



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 2023-24

File No. DET-2022-001

## R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed 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 March 2, 2023, regarding Detailed Site Plan DET-2022-001 for Westphalia Business Center 1 and 2, the Planning Board finds:

### **I. EVALUATION CRITERIA**

**A. Prince George's County Zoning Ordinance.** Detailed site plans are reviewed and decided by the Prince George's County Planning Board. Pursuant to Section 27-3605(e) of the Prince George's County Zoning Ordinance, a detailed site plan may only be approved upon a finding that all of the following standards are met:

- (1) The proposed development represents a reasonable alternative for satisfying the applicable standards of this Subtitle, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use;
- (2) The proposed development complies with all conditions of approval in any development approvals and permits to which the detailed site plan is subject;
- (3) The proposed development demonstrates the preservation and/or restoration of the regulated environmental features in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-4303(D)(5) of Subtitle 24: Subdivision Regulations;
- (4) Proposed development located within a Planned Development (PD) zone shall be in conformance with the PD Basic Plan and PD Conditions of Approval that apply to that development;
- (5) The proposed development conforms to an approved Tree Conservation Plan, if applicable;
- (6) The development proposed in a detailed site plan for infrastructure complies with applicable regulations of PART 27-6: Development Standards, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge; and

- (7) Places of worship located on a lot between one (1) and two (2) acres in size shall also meet the following standards:
  - (A) The minimum setback for all buildings shall be twenty-five (25) feet from each lot line;
  - (B) When possible, there should be no parking or loading spaces located in the front yard; and
  - (C) The maximum allowable lot coverage for the zone in which the use is proposed shall not be increased. (See III.A.)

In addition, the applicant is requesting a variance from the floor area ratio requirements of Section 27-4204(d)(3) of the Zoning Ordinance. In order to grant a variance, the Planning Board must make the findings required by Section 27-3613(d). (See III.B.)

- B. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.** Pursuant to Section 25-119(a)(2)(B) of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance, applications for a detailed site plan shall include a Type 2 tree conservation plan (TCP2) or a Standard Letter of Exemption. If a site requires approval of a TCP2 with an associated detailed site plan application, the TCP2 is reviewed contemporaneously with the associated plan. (See III.C.)
- C. Prince George's County Tree Canopy Coverage Ordinance.** The site is subject to the requirements of the Prince George's County Tree Canopy Coverage Ordinance and must provide a minimum 10 percent of the site be covered in tree canopy because the site is zoned Town Activity Center – Edge (TAC-E). (See III.D.)

## II. BACKGROUND

- A. Request:** The subject detailed site plan (DET) is for a total of 306,000 square feet of commercial/warehouse uses in two separate buildings on two proposed parcels. A variance to Section 27-4204(d)(3) of the Prince George's County Zoning Ordinance, for the floor area ratio (FAR) requirement for the building on proposed Parcel 32, is also requested.

Originally, the application included a third 275,000-square-foot building on a separate parcel, Parcel 35. In correspondence dated January 26, 2023, the applicant indicated that they were removing that parcel and building entirely from the DET.

**B. Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	TAC-E/MIO	TAC-E/MIO
Use	Vacant	Commercial/Distribution Warehouse
Total Gross Acreage	33.17	33.17
Floodplain	0.93	0.93
Total Net Acreage	32.24	32.24
Parcels	2	2
Gross Floor Area (GFA)	0	306,000 sq. ft.

- C. 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 and Council District 6. The DET is located at the west end of the town center, north and south of future Presidential Parkway, east of Machinists Place, and is zoned TAC-E and Military Installation Overlay (MIO).
- D. Proposed Uses:** Multiple commercial uses are permitted in the TAC-Edge Zone and could potentially be proposed in the buildings, such as general office, research, or development. Distribution warehouse is also a permitted use in the TAC-Edge Zone, with no use-specific standards. At the time of permitting specific tenants, use permission and use-specific standards will be reviewed for conformance, as required.
- E. Surrounding Uses:** The property is surrounded largely by properties in the TAC-E/MIO Zones. The DET is bounded to the south by the public right-of-way of MD 4 and beyond by properties in the Industrial, Employment Zone, to the north by the residentially developed Parkside development in the Legacy Comprehensive Design Zone, to the west by Machinists Place, undeveloped and commercially-developed portions of Westphalia Town Center, and to the east by undeveloped portions of Westphalia Town Center.
- F. Previous Approvals:** The subject property was rezoned to the Mixed Use–Transportation Oriented (M-X-T) Zone from the Light Industrial, Planned Industrial/Employment Park, and Residential-Agricultural 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 by the Prince George’s County District Council on May 19, 2009, with conditions, 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. CSP-07004-02 was approved by the Planning Board on June 27, 2019 (PGCPB Resolution No. 19-83), but was subsequently withdrawn. The current Zoning Ordinance does not recognize a CSP as a required application, therefore, the subject DET does not have to conform to the requirements of this approval, as it is no longer applicable.

The subject property has a valid Preliminary Plan of Subdivision (PPS), 4-08002 (Westphalia Center). The resolution of approval (PGCPB Resolution No. 09-93) was adopted by the Planning Board on June 25, 2009. The parcels approved with and shown on 4-08002, located within the area subject to this DET, include Parcels 29, 32, 33, and a 0.38-acre vacated area of Machinists Place. There are no final plats for the property recorded at this time. Final plats for the property should be accepted prior to the expiration of the PPS, which is December 31, 2023.

A detailed site plan for infrastructure (DSP-12017) and special purpose (DSP-12043) have been previously approved for the subject site, but do not contain any conditions of approval that are relevant to the subject application.

On November 29, 2021, the District Council approved Prince George's County Council Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from the M-X-T Zone to the TAC-E Zone, effective April 1, 2022, while retaining the MIO Zone.

