

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, November 4, 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 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.

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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

PLEDGE OF ALLEGIANCE

REFERRED FOR DOCUMENT[SDP-0511-04](#)**Collington Center****Applicant(s):**

MRPI Queens Court, LLC

Location:

Located in the southwestern quadrant of the intersection of Queens Court and US 301 (Crain Highway) (51.45 Acres; E-I-A Zone).

Request:

Requesting approval of a Specific Design Plan (SDP) for a 130,143-square-foot, 1,184-unit, 3-story consolidated storage facility, ancillary office, and outdoor recreational vehicle storage on a 3.97-acre lot within a 51.45-acre site.

Council District:

4

Appeal by Date:

10/17/2019

Review by Date:

10/17/2019

Action by Date:

11/22/2019

History:

07/09/2019	M-NCPPC Technical Staff	approval with conditions
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09/12/2019	M-NCPPC Planning Board	approval with conditions
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09/23/2019	Sitting as the District Council	elected to review
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Council elected to review this item (Vote: 10-0; Absent: Council Member Davis).

09/25/2019	Clerk of the Council	mailed
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Notice of Oral Argument Hearing was mailed to Persons of Record.

10/28/2019	Sitting as the District Council	hearing held; referred for document
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Thomas Burke, M-NCPPC, provided an overview of the Detailed Site Plan application and Jeremy Hurlbutt, M-NCPPC, responded to a question.. Arthur R. Horne, Jr., Esq., attorney for applicant, spoke in support of the application along with Sam Butts, architect, and Reid Townsend, MRP Industrial. 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 referred item to staff for preparation of an approving document with conditions (Vote: 9-0; Absent: Council Members Franklin and Glaros).

Attachment(s): [SDP-0511-04 Planng Board Resolution 19-90](#)
 SDP-0511-04 PORL
[SDP-0511-04 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION

[DSP-18018](#)

Skyview Condominiums

Applicant(s):

Mohammed A. Shirazi

Location:

Located at 3300 Brinkley Road, Temple Hills, 1,500 feet east of the intersection of Brinkley Road and Fisher Road (4.75 Acres; R-18C Zone).

Request:

Requesting approval of a Detailed Site Plan (DSP) for the construction of two multifamily residential buildings for a total of approximately 149,004 square feet, including 95 dwelling units and structured parking.

Council District:

8

Appeal by Date:

8/22/2019

Review by Date:

9/23/2019

Action by Date:

11/8/2019

History:

06/05/2019	M-NCPPC Technical Staff	approval with conditions
07/18/2019	M-NCPPC Planning Board	approval with conditions
09/09/2019	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote 10-0; Absent: Council Member Hawkins).</i>	
09/25/2019	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	
10/28/2019	Sitting as the District Council	hearing held; case taken under advisement

Jonathan Bush, M-NCPPC, provided an overview of the Detailed Site Plan application. Mr. Mohammed A. Shirazi, applicant, spoke in support of the application. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented. The Oral Argument Hearing was held and Council took this case under advisement.

Attachment(s): [DSP-18018 Planning Board Resolution](#)
 DSP-18018_PORL
[DSP-18018 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION

[A-10045](#)

Clavelli Property

Applicant(s): Loreto J. Clavelli

Location: Located on the west side of MD 337 (Allentown Road) approximately 1,200 feet north of the intersection of Allentown Road and Steed Road, also identified as 9005, 9009 and 9021 Allentown Road, Fort Washington, Maryland (11.952 Acres; R-E Zone).

Request: Requesting approval to rezone approximately 11.95 acres of land, in the R-E (Residential-Estate) to the R-80 (one-Family Detached Residential) Zone.

Council District: 8

Appeal by Date: 7/11/2019

Action by Date: 1/7/2020

Opposition: N/A

History:

03/01/2019	M-NCPPC Technical Staff	disapproval
03/15/2019	M-NCPPC Planning Board	no motion to consider
06/11/2019	Zoning Hearing Examiner	disapproval
07/10/2019	Applicant	appealed

Russell W. Shipley, Esq., attorney for the applicant, filed exceptions to the Zoning Hearing Examiner's decision and requested Oral Argument.

