



Prince George's County Council

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

Zoning Minutes - Draft Sitting as the District Council

Todd M. Turner, Council 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, Vice Chair, At-Large

Jolene Ivey, District 5

Rodney C. Streeter, District 7

Deni L. Taveras, District 2

Robert J. Williams, Jr., Council Administrator

Monday, November 9, 2020

10:00 AM

VIRTUAL MEETING

VIEW USING THE LINK PROVIDED AT: <https://pgccouncil.us/LIVE>

10:00 AM CALL TO ORDER - (COUNCIL HEARING ROOM)

Pursuant to the provisions of Sections 27-131 and 27-132(a) of the Zoning Ordinance, the District Council meeting was convened virtually by Council Chair Turner at 10:00 a.m. with ten members present at roll call. Council Member Davis arrived at 10:02 a.m.

Present: 11 - Council Chair Todd Turner
Council Member Monique Anderson-Walker
Council Member Derrick Davis
Council Member Thomas Dernoga
Council Member Mel Franklin
Council Member Dannielle Glaros
Council Member Sydney Harrison
Vice Chair Calvin S. Hawkins
Council Member Jolene Ivey
Council Member Rodney Streeter
Council Member Deni Taveras

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, Clerk of the Council

Leonard Moses, Zoning Assistant, Office of the Clerk

James Walker-Bey, Zoning Reference Aide, Office of the Clerk

Theresa Myers, Legislative Assistant, Office of the Clerk

Ellis Watson, Legislative Officer

M-NCPPC

Jill Kosack, Supervisor, Development Review Division

Sherri Conner, Supervisor, Development Review Division

Tom Burke, Development Review Division

Adam Bossie, Development Review Division

APPROVAL OF DISTRICT COUNCIL MINUTES

MINDC 10262020 District Council Minutes dated October 26, 2020

A motion was made by Council Member Harrison, seconded by Council Member Streeter, that the Minutes be approval. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Attachment(s): [10-26-2020 District Council Minutes DRAFT](#)

ORAL ARGUMENTS**DSP-19031****7-Eleven Branch Avenue****Applicant(s):** 7-Eleven, Inc.**Location:** Located on the east side of MD 5 (Branch Avenue), south of MD 373 (Accokeek Road) and MD 38(Brandywine Road), and to the west of MD 631 (Old Brandywine Road) (2.00 Acres; C-M / C-S-C Zones).**Request:** Requesting approval of a Detailed Site Plan (DSP), to develop the site with a 3,484-square-foot food and beverage store, a gas station, and a 982-square-foot car wash.**Council District:** 9**Appeal by Date:** 10/15/2020**Review by Date:** 10/15/2020**Action by Date:** 1/4/2021**History:**

Thomas Burke, M-NCPPC, provided an overview of Detailed Site Plan application. Abdullah Hijazi, Esq., attorney for the applicant, spoke in support. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented. The 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-19031 Zoning Agenda Item Summary](#)
[DSP-19031 Presentation Slides](#)
[DSP-19031 Letter from Hijazi to Brown \(10232020\)](#)
[DSP-19031 District Council Notice of Hearing](#)
[DSP-19031 Transcripts](#)
[DSP-19031 Planning Board Resolution](#)
DSP-19031_PORL
[DSP-19031 Technical Staff Report](#)
[DSP-19031 Planning Board Record](#)

ORAL ARGUMENTS (Continued)**SDP-1803 7-Eleven at Brandywine Village**

Applicant(s): 7-Eleven, Inc.

Location: Located at the northwest corner of the intersection of Chadds Ford Drive and US 301 (Robert Crain Highway) (1.14 Acres; L-A-C Zone).

Request: Requesting approval of a Specific Design Plan (SDP) for a 3,062-square-foot food and beverage store and a gas station in the Local Activity Center (L-A-C) Zone.

Council District: 9

Appeal by Date: 10/15/2020

Review by Date: 10/15/2020

Action by Date: 1/4/2021

History:

Adam Bossi, M-NCPPC, provided an overview of the Specific Design Plan application. Suhani Chitalia, Esq., and William Piermattei, Esq., attorneys for appellants, spoke in opposition, along with Ms. Jennifer Jackson and Ms. Jamila Balamani. Arthur J. Horne, Jr., Esq., attorney for the applicant, spoke in support. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented. The hearing was held and Council took this case under advisement.

This Specific Design Plan hearing was held and the case was taken under advisement.

