

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

February 20, 2026

Ms. Donna J. Brown
Clerk, County Council
For Prince George's County
Wayne K. Curry Administration Bldg.
1301 McCormick Drive, 2nd Fl.
Largo, Maryland 20774

Re: Conceptual Site Plan CSP-23002 and
TCP1-052-97-03/Signature Club East
Response to Planning Board Amended Resolution;
Exception to Planning Board Finding Regarding
Townhouse Amendment and Request for Oral Argument

Dear Ms. Brown:

I represent Signature 2016 Commercial LLC, the Owner of the property forming the subject matter of the referenced applications and the Applicant in these applications.¹ The property forming the subject matter of these applications consists of Lot 12 and Outparcel B. Lot 12 consists of 13.27 acres while Outparcel B consists of 3.70 acres (hereinafter collectively the "Property"). Under the prior Zoning Ordinance, both Lot 12 and Outparcel B were zoned M-X-T (Mixed-Use Transportation Oriented). Under the new Zoning Ordinance, Lot 12 and Outparcel B are both zoned RMF-48 (Residential Multifamily-48). The Property is part of a larger development known as Manokeek and Signature Club. Part of Signature Club consisted of approximately 97 acres which was divided into Pods 1, 2 and 3. Pod 1 was 26.04 acres in area and became developed with the Manokeek Village Shopping Center. Pod 2 consisted of approximately 57 acres which was originally approved for 800 senior housing units including single family detached, townhomes and multifamily units. Ultimately, its development entitlement was amended to consist of 218 townhouses and 95 single family detached homes. Pod 3 was originally Lot 12 and

¹ The original Applicant, WP East Acquisitions LLC, was the contract purchaser of the Property. WP East Acquisitions has terminated its contract with the Owner. The Owner is now also the Applicant. See letter of January 12, 2026 from Signature 2016 Commercial, LLC, attached hereto as Exhibit "A".

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was approved for 157,000 square feet of commercial space. These uses were all approved as part of Conceptual Site Plan, CSP-99050. Outparcel B was not included in CSP-99050. Rather, it was formerly part of a larger parcel known as Parcel 25. It was acquired by the original developer of Signature Club in order to provide access to Manning Road. Outparcel B was subdivided in 2002 (4-01064) and shown on a Final Plat of Subdivision recorded in Plat Book REP 205, Plat 46. It was rezoned to the M-X-T Zone pursuant to the approval of Zoning Map Amendment Application 9960-C. Hence, both Lot 12 and Outparcel B were entitled pursuant to the prior Zoning Ordinance. The Property is presently unimproved. It is located in the northeast quadrant of the intersection of Manning Road East and Berry Road (Applicant's Initial Statement of Justification p. 1-4, Initial Staff Report, p. 5-6).

The Applicant initially proposed to develop the Property with a maximum of 300 multifamily residential units and 12,600 square feet of commercial space. In the M-X-T Zone a property must achieve approval of a Conceptual Site Plan, Preliminary Subdivision Plan and a Detailed Site Plan. Since additional property is being added to Lot 12 for this development, the prior Conceptual Site Plan could not simply be revised. Therefore, a new plan (CSP-23002) was filed. The Applicant elected to utilize the provisions of the prior Zoning Ordinance as expressly authorized by Section 27 -1700 et. seq. and Section 27-1900 et. seq. of the new Zoning Ordinance. This Conceptual Site Plan was recommended for approval by every review agency which submitted a referral. It was also recommended for approval in a thorough and well reasoned Initial Staff Report. Finally, after considering referrals, the Staff Report, documentary evidence submitted into the record and after hearing testimony from the Applicant and expert witnesses on behalf of the Applicant, as well as opposition testimony, the Planning Board unanimously approved CSP-23002 and TCP1-052-97-03. A number of objectors appealed the Planning Board's approval to the Prince Georges 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, the Applicant requested a limited remand to analyze the various tree conservation plans in order to determine if the Property was impacted by a conservation easement(s). 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

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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 Order of Remand. The Amended Staff Report prepared in anticipation of the Remand hearing before the Planning Board is thorough and thoughtfully analyzes each of the remand issues. The Applicant also submitted written evidence addressing the remand issues. The Applicant, as noted above, also filed documents amending the Application to request the approval of townhouses in lieu of multifamily units. At the conclusion of the Planning Board hearing the Board once again approved the Conceptual Site Plan. However, the Board elected not to consider the amended application requesting approval of townhouses. The Applicant takes exception to the Board's determination not to consider the Amended Application, including the townhouse proposal. That exception follows. However, the Applicant supports the general findings of the Planning Board on Remand concerning the existence of substantial evidence to satisfy all relevant criteria for the approval of the Conceptual Site Plan.

