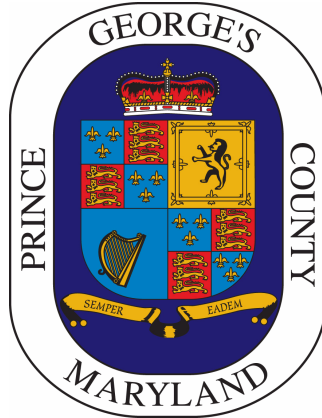


Prince George's County Council

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



Zoning Agenda - Final

(9:30 AM Agenda Briefing Rm 2027)

Monday, July 8, 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.

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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

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 06172019](#)

District Council Minutes dated June 17, 2019

[MINDC 06182019](#)

District Council Minutes dated June 18, 2019

ORAL ARGUMENTS

[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.

06/10/2019

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.

Attachment(s):

[ROW- Royal Farms ZHE Decision](#)

ROW - Royal Farms PORL

ORAL ARGUMENTS (Continued)[A-10049](#)**Khan Property****Applicant(s):**

Khan Properties, LLC

Location:

Located at the northwest quadrant of the intersection of U.S. 301 (Robert Crain Highway) and Missouri Avenue. Also, identified as 203 Crain Highway, Brandywine, Maryland (4.592 acres; R-R Zone).

Request:

Requesting approval of a Zoning Map Amendment to rezone approximately 4.592 acres of R-R (Rural Residential) zoned land to the C-M (Commercial Miscellaneous) Zone.

Council District:

9

Appeal by Date:

5/29/2019

Action by Date:

10/28/2019

Opposition:

None

History:

11/20/2018	M-NCPPC Technical Staff	disapproval
12/13/2018	M-NCPPC Planning Board	no motion to consider
04/29/2019	Zoning Hearing Examiner	approval with conditions
05/29/2019	Applicant	appealed

Edward C. Gibbs, Jr., Esq., attorney for the applicant, filed an exception to the Zoning Hearing Examiner's Decision related to Condition 2 and requested Oral Argument.

06/10/2019	Sitting as the District Council	announced hearing date
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Attachment(s):[A-10049 ZHE Decision](#)

A-10049 PORL

[A-10049 Technical Staff Report](#)

NEW CASE(S)[ERR-275](#)**Carrollton Manor Apartments****Validation of Permits No. M-549, 558-74PP, and CM-54281****Issued in Error****Applicant(s):**

HGLC, LLLP / Carrollton Manor Apartments

Location:

Located within an area governed by the New Carrollton Transportation Development Overlay Zone ("TDOZ"). A portion of the subject property lies within the municipal boundaries of the City of New Carrollton. (7.7992 Acres; R-18 Zone).

Request:

Requesting approval for validation of Permits No. M-549, 558-74PP, and CM-54281 issued in error by the Department of Permitting, Inspections and Enforcement ("DPIE") and the City of New Carrollton, respectively to allow the rental of 187 apartment dwelling units within five (5) buildings.

Council District:

3

Appeal by Date:

6/24/2019

Action by Date:

10/21/2019

Municipality:

City of New Carrollton

Opposition:

None

History:

05/23/2019

Zoning Hearing Examiner

approval with conditions

Attachment(s):[ERR-275 Zoning Hearingg Examiners Decision](#)

ERR-275 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[ERR-277](#)**Juan Cruz Quispe****Validation of Multi-Family Rental Housing License M-993****Applicant(s):**

Juan Cruz Quispe

Location:

Located approximately 400 feet east of the intersection of Lindendale Drive and Baltimore Avenue (US 1), also identified as 8412 Lindendale Drive, Laurel, Maryland (.344 Acres; R-55 Zone).

Request:

Requesting approval for validation of Prince George's County's Multi-Family Rental Housing License No. M-993, issued in error on December 1, 2015 for two multi-family dwelling units.

Council District:

1

Appeal by Date:

6/14/2019

Action by Date:

10/15/2019

Opposition:

None

History:

05/15/2019

Zoning Hearing Examiner

approval

06/17/2019

Sitting as the District Council

referred for document

*Council referred item to staff for preparation of an approving document in accordance with the Zoning Hearing Examiner's decision (Vote: 10-0; Absent: Council Member Franklin).***Attachment(s):**[ERR-277 Zoning Hearing Examiner's Decision](#)

ERR-277_PORL

ITEM(S) FOR DISCUSSION[CNU-27104-2017](#)**Brandon Investments****Applicant(s):**

Moises Arias / Brandon Investments, LLC

Location:

On the north side of Fairview Avenue, approximately 0.25 mile west of the intersection of Fairview Avenue and MD 410 (East West Highway) (10,804 Square feet, R-18 Zone).

