

April 24, 2024

The Honorable Jolene Ivey, Chair
Prince George's County Council
Wayne K. Curry Administration Building
1301 McCormick Drive
Largo, MD 20774



Re: Order of Remand: DSP-20002 Giac Son Buddhist Temple

Dear Chair Ivey:

Pursuant to the District Council's final decision in DSP-21001 (Suffrage Point), the Planning Board is unable to hold a hearing on the Order of Remand for DSP-20002 (Giac Son Buddhist Temple). As a result, the Planning Board's final decision in the case, encompassed in Resolution 2023-98, remains unchanged.

On September 7, 2023, the Planning Board adopted Resolution 2023-98, approving a detailed site application submitted by Giac Son Buddhist Temple Corp. (DSP-20002). On January 22, 2024, the County Council, sitting as the District Council, issued an Order of Remand directing the applicant to file and obtain approval of a preliminary plan of subdivision; revised or amended detailed site plan; and stormwater management concept plan.

On March 18, 2024, however, the District Council issued its final decision in DSP-21001 (Suffrage Point), disapproving a detailed site plan application that had been remanded to the Planning Board. In its decision, the Council interpreted the provisions of Sections 27-285(c) and 27-290 of the prior Zoning Ordinance to require, within 60 days of the transmittal date of a notice of remand for a detailed site plan, that the Planning Board either approve, approve with modifications, or disapprove the plan or, if the Board determines it cannot comply with the Order of Remand, adopt a resolution containing its findings as to why it cannot comply. In addition, the Council found the actions taken by the Planning Board on the remand outside the 60-day period to be arbitrary, capricious, illegal, and void.

The Council's final decision in DSP-21001 (Suffrage Point) was transmitted to the Planning Board on March 19, 2024, two days prior to the last regularly scheduled Planning Board meeting date at which it could consider the Order of Remand in DSP-20002 (Giac Son Buddhist Temple). The Planning Board, therefore, did not have sufficient time to provide notice and conduct a hearing on the Order prior to the expiration of the mandatory 60-day period.

Please feel free to contact me if you would like to discuss this further.

Sincerely,



Peter A. Shapiro
Chair

Cc: Giac Son Buddhist Temple Corp
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