



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, June 17, 2019

10:00 AM

Council Hearing Room

9:44 AM AGENDA BRIEFING - (ROOM 2027)

The Agenda Briefing was held at 9:44 a.m.

10:19 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 10:19 a.m. with ten members present at roll call. Council Member Franklin arrived at 10:55 a.m.

Present: 11 - 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
Council Member Calvin S. Hawkins
Council Member Jolene Ivey
Vice Chair Rodney Streeter
Council Member Deni Taveras

Also Present: Stan Brown, People's Zoning Counsel

Robert J. Williams, Jr., Council Administrator

Rajesh Kumar, Principal Counsel to the District Council

Donna J. Brown, Acting Clerk of the Council

Leonard Moses, Zoning Assistant, Office of the Clerk of the Council

M-NCPPC

Ras Tafari Cannady, II, Development Review Division

Sherrie Conner, Supervisor, Development Review Division

Christopher Davis, Development Review Division

DPIE

Sosonny Kamara, Inspector

INVOCATION

The Invocation was provided by Ms. Christine Osei, M-NCPPC Employee. Council Member Davis requested prayer for the family Kamal Nashid, a 14 year-old student at Georgetown Day School who was killed in a car accident in Bowie and for anyone who witnessed the traumatic event. Council Member Taveras requested prayer for her aunt, Ms. Garcia, who recently celebrated her 90th birthday and her uncle who is 89 years old. Council Member Ivey requested prayer Zoey Spears who was killed in Fairmont Heights recently. Council Member Anderson-Walker requested prayer for all fathers and father figures and for those who don't believe they have a father to realize they have a father in heaven. Council Member Harrison requested prayer for children all across the country who do not have fathers or positive male role models in honor of father's day and and that love be the foundation which dreams are built upon.

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:

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.

This Certification of a Nonconforming Use hearing was held and the case was taken under advisement.

- 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 two multi-family dwelling units.
- Council District:** 1
- Appeal by Date:** 6/14/2019
- Action by Date:** 10/15/2019
- Opposition:** None
- History:**

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).

A motion was made by Council Member Dernoga, seconded by Vice Chair Streeter, that this Permit issued in error 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

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:

Council adopted the prepared Zoning Ordinance No. 9 - 2019 validating Multi-Family Rental Housing License M-0678 (Vote: 10-0; Absent: Council Member Franklin).

A motion was made by Council Member Taveras, seconded by Council Member Hawkins, 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-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:**

Council adopted the prepared Order of denial (Vote 11-0).

A motion was made by Council Member Anderson-Walker, seconded by Council Member Davis, that this Special Exception/Variance SE be disapproved. The motion carried by the following vote:

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

Attachment(s): [SEVSE-4772 Zoning Hearing Examiner Decision](#)
SEVSE-4772 PORL
[SEVSE-4772 Technical Staff Report](#)

REFERRED FOR DOCUMENT (Continued)[DPLS-438](#)**Sunoco Gas Station and Car Wash****Companion Case(s):** SE/VSE-4772**Applicant(s):** Clearview 6308, LLC**Location:** Located at 6308 Allentown Road, Temple Hills, Maryland, on the east side of MD 337 (Allentown Road), approximately 320 feet southeast of the intersection of MD 5 (Branch Avenue) and MD 337 zoned Commercial Shopping Center (C-S-C), within the Military Installation Overlay (M-I-O) Zone (0.695 Acres; C-S-C Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards (DPLS) from Section 27-568(a) and Section 27-582(a) of the Prince George's County Zoning Ordinance, for a reduction of 6 of the required 13 parking spaces and the elimination of the one required loading space.**Council District:** 8**Appeal by Date:** 8/16/2018**Review by Date:** 9/17/2018**Action by Date:** 6/28/2019**History:**

Council adopted the prepared Order of denial (Vote 11-0).

A motion was made by Council Member Anderson-Walker, seconded by Vice Chair Streeter, that this Departure from Parking and Loading Standards be disapproved. The motion carried by the following vote:

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

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:**

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

A motion was made by Council Member Davis, seconded by Vice Chair Streeter, that this Detailed Site Plan 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): [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:**

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

A motion was made by Council Member Davis, seconded by Council Member Glaros, that this Departure from Design Standards 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): [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 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:**

Council deferred this item to July 8, 2019.

This Certification of a Nonconforming Use was deferred.

- 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:

Council deferred this item to July 8, 2019.

This Conceptual Site Plan was deferred.

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:**

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

A motion was made by Council Member Davis, seconded by Council Member Glaros, that Council waive election to review for this Detailed Site 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): [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:

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

A motion was made by Council Member Davis, seconded by Council Member Glaros, 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-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:

Council elected to review this item (Vote: 9-0-2; Abstained: Council Members Franklin and Hawkins).

A motion was made by Council Member Harrison, seconded by Council Member Glaros, that this Specific Design Plan be elected to review. The motion carried by the following vote:

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

Abstain: 2 - Franklin and Hawkins

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:

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

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

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

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

[ADJ78-19](#)

ADJOURN

History:

The meeting was adjourned at 11:12 a.m.

A motion was made by Council Member Taveras, seconded by Council Member Davis, 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

12:00 PM MEET & GREET (ROOM 2027)

Congressman Steny H. Hoyer, Majority Leader

The Meet and Greet with Congressman Hoyer was held.

1:30 PM MEET & GREET (ROOM 2027)

Maryland Association of Counties (MACo)

The Meet and Greet with Maryland Association of Counties (MACo) was held.

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Donna J. Brown, Acting Clerk of the Council