



Prince George's County Council

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

Zoning Minutes - Final 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

Tuesday, January 15, 2019

11:45 AM

Council Hearing Room

9:40 AM AGENDA BRIEFING - (ROOM 2027)

The District Council Agenda Briefing began at 9:40 a.m. in conjunction with the County Council Agenda Briefing.

12:53 AM CALL TO ORDER - (COUNCIL HEARING ROOM) (Immediately following County Council Session)

The meeting was called to order by Chair Turner at 12:53 p.m. with ten members present at roll call. Council Member Harrison arrived at 12:56 p.m.

Present: 11 - Chair Todd Turner
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 Calvin S. Hawkins
Council Member Jolene Ivey
Vice Chair Rodney Streeter
Council Member Deni Taveras

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 10222018](#)

District Council Minutes dated October 22, 2018

A motion was made by Council Member Davis, seconded by Council Member Glaros, that the Minutes be approved. The motion carried by the following vote:

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

Absent: Harrison

[MINDC 10232018](#)

District Council Minutes dated October 23, 2018

A motion was made by Council Member Davis, seconded by Council Member Glaros, that the Minutes be approved. The motion carried by the following vote:

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

Absent: Harrison

ORAL ARGUMENTS[DSP-03012-04](#)**Aldi, Inc., Hyattsville****Applicant(s):** ALDI Inc.**Location:** Located within the southwest quadrant of the intersection of Hamilton Street and MD 500 (Queens Chapel Road), approximately 400 feet west of the intersection, within the City of Hyattsville (2.29 Acres; M-X-T / T-D-O Zones).**Request:** Requesting approval for a Detailed Site Plan to construct a 3,161-square-foot addition to an existing food and beverage store and the addition of new building-mounted signage.**Council District:** 2**Appeal by Date:** 10/18/2018**Review by Date:** 10/18/2018**Action by Date:** 1/25/2019**Municipality:** City of Hyattsville**History:**

Andrew Bishop, M-NCCPC, provided an overview of the Detailed Site Plan application. Richard Moller spoke in support on behalf of the applicant and Jim Chandler spoke in support on behalf of the City of Hyattsville. 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: 11-0).

This Detailed Site Plan hearing was held; subsequently, a motion was made by Council Member Taveras, seconded by Council Member Davis, that this Detailed Site Plan be referred for document. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Council adopted the prepared Order of approval, with conditions (Vote 11-0).

A motion was made by Council Member Taveras, seconded by Council Member Davis, that this Detailed Site Plan be approval with conditions. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Attachment(s): [DSP-03012-04 Zoning Agenda Item Summary](#)
[DSP-03012-04 Planning Board Resolution 18-78](#)
 DSP-03012-04_PORL
[DSP-03012-04 Technical Staff Report](#)

MANDATORY REVIEW (Using Oral Argument Procedures)[CSP-18002](#)**Magruder Pointe****Applicant(s):** Werrlein WSSC, LLC**Location:** Located in the southeast quadrant of the intersection of Hamilton Street and 40th Avenue, north of Gallatin Street and west of 40th Place. The subject site is also located within the Traditional Residential Neighborhood (TRN) Character Area of the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District (Gateway Arts District Sector Plan and SMA) (8.26 Acres; R-55/O-S/D-D-O Zones) .**Request:** Requesting approval of a Conceptual Site Plan (CSP) application proposing to rezone the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use-Infill (M-U-I) Zone for a future single-family residential development. No site improvements have been proposed in this CSP.**Council District:** 2**Appeal by Date:** 9/4/2018**Review by Date:** 9/30/2018**Action by Date:** 1/29/2019**Comment(s):** Mandatory Review:
District Council review of this case is required by Section 27-548.26(b) of the Zoning Ordinance.**Municipality:** City of Hyattsville**History:**

Henry Zhang, M-NCCPC, provided an overview of the Conceptual Site Plan application. Jim Chandler with the City of Hyattsville spoke in opposition as did Greg Smith and Daniel Muth. Norman Rivera, Esq., attorney for the applicant, spoke in support on behalf of the applicant as did the following individuals: Charlie Kenny, Nick Harris, Michael Romero, Brenda Cain, Alyce Thompson and Flawn Williams. 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 Mandatory Review Hearing was held and this item was referred to staff for preparation of an Order of Remand to the Planning Board (Vote: 11-0).

