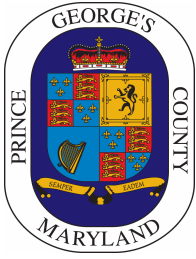


DISTRICT COUNCIL ADDITIONS



Prince George's County Council

Zoning Agenda

Sitting as the District Council

Todd M. Turner, Chair, District 4

Monique Anderson-Walker, District 8

Derrick Leon Davis, District 6

Thomas E. Dernoga, District 1

Mel Franklin, At-Large

Dannielle M. Glaros, District 3

Sydney J. Harrison, District 9

Calvin S. Hawkins, II, At-Large

Jolene Ivey, District 5

Rodney C. Streeter, Vice Chair, District 7

Deni L. Taveras, District 2

Robert J. Williams, Jr., Council Administrator

County Administration
Building
14741 Governor Oden
Bowie Drive
Upper Marlboro,
Maryland
20772-3050

Tuesday, March 26, 2019

Council Hearing Room

ADDITIONS TO THE AGENDA

CONVENE

REFERRED FOR DOCUMENT**SE/VSE-4792 Remand Ernest Maier Concrete Batching Plant (Remand)****Companion Case(s):** SE/VSE-4792**Applicant(s):** Ernest Maier, Inc.**Location:** Located west side of Kenilworth Avenue (MD 201), approximately 254 feet west of its intersection with Upshur Street (3.95 Acres; I-2 Zone).**Request:** Requesting approval of a Special Exception to operate a Concrete Batching Plant. Variance from Section 27-343.02(a)(1) to allow a concrete batching plant and its components to be within 100-foot setback from adjacent property located in the Industrial zone. And a second variance from Section 27-474(b) to reduce the 25-foot setback from Kenilworth Avenue by five feet.**Council District:** 5**Appeal by Date:** 9/24/2018**Review by Date:** 10/1/2018**Action by Date:** 4/1/2019**Municipality:** Bladensburg**Opposition:** Port Towns Environmental Action et al.**History:**

06/14/2017	M-NCPPC Technical Staff	approval with conditions
09/14/2017	M-NCPPC Planning Board	no motion to consider
11/09/2017	Zoning Hearing Examiner	approval with conditions
12/11/2017	Person of Record	appealed

On December 11, 2017, David C. Blitzer filed exceptions in opposition to the decision of the Zoning Hearing Examiner on behalf of Port Towns Environmental Action et. al. and requested Oral Arguments.

04/11/2018	Applicant	filed
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Daniel F. Lynch, Esq., attorney for the applicant filed a reply to the 12/11/2017 appeal and requested the Zoning Hearing Examiner's decision be affirmed.

04/16/2018	Sitting as the District Council	hearing held; case taken under advisement
	<p><i>Prior to the oral argument hearing, Daniel Lynch, Esq., attorney for the applicant, raised objections to a document that was circulated with regard to the application, which appeared to be a County document. He requesting that the record reflect that the document was not issued by the County. Ivy Thompson, M-NCCPC, provided an overview of the Special Exception application. The following persons spoke in opposition: David Blitzer, Esq., attorney for the opposition, Carlyncia S. Peck, Dr. Sacoby Wilson, and Alicia Melendez. Due to procedural concerns, the meeting went into recess. Once reconvened, Rajesh Kumar, Principal Counsel to the District Council, explained the role of Stan Brown, People's Zoning Counsel, who was unable to attend the hearing. Mr. Kumar also cautioned persons of record to keep their testimony to matters that are within the record. Ms. Melendez concluded her remarks, followed by additional opposition comments by The Honorable Victor Ramirez, Senator, 47th Legislative District. Daniel Lynch, Esq., spoke in support of behalf of the applicant and the following persons also spoke in support: Susan McCutchen, Suellen Ferguson, Esq., attorney for the Town of Bladensburg, along with The Honorable Takisha James, Mayor of Town of Bladensburg and Jim Foster on behalf of the Anacostia Watershed Society. Council took this case under advisement.</i></p>	
05/07/2018	Sitting as the District Council	remanded
	<p><i>Council adopted the prepared Order of Remand (Vote: 7-0; Absent: Council Members Franklin and Toles).</i></p>	
05/07/2018	Sitting as the District Council	referred for document
	<p><i>Council referred item to staff for preparation of a document of remand to the Zoning Hearing Examiner (Vote: 7-0; Absent: Council Members Franklin and Toles).</i></p>	
08/23/2018	Zoning Hearing Examiner	approval with conditions
09/17/2018	Sitting as the District Council	deferred
	<p><i>Council deferred this item to September 24, 2018.</i></p>	
09/21/2018	Person of Record	appealed
	<p><i>David C. Blitzer, Esquire, attorney for the opposition, filed an appeal in opposition to the proposal and requested Oral Argument.</i></p>	

09/24/2018	Sitting as the District Council	did not elect to make the final decision
	<i>Council took no action on this item.</i>	
02/04/2019	Applicant	filed
	<i>Daniel F. Lynch, Esq., attorney for the applicant filed a reply to the 9/21/2018 appeal and requested the Zoning Hearing Examiner's decision be affirmed.</i>	
02/11/2019	Sitting as the District Council	hearing held; case taken under advisement
	<i>Chair Turner announced that Council Member Jolene Ivey has recused herself from this case. Ivy Thompson, M-NCPPC, provided an overview of the Special Exception application. David Blitzer spoke in opposition on behalf of Port Towns Environmental Actions et.al. The Honorable Takisha James, Mayor, spoke in support on behalf of the Town of Bladensburg. Dan Lynch, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented by the parties. The Oral Argument Hearing was held and Council took this case under advisement.</i>	
03/25/2019	Sitting as the District Council	referred for document
	<i>Council referred this item to staff for preparation of disapproving document (Vote: 10-0; Absent: Council Member Ivey).</i>	

Attachment(s):

[SE/VSE-4792 Remand Zoning Agenda Item Summary](#)
[SE/VSE-4792 Remand Zoning Hearing Examiner Decision](#)
 SE-4792 PORL
[SE-4792 Technical Staff Report](#)

REFERRED FOR DOCUMENT (Continued)**[ERR-268 Remand](#)****835 Fairview Ave (Remand)****Validation of Multifamily Rental License No. M-0131 Issued In Error**

<u>Companion Case(s):</u>	ERR-268	
<u>Applicant(s):</u>	Carline Brice	
<u>Location:</u>	Located at 835 Fairview Avenue, Takoma Park, Maryland (0.17 Acres, R-18 Zone).	
<u>Request:</u>	Requesting approval of validation of Prince George's County Multi-Family Rental Housing License No. M-0131 issued in error on April 18, 2015, for six (6) apartment units, on approximately 7448 square feet of land, located in the R-18 (Multi-Family Medium Density Residential) Zone.	
<u>Council District:</u>	2	
<u>Appeal by Date:</u>	9/27/2018	
<u>Action by Date:</u>	4/1/2019	
<u>Opposition:</u>	None	
<u>History:</u>		
09/27/2017	Zoning Hearing Examiner	disapproval
11/06/2017	Sitting as the District Council	elected to make the final decision
	<i>Council elected to schedule Oral Arguments (Vote: 8-0; Absent: Council Member Toles).</i>	
02/12/2018	Sitting as the District Council	hearing held; referred for document
	<i>Taslina Alam, M-NCPPC, provided an overview of the permit issued in error application. Carline Brice and Remy Msilus, spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.</i>	
02/26/2018	Sitting as the District Council	remanded
	<i>Council adopted the prepared Order of Remand (Vote 8-0; Absent: Council Member Harrison).</i>	
08/28/2018	Zoning Hearing Examiner	disapproval

09/14/2018	Applicant	appealed
	<i>Traci Scudder, Esq. attorney for the applicant, appealed the Zoning Hearing Examiner's decision and requested another Remand.</i>	
02/06/2019	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	
02/11/2019	Sitting as the District Council	announced hearing date
03/11/2019	Sitting as the District Council	continued at a later date
	<i>Traci Scudder, Esq., attorney for the applicant, requested the case be continued. Council continued this case to March 25, 2019 for its Oral Argument Hearing.</i>	
03/25/2019	Sitting as the District Council	hearing held; referred for document
	<i>Ivey Thompson, M-NCPPC, provided an overview of the Permit Issued in Error application. Traci Scudder, Esq., attorney for the applicant and Ms. Carline Brice, applicant, spoke in support. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented by the parties. The Oral Argument Hearing was held and Council referred item to staff for preparation of an approving document, with conditions (Vote: 11-0).</i>	

Attachment(s): [ERR 268 Zoning Hearing Examiner Decision](#)
ERR 268 PORL

ADJOURN

[ADJ29-19](#)

Adjourn