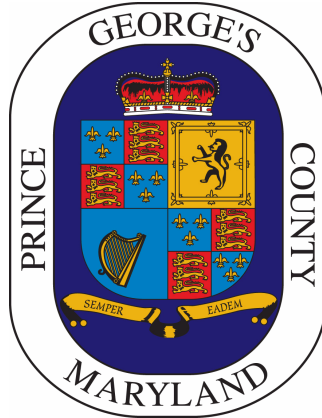


Prince George's County Council

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



Zoning Agenda - Final

**Monday, March 8, 2021
10:00 AM**

VIRTUAL MEETING

Sitting as the District Council

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

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

Jolene Ivey, District 5

Rodney C. Streeter, District 7

Deni L. Taveras, Vice Chair, District 2

Todd M. Turner, District 4

Robert J. Williams, Jr., Council Administrator

RULES OF COURTESY (VIRTUAL)

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. To ensure 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.

VIRTUAL DISTRICT COUNCIL MEETINGS

Given the current state of the novel coronavirus (COVID-19) pandemic, and under the Governor's "Proclamation and Declaration of State of Emergency and Existence of Catastrophic Health Emergency – COVID-19" and the Prince George's County State of Emergency Declarations, the District Council is operating under emergency procedures. As authorized by CB-33-2020 hearings will be conducted virtually and in accordance with District Council Rules of Procedure.

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. Testimony at Oral Argument Hearings must be based on the record, and no new evidence will be permitted. Only persons of record may testify. Persons of Record wishing to give oral argument on a specific case should register with the Clerk of the Council by email to clerkofthecouncil@co.pg.md.us or faxed to (301) 952-5178 by 3:00 p.m. on the day BEFORE the meeting.

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. Five (5) minute rebuttal from the side requesting hearing
5. Five (5) minute rebuttal from the side favoring decision
6. Comments by the People's Zoning Counsel

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. State your name and address for the record and 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/LIVE>
PLEASE SILENCE ALL CELLULAR PHONES DURING THE MEETING.

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 02222021](#)

District Council Minutes dated February 22, 2021

Attachment(s):

[02-22-2021 District Council Minutes Draft](#)

ORAL ARGUMENTS**DSP-20006****Checkers Laurel****Applicant(s):**

Mar Chek, Inc.

Location:

Located on the east side of US 1 (Baltimore Avenue), approximately 400 feet north of its intersection with Mulberry Street. (0.84 Acres; C-S-C / R-55 Zones).

Request:

Requesting approval of a Detailed Site Plan (DSP) for the development of a 1,170-square-foot eating and drinking establishment with drive-through service, specifically a Checkers.

Council District:

1

Appeal by Date:

12/24/2020

Review by Date:

1/25/2021

Action by Date:

3/26/2021

History:

10/14/2020	M-NCPPC Technical Staff	approval with conditions
11/19/2020	M-NCPPC Planning Board	approval with conditions
01/11/2021	Sitting as the District Council	deferred
	<i>Council deferred this item to January 25, 2021.</i>	
01/25/2021	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 10-0-1; Abstain: Council Member Franklin).</i>	
02/03/2021	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing mailed to Persons of Record.</i>	
02/22/2021	Sitting as the District Council	announced hearing date

Attachment(s):

[DSP-20006 Zoning Agenda Item Summary](#)

[DSP-20006-Presentation Slides](#)

[DSP-20006 Notice of Oral Argument](#)

[DSP-20006 - Planning Board Resolution](#)

DSP-20006_PORL

[DSP-20006 Technical Staff Report](#)

[DSP-20006 Planning Board Transcripts](#)

[DSP-20006 PZC Notice of Intention to Participate](#)

[DSP-20006 Planning Board Record](#)

ITEM(S) FOR DISCUSSION**DSP-20017****Royal Farms #381 Walker Mill Road****Applicant(s):**

Two Farms, Inc.

Location:

Located in the southwest quadrant of the intersection of Walker Mill Road and Ritchie Road (7.67 Acres; I-1 / M-I-O Zones).

Request:

Requesting approval of a Detailed Site Plan (DSP) for construction of a 4,649 square-foot food and beverage store, gas station, and a 1,248 square-foot car wash.

