

THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

INTRA-OFFICE MEMORANDUM

February 24, 2021

TO: Maurene E. McNeil

Chief, Zoning Hearing Examiner

Sp

FROM: Donna J. Brown

Clerk of the Council

RE: A-10051 - Zoning Map Amendment Carozza Property

Maria Volpe and Sandra Carey, Trustees/Carozza Property, Applicant

Pursuant to Section 27-133 of the Zoning Ordinance and in accordance with the District Council's February 24, 2021 Order of Remand for the above referenced matter, I am hereby returning the <u>entire case file</u> to your office. If you have any questions, please contact me.

Thank you.

Attachments

cc: Russell Shipley, Esq., Attorney for the Applicant Raj Kumar, Principal Counsel to the District Council

Karen T. Zavakos, Zoning and Legislative Counsel

Stan Brown, Peoples Zoning Counsel

James Hunt, Division Chief, M-NCPPC

Cheryl Summerlin, Supervisor, Development Review Division, M-NCPPC



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

February 24, 2021

RE: A-10051 - Zoning Map Amendment Carozza Property
Maria Volpe and Sandra Carey, Trustees/Carozza Property, Applicant

NOTICE OF DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 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 February 9, 2021.

CERTIFICATE OF SERVICE

This is to certify that on <u>February 24, 2021</u>, this notice and attached Council Order was mailed, postage prepaid, to all persons of record.

Donna J. Brown

Clerk of the Council

Down J. Brown

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.

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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 9th 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:

Donna J. Brown

Clerk of the Council

Down J. Brown

Zoning Hearing Examiner

Prince George's County • 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772 • 301-952-3644

NOTICE OF VIRTUAL HEARING

Application Number:	REMAND A-10051 (Remanded by District Council)			
Applicant(s) Name:	Carozza Property/ Maria Volpe			
Date and time of scheduled Zo	ning Hearing Examiner meeting: April 14, 2021 at 9:30 A.M.			
Description of Request: REMA	ND HEARING on the Application of Maria Volne Trustee and Sandra Carev			

Trustee (Carozza Property), Applicants, request to REZONE from the R-R (Rural Residential) ZONE to the M-X-T (Mixed Use-Transportation Oriented) Zone, property containing approximately 60.02 acres, southwest of the interchange of Pennsylvania Avenue (MD 4) and Woodyard Road (223), located on Parcels 32, 35 and 92, and identified as 9702 and 10200 Marlboro Pike, Upper Marlboro, Maryland, 20772

Attention: Due to the current state of the novel coronavirus (COVID-19) pandemic, and the implications of the Council's Emergency Resolutions including, CR-35-2020, the Zoning Hearing Examiners Office is operating under emergency procedures. As authorized by CB-33-2020, all or a portion of the hearing will be conducted virtually and in accordance with

District Council Rules of Procedure.

Requests to become Persons of Record should be submitted electronically by email to: ZHE@co.pg.md.us no later than 5:00 p.m. on April 12, 2021. Persons of Record will receive an email with information to join the virtual meeting platform. Once you have received your Notice of Hearing, please provide an email address to ZHE@co.pg.md.us

Upon notification of an evidentiary hearing before the Zoning Hearing Examiner, any interested party shall submit documents for the record in person, by email, by other electronic portals, or in the County provided drop box. A copy of all large Site Plans or other documents must be submitted in person or the County provided drop box. All documents for the record shall be submitted no later than five (5) business days before the scheduled evidentiary hearing. With permission from the Zoning Hearing Examiner, a party may submit supplemental documents for the record. Any interested party may contact The Office of the Zoning Hearing Examiner to receive a paper copy of a document if the document is not accessible online

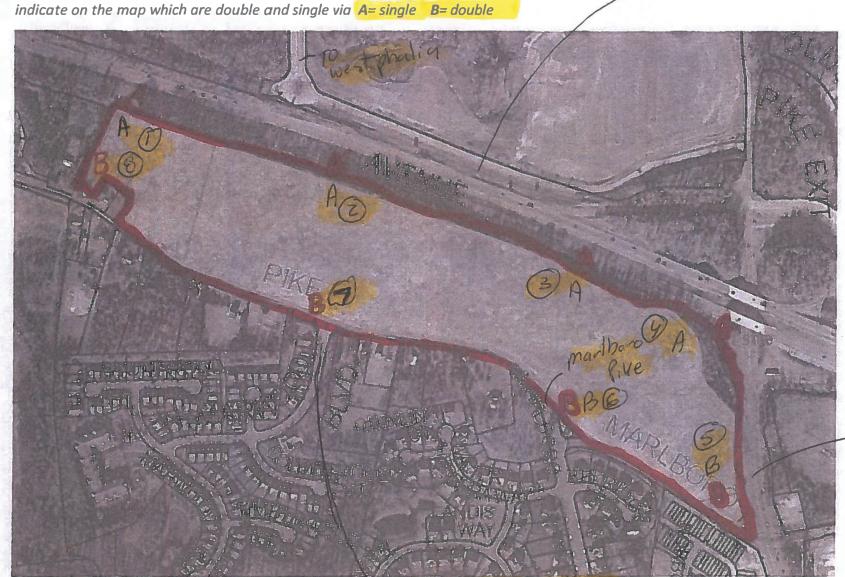
The Zoning Hearing Examiner shall not be responsible for resolving any technical difficulties incurred by any person participating in a virtual/remote hearing.