- G. Design Features:** The applicant proposes to construct a total of 306,000 square feet of commercial/warehouse uses in two separate buildings on two proposed parcels totaling 33.17 acres within the Westphalia Town Center development. Proposed Parcel 32 lies north of Presidential Parkway, with two vehicular entrances off it, just east of Machinists Place, and includes a 96,000-square-foot building. Proposed Parcel 33 lies south of Presidential Parkway, with two vehicular entrances off it, just east of Machinists Place, with one vehicular entrance off it, and includes a 210,000-square-foot building. Each building will be one-story, rectangular, 45 feet high, potentially include multiple tenants, and surrounded by parking spaces, with loading docks and trailer parking on one side.
1. **Architecture.** The DET shows the two, 45 feet high, flat-roofed buildings located in the middle of each proposed parcel. Both buildings will be constructed of concrete and metal painted panels in multiple shades of blue, gray, and white. Each front elevation features multiple storefront window and door system sections, with metal awnings, to allow for multiple tenants. Each rear elevation features multiple loading dock overhead doors and service access doors, typical for an industrial building. Textured panels, horizontal reveals, metal sunshades, and concrete architectural fins are examples of some of the architectural details included on all facades of each building.

2. **Parking.** A single-bay surface parking lot is proposed on all sides of each building, except where the loading docks are in which case truck parking areas are generally provided. Each parcel proposes two vehicular access points off Presidential Parkway, and Parcel 33 proposes an additional access off Machinists Place. Bicycle racks are combined in groups that are spaced around the fronts and sides of each building, including some that are sheltered under a canopy.
3. **Signage.** The applicant proposes one freestanding sign per building along each parcel's Presidential Parkway frontage. The freestanding signs will be 5 feet tall by 8 feet wide and ground-mounted on a painted concrete base, which will match the building colors and materials. The panel sign will feature metal lettering of the tenant names and will be internally illuminated.

The building-mounted signage will include an approximate 5-foot by 16.5-foot "Northpoint" internally illuminated sign located near the top end of each building's front façade. In addition, each canopy over the storefront entrances may contain an approximately 20-square-foot tenant sign in metal lettering.
4. **Lighting.** The applicant will provide lighting throughout the surface parking lots and truck court and lighting on the building will be spaced around all sides of the building.

### III. COMPLIANCE WITH APPLICABLE PROVISIONS OF THE ZONING ORDINANCE

#### A. Detailed Site Plan Decision Standards (Section 27-3605(e))

- (1) **The proposed development represents a reasonable alternative for satisfying the applicable standards of this Subtitle, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use;**

The applicable standards of this Subtitle consist of Standards Applicable to all Transit-Oriented/Activity Center Base Zones (Section 27-4204(b)); Standards Applicable in Town Activity Center-Edge Zones - Intensity and Dimensional Standards (Section 27-4204(d)(3)); Modified Performance, Intensity, and Development Standards in the Military Installation Overlay Zone (Section 27-4402(c)(5)); and applicable Development Standards (Part 27-6).

1. **Standards Applicable in all Transit-Oriented/Activity Center Base Zones**
  - (a) Connectivity
  - (b) Vehicular Access and Circulation
  - (c) Pedestrian Access and Circulation

- (d) Off-Street Parking
- (e) Arrangement and Design of Off-Street Vehicle Parking
- (f) Building Form Standards

## 2. **Standards Applicable in Town Activity Center-Edge Zones - Intensity and Dimensional Standards**

As described in the applicant's statement of justification (SOJ) dated December 11, 2022, which is incorporated herein by reference, the DET is in conformance with the applicable standards in Section 27-4204(b), Standards Applicable to all Transit-Oriented/ Activity Center Base Zones, and Section 27-4204(d)(3), TAC Zone Intensity and Dimensional Standards, of the Zoning Ordinance, except as discussed in Finding III.B.. below. These include standards relative to vehicular and pedestrian access, arrangement and design of off-street vehicle parking, and building form standards. It should be noted that the block length and build-to line standards do not apply, as this TAC-E area is more than one-half mile beyond the Core area.

**Floor Area Ratio (FAR) in the TAC-E Zone: Required 0.25 – 1.5 min./max.**

	<b>Net Lot Area (sq.</b>	<b>Building Square</b>	<b>Proposed</b>
Parcel 32	621,960 sq. ft.	96,000 sq. ft.	0.15
Parcel 33	822,732 sq. ft.	210,000 sq. ft.	0.25

## **Parking Requirements**

	<b>Min.</b>	<b>Provided</b>
<b>Parcel 32 – 96,000 sq. ft. GFA</b>		
Parking Spaces	N/A*	116 (5 handicapped)
Loading Spaces @ 1 up to 10,000 sq. ft. + 1/each additional 40,000 sq. ft. or fraction	4	32
Bicycle Spaces @ 4 + 2/10 parking spaces above	32	32
<b>Parcel 33 – 210,000 sq. ft. GFA</b>		
Parking Spaces	N/A*	235 (7 handicapped)
Loading Spaces @ 1 up to 10,000 sq. ft. + 1/each additional 40,000 sq. ft. or fraction	6	57
Bicycle Spaces @ 4 + 2/10 parking spaces above	60	60

**Note:** \*Per Table 27-6305(a), a distribution warehouse in the Town Activity Center – Edge (TAC-E) Zone has no minimum number of parking spaces requirement. Therefore, the maximum off-street parking standard in Section 27-4204(b)(1)(D)(ii) of the Zoning Ordinance does not apply. Should a different use be proposed in the future, the applicant will have to demonstrate sufficient parking or revise the site plan to provide the required parking.

3. **Modified Performance, Intensity, and Development Standards in the Military Installation Overlay Zone**

The subject property is located within Imaginary Surface D (Inner Horizontal Surface) and the Noise Intensity Zone of the MIO Zone. The application does not propose structures taller than 150 feet, the height standard for Surface D in Section 27-4402(c)(5)(B)(iv)(bb)(III) of the Zoning Ordinance. In addition, the application does not propose any residential construction subject to the noise requirements of Section 27-4402(c)(5)(C)(ii).

4. **Applicable Development Standards**

The DET is consistent with the applicable standards in Part 27-6, Development Standards, of the Zoning Ordinance, as described in the applicant's SOJ dated December 11, 2022, which is incorporated herein by reference. The following discussion is offered:

(a) **Section 27-6200 Roadway Access, Mobility, and Circulation**

The DET is in conformance with the applicable standards in Section 27-6200 of the Zoning Ordinance. A circulation plan was provided demonstrating sufficient vehicular, pedestrian and bicycle access and circulation.