Council District:

6

Appeal by Date:

1/14/2021

Review by Date:

2/1/2021

Action by Date:

3/15/2021

Comment(s):

Mandatory Review:

District Council review of this case is required by conditions imposed by Council on Zoning Cases A-9190-C and A-8033-C.

History:

10/27/2020	M-NCPPC Technical Staff	approval with conditions
12/10/2020	M-NCPPC Planning Board	approval with conditions
01/14/2021	Clerk of the Council	mailed
	<i>Notice of Mandatory Review Hearing was mailed to Persons of Record.</i>	
02/09/2021	Sitting as the District Council	announced hearing date
02/22/2021	Sitting as the District Council	hearing held; case taken under advisement

Adam Bossi, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Matthew Tedesco, Esq., attorney for the applicant, spoke in support. Dwight Jones and Mallory Johnson, persons of record, spoke in opposition. Stan Brown, People's Zoning Counsel, provided a full disclosure statement and inquired if any party objected to his participation. No party objected to his participation as People's Zoning Counsel; subsequently, he 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 took this case under advisement.

Attachment(s):

[DSP-20017 Zoning Agenda Item Summary](#)

[DSP-20017 Color Power Point Presentation](#)

[DSP-20017 Notice of Mandatory Review](#)

[DSP-20017 Planning Board Resolution 2020-165](#)

DSP-20017_PORL

[DSP-20017 Technical Staff Report](#)

[DSP-20017 Transcripts 11-12-2020](#)

DSP-20017_PZC Notice of Intention to Participate

[DSP-20017 Planning Board Record](#)

PENDING FINALITY

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

PLANNING BOARD'S REPRESENTATIVE

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.

[CNU-47255-2020-U](#)**0000 Branchville Road Berwyn Heights****Applicant(s):**

April Mackoff, Clear Channel Outdoor LLC

Location:

Located off of Branchville Rd but facing Greenbelt Rd. running west, approximately 115 feet northeast of the intersection with Greenbelt Road (0.3690 Acres; M-X-T 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 1964).

Council District:

4

Review by Date:

3/31/2021

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:

03/01/2021

M-NCPPC Administrative Certification approval

Attachment(s):[CNU-47255-2020-U Zoning Agenda Item Summary](#)[CNU-47255-2020 Case File](#)

PENDING FINALITY (Continued)

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.

[CNU-47256-2020-U](#)**0000 Sheriff Road Capital Heights****Applicant(s):**

April Mackoff, Clear Channel Outdoor LLC

Location:

Located off of Sheriff Road running west, approximately 128 feet northwest of the intersection with Cabin Branch Drive (0.52 Acres; I-3 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 1980.

Council District:

5

Review by Date:

3/31/2021

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:

03/01/2021

M-NCPPC Administrative Certification approval

Attachment(s):

[CNU-47256-2020-U Zoning Agenda Item Summary](#)
[CNU-47256-2020 Case File](#)

PENDING FINALITY (Continued)

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.

[CNU-47077-2020-U](#)

6666 Walker Mill Rd Capital Heights**Applicant(s):**

April Mackoff, Clear Channel Outdoor, LLC

Location:

Located on the west side of Addison Road at the intersection with Walker Mill Road. (4.75 Acres; I-1 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 1989.

Council District:

7

Review by Date:

3/31/2021

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:

Capital Heights

History:

03/01/2021

M-NCPPC Administrative Certification approval

Attachment(s):

[CNU-47077-2020-U Zoning Agenda Item Summary](#)
[CNU-47077- 2020 Case File](#)

PENDING FINALITY (Continued)

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.

[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

Review by Date:

3/31/2021

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:

Riverdale Park

History:

03/01/2021

M-NCPPC Administrative Certification approval

Attachment(s):

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

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON MARCH 22, 2021 AT 10:00 A.M.*Hearing Dates & Times Subject to Change*[DSP-19045](#)[Reconsideration](#)**Royal Farms Greenbelt (Reconsideration)****Applicant(s):**

RF Greenbelt RE LLC

Location:

Located on the north side of MD 193 (Greenbelt Road), approximately 635 feet east of its intersection with Walker Drive (4.07 Acres; C-O Zone).

