

Case No.: DSP-18024  
Woodmore Overlook, Commercial

Applicant: Woodmore Overlook Commercial, LLC

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

FINAL DECISION — APPROVAL OF DETAILED SITE PLAN

Pursuant to Section 25-210 of the Land Use Article, Md. Ann. Code, Section 27-290 of the Prince George's County Code, the District Council issues the final decision in Detailed Site Plan Application Number 18024 ("DSP-18024"). The District Council adopts, except as otherwise stated herein, the findings and conclusions set forth by Planning Board in Resolution No. 19-72 ("PGCPB No. 19-72").

PROCEDURAL AND FACTUAL BACKGROUND

On May 30, 2019, Planning Board held an evidentiary hearing to consider DSP-18024. Subsequently, on June 13, 2019, the Board approved DSP-18024. The Board also approved companion cases Type 2 Tree Conservation Plan (TCP2-037-2017-03) and Alternative Compliance (AC-19003). PGCPB No. 19-72, pp. 1, 28.

The Board's resolution and record approving DSP-18024 were transmitted to Council and all persons of record on June 18, 2019.

On June 19, 2019, the applicant filed an appeal of the Board's approval. The applicant's sole request is to delete Condition 1.g. of the approval. Applicant's Appeal, 7/19/2019.

On July 9, 2019, Lake Arbor Civic Association, a person of record, also filed an appeal of the Board's approval. Lake Arbor's Appeal, 7/9/2019. LaRay J. Benton, a person of record, also filed an appeal on July 15, 2019. Benton's Appeal, 7/15/2019.

Oral arguments were held before the Council on Monday, September 9, 2019. When the hearing concluded, People’s Zoning Counsel provided an analysis of the legal issues for Council’s consideration. Council convened on Tuesday, September 10, 2019, and a motion carried to refer this case to staff for the preparation of an order of approval with conditions. Council convened on September 17, 2019, wherein a motion carried to conditionally approve DSP-18024 and companion cases. Zoning Agenda, 9/17/2019.

FINDINGS AND CONCLUSIONS

Appeal — LaRay J. Benton

Mr. Benton alleges that the application and subsequent approval by the Board are the subject of 1) evidence of fraud by misrepresentation, 2) evidence by bank fraud and breach of contract, 3) evidence of fraud by conversion, and 4) failure to properly register property as a security. In support of these allegations, Mr. Benton states, among other things, that 1) he has a pending action for judicial review in the Circuit Court challenging the Board’s Preliminary Plan of Subdivision approval for the subject property (CAL19-14488),<sup>1</sup> 2) he intends to file certain disciplinary actions for alleged conflicts of interest claims, 3) he has a pending federal lawsuit against Woodmore Development for non-disclosure, non-compete, and non-circumvent agreements (PX-17-2588), 4) he has pending police reports for criminal or civil conversion of property used to obtain approval of this application, and 5) he would like an evidentiary hearing to prove these allegations and others such as federal bank, loan, and appraisal fraud. Benton’s Appeal, 7/15/2019.

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<sup>1</sup> Council may take judicial notice of any evidence contained in the record of any earlier phase of the approval process relating to all or a portion of the same property, including the approval of a preliminary plat of subdivision. *County Council of Prince George’s County v. Dutcher*, 365 Md. 399, 780 A.2d 1137 (2001), PGCC § 27-141.

Mr. Benton indicates that he has pending or potential litigation to obtain a judicial remedy or remedies regarding these allegations. Benton’s Appeal, 7/15/2019. The District Council sits as an administrative agency when reviewing a zoning matter. *County Council v. Brandywine Enterprise*, 350 Md. 339, 711 A.2d 1346 (1998). After careful consideration of Mr. Benton’s allegations, Council finds that, as an administrative agency, it has no jurisdiction to resolve state or federal allegations concerning 1) evidence of fraud by misrepresentation, 2) evidence by bank fraud and breach of contract, 3) evidence of fraud by conversion, and 4) failure to properly register property as a security.

In the alternative, if Council had jurisdiction to review Mr. Benton’s allegations, the allegations have no bearing on the criteria, or required findings, to approve DSP-18024 and companion cases. Moreover, Mr. Benton advanced no argument or evidence that the Board’s approval of DSP-18024 will not represent a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. PGCC § 27-285(b)(1), PGCPB No. 19-72, p. 27. Therefore, with respect to Mr. Benton’s appeal, the Board’s approvals, of DSP-18024 and companion cases, were not arbitrary, capricious, or otherwise illegal.<sup>2</sup> PGCPB No. 19-72, Technical Staff Report, 5/15/19.

Appeal — Lake Arbor Civic Association

Lake Arbor contends that the Grand Way Boulevard access to Landover Road should be disapproved because 1) Grand Way Boulevard has not been identified in the County’s

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<sup>2</sup> Mr. Benton’s request for an evidentiary hearing is denied as moot because he was already afforded an evidentiary hearing before Planning Board and Council’s review and final decision are limited to the evidence presented at the Planning Board. (5/30/2019, Tr.), PGCPB No. 19-72, p. 1, PGCC §§ 27-141, 27-290. Mr. Benton’s request to stay this matter pending judicial review in CAL19-14488, of the Board’s decision in Preliminary Plan of Subdivision 4-18007, is also denied because Council’s had no jurisdiction to review the Board’s decision in PPS-4-18007.

Transportation Master Plan, and 2) Grand Way Boulevard access to Route 202 has not been identified in the County's Transportation Master Plan as are I-310, Ruby Lockhart Boulevard, Saint Joseph Drive and Lottsford Road. Lake Arbor also contends that the applicant failed to provide notice to ensure community involvement in the zoning process. Lake Arbor further contends that Staff revised Condition 10 of the underlying rezoning. Lake Arbor Appeal, 7/9/2019.

The issue of notice is moot because Lake Arbor attended and participated in proceedings before the Board and District Council. (5/30/2019, Tr.), (9/9/2019, Tr.), *Largo Civic Assoc. v. Prince George's County*, 21 Md. App. 76, 86, 318 A.2d 834 (1974) (parties' appearance at and participation in zoning classification hearing constituted actual notice where parties alleged posted signs failed to inform public of proposed zoning classification); *McLay v. Maryland Assemblies, Inc.*, 269 Md. 465, 477, 306 A.2d 524 (1973) (no showing of prejudice regarding statutory notice requirements where parties appeared at and participated in zoning board hearing).

Condition 10 of the underlying rezoning was not revised. Pursuant to Zoning Ordinance No. 6-2010, Condition 10 provides:

There shall be no direct driveway access between the subject property and Landover Road (MD 202). Zoning Ordinance No. 6-2010, p. 4.

When the Board and Staff reviewed the application for conformance, both stated, in *response* to the application's conformance with Condition 10, that

There is no direct driveway access between the subject application and MD 202. Access to the site and the proposed parcels are from Grand Way Boulevard." PGCPB No. 19-72, p. 15, Staff Report, p. 16.

Therefore, neither the Board or Staff revised Condition 10. For reasons stated below, Council also finds that Lake Arbor's appeal of the Board's finding(s) with respect to Grand Way Boulevard is without merit because Grand Way Boulevard *has* been identified in the County's Transportation Master Plan.

Appeal — Woodmore Overlook Commercial, LLC

The applicant requests that Council delete Condition 1.g., of the Board’s approval, which states:

Revise the site plan to show a bicycle and pedestrian access between Parcels 1 and 3 as constructed to the western property line with no retaining wall at the end, *if determined to be feasible in conjunction with adjacent property owner*. PGCPB No. 19-72, p. 28 (Emphasis added).

The applicant avers that it is not feasible to construct a bicycle and pedestrian connection between the subject property and the adjacent property. The applicant also avers that the adjacent property owner concurs that such a connection will not be feasible for the same reasons advanced by the applicant. The Board carefully worded Condition 1.g. where it may not be necessary to delete the condition because a revised site plan is *not* necessary *if* the property owners determined the connection was not feasible. Since the record supports that both property owners have *already* made the determination that the connection is not feasible, Council will grant applicant’s request and delete Condition 1. g. from the Board’s approval. Applicant’s Appeal, 7/20/2019, (5/30/2019, Tr.), (9/9/2019, Tr.).

Prior Approvals

In 2010, the District Council approved Zoning Map Amendment 10020-C<sup>3</sup>, which conditionally rezoned 9700 Ruby Lockhart Boulevard and 9800 Old Landover Road (±46.2 acres of land) from the I-3 Zone (Planned Industrial/Employment Park) to the M-X-T Zone (Mixed Use - Transportation Oriented). Zoning Ordinance No. 6-2010. Rezoning was subject to the following conditions:

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<sup>3</sup> When a property is conditionally rezoned by the District Council, those conditions shall become a permanent part of the Zoning Map Amendment and shall be binding for as long as the zone remains in effect on the property (unless amended by the Council). Zoning Map Amendments (ZMA or A-) which are approved subject to conditions shall be shown on the Zoning Map with the letter “C” after the application number. PGCC § 27-157(b) (Emphasis added).

1. The applicant shall observe these recommendations during the preparation and review of the Conceptual Site Plan (CSP):
  - a. The site plan shall provide adequate open space at the perimeter, as determined by the Urban Design Section, to serve as a buffer between the project and adjacent lower-density residential development and the church.
  - b. Wherever possible, living areas shall be linked to community facilities, transportation facilities, employment areas, and other living areas by a continuous system of pedestrian walkways and bike trails utilizing the open space network.
  - c. Buffering in the form of landscaping, open space, berming, attractive fencing, and/or other creative site planning techniques should be utilized to protect existing residential areas, particularly those interfaces with the multifamily buildings in Phase 1 and that adjoining the church in Phase 2.
2. All future submissions for development activities on the subject property shall contain the following:
  - a. A signed Natural Resources Inventory (NRI).
  - b. A Tree Conservation Plan that covers the entire subject property.
3. At the time of CSP review, the Applicant and staff of the Department of Parks and Recreation shall develop a mutually acceptable package of parkland, outdoor recreational facilities, fees, or donations to meet the future needs of the residents of the planned retirement community.
4. The Conceptual Site Plan shall show right-of-way along I-308 (Ruby Lockhart Boulevard) and I-310 (the ramp/roadway linking Ruby Lockhart Boulevard and MD 202) consistent with Master Plan recommendations. This right-of-way shall be shown for dedication at the time of Preliminary Plan of Subdivision.
- 5.a. Total development within the subject property shall be limited to uses which generate no more than 514 AM and 963 PM peak-hour vehicle trips. Any development generating a greater impact shall require an amendment of conditions with a new determination of the adequacy of transportation facilities.

- 5.b. The applicant shall make these improvements:
- (1) MD 202 at Saint Joseph Drive – Provide a third southbound left-turn lane along the southbound MD 202 approach.
  - (2) MD 202 at Lottsford Road – (i) Convert the existing eastbound right-turn lane to a shared through/right-turn lane; (ii) Convert the westbound shared through/left turn lane to left-turn only (maintaining two (2) through lanes and two (2) left-turn lanes; (iii) Change the existing split-signal phasing to concurrent phasing on the Lottsford Road approaches; and (iv) Modify the median and signals accordingly, as required by the operating agency.
  - (3) Lottsford Road at Campus Way North -- Provide a second southbound left-turn-lane along Campus Way.
6. All required transportation facility improvements shall be determined at the time of subdivision approval.
  7. Prior to the issuance of any commercial building permits within the subject property under Phase II, all required road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency’s access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency.
  8. Prior to the approval of the initial Detailed Site Plan, the Applicant shall submit an acceptable traffic signal warrant study to the Department of Public Works and Transportation (DPW&T) for signalization at the intersection of Lottsford Road and Ruby Lockhart Boulevard/Palmetto Drive. The Applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T, and examine alternatives to signalization for reducing delays from the minor street approaches. If signalization or other traffic control improvements are deemed warranted at that time, the Applicant shall bond the improvements with DPW&T prior to the release of any building permits within the subject property, and complete installation at a time when directed by DPW&T. Such installation shall also include the restriping and/or minor widening of the northbound Palmetto Drive approach to provide two approach lanes to the intersection.
  9. Prior to the approval of the initial commercial Detailed Site Plan under Phase II, the Applicant shall submit an acceptable traffic signal warrant study to the Department of Public Works and Transportation (DPW&T) for signalization at the intersection of Ruby Lockhart Drive and the commercial access. The Applicant should utilize a new 12-hour count, and should

analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T, and examine alternatives to signalization for reducing delays from the minor street approaches. If signalization or other traffic control improvements are deemed warranted at that time, the Applicant shall bond the improvements with DPW&T prior to the release of any commercial building permits under Phase II, and complete installation at a time when directed by DPW&T.

