



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

September 26, 2022

**RE: CDP-0505-02 National Capital Business Park
NCBP Property, 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 September 19, 2022.

CERTIFICATE OF SERVICE

This is to certify that on September 26, 2022, this notice and attached Council Order was mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script, reading "Donna J. Brown", is written above a horizontal line.

Donna J. Brown
Clerk of the Council

Case No. CDP-0505-02
National Capital Business Park

Applicant: NCBP Property, LLC

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

FINAL DECISION AFFIRMING PLANNING BOARD

On September 12, 2022, the District Council, using oral argument procedures, considered an appeal from Citizen-Protestants (Opposition) of the Planning Board's (Board) decision to approve Comprehensive Design Plan (CDP)-0505-**02** and Type 1 Tree Conservation Plan (TCP)1-004-2021-**02**. Having considered the written appeal from Opposition, the Applicant's written response, arguments, and after review of the administrative record, the District Council finds that the Board's decision to approve the plans was supported by substantial evidence of record, not arbitrary, capricious, or otherwise illegal, and is hereby AFFIRMED.^{1,2}

A. Introduction

NCBP Property, LLC, is the Applicant and owner of the property or site, which is located north of Leeland Road and west of Robert Crain Highway (US 301) and is in Planning Area 74A, Council District 4. The site is approximately ±442 acres, which has three (3) different zone classifications. Relevant to this appeal is the portion of the site that is approximately ±426.52 acres.

¹ The District 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 a preliminary plan of subdivision. PGCC § 27-141. The District Council may also take administrative notice of facts of general knowledge, technical or scientific facts, laws, ordinances and regulations. It shall give effect to the rules of privileges recognized by law. The District Council may exclude incompetent, irrelevant, immaterial or unduly repetitious evidence. District Council Rules of Procedure Rule 6.5(f).

² The Board's decision to approve CDP-0505-**02** and TCP1-004-2021-**02** was adopted in Prince George's County Planning Board Resolution No. 2022-53 (PGCPB No. 2022-53) on May 19, 2022. "**02**" of each plan denotes the 2nd amendment to the plans. The Board's decision to approve the 1st amendment (**01**) to the plans was adopted in PGCPB No. 2021-50 on April 29, 2021, which was never challenged by the Opposition and became final. PGCC § 27-523 (The Planning Board's decision on a Comprehensive Design Plan may be appealed to the District Council upon petition by any person of record... **within thirty (30) days after** the date of the notice of the Planning Board's decision).

PGCPB No. 2022-53, pp. 1-4, Opposition Appeal at 1, Applicant’s Response at 1-2.

As detailed *infra*, the *permitted uses* and *allowable gross floor area* for the site were *previously* approved by the governing Basic Plan, as amended—not by the Board’s approval of CDP-0505-02 and TCP1-004-2021-02. As a result, the appeal filed by Opposition lacks factual and legal merit because the Board’s approval of CDP-0505-02 and TCP1-004-2021-02 merely *conforms* to the *uses* and *gross floor area* of the *previously* approved Basic Plan, as amended.³

B. The Appeal

Opposition alleges that the Board committed three (3) errors when it approved CDP-0505-02 and TCP1-004-2021-02 and requests that the District Council disapprove CDP-0505-02 and TCP1-004-2021-02.⁴ Appeal, 6/21/2022. When reviewing a decision of the Board to approve a Comprehensive Design Plan, the District Council exercises *appellate* jurisdiction. As such, the

³ As will be discussed *infra*, because the Board’s approval of CDP-0505-01 became *final* without any challenge, the Applicant has the right to develop the site with *employment and institutional uses* up to 3.5 million square feet. Zoning Ordinance 2-2021, PGCPB No. 2021-50. The only legitimate issue in this appeal is whether CDP-0505-02 **conforms** to the additional 2 million square feet *previously approved* in Basic Plan Amendment A-9968-03.

