

The Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530



Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).

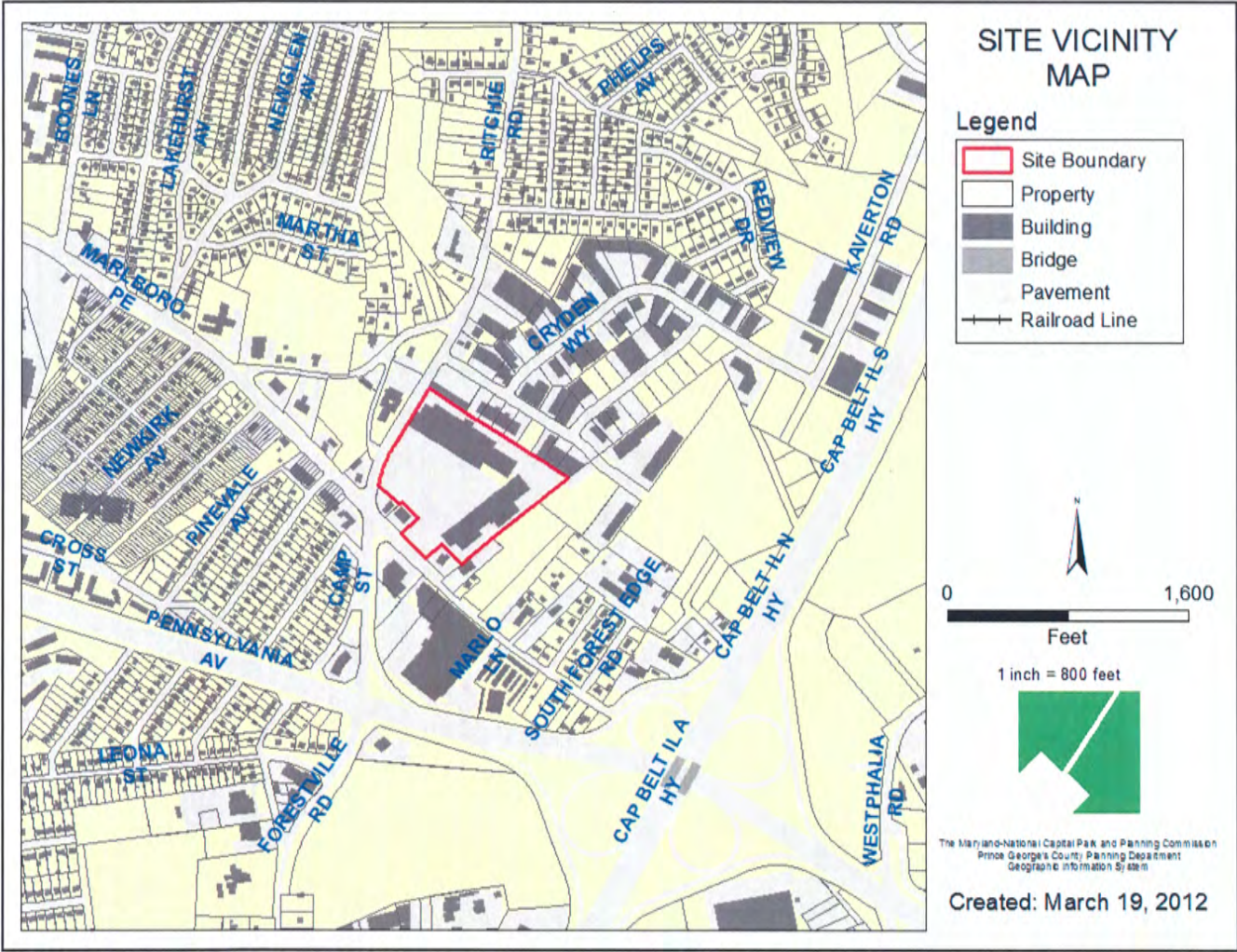
## Special Exception

## SE-4716

Application	General Data	
<b>Project Name:</b> Bazz and Crue  <b>Location:</b> Northeast corner of Forestville Road and Marlboro Pike.  <b>Applicant/Address:</b> CD #15CL2001, Inc. d/b/a Bazz and Crue Group Hall P.O. Box 471647 District Heights, MD 20753  <b>Property Owner:</b>  <b>Previous:</b> Big Apple, LLC 1334 Tampa Road Palm Harbor, FL 34683  <b>New:</b> PMM Enterprises, LLC c/o Michael Amann, Sr. 3680 Wheeler Avenue, Suite 300 Alexandria, VA 22304	Planning Board Hearing Date:	11/08/12
	Staff Report Date:	10/24/12
	Date Accepted:	05/17/12
	Planning Board Action Limit:	N/A
	Plan Acreage:	18.17
	Zone:	I-1/D-D-O
	Gross Floor Area:	400 sq. ft.
	Lots:	N/A
	Parcels:	1
	Planning Area:	75A
	Tier:	Developed
	Council District:	06
	Election District:	06
	Municipality:	N/A
200-Scale Base Map:	205SE07	

Purpose of Application	Notice Dates	
Adult entertainment in the I-1/D-D-O Zone per Section 27-473, Footnote 56, of the Prince George's County Zoning Ordinance.	Informational Mailing	03/30/12
	Acceptance Mailing:	05/11/12
	Sign Posting Deadline:	N/A

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Tom Lockard <b>Phone Number:</b> 301-952-3410 <b>E-mail:</b> Thomas.Lockard@ppd.mncppc.org	
<b>APPROVAL</b>	<b>APPROVAL WITH CONDITIONS</b>	<b>DISAPPROVAL</b>	<b>DISCUSSION</b>
		X	



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

**TECHNICAL STAFF REPORT**

TO: The Prince George's County Planning Board  
The Prince George's County District Council

VIA: Jimi Jones, Zoning Supervisor, Development Review Division

FROM: Tom Lockard, Planner Coordinator, Zoning Section, Development Review Division

SUBJECT: **Special Exception Application No. SE-4716  
Bazz and Crue**

REQUEST: **Approval of a special exception for adult entertainment in the I-1/D-D-O Zone per  
Section 27-473, Footnote 56, of the Prince George's County Zoning Ordinance.**

RECOMMENDATION: **DISAPPROVAL**

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NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of November 8, 2012. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

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**FINDINGS**

A. **Location and Field Inspection:** The subject property comprises two units (7752 and 7754 Forestville Road) in the Forestville Plaza Shopping Center. Access is gained through a door in 7754, beyond which is a vestibule where identification and membership information is exchanged and a cover charge collected. Membership is required, however membership criteria seems to be non-selective. Members can apparently bring their own alcohol into the club, but there is no licensed bar. The remaining windows are blacked out and bear the logos of the establishment, “Bazz & Crue.” Both the front and rear of the club are heavily lit and numerous video cameras are evident. The hours of operation are not posted at the door, but advertising for the club suggests it is open most evenings of the week with hours ranging from 10:00 p.m. to 7:00 a.m.

Other than a small storefront church, the remainder of the shopping center seems vacant. On the day staff visited, the center was being worked on by a paving company, painters, electricians, and others; a welcome sight for this badly declining property. The center has been recently purchased by a new owner, PMM Enterprises LLC. The new owner or their authorized representative must eventually sign the special exception application.

B. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	I-1/D-D-O	I-1/D-D-O
Use(s)	Adult Entertainment	Adult Entertainment
Acreage	18.17	18.17
Lots	None	None
Parcels	1	1
Square Footage/GFA	4,000	4,000

C. **History:** The site has a long permit history:

- July 17, 2001—** The applicant, as “Masonic Lodge C.D. #15 Class 2001 t/a Bazz & Crue Group Hall F and AM,” applied for a use and occupancy permit for “a private club and offices” for 7752 Marlboro Pike.
- August 17, 2001—** Permit 19557-2001-U was issued for a private club and offices for 7752 Marlboro Pike.
- February 6, 2007—** The applicant, as “CD #15CL2001, Inc. Masonic Hall t/a B&C Group Hall F.A.M II,” applied for a use and occupancy permit for a “banquet hall/events center” for the adjoining unit at 7754 Marlboro Pike. The permit is put on hold to allow the applicant to change the requested use.
- February 9, 2007—** The applicant revised the application to request a permit for “classes, small receptions, and official gatherings, rest area for elderly.”
- April 27, 2007—** Permit 3802-2007-U was issued for a “private club with a maximum of 65 seats” for 7754 Marlboro Pike.

May 2009—

The applicant was issued a permit to connect the two units by placing doorways in the common wall.

The applicant was one of several plaintiffs in a 2006 lawsuit (Wet Sands, Inc., et al., vs. Prince George's County) questioning the constitutionality of two County Council Bills (CB-31-2006 and CB-61-2006) enacted regulating adult entertainment. In a Memorandum of Decision filed on April 12, 2007, U.S. District Court Judge Marvin J. Garbis concisely describes the inner workings of the clubs, including the applicant's:

“The adult entertainment provided by Plaintiffs herein includes entertainers performing dances on a stage while nude or scantily attired. There is physical contact or proximity between customers and entertainers during the stage dancing if customers approach - or touch - the dancers while giving tips. Plaintiffs also permit customers to have female entertainers perform “lap dances” in which a female entertainer moves on a male customer's lap. Plaintiffs extensively monitor physical contact between patrons and entertainers to prevent overt sexual activity and other intimacies.

“Plaintiffs (and others in the same business) typically generate revenue by charging admission, selling beverages (including alcoholic beverages if licensed to do so), selling of some edibles and charging fees for lap dances. The entertainers are typically not paid by the business. Indeed, the entertainers normally pay the business a fee for the privilege of entertaining and earning tips that, it appears, can amount to considerable sums in the course of an evening.”

- D. **Master Plan Recommendation:** The 2002 *Prince George's County Approved General Plan* placed the site in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.

The 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (Marlboro Pike Sector Plan and SMA) designated the subject property as Priority Area 7, Forestville Flex Space Campus, and rezoned it to Light Industrial (I-1) in the Development District Overlay (D-D-O) Zone as part of the Low-Intensity Business Park character area. The vision for the site is to develop flex and auxiliary office space for industrial businesses and related professional service companies that form the supply chain for major industrial tenants. The site is located in the Andrews Air Force Base Safety Zones, APZ I and APZ II. Prince George's County and Andrews Air Force Base worked collaboratively to prepare a joint land use study (JLUS), which aimed at limiting the loss of life and property in the APZ's by reducing the public's exposure to hazards by planning for low-density land uses and development patterns. The Marlboro Pike Sector Plan and SMA complement JLUS recommendations regarding land use and density.

The D-D-O Zone Table of Uses Permitted contained in the plan supersedes the table of uses for industrial zones found in Section 27-473 of the Zoning Ordinance, in accordance with Section 27 548.22(b):

- (b) **Development District Standards may limit land uses or general use types allowed in the underlying zone where the uses are incompatible with, or detrimental to, the goals of the Development District and purposes of the D-D-O Zone. Development District Standards may not allow uses prohibited in the underlying zone, with the exception of Development District Standards of the Prince George's County Gateway Arts District**

**D-D-O Zone, where the uses are compatible with the goals of the Prince George's County Gateway Arts District and purposes of the D-D-O Zone.**

The D-D-O Zone Table of Uses Permitted states “No use shall be allowed in the Industrial Zones, except as provided for in the Table of Uses...” The current I-1/D-D-O Zone expressly prohibits a private club and does not have a listing for adult entertainment. Uses which are not listed in the table of uses are prohibited.

E. **Request:** The applicant seeks approval of a special exception to continue an existing adult entertainment establishment that has operated at this location since 2001.

F. **Neighborhood and Surrounding Uses:** The neighborhood is defined by the following boundaries:

**North—** Parston Drive, Fernham Lane, and Cryden Way;

**East—** Capital Beltway (I- 95/495);

**South—** Pennsylvania Avenue (MD 4); and

**West—** Forestville Road.

The neighborhood is predominantly mixed commercial and industrial uses and corresponds to the boundaries of the Low-Intensity Business Park character area of the D-D-O Zone. Much of the former commercial space (including the majority of the subject shopping center) is vacant. Many of the surrounding commercial/industrial buildings are underutilized. There is a small area of single-family residences to the southeast at the end of Marlboro Pike.

The property is surrounded by the following uses:

**North—** Strip commercial, light industrial, and auto-related uses in the I-1/D-D-O Zone along Parston Drive.

**East—** A vacant parcel and light industrial uses in the I-1/D-D-O Zone. Further east on Marlboro Pike are the Forestville Baptist Church and single-family residences in the R-R (Rural Residential) Zone.

**South—** A small church, mattress store, and liquor store in the I-1/D-D-O Zone. Across Marlboro Pike are several vacant buildings and the old Marlo Furniture store in the I-1/D-D-O Zone.

**West—** Across Forestville Road is the Forest Memorial United Methodist Church in the R-55 (One-Family Detached Residential) Zone and a gas station in the C-S-C (Commercial Shopping Center) Zone.

G. **Specific Special Exception Requirements:** Staff’s position is that the proposed use is not permitted in the zone in which it is located, since it is the use table within the D-D-O Zone plan which applies to this property, not the general use table for industrial zones, Section 27-473(b) of the Zoning Ordinance. That notwithstanding, **Section 27-473(b)**, Table of Uses, in the industrial zones, allows an “auditorium” in the I-1 Zone as a use permitted by right. This use has a footnote which provides:

- 56      **Any existing establishment in the I-1 or U-L-I Zone with a valid use and occupancy permit for an auditorium, private club or lodge that included activity that meets the definition of “adult entertainment” may continue upon approval of a Special Exception. Applications for adult entertainment must be filed and accepted by June 1, 2012.**

The applicant has received two use and occupancy permits for a “private club.” The definitions for adult entertainment and a private club are found in **Section 27-107.01(a)**:

- (7.1)    **Adult Entertainment: Adult Entertainment means any exhibition, performance or dance of any type conducted in a premise where such exhibition, performance or dance involves a person who:**
- (A)      **Is unclothed or in such attire, costume or clothing as to expose to view any portion of the breast below the top of the areola or any portion of the pubic region , anus, buttocks, vulva or genitals with the intent to sexually arouse or excite another person; or**
  - (B)      **Touches, caresses or fondles the breasts, buttocks, anus, genitals or pubic region of another person, or permits the touching, caressing or fondling of his/her own breasts, buttocks, anus, genitals or pubic region by another person, with the intent to sexually arouse or excite another person.**
- (49)    **Club or Lodge, Private: An establishment providing facilities for entertainment or recreation for only bona fide members and guests, and not operated for profit excluding adult entertainment.**

At the time they applied for their use and occupancy permits, the applicant, CD#15CL2001, Inc., established they were a nonprofit corporation. According to a letter from the Internal Revenue Service dated March 23, 2005 (Lerner to CD#15CL2001, Inc.), they are a public charity, exempt from federal income taxes since 2001. The applicant’s 2001 Articles of Incorporation describes the nature of their business as being, among other things:

- “1.      To establish, own, maintain, conduct, carry on, manage and generally engage in the operation of a business for the purpose of conducting events, receptions, lodge meetings, and classes for an auxiliary group of the Masonic Lodge CD#15, and all services, matters, transactions, activities and things necessary and related thereto.”

The applicant’s 2005 Articles of Amendment to their corporate charter states that they are:

- “...organized exclusively for charitable, religious, educational and social purposes, including, for such purposes, the making of distributions to organizations that qualify under exempt organizations under 501(c)(3) of the Internal Revenue Code.”

The applicant applied for and received their initial use and occupancy permit at 7752 Marlboro Pike as “Masonic Lodge C.D. #15 Class 2001.” That permit was approved for a private club and offices.

