

RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMPLIANCE WITH EVALUATION CRITERIA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Village Center Guidelines

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

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

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

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

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

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

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

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

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

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

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

Gateway Guidelines

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. Multifamily, office, and retail buildings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. **Community Planning—**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

e. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated November 6, 2015, the Department of Parks and Recreation indicated they had no comment on the subject application.

f. **Environmental Planning**—

- (1) **Site Description:** This 22.44-acre site in the M-X-T Zone is located on the east side of the Capital Beltway (I-95/495) and on the southwestern corner of the Ritchie Marlboro Road and Sansbury Road intersection. A review of the available information indicates that streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. The site is adjacent to the Capital Beltway, which is a source of traffic-generated noise. The soils found to occur on this site, according to the *Prince George's County Soil Survey*, are in the Collington-Wist complex, Downer-Hammonton complex, Marr-Dodon complex, Potabac-Issue complex and the Westphalia and Dodon soil series. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or adjacent to this property. There are no designated scenic and historic roads in the vicinity of this property which is located in the Southwest Branch watershed of the Patuxent River basin. The site is located within the Established Communities Area of the Growth Policy Map and Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated

Environmental Protection Areas Map, as designated by *Plan Prince George's 2035 Approved General Plan*.

- (2) **Natural Resource Inventory:** A signed Natural Resources Inventory (NRI-114-06), which included a detailed forest stand delineation (FSD), was submitted with the application. The site contains sensitive environmental features such as streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils. The FSD report describes four forest stands totaling 8.92 acres dominated by yellow poplar, sweet gum, and red oak.
- (3) **Regulated Environmental Features:** The primary management area (PMA) on the plan is shown with impacts. These impacts were previously approved with applications CSP-07001, 4-07038, DSP-08024, and DSP-08039. No new impacts to the PMA area shown with this application.
- (4) **Noise:** This property is located on the eastern side of the Capital Beltway (I-95), which is classified as a freeway, and on the south side of Ritchie Marlboro Road, a classified arterial roadway. Both are considered transportation-related noise generators. Sansbury Road is not classified as an arterial or greater roadway, so it does not need to be included in the calculations. The TCP1 shows a noise attenuation wall which will help mitigate the 65 dBA Ldn noise contour associated with I-95 and a portion of Ritchie Marlboro Road. The noise attenuation wall was previously approved with Preliminary Plan 4-13026.

There are 20 proposed lots that abut Ritchie Marlboro Road that will be affected by noise. The proposed buildings located on these lots will require an engineer to perform an acoustical analysis and recommend noise reducing building materials prior to permit approval.

At the time of building permit issuance, applications for building permits shall be prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise impact area.

- (5) **Stormwater Management:** The site has an approved Stormwater Management Concept Letter (36373-2006-02); however, a portion of the subject area is not part of the approved plans. The concept approval expires March 15, 2016. At this time, revised plans are being reviewed by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE).

The CSP and TCPI both show the large existing stormwater management pond in the southwest portion of the site and seven small bioretention facilities located within the revised area of this application. The TCPI shows the location of the seven bioretention outfalls, but does not show the extent of the facilities.

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

Conditions have been included in this approval.

- g. **Prince George's County Fire/EMS Department**—The Fire Department did not offer comments on the subject application.
- h. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated December 24, 2015, DPIE offered the following summarized comments on the subject application:
 - (1) The proposed changes to the layout of the subdivision will require revision approval to the approved Stormwater Management Concept Plan, 36373-2006-03, dated July 8, 2014.
 - (2) Provide final stormwater management plan approval and final erosion/sediment control plan approval.
 - (3) Modifications are required to the southern end of the road designated as “Private Road E” to allow for the turning movements required for a standard WB-40 vehicle and a standard length fire truck.
 - (4) The property is located along the south side of Ritchie Marlboro Road, southwest of its intersection with Sansbury Road, and on the southeast quadrant of the Capital Beltway (I-95/495) and Ritchie Marlboro Road. Ritchie Marlboro Road is a state-maintained roadway up to the intersection with Sansbury Road; therefore, coordination with approval from the Maryland State Highway Administration (SHA) is required. After the intersection, Ritchie Marlboro Road and Sansbury Road are both County-maintained roadways. Right-of-way dedication and frontage improvements, in accordance with DPW&T’s specifications and standards, are required.
 - (5) The following frontage improvements/requirements must be addressed along Sansbury Road as it relates to the PB&J property:

- (a) Phase 1—With the completion of the street construction permit for the Sansbury Road frontage improvements required for the property, Sansbury Road will be widened and urbanized along the property frontage with full driveway access onto Sansbury Road, allowing both left turns and right turns into and out of the property driveway. This access pattern will remain in place until Sansbury Road is urbanized under a Westphalia Row street construction permit to install roadway frontage improvements on the opposite side of Sansbury Road from the property and along with installation of a median on Sansbury Road.
 - (b) Phase 2—With the completion of the street construction permit for Westphalia Row frontage improvements, a median will be installed on Sansbury Road from Ritchie Marlboro Road to Fernwood Drive. The median will provide for directional left turn access from the property driveway onto southbound Sansbury Road, with an acceleration lane. No left turn access into the property will be permitted from southbound Sansbury Road upon completion of the median by Westphalia Row. The restricted left turn access will be maintained until signalization of the Fernwood Drive intersection, and the acceleration lane is required to be converted into a left turn lane into the M-X-T-zoned parcel opposite Fernwood Drive.
 - (c) Phase 3—With the development of the M-X-T-zoned parcel contiguous to the property, the street construction permit will require construction of a driveway to complete the fourth leg of the Fernwood Drive intersection. If traffic conditions warrant, a traffic signal will be required and installed by the M-X-T-zoned parcel developers. The traffic signal will require the conversion of the southbound Sansbury Road acceleration lane into a left turn lane at the signalized Fernwood Drive/Sansbury Road intersection. At the time of the signal construction, the M-X-T-zoned parcel developer will close the median opposite the property driveway and eliminate all left turn access from the property driveway to Sansbury Road.
- (6) Requirements for frontage improvements on Sansbury Road are covered under the DPIE referral for Detailed Site Plan DSP-08024 and the approval of Conceptual Site Plan CSP-07001.
 - (7) Right-of-way dedication and frontage improvements, in accordance with DPW&T urban major collector road (100-foot right-of-way), are required for Sansbury Road.
 - (8) Ultimate rights-of way conveyance is required prior to permit issuance; 50 feet from the ultimate centerline of Sansbury Road.

- (9) Site access off Sansbury Road is to be restricted to right-in and out only.
- (10) Improvements are required in accordance with DPW&T's specifications and standards for the proposed internal subdivision streets.

The majority of DPIE's comments are either factual, to be addressed through the associated preliminary plan, or are required to be addressed prior to issuance of permits, at the time of technical plan approvals. It should be noted that the applicant submitted a copy of the Stormwater Management Concept Approval Letter, 36373-2006-04, on December 22, 2015.

- i. **Prince George's County Police Department**—The Police Department did not offer comments on the subject application.
- j. **Prince George's County Health Department**—In a memorandum dated November 24, 2015, the Health Department provided the following comments on the subject application:
 - (1) Research shows that access to public transportation can have major health benefits as it contributes to good connectedness and walkability. Indicate on future plans related to this development project the proposed means of connecting to neighboring communities through public transportation.

The subject application has been reviewed for and conditioned to provide pedestrian connections to the neighboring communities. Other methods of public transportation will be subject to review and approval by the operating agencies.

- (2) The specific design plans should include open spaces and "pet friendly" amenities for pets and their owners. Designated park areas may consist of the appropriate safe playing grounds, signage and fencing. Pet refuse disposal stations and water sources are recommended at strategic locations around the Village Green.

The specific details of the private recreational features, which could include pet-related features, will be reviewed at the time of DSP.

- (3) Health Department permit records indicate there are more than 10 carry-out/convenience store food facilities, and one market/grocery store within a one-half mile radius of this location. A 2008 report by the UCLA Center for Health Policy Research found that the presence of a supermarket in a neighborhood predicts higher fruit and vegetable consumption and a reduced prevalence of overweight and obesity. Future planning should consider designating retail space to businesses that provide access to healthy food choices within the commercially zoned area.

The applicant is fully aware of this comment; however, the amount of retail proposed with the subject application is insufficient to house a supermarket. The applicant is encouraged to consider this issue when selecting tenants.

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

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

- k. **Maryland State Highway Administration (SHA)**—In an e-mail dated November 24, 2015, SHA indicated they had no comments on the subject application.
- l. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated October 9, 2014, WSSC provided standard comments on the CSP regarding existing water and sewer systems in the area, along with requirements for service and connections, requirements for easements, spacing, work within easements, and meters. These issues must be addressed at the time of permits for site work.
- m. **Verizon**—Verizon did not offer comments on the subject application.
- n. **Potomac Electric Power Company (PEPCO)**—PEPCO did not offer comments on the subject application.
- o. **Westphalia Sector Development Review Council**—The Westphalia Sector Development Review Council did not offer comments on the subject application.
15. Based on the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, the CSP, if approved with the proposed conditions below, represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a CSP:

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

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

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type 1 Tree Conservation Plan (TCP1-033-07-02), and further APPROVED Conceptual Site Plan CSP-07001-02 for the above-described land, subject to the following conditions:

1. Prior to certificate of approval of the conceptual site plan (CSP), a copy of the revised approved stormwater management concept plan associated with approval 36373-2006-03 shall be submitted and the facilities shall be correctly reflected on the CSP and the Type 1 tree conservation plan.
2. No woodland conservation shall be proposed on dedicated parkland unless written authorization from the Department of Parks and Recreation (DPR) has been provided.
3. Prior to approval of a future detailed site plan for the proposed townhouses, public views of alleys shall be minimized by screening the ends of alleys to the fullest extent possible.
4. The following development standards shall apply to and be reflected on the Detailed Site Plan. At the time of Detailed Site Plan review, the Planning Board may make modifications to the development standards without the need to amend the Conceptual Site Plan if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the conceptual site plan and the sector plan.
 - a. Front-loaded townhouses (fee simple)
 - (1) Minimum lot size: 1300 square feet
 - (2) Minimum front yard setback: 20 feet from back of sidewalk
 - (3) Minimum yard area: 400 square feet
 - (4) Maximum building height: 45 feet
 - (5) Minimum lot width: 20 feet
 - b. Rear-loaded townhouses (fee simple)
 - (1) Minimum lot size: 1,000 square feet for no less than 50 percent of the units and a minimum of 800 feet for the remainder.
 - (2) Minimum front yard setback: 6 feet from property line.
 - (3) Maximum building height: 45 feet.

