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

December 6, 2017

Mr. Cliff Woods
Chairman
Accokeek Development Review
District Commission
2101 Debra Lynn Way
Accokeek, Maryland 20607

Re: Signature Club/DSP-04063/04

Dear Mr. Woods:

We have made presentations to the Commission on two different occasions concerning the new development which my client proposes for the Signature Club. During each of our meetings, as well as during a telephone conversation which you and I had, we discussed a potential public amenity as part of the project. As I indicated during all of our conversations, Caruso Homes, the ultimate developer, commits that it will include provisions in the Homeowners Association Declaration of Covenants which will guarantee access to the clubhouse which will be built as part of the Signature Club development for the Accokeek Development Review District Commission. This access will be available for meetings of the Commission and for certain special events based upon a schedule to be agreed upon by the Commissioners and Caruso Homes. The details of the availability of the clubhouse, access to the clubhouse, etc. will be worked out at such time as the Declaration of Covenants is finalized. However, my client wanted to be certain that there was a formal commemoration of the oral representations and commitments made in regard to this matter.

*Exhibit "L"*

Very truly yours,

GIBBS AND HALLER

Edward C. Gibbs, Jr.

cc: Bob Smith
Jeff Caruso
Neil Butler
Gary Evans

*S:\Caruso\Woods.wpd*

LAW OFFICES
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LANHAM, MARYLAND 20706
(301) 306-0033
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www.gibbshaller.com

EDWARD C. GIBBS, JR.
THOMAS H. HALLER

KATHRYN TURNER MAY

February 12, 2007

Mr. John Patterson
President
Accokeek Development Review
District Commission
1208 Bohic Lane
Accokeek, Maryland 20607

Re: Signature Club at Manning Village

Dear John:

First, I would like to thank you for the opportunity to appear before the Accokeek Development Review District Commission ("ADRDC") at your meeting on January 24, 2007 to discuss the location and the nature of the public amenity. At the conclusion of the meeting, I agreed to forward to you an exhibit which would show the intended location of the public amenity. A copy of the exhibit is attached.

At the meeting, we received valuable input as to the type and nature of the public amenity. It was agreed that the public amenity should not be located within the Signature Club at Manning Village because this age-restricted community will have a secure access. Rather, it was agreed that the public amenity would best serve the community if it were located on the Vincent Property located on the west side of Manning Road East adjacent to the Signature Club. Previous proposals that we had submitted to the ADRDC showed a possible community facility being constructed as a stand alone facility on land located between Manning Road East and the entrance road to the Signature Club development. Interest was expressed at the meeting, however, in

*Exhibit "I"*

a public amenity integrated in the mixed use development to be constructed on the larger parcel of land on the other side of the entrance road into the Signature Club. In order to recognize the possibility of locating the public amenity on either of these parcels, the attached Exhibit shows a symbol on both properties.

As we discussed in the meeting, the exact location and the exact nature of the public amenity will be determined as the plans for the Vincent Property are reviewed. It was important to the ADRDC at this time to have an Exhibit which shows the possible locations for the public amenity which have been committed to by the property owner/developer.

I look forward to continuing to work with you as the plans for the Vincent Property are developed.

Very truly yours,

GIBBS AND HALLER

Thomas H. Haller

Enclosure

cc: Mr. Don Franyo
Ms. Vicki Sotak

*S:\Upshire Capital\Patterson4.wpd*

Land Records) SDAT 41085, p. 0172, MSA_CE64_41394. Date available 07/06/2018. Printed 01/21/2021.

# AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS SIGNATURE CLUB HOMEOWNERS ASSOCIATION

**(Amends and Restates in its entirety the Declaration of Covenants, Conditions and Restrictions Manning Village Master Association, recorded among the land Records of Prince George's County in Liber 31351, at folio 490, et. seq.)**

**THIS AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS MANNING VILLAGE MASTER ASSOCIATION** (hereafter the "**Declaration**"), is made as of this 29th day of June, 2018, by **Signature 2016 Residential, LLC**, a Maryland limited liability company (the "**Declarant**") and consented to by **Barry DesRoches**, as trustee and not as an individual (hereinafter referred to as the "**Trustee**"), for the benefit of **Viking Associates, a Maryland general partnership** (hereinafter the "**Lender**").

## EXPLANATORY STATEMENT

**WHEREAS**, on July 12th, 2011, TSC/MUMA Mattawoman Associates Limited Partnership, a Maryland limited partnership (hereinafter "**Original Declarant**") recorded that certain Declaration of Covenants, Conditions and Restrictions Manning Village Master Association among the Land Records of Prince George's County, Maryland in Liber 31351 at folio 490 et seq. (the "**Original Declaration**"). The Original Declaration anticipates the creation of various age-restricted condominium regimes which were intended to serve as the members of Manning Village Master Association, Inc., a Maryland non-stock non profit corporation (the "**Manning Village Association**"), but no such condominium regimes were ever created, and the corporate charter of the Manning Village Association, has been forfeited.

**WHEREAS**, by virtue of that certain Deed dated March 23rd, 2018, recorded prior hereto, Declarant acquired all of the property encumbered by the Original Declaration, saving and excepting "Phase 10, as shown and set out on a plat entitled 'PLAT 1 OF 3 THROUGH 3 OF 3 MANNING VILLAGE'" (such property acquired by Declarant shall be hereinafter referred to as "**Declarant's Acquired Property**").

**WHEREAS**, the Declarant intends to develop Declarant's Acquired Property for the construction of market-rate single family and townhouse dwelling units, and not age-restricted condominium units.

LR - Agreement
Recording Fee
Name: SIGNATURE
Total:
R.R. Agreement
Surcharge
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06/29/2018 02:35
CC16-AS
#1602875 CC07.03 -
Prince George's
County/CC07.03.02 -
Register 02



*Exhibit "M"*

Prince George's County, Maryland (Land Records) SJH 41085, p. 0173, MSA_CE64_41394. Date available 07/06/2018. Printed 01/21/2021.

**WHEREAS,** there are two existing duplex-style units located on a portion of the property subject to the Original Declaration. Such duplex-style units are more commonly known as 16700 and 16702 Tortola Drive, Accokeek, Maryland 20607.

**WHEREAS,** Declarant took an assignment of the declarant's rights under the Original Declaration by virtue of that certain Assignment Of Declarant's Rights Manning Village Master Association with an effective date of June, 4, 2018, and recorded prior hereto.

**WHEREAS,** Section 11.2 of the Original Declaration provides Declarant with the right to unilaterally amend the Original Declaration without the consent or vote of the Members or Owners during the Declarant Control Period (as defined in the Original Declaration and recited in the following sentence). The Original Declaration defines the Declarant Control Period as "that period of time beginning on the date the [Original Declaration] is recorded among the Land Records of Prince George's County, Maryland and ending upon the date upon which Class B membership lapses, as set forth in Section 3.2 [of the Original Declaration]". Section 3.2 of the Original Declaration provides three events, the earliest of which will trigger the lapse of Class B membership (as follows):

(1) when all of the Condominium Units in all of the Condominium Regimes have been conveyed by a Builder to initial purchasers of Condominium Units; or

(2) fifteen (15) years from the date of recordation of the Declaration; [. . .]; or

(3) upon surrender of the Class B memberships by the then holder thereof for cancellation on the books of the Association.

As of the date of recordation of this Declaration, none of such events triggering the lapse of Class B membership has occurred, and therefore the Declarant Control Period persists and Declarant may unilaterally, without the vote or consent of Members or Owners, record this Declaration, which amends, restates and replaces for all purposes the Original Declaration.

**WHEREAS,** to the extent necessary pursuant to Section 11.2 of the Original Declaration, NVR, Inc., a Virginia Corporation, has provided its written consent as Builder to the recordation hereof.

**WHEREAS,** The Declarant desires to amend and restate in its entirety the Original Declaration and further deems it desirable and in the best interests of all the Owners of the Lots to provide for a flexible and reasonable procedure for the

Image ID: 00001 Instrument Number: (Land Records) SJH 41085, p. 0174, MSA_CE64_41394. Date available 07/06/2018. Printed 01/21/2021.

overall development of the Property and the administration, maintenance, preservation, use and enjoyment of the Property. Declarant desires to subject the Property to the covenants, conditions and restrictions set forth below for the purpose of protecting the value, attractiveness and desirability of the Property.

**WHEREAS,** in order to implement the purposes and intents set forth herein, the Declarant has revived the corporate charter of the Manning Village Association, and Declarant has changed the name of the Manning Village Association, to Signature Club Homeowners Association, Inc. as more particularly provided herein (the Manning Village Association as renamed to be called the Signature Club Homeowners Association, Inc., shall be hereinafter known as the "**Association**").

**NOW, THEREFORE,** the Declarant hereby amends and restates in its entirety the Original Declaration and hereby covenants and declares on behalf of itself and its successors and assigns, that the real property designated and described on **Exhibit 1** attached hereto and made a part hereof shall, from the date this Declaration is recorded in the Land Records, be held, used, owned, conveyed, acquired and encumbered subject to the terms and provisions hereof, all of which shall run with the land and bind and inure to the benefit of all Persons who may now or hereafter own or acquire any right, title, estate or interest in or to any of the Property subjected to the terms and conditions of this Declaration, all in accordance with the terms and provisions of this Declaration.

## ARTICLE 1
## GENERAL PROVISIONS

**Article 1.1 Definitions.** Capitalized terms used in this Declaration (including the Explanatory Statement) not otherwise defined in the body of this Declaration shall have the meanings specified for such terms below.

**"Additional Phase"** means and refers to each separate individual piece of real property, and any part thereof, which the Declarant may submit to this Declaration and to the jurisdiction of the Association pursuant to Article 2 hereof.

**"Additional Phases"** means each Additional Phase collectively.

**"Articles of Incorporation"** means the Articles of Incorporation for Signature Club Homeowners Association, Inc., a Maryland non stock, non-profit corporation which the Declarant either has filed or shall file with the Maryland State Department of Assessments and Taxation.

**"Association"** means Signature Club Homeowners Association, Inc., a Maryland non stock, non-profit corporation.

CIRCUIT COURT (Land Records) SUR 41085, p. 0175, MSA_CE64_41394. Date available 07/06/2018. Printed 01/21/2021.

**"Association Documents"** means collectively, the Articles of Incorporation, this Declaration and the Bylaws, as the same may be amended from time to time. Any exhibit, schedule, certification or amendment to any Association Document is an integral part of that document.

**"Board of Directors"** or **"Board"** means the executive and administrative entity established by Article 10 of the Articles of Incorporation as the governing body of the Association.

**"Builder"** means both the Declarant and any Person who in the regular course of business purchases a Lot or Lots for the purpose of constructing a Home or Homes for resale to the public. "Builders" shall mean more than one Builder, collectively. No Person shall be deemed a Builder without the written recognition and consent of the Declarant which the Declarant may withhold in its sole and absolute discretion.

**"Bylaws"** means the by-laws of the Association as adopted in accordance with the provisions of the Articles of Incorporation, the Maryland Homeowners Association Act, and the MD Corp. & Assn. Code §2-109, as the same may be amended from time to time.

**"Class A Member"** means an Owner of a Lot other than the Declarant.

**"Class B Member"** means the Declarant, its successors and assigns.

**"Common Area"** means, at any given time, all of the Property, other than Lots and areas dedicated to public use and accepted by requisite governmental authorities, then owned by the Association or otherwise available to the Association for the benefit, use and enjoyment of the Owners; provided, however, that real estate is not Common Area solely because it is burdened by an easement for utilities, landscaping, storm water management or signage, or other purposes even though the Association may maintain such areas. Any portion of the Common Area which the Association has the right to maintain for the benefit of the Owners may be located within a Lot. For the purposes of maintenance, operation and control, such portion of the Lot shall be treated as Common Area; for the purposes of ownership, such portion shall be part of the Lot and the same shall be included in the calculation of voting rights and assessments. Common Area shall include any additional Common Area contained within any Additional Phase which is submitted to this Declaration pursuant to the provisions of Article 2.1 hereof.

**"Common Expenses"** means all expenditures made and incurred on behalf of the Association, together with all funds determined by the Board of Directors to be necessary for the creation and maintenance of reserves pursuant to the provisions of the Association Documents.

PRINCE GEORGES COUNTY CIRCUIT COURT (Land Records) SJH 41085, p. 0176, MSA_CE64_41394. Date available 07/06/2018. Printed 01/21/2021.

**"Covenants Committee"** means the committee that shall be established by the Board of Directors pursuant to Article 9 hereof for the purposes and with the authorities set in this Declaration and the Association Documents.

**"Declarant"** means Signature 2016 Residential, LLC, a Maryland limited liability company, its successors and assigns; provided, however, that no successor or assignee of the Declarant shall have any of the rights or obligations of the Declarant hereunder unless such rights and obligations are specifically assigned by Declarant by document recorded in the Land Records or unless said rights and obligations of the Declarant inure to the successor by operation of law. The right is reserved to the Declarant to make partial assignments of its rights as the Declarant to one or more Builders or other parties.

**"Declarant Control Period"** means the period ending on the earlier of: **(i)** the thirteenth anniversary of the date of recordation of this Declaration or **(ii)** the date the number of votes of Class A Members equals the number of votes of the Class B Member; or **(iii)** the date specified by the Declarant in a written notice to the Association that the Declarant Control Period is to terminate on that date. Notwithstanding the foregoing, in the event the Declarant is delayed due to causes beyond its reasonable control from completing development of the Property and the Phases, the Declarant Control Period may be extended for an additional two (2) years by written notice extension from the Declarant to the Association but in no event shall the Declarant Control Period extend beyond the fifteenth anniversary date of the recordation of this Declaration. Any extension of the Declarant Control period shall be recorded in the Land Records with a copy being provided to the Association.

**"Declaration"** means this instrument as the same may from time to time be amended or supplemented.

**"Design Standards"** means the architectural, landscaping and building standards developed for the Property by the Covenants Committee pursuant to Article 9 hereof, and any standards established by the Declarant or otherwise contained in the Association Documents.

**"Development Period"** means the period of time that the Declarant or Builders are engaged in development or sales, or activities related thereto, anywhere on the Property. When all the Lots and Common Area have been conveyed to Owners and/or the Association, as applicable, other than the Declarant or a Builder, then the Development Period shall end.

**"Duplex Units"** means those two certain attached, duplex-style, units, the legal description for which is as follows:

Prince George's County (Land Records) SJH 41085, p. 0177, MSA_CE64_41394. Date available 07/06/2018. Printed 01/21/2021.

Phase 10, in the subdivision known as "PLAT 1 OF 3 THRU 3, SHOWN ON PLAT 2 OF 3, COMMON AREA PHASES AND BUILDING PHASES 8 THRU 33, MANNING VILLAGE", per Plat Book PM232 at Plat 66 thru 68, and recorded among the Land Records of Prince George's County, Maryland.

Such Duplex Units are not located on any separate subdivided Lot(s), but shall be nevertheless subject to this Declaration, and each Duplex Unit shall be treated in all ways under this Declaration as if it were a Home (below defined) located on a Townhouse Lot (below defined).

**"Home"** shall mean and refer to any single family detached home or townhome constructed within the Property. A Home comes into existence for the purposes of this Declaration on the date that a certificate of occupancy or similar permit is issued by the appropriate governmental agency on such Home.

**"Land Records"** means the land records of Prince George's County, Maryland.

**"Lot"** means a portion of the Property (including at any given time any Additional Phase which is submitted to this Declaration in accordance with Article 2 hereof) designated as a separate subdivided lot of record (but not including the Common Area and the portion of the Property which is to be owned by the Association) on a plat of subdivision, resubdivision, consolidation or boundary line adjustment of a portion of the Property recorded among the Land Records upon which a Home is or may be erected.

**"Majority Vote"** means: **(i)** with respect to the Members, a simple majority (more than fifty percent (50%)) of the votes entitled to be cast by all Members present in person or by proxy at a duly held meeting of the Members at which a quorum is present; **(ii)** with respect to either the Board of Directors or the Covenants Committee means a simple majority (more than fifty percent (50%)) of the total number of votes entitled to be cast by directors or Covenants Committee members present at a duly held meeting of the Board of Directors or Covenants Committee at which a quorum is present.

**"Maryland Homeowners Association Act"** means such act as contained within Title 11B of the Real Property Article of the Annotated Code of Maryland as the same may be amended from time to time.

**"Members"** mean collectively the Class A Members and the Class B Members.

**"Member"** means, individually, any Class A Member or the Class B Member.

Land Records of Montgomery County, MD; MSA_CE04_41084. Date available 07/06/2018. Printed 01/21/2021.

**"Mortgage"** means a first mortgage or first deed of trust encumbering a Lot held and owned by a Mortgagee.

**"Mortgagee"** means an institutional lender (one or more commercial or savings banks, savings and loan associations, trust companies, credit unions, industrial loan associations, insurance companies, pension funds or business trusts, including but not limited to real estate investment trusts, any other lender regularly engaged in financing the purchase, construction, or improvement of real estate, or any assignee of loans made by such lender, or any combination of any of the foregoing entities) holding a Mortgage which has notified the Board of Directors of its status and requested all rights under the Association Documents. For the purposes of the rights enumerated in Articles 12, 13, and 14 hereof, the term **"Mortgagee"** shall also include the Veterans Administration, the Federal Home Loan Mortgage Corporation, the Federal Housing Administration, the Federal National Mortgage Association, the Farmer's Home Administration, the Government National Mortgage Association and any other public or private secondary mortgage market entity, if such entity is participating in purchasing, guarantying or insuring Mortgages on a Lot or Lots and for whom which the Board of Directors has actual notice of such participation.

**"Officer"** means any Person holding office in the Association pursuant to the Articles and Bylaws.

**"Owner"** means one or more Persons who own a Lot in fee simple, but does not mean any Person having an interest in a Lot solely by virtue of a contract or as security for an obligation.

**"Person"** means a natural person, corporation, partnership, association, trust or other entity capable of holding title to real estate or any combination thereof.

**"Phase"** means any portion of the Property, now or hereafter subjected to this Declaration. Phases means, collectively, more than one Phase.

**"Property"** means at any time, all of the real property (including all Phases then submitted to this Declaration) then subject to the Declaration (including Lots and Common Area), including all improvements and appurtenances thereto now or hereafter existing including but not limited to the real property described on **Exhibit** 1 attached hereto.

**"Real Property Article"** means the Real Property Article of the Annotated
Code of Maryland as the same is amended from time to time.

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Land Records) SDAT 41085, p. 0172, MSA_CE64_41394. Date available 07/06/2018. Printed 01/21/2021.

# AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS SIGNATURE CLUB HOMEOWNERS ASSOCIATION

**(Amends and Restates in its entirety the Declaration of Covenants, Conditions and Restrictions Manning Village Master Association, recorded among the land Records of Prince George's County in Liber 31351, at folio 490, et. seq.)**

**THIS AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS MANNING VILLAGE MASTER ASSOCIATION** (hereafter the "**Declaration**"), is made as of this 29th day of June, 2018, by **Signature 2016 Residential, LLC**, a Maryland limited liability company (the "**Declarant**") and consented to by **Barry DesRoches**, as trustee and not as an individual (hereinafter referred to as the "**Trustee**"), for the benefit of **Viking Associates, a Maryland general partnership** (hereinafter the "**Lender**").

