

Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772

March 1, 2023

Re: Stewart Property
Special Exception Site Plan No. 22002
Request for Alternative Compliance

Dear Park and Planning:

On behalf of our client, ESC 8215 Springfield L.C., we hereby request Alternative Compliance for Landscape Manual Section 4.6 ("Buffering Development from Streets") and Section 4.10 ("Street Trees Along Private Streets") requirements for the property identified as Parcel 131 (the "Property") pursuant to Section 27-239.01 of the Prince George's County Code and Section 1.3 of the Prince George's County Landscape Manual.

I. Background Information:

Due to several site conditions shown on the Special Exception Site Plan and Landscape and Lighting Plan, the project is not able to meet the minimum buffering requirements from streets or the minimum street trees along private streets requirements per Sections 4.6 and 4.10, respectively, of the Landscape Manual. Charles P. Johnson & Associates (CPJ) hereby requests an Alternative Compliance for the Property on behalf of the client, ESC 8215 Springfield L.C., in connection with the coordinated review of the Special Exception Site Plan.

The Property is located southeast of the intersection of Springfield Road and Lake Glen Drive. The subject Special Exception application is for fifty-seven (57) single-family attached homes along private streets.

II. Reasons for Alternative Compliance Request:

As noted in the county Landscape Manual, Schedule 4.6 requires providing an attractive view of the development from streets and special roadways by buffering the development with landscaping, more specifically, buffering the rear yards and the lowest story of rear exterior walls from the view of any street.

As noted on Landscape Manual Schedule 4.6-1 shown on the Landscape and Lighting Plan, the minimum width of the required buffer is 35 feet, the minimum number of shade trees required is approximately 9, the minimum number of evergreen trees required is approximately 27, and the minimum number of shrubs required is approximately 45. This schedule applies to 2 proposed lots (lots 1 and 46). Although the minimum number of required plants is met and exceeded, the proposed plan provides a minimum buffer width of approximately 20 feet at the narrowest points, therefore not meeting the minimum requirement. The narrowest points only occur at two locations – the corners of lots 1 and 46. All other points meet the minimum required buffer width of 35 feet. In response, the lots in question will be heavily screened from Springfield Road with shade trees, evergreen trees, and shrubs. In addition, a 6-foot-high fence will be provided in the bufferyard for additional screening, privacy, and aesthetics.

BUFFERING RESIDENTIAL DEVELOPMENTS FROM STREETS (SCHEDULE 4.6-1)		
1) Number of streets adjacent to rear yard:	<u>1</u>	street(s)
2) Type of street adjacent to rear yard:	<u>Collector</u>	
3) Linear feet of street frontage toward which rear yard is oriented, not including driveway openings:	<u>228</u>	linear feet
4) Minimum width of required buffer:	<u>35</u>	feet
5) Minimum width of provided buffer:	<u>20.6</u>	feet
6) Percentage of required buffer strip occupied by existing trees:	<u>0</u>	%
7) Invasive species in the buffer area:	<u> </u>	yes <u> </u> <u>X</u> no
8) Six (6) foot high fence or wall included in bufferyard:	<u>X</u>	yes <u> </u> <u> </u> no
9) Number of plants required:	<u>9.1</u>	shade trees
	<u>27.4</u>	evergreen trees
	<u>45.7</u>	shrubs
10) Total number of plants provided:	<u>10</u>	shade trees
	<u>28</u>	evergreen trees
	<u>77</u>	shrubs

As noted on Landscape Manual Schedule 4.10-1 shown on the Landscape and Lighting Plan (submitted with Special Exception Plan No. 22002), the number of street trees required along 1,764 LF of frontage (at 1 tree per 35 LF) is 51 trees. Per the schedule, the number of street trees proposed is 29, therefore not meeting the minimum requirement. In the attempt to provide as many street trees as possible, not every tree is able to be placed a minimum of 10 feet from the point of curvature of a residential driveway.

The number of street trees that can be installed along the private streets at Stewart Property is constrained by several conditions.

- 1) Driveways for front loaded single-family attached villas: The space between the driveways at many locations is not wide enough to fit streets trees that are also required to be 10 feet from the point of curvature of residential driveways.
- 2) Intersections: Per Section 4.10-1, street trees cannot be installed within 35 feet from the point of curvature of an intersection. The project has several short blocks and intersections which limits the amount of street frontage available for street trees.
- 3) Utility conflicts: Many areas of street frontage are unavailable for proposed street tree installation due to conflicts with underground utilities such as storm drainage infrastructure, water service, sewers, and the public utility easements. Additional aboveground utility conflicts include street light poles and hydrants. Wherever possible, utility conflicts have been minimized to increase the number of street trees.

Additionally, spacing guidelines and best practices for shade and ornamental street trees limit how many trees can be installed in the space between the curb and sidewalk to an average of 30 feet on center.

STREET TREES ALONG PRIVATE STREETS (SCHEDULE 4.10-1)			
1) Number of street trees required (1 tree per 35 linear feet of frontage excluding driveway openings):	<u>51</u>	street trees	
2) Number of street trees provided:	<u>29</u>	street trees	
3) If ornamental trees are used, are they spaced on average 30 feet on center? (Ornamental trees may only be used where overhead wires prohibit the planting of shade trees.)	<u>N/A</u>	yes	<u>N/A</u> no
4) Are street trees located a minimum of 35 feet from the point of curvature of an intersection?	<u>X</u>	yes	no
5) Are street trees located a minimum of 10 feet from the point of curvature of a residential driveway?		yes	<u>X</u> no
6) Are street trees located a minimum of 20 feet from the point of curvature of commercial driveway entrances?	<u>N/A</u>	yes	<u>N/A</u> no
7) Are street trees located between the sidewalk and face of curb in a space no less than 5 feet wide?	<u>X</u>	yes	no
8) Are street trees located a minimum of 15 feet from street light poles?	<u>X</u>	yes	no
9) Are street trees located a minimum of 10 feet from water meters?	<u>X</u>	yes	no
10) Are street trees located a minimum of 10 feet from storm drain inlets, hydrants, or manholes?	<u>X</u>	yes	no
11) Area of soil surface required (minimum of 150 square feet for isolated trees and a minimum of 120 square feet for continuous landscape strips):	<u>4,110</u>	square feet	
12) Minimum area of soil surface provided:	<u>4,110</u>	square feet	

III. Alternative Compliance

Where utility conflicts, driveways, and intersections restrict the potential locations for street trees, every effort has been made to propose large shade trees near the street, but outside of the right-of-way, in order to shade sidewalks and on-street parking, enhance street aesthetics, and achieve many of the same benefits as street trees within the right-of-way. Every effort has also been made to propose shade, ornamental, and evergreen trees on-lot and on HOA parcels wherever feasible so that Landscape Manual Section 4.1-2 (“Residential Requirements for Townhouses, One-Family Semi-Detached, and Two-Family Dwellings Arranged Horizontally”) are met and exceeded (as shown on the Landscape and Lighting Plan). Additionally, the proposed tree planting and on-site woodland conservation exceeds the required Tree Canopy Coverage by approximately 5,700 square feet.

IV. Conclusion:

For the above reasons, the applicant respectfully requests that Park and Planning APPROVE this request for Alternative Compliance.

Sincerely,



Amy Sommer,

Charles P. Johnson Associates

STATE ETHICS COMMISSION
45 CALVERT STREET, 3RD FLOOR
ANNAPOLIS, MD 21401
410-260-7770
1-877-669-6085

This Form Is To Be Filed With:
CLERK OF THE COUNTY COUNCIL
COUNTY ADMINISTRATION BUILDING
ROOM 2198
UPPER MARLBORO, MD 20772
301-952-3600

Individual Applicant Affidavit (Form PG 1)

General Information

The Prince George's County land use ethics law (General Provisions Article, §§ 5-833 to 5-839, Annotated Code of Maryland) ("Public Ethics Law") requires applicants to file this affidavit with applications filed with the District Council. This form should be submitted only by an individual who is: (i) a title owner or contract purchaser of land that is the subject of an application; (ii) a trustee who holds an interest in land that is the subject of an application, excluding a trustee described in a mortgage or deed of trust; or (iii) a holder of at least a 5% interest in a business entity that has an interest in the land that is the subject of an application, provided the individual has substantive involvement in directing the affairs of the business entity regarding the disposition of the land, or is engaged in substantive activities specifically pertaining to land development in Prince George's County as a regular part of the business entity's business activities. **In short, this form should be used whenever an individual, rather than a business entity¹, is required to file an affidavit as part of an application. All other applicants should file the Business Entity Applicant Affidavit (Form PG 2).**

In completing this form, you should also review §§ 5-833 to 5-839 of the Public Ethics Law. These provisions of the Public Ethics Law include the affidavit requirement, define applicants and agents, set out District Council member disqualification requirements, and specify ex parte disclosure procedures. Please note that a single application may result in the filing of one or more affidavits. For example, if the application involves a partnership, one or more partners may be required to file. As another example, if the applicant filer has a corporate interest attributable to him making the corporation also an applicant, then the corporation must file a Business Entity Applicant Affidavit. You may direct questions about the affidavit or other requirements of the Law to the State Ethics Commission office by phone, at 410-260-7770, or in writing, to the State Ethics Commission at the above address. Copies of the Public Ethics Law may be obtained at the Commission's website <http://ethics.maryland.gov/public-ethics-law/>. Additionally, there is a Special Ethics Law Memo on the Prince George's County land use ethics law at <http://ethics.maryland.gov/download/local-gov/local-gov-forms/PG%20County%20Zoning%20Memo.pdf> that contains additional filing information, including timing requirements.

Filing Deadline

You must file a signed original of this affidavit with the Clerk of the County Council no later than 30 days prior to the District Council's consideration of the application. You should file a supplemental affidavit as expeditiously as possible whenever a payment/contribution is made after the filing of the original affidavit and prior to the Council's consideration. Please note that under §5-835(a) of the Public Ethics Law, payments/contributions during the pendency of an application are generally prohibited.

Identifying Information

Name of Applicant David D. Flanagan Case No. (where applicable) SE-22002

Address of Applicant 1355 Beverly Road, Suite 240, McLean, VA 22101

Identity of the Property/
Subject of Application

9401 Westphalia Rd, Upper Marlboro, MD 20774 Type of Application Special Exception
(see §5-833(d))

¹Section 5-833 of the Public Ethics Law defines a business entity as a corporation, a general partnership, a joint venture, a limited liability company, a limited partnership or a sole proprietorship.

Applicant Payment/Contribution to Member Information (check or complete applicable blanks)

1. Was a payment/contribution made by the applicant to a treasurer or a continuing committee, either directly or through a political action committee (PAC), during the 36 months before the application filing or during the pendency of the application? ___ Yes X No

If the answer to #1 is yes, list below the name of the member or members and the date or dates of the payment/contribution:

<u>Name of Member</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____
_____	_____

If the payment/contribution above was through a PAC, identify the PAC and the date of the transfer to the treasurer or continuing committee:

_____	_____
_____	_____

Solicitation and other Payment/Contribution Information

2. Did the applicant solicit a person or business entity to make a payment/contribution to a member during the 36 months before the application filing or during the pendency of the application? ___ Yes X No

If the answer to #2 above is yes, and a payment/contribution was made, list below the name of the member or members, the date or dates of the payment/contribution, and the name of the contributor:

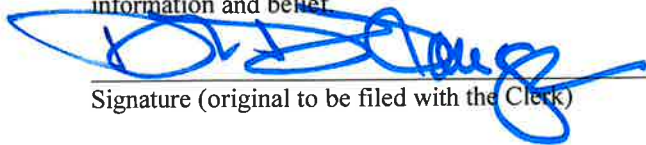
<u>Name of Member</u>	<u>Date</u>	<u>Name of Contributor</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. Did a member of the applicant's household make a payment/contribution to a member during the 36 months before the application filing or during the pendency of the application? ___ Yes X No

If the answer to #3 above is yes, list below the name of the member or members, the date or dates of the payment/contribution, and the name of the household member who made the contribution/payment:

<u>Name of Member</u>	<u>Date</u>	<u>Name of Contributor</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby make oath or affirmation that the contents of this affidavit are true and correct to the best of my knowledge, information and belief



Signature (original to be filed with the Clerk)

11/27/2023

Date

David D. Flanagan
Printed Name of Signer

Title of Signer (if applicable)

STATE ETHICS COMMISSION
45 CALVERT STREET, 3RD FLOOR
ANNAPOLIS, MD 21401
410-260-7770
1-877-669-6085

This Form Is To Be Filed With:
CLERK OF THE COUNTY COUNCIL
COUNTY ADMINISTRATION BUILDING
ROOM 2198
UPPER MARLBORO, MD 20772
301-952-3600

Business Entity¹ Affidavit
(Form PG 2)

General Information

The Prince George's County land use ethics law (General Provisions Article, §§ 5-833 to 5-839, Annotated Code of Maryland) ("Public Ethics Law") requires this affidavit to be filed where a business entity is deemed to be an applicant in an application filed with the District Council. This can occur, for example, when a business entity is a title owner or contract purchaser of land that is the subject of an application, a trustee having an interest in the land (except those described in a mortgage or deed of trust), or the holder of 5 percent or more interest in an entity having an interest in the land (provided that it has substantive involvement in the disposition of the land, or substantive activities pertaining specifically to land development in Prince George's County). Applicant can also include a business entity in which a 5 percent or greater interest is held by another applicant.

In completing this form, you should also review §§ 5-833 to 5-839 of the Public Ethics Law. These provisions include the affidavit requirement, define applicants and agents, set out District Council member disqualification requirements, and specify ex parte disclosure procedures. Please note that there may be situations where there is more than one applicant involved, requiring one or more submissions of this form (or Form PG 1 Individual Applicant Affidavit). You may direct questions about the affidavit or other requirements of the Law to the State Ethics Commission office by phone, at 410-260-7770, or in writing, at the above address. Copies of the Public Ethics Law may be obtained at the Commission's website <http://ethics.maryland.gov/public-ethics-law/>. Additionally, there is a Special Ethics Law Memo on the Prince George's County land use ethics law at <http://ethics.maryland.gov/download/local-gov/local-gov-forms/PG%20County%20Zoning%20Memo.pdf>, that contains additional filing information, including timing requirements.

If the applicant business entity is a corporation listed on a national stock exchange or regulated by the Securities Exchange Commission, then its officers, its directors, or its shareholders having a 5 percent or greater interest in the corporation are required to file an affidavit **only** if these persons have made a payment or have solicited a payment as outlined in the Public Ethics Law **and** if the corporation itself completes Part B of the affidavit. If required to file, these persons will file the Individual Applicant Affidavit, Form PG 1.

Filing Deadline

You must file a signed original of this affidavit with the Clerk of the County Council no later than 30 days prior to the District Council's consideration of the application. You must file a supplemental affidavit as expeditiously as possible whenever a payment/contribution is made after the original affidavit was filed and prior to Council's consideration. Please note that under § 5-835(a) of the Public Ethics Law, payments/contributions during the pendency of an application are generally prohibited.

PART A. Business Entity Applicant

Identifying Information

Name of Applicant Elm Street Development Case No. (where applicable) SE-22002

Address of Applicant 1355 Beverly Road, Suite 240, McLean VA 22101

Identity of the Property/
Subject of Application 8215 Springfield Road, Glenn Dale, MD 20769 Type of Application Special Exception
(see § 5-833(d))

¹Section 5-833 of the Public Ethics Law defines a business entity as a corporation, a general partnership, a joint venture, a limited liability company, a limited partnership or a sole proprietorship.