- (4) Minimum lot width: 20 feet for no less than 50 percent of the units and a minimum of 16 feet for the remainder.
- c. Commercial/Retail building
 - (1) Buildings shall be set back 15–35 feet from the ultimate right-of-way line of Ritchie Marlboro Road. Building walls must be within 35 feet of the ultimate right-of-way line for at least 75 percent of the linear distance of the parcel's frontage on Ritchie Marlboro Road.
 - (2) Buildings shall be set back 15–25 feet from the ultimate right-of-way line of Sansbury Road. Building walls must be within 25 feet of the ultimate right-of-way line for at least 75 percent of the linear distance of the parcel's frontage on Sansbury Road.
 - (3) Maximum building height: 75 feet.
5. At the time of Detailed Site Plan review, parking shall be calculated separately for: (a) the commercial building, (b) for the rear-loaded townhouses north of Fernwood Drive, and (c) for the townhouses south of Fernwood Drive. Parking spaces in driveways and carports must allow at least 19 feet of parking space for cars, which must not obstruct pedestrian or vehicular travel routes. In addition to the total number of off-street parking spaces required for each type of unit, each portion of the development shall also provide an additional ten percent of this number for visitor parking, which may include parallel parking spaces on private roads.
6. At time of detailed site plan review for Phase III of the development, the site shall be evaluated for conformance with the gateway design guidelines of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. A package of design items such as gateway entrance features, architectural design (including four highly-designed sides with a two-story appearance), materials, colors, landscape palette, and streetscape features shall be provided in order to create a distinctive sense of arrival. Design details for a gateway feature near the Ritchie Marlboro Road and Sansbury Road intersection shall be provided.
7. Prior to approval of the detailed site plan by the Planning Board, the applicant and the applicant's heirs, successors, and/or assignees shall provide adequate on-site private recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. The private recreational facilities shall be reviewed by the M-NCPPC Development Review Division (DRD), Urban Design Section, for adequacy and proper siting.
8. The private recreational facilities package to be provided by this development shall include those facilities proposed with the Conceptual Site Plan application, which includes two (2) outdoor play areas for children.

9. The Applicant shall provide an eight-foot-wide side path or wide sidewalk along Sansbury Road, unless modified by the Department of Public Works & Transportation (DPW&T).
10. The final record plat shall include a note that the Applicant, the Applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of appropriate signage for the Class III bikeway along Sansbury Road. The contribution shall be made prior to the issuance of the first building permit.
11. The applicant shall extend the sidewalk along the north side of Fernwood Drive to the stormwater management access road/pedestrian walkway on Parcel D, unless modified by the Department of Public Works and Transportation (DPW&T).
12. Appropriate pedestrian amenities and pedestrian safety features will be evaluated at the time of Detailed Site Plan.
13. The proposed development shall be limited to a mix of uses where the net new trips shall not exceed 398 AM and 471 PM peak-hour trips.
14. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Sansbury Road/D'Arcy Road intersection (unsignalized):
 - The Applicant shall provide separate left and right-turn lanes for the D'Arcy Road approaches. Since these additional improvements will not lower the delay below 50 seconds in any given movement, and per the requirement of DPW&T, the Applicant shall conduct a traffic signal warrant study and install if deemed to be warranted.
 - b. Sansbury Road/Ritchie Marlboro Road intersection:
 - Provide the addition of a third eastbound and westbound through lane on Ritchie Marlboro Road.
 - c. Ritchie Marlboro Road/White House Road intersection:
 - (1) Provide the following improvements:
 - Northbound approach: (2) two left-turn lanes and a shared left-through right lane.

15. The Applicant has indicated a desire to be a part of the established Westphalia Financing Plan. Therefore, at the time of the Detailed Site Plan, if the Applicant is a recognized participant in a designated Westphalia Financing Plan, any designated financial contributions to the overall Westphalia Plan, including contributions to the Central Park, shall be so designated as a condition on the detailed site plan, as part of the established financing formula and plan.
16. At the time of building permit issuance, applications for building permits shall be prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise impact area.


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

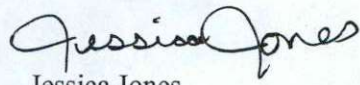
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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Shoaff absent at its regular meeting held on Thursday, January 7, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of January 2016.

Patricia Colihan Barney
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPG Legal Department
Date 1/12/16


By Jessica Jones
Planning Board Administrator