

Moses, Leonard D.

From: unique41@verizon.net
Sent: Saturday, February 20, 2021 1:47 PM
To: Clerk of the Council
Cc: Norman Rivera; ZHE; Brown Stan Esq.; 'Terry C. Fisher'; 'Diane Ferrell'; 'WILLIE GRAVES'; laraybenton@gmail.com; Bah, Fatima J.; Moses, Leonard D.; Walker-Bey, James T.; Chuck Renninger; Donna J. Dean (Treasurer@thelafi.org); Kumar, Rajesh A.
Subject: Appeal Ltr to the County Clerk
Attachments: Ltr to Clerk of the Council 2-20 A.pdf
Importance: High

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.

Ms. Donna J. Brown, Acting Clerk of the County Council:

Attached is a corrected copy of the email sent on February 19th.

Samuel H. Dean
Vice-President, Lake Arbor Civic Association



CIVIC ASSOCIATION
12138 Central Avenue, Suite 305
Mitchellville, Maryland 20721-1932

February 19, 2021

Via email to: clerkofthecouncil@co.pg.md.us

Ms. Donna J. Brown, Acting Clerk of the Council
Prince George's County Council
14741 Governor Oden Bowie Drive, Room 2198
Upper Marlboro, MD 20772

RE: Exceptions to Zoning Hearing Examiner Decision and Request for a Hearing for
Amendment of Conditions of Zoning Map Amendment A-10020-C

Dear Ms. Brown:

As a party of record and the Vice-President of the Lake Arbor Civic Association, we take exception to and disagree with the decision made by the Zoning Hearing Examiner in the above sited case on February 9, 2021. The Examiner states there is good cause (substantial reason) for the District Council to amend the transportation conditions, as requested by the applicant. Therefore, In the Examiners' decision for Condition 5. b. I-310/Grand Way Boulevard: Construct the entire roadway between MD 202 and Ruby Lockhart Boulevard within the dedicated right-of-way to County standards. This means the road can be built not as a ramp, but at grade accessing Landover Road (MD 202) which goes counter to all previous decisions. The question that the community is wrestling with is good cause for whom, not the community.

We do not agree with the Examiner's decision that there is good cause that condition 3 showing I-310 as a ramp/roadway linking Ruby Lockhart Boulevard and MD 202 in the District Council's Case No. DSP-18024 Woodmore Overlook Commercial LLC decided on May 30, 2019 should be amended by the Examiner's condition 5b showing I-310/Grand Way Boulevard not as a ramp but at grade accessing Landover Road (MD 202). The District Council's decision for DSP-18024 further clarified that in March of 2012 the preliminary plan of subdivision 4-10022, PGCPB No. 12-13, PPS 4-10022 required I-310, also known as the Grand Way Boulevard, to be a ramp connecting a grade elevated crossover of MD-202 from McCormick Drive to St. Joseph's Drive. The 2009 Approved Countywide Master Plan of Transportation includes (the) I-310 road and ramp. The 1990 Largo-Lottsford Master Plan and Sectional Map Amendment also depict the ramp and the flyover of MD-202. Pursuant to PPS 4-10022, to satisfy



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Adequate Public Facilities (APF) test for traffic, development of the property was divided into Phase 1 (Residential) and Phase II (Commercial). Part of mitigation to satisfy APF was dedication and construction of the "ramp" to the overpass. PPS 4-10022 required the ramp to connect to MD-202 when the flyover was constructed. 1-310 is intended to be a ramp and not a road because the connection to MD-202 is not to be made until the flyover is built over MD-202 from McCormick Drive to St. Joseph's Drive.

Further evidence is that prior to the May 30, 2019 District Council decision for DSP-18024 requiring I-310 to be a ramp there were other zoning decisions prohibiting roads from accessing Landover Road (MD 202) from the Woodmore Overlook project and/or requiring a ramp over Landover Road (MD 202). Some of those decisions follows:

Zoning Map amendment A-9604 approved by the Planning Board on October 1, 1987 and subsequently approved by the District Council on April 11, 1988 with 11 conditions. Condition 5, states in part "... direct access SHALL be prohibited from Landover Road. However, this does not preclude a flyover ramp from Landover Road onto the property." The staff further clarifies: "...This CSP does not propose any new access."

