

**DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND
OFFICE OF THE ZONING HEARING EXAMINER**

SPECIAL EXCEPTION

23003

DECISION

Application:	Planned Retirement Community
Applicant:	Meridian Hill Partners, LLC
Opposition:	Tomeka Pinckney-Jackiewicz, et.al.
Hearing Date:	March 25, 2026
Decision Date:	July 7, 2026
Hearing Examiner:	Maurene Epps McNeil
Disposition:	Approval with Conditions

NATURE OF PROCEEDINGS

- (1) SE-23003 is a request to develop 43.73 acres, more particularly described as Parcels 22 and 83 on Tax Map 109, among the land records of Prince George's County, Maryland, as a Planned Retirement Community with a total of 126 single-family attached villas¹ The subject property is located in the AR (Agricultural-Residential) Zone and formerly in the R-A (Residential-Agricultural) Zone. It is located at the end of Johensu Drive, approximately 1,775 feet east of its intersection with Woodyard Road. (Exhibit 5)
- (2) The Applicant requested review under the requirements of the prior Edition of the Zoning Ordinance, in accordance with Section 27-1704(b) of the current Edition of the Zoning Ordinance. The Applicant also filed a Preliminary Plan of Subdivision for the subject property, which was reviewed under the prior Subdivision Regulations and approved by the Planning Board with conditions. (Exhibit 18)
- (3) The Technical Staff recommended approval of the Application, with conditions. (Exhibit 28)
- (4) Ms. Tameka Pinckney-Jackiewicz and Ms. Diana Pinckney appeared in opposition to the request.

(5) The record was left open at the conclusion of the hearing to allow the submittal of several items: proof that a vote was taken by the Melwood Springs Community Association to support the request; a revised Special Exception Site Plan; modifications to the architectural elevations; and the State ethics affidavit for Lennar Homes. (T.153-157) The last of these items (the ethics affidavit) was received on June 2, 2026, and the record was closed at that time.¹ The State ethics affidavit is required to be included in the Zoning Hearing Examiner's record at least 30 days prior to its transmittal to the Clerk of the Council. Accordingly, this decision could not be released until thirty days after its receipt.

FINDINGS OF FACT

Subject Property

(1) The subject property consists of 43.73 acres in the AR (Agricultural-Residential) Zone/MIO (Military Installation Overlay) Zone² located at the terminus of Johensu Drive. Although Johensu Drive is a dedicated right-of-way, Applicant notes that it will not be using this roadway as access to the site since: it is akin to a driveway as its paved width is approximately 10-12 feet; and, its elevation is nearly 160 feet at its intersection with Woodyard Road/MD 223, but rises to nearly 210 feet before descending near the subject property, and these topographical vicissitudes are too challenging.

(2) The subject property is primarily wooded and improved with two tobacco barns that may have been constructed between 1938 and 1965. The site has an approved Natural Resources Inventory Plan (NRI-025-2024), which shows the existing conditions of the property. A total of 63 specimen trees identified on-site or within the immediate vicinity of the site's boundary. The site does contain Regulated Environmental Features ("REF"), which include a stream buffer for the Charles Branch³, wetlands, and associated floodplain comprising the Primary Management Area ("PMA"). The forest stand delineation indicates that there are three forest stands, each with a high rating for preservation. Areas of steep slopes are scattered across the site. No revisions are required for conformance to the Natural Resources Inventory.

(3) The site is not located within the Chesapeake Bay Critical Area. The site contains no cemeteries. The review by the Historic Preservation Section, discussed below, did not find a need for further archeological investigations on the site, despite its historic use for farming. (Exhibit 55)

¹ The record consists of 61 Exhibits and one hearing transcript.

² The MIO zoning is for height restrictions.

³ Charles Branch is a major stream system that feeds into the Patuxent River. (Master Plan, p. 27)

Surrounding Properties/Neighborhood

(4) The property is surrounded by the following uses:

North and West – Existing single-family detached homes in the AR Zone, accessed from Johensu Drive, and a church in the AG (Agriculture and Preservation) Zone

East - A 250-foot-wide Potomac Electric Power Company (“PEPCO”) transmission line

South - Open space owned by the Melwood Springs HOA, and the right-of-way for Arethusa Lane, in the RR Zone

(5) The neighborhood is defined by Applicant as Pennsylvania Avenue (MD 4) to the North; Joint Base Andrews to the West; MD 301 to the East; and Branch Avenue (MD 5) to the South.

Master Plan/General Plan/Zoning

(6) The Subject Property was placed in the Developing Tier with the adoption of the 2002 General Plan. In 2013, the Subject Property was retained in the R-A Zone with the adoption of the Subregion 6 Master Plan and Sectional Map Amendment. The Master Plan recommendation was for “Residential Low” land use, defined as residential areas of up to 3.5 dwellings, and “primarily single-family. The proposed development has a density of 2.88 dwelling units per gross acre and 4.15 per net acre, and all of the dwellings will be attached. Nonetheless, the Zoning Ordinance allows this special exception use in the zone, pursuant to certain criteria, thereby allowing it despite this recommendation of the Master Plan if all criteria are met. The Master Plan also recommended the use of modern stormwater facilities to improve water quality in streams

The 2014 General Plan (Plan Prince George’s 2035) has designated the Property in Sustainable Growth Act Tier 2. The Growth Policy Map also shows the Property within the “Established Communities” areas. The 2014 General Plan did not change the land use recommendation but did identify County Priorities. Among the challenges in the General Plan was the need to address the recent trends that indicated “seniors and the elderly will demand opportunities to age in place and reside in neighborhoods offering smaller, lower-maintenance housing options in walkable and transit-accessible locations.” (2014 General Plan, p. 57) Policy 5 in the General Plan recommends increasing the supply of housing types that are suitable for and attractive to the County’s growing vulnerable population, including the elderly. Policy HN5.1 specifically notes that the County must “[e]xpand housing options by eliminating regulatory barriers to the construction of elderly accessible housing, accessory apartments, and assisted living

facilities. Revise the zoning ordinance to encourage a variety of housing types.” (2014 General Plan, p. 190)

(7) Applicant and the Technical Staff provided detailed descriptions of the prior approvals for the subject property, including the Preliminary Plan of Subdivision (PPS 4-24028), an approved Stormwater Management (“SWM”) Concept Plan (42219-2024-SDC) , and an approved Natural Resources Inventory (“NRI”) (NRI -025-2024). (Exhibits 25, 28, and 55)

Applicant’s Proposal

(8) The Applicant is authorized to conduct business within the State of Maryland, having received a certificate from the State Department of Assessments and Taxation. (Exhibit 46)

(9) Applicant requests approval of the Special Exception for a Planned Retirement Community that will consist of 126 single-family attached villas⁴ and a 2,000-square-foot clubhouse. There are three villa models. Each ground floor will include a primary bedroom suite and a one or two-car garage. The community building will include an entry foyer, some multipurpose rooms, bathrooms, storage, and a kitchenette. There will also be an outdoor space for recreational use (such as pickleball), a firepit, and a patio. (Exhibit 5, pp. 6-7) The Special Exception Site Plan notes a gross acreage of 43.73+/- acres and a net acreage of 30.37 +/-; 126 lots proposed on 15 parcels; 126 townhouses described as “ villas”; an existing water and sewer designation of W-4/S-4 and the proposed designation of W-3/ S-3; a mandatory park dedication shown on Parcels G and H; and 13.36 acres of 100 year floodplain. The bulk standards provided are as follows: a proposed lot size of 2800 square feet at a minimum; a proposed lot width of 28 feet at a minimum; 85% proposed lot coverage; front yard setback of 15 feet; rear yard setback of five feet; and side yard of 0 feet. The proposed height of the townhouses will be two stories or 24 feet. The density allowed for this Special Exception may not exceed 8 dwelling units per acre, and the proposed density is 2.88 dwelling units per acre. Two hundred and sixty-four (264) parking spaces are required, and 433 spaces are provided in the form of 209 garage spaces, 209 driveway spaces, and 15 surface parking spaces. The lots will be accessed via a series of private roads. (Exhibit 55)

(10) At the time of Technical Staff review, the builder was Ryan Homes. Prior to the hearing, Ryan Homes withdrew, and the Applicant entered into contract talks with Lennar Homes. Lennar Homes and the Applicant have decided to slightly revise the product that will be offered, as noted more fully below.

4 A “ villa” is not a defined term in the Zoning Ordinance, but the housing proffered by Applicant would be considered a “townhouse” as defined therein.

(11) Mr. William Lansing, Applicant's Managing Member, testified that the LLC is in good standing to conduct business within the State. (Exhibit 46; T. 24). The current owner purchased the property from the Meridian Hill Baptist Church, and the Church retained less than a 5% interest in the Meridian Hill Partners, LLC. (T.26-27) Mr. Lansing noted the owner's intent to construct "126 attached town villas which are designed for age-restricted residents fifty-five years and older." (T.27) A clubhouse will also be constructed on the site. Although the site has frontage on both Johensu Drive and Arethusa Lane, the former's topography makes it difficult and cost-prohibitive to use. Accordingly, access is proposed from Arethusa Lane, a roadway within the abutting Melwood Springs Community. (T.28-29)

The Applicant advised the surrounding community "early on" that Arethusa Lane would be the only feasible access to the site, and ultimately executed a Development Cooperation Agreement with the Melwood Community Association. (Exhibit 51) The Agreement was also necessary since the subject property must obtain grading easements from abutting property owners before it can extend Arethusa Lane, and the Melwood Community Association HOA owns the land that abuts the dedicated right-of-way for Arethusa Lane. (T.31) In return, the Melwood Community HOA asked that Applicant prepare a conceptual grading exhibit (which is attached to Exhibit 51) that shows the extent of the easement that would be required. The community currently experiences delays when exiting via this intersection, so Applicant also asked Lenhart Traffic Consulting to evaluate the intersection of Perrywood Road/Woodyard Road. The traffic consultant identified a solution of widening Perrywood Road to 40 feet, thereby creating a right and a left turn lane as people exit the neighborhood. Mr. Lansing made a commitment to the Melwood Community Association HOA to construct this road improvement if the instant request is approved. (Exhibit 49;T. 33-35)

The Development Cooperation Agreement also included a provision that would allow the Melwood Community Association HOA access to the clubhouse/community building that will be constructed if the request is approved "for up to six times a year to conduct community meetings or other community events." (T.35)

(12) Mr. Lansing identified the covenants that restrict the age of the future residents of the Planned Retirement Community, prepared in accordance with the requirements of the Federal Fair Housing Act, as well as the covenants that will guarantee the perpetual maintenance of the clubhouse. (Exhibit 12; T.36-37) Finally, Mr. Lansing stated that Applicant concurs with the conditions recommended by planning staff in its Technical Staff Report, noting the future developer may propose slight changes to Condition 4 due to certain architectural details it would prefer to provide. (T.39)

(13) Mr. Ryan Dinko, a land acquisitions manager for Lennar, confirmed that Lennar is currently in contract discussions concerning the purchase of the property once the Application is approved and construction of the homes. (T.50) The contract purchaser will be U.S Home, LLC d/b/a Lennar Homes, a wholly owned subsidiary of Lennar

Corporation, a publicly traded company. (T.51) Lennar has constructed other planned retirement communities in the County using both single-family detached dwellings and attached “villas”. The witness described their villa product as an attached home with a ground-floor primary bedroom, designed for the 55-and-older active adult buyer. (T.52) Lennar constructed 51 villas at Traditions at Beechfield, and all were sold within twenty-one months. Due to their popularity, Lennar plans to develop three villa products at the subject property, if allowed to do so. (T.53)

Applicant provided architectural renderings of the models, admitted into the record as Exhibit 42 (the “Jefferson”, with a primary bedroom on the first floor and additional bedrooms on the single-car garage, and a deck on the rear); Exhibit 43 (the “Lafayette” with a similar layout to the Jefferson, but a 2-car garage); and, Exhibit 44 (the “MacArthur”, that is similar to the Lafayette with a slightly different façade). (T.53-55) Applicant hopes to build approximately 42 of each model.

(14) Mr. Dinko and counsel reviewed each of the staff’s recommended conditions concerning the architecture as depicted on the Exhibits noted directly above. The Applicant agreed to all except Condition 4 (d) (pertaining to the expression lines at the top of side elevations); Condition 4 (f) (pertaining to shutters on all side windows), and Condition 4(g) (pertaining to adding brick on all highly visible end units). Mr. Dinko provided the following as justification for the proposed changes:

[The expression line is not shown on the MacArthur and Lafayette models since] they don’t exactly allow for an expression line to evenly divide the side facades to visually separate the top, and the... first and second floor windows from the peak of the roof.... [T]he roof where we have the overhangs on each, ... just don’t line up, so, if we were to put an expression line... it would kind of dead end into the siding and not so much eave to eave....

[Shutters are not provided for all windows on the side elevations] because of the placement of [certain] windows.... It’s really not conducive to having shutters on all the windows....I really don’t think it... would really bode well for the overall esthetic of the community....

[Finally, we don’t believe that brick should be required on all the highly visible end units.] [W]e’re providing a stone water table as a standard feature for all of the units rather than just an option [which should] provide sufficient visual interest with... various features....

(T.58-63)

(15) Mr. Edward Steere prepared a Needs Analysis, and an update thereto, for the Planned Retirement Community to be developed on the subject property. (Exhibits 21 and 45) He provided the following testimony describing his analysis, in pertinent part:

The market area is defined on [pages] 16 and 17 of the report, what I called my primary market area. The area is described on page 16, and there's a map of it on page 17. It's the center of Prince George's County, but it lies east of Joint Base Andrews, which is an area that we can't include in a market study because it's restricted access. So basically extends from the Capital Beltway eastward through Upper Marlboro to the... Patuxent River and then north to just south of Largo and north of Brandywine, and would include the area of Clinton, but it would not go as far as Fort Washington....

The Medstar Southern Maryland Hospital Center [is] in Clinton. It's about four miles south of the subject property as the crow flies, about five and a half by driving. It's on Branch Avenue just south of Clinton.... So moving on, first, in my approach to this project, to... figuring out whether the need is met, I started by looking at the demographics in the economy ... [on] ... pages 16 through 33, and ... determined that greater than fifty percent of the households in this market area are senior household over the age fifty-five. And the growth trends indicate that it's going to keep growing by a faster rate than the rest of [the] County.

This is [a] pretty settled single-family community or market area. So for example, the Melrose Springs neighborhood next door ... was built over a twenty-year span of the early 80's to the early 2000s, and so most of those original owners are empty nesters or approaching empty nesting at this point. So that's just a great example that's right next door of ... the makeup of this market area.

So I also looked at the county labor market and household income ... and I then studied the supply, which is pages 30 to 38, for both rental and for-sale senior housing opportunities. And what that showed me is that the limited rental opportunities, and they're all at very high occupancy rates, and the for-sale supply was pretty much old and very stabilized. So there's not a lot of market room for people to age and stay within this community.

So there's only one other new senior age restricted adult community under construction in Westphalia right now. That's north of our primary market area at Victoria Park at Parkside.... It's platted as 424 homes, of which 96 are the Villa townhomes like we're proposing here.... [T]hey only built one road worth of homes in there, and there's twenty-two under construction right now that are scheduled to sell in the next couple of months. And those homes are selling north of 500,000 dollars. There's one actually right there next to the model that's sold for 750,000 dollars.

So based on that, those two things I went through, then I measured the demand, which is pages 39 to 43 and the capture rate, and [determined] that how many senior households in this market area are income qualified to purchase a home in the range that is proposed in Meridian Hill, which was between 400 and 500,000 dollars at this point.... [S]enior households ... in our market area, senior households, fifty-five plus, have a median income of 11,000 dollars, and it's projected to grow by twenty percent in the next five years.... [T]hat number of households is projected to grow about twenty percent in the next five years.... We determine there's two types of home buyers approaching this community.

There are existing homeowners with accumulated equity or newer first time home buyers transitioning from renting. So we didn't qualify or didn't reduce that to overall qualified household figure based on tenure. So based on typical underwriting standards, household has to earn more than \$120,000 to purchase one of these homes. And I determined that there were 7821 senior households that are qualified in this market area today, and that produced a capture rate 1.6 percent, which is exceptionally low. So that's how I got there...

So in [Section] 395(a)(1)(A)(i), yes, I believe that [a demonstrated need clearly exists] ...in this community. As I mentioned before, ... the market area is ... single family homes and aging suburban neighborhoods, I called it out in the report as hole in the donut, more or less in Prince George's County, where you have these— ... spine roads of Branch Avenue and Pennsylvania Avenue and Central Avenue, ... where higher density lies. And this is sitting between ... this community and the rest of the population of Washington, D.C. is and an Air Force base.... [I]t's quieter. It's in ... an area that doesn't have a lot of commercial core to it. It is a ... bedroom community. And so the demand within this community that I found among the population that lives there today far exceeds the proposed unit count, and they don't have many options to go to nearby....[T]he senior communities that exist around this region are full. So that alone, it provides an opportunity for people to even live in ... particular neighborhood, to stay in their neighborhood and move into a more age- appropriate housing unit....

(T.100-107) In response to cross-examination by People's Zoning Counsel, the witness clarified that he believes that residents in the market area would like to age in place since "study after study [finds] ... people who have established their life in a community ...quite often ... like to stay in their community [but] may not be living in a house that accommodates them well [and] [t]hey don't have that opportunity today in this market. " (T. 111-112)

(16) Mr. Michael Lenhart prepared a Transportation Analysis and testified as an expert in transportation planning and traffic engineering. (Exhibit 33; T.73-95) In pertinent part, he testified as follows:

A transportation [pre submittal] checklist was submitted... and ... approved by Park and Planning staff identifying the intersections to be included, which was moved to Maryland 223 at Perrywood, Perrywood at Arethusa Lane, and 223 at Johensu Drive.... [W]e conducted traffic counts at the intersections as required by the guidelines.

We included background developments and then the site traffic. Originally, the study was prepared for 176 age-restricted units...[but] that was ultimately refined down [to]... 126, but even for 176, all of the study intersections were found to pass the adequacy test. All of the intersections are unsignalized [and]... all three intersections passed [the] three-step test [required by the Transportation Review Guidelines].

(Exhibit 31;T. 76)

Mr. Lenhart reviewed the Planning Board's certificate of adequacy (Exhibit 52) and agreed its conclusion "related to the adequacy of transportation" was consistent with his

findings (T.77) Mr. Lenhart averred that the use would only generate 28 trips during the AM peak hours and 34 trips during the PM peak hours, resulting in a “negligible impact on the study intersection.” (T.78) He also discussed improvementsⁱ the Applicant is willing to make in exchange for the Melwood Community Association’s permission for access to the subject property through the Melwood Springs subdivision:

[After evaluating the intersection] it does pass the adequacy test in the Transportation Review Guidelines... [T]he approach of Perrywood at Route 223 is currently one lane in, one lane out. The predominant traffic movements there are people coming out of Perrywood to turn right onto Woodyard Road to go up to Route 4.

That...is the majority of the turning patterns at the intersection, and...even though it does pass the test,... if we widen that intersection to provide two egress lanes, so one would be [a] left turn lane, one would be a right turn lane, [this] ... dramatically improves the delays for people exiting because if somebody’s turning left, that doesn’t block the right turning movements while that person is waiting for a gap in traffic to turn left....

[Once the improvement is made] ... it will reduce the queuing, and it will reduce the delays for [motorists] exiting the community. Again, ... if there’s a left-turning vehicle, the right-turning people are stopped and queued behind them waiting for them to find a gap in traffic along both directions to be able to turn left, and so this would separate them.

The right turns will operate much, much better. In terms of queues and delays, the left turns will also operate better because it takes the right turns out of that lane. So it does improve movement for both ... the lefts and rights out.

(T.78-83) The witness noted that these proposed improvements were referenced in the traffic impact analysis that was reviewed by MNCPPC, DPIE, and the State Highway Administration (“SHA”) (since MD 223 is a State road), and the SHA “approved the traffic study as is.” (T.83)

(17) Mr. Warren Kenneth Dunn prepared a Planning Analysis (Exhibit 41) and was accepted as an expert in land use planning. As a land planner with Soltesz, he is responsible for ensuring that land development projects comply with all Prince George’s County land development and infrastructure regulations. He described the surrounding neighborhood as bounded by Route 4 to the north, Route 5 (Branch Avenue) to the south, Route 301 to the east, and Joint Base Andrews to the west. He characterized the surrounding area as primarily consisting of large-lot single-family residential development, wooded areas, utility corridors, and existing residential subdivisions.

Mr. Dunn testified that the subject property is currently zoned R-A (Residential-Agricultural) and that the Application is being processed under the prior Zoning Ordinance pursuant to Section 27-1704(b). He described the proposed Meridian Hill development, consisting of 126 single-family attached dwelling units intended as a 55+ planned retirement community, together with a clubhouse, pickleball court, outdoor seating area, and related amenities. Access to the development would be provided through Arethusa Drive. The project includes stormwater management facilities, private

internal roads, public water and sewer service, forest conservation measures, and protection of environmentally sensitive areas, including floodplain and stream corridors.

Mr. Dunn testified that the property contains approximately 43.73 acres, with approximately 13 acres of floodplain, resulting in approximately 33.37 net developable acres. Adjacent land along the eastern power-line corridor is intended to remain largely open space and wooded.

Regarding the special exception criteria, Mr. Dunn's Planning Analysis and testimony note that the proposal satisfies the requirements of Sections 27-317 and 27-395 of the Zoning Ordinance since:

- The project would not adversely affect the character of the surrounding residential community since it meets the purposes of the Zoning Ordinance. The site advances goals of the applicable plans; the proposal honors all bulk restrictions without variance; a subdivision plan has already been approved for the property that honors the restrictions that pertain to the instant special exception; there is minimal adjoining development so adverse impacts are avoided; disturbance to stream valleys, steep slopes, dense forest, and other similar features has been avoided with the design; the application will provide market rate housing that has been designed to the requirements of architectural codes; and housing will be provided for an underserved portion of the population (those seeking to downsize and at/near retirement)
- Access through Arethusa Drive is the most appropriate entrance and would have the least impact on neighboring properties.
- The site plan adequately depicts traffic circulation and internal roadway patterns.
- The property exceeds the minimum acreage requirement for a planned retirement community.
- The proposed density of 2.88 dwelling units per gross acre complies with applicable requirements and is below the density recommended by the applicable master plan.
- The development includes the required community and recreational facilities for residents, and perpetual maintenance.
- The project would not adversely affect public health, safety, or welfare, citing the provision of stormwater management, preservation of forested areas, sidewalks, and recreational amenities.

Mr. Dunn also noted that the project complies with applicable forest conservation requirements through approved Type-1 and submitted Type-2 Tree Conservation Plans.

(Exhibit 32(a); T. 135) Applicant filed variances for the removal of specimen trees, marked with an X on the TCPS. (T. 137-138)5.

Mr. Dunn testified that the proposed community center is sized to serve the retirement community and associated amenities. Finally, the Covenants pertaining to age restrictions were required as part of the approval of the preliminary plan of subdivision and will be filed in the land records at the time of final plat recordation. (Exhibits 18, 28 (Backup pp. 78-83), and 41; T.130-131)

(18) Mr. David Bickel, also employed as an engineer/land planner with Soltesz, LLC, prepared a Statement of Justification concerning impacts to Regulated Environmental Features on the subject property. (Exhibit 28, Backup pp. 40-47) The document provides as follows:

The subject property is composed of existing Parcels 22 & 83, Tax Map 209. The project is a tract of land located on the end of Johensu Drive south of Woodyard Road and containing approximately 43.73 acres in the A-R formerly R-A (Agricultural Residential) Zone. The subject property is located within Planning Area 82A and Council District 9.

Description of Proposed Use and Request:

The nature of the proposed application is a Planned Retirement Community, single-family attached residential development. Specifically, the site is intended for the development of approximately 126 units. In order to develop this property two (2) impacts to the PMA are needed. These impacts encompass a total of 19,874 square feet of PMA impacts, which mainly relate to the stream buffer, wetlands, wetland buffer, and the floodplain.

Description of Existing Regulated Features On-site:

The site contains a total of approximately 15.73 acres of PMA. The PMA comprises 2,361 linear feet of regulated streams and associated 75-foot-wide buffers. Pockets of wetlands are located on the property and 13.36 acres of floodplain is present on site. The PMA is generally located within the stream valley, which runs north to south on the [eastern] portion of the site. The PMA is entirely wooded. The woodland within the PMA is part of forest stand 3, which community type is mainly Sweetgum/ Red Maple and occurs within the Charles Branch Floodplain. The existing PMA is approximately 35% of the total site area.

Description of Applicable Code:

Sec. 24-130(b)(5): Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the Preliminary Plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the

5 A variance to allow the limited removal of specimen trees was approved by the Planning Board as a companion case to PPS-4-24028.

guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat....

Description of Proposed Impacts and Justification of Avoidance and minimization:

To develop this property three (3) impacts to the PMA are needed. Impact 1 & 3 were previously approved with PPS 4-24028, PGCPB 2025-029. They are being modified with this Special Exception application. Impact #1 is being reduced and impact #3 is being increased. Impact #2 was not approved with the PPS and was deferred to this Special Exception case. Each is explained in further detail below. The current 3 impacts encompass a total of 23,245 square feet (3.3%) of the PMA, which mainly relate to the stream buffer, wetlands, wetland buffer, and the floodplain. Each impact area [has] one impact type. These impacts are needed for infrastructure throughout the site to develop the site in a practical, efficient, and economical manner.

Impact 1 is 3,371 square feet of PMA disturbance. The disturbance only impacts the steep slopes associated with the PMA. This impact was previously approved at the time of the PPS to include 6,596 sf which extended into the stream buffer, wetlands and wetland buffer and floodplain. The sewer lateral has been redirected and 3,225sf of PMA impact is no longer needed. The 3,371sf of PMA impact is still needed in conjunction with the grading to the SWM pond. This is a reduction of 3225sf from the original Impact #1 which was approved as indicated in [Resolution Number] PGCPB 2025-029.

Impact 2 is 17,273 square feet of PMA and wetland, stream buffer and floodplain disturbance for the construction of a storm drain outfall. Because of the surrounding slopes, the outfall must be designed to be closer to the stream so that it will not be the source of future erosion. Since by its very nature, an outfall must discharge into a naturally occurring watercourse, avoiding a stream and its associated buffer and subsequent PMA is impossible. The outfall has been designed and the LOD set so as to minimize the area to be disturbed. The pipe runs directly through the PMA rather than diagonally across, thus reducing the length and square footage of the disturbance. Careful consideration was used to avoid specimen trees 34 and 35 and limit the amount of impact to reach the existing sewer line in the floodplain. This impact was previously requested at the time of the PPS but was not approved since an approved SWM Concept was not provided.

Impact 3 is 2,601 square feet of PMA which consists of wetland, wetland buffer and floodplain disturbance for the construction of a sewer lateral. This site has an existing sewer line running through the stream valley/ floodplain. In order to reach the existing sewer, the sewer line was routed in the shortest distance possible through the PMA. 1375sf of this impact was already approved as part of PPS-24028 and 1226sf of impact is being added. This makes the total impact 2,601 sf.

Total impacts and impact types are delineated below.

Impact #	Total	Reason for Impact	Previously Approved 4-24028
1	3,371 sf	SWM	6,596sf
2	17,273 sf	Storm Drain Outfall	Not approved-deferred to SE
3	2,601 sf	Sewer Crossing	1,375sf
Total	23,245 sf		

Conclusion:

In order to develop this property three (3) impacts to the PMA are needed. These impacts encompass a total of 23,245 square feet of PMA impacts, which mainly relate to the stream buffer, wetlands, wetland buffer and the floodplain. 4,746sf was previously approved at the time of the PPS. This amount is being included again with this revision. This amounts to 3.3% of the PMA to be impacted. Without the impacts, adequate infrastructure cannot be provided to serve ... the proposed development. Careful consideration was made for each of the impacts by selecting locations where the impact would be minimized. The impacts as proposed will allow for the utilities to serve the entire site. Specimen trees were avoided. The impacts to the environmentally regulated features are unavoidable and have been fully minimized as possible. Therefore, we ask for approval of the impacts as outlined above.

(Exhibit 28, Backup pp. 40-42)

(19) At the conclusion of Applicant's case, an issue arose as to whether sufficient evidence was presented concerning use of the community room by members of the surrounding community. Applicant restated its intent to meet the restriction in Section 27-395 (a)(4)(A) limiting the use of recreational facilities to residents of the retirement community. (T. 149) Applicant also submitted an Exhibit that explained why it believes its architectural elevations need not be revised as suggested in Condition 4 of the Technical Staff Report, since most of the recommended changes are shown in Lennar's elevations. (Exhibit 57) I basically agree, but believe most of Condition 4 should remain and/or notes should be added to the Site Plan that embody the Condition, in case a question concerning the design of the villas arises in the future.

(20) The Melwood Springs Community Association submitted a letter, signed by its President, Robert Johnson, stating it voted on November 18, 2024 to support the Application. (Exhibit 61)

Opposition's Concerns

(21) Ms. Diane Pinckney testified in opposition to the request. She believed the Application would add too much development to an overly developed area; that it would impact wildlife habitation; and that it would add to the adverse impact of other noxious uses and activities recently occurring in the area. (T. 14-15)

(22) Ms. Tameka Pinckey-Jackiewicz appeared in opposition to the Application. Her primary concern was her belief that the County does not adequately care for its elderly, and adding another retirement community would exacerbate the problem:

[M]y concern is that PG County is currently struggling to adequately support residents ..., so before introducing a new retirement community, I feel like we must address the very real and ongoing gaps in services and infrastructure that are already impacting vulnerable residents. For example -- for example, the massive snowstorm that we recently had, my neighborhood and many others

went nearly a full week without proper snow removal. This wasn't just an inconvenience. Elderly residents were effectively trapped in their homes, unable to access medication, attend medical appointments, or receive essential care, and I know this because my mom lives with me and my husband. And she is an elderly resident, and we had these issues because we could not even leave our residence.

However, I do know we have programs like the Silver Shovel Initiative, which was intended to support our seniors, but it was limited in scope. And left many residents without assistance due to cutoffs and capacity issues. This raises a serious question. If existing programs cannot meet current demands, how will the County responsibility support an increased senior population? Approving a new retirement community without first strengthening the infrastructure, emergency response, and senior support services creates a situation where we are setting future residents up for the same, if not worse, conditions. I don't believe that this was responsible planning. This is an expansion without sustainability, and I also want to acknowledge that this project is being led by a church, which I respect as ... it [is] rooted in service.

However, good intentions do not replace the need for proper planning, infrastructure readiness, and long-term support readiness, and ... long-term support systems. So I just want to urge the County to pause this development, and conduct an assessment of how to handle emergency response capabilities, especially ... since we're talking about a retirement community where elderly people are going to be there. And they're ... going to need county services at some point.... [M]y only concern is for the elderly people and for the elderly citizens that are going to be purchasing homes in this community. Thank you so much for allowing me to speak.

(T.8-11)

Agency Comment

(23) The Department of Permitting, Inspections and Enforcement ("DPIE") issued a Site Development Concept Approval (with conditions) for stormwater construction that expires in April 2028. (Exhibit 28, Backup pp. 61-63)

(24) Verizon Maryland, LLC requested further information from the developer before it could properly submit comments, but vowed to provide communication service at the development once received. (Exhibit 28, Backup p. 84)

(25) The Planning Department's Historic Preservation Section provided the following comment:

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is high. A Phase I archeology survey was completed in 2023, and one archeological site, 18PR1258 (the

Binger Tenant site) was identified, comprising a low-density artifact scatter, spread over a small area to the southwest of a residence that dates to the mid-twentieth century. This site was likely occupied by tenants of the Binger family during the first half of the twentieth century, with older or heirloom ceramics found on site. No evidence of earlier occupation was observed in the field or indicated in historic deed and map research. No features were encountered, and no potentially sealed cultural contexts were observed. The consultant archeologist concluded that the site does not have the potential to contribute meaningful information on historic rural ways of life in Prince George's County and recommended no further archaeological investigations on the site. In concurrence with the consultant's recommendations, no further archeological investigations are required. Final copies of the Phase I archeological report were received in March, 2024.

The 2010 *Approved Historic Sites and Districts Plan* includes goals, policies, and strategies relevant to the subject property, which contains an abandoned single-family dwelling, two tobacco barns, and an associated farm outbuilding. The 2010 Plan identifies agricultural heritage as a theme representing important aspects of the county's history and culture. Tobacco was the principal crop of the county and at the heart of the region's agricultural economy. Tobacco barns are an increasingly rare building type and exemplify the county's connection to tobacco and its agricultural heritage....

It noted that the Subregion 6 Master Plan and a condition of approval made by the Planning Board required certain actions pertaining to documentation of possible historic buildings on-site. It concluded by noting that a draft Maryland Inventory of Historic Properties ("MIHP") form was submitted by Applicant, and it recommends approval of SE-23003 with no additional conditions.

(Exhibit 28, Backup pp 85-86)

(26) The Planning Department's Community Planning Division advised that the property is located within Planning Area 82 A in the Rosaryville Community described in the 2013 *Approved Subregion 6 Master Plan*. The Master Plan recommends that the property be developed primarily as single-family detached dwellings of up to 3.5 dwellings per acre. (Master Plan, p. 40; Exhibit 28, Backup p.88)

Staff noted that the requested Special Exception for 126 single-family attached dwelling units will result in a development of approximately 4.15 dwelling units per acre and 2.88 dwelling units per gross acre. It concluded that despite this density being an increase over that proposed in the Plan, it is below the maximum for this Special Exception use allowed per Section 27-395 (a)(3)(C) of the Zoning Ordinance. Staff thoroughly examined several Master Plan policies and strategies (including "Development Pattern and Land Use," "Environment," and "Living Areas and Community Characters") and concluded the request to be in conformance, reasoning as follows:

[The request meets recommendations concerning Development Pattern and Land Use site design...since the] master plan recommends residential land uses in this area and the application conforms to this policy and strategy by proposing a use with a density that is consistent with the surrounding neighborhood and by proposing... buildings with architectural elements and characteristics that will blend with the surrounding neighborhood....

[The request meets recommendations concerning the Environment since] the site plan shows a lotting pattern that preserves the stream corridor on the property and protects the sensitive environmental features on the site. The property is in proximity to the Charles Branch corridor, and it should be protected, preserved, and restored to the extent possible....

The use of green building techniques and community designs is encouraged. Green building techniques include elements such as solar power, innovative stormwater techniques, and installation of efficient lighting...

[The request satisfies Living Areas and Community Character recommendations since it] is suburban in nature and includes a community center... [and should be developed in a manner that] maintains functionality while achieving an aesthetic appearance with high-quality site design.

(Exhibit 28, Backup pp. 88-90)

The Community Planning Division also restated the height restrictions in the Military Installation Overlay Zone that will be applicable to the subject property. (Exhibit 28, Backup p.90)

(27) The Planning Department's Environmental Planning Section provided a thorough analysis of the various plans submitted by the Applicant and determined that the application is in conformance with Sections 27-317(a)(3) and (a)(7), 27-296 (c)(1)(J) and (K) of the prior Edition of the Zoning Ordinance and Section 24-131 of the prior Edition of the Subdivision Regulations. (Exhibit 28, Backup pp.100-115) It recommended approval of the Special Exception, and TCP2-2025-0051, with 6 conditions addressing changes to the TCP 2, noting:

No additional specimen trees are required for approval with this application....

The regulated environmental features (REF) on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the TCP2. Three impacts are proposed to the Primary Management Area with this application totaling 23, 245 square feet (0.53 acre). The Impact 1 approved with the PPS is no longer requested, but the new Impact 1 provided with this SE, and Impacts 2 and 3 are supported as proposed.

(Exhibit 28, Backup p. 115)

(28) The Planning Department's Subdivision Section reviewed all submittals for compliance with applicable conditions imposed by the Planning Board in its approval of PPS 4-24028 (conditions 3, 4,5,6,7,10,11,13,14, and 15), and with Condition 1 of the

Certificate of Adequacy. (Exhibit 28, Backup pp.92-95) It recommended approval of the instant request with one condition that the Special Exception Site Plan be revised to “[l]abel the widths of the proposed public right-of-way for Arethusa Lane in accordance with the approved Preliminary Plat of Subdivision 4-24028.” (Exhibit 28, Backup p. 95)

(29) The Planning Board provided its Resolution No. 2025-029 that approved a Preliminary Plan of Subdivision for the site (PPS-4-24028), as well as a variance to Section 25-122(b)(1)(G) for specimen tree removal, and a Type 1 Tree Conservation Plan (TCP1-014-2024). (Exhibit 18) This approval required submittal of the following items that are germane to the instant request:

- Submittal of conservation easements for the delineated Primary Management Area (“PMA”) except for any approved impacts
- Inclusion of a specimen tree maintenance plan, and a stream corridor assessment for the portion of Charles Branch within the boundaries of the property with the Type 2 TCP
- Submittal of a Maryland Inventory of Historic Properties form to the Planning Department’s Historic Preservation staff that thoroughly documents all existing structures on Parcel 22 of the subject property

(Exhibit 18, p.6)

(30) The Planning Board provided the following reasoning for its approval, also germane to the instant request:

An application for a major subdivision must include an approved SWM concept plan, or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An unapproved SWM Concept Plan (42219-2024-SDC) was submitted with the subject PPS. According to the proposed plan, 19 micro-bioretenion facilities, one bioswale, and one submerged gravel wetland provide stormwater retention and attenuation on-site before discharging into the Charles Branch, a tributary of the Western Branch of the Patuxent River. It is noted that the lot layout design reflected on the PPS and TCP1, proximate to the submerged gravel wetland, is different from what is shown on the submitted SWM concept plan. Therefore, a revised, approved SWM concept letter and plan will be required for subsequent development review applications. Pursuant to Section 24-121(a)(15) of the prior Subdivision Regulations, the approved SWM concept plan is not required prior to approval of the PPS, because approval of the SWM concept plan will not affect the subdivision. Specifically, impacts to the primary management area (PMA), including those for stormwater management, are analyzed at the time of PPS, as well as during subsequent phases in the entitlement process. The Environmental Review Section of this resolution discusses impacts to the PMA, including one impact caused by a storm drain outfall. Given that the SWM concept plan has not been approved, the review of this impact is deferred to the Type 2 tree conservation plan, which will be submitted with a subsequent special exception application. However, a storm drain outfall is an approvable impact type. More generally, while the size and location of the impact may change with future development applications, it is not anticipated that the overall stormwater concept design will change substantially to

reflect the lot layout reflected on the PPS and TCP1. No further information pertaining to SWM is required at this time.

Development of the site in conformance with the SWM concept plan, once revised and approved by DPIE, will ensure that no on-site or downstream flooding occurs. Therefore, this PPS satisfies the requirements of Section 24-130 of the prior Subdivision Regulations...

The master plan provides goals and policies related to parks and recreation (pages 130-139). The master plan indicates that there are approximately 13,700 acres of local and regional parks, recreation, and open space land in Subregion 6. Of this total, approximately 60 percent, or 8,220 acres, is owned by M-NCPPC. The master plan recommends that local parkland acquisition should be pursued due to expected increases in population. The master plan recommends acquisition of land for active and passive recreation in the Charles Branch Stream Valley Park. As discussed below, the PPS conforms to this recommendation by dedicating land for the Charles Branch Stream Valley Park to satisfy the mandatory dedication requirements....

There are no master-planned trails associated with the section of Charles Branch Stream Valley Park on the subject property. The nearest master-planned trail, the Melwood Community Park Connector, is located within the PEPCO ROW, east of the site. This trail would not be accessible from the west side of the stream valley (the side to be developed under this PPS) and, if provided, would not serve the recreational needs of the site. Therefore, this trail does not have to be provided to allow for the included dedication of stream valley parkland.

Recognizing the applicant's need to provide on-site woodland conservation to meet the requirements of the Prince George's County Woodland Conservation Ordinance (WCO), the placement of woodland conservation easements on land to be dedicated to M-NCPPC is approved. The Prince George's County Department of Parks and Recreation (DPR) will provide a letter, consenting to the placement of woodland conservation easements on the dedicated land, to the Environmental Planning Section.

Based on the preceding findings, the provision of mandatory dedication of parkland shall be met through the dedication of stream valley parkland.

Separate from the mandatory dedication requirements, the applicant will be providing on-site recreational facilities to meet the requirements of Section 27-395(a)(4)(A) of the Zoning Ordinance for a planned retirement community. The applicant has proffered that these facilities will also be available to residents of the surrounding community. Under Section 27-395(a)(4)(A), the facilities may be made available to the wider community if, at the time of the special exception application, it is demonstrated that the facilities are harmoniously integrated with the retirement community and the surrounding neighborhood. Conformance with the requirements of Section 27-395(a)(4)(A) will be evaluated with the special exception application....

(Exhibit 18, pp. 11-13)

(31) The Technical Staff Report first addressed Applicant's compliance with the conditions in the PPS applicable to the instant request (conditions 3, 4, 5, 6, 7, 10, 11, 13, 14, and 15). (Exhibit 28, pp. 10-15) Conditions of approval are added herein for any items that have not yet been addressed. After reviewing the comments from the various divisions, the Technical Staff Report thoroughly addressed the basis for its recommendation of approval. I adopt its Report herein and incorporate it by reference, unless noted otherwise. (Exhibit 28, pp. 15-24) Finally, the Technical Staff Report stated that as of the writing of its report, Washington Suburban Sanitary Commission had not offered any comments on the Application, nor had it received any correspondence from the surrounding community. (Exhibit 28, p. 24)

LAW APPLICABLE

(1) A "Planned Retirement Community is permitted in accordance with Sections 27-317 and 27-395 of the prior Edition of the Prince George's County Zoning Ordinance. Section 27-317(a) and (b) provide as follows:

- (a) A Special Exception may be approved if:
 - (1) The proposed use and site plan are in harmony with the purpose of this Subtitle;
 - (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;
 - (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;
 - (4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;
 - (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and
 - (6) The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan; and
 - (7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle [24-130\(b\)\(5\)](#).
- (b) In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted:

- (1) where the existing lot coverage in the CBCA exceeds that allowed by this Subtitle, or
- (2) where granting the Special Exception would result in a net increase in the existing lot coverage in the CBCA.

Section 27-395 provides as follows:

Sec. 27-395. Planned retirement community.

- (a) A planned retirement community may be permitted, subject to the following criteria:

(1) Findings for approval.

- (A) The District Council shall find that:

- (i) The proposed use will serve the needs of the retirement-aged community;
- (ii) The proposed use will not adversely affect the character of the surrounding residential community; and
- (iii) In the R-A Zone, there shall be a demonstrated need for the facility and an existing medical facility within the defined market area of the subject property.

(2) Site plan.

- (A) In addition to the requirements of Section 27-296(c), the site plan shall set forth the proposed traffic circulation patterns.

(3) Regulations.

- (A) Regulations restricting the height of structures, lot size and coverage, frontage, setbacks, density, dwelling unit types, and other requirements of the specific zone in which the use is proposed shall not apply to uses and structures provided for in this Section. The dimensions and percentages shown on the approved site plan shall constitute the regulations for a given Special Exception.
- (B) The subject property shall contain at least twelve (12) contiguous acres.
- (C) The average number of dwelling units per acre shall not exceed eight (8) for the gross tract area.
- (D) In the R-A Zone, buildings shall not exceed three (3) stories....
- (E) In the I-3 Zone, the following shall apply:
- (i) The gross tract area shall be a minimum of ninety (90) acres with at least twenty-five percent (25%) of its boundary adjoining residentially-zoned land or land used for residential purposes;
 - (ii) The property shall have at least one hundred fifty (150) feet of frontage on, and direct vehicular access to, a public street;
 - (iii) All buildings shall be set back a minimum of seventy-five (75) feet

from all nonresidentially-zoned boundary lines or satisfy the requirements of the Landscape Manual, whichever is greater; and
(iv) The property shall be located within two (2) miles of mass transit, regional shopping, and a hospital.

- (F) In the I-3 and C-O Zones, townhouses shall comply with the design guidelines set forth in Section 27-274(a)(11) and the regulations for development set forth in Section 27-433(d).

(4) Uses.

- (A) The planned retirement community shall include a community center or meeting area, and other recreational facilities which the District Council finds are appropriate. These recreational facilities shall only serve the retirement community. The scope of the facilities shall reflect this fact. The Council may only permit a larger facility which serves more than the retirement community if the facility is harmoniously integrated with the retirement community and the surrounding neighborhood. All recreational facilities shall be constructed prior to, or concurrent with, the construction of the residential units, or in accordance with a schedule approved by the District Council;
- (B) Retail commercial uses, medical uses, health care facilities, and other uses which are related to the needs of the community may be permitted.

(5) Residents' age.

- (A) Age restrictions in conformance with the Federal Fair Housing Act shall be set forth in covenants submitted with the application and shall be approved by the District Council, and filed in the land records at the time the final subdivision plat is recorded.

(6) Recreational facilities.

- (A) Covenants guaranteeing the perpetual maintenance of recreational facilities, and the community's right to use the facilities, shall be submitted with the application. The covenants shall be approved by the District Council, and shall be filed in the land records at the time the subdivision plat is recorded. If the recreational facilities are to be part of a condominium development, a proposed condominium declaration showing the recreational facilities as general common elements shall be approved by the District Council, and shall be recorded (pursuant to Title II of the Real Property Article of the Annotated Code of Maryland) at the time the subplat is recorded.

(2) The Supreme Court of Maryland (formerly the Court of Appeals) provided the standard to be applied in the review of a special exception application in Schultz v. Pritts, 291 Md 1, 432 A2d 1319, 1325 (1981):

Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the [administrative body] that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. . . . But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal.

(3) The test in Schultz has been applied over the decades, but there has been clarification as to what was meant by “the neighborhood,” as noted in Attar v. DMS Tollgate, LLC, 451 Md. 272, 280 (2017):

[Under the County’s law], a special exception use is prohibited if it is ‘detrimental to the health, safety or general welfare of the locality involved.’ In Schultz v. Pritts, we held that an applicant for a special exception ‘does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood ... he has met his burden.’ 291 Md. 1, 11, 432 A. 2d 1319, 1325 (1981).

We further held in Montgomery County v. Butler, “the phrase ‘detriment to the neighborhood’ implies necessarily that the Board’s task is to determine if there is or likely will be a detriment to the *surrounding properties*.” 417 Md. 271, 305, 9 A. 3d 824, 844 (2010) (emphasis added). Thus, we held that, within the context of a special exception, the ‘neighborhood’ means ‘the surrounding properties’

(4) Finally, absent language in the Code to the contrary, the special exception use is “conceptually ... compatible in the particular zone with otherwise permitted uses and with surrounding zones and uses already in place, provided that, at a given location, adduced evidence does not convince the body to whom the power to grant or deny individual applications is given that actual incompatibility would occur.” People’s Counsel for Baltimore County v. Loyola College, Md., 406 Md. 54, 106 (2008)

CONCLUSIONS OF LAW

(1) The request satisfies the provisions of Sections 27-317 and 27-395 of the Zoning Ordinance, as well as the test provided in Schultz, *supra*, and its progeny. First, it meets the purposes of the Zoning Ordinance found in Section 27-102:

- (a) *To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;*

The request meets this purpose since it is a development of 126 age restricted dwellings that will allow future residents to find market priced housing and to age in place; and, said development will comply with modern development regulations, will be properly landscaped, will preserve trees in accordance with the Landscape Manual, and will be designed in a manner that honors the bulk regulations in place without need of variance, thereby preserving the character of the immediate neighborhood.

- (b) *To implement the General Plan, Area Master Plans, and Functional Master Plans;*

The General Plan places this property within the Established Communities, an area described as most appropriate for context-sensitive infill and low-to medium-density. The design, massing, and materials used for the addition of 126 single-family attached villas meet the vision for the Established Communities. The villas will also address a policy in the General Plan concerning the expansion of housing for the growing number of seniors who wish to age in place.

The Master Plan policies are advanced by the implementation of modern stormwater measurements; providing much-needed housing for seniors; and the retention of residential use of the subject property.

The County Green Infrastructure Plan is implemented. The site is within a secondary corridor of the Charles Branch, which is fully wooded, and there are limited impacts for stormwater outfalls and utilities. There is an approved NRI for this site, and the lotting pattern preserves the stream corridor and protects sensitive environmental areas.

- (3) *To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;*

A preliminary plan of subdivision has been approved, along with a Certificate of Adequacy. Conditions are added to address items required in the PPS approval. This approval confirms the adequacy of public facilities and services.

- (4) *To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;*

Approval of the request will provide for the orderly growth and development of the county as the additional senior housing proposed will comply with all applicable bulk requirements of the Zoning Ordinance, in conformance with the county's planning policies and zoning laws.

- (5) *To provide adequate light, air, in privacy;*

The Planned Retirement Community will be developed in conformance with the regulations pertaining to height, lot coverage, frontage, and setbacks to ensure the provision of adequate light, air, and privacy.

- (6) *To promote the most beneficial relationship between the uses of land and buildings and protect land owners from adverse impacts of adjoining development;*

The use will be developed in accordance with the various regulations to ensure a beneficial relationship between the uses of land and buildings surrounding the site. Care is taken to provide aesthetically pleasing and compatible dwellings; development will be in accordance with the Landscape Manual and modern storm water management will be utilized, thereby lessening any adverse effect of the use on adjoining properties.

- (7) *To protect the county from fire, flood, panic, and other dangers;*

The request will be developed in conformance with the various regulations of the County Code intended to protect from fire, flood, panic and other dangers.

- (8) *To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all county residents;*

The Applicant will provide market-rate, suitable housing for seniors, who make up a large portion of County residents, in furtherance of this purpose.

- (9) *To encourage economic development activities that provide desirable employment and a broad, protected tax base;*

The homes will add to the County tax base, and the development of the community, and possibly its upkeep, will provide employment opportunities.

- (10) *To prevent the overcrowding of land;*

As an infill development, the use will satisfy all setback requirements, lot coverage limits, and building height limits, will preserve most of the wooded area and the stream corridor, and is far below the maximum density allowed for this use. It will thereby satisfy this purpose.

- (11) *To lessen the danger and congestion of traffic on the streets, and to ensure the continued usefulness of all elements of the transportation system for their planned functions;*

The development has an approved PPS and a Certificate of Adequacy that address the adequacy of the roadways that will be impacted by the minimal amount of AM/PM peak-hour traffic expected. Moreover, the number of parking spaces far exceeds the amount required.

- (12) *To [ensure] the social and economic stability of all parts of the County;*

The use will require the employment of several individuals, and taxes will be paid, thereby promoting the economic stability of the County. Moreover, the provision of senior housing that adheres to all requirements for the use also promotes the social and economic stability of the County.

- (13) *To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;*

This request is designed to reduce any disturbance to stream valleys/lands of natural beauty/areas of dense forest/scenic vistas or other similar features. It will preserve steep slopes by avoiding access from Johensu Drive. The few senior homes are not the type of use that will noticeably increase noise in the area or add to air/water pollution. Accordingly, this purpose is met.

- (14) *To provide open space to protect scenic beauty and natural features of the county, as well as to provide recreational space;*

The proposal preserves regulated natural features to the fullest extent possible and will add recreational space for its residents, thereby addressing this purpose.

- (15) *To protect and conserve the agricultural industry and natural resources.*

This purpose is not applicable to the instant request.

(2) Section 27- 426 sets forth the following purposes for the R-A Zone:

1. (a) Purposes.

(1) The purposes of the R-A Zone are:

(A) To provide for large-lot one-family detached residential subdivisions, while encouraging the retention of agriculture as a primary land use;

(B) To encourage the preservation of trees and open spaces; and

(C) To prevent soil erosion and stream valley flooding.

The use is one permitted by the District Council in this Zone. Accordingly, it has been determined that it can be developed even though it will not meet subsection A, above. The use does satisfy the remaining requirements as care has been taken to retain much of the wooded area, and to prevent erosion or flooding.

(Section 27-317(a)(1))

(3) No variance to Subtitle 27 is requested. Thus, the use will be in conformance with all applicable requirements and regulations of the Zoning Ordinance. (Section 27-317(a)(2))

(4) The use proposed in no way impairs the integrity of the Master Plan or the applicable Functional Master Plans, for the reasons noted, *supra*. (Section 27-317(a)(3))

(5) This Examiner notes the valid concerns raised by those in opposition concerning a perceived inability to care for those who currently reside in the community. However, the proposed use will not adversely affect the health, safety or welfare of residents or workers in the area because: it will allow the addition of senior housing that complements the other homes nearby, that minimally impacts the stream corridor, that will be in an enclave set apart from the existing homes, that provides more parking than required by the Zoning Ordinance, and Applicant will be adding turn lanes (not required by the traffic expected to occur from the approval of the request) that will improve the waiting times currently experienced by those who use Arethusa Lane. Given these facts, approval will not impact others in the area in any manner different from a similar use in the same zone in the immediate neighborhood. (Section 27-317(a)(4))

(6) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood since the villas will be aesthetically similar, the homes will be in an enclave to the rear of Arethusa Lane, the use is a relatively low traffic generator, and the area will be attractively landscaped with much of the existing woodlands preserved. (Section 27-317(a)(5))

(7) A Tree Conservation Plan will be approved in conjunction with the Special Exception request (TCP 2-2025-005). It was reviewed by the expert Technical Staff and found to have met all applicable requirements once the conditions below are addressed. (Section 27-317(a)(6))

(8) The proposal protects the area of regulated environmental features (a stream and its associated buffer and 100-year floodplain). Three small disturbances of the Primary Management Area are expected to occur during construction, as noted above. The permanent impact to the Primary Management Area is for outfall stabilization from a micro-bioretenment facility. The purpose of the permanent impact is to ultimately protect the Primary Management Area and the stream from erosion and sediment deposition. Accordingly, the Special Exception Site Plan demonstrates the preservation and or restoration of the regulated environmental features to the fullest extent possible. (Section 27-317(a)(7))

(9) The property does not lie within a Chesapeake Bay Critical Area Overlay Zone. (Section 27-317(b))

(10) The request satisfies the provisions of Section 27-395 for the following reasons:

- The use will serve the needs of the retirement-aged community based on the facts herein as well as those provided in the Technical Staff Report. In short, the housing will provide first floor living, adequate parking, and a beautiful design; the density is less than that allowed; the lotting pattern preserves the environmental features providing landscaping and woodland for their enjoyment; a medical facility is nearby; and the community building and recreational facilities will offer an opportunity to enjoy the surroundings and their neighbors. (Section 27-395 (a)(1)(A)(i))
- The use will not adversely affect the character of the neighborhood since environmental features will mostly be preserved; additional traffic lanes will be provided by Applicant even though they are not required; the new homes will be an enclave at the terminus of Arethusa Lane and hidden to a degree from the existing homes; the construction will not disturb the topography of the adjoining Johensu Drive. (Section 27-395 (a)(1)(A)(ii))
- Mr. Steere's report and testimony indicates a need for such housing in the area (and in the County in general), and there is a major hospital within the defined market area of the site. (Section 27-395 (a)(1)(A)(iii))
- The Special Exception Site Plan meets all requirements of Section 27-296 (c) and shows the proposed traffic circulation patterns. (Section 27-395 (a)(2)(A))
- The bulk regulations showing the height, lot size and coverage, frontage, setbacks, density, and dwelling unit types are shown on the Site Plan. (Section 27-395(a)(3)(A)) The subject property has 43.73 contiguous acres of land, far in

excess of the 12 acres required. The number of dwelling units per gross acre is 2.88, far less than the maximum of 8. (Sections 27-395 (a)(3)(B) and (C))

- The maximum height of the buildings shall not exceed three stories. ((Section 27-395 (a)(3)(D))
- Sections 27-395(a)(3)(E) and (F) do not apply to the instant request.
- The proposal includes a community center and other recreational facilities (such as a pickle ball court and outdoor seating with a fire pit), that will be constructed prior to or concurrent with the homes. No retail, medical or health care uses will be provided on-site. (Section 27-395 (a)(4)(A) and (B))
- An executed Declaration of Covenants that include age restrictions in accordance with the Federal Fair Housing Act was submitted into the record. (Section 27-395 (a)(5)(A))
- The age restriction covenant also requires perpetual maintenance of the recreational facilities, and Condition 8 of the PPS requires that Applicant establish a homeowners association prior to the approval of a final plat that will provide for the perpetual maintenance of the recreational facilities on land conveyed to the homeowners association. (Section 27-395 (a)(6)(A))

DISPOSITION

Special Exception 23003, the Landscape Plan, and TCP 2- 2025-0051 are APPROVED, subject to the following conditions:

1. Prior to signature approval of the Special exception, the Type 2 tree conservation plan (TCP2) shall be revised to meet all the requirements of subtitle 25 of Prince George's County Code.
 - a. Remove the TCP2 approval block and leave a 2-inch by 2-inch blank space on the bottom right of each plan sheet for the Environmental Planning Section TCP approval block to be added.
 - b. Revise the specimen tree table to correctly reflect the critical root zone impact to each specimen tree with this application.
 - c. Revise the specimen tree maintenance plan to include Specimen Tree ST-9.
 - d. Correct line 6 of the woodland conservation worksheet to reflect the correct TCP2 number, TCP2-2025-0051.
 - e. Remove the current application from the TCP history table.
 - f. Additional reforestation shall be provided in the cleared area north of the proposed wet pond unless within a stormwater management easement.

2. Prior to signature approval, the special exception site plan will be revised as follows:
 - a. Labels the widths of proposed public right-of-way for Arethusa Lane in accordance with the approved Preliminary Plan of Subdivision 4-24028.
 - b. Revise the parking schedule to include the names of the principal use classifications used to calculate the parking for the community building.
 - c. Demonstrate that exterior mechanical equipment for the community buildings, as shown on the architectural elevations, will be screened using decorative fencing or dense year-round landscaping.
3. Prior to signature approval of the special exception, the applicant shall:
 1. Submit finalized floor plans for the community building that depict the furniture selection and equipment layout for the "game room," "great room," and exterior amenities illustrating the placement, type, estimated cost, and quantity of each.
 2. Submit finalized floor plans for the community building that depict the furniture selection and equipment layout for the "game room," "great room," and exterior amenities illustrating the placement, type, estimated cost, and quantity of each.
4. Prior to signature approval of the special exception, the following notes pertaining to architectural plans shall be revised as follows:
 - a. The architectural plans shall indicate that a stone water table is standard on all side elevations.
 - b. The architectural plans shall include covered porches or cross gables on every unit.
 - c. The exterior architectural elevations shall show railings for doors where the back porch is standard or an option, or provide a window in place of the door.
 - d. Where the roof line is even, the side elevations shall provide an expression line at the top of the side elevations to separate the top of the second-floor windows from the peak of the roof.
 - e. Extend roof eaves over the side elevation to provide an overhang and shadow line and provide an architectural feature below the peak of the roof.

- f. Provide shutters for all windows on side elevations, unless the window placement is too close to allow shutters on every window.
 - g. Provide brick on highly visible units, from the ground to the top of the main level, unless a stone water table is provided.
 - h. Use colors and materials to differentiate each unit.
5. Prior to certification of the special exception landscape plan, the applicant shall revise the landscape plan to reflect the correct number of plants to be installed and correct the plant schedule to reflect what is depicted on the plan.
6. Prior to recordation of the final plat, per Section 27-395(5)(A) of the prior Prince George's County Zoning Ordinance, file the covenants submitted with this application in the Prince George's County Land Records and reflect the recording reference on the final plat of subdivision.
7. Prior to approval of any building permit for the subject property, the applicant or the applicants heirs, successors, and/or assignees shall demonstrate that the following roadway improvements, as designated below, have (a) full financial assurances, (b) been permitted for construction through the applicable operating agencies access permit process and (c) an agreed upon timetable for construction and completion with the appropriate agency:
 - Widen Perrywood Road at its intersection with Woodyard Road (MD 223) to approximately 40 feet in width for a distance of approximately 100 feet back from the existing stop bar.
 - Stripe Perrywood Road to allow for two outbound lanes (one left turn and one right turn lane) and one inbound lane.

[NOTE: The Special Exception Site Plan is Exhibit 55; the Landscape Plan is Exhibit 34 ;the TCP 2-2025-0051 is Exhibit 32(a); and the architectural elevations (strips) is Exhibit 54].
