



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

PGCPB No. 09-93(A)

File No. 4-08002

A M E N D E D R E S O L U T I O N

WHEREAS, Sandler at Westphalia, LLC is the owner of a 482.57-acre parcel of land, located on Tax Map 90, 91, 99 and 100 said property being in the 15th Election District of Prince George's County, Maryland, and being zoned M-X-T; and

WHEREAS, on January 29, 2009, Sandler at Westphalia, LLC filed an application for approval of a Preliminary Plan of Subdivision for 1,352 lots and 209 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-08002 for Westphalia Center was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on June 4, 2009, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on June 4, 2009, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

†WHEREAS, by a letter submitted January 24, 2023, William M. Shipp, Esq., representing the applicant, requested a waiver and reconsideration of Condition 19 regarding dedication of land for a transit center on the subject property;

†WHEREAS, on February 23, 2023, the Prince George's County Planning Board approved the waiver and request for reconsideration based on good cause and substantial public interest; and

†WHEREAS, on April 13, 2023, the Prince George's County Planning Board heard testimony and approved the reconsideration.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/14/08-01), and further APPROVED Preliminary Plan of Subdivision 4-08002, Westphalia Center, including Variations from Section 24-128 and 24-130 for 1,352 lots and 211 parcels with the following conditions:

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1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Relocate Lots 41–47 Block H or change the product type to provide a minimum of 150-foot lot depth along A-66.
 - b. Provide a note regarding the approval of a variation to Section 24-128 for the use of private streets to serve multifamily dwelling units.
 - c. Correct match lines.
 - d. Dimension the width of each private alley.
 - e. Clearly label dwelling unit types.
 - f. Dimension the lot width on Lots 30–39 and 41, Block J on Sheet 9.
 - g. Provide the gross and net tract acres.
 - h. Revise general Note 13, to state the public utility easements shall be approved by the utility companies at the time of approval of the DSP and reflected on the final plat.
 - i. Remove Lot 7 table from Sheet 2.
 - j. Revise Sheet 3, to label Lot 7 to be conveyed to Prince George’s County.
 - k. Label all rights-of-way “to be dedicated” to public, or private use.
 - l. Add the disposition of Parcel U1 to Sheet 5.
 - m. Clearly label the dedicated right-of-way of Machinists Place north of Presidential Parkway.
 - n. Provide a general note regarding the parcel description, and who the land is to be dedicated to with acreage for the police, library, transit, fire/EMS, and school sites. Include a note regarding the trigger for dedication of each consistent with the approved preliminary plan.
 - o. Resolve and align the center line of MC-637 with the approved center line alignment within the Smith Home property, Preliminary Plan 4-05080 (PGCPB Resolution No. 06-64(A)), to the north or demonstrate that it is not an issue for the alignment shown on this preliminary plan.
 - p. Increase Parcel 25 (school site) to seven developable acres.

- q. Label the Core, Edge, and Fringe on the coversheet on the layout of Westphalia.
 - r. Label the †minimum four-acre transit facility †~~[on Parcel 26]~~ and that it is to be dedicated to public use, increase the proposed parcels by two to a total of 211 parcels.
 - s. Expand the spaces between the end units of attached dwellings in adjacent rows to a minimum of 10 feet.
- 2. A Type II tree conservation plan shall be approved at the time of approval of each detailed site plan, except the special purpose detailed site plan. The special purpose DSP shall be reviewed for conformance with the signed TCPI. No Permits will be issued using the special purpose DSP. The first TCPII shall provide a cover sheet that clearly depicts the phasing and requirements for the entire site.
 - 3. Development of this site shall be in conformance with Stormwater Management Concept Plan 44782-2007-00 and any subsequent revisions.
 - 4. At the time of final plat, the applicant shall dedicate a public utility easement as approved on the detailed site plan along the public rights-of-way.
 - 5. At the time of final plat, the applicant shall dedicate rights-of-way consistent with the approved preliminary plan of subdivision.
 - 6. Prior to the approval of the first final plat of subdivision, the applicant shall enter into an agreement with the Department of Parks and Recreation, unless modified by subsequent revisions to CSP-07004, establishing a mechanism for payment of fees into an account administered by M-NCPPC or provision of in-kind services. The agreement shall note that the value of the in-kind services shall be determined solely by DPR. DPR decisions regarding choice and value of in-kind services are appealable to the Planning Board. The agreement shall also establish a schedule of payments and/or a schedule for park construction. The payment or construction schedule shall include a formula for any needed adjustments to account for inflation. The agreement shall be recorded in the Prince George's County Land Records by the applicant prior to final plat approval.
 - 7. Prior to approval of each detailed site plan, the public utility companies shall provide comments to ensure adequate area exists to provide proper siting and screening of the required utilities, and to provide for direct bury utilities where feasible. Review shall include, but may not be limited to the following:

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- a. Coordination with other utility companies to use one side of the street for Potomac Electric and Power Company (PEPCO) use only. If this is not possible Verizon may ask for two feet or so of additional space on the public utility easement (PUE) for FIOS cables making some of the PUEs to be 12 feet wide in some areas. The main transmission line may require up to a 15-foot-wide PUE.
 - b. Private roads shall have a five to seven-foot-wide utility easement (UE). (The current plan shows seven-foot-wide UEs, but at the time of detailed site plan continued coordination with utility companies will establish the ultimate UE locations and sizes). Gas service shall be provided in the alley as shown on the utility sketch plan.
 - c. At the time of detailed site plan, coordination with PEPCO is required to account for locations of transformers especially in some of the tighter arranged townhome blocks.
 - d. Unless modified by a, b, or c above, a ten-foot PUE shall be provided along public roads and master-plan roads.
8. Any abandoned well or septic system shall be pumped, backfilled, and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to final plat approval.
9. The applicant shall make a monetary contribution into a “park club.” The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars. The applicant may make a contribution to the park club or provide an equivalent amount of in-kind services for the construction of the recreational facilities in the central park. Monetary contributions may be used for construction, operation, and maintenance of the recreational facilities in the central park and/or other recreational amenities that will serve the Westphalia Study Area. The park club shall be established and administered by the Department of Parks and Recreation. The choice between a monetary contribution and the provision of in-kind services shall be at the sole discretion of the Department of Parks and Recreation. The value of in-kind services shall be reviewed and approved by DPR staff. DPR decisions regarding choice of contributions and the value of in-kind services are appealable to the Planning Board. Or as modified by any subsequent revisions to CSP-7004.
10. The applicant shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (M-NCPPC) for adequacy and property siting prior to approval of the detailed site plan by the Planning Board. Or as modified by any subsequent revisions to CSP-7004.
11. The applicant and the applicant’s heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined during the review of the special-purpose detailed site plan. Private and public recreational facilities shall be reviewed as a package, acknowledge the contribution of \$3,500 per dwelling unit, and determine the total expenditures for the package. Or as modified by any subsequent revisions to CSP-7004.

12. Prior to the approval of building permits, the applicant and the applicant's heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
13. The applicant and the applicant's heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for construction of recreational facilities on homeowner association land. Upon approval by DRD, the RFA shall be recorded among the County Land Records prior to the approval of final plats.
14. The applicant and the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners association land prior to the issuance of building permits.
15. Prior to signature approval of the preliminary plan, the applicant shall submit evidence that the property is not encumbered by any prescriptive or descriptive easements that are to the benefit of other properties, and not already provided on the preliminary plan. The applicant shall submit evidence that the rights and privileges associated with those easements will not be interrupted with the development of this property, or the applicant shall provide evidence of the agreement of those benefited properties to the abandonment or relocation of said easements. Prior to approval of the final plat, the applicant shall submit a copy of the recorded abandonment of said easement(s) including Moore's Way.
16. Detailed site plan(s) shall demonstrate that lots fronting on MC-637, MC-632, C-636 will be rear loaded and shall not have direct vehicular access to these master-plan roads.
17. The applicant and the applicant's heirs, successors and/or assignees shall dedicate Parcel 25 to the Board of Education at the time of dedication of any public rights-of-way abutting Parcel 25, or as determined at the time of approval of the special-purpose site plan.
18. The applicant and the applicant's heirs, successors and/or assignees shall dedicate Lot 7 to Prince George's County for the construction of a fire/EMS station at the time of dedication of Parcel 25 to the Board of Education, or as determined at the time of approval of the special-purpose site plan, unless otherwise determined by the District Council or Planning Board.
- †[19. ~~The applicant and the applicant's heirs, successors and/or assignees shall dedicate the transit station (to be labeled on the preliminary plan) to public use, and shall be a minimum of four acres. Dedication shall occur at the time of dedication of any public rights-of-way abutting the site or as determined at the time of approval of the special-purpose site plan. The transit station parcel shall have frontage on and the ability for direct access to a public street. The creation of the addition parcel is anticipated by this condition.~~]

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- †19. The applicant and the applicant's heirs, successors, and/or assignees shall dedicate or convey the transit station parcel (in a location adjacent to the fire/EMS station parcel previously conveyed to Prince George's County, as shown on the preliminary plan of subdivision) to public use as a transit center. The parcel shall be a minimum of four acres. Dedication or conveyance shall occur at the time the operating agency provides written notice to the applicant or the applicant's heirs, successors, and/or assignees, of its desire to accept the dedication or conveyance of the transit station parcel, based upon its determination of its need for public use. The applicant and the operating agency, upon mutual agreement, may provide for the dedication or conveyance of an alternative parcel within the Westphalia Center, as approved by a detailed site plan applicable to the Westphalia Center, provided such alternative site has frontage on and the ability to directly access a public street, and is found to be of sufficient size and located to meet the public need for transit services, as determined by the operating agency. The creation of the additional parcel is anticipated by this condition.
20. Prior to signature approval of the preliminary plan, the CSP shall have signature approval, and any modifications which result shall be reflected on the preliminary plan of subdivision.
21. In conformance with the approved Westphalia sector plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following, with triggers for construction to be determined with the special purpose detailed site plan:
- a. Construct the master-plan trail along the subject site's portion of Cabin Branch. The trail alignment shall follow the existing sewer easement to the extent practical and will cross the Westphalia Center, Moore Property, and Smith Property applications.
 - b. Construct the master-plan trail along the subject site's entire segment of Back Branch on the alignment proposed by the applicant on the Trail Alignment Exhibit. The stream valley trail shall be completed in phase with the completion of the associated proposed roadways and the stormwater management pond. If some or all of Private Road QQ is eliminated (per discussion with the applicant and EPS), the master-plan trail shall still be constructed on or near the same alignment as envisioned in the sector plan.
 - c. Construct the minimum eight-foot-wide master-plan trail along the subject site's entire frontage of the north side of MC-634 and A-66. In the vicinity of the town center, this trail may be replaced by a decorative wide sidewalk and streetscape. Treatment alternatives can be evaluated at the time of DSP.
 - d. Pedestrian safety features, traffic calming, and pedestrian amenities will be evaluated at the time of each DSP.

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- e. The approved Westphalia sector plan recommends that Melwood Road be designated as a Class III bikeway with appropriate signage. Because Melwood Road is a County right-of-way, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$1,260 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. Any appropriate safety improvements necessary along this County OP minimal maintenance road will be determined by DPW&T and should accommodate bicycle movement.
 - f. Provide minimum ten-foot-wide sidewalks along both sides of the town center boulevard.
 - g. Mark and label the six-foot-wide sidewalks on the urban residential road 70-foot right-of-way.
 - h. In areas of landscaping and street furniture, a clear horizontal sidewalk space of eight feet shall be maintained to accommodate the heavier pedestrian traffic anticipated in the town center Core. The optional zone may be reduced to 28 feet in order to accommodate this change.
 - i. Provide minimum ten-foot-wide sidewalks (clear pedestrian zones) along both sides of the town center boulevard. The optional zone for the town center boulevard may be reduced to 26 feet.
 - j. Modify the width of the "urban sidewalks" included on the north-south urban mixed-use roads to be a minimum of eight feet. The optional zone for the north-south urban mixed-use roads may be reduced to 28 feet.
 - k. Provide minimum sidewalks of six feet along both sides of MC-632 as approved on the street sections for CSP-07004.
 - l. Provide six-foot-wide sidewalks and designated bike lanes along MC-637 as approved on the street sections for CSP-07004.
 - m. Standard sidewalks shall be provided along both sides of all internal roads (excluding alleys), unless modified by DPW&T.
 - n. Each DSP shall be referred to WSSC for additional review and comments concerning the stream valley trail alignment within the sanitary sewer easement.
 - o. Each DSP shall identify the limits of the public use easements to ensure that the easements are reflected on the final plat(s).
22. Prior to the issuance of building permits, the applicant and the applicant's heirs, successors and/or assignees shall provide a financial contribution of \$840 to the Department of Public Works and

Transportation for the placement of a bikeway sign(s) along C-636, a designated Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.

23. All detailed site plans which include property abutting Pennsylvania Avenue (MD 4) except the Special Purpose DSP, shall provide a landscape buffer with a minimum width of 20 feet and an average width of 40 feet wide, using native plants with a planting density equivalent to those found in the Landscape Manual for similar bufferyards along the ultimate right-of-way of MD 4.
24. Prior to approval of a detailed site plan located in the Fringe area or south of Presidential Parkway, the architecture of buildings which are adjacent to and visible from Pennsylvania Avenue (MD 4) shall be evaluated with regard to scale and building materials of adjacent buildings with similar uses to promote harmony in visual relationships along this gateway corridor.
25. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to limit the number of access points along the western side of Melwood Road into the commercial shopping center to one point located approximately 900 feet north of MD 4, unless otherwise determined through the detailed site plan process.
26. Any detailed site plan, except the special-purpose DSP, adjacent to Melwood Road from Public Road O to 500 feet north of Public Road O (approximately 900 feet north of MD 4) shall address the following:
 - a. The conservation of historic Melwood Road by providing a transitional landscape buffer along the western frontage of the road. The landscape buffer shall begin with a width of 10 feet at the southern end, and expanding to a width of 30 feet, subject to the provision of plant units equivalent to those for similar width bufferyards as indicated in the Landscape Manual. Existing trees shall be preserved to the greatest extent possible, and supplemental planting shall be with native plant species; and
 - b. Establish a building restriction line 50 feet from the property boundary fronting on Melwood Road to encourage development to be set well back from the historic road.
27. Any detailed site plan, except the special-purpose DSP, adjacent to Melwood Road from approximately 500 feet north of Public Road O (900 feet north of MD 4) to Westphalia Road shall address the conservation of historic Melwood Road as an integral part of the community's trail and greenway network and address the following concerns:
 - a. Design road improvements in accordance with the Department of Public Works and Transportation road design standards for scenic and historic roads, and provide for the necessary road improvements without compromising the valuable contribution to community character Melwood Road provides:

- b. Discourage entrance features and signs at the one recommended entrance onto Melwood Road.
- 28. Prior to signature approval of the preliminary plan, a drainage area exhibit shall be submitted depicting the existing drainage areas located on-site.
- 29. The submission package for the first DSP for any area of the Westphalia Center draining into Back Branch shall contain:
 - a. A comprehensive and detailed stream restoration plan for Back Branch.
 - b. A technical stormwater management plan which demonstrates the use of stream restoration as an innovative stormwater management technique. Access to conduct the proposed work must be shown, along with all required clearing and grading for the proposed work. Staging areas, phasing, and other plan details needed for construction shall also be provided.
- 30. Prior to approval of a DSP, other than the special-purpose DSP which includes the stormwater management ponds, the design shown on the conceptual stormwater facility layout renderings shall be shown on the DSP.
- 31. Prior to final plat approval, the declaration of covenants for the property, in conjunction with the formation of a homeowners association, shall include language notifying all future contract purchasers of the proximity of the property to Andrew's Air Force Base and noise levels related to military aircraft overflights. The property is approximately 3,000 feet from the north end of the runway. The declaration of covenants shall include the disclosure notice. At the time of purchase contract with homebuyers, the contract purchaser shall sign an acknowledgement of receipt of a copy of the declaration. The liber and folio of the recorded declaration of covenants shall be noted on the final plat along with a description of the proximity of the development to Andrew's Air Force Base and noise levels related to military aircraft overflights.
- 32. All detailed site plans, other than the special-purpose detailed site plans, which include property located within the 65 dBA Ldn noise contour associated with the roads on the north side of Presidential Parkway, shall demonstrate that outdoor activity areas associated with any residential dwelling units are located outside the 65 dBA Ldn noise contour.
- 33. With the submittal of each detailed site plan, other than the special-purpose DSP, design scenarios may be submitted and evaluated for the final design for the use of the land in the areas surrounding proposed Impacts A through D. The Planning Board shall evaluate the proposed scenarios to determine the design that results in the preservation of the regulated areas to the fullest extent possible.
- 34. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River Primary Management Area and all proposed adjacent on-site woodland conservation areas, and shall be reviewed by the

Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

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

35. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
36. Applications for all residential building permits on the Westphalia Property, with the exception of buildings located to the east of Public Road EE, shall contain a certification, to be submitted to M-NCPPC, 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.
37. Prior to signature approval of the preliminary plan, the following note shall be placed under the worksheet on the TCPI:

“The use of fee-in-lieu to meet the off-site woodland conservation requirement was approved by the District Council. Other methods of meeting the woodland conservation threshold on-site may be explored during the preparation and review of the TCPII. Every attempt shall be made to meet the threshold on-site using street trees, trees in bioretention areas, preservation of woodlands in the PMA outside the 100-year floodplain, and other allowable methods. If, during the review of the TCPII, the threshold cannot be met completely on-site, the remainder of the requirement shall be met using fee-in-lieu. Prior to signature approval of the DSP, a recipient of the fee-in-lieu funds shall be identified.”
38. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised as follows:
 - a. Revise the site statistics (specifically for the existing floodplain, the forested floodplain, and the existing forest outside of the floodplain) as necessary to reconcile the discrepancy in site statistics between the current TCPI (TCPI/014/08-01) and the TCPI (TCPI/004/09) for the recently submitted preliminary plan for the adjacent Moore Property (4-08018) so that the site statistics between the two plans add up to the site statistics shown on the approved NRI for both sites.
 - b. Provide a legend on the cover sheet.
 - c. Remove Note 2 from the notes located on the lower left corner of the cover sheet.

- d. Revise the specimen tree table to account for only those trees located in the current application.
- e. Provide a note below the specimen tree table indicating whether the trees were survey or field located.
- f. Revise the notes to include all optional Type I tree conservation notes.
- g. Provide the standard Type I TCP approval block on all sheets.
- h. Type in the original signature information once the plans receive signature approval of the CSP, leaving the -01 signature line open for the current approval.
- i. Remove the extra area 9 listed under “forest saved and counted as cleared” on the cover sheet.
- j. Separate out the information listed on the cover sheet under the heading for “forest saved and counted as cleared (non-FPA)” into the following categories, and revise the plan and worksheet accordingly:
 - (1) “forest preserved not counted”—areas 1, 2, 4, and 6
 - (2) “Preservation”—areas 7 and 8
 - (3) “Forest saved and counted as cleared”—areas 3, 5, 9, 10, 11
- k. Revise all match lines to be consistently shown on all sheets.
- l. Revise the plans to remove all residential buildings from the 25-foot floodplain building restriction line for residential buildings.
- m. Revise the plan to show all proposed retaining walls a minimum of ten feet from the PMA or any woodland conservation area.
- n. Show reforestation on Sheet 5, adjacent to non-FPA 8, within and adjacent to the PMA.
- o. Remove the building footprint from the PMA and the floodplain building restriction line on Sheet 6.
- p. Revise the location of the label for clearing area EE on Sheet 14, to be within the proposed clearing area, or provide an arrow indicating where the clearing is to occur.
- q. Update the worksheet to reflect all changes made to the plan.
- r. After all revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revisions made.

39. Each detailed site plan, other than the special-purpose DSP, shall survey locate specimen trees within 100 feet of the ultimate limits of disturbance within the Westphalia Center property boundary. The specimen trees that are determined to remain as part of the survey shall be evaluated for appropriate preservation measures. Details of the preservation methods shall be shown on the TCPII including information on treatments to occur prior to, during, and after construction.
40. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/014/08-01). The following notes shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/014/08-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
41. Prior to signature approval of the preliminary plan, the two ring roads (Private Road QQ) located east and west of Public Road O shall be redesigned to provide access to the rears of the proposed multifamily residential parcels (Parcels 22 and 24) without completing the loops. The extension of Private Road QQ should extend from Public Road O in the similar alignment as shown on the preliminary plan, but only enough to serve the rear of each parcel.
42. Total development within the subject property shall be limited to uses which generate no more than 6,816 AM peak-hour trips, and 8,526 PM peak-hour trips, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates. Any development generating an 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.
43. A traffic phasing analysis will be submitted and reviewed during the processing of the detailed site plan for each phase. This traffic phasing analysis will define the improvements required for Phase 1A, 1B, 1C, 2A, 2B, 2C, 2D, 3A, 3B, and Phase 5. These above-mentioned traffic conditions will be modified to adjust the timing trigger and extent of these improvements for each phase. This phasing analysis will not exceed the 6,186 AM peak-hour trips, and 8,526 PM peak-hour trip cap, unless a new preliminary plan of subdivision is processed.
44. The transportation improvements expressed herein shall remain in full force and effect unless otherwise modified pursuant to agreement initiated by the Transportation Planning Section of M-NCPPC, SHA, and DPW&T, in concurrence with the applicant, and provided any such technical or engineering change maintains the levels of adequate transportation facilities

approved herein. Any modification of transportation improvements may not be inconsistent with the Planning Board findings and conditions.

45. The following rights-of-way shall be dedicated at the time of the appropriate final plat, consistent with the rights-of-way approved by DPW&T or SHA:
 - a. The right-of-way for A-52 and MC-637 (between MC-634 and West Circle) within a 104-foot (or greater) right-of-way.
 - b. The right-of-way for MC-634, MC-632, and MC-637 (north of West Circle) within a 96-foot right-of-way.
 - c. The right-of-way for A-66, within a 118-foot right-of-way.
 - d. The right-of-way for C-636, within a 70-foot right-of-way.
 - e. The rights-of-way associated with the interchanges along MD 4 at Suitland Parkway, Dower House Road, and MD 223.
46. Prior to signature approval of the preliminary plan of subdivision, any roadway sections described in this plan that are not consistent with the County Road Ordinance shall have approval of DPW&T or be approved for private maintenance.
47. Prior to the issuance of any building permits within the subject property for uses generating peak-hour trips in excess of 1,610 AM and 1,719 PM, the applicant and the applicant's heirs, successors and/or assignees shall pay a pro rata share of the road improvements at the intersection of MD 223 at Rosaryville Road. The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be \$1,126.23 per average peak-hour trip x (Engineering News Record Highway Construction Cost Index at the time of building permit application) / (Engineering News Record Highway Construction Cost Index for the second quarter 2008).
48. Prior to the issuance of any building permits within the subject property for uses generating peak-hour trips in excess of 1,610 AM and 1,719 PM, 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. MD 4 and Forestville Road intersection
 - (1) Add a third westbound through lane along MD 4.
 - (2) Add a second northbound double-left-turn lane along Forestville Road at MD 4.
 - (3) Add a second northbound through lane along Forestville Road at MD 4.
 - (4) Convert the southbound right-turn lane into a combined through-and-right lane.

