

May 29, 2002

**MEMORANDUM**

TO: The Prince George's County Planning Board

VIA: Arie Stouten, Zoning Supervisor

FROM: Tom Lockard, Senior Planner

SUBJECT: Waiver of the Rules of Procedure Request for Reconsideration and Reconsideration:

- Special Exception Application No. 4414
- Variance in Conjunction with Special Exception Application No. VSE-4414 as VDDS-527
- Departure from Design Standards Application No. 527
- Alternative Compliance Application No. AC-01011

These four applications involve a proposed public utility use (natural gas gate station, odorization building, communications building and antenna) proposed for a parcel located on the east side of Aquasco Road (MD 381), 2,000 feet south of its intersection with Summerville Road. The Planning Board heard these applications on January 3, 2002, approving the departure and recommending approval of the special exception, variance and alternative compliance applications. These actions were formalized on February 7, 2002, through the adoption of PGCPB Resolutions Nos. 02-04 and 02-05.

Subsequent to these actions, it was discovered that SE-4414 had been filed in error. Council Bill 65-2000 amended the Zoning Ordinance to allow (U)nderground pipelines, electric power facilities or equipment, or telephone facilities or equipment as permitted uses in residential zones. Unbeknownst to staff, this type of facility was also covered under CB-65-2000. This interpretation was confirmed by the drafter of the legislation, Steve Gilbert, Principal Counsel to the District Council.

As a result of this interpretation, the applicant was informed that the applications needed to be reconsidered so that final decisions can be made on the alternative compliance and variance requests. By this memorandum, staff is formally requesting the reconsideration of these applications. Copies of this request have also been sent to all persons of record.

The Planning Board may reconsider these applications if it finds that an error in reaching the original decision was caused by fraud, mistake, surprise, inadvertence or other good cause. In this instance, there was clearly a mistake made by staff in requiring the filing of the special exception. However, since more than ten days have elapsed since the original decision, the Planning Board must first waive its rules of procedure prior to hearing the request for reconsideration and conducting the actual hearing on the reconsidered applications.

Based upon the facts as explained above, staff makes the following recommendations:

**Waiver of the Rules of Procedure:      APPROVAL**

**Request for Reconsideration:              APPROVAL**

<b>Reconsideration:</b>	<b>DDS-527:</b>	<b>APPROVAL</b>
	<b>VDDS-527:</b>	<b>APPROVAL</b>
	<b>AC-01011:</b>	<b>APPROVAL</b>