This notice is for informational purposes only. Per CB-1-2004 you have received this Notice of Public Hearing because you signed up to become a Person of Record. If you have any questions, please contact the Zoning Hearing Examiner at email ZHE@co.pg.md.us. or call (301) 952-3644.

DATE MAILED BY US POSTAL SERVICE/EMAILED: March 14, 2021 to Persons of Record (List attached to original in file)

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North Marwood

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SIGN POSTING AND INSPECTION AFFIDAVIT

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			sign(s) on	A	
	specify number)			(date)	
I further cer manner.	tify that the signs were i	nspected :	no later than the 15th day of p	osting and were maintair	ned in a reasonabl
Signature:	Thomas Preve	W	3-26-2021		
	Numbers: <u>A-10051 (Re</u>		Name: Carozza Property	<u>Maria Volpe</u>	
Address:	4601 Forbes Blvd., Su	ite 300, i	Lannam, MD 20706		
Telephone:	301.364.1881				
	which you are acting:	Agent		102	
Cupacity in	, , , , , , , , , , , , , , , , , , ,		(Owner, Applic	cant, Agent)	
NOTE: At Hearing Exa for posting l	aminer no later than 15 c	(s) showin lays prior	ng sign(s) in place. Return this to the scheduled Zoning Hear	s affidavit and photograp ing Examiner meeting (s	hs to the Zoning ee attached map
ala.	also de	*	*	*	*

The affidavit must be received no later than 15 days prior to the Zoning Hearing Examiner hearing. Failure to deliver the affidavit may result in rescheduling your hearing date or a recommendation for denial of the application.









































Stan Brown, Esq.

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Telephone: 301.883.8888 • Fax: 301.883.8606
Website: StanBrown.law

E-mail: <u>attorney@StanBrown.law</u>
Licensed in Maryland & Washington, D.C.

To: Clerk of the Council

All Parties of Record

Zoning Hearing Examiner

Planning Board District Council

Fr:

Stan Brown, People's Zoning Counsel

Date: April 5, 2021

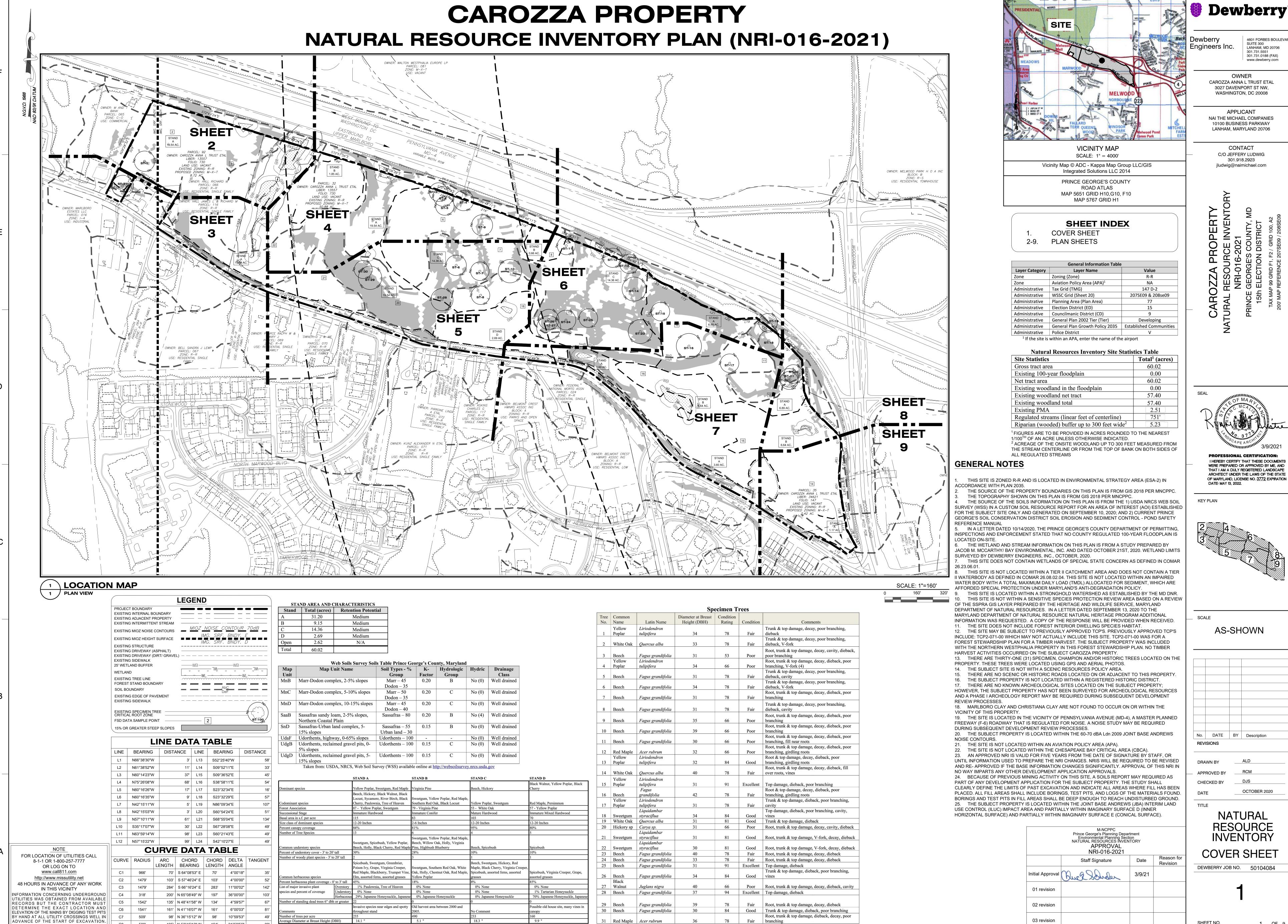
Re: A-10051, Carozza Property

NOTICE OF INTENTION TO PARTICIPATE

Pursuant to Prince George's County Zoning Ordinance § 27-139.01 (C) (Powers & Duties), this memo is formal notification that the People's Zoning Counsel intends to participate in the above-noted pending zoning cases before the Prince George's County District Council, the Prince George's County Planning Board and/or the Prince George's County Zoning Hearing Examiner. Please file this memo in your official file for the record in the above-noted zoning cases.

Stan Brown, Esq.

