

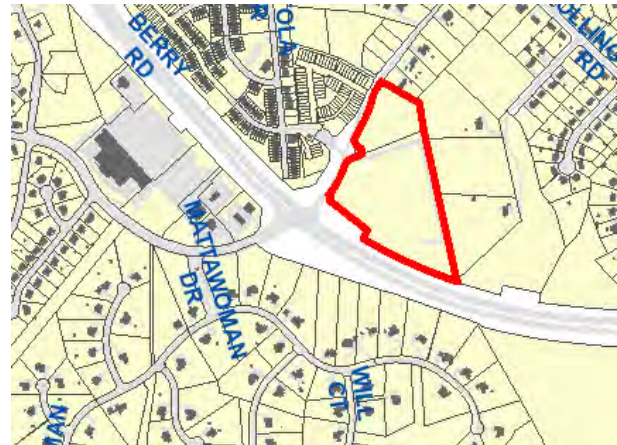


Conceptual Site Plan Remand Hearing Signature Club East

CSP-23002

REQUEST	STAFF RECOMMENDATION
Remand Hearing Development of up to 300 multifamily dwelling units and 12,600 square feet of commercial/retail space	With the conditions recommended herein: <ul style="list-style-type: none"> • APPROVAL of Conceptual Site Plan CSP-23002 • APPROVAL of Type 1 Tree Conservation Plan TCP1-052-97-03 • APPROVAL of a Variance to Section 25-122(b)(1)(G)

Location: In the northeast quadrant of the intersection of MD 228 (Berry Road) and Manning Road East.	
Gross Acreage:	16.90
Zone:	RMF-48
Prior Zone:	M-X-T
Reviewed per prior Zoning Ordinance:	Section 27-1900
Dwelling Units:	300
Gross Floor Area:	337,600 sq. ft.
Planning Area:	84
Council District:	09
Municipality:	None
Applicant/Address: Signature 2016 Commercial, LLC 136 Eareckson Lane Stevensville, MD 21666	
Staff Reviewer: Te-Sheng (Emery) Huang Phone Number: 301-952-4534 Email: Tesheng.Huang@ppd.mncppc.org	



Planning Board Date:	01/15/2026
Planning Board Action Limit:	01/18/2026
Staff Report Date:	12/29/2025
Date Accepted:	02/26/2024
Informational Mailing:	11/14/2023
Acceptance Mailing:	01/05/2024
Sign Posting Deadline:	12/16/2025

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



December 29, 2025

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Hyojung Garland, Supervisor, Urban Design Section
Development Review Division

FROM: Te-Sheng (Emery) Huang, Planner IV, Urban Design Section
Development Review Division

SUBJECT: **Conceptual Site Plan CSP-23002 (Remand)
Signature Club East**

BACKGROUND

Conceptual Site Plan CSP-23002, Signature Club East, for the development of up to 300 multifamily dwelling units and 12,600 square feet of commercial/retail space, in the Mixed Use-Transportation Oriented (M-X-T) Zone, was approved by the Prince George's County Planning Board on July 10, 2025, and a resolution memorializing the Planning Board's decision (PGCPB Resolution No. 2025-057) was adopted on July 31, 2025. The Planning Board's decision was appealed to the Prince George's County District Council by Carolyn Keenan, Jordan Eberst, Robyn Braswell, Brittney Braswell, Tatiana Gomez, Laura Sanchez Ramirez, Alexander Gomez, Rana Dotson, Julian Dotson, Caleb Dotson, Victor Christiansen, Vincent Ambrosino, and Janet Taylor ("Appellants"). On October 21, 2025, without conducting oral argument, the District Council directed the preparation of an Order of Remand on all issues raised in the appeal. The Order of Remand was issued by the District Council on November 4, 2025.

As explained in the Order or Remand, the District Council sits in an appellate capacity when reviewing a final decision of the Planning Board approving a CSP. As an appellate body, the District Council is limited to determining if there is substantial evidence in the record as a whole to support the Planning Board's findings and conclusions, and to determine if the Board's decision is based on an erroneous conclusion of law. It cannot, however, substitute its judgment for that of the Planning Board. The Planning Board's decisions receive even more deferential review regarding matters that are committed to the Board's discretion and expertise. In such situations, the District Council may only reverse the Planning Board's if its decision is found to be arbitrary and capricious. See, *Cnty. Council of Prince George's Cnty. v. Zimmer Dev. Co.*, 444 Md. 490, 573-74 (2015). A decision of the Planning Board's is generally owed no deference, however, when its conclusions are based upon an error of law. See, *County Council of Prince George's County v. FCW Justice, Inc.*, 238 Md.App. 641, 668 (2018).

On October 21, 2025, counsel for the applicant, WP East Acquisitions, L.L.C. (“Applicant”) requested the District Council issue a “limited order of remand” because the record of the case was “a little confusing” on issues related to the preservation of trees. Counsel for the Appellants opposed the remand request and asked for full oral argument. People’s Zoning Counsel recommended the District Council issue an order of remand “for all of the exceptions” raised by Appellants, The Order of Remand found the Planning Board’s decision lacked sufficient “well-reasoned and articulated administrative findings” to enable the District Council to conduct meaningful review and requested the Planning Board conduct a hearing to take additional testimony on nine issues as further discussed below. Pursuant to prior decisions of the District Council, the remand hearing must be conducted, and any revised resolution adopted, within 60 days of the date the notice of remand is transmitted from the Clerk of the Council, not including the period between and inclusive of December 20 and January 3.

ORDER OF REMAND FINDINGS

The Order of Remand was mailed to all parties of record on November 4, 2025. Within the Order of Remand, the District Council outlined nine issues to be addressed, shown in **bold** below, followed by staff analysis, in plain text:

- 1. Clarify, based on new administrative findings, the history of all Tree Conservation Plans and prior designation of Lot 12 as a forest retention area and the impact of each or same on the overall development of the property proposed in the CSP application and provide additional administrative findings to address the Opposition remove the woodland preservation areas on Lot 12 and Outparcel B would violate the Woodland Conservation Ordinance and that off-site preservation proposed in the CSP application does not compensate for the removal of the woodland preservation areas.**

This application is part of a larger Type I Tree Conservation Plan TCPI-052-97, containing 343.65 acres. The overall TCPI includes the Manokeek, Manokeek Village Center, and Signature Club at Manning Village developments. The TCP associated with this CSP is grandfathered from the Woodland and Wildlife Habitat Conservation Ordinance regulations because the two subject parcels (Lot 12 and Outparcel B) have been part of an approved Type II Tree Conservation Plan, TCPII-116-01, which was previously implemented in accordance with Section 25-119(g)(1) of the 2010 Woodland and Wildlife Habitat Conservation Ordinance (2010 WCO), and the property has been partially developed with a stormwater management (SWM) facility. The approved TCPII-039-01-02 shows Lot 12 labeled “Future Development” with woodland clearing and some woodland preservation along the north and east boundary.

Outparcels A and B retained grandfathering with approved Preliminary Plan of Subdivision (PPS) 4-01065 and companion TCPI-025-01, which received later approval via TCPII-116-01 and was implemented by grading. It is noted that Outparcel A is not part of this CSP application, but was included together with Outparcel B on prior TCPs (e.g., TCPII-116-01 and TCPI-025-01). TCPI-025-01 and TCPII-039-01 and subsequent revisions show future woodland clearing and development on both Outparcel B and Lot 12. A breakdown analysis below shows what has been represented with Lot 12 and Outparcel B in approved development applications.

Overview of Lot 12 and Outparcel B TCP2s

Manokeek (Application Case: CSP-99050; TCPI-052-97; PGCPB No. 00-142, and 4-97091; TCPI-052-97; PGCPB No. 98-22(A)/I. Both cases were approved on July 27, 2000.)

TCPI-052-97 showed all the development area within CSP-99050, including both future residential and commercial uses. This TCPI included Lot 12 (called Outlot 3). Lot 12 was shown as having cleared woodlands, and a SWM pond installed. The plan represents 2.167 acres of woodland preservation and 0.7 acre of reforestation.

Manokeek Outparcel B and Lot 12 (Application Case: PPS 4-01064; TCPI-052-97-01 and TCPI-025-01; PGCPB No. 02-08, approved on February 7, 2002)

PPS 4-01064 included Outparcel B and Lot 12. While Lot 12 was included in TCPI-052-97-01, Outparcel B was included in TCPI-025-01. Lot 12 was approved for mixed retail and office development. While no development was approved for Outparcel B, it was noted that future development of Outparcel B would require a new PPS. TCPI-025-01 showed tree preservation of 0.62 acre on Outparcel B. TCPI-052-97-01 showed both tree preservation and reforestation of 2.867 acres.

Manokeek (Application Case: 4-01063; TCPI-052-97-01; PGCPB No. 02-07(A)(C), approved on January 10, 2002)

PPS 4-01063 was for residential development of Outlot 2. TCPI-052-97-01 included Lot 12, which was improved with a SWM pond and 10.04 acres of preservation.

Manokeek (Application Case: CSP-99050-01; TCPI-052-97-02; PGCPB No. 05-228 approved on November 3, 2005)

CSP-99050-01 was for revisions to Outlot 2 only. TCPI-052-97-02 included Lot 12 labeled as "Future Development anticipated per CSP-99050". The TCPI showed Lot 12 as being cleared with 0.30 acre of woodland preservation and 0.48 acre of preservation "not counted."

Signature Club East (Application Case: CSP-23002, TCPI-052-97-03)

TCPI-052-97-03, associated with the subject application, includes both Outparcel B and Lot 12, which are zoned M-X-T. This TCPI shows no on-site preservation areas.

Manokeek (Vincent Property) Outparcel A and B (Application Case A-9960-C; Zoning Ordinance No. 2-2006, approved on January 9, 2006, and PPS 4-01065; TCPI-025-01; PGCPB No. 02-09, approved on January 7, 2002)

On Outparcel B (Outlot B), TCPI-025-01 showed no proposed development improvements other than road improvements for Manning Road East. Outparcel B was shown with woodland clearing, 0.62 acre of preservation and 0.02 acre of preservation with a 35-foot width. Outparcel A (Outlot A) was shown cleared with 0.36 acre of preservation and 0.21 acre of preservation with a 35-foot width. The

standard minimum width for tree preservation was 35 feet in the 1991 Woodland Conservation Ordinance.

Manokeek (Vincent Property) Outparcel A and B (Application Case: TCPII-116-01)

TCPII-116-01 showed a large, proposed stockpile area on Outparcel A and no development on Outparcel B. The plan showed tree preservation of 3.90 acres on Outparcel B and clearing for the proposed stockpile on Outparcel A with 2.60 acres of woodland preservation. This development provided 1.06 acres of afforestation as off-site Woodland Credits.

Addition to Signature Club at Manning Village (Application Case: TCP2-033-2023)

TCP2-033-2023 is only for Outparcel A, which was approved for townhouse development, and Outparcel B is not shown on this TCP2. This is for informational purposes only, as prior approvals included Outparcel A and Outparcel B together.

Manokeek Phase 1 (Application Case: TCPII-121-99)

TCPII-121-99 was part of TCPI-052-97 and subsequent revisions. This TCPII was for residential lots on the south side of MD 228 (Residential-Agricultural (R-A)/Rural Residential (R-R) zoned). The TCPII did not include Outparcel B and Lot 12. This TCPII provided off-site Woodland Credits, 3.00 acres of afforestation.

Manokeek Commercial (Application Case: DSP-01036; TCPII-112-01; PGCPB No. 01-251, approved on December 6, 2001)

TCPII-112-01 showed only the commercial area (Outlot 1) on the south side of MD 228. This TCPII did not include Lot 12 and Outparcel B. This TCPII provided 10.35 acres of off-site Woodland Credits and 3.46 acres of preservation and afforestation.

Signature Club of Manning Village (Application Case: DSP-04063; TCPII-039-01-01; PGCPB No. 05-250, approved on December 22, 2005)

TCPII-039-01-01 showed the residential lots (Outlot 2) on the north side of MD 228. This TCPII included Lot 12, which was shown labeled as “Future Development” and included clearing for a SWM pond with 10.10 acres of preservation. This TCPII did not include Outparcel B.

Signature Club of Manning Village (Application Case: DSP-04063-01; TCPII-039-01-02; a Director-level revision)

TCPII-039-01-02 included Lot 12, which was shown labeled as “Future Development” and included clearing for a SWM pond with 10.10 acres of preservation. This TCPII did not include Outparcel B.

Signature Club (Application Case: DSP-04063-04; TCPII-039-01-03; PGCPB No. 17-153(C), approved on December 7, 2017)

TCPII-039-01-03 included Lot 12, which was shown labeled as “Part of Preservation Area 2” and included clearing for a SWM pond with 10.06 acres of preservation. Page 28 of Prince George’s County Planning Board (PGCPB) Resolution No. 17-153(C) for Detailed Site Plan DSP-04063-04, associated with this TCPII, notes that Lot 12 will be developed as a commercial facility in the future. General Note 13 on the coversheet of DSP-04063-04 also notes, “Future Commercial/Retail on Lot 12.” TCPII-039-01-03 is for revisions to the site layout and unit types of the residential development on Lot 11. This confirms there is no intent for Lot 12 to remain a woodland preservation area. This TCPII did not include Outparcel B.

The overall TCP, which includes the Manokeek, Manokeek Village Center, and Signature Club at Manning Village developments, demonstrates that 22.65 acres of off-site woodland conservation has been provided with previous applications. The conservation worksheet on the TCP1 revision, provided as a companion to this CSP, shows that 10.04 acres proposed to be removed with this application has not been accounted for and is showing as preservation. A condition is included herein requiring that, prior to certification of CSP-23002, the applicant shall correct the worksheet to accurately reflect the clearing and the amount of off-site mitigation necessary to fulfill the total woodland conservation requirement, in accordance with Section 25-122(a)(3) of the 2010 WCO.

2. State the accurate description and location of the property.

The resolution has been revised to correct the scrivener’s error in the WHEREAS clause that misidentified the location of the subject property. The subject property is located in the northeast quadrant of the intersection of MD 228 and Manning Road East as accurately identified in the application, throughout the record, and in all applicable notices. No further testimony is required to address this issue.

3. State, based on new administrative findings, whether § 27-1704(a) of the New Zoning Ordinance contemplates the filing of a new CSP application to amend a previously approved CSP when the sole purpose of the new CSP application was solely intended to increase land approved in the previously approved CSP which, under § 27-1704(a) of the New Zoning Ordinance, may not be amended to increase land that was the subject of the previously approved CSP since such prior approval remains valid for twenty years from April 1, 2022.

No further testimony is required on this issue. The resolution accurately identifies the source of law that entitled this application to proceed under the provisions of the prior Prince George’s County Zoning Ordinance. The subject application was officially accepted on February 26, 2024. The applicant elected for the application to be reviewed pursuant to the Zoning Ordinance effective prior to April 1, 2022 (prior Zoning Ordinance) in accordance with Section 27-1900 *et. seq.* Pursuant to Section 27-1903(b) of the Zoning Ordinance, until April 1, 2025, an applicant was permitted to apply for a CSP pursuant to the requirements of the Zoning Ordinance in existence prior to April 1, 2022 (“prior Zoning Ordinance”), which allows for an applicant to add additional property to the application.

Whether the applicant had proceeded with an amendment to CSP-99050, or as a new CSP, the addition of 3.7 acres (Outparcel B) was permitted under the provisions of the prior Zoning Ordinance.

4. **State, based on new administrative findings, whether TCP1-052-97-03 conforms with the Countywide Green Infrastructure Functional Master Plan and subsequent area master plan revisions, including maps and text as required in PGCC § 25-121(a)(5).**

Pursuant to Section 25-121(a)(5) of the 2010 WCO, staff finds that this CSP conforms to the *Countywide Green Infrastructure Plan* and the *Approved Subregion 5 Master Plan* as follows:

Plan Prince George's 2035 Approved General Plan (2014)

The site is located within Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map and in the Established Communities of the General Plan Growth Policy map, as designated by the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035). The project is not within the boundaries of a transit-oriented center as identified in Plan 2035.

2017 Green Infrastructure Plan

The *Countywide Green Infrastructure Plan* (GI Plan) was approved on March 17, 2017, with the adoption of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017). According to the approved GI Plan, the on-site woodlands located in Lot 12 are within evaluation area, and woodlands within Outparcel B are located within both regulated and evaluation areas. The site has an approved Natural Resources Inventory (NRI-075-2022), which correctly shows the existing conditions of the property. There are five specimen trees on-site and five specimen trees located off-site. The site does not contain regulated environmental features (REF) as defined in Section 24-101(b)(27) of the prior Prince George's County Subdivision Regulations such as primary management area (PMA), streams, wetland, 100-year floodplain, and their associated buffers. The text in **bold** is text from the GI Plan, and the plain text provides comments on the plan's conformance.

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

- 1.1 **Ensure that areas of connectivity and ecological functions are maintained, restored, and/or established by:**
 - a. **Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
 - b. **Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**

The GI Plan shows both regulated areas and evaluation areas on-site. According to the GI Plan, the on-site woodlands located in Lot 12 are within evaluation area and woodlands within Outparcel B are located within both regulated and evaluation areas. The regulated area is associated with a potential stream system. NRI-075-2022 shows the existing conditions of the property. This mapped regulated area was reviewed for streams and wetlands as part of the NRI and did not identify a stream on-site. The site does not contain 100-year floodplain or REF as defined in Section 24-101(b)(27) of the prior Subdivision Regulations such as PMA, streams, wetland, and their associated buffers.

This application area contains no REF or PMA, but does include specimen trees. Adjacent uses consist of woodlands and single-family detached residential to the north and east; Manning Road to the west, with residential beyond; and MD 228 to the south, with residential beyond. The on-site woodlands are connected to three adjacent properties (Lot 1, Parcel 154, and Parcel 162), a 15.54-acre combined woodland and residential area to the east. No development plans have been submitted on the adjacent parcels and lot. The adjacent woodlands are not protected under a woodland conservation easement. The adjacent woodland areas, located on the adjacent three properties, do not have wildlife or ecological connectivity with other woodland areas.

This development is part of the overall Signature Club and Manokeek Village subdivision, and this is the last portion of the development that is undeveloped. Previous Signature Club and Manokeek Village development plans showed this area as being reserved for future development. The overall subdivision has met their requirement with on-site preservation, reforestation, and off-site woodland bank credits. As part of previous development plans, the on-site woodlands were used as preservation knowing that the site would be developed in the future. The submitted TCP1 shows no on-site woodland preservation and proposes to meet the requirement with off-site woodland bank credits.

1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.

a. Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.

No SCAs are located on or adjacent to this application. The Mattawoman Stream Valley Park area SCA is located several parcels to the east, away from Parcel 12. The southern corner of Lot 12 is 1,700 feet from Mattawoman Creek; MD 228, woodlands, and

residential lots are located between Mattawoman Creek and the application area. PGAtlas identifies the application within a sensitive species review area. The NRI application includes a response letter from the Maryland Department of Natural Resources - Wildlife and Heritage Service stating that no rare, threatened, or endangered species are known on-site or in the vicinity of the subject application.

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

2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping, and/or street trees.

The site contains no network gap network areas. Lot 12 is entirely within the evaluation area, and Outparcel B is identified within both regulated and evaluation areas. The regulated area indicates a stream system; however, this mapped regulated area was reviewed for streams and wetlands as part of the NRI and did not identify a stream on-site.

The application area is mostly wooded except for open areas for the existing SWM facility used by the adjacent Signature Club phases. Adjacent uses consist of woodlands and residential to the north and east; residential and Manning Road to the east; and MD 228 to the south. The on-site woodlands are connected to three adjacent properties (Lot 1, Parcel 154, and Parcel 162), a 15.54-acre combined woodland and residential area to the east.

No development plans have been submitted on these parcels and lots, and there is no woodland easement on this woodland area.

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

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

The subject site is part of the overall Signature Club and Manokeek Village development, and this is the last portion of the project that is undeveloped. Previous Signature Club and Manokeek Village development plans showed this area as being reserved for future development. The overall development met the requirement with on-site preservation, reforestation, and off-site woodland bank credits. As part of previous development plans, the on-site woodlands were used as preservation knowing that the site would

be developed in the future. The submitted TCP1 shows no on-site woodland preservation and proposes to meet the requirement with off-site woodland bank credits. Each phase of the previously approved applications was approved for the use of off-site woodland bank credits to meet the woodland conservation requirement. The TCP1 is in conformance with the prior approvals.

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

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

The applicant proposes to meet the woodland requirement with 1.61 acres plus the unaccounted for 7.81 acres required by prior developments, for a total of 9.42 acres of off-site woodland bank credits, which is in conformance with prior TCP approvals.

The use of fee-in-lieu to provide the requirements was not requested, nor was it recommended. At the time of PPS, it is recommended that the applicant shall make every effort to provide additional woodland preservation or reforestation on-site, along the northern and eastern boundary. Prior to the issuance of permits, every effort should be made to purchase credits from an off-site woodland conservation bank within the Mattawoman Creek watershed.

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

Retention of existing woodlands and planting of native species on-site is required by both the Environmental Technical Manual (ETM) and the 2018 *Prince George's County Landscape Manual* (Landscape Manual), and apply toward the tree canopy coverage (TCC) requirement for the development. TCC requirements will be evaluated at the time of the associated detailed site plan review.

7.10 Continue to focus conservation efforts on preserving existing forests and ensuring sustainable connectivity between forest patches.

This application is part of a larger TCP containing 343.65 acres. The overall TCP includes the Manokeek, Manokeek Village Center, and Signature Club at Manning Village developments. The overall development met woodland requirements with on-site preservation, reforestation, and off-site woodland credits. CSP-23002 is a 16.90-acre site (Lot 12 and Outparcel B) which is mostly wooded (13.32 acres) except where clearing had previously occurred for the

installation of the existing SWM facility used by the Additions of Signature Club at Manning Village development.

The TCP1 shows no on-site preservation area within the area of the CSP, because the overall development woodland conservation requirement was met with each phase of the development. This application area is the last phase of the Manokeek and Signature Club at Manning Village developments. The applicant proposes no on-site preservation or reforestation areas and proposes to meet the woodland requirement with off-site woodland credits. In accordance with Section 25-122(a)(3), every effort should be made to purchase credits from an off-site woodland conservation bank within the Mattawoman Creek watershed. It is recommended that the applicant shall make every effort to provide additional woodland preservation or reforestation along the northern and eastern boundary.

Approved Subregion 5 Master Plan and Sectional Map Amendment (July 2013)

The site is located within the 2013 *Approved Subregion 5 Master Plan* (master plan). In the approved master plan, the Environmental Infrastructure section contains goals, policies, recommendations, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **bold** is the text from the master plan, and the plain text provides comments on plan conformance.

Policy 1:

- **Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**
- **Ensure the new development incorporates open space, environmentally sensitive design, and mitigation activities.**
- **Protect, preserve and enhance the identified green infrastructure network within Subregion 5.**

The application area contains existing woodland and no REF in accordance with the approved NRI. The on-site woodlands located in Lot 12 are within evaluation area, and woodlands within Outparcel B are within both regulated and evaluation areas. NRI-075-2022 shows the existing conditions of the property. The site does not contain 100-year floodplain or REF as defined in Section 24-101(b)(27) of the prior Subdivision Regulations such as PMA, streams, wetland, and their associated buffers. This mapped regulated area was reviewed for streams and wetlands as part of the NRI and did not identify a stream on-site.

The development proposes a bio-retention SWM facility as shown on the unapproved SWM concept. This application proposes clearing all the on-site woodlands to the green infrastructure network for the proposed residential development. No on-site woodland preservation is proposed with this application.

Policy 2:

- **Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**
- **Protect and restore groundwater recharge areas such as wetlands and headwater areas of streams.**

In accordance with this master plan policy, the proposed development will be subject to current stormwater management (SWM) requirements. This proposal is for the construction of the multifamily residential community. The SWM design is required to be reviewed and approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) to address surface water runoff issues in accordance with Subtitle 32: Water Quality Resources and Grading Code of the County Code. This requires that the environmental site design (ESD) be implemented to the maximum extent practicable.

An unapproved SWM Concept Plan, 35682-2023-SDC, was submitted with the application. The SWM concept plan shows the use of ESD elements to address water quality requirements, including micro-bioretenion facilities and micro-bioretenion planter boxes. Submittal of the approved SWM concept plan and approval letter reflective of the development proposed is required with the future preliminary plan submission.

The application area has an existing regional pond that was approved by DPIE with SWM Concept Plan No. 39068-2017-0. This stormwater pond serves the adjacent Addition to Signature Club subdivision, portions of Manning Road, and the subject application Signature Club East development. Conformance with the provisions of the County Code and state regulations with regards to SWM will be reviewed by DPIE prior to issuance of permits.

Policy 3:

- **Ensure that, to the extent that is possible, land use policies support the protection of the Mattawoman Creek.**
- **Conserve as much land as possible in the rural tier portion of the watershed as natural resource land (forest, mineral, and agriculture).**
- **Minimize impervious surfaces in the Developing Tier portion of the watershed through use of conservation subdivisions and environmentally sensitive design and, especially in the higher density Brandywine Community Center, incorporate best stormwater design practices to increase infiltration and reduce run-off volumes.**

The geographic area of the CSP is within the Mattawoman Creek watershed in Environmental Strategies Area 2 (formerly the developing tier) and not in the rural tier. This application is not for a conservation subdivision. The southern property corner is over 1,230 linear feet from the floodplain and main stem of Mattawoman Creek. This main stem and floodplain of Mattawoman Creek is identified as a special

conservation area in the Green Infrastructure Plan. Mattawoman Creek is identified in the Subregion 5 Master Plan as a Primary Corridor. This stream corridor is outside the application area. The NRI application includes a response letter from Maryland Department of Natural Resources Wildlife and Heritage Service stating that no rare, threatened, or endangered species are known on-site or in the vicinity of the subject application.

The unapproved SWM Concept Plan submitted with this application shows the use of ESD elements to address water quality requirements, including micro-bioretenion facilities and micro-bioretenion planter boxes.

Policy 4:

- **Enhance the county’s Critical Area protection management in response to local, regional, and statewide initiatives and legislative changes.**

The subject property is not located within the Chesapeake Bay Critical Area.

Policy 5:

- **Reduce air pollution through transportation demand management (TDM) projects and programs.**
- **Promote “climate-friendly” development patterns through the planning processes and land use decisions.**
- **Increase awareness of the sources of air pollution and green-house gas emissions.**

Development of this site is subject to TCC requirements, which will be reviewed with the detailed site plan. The presence of woodland and tree canopy, particularly over asphalt and other developed surfaces, are proven elements to lessen climate impacts of development and the associated heat island effect, which are known contributors to climate change. The Landscape Manual also provides requirements for parking lot plantings, which will be applied at the time of detailed site plan. Both the TCC and Landscape Manual requirements will address and promote climate friendly development patterns. The submitted traffic impact study, dated December 15, 2025, shows transportation adequacy will be met and no transportation demand management projects and programs are proposed with this proposed development.

Policy 6:

- **Encourage the use of green building techniques that reduce resource and energy consumption.**

In accordance with this master plan policy, development applications for the subject property that will require architectural approval should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building

techniques and energy conservation techniques is encouraged to be implemented to the greatest extent possible. Green building standards will be reviewed with future applications.

Policy 7:

- **Ensure that excessive noise-producing uses are not located near uses that are particular sensitive to noise intrusion.**

The submitted conceptual site plan illustrates that the commercial portion of the development is located in the front of the site, fronting MD 228, and the residential portion to be located in the rear of the site. This placement will help reduce noise intrusion for the residential development. Further noise evaluation will be addressed with subsequent applications, to ensure noise mitigation through building placement and/or materials addresses any mitigation necessary to meet County standards.

5. **State, based on new administrative findings, whether TCP1-052-97-03 proposes to remove priority retention areas, like contiguous forest, and if so, provide written findings and justification for such removal or clearing as required in NR § 5-1607(c)(3)(i), or whether TCP1-052-97-03 is exempt from the procedural requirements set forth in the current version of the State Forest Conservation Act.**

The TCP1-052-97-03 is exempt from the procedural requirements set forth in the current version of the State Forest Conservation Act; the requirements of NR Section 5-1607(c)(3)(i) are not applicable as the legislation takes effect July 1, 2026, in accordance with House Bill 1511-2024. This application is subject to the grandfathering provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the property had a TCP that was accepted for review on or before June 30, 2024. The property must conform to the environmental regulations of the 2010 WCO and the 2018 ETM. The property is also subject to the environmental regulations in prior Subtitles 24 and 27 because there are previously approved PPS (4-97091, 4001063, 4-01064, and 4-01065) and Detailed Site Plans (DSP-01036, DSP-04063, DSP-04063-01, and DSP-04063-04).

6. **Under PGCC § 27-546(d)(4), the Board shall find that: “[t]he proposed development is compatible with existing and proposed development in the vicinity (Emphasis added). The Board found as follows:**

The approved development is compatible with the existing and planned development within the area, specifically, residential houses on the Signature Club property, which are being constructed, and residential houses approved with the Addition to Signature Club development located across Manning Road East. The multifamily dwelling units and commercial/retail spaces within the subject development will offer additional housing options and opportunities for existing and future residents to patronize locally. Resolution No. 2025-057 at 14. (Emphasis added).

In *Hayfields, Inc. v. Valleys Planning Council*, 122 Md. App. 616, 649, 716 A.2d 311, 327 (1998), the appellate court explained that “vicinity” is “the area or region near or about a place; surrounding district; neighborhood,” which makes it clear that vicinity means off-site.

In *Wahler v. Montgomery Cty. Council*, 249 Md. 62, 69, 238 A.2d 266 (1968), the appellate court explained that a particular land use may “effect some change” and still be “compatible with the residential character of the neighborhood.”

On remand, the Board shall, based on new administrative findings, state whether or not the *proposed* development is *compatible* with other *off site existing and proposed development*. Stated differently, on remand, the Board, based on additional administrative findings, is required to state whether or not the *proposed* “Signature Club East” development is *compatible* with other existing “off-site” and other proposed “off-site” development in the vicinity.

The subject site is located in the northeast quadrant of the intersection of MD 228 and Manning Road East. Across this intersection sits the Manokeek Shopping Center. Properties adjoining the subject site or in the 0.5-mile vicinity are developed with townhouses (e.g. Addition to Signature Club at Maning Village across Manning Road East), single-family detached homes, or remain vacant. Within the larger vicinity, the Accokeek area is primarily comprised of single-family detached homes and includes commercial development along major roadways such as MD 210. There are a few townhouses developed within the overall Preserve at Piscataway development, which are located south of Flora Park Road at its intersection with MD 223 (Piscataway Road) and on the west side of Danville Road.

Section 27-542 of the prior Zoning Ordinance outlines the purposes of the M-X-T Zone, specially promoting compact, walkable, mixed-use communities near transportation hubs and general plan centers. The multifamily dwelling units and commercial/retail spaces within the subject development comply with these purposes. The proposed multifamily units and off-site single-family detached homes and townhouse units are all residential uses which offer a mix of housing types to support diverse household needs. The location of multifamily residential units proposed act as a transition between higher-density areas (e.g., the Manokeek Shopping Center) and lower-density neighborhood consisting of single-family detached homes and townhouse units.

Section 27-102 of the prior Zoning Ordinance outlines the purposes of zoning. It does not require identical types of development to be located adjacent to each other for compatibility. Doing so would result in a uniform, Euclidean-style zoning pattern across the County, which the Ordinance seeks to avoid. Instead, the Zoning Ordinance addresses compatibility through form and design standards (e.g. height, setbacks, landscaping, and architectural design) to address abutting uses that are not exactly the same.

Section 27-544(b) of the prior Zoning Ordinance notes, “Except as otherwise specified in this Division, where an approved Conceptual Site Plan imposes certain regulations related to the location, density, coverage, and height of improvements that are intended to implement recommendations for mixed-use development within a comprehensive master plan or general plan, such standards shall provide guidance for the development regulations to be incorporated into the Detailed Site Plan.” The submitted CSP complies with the purpose of CSPs, outlined in Section 27-272 of the prior Zoning Ordinance, and shows the

relationships among proposed uses on the subject site, and between the uses on the subject site and adjacent uses, and illustrates approximate locations of the proposed multifamily buildings and three commercial pad sites. The submitted plan indicates that the nearest point of the proposed multifamily building will be set back more than 40 feet from the property line. Regarding building height, Section 27-548(i) of the prior Zoning Ordinance states, "The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community." As noted on the submitted CSP, the proposed eight multifamily buildings will be three to five stories with a maximum height of 65 feet. The townhouses developed across Maning Road East are three stories with an approximate height of 36 feet. Based on images in PGAtlas, the immediately adjacent single-family detached homes, which are located to the north and east of the subject site, appear to be mostly one-story, ranging from 12 to 18 feet high. The submitted CSP places the tallest residential building at the center of the site. Gradually stepping down building heights toward adjacent properties to minimize the perceived bulk and improve compatibility.

Strategic placement of trees, shrubs, and green spaces will also soften the transition between building types. Section 27-548(d) of the prior Zoning Ordinance states, "Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land use." Specifically, Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George's County Landscape Manual*, establishes standards to create a transition between moderately incompatible uses and to form a visual and physical separation between uses of a different scale, character, and/or intensity of development. A Type B Bufferyard will be required between the subject site and the adjoining properties developed with single-family detached homes. This bufferyard must include a minimum 20-foot-wide landscaped buffer and at least 80 plant units per 100 linear feet of the property line within that area. Condition 6 of Zoning Map Amendment A-9960-C, approved by the District Council on January 9, 2026 (Zoning Ordinance 2-2006), requires the bufferyard required between land uses in the M-X-T Zone and uses on adjoining R-R zoned land to be double. These bufferyard requirements are illustrated on the submitted landscape plan as being met.

With the above analysis and additional information, staff find that the proposed development is compatible with other off-site existing and proposed development in the vicinity.

7. **Pursuant to PGCC § 27-546(d), in addition to the findings required for the Board to approve the CSP, the Board is also required to make nine (9) specific findings. Specifically, § 27-546(d)(9) requires the Board to find as follows:**

On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, *transportation facilities* that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through

participation in a road club), or are incorporated in an approved public facilities financing and implementation program, *will be adequate to carry anticipated traffic for the proposed development*. The finding by the Council of *adequate transportation facilities* at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats. (Emphasis added).

Under the County Code for Urban and Rural Land Development, *transportation facilities* are defined as “[a]nything that is built, installed, or established to provide a means of transport from one place to another.” PGCC Subtitle 5B, Division 2, Subdivision 1 General Provisions, § 5B-108(a)(101).

Concerning *adequacy of transportation facilities*, the Board found, in relevant part, as follows:

A full traffic impact study, dated May 23, 2025, was submitted with the subject CSP application. The traffic study was referred to the Price George’s County Department of Public Works and Transportation and the Price George’s County Department of Permitting, Inspections and Enforcement (DPIE), as well as the Maryland State Highway Administration.

The traffic impact study identified two background developments whose impact would affect study intersections. In addition, an annual growth of one percent over six years was applied to through movements along MD 210 and MD 228. In addition, the one percent growth was applied to all movements at MD 210 and MD 228. The analysis revealed the following results:

As shown in the analysis, the intersection of MD 210 and MD 373 does not meet the level of service requirements under *any* condition. The applicant notes in the study that this intersection *fails* under background conditions due to the addition of vested trips from PPS 4-01064, which previously governed the site. However, the intersection of MD 210 and MD 373 also fails under existing conditions, before background is applied.

Further, the applicant *removed* the trips associated with PPS 4-01067 from the total conditions analysis to represent the new impact of the trips associated with CSP-23002 on the site. The traffic impact study demonstrates that the intersection of MD 210 and MD 373 *will fail with the addition of trips associated with the subject application. The traffic impact study does not provide a mitigation strategy at this time*. At the time of PPS, the applicant shall submit a new traffic study for the planned development and address all transportation adequacy standards, including any mitigation that may be required, to ensure that transportation will be adequate to carry anticipated traffic for the planned development. Resolution No. 2025-057 at 15-19. (Emphasis added).

Based on the record, the Board found that the CSP application will not be adequate to carry anticipated traffic for the proposed development as required under PGCC § 27-546(d)(9). Therefore, the record lacks substantial evidence to approve the CSP application based on a finding of adequacy of transportation facilities. Consequently,

under PGCC § 27-546(d)(9), the District Council is unable to make the requisite finding of adequate transportation facilities to approve the CSP application. Moreover, under PGCC § 27-546(d)(9), the requisite findings of adequate transportation facilities cannot be deferred because, under PGCC § 27-546(d)(9), such a finding is a prerequisite, or condition precedent, to approve the CSP application. Statutory interpretation neither adds nor deletes words or engages in forced or subtle interpretation in an attempt to extend or limit the statute's the extent that the record could have supported a finding of adequate transportation facilities, and it cannot, the Board would still be authorized to amend a finding of adequacy of transportation facilities during its review of subdivision plats. PGCC §27-546(d)(9). But here, the record does not support a finding of adequacy of transportation facilities.

On remand, the Property Owner shall submit a new traffic study for the planned development and address all transportation adequacy standards, including any mitigation that may be required, to ensure that transportation will be adequate to carry anticipated traffic for the planned development. Resolution No. 2025-057 at 19.

Condition 5 of the resolution imposed the requirements necessary to address Section 27-546(d)(9) of the prior Zoning Ordinance concerning the intersection at MD 210 and MD 373. A revised traffic impact study, dated December 15, 2025, was submitted by the applicant to include the analysis of Condition 5 of PGCPB Resolution No. 2025-057.

The subject property is located within Transportation Service Area (TSA) 2, as defined in the *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level-of-Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized Intersections: For two-way stop-controlled intersections a three-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed.

For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

Trip Generation: The table below summarizes trip generation for each peak period that will be used in reviewing site traffic generated impacts and developing a trip cap for the site.

Trip Generation Summary: CSP-23002 Signature Club East								
Land Use	Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Garden/Mid-Rise Apartments (PGC rates)	300	units	31	125	156	117	63	180
Fast Food Restaurant w/ Drive Thru (ITE-934)	12,600	Square feet	285	276	561	216	201	417
<i>Primary Trips w/ Internal Capture for Pad Sites from Apartments: 10%</i>			(29)	(28)	(57)	(22)	(20)	(42)
<i>Pass-by 50% AM and 55% PM</i>			(129)	(126)	(252)	(99)	(90)	(189)
Trip Cap Recommendation			408			366		

The traffic generated by the proposed application will impact on the following intersections in the transportation system:

1. MD 210 and MD 373 (signalized)
2. MD 373 and Dusty Lane (unsignalized)
3. MD 373 and Menk Road (unsignalized)
4. MD 210 and MD 228 (signalized)
5. MD 228 and Manning Road (signalized)
6. Manning Road and Caribbean Way (unsignalized)
7. Manning Road and Site Access (right-in/right-out) (unsignalized)
8. Manning Road and Site Access (unsignalized)

Existing Traffic

The critical intersections identified above, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS						
Intersection		Critical Lane Volume (AM & PM)		LOS/Pass/Fail (AM & PM)		ADEQUACY MET
1. MD 210 & MD 373	(signalized)	1163	1481	C	E	No
2. MD 373 & Dusty Lane	(unsignalized)	11.9 sec	17.1 sec	Pass	Pass	Yes
3. MD 373 & Menk Road	(unsignalized)	10.3 sec	13.5 sec	Pass	Pass	Yes
4. MD 210 & MD 228	(signalized)	880	1286	A	C	Yes
5. MD 228 & Manning Road	(signalized)	1031	1227	B	C	Yes
6. Manning Road & Caribbean Way v/c ratio (SIDRA)	(unsignalized)	0.060	0.055	A	A	Yes
7. Manning Road & Site Access (right-in/right-out)	(unsignalized)	-	-	-	-	-
8. Manning Road & Site Access	(unsignalized)	-	-	-	-	-
In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, a delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as severe inadequacy.						

Background Traffic

The traffic impact study (TIS) identified two background developments whose impact would affect study intersections. In addition, an annual growth of 1percent over six years was applied to the existing peak hour volumes. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS						
Intersection		Critical Lane Volume (AM & PM)		LOS/Pass/Fail (AM & PM)		ADEQUACY MET
1. MD 210 & MD 373	(signalized)	1242	1608	C	F	No
2. MD 373 & Dusty Lane	(unsignalized)	12.1 sec	19.3 sec	Pass	Pass	Yes
3. MD 373 & Menk Road	(unsignalized)	10.4 sec	14.7 sec	Pass	Pass	Yes
4. MD 210 & MD 228	(signalized)	969	1440	A	D	Yes
5. MD 228 & Manning Road	(signalized)	1164	1332	C	D	Yes
6. Manning Road & Caribbean Way v/c ratio (SIDRA)	(unsignalized)	0.140	0.284	A	B	Yes
7. Manning Road & Site Access (right-in/right-out)	(unsignalized)	-	-	-	-	-
8. Manning Road & Site Access	(unsignalized)	-	-	-	-	-
In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, a delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as severe inadequacy.						

Total Traffic

The study intersections, when analyzed with total developed future traffic, operate as shown below.

TOTAL TRAFFIC CONDITIONS						
Intersection		Critical Lane Volume (AM & PM)		LOS/Pass/Fail (AM & PM)		ADEQUACY MET
1. MD 210 & MD 373 <i>With improvements along MD 373</i>	(signalized)	1258 1257	1592 1521	C C	E E	Mitigated
2. MD 373 & Dusty Lane	(unsignalized)	12.3 sec	17.9 sec	Pass	Pass	Yes
3. MD 373 & Menk Road	(unsignalized)	10.7 sec	14.5 sec	Pass	Pass	Yes
4. MD 210 & MD 228	(signalized)	964	1420	A	D	Yes
5. MD 228 & Manning Road	(signalized)	1172	1315	C	D	Yes
6. Manning Road & Caribbean Way v/c ratio (SIDRA)	(unsignalized)	0.254	0.209	A	A	Yes
7. Manning Road & Site Access (right-in/right-out)	(unsignalized)	9.5 sec	10.1	Pass	Pass	Yes
8. Manning Road & Site Access	(unsignalized)	9.4 sec	9.4 sec	Pass	Pass	Yes
In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, a delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as severe inadequacy.						

The analysis shows that all critical intersections will operate at acceptable levels except the intersection of MD 210 and MD 373, and indicates failing levels in all conditions.

The applicant provided analysis for the following improvements at MD 210 and MD 373, in accordance with Condition 5 of PGCPB Resolution No. 2025-057:

- a. Modify the traffic signal to be a split-phased traffic signal for the MD 373 (Livingston Road) approaches.
- b. Modify the lane use on the east and west legs of MD 373 (Livingston Road), as follows. This can be accomplished by restriping and adding lane use signs.
 - (1) Eastbound: One left, one shared left/through, and one shared through/right.
 - (2) Westbound: One left-turn lane, one shared left/through, and one right-turn lane.

While the proposed improvements do not meet the LOS threshold, the mitigation results in meeting the requirement of mitigating a minimum of 150 percent of the development's impact per the 2022 Transportation Review Guidelines (TRG), and therefore, meets the adequacy requirement.

8. When granting a variance, the Board and the District Council are subject to the following:

Law on Variance

A variance permits a use [that] is prohibited and presumed to be in conflict with [an] ordinance." *North v. St. Mary's Cnty.*, 99 Md. App. 502, 510, 638 A.2d 1175 (1994). The burden rests on the applicant to overcome the presumption that the proposed use is

in conflict with the ordinance. *Id.* Courts have recognized a two-part test to determine whether a variance should be granted in a particular case. *Cromwell v. Ward*, 102 Md. App. 691, 694-95, 651 A.2d 424 (1995). The first requirement, uniqueness, looks at whether: the property whereon structures are to be placed (or uses conducted) is in and of itself unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. *Id.* at 694. If the applicant successfully proves that the property in question is unique, then the reviewing body moves to the second requirement practical difficulty or unnecessary hardship and examines: whether practical difficulty and/or [unnecessary] hardship, resulting from the disproportionate impact of the ordinance caused by the property's uniqueness, exists. *Id.* at 695. This *two-step process* must be repeated for each variance request.

Law of Uniqueness

To receive a zoning variance, a property must be unique. Maryland cases have used the terms "unique," "unusual," and "peculiar" to describe this step in the variance analysis. In *Cromwell* these words are used more or less interchangeably to mean "unusual." *Cromwell* 102 Md. App. at 703. The uniqueness analysis examines the unusual characteristics of a specific property in relation to the other properties in the area, and the nexus between those unusual characteristics and the application of the aspect of the zoning law from which relief is sought. *Id.* at 719 ("[V]ariations should only be granted when the uniqueness or peculiarity of a subject property is not shared by the neighboring property and where the uniqueness of that property results in an extraordinary impact upon it by the operation of the statute."). That is, the *unique* aspect of the property must relate to -- have a *nexus* with -- the aspect of the zoning law from which a variance is sought. *Id.* Without the nexus requirement, a motivated sophist could always find similarities or differences between any two properties so as to defeat or support a uniqueness finding. Every property is similar to every other property in some respects (for example, "there are some living things on this property"). And every property can be distinguished from every other property in some other respect (for example, "this property contains exactly x number of trees and y number of woodrats"). Rather than semantic tricks, the proper question is whether the property is unique in the way that this particular aspect of the zoning code applies to it.

Uniqueness must be related to the *land* ... The attribute must be related to the application of the ordinance from which relief is sought. Thus, a minimum width requirement for a parcel makes little sense for a pie shaped lot [;] likewise for a setback regulation that puts a house into an arroyo or ravine. It would make no sense to consider the narrowness of a pie-shaped lot as a unique attribute in considering whether to waive, for example, a height or density restriction. Maryland cases recognize this requirement. *Trinity Assembly of God of Balt. City, Inc. v. People's Counsel for Balt. County*, 407 Md. 53, 82, 962 A.2d 404 (2008) *citing Cromwell*, 102 Md. App. at 721 ("[A] property peculiar characteristic or unusual circumstances ... must exist in conjunction with the ordinance's ... impact on the specific property because of the property's uniqueness."). The uniqueness, then, must have a nexus with the aspect of the zoning law from which a variance is sought.

Practical Difficulty or Unwarranted Hardship

The second step of the variance test examines whether the disproportionate effect of the ordinance, caused by the uniqueness of the property, creates practical difficulty for or unnecessary hardship on the owner of the property. *Cromwell*, 102 Md. App. at 694-95; see also LU § 4-206(b)(2) (“The modifications in a variance ... (2) may only be allowed where ... a literal enforcement of the zoning law would result in unnecessary hardship or practical difficulty as specified in the zoning law.”) These are two different standards: (1) a more lenient “practical difficulty” test; or (2) a more strict “unnecessary hardship” test.

“The determination of which standard to apply, ‘practical difficulties’ or ‘[unnecessary] hardship,’ rests on which of two types of variances is being requested: ‘area variances or use variances.’” *Montgomery County v. Rotwein*, 169 Md. App. 716, 728, 906 A.2d 959 (2006). “[T]he less stringent ‘practical difficulties’ standard applies to area variances, while the ‘[unnecessary] hardship’ standard applies to use variances.” *Id.* at 729 (explaining that area variances do not change the character of the neighborhood as greatly as do use variances); *Zengerle v. Board of County Comm’rs*, 262 Md. 1, 21, 276 A.2d 646 (1971). Area variances, “are variances from area, height, density, setback, or sideline restrictions, such as a variance from the distance required between buildings.” *Rotwein*, 169 Md. App. at 728. Use variances, by contrast, permit a use other than that permitted in the particular district by the ordinance, such as a variance for an office or commercial use in a zone restricted to residential uses. *Id.* (cleaned up).

On remand, the Board shall apply the standard of review for a variance set forth above and determine, based on new administrative findings, whether the Property Owner has met its burden for the granting of the requested variance from Division 2 of Subtitle 25, Woodland and Wildlife Habitat Conservation Ordinance, to remove four (4) specimen trees. PGCC §§ 25-122(b)(1)(G), 25-119(d).

No further testimony is required because the Order of Remand directs the Planning Board to apply the wrong standard of law to the applicant’s request for a variance from the 2010 WCO and to make new administrative findings based on this erroneous standard of law. The Planning Board, therefore, cannot comply with the prescriptions of the Order of Remand for Paragraph 8 for the reasons provided below.

The Order of Remand provides a recitation of Maryland case law on the “uniqueness” and “practical difficulty” criteria for zoning variances. It then instructs the Planning Board to reanalyze the applicant’s requested variances from the 2010 WCO under zoning case law. Following this instruction would constitute a legal error by the Planning Board.

The 2010 WCO specifically states that “[v]ariances granted under this Subtitle are not considered zoning variances” 2010 WCO Section 25-119(d)(4). Furthermore, Maryland courts have explained that, given the differences between the criteria for zoning and WCO variances, case law regarding zoning variances is inapplicable to WCO variances. *Bhargava v. Prince George’s County Planning Board*, 265 Md. App. 172, 197-98 (2025) cert. denied, 490 Md. 291, 334 A.3d 833 (2025).

The Maryland Appellate Court has specifically stated that the “uniqueness” criterion for a zoning variance is “distinct” from the WCO variance finding, requiring that “[s]pecial conditions peculiar to the property have caused the unwarranted hardship” (the “unwarranted hardship finding”) 2010 WCO Section 25-119(d)(1)(A). *Bhargava*, 265 Md. App. at 197. Specifically, the WCO variance “unwarranted hardship” finding focuses “on the special features of the site, and not its uniqueness.” *Id.*

Another Maryland Appellate Court case provides further explanation of this finding as follows:

The applicant has the burden of demonstrating that, without a variance, the applicant would be denied a use of the property that is both significant and reasonable. In addition, the applicant has the burden of showing that such a use cannot be accomplished elsewhere on the property without a variance.

West Montgomery County Citizen’s Association, et al. v. Montgomery County Planning Board, et. al., 248 Md. App. 314, 347 (2020) (quoting *Assateague Coastal Trust, Inc. v. Schwalbach*, 448 Md. 112, 139 (2016)). Consistently, this decision also did not rely on any zoning variance cases.

The Planning Board made its “unwarranted hardship” finding in line with the applicable case law discussed above. Specifically, the Planning Board’s resolution found that the proposed mixed-use development was a significant and reasonable use that could not be achieved elsewhere on the property without the WCO variances due to special conditions. (See pages 33–34 of PGCPB Resolution No. 2025-057.) First, the Planning Board found that the proposed mixed-use development is significant and reasonable, as the property is in a “mixed-use zone area.” Second, the Planning Board found that, even if the applicant moved the proposed building and associated parking and infrastructure, WCO variances would still be required for the proposed mixed-used development. Specifically, because the property is relatively flat, the applicant must grade it to provide proper stormwater drainage. Such grading would impact the specimen trees, thus necessitating WCO variances. Therefore, the Planning Board found that denial of the WCO variance would result in an unwarranted hardship.

Accordingly, there is substantial evidence in the record to support the Planning Board’s findings and conclusions granting the variance and for the District Council to determine if the Board’s decision is based on an erroneous conclusion of law. The findings are also precise, clear, well-reasoned, and articulated, such that there are no grounds to find its decision to be arbitrary or subject to remand to correct any deficiency.