EXCEPTION

The Planning Board Erred In Failing To Review the Applicant's Amendment to CSP-23002 to Substitute Residential Townhomes for Residential Multifamily Units

As originally filed, Conceptual Site Plan CSP-23002 proposed development of Lot 12 and Outparcel B with up to 300 multifamily residential units and 12,600 square feet of retail commercial uses. That proposal was reviewed by staff and recommended for approval. Ultimately, that development proposal was approved by the Planning Board as set forth in its initial Resolution of Approval (PGCPB No. 2025-057) adopted on July 31, 2025. That approval was appealed by certain residents in opposition to the proposal, some of whom were represented by counsel. As noted above, no argument on the merits of the appeal was heard by the District Council. Rather, the case was remanded to the Planning Board pursuant to the District Council's Order of Remand adopted on October 28, 2025.

When the Planning Board initially considered CSP-23002 at a public hearing on July 10, 2025, testimony was provided by numerous witnesses both on behalf of the Applicant and in opposition. A recurring theme addressed by certain of those in opposition asserted the lack of compatibility of the proposed development. Comments in opposition included, but were not limited to, the following:

- Alex Votaw, Esq., an attorney representing two abutting property owners. At the public hearing on July 10, 2025, she argued that the proposed apartments would not be compatible with other structures in the area. She noted that the apartments would be five stories in height and that structures of that height would not be compatible with any other existing residential uses in the area. (Transcript, July 10, 2025 Hearing p. 27)
- Karen Thomas testified that a 300 unit apartment complex would not blend harmoniously in a community of single family homes and townhomes. (Transcript, July 10, 2025 hearing, p. 35).
- Tatiana Gomez Ramirez testified that that area was semi-rural and that three high density residential buildings would pose a serious and irreversible threat to the integrity of the community. (Transcript, July 10, 2025 hearing, p. 44)
- Victor Christiansen testified that the project would be massive and would be an "unmitigated disaster" (Transcript, July 10, 2025 hearing, p. 47 and 48)

The project is being entitled for development under the M-X-T Zone of the prior Zoning Ordinance as authorized by the Transitional Provisions at Section 27-1900 and 27-1704 of the new Zoning Ordinance. The M-X-T Zone allows residential multifamily uses, residential townhomes and single family detached residences. By definition, it is possible that all three uses can be compatible within the same development. However, given the testimony presented before the Planning Board as well as comments made during the hearing before the District Council, and further given that one of the express items to be addressed on remand was compatibility of the proposed development with existing development, the Applicant determined to amend the Application to substitute residential townhomes for multifamily residential units. The amendment was

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effected in a letter dated July 12, 2025 whereby the owner/applicant, Signature 2016 Commercial LLC, specifically amended the Application to substitute up to a maximum of 160 residential townhomes in lieu of the previously proposed 300 residential multifamily units. The letter expressly indicated that that the change was being made in order to further address compatibility issues. (See Exhibit "A" which is a part of the record). In addition, the change from residential multifamily uses to residential townhouse uses was addressed and explained in a Second Amended Statement of Justification (See Second Amended Statement of Justification, p. 5-6). Finally, the Applicant and Owner submitted to the Planning Board a revised Conceptual Site Plan drawing showing proposed development of the Property with residential townhomes and not with residential multifamily units.

