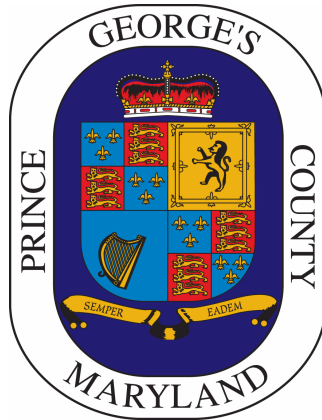


# Prince George's County Council

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



## **Zoning Agenda - Final**

**Monday, June 21, 2021  
10:00 AM**

**VIRTUAL MEETING**

### **Sitting as the District Council**

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

*Derrick Leon Davis, District 6*

*Thomas E. Dernoga, District 1*

*Mel Franklin, At-Large*

*Dannielle M. Glaros, District 3*

*Sydney J. Harrison, District 9*

*Jolene Ivey, District 5*

*Rodney C. Streeter, District 7*

*Deni L. Taveras, Vice Chair, District 2*

*Todd M. Turner, District 4*

*Vacant - District 8 (effective: 11/8/2021)*

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

**VIEW USING THE LINK PROVIDED AT: <https://pgccouncil.us/LIVE>**

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

**INVOCATION / MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 06142021](#)

**District Council Minutes dated June 14, 2021**

**Attachment(s):**

[DRAFT District Council Minutes dated 6-14-2021](#)

**ORAL ARGUMENTS**[SE-4774 Remand](#)**Palmer Road Class 3 Fill Facility  
(Remanded from Circuit Court)****Companion Case(s):** SE-4774**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.

**Council District:**

8

**Action by Date:**

9/20/2021

**Opposition:**

Stephen Briggs, et. al.

**History:**

03/15/2017	M-NCPPC Technical Staff	approval with conditions
03/30/2017	M-NCPPC Planning Board	no motion to consider
07/21/2017	Zoning Hearing Examiner	approval with conditions
09/11/2017	Sitting as the District Council	elected to make the final decision
	<i>Council elected to make the final decision on this item (Vote: 9-0).</i>	
09/21/2017	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	
10/23/2017	Sitting as the District Council	case taken under advisement

*Taslina 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.*

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02/12/2018	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of a disapproving document (Vote: 8-0; Absent: Council Member Toles).</i>	
02/12/2018	Sitting as the District Council	disapproval
	<i>Council referred item to staff for preparation of a disapproving document (Vote: 8-0; Absent: Council Member Toles).</i>	
02/15/2018	Clerk of the Council	mailed
	<i>The Notice of Final Decision of the District Council was mailed to Persons of Record.</i>	
02/21/2018	Applicant	filed
	<i>Mr. Arthur Horne, Esquire, attorney for the applicant, requested reconsideration of the District Council's February 12, 2018 decision.</i>	
02/26/2018	Sitting as the District Council	case taken under advisement
	<i>Council took this case under advisement.</i>	
03/13/2018	Applicant	filed
	<i>Dennis Whitley II, Esquire, attorney for the applicant, filed a Petition for Judicial Review in Circuit Court.</i>	
03/20/2018	Applicant	withdrawn
	<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>	
03/26/2018	Sitting as the District Council	no action
	<i>Chair Glaros announced that the request for reconsideration was withdrawn; therefore, no action was required by the District Council.</i>	
01/11/2021	Circuit Court	remanded
	<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>	
05/10/2021	Sitting as the District Council	elected to make the final decision
	<i>Council directed the Clerk to schedule an Oral Argument hearing for this item in accordance with the Circuit Court Remand (Vote: 11-0).</i>	

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06/14/2021

Sitting as the District Council

announced hearing date

**Attachment(s):**

[SE-4774 Zoning Agenda Item Summary](#)

[SE-4774 Presentation Slides](#)

[SE-4774 Notice of District Council Final Decision](#)

[SE-4774 Circuit Court Order Remanding Case to District C](#)

[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 Participat](#)

[SE-4774 Circuit Court Remand Notice of District Council](#)

**NEW CASE(S)**

[ROW- Winfield Kelly Jr.](#)     **Winfield Kelly, Jr.**

**Applicant(s):** Winfield Kelly, Jr.

**Location:** Located approximately 2,000 feet beyond the municipal boundaries of the City of Bowie, Maryland, and is identified as 7111 NE Crain Highway, Bowie, Maryland (7.93 Acres; C-M Zone).

**Request:** Requesting authorization to Issue Building Permit for a structure within a Proposed Right-of-Way to authorize the issuance of Permit No. 16977-2020-CGU to construct a multi-tenant commercial/retail/service building within the proposed right-of-way of E-1, associated with the interchange of Central Avenue (MD 214), Crain Highway (US 301) and Old Central Avenue as depicted (in differing iterations) on PGAtlas, the 2009 County Master Plan of Transportation and the US 301 Access Control Study Plan prepared by the State Highway Administration (“SHA”) in 1999.

**Council District:** 4

**Appeal by Date:** 7/5/2021

**Action by Date:** 11/1/2021

**Opposition:** None

**History:**

12/02/2020	Applicant	filed
	<i>Russell W. Shipley, Esq., attorney for the owner, filed a request for authorization of the issuance of a building permit within a proposed right-of-way.</i>	
12/23/2020	Applicant	filed
01/04/2021	Clerk of the Council	transmitted
	<i>The Clerk of the Council transmitted the case to the Zoning Hearing Examiner for a public hearing.</i>	
06/03/2021	Zoning Hearing Examiner	approval
06/14/2021	Sitting as the District Council	deferred
	<i>Council deferred item to June 21, 2021.</i>	

**Attachment(s):**      [ROW-Winfield Kelly Jr. Zoning Agenda Item Summary](#)  
[ROW-Winfield Kelly Jr. Notice of ZHE Decision](#)  
[ROW-Winfield Kelly Jr. ZHE Decision](#)  
[ROW-Winfield Kelly Jr. Exhibit List](#)  
ROW-Winfield Kelly Jr. PORL

*In making the final decision in this case, the District Council should consider whether it wants to conduct an Oral Argument, pursuant to Section 27-131.01 (c)(2).*

**ELIGIBLE FOR FINAL ACTION (Orientation if Desired)**[CNU-51074-2020-U](#)**6313 Rhode Island Avenue Riverdale****Applicant(s):**

April Mackoff, Clear Channel Outdoor LLC

**Location:**

Located at the intersection of East-West Highway and Rhode Island Avenue (0.14 Acres; MU-TC Zone).

**Request:**

Requesting Certification of Nonconforming Use for an outdoor advertising sign. Certification of existing outdoor advertising signs is required pursuant to Council Bill 84-2016 which requires that applications for the certification of outdoor advertising signs in existence as of January 1, 2002, be filed no later than December 31, 2021. This outdoor advertising sign was erected in 1979.

**Council District:**

3

**Appeal by Date:**

7/2/2021

**Review by Date:**

3/31/2021

**Action by Date:**

9/1/2021

**Municipality:**

Riverdale Park

**History:**

03/01/2021	M-NCPPC Administrative Certification	approval
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03/08/2021	Sitting as the District Council	deferred
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*Council deferred this item to March 22, 2021.*

03/22/2021	Sitting as the District Council	elected to review
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*Council elected to review this item (Vote: 10-0: Absent: Council Member Franklin).*

03/24/2021	Clerk of the Council	transmitted
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*The case was transmitted to the Zoning Hearing Examiner (ZHE) for hearing in accordance with Section 27-244 of the Zoning Ordinance.*

06/17/2021	Zoning Hearing Examiner	approval
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**Attachment(s):**

[CNU-51074-2020 Zoning Agenda Item Summary](#)

[CNU-51074-2020 - Notice of Decision](#)

[CNU -51074-2020-U ZHE Decision](#)

CNU-51074-2020 PORL

[CNU-51074-2020 Case File](#)

[CNU-51074-2020 -Transcript dtd 5-19-21](#)

[Memo to Clerk - CNU-51074-2020 dtd 6-17-2021](#)

[CNU-51074-2020 Clerk memo to ZHE](#)

[CNU-51074-2020 Exhibits](#)

*In making the final decision in this case, the District Council should consider whether it wants to conduct an Oral Argument, pursuant to Section 27-131.01 (c)(2).*

**REFERRED FOR DOCUMENT****DSP-16004****Oaklawn****Applicant(s):**

Daniel Mwavua

**Location:**

Located on the east side of Allentown Road, approximately 400 feet south of the intersection of Allentown Road and Tucker Road (1.63 Acres; R-R Zone).

**Request:**

Requesting approval of a Detailed Site Plan (DSP) to develop three single-family detached dwelling units.

**Council District:**

8

**Appeal by Date:**

4/29/2021

**Review by Date:**

4/29/2021

**Action by Date:**

6/25/2021

**History:**

02/03/2021	M-NCPPC Technical Staff	approval with conditions
03/25/2021	M-NCPPC Planning Board	approval with conditions
04/12/2021	Sitting as the District Council	deferred
	<i>Council deferred this item to April 26, 2021.</i>	
04/26/2021	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 10-0: Absent: Council Member Franklin).</i>	
05/06/2021	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	
05/24/2021	Sitting as the District Council	announced hearing date
06/14/2021	Sitting as the District Council	hearing held; referred for document

*Jeremy Hurlbutt, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Daniel Mwavua, applicant, and Dean Packard, Packard & Associates, 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 referred this item to staff for preparation of a document of remand to the Planning Board (Vote: 10-0; Absent: Council Member Hawkins).*

**Attachment(s):**

[DSP-16004 Zoning Agenda Item Summary](#)

[DSP-16004 Notice of Oral Argument Hearing](#)

[DSP-16004 Planning Board Resolution 2021-30 - Signed](#)

DSP-16004\_PORL

**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.*

**ZONING HEARING EXAMINER****SE-4830****Schultz Road Senior Housing****Applicant(s):**

Schultz Road, LLC

**Location:**

Located in the southeast corner of Schultz Road and Springbrook Lane (3.53 Acres; R-80 / M-I-O Zones).

**Request:**

Requesting approval of a Special Exception (SE) for permission to use approximately 3.53 acres of R-80 (One-Family Detached Residential)/M-I-O (Military Installation Overlay) Zoned land located in the southeast corner of Schultz Road and Springbrook Lane, identified as 8230 Schultz Road, Clinton, Maryland, as Apartment Housing for the Elderly or Physically Handicapped.

**Council District:**

9

**Appeal by Date:**

7/19/2021

**Review by Date:**

7/19/2021

**Opposition:**

None

**History:**

03/10/2021	M-NCPPC Technical Staff	approval with conditions
03/26/2021	M-NCPPC Planning Board	no recommendation
06/17/2021	Zoning Hearing Examiner	approval with conditions

**Attachment(s):**[SE-4830 Zoning Agenda Item Summary](#)[SE-4830 Notice of Decision](#)[SE-4830 ZHE Decision](#)

SE-4830 PORL

[SE-4830 Technical Staff Report](#)[SE-4830- 8320 Exhibit List](#)[Memo to Clerk - SE-4830 Schultz Road Senior Housing](#)[SE-4830 Transcripts 05-12-2021](#)

*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.*

**PENDING FINALITY (Continued)**

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

**ZONING HEARING EXAMINER (Continued)****SE-4836****The Children's Guild Preschool****Applicant(s):**

The Children's Guild, Inc.

**Location:**

Located in the northeast quadrant of the intersection of Rhode Island Avenue and Hollywood Road (2.15 Acres; R-55 Zone).

**Request:**

Requesting approval of a Special Exception (SE) to operate a 120 student Private School for preschool aged students within an existing Church and associated playground improvement, on approximately 2.15 acres of land in the R-55 (One-Family Detached Residential) Zone.

**Council District:**

1

**Appeal by Date:**

7/12/2021

**Review by Date:**

7/12/2021

**Municipality:**

College Park

**Opposition:**

None

**History:**

02/16/2021	M-NCPPC Technical Staff	approval with conditions
03/05/2021	M-NCPPC Planning Board	no recommendation
06/11/2021	Zoning Hearing Examiner	approval with conditions

**Attachment(s):**[SE-4836 - Zoning Agenda Item Summary](#)[SE-4836 - Notice of Decision](#)[SE-4836 -ZHE Decision](#)

SE-4836 - PORL

[SE-4836 Technical Staff Report](#)[SE-4836 -Transcripts 04-21-2021](#)[SE-4836 - Memo to Clerk](#)[SE-4836 - Case File](#)

*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.*

[ADJ26-21](#)

**ADJOURN**