

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 11-05

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File No. DSP-09015

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 January 13, 2011 regarding Detailed Site Plan DSP-09015 for Westphalia Center, The Moore Property: Lots 1-102, Block A; Lots 1-44, Block B; Lots 1-218, Block C; Parcels A1, A14, B1-B11, B21 & C1-25, the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan (DSP) for infrastructure. The plans include rough grading and construction of stormwater management facilities, the extension of water and sewer, establishment of public and private roadways, associated recreational facilities including a pad site for a future community building, a pad site for a future 8,000-square-foot commercial structure and associated parking. The applicant stated its intention to move through this process to the final plat of subdivision phase of the development process, based on the subject detailed site plan.

2. **Development Data Summary**

	EXISTING	APPROVED
Zone(s)	M-X-T	M-X-T
Use(s)	Vacant	Infrastructure
Acreage	47.70	47.70
Floodplain	2.97	2.97
Net acreage	44.73	44.73
Lots	0	364 townhouse lots
Parcels	1	51
Square Footage/GFA	0	8,000 sq. ft.
Dwelling Units:	N/A	N/A

3. **Location:** The site is in Planning Area 78 and Councilmanic District 6. More specifically, the Moore Property is located on the north and west sides of Moore's Way, a private street winding from Pennsylvania Avenue (MD 4) to Melwood Road, approximately one-half mile north of Pennsylvania Avenue and one-half mile east of Presidential Parkway, with access as shown on previous approvals from Presidential Parkway as it extends through the balance of Westphalia Center located to the south of the subject property via proposed collector road C-637.
4. **Surroundings and Use:** The Moore Property abuts the Smith Home Farm to the north and west, and is surrounded in all other directions by portions of the M-X-T-zoned Westphalia Center

project, consisting of existing woodland, agricultural land uses, and scattered single-family detached units.

5. **Previous Approvals:** The property is the subject of rezoning to the M-X-T Zone from the I-1 (Light Industrial), I-3 (Planned Industrial/Employment Park), and R-A (Residential-Agricultural) Zones by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment (SMA)*.

In July of 2008, County Council Bill CB-29-2008 was approved defining a Regional Urban Community and establishing standards that would facilitate development with urban characteristics which have been recommended for the Westphalia Center.

The property is the subject of Conceptual Site Plan CSP-07004-01, approved by the District Council on September 21, 2009. The applicant filed the revision of the Conceptual Site Plan CSP-07004 in order to revise conditions of approval to allow the Moore Property to move forward independently from Westphalia Center. Conceptual Site Plan CSP-07004-01 supersedes previously approved CSP-07004 in its entirety.

The Moore Property was included as part of Westphalia Center as a Regional Urban Community for a mix of moderate- to high-density residential, commercial, recreational, cultural and public facility land uses as envisioned by the sector plan. The Moore Property is a component of the larger Westphalia Center application which was approved for moderate-density residential, limited neighborhood commercial, recreation and open-space land uses.

The property is subject to the requirements of Preliminary Plan of Subdivision 4-08018. PGCPB Resolution No. 09-95 was adopted on June 25, 2009 and the preliminary plan remains valid until June 25, 2015. The design program for the Moore Property, as approved in Preliminary Plan of Subdivision 4-08018 and reflected in PGCPB Resolution No. 09-95, included 3,000 square feet of commercial retail development and 640 dwelling units (135 multifamily and 505 single-family attached).

6. **Design Features:** The detailed site plan application is for the purpose of implementing grading for and installation of infrastructure for the site. The plan of development for the site proposes 364 single-family attached lots, rough-graded parcels for future multifamily and an area shown as a future commercial/community area. The plan proposes the majority of the townhouses to be rear-loaded garage units, served by alleys except for areas where grades prohibit alley use. Other units are proposed with front-loaded garages. A central community area is proposed directly adjacent to a commercial area and parking is proposed to be shared by both of the uses. A centrally located stormwater management facility is proposed at the central northern portion of the site and is designed as an amenity to the project. The multifamily component is shown as a rough-graded area and the design features for that area will be developed in a later phase.

The Moore Property is land locked without frontage on a dedicated public road. The only existing access to the property at this time is from Moores Way, a private right-of-way easement. The property is dependent on the development of Westphalia Town Center for access to the south or

east of the Smith Home Farm to the north. The conceptual site plan proposed an extension of Dower House Road as the main access from the south to the site. This detailed site plan proposes a new private road connection through the Smith Home Farm subdivision to the west to provide access to the development, requiring a stream crossing and proposing to re-align streets on the adjacent property in order to connect to an existing public street Machinists Place. The remainder of the street system provides a grid of interconnected streets generally reflecting the development pattern concepts and regulations of approved Conceptual Site Plan CSP-07004-01 and Preliminary Plan of Subdivision 4-08018.

The detailed site plan as submitted includes property to the south of the Moore Property and proposes grading of land known as the Westphalia Center, not owned by the applicant.

COMPLIANCE WITH EVALUATION CRITERIA

7. This application proposes to develop the property as a regional urban community, in conjunction with Westphalia Center. A regional urban community is defined as follows by Section 27-107.01(a)(197.1) of the Zoning Ordinance:

A contiguous land area of 500 or more acres in the M-X-T or R-M Zone within a General Plan designated center in the Developing Tier, and which is to be developed as follows: a mixed use, urban town center including retail office and residential uses with a defined core, edge and fringe as defined by the Sector Plan; transit- and pedestrian-oriented, with ample public spaces suitable for community events, adjacent to a planned or developed public park of 100 or more acres that includes a variety of recreational and cultural facilities for public use, such as amphitheaters, performance stages and plazas.

The Moore Property consists of approximately 47 acres of the overall regional urban community and is located within the area identified on the sector plan and subsequent conceptual site plans as an edge area.

8. **Conformance to the Conceptual Site Plan CSP-07004-01.**

The detailed site plan for infrastructure appears to be in conformance with the conceptual site plan. The following conditions of approval are relevant to the review of this detailed site plan for infrastructure. The conceptual site plan conditions from CSP-07004-01 shown below in **bold text** warrant discussion in the review of this detailed site plan for infrastructure:

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

- a. **Show all proposed impacts to the Patuxent River primary management area (PMA) as previously approved with Preliminary Plans 4-08002 and 4-08018.**
- f. **Provide a table on the cover sheet itemizing the areas of existing woodland, woodland cleared, preservation, reforestation, woodland saved not counted, and woodland saved but considered cleared for each phase of construction. The itemized table shall include the areas within the limits of disturbance (LOD) necessary to allow the Moore Property to move forward before the remainder of the site.**
- m. **Provide a separate sheet within the plan set to show the proposed LOD for all improvements necessary to allow access to the Moore Property without construction of the remainder of the Westphalia Center. This LOD shall include the clearing needed for all improvements, including but not limited to proposed grading, utility connections, road improvements, stream crossings, and stockpiles.**
- n. **Provide a phased worksheet on the cover sheet. This worksheet shall include as Phase 1, the area within the LOD for all improvements necessary to allow access to the Moore Property without construction of the remainder of the Westphalia Center. The remaining phase of the worksheet shall include the remaining area of the Westphalia Center. The remaining area of the Westphalia Center shall be further separated into phases on the TCPH at time of DSP review so that each phase of the worksheet includes the area of each DSP.**

The TCPI for the Moore Property has been revised to meet the above conditions; however, these conditions must be reflected on the TCPH as well so that the TCPH can be found to be in conformance with the approved TCPI. Prior to certification of the DSP, the Type II tree conservation plan should be revised to:

- a. **Show only those proposed impacts to the Patuxent River primary management area (PMA) that were previously approved with Preliminary Plans 4-08002 and 4-08018.**
- b. **Provide a table on the cover sheet itemizing the areas of existing woodland, woodland cleared, preservation, reforestation, woodland saved but not counted, and woodland saved but considered cleared for each phase of construction. The itemized table shall include the areas within the limits of disturbance (LOD) necessary to allow the Moore Property to move forward before the remainder of Westphalia Center.**
- c. **Provide a separate sheet within the plan set to show the proposed LOD for all improvements necessary to allow access to the Moore Property without**

construction of the remainder of the Westphalia Center. This LOD shall include the clearing needed for all improvements, including but not limited to proposed grading, utility connections, road improvements, previously approved stream crossings, and stockpiles.

- d. Provide a phased worksheet on the cover sheet. This worksheet shall include as Phase 1, the area within the LOD for all improvements necessary to allow access to, and construction of the Moore Property without construction of the remainder of the Westphalia Center.
4. **At least 35 days prior to Planning Board approval of the preliminary plan of subdivision, a stream corridor assessment using the Maryland Department of Natural Resources protocol shall be submitted. General impacts to the entire stream valley for stream restoration shall be approved at the preliminary plan stage. Specific impacts for stream restoration will be determined, reviewed, and approved at the detailed site plan stage. Streams shall not be piped unless absolutely necessary to address a water quality or water conveyance problem.**

A stream stability assessment report for the Cabin Branch stream valley prepared by Land Studies was received and reviewed with the preliminary plan; the report is dated February 2009. Two addendums to the report dated April 15, 2009 and April 24, 2009 were also received and reviewed with the preliminary plan. These reports document that Cabin Branch is in a condition of long-term instability.

Only very minor impacts to the Cabin Branch stream valley (a major stream valley) were proposed and approved with the preliminary plan. The only impacts were for the installation of a trail which was restricted to the proposed shown within an existing sewer easement. The overall impacts approved with the Moore Property preliminary plan were not significant enough to require stream mitigation of the Moore Property. However, this detailed site plan deviates from the previous approval by proposing a major road crossing to the west as the only access to the property at this time. The Planning Board found that this road crossing must be removed in order to be found in conformance to the previous approved preliminary plan, which allows for the project to be grandfathered.

9. **At the time of review of the preliminary plan of subdivision, a letter of justification shall be submitted for all proposed impacts to the regulated areas shown on the signed NRI, including the regulated areas described as Areas 1-8 on Staff Exhibit A, dated November 24, 2008. Where impacts cannot be eliminated, the letter of justification shall state the reasons and provide evidence regarding why the impacts cannot be eliminated or reduced. Such evidence could include roadway designs by the State or previously approved plans, including master plans that require or show the placement of the roadways. Evidence may also include features, such as an amphitheater, or other infrastructure in the locations shown on the conceptual site plan, as provided in CB-29-2008 and consistent with CR-2-2007.**

Four PMA impacts were approved with the preliminary plan. These four impacts were approved for stormwater management, a portion of Public Road C (which is now called Georgia Pond Drive), a sewer connection, and for the Cabin Branch trail (located within an existing sewer easement).

A proposed road extension that includes a stream crossing to the west was not evaluated as part of previous approvals of the conceptual site plan (CSP) and the preliminary plans because the impact was not shown on the plans or requested. Proposed Bedford Springs Avenue, a proposed private road, is proposed on the detailed site plan to extend across the Cabin Branch stream valley and connect to another proposed private road within the Smith Home Farm property. This stream crossing is being proposed in addition to other previously approved crossings over the same stream within the Westphalia Center portion of the project. The primary management area (PMA) impacts associated with the additional stream crossing were not previously requested, analyzed, or approved at time of the original CSP, the preliminary plan approval, or the subsequent revision to the CSP.

Subsequent to the approval of the CSPs and preliminary plan for this project, County Council Bills (CB-26-2010, and CB-28-2010) for protection of environmental features of a site were approved for updates to the Subdivision Regulations and the Zoning Ordinance, respectively. Because this project received preliminary plan approval prior to September 1, 2010, the implementation date of the aforementioned legislation, the project currently under review is considered grandfathered with respect to the delineation of regulated environmental features and impacts, and is subject to the regulations in place at the time of preliminary plan approval. Because this plan shows considerable PMA impacts in addition to what was approved with the preliminary plan, and because the project appears to continue to conform to the old regulations and does not indicate buffer widths in conformance with the new legislation, the project is grandfathered with regard to the regulated environmental features, and the plans should be revised to remove the stream crossing impacts not previously approved. Prior to certification of the detailed site plan, the DSP, TCP, and landscape plans should be revised to remove the stream crossing shown and labeled as Bedford Springs Avenue.

- 13. The locations of the master-planned trails along Back Branch and Cabin Branch shall be determined at the time of preliminary plan review. The trails shall be designed to avoid the PMA to the extent possible and trail alignments along parallel roads may be utilized where necessary. Impacts to the PMA shall be addressed at that time.**

The newly proposed road extension and additional stream crossing that are shown on the DSP as submitted revise the previously approved Cabin Branch trail alignment and the associated impacts to the regulated environmental features. The trail was previously approved to be located within the existing sewer easement in the Cabin Branch stream valley. This easement runs along a portion of both the Westphalia Center and Moore Property and also crosses over Cabin Branch onto the

adjacent Smith Home Farm Property. While a majority of the trail continues to be shown within the sewer easement, the plans now show stairs along the trail so that the trail would access the newly proposed road extension across Cabin Branch. The additional PMA impacts reflected on the plan appear to be for the proposed road extension and not specifically for the trail realignment necessitated by the new design; however, it is difficult to determine the extent of the additional PMA impacts on the plans as submitted as the application does not include a justification statement or the calculations indicating the extent of the new disturbance.

The trail alignment should be retained within the area previously approved and reflect the impacts for construction as previously approved. Impacts to the Primary Management Area (PMA) should be restricted to those approved at the time of preliminary plan.

- 17. Prior to acceptance of each detailed site plan, the package shall include a description of the use of green building techniques and alternative energy sources for the development throughout the site. At least three green building techniques shall be used in each development area of the site as identified on the CSP.**

This condition should not apply to this DSP for infrastructure only. Green building techniques and alternative energy sources for the site should be addressed at the time of DSP for construction of structures, whether it be residential or commercial structures. A DSP is required to be filed prior to the release of any building permits in order to review proposed architectural elevations. The current application only allows for the construction of infrastructure and possible platting of lots for the townhouses. A condition of approval is included to require the plans to be revised to remove the footprints of the community building, the commercial building and the associated parking facilities from the plans until such time as the architectural elevations are submitted for the joint development of this area, so green building techniques and alternatives can be provided, and so that the parking requirements for the uses can be calculated in accordance with Section 27-574 of the Zoning Ordinance. In addition, outdoor recreational facilities should be added to the plan at that time in accordance with the Special-Purpose Detailed Site Plan requirements. The plans should be revised in this area for rough grading and infrastructure development only.

