



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 09-95(A)

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
File No. 4-08018

A M E N D E D R E S O L U T I O N

WHEREAS, Evangel Cathedral, Inc. is the owner of a 47.7-acre parcel of land known as Parcel 168 and located on Tax Map 90 in Grid E-4, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned M-X-T; and

WHEREAS, on January 29, 2009, Evangel Cathedral, Inc. filed an application for approval of a Preliminary Plan of Subdivision for 375 lots and 52 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-08018 for Moore Property was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on June 4, 2009, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on June 4, 2009, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

WHEREAS, by letter dated October 13, 2014, the applicant requested a reconsideration of Finding 11 and Condition 32(g) relating to transportation adequacy; and

WHEREAS, by letter dated November 13, 2014, the Planning Board approved the request for reconsideration based on other good cause in furtherance of substantial public interest; and

WHEREAS, by letter dated July 13, 2015, the applicant requested and additional reconsideration of Finding 11 to expand the scope of the reconsideration granted on November 13, 2014, beyond Condition 32(g) to additional conditions of approval relating to transportation adequacy; and

WHEREAS, on July 30, 2015, the Planning Board approved the request for reconsideration based on other good cause in furtherance of substantial public interest; and

WHEREAS, on December 3, 2015, the Planning Board heard testimony regarding the reconsideration requested approved on November 13, 2014 and July 30, 2015.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree

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Conservation Plan (TCPI/004/09), and further APPROVED Preliminary Plan of Subdivision 4-08018, Moore Property, for with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Provide the gross and net tract area.
 - b. Revise general note 14 to state the public utility easements shall be approved by the utility companies at the time of approval of the DSP and reflected on the final plat.
 - c. Align the center line of MC-637 with the approved center line alignment within the Smith Home property Preliminary Plan 4-05080 (PGCPB No. 06-64(A)) to the north.
 - d. Label the core, edge, and fringe on the coversheet on the layout of Westphalia.
 - e. Expand the spaces between the end units of attached dwellings in adjacent rows to a minimum of ten feet.
2. A Type II tree conservation plan shall be approved at the time of approval of each detailed site plan, except the special purpose detailed site plan. The special purpose DSP shall be reviewed for conformance with the signed TCPI. No Permits will be issued using the special purpose DSP. The first TCPII shall provide a cover sheet that clearly depicts the phasing and requirements for the entire site.
3. Development of this site shall be in conformance with Stormwater Management Concept Plan 44782-2007-00 and any subsequent revisions.
4. At the time of final plat the applicant shall dedicate a public utility easement along the public right-of-way as delineated on the approved detailed site plan(s).
5. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

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6. Prior to approval of each detailed site plan, except the special purpose detailed site plan, the public utility companies shall provide comments to ensure adequate area exists to provide proper siting and screening of the required utilities and to provide for direct-bury utilities where feasible. Review shall include but may not be limited to the following:
 - a. Coordination with other utility companies to use one side of the street for Potomac Electric and Power Company (PEPCO) use only. If this is not possible, Verizon may ask for two feet or so of additional space on the public utility easement (PUE) for FIOS cables making some of the PUEs to be 12 feet wide in some areas. The main transmission line may require up to a 15-foot-wide PUE.
 - b. Private roads shall have a five to seven-foot-wide utility easement (UE). (The current plan shows seven-foot-wide UEs, but at the time of detailed site plan continued coordination with utility companies will establish the ultimate UE locations and sizes). Gas service shall be provided in the alley as shown on the utility sketch plan.
 - c. At the time of detailed site plan, coordination with PEPCO is required to account for locations of transformers especially in some of the tighter arranged townhome blocks.
 - d. Unless modified by a, b, or c above, a ten-foot PUE shall be provided along public roads and master-plan roads.
7. Any abandoned well or septic system shall be pumped, backfilled, and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to final plat approval.
8. 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 the Department of Parks and Recreation. 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. Or as modified by any subsequent revisions to CSP-7004.
9. The applicant shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land.

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The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (M-NCPPC) for adequacy and property siting prior to approval of the detailed site plan by the Planning Board. Or as modified by any subsequent revisions to CSP-7004.

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.
11. Prior to the approval of building permits the applicant, his heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
12. The applicant, his heirs, successors, and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the county Land Records.
13. The applicant, his heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.
14. Prior to signature approval of the preliminary plan the applicant shall submit evidence that the property is not encumbered by any prescriptive or descriptive easements that are to the benefit of other properties and not already provided on the preliminary plan. The applicant shall submit evidence that the rights and privileges associated with those easements will not be interrupted with the development of this property. Or the applicant shall provide evidence of the agreement of those benefited properties to the abandonment or relocation of said easements. Prior to approval of the final plat the applicant shall submit a copy of the recorded abandonment of said easement(s), including Moore's Way.
15. The detailed site plan shall demonstrate that lots fronting on MC-637 will be rear-load vehicle access and shall not have direct vehicular access to the master-plan road.
16. Prior to any final plats for the Moore property, adequate access roads to connect the Moore property to the public street system shall be dedicated.
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:

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- 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).
18. At time of each detailed site plan, except the special purpose detailed site plan, the design shown on the conceptual stormwater facility layout exhibit, stamped as received on April 3, 2009, shall be shown on the DSP.
19. Applications for all residential building permits on the Moore property shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis, using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.
20. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised to:
- a. Revise the site statistics (specifically for the existing floodplain, the forested floodplain, and the existing forest outside of the floodplain) as necessary to reconcile the discrepancy in the site statistics between the current TCPI (TCPI/004/09) and the TCPI (TCPI/014/08-01) for the recently submitted preliminary plan for the adjacent Westphalia Center (4-08002) so that the site statistics between the two plans add up to the site statistics shown on the approved NRI for both sites.
 - b. Update the worksheet as necessary to reflect any changes to the site statistics.
 - c. Add the following note to the plan "The area covered on this TCPI was previously approved as part of the larger Westphalia Center TCPI/014/08 for CSP-07004."

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- d. Relabel "forest conservation" as "forest preservation" on the plan and in the legend.
 - e. 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.
21. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to show the centerline of the proposed Dower House Road connection consistently aligned with the centerline of the approved Smith Home Farms preliminary plan (4-05080).
22. Each detailed site plan, except the special purpose detailed site plan, shall survey locate specimen trees within 100 feet of the ultimate limits of disturbance within the Moore Property boundary. The specimen trees that are determined to remain as part of the survey shall be evaluated for appropriate preservation measures. Details of the preservation methods shall be shown on the TCPII including information on treatments to occur prior to, during, and after construction.
23. Development of this subdivision shall be in compliance with an approved Type I tree conservation plan (TCPI/004/09). The following notes shall be placed on the final plat of subdivision:
- "This development is subject to restrictions shown on the approved Type I tree conservation plan (TCPI/004/09), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."
24. Prior to signature approval of the preliminary plan, the following note shall be placed under the worksheet on the TCPI:
- "The use of fee-in-lieu to meet the off-site woodland conservation requirement was approved by the Planning Board in Resolution 08-189. Other methods of meeting the woodland conservation threshold on-site may be explored during the preparation and review of the TCPII. Every attempt shall be made to meet the threshold on-site using street trees, trees in bioretention areas, preservation of woodlands in the PMA outside the 100-year floodplain, and other allowable methods. If, during the review of the TCPII, the threshold cannot be met completely on-site, the remainder of the requirement shall be met using fee-in-lieu. Prior to signature approval of the DSP, a recipient of the fee-in-lieu funds shall be identified."

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25. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
26. Prior to final plat approval, the declaration of covenants for the property, in conjunction with the formation of a homeowners association, shall include language notifying all future contract purchasers of the proximity of the property to Andrew's Air Force Base and noise levels related to military aircraft overflights. The property is approximately 5,500 feet from the north end of the runway. The declaration of covenants shall include the disclosure notice. At the time of purchase contract with home buyers, the contract purchaser shall sign an acknowledgement of receipt of a copy of the declaration. The liber and folio of the recorded declaration of covenants shall be noted on the final plat along with a description of the proximity of the development to Andrews Air Force Base and noise levels related to military aircraft overflights.
27. Total development within the subject property shall be limited to uses which generate no more than 425 333-AM peak-hour trips and 485 384-PM peak-hour, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities. Phase 1 of this property shall be limited to uses which generate no more than 331 AM peak-hour trips and 378 PM peak-hour trips and Phase 2 shall be limited to uses generating more than 425AM peak-hour trips and 485 PM peak-hour trips up to the total development trip cap noted above.
28. ~~A traffic phasing analysis shall be submitted and reviewed during the processing of the detailed site plan for each phase. This traffic phasing analysis will define the improvements required for Phases 1A, 1B, 1C, 2A, 2B, 2C, 2D, 3A, 3B, and Phase 5. These above mentioned traffic conditions will be modified to adjust the timing trigger and extent of these improvements for each phase. This phasing analysis will not exceed the 7,149 AM peak hour trip and 8,910 PM peak hour trip cap, unless a future preliminary plan of subdivision is processed.~~
29. The transportation improvements expressed herein shall remain in full force and effect unless otherwise modified pursuant to agreement initiated by the Transportation Planning Section of M-NCPPC, SHA, and DPW&T and concurred by the applicant, and provided any such technical or engineering change maintains the levels of adequate transportation facilities approved herein. Any modification of transportation improvements may not be inconsistent with the Planning Board findings and conditions.
30. The following rights-of-way shall be dedicated at the time of the appropriate final plat, consistent with the rights-of-way approved by DPW&T or SHA:

The right-of-way for MC 637 (north of West Circle) within a 96-foot right-of-way.

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31. Prior to the issuance of any building permits within the subject property, the applicant, his 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).

32. Prior to the issuance of any building permits within the subject property, 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:

a. **MD 4 and Forestville Road intersection**

- (1) Add a third westbound through lane along MD 4.
- (2) Add a second northbound double left turn lane along Forestville Road at MD 4.
- (3) Add a second northbound through lane along Forestville Road at MD 4.
- (4) Convert the southbound right turn lane into a combined through and right lane.
- (5) Add a second southbound left turn lane along Forestville Road at MD 4.
- (6) Rebuild the existing traffic signal.

b. **MD 4 and MD 223 interchange**

- (1) The applicant will rebuild this interchange as detailed on exhibit 12 as Alternate P-1.
- (2) 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.
- (3) Construct a second southbound left turn along MD 223 at the MD 4 EB on ramp.
- (4) Widen the MD 4 EB on ramp to accept the southbound double left movement.
- (5) Provide a third NB through lane along MD 223 at the MD 4 EB on ramp.
- (6) Install a traffic signal at the intersection of MD 223 and MD 4 EB off ramp — MD 4 EB on ramp.

c. **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.

a. **MD 4 and Melwood Road-Old Marlboro Pike**

- (1) Reconstruction of this intersection to include:

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- A double left, a through and free right-turn lane on the northbound approach.
 - A left, a through and a free right-turn lane on the eastbound approach.
 - A double left, and a shared through and right-turn land on the westbound approach.
 - A left, and shared through and right-turn land on the southbound approach.
- (2) Install traffic signal
- b. **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.
- d. **Old Marlboro Pike and Ritchie Marlboro Road**
- (1) ~~Create a separate northbound left turn lane along Ritchie Marlboro Road.~~
 - (2) ~~Create a separate southbound left turn lane along Ritchie Marlboro Road.~~
 - (3) ~~Create a separate eastbound right turn lane along Old Marlboro Pike.~~
 - (4) ~~Modify traffic signal.~~
- c. e. **MD 223 and Marlboro Pike**
- (1) Construct a southbound double left turn lane.
 - (2) Modify traffic signal.
 - (3) Provide separate left, through, and right turn lanes on eastbound approach.
- d. f. **MD 223 and Dower House Road**
- (1) Create a double left, a through, and a separate right turn lane on the northbound approach along MD 223.
 - (2) Create a left turn, a through, and a shared through-and-right lane on the southbound approach along MD 223.
 - (3) Modify traffic signal.
- g. **MD 4 and Dower House Road**—Construct a grade-separated, two-point diamond interchange with traffic signals at both at-grade intersections, subject to the requirements of SHA.