This Mandatory Review hearing was held; subsequently, A motion was made by Council Member Taveras, seconded by Council Member Glaros, that this Conceptual Site Plan be referred for document. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Attachment(s): [CSP-18002 Zoning Agenda Item Summary](#)
[CSP-18002 Planning Board Resolution 18-74](#)
 CSP-18002_PORL_Rev
[CSP-18002 Technical Staff Report Supplemental](#)

3:08 PM RECESS[REC8-21](#)

RECESS

History:*Meeting went into Recess (Vote: 11-0)***A motion was made by Council Member Davis, seconded by Council Member Glaros, to recess. The motion carried by the following vote:****Aye:** 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras**4:15 PM RECONVENE****Reconvene***The meeting was reconvened at 4:15 p.m.***NEW CASE(S)**[ERR-265 Remand](#)**Ali I. Tangoren Family Settlement Revocable Family Trust/ Ali I. Tangoren, Trustee (Remand)**
Validation of Multifamily Rental License No. M-130 Issued in Error**Applicant(s):** Ali Tangoren**Location:** Located at 833 Fairview Avenue, Takoma Park, Maryland (0.16 Acres; R-18 Zone).**Request:** Requesting validation of Prince George's County Multifamily Rental License No. M-130 issued in error for a 3-unit apartment building in the R-18 Zone.**Council District:** 2**Appeal by Date:** 11/21/2018**Action by Date:** 4/22/2019**Opposition:** Takoma Branch Civic Association**History:***Council elected to review this item (Vote: 11-0).***A motion was made by Council Member Taveras, seconded by Council Member Davis, that this Permit issued in error be elected to review. The motion carried by the following vote:**

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison,
Hawkins, Ivey, Streeter and Taveras

Attachment(s): [ERR-265 Zoning Hearing Examiner Decision](#)
[ERR 265 Remand Zoning Hearing Examiner](#)
[Decision](#)
ERR-265 Remand PORL

NEW CASE(S) (Continued)[ERR-272](#)**Century Link, Inc. / Alan Ganey****Validation of CG Permit No. 6658-2015-1 Issued in Error**

Applicant(s): CenturyLink, Inc. / Alan Ganey

Location: Located at 11700 Prospect Hill Road, Glen Dale, Maryland (3.36 Acres; R-R Zone).

Request: Requesting approval for validation of CG Permit No. 6658-2015-01 issued in error, to construct an underground telecommunications vault on 4,372-square-feet of a 3.36-acre site.

Council District: 4

Appeal by Date: 1/10/2019

Action by Date: 4/30/2019

Opposition: None

History:

Motion to waive right to review failed (Vote: 0-11).

A motion was made by Chair Turner, seconded by Council Member Davis, that this Permit issued in error be waived right to review. The motion failed by the following vote:

Nay: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Council deferred this item to later in the agenda for procedural clarification.

This Permit issued in error was deferred to later in the agenda.

Attachment(s): [ERR-272 Zoning Agenda Item Summary](#)
[ERR-272 Zoning Hearing Examiner Decision](#)
 ERR-272 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 (c)(2).

ITEM(S) FOR DISCUSSION[HPC-062-10](#)**Appeal of Decision of Historic Preservation Commission****Briarly Academy (Old Hotel) (Historic Resource - Area 62-10)**

Applicant(s): Jumes House/Briarly Academy

Location: Located off a rise of ground immediately east of Old Washington-Baltimore turnpike between Vansville and Muirkirk and identified as 11777 OLD Baltimore Pike, Beltsville, Maryland 20705.

