



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
 Upper Marlboro, Maryland 20772
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PGCPB No. 2020-62

File No. CSP-19004

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, in consideration of evidence presented at a public hearing on April 16, 2020, regarding Conceptual Site Plan CSP-19004 for The Enclave at Westphalia, the Planning Board finds:

1. **Request:** The subject application proposes a conceptual site plan (CSP) for the development of 475 one-family attached (townhouse) dwelling units.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	M-X-T/M-I-O	M-X-T/M-I-O
Use(s)	Vacant	One-Family Attached Dwellings
Gross Acreage	68.70	68.70
Floodplain Acreage	2.35	2.35
Net Developable Acreage	66.35	66.35
Total Gross Floor Area (sq. ft.)	42,050 (to be removed)	897,750
Dwelling Units Total (Townhouses)	0	475

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

Base Density Allowed	0.40 FAR
Residential	1.00 FAR*
Total FAR Permitted	1.40 FAR
Total FAR Proposed	0.31 FAR

Note: *Additional density is permitted, in accordance with Section 27-545(b)(4) of the Zoning Ordinance, Optional method of development, for providing 20 or more dwelling units.

3. **Location:** The subject project is located on the eastern side of Melwood Road, approximately 3,900 feet north of its intersection with MD 4 (Pennsylvania Avenue), within Planning Area 78 and Council District 6. The project is located northeast of the Town Center area of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA). This site is located within Conical Surface (Right Runway) Area E of the Military Installation Overlay (M-I-O) Zone.

4. **Surrounding Uses:** The subject property is bounded to the north by vacant land approved for single-family residential development as part of the Parkside development in the Residential Medium Development Zone; to the east by a powerline and single-family attached development in the Rural Residential (R-R) and Residential-Agricultural (R-A) Zones; to the south by single-family detached residential development in the R-A Zone and Melwood Road; and to the west by Melwood Road, vacant land in the Mixed Use-Transportation Oriented (M-X-T) Zone, and residential development in the R-R Zone.
5. **Previous Approvals:** The site is the subject of Special Exception SE-1103, approved by the Prince George's County Planning Board on November 20, 1964, for an orphanage (German's Orphans Home) and Special Exception SE-2496, approved by the Prince George's County District Council on April 13, 1971. There are several existing, vacant structures on the property, including the largest, a 24,000-square-foot building. There are several other structures which include a greenhouse, a stage, a gazebo, a shed, a pavilion, and two other buildings that all will be removed as part of the subject project. The most current approval, in 2017, was Detailed Site Plan DSP-16045 for a rehabilitation facility, which was never constructed. The Westphalia Sector Plan and SMA rezoned the property from the R-A Zone to the M-X-T Zone. The site is also subject to approved Stormwater Management (SWM) Concept Plan 59055-2019-00.
6. **Design Features:** The subject site is proposed to be developed with 475 one-family attached (townhouse) dwelling units in two development pods, separated by a stream valley. The development proposes access from a master plan road, P-615, which is located just north of this property, within the Parkside development, as approved by Specific Design Plan SDP-1302. There will be a single access point to each development pod from the road. The CSP shows a circular street network with gridded blocks extending from the main spine roads. All townhouses are shown to have direct access to the streets, with sidewalks on both sides of the street throughout the development. Trails will connect the development pods to each other on the south end of the central stream valley and to the Melwood Legacy Trail in the southwest corner of the site.

There is a small area of land, indicated on the plan to be dedicated, on the far western portion of the site for a master plan collector roadway, C-636. Melwood Road, which is adjacent to the site on its western and on a portion of the southern boundary, is shown to terminate in a cul-de-sac and will be converted to a trail north of that.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the following requirements of the Zoning Ordinance:
 - a. The subject application is in conformance with the requirements of Section 27-547 of the Zoning Ordinance, which governs uses in mixed-use zones.