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- e. h. **MD 4 and Westphalia Road**—Prior to the issuance of any building permits within the subject property, the following road improvements (which shall not commence construction until the interchange at Suitland Parkway and MD 4 is completed and open to traffic) shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, (c) have an agreed-upon timetable for construction with the appropriate operating agency:
- (1) Reconfigure the intersection with a set of channelized traffic islands such that through movements across MD 4 and left turns from ALL approaches are prohibited.
 - (2) Reconstruct/upgrade Burton's Lane to DPW&T standard.
 - (3) Upgrade Old Marlboro Pike from a point approximately 400 feet north of its intersection with Burton's Lane to the point where it connects to the proposed interchange at MD 4 and Suitland Parkway.
 - (4) Prior to the issuance of the first building permit within the subject property, the applicant, his heirs, successors, and/or assignees shall:
 - (a) In lieu of Condition 33(1), (2) and (3), 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 (SCRIP). 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 CIP, in a SCRIP, state CTP, public financing plan approved by the Council.
- (1) Prior to the approval of any final plat for this project, pursuant to CR-66-2010, the owner/developer, its heirs, successors and/or assigns shall execute a Memorandum of Understanding ("MOU") with the County that sets forth the terms and conditions for the payment of Fees by the Owner/Developer, its heirs, successor and/or assigns pursuant to the PFFIP. The MOU shall be executed and recorded among the County land records and the liber/folio noted on final plat of subdivision.
 - (2) Prior to the issuance of the first building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to

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the provisions of the Memorandum of Understanding with the County, CR-66-2010 and the MD 4/Westphalia Road PFFIP, pay to Prince George's County (or its designee) a fee of \$1,547,451.02. This fee shall be divided by 640 to determine the unit cost. Upon determining the unit cost, that cost will be adjusted based on an inflation cost index factor to be determined by the Department of Public Works and Transportation (DPW&T) at the time the issuance of each permit. Evidence of payment must be provided to the Planning Department with each building permit application. Pursuant to Section 4 of CR-66-2010 the applicant may proceed prior to the completion of the NEPA and IAPA processes and pay the fee based upon the current cost estimate.

f. The following roads, whose cross-section shall be determined by DPIE/DPW&T, must be constructed and open to traffic:

- (1) Presidential Parkway between MD 4 and MD 223 (extended north of MD 4)
- (2) MC-637 (Dower House Road extended), between Presidential Parkway and the subject property.

33. At time of each detailed site plan, except the special purpose detailed site plan, the applicant shall:

- a. Integrate the proposed commercial development located on residential and recreational parcels within the Edge with the residential and recreational uses in a mixed-use arrangement.
- b. Provide a parking study for each block group of the site so as to ensure an adequate provision and distribution of parking (including handicapped-accessible parking) across the site.
- c. Direct vehicular access from single-family and single-family attached lots shall be from alleys and not onto the master-planned road (MC-637).

34. Prior to the approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association open space land in accordance with the approved detailed site plan. Land to be conveyed shall be subject the following:

- a. Conveyance shall take place prior to the issuance of building permits.
- b. A copy of the unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.

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- c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair, or improvements required by the approval process.
 - f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
35. Prior to the issuance of any building permits within Phase 2 of the subject property, the trip cap under Conceptual Site Plan CSP-07004 (and its revisions) shall be modified to bring that cap into agreement with the entitlements granted for the subject property (under Preliminary Plan of Subdivision 4-08018) and the Westphalia Town Center property (under Preliminary Plan of Subdivision 4-08002).
36. Prior to the issuance of any building permits within Phase 2 of the subject property, 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:
- a. **MD 4 and Dower House Road**

Construct a grade-separated, two-point diamond interchange with traffic signals at both at-grade intersections, subject to the requirements of SHA.

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BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located north of Pennsylvania Avenue (MD 4), west of Melwood Road, and east of the interchange of Suitland Parkway and Pennsylvania Avenue.
3. **Background**—The subject property is located on Tax Map 90, in Grids E-3 and E-4, and is known as Parcel 168. The property is 47.70 acres and is a part of the Westphalia Center; an urban regional center zoned Mixed Use-Transportation Oriented (M-X-T), which is 530.27 acres in the Developing Tier. The Conceptual Site Plan (CSP-07004) that is required for the M-X-T Zone was approved by the Planning Board on December 18, 2008 (PGCPB Resolution No. 08-189) and the resolution adopted on January 29, 2009, with conditions. On February 9, 2009, the District Council elected to review the case, and on May 21, 2009, the Notice of Final Decision was issued.

The applicant is proposing 375 lots and 52 parcels for the construction of 505 attached dwelling units, which includes 375 townhouses and 135 multifamily dwelling units (640 total dwelling units) with 3,000 square feet of community/retail uses consistent with the approved conceptual site plan.

This property is a part of a regional urban community, which is defined as follows by Section 27-107.01(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 amphitheaters, performance stages and plazas.

The approved conceptual site plan provides for the extension of Presidential Parkway from its current terminus into the center of the regional center to the south as master plan roadways MC-634 and A-66. In the eastern portion of the regional center, 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 Westphalia preliminary plan site to connect to the future development to the north. MC-637 extends through the middle of the subject property (Moore). Similarly, the plan shows the extension of a road from the interchange of Millwood Road and Pennsylvania Avenue through the center of the regional center to the east (MC-632), connecting to the future development to the north.

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As specified by the Westphalia sector plan and referenced in the definition of a regional urban community, the proposed town center (CSP-07004) is divided into a core (77± acres), an edge (260±), and a fringe (145± acres). The Moore property is located entirely within the edge area in the northwest corner of the Westphalia Center. The Moore property does not have frontage on a dedicated public street and is dependent on the development of the Westphalia Center (4-08002) for access or the Smith Home Farm property (4-05080) to the north. The Smith Home Farm property to the north does not have an approved specific design plan nor are the proposed rights-of-way platted. Prior to a final plat for the Moore property, adequate access roads to serve the Moore property must be dedicated to connect to the public street system either through the Smith Home Farm property or Westphalia.

The core is mostly a rectangular area slightly offset to the west of the center of the site and abutting to the south of the Moore property, and also extends southward toward 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. A transit area is located in the portion of the core (4-08002) 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 is proposed within the core area.

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 Moore property is located wholly within the edge. 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. The Moore property development is proposed entirely of townhouses and multifamily dwelling units with a small-scale (3,000-square-foot) neighborhood commercial or mixed-use development within the residential neighborhood, a requirement consistent with the approved conceptual site plan. 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 within the Westphalia Center preliminary plan (4-08002).

The fringe includes the southeastern corner of the site (CSP-07004 and 4-08002) 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 plan also identifies

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Lot 7 (9.56 acres) in the western portion of the fringe outside of the limit of this preliminary plan for the construction of a fire/EMS facility.

4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	APPROVED
Zone	M-X-T	M-X-T
Use(s)	Vacant	Mixed-Use
Acreage	47.70	47.70
Lots	0	375
Parcels	1	52
Commercial		
Retail	0	3,000
Dwelling Units:		0
Detached	0	0
Townhouses	0	375
Attached (misc)	0	130
Multifamily	0	135
Public Safety Mitigation Fee		No

5. **Regional Urban Community Regulations**—Section 27-544 of the Zoning Ordinance sets forth regulations for the development of a regional urban community. Section 27-544(2)(A) of the Zoning Ordinance establishes that the maximum percentage of attached dwelling units, which includes but is not limited to townhouses, two over twos and triplexes, be 50 percent of the total units in the project. In this case this regulation applies to the entire area of land covered by Westphalia Center CSP-07004. This preliminary plan is a part (47.70 acres) of the Westphalia Center (530.27 acres). Conceptual Site Plan CSP-07004 was approved by the Planning Board in December 2008. On May 21, 2009, the District Council Notice of Final Decision was released for CSP-07004. This preliminary plan has been evaluated for conformance with that decision. At the Planning Board hearing staff advised the Board that the District Council (DC) had proposed further revisions to their decision. It was staffs understanding that the DC had voted on the amendments but had not yet signed or released the decision. Staff was advised that the DC revised the phasing plan and made revisions to the parks conditions. The phasing is not a condition of the preliminary plan and the parks conditions contained in the decision for this case reflected the possibility of revisions based on further revisions to the CSP.

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When evaluating the two preliminary plans together the applicant is proposing 44 percent of the total dwelling units as attached dwelling units (Section 27-544(e)(2)(A) of the Zoning Ordinance)):

Preliminary Plan	Total Dwelling Units	Multifamily	Single-Family Detached	Attached
4-08002 (Westphalia)	4356	2473	172	1711
4-08018 (Moore)	640	135	0	505
Total	4996	2608	172	2216
Percent of Attached				44%

- (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.**

Conformance to this regulation is discussed further in the environmental planning section.

- (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.**

Conformance to this regulation is discussed further in the environmental planning section.

- (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.**

Conformance to this regulation will be reviewed with the detailed site plan.

- (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.**

The preliminary plan is not inconsistent with this regulation; however, the applicant does propose townhouse lots which include nine and ten lots in a row. However, lots in a row do not mean that units are attached. A side yard can break up each stick to conform to

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this regulation. At the time of review of the DSP the number of attached dwelling units in a row (a stick) should be reviewed for conformance to this regulation.

- (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).**

This regulation is not applicable to the review of the preliminary plan of subdivision.

- (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 minimum lot width proposed is 16 feet wide, with the minimum width of an end unit being 20 feet wide. The variety of sizes of the townhouses will be reviewed with the detailed site plan(s) when architecture is introduced.

- (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.**

This regulation will be evaluated with the detailed site plan process when unit types are introduced.

6. **Conceptual Site Plan**—On May 21, 2009, the District Council Notice of Final Decision was issued for CSP-07004. This preliminary plan has been evaluated for conformance with that decision. Comments have been provided where the condition is applicable to the preliminary plan of subdivision or not otherwise specifically addressed.

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:**

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- (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

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.

The preliminary plan is not inconsistent with the mix and range of uses approved with the CSP. Prior to signature approval of the preliminary plan the CSP should be signature approved.

- 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.
- 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.

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- j. **Show that the detached portion of the property along the western portion of existing Presidential Parkway is part of the Fringe.**
- k. **Add a floating symbol for the potential location of a library within the town center.**

The library is proposed on Parcel 30, west of MC 637, and is 2.9 acres.

- l. **Show a buffer area along the full length of historic Melwood Road and the Twin Knolls Subdivision, excluding the Fringe area. The buffer shall be a minimum of 75 feet wide along the entire length, and an average of at least 150 feet wide, excluding the Fringe area.**

The buffer has been increased and is delineated at a minimum of 107 feet. As stated in this condition it does not apply to the fringe area. The buffer required along the fringe is 10 feet wide from the southern point of Melwood Road to the southern side of the only access allowed onto Melwood Road. Starting on the north side of the access, the buffer starts at 10 feet wide and increases to 30 feet wide to the edge of the fringe. The buffer is required along the entire edge of Melwood Road within the fringe by condition of this preliminary plan. The details of the buffer will be reviewed with the detailed site plan for this area, and may be modified by revisions to the conceptual site plan.

- m. **Add a floating symbol for the potential location for a public or private medical facility.**

The preliminary plan proposes a "potential wellness center" on Parcel 26 in the fringe area.

- n. **Show bikeway corridor trails along major roads.**

- 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 to reflect the reduction in the minimum amount of office development from 4,000,000 square feet to 2,200,000 square feet.**

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- c. **Add proposed public/quasi-public uses to the breakdown of land use ranges in the Edge, 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.**

The preliminary plan has a range of sizes for the attached dwelling units with the minimum lot size of 1,000 square feet.

- g. **Incorporate the regulations of 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.**

Council Bill CB-29-2008 amended Section 24-544 of the Zoning Ordinance. The preliminary plan is consistent with Section 24-544.

- 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 environment feature, preventing the use of a rear alley to serve the dwellings.**
- 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)**

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The noise information was submitted and further evaluated in the environmental planning section of this report.

- l. Clarify that surface parking lots will only be permitted within the Core 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 to refer to the street pattern of the Fringe. (p. 28)**
- n. Include all three gateways (Suitland Parkway, Dower House 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). (p. 38)**
- p. Remove the reference to off-street parking provided along the roadway in the Core. (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 multi-story buildings are strongly encouraged in the Core.**
- 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.**

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Prior to signature approval of the preliminary plan the CSP will have signature approval.

3. Prior to certification of the CSP, the Type I tree conservation plan shall be revised to:

- a. Show all regulated features per the revised, signed NRI.**
- b. Show a limit of disturbance.**
- c. Show the correct symbol in the legend for floodplain cleared.**
- d. Add the entire required standard notes for a TCP I.**
- e. Add the following note:**

“Woodland conservation shall not be credited in easements of any kind except surface drainage easements.”
- f. The TCP I for the CSP shall be at the same scale as the NRI.**
- g. Match the graphics in the legend to the graphics on the plan (in particular, floodplain clearing).**
- h. Add the following note to the TCP I:**

“The afforestation/reforestation areas on this plan will be reviewed in more detail during the preliminary plan review and the review of the future TCP I and TCP II. 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.”
- i. Address all other comments provided during certificate review.**
- j. Have the revised plans signed and dated by the qualified professional who prepared them.**

Prior to signature approval of the preliminary plan the CSP will have signature approval.

4. At least 35 days prior to Planning Board approval of the preliminary plan, a stream corridor assessment using the Maryland Department of Natural

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Resources protocol shall be submitted. General impacts to the entire stream valley for stream restoration shall be approved at preliminary plan. 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.

This condition has been complied with and is discussed further in the environmental planning section.