Correspondence received from the applicant at the time of the 2007 permit review for 7754 Marlboro Pike bears a letterhead containing not only their corporate name, but separate lines denoting “FREE and ACCEPTED MASONS [also variously referred to by the acronym F. & A.M.]” and “P.H.A. AFFILIATION.” P.H.A. is an acronym used in the Masonic fraternity to denote (P)rince (H)all (A)ffiliation, referring to the Prince Hall Masons, the largest of the predominantly African American Masonic organizations. In a letter to the permit reviewer (Hudson to Hampton dated February 7, 2007), the applicant makes numerous references to their Masonic affiliation and states the intention of the hall to be:

“This Hall will be intended for the use of our elder members who hold the Masonic degrees of 32° and above and suitable vouched for individuals only. Its uses will be for classes, small receptions, and official gatherings.”

The applicant has claimed an affiliation with a bona fide nonprofit and charitable fraternal organization, the Prince Hall Masons, in order to obtain a permit for a private club. Given the true nature of the club, it seems dubious at best that such an affiliation now exists or indeed ever existed. The applicant now makes no such claims in their statement of justification. While staff cannot categorically state that elder members of the fraternity have never visited Bazz and Crue, we do feel absolutely secure in stating that the club has not been used for their classes, receptions, and official gatherings. Given the evidence presented, it is very difficult to conclude that the permits obtained by the applicant for a private club are valid.

H. **Additional Requirements for Specific Uses in the I-1 Zone:** Section 27-475.06.06, Adult Entertainment, of the Zoning Ordinance states:

(a) **The hours of operation shall be limited to 5:00 P.M to 3:00 A.M.**

**Comment:** Advertising for the club shows its hours of operation to vary between 10:00 p.m. and 7:00 a.m. These would need to be changed to conform to the above hours or a variance secured.

(b) **The establishment shall be located at least one thousand (1,000) feet from any school, or any other building or use providing adult entertainment and at least one thousand (1,000) feet from any residential zone or land used for residential purposes in any zone.**

**Comment:** The nearest residence to the subject site is approximately 450 feet to the southeast at the end of Harley Lane, a nonconforming use in the I-1 Zone. Additional residences are found approximately 750 feet to the southeast along North Forest Edge Road in the R-R Zone. There is property in the R-55 Zone approximately 840 feet west of the subject property, developed with the Forest Memorial United Methodist Church. If this application were to go forward, a variance would be necessary.

I. **Parking Regulations:** Adult entertainment requires one off-street parking space per 80 square feet of gross floor area. At 4,000 square feet, the applicant must provide 50 parking spaces. The site plan shows parking calculated at the rate for a private club, i.e., one space per four seats. This would need to be corrected.

J. **Prince George’s County Landscape Manual:** The application is exempt from the 2010 *Prince George’s Landscape Manual* pursuant to Section 1.1 (b), which states that the existing conditions on the developed site not in conformance with the requirements of this manual that were



otherwise lawful on December 13, 2010, and not the subject of any building or grading permit, may continue as a matter of right.

**Tree Canopy Coverage**

The application does not propose 1,500 square feet or greater disturbance and, therefore, is not subject to the requirements of the Tree Canopy Coverage Ordinance.

- K. **Zone Standards:** The applicant's proposal is in compliance with the standard zoning requirements of the I-1 Zone. No variances have been requested as part of the special exception application. However, as discussed previously, staff does not believe this is a permitted use in the I-1/D-D-O Zone.
- L. **Sign Regulations:** The site has two building-mounted signs for which they obtained permits.
- M. **Required Findings:** Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

**(1) The proposed use and site plan are in harmony with the purposes of this Subtitle;**

**Comment:** The primary purposes of the Zoning Ordinance are to protect public health, safety, and welfare; to promote the most beneficial relationship between the uses of land and buildings; and to protect landowners from adverse impacts of adjoining development. The proposed continued use as adult entertainment is permitted through the special exception process in the I-1 Zone, but not in the I-1/D-D-O Zone use table contained in the 2009 Marlboro Pike Sector Plan and SMA. Therefore, there is no legislative presumption that the uses can be carried out in harmony with the purposes of this Subtitle with no adverse impacts on health, safety, and welfare. The District Council could have chosen to add that zone to CB-56-2011, but did not. The presumption is that the Council, relying on Section 27-548.22(b) of the Zoning Ordinance, found that such uses "...are incompatible with, or detrimental to, the goals of the Development District and purposes of the D-D-O Zone."

**(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;**

**Comment:** The proposed use is not permitted in the zone in which it is located and the permits which were issued were fraudulently obtained through what appears to be gross misrepresentation. In addition, the use does not comply with the hours of operation or locational requirements of Section 27-475.06.06 of the Zoning Ordinance.

**(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;**

**Comment:** The continuation of a use not permitted in the table of uses in the Marlboro Pike Sector Plan and SMA would impair the integrity of the plan. Barring evidence to the contrary, we must conclude that, by prohibiting private clubs and adult entertainment, the District Council relied upon Section 27-548.22(b), finding that such uses "...are incompatible with, or detrimental to, the goals of the Development District and purposes of the D-D-O Zone."

**(4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**

- (5) **The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and**

**Comment:** The adult entertainment use operates during the late evening and early morning hours when other nearby uses are closed, with the exception of the liquor store to the south along Marlboro Pike and a convenience store to the north along Forestville Road. However, there are residences to the southeast, well within the 1,000-foot radius prescribed by the District Council to ameliorate negative impacts. One of the homes, the Harley residence, is less than half that distance from the rear doors of the club, separated from the use by a vacant lot. While staff would stop short of finding the use to have adverse affects or detrimental impacts to the surrounding properties, we would reiterate our belief that the District Council, by omitting the uses from the I-1/D-D-O Zone, found them to be incompatible uses.

- (6) **The proposed site plan is in conformance with an approved Tree Conservation Plan.**

**Comment:** According to the Environmental Planning Section, the property is not subject to the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because it contains less than 10,000 square feet of woodland on-site and currently has no valid tree conservation plan approvals.

- (7) **The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.**

**Comment:** There are no regulated environmental features within the limits of the special exception boundaries.

## CONCLUSION

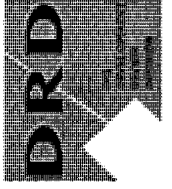
In order to be eligible for consideration as a special exception use, the applicant must first produce a valid use and occupancy permit. It seems clear from the preceding discussion that both of the permits issued to the applicant were the result of fraud and misrepresentation. In short, these permits would never have been issued if the county had known that the applicant was misrepresenting themselves and their intended use. Staff concludes that the use and occupancy permits for this use are not valid, and thus the applicant has not met the prerequisite for consideration as a special exception use. Additionally, staff would reiterate our belief that Footnote 56 is not applicable to this property, even if the permits could be held valid. The District Council could have added the use to the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment's* I-1/D-D-O Zone through County Council Bill CB-56-2011, but chose not to.

Based on the preceding analysis and findings, staff recommends DISAPPROVAL of Special Exception Application No. SE-4716.

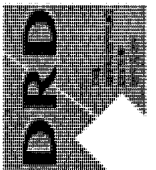
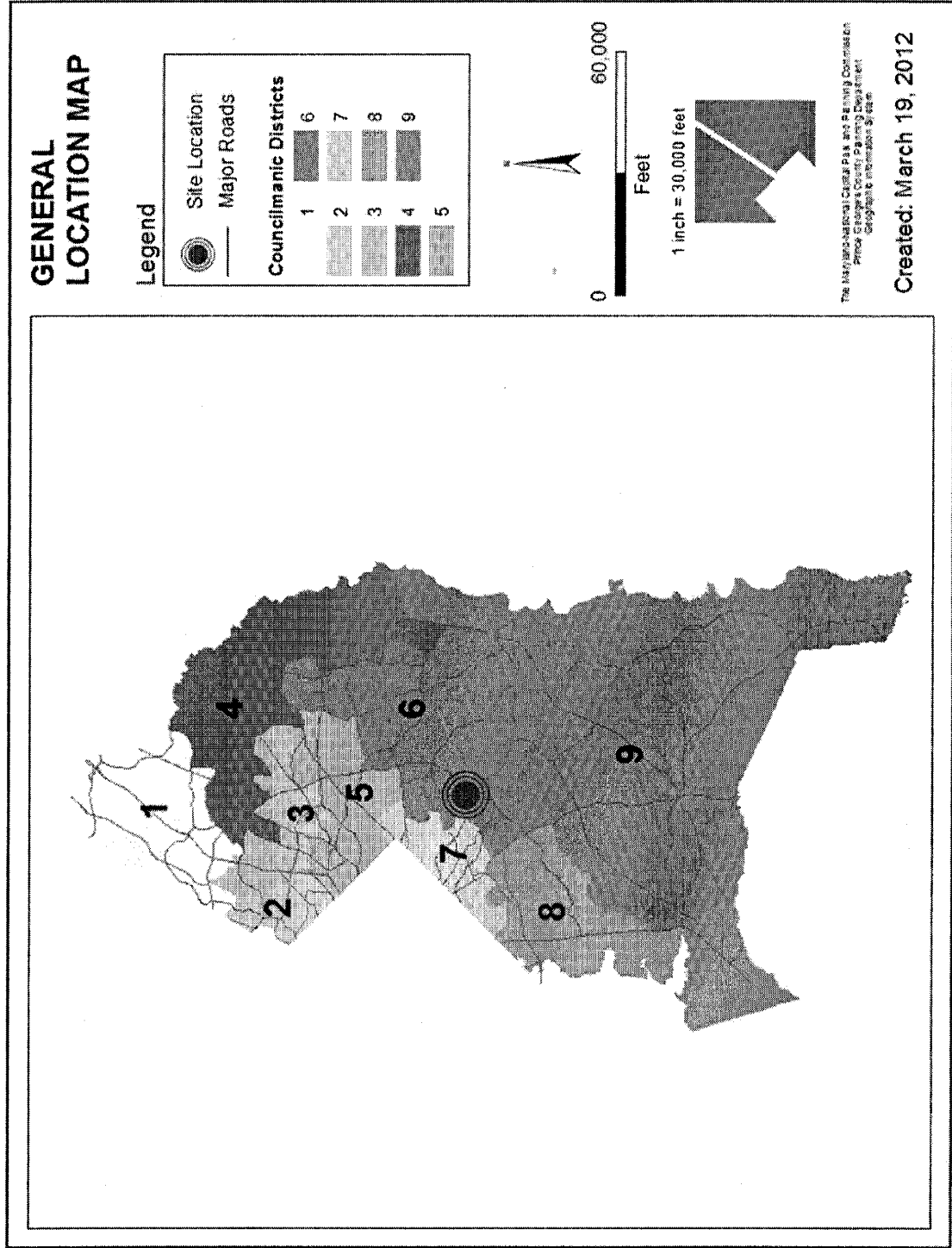
**ITEM:**

**CASE: SE-4716**

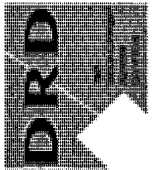
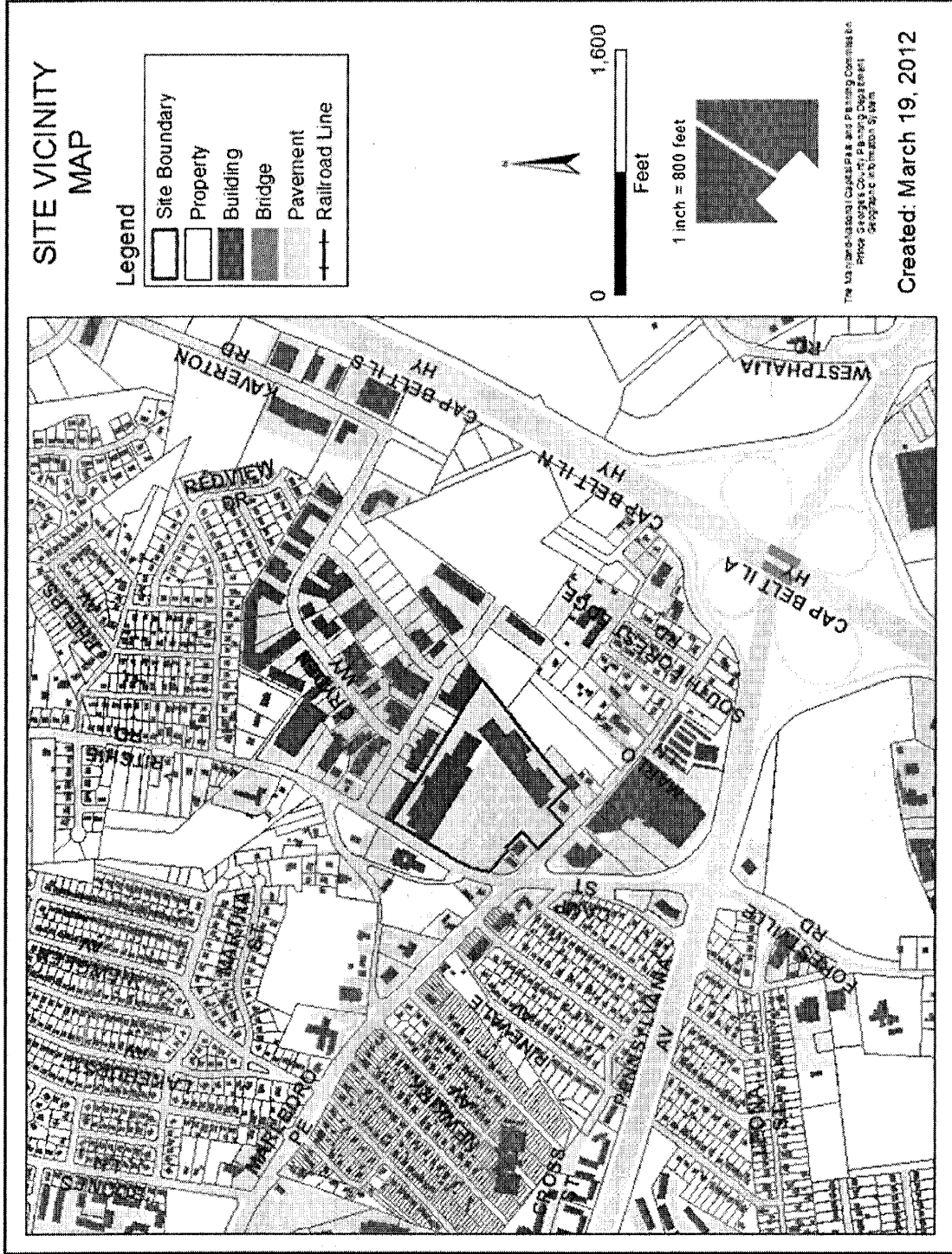
# **BAZZ AND CRUE**



