Mridula Gupta, Planner Coordinator, Subdivision Section *MG*

FROM: Kayla DiCristina, Senior Planner, Subdivision Section *KD*

SUBJECT: CSP-07001-03; Westphalia Row

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

The subject property is platted as Parcel Q on Plat Book SJH 245 page 98 recorded among the Land Records of Prince George's County, Maryland and dated October 28, 2016. The bearings and distances shown for the property boundary of the site on CSP-07001-03 are in conformance with the record plat.

The current and proposed uses within the larger Westphalia Row development included residential and commercial uses. Most of the residential development consisting of single-family attached townhomes has been constructed, but the proposed commercial development, which is on the subject property, has not been completed. CSP-07001-03 has been submitted for the revision of the proposed development on the subject property to replace the commercial use with a residential use. The application conceptually proposes an additional 19 townhomes. The adjoining public roads have been improved under previous approvals for Westphalia Row and no additional public right-of-way dedication is required for the proposed development.

The overall Westphalia Row development is subject to three separate PPSs, of which, PPS 4-15021 is applicable to the subject property. A new PPS (PPS 4-20024) was submitted concurrently with CSP-07001-03 for the subject property in accordance with Section 24-111(a) of the Subdivision Regulations. Upon approval, PPS 4-20024 will supersede PPS 4-15021 for the subject property. CSP-07001 established development standards which determined the minimum lot size and width,

minimum front yard setback and yard area, and maximum building height for front-loaded and rear-loaded townhouses, and other building types. The proposed lotting pattern will be reviewed further with PPS 4-20024. There are no other prior conditions of approval of CSP-07001 and its amendments which impact conformance of this current proposal with Subtitle 24.

Several variations to the Subdivision Regulations will be required with PPS 4-20024 for the proposed development. These include variations to Section 24-121(a)(4) for the 150-foot minimum lot depth requirement for residential lots adjacent to an arterial road; Section 24-128(b)(7)(A) which requires lots with alleys to have frontage on, and pedestrian access to a public street; and Section 24-122(a) which requires a public utility easement layout adjoining a public right-of-way. Staff notes that the aforementioned variation requests were submitted with PPS 4-20024.

Plan Comments

1. Any modifications to CSP-07001-03 should be reflected on the pending plans for PPS 4-20024 and DSP-08039-10.
2. The subject site is located on the eastern side of the Capital Beltway (I-95) which is classified as a freeway and on the south side of Ritchie Marlboro Road which is classified as an arterial roadway. Both are considered transportation-related noise generators. Prior approvals have required acoustical analysis and certification of reduction of interior noise levels. The addition of new lots requires a new Phase 1 Noise Analysis at the time of PPS. No outdoor recreation areas will be permitted within the area of 65+ dBA Ldn, as mitigated, and interior noise levels must be reduced to 45 dBA Ldn or less. The proposed lots and structures will be evaluated for noise impacts at the PPS and DSP stages.
3. Given the addition of dwelling units to the overall Westphalia Row development, the adequacy of on-site private recreation facilities will be evaluated at the PPS stage.
4. A new final plat of subdivision will be required, pursuant to the new preliminary plan of subdivision before permits can be issued.

Recommended Conditions

1. Prior to certification, the Conceptual Site Plan shall be revised to address the following:
 - a. Revise General Note 18. There is 100-year floodplain in the southwest corner of the subject site.

This referral is provided for the purposes of determining conformance with any underlying subdivision approvals on the subject property and Subtitle 24. All bearings and distances must be clearly shown on the CSP and must be consistent with the legal descriptions of the property. There are no other subdivision issues at this time.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Countywide Planning Division
Transportation Planning Section


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


301-952-3680

March 1, 2021

MEMORANDUM

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

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

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

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

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

Conceptual Site Plan Number: **CSP-07001-03**

Development Case Name: **Westphalia Row**

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

Subject to 24-124.01: No

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

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

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

Development Proposal

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

Prior Approvals

The proposed development is subject to the following prior approvals that include conditions related to bicycle and pedestrian transportation:

CSP-07001:

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

Comment

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

4-15021

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

Comment

The subject application does not alter the condition above.

DSP-08039

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

Comment

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

Review of Proposed On-Site Improvements

The submitted plans include sidewalk and continental style crosswalks throughout the site. The existing eight-foot-wide trail along Sansbury Road is also shown on the submitted plan.

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

Proposed Improvements and conformance with Mixed-Use-Transportation Zoning

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

The submitted site plan proposes sidewalk and crosswalks throughout the site providing a general display of the pedestrian system proposed.

Comment Staff find the pedestrian system to be convenient and comprehensively designed if additional sidewalk connections are provided to Sansbury Road, Marlboro Pike, and connecting townhome 106 to 162. Staff also recommend an additional crosswalk be provided crossing Private Alley 9 for a continuous pathway through the site. The recommended improvements support separated pedestrian routes and a convenient pedestrian system designed to encourage pedestrian activity.

Review of Connectivity to Adjacent/Nearby Properties

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

Review Master Plan of Transportation (MPOT) Compliance

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

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

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

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

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

Review Area Master Plan Compliance

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

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

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

Recommended Conditions of Approval

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

1. Prior to certification of the detailed site plan, the applicant, or the applicant's heirs, successors, and/or assigns shall revise the plans to provide:
 - a. Standard sidewalk connection from townhomes 162-168 to existing sidewalk along Sansbury Road.
 - b. Standard sidewalk connection to Ritchie Marlboro Road from the townhomes fronting the roadway.
 - c. Standard sidewalk connecting townhome 106 to 162, along Private Alley 9.
 - d. Continental style crosswalk crossing Private Alley 9.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Countywide Planning Division
Environmental Planning Section

301-952-3650

March 1, 2021

MEMORANDUM

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

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

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

SUBJECT: **Westphalia Row; CSP-07001-03 and TCPI-033-07-04**

The Environmental Planning Section has reviewed the above referenced Conceptual Site Plan and Type I Tree Conservation Plan stamped as received on February 5, 2021. The Environmental Planning Section recommends approval of CSP-07001-03 and TCPI-033-07-04 subject to the conditions found at the end of this memorandum.

Background

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

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

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

Proposed Activity

The current application is a conceptual site plan and revised TCP1 to change the approved commercial area to 19 townhome lots.

Grandfathering

The project is subject to the current regulations of Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012, because the project will require a new Preliminary Plan of Subdivision.

Site Description

This 22.44-acre site in the M-X-T zone is located on the east side of the Capital Beltway (I-495/95) and on the southwestern corner of the Ritchie Marlboro Road and Sansbury Road intersection. A review of the available information indicates that streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. The site is adjacent to the Capital Beltway, which is a source of traffic-generated noise. The soils found to occur on this site according to the Prince George's County Soil Survey are in the Collington-Wist complex, Downer-Hammonton complex, Marr-Dodon complex, Potabac-Issue complex and the Westphalia and Dodon soil series. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program (DNR NHP), there are no Rare, Threatened, or Endangered

(RTE) species found to occur on or adjacent to this property. There are no designated scenic and historic roads in the vicinity of this property which is located in the Southwest Branch watershed of the Patuxent River basin. The site is located within the Established Communities Area of the Growth Policy Map and Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

Review of Previously Approved Conditions

The following text addresses previously approved environmental conditions related to the subject application. The text in BOLD is the actual text from the previous cases or plans. The plain text provides the comments on the plan's conformance with the conditions. No environmental conditions of the original CSP-07001 or the 01 revision apply to the current application.

Conformance with CSP-07001-02:

1. Prior to certification of the DSP, a copy of the revised approved Stormwater Management Concept plan associated with approval #36373-2006-03 shall be submitted and the facilities shall be correctly reflected on the TCPI.

This condition was met prior to certification of CSP-07001-02. At the time of Detailed Site Plan an approved Site Development Concept reflecting the proposed residential development is required.

Environmental Review

Natural Resource Inventory

A signed Natural Resources Inventory (NRI-114-06-04) was submitted with the application, which updated the area of focus for this CSP. The complete NRI for the site was approved under NRI-114-06-01. The overall site contains sensitive environmental features such as streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils. Regulated Environmental Features (REF) are not located within the area of focus for this CSP. No revisions are required for conformance with the NRI.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area exceeds 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. Currently, this site has an approved TCPI (TCP1-033-07-03) and TCP2 (TCP2-55-08-04). The submitted CSP application includes a revised TCP1 (04) which is subject to the current regulations because it is a part of new Preliminary Plan of Subdivision application submission.

This 22.44-acre property contains a total of 8.74 acres of woodland outside the floodplain according to the NRI. The woodland conservation threshold is 3.01 acres. The subject site has cleared 8.31 acres of the existing 8.74 acres. The cumulative woodland conservation requirement is 7.07 acres. The TCP1 proposes to meet the subject site's portion of the overall requirement with 0.35 acres of woodland preservation, 0.53 acres of reforestation/afforestation, and 6.19 acres of off-site

woodland conservation. Through other permitting activities at the subject site, the overall site has complied with bonding on-site and purchasing off-site woodland credits. No additional clearing is proposed as part of this submission.

Primary Management Area

The Primary Management Area (PMA) on the plan is shown with impacts. These impacts were previously approved with CSP-07001, 4-07038, DSP-08024, and DSP-08039. No new impacts to the PMA area shown with this application. No additional information is required with regards to the PMA.

Soils

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

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

Stormwater Management

A Stormwater Management (SWM) Concept Plan was not submitted with this application as it is not required as part of a conceptual site plan application. The Department of Permitting, Inspections and Enforcement (DPIE) is currently reviewing Stormwater Management Concept #36373-2006-05.

Conformance with the provisions of the County Code and state regulations with regards to the stormwater management (SWM) will be reviewed by DPIE prior to issuance of permits.

Summary of Recommended Conditions

The Environmental Planning Section recommends approval of CSP-07001-03 and TCPI-033-07-04 subject to the following conditions:

Recommended Conditions:

1. Prior to certification of the conceptual site plan, the TCP1 shall be revised as follows:
 - a) Correct the past approval names in the approval block. C. Schultz should be C. Schneider.
 - b) Add CSP-07001-03 to the 04-approval line in the approval box.

If you have any questions concerning these comments, please contact me at 301-952-3661 or by e-mail at mary.rea@ppd.mncppc.org.



Angela D. Alsobrooks
County Executive

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



MEMORANDUM

February 18, 2021

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

FROM: Mary C. Giles, P.E., Associate Director *Mary Giles 03/01/2021*
Site/Road Plan Review Division, DPIC

Re: Westphalia Row; Conceptual Site Plan, CSP-07001-03;
Detailed Site Plan, DSP-08039-10

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

In response to Conceptual Site Plan, CSP-07001-03, and Detailed Site Plan, DSP-08039-10, referrals for the removal of previously proposed retail/office infrastructure and newly proposed Phase III townhomes with associated infrastructure, the Department of Permitting, Inspections, and Enforcement (DPIC) offers the following:

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

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

Henry Zhang
February 18, 2021
Page 3

- The approved Site Development Concept Plan and Stormwater Management Approval letter filed under Case No. 36373-2006-05, along with the Site Development Concept Plan and Stormwater Management Approval Letter filed under Case No. 36373-2006-04 approved by DPIE, respectively, on December 22, 2015 and December 21, 2018 are inconsistent with the Conceptual Site Plan filed under Case No. CSP-07001-03 and Detailed Site Plan filed under Case No. DSP-08039-10. The Conceptual Site Plan filed under Case No. CSP-07001-03 and Detailed Site Plan filed under Case No. DSP-08039-10 must be consistent with the approved Site Development Concept Plan filed under Case No. 36373-2006-05 (under review).
- All stormwater management facilities and drainage systems, including their recreational features and visual amenities (if applicable), are to be designed and constructed in accordance to the standards and specifications set forth by the Department of Permitting, Inspections, and Enforcement (DPIE) and the Department of Public Works and Transportation (DPW&T). Approval of all facilities are required prior to permit issuance.
- All easements are to be approved by DPIE and recorded prior to technical approval.
- A maintenance agreement is to be approved by DPIE and recorded prior to technical approval.
- The proposed development will require a site development permit approved by the Department of Permitting, Inspections and Enforcement (DPIE).
- A soils investigation report which includes subsurface exploration and geotechnical engineering evaluation for all proposed roadways and Marlboro Clay is required.
- The proposed project must obtain an approved floodplain delineation in accordance with DPIE's requirements.
- A floodplain easement is to be dedicated prior to issuance of any permit.

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

MA:TJ:AG

cc: Rene' Lord-Attivor, Chief, Traffic Engineering, S/RPRD, DPIE
Mariwan Abdullah, P.E., District Engineer, S/RPRD, DPIE
Salman Babar, CFM, Engineer, S/RPRD, DPIE
MJ Labban, Engineer, S/RPRD, DPIE
Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE
Ted Jeong, E.I.T, Engineer, S/RPRD, DPIE
Westphalia Row Partners, LLC, 6110 Executive Boulevard, Suite 310, Rockville, MD
20852
GLW, PA, 3909 National Drive, Suite 250, Burtonsville, MD 20866



Division of Environmental Health/Disease Control

Date: February 16, 2021

To: Henry Zhang, Urban Design, M-NCPPC

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

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

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

1. There are approximately 10 existing carry-out/convenience stores food facilities and no grocery store/markets within a ½ mile radius of this site. A 2008 report by the UCLA Center for Health Policy Research found that the presence of a supermarket in a neighborhood predicts higher fruit and vegetable consumption and a reduced prevalence of overweight and obesity. The department acknowledges that there is one nearby food facility designed as convenient store which provides healthy food options such as an assortment of fresh fruits and vegetables for retail sale.
2. During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
3. During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.



Angela Alsobrooks
County Executive

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



Division of Environmental Health/Disease Control

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



Angela Absobrooks
County Executive

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THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
(301) 952-3600

July 23, 2008

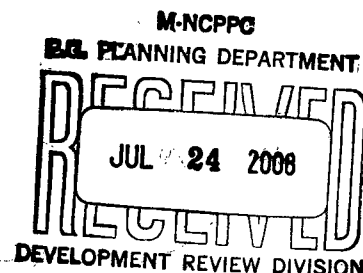
RE: SP 07001 Westphalia Row

**NOTICE OF FINAL DECISION
OF THE DISTRICT COUNCIL**

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in this case on July 1, 2008.

CERTIFICATE OF SERVICE

This is to certify that on July 23, 2008 this notice and attached Council Order were mailed, postage prepaid, to all persons of record.



Redis C. Floyd
Redis C. Floyd
Clerk of the Council

(10/97)

Case No. SP-07001

Applicant: Westphalia Row Partners, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION, WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 08-06, to approve with conditions a conceptual site plan with a mix of residential and commercial development, to include 140-180 townhouses, 48-96 three-family dwelling units, 200-325 multifamily dwelling units, and 40,000-70,000 square feet of office, and 10,000-30,000 square feet of retail space, for a project referred to as Westphalia Row, on property described as approximately 20.67 acres of land in the M-X-T Zone, on the southwest corner of the Ritchie-Marlboro Road, and Sansbury Road intersection, Forestville, is:

AFFIRMED, for the reasons stated by the Planning Board, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council in this case.

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to certificate approval of the conceptual site plan, the plan shall be revised to show the approved development standards.
2. Prior to certification of the conceptual site plan, the Type I Tree Conservation Plan TCP I/031/07 shall be revised as follows:
 - a. Revise the gross tract area and any other incorrect calculations to be in conformance with the NRI.
 - b. Revise the plan to show the 100-year floodplain and the PMA in their entirety.
 - c. Remove the "proposed treeline" from the TCP I and the symbol from the legend.
 - d. Remove the vague symbol for the limits of disturbance and use a line or other clear symbol.
 - e. Remove the small area of PMA impact behind Lots 62-64, Block B.

- f. Mark the specimen trees to be removed and add all required information to the specimen tree table.
 - g. Revise the plans to show conceptually the stormwater management facilities proposed and all associated easements.
 - h. Have the revised plans signed and dated by the qualified professional who prepared them.
3. No woodland conservation shall be proposed on dedicated parkland unless written authorization from the Department of Parks and Recreation has been provided.
4. Prior to certificate approval of the CSP, the Phase I noise study shall be revised as follows:
 - a. Revise the study to evaluate the ten-year projected ADT levels.
 - b. Eliminate the use of "future" noise levels - the ten-year projected noise levels are the only ones to be provided. Label this line the "unmitigated 65 dBA Ldn" on the CSP and TCP I. Do not base the ten-year projected levels on the existence of proposed buildings.
 - c. Base the study on the proposed design layout instead of an earlier layout.
 - d. Provide all maps to scale so that they can be compared to the other plans. Show the centerline of all roadways from which measurements are being taken.
 - e. Provide match lines for all separate sheets that form the overall map.
 - f. Provide an analysis of the gap between the buildings in relation to Parcel 'E.'
5. Prior to certification of the CSP, a copy of the approved stormwater management concept plan associated with approval 36373-2006-00 shall be submitted and the facilities shall be correctly reflected on the TCP I.
6. Prior to acceptance of the detailed site plan for the multifamily and office buildings, the package shall be evaluated to ensure that it includes a description of the use of green building techniques and the use of alternative energy sources.
7. Prior to acceptance of a detailed site plan for that portion of the site, the arrangement of three-family attached units between Private Road C and Ritchie Marlboro Road shall be redesigned to provide units fronting on Ritchie Marlboro Road as well as on Private Road C. Some sides of units may face Ritchie Marlboro Road but this should be avoided to the fullest extent possible. Public views of alleys should be minimized by screening the ends of alleys to the fullest extent possible.
8. Detailed site plan submittal shall include examples and evidence of all necessary covenants or other legal instruments that will be used to insure that the recreational facilities on the site will be available in perpetuity to all residents of the Westphalia Row development. If a legally sufficient arrangement to share the recreational facilities cannot be demonstrated, then adequate recreational facilities shall be demonstrated for the individual portions of the development.

9. The following development standards shall apply to and be reflected on the detailed site plan. At the time of detailed site plan review, the Planning Board may make modifications to the development standards without the need to amend the conceptual site plan if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the conceptual site plan and the sector plan.
- a. Front-loaded Townhouses (fee simple)
 - (1) Minimum lot size: 1300 square feet
 - (2) Minimum front yard setback: 20 feet from back of sidewalk
 - (3) Minimum yard area: 400 square feet
 - (4) Maximum building height: 45 feet
 - (5) Minimum lot width: 20 feet
 - b. Rear-loaded townhouses (fee simple)
 - (1) Minimum lot size: 1000 square feet for no less than 50% of the units and a minimum of 800 feet for the remainder
 - (2) Minimum front yard setback: 10 feet from back of sidewalk
 - (3) Maximum building height: 45 feet
 - (4) Minimum lot width: 20 feet for no less than 50% of the units and a minimum of 16 feet for the remainder
 - c. Three-family dwellings and townhouses (condominium)
 - (1) Minimum spaces between buildings:
 - (a) Building front to building front: 50 feet
 - (b) Building side to building side: 10 feet
 - (c) Building side to building rear: 30 feet
 - (d) Building rear to building rear: 30 feet
 - (2) Maximum building height: 55 feet
 - d. Multifamily, office, and retail buildings
 - (1) Buildings shall be set back 15-35 feet from the ultimate right-of-way line of Ritchie Marlboro Road. Building walls must be within 35 feet of the ultimate right-of-way line for at least 75 percent of the linear distance of the parcel's frontage on Ritchie Marlboro Road.
 - (2) Buildings shall be set back 15-25 feet from the ultimate right-of-way line of Sansbury Road. Building walls must be within 25 feet of the ultimate right-of-way line for at least 75 percent of the linear distance of the parcel's frontage on Sansbury Road.
 - (3) Maximum building height: 75 feet.
10. At the time of detailed site plan review, parking shall be calculated separately for: (1) the multifamily and commercial buildings, (2) for the three-family dwelling units, (3) for the rear-loaded townhouses north of Fernwood Drive, and (4) for the townhouses south of Fernwood Drive. Parking spaces in driveways and carports must allow at least 19 feet of parking space for

cars, which must not obstruct pedestrian or vehicular travel routes. In addition to the total number of off-street parking spaces required for each type of unit by Section 27-568, each portion of the development shall also provide an additional 10 percent of this number for visitor parking, which may include parallel parking spaces on private roads.

11. At time of detailed site plan review for the subject property, the site will be evaluated for conformance to the gateway design guidelines of the Westphalia Sector Plan. Review should include items such as gateway entrance features at Fernwood Drive and Sansbury Road, architectural design, materials, colors, landscape palette, and streetscape features and amenities. The applicant shall provide an easement for the location of a gateway feature at Ritchie Marlboro Road and Sansbury Road.
12. The applicant, his successors, and/or assignees shall provide adequate private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting, prior to approval of the Detailed Site Plan by the Planning Board.
13. The applicant, his successors, and/or assignees shall submit three original, executed private Recreational Facilities Agreements (RFA) to the DRD for their approval three weeks prior to applying for building permits. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
14. The applicant, his successors, and/or assignees shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by DRD, within at least two weeks prior to applying for building permits.
15. The developer, his successor and/or assignees shall satisfy the Planning Board or designee that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.
16. The private recreational facilities package to be provided by this development shall include those facilities proposed with the conceptual site plan application as well as two outdoor play areas for children. Recreational facilities within the Westphalia Row development should be made accessible equally to all residents of the development.
17. The noise attenuation wall shall be designed to promote attractive views from the public roadways.
18. The applicant shall provide an eight-foot-wide side path or wide sidewalk along Sansbury Road, unless modified by DPW&T.
19. The final record plat shall include a note that the applicant, the applicant's heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of appropriate signage for the Class III bikeway along Sansbury Road. The contribution shall be made prior to the issuance of the first building permit.
20. The applicant shall provide standard sidewalks along both sides of Private Roads A, B, C, D, and E.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

February 5, 2008

Westphalia Row Partners LLC
6525 Belcrest Road, Suite 205
Hyattsville, Maryland 20782

Re: Notification of Planning Board Action on
Conceptual Site Plan – 07001
Westphalia Row

Dear Applicant:

This is to advise you that on **January 31, 2008** the above-referenced Conceptual Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-280, the Planning Board's decision will become final 30 calendar days after the date of the final notice **February 5, 2008** of the Planning Board's decision unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or any Person of Record in the case; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

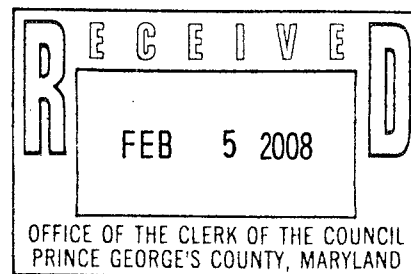
Please direct any future communication or inquiries regarding this matter to Ms. Redis C. Floyd, Clerk of the County Council, at the above address.

Very truly yours,
Arie Stouten, Chief
Development Review Division

By: Christopher J. Lindsay
Reviewer

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

PGCPB No. 08-06



PGCPB No. 08-06

File No. CSP-07001

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on January 10, 2008 regarding Conceptual Site Plan CSP-07001 for Westphalia Row, the Planning Board finds:

1. **Request:** The conceptual site plan proposes to develop the subject property with a mix of residential and commercial development, including 140-180 townhouses, 48-96 three-family dwelling units, 200-325 multifamily dwelling units, and 40,000-70,000 square feet of office and 10,000-30,000 square feet of retail space. The overall number of dwelling units will total 420-600.

2. **Development Data Summary**

Zone(s) Use(s)	EXISTING	PROPOSED
	M-X-T Single-family houses	M-X-T Attached and multifamily residential; commercial office and retail
Acreage	20.67	20.67
Dwelling Units	4	420-600
Commercial Square Footage	0	50,000-100,000
Residential Square Footage	5,544	1,160,500
Floor-Area Ratio	.006	1.4

3. **Location:** The subject property is located at the southwest corner of the intersection of Ritchie-Marlboro Road and Sansbury Road, in Planning Area 78, Council District 6. It is within the Developing Tier. This intersection is designated by the approved 2007 Westphalia Sector Plan as one of nine gateways into Westphalia. It is proposed in the plan as the location of a mixed-use village center. Fernwood Drive passes through the site.
4. **Surrounding Uses:** To the northwest of the site is the exit ramp leading from I-495 to Ritchie Marlboro Road. To the south of the subject site is an existing single-family residence in the R-R Zone. Further south and west on Fernwood Drive is a mobile home park. Across Sansbury Road to the east are the Ritchie Baptist Church property and the PB&J property, which are also zoned M-X-T as part of the village center. These two properties are currently developed with a church and a single-family house.

5. **Design Features:** The applicant proposes a mixed-use residential and commercial development. Fernwood Drive, which currently runs through the southern part of the site, is proposed to be relocated further north, through the center of the site. The illustrative plan shows four distinct portions of development.

A four-story multifamily building, envisioned as containing 250 units with three interior courtyards, is proposed at the southwest corner of Ritchie Marlboro Road and Sansbury Road. Another four-story building containing ground-floor retail and upper-floor office space is located at the northwest corner of Sansbury Road and the relocated Fernwood Drive, adjacent to the multifamily building. The multifamily building wraps around a five-level parking garage, largely concealing it from public view.

South of Fernwood Drive, 114 townhouses are proposed on fee-simple lots around two small open spaces. Of these 83 are rear alley-loaded units, while 31 are front-loaded units laid out along the southern edge of the site.

North of Fernwood Drive additional rear alley-loaded units are located along the north and east sides of a large, roughly triangular open space that forms a "village green" in the center of the site. These units are proposed on fee-simple lots.

In the northeast portion of the site, 96 three-family dwelling units have been proposed in nine attached rows. These units are envisioned as condominium units on a common parcel.

The applicant proposes to provide a mix of indoor and outdoor recreational facilities for the site population. The fitness center and indoor recreational facilities are conceptually located in the southwest corner of the multifamily building, close to the village green and the center of the site. It is the understanding of staff that these facilities are to be made available without exception to all residents of the Westphalia Row community. The village green is proposed to include a gazebo and benches with a decorative fence along the street for safety and aesthetic purposes. A trail with fitness stations is proposed along the western side of the site.

6. **Previous Approvals:** This property was rezoned to M-X-T by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. As part of this rezoning, the District Council approved the concept plan for development of the subject property and the neighboring properties to the east and southeast as an integrated, mixed-use development. This concept plan is illustrated in plan view and with illustrative perspective renderings in Exhibit 19, presented as part of the public record for the Sectional Map Amendment. Exhibit 19 is intended to serve as a vision to guide the development of the village center.

Exhibit 19 shows the subject property developed in a fashion similar to what is being proposed by this application. The exhibit shows a mix of attached residential units over most of the site, with commercial and multifamily residential buildings at the corner of Ritchie Marlboro Road and Sansbury Road, and extending south along Sansbury Road past Fernwood Drive.

7. **Urban Design review:** The proposed plan design is conceptually sound. It provides a closely-spaced and walkable design for the community, mixes different land uses and residential unit types, and creates the potential for attractive, pleasant open spaces and streetscapes throughout the development. The plan appears to allow adequate space for landscaping in conformance with the requirements of the *Landscape Manual*. As the development plan evolves through the stages of the planning process, it will be reviewed in greater detail. At this time, the Urban Design section notes some broader design issues that need to be addressed.

- a. **Ritchie Marlboro Road Frontage:** The applicant's proposed arrangement of three-family attached units along the frontage of Ritchie Marlboro Road poses a design problem. Under the proposed arrangement, four rows of attached residential units are oriented perpendicular to Ritchie Marlboro Road. This fully exposes two private alleys to view from the public road, which is problematic because the alleys behind rear-loaded units are typically unattractive spaces dominated by garage doors. Furthermore, the proposed arrangement places the sides of units facing Ritchie Marlboro Road, which suggests an inwardly-focused development and reduces the visual attractiveness from the public road. Views from Ritchie Marlboro Road into this site are particularly important because it is a major arterial road and forms one of the main access routes into the Westphalia area. The applicant has proposed provision of attractive architectural treatments along the sides of these units to address this issue, but staff feel that this would not be adequate and that it is important to face a row of units directly onto the public road, minimizing public views of the alleys and providing an attractive northern face for the development.

In the proposed arrangement, the southern ends of these two alleys are screened from view by rows of units that face southward onto Private Road C. This portion is an appropriate arrangement that should be preserved because it potentially creates a very pleasant space along Private Road C, with fronts of units on both sides of the road.

The Urban Design Section recommends that at the time of detailed site plan review, the area should be redesigned to provide units fronting on Ritchie Marlboro Road as well as on Private Road C. It may not be necessary to remove all sides of units from Ritchie Marlboro, but the dominant visual impression to the north should be of fronts of units, and the public view into the alleys should be minimized. It should be recognized that because of the space limitations, this recommended redesign may result in fewer units than the current proposed arrangement, but staff feel that it is essential to creating an attractive community with an outward orientation.

