



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

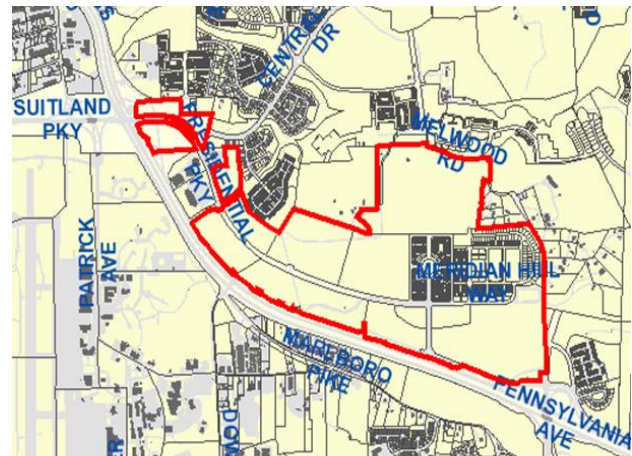
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Preliminary Plan of Subdivision Reconsideration Hearing Westphalia Center

4-08002

REQUEST	STAFF RECOMMENDATION
Reconsideration Hearing	With the conditions recommended herein: •Approval of Preliminary Plan of Subdivision 4-08002

Location: North of MD 4 (Pennsylvania Avenue), from the MD 337 (Suitland Parkway) interchange to the MD 223 (Woodyard Road) interchange.	
Gross Acreage:	482.57
Zone:	TAC-E/MIO
Prior Zone:	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 Drove, Suite 345 Scottsdale, AZ 85258	
Staff Reviewer: Eddie Diaz-Campbell Phone Number: 301-952-3665 Email: Eddie.Diaz-Campbell@ppd.mncppc.org	



Planning Board Hearing Date:	04/13/2023
Planning Board Action Limit:	N/A
Memorandum Date:	04/04/2023
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 03/28/2023

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.

April 4, 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* for SC
Development Review Division

SUBJECT: **Preliminary Plan of Subdivision 4-08002
Reconsideration Hearing
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 Rules of Procedure (Section 10(a)), and a reconsideration of Preliminary Plan of Subdivision (PPS) 4-08002, which was approved by the Prince George's County Planning Board on June 4, 2009. The resolution (PGCPB No. 09-93) was adopted on June 25, 2009. On February 23, 2023, the Planning Board granted a waiver of the Rules of Procedure, to admit a reconsideration request submitted more than 14 days after the adoption of the resolution. The Planning Board also granted the applicant's request for a reconsideration, in accordance with Section 10(e) of the Rules of Procedure. Section 10(e) states that reconsideration may only be granted if, in furtherance of substantial public interest, the 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. The Planning Board granted the request for reconsideration based on other good cause, in furtherance of substantial public interest.

The applicant's specific request is for reconsideration of Condition 19 of the PPS resolution. This condition requires dedication of four acres of land for a transit center within the Westphalia Center. Regarding this reconsideration, the applicant requested to either remove the land dedication requirement entirely, or else be permitted to dedicate or convey a different parcel of land than the one identified on the approved PPS (known as Parcel 28), with consideration for

reducing the amount of land required. For reasons discussed in this staff memorandum, staff support allowing the applicant to convey a different parcel of land, without reducing the required acreage. This action would relocate the planned location of the transit center within the Westphalia Center. The applicant proposes to convey a property, known as Part of Lot 7 (located near the western end of the land subject to this PPS), for the transit center, and staff support the new location.

Condition 19 of the PPS resolution is reproduced below:

- 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.**

In their letter dated January 24, 2023, the applicant proposed to have Condition 19 revised as follows, with the intent to facilitate relocation of the transit center:

- 19. The applicant and the applicant's heirs, successors and/or assignees shall dedicate the transit station (in a location adjacent to the fire/ems station parcel previously conveyed to the County to be labeled on the preliminary plan) to public use as a transit center, 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 additional parcel is anticipated by this condition.**

The applicant also proposed, via email dated March 27, 2023, the following alternative language for the Condition 19 revision:

- 19. The applicant and the applicant's heirs, successors and/or assignees shall dedicate or convey the transit station parcel (in a location adjacent to the fire/ems station parcel previously conveyed to the County to be labeled on the preliminary plan) to public use as a transit center, and shall be a minimum of four acres. Dedication or conveyance shall occur at the time the County Department of Public Works and Transportation ("DPWT") provides written notice to the Applicant of its desire to accept the dedication or conveyance of the transit station parcel, based upon its determination of its need for public use 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 Applicant and DPWT shall be entitled to provide for the dedication or conveyance of an alternative parcel within the Westphalia Town Center as approved by the Planning Director, upon mutual agreement, provided such alternative site shall be of sufficient size as determined by DPWT. The creation of the additional parcel is anticipated by this condition.**

Upon review of the PPS resolution, staff has found that Condition 1(r), as well as Finding 3 (Background), Finding 9 (Community Planning), and Finding 14 (Fire and Rescue) would also have to be amended as part of the reconsideration, to accomplish the applicant's proposal to move the transit center. The applicant's request does not include proposed revisions to the additional condition and findings; however, staff find it appropriate to include these in the reconsideration because they are related to the same issue and would be in conflict if not amended. A revised PPS plan set showing the new location of the transit center should be submitted for signature approval, should reconsideration of the PPS be approved; therefore, staff recommend that an additional condition (Condition 55) be added requiring the submission of revised plans.

PPS 4-08002, Westphalia Center, is a mixed-use subdivision which was approved by the Planning Board in 2009, for 1,352 lots and 211 parcels, to allow development of up to 1,400,000 square feet of retail development, 4,500,000 square feet of office development, and 4,356 dwelling units. The site is located north of MD 4 (Pennsylvania Avenue), between its intersections with MD 337 (Suitland Parkway) and MD 223 (Woodyard Road). Development of the site has been ongoing since the original approval of the PPS. At this time, the residential development includes Phase 1 of the Center, which has been completed; Town Center East, which has commenced construction; and Town Center North, which has an approved detailed site plan (DSP). Nonresidential development includes two warehouse buildings recently approved (on March 9, 2023) through Detailed Site Plan DET-2022-001. However, much of the land area of the PPS remains without any detailed proposals for development, and the applicant has expressed significant doubt that much of the development entitlement approved in 2009 will ever be used.

The PPS includes a requirement that land be dedicated for a transit center due to the recommendations of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (sector plan). The sector plan classified the Westphalia Center as a regional center, amending its classification in the 2002 *Prince George's County Approved General Plan* (2002 General Plan) as a community center. However, following approval of the PPS, the *Plan Prince George's 2035 Approved General Plan* (Plan 2035) was approved in 2014. Plan 2035 reclassified the Westphalia Center as a local center and, specifically, a town center. The different classifications have a significant effect on the kind of development envisioned for the Center, and the kind of transportation envisioned to serve the Center. The following description of a regional center, taken from the 2002 General Plan, envisions intense development and 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 less dense and intense than other center types, and primarily auto oriented with limited transit service. The redesignation aligns with the applicant's contention that the original development entitlement of the PPS, which was approved when the Westphalia Center was still envisioned to develop as a regional center, is not likely to be realized.

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 (page 108).

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 (page 108).

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

Plan 2035 represents a new vision for future growth and development in the County, as well as new implementation tools, priorities, and strategies. Plan 2035 states that all planning documents which were duly adopted and approved prior to the date of adoption of Plan 2035 shall remain in full force and effect, *except* the designation of tiers, corridors, and centers, until those plans are revised or superseded by subsequently adopted and approved plans (Plan 2035, page 270; emphasis added). Since the sector plan’s recommendation for a transit center arises from the Westphalia Center’s former regional center status, the Westphalia Center’s reclassification as a local (Town) center is good cause for reconsideration of the PPS, as the issue of what kind of transit is needed to serve the Center in order to conform to the sector plan, and what facilities would be needed to support that transit, should be reexamined. The recommendations of Plan 2035 are new, factual information not available in 2009, and ensuring appropriate transit facilities are planned for the Center, given the density and intensity envisioned in Plan 2035, is in the public interest.

