



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

May 2, 2022

**RE: CDP-9306-05 Preserve at Piscataway (Bailey's Village)  
NVR MS Cavalier Preserve, LLC, Applicant**

## ***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 the Council Order setting forth the action taken by the District Council in this case on April 25, 2022.

### ***CERTIFICATE OF SERVICE***

This is to certify that on May 2, 2022, this notice and attached Council Order was mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script that reads "Donna J. Brown".

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Donna J. Brown  
Clerk of the Council

Case No.: CDP-9306-05  
TCP1-009-94-04  
Preserve at Piscataway  
(Bailey's Village)

Applicant: NVR MS Cavalier Preserve,  
LLC

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

FINAL DECISION — ORDER REVERSING DECISION OF PLANNING BOARD

A. Introduction

On March 28, 2022, the District Council considered an appeal from a decision of the Planning Board. The Board's decision concerns the fifth amendment to a previously approved Comprehensive Design Plan (CDP) for the subject property. Development under the CDP for this portion of the property is subject to, in the *first* instance, conditions of a previously approved Basic Plan by the District Council, requiring commercial, retail, office, and multi-family land uses—not just single-family residential units.<sup>1</sup> Yet (without an amendment to the Basic Plan), the Board approved the fifth amendment to the CDP, removing the commercial, retail, office, and multifamily land uses and replaced them with 26-single family attached residential units.

The District Council heard argument from the parties and has considered Appellant's brief and record of the Board.<sup>2</sup> As set forth more fully below, the Board's decision to approve the fifth amendment to the CDP (CDP-9306-05) is REVERSED, because the amendment to the CDP is not in conformance with the Basic Plan approved by the District Council.

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<sup>1</sup> PGCC § 27-195(c)(4) (Conditions imposed by the District Council shall become a **permanent** part of the Zoning Map Amendment, and shall be binding for as long as the approved zone remains in effect on the property (**unless amended by the Council**)) (Emphasis added).

<sup>2</sup> The appeal was filed by G. Macy Nelson, Esquire, on behalf of Appellant, Mr. Geoffrey Tibbets, a person of record. Appeal, 2/24/2022. Applicant is NVR MS Cavalier Preserve, LLC, and is represented by Andre J. Gingles, Esquire. Applicant did not file a response to the appeal or exceptions therein.

B. 1993 Subregion V Master Plan and Sectional Map Amendment

In September 1993, the District Council adopted Council Resolution (CR) 60-1993, which approved the *1993 Master Plan and Sectional Map Amendment for Subregion V* (1993 MP & SMA). Within the 1993 MP & SMA, the District Council incorporated the approval of Zoning Map Amendment applications A-9869, A-9870, and associated Basic Plan, as modified, for the total ±878.9-acre subject property. The total acreage of the property was rezoned from one residential zone into two comprehensive design zones as follows: 1) 858.7-acres was rezoned from R-A (Residential Agricultural) to (R-L) Residential Low Development and 19.98-acres was rezoned from R-A (Residential Agricultural) to (L-A-C) Local Activity Center. CR-60-1993, pp. 11-12, 38-49, PGCPB No. 2022-02, pp. 1-2. Such approvals for the property constituted a final action of the District Council.

As part of that final action, the District Council made the following findings, which are relevant to this appeal:

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WHEREAS, it is the intent of the SMA to ensure that future development will be in accordance with the principles of orderly comprehensive land use planning as expressed in the Master Plan, and towards that end, the District Council has found it necessary to change the zoning on properties which, in its judgment, are in conflict with the Master Plan's land use recommendations; and

WHEREAS, the District Council, having reviewed supporting materials submitted as part of the comprehensive rezoning proposal and examined the testimony presented, finds that the accumulated record along with County plans and policies justifies the zoning changes, including the downzoning recommendations, within this Sectional Map Amendment; and

WHEREAS, the comprehensive rezoning of Subregion V will change existing zoning which hinders planned and staged development and will minimize future piecemeal rezoning; and