- (1) The proposed one-family attached dwellings are permitted uses in the M-X-T Zone. Per Footnote 7 of the Table of Uses, the maximum number and type of dwelling units should be determined at the time of CSP approval. Therefore, this property would be limited to 475 townhouse units, as proposed in this CSP.
- (2) Section 27-547(d) provides standards for the required mix of uses for sites in the M-X-T Zone, as follows:
 - (d) **At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:**
 - (1) **Retail businesses;**
 - (2) **Office, research, or industrial uses;**
 - (3) **Dwellings, hotel, or motel.**

This CSP is permitted to include a single residential use, pursuant to Section 27-547(e) of the Zoning Ordinance, which provides:

- (e) **For property placed in the M-X-T Zone by a Sectional Map Amendment approved after October 1, 2006, and recommended for mixed-use development in the General Plan, and a Master Plan, or Sector Plan for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, a Conceptual Site Plan submitted for any property located in the M-X-T Zone may include only one (1) of the above categories, provided that it conforms to the goals, policies, and recommendations of the plan for that specific portion of the M-X-T Zone.**

More specifically, the subject project meets this requirement, as it was included in the Westphalia Sector Plan and SMA for which a comprehensive land use study was conducted by technical staff prior to initiation. It conforms to the goals, policies, and recommendations of the plan, which was for low-density residential on the property.

- b. Section 27-548 of the Zoning Ordinance, M-X-T Zone regulations, establishes additional standards for development in this zone. The CSP's conformance with the applicable provisions is discussed, as follows:

(a) - **Maximum floor area ratio (FAR):**

(1) **Without the use of the optional method of development—0.40 FAR**

(2) **With the use of the optional method of development—8.0 FAR**

The maximum floor area ratio (FAR) proposed for the subject development is 0.31, within the limits set above without the optional method. Although the code allows gross floor area (GFA) equal to an FAR 1.0 to be permitted where 20 or more dwelling units are provided, the applicant is not proposing to use the optional method of development.

(b) **The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.**

The applicant proposes to include the uses on the M-X-T-zoned property in multiple buildings on more than one lot, as permitted by the M-X-T regulations.

(c) **Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.**

This requirement is not applicable, since this application is for a CSP. The subsequent DSP approval will provide regulations for development on this property.

(d) **Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.**

The development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining incompatible land uses at the time of DSP.

- (e) **In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the optional method of building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.**

The FAR for the proposed development is 0.31. This will be refined further at the time of DSP, relative to the final proposed GFA of the buildings, in conformance with this requirement.

- (f) **Private structures may be located within the air space above, or in the ground below, public rights-of-way.**

There are no private structures within the air space above, or in the ground below public rights-of-way as part of this project. Therefore, this requirement is inapplicable to the subject case.

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

The subject project has frontage on Melwood Road, but proposes to cross the abutting property to the north, known as the Parkside development, to access master-planned road P-615. At the time of preliminary plan of subdivision (PPS), appropriate frontage and vehicular access for all lots and parcels must be properly addressed.

- (h) **Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand two hundred (1,200) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than eight (8) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty**

(1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half (½) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages may be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots. At the time of Detailed Site Plan, the Planning Board or the District Council may approve a request to substitute townhouses, proposed for development as condominiums, in place of multifamily dwellings that were approved in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, at the time of Detailed Site Plan for a Mixed-Use Planned Community, the Planning Board or the District Council may approve modifications to these regulations so long as the modifications conform to the applicable regulations for the particular development.

The subject CSP proposes 475 townhouse units. Conformance with these specific townhouse requirements will be reviewed at the time of PPS and DSP, when detailed lot and building information is available.

- (i) **The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community.**

This subsection of the regulations for the M-X-T Zone is inapplicable to the subject project, as it does not involve the development of multifamily buildings.

- (j) **As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on 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 any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance).**

This requirement does not apply to this CSP, as the Westphalia Sector Plan and SMA identified no planning issues connected with the subject property. The CSP has been reviewed for conformance with the applicable regulations in the M-X-T Zone.

- c. In accordance with Section 27-546(d) of the Zoning Ordinance, in addition to the findings required to approve a CSP, the Planning Board shall make the following findings for projects in the M-X-T Zone:

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

The proposed development is in conformance with this requirement and serves the purposes of the M-X-T Zone. For example, one purpose of the M-X-T Zone is to promote orderly development of land in the vicinity of major intersections to enhance the economic status of Prince George's County. The proposed development, consisting of residential uses, will provide increased economic

activity proximate to the intersection of MD 223 (Woodyard Road) and MD 4 and the Westphalia Town Center. In addition, the proposed attached dwellings will allow more density on the site, while preserving the environmental features. This CSP promotes the many purposes of the M X-T Zone and contributes to the orderly implementation of the sector plan.

