

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 April 22, 2021, regarding Detailed Site Plan DSP-08039-10 for Westphalia Row, the Planning Board finds:

1. **Request:** This subject detailed site plan (DSP) is for approval of 19 fee-simple, rear-loaded single-family attached (townhouse) dwelling units to replace 10,000 square feet of commercial uses previously approved in Phase III of Westphalia Row.
2. **Development Data Summary:**

	<b>PREVIOUSLY APPROVED</b>	<b>APPROVED</b>
Zone	M-X-T	M-X-T
Use	Single-family attached residential/ Commercial retail	Single-family attached residential
Acreage	20.67	20.67
Dwelling Units (Townhouses)	275	294 (19 additional)
Residential Square Footage	553,996*	587,232*
Commercial Square Footage	10,000	0
Total Square Footage	563,996	587,232

**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**

	0.40 FAR
Residential	1.00 FAR
Total FAR Permitted:	1.40 FAR*
Total FAR Proposed:	0.64 FAR

**Note:** \* Additional density was previously approved, in accordance with Section 27-545, Optional method of development, of the Zoning Ordinance. However, the final FAR for the entire development is 0.64.

**Phase III Parking**

<b>Total Residential Parking Spaces Required*</b>	<b>194 Spaces</b>
86 Townhouses @ 2.04 spaces each +10% per CSP-07001-02 Condition 8	
<b>Total Residential Parking Spaces Provided</b>	<b>224 Spaces</b>
Garage Spaces (1 compact and 1 standard per unit)	172 spaces
Private On-street Spaces (1 handicap-accessible space)	42 spaces
Public On-street Spaces	10 spaces

**Note:** \* The number of parking 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 Section 27-574 of the Zoning Ordinance. In this case, the applicant has chosen to provide the number of parking space normally required under Section 27-568, as was previously approved for the property.

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 and Council District 6. This intersection is designated by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) as one of nine gateways into the Westphalia area. Specifically, the proposed 19 townhouses will be located on the parcel previously designated as the location for 10,000 square feet of commercial/retail space.
  
4. **Surrounding Uses:** To the northwest of the larger site is the exit ramp leading from I-95/I-495 (Capital Beltway) 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 village center and includes a constructed Royal Farms food and beverage store and gas station.  
  
 The area for the 19 townhouses is bounded on the north and east sides by the rights-of-way of Ritchie Marlboro Road and Sansbury Road, respectively, and on the south and west sides by the constructed townhouses in the larger Westphalia Row development.
  
5. **Previous Approvals:** This property was rezoned to the M-X-T Zone by the Westphalia Sector Plan and 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 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 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 DSP-08039 on March 5, 2009 (PGCPB Resolution No. 09-44). 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 amendments '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 an amendment to 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 an amendment to 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) and DSP-08039-08 (PGCPB Resolution No. 16-62) were also approved by the Planning Board to reflect the same plan revision.

An amendment to CSP-07001-03, to replace the previously approved 10,000 square feet of commercial uses with 19 townhouses was heard by the Planning Board on April 1, 2021 and continued to the April 22, 2021 hearing. A new PPS 4-20024 was also approved by the Planning Board on April 22, 2021, prior to the subject DSP-08039-10, all for the same plan revision. All approvals will have to conform to each other, prior to certification, as conditioned herein.

The site also has an approved Stormwater Management (SWM) Concept Plan, 36373-2006-04, which was approved on December 21, 2018 and is valid through December 21, 2021.

6. **Design Features:** The subject application proposes 19 townhouses at the location where a previously approved (by CSP-07001-02 and DSP-08039-08) 10,000-square-foot commercial retail building was located, in the northeast corner of the Westphalia Row development. All of the 19 townhouses have rear-loaded, two-car garages and are accessed by the extension of the existing Weshire Drive and private alley 9. Two building sticks of seven units each are fronting on both Sansbury Road and Ritchie Marlboro Road, and a five-unit stick faces an internal green space parcel. The proposed 19 townhouses will be part of the existing townhouse pattern that surrounds a common green area at homeowners association (HOA) Parcel B. An additional 9 surface parking spaces will serve as visitor spaces for the 19 proposed townhouses.

