Case No.: CSP-07004-01 Westphalia Center

Applicant: Walton Westphalia Development USA, LLC

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

ORDER AFFIRMING PLANNING BOARD DECISION,
WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 10-59(A)(C), to approve with conditions conceptual site plan CSP 07004 Westphalia Center, revising Conditions 15, 16, 24, and 25 regarding the special-purpose detailed site plan, and Conditions 30 and 31 regarding phasing and the restriction on development of attached dwelling units, located along the north side of Pennsylvania Avenue (MD 4), west of its intersection with Melwood Road and east of its intersection with Suitland Parkway, in Planning Area 78, Council District 6, within the Developing Tier is:

AFFIRMED, subject to the District Council's original jurisdiction pursuant to §27-132(f)(1) of the Zoning Ordinance and its authority to modify the decision of the Planning Board pursuant to 27-280 of the Zoning Ordinance.

As the basis for this action, the District Council, pursuant to §27-132(f)(1) and §27-280 of the Zoning Ordinance, adopts and incorporates by reference as if fully stated herein, the findings and conclusions stated by the Planning Board in its Resolution, PGCPB No. 10-59(A)(C), except as otherwise stated herein.

Affirmance of the Planning Board's decision is subject to the following conditions:

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

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

(1) 4,000–5,000 total dwelling units

- 150–200 single-family detached houses
- 1,650–2,500 attached dwelling units
- 1,800–3,100 multifamily dwelling units

(2) 500–600 hotel rooms
(3) 900,000–1,400,000 square feet of retail
(4) 2,200,000–4,500,000 square feet of office

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

b. Remove the note referring to possible increases of 10 percent of the development categories.

c. Revise the conceptual landscape plan to demonstrate conformance to Section 4.8 of the Landscape Manual.

d. Revise the phasing plan to propose up to 50 percent of the total dwelling units as attached units (including townhouses, semi-detached dwellings, two-family units, three-family units, and any similar products).

e. Provide minimum ten-foot-wide sidewalks (clear pedestrian zones) along both sides of the town center boulevard. The optional zone for the town center boulevard may be reduced to 26 feet.

f. Mark and label the six-foot-wide sidewalks on the urban residential road 70-foot right-of-way.

g. Modify the width of the “urban sidewalks” included on the north-south urban mixed-use roads to be a minimum of eight feet. The optional zone for the north-south urban mixed-use roads may be reduced to 28 feet.

h. Provide minimum sidewalks of six feet along both sides of MC-632.

i. All portions of the plan shall show the entire property.

j. Show that the detached portion of the property along the western portion of existing Presidential Parkway is part of the Fringe area.

k. Add a floating symbol for the potential location of a library within the town center.

l. Show a buffer area along the full length of historic Melwood Road and the Twin Knolls Subdivision, including the Fringe area. The buffer along the Fringe area shall be a minimum of 30 feet. The buffer along the remaining length of historic Melwood Road and the Twin Knolls Subdivision, excluding the Fringe area, shall be a minimum of 75 feet wide and an average of at least 150 feet wide.

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

n. Show bikeway corridor trails along major roads.

o. Either the TCPI and the preliminary plan shall be revised to show the correct delineation of existing environmental features per the signed natural resources inventory (NRI), or the NRI shall be revised to reflect the correct delineation of existing environmental features. If the second option is used, revised studies must be provided to support the changes.

2. Prior to certificate approval, the following revisions shall be made to the CSP plan text. Where available, the specific pages of the proposed CSP text to which the revision applies are provided in parentheses.

a. Revise the proposed development totals to match those shown in Condition 1(a).

b. Revise the proposed intensity of commercial development within the Fringe area to reflect the reduction in the minimum amount of office development from 4,000,000 square feet to 2,200,000 square feet.

c. Add proposed public/quasi-public uses to the breakdown of land use ranges in the Edge area, and if necessary, revise the proposed mix to conform to the recommended range (p. 23).

d. Incorporate the omitted sector plan design principles for the Core, Edge, and Fringe areas in the CSP text as criteria to be included in subsequent development review procedures.

e. Emphasize that proposed commercial land uses in the Edge areas need to be in substantial conformance with all sector plan design principles, particularly with respect to scale, site and building design, and parking. On-street parking will be designed to contribute to the parking requirements of commercial uses within the Edge.

f. Require a range of lot sizes for single-family attached dwelling units in the town center with a minimum of 1,000 square feet.

