

PGCPB No. 2023-138

File No. DSP-22042

R E S O L U T I O N

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, the applicant, Walton Westphalia Europe, LP, submitted an application for approval of a detailed site plan for infrastructure only, known as Westphalia Retail DSP-22042, for the 65.88-acre property located on the northeast corner of MD 4 (Pennsylvania Avenue) and MD 373 (Woodyard Road); and

WHEREAS, the subject property was included in Conceptual Site Plan CSP-07004-01, which was approved by the Prince George's County Planning Board on January 21, 2021 (PGCPB Resolution No. 10-59(A/2)(C)), pursuant to the Zoning Ordinance in effect prior to April 1, 2022 (prior Zoning Ordinance); and

WHEREAS, pursuant to Section 27-1704(a) of the Zoning Ordinance, CSP-07004-01 remains valid for a period of twenty (20) years from April 1, 2022; and

WHEREAS, pursuant to Section 27-1704(b) of the Zoning Ordinance, until and unless the period of time under which the CSP-07004-01 remains valid expires, the project may proceed to the next steps in the approval process; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this infrastructure-only detailed site plan application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on December 14, 2023, regarding Detailed Site Plan DSP-22042 for Westphalia Retail, the Planning Board finds:

1. **Request:** The subject application approves an infrastructure only detailed site plan (DSP), to facilitate the grading, utility, and street layout for the retail component of Westphalia Town Center. Specifically, this infrastructure DSP covers the lower southeast quadrant of the town center, also known as the Pennsylvania Avenue Area in the previously approved Conceptual Site Plan, CSP-07004-01, with a land area of 65.88 acres.
2. **Development Data Summary:**

	EXISTING	EVALUATED
Zone	TAC-E/MIO (prior M-X-T/M-I-O)	TAC-E/MIO (prior M-X-T/M-I-O)
Use	Vacant	Infrastructure*
Total Gross Acreage	65.88	65.88*

Note: *This infrastructure DSP for the retail component covers approximately 65.88 acres of land and is for site improvements such as roadway/street grading, woodland conservation, utilities, stormwater management (SWM), and erosion and sediment control that are essential to the future site development.

3. **Location:** The subject property is located on the northeast corner of MD 4 (Pennsylvania Avenue) and MD 373 (Woodyard Road), in Planning Area 78 and Council District 6. The site consists of 65.88 acres and is within the Town Activity Center-Edge (TAC-e)/Military Installation Overlay (MIO) Zones, but is being reviewed under the Mixed Use-Transportation Oriented (M-X-T)/Military Installation Overlay (M-I-O) Zones of the prior Prince George's County Zoning Ordinance. The project is within the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA), which recommends a mix of commercial, office, employment, and institutional land uses on the subject property.
4. **Surrounding Uses:** The subject property is in the lower southeast quadrant of the Westphalia Town Center project. The subject property is bounded to the north by residential uses in the TAC-e/MIO Zones (prior M-X-T/M-I-O Zones); to the south by MD 4 and undeveloped land in the CGO/MIO Zones (prior M-X-T/M-I-O Zones) beyond; to the east by Melwood Road and undeveloped land in the LCD/MIO, ROS/MIO, and AR/MIO Zones (prior R-S/M-I-O, R-O-S, and R-A/M-I-O Zones) beyond; and to the west by MD 373 and undeveloped land beyond in the TAC-e Zone (prior M-X-T/M-I-O Zones).
5. **Previous Approvals:** The development history of the subject property is a part of the overall Westphalia Town Center development, which dates back to the early 2000s. A summary of the relevant prior approvals for the subject property is listed below.

The Westphalia Sector Plan and SMA rezoned the larger property under the prior Zoning Ordinance, consisting of many smaller parcels, from the Light Industrial, Planned Industrial/Employment Park, and Residential-Agricultural Zones to the M-X-T Zone, in 2007. The property is also the subject of CSP-07004, which was previously approved, with conditions, by the Prince George's County Planning Board on December 18, 2008, and adopted on January 29, 2009 (PGCPB Resolution No. 08-189). CSP-07004 was approved by the Prince George's County District Council, with conditions, on May 8, 2009, subject to a revised order issued by the District Council on June 8, 2009. The property is also the subject of a second revised order issued by the District Council on September 21, 2009. The Planning Board approved a revision to CSP-07004 on May 20, 2010, to allow the development of the Moore Property to proceed prior to the development of other portions of the Westphalia Town Center project. CSP-07004-01 superseded CSP-07004 for the rest of the Westphalia Town Center project.

The property is subject to Preliminary Plan of Subdivision (PPS) 4-08002, for Westphalia Center, which was approved by the Planning Board on June 4, 2009 (PGCPB Resolution No. 09-93(A)). The PPS approved 1,352 lots and 211 parcels for the development of 1,400,000 square feet of retail use, 4,500,000 square feet of office use, 172 detached dwelling units, 1,287 townhouse units, 424 miscellaneous attached dwelling units, and 2,473 multifamily dwelling units. PPS 4-08002 covered 482.57 acres of land. The subject DSP covers 65.88 acres of the Westphalia Center development and approves installation of infrastructure for the development of future

residential and retail uses on two parcels. The subject area of the DSP corresponds to Parcel 31 (anticipated for commercial development) and a southern portion of Parcel W2 (an open space parcel), as shown on the approved PPS. DSP-22042 approves infrastructure only for the retail component of a larger mixed-use development on 60.02 acres (Parcel 31). The retail and mixed-use development will be evaluated with future DSPs. Parcel W2, as approved by PPS 4-08002, was an 18.63-acre open space parcel to be conveyed to the homeowner's association (HOA). A portion of Parcel W2 has since been incorporated into the residential portion of the Westphalia development to the north and recorded as open space Parcel D2. The remaining 5.86 acres was approved as a SWM parcel (Parcel W2) with this DSP.

The subject property was rezoned from the M-X-T/M-I-O Zones to the TAC-e/MIO Zones through the approved Countywide Sectional Map Amendment via Prince George's County Council Resolution CR-136-2021, effective April 1, 2022.

The property was also the subject of SWM Concept Plan 1002-20235, which was approved on October 18, 2023, and expires on October 18, 2026.

6. **Design Features:** The subject property has frontage primarily along MD 373 and Melwood Road. MD 4 is located on the southern boundary of the site, however, there is no direct frontage or access. MD 373 is a major collector road with a recommendation of four travel lanes and 100 feet right-of-way. The road is currently built to its ultimate master plan width and no further widening is anticipated and no additional right-of-way is required.

