



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 16-62

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File No. DSP-08039-08

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on May 12, 2016 regarding Detailed Site Plan DSP-08039-08 for Westphalia Row, Phase III, the Planning Board finds:

1. **Request:** This detailed site plan (DSP) is for 67 fee-simple, rear-loaded townhouses and 10,000 square feet of commercial uses. This DSP is a revision to the previously approved DSP for Phase III of the Westphalia Row project that included 250 multifamily units and 57,600 square feet of commercial uses.
2. **Development Data Summary:**

Zone(s) Use(s)	APPROVED PHASE III M-X-T Single-family attached residential Commercial/Retail	APPROVED OVERALL M-X-T Single-family attached residential Commercial/Retail
Acreage	4.51	20.67
Dwelling Units	67	275
Residential Square Footage	124,860	553,996*
Commercial Square Footage	10,000	10,000
Total Square Footage	134,860	563,996

Note: *In addition to the townhouses, a 2,408-square-foot community building has been previously approved within Phase I of the proposal and is included in this residential gross floor area calculation.

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

Base Density Allowed	0.40 FAR
Residential	1.00 FAR
Total FAR Permitted:	1.40 FAR*
Total FAR Approved:	0.62 FAR

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

Phase III Parking Requirements*

Total Residential Parking Spaces Required	151 Spaces
67 Townhouses @ 2.04 spaces each	
+10% per CSP-07001-02 Condition 8.	
Total Residential Parking Spaces Approved	172 Spaces
Garage Spaces (1 compact and 1 standard per	134 spaces
Private On-street Spaces (1 handicapped space)	28 spaces
Public On-street Spaces	10 spaces
Total Commercial Parking Spaces Required	55 Spaces
Commercial Trade (General Retail Services)	
3,000 GFA @ 1 space per 150 GFA	20 spaces
3,000 +GFA @ 1 space per 200 GFA	35 spaces
Total Commercial Parking Spaces Approved	58 Spaces
Regular Spaces (9.5 ft. x 19 ft.)	38 spaces
Compact Spaces (8 ft. x 16.5 ft.)	17 spaces
Handicapped Spaces (8 ft. x 19 ft.; 1 van-	3 spaces
Loading Spaces Required	1 space
Loading Spaces Approved	1 space

Note: * The number of parking and loading spaces for developments in the M-X-T Zone are to be calculated by the applicant and submitted for Planning Board approval at the time of DSP, as stated in Sections 27-574 and 27-583 of the Zoning Ordinance. In this case, the applicant has chosen to provide the number of parking and loading spaces normally required under Sections 27-568 and 27-582.

3. **Location:** The subject property is located in the southwest corner of the intersection of Ritchie Marlboro Road and Sansbury Road, in Planning Area 78, Council District 6. This intersection is designated by the February 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan SMA) as one of nine gateways into Westphalia area. It is proposed in the plan as the location of a mixed-use village center. Fernwood Drive passes through the site.
4. **Surrounding Uses:** To the northwest of the subject site is the exit ramp leading from the Capital Beltway (I-95/495) to Ritchie Marlboro Road. To the south of the site is an existing single-family residence in the Rural Residential (R-R) Zone. Further south and west on Fernwood Drive is a mobile home park. Across Sansbury Road to the east are the Ritchie Baptist Church property and

the PB&J property, which are also zoned Mixed-Use Transportation-Oriented (M-X-T) as part of the sector plan designated village center.

5. **Previous Approvals:** This property was rezoned to the M-X-T Zone by the Westphalia Sector Plan SMA. As part of this rezoning, the Prince George's County District Council approved the concept plan for development of the subject property and the neighboring properties to the east and southeast as an integrated mixed-use development.

On July 1, 2008, the District Council granted approval of Conceptual Site Plan CSP-07001 for the development of the property as a mixed-use development including 420–600 dwelling units and up to 100,000 square feet of commercial office and retail spaces. On January 10, 2008, the Prince George's County Planning Board approved Preliminary Plan of Subdivision (PPS) 4-07038 (PGCPB Resolution No. 08-07). On November 6, 2008, the Planning Board approved Detailed Site Plan DSP-08024 (PGCPB Resolution No. 08-168) for the relocation of Fernwood Drive to the location shown on the CSP.

The first phase of development, consisting of 153 townhouses in the southern portion of the site, was approved by the Planning Board as Detailed Site Plan DSP-08039 on March 5, 2009 (PGCPB Resolution No. 09-44). Detailed Site Plan DSP-08039-01 was approved by the Planning Board on September 10, 2009 (PGCPB Resolution No. 09-131) for the originally proposed 96 triplex units. Subsequent DSP revisions '02' to '05' were approved at the Planning Director level for the addition and modification of unit types.

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

On January 7, 2016, the Planning Board approved a revision to the Conceptual Site Plan, CSP-07001-02 (PGCPB Resolution No. 16-02), to replace the previously approved 250 multifamily units and 57,600 square feet of commercial uses with 67 fee-simple, rear-loaded townhouses and 10,000 square feet of commercial uses. Subsequently, PPS 4-15021 (PGCPB Resolution No. 16-03) was also approved by the Planning Board to reflect the same plan revision.

The site also has an approved Stormwater Management Concept Plan, 36373-2006-04, which was approved on December 22, 2015 and is valid through May 4, 2017.

6. **Design Features:** Phases I and II of Westphalia Row are under construction. South of Fernwood Drive, Phase I includes 114 townhouses on fee-simple lots around two small open spaces. Of these 114 townhouse units, 83 are rear-alley loaded units, while 31 are front-loaded units laid out along the southern edge of the site. The majority of this phase of the development is already built and occupied and no changes are proposed with the subject revision.

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

This subject application proposes a modification of Phase III of Westphalia Row, which was previously approved with 250 multifamily units and 57,600 square feet of commercial uses in the northeastern portion of the site. The subject application proposes a one-story, 10,000-square-foot commercial retail building located in the northeast corner of the property, closest to the intersection of Sansbury Road and Ritchie Marlboro Road. Surface parking for the commercial use would be located to the west and south of the building, with one new access point from Sansbury Road. A loading space and enclosed trash facility are located at the north end of the parking lot. Sixty-seven, rear-loaded townhomes are laid out in a grid pattern to the west and south of the commercial parking area, with some open spaces serving as a buffer between the two uses. All of the townhouses have rear-loaded garages and are accessed by private streets and alleys. The townhouses are arranged in groups, or sticks, of four, five, six, seven, and eight units. There are three sticks with four units; one stick with five units; two sticks with six units; two sticks with seven units; and three sticks with eight units.

Three outdoor sitting areas are proposed in the middle of this phase, helping to buffer between the commercial and residential uses. Stormwater is being accommodated in small bioretention facilities throughout this phase. Decorative 42-inch-high metal-picket fencing with brick piers is proposed between the residential and commercial uses and along the Ritchie Marlboro Road and Sansbury Road frontages. Additionally, a ten-foot-high Westphalia gateway entrance sign is proposed to be located on the commercial property facing the intersection of Ritchie Marlboro Road and Sansbury Road. Vinyl-picket fencing, brick piers and entrance features are provided along the residential frontages on Sansbury Road and Fernwood Drive, similar to those that were proposed in the previous phases.

