

Moses, Leonard D.

From: LaRay Benton <laraybenton@gmail.com>
Sent: Thursday, February 25, 2021 11:57 AM
To: ZHE; McNeil, Maurene E.; Bah, Fatima J.; unique41; Norman Rivera; Stan Brown; Poteat, Betty M.; Rawlings, Mary J.; Moses, Leonard D.; Clerk of the Council; Edward C. Gibbs, Jr.; Benjamin, Tracy M.; Kumar, Rajesh A.; mlenhart; Masog, Tom; Borden, Debra; health66wise@gmail.com; hethel60@yahoo.com; Crystal Carpenter; Terry C. Fisher; DeRon Johnson; Donna J. Dean (Treasurer@thelafi.org); dtspencer1ty@gmail.com; WILLIE GRAVES; Jeff Harding; Matt Facchina; Matthew Nelson; Sean Bruce; Raul
Cc: dpjor@fvcbank.com; Richard Alter; pferrick@fvcbank.com; lgunn@fvcbank.com; slaughlin@fvcbank.com; tpatterson@fvcbank.com; dsatz@fvcbank.com; dtesta@fvcbank.com; swiltse@fvcbank.com; mbender@fvcbank.com; pwills@fvcbank.com; lschwartz@fvcbank.com; ssimmonds@fvcbank.com; Kerri L. Lyons; Dan Spikes; Jeffrey F. Forgach; Rocco Ricci; Asset Based Lending; Michael Vavreck; Duc Nguyen
Subject: Filed Appeal of LaRay J. Benton to the District Council for ZONING MAP AMENDMENT A-10020-C
Attachments: LARAY J BENTON'S APPEAL OF A-10020-C - Woodmore Overlook Revised Requests for Amendment of Conditions.pdf

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Good Afternoon,

In the best interest of justice, and understanding that Regular Mail may be delayed.... please see my timely filed appeal to the District Council which was submitted yesterday for ZONING MAP AMENDMENT A-10020-C.

Sincerely,

LaRay J. Benton, CEO
LJB Enterprises, LLC.

"What shall we then say to these things? If God be for us, who can be against us?"

- ROMANS 8:31

----- Forwarded message -----

From: **LaRay Benton** <laraybenton@gmail.com>
Date: Wed, Feb 24, 2021 at 11:54 PM
Subject: Re: Attached Image
To: Norman Rivera <normanrivera2012@gmail.com>

Cc: Clerk of the Council <ClerkoftheCouncil@co.pg.md.us>, Rajesh Kumar <RAKumar@co.pg.md.us>, Stan Brown <attorney@stanbrown.net>, Samuel H. Dean <unique41@verizon.net>, Maurene E. McNeil <MEMcNeil@co.pg.md.us>

Please see my appeal attached.

Sincerely,

LaRay J. Benton, CEO
LJB Enterprises, LLC.

"What shall we then say to these things? If God be for us, who can be against us?"

- ROMANS 8:31

1 **BEFORE THE PRINCE GEORGES COUNTY DISTRICT COUNCIL**

2 LARAY J BENTON
3 1731 Stourbridge Court
4 Mitchellville, Maryland 20721

5 Person of Record

6
7 **LARAY J BENTON'S EXCEPTIONS TO ZONING HEARING EXAMINER**
8 **DECISION AND REQUEST FOR ORAL ARGUMENTS AND A HEARING FOR**
9 **AMENDMENT OF CONDITIONS OF ZONING MAP AMENDMENT A-10020-C**
10 **& REQUEST TO REMAND THE CASE BACK TO THE TO ZONING HEARING**
11 **EXAMINER IN ORDER TO OPEN THE RECORD TO RECEIVE ADDITIONAL**
12 **TESTIMONY AND THE UNADMITTED EVIDENCE OF MR. BENTON INTO**
13 **THE RECORD**

14 Now comes Mr. LaRay J. Benton (“Benton”), a citizen of the State of Maryland, and the majority
15 shareholder of his Woodmore Manor, LLC; LJB Enterprises, LLC; Woodmore Medical District, LLC;
16 Woodmore Commercial, LLC; and County Center Prince George’s, LLC businesses (individually and
17 collectively the “Benton Companies”), whom in the best interest of justice Mr. Benton and the Benton
18 Companies all individually and collectively opposes the Zoning Hearing Examiner’s (“ZHE” or
19 “Examiner”) recommendation of approval of Woodmore Overlook Commercial, LLC (“Applicant”) A-
20 10020-C Woodmore Overlook Revised Requests for Amendment of Conditions related to Preliminary
21 Plan of Subdivision (PPS) 4-18007 and Detailed Site Plan (DSP) – 18024 pertaining to the subject
22 property located at or about 9700-9800 Landover Road, Landover, MD and 9700 Ruby Lockhart Blvd,
23 Bowie, MD.

24 **ARGUMENT**

25 The Honorable District Council of Prince George’s County (“Council”) should reverse the
26 Examiner’s Decision to approve the Applicant’s requests related to Zoning Map Amendment A-10020-C
27 in its entirety because the Examiner erred legally and factually whereas the Applicant has not shown
28 “good cause” as to how the Applicant substantially complied with, 1) approved Conceptual Site Plan

1 (CSP) for the site; 2) approved Preliminary Site Plan 4-18007; 3) approved Transportation, General Plan,
2 Landover Corridor Plan, or the 2035 Master Plans for the site; 4) Prince George’s County Zoning
3 Ordinances (“MUNICODE”) 27-103, 27-259, 27-640, 27-641, and 27-642; and 5) the case law as set
4 forth in Zoning Appeals Board v. McKinney, 174 Md. 551, 199 A. 540 (1938).

5 Examiner also erred in not accepting the timely submitted written opposition and exhibits of
6 LaRay J. Benton into the record as a legal and/or factual foundation to base her approval on.

7 Examiner showed inherent bias towards Mr. Benton when she erred in not requesting and/or
8 allowing Mr. Benton to show proof that he had standing to testify in his individual capacity as the
9 “Attorney in Fact” representing his LJB Enterprises, LLC and Woodmore Manor, LLC companies as she
10 allowed other opposition parties to certify standing after the fact.

11 Lastly, the Examiner failed to consider substantial and germane testimony of Mr. Benton
12 regarding the Applicant’s direct non-compliance with the approved CSP and Master Plans for the site, as
13 well non-compliance with MUNICODE Sections 27-103, 27-259, 27-640, 27-641, and 27-642.

14 Mr. Benton and his Benton Companies simple exceptions in opposition of the Examiners
15 recommended approval is as follows:

16
17 The Zoning Hearing Examiner of Prince George’s County (ZHE) simply DOES NOT CURRENT
18 JURISDICTION TO EVEN HEAR THE SUBJECT CASE, as the formal administrative records for PPS
19 4-16019, DSP-16025, PPS 4-18007, PPS 4-18007-A and DSP-18024, which are the underlining zoning
20 actions in support of the applicant’s formal application here, are ALL formally before the higher
21 governing judicial bodies of both the Court of Special Appeals for Maryland and the Court of Appeals for
22 Maryland, and ANY interference from the ZHE would be considered a “Miscarriage of Justice.” In
23 PROCEDURAL MATTER (1) and (2), the Examiner erred in stating that Mr. Benton has not sought a
24 stay of the proceedings in the Courts of Maryland. Mr. Benton clearly testified on the record how he had
25 standing as an “Attorney in Fact” via several filed and notarized “Powers of Attorney” documents and
26 that several stays and injunctions are currently pending before the Court of Special Appeals for Maryland
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1 (COSA) and provided his filed briefs to support this argument as evidence in opposition. However, the
2 Examiner erred when she did not accept this evidence into the record to be relied upon to make her
3 overall decision. Therefore, Benton argues that the case should be remanded back to the Examiner to
4 reopen the record to accept his excluded evidence and exhibits into the record.

5 In FINDINGS OF FACT (1), the Examiner erred legally in finding that the applicant showed
6 “good cause” for approval when the Applicant’s submittal is wholly not in compliance with the approved
7 CSP for the site as they do not have an approved Natural Resource Inventory Plan (NRI) for the subject
8 site, and erred factually as the Applicant did not present any evidence on the record that certifies that they
9 received permission or consent from the Woodmore Manor, LLC company to use their approved NRI
10 plans in support of this application consistent with MUNICODE 27-103 and *Calvert County Planning*
11 *Comm'n v. Howlin Realty Mgmt., Inc.*, 364 Md. 301, 325, 772 A.2d 1209 (2001). Decision Page 3.

12 Throughout her Decision, the Examiner erred legally in finding that the Applicant showed “good
13 cause” for approval because neither the Applicant, any of their Witnesses, and neither the M-NCPPC
14 Planning Board staff presenting any arguments, evidence, or legal findings showing how either the PPS 4-
15 18007, DSP-18024, or ZMA A-10020-C was reviewed against MUNICODE 27-259 in any manner to
16 permit both the “shift” or “realignment” of I-310 from where it is currently approved along the property
17 lines of the subject site and the adjacent property owned by the Prince George’s County Revenue
18 Authority, and also no “good cause” was argued by the Applicant at all as to why any exceptions to
19 MUNICODE 27-259 should be approved for the construction of the planned Royal Farms Gas Station,
20 the Storage Facility, or any other building structure within the currently approved “right of way” along
21 the mutual property lines as currently approved and mandated by the CSP. Where as the previous
22 approved PPS 4-18007 is legally and factually inconsistent with County Law in MUNICODE 27-259 for
23 the construction and permitting of I-310 in its entirety.
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25 Throughout her Decision, and in her CONCLUSION OF LAW (1), the Examiner erred legally
26 and factually when she made serval instances to the Applicant’s updated Traffic Impact Report as good
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1 cause to revise the Transportation Master Plan and relocate where I-310 is located at on the CSP, where
2 as neither the Applicant, any of their witnesses, and neither did the M-NCPPC staff presented any
3 supporting arguments as to any evaluation of the proposed amendment against MUNICODE 27-640, 27-
4 641, and 27-642, which clearly states that ONLY the District Council has the legally statutory authority to
5 change the Transportation Master Plan, any placement of roads, or ANY Master or General plans within
6 the County, which are unambiguous statutory requirements that were clearly in place at the time the
7 Examiner made her decision as supported by relevant case law in Zoning Appeals Board v. McKinney,
8 174 Md. 551, 199 A. 540 (1938), which the Examiner correctly quoted on Page 20 of her Decision.

9 For all of these reasons, the Council should find that the design, location, and permitting of the
10 proposed I-310, the Royals Farms, and any other proposed building to be constructed within the dedicated
11 “right of way” will not preserve the integrity of the Transportation Master Plan, The Landover Road
12 Corridor Plan, and the General Plan because it is not in compliance with the approved CSP and
13 MUNICODE 27-103, 27-259, 27-640, 27-641, and 27-642.
14

15
16 I DO SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS
17 OF THE FOREGOING SUPPLEMENTAL MOTION ARE TRUE AND CORRECT TO THE BEST OF MY
18 PERSONAL KNOWLEDGE.

19 **Respectfully submitted,**

20 

Date: 2/24/21

21 **LARAY J. BENTON**
22 1731 Stourbridge Court
23 Mitchellville, MD 20721

CERTIFICATE OF SERVICE

1
2 UNDER THE PENALTY OF PERJURY, I LaRay J. Benton certify that on or about February 24,
3 2021, I have emailed and mailed a copy of this letter to the District Council, ZHE, the Applicant, and all
4 parties of record as applicable.
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7 **Respectfully submitted,**

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10 **Date: 2/24/21**

11 **LaRay J. Benton**
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