THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

January 4, 2021

Maurene E. McNeil, Chief
Zoning Hearing Examiner
County Administration Building
Upper Marlboro, Maryland 20772

RE: Application for Authorization to Build Within a Proposed Right-Of-Way; Winfield Kelly Property – 16200 Old Central Avenue

Dear Ms. McNeil:

Enclosed is a request for authorization of the issuance of a permit within a proposed ultimate right-of-way for the above captioned case. Pursuant to Section 27-259 of the Zoning Ordinance, I am forwarding the request to you with a copy of the statement listing the names and the business and residential addresses of all individuals having at least a five percent (5%) financial interest in the subject property along with a copy of the zoning map that shows the location of the property. Copies are also being sent to the Chairman of the Planning Board, the Department of Permitting, Inspections and Enforcement, the Department of Public Works and Transportation, and the State Highway Administration for submission of their comments. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Donna J. Brown

Donna J. Brown
Clerk of the Council

Enclosures

cc: Russell W. Shipley, Esq., Attorney for the applicant
Elizabeth M. Hewlett, Chairman, Prince George's County Planning Board
Terry Bellamy, Director, DPW&T
Melinda Bolling, Director, DPIE
Gary Cunningham, Deputy Director, DPIE
Kwesi Woodroffe, District Engineer, SHA, District 3
Shelton Haynes, SHA, District 3
Rajesh A. Kumar, Principal Counsel to the District Council
Karen T. Zavakos, Zoning and Legislative Counsel
James Hunt, Division Chief, M-NCPPC
Cheryl Summerlin, Supervisor, M-NCPPC
Bryan Barnett-Woods, Supervisor, Transportation Planning Division, M-NCPPC
Brooke Larman, Supervisor, Permits and Review, M-NCPPC

LAW OFFICES
SHIPLEY & HORNE, P.A.

1101 Mercantile Lane, Suite 240
Largo, Maryland 20774
Telephone: (301) 925-1800
Facsimile: (301) 925-1803
www.shpa.com

Russell W. Shipley
Arthur J. Horne, Jr.*
Dennis Whitley, III*
Robert J. Antonetti, Jr.

Bradley S. Farrar
L. Paul Jackson, II*

* Also admitted in the District of Columbia

TRANSMITTAL

VIA HAND DELIVERY

TO: Ms. Donna J. Brown
Clerk of the Council
14741 Governor Oden Bowie Drive, Room 2198
Upper Marlboro, Maryland 20772

DATE : November 30, 2020

CLIENT NO. : 14200-0001

CASE NAME : Winfield Kelly Property Request for Authorization of Permit in Right-of-Way

RE: Permit 16977-2020-CGU

Reason for Sending: Submission of Request for Authorization of Permit 16977-2020-CGU in Right-of-Way, Winfield Kelly Property.

No. Copies	Drawing No.	Description
1	-	Statement of Justification - Request for Authorization of Permit 16977-2020-CGU in Right-of-Way
1	-	Exhibits A through H

Sent Via:_____ Pick Up: _____ Courier: _____ Deliver: _____ *Email: X

* = Hard Copies also Mailed

Respectfully submitted,

Russell W. Shipley

Russell W. Shipley

LAW OFFICES
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November 30, 2020

Donna J. Brown, Clerk of the Council
Prince George's County Council
14741 Governor Oden Bowie Dr.
Upper Marlboro, MD 20772

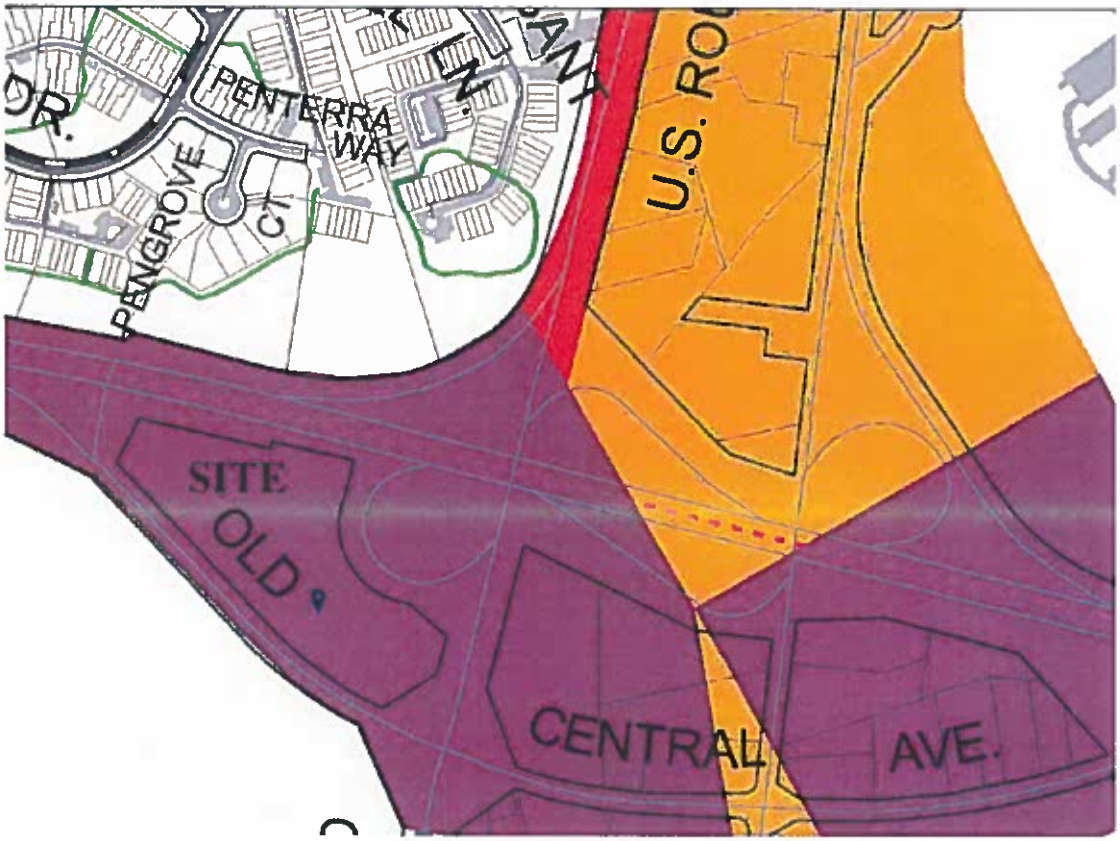
RE: **Request for Authorization of Issuance of Permit within a Proposed Right-of-Way, Permit No. 16977-2020-CGU**
Winfield Kelly Property – 16200 Old Central Avenue - (Tax Account 0740209), Upper Marlboro, Md. 20774

Dear Madam Clerk:

Pursuant to Section 27-259(a)(1) of the Zoning Ordinance, please accept this letter on behalf of the property owner, Mr. Winfield Kelly, as a formal request for authorization of the issuance of a building permit within a proposed right-of-way. Specifically, the entire property is located within the ultimate right-of-way of E-1, associated with the interchange of MD 214 (Central Avenue), US Route 301(Crain Highway), and Old Central Avenue as depicted on the approved Master Plan of Transportation.

The Property is known as Parcel A and consists of approximately 7.93 acres in the C-M (Commercial-Miscellaneous) Zone. Parcel A was recorded in Land Records on May 8,1989 as Plat Book NLP-146 at Plat 42.The Applicant would like to construct a multi-tenant commercial/retail/service building consisting of approximately 10,050 square feet. Approximately 71 parking spaces and one loading space are also proposed to serve the property. The proposed uses on the property would be those commercial/retail and service uses permitted in the C-M Zone in accordance with Section 27-461(b) of the Zoning Ordinance. Building Permit No. 16977-2020-CGU was applied for on April 29, 2020 for the construction of the multi-tenant building (shell building only). This permit was formally denied by Park & Planning's Permit Review Section on November 4, 2020 as required by Section 27-259(b)(1) in order to allow the owner of the land may make a written request to the District Council to authorize the issuance of the permit (see Exhibit A).

Master-Planned Right-of-Ways Map

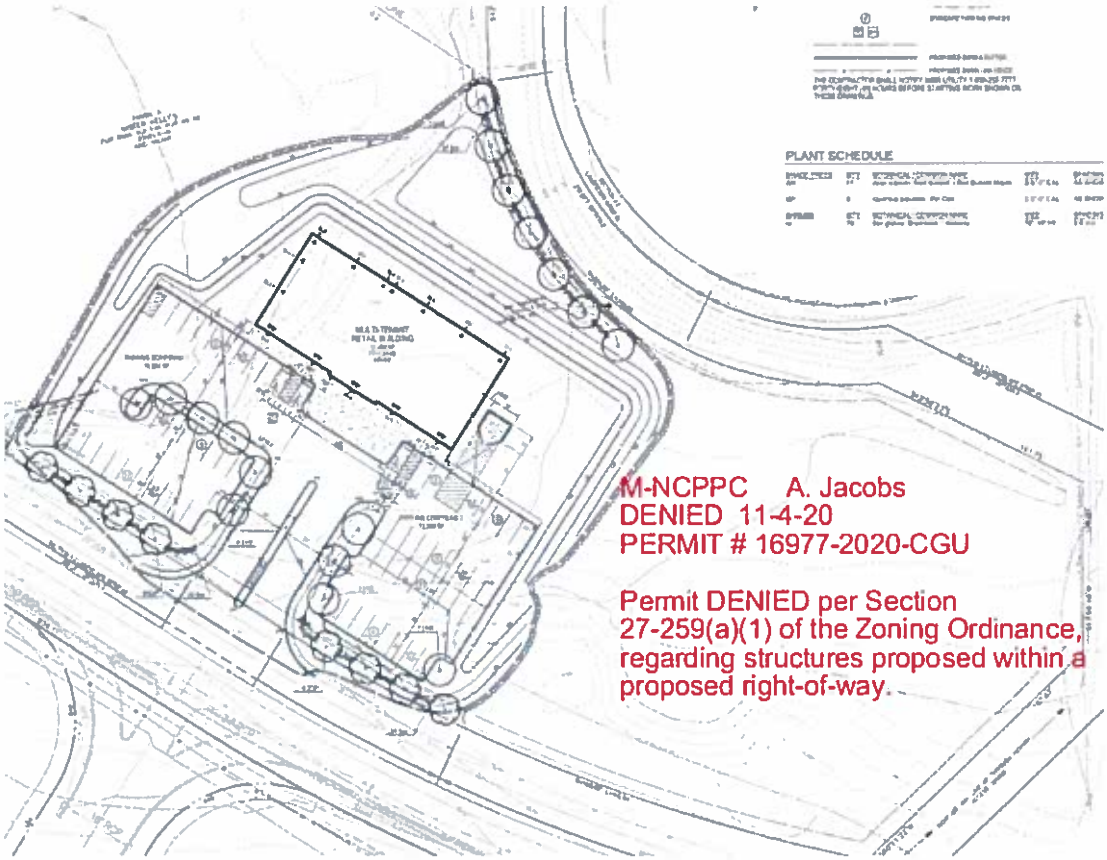


Section 27-259. - Permits within proposed rights-of-way.

(b) Application.

(1) Where a Special Exception, Detailed Site Plan, Specific Design Plan, or Departure is pending, or where application for issuance of a permit has been made and recommended for denial pursuant to Sections 27-254 and 27-255 of this Subtitle, the owner of the land may make a written request to the District Council to authorize the issuance of the permit. In the latter case, the recommendation for denial of the permit shall not have been based on any failure of the applicant to comply with any requirement of this Subtitle (other than Subsection (a) of this Section), Subtitle 24, the Regional District Act, or any condition placed on the property in a zoning case or subdivision plat approval. The request shall be in writing and shall be filed with the Clerk of the Council within thirty (30) days after notice of the denial is given.

Comment: Permit No. 16977-2020-CGU was denied by M-NCPPC on November 4, 2020. As a result, the subject request has been submitted to the Clerk of the Council within thirty (30) days after notice of denial was given.



The criteria for approval of a request to build within a proposed right-of-way is set forth in Section 27-259(g)(1) of the Zoning Ordinance as follows:

Section 27-259. - Permits within proposed rights-of-way.

(g) Criteria for approval.

(1) The District Council shall only approve the request if it finds that:

(A) The entire property cannot yield a reasonable return to the owner unless the permit is granted;

Comment: The property is located within the area governed by the *2006 Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B & 74B*, and the *2009 Approved Countywide Master Plan of Transportation*. While the property as

a whole consists of 7.93 acres, only approximately 2.27 acres of the property is proposed to be disturbed for the construction of the multi-tenant building, leaving 5.73 acres of the property undisturbed. Preliminary Plan of Subdivision (PPS) 4-86018 was approved for the subject property by the Planning Board on April 10, 1986, and the resolution of approval (PGCPB Resolution No. 86-109) was adopted on the same day (see Exhibit B). The following land use quantities were approved for the property with PPS 4-86018;

1) Motel (with 150 rooms)
2) Restaurant (3,200 sq. ft. with 100 seats)
3) Restaurant (13,500 sq. ft. with 110 seats)
4) Bank (2,400 sq. ft.)
5) Self-Serve Gas Station
6) Retail (1,500 sq. ft.)
7) Retail (1,500 sq. ft.)
8) Car Wash (2,400 sq. ft. with 8-bays)

Subsequent extensions were granted by the Planning Board extending the validity date of the approved PPS until April of 1989. The final plat of subdivision was recorded in Land Records on May 8, 1989 as Plat Book NLP-146 at Plat 42. Although no development has occurred on the property since the time the prior preliminary plan was approved, the Applicant did obtain approval of a PPS application and submitted a final plat of subdivision within the specified validity period which was recorded in Land Records. As a result, the subject property is legally entitled to a specified amount of development. The property's location, within a master planned right-of-way, was further identified during the review of the prior approved PPS, 4-86018. At that time, the Maryland Department of Transportation, State Highway Administration (SHA) did not request acquisition of the property nor did they request that the property be placed in reservation, (see Exhibit C, Transportation Planning Section & SHA Referral for 4-86018). As a result, the Planning Board approved PPS 4-86018 (PGCPB Resolution No. 86-109) subject to two conditions which are as follows:

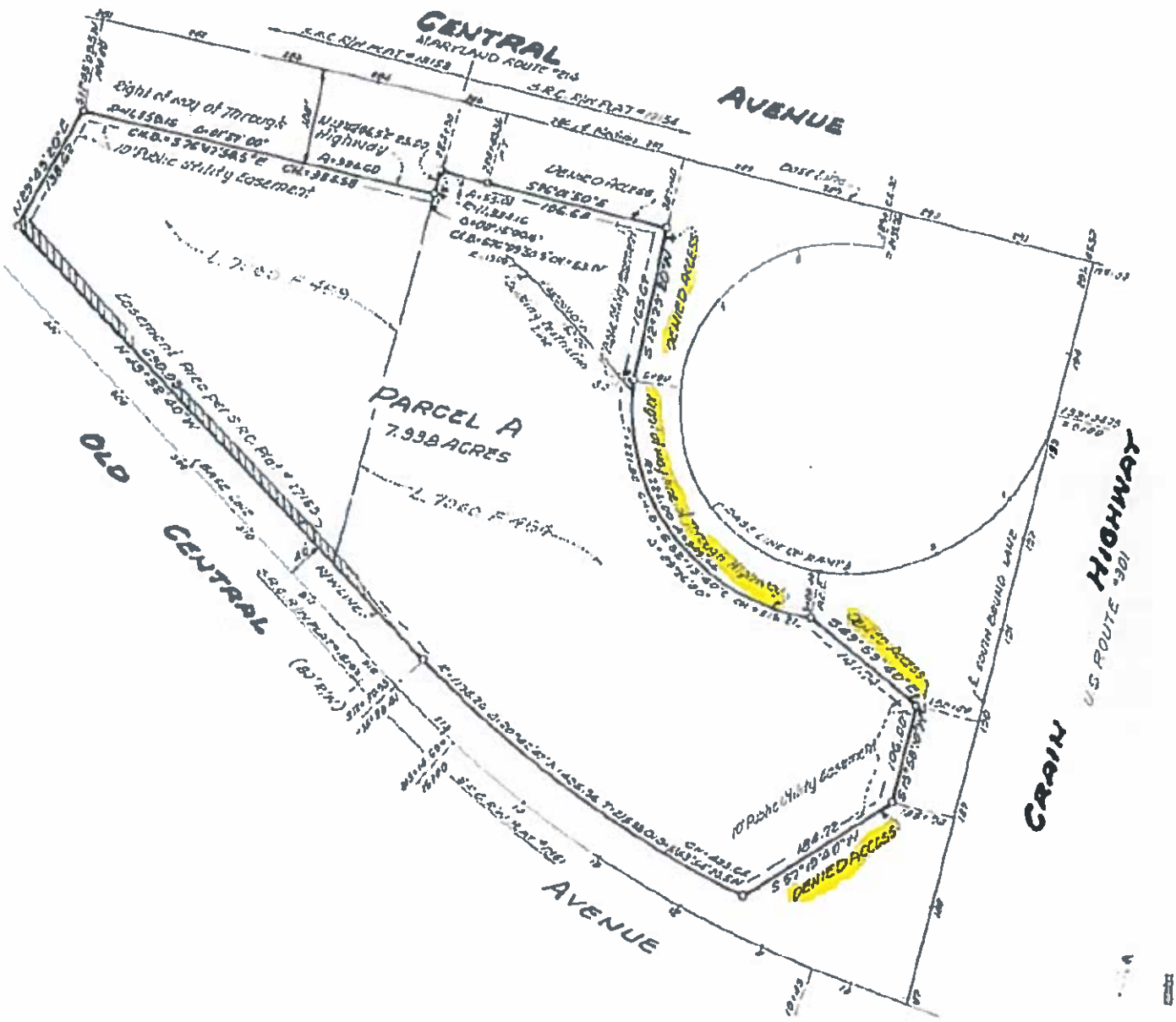
1) *Stormwater management may be required in order to protect downstream areas.*

2) *The subdivision, as modified, meets the legal requirements of Subtitle 24 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.*

Comment: Before approving the subject building permit, DPIE will require the submitted building permit to be designed in accordance with all current stormwater management requirements as required by Condition 1 above. On June 12, 2020, WSSC also conceptually approved a hydraulic planning analysis for the project, (WSSC Project No. DA6968Z20). It should be noted that the current building permit only proposes a multi-tenant commercial/retail/service building consisting of approximately 10,050 square feet and its associated parking and loading. The small amount of development that is currently proposed on the 7.93-acre property is only a fraction of the development that was previously approved

by the Planning Board with PPS 4-86018. Further, when Final Plat of Subdivision, NLP-146-42, was recorded in Land Records on May 8, 1989, all required right-of-way dedication associated with the US Route 301 (Crain Highway), MD Route 214 (Central Avenue) and Old Central Avenue interchange was conveyed to SHA as required.

