

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, January 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 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 Rochelle Andrews, Minister
Community Engagement University United Methodist Church, College Park, MD*

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 01152019](#)

District Council Minutes dated January 15, 2019

ORAL ARGUMENTS

[A-10000-C-01
AmendCond](#)

**LMJ Real Properties and Investments, Inc. / Linda Jones /
Defiance Drive (Amendment of Condition)**

Applicant(s):

LMJ Real Properties and Investments, Inc. / Linda Jones / Defiance Drive

Location:

Located at the terminus of Defiance Drive, approximately 160 feet east of its intersection with Star Drive (5.068 Acres; R-R Zone).

Request:

Requesting approval for the amendment of the “condition” imposed by the District Council upon its adoption of Zoning Ordinance 11-2010, which rezoned the subject property from the R-E Zone to the R-E and R-R (Rural Residential) Zones. The Council also imposed a limit on the number of homes that could be constructed. Applicant requests that the District Council amend the condition that split zoned the property and limited the number of dwelling units.

Council District:

8

Appeal by Date:

11/26/2018

Action by Date:

5/30/2019

Opposition:

None

History:

11/08/2018

Zoning Hearing Examiner

disapproval

11/26/2018

Applicant

appealed

Michael S. Nagy, Esq., attorney for the applicant, filed exceptions to the Zoning Hearing Examiner's Decision and requested oral argument.

01/15/2019

Sitting as the District Council

announced hearing date

Attachment(s):

[A-10000-C-01 AmendCond Zoning Agenda Item Summar](#)

[A-10000-C-01 Zoning Hearing Examiner Decision](#)

A-10000-C-01 PORL

NEW CASE(S)[A-10047](#)**St. Barnabas Mixed-Use Park****Applicant(s):**

1323 E Street, SE, LLC

Location:

Located in the northeastern quadrant of the intersection of St. Barnabas Road and Temple Hills Road, also identified as 4634, 4710, 4718, 4720, 4740, 4806 and 4810 St. Barnabas Road, Temple Hills, Maryland (11.07 Acres; C-S-C / I-1 Zones).

Request:

Requesting approval of a Zoning Map Amendment for the rezoning of approximately 11.07 acres of land from the C-S-C (Commercial Shopping Center) / I-1 (Light Industrial) to the M-X-T (Mixed Use-Transportation Oriented) Zone.

Council District:

7

Appeal by Date:

1/22/2019

Action by Date:

4/30/2019

Opposition:

None

History:

06/14/2018	M-NCPPC Technical Staff	disapproval
06/21/2018	M-NCPPC Planning Board	no motion to consider
12/21/2018	Zoning Hearing Examiner	approval

Attachment(s):[A-10047 Zoning Agenda Item Summary](#)[A-10047 Zoning Hearing Examiner Decision](#)

A-10047 - PORL

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**CSP-18002****Magruder Pointe****Applicant(s):**

Werlein WSSC, LLC

Location:

Located in the southeast quadrant of the intersection of Hamilton Street and 40th Avenue, north of Gallatin Street and west of 40th Place. The subject site is also located within the Traditional Residential Neighborhood (TRN) Character Area of the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District (Gateway Arts District Sector Plan and SMA) (8.26 Acres; R-55/O-S/D-D-O Zones) .

Request:

Requesting approval of a Conceptual Site Plan (CSP) application proposing to rezone the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use–Infill (M-U-I) Zone for a future single-family residential development. No site improvements have been proposed in this CSP.

Council District:

2

Appeal by Date:

9/4/2018

Review by Date:

9/30/2018

Action by Date:

1/29/2019

Comment(s):

Mandatory Review:

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

Municipality:

City of Hyattsville

History:

07/18/2018

M-NCPPC Technical Staff

disapproval

DISAPPROVAL of the request and decline to recommend rezoning the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use–Infill (M-U-I) Zone.

07/18/2018

M-NCPPC Technical Staff

approval with conditions

APPROVAL of rezoning the 4.66-acre property in the Open Space (O-S) Zone to the One-Family Detached Residential (R-55) Zone and permit single-family attached residential development with a required detailed site plan, in accordance with the goals and recommendations of the Traditional Residential Neighborhood Character Area on the property.