While acknowledging the Applicant's amendment to develop a maximum of 160 townhouse units in lieu of 300 multifamily units, the Planning Board, declined to address the amended Application and instead continued to address the original proposal of 300 residential multifamily units. While the Planning Board, in its Amended Resolution of Approval (PGCPB No. 2025-057(A)) once again approved the Conceptual Site Plan, it declined to analyze the amendment of the Plan to request residential townhomes as opposed to residential multifamily units. Nonetheless, the Planning Board once again found that multifamily residential units would be compatible (Amended Resolution, p. 14-16). The Applicant, however, asserts that the Planning Board should have expressly considered the Applicant's amendment to request residential townhomes and further should have addressed this amended application as part of its Amended Resolution pursuant to the Remand. Section 27-280(d) provides that when an appeal of a Conceptual Site Plan is filed to the District Council or if the District Council elects to review the Conceptual Site Plan as approved by the Planning Board, the District Council must "affirm, reverse, or modify the decision of the Planning Board, or remand the Conceptual Site Plan one time to the Planning Board to take further testimony or reconsider its decision in accordance with specified grounds stated in the Order of Remand adopted by the Council". Since the issue of compatibility was expressly addressed in the District Council's Order of Remand and since several witnesses have testified as to the compatibility or lack thereof of multifamily units, it was incumbent upon the Planning Board to take testimony and reconsider its decision in accordance with the grounds set forth in the Order of Remand. Clearly, the Planning Board should have considered the

Applicant's amendment for residential townhomes as opposed to residential multifamily units.

STANDARD OF REVIEW

Pursuant to section 27-776 of the prior Zoning Ordinance, a Conceptual Site Plan is to be reviewed and approved by the Planning Board. The Planning Board has original jurisdiction which includes the express authority to utilize its discretion to review the Conceptual Site Plan, determine if it meets articulated criteria and thereafter either approve or deny the Conceptual Site Plan. Pursuant to Section 27-280(a) of the prior Zoning Ordinance, any party of record is allowed to appeal the Planning Board's decision to the District Council. The District Council's review is on the record compiled before the Planning Board. It is not *de novo*. Where the Planning Board exercises original jurisdiction, the District Council's review is appellate in nature. The District Council may not reverse the decision of the Planning Board as long as it is supported by substantial evidence in the record and is not affected by error of law. Heard v. County Council, 256 Md. App. 586, 607, 611, 287 A.3d 682 (2022). County Council of Prince George's County v. FCW Justice Inc., 238 Md. App. 641, 667, 193 A.3d 241 (2018).

ISSUES ON REMAND

The District Council's Order of Remand identified nine items to be addressed during the course of the Remand. In general, the Applicant agrees with the findings of staff of M-NCPPC and ultimately with the determinations made by the Planning Board at the time of the Remand hearing and as embodied in the Planning Board's Amended Resolution. The Applicant's summary of the Remand issues follows:

- 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, dated January 13, 2026.

- 2. State an accurate description and location of the Property**

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RESPONSE: Page 1 of the Planning Board's original 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 that Resolution in its entirety as well as the record in its entirety, it is clear this was simply a clerical error.

Further, this clerical error has been corrected in the Amended Resolution (PGCPB No. 2025-057(A) adopted on January 15, 2026 and mailed on January 22, 2026. (See Amended Resolution, p.1)

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 review on February 26, 2024. (See Initial 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 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 Reports and in the Planning Board's Amended Resolution (See p. 32). In addition, the Applicant's expert land planner, Mark Ferguson, also submitted a report titled Land Planning Analysis which is dated January 13, 2026 analyzing this issue on behalf of the Applicant. The findings of the Staff, Planning Board 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 both the Initial and Amended Staff Reports and in the Planning Board Amended Resolution. The Applicant concurs in that analysis. This issue is also addressed by the Applicant's expert land planner, Mark Ferguson. This report is referenced above.

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 Initial and Amended Staff Reports, as well as by the Planning Board in its Amended Resolution (see page 42). 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 the Remand hearing. The Staff Report, the Amended Resolution and Mr. Ferguson's analysis conclude with compelling evidentiary support that

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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 amended application. Finally, CSP-20003 was formally amended to substitute townhouses for multifamily units.

