



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 11-04

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File No. DSP-10017

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on January 13, 2011, regarding Detailed Site Plan DSP-10017 for Westphalia Center, The Moore Property, the Planning Board finds:

1. **Request:** The request in this case is for approval of a special-purpose detailed site plan as required by Condition 15 of the approval of Conceptual Site Plan CSP-07004-01 to establish regulating standards for signage, identify appropriate locations for transit stops in consultation with the Department of Public Works and Transportation (DPW&T) and the Washington Metropolitan Area Transit Authority (WMATA), detail the design of public open spaces and establish a timing plan for their improvement, and for the installation of public trails. Implicit in the request is conformance to the requirements of Condition 16 of CSP-07004-01 which requires that, prior to the approval of a special-purpose detailed site plan for either the Moore Property or the balance of Westphalia Center, excluding the Moore Property, certain items must be determined to ensure they will be addressed during the review of each incremental detailed site plan subsequently submitted. Condition 24 requires that the timing for submission of a financial guarantee for recreational facilities should be established in the special-purpose detailed site plan. Condition 25 requires that the size, timing, and location of the community building proposed to be included in the recreational facilities package for the Moore Property should be determined with the review of the subject special-purpose detailed site plan. Finding 9 provides a detailed discussion of the conformance of the subject application to the requirements of these conditions.
2. **Development Data Summary:** The design program for the Moore Property, in the approval of CSP-07004-01, was described as follows:

475-640 two-over-two, townhouses, and triplexes
475-640 attached dwelling units and
0-265 multifamily units
3,000 square feet of neighborhood retail commercial space

The current application initially indicated 640 attached dwelling units, 265 multifamily dwelling units, and 8,000 square feet of commercial retail gross floor area. The applicant subsequently amended their application to reflect 364 attached dwelling units and 150 multifamily dwelling units. A condition below requires that, prior to signature approval, the design program referred to in the subject special-purpose detailed site plan case file be corrected to include a mix of attached single-family dwelling and multifamily residential units, commercial land use and recreational facilities. It should be noted, however, that the design program content is not the subject of this

application and was formally considered and refined in the approval of Detailed Site Plan DSP-09015, at the Planning Board's public hearing on January 13, 2011.

3. **Location:** The Moore Property is a 47.7-acre property within the larger Westphalia Center project, located on the north and west sides of Moore's Way, a private street winding from Pennsylvania Avenue (MD 4) to Melwood Road. It is located approximately one-half mile north of Pennsylvania Avenue and one-half mile east of Presidential Parkway.
4. **Surrounding Uses:** The Moore Property abuts Smith Home Farm to the north and west and is surrounded to the south and east by other portions of the Westphalia Center project, consisting of existing woodland, agricultural land uses, and scattered single-family detached units.
5. **Design Features:** Special-Purpose Detailed Site Plan DSP-10017 for Westphalia Center, The Moore Property, is organized in booklet format. The first section introduces the special-purpose detailed site plan and includes a statement regarding the purpose of the application, offering historical and location information regarding the project. The history of the project notably includes the approval of the original Conceptual Site Plan, CSP-07004, by the District Council on June 8, 2009; made final in a subsequent second revised order for the project, issued September 21, 2009. It also includes the -01 revision to the conceptual site plan approval which revised Conditions 15, 16, 24, and 25 regarding the special-purpose detailed site plan, and Conditions 30 and 31 regarding the phasing and restriction on development of townhouses and other restrictions to allow the development of the Moore Property to precede the development of the balance of Westphalia Center.

Condition 15 requires that a special-purpose detailed site plan be approved to establish regulating standards for signage, identifying appropriate locations for transit stops in consultation with Department of Public Works and Transportation (DPW&T) and Washington Metropolitan Area Transit Authority (WMATA), detail the design of public open spaces and establish a timing plan for their improvement, and for the installation of public trails. Condition 16 requires that, prior to the approval of a special-purpose detailed site plan for either the Moore Property or the balance of Westphalia Center, certain items must be determined to ensure they will be addressed during the review of each incremental detailed site plan. Condition 24 requires that the timing for submission of a financial guarantee for recreational facilities be established in the special-purpose detailed site plan. Condition 25 requires that the size, timing, and location of the community building proposed to be included in the recreational facilities package for the Moore Property be determined with the review of the special-purpose detailed site plan. Finding 9 provides a detailed discussion of the conformance of the subject application to the requirements of these conditions.

Discussion of recreational facilities on page 15 of the special-purpose detailed site plan includes only a community center and a portion of the "overall Westphalia Center trail facility." This refers to the Cabin Branch master plan trail, of which only 336 linear feet are on-site and may be considered a recreational facility for the subject project. The additional 678 linear feet shown is located on the adjacent Smith Home Farm, and may not be counted as an amenity for the subject project.

Additional recreational facilities are discussed on page 17 of the special-purpose detailed site plan, including an aerator fountain, seating areas, a swimming pool, a plaza, and ornamental plantings. Further, page 17 of the special-purpose detailed site plan again mentions the master plan trail facility and specifies the size of the community center to be provided as a minimum of 5,000 square feet, with its contents to be determined at the time of detailed site plan approval. A loop trail is shown around the stormwater management facility and adjacent to it, which trail is internal to the Moore Property and not a part of the overall Westphalia Center master plan trail facility. This stretch of trail includes 1,065 linear feet of 8-foot asphalt trail, 786 linear feet of 10-foot asphalt trail, and 120 linear feet of 8-foot asphalt connector trail. In the discussion of recreational facilities on page 17 of the special-purpose detailed site plan, the applicant attempts to delay determination of the contents of the community center, whereas Condition 30 of the approved conceptual site plan for the project, CSP-07004-01, clearly states: "The applicant and the applicant's heirs, successors, and/or assignees shall provide on-site private, recreational facilities to be determined during the review of the applicable special-purpose detailed site plan."

Additionally, Exhibit 8 of the special-purpose detailed site plan, entitled "Community Center and Park Detail Plan" indicates five seating areas, a pedestrian trail around the stormwater management pond with an adjacent second loop, a trellis, enhanced landscaping, a two-story 5,000-square-foot community center, a market corner pavilion and a swimming pool, an aerator fountain, a plaza, and ancillary parking facilities, which are at variance with the earlier discussions in the special-purpose detailed site plan of the recreational facilities package to be provided on the Moore Property.

Because there are varying descriptions of the recreational facilities to be provided on the Moore Property in the special-purpose detailed site plan and the recreational facilities are by condition of the conceptual site plan to be determined at the time of approval of a special-purpose detailed site plan for the project, a condition of this approval requires specific design parameters for the recreational facilities package and that discussion of the same be made consistent throughout the special-purpose detailed site plan (text and exhibits) in accordance with the requirements of the condition.

The calculation of minimum expenditure for recreational facilities to be provided in a subdivision, utilized by the Planning Board, dated October 2000 gives a rough estimate of the minimum acceptable expenditure which is somewhat dated and unadjusted for inflation. The formula yields a bare minimum expenditure on recreational facilities, unadjusted by inflation, and the Planning Board requires the augmentation in recreational facilities in a condition of this approval. The goal is to provide a mix of indoor and outdoor passive and active facilities for a full range of age levels. These recreational facilities in Westphalia Center have been made reciprocally available to all residents by condition of CSP-07004-01, carried forward to this approval.

The special-purpose detailed site plan is also intended to set regulating standards for signage, identify appropriate locations for transit stops in consultation with the Department of Public Works and Transportation (DPW&T) and the Washington Metropolitan Area Transit Authority

(WMATA), detail the design of public open spaces and establish a timing plan for their improvement, and for the installation of public trails. Any future special-purpose detailed site plan must, by condition of the conceptual design plan, adopt these standards in the subsequent special-purpose detailed site plan unless an affirmative demonstration can be made that those standards are inappropriate for use in the subsequent phase of the Westphalia Center development.

