



Prince George's County Council

Sitting as the District Council

Zoning Agenda Item Summary

Case No.: SE-4774 Remand **Councilmanic District:** 8

Meeting Date: 9/20/2021 **Zone(s):** R-E

Case Name: Palmer Road Class 3 Fill Facility
(Remanded from Circuit Court)

Applicant:

Location: Located on the northern side of Palmer Road, abutting the western side of Tucker Road, and identified as 1500 and 1611 Ferguson Lane, Fort Washington, Maryland (173.584 Acres; R-E Zone).

Request: Requesting approval of a Special Exception to continue using approximately 173.584 acres of land in the R-E (Residential-Estate) Zone as a Class III Fill. Also requesting a variance from the requirement that the use not be located within a three (3) mile radius of properties containing an active or pre-existing approved or nonconforming Class III Fill, sanitary landfill, transfer station, rubble fill, recycling facility, mining facility, processing facility, sand and gravel operation, or wash plant.

Companion Case(s): SE-4774

DECISIONS/RECOMMENDATION:

Technical Staff: Approval, with Conditions

Planning Board: No Motion to Consider

Zoning Hearing Examiner: Approval, with
Conditions

Municipality:

Opposition: Stephen Briggs, et. al.

LEGAL DEADLINES:

Appeal date:

Review date:

Action date: 9/20/2021

Comments:

Staff:

HISTORY:

| Acting Body: | Date: | Action: |
|---------------------------------|--------------|------------------------------------|
| M-NCPPC Technical Staff | 03/15/2017 | approval with conditions |
| M-NCPPC Planning Board | 03/30/2017 | no motion to consider |
| Zoning Hearing Examiner | 07/21/2017 | approval with conditions |
| Sitting as the District Council | 09/11/2017 | elected to make the final decision |

Notes: Council elected to make the final decision on this item (Vote: 9-0).

| | | |
|---|------------|-----------------------------|
| Clerk of the Council | 09/21/2017 | mailed |
| Notes: <i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i> | | |
| Sitting as the District Council | 10/23/2017 | case taken under advisement |
| Notes: <i>Taslima Alam, M-NCPPC, provided an overview of the Special Exception application. Arthur Horne, Esq., spoke in support, on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented. The Oral Argument hearing was held and Council took this case under advisement.</i> | | |
| Sitting as the District Council | 02/12/2018 | referred for document |
| Notes: <i>Council referred item to staff for preparation of a disapproving document (Vote: 8-0; Absent: Council Member Toles).</i> | | |
| Sitting as the District Council | 02/12/2018 | disapproval |
| Notes: <i>Council referred item to staff for preparation of a disapproving document (Vote: 8-0; Absent: Council Member Toles).</i> | | |
| Clerk of the Council | 02/15/2018 | mailed |
| Notes: <i>The Notice of Final Decision of the District Council was mailed to Persons of Record.</i> | | |
| Applicant | 02/21/2018 | filed |
| Notes: <i>Mr. Arthur Horne, Esquire, attorney for the applicant, requested reconsideration of the District Council's February 12, 2018 decision.</i> | | |
| Sitting as the District Council | 02/26/2018 | case taken under advisement |
| Notes: <i>Council took this case under advisement.</i> | | |
| Applicant | 03/13/2018 | filed |
| Notes: <i>Dennis Whitley II, Esquire, attorney for the applicant, filed a Petition for Judicial Review in Circuit Court.</i> | | |
| Applicant | 03/20/2018 | withdrawn |
| Notes: <i>Arthur J. Horne, Jr., Esquire, attorney for the applicant, withdrew his request for District Council to reconsider its action since the Council took it under advisement and the applicant has filed an appeal to the Circuit Court.</i> | | |
| Sitting as the District Council | 03/26/2018 | no action |
| Notes: <i>Chair Glaros announced that the request for reconsideration was withdrawn; therefore, no action was required by the District Council.</i> | | |
| Circuit Court | 01/11/2021 | remanded |
| Notes: <i>The Circuit Court remanded the matter back to the District Council with instructions to conduct further proceedings on the merits of the Petitioner's application in Special Exception 4774 and Variance 4774 consistent with the opinion of the Court of Special Appeals.</i> | | |

- Sitting as the District Council 05/10/2021 elected to make the final decision
Notes: *Council directed the Clerk to schedule an Oral Argument hearing for this item in accordance with the Circuit Court Remand (Vote: 11-0).*
- Sitting as the District Council 06/14/2021 announced hearing date
- Sitting as the District Council 06/21/2021 hearing held; case taken under advisement
Notes: *Sam Braden IV, M-NCPPC planning staff, provided an overview of the Special Exception application. Hazel Robinson, President, Tantallon Square Area Civic Association, spoke in opposition. Russell W. Shipley, Esq., attorney for the 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. Council took this case under advisement.*
- Sitting as the District Council 07/06/2021 referred for document
Notes: *Council referred this item to staff for preparation of a disapproving document (Vote: 9-0; Absent: Council Members Davis and Harrison).*
Aye: 9 Hawkins, Anderson-Walker, Dernoga, Franklin, Glaros, Ivey, Streeter, Taveras and Turner
Absent: 2 Davis and Harrison
- Sitting as the District Council 09/20/2021 adopted
Notes: *After procedural and posture orientation by Raj Kumar, Principle Counsel to the District Council, Council (Vote: 9-0 Absent: Council Members Glaros, Streeter & Turner).*
Aye: 8 Hawkins, Anderson-Walker, Davis, Dernoga, Franklin, Harrison, Ivey and Taveras
Absent: 3 Glaros, Streeter and Turner
- Clerk of the Council 10/01/2021 mailed
Notes: *Notice of District Council Decision mailed to all of Persons of Record.*

Document(s): SE-4774 Remand Notice of District Council Decision, SE-4774 Remand Notice of District Council Oral Argument, SE-4774 Presentation Slides, SE-4774 Circuit Court Order Remanding Case to District Council, SE-4774 Notice of District Council Final Decision, SE-4774 Zoning Hearing Examiner Decision, SE-4774 PORL, SE-4774 Technical Staff Report, SE-4774 Case File, SE-4774 (5-19-2021 PZC Notice of Intention to Participate District Council 6-21-2021 agenda0