



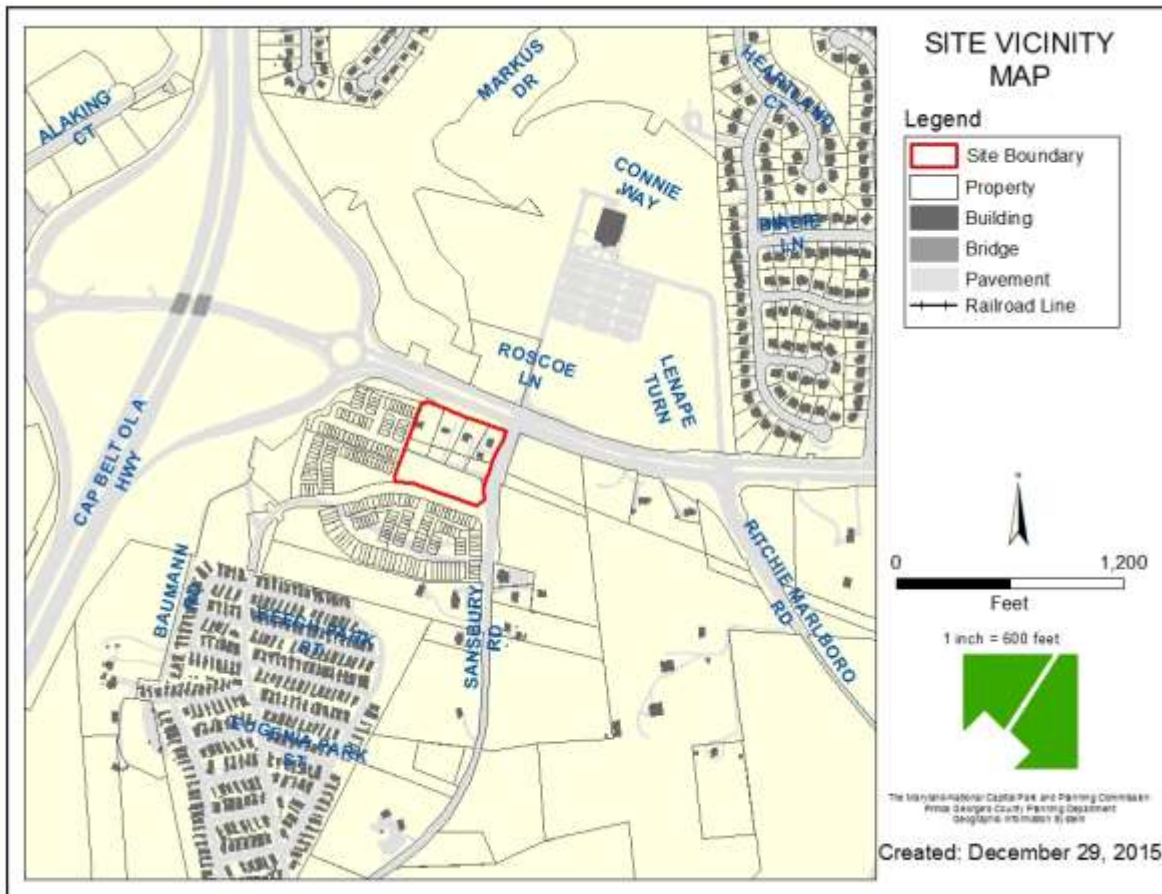
Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Preliminary Plan of Subdivision 4-15021

| Application | General Data | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------|
| Project Name: Westphalia Row, Phase III Location: The southwest quadrant of the intersection of Ritchie Marlboro Road and Sansbury Road. Applicant/Address: Westphalia Row Partners LLC 6110 Executive Boulevard, Suite 430 Rockville, MD 20852 Property Owner: Westphalia Row Partners LLC 6110 Executive Boulevard, Suite 430 Rockville, MD 20852 | Planning Board Hearing Date: | 01/7/16 |
| | Staff Report Date: | 12/30/15 |
| | Date Accepted: | 10/21/15 |
| | Planning Board Action Limit: | 01/13/16 |
| | Mandatory Action Timeframe: | 70 days |
| | Plan Acreage: | 4.51 |
| | Zone: | M-X-T |
| | Dwelling Units: | 67 |
| | Lots: | 67 |
| | Parcels: | 7 |
| | Planning Area: | 78 |
| | Council District: | 06 |
| | Election District | 15 |
| | Municipality: | N/A |
| | 200-Scale Base Map: | 203SE08 |

| Purpose of Application | Notice Dates | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|----------|
| Sixty-seven lots and 7 parcels for attached single family dwellings and 10,000 square feet of commercial. Variation(s) to Section(s): 24-121(a)(4) 24-128(b)(7)(A) 24-128(b)(12) | Informational Mailing | 08/19/15 |
| | Acceptance Mailing: | 10/13/15 |
| | Sign Posting Deadline: | 12/08/15 |

| | | | |
|-----------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| Staff Recommendation | | Staff Reviewer: Suzanne Nickle Phone Number: 301-780-2465 E-mail: Suzanne.Nickle@ppd.mncppc.org | |
| APPROVAL | APPROVAL WITH CONDITIONS | DISAPPROVAL | DISCUSSION |
| | X | | |



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE’S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-15021
Type 1 Tree Conservation Plan TCP1-033-07-03
Westphalia Row, Phase III
(67 lots, 7 parcels)

OVERVIEW

The subject property is located on Tax Map 74 in Grid E-4 and is known as Parcels 48, 81-83, 121, 141, 148-150 and 200. The property consists of 4.51 acres of land within the Mixed-Use Transportation-Oriented (M-X-T) Zone and is currently undeveloped. The site was previously approved as part of Preliminary Plan of Subdivision (PPS) 4-07038 (22.44 acres) (PGCPB Resolution No. 08-07). This PPS proposes the conversion of 250 multifamily dwelling units, 14,100 square feet of retail, and 42,300 square feet of office previously approved under Conceptual Site Plan CSP-07001-01, PPS 4-07038, to 67 townhouse dwelling unit lots and 10,000 square feet of gross floor area of commercial. Section 24-107 of the Subdivision Regulations states that “no land shall be subdivided within the Regional District in Prince George’s County until the subdivider or his agent shall obtain approval of the preliminary plan and final plat by the Planning Board,” resulting in this application. This PPS was reviewed concurrently with a revision to CSP-07001-02 which is scheduled on January 7, 2016 before the Planning Board.

The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) rezoned this property from Rural-Residential (R-R) and Residential-Agricultural (R-A) to the M-X-T Zone. The property is located in a designated mixed-use activity center as identified in the Westphalia sector plan. The Westphalia Row project has been divided into three development phases. The table shown below breaks down the previous approvals for each development phase:

| Previous Approvals | Development Phase |
|------------------------|-------------------|
| CSP-07001 | Phases I - III |
| CSP-07001-01 | Phases I-III |
| CSP-07001-02 (Pending) | Phases I - III |
| 4-07038 | Phases I - III |
| DSP-08039 | Phase I |
| DSP-08039-01 | Phase II |
| 4-13026 | Phase II |
| DSP-08039-06 | Phase II |
| 4-15021 (Pending) | Phase III |

Conceptual Site Plan CSP-07001-02 will be reviewed by the Prince George's County Planning Board on January 7, 2016 for Phases I – III, with 17 conditions. This PPS has been reviewed for conformance to the conditions of CSP 07001-02, as further discussed in the Previous Approvals Finding of this technical staff report.

The geographical boundary of this PPS (4.51 acres) is part of the prior approved Preliminary Plan of Subdivision PPS 4-07038 (22.44 acres) for the Westphalia Row project. The prior approval included a trip cap of 398 AM peak trips and 471 PM peak-hour trips for all three phases of development. As the subject application is proposing the conversion of 250 multifamily dwelling units, 14,100-square-foot of retail and 42,300-square-foot of office space, to 67 fee-simple townhouse dwelling unit lots and 10,000 square feet of commercial; this change, if approved, is within the previous trip cap established for this site. The proposal with this PPS will generate 66 AM and 118 PM peak-hour trips for Phase III. This trip generation and the associated trip cap that is to be conditioned with the approval of this PPS is a part of the 398 AM and 471 PM peak-hour trip cap previously approved under PPS 4-07038, and not in addition to the trip cap established with PPS 4-07038. Upon the approval of this PPS (4-15021) it will supersede 4-07038 for the development of this property (Phase III) only. Phase III of the development, which is the subject of this PPS, contains no regulated environmental features such as streams, wetlands, or associated 100-year floodplain.

