

PGCPB No. 10-59(A/2)(C)

File No. CSP-07004-01

SECOND AMENDED CORRECTED RESOLUTION

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

WHEREAS, the Prince George's County Planning Board approved with conditions CSP-07004 on December 18, 2008 and the Prince George's County District Council approved with conditions on May 8, 2009 as amended by a revised order dated June 8, 2009 and a second revised order dated September 21, 2009; and

WHEREAS, the relevant findings and conditions of that approval have been included in the subject resolution; and

WHEREAS, in consideration of evidence presented at a public hearing on May 20, 2010 regarding Conceptual Site Plan CSP-07004-01 for Westphalia Center †*~~;~~~~[, the Planning Board finds:]~~

†*WHEREAS, CSP-07004-01 for Westphalia Center was approved by the Planning Board on May 20, 2010, and PGCPB Resolution No. 10-59 was adopted on June 10, 2010; and

†*WHEREAS, on June 19, 2013, the applicant requested the Planning Board waive its Rules of Procedure and reconsider Condition 2.i. attached to this approval to allow more design flexibility in the number and location of the front-loaded garage residential units; and

†*WHEREAS, on July 18, 2013, the Planning Board granted a Waiver of the Rules of Procedure and a Request for Reconsideration for Conceptual Site Plan CSP-07004-01 related to Condition 2.i.; and

†*WHEREAS, in consideration of evidence presented at the reconsideration public hearing on October 24, 2013 regarding CSP-07004-01 for Westphalia Center, the Planning Board made the following amended findings, and,

††*WHEREAS, in consideration of amending Conceptual Site Plan CSP-07004-01 for Westphalia Center, in accordance with Section 27-282(g) of the Zoning Ordinance, presented at a public hearing on January 21, 2021, the Planning Board finds:

††*Denotes (2021) Amendment

†*Denotes (2013) Amendment

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

1. **Request—CSP-07004:** The CSP proposes to develop the subject property as a regional urban community in accordance with Section 27-544(e) of the Zoning Ordinance. The plan proposes a new town center with a vertical and horizontal mix of commercial and residential uses organized into Core, Edge, and Fringe areas, with distinct development standards applying to each area. The residential development would consist of a mix of single-family detached, single-family attached, and multifamily dwelling units, up to a maximum of 5,000 dwelling units for the entire project. The commercial development is proposed to consist of 800,000–1,400,000 square feet of retail space and 4,000,000–4,500,000 square feet of office space, for a total of up to 5,900,000 square feet of commercial space. The plan also proposes three hotels with up to 600 hotel rooms in total and public or institutional buildings and spaces.

The CSP includes plan sheets and an accompanying text describing the development, its conformance to regulations and policies, and development standards that will apply to the site.

CSP-07004-01: This approval to the conceptual site plan revises Conditions 15, 16, 24, and 25 regarding the special-purpose detailed site plan, and Conditions 30 and 31 regarding phasing and the restriction on development of attached dwelling units. These changes will allow the development of the Moore Property to proceed prior to other portions of Westphalia. Development on the Moore Property would be a maximum of 505 attached dwelling units, 135 multifamily units, and 3,000 square feet of community/retail land use.

2. **Development Data Summary—CSP-07004:** During the original public hearing on the conceptual site plan, the information submitted by the applicant presented several inconsistent development totals, as described below. Because of the inconsistencies, some of the referrals received at that time for the case have mentioned various levels of development being proposed.

Sheet 11 listed the following development totals. For the purposes of this report, these totals have been considered to be the proposed development ranges that would be allowed by this plan.

150–200 single-family detached dwelling units
1,650–1,850 townhouses
2,350–3,100 multifamily dwelling units
800,000–1,400,000 square feet of retail
4,000,000–4,500,000 square feet of office

The cover sheet (Sheet 1) provides a separate list of the maximum numbers of the various ranges, as shown below.

200 single-family detached dwelling units
1,850 townhouses
3,100 multifamily dwelling units
(5,000 total residential units)
1,400,000 square feet of retail
4,500,000 square feet of office

At the time of the original public hearing on the conceptual site plan, the applicant submitted a traffic study to demonstrate the adequacy of transportation facilities for the site, which was predicated upon the following land use quantities:

- 178 single-family dwelling units
- 1,715 apartment dwelling units
- 2,315 apartment dwelling units (high rise)
- 600 hotel rooms
- 3,240,000 square feet of general office
- 1,194,000 square feet of shopping center retail

As these numbers were the basis for the trip generation calculated in the traffic study, they were utilized to create a trip generation cap for the project which was and will be carried forward through future approvals. As development proposals are more specifically defined in later stages of the approval process, more exact traffic generation numbers corresponding to specific land use proposals will be available. Some of the more exact land use quantities may be found to generate less traffic than the general numbers that have been provided in the traffic study for the purposes of overall evaluation. In that case, although the permissible development numbers will be based on the ranges shown on the CSP, specific development will not be permitted to exceed the trip cap. As long as the CSP minimums of all required land uses are met, the plan will be acceptable. As development occurs, the traffic generated should be compared with the trip cap, with the understanding that the remaining traffic capacity must be sufficient to allow the minimum ranges of the different development totals to be achieved.

Similarly, the phasing plan proposed by the applicant includes multiple different phases providing the following total development numbers:

- 178 single-family detached houses
- 1,715 townhouses
- 460 other attached units (back-to-back, triplexes, two-over-twos)
- 600 hotel rooms
- 1,855 multifamily dwelling units (rental and condominium)
- 4,460,000 square feet of office space
- 1,224,000 square feet of retail space

During the original public hearing on the project, it was felt that the overall number of residential units shown in the phasing plan was acceptable, but the mix of units provided was not. The phasing plan proposed 2,175 attached dwelling units out of a total of 4,208 dwelling units, which was more than 50 percent of the units. Under the provisions of County Council Bill CB-29-2008 for a Regional Urban Community, the total number of attached units may not exceed 50 percent of the dwelling units in the project. Therefore, it was felt that the mix of units proposed in the conceptual phasing plan should be adjusted to meet this requirement. Please see, however, the discussion in Finding 5 below regarding how compliance with this requirement is shifted in the subject application.

Finally, during the original public hearing on the project, the applicant indicated that their preferred ranges for the different types of development are as follows:

150–200 single-family detached dwelling units
1,650–2,500 attached dwelling units
1,800–3,100 multifamily dwelling units
(4,000–5,000 total dwelling units)
500–600 hotel rooms
900,000–1,400,000 square feet of retail
2,200,000–4,500,000 square feet of office

As these final numbers were submitted at the original Planning Board hearing on the project, verification is needed that the minimum development within the ranges will allow the Core, Edge, and Fringe areas to meet the minimum densities and floor-area ratios established by the sector plan. The applicant should provide this verification prior to certification of the plan and adjust the numbers if necessary to meet the sector plan's required thresholds. The plan sheets and text shall be revised to reflect these ranges as constituting the proposed development amounts. The reductions in the minimum office development should be applied within the fringe in order to assure that the other areas will still meet the sector plan density requirements.

CSP-07004-01: The Moore Property contains a subset of the development approved in CSP-07004. More specifically, it consists of the following:

475–640 two-over-two, townhouses, and triplexes
475–640 attached dwelling units and
0–265 multifamily units
3,000 square feet of neighborhood retail commercial space

3. **Location**—The overall Westphalia Center property consists of 530.27 acres in the M-X-T Zone. It is located along the north side of Pennsylvania Avenue (MD 4), west of its intersection with Melwood Road and east of its intersection with Suitland Parkway.

The Moore Property is a 47.7-acre property within the larger Westphalia Center project, located on the north and west sides of Moore's Way, a private street winding from Pennsylvania Avenue to Melwood Road. It is located approximately one-half mile north of Pennsylvania Avenue and one-half mile east of Presidential Parkway, with access proposed from Presidential Parkway as it extends through Westphalia Center via proposed collector road C-637.

4. **Surrounding Uses**—**CSP-07004:** The overall Westphalia property is surrounded by single-family residential detached units, parkland, and office to the west; a mix of single-family detached and attached houses to the southeast; undeveloped land to the north, including the land subject to the approved Smith Home Farm and Woodside Village projects; by Pennsylvania Avenue to the south with a variety of commercial and industrial uses and the Joint Base Andrews Naval Air Facility beyond; and Melwood Road, with single-family detached units beyond to the east.

CSP-07004-01: The Moore Property abuts Smith Home Farm to the north and west, and is surrounded in all other directions by other portions of the Westphalia Center project, consisting of existing woodland, agricultural land uses, and scattered single-family detached units.

5. **Design Features—CSP-07004:** This approval involves a regional urban community, which is defined as follows by Section 27-107.01(a)(197.1) of the Zoning Ordinance:

A contiguous land area of 500 or more acres in the M-X-T or R-M Zone within a General Plan designated center in the Developing Tier, and which is to be developed as follows: a mixed use, urban town center including retail office and residential uses with a defined core, edge and fringe as defined by the Sector Plan; transit- and pedestrian-oriented, with ample public spaces suitable for community events, adjacent to a planned or developed public park of 100 or more acres that includes a variety of recreational and cultural facilities for public use, such as amphitheatres, performance stages and plazas.

The plan provides for the extension of Presidential Parkway from its current terminus into the center of the site as master plan roadways MC-634 and A-66. In the eastern portion of the subject property, Presidential Parkway connects to another master planned roadway, C-636, which turns to the north to provide a connection to future development north of the site. The plan also provides for the extension of Woodyard Road north from Pennsylvania Avenue, A-52 and MC-637, and through the site to connect to the future development. Similarly, the plan shows the extension of a road from the interchange of Melwood Road and Pennsylvania Avenue through the center of the site, MC-632, connecting to the future development.

As specified by the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment and referenced in the definition of a regional urban community, the proposed town center is divided into a Core, an Edge, and a Fringe area.

The Core is mostly a rectangular area slightly offset to the west of the center of the site, and also extends southwards to Pennsylvania Avenue near the future interchange of Woodyard Road and Pennsylvania Avenue. The Core is envisioned as a distinctive urban environment, with a regular grid of streets, multistory, vertical, mixed-use buildings constructed close to the streets, and wide sidewalks. The grid of streets is formed by three east-west streets, including A-66 (Presidential Parkway extended), along the southern edge of the rectangular area, a main street through the center of the rectangular area, another street along the northern edge of the Core, four north-south streets, including M-637 (Dower House Road extended), through the western portion of the Core, two other streets through the center and eastern portions of the Core, and another street along the eastern side. The main east-west street through the center of the Core includes three roundabout intersections. A square open space is proposed at an intersection on the northern side of the Core, while the three roundabout intersections have been shown providing varying amounts of green space in the centers of the roundabouts. A transit area is located in the portion of the Core that extends south to Pennsylvania Avenue and is currently foreseen as a park-and-ride location for a future bus rapid-transit station, but could eventually allow for a rail station. The highest density of development should occur within the Core area. Other public or institutional uses proposed in the Core include a cultural arts center including an amphitheatre.

The Edge is the largest area of the site and includes a strip of land south of the Core as well as large areas in the northern and eastern portions of the site. The Edge is envisioned as including commercial uses along Pennsylvania Avenue, with residential neighborhoods in the northern and eastern areas. The residential neighborhoods would be a mix of single-family attached dwelling units (townhouses, two-family dwellings, three-family dwellings, and other stacked or attached unit types) and multifamily dwellings, with a small number of small-lot single-family detached houses around the northern and eastern edges of the site in the vicinity of existing single-family neighborhoods. Sites for small-scale neighborhood commercial or mixed-use development have been identified within the residential neighborhoods. Both residential and commercial uses will be densely developed. Community open spaces are also distributed throughout the Edge, and a site for a future school has been identified in the southeastern corner of the Edge. One roundabout has been shown at the intersection of MC-632 and the east-west main street through the Core, which continues eastward, past the roundabout to terminate at a green space in the middle of the eastern residential neighborhood.

The Fringe includes the southeastern corner of the site near Melwood Road and along MC-632, and the western portion of the site on either side of Presidential Parkway. The Fringe is separated from the Core and Edge by stream valleys that provide a natural division. The Fringe is primarily intended for commercial development, capitalizing on the locations near the major roadway interchanges that will be constructed along Pennsylvania Avenue. The proposed development regulations are more flexible and allow for more suburban office park and “lifestyle center” retail development within these areas. The applicant has indicated a desire to attract federal office uses in a “secure office area” on the south side of Presidential Parkway. The plan also identifies a piece of land in the western portion of the Fringe for the use of the Police Department and Fire/EMS Department.

CSP-07004-01: The design features included on the Moore Property will be decided in subsequent detailed site plans in the following order:

- A detailed site plan for infrastructure.
- A special-purpose detailed site plan.
- A standard detailed site plan, including items such as layout of the units on the site, common space, recreational facilities and landscaping, and reflecting the requirements of all relevant prior approvals.

The design program for the Moore Property, as approved in Preliminary Plan of Subdivision 4-08018 and reflected in PGCPB Resolution No. 09-95, included 3,000 square feet of commercial retail development and 640 dwelling units (135 multifamily and 505 single-family attached). No dwelling units were specified as single-family detached.

6. **Previous Approvals—CSP-07004 and CSP-07004-01:** The property is subject to the rezoning to the M-X-T Zone from the I-1 (Light Industrial), I-3 (Planned Industrial/Employment Park), and R-A (Residential-Agricultural) Zones by the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment (SMA), including Exhibits 44 and 45, outlining the vision for the

subject property. The property is also the subject of previously approved Conceptual Site Plan CSP-07004, approved with conditions by the Planning Board on December 18, 2008, then approved with conditions by the District Council on May 8, 2009, and subject to a revised order issued by the District Council on June 8, 2009. The property is also the subject of a second revised order issued by the District Council on September 21, 2009. The property is also the subject of approved Stormwater Management Concept 44782-2007-00, dated January 23, 2008 and valid for three years or until January 23, 2011. Lastly, the property is subject to the requirements of Preliminary Plan of Subdivision 4-08018 (Moore Property) and Preliminary Plan of Subdivision 4-08002 (the balance of Westphalia Center). The resolutions of approval, PGCPB Nos. 09-93 and 09-95 respectively, were adopted on June 25, 2009 and remain valid until June 25, 2015.

See Finding 7 below for a more detailed description of the conformance of the proposed revisions to Conditions 15, 16, 24, 25, 30, and 31 to the requirements of the relevant preliminary plans of approval.

7. **Revisions Requested to Conditions of CSP-07004 by CSP-07004-01:** The requested revisions to CSP-07004 deal specifically with Conditions 15, 16, 24, and 25 regarding the special-purpose detailed site plan and Conditions 30 and 31 regarding phasing and the restriction on development of attached dwelling units. Each of the previously approved conditions is listed below individually in bold face type followed by the proposed condition, the applicant's response, and comment.

CSP-07004 Approved Condition:

15. **Prior to approval of a detailed site plan for specific buildings, the applicant shall obtain approval of a special purpose detailed site plan encompassing the entire Westphalia Town Center site to establish regulating standards for signage and identify appropriate locations for transit stops within the town center in consultation with DPW&T and WMATA. The special-purpose detailed site plan shall also show proposed preliminary designs of the public open spaces within the town center and establish a timing plan for the improvement of these public spaces and for the public trail system.**

CSP-07004-01 Proposed Revision:

15. Prior to approval of a detailed site plan for specific buildings for either the Moore Property or the entire Westphalia Center, excluding the Moore Property, the applicants of the Moore Property and Westphalia Center, separately, shall obtain approval of a special-purpose detailed site plan encompassing the entire Westphalia Town Center site to establish regulating standards for signage and identify appropriate locations for transit stops within the town center in consultation with DPW&T and WMATA. The special-purpose detailed site plan shall also show proposed preliminary designs of public open spaces within the town center and establish a timing plan for the improvement of these public

spaces and for the public trail system. This condition requires the approval of two special-purpose detailed site plans, one encompassing the entire Westphalia Town Center site excluding the Moore Property, and another for the Moore Property. This condition should be construed such that the Moore Property may proceed prior to the entire Westphalia Center.

Applicant's Justification: Condition 15 requires a special-purpose detailed site plan for Westphalia Center's "Town Center," prior to approval of any detailed site plan for specific buildings within the project. Moore is the only property owner in the entire Westphalia Center presently prepared to move towards development. In order for Moore to develop, this condition has the impact of requiring the owner of the Moore Property to process a special-purpose detailed site plan to set standards for the entire 530.27 acre project, for which there is presently no developer other than the owner of the 47.7-acre Moore Property. The owner of the Moore Property seeks relief from this predicament and respectfully requests that the Moore Property be subject to its own special-purpose detailed site plan. While this will certainly set a precedent for the "Town Center Edge" area and Westphalia Center as a whole, when the remainder of Westphalia Center moves forward, the details of conformance, compatibility, and consistency will be addressed with its special-purpose detailed site plan. The Moore Property will be reviewed against the requirements for approval of a detailed site plan in the M-X-T Zone. The proposed change has the effect of establishing two special-purpose detailed site plans in order to set the standards described in Conditions 15, 16, 24, and 25.

While staff is in agreement with this change in principal, staff would recommend that coordination between the two be required so as to attempt to create some degree of uniformity of design throughout the larger Westphalia project. Therefore, staff would suggest that the following language be added at the end of the revised condition: "However, standards established in the first special-purpose detailed site plan shall be included in the subsequent special-purpose detailed site plan for the balance of the Westphalia Center unless the applicant can affirmatively demonstrate to the Planning Board that such inclusion is inappropriate in whole or in part. The subsequent plan may include any additional standards and requirements that the Planning Board deems necessary for inclusion at that time." Thus, it is hoped that ultimate design of the two subsections of the Westphalia Center project will be well coordinated.

CSP-07004 Approved Condition:

- 16. Prior to approval of a special purpose detailed site plan, covering the whole site, the following items shall be determined to ensure they will be addressed during review of each incremental detailed site plan submitted subsequently:**
 - a. Evaluate accessibility, safety, and traffic control needs for the circular public space within public road MC-637, or propose an alternative road design or location for the public spaces.**
 - b. Address gateway design themes and concepts.**

- c. **Define the responsibility for construction and ownership of other public spaces, recreation and open space facilities proposed in the town center.**
- d. **Address a comprehensive organizational structure and financing system to manage and maintain the public, quasi-public and common ownership infrastructure networks and amenities, such as streets, sidewalks, recreation facilities, open spaces, and management operations.**
- e. **Acknowledge that the transit center will be dedicated to public use.**

CSP-07004-01 Proposed Revision:

- 16. Prior to approval of a special-purpose detailed site plan for either the Moore Property or the Westphalia Center, excluding the Moore Property covering the whole site, the following items shall be determined to ensure they will be addressed during review of each incremental detailed site plan submitted subsequently:
 - a. Evaluate accessibility, safety, and traffic control needs for the circular public space within public road MC-637, or propose an alternative road design or location for the public spaces.
 - b. Address gateway design themes and concepts.
 - c. Define the responsibility for construction and ownership of other public spaces, recreation, and open space facilities proposed in the town center.
 - d. Address a comprehensive organizational structure and financing system to manage and maintain the public, quasi-public, and common ownership infrastructure networks and amenities, such as streets, sidewalks, recreation facilities, open spaces, and management operations.
 - e. Acknowledge that the transit center will be dedicated to public use.

Applicant's Justification: The proposed change to the condition would allow for the two separate detailed site plans to be processed independently and the proposed circular public space would be included in the one for the balance of Westphalia Center, as it is not located on the Moore Property.

While the Moore Property does not contain a gateway as defined in the sector plan, the Moore Property will be accessed via a gateway area which will be developed concurrent with the development of the Moore Property. As such, the special-purpose detailed site plan for the Moore

Property will address this condition. Further, the Westphalia sector plan established a policy in its “Development Pattern Element” to, “(p)romote the development of attractive gateways into the Westphalia area that define the site’s image as an inviting and safe place.” The strategy defined to achieve this goal was to “(d)evelop ten gateways at key intersections entering the Westphalia community.” The sector plan requires that the design of gateways include the following elements stated on page 12:

- 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.
- Resting and recreation facilities, information kiosks, or other amenities as appropriate.

The applicant will comply with gateway concepts and themes, consistent with the above. The details will be set with the approval of the special-purpose detailed site plan for the Moore Property.

Concerns regarding the responsibility for construction and ownership of other public spaces, recreation, and open space facilities proposed in the town center will be addressed at time of the special-purpose detailed site plan for the Moore Property.

To the extent that streets, sidewalks, and recreation facilities and/or open space are made public and dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC) or the County, the standard maintenance of such will be the responsibility of the governmental entity taking ownership thereof. Otherwise, it is anticipated that the owners of Westphalia Center will enter into an umbrella management structure for residential and nonresidential uses. The documents related to this effort are private agreements between the owners. At the time of detailed site plan, the applicant shall provide further detail in this regard. Until such time as the remainder of Westphalia Center develops, the Moore Property will establish its management structure at the time of its special-purpose detailed site plan and commit to coordinating the umbrella management structure with the owner of the balance of Westphalia Center as it proceeds.

The transit center is located outside of the Moore Property. As such, the requirement that the transit center be dedicated to public use should be considered when the balance of the Westphalia Center is developed.

The Planning Board is in agreement with this change, but is rewording the applicant’s proposed modified version of the condition in order to ensure that adequate attention is given to the issues involved before a special-purpose detailed site plan is approved for the portion of the project affected, which was the intent of the original approval.

“Prior to approval of a special-purpose detailed site plan for any portion of the site affected by these issues, the following items shall be determined to ensure they will be addressed during review of each incremental detailed site plan submitted subsequently.”

CSP-07004 Approved Condition:

- 24. The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DRD, in accordance with the timing established in the special purpose DSP. The developer, his successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.**

CSP-07004-01 Proposed Revision:

24. The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by DRD, in accordance with the timing established in the applicable special-purpose DSP. The developer, his successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.

Applicant’s Justification: While the Moore Property will contain private recreational facilities and a portion of the public trail network, issues such as timing will be thoroughly reviewed during the special-purpose detailed site plan and the detailed site plan process for the Moore Property. Further, with regard to retention and future maintenance of any such recreational facilities, the applicant, its successors or assigns will be required to enter into public and/or private recreational facilities agreements, as applicable, just as with all development in the County.

The Planning Board approves this rewording to ensure that timing provisions for recreational facilities are established for the recreational facilities to be installed on the Moore Property at the time of approval of its special-purpose detailed site plan and for the recreational facilities to be installed on the balance of the Westphalia Center property at the time of approval of its special-purpose detailed site plan.

CSP-07004 Approved Condition:

- 25. As part of the private recreational facilities package, the applicant and the applicant’s heirs, successors, and/or assignees shall construct three community buildings. The size, timing, and location of the buildings shall be determined with the review of the special purpose detailed site plan.**

CSP-07004-01 Proposed Revision:

25. As part of the private recreational facilities package, the applicant and the applicant's heirs, successors, and/or assignees shall construct three community buildings. The size, timing, and location of the community buildings shall be determined with the review of the applicable special-purpose detailed site plan.

Applicant's Justification: There are two private community centers in the Town Center. The Moore Property contains one community center. Issues such as timing for the community center located on the Moore Property should be thoroughly reviewed during the special-purpose detailed site plan and detailed site plan processes for the Moore Property, independent of the special-purpose detailed site plan for the rest of the Westphalia Center. The applicant will be unable to move forward without the requested change.

Noting that one community building is included in the Moore Property portion of Westphalia Center, the Planning Board approves the suggested revisions to Condition 25. It is reasonable to specify that the timing and location of this community building be determined at the time of review of the applicable special-purpose detailed site plan, and the Planning Board has no objection to clarifying that the building referenced in the condition is a community building.

CSP-07004 Approved Condition:

- 30. The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined during the review of the special-purpose detailed site plan. Private and public recreational facilities shall be reviewed as a package, acknowledge the contribution of \$3,500 per dwelling unit, and determine the total expenditures for the package.**

CSP-07004-01 Proposed Revision:

30. The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined during the review of the applicable special-purpose detailed site plan. The review of the Westphalia Center special purpose detailed site plan shall acknowledge public recreational facilities to be provided in the central park.

Applicant's Justification: While the Moore Property will contain private recreational facilities and a portion of the public trail network, issues such as timing should be thoroughly reviewed during the special-purpose detailed site plan and detailed site plan processes for the Moore Property.

The Planning Board finds that it is reasonable to specify that the recreational facilities included in a particular detailed site plan be determined at the time of the approval of its special-purpose detailed site plan as this is the first approval of details to be included in the land area covered. The prior site plan approvals were of a conceptual nature and/or only dealt with the installation of infrastructure. However, since the Moore Property is part of the larger Westphalia Center, it is reasonable for them to acknowledge that public recreational facilities are to be provided in the central park, but to specify that details regarding the installation of those facilities will be handled at the time of the review of the special-purpose detailed site plan for the balance of Westphalia Center. Hence, the Planning Board approves the following rewording:

30. The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined during the review of the applicable special-purpose detailed site plan. While the applicant acknowledges that public recreational facilities are to be provided in the central park, details regarding the installation of those facilities will be determined at the time of the review of the special-purpose detailed site plan for the balance of Westphalia Center, which includes the central park.

CSP-07004 Approved Condition:

31. **The phasing of residential and commercial uses shall be determined with approval of the Conceptual Site Plan covering the whole property. All properties within Westphalia Center shall be subject to this CSP and to any special purpose DSP.**

The Planning Board, in subdivision review for any proposed residential construction on the subject property, shall include all relevant issues, including without limitation, public facilities adequacy and Master Plan conformance, as they concern the entire Westphalia Center property and project, not just the issues arising at the site for that subdivision.

The following phasing regulations will apply to this project. For the purposes of this condition, "constructed" shall be construed to mean that the buildings are built and ready for occupancy except for tenant-specific fit-out improvements.

- a. **The minimum development amounts on the site shall be 150 single-family detached houses, 1,650 attached dwelling units, 1,800 multifamily dwelling units, 500 hotel rooms, 900,000 square feet of retail, and 2,200,000 square feet of office. As development proceeds, adequate traffic capacity shall be reserved to allow the development of these minimum amounts. Development may proceed beyond these minimums provided adequate transportation capacity will exist for that development.**

- b. Attached dwelling units shall be limited to 50 percent of the total dwelling units on the site. Regardless of the relative quantities of different unit types approved on detailed site plans, building permits shall not be issued which would result in attached units exceeding 50 percent of the total of all dwelling units for which permits have been issued.**
- c. Prior to issuance of permits for the 1,400th dwelling unit, 300,000 square feet of retail space and 500,000 square feet of office space shall be constructed in the Core.**
- d. Prior to issuance of permits for the 2,800th dwelling unit, 600,000 square feet of retail space and 1,000,00 square feet of office space shall be constructed in the Core.**
- e. Prior to issuance of permits for the 4,200th dwelling unit, 900,000 square feet of retail space and 1,500,000 square feet of office space shall be constructed in the Core.**
- f. Prior to issuance of permits for the 500,000 square feet of retail development, 250,000 square feet of office shall be constructed.**
- g. Prior to issuance of permits for the 750,000 square feet of retail development, 500,000 square feet of office space shall be constructed.**
- h. No single retail space shall be approved that exceeds 125,000 square feet of gross floor area within Westphalia Center.**
- i. A phasing and tracking chart shall be prepared in accordance with the approved phasing plan prior to certification of the CSP. This chart shall be submitted with each detailed site plan and comprehensively updated to ensure conformance with the phasing plan. The chart shall also be submitted with every building permit. No building permit shall be issued which does not conform to the phasing schedule above.**

CSP-07004-01 Proposed Revision:

- 31. The phasing of residential and commercial uses shall be determined with approval of the Conceptual Site Plan covering the whole property. All properties within Westphalia Center shall be subject to this CSP ~~and to any special purpose DSP.~~

- c. Prior to issuance of permits for the ~~1,400th~~ 1905th dwelling unit, 300,000 square feet of retail space and 500,000 square feet of office space shall be constructed in the Core.

