



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, 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, January 6, 2020

10:00 AM

Council Hearing Room

9:46 AM AGENDA BRIEFING - (ROOM 2027)

The agenda briefing convened at 9:46 a.m. and concluded at 9:57 a.m.

10:06 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 10:06 a.m. with eight members present at roll call. Council Member Taveras arrived at 10:18 a.m. and Council Member Franklin arrived at 10:29 a.m.

Present: 10 - Council Chair Todd Turner
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

Absent: Council Member Monique Anderson-Walker

*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, Clerk of the Council
Leonard Moses, Zoning Assistant, Office of the Clerk
James Walker-Bey, Zoning Reference Aide, Office of the Clerk*

INVOCATION

The Invocation was provided by Ms. Beverly Simmons, Ministry Servant, Bowie, Maryland. Council Member Turner requested prayer for former Senator Ulysses D. Currie's family along with the residents of the 25th District. Council Member Glaros requested prayer for Ms. Filomena Vasquez's family due to a tragic shooting which took her life, prayers for aviation and those flying on planes with the loss of life due to an airplane crash, and prayers for diplomats and armed service members and family overseas. Council Member Turner also requested prayer for Jewish community members in light of several anti-semitic incidents.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Harrison.

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 11182019](#)

District Council Minutes dated November 18, 2019

A motion was made by Vice Chair Hawkins, seconded by Member Streeter, that the

Minutes be approved. The motion carried by the following vote:

Aye: 8 - Turner, Davis, Dernoga, Glaros, Harrison, Hawkins, Ivey and Streeter

Absent: Anderson-Walker, Franklin and Taveras

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:

David Simon, M-NCPPC, provided an overview of the authorization for permits in the right-of-way application. Larry Taub, Esq., attorney for the applicant, spoke in support of the application and deletion of a condition. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented. The Oral Argument Hearing was held and Council took this case under advisement.

This Authorization to Build in the Right of Way hearing was held and the case was taken under advisement.

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:

David Simon, M-NCPPC, provided an overview of the Zoning Map Amendment application. Russel Shipley, Esq., attorney for the applicant, spoke in support of the application. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented. The Oral Argument Hearing was held and Council took this case under advisement.

This Zoning Map Amendment hearing was held and the case was taken under advisement.

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:

Jeremy Hurlbutt, M-NCPPC, provided an overview of the Detailed Site Plan application. Thomas Haller, Esq., attorney for the applicant, spoke in support of the application. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented. The Oral Argument Hearing was held and Council referred this item to staff for preparation of a document of approval, with conditions in accordance with the Planning Board's decision (Vote: 10-0; Absent: Council Member Anderson-Walker).

The Detailed Site Plan hearing was held; subsequently, a motion was made by Member Glaros, seconded by Member Davis, that this Detailed Site Plan be referred for document. The motion carried by the following vote:

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

Absent: Anderson-Walker

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:** 2/3/2020**History:**

After reading in the case number, name and description, Chair Turner requested a continuance of the hearing on behalf of Council Member Anderson-Walker. Council voted to continue the hearing to January 14, 2020 at 2:30pm (Vote: 10-0; Absent: Council Member Anderson-Walker).

A motion was made by Member Davis, seconded by Member Taveras, that this Detailed Site Plan hearing be continued at a later date. The motion carried by the following vote:

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

Absent: Anderson-Walker

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

DSP-18052 PORL

[DSP-18052 Technical Staff Report](#)

DSP-18052 FINAL DECISION

NEW CASE(S)[A-10054-C](#)**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 of a Zoning Map Amendment to rezone approximately 24,164 square feet of land, in the C-S-C (Commercial Shopping Center) Zone 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:**

Council deferred this item to January 14, 2020.

This Zoning Map Amendment was deferred.

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 Gateway 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:**

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 Anderson-Walker).

A motion was made by Member Taveras, seconded by Vice Chair Hawkins, that this Permit issued in error be referred for document. The motion carried by the following vote:

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

Absent: Anderson-Walker

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:

Council adopted the prepared Order reversing the Zoning Hearing Examiner (ZHE) dismissal order and remanding the item to the ZHE for further processing (Vote: 10-0; Absent: Council Member Anderson-Walker).

A motion was made by Member Streeter, seconded by Member Davis, to reverse the Zoning Hearing Examiner (ZHE) dismissal order and remand to the ZHE for further processing. The motion carried by the following vote:

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

Absent: Anderson-Walker

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](#)
SE-4694 NOTICE OF DECISION

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:

Council waived election to review for this item (Vote: 11-0; Absent: Council Member Anderson-Walker).