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

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

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

†*i. A maximum of 68 front-loaded garage attached units shall be allowed within the Moore Property portion of Westphalia Center. Their location shall be restricted to areas adjacent to a stream valley or preserved environmental features, preventing the use of a rear alley to serve the dwellings. Within the town center portion of Westphalia Center, front-loaded garages may be approved at the time of detailed site plan review provided that:

(1) The total number of front-loaded garage townhouse units shall not exceed ten percent of the total number of townhouse units allowed in the Westphalia Town Center project, excluding Moore Property. No more than 20 percent of the units within any separate DSP.

(2) Front-loaded townhouse units shall only be included on the interior of blocks and front-loaded units are not allowed for units fronting on public streets, except in situations where environmental conditions will not allow the use of rear alleys.

(3) All entry door features on front-loaded units must be located on the ground level. No walk-up second level entries are permitted.

(4) Front-loaded townhouse units shall be built no more than approximately ten feet from the front lot line.

(5) All front-loaded garage doors shall include architectural features, such as windows.

(6) No front-loaded garages shall protrude in front of the overall façade of the townhouse unit.

j. No drive-through services are permitted within Westphalia Center.

k. Update the discussion of noise based on the most up-to-date noise contours (p. 6).

l. Clarify that surface parking lots will only be permitted within the Core area at final build-out where they are small in size and screened from the street by buildings. Interim parking lots in the Core, prior to final build-out, shall be screened by landscaping (pp. 22–23).

m. Correct the reference to an informal street pattern in the Core area to refer to the street pattern of the Fringe (p. 28).

n. Include all three gateways (Suitland Parkway, Dowerhouse Road, and Woodyard Road) in the discussion of gateways (p. 34).

o. Revise the text on page 38 to remove the second exemption for continuous building façade (for drive-throughs in the Core area).

p. Remove the reference to off-street parking provided along the roadway in the Core area (p. 38).

q. Specify that residential buildings fronting on urban residential roads and internal circulation roads may be set back up to 10 feet from the established build-to line along the pedestrian zone or public utilities easement to allow for stoops, porches, gardens, etc. The setback may be up to 15 feet from the established public utilities easement where front-loaded garages are permitted (pp. 40–42).

r. Clarify the building placement regulations to note that buildings shall be built to the pedestrian zone, optional zone, or public utilities easement, whichever is farthest from the street centerline.

s. Change the standard spacing of street trees to a maximum of 40 feet on center for all roads.

t. Add language to state that multistory buildings are strongly encouraged in the Core area.

u. Remove the detail of tree grates or modify the detail to show a larger planting area and an expanded structural soil area underneath the adjacent sidewalk (following p. 42).

v. One-story buildings shall not be constructed in the Core area.

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

a. Show all proposed impacts to the Patuxent River primary management area (PMA) as previously approved with Preliminary Plans 4-08002 and 4-08018.

b. Show the unmitigated 65 dBA Ldn noise contour and the noise contours associated with Andrews Air Force Base that were shown on TCPI/014/08-01 approved with Preliminary Plan 4-08002 for the Westphalia Center, and as shown on TCPI/004/09 approved with Preliminary Plan 4-08018 for the Moore Property.

c. Include all required information per the TCPI preparation checklist, including but not limited to the following:

(1) The plan must be signed by a qualified professional.

(2) Provide a legend on all sheets of the plan set depicting all symbols used on the plan.

(3) Update the revision box with a description of all revisions made to the plan since the approval of the last TCPI.

(4) Provide an approval block on all sheets of the plan set with the previous approval information typed-in.