To discuss the issue of what kinds of transit and transit facilities should be provided for the Westphalia Center, and to specifically gauge the need for a transit center, staff referred the reconsideration to agencies responsible for public transit within the County, including the Washington Metropolitan Area Transit Authority (WMATA), the Maryland Department of Transportation (MDOT), including the Maryland State Highway Administration (SHA) and Maryland Transit Administration (MTA), and the Prince George’s County Department of Public Works and Transportation (DPW&T). Staff specifically attempted 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 proximity to approved and pending developments in the Westphalia Center, to ensure it is pedestrian-accessible from the most intensely developed portions of the Center.

Ultimately, staff was only able to gain limited information from MDOT and WMATA. MDOT (through SHA) provided an email (Rodgers to Hancock, dated March 24, 2023) stating that they had no objection to the reconsideration. WMATA did not respond to the referral request, but the applicant was able to provide some correspondence (Himes to Teitelbaum, dated March 15, 2023) indicating that WMATA had no intention to build a facility, on their own, at the Westphalia Center. No information was provided as to whether WMATA would consider sharing a facility if built by another agency. However, DPW&T responded definitively (Beckert to Diaz-Campbell, dated March 8, 2023) that a transit center was still needed at the Westphalia Center, and endorsed the location proposed by the applicant, the property known as Part of Lot 7.

Lot 7 is shown on the approved PPS and is identified as “to be conveyed to Prince George’s County Fire/EMS.” The lot predates the subject PPS and was previously recorded in the Prince George’s County Land Records in Plat Book REP 209 page 31, in 2005. In December 2009, the applicant conveyed a 2.29-acre portion of the 9.56-acre Lot 7 by deed to Prince George’s County for use as a public fire and rescue department, as stated in the deed recorded in Liber 31654 folio 069. The County did not request that the entirety of Lot 7 be conveyed for this purpose, even though the PPS stated that all of it could be so used. The property which remains privately owned by the applicant, now known as Part of Lot 7, totals 7.66 acres. The applicant proposes to convey all this remaining land for use as the transit center.

DPW&T supports this property for use as the transit center due to its location and size. The property has significant frontage on Presidential Parkway, a fully developed major collector roadway, and it is located close to the proposed interchange at MD 4 and MD 337. The interchange is currently under design by SHA and is fully funded for construction. The property’s major collector frontage and its proximity to the interchange make it ideal for connecting to MD 4 and MD 337, which are two major freeways. Though DPW&T did not specify exactly what kind of transit might use the transit center, staff agree that locating the transit center close to the interchange would be ideal for certain kinds of transit service, especially bus services, as the transit center could distribute service through those freeways throughout the County.

Staff further concur with DPW&T’s recommendation because the 7.66-acre property meets the 4-acre minimum, and the land area provided will allow the eventual operator of the facility flexibility in its design and operation. This is necessary as it is still unknown what exact kinds of transit may use the facility. The property is located in the fringe area of the Westphalia Center instead of the core area (as identified on page 20 of the sector plan); however, there are commercial, residential, and future industrial uses in close proximity which could have pedestrian and bicycle access to the transit center. Transit service could be extended down Presidential Parkway, to serve the core area of the Westphalia Center, including the existing and future residential uses and any future commercial or industrial uses which may develop.

It is not clear that the site is ideal for rail-based transit, as there are no existing or planned rail rights-of-way serving the Westphalia Center. However, staff does not find it must be proven that the proposed new transit center location will be rail accessible. The sector plan speaks of prior discussions with WMATA and MDOT on possible rail extension options and includes recommendations to plan for extensions of the Green Line, Blue Line, and/or Purple Line (pages 39 and 43; a conceptual extension of the Green Line is mapped on page 44). However, planning for such rail extensions is beyond the responsibility of the applicant. As of this writing, no public agency has ever released any plans detailing the functionality or future alignment of any transit facility to service this area. The Westphalia Center’s reclassification as a town center deprioritizes planning for rail-based transit, as Plan 2035 does not envision such Centers to be served by rail

transit, instead prioritizing limited and on-demand bus service. The supported location of the transit center could readily support such bus service. The sector plan discusses a possible bus rapid transit route between the Westphalia Center and Largo Town Center, which could also be accomplished with the transit center's supported location.