A motion was made by Member Streeter, seconded by Vice Chair Hawkins, that Council waive election to review for this Special Exception. The motion carried by the following vote:

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

Absent: Anderson-Walker

Attachment(s): [SE-4822 ZHE Decision](#)
SE-4822 PORL
SE-4822 Declaration of Finality

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
- Action by Date:** 3/30/2020

History:

Council deferred this item.

This Comprehensive Design Plan was deferred.

- 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
- Action by Date:** 3/30/2020
- Comment(s):** Although Planning Board's decision regarding CSP-18003 was transmitted to all persons of record on November 26, 2019. The application case file was returned to the Planning Board to comply with State Ethics Law. The case was retransmitted to the District Council after compliance on December 5, 2019.

History:

Council deferred this item.

This Conceptual Site Plan was deferred.

- 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:**

Council deferred this item to January 14, 2020.

This Conceptual Site Plan was deferred.

- Attachment(s):** [CSP- 19007 Planning Board Resolution 19-130](#)
CSP-19007_PORL
[CSP-19007 Technical Staff Report](#)
CSP-19007 MEMO PB

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

Comment(s):

Although Planning Board's decision regarding SDP-0516-02 was transmitted to all persons of record on October 22, 2019. The application case file was returned to the Planning Board to comply with State Ethics Law. The case was retransmitted to the District Council after compliance on December 2, 2019.

History:

Council deferred this item.

This Specific Design Plan was deferred.

Attachment(s):

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

SDP-0516-02 PORL

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

SDP-0516-02 MEMO PB

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.

ADDITIONS TO THE AGENDA[Add8-20](#)

ADDITIONS PACKAGE

A motion was made by Vice Chair Hawkins, seconded by Member Taveras, to accept the additions package. The motion carried by the following vote:

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

Absent: Anderson-Walker

EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

EX 01062020

Motion to convene in executive session to to discuss personnel issues, to consult with counsel to seek legal advice, and to discuss pending or potential litigation in accordance with Sections 3-305(b) (1) (7), and (8), General Provisions Article, Annotated Code of Maryland.

History:

The Chair read the following closing statement/motion to convene in executive session: Motion to convene in executive session pursuant to Section 3-305(b)(1), (7), and (8), General Provisions Article, Annotated Code of Maryland, to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction, specifically, the appointment to the Audit Commission of the Maryland-National Capital Park and Planning Commission; and to discuss and consider pending or potential litigation and to consult with counsel to seek legal advice, specifically, to be briefed by counsel as to and to discuss status of cases in the Circuit Court for Prince George's County, Maryland and the Court of Special Appeals to maintain confidentiality regarding the current status of ongoing litigation and as to the Council's position on pending litigation. The Executive Session was held (See District Council Minutes dated January 14, 2020 for details).

Date of Executive Session: January 6, 2020

Beginning Time: 11:53 a.m.

Members Present: CM Turner, Chairman, CM Hawkins, Vice-Chairman, CM Davis, CM Dernoga, CM Franklin, CM Glaros, CM Harrison, CM Ivey, CM Taveras, CM Franklin

Members Absent: CM Anderson-Walker

Others Present: Robert Williams, Jr., Rajesh Kumar, Donna Brown, Dinora Hernandez

Topics Discussed:

- 1. (Melford-County Council case) Court of Appeals, Pletsch v. Prince George's County - Pet. Docket No. 279*
- 2. (Melford-Park and Planning case) Court of Appeals, Pletsch v. M-NCPPC - Pet. Docket No. 293*
- 3. Petition of Town of Upper Marlboro (Minor Map Amendment of Historic Districts Plan) Circuit Court, CAL19-40048*

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4. *County Council v. Palmer Road Landfill, Inc., Court of Special Appeals, Appeal No. 2584, September Term 2018*
 5. *NRG MD Ash Management, LLC v. County Council, Court of Special Appeals, Appeal No. 2960, September Term 2018*
 6. *Petition or Corryne Carter, et al. v. County Council (CB-18-2019 and CB-19-2019), Circuit Court CAL19-23357*

Vote Closing the Meeting pursuant to Section 3-305(b) (1), (7) and (8): 10 – 0 (Absent: CM Anderson-Walker)

A motion was made by Vice Chair Hawkins, seconded by Member Davis, that this Executive Session be convened. The motion carried by the following vote:

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

Absent: Anderson-Walker

11:55 AM ADJOURN

[ADJ1-20](#)

ADJOURN

History:

The meeting was adjourned at 11:55 a.m. (Vote: 10-0; Absent: Council Member Anderson-Walker).

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

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

Absent: Anderson-Walker

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Donna J. Brown, Clerk of the Council