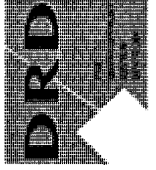
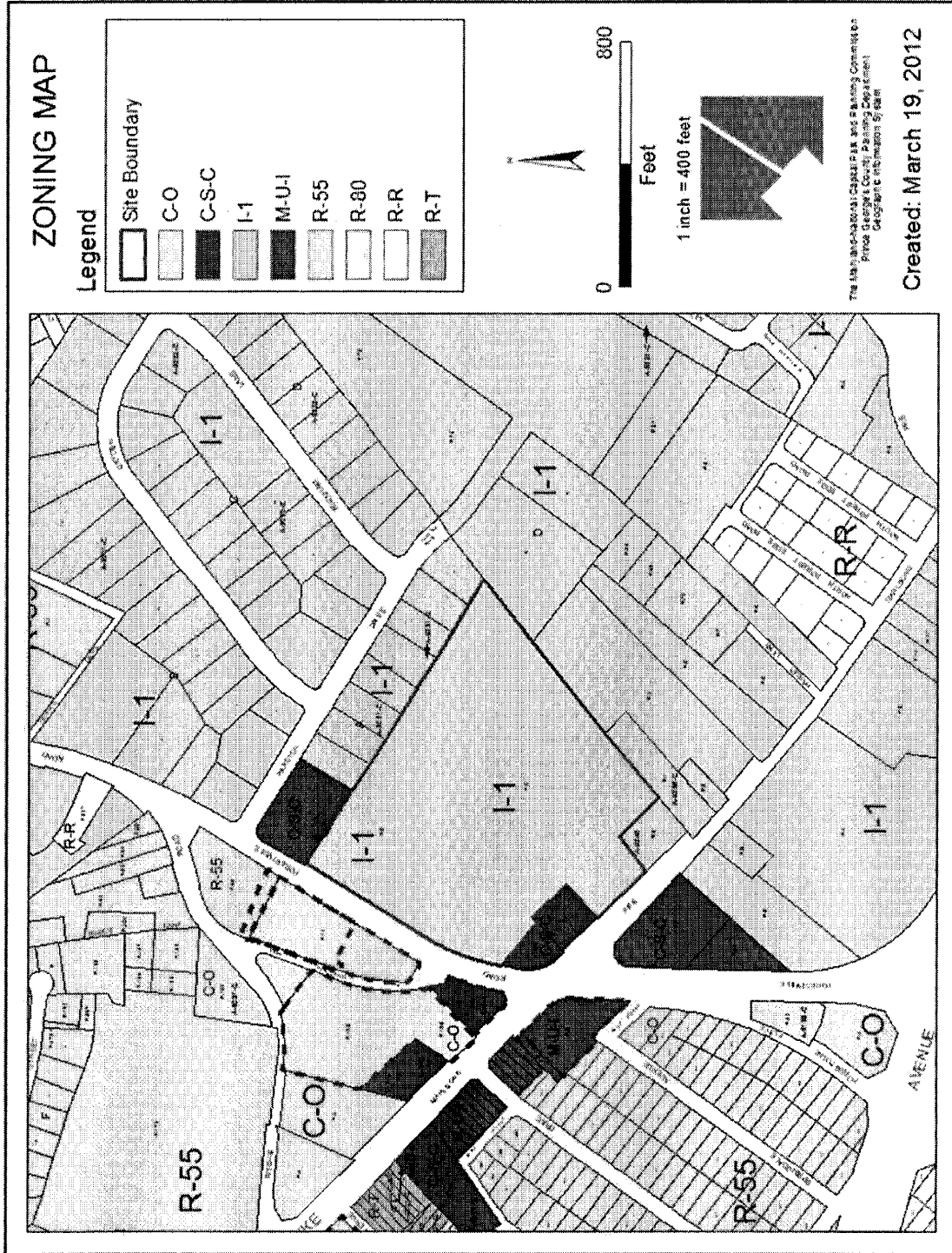
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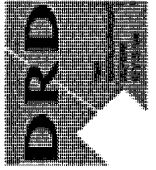
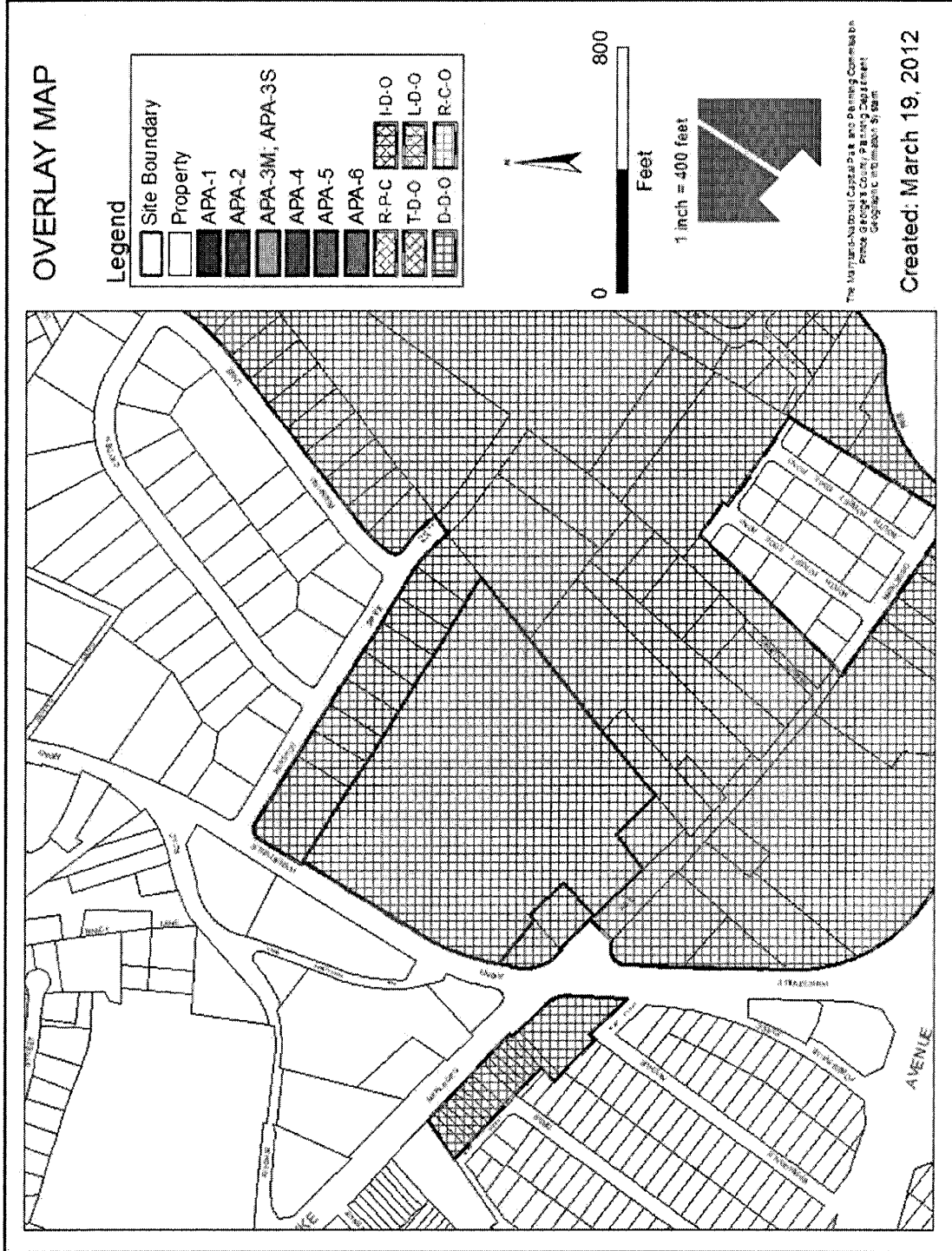
# SITE VICINITY



# ZONING MAP

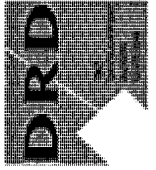
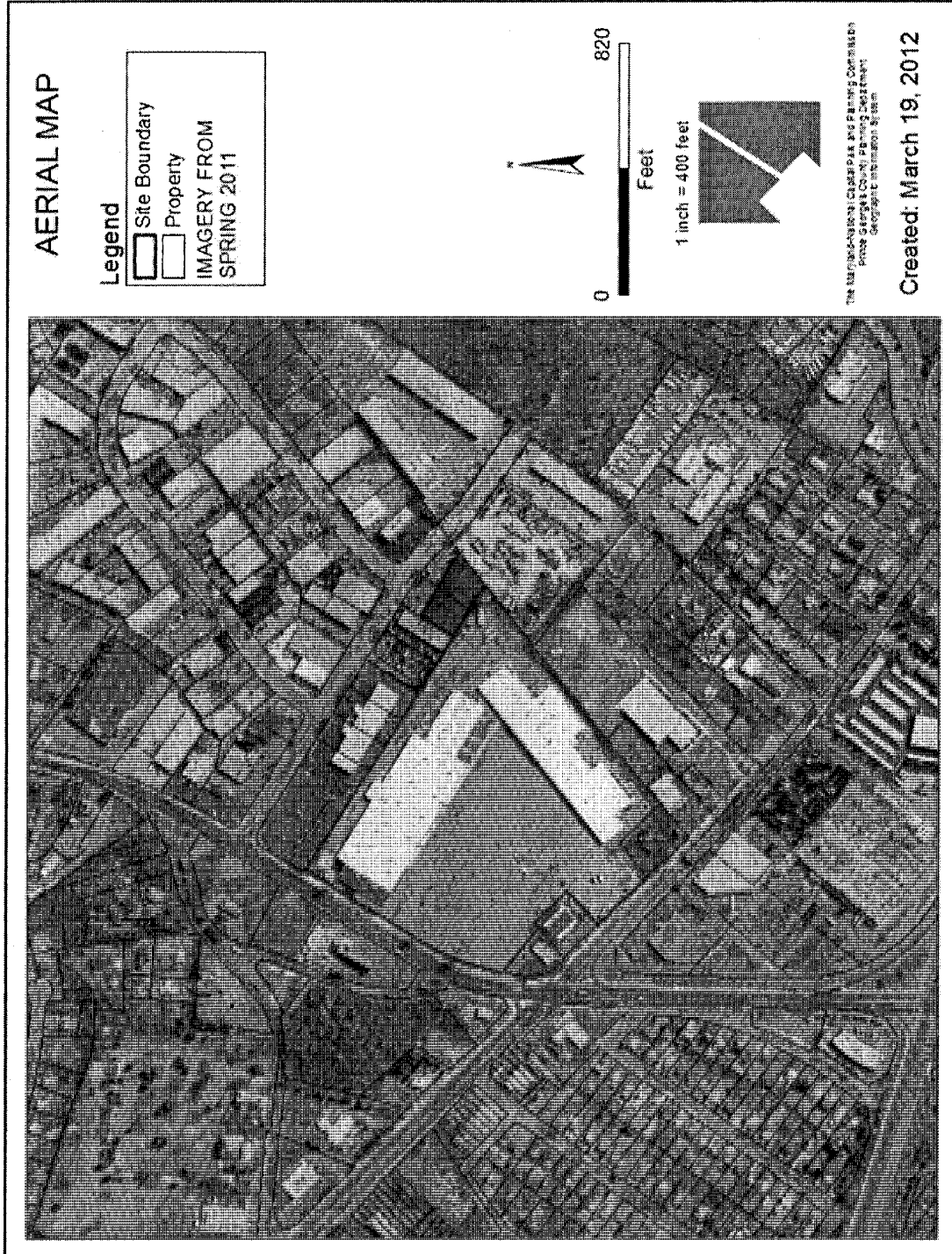


# OVERLAY MAP



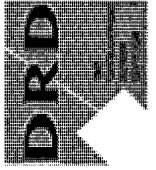
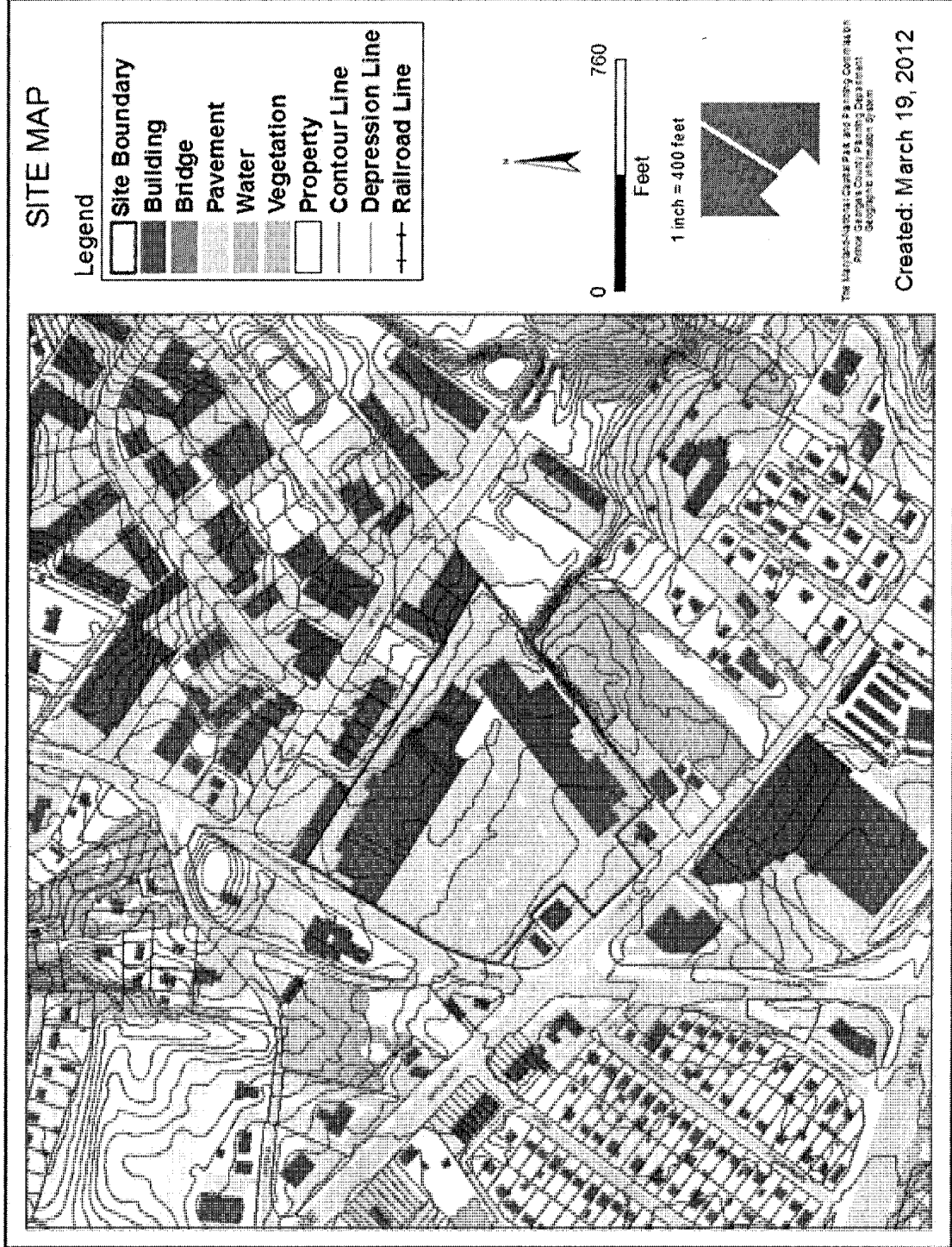