10. There shall be no direct driveway access between the subject property and Landover Road (MD 202).
11. The Applicant shall provide eight-foot wide sidewalks and designated bike lanes along both sides of the subject site's portion of Ruby Lockhart Boulevard (consistent with approvals for the Woodmore Town Center), unless modified by DPW&T.

Zoning Ordinance No. 6-2010.

In January 2012, the Board approved CSP-10004 and made the following findings with respect to Conditions 4, 5.b., 6 and 7 of the underlying rezoning:

Condition 4:

Facilities for the I-308 and the I-310 are shown on the conceptual site plan consistently with master plan recommendations. PGCPB No. 11-116, pp. 15-16.

Condition 5.b:

This condition requires physical improvements at three locations within the study area. This condition is enforceable at the time of the first commercial building permit. PGCPB No. 11-116, p. 16.

Condition 6:

The above condition affirms that the needed transportation improvements shall be determined at the time of subdivision approval. This condition allows some degree of revision of Conditions 5.b., 8, and 9 as a part of the adequacy finding. At this time, this condition is not yet applicable, and will be enforced at the next stage of review. PGCPB No. 11-116, p. 16.

Condition 7:

This condition sets bonding and permitting requirements for needed roadway improvements. This condition is not yet applicable, and will be enforced in the future. PGCPB No. 11-116, p. 16.

Subsequently in March 2012, Council approved CSP-10004 subject to 5 more conditions.

Relevant for this approval is Condition 8, which stated "This CSP is subject to the requirements



of Zoning Map amendment A-10020-C.” District Council’s Order Approving CSP-10004, 3/26/2012 (Emphasis added).

In March 2012, the Board also approved Preliminary Plan of Subdivision 4-10022. PGCPB No. 12-13. PPS-10022 required I-310, also known as 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 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 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. I-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. PGCPB No. 12-13, pp. 29-33, 2009 Approved MP Transportation, pp. 12, 13, 58, 1990 MP & SMA Maps.

In March 2019, the Board approved Preliminary Plan of Subdivision 4-18007. PGCPB No. 19-32. PPS 4-18007 indicates the ramp and the flyover are required to be funded and/or constructed when the I-310 road is built *and before any* commercial permits are issued. PGCPB No. 19-32, pp. 2-11, 13-20. With respect to Conditions 4, 5.b., 6 and 7 of the underlying rezoning, the Board made findings as follows:

Condition 4:

This condition requires that the right-of-way for the I-308 and the I-310 facilities be shown on the CSP and shall be shown for dedication on the PPS. Both facilities are adequately shown on the submitted plan. PGCPB No. 19-32, p. 7.

Condition 5.b:

This condition requires physical improvements at three locations within the study area. This condition is enforceable at the time of the first commercial building permit. It is noted that the conditioned improvements at MD 202 and Saint Josephs Drive have been constructed by others and that the conditioned improvements at MD 202 and Lottsford Road are to be amended pursuant to Section 27-213(a)(3)(B) of the Prince George's County Zoning Ordinance. PGCPB No. 19-32, p. 8.

Condition 6:

This condition affirms that the needed transportation improvements shall be determined at the time of subdivision approval, and that is done herein. PGCPB No. 19-32, p. 8.

Condition 7:

The instant application is Phase II of the development approved with A-10020-C. This condition sets bonding and permitting requirements for needed roadway improvements. This condition is not yet applicable and will be enforced in the future. PGCPB No. 19-32, p. 8.