WHEREAS, subsequent to this SMA, reasonable increases in residential, employment, or activity center development may be granted through the comprehensive design zoning process, provided such increases are in accordance with the approved Subregion V Master Plan; and

WHEREAS, the Master Plan and SMA process provides for periodic comprehensive review of long-range land use policies and zoning; and

WHEREAS, the District Council recently enacted two ordinances, CB-53-1991 and CB-10-1992, allowing for development of neotraditional villages (in Village Comprehensive Design Zones) which can be designated on the zoning map through the sectional map amendment process without the filing of an application and without the requirement that the Planning Board make a recommendation thereon; and

WHEREAS, the District Council has reviewed several comprehensive design zone proposals in Master Plan communities of Accokeek, Piscataway and Brandywine, and finds the proposals to be in general conformance with the land use recommendations of the Master Plan for Subregion V as approved in this Resolution; and

WHEREAS, the District Council recognizes that its actions on the Comprehensive Design Zone Basic Plan proposals considered within this SMA become the basis on which the second phase, Comprehensive Design Plan, and third phase, Specific Design Plan(s), will be processed as a continuing development sequence. CR-60-1993, pp. 4-6 (Emphasis added).

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SECTION 1. NOW, THEREFORE, BE IT RESOLVED by the District Council that the Master Plan and the Sectional Map Amendment (SMA) for Subregion V, as concurrently adopted by the Planning Board on November 19, 1992, are hereby approved with **amendments** described and mapped below:

AMENDMENT 16

- Master Plan - Revise map and text to show the 879-acre Bailey Plantation Joint Venture property located north and south of Floral Park Road at Piscataway Road, also known as the “Villages at Piscataway” **development proposal as described on the basic plan for zoning applications A-9869 and A-9870**, for the following:
  - a. **A “Neighborhood Activity Center” for commercial and residential land use** south of Floral Park Road and east of Piscataway Road. CR-60-1993, p. 11 (Emphasis added).

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SECTION 3. BE IT FURTHER RESOLVED, on the basis of information contained in the full public hearing record and the land use policies of the Subregion V Master Plan as approved in this resolution, that the determinations of the Planning Board in PGCPB Resolution Nos. 92-291(A) and 92-292(A) regarding the “Villages at Piscataway” Comprehensive Design Zone proposals are superseded and the District Council is satisfied that all of the requirements of the Zoning Ordinance Section 27-195(b) have been met for the following Comprehensive Design Zone Basic Plan, which is hereby approved as part of the SMA pursuant to Zoning Ordinance Section 27-226(f)(4) for the land use types, quantities, relationships, conditions and considerations listed below:

CDZ AMENDMENT 3: “Villages at Piscataway,” Zoning Applications **A-9869** and **A-9870**

- 1) Change the SMA proposed zoning for the 879-acre tract known as the “Villages at Piscataway,” located north and south of Floral Park Road near Piscataway Road to the R-L (Residential-Low Development, 1.0 to 1.5 du/acre) Zone for 858.7 acres and to the L-A-C (Local Activity Center - Village Center) Zone for 19.98 acres. (Previous zoning was R-A; the transmitted SMA proposed no zoning change.)
- 2) The Basic Plan contained in the record of applications A-9869 and A-9870, as modified by Subregion V Master Plan/SMA Public Hearing Exhibit 247, shall be revised to show the approved land use types, quantities, relationships, conditions and considerations in accordance with this resolution within 60 days of its effective date.

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L-A-C Zone (A-9870)  
 Gross Acreage 19.98 acres  
Commercial Acreage: 6.75 acres

Base Commercial Development 58,806 square feet  
Maximum Commercial Development\* 70,000 square feet

\*The actual number of dwelling units and<sup>3</sup> commercial square footage will be determined during review of the Comprehensive Design Plan (CDP) on the basis of adjusted gross acreage in the CDP application, the approved development density or intensity, and the proposed public benefit features.

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<sup>3</sup> PGCC § 27-108.01(a)(13(a) (“**And**” indicates that all the connected items **shall** apply). PGCC § 27-108.01(a)(19) (The words “**shall**,” “**must**,” “**may only**” or “**may not**” **are always mandatory** and not discretionary)) (Emphasis added).