- 18. Each detailed site plan shall demonstrate conformance to landscaping standards. In general, development on the site shall be subject to the standards of Section 4.8 of the Landscape Manual, in addition to the following standards:**

- a. Single-family detached lots larger than 9,500 square feet shall provide at least one shade tree and one ornamental or evergreen tree on the lot.**

None of the lots are larger than 9,500 square feet since there is not any single-family detached development proposed.

- b. Required landscaping for attached dwelling units shall be provided on the individual lots or common open space directly associated with the attached dwellings. Plantings within public or private open spaces shall only be**

counted towards the requirements where those spaces are located adjacent to the attached dwellings and are easily accessible to residents.

In order to apply this condition, the requirements of Section 4.8 of the *Prince George's County Landscape Manual* must be reviewed and considered. Section 4.8 requires a minimum quantity of plant material to be planted on the site based on the unit count and unit type. It appears that the quantities of plant materials have been provided as required, but the requirement relating to plant material being located in spaces adjacent to the attached dwellings is somewhat subjective. The street trees along public streets are not included in the quantity calculations. However, street trees along the private streets appear to have been included. As these plantings clearly serve a separate purpose than landscaping associated with the dwelling units, street trees associated with either the public or private street systems should not be counted toward fulfillment of the on-lot plantings. A condition to recalculate the planting quantities has been included in the approval this plan.

- c. Surface parking lots larger than five parking spaces shall be subject to the landscaping standards of Section 4.3 of the Landscape Manual.**

The only surface parking shown on the plan is the lots shown to serve the commercial and the community building. These parking facilities are shown prematurely, as the calculations for determining the interior green area are not possible until after the number of spaces is determined. Since this area still requires additional determinations as to the number of parking spaces and other design considerations. Condition 10 has been included in the approval of the plans to address this issue.

- d. In general, uses within the town center shall not be buffered from each other. However, buffering of highly incompatible adjacent uses may be deemed necessary at the time of detailed site plan review.**

The layout of the community building and the commercial site requires a certain amount of buffering between those uses and the surrounding residential properties. Fencing and landscaping are appropriate to create a separation of the uses as well as creating privacy for the adjacent residential uses. Details of fencing and landscaping should be determined in conjunction with the final design plans for the commercial area and the community recreational area.

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

The Special-Purpose Detailed Site Plan DSP-10017 approved by the Planning Board on January 13, 2011, provided the following requirements for recreational facilities in regard to an adequacy finding for the subject site:

- (1) a two-story, 5,000-square-foot community building, with architecture and internal design program to be reviewed by the Planning Board;
- (2) three tot lots;
- (3) two pre-teen lots;
- (4) five sitting areas;
- (5) ± 336 linear feet of the eight-foot-wide asphalt, master-planned Cabin Branch Trail;
- (6) $\pm 1,971$ linear feet of additional trails around stormwater management Ponds 1 and 2, comprised as follows:
 - 8-foot asphalt trail, $\pm 1,065$ linear feet;
 - 10-foot asphalt trail, ± 786 linear feet; and
 - 8-foot asphalt connector trails, ± 120 linear feet;
- (7) An swimming pool.

The Recreational Facility Bonding and Construction chart provided on the following page includes triggers for bonding and construction.

Recreational Facility Bonding and Construction Chart

Recreational Facility or Amenity	Trigger for Bonding Requirement	Trigger for Construction Completion
Three tot lots	Prior to issuance of the first building permit for the project.	Prior to the issuance of the building permit that allows construction of 50 percent of the dwelling units included in the development.
Two pre-teen lots	Prior to issuance of the first building permit for the project.	Prior to the issuance of the building permit that allows construction of 50 percent of the dwelling units included in the development.
Five sitting areas	Prior to issuance of the first building permit for the project.	Prior to the issuance of the building permit that allows construction of 50 percent of the dwelling units included in the development.
±1,971 linear feet of additional trails around stormwater management Ponds 1 and 2, comprised as follows: •8-foot asphalt trail, ±1,065 linear feet; •10-foot asphalt trail, ±786 linear feet; and •8-foot connector trails, ±120 linear feet ±336 linear feet of asphalt trail within Cabin Branch	Prior to issuance of the first building permit for the project.	Prior to the issuance of the building permit that allows construction of 50 percent of the dwelling units included in the development.
Swimming pool	Prior to issuance of the first building permit for the project.	Prior to the issuance of the building permit that allows construction of 50 percent of the dwelling units included in the development.
Two-story 5,000-square-foot community center	Prior to issuance of the first building permit for the project.	Prior to the issuance of the building permit that allows construction of 50 percent of the dwelling units included in the development.

The siting of the recreational facilities should be addressed in a future DSP revision when the architectural elevations for the community building and the commercial building, and the design of shared parking area are determined for the project. A DSP revision will be required for the multifamily component of the project as well, and it is anticipated that at least one tot-lot area and one preteen lot as included in the chart above should be provided as outdoor recreation areas for

the site. An outdoor sitting area may also be appropriate. Additional interior recreational facilities should be provided in association with the multifamily structures.

The size of the swimming pool should be determined based on either the ultimate population needs for the community or for a smaller population, if another swimming pool is ultimately provided for the multifamily development. The applicant stated that the swimming pool may serve units within the Smith Home Farm in the future. In order to provide for a well-designed central recreational area and commercial development, integrated with the residential component, within the boundaries of proposed Dower House Road, Georgia Pond Drive, Sagamore Hill Road, and Lodge Lane, a revision to the detailed site plan should be submitted prior to certificate of approval for this area.

- 21. Pedestrian safety features, traffic calming, and pedestrian amenities shall be evaluated at the time of each detailed site plan.**

The sidewalk network is a crucial component of providing a walkable town center and safe pedestrian amenities. Roads should be designed to accommodate bicyclists, pedestrians, and Americans with Disabilities (ADA) users, in addition to automobiles. A comprehensive network of sidewalks can ensure that non-motorized access is possible throughout the subject site and surrounding developments. Approved CSP-07004/01 and approved Preliminary Plan of Subdivision 4-08018 included detailed road cross sections that incorporated facilities for pedestrians and bicyclists. Standard or wide sidewalks were proposed along all roads as part of the earlier applications. Designated bike lanes were also included within some cross sections, including MC-637 (Dower House Road).

The subject application includes six- and seven-foot-wide sidewalks along both sides of all internal roads (excluding private alleys), which meets or exceeds the road cross sections proposed at the time of the CSP. The provision of these sidewalks as proposed by the applicant is recommended, along with several curb extensions and striped crosswalks as noted in the recommendations of this report. If these conditions are adopted, the plans will have provided the necessary traffic calming and pedestrian safety features required in Condition 21 above.

- 23. The applicant shall submit three original executed private RFAs for the private recreational facilities on-site to DRD for their approval three weeks prior to submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.**

This condition is being carried over to the approval of this plan.

- 24. The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DRD, in accordance with the timing established in the applicable special-purpose DSP. The developer, his heirs, successors, and/or assignees shall satisfy the Planning Board that there are**

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

This condition is being carried over to the approval of this plan.

- 25. As part of the private recreational facilities package, the applicant and the applicant's heirs, successors, and/or assignees shall construct three community buildings. The size, timing, and location of the community buildings shall be determined with the review of the applicable special-purpose detailed site plan.**

The special-purpose detailed site plan, DSP-10017, requires that the community building be a two-story 5,000-square-foot building, with architecture and internal design program to be reviewed by the Planning Board. The internal design program could be determined at the time of a revision to this detailed site plan when the architectural elevations for the project are reviewed.

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

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

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

- a. The minimum development amounts on the site shall be 150 single-family detached houses, 1,650 attached dwelling units, 1,800 multifamily dwelling units, 500 hotel rooms, 900,000 square feet of retail, and 2,200,000 square feet of office. As development proceeds, adequate traffic capacity shall be reserved to allow the development of these minimum amounts. Development may proceed beyond these minimums provided adequate transportation capacity will exist for that development.**

This detailed site plan constitutes the first phase of the development of the Westphalia Center and by itself does not attain the minimum development amounts stated for the overall site.

- b. Attached dwelling units shall be limited to 50 percent of the total dwelling units on the Westphalia Center site as a whole, including the Moore**

Property. Regardless of the relative quantities of different unit types approved on detailed site plans, building permits shall not be issued which would result in the attached units cumulatively exceeding 50 percent of the total of all dwelling units for which permits have been issued for the Moore Property and the balance of the Westphalia Center property. Up to 100 percent of the building permits for attached dwelling units may be issued for development on the Moore Property if it is in compliance with all other requirements.

CSP-07004-01 Condition 31.b. restricts the amount of attached residential development to no more than 50 percent of the total dwelling units on the site in accordance with the requirements for a Regional Urban Community per Section 27-544 (e)(2)(A) of the Zoning Ordinance. In the Zoning Ordinance, attached dwelling units include but are not limited to townhouses, two over twos and triplexes. Conceptual Site Plan CSP-07004-01 did not limit building types on the Moore Property, although illustrations and development phasing concepts indicate it would be developed as primarily an attached dwelling unit component located to the northwest of the Westphalia Center Core area. Preliminary Plan of Subdivision 4-08018 is more specific and approved up to 505 attached and 135 multifamily-dwelling units. Condition 31.b restricts the issuance of building permits of the attached units such that a cumulative account of permits must be maintained in the future for the entire Moore Property as well as the balance of Westphalia Center. The subject detailed site plan proposed 364 townhouse lots and a future multifamily component for the project. This condition shall be enforced at the time of the issuance of building permits.

- c. Prior to issuance of permits for the 1,400th dwelling unit on the balance of the Westphalia Center property, excluding the Moore Property, 300,000 square feet of retail space and 500,000 square feet of office space shall be constructed in the Core area. Permits for development on the Moore Property may be issued prior to any commercial development in the central Core Area.**

Conditions of approval for CSP-07004/01 were based on these sector plan policies and strategies. A strict quantitative phasing plan was established by the District Council in Condition 31 to ensure concurrent development of commercial land use in the Center Core of the Westphalia Center project in proportion to residential development throughout the project. The phasing plan requires a specific amount of retail and office commercial development in the Center Core to be built for each one-third of the minimum allowed residential development. The conditions do not specify where residential development should occur first. Thus, according to the approved CSP-07004-01 conditions, the Moore Property can proceed to develop residential units within the limits established for the first phase of development by Condition 31.c.

- i. A phasing and tracking chart shall be prepared in accordance with the approved phasing plan prior to certification of the CSP. This chart shall be**

submitted with each detailed site plan and comprehensively updated to ensure conformance with the phasing plan. The chart shall also be submitted with every building permit. No building permit shall be issued which does not conform to the phasing schedule above.

The requirement above to track the project with each detailed site plan may relate to the creation of lots through this process. The applicant has clearly stated its desire to continue with the development process to final plat the property in its final configurations following the approval of this DSP for infrastructure. This condition shall be enforced at the time of the issuance of building permits.

- 32. In conformance with the adopted and approved Westphalia sector plan, the applicant and the applicant's heirs, successors, and/or assignees shall:**
- a. Construct the subject site's portion of the Cabin Branch master plan trail. The trail alignment, design, and timing shall be determined at the time of preliminary plan.**
 - b. Construct the master plan trail along the subject site's entire segment of Back Branch. The trail alignment, design, and timing shall be determined at the time of the preliminary plan**
 - c. Construct the minimum eight-foot-wide master plan trail along the subject site's entire frontage of the north side of MC-634 and A-66. In the vicinity of the town center, this trail may be replaced by a decorative wide sidewalk and streetscape. Treatment alternatives shall be evaluated at the time of detailed site plan.**
 - d. Provide a financial contribution of \$840 to the Department of Public Works and Transportation for the placement of appropriate signage indicating that C-636 is designated as a Class III bikeway. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders are encouraged.**

These conditions are applicable to the approval of this plan, and are carried over as conditions or are shown on the plan as appropriate.

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

The applicant proposes a fee-in-lieu as a method to meet the requirements. Because the TCPH is incomplete it is not possible to provide the final monetary figure. Conditions of approval provided

herein address the need to revise the TCP11 and provide the final figures for fee-in-lieu for the subject property and the remainder of the WestphaliaCenter

36. Where there is a mixture of products and/or lot sizes, alleys shall not be required to be aligned, unless determined otherwise by DPW&T at the detailed site plan stage.

This detailed site plan does not show a mixture of products or lot sizes where alignment of alleys is affected.

9. The property is the subject of Preliminary Plan of Subdivision 4-08018 which was approved by the Planning Board on June 4, 2009 (PGCPB Resolution No. 09-95) and adopted on June 25, 2009. The preliminary plan was approved with the following development data:

Lots	375
Parcels	52
Commercial	
Retail	3,000
Dwelling Units:	0
Detached	0
Townhouses	375
Attached (misc)	130
Multifamily	135

The DSP proposes 364 lots and 51 parcels, 8,000 square feet of commercial retail and is consistent with the preliminary plan of subdivision for the number of lots and parcels.

When comparing the Westphalia Center and Moore Property approved preliminary plans, the plans proposed 44 percent of the total dwelling units as attached dwelling units as depicted in the following table (Section 27-544(e)(2)(A) of the Zoning Ordinance):

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

At the time of the review of the original Conceptual Site Plan CSP-07004 and Preliminary Plans of Subdivision 4-08018 and 4-08002 (for the remainder of Westphalia Center), the vehicular connection to the existing public street system was via Dower House Road (MC-637 running north and south through the development) and Campobello Road, which abuts the southern property line of the Moore Property (off-site) within the Westphalia Development and runs east to west. A stream crossing to the east was not anticipated or approved with the preliminary plan of

subdivision for the Moore Property, or the original CSP because access was provided from the south, through Westphalia Center property.

Subsequent to the approval of CSP-07004 and Preliminary Plan of Subdivision 4-08018 on June 4, 2009, the applicant filed a revision to CSP-07004 in order to revise conditions of approval to allow the Moore Property to move forward independently from Westphalia Center, since there were separate owners of the properties. The applicant proposed the additional connection to the east to Smith Home Farm with an indication of possible future stream crossing to provide access to the Moore Property. This proposal for the stream crossing was introduced late in the review process regarding CSP-07004-01 and there was not sufficient time for review of environmental impacts to the stream. As such, the impact was not properly requested or evaluated. Because the subject DSP application has moved forward without a new or reconsidered preliminary plan of subdivision to provide the opportunity to obtain approval of this crossing, and because the project is grandfathered from the requirements of the new environmental legislation effective September 1, 2010, by virtue of the fact that this impact was not reflected on a previous preliminary plan of subdivision that was approved, the applicant cannot request this impact with a detailed site plan and retain the grandfathered status, because it is not in substantial conformance with the previously approved preliminary plan of subdivision.