Though staff support the proposed relocation of the transit center, staff find that different condition language should be provided for Condition 19 than that proposed in the applicant's letter dated January 24. Staff recommend that Condition 19 be revised with language similar to that proposed in the applicant's email dated March 27, to read as follows:

- 19. The applicant and the applicant's heirs, successors and/or assignees shall dedicate or convey the transit station parcel (in a location adjacent to the fire/EMS station parcel previously conveyed to the County, as shown on the preliminary plan of subdivision) to public use as a transit center. The parcel shall be a minimum of four acres. Dedication or conveyance shall occur at the time the operating agency provides written notice to the applicant, or the applicant's heirs, successors, and/or assignees, of its desire to accept the dedication or conveyance of the transit station parcel, based upon its determination of its need for public use. The applicant and the operating agency, upon mutual agreement, may provide for the dedication or conveyance of an alternative parcel within the Westphalia Center, as approved by a detailed site plan applicable to the Westphalia Center, provided such alternative site has frontage on and the ability to directly access a public street, and is found to be of sufficient size and located to meet the public need for transit services, as determined by the operating agency. The creation of the additional parcel is anticipated by this condition.**

The recommended condition adjusts the timing for conveyance of the transit center to be upon the operating agency's decision to accept the land, as the timing specified in the existing Condition 19 (dedication of the abutting right-of-way) has already passed, and the approved special purpose DSP-12043-01 does not give any alternate timing. The applicant's proposed condition specifies that the land will be conveyed to DPW&T; however, while it appears likely that the operating agency will be DPW&T, this is not specified in staff's recommended condition, as the possibility remains that WMATA or MDOT may accept the transit center and become the operating agency. Staff's recommended condition also differs from the applicant's condition in that it would require any relocation of the transit center to be determined with a DSP within the Westphalia Center.

Regarding the findings, staff recommend that Finding 3 (Background) be revised to state that the transit center will be in the fringe area, and that the land for the transit center is foreseen to allow flexibility in its design and operation, to accommodate a variety of transit services appropriate to serve the Westphalia Center and the surrounding area. Staff recommend Finding 9 (Community Planning) be revised to provide a summary of the reconsideration action, and Finding 14 (Fire and Rescue) be revised to acknowledge that land for the fire/EMS station has already been conveyed to the County, and that the remaining Part of Lot 7 will be conveyed for the transit center.

If the Planning Board approves the reconsideration, staff will prepare an amended resolution to reflect the amended conditions, which will be placed on a future Planning Board agenda for adoption.

RECOMMENDATION

APPROVAL of a Reconsideration of Preliminary Plan of Subdivision 4-08002 (PGCPB Resolution No. 09-93), to **amend Conditions 1(r) and 19, add a new Condition 55, and amend Findings 3, 9, and 14** as follows (deleted text indicated with [brackets] and ~~strike through~~, new language/added text indicated with underline):

Amendment 1—Conditions 1(r), 19, and 55 (pages 2, 5, and 17):

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - r. Label the minimum four-acre transit facility ~~[on Parcel 26]~~ and that it is to be dedicated to public use, increase the proposed parcels by two to a total of 211 parcels.
19. The applicant and the applicant's heirs, successors and/or assignees shall dedicate or convey the transit station parcel (in a location adjacent to the fire/EMS station parcel previously conveyed to the County, as shown on the preliminary plan of subdivision) to public use as a transit center. The parcel shall be a minimum of four acres. Dedication or conveyance shall occur at the time the operating agency provides written notice to the applicant, or the applicant's heirs, successors, and/or assignees, of its desire to accept the dedication or conveyance of the transit station parcel, based upon its determination of its need for public use. The applicant and the operating agency, upon mutual agreement, may provide for the dedication or conveyance of an alternative parcel within the Westphalia Center, as approved by a detailed site plan applicable to the Westphalia Center, provided such alternative site has frontage on and the ability to directly access a public street, and is found to be of sufficient size and located to meet the public need for transit services, as determined by the operating agency. The creation of the additional parcel is anticipated by this condition. [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.]
55. Prior to approval of a detailed site plan proposing development for Parcel 35 (as shown on the current signature approved preliminary plan of subdivision dated February 7, 2011), a revised preliminary plan of subdivision shall be submitted for signature approval to relocate the transit center parcel (Parcel 28) to Lot 7. The area of Parcel 35 shall be expanded to incorporate the land area previously associated with the transit center so that no new parcels are created.