(b) **Section 27-6300 Off-Street Parking and Loading**

The DET is in conformance with the applicable standards in Section 27-6300 of the Zoning Ordinance, including parking, loading, and bicycle parking requirements and standards.

(c) **Section 27-6400 Open Space Set-Asides**

The DET is in conformance with the applicable standards in Section 27-6400 of the Zoning Ordinance. The applicant provided open space set-aside plans as part of the landscape plan set showing the required 5 percent being provided on each parcel in natural features, plazas, and passive recreation areas.

(d) **Section 27-6500 Landscaping**

The DET is in conformance with the applicable standards in the 2018 *Prince George's County Landscape Manual* (Landscape Manual), including Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; Section 4.8, Building Frontage Landscape Requirements; Section 4.9, Sustainable Landscaping Requirements; and Section 4.11, Requirements for Nonresidential and Mixed-Use Development. The required schedules have been provided demonstrating conformance to all these sections.

(e) **Section 27-6600 Fences and Walls**

The DET is in conformance with the applicable standards in Section 27-6600 of the Zoning Ordinance, including fence and wall heights, locations, and appearance.

(f) **Section 27-6700 Exterior Lighting**

The DET, which includes a photometric plan, is in conformance with the applicable standards in Section 27-6700 of the Zoning Ordinance, including the maximum illumination measured in foot-candles at ground level at the lot lines.

(g) **Section 27-6800 Environmental Protection and Noise Controls**

Section 27-6805 of the Zoning Ordinance requires an approved grading, erosion, and sediment control plan. Development shall comply with the requirements for sedimentation and erosion control in accordance with Subtitle 32, Division 2, Grading, Drainage and Erosion and Sedimentation Control, of the Prince George's County Code.

The County requires the approval of an erosion and sediment control plan. The TCPII must reflect the ultimate limits of disturbance, not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure, including erosion and sediment control measures. Prior to certification of the TCPII, a copy of the erosion and sediment control technical plan must be submitted so that the

ultimate limits of disturbance for the project can be verified and shown on the TCPII.

Relative to Section 27-6810, Noise Control, of the Zoning Ordinance, the applicant provided a Phase II noise study relative to the noise generated by the proposed industrial use on Parcel 32 adjacent to the residential Parkside development. It was found that the provision of a 14-foot-high noise barrier along a portion of the northern edge of the development, as shown on the DET, will bring the site into compliance with this section.

**(h) Section 27-61100 Industrial Form and Design Standards**

The DET is in conformance with the applicable standards in Section 27-61100 of the Zoning Ordinance, including location of loading, service and off-street parking areas, and building façade materials and articulation as shown on the architectural elevations.

**(i) Section 27-61200 Neighborhood Compatibility Standards**

The DET is in conformance with the applicable standards in Section 27-61200 of the Zoning Ordinance, including building height and setbacks, and locations/design of parking and other site features.

**(j) Section 27-61300 Agricultural Compatibility Standards**

The subject application is exempt from this section because it is not adjacent to an ongoing agricultural use or activity in the Reserved Open Space, Agriculture and Preservation, and Agricultural-Residential base zones.

**(k) Section 27-61400 Urban Agriculture Compatibility Standards**

The subject application is exempt from this section because it is not adjacent to an on-going urban agriculture use.

**(l) Section 27-61500 Signage**

There are no requirements for freestanding signs in the TAC-E Zone, as long as the main building is located at least 20 feet behind the front street line, which it is in this proposal for both buildings. The proposed building wall and canopy signs

meet the requirements in this section; however, review for conformance will happen again upon the submission of permits for specific tenant signage to ensure the maximum area requirement is met.

(m) **Section 27-61600 Green Building Standards**

The proposed development of more than 75,000 square feet of nonresidential development requires the provision of four points from the Green Building Point System in Table 27-61603(b). The applicant has indicated on the architectural elevations that this requirement will be met through the zoning, proposed lighting, environmental site design, locally sourced building materials, and electric vehicle charging stations (2–3 per building).

Based on the analysis herein, the proposed development, if revised as conditioned, will represent a reasonable alternative for satisfying the applicable standards of Subtitle 27, including those in Parts 4 and 6 of the Zoning Ordinance, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

(2) **The proposed development complies with all conditions of approval in any development approvals and permits to which the detailed site plan is subject;**

The DET is subject to the conditions of approval of PPS 4-08002. If the application is revised as conditioned herein, the proposed development will comply with all relevant previous conditions of approval.

**Preliminary Plan of Subdivision 4-08002**

The site is the subject of 4-08002, approved by the Planning Board on June 25, 2009, for the creation of 1,352 lots and 209 parcels for 1,400,000 square feet of retail, 4,500,000 square feet of office, 172 single-family detached, 1,287 townhouse, 424 detached, and 2,473 multifamily dwelling units, subject to 54 conditions. This DET has been filed pursuant to the current Zoning Ordinance; however, the property is subject to a PPS, which was approved, pursuant to the prior Prince George's County Subdivision Regulations. Of the 54 conditions (PGCPB Resolution No. 09-93) the following are applicable to this DET:

**PPS 2. A Type II tree conservation plan shall be approved at the time of approval of each detailed site plan, except the special purpose detailed site plan. The special purpose DSP shall be reviewed for conformance with the signed TCPI. No Permits**

**will be issued using the special purpose DSP. The first TCPII shall provide a cover sheet that clearly depicts the phasing and requirements for the entire site.**

A TCPII was submitted for review with this application and is approved herein. The TCPII shows the whole site, with a phasing exhibit provided on Sheet 2.

**PPS 3. Development of this site shall be in conformance with Stormwater Management Concept Plan 44782-2007-00 and any subsequent revisions.**

SWM Concept Plans 36643-2013-00, 27080-2014, and 52739-2021 were submitted with this application. These are revisions to SWM concept plan 44782-2007, with SWM concept plan 52739-2021 being the latest revision. The Prince George's County Department of Permitting, Inspections and Enforcement (DPiE) indicated that the DET is not consistent with SWM Concept Plan 52739-2021-00, relative to the improvements at the proposed Dower House Road and Presidential Parkway intersection. However, that area has now been removed from the limits of this DET.

