



Prince George's County Council

Sitting as the District Council

Zoning Agenda Item Summary

Case No.: SE/VSE-4792 Remand **Councilmanic District:** 5
Meeting Date: 9/17/2018 **Zone(s):** I-2 Zone
Case Name: Ernest Maier Concrete Batching Plant (Remand)
Applicant: 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.
Companion Case(s): SE/VSE-4792

DECISIONS/RECOMMENDATION:

Technical Staff: Approval, With Conditions

Planning Board: no motion to consider

Zoning Hearing Examiner: Approval, With Conditions

Municipality: Bladensburg

Opposition: Port Towns Environmental Action et al.

LEGAL DEADLINES:

Appeal date: 9/24/2018

Review date: 10/1/2018

Action date:

Comments:

Staff: Ivy R. Thompson

HISTORY:

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

Notes: *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.

Sitting as the District Council 04/16/2018 hearing held; case taken under advisement

Notes: *Prior to the oral argument hearing, Daniel Lynch, Esq., 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., 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 and cautioned persons of record to keep their testimony to matters that are within the record. Ms. Melendez concluded her remarks, following by comments by The Honorable Victor Ramirez, Senator, 47th Legislative District. Daniel Lynch, Esq., spoke in support of behalf of the applicant, as did the following persons: Susan McCutchen, Suellen Ferguson, The Honorable Takisha James, Mayor of the Town of Bladensburg and Jim Foster on behalf of the Anacostia Watershed Society. Council took this case under advisement.*

Sitting as the District Council 05/07/2018 referred for document

Notes: *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).*

Sitting as the District Council 05/07/2018 remanded

Notes: *Council adopted the prepared Order of Remand (Vote: 7-0; Absent: Council Members Franklin and Toles).*

Zoning Hearing Examiner 08/23/2018 approval with conditions

Document(s): SE/VSE-4792 Remand Zoning Hearing Examiner Decision, SE-4792 PORL, SE-4792 Technical Staff Report