Amendment 2—Finding 3 (pages 17–19):

3. **Background**—The subject property is located on Tax Map 90, 91, 99 and 100, is 482.57 acres and zoned M-X-T (Mixed Use-Transportation Oriented). The property is made up of a combination of twenty-three acreage parcels, two record lots, and two outlots as listed on the preliminary plan of subdivision. The application is to subdivide the property

into 1,352 lots and 210 parcels for the construction of 172 single-family dwellings, 424 attached dwelling units, 1,287 townhouses, and 2,473 multifamily dwelling units (4,356 total dwelling units). The development also includes 5.9 million square feet of office and retail uses.

This preliminary plan is a part (482.57 acres) of Westphalia Center, CSP-07004 (530.27 acres). The conceptual site plan (CSP) also includes Moore Property (4-08018). Conceptual Site Plan CSP-07004, which is required for the M-X-T Zone, was approved by the Planning Board (PGCPB Resolution No. 08-189) and the resolution was adopted on January 29, 2009 with 34 conditions. On February 9, 2009, the District Council elected to review the case and on May 21, 2009 the Notice of Final Decision was issued. This preliminary plan has been reviewed for conformance to that final decision.

The property is a part of a regional urban community, which is defined as follows by Section 27-107.01(197.1) of the Zoning Ordinance:

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

The plan provides for the extension of Presidential Parkway from its current terminus into the center of the site as master plan roadways MC-634 and A-66. In the eastern portion of the subject property, Presidential Parkway connects to another master planned roadway, C-636, which turns to the north to provide a connection to future development north of the site. The plan also provides for the extension of Woodyard Road north from Pennsylvania Avenue, A-52 and MC-637, and through the site to connect to future development. Similarly, the plan shows the extension of a road from the interchange of Melwood Road and Pennsylvania Avenue through the center of the site, MC-632, connecting to future development.

As specified by the *Approved Westphalia Sector Plan and Sectional Map Amendment* and referenced in the definition of a regional urban community, the proposed town center is divided into a Core (77± acres), an Edge (260± acres), and a Fringe (145± acres). This preliminary plan contains all three elements.

The Core is mostly a rectangular area slightly offset to the west of the center of the site, and also extends southward to Pennsylvania Avenue near the future interchange of Woodyard Road and Pennsylvania Avenue. The Core is envisioned as a distinctive urban environment with a regular grid of streets, multistory, vertical, mixed-use buildings constructed close to the streets and wide sidewalks. The grid of streets is formed by three east-west streets, including A-66 (Presidential Parkway Extended), along the southern edge of the rectangular area, a main street through the center of the rectangular area, another street along the northern edge of the Core, four north-south streets, including M-637 (Dower House Road Extended), through the western portion of the Core, two other streets through the center and eastern portions of the Core, and another street along the eastern side. The main

east-west street through the center of the Core includes three roundabout intersections. A square open space is proposed at an intersection on the northern side of the Core, while the three roundabout intersections have been shown providing varying amounts of green space in the centers of the roundabouts. The highest density of development should occur within the Core area.

~~[A transit area is located in the portion of the Core that extends south to Pennsylvania Avenue in the conceptual site plan, but is not labeled on the preliminary plan of subdivision and should be. The transit parcel is foreseen as a park and ride for a future bus rapid transit station, but could eventually allow for a rail station. The highest density of development should occur within the Core area.]~~

The Edge is the largest area of the site and includes a strip of land south of the Core, as well as large areas in the northern and eastern portions of the site. The Edge is envisioned as including commercial uses along Pennsylvania Avenue, with residential neighborhoods in the northern and eastern areas. The residential neighborhoods would be a mix of single-family attached dwelling units (townhouses, two-family dwellings, three-family dwellings, and other stacked or attached unit types) and multifamily dwellings, with a small number of small-lot single-family detached houses around the northern and eastern edges of the site in the vicinity of existing single-family neighborhoods. Sites for small-scale neighborhood, commercial, or mixed-use development have been identified within the residential neighborhoods. A potential library site is also envisioned within the Edge. Both residential and commercial uses will be densely developed. Community open spaces are also distributed throughout the Edge, and Parcel 25 has been identified for a future school in the southeastern corner of the Edge.