Attachment(s): [SDP-1803 Zoning Agenda Item Summary](#)
[SDP-1803 Presentation Slides](#)
[SDP-1803_email_Appeal Letter Davis Jackson et al to Brown 10152020](#)
[SDP-1803_Appeal Letter Davis Jackson et al to Brown 10152020](#)
[SDP-1803 District Council Notice of Hearing](#)
[SDP-1803 Transcripts](#)
[SDP-1803 Planning Board Resolution](#)
SDP-1803_PORL
[SDP-1803 Technical Staff Report](#)
[SDP-1803 Planning Board Record](#)

REFERRED FOR DOCUMENT**A-9988-C-01****The Villages at Timothy Branch****Applicant(s):** Timothy Brandywine Investments One LLC**Location:** Located east of US Route 301 (Crain Highway) and MD 5 (Branch Avenue) on the south side of Brandywine Road in the eastern and western quadrants of its interaction with Mattawoman Drive (72.43 Acres; L-A-C / M-I-O Zones).**Request:** Requesting approval to amend the Basic Plan for the Villages at Timothy Branch to expand the Mixed Retirement Development and remove all non-residential uses, and amend the conditions of approval, pursuant to 27-197(c) of the Zoning Ordinance, on approximately 72.42 acres of land in the L-A-C (Local Activity Center Zone).**Council District:** 9**Appeal by Date:** 11/2/2020**Action by Date:** 11/30/2020**Opposition:** None**History:**

Council adopted the prepared Zoning Ordinance No. 5 -2020 of approval, with conditions (Vote: 11-0).

A motion was made by Council Member Harrison, seconded by Council Member Davis, that this Zoning Map Amendment be approved with conditions. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Attachment(s): [A-9988-01 Zoning Agenda Item Summary](#)
[A-9988-C-01 Zoning Hearing Examiner Decision \(Corrected 2\)](#)
[A-9988-C-01 Zoning Hearing Examiner Decision with ERRATA](#)
[A-9988-C-01 Zoning Hearing Examiner Decision](#)
A-9988-C-01 PORL
[A-9988-01 Technical Staff Report](#)
A-9988-01 Letter to Tedesco - signed
A-9988-01 Amendment to Application

REFERRED FOR DOCUMENT (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:** Applicant is requesting Reconsideration of the October 7, 2019 District Council Final Decision approving 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**Action by Date:** 10/7/2019**History:**

Council adopted the prepared order denying the reconsideration hearing (Vote: 11-0).

A motion was made by Council Member Dernoga, seconded by Council Member Anderson-Walker, that this Detailed Site Plan be denied for reconsideration hearing. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Attachment(s): [DSP-15031-01 Zoning Agenda Item Summary](#)
[DSP-15031-01 Court Line of Dismissal - Ez Storage](#)
[DSP-15031-01 Planning Board Resolution 19-65](#)
DSP-15031-01 PORL
[DSP-15031-01 Technical Staff Report](#)
DSP-15031-01 EZ STORAGE FINAL

REFERRED FOR DOCUMENT (Continued)**SDP-1601-03 Parkside, Section 4**

Applicant(s): SHF Project Owner, LCC

Location: Located in the north-central portion of the development, north of Central Park Drive at the terminus of Melwood Road, approximately 1,570 feet south of its intersection with Westphalia Road (96.49 Acres; R-M / M-I-O Zones).

Request: Requesting approval of a Specific Design Plan (SDP) for a mixed retirement development (MRD) consisting of 188 single-family detached and 96 single-family attached dwelling units, for Parkside, Section 4, which is part of the larger Parkside development.

Council District: 6

Appeal by Date: 9/4/2020

Review by Date: 9/30/2020

Action by Date: 11/20/2020

History:

Council deferred this item.

This Specific Design Plan was deferred.

