

Case No. CDP-1701
The Preserve at Westphalia

Applicant: Green Revolution Reality, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

FINAL DECISION — ORDER AFFIRMING PLANNING BOARD

IT IS HEREBY ORDERED, after review of the administrative record and conducting oral argument on October 15, 2018, that the application to approve Comprehensive Design Plan CDP-1701 for the Preserve at Westphalia, for approval to develop a 63.66-acre site with a range of 235–330 residential dwelling units and 12,500 square feet of commercial development, within Councilmanic District 6, be and the same is hereby AFFIRMED.¹

On or about July 26, 2018, the Planning Board approved Type 1 Tree Conservation Plan TCP1-002-2018 and Comprehensive Design Plan CDP-1701, for The Preserve at Westphalia, to develop a 63.66-acre site with a range of 235–330 residential dwelling units and 12,500 square feet of commercial development, subject to conditions. *See* PGCPB No. 18-71.

On or about September 4, 2018, Mr. Marwin Glenn, on behalf of Knolls at Cabin Branch Homeowners Association, filed an appeal of the Planning Board's decision to the District Council. *See* Letter of Appeal, dated September 1, 2018.

The issue before the District Council is whether the Board's final decision to approve CDP-1701 was supported by substantial evidence, was not arbitrary, capricious, or illegal otherwise. *Zimmer Dev. Co.*, 444 Md. 490, 528, 582, 120 A.3d 677, 700, 733 (2015). Upon review of the

¹ *Cnty. Council of Prince George's Cnty. v. Zimmer Dev. Co.*, 444 Md. 490, 528, 582, 120 A.3d 677, 700, 733 (2015) (the District Council only exercises appellate jurisdiction when reviewing the action of the Planning Board to approve or deny a comprehensive design plan and it may only reverse the action of the Planning Board if the decision was not supported by substantial evidence, is arbitrary, capricious, or illegal otherwise).

record and consideration of oral arguments, the District Council finds that the Board's decision to approve CDP-1701 was supported by substantial evidence, was not arbitrary, capricious, or illegal otherwise. *Zimmer Dev. Co.*, 444 Md. 490, 528, 582, 120 A.3d 677, 700, 733 (2015).

Approval of CDP-1701 is subject to the following conditions:

1. Prior to certification, the applicant shall revise the comprehensive design plan (CDP) or provide information, as follows:
 - a. Revise the proposed residential development quantity for the L-A-C zoned property to a maximum of 160 dwelling units, subject to the provision of Public Benefit Features as set forth in the applicant's Statement of Justification dated April 4, 2018.
 - b. Recreation facilities shall be further evaluated during review of the Specific Design Plan.
 - c. Remove the lots and roads layout from the CDP Plan. Add a general note stating that 80% of the townhouse lots shall be a combination of 20', 22' and 24' in width to achieve the highest architectural quality and a variety of unit sizes; the exact combination of which shall be determined during review of the Specific Design Plan.
 - d. Revise the Type 1 tree conservation plan (TCP1), as follows:
 - (1) Add "TCP1-002-2018" to the approval block on all sheets and to the Conservation worksheet.
 - (2) Correct the stream buffer to 75 feet.
 - (3) Correct the project name on the worksheet, line 7.
 - (4) Correct the existing woodland in the net tract on the worksheet and in the Site Statistics table, to be consistent. It is understood that this is a rounding error and is inconsequential in the calculations.
 - (5) Correct line 9 of the worksheet to indicate "N." This site is not subject to the 1991 Woodland and Tree Preservation Ordinance.
 - (6) Provide an Owners Awareness Certification on the plan.
 - (7) Have the revised plan signed and dated by the qualified professional preparing the plan.

