



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 12-99(C)

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File No. DSP-12017

C O R R E C T E D R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of infrastructure 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 October 18, 2012 regarding infrastructure Detailed Site Plan DSP-12017 for Westphalia Town Center, Phase 1, the Planning Board finds:

1. **Request:** The subject application is for approval of an infrastructure detailed site plan (DSP) for Phase I of the Westphalia Town Center project. Specifically, this infrastructure DSP covers the middle portion of the town center, also known as the Eastern Residential Area in the previously approved Conceptual Site Plan CSP-07004-01, with a land area of ~~*[119.0]~~ 132.59 acres, including 351 single-family attached lots and one parcel which will be precisely delineated in future DSPs.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T	M-X-T
Use(s)	Commercial, Retail, Office, Hotel and Residential Uses	Commercial and Residential

Acreage	478.48	*[119.0] <u>132.59</u> *
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Note: * Westphalia Town Center is a multi-phase project. This infrastructure DSP for Phase I covers approximately ~~*[119.0]~~ 132.59 acres of land and is for site improvements such as roadway/street grading, woodland conservation, utilities, stormwater management and erosion and sediment control that are essential to the future site development. The lotting pattern shown on the infrastructure DSP is for informational purposes only.

3. **Location:** The larger Westphalia Town Center property is located on the north side of Pennsylvania Avenue (MD 4), west of Melwood Road and east of the interchange of Suitland Parkway and Pennsylvania Avenue. The portion of the property contained in this infrastructure DSP is located in the middle of the project, east of the proposed commercial center and north of the intersection of MD 4 and Woodyard Road (MD 223). The site is also located in Planning Area 78, Council District 6, within the Developing Tier.

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~striethrough~~ indicate deleted language

4. **Surrounding Uses:** The subject infrastructure DSP site is in the middle of the Westphalia Town Center project, which is zoned M-X-T. According to the previously approved Conceptual Site Plan CSP-07004-01 (PGCPB Resolution No. 10-59(C)), to the east of the DSP site is a residential area of the town center; to the west of the site is the planned commercial district; to the north of the site are the planned single-family residential districts in the fringe of the town center; and to the south of the site are the proposed multifamily building sites. All those properties are in the M-X-T Zone.
5. **Previous Approvals:** The *2007 Approved Westphalia Sector Plan and Sectional Map Amendment* rezoned the larger property, consisting of many smaller parcels, from the I-1 (Light Industrial), I-3 (Planned Industrial/Employment Park), and R-A (Residential-Agricultural) Zones to the M-X-T Zone as shown on Exhibits 44 and 45 of the plan, which outline the vision for the subject property. The property is also the subject of a previously approved Conceptual Site Plan CSP-07004, which was approved with conditions by the Planning Board on December 18, 2008, and adopted on January 29, 2009 (PGCPB Resolution No. 08-189). The approved Conceptual Site Plan CSP-07004 was approved with conditions by the District Council on May 8, 2009, subject to a revised order issued by the District Council on June 8, 2009. The property is also the subject of a second revised order issued by the District Council on September 21, 2009. The Planning Board approved a revision to Conceptual Site Plan CSP-07004 on May 20, 2010, to allow the development of the Moore Property to proceed prior to the development of other portions of the Westphalia Town Center project. Conceptual Site Plan CSP-07004-01 completely superseded CSP-07004 for the rest of the Westphalia Town Center project. The property had a previously approved Preliminary Plan of Subdivision 4-08018 for the Moore Property and Preliminary Plan of Subdivision 4-08002 for the balance of the Westphalia Town Center project. The resolutions of approval, PGCPB Resolution Nos. 09-93 and 09-95 respectively, were adopted on June 25, 2009 and remain valid until June 25, 2015. The property is also the subject of an approved Stormwater Management Concept Plan 44782-2007-01, dated February 18, 2011 and valid for three years or until February 18, 2014.
6. **Design Features:** The subject infrastructure DSP site covers approximately ~~*[149.0]~~ 132.59 acres of land, most of which are located in the middle of the larger Westphalia Town Center project, which has a total land area of 478.48 acres. Main access to the site is from the intersection of Pennsylvania Avenue (MD 4) and Woodyard Road (MD 223). A temporary construction access to the site is through the existing Melwood Road to the east of the larger Westphalia Town Center site. Included in this infrastructure DSP are land for approximately 351 single-family attached lots and one parcel for an access roadway to the site from Pennsylvania Avenue, a stormwater management pond located in the northerly part of the site and its access road, and another stormwater management pond located in the easterly part of the larger site adjacent to Melwood Road.

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[Brackets] and ~~strikethrough~~ indicate deleted language

There is also a temporary construction roadway connecting the residential area to the west of the site and intersecting with the service road parallel to Pennsylvania Avenue. The DSP also includes stream restoration design for a portion of Back Branch. Since this is an infrastructure DSP, the plans only show grading, sediment control measures, woodland and specimen trees as well as other limited site improvements, and do not include any buildings or signage.

The DSP also contains a road network plan for the entire Westphalia Town Center project and typical cross sections for all roadways and streets. Since this DSP covers only a portion of the Town Center project, only the cross sections for those roadways and streets within the boundary of this DSP should be included in this application. A condition has been included in this resolution to require the applicant to remove the cross sections of those roadways not covered by this DSP.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance as follows:
 - a. The subject application is in conformance with the requirements of Section 27-547 of the Zoning Ordinance, which governs uses in all mixed-use zones. The larger Westphalia Town Center project is a mixed-use development consisting of commercial, retail, office, hotel and residential uses. The subject DSP for infrastructure covers only a portion of the larger project site with residential and commercial uses and is in conformance with Section 27-547.
 - b. The DSP shows a site layout that is consistent with previously approved Conceptual Site Plan CSP-07004-01.
 - c. The DSP conforms to the applicable site design guidelines as referenced in Section 27-283 and contained in Section 27-274, specifically regarding grading, as discussed below:
 - (7) **Grading.**
 - (A) **Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts. To fulfill this goal, the following guidelines should be observed:**
 - (i) **Slopes and berms visible from streets and other public areas should appear as naturalistic forms. Slope ratios and the length of slopes should be varied if necessary to increase**

visual interest and relate manmade landforms to the shape of the natural terrain;

- (ii) Excessive grading of hilltops and slopes should be avoided where there are reasonable alternatives that will preserve a site's natural landforms;**
- (iii) Grading and other methods should be considered to buffer incompatible land uses from each other;**
- (iv) Where steep slopes cannot be avoided, plant materials of varying forms and densities should be arranged to soften the appearance of the slope; and**
- (v) Drainage devices should be located and designed so as to minimize the view from public areas.**

The approved CSP provides detailed information and requirements for the grading of the site. The DSP for infrastructure is in compliance with the approved CSP and implements its directive fully in regards to grading and buffers, all of which are shown within the limit of disturbance on the plan.

