

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 14-69

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File No. DSP-08039-06

RESOLUTION

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 July 17, 2014 regarding Detailed Site Plan DSP-08039-06 for Westphalia Row, the Planning Board finds:

1. **Request:** The subject application proposes a revision to the previously approved detailed site plan (DSP) for Phase II of Westphalia Row to replace 96 triplex residential units with 55 rear-loaded townhouses on fee-simple lots. The entirety of Westphalia Row provides for a mix of residential and commercial development, including approximately 208 townhouses, 200-325 multifamily dwelling units, and 40,000-100,000 square feet of office/retail space. The overall number of dwelling units will be within the range of 408-533.

2. **Development Data Summary for Phases I and II:**

	EXISTING	APPROVED
Zone(s)	M-X-T	M-X-T
Use(s)	Single-family attached residential (Townhouses)	Single-family attached residential (Townhouses)
Acreage	20.67	20.67
Dwelling Units	153 (approved and under construction)	208
Residential Square Footage	314,525* (under construction)	424,320
Floor-Area Ratio	0.35 (under construction)	0.47

*In addition to the townhouses, a 2,408-square-foot community building has been previously approved within Phase I of the proposal and is included in this residential gross floor area calculation.

3. **Location:** The subject property is located in the southwest corner of the intersection of Ritchie-Marlboro Road and Sansbury Road, in Planning Area 78, Council District 6. This intersection is designated by the February 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* as one of nine gateways into Westphalia. It is proposed in the plan as the location of a mixed-use village center. Fernwood Drive passes through the site.
4. **Surrounding Uses:** To the northwest of the subject site is the exit ramp leading from the Capital Beltway (I-95/495) to Ritchie-Marlboro Road. To the south of the site is an existing single-family residence in the Rural Residential (R-R) Zone. Further south and west on Fernwood Drive is a mobile home park. Across Sansbury Road to the east are the Ritchie Baptist Church property and

the PB&J property, which are also zoned Mixed Use–Transportation Oriented (M-X-T) as part of the village center.

5. **Previous Approvals:** This property was rezoned to M-X-T by the February 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. As part of this rezoning, the District Council approved the concept plan for development of the subject property and the neighboring properties to the east and southeast as an integrated, mixed-use development. This concept plan is illustrated in plan view and with illustrative perspective renderings in Exhibit 19, presented as part of the public record for the sectional map amendment. Exhibit 19 is intended to serve as a vision to guide the development of the village center.

Exhibit 19 shows the subject property developed in a fashion similar to what is being proposed by this application. The exhibit shows a mix of attached residential units over most of the site, with commercial and multifamily residential buildings at the corner of Ritchie-Marlboro Road and Sansbury Road, and extending south along Sansbury Road past Fernwood Drive.

On July 1, 2008, the District Council granted approval of Conceptual Site Plan CSP-07001 for the development of the property as a mixed-use development including 420–600 dwelling units and up to 100,000 square feet of commercial office and retail. On January 10, 2008, the Planning Board approved Preliminary Plan of Subdivision 4-07038 (PGCPB Resolution No. 08-07). On November 6, 2008, the Planning Board approved Detailed Site Plan DSP-08024 (PGCPB Resolution No. 08-168) for the relocation of Fernwood Drive to the location shown on the conceptual site plan. The first phase of development, consisting of 153 townhouses on the southern portion of the site, was approved by the Planning Board as Detailed Site Plan DSP-08039 on March 5, 2009 (PGCPB Resolution No. 09-44). A total of 96 triplex units were approved by the Planning Board as Detailed Site Plan DSP-08039-01 on September 10, 2009 (PGCPB Resolution No. 09-131). Subsequent detailed site plan revisions were approved at the Planning Director level for the addition and modification of unit types.

On June 5, 2014, the Planning Board approved CSP-07001-01, to allow for townhouses with Phase II of Westphalia Row.

6. **Design Features:** Phase I of Westphalia Row is under construction. These 153 townhouses are located on the southern portion of the site, on either side of Fernwood Drive.

This subject application proposes a modification of Phase II of Westphalia Row. Ninety-six three-family-attached dwelling units, or triplexes, were previously approved in this northwestern portion of the site. The subject application proposes to largely keep the previously approved layout, yet replace the triplexes with 55 townhouses on fee-simple lots. These townhouses have rear-loaded garages and are accessed by private streets and alleys. The majority of townhouses front on a private street, and 13 units are designed to front on a green space. This is consistent with the layout of Phase I of the development. The townhouses are arranged in groups, or sticks, of four, five, six, seven, and eight units. There are two sticks with four units; five sticks with five

units; two sticks with six units; one stick with seven units; and one stick with eight units. One outdoor sitting area with a swing set is proposed in the northwest corner of this phase.

Architecture: The applicant intends to use architecture that has been previously approved for use in Phase I in the development of Phase II. The Planning Board has no objection to this concept. At time of the approval of DSP-08039 for Phase I (PGCPB Resolution No. 09-44), the Planning Board determined that the models feature well-articulated front, side, and rear elevations and utilize a mix of brick and siding.

With the approval of DSP-08039, the Planning Board evaluated the layout of Phase I, designated higher-visibility lots, and determined that the sides of townhouses on these lots shall be fully faced with brick. In keeping with this approach, Lots 40, 58, 59, 66, 67, 72, 81, 86, 87, and 94 of Phase II shall be designated as higher-visibility lots, and sides of townhouses on these lots shall be fully faced with brick or stone. The standard side and rear elevations of the townhouse models within Phase II shall utilize brick or stone facing up to the top of the first floor.