The Fringe includes the southeastern corner of the site near Melwood Road and along MC-632, and the western portion of the site on either side of Presidential Parkway. The Fringe is separated from the Core and Edge by stream valleys that provide a natural division. The Fringe is primarily intended for commercial development, capitalizing on locations near the major roadway interchanges that will be constructed along Pennsylvania Avenue. The proposed development regulations are more flexible and allow for more suburban office park and “lifestyle center” retail development within these areas. The existing plan also identifies Lot 7 (9.56 acres) in the western portion of the Fringe for the construction of a fire/EMS facility. 2.29 acres of Lot 7 were conveyed to Prince George’s County for this facility, in 2009. As of the reconsideration of this PPS, approved on April 13, 2023, the remaining part of Lot 7 (7.66 acres) has been approved for use as a transit center. The land for the transit center is foreseen to allow the eventual operator of the facility flexibility in its design and operation, to accommodate a variety of transit services appropriate to serve the Westphalia Center and the surrounding area.

Amendment 3—Finding 9 (pages 61–65):

9. **Community Planning**—This application is generally consistent with the 2002 General Plan (as amended by the 2007 Westphalia Sector Plan) Development Pattern policies for a Regional Center in the Developing Tier as defined by approval of CSP-07004.

Sector Plan: This application generally conforms to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* policies, strategies, and design principles for mixed-use development at a General Plan Regional Center. The proposed lot, block, and street patterns establish a development pattern that generally conforms to the sector plan concepts for mixed-use development that is transit- and pedestrian-oriented with an urban character as recommended by the Westphalia sector plan.

Other Determinations: Conceptual Site Plan CSP-07004, establishes regulations for review of subsequent development applications on these properties, including this preliminary subdivision application. The development pattern proposed by this preliminary subdivision application is generally consistent with the development pattern concepts of the sector plan as approved in CSP-07004. The preliminary plan of subdivision should:

- a. Establish the timing criteria for dedication of the future library and site.
- b. Establish timing criteria for dedication of the elementary school site so that the needed school facilities can be provided concurrently with development of this neighborhood.
- c. Require that, prior to approval of a special-purpose detailed site plan, proposed Parcel T-1 is subject to CSP-07004, Condition 16.a., which requires evaluation of accessibility, safety, and traffic control needs for the circular public space (park) within public road MC-637 (Dower House Road), or to propose an alternative road design or location for the public spaces. This study may affect the proposed road design and lot patterns in this area.
- d. Revise maps for both preliminary plan of subdivision applications (4-08002 and 4-08018) to show high noise areas where interior acoustical buffering should be required for all structures. Flight operations at Andrews Air Force Base yield high noise impacts (65–70 dBA Ldn and 70–75 dBA Ldn) on the western portion of these applications.
- e. Show the master plan right-of-way alignment for proposed roads A-67/MC-631 (Suitland Parkway Extended) and MC-634 (Presidential Parkway and Presidential Parkway Extended) on application 4-08002.
- f. Acknowledge that a minimum of four acres will be dedicated to public use for a transit center ~~[within proposed Parcel 28]~~.

The 2002 General Plan locates this property in a Regional Center, along the MD 4 Corridor in the Developing Tier. The vision for Centers and Corridors is mixed-residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. The preliminary plan is consistent with the recommendations of the General Plan as proposed with the mix of uses in a highly-dense urban environment, with a strong emphasis on transit.

The property is located within the limits of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, in Planning Area 78 in the Westphalia community. The recommended land use is for an urban, mixed-use town center with a defined Core, Edge, and Fringe, including mixed-residential and nonresidential uses at medium to high densities and intensities, ample public spaces suitable for public events, and a strong emphasis on pedestrian- and transit-oriented design as approved with CSP-07004, and to which this preliminary plan conforms.

