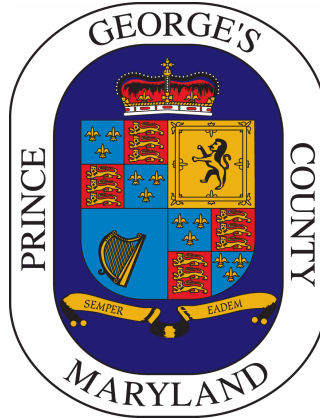


# Prince George's County Council

*County Administration Building  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland  
20772-3050*



## **Zoning Agenda - Final**

**(9:30 AM Agenda Briefing Rm 2027)**

**Monday, March 25, 2019**

**10:00 AM**

**Council Hearing Room**

## **Sitting as the District Council**

*Todd M. Turner, Chair, District 4*

*Monique Anderson-Walker, District 8*

*Derrick Leon Davis, District 6*

*Thomas E. Dernoga, District 1*

*Mel Franklin, At-Large*

*Dannielle M. Glaros, District 3*

*Sydney J. Harrison, District 9*

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

*Jolene Ivey, District 5*

*Rodney C. Streeter, Vice Chair, District 7*

*Deni L. Taveras, District 2*

*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 interpreters 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.

**9:30 AM AGENDA BRIEFING - (ROOM 2027)**

**10:00 AM CALL TO ORDER - (COUNCIL HEARING ROOM)**

**INVOCATION**

*Mrs. Sylvia Taylor, International Church of Christ, Landover, MD*

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 03112019](#)

**District Council Minutes dated March 11, 2019**

**Attachment(s):**

[3-11-2019 District Council Minutes DRAFT](#)

**ORAL ARGUMENTS**[A-10044](#)**Moore's Corner****Applicant(s):**

Moore's Corner, LLC

**Location:**

Located on the east side of Branch Avenue (MD 5) in the southwest quadrant of its intersection with Moore's Road, Brandywine, Maryland (8.279 Acres; R-R Zone).

**Request:**

Requesting approval of a Zoning Map Amendment to rezone approximately 8.279 acres of land from the R-R (Rural Residential) to the M-X-T (Mixed Use-Transportation Oriented) Zone.

**Council District:**

9

**Appeal by Date:**

1/18/2019

**Action by Date:**

4/30/2019

**Opposition:**

Kesia Wheeler et. al

**History:**

12/16/2017	M-NCPPC Technical Staff	disapproval
01/04/2018	M-NCPPC Planning Board	no motion to consider
12/19/2018	Zoning Hearing Examiner	approval with conditions
01/18/2019	Person of Record	appealed
	<i>Ms. Alberta P. Moore, appealed the decision of the Zoning Hearing Examiner and requested Oral Argument.</i>	
01/18/2019	Person of Record	appealed
	<i>Ms. Karleen Powell appealed the decision of the Zoning Hearing Examiner and requested Oral Argument.</i>	
01/18/2019	Person of Record	appealed
	<i>James K. Davis, Esq., attorney for Ms. Kesia Wheeler, filed exceptions to the Zoning Hearing Examiner's decision and requested Oral Argument.</i>	
03/15/2019	Applicant	filed
	<i>Matthew C. Tedesco, Esq., attorney for the applicant, filed a response to the Exceptions to the Decision of the Zoning Hearing Examiner.</i>	

**Attachment(s):** A- 10044 Tedesco to Floyd Letter  
[A-10044 Technical Staff Report](#)  
[A-10044 Zoning Hearing Examiner Decison](#)  
 A-10044 PORL

**ORAL ARGUMENTS (Continued)**

[ERR-268 Remand](#)

**835 Fairview Ave (Remand)**

**Validation of Multifamily Rental License No. M-0131 Issued In Error**

**Companion Case(s):** ERR-268

**Applicant(s):** Carline Brice

**Location:** Located at 835 Fairview Avenue, Takoma Park, Maryland (0.17 Acres, R-18 Zone).

**Request:** Requesting approval of validation of Prince George’s County Multi-Family Rental Housing License No. M-0131 issued in error on April 18, 2015, for six (6) apartment units, on approximately 7448 square feet of land, located in the R-18 (Multi-Family Medium Density Residential) Zone.