The second section of the special-purpose detailed site plan discusses Condition 15, standards regulating signage, Condition 16, Condition 24, Condition 25, and Conditions 30 and 31. Finding 9 provides a detailed discussion of the above-cited conditions of Conceptual Site Plan CSP-07004-01, the relevant conceptual site plan.

The provisions regarding signage offered in the special-purpose detailed site plan are grossly inadequate and the Planning Board by condition of this approval requires that the signage return to the Planning Board at a later date as a revision to this plan. In the interim, the Planning Board requires that the applicant revise the signage provisions to commit to a particular style sign for each type of sign mentioned in the special-purpose detailed site plan, including, but not limited to, the following list:

- a. Neighborhood Gateway Project Identity,
- b. Secondary Project Identity,
- c. Internal Neighborhood Project Identity,
- d. Specialty Identity Graphics,
- e. Vehicular-scaled Directional signs,
- f. Pedestrian-scaled Directional Signs,
- g. Community Center, Park Identity
- h. Other Park Signs,
- i. Banner and Flags,
- j. Street signs,
- k. Site Regulatory Signs,
- l. Specialty Street Signs,
- m. Public Transportation Signs; and
- n. Specialty Graphic Signs.

Additionally, they shall revise the signage provisions of the special-purpose detailed site plan to provide scaled and dimensioned color elevation drawings, with materials and source of illumination labeled. Wood and brick shall be utilized as the primary materials and that font and color be limited to three of each. Additionally, the applicant shall provide with that revision a sign location plan including the location for each sign. This case shall be brought forward as a revision to the special-purpose detailed site plan with the future detailed site plan for architecture so that signage style and type can be best coordinated with the proposed architectural styles. A condition of this approval requires removal of the discussion of signs in the special-purpose detailed site plan from the second paragraph on page 7 of the special-purpose detailed site plan, starting with: "The following addresses..." to "p" of the list of prohibited signs on page 14 and the related Exhibits 9, 10, and 11.

The following is a Planning Board summary of the signage design offered in the Westphalia Center, The Moore Property, Special-Purpose Detailed Site Plan DSP-10017:

Special-Purpose Detailed Site Plan DSP-10017 does not provide enough detail of proposed signage design to determine whether the proposed signage for the Moore Property, as well as the sign design recommendations for the remainder of the town center, meet the requirements of Condition 15 of CSP-07004-01. It should be noted that the applicant states in their submission:

"As an Edge property, this detailed site plan will provide guidance to other Edge properties...Graphics and signage will complement the architecture, theme and streetscape, helping to create the Moore Property's distinctive sense of place, as well as its place within the overall Westphalia Center. This document begins to establish a continuous design character and set parameters for all exterior sign types in the Moore Property area through the use of durable materials, careful attention to size and quantity, strategic locations, proper illumination and messaging(p.7):"

Unfortunately, the application does not give us these details. Generic examples of signage in other developments have been provided; specific design details for signage within the Moore Property, or recommendations for an overall design theme for the town center, have not been provided and specific locations for signs are not shown on the provided site plan. It should be noted that the images to illustrate examples of possible/typical retail hanging signs in the "Typical Retail Street Character" shown on Exhibit 10 are barely legible and do not appear to meet the high standards envisioned for the town center. More specificity is required to assure that the built form will be in accordance with the vision of the Westphalia Sector Plan. The standards which are to be set forth in the special-purpose detailed site plan will establish the design standards for the balance of the Westphalia development. If a revision of the special-purpose detailed site plan were not required to provide the needed specificity, the entire concept of uniform signage required by Condition 15 in CSP-07004-01 would not be met:

"Standards established in the first special-purpose detailed site plan shall be included in the subsequent special-purpose detailed site plan for the balance of the Westphalia Center unless the applicant can affirmatively demonstrate to the Planning Board that such inclusion is inappropriate in whole or in part."

A condition of this approval requires that the applicant be required to return to the Planning Board to revise the sign design standards included in the subject special-purpose detailed site plan.

Section three offers the conclusion that the application satisfies the conditions required to be reviewed during the special-purpose detailed site plan for Westphalia Center, The Moore Property. Section three is followed by a number of exhibits, some not particularly related to the special-purpose detailed site plan. These include:

- Exhibit 1 Regional Map

- Exhibit 2 Local Area Map and Moore Property Identification
- Exhibit 3 Zoning Diagram
- Exhibit 4 Westphalia Center Conceptual Site Plan
- Exhibit 5 Transit Stops and Bus Routing Plan
- Exhibit 6 Community Center and Trails Plan
- Exhibit 7 Open-Space Ownership Diagram
- Exhibit 8 Community Center and Park Detail Plan
- Exhibit 9 Design Details and Character
- Exhibit 10 Signage Details
- Exhibit 11 Street Signs and Banner Signs
- Exhibit 12 Site Furniture

The following discussion relating to access to the Moore Property from the Smith Home Farm to the west is located at the top of page 17 of the special-purpose detailed site plan, and shall be removed from the special-purpose detailed site plan as it is beyond the specified scope of the application. The issue of the appropriateness of this proposed crossing was more properly considered in the context of Detailed Site Plan DSP-09015, heard by the Planning Board on January 13, 2011. Below, the discussion in question is quoted directly from the special-purpose detailed site plan booklet, followed by Condition 15 of PGCPB Resolution No. 10-59 approving Conceptual Site Plan CSP-07004-01 and Planning Board comment:

Discussion on Page 17 of the Special-Purpose Detailed Site Plan

“The applicant has received approval of a Conceptual Site Plan revision which included and after extensive discussion by the Planning Board to allow additional access from the Moore Property through the Smith Home Farm to the west. This was always part of the CSP and promotes interconnectivity as sought by the sector plan and all the neighboring projects to allow access to the Central Park for example. The Subdivision Section has confirmed this understanding and this DSP and the accompanying on site DSP will flesh out this point. If this is approved, one builder may be responsible for both the Moore Property and that portion of the Smith Home Farm. If this connection is made, this community center would be more convenient for the population in the southwestern portion of the Smith Home Farm than the one proposed on Smith to the north. In that case, the Applicant would like to be able to enlarge the community center at that time of detailed site plan to serve this additional population.”

Condition 15 of PGCPB Resolution No. 10-59, Approving CSP-07004-01

15. **Prior to approval of a detailed site plan for specific buildings for either the Moore Property or the balance of Westphalia Center, excluding the Moore Property, the applicants of the Moore Property and the balance of Westphalia Center, separately, shall obtain approval of a special purpose detailed site plan to establish regulating standards for signage and to identify appropriate locations for transit stops in consultation with DPW&T and WMATA. The special purpose detailed site plan**

shall also show site plan details of the public open spaces and establish a timing plan for the improvement of these public spaces and for the public trail system. This condition requires the approval of two special-purpose detailed site plans, one encompassing the entire Westphalia Town Center site excluding the Moore Property, and another for the Moore Property. This condition shall be construed such that the Moore Property may proceed prior to the entire Westphalia Center. However, standards established in the first special-purpose detailed site plan shall be included in the subsequent special-purpose detailed site plan for the balance of the Westphalia Center unless the applicant can affirmatively demonstrate to the Planning Board that such inclusion is inappropriate in whole or in part. The subsequent plan may include any additional standards and requirements that the Planning Board deems necessary for inclusion at that time.