- (5) Add a second southbound left-turn lane along Forestville Road at MD 4.
 - (6) Rebuild the existing traffic signal.
- b. MD 4 and MD 223 Interchange
 - (1) The applicant will rebuild this interchange as detailed on Exhibit 12 as Alternate P-1.
 - (2) Install new traffic signals at Old Marlboro Pike and Presidential Parkway, Old Marlboro Pike and Melwood Road and Old Marlboro Pike and MD 4 WB off ramp.
 - (3) Construct a second southbound left turn along MD 223 at the MD 4 EM on ramp.
 - (4) Widen the MD 4 EB on ramp to accept the southbound double-left movement.
 - (5) Provide a third NB through lane along MD 223 at the MD 4 EB on ramp.
 - (6) Install a traffic signal at the intersection of MD 223 and MD 4 EB off ramp—MD 4 EB on ramp.
- c. MD 223 and Perrywood Road—Conduct a signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.
- d. Old Marlboro Pike and Ritchie Marlboro Road
 - (1) Create a separate northbound left-turn lane along Ritchie Marlboro Road.
 - (2) Create a separate southbound left-turn lane along Ritchie Marlboro Road.
 - (3) Create a separate eastbound right-turn lane along Old Marlboro Pike.
 - (4) Modify traffic signal.
- e. MD 223 and Marlboro Pike
 - (1) Construct a southbound double-left-turn lane.
 - (2) Modify traffic signal.
 - (3) Provide separate left, through and right-turn lanes on eastbound approach.
- f. MD 223 and Dower House Road
 - (1) Create a double left, a through and a separate right-turn lane on the northbound approach along MD 223.

- (2) Create a left turn, a through and a shared through-and-right lane on the southbound approach along MD 223.
 - (3) Modify traffic signal.
- g. MD 4 and Dower House Road—Construct a grade-separated, two-point diamond interchange with traffic signals at both at-grade intersections, subject to the requirements of SHA.
- h. MD 4 and Westphalia Road—Prior to the issuance of any building permits within the subject property for uses generating peak-hour trips in excess of 1,610 AM and 1,719 PM, the following road improvements (which shall not commence construction until the interchange at Suitland Parkway and MD 4 is completed and open to traffic) shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, (c) have an agreed-upon timetable for construction with the appropriate operating agency.
 - (1) Reconfigure the intersection with a set of channelized traffic islands such that through movements across MD 4 and left turns from all approaches are prohibited.
 - (2) Reconstruct/upgrade Burton's Lane to DPW&T standards.
 - (3) Upgrade Old Marlboro Pike from a point approximately 400 feet north of its intersection with Burton's Lane to the point where it connects to the proposed interchange at MD 4 and Suitland Parkway OR
 - (4) Prior to the issuance of the first building permit within the subject property for uses generating peak-hour trips in excess of 1,610 AM and 1,719 PM for the development, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - In lieu of Condition 48 H(1), (2), and (3), pay a pro rata share of the cost of construction of an interchange at MD 4 and Old Marlboro Pike-Westphalia Road. The pro rata share shall be payable to Prince George's County (or its designee) with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be determined after the Planning Board adopts a resolution establishing a surplus capacity reimbursement procedure (SCRIP). The pro rata share shall be indexed by multiplying the dollar amount (\$) x (Engineering News Record Highway Construction Cost Index at the time of building permit application) / (Engineering News Record Highway Construction Cost Index for the second quarter 2006).

- The above improvement shall have full financial assurances through either private money and/or full funding in the CIP, in a SCRP, State CTP, or public financing plan approved by the Council.
49. Direct vehicular access to historic Melwood Road shall be limited to one access point within the Fringe, and shall be located to the south to the greatest extent possible. Adequate safety roadway improvements for Melwood Road between MD 4 and new road MC-632, including traffic calming devices, shall be bonded for construction prior to the issuance of building permits for the Westphalia Center development project as determined appropriate by the Department of Public Works and Transportation.
50. Prior to approval of a special-purpose detailed site plan, proposed Parcel T-1 shall be evaluated to determine the adequacy of accessibility, safety, and if traffic controls are needed for the circular public space (park) within public road MC-637 (Dower House Road), or an alternative road design or location for the public spaces shall be approved. This study may affect the proposed road design and lot patterns in this area.
51. Prior to signature approval, revise the preliminary plan to delineate the master-plan right-of-way alignment for proposed roads A-67/MC-631 (Suitland Parkway Extended) and MC-634 (Presidential Parkway and Presidential Parkway Extended) on application 4-08002, within the land to be dedicated to SHA.
52. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
53. Prior to the approval of building permits, the applicant and the applicant's heirs, successors and/or assignees shall convey to the homeowners association (HOA) open space land as identified on the approved detailed site plan. Land to be conveyed shall be subject the following:
- a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of

DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.

- f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
54. At the time of each detailed site plan review, except the special purpose detailed site plan the applicant shall:
- a. Integrate the proposed commercial development located on residential and recreational parcels within the Edge with the residential and recreational uses in a mixed-use arrangement.
 - b. Provide a parking study for each block group of the site so as to ensure an adequate provision and distribution of parking (including handicapped-accessible parking) across the site.
 - c. Minimized to the fullest extent possible the direct vehicular access from lots and parcels onto master-planned roads.
- †55. Prior to approval of a detailed site plan proposing development for Parcel 35 (as shown on the current signature approved preliminary plan of subdivision dated February 7, 2011), a revised preliminary plan of subdivision shall be submitted for signature approval to relocate the transit center parcel (Parcel 28) to Lot 7. The area of Parcel 35 shall be expanded to incorporate the land area previously associated with the transit center so that no new parcels are created.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the north side of Pennsylvania Avenue (MD 4), west of Melwood Road and east of the interchange of Suitland Parkway and Pennsylvania Avenue.
3. **Background**—The subject property is located on Tax Map 90, 91, 99 and 100, is 482.57 acres and zoned M-X-T (Mixed Use-Transportation Oriented). The property is made up of a combination of twenty-three acreage parcels, two record lots, and two outlots as listed on the preliminary plan of subdivision. The application is to subdivide the property into 1,352 lots and 210 parcels for the construction of 172 single-family dwellings, 424 attached dwelling units, 1,287 townhouses, and 2,473 multifamily dwelling units (4,356 total dwelling units). The development also includes 5.9 million square feet of office and retail uses.

This preliminary plan is a part (482.57 acres) of Westphalia Center, CSP-07004 (530.27 acres). The conceptual site plan (CSP) also includes Moore Property (4-08018). Conceptual Site Plan CSP-07004, which is required for the M-X-T Zone, was approved by the Planning Board (PGCPB Resolution No. 08-189) and the resolution was adopted on January 29, 2009 with 34 conditions. On February 9, 2009, the District Council elected to review the case and on May 21, 2009 the Notice of Final Decision was issued. This preliminary plan has been reviewed for conformance to that final decision.

The property is a part of a regional urban community, which is defined as follows by Section 27-107.01(197.1) of the Zoning Ordinance:

A contiguous land area of 500 or more acres in the M-X-T or R-M Zone within a General Plan designated center in the Developing Tier, and which is to be developed as follows: a mixed use, urban town center including retail office and residential uses with a defined core, edge and fringe as defined by the Sector Plan; transit-and-pedestrian-oriented, with ample public spaces suitable for community events, adjacent to a planned or developed public park of 100 or more acres that includes a variety of recreational and cultural facilities for public use, such as amphitheaters, performance stages and plazas.

The plan provides for the extension of Presidential Parkway from its current terminus into the center of the site as master plan roadways MC-634 and A-66. In the eastern portion of the subject property, Presidential Parkway connects to another master planned roadway, C-636, which turns to the north to provide a connection to future development north of the site. The plan also provides for the extension of Woodyard Road north from Pennsylvania Avenue, A-52 and MC-637, and through the site to connect to future development. Similarly, the plan shows the extension of a road from the interchange of Melwood Road and Pennsylvania Avenue through the center of the site, MC-632, connecting to future development.

As specified by the *Approved Westphalia Sector Plan and Sectional Map Amendment* and referenced in the definition of a regional urban community, the proposed town center is divided into a Core (77± acres), an Edge (260± acres), and a Fringe (145± acres). This preliminary plan contains all three elements.

The Core is mostly a rectangular area slightly offset to the west of the center of the site, and also extends southward to Pennsylvania Avenue near the future interchange of Woodyard Road and Pennsylvania Avenue. The Core is envisioned as a distinctive urban environment with a regular grid of streets, multistory, vertical, mixed-use buildings constructed close to the streets and wide sidewalks. The grid of streets is formed by three east-west streets, including A-66 (Presidential Parkway Extended), along the southern edge of the rectangular area, a main street through the center of the rectangular area, another street along the northern edge of the Core, four north-south streets, including M-637 (Dower House Road Extended), through the western portion of the Core, two other streets through the center and eastern portions of the Core, and another street along the eastern side. The main east-west street through the center of the Core includes three roundabout intersections. A square open space is proposed at an intersection on the northern side of the Core, while the three roundabout intersections have been shown providing varying amounts of green space in the centers of the roundabouts. †The highest density of development should occur within the Core area.

~~†[A transit area is located in the portion of the Core that extends south to Pennsylvania Avenue in the conceptual site plan, but is not labeled on the preliminary plan of subdivision and should be. The transit parcel is foreseen as a park and ride for a future bus rapid transit station, but could eventually allow for a rail station. The highest density of development should occur within the Core area.]~~

The Edge is the largest area of the site and includes a strip of land south of the Core as well as large areas in the northern and eastern portions of the site. The Edge is envisioned as including commercial uses along Pennsylvania Avenue, with residential neighborhoods in the northern and eastern areas. The residential neighborhoods would be a mix of single-family attached dwelling units (townhouses, two-family dwellings, three-family dwellings, and other stacked or attached unit types) and multifamily dwellings, with a small number of small-lot single-family detached houses around the northern and eastern edges of the site in the vicinity of existing single-family neighborhoods. Sites for small-scale neighborhood, commercial, or mixed-use development have been identified within the residential neighborhoods. A potential library site is also envisioned within the Edge. Both residential and commercial uses will be densely developed. Community open spaces are also distributed throughout the Edge, and Parcel 25 has been identified for a future school in the southeastern corner of the Edge.

The Fringe includes the southeastern corner of the site near Melwood Road and along MC-632, and the western portion of the site on either side of Presidential Parkway. The Fringe is separated

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from the Core and Edge by stream valleys that provide a natural division. The Fringe is primarily intended for commercial development, capitalizing on locations near the major roadway interchanges that will be constructed along Pennsylvania Avenue. The proposed development regulations are more flexible and allow for more suburban office park and “lifestyle center” retail development within these areas. The plan also identifies Lot 7 (9.56 acres) in the western portion of the Fringe for the construction of a fire/EMS facility. †In 2009, 2.29 acres of Lot 7 were conveyed to Prince George’s County for this facility. As of the reconsideration of this PPS, approved on April 13, 2023, the remaining part of Lot 7 (7.66 acres) has been approved for use as a transit center. The land for the transit center is foreseen to allow the eventual operator of the facility flexibility in its design and operation, to accommodate a variety of transit services appropriate to serve the Westphalia Center and surrounding area.

4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	APPROVED
Zone	M-X-T	M-X-T
Use(s)	Residential	Mixed Use
Acreage	482.57	482.57
Lots	3	1,352
Outlots	2	0
Parcels	23	211
Commercial		
Retail	0	1,400,000
Office	0	4,500,000*
Dwelling Units:		
Detached	1(to be razed)	172
Townhouse	0	1,287
Attached (misc)	0	424
Multifamily	0	2,473
Public Safety Mitigation Fee		No

*Condition 2 of CSP-07004 restricts the amount of office in the Fringe to 2.2 million

5. **Regional Urban Community Regulations**—Section 27-544 of the Zoning Ordinance sets forth regulations for the development of a regional urban community, in part. Section 27-544(e)(2)(A) of the Zoning Ordinance establishes that the maximum percentage of attached dwelling units,

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which includes but is not limited to townhouses, two over twos, and triplexes, shall be no more than fifty percent of the total units in the project. In this case, this regulation applies to the entire area of land covered by Westphalia Center, CSP-07004. This preliminary plan is a part (482.57 acres) of the Westphalia Center (530.27 acres), which includes Moore Property (4-08018), and was approved by the Planning Board in January 2009 (CSP-07004). On May 21, 2009, the District Council's Notice of Final Decision was released for CSP-07004. This preliminary plan has been evaluated for conformance with that decision. At the Planning Board hearing staff advised the Board that the District Council (DC) had proposed further revisions to their decision. It was staffs understanding that the DC had voted on the amendments but had not yet signed or

released the decision. Staff was advised that the DC revised the phasing plan and made revisions to the parks conditions. The phasing is not a condition of the preliminary plan and the parks conditions contained in the decision for this case reflected the possibility of revisions based on further revisions to the CSP.

When evaluating the two preliminary plans together, the applicant is proposing forty-four percent of the total dwelling units as attached dwelling units:

Preliminary Plan	Total Dwelling Units	Multifamily	Single-Family Detached	Attached
4-08002 (Westphalia)	4,356	2,473	172	1,711
4-08018 (Moore)	640	135	0	505
Total	4,996	2,608	172	2,216
Percent of Attached				44%

Section 27-544(e)(2)

- (B) For Regional Urban Community developments in the M-X-T Zone, the woodland conservation and afforestation thresholds shall be fifteen percent (15%) with no requirement for on-site mitigation. A fee-in-lieu of \$0.30 per square foot shall be required.**

Conformance to this regulation is discussed further in the environmental planning section.

- (C) Innovative stormwater management techniques may be used upon a finding that the techniques meet the purpose of the M-X-T Zone as set forth in Section 27-541(a)(2), including but not limited to the utilization of stream channel and floodplain enhancement and restoration. Stream restoration may be utilized to meet channel protection and water quality volumes.**

Conformance to this regulation is discussed further in the environmental planning section.

- (D) No setback shall be required from the 100-year floodplain to the lot line. There shall be a twenty-five (25) foot setback from the building to the 100-year floodplain for residences as a building restriction line as set forth in Section 24-129.**

Conformance to this regulation will be reviewed with the detailed site plan (DSP).

- (E) The maximum number of townhouse dwelling units per building group shall be ten (10). No more than thirty percent (30%) of the building groups shall contain nine (9) to ten (10) dwelling units. All other townhouse building groups shall contain no more than eight (8) dwelling units.**

The preliminary plan is not inconsistent with this regulation. The applicant does, however, propose townhouse lots which include nine and ten lots in a row. Staff would note that lots in a row do not necessarily mean that dwelling units are attached. A side yard can break up each stick to conform to this regulation. At the time of review of the DSP, the number of attached dwelling units in a row (a stick) should be reviewed for conformance to this regulation.

- (F) The number of parking spaces required in the core area of the Regional Urban Community are to be calculated by the applicant and submitted for Planning Board approval at the time of Detailed Site Plan approval. The applicant shall submit the methodology, assumptions, and data used in performing the calculations with the Detailed Site Plan. The number of parking spaces within the core area of the Regional Urban Community shall be calculated based on the procedures described in Sections 27-574(b) and (c).**

This regulation is not applicable to the review of the preliminary plan of subdivision.

- (G) End units on townhouse building groups shall be a minimum of twenty (20) feet in width and the minimum building width of a contiguous attached townhouse building group shall be sixteen (16) feet per unit. A variety of townhouse sizes shall be provided, with a minimum gross living space of a townhouse unit shall be 1,500 square feet except that ten percent (10%) of the townhouse units may be reduced to 1,200 square feet.**

The minimum lot width proposed is 16 feet wide, with the minimum width of an end unit being 20 feet wide. The variety of sizes of the townhouses will be reviewed with the detailed site plan(s) when architecture is introduced.

- (H) **The minimum front setback from any public or private right-of-way may be reduced to seven (7) feet. In the core area, the public maintenance shall be one foot from back-of-curb to one foot to back-of-curb.**

This regulation will be evaluated with the detailed site plan process when dwelling unit types are introduced.

6. **Conceptual Site Plan**—On May 21, 2009, the District Council’s Notice of Final Decision was issued for CSP-07004. This preliminary plan has been evaluated for conformance with that decision. Comments have been provided where the condition is applicable to the preliminary plan of subdivision, or not otherwise specifically addressed.

1. **Prior to certificate approval, the following revisions shall be made to the CSP:**

- a. **All appropriate sheets of the CSP shall be revised to show the same proposed ranges of development. These ranges shall be as follows:**

- (1) **4,000–5,000 total dwelling units**
 - **150–200 single-family detached houses**
 - **1,650–2,500 attached dwelling units**
 - **1,800–3,100 multifamily dwelling units**
- (2) **500–600 hotel rooms**
- (3) **900,000–1,400,000 square feet of retail**
- (4) **2,200,000–4,500,000 square feet of office**

These numbers are subject to verification prior to certification of the CSP to ensure that they meet the minimum required land use densities and floor-area ratios established in the Westphalia Sector Plan for the Core, Edge, and Fringe areas.

The preliminary plan is not inconsistent with the mix and range of uses approved with the CSP. Prior to signature approval of the preliminary plan, the CSP should be signature approved.

- b. **Remove the note referring to possible increases of 10 percent of the development categories.**
- c. **Revise the conceptual landscape plan to demonstrate conformance to Section 4.8.**
- d. **Revise the phasing plan to propose up to 50 percent of the total dwelling units as attached units (including townhouses, semi-detached dwellings, two-family units, three-family units, and any similar products).**

- e. **Provide minimum ten-foot-wide sidewalks (clear pedestrian zones) along both sides of the town center boulevard. The optional zone for the town center boulevard may be reduced to 26 feet.**
- f. **Mark and label the six-foot-wide sidewalks on the urban residential road 70-foot right-of-way.**
- g. **Modify the width of the “urban sidewalks” included on the North-South urban mixed-use roads to be a minimum of eight feet. The optional zone for the North-South urban mixed-use roads may be reduced to 28 feet.**
- h. **Provide minimum sidewalks of six feet along both sides of MC-632.**
- i. **All portions of the plan shall show the entire property.**
- j. **Show that the detached portion of the property along the western portion of existing Presidential Parkway is part of the Fringe.**
- k. **Add a floating symbol for the potential location of a library within the town center.**

The library is proposed on Parcel 30, west of MC-637 and is 2.9 acres.

- l. **Show a buffer area along the full length of historic Melwood Road and the Twin Knolls Subdivision, excluding the Fringe area. The buffer shall be a minimum of 75 feet wide along the entire length, and an average of at least 150 feet wide, excluding the Fringe area.**

The buffer required along the fringe is 10 feet wide from the southern point of Melwood Road to the southern side of the only access allowed onto Melwood Road. Starting on the north side of the access, the buffer starts at 10 feet wide and increases to 30 feet wide to the edge of the fringe. The buffer is required along the entire edge of Melwood Road within the fringe by condition of this preliminary plan. The details of the buffer will be reviewed with the detailed site plan for this area, and may be modified by revisions to the conceptual site plan.

- m. **Add a floating symbol for the potential location for a public or private medical facility.**

The preliminary plan proposes a “potential wellness center” on Parcel 26 in the Fringe area.

- n. **Show bikeway corridor trails along major roads.**

2. **Prior to certificate approval, the following revisions shall be made to the CSP plan text. Where available, the specific pages of the proposed CSP text to which the revision applies are provided in parentheses.**
 - a. **Revise the proposed development totals to match those shown in Condition 1(a).**
 - b. **Revise the proposed intensity of commercial development within the Fringe to reflect the reduction in the minimum amount of office development from 4,000,000 square feet to 2,200,000 square feet.**
 - c. **Add proposed public/quasi-public uses to the breakdown of land use ranges in the Edge, and if necessary, revise the proposed mix to conform to the recommended range. (p. 23)**
 - d. **Incorporate the omitted sector plan design principles for the Core, Edge, and Fringe areas in the CSP text as criteria to be included in subsequent development review procedures.**
 - e. **Emphasize that proposed commercial land uses in the Edge areas need to be in substantial conformance with all sector plan design principles, particularly with respect to scale, site and building design, and parking. On-street parking will be designed to contribute to the parking requirements of commercial uses within the Edge.**
 - f. **Require a range of lot sizes for single-family attached dwelling units in the town center with a minimum of 1,000 square feet.**

The preliminary plan has a range of sizes for the attached dwelling units with a minimum lot size of 1,000 square feet.

- g. **Incorporate the regulations of CB-29-2008, particularly with respect to townhouse and attached dwelling unit criteria for the percentage of total units, lot size, living area, number of units in an attached row, and building widths.**

Council Bill CB-29-2008 amended Section 24-544 of the Zoning Ordinance. The preliminary plan is consistent with Section 24-544.

- h. **Use consistent terminology throughout the text to refer to the streets (urban mixed-use roads, urban residential roads, internal circulation roads, and auxiliary access roads).**

- i. A maximum of 68 front-loaded garages shall be allowed within Westphalia Center. Their location shall be restricted to areas adjacent to a stream valley or preserved environment feature, preventing the use of a rear alley to serve the dwellings.**

Detailed site plans should ensure conformance to this condition.

- j. No drive-through services are permitted within Westphalia Center.**
- k. Update the discussion of noise based on the most up-to-date noise contours. (p. 6)**

The noise information was submitted and evaluated in the environmental planning section.

- l. Clarify that surface parking lots will only be permitted within the Core at final build-out where they are small in size and screened from the street by buildings. Interim parking lots in the Core prior to final build-out shall be screened by landscaping. (pp. 22–23)**
- m. Correct the reference to an informal street pattern in the Core to refer to the street pattern of the Fringe. (p. 28)**
- n. Include all three gateways (Suitland Parkway, Dowerhouse Road, and Woodyard Road) in the discussion of gateways. (p. 34)**
- o. Revise the text on page 38 to remove the second exemption for continuous building façade (for drive throughs in the Core). (p. 38)**
- p. Remove the reference to off-street parking provided along the roadway in the Core. (p. 38)**
- q. Specify that residential buildings fronting on urban residential roads and internal circulation roads may be set back up to 10 feet from the established build-to line along the pedestrian zone or public utilities easement to allow for stoops, porches, gardens, etc. The setback may be up to 15 feet from the established public utilities easement where front-loaded garages are permitted. (pp. 40–42)**
- r. Clarify the building placement regulations to note that buildings shall be built to the pedestrian zone, optional zone, or public utilities easement, whichever is farthest from the street centerline.**
- s. Change the standard spacing of street trees to a maximum of 40 feet on center for all roads.**

- t. **Add language to state that multi-story buildings are strongly encouraged in the Core.**
- u. **Remove the detail of tree grates or modify the detail to show a larger planting area and an expanded structural soil area underneath the adjacent sidewalk. (following p. 42).**
- v. **One-story buildings shall not be constructed in the Core.**

Prior to signature approval of the preliminary plan, the CSP will have signature approval.

