

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on April 22, 2021, regarding Conceptual Site Plan CSP-07001-03 for Westphalia Row, the Planning Board finds:

1. **Request:** The subject application proposes a revision to the previously approved conceptual site plan (CSP) for Westphalia Row by replacing the previously approved 10,000 square feet of commercial uses with 19 single-family attached (townhouse) dwelling units.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T	M-X-T
Use(s)	Single-family attached residential Commercial/Retail	Single-family attached residential
Acreage	20.67	20.67

	Approved CSP-07001	Approved CSP-07001- 01	Approved CSP-07001- 02	Approved CSP-07001- 03
Dwelling Units Total	420 – 600	388 – 600	238 – 375	238 - 375
Townhouses	140 – 180	188 – 275	238 – 375	294*
Three-Family Dwelling (Triplexes)	48 – 96	0	0	0
Multifamily	200 – 325	200 – 325	0	0
Commercial – Office/Retail (sq. ft.)	50,000 – 100,000	40,000 – 100,000	10,000	0
Floor to Area Ratio (FAR)	1.4	1.4	0.90	0.90

Note: *A total of 275 townhouse units have been constructed. With the addition of 19 townhouse units, the total units of this development will be 294, which is below the maximum allowed 375 units.

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

Base Density Allowed	0.40 FAR
Residential	1.00 FAR
Total FAR Permitted:	1.40 FAR*
Total FAR Proposed:	0.90 FAR

Note: *Additional density was previously approved in accordance with Section 27-545, Optional method of development, of the Prince George's County Zoning Ordinance.

3. **Location:** The subject property is located in the southwest corner of the intersection of Ritchie Marlboro Road and Sansbury Road, in Planning Area 78 and Council District 6. This intersection is designated by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) as one of nine gateways into the Westphalia area. Specifically, the proposed 19 townhouses will be located on the parcel previously designated as the location for 10,000 square feet of commercial/retail space, as approved in CSP-07001-02.
4. **Surrounding Uses:** To the northwest of the larger site is the exit ramp leading from the I-95/I-495 (Capital Beltway) to Ritchie Marlboro Road. To the south of the site is an existing single-family residence in the Rural Residential (R-R) Zone. Further south and west on Fernwood Drive is a mobile home park. Across Sansbury Road to the east are the Ritchie Baptist Church property and the PB&J property, which are also zoned Mixed Use-Transportation Oriented (M-X-T) as part of the village center and includes a constructed Royal Farms food and beverage store and gas station.

The area for the 19 townhouses is bounded on the north and east sides by the rights-of-way of Ritchie Marlboro Road and Sansbury Road, respectively, and on the south and west sides by the constructed townhouses in the larger Westphalia Row development.
5. **Previous Approvals:** This property was rezoned to M-X-T by the Westphalia Sector Plan and SMA. As part of this rezoning, the Prince George's County District Council approved the concept plan for development of the subject property and the neighboring properties to the east and southeast as an integrated mixed-use development.

On July 1, 2008, the District Council granted approval of CSP-07001 for the development of the property as a mixed-use development including 420–600 dwelling units and up to 100,000 square feet of commercial office and retail. On January 10, 2008, the Prince George's County Planning Board approved Preliminary Plan of Subdivision (PPS) 4-07038 (PGCPB Resolution No. 08-07). On November 6, 2008, the Planning Board approved Detailed Site Plan DSP-08024 (PGCPB Resolution No. 08-168), for the relocation of Fernwood Drive to the location shown on the CSP. The first phase of development, consisting of 153 townhouses on the southern portion of the site, was approved by the Planning Board as DSP-08039, on March 5, 2009 (PGCPB Resolution No. 09-44). DSP-08039-01 was approved by the Planning Board on September 10, 2009 (PGCPB Resolution No. 09-131), for the originally proposed 96 triplex units.

Subsequent DSP revisions '02' and '05' were approved at the Planning Director level for the addition and modification of unit types.

On June 5, 2014, the Planning Board approved (PGCPB Resolution No. 14-51) an amendment to CSP-07001-01, to replace the previously approved triplex units in the northwest corner of the site with townhouses. Subsequently, PPS 4-13026 (PGCPB Resolution No. 14-68) and DSP-08039-06 (PGCPB Resolution No. 14-69) were also approved by the Planning Board to reflect the same plan revision.

On January 7, 2016, the Planning Board approved (PGCPB Resolution No. 16-02) an amendment to CSP-07001-02, to replace the previously approved 250 multifamily units and 57,600 square feet of commercial uses with 67 fee-simple, rear-loaded townhouses and 10,000 square feet of commercial uses. PPS 4-15021 (for Phase III) was also approved by the Planning Board (PGCPB Resolution No. 16-03) to reflect the same plan revision on the same date.

A new PPS, 4-20024, to reflect the proposed change in this CSP was also approved by the Planning Board on April 22, 2021.