(5) Provide standard TCPI notes on the plan.

d. Revise the table on the cover sheet as needed to reflect the signed NRI. Specifically, the areas for existing site area, existing floodplain, existing woodland, and existing wooded floodplain. In addition to the totals for these areas, this table should be revised to separate the areas for the Moore Property and the greater Westphalia Center.

e. Revise the plan to graphically show all existing environmental features, including but not limited to streams, wetlands, floodplain, PMA, etc., as shown on the signed NRI.

f. Provide a table on the cover sheet itemizing the areas of existing woodland, woodland cleared, preservation, reforestation, woodland saved not counted, and woodland saved but considered cleared for each phase of construction. The itemized table shall include the areas within the limits of disturbance (LOD) necessary to allow the Moore Property to move forward before the remainder of the site.

g. Provide a note below the specimen tree table to indicate how the trees were located (field estimated or survey located).

h. Revise woodland conservation areas as necessary to ensure that no woodland conservation is proposed within any existing or proposed easements and/or floodplain area.

i. Ensure that the layout shown on the plan is the most current layout.

j. Provide labels for the matchlines on all sheets in the plan set.

k. Revise the matchlines and the sheet labels on the cover sheet to accurately reflect the configuration and sheet numbers of the individual sheets of the plan set.

l. Show a proposed LOD for the entire site.

m. Provide a separate sheet within the plan set to show the proposed LOD for all improvements necessary to allow access to the Moore Property without construction of the remainder of the Westphalia Center. This LOD shall include the clearing needed for all improvements, including but not limited to proposed grading, utility connections, road improvements, stream crossings, and stockpiles.

n. Provide a phased worksheet on the cover sheet. This worksheet shall include as Phase 1, the area within the LOD for all improvements necessary to allow access to the Moore Property without construction of the remainder of the Westphalia Center. The remaining phase of the worksheet shall include the remaining area of the Westphalia Center. The remaining area of the Westphalia Center shall be further separated into phases on the TCPII at time of DSP review so that each phase of the worksheet includes the area of each DSP.

o. The areas of existing environmental features (site area, existing woodland, existing floodplain, and existing wooded floodplain) used in the worksheet shall match the areas on the signed NRI.

p. After all revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revisions made.

4. At least 35 days prior to Planning Board approval of the preliminary plan of subdivision, a stream corridor assessment using the Maryland Department of Natural Resources protocol shall be submitted. General impacts to the entire stream valley for stream restoration shall be approved at the preliminary plan stage. Specific impacts for stream

restoration will be determined, reviewed, and approved at the detailed site plan stage. Streams shall not be piped unless absolutely necessary to address a water quality or water conveyance problem.

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

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

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

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.

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

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.

11. At least 35 days prior to Planning Board approval of the preliminary plan of subdivision, a Phase I noise study that addresses noise related to Andrews Air Force Base, MD 4, and A-52 and A-66 shall be submitted. The TCPI for the preliminary plan shall show the resulting noise contours at both ground level and upper-story elevations. The plan shall

also illustrate conceptually how noise levels will be reduced to 65 dBA Ldn for outdoor activity areas and 45 dBA Ldn for indoor living areas.

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

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

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

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.

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.

17. Prior to acceptance of each detailed site plan, the package shall include a description of the use of green building techniques and alternative energy sources for the development throughout the site. At least three green building techniques shall be used in each development area of the site as identified on the CSP.

18. Each detailed site plan shall demonstrate conformance to landscaping standards. In general, development on the site shall be subject to the standards of Section 4.8 of the Landscape Manual, in addition to the following standards:

a. Single-family detached lots larger than 9,500 square feet shall provide at least one shade tree and one ornamental or evergreen tree on the lot.

b. Required landscaping for attached dwelling units shall be provided on the individual lots or common open space directly associated with the attached dwellings. Plantings within public or private open spaces shall only be counted towards the requirements where those spaces are located adjacent to the attached dwellings and are easily accessible to residents.

c. Surface parking lots larger than five parking spaces shall be subject to the landscaping standards of Section 4.3 of the Landscape Manual.

d. In general, uses within the town center shall not be buffered from each other. However, buffering of highly incompatible adjacent uses may be deemed necessary at the time of detailed site plan review.

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

20. At the time of detailed site plan approval, the applicant shall demonstrate to the Planning Board that 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.