07/22/2019	Sitting as the District Council	announced hearing date
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09/09/2019 Sitting as the District Council hearing held; case taken under advisement

Ras Cannady, II, M-NCPPC, provided an overview of the Zoning Map Amendment (ZMA) application. Mr. Russell Shipley, attorney for the applicant, spoke in support of the application. Ms. Lynetta Stevens, person of record also 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. The Oral Argument Hearing was held and Council took this case under advisement.

Attachment(s): [A-10045 Zoning Hearing Examiner Decision .pdf](#)
A-10045 PORL

ITEM(S) FOR DISCUSSION

[SE-4694](#)

Word Power Baptist Tabernacle (Appeal of ZHE Dismissal)

Applicant(s):

Word Power Baptist Tabernacle, Inc. c/o Pastor David McLaughlin

Location:

Located on the southern side of Marlboro Pike (MD 725), approximately 2,000 feet east of its intersection with Penn Crossing Drive (0.646 Acres; R-18 Zone).

Request:

Appealing the August 21, 2019 Zoning Hearing Examiner Dismissal of the Special Exception request to obtain a use and occupancy permit for the existing church. The applicant is requesting a special exception to validate the existing church in the R-18 Zone and to validate several building additions that were added without building permits.

Council District:

7

Action by Date:

1/19/2019

History:

02/11/2016	M-NCPPC Technical Staff	approval with conditions
03/03/2016	M-NCPPC Planning Board	no motion to consider
08/21/2019	Zoning Hearing Examiner	dismissed
09/20/2019	Applicant	appealed

Traci R. Scudder, Esq., attorney for the applicant, filed an appeal to the 8/21/2019 Zoning Hearing Examiner dismissal and requested the case not be dismissed.

10/15/2019	Clerk of the Council	mailed
	<i>Notice of appeal consideration was mailed to Persons of Record.</i>	
10/28/2019	Sitting as the District Council	case taken under advisement
	<i>Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the facts and current posture of the case. Traci Scudder, Esq., attorney for the applicant, presented the appeal of the Zoning Hearing Examiner dismissal. Council took this case under advisement.</i>	
<u>Attachment(s):</u>	SE-4694_10202019 Letter from Scudder to Brown SE-4694_ Letter from McLaughlin to Brown SE-4694 ZHE Dismissal Letter SE-4694 Technical Staff Report	

ITEM(S) FOR DISCUSSION**DSP-15031-01****EZ Storage College Park**

<u>Companion Case(s):</u>	DDS-648; DPLS-459	
<u>Applicant(s):</u>	Siena Corporation	
<u>Location:</u>	Located on the south side of Branchville Road approximately 1,800 feet east of its intersection with Rhode Island Avenue (1.82 Acres; I-2 Zone).	
<u>Request:</u>	Applicant is requesting Reconsideration of the October 7, 2019 District Council Final Decision approving a Detailed Site Plan (DSP) for a 122,190-square-foot, 950-unit consolidated storage facility on 1.82 acres, including variances to Section 27-474(b) of the Prince George's County Zoning Ordinance for minimum setback from the street, and Section 27-475.04(a)(1)(c) of the Zoning Ordinance for maximum building height.	
<u>Council District:</u>	1	
<u>Appeal by Date:</u>	7/18/2019	
<u>Review by Date:</u>	7/18/2019	
<u>Action by Date:</u>	10/7/2019	
<u>History:</u>		
05/07/2019	M-NCPPC Technical Staff	approval with conditions
06/13/2019	M-NCPPC Planning Board	approval with conditions

07/08/2019	Sitting as the District Council	elected to review <i>Council elected to review this item (Vote: 9-0; Absent: Council Members Franklin and Ivey).</i>
08/06/2019	Clerk of the Council	mailed <i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>
09/09/2019	Sitting as the District Council	hearing held; case taken under advisement <i>Chair Turner announced that the three EZ Storage College Park cases, DSP-15031-01, DDS-648, and DPLS-459 would be held in tandem. Thomas Burke, M-NCPPC, provided an overview of the Detailed Site Plan, Departure from Design Standards, and Departure from Parking and Loading Standards applications. Mr. Bradley Farrar, Esq., attorney for the applicant, spoke in support along with Ms. Terry Shum, City of College Park, Mr. Laurent Mounaud, Vika Maryland LLC, and Mr. Craig Pittinger, Siena Corporation. 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>
09/23/2019	Sitting as the District Council	referred for document <i>Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0; Absent: Council Members Dernoga and Franklin).</i>
10/07/2019	Sitting as the District Council	approval with conditions <i>Council adopted the prepared Order of approval, with conditions (Vote: 8-0; Absent: Council Members Franklin, Glaros, and Taveras).</i>
10/16/2019	Clerk of the Council	mailed <i>The Notice of Final Decision of the District Council was mailed to Persons of Record.</i>
10/28/2019	Applicant	filed <i>Bradley S. Farrar, Esq., attorney for the applicant, filed a request for reconsideration of the October 7, 2019 District Council Final Decision.</i>

