

Case No.: DSP-13006 Westphalia Town 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. 13-119, to approve with conditions a detailed site plan for the first phase of the Westphalia Town Center development of 348 townhouse units (323 rear-loaded garage units and 25 front-loaded garage units), a multiphase development project, located on the north side of Pennsylvania Avenue (MD 4), west of Melwood Road and east of the interchange of Suitland Parkway and Pennsylvania Avenue, 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 27-290(d) of the Zoning Ordinance.

As the basis for this action, the District Council, pursuant to §27-132(f)(1) and §27-290 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. 13-119, except as otherwise stated herein.

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

1. Prior to certification of this detailed site plan (DSP), the applicant shall:
 - a. Obtain approval of umbrella DSP for residential architecture DSP-13001.

- b. Revise the landscape plan to provide a minimum of one interior planting area for every ten contiguous surface parking spaces.
- c. Submit information to address the following stream restoration design concerns:
 - (1) To address the discrepancy in site design/road layout between the approved preliminary plan and the stream restoration plan, specifically to address the number of proposed road crossings.
 - (2) To account for the quantity and velocity of all stormdrain outfalls proposed to enter the stream from the surrounding development;
 - (3) To show on the plan view all proposed grading, specifically to address how the grading associated with the installation of each stabilization method will tie back into the existing stream bank; and
 - (4) To specify areas where live stakes are to be placed, other than in conjunction with a specific stabilization treatment. Live stakes shall be placed from the permanent pool elevation up to the 100-year water surface elevation in conjunction with the installation of native wet meadow mix seeding.
- d. Provide the details and specifications of the private recreational facilities based on the concept shown for Eastern Circle at the time of Detailed Site Plan DSP-12043 approval and in accordance with the *Park and Recreation Facilities Guidelines* and the Public Playground Safety Handbook. The cut-sheet of the facilities to be installed on the site shall also be provided on the detail sheet.
- e. Provide site plan notes on this DSP as follows:

“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.”
- f. Provide a tree canopy coverage (TCC) table for the area and demonstrate conformance to Subtitle 25, Division 3, of the Prince George’s County Code.

- g. Revise the DSP as necessary to show the phasing as required by Condition 31 of PGCPB Resolution No. 10-59(C). Each phase shall be labeled and the limits of each phase shall be clearly depicted on the plan.
- h. Revise the Type II tree conservation plan (TCPII) as follows:
 - (1) Show the phasing consistent with the DSP. The worksheet shall provide a column for each phase.
 - (2) Demonstrate how the overall woodland conservation requirement will be met in each phase. The fee-in-lieu amount shall be allocated based on each phase's requirement as determined by the Environmental Planning Section. The amounts shall be refined as needed with the review of each phase. Land to be dedicated to the Board of Education, the transit site, the fire/EMS site, and the library shall be excluded from the allocation.
 - (3) Provide the following TCPII note:

“The use of fee-in-lieu to meet the off-site woodland conservation requirement was approved by the District Council.”

“Impacts to specimen trees shall be avoided for the implementation of stream restoration to the extent practicable.”
 - (4) Show the trail alignment for Phase I and along Back Branch;
 - (5) Show the unmitigated upper and lower-level 65 dBA Ldn noise contours in accordance with the revised Phase I noise report submitted with the subject application. The noise contours shall be clearly labeled on all sheets of the plan set upon which they appear;
 - (6) Provide labels for all staging and clearing areas associated with stream restoration;
 - (7) Show the water line at the intersection of Woodyard Road, Melwood Road, and Pennsylvania Avenue (MD 4), and the proposed connection needed to serve the site;
 - (8) Update the legend to include the symbol shown on the plan for floodplain clearing;
 - (9) Revise the TCP approval block to show all previous approval information;

- (10) Revise the TCPII approval tracking table to include stream restoration as a component of the current plan revision;
 - (11) Update the worksheet to reflect all changes made to the plan; and
 - (12) After all revisions have been made, the qualified professional who prepared the plan shall sign and date it and update the revision box with a summary of the revisions made.
- i. Submit a copy of the specimen tree evaluation report dated August 16, 2013 that shall be signed by the certified arborist who prepared it.
 - j. Revise landscape plans regarding improvements along the Melwood Road frontage as follows:
 - (1) Preserve 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 ten feet at the southern end, and expanding to a width of 30 feet, subject to the provision of plant units equivalent to those for similar width bufferyards as indicated in Section 4.6 of the 2010 *Prince George's County Landscape Manual*. Existing trees shall be preserved to the greatest extent possible, and supplemental planting shall be native plant species;
 - (2) Establish a building restriction line 50 feet from the property boundary fronting on Melwood Road to encourage development to be set back from the historic road;
 - (3) Design road improvements in accordance with the Department of Public Works and Transportation (DPW&T) 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; and
 - (4) Discourage entrance features and signs at the one recommended entrance onto Melwood Road.
 - k. Include the following trails-related information on the plans:
 - (1) The designated bike lanes along Woodyard Road, per Street Section E.