Request: The instant action involves the appeal of the Decision of the Historic Preservation Commission (“HPC”) to amend the July 1981 Historic Sites and Districts Plan, which included the subject property, the Briarly Academy (Old Hotel)(62-10) in its Historic Resource Inventory, by designating the Briarly Academy (Old Hotel) as a Historic Site in the Plan’s Inventory of Historic Sites.

Council District: 1

Appeal by Date: 6/15/2018

Action by Date: 1/28/2019

Opposition: None

History:

Council deferred this item to January 28, 2019.

This Historic Site Designation was deferred.

Attachment(s): [HPC 062-010 - Zoning Hearing Examiner Decision](#)
HPC 062-010 - PORL
[HPC-062-10 Zoning Agenda Item Summary \(ZAIS\)](#)

REFERRED FOR DOCUMENT[DSP-03089-01](#)**Hanson Palmer Industrial Park, Parcel C****(Pursuant to Decision of the Court of Special Appeals)**

- Applicant(s):** FCW Justice, Inc.
- Location:** On the west side of Lottsford Vista Road, approximately 1,125 feet south of its intersection with Martin Luther King Highway (MD 704) (3.397 Acres; I-1 Zone)
- Request:** Requesting approval of a Detailed Site Plan for a combined 12,754-square-foot restaurant, car wash and full-service laundromat building
- Council District:** 5
- Appeal by Date:** 8/1/2013
- Review by Date:** 9/2/2013
- Action by Date:** 11/22/2013

History:

Council adopted the prepared Order affirming the Planning Board's decision with conditions, consistent with the direction of the Court of Special Appeals (Vote 11-0).

A motion was made by Council Member Ivey, seconded by Council Member Davis, that this Detailed Site Plan be approved with conditions. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

- Attachment(s):** [DSP-03089-01 CSA Opinion](#)
[DSP-03089-01 File Material](#)
[DSP 03089-01 Technical Staff Report](#)
[DSP 03089-01 Planning Board Resolution](#)

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-4517](#)**Rockhill Sand & Gravel Corporation**

- Applicant(s):** Rock Hill Sand and Gravel
- Location:** Located on the east side of Gibbons Church Road, approximately 1,200 feet northeast of its intersection with Brandywine Road, also identified as 15620 Brandywine Road, Brandywine, Maryland (570.40 Acres; O-S / I-2 Zones).
- Request:** Requesting approval for a Special Exception for permission to extend the validity period for previously approved SE 4352 to mine the remaining sand and gravel or the purpose of Surface Mining.
- Council District:** 9
- Appeal by Date:** 11/26/2018
- Review by Date:** 1/24/2019
- Opposition:** N/A

History:

Council waived election to review this item (Vote: 11-0).

A motion was made by Council Member Harrison, seconded by Council Member Davis, that Council waive election to review this Special Exception. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Attachment(s): [SE-4517 Zoning Agenda Item Summary](#)
[SE-4517 Zoning Hearing Examiner Decision](#)
 SE-4517 PORL

PENDING FINALITY (Continued)**(a) ZONING HEARING EXAMINER (Continued)**[SE-4812](#)**Dash-In**

- Applicant(s):** Dash-In Food Stores, Inc.
- Location:** Located in the southeast quadrant of the intersection of Dangerfield Road (to the south), and Old Alexandria Ferry Road (to the north) with Woodyard Road (MD 223), approximately 5,500 feet east of Branch Avenue (MD 5), also identified as 8828 Woodyard Road, Clinton, Maryland (2.32 Acres; C-S-C / M-I-O Zones).
- Request:** Requesting approval of a Special Exception for permission to raze an existing Gas Station and Convenience Store and redevelop the site with a Gas Station and Convenience Store, and a Car Wash.
- Council District:** 9
- Appeal by Date:** 12/14/2018
- Review by Date:** 1/30/2019
- Opposition:** None
- History:**

Council waived election to review this item (Vote: 11-0).

