



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

ZONING MAP AMENDMENT

A-10003

Application	General Data
Project Name: JEMAL'S POST Location: Southeast of Forestville Road approximately 355 feet south of the intersection of MD 4 and Forestville Road Applicant/Address: Jemal's Post, LLC Douglas Development Corp. 702 H Street Northwest, Suite 400 Washington, DC 20001	Date Accepted: 1/4/2008
	Planning Board Action Limit: N/A
	Plan Acreage: 16.34
	Zone: I-1
	Dwelling Units: N/A
	Gross Floor Area: N/A
	Planning Area: 75A
	Tier: Developed
	Council District: 06
	Municipality: N/A
	200-Scale Base Map: 205SE07

Purpose of Application	Notice Dates
Staff is recommending a continuance to September 4, 2008, to allow the site to be reposted for the required 30 days. The subject application proposes rezoning from I-1 to C-S-C.	Adjoining Property Owners Previous Parties of Record Registered Associations: 12/4/2007 (CB-12-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: N/A

Staff Recommendation		Staff Reviewer: Tom Lockard	
APPROVAL of Continuance	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
X			

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

June 25, 2008

MEMORANDUM

TO: Prince George's County Planning Board
VIA: Jimi Jones, Zoning Supervisor
FROM: Tom Lockard, Planner Coordinator, Zoning Section
SUBJECT: Zoning Map Amendment Application A-10003, Jemal's Post

This case was reviewed by the Planning Board on May 15, 2008, and was called up for a public hearing by the Board. The case was set for the July, 3, 2008, Planning Board Hearing. In accordance with the requirements of the Zoning Ordinance, the site had to be posted with a public hearing sign a minimum of 30 days prior to that date. The applicant was informed, when they picked up their signs, that the final day they could be posted and still meet the 30-day requirement was Tuesday, June 3, 2008.

The signs were posted on the subject property as was confirmed by staff several days later when driving by the site. However, when the sign posting affidavit was received several weeks after posting, it was noted that the signs were posted on June 4, 2008. This results in a posting of 29 days, one day short of the required 30. Upon informing the applicant of this discrepancy, they immediately filed a new posting affidavit showing that the signs were posted on June 3, not June 4 as was previously certified to. According to the applicant, the sign poster simply wrote the wrong date on the affidavit. This is troublesome to staff. The sign posting affidavit is the single means by which the Planning Board can be assured that signs are posted in a timely manner. In signing the affidavit, the poster certifies not only that the signs were posted, but states the number of signs posted, and most importantly, **the date the signs were posted**. Even if the applicant were to produce further evidences that the signs were posted in a timely manner, the question would still remain, at least in staff's mind. Because of the Planning Board's past strict adherence to the 30-day requirement and since this application has no mandatory action time frame, the preferred solution now would be to continue the case to a date that would allow for a full 30 day posting. Because of the August recess, this would make the first possible date Thursday, September 4, 2008. Of course, if the Planning Board is willing to accept the applicant's explanation for the change to the posting affidavit, staff will be prepared to present the case at the hearing.

STAFF RECOMMENDS THIS CASE BE CONTINUED UNTIL SEPTEMBER 4, 2008, TO ALLOW IT TO BE REPOSTED FOR THE REQUIRED 30-DAY POSTING PERIOD.