

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



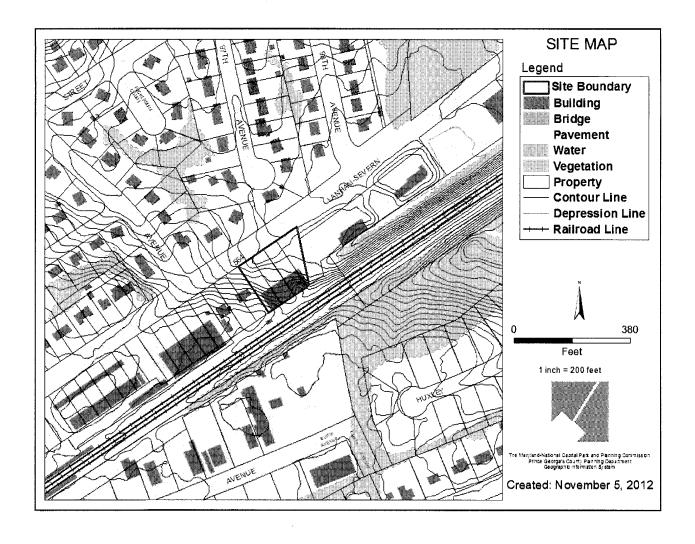
Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Special Exception

Application	General Data	
Project Name: Maages Auditorium d/b/a Sinsaysionals	Planning Board Hearing Date:	01/10/13
Maages Auditorium d/0/a Smsaysionais	Staff Report Date:	12/26/12
Location:	Date Accepted:	05/31/12
South of Lanham Severn Road (MD 564), approximately 350 feet west of 98th Avenue.	Planning Board Action Limit:	N/A
approximately 550 feet west of 98th Avenue.	Plan Acreage:	0.74
Applicant/Address:	Zone:	C-M
Maages Auditorium 9605–9607 Lanham Severn Road Seabrook, MD 20706 Property Owner: Fortress Emack, LLC 2824 Solomons Island Road Edgewater, MD 21037	Gross Floor Area:	2,674 sq. ft.
	Lots:	4
	Parcels:	N/A
	Planning Area:	70
	Tier:	Developing
	Council District:	03
	Election District	20
	Municipality:	N/A
	200-Scale Base Map:	208NE08

Purpose of Application	Notice Dates	
Special exception for adult entertainment in the C-M Zone.	Informational Mailing	04/10/12
C M Zone.	Acceptance Mailing:	Pending
	Sign Posting Deadline:	N/A

Staff Recommendatio	n	Staff Reviewer: Tom Lockard Phone Number: 301-952-3410 E-mail: Thomas.Lockard@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL DISCUSSION	
		X	



14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 TTY: (301) 952-4366

www.mncppc.org/pgco

December 26, 2012

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 75, Au

FROM:

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

SUBJECT:

Special Exception Application No. SE-4720 Maages Auditorium d/b/a Sinsaysionals

REQUEST:

Adult Entertainment in the C-M Zone

RECOMMENDATION:

DISAPPROVAL

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of January 10, 2013. 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.

A. Location and Field Inspection: The site is located on the southeast side of Lanham Severn Road (MD 564), bearing the address of 9605–9607 Lanham Severn Road. Vehicular access to the property is provided via a driveway which appears to serve the adjoining car wash as well. The property consists of 0.74 acre in the Commercial Miscellaneous (C-M) Zone. The application correctly describes the site as Parts of Lots 1 through 4, Block P, of the Seabrook Subdivision. The adult entertainment club, Sinsaysionals, occupies two units in a strip of seven. The remaining businesses in the center are auto-related. Access is gained through a door in 9605, beyond which is a vestibule where identification is checked and a \$20.00 cover charge collected. The club is divided into two sections, the main stage room and a VIP room (The Boom-Boom Room) where patrons and dancers can, for an additional charge, gain admission. The door at 9607 is blacked-out. There is no exterior sign identifying the club, however, there are several signs and banners within the vestibule which apparently are placed outside while the club is open. According to advertising for the club, it is open most nights with times ranging from 7:00 p.m. to 5:00 a.m. There is no licensed bar, but patrons can apparently bring their own alcohol in plastic containers. Twenty surface parking spaces are provided on the site to serve patrons and employees of all of the uses on the site.

B. Development Data Summary:

	EXISTING	PROPOSED
Zone(s)	C-M	C-M
Use(s)	Permitted: Auditorium, Recreational establishment of a commercial nature, Dance Hall Actual: Adult Entertainment	Adult Entertainment
Acreage	0.74	0.74
Lots	Parts of 4	Parts of 4
Parcels	0	0
Square Footage	2,674	2,674
Variance	No	No

C. **History:** Numerous permits have been issued for the property since its initial construction. The following provides a partial list of permits or approvals that may have impacted or altered the approved site plan for the property, or that specifically relate to the subject application:

February 22, 2001—	Permit 8329110-2000-U was approved for a 60-seat auditorium
	(Sinsaysionals Indoor Theater) at 9607 Lanham Severn Road.

March 18, 2002— Permit 6015-2002-U was approved for a recreational establishment of a commercial nature, dance hall, and auditorium with a maximum of 60 seats at 9607 Lanham Severn Road.

April 17, 2002— Permit 13039-2002-U was approved for a 20-student automotive repair training center at 9607 Lanham Severn Road.

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April 20, 2002— Permit 18348-2002-U was approved for a 60-seat auditorium at 9605 Lanham Severn Road.

May 6, 2002— Permit 13039-2002-U was revised to remove the training center at 9607 Lanham Severn Road.

June 26, 2002— Permit 18348-2002-U was revised to change the number of seats from 60 to 28 at 9605 Lanham Severn Road.

July 29, 2002— Permit 18348-2002-U was revised a second time to be a CUW (Commercial Use—Walkthrough) permit for a 60-seat auditorium at 9605 Lanham Severn Road.

May 31, 2012— Special Exception SE-4720 for an adult entertainment use in the C-M Zone was accepted by the Planning Department. The applicant was requested to submit additional plans and justification so that the case can be referred out for comments, but they failed to do so.

July 10, 2012— The Zoning Section received a letter from the applicant's attorney requesting that the processing of the subject special exception application be placed on hold until after the applicant has the opportunity to request and process a forthcoming application for certification of a nonconforming use.

October 10, 2012— Jimi Jones, Supervisor of the Zoning Section, sent an email to the applicant's attorney stating that, per their earlier phone conversation that day, they have been advised that the special exception application for the proposed adult entertainment use is scheduled to be reviewed by the Prince George's County Planning Board on January 10, 2013 (SE-4718 and SE-4720). Mr. Jones further stated that the required site plans and documents needed to process the application are still outstanding and that staff will continue to move forward with their review regardless of the status.