Applicant's Justification: The applicant requested removal of the Moore Property to "any special purpose DSP" and asked that the trigger for the installation of 300,000 square feet of retail space and 500,000 square feet of office space be moved up from the issuance of the 1,400th to the 1,905th building permit. Additionally, the applicant stated that the intent of the trigger is understood as an effort to develop the Core area first, and to balance the unit types within Westphalia Center. They said that the condition results in a limited ability to build units outside the Core until certain other events occur. The restriction set forth in this condition is onerous to those developers outside of the Core who are prepared to immediately move forward with development. Further, based on the private development agreement between the owners of the Westphalia Center, established in a more favorable development climate, the first 1,400 units remain restricted to the Core area. As such, it is necessary to either delete Condition 31(c) or adjust the phasing to allow for the development of the Moore Property.

With respect to Condition 31(b) which restricts the townhouse development in Westphalia Center to 50 percent, the applicant argued that this condition applies to the project as a whole and suggested a finding be made in the subject case that the total dwelling unit count for attached units in Westphalia Center will not exceed 50 percent.

The Planning Board prefers that the reference in the condition "and to any special purpose DSP" be changed to "and to the relevant special-purpose DSP," and approves the following with respect to the adjustment in the trigger.

Noting that the definition of urban regional communities (of which this application is a part) in the Zoning Ordinance sets a limit of 50 percent on attached dwelling units to include townhouses, two-over-twos, and triplexes, CSP-07004 does not limit building types on the Moore Property. Illustrations and development phasing concepts submitted at the time of the approval of CSP-07004 indicated that it would be developed primarily with attached dwellings and that the preliminary plan of subdivision for the Moore Property supported this notion by approving up to 505 attached and 135 multifamily dwelling units. Although the Moore Property cannot independently comply with the 50 percent limitation on attached units contained in Condition 31(b), Westphalia Center as a whole, could. Since Condition 31(b) also restricts the issuance of building permits for attached dwelling units to no more than 50 percent of the permits issued for all dwelling units, unless permits for multifamily units (or single-family units) are issued for the Moore property, this restriction would limit the number of permits for attached dwellings to 135 (50 percent of all permits issued) corresponding to the number of permits that could be issued for multifamily development as approved by 4-04018. Full development of the Moore property could not proceed until building permits for dwelling units other than attached units were issued on the balance of the Westphalia Center property. Language has been incorporated into the revised condition to prevent this from happening and to allow up to 100 percent of the building permits for the Moore Property to be for attached dwelling units, as allowed by the original approval of CSP-07004.

8. **Urban Design Review—CSP-07004:** The originally submitted development regulations for this CSP provided minimal standards for streetscape and building placement. These regulations are based upon the roads on which a lot fronts. The roads within the site are divided into the following different categories:

Urban Mixed-Use Roads: These include the two main north-south roads and the one main east-west road running through the Core. Development along these roads should be multistory, pedestrian-oriented commercial, residential, and mixed-use buildings. The development regulations call for a build-to line to be established along the frontage of all properties. The build-to line will run along the edge of the wide pedestrian area (proposed to be a minimum of six feet wide, alongside a five-foot-wide area where the sidewalk alternates with street tree planting areas and street furniture). The total sidewalk width is therefore a minimum of 11 feet, but only six feet of this is free of obstructions for pedestrians. Buildings may be set back up to 30 feet (the setback is called the optional zone) from the build-to line only for the purpose of providing seating areas, public art, handicapped access routes, plazas, balconies, or merchandise display areas. A minimum of 60 percent of the property frontage should consist of a continuous building frontage along the build-to line or optional zone. Landscaping is also permitted in the optional zone, but landscaping should only be incidental to the other uses permitted within the optional zone and should not be used to justify a setback from the build-to line.

The urban mixed-use standards also apply along the northern side of Presidential Parkway in the Core.

Urban Residential Roads: These roads are the main routes running through the residential Edge neighborhoods. Most of the development along these roads will be residential buildings, primarily multifamily and attached dwellings. Small-scale commercial and mixed-use development will also be located along these roads. Similar streetscape standards to the mixed-use roads apply along the residential roads, except that the optional setback from the sidewalk is only ten feet. This optional setback is intended for residential buildings to allow for stoops, porches, and small garden areas between the building and the sidewalk. Fifty percent of the property frontage should consist of a continuous building frontage along the build-to line or optional setback.

Internal Circulation Roads: These roads are the internal streets within the residential Edge neighborhoods. The minimum streetscape standards will include a four-foot-wide planting zone for street trees and a six-foot-wide sidewalk. As with the development regulations elsewhere, a build-to line is established along the sidewalk. At least 50 percent of the property frontage should consist of a continuous building frontage along the build-to line. Where single-family detached houses are proposed, the building façade will not be continuous, but will still meet the 50 percent frontage requirement. It seems appropriate to allow for an optional setback of the residential buildings from the sidewalk along these roads as allowed on the Urban Residential Roads above.

The design as presented is basically acceptable, providing for a comprehensive, interconnected street network, and appropriately locating public spaces and facilities throughout the development. The following issues with the plan have been identified, some of which are also discussed in more detail in the finding below:

- a. Small-scale commercial sites within the Edge: The plan locates six potential sites for small-scale commercial or mixed-use development within the residential areas of the Edge. Of these six, at least four will be required to be developed as commercial or mixed-use sites. This means that if two sites are instead developed as residential areas, then all of the remaining four sites will need to be set aside as commercial areas.

Development of these sites should be done in accordance with the sector plan's recommendations for vertical mixed use in the Edge, along main streets. Uses may be mixed retail and office, or mixed commercial and residential. Commercial development on these sites should consist of small-scale uses that will either directly cater to the market of the surrounding residential areas (such as convenience grocery or small retail stores), or wider-focused commercial uses that will not disrupt the residential neighborhoods (such as small professional offices). If the commercial sites are not developed concurrently with the surrounding residential areas, an adequate parcel of land (at least half of an acre) should be set aside at a street intersection in each location for future mixed-use or commercial development.

- b. Front-loaded garages: The sector plan strongly discourages the provision of front-loaded garages and driveways for townhouses, recommending instead that parking should be located in the rear and sides of lots. The applicant's CSP text does not prohibit the use of front-loaded townhouses in the Edge area. There may be some locations where front-loaded townhouses are unavoidable, specifically where the rear of a townhouse row is adjacent to a stream valley or preserved environmental feature, preventing the use of a rear alley to serve the houses. In all other circumstances, however, front-loaded units should not be permitted.
- c. Drive through regulations: The sector plan text also strongly discourages drive through commercial services in the Core and Edge and prohibits them where visible from public streets. The CSP text states that drive throughs will not be permitted in the Core except where accessed from the auxiliary access roads and not visible from the main (public) streets. This regulation is appropriate and allows for the provision of drive throughs behind buildings where they will be least disruptive to the urban environment. However, the CSP text is more permissive regarding drive throughs within the Edge and Fringe areas, stating that "drive-through commercial services are permitted, generally, in the Fringe and Edge areas." (CSP text, p. 18) The design guidelines section of the text states that drive through services are permitted in the Fringe and Edge along urban residential roads and internal circulation roads, provided that they are not visible from "Major Urban Roads" and will not be detrimental to the public health, safety, and welfare (CSP text, pp. 40 and 42).

The terminology of the CSP text is unclear as major urban roads are not defined. Drive through services in the Edge should only be permitted in situations where they are not disruptive to the visual character of the development. They should be designed to be as unobtrusively as possible and should not create functional difficulties for pedestrians.

- d. **Parking provision:** The sector plan encourages the provision of parking in structured parking garages and discourages large areas of off-street surface parking in the Core and Edge. It is expected that the great majority of parking within these areas will be provided in garages and as parallel parking along streets. The CSP text states that surface parking will not be provided in the Core except for “small residential interior block areas.” (CSP text, p. 23) The CSP also states that surface parking in the Edge and Fringe will be separated from streets and pedestrian areas by landscaping, small walls, or buildings (CSP text, p. 27).

Surface parking lots are only permitted in the Core where they are screened from view of streets by buildings. However, it is recognized that larger parking lots may exist in the Core adjacent to streets prior to the final build-out of the project. These parking lots should be regarded as an interim condition that will eventually be replaced as buildings are constructed along the right-of-way and surface parking is converted to structured parking.

- e. **Building heights:** The sector plan calls for the Core to be constructed with multistory buildings, generally three to ten stories in height. In the Edge, buildings are to be generally two to five stories in height, and the construction of one-story buildings is to be avoided. The CSP text basically supports these design principles. However, the text does allow for the possibility of one-story buildings in the Core for the cultural center, movie theaters, and retail anchor stores. In these cases, design of the buildings will hold to a minimum height of 30 feet and utilize articulation to give the impression of multiple stories (CSP pp. 16–17). Similarly, in the Edge, the buildings will be two to five stories except that retail and community centers may be one-story buildings with a minimum height of 20 feet (CSP p. 24).

Rather than constructing single-story buildings that give the visual impression of multiple stories for single-story uses such as movie theaters and retail anchors, the most appropriate arrangement for such uses in the Core and Edge would be to integrate them into the lower stories of a vertically mixed-use building. One-story buildings are not completely inappropriate in dense urban areas, but the sector plan clearly intended that such buildings should be strongly discouraged. The minimum heights and architectural detailing included in the CSP text should be utilized when the necessary uses cannot be integrated into a mixed-use building, but single-story buildings are generally discouraged. Mixed-use buildings should be utilized wherever possible.

The sector plan also recommends that sites specifically and exclusively intended for high-intensity office, mixed-use, and residential development should be identified and reserved in the Core. One of the exhibits in the CSP text (16A) shows proposed building

heights within the Core. The locations for five to eight and eight to eleven-story buildings should be interpreted as being reserved for high-intensity development.

- f. Building placement regulations: The CSP text includes design guidelines to provide minimum regulations for the development of the site. Such guidelines are based around the proposed roads and establish minimum streetscape and building placement regulations. In general, these regulations are intended to create a pedestrian-friendly urban streetscape with a public space along the street defined by consistent building setbacks. Minor corrections and clarifications to the CSP text regarding these development regulations shall be made pursuant to conditions of this approval.

For instance, the regulations for residential development along urban residential and internal circulation roads are unclear as to the required build-to line and setbacks. The text states that buildings shall be built up to the pedestrian zone (the sidewalk), although townhouse setbacks may vary somewhat to allow for offsets along a row of houses. However, this contradicts a diagram on page 41, which shows an additional possible ten-foot setback for residential buildings beyond the pedestrian zone allowing for stoops, porches, and gardens. The text shall be revised to state that residential buildings fronting on urban residential and internal circulation roads may be set back up to ten feet from the established build-to line along the pedestrian zone or public utility easement.

- g. Utilities: The proposed street sections include utility easements seven-to-ten-foot wide. Along some of the possible road sections in the Core, the utility easements may be underneath sidewalk pavements. It is expected that utilities within the Core will be provided within conduits, which is standard practice for commercial developments. Within the residential neighborhoods (along urban residential and internal circulation roads), the majority of the street sections reflect utility easements that run outside of the sidewalks as is more common practice for residential development. As specific buildings are not yet proposed, the utility companies have not provided a full review of the utility easements shown in the CSP. Further evaluation of the utility easements has been provided during the review of the preliminary plans and will be provided during the review of the detailed site plans for the project.

The development regulations for building placement currently do not account for the presence of a public utility easement, rather stating that buildings should be built up to the designated pedestrian zone. In most cases the utility easement will run alongside the sidewalk, and in these circumstances the buildings should be built up to the utility easement.

- h. Planting standards: The CSP includes two planting details for street trees to be set into the sidewalks of the town center (in the CSP text, following p. 42). One detail shows street trees to be placed in planting beds four feet wide by eight feet long, and also shows that the open planting beds will connect to structural soil underneath the adjacent sidewalk, effectively extending the area into which the trees' roots will be able to expand. This is an acceptable arrangement for street trees. The second detail shows trees to be

placed in smaller beds beneath tree grates, four feet wide by four feet long. The smaller planting area would be stressful for trees and the detail does not show any connection to structural soil beneath the sidewalk. This arrangement would greatly restrict the trees' roots and cause many premature deaths among the street trees, harming the character of the streetscape and adding to maintenance and replacement costs. The tree grate detail should either be removed from the plan or modified to provide a large planting area and extension of the soil bed with structural soil underneath the adjacent sidewalk area.

CSP-07004-01: The findings regarding the urban design aspects of the project remain unchanged by the proposed revisions to conditions of the CSP.

9. **Zoning Ordinance—CSP-07004:** The subject project is in compliance with the requirements in the M-X-T Zone including the requirements for a regional urban community.

As stated in Section 27-276(b)(3),

The Planning Board may approve a Conceptual Site Plan for a Regional Urban Community in the M-X-T Zone if it finds that proposed development meets the purposes and applicable requirements of the M-X-T Zone and the Plan meets all requirements stated in the definition of the use and Section 27-544 of this Code.

The proposed development meets the definition of a regional urban community, found in Section 27-107.01(a)(197.1), and as more fully analyzed in Finding No. 5 above. Conformance to the purposes and applicable requirements of the M-X-T Zone and Section 27-544 of the Zoning Ordinance are discussed below.

Required findings for conceptual site plans in the M-X-T Zone (Section 27-546(d)) are that:

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

The development is in conformance with this requirement. It clearly meets the purposes of the M-X-T Zone as specified in Section 27-542(a):

- (1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;

The plan will allow for an orderly development of land in the vicinity of three major interchanges along Pennsylvania Avenue. The site is designated as a Regional Center by the *Prince George's County Approved General Plan* and may include a major transit stop. The proposed town center will enhance the economic status of the county and provide desirable employment and living opportunities for its citizens.

- (2) To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;

The plan will promote compact, mixed-use and walkable development, including a mix of residential, commercial, recreational, open space, employment, and institutional uses, as further described in Finding No. 5 above.

- (3) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;

The plan takes full advantage of the development potential of the site, allowing for both public and private development, as further described in Finding No. 5 above.

- (4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;

The plan locates a mix of residential and nonresidential uses in proximity to one another, particularly in the Core where uses may be mixed within the same building. The design will facilitate walking and bicycling, and will be well suited for the development of transit services, as further described in Finding No. 5 above.

- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;

The mix of uses provided within the Core will facilitate and encourage a 24-hour environment, as further described in Finding No. 5 above.

- (6) To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;

The plan proposes an appropriate horizontal and vertical mix of land uses, as further described in Finding No. 5 above. Building heights are specifically addressed in Finding No. 7 above.

- (7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;

The individual uses will coexist in a common urban environment, with a distinctive character and identity, as further described in Finding No. 5 above.

- (8) To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;

The plan will promote optimum land planning through the compact form of the development, which will concentrate multiple uses in close proximity to ensure economies of scale and savings in energy, as further described in Finding No. 5 above.

- (9) To permit a flexible response to the market and promote economic vitality and investment; and

The plan proposes a variety of dwelling unit types and flexible ranges of commercial development which will allow for appropriate responses to the market, promoting economic vitality, and investment, as further described in Finding No. 5 above.

- (10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.

Architecture will be reviewed at the time of detailed site plan. The exhibits and illustrative views submitted by the applicant, in conjunction with this application, reflect a high standard of architecture including well-detailed façades that address the streetscape.

- (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;

As noted above, as in Finding No. 6, the property was placed in the M-X-T Zone by a SMA approved after October 1, 2006. The proposed development implements the development concept recommended by the sector plan, which is discussed generally in Finding No. 19. Design guidelines and standards have been proposed by the applicant to implement the development concept, as further described in Finding No. 5 above.

- (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 is generally ordered around the three interchanges along Pennsylvania Avenue: Suitland Parkway/Presidential Parkway, Dower House Road, and Woodyard

Road/Melwood Road. These interchanges are expected to provide the primary access into the site, and the plan envisions the development of regionally-attractive uses including federal offices, a medical center, and the Melwood retail center in proximity to the main entrances to the site. The size and quality of proposed development will be certain to catalyze adjacent community improvement and rejuvenation where necessary, and will contribute to the successful development of other projects in Westphalia by providing a nearby retail commercial and entertainment destination for those projects.

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

The proposed development is compatible with existing and proposed development in the vicinity to the fullest extent possible. The proposed development concentrates its greatest densities and intensities of development in the Core and the southern portions of the development along Pennsylvania Avenue and Presidential Parkway, with lower densities to the north and east. The existing commercial and industrial uses along Presidential Parkway should be compatible with the proposed office uses in that area. Small numbers of single-family detached houses are proposed in the area closest to the smaller-scale existing residential areas along Melwood Road, which are also to be buffered from the subject property by an afforestation and tree preservation buffer.

The proposed future development to the north of the site (the planned communities in the R-M and L-A-C Zones) will follow the overall scheme of development approved by the Approved Westphalia Sector Plan and Sectional Map Amendment (2007) are expected to include a mix of unit types integrated with smaller commercial areas and open-space networks. This will be consistent with the northern residential uses with neighborhood commercial proposed in the Edge of the subject site.

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

The proposed plan includes commercial, residential, and institutional uses organized around a comprehensive network of streets, open spaces, and recreational amenities. Overall, the plan proposes 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 CSP text proposes twelve main phases of development, as discussed below. The phases are based on geographic divisions of the site, allowing for each phase to be developed independently of the others, subject to adequate public facilities being available at that time. Most of the proposed phases include a mix of residential, commercial, and hotel development, which are intended for large amounts of regionally-marketed commercial space that can be marketed

independently of the other phases. However, the unified overall transportation network and design guidelines that will be set by this CSP and the special purpose detailed site plans will promote the effective integration of the separate phases into a cohesive whole.

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

The pedestrian system includes sidewalks along all public and private roads (not alleys) within the development. A number of additional trail connections have been required by conditions of this approval to fulfill the planned network of the sector plan, which will enhance the convenience and comprehensively connected nature of the pedestrian system.

- (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 subject application is a conceptual site plan.

- (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, will be provided by the applicant, or are incorporated in an approved public facilities financing and implementation program, 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 conceptual site plan submittal included a traffic study intended to demonstrate the transportation adequacy of the development for the anticipated future traffic to be generated by the development. This study has been amended and reviewed by the Transportation Planning Section, the State Highway Administration (SHA), and the Department of Public Works and Transportation (DPW&T).

- (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.

This finding is not applicable to the subject conceptual site plan.

- (11) On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.

The applicant does not propose a Mixed-Use Planned Community.

Regulations of the M-X-T Zone (Section 27-544)

The following regulations of the M-X-T Zone in Section 27-544(b) and (e) of the Zoning Ordinance are applicable to the subject property:

- (b) For property placed in the M-X-T Zone through a Sectional Map Amendment or through a Zoning Map Amendment intended to implement land use recommendations for mixed-use development recommended by a Master Plan or Sector Plan that is approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation:
 - (1) The design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan.
 - (2) The limitations on the maximum percentages of townhouses contained in Section 27-547(b)(7), footnote 7 and the lot size and lot width requirements in Section 27-548(h) shall not apply. However, the Planning Board or District Council may impose similar restrictions where appropriate, only to implement the recommendations of the Master Plan or Sector Plan.

As discussed above, the property was placed in the M-X-T Zone through an SMA approved after October 1, 2006, for which a comprehensive land use planning study was conducted prior to initiation. The subject property was the topic of Exhibit 44, an exhibit of record showing the development of the site in a fashion similar to what is proposed by this conceptual site plan. The applicant proposed design guidelines, which will be adjusted below by conditions of this approval, in order to implement the development concept recommended by the sector plan.

- (e) Regional Urban Community Regulations.
 - (1) A Regional Urban Community shall conform to the definitions, regulations, and requirements set forth in Sections 27-107.01, 27-276, and 27-508 of the Zoning Ordinance.

Section 27.101(a)(197.1) of the Zoning Ordinance refers to the definition of a Regional Urban Community, which is met by this project. Section 27-276 refers to the required

findings for CSP approval. Section 27-508 refers to the regulations of the R-M Zone for portions of a Regional Urban Community that may be in the R-M Zone, which is not applicable to the subject application which is entirely in the M-X-T Zone.

(2) In addition to the definition, regulations, and other requirements set forth in Sections 27-107.01, 27-276, and 27-508 of this Code, the following regulations shall apply to a Regional Urban Community in the M-X-T Zone:

(A) The maximum percentage of attached dwelling units, which includes but is not limited to townhouses, two over twos and triplexes, shall be fifty percent (50%) of the total units in the project;

The CSP proposes 1,650–1,850 townhomes out of a maximum total of 5,000 dwelling units. However, the phasing plan shows a total of 1,715 townhouses and 460 other attached units (back-to-back, triplexes, and two-over-twos), or 2,175 attached dwelling units out of a total of 4,208 dwelling units in the project. As this is more than 50 percent of the total, the development quantities proposed in the phasing plan are not in conformance with this requirement. It is recognized that the phasing plan presented by the applicant does not present an exact number of units that will be built, but rather describes a suggested phasing that will likely be modified as the project moves closer to construction. However, even the suggested phasing plan should be consistent with the overall totals that can be developed on the site. Therefore, the number of attached units shown on the phasing plan should be reduced and the other dwelling unit types (multifamily and/or single-family detached) should be increased, in order to show a mix of units that would be approvable.

The restriction on attached dwelling units applies to townhouses, two-family dwellings, three-family dwellings, semi-detached dwellings, metropolitan dwellings, quadruple-attached dwellings, and all similar products which feature horizontally or vertically attached dwellings. Variations of stacked or attached dwelling unit products which have been altered to meet the Zoning Ordinance's definitions of multifamily dwellings will not be considered multifamily dwellings in the town center.

(B) For Regional Urban Community developments in the M-X-T Zone, the woodland conservation and afforestation thresholds shall be fifteen percent (15%) with no requirement for on-site mitigation. A fee-in-lieu of \$0.30 per square foot shall be required.

The woodland conservation and afforestation threshold for the town center will be 15%. If a fee-in-lieu is utilized to meet the requirements, the fee will be \$0.30 per square foot.

- (C) Innovative stormwater management techniques may be used upon a finding that the techniques meet the purpose of the M-X-T Zone as set forth in Section 27-541(a)(2), including but not limited to the utilization of stream channel and floodplain enhancement and restoration. Stream restoration may be utilized to meet channel protection and water quality volumes.

Stormwater management concepts have been evaluated by DPW&T and will continue to be reviewed by them and Environmental Planning Section staff at subsequent steps in the approval process.

- (D) No setback shall be required from the 100-year floodplain to the lot line. There shall be a twenty-five (25) foot setback from the building to the 100-year floodplain for residences as a building restriction line as set forth in Section 24-129.

The required lot line setbacks and building restriction lines from the floodplain will be evaluated at the time of preliminary plan of subdivision review and subsequent reviews.

- (E) The maximum number of townhouse dwelling units per building group shall be ten (10). No more than thirty percent (30%) of the building groups shall contain nine (9) to ten (10) dwelling units. All other townhouse building groups shall contain no more than eight (8) dwelling units.

This requirement will be evaluated at the time of detailed site plan review.

- (F) The number of parking spaces required in the core area of the Regional Urban Community are to be calculated by the applicant and submitted for Planning Board approval at the time of Detailed Site Plan approval. The applicant shall submit the methodology, assumptions, and data used in performing the calculations with the Detailed Site Plan. The number of parking spaces within the core area of the Regional Urban Community shall be calculated based on the procedures described in Sections 27-574(b) and (c).

The parking requirements of development will be evaluated in this fashion at the time of detailed site plan review.

- (G) End units on townhouse building groups shall be a minimum of twenty (20) feet in width and the minimum building width of a contiguous attached townhouse building group shall be sixteen (16) feet per unit. A variety of townhouse sizes shall be provided, with a minimum gross living space of a townhouse unit shall be 1,500 square feet except that

ten percent (10%) of the townhouse units may be reduced to 1,200 square feet.

These minimum standards will be applied to any detailed site plan that proposes townhouses.

- (H) The minimum front setback from any public or private right-of-way may be reduced to seven (7) feet. In the core area, the public maintenance shall be one foot from back-of-curb to one foot to back-of-curb.

Detailed site plans for the site will be required to comply with the minimum front setback of seven feet from public and private rights-of-way.

CSP-07004-01: The proposed revisions to conceptual plan conditions in CSP-07004-01 do not affect the previous findings made regarding conformance with Zoning Ordinance requirements because said conformance must be judged taking into consideration the ultimate build-out of Westphalia Center as a whole.

10. **2007 Approved Westphalia Sector Plan and Sectional Map Amendment—CSP-07004 and CSP-07004-01:** The proposed revision to the conceptual site plan, including the proposed amendments to conditions of approval, has been determined to be in conformance with the approved sector plan.

11. **Recreational Facilities—CSP-07004 and CSP-07004-01:** Residents of the Westphalia Town Center will have access to a wide range of recreational opportunities. The CSP shows two community buildings located on open space parcels roughly in the center of the Eastern Residential neighborhood (3 acres) and at the northern edge of the Northern Residential neighborhood (2.5 acres). These areas should provide for a variety of indoor and outdoor recreational opportunities. In view of the large size and population of the project, these buildings should be large and accommodate a variety of recreational opportunities. The buildings should be constructed concurrently with the Edge residential neighborhoods. The applicant should construct the master-planned trails along the Cabin Branch and Back Branch stream valleys in this development.

The open spaces located throughout the development include the following:

- a. Westphalia Square (0.9 acre), located roughly in the center of the entire site, on the northern side of the Core.
- b. West Circle (1.9 acres), open space within the roundabout along MC-637 in the western portion of the Core.
- c. East Circle (1.6 acres), open space within the roundabout along MC-632, within the Eastern Residential neighborhood of the Edge.

- d. Amphitheatre Area (1.6 acres), envisioned as an open area west of the West Circle, with a cultural building such as a museum or art gallery and an outdoor amphitheatre for performances.
- e. Small open areas (0.1 acre and 0.3 acre) within the two smaller roundabouts along the main east-west street through the Core.
- f. Three neighborhood pocket parks (0.2 acre, 0.4 acre, and 0.3 acre) within the Edge residential neighborhoods.
- g. The preserved stream valley corridors along Back Branch and Cabin Branch (37.2 acres).

The space within the roundabouts along major roads is hardly large enough to be usable for amenities. The two smaller circles may eventually be developed as visual amenities that are not intended to be used by pedestrians. However, the two larger circles propose significant areas which are intended to be developed as usable space accessible by pedestrians. The applicant's exhibits presented in the first public hearing on the project show Dupont Circle and Logan Circle as models for these two circles. However, the heavy traffic expected along the major collector roads passing around the circles may deter pedestrians from attempting to reach the open space in the center of the circles. Traffic signals may be needed to stop traffic and give pedestrians a chance to cross. At the West Circle, it may be desirable to route both sides of MC-637 around the eastern side of the circle and allow the western side of the circle as a local access route for the cultural arts center and amphitheatre. This would also require a traffic signal to be installed at the eastern edge of the circle. The advantage of this approach would be to functionally link the open space within the West Circle to the art center and amphitheatre and create more opportunities for pedestrians to reach and use the space.

The feasibility of traffic control strategies to enhance pedestrian access to the circles was evaluated during the review of the preliminary plan of subdivision. At a minimum, the applicant should show preliminary construction details and proposed phasing of the recreational facilities within the circles during the review of the relevant special-purpose detailed site plan.

The residents of the town center will also have access to the Westphalia Central Park, located to the north of the site and connected to the site by the stream valley trail along Cabin Branch. Additional connections should be provided along the master-planned roadways running north from the site. Financial contributions to the development of the central park will be made in accordance with preliminary plan conditions.

Private recreational facilities in Westphalia Center have been made reciprocally available to all residents by a condition of this approval.

12. **The Prince George's County Landscape Manual—CSP-07004 and CSP-07004-01:** As a regional urban community, the proposed town center is subject to Section 4.8 of the Landscape Manual.

The submitted CSP contains a conceptual landscape plan (Sheet 16), but the sheet demonstrates conformance to the other sections of the Landscape Manual. The sheet should be revised to show that the development will conform to Section 4.8.