7. The Required Adequacy of Transportation Facilities Requirements as Set Forth in Section 27-546(d) of the Prior Zoning Ordinance Are Met and Satisfied

RESONSE: In its Order of Remand, the District Council notes that Section 27-546(d)(9) requires a finding of transportation adequacy. The record contains substantial evidence conferring that transportation facilities will be adequate.

Prior to submitting this Conceptual Site Plan CSP-23002, the Applicant's transportation engineer, Lenhart Traffic Consulting Inc., entered into a Scoping Agreement with M-NCPPC. The Scoping Agreement appears at Appendix A to the Traffic Impact Analysis for Signature Club East which was submitted and reviewed by M-NCPPC as part of its review and approval of Conceptual Site Plan CSP-23002. Within that Scoping Agreement is the understanding that a total of eight intersections would be studied and evaluated for transportation impact. In addition, identified background developments were required to be considered and traffic generation from those developments was required to be included in the Study. Further, an annual growth rate of one percent (1%) in traffic was also required to be included in the evaluation. Finally, trips to be generated by the proposed development, as initially contemplated, were to be added. The initial development proposal was to include 300 multifamily residential units and 12,600 square feet of commercial retail space. Counts were taken of the required intersections to be analyzed. When all analysis had been completed, it was determined that all eight intersections, with one exception, passed in both the AM and PM peak hour analysis. One intersection, that being the intersection of MD 210 and MD 373, had a failing level of service in the PM peak hour but a passing level of service in the AM peak hour. This finding remained true both under existing traffic conditions and under total traffic conditions. (See Traffic Impact Analysis, p. 17-18 and 26).

The District Council's Remand Order noted that while only one intersection failed to meet required level of service requirements, no mitigation was analyzed or offered and therefore, the District Council determined that it was not able to make an adequacy finding for the project as required by Section 27-546(b)(9).

The Lenhart Traffic Impact Analysis ("TIA") was initially prepared on November 7, 2023. It was updated on May 22, 2025 and updated once again on December 15, 2025.

The Lenhart TIA noted that the property was the subject of a previously approved Subdivision Plan (4-01064) and a recorded Final Plat with an automatic Certificate of Adequacy and trip cap of 147 AM and 524 PM peak hour trips. (TIA, p. 4). The Lenhart TIA also noted that all transportation improvements previously required pursuant to Preliminary Subdivision Plan 4-01064 have been constructed. Lenhart concluded that all study intersections would be adequate during the AM peak hour even with the increased trip cap. It was also noted that the PM peak hour results in a reduction of the trip cap from that which was previously approved. Based upon that reduction, Lenhart opined that no improvements would be required at the intersection of MD 210 and MD 373 given that trips to be generated by the instant proposal are less than those contained in the automatic Certificate of Adequacy issued for the Property (TIA, p. 18).

Notwithstanding the above, the December 15, 2025 amendment to the TIA proffered mitigation improvements at the intersection of MD 210 and MD 373. Mitigation is expressly authorized by the 2022 Transportation Review Guidelines. A mitigation improvement results in a finding of adequacy where the improvement mitigates 150 percent of the site generated traffic. The Lenhart revised TIA proposed the following mitigation improvements:

1. Modify the traffic signal to be a split-phased traffic signal for the MD 373 (Livingston Road) approaches.
2. 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.
 - a. Eastbound: One left turn lane, on shared left/through, and one shared through/right.

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- b. Westbound: One left turn lane, one shared left/through, and one right turn lane.
(TIA, p. 27)

With this transportation mitigation improvement, Lenhart found that over 300 percent of the transportation impact of the proposed development would be mitigated at the MD 210/MD 373 intersection during the PM peak hour. With this mitigation improvement, adequacy can be found for all intersections during both the AM and PM peak hours.

It should also be noted that the Lenhart Traffic Consulting TIA initially analyzed traffic generation based upon 300 multifamily residential units in addition to the 12,600 square feet of commercial retail space (TIA, p. 4). However, the updated TIA of December 15, 2025 also included an analysis of trip generation for 180 townhouse units. While the 300 multifamily units would generate 156 AM and 180 PM peak hour trips, the 180 townhouse units would generate only 126 AM trips and 144 PM trips. Therefore, development of the Property with townhouse units would generate 30 fewer AM peak hour trips and 36 fewer PM peak hour trips than the original multifamily proposal (TIA, p. 17-18).