- 5. Prior to acceptance of the preliminary plan package for review, NRI/094/06 shall be revised to include the information obtained from the field work with the Maryland Department of the Environment, the comments provided by the Environmental Planning Section, and the additional information on existing wetlands.**

This condition has been complied with and is discussed further in the environmental planning section.

- 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 & Transportation.**

By e-mail dated May 27, 2009, DPW&T provided their approval, indicating that the final referral is forthcoming. Prior to signature approval of the preliminary plan the final referral is required, and the preliminary plan will be revised to reflect any modification requested by DPW&T.

- 7. At least 35 days prior to the approval of the preliminary plan by the Planning Board, 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.**

This condition has been complied with and is discussed further in the environmental planning section.

- 8. The stormwater management ponds shown on the TCP I 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 stormwater management techniques to the fullest extent possible, such as the use of forebays to trap sediment, bio retention,**

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French drains, depressed parking lot islands, native plants.

This condition has been complied with and is discussed further in the environmental planning section.

9. **At the time of review of the preliminary plan, 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.**

This condition has been complied with and is discussed further in the environmental planning section.

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.**

The plan proposes no parkland dedication.

11. **At least 35 days prior to Planning Board approval of the preliminary plan, 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 TCP I 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.**

This condition has been complied with and is discussed further in the environmental planning section.

12. **The preliminary plan and TCP I shall propose restoration of the stream valley for the Back Branch drainage area. Along with this innovative LID stream restoration, onsite pretreatment will be provided at each storm drain outfall in the amount of 10% 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**

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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.

This condition has been complied with to the extent possible with the review of the preliminary plan and is discussed further in the environmental planning section.

- 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.**

This condition has been complied to the extent possible with the review of the preliminary plan and is discussed further in the environmental planning and trails sections.

- 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.**

A transportation phasing plan has been submitted and is discussed further in the transportation section.

- 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.**
- 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.**

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- 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.**
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.**

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19. The applicant shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (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 property 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 the on-site private recreational facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement, 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 the M-NCPPC or provision of in-kind services. The agreement shall note that the value of the 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.

This condition has been included.

23. The applicant shall submit three original executed private recreational facilities agreements (RFA) 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.

This condition has been included.

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

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that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.

This condition has been included.

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.**
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 CIP, a SCRCP, State CTP, or Public Financing Plan approved by the 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).**

This condition is discussed further in the transportation section.

28. **Prior to the issuance of any building permits for each phase or DSP within the subject property,**

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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 Dower House 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.

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- 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-ramps.
 - 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 Dower House 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.

This condition is discussed further in the transportation section.

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

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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 the Department of Parks and Recreation. 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.

This condition is discussed further in the parks section.

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.

This condition is discussed further in the urban design section.

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 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. 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.

- a. 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.

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- b. 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.
- c. 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.
- d. 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.
- e. Prior to issuance of permits for the 250,000th square feet of retail development, 500,000 square feet of office shall be constructed.
- f. Prior to issuance of permits for the 500,000th square feet of retail development, 750,000 square feet of office space shall be constructed.
- g. The first 600 dwelling units shall be constructed in the Core before permits will be issued for any residential development in the Edge.
- 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.

Conformance to the required phasing will occur with the review of detailed site plan and building permits.

32. In conformance with the adopted and approved Westphalia sector plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:

- a. Construct the subject site's portion of the Cabin Branch master plan trail. The trail alignment, design,

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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 can be evaluated at the time of detailed site plan.
- f. The applicant and the applicant's heirs, successors, and/or assignees shall 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.

This condition is discussed further in the trails section.

- 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. 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.

The preliminary plan established a trip cap for development as discussed further in the transportation section.

- 35. Developer shall pay a fee-in-lieu to satisfy woodland conservation requirements in accordance with CB-29-2008.

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This condition is discussed further in the environmental planning section.

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.**

This condition is included.

38. **The acreage for the transit center is approximately four (4) acres.**

The preliminary plan locates the four-acre transit center and indicates that it is to be conveyed to a public use.

7. **Urban Design**—The subject property is within the area of the 2007 approved Westphalia sector plan and is designated as part of the Westphalia Town Center.

Conformance with Previous Approvals

The subject property and the adjoining Westphalia Center property (4-08002) are included in the larger conceptual site plan for Westphalia Town Center, CSP-07004. The CSP was approved by the Planning Board on December 18, 2008 (PGCPB Resolution No. 08-189), and was affirmed by the District Council on May 19, 2009, subject to 38 conditions.

Conformance with the Landscape Manual

As part of a proposed regional urban community, the site is subject to Section 4.8 of the Landscape Manual. The site's conformance with that section will be reviewed at the time of detailed site plan.

Other Design Issues

Commercial Sites

The CSP designates four small commercial sites located within the Edge areas of the town center to allow for small-scale commercial uses to be mixed into the largely residential areas of the Edge. The applicant has shown three Edge commercial sites in the Westphalia Center subdivision, and one in Moore Property. One of the sites is shown as a separate retail parcel, another is shown as sharing a parcel with multifamily residential units in a vertical mixed-use arrangement, and the other two are shown as comprising portions of the community recreational parcels. Although these are not the exact locations that were shown on the CSP, they fulfill the intent of the CSP to allow for the even distribution of limited commercial services within the Edge areas. Placement of commercial uses on the community parcels has the potential to create

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mixed-use neighborhood service centers. The amount of commercial development on these sites should be limited in order to ensure that the commercial development does not overwhelm the recreational use of the parcels. Furthermore, the commercial space should be designed so that it is integrated with the recreational and residential uses.

Parking Adequacy

The dense development proposed on the site will generate a great demand for parking. During the review of the preliminary plan, staff requested that the applicant submit a parking study for the site to demonstrate that the necessary amount of parking could be provided to accommodate the proposed development. The applicant believes this issue is more appropriately dealt with in the review of detailed site plans and did not provide a parking study. Although the detailed site plan review process will allow for an exact determination of the parking adequacy on the site, if insufficient parking is found at the time of DSP review, the only available alternatives will be either to provide additional structured parking or reduce the number of residential units or the amount of commercial development. Parking should be reviewed at the time of detailed site plan with attention to the usability of the parking for its intended users. With such a large site, parking provided at one end of the site will not be readily available for dwellings or businesses elsewhere on the site. Ensuring an adequate provision and distribution of the parking spaces across the site is critical to the success of the development.

Pedestrian Connections

The preliminary plan includes numerous rows and blocks of townhouses and other attached units, such as rows up to ten units long and multiple rows along a block. Although the proposed attached blocks are generally not longer than 500 feet, access from the fronts of the units to the rear yards and alleys is an issue. The applicant's plan provides for small gaps between the ends of the sticks to allow for pedestrian passage. These gaps are part of the homeowners association (HOA) parcels. The plans show these gaps to be typically four feet in width. Although four feet is wide enough for a narrow sidewalk, the important consideration for this space is not the width of the HOA space, but the distance between the endwalls of the surrounding units. If the buildings are to be built up to the property line, the four-foot space between the lot lines will result in an overly-enclosed space not suitable for pedestrians. The end lots of the sticks are shown to be typically three feet wider than the middle lots, raising the possibility that the end buildings could be set back three feet from the property line, creating a space that is ten feet wide, which would be more suitable. Furthermore, architectural variations in the end units, such as stoops or bay windows, would intrude into the ten-foot space. In order to provide for adequate spacing of the units and access between the attached sticks, the preliminary plan reflects the space between the lots to be no less than ten feet.

Master Plan Roadways

The plan shows MC-637, a master-planned roadway, extending north from the Town Center Core area through the Moore Property and into the Smith Home Farms site to the north. It appears that the proposed location of the roadway at the northern edge of the Moore Property does not connect to the approved continuation of the roadway through the Smith Home Farms site. It will be

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necessary to align the center line of the roadway in order to allow the future connection to be made. This shift will primarily affect the layout of Moore Property, but may affect the layout of the Westphalia Center (4-08002).

The preliminary plan also includes numerous lots and parcels along the master-planned roadways throughout the site. Although units should be encouraged to be oriented toward the main roadways, direct vehicular access onto the master-planned roads should not be permitted for single-family attached units.

Recreational Facilities

Condition 19 of the CSP requires the applicant to allocate appropriate and developable areas for private recreational facilities on HOA open space land. The applicant has designated three large community recreation parcels for dedication to the HOA (two on the Westphalia Center property, one on the Moore property), as well as numerous smaller open spaces scattered throughout the Edge area. Additional recreational areas will include the open space parcels in the center of traffic circles and the Westphalia Square in the Core area. The CSP requires that a recreational facilities package be reviewed at the time of the special-purpose detailed site plan, taking into consideration the public recreational facilities that will be provided in the Westphalia Central Park to the north of the site.

7. **Environmental**—The Type I tree conservation plan and letter of justification stamped as received on April 3, 2009, have been reviewed. Additional information, including a stream corridor assessment, trail alignment exhibit, and noise study were stamped as received April 16, 2009.

This site has been reviewed as a part of a larger Westphalia Center in conjunction with Conceptual Site Plan CSP-07004. The Planning Board approved CSP-07004 on December 18, 2008, and the Board's conditions of approval are found in PGCPB Resolution No. 08-189. The current application is for mixed-use commercial and residential development in the M-X-T Zone on 47.70 acres of the original 530.27 acres that was approved with the CSP.

Site Description

A review of the approved Natural Resources Inventory, 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 11 specimen trees located on-site. This site is 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.

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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.

Sector Plan Conformance

The sector plan for this site is the *Approved Westphalia Sector Plan and Sectional Map Amendment* (February 2007). This application was reviewed for conformance with the approved sector plan and sectional map amendment as part of the conceptual site plan review for CSP-07004. The resulting conditions are below.

Review of Previously Approved Conditions

The following text addresses previously approved environmental conditions related to the Moore property and the overall Westphalia applications. The text in **BOLD** is the actual text from the previous cases or plans.

Conformance with the Notice of Final Decision of the District Council, CSP-07004

3. **Prior to certification of the CSP, the Type I tree conservation plan shall be revised to:**

- a. **Show all regulated features per the revised, signed NRI.**
- b. **Show a limit of disturbance.**
- c. **Show the correct symbol in the legend for floodplain cleared.**
- d. **Add all the required standard notes for a TCPI.**
- e. **Add the following note:**

“Woodland conservation shall not be credited in easements of any kind except surface drainage easements.”
- f. **The TCPI for the CSP shall be at the same scale as the NRI.**
- g. **Match the graphics in the legend to the graphics on the plan (in particular, floodplain clearing).**
- h. **Add the following note to the TCPI:**

“The afforestation/reforestation areas on this plan will be reviewed in more detail during the preliminary plan review and the review of the future TCPI and TCPII. Afforestation and reforestation areas

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must be placed so as to provide open space, locations for utilities, sight distance, and to address aesthetic concerns throughout the site."

- i. Address all other comments provided during certificate review.**
- j. Have the revised plans signed and dated by the qualified professional who prepared them.**

A revised TCPI for CSP-07004 has not been submitted, to date, for certification. Prior to signature approval of the preliminary plan, TCPI/014/08 for CSP-07004 will receive signature approval.

- 4. At least 35 days prior to Planning Board approval of the preliminary plan, 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 preliminary plan. 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.**

A stream corridor assessment, stamped as received on March 25, 2009, and an addendum, stamped as received on April 16, 2009, have been reviewed. The stream corridor assessment submitted for the Moore property is identical to the study submitted for the Westphalia Property and evaluates both Back Branch and Cabin Branch. The subject site is within Cabin Branch.

Three protocols were used for the stream assessment: the United States Department of Agriculture (USDA) Stream Visual Assessment Protocol (SVAP), the Pfankuch Stability Methodology, and the David Rosgen Level III Bank Erodibility Hazard Index Rating (BEHI) methodology. The combined protocols were used to predict channel instability based on visual geomorphic characteristics and are more detailed than the Maryland Department of Natural Resources protocol.

The stream corridor assessment concluded that Back Branch and Cabin Branch are highly degraded systems with long-term instability both laterally and vertically. The addendum proposes stream restoration of Back Branch only as part of the Westphalia application. The Moore property is located largely on the east side of Cabin Branch, making access for restoration within the Cabin Branch difficult due to access restrictions and topography. The restoration of Cabin Branch will be addressed when the applications to the west and north are reviewed.

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5. **Prior to acceptance of the preliminary plan package for review, NRI/094/06 shall be revised to include the information obtained from the field work with the Maryland Department of the Environment, the comments provided by the Environmental Planning Section, and the additional information on existing wetlands.**

A revised NRI was signed on December 16, 2008, and was submitted as part of the preliminary plan package.

7. **At least 35 days prior to the approval of the preliminary plan by the Planning Board, 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.**

A meeting was held April 28, 2009, between the applicant, DPW&T, and M-NCPPC including EPS, to evaluate the results of the stream corridor assessment. The discussion focused on the stream mitigation proposed for the Westphalia property. No additional information is needed to evaluate the results of the stream corridor assessment or stream restoration for the Moore property.