Considerable attention has been given to minimizing disruption to existing topography and other natural and cultural resources. The proposed grading also avoids steep slopes and excessive grading of hilltops. In addition, various landscaping materials have been used to improve the appearance of stormwater management ponds on the site.

- d. Section 27-546, Site Plans, has additional requirements for approval of DSP in the M-X-T Zone as follows:

(d) In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:

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

The purposes of M-X-T Zone as stated in Section 27-542 as follows:

Sec. 27-542. Purposes.

- (a) The purposes of the M-X-T Zone are:**

- (1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;
- (2) To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;
- (3) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;
- (4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;
- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;
- (6) To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;
- (7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;
- (8) To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;
- (9) To permit a flexible response to the market and promote economic vitality and investment; and

- (10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.**

The subject DSP for infrastructure is the first step toward the implementation of the land use and development patterns envisioned in the previously approved Conceptual Site Plan CSP-07004-01. The DSP carries the same uses, but proposes site improvements that are essential to the future development of the site. Therefore, this DSP for infrastructure conforms to the purposes of the M-X-T Zone.

- (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 subject property and larger Westphalia Town Center property were placed in the M-X-T Zone through the *2007 Westphalia Sector Plan and Sectional Map Amendment*. The subject DSP for infrastructure is limited in scope to site improvements such as general site and roadway grading. The site's complete conformance with the design guidelines or standards will be reviewed at the time of full-scale DSP.

- (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 area covered in this infrastructure DSP is in the middle of a larger scheme of development that has been designed to be physically and visually integrated with existing adjacent community.

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

The DSP only includes a middle portion of the eastern development area of the previously approved Conceptual Site Plan (CSP-07004-01) which is a master-planned mixed-use community. The DSP is for grading and infrastructure only. However, as part of the larger master-planned community, this section is compatible with the proposed development in the vicinity.

- (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 area contained in this DSP for infrastructure is part of a larger mixed-use development including many buildings and public amenities as approved in Conceptual Site Plan CSP-07004-01, which was envisioned as an independent town center. The mix of uses including residential, commercial, retail, office and hotel, the arrangement and design of the buildings, landscaping, and other improvements, and the provision of public amenities as approved in the CSP-07004-01 will create a cohesive, independent town center for the Westphalia area.

- (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 Westphalia Town Center project is a multiple-stage development for a mixed-use, master-planned, Regional Urban Community; consisting of up to 5,000 single-family detached, single-family attached and multifamily dwelling units, approximately 5,900,000 square feet of commercial retail and office space, and three hotels with up to 600 rooms. According to the previously approved Conceptual Site Plan CSP-07004, the Westphalia Town Center will be developed in five phases and each phase is designed to allow for effective integration of subsequent phases as a self-sufficient entity.

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

An extensive pedestrian system consisting of master plan trails, bikeways, and sidewalks on all internal streets has been planned for the Westphalia Town Center as well as the adjacent areas. The system is connected to all major destinations within the development and is convenient and comprehensively designed.

- (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**

This DSP for infrastructure does not provide specific information on the design of the pedestrian activity centers or gathering places. However, as illustrated in the

previously approved Conceptual Site Plan CSP-07004-01, high quality pedestrian amenities have been included in the entire design scheme.

- (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 application is a DSP for infrastructure. This requirement is not applicable to this DSP.

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

The Conceptual Site Plan CSP-07004-01 covers the subject site and was approved by the Planning Board on May 20, 2010 and adopted on June 10, 2010 (PGCPB Resolution 10-59(C)). As the CSP was approved less than six years ago, the prior finding of adequacy is still valid.

- (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 larger Westphalia Town Center project contains approximately 478.48 acres of land and is envisioned in the previously approved CSP-07004-01 as a Mixed-

Use Planned Community. Conformance with Section 27-548 of the Zoning Ordinance will be found at time of full-scale detailed site plan for the property.

- e. Section 27-548 of the Zoning Ordinance prescribes additional regulations regarding density, building, landscaping, buffering, gross floor area computation, building height for multifamily buildings, townhouses etc. for development in the M-X-T Zone. Since this DSP for infrastructure contains limited information pertinent to the requirements of Section 27-548, additional review for the site's conformance with those regulations will be conducted at the time of full-scale detailed site plan when the site, building and landscaping information are complete.
8. **Conceptual Site Plan CSP-07004-01:** The Planning Board approved Conceptual Site Plan CSP-07004 for a mixed-use town center, known as Westphalia Town Center, consisting of up to 5,000 dwelling units and 800,000-1,400,000 square feet of retail space and 4,000,000-4,500,000 square feet of office space, as well as up to 600 hotel rooms on December 18, 2008. The Prince George's County District Council approved the project with conditions on May 8, 2009 and issued a revised order on June 8, 2009. On May 20, 2010, the Planning Board approved a revision to the previously approved CSP-07004 to allow the development of the Moore Property (consisting of a maximum 505 attached dwelling units, 135 multifamily units and 3,000 square feet of community/retail land use) to proceed prior to other portions of Westphalia. At the time of CSP-07004-01 approval, the Planning Board specifically stated in the resolution PGCPB Resolution No. 10-59(C) that Conceptual Site Plan CSP-07004-01 supersedes and replaces previously approved CSP-07004 in its entirety. Of 40 conditions attached to the approval of CSP-07004-01, the conditions that are applicable to the review of this infrastructure DSP are discussed as follows:
- 4. **At least 35 days prior to Planning Board approval of the preliminary plan of subdivision, a stream corridor assessment using the Maryland Department of Natural Resources protocol shall be submitted. General impacts to the entire stream valley for stream restoration shall be approved at the preliminary plan stage. Specific impacts for stream restoration will be determined, reviewed, and approved at the detailed site plan stage. Streams shall not be piped unless absolutely necessary to address a water quality or water conveyance problem.**
- A stream corridor assessment was submitted at time of preliminary plan of subdivision for the larger site and was found acceptable. In accordance with the stream corridor assessment, a stream restoration plan for a portion of the Back Branch has been included in this DSP for infrastructure. The Environmental Planning Section reviewed the restoration plan and recommended approval.
- 8. **The stormwater management (SWM) ponds shown on the TCPI with the preliminary plan and all subsequent plans shall be designed as amenities to the community to the fullest extent possible with features such as utilization of the natural contours of the site, providing extensive landscaping,**

providing walking trails where appropriate, and shall include the use of low-impact development (LID) stormwater management techniques to the fullest extent possible, such as the use of forebays to trap sediment, bioretention, French drains, depressed parking lot islands, and native plants.