3. Prior to certification of the CSP, the Type I tree conservation plan shall be revised to:

- a. **Show all regulated features per the revised, signed NRI.**
- b. **Show a limit of disturbance.**
- c. **Show the correct symbol in the legend for floodplain cleared.**
- d. **Add the entire required standard notes for a TCP I.**
- e. **Add the following note:**

“Woodland conservation shall not be credited in easements of any kind except surface drainage easements.”

- f. **The TCP I for the CSP shall be at the same scale as the NRI.**
- g. **Match the graphics in the legend to the graphics on the plan (in particular, floodplain clearing).**
- h. **Add the following note to the TCP I:**

“The afforestation/reforestation areas on this plan will be reviewed in more detail during the preliminary plan review and the review of the future TCP I and TCP II. Afforestation and reforestation areas must be placed so as to provide open space, locations for utilities, sight distance, and to address aesthetic concerns throughout the site.”

- i. **Address all other comments provided during certificate review.**

- j. **Have the revised plans signed and dated by the qualified professional who prepared them.**

Prior to signature approval of the preliminary plan, the CSP will have signature approval.

4. **At least 35 days prior to Planning Board approval of the preliminary plan, a stream corridor assessment using the Maryland Department of Natural Resources protocol shall be submitted. General impacts to the entire stream valley for stream restoration shall be approved at preliminary plan. Specific impacts for stream restoration will be determined, reviewed, and approved at the detailed site plan stage. Streams shall not be piped unless absolutely necessary to address a water quality or water conveyance problem.**

This condition has been complied with and is discussed further in the environmental planning section.

5. **Prior to acceptance of the preliminary plan package for review, NRI/094/06 shall be revised to include the information obtained from the field work with the Maryland Department of the Environment, the comments provided by the Environmental Planning Section, and the additional information on existing wetlands.**

This condition has been complied with and is discussed further in the environmental planning section.

6. **Prior to approval of the preliminary plan of subdivision, any roadway sections described in this plan that are not consistent with the County Road Ordinance, whether proposed for public or private maintenance, shall have approval from the Department of Public Works & Transportation.**

By e-mail dated May 27, 2009, the Department of Public Works and Transportation (DPW&T) provided their approval, indicating that the final referral is forthcoming. Prior to signature approval of the preliminary plan the final referral is required, and the preliminary plan will be revised to reflect any modification requested by DPW&T.

7. **At least 35 days prior to the approval of the preliminary plan by the Planning Board, the applicant shall attend a joint meeting with the staff reviewers of DPW&T and the Environmental Planning Section of M-NCPPC to evaluate the results of the stream corridor assessment.**

This condition has been complied with and is discussed further in the environmental planning section.

8. **The stormwater management ponds shown on the TCP I with the preliminary plan and all subsequent plans shall be designed as amenities to the community to the fullest extent possible with features such as utilization of the natural contours of the site, providing extensive landscaping, providing walking trails where appropriate, and shall include the use of low-impact development stormwater management techniques to the fullest extent possible, such as the use of forebays to trap sediment, bioretention, french drains, depressed parking lot islands, native plants.**

This condition has been complied with and is discussed further in the environmental planning section.

9. **At the time of review of the preliminary plan, a letter of justification shall be submitted for all proposed impacts to the regulated areas shown on the signed NRI, including the regulated areas described as Areas 1-8 on Staff Exhibit A, dated November 24, 2008. Where impacts cannot be eliminated, the letter of justification shall state the reasons and provide evidence regarding why the impacts cannot be eliminated or reduced. Such evidence could include roadway designs by the State or previously approved plans, including master plans that require or show the placement of the roadways. Evidence may also include features, such as an amphitheater, or other infrastructure in the locations shown on the conceptual site plan, as provided in CB-29-2008 and consistent with CR-2-2007.**

This condition has been complied with and is discussed further in the environmental planning section.

10. **No woodland conservation shall be proposed on dedicated parkland, unless written authorization from the Department of Parks and Recreation has been provided prior to Planning Board approval of the associated TCP.**

The plan proposes no parkland dedication.

11. **At least 35 days prior to Planning Board approval of the preliminary plan, a Phase I noise study that addresses noise related to Andrews Air Force Base, MD 4, and A-52 and A-66 shall be submitted. The TCP I for the preliminary plan shall show the resulting noise contours at both ground level and upper story elevations. The plan shall also illustrate conceptually how noise levels will be reduced to 65 dBA Ldn for outdoor activity areas and 45 dBA Ldn for indoor living areas.**

This condition has been complied with and is discussed further in the environmental planning section.

12. **The preliminary plan and TCP I shall propose restoration of the stream valley for the Back Branch drainage area. Along with this innovative LID stream restoration, on-site pretreatment will be provided at each storm drain outfall in the amount of 10% of the water quality volume for that area. For this pretreatment, innovative LID techniques such as bioretention within parking lot islands, vegetated buffers, infiltration trenches or pervious pavement will be utilized in the areas draining to Back Branch between Pennsylvania Avenue and Presidential Parkway. By providing improved water quality and protecting the channel through stream restoration, the proposed SWM pond treating the residential area draining to Back Branch and its conveyance system can also be greatly reduced.**

This condition has been complied with to the extent possible with the review of the preliminary plan and is discussed further in the environmental planning section.

13. **The locations of the master-planned trails along Back Branch and Cabin Branch shall be determined at the time of preliminary plan review. The trails shall be designed to avoid the PMA to the extent possible and trail alignments along parallel roads may be utilized where necessary. Impacts to the PMA shall be addressed at that time.**

This condition has been complied with to the extent possible with the review of the preliminary plan and is discussed further in the environmental planning and trails sections.

14. **At time of preliminary plan review, a detailed transportation phasing plan shall be submitted to identify specific improvements for specified levels of development in each phase.**

A transportation phasing plan has been submitted and is discussed further in the transportation section.

15. **Prior to approval of a detailed site plan for specific buildings, the applicant shall obtain approval of a special-purpose detailed site plan encompassing the entire Westphalia Town Center site to establish regulating standards for signage and identify appropriate locations for transit stops within the town center in consultation with DPW&T and WMATA. The special-purpose detailed site plan shall also show proposed preliminary designs of the public open spaces within the town center and establish a timing plan for the improvement of these public spaces and for the public trail system.**
16. **Prior to approval of a special purpose detailed site plan covering the whole site, the following items shall be determined to ensure they will be addressed during review of each incremental detailed site plan submitted subsequently:**

- a. **Evaluate accessibility, safety, and traffic control needs for the circular public space within public road MC-637, or propose an alternative road design or location for the public spaces.**
 - b. **Address gateway design themes and concepts.**
 - c. **Define the responsibility for construction and ownership of other public spaces, recreation and open space facilities proposed in the town center.**
 - d. **Address a comprehensive organizational structure and financing system to manage and maintain the public, quasi-public and common ownership infrastructure networks and amenities, such as streets, sidewalks, recreation facilities, open spaces, and management operations.**
 - e. **Acknowledge that the transit center will be dedicated to public use.**
17. **Prior to acceptance of each detailed site plan, the package shall include a description of the use of green building techniques and alternative energy sources for the development throughout the site. At least three green building techniques shall be used in each development area of the site as identified on the CSP.**
18. **Each detailed site plan shall demonstrate conformance to landscaping standards. In general, development on the site shall be subject to the standards of Section 4.8 of the Landscape Manual, in addition to the following standards:**
- a. **Single-family detached lots larger than 9,500 square feet shall provide at least one shade tree and one ornamental or evergreen tree on the lot.**
 - b. **Required landscaping for attached dwelling units shall be provided on the individual lots or common open space directly associated with the attached dwellings. Plantings within public or private open spaces shall only be counted towards the requirements where those spaces are located adjacent to the attached dwellings and are easily accessible to residents.**
 - c. **Surface parking lots larger than five parking spaces shall be subject to the landscaping standards of Section 4.3 of the Landscape Manual.**

- d. In general, uses within the town center shall not be buffered from each other. However, buffering of highly incompatible adjacent uses may be deemed necessary at the time of detailed site plan review.**
- 19. The applicant shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (M-NCPPC) for adequacy and property siting prior to approval of the detailed site plan by the Planning Board.**
- 20. At the time of detailed site plan approval, the applicant shall demonstrate to the Planning Board that the on-site private recreational facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement, or other appropriate means and that such instrument is legally binding upon the subdivider and his heirs, successors, and/or assignees.**
- 21. Pedestrian safety features, traffic calming, and pedestrian amenities shall be evaluated at the time of each detailed site plan.**
- 22. Prior to the first final plat of subdivision, the applicant shall enter into an agreement with the Department of Parks and Recreation (DPR) establishing a mechanism for payment of fees into an account administered by the M-NCPPC or provision of in-kind services. The agreement shall note that the value of the in-kind services shall be determined solely by DPR. DPR decisions regarding choice and value of in-kind services are appealable to the Planning Board. The agreement shall also establish a schedule of payments and/or a schedule for park construction. The payment or construction schedule shall include a formula for any needed adjustments to account for inflation. The agreement shall be recorded in the Prince George's County land records by the applicant prior to final plat approval.**

This condition has been included.

- 23. The applicant shall submit three original executed private recreational facilities agreements (RFA) for the private recreational facilities on-site to DRD for their approval three weeks prior to submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.**

This condition has been included.

- 24. The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DRD,**

in accordance with the timing established in the special purpose DSP. The developer, his successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.

This condition has been included.

- 25. As part of the private recreational facilities package, the applicant and the applicant's heirs, successors, and/or assignees shall construct three community buildings. The size, timing, and location of the buildings shall be determined with the review of the special-purpose detailed site plan.**
- 26. Prior to the issuance of the first building permit for the development, the applicant and the applicant's heirs, successors, and/or assignees shall:**
 - a. Pay a pro rata share of the cost of construction of an interchange at MD 4 and Old Marlboro Pike-Westphalia Road. The pro rata share shall be payable to Prince George's County (or its designee) with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be determined after the Planning Board adopts a resolution establishing a Surplus Capacity Reimbursement Procedure (SCRCP). The pro rata share shall be indexed by multiplying the dollar amount (\$) x Engineering News Record Highway Construction Cost Index (at the time of building permit application) / Engineering News Record Highway Construction Cost Index (for the second quarter 2006).**
 - b. The above improvement shall have full financial assurances through either private money and/or full funding in the CIP, a SCRCP, State CTP, or Public Financing Plan approved by the Council.**
- 27. Prior to the issuance of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall pay a pro rata share of the road improvements at the intersection of MD 223 at Rosaryville Road. The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be \$1,126.23 per average peak-hour trip x Engineering News Record Highway Construction Cost Index (at the time of building permit application) / Engineering News Record Highway Construction Cost Index (for the second quarter 2008).**

This condition is discussed further in the transportation section.

- 28. Prior to the issuance of any building permits for each phase or DSP within the subject property, the following road improvements as may be phased**

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. MD 4 and Forestville Road Intersection

- Add a third westbound through lane along MD 4.
- Add a second northbound double left turn lane along Forestville Road at MD 4.
- Add a second northbound through lane along Forestville Road at MD 4.
- Convert the southbound right turn lane into a combined through-and-right lane.
- Add a second southbound left turn lane along Forestville Road at MD 4.
- Rebuild the existing traffic signal.

b. MD 4 and Dowerhouse Road

- Construct a grade separated two-point diamond interchange with traffic signals at both at-grade intersections, subject to the requirements of SHA.

c. MD 4 and MD 223 Interchange

- The applicant will rebuild this interchange as detailed on Exhibit 12 as Alternate P-1.
- Install new traffic signals at Old Marlboro Pike and Presidential Parkway, Old Marlboro Pike and Melwood Road, and Old Marlboro Pike and MD 4 WB off-ramp.
- Construct a second southbound left turn along MD 223 at the MD 4 EM on-ramp.
- Widen the MD 4 EB on-ramp to accept the southbound double left movement.

- **Provide a third NB through lane along MD 223 at the MD 4 EB on-ramps.**
 - **Install a traffic signal at the intersection of MD 223 and MD 4 EB off-ramp—MD 4 EB on-ramp.**
- d. MD 223 and Perrywood Road**
- **Conduct a signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.**
- e. MD 223 and Marlboro Pike**
- **Construct a southbound double left turn lane.**
 - **Modify the traffic signal.**
 - **Provide separate left, through, and right turn lanes on the eastbound approach.**
- f. MD 223 and Dowerhouse Road**
- **Create a double left, a through, and a separate right turn lane on the northbound approach along MD 223.**
 - **Create a left turn, a through, and a shared through-and-right lane on the southbound approach along MD 223.**
 - **Modify the traffic signal.**

This condition is discussed further in the transportation section.

- 29. The applicant shall make a monetary contribution into a “park club.” The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars. The applicant may make a contribution to the park club or provide an equivalent amount of in-kind services for the construction of the recreational facilities in the central park. Monetary contributions may be used for construction, operation, and maintenance of the recreational facilities in the central park and/or other recreational amenities that will serve the Westphalia Study Area. The park club shall be established and administered by the Department of Parks and Recreation. The choice between a monetary contribution and the provision of in-kind services shall be at the sole discretion of the Department of Parks and Recreation. The value of in-kind services shall be reviewed and approved by DPR staff. DPR**

decisions regarding choice of contributions and the value of in-kind services are appealable to the Planning Board.

This condition is discussed further in the parks section.

- 30. The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined during the review of the special-purpose detailed site plan. Private and public recreational facilities shall be reviewed as a package, acknowledge the contribution of \$3,500 per dwelling unit, and determine the total expenditures for the package.**
- 31. The phasing of residential and commercial uses shall be determined with approval of the Conceptual Site Plan covering the whole property. All properties within Westphalia Center shall be subject to this CSP and to any special purpose DSP.**

The following phasing regulations will apply to this project. For the purposes of this condition, "constructed" shall be construed to mean that the buildings are built and ready for occupancy except for tenant-specific fit-out improvements. The minimum development amounts on the site shall be 150 single-family detached houses, 1,650 attached dwelling units, 1,800 multifamily dwelling units, 500 hotel rooms, 900,000 square feet of retail, and 2,200,000 square feet of office. As development proceeds, adequate traffic capacity shall be reserved to allow the development of these minimum amounts. Development may proceed beyond these minimums provided adequate transportation capacity will exist for that development.

- a. Attached dwelling units shall be limited to 50 percent of the total dwelling units on the site. Regardless of the relative quantities of different unit types approved on detailed site plans, building permits shall not be issued which would result in attached units exceeding 50 percent of the total of all dwelling units for which permits have been issued.**
- b. Prior to issuance of permits for the 1,400th dwelling unit, 300,000 square feet of retail space and 500,000 square feet of office space shall be constructed in the Core.**
- c. Prior to issuance of permits for the 2,800th dwelling unit, 600,000 square feet of retail space and 1,000,00 square feet of office space shall be constructed in the Core.**

- d. Prior to issuance of permits for the 4,200th dwelling unit, 900,000 square feet of retail space and 1,500,000 square feet of office space shall be constructed in the Core.**
- e. Prior to issuance of permits for the 250,000th square feet of retail development, 500,000 square feet of office shall be constructed.**
- f. Prior to issuance of permits for the 500,000th square feet of retail development, 750,000 square feet of office space shall be constructed.**
- g. The first 600 dwelling units shall be constructed in the Core before permits will be issued for any residential development in the Edge.**
- h. No single retail space shall be approved that exceeds 125,000 square feet of gross floor area within Westphalia Center.**
- i. A phasing and tracking chart shall be prepared in accordance with the approved phasing plan prior to certification of the CSP. This chart shall be submitted with each detailed site plan and comprehensively updated to ensure conformance with the phasing plan. The chart shall also be submitted with every building permit. No building permit shall be issued which does not conform to the phasing schedule above.**

Conformance to the required phasing will occur with the review of detailed site plans and building permits.

- 32. In conformance with the adopted and approved Westphalia sector plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:**
- a. Construct the subject site's portion of the Cabin Branch master plan trail. The trail alignment, design, and timing shall be determined at the time of preliminary plan.**
 - b. Construct the master plan trail along the subject site's entire segment of Back Branch. The trail alignment, design, and timing shall be determined at the time of the preliminary plan.**
 - c. Construct the minimum eight-foot-wide master plan trail along the subject site's entire frontage of the north side of MC-634 and A-66. In the vicinity of the town center, this trail may be replaced by a decorative wide sidewalk and streetscape. Treatment alternatives can be evaluated at the time of detailed site plan.**

- f. The applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$840 to the Department of Public Works and Transportation for the placement of appropriate signage indicating that C-636 is designated as a Class III bikeway. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders are encouraged.**

This condition is discussed further in the trails section.

- 33. In areas of landscaping and street furniture, a clear horizontal sidewalk space of eight feet shall be maintained to accommodate the heavier pedestrian traffic anticipated in the town center Core. The optional zone may be reduced to 28 feet in order to accommodate this change.**
- 34. Total development within the subject property shall be limited to uses which generate no more than 7,149 AM peak-hour trips, and 8,910 PM peak-hour trips, in consideration of the approved trip rates and methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified herein above shall require a revision to the conceptual site plan with a new determination of the adequacy of transportation facilities.**

The preliminary plan proposes a trip cap for development as discussed further in the transportation section.

- 35. Developer shall pay a fee-in-lieu to satisfy woodland conservation requirements in accordance with CB-29-2008.**

This condition is discussed further in the environmental planning section.

- 36. Where there is a mixture of products and/or lot sizes, alleys shall not be required to be aligned, unless determined otherwise by DPW&T at the detailed site plan stage.**
- 37. Prior to certificate approval, the preliminary plan shall be revised to reflect an increase in the developable acreage of the school site from 3.6 acres to 7 acres.**

This condition is included.

- 38. The acreage for the transit center is approximately four (4) acres.**

The preliminary plan locates the four-acre transit center and indicates that it is to be conveyed to a public use.

7. **Urban Design**—The subject property is within the area of the 2007 Approved Westphalia Sector Plan, and is designated as part of the Westphalia Town Center.

Conformance with Previous Approvals

The subject property and the adjoining Moore property (4-08018) are included in the larger conceptual site plan for Westphalia Town Center, CSP-07004. The CSP was approved by the Planning Board on December 18, 2008 (PGCPB Resolution No. 08-189), and was affirmed by the District Council on May 19, 2009, subject to 38 conditions.

Conformance with the *Prince George's County Landscape Manual*

As part of a proposed Regional Urban Community, the site is subject to Section 4.8 of the *Prince George's County Landscape Manual*. The site's conformance with that section will be reviewed at the time of detailed site plan.

Other Design Issues

Commercial Sites

The CSP designates four small commercial sites located within the Edge areas of the town center to allow for small-scale commercial uses to be mixed into the largely residential areas of the Edge. The applicant has shown three Edge commercial sites in the Westphalia Center subdivision, and one in the adjacent Moore Property. One of the sites is shown as a separate retail parcel, another is shown as sharing a parcel with multifamily residential units in a vertical mixed-use arrangement, and the other two are shown as comprising portions of the community recreational parcels. Although these are not the exact locations that were shown on the CSP, they fulfill the intent of the CSP to allow for the even distribution of limited commercial services within the Edge areas. Placement of commercial uses on the community parcels has the potential to create mixed-use neighborhood service centers. The amount of commercial development on these sites should be limited in order to ensure that the commercial development does not overwhelm the recreational use of the parcels. Furthermore, the commercial space should be designed so that it is integrated with the recreational and residential uses which are to be reviewed with the detailed site plan(s).

Parking Adequacy

The dense development proposed on the site will generate a great demand for parking. During the review of the preliminary plan, staff requested that the applicant submit a parking study for the site to demonstrate that the necessary amount of parking could be provided to accommodate the proposed development. The applicant believes this issue is more appropriately dealt with in the review of detailed site plans and did not provide a parking study. Although the detailed site plan

review process will allow for an exact determination of the parking adequacy on the site, if insufficient parking is found at the time of DSP review, the only available alternatives will be either to provide additional structured parking or reduce the number of residential units or the amount of commercial development. Parking should be reviewed at the time of detailed site plan with attention to the usability of the parking for its intended users. With such a large site, parking provided at one end of the site will not be readily available for dwellings or businesses elsewhere on the site. Ensuring an adequate provision and distribution of the parking spaces across the site is critical to the success of the development.

Pedestrian Connections

The preliminary plan includes numerous rows and blocks of townhouses and other attached units, such as rows up to ten units long and multiple rows along a block. Although the proposed attached blocks are generally not longer than 500 feet, access from the fronts of the units to the rear yards and alleys is an issue. The applicant's plan provides for small gaps between the ends of the sticks to allow for pedestrian passage. These gaps are part of the HOA parcels. The plans show these gaps to be typically four feet in width. Although four feet is wide enough for a narrow sidewalk, the important consideration for this space is not the width of the HOA space but the distance between the endwalls of the surrounding units. If the buildings are to be built up to the property line, the four-foot space between the lot lines will result in an overly-enclosed space not suitable for pedestrians. The end lots of the sticks are shown to be typically three feet wider than the middle lots, raising the possibility that the end buildings could be set back three feet from the property line, creating a space that is ten feet wide, which would be more suitable. Furthermore, architectural variations in the end units, such as stoops or bay windows, would intrude into the ten-foot space. In order to provide for adequate spacing of the units and access between the attached sticks, the preliminary plan reflects the space between the lots to be no less than ten feet.

Melwood Road and Twin Knolls Bufferyard

The buffer required along the fringe is 10 feet wide from the southern point of Melwood Road to the southern side of the only access allowed onto Melwood Road. Starting on the north side of the access, the buffer starts at 10 feet wide and increases to 30 feet wide to the edge of the fringe. The buffer is required along the entire edge of Melwood Road within the fringe by condition of this preliminary plan. The details of the buffer will be reviewed with the detailed site plan for this area, and may be modified by revisions to the conceptual site plan.

Master Plan Roadways

The plan shows MC-637, a master-planned roadway, extending north from the Town Center Core area through the Moore Property and into the Smith Home Farms site to the north. It appears that the proposed location of the roadway at the northern edge of the Moore Property does not connect to the approved continuation of the roadway through the Smith Home Farms site. It will be necessary to align the roadway in order to allow the future connection to be made. The center line of the streets should align. Because the Smith Home Farm property has preliminary plan approval the alignment on the Moore and Westphalia Center property should make the adjustment. This

shift will primarily affect the layout of the Moore Property, but could also affect the layout in the Westphalia Center property.

The preliminary plan also includes numerous lots and parcels along the master-planned roadways throughout the site. Although units should be encouraged to be oriented toward the main roadways, direct vehicular access onto the master-planned major collector roads (MC-637, MC-632) from single-family and single-family attached units is not permitted.

Recreational Facilities

Condition 19 of the CSP requires the applicant to allocate appropriate and developable areas for private recreational facilities on HOA open space land. The applicant has designated three large community recreation parcels for dedication to the HOA (two on the Westphalia Center property, one on the Moore property), as well as numerous smaller open spaces scattered throughout the Edge area. Additional recreational areas will include the open space parcels in the center of traffic circles and the Westphalia Square in the Core area. The CSP requires that a recreational facilities package be reviewed at the time of the special-purpose detailed site plan, taking into consideration the public recreational facilities that will be provided in the Westphalia Central Park to the north of the site.

