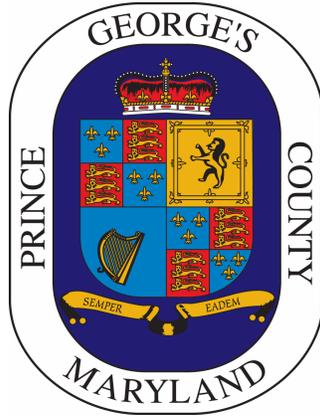


# Prince George's County Council

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



## **Zoning Agenda - Final**

**(9:30 AM Agenda Briefing Rm 2027)**

**Monday, September 24, 2018**

**10:00 AM**

**Council Hearing Room**

## **Sitting as the District Council**

*Dannielle M. Glaros, District 3, Chair*

*Derrick Leon Davis, District 6*

*Mel Franklin, District 9*

*Andrea C. Harrison, District 5*

*Mary A. Lehman, District 1*

*Obie Patterson, District 8*

*Deni L. Taveras, District 2*

*Karen R. Toles, District 7*

*Todd M. Turner, District 4, Vice Chair*

*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 interpreters 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**

*Reverend Dr. Bertha Gaymon, Maple Springs Baptist Church, Capital Heights, MD*

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 09172018](#)

**District Council Minutes Dated September 17, 2018**

**Attachment(s):**

[9-17-2018 District Council Minutes DRAFT](#)

**REFERRED FOR DOCUMENT**

[CNU-25172-2011  
AmendCond](#)

**Brightseat Development Associates/8300 Sheriff Road FedEx  
Field (Amendment of Conditions)**

**Applicant(s):**

Brightseat Development Associates, LLC / 8300 Sheriff Road FedEx Field

**Location:**

Located in the northwest quadrant of the intersection of Brightseat Road and Sheriff Road, also identified as 8300 Sheriff Road, Landover, Maryland (22.13 Acres; M-X-T Zone).

**Request:**

Requesting approval for an Amendment of Condition to revise a condition to extend operation for an additional five years.

**Council District:**

5

**Appeal by Date:**

9/3/2018

**Action by Date:**

2/28/2019

**Opposition:**

None

**History:**

04/19/2018

Applicant

filed

*Thomas H. Haller, Esq., attorney for the applicant, filed a request for Amendment of Condition of the District Council's February 11, 2013 Order of Approval, wit Conditions.*

04/24/2018

Clerk of the Council

transmitted

*The Clerk of the Council transmitted the case to the Zoning Hearing Examiner for a Public Hearing.*

08/17/2018

Zoning Hearing Examiner

approval

09/17/2018

Sitting as the District Council

referred for document

*Council referred this item to staff for preparation of an approving document (Vote: 7-0; Absent: Council Members Glaros and Toles).*

**Attachment(s):**

[CNU-25172-2011 AmendCond Agenda Item Summary](#)

[CNU-25172-2011 Zoning Hearing Examiner Decision](#)

CNU-25172-2011 PORL

**REFERRED FOR DOCUMENT (Continued)**[DSP-17037](#)**Eritrean Church****Applicant(s):**

Eritrean Orthodox Tewahdo Church

**Location:**

Located on the south side of Bladensburg Road, approximately 250 feet east of its intersection with 43rd Avenue (2.16 acres; M-X-T, D-D-O, I-D-O Zones).

**Request:**

Requesting approval of a Detailed Site Plan for the conversion of existing warehouse buildings for use as a church and multipurpose building.

**Council District:**

5

**Appeal by Date:**

7/19/2018

**Review by Date:**

7/19/2018

**Action by Date:**

10/8/2018

**History:**

05/11/2018 M-NCPPC Technical Staff approval with conditions

06/14/2018 M-NCPPC Planning Board approval with conditions

07/02/2018 Sitting as the District Council deferred

*Council deferred this item to July 9, 2018.*

07/09/2018 Sitting as the District Council elected to review

*Council elected to review this item (Vote: 6-0; Absent: Council Members Glaros, Patterson, and Toles).*

09/17/2018 Sitting as the District Council referred for document

*Andrew Bishop, M-NCCPC, provided an overview of the Detailed Site Plan application. Larry Taub, Esq., attorney for the applicant, spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.*

*The Oral Argument hearing was held and Council referred this item to staff for preparation of an approving document with conditions (Vote: 7-0; Absent: Council Members Glaros and Franklin).*

**Attachment(s):**

[DSP-17037 Zoning Agenda Item Summary \(ZAIS\)](#)

[DSP-17037 Planning Board Resolution 18-41](#)

DSP-17037 PORL

[DSP-17037 Technical Staff Report](#)

**ITEM(S) FOR DISCUSSION****CSP-17004****Peerless Residential & Retail Development****Applicant(s):**

Peerless Avenue Associates, LLC

**Location:**

Located on the west side of US 301 (Robert Crain Highway), approximately 0.15 mile north of its intersection with MD 725 (Marlboro Pike), in Planning Area 79, Council District 6. More specifically, the property is located at 4505 Crain Highway, Upper Marlboro, Maryland (7.64 Acres; M-X-T).

