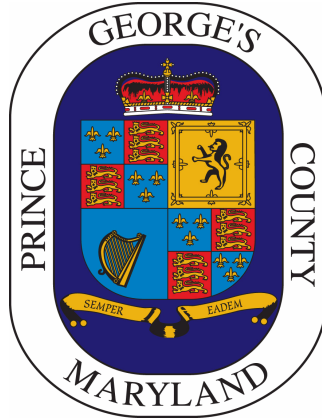


Prince George's County Council

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



Zoning Agenda - Final

**Monday, April 26, 2021
10:00 AM**

VIRTUAL MEETING

Sitting as the District Council

Calvin S. Hawkins, II, Chair, At-Large

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

Jolene Ivey, District 5

Rodney C. Streeter, District 7

Deni L. Taveras, Vice Chair, District 2

Todd M. Turner, District 4

Robert J. Williams, Jr., Council Administrator

RULES OF COURTESY (VIRTUAL)

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. To ensure 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.

VIRTUAL DISTRICT COUNCIL MEETINGS

Given the current state of the novel coronavirus (COVID-19) pandemic, and under the Governor's "Proclamation and Declaration of State of Emergency and Existence of Catastrophic Health Emergency – COVID-19" and the Prince George's County State of Emergency Declarations, the District Council is operating under emergency procedures. As authorized by CB-33-2020 hearings will be conducted virtually and in accordance with District Council Rules of Procedure.

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. Testimony at Oral Argument Hearings must be based on the record, and no new evidence will be permitted. Only persons of record may testify. Persons of Record wishing to give oral argument on a specific case should register with the Clerk of the Council by email to clerkofthecouncil@co.pg.md.us or faxed to (301) 952-5178 by 3:00 p.m. on the day BEFORE the meeting.

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. Five (5) minute rebuttal from the side requesting hearing
5. Five (5) minute rebuttal from the side favoring decision
6. Comments by the People's Zoning Counsel

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. State your name and address for the record and 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/LIVE>
PLEASE SILENCE ALL CELLULAR PHONES DURING THE MEETING.

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

10:00 AM CALL TO ORDER - (VIRTUAL MEETING)

INVOCATION / MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 04122021](#)

District Council Minutes dated April 12, 2021

Attachment(s):

[04-12-2021 District Council Minutes Draft](#)

[MINDC 04132021](#)

District Council Minutes dated April 13, 2021

Attachment(s):

[04-13-2021 District Council Minutes Draft](#)

[MINDC 04202021](#)

District Council Minutes dated April 20, 2021

Attachment(s):

[04-20-2021 District Council Minutes Draft](#)

ORAL ARGUMENTS**DSP-20008****Hope Village - Phase I Royal Farms # 282****Applicant(s):**

VMD-Upper Marlboro, LLC

Location:

Located in the southeast quadrant of the intersection of Woodyard Road (MD 223) and Marlboro Pike (3.27 Acres; M-X-T / M-I-O Zones).

Request:

Requesting approval of a Detailed Site Plan (DSP) for the development of a 4,650-square-foot food and beverage store and a gas station with eight multi-product dispensers.

Council District:

9

Appeal by Date:

4/8/2021

Review by Date:

4/8/2021

Action by Date:

5/21/2021

History:

01/26/2021	M-NCPPC Technical Staff	approval with conditions
03/04/2021	M-NCPPC Planning Board	approval with conditions
03/22/2021	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 10-0: Absent: Council Member Franklin).</i>	
03/25/2021	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	
04/12/2021	Sitting as the District Council	announced hearing date

Attachment(s):[DSP-20008 Zoning Agenda Item Summary](#)[DSP-20008 Presentation Slides](#)[DSP-20008 Notice of District Council Hearing](#)[DSP-20008 Planning Board Resolution 2021-24 - Signed](#)

DSP-20008_PORL

[DSP-20008 Technical Staff Report](#)[DSP-20008 Planning Board Record](#)[DSP-20008 Transcripts 02-11-2021](#)[PZC Notice of Intention to Participate](#)

REFERRED FOR DOCUMENT**A-10020-C-01****Woodmore Overlook Commercial****Applicant(s):**

Woodmore Overlook Commercial, LLC

Location:

Located in the northwest quadrant of the intersection of Landover Road (MD 202) and Lottsford Road (18.33 Acres; M-X-T Zone).

Request:

Requesting approval of a Zoning Map Amendment for the amendment of all conditions of approval specifically related to transportation improvements set forth in Conditions 5.a and 5.b; 6; 7; and 8 imposed by the District Council upon its adoption of Zoning Ordinance 6-2010, which rezoned the subject property from the I-3 (Planned Industrial/Employment Park) Zone to the M-X-T (Mixed Use-Transportation Oriented) Zone.