8. **Environmental**—This site in the M-X-T Zone is located on the north side of Pennsylvania Avenue (MD 4), to the west of Old Marlboro Pike, and bordered by Melwood Road to the north. A review of the approved Natural Resources Inventory, NRI/094/06, indicates that streams, 100-year floodplain, wetlands, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. There are 158 specimen trees located on-site, which is a part of the larger Westphalia Conceptual Site Plan (CSP-07004). The site is adjacent to Pennsylvania Avenue (MD 4), which is a source of traffic-generated noise. It is also located in close proximity to Andrews Air Force Base, a source of aviation-generated noise. According to the *Prince George's County Soil Survey*, the soils found on-site are in the Adelphia, Bibb, Collington, Marr, Matapeake, Sassafras, Shrewsbury, Westphalia, and Woodstown series. According to available information, Marlboro clay does not occur on this property, but occurs just north of the site. 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. Habitat for forest interior dwelling species does exist on-site. Melwood Road is a designated historic road, located to the east and north of the subject site. This site is located in the Western Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the *Prince George's County Approved General Plan*.

Sector Plan Conformance

The sector plan for this site is the *Approved Westphalia Sector Plan and Sectional Map Amendment* (February 2007). In the approved sector plan and sectional map amendment, the Transportation Systems section in the Infrastructure Element, and the Scenic and Historic Roads section in the Community Character Element contain visions, policies, and strategies that are pertinent to the review of the current application. The following policies and strategies have been

determined to be applicable to the current project. The text in **BOLD** is the text from the sector plan.

- a. In the Infrastructure Element of the sector plan, Transportation; Bicycles, Pedestrian and Trails Element, Policy 3, calls for the provision of appropriate trails and bicycle and pedestrian facilities throughout the Westphalia area. Strategies to implement this vision include the following:
 - **Create a system of sidewalks, bikeways, natural surface paths, and hiker/biker/equestrian paths as shown on Map 8 and described below:**
 - **Melwood Road Greenway Trail: Preserve segments of the road with a green buffer on either side as an integral part of the community's trail and greenway network. The preserved segments should be incorporated into a north/south multi-purpose path that wends through the center of the community. Sections of the trail that are not wooded and outside of the PMA may be realigned to parallel new streets, through parks, along lakes, etc., as needed to achieve the desired result. The path should extend from Old Marlboro Pike to the central park and up to the intersection of D'Arcy and Westphalia Roads. It could feature a trailhead at Old Marlboro Pike on a section of unused right-of-way east of Melwood Road. Where Melwood Road provides access to preexisting homes it may be retained as privately maintained ingress/egress easements or a county-maintained road at the discretion of the county. Access will be provided to the nearest publicly maintained road. Access points should be located to discourage through vehicular traffic.**

Melwood Road, a designated historic road, is proposed to become a greenway trail extending from Old Marlboro Pike to Westphalia Road as described in the approved sector plan. Strategies propose the preservation of segments of the road "with a green buffer on either side as an integral part of the community's trail and greenway network." This is in keeping with the historic designation of the roadway. The roadway is indicated in the Department of Public Works and Transportation Atlas as a County road.

The use of Melwood Road as a greenway trail is compatible with its historic designation, which will be discussed further in a review of the Scenic and Historic Roads section of the Community Character Element. Design elements to be considered in that review include the provision of green buffers along the trail/historic road, and the limiting and careful placement of access points to discourage through vehicular access on the trail/historic road, except for

preexisting homes. Only one access is permitted onto Melwood Road from the fringe.

- b. In the Community Character Element, the Scenic and Historic Roads section calls for a vision that the most scenic features of historic roads and highway corridors are preserved or restored as an integral part of the Westphalia community. Policies and strategies to implement this vision include the following:

Policy 1: Preserve and enhance the scenic character of the MD 4 corridor viewshed.

Strategies—Implement the MD 4 scenic viewshed recommendations of the 1994 Melwood-Westphalia Master Plan (see Illustration 4) during the development review process or when the highway is improved, as follows:

- **Protect existing woodlands along the MD 4 corridor to act as a visual barrier to the fullest extent possible.**
- **Provide intensive natural screening to ensure a visual barrier between manmade structures and natural features along the corridor.**
- **Enhance the rural appearance of the highway median and corridor by expanding stands of native trees and vegetation.**
- **Encourage structures developed along the corridor to be:**
- **Positioned on midslopes (to avoid hilltops), in clusters (to avoid sprawl), and into existing landforms (to avoid major grading).**
- **Designed to fit in with the architecture, scale and building materials of adjacent buildings with similar uses to promote harmony in visual relationships.**
- **Design residential subdivisions along the north side of MD 4, between Melwood Road and Ritchie Marlboro Road, to reflect the low-density characteristics of residential development on the south side of MD 4.**

Pennsylvania Avenue (MD 4) serves as an attractive gateway to Prince George's County. A study of MD 4 prepared for the 1994 *Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia (Planning Areas 77 and 78)* identified a scenic corridor of varying width that fluctuates with the rolling topography, generally extending from the highway to nearby ridges or hilltops.

Within the MD 4 corridor, the master plan study identified a scenic viewshed as seen by motorists traveling on MD 4. The eastern section of the corridor contains cultivated fields, pastures, tobacco barns, farmhouses, and historic estates that provide visual continuity and maintains the rural character. However, the visual appeal of the MD 4 corridor as it approaches the Capital Beltway, and also sections along the Capital Beltway corridor to the north, needs improvement through more effective buffering and landscaping. This buffer will be reviewed with each detailed site plan subsequent to the special purpose site plan. Review will evaluate for opportunities to preserve existing trees, establishing a building setback and provide additional landscaping to enhance the appearance on this significant gateway. The 1994 master plan contains a detailed illustration and recommendations intended to preserve and enhance the high-quality views of the area along MD 4.

Bulleted items 1–3 above recommend preserving existing trees and providing additional landscape planting of native materials to enhance the rural appearance of the highway corridor. This is consistent with a recommendation for the equivalent of a “D” bufferyard along designated scenic and historic roadways. A “D” bufferyard requires a 50-foot-wide building restriction line, and a 40-foot-wide landscape strip containing the equivalent of 160 plant units adjacent.

Bulleted item 4 above deals with the pattern of development on the site. Because the single-family residential portions of the proposed development are located north of Presidential Parkway, they will not be visible from the Pennsylvania Avenue (MD 4) corridor.

- c. In the Community Character Element, the Scenic and Historic Roads section, the following policies and strategies are pertinent to the conservation of Melwood Road as a designated historic road and its adaptive reuse as a greenway trail within the Westphalia Town Center Development:

Policy 3: Preserve and incorporate the most important features of scenic or historic roads in the designs for road improvements and new development.

Strategies:

- **Maintain the designation of the four existing historic roads in the sector plan area as scenic and historic.**
- **Design road improvements in accordance with the Department of Public Works and Transportation road design standards for scenic and historic roads.**

- **Apply special design criteria for scenic and historic roads in the Westphalia sector plan area that provide for the necessary road improvements without compromising the valuable contribution of these roads to the community character:**
- **Avoid excessively wide roadways and limit use of paved shoulders.**
- **Adjust road design features (vertical and horizontal alignments, pavement sections, turn lanes) to the extent possible to preserve historic or scenic features and views along the right-of-way.**
- **Encourage development to be set well back from a scenic road.**
- **Use vegetated drainage swales instead of raised curbs and gutters where applicable.**
- **Preserve existing vegetation in the buffer area and add plantings to screen new development and create a wooded character along the road.**
- **Avoid large subdivision entrance features and signs.**
- **Limit the number of driveway entrances onto the roadway.**
- **Review plans to improve these roads with the M-NCPPC Historic Preservation and Public Facilities Planning Section and the Transportation Planning Section to ensure that all scenic and historic features are properly located and issues addressed.**

Policy 4: Preserve designated segments of Melwood Road as an integral part of the community's trail and greenway network.

Strategies:

- **Incorporate preserved segments into a north/south multipurpose path with a green buffer on either side that winds through the center of the community.**
- **Realign sections of the trail/lane that are not wooded and outside the Patuxent River primary management area (PMA) to parallel new streets, through parks, and along lakes as needed.**
- **Extend trail from Old Marlboro Pike to the central park and up to the intersection of D'Arcy and Westphalia Roads.**

- **Feature a trailhead at Old Marlboro Pike on a section of unused right-of-way for planned road A-37.**
- **Retain access to preexisting homes as privately maintained ingress/egress easements or county OP (other public) roads at the discretion of the county.**
 - **Provide an access point at the nearest public road.**
 - **Locate access to discourage through traffic.**

Portions of four roads in the Westphalia sector plan area were designated as scenic and/or historic roads in the 1992 *Approved Historic Sites and Districts Master Plan* and the 1994 Melwood-Westphalia master plan, including Melwood Road between Westphalia Road and Old Marlboro Pike, dating from around 1830. The sector plan includes specific guidelines to be addressed to maintain the scenic and historic qualities of this roadway.

Melwood Road runs along the eastern boundary of the project site. The southern portion of Melwood Road is adjacent to a commercial center proposed in the northwest quadrant of Public Road "O" and Melwood Road, extending up to Back Branch. Extensive improvements to the intersection of Public Road "O" and the interchange onto MD 4, which are proposed to extend up Melwood Road to provide one access point into the commercial area. Access onto Melwood Road should be limited, and moved to the south to the extent possible, to provide the greatest protection for the historic roadway. A transitional greenway buffer should be provided along the western boundary of Melwood Road through the improved and realigned section north of MD 4 up to a single entrance point allowed into the commercial center, beginning with a width of 20 feet at the southern end, and expanding to a width of 40 feet wide, subject to the provision of plant units equivalent to those for similar width bufferyards as indicated in the *Prince George's County Landscape Manual*, or as determined by the approved CSP.

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.

Conformance with the Notice of Final Decision of the District Council, CSP-07004

3. **Prior to certification of the CSP, the Type I tree conservation plan shall be revised to:**
 - a. **Show all regulated features per the revised, signed NRI.**
 - b. **Show a limit of disturbance.**

- c. **Show the correct symbol in the legend for floodplain cleared.**
- d. **Add the entire required standard notes for a TCP I.**
- e. **Add the following note:**

“Woodland conservation shall not be credited in easements of any kind except surface drainage easements.”

- f. **The TCP I for the CSP shall be at the same scale as the NRI.**
- g. **Match the graphics in the legend to the graphics on the plan (in particular, floodplain clearing).**
- h. **Add the following note to the TCP I:**

“The afforestation/reforestation areas on this plan will be reviewed in more detail during the preliminary plan review and the review of the future TCP I and TCP II. Afforestation and reforestation areas must be placed so as to provide open space, locations for utilities, sight distance, and to address aesthetic concerns throughout the site.”

- i. **Address all other comments provided during certificate review.**
- j. **Have the revised plans signed and dated by the qualified professional who prepared them.**

A revised TCPI for CSP-07004 has not been submitted, to date, for certification of the CSP. Prior to signature approval of the preliminary plan, TCPI/014/08 for CSP-07004 will receive signature approval.

- 4. **At least 35 days prior to Planning Board approval of the preliminary plan, a stream corridor assessment using the Maryland Department of Natural Resources protocol shall be submitted. General impacts to the entire stream valley for stream restoration shall be approved at preliminary plan. Specific impacts for stream restoration will be determined, reviewed, and approved at the detailed site plan stage. Streams shall not be piped unless absolutely necessary to address a water quality or water conveyance problem.**

A stream corridor assessment stamped as received March 25, 2009 and an addendum stamped as received April 16, 2009 have been reviewed. The stream corridor assessment submitted for Moore Property is identical to the study submitted for the Westphalia Property and evaluates both Back Branch and Cabin Branch.

Three protocols were used for the stream assessment: the United States Department of Agriculture (USDA) Stream Visual Assessment Protocol (SVAP), the Pfankuch Stability Methodology, and the David Rosgen Level III Bank Erodibility Hazard Index Rating (BEHI) methodology. The combined protocols were used to predict channel instability based on visual geomorphic characteristics and are more detailed than the Maryland Department of Natural Resources protocol.

The stream corridor assessment concluded that Back Branch and Cabin Branch are highly degraded systems with long-term instability both laterally and vertically. The addendum proposes stream restoration of Back Branch only, as part of the Westphalia application.

5. **Prior to acceptance of the preliminary plan package for review, NRI/094/06 shall be revised to include the information obtained from the field work with the Maryland Department of the Environment, the comments provided by the Environmental Planning Section, and the additional information on existing wetlands.**

A revised NRI was signed on December 16, 2008 and was submitted as part of the preliminary plan package.

7. **At least 35 days prior to the approval of the preliminary plan by the Planning Board, the applicant shall attend a joint meeting with the staff reviewers of DPW&T and the Environmental Planning Section of M-NCPPC to evaluate the results of the stream corridor assessment.**

A meeting was held April 28, 2009 between the applicant, DPW&T, and M-NCPPC including Environmental Planning Section (EPS), to evaluate the results of the stream corridor assessment. The discussion focused on the stream mitigation proposed for the Westphalia property. The proposed stream valley restoration is described as a best management practice that would include restoring the existing gulley as a broader valley to convey storm events. The stream restoration, as conceptually proposed, requires the approval of federal and state agencies. It should be noted that any endorsement at the county level of such stream restoration does not preclude federal and state requirements and does not guarantee the approval of such agencies. A detailed stream restoration plan will be needed at the time of detailed site plan review and will need to be incorporated into the technical stormwater management plan. Prior to signature approval of the preliminary plan, a drainage area exhibit should be submitted depicting the existing drainage areas located on-site. The submission package for the first DSP for any area of the Westphalia Center draining into Back Branch should contain:

- (1) A comprehensive and detailed stream restoration plan for Back Branch.
- (2) A technical stormwater management plan which demonstrates the use of stream restoration as an innovative stormwater management technique. This plan should

address channel protection volume and conveyance of stormwater through the site. Access to conduct the proposed work should be shown, along with all required clearing and grading for the proposed work. Staging areas, phasing, and other plan details needed for construction should also be provided.

8. **The stormwater management ponds shown on the TCP I with the preliminary plan and all subsequent plans shall be designed as amenities to the community to the fullest extent possible with features such as utilization of the natural contours of the site, providing extensive landscaping, providing walking trails where appropriate, and shall include the use of low-impact development stormwater management techniques to the fullest extent possible, such as the use of forebays to trap sediment, bioretention, french drains, depressed parking lot islands, native plants.**

The plans, as submitted, show two ponds; one located on the northern portion of the site and the other located on the southeastern portion of the site. Stormwater facility conceptual layout renderings were submitted which show the use of forebays for both ponds. A stream restoration concept was also submitted and will need to be incorporated into the final stormwater management technical design; however, the information submitted to date meets the intent of the concept and is acceptable.

Separate conceptual stormwater facility layout renderings stamped as received on May 18, 2009 show how the ponds have been designed as amenities. The plans show the location of the proposed sidewalks, which provide access to the ponds from the surrounding roads. The plans also show several proposed seating areas and numerous plantings ranging from shade trees to aquatic plants. Prior to approval of a DSP which includes the stormwater management ponds, the design shown on the conceptual stormwater facility layout renderings should be shown on the DSP with the appropriate required details for construction.

9. **At the time of review of the preliminary plan, a letter of justification shall be submitted for all proposed impacts to the regulated areas shown on the signed NRI, including the regulated areas described as Areas 1-8 on Staff Exhibit A, dated November 24, 2008. Where impacts cannot be eliminated, the letter of justification shall state the reasons and provide evidence regarding why the impacts cannot be eliminated or reduced. Such evidence could include roadway designs by the State or previously approved plans, including master plans that require or show the placement of the roadways. Evidence may also include features, such as an amphitheater, or other infrastructure in the locations shown on the conceptual site plan, as provided in CB-29-2008 and consistent with CR-2-2007.**

The site is within the Patuxent River Primary Management Area (PMA) as defined in Section 24-101 of the Subdivision Regulations. Section 24-130 requires that when a property is partially or totally within the Patuxent River watershed, the preliminary plan

and tree conservation plan shall demonstrate that the PMA is preserved in a natural state to the fullest extent possible. If impacts are proposed to the PMA, a letter of justification is required to be submitted describing the impacts proposed, and justifying why they are unavoidable.

A revised letter of justification, stamped as received on April 14, 2009, has been submitted with the subject application, including an overall exhibit and 18 exhibits for individual impacts labeled 'A' through 'N'. While the proposed road network for this site follows the master-planned roadway design and aligns with the existing roads at fixed points, a different design for the use of the land pods created by these roads should be explored in the areas surrounding proposed impacts A through D. The final design for this area should be determined at the time of detailed site plan. The following is an analysis of the proposed impacts.

Impact A: The PMA in this area is comprised of a state and county regulated stream and associated buffer. Impact A proposes 0.78 acre (33,960 square feet) of permanent, on-site impacts to the PMA for the extension of Presidential Parkway, a master-planned roadway that runs east-west. The exhibit for Impact A also shows a small portion of a commercial building proposed to be located in the PMA. The justification statement does not include information pertaining to the impact proposed by the building; however, the construction of Presidential Parkway in this area will effectively eliminate the headwaters of this stream channel and drastically alter the hydrology of the area. The PMA located to the south of the road crossing will essentially be eliminated by the change in hydrology and therefore, the use of this area should not be limited. This impact because it is necessary for the construction and installation of a portion of a public roadway.

Impact B: The PMA in this area is comprised of a federal, state, and county-regulated stream, a small portion of nontidal wetlands, county-regulated floodplain, and all associated buffers. Impact B proposes 1.24 acres (54,047 square feet) of permanent, on-site impacts to the PMA for the extension of Presidential Parkway, a master-planned roadway that runs east-west, as well as the construction of an eight-foot-wide public trail. The trail is located within an existing Washington Suburban Sanitary Commission (WSSC) sanitary sewer easement which reduces impacts to other portions of the stream valley by confining the trail to an existing area of disturbance. This trail is identified in the countywide trail plan and will serve as an important pedestrian connection between the Westphalia Center and developments to the north and west.

This impact is necessary for the construction and installation of a portion of a public roadway as well as a master-planned public trail.

Impact C: The PMA in this area is comprised of a state and county-regulated stream, county-regulated floodplain, and associated buffers. Impact C proposes 0.82 acre (35,701 square feet) of permanent, on-site impacts to the PMA for the construction of the Dower House Road interchange. The State Highway Administration is slated to build the grade-separated intersection as outlined in the sector plan to provide access to the core of

the center. The grade-separated interchange will provide a safe crossing condition from the south side of MD 4.

This impact is necessary for the construction and installation of a portion of a public roadway.

Impact D: The PMA in this area is comprised of a state and county-regulated stream and associated buffer. Impact D proposes 1.00 acre (43,420 square feet) of permanent, on-site impacts to the PMA for the extension of Presidential Parkway, a master-planned roadway that runs east-west.

This impact is necessary for the construction and installation of a portion of a public roadway.

Impact E: The PMA in this area is comprised of a state and county-regulated stream and associated buffer. Impact E proposes 1.13 acres (49,047 square feet) of permanent, on-site and off-site impacts to the PMA for the construction of the Dower House Road interchange. The State Highway Administration is slated to build the grade-separated intersection as outlined in the sector plan to provide access to the core of the center. The grade-separated interchange will provide a safe crossing condition from the south side of MD 4.

This impact is necessary for the construction and installation of a portion of a public roadway.

Impacts F and G: The PMA in this area is comprised of a federal, state, and county-regulated stream, county-regulated floodplain, and associated buffers. Impact F proposes 0.06 acre (2,491 square feet) and impact G proposes 0.07 acre (2,904 square feet) of permanent, on-site impacts to the PMA for the installation of stormdrain outfalls.

These impacts are necessary to safely convey stormwater runoff to the stream.

Impacts H and I: The PMA in this area is comprised of a federal, state, and county-regulated stream, county-regulated floodplain, and associated buffers. Impact H proposes 0.85 acre (37,165 square feet) and Impact I proposes 0.08 acre (3,298 square feet) of permanent, on-site impacts to the PMA for the construction of a private road, currently labeled as "Private Road AN." The exhibit for Impact H also shows that a stormdrain outfall is included in the disturbance calculation.

These impacts are necessary for the construction and installation of a portion of a private roadway that will provide access to the core area, as well as northern sections of the site. The stormwater outfall is necessary to safely convey stormwater runoff to the stream.

Impact J: The PMA in this area is comprised of a federal, state, and county-regulated stream, county-regulated floodplain, and associated buffers. Impact J proposes 2.11 acres

(91,917 square feet) of permanent, on-site impacts to the PMA for the construction of a public road, currently labeled as “Public Road O.” This is a master-planned entrance to the Center.

These impacts are necessary for the construction and installation of a portion of a master-planned public roadway that will provide the main access to the core area and points north.

Additionally, to the north of Impacts H through K, the plan shows two ring roads around the southern portions of the two pods labeled as multifamily residential, on each side of “Public Road O.” These are single-loaded roads that do not result in direct impacts because retaining walls are proposed between the proposed roads and the PMA. These roads add to the overall percentage of impervious surfaces and the amount of grading necessary for construction. These two roads do not provide additional benefits to the design and could be redesigned to provide access to the rears of the proposed multifamily residential units without completing the loop. A redesign would result in a reduction in impervious surface and a reduction in the length of retaining wall necessary adjacent to the PMA.

Prior to signature approval of the preliminary plan, the two ring roads (Private Road QQ) located east and west of Public Road O will be redesigned to provide access to the rears of the proposed multifamily residential parcels (Parcels 22 and 24) without completing the loops. The extension of Private Road QQ should extend from Public Road O in a similar alignment as shown on the preliminary plan, but only enough to serve the rear of each parcel.

Impact K: The PMA in this area is comprised of a federal, state, and county-regulated stream, county-regulated floodplain, nontidal wetlands and all associated buffers. Impact K proposes 1.11 acres (48,233 square feet) of temporary, on-site impacts and 0.61 acre (26,678 square feet) of permanent impacts to the PMA for the construction of a sewer main and stormdrain outfalls respectively.

This impact is necessary to safely convey sewage to an off-site treatment facility and to safely convey stormwater runoff to the stream.

Impacts M and N: The PMA in this area is comprised of a state and county-regulated stream, county-regulated floodplain, and associated buffers. Impact M proposes 0.13 acre (5,603 square feet) and Impact N proposes 0.09 acre (4,004 square feet) of permanent, on-site impacts to the PMA for the installation of stormdrain outfalls.

These impacts are necessary to safely convey stormwater runoff to the stream.

Impact L: The site also contains an isolated wetland that is required to be protected under Section 24-130 of the Subdivision Regulations. The Planning Board will generally not support impacts to sensitive environmental features that are not associated with

essential development activities. Essential development includes such features as public utility lines, including sewer and stormwater outfalls, street crossings, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which can be designed to eliminate the impacts. Impacts to sensitive environmental features require variations to the Subdivision Regulations. Impacts to these buffers are restricted by Section 24-130 of the Subdivision Regulations.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property in accordance with the approved CSP, and could further compromise safety by unduly restricting the parking capacity for this permitted use.