The stated scope of the special-purpose detailed site plan required by Condition 15 of the approving resolution for the relevant conceptual site plan is to:

- establish regulating standards for signage;
- identify appropriate locations for transit stops in consultation with DPW&T and WMATA;
- show site plan details of the public open spaces; and
- establish a timing plan for the improvement of these public spaces and the public trail system.

The above statement quoted from page 17 of the special-purpose detailed site plan addressing the issue of the provision of additional access from the Moore Property through the Smith Home Farm to the west is not in the above list of issues to be addressed in the special-purpose detailed site plan. Further, it makes assertions that are questioned by the Planning Board as to whether this access has been approved, was always a part of the conceptual site plan, and is supported by the sector plan and the Board. Therefore, the proposed access to the site was not properly before the Planning Board at this time as part of the special-purpose detailed site plan, and the above passage referring to it in the special-purpose detailed site plan shall be removed, without prejudice, from its text, prior to signature approval. A condition of this approval removes the discussion without prejudice, leaving it for consideration during the review of and public hearing for Detailed Site Plan DSP-09015, Westphalia Center, The Moore Property, detailed site plan for infrastructure.

The last part of the plan contains a copy of PGCPB Resolution No. 10-59, the approving resolution for CSP-07004-01, but not a copy of PGCPB Resolution No. 09-95, the approving resolution for Preliminary Plan of Subdivision 4-08108, which similarly contains requirements for the subject project. A condition of this approval requires its inclusion in the special-purpose detailed site plan.

Further, in order to clarify that access is not being decided as part of the subject special-purpose detailed site plan, the following modifications to the exhibits contained therein shall be made or, alternatively, clear notes shall be provided at each of these locations stating that representation of these disputed alignments on the special-purpose detailed site plan does not represent either approval or disapproval of those alignments by the Planning Board.

EXHIBIT NUMBER/NAME	GRAPHIC INDICATES	REVISIONS TO BE MADE TO GRAPHIC
4/Westphalia Conceptual Site Plan	Graphic indicates a black arrow from the Moore Property to the adjacent Smith Home Farm and all other potential accesses from the larger Westphalia Center in grey.	Graphic shall be revised to indicate equal emphasis on all potential accesses and the dashed arrow to the Smith Home Farm property as was included on CSP-07004-01 as a potential access point requiring further study.
5/Transit Stops and Bus Routing Plan	Graphic indicates access to the Smith Home Farm property in a heavier weight and in a solid color.	This graphic shall be revised to include all potential accesses to the Moore Property in equal line weight and the access to the Smith Home Farm property in the dashed arrow as was included on CSP-07004-01 as a potential access point requiring further study.
6/Community Center and Trails	Graphic indicates a solid arrow leading into the adjacent Smith Home Farm indicating a "Westphalia Center bikeway corridor trail," as per the plan legend and two arrows leading to the north, one (red in color) indicating a "bikeway corridor trail" and one (blue in color) indicating a "bike lane along major roads" both to be constructed as part of the Moore Property. The red arrow to the south of the Moore Property is light brown indicated as a "Westphalia Center—bikeway corridor trail" and the blue arrow to the south of the property is dark brown indicated as a "Westphalia Center-bike lane along major roads' trail according to the legend	All trails indicated must be confined to the Moore Property and constructed in conjunction with its development. All arrows heading off-site should be removed, unless they are internal to the Westphalia Center development as a whole as external access to the Moore Property is not being considered as part of this special-purpose detailed site plan.
7/Open Space Ownership Diagram	This graphic shows only one arrow emanating from the Moore Property. It leads into the Smith Home Farm property.	It shall be removed from the graphic as external accesses to the Moore Property are not properly included in this special-purpose detailed site plan.

6. **Previous Approvals:** The property is subject to 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 Westphalia Sectional Map Amendment. The property was also the subject of

previously approved Conceptual Site Plan CSP-07004, approved with conditions by the Planning Board on December 18, 2008, then approved with conditions by the District Council on June 8, 2009, who issued a second revised order on September 21, 2009. Subsequently, however, the Planning Board approved Conceptual Site Plan CSP-07004-01, on May 21, 2010, which superseded the original approval. The approval was then formalized in PGCPB Resolution No. 10-59, adopted by the Planning Board on June 10, 2010. The property is also the subject of approved Stormwater Management Concept 44782-2007-00 which is valid for three years. Lastly, the property is subject to the requirements of Preliminary Plan of Subdivision 4-08018 (Moore Property). The resolution of approval, PGCPB Resolution No. 09-95, was adopted by the Planning Board on June 25, 2009 and remains until June 25, 2015.

7. **Zoning Ordinance:** The subject application has been reviewed for conformance with the requirements in the M-X-T Zone including the requirements for a regional urban community. The subject project does not affect previous findings of the project's conformance to the requirements for development in the M-X-T Zone.
8. **2007 Approved Westphalia Sector Plan and Sectional Map Amendment:** The subject special-purpose detailed site plan has been determined to conform to the requirements of the approved sector plan.
9. **Conceptual Site Plan CSP-07004-01:** Conceptual Site Plan CSP-07004-01 was approved by the Planning Board on May 20, 2010. PGCPB Resolution No. 10-59 formalizing the approval was adopted by the Planning Board on June 6, 2010. Each relevant condition of that approval is listed below in **bold-face** type, followed by comment:
 15. **Prior to approval of a detailed site plan for specific buildings for either the Moore Property or the balance of Westphalia Center, excluding the Moore Property, the applicants of the Moore Property and the balance of Westphalia Center, separately, shall obtain approval of a special-purpose detailed site plan to establish regulating standards for signage and to identify appropriate locations for transit stops in consultation with DPW&T and WMATA. The special-purpose detailed site plan shall also show site plan details of the public open spaces and establish a timing plan for the improvement of these public spaces and for the public trail system. This condition requires the approval of two special-purpose detailed site plans, one encompassing the entire Westphalia Town Center site excluding the Moore Property, and another for the Moore Property. This condition shall be construed such that the Moore Property may proceed prior to the entire Westphalia Center. However, standards established in the first special-purpose detailed site plan shall be included in the subsequent special-purpose detailed site plan for the balance of the Westphalia Center unless the applicant can affirmatively demonstrate to the Planning Board that such inclusion is inappropriate in whole or in part. The subsequent plan may include any additional standards and requirements that the Planning Board deems necessary for inclusion at that time.**

Since the subject special-purpose detailed site plan has been approved, the applicant shall be considered to be in conformance with the requirements of this condition.

- 16. Prior to approval of a special-purpose detailed site plan for either the Moore Property or the balance of Westphalia Center, excluding the Moore Property, the following items shall be determined to ensure they will be addressed during the review of each incremental detailed site plan submitted subsequently.**
- a. Evaluate accessibility, safety, and traffic control needs for the circular public space within public road MC-637 or propose an alternative road design or location for the public spaces.**
 - b. Address gateway design themes and concepts.**
 - c. Define the responsibility for construction and ownership of other public spaces, recreation, and open space facilities proposed in the town center.**
 - d. Address a comprehensive organizational structure and financing system to manage and maintain the public, quasi-public, and common ownership infrastructure networks and amenities, such as streets, sidewalks, recreation facilities, open spaces, and management operations for Westphalia center as a whole, including the Moore Property.**
 - e. Acknowledge that the transit center will be dedicated to public use.**

The application adequately addresses these items sufficiently to ensure they will be addressed during the review of each incremental detailed site plan submitted subsequently as follows:

- a. Evaluate accessibility, safety, and traffic control needs for the circular public space within public road MD-637 or propose an alternative road design or location for the public spaces.**

By a condition of this approval, all subsequent detailed site plans for the project shall be referred to the Transportation Planning Section, DPW&T and/or the State Highway Administration (SHA) to ensure adequate future review of accessibility, safety, and traffic control needs for the circular public space within public road MD-637 or any proposed alternative road designs or with respect to other locations for the public spaces. Further, noting that the circular public space within public road MC-637 is not located on the Moore Property, its design would have to be in accordance with the design standards established herein, but the final design of all aspects of the public open space are properly left to the special-purpose detailed site plan that must be submitted for the rest of the Westphalia development.