Residential Architecture: The applicant has submitted new architecture with the subject DSP as Phase III is the first portion of the development to propose 16-foot-wide townhomes. The proposed units are either 40 or 42 feet deep, with a maximum building height of 42 feet, four-story, and have a base finished square footage of either 1,812 square feet or 1,876 square feet. Four different front elevations are available, which offer a combination of the following features: brick veneer, vinyl siding, brick rowlocks and headers, keystones, specialty windows, shutters, and enhanced trim. All side elevations offer a substantial amount of fenestration, approximately ten windows, with brick facing up to the top of the first floor as standard feature. The rear elevations include optional decks, carriage-style garage doors, and standard brick facing up to the top of the first floor, with vinyl siding above. All units have a flat roof with roof decks on approximately the rear half of the top level.

With the approval of Detailed Site Plan DSP-08039, the Planning Board evaluated the layout of Phase I, designated higher-visibility lots, and determined that the sides of townhouses on these lots shall be fully faced finished with brick. In keeping with this approach, the applicant proposed the lots in Phase III to be designated as higher-visibility lots, and sides of townhouses on these lots should be fully finished with brick or stone including: Lots 95, 99, 106, 107, 125, 126, 133, 134, 140, 141, 151, and 152. The Planning Board agrees with this list, however, they found that the additional lots should also be designated as higher-visibility for Phase III including, Lots 98, 114, 115, 118, 119, and 161. The location of these additional lots and their visibility within the community is similar to those lots designated in previous phases. Therefore, a condition has been included in this approval requiring this addition.

The Planning Board also approved previously a standard that at least 60 percent of the units in each building stick shall have a full brick front. This standard should be applied to the townhouses in Phase III, with the exception that the lots that front Ritchie Marlboro Road (Lots 95–106) should be treated with full brick or stone fronts due to the higher visibility associated with proximity to that roadway, and the gateway designation of the subject site. A brick tracking chart with the lots in each stick has been added to the plans to monitor conformance with this requirement.

Commercial Architecture: The front elevation of the 27.5-foot-high, one-story, 10,000-square-foot, commercial building is oriented west towards the proposed parking lot. However, all four elevations have a high-quality design finished in the same materials including a cast stone base, red brick veneer finish, aluminum storefront windows and doors, aluminum shade canopies at either end, vinyl or canvas awnings, a varied, flat, roofline with cream or white exterior insulation finishing systems (EIFS) cornice and accent pieces, and some cementitious panels. All elevations include a fair amount of windows, with the majority of the doors on the western façade, and only one door on each of the north, south and eastern façades. Typical building-mounted signage was also provided; however, the specifics and exact door and sign locations may change per some tenant's specific requirements.

Two freestanding signs are proposed along the property's Ritchie Marlboro Road frontage. An eight-foot-high, double-sided, approximately 77-square-foot sign that says "Westphalia Row Shoppes" is located near the western end of Phase III's frontage and a second, 13.75-foot-high, double-sided, approximately 110-square-foot sign is located closer to the commercial building. The second sign says "Westphalia Row Shoppes" at the top and includes multiple tenant panels below. Both signs are finished in red brick with precast concrete caps and have a decorative arch feature.

Recreational Facilities: Westphalia Row proposes to provide a mix of indoor and outdoor recreational facilities for the future population. The central village green, located in Phase I, is proposed to include a community building and also a gazebo and benches. Finding 10 of PGCPB Resolution No. 09-44 for DSP-08039 states that "the applicant proffered to construct the community building prior to the issuance of the 175th building permit for the site." At the time of

Detailed Site Plan DSP-08039-06, this was revised to require construction of the community building prior to approval of the 204th building permit in Phases I and II.

At this time, the applicant has requested that this requirement be extended slightly to the 209th building permit. The total number of residential units in all phases is 275, so the 209th building permit requested would be approximately 76 percent of the total units. However, the requested 209 number would allow the applicant to completely build out Phases I and II without constructing the community building, which could prove problematic. Therefore, the Planning Board found that this trigger be established to require construction of the community building prior to approval of the 208th building permit, which would mean it must be under construction prior to the completion of Phases I and II combined. This is the main recreation facility on the development site that needs to be completed and open to the residents before the beginning of Phase III.

In addition to the community building, outdoor activity areas, with active play equipment for children, have been provided in the previous phases. The only recreational amenities provided in Phase III are three sitting areas with walkways and benches. This is appropriate because these areas are located between the commercial and residential uses and will be more exposed to commercial site users and the adjacent public rights-of-way. The sitting areas will create an attractive buffer between the two uses. Notes are provided on the coversheet indicating that the sitting areas will be started upon completion of the adjacent residential lots, which is similar to the triggers for the previous phases. The applicant's previously approved recreational facilities agreement (RFA) should be updated to reflect the changes in the subject DSP and to account for any facilities that have been inspected and deemed complete.

COMPLIANCE WITH EVALUATION CRITERIA

7. **The requirements of the Zoning Ordinance:** The subject DSP has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-547, Uses Permitted, of the Zoning Ordinance. The proposed residential and commercial uses in this application are permitted uses in the M-X-T Zone.
 - b. The DSP is consistent with Section 27-548, Regulations. The following discussion is offered:
 - (1) The proposed floor area ratio (FAR) is provided on the DSP. The proposed FAR (0.62) is within the amount permitted (1.4).
 - (2) Developments in the M-X-T Zone are required to have vehicular access to a public street in accordance with Section 27-548(g) noted below.

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

While the overall development is accessed by public streets, the individual townhouse lots will be served by private streets and alleys. The use of private streets and alleys has been authorized pursuant to Subtitle 24.

- c. The DSP is in conformance with the applicable site plan site design guidelines contained in Section 27-283 as cross-referenced in Section 27-274. The subject development provides a more compact, urban layout, and in accordance with Section 27-274(a)(11)(B) the units front on roadways. Where the units do not front on roadways they front on shared green space.

To convey the individuality of each townhouse unit, the design of abutting units should avoid the use of repetitive architectural elements and should employ a variety of architectural features such as roofline, window and door treatments, projections, colors, and materials. The proposed townhouse architecture is consistent with this guideline.

- d. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone has been calculated by the applicant and submitted for Planning Board approval at this time. The parking provided is adequate to serve the use. In the approval of Conceptual Site Plan CSP-07001, the Planning Board found that each portion of the development should provide extra parking for guests and visitors that constitutes at least ten percent of the spaces required by the Zoning Ordinance. The site plan conforms to this standard. For additional discussion of the parking requirement see Finding 9.
- e. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings for the Planning Board to approve a DSP in the M-X-T Zone, as follows:

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

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

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

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

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

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

The most intensive use, the commercial building, is located in the northeast corner of the site, with the single-family attached units occupying the rest of the site, helping to transition toward the lower-density residential uses south of the site. The proposed development will be compatible with the proposed development in the rest of the village center across Sansbury Road. The proposed townhouse units are consistent with approved units in other phases of the subject development project.

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

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

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

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

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

The DSP shows sidewalks along all public and private roads, forming a comprehensive pedestrian network throughout the site. The pedestrian system includes clearly defined routes and crossings within Phase III to connect to the commercial building and the other phases.

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

The submitted DSP shows high-quality urban design of the gathering places through the use of decorative fencing and lighting, benches, berming and varied landscaping.

- (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, or will be provided by the applicant, 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 not a CSP, so this finding is not applicable.

- (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.**

The subject application is a modification to Phase III of Westphalia Row. This phase of the development is the subject of PPS 4-15021, which was approved by the Planning Board on January 7, 2016 and included a finding of adequacy for the subject development.