Attachment(s): [DSP-15031-01 Planning Board Resolution 19-65](#)
 DSP-15031-01 PORL
[DSP-15031-01 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) PLANNING BOARD

[DSP-09013-01](#)

Quincy Manor

Companion Case(s): DPLS-473

Applicant(s): Portfolio Owner, LLC

Location: Located on the north and south sides of Newton Street and Madison Way, and on the east and west sides of 54th and 55th Avenues, approximately 200 feet from the intersection of Quincy Street and 55th Avenue (17.03 Acres; R-18 / R-35 / D-D-O Zones).

Request: Requesting approval of a Detailed Site Plan (DSP) to amend the previously approved residential revitalization Detailed Site Plan (DSP) for townhouses, and validate the existing multifamily development that was built in the early 1950's on the subject site.

Council District: 5

Appeal by Date: 11/21/2019

Review by Date: 11/21/2019

History:

09/11/2019	M-NCPPC Technical Staff	approval with conditions
10/17/2019	M-NCPPC Planning Board	approval with conditions
10/28/2019	Sitting as the District Council	deferred

Council deferred this item to November 4, 2019.

Attachment(s): [DSP-09013-01 Planning Board Resolution 19-105](#)
 DSP-09013-01 PORL
[DSP-09013-01 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) PLANNING BOARD (Continued)**[DPLS-473](#)****Quincy Manor**

Companion Case(s): DSP-09013-01

Applicant(s): Portfolio Owner, LLC

Location: Located on the north and south sides of Newton Street and Madison Way, and on the east and west sides of 54th and 55th Avenues, approximately 200 feet from the intersection of Quincy Street and 55th Avenue (17.03 Acres; R-18 / R-35 / D-D-O Zones).

Request: Requesting approval of a Departure from Parking and Loading Standard (DPLS) for a reduction of 647 off-street parking spaces from the requirements of Section 27-586 of the Zoning Ordinance.

Council District: 5

Appeal by Date: 11/21/2019

Review by Date: 11/21/2019

History:

09/11/2019	M-NCPPC Technical Staff	approval
10/17/2019	M-NCPPC Planning Board	approval
10/28/2019	Sitting as the District Council	deferred

Council deferred this item to November 4, 2019.

Attachment(s): [DPLS-473 Planning Board Resolution 19-106](#)

[DPLS-473_PORL](#)

[DPLS-473_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) PLANNING BOARD (Continued)**DSP-18052****Swan Creek Club Development, Lot 9C****Applicant(s):**

AMSB

Location:

Located at 12311 Hatton Point Road, approximately 1,500 feet southwest of its intersection with Riverview Road, in Fort Washington, Maryland (1.02 Acres; R-E / L-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan for construction of a 5,900-square-foot, single-family detached dwelling with a garage, pool, and patio on a vacant and partially wooded property within the Limited Development Overlay (L-D-O) Zone of the Chesapeake Bay Critical Area (CBCA) Ordinance.

Council District:

8

Appeal by Date:

11/14/2019

Review by Date:

11/14/2019

History:

08/30/2019	M-NCPPC Technical Staff	approval with conditions
10/10/2019	M-NCPPC Planning Board	approval with conditions
10/28/2019	Sitting as the District Council	deferred

Council deferred this item to November 4, 2019.

Attachment(s):

[DSP-18052 Planning Board Resolution 19-101](#)

DSP-18052 PORL

[DSP-18052 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) PLANNING BOARD (Continued)**[DSP-19032](#)****SAFStor Temple Hills**

Companion Case(s): DDS-655; DPLS-470

Applicant(s): SAFStor Land Company, LLC

Location: Located on the north side of Beech Road, approximately 0.40 mile south of its intersection with MD 414 (Saint Barnabas Road), also identified as 4700 Beech Road in Temple Hills (2.68 Acres; I-1 Zone).