9. **In the M-X-T Zone, a CSP shall be approved for all uses and improvements, in accordance with PART 3, Division 9, of the PZO. PGCC § 27-546(a). Among other things, a CSP shall include “[a] stormwater concept plan approved or submitted for review pursuant to Section 4-322 of [the County] Code.” PGCC § 27-273(e)(14). And a specific purpose of a CSP is to ... “illustrate storm water management concepts to be employed in any *final* design for the site.” PGCC § 27-272(c)(1)(C).**

On remand, the Property Owner shall submit a stormwater concept plan in accordance with the above requirements.

In accordance with Section 27-273(e)(14) of the prior Zoning Ordinance, the CSP shall be consistent with a SWM concept plan approved or submitted for review pursuant to Section 4-322 of the County Code. The applicant submitted the SWM concept plan to DPIE for review on February 7, 2024.

The unapproved SWM Concept Plan, 35682-2023-SDC, was submitted with this application which was accepted on February 26, 2024. The SWM concept plan shows the use of ESD elements to address water quality requirements. The SWM concept plan proposes using 31 micro-bioretenion facilities and 21 micro-bioretenion planter boxes. The CSP layout is consistent with the proposed SWM concept design. Conformance with the provisions of the County Code and state regulations with regard to SWM will require final approval by DPIE prior to issuance of permits.

RECOMMENDATION

Based on the forgoing discussion, the Urban Design Section recommends that the Planning Board adopt the findings of this memorandum to address the nine specific issues subject to this Order of Remand and issue an amendment to PGCPB Resolution No. 2025-057, with one new condition (Condition 1.e) as follows:

1. Prior to certificate approval of the conceptual site plan, the following revisions shall be made, or information shall be provided:
 - e. Correct the worksheet to accurately reflect the clearing and the amount of off-site mitigation necessary to fulfill the total woodland conservation requirement, in accordance with Section 25-122(a)(3) of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.

SIGNATURE CLUB EAST

Conceptual Site Plan

TCP1-052-97-03

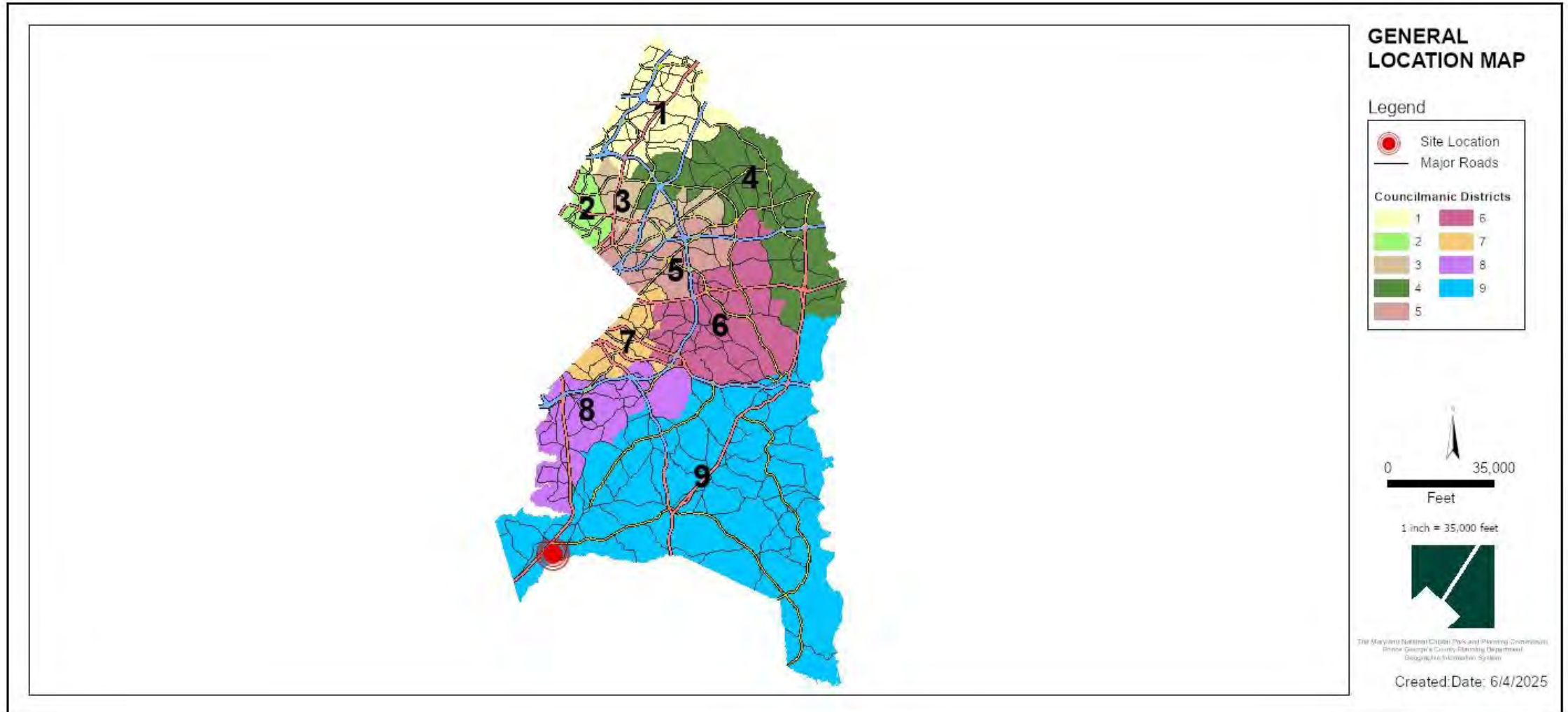
Staff Recommendation: APPROVAL with conditions



GENERAL LOCATION MAP

Council District: 09

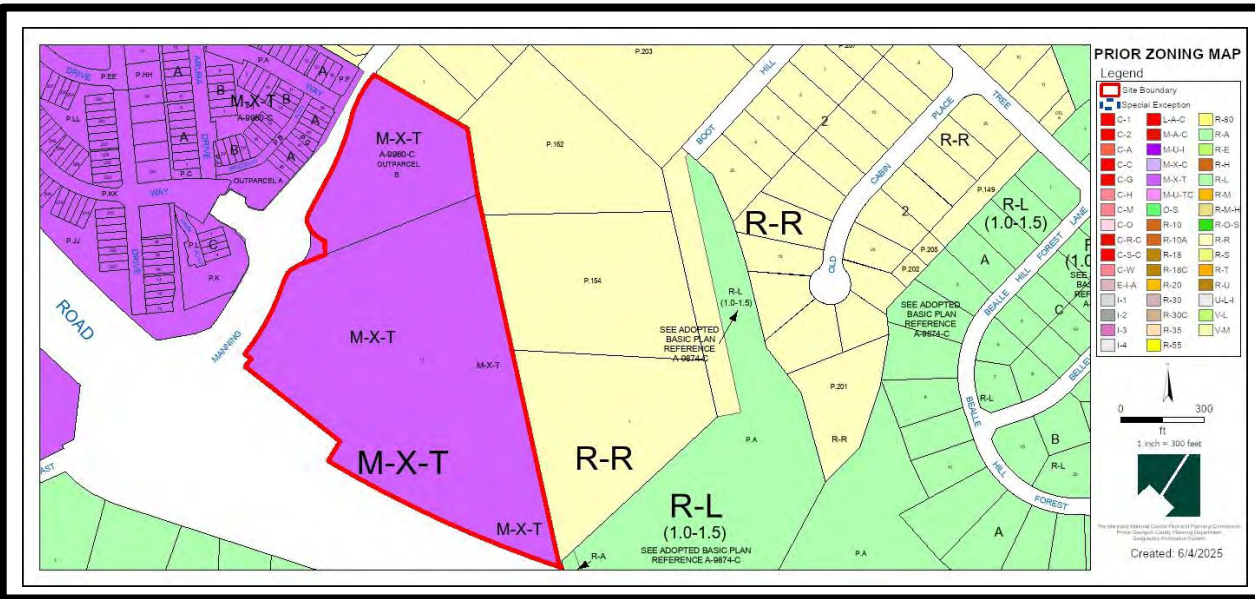
Planning Area: 084



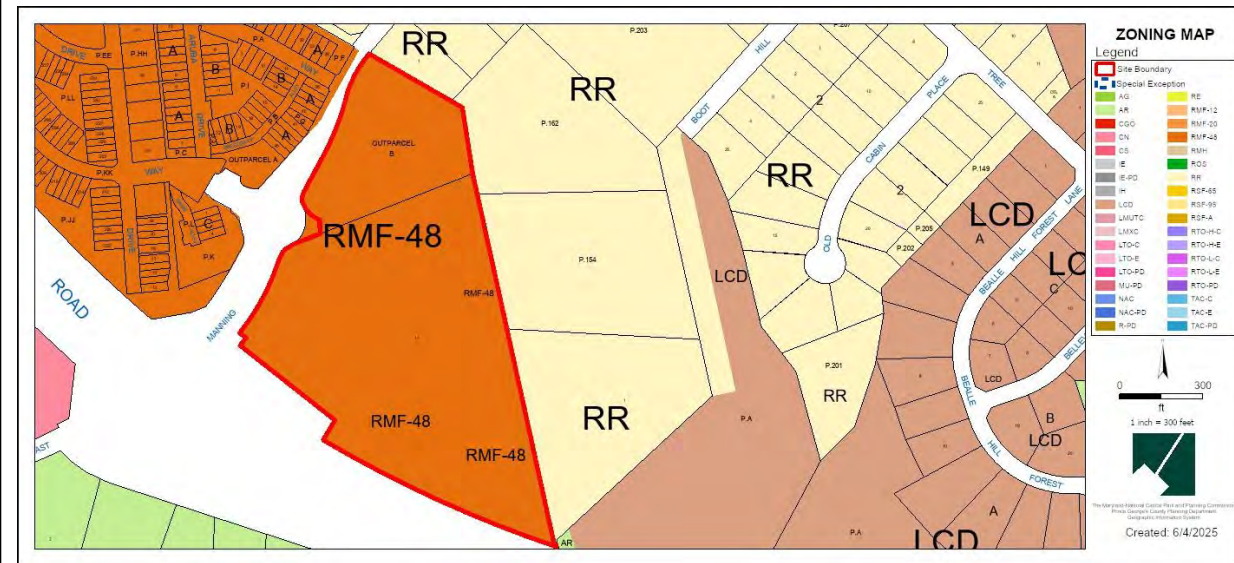
SITE VICINITY MAP



ZONING MAP

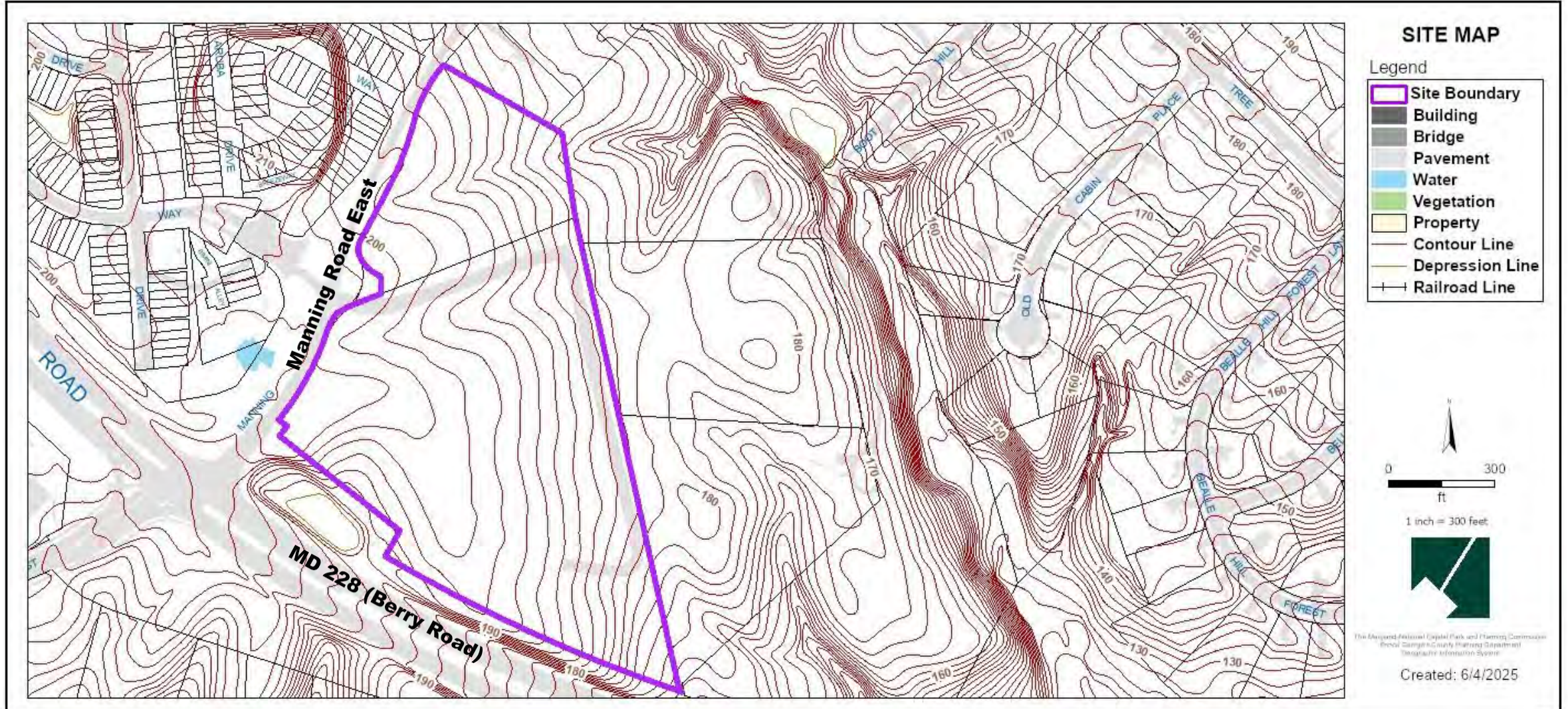


Prior Zoning Map: M-X-T

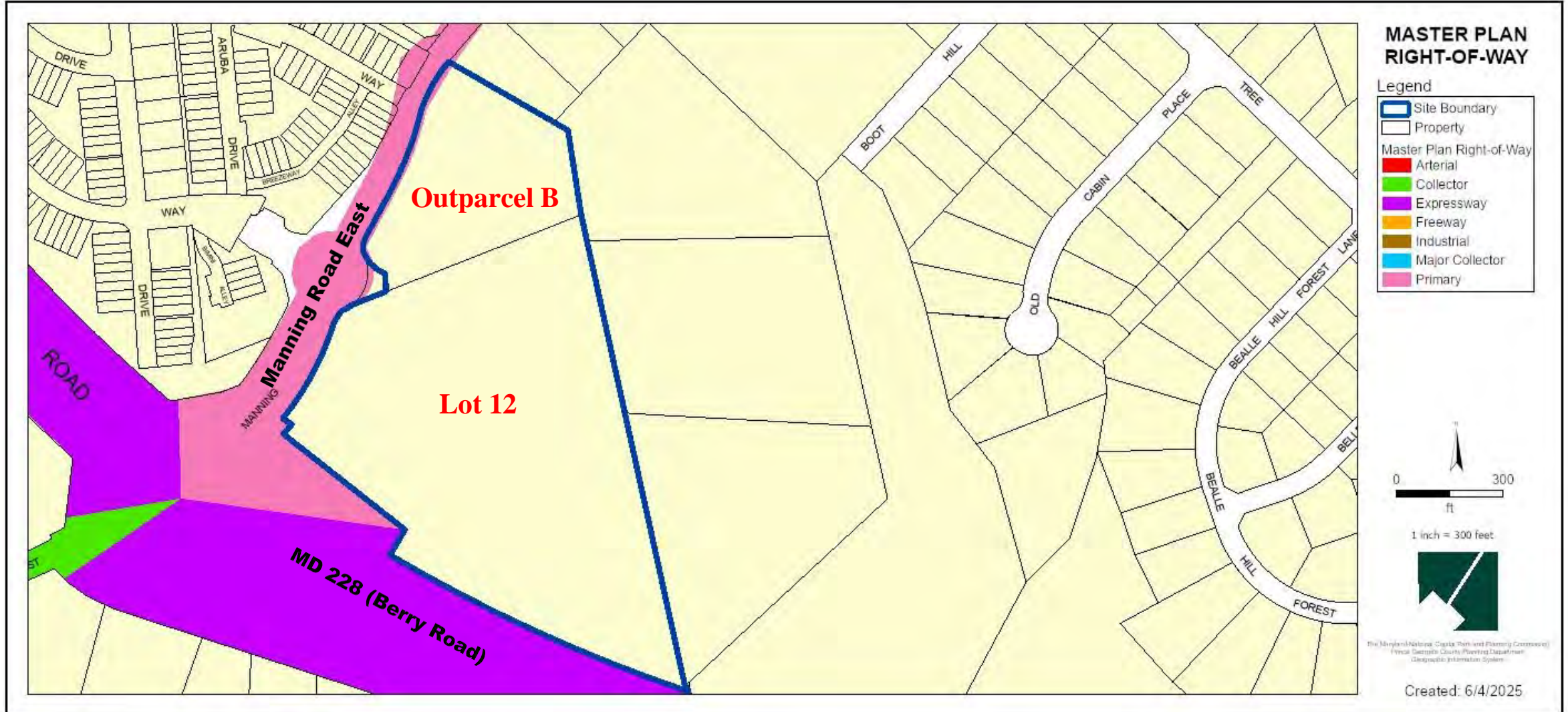


Current Zoning Map: RMF-48

SITE MAP



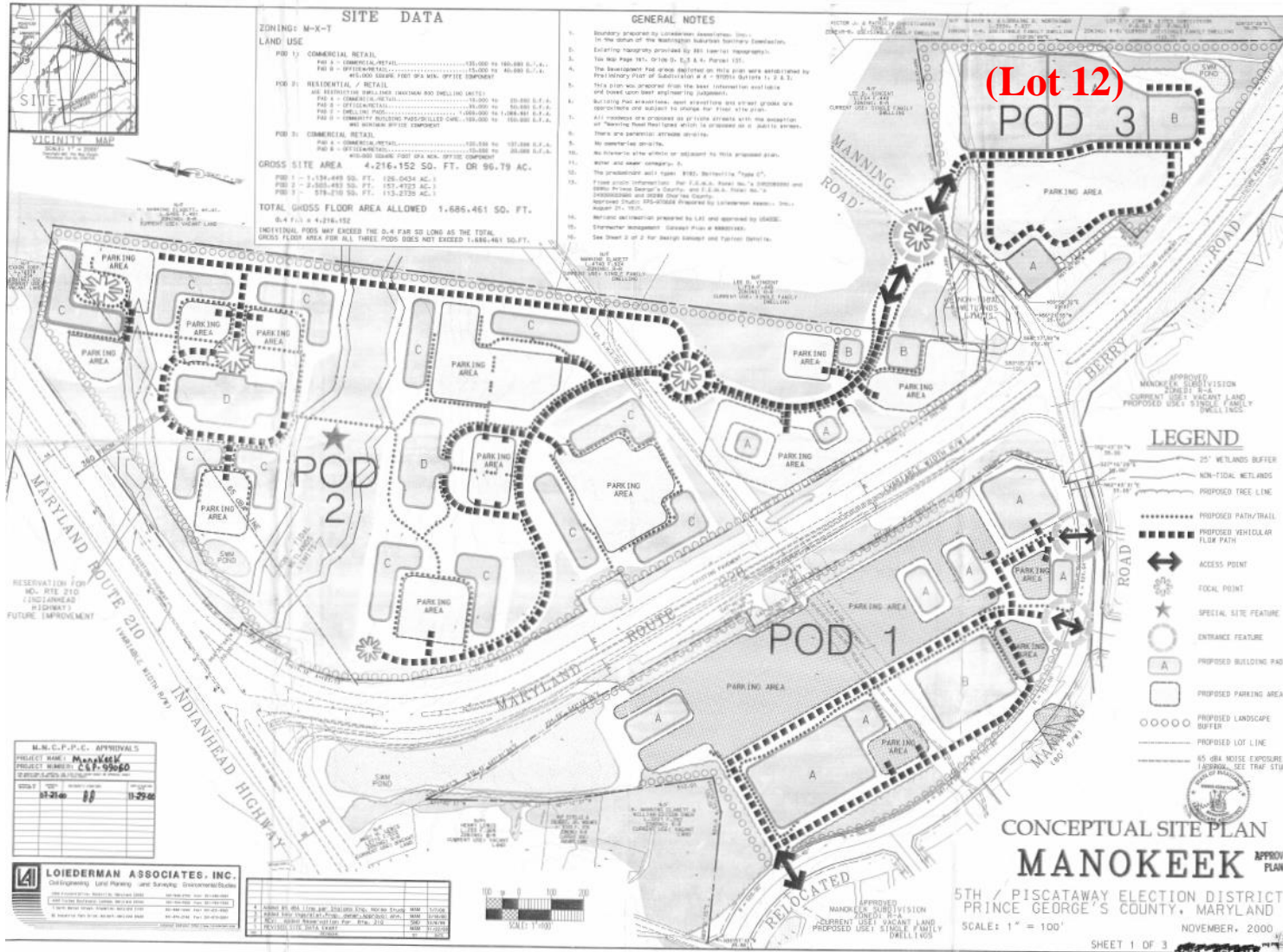
MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



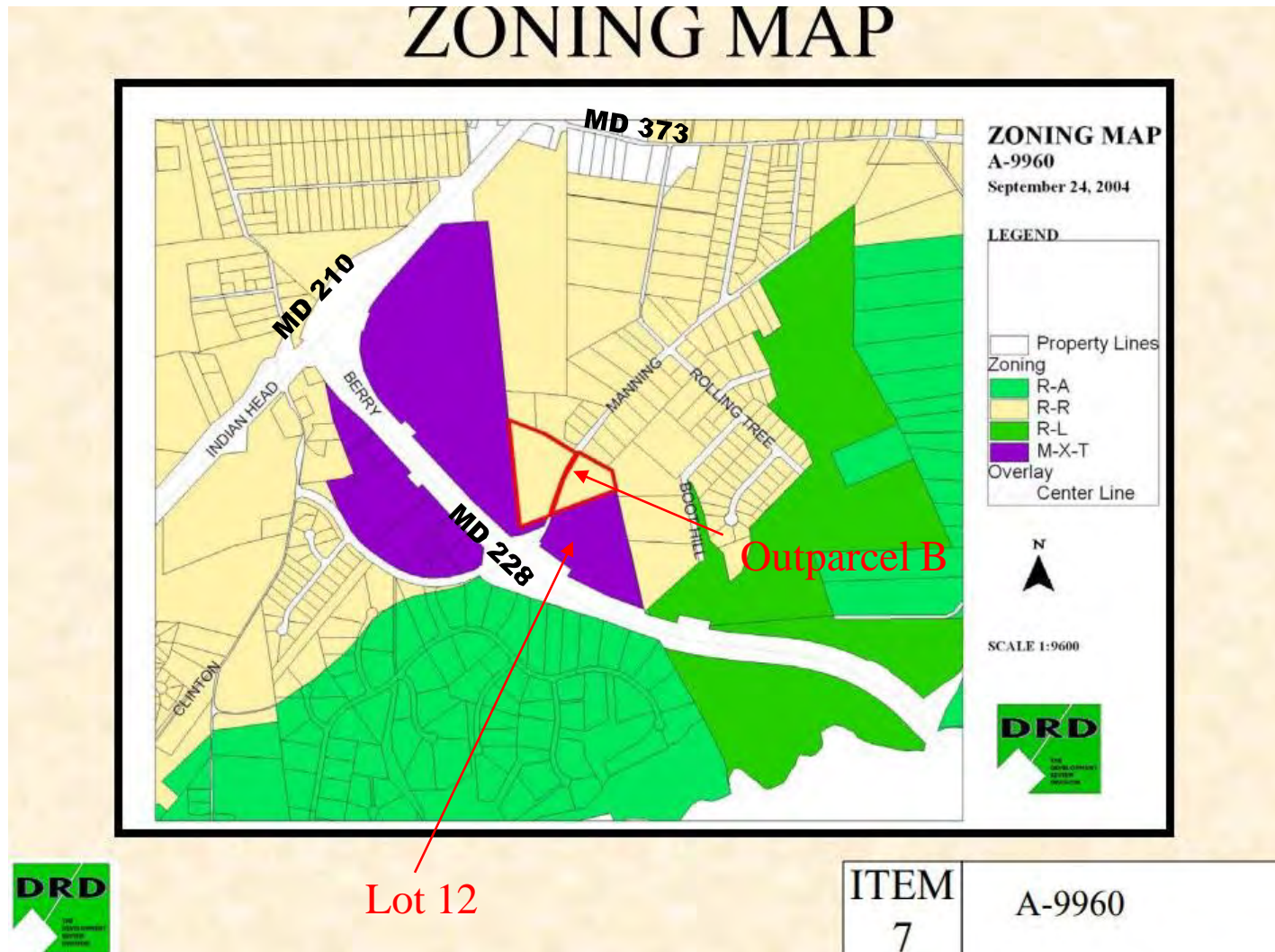
PRIOR APPROVAL: CSP-99050



CSP-99050 was approved by the Prince George's County Planning Board on July 27, 2000 (PGCPB Resolution No. 00-142), consisting of three development areas (Pods 1, 2 and 3).

Pod 3 consists of what is now Lot 12 and was approved for a total of 157,500 square feet of commercial space, including 10,000 square feet of office space.

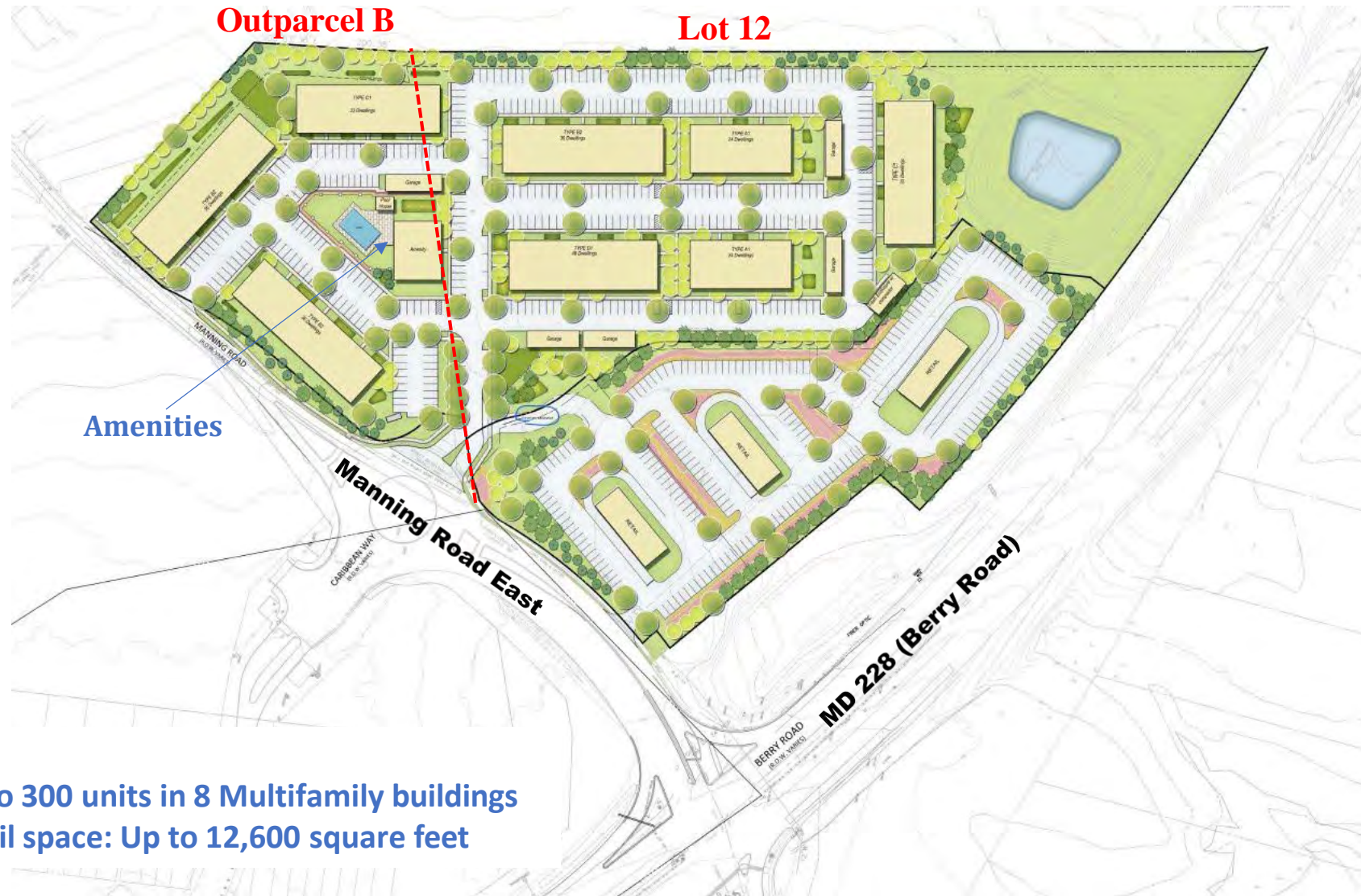
PRIOR APPROVAL: A-9960-C



Zoning Map Amendment A-9960-C was approved by the Prince George's County District Council on January 9, 2006 (Zoning Ordinance No. 2-2006), to rezone the property of approximately 12.54 acres located on both sides of Manning Road East, which includes Outparcel B, from the R-R Zone to the M-X-T Zone.



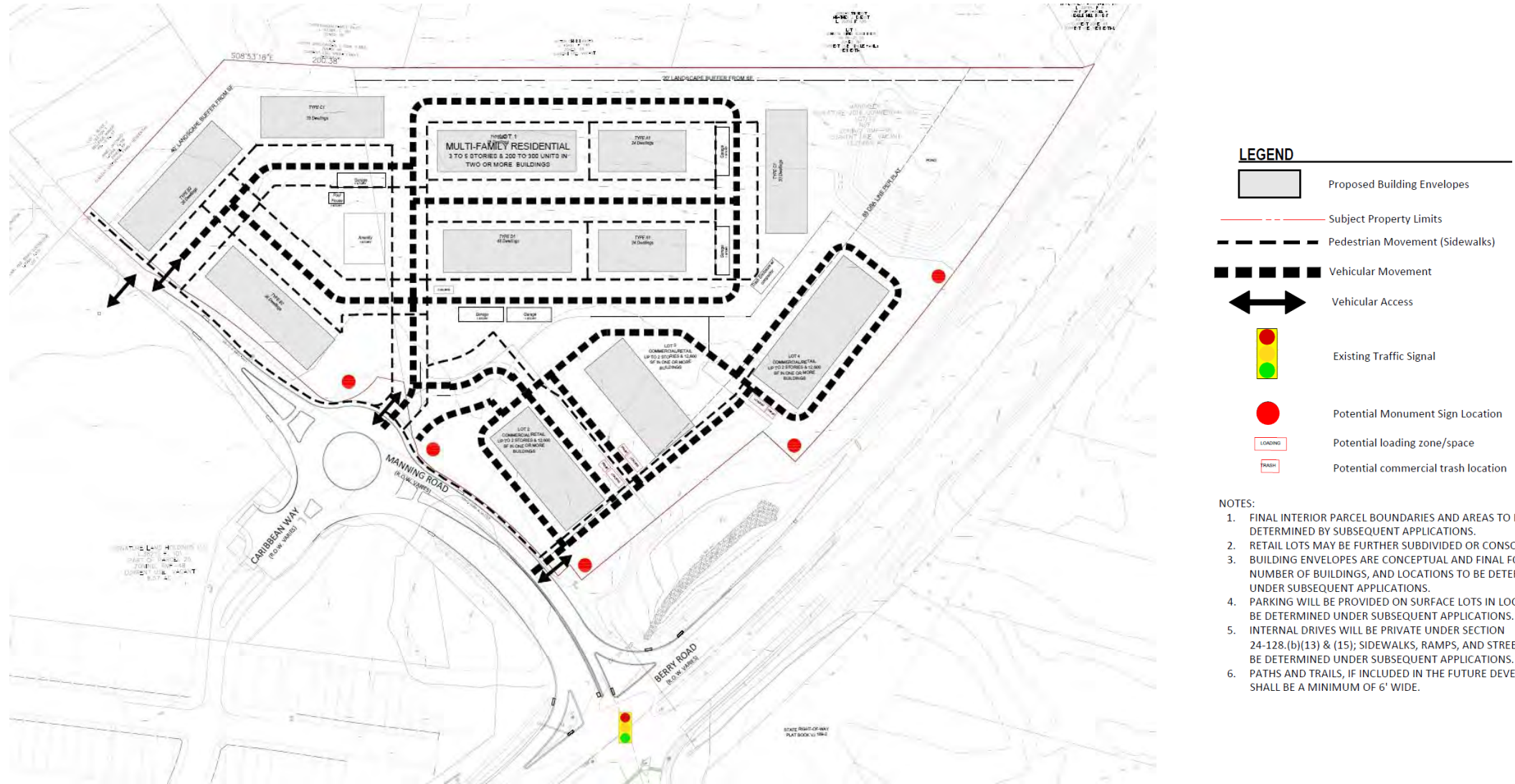
CONCEPTUAL SITE PLAN



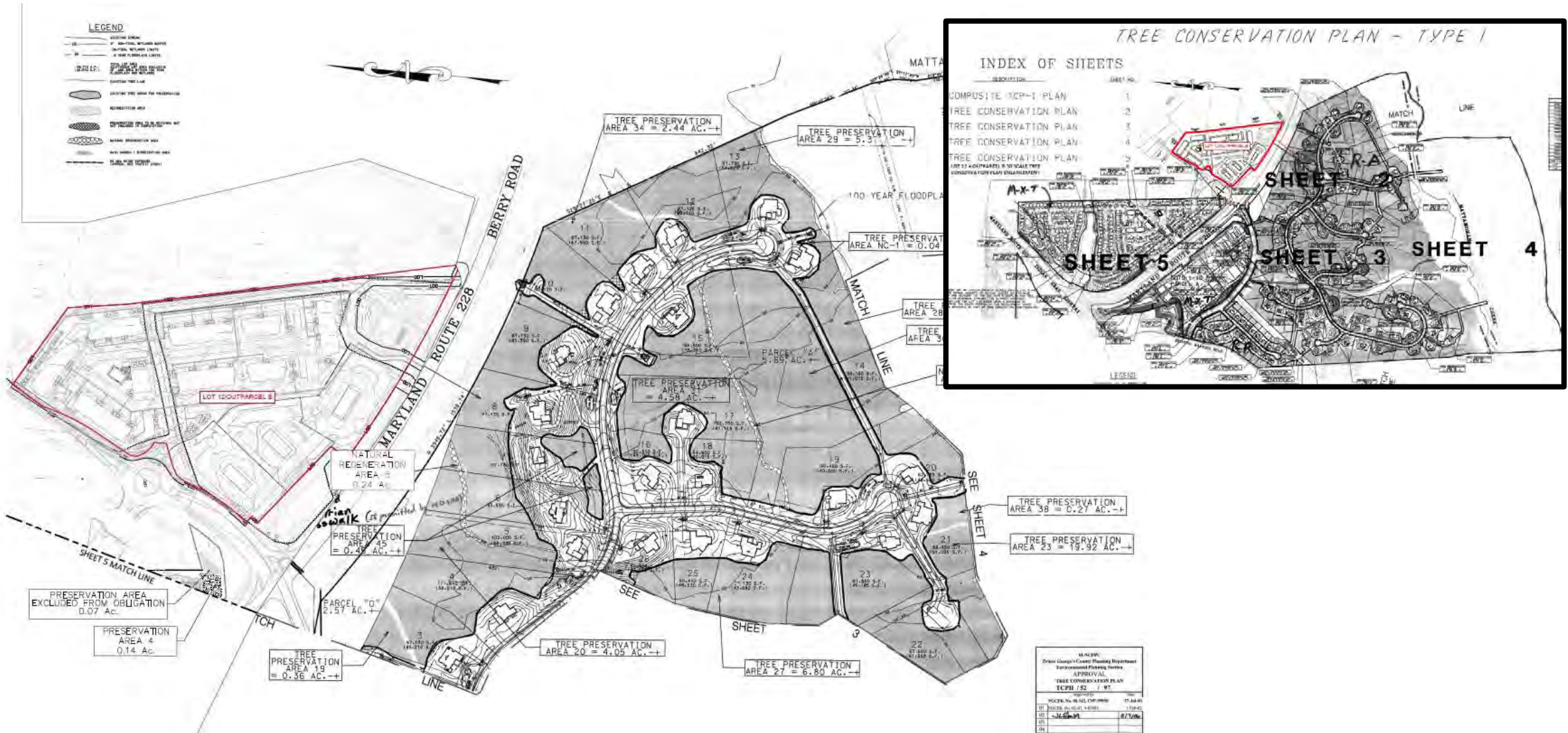
Development:
Residential: Up to 300 units in 8 Multifamily buildings
commercial/retail space: Up to 12,600 square feet



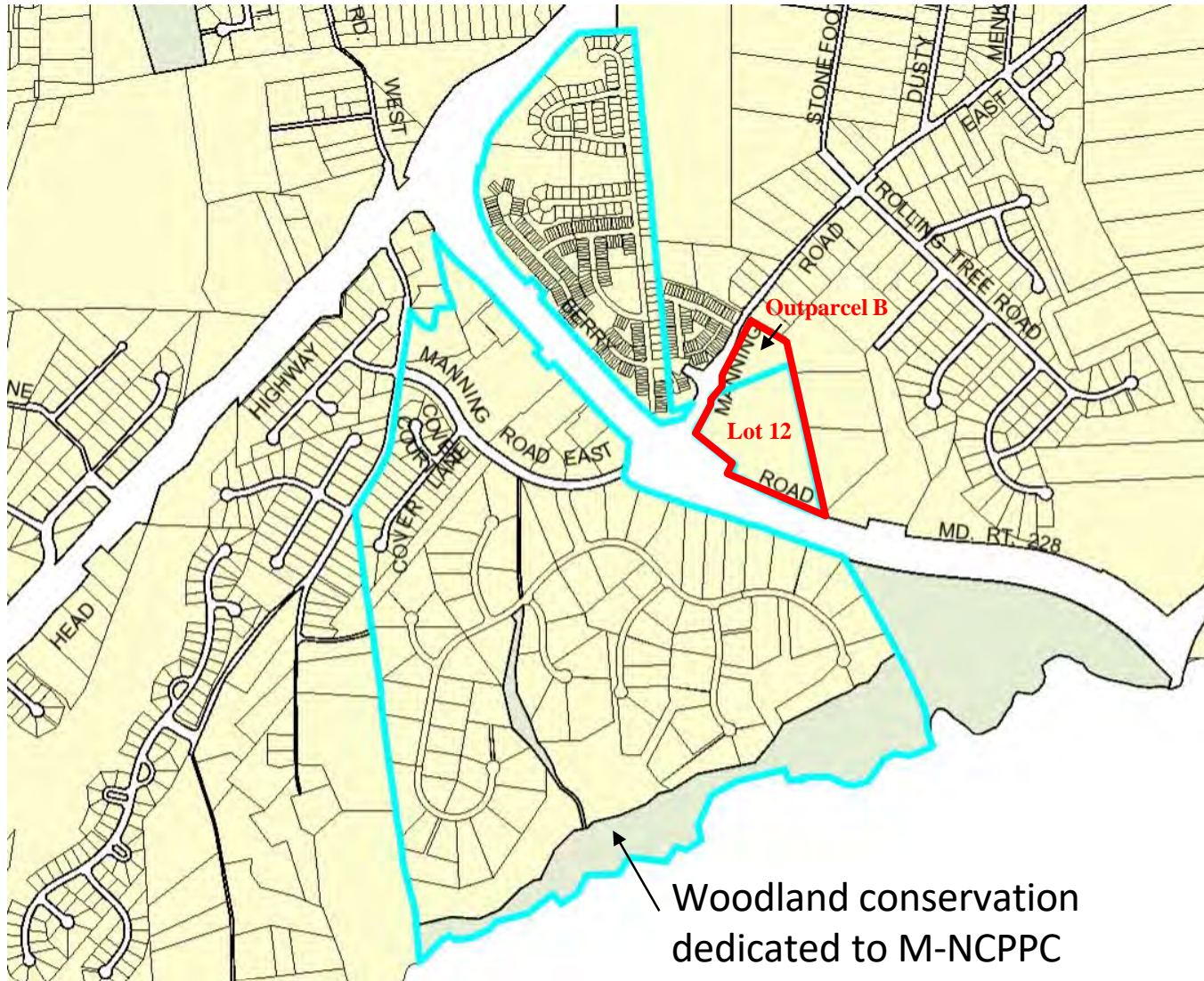
CIRCULATION PLAN





TYPE I TREE CONSERVATION PLAN

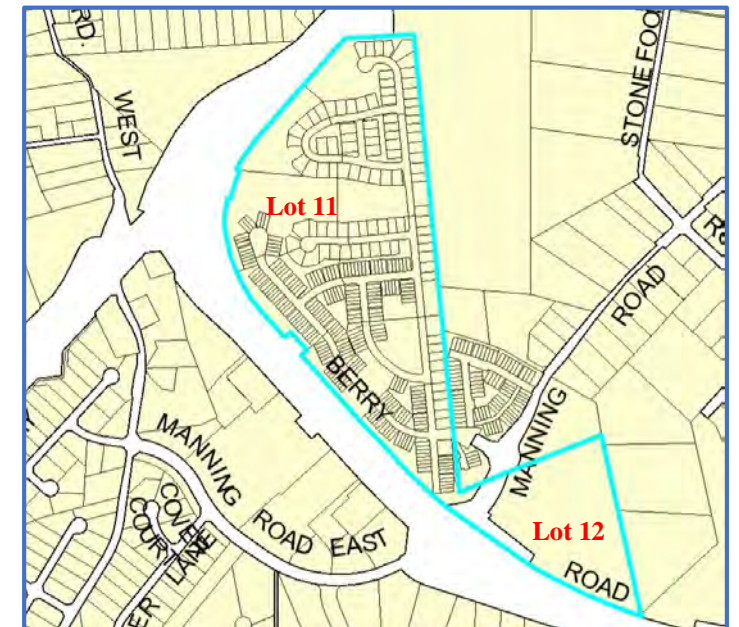


HISTORY OF TREE CONSERVATION PLANS



-  TCP1-052-97 (approx. 343.65 acres)
-  TCP1-052-97-03

Boundary of TCPII-039-01-03



STAFF RECOMMENDATION ON REMAND

APPROVAL with conditions

- CSP-23002
- TCP1-052-97-03
- Variance to Section 25-122(b)(1)(G)

Issues:

- None

Applicant Required Mailings:

- Informational Mailing: 11/14/2023
- Acceptance Mailing: 01/05/2024



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

November 4, 2025

**RE: CSP-23002 Signature Club East
WP East Acquisitions, LLC, Applicant**

NOTICE OF DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in this case on October 28, 2025.

CERTIFICATE OF SERVICE

This is to certify that on November 4, 2025, this notice and attached Council Order was mailed, postage prepaid, to all persons of record.

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

Donna J. Brown
Clerk of the Council

Case No.: CSP-23002
TCP1-052-97-03
Variance
Signature Club East

Applicant: WP East Acquisitions, LLC/
Signature 2016 Commercial LLC¹

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

ORDER OF REMAND

A. Introduction²

On October 21, 2025, the District Council, using oral argument procedures, considered certain exceptions filed by Carolyn Keenan, Jordan Eberst, Robyn Braswell, Brittney Braswell, Tatiana Gomez, Laura Sanchez Ramirez, Alexander Gomez, Rana Dotson, Julian Dotson, Caleb Dotson, Victor Christiansen, Vincent Ambrosino, and Janet Taylor (Opposition) to Planning Board's Resolution No. 2025-057, which approved Conceptual Site Plan (CSP)-23002, to develop up to 300 multifamily dwelling units and 12,600 square feet of commercial/retail space on a 16.90 acre property located in the northeast quadrant of the intersection of MD 228 (Berry Road) and Manning Road East.³ Opposition Exceptions, 9/3/25. The District Council also considered Signature 2016 Commercial LLC (Property Owner) response to exceptions and request for a

¹ The original applicant, WP East Acquisitions LLC, also the contract purchaser for the subject property, terminated its contract with the Property Owner. On remand, to advance the CSP application, along with variances, the appropriate amendments shall be made in the record to indicate that the applicant is now the Property Owner. Property Owner Response at 1.

² Because this CSP application was reviewed and approved under the Prior Zoning Ordinance (PZO), pursuant to certain Transitional Provisions in the New Zoning Ordinance (NZO), references to the Zoning Ordinance are to the PZO unless indicated otherwise. Under the PZO, a Conceptual Site Plan is abbreviated "CSP."

³ The Board also approved a Type I Tree Conservation Plan (TCP1-052-97-03) and a Variance from Division 2 of Subtitle 25, Woodland and Wildlife Habitat Conservation Ordinance, to remove four (4) specimen trees. PGCC §§ 25-122(b)(1)(G), 25-119(d).

limited remand to the Board in order to clarify certain issues related to the approval of TCP1-052-97-03. Property Owner Response, 10/14/25, (10/21/2025, Tr.).

B. Standard of Review

Generally, the District Council exercises appellate jurisdiction when it reviews a decision of the Board to approve a CSP.⁴ *Cty. Council of Prince George's Cty. v. Zimmer Dev. Co.*, 444 Md. 490, 569–70 (2015), Opposition Exceptions at 3, Property Owner Response at 3. The standard of administrative appellate review used by the District Council to review the Board's decision *mimics* the standard of review that would be employed by a court. *Zimmer*, 444 Md. at 573.

Because the District Council's administrative appellate review of the Board's decision *mimics* the standard of review that a court would employ for the review of the same decision of the Board, well-reasoned and articulated administrative findings are important before the District Council may uphold the Board's decision because in the absence of reasoned administrative analysis, the District Council is unable to determine the basis of the Board's action. Thus, the Board's decision must be precise and clear enough to allow for meaningful administrative appellate review because if the Board fails to meet this basic requirement, the decision is considered arbitrary, and the case must be remanded for the purpose of correcting the deficiency. *Colao v. County Council*, 109 Md. App. 431, 454, 675 A.2d 148, 160 (1996). *See also Tron v. Prince George's Co.*, 69 Md. App. 256, 270-72, 517 A.2d 113 (1986) (explaining that [t]o determine whether administrative agency findings and conclusions are supported by the record, the court must be in a position to review findings and conclusions that are sufficiently specific); *Harrison v. PPG Industries, Inc.*, 446 U.S.

⁴ The District Council also exercises *original* jurisdiction over certain site plan applications. *City of Hyattsville v. Prince George's Cty. Council*, 254 Md. App. 1, 39, 270 A.3d 950, 972 (2022) (explaining that when an owner of property requests a change to the underlying zone or list of allowed uses by conceptual or detailed site plan application, the decision is, in substance, a decision to approve a zoning map amendment where the District Council exercises original jurisdiction). Here, the District Council is required to make a finding of adequate transportation facilities at the time of CSP approval. PGCC § 27-546(d)(9).

578, 594, 100 S. Ct. 1889, 1898, 64 L. Ed. 2d 525, 538 (1980)(explaining that in the event a reviewing court finds itself unable to exercise informed judicial review because of an inadequate administrative record, a court may always remand a case to the agency for further consideration).

Having reviewed the record, the District Council, without deciding the merits of the CSP application, voted to remand the application to the Board in accordance with specified grounds stated herein because it determined that Resolution No. 2025-057 lacks well-reasoned and articulated administrative findings on the issues raised by the Opposition and Property Owner.

On remand, the Board's decision must be precise and clear on the *contested issues* raised by Opposition. The Board's decision must also be precise and clear on the history of all Tree Conservation Plans and prior designation of Lot 12 as a forest retention area and the impact of each or same on the overall development of the property proposed in the CSP application before the District Council may conduct meaningful administrative appellate review. (10/21/2025, Tr.), PGCC § 27-280.

C. Issues on Remand⁵

1. Clarify, based on new administrative findings, the history of all Tree Conservation Plans and prior designation of Lot 12 as a forest retention area and the impact of each or same on the overall development of the property proposed in the CSP application and provide additional administrative findings to address the Opposition's contention that the Property Owner's request to remove the woodland preservation areas on Lot 12 and Outparcel B would violate the Woodland Conservation Ordinance and that off-site preservation proposed in the CSP application does not compensate for the removal of the woodland preservation areas.
2. State the accurate description and location of the property.

⁵ Issues on remand are primarily from Opposition Exceptions to the Board's decision filed with the District Council, the Property Owner's Response and Request for Limited Remand filed with the District Council, and Opposition Written Arguments filed with the Board. Opposition Exceptions, 9/3/25, Property Owner Response, 10/14/25, Opposition Written Arguments, CSP-23002_Additional Backup 54 of 72 through 63 of 72.

3. State, based on new administrative findings, whether § 27-1704(a) of the New Zoning Ordinance contemplates the filing of a *new* CSP application to *amend* a previously approved CSP when the sole purpose of the *new* CSP application was solely intended to increase land approved in the previously approved CSP which, under § 27-1704(a) of the New Zoning Ordinance, may not be amended to increase land that was the subject of the previously approved CSP since such prior approval remains valid for twenty years from April 1, 2022.
4. State, based on new administrative findings, whether TCP1-052-97-03 conforms with the Countywide Green Infrastructure Functional Master Plan and subsequent area master plan revisions, including maps and text as required in PGCC § 25-121(a)(5).
5. State, based on new administrative findings, whether TCP1-052-97-03 proposes to remove priority retention areas, like contiguous forest, and if so, provide written findings and justification for such removal or clearing as required in NR § 5-1607(c)(3)(i), or whether TCP1-052-97-03 is exempt from the procedural requirements set forth in the current version of the State Forest Conservation Act.
6. Under PGCC § 27-546(d)(4), the Board shall find that: “[t]he proposed development is *compatible* with *existing* and *proposed* development in the *vicinity*.” (Emphasis added). The Board found as follows:

The approved development is compatible with the existing and planned development within the *area*, specifically, residential houses on the Signature Club property, which are being constructed, and residential houses approved with the Addition to Signature Club development located across Manning Road East. The multifamily dwelling units and commercial/retail spaces within the subject development will offer additional housing options and opportunities for existing and future residents to patronize locally. Resolution No. 2025-057 at 14. (Emphasis added).

In *Hayfields, Inc. v. Valleys Planning Council*, 122 Md. App. 616, 649, 716 A.2d 311, 327 (1998), the appellate court explained that “vicinity” is “the area or region near or about a place; surrounding district; neighborhood,” which makes it clear that “vicinity” means “off-site.”

In *Wahler v. Montgomery Cty. Council*, 249 Md. 62, 69, 238 A.2d 266 (1968), the appellate court explained that a particular land use may “effect some change” and still be “compatible with the residential character of the neighborhood.”

