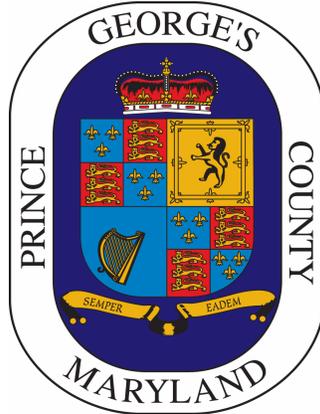


Prince George's County Council

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



Zoning Agenda - Final

(9:30 AM Agenda Briefing Rm 2027)

Monday, January 6, 2020

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, Vice Chair, At-Large

Jolene Ivey, District 5

Rodney C. Streeter, 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. Beverly Simmons, Ministry Servant, Bowie, Maryland

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 11182019](#)

District Council Minutes dated November 18, 2019

Attachment(s):

[11-18-2019 District Council Minutes Approved](#)

ORAL ARGUMENTS**[ROW-12790](#)****Cherry Associates, Limited Partnership/Janjer Enterprises, Inc.****Location:**

Located in the southeastern quadrant of the intersection of Old Fort Road South and Indian Head Highway (MD 210) (0.545 Acres; C-S-C zone).

Request:

Requesting approval for to authorize the issuance of permits (5920-2018-CCGN and 4494-2018-G) for C-S-C (Commercial Shopping Center) zoned property within the proposed right-of-way for Indian Head Highway (MD 210).

Council District:

9

Appeal by Date:

11/4/2019

Action by Date:

4/2/2020

History:

03/21/2019

Applicant

filed

This Authorization to Build in the Right of Way was filed by the applicant on March 12, 2019.

10/04/2019

Zoning Hearing Examiner

approval with conditions

11/01/2019

Applicant

appealed

Lawrence Taub, Esq., attorney for the applicant, filed exceptions to the ZHE decision and requested Oral Arguments.

11/18/2019

Sitting as the District Council

announced hearing date

Attachment(s):

[ROW-12790 ZHE Decision](#)

ROW -12790 PORL

ORAL ARGUMENTS**A-10050****Bowman Property****Applicant(s):**

Roma S. Bowman Living Trust, et al; and Marsha J. Bowman Living Trust

Location:

Located on the south side of Prince George's Avenue, 4935 and 4937 Prince George's Avenue, Beltsville, Maryland (1.0255 Acres; R-R / R-10 Zones).

Request:

Requesting approval of a Zoning Map Amendment to rezone approximately 33,502-square-feet of R-10 (Multifamily High Density Residential) zoned land to the C-S-C (Commercial Shopping Center) Zone.

Council District:

1

Appeal by Date:

10/28/2019

Action by Date:

3/25/2020

Opposition:

None

History:

05/21/2019	M-NCPPC Technical Staff	disapproval
06/06/2019	M-NCPPC Planning Board	no motion to consider
09/26/2019	Zoning Hearing Examiner	approval with conditions
11/18/2019	Sitting as the District Council	elected to review

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

Attachment(s):

[A-10050 - Bowman ZHE Decision](#)

A-10050 Bowman PORL

ORAL ARGUMENTS[DSP-17035](#)**Phil Matt Shopping Center (Expedited Transit-Oriented Development Project)****Applicant(s):**

PCE, LLC

Location:

Located in the southwest quadrant of the intersection of MD 450 (Annapolis Road) and West Lanham Drive (0.44 Acres; C-S-C / T-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan (DSP) for a 3,953-square-foot commercial retail building.

Council District:

3

Appeal by Date:

12/5/2019

Review by Date:

1/6/2020

Action by Date:

1/16/2020

History:

10/08/2019	M-NCPPC Technical Staff	approval with conditions
10/31/2019	M-NCPPC Planning Board	approval with conditions
11/18/2019	Sitting as the District Council	elected to review

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

Attachment(s):[DSP-17035 Planning Board Resolution](#)

DSP-17035_PORL

[DSP-17035 Technical Staff Report](#)

ORAL ARGUMENTS**DSP-18052****Swan Creek Club Development, Lot 9C****Applicant(s):**

AMSB

Location:

Located at 12311 Hatton Point Road, approximately 1,500 feet southwest of its intersection with Riverview Road, in Fort Washington, Maryland (1.02 Acres; R-E / L-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan for construction of a 5,900-square-foot, single-family detached dwelling with a garage, pool, and patio on a vacant and partially wooded property within the Limited Development Overlay (L-D-O) Zone of the Chesapeake Bay Critical Area (CBCA) Ordinance.