This PPS is located in the southwest quadrant of the intersection of Ritchie Marlboro Road and Sansbury Road. This is Phase III of the Westphalia Row mixed-use development, with Phase II to the east at Wesbourne Drive, and Phase I to the south across Fernwood Drive. Phase III proposes a mixed use of townhouses and commercial uses. The townhouse lots range in size from 880 square feet to 1,260 square feet. Six parcels will be conveyed to the homeowners association, and one parcel (Parcel Q) will be developed with commercial. Three points of access are proposed, a commercial right in and right out access on Sansbury Road, and two access points for private roads on Fernwood Drive, one at Wesbourne Drive (Phase II) and one located on the commercial Parcel Q, which is Private Road 'E.' In order to provide efficient access to residential lots, a shared vehicular access easement (Section 24-128(b)(9)) is recommended over the portion of Parcel Q (commercial) extending north from Fernwood Drive into the site. This access will be a shared access between the commercial land uses and homeowners, with a private easement between the commercial property owner to the benefit of the homeowners association. The easement is 25-feet wide and 228-feet long, totaling 5,700 square feet over Parcel Q. The access easement shall be depicted on the approved PPS and final plat prior to approval, as discussed further. The PPS will be served internally by private roads and alleys.

SETTING

The property is zoned M-X-T. The property is located in the southwest quadrant of the intersection of Ritchie Marlboro Road and Sansbury Road. To the north is Ritchie Marlboro Road. To the east is Sansbury Road. To the south and west are M-X-T-zoned properties, including a townhouse development (Phases I and II of Westphalia Row). The property north of the site, across Ritchie-Marlboro Road, is zoned Planned Industrial/Employment Park (I-3) and currently undeveloped.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

| | EXISTING | PROPOSED |
|------------------------------|----------|-------------------------|
| Zone | M-X-T | M-X-T |
| Use(s) | Vacant | Mixed-Use |
| Acreage | 4.51 | 4.51 |
| Lots | 0 | 67 |
| Outlots | 0 | 0 |
| Parcels | 10 | 7 |
| Dwelling Units | 0 | 67 (townhouses) |
| Commercial | 0 | 10,000 square feet |
| Public Safety Mitigation Fee | No | No |
| Variance | No | No |
| Variation(s) | No | Yes |
| | | Section 24-121(a)(4) |
| | | Section 24-128(b)(7)(A) |
| | | Section 24-128(b)(12) |

Pursuant to Section 24-199(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on November 6, 2015. The requested variations to Section(s) 24-121(a)(4), 24-128(b)(7)(A) and 24-128(b)(12) of the Subdivision Regulations were accepted on October 20, 2015 and were heard at the SDRC meeting on November 6, 2015 as required by Section 24-113(b) of the Subdivision Regulations.

2. **Previous Approvals**—On June 5, 2014, the Planning Board reviewed and approved Conceptual Site Plan CSP-07001-01 for Westphalia Row (PGCPB Resolution No. 14-51), which includes the subject property. The CSP established the following design standards that are consistent with the pending Conceptual Site Plan CSP-07001-02:

PGCPB Resolution No. 14-51 Conditions:

7. **The following development standards shall apply to and be reflected on the Detailed Site Plan. At the time of Detailed Site Plan review, the Planning Board may make modifications to the development standards without the need to amend the Conceptual Site Plan if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the conceptual site plan and the sector plan.**

a. Front-loaded townhouses (fee simple)

- (1) **Minimum lot size: 1300 square feet**
- (2) **Minimum front yard setback: 20 feet from back of sidewalk**
- (3) **Minimum yard area: 400 square feet**
- (4) **Maximum building height: 45 feet**
- (5) **Minimum lot width: 20 feet**

b. Rear-loaded townhouses (fee simple)

- (1) Minimum lot size: 1,000 square feet for no less than 50 percent of the unit and a minimum of 800 feet for the remainder.**
- (2) Minimum front yard setback: 6 feet from property line.**
- (3) Maximum building height: 45 feet.**
- (4) Minimum lot width: 20 feet for no less than 50 percent of the units and a minimum of 16 feet for the remainder.**

c. Multifamily, office, and retail buildings

- (1) Buildings shall be set back 15–35 feet from the ultimate right-of-way line of Ritchie-Marlboro Road. Building walls must be within 35 feet of the ultimate right-of-way line for at least 75 percent of the linear distance of the parcel’s frontage on Ritchie-Marlboro Road.**
- (2) Buildings shall be set back 15–25 feet from the ultimate right-of-way line of Sansbury Road. Building walls must be within 25 feet of the ultimate right of way line for at least 75 percent of the linear distance of the parcel’s frontage on Sansbury Road.**
- (3) Maximum building height: 75 feet.**

The PPS proposes 1–67 rear-loaded townhouses, which are subject to the development standard contained in Condition 7(b). All the lots proposed exceed the minimum required lot standards. The proposed lots range in size from 880 square feet to 1,344 square feet, with all of the proposed lots above the minimum 800 square feet in area. Conformance to specific building standards will be evaluated further at the time of DSP. The PPS proposes seven parcels, six are to be conveyed to the HOA and one parcel (Parcel Q) will be developed with commercial uses.

2. **Community Planning**—The property has a Future Land Use Category of Mixed-Use in *Plan Prince George’s 2035 Approved General Plan* (Plan Prince George’s 2035). Mixed-Use is described as areas of various residential, commercial, employment, and institutional uses. Residential uses may include a range of unit types. Mixed-use areas may vary with respect to their dominant land uses, for example commercial uses may dominate in one mixed-use area, whereas residential uses may dominate in another.

The overall Westphalia Row project has three phases, and is located in a designated mixed-use activity center at the northern gateway to the sector plan along a local street (Sansbury Road) and Ritchie Marlboro Road, an arterial highway, east of the interchange for the I-95, a freeway facility. The original conceptual site plan for Westphalia Row was approved by the Planning Board in 2008. The townhouse portions of the project (Phases I and II) are currently under construction. The dwelling unit type of Phase II was amended in 2014 when triplex units were replaced with townhouses.

In Phase III, the subject of this PPS, the applicant proposes to amend the land uses from what was previously approved with CSP-07001-01 and PPS 4-07038, maintaining 10,000 square feet of retail; eliminating 4,400 square feet of retail, 43,200 square feet of office, 250 multifamily dwelling units, and a five-story parking structure; and add 67 four-story rear-loaded townhouse dwelling units. The recommendation of approval of this PPS is predicated on the approval of the land use change as proposed with CSP-07001-02, scheduled to be heard by the Planning Board on the same day as this PPS.

The Westphalia Sector Plan envisioned this mixed-use activity center as having main street development character (see Illustration 5 on page 29 of the sector plan). The Design Principles on page 30 of the plan called for developing distinct, high-quality, walkable, mixed-use and “main street” commercial development areas. The reduction of density proposed will result in an overall net reduction from approximately 22.7 dwelling units per acre to 13.7 dwelling units per acre. The reduced residential density does fall within the desired development density range provided in the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, which is 4.5 to 28 dwelling units per acre net.

Conceptual Site Plan CSP-07001 placed high-density multifamily residential directly across Sansbury Road from a future gas station and convenience store. While this is permitted in the Zoning Ordinance, it is not an ideal mix of uses. The 10,000-square-foot neighborhood commercial center proposed by the applicant at the corner of Sansbury and Ritchie Marlboro Roads will help buffer future uses across Sansbury Road from the residential portions of the project. In addition, green space will be provided in strategic areas between the on-site residential and retail to provide a visual separation between the land uses at the time of DSP. Pedestrian connections are included between the on-site residential areas and the commercial center and will be further evaluated with the DSP.

This project is located within a designated “gateway” in the Westphalia Sector Plan. Policy 7 on page 32 of the Westphalia sector plan, establishes the intersection of Ritchie Marlboro Road and Sansbury Road as one of the gateways entering the Westphalia community. Gateways require compliance with design principles aimed at distinguishing and delineating them as attractive entrances into the sector. Gateway design principles from the Westphalia Sector Plan include the following:

“Design designated gateways to include at least the following design elements:

- **Landmark elements such as entrance signage, artwork, monuments constructed on features such as stone or masonry, decorative columns, water features, or clock towers.**
- **Landscape design including both softscape and hardscape elements.**
- **Resting and recreational facilities, information kiosks, or other amenities as appropriate.”**

The design of buildings, landscaping, signs, and any special features along the Ritchie Marlboro Road frontage as well as Sansbury Road are critical to the image of Westphalia at this designated “gateway.” Stakeholders in the Westphalia sector have been working together for several years to provide for gateway signage design that can be used at all gateway locations. The applicant has shown the design and location of a gateway feature on the plans, the details of the gateway sign will be reviewed with the DSP.