Despite prior approvals and findings by the Board, DSP-18024 was not reviewed and approved pursuant to certain rezoning conditions imposed by Council in 2010. The Board and Staff did not review DSP-18024 for conformance or compliance with rezoning Conditions 4, 5.b., or 6. Zoning Ordinance No. 6-2010, p. 3. PGCPB No. 19-72, pp. 13-15, Technical Staff Report, 5/15/19, p. 15. Council has never amended or deleted Conditions 4, 5.b., or 6 of the underlying rezoning—nor has any applicant ever filed an appropriate request to amend said conditions. *Rochow v. Md. Nat'l Capital Park & Planning Comm'n*, 151 Md. App. 558, 827 A2d 927 (2003) (Pursuant to PGCC § 27-213(c)(4) “Conditions imposed by the District Council...shall be binding for as long as the Mixed-Use Zone remains in effect on the property (unless amended by the Council.”).

Permits — Rights-of-Way

Among other things, permits within proposed rights-of-way are authorized subject to the following:

With the exception of an arena (stadium) proposed to be constructed on land leased or purchased from a public agency, no building or sign permit (except as provided in Part 12 of this Subtitle) may generally be issued for any structure on land located within the right-of-way or acquisition lines of a proposed street, rapid transit route, or rapid transit facility, or proposed relocation or widening of an existing street, rapid transit route, or rapid transit facility, as shown on a Master Plan; however, the Council may authorize the issuance of the building or sign permit in accordance with this Section. For the purposes of this Section, “Master Plan” means the General Plan, the Functional Master Plan of Transportation, or any Adopted and Approved Area Master Plan or, if not yet approved, any such Master Plan adopted by the Planning Board, unless the Plan has been rejected by the Council. PGCC § 27-259(a)(1) (Emphasis added).

To the extent DSP-18024 proposes to relocate the I-310 road from north to south on its property, the Master Plan of Transportation and the Largo-Lottsford Master Plan show the I-310 right-of-way ramp alignment across the commercial parcel/lot where the applicant proposes to construct a gas station and food and beverage store. PGCPB No. 19-72, 2009 Approved MP Transportation, pp. 12, 13, 58, 1990 MP & SMA Maps. Council may authorize the issuance of a building permit to construct within proposed rights-of way, but no written request has been made by this applicant. PGCC § 27-259(b)(1).

Based on Council’s findings and conclusions, pursuant to PGCC § 27-290, the Board’s approval of DSP-18024 and companion cases, to construct a 4,649-square-foot food and beverage store with a gas station on Parcel 3, a 164-unit multifamily building on Parcel 6, and infrastructure for future commercial development on Parcels 1, 2, 4 and 5, located on the south side of Ruby Lockhart Boulevard, in the northwest quadrant of the intersection of Lottsford Road and MD 202 (Landover Road), in Planning Area 73, in Councilmanic District 5, is modified subject to the following conditions:

1. Prior to certification, the applicant shall revise the detailed site plan (DSP), as follows or provide the specified documentation:
  - a. Revise the acreage provided in the tree canopy coverage schedule to reflect the acreage approved with the preliminary plan of subdivision.
  - b. Provide a schedule of bicycle parking and bicycle rack details.
  - c. Provide details and specifications for the proposed lighting on Parcels 3 and 6, and clearly show the height of the proposed light poles in the parking area.
  - d. Provide a signage schedule and the details and specifications of the individual building mounted signs on Parcel 3 showing the dimension, type, and method of illumination of each sign.
  - e. Provide a list and cost estimate of the proposed private recreational facilities on the DSP and revise the recreational facilities spreadsheet in accordance with the values and multiplier provided in the *Park and Recreation Facilities Guidelines*.
  - f. Revise the floor area ratio note to remove the commercial square footage on Parcels 1, 2, 4, and 5.
  - g. ~~[DELETED] Revise the site plan to show a bicycle and pedestrian access between Parcels 1 and 3 as constructed to the western property line with no retaining wall at the end, if determined to be feasible in conjunction with adjacent property owner.~~
  - h. Revise the General Note 8 to reflect the 4,649 square feet of nonresidential development proposed with this detailed site plan.
  - i. Clearly label all property lines and bearings and distances.
  - j. Revise Parcel 2 to be consistent with the approved preliminary plan of subdivision, ensuring it is sized adequately to support access and development.
  - k. Provide an 8-foot-wide shared use path along the subject site's entire frontage of MD 202 (Landover Road), unless modified by the Maryland State Highway Administration.
  - l. Provide a 5-foot sidewalk and designated bike lanes along the subject site's entire frontage of Ruby Lockhart Boulevard, unless modified by Prince George's County Department of Permitting, Inspections and Enforcement/Prince George's County Department of Public Works and

Transportation.