Mr. Lenhart testified before the Planning Board on Remand concerning the results of his revised Traffic Impact Analysis. It is his opinion that the adequacy standard as set forth in Section 27-546(d)(9) of the prior Zoning Ordinance was met and satisfied. The Planning Board Amended Resolution on Remand analyzes traffic conditions as well as the Lenhart TIA. It is the finding of the Planning Board, as set forth in its Resolution, that the requirements of Section 27-546(d) are met and satisfied and that transportation adequacy will exist (see Planning Board Amended Resolution p. 17-21).

In view of the above, all requirements for establishing transportation adequacy pursuant to Section 27-546(d) of the prior Zoning Ordinance are met and satisfied.

8. The Specimen Tree Variance Was Properly Approved by the Planning Board

RESPONSE: In its Order of Remand, the District Council addressed the issue of the specimen tree variance which had been approved by

the Planning Board. As noted previously, the Property includes Lot 12 (13.27 acres) and Outparcel B (3.70 acres). Together, the development site consists of 16.90 acres. In total, there are ten specimen trees located on or in the immediate vicinity of the Property. A specimen tree variance application was filed seeking to impact six specimen trees. Four would be removed and two would be impacted but saved. In its Remand Order, the District Council articulated that the law related to zoning variances applied to a variance to remove specimen trees. On remand, the District Council instructed that the Planning Board apply the standard of review for a zoning variance to determine whether or not the Applicant had met its burden for granting the requested specimen tree variance pursuant to Subtitle 25 of the Prince George's County Code (Order of Remand p. 7-9). This instruction by the District Council was incorrect.

Subtitle 25 of the Prince George's County Code governs the removal of specimen trees. Specifically, Section 25-119(d) governs specimen tree variances. Section 25-119(d) sets forth specific criteria for the grant of a variance to remove specimen trees. Criteria contained in that section are substantively different from the criteria set forth in Section 27-230 of the prior Zoning Ordinance governing zoning variances. Furthermore, Section 25-119(d)(6) expressly states that "[V]ariances under this Subtitle are not considered zoning variances". 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 Cnty. Planning Board, 265 Md. App. 172, 333 A.3d 1018 (2025) 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 flatly disagreed, finding that the zoning variance standards present a more difficult burden than is required for a specimen tree variance under Section 25-119. The Appellate Court of Maryland in Bhargava clearly explained the difference between the criteria for a zoning variance and a specimen tree variance, Bhargava at 196-198.

As noted above, there are 10 specimen trees located on and in the immediate vicinity of the Property. The Applicant requested authorization to remove four on-site 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, VIKA, 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 development 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 Initial 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, both on its initial consideration of this case as well as on Remand, after reviewing all the information provided by the Applicant, Environmental Planning and the Technical Staff Report, approved the variance. The Planning Board's Amended Resolution of approval contains specific factual analysis on each criterion, some of which incorporates information provided by the Applicant and staff. (Amended Resolution, p. 35-38). The facts of this case and the specific findings contained in the Planning Board Amended Resolution clearly constitute substantial evidence supporting the grant of the specimen tree variance.

In spite of the Bhargava Opinion, counsel for the opposition continues to argue that the specimen tree variance should not have been approved. In its most recent filing (Written Exceptions and Request for Oral Argument) submitted on February 19, 2026, counsel for the opposition argues that the specimen tree variance does not satisfy any of the requirements of Section 27-119(d)(3) other than criterion (E). That certainly is not the case, and the facts clearly indicate otherwise. A substantial justification exists within the Justification in support of the specimen tree variance filed by the Applicant's engineer as well as the review and analysis of

the Environmental Planning Section, the Technical Staff Report and finally, both the original and Amended Planning Board Resolutions.