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

22. Prior to the first final plat of subdivision, the applicant shall enter into an agreement with the Department of Parks and Recreation (DPR) establishing a mechanism for payment of fees into an account administered by M-NCPPC or provision of in-kind services. The agreement shall note that the value of in-kind services shall be determined solely by DPR. DPR decisions regarding choice and value of in-kind services are appealable to the Planning Board. The agreement shall also establish a schedule of payments and/or a schedule for park construction. The payment or construction schedule shall include a formula for any needed adjustments to account for inflation. The agreement shall be recorded in the Prince George's County land records by the applicant prior to final plat approval.

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

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.

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.

26. Prior to the issuance of the first building permit for the development, the applicant and the applicant's heirs, successors, and/or assignees shall:

    a. Pay a pro rata share of the cost of construction of an interchange at MD 4 and Old Marlboro Pike/Westphalia Road. The pro rata share shall be payable to Prince George's County (or its designee) with evidence of

payment provided to the Planning Department with each building permit application. The pro rata share shall be determined after the Planning Board adopts a resolution establishing a Surplus Capacity Reimbursement Procedure (SCRP). The pro rata share shall be indexed by multiplying the dollar amount ($) x Engineering News Record Highway Construction Cost Index (at the time of building permit application) / Engineering News Record Highway Construction Cost Index (for the second quarter 2006).

b. The above improvement shall have full financial assurances through either private money and/or full funding in the Prince George's County Capital Improvement Program (CIP), a SCRP, State Consolidated Transportation Program (CTP), or public financing plan approved by the District Council.

27. Prior to the issuance of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall pay a pro rata share of the road improvements at the intersection of MD 223 at Rosaryville Road. The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be $1,126.23 per average peak-hour trip x Engineering News Record Highway Construction Cost Index (at the time of building permit application) / Engineering News Record Highway Construction Cost Index (for the second quarter 2008).

28. Prior to the issuance of any building permits for each phase or DSP within the subject property, the following road improvements as may be phased shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

a. MD 4 and Forestville Road Intersection

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

b. MD 4 and Dowerhouse Road

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

c. MD 4 and MD 223 Interchange

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

- Install new traffic signals at Old Marlboro Pike and Presidential Parkway, Old Marlboro Pike and Melwood Road, and Old Marlboro Pike and MD 4 WB off-ramp.

- Construct a second southbound left turn along MD 223 at the MD 4 EB on-ramp.

- Widen the MD 4 EB on-ramp to accept the southbound double left movement.

- Provide a third NB through lane along MD 223 at the MD 4 EB on-ramp.

- Install a traffic signal at the intersection of MD 223 and MD 4 EB off-ramp – MD 4 EB on-ramp.

d. MD 223 and Perrywood Road

- Conduct a signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

e. MD 223 and Marlboro Pike

- Construct a southbound double left turn lane.
- Modify the traffic signal.
- Provide separate left, through, and right turn lanes on the eastbound approach.

f. MD 223 and Dowerhouse Road

- Create a double left, a through, and a separate right turn lane on the northbound approach along MD 223.

- Create a left turn, a through, and a shared through-and-right lane on the southbound approach along MD 223.

- Modify the traffic signal.

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

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.

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.

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.

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.

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.

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

36. Where there is a mixture of products and/or lot sizes, alleys shall not be required to be aligned, unless determined otherwise by DPW&T at the detailed site plan stage.

37. Prior to certificate approval, the preliminary plan shall be revised to reflect an increase in the developable acreage of the school site from 3.6 acres to 7 acres.

38. The acreage for the transit center is approximately four acres.

39. All private recreational facilities located in Westphalia Center shall be made available to all residents living within its boundaries.

40. The applicant shall consider the use within this development of traditional names associated with the property and community for such elements as street names, parks, community centers. The Historic Preservation Section shall be contacted for a list of names for consideration.

41. 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.

†*Denotes Amendment
*Denotes Correction
Underlining indicates new language
[Brackets] and ~~strikethrough~~ indicate deleted language

Ordered this 24th day of February, 2014, by the following vote:

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

Opposed:

Abstained:

Absent: Council Members Harrison 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: _____
Mel Franklin, Chairman

ATTEST:

_____
Redis C. Floyd
Clerk of the Council