Section 4.8 Landscape Requirements in a Regional Urban Community

The landscape requirements for a Regional Urban community shall be determined at the time of the Conceptual Site Plan pursuant to Section 27-544 of the Zoning Ordinance or, where appropriate, at the time of the Comprehensive Design Plan pursuant to Section 27-480 of the Zoning Ordinance. The requirements, at a minimum, shall include:

A. Residential Requirements

- All lots for single-family detached dwellings that are smaller than 9,500 square feet shall be planted with a minimum of 1 shade tree or 1 ornamental tree per individual lot.
- For townhouses, one-family, semi-detached, two-family and three-family dwellings a minimum total of 1 shade tree and 1 ornamental or evergreen tree per every two units shall be provided on individual lots or on public or private open space.
- For multi-family buildings, 1 major shade tree shall be provided for each 2,400 square feet of surrounding green area provided. The number of trees may be satisfied on a 2:1 basis by the use of ornamental trees or evergreen trees, not to exceed one quarter of the number of shade trees provided on individual lots or on public or private open space.

Sheet 16 of the CSP includes notes to demonstrate conformance to Section 4.1 of the Landscape Manual, which requires provision of landscaping for residential development. The CSP should be revised to show that the development will conform to the above standards. The limited number of lots for single-family detached dwellings within the town center (150–200) may all be smaller than 9,500 square feet in area, in which case they should provide one shade tree or one ornamental tree, as noted above. Lots larger than 9,500 square feet for single-family detached dwellings are not specifically addressed in Section 4.8, and should be provided with one shade tree and one ornamental or evergreen tree as would be required under Section 4.1.

The standards of Section 4.8 for attached dwellings represent a 50 percent reduction in landscaping from what would normally be required under Section 4.1. It is certainly appropriate to count landscaping provided on common open areas associated with the attached units toward the landscaping requirements of the attached units, but landscaping provided within public or private open space (which would include urban parks and stream valley parks provided within the town center) should only be counted towards the landscaping requirements of attached units if those areas are within reasonable proximity to the proposed units.

The landscaping requirements for multifamily developments are based upon the amount of green area provided for the multifamily development. In a Euclidean Zone, there are specific requirements for green area within multifamily developments on which the Landscape Manual requirements provide for regulated numbers of plantings. In the M-X-T Zone, multifamily development does not generate a specific green area requirement, so the Landscape Manual's regulation may not require any plantings for multifamily development if the applicant does not propose any green area in conjunction with the multifamily development. This is perfectly appropriate in an urban setting, as the public open spaces and quality sidewalk environment will provide open space for the residents. The urban parks should, at a minimum, meet the landscaping requirement of one shade tree per 2,400 square feet of green area, and in general should be more heavily landscaped.

B. Screening Requirements

- Screening materials shall consist of evergreen trees and shrubs, wall, and fences.
- At the time of installation or planting of screening materials, screening must occupy 75% of a vertical rectangular plane, excluding driveways, sufficiently high and long to accomplish the required screening.
- All loading areas consisting of loading spaces, loading docks, vehicular lanes providing access to them and service or maintenance areas shall be screened from residential areas (single-family dwellings and townhouses) and all adjacent public roads.
- All dumpsters, trash pads, and trash collection or storage areas shall be carefully located and oriented on the site to be as inconspicuous as possible.
- All mechanical equipment and meters shall be screened accordingly to prevent excessive noise on surrounding properties.
- Screening options may include:
 - 6-foot-high-sight-tight-fence
 - Architecturally decorative walls
 - Evergreen screen (height, spacing and variety to be determined by size and location of area to be screened)

The screening requirements will be enforced during the review of detailed site plans.

Traditional landscape strips will not be provided along the roads within the town center. Street trees will be provided along all streets (not along alleys or along internal access roads in the Core).

Section 4.8 does not provide minimum standards for parking lot landscaping. Large surface parking lots will not be permitted within the Core, where parking should be provided almost exclusively in structures or along streets. Surface parking lots may occur within the commercial portions of the Edge and Fringe. The standards of Section 4.3 should be applied to large surface parking lots within the town center. In situations where surface parking is proposed, the standards of Section 4.3 will appropriately provide for landscaping.

In an urban mixed-use environment, uses should generally not be separated from each other by landscaped bufferyards. Therefore, particular buffering requirements are not established by this approval. During the review of detailed site plans, particular situations or marked incompatibilities may be identified where buffering of incompatible uses is warranted.

The revisions to the CSP conditions will not affect previous findings regarding compliance with the requirements of the *Prince George's County Landscape Manual*.

13. **Phasing—CSP-07004 and CSP-07004-01:** The applicant has presented a phasing plan which breaks the development geographically into six phases and 13 sub-phases. However, the applicant has not committed to building the phases in a particular order. In terms of the staging of residential and commercial development, the applicant has proffered to build 250,000 square feet of commercial development as part of the first phase of development, prior to the issuance of the 1,000th residential building permit. This has been altered by the 01 revision. Once 80 percent of the existing commercial development has been leased, the applicant will commit to develop additional commercial space.

As discussed in Finding No. 19 below, the applicant's proposed staging plan is inadequate to address the sector plan's strategies for concurrent timing of commercial and residential development. Without additional assurance, the County would run the risk of residential development on the site substantially outpacing the commercial development. Furthermore, unbalanced development might proceed to a point where there is not enough land or traffic capacity associated with the site to allow for the development to reach its required minimums. For instance, if too many residential units are developed, the site's trip cap may not permit enough commercial development in order to meet the minimum amount of commercial approved with this site plan. A binding phasing plan that provides for the balanced development of the different uses should be determined while the entire site is under unified control.

The following elements should be included in the staging plan and should be comprehensively tracked to ensure compliance:

Minimum development levels should be established within the town center to ensure that the Core, Edge, and Fringe meet the density and floor-area thresholds established by the sector plan. Furthermore, adequate traffic capacity should be reserved at all times so that the minimum levels of each type of development (residential and commercial) can be built. The number of attached units within the town center should not exceed 50% of the total dwelling units built at the time of ultimate build-out. Finally, commercial office development within the Core should be phased so that it is constructed concurrently with specified levels of residential and retail construction.

Construction of 505 residential dwelling units proposed by the subject revision as a first phase of development, will not affect the project's overall conformance with this requirement.

14. **The Prince George's County Woodland Conservation and Tree Preservation Ordinance—CSP-07004-01:** This property is subject to the provisions of the Woodland Conservation Ordinance because it has previously approved Type I Tree Conservation Plans associated with it: TCPI/004/09 associated with the Moore Property Preliminary Plan 4-08018; TCPI/014/08 associated with the original CSP approval for the overall Westphalia Center; and the -01 revision to TCPI/014/08 associated with Westphalia Center Preliminary Plan 4-08002. A Type I Tree Conservation Plan (TCPI/014/08-02) has been found to conform with the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance and is being approved with the subject CSP revision. Therefore, the application is in accordance with the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance.

15. **Referral Agencies and Departments**
 - a. **Historic Preservation—CSP-07004 and CSP-07004-01:** The proposed revisions to CSP-07004, in order to permit development of the Moore Property first, will have no effect on identified historic sites, resources, or districts.

 - b. **Archeological Review—CSP-07004 and CSP-07004-01:** A Phase I archeological survey was completed on the 530.27-acre Westphalia Center property in September and October 2006 and that eleven archeological sites (18PR843, 18PR844, 18PR845, 18PR846, 18PR847, 18PR848, 18PR849, 18PR850, 18PR851, 18PR852, and 18PR853) were identified in the survey. All of the sites consisted of early to mid 20th century farmsteads. Most of the sites were adversely impacted by recent house demolition or by gravel mining activities on the property. The sites also did not contain intact artifact deposits of sufficient research value to require further investigation. No further work was recommended on any of the eleven historic archeological sites identified on the Westphalia Center property. The Planning Board concurs with the conclusions of the Phase I archeology report that, due to the lack of research potential of these sites and their compromised integrity, no further work is necessary on the eleven historic archeological sites identified on the Westphalia Center property.

The Phase I archeological investigations of the Westphalia Center property were also reviewed by the Maryland Historical Trust. State reviewers concurred with the recommendations of the Phase I report that none of the archeological sites was eligible for listing in the Maryland Register of Historic Properties or the National Register of Historic Places. No further work was requested by the Maryland Historical Trust on any of the eleven archeological sites on the Westphalia Center property. State reviewers also concurred that none of the standing structures were eligible for listing in the Maryland Register of Historic Places or the National Register of Historic Places.

Four copies of the final report, Phase I Archeological Survey of the Westphalia Center Development Tract, Prince George's County, Maryland, were received and accepted on July 17, 2007. The Planning Board concurs with the report conclusions and recommended that no further archeological work is necessary within the Westphalia Center Property.

c. **Community Planning—**

General Plan

This application is consistent with the 2002 General Plan (as amended by the 2007 Westphalia sector plan) Development Pattern policies for a regional center in the Developing Tier. This application proposes a modification in boundaries between the Core and Edge areas which are consistent with the policies and strategies of the revised General Plan and the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment (SMA).

Master Plan

This application generally conforms to the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment policies for mixed uses at the regional center. The illustrative site plans included in the sector plan demonstrate one concept for implementing the development strategies and design principles recommended for this regional center. The conceptual site plan (CSP) and general design standards submitted by this application demonstrates another concept which, with revisions and clarifications listed below, also conforms to the development strategies and design principles recommended by the sector plan.

Other Determinations

This conceptual site plan establishes the regulations for review of subsequent development applications on this property. Council Bill CB-78-2006 revised the review criteria for conceptual site plans in the M-X-T Zone under certain circumstances, which apply in the Westphalia sector plan area, to establish master plan design guidelines or standards and referenced exhibits in the public record as important review criteria for development regulations to be established by the conceptual site plan. Exhibits 44 and 45 in the public record for the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment pertain to review of this application.

Flight operations at Andrews Air Force Base yield high noise impacts (65–70 dBA and 70–75 dBA) on the western portion of the subject site. CSP maps should be revised to show high noise areas and interior acoustical buffering shall be required for all structures built in high noise areas.

The CSP-07004 maps shall be revised to:

- a. Show buffer area along the full length of historic Melwood Road including the Fringe area.

- b. Recommend a location for a medical facility (public or private).
- c. Recommend a site for a possible future library.
- d. Show bikeway corridor trails along major roads and hiker/biker/equestrian trails along Cabin Branch and Back Branch greenways.

The CSP-07004 text (pp. 11–34) will be revised to:

- a. Dedicate a \$3,500 fee for each dwelling unit for construction of the Westphalia central park.
- b. Quantify the proposed mix of public/quasi-public uses in the Edge area and if necessary, revise proposals to conform to the recommended range.
- c. Clarify the proposed level of development and show consistent numbers on CSP Map 11, in the text tables for phasing, and the transportation analysis—all are different.
- d. Incorporate omitted sector plan design principles for the Core, Edge, and Fringe areas in the CSP text as criteria to be included in subsequent development review procedures.
- e. Emphasize that proposed commercial land uses in Edge areas, including live-work structures, need to strictly conform to all sector plan design principles, particularly with respect to scale, site and building design, and parking. On-street parking should be designed to contribute to parking requirements for commercial uses in Edge areas.
- f. Require a range of lot sizes for single-family attached dwelling units in the town center on lots of a minimum of 1,000 square feet in size.
- g. Incorporate the regulations of CB-29-2008 which are applicable to a regional urban center such as this development, particularly with respect to townhouse and attached dwelling unit criteria for the percentage of total units, lot size, living area, units in a row, and building widths.

The CSP-07004 General Design Guidelines and Standards (pp. 35–43) shall be revised to:

- a. Clarify inconsistent terminology used to describe roads in the CSP text, on road identification maps, and on road section illustrations.
- b. Strictly limit potential for front-loaded townhouses.

- c. Clearly restrict permitted drive-through commercial services to areas behind buildings and/or not visible from streets.

Prior to approval of a preliminary subdivision plan (or any special purpose detailed site plan), the following items if relevant to the particular approval shall be determined:

- a. Evaluate accessibility, safety, and traffic control needs for the circular public space within public road MC-637, or propose an alternative road design or location for the public spaces.
- b. Establish gateway design themes and concepts.
- c. Define the responsibility for construction and ownership of other public spaces, recreation, and open space facilities proposed in the town center and transit center.
- d. Define a comprehensive organizational structure and financing system to manage and maintain the public, quasi-public, and common ownership infrastructure networks and amenities, such as streets, sidewalks, recreation facilities, open spaces, and management operations.
- e. Define a phasing program with balanced proportions of concurrent commercial and residential development within both the center and the Core and a comprehensive method for tracking throughout the life of this project; consider requiring a cyclical review to evaluate and update phasing targets, perhaps every five years.

This CSP references all the maps and illustrations presented in the application (as revised herein or in any subsequent comprehensive review) as guidelines for approval of subdivision and each detailed site plan for the duration of this project.

BACKGROUND

- Location: The property is located on the north side of Pennsylvania Avenue (MD 4) between the intersection of Suitland Parkway and Woodyard Road.
- Size: 530.27 total acres, including several non-contiguous parcels along existing Presidential Parkway near the MD 4 intersection in the Fringe area.
- Existing Uses: These properties are largely wooded, with smaller areas of agricultural fields, and several residential homes and agricultural buildings.

Proposal: This conceptual site plan (see CSP Map 11) proposes a vertically and horizontally mixed-use commercial/residential project that includes (Note: The CSP phasing plan and the CSP transportation analysis each show different residential and commercial numbers):

Residential Units—Up to 5,000 total units

Single-Family	150–200
Townhouse	1,650–1,850
Multifamily	2,350–3,100

Commercial—

Retail	800,000–1,400,000 square feet of floor area
Office	4,000,000–4,500,000 square feet of floor area
Hotel	Three hotels± (approximately 600 rooms)

Community Features/Sites (see CSP Map 16)

Transit Center
Police/Fire Station
Cultural Arts Center
Amphitheater
Urban Elementary School
Urban Park and Community Centers
Open space/buffers along small stream valleys and historic Melwood Road

GENERAL PLAN, MASTER PLAN AND SMA

2002 General Plan: This application is located in a regional center along the MD 4 Corridor in the Developing Tier. The vision for centers and corridors is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.

Master Plan: 2007 Approved Westphalia Sector Plan and Sectional Map Amendment. (CR-2-2008 (DR-2))

Planning Area/Community: Planning Area 78/Westphalia

Land Use: The sector plan recommends development of an urban mixed-use town center with a defined core, edge, and fringe, including mixed residential and nonresidential uses at medium to high densities and intensities, ample public spaces suitable for public

events, and a strong emphasis on pedestrian- and transit-oriented design.

Environmental:

Sector Plan Map 5: Green infrastructure shows regulated areas, evaluation areas, and network gaps on the subject property.

Sector Plan Map 6: Primary and secondary corridors show a primary environmental corridor along Cabin Branch on the western periphery of the property and a secondary environmental corridor along Back Branch, across the southern part of the site.

NOTE: A December 2007 Air Installation Compatible Use Zone Study (AICUZ) indicates that flight operations at Andrews Air Force Base yield high noise impact areas (65–70 dBA and 70–75 dBA) on the western portion of this application, which are somewhat different than the previous noise contours shown on the plan land use map. Interior acoustical buffering shall be required for all structures built in high noise areas.

Historic Resources:

No historic sites or resources are indicated on the subject property. However, the eastern and northeastern portions of the site front on Melwood Road, which is identified as both historic and scenic. The plan requires a buffer along Melwood Road and the adjacent neighborhood with a minimum depth of 40 feet and an average depth of 150 feet (see CR-2-2007 (DR-2), Finding (e), p. 6). A buffer area is shown on CSP Map 11 along the central and northern segments of Melwood Road, but not the southern segment adjacent to the Fringe area. The buffer area along the west side of Melwood Road shall be shown in the Fringe area.

Transportation:

Council Resolution CR-2-2007 (DR-2) added a new design principle to the transportation element: “Design a Town Center road network that reflects the sector plan’s design principles for development with an urban character, provides functional continuity with the sector plan transportation network, and needed capacity for adequate circulation of non-motorized as well as motorized transportation on internal streets.” (An urban grid of interconnected streets is illustrated as the intended development pattern evolving from the proposed CSP development regulations and concepts.)

Pennsylvania Avenue/MD 4 (F-6) is located along the southern boundary of this property and is recommended for improvement to freeway standards with grade-separated interchanges. Multiple road access points are recommended for this site:

Existing access is from:

- Presidential Parkway at MD 4—to be upgraded and extended as major collector road MC-634 and arterial road A-66 (on CSP)
- Woodyard Road/MD 223 (A-53) and Melwood Road at MD 4—this interchange is to be upgraded to include connection with Old Marlboro Pike (C-604) similar to Alternative "N" identified during the first public hearing on the plan or another alternative approved by the Maryland State Highway Administration in subsequent design review. (on CSP)
- Marlboro Pike (C-604)—a collector road that provides local access from the east at the interchange with MD 223 and Melwood Road (Not shown on CSP Map 11, but illustrated on other maps pertaining to character areas, phasing, and road designs)

Future access is proposed from:

- Dowerhouse Road at a new interchange with MD 4 extending north as arterial road A-52 and major collector road MC-637. (on CSP)
- MC-637, MC-632 and C-636—unnamed new roads extending south from the adjacent Smith Homes Farm project. (on CSP)

Sector Plan Map 7A: Metro Line Extension shows a transit station location on the north side of MD 4, east of the proposed Dowerhouse Road interchange at the edge of the Core area, initially as a Park and Ride/bus transit site that could evolve into a rail station extended from the Branch Avenue Metro as the Town Center develops. (Transit site shown on CSP)

Melwood Road Improvement: "As determined by the Department of Public Works and Transportation, adequate safety roadway improvements for Melwood Road between MD 4 and

new road MC-632, including traffic calming devices, should be bonded for construction prior to issuance of building permits for the Westphalia Center development project.” (CR-2-2007 (DR-2), Finding (d), p. 6 and SMA Amendment 1, pp. 9–10)

Public Facilities:

Sector Plan Map 9: Public Facilities show a number of public facility sites recommended within this center:

- Police and fire stations (Site shown on CSP)
- Library (Site not specifically shown on CSP)
- Elementary school—urban model (Site shown on CSP)
- Medical facility—public or private (Not shown on CSP)

The potential locations for a library and a medical facility shall be identified on the CSP.

Parks and Trails:

Map 10: Parks and open space show recommendations for a Westphalia Town Center Park/Square and sections of the Cabin Branch and Back Branch greenways within this application (shown on CSP). The Melwood Trail greenway is located along the eastern boundary of this site (not shown on CSP).

Map 8: The trail network shows bikeway corridor trails that are recommended along major roads and hiker/biker/equestrian trails that are proposed within the segments of Back Branch and Cabin Branch within the town center area (not shown on CSP). The Melwood Legacy Trail is shown along the eastern boundary of the town center (not shown on CSP). Local pedestrian urban walkways and bikeways are recommended throughout the center to provide multiple nonautomotive connections to and between neighborhoods within the center and to surrounding communities.

Development Pattern Element Policy 1, Strategy 2, recommends: “A minimum of one public space in a prominent, centralized location of the Town Center Core at a minimum of three acres in size.” The CSP shows three to five public spaces in the Core area totaling more than three acres, the largest of which is 1.7 acres emulating the design of DuPont Circle in the District of Columbia. It is located across the street from another relatively large public use facility, the Cultural Arts Center. The distribution of useable public spaces has some advantages in

terms of accessibility to people in and around the Core area. The main concern is that the proposed 1.7-acre space is located in the midst of a major collector road (MC-637) somewhat north of the Dowerhouse Road interchange. Unlike DuPont Circle, it will not have an underpass for through traffic. As such, there is a question as to the volume of traffic involved, the safety of accessibility, and the traffic control methods that may be needed. These issues shall be addressed in the preliminary plan of subdivision process.

In addition, a large M-NCPPC, Westphalia central park, facility is recommended at the northern edge of the urban town center, on the Smith Homes Farm and Woodside Village development project sites, as a unique recreation feature for the entire Westphalia sector plan area. In order to construct and maintain the proposed variety of active and passive recreation facilities in the central park, a fee of \$3,500 per dwelling unit built in the Westphalia sector plan area is required by this approval. A network of local park sites and recreation facilities (private or public) are recommended within each neighborhood area. It should be determined who will build and maintain the park facilities and open spaces shown on the site plan. (Park sites are shown on CSP)

SMA/Zoning: The 2007 Approved Westphalia Sector Plan and Sectional Map Amendment rezoned the subject property from the I-3 and R-A Zones to the M-X-T Zone. (Table 5: Proposed Zoning Changes, SMA Change 1, Preliminary Plan text, p. 59 as approved by CR-2-2007 (DR-2); SMA Amendment 1, CR-2-2007 (DR-2), p. 12 directs preparation of “concept illustrations based on and referencing exhibits submitted to the record for each property)...that will serve as...the illustrative site plan to guide the character of development for the M-X-T Zone for the properties rezoned by this SMA.”

PLANNING ISSUES

Conceptual Site Plan Review Criteria—The Sector Plan Development Pattern Element, Policy 2, states that “the Westphalia Town Center should be designed and reviewed in accordance with design standards and best practices for urban development as described in this sector plan.” The strategy for Policy 2 is to “approve development standards specifically for the Town Center area in a conceptual site plan review per Part 3, Division 9, of the Zoning Ordinance to ensure development of urban land use patterns and character and that may revise or replace the suburban development standards contained in the zoning ordinance pertaining to lot size, lot coverage, frontage, setbacks,

height, and mix of land use types, signs, off-street parking and loading, landscaping, and other parts of the zoning ordinance.”

Concurrent with preparation of the Westphalia Sector Plan and SMA, Zoning Ordinance regulations pertaining to the M-X-T Zone (Sections 27-542 and 27-547) and CSP review criteria (Section 27-548) were revised by approval of Council Bill CB-78-2006. This ordinance revision added master plan design guidelines or standards and referenced exhibits in the public record as important CSP review criteria in the M-X-T Zone for certain plans and SMAs approved after October 1, 2006, such as the Westphalia Sector Plan and SMA. Exhibits and development illustrations submitted to the public record are not to be considered as the approved site plan for the area; they are only the development concept that was presented to the public during preparation of the sector plan that generally reflects the intended land use and design character for that area. These exhibits are the starting point for more formal review, not the end result. When inconsistencies between development concepts, design principles, and exhibits occur, they should be resolved in ways that best achieve the development goals and policies of the sector plan.

Exhibits to Public Record of the Westphalia Sector Plan—An illustrative concept plan and illustrative site development plan, along with graphic illustrations and concepts for urban road sections, were submitted to the public record of the Westphalia sector plan as Exhibits 44 and 45. These referenced exhibits provide guidance to site plan review for the intended character of the mixed-use urban town center at Westphalia. The specific designs illustrated in these exhibits will be superseded upon finding that the proposals of CSP-07004 conform to the intended character of urban development for the Westphalia Center.

2002 General Plan (as revised by the 2007 Westphalia Sector Plan)—The 2002 General Plan recommended a “Possible Future Community Center” along the north side of MD 4 between Westphalia Road and Woodyard Road. This section of MD 4 is also identified as a limited access corridor for concentrations of mixed-use, transit-oriented development in the vicinity of major intersections. Evaluation of these General Plan recommendations, in context of preparing the 2007 Westphalia Sector Plan and SMA, resulted in an amendment to the General Plan designating the Westphalia Center as a regional center with slightly different boundaries than indicated on Map 1 in the 2002 General Plan. The revised boundaries incorporate all of the property subject to this application, and approximately 70 to 80 acres of property adjoining to the north, known as the Smith Home Farms project, which was approved for the R-M Zone by Zoning Amendment Application A-9965-C prior to approval of the Westphalia Sector Plan and SMA. Both the Westphalia Center project and the Smith Home Farms project are currently owned by the same development group and have been coordinated with respect to development patterns and sector plan recommendations. Several additional properties along MD 4 to the northwest are also included within the center boundary. Except for the redefined regional center area, the corridor designation along MD 4 remains as originally designated in the 2002 General Plan.

Upon approval of the sector plan in 2007, the overall boundaries for this General Plan regional center were defined, as were internal boundaries for a center Core, Edge, and Fringe. These boundaries were based on General Plan policies and strategies and the Westphalia Center development concept envisioned and illustrated at that time. This application proposes an updated development concept with a revised shape for the Core area, thus proposing a revision to the previously defined boundary between the Core and Edge areas. The overall center boundaries remain the same as defined in the sector plan.

The revision of internal center boundaries between Core and Edge areas should have some flexibility to respond to new or refined development proposals, so long as the result conforms to the development policies and design principles established by the sector plan. In this case, the application contains all of the land areas affected by these Core and Edge boundary revisions, and the development application generally conforms to the policies, strategies, and design principles of the General Plan and the sector plan for development in this center.

2007 Approved Westphalia Sector Plan and Sectional Map Amendment —The 2007 Approved Westphalia Sector Plan and Sectional Map Amendment was approved by CR-2-2007 (DR-2) and establishes the policies, strategies, and design principles for development of the General Plan designated regional center at Westphalia. The intent of these policies and strategies is to ensure development of an urban Town Center with a defined Core and Edge and a moderate- to high-intensity, vertical and horizontal mix of commercial and residential uses that are transit-supportive and transit- and pedestrian-oriented. Amenities and characteristics of urban, rather than suburban, development patterns are sought. As a result of the public hearing and stakeholders participation process conducted during its preparation and review, this sector plan was approved by CR-2-2007 (DR-2) with a number of substantial revisions including a completely revised Development Pattern Element, a new Existing Communities Element, a new Economic Development Element, and a substantially revised Environmental Infrastructure Element.

CB-29-2008 Regional Urban Community—Subsequent to approval of the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment, CB-29-2008 established a new use in the Zoning Ordinance, a Regional Urban Community, which is defined as a “contiguous land area of 500 or more acres in the M-X-T or R-M Zone within a General Plan designated center in the Developing Tier, and which is to be developed as follows: a mixed use, urban Town Center including retail office and residential uses with a defined Core, Edge and Fringe as defined by the Sector Plan; transit- and pedestrian-oriented, with ample public spaces suitable for community events, adjacent to a planned or developed public park of 100 or more acres that includes a variety of recreational and cultural facilities for public use, such as amphitheaters, performance stages and plazas.” (Section 27-107.01(a) 197.1) The new legislation contains regulations that address the percentage of attached dwelling units, woodland conservation and afforestation, stormwater management, lot line and building setbacks from floodplains, number of townhouses in a row, parking calculations, townhouse building width and living space, building setback from rights-of-way, public maintenance

of streets in the core area, and landscaping. This CSP application fits the criteria for a regional urban community as described above and should conform to the new regulations.

Conceptual Site Plan CSP-07004—This 530-acre CSP application for Westphalia Center includes all of the property in the Core of the urban Town Center, and the majority of the property within the Edge and Fringe areas of this designated center. The CSP application (pp. 11–34) identifies and discusses each of the policies, strategies, and design principles under the Development Pattern Element that apply to the Town Center, and includes numerous illustrations that clarify the intended character of development. This CSP submittal also proposes a set of design standards based on adjoining street classifications as criteria to guide review of subsequent development applications, e.g. subdivision, detailed site plan, and building permit, consistent with requirements for this CSP as established by CB-78-2006. In general, this application demonstrates conformance with the intent of the sector plan recommendations and establishes suitable regulations for subsequent review of development applications for subdivision and detailed site plans. The included charts, maps, and illustrations (as revised by any CSP approval) shall be clearly established as concepts and guidelines to be referenced for subsequent review of subdivision and detailed site plan applications regarding the intended character of urban development patterns sought in the Westphalia Center. Additional evaluation or clarification are listed below for each identified sector plan element.

DEVELOPMENT PATTERN ELEMENT ISSUES

Westphalia Center is comprised of a Core, Edge and Fringe, with nine distinct development (or character) areas that together comprise a mixed-use urban Town Center as recommended by the sector plan. Development will occur in five overall phases, generally building into the site from access points along MD 4, which could occur in any order or combination depending on market demands. The development areas and phasing are described on pages 11 to 34 of the CSP text, including numerous maps and illustrations. General design guidelines and standards, based on the classification of adjacent roadways are described (with illustrations) on pages 35 to 43. Overall, the CSP proposal and design standards establish an appropriate framework to guide development of an urban town center in Westphalia. However, several issues regarding the density, intensity, mix of proposed development, the phasing sequence, and site and building design require clarification.