**PPS 4. At the time of final plat, the applicant shall dedicate a public utility easement as approved on the detailed site plan along the public rights-of-way.**

The DET proposes a 15-foot-wide public utility easement (PUE) along the south side of Presidential Parkway, and a 10-foot-wide PUE along the frontage of other public rights-of-way, including Machinists Place, MD 4, and the north side of Presidential Parkway. The dedication of the PUEs will be required at the time of final plat in accordance with this condition.

**PPS 5. At the time of final plat, the applicant shall dedicate rights-of-way consistent with the approved preliminary plan of subdivision.**

This DET does not propose dedication of any right-of-way. The abutting rights-of-way for Machinists Place and Presidential Parkway have been previously dedicated.

**PPS 7. Prior to approval of each detailed site plan, the public utility companies shall provide comments to ensure adequate area exists to provide proper siting and screening of the required**

**utilities, and to provide for direct bury utilities where feasible. Review shall include, but may not be limited to the following:**

- a. Coordination with other utility companies to use one side of the street for Potomac Electric and Power Company (PEPCO) use only. If this is not possible Verizon may ask for two feet or so of additional space on the public utility easement (PUE) for FIOS cables making some of the PUEs to be 12 feet wide in some areas. The main transmission line may require up to a 15-foot-wide PUE.**
- b. Private roads shall have a five to seven-foot-wide utility easement (UE). (The current plan shows seven-foot-wide UEs, but at the time of detailed site plan continued coordination with utility companies will establish the ultimate UE locations and sizes). Gas service shall be provided in the alley as shown on the utility sketch plan.**
- c. At the time of detailed site plan, coordination with PEPCO is required to account for locations of transformers especially in some of the tighter arranged townhome blocks.**
- d. Unless modified by a, b, or c above, a ten-foot PUE shall be provided along public roads and master-plan roads.**

Comments from the utility companies were not included in the documents submitted with this application. The DET proposes a 15-foot-wide PUE along the south side of Presidential Parkway, and 10-foot-wide PUEs along the frontage of other public rights-of-way. Any additional easement areas determined to be necessary may be required by the various utility companies at the time of permitting.

**PPS 19. The applicant and the applicant's heirs, successors and/or assignees shall dedicate the transit station (to be labeled on the preliminary plan) to public use, and shall be a minimum of four acres. Dedication shall occur at the time of dedication of any public rights-of-way abutting the site or as determined at the time of approval of the special-purpose site plan. The transit station parcel shall have frontage on**

**and the ability for direct access to a public street. The creation of the addition parcel is anticipated by this condition.**

This transit station is identified as Parcel 28 on the approved PPS and was included in the area of this DET at the time the application was accepted. The applicant's SOJ provides that the Washington Metropolitan Area Transit Authority and the County no longer intend to build the transit center that was to be provided on Parcel 28, as shown on the PPS. The applicant, however, did not provide correspondence from the affected transit agencies showing this to be the case, nor does the above condition allow for the flexibility to remove the requirement for dedication to public use for a transit center. The master developer has filed a reconsideration of the PPS to address this issue, which is currently pending, and the subject application has been revised to remove this area from the bounds of this DET. Conformance to this condition, or any approved reconsideration thereof, will be reviewed with a future DET application.

**PPS 21. In conformance with the approved Westphalia sector plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following, with triggers for construction to be determined with the special purpose detailed site plan:**

- a. Construct the master-plan trail along the subject site's portion of Cabin Branch. The trail alignment shall follow the existing sewer easement to the extent practical and will cross the Westphalia Center, Moore Property, and Smith Property applications.**
- c. Construct the minimum eight-foot-wide master-plan trail along the subject site's entire frontage of the north side of MC-634 and A-66. In the vicinity of the town center, this trail may be replaced by a decorative wide sidewalk and streetscape. Treatment alternatives can be evaluated at the time of DSP.**

Condition 21(a) does not affect the section of the Town Center that falls within the limits of this application. Condition 21(c) will be part of the Presidential Parkway construction, which was demonstrated with the approval of DSP-12017. Presidential Parkway along the subject

property's frontage and within the immediate vicinity is currently approved and bonded.

- d. Pedestrian safety features, traffic calming, and pedestrian amenities will be evaluated at the time of each DSP.**

Pedestrian features and amenities along Presidential Parkway were reviewed and approved with the prior DSP-12017, and this DET is in conformance with that plan.

- n. Each DSP shall be referred to WSSC for additional review and comments concerning the stream valley trail alignment within the sanitary sewer easement.**

The DET was referred to WSSC, but no stream valley trail is proposed within its limits.

**PPS 23. All detailed site plans which include property abutting Pennsylvania Avenue (MD 4) except the Special Purpose DSP, shall provide a landscape buffer with a minimum width of 20 feet and an average width of 40 feet wide, using native plants with a planting density equivalent to those found in the Landscape Manual for similar bufferyards along the ultimate right-of-way of MD 4.**

The proposed plans provide the minimum width required by this condition.

**PPS 24. Prior to approval of a detailed site plan located in the Fringe area or south of Presidential Parkway, the architecture of buildings which are adjacent to and visible from Pennsylvania Avenue (MD 4) shall be evaluated with regard to scale and building materials of adjacent buildings with similar uses to promote harmony in visual relationships along this gateway corridor.**

The subject buildings will be the first commercial buildings constructed in the Westphalia Town Center and will be located south of Presidential Parkway and in the Fringe area. There are no existing or proposed adjacent buildings within the town center yet. In addition, both buildings are setback over 150 feet from the MD 4 right-of-way with significant landscaping in

between. Given all these factors, the Planning Board finds the visual relationship and building design to be in harmony.

**PPS 33. With the submittal of each detailed site plan, other than the special-purpose DSP, design scenarios may be submitted and evaluated for the final design for the use of the land in the areas surrounding proposed Impacts A through D. The Planning Board shall evaluate the proposed scenarios to determine the design that results in the preservation of the regulated areas to the fullest extent possible.**

No modifications to Impacts A–D for the layout of Presidential Parkway were proposed as part of this application. The master-planned roadway, Presidential Parkway, will remain in the same alignment as prior approvals.

