



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

April 20, 2021

**RE: DSP-19062 Westphalia Town Center North
D. R. Horton, Applicant**

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 April 13, 2021.

CERTIFICATE OF SERVICE

This is to certify that on April 20, 2021, this notice and attached Council Order was mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script, reading "Donna J. Brown".

Donna J. Brown
Clerk of the Council

**County Administration Building
14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772**

Case No.: DSP-19062
TCPII-029-12-13
Westphalia Town Center North

Applicant: D. R. Horton

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

FINAL DECISION — APPROVAL OF DETAILED SITE PLAN

On March 29, 2021, this matter was considered by the District Council on the record from Planning Board using oral argument procedures. Council has afforded the issues full consideration and has determined that Planning Board's approval, of Detailed Site Plan Application Number 19062 (DSP-19062) and Type II Tree Conservation Plan (TCPII-029-12-13), was not arbitrary, capricious, or otherwise illegal. Unless otherwise stated herein, Council's approval of DSP-19062 and TCPII-029-12-13 adopts and incorporates the findings and conclusions set forth by Planning Board in Resolution No. 2021-10 (PGCPB No. 2021-10).

The Board's approval of DSP-19062 amends Condition 1.i.(1) and (4) of Conceptual Site Plan 07001-01, which shall only apply to the subject property of DSP-19062. In this context, the Board's approval of DSP-19062 and TCPII-029-12-13, for construction of 34 single-family detached dwelling units and 605 single-family attached (townhouse) dwelling units, including 133 on condominium parcels and 472 on fee-simple lots, located at the intersection of MD 4 (Pennsylvania Avenue) and Melwood Road, approximately 800 feet north of Woodyard Road, in Planning Area 78 and Councilmanic District 6, is hereby APPROVED.

Approval of DSP-19062 and TCPII-029-12-13 are subject to the following conditions:

1. Prior to certification of this DSP-19062, the applicant shall:
 - a. Provide crosswalks crossing Glistening Pond Way and Water Lily Way at their intersection.

- b. Provide crosswalks crossing Pond Junction Road and Water Lily Way at their intersection.
- c. Provide crosswalks crossing all legs of all intersection along Woodyard Road.
- d. Provide crosswalks crossing all legs of all intersections along Watercolor Way.
- e. Provide crosswalks crossing all legs of all intersection along Manor Park Drive.
- f. Provide crosswalks crossing all legs of all intersection along Meridian Hill Way.
- g. Provide a standard sidewalk along both sides of Watercolor Way for its full extent within the subject site.
- h. Provide a standard sidewalk along both sides of Bluestone Way for its full extent within the subject site.
- i. Replace all diagonal style curb ramps with Americans with Disabilities accessible perpendicular style curb ramps unless modified by DPIE with written correspondence. For ramps along existing portions along Meridian Hill Way only, ramps on the northern side of the road shall match the ramps on the existing southern side of the road, unless modified by DPIE, with written correspondence.
- j. Provide and label bicycle racks at playgrounds and the community center.
- k. Add a General Note stating that “An automatic fire suppression system shall be provided in all new buildings, unless the Prince George’s County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.”
- l. Show and label a 10-foot-wide public utility easement abutting the Melwood Road right-of-way.
- m. Show and label the right-of-way width for Melwood Road and the right-of-way conveyance for this cul-de-sac with recording reference.
- n. Correct the total number of Lots in General Note 7.
- o. Revise General Note 16 to reflect the latest approved revision to the stormwater management concept plan.
- p. Show the M-I-O-Zone line for 60 dbA – 74 dbA noise intensity area on all applicable plan sheets.
- q. Provide a minimum of three architectural features on all side elevations and four or more, plus a minimum of first floor brick or stone, on highly visible units.

- r. Include provisions for additions, decks, sheds, fences, and pools for the townhouses and the single-family detached lots under the Development Standards on the site plan coversheet.
 - s. Clarify on the plans and parking schedule that sufficient handicapped parking spaces have been provided for the on-street spaces in accordance with Section 27-566 of the Prince George's County Zoning Ordinance.
 - t. Demonstrate conformance to Section 27-544(f)(2)(H) of the Prince George's County Zoning Ordinance by providing a minimum front setback from any public or private right-of-way of seven feet.
 - u. Show the unmitigated and mitigated 65 dBA-Ldn noise contours on the DSP and TCPII plan on the north side of Presidential Parkway.
 - v. Provide all dimensions on the template sheets for chimneys, front porches, rear porches and/or decks, optional garages, etc.
 - w. Indicate that the maximum lot/parcel coverage in the Development Standards chart for townhouses is a building coverage.
 - x. Provide side and rear elevations for all architectural models for review by the Urban Design Section as designee of the Planning Board.
 - y. Remove the Delmar and Delmar II house types.
 - z. Revise the elevations for the clubhouse to increase the percentage of masonry (i.e., brick and/or stone) material on the building facade to 75%.
2. Prior to certification of DSP-19062, TCPII-029-12-13 shall be revised as follows:
- a. TCPII-029-12-12 (Presidential Parkway West) shall be used as a base to provide a consistent format and calculations for the revised TCPII.
 - b. On all plan sheets:
 - (1) Provide an approval block in the current format with additional lines as necessary to provide space for signature for the -13 revision. Complete and correct information about the -13 revision and for all previous TCPII revisions approvals shall be provided.
 - (2) Revise the sheet title block as appropriate to be "Westphalia Town Center".
 - (3) Include a description, date, and initials in the revision table in the title block on any and all sheets that are revised with the -13 revision.