8. **2007 Approved Westphalia Sector Plan and Sectional Map Amendment:** The subject site plan is located within the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, and is identified as a Mixed-Use Activity Center and one of nine gateways into Westphalia area.

This site was rezoned as part of the sector plan from the R-R to M-X-T Zone. As part of that application process, a series of design concepts were included as appendices in the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* as Public Exhibit 19. The Westphalia Row project is located in a designated mixed-use activity center at the northern gateway to the sector plan area along a local street (Sansbury Road) and an arterial highway (Ritchie Marlboro Road), close to the interchange with the Capital Beltway (I-95/495).

Village Center Guidelines

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

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

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

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

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

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

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

The commercial building is proposed to be one-story. However, it will be approximately 27 feet high and is designed to have a two-story appearance. The proposed townhouses will fall within the specified height range.

This application will result in an overall net density reduction from approximately 22.7 dwelling units per acre to 13.7 dwelling units per acre. However, the reduced residential density is still within the middle of the desired development density range provided in the sector plan, which is 4.5 to 28 dwelling units per net acre.

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

The majority of the residential surface parking proposed on the site is envisioned as parallel or perpendicular parking along the private internal roads. The proposed commercial parking areas are located to the side and rear of the building, and will be screened from the public walks and streets by landscaping, fences and decorative walls.

Gateway Guidelines

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

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

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

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

9. **Conceptual Site Plan CSP-07001 and its revisions:** Conceptual Site Plan-07001 was approved by the District Council on July 1, 2008, for construction of 140–180 townhouses, 48–96 three-family (triplex) dwelling units, 200–325 multifamily dwelling units, 40,000–70,000 square feet of office, and 10,000–30,000 square feet of retail. On June 18, 2012, the District Council approved Zoning Ordinance No. 7-2012 to amend Condition 9(b)(2). On June 5, 2014, the Planning Board approved a revision to Conceptual Site Plan CSP-07001-01 (PGCPB Resolution No. 14-51) to replace the previously approved triplex units in the northwest corner of the site with townhouses, subject to 24 conditions. The conditions of CSP-07001 and CSP-07001-01 were thoroughly reviewed and carried forward with the subsequent revisions, as necessary. Therefore, they do not need to be included here for review and only the conditions of the latest approval, CSP-07001-02, are applicable as follows:

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

No dedicated parkland is proposed with the subject DSP.

3. **Prior to approval of a future detailed site plan for the proposed townhouses, public views of alleys shall be minimized by screening the ends of alleys to the fullest extent possible.**

The submitted DSP is consistent with the layout of the approved CSP. All alleys that end in public view have been shown to be screened to the fullest extent possible through the use of fencing and landscaping.

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

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

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

No front-loaded townhouses are proposed on the subject DSP revision.

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

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

The proposed rear-loaded townhomes conform to these standards, however, the development standards chart on the coversheet is incorrect. Therefore, a condition has been included in this approval requiring a revision to reflect those standards.

c. Commercial/Retail building

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

The proposed commercial building conforms to standard (3) as it is proposed to be 27.5 feet high. However, as allowed in this condition, the applicant is now requesting a revision to standards (1) and (2) for the commercial/retail building. They request the following standards instead:

- (1) For its entire length, the commercial/retail building shall be set back 15-35 feet from the ultimate right-of-way line of Ritchie Marlboro Road. Commercial and residential building walls must be within 35 feet of the ultimate right-of-way line for at least 34 percent of the linear distance of Phase III's frontage on Ritchie Marlboro Road.**
- (2) For its entire length, the commercial/retail building 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 55 percent of the linear distance of the parcel's frontage on Sansbury Road.**

The Planning Board can approve this modification with this DSP, without modification of the CSP, if it finds such modification is appropriate and consistent with the character and quality of the development envisioned by the CSP and the sector plan. These approved standards were put in place during the 2008 CSP and Westphalia sector plan approval process to require that buildings fronting on Ritchie Marlboro and Sansbury Roads be in close proximity to the ultimate rights-of-way in order to create an inviting, pedestrian-friendly environment suitable for the recommended dense, mixed-use development at this gateway to Westphalia area.

The submitted DSP shows that the commercial building is located within 15 to 25 feet from the Ritchie Marlboro and Sansbury Road rights-of-way for the entire length of the building's sides, which positions the building as close or closer to the street as originally envisioned. Additionally, sidewalks connect at multiple points providing access to the commercial/retail area from Ritchie Marlboro (which connects to the bus stop) and Sansbury Roads and the interior of the Westphalia Row community that will continue to create an inviting, pedestrian-friendly environment.

In regard to the Sansbury Road setback standard, this DSP proposes a vehicular entrance along this frontage that will create a safer, more efficient, direct access to the retail parking lot. As a result, the vehicular entrance takes up a portion of the frontage along Sansbury Road that would have previously been available for the building. The commercial parcel has approximately 260 feet of frontage on Sansbury Road and the building length along this frontage is approximately 150 feet.

In regard to the Ritchie Marlboro Road setback standard, at the time of PPS, the commercial parcel was extended to include almost all of Phase III's frontage on Ritchie Marlboro Road to accommodate signage and the required historic road landscape buffer. This change gave the commercial parcel approximately 448 feet of frontage on Ritchie Marlboro Road with only approximately 67 feet of commercial building within 35 feet of the right-of-way. However, approximately seven townhomes are also within 35 feet of the right-of-way and should be included in the calculation, which should be extended to the entire length of Phase III's frontage on the road. The combination of buildings, fencing and enhanced landscape buffer will create an inviting, pedestrian friendly frontage on Ritchie Marlboro Road as was envisioned by the CSP and sector plan. As a result, the Planning Board finds that the proposed modifications are appropriate and consistent with the character and quality of development envisioned in the CSP and sector plan.

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

While this condition originally applied to the Phase I townhouses, it is equally relevant to the subject proposal. The applicant proposes adequate parking for each residential unit as well as visitors' parking spaces, as follows:

Number of Units: 67

Parking Required Per Unit: 2.04 x 67 units = 137 spaces

Parking Provided: 172 spaces

Percent of Visitor Parking Spaces Required (non-garage): 10 percent

Percent of Visitor Parking Spaces Provided (on-street): 25 percent

Each townhouse includes a two-car garage and no driveway parking spaces. On-street parking spaces are provided that will serve the needs of residents and their visitors.

6. **At time of detailed site plan review for Phase III of the development, the site shall be evaluated for conformance with the gateway design guidelines of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. A package of design items such as gateway entrance features, architectural design (including four highly-designed sides with a two-story appearance), materials, colors, landscape palette, and streetscape features shall be provided in order to create a distinctive sense of arrival. Design details for a gateway feature near the Ritchie Marlboro Road and Sansbury Road intersection shall be provided.**

The submitted DSP conforms to this requirement through the provision of the following: a detail and location for a gateway entrance feature; a commercial building with a two-story appearance; decorative metal fencing, with brick piers in some locations; and diverse landscape plantings, which in combination create a distinctive sense of arrival.

7. **Prior to approval of the detailed site plan by the Planning Board, the applicant and the applicant's heirs, successors, and/or assignees shall provide adequate on-site private recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. The private recreational facilities shall be reviewed by the M-NCPPC Development Review Division (DRD), Urban Design Section, for adequacy and proper siting.**

The Planning Board finds that adequate recreational facilities will be provided on the subject site in accordance with the guidelines. There are two play areas, a sitting area and the community building with exercise room located within Phase I, one sitting area within Phase II and three sitting areas within Phase III. No additional playgrounds are proposed within Phase III.