Conformance with the Sector Plan—Section 24-121(a)(5) of the Prince George’s County Code requires that a preliminary plan of subdivision conform to the area master plan, including maps and text. Although the applicant has not fully achieved the original vision of the sector plan for main street design character, the applicant has provided a well-designed mixed-use community at the northern Westphalia Gateway. In addition, the applicant intends to incorporate a Westphalia Gateway feature into their site, which will be reviewed with the DSP. The PPS conforms to the recommendations of the general plan and is consistent with the recommendations of the Westphalia Sector Plan as set forth in this TSR.

3. **Stormwater Management**—The site has a Stormwater Management Concept approval letter (36373-2006-04) approved on December 22, 2015 and valid through May 4, 2017. Stormwater is proposed to be managed by bioretention facilities. A copy of the revised approved Stormwater Management Concept plan associated with approval 36373-2006-04 should be submitted at the time of review of the DSP. Development of this site shall conform to an approved stormwater concept plan to ensure that development does not result in any on-site or down stream flooding.
4. **Parks and Recreation**—The PPS has been reviewed for conformance with the requirements of approved Conceptual Site Plan CSP-07001-02, the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, conditions of Council Resolution CR-2-2007, the Land Preservation and Recreation Program for Prince George’s County, and current zoning and subdivision regulations as they pertain to public parks and recreation. The recreation areas shown on the PPS are consistent with those shown on the CSP for Phase III of the Westphalia Row development. The PPS shows the location of one sitting area. The larger development will include a village green, community center, and two outdoor playgrounds, which will be accessible to future residents of this PPS (Phase III).

Preliminary Plan of Subdivision 4-07038 for Phases I–III was previously approved for private recreational facilities in accordance with Section 24-135(b) of the Subdivision Regulations and with the standards outlined in the *Park and Recreation Facilities Guidelines*. At the writing of this technical staff report (TSR), staff has not received a referral from the Department of Parks and Recreation. However, this is Phase III of the project originally reviewed under PPS 4-07038. DPR recommended that mandatory dedication requirement should be met by the provision of private on-site recreation facilities. This is consistent with Phases I and II of the Westphalia Row development. The amount and type of facilities was established by a recreational facilities agreement (RFA) which is recorded in Liber 31300 at Folio 291 in the County Land Records. The RFA establishes facilities for Phases I and II of development, as well as permit triggers and other terms for the required performance bond. The performance bond trigger for submittal has not yet occurred. The RFA will be amended in accordance with the conditions of the DSP for Phase III.

Condition 23 of Conceptual Site Plan CSP-07001 addressed the following:

23. **The Applicant has indicated a desire to be a part of the established Westphalia Financing Plan. Therefore, at the time of the Detailed Site Plan, if the Applicant is a recognized participant in a designated Westphalia Financing Plan, any designated financial contributions to the overall Westphalia Plan, including contributions to the Central Park, shall be so designated as a condition on the detailed site plan, as part of the established financing formula and plan.**

The original Conceptual Site Plan CSP-07001 was approved before financing mechanisms for Westphalia had been established. The subject PPS, which proposes a reduction in the previously approved number of units, will be serviced by private on-site

facilities as originally envisioned with the approval of the CSP, PPS, and DSP. This Condition will be addressed at the time of DSP and is included in CSP-07001-02. Conceptual Site Plan CSP-07001-02 is currently pending for public hearing prior to this PPS on January 7, 2016. This PPS has been reviewed for conformance to the '02' CSP revisions as discussed further in the Urban Design Finding of this report.

In addressing the Westphalia Sector Plan recommendation for contribution of a \$3,500 per unit parks fee toward construction of the regional Central Park, DPR staff encourage the applicant to comply with the Westphalia Sector Plan recommendation and be part of the County and community effort to build a unique community with high quality recreational facilities for the benefit of all future Westphalia residents.

5. **Trails**—Two master plan trails are in the vicinity of the subject site. Both the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the area master plan recommend shared use paths along Ritchie Marlboro Road and Sansbury Road. The trail along Ritchie Marlboro Road has been completed along the south side of the road for approximately 3,600 linear feet on in the vicinity of the interchange for the beltway. This trail provides bicycle and pedestrian access under the beltway.

The MPOT includes several policies related to pedestrian access and the provision of sidewalks. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians and provision of complete streets:

Policy 1:

Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

Policy 2:

All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Sidewalks have been constructed along the internal roads (excluding alleys) as development has occurred. Staff recommends one additional segment of sidewalk on the south side of Private Alley 8, which will be evaluated with the DSP.

Previously approved CSP-07001 (PGCPB Resolution No. 08-06) included a number of conditions of approval related to bicycle and pedestrian facilities, which have been included with the CSP-07001-02 and will be evaluated with the DSP.

The submitted plans reflect a comprehensive network of sidewalks throughout the Westphalia Row development, including the portion subject to the current revision. The master plan trail is reflected along Sansbury Road, the existing trail is reflected along Ritchie Marlboro Road, and sidewalks are reflected on both sides of the internal roadways, as well as a few of the alleys. In some instances, sidewalks and walkways are provided between townhouse units and through private open space. For the subject application, staff recommends the provision of a sidewalk along the entire south side of Private Alley 8. Otherwise, the sidewalk network looks complete and no additional changes are recommended. This recommendation will be further reviewed at the time of DSP.

6. **Transportation**—Pursuant to PGCPB Resolution No. 08-07, the subject property was originally reviewed as part of PPS 4-07038. The original development consisted of 22.44 acres, and was approved with multiple conditions, including the following that pertain to transportation:

9. The proposed development shall be limited to a mix of uses where the net new trips shall not exceed 398 AM and 471 PM peak-hour trips.

In light of the fact that the proposed development represents a change in land uses which will result in a reduction in trip generation, staff concludes that the trip cap will not be exceeded. However, because this is a separate PPS, a trip cap will be included with this application that will represent a portion of the trip cap approved for 4-07038, not in addition to it. Conditions have been included to provide adequate transportation facilities consistent with conditions of the previous case (4-07038) and on which transportation adequacy is based, including the denial of access along Ritchie Marlboro Road.

The development that is currently being proposed represents a 4.51-acre portion of the original 22.4 acre approval, and it also represents a reduction in density from the original approval for the geographic area of the site. The subject proposal is for 67 townhouse lots and 10,000 square feet of commercial development. This combination of uses will generate a net total of 66 (21 in, 45 out) AM peak-hour trips, and 118 (66 in, 52 out) PM peak-hour trips. Because this proposed trip generation represents a reduction of trips from the previously approved development on this portion of the property, this change in uses will result in a *de minimus* impact, if all the applicable conditions of approval associated with transportation adequacy are brought forward as proposed.

Fernwood Drive is a 60-foot-wide dedicated primary residential street for which parking on both sides will be allowed. A series of internal private streets and private alleys will provide internal circulation between the various components of the proposed development. In reviewing the street layout, staff recommends a realignment of Private Alley 8 and Private Alley 9 in order to remove the “dog-leg” effect that is currently proposed. Beyond that change, TPS staff finds the on-site circulation to be adequate. The site does not propose access to Ritchie Marlboro Road, an arterial. The final plat of subdivision should include a note denying access to Ritchie Marlboro Road. No additional right-of-way dedication is required at this time for Ritchie Marlboro Road or Fernwood Drive. However, as part of this PPS, the applicant has proposed 3,484.8 square feet of right-of-way dedication along Sansbury Road to provide a more consistent right-of-way edge as recommended by DPIE.

In order to provide efficient access to the residential lots, a shared vehicular access easement would be appropriate over the portion of Parcel Q (commercial) extending out to Fernwood Drive. Section 24-128(b)(9) of the Subdivision Regulations states the following:

(b) The Planning Board may approve preliminary plans of development containing private roads, rights-of-way, alleys, and/or easements under the following conditions:

- (9) Where direct vehicular access to an individual lot fronting on a public street should be denied due to a potentially hazardous or dangerous traffic situation, a private easement may be approved in accordance with the driveway standards in Part 11 of Subtitle 27, in order to provide vehicular access, when deemed appropriate by the Planning Board.**

Because of the site limitations, with the recommendation of denial of access onto Ritchie Marlboro Road (arterial roadway) and in an effort to establish adequate circulation between the commercial uses and the residential lots while incorporating the desired mixed-use development scenario envisioned in the Westphalia Sector Plan at this designated Activity Center Gateway, staff recommends the approval of a private vehicular access easement pursuant to Section 24-128(b)(9) of the Subdivision Regulations. This easement will allow a secondary point of circulation for both the commercial uses and the residential land use. It is important for the functioning of the commercial component and the 67 townhouse lots to have full access to two points of vehicular access to ensure safe and efficient circulation.

