



Prince George's County Council

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

Zoning Minutes - Draft 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

Monday, June 21, 2021

10:00 AM

VIRTUAL MEETING

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

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

Pursuant to the provisions of Sections 27-131 and 27-132(a) of the Zoning Ordinance, the District Council meeting was convened virtually by Council Chair Hawkins at 10:02 a.m. with nine members present at roll call. Council Member Taveras arrived at 10:05 a.m. and Council Member Glaros arrived at 10:20 a.m.

Present: 11 - Chair Calvin S. Hawkins
Council Member Monique Anderson-Walker
Council Member Derrick Davis
Council Member Thomas Dernoga
Council Member Mel Franklin
Council Member Dannielle Glaros
Council Member Sydney Harrison
Council Member Jolene Ivey
Council Member Rodney Streeter
Vice Chair Deni Taveras
Council Member Todd Turner

Also Present: Stan Brown, People's Zoning Counsel

*Robert J. Williams, Jr., Council Administrator
William M. Hunt, Deputy Council Administrator
Colette R. Gresham, Associate Council Administrator
Rajesh Kumar, Principal Counsel to the District Council
Donna J. Brown, Clerk of the Council
Leonard Moses, Zoning Assistant, Office of the Clerk
James Walker-Bey, Zoning Reference Aide, Office of the Clerk
Theresa Myers, Legislative Assistant, Office of the Clerk
Dinora Hernandez, Legislative Officer
Ellis Watson, Legislative Officer*

M-NCPPC

*Jill Kosack, Supervisor, Development Review Division
Jeremy Hurlbutt, Supervisor, Development Review Division
Sam Braden, IV, Development Review Division*

INVOCATION / MOMENT OF SILENCE

The Invocation was provided by Council Member Harrison. Council Member Anderson-Walker requested prayer for her brother, Montez, and his wife in the birth of their daughter. Council Member Turner requested prayer for fathers in recognition of Father's day. Council Member Harrison requested prayer for Eric Bowman and the Bowman family in the loss of his sister.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Turner.

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:

Sam Braden IV, M-NCPPC planning staff, provided an overview of the Special Exception application. Hazel Robinson, President, Tantallon Square Area Civic Association, spoke in opposition. Russell W. Shipley, 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 took this case under advisement.

This Special Exception hearing was held and the case was taken under advisement.

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 Council](#)
[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 Participate District Council 6-21-2021 agenda0](#)
[SE-4774 Circuit Court Remand Notice of District Council Oral Argument](#)

NEW CASE(S)

ROW- Winfield Kelly Winfield Kelly, Jr.
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:

Council referred item to staff for preparation of a document of approval in accordance with the Zoning Hearing Examiner decision (Vote: 10-0: Absent: Council Member Davis).

A motion was made by Council Member Turner, seconded by Council Member Franklin, that this Authorization to Build in the Right of Way be referred for document. The motion carried by the following vote:

Aye: 10 - Hawkins, Anderson-Walker, Dernoga, Franklin, Glaros, Harrison, Ivey, Streeter, Taveras and Turner

Absent: Davis

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:

Council deferred this item to the next District Council Session.

This Certification of a Nonconforming Use was deferred.

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:

Council adopted the prepared order of Remand to the Planning Board (Vote: 10-0: Absent: Council Member Davis).

A motion was made by Council Member Anderson-Walker, seconded by Council Member Turner, that this Detailed Site Plan be remanded. The motion carried by the following vote:

Aye: 10 - Hawkins, Anderson-Walker, Dernoga, Franklin, Glaros, Harrison, Ivey, Streeter, Taveras and Turner

Absent: Davis

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:

Council deferred this item to the next District Council Session.

This Special Exception was deferred.

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:

Council deferred this item to July 6, 2021.

This Special Exception was deferred.

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.

EX 06142021

Motion to convene in Executive Session pursuant to Section 3-305(b)(1), (7), (8) and (10) General Provisions Article, Annotated Code of Maryland, in order to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction; to discuss and consider pending or potential litigation, and to consult with counsel to seek legal advice; and to discuss public security including the deployment of fire and police services and staff, specifically regarding the Prince George's County Fire/EMS Department.

History:

On 6/14/2021, a motion was made by Vice Chair Taveras, seconded by Council Member Streeter, to convene into Executive Session. The motion carried by the following vote: Aye: 11 - Hawkins, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Ivey, Streeter, Taveras and Turner.

Date of Executive Session: Monday, June 14th, 2021

Time of Vote to Close Session: 1:13 p.m.

Beginning Time: 1:19 p.m.

Ending Time: 2:29 p.m.

Members Present: CM Hawkins, Chairman, CM Taveras, Vice-Chairman. CM Anderson-Walker, CM Davis, CM Dernoga, CM Franklin, CM Glaros, CM Harrison, CM Ivey, CM Streeter, CM Turner.

Members Absent:

None

Others Present: Robert Williams, Jr., William Hunt, Colette Gresham, Donna Brown, Karen Campbell, David Van Dyke, Dinora Hernandez, Tara Jackson, Rhonda Weaver, Barry Stanton, Joy Russell, Tiffany Green, Ernest Lindquist, James McClelland.

Topics Discussed:

1. Fire/EMS potential litigation

No Action Taken

Vote Closing the Meeting pursuant to Section 3-305(b) (1), (7), (8) and (10): 11 – 0

This Executive Session was Summarized.

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Donna J. Brown, Clerk of the Council

DRAFT