6. **Design Features:** The larger Westphalia Row project was originally proposed as a mixed-use residential and commercial/retail development. With the constant change of market conditions, the developer amended the original approval two times previously and gradually turned the development into a townhouse subdivision. This amendment will complete the last phase (Phase III) of the development with additional 19 townhouses.

The proposed 19 townhouses in three building groups will be located at the southwest corner of the intersection of Ritchie Marlboro Road and Sansbury Road, where the previously approved (by CSP-07001-02) 10,000 square feet of commercial/retail space was located. The 19 rear-loaded garage townhouses will follow the established development pattern, in terms of orientation and total number of the unit in each building, with the extension of Private Road E and Private Alley 9 to serve the additional units.

The 19 townhouses units will share the existing recreational facilities already installed on the larger development site and will be integrated into the established homeowners' association. The same previously approved townhouse models will be used in the construction of the proposed 19 units. Specific site improvements along with the architecture will be further reviewed at time of DSP.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject CSP has been reviewed for compliance with the requirements of the M-X-T Zone and the site design guidelines of the Zoning Ordinance.

- a. The subject application is in conformance with the requirements of Section 27-547, Uses Permitted, of the Zoning Ordinance. The proposed residential use in this application is permitted in the M-X-T Zone.
- b. This CSP amendment proposes to replace previously approved commercial/retail uses with 19 townhouses which turns Westphalia Row into a townhouse-only subdivision, in accordance with Section 27-547(e) of the Zoning Ordinance, as follows:

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

The subject site is part of the Westphalia Sector Plan and SMA that had a comprehensive land use planning study prior to initiation and was approved in 2007. The use categories referenced in Section 27-547(d) of the Zoning Ordinance include retail, office and residential. The townhouse use proposed in this CSP meets the requirement with only one use as it conforms with the recommendations of the Westphalia Sector Plan and SMA as discussed in Finding 7g below.

- c. The CSP is consistent with Section 27-548, Regulations, of the Zoning Ordinance, as follows;
 - (1) The proposed floor area ratio (FAR) is provided on the CSP. The overall FAR for the site is 0.90, which is below the maximum FAR that is allowed on the site.
 - (2) Developments in the M-X-T Zone are required to have vehicular access to a public street, in accordance with Section 27-548(g) noted below:

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

While the overall development is accessed by public streets, the individual townhouse lots will be served by private streets and alleys. At the time of PPS 4-20024 approval for the proposed 19 townhomes included in this CSP, appropriate frontage and direct vehicular access for the townhouse lots must be properly addressed.

d. The site is subject to Section 27-544(c) of the Zoning Ordinance, which states:

- (1) The design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan.**

The previous CSP approvals have imposed minimum lot size and lot width requirements on the subject development. The subject CSP is consistent with the approved standards. Those development standards are provided in Finding 8 below.

- (2) The limitations on the lot size and lot width requirements in Section 27-548(h) shall not apply.**

The previous CSP approvals have imposed minimum lot size and lot width requirements on the subject development, which will be reviewed for compliance with the required PPS and DSP applications.

e. The CSP is in conformance with the applicable CSP site design guidelines contained in Section 27-274 of the Zoning Ordinance. The subject development provides a more compact urban layout and, in accordance with Section 27-274(a)(11)(B) of the Zoning Ordinance, the units front on roadways or on shared green space.

To convey the individuality of each townhouse unit, the design of abutting units should avoid the use of repetitive architectural elements and should employ a variety of architectural features and designs such as roofline, window and door treatments, projections, colors, and materials. Conformance with this design guideline will be addressed at the time of DSP.

f. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of DSP. When the parking calculation is made, the townhouses should demonstrate 2.04 off-street parking spaces per unit. In the approval of CSP-07001, the Planning Board found that each portion of the development should provide extra parking for guests and visitors and should constitute at least ten percent of the spaces required by the Zoning Ordinance. Adequate visitors' parking will be addressed at the time of DSP.

g. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings for the Planning Board to approve a CSP in the M-X-T Zone, as follows:

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

The proposed development is in conformance with this requirement and serves the purposes of the M-X-T Zone. In accordance with Section 27-542(a)(2) of the Zoning Ordinance, the proposed CSP will implement the recommendation of the Westphalia Sector Plan and SMA by contributing to the creation of a compact, residential townhouse community. The walkable, urban townhouse development proposed on the site takes advantage of the transportation links available and allows for reduction of the number and distance of automobile trips by constructing residential use in close proximity to adjacent commercial/retail uses across the street.

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

The previous CSPs were found to be in conformance with this requirement and the current application does not change previous findings. In addition, the applicant has incorporated a Westphalia Gateway feature into the site in prior approvals. Therefore, this application can be found to be in conformance with the land use recommendations, and design policies and principles intended to implement the development concepts recommended by the Westphalia Sector Plan and SMA.