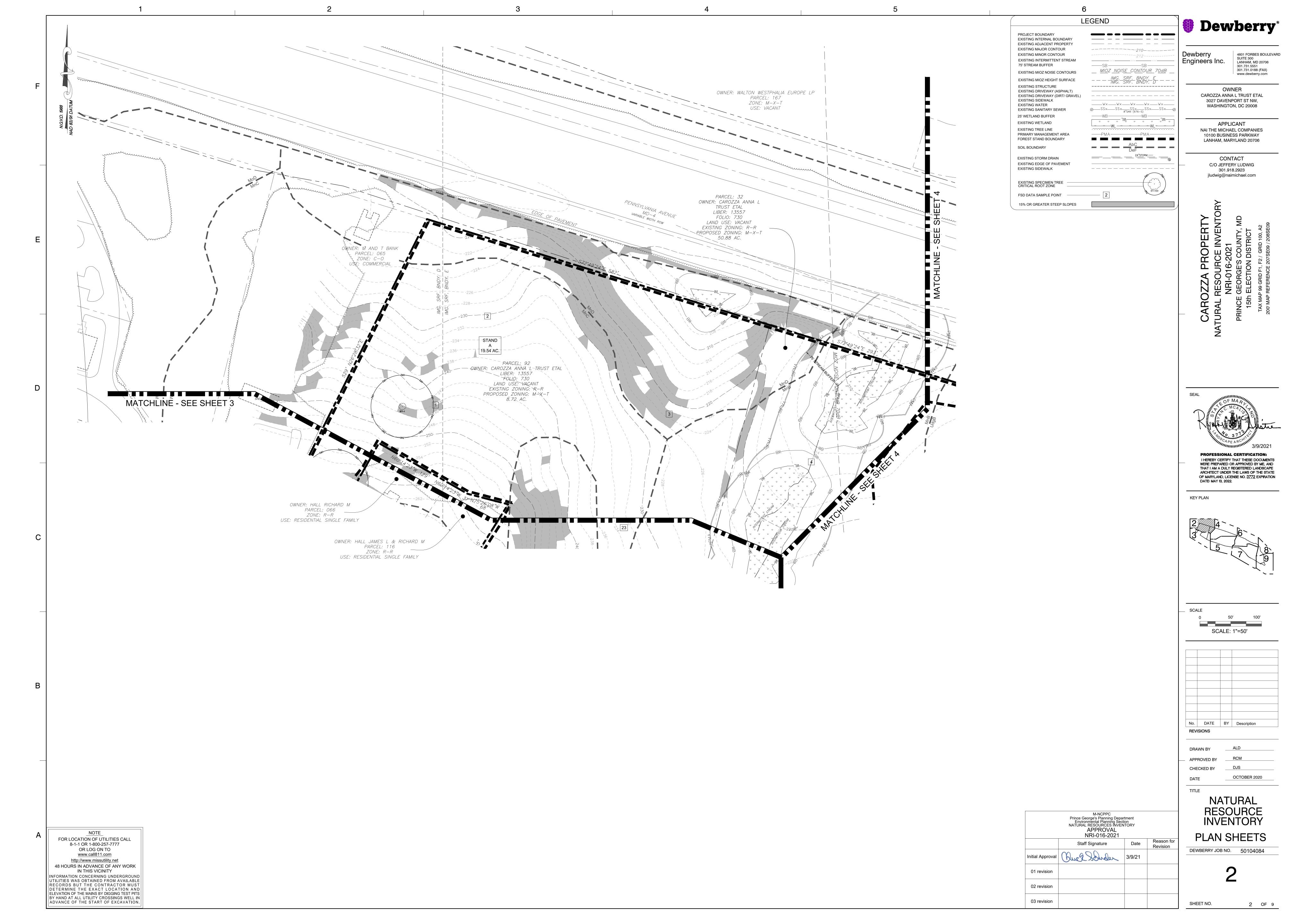
People's Zoning Counsel

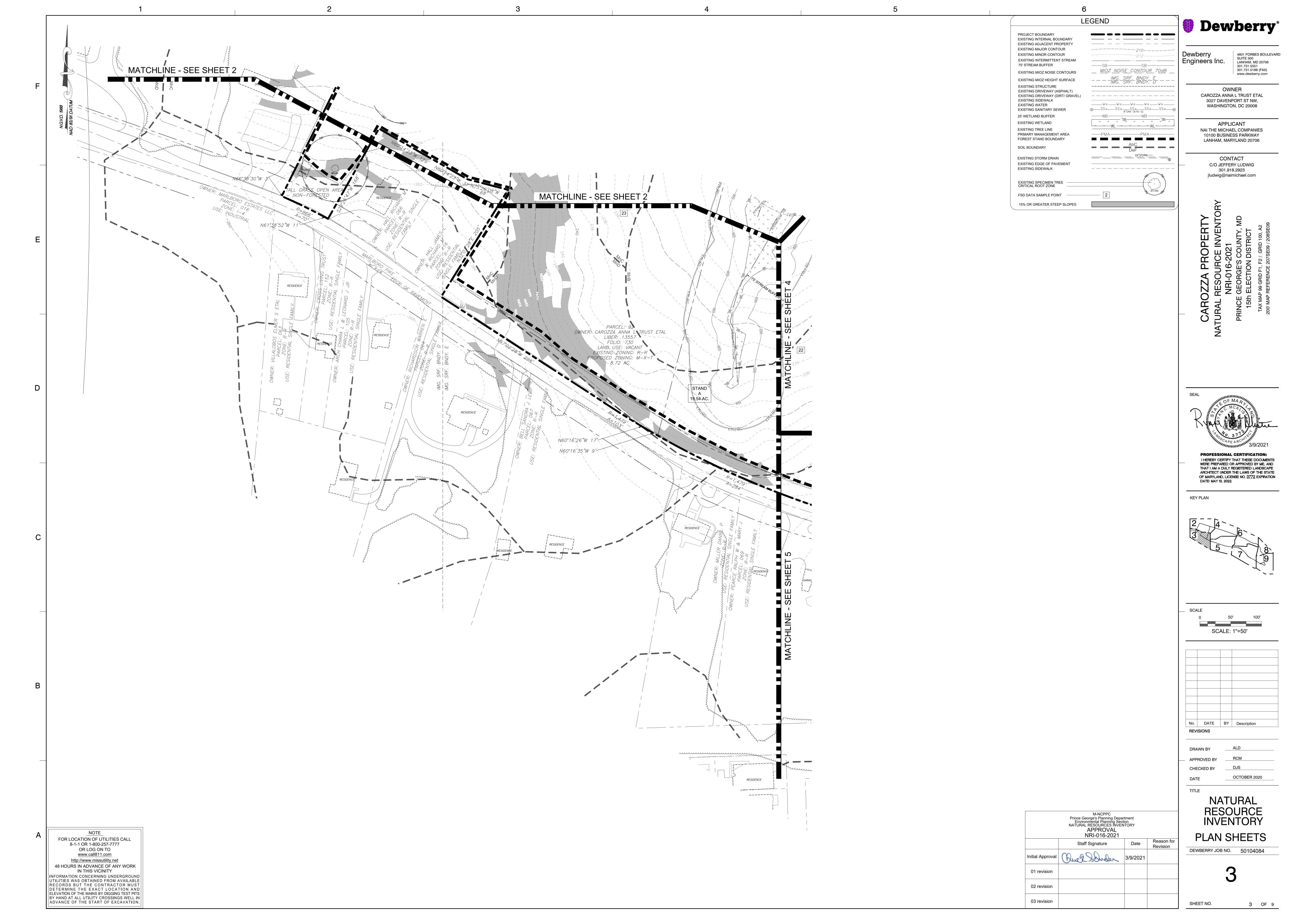