The applicant will use the previously approved “Skytown” architectural model for the proposed 19 townhouses. The four-story model has already been built in the Westphalia Row development, is 16-foot-wide with a maximum building height of 42 feet, and a base finished square footage of 1,812, and a two-car, rear-loaded garage. 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 10 windows, with brick facing up to the top of the first floor as standard feature. The rear elevations include 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 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 162, 168, 169, 175, 176, and 180. 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 resolution requiring this addition.

The Planning Board also previously approved 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 this application too, with the exception that the lots that front Ritchie Marlboro Road and Sansbury Road (Lots 162–175) should be treated with full brick or stone fronts, due to the higher visibility 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.

**Recreational Facilities:** The Westphalia Row project has a previously approved package of indoor and outdoor recreational facilities for the future population that have been constructed, as follows:

<b>Recreational Facilities for 294 (including the addition of 19) Townhouses:</b>	
Community Building (2400 sq. ft. +/-)	\$360,000
2 Rail Vinyl Fence (330 l.f. @ \$12.00/l.f.)	\$3,960
Brick Piers (4 @ \$800 each)	\$3,200
Landscaping	\$18,730
(1) 10’ by 29’ Trellis	\$14,250
(1) 11’ by 11’ Gazebo	\$5,500
(3) Exercise equipment (community bldg.) @ \$5,000 ea.	\$15,000
Recreation/Sitting Areas	
(39) Victor Stanley Benches @ \$1200 ea.	\$46,800
(2) Eagle Play Structure Climbers	\$5,000

(1) Swing Set	\$750
Metal picket fence 304 l.f. @ \$47.00/l.f.	<u>\$14,290</u>
Total	\$487,480

In accordance with the current recreational facility formula, the applicant's recreational facility obligation for 294 townhouses is estimated at \$303,862. The total installed recreational facilities are estimated at \$487,480, which exceeds the required value.

## COMPLIANCE WITH EVALUATION CRITERIA

7. **The Prince George's County Zoning Ordinance:** The subject DSP, which has a very limited disturbance of 1.23 acres out of 20.67 acres, has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Prince George's County 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 use in this application is a permitted use in the M-X-T Zone, in conformance with the approved CSP-07001-03.
- b. The DSP is consistent with Section 27-548, Regulations, of the Zoning Ordinance. The following discussion is offered:
- (1) The proposed floor area ratio of 0.64 is provided on the DSP and 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 will be authorized, pursuant to Subtitle 24 of the Subdivision Regulations, as proposed in PPS 4-20024.
- c. The DSP is in conformance with the applicable site plan site design guidelines contained in Section 27-283 of the Zoning Ordinance, as cross-referenced in Section 27-274 of the Zoning Ordinance. The subject development provides a more compact, urban layout, and in accordance with Section 27-274(a)(11)(B), with the units fronting on roadways. Where the units do not orient toward 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 approved 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 CSP-07001, the Planning Board found that each portion of the development should provide extra parking for guests and visitors that constitutes at least 10 percent of the spaces required by the Zoning Ordinance. The site plan conforms to this standard.
- 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 addition of 19 townhouses is in conformance with this requirement. In accordance with Section 27-542(a)(2) of the Zoning Ordinance, the proposed DSP will implement the recommendation of the Westphalia Sector Plan and SMA by contributing to the creation of a compact, urban community. The walkable, pedestrian-friendly 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 urban townhouses in compact form. 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 previously approved CSPs and DSPs were found to be in conformance with this requirement and the current application proposes a revision in the development and density. The applicant has incorporated a Westphalia Gateway feature into the site and has constructed it, 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 Westphalia Sector Plan and SMA.

- (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 addition of townhouses will be an organic extension of the townhouse development that has been constructed and is outwardly oriented. Although the main village green forms an internal focal point at the center of the community, residential buildings at the edge of the site front onto Sansbury Road and Ritchie Marlboro Road, consistent with previous approvals.

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

The proposed development will be compatible with the proposed and existing commercial 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 addition of 19 townhouses will follow the same pattern of the existing townhouse buildings, and other on-site improvements and amenities of the village center area will reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability.

- (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 Westphalia Row development is comprised of three phases that have been mostly completed. These 19 additional townhouses will be the last part of this development that will be finished without additional phasing.