**Request:**

Requesting approval of a Conceptual Site Plan (CSP) for 62 two-family, three-family, and multifamily units, as well as approximately 3,000 square feet of commercial/retail space.

**Council District:**

6

**Appeal by Date:**

8/16/2018

**Review by Date:**

9/17/2018

**Action by Date:**

10/23/2018

**History:**

06/04/2018

M-NCPPC Technical Staff

approval with conditions

07/12/2018

M-NCPPC Planning Board

approval with conditions

07/24/2018

Sitting as the District Council

elected to review

*Council elected to review this item (Vote: 6-0; Absent: Council Members Lehman, Patterson, and Toles).*

09/17/2018

Sitting as the District Council

hearing held; case taken under advisement

*Henry Zhang, M-NCPPC, provided an overview of the Conceptual Site Plan application. Andre Gingles, Esq., attorney for the applicant, spoke in support and answered questions on behalf of the applicant. He was assisted by of Conifer Realty. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented. The Oral Argument hearing was held and Council took this case under advisement.*

**Attachment(s):**[CSP-17004 Zoning Agenda Item Summary \(ZAIS\)](#)[CSP-17004 Planning Board Resolution 18-49](#)

CSP-17004\_PORL

[CSP-17004 Technical Staff Report](#)

**ITEM(S) FOR DISCUSSION (Continued)**[DSP-15009](#)**Redeemed Christian Church of God, Lanham****Applicant(s):**

The Redeemed Christian Church

**Location:**

Located on the south side of MD 564 (Lanham-Severn Road), approximately 0.25 miles northeast of Springfield Road (1.86 Acres; R-R Zone).

**Request:**

Requesting approval to convert a 1.86-acre property improved with a 3,243-square-foot single-family dwelling in the Rural Residential (R-R) Zone to a 120-seat church with associated parking.

**Council District:**

4

**Appeal by Date:**

7/12/2018

**Review by Date:**

7/12/2018

**Action by Date:**

10/1/2018

**History:**

05/04/2018

M-NCPPC Technical Staff

approval with conditions

06/07/2018

M-NCPPC Planning Board

approval with conditions

06/19/2018

Sitting as the District Council

deferred

*Council deferred this item to July 2, 2018.*

07/02/2018

Sitting as the District Council

elected to review

*Council elected to review this item (Vote: 7-0; Absent: Council Members Harrison and Lehman).*

09/17/2018

Sitting as the District Council

hearing held; case taken under advisement

*Ivy Thompson, M-NCCPC, provided an overview of the Detailed Site Plan application. Larry Taub, Esq., attorney for the applicant, spoke in support on behalf of the applicant. The following people spoke in opposition: Regina Meier, Arley Meier, and Susan Booth. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented. The Oral Argument Hearing was held and Council took this item under advisement.***Attachment(s):**[DSP-15009 Zoning Agenda Item Summary](#)[DSP-15009 Planning Board Resolution 18-40](#)

DSP-15009\_PORL

[DSP-15009 Technical Staff Report](#)

**ITEM(S) FOR DISCUSSION (Continued)****DSP-17016****Wyndham Garden Hotel Parcel D, Belton****Applicant(s):**

Starboard Investment Group, LLC

**Location:**

Located on the west side of Rhode Island Avenue, north of its intersection with Clementon Road. Specifically, the property is located at 10700 Rhode Island Avenue (1.45 Acres; C-O Zone).

**Request:**

Requesting approval of a Detailed Site Plan proposing to develop the property with a 60,500-square-foot, 90-room, five-story hotel building.

**Council District:**

1

**Appeal by Date:**

8/29/2018

**Review by Date:**

10/1/2018

**Action by Date:**

10/30/2018

**Comment(s):**

Mandatory Review:

District Council review of this case is required by conditions imposed by Council on Zoning Case A-9707-C.

