



Prince George's County Council

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

Zoning Minutes - Draft 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, October 5, 2020

12:00 PM

VIRTUAL MEETING

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

12:00 PM CALL TO ORDER - (VIRTUAL HEARING)

Pursuant to the provisions of Sections 27-131 and 27-132(a) of the Zoning Ordinance, the District Council meeting was convened virtually by Council Chair Turner at 12:00 p.m. with ten members present at roll call. Council Member Dernoga arrived at 12:03 p.m.

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

Also Present: Stan Brown, People's Zoning Counsel

Robert J. Williams, Jr., Council Administrator

William M. Hunt, Deputy 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

Theresa Myers, Legislative Assistant, Office of the Clerk

Dinora Hernandez, Legislative Officer

Ellis Watson, Legislative Officer

M-NCPPC

Jill Kosack, Supervisor, Development Review Division

Sherrie Conner, Supervisor, Development Review Division

Andrew Bishop, Development Review Division

Eddie Diaz-Campbell, Development Review Division

Tom Burke, Development Review Division

Henry Zhang, Development Review Division

Deborah Borden, Deputy General Counsel

David Warner, Principal Counsel

APPROVAL OF DISTRICT COUNCIL MINUTES

MINDC 09212020 District Council Minutes dated September 21, 2020

A motion was made by Vice Chair Hawkins, seconded by Council Member Davis, that the Minutes be approved. The motion carried by the following vote:

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

Absent: Dernoga

Attachment(s): [09-21-2020 District Council Minutes DRAFT](#)

12:00 PM MANDATORY REVIEW (Using Oral Argument Procedures)

The following hearing was Continued from Monday, September 21, 2020.

DSP-06001-03 The Commons at Addison Road Metro

Applicant(s): 6301 Central Avenue, LLC

Location: Located in the southwest quadrant of the intersection of MD 214 (Central Avenue) and Addison Road, across from the Addison Road Metro Station, at 6301 Central Avenue (2.98 Acres; C-S-C / R-55 / D-D-O).

Request: Requested approval of an amendment to a Detailed Site Plan (DSP) for a mixed-use building including 193 multifamily dwelling units and 11,000 square feet of ground-floor commercial uses.

Council District: 7

Appeal by Date: 8/17/2020

Action by Date: 10/30/2020

Comment(s): Mandatory Review:
District Council review of this case is required by Section 27-548.26(b) of the Zoning Ordinance.

History:

Andrew Bishop, M-NCPPC, provided an overview of the Detailed Site Plan application. Bradley Heard, appellant, spoke in opposition. Christopher Hatcher, Esq., attorney for the applicant, spoke in support along with Stephanie Farrell of Torti Gallas, who responded to Council Member questions. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented. The Mandatory Review Hearing was held and Council referred to staff for an approving document, with conditions (Vote: 11-0).

The hearing was held; subsequently, a motion was made by Council Member Streeter, seconded by Council Member Davis, 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

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- Attachment(s):** [DSP-06001-03 Zoning Agenda Item Summary](#)
[DSP-06001-03 Heard to Brown Correspondence 09282020](#)
DSP-06001-03 District Council Notice of Hearing_Continued
[DSP-06001-03 Response Letter Hatcher to Brown](#)
- DSP-06001-03 Appeal Letter Heard to Brown
[DSP-06001-03 District Council Notice of Hearing](#)
- DSP-06001-03 Appeal Letter Hatcher to Brown
[DSP-06001-03 Planning Board Resolution No. 2020-59](#)
DSP-06001-03_POR List
[DSP-06001-03 Technical Staff Report](#)
[DSP-06001-03 Transcripts Continuance Request \(3-5-20\)](#)
[SDP-0007-03 Planning Board Exhibits](#)

1:30 PM ORAL ARGUMENTS**CNU-26029-2019 E&K International Food Market****Applicant(s):** Ebrima Jallow**Location:** Located on the west side of Livingston Road, approximately 0.3 miles north of Oxon Hill Road (0.25 Acres; C-M Zone).**Request:** Requesting approval of a Certification of a Nonconforming Use (CNU) for a food or beverage store.**Council District:** 8**Appeal by Date:** 8/17/2020**Review by Date:** 9/21/2020**Action by Date:** 10/26/2020**History:**

Prior to the hearing, Stan Brown, People's Zoning Counsel, spoke to the procedural posture of the application and the applicant's request to withdraw. Ebrima Jallow, applicant, spoke and reiterated his request to withdraw the application. Council referred item to staff for the preparation of an disapproving document in accordance with the applicant's request to withdraw (Vote: 11-0).