Final Plat of Subdivision, NLP-146-42



(B) Reasonable justice and equity are served by issuing the permit;

Comment: The small amount of development that is currently proposed on the 7.93-acre property is only a fraction of the development that was previously approved by the Planning Board with PPS 4-86018. The development currently proposed would take up 99,046 square feet (or 2.2737 acres) of the 7.93-acre property, therefore leaving 249,640 square feet (or 5.73 acres) of the property vacant and undisturbed should additional acquisition be required by SHA in the future. As a result, reasonable justice and equity are served by issuing the requested permit

(C) The interest of the County is balanced with the interests of the property owner; and

Comment: The Applicant has already occurred expenses by applying for, and obtaining approval of, a preliminary plan of subdivision that was required to develop the property. As a result, the Applicant will incur a financial hardship if the property is unable to be developed in some manner. It should be noted, that the Applicant has paid a significant amount of taxes to Prince George's County over a period of several decades and has been unable to use the property in accordance with its underlying C-M (Commercial-Miscellaneous) zoning designation due to its location within a master planned roadway. As previously stated, the development being proposed at this time is a small of fraction of the development previously approved for the property with PPS 4-86018. As a result, the Applicant was required to demonstrate adequate public facilities at the time of PPS for a much larger development than what is currently proposed. The interest of the County and the State will be generally served by the Applicant's request as all required right-of-way dedication associated with the US Route 301 (Crain Highway), MD Route 214 (Central Avenue) and Old Central Avenue interchange has already been conveyed to SHA as required.

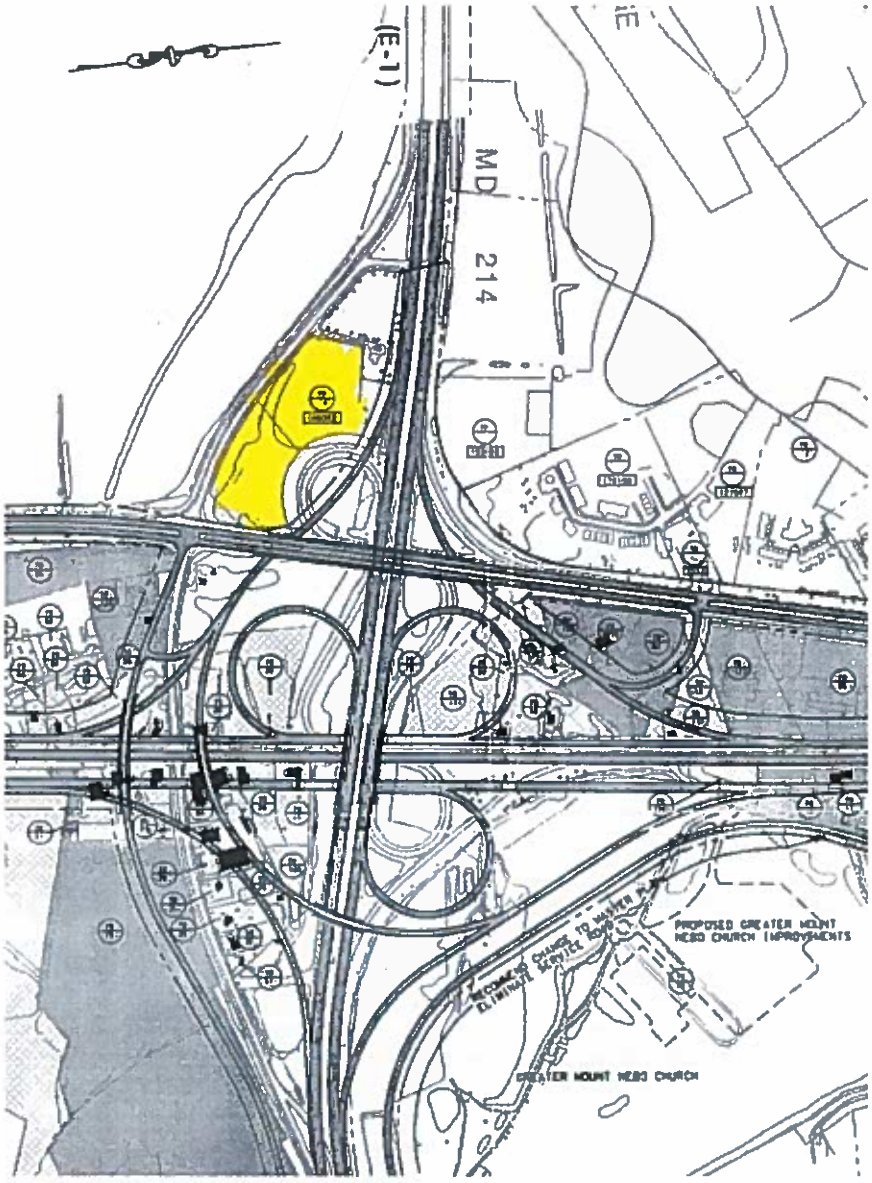
(D) The integrity of the Functional Master Plan of Transportation, General Plan, and Area Master Plan is preserved.

Comment: The Area Master Plan of Transportation demonstrates the entire property as being within the proposed right-of-way. However, all right-of-way dedication needed for the US Route 301 (Crain Highway), MD Route 214 (Central Avenue) and Old Central Avenue interchange has already been conveyed to SHA through the recordation of Final Plat of Subdivision, NLP-146-42. As demonstrated in the aerial photo below, SHA has constructed all the required stormwater management ponds associated with the US 301/MD 214 access ramp within the interior of the ramp itself.

Aerial Map

The US 301 Access Control Study Plan prepared by SHA in January of 1999 is their latest concept for potential interchange improvements (See Exhibit D). The study further demonstrates that subject property is not proposed for further acquisition by SHA. It should be noted that at no time has SHA contacted the Applicant, to either purchase the property, or to request further acquisition of the property. Since all the right-of-way dedication requested by SHA during the review of PPS 4-86018 was being conveyed to the operating agency, the Planning Board was able to find that the integrity of the Functional Master Plan of Transportation, General Plan, and Area Master Plan was being preserved and that the subdivision, as modified, met the legal requirements of Subtitle 24 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.

US 301 Access Control Study Plan (T.B. to US. 50 Plan)



AFFECTED PROPERTIES CONDITIONS

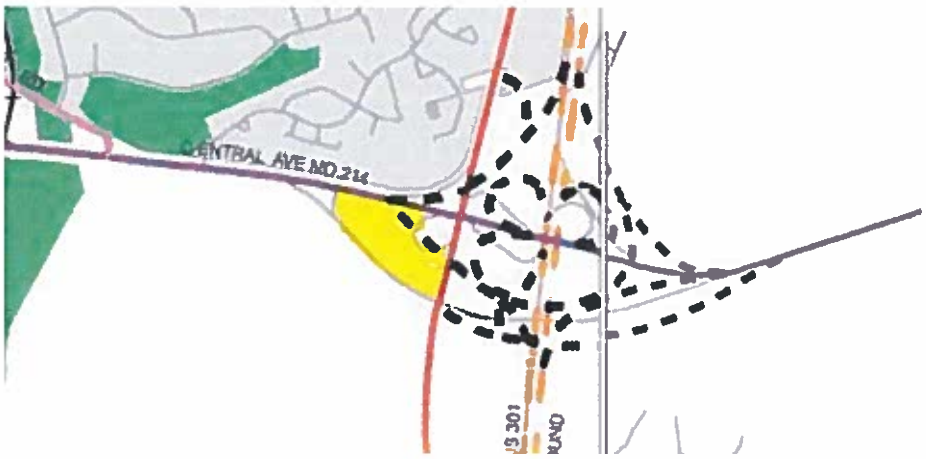
A — PROPERTIES WITH RIGHT-OF-WAY IMPACTS AND EITHER ACCESS TO A MASTER PLAN SERVICE ROAD ON FRONTAGE, OR AN EXISTING PUBLIC ROADWAY.

B — PROPERTIES WITH RIGHT-OF-WAY IMPACTS AND NO MEANS OF ACCESS.

C — PROPERTIES WITH FRONTAGE ON BOTH US 301 AND A PUBLIC ROAD.
- A. CURRENT ACCESS TO US 301
- B. NO CURRENT ACCESS TO US 301
- C. CURRENT ACCESS TO BOTH US 301 AND THE ADJACENT PUBLIC ROAD

D — PROPERTIES NOT AFFECTED. US 301 WILL REMAIN A SERVICE ROAD IN THESE AREAS. NO ACCESS RELOCATIONS ARE REQUIRED.

Approved Countywide Master Plan of Transportation (November 2009)
(Pages 94 & 95, Maps 20 & 21



As shown in the above US 301 Access Control Study Plan (T.B. to US. 50 Plan), and the *2009 Approved Countywide Master Plan of Transportation*, <u>all right-of-way dedication required from this property for the US Route 301 (Crain Highway), MD Route 214 (Central Avenue) and Old Central Avenue interchange has already been conveyed to SHA through the recordation of Final Plat of Subdivision, NLP-146-42. No additional dedication from this property is being required by the operating agency</u>. The US 301 Access Control Study Plan (T.B. to US. 50 Plan) further references the recorded plat number that previously conveyed all required right-of-way to SHA (NLP-146-42), and further designates that property as being within the following classification:

"Properties not affected, US 301 will remain a service road in these areas. No access relocations are required"

Conclusion:

Based on the foregoing analysis, we would respectfully request the authorization of the issuance of Permit No. 16977-2020-CGU to construct a multi-tenant commercial/retail/service building consisting of approximately 10,050 square feet and approximately 71 parking spaces and one loading space within the ultimate right-of-way of E-1, associated with the interchange of MD 214 (Central Avenue), US Route 301(Crain Highway) and Old Central Avenue as depicted on the approved Master Plan of Transportation. This request would also include any subsequent permits that may be required by DPIE to implement the project.

For the Council's review and convenience, we have enclosed a copy of the site plan for this project as well as zoning and aerial maps of the Property and a copy of the Maryland Department of Transportation, State Highway Administration, US 301 Access Control Study Plan depicting that the Property is not affected by any proposed state project. State Ethics Affidavits signed by the Applicant are also enclosed. Thank you in advance for your attention to this matter. Should you have any questions or concerns, please do not hesitate to contact me at your earliest convenience.

Sincerely,

Russell W. Shipley

RWS/jjf
Encls.

cc: Mr. Winfield Kelly
Mr. Paul Woodburn, P.E.

EXHIBIT A(1)

MARYLAND ROUTE No. 214
CENTRAL AVENUE

OLD CENTRAL AVENUE

US ROUTE No. 301
ROBERT CRAIN HIGHWAY

LEGEND

VICINITY MAP

SITE

PLANT SCHEDULE

GENERAL NOTES

M-NCPPC A. Jacobs
DENIED 11-4-20
PERMIT # 16977-2020-CGU

Permit DENIED per Section 27-259(a)(1) of the Zoning Ordinance, regarding structures proposed within a proposed right-of-way.

SITE & LANDSCAPE PLAN
PARCEL 'A'
MISTER KELLY'S
QUEEN ANNE DISTRICT No. 7
PRINCE GEORGE'S COUNTY, MARYLAND

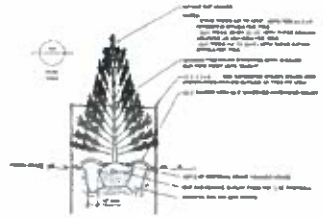
SUBTITLE 32 DIVISION 3 CERTIFICATION

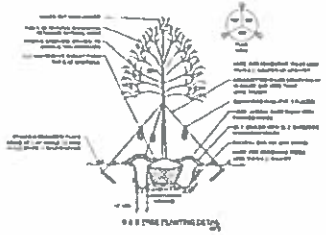
CALL MISS UTILITY
1-800-257-7777
48 hrs Before Excavation

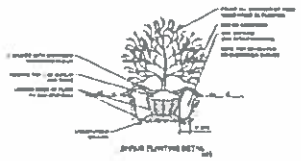
OWNER / APPLICANT

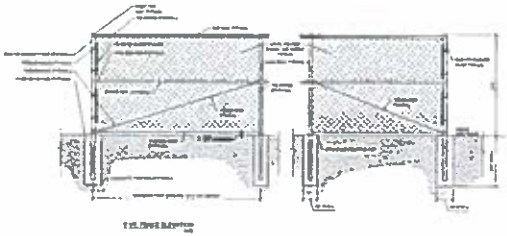
70

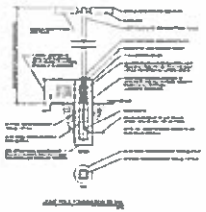
EXHIBIT A(2)

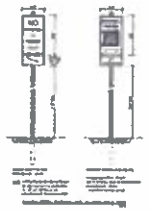


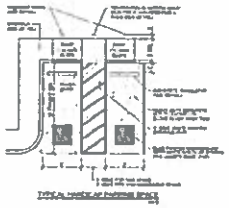


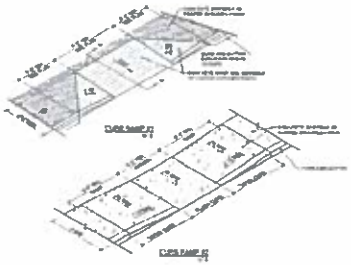


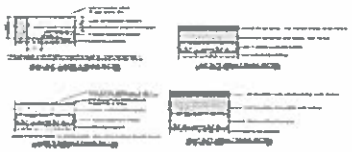


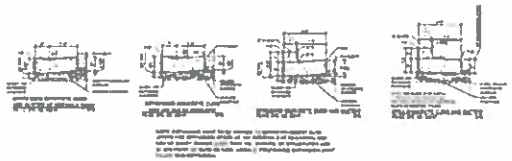












PAVING SECTIONS

M-NCPPC A. Jacobs
DENIED 11-4-20
PERMIT # 16977-2020-CGU

Permit DENIED per Section 27-259(a)(1) of the Zoning Ordinance, regarding structures proposed within a proposed right-of-way.

PLANT SCHEDULE

SHADE TREES	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING	REMARKS
AR	17	Acer rubrum 'Red Sunset' / Red Sunset Maple	2.5"-3" Cal.	AS SHOWN	B&B
CP	6	Quercus palustris / Pin Oak	2.5"-3" Cal.	AS SHOWN	B&B
EVERGREEN TREES	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING	ROOT CONT.
O	70	Ilex opaca 'Shepherdstown' / Holly	12'-14' Ht.	15' O.C.	B&B

SITE & LANDSCAPE DETAILS
PARCEL 'A'

MISTER KELLY'S

OLETH ANNE DISTRICT No. 7
PRINCE GEORGE'S COUNTY, MARYLAND

GRAPHIC SCALE

70

OWNER / APPLICANT

CALL MISS UTILITY
1-800-257-7777
48 hrs Before Excavation

EXHIBIT A(3)

PLANNING DEPARTMENT APPLICATIONS

Permits Application

Hello, Alice, Jacobs!