Commercial Intensity, Residential Density: Map 11 of the CSP application indicates up to 5,000 dwelling units may be developed in various combinations of multifamily, townhouse, or single-family units and 4.8 to 5.9 million square feet of commercial floor area. The phasing plan (dated August 2008, following CSP text page 31) indicates only 4,208 dwelling units, 5.684 million square feet of commercial and 600 hotel rooms. The transportation analysis submitted with this application calculates capacity for only 4.7 million square feet of commercial floor area, approximately 1 to 1.2 million square feet less development than indicated elsewhere.

The intended levels of proposed development shall be clarified and made consistent throughout this CSP. Any reduction in proposed commercial floor area shall come from the Fringe, not the Core or Edge areas.

The Development Pattern Element of the sector plan, Policy 1, Strategies II and III, recommend a range of land use densities and intensities for the Westphalia Center Core and Edge areas that reflect the minimums and target ranges specified in the 2002 General Plan for a regional center. Development targets for Fringe areas were established by the sector plan to reflect recommended commercial land uses in those locations (see Policy 1, Strategy IV). Recommendations for the appropriate mix of land uses in each area are also described. As shown in the table below, this CSP development proposal corresponds to the lower ends of the target density/intensity scale for each measure in the Core (CSP p. 16) and Edge (CSP p. 23), but may exceed minimums in the Fringe (CSP p. 28).

Westphalia Regional Center Density/Intensity Recommendations

<u>Area</u>	<u>Land Use</u>	<u>Sector Plan Recommendation</u>		<u>CSP-07004</u>
		Minimum	Target Range	
Core	Residential	24 DU/AC	40–60 DU/AC	30 DU/AC
	Commercial	1.0 FAR	Not limited	1.07 FAR
Edge	Residential	8 DU/AC	15–30 DU/AC	15 DU/AC
	Commercial	0.5 FAR	0.5–1.5 FAR	0.5 FAR
Fringe	Residential	N/A	N/A	N/A
	Commercial	0.3 FAR		0.3–1.0 FAR

This CSP conforms to the minimum levels of development envisioned for a regional center as perceived for the existing market. However, the block-grid development pattern recommended for this town center by the approved sector plan, as illustrated by Plan Exhibit 44, and as modified by this CSP application, is capable of accommodating substantially more development if market conditions change in the future. Higher concentrations of population and employment would provide increased support for transit services and commercial activity in the town center area. Revisions to increase the density and intensity to correspond with the higher end of the development target range should be encouraged in the future.

Recommended Mix of Land Use: The Development Pattern Element identifies a range for the proportion of land uses sought in the center for Core, Edge, and Fringe areas, i.e. the residential, retail and services, office, and public/quasi-public uses, in order to ensure an appropriate mix in each area. The proportions in the Core and Fringe areas are within

the ranges specified by the sector plan. In the Edge area, the CSP text (p. 23) does not identify the public or quasi-public land use quantities, which are recommended to comprise ten to 20 percent of the Edge land use mix, even though some of these uses are shown on CSP Map 11 and other illustrations.

The proposed public and quasi-public uses in the Edge area shall be quantified to determine whether they conform to the proportions recommended by this sector plan and if necessary, be adjusted, prior to signature approval.

Westphalia Town Center Design Principles: The Development Pattern Element of the sector plan contains a matrix of design principles for the Core, Edge, and Fringe (see Policy 1, Strategies II, III, and IV respectively) which are intended to ensure that development will have an urban character. Most of the design principles are reflected in the CSP document, and others have been added or clarified by condition.

The following design principles listed in the sector plan for the Core area that are not reflected in the text of CSP-07004 (bold text) shall be included as criteria to be evaluated in subsequent development review procedures by condition below.

Westphalia Town Center Core (Policy 1, Strategy II)

- Bullet 3 Create a high-quality urban environment...
Roof design should be added to the list of design elements for building façade articulation (missing from CSP text, p. 18)
- Bullet 6 Develop in a way that promotes walking and transit use...
Restore four omitted principles (Missing in CSP text, p. 21):
- Provide necessary right-of-way for transit, transit stops, or stations.
 - Provide direct access from public sidewalks to all buildings, unless the building fronts a plaza, green or courtyard.
 - Design sidewalks adjacent to master planned roads to an appropriate standard for city boulevards, city collectors, and city residential streets (See Transportation Illustration 1).
 - Provide attractively designed transit stops and stations that are adjacent to active uses and recognizable by the public.

Westphalia Town Center Edge (Policy 1, Strategy III)

Bullet 2 (Missing from CSP text, pp. 23–25)

- Design single-family detached and attached homes and multifamily buildings so that the mass of the living space and the front door dominates the front façade.
- Require garages that are hidden or clearly subordinate to the main structure and do not project beyond the main façade of residential buildings.
- Arrange driveways so that cars are parked to the side or rear of the house or otherwise hidden from the street.
- Promote rear alleys to have access to parking and garages for residences that are sited back to back.
- Enhance community gateways to demonstrate neighborhood pride and delineate boundaries.
- Design streets to include high levels of interconnectivity between neighborhoods:
 - Do not build culs-de-sac, except to avoid sensitive environmental resources.
 - Do not allow gated streets or developments.
- Emphasize the provision of high-quality pedestrian and bikeway connections to transit stops/stations and surrounding neighborhoods.
- Build large multifamily development within approximately one-quarter mile of transit serviceable roadways.

Bullet 3 Design attractive commercial, retail and office use areas.

- Restrict drive-in commercial services to the rear areas behind main structures; do not allow on street fronts. (Missing from CSP text, p. 25)

Westphalia Town Center Fringe (Policy I, Strategy IV)

Bullet 5 Utilize green space as buffers or public spaces, and integrate them into campus-like settings:

- Design structures to border or overlook green spaces.
- Create large landscaped squares or interconnected public spaces with walkways or trails, particularly adjacent to office complexes.
- Design all developments along MD 4 frontage to include landscaping or buffering to minimize the appearance of large building façades or parking lots.

Bullet 6 Integrate appropriately designed transit stops and centers, particularly near employment centers:

- Provide attractively designed transit stops and stations that are recognizable by the public.
- Provide necessary rights-of-way for transit, transit stops, or stations.

Bullet 7 (Missing from CSP text, pp. 28–30)

Create signage that functions to market services or denote building tenants but does not compromise aesthetics or safety:

- Design signs to only advertise a service, product, or business on the site on which the sign is located.
- Design signs to be compatible in style and character with the primary structure on the site.
- Discourage large wall signs.
- Promote monument signage.
- Encourage appropriately scaled monument signage:
 - Do not exceed eight feet in height and 60 square feet of area per side for multitenant monument signage.
- Prohibit pole-mounted signs except directional signs.

- Prohibit signs that compromise motorist safety:
 - No florescent, reflective, or blinking signs.
 - Discourage animated, flashing, rotating signs.
 - Prohibit roof signs.

Front Loaded Garages for Townhouse Units: No townhouses with front-loaded garages are proposed in the Core or Fringe areas. However, in the Edge area, the original CSP text (p. 24) indicated that townhouses with front-loaded garages may be built; illustrations of single-bay garages in townhouses along an urban street were shown. The original CSP general design standards (text p. 42) indicated that some front-loaded townhouses shall be allowed to front on secondary circulation roads.

The design principles under Policy 1, Strategy II of the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment Development Pattern Element clearly discourage garages (and driveways) in front of any dwelling units located in the Edge area. Garages, driveways, and parking should be located in the back or on the side of residences. Front-loaded garages, particularly for townhouses, disrupt sidewalks and pedestrian traffic, encourage excessive mid-block vehicle turning movements, reduce the availability of on-street parking, and can be detrimental to the appearance and pedestrian orientation of an urban neighborhood. There may be some locations where a townhouse with a front-loaded garage may be justified, perhaps where the back of a townhouse overlooks a stream valley and cannot be served by an alley, but it should be very limited.

Townhouse Building, Lot Size and Interior Living Area Criteria: Council Resolution CR-2-2007 (DR-2), Sector Plan Amendment 1 (p. 7, line 18) states: “Within the town center urban areas there should be a range of lot sizes for single-family attached dwelling units with a minimum of 1,000 square feet. The finished floor area for dwelling units should be determined during site plan review in order to ensure an urban character of development. The percentage of townhouses and other dwelling units should be determined at site plan review based on the policies and exhibits referenced in the sector plan text.” Subsequently, CB-29-2008 established the following criteria in the Zoning Ordinance for townhouses and attached dwelling units in the M-X-T Zone in an urban regional community, such as in the Westphalia Town Center.

Zoning Ordinance Section 27-544(e)(2):

- (A) The maximum percentage of attached dwelling units, which includes but is not limited to townhouses, two over twos and triplexes, shall be fifty percent (50%) of the total units in the project...
- (E) The maximum number of townhouse dwelling units per building group shall be ten (10). No more than thirty percent (30%) of the building groups shall contain nine (9) to ten (10) dwelling units. All other townhouse building groups shall contain no more than eight (8) dwelling units...

- (G) End units on townhouse building groups shall be a minimum of twenty (20) feet in width and the minimum building width of a contiguous attached townhouse building group shall be sixteen (16) feet per unit. A variety of townhouse sizes shall be provided, with a minimum gross living space of a townhouse unit shall be 1,500 square feet except that ten percent (10%) of the townhouse units may be reduced to 1,200 square feet.

The standards for townhouses and attached dwelling units established by CB-29-2008 for an urban regional community applies to this CSP.

Edge Commercial Sites: The Edge area, as redefined by this CSP, includes opportunities for a variety of larger commercial land uses along the major roadways adjoining the Core and smaller commercial businesses distributed within the residential neighborhoods. The 2007 Approved Westphalia Sector Plan and Sectional Map Amendment design principles for commercial development in the Edge area are discussed on pp. 26–27 of the CSP text. In general, the CSP proposals conform to 2007 Approved Westphalia Sector Plan and Sectional Map Amendment design principles. Six potential areas for neighborhood-oriented mixed-use commercial development, up to four of which may be developed, are identified on the CSP, Map 11; the specific sites shall be determined during the detailed site plan review process.

Retail commercial uses should be mixed vertically with office or residential uses and scaled in context of its immediate surroundings. Live-work structures may be considered within neighborhoods where considered feasible. On-street parking should be designed to contribute to parking requirements for neighborhood-oriented commercial uses in Edge areas. In order to ensure the most appropriate size and design for mixed commercial development in context of neighboring development, sector plan design principles need to be strictly followed for any proposed commercial uses in the Edge areas, particularly for urban neighborhood-oriented commercial uses:

Sector Plan Development Pattern Element, Policy 1, Strategy 3

- Front the façade of all buildings to public roads or internal streets, unless they face a plaza, green, courtyard, or public park.
- Feature vertical mixing of uses, particularly along main streets, to include ground level retail or commercial and upper level office or residential uses.
- Encourage building designs that are sensitive to the scale, form, rhythm, and materials proximate to commercial areas and residential neighborhoods that have a well-established, distinctive character.

- Encourage location of mixed-use commercial projects in transition areas and areas where small-scale commercial uses can fit into a residential neighborhood context.
- Provide architectural variation in buildings to discourage the appearance of a uniform structure.
- Restrict drive-in commercial services to rear areas behind main structures; do not allow on street fronts.
- Provide public plazas, squares, or other public gathering spaces.
- Encourage structured parking that is multiuse and does not interfere with aesthetics or safety of the streetscape:
 - Screen any free-standing parking structure from public walks and streets by locating it off street, or behind the primary structure or a liner building.
 - Encourage ground-floor retail development in structured parking that fronts public streets; integrate structured parking with active uses.
 - Design clear and safe pedestrian pathways with signs that link parking to destinations.

Commercial Drive Through Services:

In the Core Area: Sector plan design principles prohibit drive thorough commercial service areas that are visible from the street. In the Core area, the CSP originally proposed that drive through commercial services be allowed along auxiliary access roads (there are only two) providing access to commercial alleys and parking garages, so long as they are not visible from “Major Urban Edge Roads.”

Major urban edge roads however were not defined or referenced elsewhere in the CSP text. Referring to CSP terminology describing roads in or around the Core area, it is assumed that drive through commercial services should not be visible from (1) urban mixed-use roadways, (2) Presidential Parkway, and (3) urban residential roadways. Commercial drive through services in the Core area shall be allowed behind buildings along auxiliary access roads or in driveways or parking garages, so long as they are not visible from streets and not otherwise disruptive.

In the Edge and Fringe Areas: The CSP text indicates that drive through commercial services are “permitted generally in the Fringe and Edge areas, on Internal Circulation Roads provided that.... (a) it is not visible from Major Urban Roads, and (b) it will not be

detrimental to the health, safety and welfare of motorists or pedestrians.” (CSP text, p. 42)

The terminology regarding road classifications is unclear. Moreover, according to the illustrative map, internal circulation roads in the Edge areas are primarily neighborhood residential streets, along which there are very limited commercial opportunities. Although drive through commercial areas are not prohibited, they should be minimized and fully in compliance with sector plan design principles. Finally, as noted above, the CSP text omitted reference to the design principle for Edge areas to “restrict drive-in commercial services to the rear areas behind main structures; do not allow on street fronts.” This CSP design standard shall be rewritten to reflect the design principle of the sector plan for Edge areas, and should be extended to Fringe areas as well.

GATEWAYS

The subject development is located at two designated “gateways” along MD 4 at MD 223 and Dowerhouse Road. (See Plan Map 3: Proposed Land Use—Attachment 3).

Development Pattern Element Policy 6 establishes these as two of ten gateways at “key intersections entering the Westphalia community.” Gateways require compliance with design principles aimed at distinguishing them as attractive entrances into Westphalia, including such elements as “entrance signage, artwork, monuments...landscape design including both softscape and hardscape...” etc. “Resting and recreation facilities, information kiosks, or other amenities as appropriate” are also cited. The design of buildings, landscaping, signs, and any special features at these interchanges with MD 4 are critical to the image of Westphalia that will be portrayed at these southern entryways.

Design themes and elements should be coordinated with other projects within this sector plan and along the gateway frontages. The Westphalia Public Facilities Financing Plan Stakeholders Work Group is addressing coordination of this issue collaboratively to establish consistent design themes to be reflected at each gateway. As indicated in the CSP text (p. 34), approval of this application should reflect the need to address these design issues at time of approval of the relevant special purpose detailed site plan.

DEVELOPMENT PHASING

Westphalia Sector Plan Development Pattern Element Policy 3 states:

Ensure high-intensity commercial and office development in the first phases of town center construction.

Strategies to implement Policy 3 are:

Identify and reserve sites specifically and exclusively for high-intensity office, high-intensity mixed use, and high-density residential uses in the town center core.

In the site plan and subdivision review and approval processes, define and require high-intensity office and retail construction in the town center core prior to or in conjunction with specified levels of residential construction, except as modified in the 01 revision to the CSP.

CR-2-2007 (DR-2), Adopted 2007 Westphalia Sector Plan Amendment 1 (p. 7, line 3) states:

Add text to clarify the phasing of commercial development in the Westphalia Town Center to ensure that such development precedes or occurs concurrently with and in proportion to residential development.

The CSP addresses this Adopted 2007 Westphalia Sector Plan policy and its strategies in text, on maps, and in charts (pp. 30–32). Illustrations accompany the CSP text for each of the project’s nine development/character areas, along with maps indicating block patterns and building heights and where higher intensity office and commercial development should occur. The maps and tables describe development phasing in five to six general phases which are broken down into 12 sub-phases, one of which is devoted solely to the completion of Presidential Parkway. The tables describing each of the 12 development sub-phases allocate in detail the residential or commercial development program as currently envisioned. It is noted that there is no specified sequence for these phases, which are dependent on and responsive to market demands, but it is likely that the phases in the Fringe closest to existing access roads will occur first, e.g., either Phase 1 (at the MD 4—Woodyard/Melwood Road interchange) or Phase 5 (at the east end of Existing Presidential Parkway). Subsequent development phases will likely take place on immediately adjoining sections as new roads are built into the site. The majority of proposed development in these areas is commercial, so if a commercial development market exists, there could well be commercial development prior to or concurrent with, and in proportion to, residential development. However, if the commercial market is weak and the residential market is strong, roads could be built through undeveloped commercial areas to access residential areas for development and sale.

To address the requirement of Policy 3 for early commercial development, the CSP text (p. 31) indicates that: ...”the Applicant will develop 250,000 square feet of commercial space during the first phase of development prior to the issuance of the 1000th building permit. Once 80% of the existing commercial space has been leased, Applicant will develop additional commercial space...” It does not specify whether this commercial space will be retail or office, or be built early in the development sequence or closer to the end of the phase. It only commits to a relatively small amount (five–ten percent) of commercial development in exchange for a relatively large amount (20–25 percent) of residential development proposed for the project.

The Adopted 2007 Westphalia Sector Plan phasing policies require three things:

- a. Retail and office development in the first several development phases.
- b. Reservation of sites in the Town Center Core for high-intensity development.
- c. High intensity retail and office development in the Town Center Core before or concurrently with a specified level of residential construction in the center.

It is noted in the CSP that the commercial market (particularly for intense office development) may not be as strong as the residential market at any given point in time. If residential development is rigidly predicated on commercial development targets that cannot be marketed, development will not be financed, cash flow will not be generated (private or public), infrastructure improvements will not be made, and the project will stall. On the other hand, allowing residential development to proceed relatively unrestricted encourages bedroom community development, excessive commuting, and a lack of economic development, all of which are contrary to county goals and policies. This is a difficult issue to address. One of the keys is good “place making,” as advocated by the development strategies and design principles of the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment, so that both people and businesses will want to locate in Westphalia.

Regardless of where development is intended to begin, an overriding principle is that to justify the investment in infrastructure and development products, development needs to be sold or leased in order to generate cash flow. Establishing phasing that balances the ability of the developer to market commercial and residential products and satisfies the plan requirement to develop a balanced commercial and residential community is the challenge posed by the policies and strategies of this sector plan. It may be necessary to lead the market or “prime the pump” for some land uses in order to achieve or maintain a proportionate balance of commercial and residential development throughout the project.

In order to comply with the policies of the sector plan for phasing, it is suggested that:

- a. A minimum ratio of commercial to residential development be defined for each development phase (such as at least 20 percent of proposed base commercial to no more than 20 percent of proposed base residential).
- b. A minimum ratio for commercial office and retail targets should also be established for each phase (such as at least 2:1).
- c. A comprehensive project development tracking matrix be established to monitor phasing.

- d. Progress is monitored cyclically (such as every 5 years after first building permit) to evaluate market conditions and adjustments needed to achieve or revise phasing objectives.
- e. The phased development of the town center Core be given particular attention to ensure that balanced development in the Core area is underway in conjunction with development in the Fringe and Edge areas.
- f. A preliminary ratio for commercial and residential development, including initial development locations, should be established with approval of this conceptual site plan, subject to refinement or revision at the time of preliminary subdivision.

PUBLIC FACILITY FINANCING PLAN AND INFRASTRUCTURE MANAGEMENT

The 2007 Approved Westphalia Sector Plan Public Facilities Element, Policy 4 states:

Enable cooperative planning and shared implementation of public infrastructure improvements and mitigations among individual parcels.

The strategy under Policy 4 is:

Conduct a comprehensive public facilities plan analysis to establish the appropriate method, staging and financing mechanism that ensures provision of the aforementioned public facilities concurrently with development of new homes and businesses.

Concurrent with preparation of the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment, a Public Facilities Financing Program study was prepared and reviewed by the Planning Board and County Council (Public Record Exhibit 73). Subsequently, a Westphalia Public Facilities Financing Plan Stakeholder Work Group was established to prepare a public facility financing program to calculate and finance costs for needed county facilities and infrastructure among public and private stakeholders on a “fair share” basis to the greatest extent possible. The stakeholders held meetings throughout 2008 and updated cost estimates for needed public infrastructure beyond that normally required of developers and identified shared financing and bonding strategies, as well as shared costs savings and incentive strategies. Phasing, marketing, branding, and management strategies were also under discussion.

At the time of the approval of the CSP for the project, there had been no agreement on a new shared funding strategy or approach. New public facility improvements not then required of the developer still needed to be funded and built according to the standard approach of programming for construction via the County Capital Improvement Program using general obligation bonds financed by tax revenues. The ongoing credit crisis and the downturn in the real estate market had slowed the work of the stakeholders group and

forced a rethinking of its approach. The stakeholder work group continued to meet in 2009 to arrive at a financing program that would ensure concurrent improvement of public facilities and infrastructure on a comprehensive basis for the Westphalia area. Approval of the original CSP acknowledged that creative financing for public infrastructure in the Westphalia sector plan area was still anticipated on a fair share basis as financing programs and methodologies were proposed and implemented, and as subsequent development review procedures were encountered. Until such a program is approved by county officials and implemented, the promise of a public facility financing program cannot be relied upon to any finding of adequate public facilities.

CSP-07004-01: The land use proposed by this application is consistent with the 2002 General Plan Development Pattern policies for a Regional Center in the Developing Tier and that the land use proposed by this application conforms to the recommendations of the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment (SMA) for the Westphalia Center area as approved by CSP-07004. Although the application does not propose changes to land use types, quantities, or relationships, the proposed revisions to the special-purpose detailed site plan procedures and development phasing sequences are less strict than those approved in CSP-07004. Certain modifications to the proposed revisions to conditions that conform better to the policies and strategies of the 2007 Sector Plan for development of the Westphalia Center area have been incorporated into this approval.

- d. **Transportation—CSP-07004:** The applicant prepared and submitted a traffic impact study with a revised date of July 2008. Prior studies dating back to March 2008 were submitted and were found to be unacceptable based on differing opinions on trip generation rates. After discussions regarding the trip generation rates for some of the proposed uses, the applicant provided a revised study. The July 2008 revised study did not adequately apply the guidelines governing the use of mitigation. Specifically, a traffic facilities mitigation plan (TFMP) was required, but one was not submitted, and secondly, the applicant assumed the use of mitigation procedures at intersections along MD 223, a corridor where mitigation is not allowed. Consequently, the applicant was required to provide supplemental information, specifically to fully address the use of mitigation where it is applicable, as well as to evaluate the intersections along MD 223 based on the regional center threshold of LOS E.

On Tuesday, November 4, 2008, a supplemental traffic analysis was submitted evaluating the intersections along MD 223, as well as a TFMP that evaluated the intersection of MD 4 and Forestville Road. The findings and recommendations outlined below are based upon a review of these materials (including portions of the July 2008 study) and analyses consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

TRAFFIC IMPACT STUDY

Pursuant to the scoping agreement, the traffic impact study identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
1 - MD 4 & Forestville Road	F/1785	E/1502
2 - MD 4 & Westphalia Road/Old Marlboro Pike	E/1472	F/1723
3 - MD 4 & Suitland Parkway	F/2350	F/1903
4 - MD 4 & Dower House Road	F/1808	E/1486
5 - MD 223 & Old Marlboro Pike – MD 4 WB On-Ramps **	B/14.8 seconds	B/11.7 seconds
6 - MD 223 & MD 4 WB Off-Ramps **	B/14.5 seconds	B/13.8 seconds
7 - MD 223 & MD 4 EB On-Ramps **	E/40.7 seconds	E/44.5 seconds
8 - MD 223 & Marlboro Pike – Osborne Road	D/1335	E/1524
9 - MD 223 & Perrywood Road **	F/72.8 seconds	F/61.8 seconds
10 - MD 223 & Dowerhouse Road	B/1066	D/1374
11 - MD 223 & Rosaryville Road	B/1120	E/1477
12 - Old Marlboro Pike & Ritchie Marlboro Road	D/1339	D/1328
**Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service “E” which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the <i>Guidelines</i> .		

The traffic study identified thirty nine background developments (including Smith Home Farm) whose impact would affect some or all of the study intersections. Additionally, an annual growth rate of two percent per year (through 2017) was applied to the existing traffic counts along MD 4 and one percent along the other roads. A second analysis was done to evaluate the impact of background developments on the existing infrastructure. By definition, a background analysis evaluates traffic by combining existing traffic with projected traffic from approved developments.

The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
1 - MD 4 & Forestville Road	F/2435	F/2055
2a - MD 4 WB Ramps & Westphalia Road	A/720	A/759
2b - MD 4 EM Ramps & Old Marlboro Pike	A/511	A/704
3a - MD 4 SB Ramps & Suitland Parkway	A/962	B/1101
3b - MD 4 NB Ramps & Presidential Parkway	A/926	A/854
4a - MD 4 SB Ramps & Dowerhouse Road	A/439	A/586
4b - MD 4 NB Ramps & Dowerhouse Road	A/558	A/723
5a - Old Marlboro Pike & Melwood Road	A/809	A/505
5b - Old Marlboro Pike & MD 4 WB Off-Ramp	A/669	C/1196
6 - Old Marlboro Pike & Presidential Parkway	A/760	A/587
7 - MD 223 & MD 4 EB On-Ramps	E/1482	A/995
8 - MD 223 & Marlboro Pike – Osborne Road	F/1686	F/1968
9 - MD 223 & Perrywood Road **	F/556.5 seconds	F/632.2 seconds
10 - MD 223 & Dowerhouse Road	F/1684	F/1925
11 - MD 223 & Rosaryville Road	F/1611	F/2055
12 - Old Marlboro Pike & Ritchie Marlboro Road	F/1665	F/1791
<p>**Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service “E” which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the <i>Guidelines</i>.</p>		

An analysis of the traffic data under “total” conditions represents a combination of background traffic and site-generated traffic. The site-generated traffic was determined based on the following uses:

	Morning Peak Hour			Evening Peak Hour		
	In	Out	Total	In	Out	Total
Residential						
600 Rooms Hotel-Motel	210	180	390	270	210	480
178 Single Family Units	27	107	134	104	56	160
1,715 Apartment Units	178	714	892	669	360	1,029
2,315 Apartment Units (high rise)	139	556	695	602	324	926
Total	554	1,557	2,111	1,645	950	2,595
<i>Less Internal trips</i>	<i>-43</i>	<i>-38</i>	<i>-81</i>	<i>-234</i>	<i>-139</i>	<i>-373</i>
Net New Trips	511	1,519	2,030	1,411	811	2,222
Office						
1,000,000 sq. ft. General Office (equation)	1,041	142	1,183	204	995	1,199
2,240,000 sq. ft. General Office (average)	3,045	427	3,472	561	2,777	3,338
Total	4,086	569	4,655	765	3,772	4,537
<i>Less Internal trips</i>	<i>-8</i>	<i>-19</i>	<i>-27</i>	<i>-50</i>	<i>-64</i>	<i>-114</i>
Net New Trips	4,078	550	4,628	715	3,708	4,423
Retail						
1,194,000 sq. ft. Shopping Center	423	270	693	1,544	1,673	3,217
<i>Less Internal trips</i>	<i>-46</i>	<i>-40</i>	<i>-86</i>	<i>-170</i>	<i>-251</i>	<i>-421</i>
Net External Trips	377	230	607	1,374	1,422	2,796
<i>Less Pass-by trips (19%)</i>	<i>-72</i>	<i>-44</i>	<i>-116</i>	<i>-261</i>	<i>-270</i>	<i>-531</i>
Net New Trips	305	186	491	1,113	1,152	2,265
Total Net New Trips	4,894	2,255	7,149	3,239	5,671	8,910

Using trip generation rates from the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” as well as the Institute of Transportation Engineer’s (ITE) *Trip Generation Manual, 7th Edition*, the study has determined that the proposed development,

based on the above-mentioned uses, would generate a net total of 7,149 AM (4,894 in and 2,255 out) peak-hour trips, and 8,910 PM (3,239 in and 5,671 out) peak-hour trips.