## EXPLANATORY STATEMENT

**WHEREAS**, on July 12th, 2011, TSC/MUMA Mattawoman Associates Limited Partnership, a Maryland limited partnership (hereinafter "**Original Declarant**") recorded that certain Declaration of Covenants, Conditions and Restrictions Manning Village Master Association among the Land Records of Prince George's County, Maryland in Liber 31351 at folio 490 et seq. (the "**Original Declaration**"). The Original Declaration anticipates the creation of various age-restricted condominium regimes which were intended to serve as the members of Manning Village Master Association, Inc., a Maryland non-stock non profit corporation (the "**Manning Village Association**"), but no such condominium regimes were ever created, and the corporate charter of the Manning Village Association, has been forfeited.

**WHEREAS**, by virtue of that certain Deed dated March 23rd, 2018, recorded prior hereto, Declarant acquired all of the property encumbered by the Original Declaration, saving and excepting "Phase 10, as shown and set out on a plat entitled 'PLAT 1 OF 3 THROUGH 3 OF 3 MANNING VILLAGE'" (such property acquired by Declarant shall be hereinafter referred to as "**Declarant's Acquired Property**").

**WHEREAS**, the Declarant intends to develop Declarant's Acquired Property for the construction of market-rate single family and townhouse dwelling units, and not age-restricted condominium units.

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Register 02



*Exhibit "M"*

Prince George's County, Maryland (Land Records) SJH 41085, p. 0173, MSA_CE64_41394. Date available 07/06/2018. Printed 01/21/2021.

**WHEREAS,** there are two existing duplex-style units located on a portion of the property subject to the Original Declaration. Such duplex-style units are more commonly known as 16700 and 16702 Tortola Drive, Accokeek, Maryland 20607.

**WHEREAS,** Declarant took an assignment of the declarant's rights under the Original Declaration by virtue of that certain Assignment Of Declarant's Rights Manning Village Master Association with an effective date of June, 4, 2018, and recorded prior hereto.

**WHEREAS,** Section 11.2 of the Original Declaration provides Declarant with the right to unilaterally amend the Original Declaration without the consent or vote of the Members or Owners during the Declarant Control Period (as defined in the Original Declaration and recited in the following sentence). The Original Declaration defines the Declarant Control Period as "that period of time beginning on the date the [Original Declaration] is recorded among the Land Records of Prince George's County, Maryland and ending upon the date upon which Class B membership lapses, as set forth in Section 3.2 [of the Original Declaration]". Section 3.2 of the Original Declaration provides three events, the earliest of which will trigger the lapse of Class B membership (as follows):

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(2) fifteen (15) years from the date of recordation of the Declaration; [. . .]; or

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As of the date of recordation of this Declaration, none of such events triggering the lapse of Class B membership has occurred, and therefore the Declarant Control Period persists and Declarant may unilaterally, without the vote or consent of Members or Owners, record this Declaration, which amends, restates and replaces for all purposes the Original Declaration.

**WHEREAS,** to the extent necessary pursuant to Section 11.2 of the Original Declaration, NVR, Inc., a Virginia Corporation, has provided its written consent as Builder to the recordation hereof.

**WHEREAS,** The Declarant desires to amend and restate in its entirety the Original Declaration and further deems it desirable and in the best interests of all the Owners of the Lots to provide for a flexible and reasonable procedure for the

Image ID: 00001 Instrument Number: (Land Records) SJH 41085, p. 0174, MSA_CE64_41394. Date available 07/06/2018. Printed 01/21/2021.

overall development of the Property and the administration, maintenance, preservation, use and enjoyment of the Property. Declarant desires to subject the Property to the covenants, conditions and restrictions set forth below for the purpose of protecting the value, attractiveness and desirability of the Property.

**WHEREAS,** in order to implement the purposes and intents set forth herein, the Declarant has revived the corporate charter of the Manning Village Association, and Declarant has changed the name of the Manning Village Association, to Signature Club Homeowners Association, Inc. as more particularly provided herein (the Manning Village Association as renamed to be called the Signature Club Homeowners Association, Inc., shall be hereinafter known as the "**Association**").

**NOW, THEREFORE,** the Declarant hereby amends and restates in its entirety the Original Declaration and hereby covenants and declares on behalf of itself and its successors and assigns, that the real property designated and described on **Exhibit 1** attached hereto and made a part hereof shall, from the date this Declaration is recorded in the Land Records, be held, used, owned, conveyed, acquired and encumbered subject to the terms and provisions hereof, all of which shall run with the land and bind and inure to the benefit of all Persons who may now or hereafter own or acquire any right, title, estate or interest in or to any of the Property subjected to the terms and conditions of this Declaration, all in accordance with the terms and provisions of this Declaration.

## ARTICLE 1
## GENERAL PROVISIONS

**Article 1.1 Definitions.** Capitalized terms used in this Declaration (including the Explanatory Statement) not otherwise defined in the body of this Declaration shall have the meanings specified for such terms below.

**"Additional Phase"** means and refers to each separate individual piece of real property, and any part thereof, which the Declarant may submit to this Declaration and to the jurisdiction of the Association pursuant to Article 2 hereof.

**"Additional Phases"** means each Additional Phase collectively.

**"Articles of Incorporation"** means the Articles of Incorporation for Signature Club Homeowners Association, Inc., a Maryland non stock, non-profit corporation which the Declarant either has filed or shall file with the Maryland State Department of Assessments and Taxation.

**"Association"** means Signature Club Homeowners Association, Inc., a Maryland non stock, non-profit corporation.

CIRCUIT COURT (Land Records) SUR 41085, p. 0175, MSA_CE64_41394. Date available 07/06/2018. Printed 01/21/2021.

**"Association Documents"** means collectively, the Articles of Incorporation, this Declaration and the Bylaws, as the same may be amended from time to time. Any exhibit, schedule, certification or amendment to any Association Document is an integral part of that document.

**"Board of Directors"** or **"Board"** means the executive and administrative entity established by Article 10 of the Articles of Incorporation as the governing body of the Association.

**"Builder"** means both the Declarant and any Person who in the regular course of business purchases a Lot or Lots for the purpose of constructing a Home or Homes for resale to the public. "Builders" shall mean more than one Builder, collectively. No Person shall be deemed a Builder without the written recognition and consent of the Declarant which the Declarant may withhold in its sole and absolute discretion.

**"Bylaws"** means the by-laws of the Association as adopted in accordance with the provisions of the Articles of Incorporation, the Maryland Homeowners Association Act, and the MD Corp. & Assn. Code §2-109, as the same may be amended from time to time.

**"Class A Member"** means an Owner of a Lot other than the Declarant.

**"Class B Member"** means the Declarant, its successors and assigns.

**"Common Area"** means, at any given time, all of the Property, other than Lots and areas dedicated to public use and accepted by requisite governmental authorities, then owned by the Association or otherwise available to the Association for the benefit, use and enjoyment of the Owners; provided, however, that real estate is not Common Area solely because it is burdened by an easement for utilities, landscaping, storm water management or signage, or other purposes even though the Association may maintain such areas. Any portion of the Common Area which the Association has the right to maintain for the benefit of the Owners may be located within a Lot. For the purposes of maintenance, operation and control, such portion of the Lot shall be treated as Common Area; for the purposes of ownership, such portion shall be part of the Lot and the same shall be included in the calculation of voting rights and assessments. Common Area shall include any additional Common Area contained within any Additional Phase which is submitted to this Declaration pursuant to the provisions of Article 2.1 hereof.

**"Common Expenses"** means all expenditures made and incurred on behalf of the Association, together with all funds determined by the Board of Directors to be necessary for the creation and maintenance of reserves pursuant to the provisions of the Association Documents.

PRINCE GEORGES COUNTY CIRCUIT COURT (Land Records) SJH 41085, p. 0176, MSA_CE64_41394. Date available 07/06/2018. Printed 01/21/2021.

**"Covenants Committee"** means the committee that shall be established by the Board of Directors pursuant to Article 9 hereof for the purposes and with the authorities set in this Declaration and the Association Documents.

**"Declarant"** means Signature 2016 Residential, LLC, a Maryland limited liability company, its successors and assigns; provided, however, that no successor or assignee of the Declarant shall have any of the rights or obligations of the Declarant hereunder unless such rights and obligations are specifically assigned by Declarant by document recorded in the Land Records or unless said rights and obligations of the Declarant inure to the successor by operation of law. The right is reserved to the Declarant to make partial assignments of its rights as the Declarant to one or more Builders or other parties.

**"Declarant Control Period"** means the period ending on the earlier of: **(i)** the thirteenth anniversary of the date of recordation of this Declaration or **(ii)** the date the number of votes of Class A Members equals the number of votes of the Class B Member; or **(iii)** the date specified by the Declarant in a written notice to the Association that the Declarant Control Period is to terminate on that date. Notwithstanding the foregoing, in the event the Declarant is delayed due to causes beyond its reasonable control from completing development of the Property and the Phases, the Declarant Control Period may be extended for an additional two (2) years by written notice extension from the Declarant to the Association but in no event shall the Declarant Control Period extend beyond the fifteenth anniversary date of the recordation of this Declaration. Any extension of the Declarant Control period shall be recorded in the Land Records with a copy being provided to the Association.

**"Declaration"** means this instrument as the same may from time to time be amended or supplemented.

**"Design Standards"** means the architectural, landscaping and building standards developed for the Property by the Covenants Committee pursuant to Article 9 hereof, and any standards established by the Declarant or otherwise contained in the Association Documents.

**"Development Period"** means the period of time that the Declarant or Builders are engaged in development or sales, or activities related thereto, anywhere on the Property. When all the Lots and Common Area have been conveyed to Owners and/or the Association, as applicable, other than the Declarant or a Builder, then the Development Period shall end.

**"Duplex Units"** means those two certain attached, duplex-style, units, the legal description for which is as follows:

Prince George's County (Land Records) SJH 41085, p. 0177, MSA_CE64_41394. Date available 07/06/2018. Printed 01/21/2021.

Phase 10, in the subdivision known as "PLAT 1 OF 3 THRU 3, SHOWN ON PLAT 2 OF 3, COMMON AREA PHASES AND BUILDING PHASES 8 THRU 33, MANNING VILLAGE", per Plat Book PM232 at Plat 66 thru 68, and recorded among the Land Records of Prince George's County, Maryland.

Such Duplex Units are not located on any separate subdivided Lot(s), but shall be nevertheless subject to this Declaration, and each Duplex Unit shall be treated in all ways under this Declaration as if it were a Home (below defined) located on a Townhouse Lot (below defined).

**"Home"** shall mean and refer to any single family detached home or townhome constructed within the Property. A Home comes into existence for the purposes of this Declaration on the date that a certificate of occupancy or similar permit is issued by the appropriate governmental agency on such Home.

**"Land Records"** means the land records of Prince George's County, Maryland.

**"Lot"** means a portion of the Property (including at any given time any Additional Phase which is submitted to this Declaration in accordance with Article 2 hereof) designated as a separate subdivided lot of record (but not including the Common Area and the portion of the Property which is to be owned by the Association) on a plat of subdivision, resubdivision, consolidation or boundary line adjustment of a portion of the Property recorded among the Land Records upon which a Home is or may be erected.

**"Majority Vote"** means: **(i)** with respect to the Members, a simple majority (more than fifty percent (50%)) of the votes entitled to be cast by all Members present in person or by proxy at a duly held meeting of the Members at which a quorum is present; **(ii)** with respect to either the Board of Directors or the Covenants Committee means a simple majority (more than fifty percent (50%)) of the total number of votes entitled to be cast by directors or Covenants Committee members present at a duly held meeting of the Board of Directors or Covenants Committee at which a quorum is present.

**"Maryland Homeowners Association Act"** means such act as contained within Title 11B of the Real Property Article of the Annotated Code of Maryland as the same may be amended from time to time.

**"Members"** mean collectively the Class A Members and the Class B Members.

**"Member"** means, individually, any Class A Member or the Class B Member.

Land Records of Montgomery County, MD; MSA_CE04_41084. Date available 07/06/2018. Printed 01/21/2021.

**"Mortgage"** means a first mortgage or first deed of trust encumbering a Lot held and owned by a Mortgagee.

**"Mortgagee"** means an institutional lender (one or more commercial or savings banks, savings and loan associations, trust companies, credit unions, industrial loan associations, insurance companies, pension funds or business trusts, including but not limited to real estate investment trusts, any other lender regularly engaged in financing the purchase, construction, or improvement of real estate, or any assignee of loans made by such lender, or any combination of any of the foregoing entities) holding a Mortgage which has notified the Board of Directors of its status and requested all rights under the Association Documents. For the purposes of the rights enumerated in Articles 12, 13, and 14 hereof, the term **"Mortgagee"** shall also include the Veterans Administration, the Federal Home Loan Mortgage Corporation, the Federal Housing Administration, the Federal National Mortgage Association, the Farmer's Home Administration, the Government National Mortgage Association and any other public or private secondary mortgage market entity, if such entity is participating in purchasing, guarantying or insuring Mortgages on a Lot or Lots and for whom which the Board of Directors has actual notice of such participation.

**"Officer"** means any Person holding office in the Association pursuant to the Articles and Bylaws.

**"Owner"** means one or more Persons who own a Lot in fee simple, but does not mean any Person having an interest in a Lot solely by virtue of a contract or as security for an obligation.

**"Person"** means a natural person, corporation, partnership, association, trust or other entity capable of holding title to real estate or any combination thereof.

**"Phase"** means any portion of the Property, now or hereafter subjected to this Declaration. Phases means, collectively, more than one Phase.

**"Property"** means at any time, all of the real property (including all Phases then submitted to this Declaration) then subject to the Declaration (including Lots and Common Area), including all improvements and appurtenances thereto now or hereafter existing including but not limited to the real property described on **Exhibit** 1 attached hereto.

**"Real Property Article"** means the Real Property Article of the Annotated
Code of Maryland as the same is amended from time to time.

Land Records of Montgomery County, MD; MSA_CE04_41084. Date available 07/06/2018. Printed 01/21/2021.

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**"Phase"** means any portion of the Property, now or hereafter subjected to this Declaration. Phases means, collectively, more than one Phase.

**"Property"** means at any time, all of the real property (including all Phases then submitted to this Declaration) then subject to the Declaration (including Lots and Common Area), including all improvements and appurtenances thereto now or hereafter existing including but not limited to the real property described on **Exhibit** 1 attached hereto.

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Code of Maryland as the same is amended from time to time.

LAW OFFICES
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EDWARD C. GIBBS, JR.
THOMAS H. HALLER

KATHRYN TURNER MAY
ANTHONY G. BROWN

October 26, 2006

Mr. John Patterson
President
Accokeek Development Review
District Commission
1208 Bohic Lane
Accokeek, Maryland 20607

Re: Signature Club at Manning Village

Dear John:

In response to your letter of August 11th, we are addressing two issues that affect the Signature Club at Manning Village and the Accokeek community.

(1) Specifically, you requested an outline of the various organizational components (i.e., funding, management, ownership, et. al.) of the public amenity proposed for the Vincent property. We are confident that these matters can be addressed; however, the actual organizational structure will greatly depend on the public amenity plan that the community ultimately decides to advance for County approval.

We submitted various concept plans for your review at our last meeting and once you have focused on a specific plan we will tailor a program to implement the successful operation of the public amenity.

The principals of TSC/Muma are ready to proceed to work with the ADRDC to further the progress of the public amenity. They will file with the County the appropriate Conceptual Site Plan

*Exhibit "H"*

(CSP) as soon as the ADRDC has decided upon the direction of the public amenity they choose to propose.

(2) As you will recall, the Signature Club development was approved with a condition which required my client to meet with the ADRDC in order to assess the appropriateness of including a public amenity within the Signature Club itself. Locating the community center on the Vincent property is more appropriate because it allows for better visibility and access than being inside of a private gated senior community. We are ready to proceed with the commencement of development of the Signature Club. We therefore request that the ADRDC countersign a letter to Park and Planning to indicate that it does not believe that it is appropriate to locate the facility within the Signature Club and that you are working with us to locate the facility on an adjacent parcel of land (the Vincent property). This letter will allow us to obtain building permits. I have attached a draft letter which we believe will address the issue to the Planning Board's satisfaction, and which would only require your signature.

As always, please feel free to contact me should you have any questions. If you desire, we will be happy to attend an upcoming meeting to discuss in detail the particulars of the public amenity.

Very truly yours,

GIBBS AND HALLER

Thomas H. Haller

Enclosure

cc: Mr. Don Franyo
Ms. Vicki Sotak

*S:\Upshire Capital\Patterson3.wpd*

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.mncppc.org/pgco

December 12, 2017

MacArthur Development, LLC
2120 Baldwin Avenue, Suite 200
Crofton, MD 21114

Re: Notification of Planning Board Action on
**Detailed Site Plan DSP-04063-04**
**Signature Club at Manning Village**

Dear Applicant:

This is to advise you that, on **December 7, 2017**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-290, the Planning Board's decision will become final 30 calendar days after the date of the final notice **December 12, 2017** of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or

2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communication or inquiries regarding this matter to Ms. Redis C. Floyd, Clerk of the County Council, at 301-952-3600.

Sincerely,
Whitney Chellis, Acting Chief
Development Review Division

By: Ruth Grover
Reviewer

Attachment: PGCPB Resolution No. **17-153**

cc: Redis C. Floyd, Clerk of the County Council
Persons of Record

*Exhibit "K"*

# DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND
# OFFICE OF THE ZONING HEARING EXAMINER

## ZONING MAP AMENDMENT
## A-9613-C

## DECISION

| | |
|---|---|
| Application: | Amendment of Condition |
| Applicant: | Inglewood North, L.L.C. |
| Opposition: | None |
| Hearing Date: | November 13, 2006 |
| Hearing Examiner: | Maurene Epps Webb |
| Recommendation: | Approval with Conditions |

## NATURE OF PROCEEDINGS

(1) A-9613-C is before the District Council upon a request for the amendment/deletion of Conditions 5-9 imposed by the District Council upon the rezoning of approximately 244.67 acres of land located on the north side of Landover Road (MD 202) approximately 550 feet northwest of its intersection with St. Joseph's Drive, Landover, Maryland from the R-R (Rural Residential) to the M-X-T (Mixed Use Transportation) Zone. On March 14, 1988 the District Council gave final approval to A-9613-C, subject to the following conditions:

"1. There shall be no grading or cutting of trees on the site prior to the approval of the Conceptual Site Plan, except on a selective basis by permission of the Prince George's County Planning Board, when necessary for forestry management or water and sewer lines.

2. The Conceptual Site Plan shall include a tree stand delineation plan. Where possible, major stands of trees shall be preserved, especially along streams and where they serve as a buffer between the subject property and adjacent residentially zoned land.

3. The Conceptual Site Plan shall include the entire area of A-9613 approved for the M-X-T Zone.

4. Development regulations shall at a minimum conform with regulations for the I-3 Zone, except in the area the applicant designated as a "Central Business District".

5. Buildings located on lots that abut residentially zoned properties shall not exceed the height limit in that zone, unless a determination is made by the Planning Board that mitigating factors such as setbacks, topography and vegetation are sufficient to buffer the views from adjacent residential lands.

6. To the extent possible, development shall be oriented inward with access from internal streets. Individual building sites shall minimize access to Campus Way and St. Joseph's Drive, unless a determination is made that no safe, reasonable alternative is possible.

