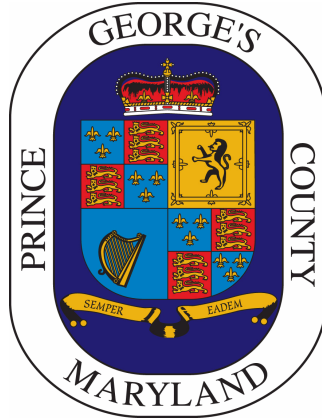


Prince George's County Council

*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 18, 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.

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

Mr. Howard Stone, County Employee

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 10282019](#)

District Council Minutes dated October 28, 2019

Attachment(s):

[10-28-2019 District Council Minutes DRAFT](#)

[MINDC 11042019](#)

District Council Minutes dated November 4, 2019

Attachment(s):

[11-04-2019 District Council Minutes DRAFT](#)

[MINDC 11052019](#)

District Council Minutes dated November 5, 2019

Attachment(s):

[11-05-2019 District Council Minutes DRAFT](#)

NEW CASE(S)**A-10050****Bowman Property****Applicant(s):**

Roma S. Bowman Living Trust, et al; and Marsha J. Bowman Living Trust

Location:

Located on the south side of Prince George's Avenue, 4935 and 4937 Prince George's Avenue, Beltsville, Maryland (1.0255 Acres; R-R / R-10 Zones).

Request:

Requesting approval of a Zoning Map Amendment to rezone approximately 33,502-square-feet of R-10 (Multifamily High Density Residential) zoned land to the C-S-C (Commercial Shopping Center) Zone.

Council District:

1

Appeal by Date:

10/28/2019

Action by Date:

2/24/2020

Opposition:

None

History:

05/21/2019	M-NCPPC Technical Staff	disapproval
06/06/2019	M-NCPPC Planning Board	no motion to consider
09/26/2019	Zoning Hearing Examiner	approval with conditions

Attachment(s):

[A-10050 - Bowman ZHE Decision](#)

A-10050 Bowman PORL

NEW CASE(S) (Continued)[A-10054](#)**Callicott Property****Applicant(s):**

Brian D. Callicott

Location:

Located on the north side of Church Street, approximately 260 feet west of its intersection with Water Street (0.5547 Acres; C-S-C zone).

Request:

Requesting approval to of a Zoning Map Amendment to rezone approximately 24,164 square feet of land, in the C-S-C (Commercial Shopping Center) to the R-80 (One-Family Detached Residential) Zone.

Council District:

9

Appeal by Date:

11/7/2019

Action by Date:

3/9/2020

History:

05/09/2019

M-NCPPC Technical Staff

disapproval

10/08/2019

Zoning Hearing Examiner

approval

Attachment(s):[A-10054 Zoning Agenda Item Summary](#)[A-10054 Zoning Hearing Examiner Decision](#)

A-10054-PORL

[A-10054 Technical Staff Report_with backup](#)

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).

REFERRED FOR DOCUMENT[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
	<i>Russell W. Shipley, Esq., attorney for the applicant, filed exceptions to the Zoning Hearing Examiner's decision and requested Oral Argument.</i>	
07/22/2019	Sitting as the District Council	announced hearing date
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.

11/04/2019

Sitting as the District Council

referred for document

Council referred item to staff for preparation of an disapproving document in accordance with the Zoning Hearing Examiner's Decision. (Vote: 10-0; Absent: Council Member Hawkins).

Attachment(s):

[A-10045 Zoning Hearing Examiner Decision .pdf](#)

A-10045 PORL

REFERRED FOR DOCUMENT (Continued)[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
	<i>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.</i>	
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>	
11/04/2019	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of document reversing the Zoning Hearing Examiner dismissal order and remanding the item to the Zoning Hearing Examiner for further processing. (Vote: 9-0; Absent: Council Member's Franklin and Hawkins).</i>	

Attachment(s): 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](#)

DOCUMENT FOR ADOPTION PURSUANT WITH COURT REMAND

[CNU-32917-2010](#)

Convenience & Dollar Plus Market

Applicant(s): Eagle Management Company
Location: Located southeast of Southern Avenue, approximately 1,240 feet northeast of Pennsylvania Avenue (MD 4) (0.043 Acres; R-T Zone)
Request: Requesting approval of a Nonconforming Use Certification for a convenience/retail store in the R-T Zone
Council District: 7
Appeal by Date: 8/1/2013
Review by Date: 9/2/2013
Action by Date: 1/20/2014

History:

05/20/2013	M-NCPPC Technical Staff	disapproval
06/27/2013	M-NCPPC Planning Board	approval
07/08/2013	Sitting as the District Council	deferred
	<i>Deferred to July 15, 2013</i>	
07/15/2013	Sitting as the District Council	elected to review
	<i>Council elected to review (Vote: 9-0).</i>	
09/03/2013	M-NCPPC Planning Board	transmitted
	<i>The Planning Board transmitted a corrected coversheet to the Clerk and all Persons of Record.</i>	
10/21/2013	Sitting as the District Council	hearing held; case taken under advisement

Ivy Thompson, M-NCPPC planning staff, provided an overview of the application for Certification of a Nonconforming Use. Mr. Denis Whitley, III, spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.