Because of noise coming from traffic on Ritchie Marlboro Road and the Capital Beltway, a noise wall will be required along part of the northeastern edge of the site. As this wall will be within close view of many motorists passing through the interchange, it should be designed with an attractive appearance.

- b. **Sansbury Road Frontage:** The treatment of the subject property's frontage on Sansbury Road is very important to creating a main street environment for the mixed-use village

center and to creating a distinctive gateway. Buildings along this frontage should have pedestrian entrances along Sansbury Road and there should be a traditional main street streetscape including wide sidewalks, street trees, and public street furniture such as benches. The proposed plan shows townhouses south of Fernwood Drive facing onto Sansbury Road, and it is the understanding of staff that the multistory commercial and residential building will also front on Sansbury Road.

Staff recommend that a low, decorative fence or wall along the frontage of Sansbury Road should be considered at the time of detailed site plan review as an attractive means of accentuating the streetscape while delineating the boundary between the public right-of-way and the private lots and parcels. The fence or wall could also be utilized by the other M-X-T properties on the east side of Sansbury Road to help visually unify the village center.

- c. **Recreational Facilities:** The idea underlying the applicant's arrangement of recreational facilities is to preserve the open spaces within the area of attached units as green spaces by placing most active recreational facilities inside the multifamily building. This approach is reasonable, as long as the facilities provided are adequate for the community's needs and are available to all residents. Staff note that the proposed arrangement does not make much provision for recreation by children. The village green is large enough to serve as an open play area for games and sports, but young children may not be interested in the fitness trail or the indoor facilities. The Urban Design Section therefore recommends that the recreational package should include at least two outdoor playgrounds in two separate locations within the area of attached units in order to provide more opportunities for children's recreation.

It is the understanding of staff that the applicant intends for all of the proposed facilities, including those inside the multifamily building, to be made available without exception to all residents of the Westphalia Row community. However, there have been problems in the past with shared recreational facilities not being made available to all residents. As the development will include fee-simple lots as well as condominium units and rental units, it may be difficult to coordinate ownership and maintenance of the facilities between the different portions of the site. Therefore, if satisfactory legal arrangements cannot be made to ensure that the facilities will be equitably shared by all residents, it may not be possible to consider the indoor recreational facilities as accessible to the residents of the attached units. In that case, the applicant would need to provide adequate facilities with each phase of development to provide for the residents of that phase.

- d. **Parking Requirements:** The final quantities and distribution of parking areas for the development will be reviewed at the time of detailed site plan. The conceptual site plan shows various forms of parking provision for the different parts of the development. Parking for the multifamily building will primarily be located in the five-level parking garage. The commercial space has a small associated surface parking compound, and will also have a portion of its parking within the parking garage. The front-loaded townhouses

are envisioned with garages, in addition to a tandem parking space on the driveway in front of the garage. The rear-loaded townhouses are envisioned with two-car garages, while parking for the three-family dwellings is to be provided in the ground floor of the buildings. Parallel parking spaces are envisioned along Fernwood Drive, subject to the approval of the Department of Public Works and Transportation (DPW&T), and along the private roads of the development.

Section 27-574 allows for parking in the M-X-T to be calculated using shared parking arrangements where appropriate, subject to the approval of the Planning Board. It appears reasonable to allow for some sharing of parking between the commercial building and the multifamily building, as they are adjacent to each other and will probably experience their peak requirements of parking at different times of the day. The parking for the attached dwelling units on the rest of the site should not utilize shared parking calculations. Because of the size of the development, parking provided in one portion of the attached dwelling units may not be easily accessible to residents of other portions (for instance, off-street parking provided near the three-family dwellings may not be useful to residents of the front-loaded townhouses on the other side of the site). Therefore the parking should be calculated separately for each portion of the attached units to ensure a proper distribution of parking spaces throughout the site.

At the time of detailed site plan review, the applicant will need to demonstrate that adequate parking for the development has been provided. When the parking calculation is made, the townhouses should demonstrate 2.04 off-street parking spaces per unit and the three-family dwellings should demonstrate 2.0 off-street parking spaces per unit. Spaces provided in driveways or carports must allow at least 19 feet of parking space for cars, which must not obstruct pedestrian or vehicular travel routes. In addition, the Urban Design Section recommends that each portion of the development should provide extra parking for guests and visitors to use, to constitute at least 10 percent of the spaces required by the zoning ordinance.

8. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.

Required Findings for Conceptual Site Plans in the M-X-T Zone (Section 27-546(d)) (CB-78-2006):

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

The proposed development is in conformance with this requirement. In accordance with Section 27-542(a)(2), the proposed conceptual site plan will implement the recommendation of the *Approved Westphalia Sector Plan and Sectional Map Amendment* by contributing to the creation of a compact, mixed-use community. The walkable, mixed-use development proposed on the site takes advantage of the transportation links available, and allows for reduction of the number and

distance of automobile trips by constructing residential and nonresidential uses in close proximity to each other.

- (2) **For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The uses and development character proposed on the site are in conformance with those envisioned on Exhibit 19 and is generally consistent with the design guidelines of the sector plan.

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

The proposed development will be outwardly oriented. Although the village green forms an internal focal point at the center of the community, residential and commercial buildings at the edge of the site will front onto Sansbury Road. As noted above under Urban Design review, the proposed arrangement of three-family units along Ritchie Marlboro Road is not outwardly oriented. Staff has proposed that this arrangement should be revised to create a more outwardly oriented development.

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

The most intensive uses (in the multifamily and commercial buildings) are concentrated at the northeast corner of the site, with the attached units over the rest of the site helping to transition toward the lower-density residential uses south of the site. The proposed development will be compatible with the proposed development in the rest of the village center across Sansbury Road.

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

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

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

The applicant has proposed splitting the site into two development phases. Phase I will consist of the fee-simple townhouses as well as infrastructure, while Phase II will consist of the three-family dwellings, the multifamily building, and the commercial building. The Urban Design Section does not object in principle to this phasing. However, in order to ensure that the site becomes a truly mixed-use development, the Urban Design Section recommends that the commercial building should be constructed before issuance of the permit for the 300th residential dwelling unit on the site. Furthermore, at each phase of development, the applicant should be able to demonstrate that there will be a reasonable amount of recreational facilities available for the residents of that phase to ensure that the phase will be a self-sufficient entity.

Following discussions between the applicant, staff, and the Planning Board, the Planning Board agreed to review a phasing schedule for the residential and commercial phases of the development at the time of detailed site plan review.

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

This requirement will be evaluated in more detail at the time of detailed site plan. The conceptual site plan shows sidewalks along all public and private roads, forming a pedestrian network throughout the site. Pedestrian routes have not been proposed and are not deemed necessary within the private alleyways, which are envisioned for vehicular access.

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

This requirement will be assessed at the time of the detailed site plan. There are several open areas proposed on the plan to serve as gathering places for people, in addition to the pedestrian routes along public and private roads.

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

The applicant has submitted a traffic study to demonstrate the adequacy of transportation facilities for the site. With the conditions proposed by the Transportation Planning Section, the transportation facilities will be adequate to carry anticipated traffic for the proposed development. (See discussion in the transportation referral section below.)

The submitted conceptual site plan shows the total proposed development falling within a range of 420-600 dwelling units, 40,000-70,000 square feet of office space, and 10,000-30,000 square feet of retail space. However, it should be noted that the traffic study submitted with the plans only assumed traffic generation for 502 dwelling units, 42,300 square feet of office space, and 14,100 square feet of retail space. The traffic study showed adequate transportation facilities for the trips that would be demonstrated by these quantities of development. The same number of trips might be generated by a slightly different mix of uses, which would still fall within the ranges of uses proposed on the conceptual site plan. Therefore, the staff's recommendation of approval for the range of units and uses proposed on the conceptual site plan is subject to the trip cap recommended by the Transportation Planning Section.

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

- (b) For property placed in the M-X-T Zone through a Sectional Map Amendment or through a Zoning Map Amendment intended to implement land use recommendations for mixed-use development recommended by a Master Plan or Sector Plan that is approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation:**
 - (1) The design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan.**

The proposed conceptual site plan is intended to help implement the vision of the sector plan for a gateway village center at this location and follows the land-use recommendations envisioned at the time of the sectional map amendment. The referenced Exhibit 19 provides guidance for the development regulations to be incorporated into the conceptual site plan. The applicant has proposed a set of development standards for the site, but they do not appear to adequately address the necessary design issues. Staff has recommended alternative development standards to implement the concept of the Westphalia Sector Plan and SMA.

The M-X-T Zone allows a floor-to-area ratio (FAR) of 0.4, which can be increased to 1.4 when developing a mix of residential and commercial uses, and up to 8.0 with the provision of various incentive measures. This will be evaluated in greater detail during the review of the detailed site plan, when square footage numbers will be more definitive. The conceptual site plan shows a proposed FAR of approximately 1.4, including 50,000–100,000 square feet of commercial and 1,160,500 square feet of residential space. Any development above the allowed 1.4 FAR would

require additional incentive measures.

9. ***2007 Approved Westphalia Sector Plan and Sectional Map Amendment***

Village Center Guidelines

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

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

The proposed commercial development is located in a four-story building including ground-floor retail and upper-floor office space. The applicant has indicated that the building will front on Sansbury Road, which is appropriate in order to promote a walkable main street character on that frontage.

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

Fernwood Drive is designed with parallel parking on either side, subject to the approval of DPW&T. Similarly, the private streets (not the private alleys) throughout the site are designed to have parallel parking on one or both sides.

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

The proposed buildings will be between two and six stories in height.

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

The majority of surface parking proposed on the site is envisioned as parallel on-street parking. There are two small surface parking areas proposed within the townhouse area and one row of parking spaces to the east of the commercial building. A five-level parking garage will provide the bulk of the parking spaces needed to serve the multifamily building and commercial building and is located in the interior of a block largely screened from public view by surrounding buildings.

Gateway Guidelines

The plan also identifies the intersection of Ritchie Marlboro Road and Sansbury Road as one of the nine gateways into Westphalia. Design features for the gateways are as follows:

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.**

As this is the first gateway into Westphalia to be developed since the adoption of the sector plan, no standard or precedent has been set regarding these features. The Westphalia Gateway Subcommittee, including several developers and stakeholders active in the Westphalia sector plan area, is tasked with developing standards for gateway signage or other features throughout the plan area. Ideally, all nine gateways will have a similar treatment so that everyone entering the Westphalia area will be aware that they are entering a distinctive community. At the time of detailed site plan review, a package of design items such as gateway entrance features, architectural design, materials, colors, landscape palette, and streetscape features should be presented in order to create a distinctive sense of arrival.

10. **Development Standards:** In order to create a distinctive sense of place and realize the vision of the Westphalia Sector Plan and Sectional Map Amendment for a pedestrian-friendly, mixed-use village center, the Urban Design Review Section recommends the adoption of development regulations that will regulate the location and placement of buildings on the subject site. The applicant has proposed a set of development standards as follows:

Applicant's Proposed Development Standards

- a. Townhouses (fee simple)
 - (1) Minimum lot size: 900 square feet
 - (2) Front yard setback: 10 feet
 - (3) Side yard setback: 0 feet
 - (4) Rear yard setback: 0 feet
 - (5) Building height: 45 feet
- b. Three-family dwellings and Townhouses (condominium)
 - (1) Minimum parcel size: no minimum
 - (2) Building to building setbacks:
 - (a) Building front to building front: 50 feet
 - (b) Building side to building side: 10 feet
 - (c) Building side to building rear: 30 feet
 - (d) Building rear to building rear: 30 feet
 - (3) Building height: 55 feet

- c. Multifamily, office, and retail buildings
 - (1) Minimum lot size: no minimum
 - (2) Public street setback: 10 feet
 - (3) Side yard setback: 0 feet
 - (4) Rear yard setback: 0 feet
 - (5) Building height: 75 feet

The proposed development standards of the applicant are not unreasonable but do not address all of the relevant design considerations. Specifically, the standards do not differentiate between front-loaded and rear-loaded townhouses and do not provide for build-to lines. Staff recommend that front-loaded and rear-loaded townhouses should have different development standards because each type of unit has different issues. Front-loaded units should be placed far enough from the street that a standard car can park in the driveway without obstructing the sidewalk or the road. The minimum lot size for townhouses in the M-X-T Zone is typically 1,800 square feet, but this requirement does not apply to the subject site by virtue of Section 27-544(b)(2):

The limitations on the maximum percentages of townhouses contained in Section 27-547(b)(7), footnote 7 and the lot size and lot width requirements in Section 27-548(h) shall not apply. However, the Planning Board or District Council may impose similar restrictions where appropriate, only to implement the recommendations of the Master Plan or Sector Plan.

The sector plan establishes a minimum lot size for single-family attached dwellings in the Westphalia town center of 1,000 square feet, while mixed-use fringe areas near the town center may have a range of single-family attached lot sizes from 1,300-1,800 square feet. The subject property does not fall within either of those areas, but the mixed-use village centers in Westphalia are generally treated similarly to the mixed-use fringe areas with regard to design considerations. The applicant's proposed preliminary plan of subdivision (4-07038, submitted concurrently with the subject application) includes a number of lots that are larger than 1,000 square feet but smaller than 1,300 square feet. Because the Westphalia Sector Plan gives no particular direction regarding the lot sizes in village centers, the Urban Design Section is not recommending that all townhouses on the subject site be required to meet the stricter standards of the mixed-use fringe areas. Instead, staff recommends that the rear-loaded attached lots be no smaller than 1,000 square feet and the front-loaded lots should be no smaller than 1,300 square feet.

Staff's Proposed Development Standards

- a. Front-loaded Townhouse (fee simple)
 - (1) Minimum lot size: 1300 square feet
 - (2) Minimum front yard setback: 20 feet from back of sidewalk
 - (3) Minimum yard area: 400 square feet
 - (4) Maximum building height: 45 feet
 - (5) Minimum lot width: 20 feet

- b. Rear-loaded townhouse (fee simple)
 - (1) Minimum lot size: 1000 square feet
 - (2) Minimum front yard setback: 10 feet from back of sidewalk
 - (3) Maximum building height: 45 feet
 - (4) Maximum lot width: 20 feet
- c. Three-family dwellings and townhouse (condominium)
 - (1) Minimum spaces between buildings:
 - (a) Building front to building front: 50 feet
 - (b) Building side to building side: 10 feet
 - (c) Building side to building rear: 30 feet
 - (d) Building rear to building rear: 30 feet
 - (2) Maximum building height: 55 feet
- d. Multifamily, office, and retail buildings
 - (1) Buildings shall be set back 15-35 feet from the ultimate right-of-way line of Ritchie Marlboro Road. Building walls must be within 35 feet of the ultimate right-of-way line for at least 75 percent of the linear distance of the parcel's frontage on Ritchie Marlboro Road.
 - (2) Buildings shall be set back 15-25 feet from the ultimate right-of-way line of Sansbury Road. Building walls must be within 25 feet of the ultimate right-of-way line for at least 75 percent of the linear distance of the parcel's frontage on Sansbury Road.
 - (3) Maximum building height: 75 feet.

Following discussions between the applicant, staff, and the Planning Board, the Planning Board agreed to a slightly different lot standard for rear-loaded townhouses, as reflected in the conditions of approval.

The proposed regulations are intended to establish build-to lines that will bring buildings close to the street, particularly along Sansbury Road. Sansbury Road is envisioned as the most appropriate area for a pedestrian-friendly environment because of the dense mixed-use development proposed along it. Although the visual appeal of the development along Ritchie Marlboro Road is crucial, it is less feasible to create a pedestrian-oriented environment there because the road is very wide and other properties to the east and north along the road will be lower-density, single-use development for the foreseeable future.

11. **Transportation Referral:** In a memorandum dated November 28, 2007 (Burton to Lindsay), the Transportation Planning Section provided the following comments:

The property is located in an area generally bounded by Ritchie Marlboro Road to the north, the Capital Beltway (I-495) to the west, and Sansbury Road to the east. The applicant proposes to develop the property under M-X-T zoning with approximately 502 residential units and 14,100 square feet of retail and 42,300 square feet of general office space.

The applicant (in a joint effort with the developer of the adjacent PB&J property—CSP-07002) prepared a traffic impact study dated September 25, 2007, in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The study has been referred to the county's Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA). The findings and recommendations outlined below are based upon a review of all materials received and analyses conducted by the staff and are consistent with the guidelines. It is worth noting that all of the analyses presented in the study are based on the traffic generated by both the subject application and the adjacent PB&J property. Both applications are located on either side of Sansbury Road and will impact the same transportation facilities; consequently, they will receive the same off-site transportation conditions.

Growth Policy—Service Level Standards

The subject property is located within the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

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

Unsignalized intersections: The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Traffic Impact Study

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

EXISTING CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
Ritchie Marlboro Road & Sansbury Road	C/1171	A/915
Ritchie Marlboro Road & White House Road	B/1072	A/727
Sansbury Road & D'Arcy Road (unsignalized)	B/12.6 secs.	B/12.2 secs.

Unsignalized intersections are analyzed using the highway capacity software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "D," which is deemed acceptable, corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1,450 or less is deemed acceptable as per the guidelines

The traffic study identified 18 background developments whose impact would affect some or all of the study intersections. Additionally, a growth rate of 1.5 percent per year (through 2010) was applied to the existing traffic counts. A second analysis was done to evaluate the impact of the background developments on the existing infrastructure. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
Ritchie Marlboro Road & Sansbury Road	F/1736	E/1515
Ritchie Marlboro Road & White House Road	E/1476	B/1012
Sansbury Road & D'Arcy Road	F/947 secs.	F/538 secs.
I-95 @ Ritchie Marlboro Road SB Ramps-Roundabout	A/8.4	C/33.1
I-95 @ Ritchie Marlboro Road NB Ramps-Roundabout	A/9.4	B/17.0
Unsignalized intersections are analyzed using the highway capacity software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "D," which is deemed acceptable, corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1,450 or less is deemed acceptable as per the guidelines		

An analysis of the traffic data under total conditions represents a combination of background traffic and site-generated traffic. Using trip generation rates from the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, as well as the Institute of Transportation Engineer's (ITE) *Trip Generation Manual*, 7th edition, the study has determined that the proposed development, based on the above-mentioned uses, would generate a net total of 398 (146 in, 252 out) AM peak-hour trips, and 471 (264 in, 207 out) PM peak-hour trips. In the case of the PB&J property, that development would generate a net 207 (106 in, 101 out) AM peak-hour trips, and 269 (133 in, 136 out) PM peak-hour trips. Using these site-generated trips, an analysis of total traffic conditions was done, and the following results were determined:

TOTAL CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
Ritchie Marlboro Road & Sansbury Road <i>With Improvements</i>	F/1834 D/1373	E/1665 C/1286
Ritchie Marlboro Road & White House Road <i>With Improvements</i>	E/1512 C/1300	B/1043 A/994
Sansbury Road & D'Arcy Road	F/999 secs.	F/635 secs.
I-95 @ Ritchie Marlboro Road SB Ramps- Roundabout	A/8.8 secs.	C/52.9 secs.
I-95 @ Ritchie Marlboro Road NB Ramps- Roundabout	A/9.7 secs.	B/21.2 secs.
Ritchie Marlboro Road @ PB&J (west)	B/11.1	E/35.8
Ritchie Marlboro Road @ PB&J (east)	B/11.1	E/36.1
Sansbury Road @ PB&J	C/19.2	C/18.9
Sansbury Road @ Westphalia Row	C/22.6	E/48.0
Unsignalized intersections are analyzed using the highway capacity software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "D," which is deemed acceptable, corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1,450 or less is deemed acceptable as per the guidelines		

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

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

Given the projected delay in excess of 50 seconds, the applicant proposes a traffic signal warrant study for this intersection.

- b. Sansbury Road/Ritchie-Marlboro Road intersection

The applicant proposes the addition of a third eastbound and westbound through lane on Ritchie-Marlboro Road. With this improvement in place, the intersection is projected to operate with a LOS/CLV of D/1373 during the AM peak hour and C/1283 during the PM peak hour.

- c. Ritchie Marlboro Road/White House Road intersection

Provide the following improvements:

- Southbound approach: A right turn lane and a shared through-left lane
- Eastbound approach: A left turn lane, 2 through lanes, and a right turn lane
- Westbound approach: A left turn lane, 2 through lanes, and a right turn lane
- Northbound approach: 2 left turn lanes and a shared left-through-right lane

With all of the improvements cited above, the traffic study concluded that the development of the site as proposed will satisfy traffic adequacy.

Staff Review and Comments

Upon review of the applicant's traffic study, staff agrees with its overall conclusion regarding the road system being able to accommodate the proposed development. In addition to the Transportation Planning staff, the traffic study was reviewed by two other agencies—the State Highway Administration (SHA) and the Department of Public and Transportation (DPW&T). SHA concurred with the study findings and conclusion pending the provision of the proffered improvements. Although DPW&T is also in general agreement with the study's conclusions, in its November 16, 2007, letter to staff (Issayans to Burton), it has stated that it would not permit two separate median breaks along Sansbury Road for the Westphalia Row and the PB&J properties. In light of DPW&T's position on median openings, the PB&J property would be limited to a right-in/right-out access along Sansbury Road.

The DPW&T letter also addressed the issue of the D'Arcy Road-Sansbury Road intersection. DPW&T suggests that the applicant should contribute to the relocation. In fact, there are three developments ((D'Arcy Park North, D'Arcy Park South, and Westphalia Towns) that have been required to realign the intersection AND conduct a signal warrant study. Should the signal be warranted, then all parties would be required to share in the cost of installation.

Although the traffic study reported the level of service at the intersections of I-95 at Ritchie Marlboro Road southbound/northbound ramps-roundabout in terms of delay, it has also reported the performance of those facilities by listing the corresponding volume to capacity (v/c) ratio. The Planning Department's guidelines does not address adequacy for roundabouts. However, SHA has written guidelines for evaluating the adequacy of roundabouts. Based on SHA's guidelines, a roundabout with a v/c ratio greater than 0.85 is considered to be operating inadequately. The results from the traffic study show v/c ratios of 0.896, 0.866, 0.400 and 1.342 for both roundabouts during the AM and PM peak hours.

In its November 8, 2007, letter to staff (Foster to Foster), SHA did not address those inadequacies. While one may perceive this omission as an oversight by SHA, it should be noted that previously SHA has provided written comments on its position regarding the issue of adequacy at the roundabouts at the Beltway and Ritchie Marlboro Road. During the Planning Board hearing on 9/20/07 for the preliminary plan of subdivision for the Kenwood Village (4-06159) application, staff discussed the contents of a September 12, 2007, letter from SHA to staff (Foster to Foster). In

that letter, SHA acknowledged the fact that the roundabouts would operate inadequately under background conditions even with the addition of a third lane to that facility. It further stated that no additional expansion to the roundabouts would be acceptable. In light of those comments by the SHA in September 2007, staff is of the opinion that SHA's position remains unchanged.

The site will be accessed primarily from Sansbury Road by way of a relocated Fernwood Drive. Fernwood Drive will be rebuilt as a 60-foot primary residential street for which parking on both sides will be allowed. A series of internal streets and alleys will provide internal circulation between the various components of the proposed development. Staff finds the proposed site layout to be acceptable.

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section determines that the plan conforms to the required findings for approval of the conceptual site plan from the standpoint of transportation if the application is approved with conditions listed in the recommendation section of this report.

12. **Community Planning Referral:** In a memorandum dated October 19, 2007 (Smith to Lindsay), the Community Planning South Division offered the following comments:

- This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.
- This application generally conforms the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* land use policies for a mixed-use activity center at Sansbury and Ritchie Marlboro Roads, but consideration should be given to increasing the minimum amount of proposed commercial development and extending commercial land use farther south along Sansbury Road. Gateway design features have not been addressed.
- CB-78-2006 revised the review criteria for conceptual site plans in the MXT Zone under certain circumstances, which apply in the Westphalia Sector Plan area, to establish master plan design guidelines or standards and referenced exhibits in the public record as important review criteria for development regulations to be established by the conceptual site plan. Exhibit 19 in the public record of the 2007 *Approved Westphalia Sector Plan and SMA* pertains to review of this application.

Planning Issues

Revised Conceptual Site Plan Review Criteria—Concurrent with preparation of the Westphalia Sector Plan and SMA, zoning ordinance regulations pertaining to conceptual site plan (CSP) review criteria were revised by approval of Council Bill CB-78-2006. This revision added master plan design guidelines or standards and referenced exhibits in the public record as important CSP review criteria for certain plans and SMAs approved after October 1, 2006, such as the Westphalia

Sector Plan/SMA. Exhibits and development illustrations submitted to the public record are not to be considered as the approved site plan for the area; they are only the development concept that was presented to the public during preparation of the sector plan that generally reflects the intended land use and design character for that area. These exhibits are the starting point for more formal review, not the end result. When inconsistencies between development concepts, design principles, and exhibits occur, they should be resolved in ways that best achieve the development goals and policies of the sector plan.

Master Plan Guidelines—This application is located in a designated mixed-use activity center at the northern gateway to the sector plan along a local street (Sansbury Road) and an arterial highway (Ritchie Marlboro Road), close to the interchange for I-95. The design principles or guidelines for mixed-use activity centers are contained in CR-2-2007 (DR-2), Attachment A (p.9-11) which approved the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. The intent of the guidelines for mixed-use activity centers is to promote development of distinct residential and neighborhood commercial activity centers designed around a main-street theme and anchored by shared amenities. Main-street character and accompanying pedestrian orientations can most effectively be achieved along Sansbury Road, not Ritchie Marlboro Road, which is intended as a 6- to 8-lane divided highway along the frontage of this property. (Note: An application for the PB&J property—CSP-07002—submitted concurrently to this one, composes another portion of this mixed-use activity center.)

Exhibits to Public Record of the Westphalia Sector Plan—An illustrative concept plan and illustrative site development plan were submitted to the public record of the Westphalia Sector Plan as Exhibit 19 for the mixed-use activity center at Sansbury and Ritchie Marlboro Roads, of which this application is a part, along with graphic illustrations—perspectives of Sansbury Road and the Village Green. This CSP application falls within “Block A” of the submitted illustrative site plan (Exhibit 19), which shows 25,000-40,000 square feet of retail use and 350-450 dwelling units in the southwest quadrant of the intersection of Ritchie Marlboro and Sansbury Roads. The majority of area along Sansbury Road south of Ritchie Marlboro Road is indicated for mixed residential and commercial land uses. The perspective of Sansbury Road shows a continuous, walkable streetscape with building frontages and sidewalks along the properties on Sansbury Road. The perspective of the Village Green shows a pedestrian-oriented shared amenity within the residential component of the activity center. These images depict the type of pedestrian-friendly, mixed-use, residential and main-street commercial development envisioned by the sector plan.

CSP-07001 Development Proposal—This CSP application proposes development of a complex of multistory buildings at the northeast corner of Sansbury and Ritchie Marlboro Roads: two multifamily residential buildings, one mixed-use commercial building with retail on the ground floor and offices above, and a centrally located shared parking structure. Attached residential dwelling units (townhouse and triplex) and recreation or open space sites are proposed for the remainder of the property. This development concept is similar to that illustrated by Sector Plan Exhibit 19 with one exception—Exhibit 19 shows the mixed commercial land use extending somewhat farther south along Sansbury Road than does this CSP application.

The attached residential dwelling unit pattern proposed for the southern and western portions of the property conforms to the land use concepts anticipated by the sector plan as illustrated by Exhibit 19. Although no vertically mixed commercial/residential structures are proposed along Sansbury Road, a complex of both commercial and residential land uses are proposed for the northeast quadrant of the site in a lot pattern that is conducive to achieving the sector plan concept for a distinctive, walkable, mixed-use area with a main street character. The design of commercial and multifamily buildings along Sansbury Road will need to be addressed during review of the detailed site plan to ensure that building orientations, streetscape, and the desired main street character are realized.

Gateway—This application is also located within a designated gateway. (Map 3a: Proposed Land Use, approved by CR-2-2007 [DR-2]). Policy 6 establishes it as one of ten gateways at “key intersections entering the Westphalia community.” (CR-2-2007 [DR-2] Attachment A, p.12) Gateways require compliance with design principles aimed at distinguishing them as attractive entrances into Westphalia, including such elements as “entrance signage, artwork, monuments... landscape design including both softscape and hardscape...” etc. “Resting and recreation facilities, information kiosks, or other amenities as appropriate” are also called for. (CR-2-2007 [DR-2] Attachment A, p.12) The design of buildings, landscaping, signs and any special features along the Ritchie Marlboro Road frontage as well as Sansbury Road are critical to the image of Westphalia that will be portrayed at this northern entryway. In addition, design themes and elements should be coordinated with other projects within this activity center and along the gateway frontage, such as pending application CSP-07002, the PB&J property, on the eastern portion of this mixed-use activity center (Block “B” of Exhibit 19). Approval of this CSP should reflect the need to address these design issues at detailed site plan.