October 16, 2012— Jimi Jones, Supervisor of the Zoning Section, sent an email to the applicant's attorney reminding them that the scheduled hearing date is rapidly approaching and that materials needed for the review and processing of the special exception application have not been submitted to the Planning Department, and that a staff report will be issued without this information if need be.

October 31, 2012— Permit 32365-2012-U was placed on hold by the Permit Review Section and written comments were issued to the applicant's attorney. This permit proposes the use of a nonconforming auditorium in the C-M Zone.

November 26, 2012— The applicant's attorney submitted a letter to the Planning Board asking that Special Exception SE-4720 be stayed until the nonconforming use application is acted upon.

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D. **Master Plan Recommendation:** The 2002 *Prince George's County Approved General Plan* places this property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit-serviceable.

The property is subject to the recommendation of the 2010 Glenn Dale—Seabrook—Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment which recommends a mixed-use land use for the subject property as part of the Seabrook MARC Station focus area. The objective of the plan is to reduce the profusion of auto-oriented uses along the Lanham Severn Road (MD 564) corridor by creating a transit-oriented, mixed-use community center along Lanham Severn Road that focuses on the Seabrook MARC station.

E. **Request:** The applicant seeks approval of a special exception application to operate an adult entertainment establishment in the C-M Zone.

Section 27-107.01(7.1) of the Zoning Ordinance defines adult entertainment as the following:

- (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.

Section 27-461(b)(5), Footnote 58, of the Zoning Ordinance states the following:

Any existing establishment in the C-S-C Zone or C-M 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 hours of operation shall be limited to 5:00 P.M. to 3:00 A. M.

On March 18, 2002, Permit 6015-2002-U was approved for a recreational establishment of a commercial nature, dance hall, and auditorium with a maximum of 60 seats at 9607 Lanham Severn Road. When the Permit Review Section asked this applicant to clarify their intended use during the review of the permit, they stated in writing that:

"The proposed use of the space will be to hold Cabarets (public dance night w/ticketed admission) Fashion & Hair Shows, Comedy night, Amateur Night, Poetry Readings, Wedding Receptions & Talent Shows." (Letter, Holley to Park and Planning dated March 15, 2002)

On July 29, 2002, Permit 18348-2002-02-U was approved as a CUW (Commercial Use—Walkthrough) permit for a 60-seat auditorium at 9605 Lanham Severn Road. Both of these permits remain in effect.

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

Northwest— Lanham Severn Road (MD 564) including the residential and commercial

properties on the northwest side;

Northeast— Santa Cruz Street;

South— AMTRAK railroad tracks; and

West— Carter Avenue.

The neighborhood coincides with the Seabrook MARC Station focus area, which runs along Lanham Severn Road (MD 564) from Carter Avenue in the west to Santa Cruz Street in the east. The Seabrook MARC station lies at the core of this area. Lanham Severn Road and the railroad tracks run parallel to each other, with a small strip of land placed between them that contain primarily auto-related uses. The Seabrook Station shopping center lies to the north of Lanham Severn Road just southwest of the MARC station. Northwest of the site, directly across Lanham Severn Road, are single-family residences in the large Seabrook Acres subdivision.

The property is surrounded by the following uses:

North— Car repair businesses and a car wash in the C-M Zone.

East— A vacant parcel in the C-M Zone.

South— AMTRAK railroad tracks.

West— Across Lanham Severn Road (MD 564) are single-family residences in the

R-80 (One-Family Detached Residential) Zone.

G. **Specific Special Exception Requirements:** There are no specific special exception requirements for the use. The additional requirements for the use of adult entertainment contained in Section 27-475.06.06 of the Zoning Ordinance only apply to the use when located in industrial zones.

H. Parking Regulations: The applicant for this case has not provided the site plans that were required for the referral process. The site plan that was submitted by the applicant for the mot recent permit only included parking calculations for the proposed adult entertainment use only and indicated that 34 parking spaces are required and 20 are provided, a deficit of 14. The applicant acknowledged at the time of submittal that a Departure from Parking and Loading Spaces (DPLS) application would have to be approved by the Planning Board in order to waive some of the required parking spaces for this use. However, this application was never pursued. Therefore, the applicant has not demonstrated that the required parking spaces are being provided on the site.

I. **Prince George's County Landscape Manual Requirements:** The application is exempt from the 2010 *Prince George's County Landscape Manual* pursuant to Section 1.1(b) which states:

Existing conditions on a 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, is therefore, not subject to the requirements of the Tree Canopy Coverage Ordinance.

- J. **Zone Standards:** No new construction or increase in gross floor area is being proposed through the subject special exception application. The building and parking were found to be in substantial conformance with the requirements of the C-M Zone at the time of its numerous permit applications. However, site plans were not submitted by the applicant for the special exception process. Therefore, compliance with the C-M zoning standards is unable to be determined at this time.
- K. **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;
 - (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;
 - (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;
 - (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
 - (6) The proposed site plan is in conformance with an approved Tree Conservation Plan.
 - (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.

Discussion: As noted previously, the applicant in this case has not submitted the statement of justification and plans necessary to process the application. This places their request in an untenable position, since Section 27-142 of the Zoning Ordinance places the burden of proof in any zoning case squarely on the applicant. It is not staff's responsibility to adduce facts based on our independent understanding of the case. However, Section 27-311 of the Zoning Ordinance requires staff to produce a staff report in a timely manner, and further requires staff to make a recommendation in that report. Based on the applicant's refusal to provide the necessary information, staff is compelled to recommend disapproval of the application.

CONCLUSION

Staff recommends DISAPPROVAL of Special Exception Application No. SE-4720.

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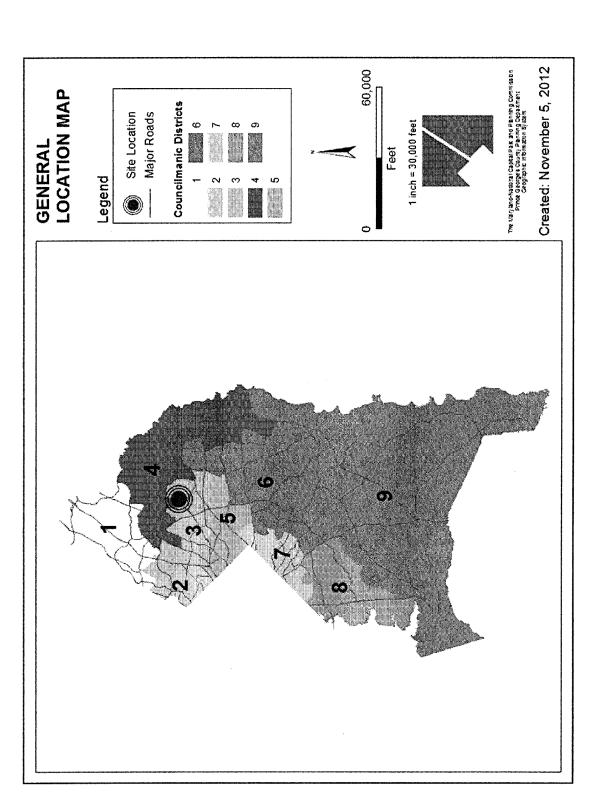
ITEM:

CASE: SE-4720

SINSAYSIONALS

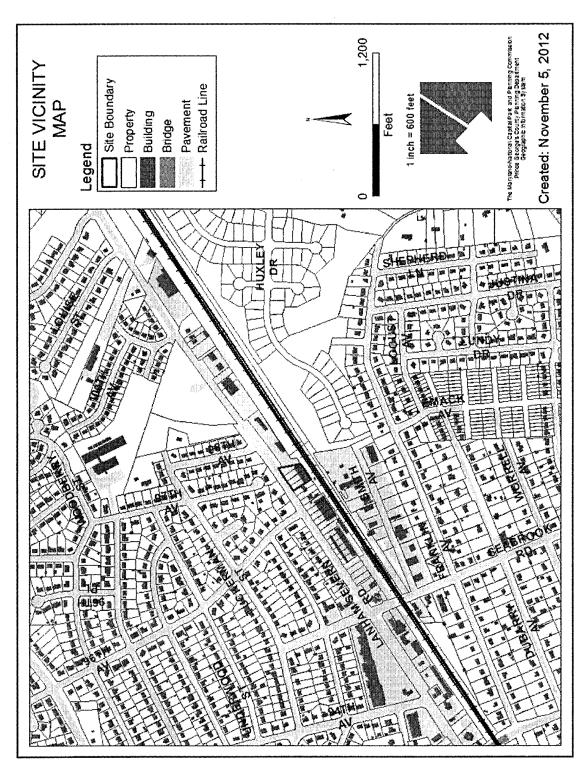
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT

GENERAL LOCATION MAP



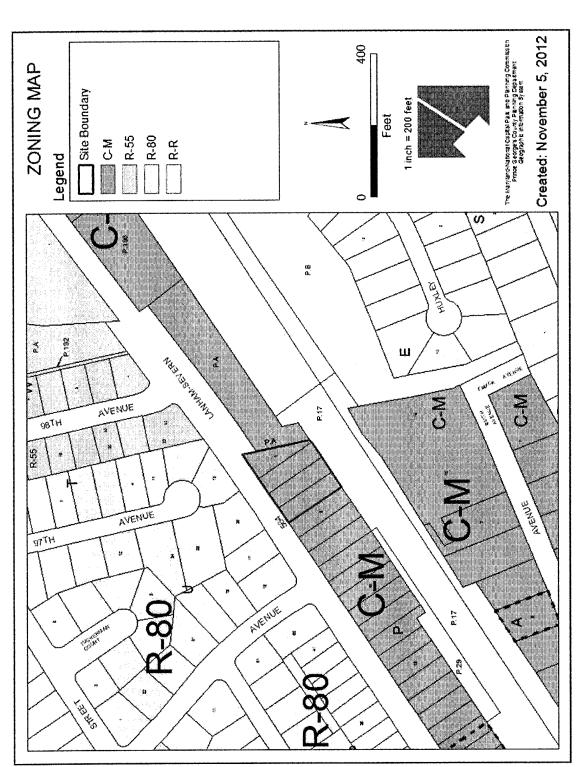


SITE VICINITY



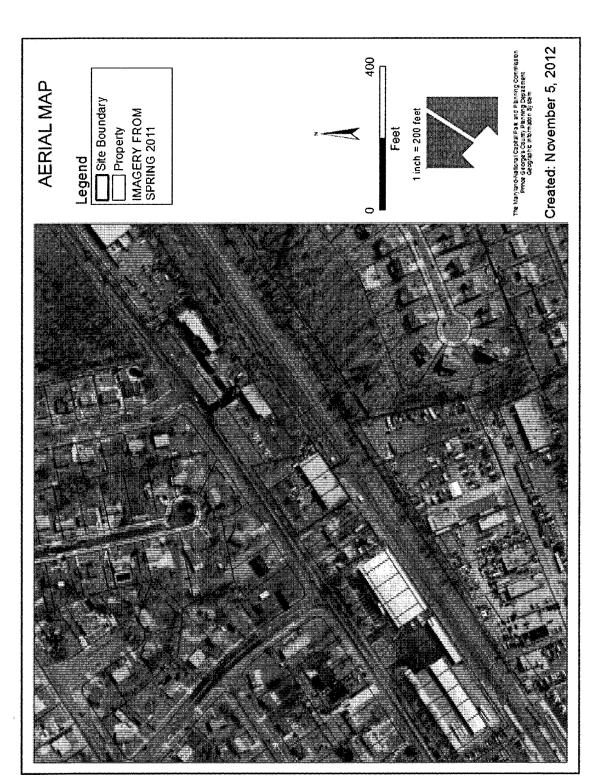


ZONING MAP



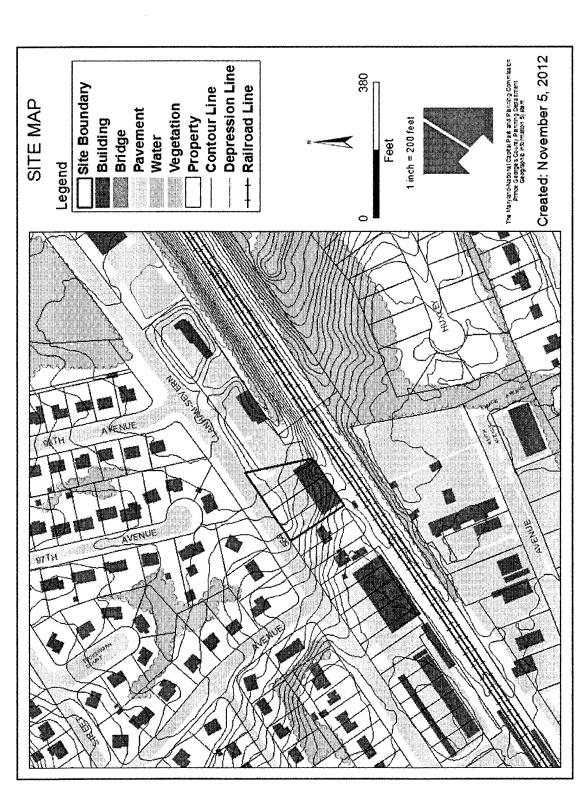
Slide 4 of 13

AERIAL MAP

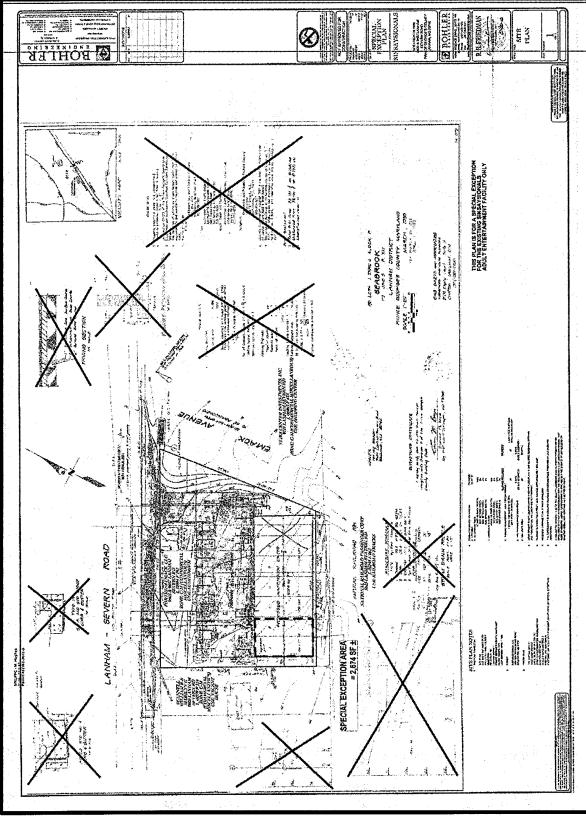


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SITE MAP

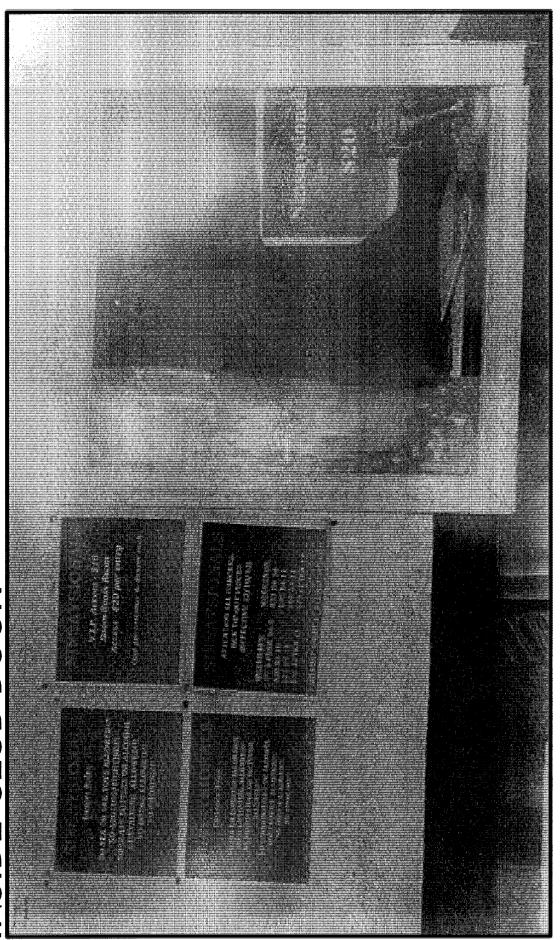


SITE PLAN FROM PERMIT





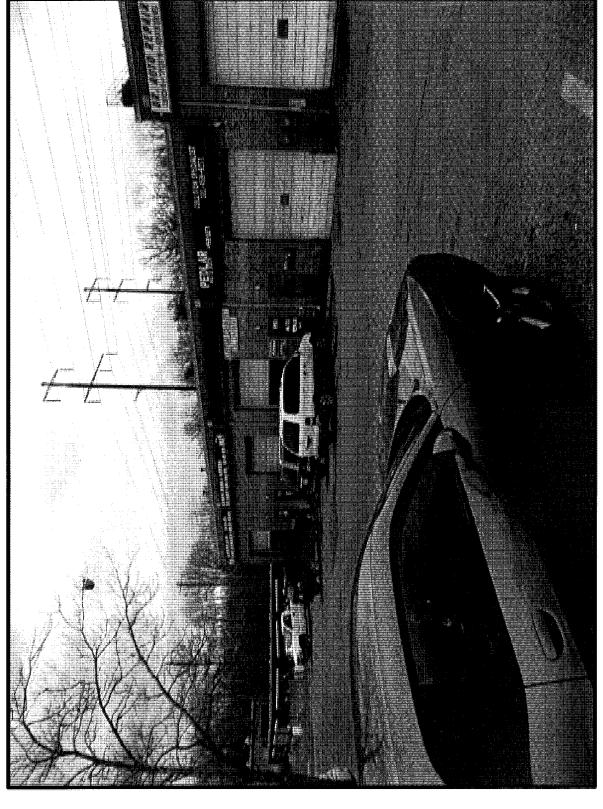
INSIDE CLUB DOOR





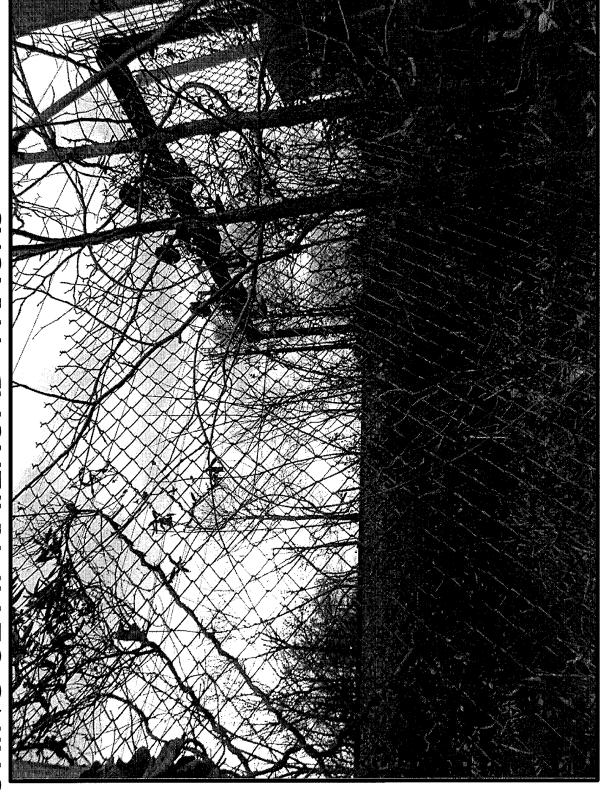


LOOKING NE ACROSS SUBJECT PROPERTY





LOOKING SE AT RAILROAD TRACKS



LOOKING SW ACROSS VACANT LOT



SHIPLEY & HORNE, P.A.

