



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

Monday, November 18, 2019

10:00 AM

Council Hearing Room

9:45 AM AGENDA BRIEFING - (ROOM 2027)

At 9:45 a.m., due to a lack of a quorum of members, a public statement was read and the Agenda Briefing was conducted as an informal discussion in lieu of a public meeting

10:10 AM CALL TO ORDER - (COUNCIL HEARING ROOM)

Pursuant to the provisions of Section 27-132(a) of the Zoning Ordinance, the meeting was called to order by Chair Turner at 10:10 a.m. with eight members present at roll call. Council Member Taveras arrived at 10:16 a.m. and Council Member Dernoga arrived at 10:21 a.m.

Present: 10 - Chair Todd Turner
 Council Member Monique Anderson-Walker
 Council Member Derrick Davis
 Council Member Thomas Dernoga
 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

Absent: Council Member Mel Franklin

*Also Present: Stan Brown, People's Zoning Counsel
 Robert J. Williams, Jr., Council Administrator
 William M. Hunt, Deputy 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*

*M-NCPPC
David Simon, Development Review Division*

INVOCATION

The Invocation was provided by Mr.Howard Stone, County Employee. Council Chair Turner requested prayer for civility and working together as elected officials and community.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Glaros.

APPROVAL OF DISTRICT COUNCIL MINUTES[MINDC 10282019](#)**District Council Minutes dated October 28, 2019**

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

Aye: 8 - Turner, Anderson-Walker, Davis, Glaros, Harrison, Hawkins, Ivey and Streeter

Absent: Dernoga, Franklin and Taveras

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

[MINDC 11042019](#)**District Council Minutes dated November 4, 2019**

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

Aye: 8 - Turner, Anderson-Walker, Davis, Glaros, Harrison, Hawkins, Ivey and Streeter

Absent: Dernoga, Franklin and Taveras

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

[MINDC 11052019](#)**District Council Minutes dated November 5, 2019**

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

Aye: 8 - Turner, Anderson-Walker, Davis, Glaros, Harrison, Hawkins, Ivey and Streeter

Absent: Dernoga, Franklin and Taveras

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: 3/25/2020

Opposition: None

History:

Council elected to review this item (Vote: 10-0; Absent: Council Member Franklin).

A motion was made by Council Member Dernoga, seconded by Vice Chair Streeter, that this Zoning Map Amendment be elected to review. The motion carried by the following vote:

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

Absent: Franklin

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:***Council deferred this item to a later date.***This Zoning Map Amendment was deferred.****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:

Council adopted the prepared order of disapproval in accordance with the Zoning Hearing Examiner's decision (Vote: 9-0; Absent: Council Members Dernoga and Franklin).

A motion was made by Council Member Anderson-Walker, seconded by Council Member Davis, that this Zoning Map Amendment be disapproved. The motion carried by the following vote:

Aye: 9 - Turner, Anderson-Walker, Davis, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Absent: Dernoga and Franklin

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: 1/19/2020

History:

Council deferred this item to a later date.

This Special Exception was deferred.

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:

Council adopted the prepared Order of approval in accordance with the Court remand (Vote: 9-0; Absent: Council Members Franklin and Taveras).

A motion was made by Vice Chair Streeter, seconded by Council Member Davis, that this Certification of a Nonconforming Use be approved. The motion carried by the following vote:

Aye: 9 - Turner, Anderson-Walker, Davis, Dernoga, Glaros, Harrison, Hawkins, Ivey and Streeter

Absent: Franklin and Taveras

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

Action by Date: 1/16/2020

History:

Council elected to review this item (Vote: 10-0; Absent: Council Member Franklin).

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

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

Absent: Franklin

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:

Council waived election to review for this item (Vote: 10-0; Absent: Council Member Franklin).

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

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

Absent: Franklin

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

This Authorization to Build in the Right of Way hearing date was announced.

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

This Detailed Site Plan hearing date was announced.

- Attachment(s):** [DSP-18052 Planning Board Resolution 19-101](#)
DSP-18052 PORL
[DSP-18052 Technical Staff Report](#)

[ADJ131-19](#)

ADJOURN

History:

The meeting was adjourned at 10:32 a.m.

A motion was made by Vice Chair Streeter, seconded by Council Member Davis, that this meeting be adjourned. The motion carried by the following vote:

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

Absent: Franklin

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.

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, in order to discuss and consider 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 cases in the Circuit Court for Prince George's County, Maryland, to maintain confidentiality regarding the current status of ongoing litigation and as to the Council's position on pending litigation." The Executive Session was held (See County Council Minutes dated January 6, 2020 for details).

On 11/18/2019, a motion was made by Council Member Harrison, seconded by Council Member Davis, to convene into Executive Session. The motion carried by the following vote: Aye: 10, Anderson-Walker, Davis, Dernoga, Glaros, Harrison, Hawkins, Ivey, Streeter, Taveras, and Turner. Absent: Franklin.

Date of Executive Session: November 18, 2019

Beginning Time: 10:38 a.m.

Ending Time: 10:48 a.m.

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

Members Absent: CM Franklin

Others Present: Robert Williams, Jr., William Hunt, Rajesh Kumar, Karen Campbell, Donna Brown, and Dinora Hernandez.

Topics Discussed:

- 1. Petition of L. Benton in the case of DSP-18024 Woodmore Overlook Commercial, LLC.*
- 2. Petition of EZ Storage in the case of DSP-15301-01 EZ Storage College Park.*

Vote Closing the Meeting pursuant to Section 3-305(b) (7) - (8): 10 – 0 (Absent: CM Franklin).

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

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

Absent: Franklin

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

Meet and Greet held at 12:17 p.m.

*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*

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Donna J. Brown, Clerk of the Council