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C) Land Use Relationships:

- The modified Basic Plan submitted by the applicant as exhibit 247 in the record of the Subregion V Master Plan/SMA public hearing indicates the spatial relationship of proposed land uses. **The following conditions and considerations for development as identified in public hearing exhibit #313 shall be listed on the basic plan.**
- **Conditions:**
  1. The land use types, quantities, conditions and considerations of approval shall be printed on the approved Basic Plan.

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8. **The majority of the commercial uses proposed for the L-A-C shall be retail.** CR-60-1993, pp. 36-38 (Emphasis added).

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C. The Comprehensive Design Plan

In December 1993, the property owner submitted a CDP to the Board for review and approval. The CDP proposed development for the property in accordance with land uses approved in the Basic Plan, as modified, by the District Council. Villages at Piscataway, CDP, 12/01/1993. The Board's approval of the fifth amendment to the CDP concerns the portion of the property zoned L-A-C and designated as Bailey's Village. Throughout the text of the 1993 CDP, development of Bailey's Village is subject to *commercial, retail, office, and multifamily land uses* approved in the Basic Plan, as modified, by the District Council. Relevant to this appeal, the 1993 CDP included the following text for Bailey's Village:

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Bailey[']s Village is located at the intersection of Floral Park Road and the future Piscataway Road extension. Adjacent to historic Piscataway and near the Edelen House, the design for Bailey[']s Village has been carried out in such a way as to

appear as if historic Piscataway had expanded over time. Integration of similar architectural details strengthens this concept. Linkages to historic Piscataway have been accomplished throughout a view corridor to St. Mary's Church, as well as through a pedestrian connection between Bailey[']s Village and the historic town.

***In addition to housing, the office and retail uses of the Villages At Piscataway are located here. A variety of commercial uses are envisioned for this area, such as: office space, restaurants, dry cleaners, specialty stores and other uses which are typically associated with a small town. An area for a major institutional or civic building, such as a church, has also been provided.*** All of these uses are organized about a village commons, which becomes the focus of Bailey[']s Village. The specific nature of these uses will be determined during the Specific Design Phases.

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Bailey's Village has been designed around natural features, such as valleys and picturesque views, and man-made features, such as "entryways," "paths," and "landmarks." Presently the undefined "entry way" for the area is the intersection of Floral Park and Piscataway Road. The Villages At Piscataway strengthens the entryway in a number of ways.

1. By creating a major extension to Piscataway Road, this intersection not only becomes the entryway of the Villages At Piscataway, it also becomes a point of connection to historic Piscataway.
2. **By incorporating major retail, civic, and recreational functions, Bailey[']s Village becomes a point of destination, giving the entryway an increased significance in the function of the town.**

A number of "paths," strengthening the link between Bailey[']s Village and the south side of the town through the park around the Edelen house has been provided. A second pedestrian and automotive "path" along Floral Park Road will link the old to the new.

In addition to the existing historic landmark of the Edelen house and St. Mary's Church, **Bailey[']s Village has provided for an institutional or civic building which will serve as an additional "landmark" to strengthen the tie between the old and the new.** The building will be similar to these historic buildings, and will serve along with these buildings as a destination point, discernible from a distance in all directions.

**Bailey[’s] Village will contain 140 residential units, not counting M.P.D.U.’s, twenty to thirty thousand (20,000-30,000) square feet of retail and ten to fifteen thousand (10,000-15,000) square feet of office.** 1993 CDP, pp. 15-16 (Emphasis added).<sup>4</sup>

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In March 1994, the Board adopted Resolution No. 94-98, which approved the 1993 CDP (hereinafter CDP-9306), including the text above relevant to Bailey’s Village. PGCPB No. 94-98. The Resolution was subsequently corrected in March 1995. PGCPB No. 94-98(C).<sup>5</sup> In 2004, the Resolution, as corrected in 1993, was amended, upon reconsideration, to address the timing of the construction of the golf course. PGCPB No. 94-98(C)(A). Subsequently, CDP-9306 was amended 4 times.