This DSP also shows typical cross sections for roadways and streets. Three access points are shown along MD 373 and one access point is shown along Melwood Road. Since this is an infrastructure DSP, the plans only show grading, sediment control measures, woodland, and specimen trees, as well as other limited site improvements, and do not include any building footprints, architecture, or signage details.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the M-X-T Zone of the prior Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-547 of the prior Zoning Ordinance, which governs uses in all mixed-use zones. The larger Westphalia Town Center project is a mixed-use development consisting of commercial, retail, office, hotel, and residential uses. The subject DSP for infrastructure covers only a portion of the larger project site with commercial uses and is in conformance with Section 27-547.
 - b. The criteria for approval of a DSP are set forth in Section 27-285(b) of the prior Zoning Ordinance, which are examined in Findings 15–18 of this resolution.

- c. The DSP conforms to the applicable site design guidelines as referenced in Section 27-283 and contained in Section 27-274 of the prior Zoning Ordinance. Since this is an infrastructure only DSP with no proposed development, the site design guidelines that are applicable to the subject application include grading, as discussed below. The additional site design guidelines (parking, loading, circulation, lighting, views, green area, site and streetscape amenities, service areas, public spaces, architecture, townhouses, and three-family dwellings) do not apply and will be associated with a future DSP application.

Section 27-283. – Site design guidelines.

- (a) **The Detailed Site Plan shall be designed in accordance with the same guidelines as required for a Conceptual Site Plan (Section 27-274).**
- (b) **The guidelines shall only be used in keeping with the character and purpose of the proposed type of development, and the specific zone in which it is to be located.**
- (c) **These guidelines may be modified in accordance with Section 27-286.**

The approved development conforms with the design guidelines indicated in the following analysis of Section 27-274, and as cross-referenced in Section 27-283. The development promotes the intended purposes of a DSP.

Section 27-274. - Design Guidelines

(1) General.

- (A) The Plan should promote the purposes of the Conceptual Site Plan.**

CSP-07004 was approved to develop the subject property as a regional urban community, in accordance with Section 27-544(e) of the prior Zoning Ordinance. The plan approved a new town center with a vertical and horizontal mix of commercial and residential uses organized into Core, Edge, and Fringe areas, with distinct development standards applying to each area. The residential development would consist of a mix of single-family detached, single-family attached, and multifamily dwelling units up to a maximum of 5,000 dwelling units for the entire project. The commercial development was approved to consist of 800,000 to 1,400,000 square feet of retail space and 4,000,000 to 4,500,000 square feet of office space, for a total of up to 5,900,000 square feet of commercial space. The plan also approved three hotels with up to 600 hotel rooms in total and public or institutional buildings and spaces.

CSP-07004-01 revised Conditions 15, 16, 24, and 25 regarding the special-purpose DSP, and Conditions 30 and 31 regarding phasing and the restriction on development of attached dwelling units. Those changes would have allowed the development of the Moore Property to proceed prior to other portions of Westphalia. Development on the Moore Property would be a maximum of 505 attached dwelling units, 135 multifamily units, and 3,000 square feet of community/retail land use.

The subject DSP shows a site layout that is consistent with the previously approved CSP-07004-01. Therefore, the development promotes the purposes of the applicable CSP.

(7) Grading.

(A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts...

The property is partially wooded and currently vacant. A review of available information, as shown on the approved natural resources inventory (NRI), indicates that streams and steep slopes are found to occur on the property. The site features various steep slopes, with some steeper than 15 percent, and generally drains to the east.

Six impacts to the primary management area (PMA) are approved with this application. A revised PMA impact exhibit was submitted dated January 24, 2023, which identified six new impacts. Impacts to the PMA shall be minimized to the extent practicable. The approved impacts are for expanded storm drain outfalls. Impacts R, S, T, U, V, and W are associated with outfalls for the development pads. These impacts are reflective of SWM Concept Plan 1002-2023-00 and are supported, as shown.

An approved SWM Concept Letter and Plan (1002-20235) was submitted with the DSP which shows that environmental site design was satisfied using on-site facilities (75 micro-retention features and 12 bioswales) and the credit from stream restoration (SDCP 3539-2013). The SWM concept plan was approved on October 18, 2023, and expires on October 18, 2026.

This DSP application approves grading that minimizes environmental impacts and disruption to existing topography.

- d. Additional findings are required for the Planning Board to approve a DSP in the M-X-T Zone. These findings are discussed in Section 27-546(d) of the prior Zoning Ordinance.

Section 27-546(d). – Site Plans

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

The approved DSP is in conformance with the provided regulations of the M-X-T Zone, as demonstrated herein. A discussion of the purposes of the M-X-T Zone, as described in Section 27-542(a) of the prior Zoning Ordinance, is described below.

Section 27-542. – Purposes

- (a) The purposes of the M-X-T Zone:**

- (1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**
- (2) To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;**
- (3) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**
- (4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to**

one another and to transit facilities to facilitate walking, bicycle, and transit use;

- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**
- (6) To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;**
- (7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;**
- (8) To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;**
- (9) To permit a flexible response to the market and promote economic vitality and investment; and**
- (10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.**

The subject DSP for infrastructure is the first step toward the implementation of the land use and development patterns envisioned in the previously approved CSP-07004-01. The approved infrastructure lays the foundation for a coordinated street network that will complement and support the overall Westphalia Town Center development. The subject DSP also complies with current regulations for efficient design and best practices regarding stormwater design techniques, as demonstrated in their approved SWM concept plan.

The approved development is consistent with the applicable master plan. The 2014 *Plan Prince George's*

2035 Approved General Plan (Plan 2035) designates the subject property as a Local Center, as shown on Map 1, Prince George's County Growth Policy Map. These centers are envisioned to support walkability, especially in their cores and where transit service is available (page 18). Plan 2035 contains recommendations for directing medium to medium-high residential development, along with limited commercial uses, to these locations, rather than scattering them throughout the Established Communities. These centers are envisioned as supporting walkability, especially in their cores and where transit service is available. Town Centers will often be larger in size and may rely more on vehicular transportation (page 19). The Westphalia Sector Plan and SMA recommend a mixture of commercial, office, employment, and institutional land uses on the subject property, and is in the Town Center Core (page 19). The Town Center Core area is envisioned to be a compact, interconnected, high-density, high-quality, transit-oriented urban core with mixed commercial, retail, office, residential, and public spaces that create an appealing place for people to live, work, shop, and play (page 18).

The DSP approves site improvements that are essential to the future retail development of the site. Therefore, this DSP for infrastructure conforms to the purposes of the M-X-T Zone.