The commercial uses located on proposed Parcel Q will have one direct vehicular access driveway onto Sansbury Road to the east that will be limited to right in and right out, and one access to Fernwood Drive to the south. The intersection of Fernwood Drive and Sansbury Road is a full access intersection. The residential development, although comprised of 67 lots, functions as one development lot, and will be accessed on the west by Wesbourne Drive (Phase II) and the second access over the Parcel Q (commercial) to Fernwood Drive, with denial of access to Ritchie Marlboro Road. This second access will be a shared access between the commercial land uses and homeowners, with a private easement over the commercial property to the benefit of the homeowners association. The Section 24-128(b)(9) easement is 25 feet wide and 228 feet long, totaling 5,700 square feet over Parcel Q. The access easement shall be depicted on the approved PPS. Minor adjustments to the limits of the easement could occur with the DSP review. The easement document must be reviewed and approved prior to approval of the final plat and fully executed, and recorded in land records with the liber and folio reflected on the plat prior to recordation. The document shall set forth the rights, responsibilities, and liabilities of the owners of Parcel Q and the HOA.

7. **Historic Preservation Section**—Phase I archeological survey was completed on the Westphalia Row property in August 2007. Four copies of the final report, *Phase I Archeological Survey Report: The Westphalia Row Property in Prince George's County, Maryland, Plan #CSP-07001 (Draft Report)*, were received and approved by Historic Preservation staff on December 6, 2007. No archeological sites were identified in the survey. Four dwellings were located on the property, one built around 1935 and the other three built in the 1950s. None of these buildings were considered eligible for inclusion in the National Register of Historic Places. Due to the lack of archeological sites and the lack of significance of the buildings on the property, no further archeological work is necessary on the Westphalia Row property. The PPS will have no effect on Historic Site, Resources or Districts.

8. **Schools**—This PPS proposes a mix of residential and commercial uses.

Residential

The Special Projects Section has reviewed the this PPS for impact on public school facilities for 67 single-family attached dwelling units in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003 and concluded the following:

**Impact on Affected Public School Clusters
Attached Single-Family Units**

| Affected School Clusters # | Elementary School 3 Cluster | Middle School 3 Cluster | High School 3 Cluster |
|---------------------------------------|----------------------------------------|------------------------------------|----------------------------------|
| Dwelling Units | 67 | 67 | 67 |
| Pupil Yield Factor | 0.145 | 0.076 | 0.108 |
| Subdivision Enrollment | 10 | 5 | 7 |
| Actual Enrollment | 6,696 | 2,135 | 4,328 |
| Total Enrollment | 6,706 | 2,140 | 4,335 |
| State Rated Capacity | 8,786 | 2,890 | 6,211 |
| Percent Capacity | 76% | 74% | 70% |

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between Interstate I-95/495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan amendment or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$9,017 and \$ 15,458 to be paid at the time of issuance of each building permit.

In 2013, Maryland House Bill 1433 reduced the school facilities surcharge by 50 percent for multifamily housing constructed within an approved transit district overlay zone; or where there is no approved transit district overlay zone within a quarter-mile of a metro station; or within the Bowie State MARC Station Community Center Designation Area, as defined in the 2010 *Approved Bowie State Marc Station Sector Plan And Sectional Map Amendment*. The bill also established an exemption for studio or efficiency apartments that are located within the County urban centers and corridors as defined in Section 27A-106 of the County Code; within an Approved Transit District Overlay Zone; or where there is no approved transit district overlay zone then within a quarter-mile of a metro station. This act is in effect from October 1, 2013 through September 30, 2018. The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

Prince George's County Public Schools, Department of Capital Programs, submitted a referral (dated November 5, 2015, McCave to Mayah) stating that the area schools have capacity to accommodate the additional students generated from the proposed development, and added that Arrowhead Elementary School is technically within walking distance of this PPS, located 3,700± linear feet south of the subject property on the east side of Sansbury Road. The Department of Capital Programs recommends the requirement of sidewalks on both sides of Sansbury Road, and on both sides of all the streets in the development. In regards to any improvements on Sansbury Road, since the sidewalks are within dedicated public rights-of-way, this will be determined by the operating agency. Finding 5 of this technical staff report (TSR) recommends a segment of sidewalk along the south side of Private Alley 8 to complete the internal sidewalk system.

Non-Residential

The 10,000-square-foot of commercial proposed with this PPS has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002) and

concluded that this portion of the subdivision will have no impact on schools because it is a nonresidential use.

9. **Fire and Rescue**—This PPS proposes a mix of residential and commercial uses. Because the response times are the same for both residential and non-residential land uses, they were analyzed together as follows. The Special Projects Section has reviewed this PPS for adequacy of fire and rescue services. The 67 single-family attached dwelling units and the 10,000 square feet of GFA for commercial in accordance with Section 24-122.01(d) and Section 24-122.01(c)(1)(C) and (E) of the Subdivision Regulations. Section 24-122.01(c) (1)(E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time.

The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.” The proposed project is served by Ritchie Fire/Emergency Medical Service Company 837, a first due response station (a maximum of seven (7) minutes travel time), is located at 1415 Ritchie Marlboro Road.

Pursuant to County Council Resolution CR-69-2006, the Prince George’s County Council and County Executive temporarily suspended the provision of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels. The Fire/EMS Department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005.

10. **Police Facilities**—This PPS proposes a mix of residential and commercial uses.

Residential

The proposed development is within Police District II, Bowie. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on October 21, 2015.

| Reporting Cycle | Previous 12 Month Cycle | Emergency Calls | Nonemergency Calls |
|-------------------------------|-------------------------|-----------------|--------------------|
| Acceptance Date 10/21/2015 | 9/2015-8/2014 | 8 minutes | 13 minutes |
| Cycle 1 | | | |
| Cycle 2 | | | |
| Cycle 3 | | | |

Based upon police response times, the response time standards of ten minutes for emergency calls and the 25 minutes for nonemergency calls were met on November 9, 2015.

Non-Residential

The proposed development is within the service area of Police District II, Bowie. There is 267,660 square feet of space in all of the facilities used by the Prince George’s County Police Department and the July 1, 2014 (U.S. Census Bureau) county population estimate is 904,430. Using the 141 square feet per 1,000 residents, it calculates to 127,524 square feet of space for police. The current amount of space 267,660 square feet is within the guideline.

The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005. Pursuant to County Council Resolution

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

11. **Water and Sewer Categories**—The 2008 *Water and Sewer Plan* designates the parcels in this PPS in Water and Sewer Category 3, inside the Sewer Envelope, in the Growth Tier (formerly the Developing Tier), and within Tier 1 under the Sustainable Growth Act and will therefore be served by public systems. Water and sewer lines are located within Ritchie Marlboro Road and Fernwood Drive. Water and sewer lines extensions may be required to service the proposed subdivision, and must be approved by the Washington Suburban Sanitary Commission (WSSC) before recordation of a final plat.
12. **Health Department**—The PPS was referred to the Prince George's Health Department for review. Comments had not been received at the time of the writing of this TSR.
13. **Use Conversion**—The subject application is proposing 67 townhouse dwelling units and 10,000 square feet of GFA for commercial use in the M-X-T Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy and findings as set forth in the resolution of approval, a new preliminary plan of subdivision shall be required prior to approval of any building permits.
14. **Environmental**—The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

| Development Review Case # | Associated Tree Conservation Plan # | Authority | Status | Action Date | Resolution Number |
|---------------------------|-------------------------------------|-------------------|----------|-------------|-------------------|
| CSP-07001 | TCPI-033-07 | District Council | Approved | 6/18/12 | PGCPB No. 08-06 |
| 4-07038 | TCPI-033-07 | Planning Board | Approved | 1/10/08 | PGCPB No. 08-07 |
| DSP-08024 | TCPII-055-08 | Planning Board | Approved | 11/6/08 | PGCPB No. 96-375 |
| 4-13026 | TCPI-033-07-01 | Planning Board | Approved | 7/17/14 | PGCPB No. 14-68 |
| DSP-08039 | TCPII-055-08-01 | Planning Board | Approved | 3/05/09 | PGCPB No. 09-44 |
| DSP-08039-01 | TCPII-055-08-01 | Planning Board | Approved | 9/10/09 | PGCPB No. 09-131 |
| DSP-08039-02 | TCPII-055-08-02 | Planning Director | Approved | 11/18/10 | N/A |
| DSP-08039-03 | TCPII-055-08-02 | Planning Director | Approved | 2/09/11 | N/A |
| DSP-08039-04 | TCPII-055-08-02 | Planning Director | Approved | 2/29/12 | N/A |
| DSP-08039-05 | TCPII-055-08-02 | Planning Director | Approved | 12/17/12 | N/A |
| DSP-08039-06 | TCPII-055-08-03 | Planning Board | Approved | 7/17/14 | PGCPB No. 14-69 |
| AC-14009 | N/A | Planning Director | Approved | 6/30/14 | N/A |
| CSP-07001-01 | TCPI-033-07-02 | Planning Board | Pending | Pending | Pending |
| 4-15021 | TCPI-033-07-03 | Planning Board | Pending | Pending | Pending |