⁴ Senate Bill 564 of 2015 was enacted, in part, “[for] the purpose of . . . providing that, in Prince George’s County, a person may make a request to the district council for the review of a certain decision of a zoning hearing examiner or the planning board only under certain circumstances.” 2015 Md. Laws ch. 365. The Bill added Section 25-212 to the Land Use article, which provides:

In Prince George’s County, a person may make a request to the district council for the review of a decision of the zoning hearing examiner or the planning board only if:

- (1) the person is an aggrieved person that appeared at the hearing before the zoning hearing examiner or planning board in person, by an attorney, or in writing; and
- (2) the review is expressly authorized under this division.

2015 Md. Laws ch. 365. *Cnty. Council of Prince George’s Cnty. v. Zimmer Dev. Co.*, 444 Md. 490, 583, 120 A.3d 677, 733 (2015). As such, those persons or entities that have joined the appeal filed by Opposition but were not persons of record before the Board’s evidentiary hearing are barred from joining the appeal filed by the Opposition. As a result, those persons or entities have failed to exhaust administrative remedies to seek judicial review in circuit court. *Priester v. Balt. Cnty.*, 232 Md. App. 178, 157 A.3d 301, *cert. denied*, 454 Md. 670, 165 A.3d 469 (2017) (The rule of finality overlaps the rule of exhaustion. “[A] party must exhaust the administrative remedy and obtain a final administrative decision . . . before resorting to the courts.”). Moreover, those persons or entities that were persons of record are only entitled to appeal to the District Council *if* they are **aggrieved**. LU § 25-212.

District Council's scope of review is limited to determining whether the Board's decision is not authorized by law, not supported by substantial evidence of record, or is arbitrary or capricious. *Zimmer Dev. Co.*, 444 Md. 490, 120 A.3d 677 (2015).

Applying this limited scope of review to the Board's decision, the District Council will address each alleged error in the order presented.

1. The Planning Board erred when it approved CDP-0505-02 because the CDP's validity is based on an illegal special law. Appeal at 2.

Primarily, Opposition contends that the District Council's enactment of Council Bill (CB)-22-2020, which permitted certain *uses* and *gross floor area* at the site, is an *illegal* special law, and thus *invalid*, and therefore, voids the Board's approval of CDP-0505-02. Appeal at 2. Opposition is wrong on all fronts.

As a threshold matter, Opposition is statutorily *barred* from attacking the District Council's enactment of CB-22-2020. The Court of Appeals of Maryland has held that LU § 22-407⁵ sets a **30-day deadline** for filing a petition for judicial review when there is a *direct attack upon the power or authority of the legislative body to adopt the legislation from which relief is sought. Cty. Council of Prince George's Cty. v. Chaney Enters. L.P.*, 454 Md. 514, 538, 165 A.3d 379, 393 (2017) (Emphasis added). After the enactment of CB-22-2020, Opposition did not file a petition for judicial review in the circuit court to attack the District Council's power or authority to adopt CB-22-2020, which is the relief they seek in this matter. As a result, CB-22-2020 became *final* and the Zoning Ordinance was amended in accordance with CB-22-2020.⁶

⁵ The Maryland-Washington Regional District Act ("RDA") governs zoning, planning, and other land use matters in most of Prince George's and Montgomery Counties. Md. Code, Land Use Article (LU) (1957, 2012 Repl. Vol., 2021 Supp.).

⁶ After CB-22-2020 became a *valid law*, the District Council is only allowed to reconsider CB-22-2020 by introducing a *new* Zoning Bill, which did *not* occur here. PGCC § 27-219. Nor did Opposition lobby the District Council to reconsider or introduce a *new* Zoning Bill. Therefore, CB-22-2020 became a valid adoption of a legislative amendment to the local zoning laws of Prince George's County. PGCC § 27-219.

Moreover, the District Council agrees with the Applicant that Oppositions' attack of CB-22-2020 is also barred by the doctrine of laches. Applicant's Response at 10-11. Laches applies when there is an unreasonable and prejudicial delay in the assertion of one's rights. *State Ctr. v. Lexington Charles Ltd. P'ship*, 438 Md. 451, 92 A.3d 400 (2014). *See also Liddy v. Lamone*, 398 Md. 233, 919 A.2d 1276 (2007) ("[F]or the doctrine [of laches] to be applicable, there must be a showing that the delay [in the assertion of a right] worked a disadvantage to another.") (quoting *Simpers v. Clark*, 239 Md. 395, 211 A.2d 753 (1965)).