Two stormwater management ponds have been shown on this DSP for infrastructure with limited information. Since this DSP is limited to general grading and location of the essential site improvements, additional review will be carried out at the time of full-scale detailed site plan.

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

A signed NRI has been approved with the Preliminary Plan of Subdivision 4-08002, which included a total Impact of approximately 14.58 acres, labeled as A thru O on the statement of justification. The subject application proposes additional impacts to the previously approved impact F due to necessary engineering change to the Road O on the Conceptual Site Plan CSP-07004-01 that were not approved with the preliminary plan.

According to the review by the Environmental Planning Section (Reiser to Zhang), this project is grandfathered from the environmental provisions contained in Subtitles 24, 25, and 27 (under County Council Bills CB-26, CB-27, and CB-28-2010, respectively) that came into effect on September 1, 2010, as well as from the provisions contained in Subtitles 24, 25, and 27 (under CB-30, CB-32, and CB-34-2011, respectively) that came into effect on February 1, 2011, because the project has a previously approved preliminary plan of subdivision (4-08002). There are no provisions to review and approve new or significant changes to PMA impacts as part of a detailed site plan review process; however, minor changes that can be considered in general conformance with the preliminary plan approval have typically been acceptable.

The current application shows a different Road O layout than what was approved with the conceptual site plan because the transportation engineering requirements for the proposed ramp off Pennsylvania Avenue (MD 4) mandate a larger turning curve than previously approved on the Conceptual Site Plan CSP-07004-01. As a result, and agreed upon by the

Prince George's County Department of Public Works and Transportation (DPW&T), sheet 49 of the TCPII shows a proposed traffic circle for Road O, and LOD expanded beyond what was previously approved. Specifically, this new road design shows impacts to the primary management area (PMA) in excess of what was previously approved.

The applicant provided an additional justification statement for this change to the approved impacts. Additional quantitative data were also provided to compare total impacts before and after the change to Road O. In accordance with the referral comments from the Environmental Planning Section, the actual increase in PMA impact is less than 0.5 acre. The Environmental Planning Section concluded that the proposed change in the road design for Road O from a 500-foot radius curve to a roundabout, and the resulting increase to the previously approved PMA impacts, are in general conformance with Preliminary Plan of Subdivision 4-08002 and are necessary for protecting the health, safety, and general welfare of the future residents of the Westphalia Town Center.

- 10. No woodland conservation shall be proposed on dedicated parkland, unless written authorization from the Department of Parks and Recreation has been provided prior to Planning Board approval of the associated TCP.**

No woodland conservation has been shown on any dedicated land in this DSP.
Conformance with this condition will be reviewed at the time of full-scale DSP.

- 11. At least 35 days prior to Planning Board approval of the preliminary plan of subdivision, a Phase I noise study that addresses noise related to Andrews Air Force Base, MD 4, and A-52 and A-66 shall be submitted. The TCPI for the preliminary plan shall show the resulting noise contours at both ground level and upper-story elevations. The plan shall also illustrate conceptually how noise levels will be reduced to 65 dBA Ldn for outdoor activity areas and 45 dBA Ldn for indoor living areas.**

The 65 dBA Ldn contour line has been shown on the DSP in accordance with the approved Phase I noise study approved with the preliminary plan of subdivision.

- 12. The preliminary plan and TCPI shall propose restoration of the stream valley for the Back Branch drainage area. Along with this innovative LID stream restoration, on-site pretreatment will be provided at each stormdrain outfall in the amount of 10 percent of the water quality volume for that area. For this pretreatment, innovative LID techniques such as bioretention within parking lot islands, vegetated buffers, infiltration trenches, or pervious pavement will be utilized in the areas draining to Back Branch between Pennsylvania Avenue and Presidential Parkway. By providing improved water quality and protecting the channel through stream restoration, the**

proposed SWM pond treating the residential area draining to Back Branch and its conveyance system can also be greatly reduced.

A stream restoration plan has been proposed with this DSP for the portion of the Back Branch located within the limits of this DSP. The restoration plan proposes to employ various techniques such as velocity check dams, step pools, and rip rap to slow down the stream and minimize the damage to the banks along with bank repair measures. Additional review for conformance with this condition will be completed at the time of full-scale DSP.

- 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.**

This application is a DSP for infrastructure. Conformance with this condition will be further reviewed at time of special-purpose DSP.

- 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.**

This application is a DSP for infrastructure. Conformance with this condition will be further reviewed at time of special-purpose DSP.

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

This application is a DSP for infrastructure and does not include any buildings. Conformance with this condition will be further reviewed at the time of full-scale DSP.

- 18. **Each detailed site plan shall demonstrate conformance to landscaping standards. In general, development on the site shall be subject to the standards of Section 4.8 of the Landscape Manual, in addition to the following standards:**
 - a. **Single-family detached lots larger than 9,500 square feet shall provide at least one shade tree and one ornamental or evergreen tree on the lot.**
 - b. **Required landscaping for attached dwelling units shall be provided on the individual lots or common open space directly associated with the attached dwellings. Plantings within public or private open spaces shall only be counted towards the requirements where those spaces are located adjacent to the attached dwellings and are easily accessible to residents.**

- c. **Surface parking lots larger than five parking spaces shall be subject to the landscaping standards of Section 4.3 of the Landscape Manual.**
- d. **In general, uses within the town center shall not be buffered from each other. However, buffering of highly incompatible adjacent uses may be deemed necessary at the time of detailed site plan review.**

This application is a DSP for infrastructure and does not include any buildings. Limited information has been provided with this application. Conformance with this condition will be further reviewed at the time of full-scale DSP.

- 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 *proper[ty][sic] siting prior to approval of the detailed site plan by the Planning Board.**

Sufficient attention has been given to the private on-site recreational facilities and homeowner association (HOA) open spaces at time of Conceptual Site Plan CSP-07004-01 review and approval. Conformance with this condition will be further reviewed at the time of full-scale DSP.

- 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.**

Conformance with this condition will be further reviewed at the time of full-scale DSP.

