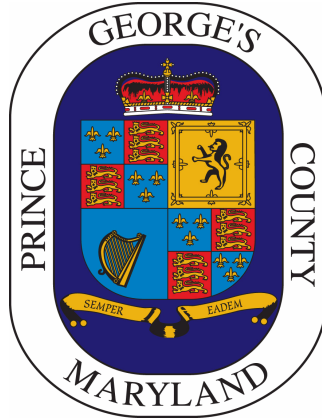


# Prince George's County Council

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



## **Zoning Agenda - Final**

**(9:30 AM Agenda Briefing Rm 2027)**

**Monday, June 17, 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.

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**

*Ms. Christine Osei, M-NCPPC Employee*

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 06102019](#)

**District Council Minutes dated June 10, 2019**

**Attachment(s):**

[District Council Minutes 06102019 DRAFT](#)

**ORAL ARGUMENTS****[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).*

**Attachment(s):**

[CNU-27104-2017 Planning Board Resolution 19-27](#)

[CNU-27104-2017\\_PORL](#)

[CNU-27104-2017 Technical Staff Report](#)

**NEW CASE(S)**[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 2 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

**Attachment(s):**[ERR-277 Zoning Hearing Examiner's Decision](#)

ERR-277\_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-276](#)**Deborah Tallman****Validation of Multi-Family Rental Housing License M-0678****Applicant(s):**

Deborah Tallman, Trustee (Adelphi Heights Apartments)

**Location:**

Located at 9420, 9422 and 9424 Adelphi Road, Hyattsville, Maryland (0.49 Acres; R-18 Zone).

**Request:**

Requesting validation of Prince George's County's Multi-Family Rental Housing License No. M-0678, issued in error on March 12, 2016, for 12 apartment units on approximately 21, 270 square feet of land.

**Council District:**

2

**Appeal by Date:**

5/17/2019

**Action by Date:**

9/16/2019

**Opposition:**

None

**History:**

04/17/2019

Zoning Hearing Examiner

approval

06/10/2019

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: 11-0).*

**Attachment(s):**[ERR-276 Zoning Hearing Examiner' Decison](#)

ERR-276 PORL

**REFERRED FOR DOCUMENT (Continued)**[SE/VSE-4772](#)**Sunoco Gas Station and Car Wash****Companion Case(s):** DPLS-438**Applicant(s):** Clearview 6308 LLC / Sunoco Car Wash**Location:** Located on the east side of MD 337 (Allentown Road), approximately 320 feet southeast of the intersection of MD 5 (Branch Avenue) and MD 337 (0.695 Acres; C-S-C / M-I-O Zones).**Request:** Requesting approval of a Special Exception to add a 768-square-foot Car Wash to a 0.695 acre of C-S-C zoned land within the M-I-O Zone that is improved with a Gas Station and Food or Beverage Store.**Council District:** 8**Appeal by Date:** 3/28/2019**Review by Date:** 3/28/2019**Action by Date:** 7/26/2019**Opposition:** None**History:**

06/13/2018	M-NCPPC Technical Staff	approval with conditions
06/21/2018	M-NCPPC Planning Board	no motion to consider
02/26/2019	Zoning Hearing Examiner	approval with conditions
03/25/2019	Sitting as the District Council	elected to make the final decision
	<i>Council elected to make the final decision on this item (Vote: 11-0).</i>	
03/27/2019	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	
04/29/2019	Sitting as the District Council	hearing held; case taken under advisement

*Chair Turner announced that the oral argument hearings for SE/VSE-4772 and DPLS-438, Sunoco Gas Station and Car Wash, would be held in tandem. Ivy Thompson, M-NCPPC, provided an overview of the applications. Traci Scudder, Esq., spoke in support on behalf of the applicant. 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.*