Proposed Activity

The current application is a PPS and revised TCP1 to change the approved multifamily units, parking garage, and 57,000 square feet of commercial to 67 townhouses and 10,000 square feet of commercial. This change of land use is consistent with the pending revision to the CSP-07001-02, which is scheduled before the Planning Board on the same day. If the CSP is not approved this PPS as proposed will not conform to the current CSP-07001-01.

Grandfathering

The project area is subject to the requirements of Subtitles 24, 25 and 27 that became effective September 1, 2010 because this is a new PPS.

Site Description

This 4.51 acre site in the M-X-T Zone is located in the southwestern quadrant of the intersection of Ritchie Marlboro Road and Sansbury Road. A review of the available information indicates that streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are **not** found to occur on the area of 4-15021. The site is adjacent to the Ritchie Marlboro Road, a master plan arterial facility, which is a source of traffic-generated noise. The soils found to occur on this site according to the *Prince George's County Soil Survey* are in the Collington-Wist complex, Downer-Hammonton complex, Marr-Dodon complex, Potabac-Issue complex and the Westphalia and Dodon soil series. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or adjacent to this property. Ritchie Marlboro Road is a designated scenic and historic road. The property which is located in the Southwest Branch watershed of the Patuxent River basin, and is within the Established Communities Area of the Growth Policy Map and Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

Plan Prince George's 2035 Approved General Plan (2014)

Prior to submittal of the current application a new General Plan was adopted by the District Council. The site is now located within the Established Communities Area of the Growth Policy Map and Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

Conformance with the 2010 Water Resources Functional Master Plan

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the County, on a county wide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, county ordinances for stormwater management, floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), Prince George's County Department of Health, Prince George's County Department of the Environment (DoE), Prince George's Soil Conservation District, Maryland-National Park and Planning Commission (M-NCPPC), and Washington Suburban Sanitary Commission (WSSC) are also deemed to be consistent with this master plan.

Environmental Review

As revisions are made to the plans submitted the revision boxes on each plan sheet shall be used to describe the changes, the date made, and by whom.

Natural Resource Inventory

A signed Natural Resources Inventory (NRI-114-06) for the overall Westphalia Row Subdivision (22.44 acres), which included a detailed forest stand delineation (FSD), was submitted with the application. This PPS does not contain sensitive environmental features, such as streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils. The FSD report describes four forest stands totaling 8.92 acres dominated by yellow poplar, sweet gum, and red oak in Phases I and II. No additional information required with regard to the NRI.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area exceeds 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. Currently, this site has an approved Type I Tree Conservation Plan TCPI (TCPI-033-07-01) and Type II Tree Conservation Plan TCPPII (TCPPII-05-08-03). The PPS application includes a revised TCP1 (03) which is subject to the current regulations because it is a new PPS.

The overall 22.44 acre property contains a total of 8.74 acres of woodland outside the 100-year floodplain according to the NRI. The woodland conservation threshold is 3.01 acres. The overall site proposes to clear an additional 8.31 acres of the existing 8.74 acres. The cumulative woodland conservation requirement is 7.07 acres. The TCP1 proposes to meet the subject site's portion of the overall requirement with 0.35 acres of woodland preservation, 0.53 acres of reforestation/afforestation, and 6.19 acres of off-site woodland conservation. Through other permitting activities at the subject site, the overall site has complied with bonding on-site and purchasing off-site woodland credits.

No additional clearing is proposed as part of this submission. No additional information required with regard to the TCP1.

Primary Management Area

The Primary Management Area (PMA) on the overall plan is shown with impacts within Phase I. These impacts were previously approved with plans CSP-07001, 4-07038, DSP-08024, and DSP-08039. However, the area included with this PPS does not include any PMA. No additional information required with regard to the PMA.

Noise – Roadways

The PPS is located on the south side of Ritchie Marlboro Road, a classified arterial, which is considered a transportation-related noise generator as discussed in the Urban Design Section. Sansbury Road is not classified as an arterial or greater roadway so it does not need to be included in the calculations. The TCP1 shows a noise attenuation wall in Phase II, which will help mitigate the 65 dBA Ldn noise contour associated with a portion of I-95. With this PPS, there are 12 proposed lots that front onto Ritchie Marlboro Road that will be affected by noise. The proposed buildings located on these lots will require an engineer to perform an acoustical analysis and recommend noise reducing building materials prior to permit approval, to ensure that interior noise is mitigated to 45 dBA Ldn or less. Based on the noise study submitted with PPS 4-13026 (Phase II) and resubmitted with this PPS, a noise wall is not required in Phase III.

Historic/Scenic - Roadways

Ritchie Marlboro Road is designated as an historic road. When a roadway is designated as historic, it is because it is located in its historic alignment and there is an expectation that historic features will be found along its length, although not necessarily on every property. Roadways are a linear element, and the intention of the Landscape Manual 4.6 Special Roadway Buffer is to preserve or enhance the extent of the roadway and enhance the travel experience if scenic qualities or historic features have not been preserved.

Adjacent to a historic road, the *Prince George's County Landscape Manual* (which became effective on December 13, 2010) requires a Section 4.6(2) landscape buffer (Buffering Development from Special Roadways) based on the development tier. In the Environmental Strategy Area 2 of Plan 2035 (formerly the Developing Tier), the required buffer along a historic road is a minimum of twenty feet wide to be planted with a minimum of eighty plant units per one hundred linear feet of frontage, excluding driveway openings. Landscaping is a cost effective

treatment which provides a significant visual enhancement to the appearance of the historic road. Conformance to the Landscape Manual will be addressed by the Urban Design Section at the time of DSP for Phase III. The PPS currently reflects proposed signage within the area that would be required for the buffer. The signage is not being approved with the PPS and should be removed from the PPS, and then evaluated with the DSP.

Soils

The soils found to occur on this property are Collington-Wist complex, Downer-Hammonton complex, Marr-Dodon complex, Potabac-Issue complex and the Westphalia and Dodon soil series. According to available information, Marlboro clay does not occur on this property. This information is provided for the applicant's benefit. No further action is needed as it relates to this Conceptual Site Plan. A soils report may be required by the Prince George's County Department of Environmental Resources (DoE) during the permit process review.

15. **Urban Design**—The PPS is a portion of a larger 22.44 acre development plan known as Westphalia Row, which is located in the southwest corner of the intersection of Ritchie Marlboro Road and Sansbury Road. Westphalia Row is designated as one of nine gateways into Westphalia area by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, and as the location of a mixed-use village center.

Conformance with the Requirements of the Zoning Ordinance

The application is subject to the requirements of Section 27-547, Uses Permitted, of the Zoning Ordinance. The proposed uses in this application are permitted in the M-X-T Zone.

The proposed floor area ratio (FAR) is provided on the preliminary plan of subdivision. The Zoning Ordinance states that the FAR should be calculated for the entire area of the Conceptual Site Plan. The overall FAR for the site is 0.9, which is less than the maximum FAR that was approved previously in accordance with Section 27-545, Optional method of development, of the Zoning Ordinance with the use of the residential use bonus incentive only.

Developments in the M-X-T Zone are required to have vehicular access to a public street in accordance with Section 27-548(g) noted below:

Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.

While the overall development is accessed by public streets, the individual townhouse lots will be served by private streets and alleys. Appropriate frontage, vehicular access, and circulation for both the townhouse lots and the commercial component have been analyzed with this PPS, and have been found adequate.