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

The subject revision complies with this requirement. Those play areas are located within Phase I of the development, and are within walking distance to the proposed townhouses in Phase III.

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

The submitted DSP reflects an eight-foot-wide sidewalk along Sansbury Road in conformance with this condition.

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

This condition remains in effect and will be enforced at the time of record plat and building permit.

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

As approved with conditions, the pedestrian amenities on the subject site will be adequate to serve the proposed population. Sidewalks and crosswalks are proposed in appropriate locations throughout the development.

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

At the time this original condition was written, a financing structure for Westphalia had not been created, and contributions to Westphalia were voluntary. While contributions are no longer voluntary, the above condition appears to create an exemption for the applicant. As the subject application is a minor modification to a previously approved plan that

reduces the number of units from the number within the previous approval, this finding has not been revisited by the Planning Board. The applicant has been asked if a desire to contribute to Westphalia's Central Park remains. The applicant has declined to make such contributions.

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

The above condition remains in effect and should be addressed prior to the approval of any residential building permits for buildings located within the 65 dBA Ldn noise contour.

10. **Preliminary Plan of Subdivision 4-15021:** Preliminary Plan of Subdivision 4-15021 for Westphalia Row was approved by the Planning Board on January 7, 2016, subject to 18 conditions, of which the following are relevant to the review of this DSP:

3. **In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:**
 - a. **Provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage along Sansbury Road. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.**

This condition will be enforced prior to the issuance of the first building permit as required.

4. **Development of this site shall be in conformance with Stormwater Management Concept Plan 36373-2006-04 and any subsequent revisions. A copy of the revised approved Stormwater Management Concept plan associated with approval 36373-2006-04 shall be submitted at the time of DSP.**

The DSP is in conformance with Stormwater Management Concept Plan 36373-2006-04. The plans were part of the submittal package, and General Note 22 correctly references the stormwater concept approval.

6. **The proposed development shall be limited to a mix of uses that shall not exceed 66 AM and 118 PM peak-hour trips. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

The Planning Board finds that, based on the proposed site plan, the approved trip cap will not be exceeded.

7. **At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a ten-foot-wide public utility easement (PUE) along all public rights-of-way, and a ten-foot-wide PUE along one side of all private streets, unless an alternative to the PUE along the private streets is approved at the time of DSP.**

The submitted DSP shows the public utility easement (PUE) as required, except the PUE along Fernwood Drive needs to be extended to serve Lots 150 and 151. Therefore, a condition requiring this revision has been included in this approval.

8. **The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate private recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (M-NCPPC) for adequacy and property siting, prior to approval of the detailed site plan.**

Private recreational facilities are shown on the submitted DSP and have been reviewed for adequacy and proper siting as discussed in Finding 6 above.

11. **The final plat of the subdivision shall contain a note denying access to Ritchie Marlboro Road.**

This issue will be reviewed at the time of final plat; however, the submitted site plan does not propose access to Ritchie Marlboro Road.

13. **Prior to approval of the final plat of subdivision for Parcel Q (commercial), a draft vehicular access and public utility easement to the benefit of the homeowner's association (HOA) pursuant to Section 24-128(b)(9) and the approved PPS shall be approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC) and be fully executed. The easement documents shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of M-NCPPC. Prior to recordation of the final plat, the easement shall be recorded in land records and the liber/folio**

of the easement shall be indicated on the final plat and the limit of the easement reflected.

The specified vehicular access and public utility easement must be reflected on the DSP plans. Therefore, a condition requiring this revision has been included in this approval. Conformance to the easement documents will be further reviewed with the final plat.

- 14. Prior to approval of building permits for residential buildings located within the unmitigated 65 dBA Ldn noise contour of Ritchie Marlboro Road and dwellings located on Lots 106, 107, 125-133, 140 and 141, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that the building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.**

General Note 24 on the DSP coversheet should be revised to correctly reflect the lots listed within this condition.

- 15. At time of DSP, the relationship between the commercial and residential land uses shall be evaluated to incorporate berming or decorative fencing as determined appropriate.**

In conformance with this condition, a berm and decorative fence have been incorporated between the commercial building and the residences to the west. Between the commercial building and the residences to the south, a buffer is created by the proposed retaining wall with decorative fence at the top.

- 17. At the time of final plat approval, the applicant shall dedicate 3,484.8 square feet of additional public right-of-way along Sansbury Road, as reflected on the approved preliminary plan of subdivision.**

The proposed road dedication is unclear on the submitted DSP. The DSP should be revised to clearly show the proposed road dedication, label the boundaries with bearings and distances, and quantify the area in square feet that is to be dedicated to public use, to match the future record plat. Therefore, a condition has been included in this approval requiring this revision.

- 11. Detailed Site Plan DSP-08039 and its revisions:** The following is an analysis regarding the plan's conformance with previous conditions of approval attached to DSP-08039 and its revisions:
 - a. The first phase of development, consisting of 153 townhouses on the southern portion of the site, was approved by the Planning Board as Detailed Site Plan DSP-08039 on March 5, 2009 (PGCPB Resolution No. 09-44), and later approved by the District Council on September 14, 2009. The following condition of DSP-08039 are relevant to the subject DSP as follows:

9. **Prior to the issuance of building permits for the townhouses north of Fernwood Drive, the applicant shall submit and obtain approval of a revision to the site plan by the Planning Board or its designee. The revised site plan shall show the location and appearance of the noise wall. The noise mitigation shall be reviewed for the adequacy of noise reduction and for appearance by the Environmental Planning Section and the Urban Design Section. If grading in the northwest portion of the site has altered the required noise mitigation, an updated Phase II noise study shall be submitted to demonstrate the required height and location of any required noise wall or other mitigation.**

This condition was addressed by a prior DSP approval.

- b. A total of 96 triplex units in Phase II were approved by the Planning Board as Detailed Site Plan DSP-08039-01 on September 10, 2009 (PGCPB Resolution No. 09-131), subject to six conditions, none of which are relevant to the subject revision.
- c. DSP revisions -02, -03, -04, and -05 were all for architectural revisions and were approved by the Planning Director between 2010 and 2012.
- d. Detailed Site Plan DSP-08039-06 was approved by the Planning Board on September 10, 2009 (PGCPB Resolution No. 14-69) to replace the triplex units in Phase II with fee-simple townhouse lots. The following conditions of DSP-08039-06 are relevant to the subject DSP as follows:

6. **Prior to final plat, the applicant's private recreational facilities agreement (RFA) shall be amended to reflect the changes to recreational facilities approved in the subject detailed site plan. The RFA shall specify the timing for the construction of the community building, and state that there shall be no fewer than three pieces of exercise equipment in the community building.**

This condition should be carried forward with this approval as the RFA will need to be amended again to include the recreational facilities approved in this DSP.

- 8.a. **The applicant may not begin construction of the multifamily buildings or the parking structure that will serve the commercial retail and office building until a detailed site plan is approved for the multifamily buildings and parking structure (the "Multifamily DSP"). The Multifamily DSP shall show all parking required for the commercial retail and office building.**

This condition is no longer valid as no multifamily buildings or parking structure are proposed. The submitted DSP does show all parking required for the commercial retail building as discussed in Finding 2 above.