A motion was made by Council Member Harrison, seconded by Council Member Anderson-Walker, that Council waive election to review this Special Exception. The motion carried by the following vote:

- Aye:** 9 - Turner, Anderson-Walker, Davis, Dernoga, Glaros, Harrison, Ivey, Streeter and Taveras
- Nay:** 2 - Franklin and Hawkins

- Attachment(s):** [SE-4812 Zoning Agenda Item Summary](#)
[SE 4812 Zoning Hearing Examiner Decision](#)
 SE 4812 PORL

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.

(b) PLANNING BOARD**CDP-1702****WAWA Adelphi**

- Applicant(s):** ZP No. 139, LLC
- Location:** The subject site is a triangular property bounded on three sides by the public rights-of-way of MD 212 (Riggs Road) to the south, Edwards Way to the west and Adelphi Road to the east (4.14 Acres; L-A-C Zone).
- Request:** Requesting approval for a Comprehensive Design Plan (CDP) proposing to develop a 4.14-acre vacant, wooded site with 5,619 square feet of commercial development, consisting of a food and beverage store and a gas station.
- Council District:** 2
- Appeal by Date:** 12/20/2018
- Review by Date:** 1/30/2019
- Action by Date:** 3/18/2019
- Comment(s):** (This case is for the same property as SDP-1703, but is not a 'companion case' (per M-NCPPC Staff Reviewer))

History:

Council elected to review this item (Vote: 11-0).

A motion was made by Council Member Taveras, seconded by Council Member Davis, that this Comprehensive Design Plan be elected to review. The motion carried by the following vote:

- Aye:** 9 - Turner, Anderson-Walker, Davis, Dernoga, Glaros, Harrison, Ivey, Streeter and Taveras
- Nay:** 2 - Franklin and Hawkins

- Attachment(s):** [CDP-1702 Zoning Agenda Item Summary](#)
[CDP-1702 Planning Board Resolution 18-108](#)
 CDP-1702_PORL
[CDP-1702 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)****SDP-1703****WAWA Adelphi****Applicant(s):** ZP No. 139, LLC**Location:** The subject site is a triangular property bounded on three sides by the public rights-of-way of MD 212 (Riggs Road) to the south, Edwards Way to the west, and Adelphi Road to the east. The site has a street address at 9100 Riggs Road, Hyattsville, Maryland (4.11 Acres; L-A-C Zone).**Request:** Requesting approval of a Specific Design Plan (SDP) for development of a 5,619-square-foot food and beverage store and a gas station.**Council District:** 2**Appeal by Date:** 1/17/2019**Review by Date:** 1/30/2019**Action by Date:** 3/18/2019**Comment(s):** (This case is for the same property as CDP-1702, but is not a 'companion case' (per M-NCPPC Staff Reviewer)**History:***Council elected to review this item (Vote: 11-0).***A motion was made by Council Member Taveras, seconded by Council Member Glaros, that this Specific Design Plan be elected to review. The motion carried by the following vote:****Aye:** 9 - Turner, Anderson-Walker, Davis, Dernoga, Glaros, Harrison, Ivey, Streeter and Taveras**Nay:** 1 - Franklin**Abstain:** 1 - Hawkins**Attachment(s):** [SDP-1703 Zoning Agenda Item Summary](#)
[SDP-1703 Planning Board Resolution 18-126](#)
SDP-1703 PORL
[SDP-1703 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)****CSP-17003****Branch Avenue MXT**

Applicant(s): Black-Eyed Susan Partners, LLC

Location: Located on the west side of MD 5 (Branch Avenue), and the east side of MD 381 (Brandywine Road) at its intersection with Savannah Parkway, approximately 1,600 feet north of Moores Road (74.83 Acres; M-X-T Zone).

Request: Requesting approval of a Conceptual Site Plan (CSP) for the development of up to 450 townhouses and two-over-two units, 220 multifamily dwelling units, an assisted living facility with 120 units, and 90 senior housing dwelling units, as well as up to approximately 60,000 square feet of commercial/retail space (74.83 Acres; M-X-T Zone).