The Planning Board also approved a standard that at least 60 percent of the units in each attached stick of units shall have a full brick front. This standard shall be applied to the townhouses in Phase II, with the exception that the lots that front Ritchie-Marlboro Road (Lots 87-94) shall be treated with full brick or stone fronts due to the higher visibility associated with proximity to that roadway, and the gateway designation of the subject site. A brick tracking chart with the lots grouped into the attached sticks shall be added to the plans to monitor conformance to this requirement.

The Davidson architectural model has been utilized in Phase I. The applicant proposes to add additional front elevations, Elevation E and F. This model features rows of four windows, and brick and vinyl siding options.

Architectural and general notes that reference standards for the three-family buildings, which are no longer proposed, shall be deleted.

Recreational Facilities: Westphalia Row proposes to provide a mix of indoor and outdoor recreational facilities for the site population. Some of those facilities are planned in the future. The multifamily building proposed in Phase III will include a fitness center and indoor recreational facilities. The central village green is proposed to include a community building and also a gazebo and benches. Finding 10 of PGCPB Resolution No. 09-44 for DSP-08039 states that, "the applicant proffered to construct the community building prior to the issuance of the 175th building permit for the site."

The Planning Board adopts a condition requiring the construction of the 2,408-square-foot community building prior to completion of Phase II of Westphalia Row. This building includes a community room, meeting room, and exercise room. The recreational facilities agreement (RFA) shall include exercise equipment that is proposed within the exercise room. No fewer than three pieces of exercise equipment shall be provided in the community building.

In addition to these facilities, outdoor activity areas, which are active outdoor play areas with play equipment for children, have been approved. The applicant has indicated an interest in eliminating one of the three approved outdoor activity areas. This area is located in the northwest portion of the site adjacent to Phase II of the townhouses. The applicant proposes a sitting area with three benches and a small, grassed, open area. One swing set that was previously approved in this location. While the plan still shows the swing set location, the applicant submitted a justification for removing it as follows:

“The application wishes to modify Recreation Area #5 to eliminate the swing set (three benches and a grassed play area will still remain) to reduce the amount of noise and activity so close to the nearby homeowners. Additionally, 65% of the buyers in Westphalia Row to date are single females that will not be well served by a swing set. The total overall recreation facilities provided in the Westphalia Row development continue to exceed the required amount per CSP-07001-01 and the standard Recreation Facilities calculations.”

The other two play areas in Phase I were approved to include: one swing set and two Eagle play structure climbers. The swing set may be removed from Recreation Area 5 prior to certificate of approval, so that the overall quantity and locations of the recreational facilities are not a burden to future homeowners of the homeowner's association. The applicant's previously approved RFA shall be updated to reflect the changes in the subject DSP.

7. **The requirements of the Zoning Ordinance:** The Planning Board finds that the subject DSP complies with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance as follows:
- a. The Planning Board finds that the subject application is in conformance with the requirements of Section 27-547, Uses Permitted, of the Zoning Ordinance. The proposed uses in this application are permitted uses in the M-X-T Zone.
 - b. The DSP is consistent with Section 27-548, Regulations. The following discussion is offered:
 - (1) The proposed floor area ratio (FAR) is provided on the detailed site plan. The proposed FAR (0.47) is within the amount permitted (1.4). The proposed change to the unit types has little measurable effect on the FAR.
 - (2) Developments in the M-X-T Zone are required to have vehicular access to a public street in accordance with Section 27-548(g) noted below.

Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access

rights-of-way have been authorized pursuant to Subtitle 24 of this Code.

While the overall development is accessed by public streets, the individual townhouse lots will be served by private streets and alleys. The use of private streets and alleys has been authorized pursuant to Subtitle 24.

- c. The site is subject to Section 27-544(b)(2), which states:

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 Planning Board and District Council have imposed minimum lot size restrictions and other development standards on the subject site in accordance with this section. At time of Conceptual Site Plan approval for Westphalia Row, the Planning Board considered the standards contained in the February 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* in establishing minimum lot sizes and setback standards for the proposed development. No limitation on the maximum percentage of townhouses has been established.

- d. The DSP is in conformance with the applicable site plan site design guidelines contained in Section 27-274. The subject development provides a more compact, urban layout, and in accordance with Section 27-274(a)(11)(B) the units front on roadways. Where the units do not front on roadways they front on shared green space. The termini of Westbourne Drive have been modified to provide a clearer primary route for vehicles by eliminating the stubs of these stub streets. Where the stub streets and hammerheads have been eliminated, additional green space and units have been provided.

To convey the individuality of each townhouse unit, the design of abutting units shall avoid the use of repetitive architectural elements and shall employ a variety of architectural features and designs such as roofline, window and door treatments, projections, colors, and materials. The approved townhouse architecture for Phase I, which will be used for Phase II, is consistent with this guideline.

- e. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone has been calculated by the applicant and submitted for Planning Board approval at this time. The parking provided is adequate to serve the use. In the approval of Conceptual Site Plan CSP-07001, the Planning Board found that each portion of the development shall provide extra parking for guests and visitors to use, to constitute at least ten percent of the spaces required by the Zoning Ordinance. The site

plan conforms to this standard. For additional discussion of the parking requirement see Finding 9.