**Council District:** 2

**Appeal by Date:** 9/27/2018

**Action by Date:** 4/1/2019

**Opposition:** None

**History:**

09/27/2017	Zoning Hearing Examiner	disapproval
11/06/2017	Sitting as the District Council	elected to make the final decision
	<i>Council elected to schedule Oral Arguments (Vote: 8-0; Absent: Council Member Toles).</i>	
02/12/2018	Sitting as the District Council	hearing held; referred for document

*Taslima Alam, M-NCPPC, provided an overview of the permit issued in error application. Carline Brice and Remy Msilus, spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.*

02/26/2018	Sitting as the District Council	remanded
	<i>Council adopted the prepared Order of Remand (Vote 8-0; Absent: Council Member Harrison).</i>	
08/28/2018	Zoning Hearing Examiner	disapproval
09/14/2018	Applicant	appealed
	<i>Traci Scudder, Esq. attorney for the applicant, appealed the Zoning Hearing Examiner's decision and requested another Remand.</i>	
02/06/2019	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	
02/11/2019	Sitting as the District Council	announced hearing date
03/11/2019	Sitting as the District Council	continued at a later date
	<i>Traci Scudder, Esq., attorney for the applicant, requested the case be continued. Council continued this case to March 25, 2019 for its Oral Argument Hearing.</i>	

**Attachment(s):**[ERR 268 Zoning Hearing Examiner Decision](#)

ERR 268 PORL

**ITEM(S) FOR DISCUSSION****A-10046-C****Renard Lakes****Applicant(s):**

Strittmatter Properties, LLC / Renard Lakes Holdings, LLC

**Location:**

Northwest quadrant of the intersection of US 301 (Robert Crain Highway) and Dyson Road (167.84 Acres; R-S Zone).

**Request:**

Requesting approval of a Zoning Map Amendment to rezone approximately 167.84 acres of R-S (Residential Suburban) zoned land to the I-1 (Light Industrial) Zone.

**Council District:**

9

**Appeal by Date:**

8/13/2018

**Opposition:**

Darnetta Simmons, Jeffery Simmons and Matthew Hitt

**History:**

02/07/2018	M-NCPPC Technical Staff	disapproval
02/22/2018	M-NCPPC Planning Board	no motion to consider
07/13/2018	Zoning Hearing Examiner	approval with conditions
09/17/2018	Sitting as the District Council	elected to make the final decision

*Council elected to make the final decision on this item (Vote 7-0; Absent: Council Members Glaros and Toles).*

10/22/2018	Sitting as the District Council	hearing held; referred for document
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*Ivy Thompson, M-NCCPC, provided an overview of the Zoning Map Amendment application. Edward Gibbs, Esq., attorney for the applicant, spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, commented on the factual and legal arguments presented by the parties. The Oral Argument Hearing was held and Council referred this item to staff for preparation of a an approving document, with conditions (Vote 7-0; Absent: Council Members Harrison and Toles).*

10/22/2018	Sitting as the District Council	approval with conditions
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*Council adopted the prepared Zoning Ordinance No. 13 - 2018 of approval, with conditions (Vote 7-0; Absent: Council Members Harrison and Toles).*

11/06/2018	Clerk of the Council	mailed
	<i>The Notice of Preliminary Conditional Zoning Approval of the District Council was mailed (requiring applicant to respond by January 22, 2019).</i>	
01/18/2019	Applicant	filed
	<i>Edward C. Gibbs, Jr., attorney for the applicant, submitted a letter requesting a remand to the Zoning Hearing Examiner.</i>	
01/28/2019	Sitting as the District Council	deferred
	<i>Stan Brown, People's Zoning Counsel, suggested that action on this item be deferred until Council Member Franklin was present for the discussion. Council deferred this item to February 11, 2019.</i>	
03/11/2019	Sitting as the District Council	case taken under advisement
	<i>Stan Brown, People's Zoning Counsel, provided an overview of the procedural history of this case. Council took this case under advisement.</i>	