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

This DSP shows some of the planned pedestrian amenities as approved in Conceptual Site Plan CSP-07004-01 that are closely related to the roadways included in this DSP such as sidewalks, Americans with Disabilities Act (ADA) curb cuts, ramps, and crosswalks. According to the trail planner's review, the pedestrian amenities provided within this DSP for infrastructure are acceptable and meet the requirements of the applicable regulations.

- 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.

Conformance with this condition will be further reviewed at time of special purpose DSP.

- 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.**

Conformance with this condition will be further reviewed at time of special purpose DSP.

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

- a. MD 4 and Forestville Road Intersection**
- **Add a third westbound through lane along MD 4.**
 - **Add a second northbound double left turn lane along Forestville Road at MD 4.**
 - **Add a second northbound through lane along Forestville Road at MD 4.**
 - **Convert the southbound right turn lane into a combined through-and-right lane.**
 - **Add a second southbound left turn lane along Forestville Road at MD 4.**
 - **Rebuild the existing traffic signal.**
- b. MD 4 and Dowerhouse Road**
- **Construct a grade separated two-point diamond interchange with traffic signals at both at-grade intersections, subject to the requirements of SHA.**

c. MD 4 and MD 223 Interchange

- **The applicant will rebuild this interchange as detailed on Exhibit 12 as Alternate P-1.**
- **Install new traffic signals at Old Marlboro Pike and Presidential Parkway, Old Marlboro Pike and Melwood Road, and Old Marlboro Pike and MD 4 WB off-ramp.**
- **Construct a second southbound left turn along MD 223 at the MD 4 EB on-ramp.**
- **Widen the MD 4 EB on-ramp to accept the southbound double left movement.**
- **Provide a third NB through lane along MD 223 at the MD 4 EB on-ramp.**
- **Install a traffic signal at the intersection of MD 223 and MD 4 EB off-ramp – MD 4 EB on-ramp.**

d. MD 223 and Perrywood Road

- **Conduct a signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.**

e. MD 223 and Marlboro Pike

- **Construct a southbound double left turn lane.**
- **Modify the traffic signal.**
- **Provide separate left, through, and right turn lanes on the eastbound approach.**

f. MD 223 and Dowerhouse Road

- **Create a double left, a through, and a separate right turn lane on the northbound approach along MD 223.**
- **Create a left turn, a through, and a shared through-and-right lane on the southbound approach along MD 223.**
- **Modify the traffic signal.**

Conformance with this condition will be further reviewed at the time of full-scale DSP.

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.**

Conformance with this condition will be further reviewed at time of special-purpose DSP.

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

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

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

- a. **The minimum development amounts on the site shall be 150 single-family detached houses, 1,650 attached dwelling units, 1,800 multifamily dwelling units, 500 hotel rooms, 900,000 square feet of retail, and 2,200,000 square feet of office. As development proceeds, adequate traffic capacity shall be reserved to allow the development of these minimum amounts. Development may proceed beyond these minimums provided adequate transportation capacity will exist for that development.**
- b. **Attached dwelling units shall be limited to 50 percent of the total dwelling units on the Westphalia Center site as a whole, including the Moore Property. Regardless of the relative quantities of different unit types approved on detailed site plans, building permits shall not be issued which would result in the attached units cumulatively exceeding 50 percent of the total of all dwelling units for which**

permits have been issued for the Moore Property and the balance of the Westphalia Center property. Up to 100 percent of the building permits for attached dwelling units may be issued for development on the Moore property if it is in compliance with all other requirements.

- c. Prior to issuance of permits for the 1,400th dwelling unit on the balance of the Westphalia Center property, excluding the Moore Property, 300,000 square feet of retail space and 500,000 square feet of office space shall be constructed in the Core area. Permits for development on the Moore Property may be issued prior to any commercial development in the central Core Area.
- d. Prior to issuance of permits for the 2,800th dwelling unit, 600,000 square feet of retail space and 1,000,000 square feet of office space shall be constructed in the Core area.
- e. Prior to issuance of permits for the 4,200th dwelling unit, 900,000 square feet of retail space and 1,500,000 square feet of office space shall be constructed in the Core area.
- f. Prior to issuance of permits for the 500,000 square feet of retail development, 250,000 square feet of office shall be constructed.
- g. Prior to issuance of permits for the 750,000 square feet of retail development, 500,000 square feet of office space shall be constructed.
- h. No single retail space shall be approved that exceeds 125,000 square feet of gross floor area within Westphalia Center.
- i. A phasing and tracking chart shall be prepared in accordance with the approved phasing plan prior to certification of the CSP. This chart shall be submitted with each detailed site plan and comprehensively updated to ensure conformance with the phasing plan. The chart shall also be submitted with every building permit. No building permit shall be issued which does not conform to the phasing schedule above.

A phasing plan consisting of five stages has been approved with Conceptual Site Plan CSP-07004-01. Revisions to the previously approved phasing plan are common due to the constantly changing development conditions. Conformance with this condition will be reviewed at time of special-purpose DSP.

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

Conformance with this condition will be reviewed at the time of full-scale DSP.

- 33. In areas of landscaping and street furniture, a clear horizontal sidewalk space of eight feet shall be maintained to accommodate the heavier pedestrian traffic anticipated in the town center Core area. The optional zone may be reduced to 28 feet in order to accommodate this change.**

Conformance with this condition will be reviewed at the time of full-scale DSP.

- 34. Total development within the subject property shall be limited to uses which generate no more than 7,149 AM peak-hour trips, and 8,910 PM peak-hour trips, in consideration of the approved trip rates and methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified herein-above shall require a revision to the conceptual site plan with a new determination of the adequacy of transportation facilities.**

This application is a DSP for infrastructure and does not alter the number of the trips as previously approved.

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

According to the worksheet provided on the submitted Type II Tree Conservation Plan TCPH-029-12, the plan proposes to meet the woodland conservation requirement of the current rough grading application with woodland to remain in later phases. The Environmental Planning Section (Reiser to Zhang), believes that this approach is acceptable for rough grading purposes. However, as each development phase moves forward, it must meet its own requirement within that phase, and in conformance with the TCPI.

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

Conformance with this condition will be reviewed at the time of full-scale DSP.

- 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.**

Conformance with this condition will be reviewed at time of either special-purpose or the full-scale DSP.