It is also significant to note that counsel for the opposition specifically states in her filing that Section 25-119(b)(3)(D) is not satisfied, as the need to remove the specimen trees "arises from circumstances created by prior property owners" (Opposition Exceptions, p. 13). Counsel for the opposition goes on to argue that one of the justifications for the specimen tree variance in this case was the existence of a stormwater management pond on the Property. The opposition then argues that the stormwater pond was installed by a predecessor in title. Therefore, the opposition alleges the existence of the stormwater pond cannot constitute a justification for the variance. Finally, the opposition argues that a current applicant for a variance is subject to actions taken by predecessors in title. As authority for that assertion, the opposition cites Richard Roeser Pro Builder Inc. v. Anne Arundel Cnty., 368 Md. 294, 319 (2002). Remarkably, but perhaps not surprisingly, the case citation advanced as authority for the opposition's argument once again deals with a zoning variance. As the Court instructed in Bhargava, zoning variance standards do not apply to a specimen tree variance.

The record is replete with evidence supporting the grant of the specimen tree variance by the Planning Board. The approval of the specimen tree variance is consistent with all required criteria relevant to approval of such variance.

- 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

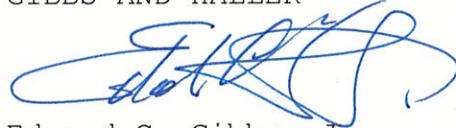
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time of approval of a Conceptual Site Plan. Rather, it must only be submitted and be under review. That requirement has clearly been satisfied in this case.

CONCLUSION

Based on the foregoing, the Applicant/Owner hereby requests that the District Council approve CSP-20003 as amended to include up to 160 townhouses (in lieu of 300 multifamily units) as well as 12,600 square feet of commercial uses and approve TCP1-052-97-03 for Signature Club East. The Applicant also requests Oral Argument before the District Council.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of February, 2026, a copy of this Response to Planning Board Amended Resolution, Exception to Planning Board Finding Regarding Townhouse Amendment and Request for Oral Argument was mailed electronically and by first-class, postage prepaid, to:

Donna J. Brown
Clerk of the Council
Prince George's County Council
1301 McCormick Drive
Largo, Maryland 20774
clerkofthecouncil@co.pg.md.us

Rajesh A. Kumar, Esquire
Prince George's County Council
1301 McCormick Drive, Suite 3-126
Largo, Maryland 20774
RAKumar@co.pg.md.us

Ms. Donna J. Brown
February 20, 2026
Page 18

Stan Brown, Esquire
People's Zoning Counsel
1300 Caraway Court, Suite 202
Largo, Maryland 20774
attorney@stanbrown.law

Alex Votaw, Esquire
600 Washington Avenue, Suite 202
Towson, Maryland 21204
alex@gmacynelson.com

And by first class U.S. Mail, postage prepaid, to all persons or entities on the attached list.



Edward C. Gibbs, Jr.

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

CASE NO: CSP-23002
CASE NAME: SIGNATURE CLUB EAST
PARTY OF RECORD: 45
PB DATE:

JUDITH ALLEN-LEVENTHAL
P.O.BOX 217
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

MICHAEL LEVENTHAL
P.O.BOX 217
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

MICHAEL LENHART
231 NAJOLES ROAD, SUITE 250
MILLERSVILLE MD 21108
(CASE NUMBER: CSP-23002)

ROBYN BRASWELL
SIGNATURE CLUB COMMUNITY
313 BUCCOO REEF LOOP
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

SCOTT ZIMMERLY
WOOD PARTNERS
11 N WASHINGTON STREET
ROCKVILLE MD 20850
(CASE NUMBER: CSP-23002)

ZACHARY ALBERT
WOOD PARTNERS
11 N. WASHINGTON STREET, SUITE 320
ROCKVILLE MD 20850
(CASE NUMBER: CSP-23002)

ROBERT SMITHJR.
SIGNATURE 2016 COMMERCIAL
P.O.BOX 4574
ANNAPOLIS MD 21403
(CASE NUMBER: CSP-23002)

SIGNATURE 2016 COMMERCIAL, LLC
9130 SILVER POINT WAY
FAIRFAX STATION VA 22039
(CASE NUMBER: CSP-23002)