- b. **The applicant shall complete construction of the multifamily buildings and the parking structure that will serve the commercial building concurrently.**

This condition is no longer applicable as no multifamily buildings or parking structure are proposed. However, the intention of this condition is still valid and the applicant proposed to revise it to require completion of construction of the Phase III townhouses and the parking lot that will serve the commercial retail building concurrently. The Planning Board agrees with this revision and the new condition has been included in this approval.

- c. **Prior to M-NCPPC approval of a use and occupancy permit for the multifamily buildings and the parking structure referred to above, the applicant shall obtain M-NCPPC approval of a building permit to begin construction of the commercial retail and office building.**

This condition is no longer valid as no multifamily buildings or parking structure are proposed. However, the intention of this condition is still valid and the applicant proposed to revise it to require that prior to M-NCPPC approval of a use and occupancy permit for the 272nd townhouse, the applicant shall obtain M-NCPPC approval of a building permit to begin construction of the commercial retail building. The Planning Board agrees with this revision and the new condition has been included in this approval.

9. **Prior to M-NCPPC approval of the 204th building permit for Westphalia Row, Phases I and II, the applicant shall complete construction of the 2,400-square-foot community building on Parcel E.**

Based on Finding 6 above, and in response to the applicant's request, the Planning Board finds that this condition should be revised to the 208th building permit.

12. **2010 Prince George's County Landscape Manual:** Per Section 27-548 of the Zoning Ordinance, landscaping, screening, and buffering within the M-X-T Zone shall be provided pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The following discussion is offered regarding the applicable provisions of the Landscape Manual:

- a. **Section 4.1, Residential Requirements**—Section 4.1 requires a minimum number of trees be provided per townhouse lots, which can be provided on lots or in common open space. The correct schedule is provided on the landscape plan showing this requirement being met for the 67 proposed townhouse lots through the provision of 101 shade trees, 61 ornamental trees and 6 evergreen trees.
- b. **Section 4.2, Requirements for Landscape Strips Along Streets**—Section 4.2 applies to all public and private road frontages of properties with nonresidential uses, which in this DSP includes only the Sansbury Road frontage of the commercial parcel within the subject development. The correct schedule showing the requirements being met, with 6 shade trees and 51 shrubs, has been provided on the landscape plan.
- c. **Section 4.3, Parking Lot Requirements**—Section 4.3 requires a percentage of the parking lots over 7,000 square feet, determined by the size, to be interior planting area and a perimeter landscape strip along all adjacent properties. The required schedule has been provided demonstrating conformance with this section for the commercial parking lot by the provision of eight percent interior landscaping area planted with the six required shade trees.
- d. **Section 4.4, Screening Requirements**—The site is subject to Section 4.4, which requires screening of loading spaces, trash facilities, and mechanical equipment. A detail for a brick-veneered trash enclosure has been provided for the proposed dumpster. No proposed ground-level mechanical equipment is shown on the submitted DSP. The proposed loading space will be screened from the public streets and the adjacent residential units by a combination of plantings and fences.
- e. **Section 4.6, Buffering Development from Streets**—Section 4.6 requires a buffer between any use and the right-of-way of a special roadway. Ritchie Marlboro Road is classified as a designated historic roadway adjacent to the subject property. Therefore, a Section 4.6 buffer is required, including a minimum 20-foot-wide buffer planted with a minimum 80 plant units per 100 linear feet of frontage, excluding driveway openings (within the area formerly designated as the Developing Tier). Section 4.6 requires all plant materials to be located outside of any public utility easements (PUEs) adjacent to the right-of-way, which there are none along this frontage. The correct schedule is provided on the landscape plan showing this requirement being met for the roadway frontage.
- f. **Section 4.7, Buffering Incompatible Uses**—Section 4.7 requires a buffer between adjacent incompatible land uses, but not between different land uses in a mixed-use development under a unified development scheme. Therefore, there are no buffers required under this section. However, landscaping treatments and sitting areas are provided between the commercial building and the townhouse units.

- g. **Section 4.9, Sustainable Landscaping Requirements**—Section 4.9 requires that a certain percentage of plants within each plant type (including shade trees, ornamental trees, evergreen trees, and shrubs) should be native species (or the cultivars of native species). The minimum percentage of plants of each plant type required to be native species and/or cultivars is specified below:

Shade trees	50 percent
Ornamental trees	50 percent
Evergreen trees	30 percent
Shrubs	30 percent

The landscape plan provides approximately 66 percent native shade trees, 52 percent native ornamental trees, 31 percent native evergreen trees, and 45 percent native shrubs and, therefore, meets the above requirements.

- h. **Section 4.10, Street Trees along Private Streets**—Section 4.10 provides specifics for the planting of street trees along private streets, which apply to the subject development. The submitted landscape plan provides the required schedule showing some of the requirements of this section not being met. Therefore, the applicant filed a request for Alternative Compliance, AC-16002, from the requirements of Section 4.10, Street Trees along Private Streets, discussed as follows:

Private streets will serve both the residential and commercial development. Private streets are required to be planted with street trees in accordance with Section 4.10 of the 2010 *Prince George's County Landscape Manual*. The applicant has filed this request for Alternative Compliance from Section 4.10 for the required street trees to be located in a non-continuous landscape strip, to vary from the street tree spacing requirements, to locate trees in spaces other than between the sidewalk and face of curb, and for a minimum distance to point of curvature of 17.5 feet.

REQUIRED: 4.10 Street Trees Along Private Streets (Private 'Road E' and east side of Westborne Drive)

Length of Street Frontage	1,031 feet
Number of Street Trees	30

PROVIDED: 4.10 Street Trees Along Private Streets (Private 'Road E' and east side of Westborne Drive)

Length of Street Frontage	1,031 feet
Number of Street Trees	30

Justification

Section 4.10, Street Trees Along Private Streets, includes multiple requirements for street trees along private streets. These requirements include that street trees should be planted in a space not less than five feet wide between the curb and the sidewalk, be spaced between 25 and 50 feet on-center, in a minimum soil surface area of 150 square feet for isolated trees, located a minimum 35 feet from the point of curvature of an intersection, and located a minimum ten feet from the point of curvature of a residential driveway. The subject application proposes to provide on-street parallel parking spaces in front of the townhouses, as visitor parking spaces within this compact urban subdivision. The application does not provide for the required continuous five-foot-wide tree bank between the face of curb and sidewalk, the trees are placed in islands, are spaced less than 25 feet and more than 50 feet apart, and some trees are planted closer than 35 feet to the point of curvature of an intersection of two streets. Nonetheless, the applicant is proposing to provide more than the required number of street trees with the minimum soil surface areas required. The Planning Board agrees that the applicant has made an effort to meet the intent of Section 4.10, though it was not possible to meet every dimensional requirement within the compact site design. The proposed street trees are generally provided along the entire length of the private streets, within an area a minimum five feet wide and with a minimum 150 square feet of soil surface, which will provide tree canopy over the streets. However, the Planning Board finds that provision of three more than the required number of street trees with modified dimensional standards is a reasonable alternative which will be equally effective as compliance with Section 4.10 of the Landscape Manual.

The Planning Board approves Alternative Compliance from Section 4.10 of the Landscape Manual for Westphalia Row, Phase III, Lots 95–161 and Parcels A, B, C, P, Q, R, and S, Block A, subject to the following condition, prior to certificate of approval of the plans:

- (1) Three additional landscape islands and street trees shall be provided in the following approximate locations: on 'Private Road E' between Lots 111 and 112; on 'Private Road E' across from Lot 110 adjacent to Parcel B; and on the east side of Westborne Drive between Lots 157 and 158.

13. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the site exceeds 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. Currently, this site has an approved TCPI (TCPI-033-07-03) and TCPII (TCPII-055-08-03). The submitted DSP application includes a revised TCP2 which is subject to the current regulations because a new PPS was recently approved.

This 22.44-acre property contains a total of 8.74 acres of woodland outside the 100-year floodplain according to the NRI. The woodland conservation threshold is 3.01 acres. The subject site proposes to clear an additional 8.31 acres of the existing 8.74 acres. The cumulative woodland conservation requirement is 7.07 acres. The TCP2 proposes to meet the subject site's portion of

the overall requirement with 0.35 acres of woodland preservation, 0.53 acres of reforestation/afforestation, and 6.19 acres of off-site woodland conservation. Through other permitting activities at the subject site, the overall site has complied with the required bonding of on-site planting and purchasing of off-site woodland credits. No additional clearing is proposed as part of this submission. Conditions have been included in this approval regarding small technical revisions needed on the TCP2.

14. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires properties that are zoned M-X-T to provide a minimum ten percent of the gross tract area in tree canopy. The subject property is 20.67 acres in size, resulting in a tree canopy coverage requirement of 2.07 acres. The DSP indicates compliance with this requirement for the entire area of the DSP through both preservation of existing woodlands and proposed tree plantings.
15. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning**—This application is consistent with the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) Future Land Use category for Mixed-Use described as areas of various residential, commercial, employment, and institutional uses. This application is in conformance with the land use recommendations, and design policies and principles intended to implement the development concepts recommended by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (sector plan and SMA).

Development Pattern: The Westphalia Row project is located in a designated mixed-use activity center at the northern gateway to the sector plan along a local street, Sansbury Road, and an arterial highway, Ritchie Marlboro Road, close to an interchange for the Capital Beltway, a freeway. The original CSP for Westphalia Row was approved by the Planning Board in 2008. The townhouse portions of the project (Phases I and II) are currently under construction. The layout of Phase II was amended in 2014 when triplex units were replaced with 20-foot-wide townhouses.

For Phase III, the applicant proposes to amend Detailed Site Plan DSP-08039 by maintaining 10,000 square feet of retail; eliminating 4,400 square feet of retail, 43,200 square feet of office, 250 multifamily dwelling units, and a five-story parking structure; and adding 67, four-story rear-loaded, urban chic townhouse dwelling units. The sector plan envisioned this mixed-use activity center as having a main street development character (see Illustration 5 on page 29 of the Westphalia sector plan). The Design Principles on page 30 of the plan called for developing distinct, high-quality, walkable, mixed-use and "main street" commercial development areas.

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

The Planning Board considered concerns with the reduction in density during the review of CSP-07001-02 and PPS 4-15021 because the project misses the opportunity to create market demand for desired non-residential uses. This project will result in an overall net density reduction from approximately 22.7 dwelling units per acre to 13.7 dwelling units per acre. However, the reduced residential density does fall within the desired development density range provided in the sector plan, which is 4.5 to 28 dwelling units per net acre.

Conceptual Site Plan CSP-07001 and Detailed Site Plan DSP-08039 placed high-density, multifamily residential directly across Sansbury Road from a future gas station and convenience store. While this is permitted in the Zoning Ordinance, it is not an ideal mix of uses. The 10,000-square-foot neighborhood commercial center, proposed by the applicant at the corner of Sansbury and Ritchie Marlboro Roads, will help buffer future uses across Sansbury Road from the residential portions of the development. In addition, green space has been provided in strategic areas between the on-site residential and retail to buffer the residential from the retail, and pedestrian connections are also included between the on-site residential areas and the commercial center.

Westphalia Gateway: This project is located within a designated “gateway” in the Westphalia Sector Plan. Policy 7 on page 32 of the Plan, establishes the intersection of Ritchie Marlboro Road and Sansbury Road as one of the gateways entering the Westphalia community. Gateways require compliance with design principles aimed at distinguishing and delineating them as attractive entrances into the sector. Gateway design principles from the Westphalia Sector Plan include the following:

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

- **Landmark elements such as entrance signage, artwork, monuments constructed on features such as stone or masonry, decorative columns, water features, or clock towers.**

- **Landscape design including both softscape and hardscape elements.**
- **Resting and recreational facilities, information kiosks, or other amenities as appropriate.**

The design of buildings, landscaping, signs, and any special features along the Ritchie Marlboro Road frontage as well as Sansbury Road are critical to the image of Westphalia that will be portrayed at this northern entryway. Stakeholders in the Westphalia sector have been working together for several years to provide for gateway signage design that can be used at all gateway locations. The applicant has shown the design and location of a gateway feature on the plans. This is the first project in Westphalia area to incorporate and commit to providing the selected signage and logo. The Planning Board commends the applicant for leading the way on this issue for the entire sector.

Conformance with the Sector Plan: Section 27-546(d)(2) of the Zoning Ordinance requires that for property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development be 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. Although the applicant has not fully achieved the original vision of the sector plan for main street design character, the applicant has provided a well-designed, mixed-use community at the northern Westphalia Gateway area. In addition, the applicant has incorporated a Westphalia Gateway feature into their site, becoming the first applicant to do so.

Specific Design Comments:

- (1) Revise the configuration of the gateway sign to face the middle of the Sansbury Road and Ritchie Marlboro Road intersection instead of being perpendicular to Ritchie Marlboro Road. Revise the configuration of the three river birch trees to ensure the gateway signage is visible from the intersection. Once the sign is turned, link the 48-inch-high picket fence to both sides of the sign.
- (2) Add an outdoor dining area between the picket fence and commercial building towards Fernwood Drive.
- (3) Address the variability of existing and proposed fence types, i.e., four-foot-high, scalloped, vinyl picket; three-foot-high, vinyl, two-rail; six-foot-high, black, metal picket; four-foot high, black, metal picket, especially at the transition from the six-foot to four-foot-high black metal picket fence at the boundary between the residential and commercial uses.

The DSP was revised to address the comments regarding the gateway sign and fences. The DSP should be further revised to show a potential outdoor dining area between the southern end of the commercial building and the picket fence along Sansbury Road, if it is practical.

- b. **Transportation Planning**—The Planning Board reviewed an analysis of the DSP's conformance with the transportation-related PPS conditions, which is incorporated into Finding 10 above. Additionally, the Board found that all other aspects of the site design pertaining to access and circulation are adequate.
- c. **Subdivision Review**—The Planning Board reviewed an analysis of the DSP's conformance with the PPS conditions, which is incorporated into Finding 10 above with conditions of approval. The Planning Board concluded that the PPS conditions are addressed and that the DSP is in substantial conformance with the PPS.
- d. **Trails**—The Planning Board reviewed an analysis of the DSP's conformance with previous approvals incorporated into Findings 9, 10 and 11 above as well as the following summarized comments:

The DSP was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements. The site is covered by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (area master plan). Because the site is not within a designated Center or Corridor, it is not subject to Section 24-124.01 or the "Transportation Review Guidelines – Part 2, 2013."

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

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

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

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

Sidewalks have been required along the internal roads (excluding alleys) at the time of prior approvals. At the time of PPS 4-15021, one additional segment of sidewalk was added on the south side of Private Alley 8 within Phase III. This sidewalk connection has been incorporated into the revised DSP. Sidewalks and crosswalks are shown at all appropriate locations. The Planning Board supports the relocation of the sidewalk connection to the trail along Ritchie Marlboro Road to the retail portion of the site as shown on the plans. A small amount of bicycle parking is required at the retail development. A condition requiring this revision has been included in this approval.