Sector Plan Map 7A: The Metro Line Extension shows a transit station location on the north side of MD 4, east of the proposed Dower House Road interchange at the edge of the Center Core area, initially as a park-and-ride/bus transit site that could evolve into a rail station extended from the Branch Avenue Metro Station as the town center develops. The location shown for the transit center on Map 7A is conceptual in nature. The transit site is also shown conceptually on approved CSP-07004, [as within proposed Parcel 28 in application 4-08002, but there is no acknowledgement on the preliminary plan of a transit facility to be dedicated for public use at this site as required by CSP-07004.] Condition 16e of the CSP requires dedication of the transit center and CSP Condition 38 requires a minimum of four acres for the transit facility. With the reconsideration of this PPS, approved on April 13, 2023, the transit center will be relocated to the west side of the overall development, within the Fringe area. Prior to signature approval, the four-acre transit site should be located on the preliminary plan. The parcel should have frontage on and the ability for direct vehicular access to a dedicated public street and labeled to be dedicated to public use. This revision will result in an additional parcel being created with this preliminary plan or 410 parcels total.

Summary of April 2023 Reconsideration: Between approval of the PPS in 2009, and the reconsideration in 2023, the Plan Prince George's 2035 Approved General Plan (Plan 2035) was approved in 2014. Plan 2035 reclassified the Westphalia Center as a local center and, specifically, a town center. The different classifications of centers have a significant effect on the kind of development envisioned for the Center, and the kind of transportation envisioned to serve the Center. Defining characteristics of local centers include: a new housing mix of low-rise apartments and condos, townhomes, and small, single-family lots ranging from 10 to 60 dwelling units per acre; a floor area ratio for new commercial development ranging from 1.0 to 2.5; and development that is largely automobile-oriented with access from arterial highways, with limited bus service along with on-demand bus service (Plan 2035, page 108; also Map 11: Growth Policy Map, page 107). Plan 2035 represents a new vision for future growth and development in the County, as well as new implementation tools, priorities, and strategies. All planning documents which were duly adopted and approved prior to the date of adoption of Plan 2035, including the sector plan, remain in full force and effect, except the designation of tiers, corridors, and centers, until those plans are revised or superseded by subsequently adopted and approved plans (Plan 2035, page 270). Since the sector plan's recommendation for a transit center arises from the Westphalia Center's former designation as a regional center, the Westphalia Center's reclassification as a local (Town) center was found to be good cause for reconsideration of the PPS, as the issue of what kind of transit is needed to serve the Center in order to conform to the sector plan, and what facilities would be needed to support that transit, should be reexamined. The recommendations of Plan 2035 are new factual information not available in 2009, and ensuring that appropriate transit facilities are

planned for the Center, given the density and intensity envisioned in Plan 2035, is in the public interest.

The applicant proposed to relocate the transit center to a new site located near the western end of the development, in the Fringe area of the Westphalia Center, identified as Part of Lot 7. The applicant submitted an exhibit showing the proposed site. A revised PPS showing the new site for the transit center shall be submitted for signature approval.

The request for reconsideration was referred to the Washington Metropolitan Area Transit Authority (WMATA), the Maryland Department of Transportation (MDOT), including the Maryland State Highway Administration (SHA) and Maryland Transit Administration (MTA), and the Prince George's County Department of Public Works and Transportation (DPW&T), to determine whether the agencies operating public transit in the County concurred with the new proposed location. WMATA and MDOT did not provide any information objecting to the proposed location. DPW&T provided a response endorsing the proposed location.

DPW&T supports the identified property for use as the transit center due to its location and size. The property has significant frontage on Presidential Parkway, a fully developed major collector roadway, and it is located close to the proposed interchange at MD 4 (Pennsylvania Avenue) and MD 337 (Suitland Parkway). The interchange is currently under design by SHA and is fully funded for construction. The property's major collector frontage and its proximity to the interchange make it ideal for connecting to MD 4 and MD 337, which are two major freeways.