The first amendment, CDP-9306-01, occurred in June 2007, after the Board adopted Resolution 07-116, to increase the maximum permissible height of townhomes. PGCPB No. 07-116. The second amendment, CDP-9306-02, occurred in October 2008, after the Board adopted Resolution 08-143, to modify the minimum allowable roof pitch of buildings, and to allow rear decks on townhouses. PGCPB No. 08-143. The third amendment, CDP-9306-03, occurred in March 2016, after the Board adopted Resolution No. 16-37, to modify layout of the development, consolidate development pod from the west to the east, create a new tree preservation bank, and adjust development lot standards in Dansville Estates. PGCPB No. 16-37. The fourth amendment,

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<sup>4</sup> The 1993 CDP contains other text confirming that Bailey’s Village will be developed with *commercial, retail, office, and multifamily land uses* in accordance with the approved Basic Plan, as modified, by the District Council. 1993 CDP, pp., 11, 31, 36, 37, 38, 39, 41, 43, 45, 56, 57, 63, 65, 66.

<sup>5</sup> In 2003, the Board adopted Resolution No. 03-122, which approved Preliminary Plan of Subdivision 4-03027 (PPS-4-03027). The approval of PPS-4-03027 also incorporated the *commercial, retail, office, and multifamily land uses* approved for Bailey’s Village in the Basic Plan, as modified, by the District Council. Council may take judicial notice of any evidence contained in the record of any earlier phase of the approval process relating to all or a portion of the same property, including the approval of a preliminary plat of subdivision. PGCC § 27-141, *County Council of Prince George’s County v. Dutcher*, 365 Md. 399, 780 A.2d 1137 (2001).



CDP-9306-04, occurred in July 2021, after the Board adopted Resolution No. 2021-90, to amend two conditions relative to design standards governing 14 specific lots in the northern section of Glassford Village. PGCPB No. 2021-90.

D. Required Findings

An amendment to a previously approved CDP is subject to the same regulations as the initial approval of the CDP. PGCC § 27-524(a). Initial approval of a CDP is subject to the regulations in PGCC § 27-521. Because this is an amendment to a previously approved CDP, the Board is required to make thirteen (13) findings in PGCC § 27-521 as follows:<sup>6</sup>

- (1) **The plan is in conformance with the Basic Plan approved by application per Section 27-195;** or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;
- (2) The proposed plan would result in a development with a better environment than could be achieved under other regulations;
- (3) Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;
- (4) The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings;
- (5) Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:
  - (A) Amounts of building coverage and open space;
  - (B) Building setbacks from streets and abutting land uses; and
  - (C) Circulation access points;

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<sup>6</sup> In the Zoning Ordinance, where a regulation involves two (2) or more items connected by the conjunction “and,” it means that all the connected items shall apply. PGCC § 27-108.01(a)(13).

- (6) Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;
- (7) The staging of development will not be an unreasonable burden on available public facilities;
- (8) Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:
  - (A) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;
  - (B) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;
  - (C) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;
- (9) The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and except as provided in Section 27-521(a)(11), where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d);
- (10) The Plan is in conformance with an approved Type 1 Tree Conservation Plan;
- (11) The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130-(b)(5);
- (12) Notwithstanding Section 27-521(a)(9), property placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set forth in Section 27-480(g)(1) and (2); **and**
- (13) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies the requirements for the use in Section 27-508(a)(1) and Section 27-508(a)(2) of this Code. PGCC § 27-521 (Emphasis added).

E. Planning Board Findings

On the *first* required finding in PGCC § 27-521, the Board found that “the requested CDP amendment conforms with the Basic Plan in this case because the number of dwellings proposed by the applicant does not exceed the number of dwellings approved by CDP-9306 for Bailey’s Village, the surrounding properties, including properties within Bailey’s Village and the L-A-C Zone, have been approved and developed for residential uses, CR-60-1993 specified that the actual amount of residential and commercial development would be determined at Comprehensive Design Plan, and CR-60-1993 did not mandate a minimum amount of commercial development.” PGCPB No. 2022-02, p. 5. As explained below, because the Board’s *first* finding in PGCC § 27-521, is premised upon an erroneous conclusion of law, the inquiry ends, since the other twelve (12) required findings in PGCC § 27-521, are dependent on satisfying the *first* required finding. PGCC § 27-108.01(a)(13) (In the Zoning Ordinance, where a regulation involves two (2) or more items connected by the conjunction “and,” it means that all the connected items shall apply).