- f. The Planning Board finds that the subject application conforms to the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings for the Planning Board to approve a detailed site plan in the M-X-T Zone, as follows:

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

In accordance with Section 27-542(a)(2), the proposed DSP will implement the recommendation of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* by contributing to the creation of a compact, mixed-use community. The walkable, mixed-use development proposed on the site takes advantage of the transportation links available, and allows for reduction of the number and distance of automobile trips by constructing residential and nonresidential uses in close proximity to each other. The mixed-use vision will be achieved upon construction of Phase III of the development, which includes commercial and multifamily development.

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

The uses and development character proposed on the site are in conformance with those envisioned on Exhibit 19 and are consistent with the design guidelines of 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. Although the main village green forms an internal focal point at the center of the community, residential and commercial buildings at the edge of the site will front onto Sansbury Road and Ritchie-Marlboro Road. As previously required, the townhouse units along Ritchie-Marlboro Road will largely front on Ritchie-Marlboro Road, with the exception of a cluster of townhouses in the northwest corner of the site, near the sound wall, which will have unit sides adjacent to the roadway. This is consistent with previous approvals.

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

The most intensive uses (in the multifamily and commercial buildings) are concentrated at the northeast corner of the site, with the attached units over the rest of the site helping to transition toward the lower-density residential uses south of the site. The proposed development will be compatible with the proposed development in the rest of the village center across Sansbury Road.

The proposed townhouse units are consistent with approved units in other phases of the subject development.

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

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

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

The development is comprised of three phases. Phase I consisted of fee-simple townhouses as well as infrastructure. Phase II will consist of the townhouses proposed in the subject DSP revision. Phase III includes the multifamily building and the commercial building. The proposed project phasing shall be indicated on the DSP. Each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases.

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

The detailed site plan shows sidewalks along all public and private roads, forming a pedestrian network throughout the site. The pedestrian system includes clearly defined routes and crossings within Phase II to connect to the community building and village green in Phase I. A primary pedestrian route extends from the western side of the village green between lots 46 and 45 of Phase II. Two brick piers similar to those constructed in Phase I are proposed in this location, visible to Westhurst Lane, to highlight this planned shortcut to the village green. A striped crossing is proposed across Westhurst Lane in this location. It appears that additional sidewalk connections might be beneficial. The applicant shall explore the feasibility of providing a sidewalk on the south side of Private Alley 8 connecting Wesbourn Drive (east and west) and on the north side of Private Alley 5. Also a parking space is proposed on the west side of Lot 59 in Phase II. If possible, a

sidewalk connection should be provided along this small portion of this private alley where on-street parking is proposed to benefit future users of that space.

- (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**

Additional shrub plantings shall be reflected on the landscape plan. Shrubs shall be included along the sides of townhouse sticks, where planting area exists, and along walkways that are provided between units to improve the pedestrian experience.

With these modifications, and similar modifications discussed elsewhere in this resolution, the Planning Board finds that adequate attention has been paid to human scale on the subject site.

- (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, or will be provided by the applicant, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The subject application is not a conceptual site plan, so this finding is not applicable.

- (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.**

The subject application is a modification to Phase II of Westphalia Row. This phase of the development is the subject of Preliminary Plan of Subdivision 4-13026, which was heard by the Planning Board on July 17, 2014, as a companion case to the subject DSP, and addresses a finding of adequacy for the subject site. The above finding is not applicable,

as six years will not have elapsed between a finding of adequacy on the preliminary plan and the Planning Board's action on the subject DSP.

8. **2007 Approved Westphalia Sector Plan and Sectional Map Amendment:** The subject site plan is located within the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, and is identified as a Mixed-Use Activity Center and one of nine gateways into Westphalia.

This site was rezoned as part of the sector plan from R-R to M-X-T. As part of that application process, a series of design concepts were included as appendices in the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* and as Public Exhibit 19.

The Westphalia Row project is located in a designated mixed-use activity center at the northern gateway to the sector plan along a local street (Sansbury Road) and an arterial highway (Ritchie-Marlboro Road), close to the interchange with the I-95/495 (Capital Beltway). Replacing the triplex units with rear-loaded townhouse units will neither compromise the original design intent of the project, nor will it be inconsistent with the recommended development pattern, vision, goals or policy contained in the Westphalia sector plan for mixed-use activity centers.

Village Center Guidelines

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

Design commercial development to front a main street or parks, plazas, or courtyards.

The proposed commercial development is located in a four-story building including ground-floor retail and upper-floor office space. The applicant has indicated that the building will front on Sansbury Road, which is appropriate in order to promote a walkable main street character on that frontage.

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

Fernwood Drive is designed with parallel parking on either side, subject to the approval of DPW&T. Similarly, the private streets (not the private alleys) throughout the site are designed to have parallel parking on one or both sides.

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

The proposed buildings will be between two and six stories in height.

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

The majority of surface parking proposed on the site is envisioned as parallel on-street parking. A five-level parking garage will provide the bulk of the parking spaces needed to serve the multifamily

building and commercial building and is located in the interior of a block largely screened from public view by surrounding buildings.