07/26/2018	M-NCPPC Planning Board	disapproval	<i>DISAPPROVAL of the request and decline to recommend rezoning the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use–Infill (M-U-I) Zone.</i>
07/26/2018	M-NCPPC Planning Board	approval with conditions	<i>APPROVAL of recommendation to rezone the 4.66-acre property in the Open Space (O-S) Zone to the One-Family Detached Residential (R-55) Zone and permit single-family attached residential development with a required detailed site plan, in accordance with the goals and recommendations of the Traditional Residential Neighborhood Character Area on the property. The maximum density for single-family attached is 9 dwelling units per acre and the maximum density for single-family detached is as permitted in the R-55 Zone, or 6.7 dwelling units per acre.</i>
09/04/2018	Person of Record	appealed	<i>Mr. Daniel Muth, Mr. Greg Smith, Mr. Peter Anton Veigas, Ms. Wendy Beatty, Ms. Sarah Eisen, Ms. Nina Faye, Mr. Paul Hrusa, and Mr. Chris Currie, filed an appeal in opposition to the proposal and requested Oral Argument.</i>
09/10/2018	Applicant	filed	<i>Norman D. Rivera, Esq., attorney for the applicant, filed a rebuttal to the September 4, 2018 appeal filed by Mr. Daniel Muth, Mr. Greg Smith, Mr. Peter Anton Veigas, Ms. Wendy Beatty, Ms. Sarah Eisen, Ms. Nina Faye, Mr. Paul Hrusa, and Mr. Chris Currie.</i>
09/10/2018	Person of Record	filed	<i>Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter with an attached legal opinion by their attorney, J. Carroll Holzer, Esq. in opposition to the proposal and opposition to the proposed September 17, 2018 Oral Argument.</i>
09/17/2018	Sitting as the District Council	continued at a later date	<i>Stan Brown, People's Zoning Counsel, spoke to the need to continue this case until Tuesday, October 15, 2018 at 10:00 a.m.</i>
09/24/2018	Person of Record	filed	<i>Candace B. Hollingsworth, Mayor, City of Hyattsville, filed a letter requesting a remand to the Planning Board to allow the city to submit additional testimony related to the R-55 recommendation.</i>

09/26/2018	Person of Record	filed
	<i>Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter in opposition to the proposed October 15, 2018 Oral Argument.</i>	
09/27/2018	Person of Record	filed
	<i>Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a second letter in opposition to the proposed October 15, 2018 Oral Argument.</i>	
10/09/2018	Person of Record	filed
	<i>J. Carroll Holzer, Esq., attorney for Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter in opposition to the proposed October 15, 2018 Oral Argument.</i>	
10/12/2018	Applicant	filed
	<i>Norman D. Rivera, Esq., attorney for the applicant, filed a letter concurring with a continuance of the October 15, 2018 Oral Argument to satisfy state affidavit requirements.</i>	
10/15/2018	Sitting as the District Council	continued at a later date
	<i>Stan Brown, People's Zoning Counsel, provided an overview on the status of the case and outlined the reasons why the hearing would take place at a later date in order to satisfy state affidavit requirements. The case was continued as requested and agreed to by certain members of the opposition and the applicant.</i>	
01/14/2019	Sitting as the District Council	postponed
01/15/2019	Sitting as the District Council	hearing held; referred for document
	<i>Henry Zhang, M-NCCPC, provided an overview of the Conceptual Site Plan application. Jim Chandler with the City of Hyattsville spoke in opposition as did Greg Smith and Daniel Muth. Norman Rivera, Esq., attorney for the applicant, spoke in support on behalf of the applicant as did the following individuals: Charlie Kenny, Nick Harris, Michael Romero, Brenda Cain, Alyce Thompson and Flawn Williams. 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 Mandatory Review Hearing was held and this item was referred to staff for preparation of an Order of Remand to the Planning Board (Vote: 11-0).</i>	

Attachment(s): [CSP-18002 Zoning Agenda Item Summary](#)
[CSP-18002 Planning Board Resolution 18-74](#)
 CSP-18002_PORL_Rev
[CSP-18002 Technical Staff Report Supplemental](#)

REFERRED FOR DOCUMENT (Continued)

[ERR-272](#)

Century Link, Inc. / Alan Ganey

Validation of CG Permit No. 6658-2015-1 Issued in Error

Applicant(s):

CenturyLink, Inc. / Alan Ganey

Location:

Located at 11700 Prospect Hill Road, Glen Dale, Maryland (3.36 Acres; R-R Zone).

