

Case No.: DSP-13014-C  
Forestville Plaza Shopping Center

Applicant: PMM Enterprises, LLC

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

ORDER APPROVING AMENDMENT OF CONDITIONS OF REZONING

IT IS HEREBY ORDERED, after review of the administrative record, that the recommendation of the Zoning Hearing Examiner, to grant the Applicant's request to amend Conditions 1(a)(1) and 2 of the District Council's October 1, 2013, approval of Detailed Site Plan 13014, for a rezoning of approximately 18.17 acres of land, located in the northeast quadrant of the intersection of Forestville Road and Old Marlboro Pike (MD 725), also identified as 7702-7794 Forestville Road, District Heights, Maryland, from the Light Industrial/Development District Overlay (I-1/D-D-O) Zone to the Commercial Shopping Center/Development District Overlay (C-S-C/D-D-O) Zone, is hereby APPROVED.

As the basis for this action, the District Council adopts and incorporates by reference, as if fully stated herein, the findings and conclusions of the Zoning Hearing Examiner's recommendation issued on May 24, 2017.

Condition 1(a)(1), of the District Council October 2013 approval of DSP-13014, is amended **from**:

1. Prior to signature approval, the following revisions to the plans shall be made:

a. The following notes shall be added to the general notes of the DSP:

(1) The project is located in an Accident Potential Zone, but is exempt from the requirements of Interim Land Use Control (ILUC) legislation due

to its presence in a Development District Overlay (D-D-O) Zone.

**to:**

1. Prior to Certification of the Amended Detailed Site Plan:
  - a. The following notes shall be added to the General Notes of the Detailed Site Plan:
    - (1) The project is located in an Accident Potential Zone and is subject to the requirements of the Military Installation Overlay (M-I-O) Zone.

Condition 2, of the District Council October 2013 approval of DSP-13014, is amended

**from:**

2. The following land uses shall be prohibited on the subject Commercial Shopping Center/Development District Overlay (C-S-C/D-D-O) Zoned property, and these prohibited uses shall be listed in the general notes of the Detailed Site Plan:
  - a. Adult day care center
  - b. Assisted living facility
  - c. Auditorium
  - d. Bowling alley
  - e. Catering use with banquet facility
  - f. Church or similar place of worship, convent or monastery
  - g. Clubs or private lodges
  - h. Community building
  - i. Day care centers—children and adults
  - j. Eating and drinking establishments larger than 6,000 square feet of gross floor area (GFA)
  - k. Elderly housing

- l. Eleemosynary or philanthropic institution
- m. Gas stations
- n. Government services (libraries, post offices, offices)
- o. Hospitals, doctor's offices, and medical clinics
- p. Hotels
- q. Nursing or care home
- r. Recreational or entertainment establishment of a commercial nature
- s. Schools—private/public
- t. Theatre
- u. Uses that involve the storage of or use of explosive, flammable, or toxic material in outdoor, above ground storage tanks.

**to:**

- 2. The Subject Property shall be subject to the provisions of Section 27-548.56 of the Prince George's County Code which establish the Prohibited Uses and Limited Permitted Uses within the M-I-O Zone.

Approval of DSP-13014-C,<sup>1</sup> based on the Applicant's request to amend conditions 1(a)(1) and 2 of the District Council's October 2013 approval of DSP-13014, is subject to the following conditions:

- 1. Prior to Certification of the Amended Detailed Site Plan:
  - a. The following notes shall be added to the General Notes of the Detailed Site Plan:
    - (1) The project is located in an Accident Potential Zone and is subject to the requirements of the Military Installation Overlay (M-I-O) Zone.

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<sup>1</sup> Although the initial rezoning for the subject property was through a Detailed Site Plan, all Zoning Map Amendments which are approved subject to conditions shall be shown on the Zoning Map with the letter "C" after the application number. *See* PGCC § 27-157(b)(6).

- (2) The projected maximum noise levels on the subject site are 65-70 dBA Ldn and the height limitation is 144.26 feet.
2. The Subject Property shall be subject to the provisions of Section 27-548.56 of the Prince George's County Code which establish the Prohibited Uses and Limited Permitted Uses within the M-I-O Zone.
3. The applicant shall demonstrate conformance to the requirements of Section 4.4 of the 2010 *Prince George's County Landscape Manual* by the provision of adequate screening as described therein of loading spaces, outdoor merchandise storage, trash and recycling facilities, and mechanical equipment.

ORDERED this 19<sup>th</sup> day of June, 2017, by the following vote:

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

Opposed:

Abstained:

Absent: Council Members Franklin, Glaros and Turner.

Vote: 6-0

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON  
REGIONAL DISTRICT IN PRINCE GEORGE'S  
COUNTY, MARYLAND

BY: \_\_\_\_\_  
Derrick Leon Davis, Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council