

Case No. A-10024
"Fairview Commercial"
Applicant: DD Land Holding, LLC/ Fairview
Commercial

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

ORDER OF REMAND

IT IS HEREBY ORDERED, after review of the administrative record made before the Zoning Hearing Examiner, that Application No. A-10024, for the rezoning from the R-80 (One-Family Detached Residential) Zone to the C-S-C (Commercial Shopping Center) Zone on property described as approximately 7.65 acres of land, located at the northwest quadrant of the intersection of Martin Luther King, Jr., Highway (MD 704) and Whitfield Chapel Road, identified as Parcel 109, Map 52, Grid C-3, Lanham, Maryland, be and the same is:

REMANDED to the Zoning Hearing Examiner to take further testimony, reconsider its decision, and to allow additional public comment as follows:

- A. The record should be reopened, and further testimony and evidence shall be taken to specifically address the access to and from the proposed rezoning site to Martin Luther King, Jr., Highway (MD 704), and specifically to take additional evidence and testimony from the Maryland State Highway Administration ("SHA") concerning its recommendation as to access to Martin Luther King, Jr., Highway from the site proposed for rezoning. The

additional evidence should be received and reviewed by the Examiner, who should then supplement her decision and re-file that decision with the District Council.

- B. On remand, the record should be reopened, and further evidence and testimony taken by the Examiner, concerning outreach efforts by Applicant, including meetings and other discussions between Applicant and registered civic associations in the vicinity of the site that is the subject of Application No. A-10024, regarding the proposed tenants to locate at site if the property is rezoned from the R-80 Zone to the C-S-C Zone.
- C. On remand, the Zoning Hearing Examiner should allow interested persons who are not parties of record to attend and give evidence and testimony at the hearing to become parties in the case.

Adopted this 13th day of May, 2013, by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Lehman, Patterson, and Toles.

Opposed:

Abstained:

Absent: Council Members Olson and Turner.

Vote: 7-0

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' COUNTY,
MARYLAND

BY: _____
Andrea C. Harrison, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council