Using these site-generated trips, an analysis of total traffic conditions was done and the following results were determined:

TOTAL CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
1 - MD 4 & Forestville Road With improvements (MITIGATION)	F/2611 F/1749	F/2452 F/1804
2a - MD 4 WB Ramps & Westphalia Road	A/720	A/759
2b - MD 4 EM Ramps & Old Marlboro Pike	A/511	A/704
3a - MD 4 SB Ramps & Suitland Parkway	D/1388	E/1477
3b - MD 4 NB Ramps & Presidential Parkway	D/1400	B/1093
4a - MD 4 SB Ramps & Dowerhouse Road	B/1036	E/1462
4b - MD 4 NB Ramps & Dowerhouse Road	A/894	D/1404
5a - Old Marlboro Pike & Melwood Road	D/1325	A/777
5b - Old Marlboro Pike & MD 4 WB Off-Ramp	C/1196	A/925
6 - Old Marlboro Pike & Presidential Parkway	B/1044	C/1246
7 - MD 223 & MD 4 EB On-Ramps With improvements	F/2072 D/1406	F/2186 E/1582
8 - MD 223 & Marlboro Pike-Osborne Road With improvements	F/1839 C/1186	F/2111 E/1528
9 - MD 223 & Perrywood Road (Unsignalized) With separate thru/left on SB MD 223 +(signal)	F/1485 Seconds E/1515	F/2465 Seconds F/1610
10 - MD 223 & Dowerhouse Road With improvements	F/2157 E/1597	F/2630 E/1453
11 - MD 223 & Rosaryville Road With improvements	F/2082 D/1393	F/2668 E/1467
12 - Old Marlboro Pike & Ritchie Marlboro Road	F/1665	F/1791

The results shown in the table above have indicated that there are several intersections that would operate unacceptably under total traffic conditions. To address those inadequacies, the following improvements were proposed in the traffic study:

- a. MD 4 and Forestville Road Intersection
 - Add a third westbound through lane along MD 4.
 - Add a second northbound double left turn lane along Forestville Road at MD 4.
 - Add a second northbound through lane along Forestville Road at MD 4.
 - Convert the southbound right turn lane into a combined through-and-right lane.
 - Add a second southbound left turn lane along Forestville Road at MD 4.
 - Rebuild the existing traffic signal.
- b. MD 4 and Westphalia Interchange
 - Construct an interchange as detailed which will be prepared under the Surplus Capacity Reimbursement Procedure (SCRCP)
- c. MD 4 and Suitland Parkway
 - The State Highway Administration will construct this new interchange and the applicant will provide right-of-way, resulting in full funding.
- d. MD 4 and Dowerhouse Road
 - The State Highway Administration will construct this new interchange and the applicant will provide right-of-way. The construction timing will be part of the future phasing analysis.
- e. MD 4 and MD 223 Interchange
 - The applicant will rebuild this interchange as detailed on Exhibit 12 as Alternate P-1.
 - Install new traffic signals at Old Marlboro Pike and Presidential Parkway, Old Marlboro Pike and Melwood Road, and Old Marlboro Pike and MD 4 WB off-ramp.

- Construct a second southbound left turn along MD 223 at the MD 4 EM on-ramp.
 - Widen the MD 4 EB on-ramp to accept the southbound double left movement.
 - Provide a third NB through lane along MD 223 at the MD 4 EB on-ramp.
 - Install a traffic signal at the intersection of MD 223 and MD 4 EB off-ramp—MD 4 EB on-ramp.
- f. MD 223 and Marlboro Pike
- Construct a southbound double left turn lane.
 - Modify the traffic signal.
 - Provide separate left, through, and right turn lanes on the eastbound approach.
- g. MD 223 and Perrywood Road
- Conduct a signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.
- h. MD 223 and Dowerhouse Road
- Create a double left, a through, and a separate right turn lane on the northbound approach along MD 223.
 - Create a left turn, a through, and a shared through-and-right lane on the southbound approach along MD 223.
 - Modify the traffic signal.
- i. MD 223 and Rosaryville Road
- Create a second eastbound left turn lane along MD 223 to northbound MD 223.
 - Create a second through lane along southbound MD 223.
 - Create a double left turn along Rosaryville Road.
 - Modify the traffic signal.

With all of the improvements in place, the analyses show that all of the critical intersections along MD 223 will operate adequately and the proffered improvements at the MD 4/Forestville Road intersection will reduce the site's critical trips by greater than 100 percent.

TRANSPORTATION REVIEW

The traffic study was also reviewed by representatives of the Department of Public Works and Transportation (DPW&T), as well as the State Highway Administration (SHA). In a memorandum from DPW&T dated May 20, 2008, Mr. Issayans noted the following:

“In addition to the improvements noted in the study, the developer should be conditioned for the following improvements:

- Old Marlboro Pike @ Ritchie Marlboro Road will have a level of service “F” in 2017 in both the a.m. and p.m. peak hours. Additional through and turn lanes are necessary on Ritchie Marlboro Road for capacity.
- It should be noted that the intersection of Marlboro Pike/Osborne Road @ MD 223, Perrywood Road @ MD 223, Dowerhouse Road @ MD 223, Forestville Road @ MD 4 and Rosaryville Road @ MD 223 are still at a level of service “F” with the proposed improvements.
- We do not totally agree with the proposed storage lengths at several of the studied intersections. However, since all the intersections are under the jurisdiction of the Maryland State Highway Administration, they will have the final decision as to the recommended geometric adequacies of the proposed improvements.”

Similar comments were made in a November 10, 2008, letter from DPW&T in response to the November 4, 2008, supplemental traffic analysis, as well as the TFMP.

- While the Old Marlboro Pike at Ritchie Marlboro Road intersection shows a projected LOS F under both background and total traffic, all of the changes in level-of-service are attributed to pipeline development only. Based on the traffic distribution, none of the site traffic will affect this intersection.
- The November 4, 2008 supplemental traffic study recommends improvements at the intersections along MD 223. Four of the five intersections along MD 223 were projected to operate with LOS E, which is the minimum standard for properties designated as regional centers. Additional improvements will be required at the Perrywood Road intersection with MD 223 to provide at least a LOS E.

In response to the July 2008 revised study, a letter from SHA, dated September 2, 2008 reiterated many of the traffic study recommendations at most of the critical intersections. Objections were raised however, with the applicant's assumption that SHA will be constructing the interchange at MD 4 and Dowerhouse Road. The letter stated that "the report assumed that SHA will be constructing interchanges at MD 4 at Suitland Parkway and MD 4 at Dowerhouse Road. SHA will be constructing only the MD 4 at Suitland Parkway interchange. The MD 4 at Dowerhouse Road interchange will need to be funded from an alternative source other than SHA."

Subsequent to the September 2, 2008 letter from SHA, SHA representatives have indicated that changes to the funding status of several projects within the current Consolidated Transportation Program (CTP) FY 2008–2013 are being sought by the Maryland Department of Transportation (MDOT). In an effort to help evaluate the impact of the impending funding changes on some local projects, SHA offered documentation outlining the impact of these changes in a letter dated September 26, 2008 from the then Director of Planning and Preliminary Engineering, Mr. Raja Veeramachaneni. Among the salient points of the letter are the following:

"The Maryland Department of Transportation (MDOT) assessed the budgetary impacts of the current fiscal situation and made some difficult decisions in developing the draft FY 2009–2014 Consolidated Transportation Program (CTP). While I am pleased that all safety, bridge, and system-preservation funding remains intact, I regret that construction funding for several projects were indefinitely deferred. Those projects include the following:

- MD 4/Suitland Parkway Interchange—This project was fully funded, except \$13.6 million for right-of-way purchases. However, the funds have been indefinitely deferred, and the project has been included in the Development and Evaluation (D&E) Program of the new draft CTP. The SHA will continue working with developers, M-NCPPC, and Prince George's County toward right-of-way donations for the project."

While it is the intent of MDOT to defer funding for the MD 4/Suitland Parkway interchange, the guidelines states that "Transportation improvements that should be used for traffic studies as part of the required test for adequacy must have 100 percent of the construction funds programmed in either the adopted county CIP or the current state CTP." The applicant has met this test.

Westphalia Sector Plan

The Approved Westphalia Sector Plan and Sectional Map Amendment (2007) recommends an extensive road network which impacts the subject application. All of the planned roads that were proposed in the sector plan's transportation network are accurately represented in the proposed application.

- a. The application is a conceptual site plan for 530.27 acres of land in the M-X-T Zone. The proposed development would generate 7,149 AM (4,894 in and 2,255 out) peak-hour trips, and 8,910 PM (3,239 in and 5,671 out) peak-hour trips. These trip projections were determined using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” as well as the Institute of Transportation Engineer’s (ITE) *Trip Generation Manual, 7th Edition*.
- b. The traffic generated by the proposed conceptual plan would impact the following intersections:
- MD 4 and Forestville Road
 - MD 4 and Westphalia Road/Old Marlboro Pike
 - MD 4 and Suitland Parkway
 - MD 4 and Dower House Road
 - MD 223 and Old Marlboro Pike—MD 4 WB on-ramps **
 - MD 223 and MD 4 WB off-ramps **
 - MD 223 and MD 4 EB on-ramps **
 - MD 223 and Marlboro Pike—Osborne Road
 - MD 223 and Perrywood Road **
 - MD 223 and Dowerhouse Road
 - MD 223 and Rosaryville Road
- c. None of the intersections identified in finding (b) above is programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation (MDOT) Consolidated Transportation Program or the Prince George’s County Capital Improvement Program with the exception of the following:
- MD 4 and Suitland Parkway—(MDOT CTP FY 2008–2013) **
 - MD 223 and Dowerhouse Road (CIP 2008–2013, FD669451)
 - MD 223 and Rosaryville Road (CIP 2008–2013, FD669451)

**The MD 4/Suitland Parkway intersection is funded for upgrade to an interchange in MDOT’s current CTP (FY 2008–2013). As in a letter from SHA dated September 26, 2008, funding for this intersection upgrade is indefinitely deferred. The current CTP has a validity period beginning July 1, 2008 and ending June 30, 2009. Consequently, based on the provisions outlined in Subtitle 24-124(a) (1) of the Subdivision Regulations, the project can still be used to meet the transportation adequacy requirement.

- d. The subject property is located within the Developed Tier, as defined in the General Plan (2002) for Prince George’s County. However, as part of the approval of the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment, the subject property was designated as a regional center.

Consequently, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better.

Unsignalized intersections: *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed an unacceptable operating condition at unsignalized intersections. In response to such a finding, we generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

e. The following intersections identified in finding (b) above, when analyzed with the total future traffic as developed using the guidelines, were not found to be operating at or better than the policy service level defined in finding (d) above:

- MD 4 and Forestville Road
- MD 4 and Dowerhouse Road
- MD 223 and Old Marlboro Pike—MD 4 WB on-ramps **
- MD 223 and MD 4 WB off-ramps **
- MD 223 and MD 4 EB on-ramps **
- MD 223 and Marlboro Pike—Osborne Road
- MD 223 and Perrywood Road **
- MD 223 and Dowerhouse Road
- MD 223 and Rosaryville Road

f. The applicant shall provide the following improvements to the intersections, in consideration of the findings in finding (e) above:

MD 4 and Forestville Road Intersection

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

- Add a second southbound left turn lane along Forestville Road at MD 4.
- Rebuild the existing traffic signal.

MD 4 and Westphalia Interchange

- Construct an interchange as detailed which will be prepared under the SCRP.

MD 4 and MD 223 Interchange

- Rebuild the interchange as detailed on Exhibit 12 as Alternate P-1.
- Install new traffic signals at Old Marlboro Pike and Presidential Parkway, Old Marlboro Pike and Melwood Road, and Old Marlboro Pike and MD 4 WB off-ramp.
- Construct a second southbound left turn along MD 223 at the MD 4 EM on-ramp.
- Widen the MD 4 EB on ramp to accept the southbound double left movement.
- Provide a third NB through lane along MD 223 at the MD 4 EB on-ramp.
- Install a traffic signal at the intersection of MD 223 and MD 4 EB off-ramp—MD 4 EB on-ramp.

MD 223 and Marlboro Pike

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

MD 223 and Perrywood Road

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

MD 223 and Dowerhouse Road ++

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

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

MD 223 and Rosaryville Road ++

- Create a second eastbound left turn lane along MD 223 to northbound MD 223.
- Create a second through lane along southbound MD 223.
- Create a double left turn along Rosaryville Road.
- Modify the traffic signal.

++The improvements associated with the intersections along MD 223 at Rosaryville Road and Dowerhouse Road are projected to operate adequately as a result of upgrades that are funded in the County CIP. As part of the funding schedule for the CIP, there is a provision for developer contribution, consequently, the applicant is required to participate in this funding contribution by providing a pro rata contribution.

A pro rata contribution of \$812.00 per dwelling unit was previously included as a condition of approval in the following resolutions:

Mill Creek—PGCPB Resolution No. 05-232, November 3, 2005

Brazelton—PGCPB Resolution No. 06-119, May 18, 2006

In the current approved CIP (FY 2008–2013), the overall cost is listed as \$2,625,000 with \$1,810,000 coming from developer contributions. However, these cost estimates were established for the County’s FY 1992–1997 approved Capital Budget. In the current MDOT CTP for FY 2008–2013, the cost associated with the improvement at MD 223 at the Rosaryville Road intersection is \$5,148,000.

Information presented in the traffic study indicated that under total traffic condition, an average of 4,571 peak-hour trips will pass through this intersection. Of that number, 1,085 trips will come from the subject application. Since the proposed development will represent 23.74 percent of the total traffic, then the applicant shall contribute its commensurate share of the cost which is calculated as:

$$23.74\% \times \$5,148,000 = \$1,221,960$$

For every average peak-hour trip the proposed development generates, its pro rata share will be $\$1,221,960/1,085 = \$1,126.23$ per trip.

- g. ALL of the intersections identified in finding (b) above, when analyzed with the improvements identified in finding (f) above and total future traffic as developed using the guidelines, were found to be operating at or better than the policy service level defined in finding (d) above, with the exception of:

MD 4 and Forestville Road
MD 4 and Dowerhouse Road

- h. Regarding finding (g) above, the traffic study has assumed that funding exists within the current SHA CTP for the construction of the interchange at MD 4 and Dowerhouse Road. However, it cannot be verified that such funding exists. Since the analyses of this intersection was predicated on an interchange being built, and there is no evidence that such an interchange has full funding in any current CIP/CTP, we will not recommend a condition that the applicant to provide funding for this interchange.
- i. All of the analyses for the intersection of MD 4 and Forestville Road show that the intersection will not operate within the required adequacy threshold. The intersection is eligible, however, for the use of mitigation pursuant to Subtitle 24 of the Subdivision Regulations and the guidelines. On November 4, 2008, a transportation facilities mitigation plan (TFMP) was received, which was subsequently referred to SHA for review. A December 1, 2008 response letter from SHA made no objections to the applicant's proposed mitigation improvements. The proffered improvements will mitigate the total CLV's by 490 percent in the AM peak hour and 490 percent in the PM peak hour.

CSP-07004-01: The Planning Board does not object to the proposed revisions to conditions from a transportation-perspective because they conform to the parallel conditions of the approved preliminary plan for the Moore Property. Also with respect to Condition 16, the Planning Board stated that they additionally had no objections because the proposed transit center will not be located on the Moore Property.

- e. **Subdivision—CSP-07004:** The subject property is zoned M-X-T. Subtitle 24 of the Subdivision Regulations restricts the use of private streets, alleys, and easements for development in the M-X-T Zone. Specifically, as applicable:

Section 24-128. Private roads and easements.

- (a) No subdivision plat or plan of development (however designated) shall be approved that provides for a private road, right-of-way, or easement as the means of vehicular access to any lot, and no building permit shall be issued for the construction of any building in a subdivision unless such building is to be located on a lot or parcel of land having frontage on and direct vehicular access to a public street, except as hereinafter provided.

and,

(b)(7) In Comprehensive Design and Mixed Use Zones:

- (A) For land in the V-L, V-M, R-L, R-S, R-M, R-U, M-U-I, L-A-C, M-A-C, M-X-C, M-U-TC, and M-X-T Zones, the Planning Board may approve a subdivision (and all attendant plans of development) with private roads to serve attached single-family dwellings, two-family dwellings, and three-family dwellings, but not single-family detached or multifamily dwellings, in accordance with the requirements of Subsections (e) and (f) of Section 27-433 of the Zoning Ordinance, except as hereinafter provided. In all of the above zones, and in the R-R Zone when developed as a cluster subdivision, the Planning Board may approve a subdivision with alleys to serve any permitted use, provided the lot has frontage on and pedestrian access to a public right-of-way. The District Council may disapprove the inclusion of alleys during the consideration of the detailed site plan for a cluster subdivision. For the purposes of this Section, an “alley” shall mean a road providing vehicular access to the rear or side of abutting lots, and which is not intended for general traffic circulation.
- (i) The pavement width of private roads may be reduced to not less than a minimum of twenty-two (22) feet when it is determined that the provision of the minimum width is consistent with a safe, efficient, hierarchical street system for a development.
- (ii) The pavement width of private alleys shall be not less than eighteen (18) feet when it is determined that the provision of the minimum width is consistent with a safe, efficient, vehicular access to individual lots. Since alleys only provide vehicular access to lots with frontage on a public street, alleys shall not be required to be improved with street trees or curb and gutter, unless a drainage problem has been identified by the Department of Environmental Resources or the Department of Public Works and Transportation.

The use of alleys and private streets are permitted to serve residential uses in certain circumstances and not commercial and retail. Single-family dwellings must have frontage on a public street. The conceptual site plan should indicate if private streets and alleys are proposed, and indicate specific standards to be approved by the Department of Public Works and Transportation. This issue should be vetted prior to the approval of the conceptual site plan. The expectation of adequate parking and circulation has been established with this approval. The applicant is proposing the extensive use of alleys. Based on the concept, a large number of alleys do not provide thru streets.

The site is made up of a combination of record lots and parcels. Sheet 3 of 18 shall be revised to accurately reflect the existing street dedications which have occurred. Specifically, the dedication of Executive Lane recorded in land records in CEC 89@66, unless vacated.

Section 24-107 of the Subdivision Regulations restricts the division of land after 1982 by deed. It appears that there have been several divisions of land after 1982. Prior to signature approval the applicant should review the deeds for the property and ensure that there have been no illegal divisions of land resulting in the creation of additional lots or parcels that have not been included in the development, after 1982.

The disposition and/or integration into the development of Moore's Way and Melwood Road shall be addressed and will be the subject of the review of the preliminary plan. Any existing access easements located on the property must remain unless abandoned.

All of the exhibits contained in the CSP text document shall include the property in its entirety prior to signature approval. The water and sewer plan exhibit does not include all of the properties listed in the title block and boundary exhibit, nor do all the properties appear on the Type I tree conservation plan (TCPI) exhibit. Sheet 13 does not include the entire property in the phasing plan.

Final determination of which streets will be publicly owned and maintained and which streets will be privately owned and maintained will be made at time of approval of a preliminary plan of subdivision. In accordance with the Subdivision Regulations, access for the commercial, multifamily, and single-family detached development will need to be on publicly owned streets unless a variation is granted at the time of preliminary plan. Discussions so far, as formalized in CB-29-2008, have indicated that DPW&T will accept ownership of streets in the Core, but only from curb to curb and without accepting ownership or responsibility for the wide urban sidewalks and streetscaping elements.

CSP-07004-01: Resolutions of approval PGCPB Nos. 09-93 and 09-95, were both adopted by the Planning Board on June 25, 2009 and are valid until June 25, 2015.

Westphalia Center Preliminary Plan 4-08002 was approved for the following:

4-08002	APPROVED
Zone	M-X-T
Use(s)	Mixed Use
Acreage	482.57
Lots	1,352
Outlots	0
Parcels	211
Commercial	
Retail	1,400,000
Office	4,500,000*
Dwelling Units:	
Detached	172
Townhouse	1,287
Attached (misc)	424
Multifamily	2,473
Public Safety Mitigation Fee	No

*Condition 2 of CSP-07004 restricts the amount of office in the Fringe area to 2.2 million

The Moore Property preliminary plan was approved for the following:

4-08018	APPROVED
Zone	M-X-T
Use(s)	Mixed-Use
Acreage	47.70
Lots	375
Parcels	52
Commercial	
Retail	3,000
Dwelling Units:	0
Detached	0
Townhouses	375
Attached (misc)	130
Multifamily	135
Public Safety Mitigation Fee	No

The following are CSP-07004 conditions of approval (15, 16, 24, 25, 30, and 31 of PGCPB Resolution No. 08-189) were proposed to be modified by the applicant as follows:

15. ~~Prior to approval of a detailed site plan for specific buildings, the applicant shall obtain approval of a special purpose detailed site plan encompassing the entire Westphalia Town Center site to establish R[r]egulating standards for signage and identification of~~ identify appropriate locations for transit stops within the town center shall be made in consultation with DPW&T and WMATA. The first special purpose detailed site plan for the Town Center Core, Town Center Edge, Fringe Area, or the Village Center each shall ~~also~~ show proposed preliminary designs of the public open spaces within its respective area of the Westphalia Sector Plan ~~the town center~~ and establish a timing plan for the improvement of these public spaces and for the public trail system.

The Moore Property is located in the Edge area of the Town Center. The special-purpose detailed site plan was to coordinate the entire Town Center (Preliminary Plans 4-08018 and 4-08002), with details to be established with each DSP, consistent with the special-purpose detailed site plan. The applicant's proposed revisions to the condition would delete the overall special-purpose detailed site plan and require only "preliminary designs" with the DSP for each area, and provides no trigger for the appropriate locations for transit stops and signage standards.

It is important to note that with the CSP and preliminary plan review, the conceptual details were not available at the time of CSP-07004 approval. The special-purpose detailed site plan allowed the applicant to move forward with the CSP and preliminary plan, based on the special-purpose detailed site plan tool being required.

In order to allow the applicant to move forward, it must have its own special-purpose detailed site plan approved for the Moore Property, with details not “proposed preliminary design.”

16. ~~Prior to approval of a special purpose detailed site plan covering the whole site, At the time of the first detailed site plan for the Town Center Core, Town Center Edge, Fringe Area, or the Village Center,~~ the following items shall be determined to ensure they will be addressed during review of each incremental detailed site plan submitted subsequently:
- a. Evaluate accessibility, safety, and traffic control needs for the circular public space within public road MC-637, or propose an alternative road design or location for the public spaces.
 - b. Address gateway design themes and concepts.
 - c. Define the responsibility for construction and ownership of other public spaces, recreation and open space facilities proposed in the town center.
 - d. Address a comprehensive organizational structure and financing system to manage and maintain the public, quasi-public and common ownership infrastructure networks and amenities, such as streets, sidewalks, recreation facilities, open spaces, and management operations.
 - e. ~~Acknowledge that the transit center will be dedicated to public use.~~

In the applicant’s justification, they indicated that many of the elements of the special-purpose detailed site plan are applicable to the Moore Property. In fact, the special-purpose detailed site plan requirement in the original approval of CSP-07004 was to coordinate the entire development. However, a special-purpose detailed site plan could be required for the Moore Property only where elements applicable to both 4-08018 and 4-08002 can be coordinated, by requiring that a second special-purpose detailed site plan is approved for the balance of Westphalia Center unless it can be affirmatively demonstrated to the Planning Board that such inclusion is inappropriate in whole or in part.

The applicant proposed to delete Condition 16(e) above, however, as the DSP is reviewed for the transit site, that information should be required as part of the conceptual site plan. The applicant indicated within the justification that they acknowledge that the transit

center will be dedicated to public use, but does not control that property. Condition 16(e) should remain as a part of the “umbrella” plan for the entire Westphalia property.

24. The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DRD, in accordance with the timing established in the applicable DSP ~~special purpose DSP~~. The developer, his successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
25. As part of the private recreational facilities package, the applicant and the applicant’s heirs, successors, and/or assignees shall construct three community buildings. The size, timing, and location of the community buildings shall be determined with the review of the first special purpose detailed site plan for each mixed-use area (i.e., the Town Center Core, Town Center Edge, Fringe Area, and the Village Center) and developed in accord and in conformance with the design principles for Westphalia Center and the Sector Plan.
30. The applicant and the applicant’s heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined ~~during the review of the special purpose~~ detailed site plan review. The review of the Town Center Core detailed site plan shall acknowledge public recreational facilities to be provided in the central park.

Conditions 24, 25, and 30 could be addressed with the first DSP if it is determined appropriate. However, the amount and location of an integrated recreational amenities package was to be the subject of the special-purpose detailed site plan. The recreational package, including bonding and triggers for construction, is necessary prior to final plat.

31. The phasing of residential and commercial uses shall be determined with approval of the Conceptual Site Plan covering the whole property. All properties within Westphalia Center shall be subject to this CSP ~~and to any special purpose DSP~~.
 - c. Prior to issuance of permits for the ~~1,400th~~ 1905th dwelling unit, 300,000 square feet of retail space and 500,000 square feet of office space shall be constructed in the Core.
 - b. Attached dwelling units shall be limited to 50 percent of the total dwelling units ~~on the site in Westphalia Center~~. Regardless of the relative quantities of different unit types approved on detailed site plans, building permits shall not be issued which would result in attached units exceeding 50 percent of the total of all dwelling units for which permits have been issued. The

Moore Property is exempt from this condition and its unit mix shall be excluded from calculations made in satisfaction of this condition in the remainder of Westphalia Center.

The applicant appears to be establishing a trigger for conformance as being “construction shall be construed to mean that the buildings are built and ready for occupancy except for tenant specific fit-out improvement.” Concurrently, triggers are required prior to building permit. Building permits include an occupancy component. The applicant is asking to require a permit process which is not consistent with normal permitting practices and not under the jurisdiction of M-NCPPC, but Prince George’s County Department of Environmental Resources (DER), by separating occupancy from building permits.

There does not appear to be a trigger for the construction of retail on the Moore Property with the applicant’s proposal, and should be addressed with this application. The Transportation Planning Section should provide comments regarding conditions of approval relating to transportation phasing.

With respect to preliminary plan conformance, the Subdivision Review staff offered the following:

The applicant proposes to revise the concept plan which could have implications to the Westphalia Preliminary Plan, 4-08008. The applicant should provide an analysis of the impact that the removal of the special-purpose detailed site plan could have on the conditions of approval for both the Moore Property and Westphalia preliminary plan conditions.

The resolution of approval (PGCPB No. 09-95) of the preliminary plan for the Moore Property (4-08018) contains two conditions which specifically relate to the special-purpose detailed site plan (*emphasis added*):

10. **The applicant and the applicant’s heirs, successors, and/or assignees shall provide on-site private, recreational facilities *to be determined during the review of the special-purpose detailed site plan*. Private and public recreational facilities shall be reviewed as a package, acknowledge the contribution of \$3,500 per dwelling unit, and determine the total expenditures for the package. Or as modified by any subsequent revisions to CSP-7004.**

17. **In conformance with the adopted Westphalia sector plan, the applicant and the applicant’s heirs, successors, and/or assignees *shall provide the following with triggers for construction to be determined with the special-purpose detailed site plan*:**

- a. **Construct the master plan trail along the subject site's portion of Cabin Branch. The trail alignment shall follow the existing sewer easement to the extent practical and will cross the Westphalia Center, Moore Property, and Smith property applications.**
- b. **Pedestrian safety features, traffic calming, and pedestrian amenities will be evaluated at the time of each DSP.**
- c. **Provide six-foot-wide sidewalks and designated bike lanes along MC-637 as approved on the street sections for CSP-07004.**
- d. **Standard sidewalks shall be provided along both sides of all internal roads (excluding alleys), unless modified by DPW&T.**
- e. **Each DSP shall be referred to WSSC for additional review and comments concerning the stream valley trail alignment within the sanitary sewer easement.**
- f. **Each DSP shall identify the locations of all of the public trail easements to ensure that they are identified on the final plat(s).**

Condition 40 of this approval states that these conditions shall not be construed to permit separate special-purpose detailed site plans for the Moore Property and the balance of Westphalia Center.

The resolution of approval (PGCPB No. 09-93) of the preliminary plan for the Westphalia Property (4-08008) contains six conditions which specifically relate to the special-purpose detailed site plan (*emphasis added*). Conditions 17–19 below are permissive and are not solely tied to the special-purpose detailed site plan.

