

**R E S O L U T I O N**

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

WHEREAS, in consideration of evidence presented at a public hearing on September 10, 2009 regarding Detailed Site Plan DSP-08039/01 for Westphalia Row, Phase II, the Planning Board finds:

1. **Request:** The detailed site plan proposes to develop 96 triplex residential dwellings as part of a larger mixed-use development.
2. **Development Data Summary:**

	<b>PREVIOUSLY- APPROVED</b>	<b>APPROVED (DSP-08039/01)</b>
Zone(s)	M-X-T	M-X-T
Use(s)	Townhouses	Townhouses, Triplexes, and Clubhouse
Acreage	20.67	20.67
Dwelling Units	153	249
Residential Square Footage	314,528	423,904
Floor-Area Ratio	0.35	0.47

The zoning ordinance requires that each three-family dwelling unit provide two parking spaces, or 212 parking spaces for the 96 units. Per condition 10 of CSP-07001, an additional 22 parking spaces are required for guest parking, for a total of 234 parking spaces in Phase II. The DSP proposes 212 parking spaces off-street parking spaces (two spaces in the combination garage/carport of each dwelling unit), and an additional 50 on-street parallel parking spaces along the private streets, for a total of 262 spaces which more than meets the requirement.

3. **Location:** The subject property is located at the southwest corner of the intersection of Ritchie-Marlboro Road and Sansbury Road, in Planning Area 78, Council District 6. It is within the Developing Tier. This intersection is designated by the February 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* as one of ten gateways into Westphalia. It is in the plan as the location of a mixed-use village center. Fernwood Drive passes through the site.
4. **Surrounding Uses:** To the northwest of the site is the exit ramp leading from I-495 to Ritchie Marlboro Road. To the south of the subject site is an existing single-family residence in the R-R Zone. Further south and west on Fernwood Drive is a mobile home park. Across Sansbury Road to the east are the Ritchie Baptist Church property and the PB&J property, which are also

zoned M-X-T (mixed-use-transportation oriented) as part of the village center and are currently developed with a church and a single-family house.

5. **Design Features:** The previously-approved townhouses are located on the southern side of the site, on either side of Fernwood Drive. This application proposes 96 triplex attached dwellings, referred to as “triplexes”, which consist of attached units constructed in groups of three in a four-story arrangement. The 96 units are divided into five buildings of twelve units, and four buildings of nine units. These buildings are arranged along private streets with alleys behind the buildings providing access to rear-loaded garages on the ground floor of the buildings.

The DSP also includes a 2,408-square-foot clubhouse located on the north side of Fernwood Drive within the Village Green, the open-space community at the center of the development. The clubhouse will include an exercise room and meeting space for the community.

6. **Previous Approvals:** This property was rezoned to M-X-T by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. As part of this rezoning, the District Council approved the concept plan for development of the subject property and the neighboring properties to the east and southeast as an integrated, mixed-use development. This concept plan is illustrated in view and with illustrative perspective renderings in Exhibit 19, presented as part of the public record for the Sectional Map Amendment. Exhibit 19 is intended to serve as a vision to guide the development of the village center.

On July 1, 2008, the District Council granted approval of Conceptual Site Plan CSP-07001 for the development of the property as a mixed-use development including 420-600 dwelling units and 50,000-100,000 square feet of commercial office and retail. On January 10, 2008, the Planning Board approved Preliminary Plan of Subdivision 4-07038. On November 6, 2008, the Planning Board approved Detailed Site Plan DSP-08024 for the relocation of Fernwood Drive to the location shown on the conceptual site plan. The first phase of development, consisting of 153 townhouses on the southern portion of the site, was approved by the Planning Board as Detailed Site Plan DSP-08039 on March 5, 2009.

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.

**Required Findings for Detailed Site Plans in the M-X-T Zone (Section 27-546(d)):**

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

The proposed development is in conformance with this requirement. In accordance with Section 27-542(a)(2) of the Zoning Ordinance, the proposed detailed site plan will implement the recommendation of the Approved Westphalia Sector Plan and Sectional Map Amendment (SMA) by contributing to the creation of a compact, mixed-use community. The plan is the second phase of a walkable, mixed-use development proposed on the site.

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

The uses and development character on the site are in conformance with those envisioned on Exhibit 19 and are generally consistent with the design guidelines of the sector plan.

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

The development will be outwardly oriented. Although the village green forms an internal focal point at the center of the community, the townhouses at the eastern edge of the site will front onto Sansbury Road. In the northwestern corner of the site, the proposed triplex units are adjacent to Ritchie Marlboro Road, and in accordance with the conceptual site plan (CSP), one attached row fronts northwards toward Ritchie Marlboro Road. Although two other attached rows present their sides rather than fronts towards Ritchie Marlboro, these units are partially concealed from the road by a required noise attenuation wall.

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

The most intensive uses of the overall development (in the multifamily and commercial buildings) will be concentrated at the northeast corner of the site, with the attached units in Phase I helping to transition toward the lower-density residential uses south of the site. The development will be compatible with the proposed development in the rest of the village center on the east side of Sansbury Road.

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

The mix of uses, arrangement of buildings, and other improvements and amenities of the village center area will reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability. The development on the subject site will be a key component of the village center.

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

The subject detailed site plan (DSP) proposes that the 96 triplex dwellings will be constructed as the second phase of development on the site. This phase will be effectively integrated with the first phase, maintaining connections with the overall street network and sharing recreational facilities provided within the proposed clubhouse. The envisioned multifamily and commercial developments on the remainder of the site will be constructed in later phases. The plan allows for effective integration of the later phases into the development.