Gateway Guidelines

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

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

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

The design of buildings, landscaping, signs and any special features along the Ritchie-Marlboro Road frontage as well as Sansbury Road are critical to the image of Westphalia that will be portrayed at this northern entryway. At the time of detailed site plan review, a package of design items such as gateway entrance features, architectural design, materials, colors, landscape palette, and streetscape features shall be presented in order to create a distinctive sense of arrival at the intersection of Ritchie-Marlboro Road and Sansbury Road. The design of this area will be addressed at time of DSP for Phase III of the project.

9. **Conceptual Site Plan CSP-07001-01:** On June 5, 2014, the Planning Board approved Conceptual Site Plan 07001-01. The resolution of approval is scheduled for adoption on June 26, 2014. The following conditions of Conceptual Site Plan CSP-07001-01 are relevant to the subject detailed site plan as follows:

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

The submitted DSP is consistent with the layout of the approved CSP. Eight townhouse units are designed to front onto Ritchie-Marlboro Road, and views of alleys from the Ritchie-Marlboro Road have been minimized.

6. **Detailed Site Plan submittal shall include examples and evidence of all necessary covenants or other legal instruments that will be used to insure that the recreational facilities on the site will be available in perpetuity to all residents of the Westphalia Row development. If a legally sufficient arrangement to share the recreational facilities cannot be demonstrated, then adequate recreational facilities shall be demonstrated for the individual portions of the development.**

The recreational facilities proposed within Phases I and II are designed to be accessible to all residents of Phases I and II. While the development has been phased, it is one integrated development. A note to this effect shall be placed on the DSP and within the recreational facilities agreement (RFA), as appropriate.

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

- a. **Front-loaded townhouses (fee simple)**

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

- b. **Rear-loaded townhouses (fee simple)**

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

c. Multifamily, office, and retail buildings

- (1) Buildings shall be set back 15–35 feet from the ultimate right-of-way line of Ritchie-Marlboro Road. Building walls must be within 35 feet of the ultimate right-of-way line for at least 75 percent of the linear distance of the parcel's frontage on Ritchie-Marlboro Road.**
- (2) Buildings shall be set back 15–25 feet from the ultimate right-of-way line of Sansbury Road. Building walls must be within 25 feet of the ultimate right-of-way line for at least 75 percent of the linear distance of the parcel's frontage on Sansbury Road.**
- (3) Maximum building height: 75 feet.**

No modifications to the development standards are proposed with the subject DSP. The DSP is consistent with all of the approved development standards.

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

While this condition originally applied to the Phase I townhouses, it is equally relevant to the subject proposal. The applicant proposes adequate parking for each unit as well as visitors' parking spaces, as follows:

Number of Units: 55

Parking Required Per Unit: $2.04 \times 55 \text{ units} = 113 \text{ spaces}$

Parking Provided: 148 spaces

Percent of Visitor Parking Spaces Required (non-garage): 10 percent

Percent of Visitor Parking Spaces Provided (on street): 31 percent

Each townhouse includes a two-car garage. Additionally, on-street parking spaces are provided that will serve the needs of residents and their guests. The parking calculations shall be updated to accurately reflect the parking proposed within Phase II.

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

The Planning Board finds that adequate recreational facilities are provided on the subject site in accordance with Planning Department guidelines. The two play areas located within Phase I and the community building with exercise room are adequate to serve the on-site population within Phases I and II. No additional playgrounds are proposed within Phase II; therefore additional review in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines* is not applicable at this time.

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

The DSP complies with the above condition.

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

The design of the noise attenuation fence was addressed with previous approvals.

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

This condition remains in effect.

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

Standard sidewalks are proposed along both sides of all private roads.

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

This condition has been addressed. Standard sidewalks have been provided along Fernwood Drive.

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

As recommended for approval with conditions, the pedestrian amenities on the subject site will be adequate to serve the proposed population. Sidewalks and crosswalks are proposed in appropriate locations throughout the development.

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

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

The proposed development does not exceed the trip cap set forth in previous approvals.

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

At the time this original condition was written, a financing structure for Westphalia had not been created, and contributions to Westphalia were voluntary. While contributions are no longer voluntary, the above condition appears to create an exemption for the applicant. As the subject application is a minor modification to a previously approved plan that reduces the number of units from the number within the previous approval, this finding has not been revisited by the Planning Board. The applicant has been asked if a desire to contribute to Westphalia's Central Park remains. The applicant has declined to make such contributions.

24. At the time of the Detailed Site Plan, the Applicant shall provide to the District Council, any plans or specifications that the Applicant may have,

with reference to its efforts that will be used in trying to achieve the Westphalia Sector Plan's policy goal of ensuring minority participation.

No additional information to this effect has been provided by the applicant.

10. **Detailed Site Plan DSP-08039 and its revisions:** The Planning Board adopts the following findings regarding the plan's conformance to the previous conditions of DSP-08039 and its revisions:

- a. The first phase of development, consisting of 153 townhouses on the southern portion of the site, was approved by the Planning Board as Detailed Site Plan DSP-08039 on March 5, 2009 (PGCPB Resolution No. 09-44), and later approved by the District Council on September 14, 2009. The following conditions of DSP-08039 are relevant to the subject detailed site plan as follows:

7. **Prior to the approval of any residential building permits for buildings located within the 65 dBA Ldn noise contour, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.**

The above condition remains in effect and shall be addressed prior to approval of any residential building permits for buildings located within the 65 dBA Ldn noise contour.