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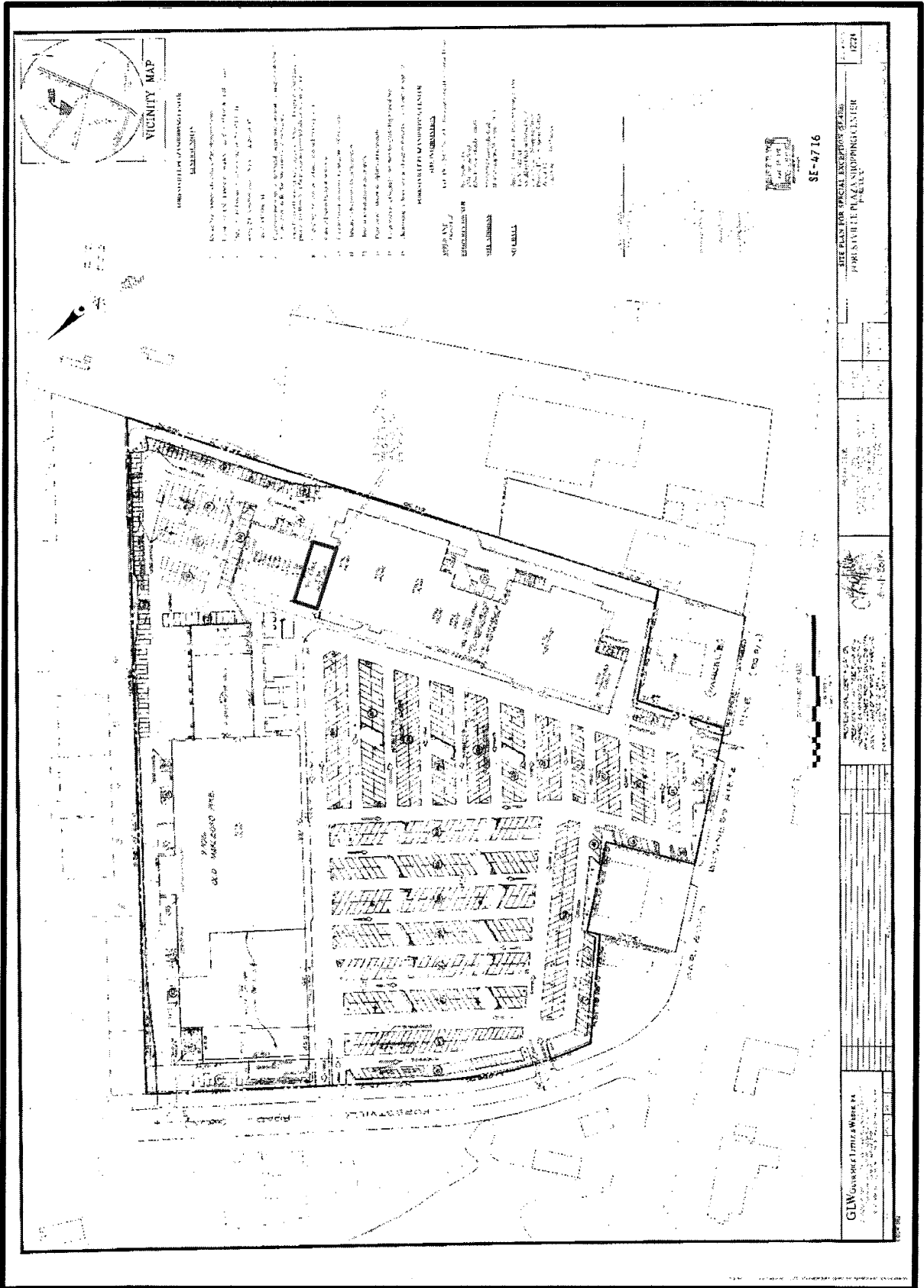




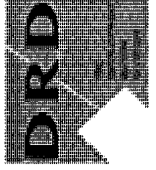
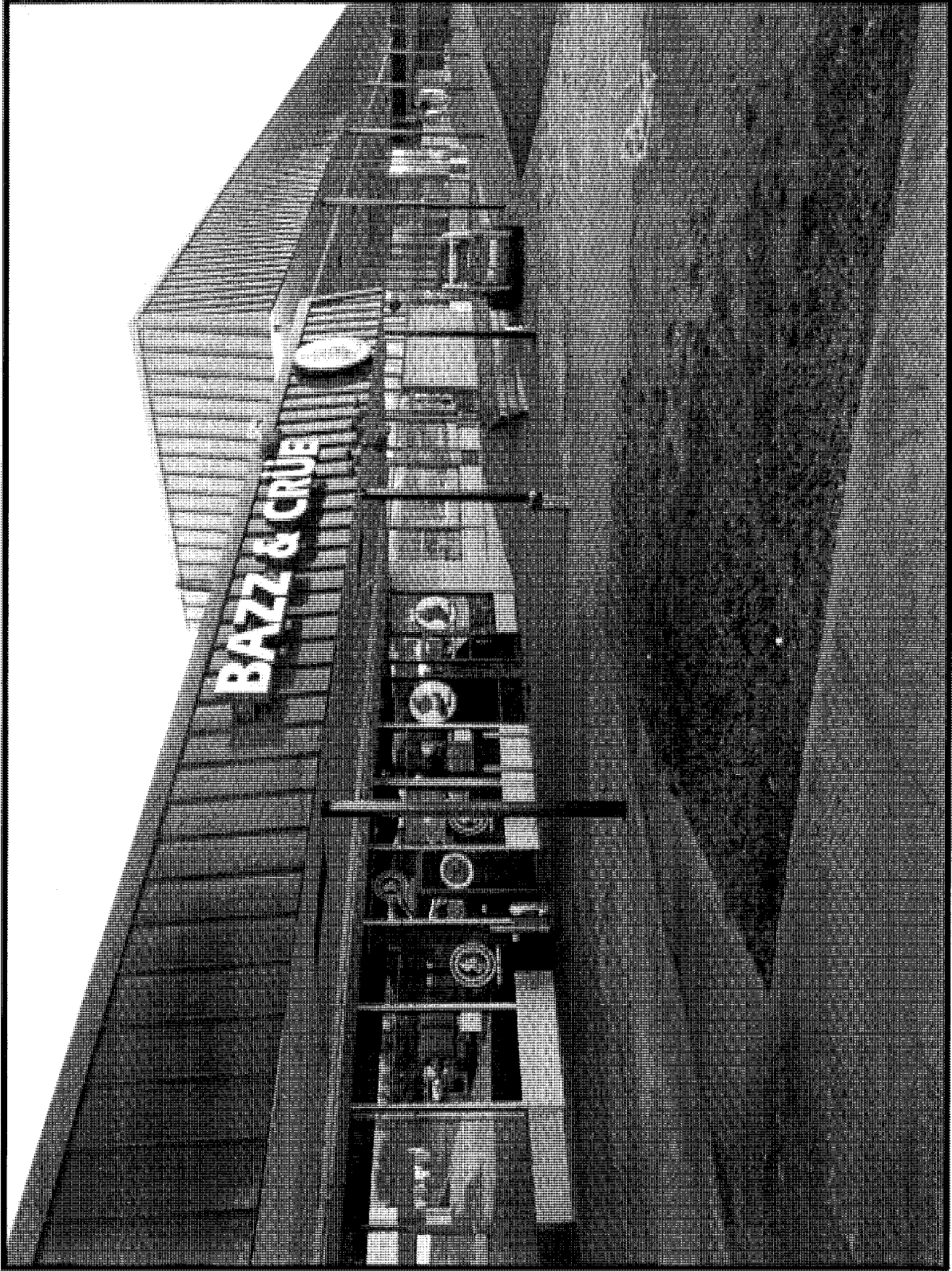
# SITE MAP



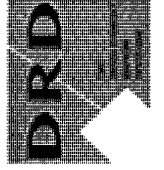
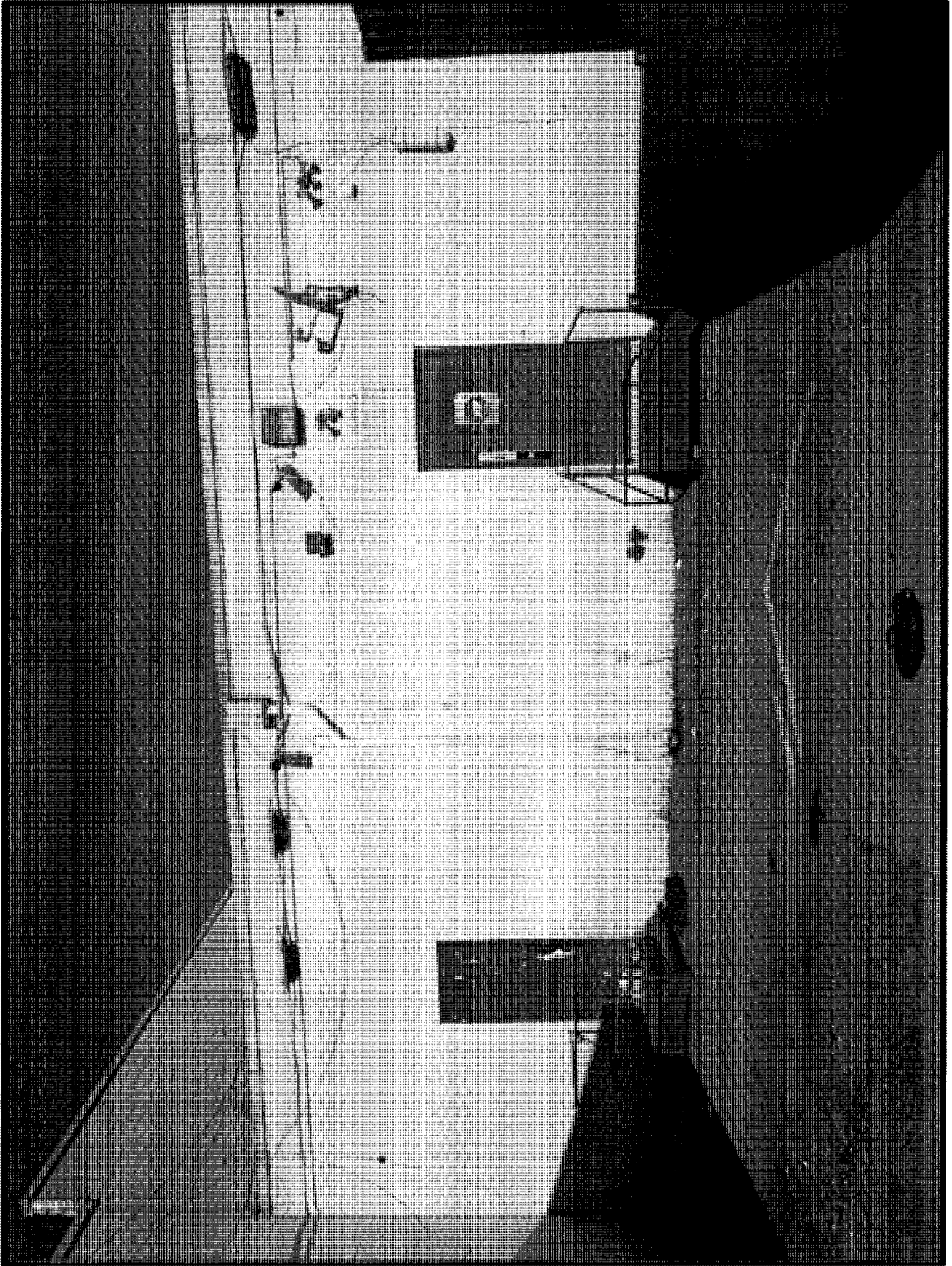
SITE PLAN



FRONT OF CLUB

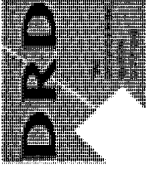
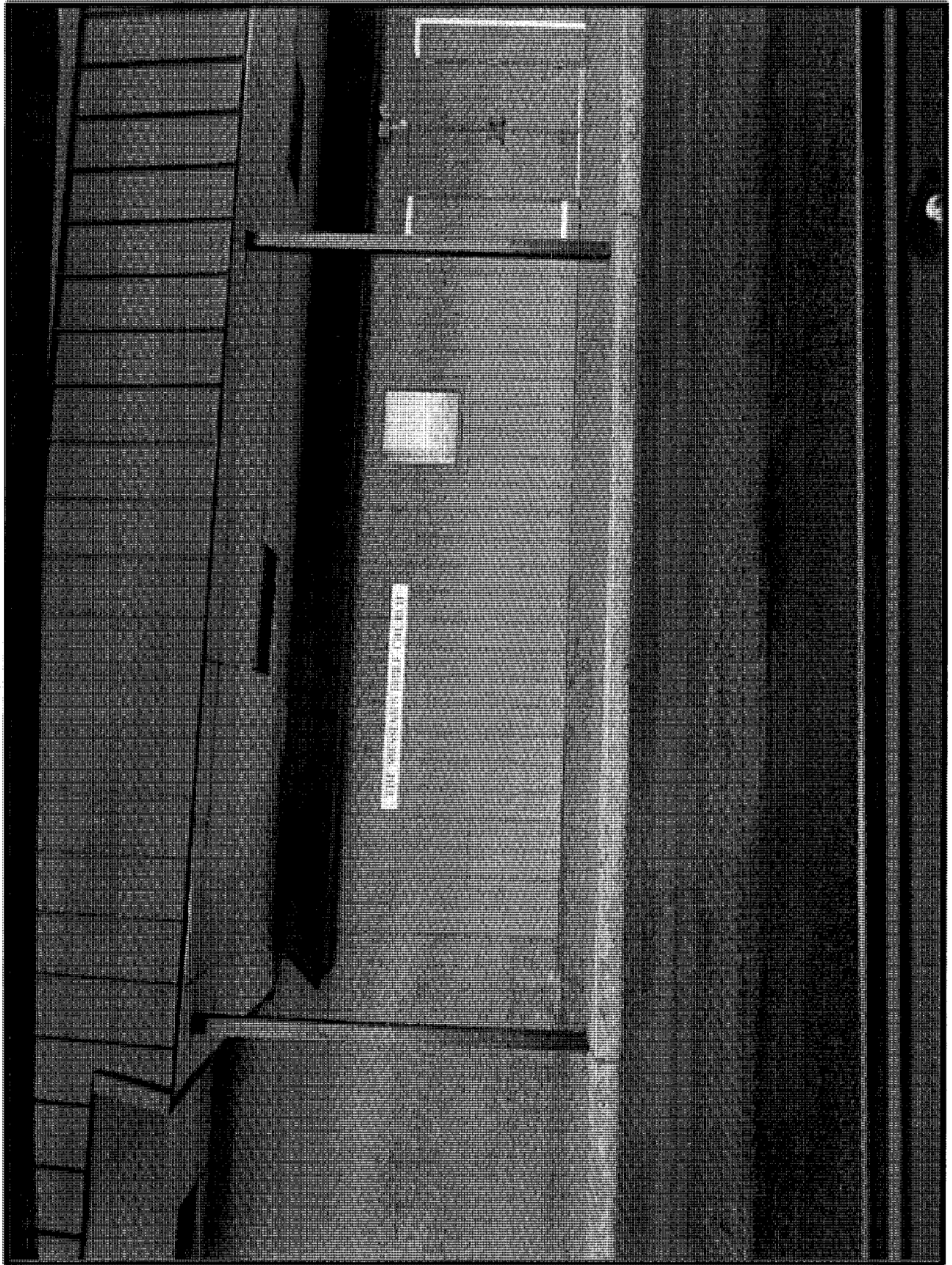