Home | Add/Edit | Find Permit | Role | ChangePassword | Logout

View Permit Details

Permit No. :	16977	Year:	2020	Revision:	00	Suffix:	CGU
Permit Type:	Project Flow	Date Applied:	8/5/2020	Received Date:	10/13/2020	Due Date:	10/29/2020
Project:	Kelly New Building/Parcel A						

Address

Street No.:	16200	Street Name:	Old Central		
Street Type:	AVENUE	Post Modifier:	--Select--		
City/Town:	UPPER MARLBORO	State:	MD	Zip:	20774

Final Review

Staff Member:	Alice, Jacobs
Status:	Denied

Review Status

Divisions	Review Status	Compl.Date
Subdivision	Completed	10/15/2020
Transportation	Completed	10/14/2020
Env.Planning	Completed	10/28/2020

Division Due Date:	10/15/2020
Final Status:	Denied
Final Reviewer:	Alice, Jacobs
Final Review Date:	11/04/2020
Final Due Date:	10/29/2020

Primary Use:	RETAIL	Work Description:	NEW BUILDING
Comments:		Property Tax Account Number:	0740209
		SFT:	0
		Tier:	Developing
		Revised Plans?	☑
		Permit Received For First Time?	☐

M-NCPPC A. Jacobs

DENIED 11-4-20

PERMIT # 16977-2020-CGU

Permit DENIED per Section 27-259(a)(1) of the Zoning Ordinance, regarding structures proposed within a proposed right-of-way.

EXHIBIT B

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

PGCPB NO. 86-109 FILE NO. 4-86018

RESOLUTION

WHEREAS, Winfield M. Kelly, et al., are the owners of a 5.3940 acre parcel of land known as Mister Kelly's (Parcel A), said property being in the 7th Election District of Prince George's County, Maryland, and being zoned C-M; and

WHEREAS, on February 10, 1986, Winfield M. Kelly, et al., filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-86018, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on April 10, 1986, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended approval of the application with modifications; and

WHEREAS, on April 10, 1986, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board approved Preliminary Plat of Subdivision 4-86018 with the following modifications:

1. As revised in red on Staff Exhibit #1 to show a building restriction line for the future right-of-way of the Master Plan proposed interchange; and

2. Approval of a conceptual stormwater management plan by WSSC prior to Final Plat of Subdivision.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. Stormwater management may be required in order to protect downstream areas.

2. The subdivision, as modified, meets the legal requirements of Subtitle 24 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.

* * * * * *

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Botts, seconded by Commissioner Yewell, with Commissioners Botts, Yewell, Rhoads and Keller voting in favor of the motion, with Commissioner Dabney being absent, at its regular meeting held on Thursday, April 10, 1086, in Upper Marlboro, Maryland.

Thomas H. Countee, Jr.
Executive Director

BY: Robert D. Reed
Community Relations Officer

THC:RDR:DRA

APPROVED AS TO LEGAL SUFFICIENCY
M-NCPPC Legal Department
Date 10/9/86

EXHIBIT C

MEM[redacted]

TO — Subdivision Office DATE 3-6-86

FROM — Transportation Division

SUBJECT — Preliminary Plan Review

Topo Sheet No. 440/450

Preliminary Plan No. 4-86018

Name of Subdivision Mister Kellers

Subdivision Review Committee Meeting Date 3-7-86

Comments:

North section of property affected by reconstruction plans for U.S 301/Md. 214 interchange as indicated on the Master Plan. See drawing

MD. NAT'L CAP. PK. & PL. COMM.
RECEIVED
MAR 6 1986
Subdivision Section

Maryland Department of Transportation
State Highway Administration

William K. Hellmann
Secretary

Hal Kassoff
Administrator

March 19, 1986

Mr. Dean Armstrong
Maryland National Capital
Park and Planning Commission
County Administration Building
Upper Marlboro, Maryland 20772

RE: Prince George's County
Maryland Route 214/
Maryland Route 301
Preliminary Plan
#4-86018
MISTER KELLY'S

Dear Mr. Armstrong:

This office has reviewed the above captioned preliminaty plan and offer the following.

All access must be off of Old Central Avenue with no direct access to Maryland Route 214 or Maryland Route 301.

Thank you for the opportunity to review this plan.

Very truly yours,

Charles Lee, Chief
Bureau of Engr. Access Permits

by: Wilbert King

CL-WK:es

MD. NAT'L CAP. PK. & PL. COMM.
RECEIVED
MAR 21 1986
RECORDS

My telephone number is 301-659-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

EXHIBIT D

COMMERCE DRIVE

TRADE ZONE AVE

COLLINGTON CENTER

COLLINGTON CENTER - CENTRAL

PRINCE GEORGE BLVD.

COLLINGTON CENTER - NORTH

(A-61)

(F-10)

(E-1)

MD 214

RIDGEVIEW ESTATES

CLAGGETT LANDING ESTATES

LAND DEDICATED FOR PUBLIC USE

QUEEN ANNE ESTATES

QUEEN ANNE KNOLLS

QUEEN ANNE ROAD

RECOMMEND CHANGE TO MASTER PLAN ELIMINATE SERVICE ROAD

PROPOSED GREATER MOUNT NEBO CHURCH IMPROVEMENTS

GREATER MOUNT NEBO CHURCH

NO LONGER REQUIRED SERVICE ROAD

200 100 0 200

1" = 400'

NOTE:
THE ALIGNMENT SHOWN ON THIS MAPPING REPRESENTS PRINCE GEORGE'S COUNTY'S MASTER PLAN. AS FUNDING BECOMES AVAILABLE, ADDITIONAL STUDIES WILL BE COMPLETED TO ADDRESS THE TRANSPORTATION NEEDS.

NOTE: THE ALIGNMENT SHOWN ON THIS MAPPING REPRESENTS PRINCE GEORGE'S COUNTY'S MASTER PLAN. AS FUNDING BECOMES AVAILABLE, ADDITIONAL STUDIES WILL BE COMPLETED TO ADDRESS THE TRANSPORTATION NEEDS.

AFFECTED PROPERTIES CONDITIONS

- A — PROPERTIES WITH RIGHT-OF-WAY IMPACTS AND EITHER ACCESS TO A MASTER PLAN SERVICE ROAD OR FRONTAGE ON AN EXISTING PUBLIC ROADWAY.
- B — PROPERTIES WITH RIGHT-OF-WAY IMPACTS AND NO MEANS OF ACCESS.
- C — PROPERTIES WITH FRONTAGE ON BOTH US 301 AND A PUBLIC ROAD.
  - A. CURRENT ACCESS TO US 301
  - B. NO CURRENT ACCESS TO US 301
  - C. CURRENT ACCESS TO BOTH US 301 AND THE ADJACENT PUBLIC ROAD
- D — PROPERTIES NOT AFFECTED. US 301 WILL REMAIN A SERVICE ROAD IN THESE AREAS. NO ACCESS RELOCATIONS ARE REQUIRED.

LEGEND

- 102 / 7 — TAX MAP NUMBER / PARCEL NUMBER
- 111404 — SUBDIVISION NUMBER
- BUILDING RELOCATION
- PROPOSED RIGHT OF WAY
- PROPOSED MASTER PLAN ALIGNMENT
- PROPOSED SERVICE ROAD (NOT INCLUDED IN MASTER PLAN)
- PLANNED AND EXISTING TRAILS (AS NOTED)
- NR/NRE HISTORIC DISTRICTS

MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

US 301 ACCESS CONTROL STUDY

T.B. TO US. 50

PLAN

CENTURY ENGINEERING, INC.
CONSULTING ENGINEERS • PLANNERS
32 WEST ROAD
TOWSON, MARYLAND 21204

SCALES	DATE	DRAWING NO.
AS NOTED	1/99	10 of 12

25 JUL 2000
J:\Projects\Rte301\13001709\ba-fig30.dgn
Hello

EXHIBIT E NLP-146-42

- OWNER'S DEDICATION -

I, Winfield M. Kelly, Jr., owner of the property shown hereon, hereby adopt this plan of subdivision; establish the minimum building restriction lines, except as shown otherwise hereon; grant to the public utilities, their successors and assigns the 10' easement as shown, subject to the terms and provisions recorded in Liber 3703 of Folio 748; and certify that property line markers will be placed in accordance with Section 24-120(B)(6)(F)(ii) of the subdivision regulations of the Prince George's County Code.

There are no suits, actions at law, leases, liens, mortgages, trust, easements or right of way affecting the property included in this plan of subdivision except one certain Deed of Trust and the parties in interest thereto have below indicated their assent, and the slope and drainage easement areas and denial of access conveyed to the State of Maryland in Liber 2265 at Folio 579.

April 1989

WITNESS — WINFIELD M. KELLY, JR.

FOR 1st AMERICAN BANK

BY: WILLIAM E. THOMPSON, TRUSTEE — MARY C. SWAIN, TRUSTEE

- SURVEYOR'S CERTIFICATE -

I hereby certify that the plan shown hereon is correct; that it is a subdivision of all the lands conveyed to Winfield M. Kelly, Jr., in the following two deeds;

1. from Edward W. Nylen and John Q. Gilmore, Jr., remaining acting trustees under the N.G.P. Trust Agreement dated August 15, 1988 and recorded in Liber 7060 at Folio 454 and

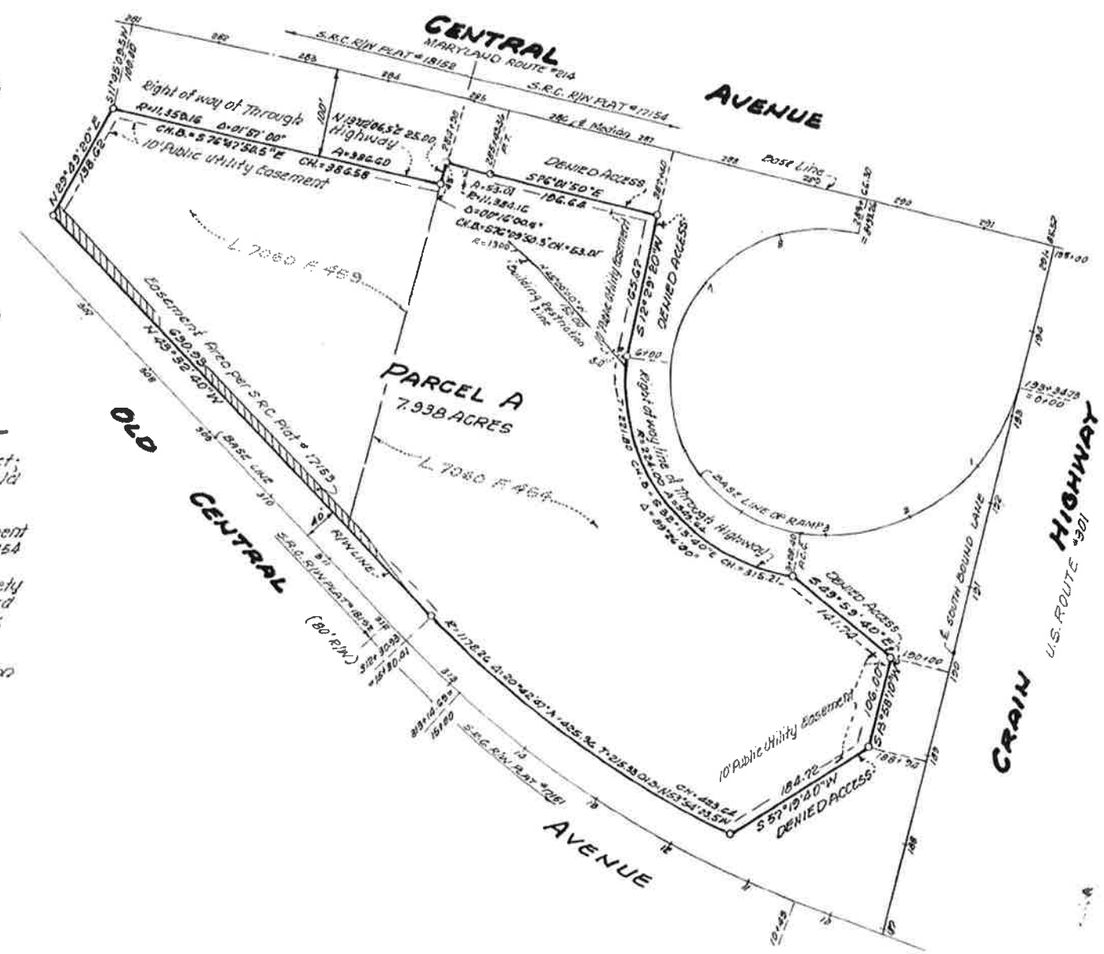
2. from Evelyn L. Sears, surviving tenant by the entirety of Thomas A. Sears, who died on December 24, 1977, dated August 16, 1988 and recorded in Liber 7060 at Folio 463;

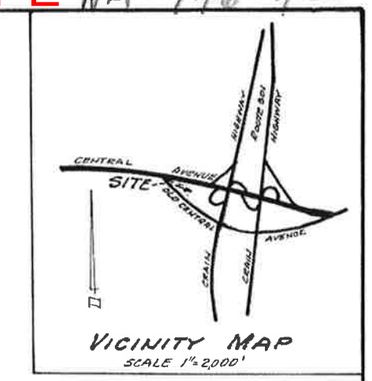
All recordings being among the Land Records of Prince George's County, Maryland.

The total land included in this plan of subdivision is 7.938 acres.

April 4, 1989

WILLIAM L. MACHEN
Registered Land Surveyor
Md. No. 3011





NOTE:

Approval of this plat is based upon a reasonable expection that public water and sewer service will be available when needed and is conditioned on fulfilling all of the Washington Suburban Sanitary Commission authorization # 87-7388A commitments.

FILED
MAY 8 1989
Vincent L. Fredrick
Clerk of the Circuit Court
Prince George's County, Md.

DEPARTMENT OF ASSESSMENTS & TAXATION
DATE BY

PARCEL A
MISTER KELLY'S

7th ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND
SCALE 1"=100' APRIL, 1989

W. STANLEY MACHEN ASSOCIATES, INC.
REGISTERED LAND SURVEYOR
4328 FARRAGUT STREET
HYATTSVILLE, MARYLAND 20781

"FOR PUBLIC WATER AND SEWER SYSTEMS ONLY"

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION PRINCE GEORGE'S COUNTY PLANNING BOARD	DEP'T. of ENVIRONMETAL RESOURCES PRINCE GEORGE'S COUNTY, MARYLAND	
APPROVED: April 27, 1989	APPROVED: April 10, 1989	RECORDED 5-8-89
CHAIRMAN — ASST. SECRETARY	DIRECTOR or DESIGNEE	PLAT BOOK NLP 146
M-N-C-P.C.P.C. RECORD FILE NO. 5-89113		PLAT NO. 42

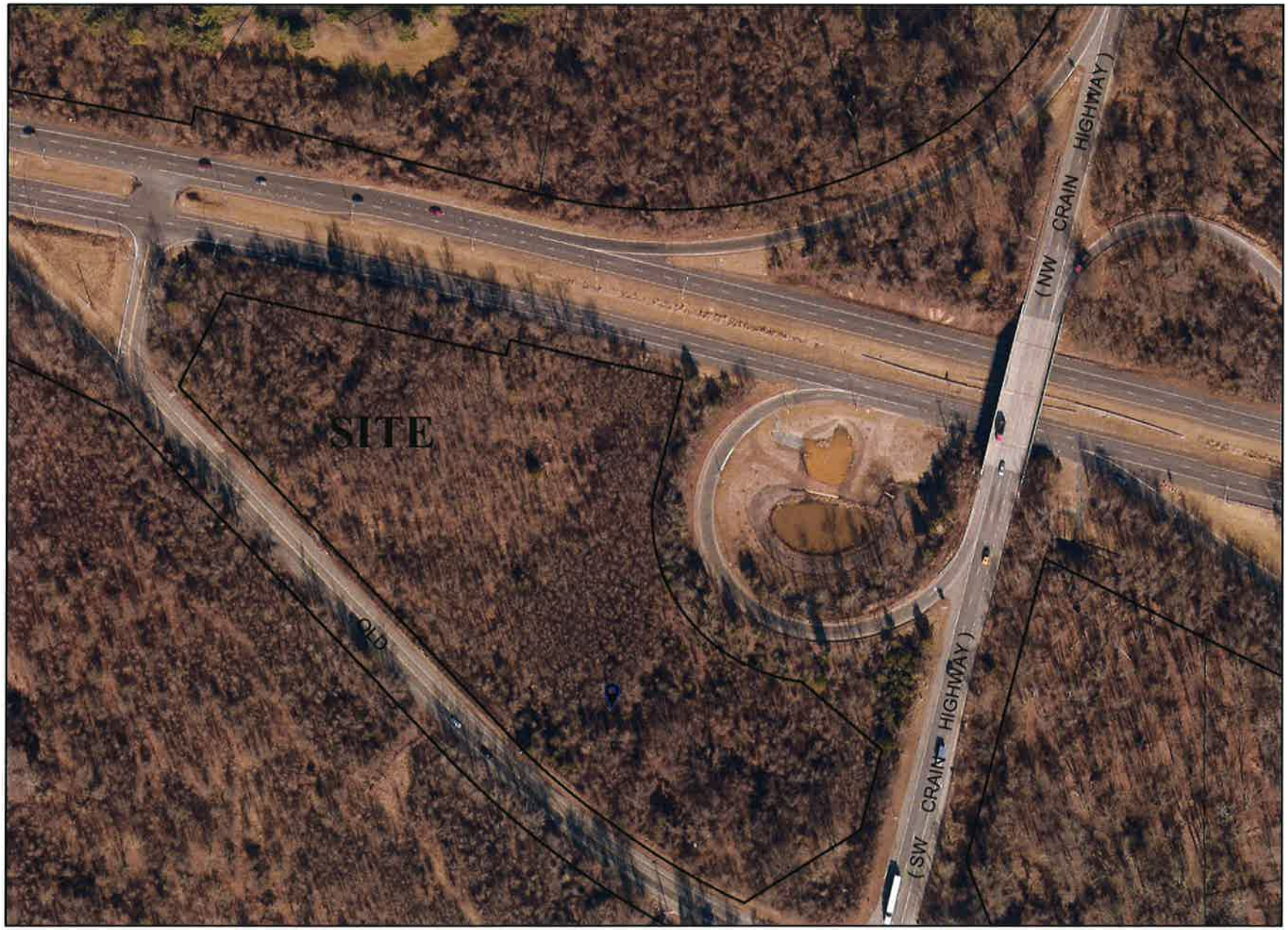
MSA SSU 1250-2788-

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Subdivision Plats, PG) Plat Book NLP 146, p. 42 MSA_S1250_2788 Date available 10/31/2017 Maryland State Archives