- 8.a. **The applicant may not begin construction of the multifamily buildings or the parking structure that will serve the commercial retail and office building until a detailed site plan is approved for the multifamily buildings and parking structure (the "Multifamily DSP"). The Multifamily DSP shall show all parking required for the commercial retail and office building.**

The above condition remains in effect. To date, a DSP for the multifamily portion of the development has not been submitted.

- b. **Before issuance of the 230th building permit for the townhouse and triplex units, the applicant shall complete the construction of the multifamily buildings and the parking structure that will serve the commercial retail and office building.**

The subject application reduces the total number of units proposed within Phases I and II from 249 to 208. The Planning Board adopts a modification to the above condition. Triplex units are no longer proposed. The applicant also indicates, and the Planning Board concurs, that ceasing construction of Phase II to begin construction of Phase III would result in undesirable outcomes for current and future homeowners of the townhouse development. The Planning Board modifies the above condition so the roads and

recreational facilities within Phases I and II may be completed prior to the construction of the multifamily portion of the development. The applicant is not ready to commence construction of the multifamily building. The applicant shall complete construction of the multifamily buildings and the parking structure that will serve the commercial retail and office building concurrently.

- c. **Before the issuance of the 230th building permit for the townhouse and triplex units, as referenced above, and after completion of the multifamily buildings and the parking structure referred to above, the applicant shall begin construction of the commercial retail and office building.**

The Planning Board adopts a modification to the above condition for similar reasons for those stated above. Prior to M-NCPPC approval of a use and occupancy permit for the multifamily buildings and the parking structure referred to above, the applicant shall obtain M-NCPPC approval of a building permit to begin construction of the commercial retail and office building.

- d. **In all conditions in this order, the term "applicant" includes without limitation the applicant's successors and assignees.**

This condition remains in effect.

9. **Prior to the issuance of building permits for the townhouses north of Fernwood Drive, the applicant shall submit and obtain approval of a revision to the site plan by the Planning Board or its designee. The revised site plan shall show the location and appearance of the noise wall. The noise mitigation shall be reviewed for the adequacy of noise reduction and for appearance by the Environmental Planning Section and the Urban Design Section. If grading in the northwest portion of the site has altered the required noise mitigation, an updated Phase II noise study shall be submitted to demonstrate the required height and location of any required noise wall or other mitigation.**

This condition was addressed by a prior DSP approval.

- b. A total of 96 triplex units were approved by the Planning Board as Detailed Site Plan DSP-08039-01 on September 10, 2009 (PGCPB Resolution No. 09-131). The following conditions of DSP-08039-01 are relevant to the subject detailed site plan as follows:
 5. **Applications for building permits shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.**

The above condition remains in effect.

6. **Play Area 5 shall be constructed concurrently with the adjacent dwelling units, and shall be completed prior to issuance of building permits for the 78th three-family dwelling unit.**

The applicant proposes to eliminate the play equipment within this area and create a passive seating area. This area shall be constructed concurrent with the completion of Lots 77 through 81 in Phase II.

- c. The applicant proposes to utilize previously approved townhouse architecture in Phase II of the subject development.
11. **2010 Prince George's County Landscape Manual:** Per Section 27-548 of the Zoning Ordinance, landscaping, screening, and buffering within the M-X-T Zone shall be provided pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The Planning Board adopts the following:
- a. **Section 4.1**—Residential Requirements, requires a certain number of plants to be provided for residential lots depending on their size and type.
- b. **Section 4.6**—Compliance with Section 4.6, Buffering Development from Special Roadways, is required along Ritchie-Marlboro Road, which is a designated historic road. The site is within the geography previously designated as the Developing Tier and reflected on Attachment H(5) of the *Plan Prince George's 2035 General Plan* as found in Prince George's County Planning Board Resolution No. 14-10 (see County Council Resolution CR-26-2014, Revision No. 31); therefore, a 20-foot-wide planting strip is required. The applicant has submitted Alternative Compliance AC-14009 from this section. The Planning Board adopts the following:

REQUIRED: Section 4.6 Buffering Development from Special Roadways, along Ritchie-Marlboro Road

Length of frontage:	376 feet
Minimum bufferyard width:	20 feet
Fence:	No
Plant Units (80 per 100 linear feet)	301

APPROVED: Section 4.6 Buffering Development from Special Roadways, along Ritchie-Marlboro Road

Length of frontage:	376 feet
Bufferyard width:	8–20 feet*
Fence:	Yes, eight-foot-high, noise wall for 113 linear feet
Plant Units:	303

*Note: The provided schedule indicates a minimum width of 13 feet is provided. However, the plan measurements show the proposed sidewalk extending as close as eight feet from the property line along Ritchie-Marlboro Road at its narrowest point. The plan shall be revised to correctly indicate the provided width, excluding the sidewalk.

Justification of Recommendation:

Section 4.6 requires a minimum of a 20-foot-wide buffer, planted with 80 plant units per 100 linear feet, along the property's Ritchie-Marlboro Road frontage because it is a designated historic/scenic roadway. The proposed sidewalks, alleys, and units encroach into this 20-foot width by up to 12 feet for approximately 190 linear feet. As an alternative to the normal requirements of Section 4.6, the applicant states that they are providing an 8- to 20-foot-wide varying buffer and the full quantity of plant materials required, plus an eight-foot-high masonry noise wall for approximately 113 linear feet, where the reduced width is located. Additionally, there is approximately 40 feet between the actual road edge and the property line within the right-of-way along the entire frontage, which will contribute to the historic/scenic roadway. The Planning Board agrees that the proposed noise wall and the required plant materials will aid in creating a substantial buffer between the proposed development and the designated historic/scenic roadway. Given the provision of the required amount of plants, the noise wall, and the existing setback of the property from the roadway, the Planning Board finds the applicant's proposed alternative compliance measures to be equally effective as normal compliance with Section 4.6 of the Landscape Manual.

