

Prince George's County Council

Sitting as the District Council Zoning Agenda Item Summary

Case No.: DSP-21032 Councilmanic District: 5

Meeting Date: 10/23/2023 Zone(s): LTO-C (Prior M-U-I/D-D-O)

Case Name: Arbor Street Property
Applicant: Nabely Family Trust

Location: Located on the south side of Arbor Street, approximately 250 feet west of its

intersection with 59th Avenue in Council District 5. The site address is 5801 Arbor Road, less than a 0.5 mile south of the corporate limits for the Town of Cheverly

(0.46 Acres; LTO-C Zone (Prior M-U-I / D-D-O Zones).

Request: Requesting approval of a Detailed Site Plan (DSP) to validate the existing

"wholesaling or distribution of materials used or produced on the premises," pursuant to Section 27-548.26(b)(1)(B) of the prior Zoning Ordinance, that allows the Prince George's County District Council to approve a change in the list of allowed uses in

the D-D-O Zone, as modified by the zone's development district standards.

Companion

Case(s):

DECISIONS/RECOMMENDATION: LEGAL DEADLINES:

Technical Staff: Disapproval **Appeal date:** 8/31/2023

Planning Board: Disapproval Review date:

Zoning Hearing Examiner: Action date: 10/30/2023

Municipality: Comments:

Opposition:

Staff: Dominique Lockhart

HISTORY:

Acting Body:	Date:	Action:
M-NCPPC Technical Staff	06/14/2023	disapproval
M-NCPPC Planning Board	07/27/2023	disapproval
Clerk of the Council	08/09/2023	mailed

Notes: Notice of Mandatory Review Hearing (using Oral Argument procedures) was

mailed to Persons of Record.

Applicant 08/29/2023 filed

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Notes: Nathaniel Forman, Esq., attorney for the applicant filed an appeal of the Planning Board's decision.

Sitting as the District Council 09/11/2023 announced hearing date

Sitting as the District Council 09/25/2023 hearing held; case taken under advisement

Notes: Dominique Lockhart, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented by the parties. Nathaniel Forman Esq., attorney for applicant spoke in support. Council took this case under advisement.

Sitting as the District Council 10/10/2023 referred for document

Notes: Council referred item to staff for preparation of an disapproving document (Vote:

9-0; Absent: Council Members Franklin and Oriadha).

Aye: 9 Olson, Watson, Harrison, Hawkins, Ivey, Burroughs, Fisher,

Dernoga and Blegay

Absent: 2 Franklin and Oriadha

Sitting as the District Council 10/23/2023

Document(s): DSP-21032 Presentation Slides, DSP-21032 Forman to Brown (Appeal) 8-29-2023,

DSP-21032- Notice of Mandatory Review, DSP-21032 Planning Board Resolution, DSP-21032 PORL, DSP-21032 Technical Staff Report, DSP-21032 Transcripts 1-26-2023, DSP-21032 Transcripts 3-16-2023, DSP-21032 Transcripts 4-27-2023, DSP-21032 Transcripts 6-29-2023, DSP-21032 Transcripts 12-8-2022, DSP-21032

Planning Board Record, PZC Notice of Intention to Participate