- (2) **For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The subject property was rezoned to the M-X-T Zone by the Westphalia Sector Plan and SMA. There were no design guidelines or standards prescribed for the property. As such, the development proposed in this CSP will be subject to the applicable requirements of the M-X-T Zone and the required findings for approval of a CSP in the Zoning Ordinance.

- (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 residential development has two access points to the north. The proposed development is physically integrated with the existing adjacent development by virtue of sidewalk and trail connections, and visually integrated by providing attract views. The subject project will assist in catalyzing development of the Westphalia Town Center located within walking distance of the subject property.

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

The subject project is compatible with the existing and proposed development in the vicinity, which is primarily residential in nature.

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

The proposed residential development will be one of the uses that makes up the overall tapestry of the future Westphalia Town Center. The proposed development will be accessible and integrated with the greater mix of uses within the Westphalia Sector Plan and SMA by virtue of the planned vehicular and pedestrian connections throughout the sector plan area.

- (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 project is to be completed in a single phase. Therefore, this normally required finding need not be made for the subject project.

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

A network of sidewalks provides a framework for pedestrian connections that mirrors that of the street network. Trails branch out to make connections between the pods of development and to the Melwood Legacy Trail in the southwest corner of the property. The pedestrian system will be further refined during preparation of the DSP, to ensure convenient, safe, and comprehensive pedestrian facilities, in accordance with this required finding.

- (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 above finding is not applicable because the subject application is a CSP. Further attention should be paid to the design of pedestrian and public spaces at the time of DSP.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The applicant submitted a traffic impact study (TIS) dated November 2019. The findings and conditions outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the 2012 "Transportation Review Guidelines, Part 1" (Guidelines). The following critical intersections, interchanges, and links, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 4 at Westphalia Road/Old Marlboro Pike (signalized)	F/3387	F/3658
Ritchie Marlboro Road at White House Road (signalized)	B/1005	A/910
Ritchie Marlboro Road at Westphalia Road/Orion Drive *	66.6 seconds	100.9 seconds
Ritchie Marlboro Road at North Riding Road *	200+ seconds	80.1 seconds
Ritchie Marlboro Road at Marlboro Ridge Road *	C/1185	A/624
<p>*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using The Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.</p>		

Background traffic has been developed for the study area using 16 approved, but unbuilt, developments within the study area. The following intersections were analyzed based on planned improvements to be provided by some of those approved developments. Those improvements are as follows:

- Ritchie Marlboro Road at White House Road (signalized)
 Northbound Ritchie Marlboro Road is being restriped to provide two left-turn lanes and one shared left/through/right.
- Ritchie Marlboro Road at Westphalia Road/Orion Drive (proposed to be signalized)
 Westphalia Road will be realigned to form a four-way intersection with Orion Lane, which is currently offset by approximately 200 feet.

A 0.25 percent annual growth rate, for a period of six years, has been assumed for through movements along the primary routes. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follows:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 4 at Westphalia Road/Old Marlboro Pike (signalized)	F/4040	F/4608
Ritchie Marlboro Road at White House Road (signalized)	B/1037	A/990
Ritchie Marlboro Road at Westphalia Road/Orion Drive * Tier 3 – CLV Test	172.1 seconds B/1141	126.5 seconds C/1230
Ritchie Marlboro Road at North Riding Road * Tier 3 – CLV Test	>200 seconds D/1435	>200 seconds A/781
Ritchie Marlboro Road at Marlboro Ridge Road *	D/1329	A/741
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using The Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

Using the trip rates from the Guidelines, as well as the *Trip Generation Manual, 9th Edition* (Institute of Transportation Engineers), the study has indicated that the subject application represents the following trip generation:

Trip Generation Summary						
Land Use	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Proposed 475 townhomes	67	266	333	247	133	380