- (1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

The removal of the isolated wetland would not result in impacts that are detrimental to public safety, health, or welfare, nor would this be injurious to other properties. The installation of parking facilities for a proposed pad site is required by Prince George's County to provide for public safety, health, and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The isolated wetland and its associated buffer are located in the center of a primary commercial center of the Westphalia development. There are no other properties which contain this size wetland. Federal and state permits to disturb this wetland will be required prior to permit issuance.

(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

Because the applicant will have to obtain permits from other local, state, and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;

If left untouched, the surrounding development would alter the hydrology currently supporting this isolated wetland and it would most likely not survive as a wetland. Without the development of this area, the property could not be properly developed in accordance with the M-X-T zoning and the approved conceptual site plan, and, as stated previously, strict compliance with Section 24-130 of the Subdivision Regulations could compromise safety by unnecessarily limiting parking capacity for this permitted use.

This is a complete impact to an isolated wetland and its associated buffer which is located in the center of a primary commercial center of the Westphalia development. Specifically, this impact is proposed for the construction of a pad site and associated parking.

The Planning Board approves Impacts A through N and the variation request for proposed Impact L.

10. No woodland conservation shall be proposed on dedicated parkland, unless written authorization from the Department of Parks and Recreation has been provided prior to Planning Board approval of the associated TCP.

Land is proposed to be dedicated to public agencies including the State Highway Administration and the Prince George's County School Board, but not the Department of Parks and Recreation (DPR); however, no woodland conservation areas are currently proposed on land shown to be dedicated to these public agencies.

11. At least 35 days prior to Planning Board approval of the preliminary plan, a Phase I noise study that addresses noise related to Andrews Air Force Base,

MD 4, and A-52 and A-66 shall be submitted. The TCP I for the preliminary plan shall show the resulting noise contours at both ground level and upper story elevations. The plan shall also illustrate conceptually how noise levels will be reduced to 65 dBA Ldn for outdoor activity areas and 45 dBA Ldn for indoor living areas.

A Phase I noise study, stamped as received March 25, 2009, and an addendum, stamped as received April 16, 2009, were submitted with the subject application. A separate full-scale exhibit was included in the addendum depicting the noise contours related to traffic and Andrews Air Force Base. The noise study submitted for the Westphalia Property is identical to the study submitted for Moore Property.

The noise report and noise contours indicate that traffic-related noise contours associated with MD 4, Presidential Parkway Extended, and the proposed extension of Dower House Road are located on the Westphalia Property. The uses that abut MD 4 and Presidential Parkway are generally those that are not mitigated with respect to noise levels, with the exception of the area of proposed condominium units and townhouses north of Presidential Parkway and west of Public Road O. These residential uses are regulated with respect to noise and can be designed to meet noise standards by having the affected units face the noise source (Presidential Parkway) and placing the outdoor activity area (the backyard) behind the proposed units. The buildings themselves provide sufficient noise mitigation so that additional measures to reduce outdoor noise are not necessary.

The noise report and noise contours indicate that a majority of the site is subject to elevated noise levels from Andrews Air Force Base averaging 70 dBA Ldn or higher centrally and from 65 dBA Ldn to 70 dBA Ldn on the western portion of the property, as well as a small portion of the eastern portion of the site. Only the easternmost portion of the site, east of Public Road EE, is located outside of noise contours with a measurement of 65 dBA Ldn or higher.

Applications for all residential building permits on the Westphalia Property, with the exception of buildings located to the east of Public Road EE, will contain a certification to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification will state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.

- 12. The preliminary plan and TCP I shall propose restoration of the stream valley for the Back Branch drainage area. Along with this innovative LID stream restoration, on-site pretreatment will be provided at each storm drain outfall in the amount of 10% of the water quality volume for that area. For this pretreatment, innovative LID techniques such as bioretention within parking lot islands, vegetated buffers, infiltration trenches or pervious pavement will be utilized in the areas draining to Back Branch between Pennsylvania Avenue and Presidential Parkway. By providing**

improved water quality and protecting the channel through stream restoration, the proposed SWM pond treating the residential area draining to Back Branch and its conveyance system can also be greatly reduced.

This condition was intended to focus on the larger land area of the CSP application and was intended to target the areas of commercial development that generally have large expanses of impervious areas for parking/loading, etc.

A meeting was held April 28, 2009 between the applicant, DPW&T, and M-NCPPC. The main topic of discussion was to evaluate the results of the stream corridor assessment and to tie the proposed mitigation and the use of other innovative stormwater management techniques into the proposed stormwater management for the Moore and Westphalia sites.

The plans, as submitted for this preliminary plan, show two ponds; one located on the northern portion of the site and the other located on the southeastern portion of the site. Stormwater facility conceptual layout renderings were submitted which show the use of forebays for both ponds. The plans also show the use of numerous water quality structures throughout the commercial area on the southern portion of the site. These low-impact structures provide water quality treatment for stormwater before it enters the stream. A stream restoration concept was also submitted and will need to be incorporated into the final stormwater management technical design. No further information is needed for review of the preliminary plan with respect to innovative stormwater management design techniques on the Westphalia Property.

13. The locations of the master-planned trails along Back Branch and Cabin Branch shall be determined at the time of preliminary plan review. The trails shall be designed to avoid the PMA to the extent possible and trail alignments along parallel roads may be utilized where necessary. Impacts to the PMA shall be addressed at that time.

The trail alignments have been shown on the TCPI, stamped as received April 14, 2009. The eight-foot-wide public trail along Cabin Branch is located within an existing WSSC sanitary sewer easement which reduces impacts to other portions of the stream valley by confining the trail to an existing area of disturbance. The trail location along Cabin Branch has been field located by county and EPS in collaboration with the engineer to minimize impacts. Three on-site stream crossings are proposed as part of the Cabin Branch trail design that will require a footbridge or similar low-impact crossing feature.

The eight-foot-wide public trail along Back Branch is located on the ring roads connecting to the sidewalk system along Presidential Parkway and extends to the trail surrounding Stormwater Management Facility 2. As discussed under Condition 9 above, the two ring roads located on each side of Public Road O should be redesigned to provide access to the rears of the proposed multifamily residential units without completing the

loops. A redesign of the ring roads should not affect the location of the stream valley trail in this area.

PMA impacts have been addressed. These trails are identified in the Countywide Trails Plan and will serve as important pedestrian connections between Moore Property, Westphalia Center, and developments to the north and west.

35. Developer shall pay a fee-in-lieu to satisfy woodland conservation requirements in accordance with CB-29-2008.

The plan shows the use of fee-in-lieu to meet the woodland conservation requirement. Council Bill CB-29-2008 allows for the use of fee-in-lieu, just as any site is allowed to use fee-in-lieu, after exhausting all other woodland conservation options.

Council Bill CB-29-2008 states “(B) For Regional Urban Community developments in the M-X-T Zone, the woodland conservation and afforestation thresholds shall be fifteen percent (15%) with no requirement for on-site mitigation. A fee-in-lieu of \$0.30 per square foot shall be required.”

As written this passage allows the fee-in-lieu to be provided at a rate of \$0.30 per square foot, if this option is used. This provision was added due to pending legislation that proposes an increase in the fee-in-lieu. According to state law (Natural Resources Article 5-1607) and the Prince George’s County Woodland Conservation and Tree Preservation Ordinance, fee-in-lieu can only be considered when all other options have been exhausted.

A statement of justification was received on May 19, 2009 that outlines some of the applicant’s reasons for not using other options.

The other priorities for woodland conservation are:

1. Preservation on-site,
2. areas preserved with selective clearing to improve the forest,
3. on-site afforestation/reforestation,
4. landscaping,
5. off-site afforestation/reforestation,
6. off-site woodland conservation through preservation.

Preserving woodlands on-site is problematic because the master plan calls for a dense town center and the grading necessary to provide a cohesive design limits the opportunities for on-site woodland preservation. In a similar fashion, replanting areas to replace forests lost is difficult because of the extensive impervious areas and limited amount of planting space. Landscaping is an option that has not been fully explored and will be evaluated further at time of DSP review. Off-site woodland conservation, for the

acreages required for this project (163.43 acres), is problematic because of the limited amount of off-site woodland conservation that is currently available.

If all of the requirement cannot be met on-site, the next level of evaluation is whether the threshold amount could be met on-site. It is clear from the design that the threshold cannot be met on-site through preservation, but because the proposed landscaping has not been evaluated for credit toward meeting the threshold on-site, it is not clear at this time that the threshold cannot be met on-site. This analysis should take place at the time of DSP review.

Because this site design does not allow for the woodland conservation threshold to be met on-site and because it is important to meet the woodland conservation threshold in trees, a fee-in-lieu will only be considered once the woodland conservation threshold has been met with woodland conservation either on-site or off-site. The remainder of the woodland conservation requirement will be considered for fee-in-lieu.

Additionally, it should be noted that the use of such a large fee-in-lieu must be accompanied by the naming of a recipient that can ensure the funds are used for tree planting and/or land acquisition (for example, a local watershed society, a land trust, the Department of Parks and Recreation, etc.). It was discussed with the applicant that the future homeowners association (HOA) or whomever is the governing body of Westphalia could be provided these funds for future tree planting and maintenance of the urban forest.

Environmental Review

A signed Natural Resources Inventory (NRI/094/06-01) was submitted with the application. The -01 revision to the NRI was signed by the Environmental Planning Section on December 16, 2008. The signature approval of the NRI was based on the results of a field visit held October 14, 2008 made by representatives the applicant, stream experts (not wetland experts) from the Maryland Department of the Environment, and the Environmental Planning Section. Additional wetland information was provided by the applicant to verify the delineation of on-site wetlands per the Army Corps of Engineer's 1987 delineation manual. The site contains sensitive environmental features such as streams, 100-year floodplain, wetlands, severe slopes, and areas of steep slopes with highly erodible soils.

The forest stand delineation (FSD) report for the larger Westphalia Center describes the site as containing eight different forest stands, for a total of 440.22 acres of woodland on-site and 158 specimen trees. The dominant trees on-site are tulip poplar, red maple, sweetgum, beech, and Virginia pine. Stand A is a 108.22-acre stand of mixed early succession and immature hardwoods, including tulip poplar, sweetgum, and red maple. This stand was selectively harvested approximately five years ago. Stand B is a 212.28-acre stand of immature mixed hardwoods, also dominated by tulip poplar, sweetgum, and red maple. There is evidence of selective harvest in recent years. Stand C is an 8.73-acre stand of immature conifer dominated by Virginia pine. No logging activities appear to have occurred within this stand. Stand D is a 19.45-acre stand of early succession hardwoods including sweetgum and tulip poplar. There is no

evidence of recent logging activity and portions of this stand would be classified as interior forest habitat because areas are located more than 300 feet from the nearest forest edge. Stand E is a 5.13-acre stand of early succession conifers dominated by Virginia pine. A small portion of this stand is considered interior forest habitat. Stand F is a 43.96-acre stand of immature upland hardwoods dominated by hickory, beech, red oak, white oak, and tulip poplar. This stand is a high priority for retention due to its location next to regulated streams, wetlands, and floodplains. There are also portions of the stand classified as forest interior habitat. Stand G is a 25.84-acre stand of mature conifer forest dominated by Virginia pine. There are portions of this stand that are considered interior forest habitat. Stand H is a 16.61-acre stand of mixed hardwood dominated by sweetgum, red maple, black cherry, black locust, and tulip poplar. Portions of this stand are considered interior forest habitat. The total area of the nonforested land on the property is approximately 90.05 acres.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it has an approved Tree Conservation Plan, TCPI/014/08. A -01 revision to the Type I tree conservation plan has been submitted. This 482.57-acre property contains a total of 413.37 acres of woodland outside the floodplain and 19.14 acres inside the floodplain according to the TCPI as submitted. The 15 percent woodland conservation threshold has been correctly calculated as 69.48 acres. As currently shown, the areas of clearing result in a total woodland conservation requirement of 204.80 acres. The plan proposes to meet the requirement by providing 22.16 acres of woodland preservation, 19.21 acres of afforestation/reforestation, and 163.41 acres of fee-in-lieu for a total of 204.78 acres of proposed woodland conservation provided. The amount of woodland conservation provided must meet or exceed the woodland conservation required.

The subject site is a portion of the overall Westphalia Center site approved with CSP-07004. The total site statistics of the subject property (specifically the acreages for the existing floodplain, the forested floodplain, and the existing forest outside of the floodplain), when combined with the site statistics of the recently submitted preliminary plan for the adjacent Moore Property (4-08018), do not add up to the total areas shown on the signed NRI for the entire property or the previously approved CSP. It is unclear on either set of plans where the discrepancy in the site statistics occurs. Revisions to one or both sets of plans are needed to account for this discrepancy, or an explanation of the missing acreage needs to be provided. The worksheet must be revised to reflect any change in site statistics.

Woodland preservation and reforestation must meet certain minimum requirements to count as woodland conservation. These requirements include, but are not limited to, the following: they must be located five feet from curbs, 30 feet from commercial/industrial buildings, ten feet from the back or front of retaining walls, they must not be fragmented in nature, not located within utility easements or on top of existing or proposed structures, and they must allow for proper sight distance at intersections.

The specimen tree table shown on the plan appears to account for all of the specimen trees located on the larger overall site. The specimen tree table should be revised to account for only the trees located on the current application or provide some indication regarding which trees are

off-site. A note needs to be located below the specimen tree table to indicate whether the specimen trees were field or survey located. It should be noted that any specimen trees located within 100 feet of the limit of disturbance (LOD) will need to be survey located prior to approval of the TCPII. These trees may require special treatment prior to and during construction. The measures necessary to ensure preservation of the specimen trees will need to be provided on the Type II tree conservation plan.

The information listed under the heading for “forest saved and counted as cleared (non-FPA),” on the cover sheet, needs to be separated into the following categories: forest preserved not counted, preservation, and forest saved and counted as cleared. The areas currently numbered under this heading should be divided among the new categories as follows: Areas 1, 2, 4, and 6 should fall under forest preserved not counted, Areas 7 and 8 should fall under preservation, and Areas 3, 5, 9, 10, and 11 should fall under forest saved and counted as cleared. These revisions should be reflected on the plan and in the worksheet. Additionally, it appears as though Area 9 was counted twice in this list. The additional area should be removed.

Several of the match lines between the sheets are not consistently shown on the adjacent sheets. All match lines must be shown consistently on all plans. The 25-foot floodplain building restriction line (BRL) appears to be shown correctly on the plan; however, there are many areas where the restriction line is not honored. Building within the 25-foot BRL for the floodplain requires a variation and none was submitted. Staff would not support this variation because it can easily be avoided on a site this size. Specifically, on Sheet 6, a building footprint needs to be removed from the 25-foot floodplain BRL.

Retaining walls are shown throughout the site. All retaining walls should be located a minimum of ten feet from the PMA or any woodland conservation area. An opportunity for reforestation is available on Sheet 5, adjacent to non-FPA 8, within and adjacent to the PMA. This would also allow for the non-FPA 8 to be counted as preservation. The clearing area label EE located on Sheet 14 needs to be moved within the area proposed to be cleared, or an arrow indicating where the clearing is to occur is needed.

The soils found to occur on this property are in the Adelphia, Bibb, Chillum, Collington, gravel and borrow pits, Matapeake, Sandy land steep, Sassafras, Shrewsbury, Westphalia, and Woodstown. Many of these soils have limitations, but they are generally well drained making them appropriate for infiltration methods of stormwater management. 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.

An approved Stormwater Management Concept Plan and approval letter (44782-2007-00) were submitted with the subject application. The concept letter outlines the use of ponds, an underground system, a regional lake, stream restoration, or a combination of any of the above. The concept letter also states that all ponds shall have a forebay. The concept plan shows the use of two stormwater management ponds on the Westphalia property and numerous water quality structures.

9. **Community Planning**—This application is generally consistent with the 2002 General Plan (as amended by the 2007 Westphalia sector plan) Development Pattern policies for a Regional Center in the Developing Tier as defined by approval of CSP-07004.

Sector Plan: This application generally conforms to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* policies, strategies, and design principles for mixed-use development at a General Plan Regional Center. The proposed lot, block, and street patterns establish a development pattern that generally conforms to the sector plan concepts for mixed-use development that is transit- and pedestrian-oriented with an urban character as recommended by the Westphalia sector plan.

Other Determinations: Conceptual Site Plan CSP-07004, establishes regulations for review of subsequent development applications on these properties, including this preliminary subdivision application. The development pattern proposed by this preliminary subdivision application is generally consistent with the development pattern concepts of the sector plan as approved in CSP-07004. The preliminary plan of subdivision should:

- a. Establish the timing criteria for dedication of the future library and site.
- b. Establish timing criteria for dedication of the elementary school site so that the needed school facilities can be provided concurrently with development of this neighborhood.
- c. Require that, prior to approval of a special-purpose detailed site plan, proposed Parcel T-1 is subject to CSP-07004, Condition 16.a., which requires evaluation of accessibility, safety, and traffic control needs for the circular public space (park) within public road MC-637 (Dower House Road), or to propose an alternative road design or location for the public spaces. This study may affect the proposed road design and lot patterns in this area.
- d. Revise maps for both preliminary plan of subdivision applications (4-08002 and 4-08018) to show high noise areas where interior acoustical buffering should be required for all structures. Flight operations at Andrews Air Force Base yield high noise impacts (65–70 dBA Ldn and 70–75 dBA Ldn) on the western portion of these applications.
- e. Show the master plan right-of-way alignment for proposed roads A-67/MC-631 (Suitland Parkway Extended) and MC-634 (Presidential Parkway and Presidential Parkway Extended) on application 4-08002.
- f. Acknowledge that a minimum of four acres will be dedicated to public use for a transit center †~~[within proposed Parcel 28]~~.

†Denotes Amendment

Underlining indicates new language

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The 2002 General Plan locates this property in a Regional Center along the MD 4 Corridor in the Developing Tier. The vision for Centers and Corridors is mixed-residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. The preliminary plan is consistent with the recommendations of the General Plan as proposed with the mix of uses in a highly-dense urban environment, with a strong emphasis on transit.

The property is located within the limits of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, in Planning Area 78 in the Westphalia community. The recommended land use is for an urban, mixed-use town center with a defined Core, Edge, and Fringe, including mixed-residential and nonresidential uses at medium to high densities and intensities, ample public spaces suitable for public events, and a strong emphasis on pedestrian- and transit-oriented design as approved with CSP-07004, and to which this preliminary plan conforms.

Sector Plan Map 7A: The Metro Line Extension shows a transit station location on the north side of MD 4, east of the proposed Dower House Road interchange at the edge of the Center Core area, initially as a park-and-ride/bus transit site that could evolve into a rail station extended from the Branch Avenue Metro Station as the town center develops. †The location shown for the transit center on Map 7A is conceptual in nature.

~~†[The transit site is shown on approved CSP-07004 as within proposed Parcel 28 in application 4-08002, but there is no acknowledgement on the preliminary plan of a transit facility to be dedicated for public use at this site as required by CSP-07004, Condition 16 e and CSP Condition 38 requires a minimum of four acres for the transit facility.]~~ The transit site is also shown conceptually on approved CSP-07004. Condition 16e of the CSP requires dedication of the transit center, and CSP Condition 38 requires a minimum of four acres for the transit facility. With the reconsideration of this PPS, approved on April 13, 2023, the transit center will be relocated to the west side of the overall development, within the Fringe area. Prior to signature approval, the four-acre transit site should be located on the preliminary plan. The parcel should have frontage on and the ability for direct vehicular access to a dedicated public street and labeled to be dedicated to public use. This revision will result in an additional parcel being created with this preliminary plan or 410 parcels total.

†Summary of April 2023 Reconsideration: Between approval of the PPS in 2009, and the reconsideration in 2023, the Plan Prince George's 2035 Approved General Plan (Plan 2035) was approved in 2014. Plan 2035 reclassified the Westphalia Center as a local center and, specifically, a town center. The different classifications of centers have a significant effect on the kind of development envisioned for the Center, and the kind of transportation envisioned to serve the

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Center. Defining characteristics of local centers include: a new housing mix of low-rise apartments and condos, townhomes, and small, single-family lots ranging from 10 to 60 dwelling units per acre; a floor area ratio for new commercial development ranging from 1.0 to 2.5; and development that is largely automobile-oriented with access from arterial highways, with limited bus service along with on-demand bus service (Plan 2035, page 108; also Map 11: Growth Policy Map, page 107). Plan 2035 represents a new vision for future growth and development in the County, as well as new implementation tools, priorities, and strategies. All planning documents which were duly adopted and approved prior to the date of adoption of Plan 2035, including the sector plan, remain in full force and effect, except the designation of tiers, corridors, and centers, until those plans are revised or superseded by subsequently adopted and approved plans (Plan 2035, page 270). Since the sector plan's recommendation for a transit center arises from the Westphalia Center's former designation as a regional center, the Westphalia Center's reclassification as a local (Town) center was found to be good cause for reconsideration of the PPS, as the issue of what kind of transit is needed to serve the Center in order to conform to the sector plan, and what facilities would be needed to support that transit, should be reexamined. The recommendations of Plan 2035 are new factual information not available in 2009, and ensuring that appropriate transit facilities are planned for the Center, given the density and intensity envisioned in Plan 2035, is in the public interest.

†The applicant proposed to relocate the transit center to a new site located near the western end of the development, in the Fringe area of the Westphalia Center, identified as Part of Lot 7. The applicant submitted an exhibit showing the proposed site. A revised PPS showing the new site for the transit center shall be submitted for signature approval.

†The request for reconsideration was referred to the Washington Metropolitan Area Transit Authority (WMATA), the Maryland Department of Transportation (MDOT), including the Maryland State Highway Administration (SHA) and Maryland Transit Administration (MTA), and the Prince George's County Department of Public Works and Transportation (DPW&T), to determine whether the agencies operating public transit in the County concurred with the new proposed location. WMATA and MDOT did not provide any information objecting to the proposed location. DPW&T provided a response endorsing the proposed location.

†DPW&T supports the identified property for use as the transit center due to its location and size. The property has significant frontage on Presidential Parkway, a fully developed major collector roadway, and it is located close to the proposed interchange at MD 4 (Pennsylvania Avenue) and MD 337 (Suitland Parkway). The interchange is currently under design by SHA and is fully funded for construction. The property's major collector frontage and its proximity to the interchange make it ideal for connecting to MD 4 and MD 337, which are two major freeways.

†Though DPW&T did not specify exactly what kind of transit might use the transit center, the Planning Board finds that locating the transit center close to the interchange would be ideal for

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certain kinds of transit service, especially bus services, as the transit center could distribute service through those freeways throughout the County. Further, the 7.66-acre property meets the required 4-acre minimum, and the land area provided will allow the eventual operator of the facility flexibility in its design and operation. This is necessary as it is still unknown what exact kinds of transit may use the facility. The property is located in the fringe area of the Westphalia Center instead of the core area (as identified in the sector plan); however, there are commercial, residential, and future industrial uses in close proximity which could have pedestrian and bicycle access to the transit center. Transit service could be extended down Presidential Parkway to serve the core area of the Westphalia Center, including the existing and future residential uses and any future commercial or industrial uses which may develop.