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

The DSP shows the extension of the existing 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 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**

This DSP amendment only includes 19 townhouses as an organic extension of the existing townhouse community that 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 4-20024, which was approved by the Planning Board on April 22, 2021 and includes 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 Westphalia Sector Plan and SMA 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 Westphalia Sector Plan and SMA, 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 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 the Westphalia area. The plan establishes a number of guidelines for these areas. The following design principles warrant discussion at this time:

- **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.**

There is no more commercial use included in this project. The proposed townhouses will fall within the specified height range and have three to four stories.

The addition of 19 townhouses will result in an overall net residential density increase from approximately 13.7 dwelling units per acre to 14.63 dwelling units per acre. However, the 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.**

Each townhouse unit will have a two-car garage to accommodate off-street parking needs of the residents. Additional residential surface parking, mainly for the visitors, is proposed on the north side of HOA Parcel W and is screened from Sansbury Road by the townhouses.

### **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 required gateways elements, as included in these guidelines, have been constructed, in accordance with prior approvals.

9. **Conceptual Site Plan CSP-07001 and its amendments:** CSP-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 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, CSP-07001-01, and CSP-07001-02 were thoroughly reviewed and carried forward with CSP-07001-03, as necessary. Therefore, those prior conditions do not need to be included here for review and only the conditions of the latest approval, CSP-07001-03, which was also approved on April 22, 2021, are applicable, as follows:

2. **At the time of 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.**

As reflected on the site layout of this DSP, public views of alleys have been mostly blocked by the building sticks and landscaping on the site. This condition has been met.

3. **The detailed site plan shall include examples and evidence of all necessary covenants or other legal instruments that will be used to ensure that the recreational facilities on the site will be available in perpetuity to all residents of the Westphalia Row development. If a legally sufficient arrangement to share the recreational facilities cannot be demonstrated, then adequate recreational facilities shall be demonstrated for the individual portions of the development.**

As discussed previously, the proposed 19 townhouses will be part of the existing townhouse community to be included in the established HOA, and will share the existing on-site recreational facilities.

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

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

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

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

- (1) **Minimum lot size: 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: six 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.**

This DSP complies with this condition. The above development standards have been reflected on the DSP plan sheets.

5. **At the time of detailed site plan review, parking shall be calculated separately for the rear-loaded townhouses north 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, this portion of the development shall also provide an additional ten percent of this number for visitor parking or demonstrate that sufficient visitor parking is available in the close vicinity of this section, which may include parallel parking spaces on private roads.**

The townhouses provide two tandem parking spaces within the units. The additional 10 percent visitor parking required for this development is met and exceeded with on-street spaces.

6. **At the time of detailed site plan review for the Phase III of the development, the site will be evaluated for conformance to 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, 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.**

This condition was satisfied at the time of DSP-08039-08 approval. A Westphalia gateway feature is shown on sheet 13A of the DSP. Additional design items include brick piers, fencing, and landscaping along Sansbury and Ritchie Marlboro Roads.

7. **The applicant, 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 Development Review Division for adequacy and proper siting, prior to approval of the detailed site plan by the Planning Board.**

As discussed in the above Finding 6, this condition has been satisfied.

8. **The applicant shall provide an eight-foot-wide side path or wide sidewalk along Sansbury Road, unless modified in writing by the Prince George's County Department of Permitting, Inspections and Enforcement.**

In compliance with this condition, an 8-foot-wide sidewalk is shown along Sansbury Road on this DSP.

9. **Appropriate pedestrian amenities and pedestrian safety features will be evaluated at the time of detailed site plan.**

This condition has been satisfied, as those appropriate pedestrian amenities, such as sidewalks and crosswalks, have been shown on the site plan.

- 10. At the time of detailed site plan approval, the applicant, or the applicant's heirs, successors, and/or assignees shall provide:**
- a. Standard sidewalk connection from townhomes 162–168 to existing sidewalk along Sansbury Road.**
  - b. Standard sidewalk connection to Ritchie Marlboro Road from the townhomes fronting the roadway.**
  - c. Standard sidewalk connecting townhome 106 to 162, along Private Alley 9.**
  - d. Continental style crosswalk traversing Private Alley 9.**
  - e. The site plan notes as follows:**

**“During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George’s County Code.**

**“During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.”**

In compliance with this condition, sidewalks, crosswalks, and notes were added to this DSP.