Under total traffic, the following critical intersections identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines, including the site trip generation as described above, operate as follows:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 4 at Westphalia Road/Old Marlboro Pike (signalized)	F/4091	F/4708
Ritchie Marlboro Road at White House Road (signalized)	B/1086	B/1052
Ritchie Marlboro Road at Westphalia Road/Orion Drive * Tier 3 – CLV Test	>200 seconds C/1274	>200 seconds D/1399
Ritchie Marlboro Road at North Riding Road * Tier 3 – CLV Test	>200 seconds F/1662	>200 seconds B/1010
Ritchie Marlboro Road at Marlboro Ridge Road	D/1329	A/778
<p>*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using The Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.</p>		

The results of the analyses show that the following intersections fail the Tier 3-CLV Test:

- Ritchie Marlboro Road at Westphalia Road/Orion Drive (proposed to be signalized)
- Ritchie Marlboro Road at North Riding Road (unsignalized)

Both intersections will require the provisions of signal warrant studies. In addition, the TIS indicated that the link of P-615, between the proposed development and Ritchie Marlboro Road, will operate adequately from the standpoint of congestion.

One of the conclusions cited in the applicant's TIS was the fact that, with monetary contributions towards the construction of the planned interchange at the MD 4/Westphalia Road intersection, the development would meet the requirements for transportation adequacy, pursuant to Subtitle 24 of the Prince George's County Code.

On October 26, 2010, the County Council approved Council Resolution CR-66-2010, establishing a Public Facilities and Financing Implementation Program (PFFIP) district for the financing and construction of the MD 4/Westphalia Road interchange. Pursuant to CR-66-2010 (Sections 6, 7, and 8), a cost allocation table was prepared that allocates the estimated \$79,990,000 cost of the interchange to all properties within the PFFIP district. CR-66-2010 also established \$79,990,000 as the maximum cost on which the allocation can be based. The allocation for each development is based on the proportion of average

daily trips (ADT) contributed by each development passing through the intersection, to the total ADT contributed by all the developments in the district passing through the same intersection. The ratio between the two sets of ADT becomes the basis on which each development's share of the overall cost is computed. This contribution will be determined at the time of PPS.

- (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 approved by the applicant.**

The above finding is not applicable because the subject application is a CSP. This requirement will be evaluated at the time of DSP for this project.

- (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 subject property measures 68.70 acres and, therefore, does not meet the above acreage requirement. Further, it is not being developed as a mixed-use planned community. Therefore, this finding need not be made for the subject project.

- d. The CSP is in conformance with the applicable CSP site design guidelines contained in Section 27-274 of the Zoning Ordinance. The subject development provides a more compact urban layout and, in accordance with Section 27-274(a)(11)(B), the units front on roadways.
- e. In accordance with Section 27-574, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of DSP. Therefore, the parking calculations should be removed from the CSP, as conditioned herein. Adequate visitor parking for all residential units will need to be addressed at the time of DSP.

8. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland.

The site contains a total of 50.35 acres of woodlands and 2.35 acres of wooded floodplain. The site has a woodland conservation threshold of 15 percent or 9.94 acres. The Type 1 Tree Conservation Plan (TCP1-006-2016-02) proposes to clear 31.82 acres of woodland, resulting in a total woodland conservation requirement of 17.89 acres. The TCP1 proposes to meet the requirement fully with on-site preservation. Technical revisions are required to the TCP1 prior to certification of the CSP, as conditioned herein.

9. **Other site plan-related regulations:** Additional regulations are applicable to site plan review that usually require detailed information, which can only be provided at the time of DSP. The discussion provided below is for information only:
 - a. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area in TCC. The subject site is 68.70 acres and the required TCC is 6.87 acres. Conformance to the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of approval of a DSP for the project.
 - b. **2010 Prince George's County Landscape Manual:** This M-X-T development will be subject to the requirements of the Landscape Manual at the time of DSP. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual.
10. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
 - a. **Historic Preservation**—The Planning Board adopts, herein by reference, a memorandum dated February 25, 2020 (Stabler to Hurlbutt), which noted that a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject site is high. A Phase I archeology survey was completed on a 28-acre portion of the subject property in 2008. Two archeological sites were identified; Site 18PR1104 comprised of a mid-19th to late-20th century dwelling site and site 18PR1105 identified as an early to mid-20th century trash scatter. Phase II investigations were recommended on both sites.