Council District: 9

Appeal by Date: 12/13/2018

Review by Date: 1/30/2019

History:

Council waived election to review this item (Vote: 11-0).

A motion was made by Council Member Harrison, seconded by Council Member Davis, that Council waive election to review this Conceptual Site Plan. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Attachment(s): [CSP-17003 Zoning Agenda Item Summary](#)
[CSP-17003 Planning Board Resolution 18-98](#)
CSP-17003_PORL
[CSP-17003 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)**[DSP-04056-01](#)**Brandywine 301 Industrial Park**

Applicant(s): M & M Joint Venture, LLP

Location: Located on the east side of Matapeake Business Drive, immediately east of its intersection with Timothy Branch Drive, more specifically, the property is located at 7651 Matapeake Business Drive in Brandywine, Maryland.

Request: Requesting approval of a Detailed Site Plan (DSP) for construction of one freestanding sign and two building-mounted signs, validation of multiple existing building-mounted signs on an existing multi-tenant commercial building, and to establish building-mounted signage standards for future tenants.

Council District: 9

Appeal by Date: 1/17/2019

Review by Date: 1/30/2019

History:

Council waived election to review this item (Vote: 11-0).

A motion was made by Council Member Harrison, seconded by Council Member Davis, that Council waive election to review this Detailed Site Plan. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Attachment(s): [DSP-04056-01 Zoning Agenda Item Summary](#)
[DSP-04056-01 Planning Board Resolution](#)
[18-121](#)
[DSP-04056-01 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)**[DSP-16032-01](#)**SMO, Incorporated****Companion Case(s):** DDS-643**Applicant(s):** SMO, Incorporated**Location:** Located on the west side of Old Branch Avenue between Kirby Road and Arbutus Lane. More specifically, the property is located at 7505 and 7509 Old Branch Avenue in Clinton, Maryland (1.58 Acres; C-M / M-I-O Zones).**Request:** Requesting approval of a Detailed Site Plan for modification to site improvements for a one-story, 23-foot-high, 3,400-square-foot food and beverage store, a gas station with eight multi-product dispensers, and a 2,926-square-foot car wash.**Council District:** 9**Appeal by Date:** 12/20/2018**Review by Date:** 1/30/2019**History:***Council deferred this item to January 28, 2019.***This Detailed Site Plan was deferred.****Attachment(s):** [DSP-16032-01 Zoning Agenda Item Summary](#)
[DSP-16032-01 Planning Board Resolution 18-104](#)
DSP-16032-01 PORL
[DSP-16032-01 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)**[DDS-643](#)**SMO, Incorporated****Companion Case(s):** DSP-16032-01**Applicant(s):** SMO, Incorporated**Location:** Located on the west side of Old Branch Avenue between Kirby Road and Arbutus Lane. More specifically, the property is located at 7505 and 7509 Old Branch Avenue in Clinton, Maryland (1.58 Acres; C-M / M-I-O Zones).**Request:** Requesting approval of a Departure from Design Standards (DDS) for the purpose of seeking relief from Section 27-579(b) of the Zoning Ordinance for a loading space to be located within 50 feet of residentially-zoned land.**Council District:** 9**Appeal by Date:** 12/20/2018**Review by Date:** 1/30/2019**History:**

Council deferred this item to January 28, 2019.

This Departure from Design Standards was deferred.

Attachment(s): [DDS-643 Zoning Agenda Item Summary](#)
[DDS-643 Planning Board Resolution 18-105](#)
DDS-643_PORL
[DDS-643 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)****DSP-17052****Hillel at University of Maryland**

- Applicant(s):** Maryland Hillel
- Location:** Located on the east side of Yale Avenue, approximately 260 feet north of its intersection with College Avenue, also identified as 7505 Yale Avenue (0.87 Acres; M-U-I / D-D-O Zones).
- Request:** Requesting approval of a Detailed Site Plan (DSP) to construct a 38,728-square-foot cultural center, including an eating and drinking component.
- Council District:** 3
- Appeal by Date:** 1/17/2019
- Review by Date:** 1/30/2019
- Municipality:** City of College Park
- History:**

Council waived election to review this item (Vote: 11-0).