The District Council finds, as noted by the Applicant, that Opposition waited almost two (2) years from the enactment of CB-22-2020 to allege that CB-22-2020 was an illegal special law. The District Council also finds, after taking judicial notice of other approvals for the site, that the Applicant has obtained other entitlements and permits to develop the site in accordance with the Basic Plan, as amended. Moreover, the District Council finds that Applicant has detrimentally relied on prior entitlements, which were never challenged by Opposition, to develop the site, including initiation of grading and clearing of the site, installation of Stormwater Management facilities, and other site developments. Applicant's Response at 10. Moreover, the District Council finds that since the passage of CB-22-2020, several significant planning and zoning events have occurred that affect the site, which are as follows 1) the District Council passed a New Zoning Ordinance, 2) the New Countywide Map Amendment rezoned the majority of the site to the new Legacy Comprehensive Design (LCD) Zone, and 3) the adoption of the 2022 Bowie, Mitchellville, & Vicinity Master Plan designates the site and the adjacent Collington Center as part of the New Collington Local Employment Area. As a result of these significant planning and zoning events, CB-22-2020 plays an important part of the development of the site, which is now in the LCD Zone, and part of an entirely new Master Plan, which strongly recommends employment and industrial

uses for the site. Applicant’s Response at 10-11.

The Board’s approval of CDP-0505-02 was *not* based on an illegal special law. To the contrary, the Board’s decision to approve CDP-0505-02 was based on *valid* provisions of the Zoning Ordinance—as opposed to an *alleged* illegal special law. Relevant to Question 1, PGCC § 27-521(a)(1) provides that prior to approving a Comprehensive Design Plan, as is the case here, the Board **shall** find that “[t]he plan is in *conformance* with the **Basic Plan** approved by application per [PGCC § 27-195].” PGCC § 27-521(a)(1).⁷ (Emphasis added). Moreover, PGCC § 27-197 provides for the amendment to an approved Basic Plan. PGCC § 27-197 (The District Council may amend an approved Basic Plan for the purpose of allowing uses permitted in the E-I-A Zone on land in the R-S Zone pursuant to [PGCC § 27-515(b)]). Opposition has not challenged the validity of these provisions.

Here, the initial *approved* Basic Plan for the site, pursuant to PGCC § 27-195, was *amended twice*, pursuant to PGCC § 27-197, without *any* opposition, as follows:

- Basic Plan Amendment A-9968-02

On April 21, 2021, the District Council enacted Zoning Ordinance No. 2-2021, which adopted the decision of the Zoning Hearing Examiner (ZHE) to amend the *previously* approved Basic Plan for the site. This amendment *deleted* previously approved *residential uses* and *added employment and institutional uses* on the site for up to 3.5 million square feet. Zoning Ordinance No. 2-2021, PGCPB No. 2022-53 at 2-3. Before the District Council’s enactment of Zoning Ordinance No. 2-2021, Opposition did not exhaust administrative remedies by appealing the decision of the Zoning Hearing Examiner (ZHE) to approve the amendment to the Basic Plan

⁷ Interpretation and rules of construction of the Ordinance states that “[t]he words “shall,” “must,” “may only” or “may not” are always mandatory and not discretionary.” PGCC § 27-108.01(a)(19).

for the site to the District Council.⁸ LU § 25-212, PGCC § 27-197(c)(5) (Any person of record may appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner’s recommendation with the District Council. If appealed, all persons of record may testify before the District Council), *Priester v. Balt. Cnty.*, 232 Md. App. 178, 157 A.3d 301, *cert. denied*, 454 Md. 670, 165 A.3d 469 (2017) (The rule of finality overlaps the rule of exhaustion. “[A] party must exhaust the administrative remedy and obtain a final administrative decision . . . before resorting to the courts.”). Basic Plan Amendment A-9968-02 became *final* without challenge from Opposition.