- 12. 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 (DSP), 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 DSP, as part of the established financing formula and plan.**

The applicant no longer wants to be recognized as a participant to the Westphalia Financing Plan. The Planning Board agrees with the applicant that the Westphalia Row development provides more than adequate amenities on-site for the homeowners.

During the public hearing for CSP-07001-03 on April 22, 2021, the applicant proffered additional parking totaling 29 spaces for visitors and possible provision of an additional ADA-compliant

swing set in the existing tot lots in response to citizens' concerns. As a result, the Planning Board approved and included two new conditions, as stated in Condition 10.f and 10.g. of PGCPB No. 2021-54. Therefore, two conditions have also been included in this resolution to require the applicant to revise the DSP to include the additional 29 parking spaces for visitors and any ADA-compliant swing set that the applicant may install as a result of the proffer.

10. **Preliminary Plan of Subdivision 4-20024:** PPS 4-20024, that reflects the proposed 19 townhouses, is currently scheduled on the agenda of the Planning Board on April 15, 2021, and is anticipated to be continued to April 22, 2021 so that it may be heard following the pending CSP and prior to this DSP application. Any conditions attached to the approval of 4-20024 that may result in changes to the DSP must be property addressed by the applicant. A condition has been included in this resolution to require the applicant to obtain signature approval of PPS 4-20024, prior to certificate approval of this DSP, and make any necessary revisions.
11. **Detailed Site Plan DSP-08039 and its amendments:** DSP-08039 was first approved for the development of Phase I of Westphalia Row in 2008. DSP-08039 has been revised nine times for Phases II and III development, which have been fully constructed, except for the location of the proposed 19 townhouses where the previously approved 10,000-square-foot commercial building is located, as approved in DSP-08039-08. However, out of the six conditions attached to the approval of DSP-08039-08, none of them is relevant to the review of this DSP.
12. **2010 Prince George's County Landscape Manual:** Per Section 27-548, 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). This DSP is subject to Section 4.1, Residential Requirements, Section 4.6, Buffering Development from Streets, and Section 4.9, Sustainable Landscaping Requirements of the Landscape Manual. The required plantings and schedules are provided, in conformance with the Landscape Manual.
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-033-07-03 and TCPII-055-08-04. The submitted DSP application includes a revised TCP2-055-08-05 which is subject to the current regulations because a new PPS 4-20024 is pending.
  - a. A signed Natural Resources Inventory, NRI-114-06-04, was submitted with the application, which updated the area of focus for this DSP. The complete NRI for the site was approved under NRI-114-06-01. The overall site contains sensitive environmental features such as streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils. Regulated environmental features are not located within the area of focus for this DSP.
  - b. 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 acre of woodland preservation, 0.53 acre 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 DSP amendment.

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 10 percent of the gross tract area in tree canopy coverage (TCC). The subject property is 20.67 acres in size, resulting in TCC requirement of 2.07 acres. The DSP indicates compliance with this requirement for the entire site 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. **Historic Preservation**—The Planning Board adopts, incorporated herein by reference, a memorandum dated February 12, 2021 (Stabler and Smith to Zhang), which indicated that the subject property does not contain and is not adjacent to any Prince George's County historic sites or resources. This proposal will not impact any historic sites, historic resources, or known archeological sites.
  - b. **Community Planning**—The Planning Board adopts, incorporated herein by reference, a memorandum dated March 8, 2021 (Gravitz to Zhang), which provided that pursuant to Part 3, Division 9, Subdivision 3, of the Zoning Ordinance, master plan conformance is not required for this application.
  - c. **Transportation Planning**—The Planning Board adopts, incorporated herein by reference, a memorandum dated March 19, 2021 (Burton to Zhang), which offered an analysis of the DSP's conformance with the transportation-related PPS conditions and comments, as follows:

The applicant has been provided the information indicating that 275 townhouse units have been built to date. The table below provides an overview of past and future trip generation and how the trip cap is affected.

