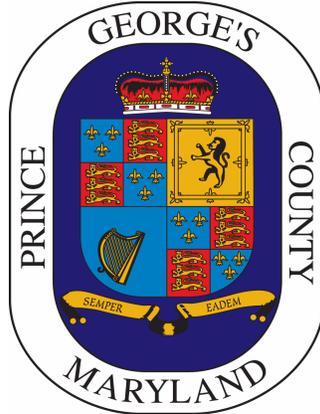


Prince George's County Council

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



Zoning Agenda - Final

(9:30 AM Agenda Briefing Rm 2027)

Monday, October 28, 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

Ms. Christine Osei, M-NCPPC Employee

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 10152019](#)

District Council Minutes dated October 15, 2019

Attachment(s):

[10-15-2019 District Council Minutes DRAFT](#)

ORAL ARGUMENTS**DSP-18018****Skyview Condominiums****Applicant(s):**

Mohammed A. Shirazi

Location:

Located at 3300 Brinkley Road, Temple Hills, 1,500 feet east of the intersection of Brinkley Road and Fisher Road (4.75 Acres; R-18C Zone).

Request:

Requesting approval of a Detailed Site Plan (DSP) for the construction of two multifamily residential buildings for a total of approximately 149,004 square feet, including 95 dwelling units and structured parking.

Council District:

8

Appeal by Date:

8/22/2019

Review by Date:

9/23/2019

Action by Date:

11/8/2019

History:

06/05/2019

M-NCPPC Technical Staff

approval with conditions

07/18/2019

M-NCPPC Planning Board

approval with conditions

09/09/2019

Sitting as the District Council

elected to review

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

09/25/2019

Clerk of the Council

mailed

Notice of Oral Argument Hearing was mailed to Persons of Record.

Attachment(s):[DSP-18018 Planning Board Resolution](#)

DSP-18018_PORL

[DSP-18018 Technical Staff Report](#)

ORAL ARGUMENTS (Continued)[SDP-0511-04](#)**Collington Center****Applicant(s):**

MRPI Queens Court, LLC

Location:

Located in the southwestern quadrant of the intersection of Queens Court and US 301 (Crain Highway) (51.45 Acres; E-I-A Zone).

Request:

Requesting approval of a Specific Design Plan (SDP) for a 130,143-square-foot, 1,184-unit, 3-story consolidated storage facility, ancillary office, and outdoor recreational vehicle storage on a 3.97-acre lot within a 51.45-acre site.

Council District:

4

Appeal by Date:

10/17/2019

Review by Date:

10/17/2019

Action by Date:

11/22/2019

History:

07/09/2019

M-NCPPC Technical Staff

approval with conditions

09/12/2019

M-NCPPC Planning Board

approval with conditions

09/23/2019

Sitting as the District Council

elected to review

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

09/25/2019

Clerk of the Council

mailed

*Notice of Oral Argument Hearing was mailed to Persons of Record.***Attachment(s):**[SDP-0511-04 Planning Board Resolution 19-90](#)

SDP-0511-04 PORL

[SDP-0511-04 Technical Staff Report](#)

REFERRED FOR DOCUMENT**ROW Royal Farms****ROW Royal Farms #220 (Accokeek)****Applicant(s):**

Two Farms, Inc.

Location:

Located on the west side of Indian Head Highway, in the southwest quadrant of its intersection with Livingston Road, also identified as 15808 and 15812 Livingston Road, 100 Biddle Road, and 16001 Indian Head Highway, Accokeek, Maryland. (2.94 acres; C-S-C Zone).

Request:

Requesting approval for authorization to construct two (2) pylon signs, 22 parking spaces, drive aisle, free air station, five (5) gas pumps with canopy, large vehicle parking areas, all of the required landscaping, and the stormwater management facility within the proposed right-of-way for F-11 and C-525.

Council District:

9

Appeal by Date:

5/31/2019

Action by Date:

10/29/2019

Comment(s):

The Applicant has also submitted an application for a Special Exception for a Gas Station in combination with a Food or Beverage Store, Special Exception 4816.