8. **The stormwater management 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 stormwater management techniques to the fullest extent possible, such as the use of forebays to trap sediment, bio retention, french drains, depressed parking lot islands, native plants.**

The plans, as submitted, show a large pond, designed as an amenity pond, located on the northern portion of the site with a smaller stormwater management facility located to the east. The layout of the roads and the pond do not match what was approved on the stormwater concept plan; however, the intent of the concept appears to be met.

An illustrative exhibit titled "Moore Property SWM Facility Conceptual Layout," stamped as received on April 3, 2009, shows how the pond has been designed as an amenity. The plan shows the location of the proposed sidewalks, which will provide access to the pond from the surrounding roads and connect the amenity pond with the smaller stormwater management facility located to the east. The plan also shows several proposed seating areas and numerous plantings ranging from shade trees to aquatic plants; a fountain aerator is also proposed for the center of the pond.

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The conceptual stormwater facility layout exhibit shows the use of micropools within the pond which aids in the reduction of sediment and nutrients while providing the opportunity for aesthetically pleasing variations in pond planting features. The smaller facility has been designed with the use of a forebay.

At time of DSP review, the design shown on the conceptual stormwater facility layout exhibit, stamped as received on April 3, 2009, should be shown on the DSP with the appropriate required details for construction.

9. **At the time of review of the preliminary plan, 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.**

The site is within the Patuxent River primary management area (PMA) as defined in Section 24-101 of the Subdivision Ordinance. Section 24-130 requires that when a property is partially or totally within the Patuxent River watershed, the preliminary plan and tree conservation plan shall demonstrate that the PMA is preserved in a natural state to the fullest extent possible. If impacts are proposed to the PMA, a letter of justification is required to be submitted describing the proposed impacts and justifying why they are unavoidable.

A revised letter of justification, stamped as received on April 3, 2009, was submitted with the subject application, including an overall exhibit and four exhibits for individual impacts labeled A through D. The following is an analysis of the proposed impacts.

Impact A: Impact A proposes 1.91 acres of permanent, on-site impacts to the PMA for a stormwater management facility and what is currently labeled as Public Road C, a main axis road from the Westphalia Center that serves to connect this development to the remainder of the Westphalia Center. The PMA in this area is comprised of county-regulated floodplain associated with a locally regulated stream.

This stream was not regulated by the state or federal review agencies; however, because it has a 100-year floodplain associated with it, the stream is, by County Code definition, a regulated stream.

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This stormwater management facility serves the entirety of the Moore property as well as a significant portion of the Westphalia Center, including nearly a third of the mixed-use core area extending all the way to Pennsylvania Avenue.

The facility will provide water quality volume and channel protection volume as required per the approved stormwater concept plan.

The impact is necessary for the construction and installation of a portion of a public roadway, storm drain outfalls, and stormwater management as part of the infrastructure improvements necessary for the development of the site.

The conceptual stormwater facility layout exhibit clearly demonstrates a pond designed as an amenity. The stream in question was determined by state and federal agencies to not be a regulated stream per their regulations, even though it supports a 100-year floodplain.

Impact B: The PMA in this area is comprised of a state and county regulated stream. Impact B proposes 0.99 acre of permanent, on-site impacts to the PMA for a stormwater management facility. This facility will be linked to the stormwater management facility located to the west via a trail system, thus incorporating the stormwater management facility as an added amenity.

The location of the road and lot network has been substantially redesigned to avoid impacts due to road and lot construction; however, impacts remain for the stormwater management facility.

There are limited design options in this area, and because the area has been redesigned to remove impacts due to road and lot construction, this impact is necessary.

Impact C: Impact C proposes 0.03 acre of temporary, off-site impacts to the PMA for the construction of the sanitary sewer connection. Additional on or off-site impacts to the PMA may be necessary for the final design of the sewer outfall connection that will be determined in conjunction with the Washington Suburban Sanitary Commission (WSSC).

The impact for a sanitary sewer connection will allow for the safe and efficient transport of wastewater from this property.

Impact D: Impact D proposes 0.39 acre (0.16 acre on-site and 0.23 acre off-site) of permanent impacts to the PMA for the construction of an eight-foot-wide public trail. The trail is located within an existing WSSC sanitary sewer easement which reduces impacts to other portions of the stream valley by confining the trail to an existing area of disturbance. This trail is identified in the *Countywide Trails Plan* and will serve as an important pedestrian connection between the Moore property, the Westphalia Center, and developments to the north and west.

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The trail location has been field located by county, EPS, and transportation staff in collaboration with the engineer to minimize impacts.

One stream crossing is proposed as part of this trail design and will require a footbridge or similar low-impact crossing feature.

The impact for the trail construction will serve as a critical pedestrian link between adjacent communities and the Moore property.

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.**

There is no parkland dedication proposed.

11. **At least 35 days prior to Planning Board approval of the preliminary plan, 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.**

A Phase I noise study, stamped as received March 25, 2009, and an addendum, stamped as received April 16, 2009, were submitted with the subject application. A separate full-scale exhibit was included in the addendum depicting the noise contours related to traffic and Andrews Air Force Base. The noise study submitted for the Moore property is identical to the study submitted for the Westphalia property.

The noise report and noise contours indicate that traffic-related noise contours associated with the proposed extension of Dower House Road, north of its intersection with Presidential Parkway, are located on the Moore property; however, this section of Dower House Road is a master-planned designated major collector that does not generate sufficient traffic to require noise mitigation. No further information pertaining to traffic related noise is necessary for the Moore property.

The noise report and noise contours indicate that the eastern portion of the Moore property is subject to noise levels averaging 70 dBA or higher and the remainder of the property is subject to noise levels averaging 65 dBA to 70 dBA from Andrews Air Force Base.

Applications for all residential building permits on the Moore property will contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with

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competency in acoustical analysis using the certification template. The certification will state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.

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, onsite pretreatment will be provided at each storm drain outfall in the amount of 10% 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.**

The development on the Moore property is largely residential in nature. This condition was intended to focus on the larger land area of the CSP application and was intended to target the areas of commercial development that generally have large expanses of impervious areas for parking/ loading etc.

The stormwater management facilities on the Moore property make use of forebays, which is stormwater management design that assists in settling out excess sediment and nutrients.

A meeting was held April 28, 2009, between the applicant, DPW&T, and M-NCPPC staff, including EPS staff. The main topic of discussion was to evaluate the results of the stream corridor assessment and to tie the proposed mitigation and the use of other innovative stormwater management techniques into the proposed stormwater management for the Moore and Westphalia sites. No further information is needed with respect to innovative stormwater management design techniques on the Moore property.

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.**

The trail alignment has been shown on the TCPI, stamped as received April 3, 2009. The eight-foot-wide public trail along Cabin Branch is located within an existing WSSC sanitary sewer easement which reduces impacts to other portions of the stream valley by confining the trail to an existing area of disturbance. PMA impacts have been addressed.

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This trail is identified in the trails element of the Countywide Master Plan of Transportation and the Westphalia sector plan and will serve as an important pedestrian connection between the Moore property, the Westphalia Center, and developments to the north and west. The trail location has been field located by county, EPS, and transportation in collaboration with the engineer to minimize impacts. One stream crossing is proposed as part of this trail design and will require a footbridge or similar low-impact crossing feature. No additional information is needed with respect to master-planned trails on the Moore property.

35. Developer shall pay a fee-in-lieu to satisfy woodland conservation requirements in accordance with CB-29-2008.

The plan shows the use of fee-in-lieu 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.

According to state law (Natural Resources Article 5-1607) and the Woodland Conservation Ordinance, fee-in-lieu can only be considered when all other options have been exhausted.

A statement of justification was received on May 19, 2009, that outlines some of the applicant's reasons for not using the other options.

The other priorities for woodland conservation are:

1. Preservation on-site
2. Areas preserved with selective clearing to improve the forest
3. On-site afforestation/reforestation
4. Landscaping
5. Off-site afforestation/reforestation
6. Off-site woodland conservation through preservation

Preserving woodlands on-site is problematic because the master plan calls for a dense town center and the grading necessary to provide a cohesive design limits the

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opportunities for on-site woodland preservation. In a similar fashion, replanting areas to replace forests lost is difficult because of the extensive impervious areas and limited amount of planting space. Landscaping is an option that has not been fully explored and will be evaluated further at time of DSP review. Off-site woodland conservation for the acreages required for this project (11.49 acres) is problematic because of the limited amount of off-site woodland conservation that is currently available.

If all of the requirement cannot be met on-site, the next level of evaluation is whether the threshold amount could be met on-site. It is clear from the design that the threshold cannot be met on-site through preservation, but because the proposed landscaping has not been evaluated for credit, the threshold may be able to be met on-site. This analysis should take place at the time of DSP review.

Because this site design does not allow for the woodland conservation threshold to be met on-site and because it is important to meet the woodland conservation threshold in trees, a fee-in-lieu will only be considered once the woodland conservation threshold has been met with woodland conservation either on-site or off-site. The remainder of the woodland conservation requirement will be considered for fee-in-lieu.

Additionally, it should be noted that the use of such a large fee-in-lieu must be accompanied by the naming of a recipient that can ensure the funds are used for tree planting and/or land acquisition (for example, a local watershed society, a land trust, the Department of Parks and Recreation, etc.).

It was discussed with the applicant that the future homeowners association or whomever is the governing body of Westphalia could be provided these funds for future tree planting and maintenance of the urban forest.

Environmental Review

A signed natural resources inventory plan (NRI/094/06-01) was submitted with the application. The -01 revision to the NRI was signed by the Environmental Planning Section on December 16, 2008. It should be noted that the signature approval of the NRI was based on the results of a field visit conducted October 14, 2008, by representatives of the applicant, stream experts (not wetland experts) from the Maryland Department of the Environment, and the Environmental Planning Section. Additional wetland information was provided by the applicant to verify the delineation of on-site wetlands per the Army Corps of Engineer's 1987 delineation manual. 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 FSD report for the larger 530.27-acre Westphalia Center describes the site as containing eight different forest stands, for a total of 440.22 acres of woodland on-site and 158 specimen trees. 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

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years ago. Stand B is a 212.28-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 90.05 acres. No revisions are required for conformance to the NRI.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it has an approved tree conservation plan, TCPI/014/08, that was approved with CSP-07004. A new Type I tree conservation plan (TCPI/004/09) has been submitted.

This 47.70-acre property contains a total of 10.69 acres of woodland outside the floodplain and 1.27 acres inside the floodplain according to the TCPI as submitted. The 15 percent woodland conservation threshold has been correctly calculated as 6.71 acres. As currently shown, the areas of proposed clearing result in a total woodland conservation requirement of 12.96 acres. The plan proposes to meet the requirement by providing 1.48 acres of woodland preservation and 11.49 acres of fee-in-lieu.

The subject site is a portion of the overall Westphalia Center site approved with CSP-07004. The total site statistics of the subject property (specifically the acreages for the existing floodplain, the forested floodplain, and the existing forest outside of the floodplain), when combined with the site statistics of the recently submitted preliminary plan for the adjacent Westphalia Center (4-08002), do not add up to the total areas shown on the signed NRI for the entire property or the previously approved CSP. It is unclear on either set of plans where the discrepancy in the site statistics occurs. Revisions to one or both sets of plans are needed to account for this discrepancy, or an explanation of the missing acreage needs to be provided. The worksheet must be revised to reflect any change in site statistics.

Because the area covered on this TCPI was previously approved on TCPI/014/08 for CSP-07004, the following note should be added to the plan referencing the original TCPI approval information: "The area covered on this TCPI was previously approved as part of the larger Westphalia Center TCPI/014/08 for CSP-07004."

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The subject site is located to the south of, and abuts, the Smith Home Farms subdivision; approved under Preliminary Plan 4-05080. Because the subject site abuts an approved subdivision, the centerline of the road connection proposed as part of the current application must align with the centerline approved on the abutting property. The location of the centerline for the proposed Dower House Road as shown on the subject application is approximately 40 feet further to the east than the centerline approved on the Smith Home Farms preliminary plan. The proposed location of Dower House Road must be revised to be consistent with the alignment approved for the Smith Home Farms Preliminary Plan 4-05080.

The plan requires some technical changes to be in conformance with the Woodland Conservation Ordinance. Because forest conservation can be comprised of preservation or reforestation, the area currently labeled as forest conservation needs to be relabeled as forest preservation.

It should be noted that any specimen trees located within 100 feet of the limit of disturbance (LOD) should be survey located prior to approval of the TCPII. These trees may require special treatment prior to and during construction. The measures necessary to ensure preservation of the specimen trees will need to be provided on the Type II tree conservation plan.

The soils found to occur on this property are in the Adelphia, 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.