13. **DPW&T Referral:** In a memorandum dated August 24, 2007, the Department of Public Works and Transportation (DPW&T) offered the following comments:
- a. The property is located on the southwest corner of the Ritchie Marlboro and Sansbury Road intersection. Ritchie Marlboro Road along the frontage is a state-maintained roadway; therefore, coordination with the Maryland State Highway Administration (SHA) is necessary for Ritchie Marlboro Road. Rights-of-way dedication and frontage improvement in accordance with DPW&T’s urban major collector road for Sansbury Road and urban primary residential road for the relocated Fernwood Drive are required.
 - b. The internal private street will require a DPW&T street construction permit in accordance with DPW&T’s specifications and standards.
 - c. All improvements within the public rights-of-way, as dedicated for public use to the county, are to be in accordance with the county’s Road Ordinance, DPW&T’s specifications and standards, and the Americans with Disabilities Act.
 - d. Full-width, two-inch mill and overlay for all county roadway frontages is required.

- e. An access study shall be conducted by the applicant and reviewed to determine the adequacy of access points. Coordination with the PB&J property across Sansbury Road will be required for the access points on Sansbury Road.
- f. 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's "Policy and Specification for Utility Installation and Maintenance Permits" are required.
- g. All storm drainage systems and facilities are to be in accordance with DPW&T's specifications and standards.
- h. Conformance with DPW&T's street tree and street lighting standards is required.
- i. Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance.
- j. The proposed site development has an approved concept plan, 36373-2006, dated August 31, 2006.
- h. A soil investigation report, which includes subsurface exploration and geotechnical engineering evaluation for public streets, is required.

Urban Design Comment: It should be noted that DPW&T usually enforces its conditions through its own permitting process. DPW&T's road standard for Sansbury Road as an urban major collector road does not generally allow space for on-street parallel parking as shown on the plan. Allowing on-street parking along Sansbury would help to create a main street environment, but is subject to the approval of DPW&T.

14. **Environmental Referral:** In a memorandum dated November 26, 2007 (Fritz to Lindsay), the Environmental Planning Section recommends approval of CSP-07001 and TCPI/033/07 subject to conditions.

Background

The Environmental Planning Section has no record of any previous applications for this property. The current application is for residential, retail, and business development in the M-X-T Zone.

Site Description

This 20.67-acre site in the M-X-T Zone is located on the east side of the Capital Beltway (I-495/95) and on the southwestern corner of the Ritchie Marlboro Road and Sansbury Road intersection. A review of the available information indicates that streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. The site is adjacent to the Capital Beltway, which is a source of traffic-generated noise. The soils found to

occur on this site, according to the Prince George's County Soil Survey, are in the Adelphia, Collington, Ochlockonee, Rumford, Sandy, Sassafra, and Westphalia soil series. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or adjacent to this property. There are no designated scenic and historic roads in the vicinity of this property, which is located in the Southwest Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the General Plan.

Environmental Issues Addressed in the Westphalia Sector Plan

The subject property is located in the Westphalia Sector Plan and Sectional Map Amendment. There are four policies of the Westphalia Sector Plan that relate to the Environmental Infrastructure on the subject property.

Policy 1. Protect, preserve, and enhance the identified green infrastructure network within the Westphalia sector planning area.

The site is not located within the designated network of the *Countywide Green Infrastructure Plan*.

Policy 2. Restore and enhance water quality of receiving streams that have been degraded and preserve water quality in areas not degraded.

- a. Remove agricultural uses along streams and establish wooded stream buffers where they do not currently exist.
- b. Require stream corridor assessments using Maryland Department of Natural Resources protocols and include them with the submission of a natural resource inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites.
- c. Coordinate the road network between parcels to limit the need for stream crossings and other environmental impacts. Utilize existing farm crossings where possible.
- d. Encourage shared public/private stormwater facilities as site amenities.
- e. Ensure the use of low-impact development (LID) techniques to the fullest extent possible during the development review process with a focus on the core areas for use with bioretention and underground facilities.

The site does not currently contain agricultural uses.

The plan shows a stream in the southwest portion of the site. Because the plan proposes no road crossings of the on-site stream or any other essential impacts such as water or sewer connections, no stream corridor assessment is required.

The plan proposes that stormwater management will be provided through the use of an above-ground pond and an underground facility or facilities. The TCPI does not show the proposed underground facilities. A copy of the approved stormwater concept approval plan was not provided; however, a copy of the letter was included in the preliminary plan package. The letter mentions the use of bioretention, infiltration, and extended detention that are not shown on the plans. The plans must be revised to conceptually show how stormwater is being managed.

The existing woodland adjacent to the stream is proposed for preservation and areas within the floodplain are proposed for planting.

Comment: The proposed stormwater management facilities must be shown on the plans. Refer to the Environmental Review section below for more details on this requirement.

Policy 3. Reduce overall energy consumption and implement more environmentally sensitive building techniques.

- a. **Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.**
- b. **Encourage the use of alternative energy sources such as solar, wind and hydrogen power. Provide public examples of uses of alternative energy sources.**

The plan proposes a 250-unit building for residential, retail, and office space. The use of environmentally sensitive building techniques should be considered as part of this development.

Recommended Condition: Prior to acceptance of the detailed site plan, the package shall be evaluated to ensure that it includes a description of the use of green building techniques and the use of alternative energy sources.

Policy 4. Plan land uses appropriately to minimize the affects of noise from Andrews Air Force Base and existing and proposed roads of arterial classification and higher.

- a. **Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.**
- b. **Restrict uses within the noise impact zones of Andrews Air Force Base to industrial and office use.**

- c. **Evaluate development proposals using Phase I noise studies and noise models.**
- d. **Provide for adequate setbacks and/or noise mitigation measures for projects located adjacent to existing and proposed noise generators and roadways of arterial classification or greater.**
- e. **Provide for the use of appropriate attenuation measures when noise issues are identified.**

The site is not located within any noise impact areas associated with Andrews Air Force Base. I-95 and Ritchie Marlboro Road are considered noise generators. Noise is discussed in detail in the Environmental Review Section of this memo. A Phase I noise study was not submitted with this application and noise attenuation measures have not been shown.

Environmental Review

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

- a. A signed Natural Resources Inventory (NRI/114/06), which included a detailed forest stand delineation (FSD), was submitted with the application. The site contains sensitive environmental features such as streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils.

The FSD report describes four forest stands totaling 8.92 acres, labeled A, B, C and E, dominated by yellow poplar, sweetgum, and red oak. Stands A and B are relatively dense, immature hardwood stands with an average diameter at breast height of 11 inches. Stand C is more sparsely dense, with an average diameter at breast height of 10 inches. These stands are a high priority for preservation because of the good condition of the vegetation. Stand E is an early secession hardwood stand with an average diameter at breast height of only two inches. Stand E has a medium priority rating for preservation.

Previously, the plans had some discrepancies between the approved NRI and the submitted CSP and TCPI. These discrepancies have been corrected on the revised NRI/114/06-02. A portion of the floodplain shown on the NRI is not shown on the TCPI.

Comment: The revised NRI shows the required information correctly. This information should be used as the base information for all other plans. The required revisions to the TCPI are detailed below.

- b. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area exceeds 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A Type I tree conservation plan has been submitted.

This 22.44-acre (including 1.77 acres of the Fernwood Drive right-of-way) property contains a total of 8.73 acres of woodland outside the floodplain according to the NRI. The woodland conservation threshold has been incorrectly calculated and should be revised to be 3.28 acres. As currently shown, the areas of clearing result in a total requirement of 7.64 acres. The plan proposes to meet the requirement by providing 0.19 acre of woodland preservation, 0.65 acre afforestation/reforestation, and 6.45 acres of off-site mitigation. As previously discussed, the gross tract acreage shown on this plan is not consistent with the NRI and revised plans and information are required.

According to the CSP, 1.59 acres of dedicated parkland are required for this development. If, at the time of preliminary plan, the park dedication is required, the area must be identified on the TCPI. It should be noted that woodland conservation is not permitted on dedicated parkland unless written authorization from the Department of Parks and Recreation is provided.

The TCPI does not show a portion of the 100-year floodplain that exists to the north of the existing stream and north of relocated Fernwood Drive. This 100-year floodplain and its designation as part of the primary management area (PMA) must be shown on the TCPI.

The "proposed treeline" and slopes should be removed from the TCPI. It is not clear which specimen trees on-site are to remain and which are to be removed. The symbol for the limit of disturbance needs to be revised to be clearer. All stormwater management facilities must be shown conceptually on the TCPI. In addition, a small area of impact to the Patuxent River PMA is shown and needs to be eliminated.

Recommended Condition: Prior to certification of the CSP, the Type I Tree Conservation Plan shall be revised to:

- (1) Revise the gross tract area and any other incorrect calculations to be in conformance with the NRI.
- (2) Revise the plan to show the 100-year floodplain and the PMA in their entirety.
- (3) Remove the "proposed treeline" from the TCPI and the symbol from the legend.
- (4) Remove the vague symbol for the limits of disturbance and use a line or other clear symbol.
- (5) Remove the small area of PMA impact behind Lots 62-64, Block B.

- (6) Mark the specimen trees to be removed and add all required information to the specimen tree table.
- (7) Revise the plans to show conceptually the stormwater management facilities proposed and all associated easements.
- (8) Have the revised plans signed and dated by the qualified professional who prepared them.

Recommended Condition: No woodland conservation shall be proposed on dedicated parkland, unless written authorization from the Department of Parks and Recreation has been provided.

- c. The Patuxent River PMA is not shown correctly on the TCPI as noted above. The plans must show this information correctly and impacts to the PMA must be minimized.

Comment: This issue will be addressed in detail during the review of the preliminary plan.

- d. This property is located on the eastern side of the Capital Beltway (I-95), classified as a freeway, and on the south side of Ritchie-Marlboro Road, a classified arterial. Both are considered transportation-related noise generators. The CSP shows a noise attenuation wall that will help mitigate the 65 dBA Ldn noise contour associated with I-95 and Ritchie-Marlboro Road, although the plan does not show the unmitigated noise contours based on a Phase I noise study.

A Phase I noise study was submitted with the preliminary plan application. The study does not provide the required information and makes unclear assumptions with regard to projected future noise levels. A Phase I noise study should be based on a 10-year projection of the ADTs, using data provided by the State Highway Administration. The study assumes that in ten years the only increase in projected noise levels is two decibels. The Environmental Planning Section's noise model cannot conduct complicated evaluations involving more than one roadway, but it clearly indicates that a two decibel increase is inadequate in projecting future noise levels. The study also denotes existing noise levels that are not used in the analytical process for noise.

The CSP must show the unmitigated 65 dBA Ldn noise contour based on the ten-year projected ADTs for I-95 and Ritchie-Marlboro Road. Sansbury Road is not classified as an arterial or greater roadway so it does not need to be included in the calculations.

The study also provides maps on 8 ½ by 11-inch sheets that do not have a scale provided and do not show the centerlines of the roadways. This information needs to be provided so that its accuracy can be evaluated.

The design of the proposed wall is not shown clearly on the CSP or the TCPI; it is unclear where the wall starts and stops and the elevations are not shown. In addition, it appears that the wall does not come south far enough to provide mitigation for the outdoor activity area on Parcel E. When the noise study is redone, an analysis of this area must be included.

Recommended Condition: Prior to certificate approval of the CSP, the Phase I noise study shall be revised as follows:

- (1) Revise the study to evaluate the 10-year projected ADT levels.
 - (2) Eliminate the use of “future” noise levels—the ten-year projected noise levels are the only ones to be provided. Label this line the “unmitigated 65 dBA Ldn” on the CSP and TCPI. Do not base the ten-year projected levels on the existence of proposed buildings.
 - (3) Base the study on the proposed design layout instead of an earlier layout.
 - (4) Provide all maps to scale so that they can be compared to the other plans. Show the centerline of all roadways from which measurements are being taken.
 - (5) Provide match lines for all separate sheets that form the overall map.
 - (6) Provide an analysis of the gap between the buildings in relation to Parcel E.
- e. The soils found to occur on this property are in the Adelphia, Collington, Ochlockonee, Rumford, Sandy land, Sassafras, and Westphalia soil series.
- Discussion:** This information is provided for the applicant’s benefit. No further action is needed as it relates to this conceptual site plan. A soils report may be required by the Prince George’s County Department of Environmental Resources during the permit process review.
- f. The site has a stormwater management concept approval letter (36373-2006-00); however, the associated plan was not submitted. The letter states that stormwater will be controlled through the use of bioretention, infiltration, and extended detention, and that stormdrain easements are required. The TCPI does not show the required facilities as noted above. The required easements are not shown on the plan.

Recommended Condition: Prior to certification of the CSP, a copy of the approved stormwater management concept plan associated with approval 36373-2006-00 shall be submitted and the facilities shall be correctly reflected on the TCPI.

15. **Trails Referral:** In a memorandum dated November 5, 2007 (Shaffer to Lindsay), the trails coordinator offered the following comments:

The approved Westphalia Sector Plan designates Ritchie Marlboro Road as a master plan trail corridor and Sansbury Road as a master plan bikeway. It should also be noted that the right-of-way of the former Chesapeake Beach Railroad runs through the subject site.

The master plan trail along Ritchie-Marlboro Road has been completed in the vicinity of the subject site via the recent interchange improvements made by SHA. These improvements consist of an eight-foot-wide sidewalk that provides access under the Capital Beltway and around the existing traffic circles.

The sector plan also recommends a master plan trail within the former Chesapeake Beach Railroad right-of-way. This trail has been implemented through several recent developments between the subject site and Upper Marlboro including Winshire, Kings Grant, and Fox Chase. The sector plan, as well as the 1994 approved Melwood-Westphalia Master Plan and 1985 Equestrian Addendum to the approved Countywide Trails Plan, recommend a trail within the railroad right-of-way. However, in the vicinity of the Capital Beltway the trail is shown merging with Ritchie-Marlboro Road to utilize the existing underpass of the limited access roadway.

After an evaluation of the trail corridor and discussions with the Department of Parks and Recreation, staff concurs that this is the appropriate alignment for the trail. The right-of-way for the abandoned railroad runs through the middle of the subject site, then directly across an existing Beltway ramp, across the Capital Beltway, and across another Beltway ramp in the vicinity of one of the traffic circles. Due to these constraints, staff supports utilizing the existing wide sidewalk along Ritchie-Marlboro Road as the most practical way of getting the master plan trail under the Capital Beltway. This existing wide sidewalk fulfills the master plan recommendation for a trail along Ritchie-Marlboro Road and will also accommodate the planned Chesapeake Beach Rail-Trail under the beltway.

Staff recommends an eight-foot wide side path (or wide sidewalk) along the subject site's entire frontage of Sansbury Road in order to provide access from the subject property to the master plan trail. The internal sidewalk network appears to be adequate, with sidewalks being provided along both sides of the main roadways, including the relocated Fernwood Drive, Private Roads A, B, D, and E, and most of Private Road C. Staff recommends that sidewalk be provided along the segment of Private Road C adjacent to the HOA Parcel D. This addition will ensure that all major roads include sidewalks along both sides.

16. **State Highway Administration Referral:** In a memorandum dated September 27, 2007 (Foster to Lindsay), the State Highway Administration offered the following comments:

All access to the site shall be onto Sansbury Road as proposed in the plan. Coordination with Dawit Abraham, Associate Director, Engineering Services Division is necessary to obtain a permit for the relocation of Fernwood Drive.

The proposed stormwater management facility located on Parcel D will require oversight by SHA. Once the site design is finalized, the hydraulic design, pre- and post-development computations and drainage area maps will need to be submitted to the SHA for review and approval.

Based upon the size, scope, and potential trip generation of this development, a traffic impact study is necessary to provide an adequate measure of mitigation.

The development proposes a significant number of residential units and commercial space in close proximity to the I-495/Ritchie Marlboro Road western roundabout. The SHA has concerns that the potential trips generated by the site may affect the capacity and circulation at the nearby roundabout.

17. **Department of Parks and Recreation Referral:** In a memorandum dated November 16, 2007 (Asan to Lindsay), the Department of Parks and Recreation offered the following comments:

The staff of the Department of Parks and Recreation (DPR) has reviewed the above-referenced conceptual site plan application for conformance with the requirements of the approved *Westphalia Sector Plan and Sectional Map Amendment*, conditions of Council Resolution CR-2-2007, the Land Preservation and Recreation Program for Prince George's County, and current zoning and subdivision regulations as they pertain to public parks and recreation.

FINDINGS

- The property is located in the Westphalia Sector Plan area. The Westphalia Sector Plan goals, policies and strategies related to parks and recreation are:
- Create public and private parks, open space, and recreational facilities sufficient to meet the needs of the current and future residents of the Westphalia sector plan area.
- Create a park system consisting of 1,850 acres of public and private parks and green spaces.
- Ensure development of the parks system that result in central green spaces that serve to unite the Westphalia community and its surrounding neighborhoods.
- Designate the Westphalia Central Park and Cabin Branch Greenway as the community focus areas. These parks should become a regional draw and icon for Westphalia.
- Ensure major development projects are adequately integrated into the implementation of the sector plan parks system recommendations.
- Ensure the proper financing, construction and maintenance of the proposed park system.

- Develop and finalize a comprehensive public facilities plan that includes detailed recommendations for the financing mechanisms, phasing, construction and maintenance of the proposed park facilities.

Amendment 8 of the adopted Westphalia Sector Plan, Council Resolution CR-2-2007 states:

“Revise the adopted plan parks and recreation element text to:

- “• Add text to Policy 3, under the strategy describing the Westphalia Central Park (p.38) as follows:
 - “- Add a new paragraph that states: Form a multiagency public/private work group to implement the vision for the Westphalia Central Park on expedited basis.
- “• Revise the plan text to specify that a parks fee of \$3,500 per new dwelling unit (in 2006 dollars) is required to construct the public parks facilities recommended for the sector plan area.”

Comment: M-NCPPC and county staff are working on preparation of state legislation to address this recommendation. At this time, DPR staff encourages the applicant to comply with the sector plan recommendation.

The subject property is located within Westphalia Sector Plan and Sectional Map Amendment area at its northern edge. The subject property includes a 20.67-acre parcel in the M-X-T Zone, on which the applicant anticipates residential development of 502 units, including single-family (townhouses, triplexes) and multifamily units and 14,100 square feet of retail and 42,300 square feet of office space.

DPR staff believe that mandatory dedication requirement applicable to this subdivision should be met by the provision of private, on-site recreational facilities to serve an anticipated population of 1,390 new residents in this development. The applicant allocates some open space for private recreational facilities on site, but includes no specific proposal for private recreational facilities on site. DPR staff is of the opinion that at the time of the detailed site plan, the applicant should provide centrally located private recreational facilities. The recreational facilities package should include a trail connector to the existing Chesapeake Beach Railroad trail located along the Ritchie Marlboro Road.

In addressing the Westphalia Sector Plan recommendation for a contribution of \$3,500 per unit parks fee toward construction of the regional central park, DPR staff encourage the applicant to comply with the Westphalia Sector Plan recommendation and be part of the county and community effort to build a unique community with high-quality recreational facilities for the benefit of all future Westphalia residents.

Urban Design Comment: As noted above under Design Features, the applicant's plan conceptually proposes to provide indoor recreation facilities within the multifamily building, along

with a fitness trail along the western side of the property and passive recreational facilities on the village green. The Urban Design Section recommends that additional active recreational facilities should be distributed within the areas of the plan proposed for attached dwellings, including at least two outdoor play areas for children.

18. **WSSC Referral:** On October 22, 2007, the Washington Suburban Sanitary Commission offered the following comments:
- p. Sewer extension will be required.
 - q. Project DA4749Z08 is an approved project within the limits of this proposed site.
 - r. An amendment revision and hydraulic review to DA4749Z08 will be required to reflect the current proposed development for the site as shown on this plan. Show existing and proposed water and sewer mains and connection locations for a 250-unit multifamily building and office/retail building. Show and reserve right-of-way easement on the southwest portion of the site for future water and sewer facilities. Please note that 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. The minimum right-of-way width for one extension, either water or sewer installed at normal depth, is 20 feet. Installation of deep water and / or sewer mains will require additional right-of-way width. The minimum clearance between a building and a WSSC pipeline is 15 feet. Based on WSSC requirements, the absolute minimum spacing between adjacent buildings with both water and sewer lines between them is 40 feet with a preference of 45 to 50 feet. Balconies and other building appurtenances are not to be within the right-of-way. Also, water and sewer should maintain five feet of separation from stormdrain pipeline/structures and other utilities.
19. As required by Section 27-276(b) of the Zoning Ordinance, the conceptual 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 I Tree Conservation Plan (TCPI/033/07), and further APPROVED Conceptual Site Plan CSP-07001 for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of the conceptual site plan, the plan shall be revised to show the approved development standards.
- 2. Prior to certification of the conceptual site plan, the Type I Tree Conservation Plan TCPI/031/07 shall be revised as follows:

- a. Revise the gross tract area and any other incorrect calculations to be in conformance with the NRI.
 - b. Revise the plan to show the 100-year floodplain and the PMA in their entirety.
 - c. Remove the "proposed treeline" from the TCPI and the symbol from the legend.
 - d. Remove the vague symbol for the limits of disturbance and use a line or other clear symbol.
 - e. Remove the small area of PMA impact behind Lots 62-64, Block B.
 - f. Mark the specimen trees to be removed and add all required information to the specimen tree table.
 - g. Revise the plans to show conceptually the stormwater management facilities proposed and all associated easements.
 - h. Have the revised plans signed and dated by the qualified professional who prepared them.
3. No woodland conservation shall be proposed on dedicated parkland unless written authorization from the Department of Parks and Recreation has been provided.
4. Prior to certificate approval of the CSP, the Phase I noise study shall be revised as follows:
 - a. Revise the study to evaluate the ten-year projected ADT levels.
 - b. Eliminate the use of "future" noise levels—the ten-year projected noise levels are the only ones to be provided. Label this line the "unmitigated 65 dBA Ldn" on the CSP and TCPI. Do not base the ten-year projected levels on the existence of proposed buildings.
 - c. Base the study on the proposed design layout instead of an earlier layout.
 - d. Provide all maps to scale so that they can be compared to the other plans. Show the centerline of all roadways from which measurements are being taken.
 - e. Provide match lines for all separate sheets that form the overall map.
 - f. Provide an analysis of the gap between the buildings in relation to Parcel 'E.'
5. Prior to certification of the CSP, a copy of the approved stormwater management concept plan associated with approval 36373-2006-00 shall be submitted and the facilities shall be correctly reflected on the TCPI.

6. Prior to acceptance of the detailed site plan, the package shall be evaluated to ensure that it includes a description of the use of green building techniques and the use of alternative energy sources.
7. Prior to acceptance of a detailed site plan for that portion of the site, the arrangement of three-family attached units between Private Road C and Ritchie Marlboro Road shall be redesigned to provide units fronting on Ritchie Marlboro Road as well as on Private Road C. Some sides of units may face Ritchie Marlboro Road but this should be avoided to the fullest extent possible. Public views of alleys should be minimized by screening the ends of alleys to the fullest extent possible.
8. Detailed site plan submittal shall include examples and evidence of all necessary covenants or other legal instruments that will be used to insure that the recreational facilities on the site will be available in perpetuity to all residents of the Westphalia Row development. If a legally sufficient arrangement to share the recreational facilities cannot be demonstrated, then adequate recreational facilities shall be demonstrated for the individual portions of the development.
9. The following development standards shall apply to and be reflected on the detailed site plan. At the time of detailed site plan review, the Planning Board may make minor modifications to the development standards without the need to amend the conceptual site plan if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the conceptual site plan and the sector plan.
 - a. Front-loaded Townhouses (fee simple)
 - (1) Minimum lot size: 1300 square feet
 - (2) Minimum front yard setback: 20 feet from back of sidewalk
 - (3) Minimum yard area: 400 square feet
 - (4) Maximum building height: 45 feet
 - (5) Minimum lot width: 20 feet
 - b. Rear-loaded townhouses (fee simple)
 - (1) Minimum lot size: 1000 square feet for no less than 50% of the units and a minimum of 800 feet for the remainder
 - (2) Minimum front yard setback: 10 feet from back of sidewalk
 - (3) Maximum building height: 45 feet
 - (4) Minimum lot width: 20 feet for no less than 50% of the units and a minimum of 16 feet for the remainder
 - c. Three-family dwellings and townhouses (condominium)
 - (1) Minimum spaces between buildings:
 - (a) Building front to building front: 50 feet
 - (b) Building side to building side: 10 feet
 - (c) Building side to building rear: 30 feet
 - (d) Building rear to building rear: 30 feet
 - (2) Maximum building height: 55 feet

- d. Multifamily, office, and retail buildings
 - (1) Buildings shall be set back 15-35 feet from the ultimate right-of-way line of Ritchie Marlboro Road. Building walls must be within 35 feet of the ultimate right-of-way line for at least 75 percent of the linear distance of the parcel's frontage on Ritchie Marlboro Road.
 - (2) Buildings shall be set back 15-25 feet from the ultimate right-of-way line of Sansbury Road. Building walls must be within 25 feet of the ultimate right-of-way line for at least 75 percent of the linear distance of the parcel's frontage on Sansbury Road.
 - (3) Maximum building height: 75 feet.
- 10. At the time of detailed site plan review, parking shall be calculated separately for: (1) the multifamily and commercial buildings, (2) for the three-family dwelling units, (3) for the rear-loaded townhouses north of Fernwood Drive, and (4) for the townhouses south of Fernwood Drive. Parking spaces in driveways and carports must allow at least 19 feet of parking space for cars, which must not obstruct pedestrian or vehicular travel routes. In addition to the total number of off-street parking spaces required for each type of unit by Section 27-568, each portion of the development shall also provide an additional 10 percent of this number for visitor parking, which may include parallel parking spaces on private roads.
- 11. At time of detailed site plan review for the subject property, the site will be evaluated for conformance to the gateway design guidelines of the Westphalia Sector Plan. Review should include items such as gateway entrance features at Fernwood Drive and Sansbury Road, architectural design, materials, colors, landscape palette, and streetscape features and amenities. The applicant shall provide an easement for the location of a gateway feature at Ritchie Marlboro Road and Sansbury Road.
- 12. The applicant, his successors, and/or assignees shall provide adequate private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting, prior to approval of the Detailed Site Plan by the Planning Board.
- 13. The applicant, his successors, and/or assignees shall submit three original, executed private Recreational Facilities Agreements (RFA) to the DRD for their approval three weeks prior to applying for building permits. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
- 14. The applicant, his successors, and/or assignees shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by DRD, within at least two weeks prior to applying for building permits.

15. The developer, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.
16. The private recreational facilities package to be provided by this development shall include those facilities proposed with the conceptual site plan application as well as two outdoor play areas for children. Recreational facilities within the Westphalia Row development should be made accessible equally to all residents of the development.
17. The noise attenuation wall shall be designed to promote attractive views from the public roadways.
18. The applicant shall provide an eight-foot-wide side path or wide sidewalk along Sansbury Road, unless modified by DPW&T.
19. The final record plat shall include a note that the applicant, the applicant's heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of appropriate signage for the Class III bikeway along Sansbury Road. The contribution shall be made prior to the issuance of the first building permit.
20. The applicant shall provide standard sidewalks along both sides of Private Roads A, B, C, D, and E.
21. The applicant shall provide standard sidewalks along both sides of relocated Fernwood Drive, unless modified by DPW&T.
22. Appropriate pedestrian amenities and pedestrian safety features will be evaluated at the time of DSP.
23. The proposed development shall be limited to a mix of uses where the net new trips shall not exceed 398 AM and 471 PM peak-hour trips. The mix of uses allowable is subject to the following:
 - a. The mix of uses used to calculate the site's trip generation must include no less than 10,000 square feet of retail space and 30,000 square feet of office space.
 - b. The mix of dwelling units shall fall within the ranges proposed on the conceptual site plan.
24. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency
 - a. Sansbury Road/D'Arcy Road intersection (unsignalized)

The applicant shall provide a separate left and right turn lanes for the D'Arcy Road approaches. Since these additional improvements will not lower the delay below 50 seconds in any given

movement, and per the requirement of DPW&T, the applicant shall conduct a traffic signal warrant study and install if deemed to be warranted.

b. Sansbury Road/Ritchie-Marlboro Road intersection

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

c. Ritchie Marlboro Road/White House Road intersection

Provide the following improvements:

- Northbound approach: 2 left turn lanes and a shared left-through-right lane

25. At the time of detailed site plan review, the applicant shall proffer a phasing schedule to M-NCPPC staff that sets forth the anticipated building schedule of the residential and commercial phases of the property. The phasing schedule must be approved by the Planning Board.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, January 10, 2008, in Upper Marlboro, Maryland.