# REAR OF CLUB

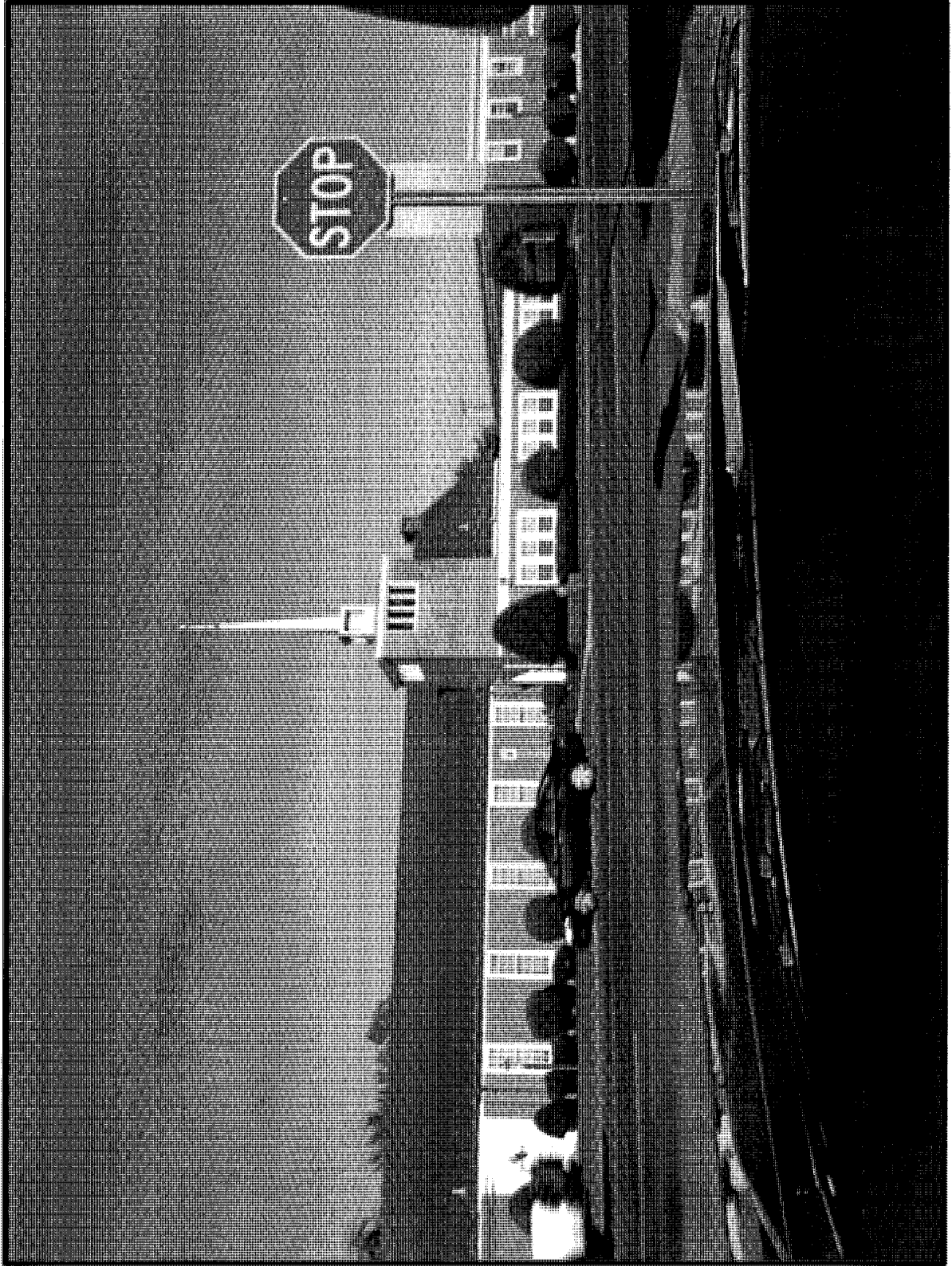




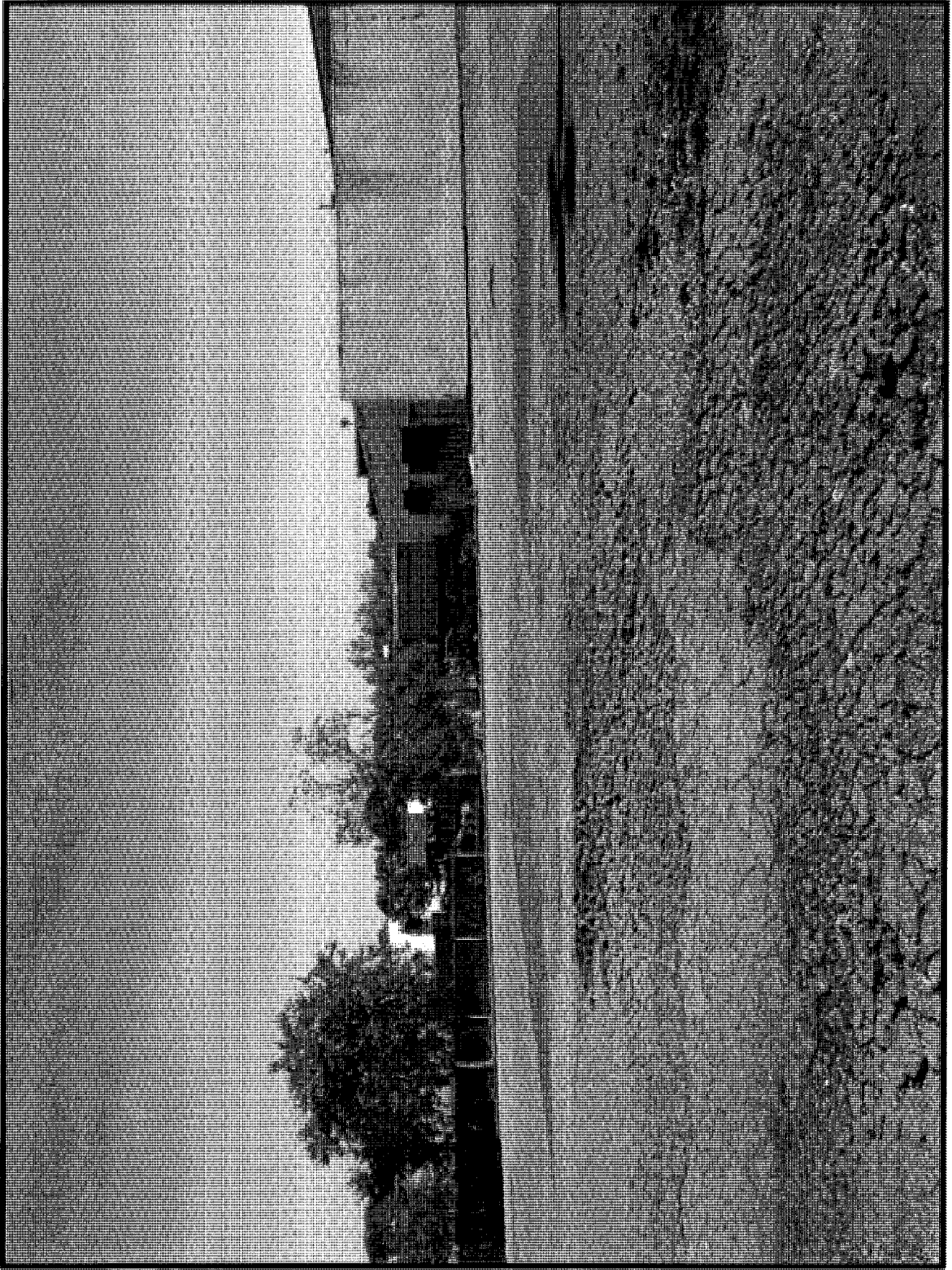
# CHURCH IN SHOPPING CENTER



# CHURCH TO THE WEST

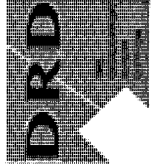
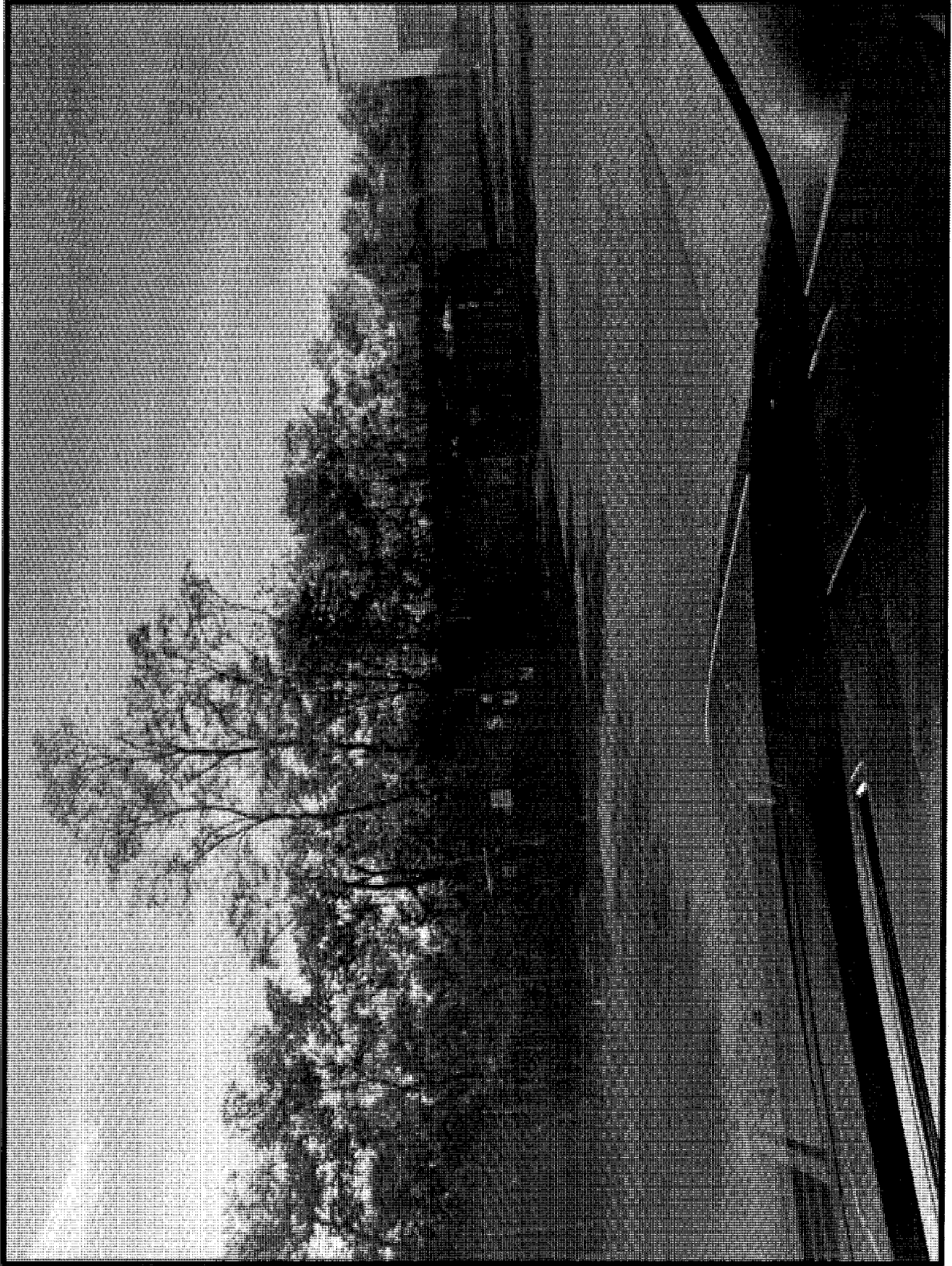


# INDUSTRIAL/COMMERCIAL USES TO THE NORTH



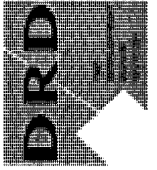
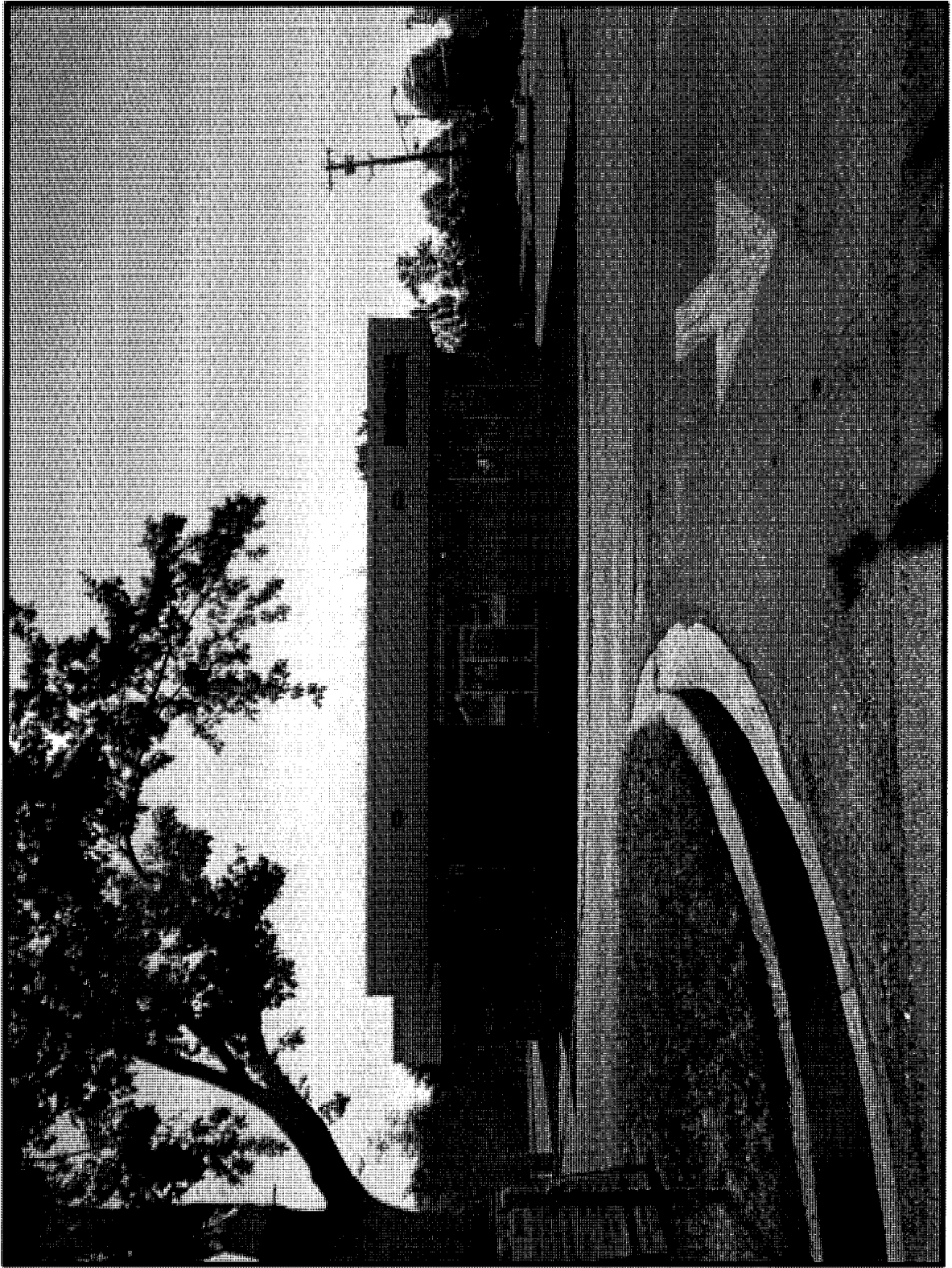


VACANT LOT TO THE EAST





# CHURCH TO THE SOUTH



SE-4716

SUPPLEMENTAL STATEMENT OF JUSTIFICATION- ZONING

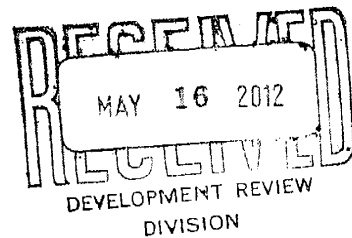
**Bazz and Crue (Application Number SE-4716)**

This Statement of Justification is provided for the above-referenced Application for a Special Exception so that Bazz and Crue, located at 7752 and 7754 Marlboro Pike, Forestville, Maryland 20747, in the Forestville Plaza Shopping Center, can obtain the special exception that all adult entertainment establishments in certain commercial and industrial zones in Prince George's County must secure under CB-56-2011 for lawful continuation of their already operational establishments, which in the case of Bazz and Crue is a private club that for over ten years has operated at its current location, which is stated above. In particular, this responds to Reviewer Comment #2 in the Departures Checklist that notes the "Property is subject to Development District Overlay Zone which does not have SE uses," and that "if use is not permitted by DDOZ plan it must be approved via a minor amendment and detailed site plan," while also noting that it is "[n]ot sure if this will be applicable in this case."