**History:**

06/28/2018	M-NCPPC Technical Staff	approval with conditions
07/26/2018	M-NCPPC Planning Board	approval with conditions
09/17/2018	Sitting as the District Council	hearing held; case taken under advisement

*Andrew Bishop, M-NCCPC, provided an overview of the Detailed Site Plan application. Arthur Horne, Esq., attorney for the applicant, spoke in support on behalf of the applicant and responded to questions posed by the Council. He was assisted by Wes Guckard of the Transportation Group. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented. The Mandatory Review Hearing was held and Council took this item under advisement.*

**Attachment(s):**[DSP-17016 Zoning Agenda Item Summary](#)[DSP-17016 Planning Board Resolution 18-67](#)

DSP-17016\_PORL

[DSP-17016 Technical Staff Report](#)

**ITEM(S) FOR DISCUSSION (Continued)**[DSP-17041](#)**5200 Auth Road Retail****Applicant(s):**

5200 Auth Road, LLC

**Location:**

Located on the north side of Auth Road, in the northeast quadrant of its intersection with Auth Place. The site is also within the Development District Overlay (D-D-O) Zone designated by the Southern Green Line Station Area Sector Plan and SMA (3.84 Acres; C-O / D-D-O Zones).

**Request:**

Requesting approval of a Detailed Site Plan to (1) To change the underlying zoning of the subject property from the Commercial Office (C-O) Zone to the C-S-C Zone; (2) To amend the use list approved with the D-D-O Zone of the 2014 Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment (Southern Green Line Station Area Sector Plan and SMA) to allow an eating and drinking establishment, with drive-through service, a gas station, and a food and beverage store, in combination with a gas station, on the subject property; and (3) To construct a 4,649 square-foot food and beverage store and gas station with 14 gas pumps (Royal Farms), a 3,000 square-foot eating and drinking establishment, with drive-through service, and a 9,700 square-foot multi-tenant retail building, with amendments to development district standards, as needed.

**Council District:**

8

**Appeal by Date:**

9/3/2018

**Review by Date:**

9/30/2018

**Action by Date:**

10/30/2018

**Comment(s):**

Mandatory Review:

District Council review of this case is required by Section 27-548.26(b) of the Zoning Ordinance

**History:**

07/20/2018

M-NCPPC Technical Staff

approval with conditions

07/26/2018

M-NCPPC Planning Board

approval with conditions

09/17/2018

Sitting as the District Council

hearing held; case taken under  
advisement

*Henry Zhang, M-NCCPC, provided an overview of the Detailed Site Plan application. Thomas Haller, Esq., attorney for the applicant, spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented. The Mandatory Review Hearing was held and Council took this item under advisement.*

**Attachment(s):**[DSP-17041 Zoning Agenda Item Summary](#)[DSP-17041 Planning Board Resolution 18-72](#)

DSP-17041\_PORL

[DSP-17041 Technical 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.*

**(a) ZONING HEARING EXAMINER****SE/VSE-4792 Remand Ernest Maier Concrete Batching Plant (Remand)**

**Companion Case(s):** SE/VSE-4792

**Applicant(s):** Ernest Maier, Inc.

**Location:** Located west side of Kenilworth Avenue (MD 201), approximately 254 feet west of its intersection with Upshur Street (3.95 Acres; I-2 Zone).

**Request:** Requesting approval of a Special Exception to operate a Concrete Batching Plant. Variance from Section 27-343.02(a)(1) to allow a concrete batching plant and its components to be within 100-foot setback from adjacent property located in the Industrial zone. And a second variance from Section 27-474(b) to reduce the 25-foot setback from Kenilworth Avenue by five feet.

**Council District:** 5

**Appeal by Date:** 9/24/2018

**Review by Date:** 10/1/2018

**Action by Date:** 4/1/2019

**Comment(s):** This item has been appealed and an Oral Argument Hearing will be scheduled.

**Municipality:** Bladensburg

**Opposition:** Port Towns Environmental Action et al.

**History:**

06/14/2017	M-NCPPC Technical Staff	approval with conditions
09/14/2017	M-NCPPC Planning Board	no motion to consider
11/09/2017	Zoning Hearing Examiner	approval with conditions
12/11/2017	Person of Record	appealed

*On December 11, 2017, David C. Blitzer filed exceptions in opposition to the decision of the Zoning Hearing Examiner on behalf of Port Towns Environmental Action et. al. and requested Oral Arguments.*