An approved Stormwater Management Concept Plan and Approval Letter (44782-2007-00) were submitted with the subject application. The concept letter outlines the use of ponds, an underground system, a regional lake, stream restoration, or a combination of any of these. The concept plan shows the use of a stormwater management pond on the Moore property.

The plans as submitted show a pond located on the northern portion of the site with a smaller stormwater management facility located to the east. The layout of the roads and the pond do not match what was approved on the stormwater concept plan; however, the intent of the concept appears to be met. The revision resulted at the request of staff to reduce the amount of grading and impacts to the PMA. No additional information is required with regard to stormwater management.

The site contains streams and wetlands that are proposed to be impacted and may be regulated by federal and state requirements. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant should submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

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8. **Community Planning**—The preliminary plan of subdivision is generally 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 as defined by approval of CSP-07004. The application generally conforms to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* policies, strategies, and design principles for mixed-use development at the General Plan regional center. The proposed lot, block, and street patterns establish a development pattern that generally conforms to the sector plan concepts for mixed-use development that is transit- and pedestrian-oriented with an urban character as recommended by the Westphalia sector plan and approved with the conceptual site plan.

As discussed, the Conceptual Site Plan CSP-07004 as approved on May 19, 2009, establishes regulations for review of subsequent development applications on this property. The development pattern proposed is generally consistent with the development pattern concepts of the sector plan as approved in CSP-07004.

The parcels for community features/sites as shown on CSP-07004 are primarily located within the area of Preliminary Plan 4-08002, Westphalia, with the exception of one commercial retail area that is labeled as “commercial retail area” on Parcel B1 (1.47 acres), which the applicant has located and proposed to include 3,000 square feet. The detailed site plan for this area should combine these uses and establish the structure for the community use and retail/commercial to coexist and support one another.

The 2002 General Plan locates this preliminary plan in a regional center 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. The preliminary plan proposes high-density residential with commercial and is consistent with this recommendation.

The property is within the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, in Planning Area 78 in the Westphalia community. The land use sector plan recommendation is for 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—See sector plan Map 3: Proposed Land Use. The Moore property is located wholly within the edge, in the northwest corner of the approved CSP-07004.

The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* rezoned the subject property from the R-A to the M-X-T Zone. (Table 5: Proposed Zoning Changes, SMA Change No. 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.” The concepts and illustrations approved by CSP-07004 are consistent with and supersede those

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shown in the approved sector plan, and the preliminary plan is consistent with those approvals. The 2002 General Plan (as revised by the 2007 Westphalia sector 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 these applications, 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 application A-9965-C prior to approval of the Westphalia sector plan and SMA. Except for the redefined regional center area, the corridor designation along MD 4 remains as originally designated in the 2002 General Plan.

The 2007 Westphalia sector plan and SMA 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 generally provided on the preliminary plan.

Subsequent to approval of the Westphalia sector plan, CB-29-2008 established a new use in the Zoning Ordinance (Section 27-544) called a regional urban community, which is defined in 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. Applications 4-08002 and 4-08018 together (both subject to CSP-07004) meet the criteria for a regional urban community as described herein.

Conceptual Site Plan CSP-07004 (530 acres) for Westphalia Center, which encompasses both preliminary subdivision applications 4-08002 and 4-08018, was approved by the District Council on May 19, 2009. The approved CSP-07004 identifies and discusses each of the policies, strategies, and design principles under the development pattern element that apply to the Westphalia regional center, and includes numerous illustrations that clarify the intended character of development. CSP-07004 also establishes 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. In general, these preliminary subdivision applications are consistent with CSP-07004, which established regulations for subsequent review of development applications for the detailed site plans and thus conformance with the intent of sector plan recommendations.

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The included charts, maps and illustrations within CSP-07004 (as revised by the Council approval) are established as concepts and guidelines to be referenced for subsequent review of the detailed site plan applications regarding the intended character of urban development patterns sought in the Westphalia Center.

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."; and "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." The preliminary plan is consistent with this policy.

CR-2-2007 (DR-2), Adopted Sector Plan Amendment 1 (p.7, line 3) further 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." Condition 31 of approved CSP-07004 establishes a phasing plan for the Westphalia town center as a whole to ensure that the recommendations of the Westphalia sector plan regarding the timing and location of commercial and residential development are met. The phasing will be further ensured through the review of the special purpose site plan and subsequent detailed site plans.

The 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 sector plan, 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 that can be implemented which calculates and finances costs for 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 have updated cost estimates for needed public infrastructure beyond that normally required of development projects (such as gaps in road and trail improvements), identified shared financing and bonding strategies, as well as shared costs savings and incentive strategies. Phasing, marketing, branding, and management strategies are also under discussion.

To date there has been no agreement on a new shared funding strategy or approach. New public facility improvements not currently required of development proposals still need to be funded and

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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 has slowed the work of the stakeholders group and forced a rethinking of its approach. Meetings of the stakeholder work group were suspended at the end of 2008 but it is intended that meetings will resume in the latter part of 2009 to address issues outlined above and propose a financing program that will promote concurrent improvement of public facilities and infrastructure on a comprehensive basis for the Westphalia area. It should be acknowledged that creative financing for public infrastructure in the Westphalia sector plan area is still anticipated on a fair-share basis as financing programs and methodologies are proposed and implemented and as subsequent development review procedures are encountered. Until such a program is approved by the county officials and implemented, the promise of a public facility financing program cannot be relied upon to satisfy findings for adequate public facilities required under the Zoning or Subdivision Ordinances.

9. **Parks and Recreation**—The staff of the Department of Parks and Recreation (DPR) have reviewed the preliminary plan. The review was in consideration of the recommendations of the approved Prince George's County General Plan, *Approved Westphalia Sector Plan and Sectional Map Amendment* for Planning Area 78, conditions of approval by the Planning Board for Conceptual Site Plan CSP-07004 (PGCPB No. 08-189), 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 subject property is adjacent to the Smith Home Farm project to the north. The Cabin Branch Stream Valley will provide a stream valley pedestrian and hiker/biker trail connector from the town center to the future Westphalia central park.

The current occupancy statistics for single-family and multifamily dwelling units establish that the total (CSP-07004) development would result in an estimated population of 9,893 residents in this new community.

The Westphalia sector plan goals, policies, and strategies related to the 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 results in central green spaces that serve to unite the Westphalia community and its surrounding**

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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.**

The Westphalia sector plan 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 Westphalia sector plan and sectional map amendment indicates that these squares, plazas, etc., should be privately owned and maintained spaces designed and programmed to host community events.

Amendment 8 of the approved Westphalia sector plan, Council Resolution CR-2-2007, states to revise the adopted plan parks and recreation element text to:

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 Westphalia sector plan and sectional map amendment anticipated that the 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.

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The Westphalia central park will be located 1,100 feet north from the northern boundary of this project within the limits of the approved Smith Home Farm development (4-05080). 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 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, extensive trail network providing recreational opportunities, and a pedestrian connection to the town center and surrounding residential development.

Conditions 19, 22, 25, 29 and 30 of Conceptual Site Plan CSP-07004, Planning Board Resolution PGCPB No. 08-189, address the park and recreational issues:

- 19. The applicant shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (MNCPPC) for adequacy and property siting prior to approval of the detailed site plan by the Planning Board.**

The applicant's proposal includes open space to be utilized for recreation, including the stormwater management area. The applicant proposes that the Westphalia Center business and homeowners associations will maintain all proposed private recreational facilities on-site.

- 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 the M-NCPPC or provision of in-kind services. The agreement shall note that the value of the 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.**
- 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.**

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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 the Department of Parks and Recreation. 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.**

In order to clarify the third sentence in Condition 29, which states “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,” staff notes that “the other recreational amenities” are the public recreational amenities which will serve all residents of the Westphalia study area. For example, the proposed three community buildings and recreational amenities in Westphalia Center will be used and maintained by the members of the homeowners associations (HOA), which includes the subject application (Moore property), and will not be available to the general public and all the residents of the Westphalia study area; therefore the applicant would not receive a credit toward the required monetary contribution for the public recreational facilities, which will serve the general public and existing and future residents of the entire Westphalia study area, for the fulfillment of the requirements of the mandatory dedication of parkland (24-134). Mandatory dedication requirements are a required adequacy finding for the approval of a preliminary plan of subdivision. In this case, consistent with Condition 30 below, staff are recommending the provision of private on-site recreational facilities for the fulfillment of Section 24-134, separate from the CSP Condition 29 above, which is unrelated.

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.**

At the time of the special-purpose site plan, the private recreational facilities package will be reviewed to ensure that the recreational facilities are not duplicated in the Westphalia central park and acknowledge the contribution of \$3,500 toward construction, operation,

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and maintenance of the public recreational facilities in the central park and/or other public recreational amenities in the Westphalia study area.

Further, in regard to Section-24-134 of the Subdivision Regulations, the mandatory dedication requirement is met by the provision of private on-site recreational facilities that should take into consideration the dense nature of the site. Review of the private recreational facilities will be evaluated with the special purpose site plan required by the approval of the CSP.

In summary, the combination of private recreational facilities and a monetary contribution of \$3,500 per dwelling into a "park club" for the construction and maintenance of the recreational facilities in the central park and other public amenities in the Westphalia area will satisfy the recreational needs of the Moore property as established in the CSP and as required by Section 24-134 of the Subdivision Regulations, respectively.

10. **Trails**—The subject application covers 47.70 acres of a proposed residential portion of the Westphalia town center. 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:

Cabin Branch Stream Valley Trail
MC-637 Bikeway Corridor

Road cross sections were approved as part of CSP-07004 on the street sections sheet. These cross sections were further amended by the conditions of approval regarding the width of the sidewalks and option zones.

Stream Valley Trails

The approved Westphalia sector plan recommends master plan trails along both Cabin Branch and Back Branch. Condition 13 provides guidance for the location of the master plan trails:

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.**

The location of the trail along Cabin Branch has been a focus of this review. Issues included the need to preserve the stream valley corridor, the desire for a trail within the wooded stream valley, and the location of several retaining walls along the corridor. The

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submitted trails exhibit showed a conceptual alignment following the stream valley, but did not determine the specific alignment of the trail.

The location of the trail is further complicated by the need for the construction of a retaining wall behind the townhouse units.

The Cabin Branch Trail should be located within the existing sewer easement. This easement runs along a portion of both the Westphalia Center and Moore property and also crosses over Cabin Branch onto the adjacent Smith property. This easement will serve as a suitable trail location for all or a majority of the trail for both the subject site and the adjacent Smith property. The utility right-of-way will serve as a suitable trail corridor through Westphalia Center, the Moore property, the Smith property, and to the planned central park. The applicant has marked and labeled the location of the trail on the TCP. The location of the stream valley trails should be marked and labeled on the approved TCP to allow for a more detailed analysis of the relationship of the trail to planned buildings and preserved environmental features. Timing of the stream valley trail construction will be determined at the time of DSP. The alignment of the trail within the right-of-way may have to be shifted slightly in order to avoid impacts to the utility line and preserve WSSC access to their facilities.

It should be noted that approved Preliminary Plan 4-05080 for the Smith property (to the north and west) requires the construction of the Cabin Branch Trail along that site's portion of Cabin Branch (Condition 13, PGCPB Resolution No. 06-64). However, a final alignment was not determined with the review of that preliminary plan of subdivision. However, the trail is most appropriate along the sanitary sewer easement that runs along the creek. This alignment is acceptable from a planning and environmental perspective on all three properties. The trail will cross Westphalia Center, Moore property and Smith property before entering the planned central park to the north.

The applicant has provided a trail alignment exhibit. This exhibit shows all the master plan trails and bikeways for Westphalia Center and the Moore property. The more detailed alignment of the stream valley trails is reflected on the submitted TCPs for each plan.

Master Plan Bikeways

MC-637 includes designated bike lanes and six-foot-wide sidewalks on the approved CSP.

Sidewalk Connectivity

The sidewalk network is a crucial component of providing a walkable town center. Roads should be designed to accommodate bicyclists, pedestrians, and 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.

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The approved CSP-07004 included 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.

As noted above, approved CSP-07004 (PGCPB Resolution No. 08-189) and the District Council final decision included several conditions of approval regarding sidewalk and trail facilities. These include Conditions 1e, 1f, 1g, 1h, 1n, 13, 16c, 21, 32, and 33. These conditions are still applicable.

As much of the pedestrian and trail network as possible should be open and accessible to the public. If DPW&T will not maintain the pedestrian zone/streetscape, public use easements for the sidewalks may be recommended at the time of detailed site plan. In addition, 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 should be considered at the time of detailed site plan.

The road cross sections shown on the submitted circulation plan are appropriate. Standard or wide sidewalks are included along all roadways and designated bike lanes are provided throughout the town center. The location of the Cabin Branch Trail should be located within the existing sewer easement to the extent feasible, which appears to be on the adjacent Smith property in the vicinity of the subject site.