- (4) Provide a key map which correlates and cross-references the new TCPII plan sheets numbering and boundaries proposed with the sheet numbering system used on the overall TCPII plan set.
- (5) Revise the numbering of the full plan set as needed so all areas of the plan can be identified in the set in a consistent manner. The introduction of a separate set of numbering for plan sheets for Section 5 shall be cross-referenced and reconciled with all sheets in the set as needed using key maps or other techniques.
- (6) Provide a consistent legend on all plan sheets to address graphic elements and labeling shown on the plans. The elements shown on Sheet 1 of 62 should be consistent with the legend elements found on Section 5, sheets 5-01-5-12, as follows:
 - (a) Add "Specimen Tree to be Retained".
 - (b) Provide legible graphic differentiation between Woodland Cleared (WCA) and Woodland Cleared – Previously Approved (WC-PA).
 - (c) Correct the TCP2 referenced in WC-PA to TCP2-029-12-08.
 - (d) Revise WP-NC to WR-NC (Woodland Retained-Not Credited).
 - (e) Add symbols for the following: WC Area (temporary construction signage), WC Area (permanent signage) and afforestation/reforestation signage.
 - (f) Differentiation between the graphic for WRA and WCPA in the legend.
- c. Provide individual woodland conservation sheet summary tables on all sheets of Section 5, confirming the areas of various woodland conservation treatments consistent with those identified on the Woodland Conservation Table on Sheet 1A. Areas of woodland clearing, preservation, afforestation, and reforestation, etc., shall be identified by acronyms for methodology and lettering as identifier for specific areas as demonstrated on the -12 revision.
- d. Add the detailed information for Section 5 from Individual Woodland Conservation Sheet Summary Tables to the Woodland Conservation summary table.
- e. On Sheet 1 (Cover Sheet):
 - (1) Provide a sheet title at the top of the sheet for Westphalia Town Center, updated and consistent with the title information provided with the -12 revision.

- (2) Identify on the location map and plan the location and outline of Section 5 Label with DSP and TCPII number.
- (3) Include the footprint of Section 5 development proposed with the current plan to the cover sheet map or indicate where in the plan set an overall map of the Section 5 development footprint can be found integrated with previous approvals.
- (4) Remove or revise notes included under the General Information Table necessary to reflect the current revision.
- (5) In the Revision Table add the purposes of all revision to date, including -13.
- (6) Revise and reconcile the Site Statistics table to accurately reflect the -13 revision to the TCP2 plan.
- (7) Revise Sheet Index as needed for revised plan and addition of new sheets.

f. On Sheet 1A:

- (1) Revise the phased worksheet to correctly reflect the -13 and all previous revisions to the TCP II. Any woodland conservation that cannot be met on-site shall be satisfied with off-site woodland conservation.
- (2) The Individual Worksheets shall be reconciled with the phased woodland conservation worksheet.
- (3) With reference to the first note provided under the phased woodland conservation table identify the first note as Note 1 and do not include an asterisk on the worksheet.
- (4) The second note below the phase worksheet shall be identified as Note 2, the double asterisk shall be removed from the worksheet and the note shall be revised as follows:

“Note 2. Prior to October 1, 2019 per CB-29-2008.”

- (5) A third note shall be added under the phased worksheet as follows:

“Note 3. On and after October 1, 2019, the requirements of adopted SB234 Natural Resources – State and Local Forest Conservation Funds supersedes local ordinance with regards to the use of fee-in-lieu of woodland conservation.”

- (6) The note with four asterisks under the Phased Worksheet shall be justified or revised as Note 5 to the plans or removed if no longer necessary.
 - (7) The Woodland Conservation Summary shall be revised to include any off-site clearing on the Moore Property proposed with this revision.
 - (8) Determine whether notes under the Individual Worksheet for Section 1 apply and whether they are still appropriate on the current plan.
- g. On Sheet 1B:
- (1) Update references as notes as needed to reflect the current plan.
 - (2) Removal natural regeneration area and provide as afforestation/reforestation.
 - (3) Revise amount of Street Tree credit allowed based on further information provided.
 - (4) Reconcile the Individual TCP2 Worksheet with the woodland conservation sheet summary table, woodland conservation summary table, and phased worksheet.
- h. On Sheet 2, revise the Specimen Tree Table to identify in the Disposition column the specimen trees located in Section 5 to be removed (ST-9, 10 and 202). ST- 203 and 204 shall be retained.
- i. On Sheet 2A, revise Note 1 to reflect the current revision -13 to the plan.
- j. On Sheet 2B:
- (1) Retain the reforestation planting schedule provided on -12 for Section 4 reforestation and label correctly.
 - (2) Provide a complete summary planting schedule for afforestation/afforestation planting for Section 5, in a consistent format with the Section 4 afforestation planting schedule, and correctly label.
 - (3) Afforestation planting shall be consistent with the requirements of the Environmental Technical Manual for one-inch caliper balled and burlapped trees of 300 stems per equal or equivalent.
 - (4) Provide additional details and notes as indicated if Street Tree Credit is determined allowable for implementation including planting schedules, etc.