Request: Requesting approval of a Detailed Site Plan (DSP) for the construction of a three-story, 105,000-square-foot, consolidated storage facility on a 2.68-acre lot.

Council District: 7

Appeal by Date: 11/28/2019

Review by Date: 11/28/2019

History:

10/03/2019	M-NCPPC Technical Staff	approval with conditions
10/24/2019	M-NCPPC Planning Board	approval with conditions

Attachment(s): **[DSP-19032 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) PLANNING BOARD (Continued)**[DDS-655](#)****SAFStor Temple Hills**

Companion Case(s): DPLS-470; DSP-19032

Applicant(s): SAFStor Land Company, LLC

Location: Located on the north side of Beech Road, approximately 0.40 mile south of its intersection with MD 414 (Saint Barnabas Road), also identified as 4700 Beech Road in Temple Hills (2.68 Acres; I-1 Zone).

Request: Requesting approval of a Departure from Design Standards (DDS) from the requirements of Section 27-578(a) of the Prince George's County Zoning Ordinance, to allow the loading space size to be reduced to 12 feet wide by 35 feet long.

Council District: 7

Appeal by Date: 11/28/2019

Review by Date: 11/28/2019

History:

10/03/2019 M-NCPPC Technical Staff approval

10/24/2019 M-NCPPC Planning Board approval

Attachment(s): [DDS-655 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) PLANNING BOARD (Continued)**DPLS-470****SAFStor Temple Hills**

Companion Case(s): DDS-655; DSP-19032

Applicant(s): SAFStor Land Company, LLC

Location: Located on the north side of Beech Road, approximately 0.40 mile south of its intersection with MD 414 (Saint Barnabas Road), also identified as 4700 Beech Road in Temple Hills (2.68 Acres; I-1 Zone).

Request: Requesting approval of a Departure from Parking and Loading Spaces (DPLS) from the requirements of Section 27-582(a) of the Prince George's County Zoning Ordinance, to provide a reduced number of loading spaces.

Council District: 7

Appeal by Date: 11/28/2019

Review by Date: 11/28/2019

History:

10/03/2019 M-NCPPC Technical Staff approval

10/24/2019 M-NCPPC Planning Board approval

Attachment(s): [DPLS-470 Technical Staff Report](#)

PENDING FINALITY

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision.

(b) PLANNING BOARD'S REPRESENTATIVE**CNU-32201-2019-U****000 Branchville Road College Park****Applicant(s):**

April Mackoff

Location:

Located on Branchville Road, College Park, MD 20740, approximately 1,050 feet SE of the intersection with Rhode Island Ave. (0.1470 Acres; C-S-C 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 1986.

Council District:

1

Review by Date:

11/7/2019

Comment(s):

In the event the District Council elects to review this case, it will be sent to the ZHE for a hearing pursuant to Section 27-244(e) of the Zoning Ordinance.

Municipality:

College Park

History:

10/08/2019

M-NCPPC Administrative Certification approval

10/28/2019

Sitting as the District Council deferred

Council deferred this item to November 4, 2019.

Attachment(s):**[CNU-32201-2019-U FILE MATERIALS](#)**

PENDING FINALITY

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision.

(b) PLANNING BOARD'S REPRESENTATIVE (Continued)[CNU-35603-2019-U](#)**4545 Rhode Island Ave Brentwood****Applicant(s):**

April Mackoff

Location:

Located on the east side of Rhode Island Avenue northeast of Webster Street also identified as 4545 Rhode Island Avenue, Brentwood, Maryland 20722 (1.21 Acres; U-L-I 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 1949.

Council District:

2

Review by Date:

11/7/2019

Comment(s):

In the event the District Council elects to review this case, it will be sent to the ZHE for a hearing pursuant to Section 27-244(e) of the Zoning Ordinance.

History:

10/08/2019	M-NCPPC Administrative Certification	approval
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10/28/2019	Sitting as the District Council	deferred
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Council deferred this item to November 4, 2019.

Attachment(s):[CNU-35603-2019-U FILE MATERIALS](#)[ADJ122-19](#)**ADJOURN****11:00 AM COMMITTEE OF THE WHOLE - (COUNCIL HEARING ROOM)**

(SEE SEPARATE AGENDA)