Request:

Requesting approval for validation of CG Permit No. 6658-2015-01 issued in error, to construct an underground telecommunications vault on 4,372-square-feet of a 3.36-acre site.

Council District:

4

Appeal by Date:

1/10/2019

Action by Date:

4/30/2019

Opposition:

None

History:

12/11/2018	Zoning Hearing Examiner	approval
01/14/2019	Sitting as the District Council	postponed
01/15/2019	Sitting as the District Council	deferred
	<i>Council deferred this item to later in the agenda for procedural clarification.</i>	
01/15/2019	Sitting as the District Council	waived right to review
	<i>Motion to waive right to review failed (Vote: 0-11).</i>	
01/15/2019	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of an approving document in accordance with the Zoning Hearing Examiner's decision (Vote: 11-0).</i>	

Attachment(s):

[ERR-272 Zoning Agenda Item Summary](#)
[ERR-272 Zoning Hearing Examiner Decision](#)
 ERR-272 PORL

ITEM(S) FOR DISCUSSION**A-10046-C****Renard Lakes****Applicant(s):**

Strittmatter Properties, LLC / Renard Lakes Holdings, LLC

Location:

Northwest quadrant of the intersection of US 301 (Robert Crain Highway) and Dyson Road (167.84 Acres; R-S Zone).

Request:

Requesting approval of a Zoning Map Amendment to rezone approximately 167.84 acres of R-S (Residential Suburban) zoned land to the I-1 (Light Industrial) Zone.

Council District:

9

Appeal by Date:

8/13/2018

Action by Date:

3/13/2019

Opposition:

Darnetta Simmons, Jeffery Simmons and Matthew Hitt

History:

02/07/2018	M-NCPPC Technical Staff	disapproval
02/22/2018	M-NCPPC Planning Board	no motion to consider
07/13/2018	Zoning Hearing Examiner	approval with conditions
09/17/2018	Sitting as the District Council	elected to make the final decision
	<i>Council elected to make the final decision on this item (Vote 7-0; Absent: Council Members Glaros and Toles).</i>	
10/22/2018	Sitting as the District Council	hearing held; referred for document
	<i>Ivy Thompson, M-NCCPC, provided an overview of the Zoning Map Amendment application. Edward Gibbs, Esq., attorney for the applicant, spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, commented on the factual and legal arguments presented by the parties. The Oral Argument Hearing was held and Council referred this item to staff for preparation of a an approving document, with conditions (Vote 7-0; Absent: Council Members Harrison and Toles).</i>	
10/22/2018	Sitting as the District Council	approval with conditions
	<i>Council adopted the prepared Zoning Ordinance No. 13 - 2018 of approval, with conditions (Vote 7-0; Absent: Council Members Harrison and Toles).</i>	

11/06/2018 Clerk of the Council mailed
The Notice of Preliminary Conditional Zoning Approval of the District Council was mailed (requiring applicant to respond by January 22, 2019).

01/18/2019 Applicant filed
Edward C. Gibbs, Jr., attorney for the applicant, submitted a letter requesting a remand to the Zoning Hearing Examiner.

Attachment(s):

[CSP-18002 Zoning Agenda Item Summary](#)
[A-10046 - Zoning Hearing Examiner Decision](#)
A-10046-PORL

ITEM(S) FOR DISCUSSION (Continued)

[DSP-18017](#)

JDA Baltimore Avenue

Applicant(s):

JSF Management, LLC

Location:

Located on the west side of US 1 (Baltimore Avenue), in the northwest quadrant of the “T” intersection of US 1 and Hollywood Road, at 9604 Baltimore Avenue. The site is also within the Corridor Infill Character Area and is subject to the Development District Overlay (D-D-O) Zone standards found in the Central US 1 Corridor Sector Plan and SMA (0.88 Acres; C-S-C Zone).

Request:

Requesting approval of a Detailed Site Plan to modify the Table of Uses of the 2010 Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment (Central US 1 Corridor Sector Plan and SMA), to expressly permit a consolidated storage facility on the subject site and construct a 116,615-square-foot building.