On remand, the Board shall, based on new administrative findings, state whether or not the *proposed* development is *compatible* with *other off site existing and proposed development*. Stated differently, on remand, the Board, based on additional administrative findings, is required to state whether or not the *proposed* “Signature Club East” development is *compatible* with *other existing “off-site”* and *other proposed “off-site” development* in the *vicinity*.

7. Pursuant to PGCC § 27-546(d), in addition to the findings required for the Board to approve the CSP, the Board is also *required* to make nine (9) specific findings. Specifically, § 27-546(d)(9) requires the Board to find as follows:

On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, *transportation facilities* that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program, *will be adequate to carry anticipated traffic for the proposed development*. The finding by the Council of *adequate transportation facilities* at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats. (Emphasis added).

Under the County Code for Urban and Rural Land Development, *transportation facilities* are defined as “[a]nything that is built, installed, or established to provide a means of transport from one place to another.” PGCC Subtitle 5B, Division 2, Subdivision 1 – General Provisions, § 5B-108(a)(101).

Concerning *adequacy of transportation facilities*, the Board found, in relevant part, as follows:

A full traffic impact study, dated May 23, 2025, was submitted with the subject CSP application. The traffic study was referred to the Prince George’s County Department of Public Works and Transportation and the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE), as well as the Maryland State Highway Administration.

The traffic impact study identified two background developments whose impact would affect study intersections. In addition, an annual growth of one percent over six years was applied to through

movements along MD 210 and MD 228. In addition, the one percent growth was applied to all movements at MD 210 and MD 228. The analysis revealed the following results:

As shown in the analysis, the intersection of MD 210 and MD 373 does **not** meet the level of service requirements under **any** condition. The applicant notes in the study that this intersection **fails** under background conditions due to the addition of vested trips from PPS 4-01064, which previously governed the site. However, the intersection of MD 210 and MD 373 **also fails under existing conditions, before background is applied.**

Further, the applicant **removed** the trips associated with PPS 4-01067 from the total conditions analysis to represent the new impact of the trips associated with CSP-23002 on the site. The traffic impact study demonstrates that the intersection of MD 210 and MD 373 **will fail with the addition of trips associated with the subject application. The traffic impact study does not provide a mitigation strategy at this time.** At the time of PPS, the applicant shall submit a new traffic study for the planned development and address all transportation adequacy standards, including any mitigation that may be required, to ensure that transportation will be adequate to carry anticipated traffic for the planned development. Resolution No. 2025-057 at 15-19. (Emphasis added).

Based on the record, the Board found that the CSP application will **not** be adequate to carry anticipated traffic for the proposed development as required under PGCC § 27-546(d)(9). Therefore, the record lacks substantial evidence to approve the CSP application based on a finding of adequacy of transportation facilities. Consequently, under PGCC § 27-546(d)(9), the District Council is unable to make the requisite finding of adequate transportation facilities to approve the CSP application. Moreover, under PGCC § 27-546(d)(9), the requisite findings of adequate transportation facilities cannot be deferred because, under PGCC § 27-546(d)(9), such a finding is a prerequisite, or condition precedent, to approve the CSP application. Statutory interpretation neither adds nor deletes words or engages in forced or subtle interpretation in an attempt to extend or limit the statute's meaning. *Bellard v. State*, 452 Md. 467, 481, 157 A.3d 272 (2017) (quoting *Wagner v. State*, 445 Md. 404, 417-19, 128 A.3d 1 (2015)). Furthermore, to the extent that the record *could* have supported a finding of adequate transportation facilities, and it cannot, the Board would still be authorized to amend a finding of adequacy of transportation facilities during its review of subdivision plats. PGCC § 27-546(d)(9). But here, the record does not support

a finding of adequacy of transportation facilities.⁶

On remand, the Property Owner shall submit a new traffic study for the planned development and address all transportation adequacy standards, including any mitigation that may be required, to ensure that transportation will be adequate to carry anticipated traffic for the planned development. Resolution No. 2025-057 at 19.

8. When granting a variance, the Board and the District Council are subject to the following:⁷

Law on Variance

A variance “permits a use [that] is prohibited and presumed to be in conflict with [an] ordinance.” *North v. St. Mary’s Cnty.*, 99 Md. App. 502, 510, 638 A.2d 1175 (1994). The burden rests on the applicant to overcome the presumption that the proposed use is in conflict with the ordinance. *Id.* Courts have recognized a two-part test to determine whether a variance should be granted in a particular case. *Cromwell v. Ward*, 102 Md. App. 691, 694-95, 651 A.2d 424 (1995). The first requirement, uniqueness, looks at whether: the property whereon structures are to be placed (or uses conducted) is—in and of itself—unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. *Id.* at 694. If the applicant successfully proves that the property in question is unique, then the reviewing body moves to the second requirement—practical difficulty or unnecessary hardship—and examines: whether practical difficulty and/or [unnecessary] hardship, resulting from the disproportionate impact of the ordinance caused by the property’s uniqueness, exists. *Id.* at 695. This *two-step process* must be repeated for each variance request.

Law of Uniqueness

To receive a zoning variance, a property must be unique. Maryland cases have used the terms “unique,” “unusual,” and “peculiar” to describe this step in the variance analysis. In *Cromwell* these words are used more or less interchangeably to mean “unusual.” *Cromwell* 102 Md. App. at 703. The uniqueness analysis examines the unusual characteristics of a specific property in relation to the other properties in the area, and the nexus between those

⁶ Because the record does not support a finding of adequacy of transportation facilities, the proposed CSP application would likely fail to satisfy the design guidelines in PGCC § 27-274(a)(2)(C).

⁷ See *Dan’s Mt. Wind Force, LLC v. Allegany Cty. Bd. of Zoning Appeals*, 236 Md. App. 483, 182 A.3d 252 (2018).

unusual characteristics and the application of the aspect of the zoning law from which relief is sought. *Id.* at 719 (“[V]ariations should only be granted when the uniqueness or peculiarity of a subject property is not shared by the neighbouring property and where the uniqueness of that property results in an extraordinary impact upon it by the operation of the statute.”). That is, the *unique* aspect of the property must relate to—have a *nexus* with—the aspect of the zoning law from which a variance is sought. *Id.* Without the nexus requirement, a motivated sophist could always find similarities or differences between any two properties so as to defeat or support a uniqueness finding. Every property is similar to every other property in some respects (for example, “there are some living things on this property”). And every property can be distinguished from every other property in some other respect (for example, “this property contains exactly x number of trees and y number of woodrats”). Rather than semantic tricks, the proper question is whether the property is unique in the way that this particular aspect of the zoning code applies to it.

Uniqueness must be related to the *land* ... The attribute must be related to the application of the ordinance from which relief is sought. Thus, a minimum width requirement for a parcel makes little sense for a pie shaped lot [;] likewise for a setback regulation that puts a house into an arroyo or ravine. It would make no sense to consider the narrowness of a pie-shaped lot as a unique attribute in considering whether to waive, for example, a height or density restriction. Maryland cases recognize this requirement. *Trinity Assembly of God of Balt. City, Inc. v. People’s Counsel for Balt. County*, 407 Md. 53, 82, 962 A.2d 404 (2008) *citing Cromwell*, 102 Md. App. at 721 (“[A] property’s peculiar characteristic or unusual circumstances ... must exist in conjunction with the ordinance’s ... impact on the specific property because of the property’s uniqueness.”). The uniqueness, then, must have a *nexus* with the aspect of the zoning law from which a variance is sought.

Practical Difficulty or Unwarranted Hardship

The second step of the variance test examines whether the disproportionate effect of the ordinance, caused by the uniqueness of the property, creates practical difficulty for or unnecessary hardship on the owner of the property. *Cromwell*, 102 Md. App. at 694-95; *see also* LU § 4-206(b)(2) (“The modifications in a variance ... (2) may only be allowed where ... a literal enforcement of the zoning law would result in unnecessary hardship or practical difficulty as specified in the zoning law.”) These are two different standards: (1) a more lenient “practical difficulty” test; or (2) a more strict “unnecessary hardship” test.

“The determination of which standard to apply, ‘practical difficulties’ or ‘[unnecessary] hardship,’ rests on which of two types of variances is being requested: ‘area variances’ or ‘use variances.’” *Montgomery County v.*

Rotwein, 169 Md. App. 716, 728, 906 A.2d 959 (2006). “[T]he less stringent ‘practical difficulties’ standard applies to area variances, while the ‘[unnecessary] hardship’ standard applies to use variances.” *Id.* at 729 (explaining that area variances do not change the character of the neighborhood as greatly as do use variances); *Zengerle v. Board of County Comm’rs*, 262 Md. 1, 21, 276 A.2d 646 (1971). Area variances, “are variances from area, height, density, setback, or sideline restrictions, such as a variance from the distance required between buildings.” *Rotwein*, 169 Md. App. at 728. Use variances, by contrast, permit a use other than that permitted in the particular district by the ordinance, such as a variance for an office or commercial use in a zone restricted to residential uses.” *Id.* (cleaned up).

On remand, the Board shall apply the standard of review for a variance set forth above and determine, based on new administrative findings, whether the Property Owner has met its burden for the granting of the requested variance from Division 2 of Subtitle 25, Woodland and Wildlife Habitat Conservation Ordinance, to remove four (4) specimen trees. PGCC §§ 25-122(b)(1)(G), 25-119(d).

9. In the M-X-T Zone, a CSP shall be approved for all uses and improvements, in accordance with PART 3, Division 9, of the PZO. PGCC § 27-546(a). Among other things, a CSP shall include “[a] stormwater concept plan approved or submitted for review pursuant to Section 4-322 of [the County] Code.” PGCC § 27-273(e)(14). And a specific purpose of a CSP is to ... “illustrate storm water management concepts to be employed in any *final* design for the site.” PGCC § 27-272(c)(1)(C).

On remand, the Property Owner shall submit a stormwater concept plan in accordance with the above requirements.

ORDERED this 28th day of October 2025, by the following vote:

In Favor: Council Members Adams-Stafford, Blegay, Burroughs, Dernoga, Fisher, Ivey, Olson, Oriadha and Watson.


Opposed:

Abstained:

Absent: Council Member Harrison and Hawkins.


Vote: 9-0.

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

By: 

Edward P. Burroughs, III, Chair

ATTEST:



Donna J. Brown
Clerk of the Council



December 12, 2025

MEMORANDUM

TO: Emery Huang, Planner III, Urban Design, Development Review Division

VIA: N. Andrew Bishop, Planner IV, Long-Range Planning Section, Community Planning Division *NAB*

VIA: Sarah Benton, Planning Supervisor, Long-Range Planning Section, Community Planning Division *SB*

FROM: Anusree Nair, Planner II, Neighborhood Revitalization Section, Community Planning Division *AN*

SUBJECT: CSP-23002 Signature Club East Remand

FINDINGS

Pursuant to Part 3, Division 9, Subdivision 2 of the Prior Zoning Ordinance, Master Plan conformance is not required for this application.

BACKGROUND

Application Type: Conceptual Site Plan outside of an overlay zone.

Planning Area: 84

Community: Piscataway & Vicinity

Location: East side of Manning Road, north of its intersection with Berry Road (MD 228) in Accokeek

Size: 16.90 Acres

Existing Uses: Vacant

Future Land Use: Mixed-Use

Existing Zoning: RMF-48

Prior Zoning: M-X-T

Proposal: Development of Lot 12 and Outparcel B with up to 300 multifamily dwelling units and up to 12,600 sq ft of commercial/retail space.

The Community Planning Division has evaluated the Notice of Decision of The District Council for Resolution No. 2025-057 for CSP-23002 Signature Club East dated November 4, 2025, which remanded the application back to the Planning Board based on nine issues. Of the issues on remand, item 6 states that:

“6. Under PGCC § 27-546(d)(4), the Board shall find that: “[t]he proposed development is compatible with existing and proposed development in the vicinity (Emphasis added). The Board found as follows:

The approved development is compatible with the existing and planned development within the area, specifically, residential houses on the Signature Club property, which are being constructed, and residential houses approved with the Addition to Signature Club development located across Manning Road East. The multifamily dwelling units and commercial/retail spaces within the subject development will offer additional housing options and opportunities for existing and future residents to patronize locally. Resolution No. 2025-057 at 14. (Emphasis added).

In Hayfields, Inc. v. Valleys Planning Council, 122 Md. App. 616, 649, 716 A.2d 311, 327 (1998), the appellate court explained that “vicinity” is “the area or region near or about a place; surrounding district; neighborhood,” which makes it clear that vicinity means off-site.

In Wahler v. Montgomery Cty. Council, 249 Md. 62, 69, 238 A.2d 266 (1968), the appellate court explained that a particular land use may “effect some change” and still be “compatible with the residential character of the neighborhood.”

On remand, the Board shall, based on new administrative findings, state whether or not the proposed development is compatible with other off site existing and proposed development. Stated differently, on remand, the Board, based on additional administrative findings, is required to state whether or not the proposed “Signature Club East” development is compatible with other existing “off-site” and other proposed “off-site” development in the vicinity.”

In a memorandum dated May 30, 2025 (Nair to Huang), the Community Planning Division provided an evaluation of the application and noted that while master plan conformance is not a required finding for this CSP, the subject CSP conforms with the 2013 Approved Subregion 5 Master Plan’s (Master Plan) recommended land use for the subject property.

The Master Plan recommends **Mixed Use** land use on the subject property (Map IV-1: Future Land Use, page 32). The Master Plan defines Mixed use as “Areas of various residential, commercial, employment, and institutional uses. **Residential uses may include a range of unit types**. Different mixed-use areas may vary with respect to their dominant land uses, i.e., commercial uses may dominate overall land use in one mixed use area, whereas residential uses may dominate in another” (page 31).

The proposal to develop the subject property with up to 300 multifamily dwelling units and approximately 12,600 sq ft of commercial/retail space, offers a range of unit types, promotes a horizontal mix of uses, and aligns with the vision outlined in the Master Plan which envisions “along MD 228, at its intersection with Manning Road East, development of a mixed-use project” (page 36) . To encourage economic development, the Master Plan recommends to “Retain the two existing commercial areas, Accokeek Village and Manokeek Village, including the undeveloped land northeast of Manokeek Village, zoned Mixed-Use Transportation Oriented (M-X-T)” (page 149). The development of this property is a direct implementation of the

Economic Development strategy via the development of the undeveloped land northeast of Manokeek Village (subject property) as a mixed-use development with residential and commercial uses.

Further, the applicant has elected to review this application under the provisions of the prior Zoning Ordinance, and the property's prior Mixed Use-Transportation Oriented (M-X-T) zoning. The M-X-T Zone allows the multifamily development and commercial/retail uses on the property, and the horizontal mix of uses proposed in the area including *the Manokeek Shopping Center* across MD 228 satisfies the mixed-use character envisioned by the zone.

The property is bounded northwest by Manning Road East and single-family attached townhouse units beyond. These townhomes are a part of the larger Signature Club at Manning Village development which proposes a mix of residential units including townhomes, single family detached homes, and live/work units in the RMF-48 (formerly M-X-T) Zone. North and northeast of the property the site is bounded by existing single-family detached homes in the Residential, Rural (formerly Rural Residential (R-R)) Zone. To the south, the property is bounded by MD 228 and beyond by single-family detached homes in the Agricultural-Residential (formerly Residential-Agricultural) Zone.

Staff notes that the development of this property is compatible with existing and proposed development because the proposed mixed-use development is well positioned to screen the existing and proposed homes from the Manokeek commercial center and road network in the vicinity while maintaining access to these roads and providing opportunities for economic growth.

The conceptual site plan proposes areas for adequate landscape buffers as required by Lot 12 and Outparcel B to screen the proposed development from the future and existing residential uses on the north and east of the property. This landscape area will provide a transition from the higher density development and mitigate the noise from MD 228. The existing dwellings east of the property are further buffered from this property by an existing landscape area which is owned and maintained by a homeowner's association. In general, considering the existing and proposed residential uses in the vicinity of the property, and the provision of the required landscape buffers, the proposed mixed-use development is compatible with the residential character of the neighborhood.



Countywide Planning Division
Environmental Planning Section

301-952-3650

December 12, 2025

MEMORANDUM

TO: Emery Huang, Planner IV, Urban Design Section, DRD

VIA: Tom Burke, Supervisor, Environmental Planning Section, CWPD *TB*

FROM: Chuck Schneider, Planner III, Environmental Planning Section, CWPD *CS*

SUBJECT: **Signature Club East; CSP-23002 and TCP1-052-97-03**

The Environmental Planning Section (EPS) has reviewed the Order of Remand for Conceptual Site Plan (CSP-23002) and Type 1 Tree Conservation Plan (TCP1-052-97-03) for the Signature Club East property, accepted on April 30, 2025. Comments were provided in a Subdivision and Development Review Committee (SDRC) meeting on March 15, 2024, and May 9, 2025. Revised plans were received on May 27, 2025. The EPS referral dated May 30, 2025, was included in the backup material for the staff report. This addendum to the EPS referral addresses the Order of Remand issued by the District Council on October 28, 2025.

The District Council remands CSP-23002 to the Planning Board to address nine issues. EPS will address Items 1, 4, 5, 8, and 9, as they are related to the environmental review.

DISTRICT COUNCIL ORDER OF REMAND – ITEM 1

Clarify, based on new administrative findings, the history of all Tree Conservation Plans and prior designation of Lot 12 as a forest retention area and the impact of each or same on the overall development of the property proposed in the CSP application and provide additional administrative findings to address the Opposition' contention that the Property Owners request to remove the woodland preservation areas on Lot 12 and Outparcel B would violate the Woodland Conservation Ordinance and that off-site preservation proposed in the CSP application does not compensate for the removal of the woodland preservation areas.

EPS Response:

The tree conservation plan associated with this CSP is grandfathered from current woodland conservation ordinance regulations because the subject two parcels (Lot 12 and Outparcel B) have been previously implemented in accordance with Section 25-119(g)(1) of the Woodland Conservation Ordinance. The prior TCP2 shows woodland clearing on Lot 12 with some woodland preservation along the edges labeled as "Future Development."

Outparcels A and B retained grandfathering with approved Preliminary Plan of Subdivision 4-01065 and companion TCP1-025-01, and implemented by a grading permit with TCP2-116-01.

TCPI-025-01 and TCPII-039-01 and subsequent revisions show future woodland clearing and development on both Outparcel B and Lot 12. A breakdown analysis below shows what has been represented with Lot 12 and Outparcel B in approved development applications.

Overview of Lot 12 and Outparcel B Implemented TCP2s

Manokeek (Vincent Property) Outparcel A and B (Parent Case A-9960-C / 4-01065, TCPI/025/01)

Proposed Outlot B had woodland cleared, 0.62 acre of preservation and 0.02 acre of 35 feet preservation; Outparcel A cleared with 0.36 acre of preservation and 0.21 acre of preservation with a 35-foot width (the standard minimum width is 50 feet).

Manokeek (Vincent Property) Outparcel A and B (Application Case: TCP2-116-01)

Preservation 3.90 acres on Outparcel B and clearing for stockpile on Outparcel A with 2.60 acres of woodland preservation. Off-site Woodland Credits -1.06 acres of afforestation.

Manokeek Outparcel B and Lot 12 (Parent Case: 4-01064, TCP1-052-97-01, and TCP1-025-01)

The adding of Outparcel B to Lot 12 by a PPS; No development is being proposed.

Addition to Signature Club at Manning Village (Application Case: TCP2-033-2023)

Outparcel A developed and Outparcel B is not shown but Outparcel B and Lot 12 are owned by same owner and zoned M-X-T with development shown.

Manokeek (Application Case: CSP-99050, TCPI-052-97)

Residential and Commercial - Lot 12 called Outlot 3 - Woodlands cleared and stormwater management pond (SWM) pond installed; 2.30 acres of preservation and 0.52-acre of reforestation.

Manokeek (Parent Case: 4-97091, TCPI-052-97)

Residential and Commercial - Lot 12 called Outlot 3 - Woodlands cleared and SWM pond installed; 2.30 acres preservation and 0.52-acre reforestation.

Manokeek (Application Case: CSP-99050-01, TCPI-052-97-02)

Residential and Commercial - Lot 12 - Labeled as "Future Development anticipated per CSP-99050"; Woodlands cleared; 0.30 acre of preservation and 0.48 acre of Preservation "not counted."

Manokeek (Application Case: 4-01063, TCPI-052-97-01)

Lot 12 - Woodlands cleared and SWM pond; 2.30 acres preservation and 0.52-acre reforestation.

Manokeek Phase 1 (Application Case: TCP2-121-99)

(R-A/R-R) - South side of Maryland Route 228 (Berry Road); no Outparcel B or Lot 12; off-site Woodland Credits -3.00 acres of afforestation.

Manokeek (Application Case: TCPI-052-97-01 Remand)

Lot 12 – Clearing for SWM pond with 10.04 acres of preservation.

Manokeek Commercial (Application Case - DSP-01036 and TCPII-112-01)

Commercial area – South side of Maryland Route 228 (Berry Road), Lot 12 and Outparcel B not shown on DSP. Off-site Woodland Credits -9.12 acres of preservation and 3.00 acres of afforestation.

Signature Club of Manning Village (Application Case: DSP-04063, TCPII-039-01-01)

Lot 12 – labeled as “Future Development” clearing for SWM pond with 10.10 acres of preservation.

Outparcel B – No impact. Off-site Woodland Credits -10.09 acres of afforestation.

Signature Club of Manning Village (Application Case: DSP-04063-01, TCPII-039-01-02)

Lot 12 – labeled as “Future Development” clearing for SWM pond with 10.10 acres of preservation.

Signature Club (Application Case: DSP-04063-04, TCPII-039-01-03)

Lot 12 – Clearing for SWM pond with 10.04 acres of preservation.

Signature Club of Manning Village (Application Case: CSP-23002, TCP1-052-97-03)

Subject application with only Outparcel B and Lot 12, zoned M-X-T, with no on-site preservation areas.

Currently, the Signature Club at Manning Village, Manokeek, Manokeek Commercial, Manokeek Phase 1, and Manokeek Village have provided 22.65 acres of the 32.07 acres of woodland conservation requirement. The overall Manokeek project area requires an addition 9.42 acres prior to the approval of CSP-23002 application. As proposed, the subject CPS Signature Club at Manning Village shows 1.61 acres of off-site mitigation.

DISTRICT COUNCIL ORDER OF REMAND – ITEM 4

State, based on new administrative findings, whether TCP1-052-97-03 conforms with the Countywide Green Infrastructure Functional Master Plan and subsequent area master plan revisions, including maps and text as required in PGCC § 25-121(a)(5).

EPS Response:

In conformance with Section 27-542(a)(2) of County Code, the CSP shall conform to any applicable master plans.

Plan Prince George’s 2035 Approved General Plan (2014)

The site is located within Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map and in the Established Communities of the General Plan Growth Policy map, as designated by the 2014 *Plan Prince George’s 2035 Approved General Plan* (Plan 2035). The project is not within the boundaries of a transit-oriented center as identified in Plan 2035.

2017 Green Infrastructure Plan

The *Countywide Green Infrastructure Plan* (GI Plan) was approved on March 17, 2017, with the adoption of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017). According to the approved GI Plan, the on-site woodlands located in Lot 12 are within Evaluation Area and woodlands within Outparcel B are located within both Regulated and Evaluation Areas. The site has an approved Natural Resources Inventory (NRI-075-2022), which correctly shows the existing conditions of the property. There are five specimen trees on-site and five specimen trees located off-site. The site does not contain regulated environmental features (REF) as defined in Section 24-101(b)(27) of County Code such as primary management area (PMA), streams, wetland, 100-year floodplain, and their associated buffers. The text in **BOLD** is the text from the GI Plan, and the plain text provides comments on the plan's conformance.

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

- 1.1 Ensure that areas of connectivity and ecological functions are maintained, restored, and/or established by:**
 - a. Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
 - b. Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**

The GI Plan shows both Regulated Areas and Evaluation Areas on-site. According to the GI Plan, the on-site woodlands located in Lot 12 are within Evaluation Area and woodlands within Outparcel B are located within both Regulated and Evaluation Areas. The Regulated Area is associated with a potential stream system. NRI-075-2022 shows the existing conditions of the property. This mapped Regulated Area was reviewed for streams and wetlands as part of the NRI and did not identify a stream on-site. The site does not contain 100-year floodplain or regulated environmental features (REF) as defined in Section 24-101(b)(27) of County Code such as primary management area (PMA), streams, wetland, and their associated buffers.

The site is in the Mixed-Use Transportation (M-X-T) Zone. This application area contains no REF or PMA but does include specimen trees. Adjacent uses consist of woodlands and single-family detached residential to the north and east; Manning Road to the west with residential beyond; and MD 228 (Berry Road) to the south with residential beyond. The on-site woodlands are connected to three adjacent properties (Lot 1, Parcel 154, and Parcel 162), a 15.54-acre combined woodland and residential area to the east. No development plans have been submitted on the adjacent parcels and lot. The adjacent woodlands are not protected under a woodland conservation easement. The adjacent woodland areas located on the adjacent three properties do not have wildlife or ecological connectivity with other woodland areas.

This development is part of the overall Signature Club and Manokeek Village subdivision, and this is the last portion of the development that is undeveloped. Previous Signature Club and Manokeek Village development plans showed this area as being reserved for future development. The overall subdivision has met their requirement with on-site preservation, reforestation, and off-site woodland bank credits. As part of previous development plans, the on-site woodlands were used as preservation knowing that the site would be developed in the future. The submitted TCP1 shows no on-site woodland preservation and proposes to meet their requirement with off-site woodland bank credits.

1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.

a. Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.

No SCAs are located on or adjacent to this application. The Mattawoman Stream Valley Park area SCA is located several parcels to the east away from Parcel 12. The southern corner of Lot 12 is 1,700 feet from Mattawoman Creek, MD 228, woodlands and residential lots are located between Mattawoman Creek and the application area. PGAtlas identifies the application within a sensitive species review area. The NRI application includes a response letter from Maryland Department of Natural Resources - Wildlife and Heritage Service stating that no rare, threatened or endangered species are known on-site or in the vicinity of the subject application.

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

2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping, and/or street trees.

The site contains no Network Gap network areas. Lot 12 is entirely within the Evaluation Area and Outparcel B is identified within both Regulated and Evaluation Areas. The Regulated Area indicates a stream system; however, this mapped Regulated Area was reviewed for streams and wetlands as part of the NRI and did not identify a stream on-site.

The application area is mostly wooded except for open areas for the existing stormwater management facility used by the adjacent Signature Club phases. Adjacent uses consist of woodlands and residential to the north and east; residential and Manning Road to the east; and MD 228 (Berry Road) to the south. The on-site woodlands are connected to three adjacent properties (Lot 1, Parcel 154, and Parcel 162), a 15.54-acre combined woodland and residential area to the east.

No development plans have been submitted on these parcels and lot and there is no woodland easement on this woodland area.

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

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

This development is part of the overall Signature Club and Manokeek Village subdivision, and this is the last portion of the development that is undeveloped. Previous Signature Club and Manokeek Village development plans showed this area as being reserved for future development. The overall subdivision has met their requirement with on-site preservation, reforestation, and off-site woodland bank credits. As part of previous development plans, the on-site woodlands were used as preservation knowing that the site would be developed in the future. The submitted TCP1 shows no on-site woodland preservation and proposes to meet their requirement with off-site woodland bank credits. Each phase of the previously approved applications was approved for the use of off-site woodland bank credits to meet their woodland conservation requirement, the TCP1 is in conformance with the prior approvals.

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

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

The applicant proposes to meet their woodland requirement with 1.61 acres plus the unaccounted for 7.81 acres required by prior developments, for a total of 9.42 acres of off-site woodland bank credits, which is in conformance with prior TCP approvals.

The use of fee-in-lieu to provide the requirements was not requested nor is it recommended. At the time of preliminary plan of subdivision, it is recommended that the applicant shall make every effort to provide additional woodland preservation or reforestation on-site, along the northern and eastern boundary. Prior to the issuance of permits every effort should be made to purchase credits from an off-site woodland conservation bank within the Mattawoman Creek watershed.

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

Retention of existing woodlands and planting of native species on-site is required by both the Environmental Technical Manual (ETM) and the 2018 *Prince George's County Landscape Manual* (Landscape Manual) and apply toward the tree canopy coverage requirement for the development. Tree canopy coverage requirements will be evaluated at the time of the associated detailed site plan review.

7.10 Continue to focus conservation efforts on preserving existing forests and ensuring sustainable connectivity between forest patches.

This application is part of a larger TCP containing 343.65 acres. The overall TCP includes the Manokeek, Manokeek Village Center, and Signature Club at Manning Village developments. The overall development met woodland requirements with on-site preservation, reforestation, and off-site woodland credits. CSP-23002 is a 16.90-acre site (Lot 12 and Outparcel B) which is mostly wooded (13.32 acres) except where clearing had previously occurred for the installation of the existing stormwater management facility used by the Additions of Signature Club at Manning Village development.

The TCP1 shows no on-site preservation area within the area of the CSP because the overall development woodland conservation requirement was met with each phase of the development. This application area is the last phase of the "Manokeek" and "Signature Club at Manning Village" developments. The applicant proposes no on-site preservation or reforestation areas and proposes to meet the woodland requirement with off-site woodland credits. In accordance with Section 25-122(a)(3), every effort should be made to purchase credits from an off-site woodland conservation bank within the Mattawoman Creek watershed. It is recommended that the applicant shall make every effort to provide additional woodland preservation or reforestation along the northern and eastern boundary.

Approved Subregion 5 Master Plan and Sectional Map Amendment (July 2013)

The site is located within *Approved Subregion 5 Master Plan and Sectional Map Amendment* (July 2013). In the approved master plan, the Environmental Infrastructure section contains goals, policies, recommendations, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan, and the plain text provides comments on plan conformance.

Subregion 5 Master Plan and Sectional Map Amendment

Policy 1:

- **Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**
- **Ensure the new development incorporates open space, environmentally sensitive design, and mitigation activities.**
- **Protect, preserve and enhance the identified green infrastructure network within Subregion 5.**

The application area contains existing woodland and no REF in accordance with the approved NRI. The on-site woodlands located in Lot 12 are within Evaluation Area, and woodlands within Outparcel B are within both Regulated and Evaluation Areas. NRI-075-2022 shows the existing conditions of the property. The site does not contain 100-year floodplain or REF as defined in Section 24-101(b)(27) of County Code such as PMA, streams, wetland, and their associated buffers. This mapped Regulated Area was reviewed for streams and wetlands as part of the NRI and did not identify a stream on-site.

The development proposes a bio-retention stormwater management facility as shown on the unapproved stormwater management concept. This application proposes clearing all the on-site woodlands to the green infrastructure network for the proposed residential development. No on-site woodland preservation is proposed with this application.

Policy 2:

- **Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**
- **Protect and restore groundwater recharge areas such as wetlands and headwater areas of streams.**

In accordance with this master plan policy, the proposed development will be subject to current stormwater management (SWM) requirements. This proposal is for the construction of the multifamily residential community. The SWM design is required to be reviewed and approved by the Department of Permitting, Inspections and Enforcement (DPIE) to address surface water runoff issues in accordance with Subtitle 32: Water Quality Resources and Grading Code of the County code. This requires that the environmental site design (ESD) be implemented to the maximum extent practicable.

An unapproved SWM Concept Plan (35682-2023-SDC) was submitted with the application. The SWM concept plan shows the use of ESD elements to address water quality requirements, including micro-bioretenion facilities and micro-bioretenion planter boxes. Submittal of the approved SWM concept plan and approval letter reflective of the development proposed is required prior to the future preliminary plan submission.

The application area has an existing regional pond that was approved by DPIE with 39068-2017-0. This stormwater pond serves the adjacent Addition to Signature Club subdivision, portions of Manning Road, and the subject application Signature Club East development. Conformance with the provisions of the County Code and state regulations with regards to stormwater management will be reviewed by the DPIE prior to issuance of permits.

Policy 3:

- **Ensure that, to the extent that is possible, land use policies support the protection of the Mattawoman Creek.**
- **Conserve as much land as possible in the rural tier portion of the watershed as natural resource land (forest, mineral, and agriculture).**

- **Minimize impervious surfaces in the Developing Tier portion of the watershed through use of conservation subdivisions and environmentally sensitive design and, especially in the higher density Brandywine Community Center, incorporate best stormwater design practices to increase infiltration and reduce run-off volumes.**

The geographic area of the CSP is within the Mattawoman Creek watershed in Environmental Strategies Area 2 (formerly the developing tier) and not in the rural tier. This application is not for a conservation subdivision. The southern property corner is over 1,230 linear feet from the floodplain and main stem of Mattawoman Creek. This main stem and floodplain of Mattawoman Creek is identified as a Special Conservation Area in the Green Infrastructure Plan. Mattawoman Creek is identified in the Subregion 5 Master Plan as a Primary Corridor. This stream corridor is outside the application area. The NRI application includes a response letter from Maryland Department of Natural Resources Wildlife and Heritage Service stating that no rare, threatened or endangered species are known on-site or in the vicinity of the subject application.

The unapproved SWM Concept Plan submitted with this application shows the use of ESD elements to address water quality requirements, including micro-bioretenion facilities and micro-bioretenion planter boxes.

Policy 4:

- **Enhance the county's Critical Area protection management in response to local, regional, and statewide initiatives and legislative changes.**

The subject property is not located within the Chesapeake Bay Critical Area.

Policy 5:

- **Reduce air pollution through transportation demand management (TDM) projects and programs.**
- **Promote "climate-friendly" development patterns through the planning processes and land use decisions.**
- **Increase awareness of the sources of air pollution and green-house gas emissions.**

The development of this site is subject to tree canopy coverage requirements which will be reviewed by the Urban Design Section with the detailed site plan. The presence of woodland and tree canopy, particularly over asphalt and other developed surfaces, are proven elements to lessen climate impacts of development and the associated heat island effect, which are known contributors to climate change. Any proposed TDM will be evaluated by the Transportation Planning Section. Currently, air quality is a regional issue that is being addressed by the Council of Governments.

Policy 6:

- **Encourage the use of green building techniques that reduce resource and energy consumption.**

In accordance with this master plan policy, development applications for the subject property that will require architectural approval should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques should be encouraged to be implemented to the greatest extent possible. Green building standards will be reviewed by the Development Review Division with future applications.

Policy 7:

- **Ensure that excessive noise-producing uses are not located near uses that are particular sensitive to noise intrusion.**

In accordance with this master plan policy, the Development Review Division will determine if noise studies are required.

DISTRICT COUNCIL ORDER OF REMAND – ITEM 5

State, based on new administrative findings, whether TCP1-052-97-03 proposes to remove priority retention areas, like contiguous forest, and if so, provide written findings and justification for such removal or clearing as required in NR § 5-1607(c)(3)(i), or whether TCP1-052-97-03 is exempt from the procedural requirements set forth in the current version of the State Forest Conservation Act.

EPS Response:

This application is subject to the grandfathering provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the property had a TCP that was accepted for review on or before June 30, 2024. The property must conform to the environmental regulations of the 2010 Woodland Conservation Ordinance and the 2018 Environmental Technical Manual. The property is also subject to the environmental regulations in prior Subtitles 24 and 27 because there is a previously approved Preliminary Plan of Subdivision (4-97091, 4001063, 4-01064, and 4-01065) and Detailed Site Plan (DSP-01036, DSP-04063, DSP-04063-01, and DSP-04063-04). In accordance with Section 25-119(g)(1) of the Woodland Conservation Ordinance the application is implemented as over 25 percent of the land area associated with the TCP is developed.

DISTRICT COUNCIL ORDER OF REMAND – ITEM 8

When granting a variance, the Board and the District Council are subject to the following:

Law on Variance

A variance “permits a use [that] is prohibited and presumed to be in conflict with [an] ordinance.” *North v. St. Mary’s Cnty.*, 99 Md. App. 502, 510, 638 A.2d 1175 (1994). The burden rests on the applicant to overcome the presumption that the proposed use is in conflict with the ordinance. *Id.* Courts have recognized a two-part test to determine whether a variance should be granted in a particular case. *Cromwell v. Ward*, 102 Md. App. 691, 694-95, 651 A.2d 424 (1995). The first requirement, uniqueness, looks at whether: the property whereon structures are to be placed (or uses conducted) is--in and of itself--unique and

unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. *Id.* at 694. If the applicant successfully proves that the property in question is unique, then the reviewing body moves to the second requirement---practical difficulty or unnecessary hardship--- and examines: whether practical difficulty and/or [unnecessary] hardship, resulting from the disproportionate impact of the ordinance caused by the property's uniqueness, exists. *Id.* at 695. This *two-step process* must be repeated for each variance request.

Law of Uniqueness

To receive a zoning variance, a property must be unique. Maryland cases have used the terms “unique”, “unusual”, and “peculiar” to describe this step in the variance analysis. In *Cromwell* these words are used more or less interchangeably to mean “unusual”. *Cromwell* 102 Md. App. at 703. The uniqueness analysis examines the unusual characteristics of a specific property in relation to the other properties in the area, and the nexus between those unusual characteristics and the application of the aspect of the zoning law from which relief is sought. *Id.* at 719 (“ [V]ariations should only be granted when the uniqueness or peculiarity of a subject property is not shared by the neighbouring property and where the uniqueness of that property results in an extraordinary impact upon it by the operation of the statute.). That is, the *unique* aspect of the property must relate to have a *nexus* with the aspect of the zoning law from which a variance is sought. *Id.* Without the nexus requirement, a motivated sophist could always find similarities or differences between any two properties so as to defeat or support a uniqueness finding. Every property is similar to every other property in some respects (for example, “there are some living things on this property”). And every property can be distinguished from every other property in some other respect (for example, this property contains exactly x number of trees and y number of woodrats”). Rather than semantic tricks, the proper question is whether the property is unique in the way that this particular aspect of the zoning code applies to it.

Uniqueness must be related to the *land* ... The attribute must be related to the application of the ordinance from which relief is sought. Thus, a minimum width requirement for a parcel makes little sense for a pie shaped lot [;] likewise for a setback regulation that puts a house into an arroyo or ravine. It would make no sense to consider the narrowness of a pie-shaped lot as a unique attribute in considering whether to waive, for example, a height or density restriction. Maryland cases recognize this requirement. *Trinity Assembly of God of Balt. City, Inc. v. People's Counsel for Balt. County*, 407 Md. 53, 82, 962 A.2d 404 (2008) citing *Cromwell*, 102 Md. App. at 721 (“[A] property’s peculiar characteristic or unusual circumstances ... must exist in conjunction with the ordinance’s ... impact on the specific property because of the property’s uniqueness.”). The uniqueness, then, must have a *nexus* with the aspect of the zoning law from which a variance is sought.

Practical Difficulty or Unwarranted Hardship

The second step of the variance test examines whether the disproportionate effect of the ordinance, caused by the uniqueness of the property, creates practical difficulty for or

unnecessary hardship on the owner of the property. Cromwell, 102 Md. App. at 694-95; see also LU § 4-206(b)(2) (“The modifications in a variance ... (2) may only be allowed where ... a literal enforcement of the zoning law would result in unnecessary hardship or practical difficulty as specified in the zoning law.”) These are two different standards: (1) a more lenient practical difficulty test; or (2) a more strict unnecessary hardship test.

“The determination of which standard to apply, ‘practical difficulties’ or ‘[unnecessary] hardship,’ rests on which of two types of variances is being requested: ‘area variances’ or use variances. Montgomery County v. Rotwein, 169 Md. App. 716, 728, 906 A.2d 959 (2006). [T]he less stringent ‘practical difficulties’ standard applies to area variances, while the ‘[unnecessary] hardship’ standard applies to use variances.” Id. at 729 (explaining that area variances do not change the character of the neighborhood as greatly as do use variances); Zengerle v. Board of County Comm’rs, 262 Md. 1, 21, 276 A.2d 646 (1971). Area variances, “are variances from area, height, density, setback, or sideline restrictions, such as a variance from the distance required between buildings.” Rotwein, 169 Md. App. at 728. Use variances, by contrast, permit a use other than that permitted in the particular district by the ordinance, such as a variance for an office or commercial use in a zone restricted to residential uses. Id.

“On remand, the Board shall apply the standard of review for a variance set forth above and determine, based on new administrative findings, whether the Property Owner has met its burden for the granting of the requested variance from Division 2 of Subtitle 25, Woodland and Wildlife Habitat Conservation Ordinance, to remove four (4) specimen trees. PGCC §§ 25-122(b)(1)(G), 25-119(d).

EPS Response:

It is the position of the Planning Department that the District Council directs the Planning Board to apply the wrong standard of law to the applicant’s request for a variance from the Woodland and Wildlife Habitat Conservation Ordinance and make new administrative findings based on the Council’s erroneous legal conclusions. The Planning Board, therefore, cannot comply with the prescriptions of the Order of Remand for Paragraph 8 for the reasons provided below.

The Council provides a recitation of Maryland case law on the “uniqueness” and “practical difficulty” criteria for zoning variances. It then instructs the Planning Board to reanalyze the applicant’s requested variances from the 2010 Woodland Conservation Ordinance (“WCO”) under zoning case law. Following this instruction would constitute a legal error by the Planning Board.

The District Council’s own law specifically states that “[v]ariations granted under this Subtitle are not considered zoning variances.” 2010 WCO § 25-119(d)(4). Furthermore, Maryland courts have explained that, given the differences between the criteria for zoning and WCO variances, case law regarding zoning variances is inapplicable to WCO variances. *Bhargava v. Prince George’s County Planning Board*, 265 Md.App. 172, 197–98 (2025) cert. denied, 490 Md. 291, 334 A.3d 833 (2025).

The Maryland Appellate Court has specifically stated that the “uniqueness” criterion for a zoning variance is “distinct” from the WCO variance finding, requiring that “[s]pecial conditions peculiar to the property have caused the unwarranted hardship” (the “unwarranted hardship’ finding”) 2010

WCO § 25-119(d)(1)(A). *Bhargava*, 265 Md. App. at 197. Specifically, the WCO variance “unwarranted hardship” finding focuses “on the special features of the site, and not its uniqueness.” *Id.*

Another Maryland Appellate Court case provides further explanation of this finding as follows:

The applicant has the burden of demonstrating that, without a variance, the applicant would be denied a use of the property that is both significant and reasonable. In addition, the applicant has the burden of showing that such a use cannot be accomplished elsewhere on the property without a variance.

West Montgomery County Citizen’s Association, et al. v. Montgomery County Planning Board, et al., 248 Md.App. 314, 347 (2020) (quoting *Assateague Coastal Trust, Inc. v. Schwalbach*, 448 Md. 112, 139 (2016)). Consistently, this decision also did not rely on any zoning variance cases.

The Planning Board made its “unwarranted hardship” finding in line with the applicable case law discussed above. Specifically, the Planning Board’s resolution found that the proposed mixed-use development was a significant and reasonable use that could not be achieved elsewhere on the property without the WCO variances due to special conditions. (See pages 33–34 of Resolution 2025-057.) First, the Planning Board found that the proposed mixed-use development is significant and reasonable, as the property is in a “mixed-use zone area.” Second, the Planning Board found that, even if the applicant moved the proposed building and associated parking and infrastructure, WCO variances would still be required for the proposed mixed-used development. Specifically, because the property is relatively flat, the applicant must grade it to provide proper stormwater drainage. Such grading would impact the specimen trees, thus necessitating WCO variances. Therefore, the Planning Board found that denial of the WCO variance would result in an unwarranted hardship.

Accordingly, there is substantial evidence in the record to support the Planning Board’s findings and conclusions granting the variance and for the District Council to determine if the Board’s decision is based on an erroneous conclusion of law. The findings are also precise, clear, well-reasoned, and articulated, such that there are no grounds to find its decision to be arbitrary or subject to remand to correct any deficiency.

DISTRICT COUNCIL ORDER OF REMAND – ITEM 9

In the M-X-T Zone, a CSP shall be approved for all uses and improvements, in accordance with PART 3, Division 9, of the PZO. PGCC § 27-546(a). Among other things, a CSP SHALL INCLUDE “[a] stormwater concept plan approved or submitted for review pursuant to Section 4-322 of [the County]-273(e)(14). And a specific purpose of a CSP is to illustrate storm water management concepts to be employed in any final design for the site. PGCC § 27-272(c)(1)(C).

On remand, the Property Owner shall submit a stormwater concept plan in accordance with the above requirements.

EPS Response:

The above item is addressed in the Stormwater Management section of Finding 12 d. Environmental Planning of the PGCPB No.2025-057 resolution. This section of the resolution is provided below for reference:

In accordance with Section 27-273(e) (6) of the Zoning Ordinance, the CSP shall be consistent with an approved stormwater management (SWM) concept plan. The SWM concept design is required to be reviewed and approved by the Department of Permitting, Inspections and Enforcement (DPIE) Site Road Section to address surface water runoff issues in accordance with Subtitle 32, Water Resources Protection and Grading Code. This requires that environmental site design (ESD) be implemented to the maximum extent practicable.

An unapproved SWM Concept Plan (35682-2023-SDC) was submitted with the application. The SWM concept plan shows the use of ESD elements to address water quality requirements. The SWM concept plan proposes using the 31 micro-bioretenion facilities and 21 micro-bioretenion planter boxes. Submittal of the approved SWM concept plan and approval letter reflective of the development proposed is required prior to the future preliminary plan submission.

The application area has an existing regional pond that was approved by DPIE with 39068-2017-0. This stormwater pond serves the adjacent Addition to Signature Club subdivision, portions of Manning Road, and the subject application Signature Club East development. Conformance with the provisions of the County Code and state regulations with regards to stormwater management will be reviewed by the DPIE prior to issuance of permits.

Currently, the Department of Permitting, Inspections and Enforcement (DPIE) Site Road Section is still reviewing the stormwater management concept plan for the application area.



December 16, 2025

MEMORANDUM

TO: Emery Huang, Urban Design Section, Development Review Division

FROM: NS Noelle Smith, AICP, Transportation Planning Section, Countywide Planning Division
MB Mark Berger, Transportation Planning Section, Countywide Planning Division

SUBJECT: **CSP-23002: Signature Club East**
Supplemental Memo for District Council Order of Remand

This supplemental memorandum provides staff revised findings and conditions as a result of the Order of Remand from the District Council. By this order, Transportation Planning staff reviewed the updated traffic impact study per the provisions of Section 24-4500 of the Subdivision Regulations.

Mixed-Use-Transportation Zone

The site is subject to Section 27-546, which provides additional requirements for sites located within the Mixed-Use-Transportation (MXT) zone.

Section 27-546

(b) In addition to the information required by Part 3, Division 9, for Conceptual Site Plans, the following information shall be included on Plans in the M-X-T Zone:

(8) Property placed in the M-X-T Zone by a Sectional Map Amendment shall provide supporting evidence which shows whether the proposed development will exceed the capacity of transportation facilities that are existing, are under construction, for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program or within the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in a specific public facilities financing and implementation program.

Comment: Outparcel B was rezoned to M-X-T via a Zoning Map Amendment (ZMA) application and is therefore not applicable to that portion of the site. However, Lot 12 was rezoned to the M-X-T via a sectional map amendment. A traffic study was conducted with this application, and the result of the analysis below concludes that adequate facilities will be provided.

(d) In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:

(9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, existing transportation facilities; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program or the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.

Comment: Outparcel B was rezoned to M-X-T via a ZMA application and is therefore not applicable to that portion of the site. However, Lot 12 was rezoned to the M-X-T via a sectional map amendment. A traffic study was conducted with this application, and the results of the analysis show that adequate facilities will be provided.

Criteria for Establishing Transportation Adequacy

The subject property is located within Transportation Service Area (TSA) 2, as defined in the *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level-of-Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized Intersections:

For two-way stop-controlled intersections a three-part process is employed:

(a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed.

For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

Trip Generation

The table below summarizes trip generation for each peak period that will be used in reviewing site traffic generated impacts and developing a trip cap for the site.

Trip Generation Summary: CSP-23002 Signature Club East								
Land Use	Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Garden/Mid-Rise Apartments (PGC rates)	300	units	31	125	156	117	63	180
Fast Food Restaurant w/ Drive Thru (ITE-934)	12,600	Square feet	285	276	561	216	201	417
<i>Primary Trips w/ Internal Capture for Pad Sites from Apartments: 10%</i>			(29)	(28)	(57)	(22)	(20)	(42)
<i>Pass-by 50% AM and 55% PM</i>			(129)	(126)	(252)	(99)	(90)	(189)
Trip Cap Recommendation			408			366		

The traffic generated by the proposed application will impact on the following intersections in the transportation system:

1. MD 210 & MD 373 (signalized)
2. MD 373 & Dusty Lane (unsignalized)
3. MD 373 & Menk Road (unsignalized)
4. MD 210 & MD 228 (signalized)
5. MD 228 & Manning Road (signalized)
6. Manning Road & Caribbean Way (unsignalized)
7. Manning Road & Site Access (right-in/right-out) (unsignalized)
8. Manning Road & Site Access (unsignalized)

Existing Traffic

The critical intersections identified above, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS							
Intersection		Critical Lane Volume (AM & PM)		LOS/Pass/Fail (AM & PM)		ADEQUACY MET	
1. MD 210 & MD 373	(signalized)	1163	1481	C	E	No	
2. MD 373 & Dusty Lane	(unsignalized)	11.9 sec	17.1 sec	Pass	Pass	Yes	
3. MD 373 & Menk Road	(unsignalized)	10.3 sec	13.5 sec	Pass	Pass	Yes	
4. MD 210 & MD 228	(signalized)	880	1286	A	C	Yes	
5. MD 228 & Manning Road	(signalized)	1031	1227	B	C	Yes	
6. Manning Road & Caribbean Way v/c ratio (SIDRA)	(unsignalized)	0.060	0.055	A	A	Yes	
7. Manning Road & Site Access (right-in/right-out)	(unsignalized)	-	-	-	-	-	
8. Manning Road & Site Access	(unsignalized)	-	-	-	-	-	

In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, a delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest

that the parameters are beyond the normal range of the procedure and should be interpreted as severe inadequacy.

Background Traffic

The traffic impact study (TIS) identified two background developments whose impact would affect study intersections. Additionally, an annual growth of 1% over six years was applied to the existing peak hour volumes. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS						
Intersection		Critical Lane Volume (AM & PM)		LOS/Pass/Fail (AM & PM)		ADEQUACY MET
1. MD 210 & MD 373	(signalized)	1242	1608	C	F	No
2. MD 373 & Dusty Lane	(unsignalized)	12.1 sec	19.3 sec	Pass	Pass	Yes
3. MD 373 & Menk Road	(unsignalized)	10.4 sec	14.7 sec	Pass	Pass	Yes
4. MD 210 & MD 228	(signalized)	969	1440	A	D	Yes
5. MD 228 & Manning Road	(signalized)	1164	1332	C	D	Yes
6. Manning Road & Caribbean Way v/c ratio (SIDRA)	(unsignalized)	0.140	0.284	A	B	Yes
7. Manning Road & Site Access (right-in/right-out)	(unsignalized)	-	-	-	-	-
8. Manning Road & Site Access	(unsignalized)	-	-	-	-	-

In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, a delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as severe inadequacy.