Section 27-270, Order of Approvals, of the Zoning Ordinance requires that a conceptual site plan (CSP) be approved prior to the preliminary plan of subdivision. The order of approvals was followed with the original approval of the Conceptual Site Plan CSP-07004 and Preliminary Plan of Subdivision 4-08018 on June 4, 2009. The preliminary plan does not show the proposed crossing and vehicular connection. The DSP proposal to add the road crossing at this location is not in substantial conformance with the preliminary plan of subdivision, which was approved by the Planning Board based on the original CSP, which did not reflect the connection in this proposed location.

A roadway connection to the Smith Home Farm property to the west is an important connection for the overall circulation and access to the town center. However, connection was previously approved to the north of the subject property to be provided via the master plan public street right-of-way (ROW) of Dower House Road. The applicant has indicated that the additional connection to the west via the Moore Property to the Smith Home Farm property is necessary to provide an inter-development connection. However, a conceptual connection to the south was already approved with the original CSP, the preliminary plan and the revised CSP as Campobello Road within the Westphalia development. In addition, the applicant is proposing a 26-foot-wide private street as the sole access which is not appropriate for general traffic circulation for this large development. The Planning Board found that the roadway connection should be removed because on a grandfathered project, the appropriate time for the analysis of environmental impacts is at the time of preliminary plan review. It appears the applicant is requesting to maintain their grandfathered status allowed under the new environment regulations which became effective on September 1, 2010; yet introduced new concepts from a transportation planning and environmental planning standpoint that has not been thoroughly reviewed and evaluated.

If the applicant would like to continue to pursue the proposed road connection to Smith Home Farm to the west, there are three possible courses of action available. The applicant may request a reconsideration of the preliminary plan, and if granted by the Planning Board, could maintain the Moore Property's grandfathered status and in the course of that reconsideration request the proposed road crossing and the associated environmental impacts. Alternatively, if the applicant prefers to continue moving forward with the request for the road connection and associated impacts on the subject DSP, the grandfathered status is forfeited because the plan of development has changed substantially since the approval of the preliminary plan. Accordingly, the detailed site plan would need to demonstrate conformance with all of the new environmental regulations that came into effect as of September 1, 2010 including the minimum stream buffer requirements. Finally, the applicant could file for a new preliminary plan of subdivision for all or a portion of the property which would also require conformance to the new environmental regulations.

There are a number of other layout modifications proposed with this DSP which were not reflected on the preliminary plan of subdivision, while street system and building envelopes remain generally consistent with the preliminary plan, with the exception of the stream crossing to the west.

Several of the modifications include:

- a. The townhouse units 74 to 87 were not approved on the preliminary plan in the location proposed with this DSP. The Planning Board approved a single-load street at this location to provide views into the Cabin Branch stream valley of the open space for a significant number of units. The Planning Board found the removal of Lot 88 would provide views into the stream valley. The revised lot layout will be superior to that previously approved in the preliminary plan.
- b. An additional parking area was depicted behind and in the vicinity of Lots 37-44 and 63-67, and Lots 58-62 on the approved preliminary plan and this parking area is not reflected on the DSP. Ensuring adequate parking was a finding of the Planning Board with the preliminary plan. The resolution of approval (PGCPB Resolution No. 09-95) contains the following relevant finding:

Parking Adequacy

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

The Planning Board found that the plans should be further evaluated for adequacy of parking facilities prior to certificate of approval of the DSP.

- c. The preliminary plan reflects a PEPCO switch box in the location which is now shown as Lots 93-95, was relocated to the east side of Dower House Road near its intersection with the Smith Home Farm property.
- d. Dimensions should be provided of the width of the private alleys and all public and private rights-of-way.

Conditions have been included in this approval as appropriate to address the issues above.

The Planning Board's resolution of approval for Preliminary Plan of Subdivision 4-08018 PGCPB Resolution No. 09-95, contains 34 conditions. The Planning Board's decision was based on the originally approved Conceptual Site Plan CSP-07004. Subsequent to the approval on June 4, 2009 of CSP-07004 and preliminary plan 4-08018, the applicant filed a revision to the CSP. The following conditions and findings of approval for the Preliminary Plan of Subdivision 4-08018 are shown below in **bold** text and warrant discussion in the review of this DSP for infrastructure:

- 2. **A Type II tree conservation plan shall be approved at the time of approval of each detailed site plan, except the special-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 Type II tree conservation plan has been submitted with the subject application (TCPII/028/10). This is the first submission of a Type II tree conservation plan for the Moore Property and the Westphalia Center. Detailed revisions to the TCPII in order to address this condition are outlined in the Environmental Review Section of this report. However, the additional street connection to the west to the Smith Home Farm property proposed with this application was not anticipated or proposed with the review of either preliminary plan of subdivision approved for Westphalia or the Moore Property, or the associated TCP's. An environmental review of the PMA impacts and woodland conservation implications was not analyzed at that time, nor were they properly requested or evaluated. The proposed crossing should be removed from the subject detailed site plan as it is not in conformance with the approved preliminary plan. Under the regulations in effect prior to September 1, 2010, the review of such impacts to a stream is required in accordance with the requirements of Subtitle 24 of the Subdivision Regulations. This project cannot propose a new impact to a regulated environmental feature unless it conforms to all of the new regulations associated with the new environmental legislation which include expanded stream buffers.

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

The additional street connection across Cabin Branch was not shown on the stormwater management concept plan at the time of the preliminary plan of subdivision. A revised stormwater management plan was not submitted as part of the subject application to account for the proposed additional impervious surfaces associated with the new proposed stream crossing. The DSP as submitted cannot be found in conformance with approved Stormwater Management Concept Plan 44782-2007-00 because this crossing was not previously requested, analyzed, or approved. The DSP should be revised to remove the extension of Bedford Springs Avenue over Cabin Branch in order for the application to be in conformance with approved Stormwater Management Concept Plan 44782-2007-00. If the applicant has sought a revision to the stormwater management concept plan, it has not been submitted as evidence into the record of this DSP.

4. At the time of final plat the applicant shall dedicate a public utility easement along the public right-of-way as delineated on the approved detailed site plan(s).

A 10-foot-wide public utility easement (PUE) is delineated along the public streets on the site plan.

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

This condition will be carried over to the approval of this plan.

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

The DSP was sent to the appropriate utility companies as well as a color coded utility plan. The following comment was received from R. Dickey, PEPCO in November 2010:

"Pepco is going to need a 10-foot PEPCO easement along the roads where we have manholes and conduits. That is yet to be determined. We don't know what the access points are at this time or if we can cross the culverts as we did in Woodmore. The property has been purchased at Dower House Road for the new substation to serve the property, so providing power isn't a problem. However, I don't think it is smart to plat PUEs until we know if the project is going to move forward; otherwise we will have to request additional easements unless gas and Verizon will be on the opposite side of the road from Pepco. And, we need to know if the product will have garages in the front or rear because then the PUEs change from front to rear or we don't have the space access and clearances. I made all of these points at the SDRC meeting on October 29, 2010. So, until we have a Notice to Proceed with the project, I would submit these very generic comments."

The following comments were made by R. Thompson, Verizon in November 2010:

"I have reviewed the color coded utility plan with Verizon and talked with Richard Cassidy of Dewberry and as long as he can get the other utilities to bless the plan and provide an easement for the HUB for this development. Verizon is happy with it, but how this development is going to be served is still up in the air. The developer is going to be required by our Tariffs to provide Verizon with a path at no expense to Verizon so Verizon can bring service to this development from the Public Right of Way. Please make sure that there is a 10-foot PUE along all public roads."

The detail site plan reflects a ten-foot-wide PUE along all public roads.

The following comments were received from WSSC in October 2010:

"WSSC comments are made exclusively for this plan review based on existing system conditions at this time. We will reevaluate the design and system conditions at the time of application for water/sewer service.

"Coordination with other buried utilities: No structures or utilities (manholes, vaults, etc.) are permitted in the WSSC right-of-way unless approved by WSSC. Longitudinal occupancy of WSSC rights-of-way is not permitted. Proposed utility crossings of WSSC pipelines or rights-of-way that do not adhere to WSSC's pipeline crossing and clearance standards will be rejected at design plan review. Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including: impacts to proposed street and building layouts.

"Unless otherwise noted: ALL extensions to WSSC's system require a request for 'Hydraulic Planning Analysis' and need to follow the System Extension Permit (SEP) process. Contact WSSC's Development Services Center at (301-206-8650) or visit our website ([www.wsscwater.com/Development Services](http://www.wsscwater.com/Development%20Services)) for requirements. For information regarding connections or Site Utility (on-site) reviews, you may visit or contact WSSC's Permit Services at (301) 206-4003."

The DSP as submitted delineates ten-foot-wide PUE's along the public rights-of-way. Some coordination with the utility companies has occurred. Since utility design is one of the final aspects of the development process, the information on the plans shown as a ten-foot-wide PUE along all public roads and a seven-foot-wide PUE along private roads, is acceptable.

9. **The applicant shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (M-NCPPC) for adequacy and proper siting prior to approval of the detailed site plan by the Planning Board. Or as modified by any subsequent revisions to CSP-07004.**

The only recreational facilities shown on the plans are a footprint of the community building, a swimming pool and some sitting areas. The development needs to include additional outdoor recreational facilities that can be utilized year-round for all ages. This information should be shown on a revised detailed site plan for development of the entire central recreational area, including the community building and the commercial building. This will provide for a unified design, integrating the uses, parking green space, recreational facilities and other design considerations.

- 12. The applicant, his heirs, successors, and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the county Land Records.**

The recreational facility agreement (RFA) should include appropriate triggers for the construction of the recreational facilities as contained in the Recreational Facility Bonding and Construction Chart.

- 15. The detailed site plan shall demonstrate that lots fronting on MC-637 will be rear-load vehicle access and shall not have direct vehicular access to the master-plan road.**

MC-637 (Dower House Road) extends through the Moore Property and connects this site to the Smith Home Farm property to the north and the Westphalia Center to the south. All the lots fronting on MC-637 are proposed to accommodate rear loaded units consistent with Condition 15 above.

- 16. Prior to any final plats for the Moore Property, adequate access roads to connect the Moore Property to the public street system shall be dedicated.**

At the time of preliminary plan approval, it was recognized that the Moore Property is currently landlocked. There are no dedicated public street connections abutting this property. Condition 16, therefore, requires that prior to the approval of any final plat of subdivision for the Moore Property, a street connection to the existing public street system be demonstrated to ensure adequate access. The property must connect to the public street system; therefore, this condition is carried forward until such time as the access issue is fully resolved.

An additional street connection is proposed by the applicant with this DSP over the Cabin Branch stream by means of a private street that was not previously analyzed. A private street connection is not adequate road access to conform to the above condition or for the approval of plats for the Moore Property to move forward in the development process. A full public street connection dedicated along its entire length to connect to an existing public street of sufficient size is needed to adequately address the future needs of this community. The following finding referenced in PGCPB Resolution No. 09-95 relates to the requirement to connect to the public street system:

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

The Transportation Planning Section provided the following analysis of the access issue in their memorandum dated December 2, 2010:

“Regarding the review of the site layout for the subject application, it is worth noting that the preliminary plan of subdivision for the subject application was approved with the property being served by several roads of varying classification and capacities. The subject site plan proposes a single access point (Bedford Spring Avenue) which is designated as a private, 50-foot (26 feet curb-to-curb) street. This proposed private street would connect to another proposed 50-foot private street within the approved Smith Home Farm subdivision to the west of the subject property. From the adjacent subdivision, the traffic from the Moore Property would then continue on two proposed 60-foot (36 feet of pavement curb-to-curb) public streets which would connect to existing Presidential Parkway.

“Staff finds the proposed access to the subject property to be problematic from three perspectives:

- “1. The alignment for Bedford Spring Avenue shown on the DSP does not conform to the street network on the preliminary plan for the subject site, and the street was never shown on the adjoining Smith Home Farm preliminary plan.
- “2. Until the surrounding road network adjacent to the subject property is built and operational, the proposed Bedford Spring Avenue, a proposed private street, would be the sole access to the subject property. Getting to a public street would require the site traffic to navigate through a series of privately owned and maintained streets. In light of the fact that Bedford Spring Avenue could be the sole access for the foreseeable future, staff finds this means of access by private streets to be unacceptable. Based on the information provided on the applicant's DSP, staff concludes that Condition 16 has not been satisfied.

- “3. The total daily traffic projection for the Moore Property is 3,891 vehicular trips per day. To get from the site to the first 60-foot public street, the site traffic would have to traverse Bedford Spring Avenue which is proposed as a 50-foot public street to be built with a cross-section of 26 feet between curbs. According to the DPW&T Neighborhood Traffic Management Program (NTMP) guidance, residential streets of similar size have a desirable daily threshold of up to 1,000 vehicles. The projected daily volume of 3,891 trips far exceeds the desirable threshold in the NTMP. Consequently, staff recommends that additional site access be provided in accordance with the approved preliminary plan, so that no residential streets exceed the NTMP thresholds.”

The Transportation Planning Section provided a conclusion in their December 2, 2010 memorandum that indicates that this issue could be resolved if the connecting street between the subject property and the Smith Home Farm subdivisions were constructed as a public primary residential street, so that the plan could conform to the requirements of Condition 16 above. However, this conclusion is over simplified as it may appear to solve the transportation access issue, but there is still the impact to the regulated environmental feature that has not been resolved in regard to the stream crossing. In addition, the plans approved for the Smith Home Farm's property to the west do not show a public or private street connection at this location. The proposed road crossing will not connect to the Smith Home Farm per the approved preliminary plan for that project and a public street would impact that site resulting in the loss of lots.

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

The Planning Board adopted the following bonding/construction time table for the requirements of this condition as suggested by staff:

Master Plan Trail Bonding and Construction Chart

Item	Bonding/Trigger for Construction	
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.	The Westphalia Center, Moore Property section of the Cabin Branch trail shall be bonded prior to issuance of the first building permit for the project.	The Westphalia Center, Moore Property portion of the Cabin Branch master-plan trail, following the existing sewer easement, shall be constructed prior to issuance of the building permit that allows construction of 50 percent of the units in the development.

- b. **Pedestrian safety features, traffic calming, and pedestrian amenities will be evaluated at the time of each DSP.**
- c. **Provide six-foot-wide sidewalks and designated bike lanes along MC-637 as approved on the street sections for CSP-07004.**

The sidewalk network included in the submitted DSP is comprehensive and connects all portions of the subject site. Six- and seven-foot-wide sidewalks are provided on both sides of all internal roads, excluding alleys. The proposed sidewalk width meets or exceeds the requirements of the previously approved CSP and preliminary plan.