**Attachment(s):**[A-10046 Zoning Agenda Item Summary](#)[A-10046 - Zoning Hearing Examiner Decision](#)

A-10046-PORL



**ITEM(S) FOR DISCUSSION (Continued)****SE/VSE-4792 Remand Ernest Maier Concrete Batching Plant (Remand)****Companion Case(s):** SE/VSE-4792**Applicant(s):** 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.**Council District:** 5**Appeal by Date:** 9/24/2018**Review by Date:** 10/1/2018**Action by Date:** 4/1/2019**Municipality:** Bladensburg**Opposition:** Port Towns Environmental Action et al.**History:**

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

*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.*

04/11/2018	Applicant	filed
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*Daniel F. Lynch, Esq., attorney for the applicant filed a reply to the 12/11/2017 appeal and requested the Zoning Hearing Examiner's decision be affirmed.*

04/16/2018	Sitting as the District Council	hearing held; case taken under advisement
<p><i>Prior to the oral argument hearing, Daniel Lynch, Esq., attorney for the applicant, 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., attorney for the opposition, 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. Mr. Kumar also cautioned persons of record to keep their testimony to matters that are within the record. Ms. Melendez concluded her remarks, followed by additional opposition comments by The Honorable Victor Ramirez, Senator, 47th Legislative District. Daniel Lynch, Esq., spoke in support of behalf of the applicant and the following persons also spoke in support: Susan McCutchen, Suellen Ferguson, Esq., attorney for the Town of Bladensburg, along with The Honorable Takisha James, Mayor of Town of Bladensburg and Jim Foster on behalf of the Anacostia Watershed Society. Council took this case under advisement.</i></p>		
05/07/2018	Sitting as the District Council	remanded
<p><i>Council adopted the prepared Order of Remand (Vote: 7-0; Absent: Council Members Franklin and Toles).</i></p>		
05/07/2018	Sitting as the District Council	referred for document
<p><i>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).</i></p>		
08/23/2018	Zoning Hearing Examiner	approval with conditions
09/17/2018	Sitting as the District Council	deferred
<p><i>Council deferred this item to September 24, 2018.</i></p>		
09/21/2018	Person of Record	appealed
<p><i>David C. Blitzer, Esquire, attorney for the opposition, filed an appeal in opposition to the proposal and requested Oral Argument.</i></p>		

09/24/2018	Sitting as the District Council	did not elect to make the final decision
	<i>Council took no action on this item.</i>	
02/04/2019	Applicant	filed
	<i>Daniel F. Lynch, Esq., attorney for the applicant filed a reply to the 9/21/2018 appeal and requested the Zoning Hearing Examiner's decision be affirmed.</i>	
02/11/2019	Sitting as the District Council	hearing held; case taken under advisement
	<i>Chair Turner announced that Council Member Jolene Ivey has recused herself from this case. Ivy Thompson, M-NCPPC, provided an overview of the Special Exception application. David Blitzer spoke in opposition on behalf of Port Towns Environmental Actions et.al. The Honorable Takisha James, Mayor, spoke in support on behalf of the Town of Bladensburg. Dan Lynch, Esq., spoke in support on behalf of the applicant. 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 Oral Argument Hearing was held and Council took this case under advisement.</i>	

**Attachment(s):**

[SE/VSE-4792 Remand Zoning Agenda Item Summary](#)  
[SE/VSE-4792 Remand Zoning Hearing Examiner Decision](#)  
 SE-4792 PORL  
[SE-4792 Technical Staff Report](#)

**REFERRED FOR DOCUMENT**[DSP-14008-03](#)**Crescents at Largo Town Center, Parcel 1****Applicant(s):**

Largo Land Development, LLC

**Location:**

Located in the northwest quadrant of Landover Road (MD 202) and Central Avenue (MD 214), within the southeast quadrant of the Largo Town Center (3.89 Acres; M-U-I / D-D-O Zones)

**Request:**

Requesting approval of a Detailed Site Plan (DSP) to allow an “Assisted Living Facility” and “Nursing or Care Home” as permitted uses on the subject property.