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 Planning Board has reviewed the offering of a private recreational facilities package contained in the subject special-purpose detailed site plan, noted inconsistencies in the various descriptions and depictions of these facilities and, by a condition of this approval, proposes a design program that would be considered in substance adequate for the projected population. As to the siting of said recreational facilities, the location of the primary recreational facilities adjacent to the commercial portion of the development, including commercial retail land use and surrounded on three sides by sizable parking lots, is not the optimal location and should be relocated to a safe, more scenic spot, closer to more of the predominant residential land use in the proposed development.

20. **At the time of detailed site plan approval, the applicant shall demonstrate to the Planning Board that on-site private recreational facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement (RFA), or other appropriate means and that such instrument is legally binding upon the subdivider and his heirs, successors, and/or assignees.**

A condition of this approval requires that the applicant have a recreational facilities agreement in place to ensure that the on-site private recreational facilities will be properly developed and maintained prior to approval of final plat for the project.

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.**

A condition of this approval requires that, prior to approval of final plat for the project, a recreational facilities agreement (RFA) be in place. A condition of this approval requires that the applicant submit to the development review division a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by The Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Planning Department, Development Review Division (DRD), in accordance with the timing established herein in order to ensure retention and future maintenance of the proposed recreational facilities.

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.

On page 16 of the special-purpose detailed site plan booklet, the applicant proposed the following timing for construction and occupancy of the one community center building to be located on the Moore Property:

	Approved Permit	Begin Construction	Open for Occupancy
Community Center	Prior to the issuance of the building permit for the 250 th dwelling unit.	Prior to the issuance of the building permit for the 300 th dwelling unit.	Prior to the issuance of the building permit for the 420 th dwelling unit.

The Planning Board requires that the subject community center, the sole indoor recreational facility for the Moore Property, be provided earlier in the development of the project. Therefore, taking into account the time needed for construction of the facility, construction of the community center by a condition of this approval shall be bonded prior to issuance of the first building permit for the project and its construction completed prior to the issuance of the first building permit that allows construction of 50 percent of the dwelling units.

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 applicable 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.**

On-site private recreational facilities are being determined for the Moore Property as part of the subject special-purpose detailed site plan. The offerings in the tendered special-purpose detailed site plan are augmented by a condition of this approval.

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.**

A condition of this approval makes all development on the Moore Property subject to the requirements of this special-purpose detailed site plan approval in accordance with this condition.

39. **All private recreational facilities located in Westphalia Center shall be made available to all residents living within its boundaries.**

This requirement has been made a condition of this approval.

40. Any subsequent approvals which contain the requirement for a special-purpose detailed site plan, including but not limited to Conditions 10 and 17 of Preliminary Plan of Subdivision 4-08018 (as expressed in PGCPB Resolution No. 09-95) and Conditions 11, 17, 18, 19, 21, and 50 of Preliminary Plan of Subdivision 4-08008 (as expressed in PGCPB Resolution No. 09-93), shall be construed to permit separate special-purpose detailed site plans for the Moore Property and for the balance of Westphalia Center.

The consideration of the subject special-purpose detailed site plan for the Moore Property was in no way impeded by the future requirement for a similar special-purpose detailed site plan for the balance of Westphalia Center.

10. **Preliminary Plan of Subdivision 4-08018:** Preliminary Plan of Subdivision 4-08018 was approved by the Planning Board on June 4, 2009. The Planning Board subsequently adopted a resolution of approval, PGCPB Resolution No. 09-95 which formalized the approval on June 25, 2009, (which will remain valid until June 25, 2015.) Each relevant requirement of that approval is listed below in **bold-faced type**, followed by comment:

2. **A Type II tree conservation plan shall be approved at the time of approval of each detailed site plan, except the special purpose detailed site plan. *The special purpose DSP shall be reviewed for conformance with the signed TCPI.* No Permits will be issued using the special purpose DSP. The first TCPII shall provide a cover sheet that clearly depicts the phasing and requirements for the entire site. [emphasis added]**

Exhibits included in the special-purpose detailed site plan application show a proposed road extension that includes a stream crossing which was not evaluated as part of the preliminary plan of subdivision for the Moore Property. Bedford Springs Avenue is shown to extend across the Cabin Branch stream valley and connect to the Smith Property to the west. This stream crossing is being proposed in addition to numerous crossings over the same stream approved as part of the preliminary plan approval for the remainder of the Westphalia Center (4-08002).

The conceptual site plan for Westphalia Center shows a dashed arrow with no reference in the legend. The arrow is not referenced to any associated text. No information was submitted at the CSP hearing that would allow for a detailed review of the proposed impacts. The preliminary plan neither shows nor contemplates a crossing at the location currently proposed.

In general, construction of an additional road crossing results in significantly more floodplain disturbance and woodland clearing above what was previously approved, and a stream crossing in this location may affect the required alignment of the Cabin Branch trail; however, it is difficult to determine the extent of the proposed impacts based on the information submitted with the special-purpose detailed site plan.

In every respect specifically relating to the issues called out for analysis in the special-purpose detailed site plan (regulating standards for signage, transit stops, open space, and trails), the Planning Board finds general conformance with the Type I tree conservation plan (TCPI); however, the newly proposed stream crossing and possible trail realignment are significant nonconformance issues with regard to the TCPI. These issues should be addressed with the appropriate application.

Further, the Planning Board, in support of the above discussion, hereby makes the two following findings and has included the below condition in the subject approval:

Finding: The conformance required by Condition 2 of PGCPB Resolution No. 09-95 is met because the issues specifically germane to the special-purpose detailed site plan are in general conformance with the TCPI.

Finding: Approval of the special-purpose detailed site plan showing an unevaluated road connection across Cabin Branch does not entail approval of said road connection or the environmental impacts associated with it.

Condition: Certification of this plan does not entail approval of the proposed road connection across Cabin Branch or the environmental impacts associated with it.

Therefore, it may be said that the applicant has met the requirement of Condition 2 of the relevant preliminary plan of subdivision.

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 property siting prior to approval of the detailed site plan by the Planning Board. Or as modified by any subsequent revisions to CSP-7004.**

The recreational facilities package has been evaluated by the Planning Board as part of this special-purpose detailed site plan and was found to be inconsistently described, inadequate, and not well-sited. Generally, the recreational facilities package should contain passive and active, indoor and outdoor facilities. Additionally, it should provide opportunities for residents of all ages in the subdivision, and the recreational facilities should be well distributed throughout the development so that some recreational facilities are in easy reach of all residents in the subdivision.

A condition of this approval requires that the description of recreational facilities in the special-purpose detailed site plan be made consistent, be augmented to include three tot lots and two multi-age lots, and be re-sited to be well distributed throughout the subdivision and adjacent to open space and the residences that it serves instead of adjacent to commercial use and parking lots. The recreational package would include:

- a two-story, 5,000-square-foot community center building;
- 336 linear feet of the Cabin Branch master plan trail;
- an aerator fountain in the stormwater management pond;
- five seating areas;
- a swimming pool;
- a plaza;
- enhanced landscaping to include ornamental plantings;
- a trellis;
- a pedestrian trail around the stormwater management ponds 1 and 2 (1,976 linear feet, comprised of 1,065 linear feet of 8-foot asphalt trail, 786 linear feet of 10-foot asphalt trail and 120 linear feet of 8-foot asphalt connector trail);
- a market corner pavilion;
- ancillary parking;
- three tot lots;
- two pre-teen lots

10. **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. Private and public recreational facilities shall be reviewed as a package, acknowledge the contribution of \$3,500 per dwelling unit, and determine the total expenditures for the package. Or as modified by any subsequent revisions to CSP-07004.**

As described above as in the comment regarding 9, the recreational facilities package has been evaluated by the Planning Board as part of this special-purpose detailed site plan and was found to be inconsistently described, inadequate, and poorly sited. A condition of this approval augments, more consistently describes, and suggests resiting the recreational facilities. Regarding the private and public recreational facilities being reviewed as a package, the applicant must make a contribution of \$3,500 per dwelling unit. However, in order to be able to find conformance with the requirements of the relevant preliminary plan of subdivision, this requirement has been made a condition of this approval, which adjusts the amount for inflation. In addition, a second condition

has been included that allows, in the Planning Board's discretion, the substitution of in-kind services for all or part of this fee.

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.**
 - 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.**
 - d. **Standard sidewalks shall be provided along both sides of all internal roads (excluding alleys), unless modified by DPW&T.**
 - e. **Each DSP shall be referred to WSSC for additional review and comments concerning the stream valley trail alignment within the sanitary sewer easement.**
 - 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).**

The Planning Board requires the following bonding/construction time table for the requirements of this condition.

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.	Westphalia Center, The Moore Property section of the Cabin Branch trail shall be bonded prior to issuance of the first building permit for the project.	Westphalia Center, The 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.

11. **The Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The subject application is grandfathered from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance that went into effect September 1, 2010 because it has a previously approved Preliminary Plan (4-08018). Therefore, the project is subject to the requirements of the Woodland Conservation and Tree Preservation Ordinance, in effect prior to September 1, 2010.

In every respect specifically relating to the issues called out for analysis in the special-purpose detailed site plan (regulating standards for signage, transit stops, open space, and trails), the Planning Board finds general conformance with the TCPI; however, the newly proposed stream crossing and possible trail realignment are significant nonconformance issues with regard to the TCPI. These issues should be addressed with the appropriate application. Therefore, in every respect specifically relating to the issues called out for analysis in the special-purpose detailed site plan, it may be said that the project meets the relevant requirements of the Woodland Conservation Ordinance.

12. **The Prince George's County Landscape Manual:** The subject application is not germane to any required findings regarding conformance to the requirements of the *Prince George's County Landscape Manual*. However, a comprehensive update to the Landscape Manual has been approved and became effective December 13, 2010, and that the project will be subject to the requirements of the Landscape Manual insofar as they are applicable to the subject project in DSP-09015, considered by the Planning Board in a public hearing on January 13, 2011.

13. **Further Planning Board Findings and Comments from Other Entities**

- a. **Historic Preservation**—The subject property project, the proposed detailed site plan for signage, transit stops, open space, and trails, will have no effect on identified historic sites, resources, or districts.
- b. **Archeological**—The subject project will have no effect on archeological resources.
- c. **Community Planning**—The land use proposed by the subject application is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for a regional center in the Developing Tier and that the 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 CSP-07004-01. More particularly, the project conforms to the vision for this regional center in the Developing Tier as per the 2002 General Plan is for 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 and that the development proposal including moderate-density housing, neighborhood-oriented commercial, and recreational facilities comports with the approved concept for the Westphalia Town Center.

The Planning Board is concerned that Westphalia Town Center could be fragmented by eliminating the project-wide, special-purpose detailed site plan requirement.

Condition 1d of PGCPB Resolution No. 10-59, however, provides that: "Standards established in the first special-purpose detailed site plan shall be included in the subsequent special-purpose detailed site plan for the balance of the Westphalia Center unless the applicant can affirmatively demonstrate to the Planning Board that such inclusion is inappropriate in whole or part." This requirement is designed to ensure the desired design consistency throughout Westphalia Center to the maximum extent practicable.

Additionally, the Planning Board is concerned that DSP-10017 does not provide enough detail of the proposed signage design to determine whether the proposed signage for the Moore Property, as well as the sign design recommendations for the remainder of the Town Center, meet the requirements of Condition 15. A condition of the approval ameliorates this deficiency of the proposed special-purpose detailed site plan.

- d. **Transportation**—The Planning Board has reviewed the transportation-related issues of the subject detailed site plan and finds the following:

On May 20, 2010, the Prince George's County Planning Board approved Conceptual Site Plan CSP-07004-01 for the Westphalia Center. Based on information outlined in PGCPB Resolution No. 10-59, the CSP plan was approved with several transportation-related conditions, including the following:

15. **Prior to approval of a detailed site plan for specific buildings for either the Moore Property or the balance of Westphalia Center, excluding the Moore Property, the applicants of the Moore Property and the balance of Westphalia Center, separately, shall obtain approval of a special-purpose detailed site plan to establish regulating standards for signage and to identify appropriate locations for transit stops in consultation with DPW&T and WMATA. The special-purpose detailed site plan shall also show site plan details of the public open spaces and establish a timing plan for the improvement of these public spaces and for the public trail system. This condition requires the approval of two special-purpose detailed site plans, one encompassing the entire Westphalia Town Center site excluding the Moore Property, and another for the Moore Property. This condition shall be construed such that the Moore Property may proceed prior to the entire Westphalia Center. However, standards established in the first special-purpose detailed site plan shall be included in the subsequent special-purpose detailed site plan for the balance of the Westphalia Center unless the applicant can affirmatively demonstrate to the Planning Board that such inclusion is inappropriate in whole or in part. The subsequent plan**

may include any additional standards and requirements that the Planning Board deems necessary for inclusion at that time.

16. Prior to approval of a special-purpose detailed site plan for either the Moore Property or the balance of Westphalia Center, excluding the Moore Property, the following items shall be determined to ensure they will be addressed during the review of each incremental detailed site plan submitted subsequently.

- a. Evaluate accessibility, safety, and traffic control needs for the circular public space within public road MC-637 or propose an alternative road design or location for the public spaces.
- b. Address gateway design themes and concepts.
- c. Define the responsibility for construction and ownership of other public spaces, recreation, and open space facilities proposed in the town center.
- d. Address a comprehensive organizational structure and financing system to manage and maintain the public, quasi-public, and common ownership infrastructure networks and amenities, such as streets, sidewalks, recreation facilities, open spaces, and management operations for Westphalia center as a whole, including the Moore Property.
- e. Acknowledge that the transit center will be dedicated to public use.

Regarding Condition 15, the subject approval indicates two bus stops in a similar location as was shown in the "Transit Stops and Bus Routing Plan" that was presented as part of the CSP-07004-01 application for the Westphalia Center. Condition 15 as it pertains to the Moore Property has been satisfied.

For Condition 16, the Planning Board finds that none of the issues raised are relevant to the Moore Property portion of the Westphalia Center development.

As stated in Finding 9 of this approval, the Planning Board finds that the subparts of the condition (a. through e.) have been sufficiently determined in this approval to ensure that the items will be adequately addressed during the review of each incremental detailed site plan submitted subsequently.

