

Case No. SP-08039

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. 09-44, to approve with conditions a detailed site plan for the construction of 153 townhouses, for a project referred to as Westphalia Row, Phase I, on property described as approximately 20.67 acres of land in the M-X-T Zone, on the southwest corner of the intersection of Ritchie Marlboro Road and Sansbury Road, Upper Marlboro, 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 certification, the applicant shall revise the DSP as follows:
 - a. Show the proposed fence detail for the fence along Fernwood Drive and Sansbury Road.
 - b. Add detail of playground surfacing material for the outdoor play areas.
 - c. Label the proposed noise wall on the plan.
 - d. Provide landscape schedules demonstrating that the required 4.1 and 4.7 plantings and bufferyard are provided.
 - e. Show the utility easements agreed to by the utility companies on the site plan.
 - f. Add three-to-four-foot-tall estate style fencing around the two play areas.
 - g. Add a note to the plan stating that any decks added to the rears of the rear-loaded townhouses shall be constructed of a durable and attractive non-wood product and shall not extend beyond the rear-lot line.

- h. Modify the detail of the proposed entrance monuments to show a light-colored material within the arched areas to contrast with the brick color.
- 2. Prior to the signature of the detailed site plan, the Type II Tree Conservation Plan shall be revised to:
 - a. Remove the proposed tree line from the plan.
 - b. Shown the expanded stream buffers on the plan and in the legend
 - c. Include a symbol for “specimen tree to be removed” on the plan and in the legend.
 - d. Provide a detail sheet including the techniques used for tree protection, sign locations and details, etc., for woodland conservation on-site.
 - e. Revise the worksheet to reflect the correct acreages.
 - f. Have the revised plans signed and dated by the qualified professional who prepared them.
- 3. Prior to certification, the applicant shall designate Lots 1, 13, 14, 25, 26, 29, 30, and 39 to the north of Fernwood Drive and Lots 1, 17, 18, 29, 30, 35, 36, 39, 70, 71, 76, 77, 84, 85, 92, 93, 100, 101, 104, 105, 110, 111, and 114 to the south of Fernwood Drive as higher-visibility lots. The sides of townhouses on these lots shall be fully faced with brick.
- 4. Prior to certification, the architecture shall be revised to conform to the following:
 - a. The standard side and rear elevations of the Davidson model shall utilize brick facing up to the top of the first floor.
 - b. The garage doors on the Davidson shall be upgraded to the “carriage door” design as proposed on the Williamson model.
 - c. The rear windows and sliding door of the Davidson model shall utilize 3 ½ -inch wide trim.
 - d. At least 60 percent of the units in each attached stick of units shall have a full brick front. A brick tracking chart with the lots grouped into the attached sticks shall be added to the plans to monitor conformance to this requirement.
 - e. Provide for a standard rear deck to the Davidson model that the homeowner can purchase at their option, the design and materials of which shall be determined prior to certification by the Urban Design Section.
- 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.
7. Prior to the approval of any residential building permits for buildings located within the 65 dBA Ldn noise contour, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.
- 8.a. The applicant may not begin construction of the multifamily buildings or the parking structure that will serve the commercial retail and office building until a detailed site plan is approved for the multifamily buildings and parking structure (the “Multifamily DSP”). The Multifamily DSP shall show all parking required for the commercial retail and office building.
- b. Before issuance of the 230th building permit for the townhouse and triplex units, the applicant shall complete the construction of the multifamily buildings and the parking structure that will serve the commercial retail and office building.
- c. Before the issuance of the 230th building permit for the townhouse and triplex units, as referenced above, and after completion of the multifamily buildings and the parking structure referred to above, the applicant shall begin construction of the commercial retail and office building.
- d. In all conditions in this order, the term “applicant” includes without limitation the applicant’s successors and assignees.
9. Prior to the issuance of building permits for the townhouses north of Fernwood Drive, the applicant shall submit and obtain approval of a revision to the site plan by the Planning Board or its designee. The revised site plan shall show the location and appearance of the noise wall. The noise mitigation shall be reviewed for the adequacy of noise reduction and for appearance by the Environmental Planning Section and the Urban Design Section. If grading in the northwest portion of the site has altered the required noise mitigation, an updated Phase II noise study shall be submitted to demonstrate the required height and location of any required noise wall or other mitigation.

Ordered this 14th day of September, 2009, by the following vote:

In Favor: Council Members Bland, Campos, Dean, Dernoga, Exum, Knotts, Olson and Turner.

Opposed:

Abstained:

Absent: Council Member Harrison.

Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

By: _____
Marilynn M. Bland, Chairperson

ATTEST:

Redis C. Floyd
Clerk of the Council