As a matter of law, Basic Plan Amendment A-9968-02, subject to certain conditions, *amended* the previously approved Basic Plan by deleting previously approved *residential uses* for the site and added *employment and institutional uses* on the site for up to 3.5 million square feet. Zoning Ordinance No. 2-2021.

- Amendment of CDP-0505-01

In accordance with the *unchallenged* Basic Plan Amendment A-9968-02, the Applicant filed an application to amend CDP-0505, or the “01” amendment, to develop the site with *employment and institutional uses* up to 3.5 million square feet. On April 15, 2021, after an evidentiary hearing, the Board approved the “01” amendment, to develop the site with *employment and institutional uses* up to 3.5 million square feet. (4/15/2021, Tr.), PGCPB No. 2021-50.

After the Board’s decision to approve CDP-0505-01, Opposition did *not* file an appeal of the Board’s decision to the District Council and the District Council did not elect to review the Board’s decision. LU § 25-212, PGCC § 27-523(a) (The Planning Board’s decision on a Comprehensive Design Plan may be appealed to the District Council upon petition by any person of record. The

⁸ Opposition did *not*, in the first instance, participate in the evidentiary proceedings before the ZHE.

petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board's decision. The District Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice).

As a matter of law, the Board's approval of CDP-0505-01, to develop the site with *employment and institutional uses* up to 3.5 million square feet, subject to certain conditions, *conforms* to the *previously approved* Basic Plan, as amended, in A-9968-02. (4/15/2021, Tr.), PGCPB No. 2021-50.

- Basic Plan Amendment A-9968-03

On May 19, 2022, the District Council enacted Zoning Ordinance No. 6-2022, which adopted the decision of the ZHE to amend the previously approved Basic Plan for the site to increase the *gross floor area* from 3.5 million square feet to 5.5 million square feet. Zoning Ordinance No. 6-2022. Before the District Council's enactment of Zoning Ordinance No. 6-2022, Opposition did not exhaust administrative remedies by appealing the decision of the ZHE to approve the amendment to the Basic Plan for the site to the District Council. LU § 25-212, PGCC § 27-197(c)(5) (Any person of record may appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's recommendation with the District Council. If appealed, all persons of record may testify before the District Council), *Priester v. Balt. Cnty.*, 232 Md. App. 178, 157 A.3d 301, *cert. denied*, 454 Md. 670, 165 A.3d 469 (2017) (The rule of finality overlaps the rule of exhaustion. "[A] party must exhaust the administrative remedy and obtain a final administrative decision . . . before resorting to the courts."). Basic Plan Amendment A-9968-03 became final without challenge from Opposition.

As a matter of law, Basic Plan Amendment A-9968-03, as submitted to the ZHE and the District Council (without opposition or challenge) *increased* the *gross floor area* from 3.5 million square feet to 5.5 million square feet. Zoning Ordinance No. 6-2022.

- Amendment of CDP-0505-02

In accordance with Basic Plan Amendment A-9968-03, to develop the site with employment and institutional uses from up to 3.5 million square feet (as previously approved and unchallenged in Basic Plan A-9968-02) to 5.5 million square feet, CDP-0505-02 is an amendment of CDP-0505-01 *solely* for an additional 2 million square feet of *gross floor area* for *uses already approved and permitted* in Basic Plan Amendment A-9968-02. As such, the Board granted the amendment pursuant to (and in accordance with) PGCC §§ 27-521(a)(1), 27-195, 27-197 and 27-515(b), (5/5/2022, Tr.), PGCPB No. 2021-53.

2. The Planning Board's approval of CDP-0505-02 in fact did (sic) satisfy Section 27-521(a)(1) of the Zoning Ordinance. Appeal at 7.

Opposition contends that the Board erred when it approved CDP-0505-02 because the approval does not satisfy PGCC § 27-521(a)(1). Appeal at 7. Opposition is factually and legally incorrect. Under PGCC § 27-478, the three (3) phase review process of a Comprehensive Design Zone, as is the case here, may be filed or considered concurrently.