<b>Table 1 – Traffic Analysis</b>			
		AM Peak	PM Peak
Trip Cap - PGCPB No. 08-07	Residential + Office	398	471
<i>Total built to-date</i>	<i>275 Residential Units</i>	<i>-193</i>	<i>-220</i>
Remaining trip cap		205	251
<i>Pending CSP, DSP, PPS</i>	<i>19 Residential Units</i>	<i>-13</i>	<i>-15</i>
<b>Remaining Trip Cap</b>		<b>192</b>	<b>236</b>

The results from Table 1 show that the 19 residential units being proposed will not exceed the existing trip cap.

The site plan for the proposed development shows a street/alley layout that will integrate seamlessly with the road network of the existing development. The Planning Board has no issues with future circulation of the combined development.

The Planning Board concludes that from the standpoint of transportation, it is determined that this plan is acceptable and meets the findings required for a DSP if approved.

- d. **Subdivision Review**—The Planning Board adopts, incorporated herein by reference, a memorandum dated March 18, 2021 (DiCristina to Zhang), which offered comments on this DSP that have been summarized, as follows:

The subject property considered in this amendment to DSP-08039-10 is known as Parcel Q, Block A, of Westphalia Row, and is located on Tax Map 74 in Grid E4. Parcel Q is part of Phase III of a larger multiphase development known as Westphalia Row. The total area of Westphalia Row is 20.67 acres and Parcel Q consists of 1.23 acres in the northeastern corner of the development at the intersection of Ritchie Marlboro Road and Sansbury Road. The entire development, including the subject property, is within the M-X-T Zone and the Westphalia Sector Plan and SMA. DSP-08039-10 was submitted concurrently with a new PPS 4-20024 and an amendment to CSP-07001-03 for the subject property for the purpose of amending the proposed land use on Parcel Q from commercial to residential.

Parcel Q is recorded among the Prince George’s County Land Records in Plat Book SJH 245 page 98, dated October 28, 2016. The bearings and distances shown for the property boundary on DSP-08039-10 are in conformance with the record plat.

A new PPS 4-20024 was submitted concurrently with DSP-08039-10 to subdivide the property into 19 lots for townhouse development, in accordance with Section-24-107(a) of the Prince George’s County Subdivision Regulations. Several variations to the Subdivision Regulations are requested with PPS 4-20024 for the proposed development. These include variations to Section 24-121(a)(4) for the 150-foot minimum lot depth requirement for the residential lots adjacent to an arterial road; Section 24-128(b)(7)(A),

which requires lots with alleys to have frontage on and pedestrian access to a public street; and Section 24-122(a), which requires a public utility easement adjoining a public right-of-way. Upon approval, PPS 4-20024 will supersede PPS 4-15021 for a portion of the subject property. All the related conditions of PPS 4-20024, once approved, will be applicable to this site.

Section 24-121(a)(4) of the Subdivision Regulations states that when residential lots are proposed adjacent to an existing or planned roadway of arterial or higher classification, the applicant must demonstrate adequate protection and screening from traffic nuisance. The subject property is located adjacent to Ritchie Marlboro Road, which is classified as an arterial roadway. A noise study has been submitted with PPS 4-20024. The noise study provides a list of lots which will require engineered building envelopes to reduce interior noise levels to 45 dBA Ldn or less. The existing General Note 24 on the DSP coversheet should be revised to reflect the additional lots created under PPS 4-20024, which will need this acoustical design. This and other technical corrections are included herein.

A condition requiring the applicant to provide certification at time of building permit, to ensure 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, has been included in this resolution.

- e. **Pedestrian and Bicycle Facilities**— The Planning Board adopts, incorporated herein by reference, a memorandum dated March 19, 2021 (Smith to Zhang), which provided an analysis of the DSP's conformance with previous approvals and applicable regulations and comments summarized, as follows:

The submitted plans include standard sidewalk and continental-style crosswalks throughout the site. All curb ramps have been revised to be ADA accessible. The existing 8-foot-wide trail along Sansbury Road is also shown on the submitted plan. These improvements support separating pedestrian and vehicular transportation routes within the site, pursuant to Sections 27-283 and 27-274. The proposed improvements pursuant to Section 27-274(c), the relevant design guidelines for pedestrian and bicycle transportation, the proposed pedestrian and bicyclist circulation on the site are to be safe, efficient, and convenient.