Request:

Requesting approval of certification of a nonconforming use for a six-unit multifamily dwelling in the R-18 Zone.

Council District:

2

Appeal by Date:

4/25/2019

Review by Date:

4/25/2019

Action by Date:

9/16/2019

History:

02/12/2019

M-NCPPC Technical Staff

approval

03/21/2019

M-NCPPC Planning Board

approval

04/15/2019

Sitting as the District Council

elected to review

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

06/17/2019

Sitting as the District Council

hearing held; case taken under advisement

Ras Cannady, II, M-NCPPC, provided an overview of the CNU application. Moises Arias, 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.

Attachment(s):[CNU-27104-2017 Planning Board Resolution 19-27](#)[CNU-27104-2017_PORL](#)[CNU-27104-2017 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.

PLANNING BOARD**[CNU-15676-2018](#)****Kay Cares Child Care Center****Applicant(s):**

Oluwafunke Gbadamosi

Location:

Located in the southeast quadrant of the intersection of Palmer Road and MD 210 (Indian Head Highway) (38,768 square feet; R-18 Zone).

Request:

Requesting approval for certification of a nonconforming use (CNU) for a day care center for 75 children.

Council District:

8

Appeal by Date:

7/11/2019

Review by Date:

7/11/2019

History:

04/30/2019	M-NCPPC Technical Staff	disapproval
06/06/2019	M-NCPPC Planning Board	approval
06/17/2019	Sitting as the District Council	deferred

Council deferred this item to July 8, 2019.

Attachment(s):

[CNU-15676-2018 Planning Board Resolution](#)
[CNU-15676-2018_PORL](#)
[CNU-15676-2018 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.

PLANNING BOARD (Continued)**CSP-03001-01****Balk Hill Village****Applicant(s):**

Balk Hill Ventures

Location:

Located in the northeast corner of the intersection of MD 202 (Landover Road) and Saint Joseph's Drive. (125.4 Acres; M-X-T Zone).

Request:

Requesting approval of a Conceptual Site Plan (CSP) amendment for Balk Hill Centre to revise the uses on Parcels 1 and 2 to reduce the commercial square footage to 65,000 to 100,000 square feet and add 284 multifamily dwelling units.

Council District:

5

Appeal by Date:

7/25/2019

Review by Date:

7/25/2019

History:

05/14/2019

M-NCPPC Technical Staff

approval with conditions

06/20/2019

M-NCPPC Planning Board

approval with conditions

Attachment(s):[CSP-03001-01 Planning Board Resolution 19-71](#)

CSP-03001-01_PORL

[CSP-03001-01 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.

PLANNING BOARD (Continued)**CSP-18004****Clinton Market Place North****Applicant(s):**

Piscataway Clinton LLC

Location:

Located in the southwest corner of the intersection of MD 223 (Piscataway Road) and Brandywine Road (21.26 Acres; M-X-T / M-I-O Zones).

Request:

Requesting approval of a Conceptual Site Plan (CSP) for Clinton Market Place North for a mixed-use development consisting of 100-200 one-family attached (townhouses), 40-100 two-family attached (two-over-two condominium) dwelling units, and 35,000-70,000 square feet of commercial/retail uses.

Council District:

9

Appeal by Date:

7/11/2019

Review by Date:

7/11/2019

History:

04/24/2019	M-NCPPC Technical Staff	approval with conditions
06/06/2019	M-NCPPC Planning Board	approval with conditions
06/17/2019	Sitting as the District Council	deferred

Council deferred this item to July 8, 2019.

Attachment(s):

[CSP-18004 Planning Board Resolution 19-62](#)

CSP-18004_PORL

[CSP-18004 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.

PLANNING BOARD (Continued)**DSP-15031-01****EZ Storage College Park**

Companion Case(s): DDS-648; DPLS-459

Applicant(s): Siena Corporation

Location: Located on the south side of Branchville Road approximately 1,800 feet east of its intersection with Rhode Island Avenue (1.82 Acres; I-2 Zone).

Request: Requesting for approval of a Detailed Site Plan (DSP) for a 122,190-square-foot, 950-unit consolidated storage facility on 1.82 acres, including variances to Section 27-474(b) of the Prince George's County Zoning Ordinance for minimum setback from the street, and Section 27-475.04(a)(1)(c) of the Zoning Ordinance for maximum building height.

Council District: 1

Appeal by Date: 7/18/2019

Review by Date: 7/18/2019

History:

05/07/2019 M-NCPPC Technical Staff approval with conditions

06/13/2019 M-NCPPC Planning Board approval with conditions

Attachment(s): [DSP-15031-01 Planning Board Resolution 19-65](#)

DSP-15031-01 PORL

[DSP-15031-01 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.