- (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 or include a major employment use or center which is consistent with the economic development strategies of the Sector Plan or General Plan;**

The subject property and larger Westphalia Town Center property were placed in the M-X-T Zone through the Westphalia Sector Plan and SMA. The subject DSP for infrastructure is limited in scope to site improvements such as general site and roadway grading. The site's complete conformance with the site design guidelines or standards will be reviewed with a future DSP application.

- (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 area covered in this infrastructure DSP is in the southeast quadrant of the larger scheme of development. This area has been designed to contain the retail component of the Westphalia Town Center that will be physically and visually integrated with the existing adjacent community.

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

The subject DSP is for grading and infrastructure only. However, as part of the larger master-planned community, the future retail development and all associated infrastructure is compatible with the existing and proposed development in the vicinity.

- (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 subject DSP for infrastructure aims to facilitate the review of grading, roads, SWM, and related infrastructure components for the retail component of the Westphalia Town Center project. The approved DSP represents a refinement of the site grading in anticipation of accommodating a development program for the southeast quadrant of the Westphalia Town Center, to consist of up to 141,300 square feet of retail uses, restaurant uses, and a fuel and convenience store use. In addition, there will be a hotel proposed, as well as residential dwelling units.

The Planning Board finds that this approved infrastructure-only DSP promotes a cohesive, mixed-use development that is capable of being independently sustainable.

- (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 larger Westphalia Town Center is currently under construction as a multiphase development, in accordance with the approved CSP. The applicant has submitted a phasing plan with previous applications which breaks the development into 6 phases and 13 sub-phases. However, the applicant has not committed to building the phases in a particular order. Each phase will be designed to allow for effective integration of subsequent phases as a self-sufficient entity.

This DSP for infrastructure will be completed in one single stage.

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

An extensive pedestrian system consisting of master plan trails, bikeways, and sidewalks on all internal streets has been planned for the Westphalia Town Center, as well as the adjacent areas. The pedestrian network for the area within the approved DSP will be evaluated with subsequent applications.

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

This DSP for infrastructure does not provide specific information on the design of the pedestrian activity centers or gathering places. High-quality pedestrian amenities will be included and evaluated at the time of a future 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 application is a DSP for infrastructure. This requirement is not applicable to this DSP.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to 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).

The subject property has an automatic certificate of adequacy (ADQ), pursuant to Section 24-4503(a)(1) of the Prince George's County Subdivision Regulations, which became effective April 1, 2022. The ADQ is valid for 12 years from that date and subject to the expiration provisions of Section 24-4503(c) of the Subdivision Regulations.

- (11) **On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

The larger Westphalia Town Center project contains approximately 478.48 acres of land and is envisioned in the previously approved CSP-07004-01 as a mixed-use planned community. Conformance with Section 27-548 of the prior Zoning Ordinance will be found at the time of full-scale DSP for the property.

- e. Section 27-548 prescribes additional regulations regarding density, building, landscaping, buffering, gross floor area computation, building height for multifamily buildings, townhouses, etc. for development in the M-X-T Zone. Since this DSP for infrastructure contains limited information pertinent to the requirements of Section 27-548, additional review for the site's conformance with those regulations will be conducted at the time of full-scale DSP, when the site, building, and landscaping information are complete.
- f. **Military Installation Overlay (M-I-O) Zone:** The property is located in the TAC-e Zone and is overlaid by the MIO Zone with height restrictions. However, this DSP application is filed pursuant to the prior Zoning Ordinance, and under the prior M-X-T and M-I-O Zones, which previously applied to the property. Height regulations within the M-I-O Zone are set forth in Section 27-548.54 of the prior Zoning Ordinance. As this is a DSP for infrastructure only, no buildings or structures were included. Conformance with this code section will be evaluated at the time of a full-scale DSP.
8. **Conceptual Site Plan CSP-07004-01:** At the time of CSP-07004-01 approval, the Planning Board specifically stated in the resolution (PGCPB Resolution No. 10-59(C)) that CSP-07004-01 supersedes and replaces the previously approved CSP-07004 in its entirety. CSP-07004-01 was approved subject to 40 conditions. The conditions relevant to the subject application for infrastructure only are shown below in **bold** text. The Planning Board's analysis of the project's conformance to the conditions follows each one in plain text.
8. **The stormwater management (SWM) ponds shown on the TCPI 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 (LID) stormwater management techniques to the fullest extent possible, such as the use of forebays to trap sediment, bioretention, French drains, depressed parking lot islands, and native plants.

The DSP shows an existing SWM pond which is shown on previously approved SWM concept plans for the overall Westphalia Town Center. The submittal also included a copy of approved SWM Concept Plan 1002-20235, which shows that the pond will remain unchanged. No renderings for this existing SWM pond were submitted. Since this DSP is limited to general grading and location of the essential site improvements, additional review will be carried out, at the time of full-scale DSP.

- 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**

No woodland conservation has been shown on any dedicated land in this DSP. Conformance with this condition will be reviewed at the time of full-scale DSP.

- 15. Prior to approval of a detailed site plan for specific buildings for either the Moore Property or the balance of Westphalia Center, excluding the Moore Property, the applicants of the Moore Property and the balance of Westphalia Center, separately, shall obtain approval of a special-purpose detailed site plan to establish regulating standards for signage and to identify appropriate locations for transit stops in consultation with DPW&T and WMATA. The special-purpose detailed site plan shall also show site plan details of the public open spaces and establish a timing plan for the improvement of these public spaces and for the public trail system. This condition requires the approval of two special-purpose detailed site plans, one encompassing the entire Westphalia Town Center site excluding the Moore Property, and another for the Moore Property. This condition shall be construed such that the Moore Property may proceed prior to the entire Westphalia Center. However, standards established in the first special-purpose detailed site plan shall be included in the subsequent special-purpose detailed site plan for the balance of the Westphalia Center unless the applicant can affirmatively demonstrate to the Planning Board that such inclusion is inappropriate in whole or in part. The subsequent plan may include any additional standards and requirements that the Planning Board deems necessary for inclusion at that time.**

This application is a DSP for infrastructure. Conformance with this condition will be further reviewed at the time of special-purpose DSP.

- 16. Prior to approval of a special-purpose detailed site plan for either the Moore Property or the balance of Westphalia Center, excluding the Moore Property, the following items shall be determined to ensure they will be addressed during the 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 for Westphalia center as a whole, including the Moore property.**
- e. **Acknowledge that the transit center will be dedicated to public use.**

This application is a DSP for infrastructure. Conformance with this condition will be further reviewed at the time of special-purpose DSP.