- 9. Preliminary Plan of Subdivision 4-08002:** The Planning Board approved Preliminary Plan of Subdivision 4-08002 for Westphalia Town Center with 54 conditions. That approval does not include the Moore Property, which was approved under a separate Preliminary Plan of Subdivision 4-08018. The conditions that are relevant to the review of this DSP are discussed as follows:
- 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 TCPH shall provide a cover sheet that clearly depicts the phasing and requirements for the entire site.**

A Type II Tree Conservation Plan has been submitted with this DSP for infrastructure. Since no buildings and no development other than rough grading of the site are proposed with this DSP, the phasing included in this DSP is consistent with the phasing plan as approved with CSP-07004-01.

No new phasing has been proposed with this DSP. Conformance with this condition will be further reviewed at time of full-scale DSP.

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

This DSP for infrastructure satisfies this condition. An approved Stormwater Management Concept Plan 44782-2007-01 has been submitted with this application and is valid through 2014.

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

The PUEs required by this condition have been shown along the roadways and streets included in this DSP for infrastructure wherever they are applicable. Since this DSP is for rough grading and limited site improvements that are essential to future development of the Westphalia Town Center project, not enough information has been provided to determine the specific location of each utility. Conformance with this condition will be further reviewed at the time of full-scale DSP.

10. **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.

Private recreational facilities on homeowners association open-space land including community centers have been envisioned on the approved Conceptual Site Plan for the Westphalia Town Center project. Since this DSP is for infrastructure only, no specific private recreational facilities have been provided on the plan. As required by Condition 11 below, conformance with this condition will be reviewed at time of special-purpose detailed site plan.

- 11. 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-7004.**

Conformance with this condition will be reviewed at time of special-purpose detailed site plan.

- 16. Detailed site plan(s) shall demonstrate that lots fronting on MC-637, MC-632, C-636 will be rear loaded and shall not have direct vehicular access to these master-plan roads.**

The subject DSP is an infrastructure DSP for grading of the site, roadway, and other site improvements that are important for future development. The site plan shows lot lines for 351 lots, but for informational purposes only. Conformance with this condition will be reviewed at the time of full-scale DSP.

- 17. The applicant and the applicant's heirs, successors and/or assignees shall dedicate Parcel 25 to the Board of Education at the time of dedication of any public rights-of-way abutting Parcel 25, or as determined at the time of approval of the special-purpose site plan.**

The subject DSP is an infrastructure DSP, not the special-purpose site plan. This condition is not applicable at this time.

- 18. The applicant and the applicant's heirs, successors and/or assignees shall dedicate Lot 7 to Prince George's County for the construction of a fire/EMS station at the time of dedication of Parcel 25 to the Board of Education, or as determined at the time of approval of the special-purpose site plan, unless otherwise determined by the District Council or Planning Board.**

The subject DSP is an infrastructure DSP, not the special-purpose site plan. This condition is not applicable at this time.

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

The transit station is located between A-66 and Pennsylvania Avenue (MD 4) in accordance with the approved Conceptual Site Plan CSP-07004-01 for the Westphalia Town Center. The subject DSP for infrastructure covers only the middle portion of the development area which is located northeast of the transit station site, about two blocks away. The transit station site is outside of this DSP boundary.

21. **In conformance with the approved Westphalia sector plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following, with triggers for construction to be determined with the special purpose detailed site plan:**
- a. **Construct the master-plan trail along the subject site's portion of Cabin Branch. The trail alignment shall follow the existing sewer easement to the extent practical and will cross the Westphalia Center, Moore Property, and Smith Property applications.**
 - b. **Construct the master-plan trail along the subject site's entire segment of Back Branch on the alignment proposed by the applicant on the Trail Alignment Exhibit. The stream valley trail shall be completed in phase with the completion of the associated proposed roadways and the stormwater management pond. If some or all of Private Road QQ is eliminated (per discussion with the applicant and EPS), the master-plan trail shall still be constructed on or near the same alignment as envisioned in the sector plan.**
 - c. **Construct the minimum eight-foot-wide master-plan trail along the subject site's entire frontage of the north side of MC-634 and A-66. In the vicinity of the town center, this trail may be replaced by a decorative wide sidewalk and streetscape. Treatment alternatives can be evaluated at the time of DSP.**
 - d. **Pedestrian safety features, traffic calming, and pedestrian amenities will be evaluated at the time of each DSP.**
 - e. **The approved Westphalia sector plan recommends that Melwood Road be designated as a Class III bikeway with appropriate signage. Because Melwood Road is a County right-of-way, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of**

\$1,260 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. Any appropriate safety improvements necessary along this County OP minimal maintenance road will be determined by DPW&T and should accommodate bicycle movement.

- f. Provide minimum ten-foot-wide sidewalks along both sides of the town center boulevard.**
- g. Mark and label the six-foot-wide sidewalks on the urban residential road 70-foot right-of-way.**
- h. In areas of landscaping and street furniture, a clear horizontal sidewalk space of eight feet shall be maintained to accommodate the heavier pedestrian traffic anticipated in the town center Core. The optional zone may be reduced to 28 feet in order to accommodate this change.**
- i. Provide minimum ten-foot-wide sidewalks (clear pedestrian zones) along both sides of the town center boulevard. The optional zone for the town center boulevard may be reduced to 26 feet.**
- j. Modify the width of the "urban sidewalks" included on the north-south urban mixed-use roads to be a minimum of eight feet. The optional zone for the north-south urban mixed-use roads may be reduced to 28 feet.**
- k. Provide minimum sidewalks of six feet along both sides of MC-632 as approved on the street sections for CSP-07004.**
- l. Provide six-foot-wide sidewalks and designated bike lanes along MC-637 as approved on the street sections for CSP-07004.**
- m. Standard sidewalks shall be provided along both sides of all internal roads (excluding alleys), unless modified by DPW&T.**
- n. Each DSP shall be referred to WSSC for additional review and comments concerning the stream valley trail alignment within the sanitary sewer easement.**
- o. Each DSP shall identify the limits of the public use easements to ensure that the easements are reflected on the final plat(s).**

The subject DSP is an infrastructure DSP, not the special-purpose site plan. The required triggers will be set at time of special-purpose site plan review.

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

The DSP shows a portion of the property abutting Pennsylvania Avenue (MD 4) without providing any landscape buffer. A condition has been included in the Recommendation Section to require the applicant to revise the Landscape Plan to provide the bufferyard and the schedule in accordance with this condition.

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

This DSP is for infrastructure only and does not include any buildings. Conformance with this condition will be reviewed at the time of full-scale DSP.