Total Traffic

The study intersections, when analyzed with total developed future traffic, operate as shown below.

TOTAL TRAFFIC CONDITIONS						
Intersection		Critical Lane Volume (AM & PM)		LOS/Pass/Fail (AM & PM)		ADEQUACY MET
1. MD 210 & MD 373 <i>With improvements along MD 373</i>	(signalized)	1258 1257	1592 1521	C C	E E	Mitigated
2. MD 373 & Dusty Lane	(unsignalized)	12.3 sec	17.9 sec	Pass	Pass	Yes
3. MD 373 & Menk Road	(unsignalized)	10.7 sec	14.5 sec	Pass	Pass	Yes
4. MD 210 & MD 228	(signalized)	964	1420	A	D	Yes
5. MD 228 & Manning Road	(signalized)	1172	1315	C	D	Yes
6. Manning Road & Caribbean Way v/c ratio (SIDRA)	(unsignalized)	0.254	0.209	A	A	Yes

7. Manning Road & Site Access (right-in/right-out)	(unsignalized)	9.5 sec	10.1	Pass	Pass	Yes
8. Manning Road & Site Access	(unsignalized)	9.4 sec	9.4 sec	Pass	Pass	Yes
In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, a delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as severe inadequacy.						

The analysis shows that all critical intersections will operate at acceptable levels except intersection #1, MD 210 and MD 373, and indicates failing levels in all conditions.

The applicant provided analysis for the following improvements at MD 210 and MD 373:

1. Modify the traffic signal to be split-phased for the MD 373 approaches.
2. Modify the lane use on the east and west legs of MD 373:
 - a. Eastbound: one left turn, one shared left/through, and one shared through/right.
 - b. Westbound: on left turn, one shared left/through and one right turn lane.

While the proposed improvements do not meet the LOS threshold, the mitigation results in meeting the requirement of mitigating a minimum of 150% of the development's impact per the 2022 Transportation Review Guidelines (TRG) and therefore meets the adequacy requirement.

Conclusion

Based on the findings presented above, the staff concludes that the transportation facilities will exist to serve the proposed conceptual site plan as required under Subtitle 27.

Additional Back-up

For

CSP-23002

Signature Club East

LAW OFFICES
GIBBS AND HALLER
1300 CARAWAY COURT, SUITE 102
LARGO, MARYLAND 20774
(301) 306-0033
FAX (301) 306-0037
gibbshaller.com

EDWARD C. GIBBS, JR.
THOMAS H. HALLER

January 13, 2026

Honorable Darryl Barnes
Chairman
Prince George's County
Planning Board of the
Maryland-National Capital
Park and Planning Commission
1616 McCormick Drive
Largo, Maryland 20774

Re: Signature Club East
Conceptual Site Plan CSP-23002
District Council Remand Order

Dear Chairman Barnes:

When the referenced case was originally heard and considered by the Planning Board on July 10, 2025, the Conceptual Site Plan was unanimously approved. The approval was later appealed to the Prince George's County Council, sitting as the District Council ("District Council"). When the case was heard by the District Council, there was no argument on the merits. Rather, I requested a limited remand to analyze the various tree conservation plans in order to determine if the property forming the subject matter of the application was impacted by a conservation easement. No arguments on the merits occurred. Instead, the District Council remanded the case to address all remand issues identified by both the Applicant and the opposition. That resulted in a Remand Order which was adopted on October 28, 2025 and mailed to Parties of Record on November 4, 2025. The Remand Order reads as if the entire case was argued and the District Council determined to remand on specific issues as if those issues had been argued. However, that was not the case, only the single remand issue raised by the Applicant was presented to the District Council.

Nine specific remand issues are set forth in the District Council's Notice of Decision. The Staff Report prepared in anticipation of the remand hearing before the Planning Board is

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thorough and thoughtfully analyzes each of the remand issues. The Applicant has also submitted written evidence addressing the remand issues. The Applicant requests that the Planning Board consider this correspondence as a further discussion of those remand issues not addressed by other witnesses representing the Applicant. The following are comments on each of the remand issues:

1. Clarify the History of Tree Conservation Plans and determine the impact on the proposed development of the Property

RESPONSE: This issue has been thoroughly analyzed both in the Staff Report and in a report prepared by Vika, the Applicant's civil engineer. The Vika correspondence has been submitted separately.

2. State an accurate description and location of the Property

RESPONSE: Page 1 of the Planning Board approval Resolution (PGCPB No. 2025-057) at paragraph 2 describes the property forming the subject matter of the application as "property located on the east side of Hazelwood Drive, approximately 1,500 feet north of its intersection with MD 458 (Walker Mill Road)". The Applicant does not dispute that this language appears on page 1 of the Resolution. However, when reviewing the Resolution in its entirety as well as the record in its entirety, it is clear this was simply a clerical error. Paragraph 3 on page 2 of the Resolution describes the location of the subject property as being Tax Map 161, Grid E-2. That paragraph goes on to note geographically that "the site is located in the northeast quadrant of the intersection of MD 228 (Berry Road) and Manning Road East". That is indeed the Property. Further, paragraph 4 also found on page 2 of the Resolution describes the location of the subject property as being bound by Manning Road East, a development of 76 townhouses called Addition to Signature Club at Manning Village, and to the north and northeast by single family detached homes in the R-R Zone. Under no circumstances could that description of surrounding uses relate to property located on Hazelwood Drive near its intersection with Walker Mill Road. Further, the Resolution of approval is replete with information describing prior approvals (Resolution, p. 2-4). In addition, the underlying case number for the project (CSP-23002) could also never apply to Property located on Hazelwood Drive. Also, the application form filed with the case clearly and accurately describes the Property. The Statement of

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Justification filed in support of the application does the same. All of the referrals accurately describe the location of the Property. The Staff Report published by M-NCPPC also clearly describes the Property and the surrounding uses (Staff Report, p. 5, paragraphs 3 and 4). In short, the record is replete with evidence clearly confirming the actual property forming the subject matter of this application. This is also borne out by testimony provided by some of the opposition parties. The reference to Hazelwood Drive is clearly nothing more than a clerical error.

3. Does Section 27-1704(a) of the new Zoning Ordinance contemplate or allow the filing of a new CSP application in this instance?

RESPONSE: Section 27-1704 of the Transitional Provisions provides that a Conceptual Site Plan may not increase the land area subject to such approved Conceptual Site Plan. However, that is not what has occurred in this case.

Lot 12 was subject to and approved as a part of CSP-99050. That CSP included three development areas (Pods 1,2 and 3). Outparcel B was not within any of those Pods. Pod 3 consisted of what is now Lot 12. Outparcel B was the subject of its own Preliminary Subdivision Plan and Final Plat of Subdivision. It was thereafter zoned to the M-X-T Zone in 2006 pursuant to the approval of Zoning Map Amendment A-9960-C. Therefore, Outparcel B received its own entitlement approvals pursuant to the prior Zoning Ordinance. It too would qualify under section 27-1704 to use the prior Zoning Ordinance. CSP-23002 includes both Lot 12 and Outparcel B. This Conceptual Site Plan, once finally approved, will "supersede CSP-99050." See Resolution, p.5). Finally, it should be noted that CSP-23002 also qualifies to be reviewed and approved under the prior Zoning Ordinance pursuant to section 27-1900 et. seq. Those sections, as a matter of policy, allowed any development to utilize the prior Zoning Ordinance for a period of three years after the effective date of the new Zoning Ordinance. The new Zoning Ordinance became effective on April 1, 2022. Thus, any property could be entitled using the prior Zoning Ordinance at the Applicant's election until April 1, 2025. CSP-23002 was accepted for processing and reviewed on February 26, 2024. (See Staff Report, cover sheet p. 1 and p. 3). Thus, it was filed and accepted during the three year period when any property owner could, at its election, utilize the prior Zoning Ordinance. That is exactly what the Applicant did in this case. Without question, CSP-23002 is eligible

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for review and approval under the provisions of the prior Zoning Ordinance.

4. Does TCP 1-052-97-03 conform with the Countywide Green Infrastructure Functional Master Plan and subsequent Area Master Plan revisions?

RESPONSE: The Applicant adopts the analysis of this issue as set forth in the staff memorandum. In addition, the Applicant's expert land planner, Mark Ferguson, has also submitted a report analyzing this issue on behalf of the Applicant. The findings of both the Staff and Mr. Ferguson make it clear that this application does conform with the Countywide Green Infrastructure Plan as well as the applicable Master Plan and the General Plan.

5. Does TCP 1-052-97-03 propose to remove priority retention areas such as contiguous forests and if so, are there written findings and justification for the removal or clearing?

RESPONSE: This issue is addressed in the Staff Report and the Applicant adopts that analysis. This issue is also addressed by the Applicant's expert land planner, Mark Ferguson. Mr. Ferguson's report has been submitted.

6. Is the proposed development set forth in CSP-23002 compatible with existing and proposed development in the vicinity?

RESPONSE: This issue has been addressed by Staff in its report and the Applicant endorses and adopts that analysis. It is also analyzed in the report prepared by Mark Ferguson as referenced above and submitted into the record for this remand hearing. Both the Staff Report and Mr. Ferguson's analysis conclude with compelling evidentiary support that the proposed development is indeed compatible with existing and proposed development in the vicinity. In addition, the Applicant would note that the issue of compatibility has also been discussed in the Second Amended Statement of Justification filed in support of the application.

7. Does the application contain sufficient facts to support the requirement that transportation facilities will be adequate to

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carry anticipated traffic to be generated by the proposed development?

RESPONSE: One of the required findings for the approval of a Conceptual Site Plan relates to transportation adequacy. If the property in question was rezoned through a comprehensive rezoning, Section 24-546(d)(9) of the prior Ordinance requires that the Planning Board find transportation facilities will be adequate to carry anticipated traffic from the development.

The Applicant's transportation engineer, Lenhart Traffic Consulting, prepared a Traffic Impact Analysis ("TIA") bearing a date of November 7, 2023. The analysis has been updated on May 23, 2025, November 6, 2025 and December 15, 2025. The updated version was considered by staff of M-NCPPC in preparing their initial staff report and by the Planning Board. The more recent report was considered by Staff in preparing its most recent Report dated December 29, 2025. It is important to note that Lot 12 was the subject of a prior approved Preliminary Subdivision Plan. Pursuant to that Plan, certain road improvements were required and the development of Lot 12 was provided a trip cap of 124 AM peak hour trips and 524 PM peak hour trips. The Applicant was entitled to consider those trips vested since the road improvements required by the prior Preliminary Subdivision Plan have been made. (TIA, p.4). Pursuant to a scoping agreement entered into with staff, the Applicant was required to analyze eight different intersections. When considering traffic on the road, an annual growth rate, trips to be generated by approved but unbuilt developments and trips to be generated by this project, all of the intersections will operate adequately with the exception of the intersection of MD 210 and MD 373. Even that intersection passes in the AM peak hour, but it fails in the PM peak hour. However, with development of the Property as proposed in this case, the PM peak hour, while failing, actually operates better than it did under the prior approved trip cap. (TIA, p. 17) Further, that intersection currently fails before any background traffic is applied (Staff Report, p. 21 and Resolution, p. 18-19). Given this fact, the Lenhart TIA concluded that no off-site intersection improvements should be required and that transportation facilities will be adequate. Lenhart also concludes that this issue will be further discussed at the time of Preliminary Subdivision Plan, when adequacy of transportation is analyzed in detail.

Mr. Lenhart also testified before the Planning Board when it originally considered the instant CSP. The Subdivision Regulations authorize findings of adequacy by mitigating traffic on certain roadways which are deemed to be impacted substantially by traffic from outside of Prince George's County and under certain conditions. This development proposed qualifies for mitigation. Under mitigation, adequacy can be determined by making a roadway improvement which addresses 150% of the site's impact on a particular intersection. Mr. Lenhart testified that he did not believe mitigation should be required in this instance. However, if required, he identified a mitigation improvement which would mitigate 300% of the site impact on the intersection of MD 210 and MD 373. (Transcript, 60-61). Consequently, adequate transportation facilities will exist to accommodate the proposed development. Further, it must be borne in mind that the discussion of transportation adequacy at the time of the approval of a Conceptual Site Plan is different from the determination of adequate public facilities required at the time of Preliminary Subdivision Plan. At that time, the analysis is much more thorough. In addition, Lenhart Traffic Consulting has prepared another memorandum dated January 5, 2026 which has been submitted in additional support of required transportation findings. This memorandum notes that while the traffic report identifies a road improvement which will mitigate 300 percent of the proposed development impact, mitigation should not be necessary since the existing project has an approved trip cap and an existing Certificate of Adequacy which will result in a new Certified of Adequacy with sufficient capacity which will be issued at the time of Preliminary Subdivision Plan approval. Because of the existing Certificate of Adequacy which remains valid and which will not expire until a new Preliminary Plan is approved, the analysis of the new project should be credited with the capacity reserved under the original approval. In this case, such an analysis results in an adequacy finding without the need for mitigation.

8. Was the Specimen Tree Variance properly approved by the Planning Board?

RESPONSE: In its Remand Order, the District Council states that the law of zoning variances applies to the specimen tree variance. This assertion by the District Council in the Remand Order is flatly erroneous. Subtitle 25 of the Prince George's County Code governs the removal of specimen trees. A variance is required pursuant to Section 25-119(d). A copy of that section is attached hereto as

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Exhibit "A". Section 25-119 expressly states that a variance to remove specimen trees is not a zoning variance. Therefore, the District Council's instruction in its Remand Order to apply zoning variance standards in examining the specimen tree variance is simply not a correct statement of the law. Rather, the appropriate standard requires an analysis of whether there are "special conditions peculiar to the property which have caused an unwarranted hardship" (Section 25-119(d)(1)(A)). The case of Bhargava v. Prince George's Co. Planning Board, 2024 Md. App. LEXUS 1006 (2024) clearly addresses this issue. That case dealt with a specimen tree variance for a project in Prince George's County. Coincidentally, counsel for the opposition in the instant case was also counsel for the opposition in the Bhargava case. In fact, it was counsel for the opposition who advocated for application of zoning variance standards to a specimen tree variance in Bhargava. However, the Appellate Court of Maryland in Bhargava disagreed finding that the zoning variance standards present a more difficult burden than is required for a specimen tree variance under Section 25-119.

There are 10 specimen trees located on and in the immediate vicinity of the Property. The Applicant requested authorization to remove 4 specimen trees. One is located opposite the proposed entrance to the site while three others are located along the perimeter. Variances to remove specimen trees are expressly permitted under Subtitle 25 of the Prince George's County Code. Specifically, Section 27-119(d) sets forth standards to be reviewed in determining whether or not to authorize removal. The Planning Board is authorized to consider a variance to remove specimen trees as part of its review and approval of a Tree Conservation Plan. The specific criteria are set forth in Section 25-119(3) of Subtitle 25. The Applicant's civil engineer, VIKI, submitted a Justification in support of the variance in this case. That justification was dated January 23, 2024 and was revised on May 23, 2025. A copy of that Justification appears in the record. The Justification thoroughly analyzed all criteria for the approval of a specimen tree variance and cited factual support for each criterion. A summary of the criteria follows:

A) Special conditions peculiar to the property which cause unwarranted hardship

Here the Applicant noted that one of the specimen trees was located near the main entrance into the site and would need to be removed to provide sufficient access. The remaining trees, while

located along the perimeter of the site, are near the limit of disturbance. Avoiding any disturbance to the root zone would create unwarranted hardship by significantly reducing the area of the property available for development. The Justification analyzed the purposes of the M-X-T Zone and explained how meaningful development of the property would be necessary in order to meet those purposes, including ensuring economic viability of the project and creating full development of the property to encourage meaningful development to satisfy needs of future residents.

B) Depriving the applicant of rights commonly enjoyed by others in similar areas

The Applicant noted that the property was being developed under a mixed-use zoning classification. Buildings proposed for uses expressly authorized in the zone could not be realized without removing the four specimen trees, thus compromising the Applicant's ability to implement the M-X-T Zone reasonably and comprehensively.

C) The variance will not confer a special privilege on the applicant

The Justification notes that the uses being proposed are expressly permitted in the Zone. It is also noted that development of the property is subject to many other requirements which impact the developable area of the land in question. Allowing the Applicant to realize a reasonable development while implementing and observing other required development criteria and regulations simply allows the Applicant a development right available to others as well.

D) Is the variance based on conditions or circumstances caused by the applicants actions

The Justification noted that conditions unique to the property impacted its development potential. Specifically, the location of the existing entrance along with topographic conditions which cause the property to slope eastward to an existing stormwater detention pond substantially impact the layout and development opportunities for the property. These factors impact the opportunity for the balance of the site. Further, the Applicant inherited the existing conditions on the property.

E) Does the variance arise from conditions related to land or buildings on another property

The Applicant states that impacts on other properties do not create the need for the variance.

F) Will water quality standards be violated as a result of the variance

The Applicant noted that approval of the variance would not result in a violation of any state water quality standards. It was noted that all grading and site design will occur in strict accordance with approved stormwater management facilities which will ensure and maintain water quality.

The specimen tree variance in this case was reviewed by the Environmental Planning Section of M-NCPPC. Staff also analyzed each criterion governing the approval of the variance. In general, staff agreed with the justifications advanced by the Applicant and frequently added further factual justification. One such additional Justification related to the fact that originally, there were no specimen trees on the property. Rather, they have grown as a part of natural generation. Staff also agreed with the impact of grading to the site and the development necessary to meet the goals of the M-X-T Zone. Staff agreed the need for the variances was not occasioned by actions of the Applicant. They further agreed that water quality would not be impacted due to the approval of sediment and erosion control plans and the stormwater management plan. (See Environmental Section Referral of May 30, 2025). The Staff Report also reviewed each of the criteria for the variance and set forth facts citing how each criterion was met and satisfied. (Staff Report, p. 34-38). Finally, the Planning Board, after reviewing all the information provided by the Applicant, Environmental Planning and the Technical Staff Report approved the variance. The Planning Board's Resolution of approval contains specific factual analysis on each criterion, some of which incorporates information provided by the Applicant and staff. (Resolution, p. 32-36). The facts of this case and the specific findings contained in the Planning Board Resolution clearly constitute substantial evidence supporting the grant of the specimen tree variance.

Honorable Darryl Barnes
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- 9. A stormwater management concept plan is required to be approved or submitted for review pursuant to Section 4-322 of the County Code.**

RESPONSE: A stormwater management concept plan has been submitted and has been reviewed by the Department of Permits, Inspections and Enforcement. A letter from the Applicant's civil engineer, Vika, dated January 12, 2026 confirms that the stormwater management concept plan was in fact filed and has been reviewed by DPIE. That correspondence further confirms that a revision to the stormwater concept plan based on the proposed townhouse layout was submitted to DPIE on December 5, 2025 and is currently under review. A stormwater management plan is not required to be approved at the time of approval of a Conceptual Site Plan. Rather, it must only be submitted and be under review. That requirement has clearly been satisfied in this case.

Very truly yours,

GIBBS AND HALLER



Edward C. Gibbs, Jr.

Sec. 25-119. Applicability.

(a) General

- (1) Except as provided in (b) below, this Woodland and Wildlife Habitat Conservation Division applies to:
 - (A) All DRD applications and grading permit applications, excluding applications which propose residential construction activity resulting in the disturbance of less than 10,000 square feet of woodlands on a single lot of any size or linear project that do not have a previously approved and valid TCP;
 - (B) All activities by a public utility;
 - (C) All activities of a unit of County or municipal government; and
 - (D) All activities delegated to the local jurisdiction by the State.
- (2) DRD applications shall include a Standard Letter of Exemption or the proper type of tree conservation plans (TCPs) as follows:
 - (A) DRD Applications for a Conceptual Site Plan, a Preliminary Plan of Subdivision, or other conceptual plans shall include a Type 1 Tree Conservation Plan (TCP1) or a Standard Letter of Exemption.
 - (B) DRD applications for a Detailed Site Plan (including Minor and Major Detailed Site Plans), grading permit or other similarly detailed plans shall include a Type 2 Tree Conservation Plan (TCP2) or a Standard Letter of Exemption. If a site requires approval of a TCP2 with an associated DRD application, the TCP2 shall not be reviewed independently of the associated DRD application.
 - (C) DRD applications for a Special Exception shall include:
 - (i) a TCP1 unless the special exception site plan will be used for grading permitting, or
 - (ii) if there is an associated grading permit plan and no associated subdivision application is required, a TCP2 is required
 - (D) If a DRD application requires approval of a TCP1 or TCP2, the TCP shall be approved by the body with authority to approve the DRD application.
 - (E) If a site requires approval of a TCP2 with an associated DRD application, the TCP2 shall not be reviewed independently of the associated plan.
- (3) Permit applications shall include a Letter of Exemption or the proper type of tree conservation plan (TCPs) as follows:
 - (A) A TCP2 that was approved as a companion to an approved DRD application, or
 - (B) A permit application not subject to a DRD approval, a stand-alone TCP2 approved by the Planning Director shall be required, or
 - (C) A permit application for a revision to an approved TCP2 where a revision to the approved DRD application is not required, a stand-alone TCP2 shall be required, or
 - (D) A TCP1 is approved as a companion to an approved DRD application but no subsequent DRD approved is not required, a stand-alone TCP2 is required, or
 - (E) A state level forest conservation approval, or
 - (F) A Letter of Exemption is required.
- (4) All plans and associated information shall be prepared in conformance with the Technical Manual.

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- (5) All submittals required by this Division shall be prepared by a qualified professional and shall contain a stamp or certification from the qualified professional who prepared the plans and the plans shall contain an original signature and date applied by the preparer. If there are three documented cases of plan submittals that do not meet the minimum threshold requirements for submittal in conformance with this Division and the Technical Manual within a time frame of one year, the Planning Director may recommend to the Maryland Department of Natural Resources that a qualified professional's ability to submit plans under this Division be suspended.
 - (6) All land that has an approved TCP associated with it is subject to the notice requirements as defined in Subtitle 2, Sec. 2-162.01(e) of the County Code. At time of contract signing, the seller of any land subject to a TCP shall provide the buyer with a copy of the approved plan.
 - (7) Within thirty (30) days from receipt of an application for a proposed TCP, the applicant shall be notified whether the application is complete. This deadline may be extended at the discretion of the Planning Director for good cause.
 - (8) A Forest Stand Delineation (FSD), Natural Resource Inventory (NRI), or a TCP may be revoked by the Planning Director for good cause including, but not limited to, violation of conditions of the plan, obtaining a plan approval by misrepresentation of a material fact, failing to disclose a relevant or material fact, or a material change in conditions. The applicant, the holder of any permit issued pursuant to approval of the TCP, and the property owner shall be notified of the revocation in writing. Within thirty (30) days of the date of such notice, a hearing before the Planning Board may be requested by the applicant, permit holders, or property owner.
 - (9) Proposed woodland conservation areas, either on-site, or off-site, shall be free of any previous encumbrance which is not consistent with the requirements of this Division including, but not limited to, easements which specifically protect woodlands for another purpose, utility easements, approved TCPs for other development, deed restrictions, and declarations of covenants for woodland conservation banking, prior to encumbering the area to fulfill on-site woodland conservation requirements or as an off-site woodland conservation bank. Property that is subject to an agricultural preservation easement shall not be precluded from having a woodland conservation easement.
- (b) Exemptions from this Division
- (1) General
 - (A) All DRD applications and grading permit applications for land inside of the Chesapeake Bay Critical Area.
 - (B) Trimming, planting or removal of trees in the public right-of-way which require a permit in accordance with the Maryland Roadside Tree Care Law is required.
 - (C) An agricultural activity that does not result in a change in land use category and the construction and use of agricultural support structures built using accepted best management practices;
 - (D) Forest Management subject to compliance requirements in Section 25-124.
 - (E) Mandatory Referrals are exempt from this Division but may be subject to this Division at time of grading permit.
 - (2) Modified Exemptions
 - (A) For certain applications that have to perform some but not all requirements in this Division. These applicants can apply for the following:
 - (i) Any stream restoration project for which the applicant for a grading or sediment control permit has executed a binding maintenance agreement of at least 5 years with the affected property owner and the activity:

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- (aa) Avoids and minimizes impacts to forests and provides for replanting on-site an equivalent number of trees to the number removed by the project;
 - (bb) May be performed under a municipal separate storm sewer system permit, a watershed implementation plan growth offset, or another plan administered by the State or local government to achieve or maintain water quality standards;
 - (cc) Is not performed to satisfy stormwater management, wetlands mitigation, or any other regulatory requirement associated with proposed development activity; and
 - (dd) Requires a plan to demonstrate compliance with this subsection and tree replacement requirements in accordance with the Technical Manual.
- (ii) Transit-Oriented Center projects for which the area of forest removed shall meet the woodland conservation thresholds and replacement requirements in accordance with Section 25-121 Table 1 and 2 and in accordance with the Technical Manual.
 - (iii) When public utility projects exempted under the Forest Conservation Act are proposed as described below, they are considered exempt from this Division and a Letter of Exemption is not required. When this work occurs on a site where the affected woodlands have been used to meet a requirement of this Division, then the TCP for that site shall be revised to show the impacts and address woodland conservation requirements.
 - (aa) The cutting or clearing of public utility rights-of-way licensed under Public Utility Companies, §§ 7-207 and 7-208 or 7-205, Annotated Code of Maryland, for electric generating stations licensed under Public Utility Companies, §§ 7-207 and 7-208 or 7-205, Annotated Code of Maryland, if:
 - (I) Required certificates of public convenience and necessity have been issued in accordance with Natural Resources Article, § 5-1603(f), Annotated Code of Maryland; and
 - (II) Cutting or clearing of the woodlands is conducted to minimize the loss of woodlands.
 - (bb) Routine maintenance or emergency repairs of public utility rights-of-way licensed under Public Utility Companies, §§ 7-207 and 7-208 or 7-205, Annotated Code of Maryland.
- (3) If a Letter of Exemption is required:
- (A) The Planning Director shall issue it prior to the submission of any DRD application requiring a review for conformance with this Division.
 - (B) Requests for Letters of Exemption shall be made by the submission of an application package to the Planning Director. All application packages shall include an application form, a check for the appropriate fee made payable to the Maryland-National Capital Park and Planning Commission and a plan drawn to scale and signed by a professional engineer, land surveyor, landscape architect or qualified professional showing sufficient information so that a determination can be made regarding the exemption status. A Simplified FSD may be required to be submitted if the information submitted is not sufficient to make a determination regarding the exemption status of an application.
 - (C) A letter either granting or denying the exemption shall be issued within 20 calendar days of acceptance of a complete application package.

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- (D) Letters of Exemption are valid for five years from date of issuance. If the associated DRD application approval or grading permit expires, the Letter of Exemption also expires.
 - (E) Letters of Exemption cannot be issued for properties that have a previously approved and valid TCP, unless the TCP has expired as per Section 25-119(c)(2).
 - (F) If an application is revised to include additional lots or parcels the exemption status shall be re-evaluated.
- (4) If an activity occurs on the property covered by a Letter of Exemption that results in the exemption no longer being valid:
- (A) The exemption is considered null and void and a TCP shall be required as appropriate; and
 - (B) Enforcement action may be taken by the County.
- (5) Standard Letters of Exemption
- (A) A Standard Letter of Exemption shall be issued when a lot or parcel or combination of lots and parcels is less than 40,000 square feet in area.
 - (B) A Standard Letter of Exemption shall be issued when a lot or parcel or combination of lots and parcels of any size has less than 10,000 square feet of woodland and is not subject to a previously approved TCP. If a lot or parcel that was determined to be exempt using this provision becomes reforested to the point where more than 10,000 square feet of woodlands exist prior to issuance of a grading permit, the exemption may be revoked by the Planning Director or their designee.
 - (C) A Standard Letter of Exemption is not required to be issued when the proposed activities are within the Chesapeake Bay Critical Area because activities within the Critical Area are subject to Subtitle 5B. If a portion of a property is outside the Critical Area, that portion of the property shall be evaluated for conformance with this Division.
 - (D) A Standard Letter of Exemption shall be issued for any property that will be reviewed by the State of Maryland Department of Natural Resources. These properties include, but are not limited to, land owned by the State of Maryland. A letter from the State of Maryland Department of Natural Resources stating that they are taking jurisdiction over the review of a project shall be provided with any application package. The Standard Letter of Exemption and the state approved Forest Conservation Plan shall accompany all local DRD applications and grading permit applications.
 - (E) A Standard Letter of Exemption may be issued when local government projects utilizing state funds are proposed and a letter from the State of Maryland Department of Natural Resources is provided stating that they will be reviewing the project.
 - (F) A Standard Letter of Exemption may be issued when a proposal is submitted that shows the minimum cutting or clearing of trees or woodlands necessary in compliance with the requirements of 14 C.F.R. § 77.25 relating to objects affecting navigable airspace, provided that the Federal Aviation Administration has determined that the trees are a hazard to aviation.
- (6) A Numbered Letter of Exemption may be issued when an activity or series of activities results in the cumulative disturbance of less than 5,000 square feet of woodland during a five-year period on a site that otherwise would be subject to this Division. A Numbered Letter of Exemption is issued so that the site can be tracked and mapped over the five-year period to ensure that the cumulative disturbance is less than 5,000 square feet.
- (A) A Numbered Letter of Exemption shall not be issued for properties that are required to submit a DRD application as part of the process for the activity proposed.

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- (B) A Numbered Letter of Exemption may be issued for linear projects that disturb less than 20,000 square feet of woodland if any of the land involved is not subject to a previously approved TCP. Linear projects that disturb less than 20,000 square feet of woodland are exempt and may obtain a Numbered Exemption Letter if none of the associated properties are subject to a previously approved TCP.
- (7) A Numbered Letter of Exemption may be issued when commercial logging and forest harvesting operations are proposed on properties in the Reserved Open Space (ROS), Agricultural-Residential (AR), Residential Estate (RE), and the Residential, Rural (RR) Zones provided that the paragraphs (A) and (B) below have been addressed. If a permit other than a harvesting permit is applied for on the same portion of the property within five years of the exemption approval, a TCP shall be required and the exemption for harvesting shall be considered null and void.
- (A) The Letter of Exemption application shall include an executed Declaration of Intent as provided for in Section 25-118 of this Division. The Declaration must be filed with and approved by the County; and
- (B) The Letter of Exemption application shall include an approved Forest Management Plan for the entire tract.
- (c) Plan Review and Conformance
- (1) The approval authority for TCPs is the same as that of the associated DRD application. If there is no associated DRD application, the Planning Director is the approving authority.
- (A) If a TCP1 has been approved for a site, all subsequent TCP2 plans must be in conformance with the TCP1.
- (2) If the TCP2 is to be approved by the Planning Board, conformance with the TCP1, if applicable, shall be determined by the Planning Board.
- (3) If a TCP2 is to be approved by the Planning Director, it shall be in conformance with this Division, and in conformance with the TCP1, if applicable,
- (4) For TCP minor and major revisions:
- (A) The following criteria constitutes a minor revision:
- (i) The proposed TCP continues to meet all required elements of this Division.
- (ii) The TCP does not affect lots or parcels already sold to builders or homeowners.
- (iii) Revisions requested by builders or homeowners for single lots or parcels.
- (iv) The proposed change:
- (aa) Is a revision as a result from governmental requirements as further defined in the Technical Manual; or
- (bb) Does not reduce the total woodland conservation on the site by the greater of 5,000 square feet or 5 percent (not to exceed five (5) acres) of the area of on-site woodland conservation originally approved; and
- (cc) Does not change the location or type of woodland conservation by the greater of 10,000 square feet or 10% of the area of woodland conservation originally approved; and
- (dd) Does not adversely affect specimen, champion or historic trees specifically identified for preservation.

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- (B) For TCP major revisions:
 - (i) If a criterion in (A) above cannot be met, the TCP shall be duly advertised and the approval authority becomes the Planning Board and shall comply with the current regulations of this Division.
 - (C) If no TCP1 exists and one is not required, each TCP2 shall comply with the current regulations of this Division.
- (5) Written notice shall be mailed for TCP applications in accordance with the following:
- (A) For TCP applications that are companion to a DRD application that requires notification, a notification shall state that a TCP will be reviewed concurrently with the DRD application. The applicable mailing, signage, and opportunity to provide written or verbal comment shall follow the processes and procedures required by the associated DRD application. If the DRD does not require notification, the notification process will be in accordance with Subsection 25-119(c)(5)(B).
 - (B) For those stand-alone TCP applications that are not associated with a DRD application and are proposing clearing, written notice shall be mailed to the parties listed in Subsection 27-3407(b)(1) of the Zoning Ordinance for Detailed Site Plans at least 20 days before the TCP is approved and the parties notified shall be advised of the process for providing written comments. If the application proposes clearing of 50% or more of woodland and the net tract area is four (4) acres or more, the parties notified shall be advised of the process for providing written and verbal comments.
- (6) Plan validity requirements are as follows:
- (A) TCP1s expire if the associated plan expires.
 - (B) An application for a TCP2 approved on or after July 1, 2024, shall be valid for 5 years from the date of approval unless a grading permit has been issued.
 - (C) Once a grading permit has been issued, TCP2s do not expire, and the requirements run with the land in perpetuity until an approved revision to the TCP2 is acquired.
 - (D) Plans that are grandfathered are subject to the expiration provisions stated in Subsections 25-119(g) and (h).
- (7) TCPs shall be prepared in conformance with the Technical Manual.
- (8) TCPs must include the legal boundaries of all lots or parcels in their entirety unless they are government or linear in nature. For linear projects, refer to Section 25-119(f) for the requirements. For government projects, refer to Section 25-119(e) for the requirements. TCPs shall include the same property as the associated application, unless a previous TCP approval covered a larger area or a larger area is warranted by supporting development on an adjacent lot, parcel or combination of lots or parcels.
- (9) TCP2s shall not be approved separately for sites that are either currently under review for a DRD application or that require the submittal of a DRD application prior to development.

(d) Variances

- (1) An applicant may request a variance from this Division as part of the review of a TCP where owing to special features of the site or other circumstances, implementation of this Division would result in unwarranted hardship to an applicant.
- (2) An applicant shall request a variance from Section 25-122(b)(1)(G) and (H) as part of the review of the TCP when:

- (A) Specimen trees, champion trees and trees that are part of a historic site or are associated with a historic structure are impacted or removed; or
 - (B) Trees, plants, and vegetation identified on the national or state list of rare, threatened, and endangered lists are impacted or removed.
- (3) To approve a variance, the approving authority shall find that:
- (A) Special conditions peculiar to the property have caused the unwarranted hardship;
 - (B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;
 - (C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;
 - (D) The request is not based on conditions or circumstances which are the result of actions by the applicant;
 - (E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and
 - (F) Granting of the variance will not adversely affect water quality.
- (4) Notice of a request for a variance shall be given to the State of Maryland Department of Natural Resources within 15 days of receipt of a request for a variance.
- (5) Variances shall be approved by the Planning Board, Zoning Hearing Examiner, and/or the District Council for all TCPs that are associated with DRD applications heard by them. The Planning Director may approve variances for TCPs that are not associated with DRD applications heard by the Planning Board, Zoning Hearing Examiner and/or the District Council. The Planning Director's decisions are appealable to the Planning Board.

* (6) Variances under this Subtitle are not considered zoning variances.

- (7) Replacement for the removal of specimen or historic trees
- (A) If the applicant is granted a variance to remove trees identified as a priority for retention in 25-119 (d)(5), the removal of a specimen tree or historic trees shall be subject to replacement requirements identified in the Technical Manual.
 - (B) The replacement requirements of a Specimen or Historic Tree shall be separate and apart from any other planting requirements. If the applicant has demonstrated that it cannot meet the replacement requirement pursuant to Section 25-119(d)(7)(A) and the Technical Manual, the applicant shall pay a fee-in-lieu into the Specimen and Historic Tree Fund based upon the tree replacement requirement determined by the diameter of the Specimen or Historic Tree(s) subject to removal.

(e) Government Projects

- (1) The following types of governments projects shall be reviewed and enforced by the Maryland Department of Natural Resources: federal and state government projects, projects on federal and state-owned land, linear projects which cross multiple counties, and public utility projects including but not limited to utility projects conducted by and approved by the Washington Suburban Sanitary Commission. The County will review these types of projects only if specific written direction is provided by the State of Maryland Department of Natural Resources.
- (2) The following types of government development activities shall be reviewed and enforced at the County level with notification being provided by the applicant to the Maryland Department of Natural

Resources Forest Service: public school projects; Maryland-National Capital Park and Planning Commission projects; County Department of Public Works and Transportation projects; County Department of Environment projects; state funded parks and recreation projects; County stormwater management projects; and any other County or municipal projects. The Maryland Department of Natural Resources will review these types of projects if requested by the County or if the project has state-wide impacts on significant forest resources and the state agrees to take jurisdiction over the review.

(A) Applications for the project types listed in (2) above shall include an FSD or an approved NRI.

(B) The applications shall be in conformance with this Division.

(C) The TCP shall provide calculations as described in the Technical Manual.

(3) Government projects that use fee-in-lieu may utilize the fee-in-lieu rates in effect at the state level at the time of plan approval.

(4) Maintenance or retrofitting of a stormwater management structure that may include clearing of vegetation or removal and trimming of trees, so long as the maintenance or retrofitting is within the approved TCP limits of disturbance for construction of the existing structure, or within any maintenance easement for access to the structure shall be exempt.

(f) Linear Projects

(1) Linear projects that are not otherwise exempt from this Division shall submit a TCP2 depicting the area of work and all other information required on a TCP2.

(A) Linear projects are not required to show the full boundaries of all of the affected parcels or lots.

(B) Linear projects shall submit a Simplified Forest Stand Delineation for that area of the subject properties where the project work will be performed.

(C) Linear projects that disturb less than 20,000 square feet of woodland are exempt and may obtain a Numbered Exemption Letter if none of the associated properties are subject to a previously approved TCP. If not exempt, then the linear project shall meet the requirements of this Section.

(D) Woodland conservation replacement requirement shall be provided at a ratio of one acre of woodland conservation for each acre of woodland disturbed. The requirement shall be met using the same priorities as listed in Section 25-121 of this Division.

(E) If previously approved TCPs are affected by linear projects, the TCPs shall be revised accordingly prior to approval of the permit for the associated construction.

(g) Grandfathering of Applications and Plans

(1) In this subsection and (h), the following term has the meaning indicated. Implementation or implemented shall be defined as: the issuance of a grading permit for at least twenty-five percent (25%) of the land area within the associated TCP, completion of a pre-construction meeting with the applicable permitting agency, and installation of tree protective devices verified by a qualified professional.

(2) TCP applications that are accepted for review on or before June 30, 2024 shall be grandfathered and shall be subject to the regulations in place at the time of acceptance. Plans that are grandfathered are subject to the expiration provisions of this Division.

(3) A project with an approved TCP that was approved on or before June 30, 2024 and has been implemented on the property or a portion thereof as confirmed by the county permitting authority shall be grandfathered and subject to the regulation in place at the time of its acceptance.

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- (4) Grandfathered TCPs shall comply with the current regulations of this Division when being revised as a major revision in accordance with Subsection 25-119(c)(4)(B). When being revised as a minor revision in accordance with Subsection 25-119(c)(4)(A), grandfathered TCPs may comply with the regulations in place at the time of acceptance of the previously approved TCP.
 - (5) Applications for woodland conservation banks that were submitted before December 31, 2020 that provide for conservation of all or part of an existing forest shall be grandfathered.
 - (6) Standard and Numbered Letters of Exemption which were valid as of June 30, 2024, shall remain valid until June 30, 2026, on which date the exemption shall expire. Projects with expired Standard and Numbered Letters of Exemption shall comply with the current regulations of this Division.
 - (7) The grandfathered projects may be subject to an impact fee to ensure that funds are available to provide for retention and reforestation. A study/assessment to be performed by the Department of Environment, that will be completed by March 1, 2025 and presented to Council for legislative approval shall determine whether an impact fee may be imposed, criteria for applying to projects, process and waiver provisions. Any impact fees resulting from the study will be used to plant or retain trees in the County.
- (h) Expiration of Grandfathered Plans
- (1) A TCP that was approved prior to September 1, 2010, and has not been implemented on all or a portion of the site as confirmed by the county permitting authority expires on July 1, 2024. Any new TCP shall be reviewed and approved subject to the provisions of this Division effective July 1, 2024.
 - (2) A TCP that was approved on or after September 1, 2010, and before July 1, 2024, shall be grandfathered and shall be subject to the regulations in place at the time of approval. These plans will expire on July 1, 2029 if not implemented on the property or a portion thereof as confirmed by the county permitting authority. A new TCP shall be reviewed and approved subject to the provisions of this Division.

(CB-27-2010; CB-32-2011; CB-87-2013; CB-99-2021; CB-020-2024; CB-077-2024; CB-046-2025)

SECOND AMENDED STATEMENT OF JUSTIFICATION
CONCEPTUAL SITE PLAN CSP-23002
SIGNATURE CLUB EAST
APPLICANT: SIGNATURE 2016 COMMERCAL, LLC

James J. Clark
Signature 2016 Commercial, LLC
136 Eareckson Lane
Stevensville, Maryland 21666
Applicant

Edward C. Gibbs, Jr.
GIBBS AND HALLER
1300 Caraway Court, Suite 102
Largo, Maryland 20774
(301) 306-0033
egibbs@gibbshaller.com
Attorney for Applicant

Joshua C. Sloan, RLA, ASLA, AICP
VIKA, Inc.
20251 Century Boulevard, Suite 400
Germantown, Maryland 20874
Civil Engineer for Applicant

APPLICANT

The Applicant for this Conceptual Site Plan is Signature 2016 Commercial, LLC. Signature 2016 Commercial, LLC is also the owner of the property forming the subject matter of this application.

THE PROPERTY

The property forming the subject matter of this Conceptual Site Plan is located in the northeast quadrant of the intersection of Manning Road East and Berry Road (MD 228). More particularly, the property is depicted as Lot 12 and Outparcel B on Tax Map 161, Grid E-2 (the "Property"). Lot 12 and Outparcel B comprise 13.2739 acres and 3.7061 acres respectively. An aerial photograph outlining the Property in blue is marked Exhibit "A" and attached hereto. Under the prior Zoning Ordinance, the Property was zoned M-X-T (Mixed Use Transportation). The Property is now zoned RMF-48 (Residential Multifamily – 48). Copies of the prior and current Zoning Maps are marked Exhibits "B" and "C" respectively and attached hereto. Lot 12 and Outparcel B are also shown on a Final Plat of Subdivision recorded among the Land Records of Prince George's County in Plat Book REP 205, Plat 46. A copy of this Final Plat is marked Exhibit "D" and attached hereto.

BACKGROUND AND HISTORY OF LOT 12 & OUTPARCEL B

Lot 12 was originally part of an acreage parcel comprising approximately 97 acres which was rezoned from the E-I-A Zone to the M-X-T Zone pursuant to the 1993 Subregion 5 Master Plan and Sectional Map Amendment. The area now comprising Lot 12 was then included in a Conceptual Site Plan (CSP-99050) approved on July 27, 2000. A copy of the Planning Board approval Resolution for CSP-99050 is submitted with this application. That Conceptual Site Plan had as its subject matter the 97 acres which was rezoned in 1993. The property subject to CSP-

99050 was divided into three development Pods. Pod 1 consisted of approximately 26.04 acres on the south side of Berry Road and is now developed with the Manokeek Village Shopping Center. Pod 2 consisted of approximately 57 acres in the northeast quadrant of the intersection of Berry Road (MD 228) and Indian Head Highway (MD 210). It was originally approved for 800 senior housing units. However, subsequent development approvals changed the uses and layouts for Pod 2. It is now being developed with 218 townhouses and 95 single family homes in a project known as “Signature Club at Manning Village.” Finally, the area designated as Pod 3 consisted of what is now Lot 12. Pursuant to CSP-99050, Pod 3 was approved for a total of 157,500 square feet of commercial space, including 10,000 square feet of office space.

Outparcel B was not included in CSP-99050. Rather, it was formerly part of a larger property known as Parcel 25 which consisted of approximately 12.99 acres on both the east and west sides of Manning Road. As evidenced by a quit-claim deed dated December 26, 2001, Parcel 25 was conveyed from the Vincent family to TSC/MUMA Mattawoman Associates Limited Partnership (the Applicant’s predecessor in interest). That deed is recorded among the Land Records of Prince George’s County in Liber 15344, Folio 682.

In August of 2001, TSC/MUMA filed two Preliminary Plan applications for Parcel 25. One application was for the 7.30 acres of Parcel 25 on the west side of Manning Road. That Preliminary Plan (4-01065) was approved by the Planning Board in January of 2002 pursuant to the adoption of Resolution No. 02-09. The area subject to Preliminary Plan 4-01065 consists of what is now identified as Outparcels A & B as shown on a Final Plat of Subdivision recorded among the Land Records of Prince George’s County in Plat Book ME 252, Plat 64. Outparcels A & B have since been the subject of an approved Conceptual Site Plan (CSP-20001) and Preliminary Plan of Subdivision (4-20015). Pursuant to those Plans, Outparcels A & B are approved for the

development of 76 townhome units, four of which will be live/work units. A Detailed Site Plan (DSP-20032) for Outparcels A & B was accepted for review on August 30, 2023 and was considered and approved by the planning Board on November 2, 2023.

The second Preliminary Plan (4-01064) had as its subject matter the residue of Parcel 25 on the east side of Manning Road, as well as the land area which now comprises Lot 12. The Planning Board approved Preliminary Plan 4-01064 on February 7, 2002 pursuant to its adoption of Resolution No. 02-08, a copy of which has been submitted with this application.¹ TSC/MUMA had proposed residential development on the residue of Parcel 25, and a mix of commercial/office space on Lot 12. At the time, the residue of Parcel 25 was zoned R-R. It was also in Water Category 6 and Sewer Category 6. TSC/MUMA filed a request to advance the residue of Parcel 25 into Water Category 4 and Sewer Category 4. However, that request was denied.² Therefore, the proposed residential development could not be approved. Because the residue of Parcel 25 was not in the proper Water and Sewer Categories, it was required to be designated as an Outparcel. Lot 12 was, however, approved for 157,000 square feet of mixed retail/office space with a trip cap of 147 AM and 524 PM peak hour trips. The area subject to Preliminary Plan 4-01064 was later depicted on a Final Plat of Subdivision recorded on March 9, 2005 in Plat Book REP 205, Plat 46. Pursuant to that Final Plat, the residue of Parcel 25 on the east side of Manning Road was designated Outparcel B, while the area designated as Pod 3 in CSP-99050 was designated Lot 12.

Thereafter, Outparcel B was included in a Zoning Map Amendment application (A-9960-C) filed by TSC/MUMA in 2006. In addition to Outparcel B, A-9960-C also had as its subject

¹ On the same day that Preliminary Plan 4-01064 was approved, the Planning Board approved Preliminary Plan 4-01063 which was also filed by TSC/MUMA for what is now the 57-acre Signature Club property.

² Pursuant to the District Council's adoption of CR-44-2019, Outparcel B is now in Water Category 4 and Sewer Category 4.

matter the area of Parcel 25 located on the west side of Manning Road (now identified as Outparcels A & B). The District Council approved A-9960-C subject to several conditions on January 9, 2006, pursuant to its adoption of Zoning Ordinance No. 2-2006. A copy of the District Council's Final Order approving A-9960-C is submitted with this application.

Finally, it must also be noted that CSP-99050 was the subject of a revision (CSP-99050-01) approved in 2006. The purpose of the revision was to revise the layout and unit-mix for Pod 2 only. Thus, CSP-99050-01 did not impact Pod 3, which again, is the same land area depicted as Lot 12 in the instant application.

NEIGHBORHOOD AND SURROUNDING USES

The Property is located in the northeast quadrant of the intersection of Manning Road East and Berry Road (MD 228). It has approximately 1,120 feet of frontage on Berry Road (MD 228), and approximately 950 feet of frontage on Manning Road East. The Property is approximately one-half mile east of the intersection of Berry Road (MD 228) and Indian Head Highway (MD 210).

As discussed above, to the west of the Property is Outparcels A & B, which have been approved for 76 townhouse units, including four live/work units. Further west of Outparcels A & B is the Signature Club at Manning Village project which is currently being developed with 218 townhouse units and 95 single family homes. To the north and northeast of the Property are several single-family homes. There is also a single-family residential subdivision south of the Property on the opposite side of Berry Road (MD 228). Finally, southwest of the Property is the Manokeek Village Shopping Center.

DEVELOPMENT PROPOSAL/CONCEPTUAL SITE PLAN

Because Outparcel B was not included in CSP-99050, the Applicant proposed this project as a new Conceptual Site Plan and was assigned the case number CSP-23002.

As noted earlier, the Applicant is electing to develop this project pursuant to the provisions of the prior Zoning Ordinance and Subdivision Regulations as expressly authorized by Section 27-1704(e) of the new Zoning Ordinance and Section 24-1704(e) of the new Subdivision Regulations.

The Applicant originally proposed to develop Lot 12 and Outparcel B with up to 300 multifamily dwelling units and 12,600 square feet of commercial/retail space. The multifamily component was preliminarily proposed to be located within seven buildings in the northern portion of the Property. The commercial/retail component is preliminarily proposed to be located within up to three pad sites in the southwest portion of the Property.

CSP-23002, as originally proposed, was approved by the Planning Board but was appealed to the District Council. The District Council remanded the case to the Planning Board. One of the issues to be discussed on remand involves a discussion of whether or not the Conceptual Site Plan as proposed is compatible with existing and proposed development in the vicinity. Multifamily uses are permitted as a matter of right in the prior M-X-T Zone. The prior M-X-T Zone also permitted as a matter of right residential townhomes and single family detached residences. There is a legislative presumption that all three uses are compatible even within the same development. Surrounding development presently existing and which was developed under the same M-X-T zoning classification includes residential townhomes. Given concerns that were raised during the Planning Board's earlier consideration of this application and further given the compatibility issue raised on the Remand Order, Signature 2016 Commercial, LLC has determined to request that this Conceptual Site Plan authorize up to 180 fee simple residential townhomes in lieu of multifamily

residential uses. The applicant believes this use will be even more compatible with development in the vicinity as Pod 2 of Signature Club is developed with 313 residential units, which includes townhomes. Also, Outparcels A and B have also been approved to be developed with residential townhomes.

Access to the Property will be gained from the existing traffic circle at the intersection of Caribbean Way and Manning Road East as well as from two additional proposed access points along Manning Road as depicted on the Conceptual Site Plan. A stormwater management pond will be located generally in the southern portion of the Property. It must be emphasized that specific details regarding the exact site layout will be confirmed and approved at later stages of the development process.

CONFORMANCE WITH ZONING ORDINANCE STANDARDS

Requirements for Conceptual Site Plans generally are set forth in Section 27-272 through 27-276 inclusive of the Zoning Ordinance.