The Planning Board concludes that the pedestrian and bicycle access and circulation for this plan is acceptable, consistent with the site design guidelines pursuant to Section 27-274, and 27-546 and meets the findings for pedestrian and bicycle transportation purposes and conforms to the prior development approvals and the Westphalia Sector Plan and SMA.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated March 22, 2021 (Burke to Zhang), incorporated herein by reference, the Prince George's County Department of Parks and Recreation (DPR) indicated that with the development of the 19 townhomes, this site is now subject to mandatory

parkland dedication. At the time of PPS 4-20024, DPR concurred with the applicant's proposal to annex the proposed units into the existing Westphalia HOA for access to the existing on-site recreational facilities. A cost estimate calculation report was provided with the PPS, demonstrating that the value of the recreational facilities provided, including a community building, a gazebo, a trellis, 39 benches, and a play structure with swings exceeds the requirement for the 806 projected residents of the overall community. DPR recommends approval of this DSP with no conditions.

- g. **Environmental Planning**—The Planning Board adopts, incorporated herein by reference, a memorandum dated March 23, 2021 (Rea to Zhang), which provided comments, as follows:

**Scenic and Historic Roads**

Ritchie Marlboro Road is designated as an historic road in the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and has the functional classification of arterial. The MPOT includes a section on special roadways, which includes designated scenic and historic roads, and provides specific policies and strategies, which are applicable to this roadway, including to conserve and enhance the viewsheds along designated roadways.

Any improvements within the right-of-way of an historic road are subject to approval by the County under the Design Guidelines and Standards for Scenic and Historic Roads.

The Landscape Manual addresses the requirements regarding buffers on scenic and historic roads. Adjacent to an historic road, the Landscape Manual requires a Section 4.6 landscape buffer (Buffering Development from Special Roadways) based on the development tier (now Environmental Strategy Area 2). The DSP shows the required buffer, in accordance with the Landscape Manual.

**Soils**

The predominant soils found to occur on-site, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Collington-Wist complex, Downer-Hammonton complex, Marr-Dodon complex, Potabac-Issue complex, and the Westphalia and Dodon soil series. According to available information, neither Marlboro clay nor Christiana complex soils occur on this property.

No further action is needed as it relates to this application. A soils report may be required by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), at time of permit.

**Stormwater Management**

The site has a Site Development Concept approval letter (36373-2006-04), which will expire on December 21, 2021. However, this concept does not show the change in development. DPIE is currently reviewing Site Development Concept 36373-2006-05, which reflects the development change.

The Planning Board approves DSP-08039-10 and TCP2-55-08-05, subject to one condition that has been included in this resolution.

- h. **Prince George's County Fire/EMS Department**—At the time of the preparation of this resolution, the Fire Department did not offer comments on the subject application.
- i. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated March 26, 2021 (Giles to Zhang), incorporated herein by reference, DPIE noted that the proposed development is not consistent with the previously approved SWM concept plan. The applicant should provide a revised SWM concept plan, prior to DSP certification.

The majority of DPIE's comments are either factual, to be addressed through the associated PPS, or are required to be addressed, prior to issuance of permits, at the time of technical plan approvals. The rest of DPIE's comments will be enforced through their separate permitting process.

A revised SWM concept plan has not been signed off by DPIE yet as of this writing. A condition has been included in this resolution to require the applicant to provide a revised SWM concept approval, prior to certification of this DSP.

- j. **Prince George's County Police Department**—At the time of the preparation of this resolution, the Police Department has not offered comments on the subject application. However, the Police Department provided comments on prior approvals for this site.
- k. **Prince George's County Health Department**—In a memorandum dated February 16, 2021(Adepoju to Zhang), incorporated herein by reference, the Health Department provided the following comments on the subject application:

- (1) There are approximately 10 existing carry-out/convenience stores food facilities and no grocery store/markets within a 0.5 mile radius of this site. A 2008 report by the UCLA Center for Health Policy Research found that the presence of a supermarket in a neighborhood predicts higher fruit and vegetable consumption and a reduced prevalence of overweight and obesity. The department acknowledges that Royal Farms chain facilities are designed as convenient stores; however, they do provide healthy food options such as an assortment of fresh fruits and vegetables for retail sale.