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

Oscar S. Rodriguez
Executive Director

Frances J. Guertin
By Frances J. Guertin
Planning Board Administrator

OSR:FJG:CL:bjs

APPROVED AS TO LEGAL SUFFICIENCY.

Serge John
M-NCPPC Legal Department

Date 1/23/08 CSP-07001-03 Backup -60 of 130



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designated by the February 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* as one of nine gateways into Westphalia. It is proposed in the plan as the location of a mixed-use village center. Fernwood Drive passes through the site.

4. **Surrounding Uses:** To the northwest of the subject site is the exit ramp leading from I-95/495 (Capital Beltway) to Ritchie-Marlboro Road. To the south of the site is an existing single-family residence in the R-R Zone. Further south and west on Fernwood Drive is a mobile home park. Across Sansbury Road to the east are the Ritchie Baptist Church property and the PB&J property, which are also zoned M-X-T as part of the village center.
5. **Previous Approvals:** This property was rezoned to M-X-T by the February 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. As part of this rezoning, the District Council approved the concept plan for development of the subject property and the neighboring properties to the east and southeast as an integrated, mixed-use development. This concept plan is illustrated in plan view and with illustrative perspective renderings in Exhibit 19, presented as part of the public record for the sectional map amendment. Exhibit 19 is intended to serve as a vision to guide the development of the village center.

Exhibit 19 shows the subject property developed in a fashion similar to what is being proposed by this application. The exhibit shows a mix of attached residential units over most of the site, with commercial and multifamily residential buildings at the corner of Ritchie-Marlboro Road and Sansbury Road, and extending south along Sansbury Road past Fernwood Drive.

On July 1, 2008, the District Council granted approval of Conceptual Site Plan CSP-07001 for the development of the property as a mixed-use development including 420-600 dwelling units and up to 100,000 square feet of commercial office and retail. On January 10, 2008, the Planning Board approved Preliminary Plan of Subdivision 4-07038 (PGCPB Resolution No. 08-07). On November 6, 2008, the Planning Board approved Detailed Site Plan DSP-08024 (PGCPB Resolution No. 08-168) for the relocation of Fernwood Drive to the location shown on the conceptual site plan. The first phase of development, consisting of 153 townhouses on the southern portion of the site, was approved by the Planning Board as Detailed Site Plan DSP-08039 on March 5, 2009 (PGCPB Resolution No. 09-44). The triplex units were approved by the Planning Board as Detailed Site Plan DSP-08039-01 on September 10, 2009 (PGCPB Resolution No. 09-131). Subsequent detailed site plan revisions were approved at the Planning Director level for the addition and modification of unit types.

6. **Design Features:** The applicant proposes a mixed-use residential and commercial development. The illustrative plan shows four distinct portions of development.

A four-story multifamily building, envisioned as containing 250 units with three interior courtyards, is proposed at the southwest corner of Ritchie-Marlboro Road and Sansbury Road. Another four-story building containing ground-floor retail and upper-floor office space is proposed at the northwest corner of Sansbury Road and Fernwood Drive, adjacent to the multifamily building. The multifamily building wraps around a five-level parking garage, largely concealing it

from public view. This section is considered Phase III of the development, and has not been constructed. No changes to this portion of the development are proposed with the subject CSP revision.

South of Fernwood Drive, 114 townhouses are proposed on fee-simple lots around two small open spaces. Of these 114 townhouse units, 83 are rear alley-loaded units, while 31 are front-loaded units laid out along the southern edge of the site. No changes to this portion of the development are proposed with the subject revision.

North of Fernwood Drive, additional rear alley-loaded units are located along the north and east sides of a large, roughly triangular open space that forms a "village green" in the center of the site. These units are proposed on fee-simple lots. No changes to this portion of the development are proposed with the subject revision.

In the northwest portion of the site, the previously approved 96 three-family dwelling units are to be replaced with approximately 53 rear alley-loaded townhouse units on fee-simple lots. The layout of this portion of the development is similar to the previously approved layout. Private alley "5" has been modified to connect to Private Road "C."

Recreational Facilities: The applicant proposes to provide a mix of indoor and outdoor recreational facilities for the site population. A fitness center and indoor recreational facilities are conceptually located in the southwest corner of the multifamily building, close to the village green and the center of the site. The central village green is proposed to include a community building and also a gazebo and benches. In addition to these facilities, outdoor activity areas, which are active outdoor play areas with play equipment for children, are indicated on the CSP. The applicant proposed to eliminate one of the three approved outdoor activity areas. This area is located in the northwest portion of the site adjacent to Phase II of the townhouses. The applicant proposes a sitting area with a small, grassed, open area, in lieu of providing active play amenities in this location.

The Planning Board had required in the previous approvals that the recreational package include at least two outdoor playgrounds in two separate locations within the area of attached units in order to provide more opportunities for children's recreation. With the subject revision the CSP will continue to meet this requirement of providing at least two outdoor playgrounds. The details regarding the design of the playgrounds and amenities within them will be addressed at time of detailed site plan.

It is the understanding of the Planning Board that the applicant intends for all of the proposed facilities to be made available without exception to all residents of the Westphalia Row community. If satisfactory legal arrangements cannot be made to ensure that the facilities will be equitably shared by all residents, the applicant would need to provide adequate facilities with each phase of development to provide for the residents of that phase.

A trail with fitness stations was previously shown on the CSP in the western portion of the site. This feature is shown to be eliminated.

Subsequent to the approval of CSP-07001, Detailed Site Plan DSP-08039 was approved on November 5, 2009 and the trail was not required nor shown on the plan. The trail was removed because a paved 10' wide asphalt access road to maintain the stormwater pond was required by the Department of Public Works and Transportation. The access road is located in approximately the same location and serves the same function as the original trail and so a separate trail was not necessary. The access road is built and functional and currently provides the option of walking or running for existing and future residents of the community.

The access road required for the stormwater management pond will serve a function for pedestrians. This access road connects into the road network on both sides of the pond. In conjunction with the sidewalk along the west side of Weshurst Lane, a complete pedestrian loop around the pond is provided. However, this access road shall be shown on the CSP and labeled as a "stormwater management access road/ pedestrian walkway."

7. **The requirements of the Zoning Ordinance:** The subject conceptual site plan (CSP) complies with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance. The Planning Board adopts the following:
- a. The subject application is in conformance with the requirements of Section 27-547, Uses Permitted, of the Zoning Ordinance. The proposed uses in this application are permitted uses in the M-X-T Zone.
 - b. The CSP is consistent with Section 27-548, Regulations. The following discussion is offered:
 - (1) The proposed floor area ratio (FAR) is provided on the conceptual site plan. The overall FAR for the site is 1.4, which is the maximum FAR that is allowed on the site. Additional density may be permitted in accordance with Section 27-545, Optional method of development, of the Zoning Ordinance.
 - (2) Developments in the M-X-T Zone are required to have vehicular access to a public street in accordance with Section-548(g) noted below.

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

While the overall development is accessed by public streets, the individual townhouse lots will be served by private streets and alleys. At time of preliminary plan of subdivision, appropriate frontage and direct vehicular access for the townhouse lots will be addressed.

- c. The site is subject to Section 27-544(b)(2), which states:

The limitations on the maximum percentages of townhouses contained in Section 27-547(b)(7), footnote 7 and the lot size and lot width requirements in Section 27-548(h) shall not apply. However, the Planning Board or District Council may impose similar restrictions where appropriate, only to implement the recommendations of the Master Plan or Sector Plan.

The Planning Board and District Council have imposed minimum lot size restrictions and other development standards on the subject site in accordance with this section. Those development standards are provided in Finding 9 of this report. The sector plan establishes a minimum lot size for single-family attached dwellings in the Westphalia town center of 1,000 square feet, while mixed-use fringe areas near the town center may have a range of single-family attached lot sizes from 1,300-1,800 square feet. The subject property does not fall within either of those areas, but the mixed-use village centers in Westphalia are generally treated similarly to the mixed-use fringe areas with regard to design considerations. The Planning Board previously considered these standards in establishing minimum lot sizes and setback standards for the proposed development. No limitation on the percentage of townhouses has been established.

- d. The Planning Board finds that the CSP is in conformance with the applicable conceptual site plan site design guidelines contained in Section 27-274. The subject development provides a more compact, urban layout, and in accordance with Section 27-274(a)(11)(B) the units front on roadways. Where the units do not front on roadways they front on shared green space.

To convey the individuality of each townhouse unit, the design of abutting units should avoid the use of repetitive architectural elements and should employ a variety of architectural features and designs such as roofline, window and door treatments, projections, colors, and materials. Conformance with this design guideline will be addressed at time of detailed site plan.

- e. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of detailed site plan approval. When the parking calculation is made, the townhouses shall demonstrate 2.04 off-street parking spaces per unit. In the approval of Conceptual Site Plan CSP-07001, the Planning Board found that each portion of the development shall provide extra parking for guests and visitors to use, to constitute at least ten percent of the spaces required by the Zoning Ordinance. Adequate visitors' parking will be addressed at time of detailed site plan.
- f. The Planning Board finds that the subject application conforms to the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings for the Planning Board to approve a conceptual site plan in the M-X-T Zone, as follows:

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

The subject revision, which modifies a proposed unit type, does not affect previous findings regarding the conceptual site plan's conformance to this section. The proposed development is in conformance with this requirement. In accordance with Section 27-542(a)(2), the proposed conceptual site plan will implement the recommendation of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* by contributing to the creation of a compact, mixed-use community. The walkable, mixed-use development proposed on the site takes advantage of the transportation links available, and allows for reduction of the number and distance of automobile trips by constructing residential and nonresidential uses in close proximity to each other.

(2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;

The Planning Board finds that the uses and development character proposed on the site are in conformance with those envisioned on Exhibit 19 and are generally consistent with the design guidelines of the sector plan.

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

The proposed development will be outwardly oriented. Although the main village green forms an internal focal point at the center of the community, residential and commercial buildings at the edge of the site will front onto Sansbury Road and Ritchie-Marlboro Road. As previously required, the townhouse units along Ritchie-Marlboro Road will largely front on Ritchie-Marlboro Road, with the exception of a cluster of townhouses in the northwest corner of the site, near the sound wall, which will have unit sides adjacent to the roadway. This is consistent with previous approvals.

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

The most intensive uses (in the multifamily and commercial buildings) are concentrated at the northeast corner of the site, with the attached units over the rest of the site helping to transition toward the lower-density residential uses south of the site. The proposed development will be compatible with the proposed development in the rest of the village center across Sansbury Road.

The subject revision, which modifies a proposed unit type, does not affect previous findings regarding the conceptual site plan's conformance to this section. The proposed townhouse units are consistent with approved units in other phases of the subject development.

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

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

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

The development is comprised of three phases. Phase I consisted of fee-simple townhouses as well as infrastructure. Phase II will consist of the townhouses proposed in the subject CSP revision. Phase III includes the multifamily building and the commercial building. The proposed project phasing shall be indicated on the conceptual site plan. Each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases.

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

This requirement will be evaluated in more detail at the time of detailed site plan. The conceptual site plan shows sidewalks along all public and private roads, forming a pedestrian network throughout the site. Pedestrian routes have not been proposed and are not deemed necessary within the private alleyways, which are envisioned for vehicular access.

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

The above finding is not applicable because the subject application is a conceptual site plan. Further attention shall be paid to the design of pedestrian spaces and public spaces at the time of detailed site plan.

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

The subject property was rezoned to the M-X-T Zone as part of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* approval process. Consequently, a traffic study was approved with the original Conceptual Site Plan CSP-07001, and a finding of adequate transportation facilities was made. The Planning Board adopt Finding 11 of PGCPB Resolution No. 08-06 by reference. No additional dwelling units are proposed on this CSP revision; therefore, the Planning Board's original finding of adequacy is not affected by the subject revision.

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

This site was rezoned as part of the sector plan from R-R to M-X-T. As part of that application process, a series of design concepts were included as appendices in the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* and as Public Exhibit 19.

The Westphalia Row project is located in a designated mixed-use activity center at the northern gateway to the sector plan along a local street (Sansbury Road) and an arterial highway (Ritchie-Marlboro Road), close to the interchange for the I-95/495 (Capital Beltway). Replacing the triplex units with rear-loaded townhouse units will neither compromise the original design intent of the project, nor will it be inconsistent with the recommended development pattern vision, goals or policy contained in the Westphalia sector plan for mixed-use activity centers.

Village Center Guidelines

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

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

The proposed commercial development is located in a four-story building including ground-floor retail and upper-floor office space. The applicant has indicated that the building will front on

Sansbury Road, which is appropriate in order to promote a walkable main street character on that frontage.

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

Fernwood Drive is designed with parallel parking on either side, subject to the approval of DPW&T. Similarly, the private streets (not the private alleys) throughout the site are designed to have parallel parking on one or both sides.

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

The proposed buildings will be between two and six stories in height.

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

The majority of surface parking proposed on the site is envisioned as parallel on-street parking. There are two small surface parking areas proposed within the townhouse area and one row of parking spaces to the east of the commercial building. A five-level parking garage will provide the bulk of the parking spaces needed to serve the multifamily building and commercial building and is located in the interior of a block largely screened from public view by surrounding buildings.

Gateway Guidelines

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

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

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

The design of buildings, landscaping, signs and any special features along the Ritchie-Marlboro Road frontage as well as Sansbury Road are critical to the image of Westphalia that will be portrayed at this northern entryway. At the time of detailed site plan review, a package of design

items such as gateway entrance features, architectural design, materials, colors, landscape palette, and streetscape features shall be presented in order to create a distinctive sense of arrival. The CSP shall be revised to include an asterisk or other indicator at the intersection of Ritchie-Marlboro Road and Sansbury Road on the subject site as the location of a gateway. The design of this area shall be addressed at time of DSP for Phase III of the project.

9. **Conceptual Site Plan CSP-07001:** Conceptual Site Plan 07001 was approved by the District Council on July 1, 2008, for construction of 140–180 townhouses, 48–96 three-family dwelling units, 200–325 multifamily dwelling units, 40,000–70,000 square feet of office and 10,000-30,000 square feet of retail. On June 18, 2012, the District Council approved Zoning Ordinance No. 7-2012 to amend Condition 9.b(2). The conditions of Conceptual Site Plan CSP-07001 are as follows:

1. **Prior to certificate approval of the Conceptual Site Plan, the Plan shall be revised to show the approved development standards.**

This condition was addressed prior to certificate of approval of CSP-07001, and does not need to be carried forward with this approval.

2. **Prior to certification of the Conceptual Site Plan, the Type I Tree Conservation Plan TCP I/031/07 shall be revised as follows:**

- a. **Revise the gross tract area and any other incorrect calculations to be in conformance with the NRI.**
- b. **Revise the plan to show the 100-year floodplain and the PMA in their entirety.**
- c. **Remove the “proposed treeline” from the TCP I and the symbol from the legend.**
- d. **Remove the vague symbol for the limits of disturbance and use a line or other clear symbol.**
- e. **Remove the small area of PMA impact behind Lots 62-64, Block B.**
- f. **Mark the specimen trees to be removed and add all required information to the specimen tree table.**
- g. **Revise the plans to show conceptually the stormwater management facilities proposed and all associated easements.**
- h. **Have the revised plans signed and dated by the qualified professional who prepared them.**

This condition was addressed prior to certificate of approval of Conceptual Site Plan CSP-07001, and does not need to be carried forward with this approval.

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

This condition remains in effect and is carried forward with this approval.

4. **Prior to certificate approval of the Conceptual Site Plan, the Phase I noise study shall be revised as follows:**
- a. **Revise the study to evaluate the ten-year projected ADT level.**
 - b. **Eliminate the use of “future” noise levels – the ten-year projected noise levels are the only ones to be provided. Label this line the “unmitigated 65 dBA Ldn” on the CSP and TCP I. Do not base the ten-year projected levels on the existence of proposed buildings**
 - c. **Base the study on the proposed design layout instead of an earlier layout.**
 - d. **Provide all maps to scale so that they can be compared to the other plans Show the centerline of all roadways from which measurements are being taken.**
 - e. **Provide match lines for all separate sheets that form the overall map.**
 - f. **Provide an analysis of the gap between the buildings in relation to Parcel ‘E.’**

This condition was addressed prior to certificate of approval of Conceptual Site Plan CSP-07001, and does not need to be carried forward with this approval.

5. **Prior to certification of the Conceptual Site Plan, a copy of the approved Stormwater Management Concept Plan associated with approval 36373-2006-00 shall be submitted and the facilities shall be correctly reflected on the TCP I.**

This condition was addressed prior to certificate of approval of Conceptual Site Plan CSP-07001, and does not need to be carried forward with this approval. The conceptual site plan reflects the location of approved storm water facilities.

6. **Prior to acceptance of the Detailed Site Plan for the multi-family and office buildings, the package shall be evaluated to ensure that it includes a description of the use of green building techniques and the use of alternative energy sources.**

This condition remains in effect and is carried forward with this approval.

7. **Prior to acceptance of a Detailed Site Plan for that portion of the site, the arrangement of three-family attached units between Private Road C and Ritchie Marlboro Road shall be redesigned to provide units fronting on Ritchie Marlboro Road as well as on Private Road C. Some sides of units may face Ritchie Marlboro Road but this should be avoided to the fullest extent possible. Public views of alleys should be minimized by screening the ends of alleys to the fullest extent possible.**

This condition was addressed prior to the acceptance of Detailed Site Plan DSP-08039-01. The triplex units were designed to front on Ritchie-Marlboro Road as well as Private Road "C." The arrangement of the townhouse units between Private Road "C" and Ritchie-Marlboro Road shall be designed to front on Ritchie-Marlboro Road as well as on Private Road "C," consistent with what is shown on the subject CSP. Public views of alleys should be minimized by screening the ends of alleys to the fullest extent possible. A modified condition regarding the final arrangement of the townhouses is provided in the conditions of approval.

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

This condition remains in effect and is carried forward with this approval.

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

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

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

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

- (1) **Minimum lot size: 1000 square feet for no less than 50% of the units and a minimum of 800 feet for the remainder**

- (2) **Minimum front yard setback: 6 feet from property line**
 - (3) **Maximum building height: 45 feet**
 - (4) **Minimum lot width: 20 feet for no less than 50% of the units and a minimum of 16 feet for the remainder**
- c. **Three-family dwellings and townhouses (condominium)**
- (1) **Minimum spaces between buildings:**
 - (a) **Building front to building front: 50 feet**
 - (b) **Building side to building side: 10 feet**
 - (c) **Building side to building rear: 30 feet**
 - (d) **Building rear to building rear: 30 feet**
 - (2) **Maximum building height: 55 feet**
- d. **Multi-family, office, and retail buildings**
- (1) **Buildings shall be set back 15-35 feet from the ultimate right-of-way line of Ritchie Marlboro Road. Building walls must be within 35 feet of the ultimate right-of-way line for at least 75 percent of the linear distance of the parcel's frontage on Ritchie Marlboro Road.**
 - (2) **Buildings shall be set back 15-25 feet from the ultimate right-of-way line of Sansbury Road. Building walls must be within 25 feet of the ultimate right-of-way line for at least 75 percent of the linear distance of the parcel's frontage on Sansbury Road.**
 - (3) **Maximum building height: 75 feet.**

The subject application includes the elimination of the three-family dwellings and townhouses (condominium) unit type. Rear-loaded townhouses (fee simple) are now proposed for Phase I and Phase II of the development. The elimination of development standards for the three-family dwellings and townhouses (condominium) unit type is appropriate. The remaining elements of this condition are carried forward with this approval.

10. **At the time of Detailed Site Plan review, parking shall be calculated separately for: (1) the multi-family and commercial buildings, (2) for the three-family dwelling units, (3) for the rear-loaded townhouses north of Fernwood Drive, and (4) for the townhouses south of Fernwood Drive. Parking spaces in driveways and carports must allow at least 19 feet of parking space for cars, which must not obstruct pedestrian or vehicular travel routes. In addition to the total number of off-street parking spaces required for each type of unit by Section 27-568, each portion of the**

development shall also provide an additional 10 percent of this number for visitor parking, which may include parallel parking spaces on private roads.

This condition remains in effect and is carried forward with this approval. The reference to the three-family dwelling units is eliminated, as those units are no longer proposed.

- 11. At time of Detailed Site Plan review for the subject property, the site will be evaluated for conformance to the gateway design guidelines of the Westphalia Sector Plan. Review should include items such as gateway entrance features at Fernwood Drive and Sansbury Road, architectural design, materials, colors, landscape palette, and streetscape features and amenities. The Applicant shall provide an easement for the location of a gateway feature at Ritchie Marlboro Road and Sansbury Road.**

This condition was partially addressed as a part of previous detailed site plan approvals for Phase I of the development. During detailed site plan review it was determined that while some attractive features could be implemented within Phases I and II, the full treatment could not be implemented until Phase III of the development for the multifamily and retail building, which includes the land area closest to the primary gateway into Westphalia, located at the intersection of Ritchie-Marlboro Road and Sansbury Road. The design of buildings, landscaping, signs and any special features along the Ritchie-Marlboro Road frontage as well as Sansbury Road are critical to the image of Westphalia that will be portrayed at this northern entryway. Approval of this CSP reflects the need to address these gateway design issues at time of detailed site plan review for Phase III of the project.

- 12. The Applicant, his successors, and/or assignees shall provide adequate private recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines. The private recreational facilities shall be reviewed by the Urban Design Review Section of Development Review Division for adequacy and property sitting, prior to approval of the Detailed Site Plan by the Planning Board.**

This condition remains in effect and is carried forward with this approval.

- 13. The Applicant, his successors, and/or assignees shall submit three (3) original, executed private Recreational Facilities Agreements (RFA) to the Development Review Division for their approval three weeks prior to applying for building permits. Upon approval by Development Review Division, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.**

This condition remains in effect and is carried forward with this approval.

- 14. The Applicant, his successors, and/or assignees shall submit to Development Review Division a performance bond, letter of credit, or other suitable financial guarantee**

in an amount to be determined by Development Review Division, within at least two (2) weeks prior to applying for building permits.

This condition remains in effect and is carried forward with this approval.

- 15. The developer, his successor and/or assignees shall satisfy the Planning Board or designee that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.**

This condition remains in effect and is carried forward with this approval.

- 16. The private recreational facilities package to be provided by this development shall include those facilities proposed with the Conceptual Site Plan application as well as two (2) outdoor play areas for children. Recreational facilities within the Westphalia Row development should be made accessible equally to all residents of the development.**

The subject revision complies with this requirement. With the removal of one active play area, two play areas for children will remain. Those play areas are located within Phase I of the development, and are within walking distance to the proposed townhouses in Phase II. With further demonstration at time of detailed site plan that adequate recreational facilities continue to be provided in these spaces, the Planning Board has no objection to the elimination of one active play area on the CSP. With rewording, this condition has been carried forward with this approval.

- 17. The noise attenuation wall shall be designed to promote attractive views from the public roadways.**

This condition remains in effect and is carried forward with this approval.

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

This condition remains in effect and is carried forward with this approval.

- 19. The final record plat shall include a note that the Applicant, the Applicant's heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of appropriate signage for the Class III bikeway along Sansbury Road. The contribution shall be made prior to the issuance of the first building permit.**

This condition remains in effect and is carried forward with this approval.

- 20. The Applicant shall provide standard sidewalks along both sides of Private Road A, B, C, D, and E.**

This condition remains in effect and is carried forward with this approval; however there is no record of a Private Road "E" on the previously approved or subject CSP, so the reference to Private Road "E" is eliminated. Standard sidewalks shall be provided on both sides of the proposed private roads (not the alleys).

- 21. The Applicant shall provide standard sidewalks along both sides of relocated Fernwood Drive, unless modified by DPW&T.**

This condition remains in effect and is carried forward with this approval.

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

This condition remains in effect and is carried forward with this approval.

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

- a. The mix of uses used to calculate the site's trip generation must include no less than a total of 40,000 square feet of office, retail, or commercial space, which shall be more specifically set for at the time of detailed site plan.**
- b. The mix of dwelling units shall fall within the ranges proposed on the conceptual site plan, unless modified at the time of detailed site plan.**

This condition remains in effect and is carried forward with this approval.

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

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

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

b. Sansbury Road/Ritchie-Marlboro Road intersection.

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

c. Ritchie Marlboro Road/White House Road intersection.

- Provide the following improvements:**
 - Northbound approach: (2) two left turn lanes and a shared left-through-right lane.**

This condition remains in effect and is carried forward with this approval.

- 25. At the time of Detailed Site Plan review, the Applicant shall proffer a phasing schedule to M-NCPPC staff that sets forth the anticipated building schedule of the residential and commercial phases of the property. The phasing schedule must be approved by the Planning Board.**

This condition was addressed in the Planning Board's approval of DSP-08039 (PGCPB Resolution No. 09-44). The proposed project phasing shall be indicated on the CSP.

- 26. Applicant is to relocate the existing Fernwood Drive. Once the existing Fernwood Drive is relocated, the previous property in which the old Fernwood Drive was located shall be deeded from Prince George's County, Maryland to the Applicant.**

This condition has been addressed and is no longer necessary. Fernwood Drive has been reconstructed.

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

The sector plan states that a contribution of \$3,500 per new dwelling unit (in 2006 dollars) is needed to construct the public Central Park facility recommended for the sector plan area. While the applicant is encouraged to comply with the Westphalia sector plan recommendation and participate in the county and community effort to build a unique community with high quality recreation facilities for the benefit of all future Westphalia residents, contributions are not required. This condition is carried forward.

28. **At the time of the Detailed Site Plan, the Applicant shall provide to the District Council, any plans or specifications that the Applicant may have, with reference to its efforts that will be used in trying to achieve the Westphalia Sector Plan's policy goal of ensuring minority participation.**

This District Council condition is carried forward with this approval.

10. **2010 Prince George's County Landscape Manual:** Per Section 27-548 of the Zoning Ordinance, landscaping, screening, and buffering within the M-X-T Zone shall be provided pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Conformance with the requirements of the Landscape Manual will be determined when a more finalized plan of development is submitted for review. The Planning Board adopts the following, which will be reviewed at the time of DSP review.
- a. **Section 4.1—Residential Requirements,** requires a certain number of plants to be provided for residential lots depending on their size and type. The subject development will be evaluated for conformance to Section 4.1 at the time of DSP review when a final lot number and pattern is established.
 - b. **Section 4.6—Compliance with Section 4.6, Buffering Development from Special Roadways,** is required along Ritchie-Marlboro Road, which is a designated historic road. The site is within the geography previously designated as the Developing Tier and reflected on Attachment H(5) of the *Plan Prince George's 2035 General Plan* as found in Prince George's County Planning Board Resolution No. 14-10 (see County Council Resolution CR-26-2014, Revision No. 31); therefore, a 20-foot-wide planting strip is required. The conceptual site plan shall be revised to illustrate this 20-foot-wide strip, which will result in some redesign of the site frontage. The applicant's representative indicates that the one portion of Private Road "D" between the townhouse lots and the northern property line could be eliminated, thus providing a wider landscape strip. Conformance with these requirements will be evaluated further at the time of DSP review.
 - c. **Section 4.7—This site will be subject to Section 4.7, Buffering Incompatible Uses.** More specific information regarding bufferyard requirements along property lines adjoining other uses will be evaluated at the time of DSP. A goal of Section 4.7 is to provide a comprehensive, consistent, and flexible landscape buffering system that provides transitions between moderately incompatible uses.
 - d. **Section 4.9—This site will be subject to Section 4.9, which requires that a percentage of the proposed plant materials be native plants, along with other sustainable practices.**
 - e. **Section 4.10—This site will be subject to Section 4.10, which requires street trees along private streets.** Conformance with these requirements will be evaluated further at the time of DSP review.

11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The Planning Board finds that the project area is not subject to Subtitle 25, the Woodland and Wildlife Habitat Conservation Ordinance (WCO) that became effective September 1, 2010 and February 1, 2012 because the previously approved tree conservation plan (TCP) was approved prior to September 1, 2010 and there are no significant changes to the limit-of-disturbance (LOD).

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance, because it has a previously approved tree conservation plan. A revised Type I tree conservation plan (TCPI) has been submitted.

These submitted plans are in conformance with the previously approved TCPI. The woodlands on-site have been cleared within the approved limit-of-disturbance areas. A few technical revisions shall be provided prior to certificate of approval of the CSP.

12. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance (TCC), requires a minimum percentage of tree canopy coverage on projects that require a grading permit. Properties that are zoned M-X-T are required to provide a minimum of ten percent of the gross tract area in tree canopy. The subject property is 20.67 acres in size, resulting in a tree canopy coverage requirement of 2.07 acres. Compliance with this requirement will be evaluated at the time of DSP.

13. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions.

a. **Community Planning**—The Planning Board adopts the following:

- (1) This application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.
- (2) This application is in conformance with the land use recommendations of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*.
- (3) This application is within the Joint Base Andrews Interim Land Use Control (ILUC) impact area. The property is primarily within Imaginary Surface D (Outer Horizontal Surface) establishing a height limit of 500 feet above the runway surface. The property is not located within any aviation noise contours. The property is not within an Accident Potential Zone.

- b. **Transportation Planning**—The subject revision is seeking a replacement of triplex units with townhouses. This change if approved, will likely result in a trip reduction of 30 AM and 34 PM peak-hour trips. In light of the fact that this application represents a reduction in traffic from a previously approved development proposal, the Planning Board concludes that this development's traffic impact can be considered *de minimus*.

All of the previous findings of Conceptual Site Plan CSP-07001 regarding transportation adequacy remain in effect.

- c. **Trails**—The application conforms to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT); and the appropriate sector plan with regard to implementing planned trails, bikeways, and pedestrian improvements.
- d. **Environmental Planning Section (EPS)**—The Planning Board adopts the following:
 - (1) **Site Description:** The subject property is located on the eastern side of the I-95/495 (Capital Beltway) and on the southwestern corner of the Ritchie-Marlboro Road and Sansbury Road intersection. This application is for a 3.53-acre portion of the subdivision located in the northwest corner of the site. A review of the available information indicates that streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. The site is adjacent to the Capital Beltway, which is a source of traffic-generated noise. The soils found to occur on this site according to the *Prince George's County Soil Survey* are in the Adelphia, Collington, Ochlockonee, Rumford, Sandy, Sassafras, and Westphalia soil series. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. The property is located in the Southwest Branch watershed of the Patuxent River Basin and in the Developing Tier as reflected in the 2002 *Prince George's County Approved General Plan*.
 - (2) **Natural Resource Inventory:** The site has an expired approved Natural Resources Inventory (NRI-114-06), for the entire development. This NRI was approved in 2006 and is not valid, because the approval is over five years old. The overall site contains sensitive environmental features such as streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils. The revision area contains no regulated environmental features. A large portion of the site has been developed. A Natural Resources Inventory-Equivalence Letter has been approved for the application area. A copy of the Natural Resources Inventory-Equivalence Letter shall be provided with all subsequent applications.
 - (3) **Regulated Environmental Features:** No impacts to regulated environmental features are proposed with this application. All impacts were previously approved with the Conceptual Site Plan (CSP-07001), Preliminary Plan of Subdivision (4-07038), and Detailed Site Plan (DSP-08024 and DSP-08039) for the subject property.

- (4) The soils found to occur on this property are in the Adelphia, Collington, Ochlockonee, Rumford, Sandy land, Sassafras, and Westphalia soil series.
- (5) The Stormwater Management Concept Plan (3673-2006-02) submitted with the subject application shows the use of one extended detention facility. No underground stormwater facilities area proposed on this concept plan. The concept is correctly reflected on the TCP1. Also, the approval letter was issued on March 15, 2013, and states that the project will pay a fee of \$112,500.00 in-lieu-of providing on-site attenuation/quality control measures.

No further action regarding stormwater management is required with this Conceptual Site Plan review.

- e. **Subdivision Review**—The subject site is located on Tax Map 074 in Grid E-4, is within the M-X-T Zone, and is 3.53 acres. The property was recorded as Parcel L, Block A, per Plat MMB 235-89 on April 17, 2014 in the County Land Records. The currently undeveloped site was previously approved as part of Preliminary Plan of Subdivision (PPS) 4-07038 (22.44 acres). The applicant has submitted a conceptual site plan for the conversion of 96 condominium triplex-units, previously approved under CSP-07001, PPS 4-07038, and DSP-08039 and subsequent revisions, to 53 fee-simple townhouse dwellings. Additionally, the CSP revision proposes the conversion of an outdoor activity area to a sitting area and a small change in the configuration of the private streets. Section 24-111 of the Subdivision Regulations states that “In any case where land has been legally subdivided according to the law in existence at the time of such subdivision and the present owner desires to change the relationships between a lot and the street shown on the record plat, or between one lot and another, action by the Planning Board shall be governed by the same procedures, rules, and regulations as for a new subdivision.” A new preliminary plan, PPS 4-13026, has been submitted. Upon approval, this PPS will supersede its predecessor.
- f. **Department of Parks and Recreation (DPR)**—In a memorandum dated June 4, 2014, the Department of Parks and Recreation provided comments regarding the subject application and recommended that relevant conditions of CSP-07001 be carried forward with the subject approval.
- g. **Prince George’s County Health Department**—At the time of this writing, no response from the Health Department has been received.
- h. **Prince George’s County Police Department**—The Prince George’s County Police Department has no comments on the CSP revision.
- i. **Prince George’s County Fire/EMS Department**—In a memorandum dated February 7, 2014, the Fire Department provided standard comments regarding turning radii, and building location relative to a fire hydrant.

14. Based on the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, the Planning Board finds that the CSP will, as approved with the proposed conditions below, represent the most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
15. Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a conceptual site plan:

The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.

No additional impacts to regulated environmental features are proposed with this application. All impacts were previously approved with the Conceptual Site Plan (CSP-07001), Preliminary Plan of Subdivision (4-07038), and Detailed Site Plan (DSP-08024 and DSP-08039) for the subject property.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type 1 Tree Conservation Plan (TCPI-033-07-01), and further APPROVED Conceptual Site Plan CSP-07001-01 for the above-described land, subject to the following conditions:

1. Prior to certificate of approval of the conceptual site plan (CSP), the following revisions shall be made to the CSP, or information shall be provided:
 - a. Label Ritchie-Marlboro Road as a historic road.
 - b. Revise the plan to provide a conceptual 20-foot-wide landscape strip along the site's frontage on Ritchie-Marlboro Road in accordance with Section 4.6, Buffering Development from Special Roadways.
 - c. Indicate the project phasing on the CSP, and reference all relevant approved phasing triggers.
 - d. Show the stormwater management access road on the CSP and label it as "stormwater management access road/ pedestrian walkway."
 - e. Revise the plan to include an asterisk or other indicator at the intersection of Ritchie Marlboro Road and Sansbury Road on the subject site as the location of a gateway.
2. Prior to certification of the conceptual site plan (CSP), the Type 1 tree conservation plan (TCP1) shall be revised as follows:

- a. The most current TCP worksheet shall be added to the plan.
 - b. Add "K Fitz - 6/2/2008" to the initial approval line on the TCPI approval block.
 - c. Provide an additional column next to the date column and add the appropriate case number with which this TCPI is being approved.
 - d. Have the revised plans signed and dated by the qualified professional who prepared them.
3. No woodland conservation shall be proposed on dedicated parkland unless written authorization from the Department of Parks and Recreation has been provided.
4. Prior to acceptance of the Detailed Site Plan for the multifamily and office buildings, the package shall be evaluated to ensure that it includes a description of the use of green building techniques and the use of alternative energy sources.
5. Prior to approval of a future detailed site plan for the proposed townhouses, the arrangement of the townhouse units between Private Road "C" and Ritchie-Marlboro Road shall be designed to front on Ritchie-Marlboro Road as well as on Private Road "C," consistent with what is shown on the subject CSP. Public views of alleys should be minimized by screening the ends of alleys to the fullest extent possible.
6. Detailed Site Plan submittal shall include examples and evidence of all necessary covenants or other legal instruments that will be used to insure that the recreational facilities on the site will be available in perpetuity to all residents of the Westphalia Row development. If a legally sufficient arrangement to share the recreational facilities cannot be demonstrated, then adequate recreational facilities shall be demonstrated for the individual portions of the development.
7. The following development standards shall apply to and be reflected on the Detailed Site Plan. At the time of Detailed Site Plan review, the Planning Board may make modifications to the development standards without the need to amend the Conceptual Site Plan if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the conceptual site plan and the sector plan.
 - a. Front-loaded townhouses (fee simple)
 - (1) Minimum lot size: 1300 square feet
 - (2) Minimum front yard setback: 20 feet from back of sidewalk
 - (3) Minimum yard area: 400 square feet
 - (4) Maximum building height: 45 feet
 - (5) Minimum lot width: 20 feet
 - b. Rear-loaded townhouses (fee simple)
 - (1) Minimum lot size: 1,000 square feet for no less than 50 percent of the units and a minimum of 800 feet for the remainder.

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

c. Multifamily, office, and retail buildings

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

- 8. At the time of Detailed Site Plan review, parking shall be calculated separately for: (1) the multifamily and commercial buildings, (2) for the rear-loaded townhouses north of Fernwood Drive, and (3) for the townhouses south of Fernwood Drive. Parking spaces in driveways and carports must allow at least 19 feet of parking space for cars, which must not obstruct pedestrian or vehicular travel routes. In addition to the total number of off-street parking spaces required for each type of unit by Section 27-568 of the Zoning Ordinance, each portion of the development shall also provide an additional ten percent of this number for visitor parking, which may include parallel parking spaces on private roads.
- 9. At time of Detailed Site Plan review for the Phase III of the development, the site will be evaluated for conformance to the gateway design guidelines of the Westphalia sector plan. A package of design items such as gateway entrance features, architectural design, materials, colors, landscape palette, and streetscape features shall be provided in order to create a distinctive sense of arrival. Design details for a gateway feature near the Ritchie-Marlboro Road and Sansbury Road intersection shall be provided.
- 10. The Applicant, his successors, and/or assignees shall provide adequate private recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. The private recreational facilities shall be reviewed by the Urban Design Section of Development Review Division for adequacy and proper siting, prior to approval of the Detailed Site Plan by the Planning Board.
- 11. The Applicant, his successors, and/or assignees shall submit three (3) original, executed private Recreational Facilities Agreements (RFA) to the Development Review Division for their approval three weeks prior to applying for building permits. Upon approval by the Development Review

Division, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

12. The Applicant, his successors, and/or assignees shall submit to the Development Review Division a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by the Development Review Division, within at least two (2) weeks prior to applying for building permits.
13. The developer, his successor and/or assignees shall satisfy the Planning Board or designee that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.
14. The private recreational facilities package to be provided by this development shall include those facilities proposed with the Conceptual Site Plan application, which includes two (2) outdoor play areas for children.
15. The noise attenuation wall shall be designed to promote attractive views from the public roadways.
16. The Applicant shall provide an eight-foot-wide side path or wide sidewalk along Sansbury Road, unless modified by the Department of Public Works & Transportation (DPW&T).
17. The final record plat shall include a note that the Applicant, the Applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of appropriate signage for the Class III bikeway along Sansbury Road. The contribution shall be made prior to the issuance of the first building permit.
18. The Applicant shall provide standard sidewalks along both sides of Private Roads A, B, C, and D.
19. The Applicant shall provide standard sidewalks along both sides of relocated Fernwood Drive, unless modified by DPW&T.
20. Appropriate pedestrian amenities and pedestrian safety features will be evaluated at the time of Detailed Site Plan.
21. The proposed development shall be limited to a mix of uses where the net new trips shall not exceed 398 AM and 471 PM peak-hour trips. The mix of uses allowable is subject to the following:
 - a. The mix of uses used to calculate the site's trip generation must include no less than a total of 40,000 square feet of office, retail, or commercial space, which shall be more specifically set forth at the time of detailed site plan.

- b. The mix of dwelling units shall fall within the ranges proposed on the conceptual site plan, unless modified at the time of detailed site plan.
22. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency
- a. Sansbury Road/D'Arcy Road intersection (unsignalized):
 - The Applicant shall provide separate left and right turn lanes for the D'Arcy Road approaches. Since these additional improvements will not lower the delay below 50 seconds in any given movement, and per the requirement of DPW&T, the Applicant shall conduct a traffic signal warrant study and install if deemed to be warranted.
 - b. Sansbury Road/Ritchie-Marlboro Road intersection:
 - Provide the addition of a third eastbound and westbound through lane on Ritchie-Marlboro Road.
 - c. Ritchie-Marlboro Road/White House Road intersection:
 - Provide the following improvements:
 - Northbound approach: (2) two left-turn lanes and a shared left-through-right lane.
23. The Applicant has indicated a desire to be a part of the established Westphalia Financing Plan. Therefore, at the time of the Detailed Site Plan, if the Applicant is a recognized participant in a designated Westphalia Financing Plan, any designated financial contributions to the overall Westphalia Plan, including contributions to the Central Park, shall be so designated as a condition on the detailed site plan, as part of the established financing formula and plan.
24. At the time of the Detailed Site Plan, the Applicant shall provide to the District Council, any plans or specifications that the Applicant may have, with reference to its efforts that will be used in trying to achieve the Westphalia Sector Plan's policy goal of ensuring minority participation.


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.

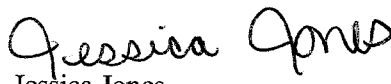
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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff and Hewlett voting in favor of the motion, and with Commissioners Bailey and Geraldo absent at its regular meeting held on Thursday, June 5, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of June 2014.

Patricia Colihan Barney
Executive Director


APPROVED AS TO LEGAL SUFFICIENCY
M-NCPPC Legal Department
Date 6/13/14

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:MF:arj

February 2, 2016

Westphalia Row Partners, LLC.
6110 Executive Boulevard, Suite 430
Rockville, MD 20852

Re: Notification of Planning Board Action on
Conceptual Site Plan – CSP-07001-02
Westphalia Row

Dear Applicant:

This is to advise you that on **January 28, 2016** the above-referenced Conceptual Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-280, the Planning Board's decision will become final 30 calendar days after the date of the final notice **February 2, 2016** of the Planning Board's decision unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or any Person of Record in the case; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

Please direct any future communication or inquiries regarding this matter to Ms. Redis C. Floyd, Clerk of the County Council, at the above address.

Very truly yours,
Alan Hirsch, Chief
Development Review Division

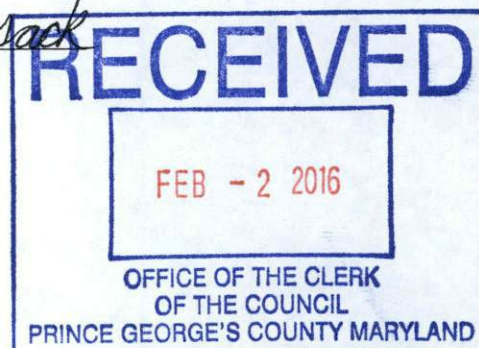
By: *Jill Kasack*

Reviewer

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

PGCPB No. 16-02

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 16-02

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
File No. CSP-07001-02

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on January 7, 2016 regarding Conceptual Site Plan CSP-07001-02 for Westphalia Row, the Planning Board finds:

1. **Request:** The subject application proposes a revision to the previously approved conceptual site plan (CSP) for Westphalia Row by replacing the previously approved 250 multifamily units and 57,600 square feet of commercial uses with 67 fee-simple, rear-loaded townhouses and 10,000 square feet of commercial uses.

2. **Development Data Summary:**

	EXISTING	APPROVED	
Zone(s)	M-X-T	M-X-T	
Use(s)	Single-family attached residential Commercial/Retail	Single-family attached residential; Commercial/Retail	
Acreage	20.67	20.67	
	Approved CSP-07001	Approved CSP-07001-01	Approved CSP-07001-02
Dwelling Units Total	420 – 600	388 – 600	238 – 375
Townhouses	140 – 180	188 – 275	238 – 375
Three-Family Dwellings (Triplexes)	48 – 96	0	0
Multifamily	200 – 325	200 – 325	0
Commercial – Office/Retail (sq. ft.)	50,000 – 100,000	40,000 – 100,000	10,000
Floor to Area Ratio	1.4	1.4	0.90

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

Base Density Allowed	0.40 FAR
Residential	1.00 FAR
Total FAR Permitted:	1.40 FAR*
Total FAR Approved:	0.90 FAR

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

3. **Location:** The subject property is located in the southwest corner of the intersection of Ritchie Marlboro Road and Sansbury Road, in Planning Area 78, Council District 6. This intersection is designated by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan SMA) as one of nine gateways into the Westphalia area. It is proposed in the plan as the location of a mixed-use village center. Fernwood Drive passes through the site.
4. **Surrounding Uses:** To the northwest of the subject site is the exit ramp leading from the Capital Beltway (I-95/495) to Ritchie Marlboro Road. To the south of the site is an existing single-family residence in the Rural Residential (R-R) Zone. Further south and west on Fernwood Drive is a mobile home park. Across Sansbury Road to the east are the Ritchie Baptist Church property and the PB&J property, which are also zoned Mixed Use-Transportation Oriented (M-X-T) as part of the village center.
5. **Previous Approvals:** This property was rezoned to M-X-T by the Westphalia Sector Plan SMA. As part of this rezoning, the Prince George's County District Council approved the concept plan for development of the subject property and the neighboring properties to the east and southeast as an integrated mixed-use development.

On July 1, 2008, the District Council granted approval of Conceptual Site Plan CSP-07001 for the development of the property as a mixed-use development including 420–600 dwelling units and up to 100,000 square feet of commercial office and retail. On January 10, 2008, the Prince George's County Planning Board approved Preliminary Plan of Subdivision 4-07038 (PGCPB Resolution No. 08-07). On November 6, 2008, the Planning Board approved Detailed Site Plan DSP-08024 (PGCPB Resolution No. 08-168) for the relocation of Fernwood Drive to the location shown on the CSP. The first phase of development, consisting of 153 townhouses on the southern portion of the site, was approved by the Planning Board as Detailed Site Plan DSP-08039 on March 5, 2009 (PGCPB Resolution No. 09-44). Detailed Site Plan DSP-08039-01 was approved by the Planning Board on September 10, 2009 (PGCPB Resolution No. 09-131) for the originally proposed 96 triplex units. Subsequent DSP revisions '02' and '05' were approved at the Planning Director level for the addition and modification of unit types.

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

A new Preliminary Plan (4-15021) that proposes the townhouse lots shown on this application is currently pending and scheduled for Planning Board hearing on January 7, 2016.

6. **Design Features:** The applicant proposes a mixed-use residential and commercial/retail development. The illustrative plan shows four distinct portions of development.

South of Fernwood Drive, 114 townhouses are proposed on fee-simple lots around two small open spaces. Of these 114 townhouse units, 83 are rear-alley loaded units, while 31 are front loaded units laid out along the southern edge of the site. The majority of this phase of the development is already built and in use and no changes are proposed with the subject revision.

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

In the northeast corner of the site, Phase III, the previously approved CSPs proposed a four-story multifamily building, envisioned as containing 250 units with three interior courtyards. Another four-story building containing ground-floor retail and upper-floor office space was proposed at the northwest corner of Sansbury Road and Fernwood Drive, adjacent to the multifamily building. The multifamily building was proposed to wrap around a five-level parking garage, largely concealing the parking garage from the views of adjacent public roadways.

With the current revision, a one-story, approximately 10,000-square-foot commercial building would be located in the northeast corner of the property, closest to the intersection of Sansbury Road and Ritchie Marlboro Road. Surface parking for the commercial use would be located to the west and south of the building, with one new access point from Sansbury Road. Sixty-seven rear-alley loaded townhomes are then laid out in a grid pattern to the west and south of the commercial building, with some open spaces serving as a buffer between the uses. The applicant has stated that the original larger, two-story, retail/office building and multifamily building with a parking garage were proving to be financially unfeasible. The market for townhouses in this area, as has been proven with the remainder of the site, is strong and the smaller commercial/retail space will be more likely to attract neighborhood-serving tenants. Stormwater from this site is being treated in an existing pond at the far west end of the site in Phase II and new bioretention facilities. A Westphalia gateway feature sign is proposed to be provided in the northeastern corner of the site, and a conceptual design has been provided.

The applicant proposes to provide a mix of indoor and outdoor recreational facilities for the future residents. A fitness center and indoor recreational facilities are conceptually located in the proposed community building in the central village green, along with a gazebo and benches. In addition to these facilities, two outdoor activity areas, which are active outdoor play areas with play equipment for children, are indicated on the CSP in Phase I and II. Multiple passive recreational areas, sitting areas with benches, are proposed throughout the entire site including in Phase III, the area of the current revision.

COMPLIANCE WITH EVALUATION CRITERIA

7. **The requirements of the Zoning Ordinance:** The subject CSP has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-547, Uses Permitted, of the Zoning Ordinance. The proposed uses in this application are permitted in the M-X-T Zone.
 - b. The CSP is consistent with Section 27-548, Regulations. The following discussion is offered:
 - (1) The proposed floor area ratio (FAR) is provided on the CSP. The overall FAR for the site is 0.90, which is below the maximum FAR that is allowed on the site.
 - (2) Developments in the M-X-T Zone are required to have vehicular access to a public street in accordance with Section-548(g) noted below.

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

While the overall development is accessed by public streets, including the proposed commercial parcel, the individual townhouse lots will be served by private streets and alleys. At time of preliminary plan for the townhomes included in this CSP, appropriate frontage and direct vehicular access for the townhouse lots and the commercial parcel must be properly addressed.

- c. The site is subject to Section 27-544(c), which states:
 - (1) **The design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan.**

The previous CSP approvals have imposed minimum lot size and lot width requirements on the subject development. The subject CSP is consistent with the approved standards. Those development standards are provided in Finding 8 below.

- (2) **The limitations on the lot size and lot width requirements in Section 27-548(h) shall not apply.**

The previous CSP approvals have imposed minimum lot size and lot width requirements on the subject development, which will be reviewed for compliance with the required preliminary plan and DSP applications.

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

To convey the individuality of each townhouse unit, the design of abutting units should avoid the use of repetitive architectural elements and should employ a variety of architectural features and designs such as roofline, window and door treatments, projections, colors, and materials. Conformance with this design guideline will be addressed at the time of DSP.

- e. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of DSP. When the parking calculation is made, the townhouses should demonstrate 2.04 off-street parking spaces per unit. In the approval of Conceptual Site Plan CSP-07001, the Planning Board found that each portion of the development should provide extra parking for guests and visitors and should constitute at least ten percent of the spaces required by the Zoning Ordinance. Adequate visitors' parking will be addressed at the time of DSP.
- f. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings for the Planning Board to approve a CSP in the M-X-T Zone, as follows:

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

The proposed development is in conformance with this requirement and serves the purposes of the M-X-T Zone. In accordance with Section 27-542(a)(2), the proposed CSP will implement the recommendation of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* by contributing to the creation of a compact, mixed-use community. The walkable, mixed-use development proposed on the site takes advantage of the transportation links available, and allows for reduction of the number and distance of automobile trips by constructing residential and nonresidential uses in close proximity to each other.

(2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement

the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;

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

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

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

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

The most intensive use, the commercial building, is located in the northeast corner of the site, with the single-family attached units occupying the rest of the site, helping to transition toward the lower-density residential uses south of the site. The proposed development will be compatible with the proposed development in the rest of the village center across Sansbury Road. The subject revision does not affect previous findings regarding the CSP's conformance to this section. The proposed townhouse units are consistent with approved units in other phases of the subject development project.

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

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

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

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

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

This requirement will be evaluated in detail at the time of DSP. The CSP shows sidewalks along all public and private roads, forming a pedestrian network throughout the site. Pedestrian routes have not been proposed and are not deemed necessary within the private alleyways.

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

The above finding is not applicable because the subject application is a CSP. Further attention should be paid to the design of pedestrian spaces and public spaces at the time of DSP.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The subject property was re-zoned to the M-X-T Zone as part of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* approval process. Consequently, a traffic study was approved with the original Conceptual Site Plan CSP-07001, and a finding of adequate transportation facilities was made. No additional dwelling units or building square footage beyond the previously approved development caps are proposed on this CSP revision; therefore, the Planning Board's original finding of adequacy is not affected by the subject revision.

8. **2007 Approved Westphalia Sector Plan and Sectional Map Amendment:** The subject site is located within the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan SMA) and is identified as a mixed-use activity center and one of nine gateways into Westphalia area.

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

Village Center Guidelines

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

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

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

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

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

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

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

The commercial building is proposed to be one-story. However, at the time of DSP, it should be designed to be a two-story building or to have a two-story appearance based on sufficient justification. The proposed townhouses will fall within the specified height range.

There is concern about the reduction in density proposed by the applicant with this revision because it misses the opportunity to create market demand for desired nonresidential uses. This application will result in an overall net density reduction from approximately 22.7 dwelling units per acre to 13.7 dwelling units per acre. However, the reduced residential density is still within the middle of the desired development density range provided in the sector plan, which is 4.5 to 28 dwelling units per net acre.

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

The majority of the residential surface parking proposed on the site is envisioned as parallel on-street parking. The proposed commercial parking areas are located to the side and rear of the building, and will be screened from the public walks and streets. This issue will be examined further at the time of DSP when a detailed design is submitted.

Gateway Guidelines

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

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

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

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

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

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

This condition from the original CSP approval has been carried forward with this approval.

4. **Prior to acceptance of the Detailed Site Plan for the multifamily and office buildings, the package shall be evaluated to ensure that it includes a description of the use of green building techniques and the use of alternative energy sources.**

No multifamily or office buildings are proposed anymore. However, the applicant should still consider the incorporation of green building techniques for all new proposed buildings. This issue will be further examined at the time of DSP.

5. **Prior to approval of a future detailed site plan for the proposed townhouses, the arrangement of the townhouse units between Private Road “C” and Ritchie-Marlboro Road shall be designed to front on Ritchie-Marlboro Road as well as on Private Road “C,” consistent with what is shown on the subject CSP. Public views of alleys should be minimized by screening the ends of alleys to the fullest extent possible.**

This condition was relative to the previous phases. The current revision proposes the townhouse units fronting on Ritchie Marlboro Road. However, the part of this condition regarding minimizing public views of alleys is still applicable and should be carried forward as part of this approval.

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

A homeowners association (HOA) has already been created for Westphalia Row that includes all of the recreational facilities in Phases I and II. The homeowners in Phase III should become part of the same overall HOA to assure equal access to all facilities. This issue will be addressed further through the preliminary plan.

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

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

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

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

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

c. Multifamily, office, and retail buildings

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

This condition from the original CSP approval has been carried forward with this approval with a minor modification to remove the reference to multifamily buildings.

- 8. At the time of Detailed Site Plan review, parking shall be calculated separately for: (1) the multifamily and commercial buildings, (2) for the rear-loaded townhouses north of Fernwood Drive, and (3) for the townhouses south of Fernwood Drive. Parking spaces in driveways and carports must allow at least 19 feet of parking space for cars, which must not obstruct pedestrian or vehicular travel routes. In addition to the total number of off-street parking spaces required for each type of unit by Section 27-568 of the Zoning Ordinance, each portion of the development shall also provide an additional ten percent of this number for visitor parking, which may include parallel parking spaces on private roads.**

This condition remains in effect and is carried forward with this approval. The reference to the multifamily building is eliminated, as that is no longer proposed.

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

This condition remains in effect and is carried forward with this approval.

- 10. The Applicant, his successors, and/or assignees shall provide adequate private recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines. The private recreational facilities shall be reviewed**

by the Urban Design Section of Development Review Division for adequacy and proper siting, prior to approval of the Detailed Site Plan by the Planning Board.

This condition remains in effect and is carried forward with this approval.

11. **The Applicant, his successors, and/or assignees shall submit three (3) original, executed private Recreational Facilities Agreements (RFA) to the Development Review Division for their approval three weeks prior to applying for building permits. Upon approval by the Development Review Division, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.**
12. **The Applicant, his successors, and/or assignees shall submit to the Development Review Division a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by the Development Review Division, within at least two (2) weeks prior to applying for building permits.**
13. **The developer, his successor and/or assignees shall satisfy the Planning Board or designee that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.**

These issues regarding the recreational facilities mentioned in the three conditions above will be examined and conditioned, as necessary, with the new required preliminary plan.

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

The subject revision complies with this requirement. Those play areas are located within Phase I of the development, and are within walking distance to the proposed townhouses in Phase III. The future DSP will have to continue to demonstrate the provision of adequate on-site recreational facilities.

15. **The noise attenuation wall shall be designed to promote attractive views from the public roadways.**

The noise attenuation wall was required and proposed within Phases I and II, and does not extend into Phase III. Therefore, this condition does not need to be carried forward.

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

The submitted CSP reflects this condition, which remains in effect and is carried forward with this approval.

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

This condition remains in effect and is carried forward with this approval.

