



# 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, reading "Donna J. Brown", is written above a horizontal line.

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 LLC<sup>1</sup>

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

ORDER OF REMAND

A. Introduction<sup>2</sup>

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.<sup>3</sup> Opposition Exceptions, 9/3/25. The District Council also considered Signature 2016 Commercial LLC (Property Owner) response to exceptions and request for a

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<sup>1</sup> 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.

<sup>2</sup> 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."

<sup>3</sup> 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.<sup>4</sup> *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.

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<sup>4</sup> 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 Remand<sup>5</sup>

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.

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<sup>5</sup> 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.<sup>6</sup>

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:<sup>7</sup>

#### 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

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<sup>6</sup> 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).

<sup>7</sup> 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 28<sup>th</sup> 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:   
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Edward P. Burroughs, III, Chair

ATTEST:

  
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Donna J. Brown  
Clerk of the Council