



January 6, 2025

Donna J. Brown
Clerk of the Prince George's County Council
Wayne K. Curry Administration Building
1301 McCormick Drive, 2nd Floor,
Largo, Maryland 20774

RE: Giac Son Buddhist Temple - 11801 Laurel-Bowie Road, Laurel, MD 20708
Detailed Site Plan (DSP-20002) - Remand

Dear Ms. Brown:

I represent the Applicant, Giac Son Buddhist Temple (hereinafter, the "Temple") in connection with the upcoming Oral Argument scheduled for January 13, 2025, regarding the above-referenced Detailed Site Plan (DSP-20002). As background, the Prince George's County District Council elected to review the Detailed Site Plan case and conducted oral arguments on January 16, 2024. The District Council issued an Order of Remand on January 25, 2024. The Remand Order included the following conditions:

Under the Remand Order, the Applicant shall:

1. File and obtain Preliminary Plan of Subdivision approval in accordance with the Old Subdivision Regulations. PGCC § 27-270. Among other things, PPS filing, and review should resolve all discrepancies concerning property boundaries, including northeast property boundary and southeastern boundaries. For instance, the record indicates that the church next door has parking on the Applicant's property, which is evidence of more impervious surface. Also, Parcel 30 has part of a building and paved area on the Applicant's property. This evidence should be evaluated at PPS to determine the exact percentage of lot coverage for the proposed development and activity.
2. File and obtain approval of a revised or amended Detailed Site Plan in accordance with the Old ZO. Among other things, the revised or amended Detailed Site Plan shall comply with all submittal requirements under PGCC § 27-282 of the Old ZO, including any parking plan or any written agreement to effectuate overflow parking for large or special events as part of the proposed development and activity. The revised or amended Detailed Site Plan

shall also be accompanied with a detailed floor plan for the proposed development and activity, including whether the floor plan is anticipated to be used, in part, as a commercial kitchen. The revised or amended Detailed Site Plan shall further depict a sprinkler system on the building of the proposed place of worship.

3. File and obtain approval of a revised or amended Detailed Site Plan which shall contain a condition that the Applicant will not utilize any outdoor amplified sound for its activities.
4. File and obtain approval of a Stormwater Management Concept Plan from DPIE, which shall also include approval from State Highway Administration. The revised or amended Detailed Site Plan shall not place or locate any stormwater facility on or within the boundary lines of adjoining property located at 9807 Snowden Road.

The Applicant was unable to respond within the 60-day remand period. The Planning Board held a remand hearing on September 26, 2024. The matter will be before the Council on February 13, 2025 for Oral Argument.

With regard to Condition 1, the Remand Order was subject to the Planning Board's procedures for processing an application a Preliminary Plan of Subdivision. Section 27-290 requires the Planning Board to hold a hearing within 60 days of the Remand Order but the filing and approval of a Preliminary Plan of Subdivision and revision of a DSP takes much longer than 60 days. A Preliminary Plan of Subdivision is a 70-140 day review process. The M-NCPPC has publicized this estimated time frame on its website: [Preliminary Plan \(PPS\) - Prince George's County Planning Department \(pgplanning.org\)](https://www.pgplanning.org/Preliminary-Plan-PPS-Prince-George-County-Planning-Department).

The 60-day rule was enacted under CB-83-2015 to protect applicants from indefinite delays under a Remand Order. In this case, the rule, as applied, essentially had the effect of denying the Applicant the ability to comply with the Order, as Condition #1 could not be completed by the Applicant in under 60 days. The Planning staff and Planning Board cannot possibly pass a decision on a Preliminary Plan of Subdivision in a mere 60 days, as the approval process requires a complete review by M-NCPPC Technical Staff, along with a Technical Staff Report, a hearing with proper notice, and the issuance of a resolution which is typically three weeks from the hearing on the respective application.

To be sure, upon receipt of the Council's Order of Remand on January 26, 2024, M-NCPPC Planning Division Chief James Hunt immediately recognized that the Remand Order could not be satisfied within 60 days, stating in an email to the Applicant on February 5, 2024, "[P]otentially if the DSP is not approved within 60 days, it will be denied. It will take longer than 60-days to get a PPS approved along with a revised DSP." See, email from Mr. James Hunt enclosed herewith.

The Remand Order also included Condition 2 which directs the Applicant to file and obtain approval of a revised or amended Detailed Site Plan in accordance with the "Old ZO", another directive that is impossible to accomplish in 60 days. Condition 2 references a commercial kitchen which the Applicant is not proposing under the pending DSP, and further directs the Applicant to submit a floor plan showing, in part, a kitchen that is not proposed, and even if it were proposed, the Planning Board lacks jurisdiction to impose a requirement related to the interior improvement

of a building. Condition 2 also directs the Applicant to place a note on the proposed building indicating a sprinkler system, but again, the Planning Board lacks authority to require an applicant to add a sprinkler system to a building shown on a DSP. That function falls under the jurisdiction of the Department of Permitting, Inspections and Enforcement (“DPIE”) and the Prince George’s County Fire Department.

With regard to Condition 3, during the first remand hearing before the District Council, the Applicant agreed on the record to not utilize any outdoor amplified sound for its activities.

Condition 4 directs the Applicant to file and obtain approval of a Stormwater Management Concept Plan from DPIE, which shall also include approval from State Highway Administration. The Applicant already had an approved SWM Concept Plan from DPIE at the time of the Council Remand. This approval has been renewed and is current and none of stormwater facilities are shown on or within the boundary lines of adjoining property located at 9807 Snowden Road.

The Applicant’s property underwent numerous inspections over this past summer. The Applicant attended code enforcement hearings to address numerous citations that were issued by DPIE. DPIE County inspectors required the Applicant to apply for “commercial” permits for such things as an existing fence, a gravel parking lot, and a walkway. All permits have been placed on hold pending approval of the subject DSP for a place of worship. At present, the approved use for the subject property is a single-family detached dwelling. The Applicant cannot bring its property into compliance with DPIE’s directives without approval of a DSP for a place of worship.

The Applicant is requesting the Council to affirm the Planning Board’s approval of the DSP. The Applicant will submit an application to the M-NCPPC to revise its plans for the building by reducing the size of the building to less than 5,000 square feet. This will eliminate the need for Preliminary Plan of Subdivision approval. This will also allow the Planning Commission to take a second look at the issues raised in the Remand Order, which the Applicant is willing to address as necessary.

Thank you for your consideration.

Very truly yours,

Traci Scudder

Traci R. Scudder, Esq.

Enclosure

cc: Stan D. Brown, Esquire
Raj Kumar, Esquire

From: Hunt, James <James.Hunt@ppd.mncppc.org>
Sent: Monday, February 5, 2024 5:10 PM
To: Traci Scudder <traci@scudderlegal.com>
Cc: Kumar, Rajesh A. <RAKumar@co.pg.md.us>
Subject: RE: Remand | DSP-20002 Giac Son Buddhist

Hi Traci,

The process is a Zoning Ordinance process and it may be best to discuss it with Raj Kumar. Potentially if the DSP is not approved within 60 days, it will be denied. It will take longer than 60-days to get a PPS approved along with a revised DSP. I have copied Mr. Kumar to confirm.

James R. Hunt, MPA

Planning Division Chief, Development Review Division
301-952-3951 | james.hunt@ppd.mncppc.org