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.**

This application is a DSP for infrastructure and does not include any buildings. Conformance with this condition will be further reviewed at the time of full-scale DSP.

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.**

This application is a DSP for infrastructure and does not include any buildings. Limited information has been provided with this application. Conformance with this condition will be further reviewed at the time of full-scale DSP. However, the applicant did submit a landscape plan that shows the planting schedule for Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.9, Sustainable Landscape Requirements; and Section 4.10, Street Trees Along Private Streets, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual.)

- 19. The applicant shall allocate appropriate and developable areas for the private recreational facilities on 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 *proper[ty][sic] siting prior to approval of the detailed site plan by the Planning Board.**

The private on-site recreational facilities and HOA open spaces were evaluated at the time of CSP-07004-01 review and approval. Conformance with this condition will be further reviewed at the time of full-scale DSP.

- 20. At the time of detailed site plan approval, the applicant shall demonstrate to the Planning Board that on-site private recreational facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement (RFA), or other appropriate means and that such instrument is legally binding upon the subdivider and his heirs, successors, and/or assignees.**

PPS 4-08002 included Conditions 6 and 9, which are associated with contributions to the Westphalia Central Park Club. Condition 10 is associated with the provision of private on-site recreation facilities, and Condition 21 (a–c) is associated with the construction of the master plan trail. This DSP illustrates the approved siting for infrastructure only and includes grading, clearing, sediment control, and required SWM facilities. Conformance with this condition will be further reviewed at the time of full-scale DSP.

- 21. Pedestrian safety features, traffic calming, and pedestrian amenities shall be evaluated at the time of each detailed site plan.**

The submitted plan sheets include internal roadways with a range of 22 to 52 feet of pavement width throughout the site to facilitate the circulation of vehicular traffic. All cross sections are compliant with Prince George's County roadway standards. The site shall include continuous pedestrian connections throughout the site that are separate from vehicular circulation, and all roadways can accommodate a minimum of 5-foot-wide sidewalks. Due to the nature of this application, an illustrative plan was submitted to demonstrate the potential parking, loading, and circulation of the subject site. However, the review of adequate design features will be completed with subsequent applications. In

addition, per PPS 4-08002, a portion of the Back Brach trail is currently constructed along the frontage of Presidential Parkway, as an 8-foot-wide hiker/biker trail. The remaining portion of this trail is not within the limits of this DSP, but will be evaluated with subsequent plans.

- 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 applicable special-purpose DSP. The developer, his heirs, 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.**

Conformance with this condition will be further reviewed at the time of special purpose DSP.

- 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 community buildings shall be determined with the review of the applicable special-purpose detailed site plan.**

Conformance with this condition will be further reviewed at the time of special purpose DSP.

- 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 applicable special-purpose detailed site plan. While the applicant acknowledges that public recreational facilities are to be provided in the central park, details regarding the installation of those facilities will be determined at the time of the review of the special-purpose detailed site plan for the balance of Westphalia Center, which includes the central park.**

Conformance with this condition will be further reviewed at time of special-purpose DSP.

- 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 the relevant special-purpose DSP.**

The Planning Board, in subdivision review for any proposed residential construction on the subject property, shall include all relevant issues, including without limitation, public facilities adequacy and master plan conformance, as they concern the entire Westphalia Center property and project, not just the issues arising at the site for that subdivision.

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.

- a. 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.**
- b. Attached dwelling units shall be limited to 50 percent of the total dwelling units on the Westphalia Center site as a whole, including the Moore Property. Regardless of the relative quantities of different unit types approved on detailed site plans, building permits shall not be issued which would result in the attached units cumulatively exceeding 50 percent of the total of all dwelling units for which permits have been issued for the Moore Property and the balance of the Westphalia Center property. Up to 100 percent of the building permits for attached dwelling units may be issued for development on the Moore property if it is in compliance with all other requirements.**
- c. Prior to issuance of permits for the 1,400th dwelling unit on the balance of the Westphalia Center property, excluding the Moore Property, 300,000 square feet of retail space and 500,000 square feet of office space shall be constructed in the Core area. Permits for development on the Moore Property may be issued prior to any commercial development in the central Core Area.**
- d. Prior to issuance of permits for the 2,800th dwelling unit, 600,000 square feet of retail space and 1,000,000 square feet of office space shall be constructed in the Core area.**
- e. 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 area.**
- f. Prior to issuance of permits for the 500,000 square feet of retail development, 250,000 square feet of office shall be constructed.**
- g. Prior to issuance of permits for the 750,000 square feet of retail development, 500,000 square feet of office space shall be constructed.**
- 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.**

A phasing plan consisting of five stages was approved with CSP-07004-01. Revisions to the previously approved phasing plan are common due to the constantly changing development conditions. The subject DSP approves infrastructure to facilitate the grading, utility, and street layout for the retail component of Westphalia Town Center. Conformance with this condition and the approved phasing schedule will be reviewed, at the time of a special-purpose DSP.

32. **In conformance with the adopted and approved Westphalia sector plan, the applicant and the applicant's heirs, successors, and/or assignees shall:**
 - 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 shall be evaluated at the time of detailed site plan.**
 - d. **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.**

Conformance with this condition will be reviewed at the time of full-scale DSP.

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 area. The optional zone may be reduced to 28 feet in order to accommodate this change.**

The Core area is not included in this DSP for infrastructure. Landscaping, street furniture, and sidewalks for the site will be reviewed at the time of full-scale DSP.

- 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.**

This application is a DSP for infrastructure and does not alter the number of the trips as previously approved.

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

The Type 2 tree conservation plan (TCP2) worksheet indicates that the net tract area of Westphalia Retail identified as TCP2-039-2023 is 55.96 acres, and the woodland conservation requirement assigned by the phased worksheet for the current section is 8.06 acres. The worksheet indicates that the woodland conservation requirement for the TCP2 will be met with 5.20 acres of on-site woodland conservation (4.00 acres of preservation and 1.30 acres of afforestation), which does not satisfy the woodland conservation requirement for the current section. Prior to signature approval of the TCP2, the worksheets shall be reconciled, verified, and revised, as necessary, to correctly identify the woodland conservation requirements for the site, and how the requirements shall be met.

- 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.**

Conformance with this condition will be reviewed at the time of full-scale DSP.

