

# Prince George's County Council

*Wayne K. Curry Administration Building  
1301 McCormick Dr  
Largo, MD 20774*



## **Zoning Agenda - Final**

**Virtual Meeting**

**Monday, September 19, 2022**

**10:00 AM**

**Virtual Meeting**

## **Sitting as the District Council**

*Calvin S. Hawkins, II, Chair, At-Large*

*Edward P. Burroughs, III, District 8*

*Thomas E. Dernoga, District 1*

*Mel Franklin, At-Large*

*Dannielle M. Glaros, District 3*

*Sydney J. Harrison, Vice Chair, District 9*

*Jolene Ivey, District 5*

*Johnathan M. Medlock, District 6*

*Rodney C. Streeter, District 7*

*Deni L. Taveras, District 2*

*Todd M. Turner, District 4*

*Robert J. Williams, Jr., Council Administrator*

RULES OF COURTESY

You are now participating in the process of representative government. We welcome your interest and hope you will attend Prince George's County District Council meetings often. Good government depends on the interest and involvement of you and your fellow citizens. All District Council Sessions are public meetings, however, a part of the meeting may be conducted in closed session.

To insure fair and orderly meetings, the District Council has adopted rules which apply to all members of the Council, administrative staff, news media, citizens and visitors which provide that no one may delay or interrupt the proceedings or refuse to obey the orders of the presiding officer. No posters or placards may be brought into the hearing room, nor any food and drink. Citizens are admitted up to the Fire Safety capacity only.

ORAL ARGUMENT HEARINGS

Testimony at Oral Argument Hearings is limited to thirty (30) minutes for each side, including questions from the Council Members, unless extended by the Chairman of the Council. Persons wishing to give oral argument on a specific case should sign the forms provided in the front of the hearing room. Testimony at Oral Argument Hearings must be based on the record, and no new evidence will be permitted. Only persons of record may testify.

EVIDENTIARY HEARINGS

A verbatim transcript is prepared for all Evidentiary Hearings. Testimony and evidence are presented and exhibits introduced. Transcripts of these hearings along with any exhibits, constitute the record in the case.

ORDER OF PRESENTATION AT HEARINGS

1. Orientation by the Planning Staff or appropriate staff person
2. Testimony from the side requesting the hearing
3. Testimony from the side favoring the decision
4. Comments by the People's Zoning Counsel
5. Five (5) minute rebuttal from the side requesting hearing
6. Five (5) minute rebuttal from the side favoring decision

PARTICIPATION IN ZONING MEETINGS

Meetings of the District Council are formal proceedings and are recorded. If you are eligible to participate, register with the Clerk, and when called by the presiding officer, follow the following steps:

1. Come forward to the speaker's podium and state your name and address for the record.
2. Present comments as succinctly as possible.
3. Confine remarks to information contained in the record, except for Evidentiary Hearings.
4. Observe time limitations as directed by the presiding officer.
5. Give any written statements to the Clerk of the Council

In accordance with ADA Requirements, accommodations for hearing impaired, disabled persons and visually impaired can be provided upon reasonable notice to the Clerk of the Council. Sign language and interpreters for non-english speakers are available with advance notice by calling 301-952-3600. In the event of inclement weather, please call 301-952-4810 to confirm the status of County Business.

FOR LIVE STREAMING AND VIDEO VISIT OUR WEBSITE AT: <http://pgccouncil.us>

PLEASE SILENCE ALL CELLULAR PHONES WHILE IN THE HEARING ROOM.

**10:00 AM CALL TO ORDER - (VIRTUAL MEETING)**

**INVOCATION / MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 09122022](#)

**District Council Minutes Dated September 12, 2022**

**Attachment(s):**

[District Council Minutes Draft 7-12-2022](#)

**ORAL ARGUMENTS****A-10059****Dobson Ridge (Farms)****Applicant(s):**

D.R. Horton, Inc./ Dobson Farms

**Location:**

Located south of McKendree Road and west of Timothy Branch, approximately 1400 feet west of Crain Highway. On the south, the Property runs along the north side of Mattawoman Creek to Gardner Road and expands northward, west of McKendree Village (581.06 Acres; R-A / R-E Zones).

**Request:**

Request approval of a Zoning Map Amendment for the rezoning of approximately 581.06 acres of R-E (Residential Estates) and R-A (Rural Agricultural ) zoned land to the R-S (Residential Suburban Development) or LCD (Legacy Comprehensive Design) Zone.