11. **Transportation**—On December 18, 2008, the Prince George's County Planning Board approved CSP-07004. Pursuant to PGCPB Resolution No. 08-189, the CSP was approved with numerous transportation-related conditions. Among those conditions was a trip cap limiting the total development within the 530.27-acre property 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 should require a revision to the conceptual site plan with a new determination of the adequacy of transportation facilities.

The subject application reflects a preliminary plan of subdivision consisting of 47.70 acres of the original 530.27-acre Westphalia town center (WTC) development. ~~As of this writing, the WTC preliminary plan of subdivision application (4-08002) is being processed concurrently with the subject application.~~ Because this property and the adjacent WTC property were the subject of a trip cap under the approved CSP-07004, the trip caps of both properties combined cannot exceed the trip cap mandated in the approved CSP application.

TRAFFIC IMPACT STUDY

The applicant prepared and submitted a traffic impact study (TIS) dated March 30, 2009. Prior to the preparation of the traffic study, staff had suggested that the traffic consultant include the WTC development as a background (pipeline) development.

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The WTC was not yet ~~the subject of~~ an approved preliminary plan and does not meet the legal definition of pipeline development at the time of this preliminary plan.

The subject application has been evaluated using the analyses that were contained in the March 5, 2009, traffic study, which was used as the basis for the findings of adequacy for the WTC (4-08002) preliminary plan application as supplemental information to the traffic study submitted by the applicant in this case. In addition to the March 2009 TIS, a June 2015 amended TIS was submitted by the applicant as part of the reconsideration. The purpose of the reconsideration is to separate the Moore PPS (4-08018) from the WTC preliminary plan (4-08002) in regard to transportation analysis. The following analyses were revised to reflect only that impact of the Moore Property in support of the PPS findings of adequate transportation facilities.

The traffic impact studies ~~study~~ identified the following intersections as the ones on which the proposed development (~~including the WTC~~) would have the most impact:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 4 & Westphalia Road/Old Marlboro Pike	C/1,205	D/1,305
MD 4 & Suitland Parkway	F/1,647	E/1,585
MD 4 & Dower House Road	F/1,868	E/1,496
MD 223 & Old Marlboro Pike—MD 4 WB On-Ramps **	B/13.8 seconds	B/11.3 seconds
MD 223 & MD 4 WB Off-Ramps **	C/17.5 seconds	C/16.8 seconds
MD 223 & MD 4 EB On-Ramps **	D/34.9 seconds	C/23.6 seconds
MD 223 & Marlboro Pike—Osborne Road	C/1,175	C/1,168
MD 223 & Perrywood Road **	F/73.6 seconds	D/27.7 seconds
MD 223 & Dower House Road	B/1,017	B/1,145
MD 223 & Rosaryville Road	B/1,100	D/1,304
Old Marlboro Pike & Ritchie Marlboro Road	D/1,303	D/1,402
**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 1,450 or less is deemed acceptable as per the guidelines.		

The traffic study identified 40 background developments (including Phase 1 of the approved Westphalia Town Center ~~the Moore property~~) whose impact would affect some or all of the study intersections. Additionally, an annual growth rate of 2.0 percent per year (between 2009 and 2019) was applied to the existing traffic counts along MD 4 and MD 223, and 1.0 percent along the other roads. A second analysis was done to evaluate the impact of the background developments on the existing infrastructure.

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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	PM
	(LOS/CLV)	(LOS/CLV)
MD 4 & Forestville Road	F/2,257	F/1,909
MD 4 WB Ramps & Westphalia Road	A/685	A/947
MD 4 EM Ramps & Old Marlboro Pike	A/627	A/775
MD 4 SB Ramps & Suitland Parkway	A/886	B/1,023
MD 4 NB Ramps & Presidential Parkway	A/802	A/742
MD 4 SB Ramps & Suitland Parkway	<u>C/1,201</u>	<u>E/1,485</u>
MD 4 NB Ramps & Presidential Parkway	<u>A/959</u>	<u>C/1,234</u>
MD 4 SB Ramps & Dower House Road	A/423	A/568
MD 4 NB Ramps & Dower House Road	A/542	A/688
Old Marlboro Pike & Melwood Road	B/1,073	A/624
Old Marlboro Pike & MD 4 WB Off-Ramp	A/661	A/787
Old Marlboro Pike & Presidential Parkway	A/659	A/430
MD 223 & MD 4 EB On-Ramps	E/1,500	A/972
MD 223 & Marlboro Pike—Osborne Road	E/1,520	F/1,683
MD 223 & Perrywood Road **	F/627.6 seconds	F/152 seconds
MD 223 & Dower House Road	F/1,704	F/1,674
MD 223 & Rosaryville Road	F/1,616	F/1,893
Old Marlboro Pike & Ritchie Marlboro Road	F/1,614	F/1,972
Westphalia Road & MC-634	A/810	D/1,428
Suitland Pkwy & MC-634	B/1,121	A/946
**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 1,450 or less is deemed acceptable as per the guidelines.		

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An analysis of the traffic data under "Total" conditions represents a combination of background traffic and site-generated traffic. The site-generated traffic for the Moore Property WTC (which includes the Moore property) was determined based on the following uses:

	Morning Peak Hour			Evening Peak Hour		
	In	Out	Total	In	Out	Total
Residential						
<u>505 Attached</u>	<u>71</u>	<u>283</u>	<u>354</u>	<u>263</u>	<u>141</u>	<u>404</u>
<u>135 Multifamily</u>	<u>14</u>	<u>57</u>	<u>71</u>	<u>53</u>	<u>28</u>	<u>81</u>
<u>3,000 Retail (after 60% bypass)</u>	<u>4</u>	<u>3</u>	<u>7</u>	<u>11</u>	<u>12</u>	<u>23</u>
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	1029
2,315 Apartment Units (high-rise)	139	556	695	602	324	926
Total	554	1557	2111	1645	950	2595
<i>Less Internal trips</i>	<i>-43</i>	<i>-38</i>	<i>-81</i>	<i>-234</i>	<i>-139</i>	<i>-373</i>
<i>Less internal trip capture (retail)</i>	<i>4</i>	<i>3</i>	<i>7</i>	<i>11</i>	<i>12</i>	<i>23</i>
Net New Trips	511	1,519	2,030	1,411	811	2,222
Office						
1,000,000-sq. ft. General Office (equation)	1041	142	1183	204	995	1199
2,240,000-sq. ft. General Office (average)	3045	427	3472	561	2777	3338
Total	4086	569	4655	765	3772	4537
<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	4078	550	4628	715	3708	4423
Retail						
1,194,000-sq. ft. Shopping Center	423	270	693	1544	1673	3217
<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	1374	1422	2796
<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
Total Net New Trips	85	340	425	316	169	485

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Using trip generation rates from the "Guidelines," *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 WTC development, based on the above-mentioned uses, would generate a net total of 425 (85 in; 340 out) AM peak-hour trips, 485 (316 in; 169 out) PM peak-hour trips and 4,918 average daily trips (ADT). 7,149 (4,894 in; 2,255 out) AM peak hour trips and 8,910 (3,239 in; 5,671 out) PM peak hour trips. Using these site-generated trips, an analysis of total traffic conditions was done, and the following results were determined:

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TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 4 & Forestville Road <i>With improvements (MITIGATION)</i>	F/2,433 <i>F/1,634</i>	F/2,307 <i>F/1,683</i>
MD 4 WB Ramps & Westphalia Road	A/685	A/947
MD 4 EM Ramps & Old Marlboro Pike	A/627	A/775
MD 4 SB Ramps & Suitland Parkway	D/1,312	D/1,399
MD 4 NB Ramps & Presidential Parkway	C/1,276	B/1,118
MD SB Ramps & Suitland Parkway	C/1,228	E/1,589
MD NB Ramps & Presidential Parkway	A/973	C/1,295
MD 4 SB Ramps & Dower House Road	B/1,021	D/1,443
MD 4 NB Ramps & Dower House Road	A/919	D/1,369
Old Marlboro Pike & Melwood Road	E/1,591	A/910
Old Marlboro Pike & MD 4 WB Off-Ramp	C/1,187	C/1,290
Old Marlboro Pike & Presidential Parkway	B/1,123	E/1,524
MD 223 & MD 4 EB On-Ramps <i>With Improvements</i>	F/1,977 <i>D/1,376</i>	F/1,880 <i>E/1,392</i>
MD 223 & Marlboro Pike—Osborne Road <i>With improvements</i>	F/1,672 <i>C/1,168</i>	F/1,826 <i>E/1,528</i>
MD 223 & Perrywood Road (Unsignalized) <i>With separate thru/left on SB MD 223</i>	F/>999 Seconds <i>F/>999 Seconds</i>	F/767 Seconds <i>F/767 Seconds</i>
MD 223 & Dower House Road <i>With improvements</i>	F/2,177 <i>E/1,552</i>	F/2,379 <i>D/1,436</i>
MD 223 & Rosaryville Road <i>With improvements</i>	F/2,087 <i>D/1,371</i>	F/2,506 <i>D/1,406</i>
Old Marlboro Pike & Ritchie Marlboro Road <i>With improvements</i>	F/1,727 <i>E/1,557</i>	F/2,255 <i>E/1,540</i>
Westphalia Road & MC-634	A/810	D/1,428
Suitland Pkwy & MC-634	B/1,377	E/1,531

The results shown in the table above indicate 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

- (1) Add a third westbound through lane along MD 4.
- (2) Add a second northbound left turn lane along Forestville Road at MD 4.
- (3) Add a second northbound through lane along Forestville Road at MD 4.

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- (4) Convert the southbound right turn lane into a combined through and right lane.
 - (5) Add a second southbound left turn lane along Forestville Road at MD 4.
 - (6) Rebuild the existing traffic signal.
- b. MD 4 and Westphalia Intersection—Reconstruct the intersection with a series of channelized islands so that through movements across MD 4 would be restricted, and all left turn movements would be restricted. To compensate for these restrictions, the applicant has proffered the following improvements:
- (1) Construct MC 634 between Westphalia Road and Suitland Parkway extended.
 - (2) Reconstruct Burton Lane along with portions of Old Marlboro Pike as detailed in the applicant's exhibit.

All of the previous analyses have shown that this intersection will continue to operate inadequately under total traffic. However, the provisions of CR-66, 2010 allow for the payment of funds based on an applicant's pro-rata share of its impact on this intersection. The collected funds will be used to facilitate the construction of interim improvements, and ultimately, an interchange which will provide adequate levels of service. Regarding this applicant's share of the cost, the original PPS for this property was approved with a density of 640 dwelling units and 3,000 square feet of retail space. Based on the original and current trip distribution and assignment, staff has determined, and the Planning Board has found, that the approved density would generate 4,918 ADT. Approximately 35% or 1,721 daily trips would pass through this intersection. Based on the total projected ADT at the time of the application, it was determined that the site traffic through the intersection represented approximately 1.93 percent. Consequently, the applicant's pro-rata share as reflected in the Cost Allocation Table would be $\$79,990,000.00 \times 1.93\% = \$1,547,451.02$.

- e. 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 Dower House 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
 - (1) The applicant will rebuild this interchange as detailed on exhibit 12 as Alternate P-1.
 - (2) 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.

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- (3) ~~Construct a second southbound left turn along MD 223 at the MD 4 EB on ramp.~~
 - (4) ~~Widen the MD 4 EB on ramp to accept the southbound double left movement.~~
 - (5) ~~Provide a third NB through lane along MD 223 at the MD 4 EB on ramp.~~
 - (6) ~~Install a traffic signal at the intersection of MD 223 and MD 4 EB off ramp—MD 4 EB on ramp.~~
- e. (1) Reconstruction of this intersection to include:
- A double left, a through and a free right-turn lane on the northbound approach.
 - A left, a through and free right-turn lane on the eastbound approach.
 - A double left, and a shared through and right-turn lane on the westbound approach.
 - A left, and a shared through and right-turn lane on the southbound approach.
- (2) Install a traffic signal.
- f. MD 223 and Marlboro Pike
- (1) Construct a southbound double left turn lane.
 - (2) Modify traffic signal.
 - (3) Provide separate left, through and right turn lanes on 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 Dower House Road
- (1) Create a double left, a through, and a separate right-turn lane on the northbound approach along MD 223.
 - (2) Create a left turn, a through, and a shared through and right lane on the southbound approach along MD 223.
 - (3) Modify traffic signal.
- i. MD 223 and Rosaryville Road
- (1) ~~Create a second eastbound left turn lane along MD 223 to northbound MD 223.~~
 - (2) ~~Create a second through lane along southbound MD 223.~~

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- (3) ~~Create a double left turn along Rosaryville Road.~~
- (4) ~~Modify traffic signal.~~

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)

j. ~~Old Marlboro Pike and Ritchie Marlboro Road~~

- (1) ~~Create a separate northbound left turn lane along Ritchie Marlboro Road.~~
- (2) ~~Create a separate southbound left turn lane along Ritchie Marlboro Road.~~
- (3) ~~Create a separate eastbound right turn lane along Old Marlboro Pike.~~
- (4) ~~Modify traffic signal.~~

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

The traffic study was reviewed by representatives of the Department of Public Works & Transportation (DPW&T) as well as the State Highway Administration (SHA). Since the Moore property development was incorporated in the WTC analyses, all of the comments by the reviewing agencies are still valid and will supersede the comments attributed to the Moore property. In an April 10, 2009, memorandum to staff from the DPW&T (Issayans to Burton), Mr. Issayans noted the following:

Adequate storage should be provided for the following left-turn movements:

- EB Dower House Road double-left onto NB MD 4 on ramp;
- SB MD 223 double-left onto MD 4 EB on ramp;
- NB MD 223 to WB Marlboro Pike; and
- WB Old Marlboro Pike to SB Ritchie Marlboro Road.