- c. **Section 4.7**—This site is subject to Section 4.7, Buffering Incompatible Uses. A goal of Section 4.7 is to provide a comprehensive, consistent, and flexible landscape buffering system that provides transitions between moderately incompatible uses.
- d. **Section 4.9**—This site is subject to Section 4.9, which requires that a percentage of the proposed plant materials be native plants, along with other sustainable practices.
- e. **Section 4.10**—The site is subject to Section 4.10, which requires street trees along private streets. The applicant has submitted Alternative Compliance AC-14009 from this section. The Planning Board adopts the following:

REQUIRED: 4.10 Street Trees along Private Streets, along Weshurst Lane and East and West Wesbourne Drive

Length of Street Frontage	1,425 feet
Number of Street Trees	41

APPROVED: 4.10 Street Trees along Private Streets, along Weshurst Lane and East and West Wesbourne Drive

Length of Street Frontage	1,425 feet
Number of Street Trees	42

Justification of Recommendation:

Section 4.10, Street Trees along Private Streets, includes multiple requirements for street trees along private streets, which are proposed to serve the townhomes in the subject application. These requirements include that street trees should be planted in a space not less than five feet wide between the curb and the sidewalk, be spaced between 25 and 50 feet on-center, in a minimum soil surface area of 150 square feet for isolated trees, located a minimum of 35 feet from the point of curvature of an intersection, and located a minimum of ten feet from the point of curvature of a residential driveway. The subject application proposes to provide on-street parallel parking spaces in front of the townhouses, as visitor parking spaces within this compact urban subdivision. The application does not provide for the required continuous five-foot-wide tree strip between the face of curb and sidewalk, the trees are placed in islands, are spaced less than 25 feet and more than 50 feet apart, and some trees are planted closer than 35 feet to the point of curvature of an intersection of two streets. Despite this, the applicant is still proposing to provide the required number of street trees with the minimum soil surface areas required. The Planning Board agrees that the applicant has made sufficient effort to meet the intent of Section 4.10, while it was not possible to exactly meet every dimensional requirement within the previously approved compact site design. The proposed street trees are consistently provided along the entire length of the private streets, within an area a minimum of five feet wide and with a minimum of 150 square feet of soil surface, which will provide tree canopy over the streets. Given the provision of the required amount of street trees distributed along the private streets, the Planning Board finds the applicant's proposed alternative compliance measures to be equally effective as normal compliance with Section 4.10 of the Landscape Manual.

12. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project area is not subject to Subtitle 25, the Woodland and Wildlife Habitat Conservation Ordinance (WCO) that became effective September 1, 2010 and February 1, 2012 because the previously approved tree conservation plan (TCP) was approved prior to September 1, 2010, and there are no significant changes to the limit-of-disturbance (LOD).

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance, because it has a previously approved tree conservation plan. A revised Type II tree conservation plan (TCPII) has been submitted. The Planning Board finds that a few technical revisions shall be provided prior to certificate of approval of the TCP.

13. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance (TCC), requires a minimum percentage of tree canopy coverage on projects that require a grading permit. Properties that are zoned M-X-T are required to provide a minimum of ten percent of the gross tract area in tree canopy. The subject property is 20.67 acres in size, resulting in a tree canopy coverage requirement of 2.07 acres. The detailed site plan indicates compliance with this requirement for the entire area of the DSP.

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

a. **Community Planning**—This application is in conformance with the land use recommendations of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*.

- b. **Transportation Planning Section (TPS)**—The Planning Board adopts the following:

This section of the larger development was approved for a use of 96 triplex dwelling units. The subject application is seeking a replacement of 96 triplex units with 55 townhouses. This change if approved, will result in a trip reduction of 29 AM and 33 PM peak-hour trips. In light of the fact that the proposal represents a reduction in traffic from a previously approved development, the Planning Board concludes that this development's traffic impact can be considered *de minimus*.

Given the site location, it has frontage along the ramp connecting the Beltway with Richie Marlboro Road. Based on the information provided on the record plat for the subject property (Parcel L, L. 27631; F. 450), the Planning Board is satisfied that no additional right-of-way will be required of this applicant.

In reviewing the street layout, the Planning Board finds the on-site circulation to be adequate.

Based on the fact that the subject application is considered to be *de minimus*, the Planning Board concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 27-285(b).

- c. **Trails**—The application conforms to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the appropriate sector plan in order to implement planned trails, bikeways, and pedestrian improvements.