Opposition:

Sangee and Sulojana Tharmarajah

History:

05/01/2019

Zoning Hearing Examiner

approval

05/31/2019

Person of Record

appealed

Ms. Sangee Tharmarajah and Sulojana Tharmarajah filed an appeal of the Zoning Hearing Examiner's decision and requested Oral Argument.

06/05/2019

Clerk of the Council

mailed

Notice of Oral Argument Hearing was mailed to Persons of Record.

06/10/2019

Sitting as the District Council

announced hearing date

06/28/2019

Applicant

filed

Matthew C. Tedesco, Esq., attorney for the applicant, filed a response to the 5/31/2019 Exceptions and requested to dismiss the Exceptions to the Zoning Hearing Examiner's decision for lack of standing.

07/08/2019 Sitting as the District Council hearing held; case taken under advisement

Prior to the Oral Argument, Mr. Matthew Tedesco, Esq., attorney for the applicant, made a procedural argument to dismiss the exceptions to the ZHE decision due to lack of standing and Mr. Macey Nelson, attorney for protestants, Ms. Sangee Tharmarajah and Sulojana Tharmarajah, rebutted Mr. Tedesco's request and asked for the Council to proceed with the Oral argument and consider the exceptions/appeals. Stan Brown, People's Zoning Counsel, commented on the procedural arguments presented by the parties and suggested Council reserve the right to address the procedural issue subsequent to the Oral Argument hearing.

Ras Cannady, II, M-NCPPC, provided an overview of the ROW application. Mr. Macey Nelson, attorney for protestants, and Ms. Sangee Tharmarajah, appellant, spoke in opposition to the application. Matthew Tedesco, Esq., attorney for the applicant, 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.

10/07/2019 Sitting as the District Council referred for document

Council referred item to staff for preparation of a document of remand to the Zoning Hearing Examiner. (Vote: 9-0; Absent: Council Member's Franklin and Glaros).

Attachment(s):

[ROW- Royal Farms ZHE Decision](#)

ROW - Royal Farms PORL

ITEM(S) FOR DISCUSSION[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

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.

10/15/2019	Clerk of the Council	mailed
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Notice of appeal consideration was mailed to Persons of Record.

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](#)

ITEM(S) FOR DISCUSSION (Continued)[DSP-18024](#)**Woodmore Overlook, Commercial****Applicant(s):**

Woodmore Overlook Commercial, LLC

Location:

Located on the south side of Ruby Lockhart Boulevard, in the northwest quadrant of the intersection of Lottsford Road and MD 202 (Landover Road) (19.97 Acres; M-X-T Zone).

Request:

Applicant is requesting Reconsideration and/or Amendment of Conditions of the September 17, 2019 District Council Final Decision approving the Detailed Site Plan (DSP) for construction of a 4,649-square-foot food and beverage store with a gas station on Parcel 3, a 164-unit multifamily building on Parcel 6, and infrastructure for future commercial development on Parcels 1, 2, 4 and 5.

Council District:

5

Appeal by Date:

7/18/2019

Review by Date:

7/18/2019

Action by Date:

9/19/2019

History:

05/15/2019	M-NCPPC Technical Staff	approval with conditions
06/13/2019	M-NCPPC Planning Board	approval with conditions
06/19/2019	Applicant	appealed
	<i>Norman Rivera, Esq., attorney for the applicant, filed an appeal to delete Condition 1.g. of the Planning Board's decision and requested Oral Argument.</i>	
06/20/2019	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	
07/09/2019	Person of Record	appealed
	<i>Sam H. Dean, Vice President, Lake Arbor Civic Association, appealed the Planning Board's decision and requested disapproval.</i>	
07/15/2019	Person of Record	appealed
	<i>LaRay J. Benton appealed the Planning Board's decision and requested a hearing.</i>	

