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December 2, 2020

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: Request to Delete Condition No. 4 of Zoning Map Amendment A-10020-C

Dear Ms. Brown:

As you know, I represent Woodmore Overlook Commercial, LLC, the applicant and owner of the property identified in DSP-18024; Preliminary Plan 4-18007; and A-10020-C (Ex. 21, 16, and 20). As was determined at our hearing before the Zoning Hearing Examiner on November 30, 2020, I am amending our request for a hearing on December 14, 2020. This amendment is to request the Examiner include a request to delete Condition No. 4 of A-10020-C as well as our prior requests.

Condition No. 4 of A-10020-C states:

“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.”

In this case, my client purchased the property subsequent to the approval of CSP-10004 (Ex. 25) and Preliminary Plan 4-10022 (Ex. 3) on January 30, 2018. As to CSP-10004, the Planning Board found in both instances Condition No. 4 was satisfied as I-308 and I-310 were correctly shown on the CSP (see page 15-16 of PGCPB Resolution No. 11-116 adopted January 5, 2012). The District Council affirmed the Planning Board with conditions by Order dated March 26, 2012. Lastly, the certified CSP (enclosed) shows both I-308 and I-310.

Letter to Ms. Donna J. Brown
September 20, 2019, Page 2

The following preliminary plan processed by Mr. King (4-10022), the prior owner, also indicated that Condition 4 of A-10020-C was satisfied on page 9 of PGCPB Resolution No. 12-13:

“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.

The above condition has been addressed. Facilities for the I-308 and the I-310 were shown on the conceptual site plan consistently with master plan recommendations. The preliminary plan shows the proposed right-of-way dedication for I-308 and I-310.”

My client purchased the property on January 30, 2018 (Ex. 33.a. and b.), and began processing a preliminary plan (4-18007). As testified to by Mr. Lenhart, our traffic engineer, the applicant determined in conjunction with the Maryland State Highway Administration (SHA); the Department of Permits, Inspections, and Enforcement (DPIE); and the Transportation Section of the M-NCPPC the exact location and design for I-310. The County approved the alignment and design and issued a street permit for construction, 2300-2019 (Ex. 15). The applicant has since constructed I-310 now known as Grand Way Boulevard (Ex. 35) as required by the 2009 Master Plan of Transportation (Enclosed). As to I-308 (Ruby Lockhart Boulevard), the roadway was dedicated and also constructed as shown on DSP-18024.

Given that both I-308/I-310 are dedicated and constructed, we respectfully submit there is “good cause” as required by Section 27-135.c.1 of the Code to delete Condition No. 4 with a finding that the requirements of Condition No. 4 of A-10020-C have been satisfied in full. The issue of “enlargement or extension” is moot as the roads are a requirement of A-10020-C and all subsequent approvals. Hence, they are not an enlargement nor an extension of the use being on site. In fact, there is less development than that originally approved with A-10020-C as our expert testified to and in the record of DSP-18024 approved by the District Council and 4-18007 as reconsidered by the Planning Board (PGCPB No. 19-32 (A)).

Thank you for your attention to this matter and please transmit this request to the Examiner for our hearing on December 14, 2020, at 9:30 a.m.

Sincerely,



Norman D. Rivera

NDR:ndr

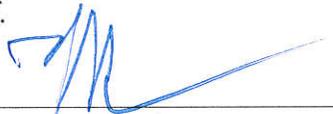
C: Mr. Stanley D. Brown, Esq.
Ms. Maurene McNeil, Esq.

Mr. Jeffrey Harding, Esq.
Mr. Samuel H. Dean
Mr. LaRay Benton
Woodmore Overlook Commercial, LLC

CERTIFICATE OF SERVICE

The purpose of this Certificate of Service is to certify that notice with regard to A-10020-C, King Property (now known as Woodmore Overlook) was emailed and mailed first class to Ms. Donna J. Brown, Acting Clerk of the County Council on December 2, 2020, via first-class mail on December 2, 2020.