\*

This confirms that the Marlboro Pike Sector Plan allows for private clubs in the Table of Uses for the Development District Overlay Zone(see page 151). Since private clubs are listed in the table of uses, this new Special Exception requirement does not add the additional requirement for a Detailed Site Plan,\* nor does it propose a use that is outside the DDOZ plan that would necessitate any amendment.

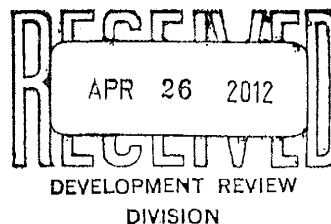
\*In fact, by virtue of CB-56-2011 being enacted, one can infer that this use is a permitted use within the zone, subject to the additional requirement of a special exception approval.



SE-4716

Ronald G. London  
202.973.4235 tel  
202.973.4499 fax  
ronnielondon@dwt.com

April 26, 2012



M-NCPPC  
Development Review Division  
Prince George's County Planning Department  
14741 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772  
(301) 952-3530

**Re: BAZZ AND CRUE (APPLICATION NUMBER SE-4716)  
STATEMENT OF JUSTIFICATION**

Dear Sir or Madam:

On behalf of CD#15CL2001, INC., d/b/a BAZZ AND CRUE d/b/a BAZZ AND CRUE GROUP HALL, this Statement of Justification is provided for the above-referenced Application for a Special Exception for Bazz and Crue Group Hall (hereafter, "Bazz and Crue"), located at 7752 and 7754 Marlboro Pike, Forestville, Maryland 20747, in the Forestville Plaza Shopping Center.

#### **Description of Proposed Use/Request**

The Application for a Special Application is submitted so that Bazz and Crue can obtain the special exception that all adult entertainment establishments in certain commercial and industrial zones in Prince George's County must secure under CB-56-2011 for lawful continuation of their already operational establishments, which in the case of Bazz and Crue is a private club that for over ten years has operated at its current location, which is stated above.

#### **Description and Location of the Subject Property**

Bazz and Crue occupies 7752-7754 Marlboro Pike in Forestville, Maryland at the Forestville Plaza Shopping Center, located at Marlboro Pike and Forestville Road. Bazz and Crue, and the Forestville Plaza Shopping Center, are part of the larger Forestville community, which lies just west of the Capital Beltway (I-495) and north of Pennsylvania Avenue (MD 4). Bazz and Crue occupies a location in the northeast corner of the Shopping Center. The property on which Club X4B is located is zoned I-1.

### **Description of Required Findings**

#### *Central Finding Required by CB-56-2011 & P.G. Code § 27-473 note 56*

Bazz and Crue is authorized as a private club, under a use and occupancy permit that dates back to 2001, at which time Prince George's County Code § 27-107.01(49) defined "private club" in relevant part as an "establishment providing facilities for entertainment and recreation for only bona fide members and guests," without reference to any type of "entertainment." Bazz and Crue has continuously since that time operated consistent with this authorization and the definition of "private club," the entertainment at which includes nude or partially nude erotic, non-obscene, performance dancing, provided to willing audiences consisting of members of the club and their guests, otherwise known as "adult entertainment."

In 2010, CB-46-2010 amended the "private club" definition in § 27-107.01(49) to add the phrase "excluding adult entertainment" at the end, and to add "adult entertainment" as a defined term in new County Code § 27-107.01(7.1), in a manner that encompasses the entertainment Bazz and Crue offers. At that time, CB-46-2010 would have required clubs like Bazz and Crue offering adult entertainment to move to property zoned I-2 by May 1, 2013. But in 2011, the County enacted CB-56-2011, which among other things amended County Code § 27-473 to allow existing establishments providing adult entertainment at premises zoned I-1 or U-L-I to remain at their current locations. Specifically, new note 56 to § 27-473 states that "[a]ny existing establishment in the I-1 or U-L-I Zone with a valid use and occupancy permit for a private auditorium, private club or lodge that included activity that meets the definition of 'adult entertainment' may continue upon approval of a Special Exception." Bazz and Crue, which lies in the I-1 Zone, satisfies this requirement insofar as it has since 2001 held a use and occupancy permit allowing operation as a private club, and it has done so, offering "adult entertainment" since well before the enactment of CB-56-2011.

This Application also satisfies County Code § 27-317 pertaining to Special Exceptions under Subtitle 27, Part 4, Subdivision 9, as follows.

#### *Harmonization of Proposed Use and Site Plan With Purpose of Subtitle 27*

The proposed use and site plan are in harmony with the purpose of Subtitle 27 insofar as there will be no physical changes to Bazz and Crue as a result of grant of this Application for a Special Exception and the location and construction of the premises was approved long ago. Similarly, the use that will be authorized with grant of this Application will be the same as that which has been offered for the last decade at Bazz and Crue, which has long been authorized by preexisting law.

*Conformance With Applicable Requirements in Subtitle 27*

Given that there will be no physical or operational changes as noted above, the proposed use thus also conforms – and always has – to all applicable requirements and regulations in Subtitle 27. Further, strict application of § 27-473 prohibiting establishments offering adult entertainment from (among others) the I-1 Zone, and restricting them to the I-2 Zone, will cause unfair and undue hardship on existing clubs that have made expectation-based investments, and accordingly accrued significant property interests in their existing locations. That presumably is why CB-56-2011 has afforded them the opportunity to stay in their existing locations – and in this case, afforded Bazz and Crue the opportunity to remain in its present I-1 location – pursuant to the Special Exception process.

*The Proposed Use Will Not Impair the Integrity of any Validly Approved Master Plan, Functional Master Plan, or General Plan*

Authorizing the ongoing and proposed-herein continuing use of Bazz and Crue as a private club offering adult entertainment will not substantially impair the integrity of any validly approved Master Plan, Functional Master Plan, or General Plan. As noted, this Special Exception Application does not involve any physical or operational changes that could cause such impairment.

*No Adverse Effect to Health, Safety or Welfare*

Bazz and Crue has never adversely affected the health, safety, or welfare of residents and workers in the area, nor will grant of this Application for a Special Exception to authorize continued operations cause any such adverse effects. Again, the lack of any physical or operational changes means that the status quo will be maintained as to the health, safety, and welfare of residents and workers in the area.

*No Detriment to Use or Development of Adjacent Properties or General Neighborhood*

Bazz and Crue has for approximately a decade successfully co-existed with properties adjacent to it and its/their general neighborhood, such that grant of this Application for a Special Exception proposing to allow Bazz and Crue to continue operating as it long has will not be detrimental to the use or development of any adjacent property or surrounding neighborhood. Here, too, the lack of any physical or operational changes means that the status quo will be maintained regarding the ability to use or develop adjacent property and surrounding neighborhood.

*Conformance With Type 2 Tree Conservation Plan*

The Site Plan accompanying this Application for a Special Exception is exempt from the Prince George's County Environmental Technical Review Manual because it contains less than 10,000 square feet of woodland and does not have a previously approved tree

conservation plan. In addition, because this Application does not require a grading permit per Section 32-127(a)(6)(A), it is also not subject to the requirements of Subtitle 25, Division 2, Woodland and Wildlife Habitat Conservation Ordinance (Submittal of Type 2 Tree Conservation Plan, or a Standard or Numbered Letter of Exemption).

*Preservation/Restoration of Regulated Environmental Features*

Once again, insofar as no physical changes to the exterior or interior of Bazz and Crue are sought or will be made pursuant to the Special Exception requested by this Application, the proposed site plan demonstrates the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5), insofar as no regulated environmental features will be in any way affected by grant of the Application. Indeed, and in short, grant of this Application for a Special Exception will have no environmental impact.

*Chesapeake Bay Critical Area Overlay Zone*

This Application does not implicate any Chesapeake Bay Critical Area Overlay Zone, and there is no Variance being requested as part of this Application.

**Variance Requests**

No variance from any section of the Prince George's County Code (or otherwise) is sought by this Special Exception Application.

**Summary/Conclusion**

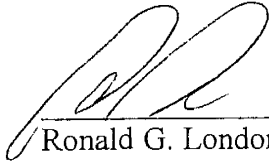
Bazz and Crue seeks to obtain the Special Exception contemplated by new note 56 to revised County Code § 27-473, which intends to allow existing establishments providing adult entertainment in (among others) I-1 zones to remain at their current locations. There will be no physical or operational changes with respect to Bazz and Crue, which has long co-existed at its present location offering to willing audiences consisting of members of Bazz and Crue and their guests erotic, non-obscene performance dancing protected by the First Amendment. As Bazz and Crue has satisfied each of the requirements of the Prince George's County's special exception process and Subtitle 27 of the County Cod and all other applicable requirements, expeditious grant of the requested Special Exception is thus respectfully requested.

\* \* \* \*

1 SE-4716

We thank you in advance for your time and consideration, and request that you please direct all correspondence to the undersigned, using the address, fax, and/or email as indicated on this letterhead.

DAVIS WRIGHT TREMAINE LLP



---

Ronald G. London

Counsel for CD#15CL2001, INC.,  
d/b/a BAZZ AND CRUE, d/b/a  
BAZZ AND CRUE GROUP  
HALL

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **MAR 23 2005**

CD 15 CL 2001 INC  
BOX 471647  
DISTRICT HEIGHTS, MD 20753

Employer Identification Number:  
52-2344907  
DLN:  
17053315016004  
Contact Person:  
BENJAMIN L DAVIS ID# 31465  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
DECEMBER 31  
Public Charity Status:  
170 (b) (1) (A) (vi)  
Form 990 Required:  
YES  
Effective Date of Exemption:  
OCTOBER 10, 2001  
Contribution Deductibility:  
YES

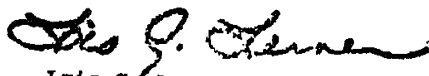
Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed information for Exempt Organizations Under Section 501(c)(3) for some helpful information about your responsibilities as an exempt organization.

Sincerely,



Lois G. Lerner  
Director, Exempt Organizations  
Rulings and Agreements

Enclosures: Information for Organizations Exempt Under Section 501(c)(3)

Letter 947 (DO/CG)



**ARTICLES OF INCORPORATION**

**OF**

**CD#15 CL2001, INC.**

**A CLOSE CORPORATION**

**FIRST:** That I, the undersigned, being at least 18 years of age, do hereby form a close corporation under and by virtue of the General Laws of the State of Maryland.

**SECOND:** The name of the close corporation (which is hereinafter called the "Corporation") is CD#15 CL2001, INC.

**THIRD:** The Corporation shall be a close corporation as authorized by Title Four of the Corporations and Associations Article of the Annotated Code of Maryland, as amended.

**FOURTH:** The nature of the business of the Corporation and the objects and purposes proposed to be transacted, promoted or carried on by it, are as follows:

1. To establish, own, maintain, conduct, carry on, manage and generally engage in the operation of a business for the purpose of conducting events, receptions, lodge meetings, and classes for an auxiliary group of the Masonic Lodge CD#15, and all services, matters, transactions, activities and things necessary and related thereto.
2. To enter into and perform contracts; to acquire, use deal in and with, encumber and dispose of real and personal property, without limitation, including obligations or securities; to borrow and lend money for its corporate purposes, to invest and reinvest its funds, and take, hold and

deal with real and personal property as security for the payment of funds loaned or invested, or otherwise, to vary and investment or employment of capital of the Corporation from time to time; and to create or participate with other corporations and entities for the performance of all undertakings, as partner, joint venturer, or otherwise and to share or delegate control therewith or thereto.

3. To pay pensions and establish and carry out pension, profit sharing, stock option, stock purchase, stock bonus, retirement, benefit, incentive or commission plans, trusts and provisions for any and all of the directors, officers and employees of its subsidiaries; and to provide insurance for its benefit on the life of any of its directors, officers or employees, or on the life of any stockholder for the purpose of acquiring at his or her death shares of its stock, owned by the stockholder.
4. To merge or consolidate with any corporation in such manner as may be permitted by law, to aid in any manner any corporation whose stocks, bonds or other obligations are held or in any manner guaranteed by this corporation, or in which this corporation is in any way interested; and to do any other acts or thing for the preservation, protection, improvement or enhancement of the value of any such stock, bonds or other securities, to exercise all the rights, powers and privileges of ownership thereof, and to exercise any and all voting powers thereon; and to guarantee the payment of dividends upon any stock, the principal, interest or both, of any bonds or other securities and the performance of any contracts.

5. To do all and everything necessary, suitable and proper for the accomplishment of any of the purposes or the attainment of any of the objects or the furtherance of any of the powers herein before set forth, either alone or in association with other corporations, firms or individuals and to do every other act or thing, incidental, appurtenant to, growing out of or connected with the aforesaid business or powers of any part thereof, provided the same not be inconsistent with the laws under which this corporation is organized; and to do all such acts and things and conduct business and have one or more offices and exercise its corporate powers in any way and all places, without limitation.
6. To engage in any other lawful act or activity for which a corporation may be organized under the General Laws of the State.

The foregoing enumeration of the purposes, objects and business of the Corporation is made in furtherance and not in limitation of the powers conferred upon the Corporation by law, and is not intended, by the mention of any particular purpose, object or business, in any manner, to limit or restrict the generality of any other purpose, object or business mentioned, or to limit or restrict any of the powers of the Corporation. This Corporation is formed upon the articles, conditions and provisions herein expressed, and subject in all particulars to the limitations relative to corporations, which are contained in the General Laws of this State.

**FIFTH:** The post office address of the principal office of the Corporation is Box 471 647 District Heights, MD 20753. The resident agent of the Corporation is

Eric W. Hudson. Said resident agent is an individual actually residing in the State of Maryland and whose address is 8 Black Pool Circle, Waldorf, MD 20602.

**SIXTH:** The total number of shares, which the Corporation has authority to issue, is 1,000 shares, without par value, all of one class.

A description of said stocks, with the preferences, conversion and other rights, voting powers, restrictions, limitations as to dividends and qualifications is as follows:

**CLASS A COMMON STOCK**

The holder of each share of Class A Common Stock shall be entitled to one vote in all proceedings in which action shall be taken by stockholders of the Corporation. The holders of such stock shall be entitled to any dividends of the Corporation. The holders of such stock shall be entitled to any dividends of the Corporation and shall be entitled to distribution of all the assets of the Corporation upon liquidation, dissolution or termination of the Corporation.

**SEVENTH:** The Corporation shall have one director who shall serve only until such time as stock in the Corporation is issued and the organization meeting completed. Eric W. Hudson shall act as the director until such time; thereafter, the Corporation shall have no directors. The affairs and property of the Corporation shall be managed by its stockholders acting in lieu of a Board of Directors. Any matter to be acted on by the stockholders (except such matters as are required by statute to be decided by some different number or proportion) shall be decided by the vote of the owners of a majority of the issued and outstanding stock of the Corporation entitled to vote on such matters.

**EIGHTH:** The corporation reserves the right, from time to time, to make any amendment to its charter, now or hereafter authorized by law, including any amendment,

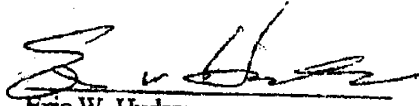
which alters the contract rights, as expressly set forth in its charter, or any outstanding stock.