- 26. Any detailed site plan, except the special-purpose DSP, adjacent to Melwood Road from Public Road O to 500 feet north of Public Road O (approximately 900 feet north of MD 4) shall address the following:**
- a. The conservation of historic Melwood Road by providing a transitional landscape buffer along the western frontage of the road. The landscape buffer shall begin with a width of 10 feet at the southern end, and expanding to a width of 30 feet, subject to the provision of plant units equivalent to those for similar width bufferyards as indicated in the Landscape Manual. Existing trees shall be preserved to the greatest extent possible, and supplemental planting shall be with native plant species; and**
 - b. Establish a building restriction line 50 feet from the property boundary fronting on Melwood Road to encourage development to be set well back from the historic road.**

This DSP shows the eastern section of the site abutting existing Melwood Road. The limit of disturbance (LOD) line almost overlays the property boundary at several locations. In order to be consistent with this condition, even though there is no building included in this infrastructure DSP, the 50-foot building restriction line shall be clearly shown on the certified infrastructure DSP.

- 27. Any detailed site plan, except the special-purpose DSP, adjacent to Melwood Road from approximately 500 feet north of Public Road O (900 feet north of MD 4) to**

Westphalia Road shall address the conservation of historic Melwood Road as an integral part of the community's trail and greenway network and address the following concerns:

- a. Design road improvements in accordance with the Department of Public Works and Transportation road design standards for scenic and historic roads, and provide for the necessary road improvements without compromising the valuable contribution to community character Melwood Road provides;**
- b. Discourage entrance features and signs at the one recommended entrance onto Melwood Road.**

Conformance with this condition will be reviewed at the time of full-scale DSP that covers the area.

29. The submission package for the first DSP for any area of the Westphalia Center draining into Back Branch shall contain:

- a. A comprehensive and detailed stream restoration plan for Back Branch.**
- b. A technical stormwater management plan which demonstrates the use of stream restoration as an innovative stormwater management technique. Access to conduct the proposed work must be shown, along with all required clearing and grading for the proposed work. Staging areas, phasing, and other plan details needed for construction shall also be provided.**

A detailed stream restoration plan for Back Branch has been provided with this DSP. The stream restoration plan provides detailed measures that will be employed to slow down the velocity of the stream and repair the damaged stream banks. Since this is an infrastructure DSP, only a Stormwater Management Concept Plan 44782-2007-01 has been submitted. Conformance with the second subcondition will be reviewed by the Department of Public Works and Transportation (DPW&T) at time of the permit when the technical plan is ready.

30. Prior to approval of a DSP, other than the special-purpose DSP which includes the stormwater management ponds, the design shown on the conceptual stormwater facility layout renderings shall be shown on the DSP.

This DSP for infrastructure shows the stormwater management design is in general conformance with the approved concept plan.

32. All detailed site plans, other than the special-purpose detailed site plans, which include property located within the 65 dBA Ldn noise contour associated with the roads on the north side of Presidential Parkway, shall demonstrate that outdoor

activity areas associated with any residential dwelling units are located outside the 65 dBA Ldn noise contour.

The 65 dBA Ldn noise contour has been shown along the applicable roadways within the boundary of this DSP. Even though there are lots on the DSP, the lotting pattern shown on the plans is for informational purpose only. Conformance with this condition will be reviewed at the time of full-scale DSP.

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

The area covered in this DSP for infrastructure is not located within the vicinity of Impacts A through D.

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

According to the review of the Environmental Planning Section (Reiser to Zhang), of all the specimen trees that are proposed to be removed under the current application, specimen tree 60 is the only tree that has been survey located, is proposed to be removed, and is listed as being in good condition. A portion of the critical root zone is proposed to be impacted, and a retaining wall is proposed to be installed within the root zone; however, this tree is located in the primary management area (PMA) and efforts should be made to preserve this tree to the extent practicable. Techniques such as root pruning, fertilization, and aeration should be implemented during rough grading. At the time of full-scale DSP for the area containing specimen tree 60, an evaluation by a certified arborist should be submitted. The report should contain a description of the efforts made to date to save the tree and an opinion as to the long term survivability of the tree. A final determination as to the removal of specimen tree 60 should be made at that time.

- 42. Total development within the subject property shall be limited to uses which generate no more than 6,816 AM peak-hour trips, and 8,526 PM peak-hour trips, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified herein-above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

This DSP for infrastructure does not propose any alteration of the overall development indicators as approved in Conceptual Site Plan CSP-07004-01. Conformance with this condition will be reviewed in the future when any changes are proposed.

43. **A traffic phasing analysis will be submitted and reviewed during the processing of the detailed site plan for each phase. This traffic phasing analysis will define the improvements required for Phase 1A, 1B, 1C, 2A, 2B, 2C, 2D, 3A, 3B, and Phase 5. These above-mentioned traffic conditions will be modified to adjust the timing trigger and extent of these improvements for each phase. This phasing analysis will not exceed the 6,186 AM peak-hour trips, and 8,526 PM peak-hour trip cap, unless a new preliminary plan of subdivision is processed.**

This DSP for infrastructure is for a portion of Phase 1 as approved in Conceptual Site Plan CSP-07004-01 and does not include any buildings. A traffic phasing analysis will be required at the time of full-scale DSP for each phase.

49. **Direct vehicular access to historic Melwood Road shall be limited to one access point within the Fringe, and shall be located to the south to the greatest extent possible. Adequate safety roadway improvements for Melwood Road between MD 4 and new road MC-632, including traffic calming devices, shall be bonded for construction prior to the issuance of building permits for the Westphalia Center development project as determined appropriate by the Department of Public Works and Transportation.**

This DSP for infrastructure shows only one temporary access off Melwood Road to service the grading of the site. Conformance with this condition will be reviewed at the time of full-scale DSP covering this portion of the project.

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

Conformance with this condition will be reviewed prior to approval of the special purpose DSP.

54. **At the time of each detailed site plan review, except the special purpose detailed site plan the applicant shall:**
- a. **Integrate the proposed commercial development located on residential and recreational parcels within the Edge with the residential and recreational uses in a mixed-use arrangement.**

- b. **Provide a parking study for each block group of the site so as to ensure an adequate provision and distribution of parking (including handicapped-accessible parking) across the site.**
- c. **Minimized to the fullest extent possible the direct vehicular access from lots and parcels onto master-planned roads.**

Conformance with this condition will be reviewed at the time of full-scale DSP covering the specific site.