04/16/2018	Sitting as the District Council	hearing held; case taken under advisement
	<p><i>Prior to the oral argument hearing, Daniel Lynch, Esq., raised objections to a document that was circulated with regard to the application, which appeared to be a County document. He requesting that the record reflect that the document was not issued by the County. Ivy Thompson, M-NCCPC, provided an overview of the Special Exception application. The following persons spoke in opposition: David Blitzer, Esq., Carlyncia S. Peck, Dr. Sacoby Wilson and Alicia Melendez. Due to procedural concerns, the meeting went into recess. Once reconvened, Rajesh Kumar, Principal Counsel to the District Council explained the role of Stan Brown, People's Zoning Counsel, who was unable to attend the hearing and cautioned persons of record to keep their testimony to matters that are within the record. Ms. Melendez concluded her remarks, following by comments by The Honorable Victor Ramirez, Senator, 47th Legislative District. Daniel Lynch, Esq., spoke in support of behalf of the applicant, as did the following persons: Susan McCutchen, Suellen Ferguson, The Honorable Takisha James, Mayor of the Town of Bladensburg and Jim Foster on behalf of the Anacostia Watershed Society. Council took this case under advisement.</i></p>	
05/07/2018	Sitting as the District Council	remanded
	<p><i>Council adopted the prepared Order of Remand (Vote: 7-0; Absent: Council Members Franklin and Toles).</i></p>	
05/07/2018	Sitting as the District Council	referred for document
	<p><i>Council referred item to staff for preparation of a document of remand to the Zoning Hearing Examiner (Vote: 7-0; Absent: Council Members Franklin and Toles).</i></p>	
08/23/2018	Zoning Hearing Examiner	approval with conditions
09/17/2018	Sitting as the District Council	deferred
	<p><i>Council deferred this item to September 24, 2018.</i></p>	
09/21/2018	Person of Record	appealed
	<p><i>David C. Blitzer, Esquire, attorney for the opposition, filed an appeal in opposition to the proposal and requested Oral Argument.</i></p>	

**Attachment(s):** [SE/VSE-4792 Remand Zoning Agenda Item Summary](#)  
[SE/VSE-4792 Remand Zoning Hearing Examiner Decision](#)  
 SE-4792 PORL  
[SE-4792 Technical Staff Report](#)

*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)**

**(b) PLANNING BOARD**

[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

**Municipality:** City of Hyattsville

**History:**

07/13/2018 M-NCPPC Technical Staff approval with conditions

09/13/2018 M-NCPPC Planning Board approval with conditions

**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](#)

**PENDING FINALITY (Continued)****(b) PLANNING BOARD (Continued)****DSP-17057****Royal Farms #326, Fork of the Road****Applicant(s):**

Two Farms, Inc.

**Location:**

Located in the northwest quadrant of the intersection of Ritchie Marlboro Road and MD 725 (Old Marlboro Pike). The project is also located at one of the nine gateways into Westphalia, per the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment (Westphalia Sector Plan and SMA) and is at a location of a mixed-use neighborhood center (8-98 Acres; M-X-T Zone).

**Request:**

Requesting approval of a Detailed Site Plan for a food and beverage store in combination with a gas station on Lot 1 (Parcel 1).

**Council District:**

6

**Appeal by Date:**

10/18/2018

**Review by Date:**

10/18/2018

**History:**

07/20/2018

M-NCPPC Technical Staff

approval with conditions

09/18/2018

M-NCPPC Planning Board

approval with conditions

**Attachment(s):**[DSP-17057 Zoning Agenda Item Summary](#)[DSP-17057 Planning Board Resolution 18-85](#)

DSP-17057\_PORL

[DSP-17057 Technical Staff Report](#)

**PENDING FINALITY (Continued)****(b) PLANNING BOARD (Continued)****SDP-1003-18****Parkside (formerly Smith Homee Farm) Section 2****Applicant(s):**

HWR, LLC

**Location:**

Parkside (formerly Smith Home Farm) is located approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue), and measuring approximately 757 acres. Specific Design Plan SDP-1003, including Sections 1A, 1B, 2, and 3 and totaling approximately 250.85 acres, is located in the western portion of the development. Section 2 is located in the northwestern portion of SDP-1003, north of Central Park Drive and west of Rock Spring Drive (250.85 Acres; R-M / M-I-O Zones).

**Request:**

Requesting addition of single-family attached townhouse architecture or Haverford Homes for use in Section 2 and to reduce the end unit width on Lots 1-24 and 77-106, Block N

**Council District:**

6

**Appeal by Date:**

10/18/2018

**Review by Date:**

10/18/2018

**History:**

07/16/2018

M-NCPPC Technical Staff

approval with conditions

09/18/2018

M-NCPPC Planning Board

approval with conditions

**Attachment(s):**[SDP-1003-18 Agenda Item Summary](#)[SDP-1003-18 Planning Board Resolution 18-84](#)[SDP-1003-18\\_PORL](#)[SDP-1003-18 Technical Staff Report](#)**ADJOURN****1:00 P.M. - MEET AND GREET - (ROOM 2027)***Board of Education*