

Case No. DSP-13048
Project Name: Potomac Business Park
Super Walmart

Applicant: Oxon Hill Associates, L.C.

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

ORDER REVERSING PLANNING BOARD

IT IS HEREBY ORDERED, after review of the administrative record, that Planning Board's recommendation, in PGCPB No. 14-48, to approve DSP-13048, an application request for a detailed site plan for a 100,310-square-foot department or variety store combined with a food and beverage store, specifically a Super Walmart, on 15.44 acres in the Planned Industrial/Employment Park (I-3) Zone, located on Lots 6, 7, and 8, on the southeast corner of the intersection of Oxon Hill Road (MD 414) and Clipper Way (formerly Felker Avenue), within Planning Area 76B, Council District 8, and the Developed Tier, be and the same is hereby REVERSED.

As the basis for this final decision, and as expressly authorized by the Regional District Act, within Title 22 and Title 25 of the Land Use Article of the Annotated Code of Maryland, and the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, we find as follows:

1. Pursuant to § 27-471(d), a Conceptual Site Plan (CSP) and a Detailed Site Plan (DSP) are required for all uses and improvements in the I-3 (Planned Industrial/Employment Park) Zone. An approved DSP is required prior to issuance of permits for the project. The special exception site plan, in this case, S.E. 4738, is essentially the detailed site plan for Lots 6, 7, and 8, since a special exception site plan takes precedence over any other plan approved. *See* § 27-319(a) of the Zoning Ordinance.

2. After filing S.E. 4738, the special exception and companion variance application, Applicant did not wait for final disposition on the conditional use and variance, and concurrently filed DSP-13048. While the disposition recommendation by Zoning Hearing Examiner and final decision as to S.E. 4738 were far from completion, the Planning Board nevertheless reviewed DSP-13048, adopting PGCPB No. 14-48, a resolution with recommendation of approval subject to conformance with approved S.E. 4738, as to DSP-13048 on May 15, 2014. We note that Planning Board adopted PGCPB No. 14-48 nearly three months prior to the Zoning Hearing Examiner's disposition recommendation for S.E. 4738. In turn, the District Council elected to review DSP-13078 on June 30, 2014.
3. Because Applicant's special exception and companion variance application, S.E. 4738, is DENIED, Planning Board's recommendation, in PGCPB No. 14-48, to approve DSP-13048, is REVERSED.

Ordered this 10th day of March, 2015, by the following vote:

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

Opposed:

Abstained:

Absent:

Vote: 9-0

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: _____
Mel Franklin, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council