18. **The Applicant shall provide standard sidewalks along both sides of Private Roads A, B, C, and D.**

Standard sidewalks have been shown on both sides of the proposed private roads (not the alleys) within Phase III. Therefore, this condition does not need to be carried forward at this time.

19. **The Applicant shall provide standard sidewalks along both sides of relocated Fernwood Drive, unless modified by DPW&T.**

Fernwood Drive has been fully constructed with standard sidewalks on both sides. This condition has been fulfilled.

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

This condition remains in effect and is carried forward with this approval.

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

- a. **The mix of uses used to calculate the site's trip generation must include no less than a total of 40,000 square feet of office, retail, or commercial space, which shall be more specifically set forth at the time of detailed site plan.**
- b. **The mix of dwelling units shall fall within the ranges proposed on the conceptual site plan, unless modified at the time of detailed site plan.**

The trip cap portion of this condition remains in effect and is being met by the submitted revision. The requirement for no less than a total of 40,000 square feet of office, retail, or commercial space is no longer being met, as the purpose of this revision is to reduce the previously approved amount of residential and commercial development due to market conditions. This condition has been carried forward with the necessary modifications.

22. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency
- a. Sansbury Road/D'Arcy Road intersection (unsignalized):
 - The Applicant shall provide separate left and right turn lanes for the D'Arcy Road approaches. Since these additional improvements will not lower the delay below 50 seconds in any given movement, and per the requirement of DPW&T, the Applicant shall conduct a traffic signal warrant study and install if deemed to be warranted.
 - b. Sansbury Road/Ritchie-Marlboro Road intersection:
 - Provide the addition of a third eastbound and westbound through lane on Ritchie Marlboro Road.
 - c. Ritchie-Marlboro Road/White House Road intersection:
 - Provide the following improvements:
 - Northbound approach: (2) two left-turn lanes and a shared left-through-right lane.

This condition remains in effect and is carried forward with this approval.

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

The sector plan states that a contribution of \$3,500 per new dwelling unit (in 2006 dollars) is needed to construct the public central park facility recommended for the sector plan area. The applicant is encouraged to comply with the sector plan recommendation and participate in the County and community efforts to build a unique community with high-quality recreational facilities for the benefit of all future Westphalia residents. This condition is carried forward.

24. **At the time of the Detailed Site Plan, the Applicant shall provide to the District Council, any plans or specifications that the Applicant may have, with reference to its efforts that will be used in trying to achieve the Westphalia Sector Plan's policy goal of ensuring minority participation.**

This issue will be reviewed further at the time of DSP.

11. **2010 Prince George's County Landscape Manual:** Per Section 27-548 of the Zoning Ordinance, landscaping, screening, and buffering within the M-X-T Zone shall be provided pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Conformance with the requirements of the Landscape Manual should be determined when a more finalized plan of development is submitted for review. The following discussion is offered regarding the applicable provisions of the Landscape Manual, which will be reviewed at the time of DSP review.
- a. **Section 4.1, Residential Requirements**—This section requires a certain number of plants to be provided for residential lots depending on their size and type. The subject development will be evaluated for conformance to Section 4.1 at the time of DSP review when a final lot number is established.
 - b. **Section 4.6, Buffering Development from Streets**—Compliance with Section 4.6, Buffering Development from Special Roadways, is required along Ritchie Marlboro Road, which is a designated historic road. The site within the geography previously designated as the Developing Tier and reflected on Attachment H(5) of the *Plan Prince George's 2035 General Plan* (Plan Prince George's 2035) as found in PGCPB Resolution No. 14-10 (see County Council Resolution CR-26-2014, Revision No. 31); therefore, a 20-foot-wide planting strip is required. The CSP illustrates this 20-foot-wide strip along the roadway frontage within the area of this revision. Conformance with these requirements will be evaluated further at the time of DSP review.
 - c. **Section 4.7, Buffering Incompatible Uses**—This site will be subject to Section 4.7, Buffering Incompatible Uses. While this section does not apply to the interior property lines of unified developments, some amount and types of buffering may be appropriate between moderately incompatible uses within the development. More specific information regarding bufferyard requirements along exterior property lines will be evaluated at the time of DSP.
 - d. **Section 4.9, Sustainable Landscaping Requirements**—This site will be subject to Section 4.9, which requires that a percentage of the proposed plant materials be native plants, along with other sustainable practices.
 - e. **Section 4.10, Street Trees along Private Streets**—This site will be subject to Section 4.10, which requires street trees along private streets. Conformance with these requirements will be evaluated further at the time of DSP review.

12. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area exceeds 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. Currently, this site has approved Tree Conservation Plans, TCP1-033-07-01 and TCP11 TCP11-05-08-03. The submitted CSP application includes a revised TCP1 '02' which is subject to the current regulations because it is part of a new preliminary plan application.

This 22.44-acre property contains a total of 8.74 acres of woodland outside the 100-year floodplain, according to the natural resources inventory. The woodland conservation threshold is 3.01 acres. The subject site proposes to clear an additional 8.47 acres of the existing 8.74 acres. The cumulative woodland conservation requirement is 7.29 acres. The TCP1 proposes to meet the subject site's portion of the overall requirement with 0.19 acre of woodland preservation, 0.65 acre of reforestation/afforestation, and 6.45 acres of off-site woodland conservation. Through other permitting activities at the subject site, the overall site has complied with bonding on-site and purchasing off-site woodland credits. No additional clearing is proposed as part of this submission.

13. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance (TCC), requires a minimum percentage of tree canopy coverage on projects that require a grading permit. Properties that are zoned M-X-T are required to provide a minimum of ten percent of the gross tract area in tree canopy. The subject property is 20.67 acres in size, resulting in a tree canopy coverage requirement of 2.07 acres. Compliance with this requirement will be evaluated at the time of DSP.

14. **Further Planning Board Findings and Comments from Other Entities:**

a. **Community Planning—**

- (1) This application is consistent with the Plan Prince George's 2035 Future Land Use category for Mixed-Use.
- (2) This application is in conformance with the land use recommendations, and design policies and principles intended to implement the development concepts recommended by the 2007 *Westphalia Sector Plan and Sectional Map Amendment*.

- b. **Transportation Planning—**The Planning Board reviewed transportation comments on the revision proposed by the subject CSP. In reviewing the street layout, a realignment of Private Alley 8 and Private Alley 9 in order to remove the "dog-leg" effect is recommended. Beyond that change, on-site circulation is adequate.

Based on the fact that the subject application is considered to be *de minimus*, the Planning Board found that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 27-276(b) of the Zoning Ordinance.

All of the previous findings of Conceptual Site Plan CSP-07001 regarding transportation adequacy, pertinent to the proposed scheme, remain in effect. The comment regarding the “dog-leg” will be dealt with during the preliminary plan and DSP review when the specific layout is being approved.

- c. **Subdivision Review**—The subject site is located on Tax Map 74 in Grid E-4, is within the M-X-T Zone, and is 20.67 acres. The CSP includes that entire boundary and acreage of the Westphalia Row subdivision. The site is currently developed with townhouse dwelling units. The CSP has been submitted for the revision of the proposed development within Phase III from 250 multifamily dwellings units and 57,600 square feet of gross floor area (GFA) for commercial uses to 67 townhouse dwelling unit lots and 10,000 square feet of commercial uses. Section 24-107 of the Subdivision Regulations states that “no land shall be subdivided within the Regional District in Prince George’s County until the subdivider or his agent shall obtain approval of the preliminary plan and final plat by the Planning Board.” Therefore, a preliminary plan must be approved for the site prior to approval of the DSP, pursuant to Section 27-270, Order of Approvals, of the Zoning Ordinance. A Preliminary Plan (4-15021) has been submitted for concurrent review and is tentatively scheduled for a public hearing by the Planning Board on January 7, 2016.

The proposed revision presents a substantial decrease in the density anticipated by the Westphalia Sector Plan SMA, which designated this property as an activity center and gateway to the Westphalia community. The applicant has indicated that changes in the real estate market have made the originally proposed density unfeasible. Adequate signage and architectural treatment will be provided for the proposed commercial building so that the property will act as a gateway to the community. Along with the adjacent PB&J site, the two properties will compose the activity center created by the Westphalia Sector Plan. As such, the proposed revisions are supported. Appropriate revisions to the proposed layout may be recommended and should be made with the concurrent preliminary plan in order to ensure adequate vehicular and pedestrian access and separation between the commercial and residential uses.

Several variations to the Subdivision Regulations will be required with the preliminary plan approval for the proposed development as shown. These variations will be subject to the following Subdivision Regulations: Section 24-121(a)(4) for the 150-foot lot depth requirement; Section 24-128(b)(7)(A) for alleys serving townhouses that do not front on public streets; and Section 24-128(b)(12) for an alternative public utility easement layout. There are no other subdivision issues at this time.

- d. **Trails**—The Planning Board reviewed an analysis of the CSP application's conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements. The site is covered by the MPOT and the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA).

Two master plan trails are in the vicinity of the subject site. Both the MPOT and the area master plan recommend shared use paths along Ritchie Marlboro Road and Sansbury Road. The trail along Ritchie Marlboro Road has been completed along the south side of the road for approximately 3,600 linear feet in the vicinity of the interchange for the Capital Beltway (I-95/495). This trail provides bicycle and pedestrian access under the Beltway.

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

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

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

Sidewalks have been constructed along the internal roads (excluding alleys) as development has occurred. One additional segment of sidewalk should be provided on the south side of Private Alley 8 within the area covered by the CSP revision.

The submitted plans reflect a comprehensive network of sidewalks throughout the Westphalia Row development, including the portion subject to the current revision. The master plan trail is reflected along Sansbury Road, the existing trail is reflected along Ritchie Marlboro Road, and sidewalks are reflected on both sides of the internal roadways, as well as a few of the alleys. In some instances, sidewalks and walkways are provided between townhouse units and through private open space. For the subject application, a sidewalk should be provided along the entire south side of Private Alley 8. Otherwise, the sidewalk network looks complete and no additional changes are recommended.

In conformance with the MPOT, the Westphalia Sector Plan and SMA, and Conceptual Site Plan CSP-07001, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:

- (1) Provide an eight-foot-wide side path or wide sidewalk along Sansbury Road, unless modified by the Prince George's County Department of Public Works and Transportation (DPW&T).
- (2) Provide a financial contribution of \$210 to the DPW&T for the placement of this signage along Sansbury Road. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.
- (3) Revise the plans to show the pedestrian connection from the vicinity of the commercial development to the existing master plan trail along Ritchie Marlboro Road.
- (4) Provide a standard sidewalk along the entire south side of Private Alley 8.
- (5) Extend the sidewalk along the north side of Fernwood Drive to the stormwater management access road/pedestrian walkway on Parcel D, unless modified by DPW&T.

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These conditions have either been addressed through revisions to the plan or are included in this approval.

e. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated November 6, 2015, the Department of Parks and Recreation indicated they had no comment on the subject application.

f. **Environmental Planning**—

- (1) **Site Description:** This 22.44-acre site in the M-X-T Zone is located on the east side of the Capital Beltway (I-95/495) and on the southwestern corner of the Ritchie Marlboro Road and Sansbury Road intersection. A review of the available information indicates that streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. The site is adjacent to the Capital Beltway, which is a source of traffic-generated noise. The soils found to occur on this site, according to the *Prince George's County Soil Survey*, are in the Collington-Wist complex, Downer-Hammonton complex, Marr-Dodon complex, Potabac-Issue complex and the Westphalia and Dodon soil series. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or adjacent to this property. There are no designated scenic and historic roads in the vicinity of this property which is located in the Southwest Branch watershed of the Patuxent River basin. The site is located within the Established Communities Area of the Growth Policy Map and Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated

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

- (2) **Natural Resource Inventory:** A signed Natural Resources Inventory (NRI-114-06), which included a detailed forest stand delineation (FSD), was submitted with the application. The site contains sensitive environmental features such as streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils. The FSD report describes four forest stands totaling 8.92 acres dominated by yellow poplar, sweet gum, and red oak.
- (3) **Regulated Environmental Features:** The primary management area (PMA) on the plan is shown with impacts. These impacts were previously approved with applications CSP-07001, 4-07038, DSP-08024, and DSP-08039. No new impacts to the PMA area shown with this application.
- (4) **Noise:** This property is located on the eastern side of the Capital Beltway (I-95), which is classified as a freeway, and on the south side of Ritchie Marlboro Road, a classified arterial roadway. Both are considered transportation-related noise generators. Sansbury Road is not classified as an arterial or greater roadway, so it does not need to be included in the calculations. The TCP1 shows a noise attenuation wall which will help mitigate the 65 dBA Ldn noise contour associated with I-95 and a portion of Ritchie Marlboro Road. The noise attenuation wall was previously approved with Preliminary Plan 4-13026.

There are 20 proposed lots that abut Ritchie Marlboro Road that will be affected by noise. The proposed buildings located on these lots will require an engineer to perform an acoustical analysis and recommend noise reducing building materials prior to permit approval.

At the time of building permit issuance, applications for building permits shall be prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise impact area.

- (5) **Stormwater Management:** The site has an approved Stormwater Management Concept Letter (36373-2006-02); however, a portion of the subject area is not part of the approved plans. The concept approval expires March 15, 2016. At this time, revised plans are being reviewed by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE).

The CSP and TCPI both show the large existing stormwater management pond in the southwest portion of the site and seven small bioretention facilities located within the revised area of this application. The TCPI shows the location of the seven bioretention outfalls, but does not show the extent of the facilities.

Prior to certification of the DSP, a copy of the revised approved Stormwater Management Concept plan associated with approval (36373-2006-03) shall be submitted and the facilities shall be correctly reflected on the TCPI.

Conditions have been included in this approval.

- g. **Prince George's County Fire/EMS Department**—The Fire Department did not offer comments on the subject application.
- h. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated December 24, 2015, DPIE offered the following summarized comments on the subject application:
 - (1) The proposed changes to the layout of the subdivision will require revision approval to the approved Stormwater Management Concept Plan, 36373-2006-03, dated July 8, 2014.
 - (2) Provide final stormwater management plan approval and final erosion/sediment control plan approval.
 - (3) Modifications are required to the southern end of the road designated as "Private Road E" to allow for the turning movements required for a standard WB-40 vehicle and a standard length fire truck.
 - (4) The property is located along the south side of Ritchie Marlboro Road, southwest of its intersection with Sansbury Road, and on the southeast quadrant of the Capital Beltway (I-95/495) and Ritchie Marlboro Road. Ritchie Marlboro Road is a state-maintained roadway up to the intersection with Sansbury Road; therefore, coordination with approval from the Maryland State Highway Administration (SHA) is required. After the intersection, Ritchie Marlboro Road and Sansbury Road are both County-maintained roadways. Right-of-way dedication and frontage improvements, in accordance with DPW&T's specifications and standards, are required.
 - (5) The following frontage improvements/requirements must be addressed along Sansbury Road as it relates to the PB&J property:

- (a) Phase 1—With the completion of the street construction permit for the Sansbury Road frontage improvements required for the property, Sansbury Road will be widened and urbanized along the property frontage with full driveway access onto Sansbury Road, allowing both left turns and right turns into and out of the property driveway. This access pattern will remain in place until Sansbury Road is urbanized under a Westphalia Row street construction permit to install roadway frontage improvements on the opposite side of Sansbury Road from the property and along with installation of a median on Sansbury Road.
 - (b) Phase 2—With the completion of the street construction permit for Westphalia Row frontage improvements, a median will be installed on Sansbury Road from Ritchie Marlboro Road to Fernwood Drive. The median will provide for directional left turn access from the property driveway onto southbound Sansbury Road, with an acceleration lane. No left turn access into the property will be permitted from southbound Sansbury Road upon completion of the median by Westphalia Row. The restricted left turn access will be maintained until signalization of the Fernwood Drive intersection, and the acceleration lane is required to be converted into a left turn lane into the M-X-T-zoned parcel opposite Fernwood Drive.
 - (c) Phase 3—With the development of the M-X-T-zoned parcel contiguous to the property, the street construction permit will require construction of a driveway to complete the fourth leg of the Fernwood Drive intersection. If traffic conditions warrant, a traffic signal will be required and installed by the M-X-T-zoned parcel developers. The traffic signal will require the conversion of the southbound Sansbury Road acceleration lane into a left turn lane at the signalized Fernwood Drive/Sansbury Road intersection. At the time of the signal construction, the M-X-T-zoned parcel developer will close the median opposite the property driveway and eliminate all left turn access from the property driveway to Sansbury Road.
- (6) Requirements for frontage improvements on Sansbury Road are covered under the DPIE referral for Detailed Site Plan DSP-08024 and the approval of Conceptual Site Plan CSP-07001.
 - (7) Right-of-way dedication and frontage improvements, in accordance with DPW&T urban major collector road (100-foot right-of-way), are required for Sansbury Road.
 - (8) Ultimate rights-of way conveyance is required prior to permit issuance; 50 feet from the ultimate centerline of Sansbury Road.

- (9) Site access off Sansbury Road is to be restricted to right-in and out only.
- (10) Improvements are required in accordance with DPW&T's specifications and standards for the proposed internal subdivision streets.

The majority of DPIE's comments are either factual, to be addressed through the associated preliminary plan, or are required to be addressed prior to issuance of permits, at the time of technical plan approvals. It should be noted that the applicant submitted a copy of the Stormwater Management Concept Approval Letter, 36373-2006-04, on December 22, 2015.

- i. **Prince George's County Police Department**—The Police Department did not offer comments on the subject application.
- j. **Prince George's County Health Department**—In a memorandum dated November 24, 2015, the Health Department provided the following comments on the subject application:
 - (1) Research shows that access to public transportation can have major health benefits as it contributes to good connectedness and walkability. Indicate on future plans related to this development project the proposed means of connecting to neighboring communities through public transportation.

The subject application has been reviewed for and conditioned to provide pedestrian connections to the neighboring communities. Other methods of public transportation will be subject to review and approval by the operating agencies.

- (2) The specific design plans should include open spaces and "pet friendly" amenities for pets and their owners. Designated park areas may consist of the appropriate safe playing grounds, signage and fencing. Pet refuse disposal stations and water sources are recommended at strategic locations around the Village Green.

The specific details of the private recreational features, which could include pet-related features, will be reviewed at the time of DSP.

- (3) Health Department permit records indicate there are more than 10 carry-out/convenience store food facilities, and one market/grocery store within a one-half mile radius of this location. A 2008 report by the UCLA Center for Health Policy Research found that the presence of a supermarket in a neighborhood predicts higher fruit and vegetable consumption and a reduced prevalence of overweight and obesity. Future planning should consider designating retail space to businesses that provide access to healthy food choices within the commercially zoned area.

The applicant is fully aware of this comment; however, the amount of retail proposed with the subject application is insufficient to house a supermarket. The applicant is encouraged to consider this issue when selecting tenants.

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

A note should be provided on the CSP indicating conformance with the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control requirements.

- k. **Maryland State Highway Administration (SHA)**—In an e-mail dated November 24, 2015, SHA indicated they had no comments on the subject application.
 - l. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated October 9, 2014, WSSC provided standard comments on the CSP regarding existing water and sewer systems in the area, along with requirements for service and connections, requirements for easements, spacing, work within easements, and meters. These issues must be addressed at the time of permits for site work.
 - m. **Verizon**—Verizon did not offer comments on the subject application.
 - n. **Potomac Electric Power Company (PEPCO)**—PEPCO did not offer comments on the subject application.
 - o. **Westphalia Sector Development Review Council**—The Westphalia Sector Development Review Council did not offer comments on the subject application.
15. Based on the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, the CSP, if approved with the proposed conditions below, represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a CSP:

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

No new impacts to regulated environmental features are proposed with this application. All impacts were previously approved with Conceptual Site Plan CSP-07001, Preliminary Plan of Subdivision 4-07038, and Detailed Site Plans DSP-08024 and DSP-08039 for the subject property.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type 1 Tree Conservation Plan (TCP1-033-07-02), and further APPROVED Conceptual Site Plan CSP-07001-02 for the above-described land, subject to the following conditions:

1. Prior to certificate of approval of the conceptual site plan (CSP), a copy of the revised approved stormwater management concept plan associated with approval 36373-2006-03 shall be submitted and the facilities shall be correctly reflected on the CSP and the Type 1 tree conservation plan.
2. No woodland conservation shall be proposed on dedicated parkland unless written authorization from the Department of Parks and Recreation (DPR) has been provided.
3. Prior to approval of a future detailed site plan for the proposed townhouses, public views of alleys shall be minimized by screening the ends of alleys to the fullest extent possible.
4. The following development standards shall apply to and be reflected on the Detailed Site Plan. At the time of Detailed Site Plan review, the Planning Board may make modifications to the development standards without the need to amend the Conceptual Site Plan if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the conceptual site plan and the sector plan.
 - a. Front-loaded townhouses (fee simple)
 - (1) Minimum lot size: 1300 square feet
 - (2) Minimum front yard setback: 20 feet from back of sidewalk
 - (3) Minimum yard area: 400 square feet
 - (4) Maximum building height: 45 feet
 - (5) Minimum lot width: 20 feet
 - b. Rear-loaded townhouses (fee simple)
 - (1) Minimum lot size: 1,000 square feet for no less than 50 percent of the units and a minimum of 800 feet for the remainder.
 - (2) Minimum front yard setback: 6 feet from property line.
 - (3) Maximum building height: 45 feet.

- (4) Minimum lot width: 20 feet for no less than 50 percent of the units and a minimum of 16 feet for the remainder.
- c. Commercial/Retail building
 - (1) Buildings shall be set back 15–35 feet from the ultimate right-of-way line of Ritchie Marlboro Road. Building walls must be within 35 feet of the ultimate right-of-way line for at least 75 percent of the linear distance of the parcel's frontage on Ritchie Marlboro Road.
 - (2) Buildings shall be set back 15–25 feet from the ultimate right-of-way line of Sansbury Road. Building walls must be within 25 feet of the ultimate right-of-way line for at least 75 percent of the linear distance of the parcel's frontage on Sansbury Road.
 - (3) Maximum building height: 75 feet.
5. At the time of Detailed Site Plan review, parking shall be calculated separately for: (a) the commercial building, (b) for the rear-loaded townhouses north of Fernwood Drive, and (c) for the townhouses south of Fernwood Drive. Parking spaces in driveways and carports must allow at least 19 feet of parking space for cars, which must not obstruct pedestrian or vehicular travel routes. In addition to the total number of off-street parking spaces required for each type of unit, each portion of the development shall also provide an additional ten percent of this number for visitor parking, which may include parallel parking spaces on private roads.
6. At time of detailed site plan review for Phase III of the development, the site shall be evaluated for conformance with the gateway design guidelines of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. A package of design items such as gateway entrance features, architectural design (including four highly-designed sides with a two-story appearance), materials, colors, landscape palette, and streetscape features shall be provided in order to create a distinctive sense of arrival. Design details for a gateway feature near the Ritchie Marlboro Road and Sansbury Road intersection shall be provided.
7. Prior to approval of the detailed site plan by the Planning Board, the applicant and the applicant's heirs, successors, and/or assignees shall provide adequate on-site private recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. The private recreational facilities shall be reviewed by the M-NCPPC Development Review Division (DRD), Urban Design Section, for adequacy and proper siting.
8. The private recreational facilities package to be provided by this development shall include those facilities proposed with the Conceptual Site Plan application, which includes two (2) outdoor play areas for children.

9. The Applicant shall provide an eight-foot-wide side path or wide sidewalk along Sansbury Road, unless modified by the Department of Public Works & Transportation (DPW&T).
10. The final record plat shall include a note that the Applicant, the Applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of appropriate signage for the Class III bikeway along Sansbury Road. The contribution shall be made prior to the issuance of the first building permit.
11. The applicant shall extend the sidewalk along the north side of Fernwood Drive to the stormwater management access road/pedestrian walkway on Parcel D, unless modified by the Department of Public Works and Transportation (DPW&T).
12. Appropriate pedestrian amenities and pedestrian safety features will be evaluated at the time of Detailed Site Plan.
13. The proposed development shall be limited to a mix of uses where the net new trips shall not exceed 398 AM and 471 PM peak-hour trips.
14. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Sansbury Road/D'Arcy Road intersection (unsignalized):
 - The Applicant shall provide separate left and right-turn lanes for the D'Arcy Road approaches. Since these additional improvements will not lower the delay below 50 seconds in any given movement, and per the requirement of DPW&T, the Applicant shall conduct a traffic signal warrant study and install if deemed to be warranted.
 - b. Sansbury Road/Ritchie Marlboro Road intersection:
 - Provide the addition of a third eastbound and westbound through lane on Ritchie Marlboro Road.
 - c. Ritchie Marlboro Road/White House Road intersection:
 - (1) Provide the following improvements:
 - Northbound approach: (2) two left-turn lanes and a shared left-through right lane.


15. The Applicant has indicated a desire to be a part of the established Westphalia Financing Plan. Therefore, at the time of the Detailed Site Plan, if the Applicant is a recognized participant in a designated Westphalia Financing Plan, any designated financial contributions to the overall Westphalia Plan, including contributions to the Central Park, shall be so designated as a condition on the detailed site plan, as part of the established financing formula and plan.
16. At the time of building permit issuance, applications for building permits shall be prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise impact area.

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.

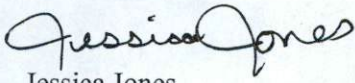
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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Shoaff absent at its regular meeting held on Thursday, January 7, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of January 2016.

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPG Legal Department
Date 1/12/16

Patricia Colihan Barney
Executive Director


By Jessica Jones
Planning Board Administrator

PCB:JJ:JK:rpg



STATEMENT OF JUSTIFICATION/ VARIATION REQUEST Westphalia Row

Conceptual Site Plan Amendment 07001-03

Detailed Site Plan 08039-10

September, 2020

Rev. October 16, 2020

Prepared for:

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

Prepared by:

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

PROJECT DESCRIPTION

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

DESCRIPTION OF PROPOSED PLAN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No woodland conservation has been proposed on dedicated parkland.

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

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

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

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

a. Front-loaded townhouses (fee simple)

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

b. Rear-loaded townhouses (fee simple)

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

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

c. Commercial/Retail building

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

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

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

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

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

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

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

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

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

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

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

and many others.

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

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

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

Final record plat includes the above note.

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

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

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

Acknowledged.

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

Acknowledged.

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

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

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

b. Sansbury Road/Ritchie Marlboro Road intersection:

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

c. Ritchie Marlboro Road/White House Road intersection:

(l) Provide the following improvements:

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

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

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

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

- 16. At the time of building permit issuance, applications for building permits shall be prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise impact area.***

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

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

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

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

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

Commercial/Retail Building

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

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

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

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

- 2. Applications for building permits on Lots 106, 107, 125-133, 140, and 141 shall contain a certification, to be submitted to the Maryland-National Capital Park and Planning Commission, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise impact area.*

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Michael Clay
Senior Planner



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: March 2, 2021

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

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

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

SUBJECT: **CSP-07001-03**
Westphalia Row

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

PROPOSAL

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

BACKGROUND:

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

DISCUSSION:

This site received approval from the Prince George's County Planning Board for preliminary plan of subdivision (PPS), 4-15021, and detailed site plan, DSP-08039-08, on January 7, 2016 and May 12, 2016, respectively, for the development of the site, including a 10,000 square foot retail building on the subject parcel. The applicant has provided this application for the development of 19 townhomes to replace the retail building. The subject property was previously exempt from the mandatory parkland dedication because it was a commercial use; however, for the surrounding residential townhomes, on-site recreational facilities were provided. With the development of the 19 townhomes, the site will be subject to mandatory parkland dedication, which will be evaluated further with the review of PPS, 4-20024.

RECOMMENDATION:

The Park Planning & Development Division of DPR recommends to the Planning Board approval of Conceptual Site Plan amendment CSP-07001-03 for Westphalia Row.

C: Bridget Stesney
 Alvin McNeal

Additional Back-up

For

**CSP-07001-03
Westphalia Row**

4/21/2021 10:08

Project Name	County	Townhomes	Required Guest Parking	Provided Guest Parking
Westphalia Row - Approved w Retail	Prince George's	275	85	207
Westphalia Row - Proposed April 1 2021 MNCPPC	Prince George's	294	90	224
Westphalia Row - Amended after HOA Meetings	Prince George's	294	90	236
Parkside Section 2&3 Towns	Prince George's	391	43	43
Westphalia Town Center Ph 1	Prince George's	346	98	98
	As Approved w Retail			
Westphalia Row	Units	Guest Parking		
Total	275	207		
Front Load driveway units	31	62		
Remainder	244	145	59%	
Fernwood		55		
Community		90		
	As Proposed at MNCPPC Hearing			
Westphalia Row	Units	Guest Parking		
Total	294	224		
Front Load driveway units	31	62		
Remainder	263	162	62%	
Fernwood		55		
Community		107		
	As Amended after HOA Meeting			
Westphalia Row	Units	Guest Parking		
Total	294	236		
Front Load driveway units	31	62		
Remainder	263	174	66%	
Fernwood		55		
Community		119		

To: Sevag Balian

From: Michael Isen, Michael DiMeglio and Barbara Richman-Kahn

Date: 3/8/2019

RE: Proposed Retail at Westphalia Row

We have been aggressively marketing the availability of small retail storefronts at the Shops at Westphalia Row for Two (2) years. During that time, we have been unsuccessful in securing enough tenant interest to justify moving forward because of the significant costs of building a stand-alone 10,000 sf retail building to complement the residential development as attached hereto.