1101 Mercantile Lane, Suite 240 Largo, Maryland 20774 Telephone: (301) 925-1800 Facsimile: (301) 925-1803 www.shpa.com



Russell W. Shipley Arthur J. Horne, Jr.* Dennis Whitley, III* Robert J. Antonetti, Jr.

November 26, 2012

Via Hand Delivery

Elizabeth M. Hewlett, Chairperson Prince George's County Planning Board 14741 Governor Oden Bowie Drive Upper Marlboro, MD 20772

RE: Request for Stay of Planning Board Proceedings for Special Exception 4720, Sinsaysionals

Dear Chairperson Hewlett:

PRINCE GEORGE'S COUNTY PLANNING BOARD

OFFICE OF THE CHAIRMAN

RECEIVED /2-/3-20/2 LOG NO. C/2-/2/305

DISTRIBUTION EMH-FUT

TO: Planning-HA

Ca: JT

Prince George's County Planning Department

Office of the Director

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OVIGINAL TO DRD - aa

I am writing to you on behalf of my client, Maages Auditorium, regarding its application for special exception for adult entertainment (i.e. SE-4720). The aforementioned special exception application was filed with The Maryland-National Capital Park and Planning Commission ("M-NCPPC") on or about May 23, 2012. The property subject to the special exception application is located at 9605 & 9607 Lanham Severn Road, Lanham, Maryland (the "Property"). The Property has operated as an "Auditorium" since 2003 with a valid use and occupancy permit (Permit No. 18348-2002-00). Due to the fact certain components of the existing business meet the definition for "adult entertainment" as defined in §27-107.01 of the Zoning Ordinance, the applicant has been compelled to seek approval of the above referenced special exception. Moreover, §27-461(b) of the Zoning Ordinance contains footnote 58 which states that all existing adult entertainment establishments, in either the C-S-C zone or the C-M zone with a valid use and occupancy permit for an auditorium, may continue upon approval of a special exception application filed and accepted on or before June 1, 2012. Please be advised that the applicant had the instant special exception filed and accepted by M-NCPPC on or before June 1, 2012.

It has come to my attention that the Planning Board desires to schedule a public hearing for review of the instant special exception application in January, 2013. To this end, it is critical to note that the applicant has filed for a new use and occupancy permit with the Prince George's County Department of Environmental Resources on or about October 18, 2012. The purpose for filing this new use and occupancy permit is to begin the application process for obtaining approval of a legal non-conforming use pursuant to the Zoning Ordinance. Again, the subject auditorium use has legally existed since 2003, and sufficient evidence exists to demonstrate that the adult entertainment use at the premises was never abandoned by the operator. Thus, my client intends to first proceed with the

N:\Irving_Daniel\Sinsaysionals - NCU\Ltr to Ms. Hewlett 11.20.12.dot

November 26, 2012 Page 2

processing of its legal non-conforming use application and respectfully requests that the above referenced special exception matter be stayed until final disposition of the non-conforming use matter.

To further bolster the necessity for this request, the Maryland Court of Appeals has held that the approval of a special exception use (regardless of whether or not said approval is actually implemented on a property) extinguishes previous non-conforming uses. See Purich v. Draper Properties, 395 Md. 694 (2006). It should be noted that the applicant only submitted a special exception application request in order to comply with the deadline requirement set forth in §27-461(b), footnote 58, requiring special exception applications to be filed and accepted prior to June 1, 2012 for existing adult entertainment establishments. By filing a special exception application, my client did not intend to extinguish its right to seek certification of its legal non-conforming use. Given this situation my client should have every opportunity to first obtain certification of its legal non-conforming use prior to proceeding with its special exception application.

Thank you in advance for your attention to this matter. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Dennis Whitley, III

e WhII

RJA/ah cc; Mr. Jimi Jones

Mr. Tom Lockard

Lockard, Thomas

From:

Jones, Jimi

Sent:

Tuesday, October 16, 2012 12:38 PM

To:

dwhitley@shhpa.com

Cc:

Hirsch, Alan; Ferrante, John; Lockard, Thomas

Subject:

Adult Entertainment uses

Mr. Whitley,

I have been advised by Edward Holley in our applications office that your special exception application materials have been returned to you for revisions. Please let me know if or when you will have these materials corrected and resubmitted. We will issue staff reports without this information if we must, but we would prefer to do a more thorough review of your application. As you are aware, we refer your application to several departments and agencies for review. We would like to have your revised application to send to these agencies with a reasonable deadlines for their response. The Planning Board review dates for these cases are rapidly approaching. Your cooperation is much appreciated. Thank you.

Jimi Jones. Supervisor. Zoning Section

Development Review Division 14741 Governor Oden Bowie Dr. Upper Marlboro, MD 20772 301-952-3411

Lockard, Thomas

From:

Jones, Jimi

Sent:

Friday, October 12, 2012 3:33 PM

To:

dwhitley@shhpa.com

Cc:

Hirsch, Alan; Ferrante, John; Lockard, Thomas; Mills, Matthew

Subject:

Adult Entertainment Use SE Applications

Mr. Whitley,

Per our phone conversation earlier today you have been advised that your Special Exception applications for adult entertainment uses are scheduled for review on December 6, 2010 (for SE-4721 and SE-4719) and January 10, 2013 (for SE-4718 and SE-4720). I have been advised by the reviewers assigned to these cases, that there are some outstanding documents and/or site plans that have deficiencies that should be addressed. While it would be helpful to have this information, we will move forward with our review nonetheless. Of course we will be available to discuss or meet with you if you need any addition information or assistance from us. Thank you.

Jimi Jones. Supervisor. Zoning Section

Development Review Division 14741 Governor Oden Bowie Dr. Upper Marlboro, MD 20772 301-952-3411



M-NCPPC – Development Review Division Revised December2011
Prince George's County Planning Department ◆14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772 ◆ 301-952-3530

