

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 June 27, 2019, regarding Conceptual Site Plan CSP-07004-02 for Westphalia Center, the Planning Board finds:

1. **Request:** The subject application proposes an amendment to the conceptual site plan (CSP) for Westphalia Town Center, to add a major employment use within the regional urban community.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T/M-I-O	M-X-T/M-I-O
Use(s)	One-family, two-family attached residential; Vacant	One-family and two-family attached residential; Commercial/Retail
Acreage	507.85*	507.85
Total Gross Floor Area (GFA) (sq. ft.)	32,300,000	32,300,000
Commercial Retail	900,000–1,400,000	200,000–1,000,000
Commercial Office/Employment	2,200,000–4,500,000	2,400,000–5,500,000
Residential GFA		25,800,000–29,700,000
Hotel Rooms	500–600	500–600
Dwelling Units Total	4,000–5,000	4,000–5,000
One-Family Detached	150–200	150–200
One-Family Attached	1,650–2,500	1,650–2,500
Multifamily	1,800–3,100	1,800–3,100

Notes: *A portion of the original property in the northwestern corner was dedicated to the Maryland State Highway Administration and is no longer subject to this CSP.

3. **Location:** The overall Westphalia Town Center is located at the intersection of MD 4 (Pennsylvania Avenue) and Melwood Road, approximately 800 feet north of Woodyard Road, in Planning Area 78, in Council District 6. The CSP is located on Tax Map 90 in Grids C3, D3-4, E3-4, and F3-4; on Tax Map 91 in Grid A4; on Tax Map 99 in Grids D1, E1, and F1; and on Tax Map 100 in Grids A1 and A2. The subject property is 507.85 acres and is zoned Mixed Use-Transportation Oriented (M-X-T) within the Military Installation Overlay (M-I-O) Zone.

4. **Surrounding Uses:** To the north is the Parkside residential development (formerly Smith Home Farm), which is in the Residential Medium Development (R-M) Zone. To the east are existing single-family detached units located in the Residential-Agricultural (R-A), Residential Suburban Development, and Reserved Open Space Zones. The property is bounded to the south by MD 4, and beyond by Joint Base Andrews and industrial, commercial, and residential land uses in the Light Industrial (I-1), Commercial Shopping Center, Commercial Office, and Rural Residential Zones. To the west of the property are M-X-T-zoned parcels, which are improved with commercial uses.
5. **Previous Approvals:** The subject property was rezoned to the M-X-T Zone from the I-1, Planned Industrial/Employment Park, and R-A Zones by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA). The property is also the subject of Conceptual Site Plan CSP-07004, which was approved with conditions by the Prince George's County Planning Board on December 18, 2008 (PGCPB Resolution No. 08-189). It was approved with conditions by the Prince George's County District Council on May 19, 2009, with a first revised Order of Approval issued on June 8, 2009, and a second revised Order of Approval issued on September 21, 2009.

CSP-07004-01 was originally approved with conditions by the Planning Board on May 20, 2010 (PGCPB Resolution No. 10-59), reconsidered by the Planning Board on October 24, 2013 (PGCPB Resolution No. 10-59(A)(C)), and finally approved with conditions by the District Council on February 24, 2014.

The subject property has two approved, valid Preliminary Plans of Subdivision (PPS): 4-08018 (Moore Property) and 4-08002 (the balance of Westphalia Center). The resolutions of approval (PGCPB Resolution Nos. 09-93 and 09-95, respectively) were adopted by the Planning Board on June 25, 2009.

6. **Design Features:** This CSP amendment involves a regional urban community, which is defined as follows by Section 27-107.01(a)(197.1) of the Prince George's County 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, employment and residential uses with a defined core, edge and fringe as defined by the Sector Plan or a major employment use or center consistent with County economic development strategies; 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 CSP provides for the extension of Presidential Parkway from its current terminus into the center of the site as master plan roadways MC-634 and A-66. In the eastern portion of the subject property, Presidential Parkway connects to another master-planned roadway, C-636, which turns to the north to provide a connection to future development north of the site. The plan also

provides for the extension of Woodyard Road north from MD 4, A-52, and MC-637 through the site, to connect to the future development. Similarly, the plan shows the extension of a road, MC-632, from the interchange of Melwood Road and MD 4 through the center of the site, connecting to future adjacent development.

As specified by the Westphalia Sector Plan and SMA, and referenced in the definition of a regional urban community, the proposed town center is divided into a Core, an Edge, and a Fringe area. The subject amendment involves only the Core area, and the other areas, including portions currently under construction with residential buildings, remain as were previously approved.

The applicant proposes to amend the CSP by changing the uses and development pattern in the Core area, north of Presidential Parkway (A-66) and east of Dower House Road extended (MC-637), to allow for a single, major employment use. To accommodate this use, previously proposed Public Roads O, L, A, most of B, and some open spaces within the Core are proposed to be removed. For the remaining section of Public Road B, it is noted: "Road to be determined at time of detailed site plan (DSP)." Public Road B is located between Moore Property and the balance of Westphalia Center, and was originally proposed to provide access to both developments, as shown on the approved PPS. Planning Board agrees with the deletion of these public roads at the conceptual level, but notes that at the time of DSP for both properties, the proposed road layout will need to be reviewed for adequate circulation, at which time an alternative layout may need to be provided. The area of the Core to the west of MC-637, which included the cultural arts center, has been amended to become open space. The applicant will relocate the potential location for a library to the area of the Core, south of A-66 and adjacent to the transit area.

The total amounts of proposed development remain unchanged, but the breakdown is modified to adjust for the major employment use. In addition, the applicant requests modifications to previous conditions of approval relative to the use change, as discussed in Finding 8 below.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject CSP has been reviewed in accordance with Section 27-276(b)(3) of the Zoning Ordinance, which contains the following required finding:

The Planning Board may approve a Conceptual Site Plan for a Regional Urban Community in the M-X-T Zone if it finds that proposed development meet the purposes and applicable requirements of the M-X-T Zone and the Plan meets all requirements stated in the definition of the use and Section 27-544 of this Code. For a property subject to the provisions of Section 27-544(f)(2)(I), the Planning Board or the District Council shall find that any guidelines established for a major employment use or center will not adversely affect the surrounding residential community. In making this finding, the Planning Board or District Council shall

consider noise, height of the building, setbacks from surrounding properties, street frontages and sufficiency of green area.

Prince George's County Council Bill CB-19-2019 was adopted and became effective on June 18, 2019, modifying the applicable regulations for the property in this section, as well as Sections 27-544(c) and (f)(2), 27-546(d)(2), and 27-548(j). This CSP amendment is subject to the provisions of Section 27-544(f)(2)(I), as discussed below. The proposed major employment use area is adjacent to existing residential communities to the east and west, with proposed future communities to the north and south. Issues relative to noise, height, setbacks, street frontages and sufficiency of green area will need to be considered at the time of DSP, when specific site features are proposed. However, a condition has been included in this approval, setting out some specific considerations to be reviewed.

The following is provided relative to the current purposes and applicable requirements of the M-X-T Zone, the definition of the use, and Section 27-544:

- a. The subject application is in conformance with the requirements of Section 27-547 of the Zoning Ordinance, which governs uses in all mixed-use zones.
 - (1) The proposed urban regional community use is permitted in the M-X-T Zone. The proposed amendment does not change conformance to the use definition.
 - (2) Section 27-547(d) provides standards for the required mix of uses for sites in the M-X-T Zone, as follows:
 - (d) **At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:**
 - (1) **Retail businesses;**
 - (2) **Office, research, or industrial uses;**
 - (3) **Dwellings, hotel, or motel.**

The subject CSP proposes two types of uses, as required; including a residential component consisting of a mix of 4,000–5,000 dwelling units, and a commercial component with a maximum of 6,500,000 square feet of gross floor area. These proposed uses satisfy the mixed-use requirement of Section 27-547(d).

- b. The CSP is consistent with Section 27-548, Regulations, of the Zoning Ordinance. The following discussion is offered:
- (1) The floor area ratio (FAR) requirement in Section 27-548(a) does not apply to the subject CSP, as Section 27-548(j) allows for the regulations on the CSP, such as density, to be based on the design guidelines from the sector plan. However, since Council Bill CB-19-2019 was adopted, the subject CSP amendment is exempt from the provisions of Section 27-548(j) because it is subject to the provisions of Section 27-544(f)(2)(I). This new requirement allows for appropriate guidelines for a major employment use to be applied to integrate the use into the surrounding development pattern. Ultimately, the total amounts of development proposed with the CSP amendment are not changing; only the breakdown of commercial uses has shifted to allow for the major employment use.
 - (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.
 - (g) **Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

The overall development is accessed by public streets, including the proposed commercial area. The valid, applicable PPS has provided appropriate frontage and vehicular access for all lots and parcels. Access details will be determined at the time of DSP.

- c. 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. For example, one purpose of the M-X-T Zone is to promote orderly development of land in the vicinity of major intersections, to enhance the economic status of Prince George's County. The proposed development, consisting of residential and commercial uses, will provide increased economic activity proximate to the intersection of MD 4 and Melwood Road. It also allows for a reduction of the number and distance of automobile trips by constructing residential and nonresidential uses in close proximity to each other. In addition, the proposed attached dwellings and

commercial uses will allow more density on the site. The addition of the regional urban community use will allow for flexibility in land use to respond to the market and promote economic vitality and investment. This CSP promotes the many purposes of the M-X-T Zone, and contributes to the orderly implementation of the Westphalia Sector Plan and SMA.

- (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 or include a major employment use or center which is consistent with the economic development strategies of the Sector Plan or General Plan;**

On June 18, 2019, the County Council adopted CB-19-2019, a bill to amend this requirement to support a “major employment use or center” in a regional urban community such as the Westphalia Center. This CSP amendment meets the modified requirements of Section 27-546(d)(2) because it includes a major employment use consistent with the economic development strategies of the *Approved Plan Prince George’s 2035 General Plan* and the sector plan.

- (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. The development will address the major roadways and the proposed public streets internal to the site. How buildings relate to the street and other urban design considerations will be addressed at the time of DSP.

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

The proposed development concentrates its greatest densities and intensities of development in the Core area and the southern portions of the development along MD 4 and A-66, with lower densities to the north and east. The existing commercial and industrial uses along A-66 to the west are compatible with the proposed office and employment uses within the Core. Small numbers of single-family detached houses are proposed in the area closest to the smaller-scale existing residential uses along Melwood Road, which are also to be buffered from the CSP by afforestation and tree preservation.

The proposed future residential development to the north of the site will follow the overall scheme of development approved by the Westphalia Sector Plan and will be consistent with the northern residential uses proposed in the Edge area of the subject site.

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

The proposed plan includes commercial, residential, and institutional uses organized around a comprehensive network of streets, open spaces, and recreational amenities. Overall, the plan proposes a cohesive development capable of sustaining an independent environment of continuing quality and stability as a regional urban community.

- (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 applicant proposes five phases. Phase 1 is currently under construction and is made up of residential and commercial uses. Phase 2 consists of the major employment center and completion of the main east-west road through the development (Presidential Parkway). Phase 3 will include the transit area and commercial uses. Phase 4 will be residential, and Phase 5 is made up of commercial uses at the western end of the subject property.

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

The CSP shows sidewalks along all public roads, but does not specify the pedestrian system within the proposed commercial and residential developments. This requirement will be evaluated in detail at the time of DSP.

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

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

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

While development of the subject property is currently governed by previously approved CSP-07004-01, as well as PPS-4-08002, the proposed CSP seeks to modify some of the approved land uses. However, based on the proposed major employment use, the overall traffic generation will be reduced, as shown in Table 1 below:

Table 1							
Land Use		AM Peak-Hour			PM Peak-Hour		
	Units sq. ft.	In	Out	Total	In	Out	Total
<i>Major Employment (proposed)</i>	<i>2,685,549</i>	<i>697</i>	<i>639</i>	<i>1336</i>	<i>638</i>	<i>696</i>	<i>1334</i>
Office – Westphalia Center	1,000,000	1360	190	1550	250	1240	1490
Retail – Westphalia Center	600,000	210	156	366	774	840	1614
Total – Westphalia Center		1570	346	1916	1024	2080	3104
Trip reduction				580			1770

Development of the major employment use portion of the overall town center development will continue to be governed by the approval of PPS 4-08002. The timing of the provision of several road improvements will be driven by the requirements of the approved PPS. It has also been demonstrated that the major employment phase of the overall development will result in 580 and 1770 fewer AM and PM peak trips than the original phase of the town center it will replace. By virtue of having a valid underlying PPS with a CSP amendment that will generate less traffic than the development shown on the original CSP, the Planning Board finds that the requirements of Section 27-546(d)(9) are met.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club).**

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

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

The applicant does not propose a mixed-use planned community.

- d. The following regulations of the M-X-T Zone in Section 27-544(c) and (f) are applicable to the subject property:

- (c) **For property placed in the M-X-T Zone through a Sectional Map Amendment or through a Zoning Map Amendment intended to implement land use recommendations for mixed-use development recommended by a Master Plan or Sector Plan that is approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation:**

- (1) **For property not subject to Section 27-544(f)(2)(I), the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan.**
- (2) **The limitations on the maximum percentages of townhouses contained in Section 27-547(b)(7), footnote 7 and the lot size and lot width requirements in Section 27-548(h) shall not apply. However, the Planning Board or District Council may impose similar**

restrictions where appropriate, only to implement the recommendations of the Master Plan or Sector Plan.

The property was placed in the M-X-T Zone through an SMA approved after October 1, 2006, for which a comprehensive land use planning study was conducted prior to initiation. However, CB-19-2019 modifies this requirement, so it is not applicable to property subject to Section 27-544(f)(2)(I), which includes the subject property.

(f) Regional Urban Community Regulations.

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

Section 27.101(a)(197.1) of the Zoning Ordinance refers to the definition of a regional urban community, which is met by this project.

Section 27-276 refers to the required findings for CSP approval.

Section 27-508 refers to the regulations of the R-M Zone for portions of a regional urban community that may be in the R-M Zone, which is not applicable to the subject application, which is entirely in the M-X-T Zone.

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

- (A) The maximum number and type of dwelling units shall be determined at the time of the Conceptual Site Plan approval;**

CB-19-2019 modifies this requirement such that the maximum number and type of dwelling units shall be determined at the time of the CSP approval. The number and type of dwelling units shown on this CSP were approved by the Planning Board.

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

The submitted Type I tree conservation plan (TCPI) is in conformance with this requirement, which will be further reviewed and enforced at the time of the Type II tree conservation plan (TCPII).

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

Stormwater management (SWM) concepts have been evaluated by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and will continue to be reviewed by that agency and the Environmental Planning Section at subsequent steps in the approval process.

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

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

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

This requirement will be evaluated at the time of DSP review.

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

Parking requirements will be evaluated in this fashion at the time of DSP review.

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

These minimum standards will be applied to any DSP that proposes townhouses.

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

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

- (I) In the event that a major employment use or center is identified after the adoption of the applicable Sector Plan, the Conceptual Site Plan may be amended to provide appropriate guidelines for such development to be applied at Detailed Site Plan to integrate the use into the surrounding development pattern. Such guidelines may include architecture, streetscape amenities, buffers and landscaping. Such guidelines shall be flexible to accommodate the requirements of the proposed employment use or center.**

The subject CSP amendment proposes to incorporate a major employment use identified after the adoption of the applicable Sector Plan in accordance with this section. The proposed use will be surrounded by proposed public roads, except to the northwest where a bufferyard should be provided adjacent to the proposed future residential community at the time of DSP. The major employment use modifies the open space pattern, as was established with the Special Purpose Detailed Site Plan DSP-12043, which is conditioned herein to be amended to reflect the removal of open spaces previously located within the Core area. Another condition is included in this approval requiring

specific consideration of architecture, streetscape amenities, and buffers and landscaping at the time of DSP for a major employment use as required by this section.

- e. 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. Adequate visitor parking for all residential units will need to be addressed at the time of DSP.
- 8. **Conceptual Site Plan CSP-07004 and its amendment:** CSP-07004 was approved by the District Council on September 21, 2009. CSP-07004-01, which fully replaced and modified the conditions of CSP-07004, was approved with conditions by the District Council on February 24, 2014. CSP-07004-02 requests modifications to the CSP-07004-01 conditions of approval (18, 31, and 32) regarding landscaping of surface parking lots, phasing of development, and a reduction of the master plan trail along the north side of MC-634 and A-66. The conditions of the subject approval are to be read as a full replacement to those contained in CSP-07004-01.

The entire limit of the CSP has been the subject of PPS approvals 4-08018 (Moore Property) and 4-08002 (Westphalia Center). However, conditions relating to PPSs or future DSPs will remain, and shall apply to any amended or new PPS within the limits of this CSP.

Conditions have been carried forward, as appropriate with several discussed further below:

1. Prior to certificate approval, the following revisions shall be made to the CSP:

In general, this condition has been revised to be reflective of the technical revisions needed for this CSP amendment prior to certification. However, some conditions have been carried forward where they were not adequately shown on the submitted CSP.

- k. **Add a floating symbol for the potential location of a library within the town center.**

The potential site for the library, as shown on the approved CSP, is in an area consistent with the Public Facilities goal recommended in the approved area sector plan, which states:

Policy 3—Library

Locate needed library facilities in the town center core on or near a main street adjacent to a usable outdoor open space or square.

Strategy

Construct one new library, with a community meeting space, in the proposed town center core.

Accordingly, the PPS identified a potential parcel for the library location within the Core area, west of MC-637. Subsequently, Special Purpose DSP-12043, approved by the Planning Board on May 16, 2013 (PGCBPB Resolution No. 13-51), reconfirmed the potential location and library dedication requirement. This CSP application proposes to relocate the library symbol next to the transit center, in the southern area of the Core.

While reviewing the current plan, Planning Board coordinated with the Prince George's County Memorial Library System (PGCMLS), and they indicated a desire to move the existing library on Main Street to the Westphalia Center area so that it could remain within the limits of Upper Marlboro.

The applicant's initial submission showed the potential site located on Parcel 30, next to a future transit facility; however, in an exhibit submitted to the Planning Board on May 23, 2019, the applicant proposes to relocate the potential library site to Parcel 23, which is closer to a future public school, residential, and retail areas. It should be noted that this relocation does not constitute the final location of a library site, and the potential location is subject to change as development of the overall site progresses.

The library parcel should be identified on a future DSP, which includes, or is abutting the corresponding area shown on the CSP, and be dedicated to PGCMLS at the time of final plat, consistent with the approved PPS. A condition has been added requiring this to happen at the time of a future DSP.

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.**

The text revision was not certified with CSP-07004-01, as required by this condition. Therefore, this condition has to be addressed prior to certification of the subject CSP amendment, as modified by the current proposal. Prior to certification of the CSP plan, the CSP plan text shall be certified.

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

This condition was edited accordingly to include the technical revisions needed for the current TCPI amendment.

4. **At least 35 days prior to Planning Board approval of the preliminary plan of subdivision, a stream corridor assessment using the Maryland Department of Natural Resources protocol shall be submitted. General impacts to the entire stream valley for stream restoration shall be approved at the preliminary plan stage. Specific impacts for stream restoration will be determined, reviewed, and approved**

at the detailed site plan stage. Streams shall not be piped unless absolutely necessary to address a water quality or water conveyance problem.

This condition relates not only to the approval of the PPS, but also gives guidance to the review of DSPs and should remain.

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.**

The Planning Board approved the applicant's requested revised language for Condition 18, to allow Subcondition (c) to not apply within the Core area. The original CSP approval recognized a regional urban community's exemption from the majority of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), but required certain surface parking lots to be subject to the requirements of Section 4.3. Originally envisioned as a mixed-use, 24-hour development, the Core area would have had parking structures and some small parking lots in the rear of buildings, very few of which would be over five spaces. The current concept is for a much different use, which requires a parking scheme with a larger amount of surface parking.

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

The Planning Board, in subdivision review for any proposed residential construction on the subject property, shall include all relevant issues, including without limitation, public facilities adequacy and master plan conformance, as they

concern the entire Westphalia Center property and project, not just the issues arising at the site for that subdivision.

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

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

- g. Prior to issuance of permits for the 750,000 square feet of retail development, 500,000 square feet of office space shall be constructed.**
- h. No single retail space shall be approved that exceeds 125,000 square feet of gross floor area within Westphalia Center.**
- i. A phasing and tracking chart shall be prepared in accordance with the approved phasing plan prior to certification of the CSP. This chart shall be submitted with each detailed site plan and comprehensively updated to ensure conformance with the phasing plan. The chart shall also be submitted with every building permit. No building permit shall be issued which does not conform to the phasing schedule above.**

The applicant has requested a modification to Condition 31, to be reflective of the proposed amended uses, and to remove subconditions (d) through (g), requiring certain amounts of retail and office space prior to a certain number of dwelling units. Planning Board agrees with the applicant's justification that construction of the proposed major employment use will provide a good percentage of the anticipated commercial space, as previously conditioned. Once built, there is no need to phase additional retail and residential uses, which can proceed as the market dictates. Therefore, this condition was modified.

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

- a. Construct the subject site's portion of the Cabin Branch master plan trail. The trail alignment, design, and timing shall be determined at the time of preliminary plan.**

The Prince George's County Department of Parks and Recreation (DPR) has declined this portion of the stream valley. The public master plan trail will end at the central park, north of the subject property. This portion of the stream valley also directly parallels Dower House Road extended, making a homeowners association (HOA) trail along the stream valley duplicative of the trail proposed along the road. The connection from the subject site to the central park will be accommodated within the public road right-of-way, not the private HOA open space. The concurrent DSP-19008 reflects an eight-foot-wide trail along both sides of Dower House Road extended that will fulfill the purpose of this previous condition. Therefore, this subcondition was removed.

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

Planning Board does not support the applicant's request for a six-foot-wide sidewalk along the north side of A-66. Although the applicant states that less foot traffic is anticipated with a new large, single employment use in the Core area than would have been expected with the mixed-use, 24-hour center originally envisioned, this will be a major employer and destination. An eight-foot-wide sidewalk would allow for bicycles and pedestrians to pass each other, make the long block more inviting, and allow for multimodal commuters to walk or bike to the site. However, the constructed width of the sidewalk is an operating agency determination, which would override this condition. In conclusion, this subcondition remained the same.

9. **1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance:** This property is subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance (WCO) because it has previously approved TCPs. This project is grandfathered.

The current TCPI-014-08-03, as submitted, shows a woodland conservation threshold of 76.18 acres and a cumulative woodland conservation requirement of 229.92 acres. The worksheet on the plan has been appropriately phased to show Moore Property as a phase, the clearing needed for installation of roadways and infrastructure, and the remainder of the Westphalia property. The worksheet will be further refined on the TCPII, as needed.

The plan requires technical changes to be in conformance with the WCO, which have been included as conditions in this approval. The noise contours that were previously shown on the TCPI continue to be shown; however, the symbol and the labels are too small to read. The noise contours and associated labels must be revised to be clearly visible on the plan. The TCPI notes shown on the plan need to be updated to reflect the information applicable to the current application, such as updating the CSP number, updating the SWM number, etc. The standard site statistics table and the standard general information table must be added to the plan. The bearings and distance labels must be shown on all property boundaries.

10. **Other site-related regulations:** Additional regulations are applicable to site plan review that usually requires 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**—As a regional urban community, the subject development is subject to only Section 4.8, Landscape Requirements in a Regional Urban Community, of the Landscape Manual. This section states that the landscape requirements for a regional urban community shall be determined at the time of the CSP, pursuant to Section 27-544, and provides a list of minimum requirements for residential and screening, which will be reviewed at the time of DSP. The submitted CSP contains a conceptual landscape plan (Sheet 10), which demonstrates conformance to the other sections of the Landscape Manual and is found to be acceptable, except as discussed otherwise in this report.

- b. **Prince George's County Tree Canopy Coverage Ordinance**—Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties 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 507.85 acres in size and the required TCC is 50.79 acres. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be ensured at the time of approval of a DSP.

11. **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. **Special Projects**—The Planning Board reviewed a memorandum dated May 8, 2019 (Hancock to Hurlbutt), which provided comments on the subject application incorporated into Finding 8 above.
- b. **Community Planning**—The Planning Board reviewed a memorandum dated May 24, 2019 (Rowe to Hurlbutt), which provided comments on the subject application that have been incorporated into the appropriate findings above, as well as a discussion of the applicable general and sector plan.
- c. **Transportation Planning**—The Planning Board reviewed a memorandum dated May 23, 2019 (Burton to Hurlbutt), which provided the following summarized comments on the subject application:

Pursuant to PGCPB Resolution No. 09-93 (4-08002), that PPS was also approved with similar transportation-related conditions, including a trip cap of 6,816 AM peak-hour trips and 8,526 PM peak-hour trips. As of this writing, this approved PPS remains valid, along with all of the associated conditions of approval. One of the conditions of approval for the PPS is the following:

- 48. **Prior to the issuance of any building permits within the subject property for uses generating peak hour trips in excess of 1,610 AM and 1,719 PM, 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:**

This condition establishes a trip cap within the global trip cap of 6,816 AM peak-hour trips and 8,526 PM peak-hour trips for the entirety of the town center. The availability of these vested trips means that a portion of the town center, such as the pending major employment development, could potentially move forward without the need for any transportation improvement, provided that the trip generation does not exceed either of the vested AM or PM trip thresholds. There are, however, townhouses that are currently

being built on the property, which have utilized some of those available trips. Table 2 below shows a breakdown of the vested trips and how they are being apportioned.

Table 2		
	AM Peak	PM Peak
Total Vested Trips (Condition No. 48)	1,610	1,719
<i>Less 346 townhomes (DSP-13006-06)</i>	<i>242</i>	<i>277</i>
Remaining Trips	1,368	1,442
<i>Less Major Employment Use - proposed</i>	<i>1,336</i>	<i>1,334</i>
Remaining Vested Trips (after revision)	32	108

Table 2 is modified from the original version supplied by the applicant in support of this CSP. In part, Table 2 calculates how many trips have been utilized by the developer in DSP approvals for 346 existing townhouses within the Westphalia Center subdivision, plus the proposed major employment use, and subtracting them from the PPS vested trips.

In the original traffic impact study submitted by the applicant for PPS 4-08002 (PGCPB Resolution No. 09-93), all residential land use trip rates were analyzed using the fitted curves from Trip Generation, Seventh Edition (Institute of Transportation Engineers (ITE)), including the fitted curve for Land Use Code 230, “Residential Condominium/Townhouse” for the townhouse portion of the development. The trip analysis provided by the applicant, in support of this CSP amendment, used the “Apartments (garden and mid-rise)” trip rate from the “Transportation Review Guidelines, Part 1” (Guidelines) for the 346 townhouses because Land Use Code 230 has been deleted from the current Trip Generation, Tenth Edition (Institute of Transportation Engineers).

An analysis noted the applicant used the lower trip rates for apartment (garden and mid-rise) dwelling units, instead of those for the actual townhouse dwelling units. The Planning Board is not in agreement that the lower trip rate from the Guidelines used by the applicant accurately reflects the existing townhouse land use. Given the deletion of the townhouse use from the ITE manual, the townhouse trip rates from the most current adopted source available should be applied, which is the Planning Board’s “Transportation Review Guidelines, Part 1”. Based on this analysis, the amended Table 2 is reflected herein. Once the appropriate trip rates are applied, the available remaining PPS vested trips, after the inclusion of the proposed major employment use, was lowered from 94 AM and 177 PM peak-hour trips to 32 AM and 108 PM peak-hour trips, an overall reduction of 62 AM and 69 PM peak-hour trips.

The results of Table 2 show that if the proposed development is approved, there will be sufficient vested trips available to not trigger the need for any off-site improvements. This determination is based upon the assertion by the applicant that the proposed major employment development will, in fact, generate 1,336 AM and 1,334 PM peak trips. These projections are further predicated on the assumption that the travel demand created

by this proposal will be augmented with bus service (public/private). Without bus service, it is estimated that the vehicular trip generation for the proposed use will be approximately 1,646 AM and 1,644 PM. While not an issue for the CSP, it is noted that these projections will exceed the vested trips outlined in Table 2 and will trigger Condition 48 of the approved PPS and the list of off-site improvements prior to issuance of any building permit. To the extent that the applicant believes that this major employment use can be implemented within the vested phase of the PPS, the applicant must provide evidence of the provision of bus service, or other equivalent trip reduction measures, during the DSP phase of this development.

There will be four roads from the approved CSP/PPS that will be displaced by the pending CSP amendment. Public Roads O and L, which are both north-south oriented; and Public Roads A and B, which are oriented east-west, will all be removed. The proposed facility will be accessible from two future public roads, MC-637 extended to the west and A-66 to the south. At the time of DSP-19008, further evaluation of site access and parking will be made.

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, including Sections 27-276 and 27-546.

- d. **Subdivision Review**—The Planning Board reviewed a memorandum dated May 23, 2019 (Turnquest to Hurlbutt), which provided the following summarized comments on the subject application:

The site is the subject of PPS 4-08002, approved by the Planning Board on June 4, 2019, for the creation of 1,352 lots and 209 parcels, subject to 54 conditions (PGCPB Resolution No. 09-93). Since this PPS is still valid and the proposed major employment development will be operating within it, the following conditions warrant discussion at this time:

1. **Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:**

- n. **Provide a general note regarding the parcel description, and who the land is to be dedicated to with acreage for the police, library, transit, fire/EMS, and school sites. Include a note regarding the trigger for dedication of each consistent with the approved preliminary plan.**

The PPS was signature approved on February 7, 2011. Condition 1(n) and the library finding on page 91 of the PPS resolution required the location and dedication of the library site. Accordingly, the PPS identified a potential parcel for the library location within the Core area, west of MC-637. Subsequently, Special Purpose DSP-12043, approved by the Planning Board on May 16, 2013 (PGCBPB Resolution No.

13-51), reconfirmed the potential location and library dedication requirement. This CSP application proposes to relocate the library symbol next to the transit center, in the southern area of the Core. The library parcel should be identified on a future DSP, which includes or is abutting the corresponding area shown on the CSP, and be dedicated to PGCMLS at the time of final plat, consistent with the approved PPS.

- 5. At the time of final plat, the applicant shall dedicate rights-of-way consistent with the approved preliminary plan of subdivision.**
- 42. Total development within the subject property shall be limited to uses which generate no more than 6,816 AM peak-hour trips, and 8,526 PM peak-hour trips, 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.**
- 43. A traffic phasing analysis will 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 Phase 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 6,186 AM peak-hour trips, and 8,526 PM peak-hour trip cap, unless a new preliminary plan of subdivision is processed.**
- 45. 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:**
 - a. The right-of-way for A-52 and MC-637 (between MC-634 and West Circle) within a 104-foot (or greater) right-of-way.**
 - b. The right-of-way for MC-634, MC-632, and MC-637 (north of West Circle) within a 96-foot right-of-way.**
 - c. The right-of-way for A-66, within a 118-foot right-of-way.**
 - d. The right-of-way for C-636, within a 70-foot right-of-way.**
 - e. The rights-of-way associated with the interchanges along MD 4 at Suitland Parkway, Dower House Road, and MD 223.**

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

The subject application proposes changes to the uses and circulation through the Westphalia Core area to allow for a major employment development. The following roadways shown on the approved PPS are proposed to be modified or removed with this CSP amendment:

- Public Road A (Town Center Core Boulevard)
- Public Road B
- Traffic Circle (Parcel T1) as part of MC-637
- Private Road L
- Private Road S

It is noted that none of the roadways affected are master-planned roads and that Condition 50 of the PPS allows for modification of the public space within the round-about of MC-637, known as Parcel T1 on the PPS. The Planning Board reviewed and determined that the right-of-way modifications proposed will allow for adequate circulation, are consistent with the approved PPS, and that the development proposed does not exceed the capacity established with the PPS.

- e. **Trails**—The Planning Board reviewed a memorandum dated May 28, 2019 (Shaffer to Hurlbutt), which provided the following summarized comments on the subject application:

The Westphalia Sector Plan and the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) identify a number of master plan and bicycle issues that impact the subject site. These issues are summarized below and will be addressed via later phases of review:

- Cabin Branch Stream Valley Trail: This trail is proposed to run along the western edge of the subject site and will serve as a connection to the central park.
- Shared-use path (or wide sidewalk) along A-66: This east-west connection will provide access from the residential units to the stream valley trail. Seven-foot-wide sidewalks and designated bike lanes are reflected on the approved cross sections.
- Shared-use path (or wide sidewalk) along MC-637: A shared-use path is recommended along this master plan road in both the sector plan and MPOT. This facility should be provided at the time of road construction. Per the

previously approved street sections, this recommendation is being implemented with eight-foot-wide sidewalks and designated bike lanes.

- Both the sector plan and MPOT recommended a shared-use path (or wide sidewalks) through the subject site at approximately the location of what would have been the extension of Observatory Place.

The trail along the extension of Observatory Place is no longer feasible due to placement of the proposed building. Public pedestrian and bicycle access will be accommodated via improvements along the frontages of A-66 and MC-637. Internal pedestrian access is accommodated via walkways through the areas of surface parking.

Due to the nature of the CSP amendment, no trails-related conditions are made at this time. The submitted plans are acceptable, as shown, and meet the required findings for a CSP for bicycle and pedestrian facilities. Details regarding frontage improvements and internal pedestrian access will be addressed at the time of DSP.

- f. **Environmental Planning**—The Planning Board reviewed a memorandum dated May 28, 2019 (Reiser to Hurlbutt), which provided the following summarized comments on the subject application:

Natural Resources Inventory Plan/Existing Features

A revised Natural Resources Inventory Plan (NRI-094-06) is currently under review by the Environmental Planning Section. A review of approved NRI-094-06-01 and the pending revision, NRI-094-06-02, 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 specimen trees located on-site.

Specimen Trees

This project is grandfathered from the current environmental regulations found in Subtitles 24, 25, and 27 that became effective in 2010. Because of this grandfathering, no variance for the removal of specimen trees is required.

Because additional specimen trees have been identified and other specimen trees have been removed, a summary of what specimen trees were previously approved for removal, what new specimen trees have been identified, and what specimen trees will need to be removed with the current application will be required at the time of DSP.

Stormwater Management

An approved SWM Concept Letter (44782–2007-03) was submitted for the property. An unapproved revision to the concept plan was also submitted. The focus of the revision is for the proposed development on Parcels 9 and 10. The revised plan now shows proposed SWM facilities on Parcel 9. The proposed revision to the concept must be approved and submitted with the DSP, for review purposes.

The Planning Board approved the CSP and TCPI, subject to two environmental-related conditions.

- g. **Prince George's County Department of Parks and Recreation (DPR)**—The Planning Board reviewed a memorandum dated May 29, 2019 (Zyla to Hurlbutt), adopted herein by reference, which DPR provided comments summarized as follows:

A park fund contribution system was established for every residential development project proposed within the Westphalia Sector Plan to help fund the development of Westphalia Central Park. Established with the original CSP to address the adequate public facilities issue for parks and recreation, the contribution mechanism is addressed with each PPS. At the time of PPS approval, the applicant is conditioned to enter into an agreement to pay the park fee at the time of building permit. This agreement is recorded in the Land Records of Prince George's County and the Liber/folio included on the applicable record plat. Because this agreement indicates the number of dwelling units approved with the PPS, there is no renegotiation of this agreement at the time of any CSP revision.

Although this proposed amendment does not affect the residential component and is not adjacent to, nor impacts, any existing or proposed parkland, DPR is concerned with the removal of public green spaces without adequate substitution. DPR recommends that the applicant propose public green spaces, as intended with the previous CSP-07004-01, to fully meet the recreational needs of the future residents proposed within the Westphalia Center area.

- h. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not offer comments on the subject application.
- i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board reviewed a memorandum dated May 3, 2019 (Giles to Hurlbutt), which DPIE indicated that they have no objection to the CSP amendment and referred to their memorandum for CSP-07004, dated May 20, 2008. This memorandum included standard comments regarding roadway improvements, stormdrains, SWM, and other issues, which will need to be addressed through DPIE's permitting process.
- j. **Prince George's County Police Department**—The Police Department did not provide comments on the subject project.
- k. **Prince George's County Health Department**—The Health Department did not provide comments on the subject project.
- l. **Maryland State Highway Administration (SHA)**—SHA did not provide comments on the subject project.

12. Based on the foregoing and as required by Section 27-276(b)(1), the CSP, if approved with the proposed conditions below, represents a reasonable alternative for satisfying the site design guidelines, as applicable to a regional urban community, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

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 I Tree Conservation Plan TCPI-014-08-03, and further APPROVED Conceptual Site Plan CSP-07004-02 for the above-described land, subject to the following conditions:

1. Prior to certification of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:
 - a. The CSP shall reflect a floating symbol indicating the proposed potential library site, in accordance with the applicant's exhibit received on May 23, 2019.
 - b. The CSP plan text shall be revised in accordance with Condition 2 of District Council Order for CSP-07004-01, as amended to reflect this approval, and submitted for certification.
 - c. Revise the Type I tree conservation plan to reflect the delineation of existing environmental features, per the -02 revision of Natural Resources Inventory NRI-094-06 once it has been approved.
 - d. The Type I tree conservation plan (TCPI) shall be revised, as follows:
 - (1) Revise the noise contours and labels to be larger and more legible.
 - (2) Revise the TCPI notes for the current application.
 - (3) Remove the previous Development Review Division approval block on all sheets.
 - (4) Ensure that all Development Review Division QR code approval blocks are updated for the current application number and be clear of other text on all sheets.
 - (5) Add the standard site statistics and general information tables to the plan.
 - (6) Show the bearings and distance labels for all property boundaries.
 - (7) Revise the TCPI approval block, as follows:

Prince George's County Planning Department M-NCPPC			
Environmental Planning Section			
TREE CONSERVATION PLAN APPROVAL			
TCPI - 014 - 08			
	Approved by	Date	DRD Case
00	Planning Board and District Council	Not Certified	PGCPB No. 08-189 and District Council Order
01	Megan Reiser	01/28/2011	4-08002
02	Megan Reiser	11/18/2010	CSP-07004-01
03			CSP-07004-02
04			
05			
06			

- e. Remove the note referring to the Edge area in the Core area between A-66 and the Transit area on Sheet 5.
 - f. The plan should be revised to remove the detached portion of the property at the western end of Presidential Parkway, that has been dedicated to the Maryland State Highway Administration and no longer subject to this CSP. The acreage should also be updated to 507.85 acres in the CSP text.
 - g. Show a buffer area along the full length of historic Melwood Road and the Twin Knolls subdivision, including the Fringe area. The buffer along the Fringe area shall be a minimum of 30 feet. The buffer along the remaining length of historic Melwood Road and the Twin Knolls subdivision, excluding the Fringe area, shall be a minimum of 75 feet wide and an average of at least 150 feet wide.
 - h. Revise the conceptual landscape plan to demonstrate conformance to Section 4.8 of the 2010 *Prince George's County Landscape Manual*.
2. At least 35 days prior to the Prince George's County Planning Board approval of the preliminary plan of subdivision, a stream corridor assessment using the Maryland Department of Natural Resources protocol shall be submitted. General impacts to the entire stream valley for stream restoration shall be approved at the preliminary plan stage. Specific impacts for stream restoration will be determined, reviewed, and approved at the detailed site plan stage. Streams shall not be piped unless absolutely necessary to address a water quality or water conveyance problem.
 3. The stormwater management ponds shown on the Type I tree conservation plan, with the preliminary plan of subdivision 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, bioretention, French drains, depressed parking lot islands, and native plants.

4. No woodland conservation shall be proposed on dedicated parkland, unless written authorization from the Prince George's County Department of Parks and Recreation has been provided prior to Prince George's County Planning Board approval of the associated tree conservation plan.
5. At least 35 days prior to Prince George's County Planning Board approval of the preliminary plan of subdivision (PPS), a Phase I noise study that addresses noise related to Andrews Air Force Base, MD 4 (Pennsylvania Avenue), A-52, and Presidential Parkway shall be submitted. The Type I tree conservation plan for the PPS 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.
6. The preliminary plan of subdivision and Type I tree conservation plan shall propose restoration of the stream valley for the Back Branch drainage area. Along with this innovative low-impact development (LID) stream restoration, on-site pretreatment will be provided at each stormdrain outfall in the amount of 10 percent of the water quality volume for that area. For this pretreatment, innovative LID techniques such as bioretention within parking lot islands, vegetated buffers, infiltration trenches, or pervious pavement will be utilized in the areas draining to Back Branch between MD 4 (Pennsylvania Avenue) and Presidential Parkway. By providing improved water quality and protecting the channel through stream restoration, the proposed stormwater management pond treating the residential area draining to Back Branch and its conveyance system can also be greatly reduced.
7. The locations of the master-planned trails along Back Branch and Cabin Branch shall be determined at the time of preliminary plan of subdivision review. The trails shall be designed to avoid the primary management area (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.
8. At the time of preliminary plan of subdivision review, a detailed transportation phasing plan shall be submitted to identify specific improvements for specified levels of development in each phase.
9. Prior to acceptance of a detailed site plan (DSP), which includes or is abutting the area where the floating symbol for the potential public library is shown on the conceptual site plan, the applicant and the applicant's heirs, successors, and/or assignees should include an acceptable area of land dedication to the appropriate County authority for construction of a library, consistent with the approved preliminary plan of subdivision, to be determined in consultation with the Special Projects Section and Prince George's County. The timing for dedication of the library parcel should be determined with the DSP. The consideration of the library could include as an alternative to dedication: i) a determination by the appropriate County authority that a library is no longer planned for the Town Center; ii) a relocation of the floating symbol to another location within the Town Center in consultation with the Special Projects Section; or iii) an alternative to

dedication, agreeable to the County, such as a long term lease for a library facility within the Town Center.

10. Prior to approval of a detailed site plan (DSP) for specific buildings for either Moore Property or the balance of Westphalia Center, excluding Moore Property, the applicants of Moore Property and the balance of Westphalia Center, separately, shall obtain approval of a special-purpose DSP to establish regulating standards for signage and to identify appropriate locations for transit stops, in consultation with the Prince George's County Department of Public Works and Transportation and the Washington Metropolitan Area Transit Authority. The special-purpose DSP shall also show the site plan details of the public open spaces and establish a timing plan for improvement of these public spaces and the public trail system. This condition requires approval of two special-purpose DSPs: one encompassing the entire Westphalia Town Center site, excluding Moore Property, and another for Moore Property. This condition shall be construed such that Moore Property may proceed prior to the entire Westphalia Center. However, standards established in the first special-purpose DSP shall be evaluated with respect to the feasibility of their inclusion in the subsequent special-purpose DSP for the balance of the Westphalia Center site, and the subsequent plan shall be evaluated in its review with respect to the standards and requirements established in the Moore Property special-purpose DSP. Regulating standards established by a previous special-purpose DSP for any portion of the Westphalia Center project shall provide guidance for similar standards to be established in a subsequent special-purpose DSP for the balance of Westphalia Center.
11. Prior to approval of a special-purpose detailed site plan (DSP) for either Moore Property or the balance of Westphalia Center, excluding Moore Property, the following items shall be determined to ensure they will be addressed during the review of each incremental DSP submitted subsequently:
 - a. Evaluate accessibility, safety, and traffic control needs for the circular public space within public road MC-637, or propose an alternative road design or location for the public spaces.
 - b. Address gateway design themes and concepts.
 - c. Define the responsibility for construction and ownership of other public spaces, recreation, and open space facilities proposed in the town center.
 - d. Address a comprehensive organizational structure and financing system to manage and maintain the public, quasi-public, and common ownership infrastructure networks and amenities, such as streets, sidewalks, recreation facilities, open spaces, and management operations for Westphalia Center as a whole, including Moore property.
 - e. Acknowledge that the transit center will be dedicated to public use.

12. 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 conceptual site plan.
13. Each detailed site plan (DSP) shall demonstrate conformance to landscaping standards. In general, development on the site shall be subject to the standards of Section 4.8 of the 2010 *Prince George's County Landscape Manual* (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 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. Except in the Core area, 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 DSP review.
14. The applicant shall allocate appropriate and developable areas for the private recreational facilities on homeowners association open space land. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department for adequacy and proper siting prior to approval of the detailed site plan by the Prince George's County Planning Board.
15. At the time of detailed site plan approval, the applicant shall demonstrate to the Prince George's County Planning Board that on-site private recreational facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement, or other appropriate means and that such instrument is legally binding upon the subdivider and the subdivider's heirs, successors, and/or assignees.
16. Pedestrian safety features, traffic calming, and pedestrian amenities shall be evaluated at the time of each detailed site plan.
17. The applicant shall submit three original executed private recreational facilities agreements (RFA) for the private recreational facilities on-site to the Development Review Division (DRD) of the Prince George's County Planning Department for 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.

18. The applicant shall submit to the Development Review Division (DRD) of the Prince George's County Planning Department a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DRD, in accordance with the timing established in the applicable special-purpose detailed site plan. The developer and the developer's heirs, successors, and/or assignees shall satisfy the Prince George's County Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
19. As part of the private recreational facilities package, the applicant and the applicant's heirs, successors, and/or assignees shall construct three community buildings. The size, timing, and location of the community buildings shall be determined with the review of the applicable special-purpose detailed site plan.
20. 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 Maryland-National Capital Park and Planning Commission, or provision of in-kind services. The agreement shall note that the value of in-kind services shall be determined solely by DPR. DPR decisions regarding choice and value of in-kind services are appealable to the Prince George's County 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.
21. Prior to approval 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 (Pennsylvania Avenue) 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 Prince George's County 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. The pro rata share shall be indexed by multiplying the dollar amount (\$) by the Engineering News Record Highway Construction Cost Index (at the time of building permit application) divided by the Engineering News Record Highway Construction Cost Index (for the second quarter of 2006).
 - b. The above improvement shall have full financial assurances through either private money and/or full funding in the Prince George's County Capital Improvement Program, a Surplus Capacity Reimbursement Procedure, the State Consolidated Transportation

Program, or public financing plan approved by the Prince George's County District Council.

22. Prior to approval of building permits within the subject property for uses generating peak-hour trips in excess of 1,610 AM and 1,719 PM trips, 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 (Woodyard Road) at Rosaryville Road. The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Prince George's County Planning Department with each building permit application. The pro rata share shall be \$1,126.23 per average peak-hour trip multiplied by the Engineering News Record Highway Construction Cost Index (at the time of building permit application) divided by the Engineering News Record Highway Construction Cost Index (for the second quarter of 2008).
23. Prior to approval of any building permits within the subject property for uses generating peak-hour trips in excess of 1,610 AM and 1,719 PM trips, 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. Pennsylvania Avenue (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. Pennsylvania Avenue (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 the Maryland State Highway Administration.
 - c. Pennsylvania Avenue (MD 4) and MD 223 (Woodyard Road) 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 the Old Marlboro Pike and MD 4 westbound off-ramp.
 - Construct a second southbound left-turn along MD 223 at the MD 4 eastbound on-ramp.
 - Widen the MD 4 eastbound on-ramp to accept the southbound double-left movement.
 - Provide a third northbound through-lane along MD 223 at the MD 4 eastbound on-ramp.
 - Install a traffic signal at the intersection of MD 223 and MD 4 eastbound off-ramp – MD 4 eastbound on-ramp.
- d. MD 223 (Woodyard Road) 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 (Woodyard Road) 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 (Woodyard Road) 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.
24. 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 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 Prince George's County Department of Parks and Recreation (DPR). The choice between a monetary contribution and the provision of in-kind services shall be at the sole discretion of DPR. The value of in-kind services shall be reviewed and approved by DPR. DPR decisions regarding the choice of contributions and the value of in-kind services are appealable to the Prince George's County Planning Board.

25. The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site private, recreational facilities, to be determined during the review of the applicable special-purpose detailed site plan (DSP). While the applicant acknowledges that public recreational facilities are to be provided in the central park, details regarding installation of those facilities will be determined at the time of review of the special-purpose DSP for the balance of Westphalia Center, which includes the central park.
26. The phasing of residential and commercial uses shall be determined with approval of the conceptual site plan (CSP) covering the whole property. All properties within Westphalia Center shall be subject to this CSP and the relevant special-purpose detailed site plan (DSP). The phasing plan schedule shall be subject to review and revision with each DSP.

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

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

- a. The minimum development amounts on the site shall be 150 single-family detached houses; 1,650 attached dwelling units; 1,800 multifamily dwelling units; 500 hotel rooms; 200,000 square feet of retail; and 2,400,000 square feet of office/employment uses. As development proceeds, adequate traffic capacity shall be reserved to allow the development of these minimum amounts. Development may proceed beyond the established trip cap, provided adequate transportation capacity will exist for that development.
- b. Attached dwelling units shall be limited to 50 percent of the total dwelling units on the Westphalia Center site as a whole, including Moore Property. Regardless of the relative quantities of different unit types approved on DSPs, building permits shall not be issued, which would result in the attached units exceeding 50 percent of the total of all dwelling units for which permits have been issued for the balance of the Westphalia Center property, excluding Moore Property. Up to 100 percent of the building permits for attached dwelling units may be issued for development on Moore property if it is in compliance with all other requirements. The foregoing notwithstanding, in the event the 50 percent restriction on attached dwelling units is deleted or revised from the Prince

George's County Zoning Ordinance requirements for a regional urban community, the above restriction on attached units shall no longer apply, without the requirement to further amend the CSP.

- c. Prior to approval of permits for the 1,400th dwelling unit on the balance of the Westphalia Center property, excluding Moore Property, either (i) 300,000 square feet of retail space or (ii) 500,000 square feet of office/employment space shall be constructed in the Core area. Permits for development on Moore Property may be issued prior to any commercial development in the central Core area.
 - d. No single retail space shall be approved that exceeds 125,000 square feet of gross floor area within Westphalia Center.
 - e. 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 DSP and comprehensively updated to ensure conformance with the phasing plan, as may be revised. The chart shall also be submitted with every building permit. No building permit shall be issued that does not conform to the phasing schedule above, as revised.
27. In conformance with the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall:
- a. 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 of subdivision.
 - b. Construct the minimum eight-foot-wide master plan trail along the subject site's entire frontage of the north side of MC-634 and A-66. In the vicinity of the town center, this trail may be replaced by a decorative wide sidewalk and streetscape. Treatment alternatives shall be evaluated at the time of detailed site plan.
 - c. Provide a financial contribution of \$840 to the Prince George's County Department of Public Works and Transportation (DPW&T) for 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 approval of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders are encouraged.
28. In areas of landscaping and street furniture, a clear horizontal sidewalk space of eight feet shall be maintained to accommodate the heavier pedestrian traffic anticipated in the town center Core area. The optional zone may be reduced to 28 feet in order to accommodate this change.
29. 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.

30. The developer shall pay a fee-in-lieu to satisfy woodland conservation requirements, in accordance with Prince George's County Council Bill CB-29-2008.
31. Where there is a mixture of products and/or lot sizes, alleys shall not be required to be aligned, unless determined otherwise by the Prince George's County Department of Public Works and Transportation at the detailed site plan stage.
32. The acreage for the transit center is approximately four acres.
33. All private recreational facilities located in Westphalia Center shall be made available to all residents living within its boundaries.
34. The applicant shall consider the use within this development of traditional names associated with the property and community for such elements as street names, parks, and community centers. The Historic Preservation Section of the Prince George's County Planning Department shall be contacted for a list of names for consideration.
35. Any subsequent approvals which contain the requirement for a special-purpose detailed site plan (DSP) including, but not limited to, Conditions 10 and 17 of Preliminary Plan of Subdivision 4-08018 (as expressed in PGCPB Resolution No. 09-95) and Conditions 11, 17, 18, 19, 21, and 50 of Preliminary Plan of Subdivision 4-08008 (as expressed in PGCPB Resolution No. 09-93) shall be construed to permit separate special-purpose DSPs for Moore Property and for the balance of Westphalia Center.
36. Prior to approval of a building permit for the major employment use by the Maryland-National Capital Park and Planning Commission, Special Purpose Detailed Site Plan DSP-12043 shall be amended, at Planning Director level, to reflect the amendment to the conceptual site plan and demonstrate how the removal of the open spaces previously located within the Core area, specifically P1, P2, P5 and P6, have been addressed.
37. At the time of DSP for a major employment use, the following considerations shall be addressed:
 - a. Architecture, as visible from surrounding residential communities, shall be enhanced to provide details and visual interest.
 - b. Streetscape amenities shall be provided to ensure a pedestrian-friendly environment, including wide sidewalks and enhanced landscaping, along all abutting public roadways.
 - c. Buffers and landscaping shall be provided to screen the use and any generated noise, to the fullest extent possible, from surrounding residential communities. This may include the use of increased setbacks, existing or proposed trees, and screen walls or fences.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Doerner temporarily absent at its regular meeting held on Thursday, June 27, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of July 2019.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:JH:gh