Under PGCC § 27-521(a)(1), prior to approving a CDP, the Board shall find that the CDP is in conformance with the Basic Plan approved by application *per PGCC § 27-195*. But here, the Basic Plan was previously amended by application *per PGCC § 27-197*. Basic Plan Amendment A-9968-02, Zoning Ordinance No. 2-2021.

As noted above, Basic Plan A-9968-02 *amended* the previously approved Basic Plan by deleting previously approved *residential uses* for the site and added *employment and institutional uses* on the site for up to 3.5 million square feet. Zoning Ordinance No. 2-2021. Subsequently,

the Applicant filed an application per PGCC § 27-197 to amend Basic Plan A-9968-02 *solely* to increase the gross floor area by 2 million square feet. Basic Plan Amendment A-9968-03.

While Basic Plan Amendment A-9968-03 was being reviewed solely for approval of an additional 2 million square feet of gross floor area, the Applicant subsequently filed an application to amend CDP-0505-01 to align with the additional 2 million square feet of gross floor area, which was being considered under Basic Plan Amendment A-9968-03. Upon review of the record, it is undisputed that the Board reviewed and approved CDP-0505-02 for conformance with Basic Plan Amendment A-9968-03. PGCPB No. 2022-53 at 5-12. Moreover, Basic Plan Amendment A-9968-03 was approved on May 16, 2022, and (*subsequently*) the Board approved CDP-0505-02 on May 19, 2022. Zoning Ordinance No. 6-2022, PGCPB No. 2022-53. Furthermore, the Board approved CDP-0505-02, subject to a condition that the Applicant obtain final approval of Basic Plan Amendment A-9968-03. PGCC § 27-108.01(a)(10) (The word “approve” includes “approve with conditions, modifications, or amendments.”).

The Board’s approval of CDP-0505-02 was supported by substantial evidence of record, not arbitrary, capricious, or otherwise illegal.

3. The Planning Board erred when it approved TCP1-004-202-02 without requiring the Applicant to submit a variance request to remove specimen trees or demonstrate that it had exhausted on-site preservation methods before being approved. Appeal at 8.

Opposition is mistaken that the Applicant was required to obtain a specimen tree removal variance before the TCP1 could be approved. The Applicant did not obtain, nor did it request approval of the TCP1 to remove any additional specimen trees, so no variance was required. As such, the TCP1 did not approve removal of any additional specimen trees that were not previously approved for removal as part of past entitlement for the site. The Board found that a specimen variance request would be needed in the future for the removal of additional specimen trees and

such a request “shall be submitted with the acceptance of the PPS or SDP, as appropriate.” PGCPB No. 2022-53 at 20. Moreover, the District Council takes judicial notice of the Board’s findings in Preliminary Plan of Subdivision 4-21056, where the Board discusses the long and detailed history of specimen tree variance approvals for the overall site. PGCPB No. 2022-70 at 39-42.

Finally, Opposition is mistaken that page A-16 of the 2018 Environmental Technical Manual requires that the TCP1 demonstrate how the Applicant has exhausted all on-site preservation methods. Appeal at 8-9. Page A-16 of the 2018 Environmental Technical Manual only concerns drawing and submission requirements for a Type 2 Tree Conservation Plan (TCP2). When the Board approved CDP-0505-02, it approved a TCP1, not a TCP2. Therefore, there was no requirement for the Applicant’s TCP1 to conform with the specific requirements for a TCP2.

The Board did not err when it approved TCP1-004-202-02.

C. Conclusion

The Board’s decision, as adopted in PGCPB No. 2022-53, to approve CDP-0505-02 and TCP1-004-202-02, is AFFIRMED, subject to:

1. Prior to certification of this comprehensive design plan (CDP), the applicant shall:
 - a. Update the *National Capital Business Park-Design Guidelines* with the modifications proposed by the applicant and approved with this CDP.
 - b. Provide a copy of the letter dated April 12, 2021 (Burke to Nickle), consenting to the placement of woodland conservation easements on lands to be dedicated to the Maryland-National Capital Park and Planning Commission, to be part of the record for CDP-0505-02.
 - c. Revise the Type 1 tree conservation plan (TCP1), as follows:
 - (1) Revise the plan to graphically show that the master planned right-of-way area for I-300, currently shown on the TCP1 as “Woodland Retained – Assumed Cleared,” to be incorporated into adjoining preservation areas, and account for the added preservation in the worksheet and in the tables.