EXHIBIT F

Aerial Map

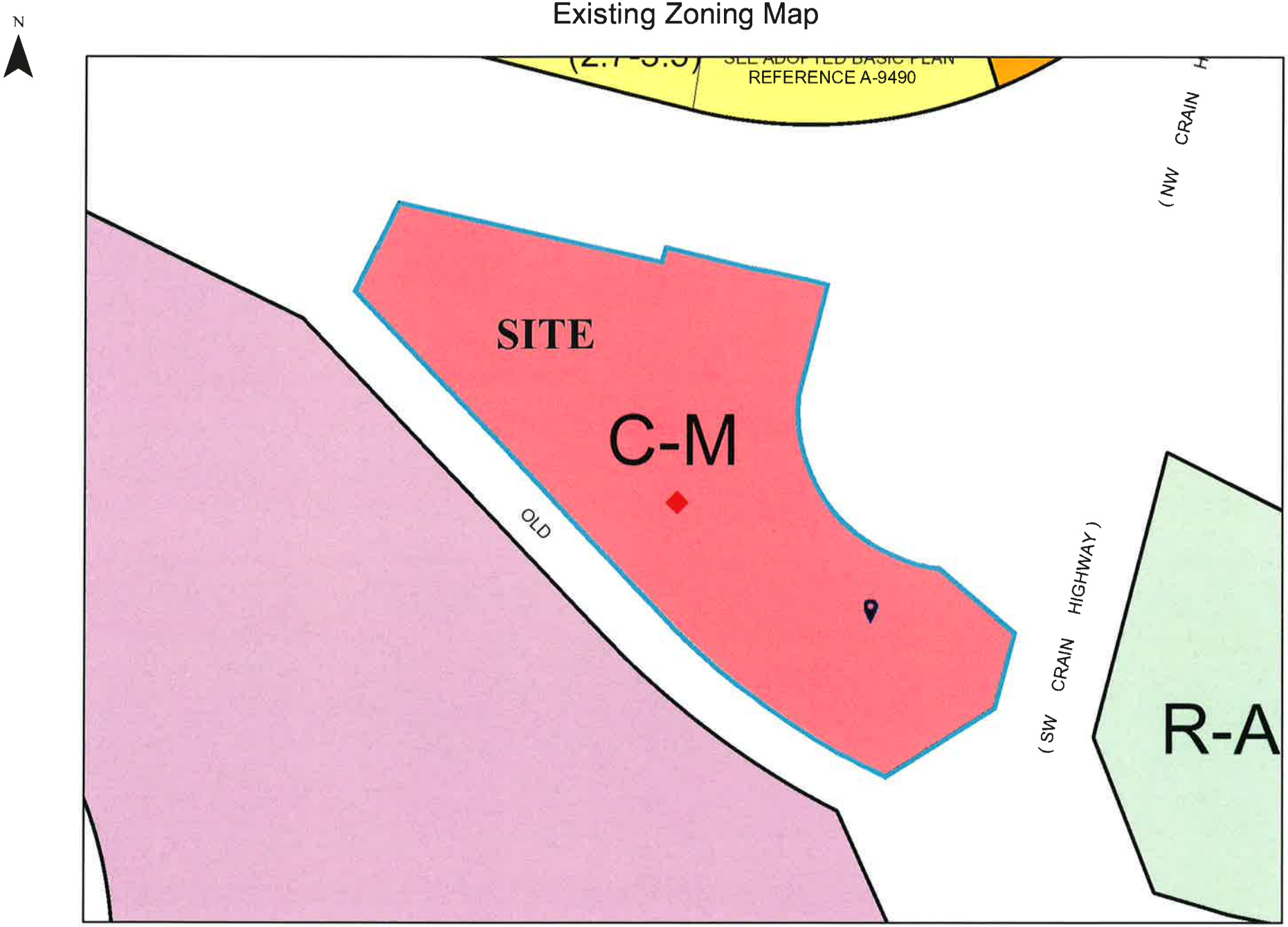
N



Data provided by Prince George's County Planning Department

EXHIBIT G

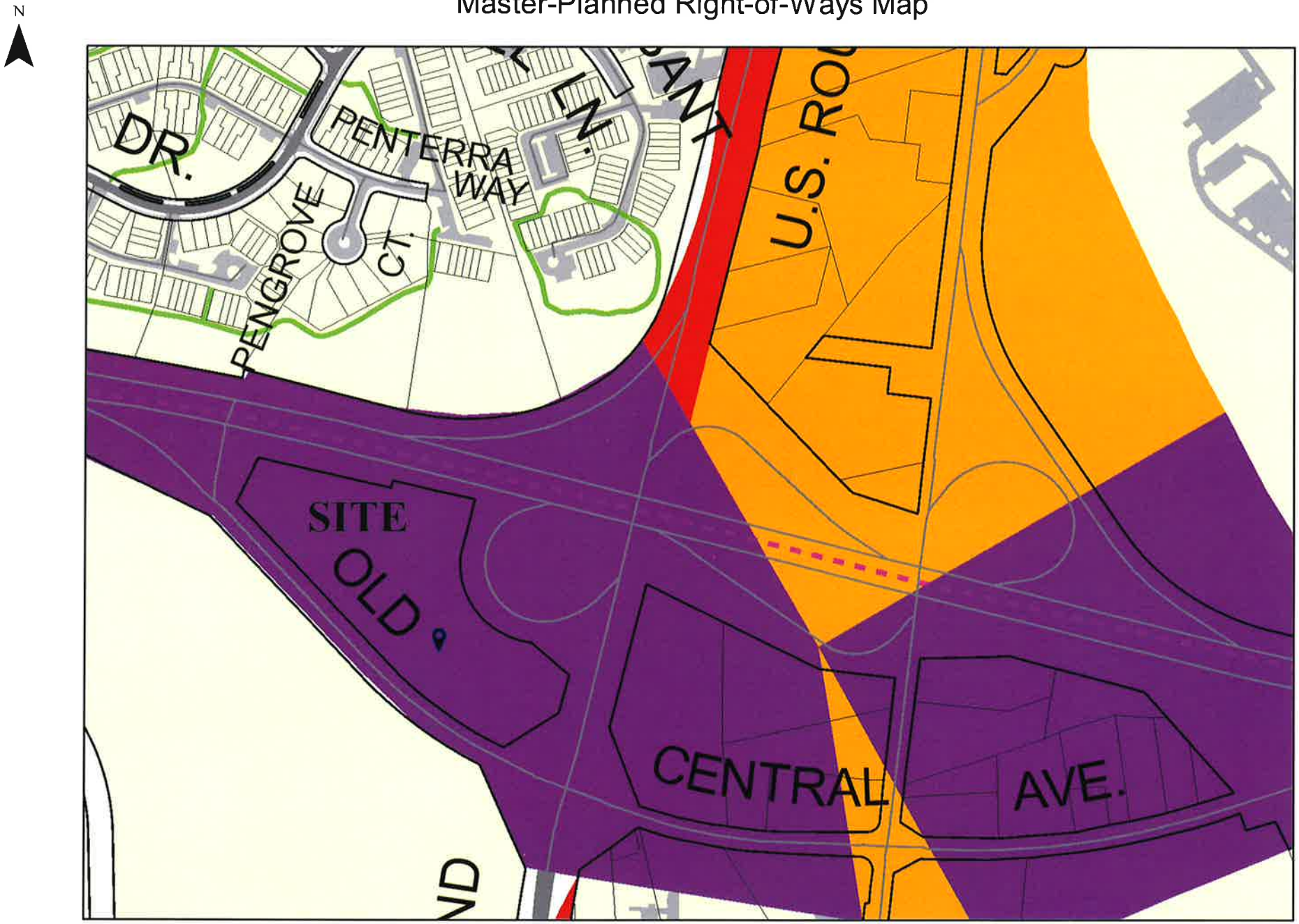
Existing Zoning Map



Data provided by Prince George's County Planning Department

EXHIBIT H

Master-Planned Right-of-Ways Map



Data provided by Prince George's County Planning Department

Moses, Leonard D.

From:	John Ferrante <jferrante@shpa.com>
Sent:	Wednesday, December 23, 2020 4:58 PM
To:	Moses, Leonard D.
Cc:	Clerk of the Council; Russell Shipley; Arthur Horne; Marilyn Taylor; win.kelly.92 @gmail.com
Subject:	RE: Request for Authorization of Issuance of Permit within a Proposed Right-of-Way - (Winfield Kelly Property - Permit No. 16977-2020-CGU - 16200 Old Central Avenue)
Attachments:	Ltr-2 to Donna Brown - Supplemental SOJ - Request for Authorization of Permit within Master Planned Right-of-Way - Permit No. 16977-2020-CGU - 12-21-2020.docx
Follow Up Flag:	Follow up
Flag Status:	Flagged

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

Good Afternoon Lennie,

As requested, please see the attached Supplementary Letter addressing the requirements of Section 27-259(b)(2) for the Winfield Kelly Property, (Request for Permit in the Right-of-Way).

Please feel free to reach out to our office should you need any additional information.

Thanks and Happy Holidays to you and your family. - John

John J. Ferrante
Senior Land Planner & Paralegal
The Law Offices of Shipley & Horne, P.A.
1101 Mercantile Lane, Suite 240 | Largo, MD 20774
tel (301) 925-1800 fax (301) 925-1803
www.shpa.com

From: Moses, Leonard D. <LDMoses@co.pg.md.us>
Sent: Friday, December 11, 2020 1:10 PM
To: John Ferrante <jferrante@shpa.com>
Cc: Clerk of the Council <ClerkoftheCouncil@co.pg.md.us>; Russell Shipley <rshipley@shpa.com>; Arthur Horne <ahorne@shpa.com>; Marilyn Taylor <mtaylor@shpa.com>
Subject: Request for Authorization of Issuance of Permit within a Proposed Right-of-Way - (Winfield Kelly Property - Permit No. 16977-2020-CGU - 16200 Old Central Avenue)

Good Afternoon Mr. Ferrante,

It was good speaking with you today. Per our conversation, and in accordance with 27-259 (b)(2), please submit a statement listing the names and the business and residential addresses of all individuals having at least a five percent (5%) financial interest in the subject property.

Thanks and have a great weekend.

Lennie

Leonard Moses
Office of the Clerk of the Council
301-952-4336 Direct (Telework)
Council LZIS Calendar and Agendas: https://princegeorgescountymd.legistar.com/Calendar.aspx
County Code: https://library.municode.com/md/prince_george's_county/codes/code_of_ordinances
Countywide Map Amendment (CMA) / Zoning Ordinance Rewrite: https://pgccouncil.us/ZOR

From: John Ferrante <jferrante@shpa.com>
Sent: Wednesday, December 2, 2020 1:37 PM
To: Clerk of the Council <ClerkoftheCouncil@co.pg.md.us>
Cc: Moses, Leonard D. <LDMoses@co.pg.md.us>; Russell Shipley <rshipley@shpa.com>; Arthur Horne <ahorne@shpa.com>; Marilyn Taylor <mtaylor@shpa.com>
Subject: Request for Authorization of Issuance of Permit within a Proposed Right-of-Way - (Winfield Kelly Property - Permit No. 16977-2020-CGU - 16200 Old Central Avenue)

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

To: Donna J. Brown, Clerk of the Council
Prince George's County Council
14741 Governor Oden Bowie Dr.
Upper Marlboro, MD 20772

Dear Madam Clerk:

On behalf of Russell W. Shipley and the Law Offices of Shipley & Horne, P.A., please accept this email and the enclosed attachment as a formal Request for Authorization of the Issuance of a Permit within a Proposed Right-of-way for the Winfield Kelly Property, (located at 16200 Old Central Avenue). A hard copy of this request has also been mailed to your office.

The hard copy mailing will include an additional copy of the aforementioned request for date-stamping and return via an enclosed postage paid envelope. Thanks you in advance for your attention to this matter. At your earliest convenience, please return the enclosed date-stamped copy by utilizing the postage paid envelope. Should you have any questions or concerns, please do not hesitate to contact me.

John J. Ferrante
Senior Land Planner & Paralegal
The Law Offices of Shipley & Horne, P.A.
1101 Mercantile Lane, Suite 240 | Largo, MD 20774
tel (301) 925-1800 fax (301) 925-1803
www.shpa.com

This E-mail and any of its attachments may contain Prince George’s County Government or Prince George's County 7th Judicial Circuit Court proprietary information or Protected Health Information, which is privileged and confidential. This E-mail is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient of this E-mail, you are hereby notified that any dissemination, distribution, copying, or action taken in relation to the contents of and attachments to this E-mail is strictly prohibited by federal law and may expose you to civil and/or criminal penalties. If you have received this E-mail in error, please notify the sender immediately and permanently delete the original and any copy of this E-mail and any printout.

LAW OFFICES
SHIPLEY & HORNE, P.A.

1101 Mercantile Lane, Suite 240
Largo, Maryland 20774
Telephone: (301) 925-1800
Facsimile: (301) 925-1803
www.shpa.com

Russell W. Shipley
Arthur J. Horne, Jr.*
Dennis Whitley, III*
Robert J. Antonetti, Jr.

Bradley S. Farrar
L. Paul Jackson, II*

* Also admitted in the District of Columbia

January 4, 2021

Donna J. Brown, Clerk of the Council
Prince George's County Council
14741 Governor Oden Bowie Dr.
Upper Marlboro, MD 20772

RE: **Supplementary Letter Addressing Section 27-259(b)(2)**
Request for Authorization of Issuance of Permit within a Proposed Right-of-Way, Permit No. 16977-2020-CGU
Winfield Kelly Property – 16200 Old Central Avenue - (Tax Account 0740209), Upper Marlboro, Md. 20774

Dear Madam Clerk:

Please accept this supplemental letter on behalf of the property owner, Mr. Winfield Kelly, as part of his previously submitted request for the authorization of the issuance of a building permit within a proposed right-of-way. This supplemental letter is being submitted to address the requirements of Section 27-259(b)(2) of the Zoning Ordinance for the aforementioned Application.

Specifically, Section 27-259(b) requires the following information to be submitted along with the written request to the District Council to authorize the issuance of the permit:

(b) Application.

(2) Along with the application, the owner shall submit the following:

(A) A statement listing the names and the business and residential addresses of all individuals having at least a five percent (5%) financial interest in the subject property;

RESPONSE: Tax assessment information for the subject Property, as derived from the Maryland State Department of Assessments and Taxation, demonstrates that Mr. Winfield M. Kelly, Jr. is the sole owner of the Property. Mr. Kelly's residential address is as follows:

Winfield M. Kelly, Jr.
PO Box 25
Dayton, MD 21036-0025

(B) If any owner is a corporation, a statement listing the officers of the corporation, their business and residential addresses, and the date on which they assumed their respective offices. The same statement shall also list the current Board of Directors, their business and residential addresses, and the dates of each Director's term. An owner that is a corporation listed on a national stock exchange shall be exempt from the requirement to provide residential addresses of its officers and directors;

(C) If the owner is a corporation (except one listed on a national stock exchange), a statement containing the names and residential addresses of those individuals owning at least five percent (5%) of the shares of any class of corporate security (including stocks and serial maturity bonds);

RESPONSE: The subject Property's is owned by one individual. Being the sole owner, Mr. Winfield M. Kelly, Jr. has 100% financial interest in the subject Property.