The applicant is aware of this comment; however, no commercial uses are proposed with this DSP amendment.

- (2) Research shows that access to public transportation can have major health benefits as it contributes to good connectedness and walkability. Provide specific information related to this development project of the available and/or proposed means of connecting to neighboring communities through public transportation.

The applicant is fully aware of this comment. Limited public transportation is available in the vicinity of this development. Sufficient on-site parking has been provided with this DSP.

- (3) During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code.
- (4) During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

Comments 3 and 4 have been included as site plan notes on the DSP.

1. **Westphalia Sector Development Review Advisory Council (WSDRAC)**—At the time of the preparation of this resolution, WSDRAC did not offer comments on the subject application.
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), this DSP is also in general conformance with the approved CSP-07001-03.
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. This required finding has been satisfied with all prior approvals for this 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 Type 2 Tree Conservation Plan TCP2-055-08-05, and further APPROVED Detailed Site Plan DSP-08039-10 for the above described land, subject to the following conditions:

1. Prior to certificate approval of the detailed site plan (DSP), the applicant shall make the revisions to the DSP, or provide information, as follows:
  - a. Obtain certificate approval of Conceptual Site Plan CSP-07001-03 and revise the DSP, as necessary.
  - b. Obtain signature approval of Preliminary Plan of Subdivision 4-20024 and revise the DSP, as necessary.
  - c. Provide a copy of the revised approved Site Development Concept plan showing the proposed residential development and the stormwater management facilities shall be correctly reflected on the DSP and the Type 2 tree conservation plan.
  - d. Provide architecture related notes, as follows:

“Add Lots 162, 168, 169, 175, 176 and 180 to the list of high-visibility lots. The sides of townhouses on these lots shall be fully finished either with brick or stone, or a combination of both.”

“The standard side and rear elevations of the 19 townhouses shall utilize brick or stone to finish the entire first floor.”

“At least 60 percent of the units in each attached stick of townhouse units shall have a full brick or stone front, with the exception of Lots 162 to 175 which require full brick or stone fronts.”
  - e. Revise General Note 24 on the DSP coversheet to reflect the additional lots created under Preliminary Plan of Subdivision 4-20024 that are impacted by noise and will need special acoustical design.
  - f. Under the Site Data section on Sheet 1, revise “Proposed Use/Development Type” to reflect change of use in Phase III to only “Single-Family Residential – Townhomes.”
  - g. Revise General Note 20 to note Preliminary Plan of Subdivision 4-13026 and its approval date.
  - h. Revise General Note 24 to include Lots 162–168, 169–175, and 180 being subject to certification by a professional engineer with competency in acoustical analysis, prior to the approval of any residential building permits.

- i. Add a label along Ritchie Marlboro Road that vehicular access is denied.
  - j. Clearly label and depict the required 10-foot-wide public utility easement, along the west side of Private Road E.
  - k. Correct the label for the area of right-of-way dedication along Sansbury Road to state 3,642 square feet instead of 3,630 square feet, in accordance with the record plat.
  - l. Show 29 additional guest parking spaces with signage that restricts their use. Prior to certification of the Detailed Site Plan, the applicant, or the applicant's heirs, successors, and/or assigns, shall work with the Westphalia Row Homeowners Association Board of Directors to determine appropriate signage to limit the 29 parking spaces, to be provided in accordance with Applicant's Exhibit 3, for guest parking only.
  - m. Prior to certification of the Detailed Site Plan, the applicant, or the applicant's heirs, successors, and/or assigns, shall work with the Westphalia Row Homeowners Association Board of Directors to explore adding an ADA compliant swing set to one of the Homeowners' Association's tot lots, to the extent practicable.
2. Applications for building permits 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.

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 Doerner, with Commissioners Washington, Doerner, Bailey, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, April 22, 2021, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of May 2021.

Elizabeth M. Hewlett  
Chairman



By Jessica Jones  
Planning Board Administrator

EMH:JJ:HZ:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department  
Date: May 10, 2021