The uses that have expressed interest have been non-credit Tenants that include beauty supply stores, beer and wine stores, and other uses that we do not believe would be compatible for the development. While we think this is a good site for residential and in the past would have been a successful retail development; that is no longer the case. We have seen significant deterioration in the demand for shop space in non-traditional shopping center locations due to a severe down-turn in brick and mortar retail locations. Furthermore, because of the down-turn in demand, there are more availabilities in traditional shopping centers that can be attractive to national and regional tenants.

We believe that a residential building with a very limited retail component on the first floor would be very viable so long as it was limited to 1,500 to 3,000 sf in total. That way the proposed retail could be marketed to more quasi-retail uses such as tutoring services, accounting services, and other similar types that could be complementary as well as in-line with market demand.

While we sincerely appreciate all of the opportunities you have given us to market this property, we agree with the assessment that the risks are far too great, and a failure which could adversely affect the entire project.

If you require any additional information, or we can be of any help in any way, please do not hesitate to let us know, of course in the meantime, we will aggressively pursue leasing whatever small retail is remaining under the situation as we have outlined above.

MI/1992/tw
Enclosure

WESTPHALIA ROW HOMEOWNERS ASSOCIATION, INC.

April 19, 2021

Via: ELECTRONIC MAIL DELIVERY Henry.Zhang@ppd.mncppc.org

Henry H. Zhang, AICP LEED AP CPTED Specialist

Master Planner | Urban Design

Maryland-National Capital Park

& Planning Commission

14741 Governor Oden Bowie Drive

Upper Marlboro, MD 20772

Re: Conceptual Site Plan 07001-03 for Westphalia Row

Dear Mr. Zhang:

As agreed upon during the April 1st hearing regarding proposed planning for Westphalia Row, The Westphalia Row Homeowners Association, Inc. (the "HOA") met with Sevag Balian of Westphalia Row Partners, Inc. (the "Applicant") on three occasions between April 9, 2021 and April 14, 2021.

In October of 2020, the HOA Board presented a proposal to the Applicant requesting a reduction in the number of homes and an increase in parking. This was the first notice that the Board had received of proposed changes and our first attempt at initiating a dialogue with the Applicant. We did not receive a final response from the applicant between October 2020 and the April 1st hearing, only communication that the site plan was still being reviewed.

After the hearing on April 1st, the proposal was presented again to the Applicant for consideration based on further feedback from homeowners. In an effort to gain fresh perspective from the community, the Board also presented two surveys to Homeowners regarding the option for either retail or additional homes in Westphalia Row. Leading by a small percentage was the preference for retail, which was not a surprise as one selling/marketing tool for potential home buyers presented by the Applicant or his representative was planned retail within the community. As the Board, we would be remiss not to acknowledge this fact.

The Board understands that the unplanned global pandemic has had a bearing on brick and mortar retail as consumers have pivoted towards the convenience of e-commerce and we therefore acknowledge that this shift in planning is probably in the best interest of our collective property values. However, we respectfully emphasize the ongoing issue in Prince George's County as it relates to residents not receiving what is promised during the building/contract phase, nor having diverse retail options and amenities within our communities. The County is benefiting largely from numerous townhome communities yet does

3414 Morningwood Drive Olney, MD 20832
301-924-7355

not put the same effort into developing appropriate amenities within these same communities. We petition your acknowledgement of this trend and hope that our concerns will draw attention and bring change to this growing issue across the County.

As an HOA Board, it is our responsibility to take a holistic view at this preliminary plan. We have given the plan a comprehensive review and have had internal discussions regarding the limited options presented to us. It is important to note that the Applicant did not accept the Board's proposal to decrease the number of homes; however, the Applicant agreed to increase street parking.

In regard to retail, the Board spoke with business owners and urban planners familiar with Prince George's County. The Applicant also provided correspondence of his efforts to market the space before the pandemic hit, which proved unsuccessful. After extended research and feedback from the community, the Board is not willing to risk the community's image, as well as property values by moving forward with plans for retail in our community as we note that we would have limited control of tenants should we go this route. **As a result, the HOA's position at this current time—with only the two options of retail or 19 homes presented—is to move forward with the Preliminary Plan of Subdivision 4-20024 for Westphalia Row provided the Applicant increase the guest parking from 17 to 29 outdoor spaces and provide the necessary signage and/or designation.**

The additional homes and parking spots do not solve the overall parking issue, nor the safety concern on Fernwood Drive, which is a county road. In the April 1st Hearing, the Prince George's County Planning Board stated that a letter would be drafted, from one government entity to another, to assist us with getting the proper road safety measures on Fernwood Drive. The HOA acknowledges that work is required on our part to address some of the parking issues in the community and we request that Prince George's County Planning Board, along with the Applicant, assist us with these efforts to address the concerns out of our scope on Fernwood Drive.

Thank you for your attention to this matter.

Sincerely,



Tiffany C. Cobb
President
Westphalia Row Homeowners Association, Inc.

cc: Sevag Balian, Westphalia Row Partners, Inc. gsbalian@haverfordhomes.com
Edna Kweti, Comsource Management, ekweti@comsource.com
Westphalia Row Homeowners Association, Inc. Board members

3414 Morningwood Drive Olney, MD 20832
301-924-7355

From: [Michelle Bailey](#)
To: [PGCPB](#)
Subject: Westphalia Row planning
Date: Tuesday, April 20, 2021 7:57:07 AM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

> Hello,

> My name is Michelle Sweetney of Westphalia Row. I have a few questions for the board meeting

>

> 1. If 19 additional houses are added and the alley on Weshire Drive is extended will that street continue to be a one way with a dead end? If yes, this would be the only street in the entire complex with at least 20 homeowners with at least two vehicles traveling at any given time on a one way street with a curve street to exit.

>

> 2. Will a new entrance to the neighborhood be created as promised. I purchased my home because of the amenities offered here. The neighborhood initially had so much potential. Now it's already crowded and parking is an issue Sunday- Saturday.

>

> 3. Will the unsafe drain openings be closed? Why are we the only neighborhood and side in the neighborhood with these large areas for drainage when the areas could be used for parking?

>

> 4. Why were we initially offered a survey for a possible compromise of 7 additional homes and parking just this month but at the last minute that changed?

>

> 5. Will an actual playground be placed in the neighborhood for children?

>

> It is clear that the builder doesn't care about the home owners that has already purchased homes and have to live in this crowded area that was initially advertised with a lot more open space.

Gupta, Mridula

From: Zhang, Henry
Sent: Tuesday, April 20, 2021 10:48 AM
To: Gupta, Mridula
Subject: FW: Additional Documentation for April 22nd Hearing - Application # CSP-07001-03; PP-4-20024; DSP 08039-10
Attachments: Westphalia Row Parking - Current State.pdf; Accident on Fernwood Drive.pdf

Citizen's opposition

Henry H. Zhang, AICP LEED AP CPTED Specialist

Master Planner | Urban Design



14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772
301-952-4151 | henry.zhang@ppd.mncppc.org



From: Carrie Nelson <carrie.nelson86@yahoo.com>
Sent: Tuesday, April 20, 2021 10:39 AM
To: PGCPB <PGCPB@MNCPPC.ORG>; Zhang, Henry <Henry.Zhang@ppd.mncppc.org>
Subject: Re: Additional Documentation for April 22nd Hearing - Application # CSP-07001-03; PP-4-20024; DSP 08039-10

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Resending attachments as PDF documents.

Thanks,
Carrie

On Monday, April 19, 2021, 10:38:55 PM EDT, Carrie Nelson <carrie.nelson86@yahoo.com> wrote:

Hello,

I am sending this additional documentation in preparation for the hearing on April 22nd.

In the last meeting on April 1, 2021 the council instructed Haverford Homes (Mr. Balian) to work with the 7 homeowners who spoke at the meeting, the Westphalia Row Homeowners Association and other homeowners within the community to work on a compromise. I am here to report that Mr. Balian did not make an honest effort to compromise.

He did speak at the Westphalia Row Homeowners meeting but did not take any questions so that was NOT a productive conversation because we not interested in hearing feedback directly from homeowners. When he met again with the 7 homeowners and the HOA, he stated that lessening the number of townhomes that he was proposing to build was not an

option. So the only options that we had to choose from were retail or 19 townhomes. The only reasoning he gave was that he had financial obligations and bills to pay so these were the only two options. He did not take any of our concerns into consideration.

Neither of these options address the deadly traffic congestion on Fernwood Drive and the little to no parking that is available for guests and residents of the community.

I have attached a picture of Fernwood Drive that I took on the evening of April 1st, it was another accident that took place on the dangerous road. The second document I am attaching is graphic of the parking situation in Westphalia Row. The yellow spaces are guest parking and it is about 93 parking spaces for the entire neighborhood. 93 parking spaces in a community with 275 homes is horribly insufficient; that not even 1 guest parking space per home.

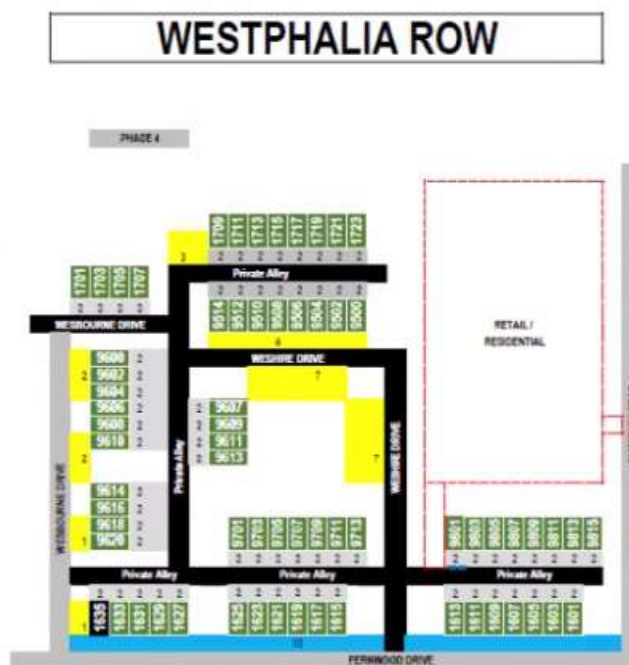
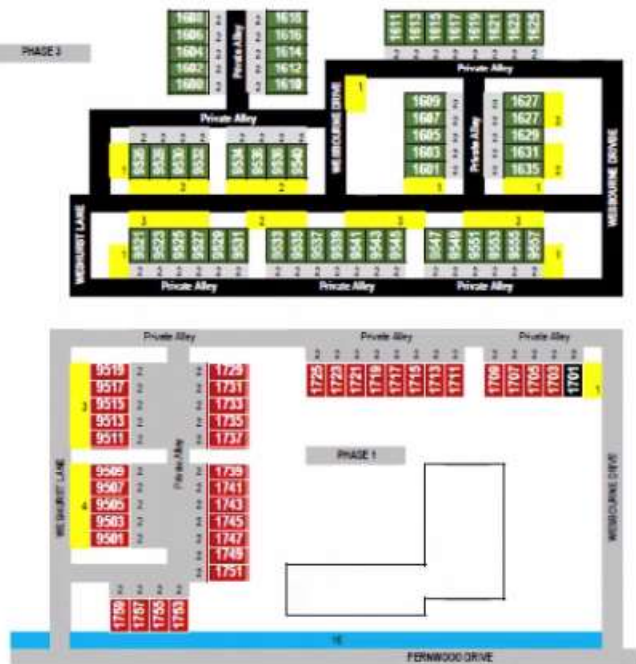
Also, please note that there is talk of removing parking entirely on Fernwood Drive and a study is currently being conducted by the county. Since June 11, 2016 to present day there has been 29 reported accidents on Fernwood drive and 1 fatality! This road is dangerous and overcrowded and we need the help of the council members to stop this madness.

To conclude, after trying to engagement Mr. Bailan is only interested in his bottom line and he could care less about the safety and well being of the homeowners, renters, and visitors of Westphalia Row. I am coming to the board asking that you all DISAPPROVE his request to build 19 more townhomes. He was not willing to negotiate to reach an amicable compromise that would please all invested parties.

Thank you for your time and consideration of my request.

Best Regards,
Carrie D. Nelson

Sent from my iPhone



HOWES BY BUILDER:

Richmond American Homes	38
Dan Ryan Builders	31
Haverford Homes	235
TOTAL	279

HOWES BY PHASE:

Phase	Homes	Garage spaces
Phase 1	38	78
Phase 2	114	228
Phase 3	95	110
Phase 4	67	134
TOTAL (current)	279	550
Proposed	19	35
TOTAL (final)	294	585

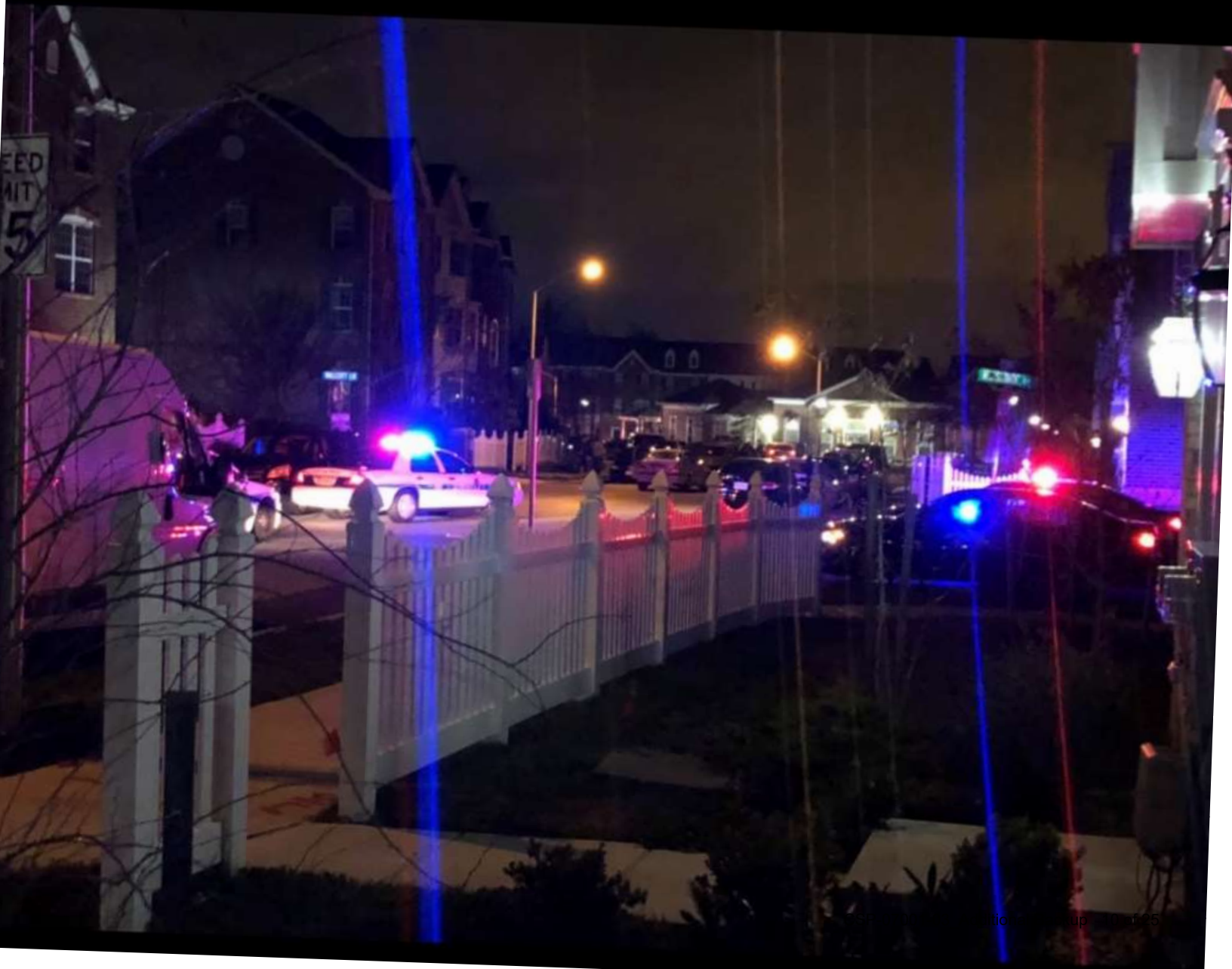
LEGEND:

Community Parking	
Homeowner Parking	
Public Parking	
Original Community Areas	
Amended Community Areas	



April 1 8:28 PM

Earl



From: [Mia Roundtree](#)
To: [PGCPB](#)
Subject: Re: Conceptual Site Plan - Westphalia Row: Resident Recommendations
Date: Tuesday, April 20, 2021 9:54:54 AM
Attachments: [April22ResidentLetterofOpposition.pdf](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good Morning,

Attached you will find my second letter regarding Case CSP-07001-03 originally heard by the Commission April 1st and returning for review April 22nd. Please note that Westphalia Row HOA conducted a survey in the neighborhood that closes today. It should document the sentiments of the neighborhood most accurately as requested by the Commission. Unfortunately, I am not certain if our HOA will be submitting this evidence by noon today.

Thanks,

Mia

On Fri, Mar 26, 2021 at 11:03 AM Mia Roundtree <mroundtreefl@gmail.com> wrote:

Dear Development Review Division,

Please consider the attached letter from a resident of Westphalia Row during the consideration of the Conceptual Site Plan submitted by Westphalia Row, LLC. Residents of Westphalia Row would greatly appreciate our voice being factored into the zoning process of our beloved community. I look forward to attending the public planning meeting scheduled for April 1, 2020 to hear more regarding this re-zoning application. Please let me know if there is anything more that I can do to speak on behalf of Westphalia Row Residents. Our HOA was kind enough to keep us informed regarding this development matter.

Sincerely,

Mia Roundtree

Planning Commission Hearing 4/22/2021

Concerning Residents of Westphalia Row, written by Mia Roundtree
9504 Weshire Drive Upper Marlboro, MD 20774

The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530; pgcpb@mncppc.org

Dear Development Review Division,

As a resident of Westphalia Row since 2019, please consider the following in the re-zoning application filed by Westphalia Row Partners, LLC to be reviewed by the Planning Commission on April 1, 2021. According to Conceptual Site Plan for Westphalia Row CSP-07001-03, the applicant is requesting to remove 10,000 square feet of commercial/retail zoned space in Phase III and replace it with 19 single-family attached dwelling units. Please refer to my original letter of opposition submitted to the PG County Planning Department prior to the April 1st Hearing. Additionally, new information detailing events since the hearing included below back my opposition of this application further.

Reviewing the Resident Stance:

The seven Westphalia Row Residents who attended the April 1st Planning Hearing requesting that the Planning Commission enforce the original zoning of the Westphalia Row final 10,000 square feet were tasked with completing the following efforts to compromise. Each of the below options were completed:

1. Meet with our HOA and bring them up to speed so that they can lead the efforts to measure the sentiments of the full community
2. Meet with President Balian who requested to speak to all seven ladies privately as a sign of good faith and cooperation
3. Develop what we would consider to be a compromise with Haverford based on the Planning Commission's question of whether we were open to a compromise.

HOA Participation in Deliberations:

After the April 1st hearing, residents were able to receive more information from our HOA regarding what efforts had been made to ensure that the final phase of Westphalia Row benefitted residents as well as the developer. They confirmed that they had submitted plans for less residential units and more parking to Haverford prior to the April 1st hearing and never received a response. They also confirmed that the plan submitted to the Planning Commission did contain more parking than the plan that they had been informed of prior to the hearing. They also acknowledged that they should have been present to speak for residents on April 1st. Finally, they sent out two separate surveys to the neighborhood: (1) a survey acknowledging Haverford's current development plan and seeking sentiments regarding parking permits and parking enforcement policies and (2) a direct "either/or" question asking residents whether they would choose Haverford's plan or the originally offered office/retail space.

The HOA made it very clear to the seven participants in the April 1st hearing that while our sentiments were possibly popular, we did not speak for the community. They stated that the HOA has final say and authority over what happens early on. This came as unexpected tension to the seven residents who only hoped to invite the HOA on to speak for us and what would benefit the neighborhood (not the developer) most. We all respect their role as representatives of the neighborhood, but as residents of the neighborhood and investors in Westphalia Row move forward with providing our sentiments to the Planning Commission, HOA, and Haverford independently. We do hope to see them present at all future hearings regarding the future of Westphalia Row speaking on behalf of our community.

What would be a compromise?

As expressed by Westphalia Row Residents who attended the April 1st hearing, the goal of denying the re-zoning application is to maintain the potential amenities offered to Westphalia Row Residents during purchase deliberations. Each homeowner in the community purchased in Westphalia Row (and PG County) as an investment in the growth of the area. Hearing suddenly that Haverford does not plan to take funds invested in Westphalia Row and use them as promised rang as a bait and switch to many. That said, the question of what would be an acceptable replacement for advertised amenities was a valid question to residents who were disappointed by the change to the zone. The only acceptable compromise to the neighborhood should maintain promised amenity space while also taking into consideration the goal of the developer to profit from every Phase of Westphalia Row.

Considering the lack of confidence expressed by Haverford as a potential commercial developer and previous attempts to compromise provided to us by the Westphalia Row HOA, residents began to deliberate on whether no retail/office space, more parking, and houses would be an acceptable compromise. The goal was to find a residential solution that would satisfy both Haverford and Residents hoping to relieve traffic and congestion and improve outdoor amenities offered to replace restaurants, retail, or remote office working spaces.

Attempt to Compromise:

We prompted President Balian to set up the meeting he promised twice before confirming a date. On that date, we met with President Balian, President Cobb (HOA Board), Edna Kweti (HOA Manager) and the seven ladies who attended the April 1st Planning Commission hearing.

Our meeting with President Balian and the Westphalia Row HOA presented an additional 12 parking spaces re-engineered into the space originally allotted for what President Balian mentioned was 7 guest parking spaces. To paraphrase his statement: this concession results in 75% of residential units being allotted one guest space. We are being told to be grateful for this concession because other neighborhoods plan even less for residents to have guests who drive and visit and do not offer even this much parking. President Balian also denied the following requests proposed during compromise. Please view them below with explanation provided for why they were denied:

An additional playground (photo of current “tot lot” with insufficient play space for 200+ potential families):

- Developer will not provide an additional playground because there is not enough space to do so without reducing the number of homes planned to develop. During Phase 1 of development, President Balian mentioned that Residents disapproved of a large playground space due to fears of “dope smokers” utilizing the space. He stated that the intended space for “four benches” would not be an acceptable

place to put a second tot lot. He also stated that the Fitness Center (closed due to Pandemic) was built in the space where the playground would have gone and that is the amenity provided to residents.

- Note: how are playgrounds likely to attract smokers more than scattered benches throughout the neighborhood? Also, how is a fitness center for adults a replacement amenity for the neighborhood's many families to take children to keep them out of narrow streets.

An additional egress/entry point depicted in the original plan to relieve the traffic flow into the neighborhood from Fernwood Drive:

- The Developer would prefer to fence in the neighborhood and denied potentially "increasing traffic flow" into an alternative area of our neighborhood. This entry was originally in the plan for the neighborhood and has been removed to make room for additional homes to be built. The fence described is about 3.5 feet high black metal that will continue around the Ritchie-Marlboro Road-side of the neighborhood onto Sansbury Road. This fence serves no functional or aesthetic purpose.

Additional Handicap Parking directly beside or out front of the Clubhouse:

- The Developer has no control over Fernwood Drive (where they elected to place the Clubhouse in previous plans) and have already allowed engineers to allot ONE space as handicap.
- Any further requests to retrofit greenspace into parking off Fernwood is denied due to costs. The Developer recommends that the guest spaces afforded to residents (more than 50 feet from the Clubhouse) be painted to be handicap spaces.

Reduction of homes and additional residents to compete for parking with:

- The Developer cannot sympathize with the concerns of residents and considers doing so to be ignoring higher paying stakeholders (investors and Balian's "bosses") to cater to this concern from current residents/stakeholders. Recouping the investment remains the ultimate priority.

Request to receive the market analysis conducted by Haverford that determined their decision to re-purpose the zone:

- The Developer suggests we google analysis since his primary source has been the news (CNBC and others) and verbal discussions regarding the pandemic. Balian offered to gather sources to provide since we requested official analysis at this time. We received the news links he referenced 48 hours after our meeting with him.

More Parking to make up for lack of dedicated Clubhouse Parking:

- President Balian confirmed that his engineers have re-engineered a space originally intended to be only 7 parking spaces into 29 parking spaces. We are not certain of how this maximization occurred, but we are certain that he did not reduce the number of homes in the space to accomplish this task.

Acknowledging the Retail Market Projections:

Even Westphalia Town Center has accounted for the pandemic in their [recent TAP Report sponsored by The Maryland-National Capital Park and Planning Commission](#) and recommended a continued investment in innovative office and commercial space. How can PG County continue to trust Haverford to have the best interests of the County in mind without similar research and efforts to provide comparable neighborhoods to those built in Montgomery County and Westphalia Town Center? We deserve green space, playgrounds, beautifully designed and implemented layouts, and more for PG County Residents. It was saddening to discover that President Balian does not believe going beyond the “requirements” to be a solid business practice when representing PG County Developers and Investors.

President Balian provided us with four links to articles that contemplate the damage dealt to retail during the pandemic. None of the articles provided were dated after the Summer of 2020. I have found articles that document a boost to retail as recently as February 2021:

- [Are retailers seeing a post-pandemic rebound?](#)
- [U.S. retail sales post largest gain in 10 months; weekly jobless claims fall](#)
- [Are We On The Cusp Of Roaring '20s Retail Rebound Or A Long, Challenging Slog?](#)

The Maryland-National Capital Park and Planning Commission sponsored the TAP Report mentioned above, which remains hopeful for office and retail spaces just a few miles up the road from Westphalia Row. This report as well as the articles mentioned are all available for President Balian and his staff to analyze and make retail-driven decisions. Unfortunately, this is not the path that they have chosen to take, not because the market is failing in 2022 and beyond, but because building homes and selling homes is the comfort zone of Haverford. Guaranteed profit versus marketing and innovation-driven commercial planning.

Prince George's County is an up-and-coming area to live in, directly bordering the Washington, D.C. booming corporate and federal space. Westphalia Row is a neighborhood directly off the Capital Beltway, less than 10 minutes from a Metro Station, and hugging a major traffic main street. A locale like this is prime commercial real estate. President Balian has not provided to us or the Planning Commission any information to prove his statements that this locale is a commercial space guaranteed to fail. If Westphalia Row is guaranteed to fail, does that mark a failure for all office/retail space in PG County, specifically the Westphalia Town Center just minutes away?

Does the Maryland-National Capital Park and Planning Commission plan to remove recommendations for the Westphalia Town Center soon if it agrees with Haverford that our area has no potential for retail/office space?

Personal Statement: The Bait & Switch Continues

Residents made the effort to increase awareness of the community, increase participation in the survey supplied by our HOA, and appeal to the developer to consider the quality of life being offered to PG County residents who purchased here confident that PG County Residents could experience amenities and high quality of life without leaving the county. Investing in Westphalia Row was not an attempt to settle for less than we would receive living in any other area of PG County or outside of PG County. Our opposition of the planned re-zoning is not a lack of understanding that our HOA is willing to compromise or that there are some intimidating factors involved in acquiring ideal commercial tenants.

We all understand that businesses cannot operate at a loss. However, it should not be the burden of the community to take on the loss in property value and quality of life while the Developer Haverford recoups their investment no matter how they performed as developers. Further, the purchase of the land that Westphalia Row is built on and the sale of four Phases of development should no doubt have recouped the investment into this community by now. Additions requested by residents are not so costly that they cannot be planned into the final Phase.