Though DPW&T did not specify exactly what kind of transit might use the transit center, the Planning Board finds that locating the transit center close to the interchange would be ideal for certain kinds of transit service, especially bus services, as the transit center could distribute service through those freeways throughout the County. Further, the 7.66-acre property meets the required 4-acre minimum, and the land area provided will allow the eventual operator of the facility flexibility in its design and operation. This is necessary as it is still unknown what exact kinds of transit may use the facility. The property is located in the fringe area of the Westphalia Center instead of the core area (as identified in the sector plan); however, there are commercial, residential, and future industrial uses in close proximity which could have pedestrian and bicycle access to the transit center. Transit service could be extended down Presidential Parkway to serve the core area of the Westphalia Center, including the existing and future residential uses and any future commercial or industrial uses which may develop.

It is not clear that the site is ideal for rail-based transit, as there are no existing or planned rail rights-of-way serving the Westphalia Center. The sector plan speaks of prior discussions with WMATA and MDOT on possible rail extension options and includes recommendations to plan for extensions of the Green Line, Blue Line, and/or Purple Line (pages 39 and 43; a conceptual extension of the Green Line is mapped on page 44). However, planning for such rail extensions is beyond the responsibility of the applicant, and as of the approval of the reconsideration, no public agency has ever released any plans detailing the functionality or future alignment of any transit facility to service this area. The Westphalia Center's reclassification as a town center deprioritizes planning for rail-based transit, as Plan 2035 does not envision such centers to be served by rail transit, instead prioritizing limited and on-demand bus service. The supported location of the transit center could readily support

such bus service. The sector plan discusses a possible bus rapid transit route between the Westphalia Center and Largo Town Center, which could also be accomplished with the transit center's supported location.

With the reconsideration, Condition 19 of this resolution is amended to provide for the new location and specify that the property shall be dedicated or conveyed to the operating agency upon their providing written notice to the applicant. Condition 19 also provides a mechanism for approval of further relocation of the transit center should such a relocation mutually be deemed necessary by the applicant and the operating agency. It is expected that DPW&T will be the eventual operating agency for the transit center, however, approval to relocate the site to the one endorsed by DPW&T does not preclude another public transit agency from accepting the conveyance.

Adequate safety roadway improvements for Melwood Road, between MD 4 and new road MC-632, including traffic calming devices, should be bonded for construction prior to the issuance of building permits for the Westphalia Center development project, as determined appropriate by DPW&T (CR-2-2007 (DR-2), Finding (d), page 6 and SMA Amendment 1, pages 9–10).

[No further amendments to Finding 9]

Amendment 4—Finding 14 (pages 91 to 92):

8. **Fire and Rescue**—This subdivision application is for a mixed-use commercial and residential development.

Residential

The Special Projects Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B) through (E) of the Subdivision Regulations.

Special Projects staff has determined that the residential portion of this preliminary plan is within the required seven-minute response time for the first due fire station, Forestville, Company 23, using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels.

The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in CB-56-2005.

Fire/EMS Facility

The 2007 approved Westphalia sector plan recommends co-location of the police and fire/EMS facilities near a major intersection to "expedite emergency response time to police and fire service areas," and the 2008 *Approved Public Safety Facilities Master Plan* recommends, as an intermediate need, the relocation of the existing fire station, Forestville, Company 23, to a site in the vicinity of Melwood Road and Pennsylvania Avenue (MD 4). The Prince George's County Fire/EMS Department (PGFD) has indicated a desire to

construct the fire/EMS station immediately, independent of private development in the vicinity of Presidential Parkway.

The new construction and relocation of Company 23 fire/EMS station is immediately necessary because of the impact that the construction of the interchange at MD 4 and Suitland Parkway will have on access and response time from the existing station. The relocated station is necessary to ensure delivery of first response in the Westphalia and Forestville areas independent of the construction of the Westphalia Town Center. ~~[The preliminary plan of subdivision proposes Lot 7 (9.5 acres) to be conveyed to Prince George's County for the relocated station.]~~ As of the reconsideration of this PPS, approved on April 13, 2023, the need to provide land for a fire/EMS station has been met with the conveyance of 2.66 acres of land (a part of Lot 7) to the County, as recorded in Liber 31654 folio 069. The remainder of Lot 7 is to be used as a transit center, as described in the Community Planning finding of this resolution.

[No further amendments to Finding 14]