I. CONCEPTUAL SITE PLANS – GENERAL PURPOSES

Section 27-272(b)(1) sets forth the general purposes of Conceptual Site Plans:

(A) To provide for development in accordance with the principles for the orderly, planned, efficient, and economic development contained in the General Plan, Master Plan, or other approved plan;

This project is located in Planning Area 84 and is governed by the Subregion 5 Master Plan and Sectional Map Amendment, most recently adopted and approved in 2013. The Future Land Use Map for Subregion 5 is found on page 32 of that Master Plan. The Map, a copy of which is marked Exhibit “E” and attached, shows the Property depicted in purple, which corresponds to a recommendation of mixed-use development. The proposed development also conforms to the

vision, policies and strategies contained within the General Plan Prince George's 2035. Like the Subregion 5 Master Plan, the General Plan's "Generalized Future Land Use Map" also recommends "mixed use" development for the Property. A copy of that map is marked Exhibit "F" and attached. The Property is also designated within the "Established Communities" Growth Policy Area. Finally, while no longer technically applicable, the Property is in the Developing Tier of the 2002 General Plan. The purpose of the Developing Tier is to provide for a pattern of medium density residential development with distinct commercial centers and employment areas. The Applicant submits the mixed-use proposal in this application will achieve the goals envisioned by the applicable planning documents.

(B) To help fulfill the purposes of the zone in which the land is located;

As noted above, the Property, while presently zoned RMF-48, is being developed pursuant to the prior M-X-T Zone. The purposes of the M-X-T Zone are set forth in Section 27-542:

(1)To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;

RESPONSE: The Property is located less than one half mile from the major intersection of Indian Head Highway (MD 210) and Berry Road (MD 228). Indian Head Highway is a major thoroughfare carrying traffic between Washington, D.C. and Charles County and points beyond. Along Indian Head Highway there are numerous commercial uses including the Manning Village Shopping Center which was part of the original Conceptual Site Plan for Signature Club at Manning Village. Lot 12 was previously Pod 3 in the original Conceptual Site Plan for Signature Club. A positive finding with regard to this

criterion as well as all other of the General Purposes set forth in Section 27-542 was made at the time of the approval of the original Conceptual Site Plan. Nonetheless, the location of the Property in close proximity to a major intersection along a substantial transportation corridor clearly fulfills the requirement for property to be located within the vicinity of major intersections. Further, since the Property was previously part of Pod 3 in the original Conceptual Site Plan, development was envisioned to occur on this Property and the development being proposed provides an orderly development of appropriate density as authorized by the M-X-T Zone.

(2)To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;

RESPONSE: See Response to Section 27-272(b)(1) immediately hereinabove which is incorporated herein by reference as a response to this purpose.

(3)To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;

RESPONSE: The development being proposed and which is proposed consist of residential townhouses and retail commercial pad sites will clearly maximize private development potential for the Property. Further, focusing this development in close proximity to the intersection of Indian Head Highway and Berry Road as well as the existing Manning Village Shopping Center and the 313 single family detached and townhouse units immediately abutting will maximize

private development potential and avoid scattered and unplanned development throughout the County.

(4)To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;

RESPONSE: There is no Metro line or Amtrak line in close proximity to the Property. However, public bus service is available. In addition, however, the development of Lot 12 and part of Outparcel B will essentially complete the development of Signature Club. Once again, the proposal to develop three commercial pad sites as part of this Conceptual Site Plan revision will encourage pedestrian utilization by residents of the townhouses and will discourage automobile use. In addition, the Manning Village Shopping Center is also within walking and bicycle distance. Therefore, this development in general will assist in reducing automobile use.

(5)To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;

RESPONSE: Given the close proximity of this project to the commercial uses at Manning Village Shopping Center as well as the commercial pads which are part of this Conceptual Site Plan revision, there will be an opportunity for this development to foster a 24 hour environment.

(6)To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;

RESPONSE: Once again, it must be remembered that the property forming the subject matter of this Conceptual Site Plan revision is part of the overall Signature Club development. Pod 2 which comprises the 313 single family detached and townhouse units offer a mix of basically single family uses. The townhouse units being proposed in this Conceptual Site Plan are compatible with other existing uses. Once again, the three commercial pads which are part of this Conceptual Site Plan revision as well as the proximity of the Manning Village Center, will further provide a mix of uses which will function in harmony.

(7)To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;

RESPONSE: The use of sensitive land planning, including pedestrian connections, the development forming the subject matter of this Conceptual Site Plan will encourage a relationship between the townhouse housing component and the three retail commercial padsites. Again, it cannot be overstated how important the overall Signature Club development is. Pod 1 consisted of the shopping center. Pod 2 consists of the single family detached and townhouse component and Pod 3 will now include townhouses with additional commercial. When viewed as a whole, the project creates dynamic relationships among uses which, while different, function together in harmony.

(8)To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;

RESPONSE: The development being proposed for Pod 3 as part of this Conceptual Site Plan revision will comply with all current regulations which will result in an efficient design and use of best practices regarding stormwater design techniques. This in turn will result in public facilities and infrastructure which will support the entire development as opposed to an individual residential project.

(9)To permit a flexible response to the market and promote economic vitality and investment; and

RESPONSE: The development being proposed is in full conformance with the recommendations of the Master Plan. It also rounds out the entirety of the Signature Club development by providing a residential use which is sought after in this area of the County. Providing a townhouse product clearly represents a flexible response to market demands. This project will clearly promote and sustain economic vitality.

(10)To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.

RESPONSE: Architecture is not an appropriate criterion for the review and approval of a Conceptual Site Plan. A final builder has not been determined; however architecture will be reviewed and approved as part of the Detailed Site Plan.

(C)To provide for development in accordance with the site design guidelines established in this Division; and

The development will be designed in a manner to conform with site design guidelines set forth in the Zoning Ordinance. A more thorough analysis of these guidelines will be performed at the Detailed Site Plan stage.

(D) To provide approval procedures that are easy to understand and consistent for all types of Conceptual Site Plans.

The approval processes for Conceptual Site Plans are set forth in Section 27-272 through 27-276 of the Zoning Ordinance. They are consistently applied to all Conceptual Site Plans and are detailed and understandable.

II. CONCEPTUAL SITE PLANS – SPECIFIC PURPOSES

The specific purposes of Conceptual Site Plans are set forth in Section 27-272(c)(1) of the Zoning Ordinance. Those specific purposes are:

(A) To explain the relationships among proposed uses on the subject site, and between the uses on the site and adjacent uses;

The Conceptual Site Plan filed with this application depicts in general the proposed uses to be located on Lot 12 and Outparcel B, as well as their proposed locations thereon. Additionally, uses that exist or are proposed on adjoining sites are also identified and discussed. In terms of adjacent uses, there are single family homes located to the north, northeast, east and south. The property to the southwest (Pod 1 on CSP-99050) is the Manokeek Village Shopping Center. To the west is Outparcels A & B, which is approved for 76 townhouses, 4 of which will be live/work units. Further west (Pod 2 on CSP-99050) is the Signature Club at Manning Village project, which is currently being developed with 218 townhouses and 95 single family homes. An existing and convenient transportation system will provide convenient access to all adjacent uses.

(B) To illustrate approximate locations where buildings, parking lots, streets, green areas, and other similar physical features may be placed in the final design for the site;

The precise location of each feature listed in this section will be depicted in greater detail at later stages of the development approval process. With that said, the Conceptual Site Plan submitted with this application shows the layout of the proposed townhouses and up to three commercial/retail pad sites. An internal street and pedestrian system will circulate within the Property to serve these uses as shown on the Conceptual Site Plan drawing submitted with this application. The townhouses will be located generally in the northern portion of the Property, while the three commercial/retail buildings will be located in the southwestern corner of Lot 12. Parking is generally proposed to be provided around all sides of these buildings. Finally, the stormwater management pond will be located in the extreme southwestern portion of the Property abutting Berry Road.

(C) To illustrate general grading, woodland conservation areas, preservation of sensitive environmental features, planting, sediment control, and storm water management concepts to be employed in any final design for the site; and

A Stormwater Management Concept Plan (7369-2022-0) and Type 1 Tree Conservation Plan have been filed. Further, a Natural Resource Inventory (NRI-075-2022) was approved on May 27, 2022.

(D) To describe, generally, the recreational facilities, architectural form of buildings, and street furniture (such as lamps, signs, and benches) to be used on the final plan.

While architecture and landscaping will be finalized at a later stage in the development process, the site will be designed to incorporate tasteful and attractive architectural features. Street features, including lighting, signs and benches, will be provided at appropriate locations within

the development and generally along the internal private roadways. Private recreational facilities will be provided with details established during later entitlement phases.

CONCEPTUAL SITE PLANS – DESIGN GUIDELINES

Design guidelines for Conceptual Site Plans, in general, are set forth in Section 27-274 of the Zoning Ordinance. An analysis of those applicable provisions follows:

(1) General

This provision dictates that the proposed plan should promote the purposes of Conceptual Site Plans. Those purposes are set forth in Section 27-272 and Section 27-542 and have been analyzed above.

(2) Parking, Loading, and Circulation

This Section sets forth development standards for the provision of parking, loading, and circulation. Final analysis of the application of these provisions will occur at the time of Detailed Site Plan review and approval. However, in general, parking will be provided in front of each townhouse and parking will be provided at the front and sides of the commercial buildings. Parking will be located in close proximity to the uses they serve. Vehicular circulation on site will be well-marked to provide for safe and efficient use of the parking compound and access to individual uses by both pedestrians and motorists.

(3) Lighting

The exact lighting which will be proposed and installed will be shown on the Detailed Site Plan. Still, the Applicant submits that lighting will be designed to provide safe passage for both pedestrians and vehicles on site. A photometric study, if required, will be provided at the

time of Detailed Site Plan. Light fixtures will be designed and installed to safely and adequately illuminate the site while providing for the light to be directed in a downward orientation so as not to project glare into the night sky or onto adjoining properties.

(4) Views

Exact viewsheds and techniques will be provided and identified at the time of Detailed Site Plan. At that time, site design techniques will be incorporated to create a synergistic development. While the actual and final arrangement and orientation of buildings will be determined at the time of Detailed Site Plan, the prominent location of the Property will allow for the creation of scenic views from public areas. Part of this may include the installation of a gateway/entrance feature located near the intersection of Caribbean Way and Manning Road East. Further, the creative use of building materials and landscaping will foster these scenic views.

(5) Green Area

While perimeter landscaping is shown on the Plan in the form of a buffer along the eastern and northern edge of the Property, in-depth landscaping details will be provided at the time of Detailed Site Plan. Landscaping will further be provided along those portions of the development abutting public roadways. In addition, landscape islands will also be provided. Green area and landscaping will be provided along the fronts of individual uses and the townhouses will provide green area for screening and privacy as well as for outdoor seating areas. Green area will also exist around the stormwater pond.

(6) Site and Streetscape Amenities

Site and streetscape amenities will be addressed at the time of Detailed Site Plan. However, the Applicant submits the ultimate design will include sensitive lighting and sitting areas for patrons. Bicycle racks will be included as will trash receptacles.

(7) Grading

The Property will be graded pursuant to a grading permit issued after plan approval. All grading will occur in strict conformance with approved plans.

(8) Service Areas

Service areas, to the extent they may be needed, will be addressed at the time of Detailed Site Plan review and approval. However, any service areas will be conveniently located and will be screened or effectively enclosed with materials that are compatible with building materials used on primary structures.

(9) Public Spaces

A public space system will be provided within the multifamily component for residents and invitees. In addition, it is anticipated that benches and seating areas will be provided within the commercial/retail component. Pedestrian circulation will be provided by means of sidewalks and marked crossing areas through the parking compound. Exact recreational amenities have not been determined. Provision of a pool will be analyzed.

(10) Architecture

Architecture will be provided, analyzed and approved as part of the Detailed Site Plan.

(11) Townhouses and Three-Family Dwellings

The applicant has proposed an amendment to the Conceptual Site Plan which would provide for the approval for up to 180 residential townhomes in lieu of up to 300 multifamily

residential units. Originally, the applicant had proposed up to 300 multifamily units to be developed along with 12,600 square feet of commercial retail space. The applicant believes that multifamily residential units would be compatible and appropriate as part of this development. Indeed, the M-X-T Zone permits multifamily units as a matter of right. At the same time, it also permits single family detached and residential townhouse units as a matter of right. In fact, all three unit types are oftentimes found in developments constructed under the M-X-T Zone. Therefore there is at a minimum a presumption of compatibility for those three types of residential dwellings. That being said, testimony was provided during the initial hearing on this Conceptual Site Plan application regarding the multifamily uses. Residents in the area were very opposed to multifamily units as it represented a use type not present in the neighborhood or vicinity. Conversely, residential townhomes immediately abut the Property. The Remand Order specifies that one of the issues to be examined on remand is compatibility of the uses. Again, while the applicant believes that multifamily units are compatible, in this instance it may be that residential townhomes are more compatible. It is for that reason that the applicant has filed an amended Conceptual Site Plan proposing up to 180 residential townhomes in lieu of up to 300 residential multifamily units. Exact details of the proposal for townhomes will be determined at the time of Preliminary Subdivision Plan and Detailed Site Plan approvals.

I. CONCEPTUAL SITE PLANS – PLANNING BOARD REQUIRED FINDINGS

There are four specific findings that the Planning Board is required to make in order to approve a Conceptual Site Plan. Those findings are listed in Section 27-276(b). Of the four findings listed therein, only two apply to this Conceptual Site Plan. The findings contained in Section 27-276(b)(2) and (3) are inapplicable as this site is not the subject of a Mixed-Use Planning Community or a Regional Urban Community in the M-X-T Zone. However, the

required findings set forth in Section 27-276(b)(1) and (4) are applicable. They provide as follows:

- (1) The Planning Board may approve a Conceptual Site Plan if it finds that the Plan represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make this finding, the Planning Board may disapprove the Plan.**

The Applicant submits that this Conceptual Site Plan does indeed represent a reasonable alternative for satisfying site design guidelines. Lot 12 was rezoned from the E-I-A Zone to the M-X-T Zone pursuant to the 1993 Subregion 5 Master Plan and Sectional Map Amendment. Outparcel B was rezoned from the R-R Zone to the M-X-T Zone in 2006 pursuant to the approval of Zoning Map Amendment A-9960-C. These rezonings were intended to encourage mixed-use development. As stated on page 2 of the Planning Board Resolution which recommended approval of A-9960, the specific purpose of the rezoning was to “create a more unified development scheme” with, not only the Signature Club property, but also with Lot 12. The proposed townhouses and commercial/retail uses will result in a development that is truly unified with abutting development. Access to the commercial/retail uses will be available to, not just residents of the proposed townhouses, but also to residents of the larger Signature Club (DSP-04063-04) development, the Addition to Signature Club (DSP-20032) and the general public as well. Although discussed above, it should be reiterated that this Conceptual Site Plan conforms to the site design guidelines of Section 27-274. While some of the site design guidelines will not be fully addressed until the Detailed Site Plan stage, Lot 12 and Outparcel B can certainly be developed while satisfying those guidelines and without requiring unreasonable cost. Further, it is clear that the proposed development can be designed to function as a vibrant, mixed-use

community, especially given the mixed-use recommendations contained in the applicable planning documents.

- (4) The plan shall demonstrate 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).**

Future development of Lot 12 and Outparcel B will conform with all environmental plans including an approved Stormwater Management Plan, Natural Resources Inventory and Tree Conservation Plan. Conformance with these requirements will be further evaluated as part of the Preliminary Plan of Subdivision.

II. M-X-T ZONE – SITE PLAN REQUIREMENTS

In addition to the general Conceptual Site Plan criteria referenced above, in the M-X-T Zone Conceptual Site Plans are also required to conform to the provisions of Section 27-546(b) and (d) of the Zoning Ordinance. Section 27-546(b) requires that Conceptual Site Plans for property in the M-X-T Zone shall provide the following information:

- (1) A general description of the pedestrian system proposed;**

The Conceptual Site Plan shows that the Property will primarily be accessed for vehicular traffic via a traffic circle at the intersection of Manning Road East and Caribbean Way. Two additional access points are also shown. Sidewalks will be provided along all internal streets and crosswalks will be provided where appropriate.

- (2) The proposed floor area;**

As noted in Note 6 on the Conceptual Site Plan, the Applicant proposes approximately 532,600 square feet of floor area, or an FAR of 0.73 on the Property.

- (3) The type and location of uses proposed, and the range of square footage anticipated to be devoted to each;**

The proposed townhouses will be located generally in the northern portion of the Property. The commercial component will consist of up to three buildings located generally in the western corner of Lot 12. The proposed square footage for each use appears in the Notes of the Conceptual Site Plan. While the Conceptual Site Plan depicts a general lotting pattern, the exact location of lot lines will not be determined until after approval of the Preliminary Subdivision Plan and Final Plats of Subdivision.

(4) A general description of any incentives to be used under the option method of development;

This provision is inapplicable.

(5) Areas proposed for landscaping and screening;

Final landscaping will be provided as part of the Detailed Site Plan. However, it is proposed that sensitive landscaping will be provided as a buffer along the perimeter of the Property and throughout the site, along street fronts, building fronts and on islands within the parking lots. A composite preliminary proposed Landscape Plan has been filed as part of this application.

(6) The proposed sequence of development; and

The Applicant proposes to develop the project in a single phase. Obviously, market forces will determine precise timing and sequence of development.

(7) The physical and function relationship of the project uses and components.

A general lotting pattern is shown. Development will conform with the approved lotting pattern as shown on the Preliminary Subdivision Plan and ultimately the Final Plats. The actual relationship between the uses will be shown as part of the Detailed Site Plan.

- (8) Property placed in the M-X-T Zone by a Sectional Map Amendment shall provide supporting evidence which shows whether the proposed development will exceed the capacity of transportation facilities that are existing, are under construction, for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program or within the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in a specific public facilities financing and implementation program.**

As discussed above, Outparcel B was placed in the M-X-T Zone pursuant to a Zoning Map Amendment (A-9960-C). However, Lot 12 was placed in the M-X-T Zone pursuant to the 1993 Subregion 5 Master Plan and Sectional Map Amendment. A Traffic Impact Analysis prepared by Lenhart Traffic Consulting pursuant to a scoping agreement approved in August of 2023 was filed with this application. A revised Analysis has also been filed. That Analysis establishes that adequate transportation facilities will exist to serve this development.

M-X-T ZONE – PLANNING BOARD REQUIRED FINDINGS

Section 27-546(d) sets forth additional required findings which the Planning Board must make for projects in the M-X-T Zone. Those findings are as follows:

- (1) The proposed development is in conformance with the purposes and other provisions of this Division;**

The purposes of the M-X-T Zone have been analyzed above. This proposal is in conformance with those purposes.

- (2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change or include a major employment use or center which is consistent with the economic development strategies of the Sector Plan or General Plan;**

This provision is inapplicable. Outparcel B was rezoned pursuant to a Zoning Map Amendment, and Lot 12 was rezoned pursuant to the 1993 Subregion 5 Master Plan and Sectional Map Amendment.

- (3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

Specific development details will be shown on the approved Detailed Site Plan, however the project will certainly be developed with an outward orientation. This will be accomplished through the use of attractive signage and building architecture. Site accessibility will also be emphasized to allow patrons and residents to easily access the Property.

- (4) The proposed development is compatible with existing and proposed development in the vicinity;**

The proposal for the development of Lot 12 and Outparcel B will certainly be compatible with the residential development that has been constructed on the Signature Club property, as well as the Addition to Signature Club development that was recently approved for Outparcels A & B. Both developments include townhouses. This proposal will also include townhouses. The commercial component will provide commercial opportunities to existing and future residents of the community.

- (5) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

The actual arrangement of the various townhouses and commercial uses will be proposed as part of the Detailed Site Plan. However, the Applicant submits that these uses will include an effective and efficient pedestrian circulation system including sidewalks and marked crossings within and bordering parking compounds. Both the townhouses and commercial uses will include sitting areas and effective lighting and buffering techniques to ensure a cohesive

development that represents the highest in quality development standards and architectural treatment.

- (6) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

It is anticipated that this development will be constructed within a single phase and therefore a staging element will not be necessary.

- (7) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

As has been explained above, a comprehensive pedestrian system for both the townhouse and commercial uses will be provided. The system will consist of sidewalks and marked crossing areas within and bordering parking compounds.

- (8) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

This provision is presently inapplicable and will be addressed at the time of Detailed Site Plan review and approval.

- (9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

As noted above, a Traffic Impact Analysis prepared by Lenhart Traffic Consulting was filed with this application. It has also been supplemented. It finds that adequate transportation facilities will be available to serve this development.

- (10) On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club).**

See Traffic Impact Analysis prepared by Lenhart Traffic Consulting.

- (11) On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

This provision is inapplicable.

SECTION 27-548

Section 27-548 contains M-X-T Zone regulations and establishes additional standards for development in this zone. This CSP's conformance with the applicable provisions is discussed, as follows:

- (a) Maximum floor area ratio (FAR):**
- (1) Without the use of the optional method of development—0.40 FAR**
 - (2) With the use of the optional method of development—8.0 FAR**

COMMENT: The Signature Club East development uses the optional method of development, and specifically utilizes one bonus incentive in Section 27-545(b), as follows:

(b) Bonus incentives.

(4) Residential use.

- (A) Additional gross floor area equal to a floor area ratio (FAR) of one (1.0) shall be permitted where twenty (20) or more dwelling units are provided.**

COMMENT: This CSP proposes a total of up to 180 multifamily residential townhouse units plus three retail pads of 12,600 square feet, thus constituting the required mix of uses. Further, the balance of Signature Club also satisfies the mix. This allows a maximum FAR of 1.40.

- (b) The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.**

COMMENT: This CSP shows that the uses as approved will be located in multiple buildings on individual lots.

- (c) Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.**

COMMENT: This will apply at Detailed Site Plan.

- (d) Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.**

COMMENT: The proposed development is subject to the requirements of the Prince George's County Landscape Manual (Landscape Manual). The development will conform to the Manual.

- (e) In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the optional method of development) shall be included in computing the gross floor area of the of building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall**

exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.

COMMENT: The FAR for the overall development of The Signature Club Development is 1.4 which was calculated at the time of approval of CSP-99050.

- (f) Private structures may be located within the air space above, or in the ground below, public rights-of-way**

COMMENT: There are no private structures proposed within the air space above, or in the ground below, public rights-of-way as part of this project.

- (g) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

COMMENT: This CSP proposes townhouse and retail commercial uses. While the project has frontage on public streets, individual units are served by private streets. This will be approved at the time of Preliminary Subdivision Plan pursuant to Section 24-128.

- (h) Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand two hundred (1,200) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than eight (8) townhouses per building group, except where the Applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of**

units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half (1/2) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the Applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front facade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front facade of any individual unit. Garages may be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots. At the time of Detailed Site Plan, the Planning Board or the District Council may approve a request to substitute townhouses, proposed for development as condominiums, in place of multifamily dwellings that were approved in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, at the time of Detailed Site Plan for a Mixed-Use Planned Community, the Planning Board or the District Council may approve modifications to these regulations so long as the modifications conform to the applicable regulations for the particular development.

COMMENT: Conformance with this provision will be established at the time of Preliminary Subdivision Plan.

- (i) **The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community.**

COMMENT: This development will conform to this requirement.

- (j) **As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance).**

COMMENT: Outparcel B was rezoned by Zoning Map Amendment A-9960-C and not by Sectional Map Amendment.

PRIOR CONDITIONS OF APPROVAL

The Applicant proposed that this Conceptual Site Plan should be processed as a new application, rather than as a revision to CSP-99050. This is based, in part, on the fact that Outparcel B has never been the subject of an approved Conceptual Site Plan, and was not included in CSP-99050. However, staff believed this application should be processed as a revision to CSP-99050. As explained above, Outparcel B (and not Lot 12) was the subject of a rezoning application (A-9960-C), which was approved subject to conditions. Finally, both Lot

12 and Outparcel B were the subject of Preliminary Plan 4-01064, which was approved subject to conditions. Because a new Preliminary Plan will be needed, the Applicant asserts that the conditions of Preliminary Plan 4-01064 are inapplicable. However, an analysis of prior conditions of approval is nonetheless provided below:

Zoning Map Amendment Application A-9960-C

ZMA A-9960-C was approved for what was formerly Parcel 25. Parcel 25 included not just Outparcel B in this Conceptual Site Plan, but also what is now Outparcels A & B on the west side of Manning Road. Lot 12 was not included in ZMA A-9960-C. Analysis of applicable conditions of ZMA A-9960-C is set forth below:

Condition 1: This condition requires the construction or funding of certain road improvements prior to the issuance of the first building permit or that an approved timetable for construction was negotiated with the operating agency.

RESPONSE: Since numerous permits have already been issued for Signature Club at Manning Village, this condition has been satisfied.

Condition 2: The total combined development of the west portion (8.57 acres) of the subject property and Pod 2 on CSP 99050 shall not exceed the total development approval for Pod 2 on CSP 99050.

RESPONSE: This condition is inapplicable as Pod 2 dealt with the original proposal to construct senior housing on what was Lot 11. Entitlements for Pod 2 (Lot 11) were revised and it has now been developed and constructed with a mix of single family detached homes and townhomes. In any event, the property forming the subject matter of this Conceptual Site Plan revision is Pod 3 (Lot 12).

Condition 3: The wetland area located at the southwestern corner of this property shall be protected from grading disturbances, throughout the development process. During the review of all subsequent plans, the wetland and the 25-foot buffer area shall be shown on all plans and shall be protected by a platted conservation easement.

RESPONSE: No wetlands are proposed to be disturbed during grading.

Condition 4: All Conceptual Site Plans, Preliminary Plans of Subdivision, Detailed Site Plans, and Tree Conservation Plans proposing residential development on this site shall include a Phase I and Phase II Noise Study, as appropriate, to show the location of the 65 dBA Ldn noise contour (mitigated and unmitigated), and to show that all State noise standards have been met for interior areas of residential and residential-type uses.

Appropriate Noise Studies will be submitted at the appropriate time. No noise study is required until submission of the Preliminary Plan.

Condition 5: The Conceptual Site Plan shall show the proposed community center in a more prominent location.

The community center which is referenced in this Condition was proposed to be located on Outparcel A on the west side of Manning Road. Following a request from the owner of Outparcels A & B, the District Council has since deleted this Condition. Therefore, this Condition does not apply to the Property herein (See A-9960-C-01, a copy of which is filed herein.

Condition 6: The bufferyard required between land uses in the M-X-T Zone and uses on adjoining R-R land shall be doubled.

The required bufferyard requirement will be observed.

Condition 7: The Woodland Conservation Threshold shall be at 20 percent.

The TCP1 observes this threshold.

CONCEPTUAL SITE PLAN CSP-99050

CSP-99050 was approved subject to 14 conditions. However, the Applicant submits that only one condition – Condition 7 – could potentially be deemed applicable to this application.

Condition 7: Total development within the subject property shall be limited to an 800-unit senior housing community, and approximately 447,500 square feet of

mixed retail and office space; or different uses generating no more than the number of peak hour trips (576 AM peak hour trips and 1,650 PM peak hour trips) generated by the above development. Community facilities, skilled care facilities, and incidental office and retail space which are not public but are developed within the senior housing community shall be considered ancillary and additional to the permitted 800-unit community.

Conformance with this Condition will be analyzed in greater detail at the time of Preliminary Plan of Subdivision. During that review, the project will be evaluated for adequacy of public facilities. This will involve a thorough traffic analysis which will predict the number of AM and PM peak hour trips expected to be generated by the project. It is expected that the trip projection will fall within the maximum permitted trip cap established in this Condition.

While none of the other conditions are applicable, a summary of those conditions follows:

Condition 1. This condition required compliance with certain revisions and development standards which were to be applied at the time of Detailed Site Plan. Therefore, this condition is inapplicable.

Condition 2. This condition requires the approval of a Preliminary Plat of Subdivision prior to Detailed Site Plan and is inapplicable.

Condition 3. This condition requires certificates of occupancy to be issued in Pods 1 and 2. Pod 1 is the shopping center parcel and Pod 2 is what was previously Lot 11 and included the single family detached and townhouse developments. This condition is not applicable.

Condition 4. This condition requires a Type 1 Tree Conservation Plan to be refined at the time of Preliminary Subdivision Plan. It is inapplicable.

Condition 5. This condition requires submission of a noise study at the time of the Preliminary Subdivision Plan approval for Pod 2 (Lot 11). This Conceptual Site Plan revision deals with Pod 3 (Lot 12).

Condition 6. This condition requires noise attenuation measures to be implemented prior to approval of a Detailed Site Plan. It is inapplicable.

Condition 7. This condition has been addressed above.

Condition 8. This condition requires either construction or financial assurances for road improvements which were required prior to any initial development of Signature Club. These improvements have already been made.

Condition 9. This condition requires exits from Pod 1 (the shopping center) to be reviewed at the time of Detailed Site Plan. It is inapplicable.

Condition 10. This condition requires the provision of adequate right-of-way along MD 210 and MD 228 at the time of Preliminary Plan of Subdivision. This has already occurred for Pods 1 and 2.

Condition 11. This condition requires dedication of Parcel C to M-NCPPC. This has already occurred.

Condition 12. This condition required dedication of Parcels G and H to M-NCPPC. This has already occurred.

Condition 13. This condition requires that internal paths or trails be a minimum of six feet wide. This is to be enforced at the time of Preliminary Subdivision Plan. A condition to this effect is included on this Conceptual Site Plan revision.

Condition 14. This condition requires signage and pavement markings to be provided to insure safe crossings at the Berry Road/Manning Road intersection. This occurred at the time of the development of Pod 1 and Pod 2.

CONCEPTUAL SITE PLAN CSP-99050-01

CSP-99050 was the subject of a revision (CSP-99050-01) approved in 2006. As noted above, this revision applied only as to Pod 2 (and Lot 11), which has now been developed with 218 townhouses and 95 single-family detached dwellings, in a project known as “Signature Club at Manning Village.” The purpose of the revision was solely related to amending the site layout and unit-mix for Pod 2 from 800 age restricted units to 315 single family detached and townhouse units. It did not impact Pod 3 (Lot 12 herein), and therefore the Applicant submits that CSP-99050-01 is inapplicable to this application.

PRELIMINARY PLAN 4-01064

Given that this project will require approval of a new Preliminary Subdivision Plan, it is the Applicant's position that the conditions of approval in Preliminary Plan 4-01064 are inapplicable. Because of staff's request, an analysis of those conditions follows:

Condition 1: Development of Lot 12 shall be in compliance with the approved type I Tree Conservation Plan (TCPI/52/97/01). The following note shall be placed on the Final Plat of Subdivision:

“Development of Lot 12 is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/52/97-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”

RESPONSE: This condition is noted. The Applicant will conform to all requirements of the applicable approved Type 1 Tree Conservation Plan and as it may be modified by a Type 2 Tree Conservation Plan.

Condition 2: A Type II Tree Conservation Plan shall be approved in conjunction with the Detailed Site Plan.

RESPONSE: Noted. This will be addressed at the time of Detailed Site Plan.

Condition 3: Total development within the subject property shall be limited to 157,500 square feet of mixed retail and office space or different uses allowed under the governing Conceptual Site Plan which generate no more than 147 AM peak hour trips and 524 PM peak hour trips. Any development with impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

RESPONSE: Noted. The Applicant is now filing a revision to the Conceptual Site Plan which will be followed by a new Preliminary Subdivision Plan. Adequacy will once again be addressed at the time of that Preliminary Subdivision Plan and, if necessary, the trip cap will be adjusted.

Condition 4: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the SHA access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the DPW&T.

MD 228 AT Manning Road:

...

Manning Road at Senior Living/Retail entrance (north of MD 228):

RESPONSE: It is the Applicant's position these improvements have been addressed and either implemented or funded pursuant to the development of Pod 2 (prior Lot 11). Notwithstanding this fact, this condition requires the transportation improvements listed to be funded, or permitted, and have an agreed upon timetable for construction prior to the issuance of building permits. Therefore, the condition is noted.

Condition 5: At the time of final plat approval, the applicant shall dedicate right-of-way along Manning Road as shown on the submitted preliminary plan. Improvements within the dedicated right-of-way shall be determined by DPW&T.

RESPONSE: To the extent any additional dedication is needed or required along Manning Road, it will occur along this property's frontage at the time of Preliminary Subdivision Plan.

Condition 6: The applicant, his heirs, successors and/or assignees shall provide an internal trail system, subject to the following:

- a. All internal paths/trails shall be a minimum of six-feet wide and asphalt.

- b. Appropriate signage and pavement markings shall be provided in order to ensure safe pedestrian crossings at the Berry Road and Manning Road intersection.**

RESPONSE: This will be addressed at the time of Preliminary Subdivision Plan.

Condition 7: The following note shall be placed on the final plat:

An automatic fire suppression system shall be provided in all proposed buildings in accordance with the National Fire Protection Association Standard 13 and all applicable Prince George's County laws.

RESPONSE: This condition has no application to the instant Conceptual Site Plan revision.

Condition 8: Prior to signature approval, the preliminary plan shall be revised to designate the property as Outparcel B.

RESPONSE: This condition was addressed at the time the Preliminary Plan was certified. Outparcel B was also the subject of a final plat of subdivision and is designated as such thereon.

Condition 9: Development of Outparcel B shall require approval of a new preliminary plan of subdivision.

RESPONSE: This condition is noted and a new Preliminary Subdivision Plan will be filed subsequent to approval of this Conceptual Site Plan revision.

Condition 10: Development of the property with residential uses allowed in the zone will trigger the need for approval of a new preliminary plan with appropriate findings of adequacy, including adequacy of public schools and parks.

RESPONSE: The Applicant will be submitting a new Preliminary Plan of Subdivision following approval of this Conceptual Site Plan application. This condition is noted. This

Conceptual Site Plan does propose residential uses on what is presently Lot 12 and Outparcel B. A new Preliminary Subdivision Plan will follow.

CONCLUSION

For the foregoing reasons, the Applicant submits that all required criteria for approval of this Conceptual Site Plan application are met and satisfied. The Applicant therefore requests that the Conceptual Site Plan be approved as requested.



Edward C. Gibbs, Jr.
GIBBS AND HALLER
1300 Caraway Court, Suite 102
Largo, Maryland 20774
(301) 306-0033
egibbs@gibbshaller.com
Attorney for the Applicant.

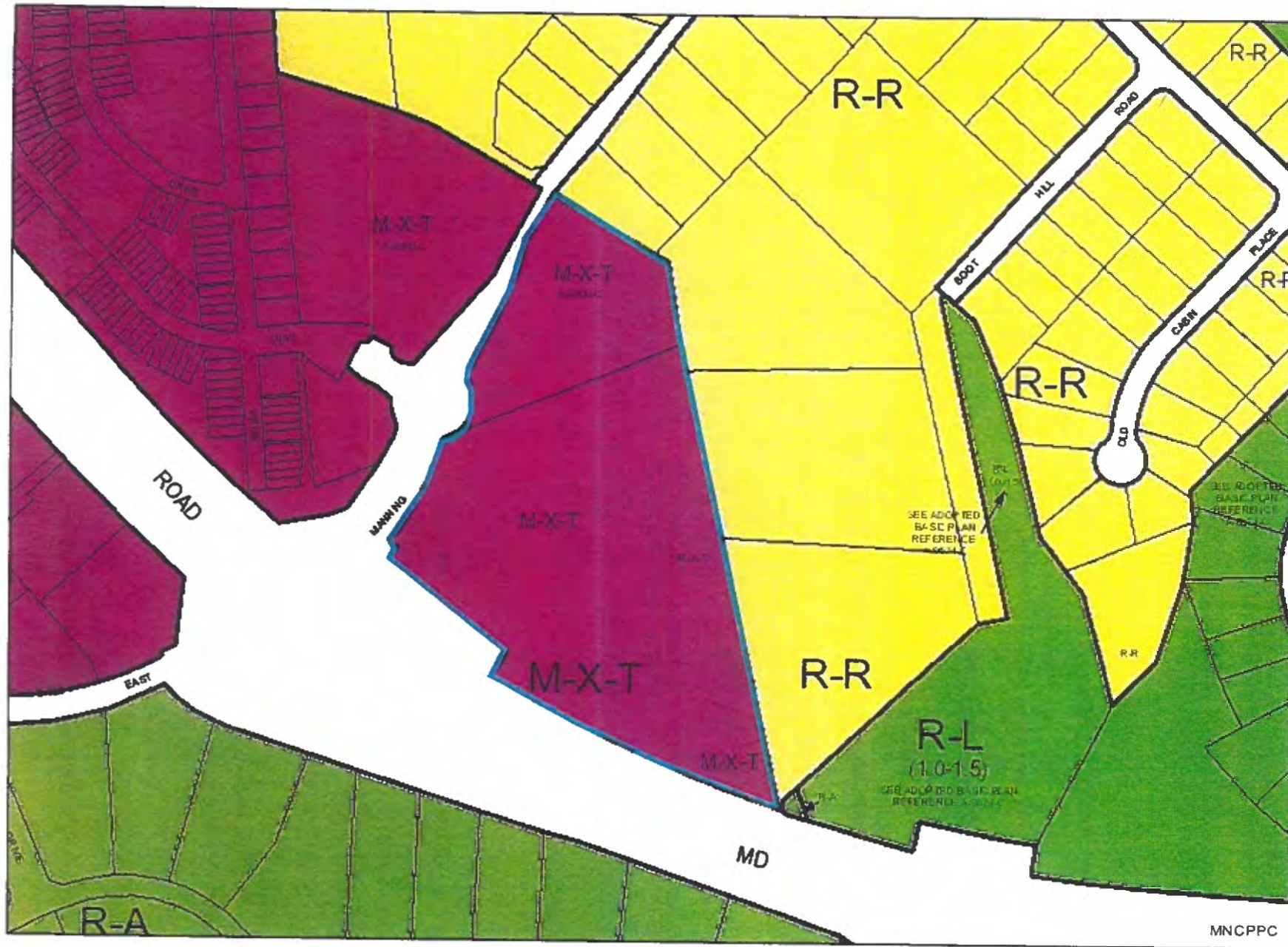


8.5X11_Landscape



“Exhibit “A”

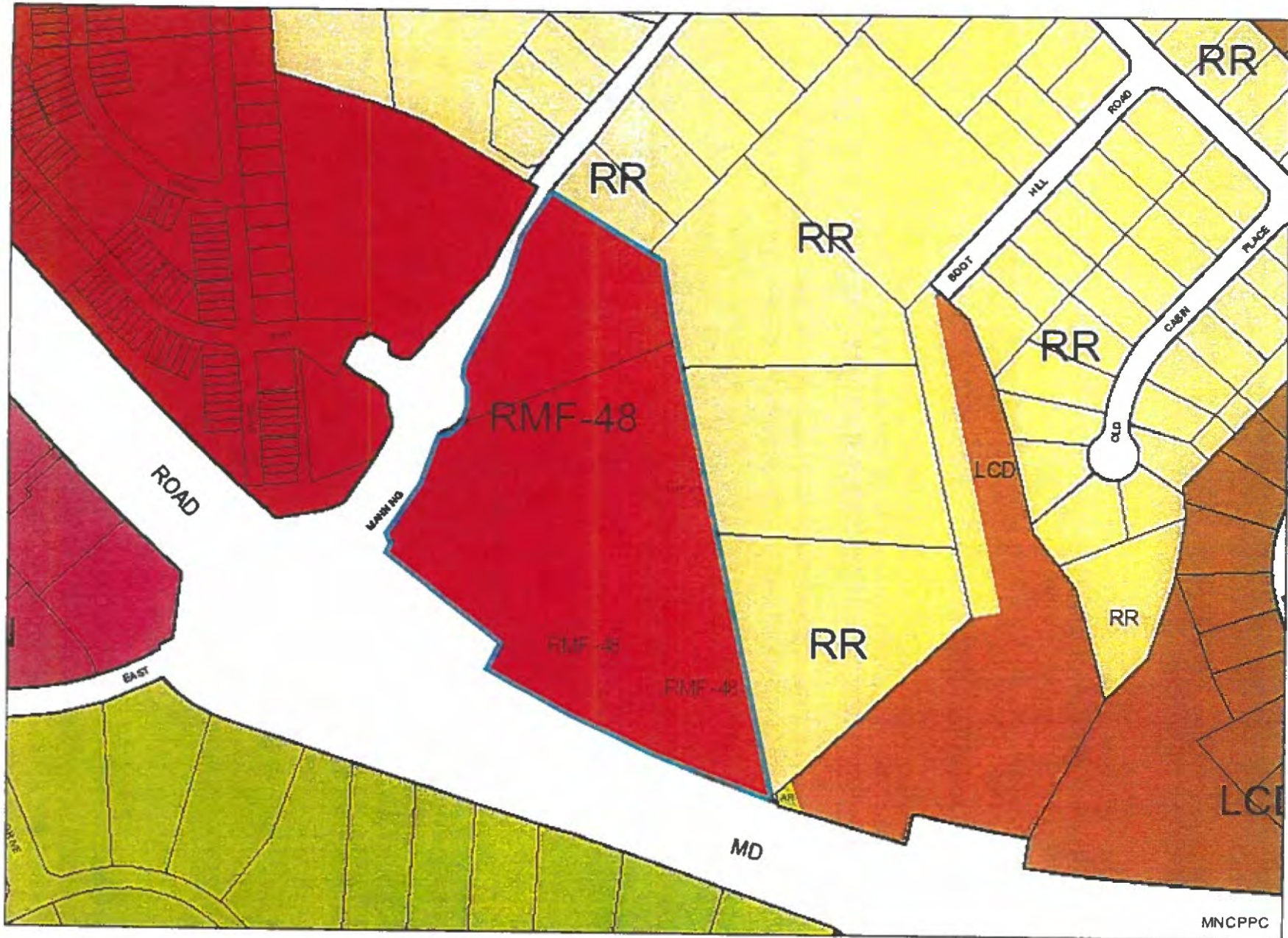
8.5X11_Landscape



“Exhibit “B”



8.5X11_Landscape



“Exhibit “C”

REP205-46

OWNER'S DEDICATION

W/F, TSC/MINA MATTHEWMAN ASSOCIATES LIMITED PARTNERSHIP, A MARYLAND LIMITED PARTNERSHIP, OWNER OF THE PROPERTIES SHOWN HEREON AND DECLARED IN THE INSTRUMENT'S CERTIFICATE, HEREBY ADOPTS THIS PLAN OF SUBDIVISION AND ESTABLISHES THE FOLLOWING RESTRICTIONS ON ALL ITS INTERESTS SHOWN.

FURTHER, WE GRANT TO THE PARTIES AND TO THEIR SUCCESSORS AND ASSIGNS, GRANTED IN AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF A DEED BEING SET FORTH IN A CERTAIN DOCUMENT ENTITLED "DECLARATION OF TERMS AND PROVISIONS FOR PUBLIC UTILITY EASEMENTS" AND RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN BOOK 3743 AT PAGE 745, A IN FULL WITH PUBLIC UTILITY EASEMENTS, THE FOLLOWING OPEN AND ACCESS TO THE LAND AND HEREON REFERRED TO AS "M.P.U.E.", SAID TERMS AND PROVISIONS BEING INCORPORATED HEREIN BY THIS REFERENCE.

PROPERTY MARKERS WILL BE PLACED IN ACCORDANCE WITH SECTION 24-110 (a) (4) (7) (b) OF THE SUBDIVISION REGULATIONS OF THE PRINCE GEORGE'S COUNTY CODE.

THERE ARE NO SURVEY, ACTS OF LAW, LEASES, EASEMENTS OR RIGHTS AFFECTING THE PROPERTY DESCRIBED IN THIS PLAN OF SUBDIVISION, EXCEPT A CERTAIN AREA OF FOREST TO WHICH THE PARTIES OF INTEREST HERETO HAVE BELONG INDICATED THEIR ASSENT.

TSC/MINA ASSOCIATES LIMITED PARTNERSHIP

D. J. Korman 1-12-05 (SEAL) DATE
DEED TRUSTEE GENERAL PARTNER

Witness DATE
ATTEST

WE HEREBY ASSENT TO THIS PLAN OF SUBDIVISION
Witness 1-12-05 DATE
(WITNESS)

Witness DATE
(WITNESS)

NOTES

1. THIS PLAN IS SUBJECT TO RESTRICTIONS OF EASEMENTS AND RESTRICTIONS SET FORTH IN THE PLAN.
 2. DEVELOPMENT OF THIS PLAN IS RESTRICTED TO THE APPLICABLE 1991 FZS CODE. CONCEPT PLAN (FORMS) 175-010, AS IS AMENDED BY THE TYPE "X" TEST CONVERSION PLAN AND PERMITS AND ANY RESTRICTIONS OF ANY ZONING ORDINANCES WHICH MAY BE IN EFFECT AT THE TIME OF THE APPLICABLE 1991 FZS CODE. THIS PLAN IS SUBJECT TO THE RESTRICTIONS OF ANY APPLICABLE ZONING ORDINANCES WHICH MAY BE IN EFFECT AT THE TIME OF THE APPLICABLE 1991 FZS CODE.
 3. PERMITS TO ESTABLISH OR MAINTAIN UTILITY LINES ON THE SUBJECT PROPERTY, THE ROAD IMPROVEMENTS FUND (a) HAVE BEEN PROVIDED FOR CONSTRUCTION THROUGH THE SANITARY SEWER FUND (b) AND (c) HAVE AN ORDER FROM THE COMMISSIONER OF THE SANITARY SEWER FUND FOR CONSTRUCTION.
 4. APPROVAL OF THIS PLAN IS BASED UPON A REASONABLE EXPECTATION THAT PUBLIC WATER AND SEWER SYSTEMS WILL BE AVAILABLE UPON THE DATE OF COMPLETION OF THE PROJECT. ALL OF THE NECESSARY ENGINEERING DESIGN AND CONSTRUCTION SHALL BE PROVIDED IN ALL PROPOSED UTILITIES IN ACCORDANCE WITH THE PROVISIONS OF THE MARYLAND PUBLIC UTILITIES CODE AND ALL APPLICABLE PERMITS AND ORDINANCES.
 5. ACCESS IS PROVIDED BY AN EASEMENT COLLECTED PURSUANT TO SECTION 24-110(A)(1) OF THE SUBDIVISION REGULATIONS.
 6. DEVELOPMENT OF THIS SITE SHALL BE IN ACCORDANCE WITH THE APPLICABLE ZONING PLAN (MANNING-EAST) AND ANY RELEVANT ORDINANCES.
 7. PERMITS FOR THE ESTABLISHMENT OF ANY PUBLIC UTILITIES SHALL BE OBTAINED BY THE OWNER'S COUNTY PLANNING BOARD.
 8. ANY DEVELOPMENT WHICH OCCURS AS A RESULT OF THIS PLAN SHALL BE APPROVED BY THE COUNTY PLANNING BOARD AND SHALL BE SUBJECT TO THE APPLICABLE 1991 FZS CODE AND ANY RESTRICTIONS OF ANY ZONING ORDINANCES WHICH MAY BE IN EFFECT AT THE TIME OF THE APPLICABLE 1991 FZS CODE.
- 10a. APPROVED & TESTED (SEAL) APPROVED BY A NEW PERMITS PLAN PERMITS IN ANY DEVELOPMENT.
- 10b. USE OF THIS PLAN IS RESTRICTED TO THE COMMERCIAL/INDUSTRIAL USE, PROVIDED IN CONFORMANCE WITH THE APPLICABLE 1991 FZS CODE AND ANY RESTRICTIONS OF ANY ZONING ORDINANCES WHICH MAY BE IN EFFECT AT THE TIME OF THE APPLICABLE 1991 FZS CODE.
- 10c. PERMITS FOR THE ESTABLISHMENT OF ANY PUBLIC UTILITIES SHALL BE OBTAINED BY THE OWNER'S COUNTY PLANNING BOARD AND SHALL BE SUBJECT TO THE APPLICABLE 1991 FZS CODE AND ANY RESTRICTIONS OF ANY ZONING ORDINANCES WHICH MAY BE IN EFFECT AT THE TIME OF THE APPLICABLE 1991 FZS CODE.

SURVEYORS AND ENGINEERS CERTIFICATE

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT, THAT IF IT IS A SUBDIVISION OF PART OF THE LAND CONTROLLED BY COUNTY OF, INDIVIDUAL, INDIVIDUALLY, AND COUNTY OF, INDIVIDUAL, PART OF THE MANNING EASEMENT AND MANNING EAST MANNING MATTHEWMAN ASSOCIATES LIMITED PARTNERSHIP, A MARYLAND LIMITED PARTNERSHIP, BY DEED DATED AUGUST 1, 1991, AND RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN BOOK 3743 AT PAGE 745, AND A SUBDIVISION OF OUTLOTS AS SHOWN ON A PLAN OF SUBDIVISION ENTITLED "PLAN OF SUBDIVISION OF MANNING EAST MANNING MATTHEWMAN ASSOCIATES LIMITED PARTNERSHIP, BY DEED DATED DECEMBER 31, 2001, AND RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN BOOK 13344 AT PAGE 483, AND THAT THE TOTAL AREA INCLUDED IN THIS PLAN OF SUBDIVISION IS 751,131 SQUARE FEET OR 17.2438 ACRES OF LAND OF WHICH 11,369 SQUARE FEET OR 0.2610 ACRES IS DEDICATED TO PUBLIC USE.

AS TO THE ESTABLISHMENT OR RE-ESTABLISHMENT OF PROPERTY LINES.

J. Korman 1-12-05 DATE
OWNER OF THE PROPERTY
PROFESSIONAL ENGINEER
NO. REG. NO. 4173

AS TO THE ENGINEERING DESIGN

Witness 1-12-05 DATE
PROFESSIONAL ENGINEER
NO. REG. NO. 12841

FOR PUBLIC WATER AND SEWER SYSTEMS ONLY

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
PRINCE GEORGE'S COUNTY PLANNING BOARD

APPROVED: *Witness* 3-9-05
Witness ASSISTANT SECRETARY

M.N.C.P. & P.C. RECORD FILE NO. 5-03030

DEPT. OF ENVIRONMENTAL RESOURCES
PRINCE GEORGE'S COUNTY, MD.

APPROVED ON Feb. 1, 2005
Witness DIRECTOR OR DESIGNER

RECORDED 3-9-05
PLAT BOOK REP205
PLAT NO. 46

PREL. NO. 4-01064
M-X-T

LINE DATA TABLE

NO.	BEARINGS	DIST.
1	N 83° 41' 51" E	118.31
2	S 72° 14' 24" W	127.24
3	S 28° 22' 57" W	115.27

CURVE DATA TABLE

NO.	DELTA	TANG.	ARC	CHORD	CHORD BEARING	CHORD BEARING
1	22° 11' 18"	187.24	177.77	100.00	N 83° 41' 51" E	118.31
2	10° 11' 01"	83.16	153.88	107.58	S 72° 14' 24" W	127.24
3	15° 00' 17"	101.59	213.00	213.00	S 28° 22' 57" W	115.27
4	11° 09' 58"	74.14	127.24	100.00	S 72° 14' 24" W	127.24
5	15° 09' 32"	124.64	127.24	97.00	N 83° 41' 51" E	118.31

M/V
MAYN W & LORRAINE R. NORTHROP
L.3514, F.837

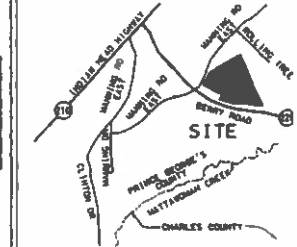


Exhibit "D"

OUTPARCEL "B"
167,437 Sq. Ft.
or 3.7661 Ac.

