



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

September 18, 2025

**RE: DET-2022-001 Westphalia Business Center 1 and 2
Northpoint Realty Partners, LLC, Applicant**

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-3416 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 September 16, 2025.

CERTIFICATE OF SERVICE

This is to certify that on September 18, 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.: DET-2022-001
Westphalia Business Center 1 and 2
(On Remand From The Appellate
Court of Maryland)

Applicant: Northpoint Realty Partners, LLC

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

FINAL DECISION — APPROVAL OF DETAILED SITE PLAN
IN ACCORDANCE WITH DECISION FROM THE APPELLATE COURT OF MARYLAND

A. Introduction

This case is before the District Council on remand from the Appellate Court of Maryland (ACM) after it affirmed the Circuit Court for Prince George's County, which reversed the final decision of the District Council that previously disapproved, on procedural grounds, the Planning Board's approval of Detailed Site Plan (DET)-2022-001 and Type II Tree Conservation Plan 029-12-16 (TCPII-029-12-16) (the application), to develop 306,000 square-feet of commercial/distribution warehouse uses in two (2) separate buildings on two (2) proposed parcels, on the west end of the Westphalia Town Center, on the north and south sides of Presidential Parkway, east of Machinists Place, Planning Area 78, Council District 6. *In re Northpoint Realty Partners, LLC*, 265 Md. App. 270, 335 A.3d 115 (filed, May 2, 2025).

B. Notice of Final Decision of the District Council

In May 2023, using oral argument procedures, the District Council elected to review the decision of the Board to approve the application above. The District Council's review was also subject to an appeal from the Board filed by certain persons of record or Opposition. (5/1/2023, Tr.), Exceptions, 4/13/2023. After a review of the record, the District Council, without reaching the merits of the application, reversed, on procedural grounds, the decision of the Board to approve the application.

Primarily, the District Council found that the Board should not have, in the first instance, reviewed and approved the site plan for commercial/distribution warehouse uses because a prior related Conceptual Site Plan (CSP) and Preliminary Plan of Subdivision (PPS) limited development of the property to residential, retail, office, or hotel uses. Notice of Final Decision, 5/18/2023, *In re Northpoint Realty Partners, LLC*, 265 Md. App. 270.

C. Petition for Judicial Review

On June 12, 2023, the applicant filed a Petition for Judicial Review (PJR), of the final decision of the District Council, in the Circuit Court for Prince George's County. PJR, 6/12/2023, Circuit Court Case No. C-16-CV-23-002701. A hearing was held on January 23, 2024, before the Honorable Cathy H. Serrette. (1/23/2024, Tr.).

Subsequently, Judge Serrett issued a Memorandum Opinion and Order, which held that the applicant demonstrated that the District Council erred when it reversed the decision of the Board to approve the application. Because the District Council did not reach the merits of the application, and an administrative function remained, Judge Serrette remanded the matter to the District Council to decide the application on the merits. Memorandum Opinion and Order, 2/14/2024.

D. Appeals to the ACM

The District Council and Opposition appealed the judgment of the Circuit Court to the ACM. Notices of Appeal, 3/13/2024, 3/15/2024, Appellate Court Case No. ACM-REG-0062-2024. On appeal, the District Council and Opposition primarily argued that the Board should not have approved the application site plan for commercial/distribution warehouse uses because a prior related Conceptual Site Plan (CSP) and Preliminary Plan of Subdivision (PPS) limited development of the property to residential, retail, office, or hotel uses. Notice of Final Decision, 5/18/2023.

After the ACM held oral argument on the matter, the ACM disagreed with the District Council and Opposition and affirmed the judgment of the Circuit Court. The holding of the ACM is summarized as follows:¹

The ACM considered one primary issue on appeal, namely, whether the District Council’s Final Decision reversing the Planning Board’s approval of Northpoint’s DET was supported by substantial evidence and not premised on an erroneous conclusion of law. First, as a preliminary matter, the Court considered whether the 2024 revisions to the New ZO, effective after this action commenced, should apply to its analysis. Where zoning and land use laws are concerned, “a change in the law after a decision below and before final decision by the appellate Court will be applied by the Court unless vested or accrued substantive rights would be disturbed or unless the legislature shows a contrary intent.” *Yorkville Corp v. Powell*, 237 Md. 121, 124 (1964). “[I]f the new law is procedural, the decision about retroactivity will turn on what aspect of the administrative/adjudication process it changes, at what point in the administrative/adjudicative process the change is made, and the question presented to the reviewing court.” *Grasslands Plantation, Inc. v. Frizz-King Enters., LLC*, 410 Md. 191, 227 (2009).

Here, retroactive application of the New ZO’s updated provisions had no effect on substantive or vested rights, and the Court discerned no legislative intent directing exclusive prospective application of the relevant sections. Further, because this case answers for the first time critical questions of interpretation surrounding the New ZO’s transitional provisions that will inform future development approvals, the Court held that retroactive application of the New ZO’s updated provisions was appropriate.

The Court then considered the District Council’s decision to reverse the Planning Board’s approval of Northpoint’s DET. In doing so, the Court explored the legislative history and intent behind the New ZO’s transitional provisions. The Court noted that the “transitional and grandfathering provisions were designed to avoid interference with ongoing projects,” not to tie developers who elect to be reviewed under the New ZO to conditions of prior approvals that no longer apply. The Court found no language in the New ZO requiring a developer to revise or amend a development proposal before proceeding under the Old or New ZO. Finally, the Court held that during its review, the Planning Board appropriately “considered and imposed as necessary” the “development approvals and permits previously approved for the property,” as required by § 27-3605(e)(2) (2022).