(3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;

The proposed development will be outwardly oriented. Although the main village green forms an internal focal point at the center of the community, residential buildings at the edge of the site will front onto Sansbury Road and Ritchie Marlboro Road. As previously required, the townhouse units along Ritchie Marlboro Road will front on it. This is consistent with previous approvals.

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

The proposed development will be compatible with the proposed development in the rest of the village center across Sansbury Road. The subject revision does not affect previous findings regarding the CSP's conformance to this section. The proposed townhouse units are consistent with approved units in other phases of the subject development project that have been constructed.

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

The arrangement of buildings and other improvements and amenities of the village center area will reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability. The proposed development on the subject site will be a key component of the village center.

- (6) **If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

The development is comprised of four phases. Phase I consisted of fee-simple townhouses as well as infrastructure. Phase II consisted of fee-simple townhouses. Phase III is proposed to consist of more fee-simple townhouses and a commercial building. The 19 townhouses will replace the commercial/retail spaces in Phase III and will complete this project. Each building phase has been designed as a self-sufficient entity, while allowing for effective integration of subsequent phases.

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

This requirement will be evaluated in detail at the time of DSP. The CSP shows sidewalks along all public and private roads, forming a pedestrian network throughout the site. Pedestrian routes have not been proposed and are not deemed necessary within the private alleyways.

- (8) **On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

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

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital**

Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.

The subject property was rezoned to the M-X-T Zone as part of the Westphalia Sector Plan and SMA approval. Consequently, a traffic study was approved with the original CSP-07001, and a finding of adequate transportation facilities was subsequently made at time of PPS. The Planning Board finds that the addition of 19 townhouses will be still within the approved trip caps for this development. No additional dwelling units or building square footage beyond the previously approved development caps are proposed in this CSP amendment. Therefore, the Planning Board's original finding of adequacy is not affected by the subject amendment.

8. **2007 Approved Westphalia Sector Plan and Sectional Map Amendment:** The subject site is located within the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) and is identified as part of a mixed-use activity center and one of nine gateways into the Westphalia area.

This site was rezoned, as part of the sector plan, from the R-R Zone to the M-X-T Zone. As part of that application process, a series of design concepts were included as appendices in the sector plan and as Public Exhibit 19. The Westphalia Row project is located in a designated mixed-use activity center at the northern gateway to the sector plan along a local street (Sansbury Road) and an arterial highway (Ritchie Marlboro Road), close to the interchange with the Capital Beltway.

Village Center Guidelines

The plan designates the subject property, along with other land to the east, as part of a mixed-use activity center, one of two such centers in Westphalia. The plan establishes a number of guidelines for these areas. The following design principles warrant discussion at this time:

- **Design internal streets/site circulation as low-speed streets with parallel or angled on-street parking.**

The proposed private streets (not the private alleys) throughout the site are designed to be low-speed streets and have parallel parking on one or both sides, wherever it is practical.

- **Residential and commercial development should be medium-to-high density with a minimum of two-story buildings, up to six.**

The proposed townhouses will fall within the specified height range and usually have three to four stories.

This application will result in an overall net density increase from approximately 13.7 dwelling units per acre to 14.63 dwelling units per acre. However, the residential density is still within the middle of the desired development density range provided in the sector plan, which is 4.5 to 28 dwelling units per net acre.

- **Design off-street surface parking to be placed to the side and rear of buildings, in the interior of blocks, and screened from public walks and streets.**

Each townhouse unit will have a two-car garage to accommodate off-street parking needs of the residents. Additional residential surface parking, mainly for the visitors, proposed on the site is envisioned as parallel on-street parking. This issue will be examined further at the time of DSP when a detailed design is submitted.

Gateway Guidelines

Policy 7 on page 32 of the sector plan establishes the intersection of Ritchie Marlboro Road and Sansbury Road as one of the gateways entering the Westphalia community. Gateways require compliance with design principles aimed at distinguishing and delineating them as attractive entrances into the sector plan area. Gateway design principles from the sector plan include the following:

Design designated gateways to include at least the following design elements:

- **Landmark elements such as entrance signage, artwork, monuments constructed on features such as stone or masonry, decorative columns, water features, or clock towers.**
- **Landscape design including both softscape and hardscape elements.**
- **Resting and recreational facilities, information kiosks, or other amenities as appropriate.**

The design of buildings, landscaping, signs, and any special features along the Ritchie Marlboro Road frontage, as well as Sansbury Road, are critical to the image of Westphalia that will be portrayed at this northern entryway. A package of design items such as gateway entrance features, architectural design, materials, colors, landscape palette, and streetscape features creating a distinctive sense of arrival has been approved with prior phases and constructed. Stakeholders in the Westphalia Sector Plan area have been working together for several years to provide for gateway signage design that can be used at all gateway locations. The applicant has provided the

design and location of a gateway feature. This is the first project in the Westphalia area to incorporate and commit to providing the selected signage and logo.