11. **The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site private, recreational facilities *to be determined during the review of the special-purpose detailed site plan*. Private and public recreational facilities shall be reviewed as a package, acknowledge the contribution of \$3,500 per dwelling unit, and determine the total expenditures for the package. Or as modified by any subsequent revisions to CSP-7004.**
17. **The applicant and the applicant's heirs, successors and/or assignees shall dedicate Parcel 25 to the Board of Education at the time of dedication of any public rights-of-way abutting Parcel 25, *or as determined at the time of approval of the special-purpose site plan*.**
18. **The applicant and the applicant's heirs, successors and/or assignees shall dedicate Lot 7 to Prince George's County for the construction of a fire/EMS**

station at the time of dedication of Parcel 25 to the Board of Education, *or as determined at the time of approval of the special-purpose site plan, unless otherwise determined by the District Council or Planning Board.*

- 19. The applicant and the applicant's heirs, successors and/or assignees shall dedicate the transit station (to be labeled on the preliminary plan) to public use, and shall be a minimum of four acres. Dedication shall occur at the time of dedication of any public rights-of-way abutting the site *or as determined at the time of approval of the special-purpose site plan.* The transit station parcel shall have frontage on and the ability for direct access to a public street. The creation of the addition parcel is anticipated by this condition.**

- 21. In conformance with the approved Westphalia sector plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following, *with triggers for construction to be determined with the special purpose detailed site plan:***
 - a. Construct the master plan trail along the subject site's portion of Cabin Branch. The trail alignment shall follow the existing sewer easement to the extent practical and will cross the Westphalia Center, Moore Property, and Smith Property applications.**

 - b. Construct the master plan trail along the subject site's entire segment of Back Branch on the alignment proposed by the applicant on the Trail Alignment Exhibit. The stream valley trail shall be completed in phase with the completion of the associated proposed roadways and the stormwater management pond. If some or all of Private Road QQ is eliminated (per discussion with the applicant and EPS), the master plan trail shall still be constructed on or near the same alignment as envisioned in the sector plan.**

 - c. Construct the minimum eight-foot-wide master plan trail along the subject site's entire frontage of the north side of MC-634 and A-66. In the vicinity of the town center, this trail may be replaced by a decorative wide sidewalk and streetscape. Treatment alternatives can be evaluated at the time of DSP.**

 - d. Pedestrian safety features, traffic calming, and pedestrian amenities will be evaluated at the time of each DSP.**

 - e. The approved Westphalia sector plan recommends that Melwood Road be designated as a Class III bikeway with appropriate signage. Because Melwood Road is a County right-of-way, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$1,260 to the Department of Public Works**

and Transportation for the placement of this signage. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. Any appropriate safety improvements necessary along this County OP minimal maintenance road will be determined by DPW&T and should accommodate bicycle movement.

- f. Provide minimum ten-foot-wide sidewalks along both sides of the town center boulevard.**
- g. Mark and label the six-foot-wide sidewalks on the urban residential road 70-foot right-of-way.**
- h. In areas of landscaping and street furniture, a clear horizontal sidewalk space of eight feet shall be maintained to accommodate the heavier pedestrian traffic anticipated in the town center Core. The optional zone may be reduced to 28 feet in order to accommodate this change.**
- i. Provide minimum ten-foot-wide sidewalks (clear pedestrian zones) along both sides of the town center boulevard. The optional zone for the town center boulevard may be reduced to 26 feet.**
- j. Modify the width of the “urban sidewalks” included on the north-south urban mixed use roads to be a minimum of eight feet. The optional zone for the north-south urban mixed use roads may be reduced to 28 feet.**
- k. Provide minimum sidewalks of six feet along both sides of MC-632 as approved on the street sections for CSP-07004.**
- l. Provide six-foot-wide sidewalks and designated bike lanes along MC-637 as approved on the street sections for CSP-07004.**
- m. Standard sidewalks shall be provided along both sides of all internal roads (excluding alleys), unless modified by DPW&T.**
- n. Each DSP shall be referred to WSSC for additional review and comments concerning the stream valley trail alignment within the sanitary sewer easement.**
- o. Each DSP shall identify the limits of the public use easements to ensure that the easements are reflected on the final plat(s).**

- 50. *Prior to approval of a special purpose detailed site plan, proposed Parcel T-1 shall be evaluated to determine the adequacy of accessibility, safety, and if traffic controls are needed for the circular public space (park) within public road MC-637 (Dower House Road), or an alternative road design or location for the public spaces shall be approved. This study may affect the proposed road design and lot patterns in this area.***

The requirement for the special-purpose detailed site plan is a condition of the CSP and not required by the preliminary plan. The preliminary plan only recognizes that requirement. If it is determined to be appropriate to remove the requirement for the special-purpose detailed site plan, the CSP should clearly indicate that any subsequent approvals which contain the requirement for a special-purpose detailed site plan are modified by the revision to the CSP, and specifically referring to the preliminary plan of subdivision conditions. The elements of the conditions are not to be removed, only the timing of when they are to be addressed.

The impact of the CSP revision on transportation phasing contained in the conceptual and preliminary plans of subdivision should be evaluated by the Transportation Planning Section.

Subdivision-related concerns have been addressed by Condition 40 of this approval which states that these conditions shall not be construed to permit separate special-purpose detailed site plans for the Moore Property and the balance of Westphalia Center.

- f. **Trails—CSP-07004:** The subject application covers 530.27 acres of proposed mixed-use development in the Westphalia planning area. The 2002 General Plan designates MD 4 as a corridor and also identifies a community center north of MD 4 in the vicinity of the subject site. The site is adjacent to the proposed Smith Home Farms and Woodside Village developments, as well as the existing Presidential Corporate Center. Master plan trails issues that impact the subject application include the following:

- Back Branch Stream Valley Trail
- Cabin Branch Stream Valley Trail
- Melwood Legacy Trail/Bikeway
- Presidential Parkway (MC-634 and A-66) Sidepath/Wide Sidewalk
- MC-632 Wide Sidewalk and Designated Bike Lanes
- MC-637 Bikeway Corridor
- C-636 Bikeway Corridor

The stream valley trails shall be constructed in conformance with the Department of Parks and Recreation (DPR) guidelines and standards. The location of both trails will be determined by DPR. Segments of the Cabin Branch Trail may be on adjacent developments, if determined appropriate by DPR.

Master-planned roadways A-66, MC-634, MC-632, and MC-637 reflect designated bike lanes and six-foot-wide sidewalks on the submitted plans. The sidewalk along the north side of both A-66 and MC-634 be widened to eight feet in order to accommodate the master plan trail. Master-planned roadway C-636 includes six-foot-wide sidewalks along both sides. Bikeway signage to designate the bikeway along this residential road shall be installed. Also sidewalks along MC-632 shall be widened from six feet to eight feet in width. Master-planned roadway MC-632 is a major north-south corridor through the town center and is also designated as a master plan trail corridor.

The subject site is adjacent to approximately 6,500 linear feet of Melwood Road. The approved 2007 Westphalia sector plan includes the following recommendation regarding the utilization of this road as a trail/bikeway corridor:

Melwood Road Greenway Trail: Preserve segments of the road with a green buffer on either side as an integral part of the community's trail and greenway network. The preserved segments should be incorporated into a north/south multipurpose path that winds through the center of the community. Sections of the trail that are not wooded and outside of the PMA may be realigned to parallel new streets, through parks, along lakes, etc., as needed to achieve the desired result. The path should extend from Old Marlboro Pike to the central park and up to the intersection of D'Arcy and Westphalia Roads. It could feature a trailhead at Old Marlboro Pike on a section of unused right-of-way for the planned improvements to A-37 (Westphalia Road). Where Melwood Road provides access to pre-existing homes it may be retained as privately maintained ingress-egress easements or County OP codes at the discretion of the County. Access will be provided to the nearest publicly maintained road. Access points should be located to discourage through vehicular traffic. (Sector Plan, p. 28)

The entire portion of Melwood Road that abuts the subject site provides access to pre-existing homes and therefore will be maintained for ingress-egress to these lots. In keeping with the recommendation of the sector plan, bikeway signage shall be provided along the site's segment of the roadway. To the north of the subject application, the Melwood Legacy Trail will be accommodated with a sidepath parallel to MC-632. The Smith Home Farms development will also preserve a segment of the road as a trail corridor within an open space greenway.

SIDEWALK CONNECTIVITY

The sidewalk network is a crucial component of providing a walkable town center. Roads should be designed to accommodate bicyclists, pedestrians, and Americans with Disabilities Act (ADA) users, in addition to automobiles. A comprehensive network of sidewalks can ensure that nonmotorized access is possible throughout the subject site and surrounding developments. The subject development includes detailed road cross sections that incorporate facilities for pedestrians and bicyclists. Standard or wide sidewalks are provided along all roads. Designated bike lanes are also included with some cross sections.

Designated bike lanes are included on road cross sections for urban major collector roads (MC-632, 634, and 637), urban arterial roads (A-52 and A-66), urban major collector road, residential (MC-637 (Residential)).

Six-foot-wide sidewalks are included along urban mixed-use roads, urban residential roads, internal circulation roads, and most of the urban primary residential roadways.

The “typical alley” is the only proposed road cross section that does not include accommodations for pedestrians or bicyclists. Sidewalks are included along all other roads and, in some cases, extensive streetscape improvements are included. The sidewalk network is comprehensive and will complement the master plan trails proposed for the site. A few roadways shall include wider sidewalks than what is currently shown on the subject application due to density or master plan trail recommendations.

The approved Westphalia sector plan designates MC-634, MC-637, MC-632, C-636, and A-66 as bikeway corridors. Master-planned roadways MC-634 and A-66 are continuations of Presidential Parkway, which exists to the west of the subject site. Existing Presidential Parkway includes an eight-foot-wide, asphalt sidepath along its northern edge, to the west of Westphalia Center, which shall be continued onto the subject site along both MC-634 and A-66.

The existing sidepath along Presidential Parkway shall be continued along the subject site’s entire frontage of MC-634. This trail can be implemented as a wide sidewalk if necessary due to urban design considerations.

The sidewalk facility along the 70-foot right-of-way for urban residential roads shall be labeled.

The width of the “urban sidewalks” included on the 42-foot and 62-foot urban mixed-use rights-of-way should be clarified. In areas of landscaping and street furniture, a clear space of at least eight feet shall be maintained to accommodate the heavier pedestrian traffic anticipated in the town center core. Along the town center boulevard, sidewalks should be at least ten feet wide to accommodate large amounts of pedestrian movement along this major corridor through the town center core.

The sector plan also designates C-636 as a master plan bikeway corridor. C-636 reflects six-foot-wide sidewalks along both sides. Bikeway signage shall also be provided.

The 2007 approved Westphalia sector plan also recommends a trail connection between the headwaters of the Back Branch and Cabin Branch stream valley trails. This connection will provide for the longer, loop-trail opportunities envisioned in the plan, as well as direct trail connections to the future transit center and A-52. This trail connection shall be included in the subject development, with the exact alignment and nature of the

connection to be determined at later phases of review. In some areas, this connection may be accommodated via sidewalk connections.

If the roadways are not accepted by DPW&T as part of the public road network, the extensive sidewalk and bicycle facilities will not be accessible to the public as part of the larger, countywide trail network. This issue should be explored in more detail. As much of the pedestrian and trail network as possible should be open and accessible to the public. Since DPW&T would not maintain the pedestrian zone/streetscape, public use easements for the sidewalks were recommended at the time of preliminary plan.

Pedestrian safety features will be an important component of the street network. Curb bumpouts, decorative crosswalks, raised crosswalks, pedestrian safety features, pedestrian refuges, and pedestrian amenities shall be considered at the time of detailed site plan.

The road cross sections shown on the submitted circulation plan. Standard or wide sidewalks are included along all roadways and designated bike lanes are provided throughout the town center. However, the applicant should work with DPW&T to make as much of the road network public as possible through the detailed site plan process.

CSP-07004-01: The Planning Board makes the following findings regarding the trails-related issues raised by the subject revisions to conditions:

Condition 15—The trails, bicycle, and pedestrian conditions of the approved preliminary plan for the Moore Property are not affected by these changes. The design, timing, and maintenance of the trails on the Moore Property can be determined at the time of detailed site plan for the Moore Property.

Condition 16—The trails, bicycle, and pedestrian conditions of the approved preliminary plan for the Moore Property are not affected by these proposed changes. However, the construction, ownership, and maintenance of the trails and streetscapes will have to be addressed at the time of detailed site plan for the Moore Property. Decisions regarding these issues will have to be done so that the continuity and accessibility of the trail and pedestrian network is not impacted and the vision for a continuous, accessible pedestrian network in the town center is not impaired.

Condition 24—The approved trail and streetscape improvements can be addressed in this manner for the Moore Property.

Condition 25—The trails, bicycle, and pedestrian conditions of the approved preliminary plan for the Moore Property are not affected by these proposed changes.

Condition 30—The private HOA (homeowners association) trails and other private recreational facilities can be addressed in this manner.

Condition 31—The trails, bicycle, and pedestrian conditions of the approved preliminary plan for the Moore Property are not affected by these proposed changes.

In conclusion, the proposed revisions contained in the subject application do not impact the previously approved requirements for trails, bikeways, and pedestrian improvements on the Moore Property or the surrounding Westphalia Center. The previously approved requirements of the preliminary plan are still applicable. Issues related to the construction, ownership, and maintenance of the trails and streetscapes will be addressed at the time of the appropriate detailed site plan.

- g. **Parks and Recreation—CSP-07004:** The plan has been reviewed in accordance with the recommendations of the *Approved Prince George's County General Plan*, the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment for Planning Area 78, the Land Preservation and Recreational Program for Prince George's County, current Zoning and Subdivision Regulations, and existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation facilities.

The town center is adjacent to the Smith Home Farm project to the north. The Cabin Branch Stream Valley will provide stream valley pedestrian and hiker/biker trail connection from the town center to the future Westphalia central park.

The applicant's proposal includes 150–200 single-family homes, 1,650–1,850 townhouses and 2,350–3,100 multifamily residential dwelling units. Using current occupancy statistics for single-family and multifamily dwelling units, one would anticipate that the proposed development would result in a population between 11,440 and 14,215 residents in this new community.

The 2007 Approved Westphalia Sector Plan and Sectional Map Amendment developed design principles for the Westphalia Town Center to promote the development of quality public spaces such as:

- Design a minimum of one public space in a prominent and centralized location of the town center core at a minimum of three acres in size.
- Develop numerous smaller public spaces such as plazas, courtyards, and green spaces of approximately one-quarter to one-half acre in size.
- Develop in a way that promotes walking and transit use and provide high levels of pedestrian accommodation, safety, and amenity.

The 2007 Approved Westphalia Sector Plan and Sectional Map Amendment indicates that these squares, plazas, etc. shall be privately owned and maintained spaces designed and programmed to host community events.

The development includes: four circular urban parks, green spaces/plazas, boulevards, and pocket parks and the construction of two privately operated and maintained community centers in the residential portion of the development, located on the edge of the town center.

The 2007 Approved Westphalia Sector Plan and Sectional Map Amendment introduced the concept of a “Central Park,” a single major recreational complex to serve the entire Westphalia area. The Westphalia central park will be located 1,100 feet north from the northern boundary of this project. The central park will be accessible to the residents of the town center through a system of roads and pedestrian and hiker/biker trails. A large urban park will serve as a unifying community destination and amenity for the entire Westphalia sector plan area. The sector plan recommends developing the central park with the following recreational amenities: a recreational lake or other water feature, active and passive recreational facilities, lawn areas and bandstands suitable for public events, a trail system, group picnic areas, and tennis facilities.

The developers of the Smith Home Farm and Woodside Village projects developed the comprehensive concept plan for the central park. The comprehensive concept plan was prepared by a qualified urban park design consultant working in cooperation with a design team from DPR and the Urban Design Section.

Westphalia Central Park Concept Plan

The Westphalia central park comprises 174 acres of open space. The Westphalia Central Park Concept Plan shows a large 34-acre lake and surrounding recreational facilities with a waterfront activities center, restaurants, open play areas, an amphitheater for large public events, a recreational center, tennis center, an adventure playground, ball fields, group picnic areas, an extensive trail network providing recreational opportunities, and a pedestrian connection to the town center and surrounding residential development.

Subdivision Regulations, Section 24-134, Mandatory Dedication of Parkland

The Planning Board has evaluated the CSP-07004 application for conformance with the Subdivision Regulations to determine the possible impact of the mandatory dedication requirement on the Westphalia Center site plan. The Planning Board found that approximately 257 acres of the 530-acre site include a residential component and may be subject to the mandatory dedication of 38.5 acres of open space.

The Westphalia sector plan goals, policies, and strategies related to park and recreational issues are:

- Create public and private parks, open space, and recreational facilities sufficient to meet the needs of the current and future residents of the Westphalia sector plan area.
- Create a park system consisting of 1,850 acres of public and private parks and green spaces.

- Ensure development of the parks system that result in central green spaces which serve to unite the Westphalia community and its surrounding neighborhoods.
- Designate the Westphalia central park and Cabin Branch greenway as community focus areas. These parks should become a regional draw and icon for Westphalia.
- Ensure major development projects are adequately integrated into the implementation of the sector plan parks system recommendations.
- Ensure the proper financing, construction, and maintenance of the proposed park system.
- Develop and finalize a comprehensive public facilities plan that includes detailed recommendations for the financing mechanisms, phasing, construction, and maintenance of the proposed park facilities.

Amendment 8 of the adopted Westphalia sector plan, Council Resolution CR-2-2007, states:

Revise the adopted plan parks and recreation element text to:

- Add text to Policy 3, under the strategy describing the Westphalia Central Park (p. 38) as follows:
 - Add a new paragraph that states: Form a multi-agency public/private work group to implement the vision for the Westphalia Central Park on an expedited basis.
- Revise the plan text to specify that a parks fee of \$3,500 per new dwelling unit (in 2006 dollars) is required to construct the public parks facilities recommended for the sector plan area.

The 2007 Approved Westphalia Sector Plan and Sectional Map Amendment anticipated that major recreational needs of the residents of the town center will be addressed by contribution of the funds for the development of the 174-acre “Central Park,” a single major recreational complex to serve the entire Westphalia area.

The applicant should provide on-site, privately-maintained recreational facilities throughout the town center core including four circular urban parks, green spaces/plazas, boulevards and pocket parks, and make a monetary contribution in the amount of \$3,500 per dwelling unit in 2006 dollars into a “park club” for the design, construction, and maintenance of the recreational facilities in the central park and other parks that will serve the Westphalia area.

CSP-07004-01: The Parks and Recreation issues connected with the Westphalia Center project are unchanged by the subject proposed revisions to conditions.

h. Environmental—CSP-07004:

Background

The Planning Board has no record of any previous applications for this property. The current application is for residential, retail, and office development in the M-X-T Zone.

During the review of this application, the delineation of the regulated site features with the Maryland Department of the Environment (MDE), the U.S. Army Corps of Engineers, and the applicant's consultants were coordinated. This time was well spent because the delineation of the streams on-site was finalized. The delineation of some of the wetlands on the site had not been finalized because MDE has not provided their opinion of the wetlands on-site. The applicant was asked for, as part of the review of the natural resources inventory (NRI), an update to the wetlands delineation. The NRI was a required submittal item for acceptance of the preliminary plan.

Site Description

This 530.04-acre site in the M-X-T X Zone is located on the north side of Pennsylvania Avenue (MD 4), to the west of Old Marlboro Pike, and bordered by Melwood Road to the north. A review of approved NRI/094/06 indicates that streams, 100-year floodplain, wetlands, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. There are 158 specimen trees located on-site. The site is adjacent to Pennsylvania Avenue (MD 4), which is a source of traffic-generated noise. It is also located in close proximity to Andrews Air Force Base, a source of aviation-generated noise. According to the *Prince George's County Soil Survey*, the soils found on-site are in the Adelphia, Bibb, Collington, Marr, Matapeake, Sassafras, Shrewsbury, Westphalia, and Woodstown series. According to available information, Marlboro clay does not occur on this property, but occurs just north of the site. 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. Habitat for forest interior dwelling species does exist on-site. Melwood Road is a designated historic road, located to the east and north of the subject site. This site is located in the Western Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the General Plan.

Master Plan Conformance

The current master plan for this area is the 2007 Westphalia Approved Master Plan and Sectional Map Amendment and in it, the Environmental Infrastructure Section contains goals, policies, and strategies. The following guidelines are applicable to the subject project. The text in **BOLD** is text from the master plan and the plain text provides comments on plan conformance.

Policy 1. Protect, preserve, and enhance the identified green infrastructure network within the Westphalia sector planning area.

Strategies:

- 1. Use the sector plan designated green infrastructure network to identify opportunities for environmental preservation and restoration during the review of land development proposals.**

According to the *Approved Countywide Green Infrastructure Plan*, there are regulated areas, evaluation areas, and network gaps that encompass most of the property. The proposed woodland conservation areas are located in regulated and evaluation areas.

As noted below, some regulated streams are proposed to be eliminated on the site for the construction of buildings. Some of the road crossings shown are not necessary to the overall development. The conditions of this approval address conformance with this provision of the master plan.

- 2. Preserve 480 or more acres of primary management area (PMA) as open space within the developing areas.**

Preservation of the primary management area (PMA) will be addressed in the Environmental Review section below.

- 3. Place preserved sensitive environmental features within the park and open space networks to the fullest extent possible.**

No identified park or open space areas are proposed for the subject site. It appears that an open amphitheater is proposed on the western part of the site. The comments below seek to expand on this open space area to create the “gateway” to the town center.

- 4. Protect primary corridors (Cabin Branch) during the review of land development proposals to ensure the highest level of preservation and restoration possible. Protect secondary corridors (Back Branch, Turkey Branch, and the PEPCO right-of-way) to restore and enhance environmental features, habitat, and important connections.**

The original CSP application contained elements of primary management areas associated with Cabin Branch, a designated primary corridor. There are various areas of proposed road crossings and sewer line connections that will impact Cabin Branch on-site, some of which are necessary and some which are not necessary for construction as noted below. Details on

protecting the Cabin Branch primary corridor are discussed below in the Environmental Review section.

5. Limit overall impacts to the primary management area to those necessary for infrastructure improvements, such as road crossings and utility installations.

The initially submitted plans were not in conformance with this strategy. The proposed impacts to the primary management areas are more than necessary for development. These issues are discussed in more detail in the Environmental Review section below.

6. Evaluate and coordinate development within the vicinity of primary and secondary corridors to reduce the number and location of primary management area impacts.

Cabin Branch is a designated primary corridor in the master plan and the streams on-site are tributaries to this stream. Prior to the initial submission of the CSP application, the development of the overall roadway network was discussed in detail and the major road crossings were placed at optimal locations to reduce impacts. The roadways shown are not in complete conformance with this overall plan, in particular the road crossing identified as Area 3 below. There are also several road crossings that were not part of that analysis that are shown on the plans. Some of these roads result in impacts to the primary management areas that were not anticipated in the previous design. The proposed impacts are discussed in more detail in the Environmental Review section below and are modified by conditions of this approval.

7. Develop flexible design techniques to maximize preservation of environmentally sensitive areas.

Council Bill CB-29-2008 addresses some flexibility to county design standards with regard to building placement, etc. and the text provided with the CSP alludes to flexible design standards, but no statement is provided regarding what these standards are.

A condition of this approval requires further definition and inclusion of flexible design standards.

Policy 2. Restore and enhance water quality of receiving streams that have been degraded and preserve water quality in areas not degraded.

Strategies:

1. Remove agricultural uses along streams and establish wooded stream buffers where they do not currently exist.

The site contains some minor areas of agricultural uses, mainly in the northwestern quadrant of the town center. The stream system associated with the previous agricultural uses does not currently have a wooded buffer and is proposed to be removed for the construction of buildings and roads. A condition of this approval eliminates these impacts from the current design, unless an alternative design is provided that addresses the water quality functions provided by this existing system. The proposed impacts are discussed in more detail in the Environmental Review section below.

2. Require stream corridor assessments using Maryland Department of Natural Resources protocols and include them with the submission of a natural resource inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites.

A signed NRI was submitted, but it does not include a stream corridor assessment. The signed NRI has since been modified by the applicant to eliminate some of the streams previously shown as regulated. This NRI was further reviewed through the preliminary plan approval process.

The streams on-site are highly degraded from erosion of the highly-erodible soils on-site. A stream corridor assessment is needed to determine where restoration efforts should be focused and whether or not the stream system in its current condition can handle the stormwater runoff proposed. The stormwater management plan should consider the information obtained from the stream corridor assessment as part of the process of designing the overall system because a poorly designed system will continue to degrade the streams on-site and result in the continuation of downstream degradation.

The stream corridor assessment is also needed because there are multiple on-site impacts proposed to regulated features and the mitigation for those impacts should occur on-site where they are most needed.

Stormwater outfalls shall be carefully placed to ensure stream stability. If stream restoration recommendations are appropriate, they shall be included in the report. Streams shall not be piped unless absolutely necessary to address a water quality or water conveyance problem.

3. Coordinate the road network between parcels to limit the need for stream crossings and other environmental impacts. Utilize existing farm crossings where possible.

The subject development shall involve the dedication of rights-of-way for three master-planned roads. At the time of creation of the Westphalia master plan, the general locations of A-66, C-636, and MC-637 were determined for the subject property. As noted above, there are crossings shown that are not all placed in the most sensitive locations. The proposed impacts are discussed in more detail in the Environmental Review section below.

4. Encourage shared public/private stormwater facilities as site amenities.

5. Ensure the use of low-impact development (LID) techniques to the fullest extent possible during the development review process with a focus on the core areas for use with bioretention and underground facilities.

At this time, there is insufficient information to fully address these standards. The CSP shows a variety of stormwater management ponds, all placed adjacent to the PMA. As stated above, a stream corridor assessment is needed to determine if the stream system will be stable enough to handle the influx of runoff. During the review of the preliminary plan, the stormwater management concept proposed was evaluated to ensure that it has been designed to include low impact development techniques as amenities.

Policy 3. Reduce overall energy consumption and implement more environmentally sensitive building techniques.

Strategies:

1. Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.

2. Encourage the use of alternative energy sources such as solar, wind and hydrogen power. Provide public examples of uses of alternative energy sources.

The plan proposes 5,150 residential dwelling units, 1.4 million square feet of retail space, and 4.5 million square feet of office space in nine development areas. This type of development has a substantial “environmental footprint” that includes the consumption of raw materials, the transport of raw and pre-fabricated materials to the site, and the future consumption of energy in the form of oil, gas, and electricity. The use of environmentally sensitive building techniques should be considered as part of this development to improve its sustainability over time and to reduce its overall footprint on the environment.

Policy 4. Plan land uses appropriately to minimize the affects of noise from Andrews Air Force Base and existing and proposed roads of arterial classification and higher.

- a. Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.**
- b. Restrict uses within the noise impact zones of Andrews Air Force Base to industrial and office use.**
- c. Evaluate development proposals using Phase I noise studies and noise models.**
- d. Provide for adequate setbacks and/or noise mitigation measures for projects located adjacent to existing and proposed noise generators and roadways of arterial classification or greater.**
- e. Provide for the use of appropriate attenuation measures when noise issues are identified.**

Residential uses have been placed in the portions of the site that are away from the higher noise levels of Andrews Air Force Base. Noise has not been addressed from MD 4 or the planned arterials A-52 and A-66. Noise mitigation is discussed in detail in the Environmental Review Section.

Summary of Master Plan Conformance
Conditions of this approval have brought the CSP into conformance with the master plan.

Conformance with the Countywide Green Infrastructure Plan

The subject property contains extensive regulated, evaluation, and network gap areas. The regulated areas of countywide significance, as reflected on the green infrastructure network, do not include all of the regulated areas on the site. There are other streams of local significance that warrant protection and consideration during the design stage.

To be in conformance with the Countywide Green Infrastructure Plan, the designated regulated areas must be preserved with impacts limited to those necessary for development. Evaluation areas must be protected on-site as much as possible. Wherever network gaps occur, every effort should be made to reconnect the areas that have become fragmented.

Conditions of this approval have brought the CSP into conformance with the Green Infrastructure Plan.

The following policies support the stated measurable objectives of the Countywide Green Infrastructure Plan:

Policy 1. Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

The 2002 General Plan was amended by the Westphalia sector plan, which calls for a “center” and associated high-density uses on the subject site. The protection of the green infrastructure network and the construction of a dense town center core are not incompatible. The challenge comes in delineating the regulated areas first and then designing around these features. In two places in particular, this concept was not followed: the area of the northwestern “community center” in the middle of a regulated stream and the elimination of 800 linear feet of a channel designated as “Waters of the State” for the construction of office buildings.