- e. Provide design standards for the proposed commercial development.
2. Prior to acceptance of the preliminary plan of a subdivision, a revised statement of justification for the necessary primary management area impacts and specimen tree variance shall be included in the application package.
3. Prior to approval of the preliminary plan of subdivision (PPS):
 - a. The Talburtt Tobacco Barn (PG:78-009) shall be evaluated by the Historic Preservation Commission to determine if the historic resources meet the criteria to be designated as Prince George's County historic sites.
 - b. If the Talburtt Tobacco Barn (PG:78-009) is designated as a Prince George's County historic site, the establishment of its associated environmental setting may necessitate the adjustment of lot lines, to ensure its preservation.
 - c. The feasibility of the proposed commercial development shall be further evaluated based on the Historic Preservation Commission's evaluation and designation of the environmental setting for the Talburtt Tobacco Barn at the time of Specific Design Plan.
 - d. The applicant shall dedicate all rights-of-way for A-39 and C-626, as identified by the Prince George's County Planning Department.
 - e. A contribution to the Public Facilities Financing and Implementation Program (PFFIP) will be determined, based on the density approved for the PPS.
 - f. The applicant shall provide a geotechnical report to confirm the elevation of the Marlboro clay and determine the slope stability factor.
4. The applicant and the applicant heirs, successors, and/or assignees shall provide the following:
 - a. A shared-use sidepath (or wide sidewalk) along the subject site's entire frontage of Ritchie Marlboro Road, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement.
 - b. Standard sidewalks along both sides of all internal roads (excluding alleys), unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement.
5. Total development within the subject property shall be limited to uses, which generate no more than 224 AM peak-hour trips and 256 PM peak-hour trips, unless modified by the APF test for transportation at the time of Preliminary Plan of Subdivision.
6. Prior to issuance of any building permit, the applicant and the applicant heirs, successors,

and/or assignees shall conduct a traffic signal warrant study for the intersection of Ritchie Marlboro Road and Westphalia Road/Orion Lane. If the signal is deemed to be warranted and approved by the operating agency, the signal shall be installed, unless modified by the APF test for transportation at the time of Preliminary Plan of Subdivision.

7. The residential dwelling units are subject to the development standards, as follows:

Single-Family Detached (SFD) Units

STANDARDS**

| | |
|--|-------------------|
| Minimum Net Lot area | 6,000 square feet |
| Minimum Front Yard setback: | 20 feet |
| Minimum Rear Yard setback: | 20 feet* |
| Minimum Side Yard setback (one side / combined) | 5 feet/10 feet |
| Minimum Lot Width at Street Line | 50 feet |
| Minimum Lot Width at Front BRL | 50 feet |
| Minimum Lot Width at Street (cul-de-sac) | 40 feet |
| Maximum Height | 40 feet |
| Maximum Lot Coverage | 50 percent |

Single-Family Attached (SFA-Townhouse) Units

STANDARDS**

| | |
|------------------------------------|-------------------|
| Minimum Net Lot area | |
| 16' Wide | 1,200 square feet |
| 20' Wide | 1,400 square feet |
| 22' Wide | 1,600 square feet |
| 24' Wide | 1,800 square feet |
| Minimum Front Yard setback: | 6 feet |
| Minimum Lot Width at Street Line | 16 feet*** |
| Minimum Lot Width at Front BRL | 16 feet*** |
| Minimum Distance Between Buildings | 15 feet |
| Minimum Gross Living Space | 1,250 square feet |
| Maximum Height | 45 feet |

Other Design Standards:

A minimum of 60 percent of all townhouse units shall have a full front façade (excluding gables, bay windows, trim, and doors) of brick, stone, or stucco.

For all alley-loaded townhouses, a cantilevered deck, a minimum four feet in depth, shall be a standard feature.

Highly visible end units for dwelling units require additional design and finish treatments, that will be decided at the time of specific design plan approval.

Notes: *A deck or patio can encroach into the rear yard by 10 feet.

**Variation to the standards can be granted by the Prince George's County Planning Board and/or the District Council on a case-by-case basis, with the approval of a Specific Design Plan.

***The minimum width is 16 feet for interior units and 22 feet or larger for end units. At least 80 percent of the single-family attached lots shall be a combination of 20', 22' and 24' in width to achieve the highest architectural quality and a variety of unit sizes. The Planning Board and/or the District Council may allow variations to these standards in accordance with Zoning Ordinance §27-480 during review of the Specific Design Plans.

Ordered this 23rd day of October, 2018, by the following vote:

In Favor: Council Members Davis, Franklin, Glaros, Harrison, Lehman, Patterson, Taveras, Toles and Turner.

Opposed:

Abstained:

Absent:

Vote: 9-0.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF THE
MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Dannielle M. Glaros, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council