Attachment(s): [SDP-1601-03 Zoning Agenda Item Summary](#)
[SDP-1601-03 Presentation Slides](#)
[SDP-1601-03 Planning Board Resolution 2020-123](#)
[SDP-1601-03_PORL](#)
[SDP-1601-03 Technical Staff Report](#)
[SDP-1603-03 Planning Board Record](#)
[SDP-1601-03 Transcripts](#)
[SDP-1601-03 District Council Notice of Hearing](#)

REFERRED FOR DOCUMENT (Continued)

SE-4733

Walmart #2799 (Clinton)**Applicant(s):** Walmart Real Estate Business Trust**Location:** The subject site is an approximately 23.4 acre portion of a larger developed site identified as Clinton Plaza, now known as the Woodyard Crossing Shopping Center. The Shopping Center is located in the northwest quadrant of the intersection of Branch Avenue (MD 5) and Woodyard Road (MD 223). Walmart currently occupies a 134,241 square foot freestanding structure located on the northernmost portion of the developed site as a permitted use.**Request:** Requesting approval of a Special Exception to use approximately 23.9 acres of land (part of the approximately 64 acre development known as Woodyard Crossing Shopping Center) in the C-S-C (Commercial Shopping Center) Zone, Clinton, Maryland, for a Department or Variety Store combined with Food and Beverage Store, in excess of 125,000 square feet (an approximately 171,634 square foot store is being proposed).**Council District:** 9**Appeal by Date:** 6/13/2016**Review by Date:** 6/13/2016**Action by Date:** 11/10/2016**Comment(s):** Special Exception 4733 and Variance 4733 - On Remand from the Circuit Court for Prince George's County, Maryland – Case No. CAL16-30078**Opposition:** Donald Hancock, et. al.**History:**

Council adopted the prepared order of approval, with conditions in accordance with the Court remand (Vote: 10-1; Against: Council Member Taveras).

A motion was made by Council Member Harrison, seconded by Council Member Streeter, that this Special Exception be approved with conditions. The motion carried by the following vote:

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

Nay: 1 - Taveras

Attachment(s): [SE-4733 Zoning Agenda Item Summary](#)
[SE 4733 District Council Final Decision 07192016](#)
[SE-4733 Zoning AIS 10062016](#)
[SE-4733 Zoning Hearing Examiner Decision](#)
SE-4733 PORL

ITEM(S) FOR DISCUSSION**DSP-04067-09 Woodmore Commons****Companion Case(s):** DDS-669**Applicant(s):** Balk Hill Ventures, LLC**Location:** Located at the northeast quadrant of the intersection of Ruby Lockhart Boulevard and Saint Joseph's Drive (9.34 Acres; M-X-T Zone).**Request:** Requesting approval of a Detailed Site Plan (DSP) for the development of five multifamily residential buildings, including 268 dwelling units, a 5,000-square-foot clubhouse, and surface parking.**Council District:** 5**Appeal by Date:** 8/17/2020**Review by Date:** 9/21/2020**Action by Date:** 11/13/2020**History:**

Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0-1; Absent: Council Member Ivey; Abstain: Council Member Dernoga).

A motion was made by Vice Chair Hawkins, seconded by Council Member Davis, that this Detailed Site Plan be referred for document. The motion carried by the following vote:

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

Absent: Ivey

Abstain: 1 - Dernoga

Attachment(s): [DSP-04067-09 Zoning Agenda Item Summary](#)
[DSP-04067-09 Presentation Slides](#)
[DSP-04067-09 Planning Board Resolution NO. 2020-76](#)
DSP-04067-09 POR List
[DSP-04067-09 Technical Staff Report](#)
[DSP-04067-09 Transcripts](#)
[DSP-04067-09 District Council Notice of Hearing](#)

ITEM(S) FOR DISCUSSION (Continued)**DDS-669****Woodmore Commons****Companion Case(s):** DSP-04067-09**Applicant(s):** Balk Hill Ventures, LLC**Location:** Located at the northeast quadrant of the intersection of Ruby Lockhart Boulevard and Saint Joseph's Drive (9.34 Acres; M-X-T Zone).**Request:** Requesting approval of a Departure from Design Standards (DDS) that requests a reduction of the standard parking space size to 9 feet by 18 feet.**Council District:** 5**Appeal by Date:** 8/17/2020**Review by Date:** 9/21/2020**Action by Date:** 11/13/2020**History:**

Council referred item to staff for preparation of an approving document, with conditions (Vote: 10-0; Absent: Council Member Ivey).