**PPS 39. Each detailed site plan, other than the special-purpose DSP, shall survey locate specimen trees within 100 feet of the ultimate limits of disturbance within the Westphalia Center property boundary. The specimen trees that are determined to remain as part of the survey shall be evaluated for appropriate preservation measures. Details of the preservation methods shall be shown on the TCPII including information on treatments to occur prior to, during, and after construction.**

While this DET does provide specimen tree information, it does not provide a specific note for the specimen trees located within the project area. Prior to certification of the DET, a note identifying all the specimen trees shall be provided on Sheet 4 of the TCPII, as conditioned herein.

**PPS 42. Total development within the subject property shall be limited to uses which generate no more than 6,186 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.**

**PPS 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.

**PPS 44. The transportation improvements expressed herein shall remain in full force and effect unless otherwise modified pursuant to agreement initiated by the Transportation Planning Section of M-NCPPC, SHA, and DPW&T, in concurrence with the applicant, and provided any such technical or engineering change maintains the levels of adequate transportation facilities approved herein. Any modification of transportation improvements may not be inconsistent with the Planning Board findings and conditions.**

For the three conditions above, see the response to Condition 48 below.

**PPS 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.**
- e. The rights of way associated with the interchanges along MD 4 at Suitland Parkway, Dower House Road, and MD 223.**

The subject DET has frontage on MD 4, and A-52 is beyond the limits of this DET. Parcel 34, as identified in PPS 4-08002, which is associated with the interchange MD 4 and Dower House Road, is outside the limits of this DET. This area should be shown on future DET applications to the east as area to be dedicated to public use.

**PPS 47. 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 applicant and the applicant's heirs, successors and/or assignees shall pay a**

**pro rata share of the road improvements at the intersection of MD 223 at Rosaryville Road. The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be \$1,126.23 per average peak-hour trip x (Engineering News Record Highway Construction Cost Index at the time of building permit application) / (Engineering News Record Highway Construction Cost Index for the second quarter 2008).**

**PPS 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:**

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

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

**b. MD 4 and MD 223 Interchange**

- (1) The applicant will rebuild this interchange as detailed on Exhibit 12 as Alternate P-1.**

- (2) **Install new traffic signals at Old Marlboro Pike and Presidential Parkway, Old Marlboro Pike and Melwood Road and Old Marlboro Pike and MD 4 WB off ramp.**
  - (3) **Construct a second southbound left turn along MD 223 at the MD 4 EM on ramp.**
  - (4) **Widen the MD 4 EB on ramp to accept the southbound double-left movement.**
  - (5) **Provide a third NB through lane along MD 223 at the MD 4 EB on ramp.**
  - (6) **Install a traffic signal at the intersection of MD 223 and MD 4 EB off ramp—MD 4 EB on ramp.**
- c. **MD 223 and Perrywood Road—Conduct a signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.**
- d. **Old Marlboro Pike and Ritchie Marlboro Road**
  - (1) **Create a separate northbound left-turn lane along Ritchie Marlboro Road.**
  - (2) **Create a separate southbound left-turn lane along Ritchie Marlboro Road.**
  - (3) **Create a separate eastbound right-turn lane along Old Marlboro Pike.**
  - (4) **Modify traffic signal.**
- e. **MD 223 and Marlboro Pike**
  - (1) **Construct a southbound double-left-turn lane.**
  - (2) **Modify traffic signal.**
  - (3) **Provide separate left, through and right-turn lanes on eastbound approach.**

- f. MD 223 and Dower House Road**
  - (1) Create a double left, a through and a separate right-turn lane on the northbound approach along MD 223.**
  - (2) Create a left turn, a through and a shared through-and-right lane on the southbound approach along MD 223.**
  - (3) Modify traffic signal.**
- g. MD 4 and Dower House Road—Construct a grade-separated, two-point diamond interchange with traffic signals at both at-grade intersections, subject to the requirements of SHA.**
- h. MD 4 and Westphalia Road—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 (which shall not commence construction until the interchange at Suitland Parkway and MD 4 is completed and open to traffic) shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency’s access permit process, (c) have an agreed-upon timetable for construction with the appropriate operating agency.**
  - (1) Reconfigure the intersection with a set of channelized traffic islands such that through movements across MD 4 and left turns from all approaches are prohibited.**
  - (2) Reconstruct/upgrade Burton’s Lane to DPW&T standards.**
  - (3) Upgrade Old Marlboro Pike from a point approximately 400 feet north of its intersection with Burton’s Lane to the point where it connects to the proposed interchange at MD 4 and Suitland Parkway**

**OR**

- (4) Prior to the issuance of the first building permit within the subject property for uses generating peak-hour trips in excess of 1,610 AM and 1,719 PM for the development, the applicant and the applicant's heirs, successors, and/or assignees shall:**
  - (a) In lieu of Condition 48 H(1), (2), and (3), pay a pro rata share of the cost of construction of an interchange at MD 4 and Old Marlboro Pike-Westphalia Road. The pro rata share shall be payable to Prince George's County (or its designee) with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be determined after the Planning Board adopts a resolution establishing a surplus capacity reimbursement procedure (SCRPP). The pro rata share shall be indexed by multiplying the dollar amount (\$) x (Engineering News Record Highway Construction Cost Index at the time of building permit application) / (Engineering News Record Highway Construction Cost Index for the second quarter 2006).**
  - (b) The above improvement shall have full financial assurances through either private money and/or full funding in the CIP, in a SCRPP, State CTP, or public financing plan approved by the Council.**

Conditions 42, 43, 47 and 48 all made references to two trip caps; an overall trip cap of 6,186 AM peak-hour trips and 8,526 PM peak-hour trip, and a secondary trip cap of 1,610 AM and 1,719 PM peak trips. The larger cap represents the maximum amount of development allowed without the need for a new test of transportation adequacy. The secondary trip cap

represents the maximum level of development allowed without the need for any off-site road improvements. As of this writing, and pursuant to Condition 43 specifically, a traffic phasing analysis (Table 1) documents the level of development to-date, as follows:

<b>Table 1 – Traffic Phasing Analysis</b>			
		AM Peak	PM Peak
Approved DSP-13006 (Phase 1)	346 Townhouse units	242	277
Approved DSP-19009 (Phase 1A)	75 Single family units	56	68
	580 Townhouse units	406	464
DSP-19062 (Phase 4)	34 Single family units	26	31
	605 Townhouse units	424	484
<i>Pending application – 306,000 square feet warehouse</i>		<i>123</i>	<i>123</i>
<b>Grandfathered trips used to-date (inc. pending)</b>		<b>1,277</b>	<b>1,447</b>
Grandfathered trips (Condition 48 – PGCPB Resolution No. 09-93)		1,610	1,719
<b>Grandfathered trips remaining</b>		<b>333</b>	<b>272</b>

The results from Table 1 show that the total development of Phase 1, Phase 1A, Phase 4, and the pending application will total 1,277 AM and 1,447 PM peak trips and will fall within the trip caps referenced in Conditions 42, 47 and 48.