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09/17/2018	Sitting as the District Council	elected to review <i>Council elected to review this item (Vote: 8-0; Absent: Council Member Glaros).</i>
10/22/2018	Sitting as the District Council	rescheduled <i>The hearing on this case was postponed until 2019 in light of its companion case, SE-4772, that was pending before the Zoning Hearing Examiner.</i>
02/26/2019	M-NCPPC Planning Board	filed <i>The July 12, 2018 Planning Board Resolution (PGCPB No. 18-51) was corrected administratively on February 12, 2019 to correct a minor administrative error in the subject decision.</i>
03/27/2019	Clerk of the Council	mailed <i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>
04/29/2019	Sitting as the District Council	hearing held; case taken under advisement  <i>Chair Turner announced that the oral argument hearings for SE/VSE-4772 and DPLS-438, Sunoco Gas Station and Car Wash, would be held in tandem. Ivy Thompson, M-NCPPC, provided an overview of the applications. Traci Scudder, Esq., spoke in support on behalf of the applicant. 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.</i>
05/06/2019	Sitting as the District Council	deferred <i>Council deferred this item to a later date.</i>
06/10/2019	Sitting as the District Council	referred for document <i>Council referred item to staff for preparation of a disapproving document (Vote: 11-0).</i>

**Attachment(s):**

[DPLS-438 Zoning Agenda Item Summary](#)  
[DPLS-438 Planning Board Resolution 18-51](#)  
DPLS-438 PORL  
[DPLS-438 Technical Staff Report](#)

**ITEM(S) FOR DISCUSSION****DSP-18039****Townes at Peerless****Companion Case(s):** DDS-651**Applicant(s):** Peerless Avenue Associates, LLC**Location:** The subject property is located on the west side of US 301 (Robert Crain Highway), approximately 0.15 mile north of its intersection with MD 725 (Marlboro Pike). More specifically, the property is located at 4505 Crain Highway, Upper Marlboro, Maryland (7.64 Acres; M-X-T Zone).**Request:** Requesting approval of a Detailed Site Plan (DSP) for 14 two-family, 12 three-family, and 36 multifamily dwelling units, for a total of 62 dwelling units, and approximately 3,000 square feet of commercial/retail space.**Council District:** 6**Appeal by Date:** 5/16/2019**Review by Date:** 5/16/2019**Action by Date:** 6/28/2019**History:**

03/07/2019 M-NCPPC Technical Staff approval with conditions

04/11/2019 M-NCPPC Planning Board approval with conditions

04/29/2019 Sitting as the District Council elected to review

*Council elected to review this item (Vote: 11-0).*

06/10/2019 Sitting as the District Council hearing held; case taken under advisement

*Chairman Turner indicated that the Oral Argument hearings for DSP-18039 Townes at Peerless and DDS-651 Townes at Peerless would be held in tandem. Henry Zhang, M-NCPPC, provided an overview of the Detailed Site Plan and Departure from Design Standards applications. Andre Gingles, Esq., attorney for the applicant, spoke in support on behalf of the applicant. 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):** [DSP-18039 Planning Board Resolution 19-37](#)  
 DSP-18039 PORL  
[DSP-18039 Technical Staff Report](#)

**ITEM(S) FOR DISCUSSION (Continued)**

[DDS-651](#)

**Townes at Peerless**

**Companion Case(s):** DSP-18039

**Applicant(s):** Peerless Avenue Associates, LLC

**Location:** The subject property is located on the west side of US 301 (Robert Crain Highway), approximately 0.15 mile north of its intersection with MD 725 (Marlboro Pike). More specifically, the property is located at 4505 Crain Highway, Upper Marlboro, Maryland (7.64 Acres; M-X-T Zone).

**Request:** Requesting approval of a Departure from Design Standards from the requirements of: Section 27-558(a) of the Prince George's County Zoning Ordinance, to provide a reduced parking space size, and Section 27-579(b) of the Zoning Ordinance, to have a loading space located with 50 feet of residential use.

**Council District:** 6

**Appeal by Date:** 5/16/2019

**Review by Date:** 5/16/2019

**Action by Date:** 9/9/2019

**History:**

03/07/2019	M-NCPPC Technical Staff	approval
04/11/2019	M-NCPPC Planning Board	approval
04/29/2019	Sitting as the District Council	elected to review

*Council elected to review this item (Vote: 11-0).*

06/10/2019

Sitting as the District Council

hearing held; case taken under advisement

*Chairman Turner indicated that the Oral Argument hearings for DSP-18039 Townes at Peerles and DDS-651 Townes at Peerless would be held in tandem. Henry Zhang, M-NCPPC, provided an overview of the Detailed Site Plan and Departure from Design Standards applications. Andre Gingles, Esq., attorney for the applicant, spoke in support on behalf of the applicant. 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):**[DDS-651 Planning Board Resolution 19-38](#)

DDS-651 PORL

[DDS-651 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-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 a 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

**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.*

**(a) 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

**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.*

**(a) PLANNING BOARD (Continued)****DSP-04025-02****The Delight at Fairwood****Applicant(s):**

BHC, Inc.