Case No. A-9956-C that was approved by the District Council on October 1, 2002 with 14 conditions. "Condition 3...A concept for future ramps to and from the west via Ruby Lockhart Boulevard between MD 202 and St. Joseph Drive." Further, Zoning Ordinance No. 2-2018, Case No.: A-9956-C (Amendment of Conditions), Applicant: The Revenue Authority of Prince George's County, "Condition 3. Future submitted plans shall demonstrate provision of adequate right-a-way for the following facilities: c. A concept for future ramps to and from the west via Ruby Lockhart Boulevard between MD 202 and St. Joseph Drive." Woodmore Commons and Woodmore Overlook Commercial share the same site.

Zoning Map Amendment A 10020 was heard before the ZHE on January 27, 2010. The applicant's proposal No. (7) states in part: "... The applicant proposes to develop the property as a mixed-use residential/commercial development in two (2) phases. Phase 1...residential...While phase 2 would contain a mix of retail and office space. "Access to the site is proposed via Ruby Lockhart Boulevard with No Access from Landover Road (MD 202)"

PGCPB No. 14-76, File No. DSP-98001-02, Woodstream Church was approved July 31, 2014. Condition 5, page 10 states in part: "...development shall be oriented inward with access from internal streets...Furthermore, direct access shall be prohibited from Landover Road. However, this shall not preclude a flyover ramp from Landover Road

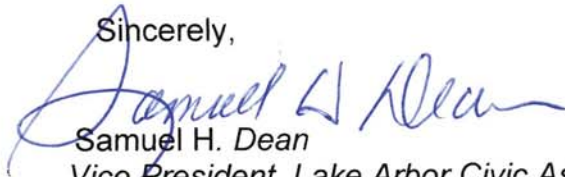


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onto the property." Further Condition 15L on page 22, the Maryland State Highway Administration (SHA) stated in part: "...concurs with the roadway improvements being proposed at the state-maintained Landover Road (MD202) ..."

We believe that we have presented substantial evidence to deny the Zoning Examiner's decision for the Woodmore Overlook Commercial case. To reiterate, decisions going back to 1988 required Woodmore Overlook to construct a ramp and it could not access Landover Road (MD 202). We see the County reverting back to the pre 2006 years where developers were king, and citizens got the short end of the deal. This applicant has been searching for the right answer for the Woodmore Overlook Commercial site since 2018.

Sincerely,



Samuel H. Dean
Vice President, Lake Arbor Civic Association
Party of Record

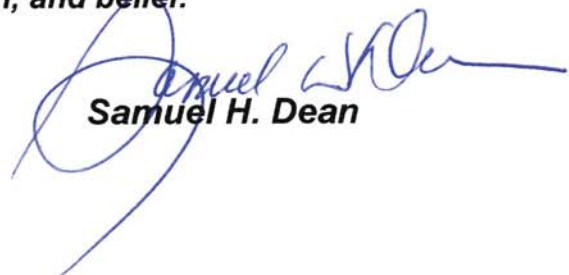
cc:

- Mr. Norman D. Rivera, Esq**
- Ms. Maurene McNeil, Esq**
- Mr. Stan Brown, Esq**
- Mr. Jeffrey Harding, Esq**
- Ms. Thelma Murray-Fisher**
- Ms. Diane Ferrell**
- Mr. Willie Graves**
- Mr. LaRay Benton**

Certificate of Service:

This is to certify that notice with regard to my appeal of Case: A-10020-A, decided on February 9, 2021, was emailed on February 19, 2021 and mailed by first class on February 20, 2021 to Ms. Donna J. Brown, Acting Clerk of the Council.

I solemnly affirm under penalties of perjury that the contents of my appeal are true to the best of my knowledge, information, and belief.



Samuel H. Dean