7. The zoning herein is further specifically conditioned upon a test for adequate public facilities, as follows:

a. A comprehensive traffic study shall be submitted for Planning Board review and approval with both the Conceptual Site Plan and Preliminary Plat of Subdivision applications.
b. The traffic study shall include a staging plan that will identify what specific highway improvements are necessary for each stage of development. The traffic study and staging plan shall also address how the various development proposals and highway improvements in the Route 202 corridor (Beltway to Central Avenue) will be coordinated.
c. If Transportation Systems Management (TSM) techniques are necessary to assure adequate transportation capacity, the traffic study shall identify how TSM will be enforced, how it will be monitored, and the consequences if it is unsuccessful.
d. As part of its Conceptual Site Plan and Preliminary Plat of Subdivision approval, the Planning Board shall specifically find that existing public facilities and/or planned public facilities (to be constructed by the State, County or developer) are then adequate or will be adequate prior to any development being completed.
e. Each Detailed Site Plan shall include a status report identifying the amount of approved development and status of corresponding required highway improvements. To approve a Detailed Site Plan, the Planning Board shall find the Plan is in conformance with the approved staging requirements.

8. Any retail component planned for the property shall be designed as an integral part of the mixed use development, be oriented to primarily serve the subject development, and shall not be designed to serve as a neighborhood, community or village activity center.

9. A minimum 150-foot building setback shall be required where the property abuts land in a residential zone or comprehensive design zone planned for residential uses. In addition, development or use of the subject property shall be substantially buffered from such residential uses by maintaining existing vegetation, where appropriate, such as fences, walls, berms and landscaping. The purpose of this condition is to separate commercial and employment activities from adjacent residential areas, in order to protect the integrity of the adjacent planned low-density residential neighborhoods.

10. All buildings, except single-family dwellings, shall be fully equipped with automatic fire suppression systems in accordance with National Fire Protection Association Standard 13 and all applicable County laws.

11. The District Council shall review for approval the Conceptual Site Plan, the Detailed Site Plan, and the preliminary plan of subdivision for the subject property."

(2) Several persons attended the hearing held by this Examiner but none indicated opposition to the Application.

(3) At the conclusion of the evidentiary hearing the record was held open for the Applicant and counsel for the City of Glenarden to submit a revised condition and additional information concerning the City and Applicant. The last of this information was received on November 28, 2006, and the record was closed at that time.

## FINDINGS OF FACT

(1) On March 14, 1988, the District Council adopted Zoning Ordinance No. 13-1988, thereby rezoning approximately 244.67 acres of land located in the northeast quadrant of Landover Road and the Capital Beltway (I-95) (the subject property) from the R-R Zone to the M-X-T Zone. There were eleven conditions attached to the District Council's approval, which were accepted by the owner at that time, Beltway Properties Associates, Limited Partnership. (Exhibit 5(a))

(2) The site is bordered by the City of Glenarden to the north; the Balk Hill Development to the northeast; Balk Hill Village to the southeast; St. Joseph's Drive to the east; and the Capital Beltway to the west. The City is not opposed to the request but sought clarification on some additional conditions that were proposed by the Applicant.

(3) The subject property is located within the area governed by the Largo-Lottsford and Vicinity Master Plan.

### Applicant's Request

(4) A prior owner of the subject property requested a rezoning from the R-R Zone to the M-X-T Zone. In its Statement of Justification for said request, that Applicant noted that "[t]he emergent office and R& D development contained in Inglewood Phase I and Largo Park create a need for office related retail commercial uses, hotel and convention facilities, recreation systems, and employee services; in other words, a definable business core." (Exhibit 17, p. 2) The Applicant presented a Schematic Land Use Plan that indicated where the different types of land uses would occur on the site. (Exhibit 17; pp. 14, 17)

(5) The subject property has remained undeveloped since 1988, although it has been sold twice. The current owner, Inglewood North LLC, proposed a mixed-use development for the site and filed a Conceptual Site Plan with the Planning Board (CSP-03006) that was approved on September 29, 2005. On January 23, 2006, The District Council issued an order affirming the Planning Board's approval with conditions that included the provision of 900 – 1,100 residential units; 400,000 – 1,000,000 square feet of retail; and 550,000 – 1,000,000 square feet of office use. (Exhibit 6(b)) Applicant reconfigured its residential and commercial mix in accordance thereto. The acreage was divided into Parcel A (102.87 acres), which will be developed with residences, and Parcel B (141.8 acres), which will be devoted to commercial development. (Exhibit 10; T. 7,16)

(6) The original zoning approval permitted 3 million square feet of office/R& D/Industrial space; 75,000 – 90,000 square feet of retail; a 200-room hotel; and no residential component. The approved Conceptual Site Plan permitted 550,000 – 1 million square feet of office space; 400,000 – 1 million square feet of retail; a 360-room hotel; and 900 – 1,100 dwelling units. The preliminary plan of subdivision sets forth 1 million square feet of office; 750,000 square feet of retail; a 360-room hotel; and 1,079 dwelling units. (Exhibit 19) The Preliminary Plan also required that total development "be limited to uses which generate no more than 3,112 AM and 3,789 PM peak hour vehicle trips...." (Exhibit 11)

(7) The Applicant is requesting the amendment of Conditions 4 through 9,above, that were imposed when the property was zoned M-X-T. These conditions are obsolete and/or in need of revision given the approval of CSP-03006. For example, the District Council imposed Condition 4 that required development to conform to regulations for the I-3 Zone except in the area designated as the Central Business District. This district has been expanded to include the office uses formerly in the northeast portion of the property to create a true "mixed use". Thus, the provisions of the M-X-T Zone are now more appropriate and there is no longer a need to refer to I-3 Zone regulations. (T. 48) Similarly, the Site Plan includes buffering conditions that also protect adjacent uses, thereby rendering any reference to I-3 Zone regulations obsolete.

(8) Condition 5 limited building height on lots that abut residentially zoned properties unless certain mitigating factors were found by the Planning Board. Given the facts that residential lots now abut residential lots, and sufficient buffering conditions were imposed by the Planning Board, this Condition should be removed.

(9) Condition 6 requested that development be oriented toward internal streets and that there be minimal access to Campus Way and St. Joseph's Drive, where possible. This has been accomplished with the Illustrative Plan except where the City requested direct connection for emergency services and opened access to Glenarden Parkway. (Exhibit 12; T. 51) There has also been a change in that the offices and hotel uses fronting MD 202 and the Capital Beltway are oriented toward those roadways as well as the internal streets on which they front. Applicant, therefore, proffered a revised Condition 6, that reflects these slight changes. (Exhibit 22)

(10) Applicant's witness, accepted as an expert in the area of transportation engineering and planning, opined that the requisites of Condition 7 have been met. Condition 7(a) required the submittal of a comprehensive traffic study at time of Conceptual Site Plan and Preliminary Plat of Subdivision approvals, and the report was submitted. (Exhibit 11; T. 25) The traffic study addressed a staging plan, as required by Condition 7(b). No transportation system management techniques were proposed or needed. The Planning Board reviewed the adequacy of the transportation facilities, taking into consideration the recommendations of the Maryland 202 Corridor Study, in its approval of the Preliminary

Plan of Subdivision. (Exhibits 11 and 15) Applicant suggests that Condition 7(d) be amended to state "in accordance with applicable approvals", so it is clear that the 202 Corridor Study or requirements imposed by the Department of Public Works and Transportation are being followed, and not the Transportation Guidelines that are imposed elsewhere. (T. 35-36) The witness thought that Condition 7(e) could be deleted as surplusage. Since further detailed site plan approvals will be required, I believe Condition 7(e)'s mandate of status reports on highway improvements should not be removed. Moreover, it would not require much to comply, as noted by the witness. (T. 35)

(11) Condition 8 mandated that any retail component serve the subject property and not the general neighborhood or community. As noted below, that was imposed at a time when the nearby Landover Mall was a thriving concern. The District Council and Planning Board have since approved 750,000 square feet of retail at this site in both the Conceptual Site Plan and the Preliminary Plan of Subdivision. (Exhibits 11 and 23) This amount could not have been intended solely for the Woodmore Town Center residents – accordingly, Applicant requests that this condition be deleted.

(12) Condition 9 required a minimum 150-foot setback and other buffering where the property abuts land in a residential zone or CDZ planned for residential uses. The condition also noted that its purpose was "to separate commercial and employment activities from adjacent residential uses." Since Applicant has "shifted" proposed uses, and since the Conceptual Site Plan and Preliminary Plan of Subdivision also address buffering and compatibility of uses, this condition is no longer needed. (Exhibits 11, 12 and 23; T.55)

(13) Applicant's witness, accepted as an expert in land use planning, offered the following in support of its argument that good cause exists to amend the conditions imposed by the District Council in 1988:

> [There's been a] change from the development concept that was in place in 1988 with mostly office, R and D and industrial uses, and a small retail component to a true mixed-use town center with integrated residential-over retail and a mix of uses – more diverse uses. . . . A lot has changed since that time in the immediate vicinity. The development around the property has been substantially residential and a significant amount of additional residential development creates a different market for the property and additionally the closing down of the Landover Mall across the street – there's more retail that's being served by this property than what was available back in 1988.
>
> This was originally envisioned to be a pure office development and called at that time an extension of the Inglewood Business Community to the south of Route 202.... [T]hat business community has not built out as envisioned with complete office development – the market has been much slower, so putting a lot of office space on this property is not as appropriate today as it was back in 1988.... [I]n 1988 [Landover Mall]was still a retail mall.... In 1988 the retail/commercial was extremely limited....

(T. 39-43)

(14) As a result, the witness believes the original conditions of approval should be revised.

**City's Comments**

(15) A portion of the site lies within the municipal boundaries of the City of Glenarden. Glenarden Parkway will extend into the residential portion of the project, per the City's request. The City has recommended approval of the Preliminary Plan of Subdivision for the site, with conditions generally pertaining to roadway improvements, buffering, stormwater runoff, recreational facilities and woodland conservation. (Exhibit 25) Although it originally objected to the deletion of Condition 5 in the instant request, it withdrew its objection subsequent to the hearing, noting that "the 80% opacity requirement included in the Preliminary Plan of Subdivision for the project was offered by the City and agreed to by the developer to address concerns about existing residences bordering the new residential construction." (Exhibit 27)

(16) The City requested that Condition 6 be revised as follows:

> Development within the retail town center should be oriented inward with access primarily from internal streets. Offices and hotels located along the site's beltway frontage and at the site entrance from St. Joseph's Drive may be oriented toward the beltway and the project entrance respectively. A connection shall be made from the single family detached component to Glenarden Parkway. Individual building sites shall minimize access to Campus Way and St. Joseph's Drive. Access points onto these thoroughfares shall be approved by the Planning Board and/or District Council, as appropriate, at the time of detailed site plan approval.

(Exhibit 27) Applicant noted its concurrence with this language. (Exhibit 28)

(17) The City and People's Zoning Counsel did question the wisdom of deleting all references to development regulations in the conditions of approval. (T. 58-60) Applicant pointed out that parameters on building are now included in the approved Conceptual Site Plan. This Examiner agrees that *some* regulations must be addressed herein - the conditions below therefore reference the conditions imposed by the District Council in its Site Plan approval.

## LAW APPLICABLE

**Amendment of Conditions**

(1) An Application for the amendment of Conditions attached to a piecemeal Zoning Map Amendment may be approved in accordance with §27-135(c) as follows:

(3) "Good Cause" is not expressly defined in the Zoning Ordinance. Accordingly, the definition set forth in Black's Law Dictionary (7th Edition) can be used:

> ***good cause.*** A legally sufficient reason. Good cause is often the burden placed on a litigant ... to show why a request should be granted or an action excused.

(4) The Court of Appeals has held that the determination whether "good cause" exists to allow the waiver of a condition precedent is left to the discretion of the trier of fact, and will only be reversed "where no reasonable person would take the view adopted...." Rios v. Montgomery County, 386 Md. 104121 (2005)(citations omitted)

## CONCLUSIONS OF LAW

Applicant has shown "good cause" in the form of legally sufficient reasons for the instant request. Many changes have occurred since the property was placed in the M-X-T Zone. Landover Mall is no longer. The Inglewood Business Community did not develop as envisioned. The District Council and the Planning Board approved a Conceptual Site Plan and Preliminary Plan of Subdivision, respectively, that have increased the square footage for residential and retail uses on site. These approvals also required certain setbacks, buffering, vehicular caps, and siting for the residential, retail and office uses that render nugatory many of the initial conditions of zoning. For these reasons, I recommend that the prior conditions be amended as follows:

## RECOMMENDATION

Approval of Applicant's request to amend conditions imposed in the District Council's approval of A-9613-C, subject to the following conditions:

1. Development within the retail town center should be oriented inward with access primarily from internal streets. Offices and hotels located along the site's frontage on the Capital Beltway and at its entrance from St. Joseph's Drive may be oriented toward the Capital Beltway and the project entrance, respectively. Individual building sites shall minimize access to Campus Way and St. Joseph's Drive. The Planning Board and/or District Council, as appropriate, shall approve access points onto these thoroughfares at the time of Detailed Site Plan approval.

2. Where possible, major stands of trees shall be preserved, especially along streams and where they serve as a buffer between the subject property and adjacent residentially zoned land.

3. Development of the site shall be in accordance with parameters provided in the approved Conceptual Site Plan (CSP-03006) (Exhibits 6(b) and 23 herein)

4. All buildings shall be fully equipped with automatic fire suppression systems in accordance with applicable National Fire Protection Association standards and all applicable County laws.

5. Each Detailed Site Plan shall include a status report identifying the amount of approved development and status of corresponding required highway improvements. To approve a Detailed Site Plan, the Planning Board shall find the Plan is in conformance with the approved staging requirements.

6. The District Council shall review for approval the Conceptual Site Plan, the Detailed Site Plans, and the Preliminary Plan of Subdivision for the subject property.

# THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

April 5, 2006

RE: A-9960-C Manokeek

*NOTICE OF FINAL 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 Zoning Ordinance No. 2 - 2006 setting forth the action taken by the District Council in this case on January 9, 2006.

*CERTIFICATE OF SERVICE*

This is to certify that on April 5, 2006 this notice and attached Council order were mailed, postage prepaid, to all persons of record.

Redis C. Floyd
Clerk of the Council

(10/97)



*Exhibit "A"*

LAW OFFICES
GIBBS AND HALLER
4640 FORBES BOULEVARD
LANHAM, MARYLAND 20706
(301) 306-0033
FAX (301) 306-0037
gibbshaller@erols.com

EDWARD C. GIBBS, JR.
THOMAS H. HALLER

KATHRYN TURNER MAY
ANTHONY G. BROWN

November 29, 2005

Mr. John Patterson
President
Accokeek Development Review
District Commission
1208 Bohic Lane
Accokeek, Maryland 20607

Re: Signature Club at Manning Village

Dear Mr. Patterson:

As a result of our conversation today, I promised to forward to you language for a proposed condition related to the use of the community building in the Signature Club by the ADRDC. I understand that Ruth Grover has e-mailed you all of the proposed conditions. Condition 1(r) incorporates the language we discussed.

The proposed condition does not address the possibility that a community center could be built on the Vincent Property if the M-X-T application is approved. If the rezoning is approved, it is still likely that the community building in the Signature Club would be available long before the community building on the Vincent Property. Thus, the proposed condition should maintain the ability for ADRDC's use of the Signature Club community building even if the Vincent Property is rezoned. Should a community center ever be constructed on the Vincent Property, ADRDC may no longer have the need to use the Signature Club community center, but it would still have the right to. This would avoid the possibility of scheduling conflicts.

As always, please feel free to contact me should you have any questions.

*Exhibit "E"*

Very truly yours,

GIBBS AND HALLER

Thomas H. Haller

Enclosure

cc: Mr. Don Franyo
Ms. Vicki Sotak

*THH/:S:\Upshire Capital\Patterson2.wpd*

Case No. SP-04063

Applicant: TSC/MUMA Mattawoman

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

ORDER AFFIRMING PLANNING BOARD DECISION

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 05-250, to approve with conditions a detailed site plan for 315 residential dwelling units (62 townhouse units, 82 semi-detached units, 111 single-family dwellings, and 60 units of multifamily housing), on property known as the Signature Club at Manning Village, Manokeek, described as approximately 70.74 acres of land in the M-X-T Zone, in the northeast quadrant of the intersection of Indian Head Highway (MD 210) and Berry Road (MD 228), Accokeek, is hereby:

AFFIRMED, for the reasons stated by the Planning Board, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council in this case.

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to signature approval, the applicant shall provide the additional specified materials or revise the plans as follows:

    a. Applicant shall clarify what "setback from internal property lines" refers to as only one lot is proposed.

    b. Applicant shall clarify why the general notes refer to "lots" when there are no lots proposed.

    c. Signage plans shall be reviewed and approved by the urban design staff as designee of the Planning Board.

    d. Applicant shall correct the schedule for a 4.6 landscape buffer along MD 210 to include the correct number of required trees instead of "0."

*Exhibit "F"*

e. Standard sidewalks shall be indicated on both sides of all private internal roads.

f. The Hampton Court model to be utilized for the five 12-unit condominium buildings shall uniformly utilize the partial brick option on the front, side and rear elevations. Both the left and right side elevations shall include two windows at "loft" level with four-inch trim and keystone and the additional six "optional" windows shall be made standard on all five 12-unit condominium buildings.

g. The applicant shall include plans for the bocce ball court and horseshoe pits on the detailed site plan.

h. All end walls or side elevations shall have a minimum of two architectural features.

i. A note shall be added to the plans that identical units shall not be located side by side or directly across the street from one another.

j. The applicant shall submit four revised final copies of the archeological Phase I survey and Phase II NRHP evaluation report that addresses all comments to the Historic Preservation and Public Facilities Planning Section. In order to determine compliance with this condition, the Historic Preservation and Public Facilities Planning Section, as designee of the Planning Board, shall determine that the reports are acceptable.

k. Three original, executed recreational facilities agreements (RFA) or similar alternative shall be submitted to the Development Review Division (DRD) for their approval three weeks prior to a grading permit. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland. The RFA shall provide for the completion of the clubhouse and clubhouse parking lot, one bocce ball court, one croquet court, 1,900 feet of trail system, and the pool prior to the issuance of the 100$^{th}$ building permit: the completion of one trellis and one sitting area prior to the issuance of the 150$^{th}$ building permit; the completion of one gazebo and an additional 199 feet of trail by the issuance of the 200$^{th}$ building permit; the completion of the second trellis and an additional 660 feet of trail by the issuance of the 250$^{th}$ building permit; the completion of one picnic area, the second gazebo, one horseshoe pit, and an additional 940 feet of trail, and the completion of 275 feet of boardwalk and the second sitting area by the issuance of the 315$^{th}$ building permit. However, should inclement weather conditions prevent the completion of the pool prior to the issuance of the 100$^{th}$ building permit, in that case the pool shall be completed prior to the issuance of the 150$^{th}$ building permit.

l. Submission to DRD of a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DRD, within at least two weeks prior to applying for building permits.

m. Prior to signature approval, the applicant, his successors, and/or assignees shall demonstrate that the recreational facilities are in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines and details and specifications of the facilities shall be provided. The recreational facilities shall be as follows:

**Indoor recreational facilities:**

Clubhouse including a meeting/gathering room and kitchen facilities

**Outdoor recreational facilities:**

Pool
Mini-park with croquet and sitting areas
Three gazebos
Two observation decks
A boardwalk adjacent to the southern observation deck
Bocce Courts and sitting areas
Horseshoe pits
Picnic area
One mile of hiker/biker trails located as proposed on the applicant's open space plan

n. Seventy percent of single-family units and 60 percent of the townhouse units shall have a predominantly brick front. The proposed clubhouse shall utilize a minimum of 60 percent brick in the design of its elevations.

o. A note shall be added to the plans stating that noise attenuation measures included in the project shall result in maximum exterior noise levels of 65 dBA and maximum interior noise levels of 45 dBA.

p. The Planning Board or its designee shall review and approve an interior design program, floor plans, and architectural elevations for the proposed clubhouse.

q. Prior to the certification of the detailed site plan, the detailed site plan and the Type II tree conservation plan shall be revised to use a retaining wall to eliminate the grading into the expanded stream buffer shown on Sheet 7 of 10 of the TCP II on the north side of the wetlands and behind the four residential units west of the main north-south street.

r. Prior to the issuance of any grading permits that impact wetlands, the applicant shall provide the Environmental Planning Section with copies of the appropriate federal, state and local wetland permits which may be required.

s. Prior to the certification of the detailed site plan, the Type II tree conservation plan shall be revised to:

(i.) Use a retaining wall to eliminate the grading into the expanded stream buffer shown on Sheet 7 of 10 of the TCPII on the north side of the wetlands and behind the four residential units west of the main north/south street.