- 10. **Prince George's County Landscape Manual:** This DSP for infrastructure is technically subject to the requirements of Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.5, Stormwater Management Facilities; Section 4.6, Buffering Development from Streets; Section 4.8, Landscape Requirements in a Regional Urban Community; Section 4.9, Sustainable Landscape Requirements; and Section 4.10, Street Trees Along Private Streets of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). However, since the applicant specifically limits the scope of the DSP to rough grading of the site and roadways within the proposed development area only, along with a limited stream restoration plan for a portion of Back Branch as well as some woodland conservation efforts, there is not enough specific site-related landscaping information provided with this infrastructure DSP to perform a meaningful review. As required by the Landscape Manual, additional review and permitting are needed before the applicant can move forward with construction of any portion of the Westphalia Town Center project. The conformance with the specific Landscape Manual requirements will be reviewed at the time of full-scale DSP.
- 11. **Prince George's County Woodland and Wildlife Habitat Conservation and Tree Canopy Coverage Ordinance:** The project is subject to the Woodland and Wildlife Habitat Conservation Ordinance because the subject site has a gross tract area in excess of 40,000 square feet in size, contains more than 10,000 square feet of woodland and has a previously approved Tree Conservation Plan TCPI/014/08-01. The site also contains sensitive environmental features such as streams, 100-year floodplain, wetlands, severe slopes, and areas of steep slopes with highly erodible soils.
 - a. A signed Natural Resources Inventory Plan (NRI/094/06-01) was submitted with the application. The revision to the NRI was signed by the Environmental Planning Section on December 16, 2008. The Environmental Planning Section's review found that the regulated environmental features on the subject site have not been shown on the Type II tree conservation plan (TCPII) consistent with the approved natural resource inventory (NRI) plan. The TCPII needs to be revised to show the PMA and all regulated environmental features in accordance with the approved NRI. The cover sheet of the TCPII should also show the regulated environmental features.

- b. Type I Tree Conservation Plan TCPI/014/08-01 established the site area as 482.57 acres, with 19.41 acres of floodplain, 482.57 acres of existing woodland, and 19.13 acres of wooded floodplain. The Type II Tree Conservation Plan TCPII-029-12 submitted with the current application indicates that the site area is 478.48 acres, with 19.45 acres of floodplain, 439.8 acres of existing woodland, and 19.23 acres of wooded floodplain. According to the review by the Environmental Planning Section, the site statistics for the current application need to be revised to reflect what was previously approved, or written verification must be provided to justify the change. The worksheet must be revised to reflect accurate site statistics.
- c. The Tree Canopy Coverage Ordinance came into effect on September 1, 2010. All activities that require a grading permit after September 1, 2010 must provide the tree canopy coverage percentages required by Section 25-128 of the Prince George's County Woodland and Wildlife Habitat Conservation and Tree Canopy Coverage Ordinance. The site is subject to the requirements of the Tree Canopy Coverage Ordinance and must provide a minimum ten percent of area to be covered by tree canopy. The Type II tree conservation plan shows that the larger site needs to have 47.8 acre TCC area and the application provides a total of 294.1 acres (including 276.04 acres of on-site woodland and 18.06 acres of existing trees), which is above and beyond what is required by the TCC Ordinance for this site. Additional review for specific sites will be done at the time of full-scale DSP.

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

- a. **Subdivision Review**—The Planning Board concluded that Detailed Site Plan DSP-12017 is in substantial conformance with the approved Preliminary Plan of Subdivision 4-08002, subject to two minor conditions that provide clarification on the DSP for infrastructure. The two conditions have been included in this resolution.
- b. **Transportation Planning**—The Planning Board did not have any transportation comments on this DSP for infrastructure.
- c. **Trails**—The Planning Board found that from the standpoint of non-motorized transportation, this plan is acceptable and fulfills the intent of applicable master plans and functional plans, meets prior conditions of approval and findings required for a detailed site plan. Four conditions regarding non-motorized transportation have been included in the resolution.
- d. **Environmental Planning**—The Planning Board reviewed applicable conditions attached to previous approvals of Conceptual Site Plan CSP-07004-01 and Preliminary Plan of Subdivision 4-08002 that govern this application. The Planning Board also analyzed the applicant's request to slightly increase the project's PMA impact areas due to change to

Road O because of transportation engineering requirements and concluded that the proposed increase to the previously approved PMA impacts is in general conformance with what has been approved in Preliminary Plan of Subdivision 4-08002 and is necessary for protecting the health, safety, and general welfare of future residents in the Westphalia Town Center, and approved this DSP for infrastructure with six conditions that have been included in this resolution.

- e. **Department of Public Works and Transportation (DPW&T)**—DPW&T provided comments regarding master plan roadways, right-of-way dedication, frontage improvements, transit routes, design of roundabouts, sight distance, traffic calming plans, access from public roadways, street trees, sidewalks, stormwater facilities, and soil investigation. No specific conditions have been proposed.

In a follow-up e-mail, the District Engineer stated that DPW&T had no objection to the proposed roundabout and the proposed public and private roadway classifications as shown on the exhibit attached.
- f. **Prince George's County Police Department**—The Community Services Division stated that there are no crime prevention through environmental design (CPTED) concerns at this time.
- g. **The Maryland State Highway Administration (SHA)**—SHA stated that since this DSP is only for grading, roads, stormwater management and related infrastructure components, further review of this project will be withheld until the full-scale DSP review, when a hydraulic analysis, a geotechnical report and detailed plans of the development should be included.
- h. **The Department of Parks and Recreation (DPR)**—DPR provided no comments on this application.
- i. **The Westphalia Sector Development Review Council**—The Westphalia Sector Development Review Council did not respond to the request for commenting on this infrastructure DSP.
- j. **Health Department**—The Environmental Engineering Program of the Prince George's County Health Department had no comments or recommendations on this DSP for infrastructure.
- k. **Washington Suburban Sanitary Commission (WSSC)**—WSSC provided comments regarding utility coordination, WSSC right-of-way, and WSSC crossing and clearance standards. In addition, WSSC also provided comments on the previously approved Preliminary Plan of Subdivision 4-08002 as an attachment to the memorandum.