**Council District:**

6

**Appeal by Date:**

2/14/2019

**Action by Date:**

4/8/2019

**Comment(s):**

Mandatory Review:

District Council review of this case is required by Section 27-548.26(b) of the Zoning Ordinance.

**History:**

11/15/2018	M-NCPPC Technical Staff	approval with conditions
01/10/2019	M-NCPPC Planning Board	approval with conditions
02/06/2019	Clerk of the Council	mailed
	<i>Notice of Mandatory Review Hearing (using Oral Argument procedures) was mailed to Persons of Record.</i>	
02/11/2019	Sitting as the District Council	announced hearing date
03/11/2019	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. Thomas Haller, Esq., Attorney for the applicant, 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 item to staff for preparation of an approving document, with conditions (Vote: 9-0; Absent: Council Members Franklin and Taveras).*

**Attachment(s):**

[DSP-14008-03 Zoning Agenda Item Summary](#)

[DSP-14008-03 Planning Board Resolution 18-122](#)

DSP-14008-03\_PORL

[DSP-14008-03 Technical Staff Report](#)

**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/VSE-4722](#)**Sunoco Gas Station and Car Wash****Companion Case(s):** DPLS-438**Applicant(s):** Clearview 6308 LLC / Sunoco Car Wash**Location:** Located on the east side of MD 337 (Allentown Road), approximately 320 feet southeast of the intersection of MD 5 (Branch Avenue) and MD 337 (0.695 Acres; C-S-C / M-I-O Zones).**Request:** Requesting approval of a Special Exception to add a 768-square-foot Car Wash to a 0.695 acre of C-S-C zoned land within the M-I-O Zone that is improved with a Gas Station and Food or Beverage Store.**Council District:** 8**Appeal by Date:** 3/28/2019**Review by Date:** 3/28/2019**Comment(s):** On September 17, 2018 Council voted to elect to review the companion case, DPLS-438, in order to allow for the potential of both cases being set in together for Oral Argument.**Opposition:** None**History:**

06/13/2018 M-NCPPC Technical Staff approval with conditions

06/21/2018 M-NCPPC Planning Board no motion to consider

02/26/2019 Zoning Hearing Examiner approval with conditions

**Attachment(s):** [SEVSE-4772 Zoning Hearing Examiner Decision](#)

SEVSE-4772 PORL

[SEVSE-4772 Technical Staff Report](#)

*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**

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

**(b) PLANNING BOARD****CSP-17005****Park Place****Applicant(s):**

Konterra Associates LLC

**Location:**

Located on the south side of Muirkirk Road, approximately 650 feet west of its intersection with Van Dusen Road (17.21 Acres; I-3 Zone).

**Request:**

Requesting approval of a Conceptual Site Plan (CSP) for development of 131,810 square feet of flexible industrial space for office/warehouse uses on existing Parcel 218.

**Council District:**

1

**Appeal by Date:**

4/11/2019

**Review by Date:**

4/11/2019

**History:**

01/23/2019

M-NCPPC Technical Staff

approval with conditions

03/12/2019

M-NCPPC Planning Board

approval with conditions

**Attachment(s):**[CSP-17005 Planning Board Resolution](#)

CSP-17005\_PORL

[CSP-17005 Technical Staff Report](#)**ADJOURN****ADJ27-19****Adjourn****1:30 PM BRIEFING (COUNCIL HEARING ROOM)****BR 03252019****MARYLAND DEPARTMENT OF TRANSPORTATION  
BRIEFING**

Pete Rahn, Secretary of Transportation

Gregory Slater, Administrator, State Highway Administration