F. The Appeal

Appellant contends that the Board erred when it approved the fifth amendment to CDP-9306 as follows:

- I. The Planning Board erred when it approved CDP-9306-05 because the Applicant did not satisfy the required findings for an amendment to an approved CDP under Section 27-521(a). Appeal at 3.
- II. The Planning Board erred when it approved (sic) CPD-9306-05 because the requested amendment does not satisfy condition 35 of CDP-9306. Appeal at 17.
- III. The Planning Board erred when it approved CDP-9306-05 because the requested amendment does not conform with the 2013 Approved Subregion 5 Master Plan. Appeal at 19.

IV. The Planning Board erred when it approved CDP-9306-05 because the requested amendment does not fulfill the purposes of the L-A-C-zone. Appeal at 23.

G. Conclusion

The District Council agrees with Appellant on Question 1. As explained below, because the Board's decision that the amendment is in conformance with the Basic Plan, the *first* required finding in PGCC § 27-521, was premised upon an erroneous conclusion of law, there is no need for the District Council to decide Questions II, III and IV.

The Board's 2022 decision to approve the amendment of the previously approved CDP to remove commercial, retail, office, and multifamily land uses **violated** conditions of the 1993 approved Basic Plan, as modified, by the District Council. It is undisputed that development of this portion of the subject property requires commercial, retail, office, and multifamily land uses because the sole purpose of the amendment to the CDP is to *remove* and *replace* those required land uses. But it is not the previously approved 1993 CDP that conditioned development of this portion of the property with commercial, retail, office, and multifamily land uses. It was the approved 1993 Basic Plan, as modified, by the District Council, which the property owner accepted. Such acceptance by the property owner were incorporated into the 1993 CDP, which the Board approved. *See* discussion above.

In the case of an L-A-C Zone, the applicant shall demonstrate to the satisfaction of the District Council that **any commercial development proposed** to serve a specific community, village, or neighborhood is either:

- (A) Consistent with the General Plan, an Area Master Plan, or a public urban plan;  
**or**  
 (B) No larger than needed to serve existing and proposed residential development within the community, village, or neighborhood.<sup>7</sup>

PGCC § 27-195(b)(3). Relevant to the resolution of Question 1 of the appeal, when the District Council approved the 1993 MP & SMA, and incorporated approvals of the comprehensive design zones for the subject property, it found, in relevant part, as follows:

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SECTION 1. NOW, THEREFORE, BE IT RESOLVED by the District Council that the Master Plan and the Sectional Map Amendment (SMA) for Subregion V, as concurrently adopted by the Planning Board on November 19, 1992, are hereby approved with **amendments** described and mapped below:

**AMENDMENT 16**

- **Master Plan** - Revise map and text to show the 879-acre Bailey Plantation Joint Venture property located north and south of Floral Park Road at Piscataway Road, also known as the “Villages at Piscataway” **development proposal as described on the basic plan for zoning applications A-9869 and A-9870**, for the following:
  - a. **A “Neighborhood Activity Center” for commercial and residential land use** south of Floral Park Road and east of Piscataway Road. CR-60-1993, p. 11 (Emphasis added).