**PPS 52. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George’s County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.**

The general notes on the DET plans should be updated to state that an automatic fire suppression system is required, unless the Prince George’s County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

**PPS 54. At the time of each detailed site plan review, except the special purpose detailed site plan the applicant shall:**

- b. Provide a parking study for each block group of the site so as to ensure an adequate provision and distribution of parking (including handicapped-accessible parking) across the site.**

- c. Minimized to the fullest extent possible the direct vehicular access from lots and parcels onto master-planned roads.**

The applicant provided a parking exhibit with this application as required by Condition 54(b), which shows each parcel providing sufficient parking. Direct vehicular access is proposed to the master-planned roads, which was as anticipated for the commercial parcels along MC-634 with the PPS. The DET has been designed to minimize the direct access to the fullest extent possible.

- (3) The proposed development demonstrates the preservation and/or restoration of the regulated environmental features in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-4303(D)(5) of Subtitle 24: Subdivision Regulations;**

Several impacts to regulated environmental features were approved with PPS 4-08002, identified as A through N. Impacts O, P, and Q are additional impacts that are necessary to support the stormwater management (SWM) requirements. Based on the analysis provided herein, the Planning Board approves of the impacts, as they are reflective of the approved SWM Concept Plan 52739-2021-0. Based on the level of design information currently available, the limits of disturbance shown on the Type II tree conservation plan (TCPII), and the impact exhibits provided, the regulated environmental features on the subject property have been found to be preserved and/or restored to the fullest extent possible.

- (4) Proposed development located within a Planned Development (PD) zone shall be in conformance with the PD Basic Plan and PD Conditions of Approval that apply to that development;**

The DET is not within a Planned Development Zone.

- (5) The proposed development conforms to an approved Tree Conservation Plan, if applicable;**

The DET has a companion TCPII-029-12-16, which is approved with conditions, as included herein.

- (6) The development proposed in a detailed site plan for infrastructure complies with applicable regulations of PART 27-6: Development Standards, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for**

**grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge; and**

The DET is not a detailed site plan for infrastructure. Therefore, this finding is not applicable.

- (7) **Places of worship located on a lot between one (1) and two (2) acres in size shall also meet the following standards:**
- (A) **The minimum setback for all buildings shall be twenty-five (25) feet from each lot line;**
  - (B) **When possible, there should be no parking or loading spaces located in the front yard; and**
  - (C) **The maximum allowable lot coverage for the zone in which the use is proposed shall not be increased.**

The DET does not propose a place of worship.

**B. Prince George's County Zoning Ordinance: Variance to Section 27-4204(d)(3).**

The applicant has requested a variance to Section 27-4204(d)(3) for the floor area ratio (FAR) requirement for the building on proposed Parcel 32. A FAR of 0.25 to 1.50 is required in the TAC E Zone for nonresidential and mixed-use developments and the building on proposed Parcel 32 includes a FAR of only 0.15. Section 27-3613(d) of the Zoning Ordinance contains the following required findings for approval of a variance:

- (1) **A specific parcel of land is physically unique and unusual in a manner different from the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape, exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);**

In the applicant's variance SOJ dated January 11, 2023, which is incorporated herein by reference, the applicant states that Parcel 32 is reduced in developable size due to existing stormwater control devices, steep slopes, and substantial areas of primary management area (PMA). In addition, there is an existing Washington Suburban Sanitary Commission (WSSC) easement just outside of the eastern PMA. The applicant states that they are proposing the largest building with associated parking, travel lanes, landscape improvements, buffering, and open space set asides that the site can accommodate with respect to the environmental features and the intended use of the development. The Planning Board finds that proposed Parcel 32 is narrow and impacted by environmental

features, which limit the developable area for a commercial/industrial use with a large truck loading and parking area.

- (2) **The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property;**

In their SOJ, the applicant states that increasing the FAR of the subject building to the minimum of 0.25 would result in an unusual practical difficulty because it would negatively impact environmental features, impede them from being able to provide the required buffers, and prevent them from providing adequate space for the parking and truck court. The Planning Board finds that, based on the proposed use which is typically operated in a one-story building, adding approximately 60,000 square feet of floor area would negatively impact the environmental features, required buffering, and prevent the applicant from providing efficient circulation; thus causing peculiar and unusual practical difficulties for the owner to develop the subject property in accordance to an allowed use.

- (3) **Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions;**

In their SOJ, the applicant states that the requested variance is the minimum needed for the proposed development while also meeting all other development requirements within the zone. The Planning Board agrees with the applicant and finds that the variance is the minimum necessary, given the specific conditions of the property.

- (4) **Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property;**

The applicant states that the minimal decrease in the FAR will in no way substantially impair the intent, purpose, or integrity of the general plan or the applicable area master plan or sector plan and will, in fact, ensure adherence to the general plan, area master plan, and sector plan. The Planning Board finds that a smaller FAR on proposed Parcel 32, which lies within the fringe area of the Westphalia Town Center, would not impair the intent, purpose, or integrity of the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) or the Westphalia Sector Plan and SMA.

- (5) **Such variance will not substantially impair the use and enjoyment of adjacent properties; and**

In their SOJ, the applicant states that the reduced building square footage is more beneficial to the adjacent properties because it is a less intense development and provides a sufficient buffer to the existing residential uses. The Planning Board finds that the DET meets the applicable standards, relative to buffering the adjacent residential uses, which is a less intense use. If the applicant provided a larger building, it could potentially be more impactful on the adjacent properties.