The original Phase I study did not include the entire property; therefore, the Planning Board recommended that the portion of the property not covered in the earlier study be surveyed for archeological resources. Phase I investigations of the portion of the property not previously surveyed and Phase II evaluations of Sites 18PR1104 and 18PR1105 were conducted on the subject property in June 2019. No additional archeological sites were identified on the portions of the property not previously investigated. Phase II evaluation

of Sites 18PR1104 and 18PR1105 did not identify any intact soil layers or features. Both sites were extensively disturbed by the destruction of buildings located in those areas in the late 20th century. Therefore, no further work was recommended on the subject property. The Planning Board concurs that no additional archeological investigations are necessary on the subject property.

- b. **Community Planning**—The Planning Board adopts, herein by reference, a memorandum dated March 19, 2020 (McCary to Hurlbutt), which indicated that, pursuant to Part 3, Division 9, Subdivision 2, of the Zoning Ordinance, master plan conformance is not required for this application. However, pursuant to Section 27-546(d)(2), the proposed development is in conformance with the design guidelines intended to implement the development concept recommended by the Westphalia Sector Plan and SMA.
- c. **Transportation**—The Planning Board adopts, herein by reference, a memorandum dated March 17, 2020 (Burton to Hurlbutt), which indicated that they determined that, pursuant to Section 27-546 of the Zoning Ordinance, the plan conforms to the required findings for approval of the CSP. Adequacy, however, will be fully tested and determined at the time of PPS through the application of Section 24-124 of the Subdivision Regulations.

The property is in an area where the development policies are governed by the Westphalia Section Plan and SMA, as well as the 2009 *Approved Countywide Master Plan of Transportation*. The site will initially have access to P-615, an unbuilt, east-west, master-planned primary residential roadway that will connect the existing Marlboro Ridge development to the east and the Westphalia Town Center to the west. P-615 will eventually connect to MC-632 and C-636, west of the site. As of this writing, no decision has been made regarding the timing of the opening of P-615 and other roads to the west of the proposed site. Consequently, the TIS assumed that the site will have two full movement access points that will carry all site traffic to Ritchie Marlboro Road, by way of North Riding Road and Marlboro Ridge Road. If at the time of permitting, P-615 is not open to traffic to the west of the site, then the residents whose properties front on Marlboro Ridge Road could see an increase in daily traffic of approximately 3,800 trips. While this may not pose an issue from a capacity standpoint, many citizens may see this increase as a safety issue. This will need to be further evaluated at the time of PPS.

From the standpoint of transportation, it is determined that this plan is acceptable and meets the findings required for a CSP, as described in the Zoning Ordinance, if approved with conditions.

- d. **Trails**—The Planning Board adopts, herein by reference, a memorandum dated March 17, 2020 (Ryan to Hurlbutt), which provided the following summarized comments:

The proposed development is only residential. Future commercial development is planned for the Westphalia development, which will further support the purposes of the

M-X-T Zone. Several roadways and trail facilities are also planned within the area of the sector plan, which will provide residents with alternate methods of transportation within the vicinity of the project.

Due to the conceptual nature of the project, plans showing detailed conformance with complete streets principles have not been submitted. The submitted plans reflect that the pedestrian circulation network serves both sides of all internal roads, and features a pedestrian connection which will link the two pods of development.

During the review of the PPS and DSP, Transportation Planning staff will review pedestrian and bicyclist facilities in further detail, including the provision of sidewalks on both sides of all internal roads, and connections to P-615 and the Melwood Legacy Trail from the subject site.

The western/southwestern portion of the subject property is fronted by Melwood Road, which features the planned Melwood Legacy Trail shared roadway. The subject property will not have any vehicular access from Melwood Road. However, the location of Melwood Road presents an opportunity to link the internal bicycle and pedestrian network of the subject property to the Melwood Legacy Trail, establishing a more connected bicycle and pedestrian network within the Westphalia area. There is currently an existing driveway that connects the subject property to Melwood Road, and the applicant has updated the CSP to reflect a pedestrian connection in this area.