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

The plan shows a comprehensive and convenient pedestrian network of sidewalks along all of the public and private streets. Sidewalks are not proposed along the alleys, which are intended for vehicular movements. All of the proposed dwelling units are accessible from the sidewalk network.

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

Within Phase II, there is only one area which is designed as a gathering place for people. This is Parcel L, in the northwest corner of the site, which is proposed to include a seating area at an appropriate human scale for pedestrian use. The area around the clubhouse has also been designed as a gathering place, with a patio, gazebo, and trellis complementing the landscaped village green.

**Regulations of the M-X-T Zone (Section 27-544)**

**(b) For property placed in the M-X-T Zone through a Sectional Map Amendment or through a Zoning Map Amendment intended to implement land use recommendations for mixed-use development recommended by a Master Plan or Sector Plan that is approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation:**

**(1) The design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan.**

In accordance with this regulation, the approved conceptual site plan incorporated standards for setbacks, lot size, height, and lot width. The triplex buildings in the DSP are in conformance with the CSP development standards.

The M-X-T Zone allows a floor-to-area ratio (FAR) of 0.4, which is increased to 1.4 when residential uses are included, and up to 8.0 with the provision of various incentive measures. The approved conceptual site plan shows a FAR of approximately 1.4, including 50,000–100,000 square feet of commercial and 1,160,500 square feet of residential space. The total FAR proposed with this DSP, i.e. excluding future multifamily and commercial space, is approximately 0.47, which is within the level allowed.

8. ***Prince George's County Landscape Manual:*** Phase II of the site is subject to Section 4.1 of the *Prince George's County Landscape Manual*.

Section 4.1 requires plantings for residential properties. The 96 triplex dwelling units and the 153 townhouses require 1.5 shade trees and 1 ornamental or evergreen tree per unit, which may be provided either on the individual lots or on the common open space for the development. The applicant has shown adequate landscaping for this requirement, with the majority of the plantings being provided within the common open space of the development.

9. ***2007 Approved Westphalia Sector Plan and Sectional Map Amendment (SMA)***

**Village Center Guidelines**

The plan designates the subject property, along with other land to the east, as part of a mixed-use activity center, one of two such areas in Westphalia. The plan establishes a number of guidelines for these areas, focusing on the creation of high-quality, pedestrian-friendly development. The proposed design presented by the applicant is consistent with the design principles for mixed-use activity centers. The following design principles warrant discussion at this time:

**Design internal streets/site circulation as low-speed streets with parallel or angled on-street parking.**

Fernwood Drive is designed with parallel parking on either side, subject to the approval of Department of Public Works and Transportation (DPW&T). Similarly, the private streets (not the private alleys) throughout the site are designed to have parallel parking on one or both sides.

**Residential and commercial development should be medium-to-high density with a minimum of two-story buildings, up to six.**

The three-family buildings are all four-story buildings, developed in a moderately-dense land use pattern.

**Design off-street surface parking to be placed to the side and rear of buildings, in the interior of blocks, and screened from public walks and streets.**

The majority of parking is proposed to be located in the rear-loaded garages on the ground floor of the buildings. The majority of surface parking proposed on the site is envisioned as parallel on-street parking. There are no off-street surface parking areas within Phase II.

### **Gateway Guidelines**

The plan also identifies the intersection of Ritchie Marlboro Road and Sansbury Road as one of the nine gateways into Westphalia. Design features for the gateways are as follows:

#### **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.**
- **Resting and recreation facilities, information kiosks, or other amenities as appropriate.**

The applicant has proposed a design treatment for the gateway, which is described and reviewed in detail below.

10. **Conceptual Site Plan CSP-07001:** The conceptual site plan was approved by the District Council on July 1, 2008, with 20 conditions of approval. The following conditions of approval warrant discussion at this time.

7. **Prior to acceptance of a detailed site plan for that portion of the site, the arrangement of three-family attached units between Private Road C and Ritchie Marlboro Road shall be redesigned to provide units fronting on Ritchie Marlboro Road as well as on Private Road C. Some sides of units may face Ritchie Marlboro Road but this should be avoided to the fullest extent possible. Public views of alleys should be minimized by screening the ends of alleys to the fullest extent possible.**

On the CSP, none of the three-family buildings were shown fronting on Ritchie Marlboro Road, and this condition was adopted in order to emphasize the outward-oriented nature of the development. The DSP shows three buildings along the northern edge of the development, of which one building of twelve dwelling units faces north towards Ritchie Marlboro Road, with the other two presenting their sides to Ritchie Marlboro Road. The sides of the buildings, and the end of the alley between these two buildings, are partially screened by a noise wall and landscaping.

8. **Detailed site plan submittal shall include examples and evidence of all necessary covenants or other legal instruments that will be used to insure**

**that the recreational facilities on the site will be available in perpetuity to all residents of the Westphalia Row development. If a legally sufficient arrangement to share the recreational facilities cannot be demonstrated, then adequate recreational facilities shall be demonstrated for the individual portions of the development.**

At the time of the CSP approval, the applicant envisioned providing a mix of outdoor recreational facilities (the village green, the smaller sitting areas south of Fernwood Drive, and a fitness trail around the stormwater management pond) and indoor recreational facilities (including exercise facilities and meeting space within the future multifamily building). The applicant intended that all of these facilities would be available to all of the residents of the site, whether the residents lived in the townhouses, the triplex units, or the multifamily building. The resolution for the CSP endorsed this approach provided that it could be demonstrated that the facilities were made accessible to all residents—otherwise each individual portion of the development would need to provide adequate recreational facilities for its own needs.

The applicant opted to change the approach due to the difficulty of ensuring that facilities within the multifamily building will be accessible to other residents. Instead, the applicant has proposed to construct a community recreation building on the eastern side of the village green to house a fitness room and gathering spaces in order to provide the required indoor recreational amenities to complement the outdoor facilities for the residents of the townhouses and three-family dwellings. Additional recreational facilities will be provided separately within the future multifamily building. The plans also show a gazebo connected to the community building by an overhead trellis. As fitness equipment will be provided within the community building, the applicant is not proposing to construct fitness stations along the trail around the stormwater pond.

The location of the community building, within the Village Green near the center of the development, was approved with Detailed Site Plan DSP-08039, and architecture for the building has been included as a part of the subject DSP. The community building is designed as a two-part building, with a larger brick section (housing community meeting space) connected to a smaller siding section (housing an exercise room). To improve the appearance and durability of the clubhouse, the building should utilize cementitious siding.

The applicant shall construct the community building prior to issuance of the 175<sup>th</sup> building permit for the townhouses and triplex units.

- 9. 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 minor 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.**

- c. Three-family dwellings and townhouses (condominium)**
  - (1) Minimum spaces between buildings:**
    - (a) Building front to building front: 50 feet**
    - (b) Building side to building side: 10 feet**
    - (c) Building side to building rear: 30 feet**
    - (d) Building rear to building rear: 30 feet**
  - (2) Maximum building height: 55 feet**

The DSP shows these standards on the cover sheet, and the layout conforms to the approved standards.

- 10. At the time of detailed site plan review, parking shall be calculated separately for: (1) the multifamily and commercial buildings, (2) for the three-family dwelling units, (3) for the rear-loaded townhouses north of Fernwood Drive, and (4) for the townhouses south of Fernwood Drive. Parking spaces in driveways and carports must allow at least 19 feet of parking space for cars, which must not obstruct pedestrian or vehicular travel routes. In addition to the total number of off-street parking spaces required for each type of unit by Section 27-568, each portion of the development shall also provide an additional 10 percent of this number for visitor parking, which may include parallel parking spaces on private roads.**

In accordance with this condition, the DSP provides separate parking calculations for the proposed triplex units and for the previously-approved townhouses north of Fernwood Drive, the townhouses south of Fernwood Drive, and for the community recreation building on the village green. Each unit within Phase II has two dedicated off-street parking spaces within a rear-loaded garage and carport, which provide the required 19-foot parking space length and do not obstruct pedestrian or vehicular travel routes. There are also parallel parking spaces along the private roads within Phase II (not along the alleys, where the rear-loading driveways prevent on-street parking). The parking provided exceeds the requirements of the zoning ordinance and the CSP.

- 11. At time of detailed site plan review for the subject property, the site will be evaluated for conformance to the gateway design guidelines of the Westphalia Sector Plan. Review should include items such as gateway entrance features at Fernwood Drive and Sansbury Road, architectural design, materials, colors, landscape palette, and streetscape features and amenities. The applicant shall provide an easement for the location of a gateway feature at Ritchie Marlboro Road and Sansbury Road.**

The intersection of Ritchie Marlboro Road and Sansbury Road is designated as one of the ten gateways into the Westphalia Sector. As part of Detailed Site Plan DSP-08039, the applicant has previously proposed a design for the gateway treatment, which, is beyond the scope of this plan approval, including a ceremonial gatehouse building to be located at the northeast corner of the site. The applicant proposed that this building would be a square brick structure, eight feet on a side and 16 feet in height, with a peaked standing-seam metal roof, topped by a small pennant. Each side of the building would feature an arched false doorway, also constructed with brick. The applicant presented this design to members of the Westphalia Gateway Subcommittee. The Subcommittee found that the design included themes that could be used as common elements for the ten gateways, including the name "Westphalia" in script and the use of brick and standing seam roofs. However, some refinement of the design is warranted before the proposed structure is approved for use at the Sansbury Road gateway or utilized as a model for other gateways. There is concern that the false doorways would present a forbidding appearance. Instead of creating an open structure that could serve as a shelter or small gathering place, the proposed design would create a solid structure that could not be used for anything other than a marker. Furthermore, the applicant has indicated that it may be appropriate to incorporate the gateway feature into the design of the multifamily building that will be located in the northeast corner of the site, rather than building a freestanding structure.

In view of these concerns, and since the proposed gateway structure would not be constructed until the northeast portion of the Westphalia Row site is developed, it would be premature to approve a final design for the gateway treatment in the northeast corner of the site. However, as part of the overall site concept, the applicant has proposed a smaller version of the gateway structure (six feet on a side, and twelve feet in height) to mark the entrance into the interior of the site at the intersection of Fernwood Drive and Sansbury Road. The subject DSP shows this structure to be located at the intersection on the south side of Fernwood Drive, while a similar structure would be constructed on the north side of Fernwood Drive when that portion of the site is developed. The proposed structure would be set back at least 15 feet from the sidewalk at its closest point along Sansbury Road, and approximately 18 feet from the closest townhouse. As part of the design treatment, a fence is proposed along the fronts of the lots along Fernwood Drive and Sansbury Road, terminated by brick piers (five and half feet in height) designed to emulate the appearance of the gateway structure.

None of the above elements of the gateway design are within the area of Phase II and are thus somewhat beyond the scope of this site plan.

- 12. The applicant, his successors, and/or assignees shall provide adequate private recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting, prior to approval of the Detailed Site Plan by the Planning Board.**

As discussed above, the applicant has proposed to provide private recreational facilities for the townhouses and three-family dwellings within the community building located on the Village Green. The applicant proposes that the recreation building would be constructed prior to the 175<sup>th</sup> residential building permit in Phases I and II, while the small outdoor recreation areas south of Fernwood Drive would be constructed concurrently with the surrounding townhouses facing onto the open areas.

The DSP also shows a small outdoor play area (Recreation Area 5) to be located in the northwest corner of the site, including a swing set and four benches. The play area should be constructed concurrently with the adjacent dwelling units, three-family dwelling units 49-57, and completed no later than the 78<sup>th</sup> three-family dwelling unit in Phase II.

#### 11. **Urban Design Review**

- a. **Noise impacts:** Although other parts of the Westphalia Sector are significantly impacted by the noise from air operations based at Andrews Air Force Base, the main regulated noise concern in this northern portion of the sector is generated by traffic on the Capital Beltway (I-95/495) and Ritchie Marlboro Road. As required, the applicant has submitted a noise study for Phase II, prepared by Wyle Laboratories. This study (dated January 26, 2009) identifies improvements to be made to proposed structures in order to ensure that the indoor noise levels will not exceed 45 decibels. During the review of the building permits, the applicant must demonstrate that these measures have been implemented for the proposed three-family dwellings.

A previous noise study (dated January 21, 2008) was reviewed with the previous DSP and evaluated the outdoor noise levels to ensure that noise levels in outdoor activity areas would not exceed 65 decibels. The study indicated that a noise wall would be required along the northwest edge of the site, adjacent to the proposed stormwater management pond. Detailed Site Plan DSP-08039 therefore showed the location of this wall, but it had not been designed in detail at that point. The subject DSP shows a detail for the wall construction, to consist of colored precast concrete designed in a brick-like pattern.

- b. **Architecture:** The proposed three-family attached dwellings resemble tall townhouses, but are composed of groups of three attached units. The overall layout features four stories. The first story includes parking for two cars for each of the three dwelling units—including a one-car garage and a one-car carport in a tandem arrangement. The second story includes the living area for one of the three dwelling units, while the third and fourth stories are divided between the other two dwelling units.

The second-floor unit has a living area of 1,024 square feet, while the other two units have living areas of 1,197 square feet.

The architecture utilizes vertical dividing lines (accentuated by drainage downspouts) to divide the front façade of each three-unit grouping in half. This causes the three-unit arrangement to have the appearance of two three-story units, so that from the front, each twelve-unit building suggests only eight units.

At least 75 percent of the wall surface of the front façade of each building should be brick. This is comparable to other stacked dwellings that have been approved in the county, and the elevations submitted by the applicant appear to be very close to this standard.

The applicant has presented two side elevations for the buildings, a standard design and a high-visibility design for prominent units. The standard design is predominantly faced with siding, using brick only at the very base of the structure. The high-visibility design utilizes a full brick treatment. The brick on the standard elevation should be extended up to the level of the first row of windows, which is consistent with the standard design for townhouses approved in Phase I. Certain units should receive the high-visibility side elevation, including the endwalls along Ritchie Marlboro Road, at some of the more exposed locations within the development, and where front elevations face directly towards the endwalls.

### **Referral Agencies and Departments**

12. **Transportation Review:** There are two transportation-related conditions of Preliminary Plan of Subdivision 4-07038, relating to the required transportation improvements (Condition 9) and the trip cap for the development (Condition 10).

In the review of the site layout, there are several dead-end streets that provide no opportunity for a vehicle to make a turn-around. Without the ability to turn around, when a vehicle such as a garbage truck, a school bus, a Fed-Ex/UPS truck or a moving truck makes a delivery to the unit at the end of the street, the driver would be forced to back up their vehicle to the closest intersection. In some instances, the closest intersection can be greater than 100 feet from the end of a dead-end street. Clearly, the longer a distance a driver has to back up a vehicle, the potential for accident increases, particularly if young children are present. These dead-end streets shall be fitted with an appropriate turn around design such as a hammer head. The alleys where the problem needs to be corrected are private alleys 2, 3, 5 and 6. However, alleys 2 and 3 are located within Phase I and are beyond the scope of the DSP.

The site plan is deemed acceptable as required by Section 27-285 of the Zoning Ordinance subject to Condition 1(a) of this approval, which requires turn around areas to be added to alleys 5 and 6.

13. **Community Planning:**

This application is consistent with the 2002 General Plan Development Pattern Policies for the Developing Tier.

This application conforms to the land use recommendations of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment (SMA)* for residential land use as part of a mixed-use activity center with a main-street character at Sansbury and Ritchie Marlboro Roads.

This application is for a peripheral portion of the property located at a designated Gateway to the Westphalia community, i.e. Ritchie Marlboro Road at Sansbury Road. The application includes landscaping features designed to emphasize the development's location in a Gateway.

No master plan park facilities are proposed for this site. A contribution of \$3,500 per new dwelling unit (in 2006 dollars) is recommended in the sector plan to construct the public Central Park facility proposed for the sector plan area. This applicant has provided private, on-site recreation facilities as required, but is nonetheless encouraged to comply with the Westphalia sector plan recommendation and participate in the county and community effort to build a unique community with high quality recreation facilities for the benefit of all future Westphalia residents.

**Sector Plan Guidelines**—This application is located in a designated mixed-use activity center at the northern gateway to the sector plan along a local street (Sansbury Road) and an arterial highway (Ritchie Marlboro Road), close to the interchange for the I-95 Capital Beltway. The design principles or guidelines for mixed-use activity centers are describe under Policy 4 of the Development Pattern Element of the approved 2007 Westphalia Sector Plan and SMA. The intent of the guidelines for mixed-use activity centers is to promote development of distinct residential and neighborhood commercial activity centers designed around a main-street theme and anchored by shared amenities. Main-street character and accompanying pedestrian orientations can most effectively be achieved along Sansbury Road, not Ritchie Marlboro Road, which is intended as a 6–8-lane divided highway along the frontage of this property. This application is for residential components that are located along Ritchie Marlboro Road on the northwestern portion of the property.

**Detailed Site Plan DSP-08039/01**—The detailed site plan shows 96 triplex dwelling units and homeowner's association facilities, which generally correspond to the land use types and quantities anticipated by the sector plan for this area and as reviewed and approved in previous applications. This Phase II application does not include commercial or office space which will be provided in Phase III of the development. The residential land use and homeowner's association property are laid out in a lot pattern that is conducive to achieving the sector plan concept for walkable, pedestrian friendly areas. The proposed building designs, materials, entrance features and landscaping should be evaluated for compliance with the guidelines established by the sector plan under Policy 4 of the Development Pattern Element of the approved 2007 Westphalia Sector Plan and SMA.

No direct connection is shown to the Chesapeake Rails to Trails project trail, which is located along Ritchie Marlboro Road, adjacent to the northern boundary of Phase II. The Westphalia Row

development will be connected to the trail along Ritchie Marlboro Road by the sidewalk along Sansbury Road. However, a direct connection from the sidewalk in Phase II to the adjacent sidewalk along Ritchie Marlboro Road would be an appropriate and useful amenity to promote pedestrian connectivity, and is required by Condition 1(c) of this approval.

**Gateways**—This application forms part of the property that is located within a designated “gateway.”(Map 3a: Proposed Land Use, Approved by CR-2-2007 (DR-2) Attachment A, p. 12. Policy 6 of the sector plan development Pattern Element establishes it as one of ten gateways at “key intersections entering the Westphalia community.” (CR-2-2007 (DR-2) Attachment A, p.12) Gateways require compliance with design principles aimed at distinguishing them as attractive entrances into Westphalia, including such elements as “entrance signage, artwork, monuments...landscape design including both softscape and hardscape...” etc. “Resting and recreation facilities, information kiosks, or other amenities as appropriate” are also recommended. 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 that will be portrayed at this northern entryway.

A Westphalia sector plan technical work group of stakeholders is meeting to establish consensus regarding design concepts or themes for gateway areas that will help identify and brand Westphalia as a unique community in the county. When available, it is anticipated that the unifying themes or concepts for gateway features or elements will help guide preparation of development applications and the review process. This applicant is a participant in the stakeholders work group.

The DSP shows how the proposed gateway features, such as brick piers and fencing, will be used to enhance the site and highlight its role as one of key gateways into Westphalia. However, due to the lack of unifying gateway themes and features for the Westphalia community as a whole, it is not possible to review these proposed features against objective standards. The gateway features proposed for Phase II can serve as a guide to the Phase III gateway features, which will be the primary gateway features for the entire Westphalia Row development.

**Central Park Funding**—The sector plan states that a contribution of \$3,500 per new dwelling unit (in 2006 dollars) is needed to construct the public Central Park facility recommended for the sector plan area. Approval of Conceptual Site Plan CSP-07001 (PGCPB Resolution No. 08-06, Condition 12) requires provision of private, on-site recreation facilities to serve project residents and to address mandatory dedication requirements of the ordinance. Findings for approval of the previous applications “encourage the applicant to comply with the Westphalia Sector plan recommendation and participate in the county and community effort to build a unique community with high quality recreation facilities for the benefit of all future Westphalia residents,” but do not require it.

14. **Environmental Planning:**

The Planning Board approved with conditions Conceptual Site Plan CSP-07001, Preliminary Plan of Subdivision 4-07038, Type I Conservation Plan TCPI/033/07, Detailed Site Plan DSP-08024,

Type II Tree Conservation Plan TCPII/055/08, Detailed Site Plan DSP-08039, and Type II Tree Conservation Plan TCPII/055/08-01 for the subject property.

### **Site Description**

This 21.14-acre site in the M-X-T Zone is located on the eastern side of the Capital Beltway (I-495/95) and on the southwestern corner of the Ritchie Marlboro Road and Sansbury Road intersection. A review of the available information indicates that streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. The site is adjacent to the Capital Beltway, 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 Adelphia, Collington, Ochlockonee, Rumford, Sandy, Sassafras, and Westphalia 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 this property or on adjacent properties. There are no designated scenic and historic roads in the vicinity of this property which is located in the Southwest Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the 2002 *Prince George's County Approved General Plan*. The subject property does not lie within the designated network of the *Approved Countywide Green Infrastructure Plan*.

The following text addresses previously approved environmental conditions related to the subject applications. The text in **BOLD** is the actual text from the previous cases or plans.

### **PGCPB Resolution No. 08-07, Preliminary Plan of Subdivision 4-07038**

6. **Prior to the acceptance of the detailed site plan, the package shall be evaluated to ensure that it contains a Phase II noise study. The noise study shall address how noise has been mitigated to 65 dBA Ldn or less for the outdoor activity areas and 45 dBA Ldn or less for the interiors of buildings within the 65 dBA Ldn noise contour. The DSP and the TCPII shall show the location of the mitigated 65 dBA Ldn noise contour.**

A Phase II noise study, dated October 27, 2008, containing numerous recommendations addressing building materials to be used to mitigate interior noise levels was submitted with DSP-08039. An addendum to the noise study, dated January 26, 2009, was submitted with this application. Traffic-generated noise issues are discussed in detail in the Environmental Review Section below.

7. **Prior to the approval of any residential building permits for buildings located within the 65 dBA Ldn noise contour, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building plans stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.**

This condition is to be addressed at time of permit review; however, Condition 5 of this approval provides clarity to reflect current standards.

**11. At the time of the detailed site plan approval, a Type II tree conservation plan shall be approved.**

A TCPII was submitted with this application and is discussed in detail in the Environmental Review section below.

**12. Development of this site shall be in conformance with Stormwater Management Concept Plan 36373-2006-00 and any subsequent revisions.**

The detailed site plan and TCPII show the stormwater management facilities required by Stormwater Management Concept Plan 36373-2006-00.

**Environmental Review**

1. A signed Natural Resources Inventory, NRI/114/06, which included a detailed forest stand delineation (FSD), was submitted with the preliminary plan. The site contains 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, labeled A, B, C and E, dominated by yellow poplar, sweetgum, and red oak. Stands A and B are relatively dense immature hardwood stands with an average diameter at breast height of 11 inches. Stand C is more sparsely dense, with an average diameter at breast height of ten inches. These stands are a high priority for preservation because of the good condition of the vegetation. Stand E is an early secession hardwood stand with an average diameter at breast height of only two inches. Stand E has a medium priority rating for preservation.

The site contains significant environmental features that are required to be protected under Section 24-130 of the Subdivision Regulations. The design should avoid any impacts to streams, wetlands, or their associated buffers unless the impacts are essential for the development as a whole. The Subdivision Regulations require that the primary management area (PMA) be “preserved in a natural state to the fullest extent possible.”

A Letter of Justification and associated exhibits were submitted with the preliminary plan for one proposed impact for the creation of an outfall for the stormwater management pond on Parcel D. The Planning Board approved this impact because it was necessary for development of the site.

The Planning Board approved Conditions No. 3 and No. 4 as noted in PCGPB Resolution No.08-07. These conditions ensure that impacts to sensitive environmental features will

be minimized, permits will be required for the proposed impact and the remaining sensitive environmental areas will be retained in conservation easements.

No further action regarding sensitive environmental features is required.

2. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property has a previously approved Type I Tree Conservation Plan, TCPI/033/07 and Type II Tree Conservation Plan, TCPII/055/08. A revised Type II Tree Conservation Plan, TCPII/055/08-01 has been submitted with this application.

This 22.44-acre property contains a total of 8.73 acres of woodland outside the floodplain according to the natural resource inventory (NRI). The woodland conservation threshold has been incorrectly calculated and should be revised to be 3.01 acres.

As currently shown, the areas of clearing result in a total requirement of 7.02 acres. The plan proposes to meet the requirement by providing 0.35 acres of woodland preservation, 0.53 acres afforestation/reforestation, and 6.31 acres of off-site mitigation. The gross tract acreage is correct on the plans (22.44 acres) but the net tract area is incorrect and must be revised to 20.04 acres.

The TCPII requires some additional technical revisions. The plan shows a "proposed tree line." This tree line obscures the plan and shall be removed. A symbol for "specimen tree to be removed" shall be included on both the TCPII plan and in the legend. The expanded stream buffers shown on the NRI are not shown on the TCPII. These revisions are included as Condition 2 of this approval.

3. This property is located on the eastern side of the Capital Beltway (I-95), classified as a freeway, and on the south side of Ritchie-Marlboro Road, a classified arterial. Both are considered transportation-related noise generators.

A Phase II noise study, dated October 27, 2008, was submitted with Detailed Site Plan DSP-08039. An addendum to the noise study, dated January 26, 2009, was submitted with this application. The report contains detailed recommendations addressing building materials to be used to mitigate interior noise levels for the proposed residential structures within the 65 dBA Ldn noise contour.

4. The soils found to occur on this property are in the Adelphia, Collington, Ochlockonee, Rumford, Sandy land, Sassafra, and Westphalia soil series.

This information is provided for the applicant's benefit. No further action is needed as it relates to this detailed site plan. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

5. Copies of the Stormwater Management Concept Approval Letter and plan were submitted. The letter states that stormwater will be controlled through the use of bioretention, infiltration, and extended detention and that stormdrain easements are required. The TCPII shows the required facilities as noted above.

No further action regarding stormwater management is required.

15. **Trails Review:**

The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* designates Ritchie Marlboro Road as a master plan trail corridor, Sansbury Road as a master plan bikeway, and a rail-trail along the former Chesapeake Beach Railroad right-of-way (ROW).

The master plan trail along Ritchie-Marlboro Road has been completed in the vicinity of the subject site via the recent interchange improvements made by the State Highway Administration (SHA). These improvements consist of an eight-foot-wide sidewalk that provides access under the Capital Beltway and around the existing traffic circles.

An eight-foot-wide side path (or wide sidewalk) should be provided along the subject site's entire frontage of Sansbury Road in order to provide access from the subject property to the master plan trail. The internal sidewalk network appears to be adequate, with sidewalks being provided along both sides of all main roadways (excluding alleys). Walkways are also provided between townhouse sticks, within homeowners association (HOA) open space, and to internal recreation facilities.

Approved Conceptual Site Plan CSP-07001 (PGCPB Resolution No. 08-06) included the following conditions of approval regarding bicycle and pedestrian facilities:

18. **The applicant shall provide an eight-foot-wide side path or wide sidewalk along Sansbury Road, unless modified by DPW&T.**
19. **The final record plat shall include a note that the applicant, the applicant's heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the Department of Public Works and Transportation 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.**
20. **The applicant shall provide standard sidewalks along both sides of Private Roads A, B, C, D, and E.**
21. **The applicant shall provide standard sidewalks along both sides of relocated Fernwood Drive, unless modified by DPW&T.**
22. **Appropriate pedestrian amenities and pedestrian safety features will be evaluated at the time of DSP.**

Conditions 18, 20, and 21 are reflected on the submitted DSP. Condition 19 will be addressed at the time of building permit. Condition 22 was addressed via Conditions 5 and 6 of the original Detailed Site Plan DSP-08039.

These conditions were reiterated through the approved Preliminary Plan of Subdivision 4-07038 (PGCPB Resolution No. 08-07) in Condition 18. Approved Detailed Site Plan DSP-08039 (PGCPB Resolution No. 09-44) reiterated these conditions and added the following conditions of approval:

- 5. Provide striped crosswalks across Roads A, B, C and D where they intersect with Fernwood Drive, unless modified by DPW&T.**
- 6. Provide a striped crosswalk across Fernwood Drive at Sansbury Road, unless modified by DPW&T.**

The improvements required by Conditions 5 and 6 are included on the submitted Detailed Site Plan DSP-08039/01.

As noted above, the sector plan recommends a master plan trail within the former Chesapeake Beach Railroad right-of-way (ROW). This trail has been implemented through several recent developments between the subject site and Upper Marlboro including Winshire, Kings Grant, and Fox Chase. The sector plan, as well as the 1994 *Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia (Planning Areas 77 and 78)*, the 1985 Adopted and Approved Equestrian Addendum and the Adopted and Approved Countywide Trails Plan recommend a trail within the railroad right-of-way. However, in the vicinity of the Capital Beltway the trail is shown merging with Ritchie-Marlboro Road to utilize the existing underpass of the limited access roadway.

Based on an evaluation of the trail corridor and discussions with the Department of Parks and Recreation (DPR), this is the appropriate alignment for the trail. The right-of-way for the abandoned railroad runs through the middle of the subject site, then directly across an existing Beltway ramp, across the Capital Beltway, and across another Beltway ramp in the vicinity of one of the traffic circles. Due to these constraints, utilizing the existing wide sidewalk along Ritchie-Marlboro Road is the most practical way of getting the master plan trail under the Capital Beltway. This existing wide sidewalk fulfills the master plan recommendation for a trail along Ritchie-Marlboro Road and will also accommodate the planned Chesapeake Beach Rail-Trail under the beltway.

The submitted DSP meets the intent of prior approvals and is in conformance with the Approved Westphalia Sector Plan. Conditions of approval from the Conceptual Site Plan CSP-07001, Preliminary Plan of Subdivision 4-07038, and Detailed Site Plan DSP-08039 remain in effect. Condition 1(c) is included in this approval to require a direct connection from the sidewalk network in Phase II to the adjacent sidewalk/trail along Ritchie Marlboro Road.

16. **Washington Suburban Sanitary Commission (WSSC) Referral:** On June 18, 2009, the Washington Suburban Sanitary Commission (WSSC) noted that Project No. DA4749Z08 is an approved project within the limits of this site.
17. **Subdivision Review:** The DSP is in substantial conformance with the approved preliminary plan. Issues related to lot sizes, utility easements, and parking spaces have been addressed by the applicant.

The property is the subject of Preliminary Plan of Subdivision 4-07038 approved by the Planning Board (PGCPB Resolution No. 08-07) adopted on February 7, 2008. The preliminary plan remains valid until February 7, 2014. The underlying preliminary plan, 4-07038, had numerous conditions of approval including a trip cap for the development. The proposal shown in this application is generally in conformance with the preliminary plan, however there is one noticeable difference. The Community Center is not shown on the preliminary plan, whereas the subject DSP shows it on Parcel E, an HOA open-space parcel. The Planning Board does not object to this location, since the majority of Parcel E is still shown for open space. In addition, the potential location of the center was recognized as a possibility at the time of the preliminary plan, as provided for in Condition 13 of the adopted resolution:

“13. The applicant, his successors, and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy **and property siting**, prior to approval of the detailed site plan by the Planning Board.”(PGCPB Resolution No. 08-07, emphasis added)

There are no other Subdivision issues at this time.

18. **Andrews Air Force Base (AAFB):** In a memorandum dated June 15, 2009 (Humphreys to Lindsay), the Community Planner for Andrews Air Force Base offered the following comments:  

This property is not located within any identified Noise Contour or Accident Potential Zone (APZ), as documented in the 2007 Andrews AFB Air Installation Compatible Use Zone (AICUZ) Study.

This property is located underneath the Outer Horizontal Airspace Imaginary Surface for Andrews AFB, with an elevation of 500 feet. The 55-foot tall town houses proposed do not violate this Imaginary Surface.
19. **Westphalia Sector Development Review Council:** The DSP was referred to the Westphalia Sector Development Review Council, and Chairman Redell Duke submitted a written statement that the council is in support of DSP-08039/01.

20. **State Highway Administration (SHA):** A portion of the applicant's proposed work, including a stormdrain, grading and a retaining wall to support the proposed noise wall, extends into the SHA right-of-way at the exit ramp leading onto Ritchie Marlboro Road. In a memorandum dated June 25, 2009 (Foster to Lindsay), the State Highway Administration noted that SHA's hydrologic / hydraulics approval is required for the proposed development. Once the site design is finalized, the hydraulic design, pre- and post-development computations and drainage area maps will need to be submitted to the SHA for review and approval. The applicant will be required to obtain SHA approval for all construction within the right-of-way.
21. Department of Public Works and Transportation (DPW&T): In a memorandum dated June 29, 2009 (Abraham to Lindsay), DPW&T offered the following comments:
  - a. The property is located along the south side of Ritchie Marlboro Road, approximately 550 feet southwest of its intersection with Sansbury Road, and on the southeast quadrant of the Capital Beltway (I-495) and Ritchie Marlboro Road. Ritchie Marlboro Road is a State-maintained roadway, therefore coordination with the approval from the Maryland State Highway Administration (SHA) is required. Right-of-way dedication and frontage improvements in accordance with DPW&T's Specifications and Standards are required for the proposed internal subdivision streets.
  - b. Any proposed and/or existing Master Plan roadways that lie within the property limits must be addressed through coordination between the Maryland-National Capital Park and Planning Commission (M-NCPPC) and DPW&T. This may also involve rights-of-way reservation, dedication and / or construction, in accordance with DPW&T's Specifications and Standards.
  - c. A DPW&T street construction permit is required for the proposed private internal roadways. The private roads are to be constructed in accordance with DPW&T's Specifications and Standards. The maintenance of private streets is not the responsibility of DPW&T.
  - d. Resolution of all roadway requirements for M-NCPPC Preliminary Plan File No. 4-07038 needs to be fulfilled prior to the issuance of street construction permits for this site.
  - e. An access study shall be conducted by the applicant and reviewed to determine the adequacy of access points to the relocated Fernwood Drive.
  - f. Conformance with DPW&T's street tree and street lighting Specifications and Standards is required, with lighting fixtures to match those in existence in the area. Adjustments to street lighting, where necessary to accommodate the improvements constructed under this scenario, are required. In accordance with Section 23-141 of the County Road Ordinance, roadside trees will be required within the limits of the permit area.

- g. Sidewalks are required along all roadways within the property limits, in accordance with Sections 23-105 and 23-135 of the County Road Ordinance. Any new sidewalks installation is to match existing sidewalks in the area. Additionally, sidewalks must be kept open for pedestrians at all times.
  - h. All stormwater management facilities / drainage systems, including recreation features, visual amenities and facilities are to be constructed in accordance to DPW&T Specifications and Standards. Approval of all facilities is required, prior to permit issuance.
  - i. All improvements within the public rights-of-way, as dedicated for public use to the County, are to be in accordance with the County Road Ordinance, DPW&T's specifications and Standards, and the Americans with Disabilities Act (ADA).
  - j. Compliance with DPW&T's utility policy is required. Proper temporary and final patching and the related mill and overlay in accordance with the established "DPW&T's Policy and Specification for Utility Installation and Maintenance Permits" are required.
  - k. Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.
  - l. Full-width, 2-inch mill and overlay for all existing County roadway frontages is required.
  - m. The proposed site development has an approved Stormwater Management Concept Plan Number 36373-2006-01 dated October 15, 2007.
  - n. Tree Conservation and/or tree mitigation may be required. Coordination with M-NCPPC and the Natural Resources Division is necessary.
  - o. A soil investigation report, which includes subsurface exploration and geotechnical engineering evaluation for public streets, is required.
22. As required by Section 27-285 (b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCP/055/08-02) and further APPROVED Detailed Site Plan DSP-08039/01 for the above-described land, subject to the following conditions:

1. Prior to signature approval, the applicant shall revise the DSP as follows:

- a. Add hammerhead turnaround areas at the ends of Private Alleys 5 and 6 in accordance with DPW&T Standard 200.10 (Roadway Terminus.)
  - b. Add four-foot-tall estate style fencing around the play area.
  - c. Show a pedestrian connection from the sidewalk network in the vicinity of Phase II with the sidewalk along Ritchie Marlboro Road.
2. Prior to signature approval of the detailed site plan, the Type II tree conservation plan shall be revised as follows:
- a. Remove the proposed tree line from the plan.
  - b. Show the expanded stream buffers on the plan and in the legend.
  - c. Include a symbol for “specimen tree to be removed” on the plan and in the legend.
  - d. Provide a detail sheet including the techniques used for tree protection, sign locations and details, etc., for woodland conservation on-site.
  - e. Revise the worksheet to reflect the correct acreages.
  - f. Label the noise contour on sheet 2 of 3 as the unmitigated 65 dBA Ldn
  - g. Correct the TCPII number to read “II/055/08”.
  - h. Have the revised plans signed and dated by the qualified professional who prepared them.
3. Prior to signature approval, the applicant shall designate the following side elevations as high-visibility elevations to be constructed with full brick endwalls: the northern side of units 55-57 and 58-60, the southern sides of units 85-87 and 88-90, the western sides of units 34-36, 46-48, and 67-69, and the eastern sides of units 1-3 and 76-78.
4. Prior to signature approval, the architecture shall be revised to conform to the following:
- a. The standard side elevation of the three-family buildings shall utilize brick facing up to the level of the first row of windows.
  - b. The front elevations of the three-family buildings shall utilize brick facing on at least 75 percent of the wall surface.
  - c. The siding portion of the proposed clubhouse shall utilize durable cementitious siding.

5. Applications for building permits shall contain a certification, to be submitted to M-NCPPC, 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.
6. Play Area 5 shall be constructed concurrently with the adjacent dwelling units, and shall be completed prior to issuance of building permits for the 78<sup>th</sup> three-family dwelling unit.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, September 10, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1<sup>st</sup> day of October 2009.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

OSR:FJG:CL:arj