A motion was made by Council Member Anderson-Walker, seconded by Council Member Streeter, that this Certification of a Nonconforming Use 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): [CNU-26029-2019 Zoning Agenda Item Summary](#)CNU-26029-2019 Applicant email to Brown
9302020[CNU-26029-2019 Transcripts](#)

CNU-26029-2019 Applicant Withdrawal Request

CNU-26029-2019 Applicant Withdrawal Request
emailCNU-26029-2019 Applicant Withdrawal Request
initial email

CNU-26029-2019 District Council Hearing Notice

[CNU-26029-2019 Planning Board Resolution](#)

CNU-26029-2019_POR List

[CNU-26029-2019 Technical Staff Report](#)

1:30 PM ORAL ARGUMENTS (Continued)**SDP-0007-03****Amazon.com Services****Applicant(s):** Amazon.com Services, LLC.**Location:** Located in the northeastern quadrant of the intersection of Queens Court and Prince George's Boulevard (28.01 Acres; E-I-A Zones).**Request:** Requesting approval of an amendment to a Specific Design Plan (SDP) to increase the land area covered by pavement for parking, loading, and circulation for a warehouse and distribution facility.**Council District:** 4**Appeal by Date:** 9/4/2020**Review by Date:** 9/30/2020**Action by Date:** 10/30/2020**History:**

Tom Burke, M-NCPPC, provided an overview of the Specific Design Plan application. G. Macy Nelson, attorney for appellants, spoke in opposition. Heather Dlhopsky, Esq., attorney for the applicant, spoke in support. David Warner, Principal Counsel, M-NCPPC, responded to Council Member questions. 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 the item to staff for preparation of an approving document, with conditions (Vote: 10-1; Against: Council Member Dernoga).

The hearing was held; subsequently, a motion was made by Council Chair Turner, seconded by Council Member Davis, that this Specific Design Plan be referred for document. The motion carried by the following vote:

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

Nay: 1 - Dernoga

Attachment(s): [SDP-0007-03 Zoning Agenda Item Summary](#)
 SDP-0007-03 District Council Hearing Notice
 SDP-0007-03 Letter from Nelson to Brown
 (Appeal)
[SDP-0007-03 Planning Board Resolution 2020-129](#)

SDP-0007-03_PORL

[SDP-0007-03 Technical Staff Report](#)

[SDP-0007-03 Transcripts](#)

[SDP-0007-03 Letter from Dlhopsky to Brown](#)

[SDP-0007-03 Correspondence Nelson to Brown
10-1-2020](#)

1:30 PM ORAL ARGUMENTS (Continued)

The following hearing was Continued from Monday, September 14, 2020.

DSP-18005**Magruder Pointe**

Applicant(s): Werrlein WSSC, LLC

Location: Located in the southeast quadrant of the intersection of Hamilton Street and 40th Avenue (8.26 Acres; R-55 / D-D-O Zones).

Request: Requesting approval of a Detailed Site Plan (DSP) application proposes to develop 15 single-family attached units and 16 single-family detached units on the upper parcel, where the former Washington Suburban Sanitary Commission (WSSC) Headquarters building was located.

Council District: 2

Appeal by Date: 8/17/2020

Review by Date: 9/21/2020

Action by Date: 10/16/2020

Municipality: Hyattsville

History:

Henry Zhang, M-NCPPC, provided an overview of the Detailed Site Plan application. Stan Brown, People's Zoning Counsel, outlined the procedural issues raised by appellants. After a preliminary procedural discussion, Council Member Hawkins voluntarily recused himself from the hearing. Greg Smith and Daniel Muth, appellants, spoke in opposition. Norman Rivera, Esq., attorney for the applicant, spoke in support. Deborah Borden, Deputy General Counsel, M-NCPPC, and Rajesh Kumar, Principal Counsel to the District Council, responded to Council Member questions. 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 Detailed Site Plan hearing was held and the case was taken under advisement.

Attachment(s): [DSP-18005 Zoning Agenda Item Summary](#)
[DSP-18005 Ambler email to Brown 09282020](#)
[Request to Postpone](#)
DSP-18005 District Council Notice of
Hearing_Continued
DSP-18005 Letter from Smith to Brown corrected
(appeal)
DSP-18005 Letter from Smith to Brown original
(appeal)
DSP-18005 District Council Notice of Hearing
DSP-18005 Email from Rivera to Brown (Hold
Withdrawal)
[DSP-18005 Letter from Rivera to Brown](#)
[\(Withdrawl\)](#)
DSP-18005 Letter from Rivera to Brown (Appeal)

[DSP-18005 Planning Board Resolution NO.](#)
[2020-105](#)
DSP-18005_PORL
[DSP-18005 Technical Staff Report](#)

NEW CASE(S)

A-10051

Carozza PropertyApplicant(s): Maria Volpe and Sandra CareyLocation: Located in the southwest quadrant of the interchange of MD 4 (Pennsylvania Avenue) and MD 223 (Woodyard Road), on the north side of Marlboro Pike (60.02 Acres; R-R Zone).Request: Requesting approval for the rezoning of approximately 60.02 acres of R-R (Rural Residential) zoned land to the M-X-T (Mixed Use – Transportation Oriented) Zone within the M-I-O (Military Installation Overlay) Zone.Council District: 9Appeal by Date: 9/21/2020Action by Date: 2/28/2021Opposition: NoneHistory:*Council elected to review (Vote: 9-0; Absent: Council Members Franklin and Hawkins).***A motion was made by Council Member Harrison, seconded by Council Member Davis, that this Zoning Map Amendment be elected to review. The motion carried by the following vote:****Aye:** 9 - Turner, Anderson-Walker, Davis, Dernoga, Glaros, Harrison, Ivey, Streeter and Taveras**Absent:** Franklin and HawkinsAttachment(s): [A-10051 Zoning Agenda Item Summary](#)
[A-10051 ZHE- Decison](#)
[A-10051 Technical Staff Report](#)
A-10051 PORL
A-10051 Color Power Point Presentation*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).*

ITEM(S) FOR DISCUSSION**CSP-19010****LIW Ironworks****Applicant(s):** LIW Ironworks, Inc.**Location:** Located on the north side of Cornett Street, approximately 475 feet east of its intersection with Livingston Road, at 10929 Indian Head Highway (MD 210)(1.5 Acres; I-3 Zone).**Request:** Requesting approval of a Conceptual Site Plan (CSP) for development of up to 19,000 square feet of a contractor's office and warehouse with fabrication.**Council District:** 8**Appeal by Date:** 8/17/2020**Review by Date:** 9/21/2020**Action by Date:** 10/26/2020**History:***Council deferred this case to October 19, 2020.***This Conceptual Site Plan was deferred.****Attachment(s):** [CSP-19010 Zoning Agenda Item Summary](#)
[CSP-19010 District Council Notice of Hearing](#)
[CSP-19010 Planning Board Resolution No. 2020-92](#)
[CSP-19010_POR List](#)
[CSP-19010 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.

(b) PLANNING BOARD**DSP-12043-01 Westphalia Town Center (Special Purpose)**

Applicant(s): Westphalia Development

Location: Located at the intersection of MD 4 (Pennsylvania Avenue) and Melwood Road, approximately 800 feet north of Woodyard Road (478.48 Acres; M-X-T / M-I-O Zones).

Request: Requesting approval of an amendment to a Detailed Site Plan (DSP) that requests the modification of the condition regarding the timing for the community center in Open Space 2 and a condition to modify the timing for the dedication of the school site, known as Parcel 25.

Council District: 6

Appeal by Date: 10/29/2020

Review by Date: 10/29/2020

History:

Council deferred this case to October 19, 2020.

This Detailed Site Plan was deferred.

Attachment(s): [DSP-12043-01 Zoning Agenda Item Summary](#)
[DSP-12043-01 Planning Board Resolution](#)
DSP-12043-01_PORL
[DSP-12043-01 Technical Staff Report](#)

PENDING FINALITY (Continued)

DSP-19031 7-Eleven Branch Avenue

Applicant(s): 7-Eleven, Inc.

Location: Located on the east side of MD 5 (Branch Avenue), south of MD 373 (Accokeek Road) and MD 38(Brandywine Road), and to the west of MD 631 (Old Brandywine Road) (2.00 Acres; C-M / C-S-C Zones).

Request: Requesting approval of a Detailed Site Plan (DSP), to develop the site with a 3,484-square-foot food and beverage store, a gas station, and a 982-square-foot car wash.

Council District: 9

Appeal by Date: 10/15/2020

Review by Date: 10/15/2020

History:

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

A motion was made by Council Member Harrison, seconded by Council Member Dernoga, that this Detailed Site Plan be elected to review. 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-19031 Zoning Agenda Item Summary](#)
 [DSP-19031 Planning Board Resolution](#)
 DSP-19031_PORL
 [DSP-19031 Technical Staff Report](#)

PENDING FINALITY (Continued)

SDP-1803 7-Eleven at Brandywine Village

Applicant(s): 7-Eleven, Inc.

Location: Located at the northwest corner of the intersection of Chadds Ford Drive and US 301 (Robert Crain Highway) (1.14 Acres; L-A-C Zone).

Request: Requesting approval of a Specific Design Plan (SDP) for a 3,062-square-foot food and beverage store and a gas station in the Local Activity Center (L-A-C) Zone.

Council District: 9

Appeal by Date: 10/15/2020

Review by Date: 10/15/2020

History:

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

A motion was made by Council Member Harrison, seconded by Council Member Anderson-Walker, that this Specific Design Plan be elected to review. 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-1803 Zoning Agenda Item Summary](#)
[SDP-1803 Planning Board Resolution](#)
SDP-1803_PORL
[SDP-1803 Technical Staff Report](#)

PENDING FINALITY (Continued)**SDP-1802****Brandywine Village Commercial****Applicant(s):** Brandywine Partners, LLC**Location:** Located in the northwest quadrant of the intersection of US 301 (Robert Crain Highway) and Chadds Ford Drive (12.29 Acres; L-A-C Zone).**Request:** Requesting approval of a Specific Design Plan (SDP) for a 2,200-square-foot eating and drinking establishment with drive-through, a 16,000-square-foot commercial retail building with drive-through, and associated infrastructure in the Local Activity Center (L-A-C) Zone.**Council District:** 9**Appeal by Date:** 10/15/2020**Review by Date:** 10/15/2020**History:***Council waived election to review for this item (Vote: 11-0).***A motion was made by Council Member Harrison, seconded by Council Member Davis, 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-1802 Zoning Agenda Item Summary](#)
[SDP-1802 Planning Board Resolution](#)
SDP-1802_PORL
[SDP-1802 Technical Staff Report](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON OCTOBER 19, 2020 AT 10:00 A.M.

Hearing Dates & Times Subject to Change

DSP-19050 Dewey Property

Companion Case(s): DDS-660

Applicant(s): Bald Eagle Partners

Location: Located on the north side of Toledo Road, approximately 240 feet west of Adelphi Road (21.16 Acres; M-U-I / T-D-O).

Request: Requesting approval of a Detailed Site Plan (DSP) for a mixed-use building consisting of 321 multifamily dwelling units and 1,258 square feet of commercial/retail uses on proposed Parcel 5.

Council District: 2

Appeal by Date: 9/4/2020

Review by Date: 9/30/2020

Action by Date: 10/30/2020

Municipality: Hyattsville

This Detailed Site Plan hearing date was announced.

Attachment(s): [DSP-19050 Zoning Agenda Item Summary](#)

[Letter from Ciferri to Brown \(Appeal\)](#)

[DSP-19050_DSP-19050-01 Transcripts](#)

[DSP-19050 Planning Board Resolution 2020-125](#)

[DSP-19050 PORL](#)

[DSP-19050 Technical Staff Report](#)

[DSP-19050 Planning Board Record](#)

[DSP-19050 Correspondence from Ciferri to Brown \(10022020\)](#)

[\(DSP-19050\) 3-31-20 Letter from Ciferri to Planning Board](#)

[\(DSP-19050\) 4-8-20 Letter from Ciferri to Planning Board](#)

[\(DSP-19050 & DSP-19050-01\) 7-10-20 Letter from Ciferri to Planning Board](#)

[\(DSP-19050 & DSP-19050-01\) 7-15-20 Letter from Ciferri to Planning Board](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON OCTOBER 19, 2020 AT 10:00 A.M.*Hearing Dates & Times Subject to Change***DSP-19050-01 Dewey Property****Applicant(s):** Bald Eagle Partners**Location:** Located on the north side of Toledo Road, approximately 240 feet west of Adelphi Road (21.16 Acres; M-U-I / T-D-O Zones).**Request:** Requesting approval of an amendment to a Detailed Site Plan (DSP) for a development consisting of 529 multifamily dwelling units on proposed Parcels 1, 2, and 3, as the second phase of the Dewey Property mixed-use development.**Council District:** 2**Appeal by Date:** 9/4/2020**Review by Date:** 9/30/2020**Action by Date:** 10/30/2020**Municipality:** Hyattsville**This Detailed Site Plan hearing date was announced.**

Attachment(s): [DSP-19050-01 Zoning Agenda Item Summary](#)
[Letter from Ciferri to Brown \(Appeal\)](#)
[DSP-19050 DSP-19050-01 Transcripts](#)
[DSP-19050-01 Planning Board Resolution 2020-127](#)
 DSP-19050-01_PORL
[DSP-19050-01 Technical Staff Report](#)
[DSP-19050-01 Planning Board Record](#)
[DSP-19050-01 Correspondence from Ciferri to Brown \(10022020\)](#)
[\(DSP-19050-01 & DSP-19050\) 7-10-20 Letter from Ciferri to Planning Board](#)
[\(DSP-19050-01 & DSP-19050\) 7-15-20 Letter from Ciferri to Planning Board](#)
[\(DSP-19050-01\) 5-28-20 Letter from Ciferri to Hurlbutt](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON OCTOBER 19, 2020 AT 10:00 A.M.

Hearing Dates & Times Subject to Change

DSP-19060

McDonald's Landover

Applicant(s): McDonald's Corp

Location: Located on the north side of MD 214 (Central Avenue) at its intersection with Brightseat Road (1.17 Acres; M-U-I / D-D-O / M-I-O).

Request: Requesting approval of a Detailed Site Plan (DSP) requests to raze the existing McDonald's eating and drinking establishment with drive-through service and replace it with a new 4,540-square-foot McDonald's eating and drinking establishment with drive-through service.

Council District: 5

Appeal by Date: 9/4/2020

Review by Date: 9/30/2020

Action by Date: 11/13/2020

This Detailed Site Plan hearing date was announced.

Attachment(s): [DSP-19060 Zoning Agenda Item Summary](#)
[DSP-19060 Planning Board Resolution 2020-121](#)
[DSP-19060 Transcripts](#)
DSP-19060_PORL
[DSP-19060 Technical Staff Report](#)
[DSP-19060 Planning Board Record](#)
[DSP-19060 \(NRIX-094-2019\)](#)
[DSP-19060 \(TCPX-S-114-2019\)](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON OCTOBER 19, 2020 AT 10:00 A.M.*Hearing Dates & Times Subject to Change***SE-4795 Strickland Funeral Home**

Applicant(s): Eric D. Strickland

Location: Located in the southwest quadrant of the intersection of MD 193 (Enterprise Road) and Belvidere Road (7.39 Acres; R-R Zone).

Request: Request approval of a Special Exception (SE) to construct an 11,612-square-foot Funeral Home and a 9,184-square-foot “ancillary” Reception Hall on 7.39 acres of R-R (Rural Residential) zoned land located in the southwest quadrant of the intersection of Enterprise Road (MD 193) and Belvidere Road, and identified as 3800 Enterprise Road, Bowie, Maryland

Council District: 5**Appeal by Date:** 8/17/2020**Review by Date:** 9/21/2020**Action by Date:** 2/14/2021**Opposition:** Raycena Moyer and Samuel Moyer**This Special Exception hearing date was announced.**

Attachment(s): [SE-4795 Zoning Agenda Item Summary](#)
[SE-4795 ZHE- Decision](#)
 SE-4795 PORL
[SE-4795 Technical Staff Report](#)
 SE-4795 Color Powerpoint Presentation
[SE-4795 ZHE Record \(Part 2\)](#)

ADJ48-20 ADJOURN**History:***The District Council Meeting was adjourned at 5:28 p.m. (Vote: 11-0).*

A motion was made by Council Member Streeter, seconded by Council Member Anderson-Walker, 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