- (2) A seven-foot-wide sidewalk along Glover Park Drive, per Street Section K.
 - (3) An eight-foot-wide sidewalk along Presidential Parkway between Woodyard Road and Glover Park Drive, per Street Section G.
 - (4) Six-foot-wide sidewalks along both sides of Galena Lane, per Street Section V.
 - (5) Six-foot-wide sidewalks along both sides of Eastland Circle and Greenwich Circle, per Street Section T.
 - (6) Provide marked crosswalks at all approaches to Circle B, along Glover Park Drive at Observatory Place, and along Meridian Hill Way at Woodyard Road.
 - (7) Provide a marked crosswalk along Presidential Parkway/Public Road KK at the intersection with Woodyard Road. This crossing shall utilize the median as a pedestrian refuge.
- l. Provide lot and block numbers, bearings, and distances on the site plan.
 - m. Provide dimensions and material information of driveways either on each individual lot or in a general site plan note.
 - n. Provide a neighborhood green open space with amenities at the rear of Units 54, 55, and 56, Block G, to be reviewed and approved by the Urban Design Section as designee of the Planning Board. Units 54, 55, and 56 shall not have decks attached to the rear elevation and shall be enhanced with architectural features.
 - o. Provide additional phasing information within each of the five phases of the development.
 - p. Provide layout and landscaping information as approved in special purpose DSP-12043 regarding stormwater management ponds including in this DSP.
 - q. Submit comments from the public utility companies and provide evidence of the utility plan approval.
 - r. Re-designate Parcel 24 as an outlot.

- s. Remove the area of Outlot 4 from the limits of this DSP, or delineate the entire configuration of Parcel 25 and label it to be dedicated to the Prince George's County Board of Education as reflected on the approved preliminary plan of subdivision.
 - t. Provide a tracking table of the number of lots, parcels, and units proposed with this DSP compared to the number of lots, parcels, and units approved with Preliminary Plan of Subdivision 4-08002.
2. Prior to the issuance of the first building permit, the applicant shall submit to the Urban Design Staff, as designee for the Planning Board, builder names and the elevations for each model type for review.
 - i. Prior to administrative approval of the elevations, the Staff shall notify the District Council of its intent to review the proposed elevations.
 - ii. The proposed elevations shall be approved by Urban Design Staff and filed in the appropriate Detailed Site Plan file unless the District Council notifies Staff within ten (10) days of its intent to review any of the proposed elevations.
 3. Prior to issuance of the first building permit, a recipient for the woodland conservation fee-in-lieu funds, if any, is required for Phase I and shall be identified.
 4. Prior to issuance of the 150th use and occupancy permit, or when the planned permanent transportation facilities at the intersection of Woodyard Road and Pennsylvania Avenue (MD 4) are ready, whichever comes earlier, the applicant shall terminate the use of the temporary access road and close the temporary entrance.
 5. Prior to issuance of the 200th building permit for townhouse units for Phase I, private on-site recreational facilities included in this detailed site plan shall be complete and be open to public use.
 6. Prior to issuance of the 348th building permit in Phase I, the stream restoration as approved on the Technical Stormwater Management Plan (SD 39899-2012) shall begin implementation. Proof of implementation shall be submitted to The Maryland-National Capital Park and Planning Commission (M-NCPPC) in the form of notification by the Department of Permitting, Inspections and Enforcement (DPIE). The stream restoration shall be completed prior to issuance of any permit for any new phase subsequent to implementation. Proof of completion shall be submitted to M-NCPPC in the form of notification from DPIE and the as-built stormwater management technical plans.
 7. The following notes shall be placed on the final plat of subdivision for this phase:

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

“This plat is subject to the recordation of a Woodland Conservation Easement with the Liber and Folio reflected on the Type Two Tree Conservation Plan.”

8. Prior to submittal of the detailed site plan containing Specimen Tree 60, the following information with respect to its preservation shall be submitted:
 - a. A maintenance plan and schedule for the protection of Specimen Tree 60 prepared and signed by a certified arborist. The maintenance plan shall address the specific methods recommended for the long-term survivability of the tree with respect to the proposed site design. The maintenance plan shall include a schedule for the timing of implementation of the recommended protection measures. The maintenance plan shall also contain a post construction monitoring schedule for a minimum of two years, for evaluation and care of the tree as needed.
 - b. Notes outlining the maintenance plan and schedule for the preservation of Specimen Tree 60 shall be added to the Type II tree conservation plan (TCPII). All tree protection measures (tree protection fence, signs, etc.) outlined in the maintenance plan shall be shown on the TCPII.
9. Prior to approval of the final plat for any portion of the site contained in this detailed site plan (DSP), the applicant shall submit to M-NCPPC, Development Review Division (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 this DSP. The developer and the developer’s 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.
10. At the time of final plat, the applicant shall dedicate all public utility easements as approved on this detailed site plan along the public rights-of-way.
11. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George’s County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
12. Prior to approval of the final plat, an executed temporary access easement agreement shall be submitted and approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC). The access easement shall also be approved by the Department

of Permits, Inspections and Enforcement (DPIE) or the Department of Public Works and Transportation (DPW&T), as applicable, and extend from Woodyard Road through Outlot 1 to Melwood Road. Prior to issuance of the 150th use and occupancy permit for the subject property (Preliminary Plan of Subdivision 4-10013), an adequate permanent access shall be provided and the temporary access easement shall terminate. Alternative access may include direct vehicular access to the public rights-of-way of the interchange of Pennsylvania Avenue (MD 4) and Woodyard Road or Presidential Parkway. The easement document shall set forth the rights, responsibilities, and liabilities of owners and be recorded in the Land Records of Prince George’s County, and the liber/folio reflected on the final plat prior to recordation.

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