9. **Conceptual Site Plan CSP-07001 and its amendments:** CSP-07001 was approved by the District Council on July 1, 2008, for construction of 140–180 townhouses, 48–96 three-family (triplex) dwelling units, 200–325 multifamily dwelling units, 40,000–70,000 square feet of office and 10,000–30,000 square feet of retail. On June 18, 2012, the District Council approved Zoning Ordinance No. 7-2012 to amend Condition 9(b)(2). The conditions of CSP-07001 were thoroughly reviewed and carried forward with the -01 amendment approval, as necessary. Therefore, they do not need to be included here for review.

CSP-07001-01: On June 5, 2014, the Planning Board approved CSP-07001-01 (PGCPB Resolution No. 14-51), to replace the previously approved triplex units in the northwest corner of the site with townhouses, subject to 24 conditions. The applicable conditions of CSP-07001-01 are as follows:

3. **No woodland conservation shall be proposed on dedicated parkland unless written authorization from the Department of Parks and Recreation has been provided.**

This condition was met with previous applications, including DSPs. The current Type 1 tree conservation plan (TCP1) does not show any woodland conservation on dedicated parkland.

4. **Prior to acceptance of the Detailed Site Plan for the multifamily and office buildings, the package shall be evaluated to ensure that it includes a description of the use of green building techniques and the use of alternative energy sources.**

No multifamily or office buildings are proposed anymore. However, the applicant should still consider the incorporation of green building techniques for all new proposed buildings. This issue will be further examined at the time of DSP.

5. **Prior to approval of a future detailed site plan for the proposed townhouses, the arrangement of the townhouse units between Private Road “C” and Ritchie-Marlboro Road shall be designed to front on Ritchie-Marlboro Road as well as on Private Road “C,” consistent with what is shown on the subject CSP. Public views of alleys should be minimized by screening the ends of alleys to the fullest extent possible.**

This condition was relative to the previous phases. The current amendment proposes townhouse units fronting on Ritchie Marlboro Road. However, the part of this condition regarding minimizing public views of alleys is still applicable and should be carried forward as part of this approval.

6. **Detailed Site Plan submittal shall include examples and evidence of all necessary covenants or other legal instruments that will be used to insure that the recreational**

facilities on the site will be available in perpetuity to all residents of the Westphalia Row development. If a legally sufficient arrangement to share the recreational facilities cannot be demonstrated, then adequate recreational facilities shall be demonstrated for the individual portions of the development.

This condition from the original CSP approval has been carried forward with this approval.

- 7. The following development standards shall apply to and be reflected on the Detailed Site Plan. At the time of Detailed Site Plan review, the Planning Board may make modifications to the development standards without the need to amend the Conceptual Site Plan if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the conceptual site plan and the sector plan.**

a. Front-loaded townhouses (fee simple)

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

b. Rear-loaded townhouses (fee simple)

- (1) Minimum lot size: 1,000 square feet for no less than 50 percent of the units and a minimum of 800 feet for the remainder.**
- (2) Minimum front yard setback: 6 feet from property line.**
- (3) Maximum building height: 45 feet.**
- (4) Minimum lot width: 20 feet for no less than 50 percent of the units and a minimum of 16 feet for the remainder.**

c. Multifamily, office, and retail buildings

- (1) Buildings shall be set back 15–35 feet from the ultimate right-of-way line of Ritchie-Marlboro Road. Building walls must be within 35 feet of the ultimate right-of-way line for at least 75 percent of the linear distance of the parcel's frontage on Ritchie-Marlboro Road.**

(2) Buildings shall be set back 15–25 feet from the ultimate right-of-way line of Sansbury Road. Building walls must be within 25 feet of the ultimate right of way line for at least 75 percent of the linear distance of the parcel’s frontage on Sansbury Road.

(3) Maximum building height: 75 feet.

This condition from the original CSP approval has been carried forward with this approval, with a minor modification to remove the reference to multifamily buildings and commercial uses.

- 8. At the time of Detailed Site Plan review, parking shall be calculated separately for: (1) the multifamily and commercial buildings, (2) for the rear-loaded townhouses north of Fernwood Drive, and (3) for the townhouses south of Fernwood Drive. Parking spaces in driveways and carports must allow at least 19 feet of parking space for cars, which must not obstruct pedestrian or vehicular travel routes. In addition to the total number of off-street parking spaces required for each type of unit by Section 27-568 of the Zoning Ordinance, each portion of the development shall also provide an additional ten percent of this number for visitor parking, which may include parallel parking spaces on private roads.**

This condition remains in effect and is carried forward with this approval. The reference to the multifamily and commercial building is eliminated, as that is no longer proposed.