01/13/2014	Sitting as the District Council	deferred
	<i>Council deferred this item to January 14, 2014.</i>	
01/13/2014	Sitting as the District Council	deferred
	<i>Deferred to January 14, 2014</i>	
01/14/2014	Sitting as the District Council	referred for document
	<i>Council referred this item to staff for preparation of a disapproving document (Vote: 8-0; Council Member Olson).</i>	
01/14/2014	Sitting as the District Council	disapproval
	<i>Council adopted the prepared Order of Denial (Vote: 8-0; Absent: Council Member Olson).</i>	
01/27/2014	Clerk of the Council	mailed
	<i>The Notice of Final Decision of the District Council was mailed to Persons of Record.</i>	
02/27/2014	Applicant	appealed
	<i>Dennis Whitley II, Esquire, filed a Petition for Judicial Review in Circuit Court.</i>	
04/24/2014	Clerk of the Council	transmitted
	<i>Appealed case transmitted to Circuit Court via Principal Counsel's Office.</i>	
08/22/2019	Circuit Court	filed
	<i>Karen H. Mason, Judge, Ordered, that the County Council shall affirm the original decision of the Planning Board granting the application filed by Plaintiff for Nonconconfirming Use Certification.</i>	

Attachment(s):[CNU 32917-2010 Planning Board Resolution 13-66](#)[CNU-32917-2010 MNCPPC 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.

PLANNING BOARD**[DSP-17035](#)****Phil Matt Shopping Center (Expedited Transit-Oriented Development Project)****Applicant(s):**

PCE, LLC

Location:

Located in the southwest quadrant of the intersection of MD 450 (Annapolis Road) and West Lanham Drive (0.44 Acres; C-S-C / T-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan (DSP) for a 3,953-square-foot commercial retail building.

Council District:

3

Appeal by Date:

12/5/2019

Review by Date:

1/6/2020

History:

10/08/2019

M-NCPPC Technical Staff

approval with conditions

10/31/2019

M-NCPPC Planning Board

approval with conditions

Attachment(s):**[DSP-17035 Planning Board Resolution](#)****[DSP-17035_PORL](#)****[DSP-17035 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 or an appeal is filed.

DSP-17036**Valley View****Applicant(s):**

Valley View, LLC

Location:

Located on the north side of Highmount Lane, approximately 256 feet east of Suffolk Avenue (11.73 Acres; R-T Zone).

Request:

Requesting approval of a Detailed Site Plan (DSP) for construction of 78 two-family semidetached dwelling units on an 11.73-acre property.

Council District:

7

Appeal by Date:

12/12/2019

Review by Date:

1/13/2020

History:

10/02/2019

M-NCPPC Technical Staff

approval with conditions

11/07/2019

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-17036 Planning Board Resolution 19-121](#)

DSP-17036_PORL

[DSP-17036 Technical Staff Report](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON JANUARY 13, 2020 AT 10:00 A.M.

Hearing Dates & Times Subject to Change

ROW-12790

Cherry Associates, Limited Partnership/Janjer Enterprises, Inc.

Location:

Located in the southeastern quadrant of the intersection of Old Fort Road South and Indian Head Highway (MD 210) (0.545 Acres; C-S-C zone).

Request:

Requesting approval for to authorize the issuance of permits (5920-2018-CCGN and 4494-2018-G) for C-S-C (Commercial Shopping Center) zoned property within the proposed right-of-way for Indian Head Highway (MD 210).

Council District:

9

Appeal by Date:

11/4/2019

Action by Date:

4/2/2020

History:

03/21/2019

Applicant

filed

This Authorization to Build in the Right of Way was filed by the applicant on March 12, 2019.

10/04/2019

Zoning Hearing Examiner

approval with conditions

11/01/2019

Applicant

appealed

Lawrence Taub, Esq., attorney for the applicant, filed exceptions to the ZHE decision and requested Oral Arguments.

Attachment(s):

[ROW-12790 ZHE Decision](#)

ROW -12790 PORL

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON JANUARY 13, 2020 AT 10:00 A.M. (Continued).

Hearing Dates & Times Subject to Change

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

Action by Date:

2/4/2020

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
	<i>Council deferred this item to November 4, 2019.</i>	
11/04/2019	Sitting as the District Council	elected to review
	<i>Council election to review this item (Vote: 10-0; Absent: Council Member Hawkins).</i>	

Attachment(s):

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

DSP-18052 PORL

[DSP-18052 Technical Staff Report](#)

[ADJ131-19](#)

ADJOURN

EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

[EX 11182019](#)

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.

12:00 PM MEET AND GREET - (ROOM 2027)

*Mohan Suntha, MD, MBA
President and Chief Executive Officer
University of Maryland Medical Center
The Marlene and Stewart Greenebaum Professor of Radiation Oncology
University of Maryland School of Medicine*