Council District:

1

Appeal by Date:

9/4/2018

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:

07/11/2018	M-NCPPC Technical Staff	approval with conditions
07/26/2018	M-NCPPC Planning Board	approval with conditions
08/31/2018	Person of Record	appealed

Ms. Mary Cook, Mr. Oscar Gregory, Ms. Stasia Hutchison, and Myron Hutchison filed an appeal in opposition to the proposal and requested Oral Argument.

09/10/2018	Applicant	filed
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Edward, C. Gibbs, Esq., attorney for the applicant, filed a response to the August 31, 2018 appeal filed by Ms. Mary Cook, Mr. Oscar Gregory, Ms. Stasia Hutchison, and Myron Hutchison.

09/17/2018	Sitting as the District Council	hearing held; case taken under advisement
	<i>Henry Zhang, M-NCCPC, provided an overview of the Detailed Site Plan application. The following people spoke in opposition: Terry Schum on behalf of the College Park City Council, Mary Cook, Myron Hutchison, Stasia Hutchison and Oscar Gregory. Judy Blumenthal, Robert Duchene, Peter Moran and Edward Gibbs, Esq., attorney for the 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 by the parties. The Mandatory Review Hearing was held and Council took this item under advisement.</i>	
10/15/2018	Sitting as the District Council	deferred
	<i>Council deferred this item to October 22, 2018.</i>	
10/22/2018	Sitting as the District Council	referred for document
	<i>Council referred this item to staff for preparation of an approving order with conditions (Vote: 7-0; Absent: Council Members Harrison and Toles).</i>	
10/22/2018	Sitting as the District Council	approval with conditions
	<i>Council adopted the prepared Order of approval, with conditions (Vote 8-0; Absent: Council Member Harrison).</i>	
12/03/2018	Person of Record	filed
	<i>Mary Cook, et al., persons of record, filed a request for reconsideration of the District Council's final decision.</i>	
01/07/2019	Applicant	filed
	<i>Edward C. Gibbs, Jr, attorney for the applicant, submitted a letter in opposition to the request for reconsideration and a motion to dismiss the reconsideration request.</i>	

Attachment(s):[DSP-18017 Zoning Agenda Item Summary](#)[DSP-18017 District Council Final Decision](#)[DSP-18017 Planning Board Resolution 18-73](#)

DSP-18017_PORL

[DSP-18017 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION (Continued)[HPC-062-10](#)**Appeal of Decision of Historic Preservation Commission
Briarly Academy (Old Hotel) (Historic Resource - Area 62-10)****Applicant(s):**

Jumes House/Briarly Academy

Location:

Located off a rise of ground immediately east of Old Washington-Baltimore turnpike between Vansville and Muirkirk and identified as 11777 OLD Baltimore Pike, Beltsville, Maryland 20705.

Request:

The instant action involves the appeal of the Decision of the Historic Preservation Commission (“HPC”) to amend the July 1981 Historic Sites and Districts Plan, which included the subject property, the Briarly Academy (Old Hotel)(62-10) in its Historic Resource Inventory, by designating the Briarly Academy (Old Hotel) as a Historic Site in the Plan’s Inventory of Historic Sites.

Council District:

1

Appeal by Date:

6/15/2018

Action by Date:

1/28/2019

Opposition:

None

History:

05/31/2018

Zoning Hearing Examiner

approval

06/13/2018

Applicant

appealed

Joseph P. Suntum, Esq., Counsel for Elpis Sakaria, Owner, filed Exceptions to the Zoning Hearing Examiner's Decision and requested Oral Argument.

07/09/2018

Sitting as the District Council

announced hearing date

09/17/2018

Sitting as the District Council

announced hearing date

10/01/2018

Applicant

filed

Joseph P. Suntum, Esq. counsel for the owner, filed a request for a stay or postponement of the hearing, pending a decision from the Maryland Court of Special Appeals.

10/09/2018

Historic Preservation Commission

filed

John Peter Thompson, Chairman, HPC, submitted a letter in opposition to Ms. Sakaria's request for a stay and asked that the stay be denied.