(ii.) Revise the worksheet as needed.

(iii.) Have the revised plan signed and dated by the qualified professional who prepared the plan.

t. Prior to the issuance of any new permits for Lot 11, TCPII/116/01 shall be revised to reflect clearing required for the development of Lot 11.

u. The architectural design and materials for endwalls of units on highly visible lots, as identified on staff's Exhibit 1, shall be approved individually by Urban Design staff as designee of the Planning Board. Design of such units shall involve the use of brick for entire front facades or as an accent water table and wrapped to visible side façades. The units shall have an attractive pattern of fenestration, which may involve an increased number of architectural features on a given façade.

v. The architectural treatment (design and materials) of the sides and rear of the community building shall be approved by the Urban Design Section as designee of the Planning Board. Such design treatment shall include increased use of brick, continuation of at least a water table of brick to all four sides of the building, and increased balanced and well- articulated fenestration on the sides and rear.

w. Applicant shall add a note to the plans stating that all single-family detached dwellings and semidetached dwelling units shall have a minimum finished floor area of 2,200 square feet, exclusive of the garage.

2. Plans for all approved architecture for the project shall be maintained and made available to prospective purchasers in the sales office for the project.

3. Prior to issuance of the first building permit for the project, the applicant shall meet with the representatives of the Accokeek Development Review District Commission in order to determine the appropriateness of the inclusion of a public amenity in the proposed development. If deemed appropriate, the applicant and representatives of the Accokeek Development Review District Commission shall determine a precise location and specific description of the proposed public amenity.

Ordered this 10th day of April, 2006, by the following vote:

In Favor: Council Members Dernoga, Campos, Dean, Exum, Harrington, Hendershot, Knotts and Peters

Opposed:

Abstained:

Absent: Council Member Bland

Vote: 8-0

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: Thomas E. Dernoga, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

# THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

August 26, 2021

## M E M O R A N D U M

TO: Maurene Epps McNeil, Chief Zoning Hearing Examiner

FROM: Donna J. Brown, Clerk of the Council

RE: **A-9960-C Manokeek**
**Request to Amend Conditions**

I am transmitting herewith a request to amend conditions of approval imposed in the final decision in the above-referenced case pursuant to Section 27-135(c). The request was submitted by Edward C. Gibbs, Jr., Esq., on behalf of the applicant, Signature Land Holdings, LLC.

Specifically, the applicant is requesting to delete Condition 5 which was attached to the rezoning. This request should be scheduled for hearing before the Zoning Hearing Examiner. The property may have to be posted; however, the need of a posting fee should be determined.

If you have any questions or need additional information, please feel free to call me.

Attachments

cc: Edward C. Gibbs, Jr., Esq., Attorney for the Applicant
Calvin S. Hawkins II, Chair
Deni L. Taveras, Vice Chair
Mel Franklin, Council Member, At-Large
Sydney J. Harrison, Council Member
Raj Kumar, Principal Counsel to the District Council
Karen T. Zavakos, Zoning and Legislative Counsel
Stan Brown, People's Zoning Counsel
James Hunt, Division Chief, M-NCPPC
Cheryl Summerlin, Supervisor, M-NCPPC

**TSC/MUMA MATTAWOMAN ASSOCIATES, L.P.**
**1501 Farm Credit Drive, Suite 2500**
**McLean, Virginia 22102**
**(703) 883-4250 • (703) 790-5135 (Fax)**

# MEMORANDUM

TO: John B. Patterson, Chairman, ARDC
Thomas Haller, Esq.

FROM: TSC/Muma Mattawoman Associates ("TSC")

DATE: September 21, 2006

RE: Proposed Organizational and Operating Structure for Accokeek Community Club ("ACC")

---

**Formation**

TSC is proposing to create a not for profit entity (corporation) to own and operate the ACC facility. TSC will design and construct the facility on property owned by TSC located directly outside the security gates of the Signature Club at Manning Village ("SCMV").

**Organization**

Upon completion the land and clubhouse will be deeded to ACC. TSC proposes that ACC will be operated by a Board of Directors comprised of ARDC members (2), members from the community (2), SCMV representative (1), Greater Accokeek Civic Association (1), County Council representative or designee (1).

*Exhibit "G"*

**Funding**

Funding to operate and maintain the ACC facility will be derived from the following sources:

(i) **Initial Contributions**

TSC, SCMV and subsequent owners of the commercial properties will make an initial contribution to ACC at a time to be specified.

(ii) **Required Charter Member Annual Fee**

SCMV, as well as subsequent owners of the commercial lots, will pay a mandatory annual fee for their use of the facility. The annual fee will allow each charter member a specified amount of allotted time annually for their individual use.

(iii) **Event Fee**

The clubhouse will be available to residents and organizations in the community for a variety of uses (i.e., meetings, social gatherings, etc.). A fee schedule will be established by the Board for the use of the facility and the coordination will be a duty of the management company.

**Management**

TSC recommends that the day to day management of the facility be carried out by the same management company that will be providing management services to the SMCV The efficiency of scale of having joint management would be an economic advantage for ACC. However, the ACC Board could opt for management alternatives and implement a management program unique to their own programs.

# Accokeek Community Club, Inc.

## Funding

Annual Payment for Charter Members

Event Fees

Initial User Contributions

Management Company

Signature Club at Manning Village HOA

## Organization

ARDC Members
Signature Club Representative
Greater Accokeek Civic Association
County Council Representative

PGCPB No. 04-295 File No.A-9960

# RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed Zoning Map Amendment Application No. A-9960 requesting a rezoning from the R-R (Rural Residential) to the M-X-T (Mixed Use Transportation) Zone in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on December 9, 2004, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property is located about 120 feet north of Berry Road (MD 228) about 2,300 feet east of the MD 210 (Indian Head Highway)/Berry Road intersection. The site is triangular in shape and is bisected by Manning Road. It is about 12.5 acres in size and is undeveloped and wooded.

B. **History:** The site has been in the R-R Zone since prior to the last comprehensive rezoning of the area in 1993. At that time, the Subregion V Sectional Map Amendment retained the property in the R-R zone (CR-60-1993).

C. **Master Plan Recommendation:** The 2002 General Plan places the property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The 1993 Subregion V Master Plan recommends office and light manufacturing/business park employment uses for the western nine acres of the property. The eastern four acres are recommended for low-suburban residential uses with a density of up to 1.6 dwellings per acre.

D. **Neighborhood and Surrounding Uses:** The neighborhood boundaries identified for this application are:

North—Livingston Road (MD 373)
East—Bealle Hill Road
South—Berry Road (MD 228)
West—Indian Head Highway (MD 210)

The middle one-third of the neighborhood is developed with single-family residential development in the R-R Zone, on lots ranging from one-half acre to two acres in size. With the exception of some scattered residential development along Bealle Hill Road, the eastern third of the neighborhood remains largely undeveloped. This portion of the neighborhood is in the R-A and R-L Zones with permitted densities equivalent to one- to two-acre lots. In the northern part of the neighborhood, on the south side of Livingston Road, are some older commercial businesses in the C-S-C Zone.

Much of the undeveloped land in the western portion of the neighborhood is in the M-X-T (Mixed-Use Transportation Oriented) Zone. Specifically, immediately to the west of the subject site is an undeveloped, 57.5-acre parcel in the M-X-T Zone, and the to east of the subject site is an undeveloped 13-acre parcel in the M-X-T Zone. Immediately south of Berry Road is a 26-acre parcel of land in the M-X-T Zone developed with the Manokeek Village Center

*Exhibit "D"*

E. **Request:** The applicant is the owner of the M-X-T-zoned parcels to the east and west of the subject site. Access to those sites was limited by the State Highway Administration to Manning Road East,which bisects the subject property. The applicant purchased the subject site and has shown the site as providing access to those sites (Pods 2 and 3) in Conceptual Site Plan 99050, which was approved by the Planning Board on July 27, 2000. Because the site serves as a connection between the two M-X-T sites, the applicant requests this rezoning to create a more unified development scheme.

The applicant has submitted an Illustrative Plan with this application. The plan proposes a residential component, a live/work component, and a community center on the western portion the property and a retail center with office pad sites on the eastern portion of the property.

F. **Zoning Requirements:**

**Section 27-213; Criteria for approval of the M-X-T Zone.**

**(1) The District Council shall only place land in the M-X-T Zone if at least one (1) of the following two (2) criteria is met:**

**(A) Criterion 1. The entire tract is located within the vicinity of either:**

**(i) A major intersection or major interchange (being an intersection or interchange in which at least two (2) of the streets forming the intersection or interchange are classified in the Master Plan as an arterial or higher classified street reasonably expected to be in place within the foreseeable future); or**

**(ii) A major transit stop or station (reasonably expected to be in place within the foreseeable future).**

**(B) Criterion 2. The applicable Master Plan recommends mixed land uses similar to those permitted in the M-X-T Zone.**

The entire tract is located within the vicinity of a major intersection and proposed future interchange. The site is located about 2,300 feet from the intersection of Indian Head Highway and Berry Road. The Subregion V Master Plan classifies Indian Head Highway as an existing expressway south of Berry Road and a freeway north of Berry Road. Berry Road itself is classified as an expressway. The subject site is the location for the access to 70 acres of M-X-T-zoned land in the vicinity of this intersection. Manning Road East provides the only access to the M-X-T-zoned land from Berry Road. The subject property is therefore clearly within the vicinity of a major intersection and meets the requirements of this criterion.

**(2) Prior to approval, the Council shall find that the proposed location will not substantially impair the integrity of an approved General Plan, Area Master Plan, or Functional Master Plan and is in keeping with the purposes of the M-X-T Zone. In approving the M-X-T Zone, the District Council may include guidelines to the Planning Board for its review of the Conceptual Site Plan.**

The planning chronology for this area is important to understanding the evolution of decisions pertaining to the existing property classified in the M-X-T Zone (referred to as the TSC/Muma property below) and the adjacent property that is the subject of application A-9960. The property subject to this application was acquired from former owner Mr. Vincent by TSC/Muma (the applicant in this case) to provide road access to their larger property holdings classified in the M-X-T Zone in 1993.

**1974 Master Plan for Subregion V:**

- Area encompassing both properties recommended for employment land uses along the then-proposed Outer Beltway freeway right-of-way.

**1979 Accokeek, Tippet and Piscataway SMA:**

- TSC/Muma (including the 70 acres to the east and west of the subject property)—Rezoned from the R-R to the E-I-A Zone per SMA Change P-15 (The southern boundary of the E-I-A Zone was the proposed Outer Beltway right-of-way.)
- Subject Property (Vincent)—Retained in the R-R Zone

**1982 General Plan and Master Plan of Transportation:**

- Deleted the Outer Beltway as a road proposal in the southern part of the county.

**Late 1980s Maryland State Highway Administration Transportation Program**

- TSC/Muma—SHA decides to relocate MD 228 from Charles County to MD 210 through the E-I-A Zone property in Accokeek as a divided, four-lane road.

**1992 Subregion V Preliminary (May) and Adopted (November) Master Plan/SMA:**

- TSC/Muma—Proposed a smaller employment area located west of Manning Road and on the north side of the proposed MD 228 right-of way; low-suburban residential land uses east of Manning Road on the north side of MD 228 and low-suburban or large-lot residential south of MD 228. The SMA recommended rezoning E-I-A to R-R and R-A Zones. The redefined employment area recommendations were to be implemented via a new/revised E-I-A Comprehensive Design Zone application.
- Vincent—Recommended for low-suburban residential use; SMA to retain the R-R Zone.

**1993 Subregion V Master Plan/SMA Approved by Council Resolution CR-60-1993:**

- TSC/Muma—CR-60-1993, Plan Amendment 12 approved mixed-use development for the north and south side of MD 228 west of Manning Road and for the north side of MD 228 east of Manning Road. Low-suburban or large-lot residential land use for southern parts of the property. SMA rezoned E-I-A to M-X-T, R-R and R-A Zones.
- Vincent—CR-60-1993 approved low-suburban residential land use/SMA retained the R-R Zone.

The boundary between the existing M-X-T Zone on the TSC/Muma property and the R-R Zone on the Vincent property (subject to application A-9960) is the result of a Council amendment to the proposed master plan and SMA at the end of the approval process. The Planning Board had recommended employment land use for the area encompassing both properties on the northwest side of Manning Road East and Low-Suburban residential land use for both properties on the

southeast side. The Council approved a request for mixed land uses and the M-X-T Zone on the TSC/Muma property that had not been recommended by the Planning Board in the transmitted master plan/SMA proposal. There were no requests for rezoning on the Vincent property and no testimony at public hearings regarding it. As such, the boundary between the M-X-T Zone and R-R Zone in this area was determined by ownership patterns in 1993, when the master plan and SMA were approved by the County Council.

The subject application (A-9960) consists of two tracts of approximately five and seven acres divided by Manning Road East that are located between the existing road and the two large parcels. The two adjoining larger parcels already classified in the M-X-T Zone are 57 and 13 acres, respectively, and have been approved for development of a senior housing complex (up to 800 units), commercial retail, and office land uses. The approved site plan for the existing M-X-T Zone (CSP-99050) indicates access roads across these two smaller tracts of land (A-9960) to intersect with Manning Road East. The applicant acquired these smaller tracts between the approved development proposal and Manning Road East to provide access because of State Highway Administration access restrictions associated with the other adjoining road (MD 228). Allowing the owner to incorporate the extra land area acquired to provide access into the larger development area is consistent with master plan concepts for future land use and development.

On the northwest side of Manning Road East, the master plan recommends mixed-use development and employment (Office/Light Manufacturing/Business Park) land use as part of a larger recommended business area extending to the north. Expansion of the existing M-X-T zoning onto the adjoining portion of this rezoning application would be consistent with the land use recommendations of the master plan.

On the southeast side of Manning Road East, the master plan recommends low-suburban residential land use at up to 1.6 dwelling units per acre and mixed-use development.

This application is located in the Accokeek Development Review District. The Accokeek Development Review District Commission (ADRDC) reviewed this application at several meetings in early 2004 and submitted comments by letters dated May 13, 2004, and June 10, 2004. Issues that were of concern in the ADRDC meetings were (1) whether there was a need for more commercial zoning or development in Accokeek, and (2) the compatibility of expanded commercial development with the existing residential land uses on Manning Road East.

The request for the M-X-T Zone will not substantially impair the General Plan or the Subregion V Master Plan. The subject property clearly lies within an area determined to be appropriate for the M-X-T Zone. The rezoning of this property will provide for the orderly development of this property as well as the properties already approved for the M-X-T Zone. Furthermore, the applicant proposes to limit the total development of this and adjoining M-X-T zoned property in the same ownership, to the development already approved as part of Conceptual Site Plan 99050.

At the time of detailed site plan approval, the compatibility of the proposed M-X-T Zone with the existing residential community will be addressed by a condition requiring the provision of a 100-foot wide wooded buffer and the careful orientation of buildings and/or walls and parking lots to minimize the impacts of parking areas on the adjoining residential neighborhood.

The proposed rezoning meets the following purposes of the M-X-T Zone:

**Sec. 27-542. (a) The purposes of the M-X-T Zone are:**

(1) **To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, and major transit stops, so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**

The Subregion V Master Plan provided for the orderly development of land near the Indian Head Highway/Berry Road intersection by placing land in the M-X-T Zone and using Manning Road East to provide access to the M-X-T development. The rezoning of the subject property will complete this development. With the recommended conditions, the rezoning of the eastern portion of the site will promote orderly development of the area, while minimizing its impacts on the adjoining residential area.

(2) **To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**

The proposed rezoning conforms to the goal of concentrating development potential in areas recommended for mixed uses.

(3) **To promote the effective and optimum use of transit and other major transportation systems;**

The subject property will have access to a major intersection in conformance with this purpose.

(4) **To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**

Approval of the requested rezoning will facilitate a 24-hour environment.

(5) **To encourage diverse land uses which blend together harmoniously;**

(6) **To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;**

(7) **To promote optimum land planning with greater efficiency through the use of economies of scale and savings in energy beyond the scope of single-purpose projects;**

(8) **To permit a flexible response to the market; and**

(9) **To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.**

The mixture of uses and flexibility permitted by the M-X-T Zone will permit and encourage the purposes listed above. The conceptual site plan and detailed site plan approval process required for development in the M-X-T Zone will provide for an opportunity to examine future development proposals in greater detail and to determine their conformance with the purposes of the M-X-T Zone. As part of the conceptual site plan and detailed site plan approval process, the Planning Board will determine that:

- The proposed development has an outward orientation that either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;

- The proposed development is compatible with existing and proposed development in the vicinity;

- The mix of uses and the arrangement and design of buildings and other improvements reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;

- If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;

- The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;

- On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial).

Due to the potential for more intense development and a 24-hour environment, consideration should be given at the time of conceptual site plan approval to doubling the normal requirement for bufferyards between M-X-T uses and land uses in adjoining R-R-zoned properties. On the eastern portion of the site, a 100-foot wide wooded buffer will buffer the existing residential community from the impacts of the proposed development.

The Illustrative Plan shows a desire to provide a community-oriented use as well as a mixture of commercial and residential uses. A more prominent location for the community center could provide for a gateway use that sets the tone for the entire community, both existing and proposed.

(3) **Adequate transportation facilities.**

(A) **Prior to approval, the Council shall find that transportation facilities**

**that are existing, are under construction, or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry anticipated traffic for the proposed development.**

(B) **The finding by the Council of adequate transportation facilities at this time shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The applicant prepared a traffic impact study dated December 2003. The study has been prepared in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The traffic study was referred to the county Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA). Neither agency provided comments.

**Growth Policy—Service Level Standards**

The subject property is in the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better is required in the Developing Tier.