- (2) In the Environmental Planning Section approval block, revise the case number in the heading from “TCP1-004-2021-02” to “TCP1-004-2021.”
 - (3) Add a note under the specimen tree table on Sheet 1 to account for the specimen trees that were approved for removal with Specific Design Plan SDP-1603-01.
 - (4) Add the following to the Notes: No additional impacts to regulated environmental features were approved with CDP-0505-02.
 - (5) Update the streamline type to the standard line type in the Environmental Technical Manual.
 - (6) Add the Marlboro clay lines to the plan. Show as black, not gray.
 - (7) Revise the proposed grading on the plan to be solid black, not gray lines. Add proposed contours and other proposed symbols to the legend.
 - (8) Revise the specimen tree table headings to provide one column to list the specimen trees approved for removal with Preliminary Plan of Subdivision 4-20032, and a separate column to list the specimen trees approved for removal with Specific Design Plan SDP-1603-01.
 - (9) In the standard TCP1 notes, remove Note 12.
 - (10) Have the revised plan signed and dated by the qualified professional preparing the plan.
- d. Obtain final approval of A-9968-03 from the District Council.
2. This comprehensive design plan has modified Condition 4 attached to CDP-0505-01, as follows:
4. **Unless modified at the time of preliminary plan of subdivision (PPS), prior to approval of a building permit for each square foot of development, the applicant and the applicant’s heirs, successors, and/or assignees shall pay to the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE), a fee calculated as \$0.92 (1989 dollars) multiplied by (Engineering News Record Highway Construction Cost index at the time of payment) / (Engineering News Record Highway Construction Cost Index for second quarter 1989). The County may substitute a different cost index, if necessary. The fee set forth above shall be modified at the time of approval of the PPS, to reflect the project cost in the adopted Prince George’s County Public Works and Transportation Capital Improvement Program. In lieu of the fee payment listed in this condition, the applicant may provide improvements along US 301 (Robert Crain Highway), within the limits of US**

301, that are covered by the Capital Improvement Program-funded improvements. Any improvements proposed as part of any lump sum payment shall have approval of the Maryland State Highway Administration and DPIE.

3. Total development within the subject property shall be limited to uses that would generate no more than 1,401 AM and 1,735 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.
4. The following road improvements shall be phased at the time of future specific design plan applications, and a determination shall be made as to when said 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. US 301 (Robert Crain Highway) at Leeland Road
 - (1) Provide three left-turn lanes on the eastbound approach.
 - b. Prince George's Boulevard and Queens Court–Site Access, unless modified at the time of preliminary plan of subdivision:
 - (1) Provide a shared through and left lane and a shared through and right lane on the eastbound approach.
 - (2) Provide a shared through and left lane and a shared through and right lane on the westbound approach.
 - (3) Provide a shared through and left lane on the northbound approach and a shared through and right lane on the southbound approach.
5. At the time of preliminary plan of subdivision, the applicant shall demonstrate adequate right-of-way dedication, in accordance with the 2009 *Approved Countywide Master Plan of Transportation*.
6. At the time of specific design plan, the applicant shall show all proposed on-site transportation improvements on the plans.
7. Prior to issuance of each building permit for this development, the applicant and the applicant's heirs, successors, and/or assignees shall pay to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) a fee per square foot, to be determined at the time of preliminary plan of subdivision.

In lieu of the fee payment listed in the preceding paragraph, the applicant may provide improvements along US 301 (Robert Crain Highway), within the limits of US 301, that are covered by Capital Improvement Program-funded improvements. Any improvements proposed as part of any lump sum payment shall have approval of the Maryland State Highway Administration and DPIE.

Ordered this 19th day of September, 2022, by the following vote:

In Favor: Council Members Dernoga, Franklin, Harrison, Hawkins, Ivey, Medlock, Streeter, and Turner.


Opposed:

Abstained:

Absent: Council Members Burroughs, Glaros and Taveras.


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