- e. **Prince George's County Department of Parks and Recreation (DPR)**—The Planning Board adopts, herein by reference, a memorandum dated March 19, 2020 (Sun to Hurlbutt), in which DPR provided a list of the Westphalia Sector Plan goals, policies, and strategies related to park and recreational issues.

The Westphalia Sector Plan and SMA introduced the concept of a Central Park, a single major recreational complex serving the entire Westphalia area. The planned Westphalia Central Park is 276 acres of open space. The Enclave at Westphalia project is located approximately one-half mile from Westphalia Central Park. This Central Park will be accessible to the residents of this community through a system of roads and hiker/biker trails along future P-615, which connects to the future Woodyard Road. This large urban park will serve as a unifying community destination and an amenity for the entire Westphalia Sector Plan area. By participating in the Westphalia Park Club, the developers of Enclave at Westphalia will support construction of the park.

The Planning Board believes that the applicant should provide private on-site recreational facilities to serve the residents within the proposed community and make a monetary contribution in the amount of \$3,500 per dwelling unit in 2006 dollars into a "park club" for the design and construction of the major public recreational facilities in the Westphalia Central Park, as per the recommendations of the Westphalia Sector Plan and SMA. This will be further reviewed and determined at the time of PPS and DSP, when appropriate conditions will be implemented.

- f. **Environmental**—The Planning Board adopts, herein by reference, a memorandum dated March 21, 2020 (Finch to Hurlbutt), which offered the following:

Natural Resources Inventory/Environmental Features

An approved Natural Resources Inventory, NRI-090-05-02, in conformance with the environmental regulations that became effective on September 1, 2010, was submitted with the application. The site contains regulated environmental features (steep slopes, streams, floodplains, and their associated buffers), which comprise the primary management area (PMA), as well as specimen trees. The site statistics table on the NRI does not include any acreage for the PMA for the site, or the linear feet of regulated streams. Prior to certification of the CSP, the NRI shall be revised to include a complete site statistics table with all required elements and associated quantities.

The delineated PMA appears to correctly show the regulated environmental features on the CSP and TCP1, but the graphic line for the PMA is not identified on the TCP1 legend, and the CSP has no legend. Technical corrections are conditioned for both plans.

Specimen Trees

Section 25-122(b)(1)(G) requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Environmental Technical Manual."

A Subtitle 25 variance statement of justification (SOJ), dated September 11, 2019, in support of a variance was received for review. The SOJ requested the removal of seven of the eight specimen trees identified on the site, of which six were rated in excellent condition. The Planning Board approved a deferment of this review until later in the development process, when more detail with regard to the necessary infrastructure to develop the site, such as the ultimate rights-of-way, building locations, and location of SWM facilities, can be provided.

The applicant withdrew the Subtitle 25 variance request in a letter dated March 9, 2020 (Bickel to Finch). Prior to approval, the TCP1 shall be revised to provide a note below the specimen tree table to state that no variance was approved with the CSP for specimen tree removal.

Preservation of Regulated Environmental Features/Primary Management Area

The site contains regulated environmental features including streams, stream buffers, 100-year floodplain, and steep slopes, which comprise the PMA.

Impacts to the regulated environmental features should be limited to those that are necessary for development of the property. Necessary impacts are those that are directly

attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code. Impacts to regulated environmental features must first be avoided and then minimized.

No SOJ for environmental impacts or impact exhibits was submitted with the CSP. The applicant's comments indicate that impacts to environmental features would be addressed at the time of PPS, when more detailed information will be available. At the time of PPS, a revised NRI shall be required which provides a complete site statistics table of the environmental features of the site, and a detailed SOJ for environmental impacts with quantification and associated exhibits shall be provided.

There are no impacts to regulated environmental features with this CSP because no SOJ was submitted and no limit of disturbance (LOD) is shown on the plans. Prior to certification, the CSP and TCP1 shall show an LOD that fully preserves all regulated environmental features.