Applicant Payment/Contribution to Member Information (check or complete applicable blanks)

1. Was a payment/contribution made by the applicant to a treasurer or a continuing committee, either directly or through a political action committee (PAC), during the 36 months before the application was filed or during the pendency of the application? _____ Yes No

If the answer to #1 above is yes, list below the name of the member or members and the date or dates of the payment/contribution:

<u>Name of Member</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____
_____	_____

If the payment/contribution was through a PAC, identify the PAC and the date of the transfer to the treasurer or continuing committee:

Solicitation and other Payment/Contribution Information

2. Did the applicant solicit a person or business entity to make a payment/contribution to a member during the 36 months before the application filing or during the pendency of the application? _____ Yes No

If the answer to #2 above is yes, and a contribution was made, list below the name of the member or members, the date or dates of the payment/contribution, and the name of the contributor:

<u>Name of Member</u>	<u>Date</u>	<u>Name of Contributor</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

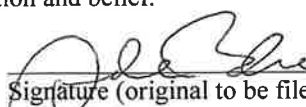
PART B. Directors, Officers and Stockholders (see § 5-838(b)) (For Corporations Only)

***Note: For a corporation's application to be processed, this section must be completed in full (place a check at the beginning of each question to indicate the action has been completed).**

1. All directors, officers, and stockholders with a 5 percent or greater interest have been notified of the disclosure requirement as provided in the Law and are identified as follows (list name and title – if the corporation has no directors, officers or stockholders with a 5 percent or greater interest, so state):
David Flanagan, President

2. Affidavits (Form PG 1 Individual Applicant Affidavit) from those individuals identified in question #1 above, who have made or solicited contributions and are therefore required to disclose, are either attached or on file with the Clerk of the County Council **OR** there are no individuals required to file affidavits.

I hereby make oath or affirmation that the contents of this affidavit are true and correct to the best of my knowledge, information and belief.



Signature (original to be filed with the Clerk)
Jude Burke

Printed Name of Signer
Vice President, Elm Street Development

Title of Signer (Authorized to sign for the business entity)

4 DEC 2023

Date

Mark G. L. Ferguson, R.A.

Senior Land Planner

Site Design, Inc./RDA

5407 Water Street, Suite 206

Upper Marlboro, Maryland 20772

(301) 952-8200

mglferguson@engsite.tech

Education:

Bachelor of Architecture

University of Maryland, College Park, 1985

Licensure:

Registered Architect

Maryland Registration #7621, 1987

Employment:

5/05 to Present:	Senior Land Planner RDA Engineering Company, Inc./Site Design, Inc. Upper Marlboro & Largo, Maryland
5/99 to 5/05:	Principal Mark G. L. Ferguson, R.A., Architect & Planner Hyattsville, Maryland
5/89 to 5/99:	Architect/Planner Robertson-Dhalwala Associates, LLC Upper Marlboro, Maryland Prince Frederick, Maryland
9/87 to 5/89	Architect AIP Architects Adelphi, Maryland
6/85 to 9/87	Intern Architect AIP Architects Adelphi, Maryland
2/84 to 6/85	Intern AIP Architects Adelphi, Maryland

Professional Experience:

Mr. Ferguson has broad experience in the fields of architecture, land planning and civil engineering, with projects ranging in scope from small residential additions to community planning. He has provided expert planning testimony before the Circuit Court for Prince George's County, the Prince George's District Council, Planning Board, Zoning Hearing Examiner and Board of Zoning Appeals for numerous planning cases, as well as testimony before similar boards in other Southern Maryland jurisdictions.

Cases on which Mr. Ferguson has provided expert testimony or litigative assistance include:

- **Queens Chapel Town Center**
Hyattsville, Maryland
Expert planning testimony in a request to amend the conditions of the zoning approval allowing continuation of an existing restaurant with drive-through service in the C-S-C (T-D-O) zone in the West Hyattsville Local Center.
- **National Capital Business Park (formerly Willowbrook)**
Upper Marlboro, Maryland
Expert planning testimony in application A-9968/03, requesting revision of the Basic Plan and prior conditions of the zoning approval for a planned community in the R-S comprehensive design zone being developed under the E-I-A Zone's table of uses and standards.
- **Signature Club at Manning Village**
Accokeek, Maryland
Expert planning testimony in a request to amend conditions of the zoning approval A-9960-C for a tract in the M-X-T mixed use zone.
- **Clay Property**
Hyattsville, Maryland
Expert planning testimony in application CSP-20001, requesting rezoning from the R-80 (T-D-O) zone to the R-20 (T-D-O) zone in the Prince George's Plaza Regional Transit District.
- **Vista95 Logistics Center**
Camp Springs, Maryland
Expert planning testimony in a request to amend conditions of zoning approval A-9706-C for a tract in the I-1 industrial zone.
- **Signature Club at Manning Village**
Accokeek, Maryland
Expert planning testimony in a request to amend conditions of the zoning approval A-9960-C for a tract in the M-X-T mixed use zone.
- **National View**
Oxon Hill, Maryland
Expert planning testimony in application A-10055, requesting rezoning from the R-55 and R-R residential zones to the M-X-T mixed use zone.

- National Capital Business Park (formerly Willowbrook)
Upper Marlboro, Maryland
Expert planning testimony in application A-9968/02, requesting approval of a new Basic Plan and revision of the conditions of the zoning approval for a planned community in the R-S comprehensive design zone, to allow it to be developed under the E-I-A Zone's table of uses and standards.
- Wintergreen Tract
Bryantown, Maryland
Expert Planning testimony in Charles County zoning map amendment application 20-01, requesting rezoning from the RC residential zone to the CV commercial zone.
- Cecil Real Properties, LLC Tract
Elkton, Maryland
Expert Planning testimony in Cecil County zoning map amendment application 2020-02, requesting rezoning from the ST suburban transition residential zone to the M2 heavy industrial zone.
- Timothy Branch
Brandywine, Maryland
Expert planning testimony in application A-9988/01, requesting approval of a new Basic Plan and revision of the conditions of the zoning approval for a planned community in the L-A-C comprehensive design zone.
- Sears Parcel, Bowie Town Center
Bowie, Maryland
Expert planning testimony in application A-8589/04, requesting approval of a new Basic Plan and revision of the conditions of the zoning approval for a tract in a planned community in the M-A-C comprehensive design zone.
- Callicott Property
Upper Marlboro, Maryland
Expert planning testimony in application A-10054, requesting rezoning from the C-S-C commercial zone to the R-80 residential zone.
- Khan Property
Brandywine, Maryland
Expert planning testimony in application A-10049, requesting rezoning from the R-R residential zone to the C-M commercial zone.
- Saint Barnabas Mixed-Use Park
Temple Hills, Maryland
Expert planning testimony in application A-10047, requesting rezoning from the C-S-C commercial and I-1 industrial zones to the M-X-T mixed use zone.
- Locust Hill
Upper Marlboro, Maryland
Expert planning testimony in application A-9975/01, requesting approval of a new Basic Plan and revision of prior conditions of rezoning approval for a planned community in the R-L comprehensive design zone.

- Willowbrook
Upper Marlboro, Maryland
Expert planning testimony in application A-9968/01, requesting approval of a new Basic Plan and revision of prior conditions of rezoning approval for a planned community in the R-S comprehensive design zone.
- Renard Lakes
Brandywine, Maryland
Expert planning testimony in application A-10046, requesting rezoning from the R-S comprehensive design zone to the I-1 industrial zone.
- Moore's Corner
Brandywine, Maryland
Expert planning testimony in application A-10044, requesting rezoning from the R-R residential zone to the M-X-T mixed use zone.
- Linda Lane Commercial Park
Camp Springs, Maryland
Expert planning testimony in application A-10043, requesting rezoning from the R-80 residential and C-S-C commercial zones to the M-X-T mixed use zone.
- Brandywine-Waldorf Medical Clinic
Brandywine, Maryland
Expert planning testimony in application A-10042, requesting rezoning from the C-O commercial zone to the M-X-T mixed use zone.
- Glenn Dale Commons
Glenn Dale, Maryland
Expert planning testimony in application A-10038, requesting rezoning from the I-1 industrial zone to the M-X-T mixed use zone.
- American Rescue Workers
Capitol Heights, Maryland
Expert planning testimony in application A-10037, requesting rezoning from the R-R residential zone to the I-2 heavy industrial zone.
- Donnell Drive
Forestville, Maryland
Expert planning testimony in application A-10036, requesting rezoning from the R-T townhouse zone to the C-M commercial zone.
- Virginia Linen
Capitol Heights, Maryland
Expert planning testimony in application A-10033, requesting rezoning from the I-3 planned industrial zone to the I-1 light industrial zone.
- Amber Ridge
Bowie, Maryland
Expert planning testimony in application A-10031, requesting rezoning from the C-S-C commercial zone to the M-X-T mixed use zone.

- Oakcrest
 Laurel, Maryland
 Expert planning testimony in application A-10030, requesting rezoning from the R-55 residential zone to the C-S-C commercial zone.
- Fairview Commercial Property
 Lanham, Maryland
 Expert planning testimony in application A-10024, requesting rezoning from the R-80 residential zone to the C-S-C commercial zone.
- King Property
 Largo, Maryland
 Expert planning testimony in application A-10020, requesting rezoning from the I-3 planned industrial zone to the M-X-T mixed use zone.
- Cafritz Tract
 Riverdale Park, Maryland
 Expert planning testimony in application A-10018, requesting rezoning from the R-55 residential zone to the M-U-TC mixed use zone.
- Jemal's Post
 Forestville, Maryland
 Expert planning testimony in application A-10003, requesting rezoning from the I-1 industrial zone to the C-S-C commercial zone.
- Defiance Drive
 Fort Washington, Maryland
 Expert planning testimony in application A-10000, requesting rezoning from the R-E estate zone to the R-R residential zone.
- Sauerwein Property
 Upper Marlboro, Maryland
 Expert planning testimony in application A-9977, requesting approval of rezoning from the R-R residential zone to the R-T (townhouse) residential zone.
- Renard Lakes
 Brandywine, Maryland
 Expert planning testimony in application A-9970, requesting approval of a Basic Plan and rezoning from the I-1 industrial zone to the R-S comprehensive design zone.
- Bevard East
 Piscataway, Maryland
 Expert planning testimony in application A-9967, requesting approval of a Basic Plan and rezoning from the R-E residential zone to the R-L comprehensive design zone.
- Smith Home Farm
 Upper Marlboro, Maryland
 Expert planning testimony in application A-9965 and A-9966, requesting approval of a Basic Plan and rezoning from the R-A residential zone to the R-M and L-A-C comprehensive design zones.

- Boone Property
Largo, Maryland
Expert planning testimony in application A-9957, requesting rezoning from the R-E estate zone to the R-R residential zone.
- Edwards Property
Adelphi, Maryland
Expert planning testimony in application A-9954, requesting approval of a Basic Plan and rezoning from the R-R residential zone to the L-A-C comprehensive design zone.
- Buck Property
Upper Marlboro, Maryland
Expert planning testimony in application A-9952, requesting approval of a Basic Plan and rezoning from the R-A residential zone and the E-I-A comprehensive design zone to the R-S comprehensive design zone.
- Nicowski Property
Upper Marlboro, Maryland
Expert planning testimony in application A-9939, requesting rezoning from the C-O commercial zone to the C-S-C commercial zone.
- Parcel B, Largo Town Center
Largo, Maryland
Expert planning testimony in application A-9280, requesting an amendment to the Basic Plan for a site in the M-A-C comprehensive design zone.
- Queenstown Apartments
Mount Rainier, Maryland
Litigative Assistance in State Highway Administration Project PG3645I84, Item #110255, seeking just compensation for the State's condemnation of property for construction of the Queens Chapel Road improvements.
- State Roads Commission of the State Highway Administration v. Crescent Cities Jaycees
Expert planning testimony in Case# CAL-94-20084, seeking just compensation for the State's condemnation of property for the expansion of Maryland Route 5.
- Millard Property
Camp Springs, Maryland
Expert planning testimony in State Highway Administration Project PG209A31, Item #89084, seeking just compensation for the State's condemnation of property for road improvements to Naylor Road associated with the construction of the Naylor Road Metro Station.
- Brandywine-Waldorf Medical Clinic
Brandywine, Maryland
Expert report in State Highway Administration Project PG175A31, Item #106368, seeking just compensation for the State's condemnation of property for road improvements to Branch Avenue associated with the construction of the interchange of Maryland Route 5 with various roads in the vicinity of T.B.

- University Place Center
 Langley Park, Maryland
 Expert report in State Highway Administration Project 10420130, Item #900576, seeking just compensation for the State's condemnation of property for construction of the Purple Line.
- *Washington Metropolitan Area Transit Authority v. 119,593 Square Feet of Land, More or Less, Situate in Landover, Prince George's County and Landover Beverage Realty LLC, et al.*, Case No. 8:20-cv-3468 TDC
 Landover, Maryland
 Expert rebuttal report in a case seeking just compensation for the State's condemnation of property for construction of a subway maintenance facility.
- *United States v. Makowsky*, Case #01-2096 D/Bre (D. Tenn)
 Litigative consultation to the U.S. Department of Justice on a case seeking remedies to accessibility barriers at an apartment complex in Shelby County, Tennessee.
- *United States v. Rose, et al.*, Case #02-73518 (E.D. Mich)
 Expert testimony for the U.S. Department of Justice on a case seeking remedies to accessibility barriers at apartment complexes in Van Buren Township, Michigan and in Batavia Ohio.
- *United States v. Rose, et al.*, Case #3:01cv0040AS (N.D. Ind)
 Expert testimony for the U.S. Department of Justice on a case seeking remedies to accessibility barriers at apartment complexes in Elkhart City, Indiana and in Fort Wayne, Indiana.
- *Weatherburn Associates, LLC, et al. v. County Commissioners for Charles County, Maryland*, Case #08-C-16-002422
 Expert report for the defendant in a proceeding seeking compensation for losses arising out of the alleged failure of the defendant to pursue environmental approvals of a certain formerly-planned road improvement in Charles County, Maryland.
- *Varsity Investment Group, LLC, et al. v. Prince George's County, Maryland*, Case #CAL-18-41277
 Expert report for the plaintiff in an proceeding seeking enforcement of a County Council Resolution granting remission of impact fees for the conversion of an office building to multifamily dwellings in Oxon Hill, Maryland.
- *Jackson v. Sumbly*, Case #CAE-18-01785
 Expert testimony for the plaintiff in an proceeding alleging adverse possession of a shared driveway between two houses in Capitol Heights, Maryland.
- *Scaggs v. Barrett, et al.*, AAA Case #04-C-10-000151CN
 Expert testimony for the defendant in an arbitration proceeding alleging negligence in the preparation of a feasibility study in connection with a proposed subdivision in Calvert County, Maryland.
- Washington Gas Liquefied Natural Gas Storage Facility
 Hyattsville, Maryland
Pro bono expert planning testimony in application SE-245/06, opposing the approval of a Special Exception to permit a regional liquefied natural gas storage facility in the O-S Zone, adjacent to a planned high-density mixed-use development around the West Hyattsville Metro station.

- Westside Shoppes Starbucks
Laurel, Maryland
Expert planning testimony in City of Laurel application SE No. 921, requesting approval of a Special Exception for a coffee shop with drive-through service in the M-X-T Zone.
- Westside Shoppes Wawa
Laurel, Maryland
Expert planning testimony in City of Laurel application SE No. 920, requesting approval of a Special Exception for a gas station complex in the M-X-T Zone.
- McDonald's Restaurant
Forest Heights, Maryland
Expert planning testimony in application ROSP-4196/01, requesting approval of a revised Special Exception Site Plan for a nonconforming restaurant in the C-S-C Zone.
- ACE Eastover Square Check Cashing
Forest Heights, Maryland
Expert planning testimony in application SE-4847, requesting approval of a Special Exception for a occupancy by a check cashing business in the C-S-C Zone.
- 7-Eleven Brightseat Road
Capitol Heights, Maryland
Expert planning testimony in application SE-4845, requesting approval of a Special Exception for the construction of a new gas station and food & beverage store in the I-3 Zone.
- Children's Guild Preschool
Clinton, Maryland
Expert planning testimony in application SE-4836, requesting approval of a Special Exception for the alteration of an existing church to accommodate a private school in the R-55 Zone.
- Royal Farms #411
Landover, Maryland
Expert planning testimony in application SE-4834, requesting approval of a Special Exception for the construction of a new gas station and food & beverage store in the C-S-C Zone, including a request for variance approval.
- 7-Eleven Boone's Lane
Capitol Heights, Maryland
Expert planning testimony in application SE-4832, requesting approval of a Special Exception for the construction of a new gas station and food & beverage store in the C-S-C Zone.
- Schultz Road Senior Living
Clinton, Maryland
Expert planning testimony in application SE-4830, requesting approval of a Special Exception for the construction of apartment dwellings for the elderly in the R-80 Zone.
- Resurrection Cemetery
Upper Marlboro, Maryland
Expert planning testimony in application SE-4823, requesting approval of a new Special Exception for the expansion of an existing cemetery in the R-R Zone.

- 7-Eleven Marlboro Pike
Capitol Heights, Maryland
Expert planning testimony in application SE-4822, requesting approval of a Special Exception for the construction of a new gas station and food & beverage store in the C-S-C Zone.
- Enterprise Rent-A-Car
Capitol Heights, Maryland
Expert planning testimony in application SE-4819, requesting approval of a Special Exception for a vehicle rental facility in the C-S-C Zone.
- Royal Farms #220
Accokeek, Maryland
Expert planning testimony in application SE-4816, requesting approval of a Special Exception for the construction of a new gas station and food & beverage store in the C-S-C Zone, including a request for permission to construct in a master-planned right-of-way.
- Hunt Real Estate Development
Capitol Heights, Maryland
Expert planning testimony in application SE-4815, requesting approval of a Special Exception for the construction of a new gas station and food & beverage store in the C-S-C Zone.
- SMO Gas Station & Car Wash
Clinton, Maryland
Expert planning testimony in application SE-4812, requesting approval of a Special Exception for the rebuild of an existing gas station with the addition of a car wash in the C-S-C Zone.
- Contee Estate Senior Living
Laurel, Maryland
Expert planning testimony in application SE-4811, requesting approval of a Special Exception for a congregate living facility for the elderly in the R-R Zone, including a request for Alternative Compliance.
- Uptown Suites
Lanham, Maryland
Expert planning testimony in application SE-4794, requesting approval of a Special Exception for a hotel in the I-2 Zone.
- Ernest Maier Concrete Batching Plant
Bladensburg, Maryland
Expert planning testimony in application SE-4792, requesting approval of a Special Exception for a concrete batching plant in the I-2 Zone.
- Smith Property Surface Mine
Brandywine, Maryland
Expert planning testimony in application SE-4517, requesting approval of a Special Exception for an extension in the validity period for an existing surface mine in the O-S Zone.

- Aggregate Industries Sand & Gravel Wet Processing Facility
Brandywine, Maryland
Expert planning testimony in application SE-4790, requesting approval of a Special Exception for an extension in the validity period for an existing wash plant in the R-A and R-E Zones.
- Traditions at Beechfield
Mitchellville, Maryland
Expert planning testimony in application SE-4785, requesting approval of a Special Exception for a planned retirement community in the R-E Zone.
- Chuck's Used Auto Parts
Marlow Heights, Maryland
Expert planning testimony in application SE-4783, requesting approval of a Special Exception for a vehicle salvage yard in the I-1 Zone.
- Dollar General
Upper Marlboro, Maryland
Expert planning testimony in application SE-4778, requesting approval of a Special Exception for a department or variety store in the I-1 Zone.
- Sunoco Gas Station and Car Wash
Camp Springs, Maryland
Expert planning testimony in application SE-4778, requesting approval of a Special Exception for a car wash addition to an existing gas station in the C-S-C Zone, including approval of Alternative Compliance for landscape buffers.
- Forestville Auto Service
Upper Marlboro, Maryland
Expert planning testimony in application SE-4768, requesting approval of a Special Exception for a gas station in the C-S-C Zone.
- Sheriff Road Seventh Day Adventist Church
Fairmount Heights, Maryland
Expert planning testimony in application SE-4750, requesting approval of a Special Exception for a church on a tract of land of less than one acre in the R-55 Zone.
- E&R Services, Inc.
Lanham, Maryland
Expert planning testimony in application RO SP-4464/02, requesting approval of an expansion to an existing Special Exception for a contractor's office with outdoor storage in the C-A Zone.
- Word Power Baptist Tabernacle
Capitol Heights, Maryland
Expert planning testimony in application SE-4694, requesting approval of a Special Exception for a church on a lot less than one acre in size in the R-18 Zone.
- Hotel at the Cafritz Property at Riverdale Park
Riverdale Park, Maryland
Expert planning testimony in application SE-4775, requesting approval of a Special Exception for a hotel in the M-U-TC Zone.

- SMO Gas Station & Car Wash
 Glenn Dale, Maryland
 Expert planning testimony in application SE-4757, requesting approval of a Special Exception for a gas station and a convenience store in the I-1 Zone.
- SMO Gas Station & Car Wash
 Beltsville, Maryland
 Expert planning testimony in application SE-4756, requesting approval of a Special Exception for a gas station in the C-S-C Zone.
- Liberty Motors
 Accokeek, Maryland
 Expert planning testimony in application ROSP-4575/02, requesting modification of two conditions of a Special Exception for a gas station in the C-S-C Zone.
- Rock Hill Sand & Gravel/Anthony George Project
 Brandywine, Maryland
 Expert planning testimony in application SE-4646, requesting approval of a Special Exception for a surface mining operation in the C-S-C Zone.
- SMO Gas Station & Car Wash
 Laurel, Maryland
 Expert planning testimony in application SE-4730, requesting approval of a Special Exception for a gas station and a car wash in the C-S-C Zone.
- Model Prayer Ministries
 Bladensburg, Maryland
 Expert planning testimony in application SE-4723, requesting approval of a Special Exception for a church on a tract of less than one acre in size in the R-55 Zone, including grant of variance.
- Dash-In Food Stores
 Clinton, Maryland
 Expert planning testimony in application SE-4654, requesting approval of a Special Exception for a gas station in the C-S-C Zone, including grant of variance.
- Cabin Branch
 Clarksville, Maryland
 Expert planning testimony for the opposition in Development Plan Amendment SPA 13-02, requesting approval of an outlet mall in the MXPDP Zone.
- In Loving Hands
 Friendly, Maryland
 Expert planning testimony in application SE-4704, requesting approval of a Special Exception for a congregate living facility in the R-R Zone.
- A-1 Vehicle Salvage Yard
 Bladensburg, Maryland
 Expert planning testimony in application SE-4698, requesting approval of a Special Exception for a vehicle salvage yard in the I-1 Zone.

- Kreative Kids Child Care
 Beltsville, Maryland
 Expert planning testimony in application SE-4388/01, requesting revision to a prior approval of a Special Exception for a day care center in the R-R Zone to increase occupancy.
- Little Workers of the Sacred Heart Nursery
 Riverdale Park, Maryland
 Expert planning testimony in application SE-3473/01, requesting revision to a prior approval of a Special Exception for a day care center in the R-55 Zone to increase occupancy, including grant of variance.
- Six Flags Amusement Park
 Mitchellville, Maryland
 Expert planning testimony in application SE-2635 & SE-3400, requesting approval of modified conditions to allow for extended hours of operation on limited occasions for certain events, additional firework displays, modified noise limitations, and removing a stipulated height limit to allow for approval of new rides by Detailed Site Plan review and approval.
- American Legion Beltway Post #172
 Glenn Dale, Maryland
 Expert planning testimony in application SE-4725, requesting approval of a Special Exception for alterations to an existing private club in the R-80 Zone.
- CarMax
 Brandywine, Maryland
 Expert planning testimony in application SE-4697, requesting approval of a Special Exception for a used car sales lot in the C-S-C Zone, including testimony to justify construction in a planned transit right-of-way.
- McDonald's
 Adelphi, Maryland
 Expert planning testimony in application SE-4686, requesting approval of a Special Exception for alteration of a nonconforming fast food restaurant in the C-S-C Zone.
- Tires R Us
 Riverdale Park, Maryland
 Expert planning testimony in application SE-4675, requesting approval of a Special Exception for a tire store with installation facilities in the C-S-C Zone.
- The Tire Depot
 District Heights, Maryland
 Expert planning testimony in application SE-4673, requesting approval of a Special Exception for a tire store with installation facilities in the C-S-C Zone.
- 7-11 Store
 Lanham, Maryland
 Expert planning testimony in application SE-4670, requesting approval of a Special Exception for a food or beverage store in the C-M Zone.

- Beall Funeral Home
Bowie, Maryland
Expert planning testimony in application SE-4662, requesting approval of a Special Exception to add a crematorium to an existing funeral home in the R-E Zone.
- Fort Foote Barber & Beauty Shop
Fort Washington, Maryland
Expert planning testimony in application SE-4658, requesting approval of a Special Exception for a barber and beauty shop in the R-R Zone.
- Little People's Place Day Care Center
Upper Marlboro, Maryland
Expert planning testimony in application SE-4639, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Young World Family Day Care Center
Cheltenham, Maryland
Expert planning testimony in application SE-4635, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Star Wash Car Wash
Laurel, Maryland
Expert planning testimony in application SE-4630, requesting approval of a Special Exception for a car wash in the C-S-C Zone.
- Jock's Liquors
Capitol Heights, Maryland
Expert planning testimony in application SE-4626, requesting approval of a Special Exception for the reconstruction of an existing nonconforming liquor store in the C-O Zone.
- Little People U Day Care Center
Capitol Heights, Maryland
Expert planning testimony in application SE-4624, requesting approval of a Special Exception for a day care center in the R-55 Zone.
- Cherry Hill Park
College Park, Maryland
Expert planning testimony in application SE-4619, requesting approval of a Special Exception for the expansion of an existing recreational campground in the R-R Zone.
- Safeway Fuel Station
Brandywine, Maryland
Expert planning testimony in application SE-4612, requesting approval of a Special Exception for a gas station in the C-S-C Zone.
- Behr Apartments
College Park, Maryland
Expert planning testimony in application SE-4611, requesting approval of a Special Exception for an apartment building in the R-55 Zone.

- Barnabas Road Concrete Recycling Facility
 Temple Hills, Maryland
 Expert planning testimony in application SE-4605, requesting approval of a Special Exception for a concrete recycling facility in the I-1 Zone.
- Rose Child Development Center
 Temple Hills, Maryland
 Expert planning testimony in application SE-4601, requesting approval of a Special Exception for the expansion of an existing day care center in the R-80 Zone.
- Shell Oil Station
 Laurel, Maryland
 Expert planning testimony in application SE-4597, requesting approval of a Special Exception for a gas station in the C-S-C Zone, including revisions to a prior Special Exception under RO SP-1673/06.
- Catherine’s Christian Learning Center
 Brandywine, Maryland
 Expert planning testimony in application SE-4592, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Panda Restaurant
 Capitol Heights, Maryland
 Expert planning testimony in application SE-4574, requesting approval of a Special Exception for a fast food restaurant in the I-1 Zone.
- Manor Care of Largo
 Upper Marlboro, Maryland
 Expert planning testimony in application SE-4573, requesting approval of a Special Exception for the expansion of an existing nursing home in the R-R Zone.
- Bowie Assisted Living
 Bowie, Maryland
 Expert planning testimony in application SE-4569, requesting approval of a Special Exception to expand an existing congregate living facility in the R-R Zone.
- 7604 South Osborne Road
 Upper Marlboro, Maryland
 Expert planning testimony in application SE-4567, requesting approval of a Special Exception for a day care center in the R-A Zone.
- Superior Car Wash
 Bowie, Maryland
 Expert planning testimony in application SE-4565, requesting approval of a Special Exception for a car wash in the C-S-C Zone.
- Kinder Explorers Day Care Center
 Lanham, Maryland
 Expert planning testimony in application SE-4566, requesting approval of a Special Exception for a day care center in the R-R Zone, and subsequently in SE-4681 requesting approval for its expansion.

- Rita's Water Ice
Clinton, Maryland
Expert planning testimony in application SE-4535, requesting approval of a Special Exception for a fast-food restaurant in the C-S-C Zone.
- Chen's Apartments
College Park, Maryland
Expert planning testimony in application SE-4533, requesting approval of a Special Exception to alter a nonconforming apartment building in the R-55 Zone.
- Future Scholars Learning & Art Center
Upper Marlboro, Maryland
Expert planning testimony in application SE-4516, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Renee's Day Care Center
Upper Marlboro, Maryland
Expert planning testimony in application SE-4507, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Generations Early Learning Center
Fort Washington, Maryland
Expert planning testimony in application SE-4515, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Latchkey Day Care Center
Oxon Hill, Maryland
Expert planning testimony in application SE-4496, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Marvil Property
Adelphi, Maryland
Expert planning testimony in application SE-4494, requesting approval of a Special Exception for a nursery and garden center with an accessory arborist's operation in the R-R Zone.
- Jericho Senior Living
Landover, Maryland
Expert planning testimony in application SE-4483, requesting approval of a Special Exception for the adaptive use of a historic site as apartment dwellings for the elderly in the C-O Zone.
- WaWa
Beltsville, Maryland
Expert planning testimony in application SE-4477, requesting approval of a Special Exception for a convenience commercial store in the C-M Zone.
- Fun-Damentals Early Learning Center
Friendly, Maryland
Expert planning testimony in application SE-4476, requesting approval of a Special Exception for a day care center in the R-R Zone.

- Good News Day Care Center
Temple Hills, Maryland
Expert planning testimony in application SE-4473, requesting approval of a Special Exception for a day care center in the R-80 Zone.
- Wishy Washy Car Wash
Accokeek, Maryland
Expert planning testimony in application SE-4472, requesting approval of a Special Exception for a car wash in the C-S-C Zone.
- John Vitale & Sons
Lanham, Maryland
Expert planning testimony in application SE-4464, requesting approval of a Special Exception for a contractor's office in the C-A Zone.
- St. Paul Senior Living
Capitol Heights, Maryland
Expert planning testimony in application SE-4463, requesting approval of a Special Exception for apartment dwellings for the elderly in the R-R Zone.
- Safeway Gas Station
Fort Washington, Maryland
Expert planning testimony in application SE-4448, requesting approval of a Special Exception for a gas station in the C-S-C Zone.
- BP Amoco Gas Station
Temple Hills, Maryland
Expert planning testimony in application SE-4445, requesting approval of a Special Exception for a convenience commercial store in the C-M Zone.
- WaWa
Camp Springs, Maryland
Expert planning testimony in application SE-4436, requesting approval of a Special Exception for a gas station in the C-S-C Zone.
- Quarles Petroleum
Capitol Heights, Maryland
Expert planning testimony in application SE-4410, requesting approval of a Special Exception for a gas station in the I-1 Zone.
- Brown Station Early Learning Center
Upper Marlboro, Maryland
Expert planning testimony in application SE-4393, requesting approval of a Special Exception for a day care center in the R-R Zone.