- 40. Any subsequent approvals which contain the requirement for a special-purpose detailed site plan, including but not limited to Conditions 10 and 17 of Preliminary Plan of Subdivision 4-08018 (as expressed in PGCPB Resolution No. 09-95) and Conditions 11, 17, 18, 19, 21, and 50 of Preliminary Plan of Subdivision 4-08008 (as expressed in PGCPB Resolution No. 09-93), shall be construed to permit separate special-purpose detailed site plans for the Moore Property and for the balance of Westphalia Center**

Conformance with this condition will be reviewed at the time of either special-purpose or full-scale DSP.

9. **Preliminary Plan of Subdivision 4-08002:** PPS 4-08002 was approved subject to 55 conditions. The conditions relevant to the subject application for infrastructure only are shown below in **bold** text. The Planning Board's analysis of the project's conformance to the conditions follows each one in plain text.

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.**

TCP2-039-2023 has been submitted with the subject DSP.

3. **Development of this site shall be in conformance with Stormwater Management Concept Plan 44782-2007-00 and any subsequent revisions.**

The applicant submitted a copy of the approval letter for SWM Concept Plan 44782-2007-03. In addition, SWM Concept Plan 1002-20235 was submitted with this DSP and serves as a child case to the previously approved parent case.

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.**

Minimum 10-foot-wide public utility easements (PUEs) are shown along the existing public rights-of-way abutting the subject property. There are no additional public rights-of-way approved with this DSP, which would require a PUE along their frontage. However, the PUE shown along the frontage of MD 373 (Woodyard Road), terminates at Melwood Road. The property frontage along Presidential Parkway also does not show a PUE.

5. **At the time of final plat, the applicant shall dedicate rights-of-way consistent with the approved preliminary plan of subdivision.**

Parcels 31 and W2 were approved on the PPS as singular parcels flanked by public rights-of-way, which have been shown on the DSP. No additional public right-of-way dedication is approved with this DSP. However, the DSP shows private roads to provide internal circulation within Parcel 31. These private roads are designed with right-of-way widths varying between 46 to 76 feet. However, these private roads were not evaluated with the approved PPS. Private roads designed in accordance with the Subdivision Regulations are required to contain specific design elements and functionality when being classified as such, including providing a PUE along at least one side. A condition has been included herein, requiring the applicant to remove the private road labeling.

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:**
- 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.**

The DSP approves 10-foot-wide PUEs along the property frontage to MD 373, but not along entire frontage to Presidential Parkway and Melwood Road. A 10-foot-wide PUE is required to be established during the time of subdivision, in conformance with Section 24-122 of the prior Subdivision Regulations, along public roads and as required by Condition 7d above.

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:**
- 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.**

The special purpose DSP-12043 was approved for the overall Westphalia Town Center development and addressed the requirement for construction of the Back Branch trail, including the timing for its construction.

- n. Each DSP shall be referred to WSSC for additional review and comments concerning the stream valley trail alignment within the sanitary sewer easement.**

This application was referred to the Washington Suburban Sanitary Commission (WSSC) and comments were received regarding the subject application.

- o. Each DSP shall identify the limits of the public use easements to ensure that the easements are reflected on the final plat(s).**

The DSP approves 10-foot-wide PUEs along the property frontage to MD 373.

- 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 buffer yards along the ultimate right-of-way of MD 4.**

The applicant has provided a landscape plan with this DSP. Although no plantings have been shown along the southern boundary of the site abutting the MD 4 right-of-way, there is sufficient undeveloped areas on the site to meet the buffer width of this condition.

- 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.**

The subject application is an infrastructure only DSP. No architecture is approved at this time. Conformance to this condition will be reviewed with future DSP applications proposing development.

- 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.**

PPS 4-08002 shows the location of one access driveway to Melwood Road from Parcel 31. The center of this access driveway was approved to be 950 feet from the centerline of northbound MD 4. The application shows one private road access connecting to Melwood Road, the centerline of which is approximately 815 feet from the

centerline of northbound MD 4. However, private roads within this site area were not evaluated with PPS 4-08002. A condition has been included herein requiring the private road labeling to be removed and shown as commercial driveway access. A dimension on the overall site exhibit, from the centerline of northbound MD 4 to the center of the approved access, shall also be provided.

- 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 buffer yards 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**

The applicant provided a landscape plan with this application. The landscape plan shows a 20-foot-wide buffer yard along the property line fronting Melwood Road. Also, only 200 linear feet of the road frontage is shown to be planted. There is sufficient undeveloped areas depicted on the site plan to meet the requirements of this condition. A condition has been provided herein, requiring the applicant to show the buffer width on the landscape plans.

- 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.**

A condition has been included herein, requiring the applicant to provide a 50-foot-wide dimension and label for a building restriction line from the property boundary along Melwood Road, to ensure future development is set 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.**

The application approves one access along Melwood Road. No road improvements along Melwood Road, entrance features, or signs are approved with this application.

- 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.**

The applicant submitted a copy of the approval letter for revised SWM Concept Plan 27080-2014-01. In their statement of justification, the applicant stated their intent to provide stream restoration as part of SWM for this site. The applicant also received approval of a stream restoration plan with development approvals for Phase I of the Westphalia Town Center (DSP-13006). However, no comprehensive and detailed stream restoration plan was submitted with this application.

- 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.**

The DSP shows an existing SWM pond, which is shown on previously approved SWM concept plans for the overall Westphalia Town Center. The submittal also included a copy of approved SWM Concept Plan 1002-20235, which shows that the pond will remain unchanged. No renderings for this existing SWM pond were submitted.

- 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.**

This application is an infrastructure only DSP for mixed use development. The final location and configuration of future residential development is unknown, at this time. As such, this condition is not applicable to this infrastructure DSP, and will be reviewed for conformance with future DSP applications proposing development.

- 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.**

The applicant submitted TCP2-039-2023 which shows impacts to primary management areas (PMAs), but no modifications to Impacts A through D for the layout of Presidential Parkway were approved as part of this application. The master-planned roadway, Presidential Parkway, will remain in the same alignment as prior proposals.

- 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.**

Specimen trees approved to be removed or preserved are shown on the TCP2. While this TCP2 shows the location of specimen trees on-site, the three specimen trees approved for removal with the current application are grandfathered from the requirements for a Subtitle 25 variance for removal. Any details or notes required to implement preservation methodologies shall be added to the TCP2.

- 40. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/014/0801). 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/014/0801), 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.”

The required note shall be placed on the final plat.

- 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.**

Rights-of-way of A-52, MC-637, MC-634, A-66, MD 4 and MD 223 are not located within the property subject to this DSP. Therefore, Condition 45a, 45c, and 45e are not applicable to this DSP. The right-of-way for MC-632 was previously dedicated as 98 feet wide along the west side of the property and as a variable right-of-way width along the south side of the property. The right-of-way for MC-636, which has also been previously dedicated, is shown as 70 feet wide, in conformance with Condition 45d.

- 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 MC632, 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.**

This DSP shows one access along Melwood Road. However, this DSP does not approve any roadway improvements for Melwood Road between MD 4 and MD 373 (MC-632).

- 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.**

Conformance to Conditions 54a and 54b will be evaluated with future DSP applications which propose development on the subject site.

c. Minimized to the fullest extent possible the direct vehicular access from lots and parcels onto master-planned roads.

Four points of direct access are shown along the portion of MD 373 located on the south side of the site. MD 373 is also located on the west side of the property, where it is classified as a major collector roadway (MC-632). At the time PPS 4-08002 was approved, the portion of MD 373 located on the south side was also classified as a major collector roadway (MC-632). The Westphalia Sector Plan and SMA shows MD 373 in this location as an arterial road. This condition requires that the number of points of direct vehicular access from Parcel 31 onto master-planned roads be minimized.

10. **2010 Prince George's County Landscape Manual:** The application is subject to the requirements of the Landscape Manual. Due to the limited scope of this infrastructure only DSP, there is limited specific site-related landscaping information provided. As required by the Landscape Manual, additional review and permitting are needed before the applicant can move forward with construction of any portion of the Westphalia Town Center project. The conformance with the specific Landscape Manual requirements will be reviewed at the time of full-scale DSP. However, the applicant did submit a landscape plan that shows the planting schedule for Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.9, Sustainable Landscape Requirements; and Section 4.10, Street Trees Along Private Streets, of the Landscape Manual.
11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This project is subject to the 1991 Prince George's County Woodland Conservation Ordinance (WCO) because the application was subject to a PPS that was approved prior to 2010. TCP2-039-2023 was submitted with the subject application and requires revisions to be found in conformance with the WCO.

The overall woodland conservation threshold for Westphalia Town Center, for 440.29 acres, is 15 percent of the net tract, or 66.14 acres. The overall phased worksheet indicates that the woodland conservation requirement will be satisfied with 99.43 acres of on-site woodland conservation and 60.93 acres of off-site woodland conservation. This total of 160.36 acres of woodland conservation does not satisfy the woodland conservation requirements for the site. The phased worksheet will require revisions to correctly identify the overall requirement for the site, with the requirements for all development sections of the overall worksheet, and the specific requirements for TCP2-039-2023, which is identified as a "Portion of Section 1."

In a phased worksheet, the overall woodland conservation requirement can be distributed across the development site, based on the priority areas of the site identified for on-site preservation and afforestation/reforestation. The requirement for specific portions or sections of the site is then determined and the appropriate calculations are provided and included on the plan.

Prior to signature approval of the TCP2, the worksheets shall be reconciled, verified, and revised, as necessary, to correctly identify the woodland conservation requirements for the site, and how the requirements shall be met. Technical revisions to the TCP2 and calculations are included as conditions herein.

12. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance and require a grading permit. The tree canopy coverage is based on the gross tract area and is required to provide a minimum of 10 percent in the TAC-E Zone. The subject DSP provides the required schedule that demonstrates conformance to these requirements through existing trees and the provision of new plantings on the subject property. Additional reviews for future development will be done at the time of full-scale DSP.
13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The Planning Board has reviewed and adopts referral comments that are incorporated herein by reference and are summarized, as follows:
 - a. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated October 30, 2023 (Bishop to Lockhart). The Community Planning Section noted that, pursuant to Part 3, Division 9, Subdivision 3, of the prior Zoning Ordinance, master plan conformance is not required for this application. The relevant master plan, the Westphalia Sector Plan and SMA, recommends a mix of commercial, office, employment, and institutional land uses on the subject property, and is in the Town Center Core (page 19).
 - b. **Transportation Planning**—The Planning Board has reviewed and adopts the memorandum dated November 3, 2023 (Daniels to Lockhart). The Transportation Planning Section noted that the submitted plan sheets include internal roadways with a range of 22 feet to 52 feet of pavement width throughout the site, to facilitate the circulation of vehicular traffic. All cross sections are compliant with Prince George's County roadway standards. The site shall include continuous pedestrian connections throughout the site that are separate from vehicular circulation, and all roadways can accommodate a minimum of 5-foot-wide sidewalks. Due to the nature of this application, an illustrative plan was submitted to demonstrate the potential parking, loading, and circulation of the subject site. However, the review of adequate design features will be completed with subsequent DSP applications.
 - c. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated November 2, 2023 (Finch to Lockhart). The Environmental Planning Section noted that the approved TCP2 is acceptable, with technical corrections, as conditioned herein.

Natural Resources Inventory

An approved Natural Resources Inventory (NRI-094-06-02) was submitted with the application. The site contains streams, wetlands, and associated buffers that comprise the

PMA. The NRI indicates the presence of five forest stands, labeled as Stands A–E, with 274 specimen trees identified throughout the Westphalia Business Center site.

Specimen Trees

The NRI, as revised in 2019, identified 274 specimen trees within the overall Westphalia Town Center. Six trees were identified as “Specimen Tree previously removed or approved for removal” within the limits of the current DSP. The six specimen trees were reviewed as part of the Type 1 tree conservation plan and PPS, under the 1993 WCO, which does not require a variance for the proposed removal of specimen trees. This project is still subject to the requirements of that Ordinance; therefore, a variance for the removal of additional specimen trees is not required with this application. Three specimen trees (ST-207, ST-210, and ST-211) are approved to be removed with the current tree conservation plan application.

Regulated Environmental Features

This site contains regulated environmental features (REF) that are required to be preserved and/or restored to the fullest extent possible, under Section 27-285(b)(4) of the prior Zoning Ordinance. The on-site REFs include streams, stream buffers, wetlands, wetland buffers, and steep slopes. The TCP2 submitted demonstrates the preservation of on-site REFs consistent with zoning requirements and the desired development pattern.

Primary Management Area Impacts Associated with PPS-4-08002

Several impacts were approved with the PPS and were identified as A through N. Evaluation of these impacts was completed prior to signature approval of the PPS, and no modifications are approved to these impacts.

Primary Management Area Impact Requests With DSP-22042 and TCP2-039-2023

Six impacts to the PMA are approved with this application. A revised PMA impact exhibit, dated January 24, 2023, was submitted which identified six new impacts. The six PMA impacts approved with this DSP are identified as Impacts R, S, T, U, V, and W, and are associated with outfalls for the development pads. These impacts are reflective of SWM Concept Plan 1002-2023-00 and are supported as shown.

Stormwater Management

Section 27-274 requires a SWM concept plan to be approved prior to approval of a DSP. An approved SWM Concept Plan and Letter (1002-20235) was submitted with the DSP which shows that environmental site design was satisfied using on-site facilities (75 micro-retention features and 12 bioswales) and the credit from stream restoration (SDCP 3539-2013). The SWM concept plan was approved on October 18, 2023, and expires on October 18, 2026.

Soils

According to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, soils present within the subject DSP site area include Marr-Dodon Complexes, Dodon Fine Sandy Loam, Pits Gravel, Croom-Marr

Complexes, Udorthents Reclaimed Gravel Pits, and Udorthents Highway. Marlboro and Christiana clays are not found to occur within the DSP review area.

A geotechnical engineering report titled Westphalia Retail, prepared by Geo-Technology Associates, Inc., and revised on October 20, 2023, has been provided by the applicant's civil engineer via email on October 20, 2023. Based upon the review of the report, a preliminary global stability analysis on cross-sections of the retaining walls has been performed. The analysis has been performed in accordance with Prince George's County Retaining Wall Requirements, Techno-Gram 002-2021. The results of the analysis appeared to meet the minimum required factor of safety of 1.5.

Erosion and Sediment Control

Section 27-274 requires an approved grading, erosion, and sediment control plan. Development shall comply with the requirements for sedimentation and erosion control in accordance with Subtitle 32, Division 2, Grading, Drainage and Erosion, and Sedimentation Control, of the Prince George's County Code.

The TCP2 must reflect the ultimate limits of disturbance (LOD), not only for the installation of permanent site infrastructure, but also for the installation of all temporary infrastructure, including erosion and sediment control measures. Prior to certification of the TCP2, a copy of the erosion and sediment control technical plan must be submitted so that the ultimate LOD for the project can be verified and shown on the TCP2.

- d. **Subdivision**—The Planning Board has reviewed and adopts the memorandum dated November 13, 2023 (Heath to Lockhart). The Subdivision Review Section provided a review of applicable conditions attached to the approval of PPS 4-08002 that covers the Westphalia Town Center project. The Planning Board concluded that the DSP is in conformance with the approved PPS, subject to the conditions included herein.
- e. **Historic Preservation**—The Planning Board has reviewed and adopts the memorandum dated September 29, 2023 (Stabler, Smith, and Chisholm to Lockhart). It was noted that the site was previously surveyed for archeological resources. No significant sites were identified, and no further archeological investigations are recommended. The subject property does not contain, and is not adjacent to, any designated Prince George's County historic sites or resources.
- f. **Permit Review**—The Planning Board has reviewed and adopts the memorandum dated September 27, 2023 (Glascoe to Lockhart). No comments or conditions were needed for the subject application.
- g. **Prince George's County Department of Parks and Recreation (DPR)**—The Planning Board has reviewed and adopts the email dated October 2, 2023 (Thompson to Lockhart). DPR reviewed and evaluated all applicable conditions from the approved PPS 4-08002. It was noted that PPS 4-08002 was amended for reconsideration of Condition 19, which required dedication of land for a transit center. Conditions 6 and 9 were associated with contributions to the Westphalia Central Park Club; Condition 10 was associated with the

provision of private on-site recreation facilities; and Condition 21 (a–c) was associated with the construction of the master plan trail. This DSP approves siting for infrastructure only and includes grading, clearing, sediment control, and required SWM facilities. There are no visible impacts to Maryland-National Capital Park and Planning Commission owned property. The conditions of the PPS will be further reviewed with future site plan submittals.

- h. **Prince George’s County Fire/EMS Department**—At the time of the writing of this resolution, there was no response from the Prince George’s County Fire/EMS Department.
 - i. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board has reviewed and adopts the memorandum dated October 27, 2023 (Giles to Lockhart). DPIE provided several comments that would need to be addressed at the permitting stage.
 - j. **Washington Suburban Sanitary Commission (WSSC)**—The Planning Board has reviewed and adopts the memorandum dated October 12, 2023. WSSC provided comments regarding utility coordination, WSSC right-of-way, and WSSC crossing and clearance standards.
 - k. **Prince George’s County Health Department**—The Planning Board has reviewed and adopts the memorandum dated October 17, 2023. The Health Department provided recommendations applicable at the time of construction.
 - (1) During the construction phases of this project, noise shall not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George’s County Code.
 - (2) During the construction phases of this project, no dust shall 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*.
14. **Community Feedback:** At the time of the writing of this resolution, the Prince George’s County Planning Department did not receive any written correspondence from the community on this subject application. Prior to the Tuesday noon deadline, the applicant provided an exhibit, which included two revised conditions. The exhibit was included in the additional back-up.
15. As required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP, as approved with the conditions included herein, will represent a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the prior County Code, without requiring unreasonable costs and without detracting substantially from the utility of the approved development for its intended use.

16. As required by Section 27-285(b)(2) of the prior Zoning Ordinance, the DSP, as approved with the conditions included herein, shows a site layout that is consistent with the previously approved CSP-07004-01.
17. Based upon the foregoing analysis, and as required by Section 27-285(b)(3) of the prior Zoning Ordinance, the subject DSP satisfies the site design guidelines as contained in Section 27-274. The approved development prevents off-site property damage and any environmental degradation in order to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.
18. Per Section 27-285(b)(4), which became effective on September 1, 2010, a required finding for approval of a DSP is, as follows:

(4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.

The on-site REFs include streams, stream buffers, wetlands, wetland buffers, and steep slopes. The approved TCP2 demonstrates the preservation of on-site REFs consistent with zoning requirements and the desired development pattern. Therefore, the Planning Board finds that, based on the level of design information currently available, REFs on the subject property have been preserved and/or restored, to the fullest extent possible, in accordance with the requirement of Section 27-285(b)(4).

19. At the public hearing held on December 14, 2023, the Planning Board heard testimony on the subject application. One member of the public requested a meeting with the applicant to receive further information regarding future plans for the retail portion of Westphalia Town Center. There was also testimony regarding Applicant Exhibit No. 1, which included two revised conditions. The Planning Board was in agreement with the change proposed to Condition 1g. The Planning Board was not in agreement with the proposed change to Condition 1b, and that condition will remain as stated within this resolution.

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 Type 2 Tree Conservation Plan TCP2-039-2023, and further APPROVED Detailed Site Plan DSP-22042 for the above-described land, subject to the following conditions:

1. Prior to certification, the detailed site plan (DSP) shall be revised, or additional information shall be provided, as follows:
 - a. Remove the private road labeling throughout Parcel 31.
 - b. Show a 10-foot-wide public utility easement along the entire property frontage of all public rights-of-way.

- c. Provide a 50-foot-wide building restriction line on the property, along Melwood Road.
 - d. Remove the private road access to Melwood Road and show it as a commercial driveway access. Provide a dimension from the centerline of northbound MD 4 (Pennsylvania Avenue) to the center of the approved access along Melwood Road on the Overall Site Exhibit (Sheet 15).
 - e. Revise the Development Comparison Table to list the number of commercial, residential, and open space parcels approved with Preliminary Plan of Subdivision 4-08002, and the number of commercial, residential, and open space parcels approved with previously approved DSPs.
 - f. In the Development Comparison Table, revise the column for DSP-19062 (Westphalia Town Center North) to state that the quantity of development listed includes that approved with DSP-19062-01.
 - g. Revise the landscape plan to provide the required landscape buffers in accordance with Condition 26a of Prince George's County Planning Board Resolution No. 09-93(A).
2. Prior to certification of the Type 2 Tree Conservation Plan (TCP2-039-2023), the TCP2 shall be revised, or additional information shall be provided, as follows:
- a. Revise the approval block on all plan sheets to include the tree conservation plan number, TCP2-039-2023, and the associated Development Review Division application number, Detailed Site Plan DSP-22042.
 - b. Add the date to the signature of the qualified professional who prepared the plan on all plan sheets. In the revision box, include the date of the most current revisions to the plan.
 - c. Add a note to the cover sheet as follows:

“Note: With the current application, TCP2-039-2023 is separated from the overall TCP2-039-12, revisions 1–17, and is included in the overall Phased Woodland Conservation Worksheet for Westphalia Town Center, as Section 7, consistent with the boundaries of DSP-22042.”
 - d. The phasing/section map provided on Sheet 2 shall be revised to indicate that the current phase/section is no longer part of Section 1, but is separated from Section 1, and is separately identified with the same boundaries of Detailed Site Plan DSP-22042 as Section 7.
 - e. Revise the information related to the phasing/section map and notes on Sheet 2, as follows:
 - (1) Label Section 7 on the map.

- (2) Correct the area for Section 1 to reflect the separation of Section 7.
 - (3) Provide the correct total acreage for the overall site, which appears to include the reconveyance of the Maryland State Highway Administration property to the current owner.
 - (4) Correctly label the proposed reconveyance as part of the property if it is included in the total area.
 - (5) Correct the last sentence of Note 2 as follows: “The amount of off-site woodland conservation required for Phase 4 is satisfied through an off-site woodland conservation bank.”
 - (6) Revise Note 7 as follows: “Westphalia Retail falls within Section 7 in the map above. The area associated with DSP-22042 has been separated from TCP2-029-2012, and assigned the number TCP2-039-2023, with the review of this plan.”
- f. In the phased worksheet for the overall Westphalia Town Center, the column for Section 1 shall be separated into two columns, one for the remainder of Section 1, and the other for Section 7, which has a new TCP2 number associated with the separation from TCP2-029-2012.
- g. Revise, correct, and reconcile the phased worksheet columns for Sections 1 and 7 so the totals provided on the right side of the table do not exceed the gross tract area of the site. The overall phased worksheet shall demonstrate that the requirements for the site have been fully satisfied with the current TCP2 plan.
- h. Revise, correct, and complete the individual TCP2 worksheet (Sheet 1) as follows:
- (1) Add “Section 7” to the property description.
 - (2) Add the TCP2 number, TCP2-039-2023.
 - (3) Add the previous Type 1 tree conservation plan number, TCPI-014-08-04.
 - (4) The application is within the Priority Funding Area.
 - (5) Correct the individual worksheet to correctly calculate the woodland conservation requirement for the site.
 - (6) The woodland preservation credited cannot exceed the amount of woodlands not cleared.
 - (7) Show how the woodland conservation requirement for Section 7 is being fully provided.

- (8) Include any other calculations affected by revisions to the TCP2 plan.
- i. Revise the Section 7 Individual Woodland Conservation Worksheet to the overall TCP2 Worksheet for Phased Projects. Ensure all values match between the individual and phased worksheet. The Planning Board reserves the ability to provide further comments on the worksheets after corrections are submitted, prior to certification.
- j. Add a note under the specimen tree table as follows:

“Note: Three trees (ST-207, ST-210, and ST-211) are proposed to be removed on TCP2-039-2023. The site is grandfathered from variance requirements because it is subject to the 1993 Woodland Conservation Ordinance.”
- k. Reconcile the amount of woodland conservation provided in the Woodland Conservation Summary Table with the amount of woodland not cleared in the individual TCP2 worksheet and all other calculations. Provide woodland conservation sheet summary tables on all plan sheets, even if no woodland conservation is provided currently.
- l. On the cover sheet:
 - (1) Provide the TCP2 application number in the sheet title.
 - (2) Add a completed Table for Forest Conservation Act (FCA) Reporting (Change Table) per Development Bulletin 4-2022.
- m. On the Location Map on the cover sheet and Sheet 11, identify and label the boundaries and area of the proposed conveyance of property previously dedicated as a right-of-way to the Maryland State Highway Administration, to the current property owner. Provide notes or additional information about when this conveyance will occur, and how this transaction affects the certification of the current application.
- n. Delineate the primary management area on all plan sheets using the standard symbols identified in the 2018 *Environmental Technical Manual*.
- o. On all plan sheets where reforestation is approved, show the location of the permanent tree protection fence, which is required to be provided on the vulnerable edges of planting areas.
- p. Provide an Owner’s Awareness Certificate on the coversheet, which needs to be signed by the property owner prior to signature approval of the plan.
- q. Have the revised TCP2 signed by the qualified professional who prepared it.
- r. Provide a copy of the grading, erosion, and sediment control technical plan so that the ultimate limits of disturbance for the project can be verified and shown on the TCP2.

3. At the time of subsequent detailed site plans, the applicant and the applicant's heirs, successors, and/or assignees shall provide an exhibit detailing the following:
 - a. Pedestrian safety features, traffic calming, and pedestrian amenities.
 - b. A minimum width of 5-foot-wide sidewalks throughout the site.
 - c. The limits and details of any portion of the Back Branch Trail that impacts the site.
 - d. Short-term bicycle parking throughout the site.


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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner 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, December 14, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of January 2024.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:DL:rpg



Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel