



April 24, 2023

Maurene Epps-McNeil
Zoning Hearing Examiner
County Administration Building
Upper Marlboro, MD 20772

RE: SE- 4856 - Alexander Property

Dear Ms. Epps-McNeil:

On April 20, 2023, after review of the technical staff report, the Prince George's County Planning Board approved the transmittal of the recommendation. Therefore, the application is hereby transmitted directly to the District Council/Zoning Hearing Examiner, and the technical staff's recommendation constitutes the Planning Board's recommendation.

Very truly yours,

James R. Hunt, Chief
Development Review

Enclosure

cc: Persons of Record



14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

April 19, 2023

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: James Hunt, Chief, Development Review Division *JRH*
Jeremy Hurlbutt, Supervisor, Zoning Section *DAL* for JDH
Development Review Division

FROM: Dominique Lockhart, Planner III, Zoning Section *DAL*
Development Review Division

SUBJECT: **Special Exception SE-4856, Alexander Landing**
Planning Board Consent Agenda April 20, 2023
Staff Clarifications and Corrections to Technical Staff Report

Staff recommends revisions to the technical staff report dated April 5, 2023. The revisions include removing language requiring the applicant to provide 20 percent of the total woodland conservation threshold on-site. In addition, corrections are noted reflecting the Prince George's County Fire Department's updated referral comment. Revised conditions have also been proposed by the applicant. The revisions have been included in the additional backup on the Prince George's County Planning Board agenda for April 20, 2023.

Staff agrees with the proposed revisions, except for the correction to Finding 13(j), which proposes a change to the Environmental Planning Section's referral memo date. Environmental Planning staff provided an email dated April 12, 2023, in lieu of a revised referral, stating the following:

The Environmental Planning Section has reviewed the material relating to Special Exception SE-4856 and has found it in conformance with the current regulations regarding woodland conservation requirements. The Environmental Planning Section recommends deletion of Condition 1i (1).

The revised language from the Prince George's County Fire Department and Environmental Planning Section are attached for reference.

RECOMMENDATION

The Zoning Section recommends that the Planning Board APPROVE the request for transmittal to the Zoning Hearing Examiner, with the additions of the applicant's proposed revisions to the technical staff report for Special Exception SE-4856, Alexander Landing.



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

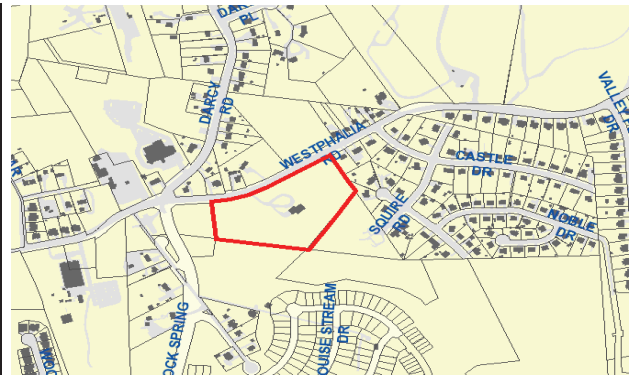
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Special Exception Alternative Compliance Alexander Landing

SE-4856
AC-23002

REQUEST	STAFF RECOMMENDATION
<p>SE-4856: Special exception to permit an elderly housing (one-family attached dwellings) use for 61 dwelling units.</p> <p>Variance for the removal of 25 specimen trees.</p> <p>AC-23002: Alternative compliance from Section 4.6 of the Landscape Manual.</p>	<p>With the conditions recommended herein:</p> <ul style="list-style-type: none"> • Approval of Special Exception SE-4856 • Approval of Type 2 Tree Conservation Plan TCP2-006-2023 • Approval of a Variance to Section 25-122(b)(1)(G) • Approval of Alternative Compliance AC-23002

Location: On the south side of Westphalia Road, approximately 300 feet east of its intersection with Rock Spring Drive.	
Gross Acreage:	10.00
Zone:	RR
Prior Zone:	R-R
Dwelling Units:	61
Gross Floor Area:	1,586 – 2,915 sq. ft.
Lots:	61
Parcels:	10
Planning Area:	78
Council District:	06
Municipality:	None
Applicant/Address: ESC 9401 Westphalia L.C 1355 Beverly Road, Suite 240 McLean, VA 22101	
Staff Reviewer: Dominique Lockhart Phone Number: 301-952-3411 Email: Dominique.Lockhart@ppd.mncppc.org	



Planning Board Date:	04/20/2023
Planning Board Action Limit:	N/A
Staff Report Date:	4/5/2023
Date Accepted:	02/01/2023
Informational Mailing:	01/28/2022
Acceptance Mailing:	01/31/2023
Sign Posting Deadline:	N/A

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Jeremy Hurlbutt, Supervisor, Zoning Review Section,
Development Review Division

FROM: Dominique Lockhart, Planner III, Zoning Review Section
Development Review Division

SUBJECT: Special Exception SE-4856
Alexander Landing

REQUEST: **SE-4856:** Special exception to permit an elderly housing (one-family attached dwellings) use for 61 dwelling units.

Variance for the removal of 25 specimen trees.

AC-23002: Alternative compliance from Section 4.6 of the Landscape Manual.

RECOMMENDATION: **APPROVAL with conditions**

NOTE:

The Planning Board has scheduled this application on the consent agenda for transmittal to the Zoning Hearing Examiner on the agenda date of April 20, 2023.

You are encouraged to become a person of record in this application. Requests to become Persons of Record should be submitted electronically, by email to: ZHE@co.pg.md.us. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

SUMMARY

This application, to permit an elderly housing (one-family attached dwellings) use for 61 dwelling units through a special exception, was accepted by the Prince George's County Planning Department on February 1, 2023, and is being reviewed in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Section 27-1900 of the Zoning Ordinance.

A special exception is subject to the general required findings of approval for all special exceptions contained in Section 27-317(a) of the prior Prince George's County Zoning Ordinance. Part 4 of the Zoning Ordinance also includes additional required findings for specific uses. An elderly housing (one-family attached dwellings) use is subject to the additional findings of Section 27-352.01 of the prior Zoning Ordinance. In support of the application, the applicant filed a statement of justification, submitted March 16, 2023, incorporated by reference herein.

FINDINGS:

1. **Location and Site Description:** The subject property is located on the south side of Westphalia Road, approximately 300 feet east of its intersection with Rock Spring Drive. The site is currently improved with a single-family detached dwelling, being utilized as a private residence. The applicant is requesting to develop 61 one-family attached dwelling units for elderly housing.
2. **History and Previous Approvals:** The subject property is a 10-acre parcel known as Parcel 48, located in Tax Map 82, Grid E-4 and Tax Map 90, Grid E-1. The property is located within the Rural Residential (R-R) Zone and the Military Installation Overlay (M-I-O) Zone, for height and noise. The property is not subject to a previously approved preliminary plan of subdivision (PPS), and there are no prior final plats of subdivision recorded for the property. The proposed development will require a PPS, a certificate of adequacy, and a final plat to find conformance with the development proposed with this special exception application.
3. **Neighborhood and Surrounding Uses:** The immediate properties surrounding the site and their current respective zoning designations are, as follows:

North—	Westphalia Road and single-family dwellings in the Rural Residential (RR) Zone.
East—	Single-family dwellings in the RR Zone.
South—	Westphalia Park and vacant land in the Agriculture and Preservation (AG) Zone and Legacy Comprehensive Design (LCD) Zone.
West—	Vacant land in the Commercial, General, and Office (CGO) Zone.
4. **Request:** The applicant requests approval of a special exception to permit an elderly housing (one-family attached dwellings) use for 61 dwelling units, with a variance request for the removal of 25 specimen trees. In addition, an associated alternative compliance is requested from the requirements of Section 4.6(c)(1)(A)(ii) (Buffering Residential Development from Streets) and Section 4.6(c)(2)(A)(ii) (Buffering Development from

Special Roadways) of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), along the subject property's frontage on Westphalia Road, a historic collector road.

5. Development Data Summary:

	EXISTING	PROPOSED
Zone(s)	RR (Prior R-R)	RR (Prior R-R)
Use(s)	Single-Family Detached Dwelling	Elderly Housing (One-Family Attached Dwellings)
Acreage	10.00	10.00
Parcels	1	10
Gross Floor Area	3,818 sq. ft.	1,586 - 2,915 sq. ft.
Dwellings	1	61

6. Required Findings: This application, to permit an elderly housing (one-family attached dwellings) use through a special exception, is being reviewed in accordance with the prior Zoning Ordinance, pursuant to Section 27-1900 of the Zoning Ordinance. The analysis of all required findings for approval are provided below.

General Special Exception Findings—Section 27-317(a) provides the following:

(a) A Special Exception may be approved if:

(1) The proposed use and site plan are in harmony with the purposes of this Subtitle;

The purposes of Subtitle 27 of the Prince George's County Code, as set forth in Section 27-102(a)(1-15) of the prior Zoning Ordinance, are generally to protect the health, safety, and welfare of the public; to promote compatible relationships between various land uses; to guide orderly development; and, to ensure adequate public facilities and services. This proposal will be subject to a PPS to determine adequacy of public facilities.

Staff find that the proposed development will not negatively impact the public. The 61 one-family attached dwelling units proposed will provide diverse housing options for the surrounding community through quality senior housing. The site will also include amenities through gathering areas, walking trails, and a community garden. A trail is proposed to connect the development with the adjacent Westphalia Park, giving residents direct access to both private and public recreation opportunities.

The site abuts historic Westphalia Road, where screening will be provided through a masonry wall, native trees, and shrubs. In addition, Westphalia Road will be improved to include expanded vehicular lanes, bicycle lanes, street trees, and a multi-modal sidewalk.

The environmental features of the site will be protected through preservation of on-site wetlands and a stormwater management system. In

addition, both on-site and off-site woodland conservation areas are proposed.

The proposed special exception use and site plan demonstrates harmony with the purposes of Subtitle 27 of the County Code.

(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;

The proposed use is in conformance with the requirements and regulations set forth in Subtitle 27. In 2001, the Prince George's County District Council enacted Council Bill CB-106-2021. This ordinance was to permit an elderly housing (one-family attached dwellings) use in the R-R Zone, under certain circumstances.

The proposed use is being evaluated according to the general required findings of approval for all special exceptions contained in Section 27-317(a) of the prior Zoning Ordinance. An elderly housing (one-family attached dwellings) use is also subject to the additional findings of Section 27-352.01 of the prior Zoning Ordinance.

The application also demonstrates conformance with the R-R Zone development regulations. The proposed unit layouts and representative architecture have been provided by the applicant to supplement the special exception site plan.

(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 Map Plan, the General Plan;

Plan Prince George's 2035 Approved General Plan (Plan 2035) classifies this application as located within the Established Communities policy area. Established communities areas are most appropriate for context-sensitive infill and low- to medium-density development. The subject property is surrounded by single-family residences, vacant land, and a public park. The proposed use of elderly housing (one-family attached dwellings) complements the surrounding neighborhood uses.

The *2007 Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) places this property in the low-density residential land use area and recommends development of "approximately 3,500 acres of new low- to medium-density residential areas in a manner that conserves and is integrated with approximately 1,300 acres of existing residential development in accordance with the overall development pattern concept" (page 30).

The proposed use is a medium-density development that is within the density parameters of the underlying R-R Zone regulations. Construction of 61 one-family attached dwelling units for the elderly will not substantially

impair the integrity of the Westphalia Sector Plan and SMA or Plan 2035. Special Exception SE-4856, as requested, conforms to this finding.

(4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area;

The proposed use will add quality senior housing to the larger Westphalia community. Amenities will be provided to facilitate community gatherings and enhance public health, through walking trails and a community garden. A trail will also serve the adjacent Westphalia Park for additional recreation activities.

The development will provide safe vehicular and pedestrian circulation for current and future residents. The special exception site plan shows an 8-foot-wide shared use path, adjacent to Westphalia Road. A condition has been included in the Recommendation section of this report, requiring the applicant to replace the 8-foot-wide shared use path with a 10- to 12-foot-wide side path along the site's frontage. A 10- to 12-foot-wide side path is consistent with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) policies, as well as the 2012 American Association of State Highway and Transportation Officials Guide for the Development of Bicycle Facilities, and provides sufficient width for bicyclists and pedestrians to adequately navigate the site.

Staff find that 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

The site is bounded to the east by an undeveloped parcel; to the south by undeveloped land and the Westphalia Park; to the west by single-family residences; and to the north by Westphalia Road, which is a historic road.

The development proposed will complement the surrounding residential uses, while providing access to the adjacent Westphalia Park. The surrounding community and adjacent properties will not be negatively impacted by construction of one-family attached dwelling units for the elderly.

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan; and

Type 2 Tree Conservation Plan TCP2-006-2023 was submitted with this application and shows a total of 4.78 acres of woodland on-site and clearing of 3.88 acres of woodland. The threshold, as established by the R-R Zone, is 20 percent, or 2 acres. Based on the proposed clearing, a total woodland conservation requirement of 4.90 acres is required. The applicant proposes to meet this requirement with 0.90 acre of on-site preservation, 0.13 acre of on-site reforestation, and 3.87 acres of off-site credits. To find conformance

with the Westphalia Sector Plan and SMA and the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), a condition has been included in the Recommendation section, requiring the applicant to revise the TCP2 to meet the 20 percent threshold on-site.

On-site woodland conservation shall be placed in woodland and wildlife habitat conservation easements, prior to certification of the TCP2. The majority of the woodland conservation requirements will be met off-site by purchasing credits, within an off-site tree bank.

A Subtitle 25 variance was also submitted for review with this application. The applicant has requested to remove 25 specimen trees, as is shown on the TCP2. The condition of trees proposed for removal ranges from poor to good, and are located across the entire site, many located along the southern property line. Staff support the removal of 23 of the proposed 25 specimen trees. Specimen Trees 7 (ST-7) and 41 (ST-41) should be retained and evaluated further with future entitlement reviews. ST-7 is located in an area of proposed reforestation, and ST-41 lies on the edge of the proposed preservation area and could be retained, if grading is revised.

- (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).**

This site does not feature any primary management area, but an area of regulated environmental features (REF), in the form of an isolated wetland feature, is present along the eastern property line. A portion of the isolated wetland area of the site is proposed to be impacted, with the remainder undisturbed and preserved within green space. The forested portion of this isolated wetland is proposed to be preserved, as part of the total woodland conservation.

The specimen trees proposed for removal are located outside of the REF, except ST-6, which lies just within the wetland buffer.

Based on the plans submitted, the REF on the subject property have been preserved and/or restored, to the fullest extent possible. The necessary impact is to connect to a Washington Suburban Sanitary Commission (WSSC) sanitary sewer, which staff support.

Specific Special Exception Requirements—Section 27-352.01(b) provides the following:

Section 27-352.01—Elderly housing (one-family attached dwellings).

- (b) Notwithstanding the provisions of subsection (a) of this Section, attached one-family dwellings for the elderly (and related facilities) may be permitted in the R-R Zone, subject to the following:**

- (1) **The gross tract area shall be between nine (9) and twenty (20) acres;**

The subject property has a gross tract area of 10 acres.

- (2) **The property shall be located adjacent to a park owned by a public agency or land zoned R-O-S and owned by a public agency or the United States of America;**

The proposed development is adjacent to Westphalia Park, owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC) and operated by the Prince George's County Department of Parks and Recreation (DPR), to which the developer has proposed a trail connection.

- (3) **The property shall have at least one hundred fifty (150) feet of frontage on, and direct vehicular access to, a roadway with a functional transportation classification of collector or arterial;**

The subject property has 912 feet of street frontage along Westphalia Road, which is classified as an historic collector roadway. The site contains one direct point of vehicular access to Westphalia Road.

- (4) **Density shall be limited to no more than eight (8) dwelling units to the acre;**

The proposed density is 6.1 dwelling units per acre, which results in 61 one-family attached dwelling units.

- (5) **Regulations restricting the height of structures, lot size and coverage, frontage, setbacks, density, and any 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;**

The proposed dimensions and percentages are shown on the special exception site plan, demonstrating the regulations for the development.

- (6) **Recreational facilities shall be required. The requirement may be satisfied with a combination of on-site and off-site facilities. On-site facilities may be passive or active. Off-site recreational facilities obligations may be satisfied through contributions to the adjacent public-owned parkland, in coordination with the Prince George's County Department of Parks and Recreation; and**

The statement of justification cites the inclusion of a 4,990-square-foot outdoor community area, shown as Amenity Area A on the landscape plan and improved with a covered pavilion, seating, bike racks, and a community garden, all located along the main internal road. The community area connects to a hard-surface walking path that loops around the SWM pond

and provides a connection to Westphalia Park. Installation of the trail connection and SWM pond with Westphalia Park will require coordination of permits and agreements with DPR. Mandatory dedication of parkland will be further evaluated, at the time of the PPS review.

- (7) Age restrictions in conformance with the Federal Fair Housing Act shall be set forth in covenants submitted with the application. The covenants shall run to the benefit of the County, shall be approved by the District Council, and filed in the Land Records for Prince George's County shall be approved by the District Council, and filed in the land records at the time the final subdivision plat is recorded.**

The proposed elderly housing (one-family attached dwellings) use is a permitted use in the R-R Zone, subject to approval of a special exception, in accordance with Section 27-441(b), Table of Uses, of the Zoning Ordinance. The use is subject to Footnote 58, which states that “a dwelling for the elderly shall be housing which is operated in accordance with State and Federal Fair Housing laws.”

The applicant has provided draft covenants with this submission.

- (8) The requirements of Section 27-352.01(a)(7) shall apply.**

The requirements of section 27-352.01(a)(7) are addressed below:

- (a) Attached one-family dwellings for the elderly (and related facilities) may be permitted, subject to the following:**

- (7) The following guidelines should be considered:**

- (A) Dwelling units should be clustered around a central focal point or public space and should avoid linear design. Open space should be oriented to provide the best possible separation or buffer from adjoining single-family detached uses. The requirements of Section 24-137(g)(1), (2), and (5) through (10) shall serve as guidelines for site layout.**

The proposed site layout provides a landscaped buffer, along the street frontage, consisting of trees, shrubs, and a 3-foot-tall masonry wall. The dwelling units are in groups of 3–5 townhomes, with private streets separating each townhouse block.

A 4,990-square-foot outdoor community area, improved with a covered pavilion, seating,

bike racks, and a community garden, is centrally located in the development along the main internal road. The community area connects to a hard-surface walking path that loops around the SWM pond and provides a pedestrian connection to Westphalia Park.

- (B) No less than ten percent (10%) of the land area should be devoted to open space, recreation facilities, and social-oriented amenities.**

The proposed development will provide 48.6 percent of open space.

- (C) If a community building is proposed, no less than three (3) physically separate areas, which shall include the separation of a single room, should be provided within the building for recreational and social-oriented amenities of varying activity levels.**

The subject development does not propose a community building.

- (D) Each outdoor space intended for active recreation should be a minimum of fifty (50) feet in width in least dimension, with a minimum area of five thousand (5,000) square feet.**

The on-site amenity area provided is for passive recreation and is approximately 4,990 square feet.

For active recreation, residents will be able to utilize a walking path that goes around the SWM pond and provides a connection to Westphalia Park.

7. **Parking Regulations:** In accordance with the parking and loading regulations contained in Section 27-568, for a townhouse or other one-family attached dwelling use, 2.04 spaces are required per dwelling unit. The applicant has proposed 61 dwelling units, which requires a minimum of 125 parking spaces for the development. The special exception site plan shows a total of 213 parking spaces will be provided.
8. **2010 Prince George's County Landscape Manual Requirements:** The proposed development is subject to the requirements of the Landscape Manual. Specifically, conformance is required for Section 4.1, Residential Requirements; Section 4.6, Buffering

Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscape Requirements; and Section 4.10, Street Trees Along Private Streets. The orientation of the dwellings exposes the rear of the units to the public street. An application for Alternative Compliance (AC-23002) to Section 4.6(c)(1)(A)(ii) of the Landscape Manual was provided with this application, and was evaluated separately.

9. **Alternative Compliance:** Alternative compliance is requested from the requirements of Sections 4.6(c)(1)(A)(ii) and 4.6(c)(2)(A)(ii) of the Landscape Manual, along the frontage of the subject property on Westphalia Road, a major historic road collector.

Upon further review, the Alternative Compliance Committee found the applicant does not require alternative compliance for Section 4.6(c)(1)(A)(ii), as the applicant did not include the 10-foot-wide public utility easement in the minimum required buffer width. The Alternative Compliance Committee finds that, with this width included, the minimum buffer width would be approximately 38.8 feet, which meets the required 35-foot-wide minimum buffer. The applicant already meets all other criteria for a Section 4.6(c)(1)(A)(ii) buffer. The Alternative Compliance Committee provided a condition, included in the Recommendation section of this technical staff report, requiring the applicant to revise the plans demonstrating compliance with Section 4.6(c)(1)(A)(ii).

The applicant requests alternative compliance from the requirements of Section 4.6(c)(2)(A)(ii), which requires a minimum 20-foot-wide buffer to be planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings. The subject property meets the required buffer width of 20 feet and has 698 linear feet of frontage, subject to Section 4.6(c)(2)(A)(ii). The applicant provides approximately 61 percent of the required plant units, which is 343 units, but does not meet the plant unit requirement of 559 plant units. The applicant proposes an alternative design element with a 3-foot-high brick masonry wall, which runs parallel to all proposed lots, except the two 20-foot-wide WSSC easements.

The Alternative Compliance Committee provided a condition, included in the Recommendation section of this technical staff report, requiring the applicant to provide additional evergreen or ornamental plantings on the backside of the proposed 3-foot-high brick masonry wall, in between the shade trees. These additional plantings will increase visual engagement for the Westphalia Road streetscape and allow the applicant to get closer to meeting the plant unit requirement.

10. **Prince George's County Tree Canopy Coverage:** This application is subject to the requirements of the Tree Canopy Coverage Ordinance. This site is located within the prior R-R Zone and is required to provide 15 percent of the site area in tree canopy coverage (TCC). The site is 10.00 acres and a total of 1.50 acres, or 64,340 square feet, of TCC is required. Conformance with the TCC requirements will be evaluated, at the time of permitting. However, with this application, the applicant is demonstrating conformance by providing 76,412 square feet of TCC.
11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO):** A tree conservation plan was required with this application, which shows that 4.90 acres of the required woodland conservation requirement will be met as 0.90 acre of woodland preservation, 0.13 acre of reforestation, and 3.87 acres of off-site credits. To the

greatest extent possible, the woodland conservation threshold shall be met on-site through the preservation of existing woodland.

12. **Signage:** A sign package was not submitted with this application. Signage location and details will be evaluated for conformance, at the time of permitting.
13. **Referral Comments:** The following referrals were received and are incorporated herein by reference. All the comments are addressed on the site plan, or as part of this technical staff report:
 - a. **Prince George's County Fire/EMS Department**—In an email dated February 1, 2023 (Reilly to Lockhart), the Fire/EMS Department had no compliance comments. However, it was noted that, due to the 22-foot-wide private roads, no on-street parking will be allowed, other than the four provided spaces adjacent to the amenity lot. In addition, fire lane markings will be required, prior to occupancy.
 - b. **Permit Review Section**—In a memorandum dated February 08, 2023 (Glascoe to Lockhart), the Permit Review section had no comments.
 - c. **Historic Preservation Section**—In a memorandum dated February 23, 2023 (Stabler, Smith, Chisholm to Lockhart), the Historic Preservation Section evaluated the site and determined that the subject property does not contain, and is not adjacent to, any designated Prince George's County historic sites or resources.
 - d. **Community Planning**—In a memorandum dated March 07, 2023 (Rowe to Lockhart), the Community Planning Division found that, pursuant to Section 27-317(a)(3) of the prior Zoning Ordinance, this application will not substantially impair the integrity of the Westphalia Sector Plan or Plan 2035.
 - e. **Urban Design Section**—In a memorandum dated March 08, 2023 (Burke to Lockhart), the Urban Design Section noted that an application for Alternative Compliance (AC-23002) was requested from the requirements of Sections 4.6(c)(1)(A)(ii) and 4.6(c)(2)(A)(ii) of the Landscape Manual. The Urban Design Section has no objections to the approval of the proposed development.
 - f. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated March 09, 2023 (Giles to Lockhart), DPIE evaluated the subject property and provided comments to be addressed prior to, or concurrent with, issuance of a fine grading permit.
 - g. **Transportation Planning Section**—In a memorandum dated March 27, 2023 (Ryan to Lockhart), the Transportation Planning Section (TPS) provided the following comments:

The recommended facilities do not impair the ability to make transportation-related recommendations that are supported by an approved master plan or functional master plan. In this case, TPS recommends an upgraded side path of 10–12 feet wide, which is supported by the MPOT policy. Further analysis, related to vehicular adequacy, will be examined at the time of PPS. TPS supports the proposed bicycle and pedestrian facilities associated with the subject application and will further

examine them for adequacy at the PPS stage of development.

- h. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated March 20, 2023 (Thompson to Lockhart), DPR supports the applicant's proposal to provide on-site recreational facilities. Mandatory dedication of parkland will be further evaluated at the time of the PPS review. Installation of the trail connection and the SWM pond with Westphalia Park will require coordination of permits and agreements with DPR.
- i. **Subdivision Section**—In a memorandum dated March 21, 2023 (Vatandoost to Lockhart), the Subdivision Section had no issues with the application, and noted that a PPS and final plat will be required for the proposed development.
- j. **Environmental Planning Section**—In a memorandum dated March 22, 2023 (Kirchhoff to Lockhart), the Environmental Planning Section (EPS) provided an analysis of the subject application.

The site has an approved Natural Resources Inventory (NRI-005-2022), and no further information is required for the NRI regarding existing site conditions.

Based on the proposed clearing, a total woodland conservation requirement of 4.90 acres is required. To find conformance with the Westphalia Sector Plan and SMA and the Green Infrastructure Plan, the applicant shall revise the TCP2 to meet the 20 percent threshold on-site.

The required findings of Section 25-119(d) of the WCO were adequately addressed for the removal of 23 specimen trees, identified as Specimen Trees 1 through 6, 14 through 22, 31, and 42 through 48. EPS recommends that the Planning Board approve the requested variance for the removal of 23 specimen trees, for construction of a residential development and that ST-7 and ST-41 be retained and evaluated further with future entitlement reviews.

RECOMMENDATION

Based on the applicant's statement of justification, the analysis contained in the technical staff report, associated referrals, and materials in the record, the applicant has demonstrated conformance with the required special exception findings, as set forth in Section 27-317 (in general) and Section 27-352.01 (elderly housing – one-family attached dwellings) of the prior Prince George's County Zoning Ordinance. Staff find that the proposed application satisfies the requirements for approval and that the application will be in conformance with the Zoning Ordinance requirements.

Therefore, staff recommend APPROVAL of Special Exception SE-4856, a Variance from Section 25-122(b)(1)(G), Alternative Compliance AC-23002, and Type 2 Tree Conservation Plan TCP2-006-2023, for Alexander Landing, 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. Due to the 22-foot-wide private roads, no on-street parking will be allowed, other than the four 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, “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.”
- f. Provide additional ornamental and evergreen tree plantings on the backside of the proposed brick masonry wall, in between the shade trees, as space allows.
- g. Adjust the detail for the 3-foot-high brick masonry wall to correctly demonstrate the height and brick material.
- h. 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).
- i. The Type 2 tree conservation plan (TCP2) shall be revised, as follows:
 - (1) Revise the plan to meet the woodland conservation threshold on-site.
 - (2) Clearly show specimen trees and specimen tree labels.
 - (3) 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.”

- (4) Prior to issuance of any permit which impacts wetlands, wetland buffers, and streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions were complied with, and associated mitigation plans.
- (5) 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 Planning Board with SE-4856, for the removal of Specimen Trees 1 through 6, 14 through 22, 31, and 42 through 48."

2. At the time of preliminary plan of subdivision, the applicant shall:

- a. 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.
- b. All bearings and distances shall be correctly labeled on the special exception site plan and shall be consistent with the record plat.

3. The following conditions shall be applicable for all work conducted within Maryland National Capital Park and Planning Commission (M-NCPPC) property, and shall be shown on the approved plans, or referenced by notes thereon:

- a. Blaze orange safety fence 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 M-NCPPC.
 - (3) Stabilization of all disturbed areas; for existing grassed areas, a live, uniform stand of grass is required for acceptance, upon completion of work.

ALEXANDER LANDING

SPECIAL EXCEPTION

AC-23002

TCP2-006-2023

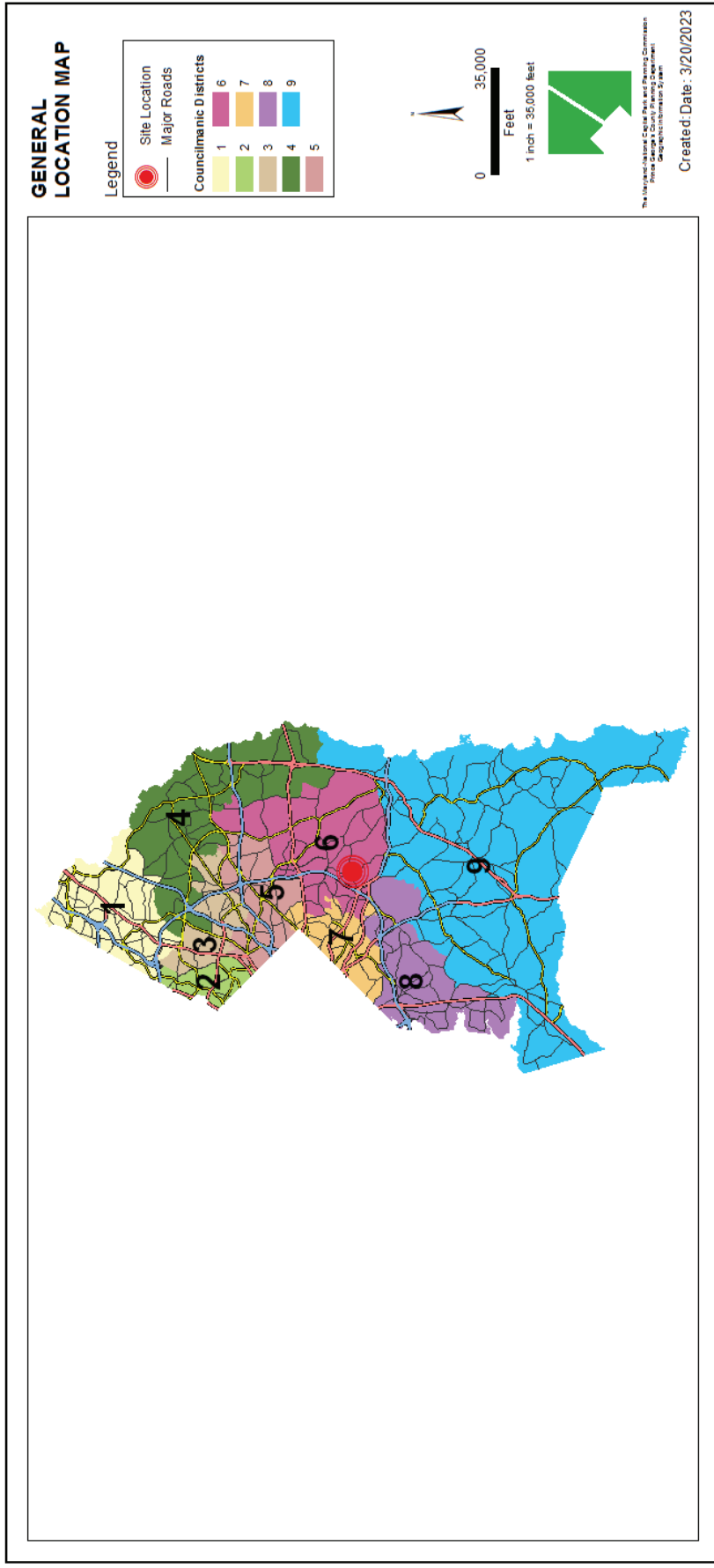
Variance to Section 25-122(b)(1)(G)

Staff Recommendation: APPROVAL with conditions

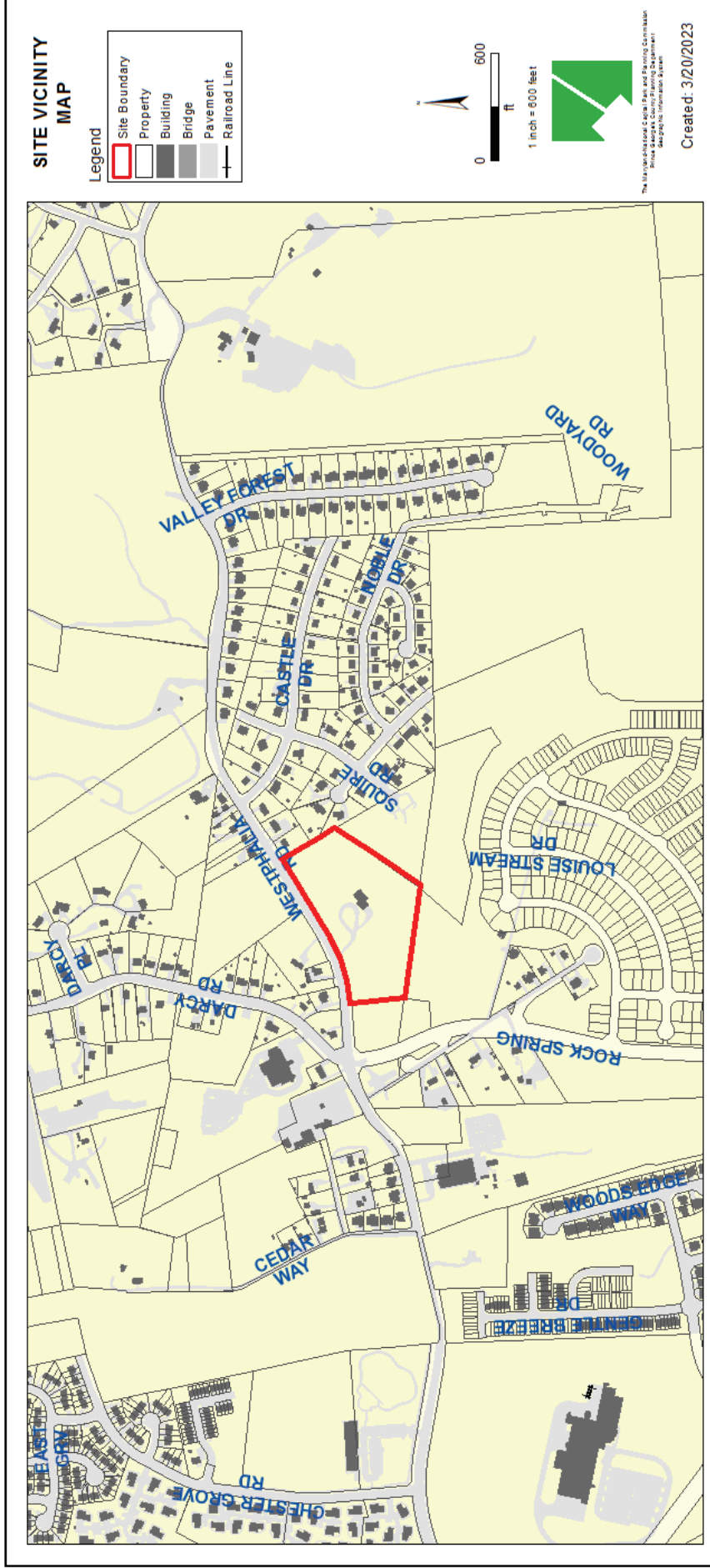


GENERAL LOCATION MAP

Council District: 06
Planning Area: 078



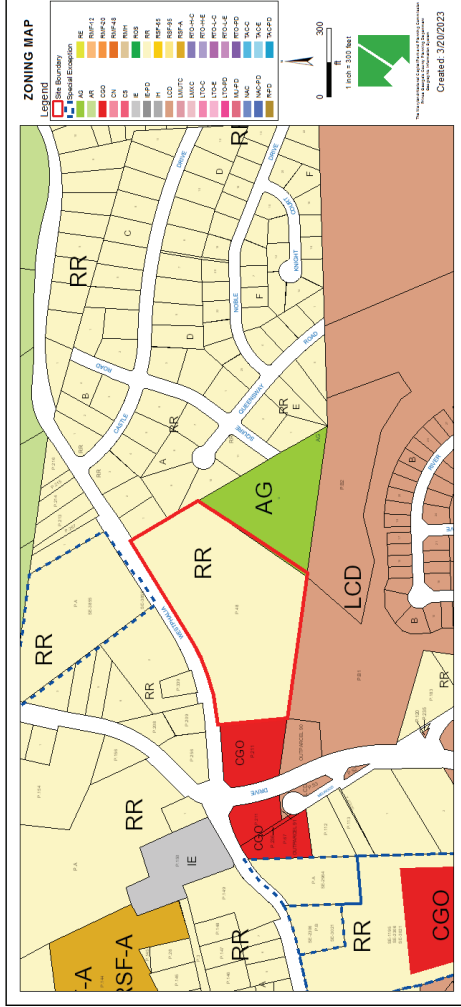
SITE VICINITY MAP



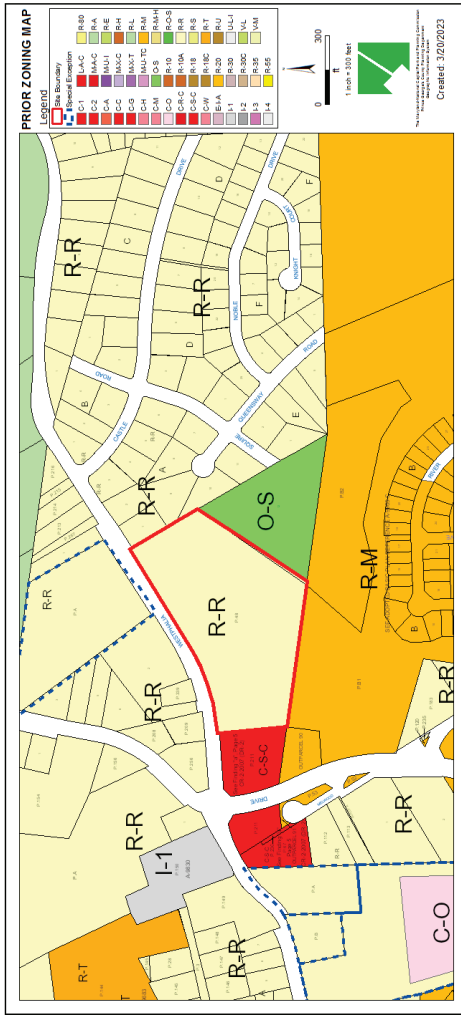
ZONING MAP

Property Zone: RR

CURRENT ZONING MAP

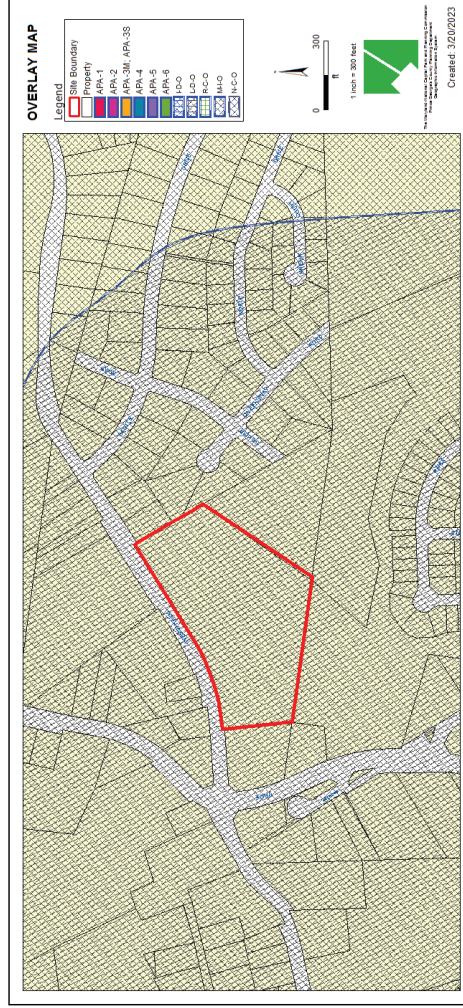


PRIOR ZONING MAP

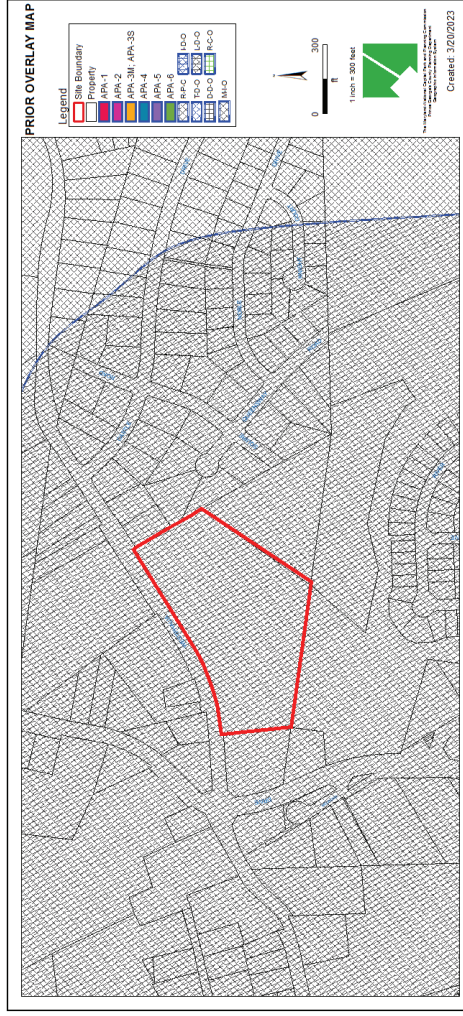


OVERLAY MAP

CURRENT OVERLAY MAP



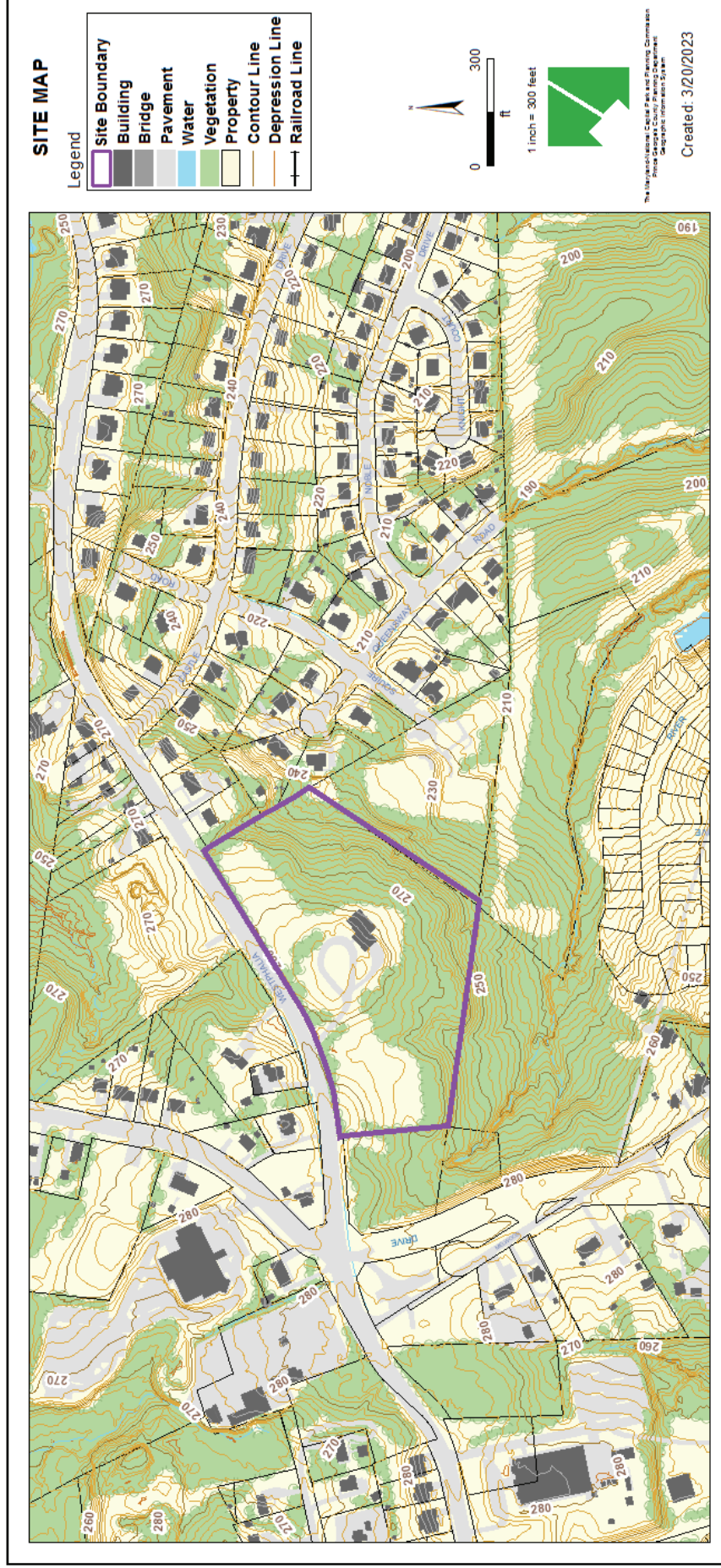
PRIOR OVERLAY MAP



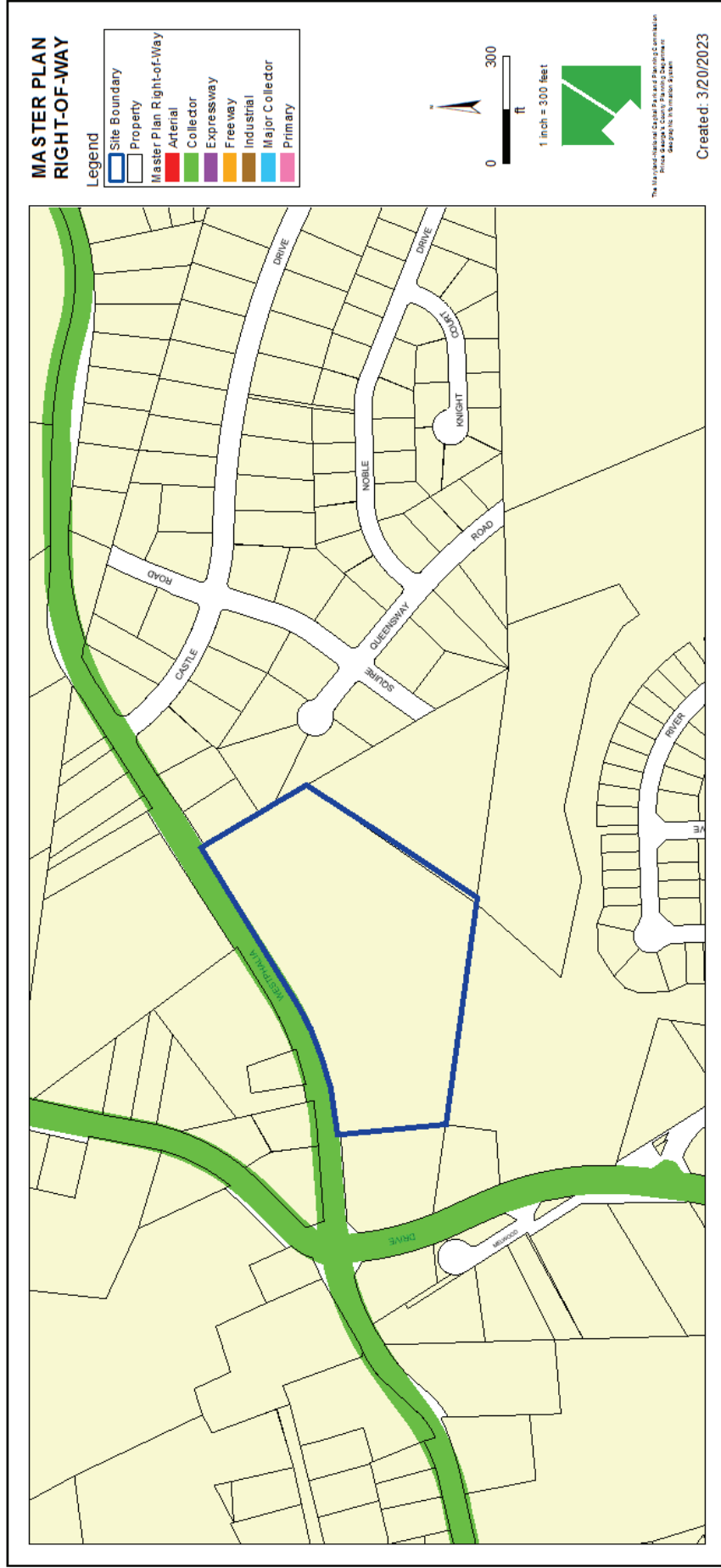
AERIAL MAP



SITE MAP



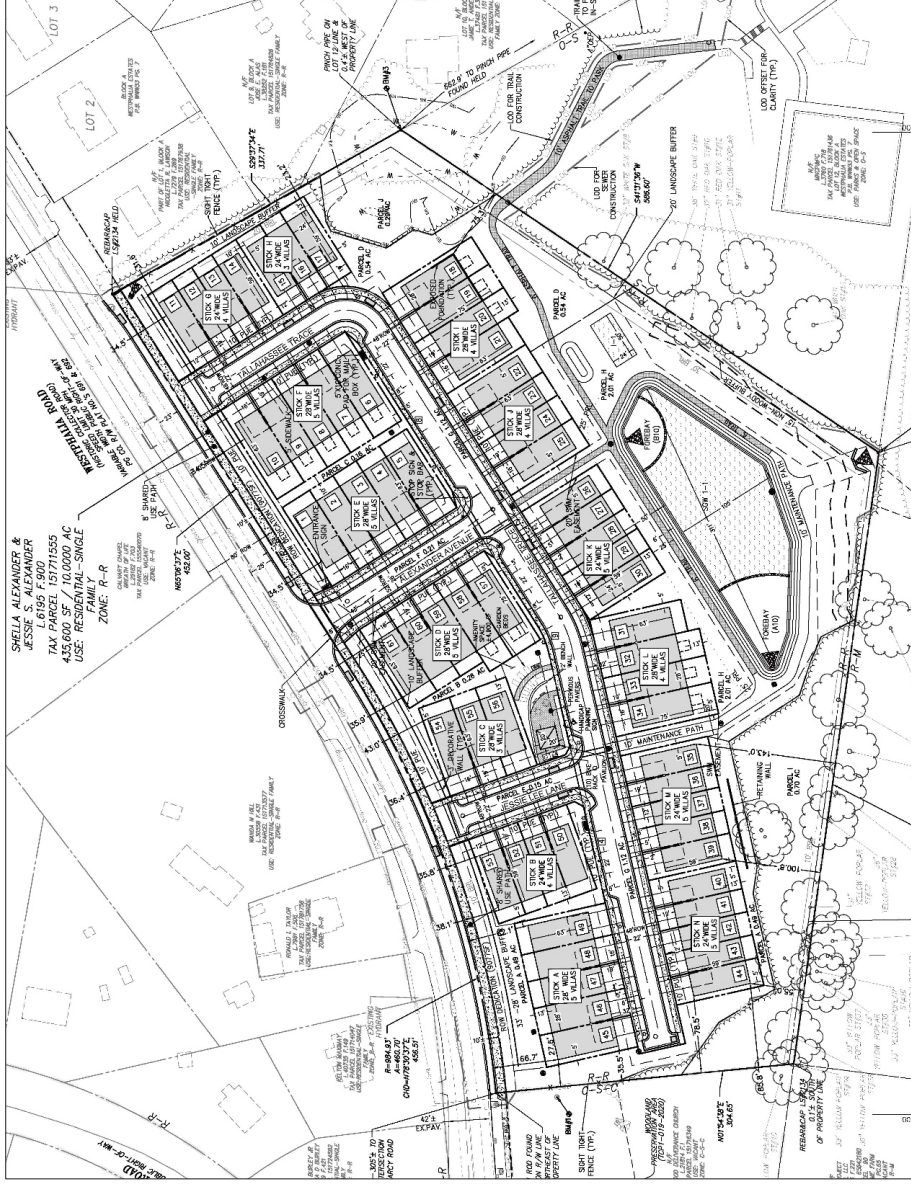
MASTER PLAN RIGHT-OF-WAY MAP



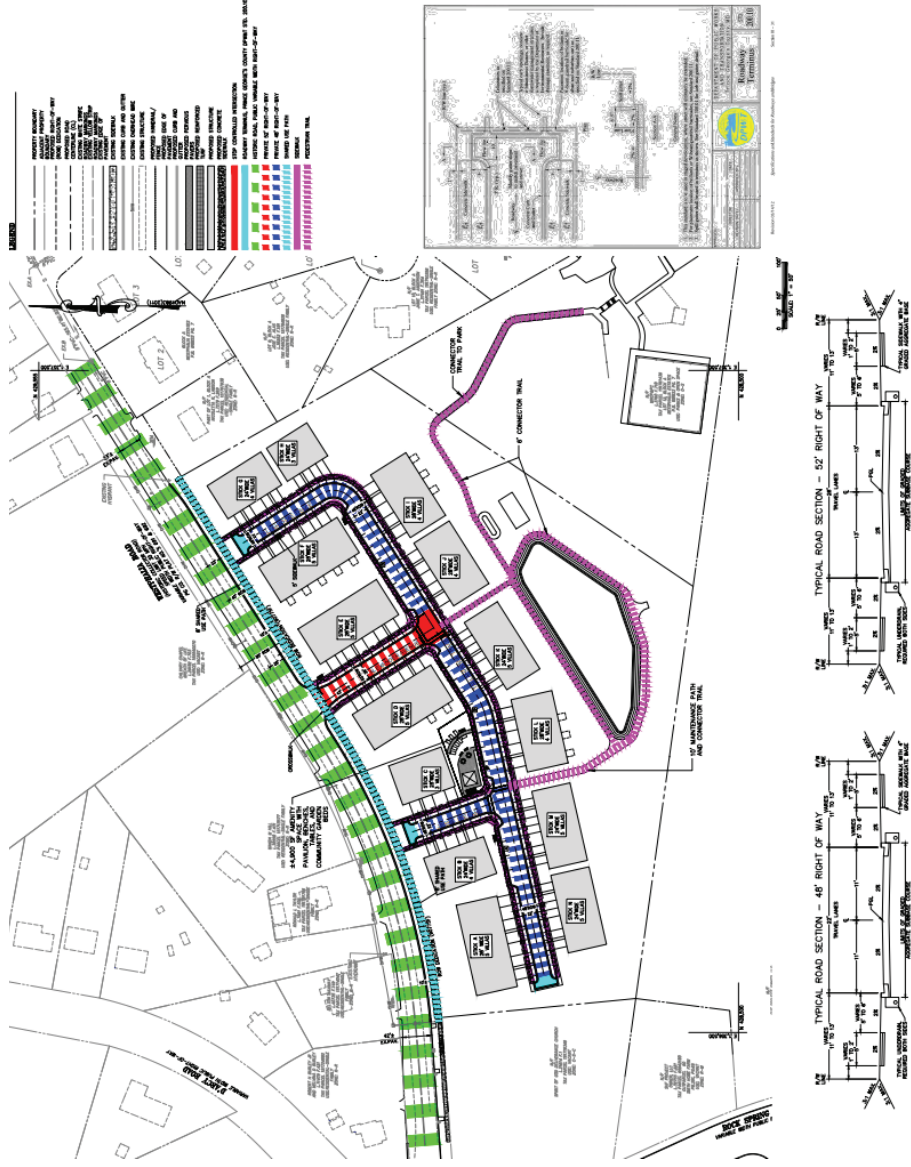
BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



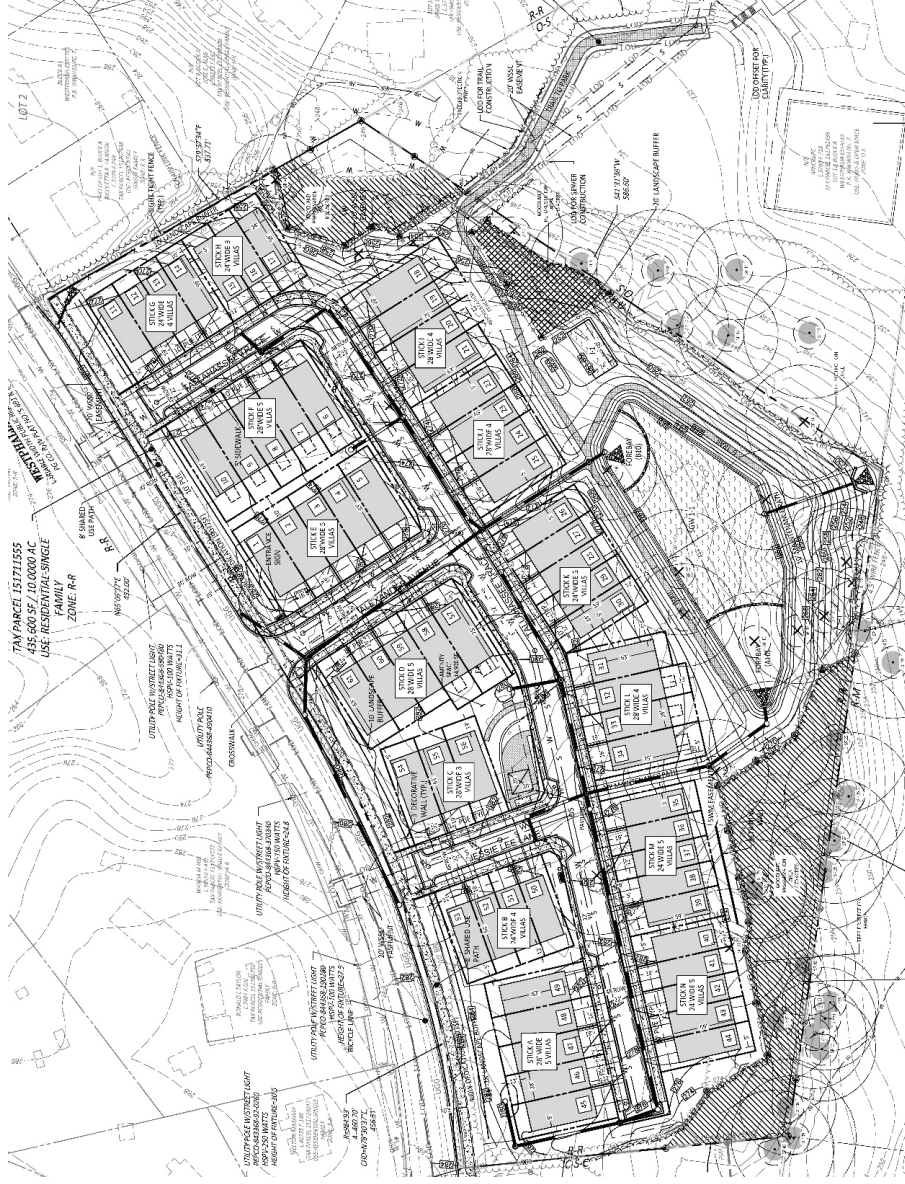
SITE PLAN



MULTIMODAL CIRCULATION AND RECREATIONAL FACILITIES PLAN



TYPE II TREE CONSERVATION PLAN



RENDERING -- 24' VILLA -- FRONT ELEVATION



RENDERING -- 28' VILLA -- FRONT ELEVATION



STAFF RECOMMENDATION

APPROVAL with conditions

- SE-4856
- AC-23002
- TCP2-006-2023
- Variance to Section 25-122(b)(1)(G)

Major/Minor Issues:

- None

Applicant Required Mailings:

- Informational Mailings: 01/28/2022
- Acceptance Mailings: 01/31/2023

ALEXANDER LANDING

SPECIAL EXCEPTION

STATEMENT OF JUSTIFICATION

I. INTRODUCTION

ESC 9401 Westphalia, L.C. (the “**Applicant**”) submits this Special Exception (“**SE**”) Justification Statement to demonstrate that the proposed development is in compliance with the applicable provisions of Subtitle 27 of the Prince George’s County Code in effect prior to the April 1, 2022, Effective Date of the County’s new Zoning Ordinance (the “**Prior Zoning Ordinance**”), the *2007 Approved Westphalia Sector Plan & Sectional Map Amendment* (the “**Master Plan**”), and other applicable review requirements and criteria. The subject property consists of approximately ±10 acres located at 9401 Westphalia Road, Upper Marlboro, Maryland (the “**Property**”). The Property is currently zoned RR (Rural Residential) / M-I-O (Military Installation Overlay) pursuant to Prince George’s County’s recently implemented Zoning Ordinance (the “**Zoning Ordinance**”) and was previously zoned R-R (Rural Residential) / M-I-O, pursuant to the Prior Zoning Ordinance. The Property is subject to the recommendations of the Master Plan and is located within the Established Communities Growth Policy Area, as designated by *Plan Prince George’s 2035 Approved General Plan* (the “**General Plan**”).

As described in detail herein and demonstrated throughout the subject application, the Applicant proposes to develop the Property with an age-restricted residential community to accommodate independent senior housing on-site. Specifically, this application is for 61 fee-simple One-Family Attached Dwellings for the Elderly to create an active community for County residents over the age of 55 that is buffered from the extra activity of children and young families, but improved with space for younger friends and relatives of residents to make temporary visits (the “**Proposed Development**”). The Proposed Development will provide a unique and much needed opportunity for senior housing ownership that allows residents in central-south County to age in place. Additionally, the implementation of environmental site design techniques and strategic preservation of existing wetlands on-site complement the proposed, context-sensitive residential development and enhance stormwater management. The Applicant respectfully requests approval of this SE application.

II. PROPERTY DATA

<i>Location:</i>	9401 Westphalia Road, Upper Marlboro, Maryland; Southeast quadrant of Spring Drive and Westphalia Road.
<i>Parcel / Lot:</i>	Parcel 48.
<i>Tax Map #:</i>	82-E4.
<i>Frontage:</i>	Westphalia Rd.
<i>Election District:</i>	15.
<i>Legislative District:</i>	24.
<i>Councilmanic District:</i>	6.
<i>Acreage:</i>	±10 Acres.
<i>Zoning:</i>	R-R / M-I-O. ¹
<i>Planning Area:</i>	78.
<i>Subdivision:</i>	N/A.
<i>Existing Water Category:</i>	W-4. ²
<i>Existing Sewer Category:</i>	S-4. ²
<i>Historic:</i>	N/A.
<i>Aviation Policy Area:</i>	N/A.
<i>Master Plan & SMA:</i>	<i>2007 Approved Westphalia Sector Plan & Sectional Map Amendment.</i>
<i>General Plan:</i>	<i>Plan Prince George's 2035.</i>

¹ The Property was previously zoned R-R / M-I-O. The Property was rezoned to RR / M-I-O on April 1, 2022, pursuant to the recently implemented Zoning Ordinance. The subject SE application is processed and reviewed pursuant to the Prior Zoning Ordinance and previous R-R / M-I-O Zoning.

² See Prince George's County Council Resolution CR-105-2021, amending the Property's Water and Sewer Categories from 5 to 4, respectively, as part of the September 2021 Cycle of Amendments.

III. PROPERTY DESCRIPTION / EXISTING NEIGHBORHOOD

The Property consists of Parcel 48, located on the south side of Westphalia Road at 9401 Westphalia Road, Upper Marlboro, Maryland, and is surrounded by several compatible uses. The Property fronts Westphalia Road to the north and is located across from single-family detached houses on lots ranging from 0.3 to 1.95 acres and a vacant 5.4-acre parcel owned by Calvary Chapel Breath of Life Church. Each of the properties to the north are also located in the prior R-R Zone. Single-family detached homes constructed in the early-1960s are located to the east of the Property in the Westphalia Estates neighborhood. The public Westphalia Park (R00) and vacant R-M (Residential Medium) land in the Parkside Development are located to the south. Vacant C-S-C (Commercial Shopping Center) Zoned land is located directly to the west.

The Property is currently improved with one single-family detached house, which has been utilized as a private residence since its construction in 1985. The Proposed Development's low- to medium-density residential nature is harmonious with the surrounding residential community and poses no adverse effects on the existing neighborhood, irrespective of its location within the prior R-R / M-I-O Zone.

IV. PROPOSED DEVELOPMENT

The subject SE application proposes the development of 61 One-Family Attached Dwellings for the Elderly to create a residential community for independent, active senior adults. The Proposed Development features multiple community amenities to provide opportunities for residents to spend time together outdoors. These community amenities include a central gathering area with a covered pavilion and additional seating spaces, walking trails, and a community garden. As it relates to individual residences, the proposed residences will feature a primary living area and owners' suites entirely on the first floor, with extra space allocated for guest bedrooms or a home office, den, or hobby room upstairs. Each fee simple lot will incorporate outdoor space with a compact front and back yard to provide private outdoor areas while minimizing required upkeep.

Each attached dwelling is intended to be occupied by County residents that are 55 years of age or older. The age-restricted nature of the Proposed Development will create a new opportunity for senior housing ownership that is exclusive from the extra activity of children and young families, but also provides appropriate spaces for younger friends and relatives of residents to make temporary visits. For purposes of implementing age-restrictions on-site, the community is subject to State and Federal fair housing laws, as well as a specific covenant to limit the duration of time that residents can host minors overnight.³

V. LAND USE BACKGROUND

A. Plan Prince George's 2035 Approved General Plan

The Property is located within the General Plan's Established Communities Growth Policy Area. The General Plan stipulates that Established Communities are "most appropriate for context-sensitive infill and low- to medium-density development." At approximately 6.1 dwelling units per acre, the Proposed Development conforms with the General Plan's recommended low- to-medium density residential land use for Established Communities. Moreover, the siting and scale of the proposed single-family attached dwellings is compatible with the surrounding low-moderate density single-family residential communities and representative of appropriate context-sensitive infill.

B. 2007 Approved Westphalia Sector Plan & Sectional Map Amendment

The Property is located within the boundaries of the Master Plan. The subject application conforms with the Master Plan and advances several applicable Master Plan goals, policies, and strategies for future development. Specifically, the Proposed Development conforms with the Master Plan's Development Pattern, which prioritizes "maintain(ing) low- to moderate-density land uses for the sector plan area, except in the Westphalia town center core" and "reeinforc(ing) existing residential

³ A draft of this age-restriction covenant is included with this application.

neighborhoods in the Westphalia sector plan area.”⁴ Moreover, the Master Plan places the Property within the Plan’s “Residential Areas” and recommends the development of “approximately 3,500 acres of new low- to medium-density residential areas in a manner that conserves and is integrated with approximately 1,300 acres of existing residential development in accordance with the overall development pattern concept.”⁵ The Master Plan designates the Property within the low- to medium-density “Residential Area,” and recommends low-density residential land uses.⁶ Additionally, the Proposed Development advances the following Master Plan Development Pattern and Residential Area visions, goals, policies and strategies:

- ***Recommended Development Pattern Vision:*** Residential development of approximately 17,000-18,000 units (including existing houses) in a wide range of mixed housing types and densities, with incremental increases in development densities closer to high-density urban town center core.

Comment: The subject application proposes additional residential development within the boundaries of the Master Plan. The proposed fee simple senior housing product advances the Master Plan’s Development Pattern Vision for additional residential units and varied housing types at an appropriate density for this designated rural residential location.

- ***Recommended Development Pattern Vision:*** Attractive and safe residential neighborhoods with a range of housing types and densities, convenient access to schools, recreation, green spaces, and shopping, designed to minimize the visual impact of cars.

Comment: The Proposed Development provides a new housing type that is compatible with the existing single-family residential community along Westphalia Road. 61 units of high-quality, fee simple senior housing will meet a demand for new age-restricted residential development in this area of the County. Moreover, the proposed age-restricted community will provide access to on-site recreation and gathering

⁴ See Master Plan p. 18. “Recommended Development Pattern Goals.”

⁵ See Master Plan p. 30. “Recommended Development Pattern Goals, Policy 5 – Residential Areas.”

⁶ See Master Plan p. 19.” Map 4: Land Use.” The Master Plan’s low-density Land Use recommendation is not applicable, as both the One-Family Attached Dwellings for the Elderly use and proposed density are permitted pursuant to the Prior Zoning Ordinance and R-R Zone.

areas, as well as off-site parks, and multimodal trails. An internal, private street network is designed to insulate the visual impact of cars from Westphalia Road.

- ***Recommended Development Pattern Goal:*** *Maintain low- to moderate-density land uses for the sector plan area, except in the Westphalia town center core.*

Comment: At approximately 6.1 dwelling units per acre, the Proposed Development maintains a low- to moderate-density land use for this residential area of the Plan, which is located outside of the Westphalia town center core.

- ***Recommended Development Pattern Vision:*** *Reinforce existing residential neighborhoods in the Westphalia sector plan area.*

Comment: The subject application proposes low- to medium-density residential development within one of the Master Plan's designated residential areas. The proposed context-sensitive residential infill will reinforce the residential character of the existing area while efficiently utilizing existing infrastructure to support additional housing at this location.

- ***Recommended Development – Policy 5 – Residential Areas:*** *Promote new residential development and preserve, protect, and enhance existing residential neighborhoods.*

Comment: The Proposed Development advances this Policy with new, complementary residential development within the surrounding neighborhood (Westphalia Estates) while creating a mix of housing opportunities to supplement other nearby existing neighborhoods (Westphalia Town Center). In addition to providing new, high-quality senior housing at an appropriate density, the Proposed Development is strategically sited and landscaped to ensure compatibility within the existing context. Buffering is provided along Westphalia Road in conformance with the Landscape Manual requirements and the viewshed of Westphalia Road will be conserved and augmented by an aesthetically pleasing, high-quality masonry and native plantings.

- ***Recommended Development – Policy 5 – Residential Areas Strategy:*** *Develop approximately 3,500 acres of new low- to medium-density residential areas in*

a manner that conserves and is integrated with approximately 1,300 acres of existing residential development in accordance with the overall development pattern concept.

Comment: The subject application advances this Residential Area Strategy with the proposed development of low- to moderate-density residential development on 10 acres. The Proposed Development is integrated within the existing single-family residential community along Westphalia Road.

- ***Recommended Development – Policy 5 – Residential Areas Design Principle:*** *Design new low- to medium-density residential neighborhoods that are varied in housing styles and architecture and promote best practices for residential design.*

Comment: The Proposed Development will feature villa-style single-family attached residences. Individual residences include a primary living area and owners' suites entirely on the first floor, with extra space allocated for guest bedrooms or a home office, den, or hobby room upstairs. Each fee simple lot will incorporate outdoor space with a compact front and back yard to provide private outdoor areas while minimizing required upkeep for future residents. The proposed outdoor gathering spaces on-site, as well as the trail connectivity to the adjacent park and sidewalk connectivity to the existing community center along Westphalia Road, will create high-quality living amenities for residents to enjoy.

- ***Recommended Development – Policy 5 – Residential Areas Design Principle:*** *Design single-family detached and attached homes and multifamily buildings so the mass of the living space and the front door dominates the front façade.*

Comment: The proposed villa-style units will feature a primary living area and owners' suites entirely on the first floor with front doors prominently featured at the front façade.

- ***Recommended Development – Policy 5 – Residential Areas Design Principle:*** *Develop neighborhoods to reflect the character of their location within Westphalia, with areas closer to the town center being more compact and more urban, and outlying areas more rural.*

Comment: The Property is located approximately 1.75 miles from the Master Plan's Westphalia town center core. The Master Plan designates the Property for lower density residential development. The Proposed Development proposed residential development at an appropriate density for this location.

- ***Recommended Development – Policy 5 – Residential Areas Design Principle:*** *Create a system of open space and parks and preserve sensitive environmental features.*

Comment: Approximately 48% of the project site is proposed for open space, recreational facilities, and social-oriented amenities. None of the lots associated with the Proposed Development will impact regulated environmental features.

- ***Recommended Development – Policy 5 – Residential Areas Design Principle:*** *Cluster residences around shared amenities to form distinct neighborhoods with a sense of identity. Use green space to define and divide the clusters.*

Comment: The Proposed Development is strategically located directly adjacent to Westphalia Park, which connects the Property to the existing single-family residential neighborhood to the east. The proposed low- to moderate-density villa-style residential product will contribute to a sense of identity and place on-site that also appropriately transitions beyond Westphalia Park into the existing residential community.

Additionally, the Proposed Development advances Master Plan environmental goals and objectives related to improving stormwater runoff quality through a new stormwater management facility featuring environmental site design and preservation of existing wetlands on-site. The Proposed Development advances several Master Plan Infrastructure Element goals and environmental policies:

- ***Infrastructure Element – Environmental Infrastructure Goals:*** *Implement the sector plan's desired development pattern while protecting sensitive environmental features and meeting the full extent of the environmental policies and regulations.*

Comment: The subject application implements the Master Plan's desired development pattern with 61 fee-simple One-Family Attached Dwellings for the Elderly at a location designated for low- to moderate-density residential development. The Proposed Development implements the Master Plan's development pattern while also prioritizing the protection of on-site and off-site environmental features. To this end, the Applicant has, in coordination with M-NCPPC Development Review and Environmental Planning Staff, adjusted the site layout to prioritize protecting sensitive environmental features and meeting environmental policies and regulations to the fullest extent possible. Notably, the Applicant has taken particular care to preserve specimen trees located in existing forest conservation areas on adjacent properties, with on-site forest conservation proposed in the southwest corner of the Property adjacent to the existing off-site forest conservation areas.

- *Infrastructure Element – Environmental Infrastructure Goals: Restore and enhance water quality in areas that have been degraded, and preserve water quality in areas not degraded.*

Comment: Environmental site design is utilized to preserve on-site wetlands and provide stormwater management, which will better protect and preserve the adjacent downstream stream valley. Water pollution will be prevented through the use of a submerged gravel wetland, which will provide both stormwater quality and quantity management while enhancing the existing natural beauty of the adjacent open space and Westphalia Park.

- *Environmental Infrastructure – Policy 1 – Green Infrastructure: Develop flexible design techniques to maximize preservation of environmentally-sensitive areas.*

Comment: Existing natural features on-site, including a pocket of wetlands located at the southeast corner of the Property – as identified in the Natural Resources Inventory (NRI-005-2022) – are preserved as part of this application and none of the proposed lots will impact regulated environmental features. Preserved

environmental features identified in the approved Natural Resources Inventory will be placed in a conservation easement and shown on the final plat.

Finally, the Proposed Development encourages several Master Plan visions, goals, and policies regarding Parks and Recreation infrastructure within the Master Plan area:

- ***Infrastructure Element – Parks & Recreation Goals:*** *Create public and private parks, open space, and recreation facilities sufficient to meet the needs of the current and future residents of the Westphalia sector plan area.*

Comment: The Proposed Development features open space, on-site recreation and gathering areas, and connectivity to trails and public parks. A proposed robust trail and walking path network throughout the site creates arteries of connectivity for future residents by linking individual residences to (1) the Westphalia Neighborhood Park, (2) the multimodal trail network on Westphalia Road, and (3) the proposed central gathering amenity space on-site.

- ***Infrastructure Element – Policy 1 – Park Standards:*** *Ensure development of a parks system that results in central green spaces which serve to unite the Westphalia community and its surrounding neighborhoods.*

Comment: The subject application features on-site walking paths to connect future residents to on-site central gathering spaces, the adjacent multimodal trail network, and Westphalia Park.

- ***Infrastructure Element – Policy 3 – Coordination:*** *Ensure major development projects are adequately integrated into the implementation of the sector plan parks system recommendations.*

Comment: The Proposed Development is located directly adjacent to the existing 4-acre Westphalia Park (R00). While the subject application may not constitute a “major development project,” the Proposed Development advances this Infrastructure Element Policy by ensuring that future residents of the Plan area will have direct access to passive and active recreation opportunities offered by M-NCPPC Parks.

- *Infrastructure Element – Policy 5 – Design: Small, village-green style, public or private parks should be designed as the focus of neighborhood clusters.*

Comment: The Proposed Development features a centrally located, on-site amenity area with a covered pavilion, additional seating spaces, walking trails, and a community garden to create a small, village-green style gathering area at the heart of the community.

In sum, the Proposed Development advances numerous Master Plan goals, policies, and strategies across multiple, diverse planning disciplines. As analyzed above and in Section VI of this Statement, the Proposed Development comprehensively addresses the Plan’s most salient land use, housing, environmental, and parks and recreation policies to the benefit of future residents, the surrounding community, and larger Plan area.

C. Comprehensive Housing Strategy

In addition to advancing several Master Plan residential goals and policies, the Proposed Development encourages and/or meets many of the County’s *Comprehensive Housing Strategy* aims and objectives. Most notably, the Proposed Development addresses the *Comprehensive Housing Strategy’s* executive goals related to creating diverse housing options and improving housing quality. With the development of high-quality, for- purchase senior housing, the Proposed Development offers a very unique housing opportunity for the Westphalia area and the County at large. The Proposed Development creates a desirable housing type that caters to a pressing need for quality senior housing in the County. Moreover, this new housing type is proposed through compatible, context-sensitive development that both efficiently utilizes existing infrastructure and diversifies the area’s housing options to support older residents.

VI. ANALYSIS

A. **Development Pursuant to Prior Ordinance**

This application is processed and reviewed under the Prior Zoning Ordinance, pursuant to Sec. 27-1900 “Development Pursuant to Prior Ordinance” of the Zoning Ordinance. As it relates to the subject SE application for the Property, Sec. 27-1900 “Development Pursuant to Prior Ordinance” provides a two-year transitional period in which new development applications may be reviewed under the Prior Zoning Ordinance after the April 1, 2022, Effective Date. This two-year transitional window is applicable to the subject application for the development of One-Family Attached Dwellings for the Elderly at the Property. Consistent with the requirements of the Zoning Ordinance, the Applicant participated in a Pre-Application Conference with Planning Staff on January 28, 2022. Analysis of the subject application’s conformance with Sec. 27-1900 “Development Pursuant to Prior Ordinance” is provided below:

1. **§27-1904 – Procedures**

In order to proceed with development under the Prior Zoning Ordinance, the following procedures shall apply:

(a) The applicant shall schedule and participate in a pre-application conference, notwithstanding the requirements of Section 27-3401(b), Applicability.

Comment: The Applicant participated in a Pre-Application Conference with Staff on January 28, 2022. The Applicant provided an overview of the subject SE application and received comments from several applicable M-NCPPC Sections – including Urban Design, Subdivision, Zoning, Community Planning, and Environmental Staff.

(b) The applicant shall provide a statement of justification which shall explain why the applicant has elected not to develop a specific property pursuant to the provisions of this Zoning Ordinance.

Comment: This statement of justification is submitted as an explanation of the subject application’s conformance with the Prior Zoning Ordinance, the Zoning

Ordinance's procedures concerning development pursuant to the Prior Ordinance, and other applicable review criteria. For reasons related to application continuity, conformance with the Prior Zoning Ordinance, and alignment with the Master Plan, the Applicant has elected not to develop the Property pursuant to the provisions of the current Zoning Ordinance.

B. Compliance with Prior Zoning Ordinance

1. §27-317 Special Exception Required Findings

(a) A Special Exception may be approved if:

(1) The proposed use and site plan are in harmony with the purpose of this Subtitle

Comment: The subject application and proposed One-Family Attached Dwellings for the Elderly are in harmony with the general purposes of Subtitle 27. Analysis of the Proposed Development's conformance with the general purposes of Subtitle 27 is provided below:

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

Comment: The Proposed Development will provide an attractive, for-sale senior housing option for County residents who want to live close to their family and friends, workplaces, shopping, and other amenities without the activity of an all-ages community. Creating opportunities for seniors to age in place will promote the health, safety, morals comfort, convenience, and welfare of community residents and the County as a whole.

(2) To implement the General Plan, Area Master Plans, and Functional Master Plans;

Comment: The subject application is in conformance with the recommendations of both the General Plan and Master Plan. Specifically, the Application diversifies housing options within the surrounding community, improves roads, and augments the area trail network and pedestrian connectivity. The Property is located in the

General Plan's Established Communities Growth Policy Area. Established Communities are intended to maintain a pattern of low- to moderate-density suburban residential communities. The Proposed Development will be designed in accordance with the low-medium density residential character of the surrounding area and the purposes of the Established Communities Growth Area. Although the aforementioned General Plan and Master Plans do not provide location-specific recommendations for the Property, the Application is consistent with the Master Plan as it advances context-sensitive infill throughout the surrounding neighborhood (Westphalia Estates) while creating a mix of housing opportunities to complement other nearby existing neighborhoods (Westphalia Town Center).

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

Comment: To the Applicant's knowledge, there are adequate public facilities to serve the Property. Adequacy of public facilities will be established during the subsequent subdivision process.

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

Comment: The subject application recognizes an existing need for alternative housing options for serving the unique needs of elderly adults. In addition to providing an opportunity for home ownership for seniors in Prince George's County, the Proposed Development benefits the existing growth and development of the County by providing a new housing option in close proximity to non-age-restricted housing options. This unique housing opportunity aligns with the County's *Comprehensive Housing Strategy* to better leverage available land for new, context-sensitive development that expands housing types and supports senior residents.

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

Comment: The application will not diminish the provision of adequate light, air, and privacy, as ample landscape buffering and building restriction lines will be preserved.

High quality fences will be used for screening purposes, in conformance with the Landscape Manual. Building heights will be limited and the proposed architecture utilizes windows for residents to enjoy the surrounding landscape.

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

Comment: This proposal is consistent with the General Plan’s vision, policies, and strategies. The General Plan describes Established Communities as most appropriate for context-sensitive infill and low to medium-density development. As demonstrated in the application site plan, the Proposed Development provides a beneficial relationship between adjacent and adjoining single-family residential, open space, and park land uses. The Proposed Development will be designed in accordance with the requirements of the 2010 *Prince George’s County Landscape Manual* (the “**Landscape Manual**”) to ensure adequate buffering between any potential incompatible uses.

(7) To protect the County from fire, flood, panic, and other dangers;

Comment: The site is served by the Prince George’s County Police Department, as well as County Fire and Rescue Services. All private roads internal to the proposed community are designed for adequate fire emergency vehicle accessibility and reviewed by the Office of the Fire Marshal. All homes will be constructed in accordance with fire protection requirements. Further, the Proposed Development will protect the County from flooding by providing 100-year stormwater attenuation on-site. A Traffic Impact Statement letter prepared on behalf of the Applicant is included with this application.

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

Comment: The Proposed Development is specifically designed and intended to satisfy this purpose. The age-restricted component of the proposed community will create a living environment that is appropriate for elderly adults at a competitive price point.

The proposed outdoor gathering spaces on-site, as well as the trail connectivity to the adjacent park and sidewalk connectivity to the existing community center along Westphalia Road, will create high-quality living amenities for residents to enjoy and thrive. Additionally, the finished project will be certified to meet the ICC 700 National Green Building Standard for Land Development at the Three-Star level or better. This independent third-party verification of green building practices is administered by Home Innovation Research Labs which is headquartered in Upper Marlboro, Prince George's County.

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

Comment: The proposed One-Family Attached Dwellings for the Elderly will provide substantial employment opportunities during construction. Development at the Property will also increase the tax base in this area of the County.

(10) To prevent the overcrowding of land;

Comment: At 6.1 dwelling units per acre, the subject SE application provides a low-to moderate-density housing product that is contextually sensitive, sited appropriately within the surrounding development, and in conformance with both General Plan and Master Plan's future land use recommendations.

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

Comment: Consistent with the approved *2009 Master Plan of Transportation*, the subject application proposes improvement of historic Westphalia Road along the Property's frontage to the Master Plan Collector standards. This includes the expansion of lanes and additions of a bike lane, street trees, and a multi-modal sidewalk. Buffering is provided along Westphalia Road in conformance with the Landscape Manual requirements. The viewshed of Westphalia Road will be conserved and augmented by an aesthetically pleasing, high-quality brick wall and native

plantings. Ultimately, the multimodal improvements will help to integrate the existing community and the Proposed Development.

(12) To insure the social and economic stability of all parts of the County;

Comment: The Proposed Development affords the opportunity to locate fee-simple elderly housing in a thriving area of development, in close proximity to existing communities and new all-ages single-family development.

(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;

Comment: If it is determined to be necessary to mitigate noise from existing sources in the vicinity of the Property, noise abatement will be provided for the proposed homes as required and identified by a noise study. Planting of native species of trees, shrubs, and grasses will benefit air quality in the surrounding community. Water pollution will be prevented through the use of a submerged gravel wetland, which will provide both stormwater quality and quantity management while enhancing the existing natural beauty of the adjacent open space and park. Existing natural features on-site, including a pocket of wetlands located at the southeast corner of the Property – as identified in the Natural Resources Inventory (NRI-005-2022) – are preserved as part of this application.

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

Comment: The site configuration proposed herein creates contextually appropriate buffering between historic Westphalia Road and the proposed dwelling units. Similarly, the site configuration seamlessly integrates the existing park and open space to the south by linking dwelling units to those natural features and recreational spaces with a submerged gravel wetland. A trail network connecting from Westphalia Road through the neighborhood, around the submerged gravel wetland, and

ultimately down to the existing park will provide an active recreational amenity for future residents. A central 4,900+ square foot passive recreational area proposed with a pavilion, hardscaping, benches, and robust landscaping will create a focal point to the site and provide residents with a gathering place to relax and congregate.

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

Comment: The Proposed Development will not eliminate or affect any farmland, nor will it threaten any of the County's natural resources. The subject application preserves on-site wetlands and provides stormwater quality and quantity management which will better protect and preserve the downstream stream valley.

(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;

Comment: The proposed use is in conformance with all applicable requirements and regulations of the Prior Zoning Ordinance. The proposed use is permitted by Special Exception and will conform to all 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;

Comment: As described above, the proposed use is compatible with and will not substantially impair the integrity of the General Plan or Master Plan.

(4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;

Comment: As detailed above, the proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area, but will instead serve as a means of enhancing the health, safety, and welfare of the County's elderly population by providing them with a housing solution close to amenities and transportation options.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood;

Comment: The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The use integrates into the fabric of the existing community and will complement development along Westphalia Road.

(6) The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan; and

Comment: Tree Conservation Plan II is submitted with this application and the site plan is in conformance with the TCP 2.

(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).

Comment: The subject application demonstrates the preservation and/or restoration of regulated environmental features to the fullest extent possible. Preserved environmental features identified in the approved Natural Resources Inventory will be placed in a conservation easement and shown on the final plat. None of the proposed lots will impact regulated environmental features.

(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.

Comment: This section is not applicable, as the subject application is located entirely outside of the Chesapeake Bay Critical Overlay Zone boundaries.

2. §27-352.01 Elderly Housing (One-Family Attached Dwellings)

(b) Notwithstanding the provisions of subsection (a) of this Section, attached one-family dwellings for the elderly (and related facilities) may be permitted in the R-R Zone, subject to the following:

(1) The gross tract area shall be between nine (9) and twenty (20) acres;

Comment: The Property's gross tract area is ±10 acres.

(2) The property shall be located adjacent to a park owned by a public agency or land zoned R-O-S and owned by a public agency or the United States of America;

Comment: The Property is located adjacent to Westphalia Neighborhood Park (R00) to the southeast, which features a softball field, basketball court, and two tennis courts. The Applicant proposes to build a trail connection from the Property into the park. Westphalia Neighborhood Park is owned by M-NCPPC.

(3) The property shall have at least one hundred fifty (150) feet of frontage on, and direct vehicular access to, a roadway with a functional transportation classification of collector or arterial;

Comment: The Property has one point of direct vehicular access to and 912 linear feet of frontage along Westphalia Road, which is classified as a Collector.

(4) Density shall be limited to no more than eight (8) dwelling units to the acre;

Comment: Density proposed in this application is 6.1 dwelling units per acre.

(5) Regulations restricting the height of structures, lot size and coverage, frontage, setbacks, density, and any 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;

Comment: The dimensions and percentages established with the subject application are consistent with the vision, policies, and strategies contained within the General Plan and are offered as the prevailing regulations for this site.

(6) Recreational facilities shall be required. The requirement may be satisfied with a combination of on-site and off-site facilities. On-site facilities may be passive or active. Off-site recreational facilities obligations may be satisfied through contributions to the adjacent public-owned parkland, in coordination with the Prince George's County Department of Parks and Recreation; and

Comment: The proposed recreational facilities plan submitted with this application depicts the robust walking trail network through and around the site, which connects Westphalia Road to the surrounding neighborhood and adjoining park. A passive amenity space featuring hardscaping, benches, and landscaping is included along the proposed walking path.

(7) Age restrictions in conformance with the Federal Fair Housing Act shall be set forth in covenants submitted with the application. The covenants shall run to the benefit of the County, shall be approved by the District Council, and filed in the Land Records for Prince George's County shall be approved by the District Council, and filed in the land records at the time the final subdivision plat is recorded.

Comment: Applicable draft covenants are submitted with this application.

(8) The requirements of Section 27-352.01(a)(7) shall apply.

The following guidelines should be considered:

(A) Dwelling units should be clustered around a central focal point or public space and should avoid linear design. Open space should be oriented to provide the best possible separation or buffer from adjoining single-family detached uses. The requirements of Section 24-137(g)(1), (2), and (5) through (10) shall serve as guidelines for site layout.

Comment: The primary gathering space is the centrally-located focal point of the community and is within short walking distance from each residence. The proposed central entrance to the community is aligned with various townhouse sticks to foster an inviting viewshed upon entering the community – opening sightlines of the community through to the wooded park and open space on the opposite side. The proposed layout has groups of three, four, and five houses, and breaks the internal

private streets into short blocks to minimize the inherent linear effect of long rows of attached houses.

(B) No less than ten percent (10%) of the land area should be devoted to open space, recreation facilities, and social-oriented amenities.

Comment: Approximately 48% of the project site is dedicated to open space, recreational facilities, and social-oriented amenities. A robust trail and walking path network throughout the site creates arteries of connectivity to individual residences, the Westphalia Neighborhood Park, the multimodal trail network on Westphalia Road, and the proposed central gathering amenity space on-site.

(C) If a community building is proposed, no less than three (3) physically separate areas, which shall include the separation of a single room, should be provided within the building for recreational and social-oriented amenities of varying activity levels.

Comment: No community building is proposed.

(D) Each outdoor space intended for active recreation should be a minimum of fifty (50) feet in width in least dimension, with a minimum area of five thousand (5,000) square feet.

Comment: The outdoor spaces on-site are intended for passive, not active, recreation. Accordingly, this regulation is does not apply to the subject application.

Irrespective of this requirement, for active recreation, residents of the Proposed Development may utilize two existing public parks. The Property is adjacent to Westphalia Neighborhood Park to the south, which features a softball field, basketball court, and two tennis courts. The Applicant proposes to build a trail connection from Alexander Landing into this park. The Property is also located approximately 0.5 miles from the Westphalia Community Center, which has ±16,225 square feet of indoor facilities including a community lounge, fitness room, gymnasium, and a variety of fitness classes as well as outdoor tennis and basketball.

3. §27-428. R-R Zone (Rural Residential)

(a) Purposes

(1) The Purposes of the R-R Zone are:

(A) To provide for and encourage variation in the size, shape, and width of one-family detached residential subdivision lots, in order to better utilize the natural terrain;

Comment: The Proposed Development will be designed in accordance with the low- to medium-density residential character of the surrounding area and complement the existing Westphalia Estates and Smith Home Farms residential communities.

(B) To facilitate the planning of one-family residential developments with moderately large lots and dwellings of various sizes and styles;

Comment: Single-family attached dwellings are proposed at a density of 6.1 dwelling units per acre. The proposed housing type and density are appropriate in the R-R Zone, pursuant to Special Exception approval.

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

Comment: As discussed, 48% of the Proposed Development is dedicated to open space, recreational facilities, and social-oriented amenities. A robust trail and walking path network throughout the site creates arteries of connectivity to individual residences, the Westphalia Neighborhood Park, the multimodal trail network on Westphalia Road, and the proposed central gathering amenity space on-site.

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

Comment: The Proposed Development will prevent soil erosion and stream valley flooding through the preservation of existing wetlands, environmental site design, and 100-year stormwater attenuation on-site.

4. §27-548.50 M-I-O (Military Installation Overlay) Zone

a. Sec. 27-548.51 – Purposes

(b) The purposes of the Military Installation Overlay Zone are to regulate the development and use of structures and property in order to promote land uses compatible with operations at Joint Base Andrews; to protect the safety and welfare of individuals in the area from the adverse impacts associated with high levels of noise from flight operations and the potential for aircraft accidents associated with proximity to Joint Base Andrews operations. The intent of the regulations is to recognize the rights of individual property owners while reducing interference with the military operations at Joint Base Andrews.

Comment: The Property is located within the M-I-O Zone, Imaginary Surface E (Conical Surface) and Noise Intensity Contour (60 db – 74 db). The Proposed Development complies with the relevant M-I-O Zone regulations.

b. Sec. 27-548.54 – Requirements for Height

(b) No development, structure, or alteration of the land shall exceed the height established by the Impact Map for Height.

Comment: The Property is located within Imaginary Surface E (Conical Surface) of the M-I-O Zone. Pursuant to Sec. 548.54(e)(2)(d) of the Prior Zoning Ordinance, the maximum height for structures at the Property is 487.5 feet. The Proposed Development complies with the relevant height regulations, as no structures exceed this maximum height limit.

c. Sec. 27-548.55 – Requirements for Noise

(b) Interiors of all new construction within the Noise Intensity Contours, including additions, must be certified to 45 dBA Ldn or less by an Acoustical Engineer or qualified professional or competent expertise.

Comment: The Property is located with the M-I-O Noise Intensity Contour (60 db – 74 db). Pursuant to Sec. 27-548.55(c)(1)(A) of the Prior Zoning Ordinance, an acoustical analysis will be conducted at the time of building permit.

VII. CONFORMANCE WITH PREVIOUS APPROVALS & OTHER APPLICABLE REVIEW CRITERIA

A. Prince George's County Landscape Manual

This Application is subject to the standards and regulations provided by the Landscape Manual. The Proposed Development will be designed in accordance with the requirements of the Landscape Manual to ensure adequate buffering between uses. The Proposed Development is in conformance with the Landscape Manual.

B. Tree Canopy Coverage Ordinance

The Proposed Development complies with the Tree Canopy Coverage Ordinance. This application proposes 76,412 square feet of total tree canopy coverage – which exceeds the required 65,340 square feet at a 15% threshold.

VIII. CONCLUSION

The Applicant respectfully requests the Planning Board grant approval of the subject application for the Proposed Development. Additionally, the Applicant respectfully requests that the Zoning Hearing Examiner subsequently approve the subject SE for the Proposed Development. As discussed throughout this Statement, the improvements proposed in this application satisfy the Prior Zoning Ordinance's required findings for One-Family Attached Dwellings for the Elderly in the R-R / M-I-O Zone. Moreover, the plans, documents, and illustrative views submitted in conjunction with this Statement of Justification, demonstrate a high standard of architecture, well-detailed façade treatments, robust landscaping, and thoughtful site design that will complement the existing community while meeting a demand for age-appropriate housing for the elderly in the County. The above analysis, and submitted plans establish that the subject application satisfies the required findings that the Planning Board and Zoning Hearing Examiner must make in order to approve a SE application in accordance with the Prior Zoning Ordinance.

**DECLARATION OF COVENANTS RELATED TO
HOUSING FOR OLDER PERSONS; AGE RESTRICTION**

(Alexander Landing)

This **DECLARATION OF COVENANTS RELATED TO HOUSING FOR OLDER PERSONS; AGE RESTRICTION** (the "**HOPA Covenant**") is executed this ____ day of _____, 2022, by **ESC 9401 WESTPHALIA, L.C.**, a Maryland limited liability company (the "**Owner**"), for the benefit of **PRINCE GEORGE'S COUNTY, MARYLAND**, a public body corporate (the "**County**").

RECITALS

WHEREAS, Grantor is the fee simple owner of ten (10) acres, more or less, in the R-R Zone of Prince George's County, Maryland, located off of Westphalia Road near its intersection with D'Arcy Road, more particularly described in **Exhibit "A"** attached hereto and incorporated herein (the "**Property**");

WHEREAS, the Owner desires to establish a residential community on the Property intended to be operated as "Housing for Older Persons" as defined by 42 U.S.C 3607(b)(2), as amended and regulations promulgated thereunder, and by Section 20-704(c) of the State Government Article of the Annotated Code of Maryland and regulations promulgated thereunder (collectively, the "Fair Housing Acts"); and

WHEREAS, Section 27-352.01(b) of the Prince George's County Code permits attached one-family dwellings for the elderly (and related facilities) in the R-R Zone, subject to obtaining approval of a Special Exception for the proposed use within the Property; and

WHEREAS, one of the conditions to obtain the Special Exception is to record in the Land Records of Prince George's County, age restriction covenants to the benefit of the County, after approval thereof by the Prince George's County District Council (the "District Council"); and

WHEREAS, this HOPA Covenant is intended to meet the requirements of the Special Exception and has been approved by the District Council.

NOW, THEREFORE, in accordance with the requirements of Section 27-352.01(b) of the Prince George's County Code, the Owner hereby declares that the Property shall be held, conveyed, hypothecated, encumbered, sold, leased, rented, used, occupied and improved subject to the covenants, conditions, restrictions and easements set forth in this HOPA Covenant in accordance with the Fair Housing Acts, which are for the purpose of establishing a residential community that is Age-Restricted and qualifies as "Housing for Older Persons" as defined by the Fair Housing Acts and which shall run with the Property and be binding on all parties having any right, title or interest in all or any portion of the Property, their heirs, personal representatives, successors, transferees and assigns, and which shall inure to the benefit of each owner of any portion thereof.

I. Housing for Older Persons.

A. The Property shall be owned and operated as "Housing for Older Persons" as defined by the Fair Housing Acts which is intended for occupancy by persons, who are Age-

Restricted, in accordance with the Fair Housing Acts, which shall mean at least eighty percent (80%) of the residential units in the Property shall be occupied by at least one person fifty-five (55) years of age or older per each residential unit (an "Age-Qualified Occupant"). Additionally, residential units may be occupied by any person nineteen (19) years of age or older with an Age-Qualified Occupant. Any person nineteen (19) years of age or older who occupied a residential unit in the Property with an Age-Qualified Occupant and who continues, without interruption, to occupy the same residential unit after termination may continue to occupy the residential unit.

B. Occupants who meet the requirements in I.A. above shall be defined as a "Resident". The term "occupy", "occupies", "occupancy" and "occupying" shall mean staying overnight in a residential unit in the Property for at least ninety (90) days in a consecutive twelve (12) month period. No person under nineteen (19) years of age shall stay overnight in a residential unit in the Property for more than ninety (90) days in a consecutive twelve (12) month period.

C. The Property is intended to be developed to be operated by one or more homeowners associations pursuant to Title 11B of the Real Property Article of the Annotated Code of Maryland, respectively (each such homeowners association shall hereinafter be referred to as a "**common interest community**"). The governing documents of any common interest community in the Property shall reference and incorporate this HOPA Covenant, and may contain additional conditions and restrictions relating to Housing for Old Persons which are not inconsistent with this HOPA Covenant or the Fair Housing Acts, and shall contain procedures for verification of compliance with the age restriction requirements.

II. **Miscellaneous.**

A. **Binding Covenant.** The provisions of this HOPA Covenant shall be covenant which runs with the lands and is binding on the Owner, its heirs, successors and/or assigns for a period of not less than sixty-five (65) years from the date this HOPA Covenant is recorded.

B. **Recordation.** This HOPA Covenant shall be recorded in the Land Records of Prince George's County, Maryland. All recording fees shall be paid by the Owner. The original recorded HOPA Covenant shall be returned to the County.

C. **Modification.** Any modification to this HOPA Covenant shall require the consent of the Owner and the County, or its assigns.

D. **Severability.** The invalidity or illegality of any provisions of this HOPA Covenant shall not affect the remainder of this HOPA Covenant or any other provision contained herein.

E. **Applicable Law.** This HOPA Covenant shall be interpreted and enforced in accordance with the laws of the State of Maryland, and shall be effective upon its recordation among the Land Records of Prince George's County, Maryland.

F. **Waiver.** The failure of the County to enforce any part of this HOPA Covenant shall not be deemed as a waiver thereof.

G. **Recitals.** The Recitals are hereby incorporated in this HOPA Covenant.

IN WITNESS WHEREOF, the Owner has caused this HOPA Covenant to be properly executed on the day and year first written above.

OWNER:

WITNESS:

ESC 9401 WESTPHALIA, L.C.,
a Maryland limited liability company

By: _____
Name: _____
Title: _____

STATE OF _____:

COUNTY OF _____: ss

I HEREBY CERTIFY that before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____, the _____ of ESC 9401 Westphalia, L.C., a Maryland limited liability company, who acknowledged that he/she is authorized to execute the above HOPA Covenant for the reasons and purposes stated therein.

AS WITNESS, I hereunder set my hand and Notarial Seal this _____ day of _____, 2022.

Notary Public

My Commission Expires

[Notarial Seal]

EXHIBIT A

IN RE: SPECIAL EXCEPTION (SE-4856)
APPLICANT: ESC 9401 WESTPHALIA LC
ENGINEER: Victoria Balletero
ATCS, PLC
9500 Medical Center, Dr., Suite 370
Largo, MD 20774

**STATEMENT OF JUSTIFICATION IN SUPPORT OF A
VARIANCE FOR THE REMOVAL OF SPECIMEN TREES**

I. VARIANCE REQUEST

The Applicant hereby requests a variance from Subtitle 25 of the Prince George’s County Code (Woodland Conservation Ordinance) to permit the removal of twenty-five (25) specimen trees on approximately 10.00 acres of land on the south side of Westphalia Road approximately 300 feet east of its intersection with D’Arcy Road (“Subject Property” or “Property”). The Property is located in an unincorporated area of the County, and shown as Parcel 48 on Prince George’s County Tax Map 82, Grid E4 and Tax Map 90, Grid E1, subject to Site Development Concept Plan No. SDCP-53735-2021-00 (“SDCP”). This request is being filed in conjunction with Special Exception SE-4856 (“SE”) for the proposed use as one-family attached dwellings for the elderly. The Subject Property is proposed to be improved with up to 61 one-family attached dwelling units for the elderly. The existing Property is largely undeveloped and contains one single family dwelling with a gravel drive.

In accordance with the Woodland Conservation Ordinance, the Type 2 Tree Conservation Plan (“TCP 2”) submitted in conjunction with the SE denotes twenty-five (25) specimen trees as necessary for removal. Of these trees, all twenty-five (25) were previously marked for removal in the SDCP. Specimen trees are defined in § 25-118 of the Woodland Conservation Ordinance as trees having a diameter of 30-inches or more at breast height. § 25-122(b)(1)(G), generally provides that specimen trees shall be preserved unless a variance is approved in accordance with § 25-119(d).

This application is being filed to allow the removal of twenty-five (25) specimen trees located on the Property, as shown on the TCP 2 and the associated plans. Of the twenty-five (25) specimen trees to be removed, twelve (12) are to be removed due their central location and associated impacts from required grading, roadway construction, and building footprint conflicts. An additional twelve (12) specimen trees are to be removed due to impacts from the construction and grading associated with the required stormwater management facility. One (1) specimen tree is proposed for removal for safety concerns due the tree’s poor condition and proximity to proposed buildings and pedestrian paths.

Ten (10) out of the twenty-five (25) specimen trees to be removed were deemed to be in good condition. Those ten (10) trees are identified as ST#2, ST#4, ST#17, ST#18, ST#19, ST#22, ST#31, ST#41, ST#43, and ST#47. They consist of five (5) Yellow-poplar, two (2) Southern red oaks, two (2) White oaks, and one (1) Sweetgum.

ST#17, ST#18, ST#19, and ST#22 are located on the southern portion of the property where the stormwater management facility is planned. These trees are to be removed to accommodate the grading and installation of this stormwater management facility. Due to the constraints and topography of the site, it was not feasible to relocate this facility to avoid impacting these trees and still meet the 100-YR stormwater requirements. ST#2, ST#4, ST#31, ST#41, ST#43, and ST#47 are in more centrally located areas of the site where buildings and roadways are proposed, and significant grading operations will be required to accommodate the unique topography of the site.

The remaining fifteen (15) specimen trees proposed for removal are deemed to be in fair (10 each) or poor (5 each) condition. Similar to the trees in good condition, these trees are proposed for removal due to the grading and construction activities associated with the installation of the stormwater management facility, buildings, and roadways.

The proposed site layout has been revised to prioritize the preservation of woodlands and specimen trees in or adjacent to existing forest conservation areas located on the southwestern portion of the site. The revised layout reduces the number of viable dwelling units, and required the addition of a retaining wall to reduce the areas impacted by grading. This revised layout allows for the preservation of eight (8) additional specimen trees. These trees are identified as ST#25, ST#27, ST#28, ST#29, ST#30, ST#32, ST#37, and ST#38.

II. TREES SUBJECT TO REMOVAL

The twenty-five (25) specimen trees subject to this request are as follows:

No.	Common Name	Scientific Name	DBH (Inches)	Condition Rating	Reason for Removal
ST#1	Southern red oak	<i>Quercus falcata</i>	38	Fair	Tree/CRZ within proposed roadway, building footprint, and grading.
ST#2	Southern red oak	<i>Quercus falcata</i>	41	Good	Tree/CRZ within proposed roadway, building footprint, and grading.
ST#3	White oak	<i>Quercus alba</i>	35	Fair	Tree/CRZ within proposed roadway, building footprint, and grading.
ST#4	Southern red oak	<i>Quercus falcata</i>	31	Good	Tree/CRZ within proposed roadway, building footprint, and grading.
ST#5	Yellow-poplar	<i>Liriodendron tulipifera</i>	40	Poor	Tree/CRZ within proposed building footprint, grading, and sewer line installation
ST#6	Red maple	<i>Acer rubrum</i>	30	Fair	Tree/CRZ within proposed building footprint, grading, and sewer line installation

No.	Common Name	Scientific Name	DBH (Inches)	Condition Rating	Reason for Removal
ST#7	Yellow-poplar	<i>Liriodendron tulipifera</i>	30	Poor	Safety: poor condition and proximity to pedestrian path and buildings
ST#14	Southern red oak	<i>Quercus falcata</i>	36	Fair	SWM facility construction and grading
ST#15	White oak	<i>Quercus alba</i>	34	Fair	SWM facility construction and grading
ST#16	Yellow-poplar	<i>Liriodendron tulipifera</i>	30	Fair	SWM facility construction and grading
ST#17	Yellow poplar	<i>Liriodendron tulipifera</i>	30	Good	SWM facility construction and grading
ST#18	Yellow-poplar	<i>Liriodendron tulipifera</i>	33	Good	SWM facility construction and grading
ST#19	Yellow-poplar	<i>Liriodendron tulipifera</i>	31	Good	SWM facility construction and grading
ST#20	American beech	<i>Fagus grandifolia</i>	39	Fair	SWM facility construction and grading, Tree/CRZ within proposed building footprint and associated grading
ST#21	Southern red oak	<i>Quercus falcata</i>	32	Poor	SWM facility construction and grading, Tree/CRZ within proposed building footprint and associated grading
ST#22	Yellow-poplar	<i>Liriodendron tulipifera</i>	38	Good	SWM facility construction and grading
ST#31	Yellow-poplar	<i>Liriodendron tulipifera</i>	37	Good	Tree/CRZ within proposed building footprint and associated grading
ST#41	Sweetgum	<i>Liquidambar Styraciflua</i>	30	Good	CRZ within proposed building footprint and associated grading
ST#42	White oak	<i>Quercus alba</i>	36	Fair	Tree/CRZ within proposed roadway, building footprint, and grading.
ST#43	White oak	<i>Quercus alba</i>	30	Good	Tree/CRZ within proposed building footprints and associated grading
ST#44	White oak	<i>Quercus alba</i>	31	Fair	SWM facility construction and grading
ST#45	Yellow-poplar	<i>Liriodendron tulipifera</i>	31	Fair	SWM facility construction and grading
ST#46	Yellow-poplar	<i>Liriodendron tulipifera</i>	33	Poor	SWM facility construction and grading, Tree/CRZ within proposed building footprint and associated grading
ST#47	White oak	<i>Quercus alba</i>	38	Good	Tree/CRZ within proposed roadway, building footprint, and grading.
ST#48	Silver maple	<i>Acer saccharinum</i>	34	Poor	Tree/CRZ within proposed roadway, building footprint, and grading. Safety: poor condition with proximity to existing roadway, proposed roadway and building

For purposes of this application, the required findings for a variance are set forth in Section III below.

III. CONFORMANCE WITH APPLICABLE CODE: § 25-119(d)

Pursuant to § 25-119(d), the Prince George's County Planning Board may approve a variance for the removal of specimen trees subject to findings in accordance with specific enumerated criteria. As analyzed below, the subject application satisfies the required findings under § 25-119(d).

(1) *An Applicant may request a variance from this Division as part of the review of a TCP where owing to special features of the site or other circumstances, implementation of this subtitle would result in unwarranted hardship to an applicant. To approve a variance, the approving authority shall find that:*

(A) *Special conditions peculiar to the property have caused the unwarranted hardship;*

The Subject Property is impacted by unique environmental conditions (i.e., steep slopes and wetlands) that restrict the developable area of the Property. The Applicant is seeking to develop the portion of the Property that is outside of any environmental buffers, and away from the sensitive environmental features listed above. The site layout was revised to prioritize the preservation of specimen trees located near steep slopes along the southwest property line and avoid impacts to offsite specimen trees located within existing forest conservation areas.

The Subject Property is impacted by unique topographical conditions that will necessitate significant grading operations in order to meet the required development standards. There is significant topographic relief from the road frontage down the rear of the site, with thirty (30) to forty (40) feet of vertical fall from the central areas of the site to the southern and eastern edges. This is worsened by the unique shape of the parcel, where the most topographic fall occurs across the narrowest sections of the parcel. This leaves less space to provide topographic relief over a longer horizontal distance, further constraining the ability to limit grading operations across the site.

The significant vertical fall across the Property makes it necessary to grade the majority of the site in order to tie into the existing grades while also complying with development and design standards (such as the maximum allowable slopes in roadways, lots, stormwater facility embankments, etc.). High areas near the center of the property will need to be lowered to provide more gradual slopes across the site that comply with development standards for proposed streets, driveways, and buildings. Proposed stormwater management must be located at the lowest point of the site, and the proposed location is the only viable solution. The required grading operations needed due to the unique topographical conditions of the site, as described above, will necessitate the removal of specimen trees.

Without the granting of this variance, the Applicant would be denied reasonable and significant use of the Property due to the unique features of the site as described above. Only specimen trees necessary for the improvement of the site will be removed, which means six (6) specimen trees are proposed to remain on site and an additional seventeen (17) specimen trees immediately adjacent to the site will also be preserved. As mentioned above, the site

layout was adjusted to prioritize avoiding impacts to specimen trees located in existing forest conservation areas on the adjacent properties, and onsite forest conservation is proposed in the southwest corner of the site adjacent to the existing offsite forest conservation areas.

This variance is necessary because the tree critical root zones are located in the proposed building footprints, proposed streets, proposed stormwater management facilities, and other areas in which their removal is necessary to grade the Subject Property or any combination thereof.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;

As described previously, the Subject Property is impacted by unique environmental conditions (i.e., steep slopes and wetlands) that restrict the developable area of the Property. The Applicant is seeking to develop the portion of the Property that is outside of any environmental buffers, and away from the sensitive environmental features listed above. The site layout was revised to prioritize the preservation of specimen trees located near steep slopes along the southwest property line and avoid impacts to offsite specimen trees located within existing forest conservation areas.

As described previously, the Subject Property is impacted by unique topographical conditions that will necessitate significant grading operations in order to meet the required development standards. There is significant topographic relief from the road frontage down the rear of the site, with thirty (30) to forty (40) feet of vertical fall from the central areas of the site to the southern and eastern edges. This is worsened by the unique shape of the parcel, where the most topographic fall occurs across the narrowest sections of the parcel. This leaves less space to provide topographic relief over a longer horizontal distance, further constraining the ability to limit grading operations across the site.

The significant vertical fall across the Property makes it necessary to grade the majority of the site in order to tie into the existing grades while also complying with development and design standards. High areas near the center of the property will need to be lowered to provide more gradual slopes across the site that comply with development standards for proposed streets, driveways, and buildings. Proposed stormwater management must be located at the lowest point of the site, and the proposed location is the only viable solution. The required grading operations needed due to the unique topographical conditions of the site, as described above, will necessitate the removal of specimen trees.

As mentioned above, the site layout was adjusted to prioritize avoiding impacts to specimen trees located in existing forest conservation areas on the adjacent properties, and onsite forest conservation is proposed in the southwest corner of the site adjacent to the existing offsite forest conservation areas. This variance is necessary because the tree critical root zones are located in the proposed building footprints, proposed streets, proposed stormwater management facilities, and other areas in which their removal is necessary to grade the Subject Property or any combination thereof.

Should the preservation of these specimen trees be required, the Applicant would be denied reasonable and significant use of the parcel, and the Subject Property would be largely undevelopable due to the unique environmental and topographical conditions of the site. Reasonable and significant use of the entire lot or parcel, such as the ability to perform grading and installation of required stormwater facilities and roadways, is a right commonly enjoyed by others.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;

As described previously, the Subject Property is impacted by unique environmental conditions (i.e., steep slopes and wetlands) that restrict the developable area of the Property. The Applicant is seeking to develop the portion of the Property that is outside of any environmental buffers, and away from the sensitive environmental features listed above. The site layout was revised to prioritize the preservation of specimen trees located near steep slopes along the southwest property line and avoid impacts to offsite specimen trees located within existing forest conservation areas.

As described previously, the Subject Property is impacted by unique topographical conditions that will necessitate significant grading operations in order to meet the required development standards. There is significant topographic relief from the road frontage down the rear of the site, with thirty (30) to forty (40) feet of vertical fall from the central areas of the site to the southern and eastern edges. This is worsened by the unique shape of the parcel, where the most topographic fall occurs across the narrowest sections of the parcel. This leaves less space to provide topographic relief over a longer horizontal distance, further constraining the ability to limit grading operations across the site.

The significant vertical fall across the Property makes it necessary to grade the majority of the site in order to tie into the existing grades while also complying with development and design standards. High areas near the center of the property will need to be lowered to provide more gradual slopes across the site that comply with development standards for proposed streets, driveways, and buildings. Proposed stormwater management must be located at the lowest point of the site, and the proposed location is the only viable solution. The required grading operations needed due to the unique topographical conditions of the site, as described above, will necessitate the removal of specimen trees.

As mentioned above, the site layout was adjusted to prioritize avoiding impacts to specimen trees located in existing forest conservation areas on the adjacent properties, and onsite forest conservation is proposed in the southwest corner of the site adjacent to the existing offsite forest conservation areas. This variance is necessary because the tree critical root zones are located in the proposed building footprints, proposed streets, proposed stormwater management facilities, and other areas in which their removal is necessary to grade the Subject Property or any combination thereof.

The unique environmental and topographic features present on the Subject Property that make the removal of Specimen Trees necessary for construction and grading would be encountered by any applicant seeking to make reasonable and significant use of the entire parcel. The right to reasonable and significant use of the entire lot or parcel is not a special privilege unique to the Applicant. Therefore, the granting of this variance request will not confer on the Applicant a special privilege that would be denied to other applicants.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;

This request is based solely upon the unique existing condition of the Subject Property. As described previously, the Subject Property is impacted by unique environmental conditions (i.e., steep slopes and wetlands) that restrict the developable area of the Property. The Applicant is seeking to develop the portion of the Property that is outside of any environmental buffers, and away from the sensitive environmental features listed above. The site layout was revised to prioritize the preservation of specimen trees located near steep slopes along the southwest property line and avoid impacts to offsite specimen trees located within existing forest conservation areas.

As described previously, the Subject Property is impacted by unique topographical conditions that will necessitate significant grading operations in order to meet the required development standards. There is significant topographic relief from the road frontage down the rear of the site, with thirty (30) to forty (40) feet of vertical fall from the central areas of the site to the southern and eastern edges. This is worsened by the unique shape of the parcel, where the most topographic fall occurs across the narrowest sections of the parcel. This leaves less space to provide topographic relief over a longer horizontal distance, further constraining the ability to limit grading operations across the site.

The significant vertical fall across the Property makes it necessary to grade the majority of the site in order to tie into the existing grades while also complying with development and design standards. High areas near the center of the property will need to be lowered to provide more gradual slopes across the site that comply with development standards for proposed streets, driveways, and buildings. Proposed stormwater management must be located at the lowest point of the site, and the proposed location is the only viable solution. The required grading operations needed due to the unique topographical conditions of the site, as described above, will necessitate the removal of specimen trees.

The request is not based on conditions or circumstances which are the result of actions by the Applicant. As previously stated, the unique environmental and topographic features present on the Subject Property that make the removal of Specimen Trees necessary for construction and grading would be encountered by any applicant seeking to make reasonable and significant use of the entire parcel. The existing conditions of Subject Property are not a result of actions by the Applicant.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

This request is based solely upon the unique existing condition of the Subject Property. As described previously, the Subject Property is impacted by unique environmental conditions (i.e., steep slopes and wetlands) that restrict the developable area of the Property. The Applicant is seeking to develop the portion of the Property that is outside of any environmental buffers, and away from the sensitive environmental features listed above. The site layout was revised to prioritize the preservation of specimen trees located near steep slopes along the southwest property line and avoid impacts to offsite specimen trees located within existing forest conservation areas.

As described previously, the Subject Property is impacted by unique topographical conditions that will necessitate significant grading operations in order to meet the required development standards. There is significant topographic relief from the road frontage down the rear of the site, with thirty (30) to forty (40) feet of vertical fall from the central areas of the site to the southern and eastern edges. This is worsened by the unique shape of the parcel, where the most topographic fall occurs across the narrowest sections of the parcel. This leaves less space to provide topographic relief over a longer horizontal distance, further constraining the ability to limit grading operations across the site.

The significant vertical fall across the Property makes it necessary to grade the majority of the site in order to tie into the existing grades while also complying with development and design standards. High areas near the center of the property will need to be lowered to provide more gradual slopes across the site that comply with development standards for proposed streets, driveways, and buildings. Proposed stormwater management must be located at the lowest point of the site, and the proposed location is the only viable solution. The required grading operations needed due to the unique topographical conditions of the site, as described above, will necessitate the removal of specimen trees.

As mentioned previously, the site layout was adjusted to prioritize avoiding impacts to specimen trees located in existing forest conservation areas on the adjacent properties, and onsite forest conservation is proposed in the southwest corner of the site adjacent to the existing offsite forest conservation areas. This variance is necessary because the tree critical root zones are located in the proposed building footprints, proposed streets, proposed stormwater management facilities, and other areas in which their removal is necessary to grade the Subject Property or any combination thereof.

This request does not arise from any condition relating to the land or building use on neighboring properties. While consideration was given to the forest conservation areas present on adjacent property, the need for this variance is not related to that consideration. This variance request is a result of the unique features of the Subject Property, and the specimen trees proposed to be removed are based only on the reasonable and significant use of the Subject Property. The uses of the surrounding properties (residential use to the east, the park property to the south, and the vacant properties to the west of the Subject Property) have no bearing on the need for Specimen Tree removal.

(F) *Granting the variance will not adversely affect water quality.*

The proposed development will comply with County and State requirements for stormwater management, and compliance with those requirements will prevent negative impacts to the water quality in the downstream tributary. Additionally, the site layout was revised to prioritize the preservation of contiguous wooded areas and specimen trees located along the steep slopes on the southwest corner of the Property, in accordance with the priorities for woodland conservation identified in § 25-121(b). Priority was given to avoiding impacts to specimen trees located in existing forest conservation areas on the adjacent properties, and onsite forest conservation is proposed in the southwest corner of the site adjacent to the existing offsite forest conservation areas.

Designing the site to prioritize the protection of the environmental features described above while also providing facilities that comply with stormwater management regulations are both necessary parts of protecting water quality. The granting of this variance will make it possible for the site to comply with County and State requirements for stormwater management, as the proposed stormwater management facility impacts many of the specimen trees proposed for removal. Granting this variance will not adversely affect water quality, but instead improve quality by allowing for conformance with the applicable requirements for water quality and quantity treatment.

IV. CONCLUSION

For all of the above-stated reasons, the Applicant respectfully requests approval of this variance for the removal of the twenty-five (25) specimen trees as denoted above.

Respectfully submitted,

By:

Victoria Ballester
ATCS, PLC
9500 Medical Center, Dr., Suite 370
Largo, MD 20774

August 26, 2022

M-NCPPC - Development Review Division
ATTN: Alternative Compliance Committee
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

**RE: Alexander Landing, SE-4856
Alternative Compliance Statement of Justification**

Dear Alternative Compliance Committee,

Please accept this letter as a statement of justification for the request for Alternative Compliance (AC) for the landscape buffering requirements in sections 4.6(c)1A(ii) and 4.6(c)2A(ii) of the Prince George's County Landscape Manual. This request is submitted for consideration as a companion case with SE-4856. All documents noted on the Alternative Compliance Submittal Checklist are enclosed with this package.

Project Background

The subject property is a 10.00-acre property. The site is constrained by 30' to 40' of topographic relief from the northern property line to the southern property lines. Wetlands are present in the southeast corner of the property, and onsite forest conservation is proposed at the southwest corner of the site. The property is bounded to the north by Westphalia Road, a Special Roadway designated as a historic collector road. Per section 4.6(c)1A(ii), a minimum 35'-foot-wide buffer with 4 shade trees, 12 evergreen trees, and 20 shrubs per hundred linear feet of frontage of rear property line adjacent to the street is to be provided. Per section 4.6(c)2A(ii), a minimum 20-foot-wide buffer with a minimum of 80 plant units per hundred linear feet of frontage, excluding driveway openings is to be provided.

Eligibility for Alternative Compliance

In accordance with section 1.3 of the Prince George's County Landscape Manual, the following conditions necessitating AC are present on site:

- 1) Topography, soil, vegetation, or other site conditions:** As noted above in the Project Background summary, the small site has a significant amount of topographic relief from north to south which makes compliance impractical while also providing the space for required stormwater management, onsite forest conservation, and preservation of existing wetlands.
- 2) Space limitations, unusually shaped lots....:** The project site is bounded by the Westphalia Estates Development to the east, the M-NCPPC Westphalia Neighborhood Playground to the southeast, and vacant property to the west and southwest. Note that these vacant properties include forest conservation areas that border the site. The southern portion of the site consists of steep slopes. Wetlands, which will be preserved, are located on the southeast corner of the site. Existing forested area with steep slopes that include specimen trees is located at the southwest corner of the site and will also be preserved. Preservation of these environmental areas combined with the sloping site topography creates a uniquely shaped lot that constrains development.

Compliance with Equal or Better Standard

A reduction in the width of the required buffer and number of plantings in conjunction with the installation of a decorative brick wall is proposed for AC. The 35' buffer required by section 4.6(c)1A(ii) is proposed to be reduced to a variable width buffer (28' to 33'), and the 20' buffer required by section 4.6(c)2A(ii) is proposed to be reduced to a 10' buffer. The proposed AC measures are equally effective as normal compliance in terms of quality, durability, hardness, and ability to fulfill the design criteria in Section 3.

In order to meet the requirement of "equal or better" for the 10' buffer, 61% of the planting units required (343/559) will be provided, all landscaping will be native species, and modules of a 3.00' tall, decorative masonry brick wall with brick caps and abutting pilasters at 10' increments are proposed along the frontage of the property. The wall will integrate the architectural styling of the proposed neighborhood with the historic nature of Westphalia Road. The proposal preserves the context of the road's historic designation and will augment the viewshed of the road with a uniform buffer composed of the wall elements and native plant species.

To meet the requirement of "equal or better" for the variable width buffer (28' to 33') the number of required shade and evergreen trees are provided, shrub plantings will be increased from the required 33 to 41, and the 3.00' tall, decorative masonry brick wall will be extended to provide a uniform treatment along the Westphalia Road frontage. Specifications of the landscaping proposed to meet AC are included in the landscape plan in the Special Exception Plan. An exhibit highlighting the area for AC is also included for reference.

If you have any questions or need additional information, please contact me at 518-312-1017. Thank you in advance for your time and effort in this review.

Sincerely,
ATCS, PLC

Victoria Ballester, PE, MBA
Vice President, Operations Manager

APPLICANT-PROFFERED CONDITIONS

1. Prior to certificate approval of Special Exception SE-4856, the following notes shall be provided on the Special Exception site plan:
 - a. "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."
 - b. "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."
 - c. "All highly visible one-family attached end walls, as shown on the Applicant's "Visibility Exhibit," shall be finished with full brick or other masonry on the first floor."
 - d. "All moderately visible one-family attached end walls, as shown on the Applicant's "Visibility Exhibit," shall be finished with, at a minimum, full brick or other masonry up to the water table."

From: [Reilly, James V](#)
To: [Lockhart, Dominique](#)
Cc: [PPD-PGCR referrals](#); [Reilly, James V](#)
Subject: FW: EPLAN ACCEPTANCE: SE-4856, Alexander Property (PB/ZHE)
Date: Wednesday, February 1, 2023 12:36:07 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[SE-4856 Case Summary Report.pdf](#)
Importance: High

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good Afternoon Ms. Lockhart,

The Office of the Fire Marshal has reviewed the referral for SE-4856, Alexander Property (PB/ZHE). We have no comments. While we have no compliance comments, we would note that due to the 22' private roads, no on street parking will be allowed other than the 4 provided spaces adjacent to the amenity lot. Fire lane markings will be required prior to occupancy. Regards. Jim

James V. Reilly

Contract Project Coordinator III



Office of the Fire Marshal
Division of Fire Prevention and Life Safety
Prince George's County Fire and EMS Department
6820 Webster Street, Landover Hills, MD 20784
Office: 301-583-1830
Direct: 301-583-1838
Cell: 240-508-4931
Fax: 301-583-1945
Email: jvreilly@co.pg.md.us

From: ePlan <ePlan@ppd.mncppc.org>
Sent: Wednesday, February 1, 2023 9:58 AM
To: Lord-Attivor, Rene <rlattivor@co.pg.md.us>; Snyder, Steven G. <SGSnyder@co.pg.md.us>; Abdullah, Mariwan <MAbdullah@co.pg.md.us>; Formukong, Nanji W. <nwformukong@co.pg.md.us>; Tayyem, Mahmoud <mtayyem@co.pg.md.us>; PPD-DRD_Referral_Distribution <ppd-drd_referral_distribution@ppd.mncppc.org>; Reilly, James V <JVReilly@co.pg.md.us>; SLToth@co.pg.md.us; Giles, Mary C. <mcgiles@co.pg.md.us>; Yuen, Steven <SYuen@co.pg.md.us>; tltolson@co.pg.md.us; Edelen, William K. <WKEdelen@co.pg.md.us>; PPD-EnvDRDreferrals <ppd-envdrdreferrals@ppd.mncppc.org>; akibge@co.pg.md.us; Thweatt, Susan W. <swthweatt@co.pg.md.us>; Adepoju, Adebola O. <aoAdepoju@co.pg.md.us>
Cc: PPD-DRD_Applications Section_Distribution <ppd-drd_applicationssection_distribution@ppd.mncppc.org>; Graham, Audrey

February 8, 2023

MEMORANDUM

TO: Dominique Lockhart, Urban Design

FROM: Joanna Glascoe, Permit Review Section, Development Review Division

SUBJECT: Referral Comments for **SE-4856, Alexander Property (PB/ZHE)**

1. No comments.



Countywide Planning Division
Historic Preservation Section

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
301-952-3680

February 23, 2023

MEMORANDUM

TO: Dominique Lockhart, Zoning Section, Development Review Division

VIA: Tom Gross, Planning Supervisor, Historic Preservation Section, Countywide Planning Division **TWG**

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division **JAS**
Tyler Smith, Historic Preservation Section, Countywide Planning Division **TAS**
Amelia Chisholm, Historic Preservation Section, Countywide Planning Division **AGC**

SUBJECT: SE-4856 Alexander Property

The subject property comprises 10.00 acres and is located on the south side of Westphalia Road, approximately 300 feet east of its intersection with D'Arcy Road. The subject property is zoned RR and located within the 2007 *Approved Westphalia Sector Plan* the area. The subject application proposes elderly housing (61 single-family attached dwellings) with a variance for tree removal.

The 2007 *Approved Westphalia Sector Plan* contains goals and policies related to historic preservation (pages 66-68). However, these are not specific to the subject site or applicable to the proposed development. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates indicate the probability of archeological sites within the subject property is low. The subject property does not contain, and is not adjacent to, any designated Prince George's County Historic Sites or Resources. Historic Preservation Section staff recommends approval of SE-4856 with no conditions.

March 7, 2023

MEMORANDUM

TO: Dominique Lockhart, Planner III, Zoning Review Section, Development Review Division.

VIA: David A. Green, MBA, Planner IV, Long-Range Planning Section, Community Planning Division *DAG*

FROM: Scott Rowe, AICP, CNU-A, Planner IV, Community Planning Division *BSR*

SUBJECT: **SE-4856, Alexander Property**

FINDINGS

The Community Planning Division finds that, pursuant to Section 27-317(a)(3) of the prior zoning ordinance, this application will not substantially impair the integrity of the 2007 *Approved Westphalia Sector Plan*.

BACKGROUND

Application Type: Special Exception to permit construction of 61 attached dwelling units for the elderly in the Military Installation Overlay/Rural-Residential (M-I-O/R-R) Zone of the prior Zoning Ordinance.

Location: 9401 Westphalia Road, Upper Marlboro

Size: 10 acres

Existing Use: Single-family house

Proposal: 61 attached dwelling units for the elderly.

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: This application is located within the Established Communities policy area. Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers, as Established Communities. Established communities are most appropriate for context-sensitive infill and low- to medium-density development.

SE-4856, Alexander Property, CPD Referral

Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the need of the existing residents are met.

Master Plan: The 2007 *Approved Westphalia Sector Plan* places this property in the Residential Areas and recommends the development of “approximately 3,500 acres of new low- to medium-density residential areas in a manner that conserves and is integrated with approximately 1,300 acres of existing residential development in accordance with the overall development pattern concept.” [p. 30]

The sector plan contains design principles on pages 31 and 32 that apply to all residential development.

The property fronts Westphalia Road (C-626).

The application’s statement of justification refers to the recommendation of “low- to medium-density” several times. The sector plan specifically recommends low-density residential land uses on the subject property (see Map 4, p. 19), which is reinforced by its Rural Residential zoning, envisioning single-family detached housing at up to 2.17 dwelling units per acre. However, the proposed use is permitted by special exception in the R-R Zone.

Planning Area: 78

Community: Westphalia and Vicinity

Aviation/MIOZ: The subject property is located within the Noise Contours of the Military Installation Overlay Zone and “interiors of all new residential construction within the Noise Intensity Contours, including additions, must be certified to 45 dBA Ldn or less by an Acoustical Engineer or qualified professional of competent expertise” pursuant to Section 27-548.55(b) of the prior Zoning Ordinance.

The subject property is located within Height Surface E of the Military Installation Overlay Zone. The limitations on building height in the property’s underlying R-R Zone ensure conformance to the structure height requirements of the overlay zone for the proposed development.

SMA/Zoning: On November 29, 2021, the District Council approved CR-136-2021, the Countywide Sectional Map Amendment (“CMA”) which classified the subject property in the Military Installation Overlay/Residential, Rural (MIO/RR) Zone, effective April 1, 2022. Previously, the 2017 *Approved Military Installation Overlay Zoning Map Amendment* classified the subject property in the Military Installation Overlay/Rural-Residential (M-I-O/R-R) Zone.

MASTER PLAN SUBSTANTIAL IMPAIRMENT ISSUES:

The Community Planning Division finds that, pursuant to Section 27-317(a)(3) of the prior zoning ordinance, this application will not substantially impair the integrity of the 2007 *Approved Westphalia Sector Plan*.

SE-4856, Alexander Property, CPD Referral

cc: Long-range Agenda Notebook

Tony Felts, AICP, Chief, Community Planning Division



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org
301-952-3530

March 8, 2023

MEMORANDUM

TO: Dominique Lockhart, Planner III, Zoning Section

FROM: Tom Burke, Planner IV, Urban Design Section *TB*

SUBJECT: **Special Exception SE-4856**
Alexander Property

The Urban Design Section has reviewed the package accepted on January 31, 2023, in support of Special Exception SE-4856, which proposes the development of single-family attached dwellings for the elderly. The existing property is 10.00 acres and is currently developed with a single family dwelling. This site is located on the south side of Westphalia Road, east of its intersection with D'arcy Road in Upper Marlboro. The site is within the Residential, Rural (RR) Zone and the Military Installation Overlay (MIO) Zone; however the applicant has opted to have this application reviewed under the prior Zoning Ordinance, at which time it was located within the Rural-Residential (R-R) Zone.

The site is bound to the north by Westphalia Road, to the east by a residential community in the RR Zone and by Westphalia Park (M-NCPPC) in the Agricultural and Preservation (AG) Zone, to the South by community open space in the Legacy Comprehensive Design (LCD) Zone, and to the west by undeveloped land in the Commercial, General and Office (CGO) Zone.

Development proposed by this SE includes the construction 61 single-family attached dwellings for the elderly, and associated infrastructure. The applicant provided representative architecture for the dwellings.

Based on the Urban Design Section's review of SE-4856, staff offers the following comments:

Conformance with the Requirements of the Prince George's County Zoning Ordinance

1. The proposed one-family attached dwellings for the elderly is a permitted use in the R-R Zone, subject to the approval of a special exception, in accordance with Section 27-4441(b), Table of Uses, of the Zoning Ordinance. The applicant's Statement of Justification explains how the proposal conforms with the required findings for approval of a special exception in Section 27-317. The one-family attached dwellings for the elderly use is subject to Footnote 58, which states that a dwelling for the elderly shall be housing which is operated in accordance with State and Federal Fair Housing laws.

Conformance with Previous Approvals

2. There are no previous development applications for this property

Conformance with the Requirements of the Prince George's County Landscape Manual

3. The proposed development will be subject to the requirements of the Landscape Manual. Specifically, conformance is required for Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscape Requirements; and Section 4.10, Street Trees Along Private Streets.

The orientation of the dwellings exposes the rear of the units to the public street. An application for alternative compliance (AC) to Section 4.6(c)(1)(A)(ii) of the Landscape Manual was provided with this application and will be evaluated separately.

Conformance with the Prince George's County Tree Canopy Coverage (TCC) Ordinance

4. This application is subject to the requirements of the TCC Ordinance. This site is located within the prior R-R Zone and is required to provide 15 percent of the site area in tree canopy coverage. The site is 10.00 acres and a total of 1.50 acres or 64,340 square feet of tree canopy coverage is required. Conformance with the TCC requirements will be evaluated at time of permit; however with this application, the applicant is demonstrating conformance by providing 76,412 square feet of TCC.

Urban Design Section Recommendation

In accordance with the above analysis, the Urban Design Section has no objections to the approval of SE-4856, Alexander Property, for the development of 61 one-family attached dwellings for the elderly, with the following recommendation:

Representative Architecture for the highly visible units facing Westphalia Road should contain at least three endwall architectural features, brick or stone first levels, with a horizontal band, and siding above, and front entrances facing Westphalia Road.



Angela D. Alsobrooks
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Site/Road Plan Review Division



MEMORANDUM

March 9, 2023

TO: Dominique Lockhart, Urban Design Section
Development Review Division, M-NCPPC

FROM: Mary C. Giles, P.E., Associate Director *Mary Giles*
Site/Road Plan Review Division, DPIE

Re: Alexander Property, SE-4856

CR: Westphalia Road
CR: Darcy Road

This memorandum is in response to Specific Design Plan, SE-4856, referral for the development of an elderly housing (61 one-family attached dwellings) with a variance for tree removal. The Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The property is in Upper Marlboro, MD, located on the south side of Westphalia Road, approximately 300 feet east of its intersection with Darcy Road.
- **Westphalia Road** is an existing County-maintained Urban Collector roadway with a varying right-of-way width, requiring an 80' right-of-way width as per the Master Plan (Master Plan Road MC-626). The applicant shall provide right-of-way dedications and roadway/frontage improvements as required in accordance with the Department of Public Works and Transportation (DPW&T) Urban Collector Road standard (Std. 100.03). This work shall be permitted prior to or concurrent with issuance of a fine grading permit.
- Any proposed and/or existing Master Plan roadways that lie within the property limits must be addressed through coordination between the Maryland-National Capital Park and Planning Commission (M-NCPPC) and DPW&T and may involve rights-of-way reservation, dedication and/or road construction in accordance with DPW&T's Specification and Standards.
- Right-of-way dedication and frontage improvements along all existing County roadway, are required in accordance with DPW&T's Specifications and Standards. Full-width, 2-inch mill and overlay for the said County roadway frontage limits are required.

- Provide detectable warning surface on pedestrian ramps at the entrance during the permitting stage.
- The property was designated Water and Sewer Category 4 – Community System Adequate for Development Planning by CR-105-2021, the September 2021 Cycle of Amendments to the 2018 W&S Plan. Category 4 allows the project to proceed through the various development review processes. The applicant will need to apply for Water and Sewer Category 3 and secure this approval prior to final record plats.
- Full-width, 2-inch mill-and-overlay for all existing County, roadway frontages are required.
- Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.
- Compliance with DPW&T's Utility Policy is required. Based upon the plans submitted, proper temporary and final patching and the related mill and overlay in accordance with "DPW&T Policy and Specifications for Utility Installation and Maintenance Permits" is required.
- Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance. Any new sidewalk installation is to match existing sidewalks in the area. In addition, sidewalks must always be kept open for pedestrians.
- The internal subdivision streets' centerline radii are to be designed and constructed in accordance with DPW&T's Table I-2 design criteria.
- Maintenance of private streets is not the responsibility of Prince George's County.
- Conformance with DPIE street lighting specifications and standards are required. Adjustments to street lighting, to accommodate the proposed plan improvements, are required in accordance with Section 23-140 of the Prince George's Road Ordinance.
- Roadside trees will be required along County-maintained roadways within the limits of the permit area.
- All improvements within the public right-of-way as dedicated to the County are to be in accordance with the County Road Ordinance, DPW&T's Specifications and Standards and the Americans with Disabilities Act (ADA).
- The Site Development Concept Plan filed under DPIE case no. 53735-2021-0 is still under review, and the SWM concept should be approved prior to the approval of SE-4856.

- All stormwater management facilities and drainage systems, including their recreational features and visual amenities (if applicable), are to be designed and constructed in accordance with the standards and specifications set forth by DPIE and DPW&T. Approval of all facilities are required prior to permit issuance.
- All easements are to be approved by DPIE and recorded prior to technical approval.
- A maintenance agreement is to be approved by DPIE and recorded prior to technical approval.
- The proposed development will require a site development permit approved by DPIE.
- A soils investigation report which includes subsurface exploration and geotechnical engineering evaluation for all proposed roadways and Marlboro Clay is required.
- The proposed project must obtain an approved floodplain delineation in accordance with DPIE's requirements.
- A geotechnical report for site grading, roads and stormwater management ponds shall be provided. The ponds should be analyzed for geotechnical impacts on the proposed roads and structures in the vicinity.
- Permit plans of both site grading, storm drain, and paving shall comply with the recommendations of the geotechnical report.
- Compliance with recommendations from the geotechnical report shall be verified on the plans by the preparer of the geotechnical report, and in the field by the geotechnical engineer.
- This memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County Code 32-182(b)). The following comments are provided pertaining to this approval phase:
 - a) Final site layout, exact impervious area locations are shown on plans.
 - b) Exact acreage of impervious areas has not been provided.
 - c) Proposed grading is shown on plans.
 - d) Stormwater volume computations have not been provided.
 - e) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth.

- f) Disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion, and sediment control practices are not included in the submittal.
- g) A narrative in accordance with the code has not been provided.
- h) Applicant shall provide items (a-g) at the time of filing final site permits.

If you have any questions or require additional information, please contact Mr. Mariwan Abdullah, District Engineer for the area, at 301.883.5710.

MA: II:AG:

cc: Rey de Guzman, Chief Engineer, Site Road Plan Review Division
Rene Lord-Attivor, Chief Traffic Engineering, S/RPRD, DPIE
Mariwan Abdullah, P.E., District Engineer, S/RPRD, DPIE
Salman Babar, CFM, Engineer, S/RPRD, DPIE
MJ Labban, Engineer, S/RPRD, DPIE
Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE
ESC 9401 Westphalia, l.c. 1355 Beverly Road, Suite 240, VA 22101
ATCS, P.L.C., 9500 Medical Center Drive, Suite 370, MD 20774



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

Park Planning & Development
Land Acquisition/Management & Development Review Section

MEMORANDUM

DATE: March 20, 2023

TO: Dominique Lockhart, Planner III
Zoning Section
Development Review Division
Planning Department

VIA: Sonja Ewing, Assistant Division Chief *SME*
Department of Parks and Recreation

FROM: Dominic Quattrocchi, Planning Supervisor *DQ*
Ivy R. Thompson, AICP, Planner III *IRT*
Land Acquisition/Management & Development Review Section
Park Planning and Development Division
Department of Parks and Recreation

SUBJECT: SE-4856 Alexander Property

The staff of the Department of Parks and Recreation (DPR) has reviews and evaluates Development Review applications for conformance with the requirements and recommendations of Area Master Plans, the Land Preservation, Parks and Recreational Program for Prince George’s County, Plan 2035, the Formula 2040 Functional Master Plan for Parks, Recreation and Open Space as they pertain to public parks and recreation.

Background

The proposal is a Special Exception request for the development of an age-restricted Elderly/Senior Residential Community with 61 single-family attached dwellings. The site is located on the south side of Westphalia Road, approximately 300 feet south of the intersection of Westphalia Road and D’Arcy Road. The 10-acre property, zoned Residential Rural (RR), is currently developed with a single-family dwelling that will be removed.

Discussion

DPR has no objections to the proposed Special Exception request. The Mandatory Dedication of Parkland will be further evaluated at the time of the Preliminary Plan of Subdivision review. The site plan, as submitted, illustrates onsite recreation amenities for future residents.

The proposed development is adjacent to Westphalia Estates Park, owned by M-NCPPC and operated by DPR, for which the developer has proposed a trail connection. The Statement of Justification cites the inclusion of a 4,990 square foot outdoor community area, shown as Amenity Area A on the landscape plan, improved with a covered pavilion, seating, bike racks, and a community garden all located along the main road. The community area connects to a hard surface

walking path that loops around the stormwater management pond and provides a connection to the Westphalia Estates Park.

The Westphalia Master Plan (p. 53), Table 1: Proposed Park Facilities, recommends **the expansion and improvement** of the Westphalia Estates Park **into adjoining residential development**.

Consistent with the Master Plan, DPR will be seeking mandatory parkland dedication as an extension of the existing parkland. Submitted plans show a large stormwater management feature on forested steep slopes directly adjacent to Park Property, with an outfall within inches of the park. The subject property's forest is of high quality related to composition and steep slopes. The subject property woods buffer and are an extension of the adjacent public park forest. Consistent with the Master Plan language to expand the Park, DPR will request appropriate dedication and support on-site forest preservation to buffer and expand the existing Park. This may require some adjustment to the site plan design. Mandatory parkland dedication is coordinated with the Land Acquisition and Development Review Section of the Park Planning and Development Division of M-NCPPC DPR. Please contact Ms. Ivy Thompson via email at Ivy.Thompson@pgparks.com.

The installation of the trail connection and the stormwater management pond with Westphalia Estates Park will require the coordination of permits and agreements with DPR staff. The applicant was provided a Notice of Intent Letter granted for the Construction and Maintenance Agreement dated May 3, 2022 (CASE #ACR350926) for a proposed sewer connection from the subject site (9401 Westphalia Road) traversing the Westphalia Estates Park to connect to the WSSC Sewer Main at Squire Road. Eligibility for a Construction & Maintenance Agreement is contingent upon the applicant meeting the following criteria:

1. Submission of one (1) digital copy of the Washington Suburban Sanitary Commission (the "WSSC") approved map for this project.
2. Submission of current Certificate of Liability Insurance, from private consultant(s), naming The Maryland - National Capital Park and Planning Commission (M-NCPPC) as Certificate Holder, and/or contractor(s), executing work on behalf of Elm Street Development, naming M-NCPPC as an additional insured. M-NCPPC reserves the right to require increased coverage and coverage amounts if those provided are deemed inadequate.
3. Submission of a performance bond in the amount to be determined upon receipt of a cost estimate and to warrant satisfactory restoration of parkland affected by this project. Said bond shall be in favor of M-NCPPC and must be automatically renewed until released by M-NCPPC not sooner than ninety (90) calendar days after satisfactory final inspection.
4. Submission of the project schedule.
5. Should Elm Street Development desire to use or access Park Property for any other reason than as listed an easement may be required. The request for easements shall be coordinated with the Land Acquisition and Development Review Section of the Park Planning and Development Division of M-NCPPC DPR. Please contact Mr. Paul Sun via email at Paul.Sun@pgparks.com.
6. The following conditions shall be applicable for all work conducted within M-NCPPC property and shall be shown on the approved plans or referenced by notes thereon:
 - a. Blaze orange safety fence 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 park land shall include, but not be limited to:

- i. The removal of all flagging, construction equipment, erosion and sediment control practices, construction access road materials, and debris from parkland upon completion of work.
- ii. The repair of any damaged asphalt trail or park infrastructure in kind to the satisfaction of M-NCPPC.
- iii. Stabilization of all disturbed areas; for existing grassed areas, a live, uniform stand of grass is required for acceptance upon completion of work.

Coordinate submission with the Engineering Section of the Park Planning and Development Division of M-NCPPC DPR. Please contact Ms. Shandale Forbes via email at Shandale.Forbes@pgparks.com.

cc: Alvin McNeal
Bridget Stesney

March 21, 2023

MEMORANDUM

TO: Dominique Lockhart, Planner III, Zoning Section
VIA: Mridula Gupta, Planner IV, Subdivision Section *MG*
FROM: Mahsa Vatandoost, Planner II, Subdivision Section *MV*
SUBJECT: SE-4856; Alexander Property - revised

The subject property is a 10-acre parcel known as Parcel 48, located in Tax Map 82, Grid E-4 and Tax Map 90, Grid E-1. The property is located within the Residential, Rural (RR) Zone and Military Installation Overlay (MIO) Zone for height and noise. However, this special exception (SE) application was submitted for review under the prior Zoning Ordinance. Therefore, the property is reviewed pursuant to the prior Rural Residential (R-R) and Military Installation Overlay (M-I-O) zoning of the property and the prior Subdivision Regulations.

The applicant proposes development of 61 single-family attached residential dwelling units for the elderly. The property is not subject to a previously approved preliminary plan of subdivision (PPS). The proposed development will require a PPS and a certificate of adequacy to find conformance with the development proposed with subject SE application.

Parcel 48 is described in the Prince George's County Land Records in Liber 6195 at folio 900. There are no prior final plats of subdivision recorded for this property. A final plat of subdivision will be required subsequent to the approval of a PPS and this site plan before any building permits may be approved for the development of this site.

In accordance with Section 27-271 of the Zoning Ordinance, an SE is not subject to the order of approvals which normally requires PPS approval prior to the approval of a site plan. Notwithstanding the provisions of the Zoning Ordinance, staff recommends that a PPS be submitted and concurrently reviewed with the SE, at a minimum, due to the potential impact that the findings of the PPS may have on the layout proposed with the SE. At this time, no PPS application has been received for the subject site.

Plan Comments

1. The plan proposes on-site recreational facilities including a pavilion, picnic tables, benches, asphalt trails, and a community garden to satisfy the mandatory dedication of parkland

requirements. However, adequacy of the proposed facilities has not yet been determined as the PPS has not yet been approved. An estimated value of the facilities has been provided with the SE plan, but details for the picnic tables, community garden, and the asphalt trails are not provided. The development and maintenance of private recreational facilities shall be ensured as further required by Section 24-135(b) of the Subdivision Regulations. Also, the applicant should be aware that these facilities will be evaluated at the time of PPS to address requirements of Sections 24-134 and 24-135 of the prior Subdivision Regulations. Any changes to these facilities at the time of PPS will affect this Special Exception site plan.

2. This property is located within the M-I-O zone for noise. Residential structures within the Noise Intensity Zone are required to demonstrate that all interior noise levels will be mitigated to 45 dBA Ldn or less. The proposal should be reviewed by the Zoning Section.
3. It should be noted that the issues identified above are pursuant to the Subdivision Regulations which are normally evaluated and determined with a PPS. However, these issues should be considered at this time due to their potential impact to the layout and design as shown on the special exception site plan. Additional issues may become relevant with the review of a future PPS application which could necessitate a revision to the special exception site plan.

Recommended Conditions

None.

This referral is provided for the purposes of determining conformance with any underlying subdivision approvals for the subject property and Subtitle 24. A preliminary plan of subdivision and final plat will be required for the proposed development. All bearings and distances must be correctly labeled on the special exception site plan and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Countywide Planning Division
 Environmental Planning Section

301-952-3650

March 22, 2023

MEMORANDUM

TO: Dominique Lockhart, Planner III, Zoning Section, DRD

VIA: Maria Martin, Acting Supervisor, Environmental Planning Section, CWPD *mm*

FROM: Alexander Kirchhof, Planner I, Environmental Planning Section, CWPD *ank*

SUBJECT: **Alexander Property: Special Exception SE-4856 and TCP2-006-2023**

The Environmental Planning Section (EPS) has reviewed the Special Exception (SE-4856) submitted for Alexander Property, received on February 1, 2023. Comments were provided to the applicant in a Subdivision and Development Review Committee (SDRC) meeting dated February 17, 2023. Revised materials in response to the comments provided at SDRC were submitted on March 16, 2023. The EPS recommends approval based on the findings and conditions listed at the end of this memorandum.

BACKGROUND

The following applications and associated plans were previously reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan or Natural Resources Inventory #	Authority	Status	Action Date	Resolution Number
NRI-005-2022	N/A	Staff	Approved	3/16/2022	N/A
SE-4856	TCP2-006-2023	Planning Board	Pending	Pending	Pending

PROPOSED ACTIVITY

The current application is a SE for the development of 61 attached townhomes for the elderly and associated infrastructure. The current zoning for the site is Residential, Rural (RR); however, the applicant has opted to apply the zoning standards to this application that were in effect prior to April 1, 2022, for the Rural Residential (R-R) Zone.

GRANDFATHERING

The project is subject to the environmental regulations of Subtitle 25 and prior Subtitle 27 because there are no previous development application approvals, and this application is for a new special exception.

SITE DESCRIPTION

The subject application area is for 10.00 acres identified as Parcel 48. The site is located east of Rock Spring Drive and south of Westphalia Road. The site has frontage along Westphalia Road, which is a historic roadway. This site does not front on any master planned roadway, identified as arterial or higher. This site does not feature any primary management area (PMA), but an area of regulated environmental features (REF) in the form of an isolated wetland feature is present along the eastern property line. No forest interior dwelling species are indicated on site, per PGAtlas. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program (DNR NHP), there are no rare, threatened, or endangered (RTE) species found to occur on or in the vicinity of this property. No Tier II waterbodies are located on-site; however, the site is located with the Western Branch of the Patuxent River, a stronghold watershed as established by the Maryland DNR.

MASTER PLAN CONFORMANCE

Prince Georges Plan 2035

The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by *Plan Prince George's 2035 Approved General Plan*, and the Established Communities of the General Plan Growth Policy (2035).

2007 Approved Westphalia Sector Plan Sectional Map Amendment

The site is in the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*. The Environmental Infrastructure Section of that sector plan contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on the plan conformance.

Policy 1. Protect, preserve, and enhance the identified green infrastructure network within the Westphalia sector planning area.

Strategies:

- 1. Use the sector plan designated green infrastructure network to identify opportunities for environmental preservation and restoration during the review of land development proposals.**

Comment: According to the *Approved Countywide Green Infrastructure Plan*, Evaluation Areas occur on the majority of the property. The approved NRI-005-2022 shows an isolated wetland on the eastern property boundary, which is an REF. While the NRI identifies both Stand A and Sub-Stands B-1 and B-2 as low priority for preservation and restoration, the applicant shall strive to meet the threshold on-site to serve multiple ecoservices.

- 2. Preserve 480 or more acres of primary management area (PMA) as open space within the developing areas.**

Comment: Proposed impacts to REF and the PMA were requested with SE-4856 and evaluated under the Environmental Review section of this memorandum.

3. Place preserved sensitive environmental features within the park and open space networks to the fullest extent possible.

Comment: The current application proposes development on the majority of the site. A portion of the isolated wetland area of the site is proposed to be impacted with the remainder undisturbed and preserved within green space. This impact is evaluated under the Environmental Review section of this memorandum. The forested portion of this isolated wetland is proposed to be preserved as part of the total woodland conservation; however, additional preservation areas to fully buffer and preserve this sensitive area is required to the fullest extent possible.

4. Protect primary corridors (Cabin Branch) during the review of land development proposals to ensure the highest level of preservation and restoration possible. Protect secondary corridors (Back Branch, Turkey Branch, and the PEPCO right-of-way) to restore and enhance environmental features, habitat, and important connections.

Comment: The site does not contain any stream features and is within the Western Branch watershed. Preservation and restoration of the on-site isolated wetland are evaluated under the Environmental Review section of this memorandum.

5. Limit overall impacts to the primary management area to those necessary for infrastructure improvements, such as road crossings and utility installations.

Comment: Impacts to the PMA and REF are discussed in detail in the Environmental Review section of this memorandum.

6. Evaluate and coordinate development within the vicinity of primary and secondary corridors to reduce the number and location of primary management area impacts.

Comment: Impacts to the PMA and REF are discussed in detail in the Environmental Review section of this memorandum.

7. Develop flexible design techniques to maximize preservation of environmentally sensitive areas.

Comment: Impacts to the PMA and REF are discussed in detail in the Environmental Review section of this memorandum. The proposed design places a portion of the isolated wetland on-site within an area of preservation; however, it does not adequately buffer the wetland from potential impacts associated with the proposed townhomes. Additional preservation in this area is strongly encouraged to maximize preservation of the isolated wetland.

Policy 2. Restore and enhance water quality of receiving streams that have been degraded and preserve water quality in areas not degraded.

Strategies:

- 1. Remove agricultural uses along streams and establish wooded stream buffers where they do not currently exist.**

Comment: The site does not contain agricultural uses.

- 2. Require stream corridor assessments using Maryland Department of Natural Resources protocols and include them with the submission of a natural resource inventory as development is proposed for each site. Add stream corridor assessment data to the countywide catalog of mitigation sites.**

Comment: There are no on-site stream systems.

- 3. Coordinate the road network between parcels to limit the need for stream crossings and other environmental impacts. Utilize existing farm crossings where possible.**

Comment: The current application proposes vehicular site access to the development on the northern portion of the site. A pedestrian recreational trail is proposed to connect this site to the adjacent park to the south.

- 4. Encourage shared public/private stormwater facilities as site amenities.**

Comment: This site has an approved stormwater management (SWM) concept plan (53735-2021-0), approved on March 10, 2023, and expires March 10, 2026. Stormwater management is discussed in detail in the Environmental Review section of this memorandum.

- 5. Ensure the use of low-impact development (LID) techniques to the fullest extent possible during the development review process with a focus on the core areas for use with bioretention and underground facilities.**

Comment: Stormwater management is discussed in detail in the Environmental Review section of this memorandum.

Policy 3. Reduce overall energy consumption and implement more environmentally sensitive building techniques.

Strategies:

- 1. Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.**

Comment: The use of green building techniques and energy conservation techniques should be encouraged for the residential portion of the development.

- 2. Encourage the use of alternative energy sources such as solar, wind and hydrogen power. Provide public examples of uses of alternative energy sources.**

Comment: The use of alternative energy sources should be encouraged.

Policy 4. Plan land uses appropriately to minimize the effects of noise from Andrews Air Force Base and existing and proposed roads of arterial classification and higher.

Strategies:

- 1. Limit the impacts of aircraft noise on future residential uses through the judicious placement of residential uses.**
- 2. Restrict uses within the noise impact zones of Andrews Air Force Base to industrial and office use.**
- 3. Evaluate development proposals using Phase I noise studies and noise models.**
- 4. Provide for adequate setbacks and/or noise mitigation measures for projects located adjacent to existing and proposed noise generators and roadways of arterial classification or greater.**
- 5. Provide for the use of appropriate attenuation measures when noise issues are identified.**

Comment: This site is located within the 60 dbh -74 dbh noise intensity zone. Adequate noise mitigation and setbacks will be evaluated by the Urban Design Section.

Countywide Green Infrastructure Plan

The 2017 *Countywide Green Infrastructure Plan* was approved with the adoption of the Resource Conservation Plan: A Countywide Functional Master Plan (CR-11-2017) on March 7, 2017. According to the approved Plan, roughly 60 percent of this property is located within an Evaluation Area and the remaining 40 percent does not fall within a designated network area. Aerial imagery from PGAtlas shows that a portion of the site was developed since 1965 with buildings and driveway. This application is for a new SE and the development proposal is subject to the current woodland conservation ordinance requirements.

The following policies and strategies are applicable to the subject application. The text in **BOLD** is the text from the Master Plan and the plain text provides comments on plan conformance.

POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.

1.1 Ensure that areas of connectivity and ecological functions are maintained, restored, and/or established by:

- a. **Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
 - b. **Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
 - c. **Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
 - d. **Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.**
- 1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.**
- a. **Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

The property is within Western Branch of the Patuxent River watershed, and is not within a Tier II catchment area. The site does not contain any stream systems, but does feature steep slopes and an isolated wetland. The majority of the southern portion of the site, which contains the isolated wetland and steep slopes, falls within the evaluation area of the Green Infrastructure Plan. A stream system is located off-site along the western property boundary. The current plan proposes to retain the majority of the isolated wetland with one impact proposed for a utility connection. Additional preservation or reforestation shall be proposed on-site to meet the woodland conservation threshold and to fully protect the isolated wetland. While the preservation area along the southwestern property line preserves numerous specimen trees, additional preservation or reforestation in this area is strongly encouraged to reduce the impacts to the critical root zones (CRZ) of specimen trees within the conservation area.

POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.

- 2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**
- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**

2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.

The SE indicates that the regulated system on-site will be impacted with the majority proposed to be protected by reforestation. A TCP2 is required with this review, which shows that 4.90 acres of the required woodland conservation requirement will be met as 0.90 acres of woodland preservation, 0.13 acres of reforestation, and 3.87-acre of off-site credits. To the greatest extent practicable, the woodland conservation threshold shall be met on-site through the preservation of existing woodland.

POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.

3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.

- a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

Although the applicant proposes a connection of woodland conservation on the southern portion of the property, the wetland area, as well as the woodland preservation and reforestation in the eastern portion of the property, are fragmented from the existing REF to the southern portion of the project. With the SE development proposal, the applicant has an opportunity to connect with an off-site stream system to the south by providing a continuous area of woodland conservation that connects the wetland area through an expansion of the on-site woodland conservation to the Green Infrastructure network. Meeting the woodland conservation threshold on-site would support the implementation of the Green Infrastructure Plan of ensuring the environmentally sensitive areas on-site are being preserved to the extent practicable.

- b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

A trail system to connect this site and the adjacent park to the southeast is proposed. This proposed trail is outside of the REF on-site.

POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.

4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.

On-site woodland conservation shall be placed in Woodland and Wildlife Habitat Conservation Easements, prior to the certification of the TCP2.

POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.

5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.

5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.

The proposal has received stormwater concept approval. The submitted approved Concept Plan shows use of a submerged gravel wetland and an infiltration trench to meet the current requirements of Environmental Site Design (ESD) to the maximum extent practicable. No stormwater features are being placed within the REF.

POLICY 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.

General Strategies for Increasing Forest and Tree Canopy Coverage

7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.

7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.

7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.

The property contains 4.78 acres of existing woodland. Currently, the TCP2 proposes to meet the majority of the woodland conservation requirements off-site by purchasing credits within an off-site tree bank. Retention of existing woodlands on-site would support Policy 7 of the Green Infrastructure Plan preserving the connection of the on-site wetland to the Green Infrastructure network. The planting of native species on-site is required by both the Environmental Technical Manual (ETM) and the Prince George's County Landscape Manual. Tree canopy coverage requirements will be evaluated by the Urban Design Section.

This site is adjacent to an existing park facility to the southeast and a woodland conservation area associated with the development to the southwest.

Forest Canopy Strategies

7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.

7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.

7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.

Clearing of woodland is proposed with the subject application. Woodland conservation is designed to minimize fragmentation and reinforce new forest edges. This site does not contain potential Forest Interior Dwelling Species (FIDS). Green space is encouraged to serve multiple eco-services.

Due to the nature of the proposed submerged gravel wetland and the shape of the property, a new forest edge is created along the property boundary shared by the adjacent park site. In addition, the proposed on-site woodland preservation area is 0.97 acres short of the 20 percent woodland conservation threshold, relegates the woodland preservation area to the property boundaries, and fragments the eastern woodland conservation areas from the western conservation areas. While a number of specimen trees are preserved, the majority of on-site greenspace was reduced.

POLICY 12: Provide adequate protection and screening from noise and vibration.

12.2 Ensure new development is designed so that dwellings or other places where people sleep are located outside designated noise corridors. Alternatively, mitigation in the form of earthen berms, plant materials, fencing, or building construction methods and materials may be used.

Protection of proposed dwellings from noise and vibration associated with the dwellings will be reviewed by the Urban Design Section.

ENVIRONMENTAL REVIEW

Natural Resources Inventory/Existing Conditions

The site has an approved Natural Resources Inventory (NRI-005-2022). The NRI shows steep slopes, specimen trees, and an isolated wetland feature on the eastern property edge. No further information is required with this SE application regarding the existing site conditions.

Woodland Conservation

The site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property contains more than 10,000 square feet of woodland and proposes clearing of more than 5,000 square feet. A TCP2 was submitted with this application (TCP2-006-2023), which shows a total of 4.78 acres of woodland on-site and clearing of 3.88 acres of woodland. The threshold as established by the zone is 20 percent, or 2 acres. Based on the proposed clearing, a total woodland conservation requirement of 4.90 acres is required. The applicant proposes to meet this requirement with 0.90 acres of on-site preservation, 0.13 acres of on-site reforestation, and 3.87 acres of off-site credits. To find conformance with the area Master Plan and Green Infrastructure Plan, the applicant shall revise the TCP2 to meet the 20 percent threshold on-site.

Specimen Trees

Section 25-122(b)(1)(G) requires that “Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the CRZ of each tree in its entirety or preserve an appropriate percentage of the CRZ in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Technical Manual.” The code, however, is not inflexible.

The authorizing legislation of Prince George’s County’s WCO is the Maryland Forest Conservation Act, which is codified under Title 5, subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in Prince George’s County’s WCO are set forth in Section 25-119(d). Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

A Subtitle 25 variance was submitted for review with this application. The approved NRI (NRI-005-2022) identifies a total of 48 specimen trees on-site. The following analysis is the review of the request to remove 25 specimen trees.

The letter of justification (LOJ) requests the removal of 25 specimen trees identified as ST-1 through ST-7, ST-14 through ST-22, ST-31, and ST-41 through ST-48. The condition of trees proposed for removal ranges from poor to good. This site is broken into one major stand (Stand A) and one minor stand (Sub-stands B-1 and B-2). Stand A encompasses the majority of the southern portion of the property. Sub-Stand B-1 is located due north of the isolated wetland, and Sub-Stand B-2 is located just west of the existing dwelling. The TCP2 shows the location of the trees proposed for removal. These specimen trees are proposed for removal for the development of the site, roadways, utilities, SWM, and associated infrastructure.

Specimen Tree Variance SOJ Table						
ST-#	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
1	38	Southern red oak	Outside Stand A	Fair	Within proposed roadway, building footprint, and grading	Good
2	41	Southern red oak	Outside Stand A	Good	Within proposed roadway, building footprint, and grading	Good
3	35	White oak	Inside Stand A	Fair	Within proposed roadway, building footprint, and grading	Good/Med.
4	31	Southern red oak	Outside Stand A	Good	Within proposed roadway, building footprint, and grading	Good
5	40	Yellow poplar	Inside Stand A	Poor	Within proposed roadway, building footprint, and grading	Poor
6	30	Red maple	Inside Stand A	Fair	Within proposed roadway, building footprint, and grading	Good

ST-#	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
7	30	Yellow poplar	Inside Stand A	Poor	Grading	Poor
14	36	Southern red oak	Inside Stand A	Fair	SWM facility construction and grading	Good
15	34	White oak	Inside Stand A	Fair	SWM facility construction and grading	Good/Med.
16	30	Yellow poplar	Inside Stand A	Fair	SWM facility construction and grading	Poor
17	30	Yellow poplar	Inside Stand A	Good	SWM facility construction and grading	Poor
18	33	Yellow poplar	Inside Stand A	Good	SWM facility construction and grading	Poor
19	31	Yellow poplar	Inside Stand A	Good	SWM facility construction and grading	Poor
20	39	American beech	Inside Stand A	Fair	SWM facility construction and grading	Poor
21	32	Southern red oak	Inside Stand A	Poor	SWM facility construction and grading	Good
22	38	Yellow poplar	Inside Stand A	Good	SWM facility construction and grading	Poor
31	37	Yellow poplar	Inside Stand A	Good	Within proposed building footprint and associated grading	Poor
41	30	Sweetgum	Inside Sub-Stand B-1	Good	Within proposed building footprint and associated grading	Good
42	36	White oak	Inside Stand A	Fair	Within proposed roadway, building footprint, and grading.	Good/Med.
43	30	White oak	Inside Stand A	Good	Within proposed building footprints and associated grading	Good/Med.
44	31	White oak	Inside Stand A	Fair	SWM facility construction and grading	Good/Med.
45	31	Yellow poplar	Inside Stand A	Fair	SWM facility construction and grading	Poor
46	33	Yellow poplar	Inside Stand A	Poor	SWM facility construction and grading	Poor

ST-#	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
47	38	White oak	Outside Stand A	Good	Within proposed roadway, building footprint, and grading	Good/Med.
48	34	Silver maple	Outside Stand A	Poor	Within proposed roadway, building footprint, and grading.	Poor

Evaluation

Staff supports the removal of 23 of the 25 specimen trees requested by the applicant, based on the findings below. Section 25-119(d) contains six required findings [text in **bold** below] to be made before a variance from the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below.

(A) **Special conditions peculiar to the property have caused the unwarranted hardship.**

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship if the applicant were required to retain the 25 specimen trees. Those “special conditions” relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The property is 10 acres, and the NRI shows no PMA with an isolated wetland area on the eastern property edge. The applicant is proposing one impact to the site’s REF fully minimized to the extent practicable and is proposing woodland conservation and afforestation to further protect the REF.

The specimen trees are located across the entire site, many located along the southern property line. The specimen trees proposed for removal are located outside of the REF, except for ST-6, which lies just within the wetland buffer. This site contains steep slopes and an isolated wetland, which restricts the development envelope. A summary of each removal impact follows.

13 Specimen Trees Within Proposed Roadway, Building Footprint, and Grading

ST-#	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
1	38	Southern red oak	Outside Stand A	Fair	Within proposed roadway, building footprint, and grading	Good
2	41	Southern red oak	Outside Stand A	Good	Within proposed roadway, building footprint, and grading	Good
3	35	White oak	Inside Stand A	Fair	Within proposed roadway, building footprint, and grading	Good/Med.
4	31	Southern red oak	Outside Stand A	Good	Within proposed roadway, building footprint, and grading	Good
5	40	Yellow poplar	Inside Stand A	Poor	Within proposed roadway, building footprint, and grading	Poor

ST-#	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
6	30	Red maple	Inside Stand A	Fair	Within proposed roadway, building footprint, and grading	Good
7	30	Yellow poplar	Inside Stand A	Poor	Grading	Poor
31	37	Yellow poplar	Inside Stand A	Good	Within proposed building footprint and associated grading	Poor
41	30	Sweetgum	Inside Sub-Stand B-1	Good	Within proposed building footprint and associated grading	Good
42	36	White oak	Inside Stand A	Fair	Within proposed roadway, building footprint, and grading.	Good/Med.
43	30	White oak	Inside Stand A	Good	Within proposed building footprints and associated grading	Good/Med.
47	38	White oak	Outside Stand A	Good	Within proposed roadway, building footprint, and grading	Good/Med.
48	34	Silver maple	Outside Stand A	Poor	Within proposed roadway, building footprint, and grading.	Poor

The table above indicates the 13 specimen trees requested for removal for proposed roadways, building footprints, and grading. The species in this area are mostly oak, with poplar, sweetgum, and maple. The condition rating of these trees ranges from poor to good, with roughly half classified in good condition. Both poplars and silver maples have poor construction tolerances with the remainder of the trees having good to medium construction tolerances; however, all species of the included specimen trees have limiting factors for their construction tolerance, specifically if impacts are proposed to the CRZ, or that the species generally have a weak wood structure. These trees are located throughout the site, outside of the steep slope areas. Specimen trees ST-1 and ST-2 are requested for removal for site access. Specimen trees ST-3, ST-4, ST-42, and ST-47 are proposed for removal to adequately provide connectivity throughout the site. Specimen trees ST-31 and ST-43 are proposed for removal to develop lots. Specimen tree ST-48 is proposed for removal for a roadway and for required sidewalk improvements along the Westphalia Road frontage. Specimen trees ST-5 and ST-6 are proposed for removal for utility connections.

Specimen tree ST-7, a yellow poplar in poor condition, appears to be proposed for removal for grading due to its condition. The grade shown in this area on the TCP2 does not impact a significant portion of ST-7's CRZ. While poplars have a poor construction tolerance, this specimen tree is located in an area of proposed reforestation. Thus, this specimen tree could remain, and in the event of decline, could provide additional habitat value.

Specimen tree ST-41 is a sweetgum in good condition. This tree is proposed for removal due to the grading required in the steep slope area for the development of proposed Lot 17. This specimen

tree lies on the edge of the proposed preservation area and could be retained if the grading was revised to reduce the impact to the CRZ.

Staff supports the removal of 11 of the requested 13 specimen trees for site access, roads and site grading, and recommends that Specimen trees 7 and 41 be retained or evaluated with future entitlement reviews.

12 Specimen Trees within Stormwater Management Facility Construction and Grading

ST-#	DBH	Common Name	Location	Rating	Impact	Construction Tolerance
14	36	Southern red oak	Inside Stand A	Fair	SWM facility construction and grading	Good
15	34	White oak	Inside Stand A	Fair	SWM facility construction and grading	Good/Med.
16	30	Yellow poplar	Inside Stand A	Fair	SWM facility construction and grading	Poor
17	30	Yellow poplar	Inside Stand A	Good	SWM facility construction and grading	Poor
18	33	Yellow poplar	Inside Stand A	Good	SWM facility construction and grading	Poor
19	31	Yellow poplar	Inside Stand A	Good	SWM facility construction and grading	Poor
20	39	American beech	Inside Stand A	Fair	SWM facility construction and grading	Poor
21	32	Southern red oak	Inside Stand A	Poor	SWM facility construction and grading	Good
22	38	Yellow poplar	Inside Stand A	Good	SWM facility construction and grading	Poor
44	31	White oak	Inside Stand A	Fair	SWM facility construction and grading	Good/Med.
45	31	Yellow poplar	Inside Stand A	Fair	SWM facility construction and grading	Poor
46	33	Yellow poplar	Inside Stand A	Poor	SWM facility construction and grading	Poor

The table above indicates the specimen trees requested for removal for SWM facility construction and grading. The species in this area are mostly poplar with oak and beech. The condition rating of these trees ranges from poor to good, with half classified in fair condition. Both poplars and beech have poor construction tolerances, with the remaining oaks having good to medium construction tolerances; however, all species of the included specimen trees have limiting factors for their

construction tolerance, specifically if impacts are proposed to the CRZ or that the species generally have a weak wood structure. These trees are located in the central southern portion site, within the steep slope areas. The removal of these specimen trees is proposed for the indicated stormwater feature and associated outfall. Staff supports the removal of these 12 specimen trees for the safe retention and conveyance of stormwater.

In summary of finding A, staff supports the removal of 23 of the proposed 25 specimen trees.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their CRZ, would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for the removal of specimen trees are evaluated in accordance with the requirements of Subtitle 25 and the ETM for site specific conditions. Specimen trees grow to such a large size because they have been left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site.

Based on the location and species of the specimen trees proposed for removal, retaining the trees and avoiding disturbance to the CRZ would have a considerable impact on the development potential of the property. If similar trees were encountered on other sites, they would be evaluated under the same criteria. The proposed residential development is a use that aligns with the uses permitted in the RR Zone. The specimen trees requested for removal are located within the developable parts of the site.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.

Not granting the variance would prevent the project from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other similar developments featured REF and specimen trees in similar conditions and locations, it would be given the same considerations during the review of the required variance application.

(D) The request is not based on conditions or circumstances, which are the result of actions by the applicant.

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The removal of the 23 specimen trees would be the result of the infrastructure and grading required for the development. Poplars have poor construction tolerances. Construction activities while retaining these trees could lead to hazardous conditions. While oaks tend to have medium to good construction tolerances, retention of these trees would require additional grading and further removal of woodlands. All species of the included specimen trees have limiting factors for their construction tolerance, specifically if impacts are proposed to the CRZ, or that the species generally have a weak wood structure. The request to remove the trees is solely based on the trees' locations on the site, their species, and their condition.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

There are no existing conditions relating to land or building uses on the site, or on neighboring properties, which have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size based on natural conditions, and were not impacted by any neighboring land or building uses.

(F) Granting of the variance will not adversely affect water quality.

Granting this variance request will not violate State water quality standards, nor cause measurable degradation in water quality. Requirements regarding the SWM concept will be reviewed and approved by the Department of Permitting, Inspections and Enforcement (DPIE). Erosion and sediment control requirements are reviewed and approved by the Soil Conservation District (SCD). Both SWM and sediment and erosion control requirements are to be met in conformance with state and local laws to ensure that the quality of water leaving the site meets the state's standards. State standards are set to ensure that no degradation occurs.

Conclusion on the Variance Request

The required findings of Section 25-119(d) were adequately addressed for the removal of 23 specimen trees, identified as ST-1 through ST-6, ST-14 through ST-22, ST-31, and ST-42 through ST-48. The TCP1 shows the location of the trees proposed for removal, however some labels are obscured under other layers and should be brought forward. Staff recommends that the Planning Board approve the requested variance for the removal of 23 specimen trees for the construction of a residential development, and recommends that Specimen trees 7 and 41 be retained or evaluated with future entitlement reviews.

Preservation of Regulated Environmental Features/Primary Management Area

Section 24-130(b)(5) of the prior Subdivision Ordinance states: "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 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."

No areas of PMA are located on this property, based on the approved NRI plan; however, REF are located on-site. The applicant has submitted a statement of justification for impacts to REF dated March 9, 2023. A summary of the proposed impact follows.

Impact 1: WSSC Sanitary Sewer Connection

Impact 1 proposes 998 square feet (0.02 acres) of impact to the on-site wetland buffer for connection, installation, and associated grading for a sanitary sewer line. This proposed impact is for a utility connection and is supported as proposed.

Soils

The predominant soils found to occur, according to the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Beltsville-Urban land complex, Grosstown gravelly silt loam, Marr-Dodon complex, Matapeake silt loam, and Marr-Dodon-Urban land complex. No unsafe soils containing Marlboro clay or Christiana complexes have been identified on or within the immediate vicinity of this property. The Department of Permitting, Inspections and Enforcement may require a geotechnical report at later stages of review, prior to permit.

Stormwater Management

An approved SWM plan (53735-2021-00) was submitted with this application. The approved plan shows the use of a submerged gravel wetland and an infiltration trench to meet the stormwater requirements for the site. This plan was approved March 10, 2023, and expires March 10, 2026.

SUMMARY OF RECOMMENDED FINDINGS AND CONDITIONS

The EPS has completed the review of SE-4856, and recommends approval, subject to the following findings and conditions:

Required Findings

1. The required findings of Section 25-119(d) were adequately addressed for the removal of 23 specimen trees, identified as ST-1 through ST-6, ST-14 through ST-22, ST-31, and ST-42 through ST-48. Staff supports the removal of specimen trees ST-1 through ST-6, ST-14 through ST-22, ST-31, and ST-42 through ST-48. Specimen trees ST-7 and ST-41 are recommended to be retained.

Based on the level of design information currently available, the limits of disturbance shown on the TCP2, and the impact exhibits provided, the regulated environmental features (REF) on the subject property were preserved and/or restored to the fullest extent possible. The necessary impact is to connect to a WSSC sanitary sewer. Staff supports this impact.

Required Conditions

1. Prior to signature approval of the special exception, the TCP2 shall be revised as follows:
 - a. Revise the plan to meet the woodland conservation threshold on-site.
 - b. Clearly show specimen trees and specimen tree labels.
2. Prior to the certification of the TCP2 for this site, documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section (EPS) 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 recorded in the Prince George’s County Land Records at Liber ____ Folio ____ . Revisions to this TCP2 may require a revision to the recorded easement.”


3. Prior to the issuance of any permits, which impact wetlands, wetland buffers, and streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions were complied with, and associated mitigation plans.
4. 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 Planning Board with SE-4856 for the removal of specimen trees ST-1 through ST-6, ST-14 through ST-22, ST-31, and ST-42 through ST-48."

March 27, 2023

MEMORANDUM

TO: Dominique Lockhart, Subdivision Section, Development Review Division

FROM: Benjamin Ryan, Transportation Planning Section, Countywide Planning Division


VIA:  Crystal Saunders Hancock, Transportation Planning Section, Countywide Planning Division

SUBJECT: **SE-4856: Alexander Landing**

Proposal:

The subject special exception application proposes the development of 61 single-family attached dwelling units for the elderly. The property is located along Westphalia Road, east of its intersection with Rock Spring Drive. The Special Exception application is subject to and was reviewed using the standards of Section 27 of the prior Zoning Ordinance.

Prior Conditions of Approval:

There are no prior conditions of approval on the subject property.

Master Plan Compliance

This application is subject to 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*.

Master Plan Roads

The subject property fronts Westphalia Road (MPOT Route ID #C-626) along its northern border. The MPOT recommends this portion of Westphalia Road as a 2-4 lane collector roadway constructed within 80 feet of right-of-way. The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* recommends similar improvements. No additional right-of-way dedication is sought with the subject application.

Master Plan Pedestrian and Bike Facilities

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) recommends the following facilities:

Planned Side Path: Westphalia Road

The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets

element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling.

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

Comment: The applicant's original submission included both an 8-foot-wide shared-use path as well as a bicycle lane along the subject property's frontage on Westphalia Road. The applicant has noted that the bicycle lane was made in error and has removed the notation from the plans. Staff supports this design feature. However, the site's frontage is a planned side path per the MPOT. As such, staff requests the applicant update plans to remove the 8-foot-wide shared-use path and provide a 10-12-foot-wide side path along the site's frontage, subject to modification by DPW&T with written correspondence. A 10-12-foot-wide side path is consistent with MPOT policies as well as the 2012 American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities and provides sufficient width for bicyclists and pedestrians to adequately use the facility.

Transportation Planning Review:

Zoning Ordinance Compliance

Section 27-317 of the Prince George's County Zoning Ordinance (Ordinance) details the required findings for a special exception. For transportation review, Section 27-317 (a) (3) is copied and analyzed below:

(a) A special exception may be permitted if:

(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.

Comment: Staff finds that the proposed plan with the recommended facilities does not impair the ability to make transportation-related recommendations that are supported by an approved Master Plan or Functional Master Plan. In this case, staff recommends an upgraded side path of 10-12 feet wide, which is supported by the MPOT policy.

The current configuration of the site allows for one point of vehicle access along Westphalia Road. Per the approved transportation scoping agreement, traffic counts at the intersection of Westphalia Road and Rock Spring Drive are required to determine adequacy. Staff and the applicant are in agreement that further analysis related to vehicular adequacy will be examined at the time of the Preliminary Plan of Subdivision (PPS). The applicant has also provided a fire access plan, which

demonstrates that a fire truck has sufficient room to safely navigate through the development.

Lastly, regarding pedestrian circulation and facilities, an 8-foot-wide shared-use path is displayed along the site's frontage of Westphalia Road. As discussed above, the staff is requesting the applicant update this facility to a width of 10-12 feet wide. Sidewalks are provided throughout the development, providing pedestrian access throughout. Crosswalks have been provided where sidewalk facilities are interrupted. A 10-foot-wide trail has been provided surrounding the SWM facility to the rear of the development, which also leads to Westphalia Park, located to the southeast of the project site. Bicycle parking has been provided in the pavilion area. Staff supports the proposed bicycle and pedestrian facilities associated with the subject application and will further examine them for adequacy at the PPS stage of development.

Conclusion:

Overall, from the standpoint of The Transportation Planning Section it is determined that this plan is acceptable if the following conditions are met:

1. The applicant and the applicant's heirs, successors, and/or assigns shall construct the following facilities and show these facilities on a pedestrian and bikeway facilities plan as part of the preliminary plan of subdivision prior to its acceptance:
 - a. A 10-12-foot-wide side path along the site's frontage, subject to modification by DPW&T with written correspondence.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 14741 Governor Oden Bowie Drive
 Upper Marlboro, Maryland 20772

DATE: March 24, 2023
TO: Suzann King, Acting Planning Director
VIA: Jill Kosack, Chair, Alternative Compliance Committee
FROM: Andrew Shelly, Alternative Compliance Committee Member AS
PROJECT NAME: Alexander Landing
PROJECT NUMBER: Alternative Compliance AC-23002
COMPANION CASE: Special Exception SE-4856

ALTERNATIVE COMPLIANCE

Recommendation: Approval Denial

Justification: SEE ATTACHED

Andrew Shelly
Andrew Shelly
 Reviewer's Signature

PLANNING DIRECTOR'S REVIEW

Final Decision Approval Denial

Recommendation Approval Denial

To Planning Board

To Zoning Hearing Examiner

Planning Director's Signature *Derek Berg* 3-30-23
 Date

APPEAL OF PLANNING DIRECTOR'S DECISION

Appeal Filed:

Planning Board Hearing Date:

Planning Board Decision: Approval Denial

Resolution Number:

Alternative Compliance: AC-23002
 Name of Project: Alexander Landing
 Companion Case: Special Exception SE-4856
 Date: March 24, 2023

Alternative compliance is requested from the requirements of Section 4.6-1, Buffering Residential Development from Streets, and Section 4.6-2, Buffering Development from Special Roadways, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), along the subject property's frontage on Westphalia Road, a historic collector road.

Location

The subject property is located approximately 300 feet east of the intersection of Rock Spring Drive and Westphalia Road, in the Residential, Rural Zone. The property borders Westphalia Road to the north, existing single-family detached residential dwellings to the east, an existing park to the southeast, vacant residentially zoned land to the south, and vacant commercially zoned land to the west. The property consists of approximately 10 acres, with one existing single-family-detached dwelling unit.

The property is located within the geography previously designated as the Developing Tier, of the 2014 *Plan Prince George's 2035 Approved General Plan*, as found in Prince George's County Planning Board Resolution No. 14-10 (see Prince George's County Council Resolution CR-26-2014).

Background

Special Exception SE-4856 seeks approval of 61 one-family attached dwellings for the elderly. The applicant requests alternative compliance from Section 4.6(c)(1)(A)(ii), Buffering Residential Development from Streets, of the Landscape Manual, from the required minimum width of the landscape buffer, and Section 4.6(c)(2)(A)(ii), Buffering Development from Special Roadways, from the required number of plant units within the landscape buffer. The applicant seeks relief as follows:

Section 4.6(c)(1)(A)(ii). Buffering Residential Development from Streets

Upon further review, the Alternative Compliance Committee found the applicant does not require alternative compliance for Section 4.6(c)(1)(A)(ii), as the applicant did not include the 10-foot public utility easement (PUE) width in the provided buffer width. The Alternative Compliance Committee finds that, with this width included, the buffer width would be approximately 38.8 feet, which meets the required minimum 35-foot-wide buffer. The Alternative Compliance Committee has provided a condition in the Recommendation section, to revise the plans demonstrating that Section 4.6(c)(1)(A)(ii) is in compliance with the Landscape Manual.

Section 4.6(c)(2)(A)(ii). Buffering Residential Development from Streets

REQUIRED: Section 4.6(c)(2)(A)(ii). Buffering Development from Special Roadways, along Westphalia Road

Linear feet of frontage, not including driveway entrances	698 linear feet
Minimum required buffer width	20 feet
Number of plant units required	559 plant units

PROVIDED: Section 4.6(c)(2)(A)(ii), Buffering Development from Special Roadways, Along Westphalia Road

Linear feet of frontage, not including driveway entrances	698 linear feet
Provided buffer width	10-20 feet
Number of plant units provided	343 plant units

Justification of Recommendation

The applicant requests alternative compliance from the requirements of Section 4.6(c)(2)(A)(ii), Buffering Development from Special Roadways, which requires a minimum 20-foot-wide buffer to be planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings. As detailed above, the subject property meets the required buffer width of 20 feet for the entire 698 linear feet of frontage, except for two 48-foot-wide sections where there are terminuses of private roads and proposed utility easements. The applicant states the buffer width is only 10 feet for the entire frontage, but the correct minimum buffer width is 20 feet for the majority of the frontage, as the applicant is able to include the width of the PUE, which is 10 feet. A condition is included in the Recommendation section, to revise the minimum provided width on the Section 4.6-2 schedule accordingly. The applicant provides approximately 61 percent of the 559 required plant units, or 343 units.

This special exception meets all other requirements of Section 4.6, apart from the required 559 plant units and the width for the two short sections. The applicant can only provide plantings in 10 feet of the buffer width, as the remaining 10 feet is within the PUE. The applicant proposes an alternative design element, with a 3-foot-high brick masonry wall, which runs parallel to all proposed lots, except for the two 48-foot-wide private rights-of-way. A condition is included in the Recommendation section, to revise the proposed site detail of the brick masonry wall to correctly demonstrate the height and material of the wall. The applicant proposes providing 343 plant units, which consist of 19 shade trees and 153 shrubs. A condition is included in the Recommendation section, to provide additional evergreen or ornamental tree plantings on the back side of the proposed 3-foot-high brick masonry wall, in between the shade trees. These additional plantings will enhance the viewshed along Westphalia Road and move the plan closer to meeting the plant unit requirement.

The Alternative Compliance Committee finds the proposal equally effective as normal compliance with Section 4.6(c)(2)(A)(ii), Buffering Development from Special Roadways, subject to three conditions included herein. The applicant provides a 3-foot-high brick masonry wall and has been conditioned to provide additional evergreen and ornamental trees, which will increase the number of plant units and provide an enhanced streetscape along Westphalia Road, which will help achieve the purposes of Section 4.6.

Recommendation

The Alternative Compliance Committee recommends APPROVAL of Alternative Compliance AC-23002, from the 2010 *Prince George's County Landscape Manual* for Section 4.6(c)(2)(A)(ii), Buffering Development from Special Roadways, along Westphalia Road, subject to the following condition:

1. Prior to signature approval of the special exception, the following shall be revised:

- a. Provide additional ornamental and evergreen tree plantings on the back side of the proposed brick masonry wall, in between the shade trees, as space allows.
- b. Adjust the detail for the 3-foot-high brick masonry wall to correctly demonstrate the height and brick material.
- c. 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 4.6-1.

Additional Back-up

For

SE-4856

Alexander Property

PGCPB Agenda: 4/20/23
PGCPB Item #: #4D
Application: Alexander Landing, SE-4856
Reviewer Name: Dominique Lockhart

APPLICANT’S EXHIBIT A
PROPOSED REVISIONS TO STAFF REPORT

The Applicant proposes all new language **bold underlined in blue** and all deleted language *italicized stricken-through in red*.

FINDINGS

* * * * *

6. Required Findings: This application, to permit an elderly housing (one-family attached dwellings) use through a special exception, is being reviewed in accordance with the prior Zoning Ordinance, pursuant to Section 27-1900 of the Zoning Ordinance. The analysis of all required findings for approval are provided below.

General Special Exception Findings – Section 27-317(a) provides the following:

(a) A Special Exception may be approved if:

* * * * *

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan; and

Type 2 Tree Conservation Plan TCP2-006-2023 was submitted with this application and shows a total of 4.78 acres of woodland on-site and clearing of 3.88 acres of woodland. The threshold, as established by the R-R Zone, is 20 percent, or 2 acres. Based on the proposed clearing, a total woodland conservation requirement of 4.90 acres is required. The applicant **proposes to meet** this requirement with 0.90 acre of on-site preservation, 0.13 acre of on-site reforestation, and 3.87 acres of off-site credits. *To find conformance with the Westphalia Sector Plan and SMA and the 2017 Countywide Green Infrastructure Plan of the Approved Prince George’s County Resource Conservation Plan: A Countywide Functional Master Plan (Green Infrastructure Plan), a condition has been included in the Recommendation section, requiring the applicant to revise the TCP2 to meet the 20 percent threshold on-site.*

* * * * *

11. Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO): A tree conservation plan was required with this application, which shows that 4.90 acres of the required woodland conservation requirement will be met as 0.90 acre of woodland preservation, 0.13 acre of reforestation, and 3.87 acres of off-site credits. *To the greatest extent possible, the woodland conservation threshold shall be met on-site through the preservation of existing woodland.*

* * * * *

13. **Referral Comments:** The following referrals were received and are incorporated herein by reference. All the comments are addressed on the site plan, or as part of this technical staff report:

* * * * *

a. **Prince George’s County Fire/EMS Department** – In an email dated February 1, 2023 (Reilly to Lockhart), the Fire/EMS Department had no compliance comments. However, it was noted that, due to the 22-foot-wide private roads, no on-street parking will be allowed, other than the ~~four provided spaces adjacent to the amenity lot 21~~ provided spaces where extra width for parking has been provided. In addition, fire lane markings will be required, prior to occupancy.

* * * * *

j. **Environmental Planning Section** – In a memorandum dated ~~March 22, 2023~~ updated referral memo date, 2023(Kirchhoff to Lockhart), the Environmental Planning Section (EPS) provided an analysis of the subject application.

The site has an approved Natural Resources Inventory (NRI-005-2022), and no further information is required for the NRI regarding existing site conditions.

Based on the proposed clearing, a total woodland conservation requirement of 4.90 acres is required. ~~To find conformance with the Westphalia Sector Plan and SMA and the Green Infrastructure Plan, the applicant shall revise the TCP2 to meet the 20 percent threshold on-site.~~ The applicant meets this requirement with 0.90 acre of on-site preservation, 0.13 acre of on-site reforestation, and 3.87 acres off-site credits.

The required findings of Section 25-119(d) of the WCO were adequately addressed for the removal of 23 specimen trees, identified as Specimen Trees 1 through 6, 14 through 22, 31, and 42 through 48. EPS recommends that the Planning Board approve the requested variance for the removal of 23 specimen trees, for construction of a residential development and that ST-7 and ST-41 be retained and evaluated further with future entitlement reviews.

* * * * *

RECOMMENDATION

Based on the applicant’s statement of justification, the analysis contained in the technical staff report, associated referrals, and materials in the record, the applicant has demonstrated conformance with the required special exception findings, as set forth in Section 27-317 (in general) and Section 27-352.01 (elderly housing – one-family attached dwellings) of the prior Prince George’s County Zoning Ordinance. Staff find that the proposed application satisfies the requirements for approval and that the application will be in conformance with the Zoning Ordinance requirements.

Therefore, staff recommend APPROVAL of Special Exception SE-4856, a Variance from Section 25-122(b)(1)(G), Alternative Compliance AC-23002, and Type 2 Tree Conservation Plan TCP2-006-2023, for Alexander Landing, 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.~~ ~~*Due to the 22-foot-wide private roads, no on-street parking will be allowed, other than the four provided spaces adjacent to the amenity lot.*~~

a. **Due to the 22-foot-wide private roads, no on-street parking will be allowed other than the 21 provided spaces where extra width for parking has been provided.**

b. **The Applicant has proffered the following Conditions regarding representative architecture on the approved special exception site plan:**

~~b.~~ **(1)** 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.~~ **(2)** 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.~~ **(3)** 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.~~ **(4)** 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.”

~~f.~~ **c.** Provide additional ornamental and evergreen tree plantings on the backside of the proposed brick masonry wall, in between the shade trees, as space allows.

~~g.~~ **d.** Adjust the detail for the 3-foot-high brick masonry wall to correctly demonstrate the height and brick material.

~~h.~~ **e.** 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).

~~i.~~ **f.** The Type 2 tree conservation plan (TCP2) shall be revised, as follows:

~~(1)~~ ~~*Revise the plan to meet the woodland conservation threshold on-site.*~~

~~(2)~~ **(1)** Clearly show specimen trees and specimen tree labels.

~~(3)~~ **(2)** 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.”

~~(4)~~ (3) Prior to issuance of any permit which impacts wetlands, wetland buffers, and streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions were complied with, and associated mitigation plans.

~~(5)~~ (4) 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 Planning Board with SE-4856, for the removal of Specimen Trees 1 through 6, 14 through 22, 31, and 42 through 48.”

2. At the time of preliminary plan of subdivision, the applicant shall:

- a. 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.
- b. All bearings and distances shall be correctly labeled on the special exception site plan and shall be consistent with the record plat.

3. The following conditions shall be applicable for all work conducted within Maryland National Capital Park and Planning Commission (M-NCPPC) 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 Square 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 M-NCPPC.
 - (3) Stabilization of all disturbed areas; for existing grassed areas, a live, uniform, stand of grass is required for acceptance, upon completion of work.

PGCPB Agenda: 4/20/23
PGCPB Item #: #4D
Application: Alexander Landing, SE-4856
Reviewer Name: Dominique Lockhart

APPLICANT’S EXHIBIT B
DEMONSTRATION OF COMPLIANCE WITH WOODLAND
CONSERVATION ORDINANCE

I. PROPERTY & APPLICATION OVERVIEW

The Applicant hereby submits this Exhibit to demonstrate Special Exception SE-4856’s compliance with the Prince George’s County Woodland Conservation Ordinance (“WCO”) on approximately 10.00 acres of land on the south side of Westphalia Road approximately 300 feet east of its intersection with D’Arcy Road (“Subject Property” or “Property”). The Property is located in an unincorporated area of the County, and shown as Parcel 48 on Prince George’s County Tax Map 82, Grid E4 and Tax Map 90, Grid E1, subject to Site Development Concept Plan No. SDCP-53735-2021-00 and Natural Resources Inventory NRI-005-2022. This Exhibit is being filed in conjunction with SE-4856 for the proposed use as one-family attached dwellings for the elderly. The Subject Property is proposed to be improved with up to 61 one-family attached dwelling units for the elderly. The existing Property is largely undeveloped and contains one single family dwelling with a gravel drive. Development proposed for the site includes the subdivision of the Subject Property into 61 lots, HOA parcels, installation of necessary utilities, roadways, parking, and stormwater management facilities.

Pursuant to the April 6, 2023, M-NCPPC Staff Report for SE-4856, Development Review and Environmental Staff recommend approval of Type 2 Tree Conservation Plan TCP2-006-2023 with conditions, Applicant’s Variance Request to Section 25-122(b)(1)(G), and demonstrate that the subject property will be preserved and/or restored to the fullest extent possible pursuant to Section 24-130(b)(5). The analysis provided below establishes SE-4856’s compliance with the applicable requirements of the WCO.

II. CONFORMANCE WITH APPLICABLE CODE: §25-121

As analyzed below, SE-4856’s satisfies the applicable requirements of the WCO:

Type 2 Tree Conservation Plan TCP2-006-2023 was submitted with SE-4856 and shows a total of 4.78 acres of existing woodland on-site and clearing of 3.88 acres of woodland. The threshold, as established by the prior R-R Zone, is 20 percent, or 2 acres. Based on the proposed clearing, a total woodland conservation requirement of 4.90 acres is required. The Applicant meets this requirement with 0.90 acre of on-site preservation, 0.13 acre of on-site reforestation, and 3.87 acres of off-site credits.

The prior R-R Zone's 20 percent threshold is not met on-site due to the Property being impacted by unique environmental conditions (i.e., steep slopes and wetlands) and topographical constraints that restrict the developable area of the Property. The unique topographical conditions will necessitate significant grading operations in order to meet the required development standards. There is significant topographic relief from the road frontage down the rear of the site, with thirty (30) to forty (40) feet of vertical fall from the central areas of the site to the southern and eastern edges. This is worsened by the unique shape of the parcel, where the most topographic fall occurs across the narrowest sections of the parcel. This leaves less space to provide topographic relief over a longer horizontal distance, further constraining the ability to limit grading operations across the site.

The significant vertical fall across the Property makes it necessary to grade the majority of the site in order to tie into the existing grades while also complying with development and design standards (such as the maximum allowable slopes in roadways, lots, stormwater facility embankments, etc.). High areas near the center of the property will need to be lowered to provide more gradual slopes across the site that comply with development standards for proposed streets, driveways, and buildings. Proposed stormwater management must be located at the lowest point of the site, and the proposed location is the only viable solution. The required grading operations needed due to the unique topographical conditions of the site, as described above, limit the viable locations for on-site woodland conservation.

In coordination with M-NCPPC Development Review and Environmental Planning Staff, the Applicant adjusted the site layout to increase the amount of on-site woodland conservation provided to the greatest extent practicable while also complying with development standards and stormwater management requirements. Per the recommendations provided by Environmental Planning Staff, the site layout was revised to prioritize the preservation of contiguous wooded areas and specimen trees located along the steep slopes on the southwest corner of the Property, in accordance with the priorities for woodland conservation identified in § 25-121(b). Priority was given to avoiding impacts to specimen trees located in existing forest conservation areas on the adjacent properties to maintain continuity in conservation, and onsite forest conservation is proposed in the southwest corner of the site adjacent to the existing offsite forest conservation areas.

These changes to the site layout resulted in a reduction of the number of viable dwelling units in an effort to comply with § 25-121(b) and recommendations and priorities identified by the Environmental Planning Staff. Based on subsequent coordination with M-NCPPC Development Review and Environmental Planning Staff, with the revisions made, the site layout presents a level of on-site preservation that is supported by Environmental Planning and SE-4856 complies with the applicable requirements of the WCO.

III. CONCLUSION

For all of the above-stated reasons, the Applicant submits this Exhibit to demonstrate that the subject application proposes a level of on-site preservation that is supported by Environmental Planning and SE-4856 complies with the applicable requirements of the WCO.