



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, October 28, 2019

10:00 AM

Council Hearing Room

9:30 AM AGENDA BRIEFING - (ROOM 2027)

At 9:39 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.

10:11 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 10:11 a.m. with eight members present at roll call. Council Member Taveras arrived at 10:14 a.m. and Council Member Dernoga arrived at 10:22 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, Acting Clerk of the Council
Leonard Moses, Zoning Assistant, Office of the Clerk
James Walker-Bey, Zoning Reference Aide, Office of the Clerk*

*M-NCPPC
Jonathan Bush, Development Review Division
Thomas Burke, Development Review Division*

INVOCATION

The Invocation was provided by Ms. Christine Osei, M-NCPPC Employee. Council Member Harrison requested prayer for the health and well being of our leaders, in light of the loss of Congressman Elijah Cummings. Council Member Ivey requested prayer for former Congressman John Conyers family in his passing.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Davis.

APPROVAL OF DISTRICT COUNCIL MINUTES[MINDC 10152019](#)**District Council Minutes dated October 15, 2019**

A motion was made by Council Member Davis, seconded by Council Member Glaros, that the Minutes be approval. 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): [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:

Jonathan Bush, M-NCPPC, provided an overview of the Detailed Site Plan application. Mr. Mohammed A. Shirazi, applicant, spoke in support of the application. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented. The Oral Argument Hearing was held and Council took this case under advisement.

This Detailed Site Plan hearing was held and the case was taken under advisement.

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:**

Thomas Burke, M-NCPPC, provided an overview of the Detailed Site Plan application and Jeremy Hurlbutt, M-NCPPC, responded to a question.. Arthur R. Horne, Jr., Esq., attorney for applicant, spoke in support of the application along with Sam Butts, architect, and Reid Townsend, MRP Industrial. 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 referred item to staff for preparation of an approving document with conditions (Vote: 9-0; Absent: Council Members Franklin and Glaros).

This Detailed Site Plan hearing was held; subsequently, a motion was made by Chair Turner, seconded by Vice Chair Streeter, that this Specific Design Plan be referred for document. The motion carried by the following vote:

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

Absent: Franklin and Glaros

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:**
- Council adopted the prepared Order of remand to the Zoning Hearing Examiner (Vote: 8-0; Absent: Council Members Dernoga, Franklin, and Glaros).*
- A motion was made by Council Member Harrison, seconded by Council Member Davis, that this Authorization to Build in the Right of Way be remanded. The motion carried by the following vote:**
- Aye:** 8 - Turner, Anderson-Walker, Davis, Harrison, Hawkins, Ivey, Streeter and Taveras
- Absent:** Dernoga, 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: 1/19/2020

History:

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.

This Special Exception case was taken under advisement.

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:

Raj Kumar, Principal Counsel to the District Council, provided an overview of the case and commented that the case was appealed to Circuit Court, thus divesting the Council of jurisdiction. Council directed the Clerk to send a response letter to the applicant in accordance with the Principal Counsel's comments.

Council took no action on this Detailed Site Plan.

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:

Council waived election to review for this item (Vote: 9-0; Absent: Council Members Franklin and Glaros).

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

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

- 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:**

Council waived election to review for this item (Vote: 9-0; Absent: Council Members Franklin and Glaros).

A motion was made by Council Member Anderson-Walker, seconded by Council Member Davis, that Council waive election to review for this Departure from Design Standards. The motion carried by the following vote:

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

Absent: Franklin and Glaros

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:**

Council deferred this item to November 4, 2019.

This Detailed Site Plan was deferred.

Attachment(s): [DSP-09013-01 Planning Board Resolution 19-105](#)
DSP-09013-01 PORL
[DSP-09013-01 Technical Staff Report](#)

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:**

Council deferred this item to November 4, 2019.

This Departure from Parking and Loading Standards was deferred.

Attachment(s): [DPLS-473 Planning Board Resolution 19-106](#)

DPLS-473_PORL

[DPLS-473 Technical Staff Report](#)

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):** 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:

Council deferred this item to November 4, 2019.

This Detailed Site Plan was deferred

- 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 or an appeal is filed.

(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:**

Council deferred this item to November 4, 2019.

This Certification of a Nonconforming Use was deferred.

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:

Council waived election to review for this item (Vote: 9-0; Absent: Council Members Franklin and Glaros).

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

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

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 also identified as 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.
- Municipality:** North Brentwood
- History:**
- Council deferred this item to November 4, 2019.*
- This Certification of a Nonconforming Use was deferred.**
- Attachment(s):** [CNU-35603-2019-U FILE MATERIALS](#)

ADJ118-19**ADJOURN****History:**

The meeting was adjourned at 11:23 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:** 9 - Turner, Anderson-Walker, Davis, Dernoga, Harrison, Hawkins, Ivey, Streeter and Taveras
- Absent:** Franklin and Glaros

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Donna J. Brown, Clerk of the Council