1. **The Potomac Electric Power Company (PEPCO)**—In an e-mail dated August 22, 2012, the utility company stated that PEPCO will be extending mainline trunk facilities to service the site and will require at a minimum 15-foot public utility easements (PUE) in addition to other easement area for service equipment. Final PUE determinations have yet to be made.
13. Based upon the foregoing analysis and as required by Section 27-285(b)(3) of the Zoning Ordinance, the subject detailed site plan satisfies the site design guidelines as contained in Section 27-274, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge. In addition, as required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board must also find that the regulated environmental features on a site have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130 (b) (5). The subject DSP for infrastructure contains numerous regulated environmental features, such as streams, wetlands, steep slopes, and floodplain and those features have been preserved and/or restored in a natural state to the fullest extent possible.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII-029-12) and further APPROVED Detailed Site Plan DSP-12017 for the above-described land, subject to the following conditions:

1. Prior to certification of this DSP, the applicant shall:
 - a. Remove those roadway cross sections for the roadways or streets that are not covered by this DSP.
 - b. Delineate the 50-foot building restriction line on the DSP for the portion of the property along the eastern boundary line that abuts Melwood Road.
 - c. Revise coversheet as follows:
 - (1) Add the Preliminary Plan of Subdivision number "4-08002" and the approval date "June 4, 2009."
 - (2) Change Line 24 of the tracking table from "113 single-family detached dwellings" to "114" and update the subtotal to "1082" and "1521 total number of single-family detached dwellings respectively."
 - d. Revise Sheet 39 to label the proposed entrance to the site as a temporary construction entrance.

- e. Amend Street Section G and associated plan sheets to reflect a minimum sidewalk width of eight-feet, per Condition 21 c of Preliminary Plan of Subdivision 4-08002.
- f. Amend the plan sheets to indicate Americans with Disabilities Action (ADA) curb cuts, ramps, and crosswalks at appropriate locations.
- g. Revise Public Road A west of the East Circle to include the minimum ten-foot-wide sidewalk required in approved Street Section B.
- h. Extend Street Section E along the entire length of Public Road O and clearly delineate on the DSP what portion of Public Road O will be constructed as part of Phase I.
- i. Revise the site statistics in the worksheet and on the plan to be consistent with approved Type I Tree Conservation Plan TCPI/014/08-01, or provide acceptable written verification to justify the change.
- j. Move all retaining walls a minimum of ten feet from any regulated environmental features and/ or areas of woodland conservation.
- k. Revise the TCPII notes as follows:
 - (1) Add standard Note 9 regarding the grandfathering status of the project.
 - (2) Remove the statement "Removal of hazardous trees or limbs by developers or builders" currently shown at the end of Note 13.
 - (3) Remove "If development is proposed to be completed in phases" currently shown at the end of Note 17.
 - (4) Add the standard notes regarding development in phases.
 - (5) Add the standard post development notes.
- l. Revise the TCPII detail sheet as follows:
 - (1) Provide the standard tree preservation detail (det-4).
 - (2) Provide the temporary fence protection detail for woodland preservation (det-5).
 - (3) Provide the standard root pruning detail (det-10).
 - (4) Provide the standard tree pruning detail (det-11).
 - (5) Revise the blaze orange fence detail to provide the following as Note 5:

“protective signage is also required” per the standard detail (det-4).

- (6) Revise the preservation and reforestation sign details to include the standard notes (det-1 and det-2).
- m. Revise the plan and the specimen tree table to label all trees located within the limit of disturbance (LOD) as being removed.
- n. Revise the specimen tree table to include a separate column for each of the following:
 - (1) The proposed disposition of each tree (to remain vs. to be removed).
 - (2) To indicate what trees have been survey located.
- o. Remove steep slopes from the plan and the legend.
- p. Remove the proposed tree line from the plan and the legend.
- q. Label properly all match lines.
- r. Label clearly the construction entrances on the plan.
- s. Show the 65 dBA Ldn unmitigated upper and lower level noise contours as well as the Joint Base Andrews' noise contours with a darker and more distinct line type. Provide labels for the noise contours on the cover sheet with leader arrows to the respective noise contour.
- t. Ensure that the delineation of all noise contours is in conformance with the noise contours shown on approved Type I Tree Conservation Plan TCPI/014/08-01.
- u. Show the location of all proposed culverts.
- v. Ensure that the LOD encompasses all proposed site features.
- w. Revise the TCP approval block to type-in the assigned TCP number (TCP II-029-12).
- x. Update the worksheet to reflect all changes made to the plan.
- y. After all revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revisions made.
- z. Revise type II tree conservation plan (TCP II) to show the primary management area (PMA) and all regulated environmental features as shown on approved Natural Resource Inventory NRI/094/06-01. The cover sheet shall also show the regulated environmental features.

2. At time of a detailed site plan containing specimen tree 60 as referred on Type II Tree Conservation Plan TCPII-026-12, the applicant shall submit an evaluation from a certified arborist regarding the efforts made to date to save the tree and an opinion as to its long term survivability. Efforts shall be made to ensure the long term survivability of the tree to the extent practicable.
3. Prior to acceptance of any full-scale DSP covering the applicable phase/area, other than the Special Purpose DSP or DSP for infrastructure, the applicant shall:
 - a. Submit technical stream restoration plan approved by DPW&T. Access to conduct the proposed work must be shown, along with all required stormwater management, sediment and erosion controls, clearing and grading for the proposed work. Staging areas, phasing, and other plan details needed for construction shall also be provided.
 - b. Provide an application package with a detailed stream restoration plan containing at a minimum the following information:
 - (1) Survey located topography.
 - (2) Survey located stormdrain and headwall locations.
 - (3) The sizes of all existing and proposed stormdrains labeled on the plan.
 - (4) Identify and label specific areas of concern along the entire stream valley (undercut banks, high bank elevations with evidence of sloughing, and the like)
 - (5) Identify and label each specific design technique proposed to address each area of concern along the entire stream valley.
 - (6) Consider stream restoration techniques beyond what is currently shown on the plan.
 - (7) Access to conduct the proposed work including required clearing and grading.
 - (8) Staging areas, phasing, stabilization, and planting details.
 - (9) Show design techniques such as check dams and step pools to slow the velocity of water entering the stream below the crossing of Public Road O, where tributary A enters the stream system.
 - (10) Additional information, if it is needed.
 - c. Demonstrate how the woodland conservation requirements will be met in the worksheet for a specific phase/area of the development.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, October 18, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of October 2012 *and was corrected administratively on January 28, 2014.

Patricia Colihan Barney
Executive Director

Jessica Jones

By Jessica Jones
Planning Board Administrator

PCB:JJ:HZ:arj

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

APPROVED AS TO LEGAL SUFFICIENCY

Berge Jones
M-NCPPC Legal Department

Date 1/31/14