07/15/2019	Clerk of the Council	mailed
	<i>Notice of rescheduled Oral Argument Hearing was mailed to Persons of Record.</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
	<i>Andrew Bishop, M-NCPPC, provided an overview of the Detailed Site Plan application. Prior to testimony, Chair Turner addressed a procedural request by Mr. LaRay Benton and Mr. Samuel H. Dean asking for an additional 10 minutes for their Oral Argument testimony and an additional 5 minutes for rebuttal. Chair Turner granted an additional 10 minutes for Oral Argument testimony. Mr. Samuel H. Dean and Mr. LaRay Benton, appellants, spoke in opposition to the application. Norman Rivera, Esq., attorney for the applicant, 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.</i>	
09/10/2019	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0; Absent: Council Members Dernoga and Hawkins).</i>	
09/17/2019	Sitting as the District Council	approval with conditions
	<i>Rajesh Kumar, Principal Counsel to the District Council, explained that in addition to the Planning Board conditions, there were also some conditions in the order from the original Zoning Map Amendment case. Stan Brow, People's Zoning Counsel, concurred. Council adopted the prepared Order of approval, with conditions (Vote: 10-0-1; Abstained: Council Member Anderson-Walker).</i>	
09/24/2019	Clerk of the Council	mailed
	<i>The Notice of Final Decision of the District Council was mailed to Persons of Record.</i>	
09/30/2019	Person of Record	filed
	<i>Mr. LaRay J. Benton filed a Petition for Judicial Review in Circuit Court.</i>	

10/07/2019

Applicant

filed

Norman D. Rivera, Esq., attorney for the applicant, filed a request for reconsideration of the District Council Final Decision and/or Amendment of Conditions.

Attachment(s):

[DSP-18024 Planning Board Resolution 19-72](#)

DSP-18024_PORL

[DSP-18024 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) PLANNING BOARD**CSP-18005****Clinton Market Place South****Applicant(s):**

Piscataway Clinton, LLC

Location:

Located on the west side of Brandywine Road, approximately 850 feet north of its intersection with Surratts Road. (9.61 Acres; M-X-T Zone).

Request:

Requesting approval of a Conceptual Site Plan (CSP) for Clinton Market Place South, for a mixed-use development consisting of 60-100 one-family attached (townhouses) dwelling units, and 5,000-20,000 square feet of commercial/retail uses.

Council District:

9

Appeal by Date:

11/14/2019

Review by Date:

11/14/2019

History:

09/05/2019

M-NCPPC Technical Staff

approval with conditions

10/10/2019

M-NCPPC Planning Board

approval with conditions

Attachment(s):[CSP-18005 Planning Board Resolution](#)

CSP-18005_PORL

[CSP-18005 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.

(a) PLANNING BOARD (Continued)**DDS-658****Oxon Hill McDonald's**

Companion Case(s): DPLS-463; DSP-18051

Applicant(s): McDonald's USA, LLC

Location: Located on the south side of Oxon Hill Road, approximately 238 feet west of John Hanson Lane. (0.836 Acres; C-S-C Zone).

Request: Requesting approval of a Departure from Design Standards (DDS) for a reduction in the requirements of the 2010 Prince George's County Landscape Manual (Landscape Manual).

Council District: 8

Appeal by Date: 10/24/2019

Review by Date: 11/20/2019

Comment(s): This case was originally transmitted on September 24, 2019 to the Council, but was returned and retransmitted on October 21, 2019 in order to satisfy affidavit requirements. On October 7, 2019 the District Council waived election to review of companion cases, DSP-18051 and DSPL-463 Oxon Hill McDonald's.

History:

08/28/2019	M-NCPPC Technical Staff	approval
09/19/2019	M-NCPPC Planning Board	approval

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.