Soils

The predominant soils found to occur on-site, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, are the Adelphia-Holmdel complex, Dodon fine sandy loam, Marr-Dodon complex and Westphalia-Dodon soils series. According to available mapping information, Marlboro clay occurs on or in the vicinity of this property; and a small area of Marlboro clay evaluation area is located in the northwest corner of the property and is shown on the NRI. The limits of the evaluation area shown on the NRI shall also be shown on the TCP1 using the Environmental Technical Manual standard symbols and labeling.

Currently, no impacts are proposed near the Marlboro clay evaluation area. The County may require a soils report, in conformance with County Council Bill CB-94-2004, during the permit review process if work is proposed within this evaluation area.

- g. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not provide comments regarding the subject project.

- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board adopts, herein by reference, a memorandum dated March 10, 2020 (Giles to Hurlbutt), in which DPIE offered numerous comments that will be addressed through their separate permitting process, which require dedication and a number of road improvements.
 - i. **Prince George's County Police Department**—The Police Department did not provide comments regarding the subject project.
 - j. **Prince George's County Health Department**—The Health Department did not provide comments regarding the subject project.
 - k. **Maryland State Highway Administration (SHA)**— SHA did not provide comments regarding the subject project.
 - l. **Verizon**—Verizon did not provide comments regarding the subject project.
 - m. **Potomac Electric Power Company (PEPCO)**— PEPCO did not provide comments regarding the subject project.
 - n. **Westphalia Sector Development Review Council (WSDRC)**— WSDRC did not provide comments regarding the subject project.
11. Based on the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, the CSP will, if approved with the proposed conditions below, represent a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
12. As required by Section 27-276(b)(4) for approval of a CSP, based on the level of design information submitted with this application, which shows no proposed impacts, the regulated environmental features on the subject property have been preserved and/or restored, to the fullest extent possible.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 1 Tree Conservation Plan TCP1-006-2016-02, and further APPROVED Conceptual Site Plan CSP-19004 for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of the conceptual site plan (CSP), the following revisions shall be made to the plans and additional specified material be submitted:

- a. Revise the natural resources inventory to include a complete site statistics table, which includes all required elements and associated quantities in conformance with the Environmental Technical Manual.
 - b. Show the limits of disturbance on the CSP and Type 1 tree conservation plan that fully preserves all regulated environmental features, subject to modification at the time of preliminary plan of subdivision or detailed site plan.
2. Prior to certificate approval of the conceptual site plan, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
- a. Add the correct TCP1 number to the Woodland Conservation Worksheet and the TCP approval block.
 - b. Revise the legend to be consistent with the Environmental Technical Manual standard symbols and labeling, as needed. Forest Preservation shall be corrected to Woodland Conservation. The graphic line for the primary management area shall be added to the legend.
 - c. Use the correct graphic line, as included in the revised legend, to identify the primary management area on the plan, in accordance with the approved natural resources inventory.
 - d. Remove the disposition column from the Specimen Tree Table.
 - e. Add the following note under the Specimen Tree Table: "No Subtitle 25 Variance for the removal of specimen trees was approved with CSP-19004."
 - f. Label Melwood Road as a designated scenic road.
 - g. Delineate the location and width of buffering required by Section 4.6-2, Buffering Development from Special Roadways, of the 2010 Prince George's County Landscape Manual, along the frontage with Melwood Road so areas of existing trees for preservation can be identified.
 - h. Add a limit of disturbance to the plan.
 - i. Have the revised plan signed and dated by the qualified professional preparing the plan.
3. Prior to issuance of any building permits within the subject property, unless modified at the time of preliminary plan of subdivision pursuant to Section 27-546(d)(9) of the Prince George's County Zoning Ordinance, the following road improvements 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:

- Ritchie Marlboro Road at Westphalia Road/Orion Drive (proposed to be signalized)
- Ritchie Marlboro Road at North Riding Road (unsignalized)

Conduct a traffic signal warrant study at the intersections above, and install these signals if deemed to be warranted and approved by the Prince George's County Department of Permitting, Inspections and Enforcement.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, April 16, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of May 2020.

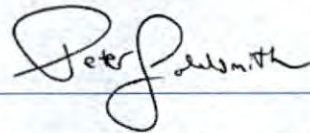
Elizabeth M. Hewlett
Chairman



By Jessica Jones
Planning Board Administrator

EMH:JJ:JH:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: April 21, 2020