

Case No.: A-10051 - Zoning Map Amendment  
Carozza Property

Applicants: Maria Volpe and Sandra Carey,  
Trustees/Carozza Property

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

ORDER OF REMAND

For reasons set forth herein, this Zoning Map Amendment application to rezone approximately 60.02 acres of land in the R-R (Rural Residential) Zone—located at the southwest quadrant of the intersection of Pennsylvania Avenue (MD 4) and Woodyard Road and identified as 9702 and 10200 Marlboro Pike—to the M-X-T (Mixed-Use Transportation Oriented) Zone within the M-I-O (Military Installation Overlay) Zone, is REMANDED to the Zoning Hearing Examiner.

In July 2019, Planning Board Staff accepted this application for review and in October 2019, Staff recommended disapproval of the application. Staff Report, 10/17/2019. Subsequently, Planning Board adopted Staff's recommendation that the application should be disapproved.

The Zoning Hearing Examiner held a hearing on the application on January 15, 2020, and issued a written recommendation to the District Council on August 20, 2020. The Examiner did not make a final recommendation to approve or disapprove the application on the merits. Instead, the Examiner issued a recommendation to Council that the application should be remanded subject to certain conditions. ZHE Decision, 8/20/2020, pp. 1, 20-21, Exceptions, 9/16/2020, p. 2.

On September 21, 2020, the Clerk of the Council received the Applicant's written exceptions to the Examiner's written recommendation on the application. Exceptions, 9/16/2020.

On October 5, 2020, Council elected to review and make the final decision on the application. 10/5/2020, Tr.

On December 18, 2020, the Clerk of the Council issued written notice of oral argument to all persons of record that Council elected to make the final decision on the application, and that oral argument will be held on January 25, 2021. Notice of Oral Argument, 12/18/2020.

On January 21, 2021, the Applicant, through counsel, filed an amendment to its written exceptions. In the amendment letter, the Applicant consented to the Examiner's recommendation of remand. In relevant part, the Applicant indicated that (without waiving arguments on written exceptions) if Council remanded the application to the Examiner, there would be no need for oral argument on January 25, 2021. Amendment Letter, 1/21/2021.

On January 25, 2021, without conducting oral argument on the merits of the application, Council voted (11-0) to remand the application to the Examiner. Council's decision to remand this application to the Examiner does not constitute a waiver of the right to elect to review the application to make the final decision whether the subject property should be rezoned nor does it constitute a waiver of the right to decide the merits of Applicant's prior written exceptions. 1/25/2021, Tr.

On remand, the Examiner shall render a new or revised disposition recommendation subject to applicable requirements in the County Code and the Land Use Article.

ORDERED this 9<sup>th</sup> day of February, 2021, by the following vote:

A-10051  
Zoning Map Amendment

In Favor: Council Members Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter, Taveras, and Turner.


Opposed:

Abstained:

Absent:

Vote: 11-0.

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:   
\_\_\_\_\_  
Calvin S. Hawkins, II, Chair

ATTEST:



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Donna J. Brown  
Clerk of the Council