

Case No: A-10036 Donnell Drive

Applicant: Visconsi Land, Co., Ltd.

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

ORDER OF REMAND

Zoning Map Amendment Application 10036 (A-10036) is a request (based on an alleged mistake in the 2010 Subregion 4 Master Plan and Sectional Map Amendment) to rezone approximately 2.42 acres of land currently zoned R-T (Townhouse) to the C-M (Commercial Miscellaneous) Zone. The land is located in the southeast quadrant of the intersection of Donnell Drive and Pennsylvania Avenue (MD 4), identified as 3700 Donnell Drive, District Heights, Maryland, which is also located within the boundaries of a proposed Military Installation Overlay Zone Map Amendment (MIOZMA).

On or about April 13, and May 25, 2016, the Zoning Hearing Examiner (Examiner) held public hearings to consider A-10036.

On or about June 17, 2016, while A-10036 was pending before the Examiner *as opposed to the District Council*, the Planning Board transmitted its recommended MIOZMA to the District Council.

Pursuant to Prince George's County Code (PGCC), Section 27-213.28

Upon transmittal of the recommended Military Installation Overlay Zoning Map Amendment to the District Council, both the Planning Board and the Zoning Hearing Examiner shall cease accepting and processing all Zoning Map Amendment and Special Exception applications within the boundaries of the proposed Military Installation Overlay Zoning Map Amendment until after final action by the District Council on the Military Installation Overlay Zoning Map Amendment. Any application pending before the District Council at the time of transmittal shall immediately be remanded to the Office of the Zoning Hearing Examiner.

On or about August 10, 2016, after the Planning Board transmitted its recommended MIOZMA to the District Council, the Examiner transmitted her disposition recommendation in A-10036 to the District Council.

On or about August 24, 2016, the Applicant filed a written request, pursuant to PGCC § 27-213.28, with the Clerk of the Council for this matter to be remanded to the Examiner.

This matter was placed on the September 12, 2016, Zoning Agenda for appropriate action.

The Examiner's processing of A-10036 on August 10, 2016, was contrary to PGCC § 27-213.28 because Planning Board's recommended MIOZMA was transmitted to the District Council on June 17, 2016.

IT IS HEREBY ORDERED, that A-10036 is REMANDED to the Examiner for reprocessing in accordance with PGCC § 27-213.28.

Ordered this 12th day of September, 2016, by the following vote:

In Favor:

Opposed:

Abstained:

Absent:

Vote:

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 L. Davis, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council