**(6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.**

In their SOJ, the applicant states that the variance is not self-inflicted because the physical constraints on the property do not allow for a larger building. The Planning Board finds that the physical characteristics of the property, as well as the needs of the proposed use and other zoning regulations, make meeting the minimum FAR requirement not feasible.

Based on the foregoing analysis, as well as the plans and supporting documentation filed in conjunction with this DET, the Planning Board approves of a variance from Section 27-4204(d)(3) to allow for a minimum FAR of 0.15 for proposed Parcel 32.

**IV. COMPLIANCE WITH APPLICABLE PROVISIONS OF THE 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 adopted in 1993. The TCPII associated with this DET is the -16 revision to TCPII-029-12.

The woodland conservation threshold for this 33.17-acre property is 49.57 percent of the net tract area, or 15.98 acres. The total woodland conservation requirement, based on the amount of clearing proposed, is 15.98 acres. The woodland conservation requirement is proposed to be satisfied with 2.07 acres of on-site woodland conservation, consisting of 1.57 acres of woodland preservation and 0.50 acre of afforestation. The remainder of the requirement is to be met by 20.22 acres of off-site mitigation. When calculated by staff, the resulting requirement differs from the worksheet present on the TCPII. This is due to the type of worksheet used to provide the calculation. In an application package dated January 27, 2023, the application provided the worksheet, which indicated that the calculations had been done for a single lot, and not for a phased project. When calculated by staff using the "Individual TCP2 Worksheet for Phased Projects", the requirement for Section 6 is 15.98 acres. Prior to signature approval of the TCPII, the worksheet shall be verified and revised to the current standard. Other technical revisions to the TCPII are required and included in the conditions herein.

The natural resources inventory plan identifies 274 specimen trees within the overall TCPII. A specimen tree variance was submitted for the removal of 20 specimen trees (116, 117, 119–121, 123, 124, 137, 140, and 259–269). The specimen trees were reviewed as part of the Type I tree

conservation plan and PPS under the 1993 Woodland Conservation Ordinance, which does not require a variance for the proposed removal of specimen trees. This project is still subject to the requirements of that Ordinance; therefore, a variance is not required with this application.

**V. COMPLIANCE WITH APPLICABLE PROVISIONS OF THE PRINCE GEORGE'S COUNTY TREE CANOPY COVERAGE ORDINANCE**

The site is subject to the requirements of the Tree Canopy Coverage Ordinance and must provide a minimum of 10 percent of the site to be covered by tree canopy because the site is zoned TAC-E. As the site measures 33.17 acres, approximately 3.32 acres (144,489 square feet) of tree canopy must be provided. The site plan proposes sufficient tree canopy coverage between on-site woodland conservation and proposed landscape trees. However, the schedules are separated for each parcel and do not accurately reflect the existing trees and woodland conservation per parcel. Therefore, a condition is included herein, requiring the applicant to correct the schedules.

**VI. REFERRAL COMMENTS**

The subject application was referred to the concerned agencies and divisions. The Planning Board has reviewed and adopts referral comments that are incorporated herein by reference and summarized, as follows:

- A. **Community Planning**—In a memorandum dated October 27, 2022 (Rowe to Kosack), it was noted that master plan conformance is not required for this application and the following summarized comments were provided:

This application is located in the Westphalia Local Town Center. Plan 2035, the County's General Plan, indicates that local town centers include a range of auto-accessible centers that anchor larger areas of suburban subdivisions. Overall, the centers are less dense and intense than other center types and may be larger than a half-mile in size due to their auto orientation. The centers typically have a walkable core, or town center. Often the mix of uses is horizontal across the centers, rather than vertical within individual buildings. While master plans may call for future heavy or light rail extensions or bus rapid transit, no transit alternatives have been approved for construction.

Plan 2035 establishes growth management goals for the County that include a recommendation for 5 percent of new jobs to be located in town centers such as Westphalia. Although Plan 2035 states that these goals are not to be applied to individual development projects, the subject proposal does advance this general goal.

The Westphalia Sector Plan and SMA recommends a mix of land uses on the subject property. The sector plan designated Westphalia as a regional center, and possible future metropolitan center, pursuant to the 2002 *Prince George's County Approved General Plan*. Plan 2035 amends this designation by reclassifying Westphalia Center, including

the subject property, as a local town center. A local town center, by definition, is “less dense and intense than other center types.”

- B. **Transportation**—In a revised memorandum dated February 6, 2023 (Burton to Kosack), a review of conditions attached to prior approvals and of the applicable Part 27-6 development standards was provided, which are incorporated into findings above.

The subject property is governed by the Westphalia Sector Plan and SMA, as well as the 2009 *Approved Countywide Master Plan of Transportation*. This development will be served by several roads including Presidential Parkway (MC-634), a planned major collector with a 98-foot right-of-way. As previously mentioned, MC-634 along the property’s frontage was proposed as part of the approved DSP-12017 and is currently bonded and approved for construction.

- C. **Subdivision**—In a revised memorandum dated February 6, 2023 (Heath to Kosack), a review of conditions attached to prior approvals and technical revisions needed to the DET were provided, which have been included as conditions herein. The Development Comparison Table should be updated to provide a row for Commercial/Warehouse use.

- D. **Environmental**—In a revised memorandum dated February 1, 2023 (Kirchhof to Kosack), a discussion of relevant previous conditions of approval was provided, which have been incorporated into Findings 8 and 9 above, and conditions of approval for this DET and TCPH were provided that have been included herein.

An approved SWM concept plan (52739-2021-0) was submitted with the DET material, which shows the use of submerged gravel wetlands, bio-retention, micro-bioretenion, and underground storage. The concept plan was approved on July 29, 2022 and expires on July 29, 2025.

Soils within the project area include Marr-Dodon Complexes, Dodon Fine Sandy Loam, Pits Gravel, Croom-Marr Complexes, Udorthents Reclaimed Gravel Pits, and Udorthents Highway. Marlboro and Christiana clays are not found to occur within the DET review area.