- c. **Subdivision**—The property is the subject of Preliminary Plan 4-08018, approved by the Planning Board. The resolution of approval was adopted on June 25, 2009 (PGCPB Resolution No. 09-95) and the preliminary plan has signature approval. The layout used

for this special-purpose detailed site plan is not consistent with the approved preliminary plan. The street layout, environmental impacts, and circulation, as reflected on this plan, are the subject of Detailed Site Plan DSP-09015, and also not consistent with the approved preliminary plan. Although these elements are not the subject of this DSP, the foundation or base layout by condition of this approval shall reflect the current approved configuration, until such time as it is amended by the Planning Board. The Planning Board's approval of this special-purpose detailed site plan, which reflects a layout not yet approved by the Planning Board, shall not be construed to be a de-facto approval of the layout. Conditions of this approval ensure that the certified special-purpose detailed site plan shall not reflect, nor imply approval of a layout which deviates from the layout contained in the preliminary plan of subdivision approved by the Planning Board for the Moore Property or clear notes shall be provided in appropriate locations stating that representation of disputed alignments on the special-purpose detailed site plan does not represent either approval or disapproval of those alignments by the Planning Board.

f. **Trails**—A review of the subject plan for conformance of trails, bikeways and pedestrian improvements with the requirements of the *Approved Westphalia Sector Plan and Sectional Map Amendment* (the area master plan), the *Prince George's County Approved General Plan*, and the *Approved Countywide Master Plan of Transportation (MPOT)* reveals the following:

- The *Prince George's County Approved General Plan* designates MD 4 as a Corridor and also identifies a Community Center north of MD 4 in the vicinity of the subject site.
- The subject 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 area covered by the special-purpose detailed site plan include the following:
 - Cabin Branch Stream Valley Trail
 - M-637 Bikeway Corridor.
- Road cross sections, and sidewalk and crosswalk details, approved as part of CSP-07004-01 and 4-08002, shall be included in the special-purpose detailed site plan.
- The area master plan recommendation of master plan trails along both Cabin Branch and Back Branch is reiterated as Condition 13 of CSP-07004-01. The area master plan specifies that the Cabin Branch Trail accommodate pedestrians, bikers and equestrians, especially important so that it can connect to the nearby Marlboro Ridge equestrian community which has developed miles of multi-use and equestrian trails and will include an equestrian center.

- However, the area master plan specifically notes that the equestrian component of the trail should “occupy the eastern half of the greenway and will link the equestrian center, the central park, and other area trails.” This can be interpreted as the portion of the stream valley including the Central Park and east, not the more urban part of Westphalia Center, including fringe areas such as the Moore Property.
 - The stream valley trail on the subject site and in the more urban parts of Westphalia Center shall be developed as a paved hiker-biker trail consistent with the Department of Parks and Recreation standards and guidelines.
- g. **Permit**—There are no permit-related comments on the establishment of design parameters for the project and there was insufficient information regarding the signage to make a determination as to whether or not the proposal comports with Zoning Ordinance signage requirements.
- h. **Environmental Planning**—

Background

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 (4-08018). As such, no new impacts to regulated environmental features can be proposed at the time of detailed site plan that were not previously approved at the time of preliminary plan approval.

The Environmental Planning Section, as designee of the Planning Director, previously reviewed and signed an -01 revision to the Natural Resources Inventory (NRI/094/06-01) for the subject property on December 16, 2008.

The Planning Board previously reviewed this site in conjunction with Conceptual Site Plan CSP-07004 and Type I Tree Conservation Plan TCPI/014/08 for the Westphalia Center. The Planning Board approved CSP-07004 on December 18, 2008 and the Planning 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.

The Planning Board previously reviewed two preliminary plans of subdivision applications for the area covered under the original Conceptual Site Plan, CSP-07004, for Westphalia Center. Preliminary Plan of Subdivision 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 Westphalia Center. The Planning Board approved Preliminary Plan of Subdivision 4-08018 and Type I Tree Conservation Plan 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 of Subdivision 4-08002 and an -01 revision to Type I Tree Conservation Plan TCPI/014/08 were reviewed for the remaining 482.57 acres of Westphalia Center. The Planning Board approved Preliminary Plan of Subdivision 4-08018 and Type I Tree Conservation Plan TCPI/014/08-01 for the remainder of Westphalia Center on June 4, 2009. The Planning Board's conditions of approval for the preliminary plan for the remainder of Westphalia Center are found in PGCPB Resolution No. 09-93.

The Planning Board previously reviewed an -01 revision to Conceptual Site Plan CSP-07004 and a revision to the Type I Tree Conservation Plan (TCPI/014/08) for Westphalia Center. The Planning Board approved Conceptual Site Plan CSP-07004-01 on May 20, 2010 and the Planning Board's conditions of approval are found in PGCPB Resolution No. 10-59. Because this approval superseded the original Conceptual Site Plan (CSP-07004) approval, the -02 revision to Type I Tree Conservation Plan TCPI/014/08 referenced throughout the review and referenced in PGCPB Resolution No. 10-59 is no longer the correct revision number. The original certification of Type I Tree Conservation Plan TCPI/014/08 is associated with the certification of Conceptual Site Plan CSP-07004-01, as there will be no certification of the original CSP-07004.

The current application is for a special-purpose detailed site plan to establish regulating standards for signage, transit stops, open space, and trails to address the conditions of the preliminary plan and conceptual site plan approvals. The application covers the 47.70 acres of the Moore Property at Westphalia Center.

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 north 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 the Joint Base Andrews Naval Air Facility, 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 2002 *Prince George's County Approved General Plan*.

Environmental Review of Previously Approved Conditions

Finding 10 of this approval contains a full discussion of the environmental analysis of the subject special-purpose detailed site plan's conformance to Condition 2 of PGCPB Resolution No. 09-95, the resolution which formalized the adoption of Preliminary Plan of Subdivision 4-08018. Such discussion includes discussion of two environmentally-related findings and one environmentally-related condition of this approval.

In every respect specifically relating to the issues called out for analysis in the special-purpose detailed site plan, the detailed site plan does conform to the TCPI. There are issues of significant nonconformance with the TCPI, but they are deemed to be not specifically germane to the special-purpose detailed site plan and will be addressed in the detailed site plan for infrastructure for Westphalia Center, the Moore Property, considered by the Planning Board in a public hearing January 13, 2011.

- i. **Prince George's County Fire/EMS Department**—Comment was not received from the Prince George's County Fire/EMS Department regarding the subject project.
- j. **Department of Public Works and Transportation (DPW&T)**—In a memorandum dated November 3, 2010, DPW&T offered numerous comments addressed to the design and construction of the subject property, more appropriately offered with respect to Detailed Site Plan DSP-09015 and several comments relevant to the subject detailed site plan. These include the following:
 - (1) Typical sections and cross-sections for the proposed cul-de-sacs, roundabouts and intersections should be included in the plan.
 - (2) A traffic calming plan is to be developed by the applicant, which must be reviewed and approved by DPW&T, Traffic Safety Division.
 - (3) Determination of public and private roadway identification within the site should be made prior to detailed site approval.
 - (4) Transit routes on designated public roadways are to be determined by the applicant and submitted to DPW&T for review and approval. Modification to these transit roadways to accommodate pull on/off of the transit bus at every proposed bus stop location is required, in accordance with the approved Westphalia Sector Plan and Sectional Map Amendment.
 - (5) Sidewalk design should match existing sidewalks in the area.
 - (6) Conformance with DPW&T street tree lighting specifications and standards is required, with lighting fixtures to match those in existence in the area.

Adjustments to street lighting where necessary to accommodate the improvements constructed under this scenario are required.