- d. **Standard sidewalks shall be provided along both sides of all internal roads (excluding alleys), unless modified by DPW&T.**

The plans reflect sidewalks on both sides of streets.

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

The plan was referred to the Washington Suburban Sanitary Commission (WSSC) as is the usual practice. Fred Shaffer, Trails Coordinator, placed a call to WSSC regarding the alignment of the trail but WSSC has not responded. Based on discussions during earlier phases of review, their main concern is that the trail should not directly cover the manhole covers (or other structures), and they did not object to the proposed alignment.

- f. **Each DSP shall identify the locations of all of the public trail easements to ensure that they are identified on the final plat(s).**

In the vicinity of the Moore Property, the master plan trail along Cabin Branch will be a privately maintained HOA trail.

18. **At time of each detailed site plan, except the special-purpose detailed site plan, the design shown on the conceptual stormwater facility layout exhibit, stamped as received on April 3, 2009, shall be shown on the DSP.**

The general design of the stormwater management facilities shown on the DSP appears to be in conformance with previous submittals except that the newly proposed road crossing creates new impervious surfaces that were not part of the previously approved stormwater concept plan. As noted above, the newly proposed stream crossing must be removed from the plan in order for conformance with the approved preliminary plan and stormwater concept plan to be found.

19. **Applications for all residential building permits on the Moore Property shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis, using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.**

The Moore Property is located in the 65-74 dB noise zones. The Joint Base Andrews Naval Air Facility Washington Joint Land Use Study (JLUS) plan states that: "The Department of Defense states in the AICUZ study that where a local community determines that residential uses should be allowed in the 65-74dB zones, measures to achieve an outdoor to indoor noise level reduction should be incorporated into the building codes and considered in individual development approvals" (page 45, December 2009 JLUS)

The Westphalia Sector Plan includes a policy to minimize the effects of noise on all land uses. The policy is reinforced by a strategy in the plan to "Provide for the use of appropriate attenuation measures when noise issues are identified." The JLUS plan policy is to "Ensure noise attenuation for development in all noise zones greater than 65dB." (Page 84-December 2009 JLUS). Noise attenuation measures are recommended for all buildings shown on the Moore Property. This condition will be addressed at time of DSP associated with building permit for dwelling units.

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

The TCPII as submitted includes a note below the Moore Property specimen tree table indicating that the specimen trees on the Moore Property have been survey located; however, no evaluation of the trees proposed to remain has been provided. Details of actions needed for preservation of the

trees to remain needs to be provided. Detailed revisions to the TCPII needed to address this condition are outlined in the Environmental Review Section of this report.

- 24. Prior to signature approval of the preliminary plan, the following note shall be placed under the worksheet on the TCPI:**

"The use of fee-in-lieu to meet the off-site woodland conservation requirement was approved by the Planning Board in Resolution 08-189. Other methods of meeting the woodland conservation threshold on-site may be explored during the preparation and review of the TCP II. Every attempt shall be made to meet the threshold on-site using street trees, trees in bioretention areas, preservation of woodlands in the PMA outside the 100-year floodplain, and other allowable methods. If, during the review of the TCPII, the threshold cannot be met completely on-site, the remainder of the requirement shall be met using fee-in-lieu. Prior to signature approval of the DSP, a recipient of the fee-in-lieu funds shall be identified." (emphasis added)

The TCPII submittal includes a note stating that the methods for meeting the woodland conservation requirement have been explored and this note is located conspicuously under the worksheet, in conformance with the above requirement.

- 25. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

This condition will be carried over to the approval of this plan.

- 27. Total development within the subject property shall be limited to uses which generate no more than 333 AM peak-hour trips and 384 PM peak-hour, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**
- 28. A traffic phasing analysis shall be submitted and reviewed during the processing of the detailed site plan for each phase. This traffic phasing analysis will define the improvements required for Phases 1A, 1B, 1C, 2A, 2B, 2C, 2D, 3A, 3B, and Phase 5. These above-mentioned traffic conditions will be modified to adjust the timing trigger and extent of these improvements for each phase. This phasing analysis will not exceed the 7,149 AM peak-hour trip and 8,910 PM peak-hour trip cap, unless a future preliminary plan of subdivision is processed.**

The subject application is for infrastructure only, not for the ultimate development of 364 townhouses, 150 multifamily apartments and 8,000 square feet of retail. Based on trip rates from the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," the 513 dwelling units would generate 332 AM peak trips and 381 PM peak trips. While the retail component will generate a modest amount of traffic, given its proximity to the residential component of the subject application, as well as residential development within the adjacent vicinity, the applicant assumes that all of those trips will be absorbed within these residential communities, and therefore will not impact the off-site transportation network. The Planning Board agrees with this assessment. The conclusion therefore is that the trip cap established by condition 27 has not been exceeded.

With respect to Condition 28 of Preliminary Plan of Subdivision 4-08018, none of the improvements associated with phases 1A, 1B, 1C, 2A, 2B, 2C, 2D, 3A, 3B, and Phase 5 of the Westphalia Town Center have been implemented to date. The traffic phasing analysis for the application assumed the development will generate 333 AM peak trips and 381 PM peak trips. Unlike the traffic study that was done in support of the preliminary plan of subdivision for the subject property (including the Westphalia Center), the phasing analysis evaluates only the intersections that will be impacted by the Moore Property phase of the overall Town Center development. To that end, the traffic phasing analysis identified the following intersections as the ones which the proposed development would impact:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
1 - MD 4 & Forestville Road	F/1,615	D/1,363
2 - MD 4 & Westphalia Road/Old Marlboro Pike	C/1,205	D/1,305
3 - MD 4 & Suitland Parkway	F/1,647	E/1,585
4 - MD 4 & Dower House Road	F/1,868	E/1,496
5 - MD 223 & Dower House Road	B/1,017	B/1,145
6 - MD 223 & Rosaryville Road	B/1,100	D/1,304

With the application of the site-generated trips combined with background development based on a 2013 buildout, the following results determined:

TOTAL TRAFFIC AT BUILD OUT OF MOORE PROPERTY		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
1 - MD 4 & Forestville Road	F/1,870	F/1,632
2 - MD 4 & Westphalia Road/Old Marlboro Pike	F/1,743	F/1,855
3 - MD 4 & Suitland Parkway	F/1,966	F/2,260
4 - MD 4 & Dower House Road	F/2,168	F/2,015
5 - MD 223 & Dower House Road	D/1,391	E/1,453
6 - MD 223 & Rosaryville Road	D/1,370	F/1,606

Based on the projected levels of service described above, the applicant has proffered improvements from the phasing plan (*shown in italics*) with the following results:

TOTAL TRAFFIC AT BUILD OUT OF MOORE PROPERTY (with proffered [italics] and programmed improvements)		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
1 - MD 4 & Forestville Road With WB 3rd thru lane on MD 4	F/1,870 <i>E/1458</i>	F/1,632 <i>E/1462</i>
2a - MD 4 WB Ramps & Westphalia Road	A/685	A/947
2b - MD 4 EB Ramps & Old Marlboro Pike	A/627	A/775
3a - MD 4 SB Ramps & Suitland Parkway	D/1,312	D/1,399
3b - MD 4 NB Ramps & Presidential Parkway	C/1,276	B/1,118
4 - MD 4 & Dower House Road With NB 3rd left turn on Dower House Road	F/2,168 <i>F/2054</i>	F/2,015 <i>F/1920</i>
5 - MD 223 & Dower House Road	D/1,391	E/1,453
6 - MD 223 & Rosaryville Road With SHA improvements	D/1,370 <i>A/961</i>	F/1,606 <i>B/1109</i>

The status of the Westphalia Center phasing plan elements associated with the Moore Property is as follows:

MD 4 and Suitland Parkway (Phase 1A): At the time of the approval of the preliminary plan of subdivision for the subject property, the intersection was listed in Maryland Department of Transportation (MDOT) Consolidated Transportation Program (CTP) as a fully funded construction project. Consequently, pursuant to the provision of Section 24-124 (a) (1) of the Subdivision Regulations, the intersection was considered adequate at the time of the preliminary plan of subdivision.

MD 4 and Forestville Road (Phase 1A, 1B and 1C): The improvements proposed in the applicant's proffered Transportation Facilities Mitigation Plan (TFMP) will provide acceptable projected levels of service.

MD 4 and Westphalia Road/Old Marlboro Pike (Phases 2C, 2D, 3A and 3B): No improvements were proffered by the applicant to this intersection. The enactment of County Council Resolution CR-66-2010, establishing a Westphalia Public Facility Financing and Improvement Program (PFFIP) District by the County Council on October 26, 2010 provides a basis for the Prince George's County Planning Board to make a finding of adequate transportation facilities at this intersection, pursuant to Sections 24-124(a)(1) of Subdivision Regulations. County Council Resolution CR-66-2010 allows the payment of a pro-rata fee to be determined by the Planning Board to be applied as part of the financing of the proposed improvements. Toward that end, staff has developed a Westphalia PFFIP cost allocation table (Attachment - Westphalia PFFIP Cost Allocation Table 12-2-10) that identifies the fee structure for the various properties within the PFFIP District. The fees identified are subject to change as more detailed information regarding development densities becomes available. The fee will be paid at the time of building permit.

MD 4 and Dower House Road (Phase 5): In lieu of the construction of the interchange as proposed in the Town Center phasing plan, the applicant proffered an improvement to the at-grade intersection that would provide an additional left turn (for a total of three) lane on Dower House Road. This improvement was not proposed in Preliminary Plan of Subdivision 4-08018, and was not identified in the Town Center phasing plan. The preliminary plan of subdivision for the subject property was approved with a condition requiring the construction of a grade-separated interchange prior to the issuance of a building permit based on (a) 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.

Unlike the intersection of MD 4 and Suitland Parkway, the intersection of MD 4 and Dower House Road has never been included in the MDOT CTP with 100 percent construction funding. No alternative improvement was identified in the approval of Preliminary Plan of Subdivision 4-08018. Consequently, the applicant must proffer to construct the interchange as proposed in the Westphalia Town Center phasing plan.

MD 223 and Rosaryville Road (Phases 1A, 1B and 1C): The current Capital Improvement Program (CIP) for Prince George's County identifies a project (FD669451) which involves the widening of MD 223 between Dower House Road and Rosaryville Road, including the intersections. The Planning Board has required applicants whose developments impact the MD 223 and Rosaryville Road intersection to pay a pro-rata contribution towards this intersection. The applicant has agreed to pay \$1,126.00 per average peak-hour trip towards the improvement of this intersection.

The following conditions of the preliminary plan relate to transportation. In accordance with Condition 28, the following transportation conditions below may or may not be modified as identified to adjust the timing trigger and extent of these improvements for each phase of the overall Westphalia Center development, including the Moore Property.

30. The following rights-of-way shall be dedicated at the time of the appropriate final plat, consistent with the rights-of-way approved by DPW&T or SHA:

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

This condition has been shown on the DSP.

31. Prior to the issuance of any building permits within the subject property, the applicant, his heirs, successors, and/or assignees, shall pay a pro rata share of the road improvements at the intersection of MD 223 at Rosaryville Road. The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be \$1,126.23 per average peak hour trip x (*Engineering News Record* Highway Construction Cost Index at the time of building permit application) / (*Engineering News Record* Highway Construction Cost Index for the second quarter 2008).

This condition may not be modified as follows in this approval of Detailed Site Plan DSP-09015.

32. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

a. MD 4 and Forestville Road intersection

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

This condition can be modified as follows in this approval of Detailed Site Plan DSP-09015 exclusively:

- Prior to the issuance of any building permits for the subject property, the following road improvements as may be phased shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. **MD 4 and Forestville Road Intersection**
 - (1) Add a third westbound through lane along MD 4.
 - (2) Modify the existing traffic signal.
 - b. **MD 4 and MD 223 interchange**
 - (1) **Construct a second southbound left turn along MD 223 at the MD 4 EB on ramp.**

This condition is not applicable to the Moore Property.

- 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.**

This condition is not applicable to the Moore Property.

- 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.**

This condition is not applicable to the Moore Property.

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.**

This condition is not applicable to the Moore Property.

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.**

This condition is not applicable to the Moore Property.

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.

This condition applies as stated to the Moore Property and cannot be modified in this approval of Detailed Site Plan DSP-09015.

h. MD 4 and Westphalia Road—Prior to the issuance of any building permits within the subject property, the following road improvements (which shall not commence construction until the interchange at Suitland Parkway and MD 4 is completed and open to traffic) shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, (c) have an agreed-upon timetable for construction with the appropriate operating agency.

- (1) Reconfigure the intersection with a set of channelized traffic islands such that through movements across MD 4 and left turns from ALL approaches are prohibited.**
- (2) Reconstruct/upgrade Burton's Lane to DPW&T standard.**

- (3) Upgrade Old Marlboro Pike from a point approximately 400 feet north of its intersection with Burton's Lane to the point where it connects to the proposed interchange at MD 4 and Suitland Parkway.
- (4) Prior to the issuance of the first building permit within the subject property, the applicant, his heirs, successors, and/or assignees shall:
 - (a) In lieu of Condition 33(1), (2) and (3), pay a pro rata share of the cost of construction of an interchange at MD 4 and Old Marlboro Pike–Westphalia Road. The pro rata share shall be payable to Prince George's County (or its designee) with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be determined after the Planning Board adopts a resolution establishing a surplus capacity reimbursement procedure (SCRIP). The pro rata share shall be indexed by multiplying the dollar amount (\$) x (Engineering News Record Highway Construction Cost Index at the time of building permit application) / (Engineering News Record Highway Construction Cost Index for the second quarter 2006).
 - (b) The above improvement shall have full financial assurances through either private money and/or full funding in the CIP, in a SCRIP, state CTP, public financing plan approved by the Council.

This condition can be modified as follows in the approval of Detailed Site Plan DSP-09015 exclusively:

- Prior to the issuance of the first building permit for the development, the applicant and the applicant's heirs, successors, and/or assignees shall pay to Prince George's County (or its designee) a fee of \$3,489.93 per dwelling unit x (Engineering News Record (ENR) Construction Cost Index at time of payment) / (ENR Construction Cost Index for first quarter of 2006) pursuant to the provisions of County Council Resolution CR-66-2010. Evidence of payment must be provided to the Planning Department with each building permit application.