- e. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated March 10, 2016, the Department of Parks and Recreation indicated that per the PPS, the applicant is required to provide private recreational facilities on-site. Private recreational facilities should be reviewed by the Urban Design Section for adequacy and proper configuration on-site prior to approval of the subject DSP.
- f. **Environmental Planning**—The Planning Board reviewed comments on the DSP and Type 2 Tree Conservation Plan TCP2-055-08-04 as follows:

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

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

- (2) **Natural Resource Inventory:** A signed Natural Resources Inventory (NRI 114 06), which included a detailed forest stand delineation (FSD), was submitted with the application. The site contains sensitive environmental features such as streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils. The FSD report describes four forest stands totaling 8.92 acres dominated by yellow poplar, sweet gum, and red oak. Because the most recent NRI is now expired, a revised NRI may be required for any stormwater management application.
- (3) **Regulated Environmental Features:** The primary management area (PMA) on the plan is shown with impacts. These impacts were previously approved with applications CSP-07001, 4-07038, DSP-08024, and DSP-08039. No new impacts to the PMA area shown with this application.
- (4) **Noise–Roadways:** This property is located on the eastern side of the Capital Beltway (I-95), a classified freeway, and on the south side of Ritchie Marlboro Road, a classified arterial. Both are considered transportation-related noise generators. Sansbury Road is not classified as an arterial or greater roadway so it does not need to be included in the calculations. The TCP2 shows a noise attenuation wall in Phase II that will help mitigate the 65 dBA Ldn noise contour associated with I-95 and a portion of Ritchie Marlboro Road. The noise attenuation wall was previously approved with DSP-08039-06.

There are 20 proposed lots that front on Ritchie Marlboro Road and 32 proposed lots that back up to the Capitol Beltway that will be affected by noise. The units that back up to the Capitol Beltway (some have already been constructed) will be mitigated by the previously approved noise attenuation wall. The proposed buildings located in Phase III along Ritchie Marlboro Road will require an engineer to perform an acoustical analysis and recommend noise reducing building materials prior to permit approval. A condition has been included in this approval regarding this issue.

- (5) **Historic/Scenic–Roadways:** Ritchie Marlboro Road is designated as an historic road. When a roadway is designated as historic, it is because it is located in its historic alignment and there is an expectation that historic features will be found along its length, although not necessarily on every property. Roadways are a linear element, and the intention of the scenic buffer is to preserve or enhance the extent of the roadway and enhance the travel experience if scenic qualities or historic features have not been preserved.

The Landscape Manual, which became effective on December 13, 2010, requires a Section 4.6(2) landscape buffer (Buffering Development from Special Roadways) based on the development tier. In the Environmental Strategy Area 2 of Plan 2035 (formerly the Developing Tier), the required buffer along a historic road is a minimum of twenty feet wide to be planted with a minimum of eighty plant units per one hundred linear feet of frontage, excluding driveway openings. Landscaping is a cost effective treatment which provides a significant visual enhancement to the appearance of the historic road. Landscape Manual conformance is discussed in Finding 12 above.

- (6) **Soils:** The soils found to occur on this property are Collington-Wist complex, Downer-Hammonton complex, Marr-Dodon complex, Potabac-Issue complex and the Westphalia and Dodon soil series. According to available information, Marlboro clay does not occur on this property. This information is provided for the applicant's benefit and no further action is needed at this time. A soils report may be required by the Prince George's County Department of Environmental Resources (DoE) during the permit process review.
- (7) **Stormwater Management:** A Stormwater Management Concept Approval Letter (36373-2006-04) and associated plan were submitted with the application for this site. The approval was issued on December 22, 2015 with this project from the Prince George County Department of Permitting, Inspections and Enforcement (DPIE). This project will use micro-bioretenention facilities with infiltration. A stormwater management fee of \$19,190.00 for on-site attenuation/quality control measures is required.
- g. **Prince George's County Fire/EMS Department**—The Fire Department did not offer comments on the subject application.
- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated April 25, 2016, DPIE offered the following comments on the subject application:
 - (1) The subject DSP follows the previously approved Conceptual Site Plan CSP-07001-01, dated June 5, 2014, which proposed 250 multifamily units, 57,600 square feet retail/office building, and multifamily parking garage.
 - (2) A subsequent revision to the Conceptual Site Plan, CSP-07001-02, approved December 24, 2015, proposed 66 townhouse units, 10,000 square feet of retail/office building, and associated surface parking, utilities, stormwater management and landscaping.

- (3) The proposed changes to the layout of the property meet the intent of the approved Stormwater Management Concept Plan 36373-2006-04 dated December 22, 2015, which was originally approved on August 31, 2006.
- (4) The final stormwater management plans for this site were originally approved on October 7, 2009 (approval number 34729-2008). The existing ponds were constructed under Rough Grading Permit 16307-2009. These ponds were designed to provide channel protection and water quality.
- (5) The final erosion and sediment (E&S) control plans were originally approved on November 4, 2009 (approval number SC 244-09).
- (6) The approval of stormwater management concept, final stormwater management and final E&S plans prior to May 2010 results in this site being grandfathered from Environmental Site Design (ESD) to the maximum extent practicable (MEP) requirements.
- (7) The site plan has been revised; however, the amount of impervious has not increased. Therefore, the constructed stormwater management facilities are adequate.
- (8) This memorandum incorporates the site development plan review pertaining to stormwater management (Section 32-182(b) of the Prince George's County Code). The following comments are provided pertaining to this approval phase:
 - (a) Final site layout, the exact impervious area locations are shown on plans.
 - (b) The exact acreage of impervious areas has not been provided.
 - (c) Proposed grading is shown on the plans.
 - (d) Delineated drainage areas at all points of discharge from the site have not been provided.
 - (e) Stormwater volume computations have not been provided.
 - (f) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in the submittal.
 - (g) A narrative in accordance with the County Code has not been provided.

- (9) Modifications to the internal roadways may be required to allow for the turning movements required for a standard WB-40 vehicle, and a standard length fire truck. Please submit a truck turning maneuverability analysis to DPIE.
- (10) The property is located along the south side of Ritchie Marlboro Road, southwest of its intersection with Sansbury Road, on the southeast quadrant of the Capital Beltway (I-95/495) and Ritchie Marlboro Road interchange. Ritchie Marlboro Road is a State-maintained roadway up to the intersection with Sansbury Road; therefore, coordination with the Maryland State Highway Administration (SHA) is required. East and south of the intersection, Ritchie Marlboro Road and Sansbury Road are both County-maintained roadways. An eight-foot-wide sidewalk along Sansbury Road and Ritchie Marlboro Road is required.
- (11) Sidewalks, trails and bike-lanes are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance. Any new sidewalk and trail installation is to match existing sidewalks and trails in the area. Additionally, sidewalks and trails must be kept open for pedestrians at all times.
- (12) Conformance with DPW&T's street tree and lighting specifications and standards is required, with lighting fixtures to match those in existence in the area. Adjustments to street lighting, where necessary, to accommodate the improvements constructed under this scenario, are required. In accordance with Section 23-141 of the County Road Ordinance, roadside trees will be required within the limits of the permit area.
- (13) All improvements within the public rights-of-way, dedicated for public use to the County, are to be in accordance with the County's Road Ordinance, DPW&T's Specifications and Standards, and the Americans with Disabilities Act (ADA). Additionally, all pedestrian crosswalks shall have proper sight distance and be American with Disabilities Act (ADA) accessible.
- (14) Westphalia Row shall construct frontage improvements along Sansbury Road from Ritchie Marlboro Road to Fernwood Drive. Improvements shall include a median on Sansbury Road from Ritchie Marlboro Road to Fernwood Drive. The proposed median shall be constructed providing a break to allow for a left turn movement from the proposed driveway on the eastern side of Sansbury Road onto southbound Sansbury Road.
- (15) The proposed driveway out of Westphalia Row onto Sansbury Road shall be a right-in/right-out only.