Request:

Requested approval of a Detailed Site Plan (DSP) for the development of a 4,649-square-foot food and beverage store, a gas station, and a separate 4,368-square-foot commercial building

Council District:

4

Appeal by Date:

2/11/2021

Review by Date:

2/11/2021

Action by Date:

4/9/2021

History:

09/30/2020	M-NCPPC Technical Staff	approval with conditions
11/12/2020	M-NCPPC Planning Board	approval with conditions
12/03/2020	M-NCPPC Planning Board	reconsidered
01/07/2021	M-NCPPC Planning Board	approval with conditions
01/25/2021	Sitting as the District Council	waived election to review
		<i>Council waived election to review for this item (Vote: 11-0).</i>
02/08/2021	Person of Record	appealed

Todd K. Pounds, Esq., attorney for the City of Greenbelt, and G. Macy Nelson, Esq., attorney for Thomas Watts, Jr., et. al, filed an appeal of the Planning Board decision and requested Oral Argument.

Attachment(s):

[DSP-19045 Zoning Agenda Item Summary](#)

[DSP-19045 Appeal Letter Pounds and Nelson to Brown 02](#)

[DSP-19045 Planning Board Resolution 2020-154 \(A\)](#)

[DSP-19045 Planning Board Resolution 2020-154](#)

DSP-19045 PORL

[DSP-19045 Technical Staff Report](#)

[DSP-19045 Transcripts 09-24-2020](#)

[DSP-19045 Transcripts 10-15-2020](#)

[DSP-19045 Transcripts 10-29-2020](#)

[DSP-19045 Transcripts 12-03-2020](#)

[DSP-19045 Transcripts 12-17-2020](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON MARCH 22, 2021 AT 10:00 A.M.*Hearing Dates & Times Subject to Change***SDP-1803 Remand****7-Eleven at Brandywine Village (Remand)****Applicant(s):**

7-Eleven, Inc.

Location:

Located at the northwest corner of the intersection of Chadds Ford Drive and US 301 (Robert Crain Highway) (1.14 Acres; L-A-C Zone).

Request:

Requesting approval of a Specific Design Plan (SDP) for a 3,062-square-foot food and beverage store and a gas station in the Local Activity Center (L-A-C) Zone.

Council District:

9

Appeal by Date:

2/18/2021

Review by Date:

2/18/2021

Action by Date:

4/12/2021

History:

07/01/2020	M-NCPPC Technical Staff	approval with conditions
09/10/2020	M-NCPPC Planning Board	approval with conditions
09/21/2020	Sitting as the District Council	deferred
10/05/2020	Sitting as the District Council	elected to review
10/07/2020	Clerk of the Council	mailed

Notice of Oral Argument Hearing scheduled for November 9, 2020 at 10:00 a.m. was mailed to Persons of Record.

10/15/2020	Person of Record	appealed
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William Piermattei and Suhani Chitalia, attorneys for appellants, filed an appeal of the Planning Board's Decision.

10/26/2020	Sitting as the District Council	announced hearing date
11/09/2020	Sitting as the District Council	hearing held; case taken under advisement
11/10/2020	Sitting as the District Council	referred for document
11/16/2020	Sitting as the District Council	remanded

Council adopted the prepared order of remand to the Planning Board (Vote: 9-0; Absent: Council Members Franklin and Hawkins).

12/31/2020	M-NCPPC Technical Staff	approval with conditions
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01/14/2021	M-NCPPC Planning Board	approval with conditions
01/25/2021	Sitting as the District Council <i>Council deferred this item.</i>	deferred
02/09/2021	Sitting as the District Council <i>Council elected to review this item (10-0: Absent: Council Member Franklin).</i>	elected to review

Attachment(s):

[SDP-1803 Remand Zoning Agenda Item Summary](#)
[SDP-1803 Remand Planning Board Resolution 2020-131\(](#)
SDP-1803 Remand PORL
[SDP-1803 Remand Technical Staff Report](#)
[SDP-1803 Remand Transcripts](#)

ADJOURN

11:30 AM COUNTY COUNCIL ITEMS (VIRTUAL MEETING)

(SEE SEPARATE AGENDA)