Because the Planning Board’s decision to approve Northpoint’s DET was consistent with the plain meaning of the New ZO’s transitional provisions and their

¹ To view summary, please visit:
<https://www.courts.state.md.us/sites/default/files/amicus-curiarum/202506amicus.pdf> (last visited September 5, 2025).

spirit and goals, its decision was supported by substantial evidence. Therefore, the Court affirmed the determination of the circuit court and held that the District Council erred as a matter of law when it found that the Planning Board's approval of the DET and TCP was arbitrary, capricious, or otherwise illegal.

In re Northpoint Realty Partners, LLC, 265 Md. App. 270. The ACM remanded the matter to the District Council for a decision regarding approval of Detailed Site Plan (DET)-2022-001 and Type II Tree Conservation Plan 029-12-16 (TCP II-029-12-16) consistent with its opinion. Neither the District Council nor Opposition filed a petition for writ of certiorari of the ACM's judgment to the Supreme Court of Maryland. Mandate from the ACM was issued June 3, 2025. Mandate, 6/3/2025.

E. Item for Discussion

On July 8, 2025, this matter came before the District Council for action pursuant to remand from the ACM. The District Council directed staff to prepare an order approving the application with conditions. (6/8/2025, Tr.).

First, the ACM held that the Board's decision approving the application was supported by substantial evidence and was not arbitrary, capricious, or illegal. As such, upon careful review of the ACM decision, and the record as a whole,² the District Council finds that the Board's decision to approve DET-2022-001 is supported by substantial evidence and was not arbitrary, capricious, or illegal. As the basis for this final decision on remand from the ACM regarding approval of DET-2022-001, the District Council adopts the findings and conclusions of the Board in PGCPB No. 2023-24.

² To view the record, please visit:
<https://princegeorgescountymd.legistar.com/LegislationDetail.aspx?ID=6065001&GUID=018677BD-2A9E-42E4-B775-0E88CC7B0DB0&Options=ID|Text|&Search=DET-2022-001> (last visited September 5, 2025).

Second, upon careful review of the Board's approval of TCPII-029-12-16, and the record as a whole, the District Council finds that the Board's approval of TCPII-029-12-16 was also supported by substantial evidence and was not arbitrary, capricious, or illegal. Therefore, the District Council denies the exceptions filed by Opposition to the Board's approval of TCPII-029-12-16. As the basis for this final decision on remand from the ACM regarding approval of TCPII-029-12-16, the District Council adopts the findings and conclusions of the Board in PGCPB No. 2023-24.

IT IS HEREBY ORDERED that the Board's decision to approve DET-2022-001 and TCPII-029-12-16, as set forth in PGCPB Resolution No. 2023-24, for the land described above, is hereby AFFIRMED, subject to the following conditions:

1. Prior to certification of this Detailed Site Plan (DET), the applicant shall:
 - a. Provide a general note to state that an automatic fire suppression system is required, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
 - b. Provide notes on the DET indicating conformance to the Intensity and Dimensional Standards of the Town Activity Center – Edge (TAC-E) Zone, except as approved herein.
 - c. Revise the tree canopy coverage schedules to accurately reflect the existing trees and woodland conservation on each parcel.
 - d. Revise the Type II tree conservation plan (TCPII), as follows:
 - (1) Provide an additional note on Sheet 2 which details how Section 6 was generated.
 - (2) Revise the TCPII to use the standard symbols as required by the 2018 Environmental Technical Manual.
 - (3) Have the TCPII signed by the qualified professional who prepared it.
 - (4) Provide a note under the specimen tree table which identifies how many specimen trees are located within the Section 6

project area.

- (5) Revise the Section 6 woodland conservation worksheet to the Individual TCPII Worksheet for Phased Projects. Ensure all values match between the individual and phased worksheet. Staff reserves the right to provide additional corrections to the worksheet prior to signature approval of the TCPII.
 - (6) Submit a copy of the erosion and sediment control technical plan so that the ultimate limits of disturbance for the project can be verified and shown on the TCPII.
2. Prior to certification of this Detailed Site Plan (DET), and in order to implement the general purpose and intent of the Zoning Ordinance under Section 27-1300, which among other things are to protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County; guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business; encourage economic development activities that provide desirable employment and a broad, protected tax base; ensure a high level of quality development in general, for the benefit of all citizens and residents, throughout the County; promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development; protect the established character of residential communities and neighborhoods; and protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features, the applicant shall:
- a. Develop the site with a comprehensive landscape plan, which shall include a minimum of a 40-foot-buffer from the property line. The comprehensive landscape plan shall include plantings, islands, trees, and other materials to screen and separate the proposed development of commercial/distribution warehouse uses from the surrounding and nearby residential community.
 - b. Develop the site to prohibit loading docks from facing the residential community.
 - c. Develop the site where the front façade of the building or buildings face the residential single-family attached homes to create a compatible and acceptable façade with the residential community.
 - d. In addition to the comprehensive landscape plan and a minimum of a 40-foot-buffer area from the property line for the proposed development, construct a 14-foot-high noise/sound barrier along a portion of the northern edge of the development in order for the proposed development to comply with the requirements of Section 27-

6810 of the Zoning Ordinance.

- e. Limit truck traffic movements and circulation to and from the site via Machinists Place and Presidential Parkway in order to prevent truck traffic movements and circulation from local residential streets.

ORDERED this 16th day of September 2025, by the following vote:

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

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: Edward P. Burroughs III
Edward P. Burroughs III (Sep 17, 2025 09:41:21 EDT)
Edward P. Burroughs, III, Chair

ATTEST:

Donna J. Brown

Donna J. Brown
Clerk of the Council