A motion was made by Council Member Glaros, seconded by Council Member Davis, that Council waive election to review this Detailed Site Plan. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Attachment(s): [DSP-17052 Zoning Agenda Item Summary](#)
[DSP-17052 Planning Board Resolution 18-123](#)
[DSP-17052 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)****DSP-17054****Mama's Care Assisted Living Facility**

- Applicant(s):** Emmanuel Isong, T/A Mama's Care Assisted Living
- Location:** Located at 4111 East West Highway, on the south side of the roadway, approximately 450 feet east of its intersection with MD 500 (Queens Chapel Road) (0.43 Acres; R-55 / D-D-O Zones).
- Request:** Requesting approval of a Detailed Site Plan to expand an existing congregate living facility to allow for up to 14 residents and validate the parking compound previously constructed without a permit, within the One-Family Detached Residential (R-55) Zone and the Development District Overlay (D-D-O) Zone of the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District (Gateway Arts District Sector Plan and SMA).
- Council District:** 2
- Appeal by Date:** 1/10/2019
- Review by Date:** 1/30/2019
- Action by Date:** 3/18/2019
- Municipality:** City of Hyattsville

History:

Council elected to review this item (Vote: 11-0).

A motion was made by Council Member Taveras, seconded by Council Member Davis, that this Detailed Site Plan be elected to review. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

- Attachment(s):** [DSP-17054 Zoning Agenda Item Summary](#)
[DSP-17054 Planning Board Resolution 18-118](#)
 DSP-17054_PORL
[DSP-17054 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)****DSP-18003****Landy Property**

- Applicant(s):** Marvin Blumberg Company
- Location:** Located in the northwest quadrant of the intersection of Belcrest Road and Toledo Terrace, on the northeast side of Northwest Drive, between Dean Drive and Belcrest Road (24.60 Acres; R-20 / T-D-O Zones).
- Request:** Requesting approval of a Detailed Site Plan proposing to grade and develop infrastructure for 131 single-family attached (townhouse) lots, including the location and design of the roadways, one recreational area, on-street parking, landscaping, utility location, fencing and sidewalks as well as rough grading for the rest of the subject property.
- Council District:** 2
- Appeal by Date:** 12/13/2018
- Review by Date:** 1/30/2019
- Action by Date:** 3/18/2019
- Municipality:** City of Hyattsville
- History:**

Council elected to review this item (Vote: 11-0).

A motion was made by Council Member Taveras, seconded by Council Member Davis, that this Detailed Site Plan be elected to review. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Attachment(s): [DSP-18003 Zoning Agenda Item Summary](#)
[DSP-18003 Planning Board Resolution 18-102](#)
DSP-18003_PORL
[DSP-18003 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)****DSP-18019****Chick-fil-A, Upper Marlboro****Applicant(s):**

Chick-fil-A, Inc.

Location:

Located on the west side of US 301 (Robert S. Crain Highway) at the southwest quadrant of its intersection with Chrysler Drive (4.99 Acres; I-1 / I-2 Zones).

Request:

Requesting approval of a Detailed Site Plan for approval of a 4,999-square-foot eating and drinking establishment with drive-through service on Lot 2. Specifically, the application is proposing a Chick-fil-A restaurant. The existing automotive repair facility on the property is proposed to remain.

Council District:

9

Appeal by Date:

12/13/2018

Review by Date:

1/30/2019

History:*Council waived election to review this item (Vote: 11-0).***A motion was made by Council Member Harrison, seconded by Council Member Davis, that Council waive election to review this Detailed Site Plan. The motion carried by the following vote:****Aye:** 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras**Attachment(s):**[DSP-18019 Zoning Agenda Item Summary](#)[DSP-18019 Planning Board Resolution 18-97](#)

DSP-18019_PORL

[DSP-18019 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)**[DSP-88114-02](#)**Salvation Army****Applicant(s):**

Salvation Army

Location:

Located on Lot 4, Block C and Parcel 2 on the west side of MD 201 (Kenilworth Avenue) at its intersection with 52nd Avenue (6.54 Acres; I-2 Zone).