As principal of his own architecture and planning firm, Mr. Ferguson was involved with the following diverse residential, commercial and institutional architectural and planning projects:

- Franklin's General Store and Delicatessen
Hyattsville, Maryland
Consulting services for the preparation of construction documents and construction contract administration for a 11,000-square foot addition to a historic commercial structure on U.S. Route One. Also, land planning services involving necessary waivers of parking and loading requirements, variances from setbacks and landscaping requirements, and permission to build in planned right-of-way of U.S. Rte One.
- King Farm Village Center
Rockville, Maryland
Inspection services for five mixed-use buildings in the village center of the 500-acre New Urbanist development in Rockville, Maryland
- Trinity Church
Upper Marlboro, Maryland
Full architectural services for the construction of a portico to the fellowship hall on the site of a National Register-listed historic site
- Publick Playhouse
Bladensburg, Maryland
Land planning services for the redevelopment and expansion of an existing community theater building.
- Transnational Law and Business University
Brandywine, Maryland
Master planning of a university campus on a 342-acre site
- Balmoral
Upper Marlboro, Maryland
Planning of a comprehensively-designed 357 lot residential subdivision immediately to the south of and connected with the 2,400-unit Beech Tree development
- Fred Lynn Middle School
Woodbridge, Virginia
Consulting services for the preparation of construction documents for a 131,000-square foot renovation
- Graham Park Middle School
Dumfries, Virginia
Consulting services for the preparation of construction documents for a 99,000-square foot renovation and four-classroom addition.
- Elizabeth Graham Elementary School
Woodbridge, Virginia
Consulting services for the preparation of construction documents for a classroom addition.

- Dale City Elementary School
Dale City, Virginia
Consulting services for the preparation of construction documents for a classroom addition.
- Occoquan Elementary School
Woodbridge, Virginia
Consulting services for the preparation of construction documents for a four-classroom addition that tied together three of the four buildings at the oldest school in Prince William County.
- 4912 St. Barnabas Road
Temple Hills, Maryland
Consulting services on the design preparation of construction documents and permits processing for a 1,500-square foot tenant fit-out for an attorney's office.
- 6100 Executive Boulevard
Bethesda, Maryland
Full architectural services from space planning through construction documents preparation for a 1,500-square foot tenant fit-out for a technology consulting firm.
- Parking Lot Rehabilitation, Bureau of Prisons
Washington, D.C.
Consulting services on construction documents preparation for rehabilitation of the parking and service area in the central courtyard of the old Federal Home Loan Bank Board building at 320 First Street, N.W.
- Covenant Creek Subdivision
Owings, Maryland
Land planning services for the subdivision of 161 acres crossing the Calvert/Anne Arundel County border into 47 clustered lots, involving the use of Transferable Development Rights and development of public road access across a wetland area into a landlocked tract.
- Welch Property
Accokeek, Maryland
Land planning services for the development of a 326-unit planned retirement community on a 41-acre tract.
- Phase II, Boyd & Margaret Shields King Memorial Park
Prince Frederick, Maryland
Land planning and engineering services for the design and construction of the second phase of development of a 7.5-acre park adjacent to the Courthouse in the heart of the Prince Frederick Town Center
- White Sands Community Center
Lusby, Maryland
Feasibility analysis for conversion of existing stable facility into a community building.
- Good Hope Hills Condemnation
Temple Hills, Maryland
Land planning services during condemnation proceedings against a one-acre commercial property.

- Additions and alterations to a private residence
Washington Grove, Maryland
Consulting services on the structural design, preparation of construction documents and construction observation for the construction of an award-winning 750-square foot, \$150,000 addition and renovation to a historic structure in a National Register district.
- Additions and alterations to a private residence
Chevy Chase, Maryland
Consulting services from schematic design through the construction phases of an award-winning 1,700-square foot, \$1.4 million dollar addition and renovation, which involved the relocation of a public sewer main from beneath the existing building.
- Additions and alterations to a private residence
Hyattsville, Maryland
Full architectural services for the construction of a large kitchen and bathroom addition to a Prince George's County listed historic site
- Additions and alterations to a private residence
Silver Spring, Maryland
Consulting schematic design services for a 2,000-square foot addition and renovation.
- Private residence
Avenue, Maryland
Architectural and planning services for the construction of a private residence on a 24-acre site on St. Clement's Bay
- Private residence
Avenue, Maryland
Full architectural services for the design of a private residence on a one-acre site on St. Clement's Bay
- Additions and alterations to a private residence
University Park, Maryland
Full architectural services for the construction of a 350-square foot addition.

At RDA his activities are concentrated in the following fields:

- Land use studies, feasibility analyses and detailed project planning for hundreds of various residential, commercial and industrial developments in Prince George's, Calvert, Montgomery, Charles, St Mary's and Anne Arundel Counties. This work requires intimate knowledge of the relevant master and/or comprehensive plans and zoning ordinances and other land development regulations in many jurisdictions.
- Hydrologic and hydraulic analyses of urban watersheds in connection with the development of drainage and stormwater management systems for various residential subdivisions and commercial and industrial projects. Tools used in these analyses included the TR-20, HEC-1 and HEC-2 hydraulic analysis programs, USDA/SCS hydrologic analysis methods, as well as the Maryland State Highway Administration's and other rational hydrologic analysis methods.

- Hydraulic and structural design of storm drainage and stormwater management systems, including wet ponds, dry detention and retention basins, underground detention systems, vegetative and structural infiltration systems, oil/grit separators, and conventional open and enclosed drainage systems. Analysis of theoretical breach events in earthen embankment structures to determine possible effects of downstream flooding caused by dam failures.

Mr. Ferguson served from 1991 to 1996 as the Town Engineer for the Town of Edmonston, Maryland. In this capacity, Mr. Ferguson advised the Town Council on the effects of legislation, assisted in the preparation of ordinances, assisted in the planning process during the development of the Master Plans for Planning Areas 68 and 69, and advised the Town on the selection of project proposals for funding under the Community Development Block Grant program.

During his tenure at AIP Architects, Mr. Ferguson was responsible for the entire scope of the project development process for numerous architectural projects, including:

- Project feasibility and financial analysis
- Project planning and schematic design
- Management and development of construction documentation
- Specifications writing
- Construction contract documents preparation and administration of bidding
- Coordination with regulatory authorities and permit processing
- Construction contract administration and project observation

Some of the projects Mr. Ferguson had intensive involvement with at AIP Architects include:

Office/Commercial Building (54,000 sf)
1815 University Boulevard, Adelphi, Maryland

Comfort Inn (202 rooms)
Ocean Highway, Ocean City, Maryland

Commercial Building (22,000 sf)
7931 Georgia Avenue, Silver Spring, Maryland

Office Commercial Building (58,000 sf)
4915 St. Elmo Avenue, Bethesda, Maryland

Office/Condominium Park (14,000 sf)
Old Largo Road, Largo, Maryland

Office Building (18,000 sf)
801 Wayne Avenue, Silver Spring, Maryland

Other Professional Activities:

Chairman, Hyattsville Community Development Corporation, 2001-2007

Treasurer, Hyattsville Community Development Corporation, 2010-2018

Board Member, Hyattsville Community Development Corporation, 2001-Present

This local development corporation was created to undertake the revitalization of commercial areas in the city of Hyattsville, to encourage the arts, and act together with the Gateway CDC in the establishment of the Gateway Arts District. Among many other works, the Hyattsville CDC has sponsored the installation of multiple works of public art, administered the creation of two generations of Hyattsville's Community Sustainability Plans, secured and disseminated market studies for development in the Route One corridor, and managed the renovation of the former Arcade Theater into the City of Hyattsville's Municipal Annex.

Vice Chairman, City of Hyattsville Planning Committee, 2000-2005

This committee advises the Mayor, City Council and City Administrator on both external planning issues which impact the City, as well as redevelopment and revitalization issues within the City.

Member, City of Hyattsville Planning Committee, 1992-2005

Member, Neighborhood Design Center Project Review Committee, 1995-1998

This committee reviews and provides guidance for the work of less-experienced design professionals on their *pro bono* projects for the Neighborhood Design Center.

Member, Prince George's County Zoning Ordinance Review Task Force, 1994-1995

This task force, chaired by former Prince George's County Council chairman William B. Amonett, was formed by order of the Prince George's County Council, and met over a period of four months to review the County's entire Zoning Ordinance and the make recommendations on streamlining the 1200-page ordinance.

Member, Prince George's County Task Force to study the creation of U-L-I and M-U-TC zones, 1993-1994

This task force, chaired by Prince George's County Council member Stephen J. Del Giudice, was formed by order of the Prince George's County Council, and met over a period of three months to revise the legislation which was proposed to create the innovative U-L-I (Urban Light Industrial) and M-U-TC (Mixed-Use Town Center) zoning district regulations, which were proposed by the American Planning Association-award winning *Adopted Master Plan for Planning Area 68 (Avondale, Brentwood, Colmar Manor, Cottage City, Edmonston, Hyattsville, Mount Rainier, North Brentwood, Riverdale, University Hills)* as a means to encourage redevelopment and revitalization of existing urbanized areas of Prince George's County. The work of this task force led directly to the passage of the legislation.

STATE ETHICS COMMISSION
45 CALVERT STREET, 3RD FLOOR
ANNAPOLIS, MD 21401
410-260-7770
1-877-669-6085

This Form Is To Be Filed With:
CLERK OF THE COUNTY COUNCIL
COUNTY ADMINISTRATION BUILDING
ROOM 2198
UPPER MARLBORO, MD 20772
301-952-3600

Business Entity¹ Affidavit (Form PG 2)

General Information

The Prince George's County land use ethics law (General Provisions Article, §§ 5-833 to 5-839, Annotated Code of Maryland) ("Public Ethics Law") requires this affidavit to be filed where a business entity is deemed to be an applicant in an application filed with the District Council. This can occur, for example, when a business entity is a title owner or contract purchaser of land that is the subject of an application, a trustee having an interest in the land (except those described in a mortgage or deed of trust), or the holder of 5 percent or more interest in an entity having an interest in the land (provided that it has substantive involvement in the disposition of the land, or substantive activities pertaining specifically to land development in Prince George's County). Applicant can also include a business entity in which a 5 percent or greater interest is held by another applicant.

In completing this form, you should also review §§ 5-833 to 5-839 of the Public Ethics Law. These provisions include the affidavit requirement, define applicants and agents, set out District Council member disqualification requirements, and specify ex parte disclosure procedures. Please note that there may be situations where there is more than one applicant involved, requiring one or more submissions of this form (or Form PG 1 Individual Applicant Affidavit). You may direct questions about the affidavit or other requirements of the Law to the State Ethics Commission office by phone, at 410-260-7770, or in writing, at the above address. Copies of the Public Ethics Law may be obtained at the Commission's website <http://ethics.maryland.gov/public-ethics-law/>. Additionally, there is a Special Ethics Law Memo on the Prince George's County land use ethics law at <http://ethics.maryland.gov/download/local-gov/local-gov-forms/PG%20County%20Zoning%20Memo.pdf>, that contains additional filing information, including timing requirements.

If the applicant business entity is a corporation listed on a national stock exchange or regulated by the Securities Exchange Commission, then its officers, its directors, or its shareholders having a 5 percent or greater interest in the corporation are required to file an affidavit **only** if these persons have made a payment or have solicited a payment as outlined in the Public Ethics Law **and** if the corporation itself completes Part B of the affidavit. If required to file, these persons will file the Individual Applicant Affidavit, Form PG 1.

Filing Deadline

You must file a signed original of this affidavit with the Clerk of the County Council no later than 30 days prior to the District Council's consideration of the application. You must file a supplemental affidavit as expeditiously as possible whenever a payment/contribution is made after the original affidavit was filed and prior to Council's consideration. Please note that under § 5-835(a) of the Public Ethics Law, payments/contributions during the pendency of an application are generally prohibited.

PART A. Business Entity Applicant

Identifying Information

Name of Applicant ESC 8215 Springfield, L.C. Case No. (where applicable) SE-22002

Address of Applicant 1355 Beverly Road, Suite 240, McLean VA 22101

Identity of the Property/
Subject of Application 8215 Springfield Road, Glenn Dale, MD 20769 Type of Application Special Exception
(see § 5-833(d))

¹Section 5-833 of the Public Ethics Law defines a business entity as a corporation, a general partnership, a joint venture, a limited liability company, a limited partnership or a sole proprietorship.

Applicant Payment/Contribution to Member Information (check or complete applicable blanks)

1. Was a payment/contribution made by the applicant to a treasurer or a continuing committee, either directly or through a political action committee (PAC), during the 36 months before the application was filed or during the pendency of the application? _____ Yes No

If the answer to #1 above is yes, list below the name of the member or members and the date or dates of the payment/contribution:

<u>Name of Member</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____

If the payment/contribution was through a PAC, identify the PAC and the date of the transfer to the treasurer or continuing committee:

_____	_____
_____	_____

Solicitation and other Payment/Contribution Information

2. Did the applicant solicit a person or business entity to make a payment/contribution to a member during the 36 months before the application filing or during the pendency of the application? _____ Yes No

If the answer to #2 above is yes, and a contribution was made, list below the name of the member or members, the date or dates of the payment/contribution, and the name of the contributor:

<u>Name of Member</u>	<u>Date</u>	<u>Name of Contributor</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

PART B. Directors, Officers and Stockholders (see § 5-838(b)) (For Corporations Only)

***Note: For a corporation's application to be processed, this section must be completed in full (place a check at the beginning of each question to indicate the action has been completed).**

1. All directors, officers, and stockholders with a 5 percent or greater interest have been notified of the disclosure requirement as provided in the Law and are identified as follows (list name and title – if the corporation has no directors, officers or stockholders with a 5 percent or greater interest, so state):
David Flanagan, President

2. Affidavits (Form PG 1 Individual Applicant Affidavit) from those individuals identified in question #1 above, who have made or solicited contributions and are therefore required to disclose, are either attached or on file with the Clerk of the County Council **OR** there are no individuals required to file affidavits.

I hereby make oath or affirmation that the contents of this affidavit are true and correct to the best of my knowledge, information and belief.



Signature (original to be filed with the Clerk)
Jude Burke

Printed Name of Signer
Vice President, Elm Street Development

Title of Signer (Authorized to sign for the business entity)

4 DEC 2023

Date

DAVID A. NELSON, P.E., P.T.O.E.
PRESIDENT – SENIOR TRANSPORTATION ENGINEER
STREET TRAFFIC STUDIES, LTD

PROFESSIONAL Registered Professional Engineer, Virginia, Maryland,
Washington, D.C. and West Virginia
Fellow of Institute of Transportation Engineers
Certified ITE - Professional Traffic Operations Engineer
National Society of Professional Engineers

EDUCATION B.S. in Civil Engineering 1979, Old Dominion University.;
Norfolk, VA

EXPERIENCE 1987 - Present Sr. Transportation Engineer - STSLTD.
1984 - 1987 Transportation Planner - M-NCPPC Prince Georges Co.
1980 - 1984 Project Engineer - Greenhorne & O' Mara, Inc.

Mr. Nelson has over 40 years of experience in the field of traffic engineering, transportation planning, and general civil engineering projects. Mr. Nelson is responsible as principal in charge for all public and private sector work performed by STSLTD. He is currently the project manager for MSHA Traffic Engineering contracts, and the Montgomery County, Maryland On - Call traffic engineering contract. In each case, Mr. Nelson supervises the design effort of not only the STS design team but the work of several subconsultants.

He is presently responsible for performing and managing projects throughout the region which include Traffic Impact Studies for private developers, Traffic Control Plans, Functional Design Projects, Access Studies and Highway Design Projects.

Mr. Nelson has served as the project manager for the past six consecutive Montgomery County Traffic Engineering Contracts spanning the past 30 years. He has been responsible for the preparation of the accident and congestion evaluation study, special parking district studies, traffic calming studies, traffic signal design, traffic control plans, and highway signing and marking plans. Mr. Nelson is experienced in preliminary and final design projects which include urban transit systems, support facilities, major highway feasibility and corridor location studies, traffic signal designs, highway signing, and highway lighting projects. Mr. Nelson is directly responsible for the preparation of all highway design modification plans prepared by STS.