- (5) Remove the title Westphalia East and replace it with Westphalia Town Center on sheets which provide information which is pertinent to the entire plan set.
- k. On Sheet 1 of 13:
- (1) Reconcile the site statistics table with the phased and individual woodland conservation tables.
 - (2) Reconcile the two planting schedules provided for WRA-1 and WRA-2 with the requirements of the TCP2. Identify WRA by the letter identifier used on the woodland conservation summary sheet. Provide additional or expanded planting schedules as needed to fulfill afforestation/reforestation requirements for Section 5.
 - (3) Add a summary schedule of the Section 5 planting schedules to Sheet 2B.
 - (4) Revise the Specimen Tree Table to show the retention of ST-203 and 204.
 - (5) Provide sufficient information about the street credit proposed to justify woodland conservation credit in whole or part, and, if allowed: provide a full planting schedule for the street trees, show all street trees with 10-year canopy coverage on the plan, and provide a detail demonstrating the required soil volume has been provided.
 - (6) On the footprint provided for Section 5: label DSP area, the TCP2 area, and show the plan sheets boundaries and their Section 5 sheet number (Sheet 5-01 through 5-12).
- l. On Sheets 2 of 12 through 12 of 12:
- (1) Revise the match lines as needed around the boundary of the property to reconcile with sheet numbering of the overall TCP2. Include Match Line on external boundaries.
 - (2) Revise match lines interior to Section 5 to reference Sheets 5-01 through 5-12.
 - (3) Provide labeling for the Section 5 plan sheets in the key plan as which correlates to the overall plan numbering scheme.
 - (4) Provide the TCP2 approval block in a consistent format with the plan set.

- (5) Provide Woodland Conservation Sheet Summary Tables on all sheets of the plan. Identify woodland conservation treatments identified by the plan by acronym-based methodologies and lettering (i.e., WCA-XX or WPA-XX) based on the Woodland Conservation Woodland Conservation Summary Table, and reconciled Section 5 with that table.
- (6) Revise the legend on all sheets as previously indicated and as follows:

“Woodland Preserved- Not credited shall be revised to Woodland Retained- Not Credited.”
- (7) On plan sheets, acronyms used to identify specific treatment areas shall include the letter identifiers. The area used in conjunction with the acronym shall include the area shown on the individual plan sheet and not the entirety of Section 5.
- (8) Incomplete planting schedules based on initials for tree types and number shall be removed from the plant set, and standard planting schedules shall be provided for individual reforestation areas and labeled with the letter identifier.
- (9) The use of Temporary Tree Protection Fence (TPF) shall be shown on the plan wherever woodland protection is needed on-site along the limits of disturbance during grading. Temporary tree protection signage shall be shown, as indicated in the Environmental Technical Manual.
- (10) Permanent tree protection fencing shall be shown along the vulnerable edges of all afforestation/reforestation areas.
- (11) Permanent woodland conservation signage shall be provided along the exposed edges of all woodland preservation areas.
- (12) Provide consistent delineation of the primary management area on the plan set.
- (13) Provide consistent delineation of the limits of disturbance on the plan set.
- (14) When off-site grading is indicated on the plan, label the area, identify the area of the off-site grading, identify the ownership, and provide the following note:

“Off-site grading proposed with this plan is subject to obtaining written permission from the property owner prior to the issuance of grading permits.”

- (15) Revise the numbering of the Sheets as Sheets (5-01 through 5-012) of total number of sheets in the TCP2 plan sheet.
 - (16) Ensure all woodland conservation areas meet the minimum requirements for woodland conservation credits.
 - (17) Ensure all symbols shown on the plan are unique and are in conformance with the Environmental Technical Manual and are labeled in the legend.
 - (18) Revise the TCP2 as needed to be in conformance with the requirements of the Environmental Technical Manual.
 - (19) Have the plan signed and dated by a qualified professional.
3. Prior to the approval of any building permit 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. Water Lily Way (C-636)

Construct Water Lily Way within the property's boundary unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
4. Prior to the approval of the record plat, the applicant shall provide confirmation from the utility companies that the 10-foot and 7-foot-wide public utility easements are sufficient to serve the site.

Ordered this 13th day of April, 2021, by the following vote:

In Favor: Council Members Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter, Taveras, and Turner.

Opposed:

Abstained:

Absent:

Vote: 11-0.

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: Calvin S. Hawkins, II
Calvin S. Hawkins, II, Chair

ATTEST:

Donna J. Brown

Donna J. Brown
Clerk of the Council