LOT 12
578,210 Sq. Ft.
or 13.2739 Ac.

MANNING EAST ROAD

MARYLAND ROUTE 228 - BERRY ROAD
SHA R/W PLAT No. S 52596 through 52602 AND 53647
L. 8862, F. 427



NOTES

13. OUTPARCEL "B" HAS NOT BEEN APPROVED FOR PUBLIC WATER AND SEWER SERVICE.

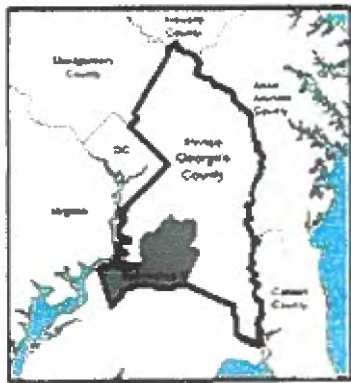
FILED

CLERK OF THE CIRCUIT COURT
FOR PRINCE GEORGE COUNTY, MD.

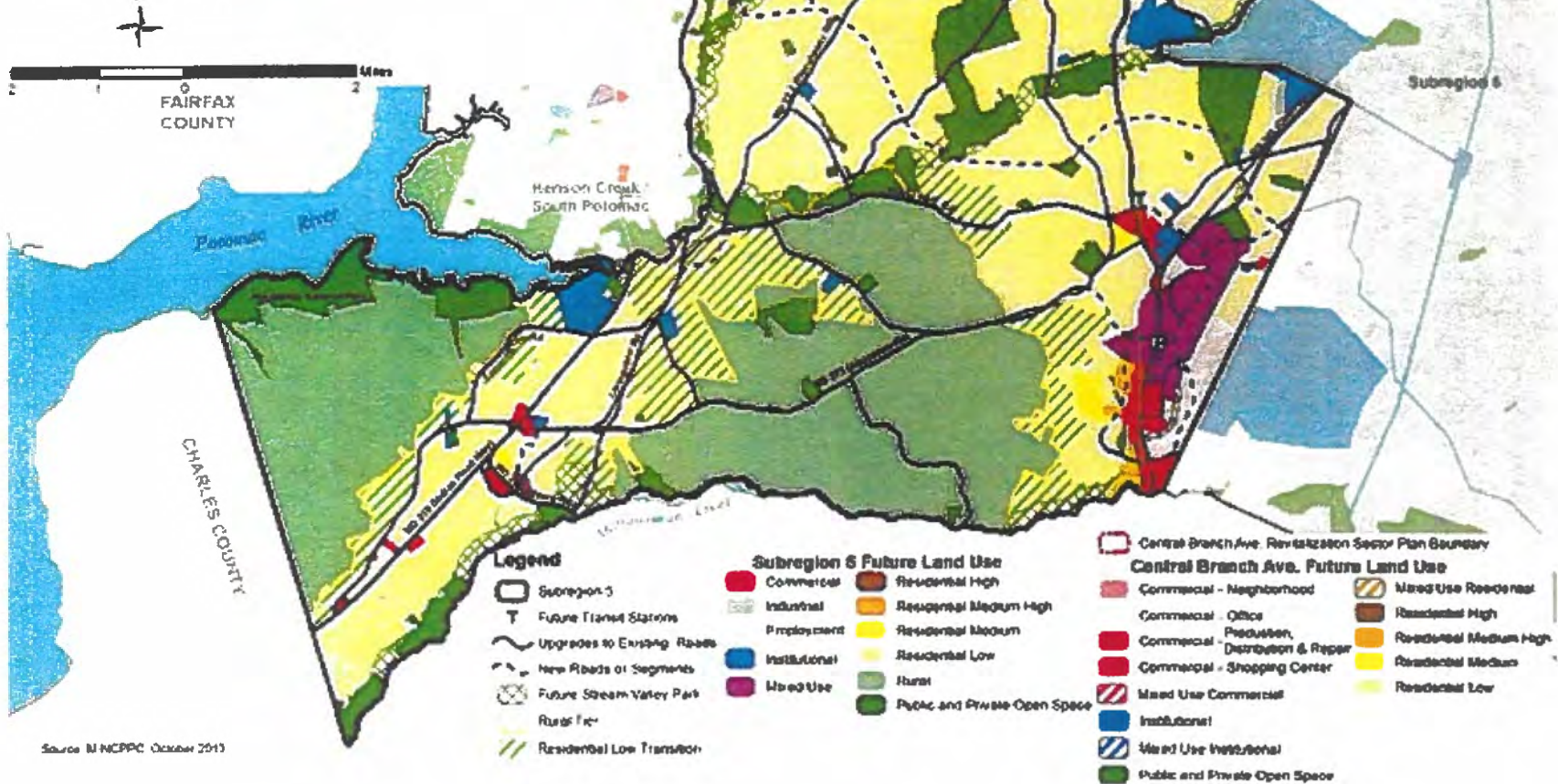
Lodderman
Sullivan Associates, Inc.

LANHAM OFFICE
4266 Forbes Boulevard, Lanham, MD 20706 L301.794.7555 E301.794.7656
Engineering Planning Surveying Environmental Sciences www.LSAassociates.net

Map IV-1: Future Land Use

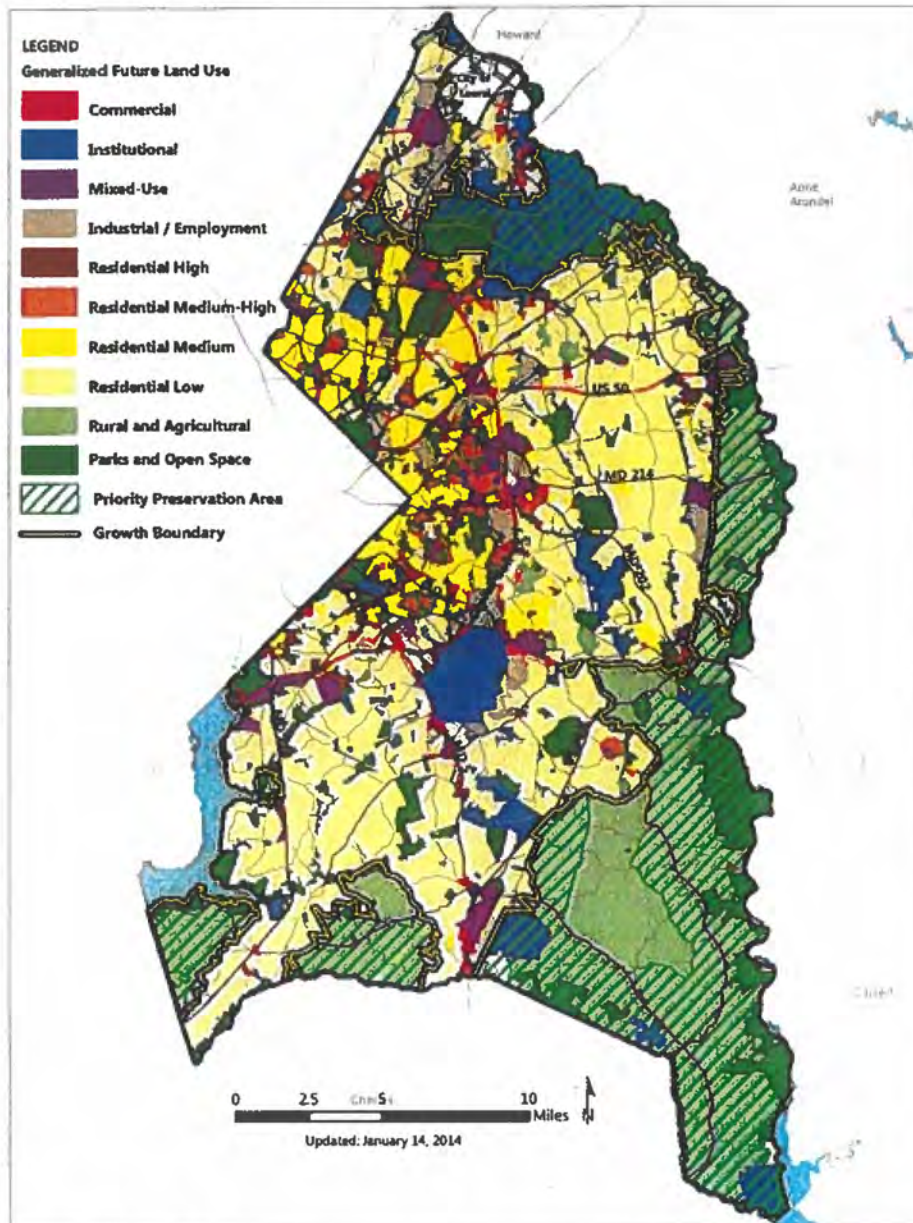


Vicinity Map



Source: M NCPPC, October 2013

Map 10. Generalized Future Land Use Map



The Generalized Future Land Use Map is not a zoning map and is not intended to identify land uses and zoning for specific properties.

Source: M-NCPPC, 2014

This map generalizes future land use designations as shown in approved sector and master plans. It does not follow parcel boundaries, and its land use categories do not identify permitted uses or imply dimensional standards. By definition, this map should be interpreted broadly and is intended to provide a countywide perspective of future land use patterns. To identify the future land use designation for a specific property, please refer to the property's relevant approved sector or master plan.

January 12, 2026

Mr. James Hunt
Planning Director
Maryland-National Capital Park
and Planning Commission
1616 McCormick Drive
Largo, Maryland 20774

Re: Signature Club East
Conceptual Site Plan
CSP-23002

Dear Mr. Hunt:

Signature 2016 Commercial, LLC is the owner of the property forming the subject matter of the referenced Conceptual Site Plan. It is also now the applicant in this Conceptual Site Plan application. As the owner and applicant, Signature 2016 Commercial, LLC hereby amends its proposal to substitute a maximum of up to 180 residential townhomes in lieu of the previous proposal of up to 300 residential multifamily units. The Remand Order issued by the District Council requires analysis of compatibility. While the applicant and owner reaffirms that multifamily residential units are compatible, given the context of the Remand Order and the testimony received before the Planning Board at the time of the original consideration of the Conceptual Site Plan, it is the belief of the applicant and owner that residential townhomes may be more compatible in this instance. The proposal for up to 12,600 square feet of commercial retail space remains unchanged and unamended.

Very truly yours,

SIGNATURE 2016 COMMERCIAL, LLC

By: James J. Clark
James Clark, Member

1.12.2026

Prince George's County M-NCPPC
Development Review Division
1616 McCormick Drive
Upper Marlboro, MD 20774

RE: Signature Club East – Stormwater Concept Plan Status
SDCP 35682-2023, CSP-23002

To Whom it May Concern,

A Stormwater Concept Plan consistent with the multi-family layout proposed under CSP-23002 was initially submitted to DPIE on December 28, 2023, as Site Development Concept Plan Case No. 35682-2023. Since that submission, the multi-family Stormwater Concept Plan has undergone two resubmissions—on May 21, 2025, and July 15, 2025—to address DPIE review comments and incorporate revisions responding to M-NCPPC staff comments on CSP-23002.

The Stormwater Concept Plan is currently under review. DPIE issued its most recent comments on the multi-family layout on August 12, 2025, based on the July 15 resubmission. The remaining comments are minor and do not require changes to the current layout, grading, access, stormwater management, or storm drain design. These comments primarily relate to clarifying right-of-way dedications, providing additional documentation for intersection sight distance at the proposed driveway connection to the Manning Road roundabout, and correcting the referenced DPWT driveway standards.

In my professional opinion, the Stormwater Concept Plan for the multi-family layout has been substantially completed in accordance with County requirements, and DPIE approval should be achievable without further modifications to the multi-family layout.

In response to the remand, a Stormwater Concept Plan based on a townhouse layout was submitted to DPIE on December 5, 2025. DPIE issued comments on the townhouse layout on December 29, 2025. The comments were primarily focus on revisions needing to clarify private vs. public roads, and ensuring the internal streets meet county road section standards. There were no substantial comments on the proposed stormwater management or storm drain systems. In my professional opinion, the Stormwater Concept Plan for the townhouse layout would require one to two additional review cycles to obtain DPIE approval.

If you need additional information or have any questions, please contact me at 240-848-7433.

Sincerely,
VIKA Maryland, LLC

Don Nelson, P.E.
Vice President



Lenhart Traffic Consulting, Inc.
Transportation Planning & Traffic Engineering

Memorandum:

Date: **January 5, 2026**

TO: M-NCPPC
 1616 McCormick Drive
 Largo, MD 20774

FROM: Mike Lenhart

RE: Signature Club East – CSP-23002

This memorandum is provided as additional support and supplemental information to the transportation findings of the Technical Staff Report (TSR).

Section 24-4505(a)(2) discusses the applicability of transportation adequacy, and states... *“To gain approval of the certificate (of adequacy), the applicant shall demonstrate the proposed development complies with the LOS Standards of Section 24-4505(b), provides mitigation (if applicable), and complies with the other relevant requirements of this Section.”*

The approved Traffic Impact Study shows that all study intersections satisfy the adequacy standards with the exception of MD 210 & MD 373, which is projected to exceed the congestion standard in the evening peak hour under the existing, background, and total traffic conditions. Mitigation has been proffered at the intersection of MD 210 & MD 373 which will mitigate over 300% of the site impact’s during the evening peak hour. Section 24-4505(d) of the Subdivision Regulations provides the standards for mitigation (where applicable). The level of service at MD 210 & MD 373 is projected to be no more than 25% above the adopted standard, therefore any physical improvements shall fully abate the impact of at least 150 percent of all vehicular trips generated by the proposed development in the Transportation Impact Area.

Section 24-4502(b)(3) states that transportation adequacy is met if ... *“Transportation improvements or trip reduction programs that are adequately funded by the applicant or an existing revenue source to alleviate any inadequacy in the adopted LOS standard within the Transportation Impact Area.”*

Page 21 of the TSR concludes that... *“the mitigation results in meeting the requirement of mitigating a minimum of 150 percent of the development’s impact per the 2022 Transportation Review Guidelines (TRG), and therefore, meets the adequacy requirement.”*

It is our opinion, however, that mitigation is not necessary and that this property has an approved trip cap and an existing Certificate of Adequacy (ADQ) that will result in a credit of that capacity in the new Certificate of Adequacy that is issued at the time of Preliminary Plan of Subdivision. The following information provides the details confirming this project will be adequate, with or without the proposed mitigation.

Lenhart Traffic Consulting, Inc.

Transportation Planning & Traffic Engineering

1. Per 24-4503(a)(1), the property received an automatic Certificate of Adequacy (ADQ) on 4/1/22 with the prior trip cap and associated transportation improvements and that ADQ is still valid for 147 AM and 524 PM trips.
 2. The existing recorded final plat 5-05029 for PPS 4-01064 includes a trip cap per note #9 limiting the development within the property to the approved development which is 147 AM trips and 524 PM trips.
 3. The existing property is a background development as defined in the Transportation Review Guidelines which says that a background development is “an approved and unbuilt development within the study area having an approved and valid preliminary plan of subdivision or a valid final plat”, and based upon that definition from the Transportation Review Guidelines the previous trips were included in the background traffic conditions of the traffic study.
 4. The total traffic conditions in the traffic study will operate better than the background conditions. Meaning that the approval of the current project will result in an improvement in the levels of service at MD 210 & MD 373 than what would be expected if the property were to develop using its existing approvals. Therefore, not only does the current proposal NOT have a negative impact, the approval of the current proposal would have a positive impact and therefore there is nothing to mitigate.
 5. The property has vested or contractual rights under 24-4503(e)(1) in that all of the required dedication and improvements have been constructed.
 - o 24-4503(e)(1) states... *“Obligations associated with a certificate of adequacy may be deemed satisfied, and the development for which the certificate was approved may be determined to have adequate public facilities for the purposes of these Regulations, under the following circumstances: (1) The certificate holder has dedicated or deeded land for public purposes (such as dedication of land for public roads or parkland) or has otherwise met, in full, any required financial, infrastructure improvement, land transaction, or other conditions originally deemed necessary to provide adequate public facilities for the proposed development.”*
 - o PPS 4-01064 required substantial road improvements at MD 228 & Manning Road and therefore this section of the code has been satisfied.
 6. Even if MNCPPC is undecided about the vested rights discussed above, the existing automatic ADQ is currently valid and an ADQ amendment would retain the capacity under the original approval as discussed below.
 7. Per 24-4503(c)(1)(c), “the (existing automatic) ADQ shall concurrently expire with any respectively approved preliminary plan of subdivision application.” Based on this section of code, the current automatic ADQ is still valid and will not expire until the Planning Board votes and approves a new preliminary plan of subdivision.
 8. Per 24-4503(b), the ADQ is approved and issued by the Planning Director in advance of Planning Board hearing. Since the existing ADQ does not expire until the planning board hearing, and the Planning Director issues an ADQ before the planning board hearing, this necessitates an amendment to the ADQ which would be issued in advance of the planning board hearing as discussed below.
 9. Section 24-4503(a)(2) states that ... “Preliminary Plans of Subdivision proposed after 4/1/22 shall receive approval of a certificate of adequacy for each public facility subject to this section.” We acknowledge this, but it does not mean that the existing
-

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ADQ is nullified. The existing ADQ is valid until the planning board votes on the new preliminary plan of subdivision.

10. This property already has an existing (and still valid) ADQ covering Transportation Adequacy that does not expire until the new preliminary plan is approved, therefore that portion of the ADQ would be subject to an amendment as discussed below in 24-4503(g) since it's a change in use and change in nonresidential floor area. A copy of this section is below.
11. Furthermore, section (A) below includes a discussion regarding the need for an amendment if the change in use or development increases the public facility capacity needed to accommodate the changed project by more than five percent. It should be noted that the trip cap for the proposed project will increase in the morning peak hour and decrease in the evening peak hour. The increased trips in the morning peak hour does not increase the public facility capacity needed for the project because everything passes and is adequate in the morning. The evening peak hour exceeds LOS "D", however, because the amendment will reduce the evening peak hour trip cap, the amendment does not increase the public facility capacity needed to accommodate the changed project, and in fact, improves the condition.

(g) **Amendment**

(1) **Requirement**

- (A) A change in use, an increase in dwelling units or nonresidential gross floor area, or a substantial change to the access and circulation design of a project that has received a certificate in accordance with this Section, requires an amendment to the certificate and an adequacy re-determination if the change of use, increase in development, or access and circulation change, increases the public facility capacity needed to accommodate the changed project based on the LOS standard established for the public facility, by more than five percent.
- (B) In re-evaluating the project in accordance with this Subsection, the project shall be credited with the capacity reserved under its original approval, unless the certificate has expired.

12. The ADQ amendment would include a new evaluation of those Public Facilities that were not evaluated or reserved in the original ADQ plus an amendment to the Transportation Adequacy conditions that includes a credit of the capacity reserved under its original approval per 24-4503(g).

The ADQ as discussed above would preserve the capacity for transportation facilities as noted above, and add new conditions for the other public facilities.

To reiterate, it is our opinion that this project has an existing trip cap that "shall be credited with the capacity reserved under its original approval". However, a mitigation plan has been provided to confirm that adequacy can be achieved in the event that mitigation is required, and the Transportation Staff has confirmed that adequacy would be achieved.

Thanks,
Mike Lenhart

LAW OFFICES
GIBBS AND HALLER
1300 CARAWAY COURT, SUITE 102
LARGO, MARYLAND 20774

(301) 306-0033
FAX (301) 306-0037
gibbshaller.com

EDWARD C. GIBBS, JR.
THOMAS H. HALLER

January 13, 2026

Ms. Hyojung Garland
Supervisor
Urban Design Section
Development Review Division
The Maryland-National Capital
Park and Planning Commission
1616 McCormick Drive
Largo, Maryland 20774

RE: Signature Club East/CSP-23002

Dear Hyojung:

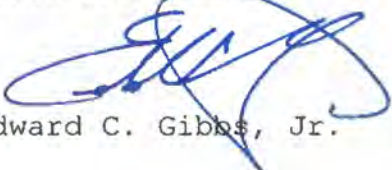
I wanted to provide some information regarding citizen outreach in the referenced case on remand. As you know, several Parties of Record are represented by Alex Votaw, Esquire. Obviously, I cannot directly contact individuals represented by counsel. However, I did contact Ms. Votaw as early as approximately November 19, 2025. I am attaching copies of e-mails between myself and Alex Votaw, counsel for certain opposition parties, regarding the potential for meeting and discussing the case.

In addition, I sent letters to all other Parties of Record on January 6, 2026 advising of the remand hearing and enclosing a copy of the proposed revision to the Conceptual Site Plan to request approval of residential townhomes as opposed to residential multifamily units. Copies of those letters are attached.

Finally, I also requested the opportunity to meet with the Accokeek Development Review District Commission. That meeting will occur on the evening of January 13, 2026.

Very truly yours,

GIBBS AND HALLER


Edward C. Gibbs, Jr.

Edward C. Gibbs, Jr.

From: Alex Votaw <alex@gmacynelson.com>
Sent: Wednesday, January 7, 2026 11:18 AM
To: Edward C. Gibbs, Jr.
Subject: RE: CSP-23002/Signature Club East

Thank you Ed—I am working to figure out my clients availability and will get back to you as soon as I can.

Best regards,

Alex Votaw, Esq.
Law Office of G. Macy Nelson, LLC
600 Washington Avenue, Suite 202
Towson, Maryland 21204
(410) 296-8166 ext. 303
Email: alex@gmacynelson.com
www.gmacynelson.com

From: Edward C. Gibbs, Jr. <egibbs@gibbshaller.com>
Sent: Wednesday, January 7, 2026 10:36 AM
To: Alex Votaw <alex@gmacynelson.com>
Subject: Re: CSP-23002/Signature Club East

Alex,
I am happy to either. Just let me know.
Ed

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From: Alex Votaw <alex@gmacynelson.com>
Sent: Wednesday, January 7, 2026 10:25:26 AM
To: Edward C. Gibbs, Jr. <egibbs@gibbshaller.com>
Subject: RE: CSP-23002/Signature Club East

Good morning Ed,

Thank you for reaching out. My clients are open to having a conversation with yours about their concerns. How do you propose we arrange such a meeting—are you picturing an in person or zoom meeting?

Best regards,

Alex Votaw, Esq.
Law Office of G. Macy Nelson, LLC
600 Washington Avenue, Suite 202
Towson, Maryland 21204
(410) 296-8166 ext. 303

Email: alex@gmacynelson.com
www.gmacynelson.com

From: Edward C. Gibbs, Jr. <egibbs@gibbshaller.com>
Sent: Tuesday, January 6, 2026 2:20 PM
To: Alex Votaw <alex@gmacynelson.com>
Subject: FW: CSP-23002/Signature Club East

Alex,

My client has determined to pursue the approval of townhouses in lieu of multifamily units. You will recall I had advised that my client was considering this change in an earlier email. If you and your clients would like to meet in order to discuss this change, or any other issues, please let me know. Thank you.,

Ed Gibbs

Edward C. Gibbs, Jr., Esquire
Gibbs and Haller
1300 Caraway Court, Suite 102
Largo, Maryland 20774
(301) 306-0033
(301) 306-0037 (Fax)

From: Edward C. Gibbs, Jr. <egibbs@gibbshaller.com>
Sent: Wednesday, November 26, 2025 10:54 AM
To: Alex Votaw <alex@gmacynelson.com>
Subject: Re: CSP-23002

Alex,

Thank you for your further reply. As you know, this is a Conceptual Site Plan. APF for traffic is tested at preliminary plan. That being said, this site is already platted so it has been part of vested background. In addition, the very purpose of the SWM Concept Plan is to insure storm water will be controlled. There is no doubt that will occur in this case.

Ed Gibbs

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From: Alex Votaw <alex@gmacynelson.com>
Sent: Wednesday, November 26, 2025 10:03:54 AM
To: Edward C. Gibbs, Jr. <egibbs@gibbshaller.com>
Subject: RE: CSP-23002

Good morning Ed,

My clients have expressed significant concerns about traffic as well as concerns that existing stormwater management facilities would not be sufficient to mitigate flooding if the entire property is developed. My clients have communicated to me that they are open minded about uses that better balance preservation with development even if the entire site is not preserved.

However, if the only alternative your client is willing to offer is townhouses and/or the development of the entire site without forest preservation, then I agree that further conversations would not be productive.

Warmest regards,

Alex Votaw, Esq.
Law Office of G. Macy Nelson, LLC
600 Washington Avenue, Suite 202
Towson, Maryland 21204
(410) 296-8166 ext. 303
Email: alex@gmacynelson.com
www.gmacynelson.com

From: Edward C. Gibbs, Jr. <egibbs@gibbshaller.com>
Sent: Wednesday, November 26, 2025 9:48 AM
To: Alex Votaw <alex@gmacynelson.com>
Subject: Re: CSP-23002

Thank you for your reply, Alex. I am curious as to what you mean by “ongoing infrastructure concerns”. Further, if your position is that the property has to be preserved for forest retention there do not appear to be any options from your perspective. We will see you at the Remand Hearing. Have a nice holiday.

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From: Alex Votaw <alex@gmacynelson.com>
Sent: Wednesday, November 26, 2025 9:27:14 AM
To: Edward C. Gibbs, Jr. <egibbs@gibbshaller.com>
Subject: CSP-23002

Good morning Ed,

I just heard back from my clients--they are not open to townhouses. Their primary concerns relate to the ongoing infrastructure concerns and the desire to preserve the woodland on the property in accordance with the previous approvals.

Please let me know if your client has any other ideas—my clients are still open minded to other options that would address those concerns.

In the meantime, I hope you have a great thanksgiving weekend!

Warmest regards,

Alex Votaw, Esq.

Law Office of G. Macy Nelson, LLC
600 Washington Avenue, Suite 202
Towson, Maryland 21204
(410) 296-8166 ext. 303
Email: alex@gmacynelson.com
www.gmacynelson.com

LAW OFFICES
GIBBS AND HALLER
1300 CARAWAY COURT, SUITE 102
LARGO, MARYLAND 20774
(301) 306-0033
FAX (301) 306-0037
gibbshaller.com

EDWARD C. GIBBS, JR.
THOMAS H. HALLER

January 6, 2026

Ms. Megan Crigger
1451 Leonard Calvert Dr., Suite 14512
Leonard Calvert Drive
Accokeek, MD 20607

Re: Signature Club East
Conceptual Site Plan CSP-23002

Dear Ms. Crigger:

I represent Signature 2016 Commercial LLC, the owner of certain property comprising approximately 16.9 acres which is located in the northeast quadrant of the intersection of Berry Road (MD 228) and Manning Road. The property is part of a much larger development known as Signature Club. This particular property is known as Signature Club East.

Some time ago, I filed a Conceptual Site Plan application (CSP-23002) for this 16.9 acre property. The original proposal sought approval for a development which could include up to 300 residential multifamily units and up to 12,600 square feet of commercial space. The application was approved by the Prince George's County Planning Board but was ultimately appealed to the District Council. At the hearing before the District Council, I requested a limited remand to the Planning Board to analyze and address tree conservation issues. Ultimately, the District Council voted to remand the case, not just on the issue I had raised, but on remand issues raised by parties in opposition.

Remand hearings must be heard within a limited time frame. Accordingly, the remand hearing before the Planning Board is scheduled to occur on January 15, 2025. As part of the remand hearing, my client determined to file and request an amendment to the Conceptual Site Plan. Rather than propose residential multifamily units, my client is now proposing fee simple residential townhomes for sale. The request is not to exceed 180 townhouse units. The exact number would be determined in

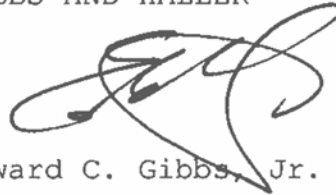
Ms. Megan Crigger
January 6, 2026
Page 2

later approvals of the Preliminary Subdivision Plan and Detailed Site Plan. In no event, however, would the proposal exceed 180 townhouse units. This revised CSP plan has been filed with M-NCPPC. I am enclosing three sheets from the revised Conceptual Site Plan package confirming my client's proposal to request approval of residential townhomes and not multifamily residential units. This is the plan I will request the Planning Board to approve.

My client and I would welcome the opportunity to meet with you either virtually or in person. Given that the Planning Board hearing is January 15th, I would suggest that early next week in the evening would be an appropriate time to meet if that can work for you. Please let me know if that is the case.

Very truly yours,

GIBBS AND HALLER

A handwritten signature in black ink, appearing to be 'E. Gibbs, Jr.', written in a cursive style with a large loop at the end.

Edward C. Gibbs, Jr.

Enclosures

LAW OFFICES
GIBBS AND HALLER
1300 CARAWAY COURT, SUITE 102
LARGO, MARYLAND 20774

(301) 306-0033
FAX (301) 306-0037
gibbshaller.com

EDWARD C. GIBBS, JR.
THOMAS H. HALLER

January 6, 2026

Mr. Carl Coddington
317 Manning Road East
Accokeek, MD 20607

Re: Signature Club East
Conceptual Site Plan CSP-23002

Dear Mr. Coddington:

I represent Signature 2016 Commercial LLC, the owner of certain property comprising approximately 16.9 acres which is located in the northeast quadrant of the intersection of Berry Road (MD 228) and Manning Road. The property is part of a much larger development known as Signature Club. This particular property is known as Signature Club East.

Some time ago, I filed a Conceptual Site Plan application (CSP-23002) for this 16.9 acre property. The original proposal sought approval for a development which could include up to 300 residential multifamily units and up to 12,600 square feet of commercial space. The application was approved by the Prince George's County Planning Board but was ultimately appealed to the District Council. At the hearing before the District Council, I requested a limited remand to the Planning Board to analyze and address tree conservation issues. Ultimately, the District Council voted to remand the case, not just on the issue I had raised, but on remand issues raised by parties in opposition.

Remand hearings must be heard within a limited time frame. Accordingly, the remand hearing before the Planning Board is scheduled to occur on January 15, 2025. As part of the remand hearing, my client determined to file and request an amendment to the Conceptual Site Plan. Rather than propose residential multifamily units, my client is now proposing fee simple residential townhomes for sale. The request is not to exceed 180 townhouse units. The exact number would be determined in later approvals of the Preliminary Subdivision Plan and Detailed

Mr. Carl Coddington
January 6, 2026
Page 2

Site Plan. In no event, however, would the proposal exceed 180 townhouse units. This revised CSP plan has been filed with M-NCPPC. I am enclosing three sheets from the revised Conceptual Site Plan package confirming my client's proposal to request approval of residential townhomes and not multifamily residential units. This is the plan I will request the Planning Board to approve.

My client and I would welcome the opportunity to meet with you either virtually or in person. Given that the Planning Board hearing is January 15th, I would suggest that early next week in the evening would be an appropriate time to meet if that can work for you. Please let me know if that is the case.

Very truly yours,

GIBBS AND HALLER

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Edward C. Gibbs, Jr.

Enclosures

LAW OFFICES
GIBBS AND HALLER
1300 CARAWAY COURT, SUITE 102
LARGO, MARYLAND 20774
(301) 306-0033
FAX (301) 306-0037
gibbshaller.com

EDWARD C. GIBBS, JR.
THOMAS H. HALLER

January 6, 2026

Mr. Lawrence Green
1329 Mackinaw Drive
Wake Forest, NC 27587

Re: Signature Club East
Conceptual Site Plan CSP-23002

Dear Mr. Green:

I represent Signature 2016 Commercial LLC, the owner of certain property comprising approximately 16.9 acres which is located in the northeast quadrant of the intersection of Berry Road (MD 228) and Manning Road. The property is part of a much larger development known as Signature Club. This particular property is known as Signature Club East.

Some time ago, I filed a Conceptual Site Plan application (CSP-23002) for this 16.9 acre property. The original proposal sought approval for a development which could include up to 300 residential multifamily units and up to 12,600 square feet of commercial space. The application was approved by the Prince George's County Planning Board but was ultimately appealed to the District Council. At the hearing before the District Council, I requested a limited remand to the Planning Board to analyze and address tree conservation issues. Ultimately, the District Council voted to remand the case, not just on the issue I had raised, but on remand issues raised by parties in opposition.

Remand hearings must be heard within a limited time frame. Accordingly, the remand hearing before the Planning Board is scheduled to occur on January 15, 2025. As part of the remand hearing, my client determined to file and request an amendment to the Conceptual Site Plan. Rather than propose residential multifamily units, my client is now proposing fee simple residential townhomes for sale. The request is not to exceed 180 townhouse units. The exact number would be determined in later approvals of the Preliminary Subdivision Plan and Detailed

Mr. Lawrence Green
January 6, 2026
Page 2

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My client and I would welcome the opportunity to meet with you either virtually or in person. Given that the Planning Board hearing is January 15th, I would suggest that early next week in the evening would be an appropriate time to meet if that can work for you. Please let me know if that is the case.

Very truly yours,

GIBBS AND HALLER

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Edward C. Gibbs, Jr.

Enclosures

LAW OFFICES
GIBBS AND HALLER
1300 CARAWAY COURT, SUITE 102
LARGO, MARYLAND 20774
(301) 306-0033
FAX (301) 306-0037
gibbshaller.com

EDWARD C. GIBBS, JR.
THOMAS H. HALLER

January 6, 2026

Mrs. Denise Ponder
NORI NET
7100 Willow Hill Dr.
Capitol Heights, MD 20743

Re: Signature Club East
Conceptual Site Plan CSP-23002

Dear Mrs. Ponder:

I represent Signature 2016 Commercial LLC, the owner of certain property comprising approximately 16.9 acres which is located in the northeast quadrant of the intersection of Berry Road (MD 228) and Manning Road. The property is part of a much larger development known as Signature Club. This particular property is known as Signature Club East.

Some time ago, I filed a Conceptual Site Plan application (CSP-23002) for this 16.9 acre property. The original proposal sought approval for a development which could include up to 300 residential multifamily units and up to 12,600 square feet of commercial space. The application was approved by the Prince George's County Planning Board but was ultimately appealed to the District Council. At the hearing before the District Council, I requested a limited remand to the Planning Board to analyze and address tree conservation issues. Ultimately, the District Council voted to remand the case, not just on the issue I had raised, but on remand issues raised by parties in opposition.

Remand hearings must be heard within a limited time frame. Accordingly, the remand hearing before the Planning Board is scheduled to occur on January 15, 2025. As part of the remand hearing, my client determined to file and request an amendment to the Conceptual Site Plan. Rather than propose residential multifamily units, my client is now proposing fee simple residential townhomes for sale. The request is not to exceed 180 townhouse units. The exact number would be determined in

Mrs. Denise Ponder
January 6, 2026
Page 2

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My client and I would welcome the opportunity to meet with you either virtually or in person. Given that the Planning Board hearing is January 15th, I would suggest that early next week in the evening would be an appropriate time to meet if that can work for you. Please let me know if that is the case.

Very truly yours,

GIBBS AND HALLER

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Edward C. Gibbs, Jr.

Enclosures

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GIBBS AND HALLER
1300 CARAWAY COURT, SUITE 102
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(301) 306-0033
FAX (301) 306-0037
gibbshaller.com

EDWARD C. GIBBS, JR.
THOMAS H. HALLER

January 6, 2026

Ms. Erica Bell
16521 Anegada Drive
Accokeek, MD 20607

Re: Signature Club East
Conceptual Site Plan CSP-23002

Dear Ms. Bell:

I represent Signature 2016 Commercial LLC, the owner of certain property comprising approximately 16.9 acres which is located in the northeast quadrant of the intersection of Berry Road (MD 228) and Manning Road. The property is part of a much larger development known as Signature Club. This particular property is known as Signature Club East.

Some time ago, I filed a Conceptual Site Plan application (CSP-23002) for this 16.9 acre property. The original proposal sought approval for a development which could include up to 300 residential multifamily units and up to 12,600 square feet of commercial space. The application was approved by the Prince George's County Planning Board but was ultimately appealed to the District Council. At the hearing before the District Council, I requested a limited remand to the Planning Board to analyze and address tree conservation issues. Ultimately, the District Council voted to remand the case, not just on the issue I had raised, but on remand issues raised by parties in opposition.

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Ms. Erica Bell
January 6, 2026
Page 2

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Very truly yours,

GIBBS AND HALLER



Edward C. Gibbs, Jr.

Enclosures

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GIBBS AND HALLER
1300 CARAWAY COURT, SUITE 102
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FAX (301) 306-0037
gibbshaller.com

EDWARD C. GIBBS, JR.
THOMAS H. HALLER

January 6, 2026

Mrs. Judith Allen-Leventhal
P.O. Box 217
Accokeek, Maryland 20607

Re: Signature Club East
Conceptual Site Plan CSP-23002

Dear Mrs. Leventhal:

I represent Signature 2016 Commercial LLC, the owner of certain property comprising approximately 16.9 acres which is located in the northeast quadrant of the intersection of Berry Road (MD 228) and Manning Road. The property is part of a much larger development known as Signature Club. This particular property is known as Signature Club East.

Some time ago, I filed a Conceptual Site Plan application (CSP-23002) for this 16.9 acre property. The original proposal sought approval for a development which could include up to 300 residential multifamily units and up to 12,600 square feet of commercial space. The application was approved by the Prince George's County Planning Board but was ultimately appealed to the District Council. At the hearing before the District Council, I requested a limited remand to the Planning Board to analyze and address tree conservation issues. Ultimately, the District Council voted to remand the case, not just on the issue I had raised, but on remand issues raised by parties in opposition.

Remand hearings must be heard within a limited time frame. Accordingly, the remand hearing before the Planning Board is scheduled to occur on January 15, 2025. As part of the remand hearing, my client determined to file and request an amendment to the Conceptual Site Plan. Rather than propose residential multifamily units, my client is now proposing fee simple residential townhomes for sale. The request is not to exceed 180 townhouse units. The exact number would be determined in later approvals of the Preliminary Subdivision Plan and Detailed

Mrs. Judith Allen-Leventhal
January 6, 2026
Page 2

Site Plan. In no event, however, would the proposal exceed 180 townhouse units. This revised CSP plan has been filed with M-NCPPC. I am enclosing three sheets from the revised Conceptual Site Plan package confirming my client's proposal to request approval of residential townhomes and not multifamily residential units. This is the plan I will request the Planning Board to approve.

My client and I would welcome the opportunity to meet with you either virtually or in person. Given that the Planning Board hearing is January 15th, I would suggest that early next week in the evening would be an appropriate time to meet if that can work for you. Please let me know if that is the case.

Very truly yours,

GIBBS AND HALLER

A handwritten signature in black ink, appearing to read 'E. Gibbs, Jr.', with a large, stylized flourish at the end.

Edward C. Gibbs, Jr.

Enclosures

LAW OFFICES
GIBBS AND HALLER
1300 CARAWAY COURT, SUITE 102
LARGO, MARYLAND 20774

(301) 306-0033
FAX (301) 306-0037
gibbs_haller.com

EDWARD C. GIBBS, JR.
THOMAS H. HALLER

January 6, 2026

Mr. Keith Pierce
807 Sangerville Circle
Upper Marlboro, Maryland 20774

Re: Signature Club East
Conceptual Site Plan CSP-23002

Dear Mr. Pierce:

I represent Signature 2016 Commercial LLC, the owner of certain property comprising approximately 16.9 acres which is located in the northeast quadrant of the intersection of Berry Road (MD 228) and Manning Road. The property is part of a much larger development known as Signature Club. This particular property is known as Signature Club East.

Some time ago, I filed a Conceptual Site Plan application (CSP-23002) for this 16.9 acre property. The original proposal sought approval for a development which could include up to 300 residential multifamily units and up to 12,600 square feet of commercial space. The application was approved by the Prince George's County Planning Board but was ultimately appealed to the District Council. At the hearing before the District Council, I requested a limited remand to the Planning Board to analyze and address tree conservation issues. Ultimately, the District Council voted to remand the case, not just on the issue I had raised, but on remand issues raised by parties in opposition.

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Mr. Keith Pierce
January 6, 2026
Page 2

Site Plan. In no event, however, would the proposal exceed 180 townhouse units. This revised CSP plan has been filed with M-NCPPC. I am enclosing three sheets from the revised Conceptual Site Plan package confirming my client's proposal to request approval of residential townhomes and not multifamily residential units. This is the plan I will request the Planning Board to approve.

My client and I would welcome the opportunity to meet with you either virtually or in person. Given that the Planning Board hearing is January 15th, I would suggest that early next week in the evening would be an appropriate time to meet if that can work for you. Please let me know if that is the case.

Very truly yours,

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Edward C. Gibbs, Jr.

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LARGO, MARYLAND 20774
(301) 306-0033
FAX (301) 306-0037
gibbshaller.com

EDWARD C. GIBBS, JR.
THOMAS H. HALLER

January 6, 2026

Mr. Ezekiel Dennison, Jr.
Marlton Homeowners Association
10213 Lily Green Court
Upper Marlboro M Court/S
Upper Marlboro, Maryland 20774

Re: Signature Club East
Conceptual Site Plan CSP-23002

Dear Mr. Dennison:

I represent Signature 2016 Commercial LLC, the owner of certain property comprising approximately 16.9 acres which is located in the northeast quadrant of the intersection of Berry Road (MD 228) and Manning Road. The property is part of a much larger development known as Signature Club. This particular property is known as Signature Club East.

Some time ago, I filed a Conceptual Site Plan application (CSP-23002) for this 16.9 acre property. The original proposal sought approval for a development which could include up to 300 residential multifamily units and up to 12,600 square feet of commercial space. The application was approved by the Prince George's County Planning Board but was ultimately appealed to the District Council. At the hearing before the District Council, I requested a limited remand to the Planning Board to analyze and address tree conservation issues. Ultimately, the District Council voted to remand the case, not just on the issue I had raised, but on remand issues raised by parties in opposition.

Remand hearings must be heard within a limited time frame. Accordingly, the remand hearing before the Planning Board is scheduled to occur on January 15, 2025. As part of the remand hearing, my client determined to file and request an amendment to the Conceptual Site Plan. Rather than propose residential multifamily units, my client is now proposing fee simple residential townhomes for sale. The request is not to exceed

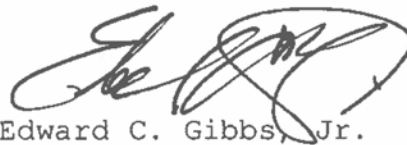
Mr. Ezekiel Dennison, Jr.
January 6, 2026
Page 2

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Very truly yours,

GIBBS AND HALLER



Edward C. Gibbs, Jr.

Enclosures

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GIBBS AND HALLER
1300 CARAWAY COURT, SUITE 102
LARGO, MARYLAND 20774

(301) 306-0033
FAX (301) 306-0037
gibbshaller.com

EDWARD C. GIBBS, JR.
THOMAS H. HALLER

January 6, 2026

Mr. Charles H. Flowers IV
206 Manning Road East
Accokeek, MD 20607

Re: Signature Club East
Conceptual Site Plan CSP-23002

Dear Mr. Flowers:

I represent Signature 2016 Commercial LLC, the owner of certain property comprising approximately 16.9 acres which is located in the northeast quadrant of the intersection of Berry Road (MD 228) and Manning Road. The property is part of a much larger development known as Signature Club. This particular property is known as Signature Club East.

Some time ago, I filed a Conceptual Site Plan application (CSP-23002) for this 16.9 acre property. The original proposal sought approval for a development which could include up to 300 residential multifamily units and up to 12,600 square feet of commercial space. The application was approved by the Prince George's County Planning Board but was ultimately appealed to the District Council. At the hearing before the District Council, I requested a limited remand to the Planning Board to analyze and address tree conservation issues. Ultimately, the District Council voted to remand the case, not just on the issue I had raised, but on remand issues raised by parties in opposition.

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Mr. Charles H. Flowers
January 6, 2026
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Site Plan. In no event, however, would the proposal exceed 180 townhouse units. This revised CSP plan has been filed with M-NCPPC. I am enclosing three sheets from the revised Conceptual Site Plan package confirming my client's proposal to request approval of residential townhomes and not multifamily residential units. This is the plan I will request the Planning Board to approve.

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Very truly yours,

GIBBS AND HALLER

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Edward C. Gibbs, Jr.

Enclosures

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1300 CARAWAY COURT, SUITE 102
LARGO, MARYLAND 20774

(301) 306-0033
FAX (301) 306-0037
gibbshaller.com

EDWARD C. GIBBS, JR.
THOMAS H. HALLER

January 6, 2026

Ms. Karen Thomas
16712 Bealle Hill Forest Lane
Accokeek, MD 20607

Re: Signature Club East
Conceptual Site Plan CSP-23002

Dear Ms. Thomas:

I represent Signature 2016 Commercial LLC, the owner of certain property comprising approximately 16.9 acres which is located in the northeast quadrant of the intersection of Berry Road (MD 228) and Manning Road. The property is part of a much larger development known as Signature Club. This particular property is known as Signature Club East.

Some time ago, I filed a Conceptual Site Plan application (CSP-23002) for this 16.9 acre property. The original proposal sought approval for a development which could include up to 300 residential multifamily units and up to 12,600 square feet of commercial space. The application was approved by the Prince George's County Planning Board but was ultimately appealed to the District Council. At the hearing before the District Council, I requested a limited remand to the Planning Board to analyze and address tree conservation issues. Ultimately, the District Council voted to remand the case, not just on the issue I had raised, but on remand issues raised by parties in opposition.

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Ms. Karen Thomas
January 6, 2026
Page 2

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Very truly yours,

GIBBS AND HALLER

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Edward C. Gibbs, Jr.

Enclosures

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LARGO, MARYLAND 20774

(301) 306-0033
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EDWARD C. GIBBS, JR.
THOMAS H. HALLER

January 6, 2026

Ms. Lisa Burnam
Keep Accokeek Green
16603 Old Cabin Place
Accokeek, MD 20607

Re: Signature Club East
Conceptual Site Plan CSP-23002

Dear Ms. Burnam:

I represent Signature 2016 Commercial LLC, the owner of certain property comprising approximately 16.9 acres which is located in the northeast quadrant of the intersection of Berry Road (MD 228) and Manning Road. The property is part of a much larger development known as Signature Club. This particular property is known as Signature Club East.

Some time ago, I filed a Conceptual Site Plan application (CSP-23002) for this 16.9 acre property. The original proposal sought approval for a development which could include up to 300 residential multifamily units and up to 12,600 square feet of commercial space. The application was approved by the Prince George's County Planning Board but was ultimately appealed to the District Council. At the hearing before the District Council, I requested a limited remand to the Planning Board to analyze and address tree conservation issues. Ultimately, the District Council voted to remand the case, not just on the issue I had raised, but on remand issues raised by parties in opposition.

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Ms. Lisa Burnam
January 6, 2026
Page 2

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Very truly yours,

GIBBS AND HALLER

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Edward C. Gibbs, Jr.

Enclosures

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1300 CARAWAY COURT, SUITE 102
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EDWARD C. GIBBS, JR.
THOMAS H. HALLER

January 6, 2026

Dr. Hans Haucke
14901 Poplar Hill Road, Suite 14901
Accokeek, MD 20607

Re: Signature Club East
Conceptual Site Plan CSP-23002

Dear Dr. Haucke:

I represent Signature 2016 Commercial LLC, the owner of certain property comprising approximately 16.9 acres which is located in the northeast quadrant of the intersection of Berry Road (MD 228) and Manning Road. The property is part of a much larger development known as Signature Club. This particular property is known as Signature Club East.

Some time ago, I filed a Conceptual Site Plan application (CSP-23002) for this 16.9 acre property. The original proposal sought approval for a development which could include up to 300 residential multifamily units and up to 12,600 square feet of commercial space. The application was approved by the Prince George's County Planning Board but was ultimately appealed to the District Council. At the hearing before the District Council, I requested a limited remand to the Planning Board to analyze and address tree conservation issues. Ultimately, the District Council voted to remand the case, not just on the issue I had raised, but on remand issues raised by parties in opposition.

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Dr. Hans Haucke
January 6, 2026
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Very truly yours,

GIBBS AND HALLER

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Edward C. Gibbs, Jr.

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EDWARD C. GIBBS, JR.
THOMAS H. HALLER

January 6, 2026

Mrs. Pamela Payne
1108 Strausberg Street
Accokeek, MD 20607

Re: Signature Club East
Conceptual Site Plan CSP-23002

Dear Mrs. Payne:

I represent Signature 2016 Commercial LLC, the owner of certain property comprising approximately 16.9 acres which is located in the northeast quadrant of the intersection of Berry Road (MD 228) and Manning Road. The property is part of a much larger development known as Signature Club. This particular property is known as Signature Club East.

Some time ago, I filed a Conceptual Site Plan application (CSP-23002) for this 16.9 acre property. The original proposal sought approval for a development which could include up to 300 residential multifamily units and up to 12,600 square feet of commercial space. The application was approved by the Prince George's County Planning Board but was ultimately appealed to the District Council. At the hearing before the District Council, I requested a limited remand to the Planning Board to analyze and address tree conservation issues. Ultimately, the District Council voted to remand the case, not just on the issue I had raised, but on remand issues raised by parties in opposition.

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Mrs. Pamela Payne
January 6, 2026
Page 2

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Very truly yours,

GIBBS AND HALLER

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Edward C. Gibbs, Jr.

Enclosures

LAW OFFICES
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EDWARD C. GIBBS, JR.
THOMAS H. HALLER

January 6, 2026

Terry Covington
201 Mattawoman Way
Accokeek, MD 20607

Re: Signature Club East
Conceptual Site Plan CSP-23002

Dear Mr. or Ms. Covington:

I represent Signature 2016 Commercial LLC, the owner of certain property comprising approximately 16.9 acres which is located in the northeast quadrant of the intersection of Berry Road (MD 228) and Manning Road. The property is part of a much larger development known as Signature Club. This particular property is known as Signature Club East.

Some time ago, I filed a Conceptual Site Plan application (CSP-23002) for this 16.9 acre property. The original proposal sought approval for a development which could include up to 300 residential multifamily units and up to 12,600 square feet of commercial space. The application was approved by the Prince George's County Planning Board but was ultimately appealed to the District Council. At the hearing before the District Council, I requested a limited remand to the Planning Board to analyze and address tree conservation issues. Ultimately, the District Council voted to remand the case, not just on the issue I had raised, but on remand issues raised by parties in opposition.

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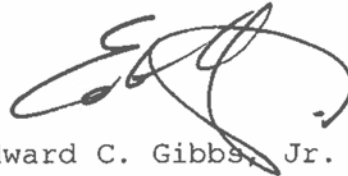
Terry Covington
January 6, 2026
Page 2

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Edward C. Gibbs, Jr.

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EDWARD C. GIBBS, JR.
THOMAS H. HALLER

January 6, 2026

Jacquan Hilliard
16503 Caribbean Way
Accokeek, MD 20607

Re: Signature Club East
Conceptual Site Plan CSP-23002

Dear Mr. or Ms. Hilliard:

I represent Signature 2016 Commercial LLC, the owner of certain property comprising approximately 16.9 acres which is located in the northeast quadrant of the intersection of Berry Road (MD 228) and Manning Road. The property is part of a much larger development known as Signature Club. This particular property is known as Signature Club East.