- (16) Right-of-way dedication and frontage improvements, in accordance with Department of Public Works and Transportation's (DPW&T) urban major collector road for Sansbury Road (100-foot right-of-way), are required prior to permit issuance.

The majority of DPIE's comments are required to be addressed prior to issuance of permits, at the time of technical plan approvals. It should be noted that DPIE has stated that the plans meet the intent of the approved stormwater management concept plan.

- i. **Prince George's County Police Department**—The Police Department did not offer comments on the subject application. However, the Police Department provided comments on prior approvals for this site.
- j. **Prince George's County Health Department**—The Health Department did not offer comments on the subject application. However, the Health Department provided comments on prior approvals for this site.
- k. **Maryland State Highway Administration (SHA)**—SHA did not offer comments on the subject application. They had no comments on the prior CSP revisions.
- l. **Washington Suburban Sanitary Commission (WSSC)**—WSSC did not offer comments on the subject application. However, they provided standard comments on the applicable CSP and PPS regarding existing water and sewer systems in the area, along with requirements for service and connections, requirements for easements, spacing, work within easements, and meters. These issues must be addressed at the time of permits for site work.
- m. **Verizon**—Verizon did not offer comments on the subject application.
- n. **Potomac Electric Power Company (PEPCO)**—PEPCO did not offer comments on the subject application.
- o. **Westphalia Sector Development Review Advisory Council (WSDRAC)**—In an e-mail dated April 18, 2016, the WSDRAC indicated that they had no objection to the applicant's proposal of 67 townhomes and 10,000 square feet of commercial retail space. However, they have some concerns about the lack of, or limited, visitor parking. The WSDRAC would not like to see overflow parking on Sansbury Road and appreciate that their concern be given serious consideration and it not become an issue after development is completed.

The amount of parking has long been an issue relative to the subject property. Previous DSP approval conditions, as discussed in Finding 11 above, require provision of the number of off-street parking spaces required by Section 27-568 of the Zoning Ordinance plus an additional ten percent of parking for visitors. The submitted DSP shows that for the residential and commercial uses, a total of 206 parking spaces are required and 227 are

provided. The Planning Board found this is sufficient to allow for visitor parking. Sansbury Road is a public DPW&T right-of-way and no on-street parking is proposed adjacent to Phase III at this time; however, as the operating agency, that issue, in terms of allowance and enforcement, is at DPW&T's discretion.

16. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP will, if approved with the proposed conditions below, represent a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
17. As required by Section 27-285(b)(2) of the Zoning Ordinance, this DSP is also in general conformance with the approved CSPs.
18. Section 27-285(b)(4) of the Zoning Ordinance provides the following required finding for approval of a DSP:

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 in accordance with the requirement of Subtitle 24-130(b)(5).

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

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type 2 Tree Conservation Plan (TCP2-055-08-04) and APPROVED Alternative Compliance AC-16002, and further APPROVED Detailed Site Plan DSP-08039-08 for the above-described land, subject to the following conditions:

1. Prior to certificate of approval of the detailed site plan (DSP), the applicant shall make the revisions to the DSP, or provide information as follows:
 - a. Add the required vehicular access and public utility easement over 'Private Road E' on Parcel Q to Sheet 8 of the DSP.
 - b. Show the proposed road dedication and label the boundaries with bearings and distances, and quantify the area in square feet that is to be dedicated to public use.
 - c. Extend the public utility easement along Fernwood Drive to serve Lots 150 and 151.

- d. Provide a minimum of five bicycle parking spaces at a location convenient to the entrance of the commercial building.
- e. Indicate a potential outdoor dining area between the southern end of the commercial building and the picket fence along Sansbury Road, if it is practical.
- f. Revise the development standards chart and floor area ratio chart on the coversheet to correctly reflect the allowed and provided numbers.
- g. Provide bottom and top elevations for all proposed retaining walls and correct all detail labels.
- h. Revise the Commercial/Retail Building development standards to read as follows:

Commercial/Retail Building

- (1) For its entire length, the commercial/retail building shall be set back 15–35 feet from the ultimate right-of-way line of Ritchie Marlboro Road. Commercial and residential building walls must be within 35 feet of the ultimate right-of-way line for at least 34 percent of the linear distance of Phase III's frontage on Ritchie Marlboro Road.
- (2) For its entire length, the commercial/retail building 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 55 percent of the linear distance of the commercial parcel's frontage on Sansbury Road.
- (3) Maximum building height: 75 feet.
- i. Revise General Note 24 to reflect Preliminary Plan of Subdivision 4-15021, Condition 14.
- j. Three additional landscape islands and street trees shall be provided in the following approximate locations: on 'Private Road E' between Lots 111 and 112; on 'Private Road E' across from Lot 110 adjacent to Parcel B; and on the east side of Westborne Drive between Lots 157 and 158.
- k. Revise the Section 4.10 schedule to reflect all of the elements that are part of the alternative compliance approval.
- l. Add Lots 98, 114, 115, 118, 119, and 161 of Phase III to the list of higher-visibility lots. The sides of townhouses on these lots shall be fully faced with brick or stone.
- m. The standard side and rear elevations of the townhouse models in Phase III shall utilize brick or stone to finish the entire first floor.

- n. With the exception of Lots 95–106 of Phase III, which require full brick or stone fronts, at least 60 percent of the units in each attached stick of units shall have a full brick or stone front.
- o. Revise the Type 2 tree conservation plan as follows:
 - (1) Add a noise contour symbol and label to the legend.
 - (2) Have the revised plans signed and dated by the qualified professional who prepared them.
- 2. Applications for building permits on Lots 106, 107, 125–133, 140, and 141 shall contain a certification, to be submitted to the Maryland-National Capital Park and Planning Commission, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise impact area.
- 3. Prior to final plat, the applicant's private recreational facilities agreement (RFA) shall be amended to reflect the changes to the recreational facilities approved in the subject detailed site plan. The RFA shall specify the timing for the construction of the community building and include exercise equipment in the community building.
- 4. The applicant shall complete construction of the Phase III townhouses and the parking lot that will serve the commercial retail building concurrently.
- 5. Prior to issuance of a use and occupancy permit for the 272nd townhouse, the applicant shall begin construction of the commercial retail building.
- 6. Prior to issuance of the 208th building permit for Westphalia Row, Phases I and II, the applicant shall start construction of the 2,400-square-foot community building on Parcel E.

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 Geraldo, with Commissioners Washington, Geraldo, Bailey, Shoaff, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, May 12, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of June 2016.

APPROVED AS TO LEGAL SUFFICIENCY

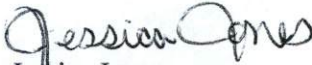
M-NCPPC Legal Department

Date

5/19/16

Patricia Colihan Barney
Executive Director

By



Jessica Jones
Planning Board Administrator

PCB:JJ:JK:rpg