There are several other areas of impact that are not necessary to the overall development of the site. These areas include: the placement of the curve north into the site of MC-632 (placed at the intersection of two streams); the provision of the “fringe road” from MC-632 west that then curves north to cross the stream (this results in an additional stream crossing that is not necessary); and the ring roads around the southern portions of the two pods on each side of MC-632, west of the school site (these do not result in direct impacts, but add to the overall percentage of impervious surfaces and do not provide additional benefits). Conditions of this approval enable a finding of conformance with this strategy.

Policy 2. Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development patterns of the 2002 General Plan.

Preservation of water quality in this area will be provided through the protection of the expanded stream buffers and the application of best stormwater management practices for stormwater management. Low-impact development stormwater management methods should be applied on this site, to the fullest extent possible.

Policy 3. Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

Conditions of this approval bring the TCPI into conformance with the requirements of the Woodland Conservation Ordinance and the Countywide Green Infrastructure Plan.

Summary of Conformance with the Countywide Green Infrastructure Plan

The plans as conditioned are in conformance with the functional master plan. By addressing the conditions of approval, the revised plans will be in conformance with the Countywide Green Infrastructure Functional Master Plan.

Environmental Review

- a. A signed Natural Resources Inventory Plan (NRI/094/06), which included detailed forest stand delineation (FSD), was submitted. The site contains sensitive environmental features such as streams, 100-year floodplain, wetlands, severe slopes, and areas of steep slopes with highly erodible soils. The site also contains 158 specimen trees. Because the FSD portion of the NRI has been reviewed in detail, and the FSD meets the submittal requirement for this application type, no additional FSD or NRI information is required.

The FSD report describes this site as containing eight different forest stands, for a total of 440.87 acres of woodland on-site. The dominant trees on-site are tulip poplar, red maple, sweetgum, beech, and Virginia pine. Stand A is a 108.22-acre stand of mixed early succession and immature hardwoods, including tulip poplar, sweetgum, and red maple. This stand was selectively harvested approximately five years ago. Stand B is a 212.93-acre stand of immature mixed hardwoods, also dominated by tulip poplar, sweetgum, and red maple. There is evidence of selective harvest in recent years. Stand C is an 8.73-acre stand of immature conifer dominated by Virginia pine. No logging activities appear to have occurred within this stand. Stand D is a 19.45-acre stand of early succession hardwoods including sweetgum and tulip poplar. There is no evidence of recent logging activity, and portions of this stand would be classified as interior forest habitat because areas are located more than 300 feet from the nearest forest edge. Stand E is a 5.13-acre stand of early succession conifers dominated by Virginia pine. A small portion of this stand is considered interior forest habitat. Stand F is

a 43.96-acre stand of immature upland hardwoods dominated by hickory, beech, red oak, white oak, and tulip poplar. This stand is a high priority for retention due to its location next to regulated streams, wetlands, and floodplains. There are also portions of the stand classified as forest interior habitat. Stand G is a 25.84-acre stand of mature conifer forest dominated by Virginia pine. There are portions of this stand that are considered interior forest habitat. Stand H is a 16.61-acre stand of mixed hardwood dominated by sweetgum, red maple, black cherry, black locust, and tulip poplar. Portions of this stand are considered interior forest habitat. The total area of the nonforested land on the property is approximately 89.82 acres.

The NRI that has been submitted was approved on October 19, 2006. Due to field work performed on March 18, 2008, additional regulated stream areas were found on-site. In a letter dated March 26, 2008 to McCarthy and Associates, it was requested that these areas be added to the NRI. Mapping detailing the additional streams was included in the letter to McCarthy and Associates. Subsequent to that communication, stream delineation was submitted that eliminated all but the streams regulated by the U.S. Army Corps of Engineers. Because these are not the only streams regulated at state or local levels, this delineation needed to be expanded to include these items.

On September 24, 2008, the applicant's representatives met with MDE to request that they conduct the field visits necessary to determine the regulated site features. They were only able to send a stream expert (and not a wetland expert) and that field visit occurred on October 14, 2008. No one from MDE has visited the site to determine which of the remaining isolated wetlands are under the state's jurisdiction. The applicant was then required to submit additional information to verify whether or not the wetlands previously delineated on the plans are regulated wetlands, per the Corps of Engineer's 1987 delineation manual.

- b. As noted above, the site contains extensive areas of Patuxent River primary management areas (PMAs) and some associated and isolated wetlands. Though the full extent of the regulated features on the site had not yet been determined the overall conceptual layout was discussed in terms of impacts to known regulated features at the original hearing.

The following points were made:

There are several areas where the impacts to the PMA are excessive and are not necessary for the development of the site in conformance with the desired development pattern of the sector plan. The following discussion references Staff Exhibit "A" prepared November 24, 2008, that notes the locations of the impact areas being discussed. The pink areas shown on the exhibit are the areas of concern. The orange areas are the areas of impact that are considered appropriate.

Area 1: This area is identified as the northwestern “community center” which is proposed to be built in the middle of a regulated stream. The stream is shown on the plans and the impacts include the community center building, several roads, and some townhouses. Another nearby stream segment is also impacted.

During the discussions with the applicant’s engineer, the question was asked whether a concept that showed a stormwater management pond in this location might be acceptable. Buildings and roads were never discussed. It was indicated that a pond in this location with the caveat that the pond would have to be designed as an amenity with extensive landscaping and community access might be acceptable. That design, however, had not been submitted as of the public hearing on this case.

The design concept also created additional impacts off-site by setting road connections that would have to be followed on adjacent sites.

It was felt that the design should be revised to eliminate the extensive impacts to this 700-foot-long stream segment.

Area 2: This impact is located north of the interchange of Suitland Parkway and MD 4. It is understood that the interchange must be in the location shown; however, the plan shows the elimination of 800 linear feet of a channel designated as “Waters of the State” for the construction of office buildings. The stream is over 1,200 feet long on the subject property and approximately 400 linear feet of disturbance is needed for road crossings that are not disputed. The remaining stream segments, while fragmented, still have value.

In addition to the need to preserve the stream segments to be in conformance with the Green Infrastructure Plan, the preservation of the streams and associated woodlands in this area would provide a natural break from the more office-related uses to the west and the town center itself. This natural area will also provide a gateway from the west into the town center and would provide a logical extension to the amphitheater area to the north. The preservation of this area is critical to the overall health of the stream system itself.

The design shall be revised to eliminate the extensive impacts to this 1,200-foot-long stream segment. The impacts should be reduced to those necessary for the two stream crossings.

Area 3: Where MC-632 curves to enter the site, there is an intersection of two streams. This road could easily be shortened to bring it onto the site in a place where the impacts will be reduced, preferably to the east.

The design shall be revised to eliminate the extensive impacts to the two stream systems in this location.

Area 4: The plans show the provision of a “fringe road” from MC-632 west that then curves north to cross the stream. This design results in an additional stream crossing that is not necessary because there is another road crossing just to the east and there are two ways in and out of this portion of the site. A third access point is not necessary.

The design in this location shall be revised to eliminate the additional stream crossing.

Area 5: To the west of the school site, the plan shows two ring roads around the southern portions of the two pods on each side of MC-632. These are single-loaded roads that do not result in direct impacts, but add to the overall percentage of impervious surfaces and the amount of grading necessary for construction. These two roads do not provide additional benefits to the design.

The layout of this area shall be redesigned and the two ring roads should be eliminated.

Area 6: To the east of Area 3 an impact is proposed for a small scale road to connect two large surface parking lots. If this road was moved to the south, it would avoid the PMA impact altogether.

Area 7: To the east of Area 5 and north of Area 6, on the north side of the major stream system that runs east to west through the property, there are multiple small impacts whose purpose is not shown. At the submitted scale of one inch equals 200 feet, it is impossible to discern exactly what areas are being proposed for impact. Except for necessary utilities to serve the development that cannot be placed outside the PMA, these impacts have been eliminated by a condition of this approval.

Area 8: This area is located in the northeast corner of the site. Because the TCPI does not show any proposed grading or the stormwater management ponds that are shown on the conceptual plans, it is not possible to discern the magnitude or purpose of these impacts. Impacts to the PMA for stormwater management outfall is appropriate, impacts for the grading or construction of the stormwater management pond are not appropriate.

- c. This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the gross tract area exceeds 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A Type I tree conservation plan has been submitted.

This 530.04-acre property contains a total of 419.96 acres of woodland outside the floodplain and 20.26 acres inside the floodplain according to the TCPI submitted October 30, 2008. The woodland conservation threshold has been correctly calculated as 76.15 acres. As currently shown, the areas of clearing result in a total requirement of 223.97 acres. The plan proposes to meet the requirement by providing 21.63 acres of woodland preservation, 28.35 acres afforestation/reforestation, and 173.99 acres of fee-in-lieu.

The TCPI was provided on one sheet at a scale of one inch equals 200 feet. At this scale, it is impossible to determine if the woodland conservation areas are shown correctly. In addition, the TCPI has no limits of disturbance. Without plans at a finer scale, it is not possible to make conclusive comments on the plans submitted; however, at the request of the Environmental Planning Section, the plans contain the following note:

“This plan is conceptual and depicts the general layout of uses proposed. At time of preliminary plan, the signed NRI was used to delineate the regulated areas on all plan submitted for review. Proposed impacts to the regulated areas were evaluated as part of the preliminary plan review process.”

As conditioned, the TCPI for the Conceptual Site Plan is acceptable.

One concept shown on the plan is of concern. The reforestation areas appear to encompass every piece of open space on the site, which is ambitious and not realistic. During the review of the preliminary plan, the reforestation areas were reviewed to determine which are feasible and which are not, given the placement of utilities, sight distance issues, aesthetic concerns, etc. The following note must be added to the TCPI:

“The afforestation/reforestation areas on this plan will be reviewed in more detail during the preliminary plan review and review of the future TCPI and TCPII. Afforestation and reforestation areas must be placed so as to provide open space, locations for utilities, sight distance, and to address aesthetic concerns throughout the site.”

- d. The plan shows an excessive amount of fee-in-lieu being used to meet the woodland conservation requirement. Council Bill CB-29-2008 allows for the use of fee-in-lieu, just as any site is allowed to use fee-in-lieu, after exhausting all other woodland conservation options.

Council Bill CB-29-2008 states: “(B) For Regional Urban Community developments in the M-X-T Zone, the woodland conservation and afforestation thresholds shall be fifteen percent (15%) with no requirement for on-site mitigation. A fee-in-lieu of \$0.30 per square foot shall be required.”

As written, this passage allows the fee-in-lieu to be provided at a rate of \$0.30 per square foot, if this option is used. This provision was added because draft legislation has been prepared that proposes an increase in the fee-in-lieu.

A justification for skipping over all the other mitigation methods that come before fee-in-lieu has not been provided. The other priorities are:

- preservation on-site
- areas preserved with selective clearing to improve the forest
- on-site afforestation/reforestation
- landscaping
- off-site afforestation/reforestation
- off-site woodland conservation through preservation

Fee-in-lieu can only be considered when all other options have been exhausted.

- e. This property is located adjacent to MD 4 and portions are within the noise contours of Andrews Air Force Base (AAFB). The plan proposes the construction of two arterial roadways, A-52 and A-66. Roadways of arterial classification and greater generate traffic levels and resultant noise levels that are above the state standard of 65 dBA Ldn for residential uses.

A Phase I noise study was not submitted with the CSP application and it does not appear that noise issues have been addressed, except that the residential uses are planned to be constructed in areas outside the highest noise contours of AAFB.

- f. The soils found to occur on this property are in the Adelpia, Bibb, Chillum, Collington, gravel and borrow pits, Matapeake, Sandy land steep, Sassafras, Shrewsbury, Westphalia, and Woodstown. Many of these soils have limitations, but they are generally well drained making them appropriate for infiltration methods of stormwater management.

This information is provided for the applicant's benefit. No further action is needed as it relates to this conceptual site plan. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

- g. The site has a Stormwater Management Concept Approval Letter (44782-2007-00) and is referenced in the CSP text as being provided in the appendix.

The conceptual layout shows only two stormwater management ponds to handle over 400 acres of primarily impervious surfaces and some underground facilities to handle water quality requirements. Based on the existing drainage area map

(Sheet 17), there should be many more facilities to handle both the volume of runoff and the quality of the runoff. Council Bill CB-29-2008 allows for the use of “innovative” stormwater techniques. A pipe-and-pond design is not considered an “innovative” technique.

This is an ideal site for infiltration in the areas where the elevation permits direct infiltration and infiltration with drainage systems elsewhere. As part of the overall beautification of this site and to show aesthetically its prominence in the region, bioretention areas are recommended throughout the site. This will increase the overall tree canopy coverage, reduce the overall runoff, and enhance the quality of the runoff. This will also bring the site into conformance with the new state stormwater regulations which require the use of environmentally-sensitive designs.

Conditions below require further review of the concept plan and associated letter.

CSP-07004-01: The proposed revisions to Conditions 15, 16, 24, 25, 30, and 31 will not change the intent of the previous approvals with regard to environmental conditions. All other conditions of the previous CSP approval should be carried forward; however, additional TCPI conditions are necessary to address timing and phasing issues as well as general plan revisions that are needed based on the TCPI plan received as part of the CSP revision application. These conditions have been made a part of this approval.

- i. **Fire/EMS Department—CSP-07004-01:** In comments dated May 10, 2010, the Prince George’s County Fire/EMS Department offered information regarding needed accessibility, private road design, and the location and performance of fire hydrants.
- j. **Department of Public Works and Transportation (DPW&T)—CSP-07004-01:** In a memorandum dated March 30, 2010, DPW&T stated that they had no objections to the proposed revisions to Conditions 15, 16, 24, 25, 30, and 31 of approved Conceptual Site Plan CSP-07004.
- k. **Maryland State Highway Administration (SHA)—CSP-07004-01:** In undated comments received from SHA, a representative stated that they had no objections to the proposed revisions to conditions.
- l. **Washington Suburban Sanitary Commission (WSSC)—CSP-07004-01:** At the time of this writing, staff has not received referral comments from WSSC.
- m. **Verizon—CSP-07004-01:** In an email dated April 12, 2010, a representative of Verizon stated that the location of the public utility easement should be established and placement of utilities coordinated between all providers at the time of preliminary plan of subdivision. The representative was specifically concerned about how this would be accomplished because the Moore Property is not accessed by a public right-of-way and it is questionable how all utilities will be able to be provided to the subject development.

- n. **Potomac Electric Power Company (PEPCO)—CSP-07004-01:** At the time of this writing, PEPCO has not provided staff with referral comments.
- o. **Westphalia Sector Development Review Advisory Council (WSDRAC)—CSP-07004-01:** In comments dated May 6, 2010, the Westphalia Sector Development Review Council expressed their unanimous opposition to revisions to Conditions 15, 16, 24, 25, 30, and 31. Further, they stated their strong support for the previously approved plan (Conceptual Site Plan CSP-07004).
- p. **Washington Metropolitan Area Transit Authority (WMATA)—CSP-07004:** In a letter dated June 4, 2008 (Washington to Parker), the Washington Metropolitan Area Transit Authority (WMATA) commented on the creation of a transit-ready community to support bus operations and possible future rail transit. The letter emphasizes the need to create a comprehensive pedestrian network and allow adequate space for the provision of bus stops and services within the design. The letter notes specific design constraints such as the size of bus station areas and the desirability of providing bus layover areas within the transit center parcel.

The CSP does provide for a comprehensive pedestrian network throughout the site. The design guidelines in the CSP text will not provide for the fine detail of pedestrian- and bus-friendly streetscape design which will need to be reviewed in more detail with the detailed site plans.

The appropriate party to take ownership of the transit center has also not been determined at this time. It may be appropriate for the transit center parcel to be dedicated to public use and given to Prince George's County or WMATA for development as a bus rapid transit center.

- q. **Joint Base Andrews Naval Air Facility—CSP-07004:** In a memorandum dated May 12, 2008, the community planner for Andrews Air Force Base offered the following comments.

This property is located within the 65–69 and 70–75 dBA noise contours. Residential development in this area is generally discouraged. The Andrews AFB Air Installation Compatible Use Zone Study (2007) suggests a maximum density of one dwelling unit per acre for areas within the 70–75 dBA noise contours. Where the community determines the residential uses must be allowed, measures to achieve outdoor to indoor noise level reduction (NLR) for DNL/CNEL 65–69 dBA and DNL/CNEL 70–74 dBA should be incorporated into building codes and considered in individual approvals.

- r. **Special Projects—CSP-07004:** The 2007 approved Westphalia sector plan recommends the construction of a public library with community meeting space, in the “proposed community center core.” This library is not shown on the CSP maps or discussed in the CSP text. At the preliminary plan of subdivision, the applicant is required to either

dedicate land to Prince George's County or to M-NCPPC for this library, to show where a public library will be constructed to the specifications of the Prince George's County Memorial Library System (PGCMLS), or to indicate in which commercial or retail building 25,000 to 50,000 square feet of space will be provided for this library.

The applicant should coordinate with the Office of Central Services and PGCMLS on the provision of this library prior to the preliminary plan of subdivision. This library is intended to serve the residents of Westphalia and the surrounding communities and may not be needed for several years.

The 2007 approved Westphalia sector plan recommends the construction of a police facility near the proposed community center core area. The 2008 *Public Safety Facilities Master Plan* recommends relocation of the Prince George's County Police Department (PGPD), Special Operations Division (SOD), from 6700 Riverdale Road, Riverdale, Maryland to a more centrally-located area within the county. PGPD has indicated their desire to relocate SOD to the proposed police facility in the Westphalia Town Center. The sufficiency of the dedicated property will be determined by the cooperative efforts of PGPD, M-NCPPC, and the applicant. The applicant should continue to coordinate with PGPD to determine the necessary dedication prior to the preliminary plan of subdivision.

The 2007 approved Westphalia sector plan recommends a co-location of the police and fire/EMS facilities. The Prince George's County Fire/EMS Department (PGFD) has indicated a desire to construct the Fire/EMS station immediately, independent of private development on the property. The applicant should continue to coordinate with PGFD to determine the appropriate size and location of the property to be dedicated for this facility.

The police and fire/EMS facilities are shown in Phase 4 of development. The 2007 approved Westphalia sector plan recommends staging that "ensures provision of the aforementioned public facilities concurrently with development of new homes and businesses."

The fire/EMS station is immediately necessary because construction of the interchange at MD 4 and Suitland Parkway will render the existing Forestville Fire/EMS Station, Company 23, on Old Marlboro Pike inoperable; the new Westphalia station is necessary to ensure seamless delivery of first response in the Westphalia and Forestville areas *independent* of the construction of the Westphalia Town Center.

The PGPD, Special Operations Division, is currently located at 6700 Riverdale Road in Riverdale. This outdated facility is inadequate for SOD needs and requires vehicles to be stored and maintained outside, where they are deteriorating at a fast rate. In addition, the proposed Purple Line will run on shared right-of-way along this portion of Riverdale Road and situations may arise where transit vehicles (either light-rail trains or large buses) may block the exit of SOD headquarters and inhibit response times.

These public facilities are needed as soon as possible and should be in the earliest phase of development. Since they require dedications of land, such dedications should occur at the preliminary plan of subdivision in consultation and agreement with PGPD and PGFD.

16. †*The applicant presented evidence that a change has occurred in the approval of this case related to the maximum allowed number of front-loaded garage units within the Westphalia Center project. At the time of Conceptual Site Plan CSP-07004 approval for the Westphalia Town Center project, which includes the Moore Property, the issue relating to front-loaded garages in Finding 7(b) in PGCPB Resolution No. 08-189 was as follows:

7(b) Front-loaded garages: The sector plan strongly discourages the provision of front-loaded garages and driveways for townhouses, recommending instead that parking should be located in the rear and sides of lots. The applicant's CSP text does not prohibit the use of front-loaded townhouses in the Edge area. There may be some locations where front-loaded townhouses are unavoidable, specifically where the rear of a townhouse row is adjacent to a stream valley or preserved environmental feature, preventing the use of a rear alley to serve the houses. In all other circumstances, however, front-loaded units should not be permitted.

†*Based on the above finding, the Planning Board attached Condition 2.i. of CSP-07004 in its approval (PGCPB Resolution No. 08-189) that does not specifically state the maximum number of dwelling units to have front-loaded garages, but instead to allow the application of the front-loaded garages be decided with the review of each DSP, as follows:

2(i) Limit the use of front-loaded garages for attached units to situations at the edge of residential neighborhoods where environmental features prevent the use of rear alleys, except that other locations may be approved at the time of Detailed Site Plan review provided that sufficient design justification is provided for the additional locations.

The District Council affirmed the Planning Board's approval of CSP-07004 with four additional conditions and revised Condition 2.i. as follows:

††*Denotes (2021) Amendment

†*Denotes (2013) Amendment

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

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

At the time of CSP-07004-01 approval, the same findings as discussed above were provided and revised Condition 2.i. was included in the Planning Board's resolution (PGCPB No. 10-59(C)). The District Council affirmed the Planning Board's action in PGCPB Resolution No. 10-59(C).

†*The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) provides goals and policies under its Development Pattern Element chapter. Policy 5 prescribes residential area design principles specifically for the parking and garages of residential single-family detached and attached homes and multifamily buildings (p. 31) as follows:

Design Principles

- **Design single-family detached, and attached home and multifamily buildings so the mass of the living space and the front door dominates the front façade:**
- **Require garages that are hidden or clearly subordinate to the main structure and do not project beyond the main façade of residential buildings.**
- **Arrange driveways so that cars are parked to the side or rear of the house or otherwise hidden from the street.**
- **Promote rear alleys to have access to parking and garages for residences that are sited back-to-back.**

These design principles provide guidance on minimizing the dominance of garages on the streetscape by either hiding them or making them subordinate to the main structure. However, the design principles do not specifically prohibit the use of front-loaded garages, but promote that garages should be subordinate in mass and in proportion to the main elevation. The design principles specifically promote the use of rear alley to access the parking and garages for residential units that are sited back-to-back.

At some locations of the subject site where a stream valley or preserved environmental features are present, the topographical conditions prohibit the use of rear alley to access the garages.

††*Denotes (2021) Amendment

†*Denotes (2013) Amendment

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

which makes the front-loaded garage a viable option. To prevent the garage from dominating the façade of a residence at those locations, architectural design should reflect the design principles of Policy 5 and should be demonstrated at the time of DSP review.

†*The applicant requests modification of Condition 2.i. of PGCPB Resolution No.10-59(C) without impacting the prior approval as it pertains to the Moore Property as follows:

“A maximum of 68 front-loaded garages shall be allowed within the Moore Property portion of Westphalia Center. Their location shall be restricted to areas adjacent to a stream valley or preserved environmental feature, preventing the use of a rear alley to serve the dwellings. Within the Town Center portion of Westphalia Center front-loaded garages may be approved at the time of Detailed Site Plan review provided that sufficient design justification is provided for the additional locations.

“The following criteria should be employed throughout the Westphalia Town Center when considering the use of front loaded garage units:

- “A. The total number of front loaded garage townhouse units shall not exceed 10% of the total number of townhouse units allowed in the Westphalia Town Center project.
- “B. The use of front loaded garage units for single family detached units shall be evaluated at each Detailed Site Plan and be limited to situations where site design or environmental constraints dictate the need for the use of front loaded units.
- “C. Front loaded townhouse units shall only be included on the interior of blocks and front loaded units are not allowed for units fronting on public streets except in situations where environmental conditions will not allow the use of rear alleys.
- “D. All entry door features on front loaded units must be located on the ground level. No walk up second level entries are permitted.
- “E. Front loaded townhouse units shall be built no more than approximately 15 feet from the front lot line to discourage the use of long driveways.
- “F. All front loaded garage doors shall include window features.”

††*Denotes (2021) Amendment

†*Denotes (2013) Amendment

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

†*Within the boundary of the overall Westphalia Town Center project (530 acres), the area where the Moore Property (47.7 acres) is located contains most of the stream valleys. Only a small portion of the rest of the Westphalia Town Center has stream or environmental features. At the time of CSP-07004 review, the District Council mainly focused on achieving an urban development. According to DSP-09015 for Moore Property, only 45 units will be front-loaded garage units within the total 364 single-family attached units approved with the Moore property. However, given that Moore Property had gone through DSP approval and is no longer a part of the request Westphalia Center project, the Urban Design Section does not agree with the applicant is to alter previously approved conditions that may have any impact on Moore Property. The Urban Design Section agrees with the applicant in the general principle of limiting the front-loaded garage units within the town center portion of the Westphalia Center project, while still providing the applicant with sufficient design flexibility to achieve high-quality development. In addition, there is no discussion of single-family detached units either in both prior conditions or in the sector plan. The Urban Design Section recommends removal of Criterion B, which is related to single-family detached units, from the revised condition.

At the time of the District Council's review of CSP-07004, the total number of the front-loaded garage units had been limited to an average of four percent of the total detached units in the entire town center. The applicant proposes to allow ten percent of the total of front-loaded garage units. The Urban Design Section agrees with the proposed maximum percentage to avoid over concentration of this type of housing unit. In order to achieve visual interest along the street where front-loaded garage units are located, architectural features, such as windows, should be provided on the garage doors. In addition, the Urban Design Section also recommends that the set back of the unit be no more than ten feet from the front lot line to discourage the use of long driveways.

Pursuant to the sector plan design guidelines for residential areas, the Urban Design Section believes that specific design criteria is appropriate to consider at the time of DSP. The applicant should demonstrate conformance to the criteria in the Recommendation section of this report when any front-loaded units are proposed at the time of DSP review.

††*Denotes (2021) Amendment

†*Denotes (2013) Amendment

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

†*The Community Planning Division, in a memorandum dated October 4, 2013, provided a review of all applicable conditions attached to prior approvals and relevant design guidelines governing the residential buildings in the sector plan. The Community Planning Division recommends revisions to the applicant's proposed Condition 2.i. as follows:

A maximum of 68 front-loaded garages shall be allowed within the Moore Property portion of Westphalia Center. Their location shall be restricted to areas adjacent to a stream valley or preserved environmental feature, preventing the use of a rear alley to serve the dwellings. Within the town center portion of Westphalia Center, front-loaded garages may be approved at the time of detailed site plan review provided sufficient design justification is provided for the additional locations. The following criteria shall be employed throughout Westphalia Town Center when considering the use of front-loaded garages for townhouse or attached units:

- A. The total number of front-loaded garage units shall not exceed ten percent of the total number of townhouse units allowed in the Westphalia Town Center project.
- B. Front-loaded townhouse units shall only be included on the interior of blocks and front-loaded units are not allowed for units fronting on public streets, except in situations where environmental conditions will not allow the use of rear alleys.
- C. All entry door features on front-loaded units must be located on the ground level. No walk-up second level entries are permitted.
- D. Front-loaded townhouse units shall be built no more than 15 feet from the front lot line to discourage the use of long driveways.
- E. All front-loaded garage doors shall include window features.
- F. No front-loaded garages shall protrude in front of the overall façade of the townhouse unit.

The Planning Board agrees the applicant in this case has no control over Moore Property, and conditions relating to that property should not be considered at this time.

At the time of the preparation of this resolution, there was no response from the Westphalia Sector Development Review Council (WSDRC).

††*Denotes (2021) Amendment

†*Denotes (2013) Amendment

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

††*In a further amendment to this condition in the review of DSP-19062, the Planning Board agreed with the applicant’s request to amend parts A. and D. above to allow for these requirements to be modified by the Planning Board at the time of DSP.

†*The Planning Board approved the reconsideration Request for Conceptual Site Plan CSP-07004-01 to revise Condition 2.i. in this resolution.

††*17. As required by Section 27-276(b) of the Zoning Ordinance, Conceptual Site Plan CSP-07004-01 ††*as amended, to adjust Condition 2.i., regarding the front-loading garages, will continue to represent††* [s] a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George’s County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

Conceptual Site Plan CSP-07004-01 supersedes and replaces previously approved CSP-07004 in its entirety.