Council District:

5

Appeal by Date:

2/24/2021

Action by Date:

7/9/2021

Opposition:

Lake Arbor Civic Association., Samuel Dean, LaRay Benton

History:

02/09/2021	Zoning Hearing Examiner	approval with conditions
02/15/2021	Applicant	appealed
	<i>Norman Rivera, Esq., attorney for the applicant, filed exceptions to the Zoning Hearing Examiner's Recommendation and requested a hearing.</i>	
02/17/2021	Applicant	appealed
	<i>Norman Rivera, Esq., attorney for the applicant, filed revised exceptions to the Zoning Hearing Examiner's Recommendation and requested a hearing.</i>	
02/19/2021	Person of Record	appealed
	<i>Samuel H. Dean, Vice President, Lake Arbor Civic Association, filed exceptions to the Zoning Hearing Examiner decision.</i>	
02/20/2021	Person of Record	appealed
	<i>Samuel H. Dean, Vice President, Lake Arbor Civic Association, filed corrected exceptions to the Zoning Hearing Examiner decision.</i>	

02/23/2021	Person of Record	filed
	<i>Samuel H. Dean, Vice President, Lake Arbor Civic Association, filed a request to remand the case to the Zoning Hearing Examiner.</i>	
02/24/2021	Person of Record	appealed
	<i>LaRay Benton, person of record, filed exceptions to the Zoning Hearing Examiner decision.</i>	
02/24/2021	Applicant	filed
	<i>Norman Rivera, Esq., attorney for the applicant, filed an opposition to the request for remand.</i>	
03/22/2021	Sitting as the District Council	announced hearing date
03/29/2021	Sitting as the District Council	hearing held; case taken under advisement
	<i>Tom Sievers, M-NCPPC planning staff, provided an overview of the Zoning Map Amendment for the amendment of conditions application. Samuel H. Dean, Vice-President, Lake arbor Civic Association, along LaRay Benton, spoke in opposition. Norman Rivera, 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 by the parties. Council took this case under advisement.</i>	
04/06/2021	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of an approving document, with conditions (Vote: 10-0: Absent: Council Member Ivey).</i>	

Attachment(s):

[A-10020-C-01 Zoning Agenda Item Summary](#)

[A-10020 Presentation Slides](#)

[A-10020-C-01 Dean 2nd corrected appeal 3-23-21](#)

[A-10020-C-01 Rivera Opposition to Remand](#)

[A-10020-C-01 Benton Appeal](#)

[A-10020-C-01 Dean Remand Request](#)

[A-10020-C-01 Dean Corrected Appeal](#)

A-10020-C-01 POR List

[A-10020-C-01 Dean Appeal](#)

[A-10020-C-01 Rivera Revised Exceptions to ZHE](#)

[A-10020-C-01 Rivera Exceptions to ZHE Decision](#)

A-10020-C-01 ZHE Memo to Clerk

[A-10020-C-01 Notice of Decision](#)

[A-10020-C-01 ZHE Decision](#)

[A-10020-C-01 Transcripts 12-14-2020](#)

[A-10020-C-01 Transcripts 11-30-2020](#)

[A-10020-C-01 Transcript 10-07-2020](#)

REFERRED FOR DOCUMENT (Continued)[A-9895-C-01](#)**Quad Construction Corporation / Forest Hills
(Basic Plan Amendment)****Applicant(s):**

Quad Construction Corporation

Location:

Located on both sides of Largo Road (MD 202), south of Kent Drive and approximately 3,000 feet north of Old Marlboro Pike, and identified as 14300-14318 Rubens Court, 4100-4219 Taleen Court, 4000-4114 Gorky Drive, 4000-4007 Liza Lane and 14702-14805 Agassi Court, Upper Marlboro, Maryland (169.12 Acres; R-L Zone).

Request:

Requesting approval of an amendment of the Basic Plan for A-9895-C-01, to remove/revise certain conditions of approval set by the District Council in its approval of A-9895-C as part of its adoption of CR-34-1994.