David A. Nelson, P.E. P.T.O.E.
Street Traffic Studies, Ltd.
Page Two

Mr. Nelson assisted the County under the current contract as the lead traffic engineer for the White Flint Sector Plan Traffic Study. In this role Mr. Nelson was the key coordinator between the County and Stantec, Inc, the engineering firm preparing the study, assisting in the development of the study itself, review, and coordination between the reviewing agencies (offices of MCDOT, MNCPPC, MSHA and the Directors Office). Mr. Nelson also took the lead role in addressing location specific issues requiring additional analyses, geometric concept development, summary reports and coordination with all reviewing agencies.

Mr. Nelson was the lead engineer for the 2015 MCDOT Intersection Study project, in which detailed safety and operational studies were conducted for eleven intersections within the county. The studies included a variety of tasks including accident analyses, capacity studies, growth projections, alternative analyses, truck movement studies, traffic control reviews, and conceptual development.

Mr. Nelson has served as the project manager / lead engineer for the Maryland State Highway Administration Traffic Engineering and Survey Services contracts for Districts 3, 5, 6 and 7 an On-Call Traffic Engineering Design Services Contract for the Office of Traffic - Statewide. Services performed under these contracts have included high accident location evaluations, corridor studies, intersection studies, minor geometric design, roundabout studies, traffic control, neighborhood calming, and signalization studies.

Mr. Nelson was the project engineer responsible for a number of special studies under the direction of the MSHA Traffic Forecasting Section including community and regional origin destination studies. He conducted a number of additional studies within the Tyson=s Corner area as an integral element of the traffic analyses prepared for the West*Gate and West*Park developments.

David A. Nelson, P.E., P.T.O.E.
Street Traffic Studies, Ltd.
Page Three

Mr. Nelson was the lead traffic engineer for the 2.3 million square foot National Geospatial-Intelligence Agency East Headquarters. Services included a vast array to traffic, parking and circulation studies, evolving to final design and construction packages related to internal and external roadways, traffic signal systems, traffic control, security interface, employees and visitor parking facilities, transit center interface, and material handling facility. The project required a significant coordination effort between the design team, GSA, USACOE, Fort Belvoir, Fairfax County, and the Federal Highway Administration.

Over the past thirty years, Mr. Nelson has been called on to testify as an expert witness in the fields of Traffic Engineering and Transportation Planning at numerous local and regional Planning and Zoning Boards, County Councils and in District Court including but not limited to:


- Anne Arundel County, Maryland - Board of Appeals, Zoning Hearing Examiner
- Carroll County Maryland - Planning Commission
- Frederick County, Maryland - Planning Commission, County Council
- Howard County, Maryland - Planning Board, Zoning Board
- Montgomery County, Maryland - Planning Board, County Council, Hearing Examiner
- Prince Georges County, Maryland - Planning Board, County Council, Hearing Examiner
- Washington County, Maryland - Planning Commission, City Council
- City of Annapolis - Planning Commission
- City of Bowie - City Council, Planning Board
- City of College Park - Planning Commission, City Council
- City of Gaithersburg – Planning Commission
- City of Rockville - Planning Commission, City Council
- City of Fairfax, Virginia - Planning Commission
- Fairfax County, Virginia - Planning Commission
- Washington DC - Board of Zoning Adjustment

STATE OF MARYLAND
Department of Assessments and Taxation

I, MICHAEL L. HIGGS OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE DEPARTMENT, BY LAWS OF THE STATE, IS THE CUSTODIAN OF THE RECORDS OF THIS STATE RELATING TO LIMITED LIABILITY COMPANIES , OR THE RIGHTS OF LIMITED LIABILITY COMPANIES TO TRANSACT BUSINESS IN THIS STATE, AND THAT I AM THE PROPER OFFICER TO EXECUTE THIS CERTIFICATE.

I FURTHER CERTIFY THAT ESC 8215 SPRINGFIELD, L.C. (W23195142) , REGISTERED AUGUST 09, 2022, IS A LIMITED LIABILITY COMPANY EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF MARYLAND, AND THAT THE LIMITED LIABILITY COMPANY IS AT THE TIME OF THIS CERTIFICATE IN GOOD STANDING TO TRANSACT BUSINESS.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY SIGNATURE AND AFFIXED THE SEAL OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF MARYLAND AT BALTIMORE ON THIS DECEMBER 05, 2023.



Michael L. Higgs
Director



301 West Preston Street, Baltimore, Maryland 21201
Telephone Baltimore Metro (410) 767-1340 / Outside Baltimore Metro (888) 246-5941
MRS (Maryland Relay Service) (800) 735-2258 TT/Voice

Online Certificate Authentication Code: C88bgbbKVkylcMt3PIUptQ
To verify the Authentication Code, visit <http://dat.maryland.gov/verify>

Amy Sommer, RLA, LEED AP

EXPERIENCE:

- Senior Landscape Architect/ Project Manager, 2021-Present
Charles P. Johnson & Associates, Silver Spring, MD
 - Project manager for multiple private residential, mixed-use, and commercial developments throughout Prince George's, Montgomery, and Charles Counties.
 - Leading projects through the development and entitlement process from initial feasibility studies through site plan approval and construction.
- Associate & Senior Landscape Architect, 2014-2021
Nancy Owens Studio PLLC, New York, NY
 - Project manager for the master plan and \$26M redevelopment of Astoria Park in Queens. Project scope included reconstruction of the running track synthetic turf soccer fields, destination playground and waterplay area; and renovation of the historic comfort station.
 - Cultural and institutional projects include Brooklyn Children's Museum courtyard, Purple Heart Hall of Honor, and 60 Center Street NYS Supreme Courthouse site restoration.
- Associate & Landscape Architect, 2012-2014
HMWhite Site Architects, New York, NY
 - Managed the design and construction of residential developments, multifamily amenity terraces and courtyard gardens for Related Companies, Avalon Bay, MetroLoft, and Extell Development
 - Led the redesign and transformation of Viacom's cafeteria terrace into a multimedia event space with an intensive green roof and edible garden for the in-house kitchen.
- Landscape Architect, 2010-2012
Santiago Calatrava / Festina Lente LLP, New York, NY
 - Led development of the campus masterplan, site infrastructure, and landscape design packages for a new 170-acre Florida Polytechnic Campus and Science & Technology Building in Lakeland, FL
- Urban Designer, 2007-2010
Community Design + Architecture, Oakland, CA
 - Design guidelines for the Abu Dhabi Streetscape Master Plan and San Francisco Better Streets Plan (recipient of 2011 CNU Chapter & National Charter Awards)
- Landscape Architectural Intern 2005-2006
Copley Wolff Design Group, Boston, MA
- CAD Drafter and Designer, 2003-2004
Nelson and Pope Engineers and Surveyors, Melville, NY

EDUCATION:

- **Master of Landscape Architecture, Rhode Island School of Design**, Providence, RI, 2007
- **Bachelor of Science, Cornell University**, Ithaca, NY, 2003. Design and Environmental Analysis

- Study Abroad, University of Sydney, Sydney, Australia, 2002
-

CERTIFICATIONS:

- **Registered Landscape Architect** - Maryland, New York
- **LEED Accredited Professional**, New Construction
- **CLARB Certified Landscape Architect**

CIVIC/ PROFESSIONAL GROUPS:

- **American Society of Landscape Architects – Potomac Chapter Executive Committee**, Committee-person-at-large, Emerging Professionals Subcommittee, 2023-present
- **Hoboken Shade Tree Commission**, Past Chair (2018 - 2021), Commissioner (2015-2018)
- **Fort Greene Conservancy**, Park Improvement Committee, Landscape Advisor (2019-2021)
- **Hoboken Business Alliance**, Advisory Committee (2020-2021)

Maurene Epps McNeil
Chief Zoning Hearing Examiner

December 5, 2023

Re: Stewart Property
SE-22002

Dear Ms. Epps McNeil:

The following letter provides explanation for the two different layouts for application number SE-22002 - Special Exception for a Planned Retirement Community at Stewart Property. The initial site plan had 57 single-family attached units and featured a central recreation plaza and community garden across the street from a 3-unit stick between two submerged gravel wetlands. This layout was part of the application package initially submitted for pre-acceptance to MNCPPC in December 2022 and was officially accepted in May 2023. However, several days after SDRC review in May, it was brought to our attention that the Environmental Planning Division of MNCPPC would not approve the variance request for the removal for four (4) of the on-site specimen trees (ST-5 through 8) located at a proposed submerged gravel wetland facility.

To address Environmental Planning's concerns and preserve the four specimen trees, CPJ provided a revised layout, which MNCPPC staff based their Staff Report and recommendations on. The new layout was submitted to MNCPPC staff on August 17, 2023. The new layout replaces the previous one and is similar along the north, west, and south perimeters. However, the center block and east side have been rearranged and the submerged gravel wetland facilities consolidated in order to limit impact on Specimen Trees ST-5 through 8 and the adjacent woodlands. The recreation plaza and community garden beds have also been relocated from the center block to the south-central side of the property, just off the main circulation road. An additional trail behind proposed lots 29-35, picnic area, and adult fitness equipment have also been added to the revised plan to provide more recreation opportunities for future residents. The new layout preserves more of the natural features of the site while also providing desirable, high-quality, age-restricted housing to the greater community.

Sincerely,



Amy Sommer, PLA

Charles P. Johnson & Associates

**MARYLAND STATUTORY FORM
PERSONAL FINANCIAL
POWER OF ATTORNEY
OF
JOAN M. STEWART**

IMPORTANT INFORMATION AND WARNING

You should be very careful in deciding whether or not to sign this document. The powers granted by you (the principal) in this document are broad and sweeping. This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

You need not grant all of the powers listed below. If you choose to grant less than all of the listed powers, you may instead use a Maryland statutory form limited power of attorney and mark on that Maryland statutory form limited power of attorney which powers you intend to delegate to your attorney-in-fact (the agent) and which you do not want the agent to exercise.

This power of attorney becomes effective immediately unless you state otherwise in the special instructions.

You should obtain competent legal advice before you sign this power of attorney if you have any questions about the document or the authority you are granting to your agent.

DESIGNATION OF AGENT

I, **JOAN M. STEWART**, name the following person as my agent:

DAVID M. STEWART, my son, presently residing at 3505 Williamsburg Road, Davidsonville, Maryland 21035, telephone 443-607-8580 (home) or 410-320-0149 (cellular).

DESIGNATION OF SUCCESSOR AGENTS

If at any time or times there is no agent serving, then (1) the last serving individual agent, if living and able to do so, or (2) if not, the law firm of Walsh & Company, P.A., or its successor, shall designate one or more successor agents.

JMS

GRANT OF GENERAL AUTHORITY

I ("the principal") grant my agent and any successor agent, with respect to each subject listed below, the authority to do all acts that I could do to:

1. Contract with another person, on terms agreeable to the agent, to accomplish a purpose of a transaction and perform, rescind, cancel, terminate, reform, restate, release, or modify the contract or another contract made by or on behalf of the principal;
2. Execute, acknowledge, seal, deliver, file, or record any instrument or communication the agent considers desirable to accomplish a purpose of a transaction;
3. Seek on the principal's behalf the assistance of a court or other governmental agency to carry out an act authorized in this power of attorney;
4. Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to a claim existing in favor of or against the principal or intervene in litigation relating to the claim;
5. Engage, compensate, and discharge an attorney, accountant, discretionary investment manager, expert witness, or other advisor;
6. Prepare, execute, and file a record, report, or other document to safeguard or promote the principal's interest under a statute or regulation and communicate with representatives or employees of a government or governmental subdivision, agency, or instrumentality, on behalf of the principal; and
7. Do lawful acts with respect to the subject and all property related to the subject.

My agent's authority shall include the authority to act as stated below with regard to each of the following subjects:

SUBJECTS AND AUTHORITY

8. REAL PROPERTY - I authorize my agent to demand, buy, sell, convey, lease, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject an interest in real property or a right incident to real property; pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal, including a reverse mortgage; release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien, or other claim to real property that exists or is asserted; and manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by the principal, including: (1) insuring against liability or casualty or other loss; (2) obtaining or regaining possession of or protecting the interest or right by litigation or otherwise; (3) paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with them; and (4) purchasing supplies, hiring assistance or labor, and making repairs or alterations to the real property with another person, on terms agreeable to the agent, to accomplish a purpose of a transaction and perform, rescind, cancel, terminate,


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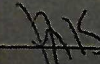
reform, restate, release, or modify the contract or another contract made by or on behalf of the principal.

9. **STOCKS AND BONDS** - I authorize my agent to buy, sell, and exchange stocks and bonds; establish, continue, modify, or terminate an account with respect to stocks and bonds; pledge stocks and bonds as security to borrow, pay, renew, or extend the time of payment of a debt of the principal; receive certificates and other evidences of ownership with respect to stocks and bonds; exercise voting rights with respect to stocks and bonds in person or by proxy, enter into voting trusts, and consent to limitations on the right to vote.

10. **BANKS AND OTHER FINANCIAL INSTITUTIONS** - I authorize my agent to continue, modify, and terminate an account or other banking arrangement made by or on behalf of the principal; establish, modify, and terminate an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the agent; contract for services available from a financial institution, including renting a safe deposit box or space in a vault; deposit with, or leave in the custody of, a financial institution, money or property of the principal, in the form of a check, money order, electronic funds transfer or otherwise, money or property of the principal deposited with or left in the custody of a financial institution; receive statements of account, vouchers, notices, and similar documents from a financial institution and act with respect to them; enter a safe deposit box or vault and withdraw or add to the contents; borrow money and pledge as security personal property of the principal necessary to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal; make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts, and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order, transfer money, receive the cash or other proceeds of those transactions; and apply for, receive, and use credit cards and debit cards, electronic transaction authorization, and traveler's checks from a financial institution.

11. **INSURANCE AND ANNUITIES** - I authorize my agent to continue, pay the premium or make a contribution to modify, exchange, rescind, release or terminate a contract procured by or on behalf of the principal that insures or provides an annuity to either the principal or another person, whether or not the principal is a beneficiary under the contract; procure new, different, and additional contracts of insurance and annuities for the principal and select the amount, type of insurance or annuity, and mode of payment; pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract of insurance or annuity procured by the agent; apply for and receive a loan secured by a contract of insurance or annuity; surrender and receive the cash surrender value on a contract of insurance or annuity; exercise an election; exercise investment powers available under a contract of insurance or annuity; change the manner of paying premiums on a contract of insurance or annuity; change or convert the type of insurance or annuity with respect to which the principal has or claims to have authority described in this section; apply for and procure a benefit or assistance under a statute or regulation to guarantee or pay premiums of a contract of insurance on the life of the principal; collect, sell, assign, hypothecate, borrow against, or pledge the interest of the principal in a contract of insurance or annuity; select the form and timing of the payment of proceeds from a contract of insurance or annuity; pay, from proceeds or otherwise, compromise or contest, and apply for refunds in connection with a tax or assessment levied by a taxing authority with respect to a contract of insurance of annuity or the proceeds or liability from the contract of insurance or annuity accruing by reason of the tax or assessment.

12. **CLAIMS AND LITIGATION** - I authorize my agent to assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment, or defense, including an action to recover property or other thing of value, recover



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damages sustained by the principal, eliminate or modify tax liability, or seek an injunction, specific performance, or other relief; act for the principal with respect to bankruptcy or insolvency, whether voluntary or involuntary, concerning the principal or some other person, or with respect to a reorganization, receivership, or application for the appointment of a receiver or trustee that affects an interest of the principal in property or other thing of value; pay a judgment, award, or order against the principal or a settlement made in connection with a claim or litigation; and receive money or other thing of value paid in settlement of or as proceeds of a claim or litigation.

13. **BENEFITS FROM GOVERNMENTAL PROGRAMS OR CIVIL OR MILITARY SERVICE** (Including any benefit, program or assistance provided under a statute or regulation, including Social Security, Medicare and Medicaid) - I authorize my agent to execute vouchers in the name of the principal for allowances and reimbursements payable by the United States or a foreign government or by a state or subdivision of a state to the principal; enroll in, apply for, select, reject, change, amend, or discontinue, on the principal's behalf, a benefit or program; prepare, file, and maintain a claim of the principal for a benefit or assistance, financial or otherwise, to which the principal may be entitled under a statute or regulation; initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation concerning a benefit or assistance the principal may be entitled to receive under a statute or regulation; and receive the financial proceeds of a claim described above and conserve, invest, disburse, or use for a lawful purpose anything so received, carry insurance against damage or loss to my property or against claims of other persons.

14. **RETIREMENT PLANS** (including a plan or account created by an employer, the principal, or another individual to provide retirement benefits or deferred compensation of which the principal is a participant, beneficiary or owner, including a plan or account under the following sections of the Internal Revenue Code ("IRC"): (1) an individual retirement account under IRC §408(a); (2) a Roth individual retirement account under IRC §408A; (3) a deemed individual retirement account under IRC §408(q); (4) an annuity or mutual fund custodial account under IRC §403(b); (5) a qualified pension, profit-sharing, stock bonus or other retirement plan under IRC §401(a); (6) a plan under IRC §457; and (7) a nonqualified deferred compensation plan under IRC §409A) - I authorize my agent to select the form and timing of payments under a retirement plan and withdraw benefits from a plan; make a rollover, including a direct trustee-to-trustee rollover, of benefits from one retirement plan to another; establish a retirement plan in the principal's name; make contributions to a retirement plan; exercise investment powers available under a retirement plan; borrow from, sell assets to, or purchase assets from a retirement plan, purchase, maintain, surrender collect or cancel (a) any life insurance policy, annuity, or endowment contract in which I have an interest, (b) any liability insurance protecting me against third party claims, (c) any health, medical or disability insurance on my behalf, and (d) any casualty insurance insuring assets of mine against loss or damage, or exercise any options, rights, or privileges contained in any such policies. This includes the right to obtain the cash surrender value, convert any policy to any other type of policy, revoke any mode of settlement and select another, and pay any part or all of the premiums on any policy or contract.

15. **TAXES** - I authorize my agent to prepare, sign, and file federal, state, local, and foreign income, gift, payroll, property, federal insurance contributions act, and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters, and other tax-related documents, including receipts, offers, waivers, consents, including consents and agreements under IRC §2032A, closing agreements, and other powers of attorney required by the Internal Revenue Service or other taxing authority with respect to a tax year on which the statute of limitations has not run and the following 25 tax years; pay taxes due, collect refunds, post bonds, receive confidential information, and contest deficiencies determined by the Internal Revenue


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Service or other taxing authority; exercise elections available to the principal under federal, state, local, or foreign tax law; and act for the principal in all tax matters for all periods before the Internal Revenue Service or other taxing authority.

16. **MOTOR VEHICLES** - I authorize my agent to sell, transfer or assign title on any vehicle I may own, to transfer or renew title with any appropriate government agency, and to place appropriate insurance on my behalf on any vehicle titled in my name, and to make necessary affidavits on my behalf on any and all documents effecting the sale of transfer of any such vehicle by me to others.

17. **DIGITAL ASSETS**. My agent shall have authority over and the right to access: (1) the contents of my electronic communications; (2) any catalogue of electronic communications sent or received by me; and (3) any other digital assets in which I have a right or interest.

SPECIAL INSTRUCTIONS

18. **USE ASSETS FOR MY CARE**. I authorize my agent to use any assets that my agent in the liberal exercise of discretion considers appropriate for my maintenance, support or health. However, no agent may use any assets in a manner that would discharge any personal legal obligation of my agent.

19. **SATISFY CHARITABLE PLEDGES**. I authorize my agent to satisfy my written charitable pledges, whether or not they are supported by legal consideration.

20. **CARRY ON BUSINESS**. Without filing reports with any court, I authorize my agent to continue, incorporate, enter into, or carry on in my behalf any business, whether as a stockholder, general or limited partner, or sole or joint owner, or otherwise; to invest whatever assets may be needed in the business; to employ agents to operate the business; to serve in any capacity with the business; to receive reasonable compensation for services, in addition to compensation for general services as my agent; and to reorganize, liquidate, merge, consolidate, or transfer the business or any part of it.

21. **ESTATES, TRUSTS AND OTHER BENEFICIAL INTERESTS** (including trusts, probate estates, guardianships, conservatorships, escrows, custodianships or other funds from which the principal is, may become, or claims to be entitled to a share or payment). I authorize my agent to (1) accept, receive, receipt for, sell, assign, pledge, or exchange a share in or payment from any fund described above; (2) demand or obtain money or another thing of value to which the principal is, may become, or claims to be entitled by reason of any fund described above, by litigation or otherwise; (3) exercise for the benefit of the principal a presently exercisable general power of appointment held by the principal; (4) initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to ascertain the meaning, validity, or effect of a deed, will, declaration of trust, or other instrument or transaction, affecting the interest of the principal; (5) initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to remove, substitute, or surcharge a fiduciary; (6) conserve, invest, disburse, or use anything received for an authorized purpose; (7) transfer an interest of the principal in real property, stocks and bonds, accounts with financial institutions or securities intermediaries, insurance, annuities and other property to the trustee of a revocable trust created by the principal as settlor; (8) reject, renounce, disclaim, release, or consent to a reduction in or modification of a share in or payment from any fund described above.



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22. MAKE CHARITABLE AND FAMILY GIFTS. I authorize my agent to make gifts, or disclaim property, on my behalf to charitable organizations and/or members of my family, in whatever amounts my agent considers desirable, taking into consideration all relevant factors, including tax savings and my general pattern of giving, if any. However, no agent may make any gift (1) to himself in excess of the amount excludible under IRC §2503(b) in any calendar year, unless appropriate for the agent's support, health or education, or (2) that would discharge any legal obligation of the agent. My agent may direct that any such gift shall be considered to be an advancement of a gift to be made under my will or a distribution to be made under any revocable trust of which I am the settlor.

23. DEAL WITH MAIL AND DELIVERY SERVICES. My agent may receive, open, read, respond to and redirect any mail, packages or correspondence addressed to me (either by the filing of a written or online change of address form) and may represent me in all matters concerning mail or delivery service before the United States Postal Service or any private carrier.

24. TRANSFER ASSETS TO REVOCABLE TRUST. I authorize my agent to transfer any property of mine (1) to the trustees then acting under any revocable trust agreement that I may hereafter execute as settlor for my sole benefit during my lifetime, or (2) to one or more persons, in trust, (i) for my sole benefit during my lifetime, (ii) under an agreement that shall be revocable and amendable in whole or in part by me, acting alone, during my lifetime, and (iii) that, unless otherwise directed in writing by me, shall be distributed upon my death in the same manner as my last will and testament distributes my estate, or if I have no last will and testament, in accordance with the law of intestacy of my state of domicile. Any property transferred to an existing revocable trust shall be added to the trust then held under that trust agreement and administered and disposed of under its provisions then and thereafter applicable.

25. DO ALL THINGS WITH FINAL AUTHORITY. I authorize my agent to do all things that I would be able to do myself. All decisions made by my agent in good faith are binding on all persons.

EFFECTIVE DATE

This power of attorney is effective immediately.

NOMINATION OF GUARDIAN

If it becomes necessary for a court to appoint a guardian of my estate or property, I nominate, in order, the persons named above as my agent to be the guardian of my property. I excuse each guardian from giving bond.


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REVOCATION OF PRIOR FINANCIAL POWERS OF ATTORNEY

I revoke any and all financial powers of attorney previously executed by me, except for any special, restricted or limited power of attorney that I may have given in connection with any borrowing, banking or other commercial transaction.

SIGNATURE AND ACKNOWLEDGMENT

April 25, 2021

Joan M. Stewart
JOAN M. STEWART
8215 Springfield Road
Glenn Dale, Maryland 20769
301-262-9348

STATE OF MARYLAND
COUNTY OF Prince George

I HEREBY CERTIFY that on April 25, 2021, before me, a notary public of the State of Maryland, personally appeared JOAN M. STEWART, the person named in the foregoing power of attorney, and acknowledged it to be her free act and deed.

David W. Warrington
Notary Public

My commission expires 1/25/2022.

DAVID W. WARRINGTON
Notary Public, State of Maryland
Commission Expires, 1/25/2022

9/11/15
Personal Financial Power of Attorney of JOAN M. STEWART

Walsh & Company, P.A. • Attorneys at Law • 1-800-480-6365

WITNESS ATTESTATION

The foregoing power of attorney was, on the date written above, published and declared by JOAN M. STEWART in our presence to be her power of attorney. We, in her presence, and at her request, and in the presence of each other, have attested to the same and have signed our names as attesting witnesses.

Witness:

Jasmin Haralambatos

(Printed Name of Witness #1)

Jasmin Haralambatos

Stephanie K Smith

(Printed Name of Witness #2)

Stephanie K Smith

Address and Telephone Number:

3506 Williamsburg Rd

Bardonia MD 21035

240-205-1190

3506 Williamsburg Rd

Bardonia, MD 21035

240-899-1105

JMS

Personal Financial Power of Attorney of JOAN M. STEWART

Walsh & Company, P.A. - Attorneys at Law • 1-800-480-6365

Resume

Kenneth R. Wallis
Environmental Consultant

Education and Certification

B.S. Degree, Environmental and Forest Biology (1998)
State University of New York, College of Environmental Science and Forestry, Syracuse, New York

Work and Experience

August, 2023 - Present
Senior Project Manager
Atwell, LLC
2661 Riva Road, Building 800
Annapolis, Maryland 21401

November, 2018 - August, 2023
Bay Environmental, Inc.
2661 Riva Road, Building 800, Suite A
Annapolis, Maryland 21401

November, 2014 - November, 2018
Senior Associate Environmental Scientist
Wetland Studies and Solutions, Inc.
1131 Benfield Boulevard, Suite L
Millersville, Maryland 21108

May, 2012 - November, 2014
Environmental Consultant
Klebasko Environmental, LLC
8373 Piney Orchard Parkway, Suite 207
Odenton, Maryland 21113

October, 1999 - May, 2012
Environmental Consultant
McCarthy and Associates, Inc.
14458 Old Mill Road, Suite 201
Upper Marlboro, Maryland 20772

Responsibilities:

Performing Wetland Delineations per criterion set forth by the 1987 Corps of Engineers Wetland Delineation Manual and local Regional Supplements on over 12,000 acres in the Mid-Atlantic Region. Coordinating with Federal and State regulatory agencies to obtain permits to impact jurisdictional waters of the United States, waters of the State, non-tidal wetlands, and associated buffers on hundreds

of parkland, utility line, commercial and residential development projects. Environmental studies including surface water quality monitoring, endangered species surveys, and submerged aquatic vegetation surveys. Preparation of Chesapeake Bay Critical Area Reports, Environmental Impact Reports Natural Resource Inventory/Forest Stand Delineation Reports and Stream Corridor Assessments.

Experience:

Testified as an expert witness in special exception, planning board, variance hearings and Maryland Board of Public Works hearings.

Professional Certifications:

Professional Wetland Scientist (PWS) #2878, Society of Wetland Scientists (2017)

Certified as a Qualified Professional by the State of Maryland, to perform Forest Stand Delineations and Forest Conservation Plans.

Affiliations:

Society of Wetland Scientists

SIGN POSTING INFORMATION

Application Number: SE-22002 AC-23008

Applicant(s) Name: ESC 8215 Springfield, L.C.

Date sign(s) were transmitted to applicant or applicant's agent: November 8, 2023

Number of signs transmitted: Four (4)

Person to whom signs were transmitted: Amy Sommer (Print)

Amy Sommer (Signature)

Capacity in which that person was acting: AGENT
(owner, applicant, agent)

Date of scheduled Zoning Hearing Examiner meeting: December 13, 2023

Last date sign(s) can be posted: November 13, 2023

SIGN POSTING AND INSPECTION AFFIDAVIT

I, Amy Sommer, hereby certify that the subject property was posted with
(print or type name)

Four (4) sign(s) on 11/13/2023
specify number (date)

Signature: 

Application Number SE-22002 AC-23008 Name: ESC 8215 Springfield Enterprise L.C.

Date: 11/13/2023

Address: Charles P. Johnson & Associates
1751 Elton Rd. Suite 300
Silver Spring, MD 20903

Telephone: 301-434-7000

Capacity in which you are acting: Agent
(Owner, Applicant, Agent)

NOTE: Attach **legible** photograph(s) return this affidavit and photographs to the Zoning Hearing Examiner no later than 15 days prior to the scheduled Zoning Hearing Examiner meeting (see attached map for posting locations).

ZONING HEARING EXAMINER
HEARING
FOR INFORMATION
301-952-3644
Email: ZHE@dc.gov
TO RECEIVE A COPY OF RECORDS PLEASE CONTACT:
SE-22002 / AC-23008
FOR MORE INFORMATION, VISIT THE DC DEPARTMENT OF GENERAL SERVICES WEBSITE:
12-13-2023 9:30 AM

ZONING HEARING EXAMINER
HEARING
FOR INFORMATION
301-952-3644
Email: ZHE@dc.gov
TO RECEIVE A COPY OF RECORDS PLEASE CONTACT:
SE-22002 / AC-23008
FOR MORE INFORMATION, VISIT THE DC DEPARTMENT OF GENERAL SERVICES WEBSITE:
12-13-2023 9:30 AM

HEARING
202-552-0844
HEARING
202-552-0844

ZONING HEARING EXAMINER
HEARING
FOR INFORMATION
301-952-3644
Email: ZHE@dc.gov
Website: www.dc.gov/zoning
AC-23002 / AC-23008
12-10-2023 9:30 AM

ZONING HEARING EXAMINER
HEARING
FOR INFORMATION
301-952-3644
Email: ZHE@dc.gov
Website: www.dc.gov/zoning
SE-22002
12-10-2023 9:30 AM



HEARING
301-882-3644

HEARING
301-882-3644

HEARING

FOR INFORMATION

301-952-3644

Email: ZHE@co.pg.md.us

TO BECOME A PERSON OF RECORD PLEASE CONTACT
US VIA EMAIL OR PHONE

VIRTUAL HEARING

SE-22002 / AC-23008

REQUEST FOR A SPECIAL EXCEPTION TO PERMIT A
PLANNED RETIREMENT COMMUNITY WITH AN
ALTERNATIVE COMPLIANCE

12-13-2023 9:30 AM

<https://pgccouncil.us/175/Office-of-the-Zoning-Hearing-Examiner>

ZONING HEARING EXAMINER

HEARING

FOR INFORMATION

301-952-3644

Email: ZHE@co.pg.md.us

TO BECOME A PERSON OF RECORD PLEASE CONTACT US VIA
EMAIL OR PHONE *VIRTUAL HEARING*

SE-22002 / AC-23008

REQUEST FOR A SPECIAL EXCEPTION TO PERMIT A PLANNED
RETIREMENT COMMUNITY WITH AN ALTERNATIVE COMPLIANCE

12-13-2023 9:30 AM

<https://pgccouncil.us/175/Office-of-the-Zoning-Hearing-Examiner>

ZONING HEARING EXAMINER

HEARING

FOR INFORMATION

301-952-3644

Email: ZHE@co.pg.md.us

TO BECOME A PERSON OF RECORD PLEASE CONTACT
US VIA EMAIL OR PHONE VIRTUAL HEARING

SE-22002 / AC-23008

REQUEST FOR A SPECIAL EXCEPTION TO PERMIT A
PLANNED RETIREMENT COMMUNITY WITH AN
ALTERNATIVE COMPLIANCE

12-13-2023 9:30 AM

<https://pgccouncil.us/175/Office-of-the-Zoning-Hearing-Examiner>

ZONING HEARING EXAMINER

HEARING

FOR INFORMATION

301-952-3644

Email: ZHE@co.pg.md.us

TO BECOME A PERSON OF RECORD PLEASE CONTACT
US VIA EMAIL OR PHONE *VIRTUAL HEARING*

SE-22002 / AC-23008

REQUEST FOR A SPECIAL EXCEPTION TO PERMIT A
PLANNED RETIREMENT COMMUNITY WITH AN
ALTERNATIVE COMPLIANCE

12-13-2023 9:30 AM

<https://pgccouncil.us/175/Office-of-the-Zoning-Hearing-Examiner>

PGCPB Agenda: 9/28/23
PGCPB Item #: NA
Application: Stewart Property, SE-22002
Reviewer Name: Andrew Shelly

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*.

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 27-395 (planned retirement community) 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-22002, a Variance from Section 25-122(b)(1)(G), Alternative Compliance AC-23008, and Type 2 Tree Conservation Plan TCP2-017-2023, for Stewart Property, 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. Provide a bicycle lane along the subject property’s entire frontage of Springfield Road on the special exception plan, **unless modified by the operating agency with written correspondence**.
 - b. Provide dimensions for all sidewalks and trails on-site on the special exception plan. All sidewalks shall be at least ~~6~~ **5** feet wide in accordance with the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan*, **unless modified by the operating agency with written correspondence**.
 - c. Provide additional public utility easements (PUEs) to provide continuity to the PUEs located along the fronts of **all** ~~lots 47 to Lots 57 and Lots 17 to Lots 36~~ on the special exception plan.
 - d. *Provide the following notes on the special exception plan and revise the representative architectural plans to demonstrate the following:* **The Applicant has proffered the following Conditions regarding representative architecture and providing the following notes on the approved special exception site plan:**
 - (1) “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.”

- (2) “All ~~single~~**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.”
- (3) “All highly visible ~~single~~**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.”

~~(4) “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.”~~

- ~~e. Revise the Visibility Impact Exhibit and the special exception plan to show all end units that are not considered highly visible as moderately visible or MVL.~~
- ~~f. Provide an exhibit demonstrating that each housing stick is within 500 feet of a fire hydrant, as hose is laid by the fire department, around corners, obstacles, etc.~~
- ~~g. Obtain approval of a preliminary plan of subdivision and reflect the approved lotting pattern of the preliminary plan on the approved special exception plan.~~
- ~~h. Revise the development standards table on the special exception plan to include the following:

 - ~~(1) Provide minimum lot size requirements.~~
 - ~~(2) Provide side setback requirements.~~
 - ~~(3) Provide accessory building structure requirements if proposed with the development.~~~~
- ~~i. **e.** Revise the project title on the provided draft covenants ~~to be consistent with the detailed site plan.~~~~
- ~~j. Provide Americans with Disabilities Act parking spaces, electric vehicle charging stations, and visitor parking as part of the on-site parking calculation on the special exception plan.~~
- ~~k. **f.** Provide site details for the proposed dog waste stations and demonstrate the locations of these dog waste stations on the special exception plan.~~
- ~~l. Conform to Section 27-624 or obtain an approved departure from design standards in accordance with Section 27-239.01.~~
- ~~m. Delineate and dimension the garages and dwelling units on the special exception plan.~~
- ~~n. Provide a note on the special exception plan that indicated the material of the driveways.~~

~~o. Provide the setbacks for the single-family attached dwelling units on the special exception plan.~~

~~p. Provide truck turning circulation plans.~~

~~q.~~ **g.** The landscape plan shall be revised, as follows:

(1) Increase the minimum size of Section 4.1 and Section 4.10 trees (close to the street) from 2.5-3 inch caliper to 3-3.5-inch caliper.

~~(2) Provide six additional shade trees along the eastern section of Private Road "A" and the middle section of Private Road "B" outside of the roadway and public utility easement, but as close to the street as possible. Additional planting locations may be found by decreasing the size of the public utility easement (if possible) or moving the houses back.~~

~~(3) Update the Section 4.6 schedules, as only 29 street trees appear to be proposed, not 30.~~

~~(4)~~ **(2)** Reduce the plant unit requirement in Schedule 4.7-1 (B) by 50 percent since a 6-foot-high fence is included in the bufferyard.

~~(5)~~ **(3)** Revise the number of plantings in all landscape schedules to correspond with the plant schedule provided on Sheet 2 of the landscape plan.

~~(6)~~ **(4)** Round all plant requirements for all landscape schedules to whole numbers.

~~(7)~~ **(5)** Indicate the landscape schedules where alternative compliance is being requested.

~~(8)~~ **(6)** Provide the following General Notes on Sheet 1 of the landscape plan:

A. Landscaping in front of the residential gateway signs will change seasonally.

B. Plantings in the raised garden beds will be installed by residents.

~~(9)~~ **(7)** Revise the tree canopy coverage on-site woodland conservation acres provided, and non-woodland conservation acres provided, in conformance with the provided Type 2 tree conservation plan.

~~(10)~~ **(8)** Provide a column stating if the proposed planting is native or non-native, on the plant schedule, on Sheet 2 of the landscape plan.

~~(11)~~ **(9)** Label the lighting fixtures and fence on Sheet 2 of the landscape plan. Revise the lighting fixtures to be full cut-off.

~~(12) Remove the recreation facilities schedule and calculation on Sheet 3 of the landscape plan.~~

~~(13) Provide site details for the on-site furniture that will be utilized within the community pavilion, on Sheet 3.~~

(14) **(10)** In addition to the landscape plan, provide a photometric plan demonstrating the lighting will consist of full cut-off fixtures that reduce spill-over into the surrounding community.

h. The Type 2 tree conservation plan (TCP2) shall be revised, as follows:

(1) Label the proposed development features on the plan (raised garden beds, sitting plaza, etc.)

(2) Provide 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 Prince George's County District Council with SE-22002 for the removal of Specimen Trees ST-1, ST-3, ST-9, and ST-10."

~~(3) Provide a layout that preserves Specimen Trees ST-5 through ST-8, and their respective critical root zones.~~

(4) **(3)** Provide the symbols in the legend for the sewer and associated easement(s), and all other features on the TCP2.

~~(5) Include the area shown as Preserved Not Counted (WPNC-1), as part of the on-site preservation, excluding the area within the Washington Suburban Sanitary Commission easement.~~

~~(6) Provide efforts, such as reduced grading or a retaining wall, to eliminate the impacts to the critical root zone (CRZ) of Specimen Tree ST-2.~~

(7) **(4)** Show the landscape area (LCA-1) as a minimum of 35 feet in width and contiguous with the property line to the south.

(8) **(5)** 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."

i. The Natural Resources Inventory should be revised to relabel the Specimen Trees to match the location and description of Specimen Trees shown on the Type 2 tree

conservation plan.

2. Prior to the acceptance of the preliminary plan of subdivision, the applicant shall:
 - a. Provide a pedestrian and bikeway facilities plan and demonstrate the following:
 - (1) Provide a bicycle lane along the subject property's entire frontage of Springfield Road, unless modified by the operating agency with written correspondence.
 - (2) Provide dimensions for all sidewalks and trails on-site. All sidewalks shall be at least ~~6~~ 5 feet wide in accordance with the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* unless modified by the operating agency with written correspondence.
 - b. Provide a geotechnical report that includes a slope stability analysis for both unmitigated and mitigated conditions.
 - c. Identify archaeological resources in the project area by conducting Phase I archeological investigations.
3. Prior to the approval of the final plat, the applicant shall:
 - a. Provide a plan evaluating the resource at the Phase II level, or avoiding and preserving the resourced in place, if it is determined upon receipt of the Phase I report by the Prince George's County Planning Department that potentially significant archeological resources exist on the subject property.
 - b. In accordance with Section 27-395(a)(5)(A) of the Prince George's County Zoning Ordinance, the applicant shall provide age-restricted covenants, in conformance with the Federal Fair Housing Act, and the covenants shall be approved by the Prince George's County District Council and filed in the land records of Prince George's County prior to record plat. The liber and folio of the covenants shall be reflected on the final plat prior to recordation.
4. Prior to issuance of any permit which impacts wetlands, wetland buffers, and streams, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approvals conditions were complied with, and associated mitigation plans.
5. Prior to any ground disturbance or the approval of any grading permits, the applicant shall:
 - a. Provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner if a Phase II and/or Phase III archeological evaluation or mitigation is necessary.

STEWART PROPERTY

SPECIAL EXCEPTION

STATEMENT OF JUSTIFICATION

I. INTRODUCTION

ESC 8215 Springfield L.C. (the “**Applicant**”) submits this Special Exception (“**SE**”) Justification Statement to demonstrate that the proposed development conforms with the applicable provisions of Subtitle 27 of the Prince George’s County Code (the “**Zoning Ordinance**”), the *2022 Approved Bowie-Mitchellville and Vicinity Master Plan* (the “**Master Plan**”) and other applicable review requirements and criteria. The subject property consists of approximately ±12.01 acres located at 8215 Springfield Road, Glenn Dale, Maryland (the “**Property**”). The Property is currently zoned RR (Rural Residential) and was previously zoned R-R (Rural-Residential), pursuant to the Prince George’s County Zoning Ordinance in effect prior to the April 1, 2022, Effective Date of the Zoning Ordinance (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 the *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 a Planned Retirement Community 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 to age in place. Additionally, the implementation of environmental site design techniques and strategic preservation of existing vegetation 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>	8215 Springfield Road, Glenn Dale, Maryland; Approximately 360 feet north of the intersection of Springfield Road and Moriarty Court.
<i>Parcel / Lot:</i>	Parcel 131.
<i>Tax Map #:</i>	28-D3; 28-D4; 28-E3; 28-E4.
<i>Frontage:</i>	Springfield Rd.
<i>Election District:</i>	14.
<i>Legislative District:</i>	24.
<i>Councilmanic District:</i>	4.
<i>Acreage:</i>	±12.01 Acres.
<i>Zoning:</i>	Prior: R-R. Current: RR.
<i>Planning Area:</i>	71A.
<i>Subdivision:</i>	N/A.
<i>Existing Water Category:</i>	W-4. ¹
<i>Existing Sewer Category:</i>	S-4. ¹
<i>Historic:</i>	N/A.
<i>Aviation Policy Area:</i>	N/A.
<i>Master Plan & SMA:</i>	<i>The 2022 Approved Bowie-Mitchellville and Vicinity Master Plan.</i>
<i>General Plan:</i>	<i>Plan Prince George's 2035.</i>

¹ See Prince George's County Council Resolution CR-17-2022, amending the Property's Water and Sewer Categories from 5 to 4, respectively, as part of the December 2021 Cycle of Amendments.

III. PROPERTY DESCRIPTION / EXISTING NEIGHBORHOOD

The Property consists of Parcel 131, located on the east side of Springfield Road at 8215 Springfield Road, Glenn Dale, Maryland, and is surrounded by several compatible residential uses. The Property fronts Springfield Road to the west, across from single-family detached houses on approximately one-acre lots in the prior R-R (Rural Residential) Zone. The Property is bound by several vacant properties to the north, east, and south – all of which are located in the same R-R Zone as the Property. The existing Springfield Manor residential community is located to the southeast of the Property.

The Property is currently improved with a single-family detached home, detached garage, and separate carport. 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 RR Zone.

IV. PROPOSED DEVELOPMENT

The subject SE application proposes the development of 57 single-family attached villas 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 centrally located plaza featuring a covered pavilion and additional seating spaces, walking trails, community garden, and seating plaza. As it relates to individual dwellings, 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 for County residents that are age 55 or older. The age-restricted nature of the Proposed Development will create a new opportunity for senior housing ownership that is insulated 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.²

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."³ At approximately 4.75 dwelling units per acre, the Proposed Development conforms to the General Plan's vision for Established Communities. Moreover, the siting and scale of the proposed Planned Retirement Community is compatible with the surrounding low-to moderate-density single-family residential communities.

B. The 2022 Approved Bowie-Mitchellville and Vicinity Master Plan

The Property is located within the boundaries of the Master Plan. The subject application conforms to the Master Plan and advances several important Plan strategies and policies for future development. Specifically, the Proposed Development represents context-sensitive, residential infill development that aligns with the Master Plan's land use policies for Established Communities. Moreover, the Proposed Development advances the following Master Plan Land Use, Housing & Neighborhoods, and Community Heritage, Culture & Design visions, goals, policies and strategies:

² A draft of this age-restriction covenant is included with this application.

³ See General Plan, p. 20 "Growth Policy Map." Established Communities are "most appropriate for context-sensitive infill and low-to medium-density development."

- *Established Communities, Land Use Policy LU 3: Map 16 Future Land Use recommends creating strategic opportunities for infill housing and commercial land uses within Established Communities, served by existing infrastructure.*

Comment: The subject application proposes infill residential development within the boundaries of the Master Plan and the General Plan's Established Communities Growth Policy Area. The proposed fee simple senior housing product advances the Master Plan's Land Use Policy for additional residential units and varied housing types at an appropriate density for this designated rural residential location.

- *Housing & Neighborhoods Goal 1: Neighborhoods contain a range of housing types that are affordable to the widest range of residents.*

Comment: The Proposed Development provides a new housing type that is compatible with the existing single-family residential community. 57 units of high-quality, fee simple senior housing will meet a demand for new age-restricted residential development in this area of the County.

- *Housing & Neighborhoods Goal 3: Additional housing options are available in the Established Communities.*

Comment: The Proposed Development introduces a new housing option within the Established Communities plan area that complements the surrounding single-family residential community.

- *Areawide, Housing & Neighborhoods Policy HN 2: Preserve and expand existing senior housing and transit-accessible housing.*

Comment: The Proposed Development expands the County's senior housing inventory with a high-quality Planned Retirement Community, adding 57 units of fee simple age-restricted housing.

- *Areawide, Housing & Neighborhoods Policy HN 4: Promote sustainable, green neighborhoods and construction.*

Comment: The proposed Planned Retirement Community represents efficient, sustainable land use through context-sensitive residential infill. The Proposed Development is also designed to preserve regulated environmental features to the fullest extent possible and efficiently manage stormwater quantity and quality. Moreover, once completed, the Proposed Development will be certified to meet the ICC 700 National Green Building Standard for Land Development at the Three-Star level or better.

Additionally, the Proposed Development advances Master Plan environmental goals related to improving stormwater runoff quality through a new stormwater management facility featuring environmental site design. The primary goal of providing the proposed stormwater management at the Property through Environmental Site Design is maintaining predevelopment runoff characteristics while enhancing and integrating into the site design. This goal is accomplished by maintaining natural hydrology, restoratively landscaping the entire facility, and enhancing receiving waters. Moreover, the proposed Environmental Site Design utilizes a network of smaller controls to capture and treat runoff rather than at a centralized location. This will create a more natural design that mimics predevelopment conditions while improving water quality, removing pollutants, and slowing runoff to prevent erosion. The Proposed Development advances the following Master Plan Natural Environment goals and policies:

- *Natural Environment Goal 1: The desired development pattern of Plan 2035 and the Bowie-Mitchellville and Vicinity Master Plan preserves, enhances, and restores the green infrastructure network and its ecological functions.*

Comment: The Proposed Development advances Natural Environment Goal 1 through the preservation of existing environmental features on-site and the surrounding community. The subject Planned Retirement Community is intentionally designed to limit impacts to regulated environmental features on-site, as the Proposed Development will not impact the Primary Management Area at the

northern and eastern property line. The preserved areas will act as sound and visual buffers between the Proposed Development and existing adjacent subdivisions. Woodland conservation areas are proposed within the Primary Management Area on-site. Reforestation and afforestation are also proposed to enhance existing woodlands. The Applicant has consistently coordinated with M-NCPPC Environmental Planning Staff throughout the development review process to ensure preservation of on-site Primary Management Area and Specimen Trees.⁴ Additionally, the subject application proposes planting of native species of trees, shrubs, and grasses on-site to enhance 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.

- *Natural Environment Goal 2: An interconnected network of significant environmental features that retains its ecological functions, maintains or improves water quality and habitat, and supports the desired development pattern is achieved.*

Comment: The Proposed Development creates a new senior community that efficiently utilizes the 12-acre site to provide housing opportunities while also preserving existing trees, conserving regulated environmental features, and improving stormwater management. The Proposed Development is intentionally designed to avoid any impacts to the Primary Management Area that runs along the full extent of the eastern property line. These preservation areas support the additional housing at this location by acting as sound and visual buffers between the Proposed Development and existing adjacent subdivisions.

- *Natural Environment Goal 4: Effective stormwater management is maintained to improve water quality and environmental health.*

⁴ Following acceptance and review by the Prince George's County Subdivision & Development Review Committee, the Applicant revised the SE-22002 Site Plan and TCP2-017-2023 to preserve four additional Specimen Trees in coordination with M-NCPPC Environmental Planning Staff.

Comment: The Proposed Development improves stormwater runoff quality through a new stormwater management facility featuring Environmental Site Design. Environmental Site Design will maintain predevelopment runoff characteristics while enhancing and integrating into the community layout. The facility maintains natural hydrology, restoratively landscapes the entire facility, and enhances receiving waters. Moreover, the Environmental Site Design will utilize a network of smaller controls to capture and treat runoff, rather than at a centralized location, to create a more natural design that mimics predevelopment conditions while improving water quality, removing pollutants, and slowing runoff to prevent erosion.

- *Areawide, Natural Environment Policy NE 1.1: Use the green infrastructure network as a guide to decision-making, and as an amenity in the site design and development review process.*

Comment: The Proposed Development is intentionally designed to avoid any impacts to the Primary Management Area that runs along the full extent of the eastern property line. Moreover, the subject application efficiently utilizes these preservation areas within the green infrastructure network as sound and visual buffers between the Proposed Development and existing adjacent subdivisions. As such, regulated environmental features inform the overall design of the community and will serve as an aesthetic buffer for future residents.

- *Areawide, Natural Environment Policy NE 3: Proactively address stormwater management in areas where current facilities are inadequate.*

Comment: The Proposed Development addresses stormwater management on-site with Environmental Site Design. The new stormwater system will maintain predevelopment runoff characteristics while integrating management into the site design. Accordingly, proposed management will maintain natural hydrology and restoratively landscape the facility while improving water quality, removing pollutants, and slowing runoff.

- *Areawide, Natural Environment Policy NE 3.4: Identify opportunities to retrofit portions of properties to enhance stormwater infiltration.*

Comment: The proposed stormwater management is intentionally designed to serve new development on the Property. The proposed managed system will improve the existing stormwater conditions through Environmental Site Design.

- *Areawide, Natural Environment Policy NE 6: Support local actions that mitigate the impact of climate change.*

Comment: The subject application proposes low- to medium-density residential development within one of the Master Plan's designated residential areas that leverages existing infrastructure, preserves the County's natural resources, and mitigates climate impacts associated with new development. The proposed context-sensitive residential infill efficiently utilizes existing infrastructure to support additional housing. The Proposed Development is located at an appropriate location for new housing in the Master Plan, which intendeds to minimize climate impacts related to sprawl. Furthermore, the age-restricted nature of the Proposed Development will result in less vehicular traffic and trips to and from the Planned Retirement Community than an all-ages residential development of a similar size. In addition to limited traffic and vehicular emission impacts related to the proposed age-restricted use, the subject application was intentionally designed to limit impacts to regulated environmental features on-site.

In sum, the Proposed Development advances numerous Master Plan goals and policies across multiple, diverse planning disciplines. As analyzed above, the Proposed Development comprehensively addresses the Plan's most salient land use, housing, and environmental, policies to benefit 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 Glenn Dale area and the County at large. More specifically, the Proposed Development advances the following *Comprehensive Housing Strategy* strategies, goals, and policies:

- ***Targeted Strategy 1:*** *Encourage new, context-sensitive development that expands housing types to serve the county's diverse population and distinct geographic character.*

Comment: The Proposed development provides a new context-sensitive housing option in close proximity to compatible all-ages housing options. This unique age-restricted 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.

- ***Action 1.7:*** *Implement a comprehensive approach to support elderly households aging in place.*

Comment: The Proposed Development advances the County's Comprehensive Housing Strategy by providing new opportunities for seniors to age in place. The proposed Planned Retirement Community fits into a larger approach to develop new senior housing within Established Communities that leverages existing infrastructure and complements surrounding residential communities.

The Proposed Development creates a unique 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

The Applicant proposes to submit this application consistent with the Prior Zoning Ordinance, pursuant to Sec. 27-1900 “Development Pursuant to Prior Ordinance” of the Zoning Ordinance. In addition to Sec. 27-1900, the Zoning Ordinance also includes “Transitional Provisions” to process the Ordinance’s treatment of existing development approvals and entitlements, as well as future development pursuant to the Prior 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. 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 August 29, 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. The Proposed Development was intentionally designed to meet the Prior Zoning Ordinance’s purposes, regulations, and applicable standards for a Planned Retirement Community. Accordingly, the subject SE application is proposed in conformance with the Prior Zoning Ordinance – as well as the Subdivision Regulations in effect prior to April 1, 2022 (the “**Prior Subdivision Regulations**”). For reasons related to development application continuity and conformance with the Prior Zoning Ordinance and the Prior Subdivision Regulations, 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 residential community 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, moral 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 with new, high-quality senior housing. 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 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 the surrounding Glenn Dale community while creating a mix of housing opportunities to complement other nearby existing neighborhoods.

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

Comment: The subject application promotes the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services. The Proposed Development creates a new senior community that efficiently utilizes the 12-acre site to provide housing opportunities while also preserving existing trees, conserving regulated environmental features, and improving stormwater management. The Proposed Development is intentionally designed to avoid any impacts to the Primary Management Area that runs along the full extent of the eastern property line. Two submerged gravel wetlands are proposed along the eastern property boundary to improve stormwater management on-site and in the surrounding area.

Moreover, the proposed community will be served by adequate public facilities. The Proposed Development will not impact adequate facilities that currently serve the surrounding single-family residential communities. Pursuant to the Traffic Impact Statement submitted with this application, the Proposed Development will

result in fewer net trips and access points along the adjacent Collector than a by-right single-family detached residential community on-site would.⁵ Additionally, the age-restricted nature of the proposed Planned Retirement Community use innately results in a marginal impact on Prince George's County schools.

(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 necessary landscape buffering and building restriction lines will be preserved. High quality fences will be used for screening purposes where necessary, in conformance with the Landscape Manual. Building heights will be limited and architecture will provide ample 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;

⁵ See Traffic Impact Statement dated August 5, 2022. The Proposed Development would impact traffic less than a single-family detached community on-site at a by-right density of 22 dwelling units. The Proposed Development also utilizes one access point along Springfield Road, whereas a by-right single-family detached community would likely necessitate multiple access points to serve the Property.

Comment: As demonstrated in the application site plan, the Proposed Development provides a beneficial relationship between adjacent single-family residential 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. Moreover, the Proposed Development is consistent with the General Plan's vision for Established Communities, proposing appropriate context-sensitive infill and low to medium-density development that is compatible with the surrounding residential community.

(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. 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 Development will provide 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 4.75 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: Pursuant to the Traffic Impact Statement and Circulation Plan submitted with this Application, the Proposed Development will not cause congestion along Springfield Road or nearby intersections. Moreover, the Proposed Development and associated roadway improvements will insure the usefulness of the surrounding road network and larger transportation system. The single access point on Springfield Road results in improved safety and capacity compared to multiple entry points for R-R lots and the entrance will be constructed in accordance with current Prince George's County standards for a collector road.

- (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 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: The Proposed Development will protect against undue pollution and advance the preservation of existing environmental features on-site and in the surrounding community. The proposed age-restricted residential community innately features limited externalities related noise and pollution. In addition to limited traffic and noise impacts related to the proposed use, the subject application was intentionally designed to limit impacts to regulated environmental features on-site. The Proposed Development will not impact the Primary Management Area on-site, and the proposed planting of native species of trees, shrubs, and grasses will benefit air quality in the surrounding community. The preserved areas will act as sound and visual buffers between the Proposed Development and existing adjacent subdivisions. Woodland conservation areas are proposed within the Primary Management Area on-site. Reforestation and afforestation are also proposed to enhance existing woodlands. Additionally, 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.

(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 Springfield Road and the proposed dwelling units. Landscape buffers of native trees and shrubs – in conformance with the Landscape Manual – will be provided on the north and south boundaries at Springfield Road. Additional landscape planting will be provided at the entrances and open space common areas to screen homes and private yards.

(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. Context-sensitive residential infill efficiently locates new housing within an appropriate area of the County to reduce sprawl and concomitant demands on the County's natural resources. The

subject application provides stormwater quality and quantity management to benefit the surrounding community.

(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 analyzed in Section V of this Statement, 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 in the Glenn Dale area.

(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: 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 impact regulated environmental features on-site.

(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 the Chesapeake Bay Critical Overlay Zone boundaries.

2. §27-395 Planned Retirement Community Special Exception Criteria

A planned retirement community may be permitted, subject to the following criteria:

(1) Findings for Approval

(A) The District Council shall find that:

(i) The proposed use will serve the needs of the retirement-aged community;

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* and Master Plan to better leverage available land for new, context-sensitive development that expands housing types and supports senior residents.

(ii) The proposed use will not adversely affect the character of the surrounding residential community; and

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 low- to-moderate density residential community and will complement development in the surrounding area.

(iii) In the R-A Zone, there shall be a demonstrated need for the facility and an existing medical facility within the defined area of the subject property.

Comment: The Property was previously zoned R-R. Accordingly, this finding is not applicable to the subject application.

(2) Site Plan

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

Comment: A Traffic Impact Statement and Circulation Plan, detailing the proposed traffic circulation patterns for the Proposed Development is submitted with this application.

(3) Regulations

(A) Regulations restricting the height of structures, lot size and coverage, frontage, setbacks, density, dwelling unit types, and other requirements of the specific zone in which the use is proposed shall not apply to uses and structures provided for in this Section. The dimensions and percentages shown on the approved site plan shall constitute the regulations for a given Special Exception.

Comment: Applicable dimensional and bulk regulations are set forth with the subject site plan. A summary of the proposed regulations is provided in the table below:

REGULATION	PROPOSED
Lot Coverage	75% Max
Setbacks	20' Front, 14' Min. Rear, 0' / 4' Side
Density	4.75 DU / AC
Lot Width (Min)	28 Feet at Front Street Line
Height (Max)	30 Feet
Lot Area (Min)	2,500 SF

(B) The subject property shall contain at least twelve (12) contiguous acres.

Comment: The Property is comprised of 12.01 contiguous acres. Pursuant to the Prince George’s County Department of Public Works & Transportation’s (DPW&T) confirmation letter submitted with this application, the Property has a land area of 12.01 contiguous acres as a result of a prescriptive easement along Springfield Road. In correspondence with the Applicant dated June 8, 2022, M-NCPPC Zoning Staff confirmed that DPW&T’s confirmation letter – along with the property survey – satisfies Sec. 27-395(a)(3)(B) of the Prior Zoning Ordinance.

(C) The average number of dwelling units per acre shall not exceed (8) for the gross tract area.

Comment: The Proposed Development proposes approximately 4.75 dwelling units per acre.

(D) In the R-A Zone, buildings shall not exceed three (3) stories.

Comment: The Property was previously zoned R-R. Accordingly, this requirement is not applicable to the subject application.

(E) In the I-3 Zone, the following shall apply:

- (i) *The gross tract area shall be a minimum of ninety (90) acres with at least twenty-five percent (25%) of its boundary adjoining residentially-zoned land or land used for residential purposes;*
- (ii) *The property shall have at least one hundred fifty (150) feet of frontage on, and direct vehicular access, to a public street;*
- (iii) *All buildings shall be set back a minimum of seventy-five (75) feet from all nonresidentially-zoned boundary lines or satisfy the requirements of the Landscape Manual, whichever is greater; and*
- (iv) *The property shall be located within two (2) miles of mass transit, regional shopping, and a hospital.*

Comment: The Property was previously zoned R-R. Accordingly, this finding is not applicable to the subject application.

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

Comment: The Property was previously zoned R-R. Accordingly, this finding is not applicable to the subject application.

(4) Uses

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

Comment: The Proposed Development features multiple community amenities to provide opportunities for residents to spend time together outdoors. Proposed community amenities include a gathering area with a covered pavilion and additional seating spaces, walking trails, and seating plaza.

The Proposed Development and recreational facilities are commensurate with the size of the development. The main community gathering area is centrally located on the site to encourage regular use by all residents. The focal point of the central park areas is a ±400 square foot covered pavilion on a ±3,050 square foot plaza. The wood post and asphalt shingle roof pavilion will feature lights and power outlets that make the pavilion suitable for community events such as picnics and homeowners association meetings. Permanent fixed benches and moveable outdoor tables and chairs will be provided at the pavilion and on the plaza. The plaza will be surfaced with unit pavers and surrounded with landscaping contained by seating height masonry walls. Approximately twelve 4x8' raised garden beds for community use are proposed next to the plaza. As it relates to active recreation, ±890 linear feet of natural surface trail is proposed throughout the Proposed development. Additionally, the Property is located less than three miles from both the Huntington Community Center and the Glenn Dale Community Center and Splash Park, each of which features programming with fitness, crafts, and other activities.

The community meeting area is approximately centered between the eastern and western boundaries of the Property. The community area is located towards the southern portion of the Property due to the presence of specimen trees near a more central location. The preserved area around the specimen trees at this location will also be utilized as a natural undeveloped community space with recreational access, including picnic tables and a natural surface trail. The proposed developed community meeting area with pavilion and hard surface is located within an 800' walk of all dwellings, with the majority of homes located within one block. Sidewalks and crosswalks throughout the development, along with nearby parallel parking spaces provide easy access to the recreation area for all residents.

(B) Retail commercial uses, medical uses, health care facilities, and other uses which are related to the needs of the community may be permitted.

Comment: No retail, commercial, medical, or healthcare uses are proposed.

(5) Residents' Age

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

Comment: A draft of the proposed age-restriction covenant is included with this application.

(6) Recreational Facilities

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

Comment: Drafts of applicable covenants guaranteeing the perpetual maintenance and utilization of proposed recreational facilities are included with this application.

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 residential community.

(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 4.75 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, 45% of the Proposed Development is dedicated to open space, recreational facilities, woodland/environmental conservation area, stormwater management facilities, and social-oriented amenities.

(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.

VII. CONFORMANCE WITH OTHER APPLICABLE REVIEW CRITERIA

A. Prince George's County Landscape Manual

This Application is subject to the standards and regulations provided by the Prince George's County Landscape Manual (the "**Landscape Manual**"). The Applicant is requesting Alternative Compliance for Landscape Manual Section 4.6 ("Buffering Development from Streets") and Section 4.10 ("Street Trees Along Private Streets") requirements for the Property, pursuant to Section 27-239.01 of the Prior Zoning Ordinance and Section 1.3 of the Landscape Manual. With approval of the requested Alternative Compliance, the Proposed Development will be designed in accordance with the requirements of the Prince George's County Landscape Manual.

B. Tree Canopy Coverage Ordinance

The Proposed Development – in combination with existing tree canopy on-site – provides more than the required 15% tree canopy coverage for the R-R Zone.

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 Zoning Ordinance's required findings for a Planned Retirement Community in the R-R Zone. Moreover, the plans, documents, and illustrative views submitted in conjunction with this Statement, 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 senior housing for 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 Zoning Ordinance.