†It is not clear that the site is ideal for rail-based transit, as there are no existing or planned rail rights-of-way serving the Westphalia Center. The sector plan speaks of prior discussions with WMATA and MDOT on possible rail extension options and includes recommendations to plan for extensions of the Green Line, Blue Line, and/or Purple Line (pages 39 and 43; a conceptual extension of the Green Line is mapped on page 44). However, planning for such rail extensions is beyond the responsibility of the applicant, and as of the approval of the reconsideration, no public agency has ever released any plans detailing the functionality or future alignment of any transit facility to service this area. The Westphalia Center's reclassification as a town center deprioritizes planning for rail-based transit, as Plan 2035 does not envision such centers to be served by rail transit, instead prioritizing limited and on-demand bus service. The supported location of the transit center could readily support such bus service. The sector plan discusses a possible bus rapid transit route between the Westphalia Center and Largo Town Center, which could also be accomplished with the transit center's supported location.

†With the reconsideration, Condition 19 of this resolution is amended to provide for the new location and specify that the property shall be dedicated or conveyed to the operating agency upon their providing written notice to the applicant. Condition 19 also provides a mechanism for approval of further relocation of the transit center should such a relocation mutually be deemed necessary by the applicant and the operating agency. It is expected that DPW&T will be the eventual operating agency for the transit center, however, approval to relocate the site to the one endorsed by DPW&T does not preclude another public transit agency from accepting the conveyance.

Adequate safety roadway improvements for Melwood Road between MD 4 and new road MC-632, including traffic calming devices, should be bonded for construction prior to the issuance of building permits for the Westphalia Center development project as determined appropriate by DPW&T (CR-2-2007 (DR-2), Finding (d), p. 6 and SMA Amendment 1, pp. 9-10).

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Sector Plan Map 9, Public Facilities, shows that a number of public facility sites are recommended within this Center. Specifically, the timing for conveyance of the public library to the Prince George's County Memorial Library System (PGCMLS) should be established at this time. Consideration may be given to co-location on property to be dedicated to the HOA, as to be determined by agreement between the Library System and the HOA.

Development Pattern Element Policy 1, Strategy 2 recommends: "A minimum of one public space in a prominent, centralized location of the town center core at a minimum of three acres in size." Approved CSP-07004 shows three to five public spaces in the center core totaling more than three acres, the largest of which is 1.7 acres emulating the design of DuPont Circle in the District of Columbia. It is located across the street from another relatively large public use facility—the library. The distribution of useable public spaces has some advantages in terms of accessibility to people in and around the core area. The main concern is that the proposed 1.7-acre space is located in the midst of a major collector road (MC-637) somewhat north of the Dower House Road interchange. Unlike DuPont Circle, it will not have an underpass for through traffic. As such, there is a question as to the volumes of traffic involved, the safety of accessibility, and the traffic control methods that may be needed. Pursuant to CSP-07004, Condition 16 a., these issues are to be addressed prior to approval of a special-purpose detailed site plan, and if necessary an alternative road design or park site identified. This requirement with respect to the traffic circle/park on proposed Parcel T-1 may affect the proposed road design for MC-637 and adjoining lot lines for proposed Parcels 3, 35, 36, 6 and 9 or other parcels within this application if the proposed park feature needs to be relocated.

The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* rezoned the subject property from the I-3 and R-A Zones to the M-X-T Zone. The concepts and illustrations approved by CSP-07004 are consistent with and supersede those shown in the approved sector plan. The preliminary plan is consistent with those approvals.

The 2002 General Plan (as revised by the 2007 Westphalia sector plan) recommended a "Possible Future Community Center" along the north side of MD 4 between Westphalia Road and Woodyard Road. This section of MD 4 is also identified as a limited access Corridor for concentrations of mixed-use, transit-oriented development in the vicinity of major intersections. Evaluation of these General Plan recommendations in the context of preparing the 2007 Westphalia Sector Plan and SMA resulted in an amendment to the General Plan designating the Westphalia Center as a Regional Center with slightly different boundaries than indicated on Map 1 in the 2002 General Plan. The revised boundaries incorporate all of the property subject to CSP-07004, and approximately 70 to 80 acres of property adjoining to the north, known as the Smith Home Farms project, which was approved for the R-M Zone by application A-9965-C prior to approval of the Westphalia Sector Plan and SMA. Except for the redefined Regional Center area, the Corridor designation along MD 4 remains as originally designated in the 2002 General Plan. Center Core, Edge, and Fringe boundaries are defined in approved CSP-07004 and should be clearly labeled on the preliminary plan of subdivision.

The 2007 Westphalia Sector Plan and SMA was approved by CR-2-2007 (DR-2) and establishes the policies, strategies, and design principles for development of the General Plan designated Regional Center at Westphalia. The intent of these policies and strategies is to ensure development of an urban town center with a defined Core and Edge and a moderate- to high-intensity, vertical and horizontal mix of commercial and residential uses that are transit-supportive and transit- and pedestrian-oriented. Amenities and characteristics of urban, rather than suburban, development patterns are sought. The preliminary plan is not inconsistent with this recommendation.

Subsequent to approval of the Westphalia sector plan, Council Bill CB-29-2008 (Section 27-544) established a new use in the Zoning Ordinance, a Regional Urban Community as defined in Section 27-107.01(a)197.1. This new legislation contains regulations that address the percentage of attached dwelling units, woodland conservation and afforestation, stormwater management, lot lines and building setbacks from floodplains, number of townhouses in a row, parking calculations, townhouse building width and living space, building setback from rights-of-way, public maintenance of streets in the core area, and landscaping, as discussed above. This preliminary plan of subdivision application meets the criteria for a Regional Urban Community as described above.

The 530-acre CSP-07004 application for Westphalia Center, which encompasses Preliminary Plans of Subdivision 4-08002 and 4-08018 (Moore Property), received final approval by the District Council on May 19, 2009. Approved CSP-07004 identifies and discusses each of the policies, strategies, and design principles under the Development Pattern Element that apply to the Westphalia Center, and includes numerous illustrations that clarify the intended character of development. Conceptual Site Plan CSP-07004 also establishes a set of design standards based on adjoining street classifications as criteria to guide review of subsequent development applications, e.g. subdivision, detailed site plan, and building permit. In general, the two preliminary plan of subdivision applications are consistent with CSP-07004, which established regulations for subsequent review of development applications for subdivision and detailed site plans, and thus conformance with the intent of sector plan recommendations. The included charts, maps, and illustrations within CSP-07004 (as revised by Council approval) are established as concepts and guidelines to be referenced for subsequent review of subdivision and detailed site plan applications regarding the intended character of urban development patterns sought in the Westphalia Center.

Westphalia Sector Plan, Development Pattern Element, Policy 3 states: "Ensure high-intensity commercial and office development in the first phases of town center construction." Strategies to implement Policy 3 are: "Identify and reserve sites specifically and exclusively for high-intensity office, high-intensity mixed use, and high-density residential uses in the town center core"; and "In the site plan and subdivision review and approval processes, define and require high-intensity office and retail construction in the town center core prior to or in conjunction with specified levels of residential construction." Council Resolution CR-2-2007 (DR-2), Adopted Sector Plan Amendment 1 (p. 7, line 3) further states: "Add text to clarify the phasing of commercial development in the Westphalia Town Center to ensure that such development precedes or occurs concurrently with and in proportion to residential development."

Approved CSP-07004, Condition 31, establishes a phasing plan for the Westphalia Town Center as a whole to ensure that the recommendations of the Westphalia sector plan regarding the timing and location of commercial and residential development are met. Review of the detailed site plan(s) should ensure conformance to the required phasing plan.

The Westphalia Sector Plan, Public Facilities Element, Policy 4 states: “Enable cooperative planning and shared implementation of public infrastructure improvements and mitigations among individual parcels.” The strategy under Policy 4 is: “Conduct a comprehensive public facilities plan analysis to establish the appropriate method, staging and financing mechanism that ensures provision of the aforementioned public facilities concurrently with development of new homes and businesses.” Concurrent with preparation of the sector plan, a Public Facilities Financing Program study was prepared and reviewed by the Planning Board and County Council (Public Record Exhibit 73). Subsequently, a Westphalia Public Facilities Financing Plan Stakeholder Work Group was established to prepare a public facility financing program that can be implemented which calculates and finances costs for county facilities and infrastructure among public and private stakeholders on a “fair share” basis to the greatest extent possible. The stakeholders have held meetings throughout 2008 and have updated cost estimates for needed public infrastructure beyond that normally required of development projects (such as gaps in road and trail improvements), identified shared financing and bonding strategies, as well as shared costs savings and incentive strategies. Phasing, marketing, branding, and management strategies are also under discussion.

To date, there has been no agreement on a new shared funding strategy or approach. New public facility improvements not currently required of development proposals still need to be funded and built according to the standard approach of programming for construction via the County Capital Improvement Program (CIP) using general obligation bonds financed by tax revenues. The ongoing credit crisis and the downturn in the real estate market has slowed the work of the stakeholder work group, and forced a rethinking of its approach. Meetings of the stakeholder work group were suspended at the end of 2008, but it is intended that meetings will resume in the latter part of 2009 to address issues outlined above and propose a financing program that will promote concurrent improvement of public facilities and infrastructure on a comprehensive basis for the Westphalia area. Approval of the CSP acknowledged that creative financing for public infrastructure in the Westphalia sector plan area is still anticipated on a fair share basis as financing programs and methodologies are proposed and implemented, and as subsequent development review procedures are encountered. Until such a program is approved by county officials and implemented, the promise of a public facility financing program cannot be relied upon to satisfy findings for adequate public facilities required under the Zoning Ordinance or the Subdivision Regulations, as it is not in this preliminary plan of subdivision.

10. **Parks and Recreation**—The staff of the Department of Parks and Recreation (DPR) has reviewed the above referenced preliminary plan. The review was in consideration of the recommendations of the *Prince George’s County Approved General Plan, Approved Westphalia Sector Plan and Sectional Map Amendment* for Planning Area 78, conditions of approved Conceptual Site Plan CSP-07004, The Land Preservation and Recreational Program for Prince

George's County, current Zoning Ordinance and Subdivision Regulations, and existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation facilities.

The preliminary plan shows a mix of residential and nonresidential uses with a defined Core, Edges, and Fringe areas with medium- to high-densities and intensities. The subject property is south of and adjacent to the Smith Home Farm Development (4-05080). The Cabin Branch Stream Valley will provide a stream valley pedestrian and hiker/biker trail connector from the town center to the future Westphalia Central Park located within the Smith Home Farm Development.

The Westphalia sector plan goals, policies and strategies related to park and recreational issues are:

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

The Westphalia sector plan established design principles for the Westphalia Town Center to promote the development of quality public spaces such as:

- Design a minimum of one public space in a prominent and centralized location of the town center core at a minimum of three acres in size.
- Develop numerous smaller public spaces such as plazas, courtyards, and green spaces of approximately one-quarter to one-half acre in size.

- Develop in a way that promotes walking and transit use and provide high levels of pedestrian accommodation, safety, and amenity.

The Westphalia sector plan and sectional map amendment indicates that these squares, plazas, etc. should be privately-owned and maintained spaces designed and programmed to host community events.

Amendment 8 of Council Resolution CR-2-2007 for the adopted Westphalia sector plan, revised the adopted plan parks and recreation element text to:

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.

The Westphalia sector plan and sectional map amendment anticipated that the major recreational needs of the residents of the town center will be addressed by contribution of the funds for the development of the 174-acre “Central Park,” a single major recreational complex to serve the entire Westphalia Area.

The Westphalia Central Park will be located 1,100 feet north of the northern boundary of this project, within the limits of the approved Smith Home Farm development (4-05080). The central park will be accessible to the residents of the town center through a system of roads and pedestrian and hiker/biker trails. A large urban park will serve as a unifying community destination and amenity for the entire Westphalia sector plan area. The park concept plan shows a large 34-acre lake and surrounding recreational facilities with a waterfront activities center, restaurants, open play areas, an amphitheater for large public events, a recreational center, a tennis center, an adventure playground, ball fields, group picnic areas, an extensive trail network providing recreational opportunities, and a pedestrian connection to the town center and surrounding residential development.

The following conditions of Conceptual Site Plan CSP-07004, address park and recreational issues:

- 19. The applicant shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (M-NCPPC) for adequacy and property siting prior to approval of the detailed site plan by the Planning Board.**

The applicant’s proposal includes two circular urban parks, green spaces/plazas, boulevards, and pocket parks. The applicant also proposes construction of three privately operated and maintained community centers in the residential portion of the development, located on the edge of the town center. The applicant proposes that the Westphalia Center

Business and Homeowners Association maintain all proposed private recreational facilities on-site.

- 22. Prior to the first final plat of subdivision, the applicant shall enter into an agreement with the Department of Parks and Recreation (DPR) establishing a mechanism for payment of fees into an account administered by the M-NCPPC or provision of in-kind services. The agreement shall note that the value of the in-kind services shall be determined solely by DPR. DPR decisions regarding choice and value of in-kind services are appealable to the Planning Board. The agreement shall also establish a schedule of payments and/or a schedule for park construction. The payment or construction schedule shall include a formula for any needed adjustments to account for inflation. The agreement shall be recorded in the Prince George's County land records by the applicant prior to final plat approval.**
- 25. As part of the private recreational facilities package, the applicant and the applicant's heirs, successors, and/or assignees shall construct three community buildings. The size, timing, and location of the buildings shall be determined with the review of the special-purpose detailed site plan.**
- 29. The applicant shall make a monetary contribution into a "park club." The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars. The applicant may make a contribution to the park club or provide an equivalent amount of in-kind services for the construction of the recreational facilities in the central park. Monetary contributions may be used for construction, operation, and maintenance of the recreational facilities in the central park and/or other recreational amenities that will serve the Westphalia Study Area. The park club shall be established and administered by the Department of Parks and Recreation. The choice between a monetary contribution and the provision of in-kind services shall be at the sole discretion of the Department of Parks and Recreation. The value of in-kind services shall be reviewed and approved by DPR staff. DPR decisions regarding choice of contributions and the value of in-kind services are appealable to the Planning Board.**

Condition 29 was proposed and adopted by the Planning Board. In order to clarify the third sentence in this condition which states: "Monetary contributions may be used for construction, operation, and maintenance of the recreational facilities in the central park and/or other recreational amenities that will serve the Westphalia Study Area," staff notes that "the other recreational amenities" are public recreational amenities which will serve all residents of the Westphalia Study Area. For example, the three proposed community buildings and recreational amenities in Westphalia Center will be used and maintained by the members of the homeowners associations (HOA) and will not be available to the general public and all residents of the Westphalia Study Area; therefore, the applicant would not receive a credit toward the required monetary contribution for the public

recreational facilities, which will serve the general public and existing and future residents of the entire Westphalia Study Area, for the fulfillment of the requirements of the mandatory dedication of parkland (Section 24-134 of the Subdivision Regulations). Mandatory dedication requirements are a required adequacy finding for the approval of a preliminary plan of subdivision. In this case, consistent with Condition 30 below, staff is recommending the provision of private on-site recreational facilities for the fulfillment of Section 24-134, separate from the CSP Condition 29 above, which is unrelated.

30. The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined during the review of the special-purpose detailed site plan. Private and public recreational facilities shall be reviewed as a package, acknowledge the contribution of \$3,500 per dwelling unit, and determine the total expenditures for the package.

At the time of the special-purpose detailed site plan, the private recreational facilities package will be reviewed to ensure that the recreational facilities are not duplicated in the Westphalia Central Park and acknowledge the contribution of \$3,500 toward construction, operation, and maintenance of the public recreational facilities in the central park and/or other public recreational amenities in the Westphalia Study Area.

Further, in regard to Section 24-134 of the Subdivision Regulations, the mandatory dedication requirement is met by the provision of private recreational facilities on-site, taking into consideration the dense urban nature of the site. Review of the private recreational facilities will be evaluated with the special-purpose detailed site plan required by the approval of the CSP.

In summary, the combination of private recreational facilities and a monetary contribution of \$3,500 per dwelling into a "park club" for the construction and maintenance of the recreational facilities in the central park and other public amenities in the Westphalia Study Area will satisfy the recreational needs of Westphalia Center as established in the CSP and as required by Section 24-134 of the Subdivision Regulations, respectively.

11. **Trails**—The 2002 General Plan designates MD 4 as a Corridor and also identifies a community center north of MD 4 in the vicinity of the subject site. The site is adjacent to the proposed Smith Home Farms and Woodside Village developments, as well as the existing Presidential Corporate Center. Master plan trails issues that impact the subject application include the following:

Back Branch Stream Valley Trail
Cabin Branch Stream Valley Trail
Melwood Legacy Trail/Bikeway
Presidential Parkway (MC-634 and A-66) Sidepath/Wide Sidewalk
MC-632 Wide Sidewalk and Designated Bike Lanes

MC-637 Bikeway Corridor
C-636 Bikeway Corridor

Road cross sections were approved as part of CSP-07004 on the Street Sections Sheet. These cross sections were further amended by the conditions of approval regarding the width of sidewalks and optional zone width.

Stream Valley Trails: The approved Westphalia sector plan recommends master plan trails along both Cabin Branch and Back Branch. Condition 13 provides guidance for the location of the master plan trails.

- 13. The locations of the master-planned trails along Back Branch and Cabin Branch shall be determined at the time of preliminary plan review. The trails shall be designed to avoid the PMA to the extent possible and trail alignments along parallel roads may be utilized where necessary. Impacts to the PMA shall be addressed at that time.**

The master plan trail along Back Branch will be constructed on HOA land and along proposed roadways. Where the trail is along proposed roads, the street section shown in Illustration 3 of the approved Westphalia sector plan shall be used (Sector Plan, p. 29). The alignment of the Back Branch Trail as shown on the submitted Trail Alignment Exhibit is appropriate. This trail will largely follow proposed roadways and should utilize the cross section included in the sector plan.

The location of the trail along the Cabin Branch received additional focus in consideration of a desire to preserve the stream valley corridor, the desire for a trail within the wooded stream valley, and the location of several retaining walls proposed along that corridor. The submitted trails exhibit shows a conceptual alignment following the stream valley, but did not determine the specific alignment of the trail.

The Cabin Branch Trail should be located within the existing sewer easement. This easement runs along a portion of both the Westphalia Center and Moore Property and also crosses over Cabin Branch onto the adjacent Smith Property. This easement should serve as a suitable trail location for all or a majority of the trail for both the subject site and the adjacent Smith Property to the north and northwest. Staff walked the proposed trail alignment with the applicant and is in agreement that the utility right-of-way will serve as a suitable trail corridor through Westphalia Center, Moore Property, Smith Property, and to the planned central park. The applicant has marked and labeled the location of the trail on the TCP. The location of the stream valley trails should be marked and labeled on the approved TCP to allow for a more detailed analysis of the relationship of the trail to planned buildings and preserved environmental features. Timing of the stream valley trail construction should be determined at the time of the special purpose DSP. The alignment of the trail within the right-of-way may have to be shifted slightly in order to avoid impacts to the utility line and preserve WSSC access to their facilities (see attached e-mail from WSSC).

It should be noted that approved Preliminary Plan 4-05080 for the Smith Property requires the construction of the Cabin Branch Trail along that site's portion of Cabin Branch (Condition 13, PGCPB Resolution No. 06-64). However, a final alignment was not determined with the review of the preliminary plan of subdivision. The trail is most appropriate along the sanitary sewer easement that runs along the creek. This alignment should be acceptable from a planning and environmental perspective on all three properties. The trail will cross Westphalia Center, Moore Property, and Smith Property before entering the planned central park.

Master Plan Bikeways: Master plan roadways A-66, MC-634, MC-632, and MC-637 reflect designated bike lanes and six-foot-wide sidewalks on the approved CSP. The sidewalk along the north side of both A-66 and MC-634 should be widened to eight feet to accommodate the master plan trail. Master plan bikeway C-636 includes six-foot-wide sidewalks along both sides. The bikeway signage should designate the bikeway along this residential road. The sidewalks along MC-632 should be widened from six to eight feet in width. Major Collector Road MC-632 is a major north-south corridor through the town center and is also designated as a master plan trail corridor. Standard or wide sidewalks are generally provided along all roads. Designated bike lanes are also included with some cross sections. Designated bike lanes are included on road cross sections for Urban Major Collector Roads (MC-632, MC-634, and MC-637), Urban Arterial Roads (A-52 and A-66), and Urban Major Collector Road, Residential (MC-637 (Residential)).

Melwood Road: The subject site is adjacent to approximately 6,500 linear feet of Melwood Road. The Westphalia sector plan includes the following recommendation regarding the utilization of this road as a trail/bikeway corridor:

Melwood Road Greenway Trail: Preserve segments of the road with a green buffer on either side as an integral part of the community's trail and greenway network. The preserved segments should be incorporated into a north/south multi-purpose path that wends through the center of the community. Sections of the trail that are not wooded and outside of the PMA may be realigned to parallel new streets, through parks, along lakes, etc., as needed to achieve the desired result. The path should extend from Old Marlboro Pike to the central park and up to the intersection of D'Arcy and Westphalia Roads. It could feature a trailhead at Old Marlboro Pike on a section of unused right-of-way east of Melwood Road. Where Melwood Road provides access to preexisting homes it may be retained as privately maintained ingress/egress easements or a county-maintained road at the discretion of the county. Access will be provided to the nearest publicly maintained road. Access points should be located to discourage through vehicular traffic. (Sector Plan, p. 28).

It appears that the entire portion of Melwood Road that abuts the subject site provides access to pre-existing homes and therefore, will be maintained for ingress-egress to these lots. In keeping with the recommendation of the sector plan, bikeway signage should be provided along the site's segment of the roadway.

To the north of the subject application, the Melwood Legacy Trail will be accommodated with a sidepath parallel to MC-632. The Smith Home Farms development will also preserve a segment of the road as a trail corridor within an open space greenway.

Sidewalk Connectivity: The sidewalk network is a crucial component of providing a walkable town center. Roads should be designed to accommodate bicyclists, pedestrians, and ADA (Americans with Disabilities Act) users, in addition to automobiles. A comprehensive network of sidewalks can ensure that nonmotorized access is possible throughout the subject site and surrounding developments. The subject application includes detailed road cross sections that incorporate facilities for pedestrians and bicyclists. Standard or wide sidewalks are provided along all roads. Designated bike lanes are also included with some cross sections. Designated bike lanes are included on road cross sections for Urban Major Collector Roads (MC-632, MC-634, and MC-637), Urban Arterial Roads (A-52 and A-66), Urban Major Collector Road, Residential (MC-637 (Residential)). Condition 1.g. of approved CSP-07004 decision requires a minimum width of eight feet for the urban sidewalks along the north-south urban mixed-use roads.