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Jacquan Hilliard
January 6, 2026
Page 2

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GIBBS AND HALLER

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Edward C. Gibbs, Jr.

Enclosures

LAND PLANNING ANALYSIS

Signature Club East

Prepared in connection with an
Order of Remand of October 28, 2025

Prepared by:
Mark G. L. Ferguson, R.A.



January 13, 2026

LAND PLANNING ANALYSIS
Order of Remand of October 28, 2025
Signature Club East
Accokeek, Maryland

Subsequent to the approval of Conceptual Site Plan CSP-23002 by the Prince George's County Planning Board on July 10, 2025, the District Council reviewed that decision and subsequently issued an Order of Remand dated October 28, 2025, seeking clarification and/or new findings on nine issues. This report is written to consider the planning-related considerations relevant to some of those issues.

ISSUES FOR WHICH CLARIFICATION AND/OR NEW FINDINGS ARE SOUGHT:

1. The history of prior Tree Conservation Plans regarding the portion of them covered by CSP-23002;
2. The property description;
3. The applicability of certain transitional provisions of the Zoning Ordinance to the subject Conceptual Site Plan;
4. The conformance of TCP-052-97-03 with the Green Infrastructure Plan and the Area Master Plan;
5. The removal of priority retention areas including contiguous forest, and the applicability of §5-1607(c)(3)(i) of the State Natural Resources Article;
6. The compatibility of the proposed development with existing and proposed development in the vicinity;
7. The adequacy of transportation facilities;
8. The findings for the grant of a variance for the removal of specimen trees; and
9. The approval of a stormwater concept plan.

Issues 1, 2, 3, 7, 8 and 9 are either legal matters, will be addressed by a minor administrative correction, or will be addressed by other witnesses.

TESTIMONY TO SUPPORT NEW ADMINISTRATIVE FINDINGS REQUESTED IN THE ORDER OF REMAND

4. *State, based on new administrative findings, whether TCP1-052-97-03 conforms with the Countywide Green Infrastructure Functional Master Plan and subsequent area master plan revisions, including maps and text as required in PGCC §25-121(a)(5).*

Staff notes in its Technical Staff Report for the Remand hearing of January 15 that the Green Infrastructure Plan is a component of an overarching Resource Conservation Functional Master Plan, which contains three subsidiary Functional Master Plans. The Goal of its Green Infrastructure Plan is to:

"...support the desired development pattern of Plan 2035 by:

- *Preserving, enhancing, and/or restoring an interconnected network of significant countywide environmental features that retains ecological functions and improves water quality.*

- *Increasing connectivity of built and natural green spaces.*
- *Improving wildlife habitat.*
- *Addressing energy efficiency and the need for green buildings and jobs.*
- *Improving overall human health by providing equitable access to connected open and green spaces throughout the County.”¹*

While there are a number of components to the goal, the sentence structure of the Plan text makes it clear that the single goal of the Green Infrastructure Plan is to support the desired development pattern of Plan 2035. As such, the components of that goal, be they preservation of environmental features, increasing connectivity, improving habitat, addressing energy efficiency, or providing access to green spaces, all have to be assessed in light of the General Plan’s desired development pattern.

In the instant case, the General Plan’s generalized future land use recommendation is for Mixed-Use land use, in keeping with the subject property’s location at a node of activity at the intersection of two high-classification roadways, the Subregion 5 Master Plan’s land use recommendation, and its prior M-X-T zoning classification, under which the subject application is being reviewed.

It is also to be noted that (1) Mixed-Use land use is the most intense of the General Plan’s generalized future land use classifications, and further that (2) the Mixed-Use classification was not applied the other M-X-T-zoned portions of the overall Manokeek development, only to its as-yet undeveloped portion, including subject property and its added component formerly known as the Vincent Property (also partly known as “Addition to Signature Club at Manning Village,” as discussed on Page 5 of the Technical staff Report).

To support its goal, the Green Infrastructure Plan lays out sixteen Policies and many subsidiary Strategies to flesh out those sixteen Policies for overall Plan implementation. It describes this collection of Policies and Strategies as providing “the decision-making framework for land use decisions countywide.”² Staff discussed portions of three of the sixteen policies in its Technical Staff Report; this report supplements the Staff’s discussion as follows:

“Policy 1: Preserve, enhance and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan 2035.”³

Importantly, this first Policy restates the Green Infrastructure Plan’s goal of supporting the desired development pattern of Plan 2035. In the discussion of this Policy, staff discussed two of its three Strategies, and three of the eight sub-strategies. Staff notes in its discussion of sub-strategies 1.1a and 1.1b that the detailed analysis undertaken at the time of Natural Resources Inventory approval revealed no actual regulated areas of the County’s green infrastructure network exist on the subject property, notwithstanding the prior GIS-mapped “potential stream system,” and observed that the adjacent woodlands are not protected by conservation easements, nor are they ecologically connected with other woodland areas. The presence of Berry Road, the Bealle Hill Forest subdivision, and the existing stormwater management pond and its access road on the subject property have fragmented the existing

¹ M-NCP&PC, *Approved Prince George’s County Resource Conservation Plan: A Countywide Functional Master Plan* (March, 2017), p. 23.

² *Resource Conservation Plan*, p. 49.

³ *Ibid.*

woods in the vicinity of the subject property, creating large amounts of forest edge and thereby limiting the ability of those woods to support forest interior dwelling species habitat.

Staff did not discuss sub-strategies 1.1c. through 1.1f., as they address either actions for the County to undertake, or actions which have happened as a result of past approvals:

- "c. Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.*
- d. Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these landscapes.*
- e. Coordinating implementation between County agencies, with adjoining jurisdictions and municipalities, and other regional green infrastructure efforts.*
- f. Targeting land acquisition and ecological restoration activities within state-designated priority waterways such as stronghold watersheds and Tier II waters."⁴*

Staff notes in its discussion of sub-strategy 1.2a. that there are no Special Conservation Areas on or adjacent to the property which is the subject of the application for approval of a Conceptual Site Plan. In the context of the subject CSP-23002, that is the case, however, it is not the case in the context of TCP1-052-97-03, which covers a much larger area, extending all the way south to Mattawoman Creek.

Mattawoman Creek is, as Staff does mention, a designated Special Conservation Area. But, in keeping with the recommendation of Strategy 1.2a., to "identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes," the approval of the proposed amendment to approved TCP1-052-97-02 would continue to preserve and protect the Mattawoman Creek stream valley with floodplain easements and with peripheral woodland conservation on the abutting development, all of which have been implemented with prior development that was accomplished with TCP2s approved in conformance with TCP1-052-97 and its various amendments.

Staff also notes that while the subject property is mapped as being within a broad, State-mapped Sensitive Species Project Review Area, a detailed, site-specific review by the State Department of Natural Resources resulted in a finding that no rare, threatened or endangered species were identified on the site or in its vicinity.

Rather than continuing to reproduce the text of the many sub-strategies which Staff did not discuss sub-strategy, going forward in the interest of economy, this report will only summarize the substance of the Plan's text which Staff found not to be relevant to the approval of TCP1-052-97-03. With respect to sub-strategy 1.2b. or Strategy 1.3, Staff found them not to be relevant as they address the use of public funds and the work programs of County agencies.

⁴ *Ibid.*

Staff only discussed sub-strategy 2.4 in its discussion of Policy 2, "Support implementation of the GI Plan throughout the planning process,"⁵ noting that there are no actual network gap areas on the subject property.

As with sub-strategy 1.2b. and Strategy 1.3, the other components of the larger planning process discussed under the Green Infrastructure Plan's Policy 2 are largely incumbent on the County to implement: Strategy 2.1 addresses the preparation of new master plans and sector plans; Strategy 2.2 addresses recommended revisions to ordinances; Strategy 2.3 addresses recommended strengthening of certain regulations and providing greater flexibility in others; Strategy 2.5 addresses a recommendation to continue mitigation policies (which will in fact continue to be applied to the instant application), and Strategy 2.6 addresses recommended strategic use of off-site mitigation.

Policy 3 and its five Strategies were not discussed by Staff at all, as this Policy addresses the expenditure of public funds to support the implementation of the Green Infrastructure Plan.

Five of the six Strategies under Policy 4 were not found to be relevant by Staff, as they address recommended actions for the County to undertake to support implementation of the Green Infrastructure Plan, including adoption of new standards, preparation of an implementation action plan, conducting periodic implementation progress assessments, and the provision of incentives.

Strategy 4.2, recommending the continuation of the requirement for the use of conservation easements to protect preserved environmental features was discussed, without specifically noting that the prior tree conservation plan approvals for the subject property predated the statutory requirement for conservation easement recordation. It is important that this fact be in the record, as much of the contention concerning the proposed TCP1 amendment revolves around an area on the subject property which was consistently shown as being cleared for development on all prior approvals and amendments of TCP1-52-97, but which was designated by previously-approved TCP2s as a Tree Preservation Area (while still being designated for future development).

Policy 5 and its thirteen Strategies addressing the improvement of "water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands,"⁶ were not found to be relevant by Staff, as those strategies address public actions across a number of areas, including agency work programs, use of collected fees, prioritization of restoration projects, monitoring & reporting, preparing master plans and amending regulations.

This planner notes that Strategy 5.9 does recommend the "preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality,"⁷ and observes that preservation of woodland along the Mattawoman Creek stream valley continues to be a feature of the proposed TCP1-052-97-03.

Policy 6 and its four Strategies were not discussed by Staff, as this Policy addresses County actions to further a sustainable water supply, including protection of Patuxent River water quality, monitoring well

⁵ *Ibid.*, p. 50.

⁶ *Ibid.*, p. 53.

⁷ *Ibid.*, p. 54.

water quality, prohibiting fracking, and recommending amending regulations to allow for the approval of “grey water,” and as such is not germane to review of a tree conservation plan.

Policy 7 is to “Preserve, enhance, connect, and restore forest and tree canopy coverage.”⁸ This Policy is supported by eighteen Strategies, three of which were discussed in detail by Staff in the Technical Staff Report. Policy 7 contains the greater part of the substance of the Green Infrastructure Plan’s recommendations for Woodland Conservation, and its Strategies both direct the County to act on its own efforts, as well as guide regulatory reviews.

In its discussion of Strategy 7.1, which is to “continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu,”⁹ Staff points out that neither the proposed TCP1-052-97-03 amendment, nor any of its previously-approved incarnations have proposed the use of a fee-in-lieu to satisfy any of the woodland conservation requirements. Staff also notes that the proposed total of required off-site credits is in conformance with prior TCP approvals.

Staff also discusses Strategy 7.2, which addresses the use of native plants, and in its discussion of Strategy 7.10, which addresses focusing conservation efforts on the preservation of existing forest, recognizes that the subject property is only a small part of the area covered by the overall TCP1, which preserves more than one hundred acres of existing forest (as well as an additional 43+ acres of forest in the 100-year floodplain which is not credited towards preservation totals).

Other Strategies under Policy 7 which were not discussed by Staff include: (7.3) a recommendation to provide standards for removal of invasive plants; (7.4) direction to ensure adequate canopy and root space for continued growth, which would be applicable in review of detailed landscape plans and TCP2s; (7.5) a recommendation to provide uniform tree planting standards; (7.6) a recommendation to provide maintenance standards; (7.7) a recommendation to update the process for using collected tree funds; (7.8 & 7.9) direction for tracking and evaluation of forest and tree canopy metrics; (7.11) a recommendation to provide standards for afforestation and reforestation planting; (7.12) a recommendation to mitigate forest edge creation with shade tree planting, which would be applicable in review of detailed landscape plans and TCP2s; (7.13) prioritizing preservation of connected and closed-canopy forest, which was discussed by Staff in the context of Strategies 1.1a. and 1.1b; (7.14) directing the use of certain State data in planning efforts for regional forest connectivity; and (7.15 through 7.18) recommendations regarding Tree Canopy Coverage which are applicable to detailed landscape plans.

Policy 8 and its six Strategies were not discussed by Staff, as it addresses County actions required to implement green building techniques and is not germane to review of a tree conservation plan.

Policy 9 and its two Strategies were not discussed by Staff, as it addresses use of sustainable development practices in public facility expansions and is not germane to review of a tree conservation plan.

While Policy 10, “Assess land use decisions for potential climate change impacts,”¹⁰ would notionally apply to an individual development approval, the character of the seven Strategies which accompany it

⁸ *Ibid.*, p. 55.

⁹ *Ibid.*

¹⁰ *Ibid.*, p. 57.

all address County actions in planning, locating infrastructure and potentially in amending ordinances. As such, Staff did not discuss this policy.

Policy 11 and its three Strategies were not discussed by Staff, as it addresses light pollution and is not germane to the review of a tree conservation plan.

Policy 12 and its two Strategies were not discussed by Staff, as it addresses noise pollution and is not germane to the review of a tree conservation plan.

Policy 13 and its three Strategies were not discussed by Staff, as it addresses education and outreach promoting energy efficiency and is not germane to the review of a tree conservation plan.

Policy 14 and its five Strategies were not discussed by Staff, as it addresses the promotion of the use renewable energy and is not germane to the review of a tree conservation plan.

Policy 15 and its five Strategies were not discussed by Staff, as it addresses encouraging the generation of low-carbon and renewable energy and is not germane to the review of a tree conservation plan.

Finally, Policy 16 and its five Strategies were not discussed by Staff, as it addresses education and outreach to promote the success of the Green Infrastructure Plan and is not germane to the review of a tree conservation plan.

While Staff was quite efficient in its discussion of the conformance of the proposed TCP1 amendment to the Green Infrastructure Plan, its discussion of the conformance of the proposed TCP1 amendment to the Subregion 5 Master Plan was perhaps unnecessarily expansive, veering instead into CSP conformance matters on which the Remand Order did not seek additional findings. Planning for woodland conservation issues in Subregion 5 is discussed in the Green Infrastructure section of the Plan's Environment Element, but the staff's conformance discussion covered the sections on stormwater management, watersheds, the Chesapeake Bay Critical Area, air quality & greenhouse gas emissions, green building techniques, and noise intrusion, omitting discussion only of the sand and gravel mining section of the Plan's Environment Element.

As with the discussion of the Green Infrastructure Plan above, in recognition of the first Policy of the Green Infrastructure portion of the Environment Element, which is to, "implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations,"¹¹ it is important at the outset to observe that the Subregion 5 Master Plan's Land Use Element specifically recognizes the development of the subject property, designating it for "Mixed Use" land use, and stating, "along MD 228, at its intersection with Manning Road East, development of a mixed-use project is anticipated."¹²

As stated above, woodland conservation issues in Subregion 5 are discussed in the Green Infrastructure section, which is the first portion of the Plan's Environment Element. That section lists three Policies and ten Strategies, some of which are applicable to the review of a Tree Conservation Plan pursuant to

¹¹ M-NCP&PC, *Approved Subregion 5 Master Plan and Sectional Map Amendment* (July, 2013), p. 71.

¹² *Master Plan*, p. 36.

the current Ordinance's Section 25-121(a)(5). The Policies, which were reproduced in the Technical Staff Report for the remand hearing, are:

- *"Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.*
- *Ensure that new development incorporates open space, environmentally sensitive design, and mitigation activities.*
- *Protect, preserve, and enhance the identified green infrastructure network."*¹³

These three Policies of the Green Infrastructure section of the Master Plan's Environment Element are supported by the following Strategies, which were not quoted by Staff:

- *"Protect primary corridors (Mattawoman Creek, Piscataway Creek, and Tinkers Creek) during the review of land development proposals to ensure the highest level of preservation and restoration possible. Protect secondary corridors to restore and enhance environmental features, habitat, and important connections.*
- *Protect the portions of the green infrastructure network that are outside the primary and secondary corridors to restore and enhance environmental features, habitat, and important connections.*
- *Preserve or restore regulated areas designated in the green infrastructure network through the development review process for new land development proposals.*
- *Evaluate land development proposals in the vicinity of SCAs to ensure the SCAs are not impacted and that green infrastructure connections are either maintained or restored.*
- *Continue to implement the County's Woodland Conservation and Tree Preservation Ordinance, which places a priority on the preservation of woodlands in conjunction with floodplains, wetlands, stream corridors, and steep slopes and emphasizes the preservation of large, contiguous woodland tracts.*
- *Preserve habitat areas to the fullest extent possible during the land development process."*¹⁴

Four further Strategies are recommended in this section the Plan, but they address public land policies, agricultural change, recycling and waste management practices, and are not relevant to the review of a tree conservation plan.

Staff's discussion of what they label as "Policy 1" essentially repeats their discussion of Green Infrastructure Plan Policy 1's sub-strategies 1.1a and 1.1b, which was to summarize the field-supported findings of the approved NRI with respect to the lack of an actual stream system on the subject property despite its potential presence indicated by GIS mapping.

Staff did not include a discussion of the Master Plan's desired development pattern, the implementation of which is the first part of this first policy, and did not comment on the protection of sensitive environmental features, incorporation of open space, and provision of mitigation in the form of off-site woodland preservation which are components of the overall TCP1-52-97-03 plan.

¹³ *Ibid.*, p. 71

¹⁴ *Ibid.*

Similarly, the protection of the Mattawoman Creek stream valley and Special Conservation Area and its connected habitat area, which are important parts of the Plan's Green Infrastructure strategies are an important part of the content of TCP1-52-97-03. These areas may be outside of the Conceptual Site Plan's boundary, but they are not outside of TCP1-52-97-03, and an evaluation of only a part of a plan for its conformance is only a part of the required analysis.

Staff's discussion of what they label as "Policy 2," from the Water Quality, Stormwater Management, and Groundwater section of the Master Plan's Environment Element revolved around the "SWM Concept Plan" (now formally known as a Site Development Concept Plan). This planner believes that while that discussion is relevant to the approval of the Conceptual Site Plan, it is not relevant to the approval of TCP1-52-97-03, and as such is not germane to the matter in this item of the Remand Order.

Staff's discussion of what they label as "Policy 3," from the Watersheds section of the Master Plan's Environment Element discusses the Mattawoman Creek watershed, but only within the context of the limits of the Conceptual Site Plan and not within the context of TCP1-52-97-03. It is important to recognize that the approval of TCP1-52-97-03 would actively continue to implement the stream and Special Conservation Area protection which is a central part of the first of the "Policy 3" policies, namely, "Ensure that, to the fullest extent possible, land use policies support the protection of the Mattawoman Creek and Piscataway Creek watersheds."¹⁵

Staff's discussion of what they label as "Policy 4," from the Chesapeake Bay Critical Area section of the Master Plan's Environment Element properly notes that the subject property, and in fact the entire area covered by TCP1-52-97-03, is outside of the Chesapeake Bay Critical Area.

Staff's discussion of what they label as "Policy 5," from the Air Quality and Greenhouse Gas Emissions section of the Master Plan's Environment Element discusses Tree Canopy Coverage and transportation adequacy in the context of air pollution reductions, but this planner believes that these matters are not germane to the approval of TCP1-52-97-03, and as such are not germane to the matter in this item of the Remand Order.

Staff's discussion of what they label as "Policy 6," from the Green Building and Energy Efficiency section of the Master Plan's Environment Element discusses future development reviews for incorporation of green building techniques, but this planner believes that these matters are not germane to the approval of TCP1-52-97-03, and as such are not germane to the matter in this item of the Remand Order.

Finally, Staff's discussion of what they label as "Policy 7," from the Noise Intrusion section of the Master Plan's Environment Element discusses future development reviews for incorporation of green building techniques, but this planner believes that these matters are not germane to the approval of TCP1-52-97-03, and as such are not germane to the matter in this item of the Remand Order.

In summary, this planner believes that the approval of is amply in conformance with the County's Green Infrastructure Functional Master Plan and the Subregion 5 Master Plan.

¹⁵ *Ibid.*, p. 82.

- 5. ***State, based on new administrative findings, whether TCP1-052-97-03 proposes to remove priority retention areas, like contiguous forest, and if so, provide written findings and justification for such removal or clearing as required in NR §5-1607(c)(3)(i), or whether TCP1-052-97-03 is exempt from the procedural requirements set forth in the current version of the State Forest Conservation Act.***

Staff correctly notes the inapplicability of the justification requirements of Section 5-1607(c)(3)(i) of the State’s Natural Resources Article as of this date.

For context, this planner notes that the provisions of Section 5-1607(c)(3)(ii) will as of July 1, 2026 designate “contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site” as a priority retention area. This planner would also observe that Section 25-121(b)(1)(D) of the County’s Woodland and Wildlife Habitat Conservation Ordinance does designate, “contiguous wooded areas with: high structural and species diversity; few nonnative and invasive species present; very good overall stand health; and high potential to provide a significant amount of habitat for forest interior dwelling plant, animal, and bird species” as the fourth locational priority for consideration as woodland conservation area.

Though the State standard is not yet applicable, the existing woodland on Lot 12 is only a small portion of the overall area of the property, and is not connected to “the largest undeveloped tract of land within and adjacent to the site,” which in the context of TCP1-52-97-03 is the Mattawoman Creek stream valley. With respect to the County standard, the fragmentation of the forest area in the vicinity of Lot 12 was discussed above in the context of conformance to the Green Infrastructure Plan.

For these reasons, this planner believes that TCP1-052-97-03 does not propose to remove priority retention areas of contiguous forest.

- 6. ***Under PGCC §27-546(d)(4), the Board shall find that: “[t]he proposed development is compatible with existing and proposed development in the vicinity (Emphasis added).***
[.]

On remand, the Board shall, based on new administrative findings, state whether or not the proposed development is compatible with other off site existing and proposed development. Stated differently, on remand, the Board, based on additional administrative findings, is required to state whether or not the proposed “Signature Club East” development is compatible with other existing “off-site” and other proposed “off-site” development in the vicinity.

With respect to this issue in the Order of Remand, Staff provided an extensive discussion of the character of the surrounding existing development extending out as far as the intersection of Floral Park and Danville Roads, some four miles away from the subject property. The staff does not discuss any specific proposed development, and this planner is not aware of any specific proposals within the more limited area of what he would consider to be the vicinity, namely the entire Manokeek and Vincent Property area, and the nearby Bealle Hill Forest subdivision and its connected parcels of single-family dwellings.

This planner opines that the Staff's discussion of compatibility, in the context of the purposes of the prior zoning ordinance, the purposes of the prior M-X-T Zone, the purposes of conceptual site plans and the design standards all speak to the compatibility of the proposed Conceptual Site Plan with the surrounding development.

While CSP-23002 as originally filed proposed multifamily dwellings, the Applicant is amending the plan to replace the multifamily component of the mixed-use proposal with townhouses similar to those already existing (and under further development) in the Signature Club. Whether proposing multifamily dwellings or single-family attached dwellings, however, this planner notes that the proposed use of the peripheral portion of the property is residential, thereby avoiding compatibility issues associated with more intense commercial or industrial uses such as noise, nighttime activity, brighter lighting levels, loading/unloading activities and heat island effects from a higher level of imperviousness.

When considering the intercompatibility of different densities of residential uses, the planner shares Staff's opinion that compatibility is principally a function of separation (both by physical distance and through intermediary mediation provided by landscaping, fences and so forth) and intervisibility related matters such as architectural design and building height. To this specific factor contributing to the compatibility of the development on the subject property with existing and proposed off-site development, Staff also notes the existence of a condition in the zoning approval of the Vincent Property which doubles the required buffer between development thereon and the surrounding RR-zoned property.

The interconnection of the vehicular circulation systems of the various developments is another important consideration which speaks positively to the compatibility of the proposed development. The Signature Club East development will be oriented to Berry Road via Manning Road East, and will not require traffic to pass through the Bealle Hill Forest neighborhood for its most convenient access.

Finally, this planner notes that there is a presumption of compatibility that is inherent in the assignment of the zoning category of the zone, which was originally accomplished for the Manokeek portion of the subject property as a part of a comprehensive planning process with the 1993 approval of a Master Plan and Sectional Map Amendment for Subregion 5. The permitted uses provided for in the Table of Uses for a zone are a part of the evaluation of the appropriateness of assigning that zone to a piece of property. That evaluation was done comprehensively in 1993 for the Manokeek portion of the subject property, and as a part of the approval of A-9960-C for the Vincent Property portion of the subject property in 2006.

Respectfully submitted,


Mark G. L. Ferguson, R.A.
Senior Land Planner

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:

- **RST New Carrollton**
New Carrollton, Maryland
Expert planning testimony in in application ZMA-2024-003, requesting rezoning from the NAC base zone to the NAC-PD planned development zone.
- **The Mark at College Park**
College Park, Maryland
Expert planning testimony in in application ZMA-2024-002, requesting rezoning from the RTO-L-E base zone to the RTO-PD planned development zone.
- **Marianne Davis Trust**
Greenbelt, Maryland
Expert planning testimony in in application ZMA-2022-001, requesting rezoning from the RR zone to the RMF-48 zone.
- **Oak Creek Club**
Mitchellville, Maryland
Expert planning testimony in in application A-8427/02, 8578/02 & 8579/02, requesting to amend conditions of the zoning approval to allow additional dwelling units in the R-L and L-A-C Zones.
- **Kenwood Village**
Upper Marlboro, Maryland
Expert planning testimony in in application A-9802-C/01 & A-9803-C/01, requesting to amend the Basic Plan and conditions of the zoning approval in the R-S Zone.
- **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.
- **Rod & Reel, Inc., et al. v. Town of Chesapeake Beach**
Expert planning testimony in Case# C-04-CV-24-000310, seeking just compensation for income lost due to a moratorium.
- **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 a 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.

- South Bowie Self Storage
Bowie, Maryland
Expert planning testimony in application SE-2022-015, requesting approval of a Special Exception for Consolidated Storage in the CS Zone.
- LOL Daycare
Greenbelt, Maryland
Expert planning testimony in application SE-2022-012, requesting approval of a day care center for children in the CGO Zone.
- Glenn Dale Self Storage
Greenbelt, Maryland
Expert planning testimony in application SE-2022-002, requesting approval of a Special Exception for Consolidated Storage in the CS Zone.
- Gaslight III
Brandywine, Maryland
Expert planning testimony in application SE-22007, requesting approval of surface mine in the R-A Zone.
- Dash-In Mill Branch
Bowie, Maryland
Expert planning testimony in application SE-22006, requesting approval of a Special Exception for a car wash in the C-S-C Zone.
- Stewart Property
Bowie, Maryland
Expert planning testimony in application SE-22002, requesting approval of a Special Exception for a Planned Retirement Community in the R-R Zone, including a variance from the minimum development area requirement.
- 301 Tobacco
Upper Marlboro, Maryland
Expert planning testimony in application SE-4859, requesting approval of a Special Exception for a tobacco shop in the C-S-C Zone.
- Alexander Landing
Upper Marlboro, Maryland
Expert planning testimony in application SE-4856, requesting approval of a Special Exception for Elderly housing (attached dwellings) in the R-R 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.

- Royal Farms #393
Hyattsville, Maryland
Expert planning testimony in application SE-4846, requesting approval of a Special Exception for a gas station 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 ROSP-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 MXPD 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, 2001-2025

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.

Lenhart Traffic Consulting, Inc.

Traffic Engineering & Transportation Planning

MICHAEL M. LENHART, P.E., P.T.O.E.

PRESIDENT

Mike Lenhart is a professional traffic engineer with over 28 years of combined technical and academic experience. Responsibilities with the firm include, but are not limited to, proposal preparation, various traffic engineering and managerial tasks in the areas of traffic impact analysis, traffic safety studies, and transportation planning, as well as providing expert witness testimony at public hearings and community meetings.

Mr. Lenhart has worked as a transportation professional in the private sector since 1999 and has provided traffic engineering and transportation planning services for over one thousand projects in numerous jurisdictions across Maryland. Previously, Mr. Lenhart served as the Chief of the Engineering Access Permits Department for the Maryland State Highway Administration (SHA). During his tenure at the SHA, Mr. Lenhart also served as the Traffic Engineer overseeing Southern Maryland. During his career, he has performed various traffic engineering tasks, including traffic signal design, highway and intersection capacity analysis, maintenance and protection of traffic design, and transportation planning. He has also participated in engineering training programs and researched transportation related topics.

Job History

2005 - Present

President - Lenhart Traffic Consulting, Inc.

2002 - 2005

Senior Project Manager - The Traffic Group, Inc.

2000 - 2002

Independent Consultant - The Traffic Group, Inc.

1999 - 2000

Senior Associate - The Traffic Group, Inc.

1998 - 1999

Division Chief - Engineering Access Permits
Maryland State Highway Administration

1990 - 1998

Traffic Engineer
Maryland State Highway Administration

Educational Background

- *Bachelors of Science in Civil Engineering*
-1990 (U of MD @ College Park)
- *Masters of Science in Traffic Engineering & Transportation Planning*
-1998 (U of MD @ College Park)

Affiliations

- Registered Professional Engineer (P.E.) - MD, DE
- Professional Traffic Operations Engineer (PTOE) - ITE
- Member ITE

Lenhart Traffic Consulting, Inc.
231 Najoles Road, Suite 250
Millersville, MD 21108

Places where Mr. Lenhart has testified as an expert witness

Allegany County - Board of Appeals, Planning Commission
Annapolis - Planning Commission, Board of Appeals
Anne Arundel County - Board of Appeals, Administrative Hearing Officer
Baltimore County - Zoning Commissioner, Planning Board
Calvert County - Planning Commission, Board of Appeals,
County Commissioners
Carroll County - Board of Zoning Appeals; Planning Board
Charles County - County Commissioners, Circuit Court,
Board of Appeals, Planning Commission,
Town of LaPlata Planning Commission, Town Council, Board of Appeals
City of Frederick - Planning Commission
Frederick County - Planning Commission, County Commissioners
Harford County - Circuit Court
Prince George's County - District Council, Planning Board, Zoning
Examiner, Bowie City Council & Planning Commission, City of Laurel

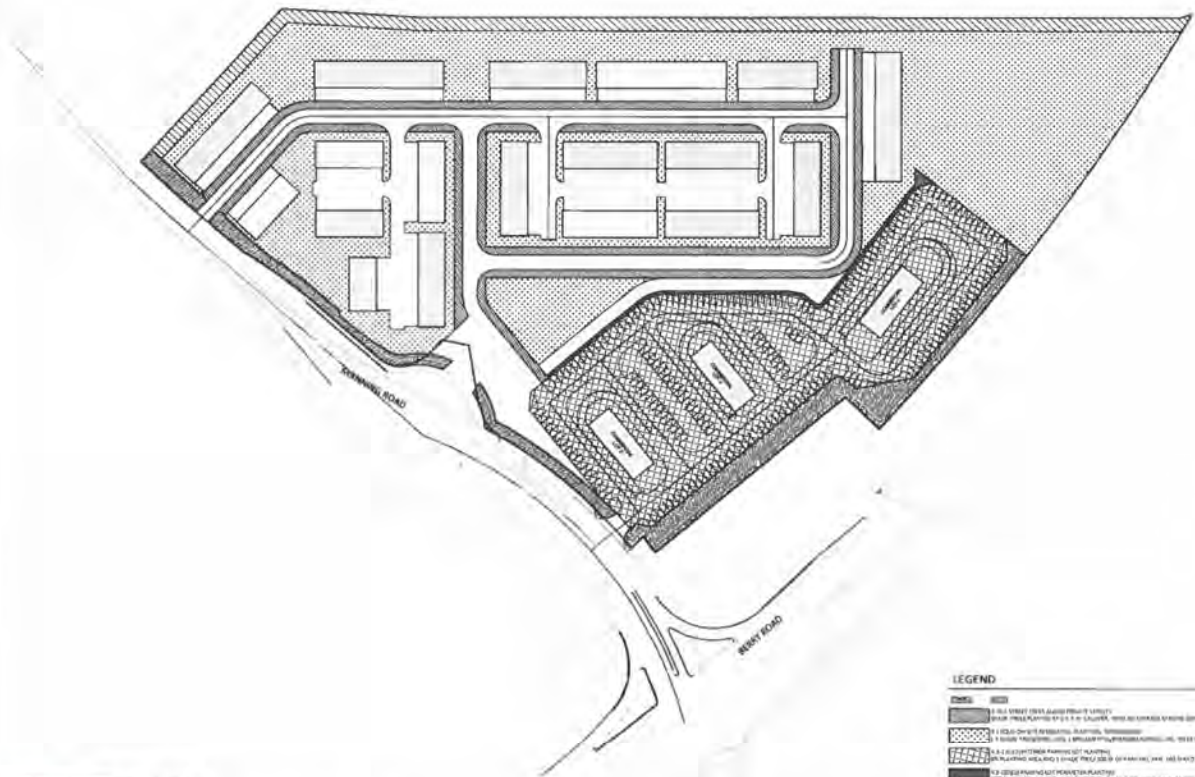
Montgomery County - Planning Board, Zoning Examiner
Queen Anne's County - Planning Commission
St. Mary's County - Planning Commission; County
Commissioners
Sussex County, DE - Planning Commission, Board of
County Commissioners
Talbot County - Planning Commission
Town of Leesburg, VA - Planning Commission
Washington County - Board of County Commissioners
Worcester County - Planning Commission

MARYLAND STATE HIGHWAY ADMINISTRATION- ENGINEERING SERVICES, DISTRICT 5

High Accident Sections
Traffic Safety Studies
Traffic Signal Warrant Studies
Highway Design Consultation
Project Planning Consultation
Traffic Impact Study Review

Phone (410) 216-3333

email: mlenhart@lenharttraffic.com



NOTE: ADDITIONAL BUFFER FOR OUTPARCELS AREA ALLOWED FOR ZONING MAP AMENDMENT A-1998-C



LEGEND

- 1.0 ALL STREET FRONT ALIGNED PLANTING
- 2.0 PLANTING PLANTED 5' TO 8' FROM CURB, WITH AN APPROXIMATE 50% COVER IN 50 FEET ON CURB
- 3.0 10' TO 15' WIDE BUFFERING, PLANTING, TREES
- 4.0 15' TO 20' WIDE BUFFERING, PLANTING, TREES
- 5.0 20' TO 25' WIDE BUFFERING, PLANTING, TREES
- 6.0 25' TO 30' WIDE BUFFERING, PLANTING, TREES
- 7.0 30' TO 35' WIDE BUFFERING, PLANTING, TREES
- 8.0 35' TO 40' WIDE BUFFERING, PLANTING, TREES
- 9.0 40' TO 45' WIDE BUFFERING, PLANTING, TREES
- 10.0 45' TO 50' WIDE BUFFERING, PLANTING, TREES
- 11.0 50' TO 55' WIDE BUFFERING, PLANTING, TREES
- 12.0 55' TO 60' WIDE BUFFERING, PLANTING, TREES
- 13.0 60' TO 65' WIDE BUFFERING, PLANTING, TREES
- 14.0 65' TO 70' WIDE BUFFERING, PLANTING, TREES
- 15.0 70' TO 75' WIDE BUFFERING, PLANTING, TREES
- 16.0 75' TO 80' WIDE BUFFERING, PLANTING, TREES
- 17.0 80' TO 85' WIDE BUFFERING, PLANTING, TREES
- 18.0 85' TO 90' WIDE BUFFERING, PLANTING, TREES
- 19.0 90' TO 95' WIDE BUFFERING, PLANTING, TREES
- 20.0 95' TO 100' WIDE BUFFERING, PLANTING, TREES

FOR THE PROPERTY OF SIGNATURE CLUB EAST
 10000 SIGNATURE CLUB EAST
 ANNAPOLIS, MARYLAND 21403
 PROJECT NO. CSP-23002
 DATE: 08/15/2023

NO.	REVISION	DATE

COMPOSITE
LANDSCAPE PLAN

SIGNATURE CLUB EAST
 10000 SIGNATURE CLUB EAST
 ANNAPOLIS, MARYLAND 21403
 PROJECT NO. CSP-23002

1.13.2026

Prince George's County M-NCPPC
Development Review Division
1616 McCormick Drive
Upper Marlboro, MD 20774

**Re: Signature Club East
Conceptual Site Plan CSP-23002
Remand Order Item 1**

To Whom it May Concern,

I have reviewed the available information and plans with respect to Tree Conservation and item 1 in the Order of Remand for the referenced case and offer the following:

Part 1: Clarify, based on new administrative findings, the history of all Tree Conservation Plans and prior designation of Lot 12 as a forest retention area...

The Staff report includes a comprehensive history of all the Tree Conservation Plans and the prior designations of Lot 12 included in TCP plans. First, it should be noted that TCP1 plans generally establish the framework and intent of clearing, afforestation, reforestation, and preservation. The framework established by a TCP1 can be changed by a plan revision. As stated in the Staff report, the TCP1 for Lot 12 (TCP1-052-097) was shown as having cleared woodlands. There was some preservation and reforestation as well, but the intent was that this Lot was to be developed. Based on available information, there have been no revisions to the Tree Conservation Plan Type I proposal that designated Lot 12 fully for retention. It has consistently shown this Lot as intended for development. Subsequent TCP2 plans do show retention on Lot 12 however this was only a placeholder as the entire Manokeek development included in the TCP1 was built out.

Part 2: and the impact of each or same on the overall development of the property proposed in the CSP application...

The only impact to the overall development of retention being temporarily placed on Lot 12 in TCP2-039-01 is such that it served to delay the need to purchase off-site woodland credit until later stages in the overall development. As stated before, Lot 12 was always intended to be cleared and the latest TCP1 associated with CSP-23002 continues that.

Part 3: and provide additional administrative findings to address the Opposition remove the woodland preservation areas on Lot 12 and Outparcel B would violate the Woodland Conservation Ordinance...

TCP1-052-097 and subsequent amendments remain as the valid framework for the final disposition of Lot 12. There is no violation as the Planning Board previously approved Lot 12 to be cleared for development. A violation would occur if the woodlands had actually been cleared without permission by the Planning Board.

Part 4: and that off-site preservation proposed in the CSP application does not compensate for the removal of the woodland preservation areas.

Based on the information available and my understanding of the plan history, any off-site preservation proposed in the final certified version of the subject TCP1 does not compensate for the current retention area on Lot 12 as proposed in the TCP2.

If you need additional information or have any questions, please contact me at 240-848-7433.

Sincerely,
VIKA Maryland, LLC

James Buchheister, PLA #3272
Vice President





James Buchheister, PLA

Vice President

Mr. Buchheister has over 23 years of progressive experience in landscape architecture, urban design, and land planning. Even before he was introduced to Landscape Architecture while attending the University of Maryland, he had an interest in horticulture and landscape design so much so that his first job as a young teenager at High Point high school in Beltsville, Maryland and well into his college years was with a well-respected local plant nursery and retail center based in Prince George's County, Maryland. His work experiences during these formative years exposed him to horticulture maintenance, horticulture production, integrated pest management, staff management, and landscape installation which was the foundation of his degree in landscape architecture.

These experiences were the basis of his involvement in the Landscape Architecture program.

Areas of Professional Expertise

- Feasibility Analysis
- Site Development Plans
- Preliminary Plans
- Special Exception Plans
- Site Grading Plans
- Street Lighting Plans
- Street Tree Plans
- Site Inventory & Property Analysis
- Feasibility & Yield Studies
- Urban Design & Planning

Selected Projects

- Jones Falls Trail Phase II, Baltimore City Dept. Parks and Rec, City of Baltimore
- The Boulevard at 9101 Apartments, College Park, Prince George's County
- Northside, Rockville, MD, City of Rockville
- The Glenstone Museum, Potomac, MD, Montgomery County
- Motiva Apartments, Greenbelt, MD, Prince George's County
- The Crescent at Chevy Chase, Chevy Chase, MD, Montgomery County
- The Farmstead District, Gaithersburg, MD, City of Gaithersburg
- Imberly Townhomes, Hyattsville, MD, Prince George's County, MD
- Branch Avenue Metro Townhomes, Suitland, MD, Prince George's County
- Shady Grove Station, Rockville, MD, Montgomery County, MD

Professional Degrees and Accreditations

- Bachelor of Science, Landscape Architecture, University of Maryland
- Registered Landscape Architect- State of Maryland
- Qualified Professional, Forest Conservation-Maryland Department of Natural Resources

Professional Affiliations

- American Society of Landscape Architects

Market Sector Experience

- Transit Oriented Development
- Mixed-Use Development
- Multifamily Residential
- Commercial
- Office
- Senior Living
- Retail
- Parks/Recreation
- Single Family Residential
- Institutional
- Affordable Housing
- Infrastructure

Jurisdiction Experience

- Anne Arundel County, MD
- City of Baltimore, MD
- City of Rockville, MD
- City of Gaithersburg, MD
- Montgomery County, MD
- Prince George's County, MD

PRINCE GEORGE'S COUNTY PLANNING BOARD

IN THE MATTER OF:

*

Signature Club East

*

CSP-23002 and TCP1-052-97-03

*

* * * * *

ENTRY OF APPEARANCE

Alex Votaw, of the Law Office of G. Macy Nelson, LLC, hereby enters her appearance on behalf of the following in opposition to CSP-23002 and TCP1-052-97-03:

Carolyn Keenan
16801 Boot Hill Road
Accokeek, Maryland 20607

Jordan Eberst
16801 Boot Hill Road
Accokeek, Maryland 20607

Victor Christiansen
16521 Boot Hill Road and 16701 Boot Hill Road
Accokeek, Maryland 20607

Rana Dotson
16602 Old Cabin Place
Accokeek, Maryland 20607

Julian Dotson
16602 Old Cabin Place
Accokeek, Maryland 20607

Caleb Dotson
16602 Old Cabin Place
Accokeek, Maryland 20607

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'Alex Votaw', written over a horizontal line.

Alex Votaw, Esq.
AIS No. 2112150190
Law Office of G. Macy Nelson, LLC
600 Washington Avenue, Suite 202
Towson, Maryland 21204
(410) 296-8166
Email: alex@gmacynelson.com
Attorney for Opponents

Exhibit A

LAW OFFICES
GIBBS AND HALLER
1300 CARAWAY COURT, SUITE 102
LARGO, MARYLAND 20774
(301) 306-0033
FAX (301) 306-0037
gibbshaller.com

EDWARD C. GIBBS, JR.
THOMAS H. HALLER

January 6, 2026

Mrs. Judith Allen-Leventhal
P.O. Box 217
Accokeek, Maryland 20607

Re: Signature Club East
Conceptual Site Plan CSP-23002

Dear Mrs. Leventhal:

I represent Signature 2016 Commercial LLC, the owner of certain property comprising approximately 16.9 acres which is located in the northeast quadrant of the intersection of Berry Road (MD 228) and Manning Road. The property is part of a much larger development known as Signature Club. This particular property is known as Signature Club East.

Some time ago, I filed a Conceptual Site Plan application (CSP-23002) for this 16.9 acre property. The original proposal sought approval for a development which could include up to 300 residential multifamily units and up to 12,600 square feet of commercial space. The application was approved by the Prince George's County Planning Board but was ultimately appealed to the District Council. At the hearing before the District Council, I requested a limited remand to the Planning Board to analyze and address tree conservation issues. Ultimately, the District Council voted to remand the case, not just on the issue I had raised, but on remand issues raised by parties in opposition.

Remand hearings must be heard within a limited time frame. Accordingly, the remand hearing before the Planning Board is scheduled to occur on January 15, 2025. As part of the remand hearing, my client determined to file and request an amendment to the Conceptual Site Plan. Rather than propose residential multifamily units, my client is now proposing fee simple residential townhomes for sale. The request is not to exceed 180 townhouse units. The exact number would be determined in later approvals of the Preliminary Subdivision Plan and Detailed

Mrs. Judith Allen-Leventhal
January 6, 2026
Page 2

Site Plan. In no event, however, would the proposal exceed 180 townhouse units. This revised CSP plan has been filed with M-NCPPC. I am enclosing three sheets from the revised Conceptual Site Plan package confirming my client's proposal to request approval of residential townhomes and not multifamily residential units. This is the plan I will request the Planning Board to approve.

My client and I would welcome the opportunity to meet with you either virtually or in person. Given that the Planning Board hearing is January 15th, I would suggest that early next week in the evening would be an appropriate time to meet if that can work for you. Please let me know if that is the case.

Very truly yours,

GIBBS AND HALLER

A handwritten signature in blue ink, appearing to read 'E. Gibbs, Jr.', with a stylized flourish at the end.

Edward C. Gibbs, Jr.

Enclosures

Exhibit B

THIS BLOCK IS FOR OFFICIAL USE ONLY. All other uses are prohibited. This drawing is the property of the Planning Board and is not to be reproduced without the written consent of the Planning Board.

M-NCPPC APPROVAL

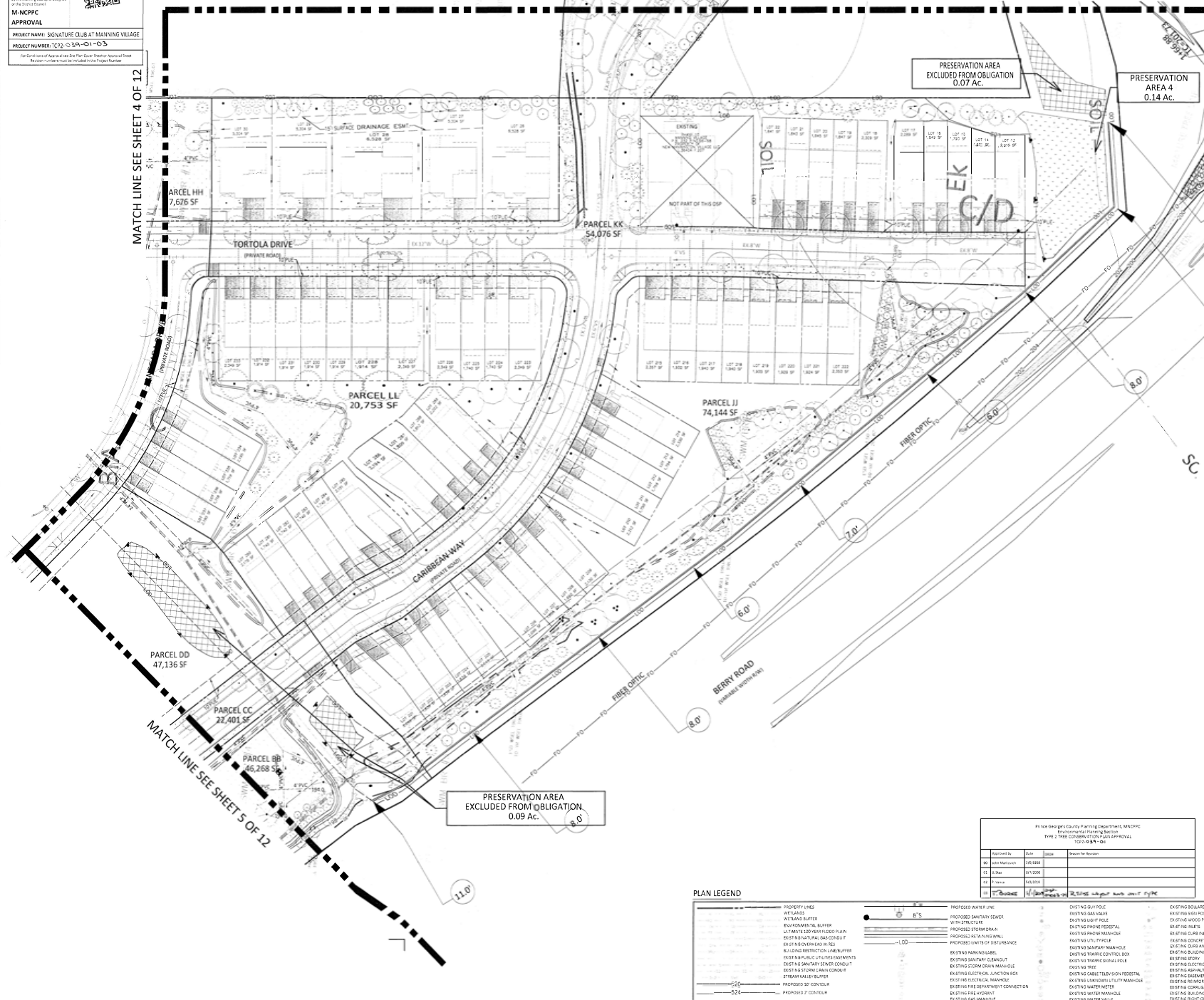
PROJECT NAME: SIGNATURE CLUB AT MANNING VILLAGE

PROJECT NUMBER: CSP-23002-03

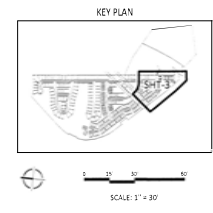
For Conditions of Approval see Site Plan, Storm Water Control Plan and other documents.



MATCH LINE SEE SHEET 10 OF 12



PREPARED FOR: CARUSO HOMES, INC.
 207 BALDWIN DRIVE
 GAITHERSBURG, MARYLAND 20878
 PHONE: 301.953.8200
 FAX: 301.953.8212
 WWW: WWW.CARUSOHOMES.COM



REVISIONS	DATE
AGENCY COMMENTS	4/9/2018



SIGNATURE CLUB

5TH ELECTION DISTRICT,
 PRINCE GEORGES COUNTY,
 MARYLAND
 WSSC GRID: 2215W01

TYPE II TREE CONSERVATION PLAN

DRAWN BY: [Signature]
 DESIGNED BY: [Signature]
 PROJECT: S/M3565
 SHEET NO: 3 OF 12

PRESERVATION AREA EXCLUDED FROM OBLIGATION 0.07 AC.

PRESERVATION AREA 4 0.14 AC.

PRESERVATION AREA EXCLUDED FROM OBLIGATION 0.09 AC.