- 9. At time of Detailed Site Plan review for the Phase III of the development, the site will be evaluated for conformance to the gateway design guidelines of the Westphalia sector plan. A package of design items such as gateway entrance features, architectural design, materials, colors, landscape palette, and streetscape features shall be provided in order to create a distinctive sense of arrival. Design details for a gateway feature near the Ritchie-Marlboro Road and Sansbury Road intersection shall be provided.**

This condition remains in effect and is carried forward with this approval.

- 10. The Applicant, his successors, and/or assignees shall provide adequate private recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines. The private recreational facilities shall be reviewed by the Urban Design Section of Development Review Division for adequacy and proper siting, prior to approval of the Detailed Site Plan by the Planning Board.**

This condition remains in effect and is carried forward with this approval.

- 11. The Applicant, his successors, and/or assignees shall submit three (3) original, executed private Recreational Facilities Agreements (RFA) to the Development**

Review Division for their approval three weeks prior to applying for building permits. Upon approval by the Development Review Division, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

- 12. The Applicant, his successors, and/or assignees shall submit to the Development Review Division a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by the Development Review Division, within at least two (2) weeks prior to applying for building permits.**
- 13. The developer, his successor and/or assignees shall satisfy the Planning Board or designee that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.**

These issues regarding the recreational facilities mentioned in the three conditions above will be examined and conditioned, as necessary, with the new required PPS.

- 14. The private recreational facilities package to be provided by this development shall include those facilities proposed with the Conceptual Site Plan application, which includes two (2) outdoor play areas for children.**

The subject amendment complies with this requirement. Those play areas are located within Phase I of the development and are within walking distance to the proposed townhouses in Phase III. The future DSP will have to continue to demonstrate the provision of adequate on-site recreational facilities.

- 15. The noise attenuation wall shall be designed to promote attractive views from the public roadways.**

The noise attenuation wall was required and proposed within Phases I and II and does not extend into Phase III. Therefore, this condition does not need to be carried forward.

- 16. The Applicant shall provide an eight-foot-wide side path or wide sidewalk along Sansbury Road, unless modified by the Department of Public Works and Transportation (DPW&T).**

The submitted CSP reflects this condition, which remains in effect and is carried forward with this approval.

- 17. The final record plat shall include a note that the Applicant, the Applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of appropriate signage for the Class III bikeway along Sansbury Road. The contribution shall be made prior to the issuance of the first building permit.**

This condition has been met.

- 18. The Applicant shall provide standard sidewalks along both sides of Private Roads A, B, C, and D.**

Standard sidewalks have been shown on both sides of the proposed private roads extensions. Therefore, this condition does not need to be carried forward at this time.

- 19. The Applicant shall provide standard sidewalks along both sides of relocated Fernwood Drive, unless modified by DPW&T.**

Fernwood Drive has been fully constructed with standard sidewalks on both sides. This condition has been fulfilled.

- 20. Appropriate pedestrian amenities and pedestrian safety features will be evaluated at the time of Detailed Site Plan.**

This condition remains in effect and is carried forward with this approval.

- 21. The proposed development shall be limited to a mix of uses where the net new trips shall not exceed 398 AM and 471 PM peak-hour trips. The mix of uses allowable is subject to the following:**

- a. The mix of uses used to calculate the site's trip generation must include no less than a total of 40,000 square feet of office, retail, or commercial space, which shall be more specifically set forth at the time of detailed site plan.**
- b. The mix of dwelling units shall fall within the ranges proposed on the conceptual site plan, unless modified at the time of detailed site plan.**

The trip cap portion of this condition remains in effect and is being met by the submitted amendment. The requirement for no less than a total of 40,000 square feet of office, retail, or commercial space is no longer being met, as the purpose of this revision is to reduce the previously approved amount of residential and commercial development due to market conditions. With the addition of 19 townhouses, the whole development is still within the established trip caps, as shown below:

Table 1 – Traffic Analysis

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

- 23. The Applicant has indicated a desire to be a part of the established Westphalia Financing Plan. Therefore, at the time of the Detailed Site Plan, if the Applicant is a recognized participant in a designated Westphalia Financing Plan, any designated financial contributions to the overall Westphalia Plan, including contributions to the Central Park, shall be so designated as a condition on the detailed site plan, as part of the established financing formula and plan.**

The sector plan states that a contribution of \$3,500 per new dwelling unit (in 2006 dollars) is needed to construct the public central park facility recommended for the sector plan area. The applicant is encouraged to comply with the sector plan recommendation and participate in the County and community efforts to build a unique community with high-quality recreational facilities for the benefit of all future Westphalia residents. This condition is carried forward.

- 24. At the time of the Detailed Site Plan, the Applicant shall provide to the District Council, any plans or specifications that the Applicant may have, with reference to its efforts that will be used in trying to achieve the Westphalia Sector Plan's policy goal of ensuring minority participation.**

This issue will be reviewed further at the time of DSP.