- d. **Environmental Planning Section (EPS)**—The Planning Board adopts the following regarding the DSP and Type II Tree Conservation Plan TCPII-055-08-03, stamped as received on April 1, 2014.
- (1) **Site Description:** The subject property is located on the eastern side of the I-95/495 (Capital Beltway) and on the southwestern corner of the Ritchie-Marlboro Road and the Sansbury Road intersection. This application is for a 3.53-acre portion of the subdivision located in the northwest corner of the site. A review of the available information indicates that streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. The site is adjacent to the Capital Beltway, which is a source of traffic-generated noise. The soils found to occur on this site according to the *Prince George's County Soil Survey* are in the Adelphia, Collington, Ochlockonee, Rumford, Sandy, Sassafras, and Westphalia soil series. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. The site is located in the Southwest Branch watershed of the Patuxent River basin.
 - (2) **Natural Resources Inventory:** The site has an expired approved Natural Resources Inventory (NRI-114-06) for the entire development. This NRI was approved in 2006 and is not valid, because the approval is over five years old. The overall site contains sensitive environmental features such as streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils. The project area contains no regulated environmental features in the specific area of revision. A Natural Resources Inventory Equivalence Letter has been approved for the application area. A copy of the Natural Resources Inventory Equivalence Letter shall be provided with all subsequent applications.
 - (3) **Regulated Environmental Features:** No impacts to regulated environmental features are proposed with this application. All impacts were previously approved with the Conceptual Site Plan (CSP-07001), Preliminary Plan of Subdivision (4-07038), and Detailed Site Plan (DSP-08024 and DSP-08039) for the subject property.
 - (4) The soils found to occur on this property are in the Adelphia, Collington, Ochlockonee, Rumford, Sandy land, Sassafras, and Westphalia soil series.
 - (5) The Stormwater Management Concept Plan (3673-2006-02) submitted with the subject application shows the use of one extended detention facility. No underground stormwater facilities area proposed on this concept plan. The concept is correctly reflected on the TCPII. Also, the approval letter was issued on

March 15, 2013, and states that the project will pay a fee of \$112,500.00 in-lieu-of providing on-site attenuation/quality control measures.

No further action regarding stormwater management is required with this DSP review.

- e. **Subdivision Review**—The subject site is located on Tax Map/074 in Grid E-4, is within the M-X-T Zone. The property was recorded as Parcel L, Block A, per Plat MMB 235-89 on April 17, 2014, in the County Land Records. The currently undeveloped site was previously approved as part of Preliminary Plan of Subdivision 4-07038 (22.44 acres). The applicant has submitted a detailed site plan (DSP) revision for the conversion of 96 condominium triplex-units, previously approved under CSP-07001, 4-07038, and DSP-08039 (and subsequent revisions), to 55 fee-simple townhouse dwelling units. Additionally, the DSP revision proposes a change in the configuration of the private streets.

Section 24-107 of the Subdivision Regulations states that, “No land shall be subdivided within the Regional District in Prince George’s County until the subdivider or his agent shall obtain approval of the preliminary plan and final plat by the Planning Board.” A new Preliminary Plan, 4-13026, has been submitted. Pursuant to Section 27-270 of the Zoning Ordinance, Preliminary Plan 4-13026 shall be approved by the Planning Board prior to approval of this DSP. Similarly, the preliminary plan shall be signature approved prior to certification of the DSP.

- f. **Permit Review**—The Permit Review Section provided an analysis of the subject proposal and submitted the following comments:
- (1) Sediment and erosion control plans shall be submitted as part of the permit package.
 - (2) Please address issues regarding decks and all other possible additions in regards to setbacks for townhouse units.
 - (3) All dwellings must be labeled Unit “A” or Unit “B” on the site plan.
- g. **Department of Parks and Recreation (DPR)**—At the time of this writing, no response from the Department of Parks and Recreation has been received.
- h. **Prince George’s County Health Department**—In a memorandum dated June 26, 2014, the Environmental Engineering Program of the Prince George’s County Health Department stated that they have completed a desktop health impact assessment review of the detailed site plan submission for DSP-08039-06, Westphalia Row, and have the following comments:

The site is located within 1000 feet of a major arterial road at the intersection of Ritchie-Marlboro Road and the Capital Beltway – US Route 95. There is an emerging body of evidence indicating that fine particulate air pollution from traffic is associated with childhood asthma. Also, published scientific reports have found that road traffic, considered a chronic environmental stressor, could impair cognitive development in children, such as reading comprehension, speech intelligibility, memory, motivation, attention, problem-solving and performance on standardized tests.

Several large scale studies demonstrate that increased exposure to fine particulate air pollution is also associated with detrimental cardiovascular outcomes, including increased risk of death from ischemic heart disease, higher blood pressure and coronary artery calcification.

This information is provided for informational purposes. There are no Zoning regulations that address issues of air quality discussed in the health department memorandum.

- i. **Prince George's County Police Department**—The Police department requests that conflicts between light pole locations and shade tree locations be reduced.

Prior to certification of the detailed site plan, shade tree and light pole locations will be evaluated and may be modified to reduce conflicts as necessary. A few shade trees within the sitting area shall be substituted for ornamental trees, to reduce conflicts with light poles and increase long term visibility within this area.

- j. **Prince George's County Fire/EMS Department**—In a memorandum dated February 7, 2014, the Fire Department provided standard comments regarding turning radii, and building location relative to a fire hydrant.

- 15. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the Planning Board finds that the DSP represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
- 16. Section 27-285(b)(4) of the Zoning Ordinance provides the following required finding for approval of a detailed site plan:

The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.

No impacts to regulated environmental features are proposed with this application. All impacts were previously approved with the Conceptual Site Plan (CSP-07001), Preliminary Plan of Subdivision (4-07038), and Detailed Site Plan (DSP-08024 and DSP-08039) for the subject property.