Request:

Requesting approval of a Detailed Site Plan for a 20,400-square-foot addition to an existing building in the Heavy Industrial (I-2) Zone, and the construction of an open-sided, 6,000-square-foot pavilion. Specifically, the building addition is being constructed to store inventory for Salvation Army's online retail sales and includes a truck servicing bay. The existing adult rehabilitation center use in the two existing buildings is proposed to remain.

Council District: 5**Appeal by Date:** 12/20/2018**Review by Date:** 1/30/2019**History:***Council waived election to review this item (Vote: 11-0).***A motion was made by Council Member Ivey, seconded by Council Member Davis, that Council waive election to review this Detailed Site Plan. The motion carried by the following vote:****Aye:** 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras**Attachment(s):** [DSP-88114-02 Zoning Agenda Item Summary](#)
[DSP-88114-02 Planning Board Resolution](#)
[18-107](#)
[DSP-88114-02_PORL](#)
[DSP-88114-02 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)**[DSP-90076-07](#)**Tantallon on the Potomac, Lot 12, Block E**

- Applicant(s):** Chris Underwood
- Location:** Located approximately 300 feet east of Firth of Tae Drive on Moyer Court, approximately 1,025 feet south of Swan Creek Road, also identified as 700 Moyer Court, Fort Washington, Maryland (1.32 Acres; R-R / L-D-O Zones).
- Request:** Requesting approval of a Detailed Site Plan for the construction of a 3,600-square-foot single-family detached dwelling with a garage on a vacant and partially-wooded property within the Chesapeake Bay Critical Area (CBCA). The detailed site plan was originally accepted as a limited minor amendment for Planning Director level review; however, as allowed by Prince George's County Zoning Ordinance Section 27-289(c) a citizen requested a public hearing.
- Council District:** 8
- Appeal by Date:** 1/3/2019
- Review by Date:** 1/30/2019
- Action by Date:** 3/18/2019
- History:**

Council elected to review this item (Vote: 11-0).

A motion was made by Council Member Anderson-Walker, seconded by Vice Chair Streeter, that this Detailed Site Plan be elected to review. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Attachment(s): [DSP-90076-07 Zoning Agenda Item Summary](#)
[DSP-90076-07 Planning Board Resolution](#)
[18-114](#)
 DSP-90076-07 POR
[DSP-90076-07 Technical Staff Report](#)

PENDING FINALITY (Continued)

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

(c) PLANNING BOARD'S REPRESENTATIVE**CNU-17601-2018-U 5509 Branchville Road College Park**

Applicant(s): April Mackoff, Clear Channel Outdoor

Location: 5509 Branchville Road, College Park, MD 20740 (0.576 Acres; C-S-C Zone).

Request: Requesting Certification of Nonconforming Use for existing outdoor advertising signs 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: 1

Review by Date: 1/18/2019

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:

Council waived election to review this item (Vote: 11-0).

A motion was made by Council Member Dernoga, seconded by Council Member Glaros, that Council waive election to review this Certification of a Nonconforming Use. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Attachment(s): [CNU-17601-2018-U Zoning Agenda Item Summary](#)

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.

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON 1/28/2019 AT 10:00 A.M.

Hearing Dates & Times Subject to Change

[A-10000-C-01](#)
[AmendCond](#)

LMJ Real Properties and Investments, Inc. / Linda Jones / Defiance Drive (Amendment of Condition)

Applicant(s): LMJ Real Properties and Investments, Inc. / Linda Jones / Defiance Drive
Location: Located at the terminus of Defiance Drive, approximately 160 feet east of its intersection with Star Drive (5.068 Acres; R-R Zone).
Request: Requesting approval for the amendment of the “condition” imposed by the District Council upon its adoption of Zoning Ordinance 11-2010, which rezoned the subject property from the R-E Zone to the R-E and R-R (Rural Residential) Zones. The Council also imposed a limit on the number of homes that could be constructed. Applicant requests that the District Council amend the condition that split zoned the property and limited the number of dwelling units.