- k. **Maryland State Highway Administration (SHA)**—SHA indicated that they had no comments on the special-purpose detailed site plan for the Moore Property.
- l. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum prepared for the Subdivision and Development Review Committee's October 29, 2010 meeting, the Washington Suburban Sanitary Commission (WSSC) offered numerous technical comments, of which only the following are salient to the review of the special-purpose detailed site plan as they might impact streetscape section design:
- Minimum right-of-way width of 30 feet must be provided when both normal-diameter and gravity sewer lines are installed in the same right-of-way at normal depth.
 - Installation of deep or large water and/or sewer mains will require additional right-of-way width.
 - The minimum horizontal clearance between a building and the outside diameter of a WSSC pipeline is 15 feet. Based on WSSC requirements, the minimum spacing between adjacent buildings with both water and sewer lines between them should be at least 40-feet and, in some cases, greater when connections, fire hydrants, or deep sewer or water lines are involved.
 - Balconies and other building appurtenances are not to be located within the right-of way.
 - Water and sewer pipeline alignment should maintain five feet of horizontal clearance from stormdrain pipeline/structures and other utilities.
- In closing, WSSC was non-committal as to whether or not the plan submitted met the above requirements, although the applicant will have to make plans conform in order to get the needed sewer and water connection for the development.
- m. **Verizon**—In an e-mail dated November 22, 2010, a representative of Verizon stated that they had no comment on the subject project.
- n. **Potomac Electric Power Company (PEPCO)**—PEPCO offered no comment.
- o. **Westphalia Sector Development Review Advisory Council (WSDRAC)**—WSDRAC offered no formal comment regarding the subject matter of the subject special purpose detailed site plan.

- p. **Parks and Recreation (DPR)**—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.

The following 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:

15. **Prior to approval of a detailed site plan for specific buildings, for either the Moore Property or the balance of Westphalia Center, excluding the Moore Property, the applicant of the Moore Property and the balance of Westphalia Center, separately, shall obtain approval of a special-purpose detailed site plan to establish regulating standards for signage and to identify appropriate locations for transit stops in consultation with DPW&T and WMATA. The special-purpose detailed site plan shall also show plans site plan details of the public open spaces and establish a timing plan for the improvements of these public spaces and for public trail system. This condition requires the approval of two special-purpose detailed site plans, one encompassing the entire Westphalia Town Center site excluding Moore Property, and other for the Moore Property. This condition shall be construed such that the Moore Property may proceed prior to the entire Westphalia Center. However, standards established in the first special-purpose detailed site plan shall be included in the subsequent special-purpose detailed site plan for the balance of the Westphalia Center unless the applicant can affirmatively demonstrate to the Planning Board that such inclusion is inappropriate in whole or in part. The subsequent plan may include any additional standards and requirements that the Planning Board deems necessary for inclusion at that time.**
22. **Prior to the first final plat of subdivision, the applicant shall enter into an agreement with the Department of Parks and Recreation (DPR) establishing a mechanism for payment of fees into an account administered by the M-NCPPC or provision of in-kind services. The agreement shall note that the value of the in-kind services shall be determined solely by DPR. DPR decisions regarding choice and value of in-kind services are appealable to the Planning Board. The agreement shall also establish a schedule of payments and/or a schedule for park construction. The payment or construction**

schedule shall include a formula for any needed adjustments to account for inflation. The agreement shall be recorded in the Prince George's County land records by the applicant prior to final plat approval.

29. The applicant shall make a monetary contribution into a "park club." The total value of the payment shall be \$3,500 per dwelling unit in 2006 dollars. The applicant may make a contribution to the park club or provide an equivalent amount of in-kind services for the construction of the recreational facilities in the central park. Monetary contributions may be used for construction, operation, and maintenance of the recreational facilities in the central park and/or other recreational amenities that will serve the Westphalia Study Area. The park club shall be established and administered by the Department of Parks and Recreation. The choice between a monetary contribution and the provision of in-kind services shall be at the sole discretion of the Department of Parks and Recreation. The value of in-kind services shall be reviewed and approved by DPR staff. DPR decisions regarding choice of contributions and the value of in-kind services are appealable to the Planning Board.
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 Planning Board would like to clarify the last sentence in Condition 30, which states: "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 on the review of the special purpose detailed site plan for the balance of Westphalia Center, which includes the central park." The Planning Board would like to clarify that the 179-acre central park will be located 1,100 feet north of Moore Property in the Smith Home Farm development, not 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 has made the following conditions of this approval:

- (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 (4) 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 M-NCPPC which establishes a description of the in-kind services to be provide, 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.

Additionally, the Planning Board has made it a condition of this approval to correct the special-purpose detailed site plan with regard to the location of the proposed Central Park.

14. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents 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.

In addition to the above finding required for the Planning Board to approve the conceptual or detailed site plan (Part 3, Division 9), the Planning Board finds that:

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

The proposed development is in conformance with the purposes and other provisions of this Division with respect to helping to create the orderly development of land and to create dynamic, functional relationships among individual uses within a distinctive visual character and identity.

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

The 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 CSP-07004-01.

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

The subject special-purpose detailed site plan offers no information that is germane to an evaluation of this required finding.

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

The subject special-purpose detailed site plan includes a commercial and residential mix which is found in the general area. The surrounding proposed development is the larger Westphalia Center and Smith Home Farms. Both developments, in various stages of approval would be compatible with the proposed development.

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

The subject project has a design program that includes both residential and commercial retail land use. However, whether the mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability is more appropriately considered as part of DSP-09015, heard by the Planning Board on January 13, 2011, not in this special-purpose detailed site plan.

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

The subject detailed site plan has the special-purpose of considering limited design features. A second detailed site plan for infrastructure was considered by the Planning Board on January 13, 2011, and plans for the project indicate that the project is contemplated to be constructed in a single stage, not multiple stages. Therefore, this finding is not relevant to the subject project.

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

The sidewalk network is a crucial component of providing a walkable town center. Roads should be designed to accommodate bicyclists and pedestrians, in addition to automobiles. A

comprehensive network of sidewalks can ensure that non-motorized access is possible throughout Westphalia Center 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 (Dowerhouse Road).

The subject project 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 approval of the conceptual site plan. The provision of these sidewalks as proposed by the applicant is acceptable, while several curb extensions and striped crosswalks have been required by conditions of this approval. Also, the development includes a portion of the Cabin Branch Trail and loop trails are provided around the two stormwater management ponds. The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development.

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

The subject special-purpose detailed site plan, by condition of the conceptual site plan, establishes regulating standards for signage, transit stops, open space, and trails systems. Regarding those features, the Planning Board finds that, with respect to signage, transit stops, open space, and trails, adequate attention has been paid to human scale and high-quality urban design. Conformance with this required finding with respect to other aspects of the project was evaluated in Detailed Site Plan DSP-09015, Westphalia Center, The Moore Property, considered by the Planning Board on January 13, 2011.

- (9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant, or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The subject project involves a detailed site plan, not a conceptual site plan. Therefore, this required finding is not relevant to the subject project.

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

A conceptual site plan for the land area encompassing the subject site, CSP-07004-01 was approved with conditions on May 20, 2010. Therefore, a finding of adequacy with respect to the subject site was made within the past six years in accordance with this requirement.

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

The subject site measures only 47.70 acres. Therefore, this required finding is not applicable to the subject project.

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 Detailed Site Plan DSP-10017, subject to the following conditions:

- I. Prior to certificate approval, the following revisions shall be made to the special-purpose detailed site plan:
 - a. Exhibit 8 of the special-purpose detailed site plan shall be modified to label an on-street bike lane (not an on-street bike path) on MC-637, per current American Association of State Highway and Transportation Officials (AASHTO) terminology. Pavement markings and signage for the designated bike lanes shall be consistent with the Guide for the Development of Bicycle Facilities (AASHTO) and details for pavement markings and signage shall be included in the special-purpose detailed site plan. Final design for such pavement markings and signage shall be approved by the trails coordinator and the Urban Design Section as designee of the Planning Board.
 - b. The detail for road cross sections including sidewalk on Sheet 9 of the certified Conceptual Site Plan CSP-07004-01 and in Preliminary Plan of Subdivision 4-08018, shall be brought forward as a detail in the subject special-purpose detailed site plan.