The site is subject to Section 27-544(b)(2), which states:

The limitations on the maximum percentages of townhouses contained in Section 27-547(b)(7), footnote 7 and the lot size and lot width requirements in Section 27-548(h) shall not apply. However, the Planning Board or District Council may impose similar restrictions where appropriate, only to implement the recommendations of the Master Plan or Sector Plan.

The Planning Board and District Council have imposed minimum lot size restrictions and other development standards on the subject site in accordance with this section. At time of Conceptual Site Plan approval for Westphalia Row, the Planning Board considered the standards contained in the February 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* in establishing minimum lot size and setback standards for the proposed development. No limitation on the percentage of townhouses has been established. The PPS demonstrates development in accordance with the applicable standards, which are reflected on the plan.

Conformance with the requirements of Section 27-546, Site Plans in the M-X-T Zone, Part 11, Off-Street Parking and Loading, and Part 12, Signs, of the Zoning Ordinance is required for the proposed development and will be further evaluated at the time of detailed site plan (DSP) review.

Conformance with the Conceptual Site Plan CSP-07001-02

Conceptual Site Plan CSP-07001-02 amends previous approved CSP-07001 and CSP-07001-01 for Phase III of this project. The original CSP includes 238-375 dwelling units and up to 100,000 square feet of commercial/retail uses. The CSP '02' revision is scheduled to be heard by the Planning Board on January 7, 2016, and proposes a conversion of the previously approved land uses in Phase III from 250 multifamily dwelling units and 57,600 square feet of commercial uses to 67 townhouse dwelling units and 10,000 square feet of commercial uses.

The following conditions are recommended for approval with the pending revision to Conceptual Site Plan CSP-07001-02 and are relevant to the review of the subject preliminary plan of subdivision:

3. **Prior to approval of a future detailed site plan for the proposed townhouses, public views of alleys shall be minimized by screening the ends of alleys to the fullest extent possible.**

While the above condition is applicable at time of DSP review, the proposed townhouse layout is consistent with the recommendation set forth in this condition.

5. **The following development standards shall apply to and be reflected on the Detailed Site Plan. At the time of Detailed Site Plan review, the Planning Board may make modifications to the development standards without the need to amend the Conceptual Site Plan if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the conceptual site plan and the sector plan.**

- a. **Front-loaded townhouses (fee simple)**

- (1) **Minimum lot size: 1300 square feet**
- (2) **Minimum front yard setback: 20 feet from back of sidewalk**
- (3) **Minimum yard area: 400 square feet**
- (4) **Maximum building height: 45 feet**
- (5) **Minimum lot width: 20 feet**

- b. **Rear-loaded townhouses (fee simple)**

- (1) **Minimum lot size: 1,000 square feet for no less than 50 percent of the units and a minimum of 800 feet for the remainder.**

- (2) **Minimum front yard setback: 6 feet from property line.**
- (3) **Maximum building height: 45 feet.**
- (4) **Minimum lot width: 20 feet for no less than 50 percent of the units and a minimum of 16 feet for the remainder.**

c. Commercial/Retail building

- (1) **Buildings shall be set back 15–35 feet from the ultimate right-of-way line of Ritchie Marlboro Road. Building walls must be within 35 feet of the ultimate right-of-way line for at least 75 percent of the linear distance of the parcel’s frontage on Ritchie Marlboro Road.**
- (2) **Buildings shall be set back 15–25 feet from the ultimate right-of-way line of Sansbury Road. Building walls must be within 25 feet of the ultimate right of way line for at least 75 percent of the linear distance of the parcel’s frontage on Sansbury Road.**
- (3) **Maximum building height: 75 feet.**

The subject preliminary plan of subdivision proposes rear-loaded townhouses, which are subject to the development standard contained in Condition 5.b. These development standards are accurately reflected on the preliminary plan of subdivision, and all the lots proposed meet and exceed the development standards as applicable to the PPS. Further conformance with all standards will be evaluated at the time of DSP.

- 8. Prior to approval of the detailed site plan by the Planning Board, the applicant and the applicant’s heirs, successors, and/or assignees shall provide adequate on-site private recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines. The private recreational facilities shall be reviewed by the M-NCPPC Development Review Division (DRD), Urban Design Section, for adequacy and proper siting.**

The above condition remains in effect and the recreational facilities will be reviewed for adequacy and siting with the DSP. Both Phase I and Phase II of the development are subject to a private recreational facilities agreement (Liber 31300 folio 291) and those facilities are bonded. This third phase of the development also includes additional recreational facilities that will require a separate RFA and bond, with appropriate triggers for construction being established with the DSP. With the total recreational facilities package being proposed the development will meet the mandatory dedication of parkland facilities required by the Subdivision Regulations (Section 24-134).

- 9. The private recreational facilities package to be provided by this development shall include those facilities proposed with the Conceptual Site Plan application, which includes two (2) outdoor play areas for children.**

The recreation areas shown on the PPS are consistent with those shown on the proposed CSP. The area covered in this PPS is Phase III of the development. The larger development also includes a village green, community center, and two outdoor

playgrounds, which shall be accessible to future residents of Phase III of the development. The overall recreational facilities package proposed by the applicant will be adequate to serve the future residents of the community.

10. **The Applicant shall provide an eight-foot-wide side path or wide sidewalk along Sansbury Road, unless modified by the Department of Public Works & Transportation (DPW&T).**

The above condition remains in effect, and will be reviewed with the DSP.

11. **The final record plat shall include a note that the Applicant, the Applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of appropriate signage for the Class III bikeway along Sansbury Road. The contribution shall be made prior to the issuance of the first building permit.**

The above condition is applicable to this PPS as required by the master plan for bike facilities along Sansbury Road and is conditioned with this PPS.

14. **The proposed development shall be limited to a mix of uses where the net new trips shall not exceed 398 AM and 471 PM peak-hour trips.**

The above condition is applicable as discussed in the Transportation Section and establishes the trip cap for the entire land area covered under Conceptual Site Plan CSP-07001, and combined in PPS 4-07038, and the subject PPS. The trip cap proposed with this PPS is not in addition to the above trip cap but is the portion of that cap associated with this geographic area and applicable to the 67 townhouse lots and the proposed 10,000 square feet of commercial development.

16. **The Applicant has indicated a desire to be a part of the established Westphalia Financing Plan. Therefore, at the time of the Detailed Site Plan, if the Applicant is a recognized participant in a designated Westphalia Financing Plan, any designated financial contributions to the overall Westphalia Plan, including contributions to the Central Park, shall be so designated as a condition on the detailed site plan, as part of the established financing formula and plan.**

The original CSP was approved before financing mechanisms for Westphalia had been established. The subject preliminary plan of subdivision, which proposes a reduction in the previously approved number of units, does not require the Planning Board to revisit its previous findings regarding financial contributions for Westphalia.

17. **At the time of building permit issuance, applications for building permits shall be prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise impact area.**

This condition considers noise impacts on the units adjacent to Ritchie Marlboro Road. In addition, the units that are directly adjacent to the commercial parcel (Parcel Q) and the private road serving the retail building (extending from Fernwood Road) may also be

impacted by noise from users of that property. Therefore, staff recommends that the lots located within the 65 dBA Ldn of Ritchie Marlboro Road, and the lots along the interior private street adjoining Parcel Q, specifically Lots 106, 107, 125–133, 140 and 141, require interior noise mitigation to 45 dBA Ldn at the time of building permit.

Conformance with the 2010 Prince George's County Landscape Manual

Per Section 27-548 of the Zoning Ordinance, landscaping, screening, and buffering within the M-X-T Zone shall be provided pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The proposed development is subject to the requirements of Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees along Private Streets.

Conformance with the requirements of the Landscape Manual will be determined at the time of DSP review when detailed information is submitted.

Tree Canopy Coverage Ordinance

The Tree Canopy Coverage Ordinance requires 10 percent tree canopy coverage for properties zoned M-X-T. Therefore, the subject 4.51 acre property must provide 0.451 acre of site area to be covered by tree canopy. This requirement can be met either through the preservation of existing trees, proposed on-site landscaping, or a combination of both, and will be evaluated at the time of DSP review.

Additional Urban Design Comments

Appropriate on-site usable green space and recreational facilities should be provided for future residents. Private on-site recreational facilities are required on the subject site as previously evaluated at time of the Conceptual Site Plan CSP-07001 approval for the entirety of Westphalia Row. These amenities are located within Phase I, II, and Phase III, and shall be accessible to all residents. Recreation areas will be centrally located on the site, and include active and passive recreational facilities, such as playgrounds, amenity rooms/clubhouses, outdoor sitting areas, and walking trails for future residents. The recreational facilities located within Phase III will be sitting at the time of DSP and appropriate triggers established for construction.

In order to ensure that the relationship between the commercial and residential land use are complimentary, a sense of private space for the residents should be delineated. This will also ensure that patrons of the commercial development are aware when entering into the private residential neighborhood (private property) without prohibiting cross pedestrian traffic. To accomplish this the applicant should incorporate berming or decorative fencing as determined appropriate at the time of DSP. This will also provide a delineation between the property ownership to ensure no conflicts are created for maintenance.

Green building techniques should be employed in this development to the extent practical. Additional information should be provided at time of DSP review.

Public utility easements (PUE) have been shown on most of the lots. There are also structures such as entrance stoops within the easements. The Urban Design staff has concerns over long-term maintenance burden of those structures on future residents. The applicant should remove any PUE from each individual lot and relocate any structures associated with dwelling units outside of the PUEs. However, this issue will be examined further at the time of DSP review when detailed information is submitted. As discussed further in the Variation Requests Finding, the applicant has requested approval of the ability to provide alternative PUEs. While this is supported by staff,

conflicts between individual homeowners' structures like stoops, must be avoided unless the applicant obtains explicit approval from the effected utility companies. The final PUE layout will be shown on the DSP, and reflected on the final plat prior to approval.

16. **Variation Requests**—The applicant has filed variation requests from Sections 24-121(a)(4) for lot depth, 24-128(b)(7)(A) for lots fronting on private streets and open space being served by alleys, and 24-128(b)(12) for the use of alternative public utility easements, all of the variations are recommended for approval.

Variation from Section 24-121(a)(4)

The PPS proposes a minimum lot depth of less than 150 feet for lots that are adjacent to Ritchie Marlboro Road, which is a roadway of arterial classification. Lots 95-106, and 161 are the subject of this variation; totaling 13 lots. Section 24-121(a)(4) states:

The PPS proposes a minimum lot depth of less than 150 feet for lots that are adjacent to Ritchie Marlboro Road, which is a roadway of arterial classification. Lots 95–106, and 161 are the subject of this variation; totaling 13 lots. Section 24-121(a)(4) states:

- (4) **Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.**

Section 24-113(a) sets forth the required findings for approval of variation requests as follows:

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

- (1) **The granting of the variation will not be detrimental to the public safety, health, welfare, or injurious to other property;**

Approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121 could result in practical difficulties to the consistent with the previously approved Phase II (PPS 4-13026), which was found not to be detrimental to the public safety, health, welfare or injurious to other property. The rear activity areas are

mitigated by the townhouse buildings. The building shells are conditioned with this PPS to attenuate to interior noise levels of 45 dBA Ldn or less. Ritchie Marlboro Road is a designated historic road. The PPS shows the required 4.6 Landscape Manual Bufferyard for the Special Roadways between the arterial roadway and the proposed development. The 4.6 buffer will assist with the protection and visual screening from traffic nuisances for the property that is within the unmitigated 65 dBA Ldn noise contour. The purpose of the lot depth requirement is to ensure adequate protection from nuisances. With the combination of landscaping, dwelling orientation, and upgraded construction materials the adverse impacts from Ritchie Marlboro Road are adequately mitigated in this case.

- (2) **The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The PPS is situated on a relatively small area of land in the M-X-T Zone with the CSP approved with a commercial component at the northern gateway to the sector plan. The PPS is bounded to the north by Ritchie Marlboro Road, which is designated as an arterial roadway, on the east by Sansbury Road, which is designated as a collector roadway, and Fernwood Drive to the south, a primary residential roadway. The 4.51 acre size of this M-X-T zoned land which includes a commercial component, is unique as compared to the surrounding properties, which are not mixed use.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

The only regulation applicable to the variation being discussed is Section 24-121(a)(4). Therefore, approval of this variation will not constitute a violation of any other applicable law, ordinance, or regulation.

- (4) **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;**

Adherence to the requirements of Section 24-121(a)(4), would result in the loss of 13 lots, which is 19 percent of the lots proposed. The property has a unique shape that fronts on three public rights-of-way (Ritchie Marlboro Road, Sansbury Road, and Fernwood Drive), and one private street (Wesbourne Drive) when compared to abutting properties. The applicant is limited by the existing conditions of the property and the small size of the property, which are unique and not generally applicable to

other properties.

- (5) **In the R-30, R-30c, R-18, R-18c, R-10, R-10, and R-H zones, where multi-family dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113 (a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The site is not located in any of the listed zones. Therefore, this finding does not apply.

Based on the proceeding findings staff recommends **approval** of the requested variation to Section 24-121(a)(4) of the Subdivision Regulations for 13 lots, specifically Lots 95-106, and 161.

Variation from Section 24-128(b)(7)(A)

The PPS proposes townhouse lots that front on interior private streets and open space that are served by private alleys. The applicant filed a variation request from Section 24-128(b)(7)(A) of the Subdivision Regulations to allow the use of alleys to serve townhouse lots that front on private streets and open space instead of public streets as required. Section 24-128(b)(7)(A) states:

Section 24-128(b)(7)(A) states the following:

- (A) **For land in the V-L, V-M, R-L, R-S, R-M, R-U, M-U-I, L-A-C, M A C, M-X-C, M-U-TC, and M-X-T Zones, the Planning Board may approve a subdivision (and all attendant plans of development) with private roads to serve attached single-family dwellings, two-family dwellings, and three-family dwellings, but not single-family detached or multifamily dwellings, in accordance with the requirements of Subsections (e) and (f) of Section 27-433 of the Zoning Ordinance, except as hereinafter provided. In all of the above zones, and in the R-R Zone when developed as a cluster subdivision, the Planning Board may approve a subdivision with alleys to serve any permitted use, provided the lot has frontage on and pedestrian access to a public right-of-way. The District Council may disapprove the inclusion of alleys during the consideration of the detailed site plan for a cluster subdivision. For the purposes of this Section, an “alley” shall mean a road providing vehicular access to the rear or side of abutting lots, and which is not intended for general traffic circulation.**

The applicant is asking for relief from this requirement to allow townhouse lots which are served by alleys to have frontage on private rights-of-way and open space instead of public rights-of-way. Thirty lots are proposed to front on public rights-of-way. Thirty-seven lots, specifically Lots 107-133 and 152-161, are proposed to front on private streets and homeowners (HOA) open space.

Section 24-113(a) sets forth the required findings for approval of variation requests as follows:

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

- (1) **The granting of the variation will not be detrimental to the public safety, health, welfare, or injurious to other property;**

The approval of this variation will not be injurious or detrimental to other property because it pertains only to the positioning of buildings related to access that will be situated on lots that are internal to the PPS. The alley by definition (27-107.01) is intended to serve secondary vehicular traffic and is not intended to serve general circulation. Whether the lots front on open space, or private streets instead of public streets is not altering this arrangement in this case. The alleys are designed to serve a limited number of lots and will not serve general circulation based on the lotting pattern proposed with this PPS. The granting of this variation does not alter the intent of the design and use of alleys.

- (2) **The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The land within the Westphalia Row development (4.51 acres) is zoned M-X-T and has an approved CSP, PPS, and DSP (for Phases I and II) allowing smaller lots and higher density than what is generally permitted in the R-T Zone. Additionally, the size of the development parcel (4.51 acres) limits the implementation of public streets that serve each proposed lot, as they are generally required to be wider than private streets. In order to realize the permitted density, the use of alleys serving lots fronting on open space and private streets is appropriate, and consistent with the approvals of Phases I and II.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

The only regulation applicable to the variation being discussed is Section 24-128(b)(7)(A). Therefore, approval of this variation will not constitute a violation of any other applicable law, ordinance, or regulation.

- (4) **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;**

As previously stated, the land within the Westphalia Row development is zoned M-X-T and has an approved CSP and PPS allowing smaller lots and higher density than what is generally permitted in residential zones. Additionally, the size of the development parcel (4.51 acres) limits the ability to implement public streets that serve each proposed lot, as they are generally required to be wider than private streets. In order to realize the permitted density, alternative layouts have been proposed by the applicant. The size of the development parcel (4.51) limits the applicant's ability to adhere to this regulation.

- (5) **In the R-30, R-30c, R-18, R-18c, R-10, R-10, and R-H zones, where multi-family dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113 (a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the prince George's County Code.**

The site is not located in any of the listed zones. Therefore, this finding does not apply.