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

- a. **Integrate the proposed commercial development located on residential and recreational parcels within the Edge with the residential and recreational uses in a mixed-use arrangement.**

The proposed detailed site plan has provided for a mixed-center of both commercial and a community center but the plan is laid out in a suburban design with horizontal mixed use rather than vertical mixed uses and a substantial amount of surface parking. The site plan proposes to front the one-story commercial building along the right-of-way of Dower House Road near the intersection of a proposed private street labeled as Georgia Pond Drive. This portion of the development should be designed to integrate the uses and reduce the surface parking.

- 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.**

The applicant has provided plans delineating parking for the residential uses. However, as this plan is for infrastructure only, the final townhouse product type, including the number of spaces within the garage, cannot be determined at this time. The difference between a one-car garage and a two-car garage and the length of the parking pad on a lot has been the subject of much debate in the past in many townhouse projects. Until such time as the architectural products are submitted for review, the evaluation process is somewhat speculative.

- c. **Direct vehicular access from single-family and single-family attached lots shall be from alleys and not onto the master-planned road (MC-637).**

The detailed site plans conform to this requirement.

In order to find conformance to the approved preliminary plan of subdivision the Planning Board found that prior to the approval of the detailed site plan, the Bedford Springs Avenue private street connection to the west shall be deleted and final plats of subdivision shall not be approved until such time as adequate access roads to connect to the Moore Property to the public street system are dedicated.

10. **The detailed site plan is in general conformance with the requirements of a detailed site plan in the M-X-T Zone, outlined in Section 27-544(e) of the Zoning Ordinance. These requirements address the compatibility of uses and design elements of proposed development, which are not applicable at this time since no structures are proposed.**
Section 27-544

- (e) **Regional Urban Community Regulations.**

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

The project meets **Section 27-107.01** which is the definition of a Regional Urban Community when combined with the Westphalia center project as approved in Conceptual Site Plan CSP-07004 as stated earlier in this report. The Required Findings of the Planning Board Procedures in **Section 27-276 (b)(3)** states the following:

Section 27-276 (b)(3)

The Planning Board may approve a Conceptual Site Plan for a Regional Urban Community in the M-X-T Zone if it finds that proposed development meet the purposes and applicable requirements of the M-X-T Zone and the Plan meets all requirements stated in the definition of the use and Section 27-544 of this Code.

The Planning Board approved the conceptual site plan for this project on two occasions, and at that time found that the project met the purposes and the applicability requirements of the M-X-T Zone and was in conformance with Section 27-544 specifically. A number of the requirements of the Regional Urban Community warrant discussion:

- (2) **In addition to the definition, regulations, and other requirements set forth in Sections 27-107.01, 27-276, and 27-508 of this Code, the following regulations shall apply to a Regional Urban Community in the M-X-T Zone:**
 - (A) **The maximum percentage of attached dwelling units, which includes but is not limited to townhouses, two over twos and triplexes, shall be fifty percent (50%) of the total units in the project;**

When evaluating both the Westphalia Center and the Moore Property at the preliminary plan stage, the applicant proposed 44 percent of the total dwelling units as attached dwelling units. Using the 364 attached dwelling units proposed in the subject DSP, the following table demonstrates that if the project were developed as proposed, the project would be slightly over the fifty percent requirement. This issue will be addressed at the time of building permits.

Preliminary Plan	Total DwellingUnits	Multifamily	Single-FamilyDetached	Attached
4-08002 (Westphalia)	4356	2473	172	1711
4-08018 (Moore)	514	150	0	364
Total	4870	2623	172	2439
Percent of Attached				50.08

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

This section of the Zoning Ordinance allows the use of fee-in-lieu for this project. The use of fee-in-lieu has been shown on the TCPII. An additional condition (Condition 35 of Conceptual Site Plan CSP-07004-01) requires the developer to pay a fee-in-lieu to satisfy woodland conservation requirements.

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

The plans show a large stormwater management pond, designed as an amenity, located on the northern portion of the site with a smaller stormwater management facility located to the east. The use of forebays and micro-pools is shown within the ponds. These stormwater management facilities are in conformance with the approved stormwater concept plan and previous approvals; however, no revised stormwater management plan was submitted as part of the subject application to account for the proposed additional impervious surface associated with the new proposed stream crossing. The DSP as submitted cannot be found in conformance with approved Stormwater Management Concept Plan 44782-2007-00 because this crossing adds an impervious surface that was not shown on the previously approved concept plan.

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

The DSP shows all proposed lots located beyond the required twenty-five (25) foot building setback. No additional information is needed for conformance with this section of The Zoning Ordinance.

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

The detailed site plan currently proposes 14 of the 54 sticks of townhouse to contain 9-10 dwelling units; approximately 26 percent of the sticks fall within that category.

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

This provision applies specifically to the core area of the Regional Urban Community, but it should be noted that all M-X-T properties are subject to Section 27-574 of the Zoning Ordinance and therefore this requirement must be provided in determining the requirements for any mixed use area of the site, as noted earlier in this report. The application did not include an analysis of this aspect of the code.

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

The detailed site plan is proposing all of the units no less than 20 feet in width. The plan proposes 344 units at 20 feet in width and 20 units at 24 feet in width.

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

The plans indicate that a minimum setback proposed for the townhouses is 5 feet from the public utility easements (PUE) with a build-to-line of 10 feet from the PUE for the rear-loaded garage units. The plans indicate a minimum setback proposed for the townhouses of 9 feet from the public utility easements (PUE) and a build-to-line of 15 feet from the PUE for the front-loaded garage units. If the above requirement is interpreted such that the right-of-way means the public street or private street right-of-way, and not the PUE, then the plans are in keeping with the requirement.

Section 27-508 relates to a Regional Urban Community in the R-M Zone, and therefore does not apply.

11. This property is subject to the provisions of the Prince George's Woodland Conservation and Tree Preservation Ordinance because it has previously approved Type I Tree Conservation Plans: TCPI/004/09 associated with the Moore Property Preliminary Plan 4-08018; TCPI/014/08 associated with CSP-07004-01; and the "-01" revision to TCPI/014/08 associated with the Westphalia Center Preliminary Plan 4-08002. A Type II Tree Conservation Plan TCPII/028/10 has been submitted with the subject application.

This detailed site plan is grandfathered with regard to woodland conservation in conformance with Section 25-119(g)(1) because it has a previously approved tree conservation plan. Because the implementation of other recommended conditions herein addresses the removal of the proposed stream crossing and associated impacts that were not previously approved, the limits of disturbance will be in conformance with the previously approved TCPI if the recommended conditions are approved.

The plan requires numerous technical changes to be in conformance with the Woodland Conservation and Tree Preservation Ordinance. This is the first submission of a phased Type II tree conservation plan for the entire Westphalia Center. A condition of approval of the preliminary plan requires a cover sheet that includes a composite view of the entire Westphalia Center site (similar to sheet 3 of the current TCP plans set). The composite cover sheet needs to be revised to show the regulated environmental features, including but not limited to the regulated streams, wetlands and floodplain as well as the existing tree line. The cover and detail sheets will need to be updated with each DSP submittal to clearly reflect the limits of each DSP. The cover and detail sheet will need to be submitted with individual TCP sheets that match each respective DSP set of plans. The area of each DSP application will need to be shown on the overall TCPII as a single phase and represented as a phase in the phased worksheet.

It appears that the area covered under the current DSP includes the Moore Property and additional area of the larger Westphalia Center. The DSP, landscape, and TCPII plans should be revised to clearly indicate the area covered by the subject application.

Because the Westphalia Center TCPII is a phased plan, and the Moore Property is the first phase of that plan, the two separate worksheets that have been shown need to be combined into a single phased worksheet. Ensure that the areas used in the worksheet match the areas approved with the CSP and preliminary plans (specifically the areas shown in what is currently labeled as the Westphalia worksheet need to be revised to match the areas on previously approved plans for the existing floodplain, existing woodland, and existing woodland within the floodplain). These numbers also need to be updated in the land use tabulation table currently shown on the first sheet of the TCP plan set.

A condition of preliminary plan approval requires an evaluation and a description of proposed preservation methods for all specimen trees that are to remain on-site and are located within 100 feet of the limits of disturbance (LOD). An evaluation of the specimen trees needs to be provided on the plan. The recommended preservation methods for each tree also need to be added to the

plan including information on proposed treatments and the proposed timing (prior to, during, or after construction).

Another condition of preliminary plan approval requires that the recipient of the fee-in-lieu funds shall be identified prior to certification of the DSP. This will also need to be addressed in the form of a note on the TCPII.

The individual sheets need to be revised to make the lines representing the primary management area (PMA) and the existing tree line darker and easier to read on the plans. The steep slopes were adequately shown on the natural resources inventory (NRI) and can be removed from the TCPII currently under review to help with plan clarity. The proposed tree line should be removed from the TCP to avoid confusion with the existing tree line, which is the main focus of the TCPII. The proposed tree line is more appropriately defined as the limits of disturbance (LOD).

The existing floodplain does not appear to have been shown on the plan. It is important that the existing floodplain be shown on all plan view sheets for woodland conservation calculation purposes. All proposed clearing within the floodplain needs to be shown and labeled as such. Floodplain should be counted at a 1:1 woodland clearing to replacement ratio in the worksheet.

The existing noise contours appear to have been shown in the legend, but are not readily apparent on the plan. Revise the plan to clearly show the existing noise contours as shown on previously approved plans.

The legend shows a symbol for a tree protection fence; however, it is not clear from looking at the individual sheets whether this symbol is meant to represent temporary or permanent tree protection fencing. The detail sheet only includes details for temporary fencing, so it could be inferred that the fence shown on the plan is intended to be temporary. It should be noted that there is an area of afforestation proposed on-site. This area needs to have permanent protection measures along all vulnerable woodland edges. This permanent protection can be in the form of permanent fencing or a double row of larger caliper trees. The plan needs to be revised to indicate how the vulnerable edge of the afforestation area is proposed to be protected. The plan should include a separate symbol in the legend for temporary versus permanent tree protection fence. Details for permanent fencing should be added to the plan if it is the chosen method of permanent woodland edge protection and is shown on the revised plan. If a fence is shown for protection of the woodland edge, then the Urban Design Section will need to review the fence dimensions and materials for conformance with the design standards established as part of the Special-Purpose Detailed Site Plan (DSP-10017). The legend should be updated to clearly label the symbols for tree protection fence as temporary or permanent. Woodland conservation protection signs have been appropriately shown on the plan with separate symbols for preservation and reforestation signs; however, these signs should be shown at a minimum spacing of 50 feet on-center. The woodland conservation protection sign detail also needs to be revised to provide separate details for preservation and reforestation signs.

The TCPH needs to be revised to include all required information per the TCPH preparation checklist. The detail sheet should be revised to ensure that the standard TCPH notes and details are accurately shown on the plan with all information pertaining specifically to this site filled-in. The TCPH approval block should be revised to type-in the number assigned to this Type II Tree Conservation Plan (TCPH/028/10).

Appropriate conditions addressing all of the above have been included in this approval.

12. The detailed site plan is subject to the *Prince George's County Landscape Manual*, since this application is for infrastructure only and includes a full detailed landscape plan. The plan has been reviewed for conformance to the newly adopted *Prince George's County Landscape Manual* (Landscape Manual) in regard to section 4.8 of the Landscape Manual which is exclusively written to apply to Regional Urban Communities, such as the Moore Property. Below are the relevant requirements of Section 4.8(b) Requirements:

- (b) For one-family attached, one-family semi-detached, two-family and three-family dwellings, a minimum total of one (1) shade tree and one (1) ornamental or evergreen tree per every two (2) units shall be provided. These trees may be planted either on individual lots or on public or private open space.**

The conceptual site plan further modified this requirement in Condition 18 which states that the plants eligible for this standard must be located in common open space directly associated with the dwelling unit. In review of the landscape plans, it appears that the plans reflect the numerical quantity required. However, it appears that some of the shade trees are used as street trees along the private streets. Although this does not seem to violate the requirement above, in close inspection of the plans it appears that area provided for street trees is as little as 28 square feet of soil surface area and 74 cubic feet of soil. This is barely enough to support a 2½ to 3-inch caliper tree and will not result in normal tree growth beyond that size.

The addition of shade and ornamental trees where room permits will improve the ultimate appearance of the project in the future. Foundation planting should also be determined at the time of the review and approval of proposed architectural elevations in order to provide softening and year-round seasonal interest for the project as viewed from the street. Therefore, a condition to require additional plantings prior to signature approval is required. The presence of one- versus two-car garages on front load architectural products makes a difference in the placement of the unit from the street, to prevent cars from overhanging sidewalks. The use of front-or rear-load garages and the final determination of the width of the public utility easement (PUE) will all contribute to a final decision in the landscaping of the individual units.

- (c) For multifamily units, one (1) major shade tree per two thousand, four hundred (2,400) square feet of green area provided shall be required. The number of trees may be satisfied on a two to one (2:1) basis by the use of ornamental trees or evergreen trees, not to exceed one quarter (1/4) of the number of shade trees.**

The multifamily area of the site is simply shown as rough graded, so this area will be evaluated at the time of a future detailed site plan for the project.

(2) Screening Requirements:

- (a) Screening materials shall consist of evergreen trees and shrubs, walls, and fences.**
- (b) At the time of installation or planting of screening materials, screening must occupy seventy-five percent (75%) of a vertical rectangular plane, excluding driveways, sufficiently tall and wide to accomplish the required screening.**
- (c) All loading areas consisting of loading spaces, loading docks, vehicular lanes adjacent to them and service or maintenance areas, shall be screened from residential areas (containing one-family detached and attached dwelling units) and all adjacent public roads.**
- (d) All dumpsters, trash pads, and trash or recycling collection, or storage areas shall be carefully located and oriented on the site to be as inconspicuous as possible.**
- (e) All mechanical equipment and meters shall be screened to prevent excessive noise and visual impacts on surrounding properties.**
- (f) Screening options may include:**
 - i. Six (6) foot high sight-tight fence.**
 - ii. Architecturally decorative walls.**
 - iii. Evergreen screen (height, spacing, and variety to be determined by size and location of area to be screened).**

All of the above screening requirements apply to the development of the commercial and/or the community building for this project and should be determined prior to certificate approval of the DSP.

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

- a. The Community Planning South Division provided the following analysis:**

General Plan, Master Plan and SMA

2002 Prince George's County General Plan—This application is located in a Regional Center in the Developing Tier. The vision for Centers is mixed residential and nonresidential uses at moderate-to high densities and intensities, with a strong emphasis on transit-oriented development. The Moore Property is a component of the designated Center edge that provides moderate-density housing, neighborhood oriented commercial and recreation facilities consistent with the approved concept for the Westphalia Town Center. The land use proposed by this application is consistent with the 2002 General Plan Development Pattern policies for a Regional Center in the Developing Tier.

Master Plan—The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* land use proposed by this application conforms to the recommendations of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment (SMA)* for the Westphalia Center area as approved by Conceptual Site Plan CSP-07004-01.

Planning Area/Community: Planning Area 78/Westphalia & Vicinity .

Land Use—This area is identified as part of the Westphalia Town Center; specifically part of the Town Center Edge (Map 3, Proposed Land Use). A mix of moderate-density, pedestrian- and transit-oriented residential development, neighborhood commercial, recreation and open-space land uses are recommended.

SMA/Zoning: The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* rezoned the subject property from the Rural-Residential (R-R) Zone to the Mixed-Use Transportation-Oriented (M-X-T) Zone.

Planning Issues

The 2007 *Westphalia Sector Plan and SMA* was approved by County Council Resolution CR-2-2007 (DR-2) and establishes the policies, strategies and design principles for development of the General Plan designated Regional Center at Westphalia. The intent of these policies and strategies is to ensure development of an urban town center with a defined core and edge and a moderate- to high-intensity, vertical and horizontal mix of commercial and residential uses that are transit-supportive and transit- and pedestrian-oriented. Amenities and characteristics of urban, rather than suburban, development patterns are sought. The primary property subject to this recommendation is the Westphalia Town Center property, which includes the Moore Property and was classified in the M-X-T Zone in the 2007 Westphalia SMA and conceptually approved for development in CSP-070040-01.

County Council Bill CB-29-2008 was approved in July 2008 defining a Regional Urban Community and establishing standards that would facilitate development with urban characteristics such as recommended for the Westphalia Town Center. CSP-07004-01 was approved for the Westphalia Center as a Regional Urban Community (per Section 27-276 and 27-544 of the Zoning Ordinance) for a mix of moderate- to high-density residential,

commercial, recreational, cultural and public facility land uses as envisioned by the 2007 sector plan. The Moore Property component of the larger Westphalia Town Center application was approved specifically for moderate-density residential, limited neighborhood commercial, recreation and open space land uses.

Conceptual Site Plan CSP-07004 contains a number of conditions addressing project-wide design issues (Conditions 15, 16, 24, 25 and 30) assuming the project would proceed as a single partnership, instead of as separate entities, as now appears to be the case. These project-wide issues were unresolved at the time CSP-07004 was approved and, rather than delay approval, the issues were deferred to a comprehensive special-purpose detailed site plan to be completed prior to detailed site plans for individual sections of the project. Subsequently, two preliminary subdivision applications were submitted and approved for each owner, 4-08018 (Moore) and 4-08002 (Sandler).

This DSP application for the Moore Property indicates that the developer is ready and able to continue the development review process for their portion of the project on a different time schedule than the remainder of the Westphalia Town Center. Substantial transportation facility improvements need to be made to the public road network before final plat can be approved and building permits can be issued on the Moore Property, as specified in conditions of approval for both Conceptual Site Plan CSP-07004-01 and Preliminary Plan of Subdivision 4-08018.

Special-Purpose Detailed Site Plan - Project-wide Design Issues

The 2007 Westphalia Sector Plan, Development Pattern Element, Policy 2 states:

The Westphalia town center should be designed and reviewed in accordance with design standards and best practices for urban development as described in this sector plan."

The Strategy to implement Policy 2 is to:

Approve development standards specifically for the town center area in a conceptual site plan review per Part 3, Division 9, of the Zoning Ordinance to ensure development of urban land use patterns and character that may revise or replace the suburban development standards contained in the zoning ordinance pertaining to lot size, lot coverage, frontage, setbacks, height, and mix of land use types, signs, off-street parking and loading, landscaping and other parts of the zoning ordinance.

Conceptual Site Plan CSP-07004-01 approved a comprehensive set of development standards for the Westphalia Town Center. As indicated above, issues regarding design or standards that could not be resolved prior to CSP approval were deferred to a special-purpose detailed site plan encompassing the entire site to ensure a more comprehensive approach to review and implementation. Because all applicants are not

willing or not able to proceed at the current time, the CSP proposes to address these deferred design issues in a special-purpose detailed site plan for each property ownership, instead of developing a comprehensive special-purpose detailed site plan for the entire site to address the following design issues:

Condition 15 Sign design standards, transit stop locations, trail and public space design and timing.

Condition 16 Public space proposed within the MC-637 circle, gateway design themes construction/ownership of public spaces and recreation and open space facilities, the management of common space and infrastructure, and transit center location.

Condition 24 Timing for a performance bonding to ensure recreation facilities.

Condition 25 The size, timing and location of community buildings.

DSP-10017 for the Special-Purpose Detailed Site Plan was approved by the Planning Board on January 13, 2011.

Conditions of approval for Conceptual Site Plan CSP-07004-01 were based on these sector plan policies and strategies. A strict quantitative phasing plan was established by the District Council in Condition 31 to ensure concurrent development of commercial land use in the Center Core of the Westphalia Center project in proportion to residential development throughout the project. The phasing plan requires a specific amount of retail and office commercial development in the Center Core to be built for each one-third of the minimum allowed residential development. The conditions do not specify where residential development should occur first. Thus, according to the approved CSP conditions, the Moore Property could proceed to develop residential units within the limits established for the first phase of development by Condition 31.c.

Attached Dwelling Unit Limitations

CSP Condition 31.b. restricts the amount of attached residential development to no more than 50 percent of the total dwelling units on the site in accordance with the requirements for a Regional Urban Community per Section 27-544 (e)(2)(A) of the Zoning Ordinance. Per the definition for urban regional communities in the zoning ordinance, attached dwelling units include but are not limited to townhouses, two over twos and triplexes. Conceptual Site Plan CSP-07004-01 did not limit building types on the Moore Property, although illustrations and development phasing concepts indicate it would be developed as primarily an attached dwelling unit component located to the northwest of the Westphalia

Center Core area. Preliminary Plan of Subdivision 4-08018 is more specific and approved up to 505 attached and 135 multifamily dwelling units.

Transportation

Future access is proposed from Dower House Road at a new interchange with Pennsylvania Avenue (MD 4) extending north as arterial road A-52 and major collector road MC-637 extending north to the adjacent Smith Homes Farm project.

County Council Resolution CR-2-2007 (DR-2) added a new design principle to the Transportation Element: "Design a Town Center road network that reflects the sector plan's design principles for development with an urban character, provides functional continuity with the sector plan transportation network (See Sector Plan Map 7), and needed capacity for adequate circulation of non-motorized as well as motorized transportation on internal streets." Preliminary Plan of Subdivision 4-08018 provided an urban grid of interconnected streets reflecting the development pattern concepts and regulations of approved Conceptual Site Plan CSP-07004-01 which is reflected on the subject application.

County Council Resolution CR-2-2007 (DR-2) added a new strategy to Policy 4 of the Transportation Element: "Implement the road transportation system in an environmentally-sensitive manner, by: Minimizing the crossings of streams and wetlands, where possible, by careful planning of road locations, maximizing the use of existing stream crossings, and coordinating the road network between parcels to limit the need for stream crossings and other environmental impacts". This detailed site plan proposes a new road connection through the Smith Home Farms subdivision to the west to provide a new access to the development; this road requires two stream crossings. The sector plan, as well as the approved preliminary plan for the subdivision, does not show a road connection between these two properties across the stream. This proposed new road connection does not conform to the sector plan policy to minimize impacts and coordinate the road network.

Design Issues

County Council Resolution CR-2-2007 added a new strategy for the design of the Town Center Edge and the Moore Property is within the area identified as the edge of the town center.

Strategy III. *Town Center Edge:*

Develop a medium- to high-density urban pattern surrounding the high-density town center core, including medium-density mixed-use commercial and office, and several interconnected residential neighborhoods that have diverse housing styles and a network of open space.

Design Principles:

- a. **Use medium- to high-density multistory buildings (generally two–five stories); avoid constructing one-story buildings.**

The commercial and community buildings are currently shown as one-story buildings and should be required to be a minimum of two stories at the time of DSP for architecture. This will allow for additional area for outdoor recreational facilities and needed open space within the community, besides the storm water management pond area.

- b. **Build residential neighborhoods that are attractive, walkable, and include diverse housing styles and open space:**

- c. **Encourage a variety of residential dwelling unit types within blocks and within neighborhoods, such as:**

- **Small lot single-family**
- **Cottages**
- **Duplexes**
- **Triplexes or quadruplexes**
- **Zero-lot line or garden homes**
- **Townhouses or rowhouses**
- **Dwellings above nonresidential space**
- **Multifamily condominiums (including “two over two” units)**
- **Multifamily apartments**

The subject application proposes infrastructure for single-family attached and multifamily units, a commercial component in a single-story building, and a community building for use by the future residents of the community. The plan could be revised to include residential units over the commercial use.

- d. **Create varied architecture and avoid flat façades by using bays, balconies, porches, stoops, and other projecting elements.**

- e. **Design single-family detached and attached homes and multifamily buildings so the mass of the living space and the front door dominates the front façade:**

- **Require garages that are hidden or clearly subordinate to the main structure and do not project beyond the main façade of residential buildings.**
- **Maximize the number of windows facing public streets.**

Each of the guidelines above requires an evaluation at the time of DSP for architectural elevations.

- **Arrange driveways so that cars are parked to the side or rear of the house or otherwise hidden from the street.**
- **Promote rear alleys to have access to parking and garages for residences that are sited back-to-back.**

This has been fulfilled on the proposed DSP

- f. **Allow the use of accessory dwelling units or "granny flats" in appropriate locations.**

Town house and multifamily uses are not conducive to the concept above.

- g. **Enhance community gateways to demonstrate neighborhood pride and delineate boundaries.**

At the time of review of the architectural elevations it is appropriate to provide for community gateways and entrance features for the site.

- h. **Design streets to include high levels of interconnectivity between neighborhoods:**
 - **Do not build cul-de-sacs, except to avoid sensitive environmental resources.**
 - **Do not allow gated streets or developments.**

This has been fulfilled on the proposed DSP

- i. **Emphasize the provision of high-quality pedestrian and bikeway connections to transit stops/stations and surrounding neighborhoods.**
- j. **Build large multifamily developments within approximately one-quarter mile of transit serviceable roadways.**

The Special Purpose DSP-10017 addresses this issue.

- k. **Develop parks and open spaces in town center edge neighborhoods:**
 - **Distribute parks generally no less than one-quarter mile from each other.**

- **Cluster residences around shared amenities to form distinct neighborhoods with a sense of identity. Use green space to define and divide the clusters.**

The DSP could be redesigned to provide a park-like setting in and around the central community building if more area were allocated to green space. The current layout is too heavily designed with surface parking spaces and should provide for some outdoor active recreational facilities.

I. Design attractive commercial, retail, and office use areas:

- **Front the façade of all buildings to public roads or internal streets, unless they face a plaza, green, courtyard, or public park.**
- **Feature vertical mixing of uses, particularly along main streets, to include ground level retail or commercial and upper level office or residential uses.**
- **Encourage building designs that are sensitive to the scale, form, rhythm, and materials proximate to commercial areas and residential neighborhoods that have a well-established, distinctive character.**
- **Encourage location of mixed-use commercial projects in transition areas and areas where small-scale commercial uses can fit into a residential neighborhood context.**
- **Provide architectural variation in buildings to discourage the appearance of a uniform structure.**
- **Restrict drive-in commercial services to rear areas behind main structures; do not allow on street fronts.**
- **Provide public plazas, squares, or other public gathering spaces.**
- **Encourage structured parking that is multiuse and does not interfere with aesthetics or safety of the streetscape:**
 - **Screen any free-standing parking structure from public walks and streets by locating it off street, or behind the primary structure or a liner building.**

- **Encourage ground-floor retail development in structured parking that fronts public streets; integrate structured parking with active uses.**
- **Design clear and safe pedestrian pathways with signs that link parking to destinations.**

All of the issues above should be addressed in a comprehensive manner when the architectural elevations for the project are submitted. The use of a multistory structure for the commercial portion of the development is encouraged.

m. Promote on-street parking and construct it in a manner that is practical and does not impair aesthetics or safety:

- **Promote parking that meets needs of various uses: short-term turnover for retail, longer term for employment, and parking for evening and nighttime uses.**
- **Break up long lines of vehicles with occasional planting island projections.**

On-street parking is proposed in accordance with the guidelines above.

n. Promote a town center edge development pattern that promotes walking and transit use and provides high levels of pedestrian accommodation, safety and amenity:

- **Design streets to support multiple users such as automobiles, pedestrians, bicyclists, transit buses, and trash collection and emergency vehicles.**
- **Provide necessary rights-of-way for transit, transit stops, or stations.**
- **Provide direct access from public sidewalks to all buildings, unless the building fronts a plaza, green, or courtyard.**
- **Design streets with pedestrian facilities and amenities such as wide sidewalks, street trees, nature strips, pedestrian-scaled lighting and signs, landscaping, and street furniture.**
- **Design sidewalks adjacent to master planned roads to urban boulevard, collector, and residential street standards (see Transportation Illustration 1).**
- **Design local and internal streets with sidewalks of no less than six feet in width.**

- **Provide attractively designed transit stops and stations that are adjacent to active uses and recognizable by the public.**
- **Design safe, attractive, accessible, lighted, and convenient pedestrian connections from transit stops and stations to building entrances.**

Community Planning South Comment: This detailed site plan does not include enough details to fully analyze the conformance of the proposed development with the Design Principles. Of particular concern is the proposed Main Street commercial/community center. The site plan shows building and pool locations, a kiosk, and a large parking lot. It is not clear how the proposed building pattern meets the desired urban character in terms of building relationships, public space amenities and building character. More specific design details are necessary to ensure that this critical piece of the neighborhood fabric creates the character and sense of place envisioned and not a suburban center. Possible vertical integration of the commercial and community space should be considered. It is recommended that at a minimum, this area be subject to a separate detailed site plan prior to final plat to review these issues.

Community Planning Division South Recommendation

“A detailed site plan should be required prior to Final Plat to ensure the design and layout of the commercial and community use area and the proposed architecture meet the design principles and the urban character envisioned for the town center. Consideration of public spaces, including a possible plaza, as well as the possible integration of uses into a multi-story building should be addressed in the site plan.”

- b. In a memorandum dated November 8, 2010, the Transportation Planning Section reviewed the plans for conformance to the Conceptual Site Plan CSP-07004-01 and Preliminary Plan of Subdivision 4-08018 that pertain to trail systems.

The Transportation Planning Section reviewed the detailed site plan application referenced above for conformance with the Approved Countywide Master Plan of Transportation and/or the appropriate area Master/Sector Plan in order to implement planned trails, bikeways, and pedestrian improvements.