NINTH: The duration of the Corporation shall be perpetual.

IN WITNESS WHEREOF, I have signed these Articles of Incorporation on this 2 day of AUG, 2001.

WITNESS:

8/2/01  
Date

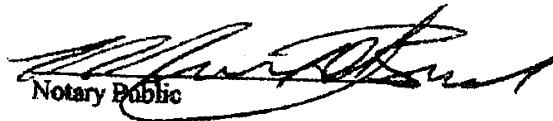
  
Eric W. Hudson  
8 Black Pool Circle  
Waldorf, MD 20602

STATE OF MARYLAND )  
COUNTY OF MONTGOMERY )

ss:

I HEREBY CERTIFY that on this 2<sup>nd</sup> day of August, 2001, before me, a Notary Public in and for the State and County aforesaid, personally appeared Eric W. Hudson, the above named subscriber, and acknowledged the foregoing Articles of Incorporation t be his act.

As witness my hand and notarial seal.

  
Notary Public

MICHAEL D. BREADS  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires November 1, 2003

ARTICLES OF AMENDMENT

A CLOSE CORP.

(1)

CD#15 CL2001, INC.

(2)

a Maryland corporation hereby certifies to the State Department of Assessments and Taxation of Maryland that:

(3) The charter of the corporation is hereby amended as follows:

CD#15 CL2001, INC. IS ORGANIZED EXCLUSIVELY FOR CHARITABLE, RELIGIOUS, EDUCATIONAL, AND SOCIAL PURPOSES. INCLUDING, FOR SUCH PURPOSES, THE MAKING OF DISTRIBUTIONS TO ORGANIZATIONS THAT QUALIFY UNDER EXEMPT ORGANIZATIONS UNDER 501(C) (3) OF THE INTERNAL REVENUE CODE, OR CORRESPONDING SECTION OF ANY FUTURE FEDERAL TAX CODE.

NO PART OF CD#15 CL2001, INC.'S NET EARNINGS SHALL INURE TO THE BENEFIT OF, OR BE DISTRIBUTABLE TO ANY MEMBERS, TRUSTEES, OFFICERS, OR OTHER PRIVATE PERSON, EXCEPT THAT THAT HAVE BEEN AUTHORIZED, AND EMPOWERED TO PAY COMPENSATION FOR SERVICES RENDERED AND TO MAKE PAYMENTS AND DISTRIBUTIONS IN FURTHERANCE OF THE PURPOSES SET FORTH IN THE PURPOSE CLAUSE HEREOF. NO SUBSTANTIAL PART OF THE ACTIVITIES OF CD#15 2001 INC. SHALL BE THE CARRYING ON OF PROPAGANDA, OR OTHERWISE ATTEMPTING TO INFLUENCE LEGISLATION, AND THE ORGANIZATION SHALL NOT PARTICIPATE IN, OR INTERVENE IN ANY POLITICAL CAMPAIGN ON BEHALF OF ANY CANDIDATE OF PUBLIC OFFICE. NOTWITHSTANDING ANY OTHER PROVISION OF THIS DOCUMENT, CD#15 2001 INC. SHALL NOT CARRY ON ANY OTHER ACTIVITIES NOT PERMITTED TO BE CARRIED ON (A) BY AN ORGANIZATION EXEMPT FROM FEDERAL INCOME TAX UNDER SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE, OR CORRESPONDING SECTION OF ANY FUTURE FEDERAL TAX CODE, OR (B) BY AN ORGANIZATION, CONTRIBUTIONS TO WHICH ARE DEDUCTIBLE UNDER SECTION 170(C) (2) OF THE INTERNAL REVENUE CODE, OR CORRESPONDING SECTION OF ANY FUTURE FEDERAL TAX CODE.

UPON THE DISSOLUTION OF CD#15 CL 2001 INC., ASSETS SHALL BE DISTRIBUTED FOR ONE OR MORE EXEMPT PURPOSES WITHIN THE MEANING OF SECTION 501(C) (3) OF THE INTERNAL REVENUE CODE, OR CORRESPONDING SECTION OF ANY FUTURE FEDERAL TAX CODE, OR SHALL BE DISTRIBUTED TO THE FEDERAL GOVERNMENT, OR TO A STATE OR LOCAL GOVERNMENT, FOR A PUBLIC PURPOSE. ANY SUCH ASSETS NOT DISPOSED OF BY THE COURT OF COMMON PLEAS OF THE COUNTY IN WHICH THE PRINCIPAL OFFICE TO THE ORGANIZATION IS THEN LOCATED, EXCLUSIVELY FOR SUCH PURPOSES OR TO SUCH ORGANIZATION OR ORGANIZATIONS, AS SAID COURT SHALL DETERMINE, WHICH ARE ORGANIZED AND OPERATED EXCLUSIVELY FOR SUCH PURPOSES.

This amendment of the charter of the corporation has been approved by

(4) THE DIRECTORS, NO STOCK HAS BEEN ISSUED.

We the undersigned President and Secretary swear under penalties of perjury that the foregoing is a corporate act.

(5) CLOSE CORP.  
Secretary

(5)   
President

(6) Return address of filing party: Bazz & Crue Hall  
CD#15 CL2001 INC

ERIC W. HUDSON

Box 471647  
DISTRICT HEIGHTS, MD. 20753

FOR OFFICE USE ONLY

# PRINCE GEORGE'S COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES PERMIT APPLICATION

8

FOR OFFICE USE ONLY

[PLEASE PRINT OR TYPE]

Permit Number: 19557 2001 Rev: \_\_\_\_\_ Date: \_\_\_\_\_

Location 7752 MARLBORO PIKE  
FORESVILLE, MD. 20747

- New Residential
- Misc. Residential
- New Commercial
- Misc. Commercial
- Grading
- Sign
- Specialty
- Use & Occupancy
- Temp U & O
- Fire
- Found./Bldg.
- Stormdrain
- Spec./Other

Tax I.D. #: \_\_\_\_\_ Tax Map Grid: \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Parcel \_\_\_\_\_

Work Description U/O The Maryland-National Capital Park and Planning Commission Property APPROVED  
Liber/Folio \_\_\_\_\_ Plat \_\_\_\_\_ Zoning \_\_\_\_\_

Existing Use PERMIT # Subdivision \_\_\_\_\_

Proposed Use PRIVATE CLUB + OFFICES Condemned?  Yes  No

Est. Start Date \_\_\_\_\_ Est. Compl. Date \_\_\_\_\_

- Electric Co. PEPCO
- Water WSSC
- Sewer WSSC
- B.G.E.
- WSSC
- WSSC
- MECO
- WELL
- SEPTIC

Est. Con. Cost \$ \_\_\_\_\_

Est. Sales Cost \$ \_\_\_\_\_

Trade Name BAZZ AND CRUE GROUP FORM  
HALL

Prop. Owner BIG APPLE LLC Occupant BAZZ AND CRUE GROUP F200A  
M.

Prop. Owner Address 1019 NORA DRIVE SILVER SPRING, MD 20904

Contractor N/A Contractor License # N/A

Contractor Address N/A

Applicant MASONIC LODGE C.O #15 CLASS 2001 Applicant Phone 3018709465

Applicant Address 7752 MARLBORO PIKE FORESVILLE, MD 20747

I HEREBY CERTIFY THAT I HAVE AUTHORITY OF THE PROPERTY OWNER TO MAKE THIS APPLICATION, THAT THE INFORMATION IS COMPLETE AND CORRECT, AND THAT IF A PERMIT IS ISSUED, THE CONSTRUCTION AND/OR USE WILL CONFORM TO THE BUILDING CODE, THE ZONING ORDINANCE AND OTHER APPLICABLE LAWS AND REGULATIONS INCLUDING PRIVATE BUILDING RESTRICTIONS, IF ANY, WHICH RELATE TO THE PROPERTY.

[Signature]  
Applicant Signature

17 July 01  
Date

Permit Specialist  
[Signature]

FOR OFFICE USE ONLY FOR OFFICE USE ONLY FOR OFFICE USE ONLY FOR OFFICE USE ONLY FOR OFFICE USE ONLY

<input type="checkbox"/> ENG	REVIEWER _____	DATE _____	<input type="checkbox"/> FIRE	REVIEWER _____	DATE _____
<input type="checkbox"/> NCPPC	REVIEWER _____	DATE _____	<input type="checkbox"/> HEALTH	REVIEWER _____	DATE _____
<input type="checkbox"/> W&T	REVIEWER _____	DATE _____	<input type="checkbox"/> MISC.	REVIEWER _____	DATE _____
<input type="checkbox"/> WSSC	REVIEWER _____	DATE _____	<input type="checkbox"/> PERMITS	REVIEWER _____	DATE _____

CSD INSPECTOR \_\_\_\_\_ DATE \_\_\_\_\_

PAS 299

Department of Environmental Resources  
Permits and Review Division

CERTIFICATE OF OCCUPANCY

EFFECTIVE DATE: 8/17/01 *Planned* CASE NUMBER: 19557-2001-00  
PERMISSION IS HEREBY GRANTED TO OCCUPY:  
7752 MARLBORO PIKE DISTRICT HTS, MD 20747 *Approved*

OWNERSHIP:  
USE GROUP:  
CONST. TYPE:  
TAX MAP:  
ZONE:  
PARKING SPACES:  
SPECIAL EXCEPTION:  
LOT:  
BLOCK:  
PARCEL:

USE (ANCPPC ZONING):  
CLUBS/PRIVATE/REC. OFFICE NO SALES OR STORAGE

LIMITATIONS (IF ANY):  
ok for a private club and office

PROPERTY OWNER  
FORESTVILLE PLAZA SHOPPING CENTER ASSOCI  
1019 NORA DR  
SILVER SPRING, MD 20904

OCCUPANT  
BAZZ AND CRUE GROUP HALL  
7752 MARLBORO PIKE  
FORRESTVILLE, MD 21747  
TRADE NAME:

CERTIFICATE IS TO BE CONSPICUOUSLY DISPLAYED AND NOT REMOVED FROM THE PREMISE FOR WHICH IT WAS ISSUED.  
IT IS NOT TRANSFERABLE.



PRINCE GEORGE'S COUNTY, MARYLAND  
FIRE/EMERGENCY MEDICAL SERVICES DEPARTMENT

RALPH V. DINKINS  
FIRE INSPECTOR  
CODE ENFORCEMENT - CAR 1522

FIRE PREVENTION AND INVESTIGATIONS  
6920 WASSER STREET, LANDOVER HILLS, MD 20784  
PHONE: (301) 583-1956  
FAX: (301) 583-1971  
E-MAIL: RVDINKINS@CO.PG.MD.US

*[Signature]* PE

BUILDING CODE OFFICIAL

*Canon cert'd.*





**Developed**  
 PRINCE GEORGE'S COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES \*PERMIT OFFICE  
 9400 PEPPERCORN PLACE, SUITE 600, LARGO, MD 20774, (301) 883-5900 or (301) 883-5776  
 APPLICATION FOR PLAN EXAMINATION AND PERMIT  
 (Please do not write in shaded areas)



FEB 12 2007

Case Number: <b>3802-</b>		Year: <b>2007</b>		Type: <b>UO</b>		Rev: <b>01</b>		Date: <b>FEB 09 07</b>	
Land Tax Account: <b>0548867</b>		Election District:		Lot:		Block:		Parcel: <b>C</b>	
Address: <b>7754 Malboro Pike</b>		Suite/Unit:		Liber:		Folio:		SCD: <b>078-013</b>	
City/Town/State/Zip: <b>District Heights, MD 20747</b>		Subdivision:		Referenced Permit Number:					
TYPE OF PERMIT PLEASE CHECK ONE					EXISTING SITE USE				
<input type="checkbox"/> New Residential		<input type="checkbox"/> Misc. Residential		<b>vacant</b>					
<input type="checkbox"/> New Commercial		<input type="checkbox"/> Misc. Commercial							
<input type="checkbox"/> Addition		<input type="checkbox"/> Alteration/Repairs		PROPOSED USE					
<input type="checkbox"/> Grading		<input type="checkbox"/> Logging		<b>classes, small receptions, and official gatherings, rest area for elderly</b>					
<input type="checkbox"/> Mechanical		<input type="checkbox"/> Spec./Other/Raze							
<input type="checkbox"/> Fire/Alarm/Hood		<input type="checkbox"/> Fire/Sprinklers		WORK DESCRIPTION					
<input type="checkbox"/> Use & Occupancy (U&O)		<input type="checkbox"/> Temp U&O							
<input type="checkbox"/> Sign (Bldg)		<input type="checkbox"/> Sign (Ground)							
PROPERTY OWNER INFORMATION					WORK SIZE DESCRIPTION & TOTAL AREA				
Company Name: <b>Big Apple LLC</b>		Height (ft)		Width (ft)		Depth or Length (ft)			
Name: <b>Eric Taylor Vaughn</b>		Total Site Area		Disturbed Area		Floor Area			
Address: <b>1019 Nora Drive</b>		Est. Construction Cost: \$							
City/State/Zip: <b>Silver Spring, MD 20904</b>		Water Services		<input type="checkbox"/> WSSC		<input type="checkbox"/> WELL		<input type="checkbox"/> CITY	
Telephone: (home/office) <b>240-515-2382</b> (cell) (fax)		Sewer Services		<input type="checkbox"/> WSSC		<input type="checkbox"/> SEPTIC		<input type="checkbox"/> CITY	
U&O OCCUPANT'S INFORMATION					CONTRACTOR'S INFORMATION				
Company Name: <b>CD #15 CL 2001 Inc. Masonic Hall</b>		The Maryland National Capital		<b>APPROVED 3/19/07</b>					
Address: <b>B+C Group Hall F.A.M. II</b>		Permit and Planning Commission							
Name: <b>Eric Taylor Vaughn</b>		Contractor's Name: <b>M. Hughes</b>		<b>PERMIT # 3802-2007-11</b>					
Address: <b>7754 Malboro Pike</b>		Owner's Name:							
City/State/Zip: <b>District Heights, MD 20747</b>		City/State/Zip: <b>OK for private club with a</b>		<b>maximum of 65 seats per</b>					
Telephone: (office) <b>240-515-2382</b> (cell) (fax)		Telephone: (office) (cell) (fax)							
APPLICANT'S INFORMATION					ARCHITECT'S/ENGINEER'S INFORMATION				
Company Name: <b>B+C Group Hall F.A.M. II</b>		Company Name: <b>attached documentation.</b>							
Name: <b>Keith Brown</b>		Name:							
Address: <b>7754 Malboro Pike</b>		Address:							
City/State/Zip: <b>District Heights, MD 20747</b>		City/State/Zip:							
Telephone: (office) <b>240-515-2382</b> (cell) (fax)		Telephone: (office) (cell) (fax)							
FOR OFFICE USE ONLY									
Reviewer		Date		Reviewer		Date			
M-NCPPC				Fire Eng					
DPW&T				Site Eng.					
Structural. Eng.				Mechanical Eng.					
Electrical Eng.				Issuance					

*Eric Taylor Vaughn*  
 Applicant Signature

**2/19/07**  
 Date

*[Signature]*  
 Permit Specialist

I hereby certify that I have authority of the property owner to make this application and that the information is complete and correct and, if a permit is issued, the construction and/or use will conform to the Building Code, the Zoning Ordinance and other applicable laws and regulations including private building restrictions, if any, which relate to the property.

B-610E

PRINCE GEORGE'S COUNTY

Department of Environmental Resources  
Permits and Review Division

SE-4716

*Handwritten signature*  
652

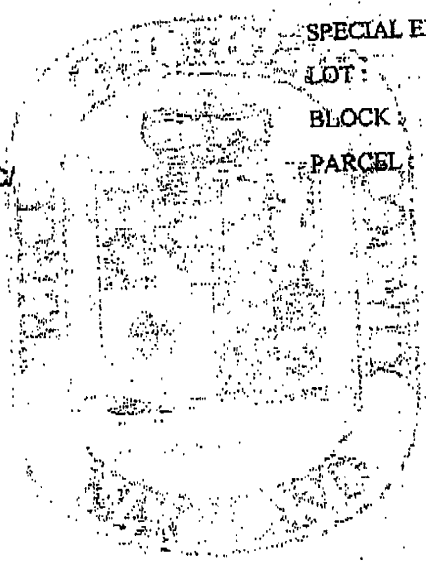
CERTIFICATE OF OCCUPANCY

EFFECTIVE DATE: 04-27-07

CASE NUMBER: 3802-2007-01

PERMISSION IS HEREBY GRANTED TO OCCUPY :  
7754 MARLBORO PIKE DISTRICT HTS, MD 20747

CASETYPE :	UO (USE & OCCUPANCY)	PARKING SPACES :	100
OWNERSHIP :		SPECIAL EXCEPTION :	
USE GROUP :		LOT :	
CONST. TYPE :		BLOCK :	
TAX MAP :	082	PARCEL :	C
ZONE :	/CSCI		
USE (MNCPPC ZONING) :			
CLUBS :			
LIMITATIONS (UP TO) :			



*Handwritten signature*  
Keith Brown

**PROPERTY OWNER**  
BIG APPLE LLC  
1019 NORA DR  
SILVER SPRING, MD 20904

**OCCUPANT**  
CD #15 CL2001 INC. MASONIC HALL  
7754 MARLBORO PIKE  
DISTRICT HTS, MD 20747  
TRADE NAME : B & C GROUP HALL F.A.M. II

CERTIFICATE IS TO BE CONSPICUOUSLY DISPLAYED AND NOT REMOVED FROM THE PREMISE FOR WHICH IT WAS ISSUED.  
IT IS NOT TRANSFERABLE.

*Handwritten signature*

BUILDING CODE OFFICIAL

YOU MUST COMPLY WITH MUNICIPAL, HOMEOWNER/CIVIC ASSOCIATION AND LOCAL COVENANTS. A FINE MAY BE IMPOSED IF CONSTRUCTION IS BEGUN WITHOUT REQUIRED APPROVALS.

CD#15CL2001 INC  
FREE and ACCEPTED MASONS  
P.H.A AFFILIATION

MS. MARY HAMPTON  
M-NCPPC

7 FEB 07

RE: CASE# 3802-2007-00  
CD#15CL2001 INC. MASONIC

Greetings Ms. Hampton:

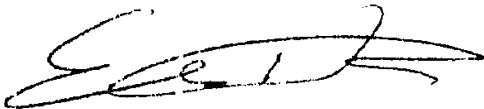
Please see the attached application documentation and temporary Use and Occupancy certificate for our Masonic Group which we spoke about Monday.

The Candidate who was charged with submitting it was instructed that it was to be applied for as a PRIVATE Masonic CLUB, however it was printed out as "EVENT HALL".

This Hall will be intended for the use of our elder members who hold the Masonic degrees of 32\* and above and suitable vouched for individuals only. Its uses will be for classes, small receptions, and official gatherings.

We have included copies of our Articles of Incorporation as well as our 501 (c) (3) documentation.

Please contact me if any other information is required. I always look forward to speaking with you. Its an honor that I respect and appreciate.



Eric Hudson- 240-515-2382  
Trustee  
CD#15CL2001 INC. F.A.M

2007 02 14

CD#15CL2001 INC.  
FREE and ACCEPTED MASONS  
P.H.A. AFFILIATION

Ms. Michelle Hughes  
M-NCPPC  
RE: CASE: 3802-2007-01  
FAX: 301-952-4141

14 FEB 07

Ms. Hughes:

The following is the list of establishments, and they're uses for the BIG APPLE LLC. shopping Center that you requested:

7756 UNCLE JACKS FURNITURE STORE ("MARLBORO PIKE FORRESTVILLE MD".)

7758 CFE EVENTS CENTER

7744 BARBER SHOP ("REAL CUTS")

7707 SOUL FACTORY THEATRE

7754 CHURCH

7730 CHURCH

If any other information is required, please don't hesitate to give us a call. We sincerely thank you for your assistance.

Eric Hudson 240-515-2382  
Trustee CD#15CL2001 INC.

June 15, 2012

**MEMORANDUM**

**TO:** Tom Lockard, Zoning Section  
**VIA:** Whitney Chellis, Subdivision Section  
**FROM:** Patrick Reidy, Subdivision Section  
**SUBJECT:** Referral for Bazz and Crue, SE-4716

The property is known as Parcel C, located on Tax Map 82 in Grid A-4, zoned I-1, and is 18.17 acres. Parcel C was subdivided in 1972, and recorded in plat book WWW 78-13. The bearings and distances of the property as reflected on the site plan is consistent with the record plat.

Based on the archive aerial photos of the site on PGAtlas, the existing building was in existence prior to 1991. The property is improved with 219,174 square feet of commercial shopping center. All structures are to remain and no new structures are being proposed. The applicant has submitted a special exception to continue the use of an adult entertainment establishment in accordance with CB-56-2011. The record plat does not contain any notes. The proposed SE is exempt from a preliminary plan of subdivision pursuant to Section 24-111(c)(2).

The Special Exception, SE-4704 is in substantial conformance with the record plat. The plat reference should be added to the site date on the site plan. There are no other subdivision issues at this time.



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

**Prince George's County Planning Department  
Countywide Planning Division**

**(301) 952-3680  
www.mncppc.org**

May 24, 2012

**MEMORANDUM**

**TO:** Tom Lockhard, Planner Coordinator, Zoning Section, Development Review Division

**VIA:** Christine Osei, Planner Coordinator  
, Special Projects Section, Countywide Planning Division

**FROM:** Jay Mangalvedhe, Senior Planner, Special Projects Section, Countywide Planning Division

**SUBJECT:** SE-4716; Bazz and Crue

Bazz and Crue Property is located in the northeast corner of Forestville Road and Marlboro Pike. Special Projects Section, Countywide Planning Division has reviewed the proposed Special Exception application for Public Facility adequacy. The request for special exception for adult entertainment, per 27-473 N.56 as added by CB-56-2011 will have no impact on public facilities.

I:\PPS\Development Review\Special Exception\SE-4716\_JM.sp  
G:\Referrals\_DRD\SE-4716\_JM.sp



June 18, 2012

**MEMORANDUM**

TO: Tom Lockard, Planner Coordinator, Zoning Review Section  
VIA: Ruth Grover, Planner Coordinator, Urban Design Section  
FROM: Jill Kosack, Senior Planner, Urban Design Section  
SUBJECT: Bazz and Crue - Special Exception SE-4716

The Urban Design Section has reviewed the information provided in support of the Special Exception SE-4716 which requests approval of an adult entertainment establishment in the Light Industrial (I-1) Zone. The subject property is located generally northeast of the intersection of Forestville Road and Marlboro Pike, and specifically located at 7752 and 7754 Marlboro Pike, in Forestville, Maryland. It is bounded to the north by various commercial retail and industrial uses in the I-1 and Commercial Shopping Center (C-S-C) Zones; to the south by Marlboro Pike and various commercial retail uses in the C-S-C Zone, and a church in the I-1 Zone; to the west by Forestville Road, with a church in the One-Family Detached Residential (R-55) Zone and a gas station in the C-S-C Zone beyond; and to the east by various industrial uses in the I-1 Zone.

The subject site measures 18.17 acres and was developed as the 219,274-square foot Forestville Plaza Shopping Center in the mid-seventies. The shopping center is currently partially occupied, with tenants ranging from a church to a flea market. Bazz and Crue, an existing tenant located in the northeastern corner of the shopping center, was authorized originally in 2001 by a use and occupancy permit as a private club, then defined to include adult entertainment. Recently, County Council Bill CB-46-2010 changed the legal definition of a private club to exclude adult entertainment. Subsequently, County Council Bill CB-56-2011 amended the Zoning Ordinance to allow existing private clubs with adult entertainment in the I-1 Zone, with a valid use and occupancy permit, to continue to operate if approved as a Special Exception application, filed and accepted before June 1, 2012. Hence, the applicant filed the subject SE application, prior to June 1, 2012, requesting approval of the adult entertainment use. No physical improvements or changes to the site are proposed with this application.

**ZONING ORDINANCE**

There are no urban design-related required findings for an adult entertainment use in the Zoning Ordinance.

## **ARCHITECTURAL REVIEW**

No new buildings or exterior improvements are proposed on-site with this special exception. Therefore, no architecture was reviewed in connection with the subject application by the Urban Design Section.

## **LANDSCAPE MANUAL**

The application for an adult entertainment use within an existing shopping center, measuring more than 60,000 square feet, is not subject to the requirements of the 2010 *Prince George's County Landscape Manual* because it does not involve a change of use from a lower- to a higher-intensity use category or from a residential to a non-residential use, does not involve an increase in impervious surface and does not involve an increase in gross floor area.

## **TREE CANOPY COVERAGE**

The application for SE approval of an adult entertainment use will not require a permit that proposes 1,500 square feet or greater disturbance. Therefore, the application is not subject to the requirements of the Tree Canopy Coverage Ordinance (TCC).

## **URBAN DESIGN RECOMMENDATIONS**

Based on the above analyses, the Urban Design Section has no specific recommendations regarding the subject application.

Prince George's County Planning Department  
Community Planning South Division

301-952-3972  
www.mncppc.org

September 21, 2012

## MEMORANDUM

TO: Tom Lockard, AICP, Planning Coordinator, Zoning Section  
VIA: Cynthia Fenton, Acting Supervisor, Community Planning South Division  
FROM: Clara Fenwick, Planner Coordinator, Community Planning South Division  
SUBJECT: SE-4716, Bazz and Crue

## DETERMINATIONS

General Plan: This application is not consistent with the 2002 General Plan Development Pattern policies for the Developed Tier.

Sector Plan: This application does not conform with the land use recommendations of the 2009 *Approved Sector Plan for Marlboro Pike*.

- This is not a use permitted by right or by special exception in the Light Industrial, I-1 Development District Overlay Zone (DDOZ).

## BACKGROUND

Location: The property is located in the northeast corner of Forestville Road and Marlboro Pike.  
Size: 18.17 acres  
Existing Uses: The property is an existing adult entertainment center in Forestville Plaza.  
Proposal: The applicant is proposing a special exception for an existing adult entertainment establishment.

## GENERAL PLAN, MASTER PLAN AND SMA

**2002 General Plan:** This application is located in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium-to high-density neighborhoods.

### Master Plan:

Planning Area/ Community:	Marlboro Pike, Planning Area 75A
Land Use:	Industrial
Environmental:	See the Environmental Planning Section referral for comments based on The 2005 <i>Approved Countywide Green Infrastructure Plan</i> .
Historic Resources:	There are no historic properties on or adjacent to the site.
Transportation:	Marlboro Pike, I-414, is an industrial road and has a 70 foot right-of-way with planned bike lanes.
Public Facilities:	There are no public facilities on or adjacent to the property
Parks & Trails:	None identified

**SMA/Zoning:** The 2009 *Approved Sector Plan for Marlboro Pike* changed the C-S-C Zone to I-1 DDOZ.

## PLANNING ISSUES

The 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment (SMA)* designated the subject property as Priority Area 7: Forestville Flex Space Campus and rezoned it to I-1 DDOZ which does not permit an adult entertainment center. The vision for the site is to develop flex and auxiliary office space for industrial businesses and related professional service companies that form the supply chain for major industrial tenants. The site is located in the Andrews Air Force Base Safety Zones, APZ I and APZ II. Prince George's County and Andrews Air Force Base worked collaboratively to prepare a Joint Land Use Study (JLUS), which aimed at limiting the loss of life and property in the APZ's by reducing the public's exposure to hazards by planning for low density land uses and development patterns. The Marlboro Pike Plan and SMA complement JLUS recommendations regarding land use and density.

The DDOZ Table of Uses Permitted states "No use shall be allowed in the Industrial Zones, except as provided for in the Table of Uses..." The applicant is requesting a special exception to continue using the

property as an adult entertainment center. Council Bill-56-2011 defines a private club and an adult entertainment center as follows:

- (7.1) **Adult Entertainment:** Adult Entertainment means any exhibition, performance or dance of any type conducted in a premise where such exhibition, performance or dance involves a person who:
- (A) Is unclothed or in such attire, costume or clothing as to expose to view any portion of the breast below the top of the areola or any portion of the pubic region , anus, buttocks, vulva or genitals with the intent to sexually arouse or excite another person;  
or
  - (B) Touches, caresses or fondles the breasts, buttocks, anus, genitals or pubic region of another person, or permits the touching, caressing or fondling of his/her own breasts, buttocks, anus, genitals or pubic region by another person, with the intent to sexually arouse or excite another person.

(49) **Club or Lodge, Private:** An establishment providing facilities for entertainment or recreation for only bona fide members and guests, and not operated for profit excluding adult entertainment.

The applicant received a use and occupancy permit for a private club under the C-S-C Zoning District when it opened in 2001. The 2009 Marlboro Pike Sectional Map Amendment rezoned the property from C-S-C to I-1 DDOZ. The current I-1 Zone/DDOZ does not permit a private club/ lodge or an adult entertainment center. The application is also inconsistent with the General Plan goal to enhance industrial employment areas (p.32).

c: Ivy A. Lewis, Chief, Community Planning South Division  
Long-range Agenda Notebook

J: /Referrals-DRD/SE-4716-Bazz and Crue.CF

June 1, 2012

**MEMORANDUM**

TO: Tom Lockard, AICP, Planning Coordinator, Zoning Section

FROM: Michelle Hughes, Permit Review Section, Development Review Division

SUBJECT: Referral Comments for Bazz and Crue (SE-4716)

1. The required parking per parking schedule demonstrated on the site plan is based on a unit-by-unit basis. Vacant units must be included in the schedule and can be listed as “vacant” but a required number of parking spaces must be demonstrated. Per parking analysis A.3 there is no parking spaces required for this vacant square footage.
2. The loading requirements are demonstrated on the site plan based upon an integrated shopping center use. If the parking is demonstrated on unit-by-unit bases the loading should also be demonstrated on a unit-by-unit basis.
3. Parking required for adult entertainment is 1 parking space required per 80 square feet of gross floor area.
4. The hours of operation shall be limited to 5:00 P.M. to 3:00 A.M. per CB-56-2011 footnote 58. Please demonstrate on site plan.
5. Provide the gross leasable area on the site plan.
6. The square footage and dimensions of each unit must be demonstrated on the site plan.
7. The review of this referral does not include the review of signs.

**Lockard, Thomas**

---

**From:** Shoulars, Katina  
**Sent:** Thursday, May 24, 2012 11:22 AM  
**To:** Lockard, Thomas  
**Subject:** Bazz and Crue (SE-4716)

The environmental Planning Section has review the above referenced application and offers the following comments for your consideration:

The special exception request is for a use only.

The application does not propose any disturbance. As such, the site is not subject to the Tree Canopy Coverage Ordinance.

The site is exempt from the Woodland and Wildlife Habitat Conservation Ordinance because it contains less than 10,000 square feet of woodland and has no previous TCP approvals.

A Natural Resource Inventory is not required.

This email is in lieu of a memo.

*Katina Shoulars*  
*Acting Supervisor*  
*Environmental Planning Section*  
*M-NCPPC*  
*301-952-5404*