10/15/2018	Sitting as the District Council	hearing held; case taken under advisement
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Howard Berger, HPC, M-NCPPC and Thomas Gross, HPC, M-NCPPC, provided an overview of the Historic Preservation Commission (HPC) Decision appeal. Joseph Suntum, Esq. attorney for the applicant, spoke in opposition to the designation. Bradley Farrar, attorney for the HPC, spoke in support of the designation on behalf of the HPC. Stan Brown, People's Zoning Counsel, commented on the factual and legal arguments presented by the parties. Council took this item under advisement.

01/14/2019	Sitting as the District Council	postponed
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01/15/2019	Sitting as the District Council	deferred
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Council deferred this item to January 28, 2019.

Attachment(s):

[HPC 062-010 - Zoning Hearing Examiner Decision](#)

HPC 062-010 - PORL

[HPC-062-10 Zoning Agenda Item Summary \(ZAIS\)](#)

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-4815****Hunt Real Estate Development****Applicant(s):**

HRES Capitol Heights, LLC

Location:

Located on the west side of Walker Mill Road, approximately 350 feet south of its intersection with Addison Road, also identified as 6618 Walker Mill Road, Capitol Heights, Maryland (43,273 square feet; C-S-C Zone).

Request:

Requesting approval of a Special Exception for permission to use approximately 43,273 square feet of land, in the C-S-C (Commercial Shopping Center) Zone for a Gas Station and an associated Food or Beverage Store (a permitted use).

Council District:

7

Appeal by Date:

2/25/2019

Review by Date:

2/25/2019

Opposition:

None

History:

08/29/2018	M-NCPPC Technical Staff	approval with conditions
09/20/2018	M-NCPPC Planning Board	no motion to consider
01/24/2019	Zoning Hearing Examiner	approval with conditions

Attachment(s):

[SE-4815 Zoning Agenda Item Summary](#)
[SE-4815 Zoning Hearing Examiner Decision](#)
 SE-4815 PORL

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**CNU-1143-2018****NICO Banquet Hall****Applicant(s):**

NICO Banquet Hall

Location:

Located on the east side of Old Branch Avenue, approximately 300 feet east of the intersection of Allentown Road, also identified as 6306 Old Branch Avenue, Temple Hills, Maryland (0.86 Acres; C-M / M-I-O Zones).

Request:

Requesting certification of a nonconforming use for an eating or drinking establishment with adult entertainment.

Council District:

8

Appeal by Date:

2/14/2019

Review by Date:

2/14/2019

History:

10/03/2018

M-NCPPC Technical Staff

disapproval

01/10/2019

M-NCPPC Planning Board

disapproval

Attachment(s):[CNU-1143-2018 Zoning Agenda Item Summary](#)[CNU-1143-2018 Planning Board Resolution 18-124](#)[CNU-1143-2018_PORL](#)[CNU-1143-2018 Technical Staff Report](#)[CNU-1143-2018 Case Material](#)

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 (Continued)**DSP-16032-01****SMO, Incorporated****Companion Case(s):** DDS-643**Applicant(s):** SMO, Incorporated**Location:** Located on the west side of Old Branch Avenue between Kirby Road and Arbutus Lane. More specifically, the property is located at 7505 and 7509 Old Branch Avenue in Clinton, Maryland (1.58 Acres; C-M / M-I-O Zones).**Request:** Requesting approval of a Detailed Site Plan for modification to site improvements for a one-story, 23-foot-high, 3,400-square-foot food and beverage store, a gas station with eight multi-product dispensers, and a 2,926-square-foot car wash.**Council District:** 9**Appeal by Date:** 12/20/2018**Review by Date:** 1/30/2019**History:**

10/10/2018	M-NCPPC Technical Staff	approval with conditions
11/15/2018	M-NCPPC Planning Board	approval with conditions
01/14/2019	Sitting as the District Council	postponed
01/15/2019	Sitting as the District Council	deferred

Council deferred this item to January 28, 2019.

Attachment(s): [DSP-16032-01 Zoning Agenda Item Summary](#)
[DSP-16032-01 Planning Board Resolution 18-104](#)
 DSP-16032-01 PORL
[DSP-16032-01 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 (Continued)**DDS-643****SMO, Incorporated**

Companion Case(s): DSP-16032-01

Applicant(s): SMO, Incorporated

Location: Located on the west side of Old Branch Avenue between Kirby Road and Arbutus Lane. More specifically, the property is located at 7505 and 7509 Old Branch Avenue in Clinton, Maryland (1.58 Acres; C-M / M-I-O Zones).

