



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Preliminary Plan of Subdivision 4-08002 Waiver of the Rules of Procedure and Reconsideration Request Westphalia Center

REQUEST	STAFF RECOMMENDATION
Waiver of the Rules of Procedure and Reconsideration Request	Discussion

Location: North of MD 4 (Pennsylvania Avenue), from the Suitland Parkway interchange to the Woodyard Road interchange.			
Gross Acreage:	482.57		
Zone:	TAC-E/MIO		
Zone Prior:	M-X-T/M-I-O		
Reviewed per prior Subdivision Regulations:	Section 24-1704(e)		
Gross Floor Area:	5,900,000 sq. ft.		
Dwelling Units:	4,356		
Lots:	1,352		
Parcels:	211		
Planning Area:	78		
Council District:	06		
Municipality:	N/A		
Applicant/Address: Walton Westphalia Development (USA), LLC 8800 N. Gainey Center Drive, Suite 345 Scottsdale, AZ 85258		Planning Board Date:	02/23/2023
Staff Reviewer: Eddie Diaz-Campbell Phone Number: 301-952-3665 Email: Eddie DiazCampbell @ppd.mncppc.org		Planning Board Action Limit:	02/23/2023
		Mandatory Action Timeframe:	30 days
		Memorandum Date:	02/13/2023
		Date Received:	01/24/2023
		Previous Parties of Record: (Applicant)	01/24/2023 02/13/2023
		Previous Parties of Record: (M-NCPPC)	02/07/2023 02/13/2023

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

February 13, 2023

MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Eddie Diaz-Campbell, Planner II, Subdivision Section *EDC*
Development Review Division

VIA: Sherri Conner, Supervisor, Subdivision Section *SC*
Development Review Division

SUBJECT: **Preliminary Plan of Subdivision 4-08002**
Waiver of the Rules of Procedure and Reconsideration Request
Westphalia Center

By letter submitted January 24, 2023, William M. Shipp, Esq., representing Walton Westphalia Development (USA), LLC, requested a waiver of the Prince George's County Planning Board's Rules of Procedure (Section 12(a)), which requires that a reconsideration request be submitted no less than 14 calendar days after the date of notice of the final decision (Section 10(a)). In this case, the resolution of approval (PGCPB Resolution No. 09-93) was adopted by the Planning Board on June 25, 2009. If the Planning Board grants the requested waiver, the applicant specifically requests reconsideration of Condition 19 of the resolution. Per Section 10(e) of the Rules of Procedure, reconsideration may only be granted if, in furtherance of substantial public interest, the Planning Board finds that an error in reaching the original decision was caused by fraud, surprise, mistake, inadvertence, or other good cause. The Maryland Supreme Court has interpreted good cause to include subsequent new or different factual information that would justify a different conclusion, but not a mere change of mind.

Condition 19 pertains to requirements for dedication of land for a transit center and reads, as follows:

- 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.

On the approved plan, the transit center parcel is identified as Parcel 28 and is 4 acres in size. The parcel is located north of and fronting on MD 4 (Pennsylvania Avenue), between future Dower House Road and future Private Road AO, in the area identified as the Westphalia Town Center Core. The location shown on the PPS is in compliance with the condition above and located in the area which was planned for the highest density of uses. The applicant is seeking to delete the requirement because extension of Metrorail is not coming to the area and dedication of a parcel for a transit center is no longer warranted, according to the request. The applicant further provided that, if a transit center is still warranted, they would like to seek relocation of the transit center parcel through the reconsideration.

There is good cause for a reconsideration because a transit center may no longer be needed to serve the Westphalia Center. The Westphalia Center was originally classified in the 2002 *Prince George's County Approved General Plan* (2002 General Plan) as a Community Center (page 46), before it was redesignated as a Regional Center by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (sector plan), which amended the 2002 General Plan to achieve the new classification (page vii of the sector plan). However, subsequent to the 2009 approval of Preliminary Plan of Subdivision 4-08002, the *Plan Prince George's 2035 Approved General Plan* (Plan 2035) was approved in 2014. Plan 2035 classified the Westphalia Center as a Local Center and, specifically, a Town Center. The different classifications have a significant effect on the kind of transportation envisioned to serve the Center. The following description of a Regional Center, taken from the 2002 General Plan, states that such centers should be served by rail or bus mass transit systems.

Regional Centers are locations for regionally marketed commercial and retail centers, office and employment areas, some higher educational facilities, and possibly professional sports and recreation complexes primarily serving Prince George's County. High-density residential development may be an option at these Centers if the needed public facilities and services, particularly schools and transit, can be provided. Regional Centers should be served by rail or bus mass transit systems (page 6).

This contrasts with the description of a Town Center provided in Plan 2035, which describes such centers as primarily auto-oriented with limited transit service.

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

Town Centers, such as Brandywine, Konterra, and Westphalia, are currently under construction and have received significant public and private investment for infrastructure improvements. These centers are envisioned to develop per the guidelines of Plan 2035 to help fulfill countywide goals.

Transportation Characteristics: Largely automobile-oriented with access from arterial highways. Limited bus service along with on demand bus service (page 108).

The sector plan envisioned three different options for future transit service to the Westphalia Center, including extension of either Metrorail or the Purple Line, or bus rapid transit service to Largo Town Center (page 39). However, as Plan 2035 provides, no transit alternatives have so far been approved for construction. If the Westphalia Center develops as a Town Center, rather than a Regional Center, the Center may never develop to the intensity of use needed to support rail or bus rapid transit. A transit center, then, may not be needed to support Plan 2035's guideline that the Westphalia Center should be served by limited and on demand bus service. Staff find that the dedication of a transit center is realistically dependent on a transit agencies' acceptance and plans to move forward with actual implementation for such a facility and, without that, compliance with Condition 19 becomes infeasible.

If the Planning Board grants the applicant's request for a waiver and reconsideration, staff will provide an analysis on the merits of the request, at a later Planning Board hearing. To support this analysis, staff will refer this reconsideration to agencies responsible for public transit within the County, including the Washington Metropolitan Area Transit Authority, the Maryland Transit Administration, and the Prince George's County Department of Public Works and Transportation, to determine the need for a transit center within the Westphalia Center, based on their future planned services. Staff will specifically attempt to gain the following information:

- If a transit center, or alternate transit facility, is still needed to accommodate planned future service to the Westphalia Center or surrounding area.
- How much land area would be needed to accommodate any planned facility, as it is unknown if the previously specified figure of 4 acres is still appropriate.
- Whether a specific location is needed for the site of the transit center or facility. The location must account for the alignment of any planned transit right-of-way. The location should also strongly consider the location of approved and pending developments in the Westphalia Center, to ensure it is pedestrian-accessible from the most intensely developed portions of the Center.