Prince Georges County Planning Department, M-NCPPC
 Environmental Planning Section
 Tree Conservation Plan Approval
 TCPP-0331-01

Applicant No.	Date	Status	Reason for Rejection
00	05/08/08		
01	08/20/08		
02	08/20/08		
03	08/20/08		

M-NCPPC APPROVALS

PROJECT NAME:	SIGNATURE CLUB AT MANNING VILLAGE		
PROJECT NUMBER:	DSP-04063-03		
Approval #	Issue	Project #	Effective Date
01	4-30-08	R.G.	12-4-06
07	2-17-12	S.M.	5-14-10
03	7-8-13	R.G.	7-8-12

PLAN LEGEND

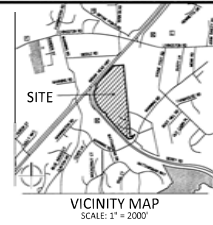
PROPERTY LINES	PROPOSED WATER LINE	EXISTING GAS VALVE	EXISTING BOLLARDS
NET PAVED	PROPOSED SANITARY SEWER WITH STRUCTURE	EXISTING GAS METER	EXISTING BRICK POST
WETLAND BUFFER	PROPOSED STORM DRAIN	EXISTING MISC. ELECTRICAL	EXISTING CONCRETE
ENVIRONMENTAL BUFFER	PROPOSED RETAINING WALL	EXISTING PHONE MANHOLE	EXISTING CURB INLET
ULTIMATE 200 YEAR FLOOD PLAIN	PROPOSED LIMIT OF DISTURBANCE	EXISTING UTILITY POLE	EXISTING CONCRETE AND GUTTER
EXISTING SIGNAL BRACKET	EXISTING FARMING LABEL	EXISTING SANITARY MANHOLE	EXISTING BUILDING
EXISTING OVERHEAD WIRE	EXISTING SANITARY CEMENT	EXISTING TRAFFIC SIGNALS	EXISTING DRIVEWAY
EXISTING SIGNAL HEAD	EXISTING SANITARY SEWER CONDUIT	EXISTING TRAFFIC CONTROL BOX	EXISTING ELECTRICAL TRANSFORMER
EXISTING PUBLIC UTILITY ASSESSMENTS	EXISTING STORM DRAIN MANHOLE	EXISTING SANITARY MANHOLE	EXISTING SIGNAGE
EXISTING SANITARY SEWER CONDUIT	EXISTING ELECTRICAL JUNCTION BOX	EXISTING TREE	EXISTING SANITARY FACILITY
EXISTING STORM DRAIN CONDUIT	EXISTING ELECTRICAL MANHOLE	EXISTING SANITARY MANHOLE	EXISTING SANITARY FACILITY
STREAM VALLEY BUFFER	EXISTING FIRE DEPARTMENT CONNECTION	EXISTING WATER METER	EXISTING SANITARY FACILITY
PROPOSED 20' CONTOUR	EXISTING FIRE HYDRANT	EXISTING WATER MANHOLE	EXISTING SANITARY FACILITY
PROPOSED 30' CONTOUR	EXISTING GAS MANHOLE	EXISTING WATER VALVE	EXISTING PRESERVATION AREA SIGN

THIS BLOCK IS FOR OFFICIAL USE ONLY. For questions or comments, please contact the Planning Department at 503-253-7000. For more information, please visit the Planning Department website at www.ci.maryland.md.us.

M-NCPIC APPROVAL

PROJECT NAME: SIGNATURE CLUB AT MANNING VILLAGE
 PROJECT NUMBER: TCP2-03A-01-03

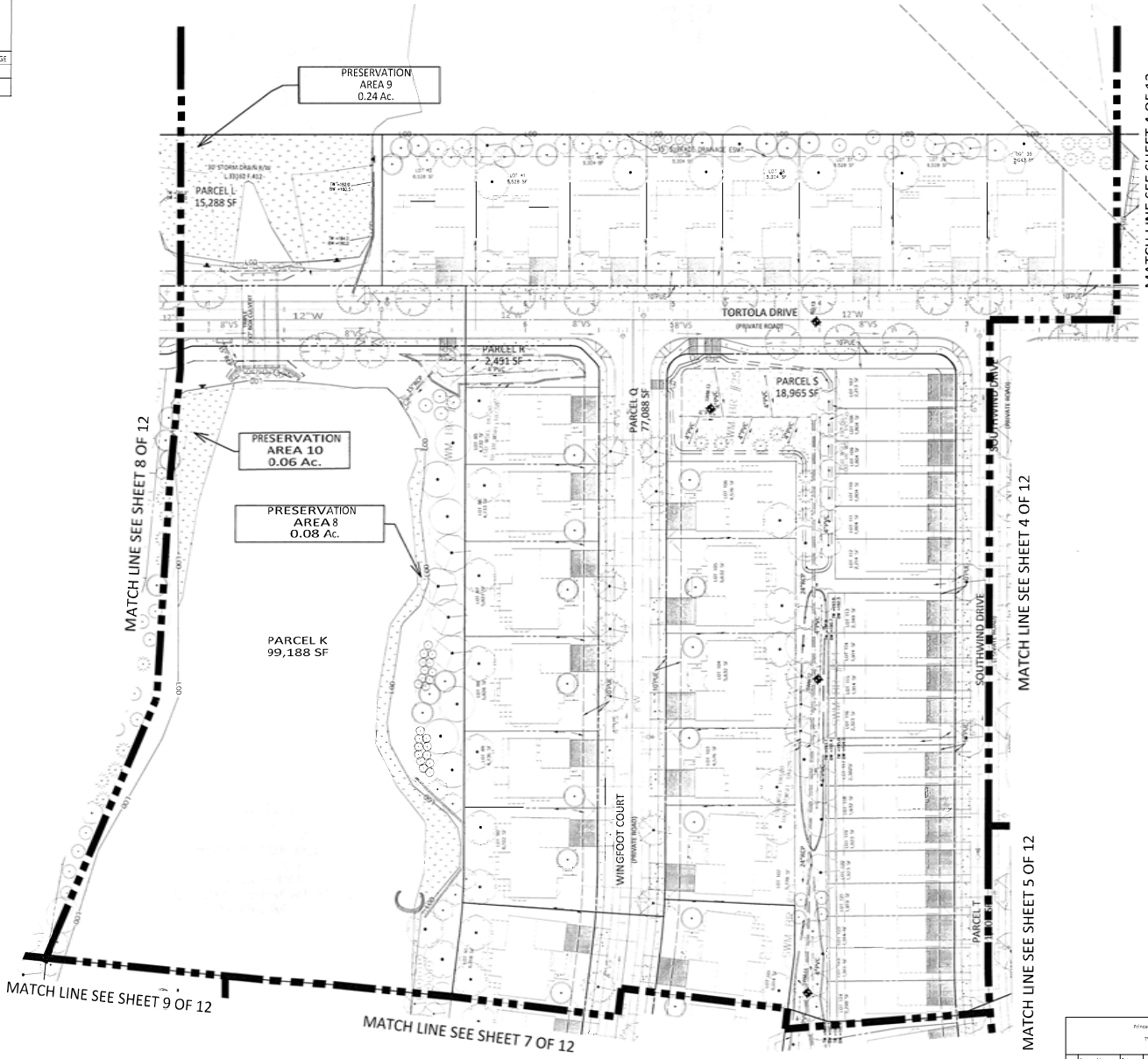
For Conditions of Approval see Sheet 1 of 12, Sheet 2 of Approval Sheet. Revision numbers shall be included in the Project Number.



WKA

PROFESSIONAL LANDSCAPE ARCHITECTS & SURVEYORS
 20203 DUNLAP BOLLEAUX SUITE 100
 GREENWOOD, VIRGINIA 22188
 TEL: 802.528.9200 FAX: 802.528.9202
 GREENWOODVA.COM

PREPARED FOR:
CARUSO HOMES, INC.
 22500 W. WINDYBROOK
 GREENWOOD, VA 22188
 02259 802
 NEIL JOSEPH-BUTLER
 ARCHITECT/PLANNER/DESIGNER



MATCH LINE SEE SHEET 4 OF 12

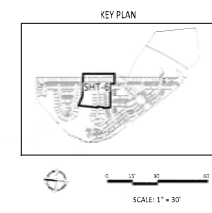
MATCH LINE SEE SHEET 8 OF 12

MATCH LINE SEE SHEET 4 OF 12

MATCH LINE SEE SHEET 5 OF 12

MATCH LINE SEE SHEET 9 OF 12

MATCH LINE SEE SHEET 7 OF 12



REVISIONS	DATE
AGENCY COMMENTS	4/9/2018



SIGNATURE CLUB

5TH ELECTION DISTRICT
 PRINCE GEORGE'S COUNTY,
 MARYLAND
 WSSG GRD: 225SW01

TYPE II TREE CONSERVATION PLAN

DESIGNED BY:
 DATE ISSUED: 4/9/2018
 PROJECT: VM15665
 SHEET NO: 6 OF 12

Prince George's County Planning Department, M-NCPIC
 TYPE II TREE CONSERVATION PLAN APPROVAL
 TCP2-03A-01

Revised by	Date	Reason for Revision
10	4/11/18	
11	4/10/18	
12	4/10/18	
13	4/10/18	

M-NCPIC APPROVALS

Version #	Date	Revised by	Revised for
01	4-10-06	R.G.	1-14-06
02	2-17-12	R.G.	2-24-12
03	7-3-12	R.G.	7-9-12

PLAN LEGEND

<ul style="list-style-type: none"> PROPERTY LINES SETBACKS WETLAND BUFFER ULTIMATE 20-YEAR FLOOD PLAN EXISTING NATURAL GAS CONDUIT EXISTING OVERHEAD WIRES BUILDING FOOTPRINT AND HEIGHTS EXISTING PUBLIC UTILITY EASEMENTS EXISTING SANITARY SEWER CONDUIT EXISTING STORM SEWER CONDUIT STREAM VALLEY BUFFER PROPOSED 20' CORNER PROPOSED 2' CORNER 	<ul style="list-style-type: none"> PROPOSED WATER LINE PROPOSED SANITARY SEWER WITH STRUCTURE PROPOSED STORM DRAIN PROPOSED STORM WALL PROPOSED LIMITS OF DISTURBANCE EXISTING PARKING LABELS EXISTING SANITARY CESSPOOL EXISTING ELECTRICAL JUNCTION BOX EXISTING ELECTRICAL MANHOLE EXISTING FIRE DEPARTMENT CONNECTION EXISTING FIRE HYDRANT EXISTING GAS MANHOLE 	<ul style="list-style-type: none"> EXISTING GUY POLE EXISTING SIGN POLE EXISTING LIGHT POLE EXISTING PHONE POST EXISTING PHONE MANHOLE EXISTING SANITARY MANHOLE EXISTING STORM CONTROL BOX EXISTING TRAFFIC SIGNAL POLE EXISTING TREE EXISTING GUY (TENSION) POST EXISTING HORIZONTAL UTILITY MANHOLE EXISTING WATER METER EXISTING WATER MANHOLE EXISTING GAS WATER VALVE 	<ul style="list-style-type: none"> EXISTING BOLLARD EXISTING SIGN POST EXISTING SIGN EXISTING CURB INLET EXISTING CONCRETE EXISTING CURB AND GUTTER EXISTING BUILDING EXISTING DRIVE EXISTING ELECTRICAL TRANSFORMER EXISTING DRIVEWAY EXISTING CONCRETE PAVEMENT EXISTING REINFORCED CONCRETE PAVEMENT EXISTING ASPHALT PAVEMENT EXISTING RIGHT-OF-WAY 	<ul style="list-style-type: none"> PROPOSED ROWS PROPOSED TRIPLES (OR) TRIPLES IN ROW PROPOSED TRIPLES (OR) TRIPLES IN ROW PROPOSED DRIVEWAYS PROPOSED FIRE HYDRANT PROPOSED FIRE HYDRANT PROPOSED SWM FACILITY PROPOSED SWM FACILITY (OR) CUT PROPOSED PRESERVATION AREA SIGN
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THIS BLOCK IS FOR OFFICIAL USE ONLY
 City of Annapolis
 M-NCPPC APPROVAL
 PROJECT NAME: SIGNATURE CLUB AT MANNING VILLAGE
 PROJECT NUMBER: CSP-23002-03-01-03
 For Conditions of Approval visit the Plan Check Sheet or Approved Sheet. These documents can be viewed in the Public Portal.



VKA
 VICKI K. ANNE ARCHITECTS
 LANDSCAPE ARCHITECTS - CERTIFIED
 20251 CENTURY SQUARE SUITE 4400
 ANNAPOLIS, MARYLAND 21403
 PHONE: 410.293.4000
 FAX: 410.293.2002
 WWW.VKAARCHITECTS.COM

PREPARED FOR:
CARUSO HOMES, INC.
 120 BUCKLE HILL DRIVE
 ANNAPOLIS, MD 21403
 PHONE: 410.293.1118
 WWW.CARUSOHOMES.COM

PLAN LEGEND

PROPERTY LINES	WETLANDS	PROPOSED WATER LINE
NETLANDS BUFFER	ENVIRONMENTAL BUFFER	PROPOSED SANITARY SEWER WITH STRUCTURE
ULTIMATE SOIL REMED PLAN	EXISTING METEORIC DRAIN CONDUIT	PROPOSED STORM DRAIN
EXISTING OVERHEAD WIRES	PROPOSED 2" DRAINAGE	PROPOSED 18" DRAINAGE
BUILDING RESTRICTION LINE BUFFER	EXISTING SANITARY GLENDOUT	EXISTING ELECTRICAL JACKBOX BOX
EXISTING PUBLIC UTILITY ASSIGNMENTS	EXISTING STORM DRAIN MANHOLE	EXISTING ELECTRICAL MANHOLE
EXISTING SANITARY SEWER CONDUIT	EXISTING FIRE DEPARTMENT CONNECTION	EXISTING FIRE HYDRANT
EXISTING STORM DRAIN CONDUIT	EXISTING GAS MANHOLE	
STREAM WALL BUFFER		
PROPOSED 2" CONTOUR		

PLAN LEGEND

EXISTING SURF POLE	EXISTING BOLLARD
EXISTING GAS VALVE	EXISTING SIGN POST
EXISTING LIGHT POLE	EXISTING HOOD POST
EXISTING PHONE pedestal	EXISTING ALIENS
EXISTING PHONE MANHOLE	EXISTING CURB NUT
EXISTING UTILITY POLE	EXISTING CONCRETE
EXISTING SANITARY MANHOLE	EXISTING LANDS BUTTER
EXISTING TRAFFIC CONTROL SIGN	EXISTING BUILDING
EXISTING TRAFFIC SIGNAL POLE	EXISTING SIGN
EXISTING TREE	EXISTING ELECTRICAL TRANSFORMER
EXISTING GABLE TRIM/ENVIRONMENTAL RESTRICTION	EXISTING ASPHALT
EXISTING UNKNOWN UTILITY MANHOLE	EXISTING GROUNDWORK
EXISTING WATER METER	EXISTING ADORNED CONCRETE PIPE
EXISTING WATER MANHOLE	EXISTING CONCRETE TO METAL PIPE
EXISTING WATER VALVE	EXISTING BUILDING RESTRICTION LINE
	EXISTING SIGN/POST

PLAN LEGEND

PROPOSED ROADWAYS
PROPOSED TRIPLED DRIVE
PROPOSED DRIVE
PROPOSED PAVEMENT AREA
PROPOSED SIDEWALK
PROPOSED FIRE HYDRANT
DOOR LOCATION
PROPOSED SEAM FACILITY
PROPOSED SUMP FACILITY CURB CUT
PROPOSED TREE
PROPOSED SIGN

Prince George's County Planning Department, M-NCPPC
 Environmental Planning Section
 TYPE II TREE CONSERVATION PLAN APPROVAL
 TOP-018-01

Approved By	Date	Order	Reason for Review

M-NCPPC APPROVALS

Approval #	Issue Date	Approval Type	Expiration Date

REVISIONS

NO.	DESCRIPTION	DATE



SIGNATURE CLUB
 5TH ELECTION DISTRICT
 PRINCE GEORGE'S COUNTY,
 MARYLAND
 WSSC GRID: 2215W01

TYPE II TREE CONSERVATION PLAN

DRAWN BY: _____
 DESIGNED BY: _____
 DATE ISSUED: 09/09/23
 VIA PROJECT: WP15503
 DRAWING NO.: _____
 SHEET NO.: 7 OF 12

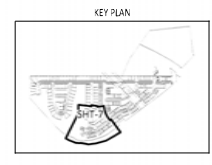
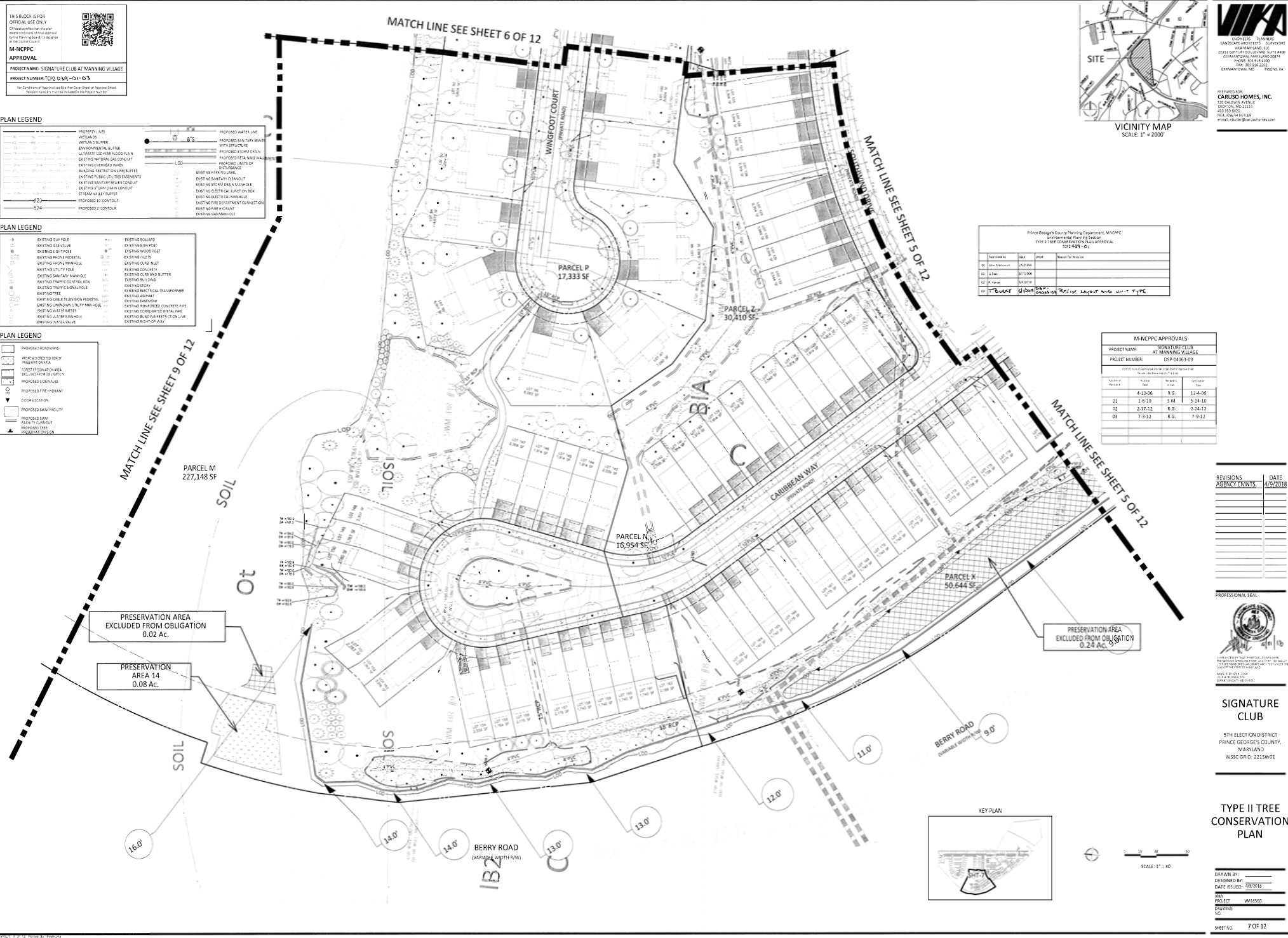


Exhibit C

Exhibit D

Lawrence Green, P.E., PTOE

1329 Mackinaw Drive, Wake Forest, NC 27587 · 410-707-7188 · larryhgreen@gmail.com

EDUCATION

University of Maryland at College Park, BS Electrical Engineering, 1986

WORK EXPERIENCE

Wetherill Engineering (June 2021 – Present) – Traffic Department Manager

Clark Nexsen (March 2020 – June 2021) – Senior Transportation Engineer

Daniel Consultants, Inc. (DCI) (September 1993 – March 2020) - Senior Traffic Engineering Manager

Gorove/Slade Associates (1989 – 1993) - Associate Traffic Engineer

Greenhorne & O’Mara (1986 – 1989) - Traffic Engineer

PROFESSIONAL SKILLS

Lawrence is a professional traffic engineer with over 39 years of experience in Transportation Planning and Traffic Engineering. Mr. Green’s specialties include: traffic impact studies, traffic simulation studies, trip generation studies, corridor studies (travel time/stopped delay studies), crash evaluation studies, Vision Zero studies, intersection improvement studies (signal retiming, signal re-phasing, widening improvements), Transportation Management Plan studies, Maintenance of Traffic Alternatives Analysis studies, bicycle safety enhancement studies, circulation studies, safety studies, traffic calming studies, signing/pavement marking plans, wayfinding signing plans, highway lighting plans, maintenance of traffic plans, traffic signal warrant analyses, and roundabout analyses.

PROFESSIONAL CERTIFICATIONS/ORGANIZATIONS

Maryland, North Carolina, and Virginia Professional Engineer (PE) - 2002

Professional Traffic Operations Engineer (PTOE) – 2017

Institute of Transportation Engineers (ITE)

EXPERT WITNESS EXPERIENCE

Prince George’s County Hearing Examiner, Maryland

Baltimore County Hearing Examiner, Maryland

New Hanover County, Board of Commissioners, Wilmington, North Carolina

Prince George’s County Planning Board, Maryland

Howard County Planning Board, Maryland

Charles County Planning Board, Maryland

City of Raleigh, North Carolina

Marshall County, Mississippi

Jefferson County, Kentucky

SAMPLE PROJECTS

Martin Luther King Jr. Avenue Vision Zero Study, Washington, DC - Larry was responsible for the preparation of the first Vision Zero Study for Washington, DC to improve safety and operations along Martin Luther King Jr. Avenue in Washington, DC. The report included various alternatives to improve the safety elements of the corridor to eliminate all fatalities and serious injury accidents for both motorists and pedestrians. The predominate crash patterns were determined at each intersection and roadway segment to develop safety mitigation measures. In addition, transit improvements were explored that included the relocation of bus stops to the near-side of the intersection rather than the far-side of an intersection to avoid traffic queuing through the intersection. Also, non-essential full-movement unsignalized intersections were modified to right-in/right-out intersections to improve operations and safety. In order to choose the best improvement alternative, a benefit-cost analysis was conducted utilizing benefit-cost ratios (BCR) after utilizing Crash Modification Factors (CMF) so that the most safety beneficial improvements could be developed for the funding available. At the 50% and 90% stages of the project, public outreach meetings were conducted. Larry organized presentation materials to display the various alternatives that were being explored.

Traffic Impact Study Reviews Statewide, Maryland - As the lead Traffic Engineer Peer Reviewer, Larry personally reviewed over 4,500 traffic studies within the 23 counties of Maryland over an 18-year period and has drafted letters of technical response to the local governmental agencies while representing SHA. Larry also testified at public hearings on behalf of the SHA for various development proposals. The purpose of the testimony was to provide justification for various transportation/transit improvements along the State Highway network. Elements of the reviews included: site access and circulation designs, safety evaluations of site access intersections and surrounding roadways, intersection capacity analyses, trip generation calculations, and traffic signal warrant studies.

Candidate Safety Improvement Studies, District 5, Maryland - As the lead Project Managing Traffic Engineer, Larry prepared safety and operational studies for 25 intersections within the District 5 section of Maryland for the Maryland State Highway Administration. Geometric design modifications and/or traffic signal timing/phasing adjustments were assessed to improve the overall safety and operational elements of the intersections. Order-of-magnitude cost estimates were also prepared for the proposed improvements. Larry managed 5-7 junior level engineers and technicians during the project. A detailed evaluation of the intersection crash data over a 5-year period were examined to determine the most appropriate measures to address the crash activity. As part of the examination of rear-end collisions, the skid resistance levels of the pavements in the intersection area were examined to determine if roadway overlays were needed. Finally, the yellow and all-red clearance times were examined to be sure that these traffic signal timings were in conformance with the MUTCD.

Engineering Services for Capital Improvement Infrastructure, City of Gaithersburg, Maryland - Larry prepared and/or managed various projects for the City of Gaithersburg that included Traffic Engineering Studies and Analyses, Traffic Signal Studies, Lighting Studies, Signing Studies, Pavement Marking Studies, Safety Studies, and Traffic Impact Studies. One of the larger studies conducted for the City of Gaithersburg was an evaluation of 7 existing roundabouts. Conformance to best practices of roundabout designs was examined. Improvements to the signing, pavement markings, roundabout approach lines, vehicle flows through the roundabout, sight lines, lighting layout and pedestrian pathways were made. Capacity analyses were conducted using the Sidra software. Lighting photometric analyses were conducted using the AGI32 software.

Exhibit E

MEMORANDUM

TO: Alex Votaw

FROM: Lawrence Green, PE, PTOE

DATE: January 13, 2026

SUBJECT: Public Review Summary – Signature Club East Updated Traffic Impact Study

This memorandum provides a summary review of the **Updated Traffic Impact Study (TIA)** dated December 15, 2025, for the proposed **Signature Club East Development** in Prince George’s County. The goal of this review is to ensure that projected traffic impacts are accurately represented and that any proposed roadway improvements are realistic, feasible, and protective of the surrounding community.

The original development proposal consisted of **three fast-food restaurants and 300 apartment units**. Since the initial submission, the plan has been revised to include **three fast-food restaurants and 180 townhome units**. While this change reduces the overall residential density, our review of the updated traffic study identified several important concerns that should be addressed before the analysis can be considered reliable for public decision-making.

KEY FINDINGS AND COMMUNITY CONSIDERATIONS

1. Traffic Assumptions May Overstate Reductions

The traffic study assumes that **10 percent of the fast-food restaurant traffic would be absorbed internally by townhome residents**, meaning fewer cars would enter surrounding roadways. However, when applied to the revised site plan, this assumption results in traffic reductions that exceed what is realistically possible for a residential development of this size. In some cases, the trip reductions in the report result in the townhome development generating a negative number of trips.

In practical terms, the analysis implies that the townhomes would generate significantly fewer trips than expected—an outcome that does not align with established transportation planning standards. To ensure credibility and transparency, internal trip reductions should be calculated using the **smaller traffic-generating component of the project**, which in this case is the residential development. Applying this standard approach would produce more realistic and defensible traffic projections for the community.

2. Proposed Roadway Changes Require State Approval

The study proposes changes at the **MD 210 and MD 373 intersection**, including lane reassignments and a shift from the existing concurrent traffic signal operation to a split-phase signal. While these changes are presented as mitigation measures, they could have **significant effects on traffic flow along the MD 210 corridor**, potentially disrupting existing signal coordination and increasing congestion beyond the immediate intersection.

Importantly, any such changes must be reviewed and approved by the **Maryland State Highway Administration (SHA)**. At the time of this review, there is **no documentation confirming SHA's acceptance** of the proposed lane configurations or signal timing changes. Without this approval, the feasibility of the mitigation measures remains uncertain.

CONCLUSION

Traffic studies play a critical role in protecting public safety, preserving roadway efficiency, and ensuring responsible development. Based on my review, the updated traffic analysis for Signature Club East relies on assumptions and mitigation measures that require further refinement and formal state approval. Addressing these issues will help ensure that future decisions are grounded in accurate data and that surrounding neighborhoods are not adversely affected by unanticipated traffic impacts.

Citizen-Protestants' Written Objections

Carolyn Keenan, Jordan Eberst, Rana Dotson, Julian Dotson, Caleb Dotson, and Victor Christiansen (“Citizen-Protestants”), by and through their attorney, Alex Votaw, oppose CSP-23002 and TCP1-052-97-03. For the following reasons, the Planning Board must deny CSP-23002 and TCP1-052-97-03 for the Signature Club East Development (“Proposed Development”) on 340 E. Manning Road, Accokeek, Maryland 20607 (“Subject Property”). Citizen-Protestants incorporate by reference all prior written objections submitted to the Planning Board and the District Council in this case as well as all prior oral statements to the Planning Board and the District Council in this case.

I. The Applicant did not meaningfully engage the community as requested by the Chair of the Planning Board and the District Council.

While not necessarily a basis for denying CSP-23002 and TCP1-052-97-03, Citizen-Protestants feel obligated to inform the Planning Board that the Applicant disregarded the express instructions from the Chair of the Planning Board and the District Council, as the Applicant did not engage in good faith conversations with the community to try to reach a mutually agreeable outcome in this case.

At the conclusion of the Planning Board’s first hearing regarding the Proposed Development on July 10, 2025, the Chair of the Planning Board acknowledged that the Applicant failed to meaningfully engage the community before developing the Proposed Development and strongly encouraged the Applicant to meaningfully engage the community in the future. Similarly, at the conclusion of oral argument before the District Council on October 21, 2025, the District Council reiterated the need for the Applicant to

meaningfully engage the community regarding the development of the Subject Property. The District Council encouraged Citizen-Protestants and the Applicant to work together to find a resolution.

Counsel for Citizen-Protestants was optimistic that the Applicant might take Citizen-Protestants' concerns under consideration and that the two parties might be able to work together to find a resolution. Immediately after oral argument, Counsel for the Applicant stated that he would be in touch to discuss the case.

On November 19, 2026, Counsel for Applicant contacted Counsel for Citizen-Protestants to inquire as to whether Citizen-Protestants would consider townhouses instead of apartment buildings. Counsel for Citizen-Protestants communicated that Citizen-Protestants were not open to townhouses absent other assurances, because the use would not address the ongoing traffic issues nor would the proposed use address the concern about preserving woodland on the property. Counsel for Citizen-Protestants further clarified that Citizen-Protestants were open minded about proposals that better balanced woodland preservation with development on the Subject Property even if the entire site was not preserved.

Citizen-Protestants did not hear from the Applicant or its representatives until the afternoon of Tuesday January 6, 2026, at which time the Applicant's Counsel informed Counsel for Citizen-Protestants that the Applicant would be pursuing the townhouse development, without any augmentations to address traffic or forest conservation. Although Counsel for the Applicant offered to meet with Citizen-Protestants to discuss the development, the Applicant had already submitted the amended plan to Planning Staff.

Self-evidently, the Applicant has no intention to incorporate or meaningfully consider Citizen-Protestants' feedback or concerns.

The Applicant is scheduled to host a meeting with the community on Tuesday January 13, 2026, at 6:00PM. Notably, this meeting is scheduled *after* the deadline for filing documents or written testimony to the Planning Board for the January 15, 2026, hearing. This meeting is also scheduled *after* the deadline for signing up to testify at the Planning Board hearing.

The Applicant has not meaningfully attempted to work with the community to create a proposed development that is mutually agreeable. Instead, the Applicant disregarded the express instructions from the Chair of the Planning Board and the District Council. To put it mildly, Citizen-Protestants are extremely disappointed that the Applicant did not value the opinions of the Planning Board, the District Council, or community members enough to engage in Citizen-Protestants' good faith effort to try to reach a conclusion that better balanced the concerns of the community with the Applicant's desire to develop the Subject Property without any restrictions.

II. The Applicant is not permitted to submit amended plans 9 days prior to the Planning Board hearing.

The Planning Board should not consider the amended CSP application because there is no legal authority that permits the Applicant to submit an amended CSP application, particularly after notice has been issued for the Planning Board hearing and after Technical Staff has issued the Technical Staff Report.

The Prior Zoning Regulations (“PZO”) permit an applicant to amend a development application that has been remanded back to the Planning Board only when the District Council issued a *de novo* remand. *See* PZO § 27-133(c). Here, the District Council did not issue a *de novo* remand order. The District Council issued a limited remand because the District Council found that “Resolution No. 2025-057 lacks well-reasoned and articulated administrative findings on the issues raised by the Opposition and Property Owner.” Remand Order 3. The District Council instructed the Planning Board to address specified issues on remand. Remand Order 3. Therefore, the Applicant is not legally permitted to amend CSP-23002 on remand.

Moreover, even if the Applicant were permitted to amend CSP-23002 on remand, the Applicant would not be permitted to submit major amendments *after* the Planning Board issued notice of the public hearing and Planning Staff issued its Technical Staff Report.

The PZO requires the Planning Board to “mail written notice of the date, time, and place of the public hearing on any application . . . to all persons of record at least thirty (30) days prior to the hearing. The application number, description of the property and the applicant’s request shall also be included in the notice.” PZO § 27-125.04; *see, e.g., Von Lusch v. Bd. of Cnty. Comm’rs of Queen Anne’s Cnty.*, 268 Md. 445, 454 (1973).

Here, the description of the request provided on the Planning Board’s Notice of Public Hearing is as follows:

DEVELOP LOT 12 AND OUTPARCEL B WITH UP TO 300
MULTIFAMILY DWELLING UNITS AND 12,600 SQUARE FEET
OF COMMERCIAL/RETAIL SPACE.

Here, Counsel for the Applicant sent a letter on January 6, 2026 stating that “my client is now proposing fee simple residential townhomes for sale. The request is not to exceed 180 townhouse units.” *See* Exhibit A. Self-evidently, January 6, 2026 is less than 30 days before the Planning Board’s scheduled January 15, 2026 hearing date. Thus, the Applicant submitted the proposed amendment *after* the hearing notice was issued. A change in the proposed use on the Subject Property and a significant change in the circulation plan for the Subject Property constitute major changes to the proposed CSP application. *See* PZO § 27-279.

The proposed amendment does not match the description of the request issued in the Planning Board’s notice of public hearing and thus cannot be considered at the Planning Board’s public hearing. While in some instances this fatal flaw could be cured by providing a new public hearing to discuss the amended request, the Planning Board cannot do so here because the Planning Board is obligated by law to approve, approve with modifications, or disapprove a Conceptual Site Plan within sixty (60) days of the date the notice of Remand (excluding the time period between December 20, 2025 and January 3, 2026). *See* PZO § 27-276(c)(5).

Here, the District Council issued notice of its Remand Order on November 4, 2025. 60 days after November 4, 2025 (excluding the period between December 20, 2025 and January 3, 2026) would be approximately January 18, 2026. Thus, the Planning Board has to make a decision on CSP-23002 and TCP1-052-97-03 at the conclusion of the scheduled January 15, 2026 hearing.

Additionally, “where the Planning Board is authorized to conduct a public hearing in a zoning or site plan case, the Planning Board shall publish on its website a copy of the technical staff report no less than two (2) weeks prior to the scheduled public hearing on the application.” PZO § 27-125.05(a). Similar to the Planning Board’s notice of public hearing, the Technical Staff Report (“TSR”), dated December 29, 2025, describes the request as follows:

Remand Hearing
Development of up to 300 multifamily dwelling units and 12,600 square feet of commercial/retail space.

TSR 1.

Although the PZO allows an applicant to submit “new information” to the Planning Board after the TSR is published, the term “new information” cannot reasonably be construed to include a major change to the proposed development like changing the proposed use in its entirety or altering the circulation plan on the Subject Property.

For all of these reasons, the Planning Board should not, and cannot, consider the Applicant’s proposed amendments to CSP-23002.

III. CSP-23002 does not conform with prior conditions of approval.

The transitional provisions of the current Zoning Ordinance (“ZO”) provide that “property which was in the M-X-T Zone may proceed to develop in accordance with the standards and procedures of the prior Zoning Ordinance and this Section, subject to the terms and conditions of the development approvals it has received.” ZO § 27-1704(k).

Here, CSP-23002 must comply with the terms and conditions of prior development approvals applicable to the Subject Property. *See* ZO § 27-1704(k). More specifically,

CSP-99050 imposed certain conditions on the Subject Property including a requirement that Lot 12 (previously identified as “Pod 3”) include “a minimum of 10,000 square feet of office space.” Prior Backup 100. Here, the Applicant’s proposed development on Lot 12 does not include any office space and thus the proposed development does not comply with prior conditions of approval. Accordingly, CSP-23002 does not comply with ZO Section 27-1704(k) because CSP-23002 does not comply with this prior condition of approval.

CSP-99050 also required that the interior parking areas on Lot 12 “shall exceed the requirements of Sections 4.3a and 4.2a, of the *Landscape Manual* in terms of plant quantities by no less than 25 percent” and required that “perimeter landscaping/screening of all development pods shall exceed the requirements of Section 4.3a and 4.2a, of the *Landscape Manual* in terms of width and plant quantities by no less than 100 percent.” Prior Backup 112. The Applicant presented no evidence demonstrating that it complied with these requirements, and previously, the Planning Board only found that “additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining incompatible land uses.” Resolution 2025-057 at 7. Accordingly, CSP-23002 does not comply with ZO Section 27-1704(k) because the record lacks any evidence to support a finding that CSP-23002 satisfies this prior condition of approval.

Therefore, the Planning Board should deny CSP-23002.

IV. TCP1-052-97-03 is legally inadequate for numerous reasons.

The Subject Property consists of Lot 12 and Outparcel B. Prior approvals for Lot 12 describe that the prior applicant satisfied its woodland conservation requirements through

10.06 acres of on-site preservation on Lot 12. TSR 6¹; *see also* TCP2-039-01-03 (attached as Exhibit B). Prior approvals for Outparcel B describe the that the prior applicant satisfied its woodland conservation requirements through 3.90 acres of on-site preservation on Outparcel B. TSR 5; TCP2-116-01 (attached as Exhibit C).

Here, TCP1-052-97-03 proposes to remove all of the woodland on Lot 12 and Outparcel B and provide only 1.61 acres of off-site mitigation. TSR 6.

1. There is no legal authority to remove woodland preservation areas used by prior developments to satisfy the woodland conservation threshold.

No provision in the WCO allows the Applicant to remove woodland already designated as woodland preservation that was used by prior developments to satisfy the woodland conservation threshold. Therefore, for that reason alone, the Planning Board should deny TCP1-052-97-03.

2. The TCP does not adequately account for violative effect even if PB adopted Staff's recommended condition.

Even if the Applicant could, in some instances, remove woodland preservation areas, the Applicant must be required to account for the violative effect caused by the removal of the woodland preservation. In other words, if the Applicant proposes to remove the woodland preservation areas that prior developments relied on to satisfy their woodland conservation threshold, then the Applicant must provide enough woodland conservation to make up for that.

¹ Citizen-Protestants incorporate by reference all of the development applications and TCPs (and the approval documents/staff reports related to those plans) described by Planning Staff as part of this record.

The Planning Board is legally obligated to ensure that the Tree Conservation Plans submitted to the Planning Board satisfy the requirements of the WCO. As such, the Planning Board errs legally if it approves a development that either violates the WCO in and of itself or has the effect of causing a violation of the WCO. The Applicant's TCP1 violates the WCO and has the effect of rendering two prior developments violative of the WCO. Therefore, the Planning Board must deny TCP1-052-97-03.

Technical Staff attempt to correct this fatal flaw by requesting that the Applicant to provide an additional 7.81 acres of off-site mitigation prior to certification of CSP-23002. However, even this additional purchase is not sufficient to correct the violative effect of the Applicant's TCP1.

Under the 2010 version of the WCO, applicants were required to provide two times as much offsite woodland mitigation as the amount of woodland cleared below the woodland conservation threshold. *See* Exs. B and C. However, if the prior applicants preserved enough woodland onsite to meet the woodland conservation threshold, then the applicant need only provide one fourth as much offsite mitigation as the amount cleared above the woodland conservation threshold. In other words, preserving woodland on the properties allowed prior applicants to substantially reduce the amount of off-site woodland mitigation required.

For example, in TCP2-039-01-03, the property to be developed included 62.34 acres of existing woodland in the net tract area. The woodland conservation threshold was 9.65 acres. *See* Ex. B. If the prior applicant preserved at least 9.65 acres of woodland on site, then the amount of woodland cleared would only need to be replaced (via afforestation or

off-site mitigation) at a 0.25:1 ratio. The prior applicant proposed to preserve 12.03 total acres onsite, including 10.06 acres on Lot 12, and clear 48.59 acres. *See* Ex. B. Because the prior applicant was able to preserve enough woodland onsite (more than 9.65 acres) the prior applicant was permitted to replace the cleared woodland at a 0.25:1 ratio for a total of 12.15 acres of replacement required in addition to the minimum 9.65 woodland conservation threshold (totally 22.23 acres of woodland conservation required).

Had the prior applicant, at that time, removed all of the woodland on Lot 12, the prior applicant would have only provided 1.97 acres of onsite preservation—which is below the woodland conservation threshold. The total woodland cleared would have been 58.65 acres with 5.96 acres below the woodland conservation threshold. The prior applicant would have been required to replace the woodland cleared below the threshold at a 2:1 ratio and thus would have been required to provide an additional 11.92 acres of woodland conservation. The amount of woodland conservation required would have been 9.65 acres from the minimum woodland conservation threshold, 12.15 acres from woodland clearing above the woodland conservation threshold, and 11.92 acres from woodland clearing below the woodland conservation threshold for a total woodland conservation requirement of 33.72 acres of woodland conservation.

The prior applicant provided only 10.04 acres of offsite mitigation and 3.69 acres of onsite preservation outside of Lot 12 for a total of 13.73 acres of woodland conservation provided exclusive of Lot 12. Therefore, the removal of all of the woodland on Lot 12 by the Applicant in this case has the violative effect of creating a 19.99-acre woodland conservation discrepancy. If the Applicant is permitted to remove the woodland on Lot 12,

the Applicant must be required to provide, at minimum, 19.99 acres of off-site mitigation to cure the violative effect regarding Lot 12. The 19.99 acres of off-site mitigation would be *in addition to* the amount of off-site mitigation needed to cure the violative effect of clearing the woodland on Outparcel B.

Therefore, the proposed mitigation by Planning Staff is wholly insufficient to cure the violative effect caused by the Applicant's proposal to remove the woodland on Lot 12 and Parcel B, which was used as onsite preservation by prior developments to satisfy their woodland conservation requirements.

3. The TCP does not conform with Green Infrastructure Plan.

TCP1-052-97-03 does not conform with the Green Infrastructure Plan ("GIP") because the GIP repeatedly emphasizes preserving onsite woodland and the TCP in this case does not preserve any onsite woodland. For example, Policy 4.2 calls for the County to "continue to require the placement of conservation easements over areas of . . . preserved or planted forest." TSR 9. Policy 7.1 calls for the County to "continue to maximize on-site woodland conservation and limit off-site banking and the use of fee-in-lieu." TSR 10. Policy 7.10 calls for the County to "continue to focus conservation efforts on preserving existing forests" TSR 10.

4. The Applicant provided no justification for the removal of priority retention areas as required by Natural Resources Article Section 5-1607(c)(3)(i).

The State Forest Conservation Act provides that "contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site" "shall be considered priority for retention and protection, and [it] shall be left in an

undisturbed condition unless the applicant has demonstrated to the satisfaction of the State or local authority that reasonable efforts have been made to protect [it] and the plan cannot reasonably be altered.” NR § 5-1607(C)(2)(ii). If a local approving authority is approving a plan that proposes to remove priority retention areas like contiguous forest, the local approving authority must “issue written findings and justification for any clearing.” NR § 5-1607(c)(3)(i).

Here, the Subject Property contains 13.32 acres contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site. *See* Resolution 2025-057 at 29. Thus, the Subject Property contains a priority retention area described by NR Section 5-1607(C)(2)(ii). TCP1-052-97-03 proposes to remove all of the 13.32 acres of contiguous forest on the Subject Property.

Under NR Section 5-1607(c)(3)(i), the Planning Board, as the local approving authority, is required to “issue written findings and justification” for the proposed clearing. More specifically, the Planning Board must articulate whether “the applicant has demonstrated . . . that reasonable efforts have been made to protect [the contiguous forest] and the plan cannot reasonably be altered.” *See* NR § 5-1607(C)(2)(ii). The Applicant has provided no evidence that it has taken reasonable efforts to protect any part of the contiguous forest or that the plan cannot reasonably be altered. Therefore, the Planning Board should deny the request to clear the priority retention areas.

These provisions of the State Forest Conservation Act went into effect on July 1, 2024. While the TCP1 may be subject to the preservation requirements set forth in the 2010

WCO, the Planning Board is not exempted from complying with the procedural requirements set forth in the current version of the State Forest Conservation Act.

Planning Staff is incorrect when it states that NR Section 5-1607(c)(3)(i) is not effective until July 1, 2026 as HB 1511-2024 states that this provision shall take effect on July 1, 2024. The Planning Board considered the TCP on July 10, 2025 and did not issue its resolution until July 31, 2025. Moreover, Planning Staff is incorrect when it concludes that the TCP1 is subject to the grandfathering provisions because the Applicant has not received prior approval for a TCP that covers both Lot 12 and Outparcel B.

5. The Applicant cannot meet the requirements for a Forest Conservation Act Variance.

The Applicant's FCA Variance does not satisfy any of the requirements of PGCC Section 25-119(d)(3) other than criteria (E).

Criterion (A) requires the Planning Board to identify special conditions that are "peculiar" to the Subject Property. PGCC § 25-119(d)(3)(A). The record lacks any evidence of features that are peculiar to the Subject Property or that any features of the property have a sufficient nexus with the alleged need for the FCA variance.

Criterion (A) also requires the Planning Board to find that the Applicant will experience an unwarranted hardship if the Applicant were required to retain the four specimen trees. Maryland's FCA jurisprudence requires that alleged unwarranted hardship relates to the use of the entire property and that the proposed development cannot be accomplished elsewhere on the property. *See West Montgomery Cty. Citizens Ass'n v. Montgomery Cty. Planning Bd. of M-NCPPC*, 248 Md. App. 314, 347 (2020).

Here, the four specimen trees are clustered around the northern and eastern boundary of the Subject Property. Resolution 2025-057 at 33. The record lacks any evidence demonstrating how the Applicant would be prevented from developing the entire property if the Applicant were required to retain the four specimen trees located at the edge of the Subject Property.

The Planning Board's previous interpretation of Criteria (B) and (C) rendered these criteria meaningless because every FCA Variance request will satisfy the Planning Board's interpretation. *See* Resolution 2025-057 at 34 (Planning Board concluding that "not granting the variance request . . . would prevent the site from being developed in a functional and efficient manner like other developments of similar size and use" and "all variance applications for the removal of specimen trees are evaluated in accordance with the requirements of Subtitle 25 and the ETM for site-specific conditions"). The record lacks any evidence demonstrating how the Applicant satisfies these criteria.

The Planning Board previously found that the Applicant satisfies Criterion (D) because the circumstances causing the need to remove the specimen trees were caused by the prior property owners. This is legally erroneous.

In Maryland, when title is transferred, it takes with it all the encumbrances and burdens that attach to title; but it also takes with it all the benefits and rights inherent in ownership. *If a predecessor in title was subject to a claim that he had created his own hardship, that burden, for variance purposes, passes with the title.* But, at the same time, if the prior owner has not self-created a hardship, a self-created hardship is not immaculately conceived merely because the new owner obtains title.

Richard Roeser Pro. Builder, Inc. v. Anne Arundel Cnty., 368 Md. 294, 319 (2002)
(emphasis added).

The evidence in the record demonstrates that the need for the variance is caused by the Applicant or the prior property owners. To start, the eastern portion of the Subject Property “has an existing regional pond” that was installed by either the Applicant or prior owners to “serve[] the adjacent Addition to Signature Club subdivision, portions of Manning Road East, and the subject application Signature Club East development.” Resolution 2025-057 at 36. This pond restricts the development potential on the Subject Property and pushes the development closer to the specimen trees. If the pond was not located on the Subject Property, the Applicant could easily avoid impacts to the four specimen trees. Thus, the request for the FCA variance is based on conditions or circumstances caused by the Applicant or the prior owners of the Subject Property.

Additionally, the Planning Board previously found that “no specimen trees were identified on the previously approved tree conservation plans” and that “these specimen trees have grown to specimen size over time.” Resolution 2025-057 at 33. The record also shows that a large majority of the Subject Property was deliberately placed in a forest retention area. *See* Prior Backup 38–44, 53; *see* Ex. B; *see* Ex. C. Thus, the Applicant, or the prior owners of the Subject Property, took deliberate actions that created conditions that allowed the Specimen Trees to exist on the Subject Property.

Criterion (F) requires the Planning Board to find that granting the FCA Variance will not adversely affect water quality. PGCC § 25-119(d)(3)(F). However, the Applicant has not provided any evidence to demonstrate that the proposed development will not adversely affect water quality—the Applicant does not even have an approved stormwater

management plan. Thus, the record lacks any evidence to support the Planning Board's conclusion that the Applicant satisfied Criterion (F).

For all of these reasons, the Planning Board must deny the Applicant's requested FCA Variance.

V. CSP-23002 is not compatible with other properties in the vicinity because there are no developments above three stories in the vicinity of the Subject Property.

To approve a CSP application, the Planning Board is legally obligated to make a finding that "the proposed development is compatible with existing and proposed development in the vicinity." *See* PZO § 27-546(d)(4). Thus, the Planning Board is required to describe, with specificity, the facts that demonstrate how the proposed five-apartment buildings (or alternatively, the proposed four-story townhomes) are compatible with the existing and proposed development in the vicinity. The Planning Board cannot simply provide broad conclusory statements that the proposed development is compatible with the development in the vicinity.

Compatibility is not limited to the type of use proposed but also the scale and design of the proposed uses.

Here, the record demonstrates that there are no other buildings in the area that exceed three stories. *See, e.g.*, Prior Backup 48–51. Therefore, the proposed developments are not compatible with the vicinity.

Citizen-Protestants respectfully request that this Planning Board either deny CSP-23002 or in the alternative, impose a condition that the building heights not exceed three stories.

VI. CSP-23002 does not satisfy the traffic adequacy requirements.

As the District Council described, “the requisite findings of adequate transportation facilities cannot be deferred because, under [PZO] § 27-546(d)(9), such a finding is a prerequisite, or condition precedent to approve the CSP application.” Remand Order 6. Thus, before approving CSP-23002, the Planning Board must find that

transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivisions, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development.

PZO § 27-546(d)(9).

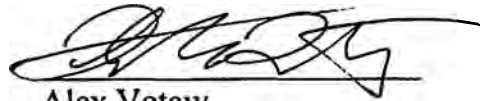
It is undisputed that a Level of Service E or F fails to pass the traffic adequacy requirements. Here, the Planning Staff acknowledge that “the intersection of MD 210 and MD 373 . . . indicates failing levels in all conditions.” TSR 20. Planning Staff attempt to excuse the inadequate traffic conditions by stating that the traffic mitigation meets the requirements under the 2022 Transportation Review Guidelines (“TRG”). TSR 21. This interpretation is contrary to law because the applicable regulations do not allow the Applicant to provide inadequate transportation facilities in any circumstances. Instead, existing or fully funded future transportation facilities must be adequate to carry the anticipated traffic of the proposed development. PZO § 27-546(d)(9).

“It is well established in Maryland that courts will not ‘give effect to agency regulations that are inconsistent with or conflict with the statute the regulations are intended

to implement.”” See *In re R.S.*, 242 Md. App. 338, 363 (2019) (quoting *McClanahan v. Wash. Cnty. Dep’t of Soc. Servs.*, 445 Md. 691, 708 (2015)). Thus, even if the TRG creates a less stringent transportation adequacy requirement, the PZO will still prevail.

Moreover, for the reasons provided in the report of Lawrence Green, PE, PTOE, CSP-23002 does not satisfy the traffic adequacy requirements set forth in PZO Section 27-546(d)(9). See Lawrence Green Resume (attached as Exhibit D) and Lawrence Green Report (attached as Exhibit E).

Respectfully Submitted,



Alex Votaw
AIS No. 2112150190
Law Office of G. Macy Nelson, LLC
600 Washington Avenue, Suite 202
Towson, Maryland 21204
(410) 296-8166
Email: alex@gmacynelson.com
Attorney for Citizen-Protestants