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



Norman D. Rivera

Table 4: Street, Road, and Highway Facility Recommendations

Road ID	Facility Name	Route ID	Project Limits	Right of Way (Feet)	Lanes	Most Recent Master Plan Citation(s) and Year of Approval
I-102	Odell Road		Maryland Avenue to Edmonston Road	70	2 to 4	Subregion I-1990
I-103	Cook Road/ Maryland Avenue Extended		Powder Mill Road to Odell Road	70	2 to 4	Subregion I-1990
I-108	Bauer Lane Extended		Contee Road Extended to Sandy Spring Road	70	2 to 4	Subregion I-1990
I-111	Chevy Chase Drive		Bauer Lane Extended to Sweitzer Lane	70	2 to 4	Subregion I-1990
I-112	Frost Place		Bauer Lane Extended to Sweitzer Lane	70	2 to 4	Subregion I-1990
I-200	Branchville Industrial Access Road		Greenbelt Road to 51st Place	70	2	Langley Park-1989
I-202	54th Avenue Replacement/ Ballew Avenue		Branchville Road to 900 ft. south of Berwyn Road	70	2	Langley Park-1989
I-203	Riverdale Road		Kenilworth Avenue to East West Highway	70	2	Bladensburg-1994
I-204	Tuxedo Road/Arbor Street		B-W Parkway Ramp to Cheverly Avenue	70	2	Tuxedo Road-2005
I-205	48 th Street		Kenilworth Avenue to Kenilworth Avenue	70	2	Bladensburg-1994
I-206	Tanglewood Drive/ Buchanan Street		Alt US 1 to Kenilworth Avenue	70	2	Bladensburg-1994
I-207	46th Avenue		Decatur Street to Lafayette Place	70	2	Hyattsville-PA 68-1994
I-208	Rivertech Court		NOAA to River Road	70	2	College Park TDDP-1997
I-209	Rhode Island Avenue Extended		Rhode Island Avenue to Madison Street	70	2	Hyattsville-PA 68-1994
I-300	Prince George's Boulevard Extended		Leeland Road to existing Prince George's Boulevard	70	4	Bowie-2006
I-305	Aerospace Road		MD 193 to Forbes Boulevard	70	2	Glenn Dale-1993
I-306	Business Parkway		Forbes Boulevard to Martin Luther King, Jr. Highway	70	2	Glenn Dale-1993
I-308	Ruby Lockhart Way/ Palmetto Drive/ Woodview Drive		St. Joseph's Drive to Campus Way N	70	4	Largo-1990
I-310	New Road		Ruby Lockhart Way to Landover Road	70	4	Largo-1990
I-311	Apollo Drive		Lottsford Road to Arena Drive	70	4	Largo-1990
I-312	Technology Way/ Mercantile Lane		Apollo Drive to Landover Road	70	4	Largo-1990
I-313	Peppercorn Place		McCormick Drive to Landover Road	70	4	Largo-1990
I-400	Ardwick-Ardmore Road		John Hanson Highway to Beltway	70	2 to 4	Landover-1993
I-401	Truck Way Extended		Hampton Park Boulevard to Truck Way	70	2	Morgan Boulevard-2004
I-402	Morgan Boulevard/ MD 214 Access Road		Morgan Boulevard to Central Avenue	70	2	Morgan Boulevard-2004
I-403	Cabin Branch Drive		Sheriff Road to John Hanson Highway	70	2 to 4	Landover-1993
I-404	Hubbard Road		Penny Drive to Martin Luther King, Jr. Highway	70	2 to 4	Landover-1993
I-405	Jefferson Avenue		Penny Drive to Ardwick-Ardmore Road	70	2 to 4	Landover-1993
I-412	Brightseat Business Park Road		Redskins Road to Brightseat Road	70	2 to 4	Landover-1993
I-413	Hampton Park Boulevard/ Kaverton Road		Marlboro Pike to Central Avenue	70	2 to 4	Suitland-1985
I-415	Ritchie Road Spur		Ritchie Road to Hampton Park Boulevard	70	2 to 4	Suitland-1985
I-416	Cryden Way/Parston Drive		Forestville Road to Kaverton Boulevard	70	2 to 4	Suitland-1985
I-417	Marlboro Pike		Forestville Road to Kaverton Boulevard	70	2 to 4	Suitland-1985
I-502	Louie Pepper Drive		Old Alexandria Ferry Road to Woodyard Road	70	2	Subregion 5-2009
I-503	Short Cut Road		A-63 to Brandywine Road	70	2	Subregion 5-2009
I-601	Foxley Road/Woodyard Industrial Road		Dower House Road to Woodyard Road	70	4	Melwood-1994
I-602	Fallard Drive		Dower House Road to Dower House Road	70	2 to 4	Melwood-1994
I-603	MD 4 Service Road		A-37 to MC-634	70	2 to 4	Westphalia-2007
I-604	Old Marlboro Pike Loop		Marlboro Pike to Old Marlboro Pike	70	2 to 4	Melwood-1994

The graphics in master plans and sector plans are, of necessity, generalized. Exact alignments for master plan highways cannot be shown at the scales used in this document. More detailed information on master plan rights-of-way is available at www.pgatlas.com. The alignments that are shown at this web site are the result of more detailed studies that have been performed after consultation with state and county agencies and are used during the subdivision and zoning process. These alignments are all subject to change in light of new information and discussions with property owners, prospective developers, and National Environmental Protection Act review processes.

Map A 13 1087

Approved Comprehensive Master Plan of Transportation

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MP. 11/09