(3) For the purposes of (A), (B), and (C), above, the term "owner" shall include not only the owner of record, but also any contract purchaser.

RESPONSE: There is no contract purchaser associated with the subject Property. The Property is owned by one individual. Being the sole owner, Mr. Winfield M. Kelly, Jr. has 100% financial interest in the subject Property.

For the Council's review and convenience, we have also enclosed a copy of the tax assessment for the subject Property as prepared by the Maryland State Department of Assessments and Taxation, and the recorded deed for the Property (Liber 7060, Folio 454) both showing Mr. Winfield M. Kelly, Jr. as having sole ownership of the Property. Thank you in advance for your attention to this matter. Should you have any questions or concerns, please do not hesitate to contact me at your earliest convenience.

Sincerely,

Russell W. Shipley

RWS/jjf
Encls.

Cc: Mr. Winfield M. Kelly, Jr.

(1)

DISTRIBUTION OF TRUST
TO BENEFICIARY
NO CONSIDERATION DEED

- 7060 454

THIS DEED

MADE this 15th day of August, 1988, by and between EDWARD W. NYLEN and JOHN D. GILMORE, JR., remaining acting trustees under the NGP Trust Agreement, Joseph W. Poole having resigned and not been replaced, parties of the first part and WINFIELD M. KELLY, JR., party of the second part

WITNESSETH, that in consideration of the sum of NO DOLLARS ($-0-), which includes the amount of any outstanding trust or mortgage indebtedness, if any, and other good and valuable considerations, the said parties of the first part do grant and convey unto the party of the second part in fee simple, all that property situate in Prince George's County, State of Maryland, described as:

SEE EXHIBIT A

Being all of the property described in a deed recorded in Liber 4985, folio 904 of the land records of Prince George's County, Maryland.

TOGETHER with the building and improvements thereupon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

AND the said parties of the first part covenant that they will warrant specially the property hereby conveyed; and that they will execute such further assurances of said land as may be requisite.

WITNESS our hands and seals.

TEST:

Justine A. Straus (as to both)

EDWARD W. NYLEN, Remaining Acting Trustee under the NGP Trust Agreement

JOHN D. GILMORE, JR., Remaining Acting Trustee under the NGP Trust Agreement

STATE OF MARYLAND
COUNTY OF PRINCE GEORGE'S, to wit:

I hereby certify that on this 15th day of August, 1988, before me, the subscriber, a Notary Public of the State of Maryland, County of Prince George's, personally appeared EDWARD W. NYLEN, known to me or satisfactorily proven to be one of the remaining acting trustees under the NGP Trust Agreement and that he, as such remaining acting trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

In Witness Whereof I hereunto set my hand and official seal this 15th day of August, 1988.

Notary Public
Justine A. Straus

My Commission Expires: July 1, 1990

JUSTINE A. STRAUS
Notary Public
Montgomery

REC FEE 20.00

7060 455

STATE OF MARYLAND
COUNTY OF PRINCE GEORGE'S, to wit:

I hereby certify that on this 15th day of August, 1988, before me, the subscriber, a Notary Public of the State of Maryland, County of Prince George's, personally appeared JOHN D. GILMORE, JR., known to me or satisfactorily proven to be one of the remaining acting trustees under the NGP Trust Agreement and that he, as such remaining acting trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

In Witness Whereof I hereunto set my hand and official seal this 15th day of August, 1988.

Notary Public
Justine A. Straus

My Commission Expires: July 1, 1990

This instrument certified to have been prepared by an attorney duly admitted to practice before the Court of Appeals of Maryland, or under his supervision.

MEYERS, BILLINGSLEY, SHIPLEY,
CURRY, RODBELL & ROSENBAUM, P.A.

By: Robert H. Rosenbaum
Robert H. Rosenbaum

PLEASE RETURN TO:
ROBERT H. ROSENBAUM
MEYERS, BILLINGSLEY, SHIPLEY,
CURRY, RODBELL & ROSENBAUM,
6801 KENILWORTH AVENUE, SUITE 400
RIVERDALE, MARYLAND, 20737-1385

- 7060 456

Exhibit A

PARCEL I:

Beginning for the same at an iron pipe found on the northerly right-of-way line of Old Central Avenue, as said right-of-way is shown on Maryland State Roads Commission Right-of-Way Plat No. 17151, said pipe being the end of the 3rd line of a 2.477-acre tract previously conveyed by Thomas A. Sears, et ux, to Winfield M. Kelly, Sr., et al, by deed dated June 10, 1965, and recorded in Liber 3231 at folio 608, thence running with the northerly right-of-way line of 80-foot wide Old Central Avenue per Right-of-Way Plat No. 17151 and running by a curve to the right whose radius and central angle are 1178.26' and 06° 21' 12" respectively, whose long chord is

1) North 46° 43' 16" West 130.59' for an arc distance of 130.66' to a pipe set at a point of tangency, thence continuing with said side of Old Central Avenue (80' wide) per Right-of-Way Plats No. 17151 and No. 17153

2) North 43° 32' 40" West 143.00' to a pipe set, thence leaving Old Central Avenue and running across the land of the grantors herein

3) North 15° 46' 53" East 403.99' to a pipe set in the southerly right-of-way line of New Central Avenue opposite Base Line Station 284 + 90 as shown on Right-of-Way Plat No. 18152, distant 100.00' from said Base Line, thence running

4) North 13° 42' 09.5" East 25.00' to a pipe set at a point 75.00' from said Base Line as shown on Right-of-Way Plat No. 17154, thence running with the southerly right-of-way line of New Central Avenue per Right-of-Way Plat No. 17154 and running by a curve to the right whose radius and central angle are 11384.16' and 00° 16' 00.5" respectively, whose long chord is

5) South 76° 09' 50.3" East 53.01' for an arc distance of 53.01' to a pipe set at a point of tangency opposite Base Line Station 285 + 43.36 (erroneously shown on Right-of-Way Plat No. 17154 as Station 285 + 49.26), thence continuing with said side of New Central Avenue

6) South 76° 01' 50" East 196.64' to a pipe set opposite Base Line Station 287 + 40, thence running with the right-of-way line of the southwest loop of the ramp leading from U. S. Route 301 to New Central Avenue, the following two courses and distances:

7) South 12° 29' 20" West 165.67' to a pipe set opposite Base Line Station 6 + 00 of said southwest loop, thence running by a curve to the left whose radius and central angle are 224.00' and 04° 13' 00" respectively, whose long chord is

8) South 05° 17' 40" West 16.48' for an arc distance of 16.48' to a pipe found at the end of the 4th line of the 2.477-acre prior conveyance as described in Liber 3231 at folio 608, thence leaving said last mentioned right-of-way line and running reversely with the 4th line of Liber 3231 at folio 608

PLEASE RETURN TO:
ROBERT H. ROSENBAUM
MEYERS, RILLIN[illegible]SLEY, SHIPLEY,
CURRY, ROBE[illegible] & ROSENBAUM,
6801 KENILWORTH [illegible]NUE, SUITE 400
RIVERDALE, MA[illegible], 20737-1385

9) South 19° 03' 50" West 389.28' (passing through a large holly tree at 334.53 feet on line) to the beginning of the land herein conveyed; containing 2.917 acres of land more or less.

SUBJECT TO the slope and drainage easement areas; and denial of access conveyed to the State of Maryland in Liber 2295 at folio 579 as shown on the aforesaid Right-of-Way Plats No. 17151, No. 17153, and No. 17154;

SAID PROPERTY BEING LOCATED IN THE SEVENTH (7th) ELECTION DISTRICT

PARCEL II:

Beginning for the same at an iron pipe set in the westerly right-of-way line of the South Bound Lane of U. S. Route 301 opposite Base Line Station 190 + 00 as shown on Maryland State Roads Commission Right-of-Way Plat No. 17151, thence running with said right-of-way line

1) South 13° 58' 10" West 106.00' to a pipe set opposite Base Line Station 188 + 94, thence running with a flare connection leading to Old Central Avenue

2) South 57° 19' 40" West 184.72' to a pipe set in the northerly right-of-way line of Old Central Avenue as widened by said Right-of-Way Plat No. 17151, said pipe being opposite Base Line Station 11 + 40, thence running with the northerly right-of-way line of 80 foot wide Old Central Avenue per Right-of-Way Plat No. 17151 and running by a curve to the right whose radius and central angle are 1178.26' and 14° 21' 35" respectively, whose long chord is

3) North 57° 04' 39.5" West 294.53' for an arc distance of 295.30' to a pipe set, thence leaving Old Central Avenue and running across the land of the grantors herein

4) North 19° 03' 50" East 389.28' (passing through a large holly tree at 54.75' on line) to a pipe set in the right-of-way line of the southwest loop of the ramp leading from U. S. Route 301 to New Central Avenue as shown on Maryland State Roads Commission Right-of-Way Plat No. 17154, thence running with said southwest loop right-of-way line by a curve to the left whose radius and central angle are 224.00' and 85° 13' 00" respectively, whose long chord is

5) South 39° 25' 20" East 303.29' for an arc distance of 333.16' to a pipe set opposite Base Line Station 3 + 28.40 as shown on Right-of-Way Plat No. 17154, thence continuing with said right-of-way line

6) South 49° 59' 40" East 141.74' to the beginning; containing 2.477 acres of land more or less.

SUBJECT TO the slope and drainage easement areas; and denial of access conveyed to State of Maryland in Liber 2295 at folio 579 as shown on the aforesaid Right-of-Way Plat No. 17151 and No. 17154.

SAID PROPERTY BEING LOCATED IN THE SEVENTH (7th) ELECTION DISTRICT.

- 7060 458

TRANSFERRED
AUG 18 1988
BY _____ CLERK
TRANSFER OFFICE

All taxes or assessments certified to the Collector of Taxes for Anne Arundel County, Md. by _____ have been paid. Set of Papers Anne Arundel County, Md. This removed to for recordation and to be with Maryland Special Tax Stamps. We give receipt, we have a guarantee satisfaction of outstanding tax sale.

Real Property Data Search

Guide to searching the database

Search Result for PRINCE GEORGE'S COUNTY

New Search Previous

View Map View GroundRent Redemption View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 07 Account Number - 0740209

Owner Information

Owner Name:	KELLY WINFIELD M JR	**Use:**	COMMERCIAL
		Principal Residence:	NO
Mailing Address:	PO BOX 25 DAYTON MD 21036-0025	**Deed Reference:**	/07060/ 00454

Location & Structure Information

Premises Address:	16200 OLD CENTRAL AVE UPPER MARLBORO 20774-0000	**Legal Description:**	PARCEL A FOLIO 459

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0070	00D3	0000	10007.17	5034				2020	Plat Ref:	146042

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			7.9300 AC	005

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
			/				

Value Information

	Base Value	Value As of 01/01/2020	Phase-in Assessments As of 07/01/2020	As of 07/01/2021
Land:	1,554,400	1,554,400		
Improvements	0	0		
Total:	1,554,400	1,554,400	1,554,400	1,554,400
Preferential Land:	0	0		

Transfer Information

Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2020	07/01/2021
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Special Tax Recapture: None

1 Issue
Adv. 01/28/21

ZONING HEARING
ZONING HEARING ON THE FOLLOWING APPLICATION
WILL BE HELD BY THE ZONING HEARING EXAMINER ON

Wed., March 3, 2021
12:00 P.M.

Virtual Hearing

For information on how to participate in the hearing please call the ZHE Office at 301-952-3644, email ZHE@co.pg.md.us or visit the County Website at https://pgccouncil.us/LIVE

Authorization to Build in Proposed Right-of-Way:

Queen Anne (7) ELECTION DISTRICT:

Application of Winfield M. Kelly, Jr., for an Authorization to Build in a Proposed Right-of-Way the property containing approximately 7.93 acres, zoned C-M, located within the ultimate right-of-way of E-1, associated with the interchange of Central Avenue (MD 214), Crain Highway (MD 301) and Old Central Avenue, also known as 16200 Old Central Avenue, Upper Marlboro, Maryland 20774.

By Order of the County Council
Prince George's County, Md.
Calvin S. Hawkins, II, Chair

Attest:
Donna J. Brown
Clerk of the Council

Office of the Clerk of the Council
County Administration Bldg., Rm.2198
Upper Marlboro, MD. 20772

TO BE PAID BY CREDIT CARD
or
Enquirer Gazette-Please Bill

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 & CrimeVictim.law
E-mail: attorney@StanBrown.net
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: January 19, 2021

Re: Pending Zoning cases

Case names and numbers: Authority to Build in Right-of-Way, Winfield M. Kelly, Jr.

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

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

NOTICE OF VIRTUAL HEARING

Application Number: Authorization to Build Within Right-of-Way

Applicant(s) Name: Winfield M. Kelly, Jr

Date and time of scheduled Zoning Hearing Examiner meeting: March 3, 2021 at 12:00 P.M.

Description of Request: **Application of Winfield M. Kelly, Jr., Applicant, for an Authorization to Build within a Proposed Right-of-Way the property containing approximately 7.93 acres, zoned C-M, located within the ultimate right-of-way of E-1, associated with the interchange of Central Avenue (MD 214), Crain Highway (MD 301) and Old Central Ave, also known as 16200 Old Central Avenue, Upper Marlboro, Maryland 20774.**

* * * * * * * * *

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

Requests to become Persons of Record should be submitted electronically by email to: ZHE@co.pg.md.us no later than 5:00 p.m. on March 1, 2021. Persons of Record will receive an email with information to join the virtual meeting platform. **Once you have received your Notice of Hearing, please provide an email address to ZHE@co.pg.md.us**

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

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

DATE MAILED BY US POSTAL SERVICE/EMAILED: February 3, 2021 to Persons of Record (List attached to original in file)

Getting Started

0 100 200ft

JOHN J. FERRANTE
Shipley & Horne, P.A.
1101 Mercantile Lane, Suite 240
Largo, Maryland 20774
301-925-1800
jferrante@shpa.com

SUMMARY OF QUALIFICATIONS

- Three and half (3.5) years at Senior Planner & Paralegal for Shipley & Horne, P.A.
- Three (3) years at Acting Planner Coordinator, Development Review Division, Permit Review Section. Served as Acting Supervisor as needed.
- Eight (8) years at Senior Planner Level with full regulatory case load.
- Sixteen (16) years with Development Review Division, Prince George's County Planning Department, analyzing development proposals, permits and development projects in Prince George's County.
- Twenty-three (23) years working with Prince George's County Government and/or M-NCPPC.
- Thirty (30) years of combined experience in professional planning and civil engineering specifically related to land use, permitting and development projects in Prince George's County.

EMPLOYMENT:

October 2017-present	Senior Planner & Paralegal Shipley & Horne, P.A. 1101 Mercantile Lane, Suite 240 Largo, MD 20774
June 2016–October 2017	Senior Planner Prince George's County Planning Department Maryland-National Capital Park & Planning Commission Development Review Division, Subdivision & Zoning Section 14741 Governor Oden Bowie Drive Upper Marlboro MD 20772
October 2013–June 2016	Acting Project Coordinator Prince George's County Planning Department Maryland-National Capital Park & Planning Commission Development Review Division, Permit Review Section 14741 Governor Oden Bowie Drive Upper Marlboro MD 20772
February 2009–October 2013	Senior Planner Prince George's County Planning Department Maryland-National Capital Park & Planning Commission Development Review Division, Zoning Section 14741 Governor Oden Bowie Drive Upper Marlboro MD 20772

January 2006–February 2009	Senior Planner Prince George's County Planning Department Maryland-National Capital Park & Planning Commission Development Review Division, Subdivision Section 14741 Governor Oden Bowie Drive Upper Marlboro MD 20772
May 1999–October 2003	Principal Planning Technician Prince George's County Planning Department Maryland-National Capital Park & Planning Commission Development Review Division, Permit Review Section 14741 Governor Oden Bowie Drive Upper Marlboro MD 20772
August 1994–May 1999	Project Coordinator II Road Maintenance Division Prince George's County Department of Public Works & Transportation 8400 D'Arcy Road Forestville, MD 20747
January 1988–August 1994	Field Coordinator/Land Surveyor Baldwin & Sampson Engineering & Surveying 7600 Old Branch Avenue Clinton, MD 20735

Professional Experience:

Mr. Ferrante had broad experience in the fields of land planning, zoning, permitting, and civil engineering with projects ranging from small residential additions to mixed-use developments and comprehensive design projects containing over 3,600 dwelling units. He has provided expert planning testimony before the Prince George's County District Council, Zoning Hearing Examiner, Planning Board, Board of Zoning Appeals and the City of Bowie Advisory Planning Board. Mr. Ferrante has served on several committees in Prince George's County and served as a training class instructor for county inspectors concerning properties that have obtained special exception approval or nonconforming use certification.

