



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

April 9, 2024

**RE: SE-4856 Alexander Landing
ESC 9401 Westphalia L.C., Applicant**

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed a copy of Zoning Ordinance No. 2 - 2024 setting forth the action taken by the District Council in this case on April 8, 2024.

CERTIFICATE OF SERVICE

This is to certify that on April 9, 2024 this notice and attached Council order were mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script, reading "Donna J. Brown".

Donna J. Brown
Clerk of the Council

**Wayne K. Curry Administration Building
1301 McCormick Drive Largo, MD 20774**

Case No: SE-4856
Alexander Landing

Applicant: ESC 9401 Westphalia L.C.

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

ZONING ORDINANCE NO. 2 - 2024

AN ORDINANCE to conditionally approve Special Exception 4856 (SE-4856).

WHEREAS, SE-4856 (the application) was filed to request 1) approval to develop approximately 10.00 acres of land in the RR (Residential, Rural)/MIO (Military Installation Overlay) Zones as 61 One-Family Attached Housing for the Elderly, 2) Alternative Compliance ("AC") 23002 to reduce the number of required plantings in a required buffer area along the property's frontage on Westphalia Road, a historic collector road, and 3) a Variance from Section 25-122(b) of the Prince George's County Code to remove approximately 25 specimen trees; and

WHEREAS, the subject property (Tax Map 82-E-4; Parcel 48) is located approximately 300 feet east of the Westphalia Road and Rock Spring Drive intersection and is identified as 9401 Westphalia Road, Upper Marlboro, Maryland; and

WHEREAS, the application was advertised and the property posted prior to the evidentiary public hearing, in accordance with all requirements of law; and

WHEREAS, upon review of the application, Technical Staff of the Planning Department recommended approval of the application subject to conditions; and

WHEREAS, on April 20, 2023, after review of the Technical Staff Report recommending approval of the application, the Prince George's County Planning Board approved the transmittal of Technical Staff's recommendation of approval as its own and the same was transmitted to the District Council through the Zoning Hearing Examiner (Examiner); and

WHEREAS, on June 21, 2023, August 2, 2023, and August 30, 2023, the Zoning Hearing Examiner (Examiner) held evidentiary hearings on the application; and

WHEREAS, Ms. Wanda Collins, Dr. Anna McCall, Ms. Yamala Robinson, Dr. Ramona Burton, and Ms. Kimberly Thomas appeared in opposition to the request; and

WHEREAS, on December 22, 2023, the Examiner filed a written decision, with the Clerk of the Council, recommending that the District Council approve the application subject to certain conditions; and

WHEREAS, on January 16, 2024, the District Council elected to review the decision of the Examiner to conditionally approve the application; and

WHEREAS, on January 24, 2024, the Clerk of the Council issued notice of oral argument to all persons of record; and

WHEREAS, on March 11, 2024, the District Council held a hearing, using oral argument procedures, without opposition from persons of record, to consider the application, as conditionally approved by the Examiner;; and

WHEREAS, on March 18, 2024, the District Council referred this matter to staff to prepare this document of approval with conditions; and

WHEREAS, as a basis for this final decision, the District Council adopts, and incorporates by reference, the written decision of the Examiner to conditionally approve the application.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Special Exception 4856, AC-23002, and TCP2-006-2023 are APPROVED, subject to the following conditions:

1. Prior to certification of the Special Exception Site Plan, the following revisions shall be made, or information shall be provided:
 - (a) Add a note stating, “Due to the 22-foot-wide private roads, no on-street parking will be allowed, other than the 21 provided spaces adjacent to the amenity lot.”
 - (b) Add a note stating “All dwelling units shall have front facades finished with a minimum of 60 percent brick or other masonry. The first floor of all front facades shall be finished with full brick or other masonry.”
 - (c) Add a note stating, “All one-family attached end walls shall feature, at a minimum, four points of architectural fenestration on the first floor, three points of architectural fenestration on the second floor, roof line detail, and shutters on all windows to provide a balanced and harmonious composition.”
 - (d) Add a note stating, “All highly visible one-family attached end walls, as shown on the Applicant’s provided ‘Visibility Exhibit,’ shall be finished with full brick or other masonry on the first floor.”
 - (e) Add a note stating that the interiors of all of the villas must be certified to 45 dba ldn or less by an acoustical engineer or qualified professional of competent expertise.
 - (f) Add a note stating, “All moderately visible one-family attached end walls, as shown on the Applicant’s provided ‘Visibility Exhibit,’ shall be finished with, at a minimum, full brick or other masonry up to the water table.”
 - (g) Provide 15 additional ornamental and evergreen trees on the backside of the proposed brick masonry wall, in between the shade trees, which should result on one additional tree between every two shade trees proposed on the Special Exception Site Plan.
 - (h) Adjust the detail for the 3-foot-high brick masonry wall to correctly demonstrate the height and brick material.
 - (i) Revise the Section 4.6-1 and 4.6-2 landscape schedules to state the correct provided buffer width measurements and remove the alternative compliance request from Section 4.6(c) (1)(A) (ii).

- (j) Prior to the issuance of permits, the Applicant shall revise the Special Exception Site Plan to include all bearings and distances consisted with those on the record plat.
- 2. The Type 2 tree conservation plan (TCP2) shall be revised, as follows:
 - (a) Clearly show specimen trees and specimen tree labels.
 - (b) Prior to certification of the TCP2 for this site, documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section, for review by the Office of Law and submission to the 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, and recorded in the Prince George’s County Land Records at Liber Folio _____. Revisions to this TCP2 may require a revision to the recorded easement.”
 - (c) Prior to issuance of any permit which impacts wetlands, wetland buffers, and streams, or Waters of the United States, the Applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions were complied with, and associated mitigation plans.
 - (d) The TCP2 shall be revised to include the following note under the specimen tree table, “This plan is in accordance with the following variance from the strict requirements of Subtitle 25, approved by the Zoning Hearing Examiner with SE-4856, for the removal of Specimen Trees 1 through 7, 14 through 22, 31, and 41 through 48. If the Planning Board or its designee determines that Specimen Trees 7 and 41 are savable these trees may be preserved and said preservation will not require an amendment to the Special Exception.”
- 3. At the time of preliminary plan of subdivision:
 - (a) The Applicant shall construct a 10- to 12-foot-wide side path along the site’s frontage, subject to modification by the Prince George’s County Department of Public Works and Transportation, with written correspondence.

4. The following conditions shall be applicable for all work conducted within Maryland National Capital Park and Planning Commission (MNCPPC) property, and shall be shown on the approved plans, or referenced by notes thereon:
 - (a) Blaze orange safety fences shall be erected and maintained around the work area and “Caution/No Trespassing” signs shall be placed along this fence, at a maximum spacing of 100 feet.
 - (b) Construction access to the work area shall be via the Squire Road alignment.
 - (c) Restoration of the affected parkland shall include, but not be limited to:
 - (1) The removal of all flagging, construction equipment, erosion and sediment control practices, construction access road materials, and debris from parkland, upon completion of work.
 - (2) Repair of any damaged asphalt trail or park infrastructure in kind, to the satisfaction of MNCPPC.
 - (3) Stabilization of all disturbed areas; for existing grassed areas, a live, uniform stand of grass is required for acceptance, upon completion of work.

SECTION 2. Subject to the conditions of approval, use of the subject property shall be subject to all other requirements of the Zoning Ordinance. Failure to comply with any condition of approval shall constitute a zoning violation and shall constitute sufficient grounds for the appropriate County agency to institute all appropriate proceedings to void or terminate the Special Exception approval or take any other action deemed necessary to obtain compliance with this approval.

SECTION 3. This Ordinance shall become effective upon enactment.

ENACTED on April 8, 2024, by the following vote:

In Favor: Council Members, Dernoga, Harrison, Hawkins, Ivey, Olson, Oriadha and Watson.

Opposed:

Abstained:

Absent: Council Member Blegay, Burroughs, Fisher and Franklin.

Vote: 7-0.

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: *Jolene Ivy*
Jolene Ivy, Chair

ATTEST:

Donna J. Brown

Donna J. Brown
Clerk of the Council