**Location:**

Located to the east of Barons Delight Drive, to the north of Fairwood Parkway, and to the west of the Potomac Electric Power Company easement (14.8 Acres; M-X-C Zone).

**Request:**

Requesting approval of an amendment to the Detailed Site Plan (DSP) to allow for 20 condominium, one-family attached (townhouse) dwelling units. The specific changes include the removal of the previously approved multifamily buildings proposed in this location and a new house type and associated improvements.

**Council District:**

6

**Appeal by Date:**

7/11/2019

**Review by Date:**

7/11/2019

**History:**

04/03/2019

M-NCPPC Technical Staff

approval with conditions

06/06/2019

M-NCPPC Planning Board

approval with conditions

**Attachment(s):**[DSP-04025-02 Planning Board Resolution](#)

DSP-04025-02\_PORL

[DSP-04025-02 Technical Staff Report](#)

**PENDING FINALITY (Continued)**

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

**(a) PLANNING BOARD (Continued)****SDP-1601-02****Parkside, Section 4****Applicant(s):**

SHF Project Owner, LCC

**Location:**

The subject property, Section 4 of the Parkside development, is 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), with improvements for 168 single-family detached residential lots and 127 single-family attached residential lots, in the Residential Medium Development (R-M) Zone for Parkside, Section 4, part of the larger Parkside development.

**Council District:**

6

**Appeal by Date:**

6/20/2019

**Review by Date:**

6/20/2019

**History:**

04/09/2019	M-NCPPC Technical Staff	approval with conditions
05/16/2019	M-NCPPC Planning Board	approval with conditions
06/10/2019	Sitting as the District Council	deferred

*Council deferred this item to June 17, 2019.*

**Attachment(s):**

[SDP-1601-02 Planning Board Resolution](#)

SDP-1601-02\_PORL

[SDP-1601-02 Technical Staff Report](#)



**PENDING FINALITY (Continued)**

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

**(a) PLANNING BOARD (Continued)****SDP-1801****Bevard East Umbrella Architecture****Applicant(s):**

Lennar Bevard, LLC

**Location:**

Located on the east side of MD 223 (Piscataway Drive), approximately four miles southwest of its intersection with MD 5 (Branch Avenue), and bounded on the east by Thrift Drive (562.85 Acres; R-L Zone).

**Request:**

Requesting approval of a Specific Design Plan (SDP) for umbrella architecture for 18 single-family detached models and 4 single-family attached (townhouse) models for the Bevard East Subdivision.

**Council District:**

9

**Appeal by Date:**

6/27/2019

**Review by Date:**

6/27/2019

**History:**

04/16/2019	M-NCPPC Technical Staff	approval with conditions
05/02/2019	M-NCPPC Planning Board	approval with conditions
06/10/2019	Sitting as the District Council	deferred

*Council deferred this item to June 17, 2019.*

**Attachment(s):**

[SDP-1801 Planning Board Resolution](#)

[SDP-1801 Technical Staff Report](#)

SDP-1801\_PORL

**PENDING FINALITY (Continued)**

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

**(b) PLANNING BOARD'S REPRESENTATIVE**[CNU-10350-2019-U](#)**Ritchie Road****Applicant(s):**

April Mackoff, Clear Channel Outdoor

**Location:**

Located on Richie Road, Capital Heights Maryland 20743, approximately 1,850 feet southeast of the intersection of Richie Road and Central Avenue (0.0960 Acres; I-1 Zone).

**Request:**

Requesting Certification of Nonconforming Use for an outdoor advertising sign. Certification of existing outdoor advertising signs is required pursuant to Council Bill 84-2016 which requires that applications for the certification of outdoor advertising signs in existence as of January 1, 2002, be filed no later than December 31, 2021. This outdoor advertising sign was erected in 1988.

**Council District:**

6

**Review by Date:**

7/10/2019

**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:**

06/10/2019

M-NCPPC Administrative Certification approval

**Attachment(s):**[CNU-10350-2019-U \(Case File Material\)](#)

[ADJ78-19](#)

**ADJOURN**

**12:00 PM MEET & GREET (ROOM 2027)**

*Congressman Steny H. Hoyer, Majority Leader*

**1:30 PM MEET & GREET (ROOM 2027)**

*Maryland Association of Counties (MACo)*