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 I Tree Conservation Plan (TCPI/014/08-02), and further APPROVED Conceptual Site Plan CSP-07004-01 for the above-described land, subject to the following conditions:

1. Prior to certificate approval, the following revisions shall be made to the CSP:
 - a. All appropriate sheets of the CSP shall be revised to show the same proposed ranges of development. These ranges shall be as follows:
 - (1) 4,000–5,000 total dwelling units
 - 150–200 single-family detached houses
 - 1,650–2,500 attached dwelling units
 - 1,800–3,100 multifamily dwelling units
 - (2) 500–600 hotel rooms
 - (3) 900,000–1,400,000 square feet of retail
 - (4) 2,200,000–4,500,000 square feet of office

††*Denotes (2021) Amendment

†*Denotes (2013) Amendment

*Denotes Correction

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

- b. Remove the note referring to possible increases of 10 percent of the development categories.
- c. Revise the conceptual landscape plan to demonstrate conformance to Section 4.8 of the Landscape Manual.
- d. Revise the phasing plan to propose up to 50 percent of the total dwelling units as attached units (including townhouses, semi-detached dwellings, two-family units, three-family units, and any similar products).
- e. Provide minimum ten-foot-wide sidewalks (clear pedestrian zones) along both sides of the town center boulevard. The optional zone for the town center boulevard may be reduced to 26 feet.
- f. Mark and label the six-foot-wide sidewalks on the urban residential road 70-foot right-of-way.
- g. Modify the width of the “urban sidewalks” included on the north-south urban mixed-use roads to be a minimum of eight feet. The optional zone for the north-south urban mixed-use roads may be reduced to 28 feet.
- h. Provide minimum sidewalks of six feet along both sides of MC-632.
- i. All portions of the plan shall show the entire property.
- j. Show that the detached portion of the property along the western portion of existing Presidential Parkway is part of the Fringe area.
- k. Add a floating symbol for the potential location of a library within the town center.
- l. Show a buffer area along the full length of historic Melwood Road and the Twin Knolls Subdivision, including the Fringe area. The buffer along the Fringe area shall be a minimum of 30 feet. The buffer along the remaining length of historic Melwood Road and the Twin Knolls Subdivision, excluding the Fringe area, shall be a minimum of 75 feet wide and an average of at least 150 feet wide.
- m. Add a floating symbol for the potential location of a public or private medical facility.
- n. Show bikeway corridor trails along major roads.

- o. Either the TCPI and the preliminary plan shall be revised to show the correct delineation of existing environmental features per the signed natural resources inventory (NRI), or the NRI shall be revised to reflect the correct delineation of existing environmental features. If the second option is used, revised studies must be provided to support the changes.
2. Prior to certificate approval, the following revisions shall be made to the CSP plan text. Where available, the specific pages of the proposed CSP text to which the revision applies are provided in parentheses.
 - a. Revise the proposed development totals to match those shown in Condition 1(a).
 - b. Revise the proposed intensity of commercial development within the Fringe area to reflect the reduction in the minimum amount of office development from 4,000,000 square feet to 2,200,000 square feet.
 - c. Add proposed public/quasi-public uses to the breakdown of land use ranges in the Edge area, and if necessary, revise the proposed mix to conform to the recommended range (p. 23).
 - d. Incorporate the omitted sector plan design principles for the Core, Edge, and Fringe areas in the CSP text as criteria to be included in subsequent development review procedures.
 - e. Emphasize that proposed commercial land uses in the Edge areas need to be in substantial conformance with all sector plan design principles, particularly with respect to scale, site and building design, and parking. On-street parking will be designed to contribute to the parking requirements of commercial uses within the Edge.
 - f. Require a range of lot sizes for single-family attached dwelling units in the town center with a minimum of 1,000 square feet.
 - g. Incorporate the regulations of Council Bill CB-29-2008, particularly with respect to townhouse and attached dwelling unit criteria for the percentage of total units, lot size, living area, number of units in an attached row, and building widths.
 - h. Use consistent terminology throughout the text to refer to the streets (urban mixed-use roads, urban residential roads, internal circulation roads, and auxiliary access roads).

- ~~†*[i. A maximum of 68 front loaded garages shall be allowed within Westphalia Center. Their location shall be restricted to areas adjacent to a stream valley or preserved environmental feature, preventing the use of a rear alley to serve the dwellings.]~~
- †*i. A maximum of 68 front-loaded garage attached units shall be allowed within the Moore Property portion of Westphalia Center. Their location shall be restricted to areas adjacent to a stream valley or preserved environmental features, preventing the use of a rear alley to serve the dwellings. Within the town center portion of Westphalia Center, front-loaded garages may be approved at the time of detailed site plan review provided that:
- ††* (1) The total number of front-loaded garage townhouse units shall not exceed ten percent of the total number of townhouse units allowed in the Westphalia Town Center project, excluding Moore Property. [~~No more than 20 percent of the units within any separate DSP~~] unless modified by the Planning Board at the time of DSP.
- (2) Front-loaded townhouse units shall only be included on the interior of blocks and front-loaded units are not allowed for units fronting on public streets, except in situations where environmental conditions will not allow the use of rear alleys.
- (3) All entry door features on front-loaded units must be located on the ground level. No walk-up second level entries are permitted.
- ††* (4) Front-loaded townhouse units shall be built no more than approximately ten feet from the front lot line, unless modified by the Planning Board at the time of DSP.
- (5) All front-loaded garage doors shall include architectural features, such as windows.
- (6) No front-loaded garages shall protrude in front of the overall façade of the townhouse unit.
- j. No drive-through services are permitted within Westphalia Center.
- k. Update the discussion of noise based on the most up-to-date noise contours (p. 6).

††*Denotes (2021) Amendment

†*Denotes (2013) Amendment

*Denotes Correction

Underlining indicates new language

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- l. Clarify that surface parking lots will only be permitted within the Core area at final build-out where they are small in size and screened from the street by buildings. Interim parking lots in the Core, prior to final build-out, shall be screened by landscaping (pp. 22–23).
 - m. Correct the reference to an informal street pattern in the Core area to refer to the street pattern of the Fringe (p. 28).
 - n. Include all three gateways (Suitland Parkway, Dowerhouse Road, and Woodyard Road) in the discussion of gateways (p. 34).
 - o. Revise the text on page 38 to remove the second exemption for continuous building façade (for drive-throughs in the Core area).
 - p. Remove the reference to off-street parking provided along the roadway in the Core area (p. 38).
 - q. Specify that residential buildings fronting on urban residential roads and internal circulation roads may be set back up to 10 feet from the established build-to line along the pedestrian zone or public utilities easement to allow for stoops, porches, gardens, etc. The setback may be up to 15 feet from the established public utilities easement where front-loaded garages are permitted (pp. 40–42).
 - r. Clarify the building placement regulations to note that buildings shall be built to the pedestrian zone, optional zone, or public utilities easement, whichever is farthest from the street centerline.
 - s. Change the standard spacing of street trees to a maximum of 40 feet on center for all roads.
 - t. Add language to state that multistory buildings are strongly encouraged in the Core area.
 - u. Remove the detail of tree grates or modify the detail to show a larger planting area and an expanded structural soil area underneath the adjacent sidewalk (following p. 42).
 - v. One-story buildings shall not be constructed in the Core area.
3. Prior to certification of the CSP, the Type I tree conservation plan shall be revised to:
 - a. Show all proposed impacts to the Patuxent River primary management area (PMA) as previously approved with Preliminary Plans 4-08002 and 4-08018.
 - b. Show the unmitigated 65 dBA Ldn noise contour and the noise contours associated with Andrews Air Force Base that were shown on TCPI/014/08-01 approved with Preliminary

Plan 4-08002 for the Westphalia Center, and as shown on TCPI/004/09 approved with Preliminary Plan 4-08018 for the Moore Property.

- c. Include all required information per the TCPI preparation checklist, including but not limited to the following:
 - (1) The plan must be signed by a qualified professional.
 - (2) Provide a legend on all sheets of the plan set depicting all symbols used on the plan.
 - (3) Update the revision box with a description of all revisions made to the plan since the approval of the last TCPI.
 - (4) Provide an approval block on all sheets of the plan set with the previous approval information typed-in.
 - (5) Provide standard TCPI notes on the plan.
- d. Revise the table on the cover sheet as needed to reflect the signed NRI. Specifically, the areas for existing site area, existing floodplain, existing woodland, and existing wooded floodplain. In addition to the totals for these areas, this table should be revised to separate the areas for the Moore Property and the greater Westphalia Center.
- e. Revise the plan to graphically show all existing environmental features, including but not limited to streams, wetlands, floodplain, PMA, etc., as shown on the signed NRI.
- f. Provide a table on the cover sheet itemizing the areas of existing woodland, woodland cleared, preservation, reforestation, woodland saved not counted, and woodland saved but considered cleared for each phase of construction. The itemized table shall include the areas within the limits of disturbance (LOD) necessary to allow the Moore Property to move forward before the remainder of the site.
- g. Provide a note below the specimen tree table to indicate how the trees were located (field estimated or survey located).
- h. Revise woodland conservation areas as necessary to ensure that no woodland conservation is proposed within any existing or proposed easements and/or floodplain area.
- i. Ensure that the layout shown on the plan is the most current layout.
- j. Provide labels for the matchlines on all sheets in the plan set.

- k. Revise the matchlines and the sheet labels on the cover sheet to accurately reflect the configuration and sheet numbers of the individual sheets of the plan set.
 - l. Show a proposed LOD for the entire site.
 - m. Provide a separate sheet within the plan set to show the proposed LOD for all improvements necessary to allow access to the Moore Property without construction of the remainder of the Westphalia Center. This LOD shall include the clearing needed for all improvements, including but not limited to proposed grading, utility connections, road improvements, stream crossings, and stockpiles.
 - n. Provide a phased worksheet on the cover sheet. This worksheet shall include as Phase 1, the area within the LOD for all improvements necessary to allow access to the Moore Property without construction of the remainder of the Westphalia Center. The remaining phase of the worksheet shall include the remaining area of the Westphalia Center. The remaining area of the Westphalia Center shall be further separated into phases on the TCPII at time of DSP review so that each phase of the worksheet includes the area of each DSP.
 - o. The areas of existing environmental features (site area, existing woodland, existing floodplain, and existing wooded floodplain) used in the worksheet shall match the areas on the signed NRI.
 - p. After all revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revisions made.
4. At least 35 days prior to Planning Board approval of the preliminary plan of subdivision, a stream corridor assessment using the Maryland Department of Natural Resources protocol shall be submitted. General impacts to the entire stream valley for stream restoration shall be approved at the preliminary plan stage. Specific impacts for stream restoration will be determined, reviewed, and approved at the detailed site plan stage. Streams shall not be piped unless absolutely necessary to address a water quality or water conveyance problem.
5. Prior to acceptance of the preliminary plan package for review, NRI/094/06 shall be revised to include information obtained from the field work of the Maryland Department of the Environment, the comments provided by the Environmental Planning Section (M-NCPPC), and additional information on existing wetlands.
6. Prior to approval of the preliminary plan of subdivision, any roadway sections described in this plan that are not consistent with the County Road Ordinance, whether proposed for public or private maintenance, shall have approval from the Department of Public Works and Transportation.

7. At least 35 days prior to Planning Board approval of the preliminary plan of subdivision, the applicant shall attend a joint meeting with the staff reviewers of DPW&T and the Environmental Planning Section of M-NCPPC to evaluate the results of the stream corridor assessment.
8. The stormwater management (SWM) ponds shown on the TCPI with the preliminary plan and all subsequent plans shall be designed as amenities to the community to the fullest extent possible with features such as utilization of the natural contours of the site, providing extensive landscaping, providing walking trails where appropriate, and shall include the use of low-impact development (LID) stormwater management techniques to the fullest extent possible, such as the use of forebays to trap sediment, bioretention, French drains, depressed parking lot islands, and native plants.
9. At the time of review of the preliminary plan of subdivision, a letter of justification shall be submitted for all proposed impacts to the regulated areas shown on the signed NRI, including the regulated areas described as Areas 1–8 on Staff Exhibit A, dated November 24, 2008. Where impacts cannot be eliminated, the letter of justification shall state the reasons and provide evidence regarding why the impacts cannot be eliminated or reduced. Such evidence could include roadway designs by the State or previously approved plans, including master plans that require or show the placement of the roadways. Evidence may also include features, such as an amphitheater, or other infrastructure in the locations shown on the conceptual site plan, as provided in CB-29-2008 and consistent with CR-2-2007.
10. No woodland conservation shall be proposed on dedicated parkland, unless written authorization from the Department of Parks and Recreation has been provided prior to Planning Board approval of the associated TCP.
11. At least 35 days prior to Planning Board approval of the preliminary plan of subdivision, a Phase I noise study that addresses noise related to Andrews Air Force Base, MD 4, and A-52 and A-66 shall be submitted. The TCPI for the preliminary plan shall show the resulting noise contours at both ground level and upper-story elevations. The plan shall also illustrate conceptually how noise levels will be reduced to 65 dBA Ldn for outdoor activity areas and 45 dBA Ldn for indoor living areas.
12. The preliminary plan and TCPI shall propose restoration of the stream valley for the Back Branch drainage area. Along with this innovative LID stream restoration, on-site pretreatment will be provided at each stormdrain outfall in the amount of 10 percent of the water quality volume for that area. For this pretreatment, innovative LID techniques such as bioretention within parking lot islands, vegetated buffers, infiltration trenches, or pervious pavement will be utilized in the areas draining to Back Branch between Pennsylvania Avenue and Presidential Parkway. By providing improved water quality and protecting the channel through stream restoration, the proposed SWM pond treating the residential area draining to Back Branch and its conveyance system can also be greatly reduced.

13. The locations of the master-planned trails along Back Branch and Cabin Branch shall be determined at the time of preliminary plan review. The trails shall be designed to avoid the PMA to the extent possible and trail alignments along parallel roads may be utilized where necessary. Impacts to the PMA shall be addressed at that time.
14. At time of preliminary plan review, a detailed transportation phasing plan shall be submitted to identify specific improvements for specified levels of development in each phase.
15. Prior to approval of a detailed site plan for specific buildings for either the Moore Property or the balance of Westphalia Center, excluding the Moore Property, the applicants of the Moore Property and the balance of Westphalia Center, separately, shall obtain approval of a special-purpose detailed site plan to establish regulating standards for signage and to identify appropriate locations for transit stops in consultation with DPW&T and WMATA. The special-purpose detailed site plan shall also show site plan details of the public open spaces and establish a timing plan for the improvement of these public spaces and for the public trail system. This condition requires the approval of two special-purpose detailed site plans, one encompassing the entire Westphalia Town Center site excluding the Moore Property, and another for the Moore Property. This condition shall be construed such that the Moore Property may proceed prior to the entire Westphalia Center. However, standards established in the first special-purpose detailed site plan shall be included in the subsequent special-purpose detailed site plan for the balance of the Westphalia Center unless the applicant can affirmatively demonstrate to the Planning Board that such inclusion is inappropriate in whole or in part. The subsequent plan may include any additional standards and requirements that the Planning Board deems necessary for inclusion at that time.
16. Prior to approval of a special-purpose detailed site plan for either the Moore Property or the balance of Westphalia Center, excluding the Moore Property, the following items shall be determined to ensure they will be addressed during the review of each incremental detailed site plan submitted subsequently.
 - a. Evaluate accessibility, safety, and traffic control needs for the circular public space within public road MC-637 or propose an alternative road design or location for the public spaces.
 - b. Address gateway design themes and concepts.
 - c. Define the responsibility for construction and ownership of other public spaces, recreation, and open space facilities proposed in the town center.
 - d. Address a comprehensive organizational structure and financing system to manage and maintain the public, quasi-public, and common ownership infrastructure networks and amenities, such as streets, sidewalks, recreation facilities, open spaces, and management operations for Westphalia center as a whole, including the Moore property.
 - e. Acknowledge that the transit center will be dedicated to public use.

17. Prior to acceptance of each detailed site plan, the package shall include a description of the use of green building techniques and alternative energy sources for the development throughout the site. At least three green building techniques shall be used in each development area of the site as identified on the CSP.
18. Each detailed site plan shall demonstrate conformance to landscaping standards. In general, development on the site shall be subject to the standards of Section 4.8 of the Landscape Manual, in addition to the following standards:
 - a. Single-family detached lots larger than 9,500 square feet shall provide at least one shade tree and one ornamental or evergreen tree on the lot.
 - b. Required landscaping for attached dwelling units shall be provided on the individual lots or common open space directly associated with the attached dwellings. Plantings within public or private open spaces shall only be counted towards the requirements where those spaces are located adjacent to the attached dwellings and are easily accessible to residents.
 - c. Surface parking lots larger than five parking spaces shall be subject to the landscaping standards of Section 4.3 of the Landscape Manual.
 - d. In general, uses within the town center shall not be buffered from each other. However, buffering of highly incompatible adjacent uses may be deemed necessary at the time of detailed site plan review.
19. The applicant shall allocate appropriate and developable areas for the private recreational facilities on HOA open space land. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (M-NCPPC) for adequacy and *proper[ty] siting prior to approval of the detailed site plan by the Planning Board.
20. At the time of detailed site plan approval, the applicant shall demonstrate to the Planning Board that on-site private recreational facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement (RFA), or other appropriate means and that such instrument is legally binding upon the subdivider and his heirs, successors, and/or assignees.
21. Pedestrian safety features, traffic calming, and pedestrian amenities shall be evaluated at the time of each detailed site plan.
22. Prior to the first final plat of subdivision, the applicant shall enter into an agreement with the Department of Parks and Recreation (DPR) establishing a mechanism for payment of fees into an account administered by M-NCPPC or provision of in-kind services. The agreement shall note that the value of in-kind services shall be determined solely by DPR. DPR decisions regarding choice and value of in-kind services are appealable to the Planning Board. The agreement shall

also establish a schedule of payments and/or a schedule for park construction. The payment or construction schedule shall include a formula for any needed adjustments to account for inflation. The agreement shall be recorded in the Prince George's County land records by the applicant prior to final plat approval.

23. The applicant shall submit three original executed private RFAs for the private recreational facilities on-site to DRD for their approval three weeks prior to submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
24. The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DRD, in accordance with the timing established in the applicable special-purpose DSP. The developer, his heirs, successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
25. As part of the private recreational facilities package, the applicant and the applicant's heirs, successors, and/or assignees shall construct three community buildings. The size, timing, and location of the community buildings shall be determined with the review of the applicable special-purpose detailed site plan.
26. Prior to the issuance of the first building permit for the development, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Pay a pro rata share of the cost of construction of an interchange at MD 4 and Old Marlboro Pike/Westphalia Road. The pro rata share shall be payable to Prince George's County (or its designee) with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be determined after the Planning Board adopts a resolution establishing a Surplus Capacity Reimbursement Procedure (SCRCP). The pro rata share shall be indexed by multiplying the dollar amount (\$) x Engineering News Record Highway Construction Cost Index (at the time of building permit application) / Engineering News Record Highway Construction Cost Index (for the second quarter 2006).
 - b. The above improvement shall have full financial assurances through either private money and/or full funding in the Prince George's County Capital Improvement Program (CIP), a SCRCP, State Consolidated Transportation Program (CTP), or public financing plan approved by the District Council.
27. Prior to the issuance of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall pay a pro rata share of the road improvements at the intersection of MD 223 at Rosaryville Road. The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be \$1,126.23 per average peak-hour trip x Engineering News Record

Highway Construction Cost Index (at the time of building permit application) / Engineering News Record Highway Construction Cost Index (for the second quarter 2008).

28. Prior to the issuance of any building permits for each phase or DSP within the subject property, the following road improvements as may be phased shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
- a. MD 4 and Forestville Road Intersection
 - Add a third westbound through lane along MD 4.
 - Add a second northbound double left turn lane along Forestville Road at MD 4.
 - Add a second northbound through lane along Forestville Road at MD 4.
 - Convert the southbound right turn lane into a combined through-and-right lane.
 - Add a second southbound left turn lane along Forestville Road at MD 4.
 - Rebuild the existing traffic signal.
 - b. MD 4 and Dowerhouse Road
 - Construct a grade separated two-point diamond interchange with traffic signals at both at-grade intersections, subject to the requirements of SHA.
 - c. MD 4 and MD 223 Interchange
 - The applicant will rebuild this interchange as detailed on Exhibit 12 as Alternate P-1.
 - Install new traffic signals at Old Marlboro Pike and Presidential Parkway, Old Marlboro Pike and Melwood Road, and Old Marlboro Pike and MD 4 WB off-ramp.
 - Construct a second southbound left turn along MD 223 at the MD 4 EB on-ramp.
 - Widen the MD 4 EB on-ramp to accept the southbound double left movement.
 - Provide a third NB through lane along MD 223 at the MD 4 EB on-ramp.

- Install a traffic signal at the intersection of MD 223 and MD 4 EB off-ramp – MD 4 EB on-ramp.
- d. MD 223 and Perrywood Road
- Conduct a signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.
- e. MD 223 and Marlboro Pike
- Construct a southbound double left turn lane.
 - Modify the traffic signal.
 - Provide separate left, through, and right turn lanes on the eastbound approach.
- f. MD 223 and Dowerhouse Road
- Create a double left, a through, and a separate right turn lane on the northbound approach along MD 223.
 - Create a left turn, a through, and a shared through-and-right lane on the southbound approach along MD 223.
 - Modify the traffic signal.
29. The applicant shall make a monetary contribution into a “park club.” The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars. The applicant may make a contribution to the park club or provide an equivalent amount of in-kind services for the construction of the recreational facilities in the central park. Monetary contributions may be used for construction, operation, and maintenance of the recreational facilities in the central park and/or other recreational amenities that will serve the Westphalia Study Area. The park club shall be established and administered by the Department of Parks and Recreation. The choice between a monetary contribution and the provision of in-kind services shall be at the sole discretion of DPR. The value of in-kind services shall be reviewed and approved by DPR staff. DPR decisions regarding choice of contributions and the value of in-kind services are appealable to the Planning Board.
30. The applicant and the applicant’s heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined during the review of the applicable special-purpose detailed site plan. While the applicant acknowledges that public recreational facilities are to be provided in the central park, details regarding the installation of those facilities will be determined at the time of the review of the special-purpose detailed site plan for the balance of Westphalia Center, which includes the central park.

31. The phasing of residential and commercial uses shall be determined with approval of the conceptual site plan covering the whole property. All properties within Westphalia Center shall be subject to this CSP and the relevant special-purpose DSP.

The Planning Board, in subdivision review for any proposed residential construction on the subject property, shall include all relevant issues, including without limitation, public facilities adequacy and master plan conformance, as they concern the entire Westphalia Center property and project, not just the issues arising at the site for that subdivision.

The following phasing regulations will apply to this project. For the purposes of this condition, “constructed” shall be construed to mean that the buildings are built and ready for occupancy except for tenant-specific fit-out improvements.

- a. The minimum development amounts on the site shall be 150 single-family detached houses, 1,650 attached dwelling units, 1,800 multifamily dwelling units, 500 hotel rooms, 900,000 square feet of retail, and 2,200,000 square feet of office. As development proceeds, adequate traffic capacity shall be reserved to allow the development of these minimum amounts. Development may proceed beyond these minimums provided adequate transportation capacity will exist for that development.
- b. Attached dwelling units shall be limited to 50 percent of the total dwelling units on the Westphalia Center site as a whole, including the Moore Property. Regardless of the relative quantities of different unit types approved on detailed site plans, building permits shall not be issued which would result in the attached units cumulatively exceeding 50 percent of the total of all dwelling units for which permits have been issued for the Moore Property and the balance of the Westphalia Center property. Up to 100 percent of the building permits for attached dwelling units may be issued for development on the Moore property if it is in compliance with all other requirements.
- c. Prior to issuance of permits for the 1,400th dwelling unit on the balance of the Westphalia Center property, excluding the Moore Property, 300,000 square feet of retail space and 500,000 square feet of office space shall be constructed in the Core area. Permits for development on the Moore Property may be issued prior to any commercial development in the central Core Area.
- d. Prior to issuance of permits for the 2,800th dwelling unit, 600,000 square feet of retail space and 1,000,000 square feet of office space shall be constructed in the Core area.
- e. Prior to issuance of permits for the 4,200th dwelling unit, 900,000 square feet of retail space and 1,500,000 square feet of office space shall be constructed in the Core area.
- f. Prior to issuance of permits for the 500,000 square feet of retail development, 250,000 square feet of office shall be constructed.

- g. Prior to issuance of permits for the 750,000 square feet of retail development, 500,000 square feet of office space shall be constructed.
 - h. No single retail space shall be approved that exceeds 125,000 square feet of gross floor area within Westphalia Center.
 - i. A phasing and tracking chart shall be prepared in accordance with the approved phasing plan prior to certification of the CSP. This chart shall be submitted with each detailed site plan and comprehensively updated to ensure conformance with the phasing plan. The chart shall also be submitted with every building permit. No building permit shall be issued which does not conform to the phasing schedule above.
32. In conformance with the adopted and approved Westphalia sector plan, the applicant and the applicant's heirs, successors, and/or assignees shall:
- a. Construct the subject site's portion of the Cabin Branch master plan trail. The trail alignment, design, and timing shall be determined at the time of preliminary plan.
 - b. Construct the master plan trail along the subject site's entire segment of Back Branch. The trail alignment, design, and timing shall be determined at the time of the preliminary plan
 - c. Construct the minimum eight-foot-wide master plan trail along the subject site's entire frontage of the north side of MC-634 and A-66. In the vicinity of the town center, this trail may be replaced by a decorative wide sidewalk and streetscape. Treatment alternatives shall be evaluated at the time of detailed site plan.
 - d. Provide a financial contribution of \$840 to the Department of Public Works and Transportation for the placement of appropriate signage indicating that C-636 is designated as a Class III bikeway. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders are encouraged.
33. In areas of landscaping and street furniture, a clear horizontal sidewalk space of eight feet shall be maintained to accommodate the heavier pedestrian traffic anticipated in the town center Core area. The optional zone may be reduced to 28 feet in order to accommodate this change.
34. Total development within the subject property shall be limited to uses which generate no more than 7,149 AM peak-hour trips, and 8,910 PM peak-hour trips, in consideration of the approved trip rates and methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified herein-above shall require a revision to the conceptual site plan with a new determination of the adequacy of transportation facilities.

35. The developer shall pay a fee-in-lieu to satisfy woodland conservation requirements in accordance with CB-29-2008.
36. Where there is a mixture of products and/or lot sizes, alleys shall not be required to be aligned, unless determined otherwise by DPW&T at the detailed site plan stage.
37. Prior to certificate approval, the preliminary plan shall be revised to reflect an increase in the developable acreage of the school site from 3.6 acres to 7 acres.
38. The acreage for the transit center is approximately four acres.
39. All private recreational facilities located in Westphalia Center shall be made available to all residents living within its boundaries.
40. Any subsequent approvals which contain the requirement for a special-purpose detailed site plan, including but not limited to Conditions 10 and 17 of Preliminary Plan of Subdivision 4-08018 (as expressed in PGCPB Resolution No. 09-95) and Conditions 11, 17, 18, 19, 21, and 50 of Preliminary Plan of Subdivision 4-08008 (as expressed in PGCPB Resolution No. 09-93), shall be construed to permit separate special-purpose detailed site plans for the Moore Property and for the balance of Westphalia Center.

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, May 20, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of June 2010 *and corrected on January 5, 2011.

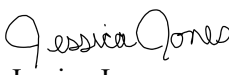
†*This is to certify that the foregoing is a true and correct copy of the action taken at the reconsideration hearing by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Shoaff, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 24, 2013, in Upper Marlboro, Maryland.

†*Adopted by the Prince George's County Planning Board this 31st day of October 2013.

††* 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, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, January 21, 2021, in Upper Marlboro, Maryland.

††*Adopted by the Prince George's County Planning Board this 28th day of January 2021.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:JH:nz

††*Denotes (2021) Amendment

†*Denotes (2013) Amendment

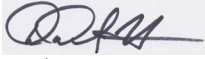
*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

PGCPB No. 10-59(A/2)(C)
File No. CSP-07004/01
Page 125

APPROVED AS TO LEGAL SUFFICIENCY

A handwritten signature in black ink, appearing to read "D. Warner", is written over a light gray rectangular background.

David S. Warner
M-NCPPC Legal Department
Date: January 25, 2021