\*\*\*

SECTION 3. BE IT FURTHER RESOLVED, on the basis of information contained in the full public hearing record and the land use policies of the Subregion V Master Plan as approved in this resolution, **that the determinations of the Planning Board in PGCPB Resolution Nos. 92-291(A) and 92-292(A) regarding the “Villages at Piscataway” Comprehensive Design Zone proposals are superseded and the District Council is satisfied that all of the requirements of the Zoning Ordinance Section 27-195(b) have been met for the following Comprehensive Design Zone Basic Plan, which is hereby approved as part of the SMA pursuant to Zoning Ordinance Section 27-226(f)(4) for the land use types, quantities, relationships, conditions and considerations listed below:**

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<sup>7</sup> Where a regulation involves two (2) or more items connected by the conjunction “or,” it indicates that the connected items may apply singly or in any combination. PGCC § 27-108.01(a)(13).

CDZ AMENDMENT 3: “Villages at Piscataway,” Zoning Applications **A-9869** and **A-9870**

- 3) Change the SMA proposed zoning for the 879-acre tract known as the “Villages at Piscataway,” located north and south of Floral Park Road near Piscataway Road to the R-L (Residential-Low Development, 1.0 to 1.5 du/acre) Zone for 858.7 acres and to the L-A-C (Local Activity Center - Village Center) Zone for 19.98 acres. (Previous zoning was R-A; the transmitted SMA proposed no zoning change.)
- 4) **The Basic Plan contained in the record of applications A-9869 and A-9870, as modified by Subregion V Master Plan/SMA Public Hearing Exhibit 247, shall be revised to show the approved land use types, quantities, relationships, conditions and considerations in accordance with this resolution within 60 days of its effective date.**

\*\*\*

L-A-C Zone (**A-9870**)

Gross Acreage 19.98 acres

**Commercial Acreage: 6.75 acres**

**Base Commercial Development 58,806 square feet**

**Maximum Commercial Development\* 70,000 square feet**

\*The actual number of dwelling units and commercial square footage will be determined during review of the Comprehensive Design Plan (CDP) on the basis of adjusted gross acreage in the CDP application, the approved development density or intensity, and the proposed public benefit features.

\*\*\*

C) Land Use Relationships:

- The modified Basic Plan submitted by the applicant as exhibit 247 in the record of the Subregion V Master Plan/SMA public hearing indicates the spatial relationship of proposed land uses. **The following conditions and considerations for development as identified in public hearing exhibit #313 shall be listed on the basic plan.**
- **Conditions:**
  - 1. The land use types, quantities, conditions and considerations of approval shall be printed on the approved Basic Plan.

\*\*\*

8. **The majority of the commercial uses proposed for the L-A-C shall be retail.** CR-60-1993, pp. 36-38 (Emphasis added).

\*\*\*

Changing the zoning classification of property within the County (as is the case here), is a legislative action reserved for the District Council. The District Council may enact legislation (as was done here in CR-60-1993) that imposes standards and requirements for the purpose of avoiding the scattered or premature subdivision or development of land. Among the District Council's statutory zoning powers, is the power to impose conditions when it changes the zoning classification of mapped property. *See* CR-60-1993 and discussion above. When the District Council exercises its authority to create a condition to a zoning map amendment, the condition becomes an integral part of its action. More importantly, when a property is conditionally rezoned by the District Council (as is the case here), those conditions **shall become a permanent part of the Zoning Map Amendment and shall be binding for as long as the zone remains in effect on the property (unless amended by the District Council).** The failure to comply with any condition to a zoning map amendment constitutes a zoning violation. PGCC § 27-195; *Rochow v. Md. Nat'l Capital Park & Planning Comm'n*, 151 Md. App. 558, 827 A2d 927 (2003) (Emphasis added).

The Board's 2022 decision to approve the amendment of the previously approved 1993 CDP, to remove and replace the commercial, retail, office, and multifamily land uses of the approved 1993 Basic Plan (without an amendment of the Basic Plan by the District Council), constituted a zoning violation, and is hereby **REVERSED**.

ORDERED this 25<sup>th</sup> day of April, 2022, by the following vote:

In Favor: Council Members Burroughs, Dernoga, Glaros, Harrison, Hawkins, Ivey, Taveras, and Turner.


Opposed:

Abstained:


Absent: Council Members Franklin and Streeter.

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:   
\_\_\_\_\_  
Calvin S. Hawkins, II, Chair

ATTEST:

  
\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council