



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
301-952-3600

March 17, 2026

**RE: DET-2024-015 Smith Lakes Estates
D.R. Horton, Inc., Applicant**

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-3416 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in this case on March 10, 2026.

CERTIFICATE OF SERVICE

This is to certify that on March 17, 2026, this notice and attached Council Order was mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script that reads "Donna J. Brown".

Donna J. Brown
Clerk of the Council

Case No.: DET-2024-015
TCP2-2025-0066
ACL-2025-0007
Smith Lakes Estates

Applicant: D.R. Horton, Inc.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL

FINAL DECISION – APPROVAL OF DETAILED SITE PLAN

On March 9, 2026, using oral argument procedures, this matter was considered by the District Council, on appeal by Alicia Rosser, a person of record, and referred for a document of approval with conditions.

Having reviewed the record and considered Ms. Rosser's appeal, Applicant's response, People Zoning Counsel's response, and Planning Board's decision in Resolution No. 2025-111, to approve Detailed Site Plan (DET) 2024-015, a request for approval of a detailed site plan for the development of 75 single-family detached and 68 single-family attached (townhomes) residential dwelling units, on property located on the west side of Frank Tippett Road, approximately 800 feet southwest of its intersection with Commo Road (62.52 Acres; R-PD Zone), Council District 9, the District Council finds that Planning Board's decision is supported by substantial evidence of the record, not arbitrary, capricious, or otherwise illegal.

Unless stated otherwise herein, the District Council's final decision approving DET-2024-015, Type 2 Tree Conservation Plan TCP2-2025-0066, and Alternative Compliance ACL-2025-0007, incorporates and adopts the findings and conclusions set forth by Planning Board in Resolution No. 2025-111.

A. Rosser's Appeal¹

Ms. Rosser requests that the District Council overturn the Planning Board's decision approving DET-2024-015, based on the following grounds: 1) procedural deficit and ineffective notice, 2) environmental incompatibility, 3) failure of master plan alignment, and 4) site characterization inaccuracy. Rosser Appeal at 1-2. Applicant filed timely responses. Applicant Response, 2/26/2026.

For reasons set forth herein, the District Council affirms the Planning Board's decision to approve DET-2024-015.

1. Applicants' Pre-Application Neighborhood Meeting (PANM) was held in conformance with Section 27-3402(c)(1) of the Zoning Ordinance, and Ms. Rosser attended the PANM for DET-2024-015.

Ms. Rosser contends that the PANM was flawed because it started at 6:00 pm on Wednesday, December 11, 2024, as opposed to 6:30 pm. This argument is without merit. Ms. Rosser incorrectly relies on Section 24-3303(c)(1) of the Subdivision Regulations as opposed to Section 27-3402(c)(1) of the Zoning Ordinance, which governs PANM for a Detailed Site Plan. These are separate regulatory frameworks with distinct procedural requirements. Section 27-3402(c)(1) of the Zoning Ordinance provides, in relevant part, as follows:

(c) Procedure

If a pre-application neighborhood meeting is conducted, it shall comply with the following requirements:

1. Meeting Location and Time

The meeting shall be held *at* or after *6:00 p.m.* on a weekday or between 10 a.m. and 4 p.m. on a weekend, at a location that is convenient and generally accessible to

¹ Because Ms. Rosser was a person of record before the Planning Board, it will be assumed, without deciding, for purposes of this final decision, that she was aggrieved by the Board's decision and therefore authorized to request that the District Council review the final decision of the Planning Board. Md. Ann. Code, Land Use Article (LU), §§ 25-210, 25-212, (1957, 2012 Repl. Vol., 2025 Supp.). *See also* § 27-3605(d)(10)(A) of the Zoning Ordinance (any aggrieved person may appeal the Planning Board's decision to the District Council, by filing a notice of appeal with the Clerk of the Council within thirty (30) days of the mailing of notice of the Planning Board's decision). Planning Board's decision was mailed December 16, 2025, and Ms. Rosser filed her appeal, within 30 days, on January 12, 2026. Rosser Appeal, 1/12/2026. Ms. Rosser did not attend the evidentiary hearing before the Board or oral argument on her appeal before the District Council. (3/9/2026, Tr.).

neighbors residing in proximity to the land subject to the proposed application, or may be held virtually, as necessary.

According to the record, in accordance with Section 27-3402(c)(1) of the Zoning Ordinance, the PANM began at 6:00 pm on December 11, 2024. Planning Board Resolution, Technical Staff Report, Transcripts, and Planning Board Record. The record also indicates that all written notices and posted signage stated that the meeting would begin at 6:00 pm, including the PANM affidavit. The record further indicates that Ms. Rosser and Ms. Lisa Rosser attended the PANM on DET-2024-015, which forecloses any argument by Ms. Rosser that the public was misled, confused, or prevented from attending the meeting.

Therefore, there was no procedural defect or ineffective notice in the review and approval of DET-2024-015 because the meeting was properly noticed, properly convened, and conducted in accordance with the applicable requirements of Section 27-3402(c)(1). *Largo Civic Ass'n v. Prince George's County*, 21 Md. App. 76, 318 A.2d 834 (1974) (purpose of notification is to inform, and is satisfied where record reflects the parties possessed actual knowledge of the intended zoning and participated at the public hearing); *Landover Books, Inc. v. Prince George's County, Maryland*, 81 Md. App. 54, 566 A.2d 792 (1989) (where complaining litigant had knowledge of facts, the requirement of notification is satisfied by actual knowledge, especially when acted upon).

2. There is substantial evidence in the record that DET-2024-015 satisfies the requirements of Section 27-3605(e)(3) of the Zoning Ordinance because it demonstrates the preservation and/or restoration of the regulated environmental features in a natural state, to the fullest extent possible.

Ms. Rosser's argument that the "loss of contiguous forest in this area will cause irreparable harm to the local ecosystem and stormwater management" lacks merit. According to the record, in accordance with Section 27-3605(e)(3) of the Zoning Ordinance, DET-2024-015 preserves and restores regulated environmental features. Planning Board Resolution, Technical Staff Report,

Transcripts, and Planning Board Record. In relevant part, substantial evidence in the record indicates as follows:

- The Property is comprised of varying environments that include old agricultural fields, a forested stream valley and associated floodplain, an abandoned farm pond, upland woodlands, and wetlands. The topography varies throughout the site but generally slopes downwards to the north and west towards the existing farm pond and stream valleys. Based on the approved Type 2 Tree Conservation Plan, the overall site contains a total of 22.96 acres of net tract woodlands and 2.18 acres of wooded floodplain.
- DET-2024-015 shows a proposal to clear 11.32 acres of net tract woodlands and 0.07 acres of wooded floodplain. The resulting woodland conservation requirement is 15.17 acres, which will be satisfied entirely on-site with 11.59 acres of preservation and 3.58 acres of reforestation. This not only preserves substantial existing woodlands but affirmatively enhances additional areas through the afforestation of the existing stream buffers where no woodlands exist today, which is precisely the type of preservation and enhancement contemplated by Section 27-3605(e)(3) of the Zoning Ordinance.
- DET-2024-015 contains 111 specimen trees, ranging in condition from poor to good. While 34 specimen trees were previously approved for removal with the Preliminary Plan of Subdivision (PPS-2024-001), DET-2024-015 reflects additional environmental sensitivity: two specimen trees originally approved for removal will now be retained. The Planning Board expressly required revision of the specimen tree table to memorialize this enhanced preservation. DET-2024-015 improves upon prior approvals by decreasing clearing and increasing the retention of woodlands where feasible. The site contains one perennial and two intermittent stream channels that all drain to the northwest off-site into the Piscataway Creek and its adjacent floodplain. Of the total forested area, more than 11 acres of high-to medium-priority retention forest, along with 61 of the 111 specimen trees, are located within the stream valleys. These sensitive areas are not only retained but remain buffered and protected. The existing farm pond and associated PFO (palustrine forested), PEM (palustrine emergent), and PUB (palustrine unconsolidated bottom) wetlands are preserved with the reconstruction of the pond, maintaining existing habitat continuity and groundwater-supported ecological function. Moreover, the approved PPS and DET-2024-015 provide opportunities for meadow establishment and/or additional afforestation in the western portion of the site, further reinforcing long-term ecological enhancement. As a whole, DET-2024-015 concentrates development outside the most sensitive environmental areas while preserving stream valleys, floodplains, wetlands, and priority forest stands. Such development reflects a deliberate and environmentally responsible design consistent with the intent of the R-PD Zone and the 2013 Subregion 6 Master Plan.

- Moreover, under Subtitle 25 of the County Code, Division 3, properties in the R-PD Zone must provide a minimum of 20 percent tree canopy coverage – resulting in a requirement of approximately 12 acres (or 522,807 square feet) of tree canopy coverage. Here, DET-2024-015 provides 20.3 acres (or 886,162 square feet) of tree canopy coverage, which is in excess of the statutory minimum. The tree canopy coverage is achieved through on-site woodland conservation and proposed landscaped trees. Therefore, DET-2024-015 substantially exceeds the minimum environmental performance standards mandated by County law.
- Furthermore, DET-2024-015 is a proposal to develop a site that is currently abandoned and unimproved. Stormwater flows freely across the vacant fields directly into the on-site waterways and pond. The Zoning Ordinance requires approval of a Site Development Concept Plan (stormwater management concept plan), prior to acceptance of a Detailed Site Plan. Here, a stormwater management concept plan and approval letter were submitted with the application (53887-2024-SDC/P00119-2024-SDC). Based on the concept plan, stormwater management facilities exceed existing conditions and include one (1) large pond, five (5) submerged gravel wetland facilities, four (4) microbio-retention ponds, nine (9) grass swales, and forty-seven (47) rooftop disconnect systems. Therefore, the Planning Board’s findings are not speculative; they are grounded in technical review and documented analysis. For example, in a memorandum dated October 22, 2025, memorandum (Schneider to Sun), technical staff indicated that DET-2024-015 conforms with Sections 27-3605(c), 27-3605(e)(3), 27-3605(e)(6), 27-6802, 27-6803, 27-6805, 27-6808, and 27-6809 of the Zoning Ordinance’s Environmental Protection and Noise Control provisions. These findings are supported by substantial evidence in the record and reflect professional environmental review, not conjecture.

Ms. Rosser’s concerns are generalized assertions of alleged environmental harm, while substantial evidence in the record demonstrates the opposite: preservation of high-value valley stream systems, protection of wetlands and floodplains, retention of priority forest and specimen trees, on-site reforestation, and tree canopy coverage far exceeding statutory requirements, and all required stormwater management. Planning Board Resolution, Technical Staff Report, Transcripts, and Planning Board Record. *Motor Vehicle Admin. v. Shea*, 415 Md. 1, 997 A.2d 768 (2010) (The substantial evidence test does not turn on whether an aggrieved party [assuming Ms. Rosser is aggrieved] provided substantial evidence to support its position before the administrative agency [here the Planning Board]. On the contrary, the

substantial evidence test requires a determination of whether the agency's decision [here the Planning Board] is founded upon substantial evidence in the record. Under this standard, the reviewing body [here the District Council] must "defer to the agency's fact-finding and drawing of inferences if they are supported by the record" and "review the agency's decision in the light most favorable to it." *Motor Vehicle Admin. v. Carpenter*, 424 Md. 401, 36 A.3d 439 (2012). There is no substitution of judgment by the reviewing body "on the question [of] whether the inference drawn is the right one or whether a different inference would be better supported. The test is reasonableness, not rightness." *Md. Dep't of the Env't v. Riverkeeper*, 447 Md. 88, 134 A.3d 892 (2016) (quoting *Annapolis v. Annapolis Waterfront Co.*, 284 Md. 383, 399, 396 A.2d 1080 (1979)).

3. The Zoning Ordinance does not require DET-2024-015 to strictly conform with the Subregion 6 Master Plan, but the development of Smith Lake Estates has previously been determined to be consistent with the goals and policies of Plan 2035 and the Master Plan.

The Zoning Ordinance does not expressly require a Detailed Site Plan to "conform" to or "align" with the Master Plan. Section 27-3605(e) establishes the governing decision standards for approval of a Detailed Site Plan. According to the record, the Planning Board and Technical Staff evaluated the proposal and made affirmative findings that DET-2024-015 is consistent with the applicable Master Plan. *Heard v. County Council of Prince George's County*, 256 Md. App. 586, 287 A.3d 682 (2022) (holding that because preliminary plans of subdivision must conform to the General Plan and applicable Master Plan, master plan conformity is tested at the preliminary plan of subdivision stage and need not be re-examined at the detailed site plan stage). Here, master plan consistency was evaluated and resolved during approval of ZMA-2022-003 and again with the Planning Board's approval of PPS-2024-001 on October 31, 2024, which expressly found that the rezoning of the subject

property to R-PD Zone and the subdivision of the subject property satisfied applicable legal requirements of Subtitles 24 and 27 of the County Code – including conformance with Plan 2035 and the Subregion 6 Master Plan.

DET-2024-015 merely implements those prior, final determinations. The subject property lies within the Established Communities Growth Policy Area, where context-sensitive, low- to medium-density development is appropriate. DET-2024-015, as conditionally approved, for 143 dwelling units on 62.52 acres, results in a density within the Residential Low category and consistent with the R-PD Basic Plan approved by the District Council. Furthermore, the project advances environmental policies of the Master Plan by protecting Piscataway Creek, preserving approximately 15 acres of forest on-site, retaining and enhancing the existing pond as a functional stormwater and ecological feature, and incorporating micro-bioretenment facilities, grass swales, and submerged gravel wetlands to manage runoff and protect water quality. These measures were formally reviewed by the Environmental Planning Section, which found DET-2024-015 to be in conformance with the Environmental Protection and Noise Control provisions of the Zoning Ordinance, as well as the environmental goals and policies of the Master Plan.

What's more, DET-2024-015 is supported by an approved Certificate of Adequacy and stormwater management concept plan, reflects coordinated infrastructure planning, includes right-of-way dedication and multimodal improvements, and provides public benefits such as parkland dedication and a connector trail enhancing potential future access to Cheltenham Wetlands Park. These are not hallmarks of short-term, unsustainable growth; they reflect deliberate implementation of previously authorized zoning in a manner that preserves high-value environmental resources while providing housing within a designated growth area.

Therefore, the record demonstrates that DET-2024-015 is consistent with prior zoning approvals, aligned with applicable planning policies, environmentally conditioned, infrastructure-supported, and legally sufficient under Section 27-3605(e) of the Zoning Ordinance.

4. On appellate review, the District Council's review of the Planning Board's decision to approve a Detailed Site Plan is limited to the record evidence before the Board.

To the extent that Ms. Rosser is challenging the validity of the technical data submitted by the Applicant as part of DET-2024-015, that challenge is not preserved for appellate review because it is based on information that was part of the evidentiary record before Planning Board or in accordance with Section 27-3605(d)(7) of the Zoning Ordinance, especially since Ms. Rosser did not attend the evidentiary hearing on November 20, 2025. *Md. Office of People's Counsel v. Md. PSC*, 226 Md. App. 176, 180, 127 A.3d 582, 584, 2015 (explaining that a challenge to the statutory authority of an administrative agency to take a certain action will not be reviewed on appeal if that argument was not made to the administrative agency).

IT IS HEREBY ORDERED that the Planning Board's decision to approve DET-2024-015, Type 2 Tree Conservation Plan TCP2-2025-0066, and Alternative Compliance ACL-2025-0007, based on the findings of facts and conclusions set forth in Resolution No. 2025-111, for the land described above, is hereby AFFIRMED, subject to the conditions as follows:

1. Prior to certification, the applicant and the applicant's heirs, successors, and/or assignees shall revise the detailed site plan (DET), as follows, or provide the specific documentation:
 - a. Revise the intensity and dimensional standards chart on the coversheet, as follows:
 - (1) Revise the note of the second asterisk as follows: "If a larger footprint is requested at the permit stage and lot coverage exceeds the maximum allowed, a minor deviation is required to increase the lot coverage limit, pursuant to Section 27-3602(b)(11)(G), subject to Director review and approval." Remove the first asterisk indicating "Modifications to the standards may be requested at the time of site plan per ZMA-2022-003."

- (2) Revise the provided data to reflect the actual parameter of the proposal, including density, net lot area, and principal structure building height, as included in the analysis contained herein.
- b. Ensure the height of the Denver II model on the black and white elevation is consistent with the building height note on Sheet 03 of DET.
- c. Show lighting fixture locations on public rights-of-way.
- d. Revise the amount of R-PD open space set-aside provided in the development data table on the cover page, to be consistent with the amount shown on the Open Space Set-Aside exhibit.
- e. Revise the Open Space Set-Aside exhibit, as follows, pursuant to Section 27-6404 of the Prince George's County Zoning Ordinance:
 - (1) Revise the exhibit to be consistent with site plan.
 - (2) Revise the active recreation area to be the area approximately between the internal edge of the trail and playground and the public roads around the recreation area, and by expanding the stormwater management area to be the area approximately within the internal edge of the trail and playground. Note only 75 percent can be used toward the open space set-aside calculation.
- f. Provide light fixture locations for the lake trail, lighting details, and photometric plan, to demonstrate conformance to Section 27-6707(e) of the Prince George's County Zoning Ordinance.
- g. Revise the elevation and transparency exhibit for front façades of the two townhouse models, Brentwood II and Crofton, to demonstrate conformance to Section 27-6903(g) of the Prince George's County Zoning Ordinance. The calculation method of façade transparency percentage should be consistent with the footnotes of Section 27-61203(d)(1), Notes 1–4, of the Prince George's County Zoning Ordinance.
- h. Revise the note for "27-61203(d)(2) Exterior materials" on the neighborhood compatibility exhibit, as follows: "The proposed townhouse dwellings are at a distance farther than 200 feet from existing dwellings and vacant land. Exterior materials are consistent with commonly used materials of adjacent dwellings, and no prohibited materials will be used. The vinyl siding requirement is inapplicable."
- i. Show the water edge of the pond in the DET and landscape plan, to be consistent with the details of the pond shown on Sheet 11 of landscape plan.

- j. Ensure bicycle parking is in conformance with Section 27-6309 of the Prince George’s County Zoning Ordinance and provides 30 inches between each bicycle rack.
- k. Provide the location and details of the bicycle lane signage along Frank Tippett Road.
- l. Revise the Type 2 tree conservation plan (TCP2), as follows:
 - (1) Correct the woodland conservation worksheet on the TCP2 to indicate that the property is subject to the 2010 Woodland Conservation Ordinance and is within the priority funding area.
 - (2) Add the following note under the specimen tree table: “The Planning Board approved the removal of 34 specimen trees specifically specimen trees ST-1 through ST-19, ST-34, ST-38, ST 61 through ST-63, ST-65, ST-69, ST-102 through ST-105, and ST-108 through ST-111, with the PPS. After further engineering with this DET, the applicants engineer determined that Specimen Trees ST-61 and ST-62 can be saved and will be shown on this TCP2 as being retained.”
- m. Provide correspondence from the Prince George’s County Department of Parks and Recreation allowing for required woodland conservation areas to be conveyed to the Maryland-National Capital Park and Planning Commission.
- n. Add details for fire lane signage and label locations of fire lane markings and signage, as provided by the Office of the Fire Marshall, with a note indicating fire lane markings and signage locations may be modified by the Office of the Fire Marshall.
- o. Label the width from the road centerline to the proposed public right-of-way for Frank Tippet Road.
- p. Provide a revised lot coverage exhibit to demonstrate conformance to Zoning Map Amendment (Basic Plan) ZMA-2022-003.
- q. Revise the connector trail with the public use easement extending from the terminus of Golden Lily Lane (Road F) to end in a loop, or other appropriate terminus, with final alignment to be determined in coordination with the Prince George’s County Planning Department.
- r. Revise the chart regarding universal design, to demonstrate that at least 33 percent of the total dwelling units, or 48 dwelling units, will incorporate universal design principles.
- 2. Prior to certification, the applicant and the applicant’s heirs, successors, and/or assignees shall revise the landscape plan, as follows:

- a. Revise the note of “conceptual trail” to “proposed 10’ trail” for the proposed western trail.
 - b. Provide a minimum of one-half of the required amount of on-lot planting area, per Section 4.1(c)(1) of the 2018 Prince George’s County Landscape Manual, planted with shrubs, perennials, and/or groundcover in planting beds, for all single-family detached lots.
 - c. Revise the landscape plans to expand the area counted as common area to include the entirety of the active recreation areas, as shown in the Open Space Set-Aside exhibit, and plant the area per Section 4.1(c)(4) of the 2018 Prince George’s County Landscape Manual.
 - d. Revise Sheet 10 of the landscape plan to add the following note under the single- family detached templates: “Alternative Compliance request ACL-2025-0007 for Section 4.1.1 (C, D, E) for partial non-standard understory planting locations in off-lot, community spaces.”
3. Prior to certification of the Type 2 tree conservation plan (TCP2) for this site, and in conformance with Section 25-122(d) of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance, documents for the required woodland and wildlife habitat conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Office of Law and submission to the Prince George’s County Office of Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan, as follows:
- “Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber _____ Folio _____. Revisions to this TCP2 may require a revision to the recorded easement.”
4. Prior to issuance of the first building permit for this site, the applicant and the applicant’s heirs, successors, and/or assignees shall provide detailed floor plans of dwelling units that apply universal design standards and enable a “main-floor living” lifestyle, which features the primary bedroom on the ground level and other design components. Ensure at least 33 percent of the total dwelling units include a “main-floor living” model at the stage of permit review, pursuant to Condition 3 of the approved basic plan, Zoning Map Amendment ZMA-2022-003.

ORDERED this 10th day of March 2026, by the following vote:

In Favor: Council Members Adams, Harrison, Hunter, Olson, Oriadha and Ivey.

Opposed:

Abstained:

Absent: Council Members Adams-Stafford, Blegay, Burroughs, Dernoga and Fisher.

Vote: 6-0.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: 

Krystal Oriadha, Chair

ATTEST:



Donna J. Brown
Clerk of the Council