



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, January 28, 2019

10:00 AM

Council Hearing Room

9:43 AM AGENDA BRIEFING - (ROOM 2027)

The agenda briefing convened at 9:43 a.m.

10:10 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 10:10 a.m. with nine members present at roll call. Council Member Taveras arrived at 10:26 a.m. Council Member Franklin was absent due to the passing of his mother.

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

INVOCATION

The Invocation was provided by Reverend Rochelle Andrews, Minister, Community Engagement University United Methodist Church, College Park, MD. Council Member requested prayer for Council Member Franklin and family in the passing of his mother. Council Member requested prayer for victims of traffic accidents on Route 210 and continued prayer for government workers who have been released from furlough.

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Anderson-Walker.

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 01152019](#)

District Council Minutes dated January 15, 2019

A motion was made by Council Member Davis, seconded by Council Member Glaros, that this be approved. The motion carried by the following vote:

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

Absent: Franklin and Taveras

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:

Taslina Alam, M-NCPPC, provided an overview of the Zoning Map Amendment application. Michael Nagy, 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. Council took this item under advisement.

This Zoning Map Amendment hearing was held and the case was taken under advisement.

Attachment(s): [A-10000-C-01 AmendCond Zoning Agenda Item Summary](#)
[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:**

Council deferred this item to February 11, 2019.

This Zoning Map Amendment was deferred**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):** Werrlein 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:**

Council adopted the prepared Order of Remand to the Planning Board (Vote: 10-0; Absent: Council Member Franklin).

A motion was made by Council Member Taveras, seconded by Council Member Glaros, that this Conceptual Site Plan be remanded. The motion carried by the following vote:

Aye: 10 - Turner, Anderson-Walker, Davis, Dernoga, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Absent: Franklin

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:

Council adopted the prepared Zoning Ordinance No. 1 - 2019 validating CG Permit No. 6658-2015-1 Issued in Error (Vote: 10-0; Absent: Council Member Franklin).

A motion was made by Chair Turner, seconded by Council Member Davis, that this Permit issued in error be approved. The motion carried by the following vote:

Aye: 10 - Turner, Anderson-Walker, Davis, Dernoga, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Absent: Franklin

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:

Stan Brown, People's Zoning Counsel, suggested that action on this item be deferred until Council Member Franklin was present for the discussion. Council deferred this item to February 11, 2019.

This Zoning Map Amendment was deferred.

- Attachment(s):** [A-10046 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:**

Stan Brown, People's Zoning Counsel, provided a procedural overview of the request for reconsideration including related timelines and the appropriate evaluation criteria. Rajesh Kumar, outlined the process followed in serving the decision to all persons of record, the notice that would apply if Council granted a reconsideration hearing, and responded to questions posed by the Council. Council deferred this item to the end of the agenda.

This Detailed Site Plan was deferred to the end of he agenda..

Council denied the reconsideration request (Vote: 6-4; Opposed: Council Members Anderson-Walker, Dernoga, Harrison, and Ivey; Absent: Council Member Franklin)

A motion was made by Council Member Davis, seconded by Council Member Hawkins, that the request for reconsideration of this Detailed Site Plan be denied . The motion carried by the following vote:

Aye: 6 - Turner, Davis, Glaros, Hawkins, Streeter and Taveras

Nay: 4 - Anderson-Walker, Dernoga, Harrison and Ivey

Absent: Franklin

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:

Raj Kumar, Principal Counsel to the District Council, clarified the provisions of the court ruling in this case. Council referred item to staff for preparation of a disapproving document (Vote: 10-0; Absent: Council Member Franklin).

A motion was made by Council Member Dernoga, seconded by Council Member Ivey, that this Historic Site Designation be referred for document. The motion carried by the following vote:

Aye: 10 - Turner, Anderson-Walker, Davis, Dernoga, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Absent: Franklin

Council adopted the prepared Order of Disapproval of the Historic Site Designation (Vote: 10-0; Absent: Council Member Franklin).

A motion was made by Council Member Dernoga, seconded by Council Member Davis, that this Historic Site Designation be disapproved. The motion carried by the following vote:

Aye: 10 - Turner, Anderson-Walker, Davis, Dernoga, Glaros, Harrison,
Hawkins, Ivey, Streeter and Taveras

Absent: Franklin

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:

Council deferred this item to February 11, 2019.

This Special Exception was deferred.

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

Council waived its right to elect to review.

A motion was made by Council Member Anderson-Walker, seconded by Council Member Davis, to waive Council's election to review for this Certification of a Nonconforming Use. The motion carried by the following vote:

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

Absent: Franklin and Streeter

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)**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:

Council waived its right to elect to review.

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

Aye: 10 - Turner, Anderson-Walker, Davis, Dernoga, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Absent: Franklin

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:

Council deferred this item to February 11, 2019.

This Detailed Site Plan was deferred.

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:

Council deferred this item to February 11, 2019.

This Specific Design Plan was deferred.

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:

Council waived its right to elect to review.

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

Aye: 10 - Turner, Anderson-Walker, Davis, Dernoga, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Absent: Franklin

Attachment(s): [CNU-52991-2018-U Zoning Agenda Item Summary](#)

[EX 01142019](#)

Motion to convene in executive session to consult with counsel to seek legal advice and to discuss pending or potential litigation in accordance with section 3-305(b)(7, 8), General Provisions Article, Annotated Code of Maryland.

History:

On 1/15/2019, a motion was made by Council Member Davis, seconded by Council Member Dernoga, to convene into Executive Session. The motion carried by the following vote: Aye: 11, Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter, and Taveras.

The Chair read the following closing statement/motion to convene in executive session: "Motion to convene in executive session pursuant to section 3-305(b)(7)–(8), general provisions article, annotated code of maryland, only to discuss pending or potential litigation and to consult with counsel to seek legal advice, specifically, to be briefed by counsel as to and to discuss status of court rulings involving the prince george's county council recently issued by the court of special appeals of maryland and the circuit court for prince george's county, maryland." The Executive Session was held (See District Council Minutes dated January 28, 2019 for details).

Date of Executive Session: January 15, 2019

Beginning Time: 3:18 p.m.

Ending Time: 4:10 p.m.

Members Present:

CM Turner, Chairman, CM Streeter, Vice-Chairman, CM Franklin, CM Davis, CM Hawkins, CM Ivey, CM Taveras, CM Harrison, CM Anderson-Walker, CM Glaros, CM Dernoga,

Others Present: Robert Williams, Jr., William Hunt, Karen Campbell, Ree Floyd, Raj Kumar, Ellis Watson, Leroy D. Maddox, Jr.

Topics Discussed:

- 1. Price, et al. v. County Council, et al – Appeal No. 2489, September Term 2017, Court of Special Appeals of Maryland.*
- 2. NRG MD Ash Management, LLC v. County Council – Court of Special Appeals (No Appeal case number assigned yet).*
- 3. X4B Shriners United v. County Council – CAL15-20084, Circuit Court for Prince George's County*
- 4. McIlvane, et al. v. County Council – CAL18-10805, Circuit Court for Prince George's County*
- 5. Elpis Sakaria v. Prince George's County – Appeal No. 2362, September 2016, Court of Special Appeals*

6. *Subregion 5 & 6 Cases – (Consolidated cases on remand from Court of Special Appeals and Circuit Court for Prince George’s County)*

7. *Davona Grant, et al. v. County Council – Appeal No. 809, September Term 2017, Court of Special Appeals*

Vote Closing the Meeting pursuant to Section 3-305(b) (7,8): 11 - 0

This Executive Session Summary was provided.

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Redis C. Floyd, Clerk of the Council