- c. A crosswalk detail shall be included in the special-purpose detailed site plan. Such details shall be approved by the trails coordinator and the Urban Design Section as designees of the Planning Board.
- d. A detail for the master plan stream valley trail, consistent with the Department of Parks and Recreation standards, shall be included in the special-purpose detailed site plan. Final design of that detail shall be approved by the trails coordinator and Urban Design Section as designees of the Planning Board.
- e. The applicant shall remove the following statement from the top of page 17 of the special-purpose detailed site plan:

“The applicant has received approval of a Conceptual Site Plan revision which included and after extensive discussion by the Planning Board to allow additional access from the Moore Property through the Smith Home Farm to the west. This was always part of the CSP and promotes interconnectivity as sought by the Sector Plan and all the neighboring projects to allow access to the Central Park for example. The Subdivision section has confirmed this understanding and this DSP and the accompanying on site DSP will flesh out this point. If this is approved, one builder may be responsible for both the Moore Property and that portion of the Smith Home Farm. If this connection is made, this community center would be more convenient for the population in the southwestern portion of the Smith Home Farm than the one proposed on Smith to the north. In that case, the Applicant would like to be able to enlarge the community center at that time of Detailed Site Plan to serve this additional population.”

- f. The special-purpose detailed site plan shall be amended on page 16 to indicate that construction of the community center building shall be bonded prior to issuance of the first building permit for the project and completed prior to the issuance of the first building permit which allows construction of more than 50 percent of the units included in the development.
- g. A note shall be added to the special-purpose detailed site plan indicating that the recreational facilities provided on the Westphalia Center, Moore Property site shall be made reciprocally available to all residents in the larger Westphalia Center.
- h. The design program for the project referred to in all the instances in the special-purpose detailed site plan case file shall be corrected to include a mix of attached single-family dwelling and multifamily residential units, recreational facilities and commercial land use.
- i. The following indicated revisions shall be made to Exhibits 4, 5, 6, and 7 of the special-purpose detailed site plan, or, alternatively, clear notes shall be provided in appropriate locations stating that representation of disputed alignments on the special-purpose detailed site plan does not represent either approval or disapproval of those alignments by the Planning Board.

EXHIBIT NUMBER/NAME	GRAPHIC INDICATES	REVISIONS TO BE MADE TO GRAPHIC
4/Westphalia Conceptual Site Plan	Graphic indicates a black arrow from the Moore Property to the adjacent Smith Home Farm and all other potential accesses from the larger Westphalia Center in grey.	Graphic shall be revised to indicate equal emphasis on all potential accesses and the dashed arrow to the Smith Home Farm property as was included on CSP-07004-01 as a potential access point requiring further study.
5/Transit Stops And Bus Routing Plan	Graphic indicates access to the Smith Home Farm property in a heavier weight and in a solid color.	This graphic shall be revised to include all potential accesses to the Moore Property in equal line weight and the access to the Smith Home Farm property in the dashed arrow as was included on CSP-07004-01 as a potential access point requiring further study.
6/Community Center And Trails	Graphic indicates a solid arrow leading into the adjacent Smith Home Farms indicating a "Westphalia Center bikeway corridor trail", as per the plan legend and two arrows leading to the north, one (red in color) indicating a "bikeway corridor trail" and one (blue in color) indicating a "bike lane along major roads" both to be constructed as part of the Moore Property. The red arrow to the south of the Moore Property is light brown indicated as a "Westphalia Center-bikeway corridor trail" and the blue arrow to the south of the property is dark brown indicated as a "Westphalia Center-bike lane along major roads' trail" according to the legend.	All trails indicated must be confined to the Moore Property and constructed in conjunction with its development. All arrows heading off-site should be removed, unless they are internal to the Westphalia Center development as a whole as external access to the Moore Property is not being considered as part of this special-purpose detailed site plan. The plan recognizes off-site connections will be required per the Westphalia Sector Plan.
7/Openspace Ownership Diagram	This graphic shows only one arrow emanating from the Moore Property. It leads into the Smith Home Farm property.	The arrow shall be removed from the graphic or, alternatively, clear notes shall be provided in appropriate locations stating that representation of disputed alignments on the special-purpose detailed site plan does not represent either approval or disapproval of those alignments by the Planning Board.

- j. The applicant shall correct the reference on Exhibit 8 to the typical bench and receptacle details from Exhibit 11 to Exhibit 12.
- k. The recreational facilities package for the Moore Property shall include:
 - (1) a two-story, 5,000-square-foot community building, with architecture and internal design program to be reviewed and approved 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) ±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 asphalt connector trails, 120 linear feet;
- (7) a swimming pool;

Siting shall be determined during the first detailed site plan or a revision thereto which involves the creation of lots, Detailed Site Plan DSP-09015, Westphalia Center, the Moore Property, Infrastructure, to be heard by the Planning Board on January 13, 2011. The chart provided on page 16, shall be amended to include the above recreational facilities, including triggers for bonding and construction completion as follows.

Recreational Facility or Amenity	Trigger for Bonding Requirement	Trigger for Construction Completion
Two-story 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.
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.
336 linear feet of asphalt trail	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	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.
A 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.

- I. The applicant shall add a copy of the PGCPB Resolution No. 09-95, which formalized the approval of Preliminary Plan of Subdivision 4-08018 to the special-purpose detailed site plan.
- m. The following note shall be added to the special-purpose detailed site plan:

“Certification of this plan *does not* entail approval of the proposed road connection across Cabin Branch or the environmental impacts associated with it.”

- n. Prior to signature approval, discussion of temporary signs on page 13 in the special-purpose detailed site plan shall be corrected on approximately line 18 of the page from "24-four (24)" to "twenty-four (24)."
 - o. The applicant shall correct the special-purpose detailed site plan text to state that the central park is to be located not on the balance of the Westphalia Center, but on the Smith Home Farms property.
- 2. Approval of this special-purpose detailed site plan does not thereby approve a proposed road connection across Cabin Branch or the environmental impacts associated with it.
 - 3. Prior to the approval of a detailed site plan for architecture, the applicant shall revise the subject special-purpose detailed site plan to include sign design standards, including but not limited to quantities, materials, sizes, designs, heights, font sizes and types, location, and methods of illumination for review and approval by the Planning Board.
 - 4. All subsequent detailed site plans for the Moore Property and the larger Westphalia Center project shall be referred to the Transportation Planning Section, the Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA) , as necessary, to ensure that accessibility, safety, and traffic control needs for the circular public space within public road MC-637 and/or any alternative road designs or locations for public spaces are adequately evaluated for accessibility, safety, and traffic control needs.
 - 5. 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), shall be posted prior to the issuance of the first building permit for the project, and that construction of the recreational facilities be complete prior to the issuance of the building permit that would allow 50 percent of the units included in the Westphalia Center, Moore Property development, in accordance with Condition 1.k.
 - 6. 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 the Department of Parks and Recreation (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 Prince George's County 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 DPR a determination of the amount of the monetary contribution required per dwelling unit.

7. At the sole discretion of 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 DPR of the provision of in-kind services, the applicant shall enter into a public recreational facilities agreement (RFA) with Prince George's County 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.

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

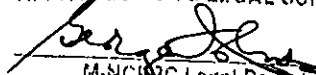
Adopted by the Prince George's County Planning Board this 3rd day of February 2011.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Acting Planning Board Administrator

PCB:JJ:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 1/24/11