#### **PMA Impact Modifications with DET-2022-001**

Three impacts to the PMA are proposed with this application. A revised PMA impact exhibit was submitted dated January 24, 2023, which identifies three additional impacts for stormdrain outfalls. Impacts to the PMA should be minimized to the extent practicable. The three additional PMA impacts have been identified as Impacts O, P, and Q, and are detailed as follows:

#### **Impact O**

Impact O is proposed with this DET application for a SWM outfall. This impact proposes 3,030 square feet (0.07 acre) of PMA impacts, is reflective of SWM Concept Plan 52739-2021-0, and is supported, as proposed.

### **Impact P**

Impact P is proposed with this DET application for a SWM outfall. This impact proposes 5,746 square feet (0.13 acre) of PMA impacts, is reflective of the SWM Concept Plan 52739-2021-0, and is supported, as proposed.

### **Impact Q**

Impact Q is proposed with this DET application for a SWM outfall. This impact proposes 3,424 square feet (0.08 acre) of PMA impacts, is reflective of SWM Concept Plan 52739-2021-0, and is supported, as proposed.

### **Conclusion**

Three PMA impacts are proposed with this application. Impacts O, P, and Q are associated with the development pads. These impacts are reflective of SWM Concept Plan 52739-2021-0 and are supported, as proposed.

- E. **Historic Preservation**—In a memorandum dated December 14, 2022 (Stabler to Kosack), it was noted that the subject property was surveyed for archeological resources in 2006. No further work was recommended on any of the 11 historic archeological sites identified on the Westphalia Center property. Historic Preservation staff concurs with the conclusions of the Phase I archeology report that, due to the lack of research potential of these sites and their compromised integrity, no further work is necessary on the 11 historic archeological sites identified on the Westphalia Center property.

The Phase I archeological investigations of the Westphalia Center property were also reviewed by the Maryland Historical Trust. State reviewers concurred with the recommendations of the Phase I report that none of the archeological sites were eligible for listing in the Maryland Register of Historic Properties or the National Register of Historic Places.

Historic Preservation staff also requested that all standing structures on the property be recorded on Maryland Inventory of Historic Properties (MIHP) forms. MIHP forms were completed for each of the standing structures and the draft forms were submitted to Historic Preservation staff for review. Two sets of the corrected and final MIHP forms were submitted to and approved by Historic Preservation staff.

The subject property does not contain, and is not adjacent to, any Prince George's County Historic Sites or resources. This proposal will not impact any historic sites or historic resources.

- F. **Washington Suburban Sanitary Commission (WSSC)**—In comments dated November 10, 2022, WSSC offered numerous comments that were provided to the applicant and will be addressed in their separate permitting process.

- G. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated December 30, 2022, DPIE offered numerous comments that were provided to the applicant and will be addressed in their separate permitting process. They indicated that the original DET is not consistent with the approved site development concept plans relative to Dower House Road. However, the DET was subsequently revised to remove the area of the property adjacent to Dower House Road, so that will have to be addressed with future applications on the property.
- H. **Prince George's County Health Department**—In a memorandum dated December 14, 2022 (Adepoju to Kosack), the Health Department indicated that they had completed a desktop health impact assessment review of the submission for the Westphalia Business Center. They provided comments regarding noise and dust during construction, which have been noted on the DET, and indicated that the creation of additional impervious surface on this property could have long term impacts on the sustainability of the Aquia aquifer, a groundwater supply that serves the Upper Marlboro/Westphalia area, and for which this site is part of the recharge area. The DET meets the maximum lot coverage requirement, which includes vehicular access and parking areas.
- I. **Prince George's County Fire Department**—In an email dated December 21, 2022 (Reilly to Kosack), the Fire Department indicated that they had no comments on the DET. They also noted that, at the time of permitting, a fire department connection is required on each building on the front, address side of the building.
- J. **Prince George's County Police Department**—At the time of this writing, the Police Department did not provide comments on the subject project.
- K. **Verizon**—Verizon did not offer comments on the subject application.
- L. **Potomac Electric Power Company (PEPCO)**—PEPCO did not offer comments on the subject application.
- M. **Westphalia Sector Development Review Advisory Council (WSDRAC)**—WSDRAC did not offer comments on the subject application.

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 II Tree Conservation Plan TCPH-029-12-16 and APPROVED a Variance to Section 27-4204(d)(3) to allow for a minimum floor area ratio of 0.15 for proposed Parcel 32, and further APPROVED Detailed Site Plan DET-2022-001 for the above-described land, subject to the following conditions:

1. Prior to certification of this detailed site plan (DET), the applicant shall:
  - a. Provide a general note to state that an automatic fire suppression system is required, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
  - b. Provide notes on the DET indicating conformance to the Intensity and Dimensional Standards of the Town Activity Center – Edge (TAC-E) Zone, except as approved herein.
  - c. Revise the tree canopy coverage schedules to accurately reflect the existing trees and woodland conservation on each parcel.
  - d. Revise the Type II tree conservation plan (TCPII), as follows:
    - (1) Provide an additional note on Sheet 2 which details how Section 6 was generated.
    - (2) Revise the TCPII to use the standard symbols as required by the 2018 Environmental Technical Manual.
    - (3) Have the TCPII signed by the qualified professional who prepared it.
    - (4) Provide a note under the specimen tree table which identifies how many specimen trees are located within the Section 6 project area.
    - (5) Revise the Section 6 woodland conservation worksheet to the Individual TCPII Worksheet for Phased Projects. Ensure all values match between the individual and phased worksheet. Staff reserves the right to provide additional corrections to the worksheet prior to signature approval of the TCPII.
    - (6) Submit a copy of the erosion and sediment control technical plan so that the ultimate limits of disturbance for the project can be verified and shown on the TCPII.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo, and Shapiro voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, March 2, 2023, in Upper Marlboro, Maryland.

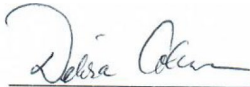
Adopted by the Prince George's County Planning Board this 9th day of March 2023.

Peter A. Shapiro  
Chairman



By Jessica Jones  
Planning Board Administrator

PAS:JJ:JK:rpg



Approved for Legal Sufficiency  
M-NCPPC Office of General  
Counsel  
Dated 3/7/23