The following is a partial list of cases for which Mr. Ferrante has provided expert witness or planning staff testimony:

- Certification of Nonconforming Use, CNU-15676-2018, (Kay Cares Child Care Center), requesting certification of nonconforming daycare center on .89 acres in the R-18 Zone.

- Permit Issued in Error, ERR-273, (3523 Maywood Lane, Suitland, Md.) – Requesting validation of apartment license issued in error for 6-unit apartment building on 11,154 square-foot lot in the R-10 Zone.

- Zoning Map Amendment, A-10050, (Bowman Property) – Requesting rezoning of 1.02 acres of R-10 & R-R Zoned land to C-S-C Zone.

- Special Exception, SE-4795, (Strickland Funeral Home) – Requesting the development of a 11,612 square-foot funeral home, and 9,184 square reception hall on 7.39 acres in the R-R Zone.

- Variance Request, Appeal No. V-27-20, (Rams Group, LLC) – Requesting Variance from the Requirements of Section 27-442 for one-family detached dwelling in the R-55/D-D-O Zone.

- Certification of Nonconforming Use, NCU-1-19, (Clear Channel Outdoor – 16461 Excalibur Road, Bowie, Md.) – Requesting certification of outdoor advertising sign/billboard in the C-S-C and R-S Zones. – City of Bowie

- Special Exception, SE-4718, (D2 Fuego's), requesting adult entertainment in the I-1 Zone.

- Special Exception, SE-4717, (X4B Luxury Club), requesting adult entertainment in the C-S-C Zone.

- Special Exception, SE-4657, (301 Commercial Center - Tires Plus), requesting a vehicle parts and tire store (including installation) in the C-S-C Zone.

- Revision of Special Exception, ROSP-1977-03, (NSR Brinkley Road), requesting conversion of existing gas station service bays to a food & beverage store in the C-S-C Zone.

- Preliminary Plan of Subdivision, 4-16006, (Melford Village), requesting 1,793 dwelling units and 359,500 square feet of commercial retail/office in the M-X-T Zone.

- Preliminary Plan of Subdivision 4-16028, (Bowie Marketplace), requesting 225 multifamily dwelling units on 10.54 acres in the C-S-C Zone.

- Preliminary Plan of Subdivision 4- (Brinkley Road Apartments) – requesting 90 multifamily dwelling units on 5.18 acres in the R-30C and R-10 Zones.

- Preliminary Plan of Subdivision 4-07105, (Brentwood Annex Self Storage) – requesting consolidated storage in the I-1 Zone.

- Preliminary Plan of Subdivision 4-16038, (Glenarden Redevelopment) – residential revitalization project proposing 97 lots and 32 parcels for 333 multifamily units and 97 detached single-family units in the M-X-T Zone, including a Variation from Section 24-128(b)(7)(A).

- Preliminary Plan of Subdivision, 4-07035, (Triangle Property), requesting 9 lots and one outlot for detached single-family dwelling units in the R-E Zone.

- Preliminary Plan of Subdivision, 4-06063, (Rodenhauser Property), requesting 62 lots, one outlot and one parcel on 73.01 acres in the R-E Zone, including a Variation from Section 24-130.

- Preliminary Plan of Subdivision, 4-07097, (Collingbrook II), requesting 7 lots and one outlot on 11.18 acres in the R-E Zone.

- Preliminary Plan of Subdivision, 4-08049, (Melwood at Riverview), requesting 4 lots for detached single-family dwelling units in the R-E Zone.

- Preliminary Plan of Subdivision, 4-07081, (Sunrise Property), requesting 5 lots and 2 parcels on 6.22 acres in the R-80 Zone.

- Preliminary Plan of Subdivision, 4-07090, (Camotop Conservation Subdivision), requesting 12 lots and 2 parcels on 8.45 acres in the R-R Zone.

- Preliminary Plan of Subdivision, 4-07078, (Chinese Bible Church), requesting 21,500 square-foot expansion of existing church on 4.73 acres in the R-55 and M-U-I/D-D-O Zones.

- Preliminary Plan of Subdivision, 4-07105, (Brentwood Annex Self Storage), requesting a 17,110 square-foot consolidated storage facility on 1.06 acres in the I-1 Zone.

- Nonconforming Use, CNU- (8300 Sheriff Road - Fed Ex Field Temporary Parking Lot), requesting certification of a temporary commercial parking lot used for Fed Ex Field events in the M-X-T Zone.

- Conservation Plan, CP-12002, (Indian Queen Estates, Lot 1, Block A), requesting validation of asphalt driveway, concrete walkway and deck constructed without approval of a CBCA Conservation Plan.

- Conservation Plan, CP-04018-01, (Riverview Estates, Lot 8, Block C), requesting construction of a new detached single-family dwelling in the Chesapeake Bay Critical Area.

- Conservation Plan, CP-11005, (Piscataway Hill, Lot 132), requesting construction of a new detached single-family dwelling in the Chesapeake Bay Critical Area.

- Conservation Plan, CP-09003, (Indian Queen Estates, Lot 3, Casey Residence), requesting validation of existing conditions and adding fence and mitigation to correct CBCA violations.
- Conservation Subdivision, S-07001, (Briscoe, Lot 107) – requesting 3 lots and one outparcel on 1.78 acres in the R-R Zone.

- Conservation Subdivision, S-07012, (Allentown Farms II), requesting 40 lots and 2 parcels on 30.24 acres in the R-R Zone.

- Conservation Subdivision, S-07006, (Fox Dale Woods Conservation Subdivision), requesting 17 lots and 2 parcels on 23.30 acres in the R-E Zone.

- Departure from Sign Design Standards, DSDS-663, (Dash-In Woodyard Road), requesting a departure of 16.5 feet from the required setback from a public street for a freestanding sign.

- Departure from Sign Design Standards, DSDS-662, (Fort Washington Shell), requesting a departure of 30 feet from the required main building setback from a public street for a freestanding sign.

EDUCATION
Bishop McNamara High School, Forestville, Md. — September, 1983 to June, 1985
Gwynn Park High School, Brandywine, Md. — September, 1985 to June, 1987, Graduated 06/1987

MEMBERSHIPS/AWARDS
Employee of the Month — 10/1997 - Prince George's County DPW&T
Performance Recognition Award —05/2002 - Prince George's County Planning Department
Community Service Award — 04/2011 - Prince George's County Planning Department
Former Licensed State of Maryland Home Improvement Contractor —MHIC# 76142
Former Chairman - Walnut Creek Homeowners Association — Open Space & Roads Committee

Knights of Columbus — St. John's Church — Charles County
Certificate of Appreciation – 12/2015- Prince George's County Department of Permits, Inspections and Enforcement (DPIE).

COMMITTEES
Prince George's County Telecommunications Transmission Facility Coordinating Committee
(2013-2016)
M-NCPPC Zoning Ordinance and Subdivision Regulations Rewrite Committee
(2013-2017)
Bishop McNamara High School Plants & Facilities Committee
(2014-Present)
M-NCPPC Subdivision & Development Review Committee
(2006-2017)

Lenhart Traffic Consulting, Inc.

Traffic Engineering & Transportation Planning

MICHAEL M. LENHART, P.E., P.T.O.E.

PRESIDENT

Mike Lenhart is a professional traffic engineer with over 28 years of combined technical and academic experience. Responsibilities with the firm include, but are not limited to, proposal preparation, various traffic engineering and managerial tasks in the areas of traffic impact analysis, traffic safety studies, and transportation planning, as well as providing expert witness testimony at public hearings and community meetings.

Mr. Lenhart has worked as a transportation professional in the private sector since 1999 and has provided traffic engineering and transportation planning services for over one thousand projects in numerous jurisdictions across Maryland. Previously, Mr. Lenhart served as the Chief of the Engineering Access Permits Department for the Maryland State Highway Administration (SHA). During his tenure at the SHA, Mr. Lenhart also served as the Traffic Engineer overseeing Southern Maryland. During his career, he has performed various traffic engineering tasks, including traffic signal design, highway and intersection capacity analysis, maintenance and protection of traffic design, and transportation planning. He has also participated in engineering training programs and researched transportation related topics.

Job History

2005 - Present
President – Lenhart Traffic Consulting, Inc.

2002 - 2005
Senior Project Manager - The Traffic Group, Inc.

2000 – 2002
Independent Consultant - The Traffic Group, Inc.

1999 - 2000
Senior Associate - The Traffic Group, Inc.

1998 – 1999
Division Chief – Engineering Access Permits
Maryland State Highway Administration

1990 - 1998
Traffic Engineer
Maryland State Highway Administration

Educational Background

- *Bachelors of Science in Civil Engineering*
  -1990 (U of MD @ College Park)
- *Masters of Science in Traffic Engineering& Transportation Planning*
  -1998 (U of MD @ College Park)

Affiliations

- Registered Professional Engineer (P.E.) – MD, DE
- Professional Traffic Operations Engineer (PTOE) - ITE
- Member ITE

Places where Mr. Lenhart has testified as an expert witness

Allegany County – Board of Appeals, Planning Commission
Annapolis - Planning Commission, Board of Appeals
Anne Arundel County – Board of Appeals, Administrative Hearing Officer
Baltimore County – Zoning Commissioner, Planning Board
Calvert County – Planning Commission, Board of Appeals, County Commissioners
Carroll County – Board of Zoning Appeals; Planning Board
Charles County – County Commissioners, Circuit Court, Board of Appeals, Planning Commission, Town of LaPlata Planning Commission & Town Council
City of Frederick – Planning Commission
Frederick County – Planning Commission, County Commissioners
Harford County – Circuit Court
Prince George's County – District Council, Planning Board, Zoning Examiner, Bowie City Council & Planning Commission, City of Laurel
Montgomery County – Planning Board, Zoning Examiner
Queen Anne's County – Planning Commission
St. Mary's County – Planning Commission; County Commissioners
Sussex County, DE – Planning Commission, Board of County Commissioners
Talbot County – Planning Commission
Town of Leesburg, VA – Planning Commission
Washington County – Board of County Commissioners
Worcester County – Planning Commission

MARYLAND STATE HIGHWAY ADMINISTRATION-ENGINEERING SERVICES, DISTRICT 5
High Accident Sections
Traffic Safety Studies
Traffic Signal Warrant Studies
Highway Design Consultation
Project Planning Consultation
Traffic Impact Study Review

Lenhart Traffic Consulting, Inc.
645 Baltimore Annapolis Blvd, Suite 214
Severna Park, MD 21146

Phone (410) 216-3333
Fax (443) 782-2288
email: mlenhart@lenharttraffic.com

11721 WOODMORE ROAD, SUITE 200
MITCHELLVILLE, MD 20721

TELEPHONE: 301-430-2000

FAX: 301-430-2001

E-MAIL: bendyer@bendyer.com

BEN DYER ASSOCIATES, INC.
Engineers / Surveyors / Planners

PAUL B. WOODBURN, P.E.

POSITION: Vice President / Project Manager

EDUCATION: Graduated in 1989 from the University of Maryland
B.S. in Civil Engineering

AFFILIATIONS: Professional Engineer: Maryland No. 20493
Virginia No. 25466
Washington, DC No. 10479
Professional Environmental Auditor No. 100 1295189
State of Maryland-Certified Erosion & Sediment Control
Maryland #2540
Chi Epsilon Fraternity
American Society of Civil Engineers
Leadership Maryland (2012 – Present)

APPOINTMENTS: State of Maryland, (January 2012 – Present) WSSC Water & Sewer Rates Committee
Jesus the Divine Word Parish, Huntingtown, Maryland (2002 – 2016)
Development Committee

BOARDS: Summit School, Edgewater, Maryland (2013 – 2019)

EXPERIENCE/ QUALIFICATIONS: Mr. Woodburn is currently employed as Vice President/Project Manager. He is a graduate of the University of Maryland with a major in Civil Engineering and is experienced in general building construction, land development and water resources. Mr. Woodburn brings over 30 years of professional experience in land development projects and in the analysis, design and construction of residential, commercial, mineral extraction and institutional developments. This includes structures, roads, water and sewer systems, landscape and living shore line design, critical area natural resource inventories/forest stand delineations, tree conservation, storm drain and stormwater management systems and sediment control practices. Mr. Woodburn has obtained extensive training and experience in providing wetland assessments, preparing wetland construction mitigation plans, and preparing and obtaining wetland alteration and waterways permits. He is also trained and experienced in hydrology and hydraulics. This experience includes the analysis of floodplains and the analysis and design of storm drain systems, stormwater management and water quality Best Management Practice systems (bio-retention areas). He also trained and experienced in land planning and engineering design and inspections. This experience also includes obtaining information pertaining structures and to utilities associated with a property, obtaining site histories, preparing a Phase I Environmental Assessment, analyzing a site's development potential, preparing design and construction drawings for surface mining projects, storm drain systems, stormwater management systems, sediment control systems, structures and roadways, and performing grading, earthwork computations and construction cost estimates.

Mr. Woodburn has provided expert testimony as a Professional Civil Engineer in Calvert, Prince George's, Anne Arundel, Howard and Montgomery Counties.

EXPERT TESTIMONY:

Dec 2000	Anne Arundel County – Deale Shopping Center – Grading Permit Appeal
Fall 2002	Montgomery County vs. Julian K. Patton – Montgomery Co. Road Condemnation
Spring 2003	Prince George's County – Generic Auto Parts – Special Exception Hearing
Spring 2003	Prince George's County – Karington, LLC – Conceptual Site Plan/Land Planning
Fall 2003	Maryland Reclamation – Environmental Testimony for a Rubble Fill Special Exception
Spring/Fall 2005	Prince George's County ADS vs. Verhsarn Scales – Land Contract Dispute
Summer/Fall 2005	Anne Arundel County – Cradell Cove – Grading Permit Appeal
Spring 2006	Prince George's County – Capital Auto Auction – Fence Variance
Summer 2010	Prince George's County – Jenkins Property – Mining Special Exception No. 4674
Fall 2012	Prince George's County – Baker Property – Special Exception No. 4684
Fall 2012	Prince George's County – Millville Property – Mining Special Exception
Spring 2013	Prince George's County – Collington Park – Rezoning Case No. A10029
Fall 2014	Howard County – Estates at Patapsco Park – Planning Board for 195 Residential SFD – Case No. PB403
Spring 2015	Prince George's County – Ritchie Reclamation – Site Development Zoning Case
Spring 2015	Calvert County – Rod n Reel – Site Development Zoning Case
Summer 2019	Prince George's County – Lori Property – Residential & Site Development Case

CONSOLIDATED TAX BILL FOR TAX YEAR JUL 1, 2018 TO JUN 30, 2019

PAYMENT DUE UPON RECEIPT. FAILURE TO RECEIVE TAX BILL DOES NOT EXCUSE PAYMENT OF TAXES, INTEREST OR PENALTY.

IT IS THE TAXPAYER'S RESPONSIBILITY TO FORWARD THE TAX BILL TO THE LENDING INSTITUTION FOR PAYMENT

ACCOUNT NUMBER 0740209

COUNTY RATE EXCEEDS CONSTANT YIELD RATE OF $ .9731 BY $ .0269

11/11/2018

REAL PROPERTY

Property Description
PARCEL A FOLIO
459

Owner's Name And Property Location
Kelly Winfield M Jr
16200 Old Central Ave
Upper Marlboro MD 20774

Assessed Value 1,554,400
Liber 07060 **Folio** 454
Section **Map** 070
Block **Grid** D3
Lot **Parcel**

Subdivision
MISTER KELLYS

Mortgage Co

Area 7.930 ACRES

TAXES AND FEES

	Rates	Amounts
Prince George's County	.9600	14,922.24
Prince George's County - Supplemental Education	.0400	621.76
State Of Maryland	.1120	1,740.93
Park & Planning	.2940	4,569.94
Stormwater/Flood Control	.0540	839.38
Washington Suburban Transit Commission	.0260	404.14
Clean Water Act Fee		20.58

OTHER AMOUNT DUE

Interest/Penalty	373.71

OK TO PAY
SEE ME pd 9959 2/5/19
COMMENTS:

** DELINQUENT *
12/13/18

GRAND TOTAL **$23,118.97** 8/15/18

CONSOLIDATED TAX BILL FOR TAX YEAR JUL 1, 2019 TO JUN 30, 2020

PAYMENT DUE UPON RECEIPT. FAILURE TO RECEIVE TAX BILL DOES NOT EXCUSE PAYMENT OF TAXES, INTEREST OR PENALTY.

IT IS THE TAXPAYER'S RESPONSIBILITY TO FORWARD THE TAX BILL TO THE LENDING INSTITUTION FOR PAYMENT

ACCOUNT NUMBER 0740209 11/10/2019

COUNTY RATE EXCEEDS CONSTANT YIELD RATE OF $ .9802 BY $ .0198

REAL PROPERTY

Property Description	Owner's Name And Property Location		
PARCEL A FOLIO 459	Kelly Winfield M Jr 16200 Old Central Ave Upper Marlboro MD 20774	**Assessed Value**	1,554,400
		Liber 07060	**Folio** 454
		Section	**Map** 070
		Block	**Grid** D3
		Lot	**Parcel**
Subdivision MISTER KELLYS	**Mortgage Co**	**Area**	7.930 ACRES

TAXES AND FEES

	Rates	Amounts
Prince George's County	.9600	14,922.24
Prince George's County - Supplemental Education	.0400	621.76
State Of Maryland	.1120	1,740.93
Park & Planning	.2940	4,569.94
Stormwater/Flood Control	.0540	839.38
Washington Suburban Transit Commission	.0260	404.14
Clean Water Act Fee		20.58

OTHER AMOUNT DUE

Interest/Penalty	373.71

DATE SENT
DUE TO PAY
SEE ME
COMMENTS pd $ 9996 2/3/20
Initials

** DELINQUENT *

GRAND TOTAL **$23,492.68**

12/2/19

CONSOLIDATED TAX BILL FOR TAX YEAR JUL 1, 2020 TO JUN 30, 2021

PAYMENT DUE UPON RECEIPT. FAILURE TO RECEIVE TAX BILL DOES NOT EXCUSE PAYMENT OF TAXES, INTEREST OR PENALTY.

IT IS THE TAXPAYER'S RESPONSIBILITY TO FORWARD THE TAX BILL TO THE LENDING INSTITUTION FOR PAYMENT

ACCOUNT NUMBER 0740209 11/16/2020

COUNTY RATE EXCEEDS CONSTANT YIELD RATE OF $ .9712 BY $ .0288

REAL PROPERTY

Property Description
PARCEL A FOLIO 459

Owner's Name And Property Location
Kelly Winfield M Jr
16200 Old Central Ave
Upper Marlboro MD 20774

Assessed Value 1,554,400
Liber 07060 **Folio** 454
Section **Map** 070
Block **Grid** D3
Lot **Parcel**

Subdivision
MISTER KELLYS

Mortgage Co

Area 7.930 ACRES

TAXES AND FEES

	Rates	Amounts
Prince George's County	.9600	14,922.24
Prince George's County - Supplemental Education	.0400	621.76
State Of Maryland	.1120	1,740.93
Park & Planning	.2940	4,569.94
Stormwater/Flood Control	.0540	839.38
Washington Suburban Transit Commission	.0260	404.14
Clean Water Act Fee		20.58

OTHER AMOUNT DUE

Interest/Penalty	373.71

THE UNDERSIGNED
OK TO PAY
SEE ME
COMMENTS: pd # 10037 2/2/21
2/5/21 Initials

** DELINQUENT *

GRAND TOTAL $23,492.68 12/22

RETURN BOTTOM PORTION WITH YOUR PAYMENT

Lenhart Traffic Consulting, Inc.

Transportation Planning & Traffic Engineering

Memorandum: ***Date:*** **February 23, 2021**

TO: Ms. Donna J. Brown
Clerk of the Council
14741 Governor Oden Bowie Dr, Room 2198
Upper Marlboro, MD 20772

Michael Lenhart, P.E., PTOE

RE: Winfield Kelly Property – Request for Authorization of Permit in Right of Way

This memorandum is provided in support of the applicants request for authorization for a building permit in the master plan right of way.

Criteria for approval.

Section 27-259(g) provides the Criteria for Approval, which states that … "*The District Council shall only approve the request if it finds that*:"

A. *The entire property cannot yield a reasonable return to the owner unless the permit is granted;*
B. *Reasonable justice and equity are served by issuing the permit;*
C. *The interest of the County is balanced with the interests of the property owner; and*
D. *The integrity of the Functional Master Plan of Transportation, General Plan, and Area Master Plan is preserved.*

Discussion.

Lenhart Traffic Consulting has reviewed the application materials including the recorded plat, master plans, PGAtlas, and the SHA US 301 Access Control Study; and are pleased to offer the following comments.

The 2009 Master Plan of Transportation provides mapping of the entire county. Map 20 of the Master Plan provides the proposed master planned interchange at US 301 and MD 214 and that image is shown below. The future ramp from EB MD 214 to NB US 301 is NOT located within the area of proposed building. The County Master Plan is based upon the 1999 SHA Access Control Study, however, the County Master Plan appears to be much less detailed in that it is simply a line sketch of the future interchange and does not appear to be to scale.

The SHA's US 301 Access Control Study was completed in 1999 prior to the implementation of the 2009 Countywide Master Plan of Transportation. As noted above, the Countywide Master Plan of Transportation appears to be based upon the SHA's US 301 Access Control Study, although with much less detail and not to scale.

The PGAtlas Master Plan of Transportation layer on the County GIS system encumbers a much larger area than the SHA's US 301 Access Control Study and the 2009 Countywide Master Plan of Transportation. Particularly as it relates to the Winfield Kelly property in that neither the SHA Access Control Study nor the Countywide Master Plan of Transportation indicate that the Winfield Kelly property is significantly impacted by the future interchange. However, the PGAtlas Master Plan of Transportation indicates that the entire property is burdened by the future interchange. The following three images were copied from each of the referenced sources above.

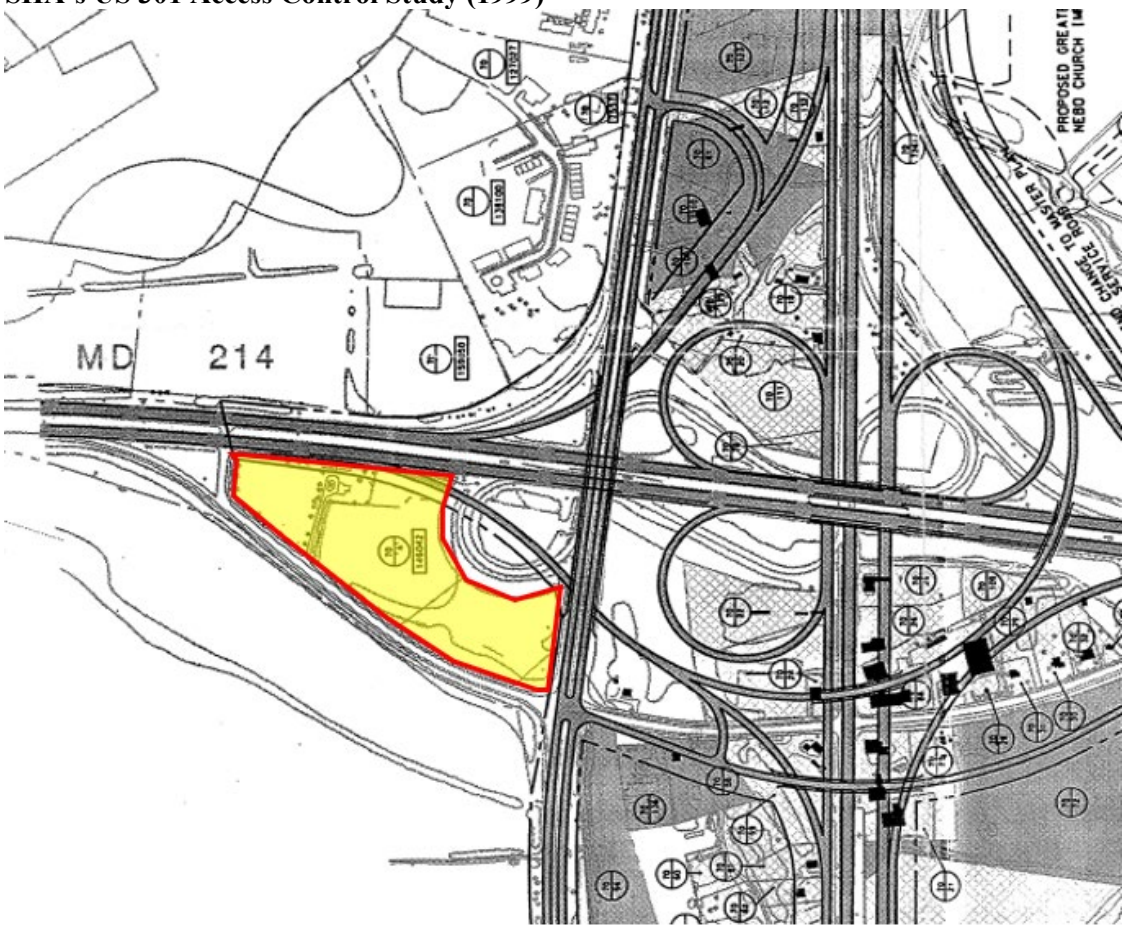
Lenhart Traffic Consulting, Inc.
645 B&A Blvd, Suite 214
Severna Park, MD 21146

Phone (410) 216-3333
Fax (443) 782-2288
email: mlenhart@lenharttraffic.com

2009 Countywide Master Plan of Transportation

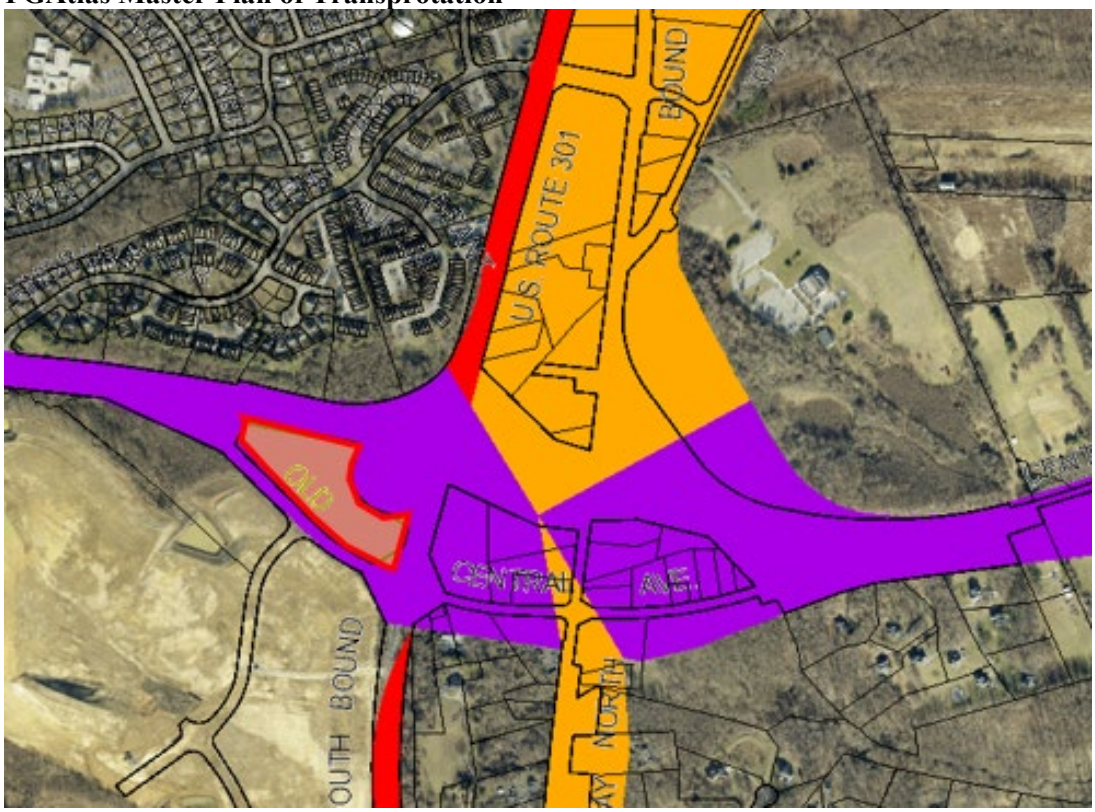
A review of the 2009 Countywide Master Plan of Transportation ((Map 20) above includes an outline of the Winfield Kelly property in red and highlighted in yellow. This exhibit reveals that the Master Plan of Transportation does not require the use of the entire property, and in fact has a minor impact on the property. Again, the Master Plan of Transportation exhibit above is very rudimentary when compared to the following exhibit which is the SHA's Access Control Study which was completed in 1999 and still stands. Again, a review of the 2009 Master Plan reveals that it is based upon the SHA's 1999 plan, however, the SHA plan has much greater detail.

SHA's US 301 Access Control Study (1999)



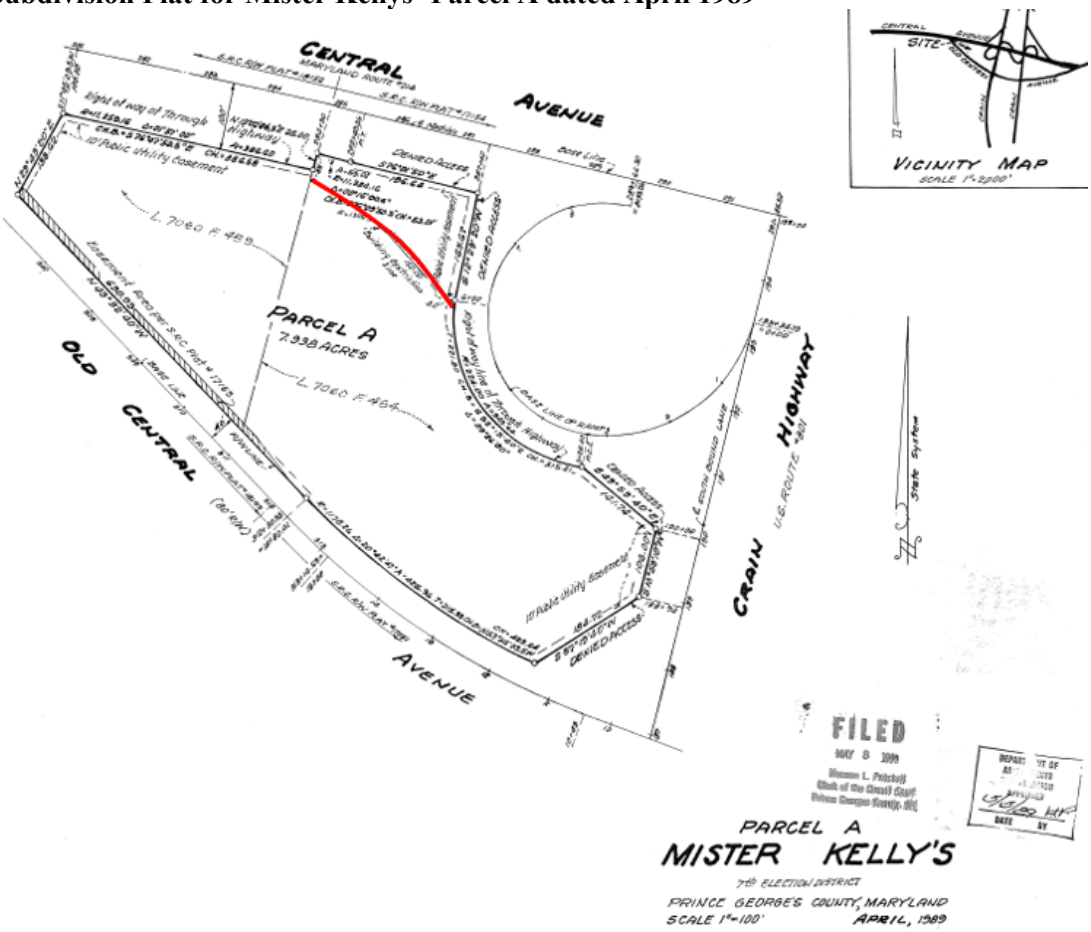
A review of the SHA's US 301 Access Control Study (1999) above includes an outline of the Winfield Kelly property in red and highlighted in yellow. This exhibit reveals that the Master Plan of Transportation does not require the use of the entire property, and in fact, requires little to no usage of the Winfield Kelly property. This plan shows the upgrade of MD 214 to an expressway facility and would eliminate the existing loop ramp from southbound US 301 to eastbound MD 214. In place of that ramp, a new ramp would be constructed through that area from eastbound MD 214 as a flyover ramp to the future relocated northbound and southbound US 301 freeway. The exhibit above shows the future SHA right of way line adjacent to the new flyover ramp and that right of way line does not intrude whatsover into the Winfield Kelly property, except for a small area to the west of the existing loop ramp which is to be eliminated. A review of the existing plat (discussed below) shows that there is an existing building restriction line on the plan that appears to very closely correspond to the future SHA right of way line for the master planned interchange.

PGAtlas Master Plan of Transprotation



The PGAtlas Master Plan of Transportation layer above simply highlights the entire Winfield Kelly property but as shown on the 2009 Master Plan of Transportation and on the SHA's Access Control Study it appears evident that the majority of the Winfield Kelly property is not located within the future master plan of transportation for the future MD 214 and US 301 interchange reconstruction.

Subdivision Plat for Mister Kellys' Parcel A dated April 1989



A review of the existing plat shows that there is an existing building restriction line on the plan (shown above as a red line) that appears to very closely correspond to the future SHA right of way line for the master planned interchange. In fact, the SHA's right of way line on the SHA US 301 Access Control Study does not appear to be as restrictive as the building restriction line on the plat.

Findings and Recommendations.

As noted previously, Section 27-259(g) provides the Criteria for Approval, which states that … "*The District Council shall only approve the request if it finds that*:"

A. *The entire property cannot yield a reasonable return to the owner unless the permit is granted;*
B. *Reasonable justice and equity are served by issuing the permit;*
C. *The interest of the County is balanced with the interests of the property owner; and*
D. *The integrity of the Functional Master Plan of Transportation, General Plan, and Area Master Plan is preserved.*

Based on the PGAtlas interpretation of the Master Plan of Transportation, the entire property is encumbered by the master plan right of way; therefore, it would be impossible for any of the property to yeild a reasonable return unless the permit is granted. Therefore 27-259(g)A is satisfied. In fact, if the permit is denied, the property owner would be denied the right to develop this property and this would essentially a property taking without just compensation. I would further offer that this property has already been subdivided and is an approved building lot. When properties go through the subdivision process, they are evaluated by M-NCPPC to determine if there are any master plan of transportation improvements that should be referred to the operating agency (SHA or DPW&T) for potential reservation. If an agency determines that reservation is appropriate, the property comes off the tax rolls for up to three years to allow the operating agency the necessary time to acquire the necessary right of way for future public use. Since this property already has an approved subdivision, they are beyond the ability to be considered for reservation, and have continued to pay taxes on this property. If this applicant is denied the request to build in the right of way, not only will they be unable to yield a reasonable return, but they will also be held hostage for an undetermined period of time where they cannot develop the property but must continue to pay property taxes.

27-259(g)B, C, and D are all satisfied because the approval of the permit to build in the right of way would not impede or hamper the SHA's US 301 Access Control Plan or the Countywide Master Plan of Transportation. The exhibits above show that these documents do not encumber this whole property, and in fact, the existing building restriction line on the plat appears to be more than sufficient to allow the master plan to be realized, while allowing the applicant the right to develop their property as allowed. This allows the interests of the County and the property owner to be balanced by protecting the needs of both parties, and also maintains the integrity of the Master Plan of Transportation.

In conclusion, the 1999 SHA's US 301 Access Control Plan and the 2009 Countywide Master Plan of Transportation both provide fairly detailed information and exhibits as discussed above that confirms that the future MD 214 & US 301 interchange improvements will not substantially impact the Winfield Kelly property. Furthermore, the approved subdivision plat for Mister Kelly's Parcel A contains a building restriction line that appears to more than account for the future right of way needs as identified on both documents above. It is unclear why the PGAtlas GIS system identifies the entire Winfield Kelly property as being impacted by the master plan of transportation, but it is possible that the entire property was simply marked on the PGAtlas GIS system as an indication that there is some impact to the property from the future master plan of transportation. While there is a small impact to the property, it is clear that the majority of the property is not impacted, and those areas that are needed are protected by the building restriction line.

If you have any questions regarding this matter, please do not hesitate to contact me at the number below.

Lenhart Traffic Consulting, Inc.
645 B&A Blvd, Suite 214
Severna Park, MD 21146
Phone (410) 216-3333
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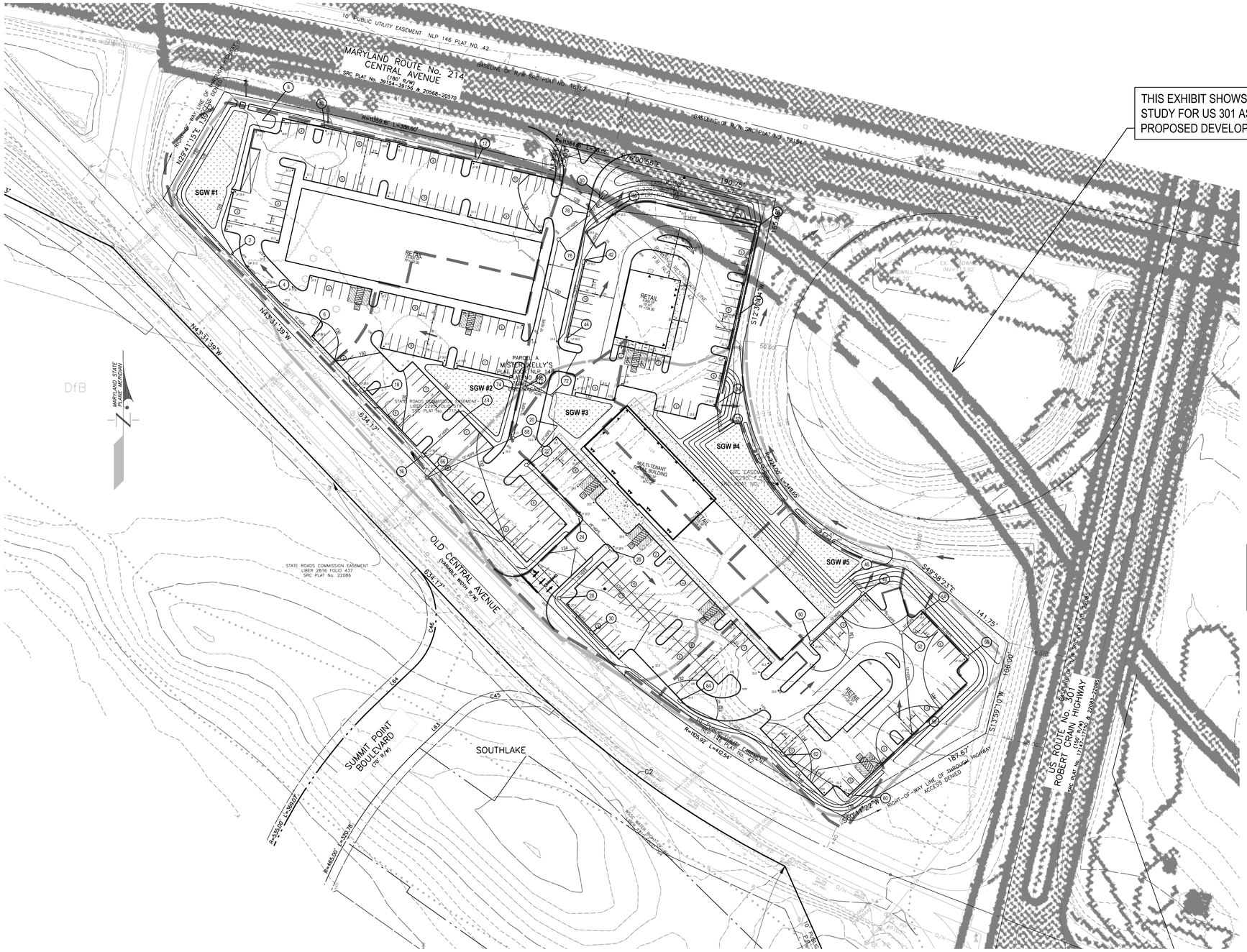
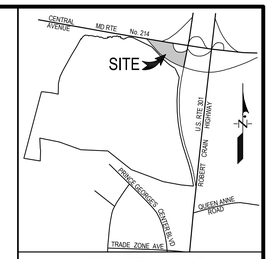


THIS EXHIBIT SHOWS THE 1999 SHA ACCESS CONTROL STUDY FOR US 301 AS AN OVERLAY ON THE CURRENTLY PROPOSED DEVELOPMENT FOR PARCEL 'A'



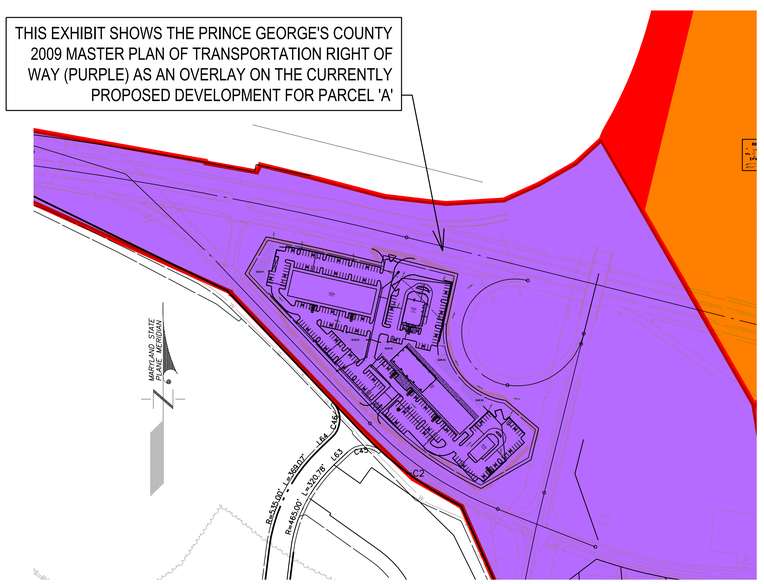
VICINITY MAP

SCALE: 1" = 2000'
ADC MAP BOOK: 21 1-3, D-G
WSSC 200' SHEET: 201 NE 13&14, 201 SE 13&14

LEGEND

PROPERTY BOUNDARY	
PROPOSED CONTOUR	78
EXISTING 10 FT. CONTOUR	180
EXISTING 2 FT. CONTOUR	178
EXISTING SEWER	S
EXISTING WATER	W
EXISTING CURB & GUTTER	
PROPOSED CURB & GUTTER	
EXISTING STORM DRAIN	
PROPOSED PRIVATE STORM DRAIN	18" RCP
SOIL BOUNDARIES	
SOIL TYPE	GeE/RuB
PROPOSED FENCE	X
PROPOSED EASEMENT	
PROPOSED FLOODPLAIN	FPP
EXISTING FLOODPLAIN	FP
MARLBORO CLAY OUTCROPS	
STUDY POINT	Study Point C
PROPOSED FIELD LIGHT POLE	
PROPOSED PARKING LOT LIGHT POLE	
MAX. PONDING ELEVATION	STR # 22 MAX. PONDING EL. = 117.3
PROPOSED DRAINAGE DIVIDE	
OVERFLOW PATH	

THIS EXHIBIT SHOWS THE PRINCE GEORGE'S COUNTY 2009 MASTER PLAN OF TRANSPORTATION RIGHT OF WAY (PURPLE) AS AN OVERLAY ON THE CURRENTLY PROPOSED DEVELOPMENT FOR PARCEL 'A'



MASTER PLAN RIGHT OF WAY PLAN
SCALE: 1"=200'

Final Plan BMP SUMMARY TABLE

Revision Date: March 23, 2020

Project Name: Mister Kelly's | **Concept No.:** | **Permit No.:** | **Total Site Acreage: 7.93 acres**

POI	LABEL	NAME	MD NORTH	MD EAST	LAND USE	CONSTRUCTION PURPOSE	DRAINAGE AREA (AC)	TOTAL IMPERVIOUS AREA (AC)	NEW IMPERVIOUS AREA (AC)	EXISTING IMPERVIOUS AREA (AC)	PERCENT IMPERVIOUS	Rv	TARGET P_E (IN)	TARGET VOL (FT^3)	DESIGN VOL (FT^3) USING ESD PRACTICES	DESIGN VOLUME (CF) USING STRUCTURAL PRACTICES	MAX ESD VOL (ESD max) (CF)	RCN	ON_OFF_SITE
Submerged Gravel Wetland #1	SGW 1	Submerged Gravel Wetlands	448991	1390648	Commercial	NEWD	1.65	1.15	1.15	0.00	69.7%	0.677	2.0	8113	10946	0	15363		On Site
Submerged Gravel Wetland #2	SGW 2	Submerged Gravel Wetlands	448748	1390943	Commercial	NEWD	1.20	0.96	0.96	0.00	80.0%	0.770	2.0	6708	9750	0	11173		On Site
Submerged Gravel Wetland #3	SGW 3	Submerged Gravel Wetlands	448729	1391056	Commercial	NEWD	1.26	0.85	0.85	0.00	67.5%	0.657	2.0	6011	8280	0	11732		On Site
Submerged Gravel Wetland #4	SGW 4	Submerged Gravel Wetlands	448663	1391250	Commercial	NEWD	1.56	1.14	1.14	0.00	73.1%	0.708	2.0	8015	6552	0	14525		On Site
Submerged Gravel Wetland #5	SGW 5	Submerged Gravel Wetlands	448565	1391337	Commercial	NEWD	1.43	0.97	0.97	0.00	67.8%	0.660	2.0	6857	4956	0	13315		On Site
TOTAL							7.10	5.07	5.07	0.00	71.4%			35705	40484	0	66108		

CALL MISS UTILITY
1-800-257-7777
48 hrs Before Excavation

Prince George's County Maryland
Department of Permitting, Inspections & Enforcement
APPROVED PLAN SET

The Department of Permitting, Inspections and Enforcement has completed a review of this document for code compliance. As required by State Code, the design professional(s) responsible for the preparation and content of this document must provide a record copy of these documents with their original seal, signature and date.

Case Name: South Lake (Formerly Known As Collington Center North-Karington) (Fps#900028)
Case Number (Plan Approval #):
Case Type: SWM
Issuance Date: 6/16/2020
Address:
Lot(s) and Block(s): Lot and Block not found

APPROVED BY:
Rey De Guzman

Reviewed by AH

DPIE
DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT

MASTER PLAN RIGHT OF WAY EXHIBIT FOR
SITE DEVELOPMENT CONCEPT PLAN
PARCEL 'A'

COLLINGTON CENTER NORTH

QUEEN ANNE DISTRICT No. 7
PRINCE GEORGE'S COUNTY, MARYLAND

GRAPHIC SCALE 1"=50'
0 50' 100' 150'

70

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
MORGAN M. WALIBITA, PE
LICENSE NO. 34788
EXPIRATION DATE: 06/02/21

STATE OF MARYLAND — MORGAN M. WALIBITA — No. 34788

Digitally signed by Morgan M. Walibita, P.E.
Date: 2020.06.02 16:51:24 -04'00'

11721 WOODMORE ROAD, SUITE 200
MITCHELLVILLE, MARYLAND 20721
BEN DYER ASSOCIATES, INC.
Engineers / Surveyors / Planners
TELEPHONE (301) 430-2000

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DRAWN BY	DESIGNED BY	CHECKED BY	RECORD NO.
NW	TD	MMW	J-B01051

SCALE: 1"=50'
DATE: MAY 2020
DRAWG. NO.

DATE	DESCRIPTION	BY
	REVISIONS	

L:\C3D-PROJ\B01051-C3D\Mr._Kellys\DWG\Exhibits-Feasibilities\EXH-Master Plan RW.dwg, 2/24/2021 9:40:36 AM, garchr

LAW OFFICES
SHIPLEY & HORNE, P.A.

1101 Mercantile Lane, Suite 240
Largo, Maryland 20774
Telephone: (301) 925-1800
Facsimile: (301) 925-1803
www.shpa.com

Russell W. Shipley
Arthur J. Horne, Jr.*
Dennis Whitley, III*
Robert J. Antonetti, Jr.

Bradley S. Farrar
L. Paul Jackson, II*

* Also admitted in the District of Columbia

March 11, 2021

The Hon. Maurene Epps McNeil
Zoning Hearing Examiner
County Administrative Building
14741 Governor Oden Bowie Drive
Upper Marlboro MD 20772

RE: **Applicant – Winfield M. Kelly, Jr.**
Authorization to Build in Proposed Right-of-Way
7+ Acres Zoned C-M – State Road 301 and 214, Bowie, Maryland
Hearing Date March 3, 2021

Dear Madame Examiner:

As you know, the subject application is to obtain a building permit for a single building located on the southwest portion of the above parcel. The application was filed pursuant to the provisions of Sec. 27-259 of the Prince George's County Zoning Ordinance because the Maryland-National Capital Park & Planning Commission staff recommended denial of the permit because, according to the Prince George's County GIS System (PGAtlas), the subject property (all 7 acres) was shown as a proposed future interchange between Routes 301 and 214.

I believe the testimony provided at the hearing of March 3, 2021, demonstrated that the Prince George's County GIS System (PGAtlas) designation was overbroad and that the entire proposed 60,000 square feet of commercial development is in substantial conformance with the building restriction lines and other restrictions shown on the underlying record plat (Ex. 9).

I realize that (assuming you find that we proved our case), you can only rule on the application for the one building permit that was requested and denied by Park & Planning. However, if you agree with our testimony as demonstrated by the exhibits in the record, and particularly with regard to Mr. Michael Lenhart's Transportation Report (Ex. 24), that only a small portion on the northeastern corner of the property is impacted by the future plans shown on the State Highway Administration's US 301 Access Control Study (Ex. 8), and so find it would give the Applicant an opportunity to meet with the staff in the hope of obtaining their concurrence to support future permits.

N:\Kelly_Winfield\Transmittals\mcneil.ltr.dot

The site plan proposed by Ben Dyer Associates (Ex. 25) ultimately provides for a 60,000 square foot commercial center, if possible, the Applicant would like to avoid going through this process as each permit is sought.

Thank you for your consideration of the request.

Very truly yours,

Russell W. Shipley

RWS:mkt

cc: Stan D. Brown, Esq.
Mr. John J. Ferrante
Mr. Paul Woodburn
Mr. Michael Lenhart