Council District:

8

Appeal by Date:

11/14/2019

Review by Date:

11/14/2019

Action by Date:

2/4/2020

History:

08/30/2019	M-NCPPC Technical Staff	approval with conditions
10/10/2019	M-NCPPC Planning Board	approval with conditions
10/28/2019	Sitting as the District Council	deferred
	<i>Council deferred this item to November 4, 2019.</i>	
11/04/2019	Sitting as the District Council	elected to review
	<i>Council election to review this item (Vote: 10-0; Absent: Council Member Hawkins).</i>	
11/18/2019	Sitting as the District Council	announced hearing date

Attachment(s):[DSP-18052 Planning Board Resolution 19-101](#)

DSP-18052 PORL

[DSP-18052 Technical Staff Report](#)

NEW CASE(S)[A-10054](#)**Callicott Property****Applicant(s):**

Brian D. Callicott

Location:

Located on the north side of Church Street, approximately 260 feet west of its intersection with Water Street (0.5547 Acres; C-S-C zone).

Request:

Requesting approval to of a Zoning Map Amendment to rezone approximately 24,164 square feet of land, in the C-S-C (Commercial Shopping Center) to the R-80 (One-Family Detached Residential) Zone.

Council District:

9

Appeal by Date:

11/7/2019

Action by Date:

3/9/2020

History:

05/09/2019	M-NCPPC Technical Staff	disapproval
10/08/2019	Zoning Hearing Examiner	approval
11/18/2019	Sitting as the District Council	deferred

*Council deferred this item to a later date.***Attachment(s):**[A-10054 Zoning Agenda Item Summary](#)[A-10054 Zoning Hearing Examiner Decision](#)

A-10054-PORL

[A-10054 Technical Staff Report_with backup](#)

NEW CASE(S)**[ERR-279](#)****Thomas Koudellou Validation of Permit Issued in Error****Applicant(s):**

Thomas Koudellou

Location:

Located within an area governed by the Gatewood Development District Overlay Zone ("DDOZ") identified as 4315 41st Street, Brentwood, Maryland. (0.4680 Acres; U-L-I Zone).

Request:

Requesting approval for a validation of Permits No. 5777-U/16153-U and 16151-U/5780-U issued in error in 1962 by the predecessor to the Department of Permitting, Inspections and Enforcement ("DPIE") to allow the Applicant to operate a warehouse and incidental office space within an 18,800-square-foot building.

Council District:

2

Appeal by Date:

11/18/2019

Action by Date:

3/17/2020

Opposition:

None

History:

10/18/2019

Zoning Hearing Examiner

approval with conditions

Attachment(s):**[ERR 279 - ZHE Decision](#)**

ERR-279- 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[SE-4694](#)**Word Power Baptist Tabernacle (Appeal of ZHE Dismissal)****Applicant(s):**

Word Power Baptist Tabernacle, Inc. c/o Pastor David McLaughlin

Location:

Located on the southern side of Marlboro Pike (MD 725), approximately 2,000 feet east of its intersection with Penn Crossing Drive (0.646 Acres; R-18 Zone).

Request:

Appealing the August 21, 2019 Zoning Hearing Examiner Dismissal of the Special Exception request to obtain a use and occupancy permit for the existing church. The applicant is requesting a special exception to validate the existing church in the R-18 Zone and to validate several building additions that were added without building permits.

Council District:

7

Action by Date:

1/19/2020

History:

02/11/2016	M-NCPPC Technical Staff	approval with conditions
03/03/2016	M-NCPPC Planning Board	no motion to consider
08/21/2019	Zoning Hearing Examiner	dismissed
09/20/2019	Applicant	appealed
	<i>Traci R. Scudder, Esq., attorney for the applicant, filed an appeal to the 8/21/2019 Zoning Hearing Examiner dismissal and requested the case not be dismissed.</i>	
10/15/2019	Clerk of the Council	mailed
	<i>Notice of appeal consideration was mailed to Persons of Record.</i>	
10/28/2019	Sitting as the District Council	case taken under advisement
	<i>Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the facts and current posture of the case. Traci Scudder, Esq., attorney for the applicant, presented the appeal of the Zoning Hearing Examiner dismissal. Council took this case under advisement.</i>	
11/04/2019	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of document reversing the Zoning Hearing Examiner dismissal order and remanding the item to the Zoning Hearing Examiner for further processing. (Vote: 9-0; Absent: Council Member's Franklin and Hawkins).</i>	

11/18/2019

Sitting as the District Council

deferred

Council deferred this item to a later date.

Attachment(s):

SE-4694_10202019 Letter from Scudder to Brown

SE-4694_ Letter from McLaughlin to Brown

[SE-4694 ZHE Dismissal Letter](#)

[SE-4694 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) ZONING HEARING EXAMINER

[SE-4822](#)

7-Eleven, Inc

Applicant(s):

Michael Puckett, et.al., Owners/ 7-Eleven, Inc. and Verdad Real Estate & Construction Services (VRE District Heights, LLC.)