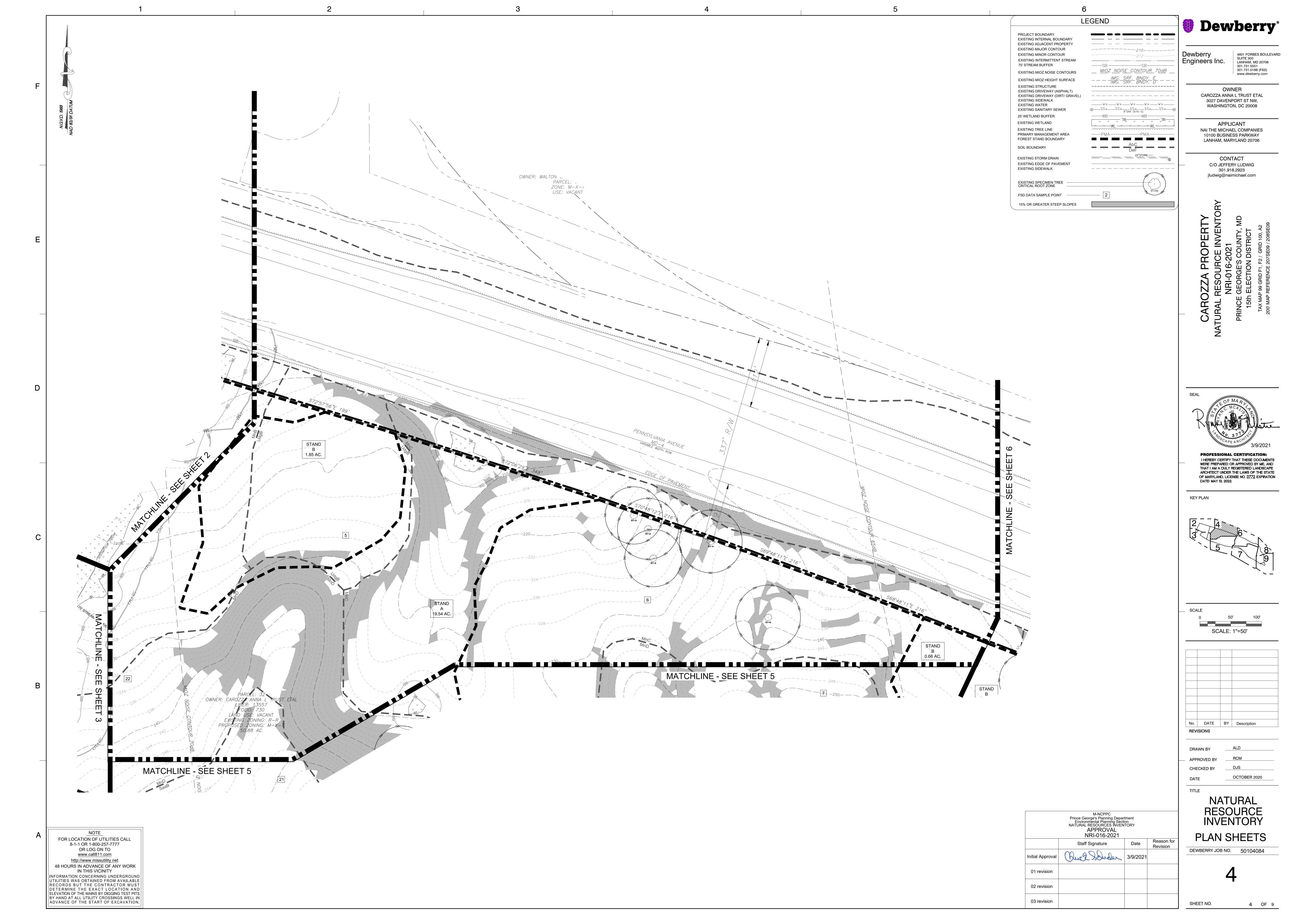
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