



# Prince George's County Council

## Sitting as the District Council

### Zoning Agenda Item Summary

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**Case No.:** DSP-18024 **Councilmanic District:** 5  
**Meeting Date:** 10/28/2019 **Zone(s):** M-X-T  
**Case Name:** Woodmore Overlook, Commercial  
**Applicant:** Woodmore Overlook Commercial, LLC  
**Location:** Located on the south side of Ruby Lockhart Boulevard, in the northwest quadrant of the intersection of Lottsford Road and MD 202 (Landover Road) (19.97 Acres; M-X-T Zone).  
**Request:** Applicant is requesting Reconsideration and/or Amendment of Conditions of the September 17, 2019 District Council Final Decision approving the Detailed Site Plan (DSP) for construction of 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.

#### Companion

**Case(s):**

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#### DECISIONS/RECOMMENDATION:

**Technical Staff:** Approval with Conditions

**Planning Board:** Approval with Conditions

**Zoning Hearing Examiner:**

**Municipality:**

**Opposition:**

#### LEGAL DEADLINES:

**Appeal date:** 7/18/2019

**Review date:** 7/18/2019

**Action date:** 9/19/2019

*Comments:*

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**Staff:** N. Andrew Bishop

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#### HISTORY:

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Acting Body:	Date:	Action:
M-NCPPC Technical Staff	05/15/2019	approval with conditions
M-NCPPC Planning Board	06/13/2019	approval with conditions
Applicant	06/19/2019	appealed

**Notes:** *Norman Rivera, Esq., attorney for the applicant, filed an appeal to delete Condition 1.g. of the Planning Board's decision and requested Oral Argument.*

Clerk of the Council 06/20/2019 mailed

**Notes:** *Notice of Oral Argument Hearing was mailed to Persons of Record.*

- Person of Record 07/09/2019 appealed  
**Notes:** *Sam H. Dean, Vice President, Lake Arbor Civic Association, appealed the Planning Board's decision and requested disapproval.*
- Person of Record 07/15/2019 appealed  
**Notes:** *LaRay J. Benton appealed the Planning Board's decision and requested a hearing.*
- Clerk of the Council 07/15/2019 mailed  
**Notes:** *Notice of rescheduled Oral Argument Hearing was mailed to Persons of Record.*
- Sitting as the District Council 07/22/2019 announced hearing date
- Sitting as the District Council 09/09/2019 hearing held; case taken under advisement  
**Notes:** *Andrew Bishop, M-NCPPC, provided an overview of the Detailed Site Plan application. Prior to testimony, Chair Turner addressed a procedural request by Mr. LaRay Benton and Mr. Samuel H. Dean asking for an additional 10 minutes for their Oral Argument testimony and an additional 5 minutes for rebuttal. Chair Turner granted an additional 10 minutes for Oral Argument testimony. Mr. Samuel H. Dean and Mr. LaRay Benton, appellants, spoke in opposition to the application. Norman Rivera, Esq., attorney for the applicant, spoke in support. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented by the parties. The Oral Argument Hearing was held and Council took this case under advisement.*
- Sitting as the District Council 09/10/2019 referred for document  
**Notes:** *Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0; Absent: Council Members Dernoga and Hawkins).*  
 Aye: 9 Turner, Anderson-Walker, Davis, Franklin, Glaros, Harrison, Ivey, Streeter and Taveras  
 Absent: 2 Dernoga and Hawkins
- Sitting as the District Council 09/17/2019 approval with conditions  
**Notes:** *Rajesh Kumar, Principal Counsel to the District Council, explained that in addition to the Planning Board conditions, there were also some conditions in the order from the original Zoning Map Amendment case. Stan Brow, People's Zoning Counsel, concurred. Council adopted the prepared Order of approval, with conditions (Vote: 10-0-1; Abstained: Council Member Anderson-Walker).*  
 Aye: 10 Turner, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras  
 Abstain: 1 Anderson-Walker
- Clerk of the Council 09/24/2019 mailed  
**Notes:** *The Notice of Final Decision of the District Council was mailed to Persons of Record.*
- Person of Record 09/30/2019 filed

**Notes:** *Mr. LaRay J. Benton filed a Petition for Judicial Review in Circuit Court.*

Applicant 10/07/2019 filed

**Notes:** *Norman D. Rivera, Esq., attorney for the applicant, filed a request for reconsideration of the District Council Final Decision and/or Amendment of Conditions.*

Sitting as the District Council 10/28/2019 no action

**Notes:** *Raj Kumar, Principal Counsel to the District Council, provided an overview of the case and commented that the case was appealed to Circuit Court, thus divesting the Council of jurisdiction. Council directed the Clerk to send a response letter to the applicant in accordance with the Principal Counsel's comments.*

Clerk of the Council 11/07/2019 mailed

**Notes:** *Notice mailed to Persons of Record that the District Council discussed applicant's reconsideration request and deemed that since the case was appealed to Circuit Court, it is not in the Council's jurisdiction.*

Principal Counsel to the District Council 12/02/2019 transmitted

**Notes:** *Appealed case record transmitted to Circuit Court via Principal Counsel's Office.*

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**Document(s):** DSP-18024 Zoning Agenda Item Summary, DSP-18024 District Council Final Decison, DSP-18024 Planning Board Resolution 19-72, DSP-18024\_PORL, DSP-18024\_Technical Staff Report