**Council District:**

9

**Appeal by Date:**

6/24/2022

**Action by Date:**

11/22/2022

**Opposition:**

Evelyn Williams

**History:**

06/28/2021

M-NCPPC Technical Staff

approval

05/25/2022

Zoning Hearing Examiner

approval

*Approval of the R-S Zone / Denial of LCD Zone*

06/21/2022

Person of Record

filed

*Evelyn Williams, Persons of Record filed an appeal in opposition of the Zoning Hearing Examiner's Decision.*

07/11/2022

Clerk of the Council

mailed

*Notice of Oral Argument Hearing was mailed to Persons of Record.*

09/09/2022

Applicant

filed

*Matthew C. Tedesco Esq., attorney for the applicant filed a response to the June 21, 2022 Exceptions and Request for Oral Argument filed by petitioner.*

09/12/2022

Clerk of the Council

mailed

*Notice of Oral Argument Hearing Location Change was mailed to Persons of Record.*

**Attachment(s):**

[A-10059 Zoning Agenda Item Summary](#)

[A-10059 Tedesco to Brown \(Response to Exception file\) 9](#)

[A-10059 Williams to Brown \(Exceptions Letter\) 6-21-22](#)

[A-10059 Notice of Oral Argument Hearing Location Chan](#)

[A-10059 Notice of Oral Argument Hearing](#)

[A-10059 Notice of ZHE Decision](#)

[A-10059 ZHE Decision](#)

A-10059 PORL

[A-10059 Technical Staff Report](#)

[A-10059 Exhibit List](#)

[A-10059 Exhibits #1-82](#)

[A-10059 Transcripts 03-02-2022](#)

[7-11-2022 PZC Notice of Intention to Participate District C](#)

**ORAL ARGUMENTS (Continued)**[A-10060](#)**Saddle Ridge****Applicant(s):**

D.R. Horton, Inc. /Saddle Ridge

**Location:**

Located on the north side of Accokeek Road and the south side of Floral Park Road, approximately one mile west of the Branch Avenue (MD 5) / Brandywine Road / Accokeek Road intersection (289.36 Acres; R-E / R-R Zones).

**Request:**

Requesting approval of a Zoning Map Amendment for the rezoning of approximately 289.36 acres of R-E (Residential Estates) and R-R (Rural Residential) zoned land to the R-S (Residential Suburban Development) or LCD (Legacy Comprehensive Design) Zone.

**Council District:**

9

**Appeal by Date:**

6/2/2022

**Action by Date:**

10/31/2022

**Opposition:**

Mr. Mark Calhoun

**History:**

01/20/2022	M-NCPPC Technical Staff	approval
05/03/2022	Zoning Hearing Examiner	approval
	<i>Approval of the R-S Zone.</i>	
05/09/2022	Sitting as the District Council	deferred
	<i>Deferred to next District Council Hearing on May 16, 2022.</i>	
05/16/2022	Sitting as the District Council	deferred
06/02/2022	Person of Record	appealed
	<i>Mark Calhoun, Persons of Record filed an appeal in opposition of the Zoning Hearing Examiner's Decision.</i>	
07/11/2022	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	
09/09/2022	Applicant	filed
	<i>Matthew C. Tedesco Esq., attorney for the applicant filed a response to the June 2, 2022 Exceptions and Request for Oral Argument filed by petitioner.</i>	

09/12/2022

Clerk of the Council

mailed

*Notice of Oral Argument Hearing Location Change was mailed to Persons of Record.*

**Attachment(s):**

[A-10060 Zoning Agenda Item Summary](#)

[A-10060 Tedesco to Brown \(Response to Exception file\) 9](#)

[A-10060 Calhoun to Brown \(Appeal Letter\)](#)

[A-10060 Notice of Oral Argument Hearing Location Chan](#)

[A-10060 Notice of Oral Argument Hearing](#)

[A-10060 Notice of ZHE Decision](#)

[A-10060 ZHE Decision](#)

A-10060 PORL

[A-10060 Technical Staff Report](#)

[A-10060 Exhibits](#)

[A-10060 Exhibit List](#)

[A-10060 10-27-2021 Transcript](#)

[7-11-2022 PZC Notice of Intention to Participate District C](#)

**REFERRED FOR DOCUMENT**[CDP-0505-02](#)**National Capital Business Park****Applicant(s):**

NCBP PROPERTY, LLC

**Location:**

Located on the north side of Leeland Road, approximately 3,178 feet west of the intersection of Leeland Road and US 301 (Robert Crain Highway) (426.52 Acres; LCD (R-S) Zone).

**Request:**

Requesting approval of a Comprehensive Design Plan (CDP) to increase the total gross floor area of the permitted employment and institutional uses from previously approved 3.5 million to 5.5 million square feet.

**Council District:**

4

**Appeal by Date:**

6/23/2022

**Review by Date:**

6/23/2022

**Action by Date:**

9/20/2022

**History:**

04/20/2022	M-NCPPC Technical Staff	approval with conditions
05/19/2022	M-NCPPC Planning Board	approval with conditions
06/06/2022	Sitting as the District Council	waived election to review
	<i>Council waived election to review for this item (Vote: 11-0).</i>	
06/21/2022	Person of Record	filed
	<i>G. Macy Nelson, attorney for Citizen-Protestants filed Exceptions and Request Oral Argument Hearing.</i>	
06/28/2022	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	
09/02/2022	Applicant	filed
	<i>Arthur J. Horne Jr. Esq., attorney for the applicant filed a response to the June 21, 2022 Exceptions and Request for Oral Argument filed by Citizen-Protestants.</i>	
09/07/2022	Person of Record	filed
	<i>Alex Votaw Esq., attorney for Citizen-Protestants filed exhibits.</i>	



09/12/2022

Sitting as the District Council

hearing held; referred for document

*Henry Zhang, M-NCPPC planning staff, provided an overview of the Comprehensive Design Plan application. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented by the parties. Arthur J. Horne, Esq., Robert Antonetti, Jr., Esq and John Ferrante Esq., attorney for applicant spoke in support. Alex Votaw Esq. Attorney for Citizen Protestant spoke in opposition. Council referred item to staff for preparation of an approving document, with conditions (Vote: 7-0-1; Abstain: Council Member Dernoga; Absent: Council Members Burroughs, Harrison and Streeter).*

*Meeting went into Recess*

*Meeting Reconvened*

**Attachment(s):**

[CDP-0502-02 Zoning Agenda Item Summary](#)

[CDP-0505-02 Presentation Slides](#)

[CDP-0505-02 Votaw to Brown \(Exhibits\) 9-07-22](#)

[CDP-0505-02 Horne to Brown \(Response to Exceptions\) 9](#)

[CDP-0505-02 Notice of Oral Argument Hearing](#)

[CDP-0505-02 Nelson to Brown \(Exception & Oral Argum](#)

[CDP-0505-02 Planning Board Resolution 2022-53 - Signe](#)

[CDP-0505-02\\_PORL](#)

[CDP-0505-02 Technical Staff Report](#)

[CDP-0505-02 Transcripts](#)

[CDP-0505-02 Planning Board Record](#)

[CDP-0505-02 Alex Votaw Entry of Appearance](#)

[6-29-2022 PZC Notice of Intention to Participate District C](#)

**REFERRED FOR DOCUMENT (Continued)**

[CSP-10002 Amend Conditions](#)

**Queens Chapel Town Center (CSP-10002 / DSP-10011)**

**Companion Case(s):** DSP-10011 Amend Conditions  
**Applicant(s):** Queens Chapel Town Center, LLC  
**Location:** Located in the northwest quadrant of the intersection of Hamilton Street and Queens Chapel Road in Hyattsville, Maryland (6.05 Acres; M-X-T / R-55 / T-D-O Zones).  
**Request:** Requests approval of an Amendment of Condition to amend the Table of Uses therein (CSP-10002 and DSP- 10011) solely for the Queens Chapel Town Center.  
**Council District:** 2  
**Appeal by Date:** 4/11/2022  
**Action by Date:** 9/22/2022  
**Opposition:** The City of Hyattsville, et. al.

**History:**

03/25/2022	Zoning Hearing Examiner	approval with conditions
04/08/2022	Applicant	appealed
	<i>Daniel F. Lynch Esq., attorney for the applicant filed an appeal of the Zoning Hearing Examiner's decision.</i>	
04/08/2022	Person of Record	appealed
	<i>E. I. Cornbrooks, IV Esq., attorney for Person of Record, The City of Hyattsville filed an appeal of the Zoning Hearing Examiner's decision.</i>	
04/11/2022	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 8-0; Absent: Burroughs, Hawkins and Franklin).</i>	
04/13/2022	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	

05/16/2022 Sitting as the District Council case taken under advisement

*Dominque Lockhart, M-NCPPC planning staff, provided an overview of the Conceptual Site Plan application. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented by the parties. Dan Lynch, attorney for applicant spoke in support. Jim Chandler and Jason Parkins Esq., Attorney for opposition spoke in opposition. Council took this case under advisement.*

06/06/2022 Sitting as the District Council deferred

09/12/2022 Sitting as the District Council referred for document

*Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0; Absent: Council Member Harrison and Streeter).*

**Attachment(s):**

[CSP-10002 Amend Conditions Zoning Agenda Item Sumr](#)  
[CSP 10002 & DSP-10011 Presentation Slides](#)  
[CSP-10002 Amend Conditions Notice of Oral Argument I](#)  
[CSP-10002 & DSP-10011 Cornbrooks to Brown Appeal L](#)  
[CSP-10002 & DSP-10011 Cornbrooks-Parkins to Brown A](#)  
[CSP-10002-DSP-10011 Lynch to Brown Appeal Letter 04](#)  
[CSP-10002-DSP-10011 Lynch-Spell to Brown Appeal em](#)  
[CSP 10002 & DSP-10011 Amend Conditions Notice of ZI](#)  
[CSP 10002 & DSP-10011 Amend Conditions ZHE Decisi](#)  
[CSP 10002 & DSP-10011 Amend Conditions POR](#)  
[CSP 10002 & DSP-10011 Amend Conditions Exhibit list](#)  
[CSP 10002 & DSP-10011 Amend Conditions Exhibits #1-](#)  
[CSP 10002 & DSP-10011 Amend Conditions Transcripts](#)

**REFERRED FOR DOCUMENT (Continued)**

[DSP-10011 Amend  
Conditions](#)

**Queens Chapel Town Center  
(CSP-10002 / DSP-10011)**

**Companion Case(s):** CSP-10002 Amend Conditions  
**Applicant(s):** Queens Chapel Town Center, LLC  
**Location:** Located in the northwest quadrant of the intersection of Hamilton Street and Queens Chapel Road in Hyattsville (6.05 Acres; M-X-T / R-55 / T-D-O Zones).  
**Request:** Requests approval of an Amendment of Condition to amend the Table of Uses therein (CSP-10002 and DSP- 10011) solely for the Queens Chapel Town Center.  
**Council District:** 2  
**Appeal by Date:** 4/11/2022  
**Action by Date:** 9/22/2022  
**Opposition:** The City of Hyattsville, et. al.

**History:**

03/25/2022	Zoning Hearing Examiner	approval with conditions
04/08/2022	Applicant	appealed
	<i>Daniel F. Lynch Esq., attorney for the applicant filed an appeal of the Zoning Hearing Examiner's decision.</i>	
04/08/2022	Person of Record	appealed
	<i>E. I. Cornbrooks, IV Esq., attorney for Person of Record, The City of Hyattsville filed an appeal of the Zoning Hearing Examiner's decision.</i>	
04/11/2022	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 8-0; Absent: Burroughs, Hawkins and Franklin).</i>	
04/13/2022	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	

05/16/2022                      Sitting as the District Council                      case taken under advisement

*Dominque Lockhart, M-NCPPC planning staff, provided an overview of the Conceptual Site Plan application. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented by the parties. Dan Lynch, attorney for applicant spoke in support. Jim Chandler and Jason Parkins Esq., Attorney for opposition spoke in opposition. Council took this case under advisement.*

06/06/2022                      Sitting as the District Council                      deferred

09/12/2022                      Sitting as the District Council                      referred for document

*Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0; Absent: Council Member Harrison and Streeter).*

**Attachment(s):**

[DSP-10011 Amend Conditions Zoning Agenda Item Sumr](#)  
[CSP 10002 & DSP-10011 Presentation Slides](#)  
[DSP-10011 Amend Conditions Notice of Oral Argument I](#)  
[CSP-10002 & DSP-10011 Cornbrooks to Brown Appeal L](#)  
[CSP-10002 & DSP-10011 Cornbrooks-Parkins to Brown A](#)  
[CSP-10002 & DSP-10011 Lynch to Brown Appeal Letter](#)  
[CSP-10002 & DSP-10011 Lynch-Spell to Brown Appeal e](#)  
[CSP 10002 & DSP-10011 Amend Conditions ZHE Decisi](#)  
[CSP 10002 & DSP-10011 Amend Conditions Notice of ZI](#)  
[CSP 10002 & DSP-10011 Amend Conditions POR](#)  
[CSP 10002 & DSP-10011 Amend Conditions Exhibit list](#)  
[CSP 10002 & DSP-10011 Amend Conditions Exhibits #1-](#)  
[CSP 10002 & DSP-10011 Amend Conditions Transcripts](#)

**REFERRED FOR DOCUMENT (Continued)****DSP-21031****Bell Station Center, Parcel B****Applicant(s):**

Broglan, LLC

**Location:**

Located in the southeast quadrant of the intersection of MD 193 (Glenn Dale Boulevard) and Bell Station Road (8.99 Acres; CGO Zone).

**Request:**

Requesting approval of a Detailed Site Plan (DSP) for the development of a 68,475-square-foot commercial shopping center.

**Council District:**

4

**Appeal by Date:**

7/21/2022

**Action by Date:**

9/27/2022

**Comment(s):**

Mandatory Review:

{District Council review of this case is required by conditions imposed by Council on Zoning Case A-9995-C}

**History:**

05/12/2022

M-NCPPC Technical Staff

approval with conditions

06/16/2022

M-NCPPC Planning Board

approval with conditions

06/28/2022

Clerk of the Council

mailed

*Notice of Mandatory Review Hearing (using Oral Argument procedures) was mailed to Persons of Record.*

09/12/2022

Sitting as the District Council

hearing held; referred for document

*Tierre Butler, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented by the parties. Edward C. Gibbs Jr. Esq., attorney for applicant spoke in support. Henry Wixon (Glenn Dale Citizens association, Inc.) and Sean Suhar (Gabriel's Run Homeowners Association, Inc) for opposition spoke in opposition. Council referred item to staff for preparation of an approving document, with conditions (Vote: 10-0; Absent: Council Members Harrison and Streeter).*

**Attachment(s):**

[DSP-21031 Zoning Agenda Item Summary](#)

[DSP-21031 Presentation Slides](#)

[DSP-21031 Notice of Mandatory Review Hearing](#)

[DSP-21031 Planning Board Resolution](#)

DSP-21031\_PORL

[DSP-21031 Technical Staff Report](#)

[DSP-21031 Transcripts](#)

[DSP-21031 Planning Board Record](#)

[6-28-2022 PZC Notice of Intention to Participate District C](#)

**ITEM(S) FOR DISCUSSION****CSP-18002 Remand****Magruder Pointe (Remand Pursuant to Court Order)****Applicant(s):**

Werrlein WSSC, LLC

**Location:**

Located in the southeast quadrant of the intersection of Hamilton Street and 40th Avenue, north of Gallatin Street and west of 40th Place. The subject site is also located within the Traditional Residential Neighborhood (TRN) Character Area of the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District (Gateway Arts District Sector Plan and SMA) (8.26 Acres; R-55/O-S/D-D-O Zones).

**Request:**

Requesting approval of a Conceptual Site Plan (CSP) application proposing to rezone the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use-Infill (M-U-I) Zone for a future single-family residential development. No site improvements have been proposed in this CSP.

**Council District:**

2

**Municipality:**

City of Hyattsville.

**History:**

07/18/2018

M-NCPPC Technical Staff

disapproval

*DISAPPROVAL of the request and decline to recommend rezoning the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use-Infill (M-U-I) Zone.*

07/18/2018

M-NCPPC Technical Staff

approval with conditions

*APPROVAL of rezoning the 4.66-acre property in the Open Space (O-S) Zone to the One-Family Detached Residential (R-55) Zone and permit single-family attached residential development with a required detailed site plan, in accordance with the goals and recommendations of the Traditional Residential Neighborhood Character Area on the property.*

07/26/2018

M-NCPPC Planning Board

disapproval

*DISAPPROVAL of the request and decline to recommend rezoning the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use-Infill (M-U-I) Zone.*



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07/26/2018	M-NCPPC Planning Board	approval with conditions
	<i>APPROVAL of recommendation to rezone the 4.66-acre property in the Open Space (O-S) Zone to the One-Family Detached Residential (R-55) Zone and permit single-family attached residential development with a required detailed site plan, in accordance with the goals and recommendations of the Traditional Residential Neighborhood Character Area on the property. The maximum density for single-family attached is 9 dwelling units per acre and the maximum density for single-family detached is as permitted in the R-55 Zone, or 6.7 dwelling units per acre.</i>	
08/15/2018	Clerk of the Council	mailed
	<i>Notice of Mandatory Review Hearing (using Oral Argument procedures) was mailed to Persons of Record.</i>	
09/04/2018	Person of Record	appealed
	<i>Mr. Daniel Muth, Mr. Greg Smith, Mr. Peter Anton Veigas, Ms. Wendy Beatty, Ms. Sarah Eisen, Ms. Nina Faye, Mr. Paul Hrusa, and Mr. Chris Currie, filed an appeal in opposition to the proposal and requested Oral Argument.</i>	
09/10/2018	Person of Record	filed
	<i>Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter with an attached legal opinion by their attorney, J. Carroll Holzer, Esq. in opposition to the proposal and opposition to the proposed September 17, 2018 Oral Argument.</i>	
09/10/2018	Applicant	filed
	<i>Norman D. Rivera, Esq., attorney for the applicant, filed a rebuttal to the September 4, 2018 appeal filed by Mr. Daniel Muth, Mr. Greg Smith, Mr. Peter Anton Veigas, Ms. Wendy Beatty, Ms. Sarah Eisen, Ms. Nina Faye, Mr. Paul Hrusa, and Mr. Chris Currie.</i>	
09/17/2018	Sitting as the District Council	continued at a later date
	<i>Stan Brown, People's Zoning Counsel, spoke to the need to continue this case until Tuesday, October 15, 2018 at 10:00 a.m.</i>	
09/24/2018	Person of Record	filed
	<i>Candace B. Hollingsworth, Mayor, City of Hyattsville, filed a letter requesting a remand to the Planning Board to allow the city to submit additional testimony related to the R-55 recommendation.</i>	

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09/24/2018	Clerk of the Council	mailed
	<i>Notice of Mandatory Review Hearing (using Oral Argument procedures) was mailed to Persons of Record.</i>	
09/26/2018	Person of Record	filed
	<i>Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter in opposition to the proposed October 15, 2018 Oral Argument.</i>	
09/27/2018	Person of Record	filed
	<i>Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a second letter in opposition to the proposed October 15, 2018 Oral Argument.</i>	
10/12/2018	Applicant	filed
	<i>Norman D. Rivera, Esq., attorney for the applicant, filed a letter concurring with a continuance of the October 15, 2018 Oral Argument to satisfy state affidavit requirements.</i>	
10/15/2018	Sitting as the District Council	continued at a later date
	<i>Stan Brown, People's Zoning Counsel, provided an overview on the status of the case and outlined the reasons why the hearing would take place at a later date in order to satisfy state affidavit requirements. The case was continued as requested and agreed to by certain members of the opposition and the applicant.</i>	
10/17/2018	Person of Record	filed
	<i>J. Carroll Holzer, Esq., attorney for Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter in opposition to the proposed October 15, 2018 Oral Argument.</i>	
12/12/2018	Clerk of the Council	mailed
	<i>Notice of Mandatory Review Hearing (using Oral Argument procedures) was mailed to Persons of Record.</i>	
01/14/2019	Sitting as the District Council	postponed
	<i>Due to inclement weather conditions and pursuant to Sec. 27-291 of the Zoning Ordinance, this District Council Session was postponed to Tuesday, January 15, 2019 immediately following the County Council Session.</i>	

01/15/2019	Sitting as the District Council	hearing held; referred for document
	<i>Henry Zhang, M-NCCPC, provided an overview of the Conceptual Site Plan application. Jim Chandler with the City of Hyattsville spoke in opposition as did Greg Smith and Daniel Muth. Norman Rivera, Esq., attorney for the applicant, spoke in support on behalf of the applicant as did the following individuals: Charlie Kenny, Nick Harris, Michael Romero, Brenda Cain, Alyce Thompson and Flawn Williams. 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 Mandatory Review Hearing was held and this item was referred to staff for preparation of an Order of Remand to the Planning Board (Vote: 11-0).</i>	
01/28/2019	Sitting as the District Council	remanded
	<i>Council adopted the prepared Order of Remand to the Planning Board (Vote: 10-0; Absent: Council Member Franklin).</i>	
01/31/2019	Clerk of the Council	mailed
	<i>The Notice of Decision of the District Council was mailed to Persons of Record.</i>	
02/25/2019	M-NCPPC Technical Staff	approval with conditions
	<i>The Urban Design Section provided supplemental evaluation and analysis and again recommended APPROVAL of Conceptual Site Plan CSP-18002 for Magruder Pointe as outlined in PGCPB Resolution No. 18-74(A) approving of rezoning the 4.66-acre property in the Open Space (O-S) Zone to the One-Family Detached Residential (R-55) Zone and permit single-family attached residential development with a required detailed site plan, in accordance with the goals and recommendations of the Traditional Residential Neighborhood Character Area on the property. The maximum density for single-family attached is 9 dwelling units per acre and the maximum density for single-family detached is as permitted in the R-55 Zone, or 6.7 dwelling units per acre.</i>	

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03/28/2019	M-NCPPC Planning Board	no recommendation
	<i>After much discussion, a motion for approval failed (a 2-2 tie vote) and no further motions were put forward. Therefore, the findings, including the supplemental analysis required by the remand, are forwarded to the District Council for final decision, without a recommendation supporting any rezoning of the property as required by Section 27-548.26(b).</i>	
04/10/2019	Clerk of the Council	mailed
	<i>Notice of Mandatory Review Hearing (using Oral Argument procedures) was mailed to Persons of Record.</i>	
04/15/2019	Sitting as the District Council	announced hearing date
05/13/2019	Sitting as the District Council	hearing held; referred for document
	<i>Jill Kosack, M-NCCPC, provided an overview of the Conceptual Site Plan application. Norman Rivera, Esq., attorney for the applicant, spoke in support on behalf of the applicant as did the following individuals: James Danly, Michael Romero, Nicholas Harrison, Flawn Williams and Alyce Thompson. Jim Chandler, Assistant City Administrator for the City of Hyattsville, spoke in opposition as did Daniel Muth, Daniel Schnable, Thresea Immordino, Karen Veigas, Maureen Vosmek, Jennifer Bosworth, Tim Davis and Greg Smith. 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 Mandatory Review Hearing was held and Council referred this item to staff for preparation of an approving document with conditions (Vote: 8-0-1; Absent: Council Members Franklin and Glaros; Abstained: Council Member Anderson-Walker).</i>	
06/10/2019	Sitting as the District Council	approval with conditions
	<i>Council adopted the prepared Order of approval, with conditions (Vote: 11-0).</i>	
06/14/2019	Clerk of the Council	mailed
	<i>The Notice of Final Decision of the District Council was mailed to Persons of Record.</i>	

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07/09/2019	Person of Record	filed
	<i>The City of Hyattsville and certain persons of record filed petitions for judicial review of the District Council's final decision to rezone the subject property and amend the table of uses of the Development District Overlay Zone.</i>	
12/16/2020	Circuit Court	filed
	<i>The Honorable Beverly J. Woodard issued a Memorandum Opinion AFFIRMING the Final Decision of the District Council.</i>	
12/30/2020	Person of Record	filed
	<i>Certain Persons of Record and the City of Hyattsville, respectively, appealed the judgment of the Circuit Court to the Court of Special Appeals.</i>	
01/04/2021	Person of Record	filed
	<i>Certain Persons of Record and the City of Hyattsville, respectively, appealed the judgment of the Circuit Court to the Court of Special Appeals.</i>	
02/23/2022	Court of Special Appeals	filed
	<i>The Court of Special Appeals published its decision in this matter. In its decision, the Court affirmed the District Council's final decision to rezone the subject property from the O-S Zone to the R-55 Zone. The Court also affirmed the District Council's decision to amend the table of uses in the Development District Overlay Zone to allow townhouses in the R-55 Zone. The Court also affirmed the District Council's final decision to set the density for townhouses in the R-55 zone because there was no cap on density in the Zoning Ordinance for such use in the R-55 Zone. However, the Court found that the District Council erred when it calculated density per acreage as opposed to per net acreage of lot or tract area. As a result, the Court ordered that the Circuit Court should remand this matter to the District Council to recalculate density for one-family detached dwelling units not to exceed 6.7 dwelling units per net acre of net lot or tract area and that the District Council may establish a density for townhouses per net acre of net lot or tract area that is different from the density for one-family detached dwelling units only to meet the goals of the Development District and the purposes of the Overlay Zone.</i>	

06/02/2022                      Circuit Court    filed  
*The District Council received an Order from the Circuit Court dated May 12, 2022, granting the parties' motion to issue an order of remand to the District Council on the issue of density.*

06/23/2022                      Clerk of the Council    mailed  
*The Clerk of the Council notified counsel for all parties to this litigation that this matter would appear on today's agenda for action pursuant to the Order of Remand from the Circuit Court consistent with the decision of the Court of Special Appeals.*

07/12/2022                      Sitting as the District Council    case taken under advisement

**Attachment(s):**                      [CSP-18002 Remand Zoning Agenda Item Summary](#)  
[CSP-18002 Presentation Slides](#)  
[CSP-18002 Remand Notice of Action](#)  
[CSP-18002 City of Hyattsville v. Prince George\\_s Cty. Cc](#)  
[CSP-18002 Memorandum Opinion Circuit Court](#)  
[CSP-18002 Remand Order remanding case to District Cou](#)  
[CSP-18002 Remand Planning Board Resolution 18-74\(A\)](#)  
CSP-18002 Remand PORL\_searchable  
[CSP-18002 Remand Technical Staff Report and Memoran](#)  
[CSP-18002 Remand Court Record](#)

**ITEM(S) FOR DISCUSSION (Continued)****DSP-21019****Arcland Self Storage****Applicant(s):**

Arcland Property Company

**Location:**

Located on the east side of Dangerfield Road, approximately 350 feet south of its intersection with MD 223 (Woodyard Road) (4.56 Acres; CGO / M-I-O Zones).

**Request:**

Requesting approval of a Detailed Site Plan (DSP) for the development of a 116,283-square-foot consolidated storage facility in two buildings within the Military Installation Overlay (M-I-O) Zone.

**Council District:**

9

**Appeal by Date:**

7/7/2022

**Review by Date:**

7/7/2022

**Action by Date:**

9/27/2022

**History:**

04/26/2022 M-NCPPC Technical Staff approval with conditions

06/02/2022 M-NCPPC Planning Board approval with conditions

06/28/2022 Sitting as the District Council elected to review

*Council elect to review for this item (Vote:8-0; Absent: Council Member Burroughs, Franklin, Glaros).*

06/29/2022 Clerk of the Council mailed

*Notice of Oral Argument Hearing was mailed to Persons of Record.*

09/12/2022 Sitting as the District Council hearing held; referred for document

*Tierre Butler, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented by the parties. Daniel F. Lynch Esq., attorney for applicant spoke in support. Council referred item to staff for preparation of an approving document, with conditions (Vote: 5-0-4; Absent: Council Member Harrison and Streeter; Abstain: Burroughs, Dernoga, Glaros and Ivey). (Council deferred item to next District Council meeting).*

09/12/2022 Sitting as the District Council deferred

**Attachment(s):**

[DSP-21019 Zoning Agenda Item Summary](#)

[DSP-21019 Presentation Slides](#)

[DSP-21019 Notice of Oral Argument Hearing](#)

[DSP-21019 Planning Board Resolution 2022-55](#)

DSP-21019\_PORL

[DSP-21019 Technical Staff Report](#)

[DSP-21019 Transcripts 5-12-2022](#)

[DSP-21019 Planning Board Record](#)

[6-29-2022 PZC Notice of Intention to Participate District C](#)



**PENDING FINALITY**

*The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision or an appeal is filed.*

**(a) ZONING HEARING EXAMINER****SE-4859****301 Tobacco (Marlton Plaza)****Applicant(s):**

301 Tobacco

**Location:**

Located in the southeast quadrant of the intersection of Crain Highway (US Route 301) and Fairhaven Avenue (5.93 Acres; C-G-O / C-S-C / R-P-C Zones).

**Request:**

Requesting approval of a Special Exception (SE) to operate a Tobacco Shop in an existing Shopping Center (Marlton Plaza).

**Council District:**

9

**Appeal by Date:**

9/30/2022

**Review by Date:**

9/30/2022

**Opposition:**

Adrienne Thomas, et al.

**History:**

05/05/2022

M-NCPPC Technical Staff

approval with conditions

08/31/2022

Zoning Hearing Examiner

approval

**Attachment(s):**[SE-4895 Zoning Agenda Item Summary](#)[SE-4859 Notice of Decision](#)[SE 4859 ZHE Decision](#)

SE 4589 PORL

[SE-4859 Exhibit List](#)[SE-4859 Exhibits #1-33](#)[SE-4859 Transcripts](#)

*In the event the District Council elects to make the final decision in this case, an oral argument will be scheduled pursuant to Sec. 27-131 of the Zoning Ordinance.*

**(b) PLANNING BOARD**

**DSP-21033**

**Metropolitan East at Konterra Town Center**

**Applicant(s):**

Konterra Associates, LLC.

**Location:**

Located on the east side of I-95/495 (Capital Beltway), south and west of Konterra Drive, and north of MD 200 (Inter-County Connector) (Acres:18.39 ; TAC-C Zone).

**Request:**

Requesting approval of a Detailed Site Plan (DSP) for 219 single-family attached (townhouses) dwelling units, including two architectural models, in Konterra Town Center.

**Council District:**

1

**Appeal by Date:**

8/25/2022

**Review by Date:**

9/26/2022

**History:**

06/16/2022

M-NCPPC Technical Staff

approval with conditions

07/21/2022

M-NCPPC Planning Board

approval with conditions

09/12/2022

Sitting as the District Council

deferred

*Council deferred item to next District Council meeting.*

**Attachment(s):**

[DSP-21033 Zoning Agenda Item Summary](#)

[DSP-21033 Planning Board Resolution](#)

DSP-21033\_PORL

[DSP-21033 Technical Staff Report](#)

[ADJ97-22](#)

**ADJOURNED**

**1:30 P.M. EDUCATION AND WORKFORCE DEVELOPMENT COMMITTEE - (VIRTUAL MEETING)**

*(SEE SEPARATE AGENDA)*