Review Comments (Master Plan Compliance and Prior Approvals)

The subject application covers 47.70 acres of a proposed residential portion of the Westphalia Town Center. The application is within the area covered by the *Approved Westphalia Sector Plan and Sectional Map Amendment* (area master plan) and the *Approved Countywide Master Plan of Transportation* (MPOT). The 2002 *Prince George's County General Plan* designates Pennsylvania Avenue (MD 4) as a Corridor and also identifies a Community Center north of MD 4 in the vicinity of the subject site.

The site is adjacent to the proposed Smith Home Farms and Woodside Village developments, as well as the existing Presidential Corporate Center. Master plan trails recommendations that impact the subject application include the following:

- Cabin Branch Stream Valley Trail
- MC-637 Bikeway Corridor

Road cross sections were approved as part of Conceptual Site Plan CSP-07004 on the Street Sections Sheet. These cross sections were further amended by the conditions of approval regarding the width of the sidewalks and option zones at the time of preliminary plan.

The submitted DSP includes designated bike lanes and seven-foot-wide sidewalks along both sides of MC-637 within the subject site, as recommended on prior approvals.

The sidewalk network is a crucial component of providing a walkable town center. Roads should be designed to accommodate bicyclists, pedestrians, and American Disabilities Act (ADA) users, in addition to automobiles. A comprehensive network of sidewalks can ensure that non-motorized access is possible throughout the subject site and surrounding developments. Approved Conceptual Site Plan CSP-07004-01 and approved Preliminary Plan of Subdivision 4-08018 included detailed road cross sections that incorporated facilities for pedestrians and bicyclists. Standard or wide sidewalks were proposed along all roads as part of the earlier applications. Designated bike lanes were also included within some cross sections, including MC-637 (Dower House Road).

The subject application includes six- and seven-foot-wide sidewalks along both sides of all internal roads (excluding private alleys), which meets or exceeds the road cross sections proposed at the time of the CSP. The provision of these sidewalks as proposed by the applicant is recommended, along with several curb extensions and striped crosswalks as noted in the recommendations of this memorandum.

The sidewalk network included in the submitted DSP is comprehensive and connects to all portions of the subject site. Six- and seven-foot-wide sidewalks are provided on both sides of all internal roads, excluding alleys. The proposed sidewalk width meets or exceeds the requirements of the previously approved CSP and Preliminary Plan (Street Sections and Street Sections Key Plan).

Major Issues:

The subject application includes one additional stream crossing on the subject plans. Bedford Springs Avenue is shown crossing the Cabin Branch stream valley. Although this crossing may have been shown conceptually on the CSP as a dashed arrow, it was not evaluated in any level of detail along with the other approved impacts. One result of this additional crossing is the placement of a long series of steps on the master plan trail both

to the north and south of the road extension. These steps are not consistent with current accessibility guidelines and ADA regulations. In order to assure the accessibility and ADA compliance of the master plan trail (as well as the environmental factors mentioned elsewhere in this report), it is recommended that the extension of Bedford Springs Avenue across the Cabin Branch stream valley be eliminated from the submitted detailed site plan.

Trails Conclusions

In conformance with the area master plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:

- (1) 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. The plans shall be revised to remove the steps along the trail. Impacts shall be restricted to those approved at the time of preliminary plan.
- (2) Provide seven-foot-wide sidewalks and designated bike lanes along MC-637 as shown on the subject plan and as approved on the Street Sections for CSP-07004-01, unless modified by DPW&T. Pavement markings and signage for the designated bike lanes should be consistent with the *Guide for the Development of Bicycle Facilities* (American Association of State Highway and Transportation Officials).
- (3) Revise the plans to include the appropriate road cross sections for the subject site, per the approved Street Sections from CSP-07004-01.
- (4) Revise the submitted plans to include a crosswalk detail for crosswalks used across and along the public rights-of-way.
- (5) Revise the submitted plans to eliminate the extension of Bedford Springs Avenue across the Cabin Branch stream valley.
- (6) Reduce the turning radius at the southeastern quadrant of the Dower House Road and Georgica Pond Drive intersection, unless modified by DPW&T. This will reduce the speed of vehicles turning right on Georgica Pond Drive and reduce the crossing distance for pedestrians.
- (7) Extend the median along Dower House Road to serve as a pedestrian refuge at the designated crosswalks at the Dower House Road intersections with Georgica Pond Drive and Sagamore Hill Road, unless modified by DPW&T.
- (8) Provide marked crosswalks across Dower House Road at both sides of the Sagamore Hill Road intersection.

- (9) Provide marked crosswalks along both sides of Dower House Road at the Campobello Road intersection.
 - (10) Provide a marked crosswalk along Georgica Pond Drive at Soldiers Cottage Place.
 - (11) Provide a marked crosswalk along Campobello Road at Georgica Pond Drive.
- c. In a memorandum dated November 30, 2010, the Environmental Planning Section indicated that it is important to note that the subject application is grandfathered from the requirements of the environmental legislation that went into effect September 1, 2010 because it has a previously approved Preliminary Plan of Subdivision (4-08018). As such, no new impacts to regulated environmental features can be proposed at time of DSP that were not previously approved at time of preliminary plan approval. The impacts approved at time of preliminary plan were limited to minor trail impacts within an existing sewer easement within the Cabin Branch stream valley and two segments of headwater streams along the northern property line. No road stream crossings were requested or approved at the time of the preliminary plan approval.

The Environmental Planning Section (EPS) previously reviewed and signed an "-01" revision to the Natural Resource Inventory (NRI/094/06-01) for the subject property on December 16, 2008. The NRI depicts the stream buffers in effect at that time.

EPS previously reviewed this site in conjunction with a Conceptual Site Plan (CSP-07004) and a Type I Tree Conservation Plan (TCPI/014/08) for the Westphalia Center. The Planning Board approved CSP-07004 on December 18, 2008 and the Board's conditions of approval are found in PGCPB Resolution No. 08-189. The Planning Board's findings were confirmed by a Notice of Final Decision of the District Council dated May 19, 2009, a revised order dated June 8, 2009, and a second revised order dated September 21, 2009.

EPS previously reviewed two preliminary plan of subdivision applications for the area covered under the original CSP-07004 for the Westphalia Center. Preliminary Plan 4-08018 and Type I Tree Conservation Plan TCPI/004/09 were reviewed for the Moore Property, a smaller area of land totaling 47.70 acres of the original 530.27 acres of the Westphalia Center. The Planning Board approved Preliminary Plan 4-08018 and TCPI/004/09 for the Moore Property on June 25, 2009. The Board's conditions of approval for the Moore Property preliminary plan are found in PGCPB Resolution No. 09-95. Preliminary Plan 4-08002 and an "-01" revision to Type I Tree Conservation Plan TCPI/014/08 were reviewed for the remaining 482.57 acres of the Westphalia Center. The Planning Board approved the preliminary plan of subdivision and Type I Tree Conservation Plan TCPI/014/08-01 for the remainder of the Westphalia Center on June 4, 2009. The Planning Board's conditions of approval for the preliminary plan for the remainder of the Westphalia Center are found in PGCPB Resolution No. 09-93.

EPS previously reviewed an "-01" revision to CSP-07004, and a revision to the Type I Tree Conservation Plan (TCPI/014/08) for the entire Westphalia Center, including the Moore Property.

The current application is for a detailed site plan for infrastructure for the 47.70 acres of the Moore Property at Westphalia Center. The proposal includes 142 two over two units, 8,000 square feet of retail space, and a community building. The plan proposes impacts to a regulated stream for a new road crossing that was neither requested nor approved with the preliminary plan of subdivision.

Site Description

This 47.70-acre site in the M-X-T Zone is located on the north side of Pennsylvania Avenue (MD 4), west of Melwood Road, north of Moores Way, and northwest of the remainder of the overall Westphalia development. A review of the approved Natural Resources Inventory, NRI/094/06 indicates that streams, 100-year floodplain, wetlands, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. There are 11 specimen trees located on-site. This site is located in close proximity to Andrews Air Force Base, a source of aviation-generated noise. According to the *Prince George's County Soil Survey*, the soils found on-site are in the Adelphia, Bibb, Collington, Marr, Matapeake, Sassafras, Shrewsbury, Westphalia, and Woodstown series. According to available information, Marlboro clay does not occur on this property, but occurs just north of the site. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or adjacent to this property. Habitat for forest interior dwelling species does exist on-site. Melwood Road is a designated historic road, located to the east and north of the subject site. This site is located in the Western Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the General Plan.

- (1) A Natural Resource Inventory (NRI/094/06-01) was signed by the Environmental Planning Section on December 16, 2008. It should be noted that the signature approval of the NRI was based on the results of a field visit conducted October 14, 2008, by representatives of the applicant, stream experts (not wetland experts) from the Maryland Department of the Environment (MDE), and the Environmental Planning Section. Additional wetland information was provided by the applicant to verify the delineation of on-site wetlands per the Army Corps of Engineer's 1987 delineation manual. The site contains sensitive environmental features such as streams, 100-year floodplain, wetlands, severe slopes, and areas of steep slopes with highly erodible soils.

The FSD report for the larger 530.27-acre Westphalia Center describes the site as containing eight different forest stands, for a total of 440.22 acres of woodland on-site and 158 specimen trees. The dominant trees on-site are tulip poplar, red

maple, sweetgum, beech, and Virginia pine. Stand A is a 108.22 acre stand of mixed early succession and immature hardwoods, including tulip poplar, sweetgum, and red maple. This stand was selectively harvested approximately five years ago. Stand B is a 212.28 acre stand of immature mixed hardwoods, also dominated by tulip poplar, sweetgum, and red maple. There is evidence of selective harvest in recent years. Stand C is an 8.73 acre stand of immature conifer dominated by Virginia pine. No logging activities appear to have occurred within this stand. Stand D is a 19.45 acre stand of early succession hardwoods including sweetgum and tulip poplar. There is no evidence of recent logging activity, and portions of this stand would be classified as interior forest habitat because areas are located more than 300 feet from the nearest forest edge. Stand E is a 5.13 acre stand of early succession conifers dominated by Virginia pine. A small portion of this stand is considered interior forest habitat. Stand F is a 43.96 acres stand of immature upland hardwoods dominated by hickory, beech, red oak, white oak, and tulip poplar. This stand is a high priority for retention due to its location next to regulated streams, wetlands, and floodplains. There are also portions of the stand classified as forest interior habitat. Stand G is a 25.84 acre stand of mature conifer forest dominated by Virginia pine. There are portions of this stand that are considered interior forest habitat. Stand H is a 16.61 acre stand of mixed hardwood dominated by sweetgum, red maple, black cherry, black locust, and tulip poplar. Portions of this stand are considered interior forest habitat. The total area of the non-forested land on the property is approximately 90.05 acres. No revisions are required for conformance to the NRI.

- (2) The project is subject to the requirements of Subtitle 25, Division 3: The Tree Canopy Coverage Ordinance. The requirement for the subject property is ten percent of the gross tract area or 4.77 acres based on the M-X-T zoning. This requirement can be met with credits from the proposed on-site woodland preservation and reforestation as well as proposed landscape planting as shown on the Type II tree conservation and landscape plans. A tree canopy coverage schedule that demonstrates how this requirement is being met for the Moore Property should be shown on the landscape plan prior to certification of the detailed site plan.

- d. In a memorandum dated November 30, 2010 the Department of Parks and Recreation indicated the following:

The staff of the Department of Parks and Recreation (DPR) has reviewed the above referenced Detailed Site Plan, DSP-09015, Infrastructure and DSP-10017, Special Purpose Detailed Site Plan. Our review considered the recommendations of the approved Prince George's County General Plan, Approved Westphalia Sector Plan and Sectional Map Amendment for Planning Area 78, conditions of the approved Conceptual Site Plan CSP-07004-01, Preliminary Plan of Subdivision 4-08018, current zoning regulations and

existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation facilities.

The subject property consists of 47.70 acres located north of Pennsylvania Avenue (MD 4) and west of Melwood Road, zoned M-X-T. The applicant's proposal includes 371 townhouses and 142 multi-family residential dwelling units. Using current occupancy statistics for single-family and multi-family dwelling units, one would anticipate that the proposed development would result in a population of 1,400 residents.

The subject property is adjacent to the Smith Home Farm project to the north which includes a planned Central Park. The Central Park will be accessible to the residents of the Moore Property through a system of roads and pedestrian and hiker/biker trails. This large, 179-acre urban park will serve as a unifying community destination and amenity for the entire Westphalia sector plan area. The Westphalia Central Park concept plan shows a large, 34-acre lake and surrounding recreational facilities with a waterfront activities center, restaurants, open play areas, an amphitheater for large public events, a recreational center, tennis center, an adventure playground, ball fields, group picnic areas, an extensive trail network providing recreational opportunities, and a pedestrian connection to the town center and surrounding residential development.

Conditions 15, 22, 29 and 30 of the Conceptual Site Plan CSP-07004-01, Planning Board Resolution PGCPB Resolution No. 10-59, address the park and recreational issues. Condition 30 states the following:

30. **The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined during the review of the special-purpose detailed site plan. While the applicant acknowledges that public recreational facilities are to be provided in the central park, details regarding the installation of those facilities will be determined at the time of the review of the special-purpose detailed site plan for the balance of Westphalia Center, which includes the central park.**

The DPR staff clarified that the 179-acre Central Park will be located 1,100 feet north of Moore Property in the Smith Home Farm development, not in Westphalia Center.

The applicant proposes a combination of private on-site recreational facilities and a monetary contribution of \$3,500 per dwelling in 2006 dollars into a "park club" for the construction and maintenance of the public recreational facilities in the Central Park and/or other public amenities that will serve the Westphalia Area.