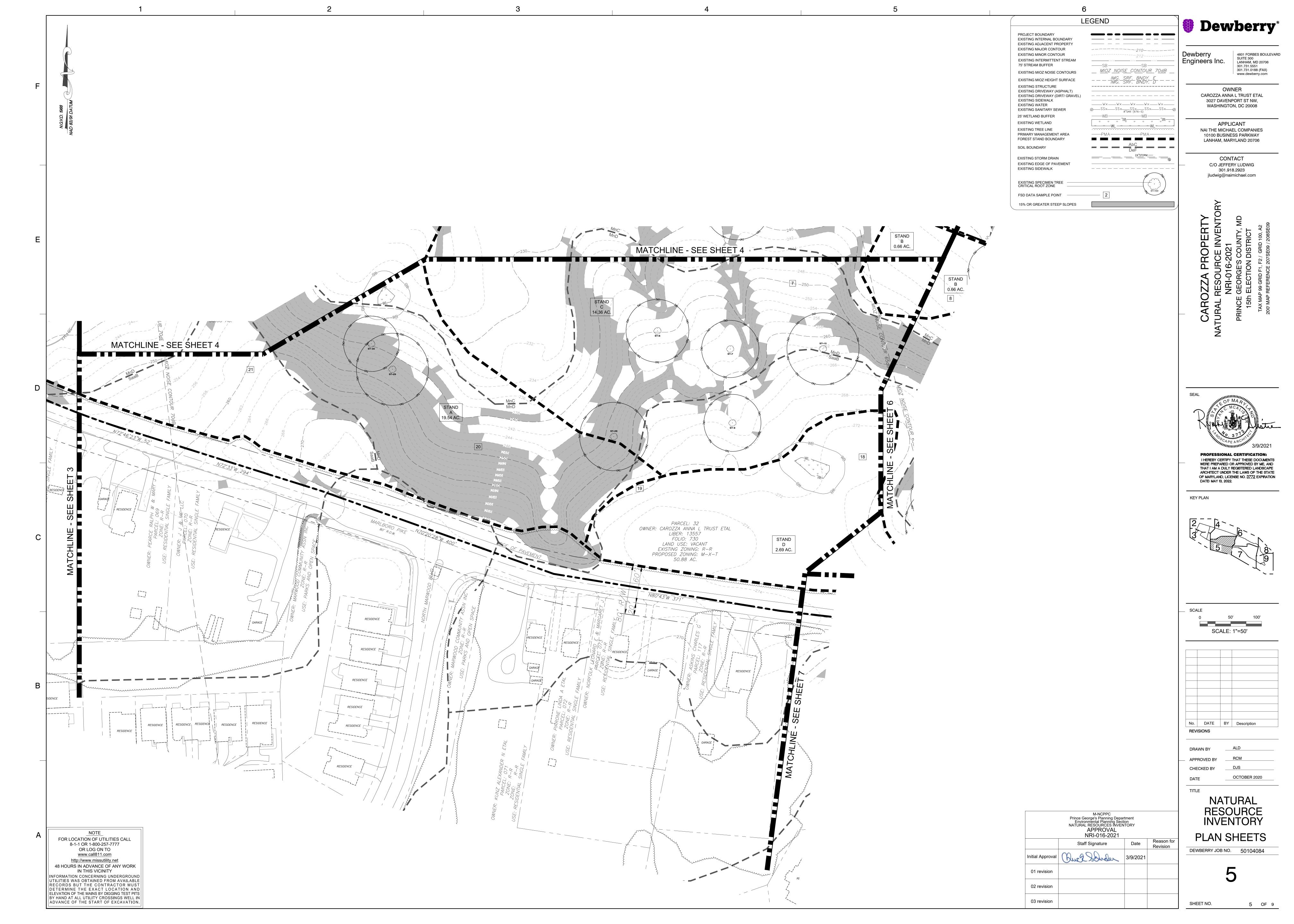
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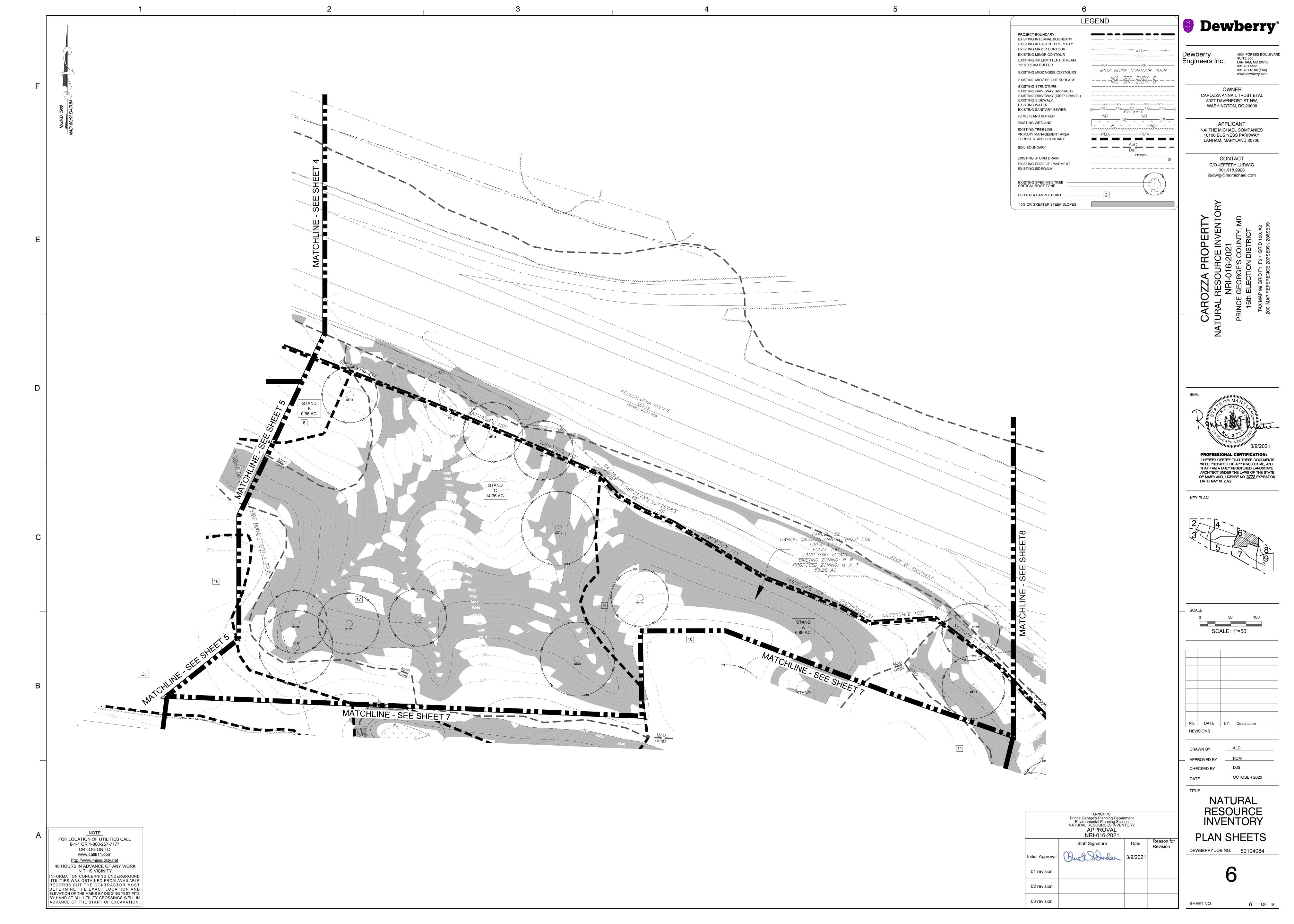
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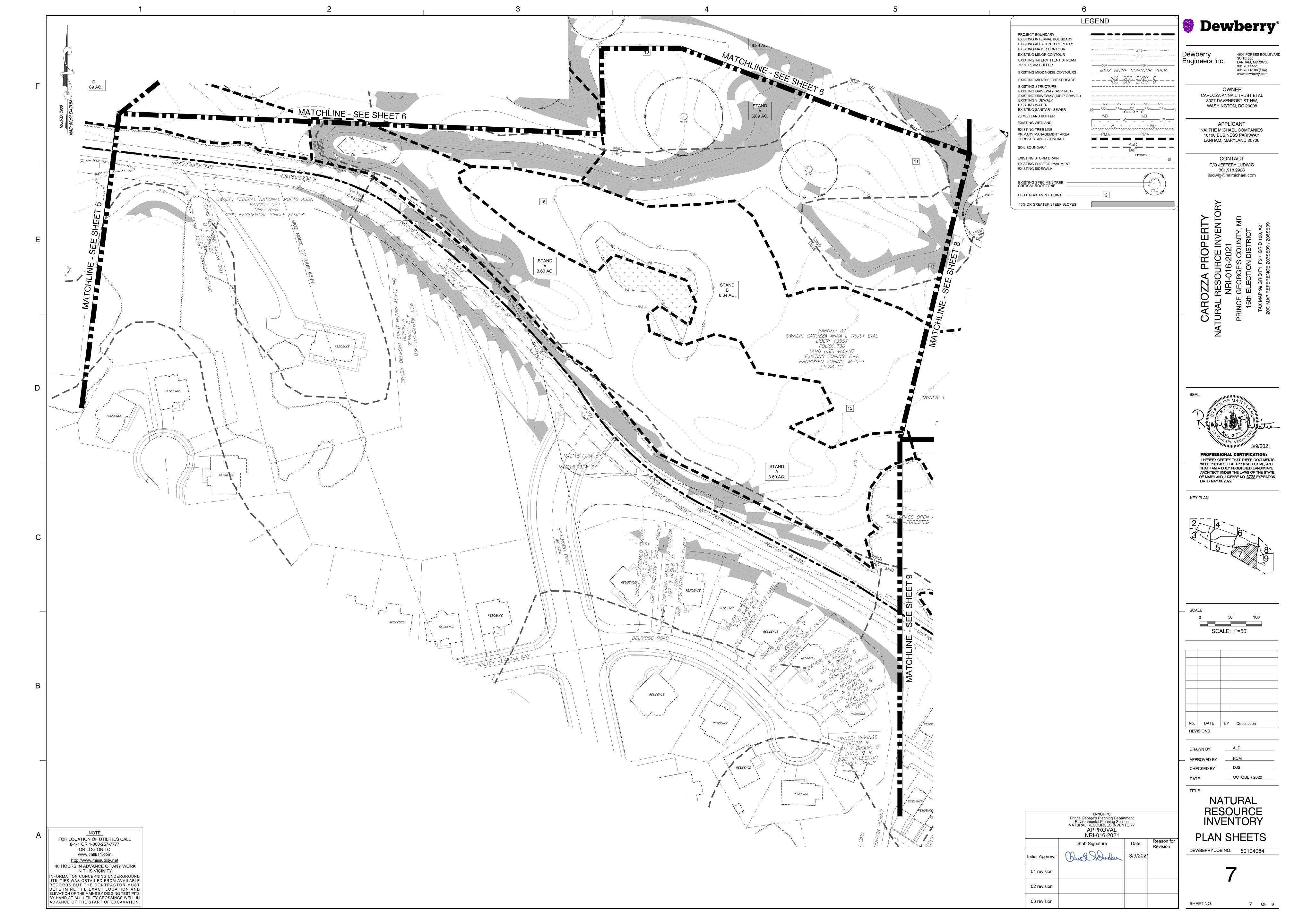


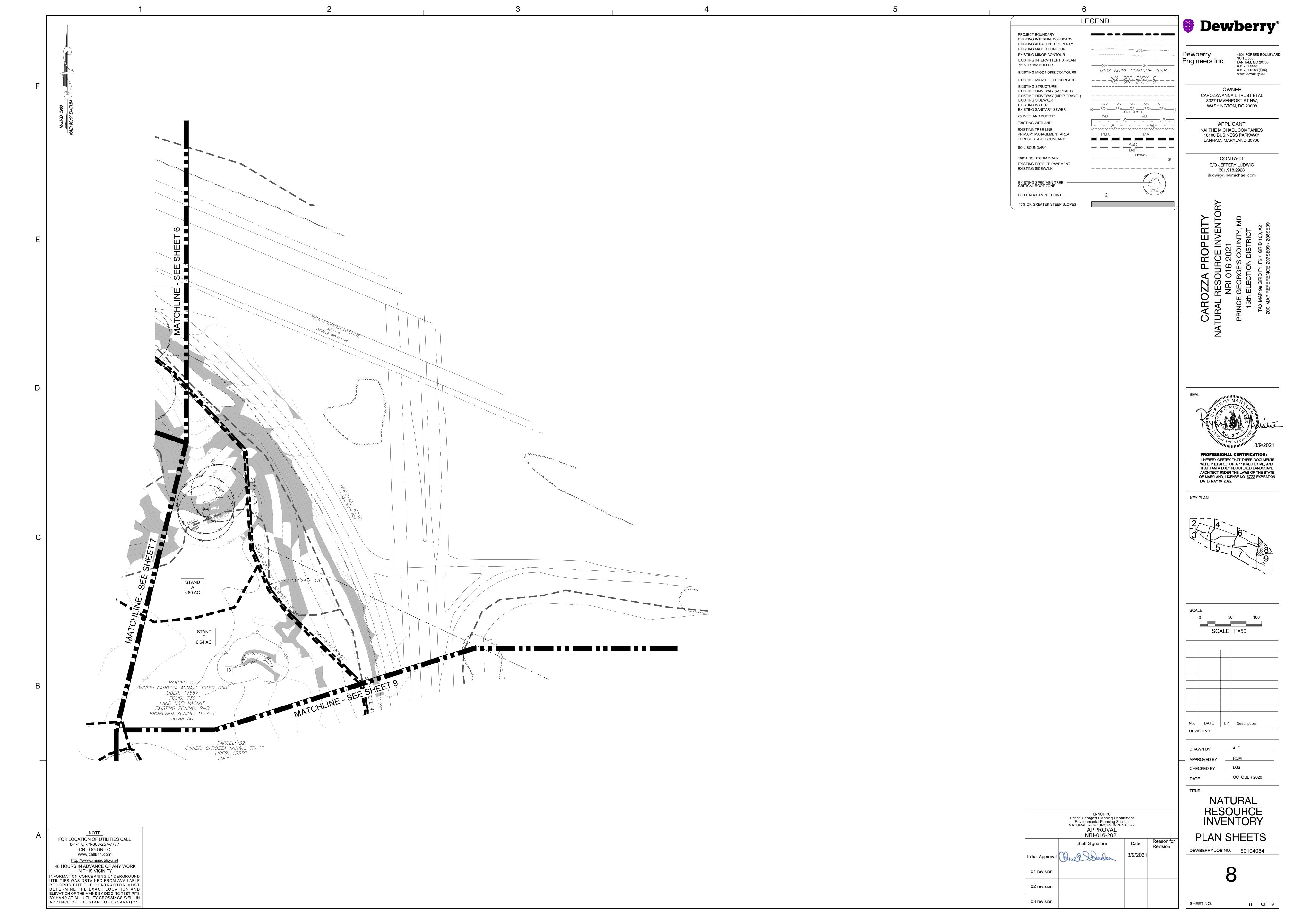


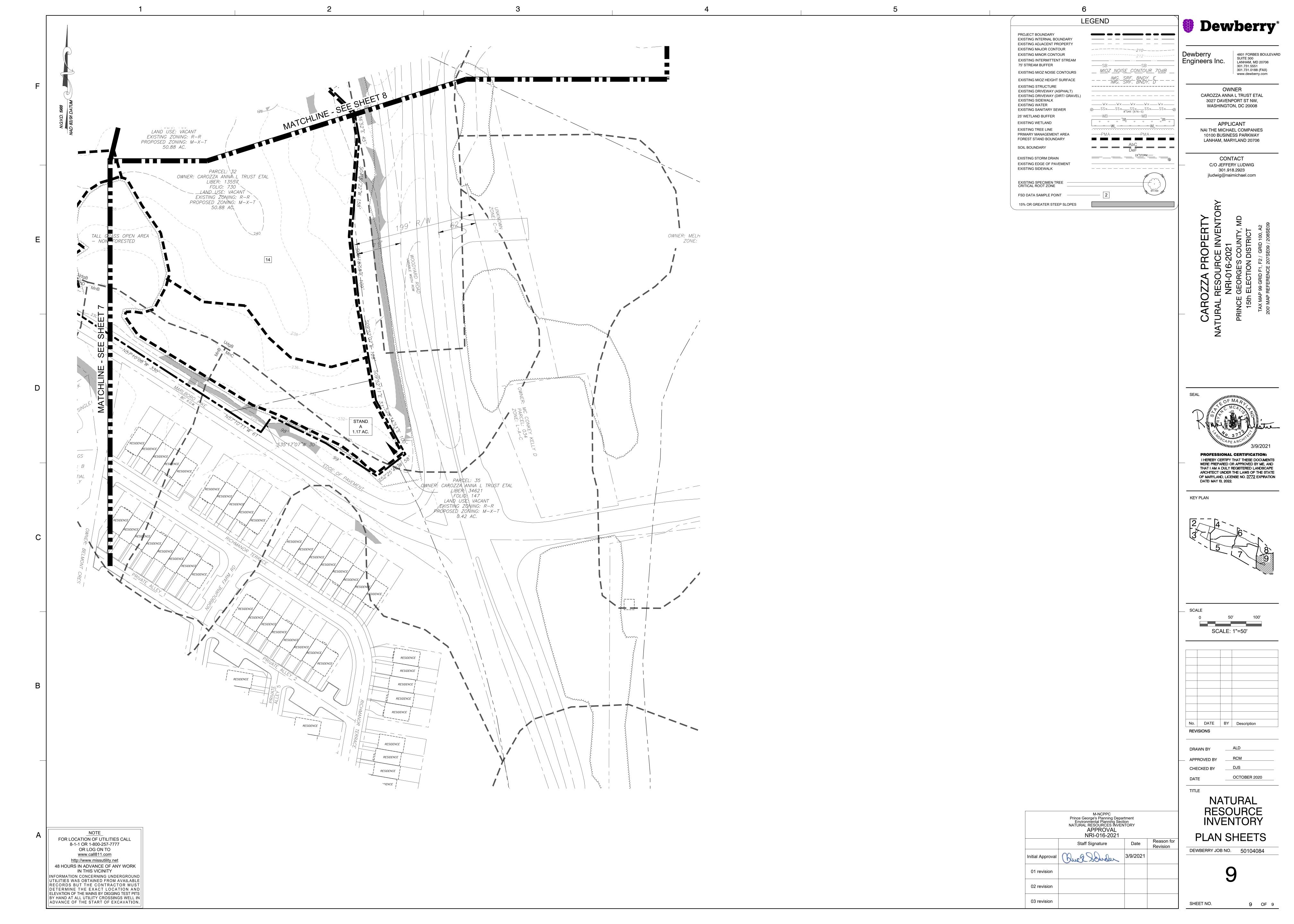












CAROZZA PROPERTY

PRINCE GEORGE'S COUNTY, MARYLAND