Location:

Located at the southeast quadrant of the intersection of Marlboro Pike and Walker Mill Road (0.81 Acres; C-S-C Zone).

Request:

Requesting approval of a Special Exception (SE) to develop 0.807-acre of land in the C-S-C (Commercial Shopping Center) Zone as a four (4) multiproduct dispenser ("MPD") Gasoline Station and 2,993-square-foot Food or Beverage Store.

Council District:

7

Appeal by Date:

1/10/2020

Review by Date:

1/30/2020

History:

07/09/2019	M-NCPPC Technical Staff	approval with conditions
07/25/2019	M-NCPPC Planning Board	no motion to consider
12/11/2019	Zoning Hearing Examiner	approval with conditions

Attachment(s):

[SE-4822 ZHE Decision](#)

SE-4822 PORL

In the event the District Council elects to make the final decision in this case, an oral argument will be scheduled pursuant to Sec. 27-131 of the Zoning Ordinance.

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.

(b) PLANNING BOARD**CDP-1201-01****Brandywine Village****Applicant(s):**

Brandywine Partners, LLC

Location:

Located in the northwest quadrant of the intersection of US 301 (Robert Crain Highway) and Chadds Ford Drive, east of General Lafayette Boulevard (44.33 Acres; L-A-C Zone).

Request:

Requesting approval of a Comprehensive Design Plan for an increase of 2,000 square feet from the previously approved 218,500 square feet of commercial/retail space, to a total of 220,500 square feet, and to add a new location of a commercial building.

Council District:

9

Appeal by Date:

1/9/2020

Review by Date:

1/30/2020

History:

10/30/2019

M-NCPPC Technical Staff

approval with conditions

12/05/2019

M-NCPPC Planning Board

approval with conditions

Attachment(s):[CDP-1201-01 Planning Board Resolution 9-124](#)

CDP-1201-01_PORL

[CDP-1201-01 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.

CSP-18003**Calm Retreat****Applicant(s):**

Calm Retreat, LLC

Location:

Located at 15111 and 15207 US 301 (Robert Crain Highway), approximately 1,900 feet north of its intersection with Chadds Ford Drive (72.10 Acres; M-X-T Zone).

Request:

Requesting approval of a Conceptual Site Plan (CSP) for development of 550-650 one-family, attached (townhouse) dwelling units; 100-200 two-family, attached dwelling units; and 10,000-20,00 square feet of commercial/retail uses.

Council District:

9

Appeal by Date:

12/26/2019

Review by Date:

1/30/2020

History:

10/30/2019

M-NCPPC Technical Staff

approval with conditions

11/21/2019

M-NCPPC Planning Board

approval with conditions

Attachment(s):[CSP-18003 Planning Board Resolution 19-125](#)[CSP-18003_PORL](#)[CSP-18003 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.

CSP-19007**Wood Property****Applicant(s):**

Samuel T. Wood

Location:

Located in the northeast corner of Armstrong Lane and the Pennsylvania Avenue Service Road (18.092 Acres; M-X-T / M-I-O Zones).

Request:

Requesting approval of a Conceptual Site Plan (CSP) for a mixed-use development consisting of 90 one-family attached (townhouse) dwelling units, a 128-room hotel, and 15,000 square feet of commercial/retail uses.

Council District:

6

Appeal by Date:

1/16/2020

Review by Date:

1/30/2020

History:

11/07/2019

M-NCPPC Technical Staff

approval with conditions

12/12/2019

M-NCPPC Planning Board

approval with conditions

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.

SDP-0516-02**Bevard East****Applicant(s):**

Lennar Bevard, LLC

Location:

Located on the east side of MD 223 (Piscataway Road), approximately four miles southwest of its intersection with MD 5 (Branch Avenue) and bounded on the east by Thrift Drive (195.97 Acres; R-L Zone).

Request:

Requesting approval of an amendment to a Specific Design Plan (SDP), for revision to Phase 4 of the residential development, including 293 single-family detached and 100 single-family attach dwelling units.

Council District:

9

Appeal by Date:

11/21/2019

Review by Date:

1/30/2020

History:

09/10/2019

M-NCPPC Technical Staff

approval with conditions

10/17/2019

M-NCPPC Planning Board

approval with conditions

Attachment(s):[SDP-0516-02 Planning Board Resolution 19-107](#)

SDP-0516-02 PORL

[SDP-0516-02 Technical Staff Report](#)

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.

ADJOURN