The “typical alley” is the only proposed road cross section that does not include accommodations for pedestrians or bicyclists. Sidewalks are included along all other roads and in some cases extensive streetscape improvements are included. The sidewalk network proposed by the applicant is comprehensive and will complement the master plan trails proposed for the site. A few roadways should include wider sidewalks than what is currently shown on the subject application because of density or master plan trail recommendations.

The Westphalia sector plan designates MC-634, MC-637, MC-632, C-636, and A-66 as bikeway corridors. Master plan roadways MC-634 and A-66 are continuations of Presidential Parkway, which exists to the west of the subject site. Existing Presidential Parkway includes an eight-foot-wide, asphalt sidepath along its northern edge to the west of Westphalia Center. A continuation of this facility onto the subject site along both MC-634 and A-66 (Condition 32.c., CSP-07004), should be provided.

As noted above, approved CSP-07004 included several conditions of approval regarding sidewalk and trail facilities. These include Condition 1.e–h, 1.n., 13, 16c, 21, 32, and 33. These conditions are still applicable.

It should be noted that the applicant has provided a Trail Alignment Exhibit. This exhibit shows all master plan trails and bikeways for Westphalia Center and Moore Property. The more detailed alignment of the stream valley trails is reflected on the submitted TCP for each plan. The special-purpose DSP needs to be referred to WSSC for additional review and comments concerning the stream valley trail alignment within the sanitary sewer easement.

The extensive sidewalk and bicycle facilities should be accessible to the public as part of the larger, countywide trail network. As much of the pedestrian and trail network as possible should be open and accessible to the public. If the Department of Public Works and Transportation (DPW&T) will not maintain the pedestrian zone/streetscape, public use easements for the

sidewalks may be recommended at the time of review of the special-purpose DSP, to ensure that they are reflected on the final plat(s). Pedestrian safety features will be an important component of the street network. Curb bumpouts, decorative crosswalks, raised crosswalks, pedestrian safety features, pedestrian refuges, and pedestrian amenities should be considered at the time of detailed site plan.

The road cross sections shown on the submitted circulation plan provide standard or wide sidewalks along all roadways, and designated bike lanes are provided throughout the town center.

12. **Transportation**—On December 18, 2008, the Prince George’s County Planning Board approved CSP-07004. Pursuant to PGCPB Resolution No. 08-189, the CSP was approved with numerous transportation-related conditions. Among those conditions was a trip cap limiting the total development within the 530.27-acre property to uses which generate no more than 7,149 AM peak-hour trips, and 8,910 PM peak-hour trips, in consideration of the approved trip rates and methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified herein above shall require a revision to the conceptual site plan with a new determination of the adequacy of transportation facilities.

The subject application reflects a preliminary plan consisting of 482.57 acres. The remaining 47.70 acres represent an adjacent Preliminary Plan of Subdivision (Moore Property 4-08018), which is being processed concurrently with the subject application. Because the properties in these preliminary plans were the subject of a trip cap under approved CSP-07004, the trip caps of both properties combined cannot exceed the cap mandated in the approved CSP application.

TRAFFIC IMPACT STUDY

Subsequent to the traffic impact study used to support the approval of CSP-07004, the applicant prepared and submitted a traffic impact study with a date of March 2009.

Pursuant to the scoping agreement, 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	PM
	(LOS/CLV)	(LOS/CLV)
1 - MD 4 & Forestville Road	F/1615	D/1363
2 - MD 4 & Westphalia Road/Old Marlboro Pike	C/1205	D/1305
3 - MD 4 & Suitland Parkway	F/1647	E/1585
4 - MD 4 & Dower House Road	F/1868	E/1496
5 - MD 223 & Old Marlboro Pike – MD 4 WB On-Ramps **	B/13.8 seconds	B/11.3 seconds
6 - MD 223 & MD 4 WB Off-Ramps **	C/17.5 seconds	C/16.8 seconds
7 - MD 223 & MD 4 EB On-Ramps **	D/34.9 seconds	C/23.6 seconds
8 - MD 223 & Marlboro Pike – Osborne Road	C/1175	C/1168
9 - MD 223 & Perrywood Road **	F/73.6 seconds	D/27.7 seconds
10 - MD 223 & Dower House Road	B/1017	B/1145
11 - MD 223 & Rosaryville Road	B/1100	D/1304
12 - Old Marlboro Pike & Ritchie Marlboro Road	D/1303	D/1402
**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 “E” 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 <i>Guidelines</i> .		

The traffic study identified forty background developments (including Moore Property—a pending preliminary plan of subdivision) whose impact would affect some or all of the study intersections. Additionally, an annual growth rate of 2.0 percent per year (between 2009 and 2019) was applied to the existing traffic counts along MD 4 and MD 223, and 1.0 percent per year along the other roads. A second analysis was done to evaluate the impact of the background developments on the existing infrastructure. By definition, a background analysis evaluates traffic by combining existing traffic with projected traffic from approved developments. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
1 - MD 4 & Forestville Road	F/2257	F/1909
2a - MD 4 WB Ramps & Westphalia Road	A/685	A/947
2b - MD 4 EM Ramps & Old Marlboro Pike	A/627	A/775
3a - MD 4 SB Ramps & Suitland Parkway	A/886	B/1023
3b - MD 4 NB Ramps & Presidential Parkway	A/802	A/742
4a - MD 4 SB Ramps & Dower House Road	A/423	A/568
4b - MD 4 NB Ramps & Dower House Road	A/542	A/688
5a - Old Marlboro Pike & Melwood Road	B/1073	A/624
5b - Old Marlboro Pike & MD 4 WB Off-Ramp	A/661	A/787
6 - Old Marlboro Pike & Presidential Parkway	A/659	A/430
7 - MD 223 & MD 4 EB On-Ramps	E/1500	A/972
8 - MD 223 & Marlboro Pike – Osborne Road	E/1520	F/1683
9 - MD 223 & Perrywood Road **	F/627.6 seconds	F/152 seconds
10 - MD 223 & Dower House Road	F/1704	F/1674
11 - MD 223 & Rosaryville Road	F/1616	F/1893
12 - Old Marlboro Pike & Ritchie Marlboro Road	F/1614	F/1972
13- Westphalia Road & MC-634	A/810	D/1428
14- Suitland Pkwy & MC-634	B/1121	A/946
**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 “E” 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 <i>Guidelines</i> .		

An analysis of the traffic data under “Total” conditions represents a combination of background traffic and site-generated traffic. The site-generated traffic was determined based on the following uses:

	Morning Peak Hour			Evening Peak Hour		
	In	Out	Total	In	Out	Total
Residential						
600 Rooms Hotel-Motel	210	180	390	270	210	480
178 Single Family Units	27	107	134	104	56	160
1,715 Apartment Units	178	714	892	669	360	1,029
2,315 Apartment Units (high rise)	139	556	695	602	324	926
Total	554	1,557	2,111	1,645	950	2,595
<i>Less Internal trips</i>	<i>-43</i>	<i>-38</i>	<i>-81</i>	<i>-234</i>	<i>-139</i>	<i>-373</i>
Net New Trips	511	1,519	2,030	1,411	811	2,222
Office						
1,000,000 sq. ft. General Office (equation)	1,041	142	1,183	204	995	1,199
2,240,000 sq. ft. General Office (average)	3,045	427	3,472	561	2,777	3,338
Total	4,086	569	4,655	765	3,772	4,537
<i>Less Internal trips</i>	<i>-8</i>	<i>-19</i>	<i>-27</i>	<i>-50</i>	<i>-64</i>	<i>-114</i>
Net New Trips	4,078	550	4,628	715	3,708	4,423
Retail						
1,194,000 sq. ft. Shopping Center	423	270	693	1,544	1,673	3217
Less Internal trips	-46	-40	-86	-170	-251	-421
Net External Trips	377	230	607	1,374	1,422	2,796
<i>Less Pass-by trips (19%)</i>	<i>-72</i>	<i>-44</i>	<i>-116</i>	<i>-261</i>	<i>-270</i>	<i>-531</i>
Net New Trips	305	186	491	1,113	1,152	2,265
Total Net New Trips	4,894	2,255	7,149	3,239	5,671	8,910

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 7,149 (4,894 in, 2,255 out) AM peak-hour trips, and 8,910 (3,239 in, 5,671 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	PM
	(LOS/CLV)	(LOS/CLV)
1 - MD 4 & Forestville Road <i>With improvements (MITIGATION)</i>	F/2433 F/1634	F/2307 F/1683
2a - MD 4 WB Ramps & Westphalia Road	A/685	A/947
2b - MD 4 EM Ramps & Old Marlboro Pike	A/627	A/775
3a - MD 4 SB Ramps & Suitland Parkway	D/1312	D/1399
3b - MD 4 NB Ramps & Presidential Parkway	C/1276	B/1118
4a - MD 4 SB Ramps & Dower House Road	B/1021	D/1443
4b - MD 4 NB Ramps & Dower House Road	A/919	D/1369
5a - Old Marlboro Pike & Melwood Road	E/1591	A/910
5b - Old Marlboro Pike & MD 4 WB Off-Ramp	C/1187	C/1290
6 - Old Marlboro Pike & Presidential Parkway	B/1123	E/1524
7 - MD 223 & MD 4 EB On-Ramps <i>With Improvements</i>	F/1977 D/1376	F/1880 E/1392
8 - MD 223 & Marlboro Pike-Osborne Road <i>With improvements</i>	F/1672 C/1168	F/1826 E/1528
9 - MD 223 & Perrywood Road (Unsignalized) <i>With separate through/left on SB MD 223</i>	F/>999 Seconds F/>999 Seconds	F/767 Seconds F/767 Seconds
10 - MD 223 & Dower House Road <i>With improvements</i>	F/2177 E/1552	F/2379 D/1436
11 - MD 223 & Rosaryville Road <i>With improvements</i>	F/2087 D/1371	F/2506 D/1406
12 - Old Marlboro Pike & Ritchie Marlboro Road <i>With improvements</i>	F/1727 E/1557	F/2255 E/1540
13- Westphalia Road & MC-634	A/810	D/1428
14- Suitland Pkwy & MC-634	B/1377	E/1531

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

a. **MD 4 and Forestville Road intersection**

- (1) Add a third westbound through lane along MD 4.
- (2) Add a second northbound left-turn lane along Forestville Road at MD 4.
- (3) Add a second northbound through lane along Forestville Road at MD 4.
- (4) Convert the southbound right-turn lane into a combined through-and-right lane.
- (5) Add a second southbound left-turn lane along Forestville Road at MD 4.
- (6) Rebuild the existing traffic signal.

b. **MD 4 and Westphalia Intersection**—Reconstruct the intersection with a series of channelized islands so that through movements across MD 4 would be restricted, and all left turn movements would be restricted. To compensate for these restrictions, the applicant has proffered the following improvements:

- (1) Construct MC-634 between Westphalia Road and Suitland Parkway Extended.
- (2) Reconstruct Burton Lane along with portions of Old Marlboro Pike as detailed in the applicant's exhibit.

c. **MD 4 and Suitland Parkway**—The State Highway Administration (SHA) will construct this new interchange and the applicant will provide right-of-way, resulting in full funding.

d. **MD 4 and Dower House Road**—The State Highway Administration (SHA) will construct this new interchange and the applicant will provide right-of-way. The construction timing will be part of the future phasing analysis.

e. **MD 4 and MD 223 Interchange**

- (1) The applicant will rebuild this interchange as detailed on Exhibit 12 as Alternate P-1.
- (2) Install new traffic signals at Old Marlboro Pike and Presidential Parkway, Old Marlboro Pike and Melwood Road and Old Marlboro Pike and MD 4 WB off ramp.
- (3) Construct a second southbound left turn along MD 223 at the MD 4 EB on ramp.
- (4) Widen the MD 4 EB on ramp to accept the southbound double-left movement.
- (5) Provide a third NB through lane along MD 223 at the MD 4 EB on ramp.
- (6) Install a traffic signal at the intersection of MD 223 and MD 4 EB off ramp—MD 4 EB on ramp.

f. **MD 223 and Marlboro Pike**

- (1) Construct a southbound double-left-turn lane.
- (2) Modify traffic signal.
- (3) Provide separate left, through and right-turn lanes on eastbound approach.

g. **MD 223 and Perrywood Road**—Conduct a signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

h. **MD 223 and Dower House Road**

- (1) Create a double left, a through and a separate right-turn lane on the northbound approach along MD 223.
- (2) Create a left turn, a through and a shared through-and-right lane on the southbound approach along MD 223.
- (3) Modify traffic signal.

i. **MD 223 and Rosaryville Road**

- (1) Create a second eastbound left-turn lane along MD 223 to northbound MD 223.
- (2) Create a second through lane along southbound MD 223.
- (3) Create a double-left-turn along Rosaryville Road.
- (4) Modify traffic signal.

j. **Old Marlboro Pike and Ritchie Marlboro Road**

- (1) Create a separate northbound left-turn lane along Ritchie Marlboro Road.
- (2) Create a separate southbound left-turn lane along Ritchie Marlboro Road.
- (3) Create a separate eastbound right-turn lane along Old Marlboro Pike.
- (4) Modify traffic signal.

With all of the improvements in place, the analyses show that all of the critical intersections along MD 223 will operate adequately, and the proffered improvements at the MD 4/Forestville Road intersection will reduce the site's critical trips by greater than 100 percent.

The traffic study was reviewed by representatives of the Department of Public Works and Transportation (DPW&T) as well as the State Highway Administration (SHA). In an April 10, 2009 memorandum to staff from the DPW&T (Issayans to Burton), Mr. Issayans noted the following:

Adequate storage should be provided for the following left-turn movements:

- EB Dower House Road double left onto NB MD 4 on ramp;
- SB MD 223 double left onto MD 4 EB on ramp;
- NB MD 223 to WB Marlboro Pike; and
- WB Old Marlboro Pike to SB Ritchie Marlboro Road.

At the MD 223 intersection with Marlboro Pike/Osborne Road, either the EB Marlboro Pike right-turn bay should be extended to approximately 175 feet or a free right turn should be provided with an acceleration lane on SB MD 223.

Roundabout @ Road A/Road L:

- The inscribed circle diameter is 182 feet, which is typically the size for a double-lane roundabout. The inscribed circle diameter for a single-lane roundabout typically ranges from 100–130 feet.
- The single-lane entry widths should be between 14 feet and 18 feet to eliminate the appearance of a double-lane entry.
- The preliminary plan indicates that Public Road A approaches should provide two entry and two exit lanes. On the design in the traffic study, it only shows one entry and one exit lane.

Roundabouts at Dower House Road/Road A (West Circle) and Road A/Road O (East Circle):

- The proposed inscribed diameters are greater than 300 feet. According to the Federal Highway Administration (FHWA) Roundabout Guide, the recommended inscribed diameter for an urban double-lane roundabout is 150–180 feet. The guide indicates that diameters larger than 200 feet will have higher circulating speeds and an increased number of crashes with greater severity.
- The preliminary plan indicates that Public Road A approaches should provide two entry and two exit lanes. On the design in this report, it only shows one entry and one exit lane.

At the intersection of Dower House Road and Presidential Parkway, adequate storage length must be provided for the double lefts from WB Presidential Parkway and from NB Dower House Road. Queuing analysis should be performed as needed.

An acceleration lane should be provided on EB Presidential Parkway for the free right turn movement from NB Dower House Road.

An acceleration lane should be provided on SB Presidential Parkway for the free right turn movement from EB Presidential Parkway. (The intersection of Presidential Parkway/Public Road KK with Presidential Parkway/Public Road O).

In a letter of April 15, 2009 from DPW&T (Abraham to Townsend), comments were provided and directed at the proposed road/transit network within the preliminary plan, rather than the analyses of the traffic study. Some of the salient issues of that letter are as follows:

- Any proposed and/or existing master plan roadways that lie within the property limits must be addressed through coordination between the M-NCPPC and DPW&T and may involve rights-of-way reservation, dedication, and/or road construction in accordance with DPW&T specifications and standards.
- All improvements within the public rights-of-way, dedicated for public use to the County, are to be in accordance with the County's Road Ordinance, DPW&T specifications and standards, and the Americans with Disabilities Act (ADA). Additionally, all breaks made in the median for pedestrian crosswalks shall have proper sight distance and be ADA accessible.
- Resolution of all roadway requirements per Council Resolution CR-2-2007 and PGCPB Resolution No. 06-159 are required prior to the issuance of street construction permits for this site.
- Determination of roadway identification (public or private) within the site is necessary prior to the detailed site plan approval.
- Transit routes on designated public roadways are to be determined by the applicant and submitted to the DPW&T Division of Transit for review and approval. Modification to these transit roadways to accommodate pull on/off for a transit bus at every proposed bus stop location is required. These roadways are to be consistent with the *Approved Westphalia Sector Plan and Sectional Map Amendment* dated February, 2007.
- Access from public roadways to serve each individual townhouse is prohibited. Additional on-site parking areas are to be constructed to mitigate overflow parking from these proposed townhouses.

In response to the March 2009 study, in a letter of May 4, 2009 from SHA (Foster to Burton), in which many of the traffic study recommendations at most of the critical intersections were reiterated. Objections were raised, however, with the applicant's assumption that SHA will be constructing the interchanges at MD 4 and Dower House Road, as well as Suitland Parkway. The letter acknowledged that SHA has no funds for the design or the construction of an interchange at MD 4 and Dower House Road. It further added that funds for this interchange will need to be acquired from an alternative source other than SHA.

Regarding the funding for the interchange at Suitland Parkway at MD 4, SHA acknowledged in that same letter that there were plans to fund this interchange, however, the funding for the interchange has been delayed. During the December 2008 public hearing for Conceptual Site Plan CSP-07004 for the subject property, staff made reference to a September 26, 2008 letter from the

then Director of Planning and Preliminary Engineering, Raja Veeramachaneni to staff. Among the salient points of the letter were the following:

“The Maryland Department of Transportation (MDOT) assessed the budgetary impacts of the current fiscal situation and made some difficult decisions in developing the draft FY 2009–2014 Consolidated Transportation Program (CTP). While I am pleased that all safety, bridge, and system-preservation funding remains intact, I regret that construction funding for several projects were indefinitely deferred. Those projects include the following:

- **“MD 4/Suitland Parkway Interchange**—This project was fully funded, except \$13.6 million for right-of-way purchases. However, the funds have been indefinitely deferred, and the project has been included in the Development and Evaluation (D&E) Program of the new draft CTP. SHA will continue working with developers, M-NCPPC and Prince George’s County toward right of way donations for the project.”

While it is the intent of MDOT to defer funding for the MD 4/Suitland Parkway interchange, the guidelines states that “Transportation improvements that should be used for traffic studies as part of the required test for adequacy must have 100 percent of the construction funds programmed in either the adopted county CIP or the current state CTP.”

Westphalia Sector Plan

The *Approved Westphalia Sector Plan and Sectional Map Amendment* (2007) recommends an extensive road network within the planning area, some of which will impact the subject application. All of the planned roads that were proposed in the sector plan’s transportation network, A-52, A-66, MC-632, MC-634, MC-637, and C-636, are accurately represented in the proposed application.

The pending preliminary plan proposes two access points on Melwood Road, a road designated as a historic road. While every effort should be made to preserve the rural, scenic, and historic characteristics of this facility, it is also necessary to provide a site layout that can accommodate adequate on-site vehicular circulation. The plan proposes two access points at the southern end of Melwood Road. It is the opinion of staff that a single access to Melwood Road, as close to its southernmost end as is feasible, along with other points of access along MC-634 could provide the necessary on-site circulation of traffic. Prior to signature approval, the preliminary plan should be revised to indicate that one access is permitted to Melwood Road only.

Phasing Plan

Pursuant to Condition 14 of the District Council’s Notice of Final Decision for CSP-07004, the applicant has outlined a phasing plan for the proposed development. The table shown below represents the peak trips associated with each phase, as well as the cumulative total as each phase is developed.

Phase	Trips		Accumulative Trips	
	AM	PM	AM	PM
Phase 1A	771	1,737	771	1,737
Phase 1B	275	322	1,046	2,059
Phase 1C	579	538	1,625	2,597
Phase 2A	148	178	1,773	2,775
Phase 2B	270	330	2,043	3,105
Phase 2C	925	1,252	2,968	4,357
Phase 2D	835	870	3,803	5,227
Phase 3A	747	1,132	4,550	6,359
Phase 3B	439	465	4,989	6,824
Phase 5	2,160	2,086	7,149	8,910

It should be noted that the Presidential Corporate Center (PCC), which has been included in several traffic studies as a background development, has been incorporated into the proposed preliminary plan of subdivision. By virtue of the PCC being the subject of recordation (record plat), the property has been vested for 1,610 AM peak-hour trips and 1,719 PM peak-hour trips. However, based on the proposed phasing plan as shown in the table above, all of the applicant's Phase 1A development cannot be contained within the vested trip cap, without the need to provide any off-site transportation improvements. Consequently, any development regardless of phasing that generates trips greater than 1,610 AM and 1,719 PM peak-hour trips will trigger the need for off-site improvements.

In the traffic study, there is an assumption that both Phase 1A and 1B could move forward by utilizing the available vested trips. This assumption is neither accurate nor is it supported by staff. If the applicant wishes to propose uses that utilize the vested trips without the need for off-site improvements, then those uses must collectively generate no more than 1,610 AM and 1,719 PM peak-hour trips.

The traffic study provided data indicating that, prior to the start of Phase 5, the interchanges at MD 4 and Westphalia Road as well as Dower House Road must be in place.

FINDINGS

- a. The application is a preliminary plan of subdivision on 482.57 acres of land in the M-X-T Zone. The application analyzed is based on a mix of uses consisting of:

- 3,240,000 square feet office

- 1,194,000 square feet retail
- 600 hotel rooms
- 4,208 residential units

These proposed uses will generate 7,149 AM (4,894 in; 2,255 out) peak-hour trips, and 8,910 PM (3,239 in; 5,671 out) peak-hour trips. These trip projections, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates, were determined using 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.

- b. The traffic generated by the proposed preliminary plan would impact the following intersections:

- MD 4 and Forestville Road
- MD 4 and Westphalia Road/Old Marlboro Pike
- MD 4 and Suitland Parkway
- MD 4 and Dower House Road
- MD 223 and Old Marlboro Pike—MD 4 WB On Ramps **
- MD 223 and MD 4 WB Off Ramps **
- MD 223 and MD 4 EB On Ramps **
- MD 223 and Marlboro Pike—Osborne Road
- MD 223 and Perrywood Road **
- MD 223 and Dower House Road
- MD 223 and Rosaryville Road
- Westphalia Road and MC-634
- Suitland Pkwy and MC-634

- c. None of the intersections identified in Finding b above is programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation (MDOT) Consolidated Transportation Program or the Prince George’s County Capital Improvement Program with the exception of the following:

- MD 4 and Suitland Parkway—(MDOT CTP FY 2008–2013) **
- MD 223 and Dower House Road (CIP 2008–2013, FD669451)
- MD 223 and Rosaryville Road (CIP 2008–2013, FD669451)

** As stated previously, the MD 4/Suitland Parkway intersection is funded for upgrade to an interchange in MDOT’s current CTP 2008–2013. Staff is in receipt of a September 26, 2008 letter from the SHA indicating that funding for this intersection upgrade is indefinitely deferred. The current CTP has a validity period beginning on July 1, 2008 and ending on June 30, 2009. Consequently, based on the provisions outlined in Subtitle 24-124(a)(1) of the Subdivision Regulations, it is the opinion of

M-NCPPC legal staff that the project can still be used to meet the transportation adequacy requirement.