Council District:

6

Appeal by Date:

4/22/2021

Action by Date:

5/24/2021

Opposition:

None

History:

01/28/2021	M-NCPPC Technical Staff	approval with conditions
02/04/2021	M-NCPPC Planning Board	no motion to consider
04/07/2021	Zoning Hearing Examiner	approval with conditions
04/12/2021	Sitting as the District Council	referred for document

Council referred item to staff for preparation of an approving document, with conditions in accordance with the Zoning Hearing Examiner Decision (Vote: 10-0: Absent: Council Member Franklin)

Attachment(s):[A-9895-C-01 Zoning Agenda Item Summary](#)[A-9895-C-01 Memo to Clerk - Forest Hills](#)[A-9895-C-01- Forest Hills- Notice of Decision](#)[A-9895-C-01 ZHE Decision](#)

A-9895-01_PORL

[A-9895-01 Technical Staff Report](#)[A-9895-C-01 Transcripts 03-17-2021](#)

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**DSP-16004****Oaklawn****Applicant(s):**

Daniel Mwavua

Location:

Located on the east side of Allentown Road, approximately 400 feet south of the intersection of Allentown Road and Tucker Road (1.63 Acres; R-R Zone).

Request:

Requesting approval of a Detailed Site Plan (DSP) to develop three single-family detached dwelling units.

Council District:

8

Appeal by Date:

4/29/2021

Review by Date:

4/29/2021

History:

02/03/2021	M-NCPPC Technical Staff	approval with conditions
03/25/2021	M-NCPPC Planning Board	approval with conditions
04/12/2021	Sitting as the District Council	deferred

Council deferred this item to April 26, 2021.

Attachment(s):

[DSP-16004 Zoning Agenda Item Summary](#)

[DSP-16004 Planning Board Resolution 2021-30 - Signed](#)

DSP-16004_PORL

[DSP-16004 Technical Staff Report](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON MAY 10, 2021 AT 10:00 A.M.*Hearing Dates & Times Subject to Change***DSP-20013****St. Joseph's House****Applicant(s):**

St. Joseph's House, LTD.

Location:

Located in the northeast quadrant of the intersection of Oliver Street and 40th Avenue, within the municipal limits of the City of Hyattsville (0.18 Acres; R-55 / D-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan (DSP) to develop a family day care use within an existing single-family detached residential dwelling, including a building addition, within the Development District Overlay (D-D-O) Zone 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).

Council District:

2

Appeal by Date:

4/22/2021

Review by Date:

4/22/2021

Action by Date:

5/28/2021

Municipality:

Hyattsville

History:

02/23/2021	M-NCPPC Technical Staff	approval with conditions
03/18/2021	M-NCPPC Planning Board	approval with conditions
03/29/2021	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 10-0: Absent: Council Member Franklin).</i>	
04/07/2021	Clerk of the Council	mailed

*Notice of Oral Argument Hearing was mailed to Persons of Record.***Attachment(s):**[DSP-20013 Zoning Agenda Item Summary](#)[DSP-20013 Planning Board Resolution 2021-39 - Signed](#)

DSP-20013 PORL

[DSP-20013 Technical Staff Report](#)[DSP-20013 Planning Board Record](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON MAY 10, 2021 AT 10:00 A.M.*Hearing Dates & Times Subject to Change***DSP-20029****Behnke Property 7-Eleven****Applicant(s):**

Root 1, LLC, ETAL

Location:

Located on the west side of US 1 (Baltimore Avenue) south of its intersection with Howard Avenue (1.89 Acres; C-M Zone).

Request:

Requesting approval of a Detailed Site Plan (DSP) for development of a 4,500-square-foot food and beverage store and a gas station with eight multi-product dispensers.

Council District:

1

Appeal by Date:

4/8/2021

Review by Date:

4/8/2021

Action by Date:

5/28/2021

History:

01/19/2021 M-NCPPC Technical Staff approval with conditions

03/04/2021 M-NCPPC Planning Board approval with conditions

03/22/2021 Sitting as the District Council deferred

Council deferred this item to March 29, 2021.

03/29/2021 Sitting as the District Council elected to review

Council elected to review this item (Vote: 10-0: Absent: Council Member Franklin).

04/07/2021 Clerk of the Council mailed

*Notice of Oral Argument Hearing was mailed to Persons of Record.***Attachment(s):**[DSP-20029 Zoning Agenda Item Summary](#)[DSP-20029 Planning Board Resolution 2021-21 - Signed](#)

DSP-20029_PORL

[DSP-20029 Technical Staff Report](#)[DSP-20029 Planning Board Record](#)

[ADJ18-21](#)

ADJOURN

1:30 PM COMMITTEE OF THE WHOLE - BUDGET WORKSESSION (VIRTUAL MEETING)

(SEE SEPARATE AGENDA)

5:00 PM COUNTY COUNCIL - BUDGET PUBLIC HEARING (VIRTUAL MEETING)

(SEE SEPARATE AGENDA)