Request: Requesting approval of a Departure from Design Standards (DDS) for the purpose of seeking relief from Section 27-579(b) of the Zoning Ordinance for a loading space to be located within 50 feet of residentially-zoned land.

Council District: 9

Appeal by Date: 12/20/2018

Review by Date: 1/30/2019

History:

10/10/2018	M-NCPPC Technical Staff	approval
11/15/2018	M-NCPPC Planning Board	approval
01/14/2019	Sitting as the District Council	postponed
01/15/2019	Sitting as the District Council	deferred

Council deferred this item to January 28, 2019.

Attachment(s): [DDS-643 Zoning Agenda Item Summary](#)
[DDS-643 Planning Board Resolution 18-105](#)
 DDS-643_PORL
[DDS-643 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 (Continued)**DSP-17026****Marlboro Ridge. Phase 6****Applicant(s):**

Toll MD V Limited Partnership

Location:

The subject DSP is a portion of a larger development known as Marlboro Ridge, which is located on the southwest side of Ritchie Marlboro Road, approximately 2,500 feet south of its intersection with Westphalia Road. The area covered in the subject DSP is located in the northern portion of the property, west of the Potomac Electric Power Company (PEPCO) power line right-of-way that bisects the overall site (92.60 Acres; R-R / M-I-O Zones).

Request:

Requesting approval for a Detailed Site Plan to develop Phase 6 with 88 single-family attached (townhouses) and three single-family detached dwelling units.

Council District:

6

Appeal by Date:

2/14/2019

Review by Date:

2/14/2019

History:

11/29/2018

M-NCPPC Technical Staff

approval with conditions

01/10/2019

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-17026 Zoning Agenda Item Summary](#)[DSP-17026 Planning Board Resolution 18-129](#)

DSP-17026_PORL

[DSP-17026 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 (Continued)**SDP-1302-03****Parkside (formerly Smith Home Farm) Section 5 and 6****Applicant(s):**

SHF Project Owner, LLC

Location:

The larger Parkside (formerly known as Smith Home Farm) subdivision is a tract of land consisting of wooded undeveloped land and active farmland, located approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue). Sections 5 and 6, totaling approximately 147.79 acres, are located in the far southeastern portion of the larger Parkside development, south of the central park and Blythewood site, on both sides of Woodyard Road (MC-632) (147.79 Acres; R-M / M-I-O).

Request:

Requesting approval of a Specific Design Plan for infrastructure for an additional 134 single-family attached units and 86 two-family attached units in Section 5, which has an approved SDP for 159 single-family attached (townhouse) units, and 274 single-family attached units and 32 single-family detached units in Section 6 for a subtotal of 526 dwelling units and 599 lots. The grand total of dwelling units in Sections 5 (including the previously approved 159 units) and Section 6 will be 685.

Council District:

6

Appeal by Date:

2/15/2019

Review by Date:

2/15/2019

History:

11/28/2018

M-NCPPC Technical Staff

approval with conditions

01/10/2019

M-NCPPC Planning Board

approval with conditions

Attachment(s):[SDP-1302-03 Zoning Agenda Item Summary](#)[SDP-1302-03 Planning Board Resolution 18-130](#)

SDP-1302-03_PORL

PENDING FINALITY (Continued)**(c) PLANNING BOARD'S REPRESENTATIVE**

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

CNU-52991-2018-U**8601 Central Avenue Capitol Heights****Applicant(s):**

April Mackoff, Clear Channel Outdoor

Location:

Located on the south side of Central Avenue, approximately 1150 feet east of the intersection of Central Avenue and Ritchie Road, also identified as 8601 Central Avenue, Capitol Heights, Maryland (1.056 Acres; I-1 / D-D-O Zones).

Request:

Requesting Certification of Nonconforming Use for existing outdoor advertising signs 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 1987.

Council District:

6

Review by Date:

2/19/2019

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:

01/18/2019

M-NCPPC Administrative Certification approval

Attachment(s):[CNU-52991-2018-U Zoning Agenda Item Summary](#)**ADJOURN**[ADJ8-19](#)**Adjourn**