- d. The subject property is located within the Developed Tier, as defined in the General Plan (2002) for Prince George's County. However, as part of the approval of the Westphalia sector plan and sectional map amendment, the subject property was designated as a regional center. Consequently, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 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 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.

- e. The following intersections identified in Finding b above, when analyzed with the total future traffic as developed using the guidelines, were not found to be operating at or better than the policy service level defined in Finding d above:

- MD 4 and Forestville Road
- MD 4 and Dower House Road
- MD 223 and Old Marlboro Pike—MD 4 WB On Ramps **
- MD 223 and MD 4 WB Off Ramps **
- MD 223 and MD 4 EB On Ramps **
- MD 223 and Marlboro Pike—Osborne Road
- MD 223 and Perrywood Road **
- MD 223 and Dower House Road
- MD 223 and Rosaryville Road

- f. The applicant has agreed to provide the following improvements to the intersections, in consideration of the Finding e above:

MD 4 and Forestville Road intersection

- (1) Add a third westbound through lane along MD 4.
- (2) Add a second northbound double-left-turn lane along Forestville Road at MD 4.
- (3) Add a second northbound through lane along Forestville Road at MD 4.
- (4) Convert the southbound right-turn lane into a combined through-and-right lane.
- (5) Add a second southbound left-turn lane along Forestville Road at MD 4.
- (6) Rebuild the existing traffic signal.

MC-634, Westphalia Road/MC-634 intersection, Suitland Parkway/MC-634 Intersection

- (1) Construct two lanes of MC-634 between Westphalia Road and Suitland Parkway Extended.
- (2) Provide separate left turn and through lanes on the westbound approach of the MC-634 @ Westphalia Road intersection.
- (3) Provide separate right turn and through lanes on the eastbound approach of the MC-634 @ Westphalia Road intersection.
- (4) Provide separate left turn and a shared left-right lane on the northbound approach of the MC-634 @ Westphalia Road intersection.
- (5) Provide a free right turn and a shared left-through lane on the southbound approach of the MC-634 @ Suitland Parkway intersection.
- (6) Provide a left, a through, and a shared right-through lane on the eastbound approach of the MC-634 @ Suitland Parkway intersection.
- (7) Provide a double-left turn and a shared right-through lane on the northbound approach of the MC-634 @ Suitland Parkway intersection.
- (8) Provide a free right turn, two through and a left lane on the eastbound approach of the MC-634 @ Suitland Parkway intersection.

MD 4 and Westphalia Road Intersection

- (1) Reconfigure the intersection with a set of channelized traffic islands such that:
 - All through movements across MD 4 are prohibited.
 - All left turns from ALL approaches are prohibited.
- (2) Reconstruct/upgrade Burton's Lane to DPW&T standards.
- (3) Upgrade Old Marlboro Pike from a point approximately 400 feet north of its intersection with Burton's Lane to the point where it connects to the proposed interchange at MD 4 and Suitland Parkway.

MD 4 and MD 223 Interchange

- (1) The applicant will rebuild this interchange as detailed on Exhibit 12 as Alternate P-1.

- (2) Install new traffic signals at Old Marlboro Pike and Presidential Parkway, Old Marlboro Pike and Melwood Road, and Old Marlboro Pike and MD 4 WB off ramp.
- (3) Construct a second southbound left turn along MD 223 at the MD 4 EM on ramp.
- (4) Widen the MD 4 EB on ramp to accept the southbound double-left movement.
- (5) Provide a third NB through lane along MD 223 at the MD 4 EB on ramp.
- (6) Install a traffic signal at the intersection of MD 223 and MD 4 EB off ramp—MD 4 EB on ramp.

MD 223 and Marlboro Pike

- (1) Construct a southbound double-left-turn lane.
- (2) Modify traffic signal.
- (3) Provide separate left, through, and right-turn lanes on eastbound approach.

MD 223 and Perrywood Road—Conduct a signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency

MD 223 and Dower House Road*

- (1) Create a double-left, a through, and a separate right-turn lane on the northbound approach along MD 223.
- (2) Create a left turn, a through, and a shared through-and-right lane on the southbound approach along MD 223.
- (3) Modify traffic signal.

MD 223 and Rosaryville Road*

- (1) Create a second eastbound left-turn lane along MD 223 to northbound MD 223.
- (2) Create a second through lane along southbound MD 223.
- (3) Create a double-left turn along Rosaryville Road.
- (4) Modify traffic signal.

*The improvements associated with the intersections along MD 223 at Rosaryville Road and Dower House Road are projected to operate adequately as a result of upgrades that are funded in a county CIP. As part of the funding schedule for the CIP, there is a provision for developer contribution, consequently, staff is still requiring that the applicant participate in this funding contribution by providing a pro rata contribution.

A pro rata contribution of \$812.00 per dwelling unit was previously included as a condition of approval in the following Planning Board resolutions:

Mill Creek—PGCPB Resolution No. 05-232, November 3, 2005
Brazelton—PGCPB Resolution No. 06-119, May 18, 2006

In the current FY 2008–2013 approved CIP, the overall cost is listed as \$2,625,000 with \$1,810,000 coming from developer contributions. It is worth noting, however, that these cost estimates were established for the County's FY 1992–1997 approved Capital Budget. In the current MDOT CTP for FY 2008–2013, the cost associated with the improvement at intersection of MD 223 and Rosaryville Road is \$5,148,000.

Information presented in the traffic study indicated that under total traffic conditions, an average of 4,571 peak-hour trips will pass through this intersection. Of that number, 1,085 trips will come from the subject application. Since the proposed development will represent 23.74 percent of the total traffic, the applicant is proffering its commensurate share of the cost which is calculated as: $23.74 \text{ percent} \times \$5,148,000 = \$1,221,960$. For every average peak-hour trip the proposed development generates, its pro rata share will be $\$1,221,960 / 1,085 = \$1,126.23$ per trip.

- g. All of the intersections identified in Finding b above, when analyzed with the improvements identified in Finding f above and total future traffic as developed using the guidelines, were found to be operating at or better than the policy service level defined in Finding d above, with the exception of:
- MD 4 and Forestville Road
 - MD 4 and Dower House Road
- h. Regarding Finding g above, the traffic study has assumed that funding exists within SHA's current CTP for the construction of the interchange at MD 4 and Dower House Road. However, neither staff nor any representative of SHA can verify that such funding exists. Since the analyses of this intersection was predicated on an interchange being built, and there is no evidence that such an interchange has full funding in any current CIP/CTP, staff will recommend that a condition be placed on this application for the applicant to provide funding for this interchange.
- i. All of the analyses for the intersection of MD 4 and Forestville Road show that the intersection will not operate within the required adequacy threshold. The intersection is eligible however, for the use of mitigation pursuant to Subtitle 24 and the guidelines. Within Appendix F of the applicant's traffic study is a transportation facilities mitigation plan (TFMP) for the subject intersection. Pursuant to the guidelines governing mitigation, a minimum of 100 percent of the site trips are required to be mitigated. The results from the TFMP showed that the proffered improvements will mitigate the total CLV's by 453 percent in the AM peak hour and 156 percent in the PM peak hour.

Based on the preceding findings, adequate access roads will exist as required by Section 24-124 and Section 24-125 of the Prince George's County Code.

13. **Schools**—This subdivision application is for a mixed-use commercial and residential development.

Residential

The residential portion of this preliminary plan has been evaluated for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003 and concluded the following:

Single Family Detached—Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	172 DU	172 DU	172 DU
Pupil Yield Factor	.16	.13	.14
Subdivision Enrollment	27.5	22.4	24
Actual Enrollment	3,921	5,525	12,866
Total Enrollment	3,948.5	5,547.4	12,890
State Rated Capacity	4,144	5,430	13,026
Percent Capacity	95.3%	102.2%	98.9%

Single-Family Attached—Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	1,711 DU	1,711 DU	1,711 DU
Pupil Yield Factor	.14	.11	.11
Subdivision Enrollment	239.5	188.2	188.2
Actual Enrollment	3,921	5,525	12,866
Total Enrollment	4,160.5	5,713.2	1,3054.2
State Rated Capacity	4,144	5,430	13,026
Percent Capacity	100.4%	105.2%	100.2%

Multifamily with Structured Parking—Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	2,473 DU	2,473 DU	2,473 DU
Pupil Yield Factor	.04	.04	.03
Subdivision Enrollment	98.9	98.9	74.2
Actual Enrollment	3,921	5,525	12,866
Total Enrollment	4,019.9	5,623.9	1,2940.2
State Rated Capacity	4,144	5,430	13,026
Percent Capacity	97.0%	103.6%	99.3%

Source: Prince George's County Planning Department, M-NCPPC, April 2009

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-95/495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling unit for all other buildings Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,177 and \$14,019 to be paid at the time of issuance of each building permit.

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

School Facilities

In accordance with the CSP-07004 Notice of Final Decision from the District Council, the preliminary plan of subdivision should be revised to show a school site consistent with the District Council decision. A potential school site is identified on Parcel 25 (5.4 acres). However, the condition of the CSP requires that the parcel be increased in size to seven developable acres which should occur prior to signature approval of the preliminary plan.

Library Facilities

In accordance with the CSP-07004 Notice of Final Decision from the District Council, the preliminary plan of subdivision should show a floating library symbol within the town center. Parcel 30 has been identified as a potential library site west of MC-637.

Nonresidential

The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002) and concluded that the nonresidential portion of the subdivision is exempt from a review for schools because it is a nonresidential use.

14. **Fire and Rescue**—This subdivision application is for a mixed-use commercial and residential development.

Residential

The Special Projects Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B) through (E) of the Subdivision Regulations.

Special Projects staff has determined that the residential portion of this preliminary plan is within the required seven minute response time for the first due fire station, Forestville, Company 23, using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels.

The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in CB-56-2005.

Fire/EMS Facility

The 2007 approved Westphalia sector plan recommends co-location of the police and fire/EMS facilities near a major intersection to “expedite emergency response time to police and fire service areas,” and the 2008 *Approved Public Safety Facilities Master Plan* recommends, as an intermediate need, the relocation of the existing fire station, Forestville, Company 23, to a site in the vicinity of Melwood Road and Pennsylvania Avenue (MD 4). The Prince George's County Fire/EMS Department (PGFD) has indicated a desire to construct the fire/EMS station immediately, independent of private development in the vicinity of Presidential Parkway.

The new construction and relocation of Company 23 fire/EMS station is immediately necessary because of the impact that the construction of the interchange at MD 4 and Suitland Parkway will have on access and response time from the existing station. The relocated station is necessary to ensure delivery of first response in the Westphalia and Forestville areas independent of the construction of the Westphalia Town Center. †~~[The preliminary plan of subdivision proposes Lot 7 (9.5 acres) to be conveyed to Prince George's County for the relocated station.]~~ As of the reconsideration of this PPS, approved on April 13, 2023, the need to provide land for a fire/EMS station has been met with the conveyance of 2.66 acres of land (a part of Lot 7) to the County, as recorded in Liber 31654 folio 069. The remainder of Lot 7 is to be used as a transit center, as described in the Community Planning finding of this resolution.

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

Nonresidential

The Special Projects Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B) through (E) of the Subdivision Regulations.

The existing engine service at Forestville Fire/EMS Station, Company 23, located at 8321 Old Marlboro Pike has a service travel time of 4.6 minutes, which is beyond the 3.25-minute travel time guideline.

The existing ambulance service at Forestville Fire Station, Company 23, located at 8321 Old Marlboro Pike has a service travel time of 4.6 minutes, which is beyond the 4.25-minute travel time guideline.

The existing ladder truck service at Forestville Fire Station, Company 23, located at 8321 Old Marlboro Pike has a service travel time of 4.6 minutes, which is beyond the 4.25-minute travel time guideline. In order to alleviate the negative impact on fire services due to the inadequate service, all new buildings should be fully sprinklered.

Forestville Fire/EMS Station, Company 23 is programmed in the FY 2009–2014 Capital Improvement Program. Relocating the station to the vicinity of Pennsylvania Avenue (MD 4) and Presidential Parkway will ameliorate the response time to the subject property.

15. **Police Facilities**—This subdivision application is for a mixed-use commercial and residential development.

Residential

The subject property is located in Police District II, Bowie.

The response time standard for emergency calls is ten minutes and the standard for nonemergency calls is 25 minutes. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on January 29, 2009.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date January 29, 2009	January 2008–December 2008	9 minutes	11 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were met May 22, 2009.

The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in CB-56-2005.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police personnel staffing levels.

Nonresidential

The proposed development is located in Police District II, Bowie. The police facilities test for nonresidential development is performed on a countywide basis for nonresidential development in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the latest population estimate is 825,520. Using the 141 square feet per 1,000 residents, it calculates to 116,398 square feet of space for police. The current amount of space, 267,660 square feet, is above the guideline.

16. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Westphalia Center and has the following comments to offer:

Any abandoned well associated with the abandoned/dilapidated house found on existing Outlot A must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department. The location of the well should be located on the preliminary plan.

The abandoned shallow well associated with the abandoned/dilapidated house found on existing Parcel 164 must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the raze permit. The location of the shallow well should be located on the preliminary plan.

The abandoned deep well associated with the abandoned house found on existing Parcel 11 must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller as part of the raze permit. The location of the deep well should be located on the preliminary plan.

Any abandoned septic tanks associated with the abandoned houses found on existing Outlot A, existing Parcel 11, and existing Parcel 164 must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic systems should be located on the preliminary plan.

Once the existing house at 4701 Moores Way (existing Parcel 168) is vacated, any abandoned well located on the property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department. The location of the well should be located on the preliminary plan.

Once the existing house at 4701 Moores Way (existing Parcel 168) is vacated, any abandoned septic tank must be pumped out by a licensed scavenger and either removed or backfilled in place. The location of the septic system should be located on the preliminary plan.

A raze permit is required prior to the removal of any of the structures (one house on existing Outlot A; one house and one detached garage on existing Parcel 11; one house, one shed, and one barn on existing Parcel 164; and one house, one shed, one detached garage/carport, and one barn at 4701 Moores Way/existing Parcel 168) on-site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structures being razed. A note should be affixed to the preliminary plan that requires that the structures are to be razed and the wells and septic systems properly abandoned before the release of the grading permit.

17. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 44782-2007-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The concept approval is for the entire Westphalia Center, Conceptual Site Plan CSP-07004, and includes both Preliminary Plan of Subdivision 4-08018 for the Moore Property and the subject site. Development must be in accordance with this approved plan.
18. **Historic**—A Phase I archeological survey was completed on the 530.27-acre Westphalia Center property in September and October 2006. Eleven archeological sites, 18PR843, 18PR844, 18PR845, 18PR846, 18PR847, 18PR848, 18PR849, 18PR850, 18PR851, 18PR852, and 18PR853, were identified in the survey. All of the sites consisted of early to mid 20th century farmsteads. Most of the sites were adversely impacted by recent house demolition or by gravel mining activities on the property. The sites also did not contain intact artifact deposits of sufficient research value to require further investigation. No further work was recommended on any of the eleven historic archeological sites identified on the Westphalia Center property. Historic Preservation staff concurs with the conclusions of the Phase I archeology report that, due to the lack of research potential of these sites and their compromised integrity, no further work is necessary on the eleven historic archeological sites identified on the Westphalia Center property.

The Phase I archeological investigations of the Westphalia Center property were also reviewed by the Maryland Historical Trust. State reviewers concurred with the recommendations of the Phase I report that none of the archeological sites was eligible for listing in the Maryland Register of Historic Properties or the National Register of Historic Places. No further work was requested by the Maryland Historical Trust on any of the eleven archeological sites on the Westphalia Center property. State reviewers also concurred that none of the standing structures were eligible for listing in the Maryland Register of Historic Places or the National Register of Historic Places.

Four copies of the final report, *Phase I Archeological Survey of the Westphalia Center Development Tract, Prince George's County, Maryland*, were received and accepted by the Historic Preservation Section on July 17, 2007. Staff concurs with the report's conclusions and recommendations that no further archeological work will be necessary within the Westphalia Center property.

Historic Preservation staff also requested that all standing structures on the property be recorded on Maryland Inventory of Historic Properties (MIHP) forms. MIHP forms were completed for each of the standing structures and the draft forms were submitted to Historic Preservation staff for review. Two sets of the corrected and final MIHP forms were submitted to and approved by Historic Preservation staff. No further archeological investigations or architectural studies are recommended on the Westphalia Center property.

19. **Public Utility Easement (PUE)**—In accordance with Subdivision Regulations, Section 24-128(b)(12) for private streets and Section 24-122(a) for public streets when utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents recorded on the record plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

Prior to the approval of each detailed site plan, the public utility companies should provide comments to ensure adequate area exists to provide required utilities and to provide for direct bury utilities where feasible. The detailed site plan will provide greater detail to ensure proper siting and landscaping. The following comments are based on the utility coordination meeting held on May 12, 2009. The purpose of the meeting was to review the overall plan for utilities on the project:

Item #	Item	Details
1	Public Roads	10-foot PUE along public roads/master plan roads.
2	Main Transmission Lines	Coordination with other utility companies to use one side of street for PEPCO use only. If this is not possible Verizon may ask for 2 feet or so additional space on utility easement for FIOS cables making some of the PUE's to be 12 feet in some areas. The main transmission line may require up to a 15-foot PUE.
3	Private Roads	Private roads will have a 5-foot to 7-foot Utility Easement (UE). (The current plan shows 7-foot UE's but at the time of Detailed Site Plan continued coordination with utility companies will establish the ultimate UE's locations and sizes). Gas service to be provided in the alley as shown on the utility sketch plan.
4	Town Center Blvd	Need PUE to touch R/W line, even if that portion is not used, i.e. 15-foot PUE instead of a 10-foot PUE and the additional 5-feet covers the tree planters portion of the road section so that PEPCO can have access.
5	Transformers	At the time of Detailed Site Plan coordination with PEPCO is required to account for locations of transformers especially in some of the tighter arranged townhome blocks.

20. **Water and Sewer Categories**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2001 Water and Sewer Plan as amended, designates this property in water and sewer service Category 3 as of July 28, 2008, and the site will therefore be served by public systems.

21. **Variation to Section 24-128(b)(7)**—Section 24-128 of the Subdivision Regulations establishes that no subdivision plat or plan of development (however designated) should be approved that provides for a private road, right-of-way, or easement as the means of vehicular access to any lot, and no building permit shall be issued for the construction of any building in a subdivision unless such building is to be located on a lot or parcel of land having frontage on and direct vehicular access to a public street, except in certain circumstances. In the M-X-T Zone, the Planning Board may approve a subdivision (and all attendant plans of development) with private roads to serve attached single-family dwellings, two-family dwellings, and three-family dwellings, but not single-family detached or multifamily dwellings.

The applicant has proposed to serve several of the multifamily dwelling unit buildings with a combination of public and private streets. The applicant has filed a variation to provide the opportunity to use private streets to serve multifamily dwellings in this instance. Based on the following findings, staff recommends approval of the variation as requested by the applicant.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests, which reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In this instance the use of private roads to serve multifamily dwelling units is consistent with the approved Conceptual Site Plan (CSP-07004) and the vision established by the Westphalia Town Center development plan.

- (1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

Condition 6 of the approved CSP (PGCPB Resolution No. 08-189) requires that the Department of Public Works and Transportation review and approve all of the streets proposed whether public or private. This review will ensure that the layout, including street widths is safe and efficient to serve the development proposed.

- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The development is unique in its size and mix of uses compared with other area properties. The applicant has proposed a dense urban community with a mix of multifamily, commercial, retail, and civic uses. This mix is unique to the surrounding community and is not in keeping with the general suburban model on which the regulation is based.

- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

The variation is unique to the Subdivision Regulations and is not a restriction found in any other law, ordinance, or regulation in the County Code. The granting of this variation does not affect the applicant's obligation to comply with all other applicable authority and to obtain all other necessary approvals.

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;

The shape and size of the property is unique to the surrounding properties, and include master-plan road connections to adjoining properties that have been located due to environmental features and topographical conditions of the subject property and surrounding properties. The applicant has had to plan the layout of the subdivision around these master-plan roads at locations that have been previously established. The location of the multifamily dwellings and the road systems serving them, at the locations proposed, have been driven by these elements. To require an additional public street system not envisioned by the approved CSP plan could require a redesign of the preliminary plan and CSP resulting is a particular hardship and set back for the project, and ultimately result in a hardship to the applicant.

22. **Andrews Air Force Base**—In a memorandum dated May 12, 2008, the community planner for Andrews Air Force Base offered the following comments.

This property is located within the 65–69 and 70–75 dBA Ldn noise contours. Residential development in this area is generally discouraged. The Andrews AFB Air Installation Compatible Use Zone Study (2007) suggests a maximum density of one dwelling unit per acre for areas within the 70–75 dBA Ldn noise contours. Where the community determines the residential uses must be allowed, measures to achieve outdoor to indoor noise level reduction (NLR) for DNL/CNEL 65–69 dBA Ldn and DNL/CNEL 70–74 dBA Ldn should be incorporated into building codes and considered in individual approvals.

Issues associated with noise have been evaluated in the environmental planning section of this report.

23. **Variation to Section 24-121(a)(4)**—Section 24-121 of the Subdivision Regulations establishes certain planning and design requirements. Specifically, Section 24-121(a)(4) establishes that residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of 150 feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate. The applicant was advised that a variation would be required for townhouse lots abutting Presidential Parkway (A-66). Specifically, Lots 41–48 do not meet the minimum lot depth of 150 feet. The applicant has determined that they would not file a

variation, and would either change the product type or relocate the lots from this area just west of MC-632, prior to signature approval.

24. **Special Purpose Detailed Site Plan**—The Planning Board provided clarification that the special purpose site plan is not adequate to provide for an applicant to proceed to final plat. The special purpose site plan is a requirement of the CSP and intended only to provide a process for the determination of a number of issues which include but is not limited to triggers for conveyance of the public facilities. Prior to final plat a detailed site plan is required, and the special purpose site plan is not a sufficient planning tool for approval of final plat(s).

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

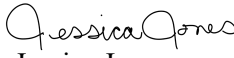
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Cavitt abstaining at its regular meeting held on Thursday, June 4, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of June 2009.

†This is to certify that the foregoing is a true and correct copy of the reconsideration 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 Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo, and Shapiro voting in favor of the motion, at its regular meeting held on Thursday, April 13, 2023, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period.

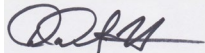
†Adopted by the Prince George's County Planning Board this 4th day of May 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:EDC:jah

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: May 1, 2023

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language