(a) PLANNING BOARD (Continued)[DSP-09013-01](#)**Quincy Manor****Companion Case(s):** DPLS-473**Applicant(s):** Portfolio Owner, LLC**Location:** Located on the north and south sides of Newton Street and Madison Way, and on the east and west sides of 54th and 55th Avenues, approximately 200 feet from the intersection of Quincy Street and 55th Avenue (17.03 Acres; R-18 / R-35 / D-D-O Zones).**Request:** Requesting approval of a Detailed Site Plan (DSP) to amend the previously approved residential revitalization Detailed Site Plan (DSP) for townhouses, and validate the existing multifamily development that was built in the early 1950's on the subject site.**Council District:** 5**Appeal by Date:** 11/21/2019**Review by Date:** 11/21/2019**History:**

09/11/2019	M-NCPPC Technical Staff	approval with conditions
10/17/2019	M-NCPPC Planning Board	approval with conditions

PENDING FINALITY (Continued)**(a) PLANNING BOARD (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.

DPLS-473**Quincy Manor**

Companion Case(s): DSP-09013-01

Applicant(s): Portfolio Owner, LLC

Location: Located on the north and south sides of Newton Street and Madison Way, and on the east and west sides of 54th and 55th Avenues, approximately 200 feet from the intersection of Quincy Street and 55th Avenue (17.03 Acres; R-18 / R-35 / D-D-O Zones).

Request: Requesting approval of a Departure from Parking and Loading Standard (DPLS) for a reduction of 647 off-street parking spaces from the requirements of Section 27-586 of the Zoning Ordinance.

Council District: 5

Appeal by Date: 11/21/2019

Review by Date: 11/21/2019

History:

09/11/2019	M-NCPPC Technical Staff	approval
10/17/2019	M-NCPPC Planning Board	approval

PENDING FINALITY (Continued)**(a) PLANNING BOARD (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-18052**Swan Creek Club Development, Lot 9C****Applicant(s):**

Thomas Burke

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

History:

08/30/2019

M-NCPPC Technical Staff

approval with conditions

10/10/2019

M-NCPPC Planning Board

approval with conditions

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

DSP-18052 PORL

[DSP-18052 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.

(b) PLANNING BOARD'S REPRESENTATIVE**CNU-32201-2019-U****000 Branchville Road College Park****Applicant(s):**

April Mackoff

Location:

Located on Branchville Road, College Park, MD 20740, approximately 1,050 feet SE of the intersection with Rhode Island Ave. (0.1470 Acres; C-S-C Zone).

Request:

Requesting Certification of Nonconforming Use for an outdoor advertising sign. Certification of existing outdoor advertising signs is required 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 1986.

Council District:

1

Review by Date:

11/7/2019

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.

Municipality:

College Park

History:

10/08/2019

M-NCPPC Administrative Certification approval

Attachment(s):**[CNU-32201-2019-U FILE MATERIALS](#)**

PENDING FINALITY (Continued)

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

(b) PLANNING BOARD'S REPRESENTATIVE (Continued)[CNU-32866-2019](#)**4671 Robert Crain Hwy Upper Marlboro****Applicant(s):**

April Mackoff

Location:

Located on Marlboro Pike approximately 900 feet southwest of the intersection with Robert Crain Highway, 4671 Robert Crain Highway, Upper Marlboro, MD 20772. (9.77 Acres; M-X-T Zone).

Request:

Requesting Certification of Nonconforming Use for an outdoor advertising sign. Certification of existing outdoor advertising signs is required 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 1955.

Council District:

6

Review by Date:

11/7/2019

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:

10/08/2019

M-NCPPC Administrative Certification approval

Attachment(s):[CNU-32866-2019-U](#)

PENDING FINALITY (Continued)

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

(b) PLANNING BOARD'S REPRESENTATIVE (Continued)[CNU-35603-2019-U](#)**4545 Rhode Island Ave Brentwood****Applicant(s):**

April Mackoff

Location:

Located on the east side of Rhode Island Avenue northeast of Webster Street. 4545 Rhode Island Avenue, Brentwood, Maryland 20722. (1.21 Acres; U-L-I Zone).

Request:

Requesting Certification of Nonconforming Use for an outdoor advertising sign. Certification of existing outdoor advertising signs is required 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 1949.

Council District:

2

Review by Date:

11/7/2019

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:

10/08/2019

M-NCPPC Administrative Certification approval

Attachment(s):[CNU-35603-2019-U FILE MATERIALS](#)[ADJ118-19](#)**ADJOURN**