**Unsignalized intersections:** The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

**Staff Analysis of Traffic Impacts**

The following intersections have been analyzed in the traffic study:

- MD 228 and Manning Road (signalized)
- MD 210 and MD 228 (signalized)
- Manning Road and site access 1 (planned future roundabout)
- Manning Road and site access 2 (future unsignalized)
- Manning Road and site access 3 (future unsignalized)

Existing conditions are summarized as follows:

| EXISTING CONDITIONS | | |
|---|---|---|
| | Critical Lane Volume | Level of Service |

| Intersection | (AM & PM) | | (AM & PM) | |
|---|---|---|---|---|
| MD 228 and Manning Road | 1,052 | 1,202 | B | C |
| MD 210 and MD 228 | 981 | 1,013 | A | B |
| Manning Road and site access 1 | planned | | | |
| Manning Road and site access 2 | planned | | | |
| Manning Road and site access 3 | planned | | | |

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 45.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures and should be interpreted as excessive.
**The Planning Board has no standard for evaluating roundabouts. Delay measured both in seconds and LOS is reported for information purposes.

In assessing background traffic, the traffic consultant worked with the transportation staff to develop a complete list of background developments. Therefore, the assessment of traffic generated by background development is acceptable. Through traffic volumes were also increased by 2.5 percent per year to account for growth in through traffic along MD 210 and MD 228. Background conditions are summarized as follows:

| BACKGROUND CONDITIONS | | | | |
|---|---|---|---|---|
| Intersection | Critical Lane Volume (AM & PM) | | Level of Service (AM & PM) | |
| MD 228 and Manning Road | 1,395 | 2,021 | D | F |
| MD 210 and MD 228 | 1,317 | 1,286 | D | C |
| Manning Road and site access 1 | planned | | | |
| Manning Road and site access 2 | planned | | | |
| Manning Road and site access 3 | planned | | | |

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 45.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures and should be interpreted as excessive.
**The Planning Board has no standard for evaluating roundabouts. Delay measured both in seconds and LOS is reported for information purposes.

The traffic study assumes the development of the following:

85,800 square feet of retail space
80,000 square feet of general office space
a 7,500-square-foot recreation community center
24 elderly housing units

These uses taken together (assuming a 6 percent% pass-by rate for the retail) are estimated to generate 221 AM (181 in, 40 out) and 579 PM peak hour vehicle trips (242 in, 337 out), according to the rates given in the guidelines. Retail uses are allowed to assume that a portion of the trips generated are already on the road (i.e., pass-by trips). Total traffic conditions are

summarized below:

| TOTAL TRAFFIC CONDITIONS | | | | |
|---|---|---|---|---|
| Intersection | Critical Lane Volume (AM & PM) | | Level of Service (AM & PM) | |
| MD 228 and Manning Road | 1,618 | 2,582 | F | F |
| MD 210 and MD 228 | 1,331 | 1,300 | D | D |
| Manning Road and site access 1 | 6.8** | 12.2** | A | B |
| Manning Road and site access 2 | 8.9* | 11.8* | -- | -- |
| Manning Road and site access 3 | 8.3* | 8.3* | -- | -- |

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 45.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures and should be interpreted as excessive.

**The Planning Board has no standard for evaluating roundabouts. Delay measured both in seconds and LOS is reported for information purposes.

It is noted that failing operating conditions are found at the MD 228/Manning Road intersection, and the traffic study has made recommendations that the following improvements be provided:

1. Widen the southbound approach of Manning Road to provide four approach lanes: two left-turn lanes, one through lane, and one right-turn lane.

2. Operate the dual left-turn lanes along the westbound MD 228 approach.

3. Modify the island in the southwest quadrant of the intersection to eliminate the eastbound free right turn along MD 228, and restripe to provide two receiving lanes for the westbound left turns.

4. Restripe the shoulder of westbound MD 228 to provide an exclusive right-turn lane.

5. Eliminate the split-phasing of the MD 228/Manning Road signal.

With all of these changes, the MD 228/Manning Road intersection would operate at LOS D, with a CLV of 1,354, in the AM peak hour. In the PM peak hour, the intersection would operate at LOS D with a CLV of 1,440.

**Plan Comments**

The site has been the subject of two preliminary plan applications, 4-01064 and 4-01065. Dedication of roadways within the subject property will be in accordance with those plans.

While the subject property is not adjacent to the intersection of two master plan arterial (or higher) facilities, it is in the vicinity of the MD 210/MD 228 intersection of the F-11 and E-7 facilities. Furthermore, it is adjacent to other property that is also zoned M-X-T.

**Recommendations**

Based on the preceding comments and findings, the Transportation Planning Section found that the applicant has shown that transportation facilities which are existing, under construction, or for which 100 percent construction funding is contained in the county CIP or the state CTP will be adequate to carry anticipated traffic which would be generated by the proposed rezoning. This finding is applicable if the application is approved with the following conditions:

1. **MD 228 at Manning Road**: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

    a. Widening of the southbound approach of Manning Road to provide four approach lanes: two left-turn lanes, one through lane, and one right-turn lane.

    b. Operation of the dual left-turn lanes along the westbound MD 228 approach.

    c. Modification of the island in the southwest quadrant of the intersection to eliminate the eastbound free right turn along MD 228, and restriping to provide two receiving lanes for the westbound left turns.

    d. Restriping the shoulder of westbound MD 228 to provide an exclusive right-turn lane.

    e. Elimination of the split-phasing of the MD 228/Manning Road signal.

2. Total development within the subject property shall be limited to uses which generate no more than 221 AM and 579 PM peak-hour vehicle trips.

**G. Environmental Issues**

This 12.54-acre site in the R-R Zone is located on both sides of Manning Road approximately 300 feet north of its intersection with Berry Road (MD 228). A review of the available information indicates that streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on the property. However, there is an area of wetlands located near the southwestern corner of the site. Transportation-related noise associated with MD 228 has been found to impact this site. The soils found to occur according to the Prince George's County Soil Survey include Beltsville silt loam and Aura gravelly loam. These soils have limitations with respect to perched water tables, impeded drainage, and a hard stratum that will need to be addressed during the building phase of the development but will not affect the site layout or this rezoning application. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic

and historic roads in the vicinity of this application. This property is located in the Mattawoman Creek watershed of the Potomac River basin and in the Developing Tier as reflected in the adopted General Plan.

This site was previously reviewed in conjunction with the approvals of Preliminary Plan of Subdivision 4-01065 and Type I Tree Conservation Plan TCPI/25/01.

**Findings and Recommendations**

1. This site was previously reviewed in conjunction with Preliminary Plan of Subdivision 4-01065, at which time a Detailed Forest Stand Delineation (FSD) was submitted and found to be acceptable in accordance with the requirements for an FSD as found in the Prince George's County Woodland Conservation and Tree Preservation Technical Manual.

   Discussion: No additional information is required with respect to the Forest Stand Delineation.

2. The 12.54-acre property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the property is larger than 40,000 square feet in size, there are more than 10,000 square feet of existing woodlands, prior applications proposed more than 5,000 square feet of woodland clearing, and there is a previously approved Type I Tree Conservation Plan, TCPI/25/01. Although a TCP is not required to be submitted with this application, revisions to the currently approved TCPI may be necessary during the review of subsequent applications for conceptual site plan and/or preliminary plan of subdivision. In addition, a Type II Tree Conservation shall be approved in conjunction with any detailed site plans and/or grading permits.

   The approved Type I Tree Conservation Plan, TCPI/25/01, for this property has a 20 percent Woodland Conservation Threshold (WCT) as opposed to a 15 percent WCT for the proposed M-X-T Zone. Because the previously approved TCPI has a WCT of 20 percent it is recommended that the WCT remain at 20 percent for this property. This is reasonable because an area of regulated wetlands exists on the site and this area could be used to meet the requirements.

   Recommended Condition: The Woodland Conservation Threshold for this property shall remain at 20 percent.

3. Although streams, 100-year floodplain, severe slopes in excess of 25 percent, and steep slopes between 15 and 25 percent with highly erodible soils are not found on this property, there is an area of wetlands found at the southwestern corner of the site. The previously approved Preliminary Plan of Subdivision, 4-01065, and Type I Tree Conservation Plan, TCPI/25/01, clearly identified and protected the wetland area and the associated 25-foot buffer from grading impacts. All future plans should continue to provide protection to this wetland and associated 25-foot buffer.

Recommended Condition: The wetland area located at the southwestern corner of this property shall be protected from grading disturbances throughout the development process. During the review of all subsequent plans the wetland and the 25-foot buffer shall be shown on all plans and shall be protected by a platted conservation easement.

4. Based on the Environmental Planning Section noise model, transportation-related noise impacts associated with MD 228 extend into this site. The approximate location of the 65 dBA Ldn noise contour is 400 feet from the centerline of MD 228. Residential development proposed within the 65 dBA Ldn noise contour would require noise attenuation measures such as, but not limited to, earthen berms, walls, and/or structural modifications to mitigate the adverse noise impacts.

   Recommended Condition: All conceptual site plans, preliminary plans of subdivision, detailed site plans and/or tree conservation plans proposing residential development on this site shall include a Phase I and/or Phase II noise study as appropriate, show the location of the 65 dBA Ldn noise contour (mitigated and unmitigated), and show that all state noise standards have been met for interior areas of residential and residential type uses.

**Comment:** The Woodland Conservation Threshold for the M-X-T Zone is 15 percent. The wetlands area in the southwestern portion of the site takes up far less than 15 percent of the property. If the property is rezoned to the M-X-T Zone, the 20 percent threshold required for the R-R Zone will become irrelevant, and there do not appear to be any other compelling reasons to require a threshold greater than that required for other M-X-T-zoned properties.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and recommends to the District Council for Prince George's County, Maryland that the above-noted application be APPROVED, subject to the following conditions:

1. **MD 228 at Manning Road:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

   a. Widening of the southbound approach of Manning Road to provide four approach lanes: two left-turn lanes, one through lane, and one right-turn lane.

   b. Operation of the dual left-turn lanes along the westbound MD 228 approach.

   c. Modification of the island in the southwest quadrant of the intersection to eliminate the eastbound free right turn along MD 228, and restriping to provide two receiving lanes for the westbound left turns.

   d. Restriping the shoulder of westbound MD 228 to provide an exclusive right-turn lane.

   e. Elimination of the split-phasing of the MD 228/Manning Road signal.

2. The total combined development of the western portion of the subject property and Pod 2 on CSP-99050 shall not exceed the total development approved for Pod 2 on DCP-99050. The total combined development of the eastern portion of the subject property and Pod 3 on CSP-99050 shall not exceed the total development approved for Pod 3 on CSP-99050

3. The wetland area located at the southwestern corner of this property shall be protected from grading disturbances throughout the development process. During the review of all subsequent plans the wetland and the 25-foot buffer shall be shown on all plans and shall be protected by a platted conservation easement.

4. All conceptual site plans, preliminary plans of subdivision, detailed site plans and/or tree conservation plans proposing residential development on this site shall include a Phase I and/or Phase II noise study as appropriate, show the location of the 65 dBA Ldn noise contour (mitigated and unmitigated), and show that all state noise standards have been met for interior areas of residential and residential type uses.

5. The conceptual site plan shall show the proposed community center in a more prominent location.

6. At the time of detailed site plan approval, consideration shall be given to doubling the landscaping requirement between land uses in the M-X-T Zone and those on adjacent R-R-zoned land.

7. At the time of conceptual site plan approval, a 100-foot buffer of existing woodlands shall be retained along the northern boundary of the eastern portion of the subject property to buffer the existing residential use. Prior to the approval of A-9960, the illustrative plan shall be revised to reflect this condition. At the time of detailed site plan approval, buildings and/or walls and parking lots shall be oriented to minimize the impacts of parking areas on the adjoining residential neighborhood.

* * * * * * * * * * * * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Hewlett, with Commissioners Eley, Hewlett, Vaughns and Squire voting in favor of the motion, and with Commissioner Harley absent at its regular meeting held on Thursday, December 9, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of January 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:CW:rmk

(Revised 8/9/01)

RECEIVED APR - 6 2007

Accokeek Development Review District Commission

John B. Patterson, Chairman
1208 Bohac Lane
Accokeek, MD 20607
301-283-4571

March 5, 2007

Samuel J. Parker, Jr., Chairman
Prince George's County Panning Board
The Maryland-National Capital Park and Planning Commission.
County Administration Building, 4th Floor
Upper Marlboro, Maryland 20772

Re. The Signature Club at Manning Village/DSP-04063.

Dear Chairman Parker,

The Detailed site Plan for the referenced project was approved subject to condition which required the developer to work with the Accokeek Development Review District Commission ("ADRDC") regarding the appropriate location of a possible amenity.

Condition 1 (p) of DSP-04063 states the following:

> "p. Prior to issuance of the first building permit for the project, the applicant shall meet with the representatives of the Accokeek Development Review District Commission in order to determine the appropriateness of the inclusion of a public amenity in the proposed development. If deemed appropriate, the applicant and representatives of the Accokeek Development Review District Commission shall determine a precise location and specific description of the proposed public amenity."

As approved, the Signature Club is a gated senior community. The developer owns an adjacent parcel of land near to the Signature Club known as the Vincent property, which is zoned M-X-T. The applicant had proposed to the ADRDC that a public amenity, in the form of a community center, be located on the Vincent property immediately outside the entrance to the Signature club.

*Exhibit "J"*

The Accokeek Development Review District Commission concur with relocating the amenity outside of (Pad 2) the Signature Village to a parcel of land owned by the developer better known as The Vincent Property, which is zoned M-X-T. Please see the accompanying Exhibit and letter dated February 12, 2007 and signed by Attorney Thomas H. Haller which affirm their intent to construct a public amenity in Accokeek.

Respectfully Yours,

John B. Patterson

Enclosures:
Letter-Law office of Gibbs and Haller
Exhibit-Signature Club at Manning Village/Vincent Property.

CC:

| | |
|---|---|
| Ruth Grover | M-NCPPC |
| Wendy Irminger | M-NCPPC |
| Thomas H. Haller | Gibbs and Haller Law Office. |

Case No.: A-9960-C

Applicant: TSC/MUMA Mattawoman Associates, LP

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

ZONING ORDINANCE NO. 2 - 2006

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, with conditions.

WHEREAS, Application No. A-9960-C was filed for property described as about 12.54 acres of land, located approximately 120 feet north of Berry Road (MD Route 228) and 2,300 feet east of the intersection of Indian Head Highway and MD 228, in Accokeek, to rezone the property from the R-R to the M-X-T Zone; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the application was reviewed by the Technical Staff and the Planning Board, which filed recommendations with the District Council; and

WHEREAS, a public hearing on the application was held before the Zoning Hearing Examiner, who filed a report with recommendations with the District Council; and

WHEREAS, the District Council has determined, after consideration of the entire record, that the subject property should be rezoned to the M-X-T Zone; and

WHEREAS, to protect adjacent properties and the surrounding neighborhood, the rezoning herein is approved with conditions; and

WHEREAS, as the basis for this action, the District Council adopts the report of the Zoning Hearing Examiner as its findings and conclusions in this case, except that the Council has determined that the entire property, and not just 8.57 acres, should be placed in the M-X-T Zone.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended by rezoning the property which is the subject of Application No. A-9960-C from the R-R Zone to the M-X-T Zone.

SECTION 2. Application A-9960-C is approved subject to the following conditions:

1. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

    a. Widening of the southbound approach of Manning Road, to provide four approach lanes, two left-turn lanes, one through lane, and one right-turn lane.

    b. Operation of the dual left-turn lanes along the westbound MD Route 228 approach.

c. Modification of the island in the southwest quadrant of the intersection, to eliminate the eastbound free right turn along MD Route 228, and restriping to provide two receiving lanes for the westbound left turns.

d. Restriping the shoulder of westbound MD 228 to provide an exclusive right-turn lane.

e. Elimination of the split-phasing of the MD Route 228/Manning Road signal.

2. The total combined development of the western portion (8.57 acres) of the subject property and Pod 2 on CSP 99050 shall not exceed the total development approval for Pod 2 on CSP 99050.

3. The wetland area located at the southwestern corner of this property shall be protected from grading disturbances, throughout the development process. During the review of all subsequent plans, the wetland and the 25-foot buffer area shall be shown on all plans and shall be protected by a platted conservation easement.

4. All Conceptual Site Plans, Preliminary Plans of Subdivision, Detailed Site Plans, and Tree Conservation Plans proposing residential development on this site shall include a Phase I and Phase II Noise Study, as appropriate, to show the location of the 65 dBA Ldn noise contour (mitigated and unmitigated), and to show that all State noise standards have been met for interior areas of residential and residential-type uses.

5. The Conceptual Site Plan shall show the proposed community center in a more prominent location.

6. The bufferyard required between land uses in the M-X-T Zone and uses on adjoining R-R land shall be doubled.

7. The Woodland Conservation Threshold shall be at 20 percent.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall become effective initially on the date of its enactment, and the rezoning approved herein shall become effective when the applicant

accepts in writing the conditions in Section 2.

Enacted this 9th day of January, 2006, for initial approval, by the following vote:

In Favor: Council Members Dernoga, Bland, Campos, Dean, Exum, Hendershot, Knotts and Peters

Opposed:

Abstained:

Absent: Council Member Harrington

Vote: 8-0

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: Thomas E. Dernoga
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

ME252-64

Exhibit "B"

## OWNER'S DEDICATION

WE, SIGNATURE LAND HOLDINGS, LLC, OWNERS OF THE PROPERTY SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, HEREBY ADOPT THIS PLAT OF CORRECTION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND GRANT TO THE PUBLIC UTILITIES, THEIR SUCCESSORS AND ASSIGNS, A 10-FOOT WIDE PUBLIC UTILITY EASEMENT AS SHOWN SUBJECT TO THE TERMS AND PROVISIONS RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN LIBER 3703 AT FOLIO 748.

PROPERTY MARKERS WILL BE PLACED IN ACCORDANCE WITH SECTION 24-120(b)(6)(F)(ii) OF THE SUBDIVISION REGULATIONS.