Based on the proceeding findings staff recommends **approval** of the variation to Section 24-128(b)(7)(A) of the Subdivision Regulations for 37 lots, specifically Lots 107–133 and 152–161.

Variation to Section 24-128(b)(12)

The PPS proposes a public utility easement (PUE) contiguous to one side of the private street rights-of-way that are less than the minimum ten-foot-width required. Section 24-128(b)(12) states the following:

- (12) **Private roads provided for by this Subsection shall have a public utility easement contiguous to the right-of-way. Said easement shall be at least ten (10) feet in width, and shall be adjacent to either right-of-way line.**

Section 24-113(a) sets forth the required findings for approval of variation requests as follows:

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**
- (1) **The granting of the variation will not be detrimental to the public safety, health, welfare, or injurious to other property;**

The location of PUEs for this PPS is a development consideration for the land that is within the boundary of the plan, and will not affect other property.

- (2) **The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The land within the Westphalia Row development is zoned M-X-T and has an approved CSP, PPS, and DSP for lots that are smaller than the more suburban zoning standards in residential zones. The ten feet of width normally required for PUEs would be difficult to implement, while maintaining the density and number of lots permitted in previous approvals.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

Phases I and II of development for Westphalia Row were previously approved and have been constructed with PUE widths and locations that are very similar to what is being proposed with this PPS. The only regulation applicable to the variation being discussed is Section 24-128(b)(12). Therefore, approval of this variation will not constitute a violation of any other applicable law, ordinance, or regulation. Moreover, the applicant must obtain approval from the affected utility companies at the time of DSP for the alternative to ensure that adequate utility easements are provided to serve the future residents of the community. If the applicant is not able to obtain their consent they are required to provide the standard 10-foot-wide utility easement at the time of final plat approval.

- (4) **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;**

As previously stated, the land within the Westphalia Row development is zoned M-X-T and has an approved CSP, PPS, and DSP allowing lots that are smaller than the more suburban zoning standards in residential zones. The property has a unique shape that fronts on three public rights-of-way (Ritchie Marlboro Road, Sansbury Road, and Fernwood Drive), and one private right-of-way (Wesbourne Drive) when compared to abutting properties. The applicant is limited by the existing conditions and the small size of the property, which are unique and not generally applicable to other properties. The 10 feet of width normally required for PUEs would be significantly difficult to implement, while maintaining the density and number of lots permitted in previous approvals. The size of the development parcel (4.51 acres) inhibits to the applicant's ability adhere to this regulation.

- (5) **In the R-30, R-30c, R-18, R-18c, R-10, R-10, and R-H zones, where multi-family dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113 (a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the prince George’s County Code.**

The site is not located in any of the listed zones. Therefore, this finding does not apply.

Based on the proceeding findings staff recommends **approval** of the variation to Section 24-128(b)(12) of the Subdivision Regulations, subject to the applicant obtaining the consent of all the affected utility companies at the time of review of the DSP.

If the applicant is not able to obtain the consent then a standard 10-foot-wide PUE shall be granted at the time of final plat approval along one side of all private streets.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to make the following technical corrections:
 - a. Correct the number of lots to read “67,” not “66.”
 - b. Have the plan signed and sealed by the professional land surveyor who prepared it.
 - c. Label the adjacent properties with the plat references.
 - d. Update Site Data to include that Parcel Q to be retained by the owner.
 - e. Add the 150-foot Lot Depth line type to the Legend. Remove proposed topography and tree line, severe/steep slopes, and limit of disturbance from the legend.
 - f. Show the vehicular access easement to benefit the residential homeowners over private Road E, within Parcel Q and added to general notes the granting of an access easement pursuant to Section 24-128(b)(9).
 - g. Submit a copy of the traffic study upon which the transportation adequacy for this PPS and conditions of approval are based. (PPS 4-07038).
 - h. Label “private” recreation facilities in general notes.
 - i. Remove all signage from the PPS and TCP1.
2. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-033-07-03). The following note shall be placed on the Final Plat of Subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-033-07-03), or as modified by the Type 2 Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”

3. In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, the applicant and the applicant’s heirs, successors, and/or assignees shall provide the following:
 - a. Provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage along Sansbury Road. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.
4. Development of this site shall be in conformance with Stormwater Management Concept Plan 36373-2006-04 and any subsequent revisions. A copy of the revised approved Stormwater Management Concept plan associated with approval 36373-2006-04 shall be submitted at the time of DSP.
5. Approval of this preliminary plan of subdivision shall supersede Preliminary Plan of Subdivision 4-07038 (PGCPB Resolution No. 08-07) for the development of Phase III of Westphalia Row.
6. The proposed development shall be limited to a mix of uses that shall not exceed 66 AM and 118 PM peak-hour trips. Any development generating a traffic 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.
7. At the time of final plat, the applicant and the applicant’s heirs, successors, and/or assignees shall grant a ten-foot-wide public utility easement along all public rights-of-way, and a ten-foot-wide PUE along one side of all private streets, unless an alternative to the PUE along the private streets is approved at the time of DSP.
8. The applicant and the applicant’s heirs, successors, and/or assignees shall provide adequate private recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (M-NCPPC) for adequacy and property sitting, prior to approval of the detailed site plan.
9. The applicant and the applicant’s heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFA) for Phase III to the Development Review Division (M-NCPPC) for their approval three weeks prior to applying for building permits. Upon approval by the Development Review Division, the RFA shall be recorded among the Land Records of Prince George’s County, Upper Marlboro, Maryland, and the liber and folio reflected on the final plat.

10. The applicant and the applicant's heirs, successors, and/or assignees shall submit to the Development Review Division (M-NCPPC) a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by the Development Review Division for Phase III, within at least two weeks prior to applying for building permits.
11. The final plat of the subdivision shall contain a note denying access to Ritchie Marlboro Road.
12. Prior to issuance of building permits in Phase III, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association (HOA) 2.96± acres of open space land (Parcels A-C and P-S). The land to be conveyed shall be subject to the following:
 - a. Conveyance shall take place prior to issuance of building permits.
 - b. A copy of the recorded special warranty deed for the property to be conveyed shall be submitted to the Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's Planning Department, Subdivision Review Section of the Development Review Division (DRD), Upper Marlboro.
 - c. Upon completion of any phase, section, or the entire development, all waste matter of any kind shall be removed from the property and all disturbed areas shall be stabilized. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to a HOA shall be in accordance with an approved plan or shall require the written consent of the Development Review Division (DRD). This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair, or improvements required by the approval process.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to issuance of grading or building permits.
 - f. Temporary or permanent use of land to be conveyed to a HOA for stormwater management shall be approved by DRD.
 - g. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
 - h. Further subdivision of this land is strictly controlled.
13. Prior to approval of the final plat of subdivision for Parcel Q (commercial), a draft vehicular access and public utility easement to the benefit of the homeowner's association (HOA) pursuant to Section 24-128(b)(9) and the approved PPS shall be approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC) and be fully executed. The easement documents shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of M-NCPPC. Prior to recordation of the final plat, the easement shall be recorded in

land records and the liber/folio of the easement shall be indicated on the final plat and the limit of the easement reflected.

14. Prior to approval of building permits for residential buildings located within the unmitigated 65 dBA Ldn noise contour of Ritchie Marlboro Road and dwellings located on Lots 106, 107, 125–133, 140 and 141, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that the building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.
15. At time of DSP, the relationship between the commercial and residential land uses shall be evaluated to incorporate berming or decorative fencing as determined appropriate.
16. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Sansbury Road/D'Arcy Road intersection (unsignalized):
 - The Applicant shall provide separate left and right-turn lanes for the D'Arcy Road approaches. Since these additional improvements will not lower the delay below 50 seconds in any given movement, and per the requirement of DPW&T, the Applicant shall conduct a traffic signal warrant study and install if deemed to be warranted.
 - b. Sansbury Road/Ritchie Marlboro Road intersection:
 - Provide the addition of a third eastbound and westbound through lane on Ritchie Marlboro Road.
 - c. Ritchie Marlboro Road/White House Road intersection:
 - (1) Provide the following improvements:
 - Northbound approach: (2) two left-turn lanes and a shared left-through right lane.
17. At the time of final plat approval, the applicant shall dedicate 3,484.8 square feet of additional public right-of-way along Sansbury Road, as reflected on the approved preliminary plan of subdivision.

STAFF RECOMMENDS:

- Approval of Type 1 Tree Conservation Plan TCP1-033-07-03.
- Approval of a Variation to 24-121(a)(4).
- Approval of a Variation to 24-128(b)(7)(A).
- Approval of a Variation to 24-128(b)(12).