Application No.(s): Application No.(s): Application No.(s): Application No.(s): Acceptance Date: Dosting Weiverd Dosting Weiverd Dosting Weiverd Dosting Foets: Subdivision Development Review Committee Date: Referral Noil-Out Date: Date of Informational Mailing: APPLICATION TYPE: Special Exception Goc page 2 for a list of applications) PROJECT NAME: Sinsaysionals (SE-4720) Geographic Location (give distance related to or near major intersection): Address (if applicable) 960s and 9607 Lanham Severn Road, Lanham MD 20706 Companion Case(s): None Total Acreage: 74 Planning & Policy Analysis Areas: 70/252F70 Election District: 20 Congalized At-E1 Subdivision Development Review Committee APPLICATION TYPE: Special Exception □ Revision of Case # Goc page 2 for a list of applications) PROJECT NAME: Sinsaysionals (SE-4720) Geographic Location (give distance related to or near major intersection): Address (if applicable) 960s and 9607 Lanham Severn Road, Lanham MD 20706 Companion Case(s): None Total Acreage: 74 Planning & Policy Analysis Areas: 70/252F70 Election District: 20 Council District: 3 Avaiston Policy Area: Is development exempt from grading permit pursuant to 32-127.(a)(6)(A): E1Y EIN Applicant Name, Address & Phone: Mages Auditurium Special Septic Lanham Severn Road, Scattrock MD 20706 Owner Name, Address & Phone: Usanes Applications affecting the subject proporty: None Consultant Name, Address, Phone, & Fax: Dennis Whitley, Ill Shipke & Horne, P.A. 1101 Mercantile Lane, Suite 240, Largo MD 20774 301-925-1800 (P) 301-925-1803 (F) dwhitley@shhpa.com Signatures: Applications affecting the subject proporty: None Conditions withing the Subject Proposal Spinature in the Council Symbols and Spinatures in the C		APPLI	CATION FORM		
Sec page 2 for a list of applications	Application No.(s): Acceptance Date: 5/31/ Posting Waived □ NO Filing Fee: \$5,500 Subdivision Development Rev	70-day limit Posting Date: Posting Fee: riew Committee Date:	Planning Boa Limit v No. of Signs Posted: _ 30.00 Case Re	vaived-2 nd 70-day limit 1Agenda Date: viewer: Tom Lockaed	ŀ
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Plat Book/Page: A20-1114 General Plan Tier (check one): □ Developed ■ Developing □ Rural Proposed Use of Property and Request of Proposal: Adult Entertainment Please list and provide copies of resolutions of previously approved applications affecting the subject property: None Please list and provide copies of resolutions of previously approved applications affecting the subject property: None Consultant Name, Address, Phone, & Fax: Dennis Whitley, III Shipley & Horne, P.A. 1101 Mercantile Lane, Suite 240, Largo MD 20774 301-925-1800 (P) 301-925-1803 (F) Contact Person, Phone Number, Fax & E-Mail: Dennis Whitley, III 301-925-1800 (P) 301-925-1803 (F) dwhitley@shhpa.com SIGNATURE (Sign where appropriate; attach additional signatures if hecessary) For Tress Emack LLC Signature in hecessary) SIGNATURE (Sign where appropriate; attach additional signatures if hecessary)			arcels: Lots 1-4, Block P		
A20-1114 General Plan Tier (check one): □ Developed ■ Developing □ Rural Proposed Use of Property and Request of Proposal: Adult Entertainment Applicant Name, Address & Phone: Maages Auditurium 9605 & 9607 Lanham Severn Road, Seabrook MD 20706 Owner Name, Address & Phone: (if same as applicant, please indicate) Fortress EMACK LLC 2824 Solomons Island Road, Edgewater, MD 21037 SIGNATURE (Sign where appropriate; attach additional signatures if hecessary) Please list and provide copies of resolutions of previously approved applications affecting the subject property: None Consultant Name, Address, Phone, & Fax: Dennis Whitley, III Shipley & Horne, P.A. 1101 Mercantile Lane, Suite 240, Largo MD 20774 301-925-1800 (P) 301-925-1803 (F) Contact Person, Phone Number, Fax & E-Mail: Dennis Whitley, III 301-925-1800 (P) 301-925-1803 (F) dwhitley@shhpa.com	COG TAZ :252F 13	PG TAZ: 2349	V		
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Owner's Signature Date Contract Purchaser's Signature Da	Owner's Signature	V PRCS 5/2/ Date	Applicant's 81		Date

- 1 -

ZONING CASES:		
Details of Request:	Zoning Ordinance Section(s):	
Special Exception for Adult Entertainment	27-107.01(7.1) 27-473(b) 27-475.06.06 27-317 27-459	
Number of Dwelling Units: Attached Detached Multifamily	Gross Floor Area (Commercial/Industrial Only):	
Same Boy Minary Bland Construction	N SVETOU DI ANI	
SUBDIVISION CASES — PRELIMINARY PLAN/CONSERVATION Type of Application: (Check all that apply)	IN SREIGH FLAN.	
Conventional ☐ Comprehensive Design ☐ C	onservation Sketch Plan □ Pre-Preliminary Plan □	
Overlay Zone: Yes No If yes, provide n		
Variation Request Required: Yes □ No □ Ju		
Sewer and Water Service Categories:		
-	osed: Sewer Water	
TOTAL NUMBER OF PROPOSED:		
Lots: Outlots:	Parcels: Outparcels:	
Number of Dwelling Units:		
Attached Detached Multifamily	Gross Floor Area (Non-residential only):	
AREAS OF DEDICATION:		
Total Parkland: Homeowners:	Street ROW: Other:	
OWNER:		
Last Recorded Conveyance: Grantor:	Grantee:	
Date of Conveyance:	Land Records Reference: Liber folio	
Legal Restrictions/Encumbrances Liber/folio:		
SUBDIVISION CASES - FINAL PLAT:		
Water/Sewer: DER ☐ Health Dept. ☐ Conceptual Stormwater Management Approval No.	Number of Plats: WSSC Authorization No.:	
CSP/DSP/SDP No.:	Approval Date of CSP/DSP/SDP:	
Preliminary Plan No.: Approval Date of Preliminary Plan:		
I hereby certify that the submitted final plats are in conforma	ance with the above-referenced SP/SDP.	
Signature of Surveyor, Authorized Representative		
URBAN DESIGN CASES:		
Number of Dwelling Units:	Gross Floor Area: (Commercial or Industrial use only)	
Attached Detached Multifamily		
Nature of Revision:		

SHIPLEY & HORNE, P.A.

Russell W. Shipley Arthur J. Horne, Jr.* Dennis Whitley, III* Robert J. Antonetti, Jr. 1101 Mercantile Lane, Suite 240 Largo, Maryland 20774 Telephone: (301) 925-1800 Facsimile: (301) 925-1803 www.shhpa.com

Bradley S. Farrar

Also admitted in the District of Columbia

July 9, 2012

VIA HAND DELIVERY

Mr. Tom Lockard, Reviewer Zoning Section, Maryland-National Capital Park & Planning Commission County Administration Building Upper Marlboro, MD 20772

RE:

Sinsaytionals - Special Exception 4720

Dear Tom:

I am writing to you on behalf of our client, Maages Auditorium, regarding the above-referenced Special Exception for adult entertainment. As you are aware, said application was formally accepted by the Maryland-National Capital Park & Planning Commission on or before June 1, 2012. Notwithstanding the acceptance of this application, this letter is meant to respectfully request that the processing of the instant Special Exception be placed on hold until and after the applicant has the opportunity to request and process a forthcoming application for certification of a nonconforming use. As you may be aware, the subject property operated as an auditorium (with adult entertainment) pursuant to a valid Use & Occupancy permit issued by Prince George's County. As such, the applicant is entitled to continuation of its current legal use pursuant to Article 28 of the Maryland Annotated Code and the Maryland Constitution.

As the nonconforming use application is processed, please do not hesitate to contact me with any questions or comments regarding the same. Thank you in advance for your continued assistance with this matter.

Sincerely,

Robert J. Antonetti, Jr.

cc:

Dennis Whitley, III, Esq.

Mr. Jimi Jones

Mr. Edward Holley

Mr. Daniel Irving

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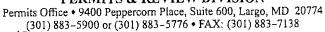
M-NCPPC

P.G. PLANNING DEPARTMENT

DEVELOPMENT REVIEW DIVISION

18348 2002 UW-Ol 10313039 2002 UW-Ol Prince George's County Department of Environmental Resources PERMITS & DEVIEW DIVISION

PERMITS & REVIEW DIVISION





Developing Tier , lease Do NOT Write in	the Shaded Areas.)		أشران ورد وينسيم	Sin Linear Sine
APPLICATION FOR PLAN E				
Case Number 3925 6 Profit 2012 Birth Type To	JO Lange	+00	Date: 20	2
	ck: $ ho$ Parcel:	Tax Map:	Grid: E1	Zone: C-M
Address: 9605 Lanham Severn Rd. Sulte/Unit:	Liber 53	58 Folio: 062	SCD:	PLAT:
City/Town/State/ZIP: Lanham, MO 20106 Subdivision: Sec	abrook	Referenced Permit Nu	mber:	
WORK DESCRIPTION		EXISTING SITE	USE	
bon-conforming use for	auditori			
auditorium ^J		PROPOSED U	SE	
	auditori			
PROPERTY OWNER INFORMATION	WORK		& TOTAL ARE.	
Company Name: Fortress Emack Ossociate	Height (ft)	Width (ft)	_ 	
Name:	Total Site Area	Disturbed Area	Floor Area	
Address: Add	Est. Construction Cos	t: \$		
City/State/ZIP: Fagurater HD 21405	Water Services	wssc wssc	☐ Well	City
Telephone: Hame/Office Cell FAX	Sewer Services	☐ wssc	Septic	City
E-mail:				
U&O OCCUPANT'S INFORMATION			ORMATION	
Comiting Name: Maages Auditurium	License Type & Numb	oer: 		
Trade Name.	Company Name:			
Name:	Owner's Name:			
Address 9605 : 9607 Lanham Severn Rd.	Address:			
City/State/ZIP/Seabrook NO 20704	City/State/ZIP:			
Telephone: Office Cell FAX	Telephone: Office	Cell	FAX	
E-mail:	E-mail:			
APPLICANT'S INFORMATION	ARCHI	TECT'S/ENGINEER'	S INFORMATIO	N INTERNAL
Company Name: Shiply & Horne RA.	Company Name:			
Name: Dennis whitley, ESQ.	Name:			
Address: 1101 Nercantile Ln., Ste. 240	Address:			
City/State/ZIP: 0.00 HD 20714	City/State/ZIP:			
Telephone: Office 25 1800 Cell 3019 25 1803	Telephone: Office	Cell	FAX	
E-mail: dwhitley @shpa.com	E-mail:			
With the second				
Reviewer Date M-NCPPC	Fire Eng.	Reviewer	4635	Date
DPW&T	Site Eng.	<u> </u>		
	Mechanical Eng.			
Structural Eng.				

apet other applicable laws and regulations including private building restrictions, if any, which relate to the property.

L Sum Applicant Signature Date Permit Specialist

PGC 5066 (Rev. 12/11)

PRINCE GEORGE'S COUNTY

Department of Environmental Resources Permits and Review Division

CERTIFICATE OF OCCUPANCY

EFFECTIVE DATE: 5/1/01

CASE NUMBER 1

8329110-2000-00

P

PERMISSION IS HEREBY GRANTED TO OCCUPY:

9605 LANHAM SEVERN RD LANHAM-SEABROOK, MD 20706

OWNERSHIP

USE GROUP:

CONST. TYPE.

TAX MAP:

044

ZONE:

/CM/

PARKING SPACES:

SPECIAL EXCEPTION ·

LOT:

BLOCK.

PARCEL:

USE (DER PROPOSED)

AUDITORIUM

LIMITATIONS (UP TO):

PROPERTY OWNER

FORTRESS EMACK 2824 SOLOMONS ISLAND AVE EDGEWATER, MD 20711

OCCUPANT

SINSAYIONALS INDOOR THEATER 9605 LANHAM SEVERN RD SEABROOK, MD 20706 TRADE NAME:

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

BUILDING CODE OFFICIAL



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION PERMIT REVIEW SECTION

Permit Reviewer:

Mary Hampton

8329110-2000-U

Telephone Number:

(301) 952-5411

December 14, 2000

Fax Number:

(301) 952-4141

The following comments were generated from permit review. Any questions or concerns regarding the following should be directed to the reviewer at the phone number provided above. Further comments may be generated when the appropriate information has been submitted.

APPROVED 2/22/01 (MPH)

- 1. The applicant proposes the use of a theater and auditorium. The applicant must submit in writing specifically how this use will operate. 2/1/01 Received letter from applicant.

 The use appears to an auditorium use and a recreational establishment of a commercial nature. 2/22/01 Mr. Holly submitted a revised letter. The use will operate as an auditorium.
- 2. The applicant must submit the overall "Parking Analysis" site plan that incorporates the adjacent property, Parcel A, with the subject property. The subject property was constructed in 1984 pursuant to permit 3645-84-CGU. Then Parcel A was developed in 1989 pursuant to permits 51389-88-CGU, 1959 and 1960-88-CGU. Theses two properties share common access and parking with one another. This overall site plan was prepared by Cas Bazis and Associates and was used in the approval of the buildings on Parcel A as well as with prior occupancy permits for the subject property. 2/1/01 Ok per revised plans.
- 3. The site plan must clearly indicate the unit that this use will operate in. 2/1/01 OK per revised plans.
- 4. What is the square footage of this use? 2/1/01 4011 square feet.
- 5. An updated parking and loading schedule of all uses on the property must be provided. An auditorium of 60 seats will required 15 parking spaces. 2/1/00 Applicant has provided an updated schedule of uses on the property. He must submit a floor plan so that the patron area can be calculated at a rate of I parking space for every 80 square feet. Called Mr. Holley and left a message. 2/22/01 Mr. Holly submitted a revised letter describing how his use will operate. He will not operate dance contests/dancing, therefore the use is a auditorium.

Called and left a message for Reginald Holley.

12/14/00 - Faxed comments to Reginald Holley at 301-731-6999.

12/15/00 - Reginald Holley called and went over comments.

FEB 2 8 2002 FOR OFFICE USE ONLY M Society 26 MD Tar Map Grid Block P Parcel A Plat. Zoning C-M 208AJE8 I Yes I No L Notice Est Compt Date
FOR OFFICE USE ONLY M SQUESCO ED MD Tax Map Grid Block P Parcel P Zoning C-M Res D No
FOR OFFICE USE ONLY M Society 20 MD Tax Map Grid Block 9 Parcel A Plat. Zoning C-M 208NF8
m Society 20 mid Tax Map Grid Block P Map Parcel H Parcel H ZOSNES 1 Yes 1 No
Block P Parcel H Zoning C-M Plats No
Block P Parcel H Plat. Zoning C-M 208NF8
Block P Map Grid Block P Parcel A Plat. Zoning C-M 208NF8
Block P Parcel P Zoning CM Plat Zoning CM Plat No
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Plat. Zoning C-M Plat. Zoning C-M 2080F8
Plat. Zoning C-M Plat. Zoning C-M 2080F8
Plat. Zoning C-M 208N/F8 □ Yes □ No
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(Page 1 of 1)

FROM : DR. AUTO

FAX NO. : 3013452582

Mar. 18 2002 12:21PM P1

3/15/02

TO:

Park and Planning

FROM:

Reginald Holley

Entertainment Cent

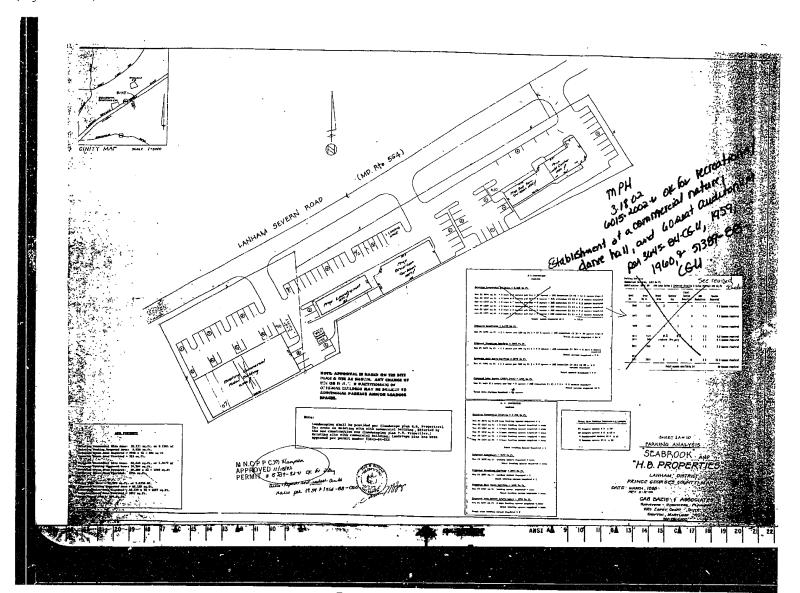
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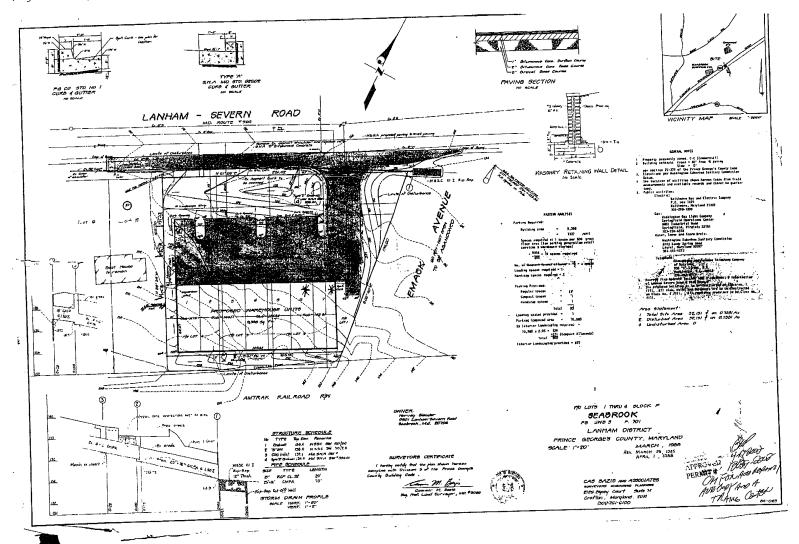
Obtaining Use and Occupancy License Permit #6015-2002-00

The proposed use of the space will be to hold Cabarets (public dance night w/ticketed admission) Fashion & Hair Shows, Comedy night, Amagour Night, Poetry Readings, Wedding Receptions, & Talent Shows. The facility is 1377 square feet. Thank you for your consideration, and feel free to call @ 301-731-8826 for any questions or comments.

M-NCPPC - BUILDING PERMIT(S) APPLICATION CHECK SHEET

M-Nerre-Bos	PERMIT NO.	015.2002.4
JSE: Entertainment Cent	DATE RECV'D	2/28/02
MENTS:	3645.84.CG-4 . LOTS 1-4	1762 • 9a · 4 +8329110 -
	Paret A 1959, 60, + 51309	88. GU
DIVISION	COMMENTS	ACTION
SUBDIVISION		DATE
Prelim# 4		NAME
Date:		Plat Date
Yes No APF Test		DATE
TRANSPORTATION		NAME
URBAN DESIGN		DATE
SP#		NAME
SDP#		
		DATE
		NAME
CITA		DATE
SHA		NAME
ENVIRONMENTAL PLANNING		DATE
ENVIRONMENT		NAME
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	9- 1959 in 9-51389-88	3-CGU





M-NCPPC - REVISED BUILDING PERMIT(S) APPLICATION CHECK SHEET

PERMIT# 18348-2002	DATE REC'D
SION #	

DIVICION	COMMENTS	ACTION
DIVISION SUBDIVISION		DATE
Prelim# 4		NAME
Date:		Plat Date
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	owner to make this	Company: OCCUPANT: ACGINAL HOTTY Name Mages High theritime Company Company Address Address City, State 301 781 8826 249 City, State License* City, State City,	Creating [Rongth / Fine]	PRINCE GEORGE'S COUNTY 'DEPARTMENT OF ENVIRONMENTAL RESOURCES '- PERMANATHEICESION SUPPRESSION SUPPRES
		·		Page 38

M-NCPPC - BUILDING PERMIT(S) APPLICATION CHECK SHEET

	,	
•		PERMIT NO. 18348-2002
Hear:	U+0- Warehouse	DATE RECV'D 6-3-02

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COMMENTS	ACTION
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