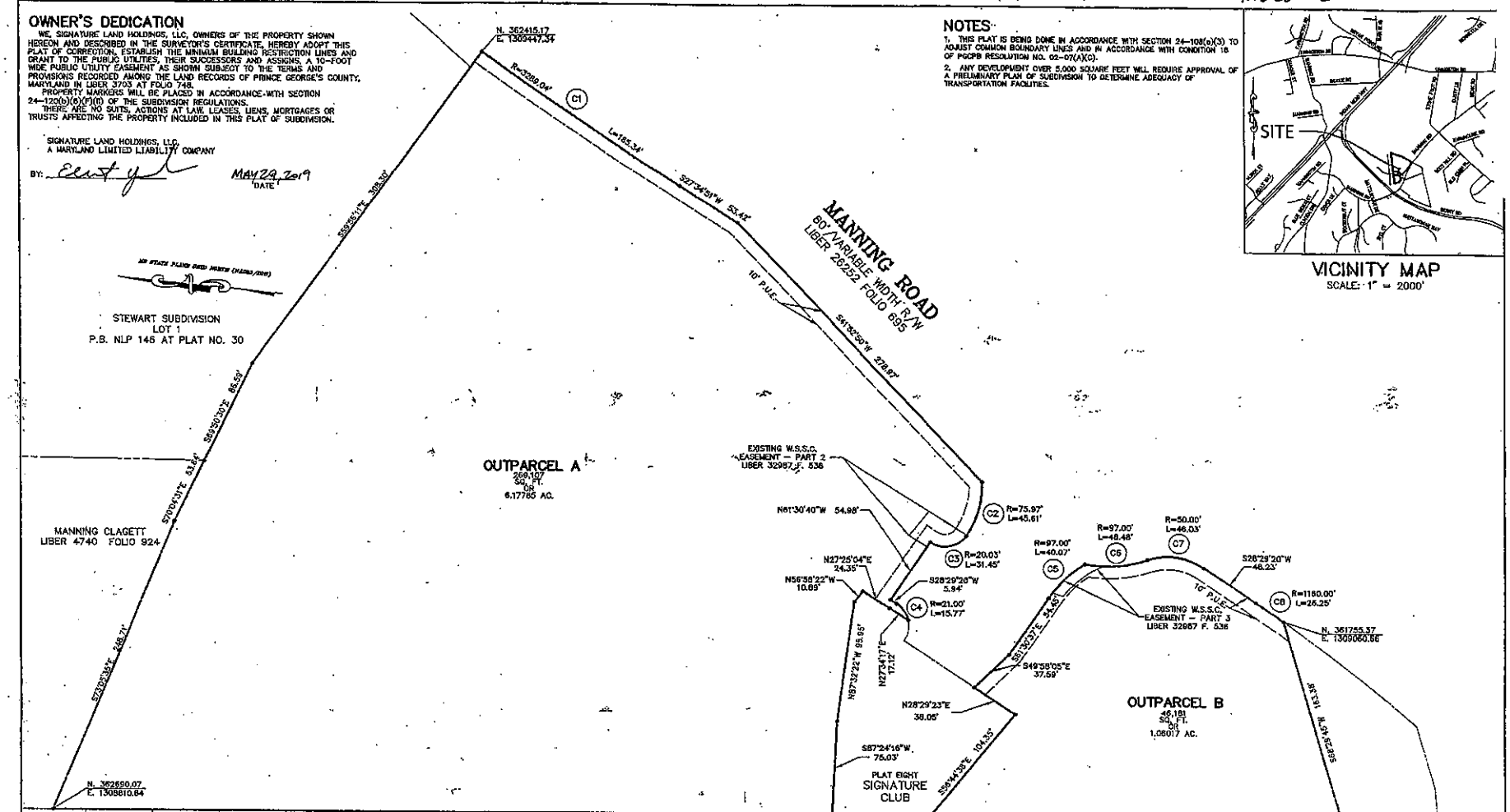
THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS, MORTGAGES OR TRUSTS AFFECTING THE PROPERTY INCLUDED IN THIS PLAT OF SUBDIVISION.

SIGNATURE LAND HOLDINGS, LLC
A MARYLAND LIMITED LIABILITY COMPANY

BY: _____ MAY 29, 2019
DATE

## NOTES

1. THIS PLAT IS BEING DONE IN ACCORDANCE WITH SECTION 24-108(a)(3) TO ADJUST COMMON BOUNDARY LINES AND IN ACCORDANCE WITH CONDITION 18 OF PGCPB RESOLUTION NO. 02-07(A)(C).
2. ANY DEVELOPMENT OVER 5,000 SQUARE FEET WILL REQUIRE APPROVAL OF A PRELIMINARY PLAN OF SUBDIVISION TO DETERMINE ADEQUACY OF TRANSPORTATION FACILITIES.







VICINITY MAP
SCALE: 1" = 2000'

NOTE:
THIS PLAT IS PREPARED IN ACCORDANCE WITH SECTION 24-108(a)(1) OF THE SUBDIVISION REGULATIONS TO CORRECT THE OWNERSHIP NAME AND DEED REFERENCE IN THE OWNER'S DEDICATION AND SURVEYOR'S CERTIFICATION AS SHOWN PLAT FIFTEEN, OUTPARCELS A & B, MANOKEEK, RECORDED IN PLAT BOOK SJH 250 AT PLAT NO. 95.

CURVE TABLE

| CURVE | RADIUS | LENGTH | TANGENT | CH BEARING | CH DISTANCE | DELTA |
|---|---|---|---|---|---|---|
| C1 | 3289.04' | 185.34' | 92.69' | S29°11'42"W | 185.31' | 03°13'43" |
| C2 | 75.97' | 45.61' | 23.52' | S79°22'57"E | 44.93' | 34°23'59" |
| C3 | 20.03' | 31.45' | 20.02' | S16°30'05"E | 28.32' | 89°59'02" |
| C4 | 21.00' | 15.77' | 8.28' | N49°59'54"E | 15.40' | 43°01'08" |
| C5 | 97.00' | 40.07' | 20.32' | N49°40'33"W | 39.78' | 23°40'07" |
| C6 | 97.00' | 48.96' | 25.02' | S09°47'16"E | 48.46' | 28°55'48" |
| C7 | 50.00' | 46.03' | 24.79' | N02°07'05"E | 44.42' | 52°44'30" |
| C8 | 1160.00' | 26.25' | 13.13' | S29°08'14"E | 26.25' | 01°17'48" |

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON IS CORRECT; THAT IT IS A SUBDIVISION OF PART OF THE LAND CONVEYED FROM PREMIER BANK, INC. TO SIGNATURE LAND HOLDINGS, LLC, BY DEED DATED MARCH 21, 2018 AND RECORDED IN LIBER 41071 AT FOLIO 83, AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND.

THE TOTAL AREA OF LAND INCLUDED IN THIS THIS PLAT OF SUBDIVISION IS 315,288 SQUARE FEET OR 7.2360 ACRES.

MAY 28, 2019
DATE

JOSHUA G. PRICE
PROFESSIONAL LAND SURVEYOR
MARYLAND NO. 21846
LICENSE EXPIRES: MAY 31, 2020

STATE OF MARYLAND
JOSHUA G. PRICE
No. 21846
PROFESSIONAL LAND SURVEYOR

FILED
AUG 19 2019
CLERK OF THE CIRCUIT COURT
FOR PRINCE GEORGE'S COUNTY, MD

PLAT OF CORRECTION
PLAT FIFTEEN
OUTPARCELS A & B
**MANOKEEK**
PISCATAWAY (5TH) ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND
SCALE: 1" = 50' DATE: MAY 28, 2019

MSA MARYLAND, LLC
ENGINEERS • PLANNERS • LANDSCAPE ARCHITECTS
SURVEYORS • DEVELOPERS
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THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
PRINCE GEORGE'S COUNTY PLANNING

APPROVED August 15, 2019
PLANNING DIRECTOR — WITNESS

MNCPPC FILE NO.: 5-19011

DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT
PRINCE GEORGE'S COUNTY, MARYLAND

APPROVED: 6/27/19
DATE — DIRECTOR OR DESIGNEE

RECORDED: 8-19-19
PLAT BOOK : ME 252
PLAT NO. : 64

M-X-T
2213W01

P233807

MSA C2381-20442

6/19/19

PRINCE GEORGE'S COUNTY CIRCUIT COURT, Plat Book: ME 252, p. 64, MSA_C2381_20442, Date Available 2019-08-19, Printed 06-21-2021

8.5X11_Landscape

N

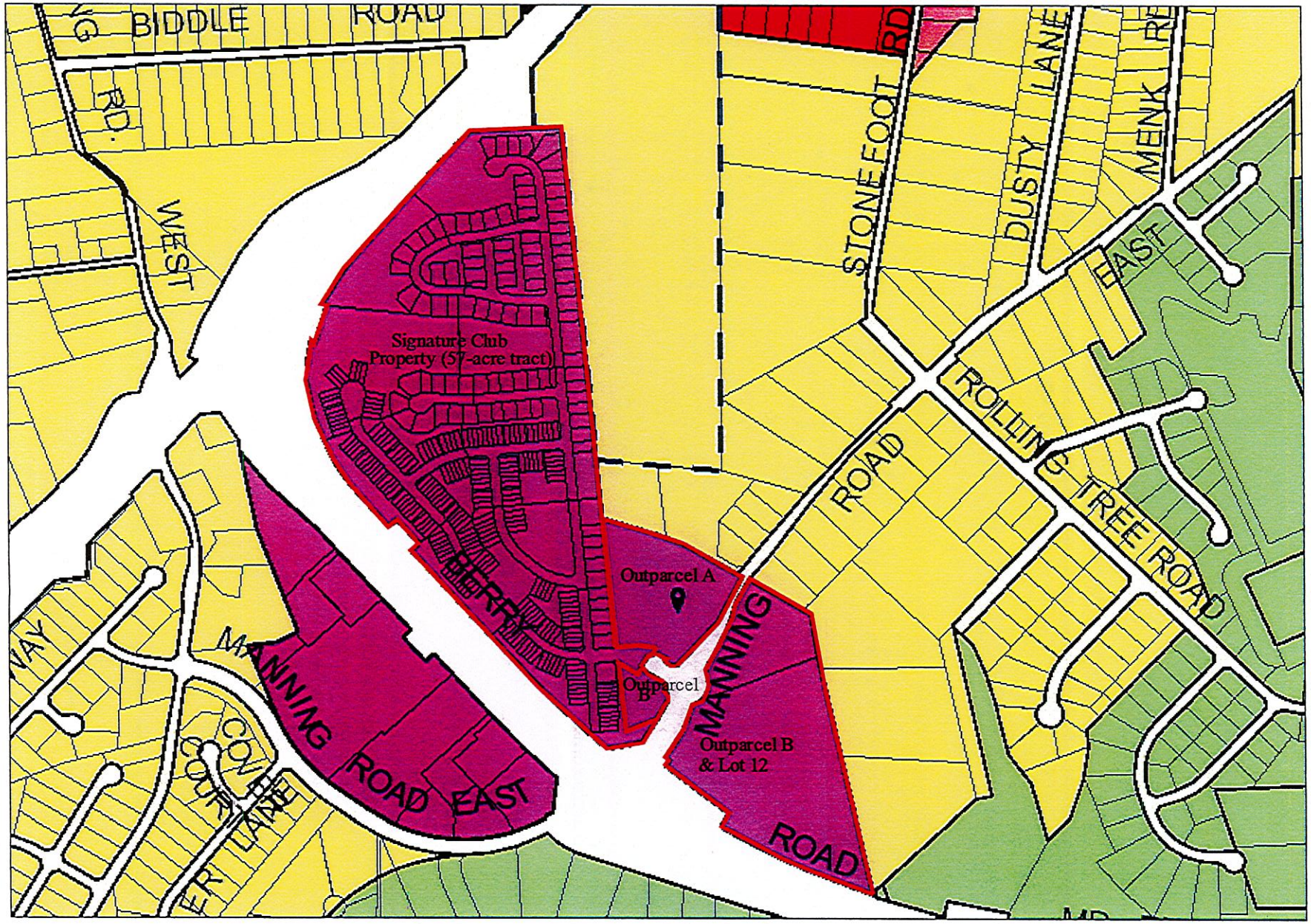



*Exhibit "C"*

Data provided by Prince George's County Planning Department

RECEIVED MAR 1 7 2007

OFFICE OF ZONING HEARING EXAMINER

FOR PRINCE GEORGE'S COUNTY, MARYLAND

NOTICE OF DECISION

Councilmanic District: 5

A-9613-C – Inglewood North, L.L.C.
Case Number

On the 16th day of March, 2007, the attached Decision of the Zoning Hearing Examiner in this case was filed with the District Council.

The Zoning Hearing Examiner's decision may be appealed to the District Council within 15 days after the above filing date by any person of record. If appealed, all persons of record may testify before the District Council. Persons arguing shall adhere to the District Council's rules of procedures, and argument shall be limited to thirty (30) minutes for each side, and to the record of the hearing.

Please address all appeals in writing to the

Clerk of the County Council
County Administration Building
Upper Marlboro, MD 20772

cc: Edward C. Gibbs, Jr., Esq., 4640 Forbes Boulevard, Lanham, MD 20706
Suellen M. Ferguson, 6325 Woodside Court, Suite 230, Columbia, MD 21046
Town of Glenarden, 8600 Glenarden Parkway, Glenarden, MD 20706
Persons of Record (224)
Stan D. Brown, Esquire, 9500 Arena Drive, Suite 104, Largo, MD 20774

NOTEDC3

*Exhibit "N"*

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.mncppc.org/pgco

PGCPB No. 17-153

File No. DSP-04063-04

# RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on December 7, 2017, regarding Detailed Site Plan DSP-04063-04 for Signature Club at Manning Village, the Planning Board finds:

1. **Approval:** To develop 95 single-family detached and 218 single-family attached residential units. Future Phase 2 will add commercial development to the property.

2. **Development Data Summary:**

| | EXISTING | APPROVED |
|---|---|---|
| Zone | M-X-T | M-X-T |
| Use | Residential and Vacant | Residential |
| Acreage | 70.49 | 70.49 |
| 100-year Floodplain | 5.40 | 5.40 |
| Net Tract Area | 65.09 | 65.09 |
| Dwelling Units | 0 | 313 proposed |
| Total Square Footage | 0 | 626,000 |

**Overall Floor Area Ratio (FAR) in the M-X-T Zone**

| | |
|---|---|
| Base Density Allowed | 0.40 FAR |
| Residential Bonus Incentive | 1.00 FAR |
| Total FAR Permitted: | 1.40 FAR* |
| Total FAR Proposed: | 0.25 FAR** |

*Without the use of the optional method of development per Section 27-548 of the Zoning Ordinance.

**Calculated using an average 2,000-square-foot building footprint for 313 units, divided by the net lot area, resulting in a floor area ratio (FAR) of 0.25.

**Parking Requirements***

| Type of Unit | Number of Units/ Square Feet | Parking Rate | Spaces Required | Spaces Approved |
|---|---|---|---|---|
| Single-family Detached | 95 | 2 per unit | 190 | 380 |
| Single-family Attached | 218 | 2.04 per unit | 449 | 598 |
| Community Building | 2,289 | Per Section 27-574 of the Zoning Ordinance | 14 | 16 (including 2 handicapped) |
| Visitor Parking | N/A | N/A | N/A | 6 (including 2 handicapped) |
| **Total** | | | 653 | 1,000 |

The number of parking spaces for developments in the M-X-T Zone is to be calculated by the applicant, and submitted for approval by the Prince George's County Planning Board at the time of DSP, as stated in Section 27-574 of the Zoning Ordinance. In this case, the applicant has provided 16 additional spaces for the community building, the multi-sport court, and the recreational amenities at the end of Tortola Drive, as well as providing 149 more parking spaces than required for the single-family detached units and 49 more than required for the single-family attached units. The Planning Board hereby finds that adequate parking has been provided for the development. However, all of the additional spaces are located on individual lots and will not be usable as visitor parking spaces. Therefore, a condition of this approval requires that, prior to certificate approval, additional parking be added to the site plan to accommodate visitors to the townhouse portion of the development. The community building is parked for the specific uses, which includes a club room, kitchen, bathrooms, and office.

Section 27-583 of the Zoning Ordinance provides the requirements for the number of loading spaces required in the M-X-T Zone. Basically, it requires that the applicant determine the number of loading spaces normally required under Section 27-582 of the Zoning Ordinance, and determine if the loading spaces can be shared by two or more of the uses, taking into consideration the specifics of the case. In this case, Phase 1 of the development, which is only single-family residential uses, does not require loading.

3. **Location:** The subject property is located on the east side of the intersection of MD 210 (Indian Head Highway) and MD 228 (Berry Road), in Planning Area 84 and Council District 9.

4. **Surrounding Uses:** The subject site is bounded to the east by forested land, with single-family residential development beyond; to the south by single-family residential development; to the west by a combination of forested land and single-family detached residential development; and to the north by residential development.

5. **Previous Approvals:** The site is the subject of Conceptual Site Plan CSP-99050, approved by the Planning Board on July 20, 2000 and formalized by the Planning Board's adoption of PGCPB Resolution No. 00-142 on July 27, 2000. The Planning Board approved CSP-99050-01 on November 3, 2005 and formalized that approval by the adoption of PGCPB Resolution No. 05-228 on December 1, 2005. The site is the subject of Preliminary Plan of Subdivision (PPS) 4-01063 approved on January 10, 2002 and formalized by the adoption of PGCPB Resolution No. 02-07 on February 7, 2002. The PPS was granted a one-year extension on April 24, 2004 and, on February 2, 2017, the applicant requested that the Planning Board waive their rules and reconsider the case. The Planning Board agreed and on July 20, 2017 reapproved the PPS. An amended resolution was adopted on July 20, 2017. The project is also subject to Stormwater Management Concept Plan 32197-2004-03, approved on April 19, 2017 and valid until April 19, 2020.

6. **Design Features:**

**Site Design**—The project is nestled on the eastern side of the intersection of MD 210 and MD 228, with its sole vehicular access from Manning Road in the southernmost corner of the development. Private roads, Caribbean Way, Tortola Drive, Southwind Drive, and Anageda Drive, provide frontage for the 218 townhouses included in the development before terminating in a culs-de-sac in the most western point of the development. The single-family detached section of the development is generally located in its northern portion, fronting on Tortola Drive, which runs from the extreme southern portion to its most northern corner. Guest parking is provided both at the community building and the end of Tortola Drive, where the balance of the recreational facilities are located. There is currently an occupied two-family attached dwelling existing on the property, known as "Building Phase 10" recorded on Condominium Plat PM 232-67, dated June 10, 2010, constructed pursuant to previous approvals. The existing two-family dwelling is to remain based on the plans submitted for both the PPS and DSP. This area was included in the PPS, reconsidered and approved, reflecting the existing dwellings to be located on proposed Lots 24 and 25. However, by letter dated November 27, 2017, in reference to the subject approval, Macarthur Development LLS and Premier Bank Inc (Owner) state that "[I]t is uncertain what interest was conveyed by the various deeds in Phase 10," and they request that "Building Phase 10" be removed from the DSP due to uncertainty in the deeds.

The record plat (PM 232-67) provides bearings and distances including the square footage of Building Phase 10 (8,708 square feet). Both the PPS and the current DSP reflect that Lots 24 and 25 are 5,434 square feet. The Planning Board requested an exhibit from the applicant showing the impact of the removal of the Building Phase 10 from the site plan including necessary adjustments to other plan elements including landscaping and the lotting pattern. As that exhibit has not been provided, a condition of this approval requires that, prior to certification of the site plan, the applicant shall adjust the site plan as they have requested; Building Phase 10 (PM 232-67) will be removed from the plans for the project and made other adjustments as deemed necessary.

# SIGN POSTING AND INSPECTION AFFIDAVIT

I, Justin Hyde, hereby certify that the subject property was posted with
(print or type name)

~~Four (4)~~ Six (6) sign(s) on 10/18/2021
specify number) (date)

I further certify that the signs were inspected no later than the 15th day of posting and were maintained in a reasonable manner.

Signature: Justin Hyde

Application Numbers: A-9960-C Name: Manokeek

Date: 11/2/2021

Address: 341 Manning Rd E, Accokeek, MD 20607

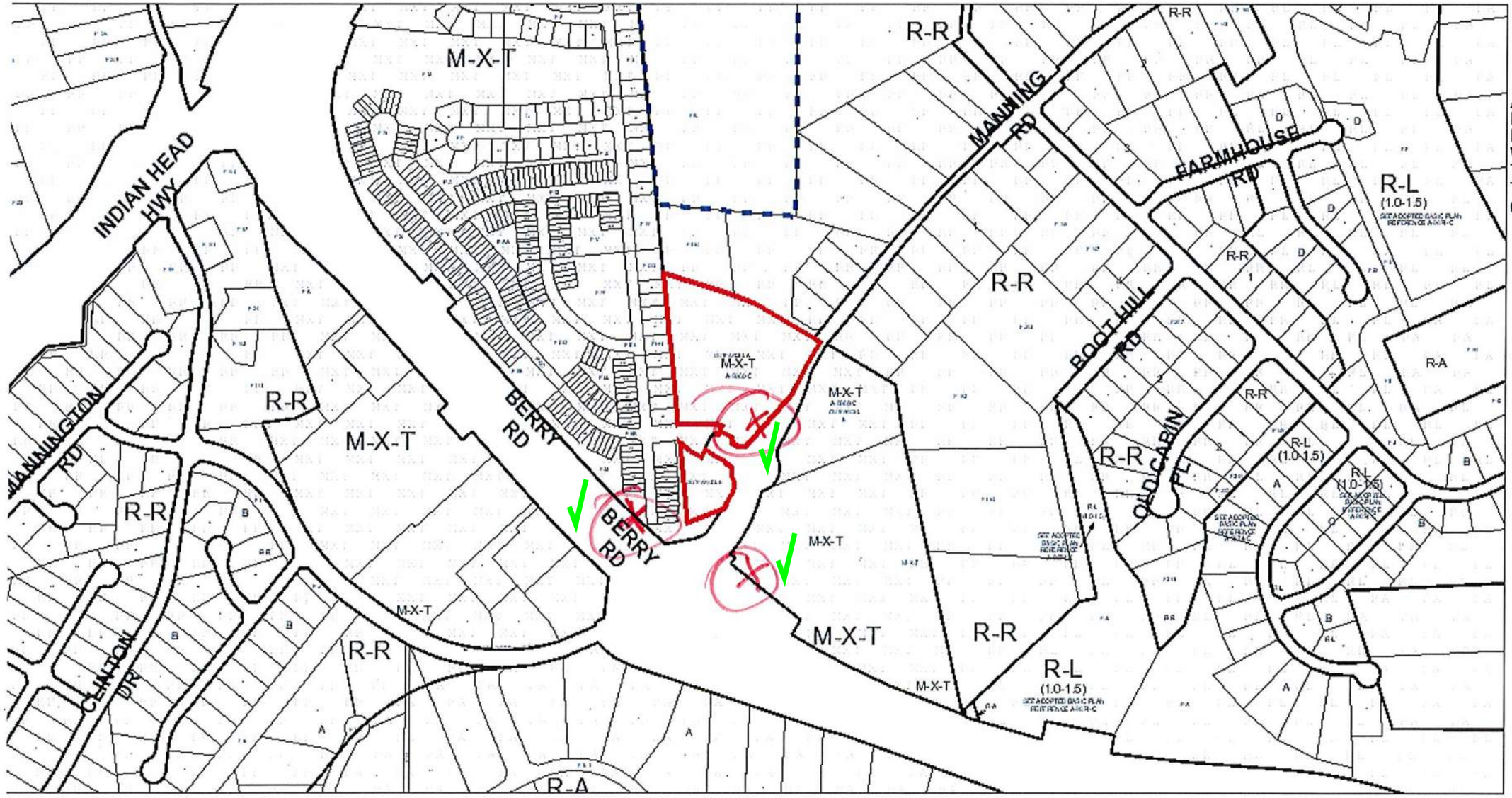
Telephone: 301-337-2855

Capacity in which you are acting: Agent
(Owner, Applicant, Agent)

**NOTE:** Attach **legible** photograph(s) showing sign(s) in place. Return this affidavit and photographs to the Zoning Hearing Examiner no later than 15 days prior to the scheduled Zoning Hearing Examiner meeting (see attached map for posting locations).

* * * * * *

**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.**




# ZONING SKE
# MAP

APP NO: 4-20015
EXISTING ZONE:
PLANNING AREA: 84
WSSC GRID: 221SW0
TAX MAP: 161
TAX GRID: E2
COUNCIL DISTRICT:

0 5
ft
1 inch = 500 feet

The Maryland-National Capital Park and Plann
Prince George's County Planning Depar
Geographic Information System

Created: 1/28/2

SIGNATURE CLUB
CARUSO HOMES
Single-Family Homes from the $500's
Ryan Homes
Townhomes from the $300's
ZONING HEARING EXAMINER
HEARING
FOR INFORMATION
301-952-3644
APPLICATION# A-9960-C
A-9960-C
DATE: 1-17-2021
TIME: 9:30 A.M.
COUNTY ADMINISTRATION BUILDING
UPPER MARLBORO, MD
www.princegeorgescountymd.gov

SIGNATURE CLUB
CARUSO HOMES
Single-Family Homes from the $500's
Ryan Homes
Townhomes from the $300's
ZONING HEARING EXAMINER
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FOR INFORMATION
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APPLICATIONS
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TIME
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www.princegeorgescountymd.gov

ZONING HEARING EXAMINER
HEARING
FOR INFORMATION
301-952-3644
APPLICATION# A-9960-C
A-9960-C
For more info, Please call (301)-952-3644
or Email: ZHE@CO.PG.MD.US
DATE: 11-17-2021
TIME: 9:30 A.M.
VIRTUAL HEARING-
COUNTY ADMINISTRATION BUILDING
UPPER MARLBORO, MD
www.princegeorgescountymd.gov

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ZONING HEARING EXAMINER
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FOR INFORMATION
301-952-3644
APPLICATION#
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COUNTY ADMINISTRATION BUILDING
UPPER MARLBORO, MD
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ZONING HEARING EXAMINER
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WRONG WAY
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FOR INFORMATION
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APPLICATION# A-9960-C
A-9960-C
For more info, Please call (301-952-3644
or Email: ZHE@CO.PG.MD.US
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TIME: 9:30 A.M.
VIRTUAL HEARING
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FOR INFORMATION
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APPLICATION#
A-9960-C
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COUNTY ADMINISTRATION BUILDING
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FOR INFORMATION
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APPLICATION# A-9960-C
A-9960-C
For More info, Please call (301)-952-3644 or
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COUNTY ADMINISTRATION BUILDING
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APPLICATION#
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UPPER MARLBORO, MD
www.princegeorgescountyme.gov

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APPLICATION# A-9960-C
A-9960-C
For more info, Please call (301) 952-3644
or Email: ZHE@CO.PG.MD.US
DATE: 11-17-2021
TIME: 9:30 A.M.
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UPPER MARLBORO, MD
www.princegeorgescountymd.gov

Stan Derwin Brown

**ATTORNEY AT LAW**

Stan Brown, Esq.

Stan Derwin Brown Law Office, LLC
1300 Caraway Court, Suite 101 • Largo, Maryland 20774-5462
Telephone: 301.883.8888 • Fax: 301.883.8606
Website: StanBrown.law
E-mail: attorney@StanBrown.law
*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: 11-3-21

Re: A-9960-C

## 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

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
JUSTIN S. KORENBLATT

June 21, 2021

RECEIVED
August 16, 2021
CLERK OF THE COUNCIL
PRINCE GEORGE'S COUNTY, MD

Ms. Donna J. Brown, Clerk
Prince George's County Council,
Sitting as the District Council
County Administration Building, 2nd Fl.
Upper Marlboro, Maryland 20772

Re: Request to Amend Conditions/ZMA A-9960-C/M-X-T Zone

Dear Ms. Brown:

Please accept this correspondence as a request on behalf of my client, Signature Land Holdings, LLC, to amend a condition attached to Zoning Ordinance No. 2-2006, adopted by the Prince George's County Council, sitting as the District Council ("District Council"), on January 9, 2006. The initial preliminary Order contained a number of conditions which had to be accepted in writing by the applicant at that time. Once those conditions were accepted, the Ordinance was mailed by the District Council to all parties of record on April 5, 2006. The owner of the property at that time was TSC/MUMA Mattawoman Associates Ltd. Partnership ("TSC/MUMA"). The rezoning as approved by the District Council rezoned 12.99 acres of land from the R-R Zone to the M-X-T Zone. A copy of Zoning Ordinance No. 2-2006 is marked Exhibit "A" and attached hereto.

Signature Land Holdings LLC ("Signature Land") now owns 7.238+/- acres of the original 12.99 acres. Signature Land is now requesting to delete Condition 5 which was attached to the rezoning. Condition 5 provided as follows:

**5. "The Conceptual Site Plan shall show the proposed community center in a more prominent location."**

Requests to amend or delete conditions attached to a rezoning are governed by the provisions of Section 27-135 of the Prince George's County Zoning Ordinance. Requests to amend or delete a condition attached to an approval by the District Council are governed by the provisions of Section 27-135 of the Prince George's County Zoning Ordinance. With respect to an amendment or deletion of conditions attached to an approval by the District Council, Section 27-135(c) provides in pertinent part as follows:

> **"The District Council may (for good cause) amend any condition imposed or site plan approved (excluding Comprehensive Design Zone Basic Plans) or R-P-C Zone Official Plans) upon request of the applicant without requiring a new application to be filed, if the amendment does not constitute an enlargement or extension."**

## I. Background and History

The property which was the subject of Zoning Ordinance No. 2-2006 was formerly identified as Parcel 25 (also referred to as the Vincent Property). In 2006, Parcel 25 consisted of approximately 12.99 acres and was located on the east and west side of Manning Road East, just north of its intersection with Berry Road (MD 228) in Accokeek. At the time, TSC/MUMA owned not just Parcel 25, but also the 57-acres located immediately west of Parcel 25. The 57-acre tract now comprises a development known as "Signature Club at Manning Village" ("Signature Club"). It is zoned M-X-T and is currently being developed with 95 single-family detached homes and 218 townhouses. It should be noted that, with the exception of certain parcels which have been conveyed to the Signature Club Homeowner's Association, the Signature Club property is now owned by Signature 2016 Residential, LLC. Caruso Homes, Inc. is a principal member of both Signature 2016 Residential, LLC, and Signature Land.

In August 2001, TSC/MUMA filed two Preliminary Subdivision Plan applications for Parcel 25. One application was for that part of Parcel 25 situated on the east side of Manning Road. That application, Preliminary Plan (4-01064), also included what is now Lot 12. Preliminary Plan (4-01064) was approved by the Planning Board in February 2002 pursuant to the adoption of PGCPB Resolution No. 02-08.[1] The second application was for the remaining 7.30 acres of Parcel 25 situated on the west side of Manning Road. That Preliminary Plan (4-01065) was approved by the Planning Board in January 2002 pursuant to the adoption of PGCPB Resolution No. 02-09. No immediate development was proposed in Preliminary Subdivision Plan 4-01065. Rather, the 7.3 acres were proposed to be designated an outlot. Ultimately, that land was designated as an Outparcel due to a finding of inadequate water and sewer facilities. It is worth noting that a condition attached to the approved Preliminary Subdivision Plan (4-01063)

[1] On the same day that 4-01064 was approved, the Planning Board approved 4-01063 which was also filed by TSC/MUMA for what is now the 57-acre Signature Club property.

for the Signature Club property required that access be provided to Manning Road East. This necessitated the division of the 7.3 acre Outparcel into two Outparcels, which now comprise Outparcels A & B. A copy of the Final Plat of Subdivision for Outparcels A & B, which is recorded among the Land Records of Prince George's County in Plat Book ME 252, Plat 64, is marked Exhibit "B" and attached hereto. A copy of the Zoning Map depicting the 57-acre Signature Club property, Outparcels A & B (the Subject Property), as well as Outparcel B and Lot 12 on the east side of Manning Road, is marked Exhibit "C" and attached hereto.

Outparcels A & B were never part of the development approvals for Signature Club at Manning Village. However, Condition 5 of Exhibit "A" appears to have originated through a dual, albeit separate, consideration of ZMA A-9960-C and the initial Detailed Site Plan for Signature Club (DSP-04063). Although those approvals were processed separately, the applicant in each of those applications was the same (TSC/MUMA), and for all intents and purposes, they were processed concurrently.

The first development approval for the Signature Club property was in 2000 upon the approval of CSP-99050, which designated Signature Club as Pod 2. Since that time, the various owners of the Signature Club property (including Caruso Homes, Inc., by and through Signature 2016 Residential, LLC) have engaged in a dialogue with the Accokeek Development Review District Commission ("ADRDC") regarding the possible construction of a public amenity for the benefit of ADRDC.

These discussions accelerated during the processing of DSP-04063 and ZMA A-9960-C. On January 13, 2005, the Planning Board adopted Resolution No. 04-295 which recommended approval of A-9960 subject to several conditions, including Condition 5. A copy of that Resolution is marked Exhibit "D" and attached hereto.

As noted above, the original Detailed Site Plan for the Signature Club property (the 57-acre tract) (DSP-04063) was processed at the same time as A-9960. In a letter dated November 29, 2005, from counsel for the prior owner of Signature Club to the then-President of the ADRDC, there is a discussion of a condition that was proposed for DSP-04063. A copy of that letter is marked Exhibit "E" and attached hereto. Exhibit "E" includes reference to a community center being built on the Signature Club property. It also references the fact that a community center could instead be built on Parcel 25 in the event that the rezoning of Parcel 25 from the R-R to the M-X-T Zone was approved.

Thereafter, on January 9, 2006, the District Council adopted Zoning Ordinance No 2-2006 (Exhibit "A") subject to several conditions, including Condition 5. On April 10, 2006, the

District Council entered a Final Order approving DSP-04063. A copy of that Final Order is marked Exhibit "F" and attached hereto. Significantly, Condition 3 of Exhibit "F" states:

> *Prior to issuance of the first building permit for the project, the applicant shall meet with the representatives of the Accokeek Development Review District Commission in order to determine the appropriateness of the inclusion of a public amenity in the proposed development. If deemed appropriate, the applicant and representatives of the Accokeek Development Review District Commission shall determine a precise location and specific description of the proposed public amenity.*

On September 21, 2006, TSC/MUMA sent the ADRDC President a memorandum entitled "Proposed Organizational and Operating Structure for Accokeek Community Club ("ACC")." A copy of that memorandum is marked Exhibit "G" and attached hereto. Therein, the second sentence of the first paragraph states: "TSC will design and construct the facility on property owned by TSC located directly outside the security gates of the Signature Club at Manning Village ("SCMV")." At that time the Signature Club property was proposed as a gated senior housing community. Moreover, the proposed location of the facility – outside the security gates – appears to incorporate the Planning Board's recommendation on page 6 of Exhibit "D" that a facility in that location could serve as a "gateway use."

On October 26, 2006, TSC/MUMA sent a letter to the President of the ADRDC. The letter acknowledges that meetings between the parties had occurred with respect to the community center. It also expresses TSC/MUMA's position that "locating the community center on the Vincent Property (Parcel 25) is more appropriate because it allows for better visibility and access than being inside of a private gated senior community." A copy of that letter is marked Exhibit "H" and attached hereto.

TSC/MUMA sent a subsequent letter to the ADRDC President on February 12, 2007. That letter acknowledges yet another meeting of the parties that took place on January 24, 2007, where "it was agreed that the public amenity should not be located within the Signature Club at Manning Village because this age-restricted community will have a secure access." Instead, it was agreed to locate the public amenity on Parcel 25. A copy of that letter is marked Exhibit "I" and attached hereto.

Finally, on March 5, 2007, the ADRDC President sent a letter to the Chairman of the Planning Board acknowledging the satisfaction of Condition 3 in DSP-04063 which required meetings between the parties to determine a location for the community center. That letter also

contained the ADRDC President's assent to constructing the community center on Parcel 25. A copy of that letter is marked Exhibit "J" and attached hereto.

At this point, there are two key facts which must be emphasized. First, it is clear that the community center was originally envisioned for Parcel 25 solely because it would not make sense to have a community center located behind the security gates of a private, age-restricted community. Second, there is no evidence that the nature or extent of the community center was ever discussed. Rather, the referenced letters make clear that the nature and extent of the community center would be determined at a later date. Subsequent events, which are explained below, eventually led to discussions regarding the nature, extent, and precise location of the required community center. Those subsequent events and discussions ultimately led to an agreement that the community center be located within the Signature Club community – *not* on Parcel 25. Moreover, the nature, extent, and location of the community center were endorsed and assented to by the current ADRDC.

Market forces and the 2008 recession prevented development of the senior housing community for Signature Club. The property went into foreclosure and was ultimately transferred to Signature 2061 Residential, LLC. That entity filed and processed a revision to DSP-04063. The revision, DSP-04063-04, was approved by the Planning Board on December 7, 2017 pursuant to Resolution PGCPB No. 17-153, a copy of which is marked Exhibit "K" and attached hereto. This revision approved the current development scheme of 95 single-family units and 218 townhouse units for Signature Club.[2] Given these changes, the applicant abandoned the plans for a senior community with security gates at the entrance to the community.

Throughout the process of revising the Detailed Site Plan (DSP-04063-04), communications continued with the ADRDC regarding the community center. A letter dated December 6, 2017, addressed to Cliff Woods, the current ADRDC President, is marked Exhibit "L" and attached hereto. The purpose of that letter was to serve as a "formal commemoration of the oral representations and commitments" made with respect to a proposed clubhouse within the Signature Club community, and the ADRDC's access thereto. As stated in the letter, those representations and commitments were to be identified in further detail in the Signature Club Homeowner's Association Declaration of Covenants. That Declaration of Covenants has subsequently been executed and is recorded among the Land Records of Prince George's County at Liber 41085 Folio 172. A copy of that Declaration of Covenants is marked Exhibit "M" and

[2] Significantly, pursuant to a finding on page 22 of the Resolution, the Planning Board determined that DSP-04063-04 superseded the original approval of DSP-04063. The Planning Board therefore found that "none of the requirements of the original case are relevant to the subject DSP revision."

attached hereto. Article 17 of Exhibit "M" provides the ADRDC with access to the community center for twelve meetings and six special meetings annually.

The foregoing demonstrates that Condition 5 of A-9960-C, which required a community center on Parcel 25, has already been satisfied and therefore should no longer be applicable. It is clear from the development history of the Signature Club property that Condition 5 was imposed for the sole purpose of accommodating the ADRDC. Given that ZMA A-9960-C was approved only five days prior to DSP-04063, and that each of those approvals were subject to a condition relating to the provision of a public amenity, it appears axiomatic that those conditions were referencing a single public amenity rather than two separate public amenities. To be sure, the numerous letters attached as exhibits hereto express that the proposed public amenity was, at one point, intended to be some sort of community center located on the Parcel 25. However, since the Signature Club Detailed Site Plan was revised (DSP-04063-04), the ADRDC has endorsed and agreed to the use of a clubhouse within the Signature Club property in satisfaction of Condition 5. Therefore, the applicant submits that Condition 5 should be deleted.

## II. Good Cause Exists to Delete Condition 5

As noted above, Section 27-135(c) permits the District Council to grant a request to amend conditions of approval if it finds "good cause" to do so. That Section provides:

> **"The District Council may (for good cause) amend any condition imposed or site plan approved (excluding Comprehensive Design Zone Basic Plans) or R-P-C Zone Official Plans) upon request of the applicant without requiring a new application to be filed, if the amendment does not constitute an enlargement or extension."**

Neither Section 27-135 nor the Definitions section of the Zoning Ordinance found in Section 27-107.1 specifies what is meant by "good cause." However, this issue arose in a recent request to amend conditions in A-9956-C. That request was filed by the undersigned counsel. There, the Zoning Hearing Examiner discussed this issue and relied upon the case of *Kay Construction Company v. County Council for Montgomery County*, 227 Md. 479, 488 (1962), which dealt with the interpretation of "good cause" within the context of an agency reconsideration.