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 the Type II Tree Conservation Plan (TCP II-055-08-03) and APPROVED Alternative Compliance No. AC-14009, and further APPROVED Detailed Site Plan DSP-08039-06 for the above-described land, subject to the following conditions:

1. Prior to certificate of approval of the detailed site plan (DSP), the following revisions shall be made to the DSP, or information shall be provided:
 - a. Submit a copy of the recently approved Natural Resources Inventory Equivalence Letter.
 - b. Recreational Area 5 shall become a sitting area only.
 - c. Evaluate the feasibility of providing the following sidewalk connections in Phase II, and provide them as determined appropriate in consultation with the Urban Design Staff as designee of the Planning Board:
 - (1) On the west side of Lot 59.
 - (2) On the south side of Private Alley 8 connecting Westbourne Drive east and west.
 - (3) On the north side of Private Alley 5.
 - d. Provide all bearings and distances for proposed lots and parcels.
 - e. Show the proposed retaining wall in the southwest portion of proposed Parcel N.
 - f. Show all public utility easement connections through private streets as shown on the engineer's utility plan.
 - g. Provide verification that Preliminary Plan of Subdivision 4-13026 has been signature approved.
 - h. Evaluate shade tree and light pole locations, and modify the locations or plant species as necessary to reduce conflicts. A few shade trees within the designated sitting area shall be substituted with ornamental trees to reduce potential conflicts with light poles and increase long term visibility within this area.
 - i. Provide a plan note that states that the recreational facilities proposed within Phases I and II are designed to be accessible to all residents of Phases I and II.
 - j. Update the parking calculations to accurately reflect the parking proposed within Phase II of the development.
 - k. Remove architectural and general notes that make reference to three-family dwellings.

2. Prior to certificate of approval of the detailed site plan (DSP), the following revisions shall be made to the landscape plan:
 - a. Revise the Section 4.6 schedule to indicate the minimum width of provided buffer as eight feet.
 - b. Revise the Section 4.10 schedule to reflect all of the elements that are part of the Alternative Compliance approval:
 - (1) Location of street trees,
 - (2) Spacing of street trees, and
 - (3) Distance from the point of curvature of an intersection.
 - c. Reflect the use of additional shrub plantings on the landscape plan. Shrubs shall be included along the sides of townhouse sticks, where planting area exists, and along walkways that are provided between units.
3. Prior to signature approval, the following architectural standards shall be indicated on the plans:
 - a. Designate Lots 40, 58, 59, 66, 67, 72, 81, 86, 87 and 94 of Phase II as higher-visibility lots. The sides of townhouses on these lots shall be fully faced with brick or stone.
 - b. Designate Lots 87 through 94 of Phase II as higher-visibility lots. The fronts of the townhouses on these lots facing Ritchie-Marlboro Road shall be fully faced with brick or stone.
 - c. The standard side and rear elevations of the townhouse models in Phase II shall utilize brick or stone facing up to the top of the first floor.
 - d. Provide standard metal standing seam metal roofs where bay windows are provided, consistent with those constructed in Phase I.
 - e. With the exception of Lots 87–94 of Phase II, which require full brick or stone fronts, at least 60 percent of the units in each attached stick of units shall have a full brick or stone front. A brick/stone tracking chart with the lots grouped into the attached sticks shall be added to the plans to monitor conformance to this requirement.
4. Prior to certification of the detailed site plan (DSP), the Type II tree conservation plan (TCP II) shall be revised as follows:
 - a. The most current TCP worksheet shall be added to the plan.
 - b. Add “P. Vance – March 1, 2010” to the 3rd approval line on the TCP II approval block.

- c. Provide an additional column next to the date column and add the appropriate companion case number that is being approved with this TCPII.
 - d. Have the revised plans signed and dated by the qualified professional who prepared them.
- 5. Applications for building permits shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.
- 6. Prior to final plat, the applicant's private recreational facilities agreement (RFA) shall be amended to reflect the changes to recreational facilities approved in the subject detailed site plan. The RFA shall specify the timing for the construction of the community building, and state that there shall be no fewer than three pieces of exercise equipment in the community building.
- 7. Recreation/Sitting Area 5 shall be constructed concurrent with the completion of Lots 77 through 81 in Phase II.
- 8.a. The applicant may not begin construction of the multifamily buildings or the parking structure that will serve the commercial retail and office building until a detailed site plan is approved for the multifamily buildings and parking structure (the "Multifamily DSP"). The Multifamily DSP shall show all parking required for the commercial retail and office building.
- b. The applicant shall complete construction of the multifamily buildings and the parking structure that will serve the commercial building concurrently.
- c. Prior to M-NCPPC approval of a use and occupancy permit for the multifamily buildings and the parking structure referred to above, the applicant shall obtain M-NCPPC approval of a building permit to begin construction of the commercial retail and office building.
- 9. Prior to M-NCPPC approval of the 204th building permit for Westphalia Row, Phases I and II, the applicant shall complete construction of the 2,400-square-foot community building on Parcel E.

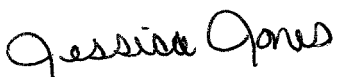
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

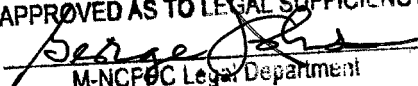
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, July 17, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of July 2014.

Patricia Colihan Barney
Executive Director


By Jessica Jones
Planning Board Administrator

PCB:JJ:MF:arj

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPBC Legal Department
Date 7/31/14