Council District: 8

Appeal by Date: 11/26/2018

Action by Date: 5/30/2019

Opposition: None

This Zoning Map Amendment hearing date was announced.

Attachment(s): [A-10000-C-01 AmendCond Zoning Agenda Item Summary](#)
[A-10000-C-01 Zoning Hearing Examiner Decision](#)
A-10000-C-01 PORL

NEW CASE(S) (Continued)[ERR-272](#)**Century Link, Inc. / Alan Ganey****Validation of CG Permit No. 6658-2015-1 Issued in Error**

Applicant(s): CenturyLink, Inc. / Alan Ganey

Location: Located at 11700 Prospect Hill Road, Glen Dale, Maryland (3.36 Acres; R-R Zone).

Request: Requesting approval for validation of CG Permit No. 6658-2015-01 issued in error, to construct an underground telecommunications vault on 4,372-square-feet of a 3.36-acre site.

Council District: 4

Appeal by Date: 1/10/2019

Action by Date: 4/30/2019

Opposition: None

History:

Council referred item to staff for preparation of an approving document in accordance with the Zoning Hearing Examiner's decision (Vote: 11-0).

A motion was made by Chair Turner, seconded by Council Member Davis, that this Permit issued in error be referred for document. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Attachment(s): [ERR-272 Zoning Agenda Item Summary](#)
[ERR-272 Zoning Hearing Examiner Decision](#)
 ERR-272 PORL

5:00 PM ADJOURN[ADJ9-20](#)**History:**

The meeting was adjourned at 5:00 p.m (Vote: 11-0).

A motion was made by Council Member Davis, seconded by Council Member Harrison, to adjourn. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

[EX 01142019](#)

Motion to convene in executive session to consult with counsel to seek legal advice and to discuss pending or potential litigation in accordance with section 3-305(b)(7, 8), General Provisions Article, Annotated Code of Maryland.

History:

The Chair read the following closing statement/motion to convene in executive session: "Motion to convene in executive session pursuant to section 3-305(b)(7)–(8), general provisions article, annotated code of maryland, only to discuss pending or potential litigation and to consult with counsel to seek legal advice, specifically, to be briefed by counsel as to and to discuss status of court rulings involving the prince george's county council recently issued by the court of special appeals of maryland and the circuit court for prince george's county, maryland." The Executive Session was held (See District Council Minutes dated January 22, 2019 for details).

Date of Executive Session: January 15, 2019

Beginning Time: 3:18 p.m.

Ending Time: 4:10 p.m.

Members Present:

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

Others Present: Robert Williams, Jr., William Hunt, Karen Campbell, Ree Floyd, Raj Kumar, Ellis Watson, Leroy D. Maddox, Jr.

Topics Discussed:

- 1. Price, et al. v. County Council, et al – Appeal No. 2489, September Term 2017, Court of Special Appeals of Maryland.*
- 2. NRG MD Ash Management, LLC v. County Council – Court of Special Appeals (No Appeal case number assigned yet).*
- 3. X4B Shriners United v. County Council – CAL15-20084, Circuit Court for Prince George's County*
- 4. McIlvane, et al. v. County Council – CAL18-10805, Circuit Court for Prince George's County*
- 5. Elpis Sakaria v. Prince George's County – Appeal No. 2362, September 2016, Court of Special Appeals*
- 6. Subregion 5 & 6 Cases – (Consolidated cases on remand from Court of Special Appeals and Circuit Court for Prince George's County)*
- 7. Davona Grant, et al. v. County Council – Appeal No. 809, September Term 2017, Court of Special Appeals*

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

A motion was made by Council Member Davis, seconded by Council Member Dernoga, that this Executive Session be convened. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Redis C. Floyd, Clerk of the Council