In *Kay*, the Court of Appeals of Maryland encountered a reconsideration statute in the Montgomery County Zoning Ordinance that required a showing of good cause, but did not define what conditions had to be met to establish good cause. 227 Md. At 448. In defining "good cause," *Kay* adopted the Connecticut rule which states, "the test to be applied is whether new or additional facts appear *showing a change in conditions or other considerations*

*materially affecting the merits,* intervening since the former decision." *Id.* At 387 (quoting *St. Patrick's Church Corp. v. Daniels,* 154 Atl. 343 (Conn. 1931).

During consideration of the request to revise conditions in A-9956-C, it was noted the Zoning Hearing Examiner for Prince George's County had even earlier considered the definition of good cause within the context of reviewing a request to revise conditions pursuant to Section 27-135 in the case of Zoning Map Amendment Application A-9613-C (Inglewood North LLC). Case A-9613-C had rezoned Woodmore Towne Centre from the R-R Zone to the M-X-T Zone. In 2006, the Zoning Hearing Examiner had considered another request filed by undersigned counsel on behalf of the developer of Woodmore Towne Centre seeking to revise some of the conditions attached to that approval. A copy of the Hearing Examiner's decision in that case, released on March 16, 2007, is marked Exhibit "N" and attached hereto. There, under the discussion of "good cause," the Zoning Hearing Examiner noted that pursuant to Section 27-108.01(a)(7) of the Zoning Ordinance, "words and phrases not specifically defined or interpreted in this Subtitle or the Prince George's County Code, shall be construed according to the common and generally recognized uses of the language." The Zoning Hearing Examiner then referenced the definition of "good cause" as found in Black's Law Dictionary (7th Edition) as follows:

> **<u>good cause</u>: A legally sufficient reason. Good cause is often the burden placed on a litigant ... to show why a request should be granted or an action excused.**

The Hearing Examiner went on to note that the Court of Appeals has held that the determination of whether "good cause" exists to allow a waiver of a condition precedent is left to the discretion of the trier of fact, and will only be reversed on appeal "where no reasonable person would take the view adopted ..." *Rios v. Montgomery County,* 386 Md. 104, 121 (2005).

Signature Land submits that the circumstances surrounding Condition 5 in this case are analogous to those surrounding the conditions in A-9956-C and A-9613-C. Specifically, Condition 5 in A-9960-C was intended to accommodate the senior housing community that was originally proposed for the Signature Club property. As demonstrated above, changes to that development proposal resulted in the abandonment of an age restricted community. Consequently, the community center being built within the Signature Club property became accessible to ADRDC and therefore a community center on Parcel 25 was not needed. Because the community center within Signature Club is under construction, the purpose for Condition 5 has already been satisfied and therefore Condition 5 should no longer burden development of Outparcels A & B (formerly Parcel 25). Signature Land further submits that the subsequent change to the Signature Club development proposal constitutes "good cause" to delete Condition 5 in A-9960-C.

It is our understanding that this request will be referred to the Zoning Hearing Examiner for hearing purposes. During that hearing, Signature Land will provide additional factual information and support for this request. Please advise us when this matter has been scheduled for hearing.

Very truly yours,

GIBBS AND HALLER

Edward C. Gibbs, Jr.

*S:\Caruso\SIGNATURE CLUB\Brown2.doc*

ME 252-64

## OWNER'S DEDICATION

WE, SIGNATURE LAND HOLDINGS, LLC, OWNERS OF THE PROPERTY SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, HEREBY ADOPT THIS PLAT OF CORRECTION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND GRANT TO THE PUBLIC UTILITIES, THEIR SUCCESSORS AND ASSIGNS, A 10-FOOT WIDE PUBLIC UTILITY EASEMENT AS SHOWN SUBJECT TO THE TERMS AND PROVISIONS RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN LIBER 3703 AT FOLIO 748.

PROPERTY MARKERS WILL BE PLACED IN ACCORDANCE WITH SECTION 24-120(b)(6)(F)(ii) OF THE SUBDIVISION REGULATIONS.

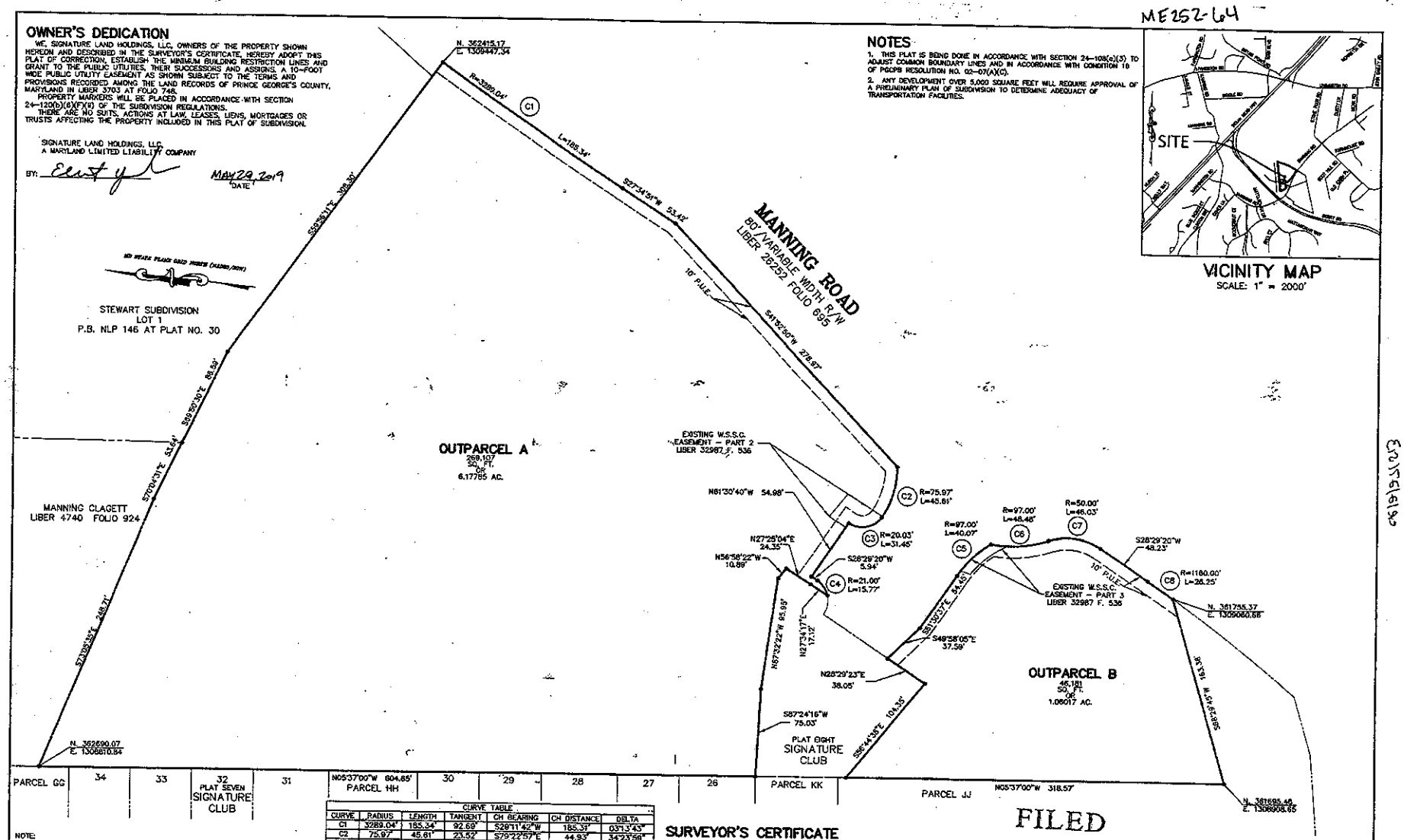
THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS, MORTGAGES OR TRUSTS AFFECTING THE PROPERTY INCLUDED IN THIS PLAT OF SUBDIVISION.

SIGNATURE LAND HOLDINGS, LLC
A MARYLAND LIMITED LIABILITY COMPANY

BY: _____ MAY 29, 2019
DATE

## NOTES

1. THIS PLAT IS BEING DONE IN ACCORDANCE WITH SECTION 24-108(a)(3) TO ADJUST COMMON BOUNDARY LINES AND IN ACCORDANCE WITH CONDITION 18 OF PGCPB RESOLUTION NO. 02-07(A)(C).
2. ANY DEVELOPMENT OVER 5,000 SQUARE FEET WILL REQUIRE APPROVAL OF A PRELIMINARY PLAN OF SUBDIVISION TO DETERMINE ADEQUACY OF TRANSPORTATION FACILITIES.







VICINITY MAP
SCALE: 1" = 2000'

NOTE:
THIS PLAT IS PREPARED IN ACCORDANCE WITH SECTION 24-108(a)(1) OF THE SUBDIVISION REGULATIONS TO CORRECT THE OWNERSHIP NAME AND DEED REFERENCE IN THE OWNER'S DEDICATION AND SURVEYOR'S CERTIFICATION AS SHOWN PLAT FIFTEEN, OUTPARCELS A & B, MANOKEEK, RECORDED IN PLAT BOOK SJH 250 AT PLAT NO. 95.

CURVE TABLE

| CURVE | RADIUS | LENGTH | TANGENT | CH BEARING | CH DISTANCE | DELTA |
|---|---|---|---|---|---|---|
| C1 | 3289.04' | 185.34' | 92.69' | S28°11'42"W | 185.31' | 03°13'43" |
| C2 | 75.97' | 45.81' | 23.52' | S75°22'57"E | 44.93' | 34°23'56" |
| C3 | 20.03' | 31.45' | 20.02' | S16°30'06"E | 28.32' | 89°59'02" |
| C4 | 21.00' | 15.77' | 8.28' | N49°59'54"E | 15.40' | 43°01'09" |
| C5 | 97.00' | 40.07' | 20.32' | N49°40'33"W | 39.79' | 23°40'07" |
| C6 | 97.00' | 48.98' | 25.02' | S09°47'16"E | 48.46' | 28°56'48" |
| C7 | 50.00' | 46.03' | 24.79' | N02°07'05"E | 44.42' | 52°44'30" |
| C8 | 1160.00' | 26.25' | 13.13' | S29°08'14"E | 26.25' | 01°17'48" |

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON IS CORRECT; THAT IT IS A SUBDIVISION OF PART OF THE LAND CONVEYED FROM PREMIER BANK, INC. TO SIGNATURE LAND HOLDINGS, LLC, BY DEED DATED MARCH 21, 2016 AND RECORDED IN LIBER 41071 AT FOLIO 83, AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND.

THE TOTAL AREA OF LAND INCLUDED IN THIS THIS PLAT OF SUBDIVISION IS 315,288 SQUARE FEET OR 7.2380 ACRES.

MAY 28 2019
DATE

JOSHUA C. PRICE
PROFESSIONAL LAND SURVEYOR
MARYLAND NO. 21846
LICENSE EXPIRES: MAY 31, 2020

STATE OF MARYLAND
JOSHUA C. PRICE
No. 21846
PROFESSIONAL LAND SURVEYOR

FILED
AUG 19 2019
CLERK OF THE CIRCUIT COURT
PRINCE GEORGE'S COUNTY, MD

PLAT OF CORRECTION
PLAT FIFTEEN
OUTPARCELS A & B
**MANOKEEK**
PISCATAWAY (5TH) ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND
SCALE: 1" = 50' DATE: MAY 28, 2019

VIKA MARYLAND, LLC
ENGINEERS • PLANNERS • LANDSCAPE ARCHITECTS
SURVEYORS • DESIGN BUILD
20251 CENTURY BOULEVARD SUITE 400
GERMANTOWN, MD 20874
(301) 916-4100 FAX (301) 916-2262
WWW.VIKA.COM

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
PRINCE GEORGE'S COUNTY PLANNING
APPROVED August 15, 2019
PLANNING DIRECTOR — WITNESS
MNCPPC FILE NO.: 5-19011

DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT
PRINCE GEORGE'S COUNTY, MARYLAND
APPROVED: 6/27/19 DATE — DIRECTOR OR DESIGNEE

RECORDED: 8-19-19
PLAT BOOK : ME 252
PLAT NO. : 64

M-X-T
221SW01

P233 807

MSA C2381- 20442

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Plat Book) Plat Book ME 252, p. 64, MSA_C2381_20442. Date available 2019/08/19. Printed 10/18/2021.

# Property

**Tax Account:** 5659327
**Owner Name:** SIGNATURE LAND HOLDINGS LLC
**Premise Address:** 341 E Manning Rd, Accokeek, MD 20607

## Parcel Details

**Tax Account #:** 5659327
**Assessment District:** 05
**Lot:** **Block:** **Parcel:**
**Description:** PLAT 15 OUTPARCEL A
**Plat:** 05252064
**Subdivision:** MANOKEEK-RESUB OF OUTLOT 1>
**Acreage:** 6.1780

## Ownership Information

**Owner Name:** SIGNATURE LAND HOLDINGS LLC
**Owner Address:** 341 E Manning Rd, Accokeek, MD 20607
**Liber:** 41071 **Folio:** 083
**Transfer Date:** 6/27/2018
**Current Assessment:** $136,700.00
**Land Valuation:** $136,700.00
**Improvement Valuation:** $0.00
**Sale Price:** $100,000.00
**Structure Area (Sq Ft):** 0

## Administrative Details

**Tax Map Grid:** 161E2
**WSSC Grid:** 221SW01
**Tree Conservation Plan 1:** TCP1-052-97
**Tree Conservation Plan 2:** TCP2-039-01-01
**Councilmanic District:** 9

# Property

**Tax Account:** 5659338
**Owner Name:** SIGNATURE LAND HOLDINGS LLC
**Premise Address:** 0 E Manning Rd, Accokeek, MD 20607

## Parcel Details

**Tax Account #:** 5659338
**Assessment District:** 05
**Lot:** **Block:** **Parcel:**
**Description:** PLAT 15 OUTPARCEL B
**Plat:** 05252064
**Subdivision:** MANOKEEK-RESUB OF OUTLOT 1>
**Acreage:** 1.06

## Ownership Information

**Owner Name:** SIGNATURE LAND HOLDINGS LLC
**Owner Address:** 341 E Manning Rd, Accokeek, MD 20607
**Liber:** 41071 **Folio:** 083
**Transfer Date:** 6/27/2018
**Current Assessment:** $76,200.00
**Land Valuation:** $76,200.00
**Improvement Valuation:** $0.00
**Sale Price:** $100,000.00
**Structure Area (Sq Ft):** 0

## Administrative Details

**Tax Map Grid:** 161E2
**WSSC Grid:** 221SW01
**Tree Conservation Plan 1:** TCP1-052-97
**Tree Conservation Plan 2:** TCP2-039-01-01
**Councilmanic District:** 9

# THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

September 21, 2021

REC'D SEP 2 7 2021

## INTRA-OFFICE
## MEMORANDUM

**TO:** James Hunt, Division Chief
Development Review Division
Maryland-National Capital Park and Planning Commission

**FROM:** Donna J. Brown
Clerk of the Council

**RE:** **CSP-20001 Addition to Signature Club at Manning Village**
**Signature Land Holdings, LLC, Applicant**

Located on the west side of Manning Road East and on both sides of Caribbean Way, just north of the intersection of MD 228 (Berry Road) and Manning Road East (7.26 Acres; M-X-T Zone).

This is to advise you that:

(X) The District Council has waived its right to elect to review the subject application.

(X) No appeal was received during the thirty-day appeal period.

(X) Therefore, the Planning Board's decision stands final.

( ) On _____, District Council elected to make the final decision on the subject application.

cc: All Persons of Record

-01

# SIGN POSTING INFORMATION

**Application Number**: A-9960-C

**Applicant(s) Name**: Manokeek

**Date sign(s) were transmitted to applicant or applicant's agent:** _____

**Number of signs transmitted:** Six (6)

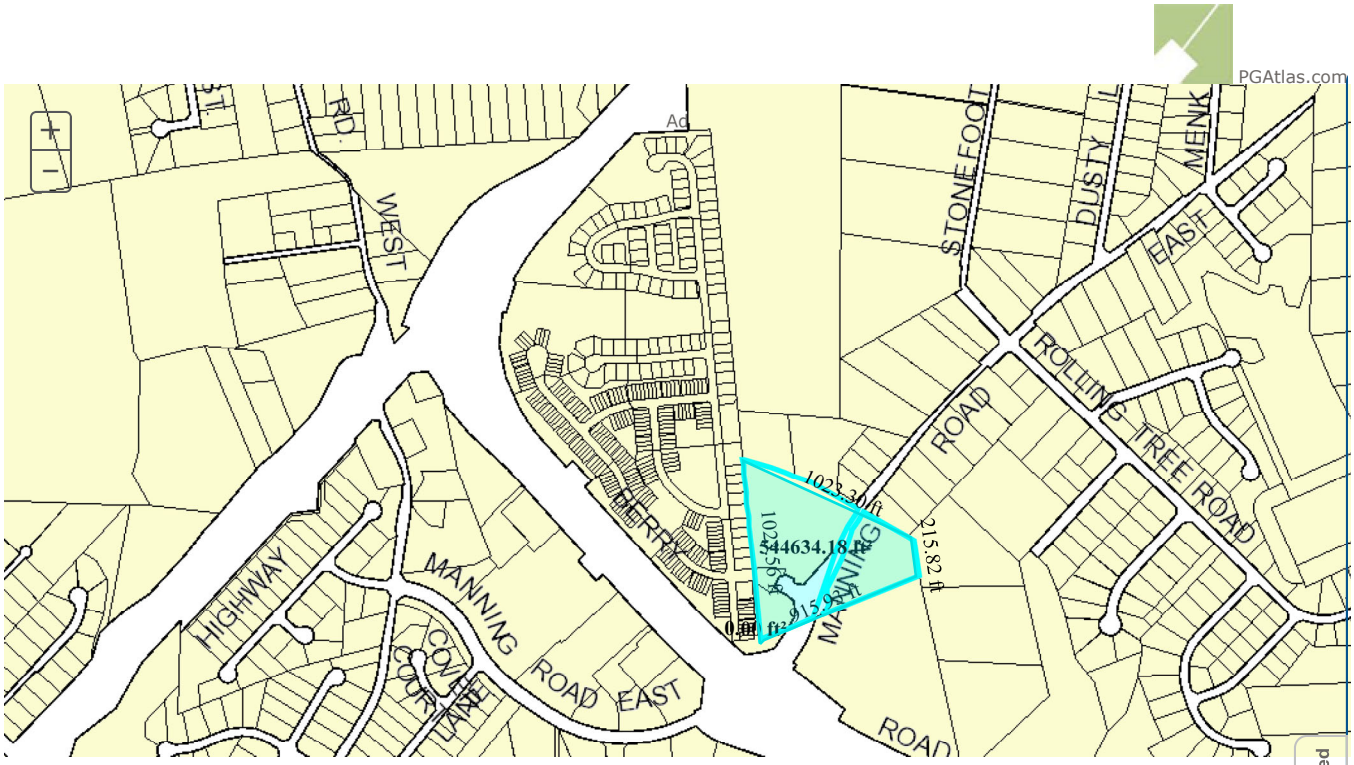
**Person to whom signs were transmitted:** _____ **(Print)**

_____ **(Signature)**

**Capacity in which that person was acting:** _____
**(owner, applicant, agent)**

**Date of scheduled Zoning Hearing Examiner meeting:** November 17, 2021

**Last date sign(s) can be posted:** October 17, 2021




Getting Started

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