At the MD 223 intersection with Marlboro Pike/Osborne Road, either the EB Marlboro Pike right turn bay should be extended to approximately 175 feet or a free right turn should be provided with an acceleration lane on SB MD 223.

Roundabout at Road A/Road L

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- The inscribed circle diameter is 182 feet which is typically the size for a double lane roundabout. The inscribed circle diameter for a single lane roundabout typically ranges from 100–130 feet.
- The single lane entry widths should be between 14 feet and 18 feet to eliminate the appearance of a double-lane entry.
- The Preliminary Plan indicates that the Public Road A approaches should provide two entry and two exit lanes. The design only shows one entry and one exit lane.

Roundabouts at Dower House Road/Road A (West Circle) and Road A/Road O (East Circle)

- The proposed inscribed diameters are greater than 300 ft. According to the Federal Highway Administration (FHWA) Roundabout Guide, the recommended inscribed diameter for an urban double lane roundabout is 150–180 feet. The FHWA Guide indicates that diameters larger than 200 feet will have higher circulating speeds and an increased number of crashes with greater severity.
- The Preliminary Plan indicates that the Public Road A approaches should provide two entry and two exit lanes. The design in this report, it only shows one entry and one exit lane.

At the intersection of Dower House Road and Presidential Parkway, adequate storage length must be provided for the double-lefts from WB Presidential Parkway and from NB Dower House Road. Queuing analysis should be performed as needed.

An acceleration lane should be provided on EB Presidential Parkway for the free right turn movement from NB Dower House Road.

An acceleration lane should be provided on SB Presidential Parkway for the free right turn movement from EB Presidential Parkway. (The intersection of Presidential parkway/public Road KK with Presidential Parkway/Public Road O)

In a letter of April 15, 2009, from DPW&T (Abraham to Townsend), comments were provided and directed at the proposed road/transit network within the preliminary plan, rather than the analyses of the traffic study. Some of the salient issues of that letter are as follows:

- Any proposed and/or existing Master Plan roadways that lie within the property limits must be addressed through coordination between the Maryland-National Capital Park and Planning Commission and DPW&T may involve rights-of-way reservation, dedication and/or road construction in accordance with DPW&T's Specifications and Standards.

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- All improvements within the public rights-of-way, dedicated for public use to the County, are to be in accordance with the County's Road Ordinance, DPW&T's Specifications and Standards, and the Americans with Disabilities Act (ADA). Additionally, all breaks made in the median for pedestrian crosswalks shall have proper sight distance and be ADA accessible.
- Resolution of all roadway requirements for the Maryland-National Commission Park and Planning Commission File Nos. CR-2-2007 and PGCPB No.06-159 are required prior to the issuance of street construction permits for this site.
- Determination of roadway identification (public or private) within the site is necessary prior to the Detailed Site Plan approval.
- Transit routes on designated public roadways are to be determined by the applicant and submitted to our Division of Transit for review and approval. Modification to these transit roadways to accommodate pull on/off of the transit bus at every proposed bus stop location is required. These roadways are to be consistent with the approved Westphalia Sector Plan and Sectional Map Amendment dated February, 2007.
- Access from public roadways to serve each individual townhouse is prohibited. Additional on-site parking areas are to be constructed to mitigate overflow parking from these proposed townhouses.

In response to the March 2009 study, in a letter of May 4, 2009, from SHA (Foster to Burton) in which many of the traffic study recommendations at most of the critical intersections were reiterated. Objections were raised, however, with the applicant's assumption that SHA will be constructing the interchanges at MD 4 with Dower House Road, as well Suitland Parkway. The letter acknowledged that SHA has no funds for the design or the construction of an interchange at MD 4 and Dower House Road. It further added that funds for this interchange will need to be acquired from an alternative source other than SHA.

Regarding the funding for the interchange at Suitland Parkway at MD 4, SHA acknowledged in that same letter that there were plans to fund this interchange; however, the funding for the interchange has been delayed. During the December 2008 public hearing for the Conceptual Site Plan (CSP-07004) for the subject property, staff made reference to a September 26, 2008, letter from the then-Director of Planning and Preliminary Engineering, Mr. Raja Veeramachaneni, to staff. Among the salient points of the letter were 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:

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- 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."

Westphalia Sector Plan

The *Approved Westphalia Sector Plan and Sectional Map Amendment* (2007) recommends an extensive road network within the planning area, some of which will impact the subject application. All of the planned roads that were proposed in the sector plan's transportation network, A-52, A-66, MC 632, MC 634, MC 637 and C 636, are accurately represented in the proposed application for the WTC as well as the Moore property.

Phasing Plan

~~Pursuant to Condition 14 of the District Council's Resolution approving CSP-07004, the applicant has outlined a phasing plan for the proposed development. The table shown below represents the peak trips associated each phase as well as the cumulative total as each phase is developed.~~

Phasing Plan

Pursuant to Condition 14 of the District Council's Decision for CSP-07004, the applicant for the Westphalia Town Center (WTC) has outlined a phasing plan for the WTC development. The table shown below represents the peak trips associated with each phase as well as the cumulative total as each phase is developed.

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The Moore Property will be built in two phases, however; the first phase will consist of a mix of uses generating no more 331 AM trips and 378 PM trips. The second phase is limited to no more than 425 AM and 485 PM trips. Any development beyond first phase threshold must be deferred to the second phase.

It should be noted that the Presidential Corporate Center (PCC), which has been included in several traffic studies as a background development, has been incorporated into the proposed WTC preliminary plan of subdivision. By virtue of the PCC being the subject of recordation (record plat), the property has been vested for 1,610 peak AM trips and 1,719 peak PM trips. However, based on the proposed phasing plan as shown in the table above, all of the applicant's phase 1A development cannot be contained within the vested trip cap without the need to provide any off-site transportation improvements. Consequently, any development regardless of phasing that generates trips greater than 1,610 AM and 1,719 PM peak trips will trigger the need for off-site improvements. Given the location of the Moore property, none of those vested trips would be applicable, and consequently, the Moore property must provide off-site improvements before any building permits are issued.

The traffic study provided data indicating that prior to the start of Phase 5, the interchanges at MD 4 with Westphalia Road as well as Dower House Road must be in place.

Transportation Findings

- a. The application is a preliminary plan of subdivision on 47.70 acres of land in the M-X-T Zone. ~~The preliminary plan indicates 3,000 square feet of commercial/retail.~~ The application was analyzed for transportation adequacy based on the traffic study, which proposes a mix of uses consisting of:

- 10,000 square feet retail
- 640 residential units

~~These proposed uses (for the Moore property) will generate no more than 425 (85 in; 340 out) AM peak-hour trips and 485 (316 in; 169 out) PM 333 AM (67 in; 266 out) peak-hour trips and 384 PM (250 in; 134 out) peak-hour trips. The proposed uses for the overall WTC development which includes the Moore property will generate 7,149 AM (4,894 in; 2,255 out) peak-hour trips, and 8,910 PM (3,239 in; 5,671 out) peak-hour trips. These trip projections, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates, 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.~~

This development will generate 425 (85 in; 340 out) AM peak-hour trips, 485 (316 in; 169 out) PM peak-hour trips and 4,918 average daily trips (ADT). These rates were

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determined by using the "Guidelines."

- b. The traffic generated by the proposed preliminary 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 Dower House Road
 - MD 223 and Rosaryville Road
 - ▲ ~~Westphalia Road and MC 634~~
 - ▲ ~~Suitland Pkwy and MC 634~~
- c. None of the intersections identified in 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 Dower House Road (CIP 2008-2013, FD669451)
 - ▲ MD 223 and Rosaryville Road (CIP 2008-2013, FD669451)

** As stated previously, the MD 4/Suitland Parkway intersection is funded for upgrade to an interchange in MDOT's current CTP 2008-2013. Staff is in receipt of a letter from SHA, dated September 26, 2008, indicating that funding for this intersection upgrade is indefinitely deferred. The current CTP has a validity period beginning on July 1, 2008, and ending on June 30, 2009. Consequently, based on the provisions outlined in Subtitle 24-124(a)(1), it is the opinion of M-NCPPC legal staff that the project can still be used to meet the transportation adequacy requirement.

The application is supported by an amended June 2015 traffic study using the traffic data from the original traffic study (March 2009), provided by the applicant. This reconsideration and the accompanying TIS were predicated on the applicant's request to remove Condition 32g. The removal of this condition would necessitate the removal of the intersection of Dower House Road and MD 4 as a critical intersection for Phase 1. That removal would in turn require a re-assigning of the site traffic under Phase 1 to the

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remaining critical intersections. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the "Guidelines."

- 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 *Approved Westphalia Sector Plan and Sectional Map Amendment* (February 2007), 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, the Planning Board has 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 (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 (d) above:

- MD 4 and Forestville Road
- 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 Dower House Road
- MD 223 and Rosaryville Road

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

(1) **MD 4 and Forestville Road intersection**

- (a) Add a third westbound through lane along MD 4.
- (b) Add a second northbound double left turn lane along Forestville Road at

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MD-4.

- (e) Add a second northbound through lane along Forestville Road at MD-4.
- (d) Convert the southbound right turn lane into a combined through and right lane.
- (e) Add a second southbound left turn lane along Forestville Road at MD-4.
- (f) Rebuild the existing traffic signal.

(2) **MC-634, Westphalia Road/MC-634 intersection, Suitland Park/MC-634 Intersection**

- (a) Construct two lanes of MC-634 between Westphalia Road and Suitland Parkway Extended.
- (b) Provide separate left turn and through lane on the westbound approach of the MC-634 at Westphalia Road intersection.
- (c) Provide separate right turn and through lane on the eastbound approach of the MC-634 at Westphalia Road intersection.
- (d) Provide separate left turn and a shared left-right lane on the northbound approach of the MC-634 at Westphalia Road intersection.
- (e) Provide a free right turn and a shared left-through lane on the southbound approach of the MC-634 at Suitland Parkway intersection.
- (f) Provide a left, a through and a shared right through lane on the eastbound approach of the MC-634 at Suitland Parkway intersection.
- (g) Provide a double left turn and a shared right-through lane on the northbound approach of the MC-634 at Suitland Parkway intersection.
- (h) Provide a free right turn, two through and a left lane on the eastbound approach of the MC-634 at Suitland Parkway intersection.

(3) **MD-4 and Westphalia Road Intersection**

- (a) Reconfigure the intersection with a set of channelized traffic islands such that:
 - All through movements across MD-4 are prohibited.
 - All left turns from all approaches are prohibited.
- (b) Reconstruct/upgrade Burton's Lane to DPW&T standard.
- (c) Upgrade Old Marlboro Pike from a point approximately 400 feet north of its intersection with Burton's Lane to the point where it connects to the proposed interchange at MD-4 and Suitland Parkway.
- (a) Prior to the approval of any final plat for this project, pursuant to CR-66-2010, the owner/developer, its heirs, successors and/or assigns shall

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execute a Memorandum of Understanding ("MOU") with the County that sets forth the terms and conditions for the payment of Fees by the Owner/Developer, its heirs, successor and/or assigns pursuant to the PFFIP. The MOU shall be executed and recorded among the County land records and the liber/folio noted on final plat of subdivision.

- (b) Prior to the issuance of the first building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of the Memorandum of Understanding with the County, CR-66-2010 and the MD 4/Westphalia Road PFFIP, pay to Prince George's County (or its designee) a fee of \$1,547,451.02. This fee shall be divided by 640 to determine the unit cost. Upon determining the unit cost, that cost will be adjusted based on an inflation cost index factor to be determined by the Department of Public Works and Transportation (DPW&T) at the time of the issuance of each permit. Evidence of payment must be provided to the Planning Department with each building permit application. Pursuant to Section 4 of CR-66-2010 the applicant may proceed prior to the completion of the NEPA and IAPA processes and pay the fee based upon the current cost estimate.