The Planning Board adopted the Department of Parks and Recreation's (DPR) recommendations that the following conditions be included in the approval of the plan:

- (1) Prior to issuance of each building permit including residential dwelling units, the applicant and the applicant's heirs, successors, and/or assignees shall make a payment into the "park club" account administered by DPR in the amount of \$3,500 per dwelling unit in 2006 dollars as adjusted for inflation in accordance with the appropriate Consumer Price Index (CPI) to be determined by the M-NCPPC's Finance Department. At least four weeks prior to application for each building permit including residential dwelling units, the applicant and the applicant's heirs, successors, and/or assignees shall request in writing from the DPR a determination of the amount of the monetary contribution required per dwelling unit.
 - (2) At the sole discretion of the DPR, the applicant and the applicant's heirs, successors, and/or assignees may be allowed to provide in-kind services (for the construction of the recreational facilities in the Central Park) in lieu of all or part of the required \$3,500 per dwelling unit fee in 2006 dollars. The value of in-kind services shall be reviewed and approved by DPR. Upon approval by the DPR of the provision of in-kind services, the applicant shall enter into a public Recreational Facilities Agreement (RFA) with The Maryland-National Capital Park and Planning Commission (M-NCPPC) which establishes a description of the in-kind services to be provided, a construction schedule and bonding provisions. The agreement shall be recorded in the Prince George's County land records by the applicant prior to the first final plat of subdivision.
14. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan generally satisfies the site design guidelines as contained in Section 27-274, prevents off-site 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 if the recommended conditions contained herein are approved.
15. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan will, if modified in accordance with proposed conditions, represent a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9 of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type 2 Tree Conservation Plan (TCP2-028-10) and further APPROVED Detailed Site Plan DSP-09015 for the above-described land, subject to the following conditions:

1. Prior to certificate approval, the following revisions shall be made to the DSP, TCP11, and landscape plans:

- a. Remove the roadway and stream crossing shown and labeled as Bedford Springs Avenue. Impacts shall be restricted to those reviewed and approved at the time of preliminary plan.
- b. Revise the streetscape in the areas where front-load garage townhouse units are located so that the sidewalk and curb edge are combined to allow a larger planting area for the street trees.
- c. Street trees shall be planted along each private street at an average spacing of 30 feet on center excluding driveway openings. Spacing allowances may be made, where necessary, to accommodate curb cuts, fire hydrants and other infrastructure elements.
- d. Soil surface area provided shall be a minimum of one hundred fifty square feet for isolated street trees and a minimum of one hundred twenty square feet per tree within a continuous open landscape strip. These requirements may also be met through the use of bridged slab, structural soil, or other techniques clearly indicating a minimum of three hundred and seventy-five cubic feet of soil or three hundred cubic feet of soil for each tree, respectively, if adequate details and specifications are shown on the plans.
- e. Street tree plantings located along the public and private streets shall not be considered to fulfill the requirements of Condition 18 (c) of the Conceptual Site Plan CSP-07004-01. Additional planting shall be provided to demonstrate that adequate quantities for fulfillment of Section 4.8 of the Landscape Manual and Condition 18 (c) have been provided.
- f. The retaining walls shall be revised to indicate the color and textures, as well as the anchoring technique such as footing or geogrid design, all to be approved by the Urban Design Section as designee of the Planning Board.
- g. The plans shall be revised such that the limit of disturbance (LOD) does not expand beyond the boundary of the subject site, with the exception of off-site grading easements procured from the authorized representative of the adjoining property not to exceed one hundred feet from the subject boundary. However, pursuant to Section 27-544(d), a grading permit may be issued if it is found to be in conformance to the approved CSP. In that case, the DSP will not be required to be revised as detailed above.
- h. Remove townhouse Lot 88 to provide views into the Cabin Branch stream valley for a significant number of units in accordance with the approved preliminary plan.
- j. Dimensions shall be provided of the width of the private alleys, and for all public and private rights-of-way.
- k. Provide a tree canopy coverage schedule on the landscape plan that demonstrates how the tree canopy coverage requirement for the Moore Property is being fulfilled.

- l. Revise 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. The plans shall be revised to remove the steps along the trail and any associated details.
 - m. Provide seven-foot-wide sidewalks and designated bike lanes along MC-637, as approved on the Street Sections for Conceptual Site Plan CSP-07004-01, unless modified by the Department of Public Works and Transportation (DPW&T). Pavement markings and signage for the designated bike lanes shall be consistent with the Guide for the Development of Bicycle Facilities, American Association of State Highway and Transportation Officials (AASHTO).
 - n. Revise the plans to include a crosswalk detail for public and private rights-of-way.
 - o. Reduce the turning radius at the southeastern quadrant of the Dower House Road and Georgica Pond Drive intersection, unless modified by DPW&T.
 - p. Extend the median along Dower House Road to serve as a pedestrian refuge at the designated crosswalks at the Dower House Road intersections with Georgica Pond Drive and Sagamore Hill Road, unless modified by DPW&T.
 - q. Provide marked crosswalks across Dower House Road on both sides of the Sagamore Hill Road intersection.
 - r. Provide marked crosswalks along both sides of Dower House Road on the Campobello Road intersection if permission is acquired in accordance with Condition 1(f).
 - s. Provide a marked crosswalk along Georgica Pond Drive at Soldiers Cottage Place.
 - t. Provide a marked crosswalk along Campobello Road at Georgica Pond Drive if permission is acquired in accordance with Condition 1(f).
 - u. The lighting location and fixtures shall be shown on the plans and shall be reviewed and approved by the Urban Design Section. The lighting plan shall indicate the use of full cut-off optic light fixtures to minimize light pollution.
2. Prior to certification of the DSP, the Type II tree conservation plan shall be revised to:
 - a. Show only those proposed impacts to the Patuxent River primary management area (PMA) that were previously approved with Preliminary Plan of Subdivision 4-08018.
 - b. Provide a table on the cover sheet itemizing the areas of existing woodland, woodland cleared, preservation, reforestation, woodland saved but not counted, and woodland saved but considered cleared for each phase of construction. The itemized table shall include the areas within the limits of disturbance (LOD) necessary to allow the Moore Property to move forward before the remainder of the site.

- c. Provide a separate sheet within the plan set to show the proposed LOD for all improvements necessary to allow access to the Moore Property without construction of the remainder of the Westphalia Center. This LOD shall include the clearing needed for all improvements, including but not limited to proposed grading, utility connections, road improvements, previously approved stream crossings, and stockpiles.
- d. Provide a phased worksheet on the cover sheet. This worksheet shall include as Phase One, the area within the LOD for all improvements necessary to allow access to, and construction of the Moore Property without construction of the remainder of the Westphalia Center.
- e. Include on the cover sheet of the TCPII plan set a composite view of the entire Westphalia Center. This composite view shall include the regulated environmental features including, but not limited to, the regulated streams, wetlands, and floodplain, in addition to the existing treeline.
- f. The composite cover sheet of the TCPII plan set shall show the limits of the Moore Property as Phase One of the Westphalia Center.
- g. Show the detail sheet as the second sheet of the TCPII plan set.
- h. Revise the plan set to include individual sheets for the area of the Moore Property that reflect any required changes made to the sheet layout established for the detailed site plan and landscape plan.
- i. Revise the plan to show a single phased worksheet for the entire Westphalia Center and show the Moore Property as Phase One in the worksheet.
- j. Revise the areas shown on the worksheet for existing site features (existing floodplain, existing woodland, and existing woodland within the floodplain) to match the areas shown on the signed NRI and as reflected in the phased worksheet of TCPI/014/08 approved with CSP-07004-01.
- k. Revise the land use tabulation table currently shown on the first sheet of the plan set to reflect the areas approved on the NRI and TCPI/014/08 approved with CSP-07004-01.
- l. Add specimen tree evaluation information and recommendations for preservation methods to the plan for all specimen trees that are to remain on-site and that are located within 100 feet of the limits of disturbance (LOD). The preservation methods shall include information on proposed treatments and the proposed timing (prior to, during, or after construction).

- m. Add a note to the plan describing the methods that were considered (street trees, trees in bioretention areas, etc.) in an attempt to meet the woodland conservation threshold on-site.
- n. Add a note to the plan that identifies the recipient of the fee-in-lieu funds.
- o. Revise the plan view sheets as follows:
 - (1) Show the PMA and existing treeline as darker more distinct lines
 - (2) Remove the symbol for steep slopes from the plan and the legend
 - (3) Remove the proposed treeline
 - (4) Show the floodplain
 - (5) Show all proposed floodplain clearing with a distinct symbol and provide labels for these areas
 - (6) Show the noise contours
- p. Provide permanent tree protection along all vulnerable edges of proposed afforestation areas in the form of permanent fencing or a double row of larger caliper trees. If the fencing option is used, the Urban Design Section shall review the proposed fence for conformance with the design standards established as part of the Special-Purpose Detailed Site Plan approval (DSP-10017) in those areas that are highly visible from any roadways.
- q. Revise the legend on all sheets to reflect any revisions, additions, or deletions of symbols shown on the plan.
- r. Revise the tree protection sign detail to include separate details for preservation and afforestation signs.
- s. Show all woodland conservation signs on the plan at a minimum spacing of 50 feet in center.
- t. Revise the plan to show afforestation in all priority planting areas on the site including, but not limited to, floodplain and PMA areas.
- u. Revise the TCPII approval block to type-in the assigned plan number (TCPII/028/10).
- v. Revise the plan to include all required information per the TCPII preparation checklist.
- w. Revise the detail sheet to ensure that the standard TCPII notes and details are accurately shown on the plan with all information pertaining specifically to this site typed-in.
- x. Revise the TCPII approval block to type-in the number assigned to this TCP (TCPII/028/10).

- y. After all revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revisions made.
- 3. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
- 4. Prior to issuance of each building permit, including residential dwelling units, the applicant and the applicant's heirs, successors, and/or assignees shall make a payment into the "park club" account administered by DPR in the amount of \$3,500 per dwelling unit in 2006 dollars as adjusted for inflation in accordance with the appropriate Consumer Price Index (CPI) to be determined by The Maryland-National Capital Park and Planning Commission (M-NCPPC's) Finance Department. At least four weeks prior to application for each building permit including residential dwelling units, the applicant and the applicant's heirs, successors, and/or assignees shall request in writing from the DPR a determination of the amount of the monetary contribution required per dwelling unit.
- 5. At the sole discretion of the DPR, the applicant and the applicant's heirs, successors, and/or assignees may be allowed to provide in-kind services (for the construction of the recreational facilities in the Central Park) in lieu of all or part of the required \$3,500 per dwelling unit fee in 2006 dollars. The value of in-kind services shall be reviewed and approved by DPR. Upon approval by the DPR of the provision of in-kind services, the applicant shall enter into a public recreational facilities agreement (RFA) with M-NCPPC which establishes a description of the in-kind services to be provided, a construction schedule and bonding provisions. The agreement shall be recorded in the Prince George's County land records by the applicant prior to the first final plat of subdivision.
- 6. Prior to the issuance of the first building permit for the site, the Cabin Branch trail shall be bonded.
- 7. Prior to the issuance of 50 percent of the building permits for the townhouses, the Cabin Branch trail shall be constructed on the subject property.
- 8. 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.
- 9. Prior to approval of final plat, the following is required:
 - a. Adequate public access roads to connect the Moore Property to the existing public street system shall be dedicated.

- b. The right-of-way for MC 637 (north of West Circle) shall be within a 96-foot right-of-way.
10. Prior to signature approval of the DSP, the plans shall be revised by the Planning Board or its designee, in regard to the layout in the townhouses, the community building, the commercial buildings and signage. Recreational facility siting shall be determined at that time. The landscaping shall be re-examined to address street tree plantings, quantities of shade and ornament/evergreen trees and foundation plantings. The revision to the DSP shall demonstrate conformance to Conceptual Site Plan CSP-07004-01, Condition 17. In addition, an evaluation of the adequacy of parking for the townhouses, commercial development and the community building in accordance with Conceptual Site Plan CSP-07004-01, Condition 18(c) and Section 27-564 of the Zoning Ordinance. Consideration shall be given to a single or a double-car garage for townhouses and the number of spaces provided in driveways in order to determine adequacy. Driveways shall be a minimum of 19 feet in length from the face of the structure for a one-car garage and shall not overhang into the sidewalk. Consideration shall also be given to overflow of resident parking and guest parking, as well as the need to balance green space and parking needs of future users of each of the three uses on the site.
11. Prior to the issuance of the first building permit for the development, the applicant and the applicant's heirs, successors, and/or assignees shall pay to Prince George's County (or its designee) a fee of \$3,489.93 per dwelling unit x (Engineering News Record (ENR) Construction Cost Index at time of payment) / (ENR Construction Cost Index for first quarter of 2006) pursuant to the provisions of County Council Resolution CR-66-2010. Evidence of payment must be provided to the Planning Department with each building permit application.
12. Prior to the issuance of any building permits, the applicant and the applicant's heirs, successors, and/or assignees shall pay a pro rata share of the road improvements at the intersection of MD 223 at Rosaryville Road. The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be \$1,126.23 per average peak-hour trip x Engineering News Record Highway Construction Cost Index (at the time of building permit application) / Engineering News Record Highway Construction Cost Index (for the second quarter of 2008).
13. Prior to the issuance of any building permits for the subject property, the following road improvements as may be phased shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. MD 4 and Forestville Road Intersection
 - Add a third westbound through lane along MD 4.
 - Modify the existing traffic signal.

b. MD 4 and Dower House Road

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

14. Prior to approval of a final plat for the project, the applicant shall have a validly executed recreational facilities agreement (RFA) in place assuring the Planning Board that on-site private recreational facilities will be properly developed and maintained to the benefit of future residents. Such recreational facilities shall contain a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by The Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Planning Department, Development Review Division (DRD) as follows:

Recreational Facility Bonding and Construction Chart

Recreational Facility or Amenity	Trigger for Bonding Requirement	Permit for Construction Completion
Three tot lots	Prior to issuance of the first building permit for the project.	the issuance of the building permit that allows construction of 50 percent of the dwelling units included in the development.
Two pre-teen lots	Prior to issuance of the first building permit for the project.	the issuance of the building permit that allows construction of 50 percent of the dwelling units included in the development.
Five sitting areas	Prior to issuance of the first building permit for the project.	the issuance of the building permit that allows construction of 50 percent of the dwelling units included in the development.
±1,971 linear feet of additional trails 1 and 2, comprised as follows: •8-foot asphalt trail, ±1,065 linear feet; •10-foot asphalt trail, ±786 linear feet; and •8-foot connector trails, ±120 linear feet ±336 linear feet of asphalt trail within Cabin Branch	Prior to issuance of the first building permit for the project.	the issuance of the building permit that allows construction of 50 percent of the dwelling units included in the development.
Swimming pool	Prior to issuance of the first building permit for the project.	the issuance of the building permit that allows construction of 50 percent of the dwelling units included in the development.
Two-story 5,000-square-foot community center	Prior to issuance of the first building permit for the project.	the issuance of the building permit that allows construction of 50 percent of the dwelling units included in the development.

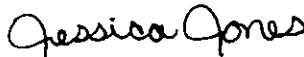
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Cavitt, seconded by Commissioner Clark, with Commissioners Cavitt, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, January 13, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of February 2011.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Acting Planning Board Administrator

PCB:JJ:SL:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPP Legal Department

Date 1/24/11