TATIANA GOMEZ RAMIREZ
219 BUCCOO REEF LOOP ALLEY SUITE
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

ALEXANDRA VOTAW
THE LAW OFFICE OF G. MACY NELSON, LLC
600 WASHINGTON AVENUE SUITE 202
TOWSON MD 21204
(CASE NUMBER: CSP-23002)

KEITH PIERCE
807 SANGERVILLE CIRCLE
UPPER MARLBORO MD 20774
(CASE NUMBER: CSP-23002)

EDWARD GIBBS JR.
GIBBS AND HALLER
1300 CARAWAY COURT/S SUITE 102
LARGO MD 20774
(CASE NUMBER: CSP-23002)

MR.EZEKIEL DENNISON JR.
MARLTON HOMEOWNERS ASSOCIATION
10213 LILY GREEN COURT/S
UPPER MARLBORO MD 20772
(CASE NUMBER: CSP-23002)

MEGAN CRIGGER

14512 LEONARD CALVERT DRIVE SUITE
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

MS.ERICA BELL
16521 ANEGADA DRIVE
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

LAWRENCE GREEN

1329 MACKINAW DRIVE SUITE
WAKE FOREST NC 27587
(CASE NUMBER: CSP-23002)

CARL CODDINGTON
317 MANNING ROAD EAST
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

KAREN THOMAS

16712 BEALLE HILL FOREST LANE SUITE
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

JIM CLARK
SIGNATURE 2016 COMMERCIAL, LLC
136 EARECKSON LANE SUITE
STEVENSVILLE MD 21666
(CASE NUMBER: CSP-23002)

BRITTNEY BRASWELL
SIGNATURE CLUB RESIDENT
203 BUCCOO REEF LOOP SUITE
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

LISA BURNAM
KEEP ACCOKEEK GREEN
16603 OLD CABIN PLACE SUITE
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

RANA DOTSON
USG
16602 OLD CABIN PLACE SUITE
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

JULIAN DOTSON

16602 OLD CABIN PLACE SUITE
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

JULIAN DOTSON

16602 OLD CABIN PLACE SUITE
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

CALEB DOTSON

16602 OLD CABIN PLACE SUITE
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

CALEB DOTSON

16602 OLD CABIN PLACE
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

MS.RANA DOTSON
16602 OLD CABIN PLACE
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

EMILY CANAVAN
AMP CREEKS COUNCIL
1490 POPLAR HILL ROAD
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

CAROLYN KEENAN

16795 BOOT HILL ROAD SUITE
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

JORDAN EBERST

16801 BOOT HILL ROAD SUITE
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

MR.JOHN MITCHELL
15213 RESERVE ROAD
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

MR.VICTOR J CHRISTIANSEN
16521 BOOT HILL ROAD
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

DR.HANS HAUCKE
14901 POPLAR HILL ROAD
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

MS.MICHELLE SULLIVAN
14801 WEST RIDGE ROAD
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

MS.EMILY M CANAVAN

14900 POPLAR HILL ROAD
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

MS.BETTY MITCHELL
15213 RESERVE ROAD
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

MS.HARRIETT THOMAS-RICHMOND
9423 SANDY CREEK ROAD
FORT WASHINGTON MD 20744
(CASE NUMBER: CSP-23002)

MS.GWYNETH LEWANDOWSKI
3100 BRYAN POINT ROAD
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

MR.CHARLES H FLOWERS IV
206 MANNING ROAD EAST
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

MARK FERGUSON
RDA/SITE DESIGN
5407 WATER STREET SUITE 206
UPPER MARLBORO MD 20772
(CASE NUMBER: CSP-23002)

MRS.PAMELA PAYNE
1108 STRAUSBERG STREET
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

TERRY COVINGTON
201 MATTAWOMAN WAY
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

TONYA PERKINSON
12816 CENTER PARK WAY
UPPER MARLBORO MD 20772
(CASE NUMBER: CSP-23002)

JACQUAN HILLIARD
16503 CARIBBEAN WAY SUITE
ACCOKEEK MD 20607
(CASE NUMBER: CSP-23002)

MRS.LEENADA SMITH-BRASHEARS
2007 MOSSY GREEN WAY
ACCOKEEK MD 20607 -3211
(CASE NUMBER: CSP-23002)