Ultimately, the meeting with Haverford to compromise was disappointing and largely reinforced my beliefs that the Developer remains solely profit-driven. It was Haverford's choice to build this neighborhood with a Clubhouse with no parking. The Clubhouse being located on a County Road was also the choice of Haverford, so the lack of parking surrounding the Clubhouse was a planning error on Haverford's part. Haverford continues to show a lack of concrete planning fitting of the vision of PG County that we and the Zoning of PG County has. When the area was originally zoned, Haverford already had designed several neighborhoods that apparently opted to reduce play areas, park space, and any other amenities that directly benefit the resident stakeholders. While it is understandable that Haverford has fears of how the market will recover, it is not clear that Haverford has done the research to back those fears and now force Westphalia Row to receive developments that will forever change the landscape of the area.

I will be sure to warn future PG County Homeowners of the fickle investment potential of buying homes based on the planned development of the community. It is best to invest only after development is complete. I expect to see many commercial spaces open just down the street from us, attracting consumer traffic directly past our neighborhood, and must comfort myself with the knowledge that my neighbors and I have done the service of helping Haverford to break even.

It is with all the above information in mind that I continue to oppose removing retail/office space from Westphalia Row. As PG County grows, Westphalia Row deserves the opportunity to grow with it. I am not intimidated by the relationships that we would have to build with trustworthy, high-quality commercial tenants. This would have been the same relationship building process proposed to residents who purchased in Westphalia Row as early as Phase 1, when 100,000 Square Feet of the area would have been unpredictable commercial tenancy. Please do not approve a profit-driven plan and leave Westphalia Row Residents to travel away from our beloved space just to entertain small children and guests. This will result in low resale value and emigration out of PG County in the long run.

Sincerely,

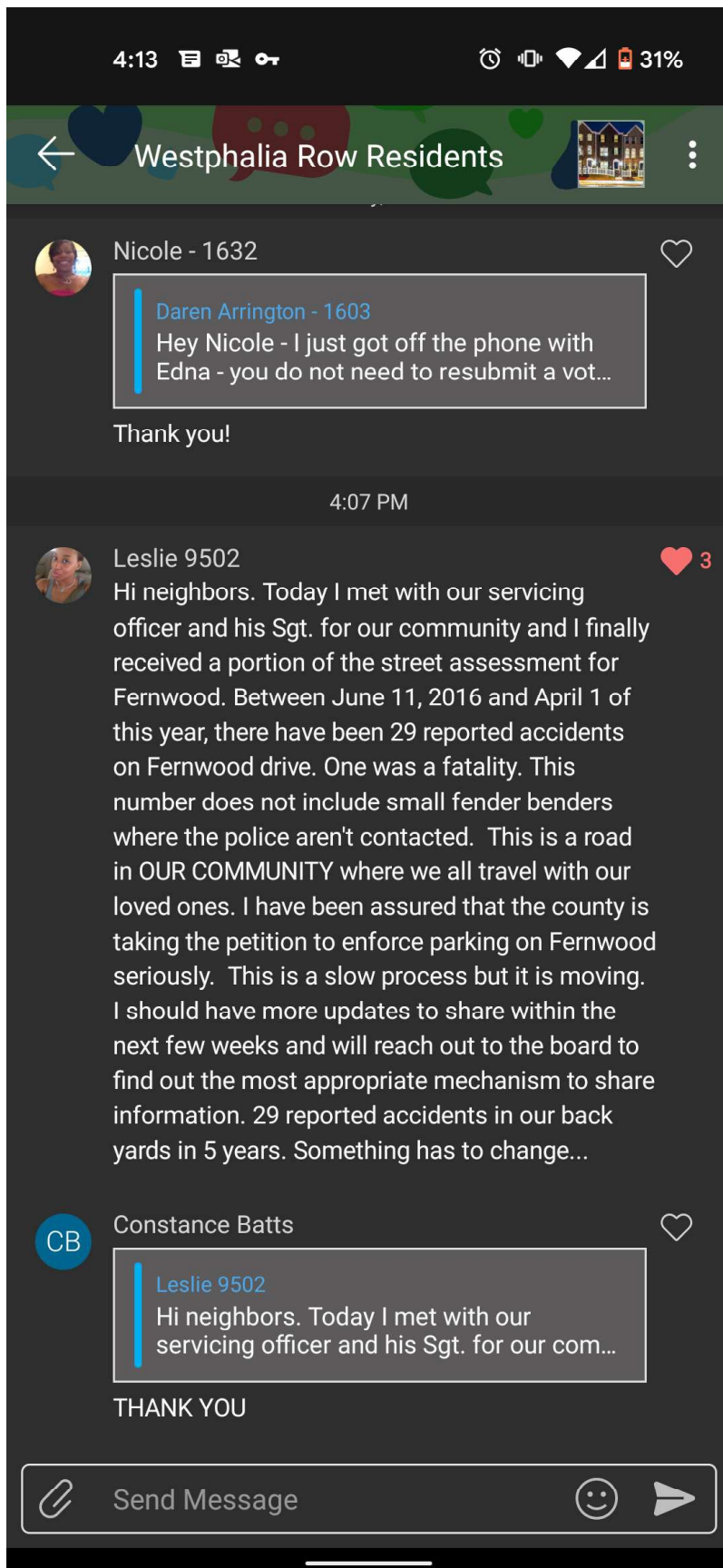
A handwritten signature in black ink, appearing to read "Mia Roundtree". The signature is fluid and cursive, with the first name "Mia" and last name "Roundtree" clearly distinguishable.

Mia Roundtree

Neighborhood Image (Standing at Clubhouse):



As you can see, parking during the day is relatively tolerable. Individuals leave for work or errands making it possible to see open spaces on the road. However, as you near the exit of the neighborhood, it becomes tighter around the bend. Our HOA is proposing implementing painted curbs placed by Fire Department to assist with this entrance. Research from a fellow resident (New Board Member as of April 2021), supplied at the HOA Meeting that has just passed, confirmed 29 reported accidents and one fatality on Fernwood. Haverford plans for this road to be the primary dedicated parking for family/community events at our Clubhouse. See Resident notification to fellow residents screenshots below.



Neighborhood “Tot Lot” (Sole Playground Currently):



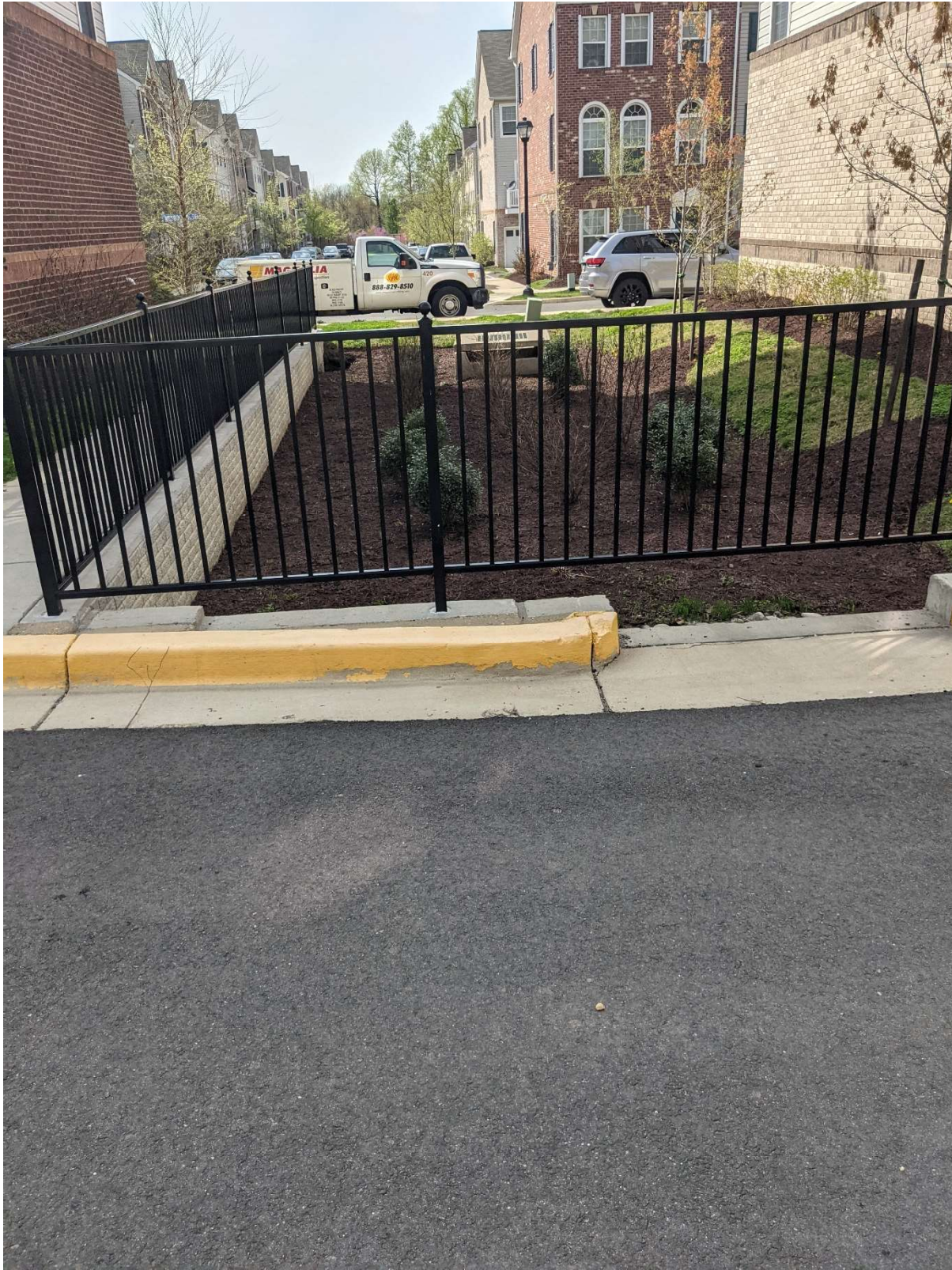
Haverford provided the above “tot lot” as sufficient play space for the entire neighborhood. Our neighborhood contains over 200 residential units to date, all of which could potentially house growing families. The above tot lot is something that the HOA is willing to review and improve once Haverford leaves development, but our HOA would not have the freedom to create new space once Haverford fills in the final open space with more homes. Adding more homes without adding more dedicated outdoor space is something many residents expressed disapproval for in our recent HOA Meeting.

Sewage Drains throughout Neighborhood:



As stated in the April 1st Hearing, Westphalia Row is littered with Sewage and Water Drains like the ones pictured here. These drains take up an unreasonable amount of green space and offer no amenities to Westphalia Row Residents. While we are not aware of the code requiring the design of these drains, most of us have never seen this design in other neighborhoods and are disappointed that so much green space is allotted for water to pool and collect and kill plant life surrounding the drains.





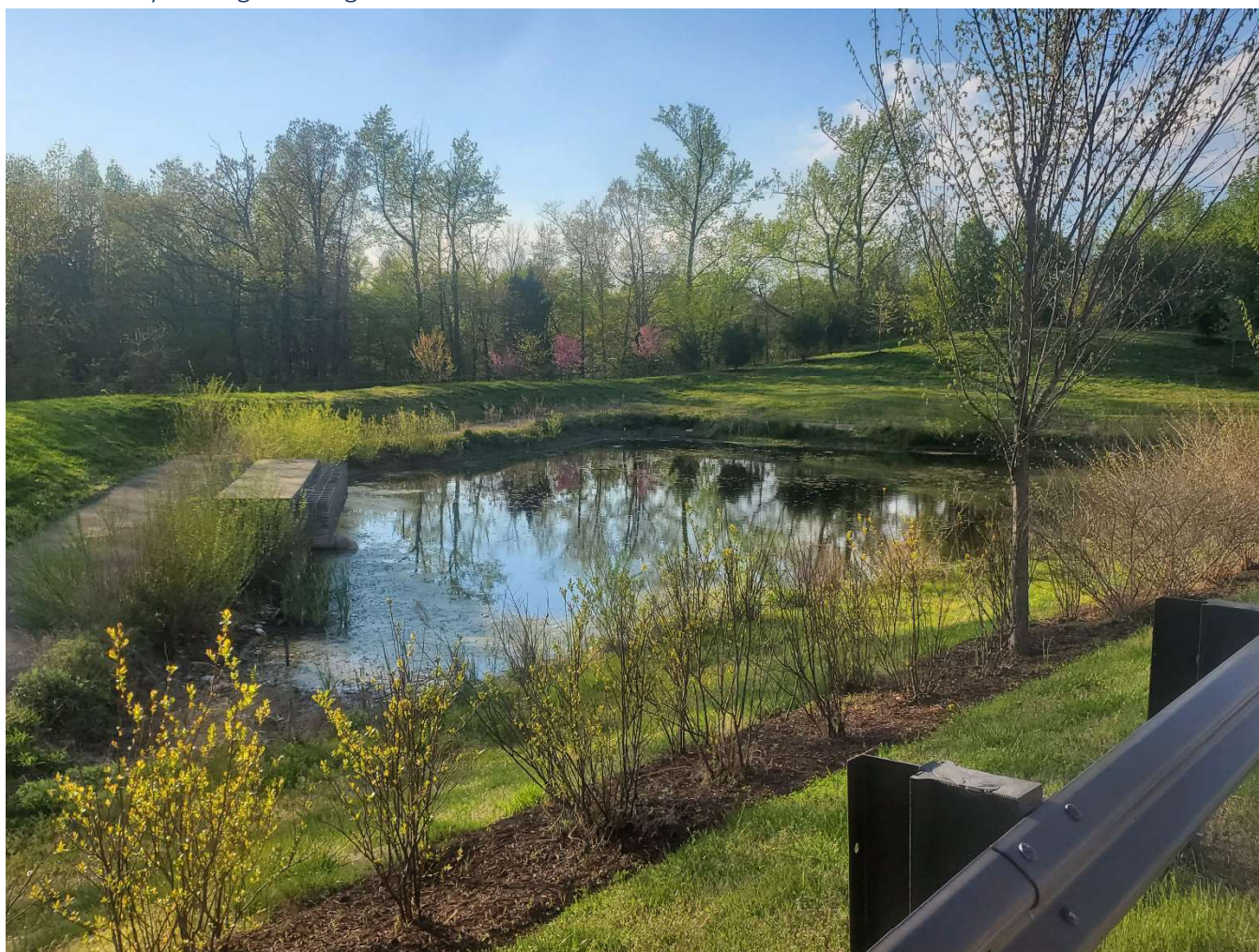
Benches Throughout Neighborhood (Either laid out like this or two facing two):



Proposed Zone in Question Currently: (gravel shows potentially removed egress location)



SWM Facility on edge of Neighborhood:



Unfortunately, this sewage facility is one of the few open green spaces within the neighborhood large enough for children to congregate and play around. The open water is from sewage and is not an ideal pond or public space.

Additional Back-up

For

**CSP-07001-03
Westphalia Row**



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

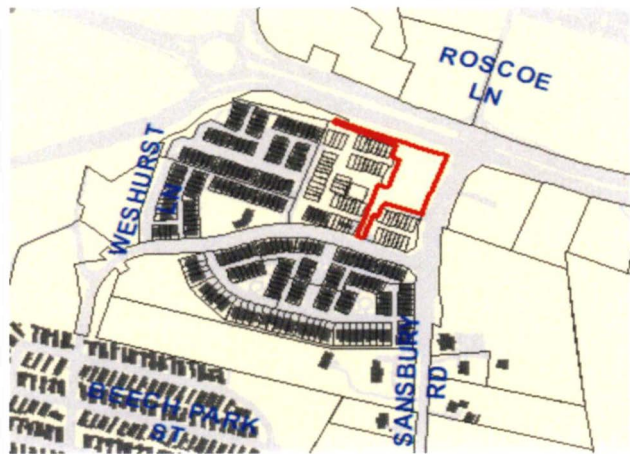
Note: Staff reports can be accessed at <http://mncppc.iom2.com/Citizens/Default.aspx>

Conceptual Site Plan Westphalia Row

CSP-07001-03

REQUEST	STAFF RECOMMENDATION
Removal of 10,000 square feet of commercial/retail uses in Phase III and replace it with 19 single-family attached dwelling units.	APPROVAL with conditions

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



Planning Board Date:	04/01/2021
Planning Board Action Limit:	04/08/2021
Staff Report Date:	03/17/2021
Date Accepted:	01/28/2021
Informational Mailing:	09/02/2020
Acceptance Mailing:	01/25/2021
Sign Posting Deadline:	03/02/2021

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at

http://www.mncppcapps.org/planning/Person_of_Record/

Please call 301-952-3530 for additional information.

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

From: [Edna Kweti](#)
To: [PGCPB](#)
Subject: WESTPHALIA ROW HOA - PARKING CONCERNS
Date: Monday, March 22, 2021 9:50:59 PM
Attachments: [Outlook-vxqciqgs.png](#)
[Outlook-wdkhrddg.png](#)
[Outlook-trwoconv.png](#)
[Outlook-l45e4nqd.png](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good morning,

I am reaching out on behalf of Westphalia Row HOA with continued concerns about the lack of parking in the community with the current homes in place lacking sufficient parking for resident guests currently, before the addition of the proposed 19 more home being considered for the next phase of the community.

- Does pending design plan include more parking for resident guests
- What can the community expect on behalf of the county as it relates to enforcement of parking along Fernwood Drive on abandoned, stolen vehicles?
- Is there consideration for monitoring of vehicles driving through community via Fernwood Drive at high speed, resulting in multiple incidents of damaged vehicles

Thank you.

Be safe!

Best regards,

Edna Kweti CMCA®,AMS®
Community Association Manager
Comsource Management AAMC®

3414 Morningwood Drive
Olney, MD 20832
301.924-7355 ext. 121

ekweti@comsource.com

www.comsource.com

Please tell us how we did today?



Your feedback is valuable and will only take 5 seconds.

Click or tap the rating which best represents your experience.

Please take advantage of our new management tool, SOURCELINK. Sourcelink enables you as a homeowner to look up your account information and receive e-mails about your associations' events and services. By signing up today, this will save your association postage, printing as well as some mailing costs. Please contact client services to obtain your registration information by emailing clientservices@comsource.com

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From: [Carrie Nelson](#)
To: [PGCPB](#)
Subject: Supporting Documentation for April 1st Hearing - Case# CSP-07001-03
Date: Wednesday, March 3, 2021 6:50:43 PM
Attachments: [IMG_8984.PNG](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hello,

I would like to submit the screenshot below of the developers website where it is still marketing that additional parking spaces and retail will be created in the neighborhood.

The developers of this property are trying to engage in a "bait and switch" which is a form of fraud in real estate. Myself, along with other residents were told by seller representatives that there would be retail space and additional parking built once they reached phase 4 of building the neighborhood. The seller's representatives used this as a major selling point and it was a big reason why I decided to buy in this neighborhood.

The area is already overly saturated with housing and the neighborhood is in desperate need of retail facilities, maybe even a grocery store. The residents of Westphalia Row just want the developers to stick to their word and give us the retail and parking spaces that we were promised initially, and that they are still advertising as a selling point today.



Sent from my iPhone

Planning Board Public Hearing 4/1/2021

Concerning Residents of Westphalia Row, written by Mia Roundtree
9504 Weshire Drive Upper Marlboro, MD 20774

The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530; pgcpb@mncppc.org

Dear Development Review Division,

As a resident of Westphalia Row since 2019, please consider the following in the re-zoning application filed by Westphalia Row Partners, LLC to be reviewed by the Planning Board on April 1, 2021. According to Conceptual Site Plan for Westphalia Row CSP-07001-03, the aforementioned applicant is requesting to remove 10,000 square feet of commercial/retail zoned space in Phase III and replace it with 19 single-family attached dwelling units. Residents of Westphalia Row protest this re-zoning for the following reasons:

- This is in direct conflict with advertised use of the space resulting in sales of more than 30 existing residential units. Westphalia Row, LLC has received profits directly correlated with the promise of commercial space to be built in this planned sector. The profits received should directly reflect the promise of commercial space and return equity to the patrons of Westphalia Row, LLC.
- Residents of Westphalia Row currently suffer from a lack of convenient access to food and domestic resources. The 10,000 square feet reserved for commercial use could provide convenient access to lifestyle necessities not currently provided by a local grocery store or marketplace. While there is a local BJs, residents in Westphalia Row and surrounding neighborhoods do not have direct access to a convenient store or food market that does not require membership costs. Offering this commercial space to businesses willing to cater to this demand for a market would not only benefit the neighborhood, but surrounding neighborhoods and travelers as well.
- As stated in the Westphalia Row, LLC application for re-zoning, this is not the first or second removal of commercial space from the sector plans for this developed neighborhood. Westphalia Row, LLC is exhibiting a pattern of false advertisement for the purpose of developing and filling their built homes without fulfilling the promise of amenities offered to purchasing residents. Per Section 5, Page 5 (Previous Approvals): "On January 7, 2016, the Planning Board approved (PGCPB Resolution No. 16-02) an amendment to CSP-07001-02, to replace the previously approved 250 multifamily units and 57,600 square feet of commercial uses with 67 fee-simple, rear-loaded townhouses and 10,000 square feet of commercial uses. PPS 4-15021 (for Phase III) was also approved by the Planning Board (PGCPB Resolution No. 16-03) to reflect the same plan revision on the same date." Resulting losses to equity and resident satisfaction are public record.

- Individuals sold the homes directly beside the zone in question purchased with the incentive of receiving end units and access to the commercial space that would directly neighbor their homes. Changes to this commercial space for the benefit of Westphalia Row, LLC and their profit planning do not directly benefit the residents of Prince Georges County directly affected by this application.


Attached (below) are imagery shown on the website of Haverford as well as within the model home to attract purchasers of the neighborhood units existing as recently as March 2021. These advertisements directly influenced their profits and the expectations of existing residents of the neighborhood. The 19 potential residents of the desired units to be built should not supersede the interests of the dozens of residents currently invested in the design of this neighborhood.

While Westphalia Row, LLC's application may be compliant with Regulations and Zoning Ordinance, please also consider the commercial potential and false advertisement that would be reinforced because of this repeated change of zone from commercial to residential units practiced by Westphalia Row, LLC.

It is with these factors in mind that residents of Westphalia Row firmly protest this re-zoning application and as that the Division deny the request to remove commercial space once again from our beloved neighborhood. We hope that our concerns are heard during this planning review. Please include this protest in public record for reference for all future developments made by Westphalia Row, LLC to protect future prospective purchasers from the risks associated with "temporary" zoning plans that are subject to change once developers have secured their quota of purchased homes and move into the next phase of planned development. All residents of PG County should have the means to make educated decisions fully understanding the ease with which advertised projects can be removed after their investments in the community.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Roundtree". The signature is fluid and cursive, with the first name "M." and the last name "Roundtree" clearly distinguishable.

A lifelong resident of PG County, Maryland



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ACTIVE COMMUNITIES

SELECT A HOME

HOMES FOR SALE

TESTIMONIALS

ESTABLISHED COMMUNITIES

Home » Active Communities » Westphalia Row - Phase 4 Coming Soon

WESTPHALIA ROW - PHASE 4 COMING SOON

THE BEST NEW CORNER IN UPPER MARLBORO.

With SkyTowns and brand new retail, Haverford Homes saved the best for last in this final phase of Westphalia Row. Located at the corner of Ritchie Marlboro Road and Sansbury Road, seconds to I-495 and an easy drive to National Harbor and Downtown D.C.



Westphalia Row - Phase 4 Coming Soon

Westphalia Row is the luxury townhome community in Upper Marlboro that puts access to the Beltway and Greater Washington right at your doorstep. Literally moments from I-495, Westphalia Row greets your arrival with a stately brick entrance monument. Designed to exude elegance and sophistication, a large percentage of the homes have brick-front elevations and most side elevations feature brick water tables or all brick sides. Even most rear elevations feature brick on the lower level, and special architectural details like picket fencing and carriage style garage doors add touches of charm throughout. A centrally located clubhouse will in the future provide yet another great place to feel right at home at Westphalia Row.

CHOOSE YOUR HOME

Townhomes



Skytowns 42 Base (42B) - 4 Levels with Rooftop Terrace

Westphalia Row

Contact Westphalia Row - Phase 4 Coming Soon

Rome Christian
Fernwood Drive
Upper Marlboro, MD 20774
301-613-5312 (mobile)
Email Me

Maryland Home Builder Registration Number 6934

Be the First to Know with automatic updates by joining our mail list.

Community Links

Driving Directions

Included Features

eBrochure

HOA or Community Documents


HOA or Community Site

Email A Friend

Recreational Facilities Agreement

Interactive Site Plan

Virtual Tour

 **Contact Rome, our Sales Rep**



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WESTPHALIA ROW - PHASE 4 COMING SOON

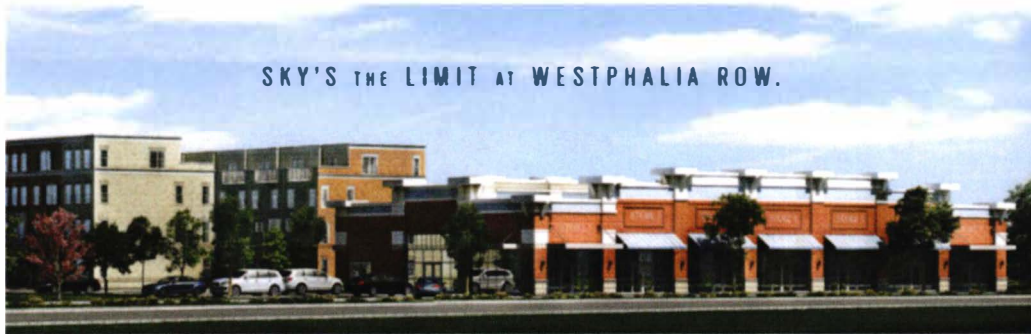
Westphalia Row

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Email Me

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CHOOSE YOUR HOME

Community Links

Driving Directions

Included Features

eBrochure

HOA or Community Documents

HOA or Community Site

Email A Friend

Recreational Facilities Agreement

Interactive Site Plan

Virtual Tour

INTERACTIVE SITE PLAN FOR WESTPHALIA ROW - PHASE 4 COMING SOON

CLICK ON THE COLOR DOT ON EACH LOT FOR LOT DETAILS

Return to Westphalia Row - Phase 4 Coming Soon



Sold	Available	Model Home	Home For Sale
Not Released	Reserved	Not Owned By Us	

[Contact Rome, our Sal...](#)

From: [Zhang, Henry](#)
To: [Hunt, James](#)
Cc: [Pompey-Green, Retha](#)
Subject: FW: Your confirmation for Person Of Record Online Registration
Date: Wednesday, March 31, 2021 2:18:19 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

James,
This individual signed up at 11:48 am on Tuesday and is a valid one.
Thanks

Henry H. Zhang, AICP LEED AP CPTED Specialist

Master Planner | Urban Design

 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Prince George's County Planning Department
14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772
301-952-4151 | henry.zhang@ppd.mnccppc.org



From: PPD-POR <PPD-POR@ppd.mnccppc.org>
Sent: Wednesday, March 31, 2021 12:24 PM
To: Zhang, Henry <Henry.Zhang@ppd.mnccppc.org>
Subject: FW: Your confirmation for Person Of Record Online Registration

Message received in the POR mailbox.

Thanks...Retha

From: noreply@ppd.mnccppc.org <noreply@ppd.mnccppc.org>
Sent: Tuesday, March 30, 2021 11:48 AM
To: noreply <noreply@ppd.mnccppc.org>; keytroundtree@gmail.com; PPD-POR <PPD-POR@ppd.mnccppc.org>
Subject: Your confirmation for Person Of Record Online Registration



[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Development Review Division
The Maryland-National Capital Park and Planning Commission

Request to Become Person of Record



*****DO NOT REPLY TO THIS
EMAIL*****

Thank you for registering to become a person of record for the subject application. You will be notified when the Planning Board hearing date is scheduled. Please carefully verify that the information you submitted is correct. If you find an error, please forward this email to Retha.Pompey-Green@ppd.mnccppc.org and note the correction needed. To stay up to date with the Planning Department announcements and scheduled hearings, please favorite <http://www.pgplanning.org> and visit often!

Your request to become of person of record has been submitted successfully on 11:48:00AM Tuesday 30 March, 2021.

Below is the detail information with your request. Please keep for your record.

Application Information

- **Application Number:** CSP-07001-03: WESTPHALIA ROW

Contact Information

- **Your Name:** Ms. Keyuna Roundtree
- **Your Organization:** Aspire Driving Academy
- **Address:** 9504 9504 weshire dr Drive, 9504 Weshire Dr UPPER MARLBORO, MD 20774
- **Primary Phone:** 240-464-4489

- Email: keytroundtree@gmail.com

Comments We do not want more residential. We would like commercial options because we love in a food desert.

If you have any problems or questions, please contact the Planning Department.

Thank you

The Prince George's County Planning Department
The Maryland-National Capital Park and Planning Commission

STAY CONNECTED:

