

Case No.: CSP-07001

Applicant: Westphalia Row Partners, LLC.

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

ZONING ORDINANCE NO. 7 - 2012

AN ORDINANCE to approve an amendment of conditions for a Conceptual Site Plan.

WHEREAS, Conceptual Site Plan 07001 was approved by the District Council on July 1, 2008, for construction of 140-180 townhouses, 48-96 three-family dwelling units, 200-325 multi-family dwelling units, 40,000-70,000 square feet of office and 10,000-30,000 square feet of retail, for a project referred to as Westphalia Row, on approximately 20.67 acres of land in the M-X-T (Mixed Use-Transportation Oriented) Zone, located in the southwest corner of the intersection of Ritchie-Marlboro Road and Sansbury Road, Forestville, Maryland; and

WHEREAS, the District Council approved condition 9 b.(2), CSP-07001, as follows:

9 b.(2) 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.

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b. Rear-loaded townhouses (fee simple)

- (1) Minimum lot size: 1000 square feet for no less than 50% of the units and a minimum of 800 feet for the remainder
- (2) Minimum front yard setback: 10 foot from property line
- (3) Maximum building height: 45 feet
- (4) Minimum lot width: 20 feet for no less than 50% of the units and a minimum of 16 feet for the remainder

WHEREAS, the applicant has filed a request with the District Council to amend Condition 9 b.(2) as follows:

Minimum front yard setback: 6' from property line

WHEREAS, notice of the applicant's request was posted on the subject property prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the Zoning Hearing Examiner reviewed the proposed amendment in public hearing and filed recommendations with the District Council; and

WHEREAS, having reviewed the record, including the testimony at the public hearing, the District Council has determined that the request should be granted; and

WHEREAS, to protect adjacent properties and the surrounding neighborhood, the request to approve an amendment of a condition for a Conceptual Site Plan is granted subject to the conditions attached to the Conceptual Site Plan; and

WHEREAS, as the basis for this action, the District Council adopts the recommendations of the Zoning Hearing Examiner as its findings of facts and conclusions of law in this case.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

Section 1. The Conceptual Site Plan 07001 shall be amended as follows:

1. Prior to certificate approval of the Conceptual Site Plan, the Plan shall be revised to show the approved development standards.
2. Prior to certification of the Conceptual Site Plan, the Type I Tree Conservation Plan TCP I/031/07 shall be revised as follows:
 - a. Revise the gross tract area and any other incorrect calculations to be in conformance with the NRI.
 - b. Revise the plan to show the 100-year floodplain and the PMA in their entirety.

- c. Remove the “proposed treeline” from the TCP I and the symbol from the legend.
 - d. Remove the vague symbol for the limits of disturbance and use a line or other clear symbol.
 - e. Remove the small area of PMA impact behind Lots 62-64, Block B.
 - f. Mark the specimen trees to be removed and add all required information to the specimen tree table.
 - g. Revise the plans to show conceptually the stormwater management facilities proposed and all associated easements.
 - h. Have the revised plans signed and dated by the qualified professional who prepared them.
3. No woodland conservation shall be proposed on dedicated parkland unless written authorization from the Department of Parks and Recreation has been provided.
 4. Prior to certificate approval of the Conceptual Site Plan, the Phase I noise study shall be revised as follows:
 - a. Revise the study to evaluate the ten-year projected ADT level.
 - b. Eliminate the use of “future” noise levels – the ten-year projected noise levels are the only ones to be provided. Label this line the “unmitigated 65 dBA Ldn” on the CSP and TCP I. Do not base the ten-year projected levels on the existence of proposed buildings
 - c. Base the study on the proposed design layout instead of an earlier layout.
 - d. Provide all maps to scale so that they can be compared to the other plans. Show the centerline of all roadways from which measurements are being taken.
 - e. Provide match lines for all separate sheets that form the overall map.
 - f. Provide an analysis of the gap between the buildings in relation to Parcel ‘E’.

5. Prior to certification of the Conceptual Site Plan, a copy of the approved Stormwater Management Concept Plan associated with approval 36373-2006-00 shall be submitted and the facilities shall be correctly reflected on the TCP I.
6. Prior to acceptance of the Detailed Site Plan for the multi-family 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.
7. Prior to acceptance of a Detailed Site Plan for that portion of the site, the arrangement of three-family attached units between Private Road C and Ritchie Marlboro Road shall be redesigned to provide units fronting on Ritchie Marlboro Road as well as on Private Road C. Some sides of units may face Ritchie Marlboro Road but this should be avoided to the fullest extent possible. Public views of alleys should be minimized by screening the ends of alleys to the fullest extent possible.
8. 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.
9. 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: 1000 square feet for no less than 50% 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% of the units and a minimum of 16 feet for the remainder

- c. Three-family dwellings and townhouses (condominium)
 - (1) Minimum spaces between buildings:
 - (a) Building front to building front: 50 feet
 - (b) Building side to building side: 10 feet
 - (c) Building side to building rear: 30 feet
 - (d) Building rear to building rear: 30 feet
 - (2) Maximum building height: 55 feet
 - d. Multi-family, 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.
10. At the time of Detailed Site Plan review, parking shall be calculated separately for: (1) the multi-family and commercial buildings, (2) for the three-family dwelling units, (3) for the rear-loaded townhouses north of Fernwood Drive, and (4) 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, each portion of the development shall also provide an additional 10 percent of this number for visitor parking, which may include parallel parking spaces on private roads.
11. At time of Detailed Site Plan review for the subject property, the site will be evaluated for conformance to the gateway design guidelines of the Westphalia Sector Plan. Review should include items such as gateway entrance features at Fernwood Drive and Sansbury Road, architectural design, materials, colors, landscape palette, and streetscape features and amenities. The Applicant shall provide an easement for the location of a gateway feature at Ritchie Marlboro Road and Sansbury Road.

12. The Applicant, his successors, and/or assignees shall provide adequate private recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines. The private recreational facilities shall be reviewed by the Urban Design Review Section of Development Review Division for adequacy and property sitting, prior to approval of the Detailed Site Plan by the Planning Board.
13. 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 Development Review Division, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
14. The Applicant, his successors, and/or assignees shall submit to Development Review Division a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by Development Review Division, within at least two (2) weeks prior to applying for building permits.
15. 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.
16. The private recreational facilities package to be provided by this development shall include those facilities proposed with the Conceptual Site Plan application as well as two (2) outdoor play areas for children. Recreational facilities within the Westphalia Row development should be made accessible equally to all residents of the development.
17. The noise attenuation wall shall be designed to promote attractive views from the public roadways.
18. 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).
19. The final record plat shall include a note that the Applicant, the Applicant's heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the Department of Public Works and Transportation 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.

20. The Applicant shall provide standard sidewalks along both sides of Private Road A, B, C, D, and E.
21. The Applicant shall provide standard sidewalks along both sides of relocated Fernwood Drive, unless modified by DPW&T.
22. Appropriate pedestrian amenities and pedestrian safety features will be evaluated at the time of Detailed Site Plan.
23. 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 for 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.
24. 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
 - g. 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

25. At the time of Detailed Site Plan review, the Applicant shall proffer a phasing schedule to M-NCPPC staff that sets forth the anticipated building schedule of the residential and commercial phases of the property. The phasing schedule must be approved by the Planning Board.
26. Applicant is to relocate the existing Fernwood Drive. Once the existing Fernwood Drive is relocated, the previous property in which the old Fernwood Drive was located shall be deeded from Prince George's County, Maryland to the Applicant.
27. 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.
28. 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.

Enacted this 18th day of June, 2012, by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Olson, Patterson, and Turner

Opposed:

Abstained:

Absent: Council Members Lehman and Toles

Vote: 7-0

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

By: _____
Andrea C. Harrison, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council