PLANNING BOARD (Continued)**DDS-648****EZ Storage College Park**

Companion Case(s): DPLS-459; DSP-15031-01

Applicant(s): Siena Corporation

Location: Located on the south side of Branchville Road approximately 1,800 feet east of its intersection with Rhode Island Avenue (1.82 Acres; I-2 Zone).

Request: Requesting approval of a Departure from Design Standards (DDS), from the requirements of Section 27-578(a) of the Prince George's County Zoning Ordinance, to allow the loading space size to be reduced to 10 feet wide by 20 feet long.

Council District: 1

Appeal by Date: 7/18/2019

Review by Date: 7/18/2019

History:

05/07/2019 M-NCPPC Technical Staff approval

06/13/2019 M-NCPPC Planning Board approval

Attachment(s): [DDS-648 Planning Board Resolution 19-67](#)

DDS-648_PORL

[DDS-648_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.

PLANNING BOARD (Continued)**DPLS-459****EZ Storage College Park**

Companion Case(s): DDS-648; DSP-15031-01

Applicant(s): Siena Corporation

Location: Located on the south side of Branchville Road approximately 1,800 feet east of its intersection with Rhode Island Avenue (1.82 Acres; I-2 Zone).

Request: Requesting approval of a Departure from Parking and Loading Standards (DPLS), from the requirements of Section 27-568(a) of the Prince George's County Zoning Ordinance, to provide a reduced number of parking spaces.

Council District: 1

Appeal by Date: 7/18/2019

Review by Date: 7/18/2019

History:

05/07/2019 M-NCPPC Technical Staff approval

06/13/2019 M-NCPPC Planning Board approval

Attachment(s): [DPLS- Planning Board Resolution 19-66](#)

DPLS-459 PORL

[DPLS-459 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.

PLANNING BOARD (Continued)**DSP-05036-03****Villages of Savannah****Applicant(s):**

Mid-Atlantic Builders, Inc.

Location:

Located on the west side of Brandywine Road, approximately 5,000 feet north of the intersection of Brandywine Road and Floral Park Road (518.16 Acres; R-R Zone).

Request:

Requesting approval of a Detailed Site Plan (DSP) to revise the recreational facilities and the on-site trail network for a 357 single-family detached cluster subdivision.

Council District:

9

Appeal by Date:

7/25/2019

Review by Date:

7/25/2019

History:

05/14/2019

M-NCPPC Technical Staff

approval with conditions

06/20/2019

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-05036-03 Planning Board Resolution 19-70](#)[DSP-05036-03 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.

PLANNING BOARD (Continued)[DSP-17007](#)**College Park Metro Apartments Expedited Transit-Oriented Development Project****Applicant(s):**

Robert Gilbane

Location:

Located on the west side of River Road, immediately south of the College Park Metro Station, approximately 530 feet south of the intersection of River Road and Campus Drive. The subject property is also located in the Metro Core Area of the 2015 Approved College Park-Riverdale Transit District Development Plan (College Park-Riverdale TDDP) (5.58 Acres; M-U-I / T-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan (DSP) proposing to construct a five-story, vertical, mixed-use building with 451 dwelling units and approximately 4,998 square feet of ground-floor commercial/retail space.

Council District:

3

Appeal by Date:

7/25/2019

Review by Date:

7/25/2019

Comment(s):

Expedited TOD:

This case is designated for expedited review in accordance with Sections 27-107-01(a)(242.2)(B) and 27-290.01.

Municipality:

City of College Park

History:

05/29/2019

M-NCPPC Technical Staff

approval with conditions

06/20/2019

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-17007 Planning Board Resolution 19-74](#)

DSP-17007_PORL

[DSP-17007 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.

DSP-14026-02**Amore Apollo Expedited Transit-Oriented Development****Applicant(s):**

Ascend Apollo, LLC

Location:

Located in the northwest quadrant of the intersection of Harry S. Truman Drive and Lottsford Road. (19.75 Acres; M-X-T / D-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan (DSP) amendment for the Phase II mixed-use building and includes a revision of the architecture, a modification of the building footprint, and a reduction in the number of dwelling units from 422 to 379, while retaining 4,489 square feet of commercial/retail uses.

Council District:

6

Appeal by Date:

8/1/2019

Review by Date:

8/1/2019

Comment(s):

Expedited TOD:

This case is designated for expedited review in accordance with Sections 27-107-01(a)(242.2)(B) and 27-290.01.

History:

06/04/2019

M-NCPPC Technical Staff

approval with conditions

06/27/2019

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-14026-02 Planning Board Resolution 19-75](#)[DSP-14026-02 Technical Staff Report](#)**ADJ88-19****ADJOURN**