CSP-07001-02: On January 7, 2016, the Planning Board approved CSP-07001-02 (PGCPB Resolution No. 16-02), to replace 250 multifamily units and 57,600 square feet of commercial uses with 67 fee-simple townhouses and 10,000 square feet of commercial uses, subject to 16 conditions. Except for Condition 1 that has been fulfilled at time of the certification of CSP-07001-02, all other conditions are either carried-over or modified conditions of approval attached to CSP-07001-01, as discussed in detail above. Only the conditions relevant to townhouses, including Conditions 3, 4, 5, 12, and 16, have been modified or simply included in this resolution.

- 10. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:**
This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area exceeds 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. Currently, this site has an approved TCP1 (TCP1-033-07-03) and Type 2 Tree Conservation Plan (TCP2-55-08-04). The submitted CSP

application includes a revised TCP1 (-04), which is subject to the current regulations because it is a part of a new PPS application submission.

- a. A signed Natural Resources Inventory (NRI-114-06-04) was submitted with the application, which updated the area of focus for this CSP. The complete NRI for the site was approved under NRI-114-06-01. The overall site contains sensitive environmental features such as streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils. Regulated environmental features are not located within the area of focus for this CSP.
- b. This subject property contains a total of 8.74 acres of woodland outside the floodplain, according to the NRI. The woodland conservation threshold is 3.01 acres. The subject site has cleared 8.31 acres of the existing 8.74 acres. The cumulative woodland conservation requirement is 7.07 acres. The TCP1 proposes to meet the subject site's portion of the overall requirement with 0.35 acre of woodland preservation, 0.53 acre of reforestation/afforestation, and 6.19 acres of off-site woodland conservation. Through other permitting activities at the subject site, the overall site has complied with bonding on-site and purchasing off-site woodland credits. No additional clearing is proposed as part of this submission.

11. Other site-related regulations: Additional regulations are applicable to site plan review that usually require detailed information, which can only be provided at the time of DSP. The discussion provided below is for information only:

- a. **2010 Prince George's County Landscape Manual**—This development in the M-X-T Zone will be subject to the requirements of the Landscape Manual at the time of DSP. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets.
- b. **Prince George's County Tree Canopy Coverage Ordinance**—Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area covered by tree canopy. The subject site is 20.67 acres in size and the required TCC is 2.067 acres. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of DSP.

12. Further Planning Board Findings and Comments from Other Entities: The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:

- a. **Community Planning**—The Planning Board adopts a memorandum dated March 1, 2021 (Gravitz to Zhang), incorporated herein by reference, which indicated that, pursuant to Part 3, Division 9, Subdivision 2 of the Zoning Ordinance, master plan conformance is not required for this application.
- b. **Transportation Planning**—The Planning Board adopts a memorandum dated March 1, 2021 (Burton to Zhang), incorporated herein by reference, which provided an analysis on the change of trips as a result of this addition of 19 townhouses, as discussed in findings above.

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

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

- c. **Subdivision Review**—The Planning Board adopts a memorandum dated March 1, 2021 (DiCristina to Zhang), incorporated herein by reference, which provided the following comments:

Any modifications to CSP-07001-03 should be reflected on the pending plans for PPS 4-20024 and DSP-08039-10.

Several variations to the Prince George's County Subdivision Regulations will be required with PPS 4-20024 for the proposed development. These include variations to Section 24-121(a)(4), for the 150-foot minimum lot depth requirement for residential lots adjacent to an arterial road; Section 24-128(b)(7)(A), which requires lots with alleys to have frontage on, and pedestrian access to a public street; and Section 24-122(a), which requires a public utility easement layout adjoining a public right-of-way. The aforementioned variation requests were submitted with PPS 4-20024.

The subject site is located on the eastern side of the Capital Beltway, which is classified as a freeway, and on the south side of Ritchie Marlboro Road, which is classified as an arterial roadway. Both are considered transportation-related noise generators. Prior approvals have required acoustical analysis and certification of reduction of interior noise levels. The addition of new lots requires a new Phase 1 Noise Analysis at the time of PPS. No outdoor recreation areas will be permitted within the area of 65 dBA Ldn, as mitigated, and interior noise levels must be reduced to 45 dBA Ldn or less. The proposed lots and structures will be evaluated for noise impacts at the PPS and DSP stages.

Given the addition of dwelling units to the overall Westphalia Row development, the adequacy of on-site private recreation facilities will be evaluated at the PPS stage.

A new final plat of subdivision will be required, pursuant to the new PPS, before permits can be issued.

- d. **Pedestrian/Bicycle Facilities**—The Planning Board adopts a memorandum dated March 1, 2021 (Noelle to Zhang), incorporated herein by reference, which reviewed the CSP application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* and/or the appropriate area master/sector plan, in order to implement planned trails, bikeways, and pedestrian improvements. The review comments are summarized, as follows:

The submitted plans include sidewalks and continental style crosswalks throughout the site. The existing eight-foot-wide trail along Sansbury Road is also shown on the submitted plan. These improvements support separating pedestrian and vehicular transportation routes within the site, pursuant to Section 27-274. The Planning Board finds that, with the proposed and conditioned improvements, pedestrian and bicyclist circulation on the site is safe, efficient, and convenient, pursuant to Section 27-274(c) of the Zoning Ordinance, the relevant design guidelines for pedestrian and bicycle transportation.

The submitted site plan proposes sidewalks and crosswalks throughout the site. The Planning Board finds the pedestrian system to be convenient and comprehensively designed if additional sidewalk connections are provided to Sansbury Road, Ritchie Marlboro Road, and connecting townhomes 106 to 162. The Planning Board approves an additional crosswalk, to be provided crossing Private Alley 9, for a continuous pathway through the site that supports separated pedestrian routes and a convenient pedestrian system designed to encourage pedestrian activity.

The subject site is adjacent to additional mixed used and residential areas connected via existing side paths along Ritchie Marlboro Road and Sansbury Road. The new sidewalk connections will enhance the overall pedestrian system and provide convenient pathways from the proposed site to the existing facilities.

The Planning Board concludes that the pedestrian and bicycle access and circulation for this plan is acceptable, consistent with the site design guidelines, pursuant to Sections 27-274 and 27-546 of the Zoning Ordinance. The CSP meets the findings for pedestrian and bicycle transportation purposes and conforms to the prior development approvals and the Westphalia Sector Plan and SMA, with four conditions related to sidewalk connections and crosswalks that will be reviewed at time of DSP.

- e. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated March 2, 2021 (Burke to Zhang), incorporated herein by reference, DPR stated that with the development of the 19 townhomes, the site will be subject to mandatory parkland dedication, which will be evaluated further with the review of PPS 4-20024.

- f. **Environmental Planning**—The Planning Board adopts a memorandum dated March 1, 2021 (Rea to Zhang), incorporated herein by reference, which provided the following summarized comments on the subject application:

Soils

The predominant soils found to occur on-site, according to the US Department of Agriculture Natural Resource Conservation Service Web Soil Survey, include Collington-Wist complex, Downer-Hammonton complex, Marr-Dodon complex, Potabac-Issue complex, and the Westphalia and Dodon soil series. According to available information, neither Marlboro clay nor Christiana complex soils occur on this property. No further action is needed as it relates to this application. A soils report may be required by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) at the time of permit application.

Stormwater Management

A stormwater management (SWM) concept plan was not submitted with this application as it is not required as part of a CSP application. DPIE is currently reviewing SWM Concept Plan 36373-2006-05.

The Planning Board approves CSP-07001-03 and TCP1-033-07-04, subject to one condition that has been included in this resolution.

- g. **Prince George's County Fire/EMS Department**—At the time of preparation of this resolution, the Fire/EMS Department did not offer comments on the subject application.
- h. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated February 18, 2021, incorporated herein by reference, DPIE noted that the proposed development is not consistent with the previously approved SWM concept plan. The applicant should provide a revised SWM concept plan prior to DSP.
- The majority of DPIE's comments are either factual, to be addressed through the associated PPS, or are required to be addressed prior to issuance of permits, at the time of technical plan approvals. The rest of DPIE's comments will be enforced through their separate permitting process.
- i. **Prince George's County Police Department**—At the time of preparation of this resolution, the Police Department did not offer comments on the subject application.
- j. **Prince George's County Health Department**—In a memorandum dated February 16, 2021, incorporated herein by reference, the Health Department provided the following comments on the subject application:

- (1) There are approximately 10 existing carry-out/convenience stores food facilities and no grocery store/markets within a half mile radius of this site. A 2008 report by the UCLA Center for Health Policy Research found that the presence of a

supermarket in a neighborhood predicts higher fruit and vegetable consumption and a reduced prevalence of overweight and obesity. The department acknowledges that there is one nearby food facility designed as a convenient store which provides healthy food options such as an assortment of fresh fruits and vegetables for retail sale.

No commercial uses are proposed with this application.

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

A note should be provided on the DSP indicating the intent to conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code.

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

A note should be provided on the DSP indicating conformance with the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control requirements.

- k. **Westphalia Sector Development Review Council (WSDRC)**—At the time of preparation of this resolution, WSDRC did not offer comments on the subject application.
13. Based on the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, the CSP, if approved with the proposed conditions below, represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
14. Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a CSP:

The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

No new impacts to regulated environmental features are proposed with this application. All impacts were previously approved for the subject property.

15. During the public hearing for this case on April 22, 2021, the applicant proffered additional on-site parking, totaling 29 spaces for visitors and possible provision of an additional ADA-compliant swing set, in response to citizens' concerns. As a result, the Planning Board approves and includes two new conditions, specifically Conditions 10f and 10g, in this resolution.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 1 Tree Conservation Plan TCP1-033-07-04, and further APPROVED Conceptual Site Plan CSP-07001-03 for the above-described land, subject to the following conditions:

1. Prior to certificate of approval of the conceptual site plan (CSP), the following revisions shall be made to the CSP, or information shall be provided:
 - a. Revise General Note 18. There is 100-year floodplain in the southwest corner of the subject site.
 - b. Revise the Type 1 tree conservation plan as follows:
 - (1) Correct the past approval names in the approval block. C. Schultz should be C. Schneider.
 - (2) Add CSP-07001-03 to the 04-approval line in the approval box.
2. At the time of detailed site plan for the proposed townhouses, public views of alleys shall be minimized by screening the ends of alleys to the fullest extent possible.
3. The detailed site plan shall include examples and evidence of all necessary covenants or other legal instruments that will be used to ensure that the recreational facilities on the site will be available in perpetuity to all residents of the Westphalia Row development. If a legally sufficient arrangement to share the recreational facilities cannot be demonstrated, then adequate recreational facilities shall be demonstrated for the individual portions of the development.
4. The following development standards shall apply to, and be reflected on, the detailed site plan (DSP). At the time of DSP review, the Planning Board may make modifications to the development standards without the need to amend the conceptual site plan, if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the conceptual site plan and the sector plan.
 - a. Front-loaded townhouses (fee-simple)
 - (1) Minimum lot size: 1300 square feet
 - (2) Minimum front yard setback: 20 feet from back of sidewalk

- (3) Minimum yard area: 400 square feet
 - (4) Maximum building height: 45 feet
 - (5) Minimum lot width: 20 feet
- b. Rear-loaded townhouses (fee-simple)
 - (1) Minimum lot size: 1,000 square feet for no less than 50 percent of the units and a minimum of 800 feet for the remainder
 - (2) Minimum front yard setback: six feet from property line.
 - (3) Maximum building height: 45 feet.
 - (4) Minimum lot width: 20 feet for no less than 50 percent of the units and a minimum of 16 feet for the remainder.
- 5. At the time of detailed site plan review, parking shall be calculated separately for the rear-loaded townhouses north of Fernwood Drive. Parking spaces in driveways and carports must allow at least 19 feet of parking space for cars, which must not obstruct pedestrian or vehicular travel routes. In addition to the total number of off-street parking spaces required for each type of unit, this portion of the development shall also provide an additional ten percent of this number for visitor parking or demonstrate that sufficient visitor parking is available in the close vicinity of this section, which may include parallel parking spaces on private roads.
- 6. At the time of detailed site plan review for the Phase III of the development, the site will be evaluated for conformance to the gateway design guidelines of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. A package of design items such as gateway entrance features, architectural design, materials, colors, landscape palette, and streetscape features shall be provided in order to create a distinctive sense of arrival. Design details for a gateway feature near the Ritchie Marlboro Road and Sansbury Road intersection shall be provided.
- 7. The applicant, the applicant's heirs, successors, and/or assignees shall provide adequate private recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines. The private recreational facilities shall be reviewed by the Urban Design Section of Development Review Division for adequacy and proper siting, prior to approval of the detailed site plan by the Planning Board.
- 8. The applicant shall provide an eight-foot-wide side path or wide sidewalk along Sansbury Road, unless modified in writing by the Prince George's County Department of Permitting, Inspections and Enforcement.
- 9. Appropriate pedestrian amenities and pedestrian safety features will be evaluated at the time of detailed site plan.

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

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

“During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.”
 - f. Show 29 additional guest parking spaces with signage that restricts their use. Prior to certification of the Detailed Site Plan, the applicant, or the applicant's heirs, successors, and/or assigns, shall work with the Westphalia Row Homeowners Association Board of Directors to determine appropriate signage to limit the 29 parking spaces, to be provided in accordance with Applicant's Exhibit 3, for guest parking only.
 - g. Prior to certification of the Detailed Site Plan, the applicant, or the applicant's heirs, successors, and/or assigns, shall work with the Westphalia Row Homeowners Association Board of Directors to explore adding an ADA compliant swing set to one of the Homeowners' Association's tot lots, to the extent practicable.
11. At the time of building permit approval, applications for building permits shall be prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise.
12. The applicant has indicated a desire to be a part of the established Westphalia Financing Plan. Therefore, at the time of the detailed site plan (DSP), if the applicant is a recognized participant

in a designated Westphalia Financing Plan, any designated financial contributions to the overall Westphalia Plan, including contributions to the Central Park, shall be so designated as a condition on the DSP, as part of the established financing formula and plan.

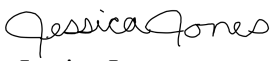
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, April 22, 2021, in Upper Marlboro, Maryland.

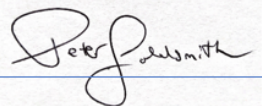
Adopted by the Prince George's County Planning Board this 13th day of May 2021.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:HZ:nz

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department
Date: May 10, 2021