- m. Provide a minimum of 3 bicycle spaces at the gas station with the food and beverage store and a minimum of 15 bicycle parking spaces at the multifamily residential building.
  - n. Provide an additional sidewalk connection on Parcel 6 along the east side of Grand Way Boulevard in the vicinity of the garage parking.
  - o. Provide the method of erecting the various building signs, pursuant to Section 27-596(c)(4) of the Zoning Ordinance.
  - p. Relocate the loading space on Parcel 6 to a more appropriate location that does not obstruct traffic, to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
  - q. Provide floorplans of the multifamily building demonstrating the areas/square footage of proposed bike storage and internal recreational facilities, with a list of any equipment.
  - r. The TCP2 plans shall be in conformance with all technical requirements found in Subtitle 25 and the Environmental Technical Manual.
  - s. Revise the note on the Section 4.6 schedule to be consistent with the alternative compliance note on the Section 4.2 schedule.
  - t. Revise the Section 4.6 schedule to identify the minimum width of the provided bufferyard, as reflected in this alternative compliance.
  - u. Revise the landscape plan to correctly label the Section 4.6 bufferyard.
2. Prior to issuance of the final certificate of occupancy for the multifamily building, recreational facilities and amenities, as required by the Recreational Facilities Agreement, shall be completed and verified by the Maryland-National Capital Park and Planning Commission.
  3. Applicant shall revise the site plan to show right-of-way along I-308 (Ruby Lockhart Boulevard) and I-310 (the ramp/roadway linking Ruby Lockhart Boulevard and MD 202) consistent with Master Plan recommendations. This right-of-way shall be shown for dedication at the time of Preliminary Plan of Subdivision. Zoning Ordinance No. 6-2010, Condition 4.

4. Prior to certification of the revised detailed site plan, applicant shall make these improvements:
  1. MD 202 at Saint Joseph Drive – Provide a third southbound left-turn land along the southbound MD 202 approach. Zoning Ordinance No. 6-2010, Condition 5.b.  
\*  
Pursuant to PPS 4-18007 (PGCPB No. 19-32), improvements at MD 202 and Saint Joseph Drive have been constructed by others and said improvements are to be amended pursuant to PGCC § 27-213(a)(3)(B). PGCPB No. 19-32, p. 8.  
\*
  2. MD 202 at Lottsford Road – (i) Convert the existing eastbound right-turn land to a shared through/right-turn lane; (ii) Convert the westbound shared through/left turn lane to left-turn only (maintaining two (2) through lanes and two (2) left-turn lanes; (iii) Change the existing split-signal phasing to concurrent phasing on the Lottsford Road approaches; and (iv) Modify the median and signals accordingly, as required by the operating agency. Zoning Ordinance No. 6-2010, Condition 5.b.
  3. Lottsford Road at Campus Way North -- Provide a second southbound left-turn-lane along Campus Way. Zoning Ordinance No. 6-2010, Condition 5.b.
5. Prior to the issuance of any commercial building permits within the subject property under Phase II, all required road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency’s access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency. Zoning Ordinance No. 6-2010, Condition 7.
6. Applicant shall revise the detailed site plan to show proposed gas station and food and beverage store will not be constructed within a proposed right-of-way unless there has been an issuance of a building permit to construct the proposed gas station and food and beverage store within a proposed right-of way pursuant to procedures set forth in PGCC § 27-259.
7. There shall be no direct driveway access between the subject property and Landover Road (MD 202). Zoning Ordinance No. 6-2010, Condition 10.

ORDERED this 17<sup>th</sup> day of September, 2019, by the following vote:

In Favor: Council Members, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter, Taveras, and Turner.

Opposed:

Abstained: Council Member Anderson-Walker.

Absent:

Vote: 10-0-1.

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE'S COUNTY,  
MARYLAND

By: \_\_\_\_\_  
Todd M. Turner, Chair

ATTEST:

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