(4) **MD 4 and MD 223 ~~Interchange~~ Melwood Road-Old Marlboro Pike**

- (a) The applicant will rebuild this interchange as detailed on exhibit 12 as Alternate P-1.
- (b) ~~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.~~
- (c) ~~Construct a second southbound left turn along MD 223 at the MD 4 EB on ramp.~~
- (d) ~~Widen the MD 4 EB on ramp to accept the southbound double left movement.~~
- (e) ~~Provide a third NB through lane along MD 223 at the MD 4 EB on ramp.~~
- (f) ~~Install a traffic signal at the intersection of MD 223 and MD 4 EB off ramp—MD 4 EB on ramp.~~
- (a) Reconstruction of this intersection to include:
- A double left, a through and a free right-turn lane on the northbound approach.
 - A left, a through and free right-turn lane on the eastbound approach.

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- A double left, and a shared through and right-turn lane on the westbound approach.
 - A left, and a shared through and right-turn lane on the southbound approach.
- (b) Install a traffic signal.
- (5) **MD 223 and Marlboro Pike**
- (a) Construct a southbound double left turn lane.
 - (b) Modify traffic signal.
 - (c) Provide separate left, through, and right turn lanes on eastbound approach.
- (6) **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.
- (7) **MD 223 and Dower House Road ++**
- (a) Create a double left, a through, and a separate right turn lane on the northbound approach along MD 223.
 - (b) Create a left turn, a through, and a shared through-and-right lane on the southbound approach along MD 223.
 - (c) Modify traffic signal.
- (8) **MD 223 and Rosaryville Road ++**
- (a) Create a second eastbound left turn lane along MD 223 to northbound MD 223.
 - (b) Create a second through lane along southbound MD 223.
 - (c) Create a double left turn along Rosaryville Road.
 - (d) Modify traffic signal.

++ The improvements associated with the intersections along MD 223 at Rosaryville Road and Dower House 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, staff are still requiring that the applicant 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 Planning Board resolutions:

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Mill Creek, PGCPB Resolution No. 05-232, November 3, 2005
Brazelton, PGCPB Resolution No. 06-119, May 18, 2006

In the current FY 2008–2013 approved CIP, the overall cost is listed as \$2,625,000.00 with \$1,810,000.00 coming from developer contributions. It is worth noting, however, that 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 Rosaryville Road intersection is \$5,148,000.00.

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 WTC application. Since the proposed development will represent 23.74 percent of the total traffic, then the applicant's commensurate share of the cost which is calculated as: $23.74 \text{ percent} \times \$5,148,000.00 = \$1,221,960$. 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 b. above, when analyzed with the improvements identified in 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 d. above, with the exception of:~~

- ~~MD 4 and Forestville Road~~
- ~~MD 4 and Dower House Road~~

- h. ~~Regarding g. above, the traffic study has assumed that funding exists within the current SHA's CTP for the construction of the interchange at MD 4 and Dower House Road. However, neither staff nor any representative of SHA can verify that such funding exists. Since the analyses of this intersection were predicated on an interchange being built, and there is no evidence that such an interchange has full funding in any current CIP/CTP, then staff will recommend that a condition be placed on this application for the applicant to provide the 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 and the guidelines. Within Appendix F of the traffic study, is a transportation facilities mitigation plan (TFMP) for the subject intersection. Pursuant to the guidelines governing mitigation, a minimum of 100 percent of the site trips were required to be mitigated. The results from the TFMP showed that the proffered improvements will mitigate the total CLVs by 453 percent in the AM peak hour and 156 percent in the PM peak hour.~~

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g. The analyses that were presented in the TIS revealed that these results are predicated on a road network consisting of the following:

- Completion of Presidential Parkway between MD 4 and MD 223
- Construction of MC-637 between Presidential Parkway and entrance to the Moore Property

The subject property does not currently front on a public road. Consequently, before any building permits for this property are issued, the road network above must be constructed and open to traffic.

h. The results that were presented in the TIS showed that under "total traffic," the MD 4 SB Ramp & Suitland Parkway intersection would operate with a LOS/CLV of C/1,228 and E/1,585 during the AM and PM peak hours respectively. While these results fall within the Planning Board's adequacy threshold, they were based on a proposed density of 505 proposed residences (generating 331 AM and 378 PM peak-hour trips) only. The original preliminary plan for the subject property was for 640 residences and 3,000 square feet of retail space. A staff analysis of the MD 4 SB Ramp & Suitland Parkway intersection based on 640 residences and 3,000 square feet of retail space a LOS/CLV of C/1,235 and F/1,610 during the AM and PM peak hours respectively. This increase in the critical lane volume is directly attributed to the reassigning of additional traffic to this intersection. the proposed development should be constructed in two phases; Phase 1 being limited to development generating 331 AM and 378 PM peak-hour trips; and Phase 2 would be uses generating more than 331 AM peak-hour trips and 378 peak-hour trips up to the total development trip cap of 425 AM peak-hour trips and 485 peak-hour. Phase 2 would be conditional upon the construction of the interchange at Dower House Road and MD 4. Additionally, Phase 2 would be conditional upon increasing the trip cap under Conceptual Site Plan CSP-07004 (and its revisions) to bring that cap into agreement with the entitlements granted for the subject property and the Westphalia Town Center property.

Based on the preceding findings adequate access roads will exist as required by Section 24-124 and Section 24-125 of the Prince George's County Code.

12. **Schools**—This subdivision application is for a mixed use commercial and residential development.

Residential

The preliminary plan has been evaluated for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Ordinance and CR-23-2003 and concluded the following:

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Single-Family Attached—Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	505DU	505DU	505DU
Pupil Yield Factor	.14	.11	.11
Subdivision Enrollment	70.7	55.6	55.6
Actual Enrollment	3,921	5,525	12,866
Total Enrollment	3,991.7	5,580.6	12,921.6
State Rated Capacity	4,144	5,430	13,026
Percent Capacity	96.3%	102.8%	99.2%

Multifamily with Structured Parking—Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	135 DU	135 DU	135 DU
Pupil Yield Factor	.04	.04	.03
Subdivision Enrollment	5.4	5.4	4
Actual Enrollment	3,921	5,525	12,866
Total Enrollment	3,926.4	5,530.4	12,870
State Rated Capacity	4,144	5,430	13,026
Percent Capacity	94.7%	101.8%	98.8%

Source: Prince George's County Planning Department, M-NCPPC, April 2009

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,177 and \$14,019 to be paid at the time of issuance of each building permit.

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The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

Nonresidential

The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002) and concluded that this portion of the subdivision is exempt from a review for schools because it is a nonresidential use.

13. **Fire and Rescue**—This subdivision application is for a mixed use commercial and residential development.

Residential

The Special Projects Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B) thru (E) of the Subdivision Regulations.

Special Projects staff have determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Forestville, Company 23, using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels.

The fire/EMS chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in CB-56-2005.

Nonresidential

The subdivision plan has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B) thru (E) of the Subdivision Ordinance.

The existing engine service at Forestville Fire/EMS Station, Company 23, located at 8321 Old Marlboro Pike, has a service travel time of 4.6 minutes, which is beyond the 3.25-minute travel time guideline.

The existing ambulance service at Forestville Fire Station, Company 23, located at 8321 Old Marlboro Pike, has a service travel time of 4.6 minutes, which is beyond the 4.25-minute travel time guideline.

The existing ladder truck service at Forestville Fire Station, Company 23, located at 8321 Old Marlboro Pike, has a service travel time of 4.6 minutes, which is beyond the 4.25-minute travel

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time guideline. In order to alleviate the negative impact on fire services due to the inadequate service, all new buildings should be fully sprinklered.

Forestville Fire/EMS Station, Company 23, is programmed in the FY 2009–2014 Capital Improvement Program. Relocating the station to the vicinity of Pennsylvania Avenue (MD 4) and Presidential Parkway will ameliorate the response time to the subject property.

14. **Police Facilities**—This subdivision application is for a mixed-use commercial and residential development.

Residential

The subject property is located in Police District II, Bowie.

The response time standard for emergency calls is 10 minutes and the standard for nonemergency calls is 25 minutes. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on January 29, 2009.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Non-emergency Calls
Acceptance Date January 29, 2009	1/08–12/08	9 minutes	11 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were met May 22, 2009.

The police chief has reported that the Police Department has adequate equipment to meet the standards stated in CB-56-2005.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police personnel staffing levels.

Nonresidential

The proposed development is located in Police District II, Bowie. The police facilities test for nonresidential development is performed on a countywide basis for nonresidential development in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the latest population estimate is 825,520. Using the 141 square feet per 1,000 residents, it calculates to 116,398 square feet of space for police. The current amount of space, 267,660 square feet, is above the guideline.

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15. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Moore property and has the following comments to offer:

Once the existing house at 4705 Moores Way (existing Parcel 168) is vacated, any abandoned well located on the property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department. The location of the well should be located on the preliminary plan.

Once the existing house at 4705 Moores Way (existing Parcel 168) is vacated, any abandoned septic tank must be pumped out by a licensed scavenger and either removed or backfilled in place. The location of the septic system should be located on the preliminary plan.

A raze permit is required prior to the removal of any of the structures (one house, one detached garage, three barns, and one feed shed) on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the preliminary plan that requires that the structures are to be razed and the well and septic system properly abandoned before the release of the grading permit.

16. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A stormwater management concept plan, #44782-2007-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The concept approval is for the entire Westphalia Center (CSP-07004) and includes both Preliminary Plan 4-08002 for the Westphalia Center and the subject site. Development must be in accordance with this approved plan.

17. **Historic**—A Phase I archeological survey was completed on the 530.27-acre Westphalia Center property, which includes the 47.7-acre Moore property, in September and October 2006. 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 11 historic archeological sites identified on the Westphalia Center property.

Historic Preservation staff 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 11 historic archeological sites identified on the Westphalia Center property.

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The Phase I archeological investigations of the Westphalia Center property, which includes the Moore 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 11 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 by the Historic Preservation Section on July 17, 2007. Staff concurs with the report's conclusions and recommendations that no further archeological work will be necessary within the Westphalia Center property.

Historic Preservation section also requested that all standing structures on the property be recorded on Maryland Inventory of Historic Properties (MIHP) forms. MIHP forms were completed for each of the standing structures and the draft forms were submitted to Historic Preservation section for review. Two sets of the corrected and final MIHP forms were submitted to and approved by Historic Preservation staff. No further archeological investigations or architectural studies are recommended on the Moore property.

18. **Public Utility Easement**—In accordance with Section 24-128(b)(12) for private roads, and 24-122(a) when utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents recorded on the record plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

Prior to approval of each detailed site plan the public utility companies should provide comments to ensure adequate area exists to provide proper siting and screening of the required utilities and to provide for direct-bury utilities where feasible. The detailed site plan will provide greater detail to ensure proper siting and landscaping. The following are comments based on a utility coordination meeting held on May 12, 2009. The purpose of the meeting was to review the overall plan for utilities on the project:

- a. Coordination with other utility companies to use one side of street for PEPCO use only. If this is not possible

Verizon may ask for two feet or so additional space on utility easement for FIOS cables making some of the PUEs to be 12 feet in some areas. The main transmission line may require up to 15 feet PUE.

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- b. Private roads will have a five- to seven-foot utility easement (UE). (The current plan shows seven-foot UEs, but at the time of detailed site plan continue coordination with utility companies will establish the ultimate UE locations and sizes). Gas service is to be provided in the alley as shown on the utility sketch plan.
 - c. At the time of detailed site plan, coordination with PEPCO is required to account for locations of transformers especially in some of the tighter arranged townhome blocks.
19. **Water and Sewer Categories**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2001 Water and Sewer Plan as amended designates this property in Water and Sewer service Category 3 as of July 28, 2008, and the site will therefore be served by public systems.

20. **Andrews Air Force Base**—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.

Issues associated with noise have been evaluated in the environmental planning section of this report and conditions recommended to mitigate impacts on residential development.

21. **Special Purpose Detailed Site Plan**—The Planning Board provided clarification that the special purpose site plan is not adequate to provide for an applicant to proceed to final plat. The special purpose site plan is a requirement of the CSP and intended only to provide a process for the determination of a number of issues which include, but is not limited to, triggers for conveyance of the public facilities. Prior to final plat a detailed site plan is required, and the special purpose site plan is not a sufficient planning tool for approval of record plat(s).

BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with Circuit Court for Prince George’s County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

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BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

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 and Parker voting in favor of the motion, and with Commissioner Cavitt abstaining at its regular meeting held on Thursday, June 4, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of June 2009.

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*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 Bailey seconded by Commissioner Geraldo, with Commissioners Bailey, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Shoaff opposing the motion, and with Commissioner Washington absent at its regular meeting held on Thursday December 3, 2015, in Upper Marlboro, Maryland.

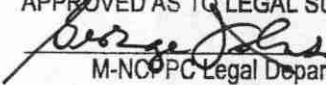
*Adopted by the Prince George's County Planning Board this 3rd day of December 2015.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:WC:ydw

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 12/7/15

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