A motion was made by Vice Chair Hawkins, seconded by Council Member Davis, that this Departure from Design Standards be referred for document. The motion carried by the following vote:

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

Absent: Ivey

Attachment(s): [DDS-669 Zoning Agenda Item Summary](#)
[DDS-669 Presentation Slides](#)
[DDS-669 Planning Board Resolution NO. 2020-77](#)
DDS-669 POR List
[DDS-669 Technical Staff Report](#)
[DDS-669 Transcripts](#)
[DDS-669 District Council Hearing Notice](#)

ITEM(S) FOR DISCUSSION (Continued)**SE-4811 Contee Estate Assisted Living, LLC. / Marie Abayomi-Cole**

Applicant(s): Contee Estate Assisted Living, LLC. / Marie Abayomi-Cole

Location: Located on the south side of Veronica Lane, approximately 200 feet southeast of its intersection with Contee Road also identified as 7111 Veronica Lane, Laurel, Maryland 20707 (1.32 Acres; R-R Zone).

Request: Requesting approval of a Special Exception (SE) for a Congregate Living Facility to serve up to sixteen (16) residents in a 7,431-square-foot single-family detached dwelling on approximately 1.32 acres of land in the R-R (Rural Residential) Zone.

Council District: 1

Appeal by Date: 3/16/2020

Review by Date: 3/16/2020

Action by Date: 1/11/2021

Opposition: Jennifer Krochmal, et. al.

History:

Council referred item to staff for preparation of an approving document, with conditions (Vote: 11-0).

A motion was made by Council Member Dernoga, seconded by Council Member Davis, that this Special Exception be referred for document. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Attachment(s): [SE-4811 Zoning Agenda Item Summary](#)

[SE-4811 Presentation Slides](#)

[SE-4811 ZHE Decision](#)

SE-4811 PORL

[SE-4811 Technical Staff Report](#)

[SE-4811 District Council Notice of Hearing](#)

PENDING FINALITY

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to review or an appeal is filed.

SDP-1302-06**Parkside**

Applicant(s): MAB at Parkside Towns 6, LLC

Location: Located approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue) (147.79 Acres; R-M / M-I-O Zones).

Request: Requesting approval of an amendment to an Specific Design Plan (SDP) for approval of four single-family attached Mid-Atlantic Builders architectural models, to be available for construction on the single-family attached (townhouse) lots in Section 6 of the Parkside development, which were approved under SDP-1302, as amended.

Council District: 6

Appeal by Date: 1/4/2021

Review by Date: 1/4/2021

History:

Council waived election to review for this item (Vote: 11-0).

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

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Attachment(s): [SDP-1302-06 Zoning Agenda Item Summary](#)
[SDP-1302-06 Planning Board Resolution](#)
 SDP-1302-06_PORL
[SDP-1302-06 Technical Staff Report](#)

PENDING FINALITY (Continued)

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to review or an appeal is filed.

SDP-1302-07**Parkside****Applicant(s):** HWR, LLC**Location:** Located approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue)(147.79 Acres; R-M / M-I-O Zones).**Request:** Requesting approval of an amendment to an Specific Design Plan (SDP) for approval of four single-family attached Haverford Homes architectural models, to be available for construction on the single-family attached (townhouse) lots in Section 6 of the Parkside development, which were approved under SDP-1302, as amended.**Council District:** 6**Appeal by Date:** 1/4/2021**Review by Date:** 1/4/2021**History:**

Council waived election to review for this item (Vote: 10-0; Absent: Council Member Glaros).

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

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

Absent: Glaros

Attachment(s): [SDP-1302-07 Zoning Agenda Item Summary](#)
[SDP-1302-07 Planning Board Decision](#)
 SDP-1302-07_PORL
[SDP-1302-07 Technical Staff Report](#)

PENDING FINALITY (Continued)

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to review or an appeal is filed.

SDP-1302-08**Parkside**

Applicant(s): Dan Ryan Builders, Mid-Atlantic, LLC
Location: Located approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue)(147.79 Acres; R-M / M-I-O Zones).
Request: Requesting approval of an amendment to a Specific Design Plan (SDP) for six single-family attached (townhouse) and seven single-family detached architectural models for Dan Ryan Builders, to be available for construction in Sections 5 and 6 of the Parkside development, which were approved under SDP-1302, as amended.

Council District: 6**Appeal by Date:** 1/4/2021**Review by Date:** 1/4/2021**History:**

Council deferred this item to November 16, 2020.

This Specific Design Plan was deferred.

Attachment(s): [SDP-1302-08 Zoning Agenda Item Summary](#)
[SDP-1302-08 Planning Board Resolution](#)
 SDP-1302-08_PORL
[SDP-1302-08 Technical Staff Report](#)

ADJ53-20**ADJOURN****History:**

The meeting was adjourned at 12:30 p.m. (Vote: 11-0).

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

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras