

# 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, June 10, 2019**

**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, At-Large*

*Jolene Ivey, District 5*

*Rodney C. Streeter, Vice Chair, 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.

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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**

*Mrs. Sylvia Taylor, International Church of Christ, Landover, MD 20785*

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 05132019](#)

**District Council Minutes dated May 13, 2019**

**Attachment(s):**

[5-13-2019 District Council Minutes DRAFT](#)

[MINDC 05142019](#)

**District Council Minutes dated May 14, 2019**

**Attachment(s):**

[5-14-2019 District Council Minutes DRAFT](#)

**ORAL ARGUMENTS****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:**

03/07/2019	M-NCPPC Technical Staff	approval with conditions
04/11/2019	M-NCPPC Planning Board	approval with conditions
04/29/2019	Sitting as the District Council	elected to review

*Council elected to review this item (Vote: 11-0).***Attachment(s):** [DSP-18039 Planning Board Resolution 19-37](#)

DSP-18039 PORL

[DSP-18039 Technical Staff Report](#)

**ORAL ARGUMENTS (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:**

03/07/2019	M-NCPPC Technical Staff	approval
04/11/2019	M-NCPPC Planning Board	approval
04/29/2019	Sitting as the District Council	elected to review

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

**Attachment(s):** [DDS-651 Planning Board Resolution 19-38](#)

DDS-651 PORL

[DDS-651 Technical Staff Report](#)

**NEW CASE(S)****[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:**

04/17/2019

Zoning Hearing Examiner

approval

**Attachment(s):**[ERR-276 Zoning Hearing Examiner' Decison](#)

ERR-276 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**[CNU-1143-2018](#)**NICO Banquet Hall****Applicant(s):**

NICO Banquet Hall

**Location:**

Located on the east side of Old Branch Avenue, approximately 300 feet east of the intersection of Allentown Road, also identified as 6306 Old Branch Avenue, Temple Hills, Maryland (0.86 Acres; C-M / M-I-O Zones).

**Request:**

Requesting certification of a nonconforming use for an eating or drinking establishment with adult entertainment.

**Council District:**

8

**Appeal by Date:**

2/14/2019

**Review by Date:**

2/14/2019

**Action by Date:**

6/14/2019

**History:**

10/03/2018

M-NCPPC Technical Staff

disapproval

01/10/2019

M-NCPPC Planning Board

disapproval

01/28/2019

Sitting as the District Council

waived election to review

*Council waived its right to elect to review.*

01/29/2019

Applicant

appealed

*Dennis Whitley, III, Esq., attorney for the applicant, filed an appeal to the Planning Board's decision and requested Oral Argument.*

04/15/2019

Sitting as the District Council

hearing held; case taken under advisement

*Ras Cannady, M-NCPPC, provided an overview of the application for Certification of a Non-conforming Use. Dennis Whitley, III, Esq. spoke in support on behalf of the applicant. Leon Turner, Camp Springs Civic Association, Wilmarie McKoy and Bill Edelen, Department of Permitting, Inspections and Enforcement, spoke in opposition. 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.*

05/06/2019

Sitting as the District Council

referred for document

*Council referred this item to staff for preparation of an disapproving document in accordance with the Planning Board Decision (Vote: 11-0).*

**Attachment(s):**

[CNU-1143-2018 Zoning Agenda Item Summary](#)

[CNU-1143-2018 Planning Board Resolution 18-124](#)

CNU-1143-2018\_PORL

[CNU-1143-2018 Technical Staff Report](#)

[CNU-1143-2018 Case Material](#)



**REFERRED FOR DOCUMENT (Continued)****CSP-18002 Remand****Magruder Pointe (REMAND)****Applicant(s):**

Werrlein WSSC LLC

**Location:**

Located in the southeast quadrant of the intersection of Hamilton Street and 40th Avenue, north of Gallatin Street and west of 40th Place. The subject site is also located within the Traditional Residential Neighborhood (TRN) Character Area 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) (8.26 Acres; R-55/O-S/D-D-O Zones).

**Request:**

Requesting approval of a Conceptual Site Plan (CSP) application proposing to rezone the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use-Infill (M-U-I) Zone for a future single-family residential development. No site improvements have been proposed in this CSP.

**Council District:**

2

**Appeal by Date:**

5/2/2019

**Action by Date:**

6/10/2019

**Comment(s):**

Mandatory Review:

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

**Municipality:**

City of Hyattsville

**History:**

07/18/2018

M-NCPPC Technical Staff

disapproval

*DISAPPROVAL of the request and decline to recommend rezoning the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use-Infill (M-U-I) Zone.*

07/18/2018

M-NCPPC Technical Staff

approval with conditions

*APPROVAL of rezoning the 4.66-acre property in the Open Space (O-S) Zone to the One-Family Detached Residential (R-55) Zone and permit single-family attached residential development with a required detailed site plan, in accordance with the goals and recommendations of the Traditional Residential Neighborhood Character Area on the property.*

07/26/2018	M-NCPPC Planning Board	disapproval	<i>DISAPPROVAL of the request and decline to recommend rezoning the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use–Infill (M-U-I) Zone.</i>
07/26/2018	M-NCPPC Planning Board	approval with conditions	<i>APPROVAL of recommendation to rezone the 4.66-acre property in the Open Space (O-S) Zone to the One-Family Detached Residential (R-55) Zone and permit single-family attached residential development with a required detailed site plan, in accordance with the goals and recommendations of the Traditional Residential Neighborhood Character Area on the property. The maximum density for single-family attached is 9 dwelling units per acre and the maximum density for single-family detached is as permitted in the R-55 Zone, or 6.7 dwelling units per acre.</i>
09/04/2018	Person of Record	appealed	<i>Mr. Daniel Muth, Mr. Greg Smith, Mr. Peter Anton Veigas, Ms. Wendy Beatty, Ms. Sarah Eisen, Ms. Nina Faye, Mr. Paul Hrusa, and Mr. Chris Currie, filed an appeal in opposition to the proposal and requested Oral Argument.</i>
09/10/2018	Person of Record	filed	<i>Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter with an attached legal opinion by their attorney, J. Carroll Holzer, Esq. in opposition to the proposal and opposition to the proposed September 17, 2018 Oral Argument.</i>
09/10/2018	Applicant	filed	<i>Norman D. Rivera, Esq., attorney for the applicant, filed a rebuttal to the September 4, 2018 appeal filed by Mr. Daniel Muth, Mr. Greg Smith, Mr. Peter Anton Veigas, Ms. Wendy Beatty, Ms. Sarah Eisen, Ms. Nina Faye, Mr. Paul Hrusa, and Mr. Chris Currie.</i>
09/17/2018	Sitting as the District Council	continued at a later date	<i>Stan Brown, People's Zoning Counsel, spoke to the need to continue this case until Tuesday, October 15, 2018 at 10:00 a.m.</i>
09/24/2018	Person of Record	filed	<i>Candace B. Hollingsworth, Mayor, City of Hyattsville, filed a letter requesting a remand to the Planning Board to allow the city to submit additional testimony related to the R-55 recommendation.</i>

09/26/2018	Person of Record	filed
	<i>Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter in opposition to the proposed October 15, 2018 Oral Argument.</i>	
09/27/2018	Person of Record	filed
	<i>Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a second letter in opposition to the proposed October 15, 2018 Oral Argument.</i>	
10/09/2018	Person of Record	filed
	<i>J. Carroll Holzer, Esq., attorney for Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter in opposition to the proposed October 15, 2018 Oral Argument.</i>	
10/12/2018	Applicant	filed
	<i>Norman D. Rivera, Esq., attorney for the applicant, filed a letter concurring with a continuance of the October 15, 2018 Oral Argument to satisfy state affidavit requirements.</i>	
10/15/2018	Sitting as the District Council	continued at a later date
	<i>Stan Brown, People's Zoning Counsel, provided an overview on the status of the case and outlined the reasons why the hearing would take place at a later date in order to satisfy state affidavit requirements. The case was continued as requested and agreed to by certain members of the opposition and the applicant.</i>	
01/14/2019	Sitting as the District Council	postponed
	<i>Due to inclement weather conditions and pursuant to Sec. 27-291 of the Zoning Ordinance, this District Council Session was postponed to Tuesday, January 15, 2019 immediately following the County Council Session.</i>	

01/15/2019	Sitting as the District Council	hearing held; referred for document
	<i>Henry Zhang, M-NCCPC, provided an overview of the Conceptual Site Plan application. Jim Chandler with the City of Hyattsville spoke in opposition as did Greg Smith and Daniel Muth. Norman Rivera, Esq., attorney for the applicant, spoke in support on behalf of the applicant as did the following individuals: Charlie Kenny, Nick Harris, Michael Romero, Brenda Cain, Alyce Thompson and Flawn Williams. 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 Mandatory Review Hearing was held and this item was referred to staff for preparation of an Order of Remand to the Planning Board (Vote: 11-0).</i>	
01/28/2019	Sitting as the District Council	remanded
	<i>Council adopted the prepared Order of Remand to the Planning Board (Vote: 10-0; Absent: Council Member Franklin).</i>	
01/31/2019	Clerk of the Council	mailed
	<i>The Notice of Decision of the District Council was mailed to Persons of Record.</i>	
02/25/2019	M-NCPPC Technical Staff	approval with conditions
	<i>The Urban Design Section provided supplemental evaluation and analysis and again recommended APPROVAL of Conceptual Site Plan CSP-18002 for Magruder Pointe as outlined in PGCPB Resolution No. 18-74(A) approving of rezoning the 4.66-acre property in the Open Space (O-S) Zone to the One-Family Detached Residential (R-55) Zone and permit single-family attached residential development with a required detailed site plan, in accordance with the goals and recommendations of the Traditional Residential Neighborhood Character Area on the property. The maximum density for single-family attached is 9 dwelling units per acre and the maximum density for single-family detached is as permitted in the R-55 Zone, or 6.7 dwelling units per acre.</i>	

03/28/2019	M-NCPPC Planning Board	no recommendation
	<i>After much discussion, a motion for approval failed (a 2-2 tie vote) and no further motions were put forward. Therefore, the findings, including the supplemental analysis required by the remand, are forwarded to the District Council for final decision, without a recommendation supporting any rezoning of the property as required by Section 27-548.26(b).</i>	
04/10/2019	Clerk of the Council	mailed
	<i>Notice of Mandatory Review Hearing (using Oral Argument procedures) was mailed to Persons of Record.</i>	
04/15/2019	Sitting as the District Council	announced hearing date
05/13/2019	Sitting as the District Council	hearing held; referred for document
	<i>Jill Kosack, M-NCCPC, provided an overview of the Conceptual Site Plan application. Norman Rivera, Esq., attorney for the applicant, spoke in support on behalf of the applicant as did the following individuals: James Danly, Michael Romero, Nicholas Harrison, Flawn Williams and Alyce Thompson. Jim Chandler, Assistant City Administrator for the City of Hyattsville, spoke in opposition as did Daniel Muth, Daniel Schnable, Thresea Immordino, Karen Veigas, Maureen Vosmek, Jennifer Bosworth, Tim Davis and Greg Smith. 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 Mandatory Review Hearing was held and Council referred this item to staff for preparation of an approving document with conditions (Vote: 8-0-1; Absent: Council Members Franklin and Glaros; Abstained: Council Member Anderson-Walker).</i>	

**Attachment(s):**

[CSP-18002 Remand Planning Board Resolution 18-74\(A\)](#)

CSP-18002 Remand PORL\_searchable

[CSP-18002 Remand Technical Staff Report and Memorandum](#)

**ITEM(S) FOR DISCUSSION**[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:**

06/13/2018	M-NCPPC Technical Staff	approval with conditions
06/21/2018	M-NCPPC Planning Board	no motion to consider
02/26/2019	Zoning Hearing Examiner	approval with conditions
03/25/2019	Sitting as the District Council	elected to make the final decision
	<i>Council elected to make the final decision on this item (Vote: 11-0).</i>	
03/27/2019	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	
04/29/2019	Sitting as the District Council	hearing held; case taken under advisement

*Chair Turner announced that the oral argument hearings for SE/VSE-4772 and DPLS-438, Sunoco Gas Station and Car Wash, would be held in tandem. Ivy Thompson, M-NCPPC, provided an overview of the applications. Traci Scudder, Esq., spoke in support on behalf of the applicant. 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.*

05/06/2019

Sitting as the District Council

deferred

*Council deferred this item to a later date.*

**Attachment(s):**

[SEVSE-4772 Zoning Hearing Examiner Decision](#)

SEVSE-4772 PORL

[SEVSE-4772 Technical Staff Report](#)

**ITEM(S) FOR DISCUSSION (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).**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:**

06/04/2018 M-NCPPC Technical Staff approval with conditions

07/12/2018 M-NCPPC Planning Board approval with conditions

07/24/2018 Sitting as the District Council deferred

*Council deferred this item.*

09/17/2018 Sitting as the District Council elected to review

*Council elected to review this item (Vote: 8-0; Absent: Council Member Glaros).*

10/22/2018 Sitting as the District Council rescheduled

*The hearing on this case was postponed until 2019 in light of its companion case, SE-4772, that was pending before the Zoning Hearing Examiner.*

02/26/2019 M-NCPPC Planning Board filed

*The July 12, 2018 Planning Board Resolution (PGCPB No. 18-51) was corrected administratively on February 12, 2019 to correct a minor administrative error in the subject decision.*



03/27/2019	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	
04/29/2019	Sitting as the District Council	hearing held; case taken under advisement
	<i>Chair Turner announced that the oral argument hearings for SE/VSE-4772 and DPLS-438, Sunoco Gas Station and Car Wash, would be held in tandem. Ivy Thompson, M-NCPPC, provided an overview of the applications. Traci Scudder, Esq., spoke in support on behalf of the applicant. 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.</i>	
05/06/2019	Sitting as the District Council	deferred
	<i>Council deferred this item to a later date.</i>	
<b><u>Attachment(s):</u></b>	<a href="#">DPLS-438 Zoning Agenda Item Summary</a> <a href="#">DPLS-438 Planning Board Resolution 18-51</a> DPLS-438 PORL <a href="#">DPLS-438 Technical Staff Report</a>	

**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-4819****Enterprise Rent-A-Car Park Central****Applicant(s):**

Enterprise RAC Company of Maryland, LLC

**Location:**

Located on the south side of Central Avenue (MD 214) approximately 515 feet west of its intersection with Westhampton Avenue, and identified as 7957-7963 Central Avenue, Capitol Heights, Maryland (0.3193 Acres; C-S-C / M-I-O Zones).

**Request:**

Requesting approval of a Special Exception for permission to use approximately 0.3193- acre of a 4.7882-acre site in the C-S-C (Commercial Shopping Center) and M-I-O (Military Installation Overlay) Zones to relocate an existing vehicle rental facility, including vehicle rental display, to a larger tenant space within the same building.

**Council District:**

6

**Appeal by Date:**

6/17/2019

**Review by Date:**

6/17/2019

**Opposition:**

None

**History:**

01/10/2019	M-NCPPC Technical Staff	approval with conditions
01/31/2019	M-NCPPC Planning Board	no motion to consider
05/17/2019	Zoning Hearing Examiner	approval

**Attachment(s):**[SE-4819 Zoning Hearing Examiners Decision](#)

SE-4819\_PORL

[SE-4819 Technical Staff Report](#)

*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 (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.*

**(b) PLANNING BOARD****DSP-18046****Burger King #1155****Applicant(s):**

Carrols, LLC

**Location:**

The subject site is located on the south side of Bladensburg Road and on the north side of Newark Road, at the intersection with 40th Avenue (1.639 Acres; M-X-T / D-D-O Zones).

**Request:**

Requesting approval of a Detailed Site Plan for expansion of a certified nonconforming use of an existing eating and drinking establishment with drive-through, specifically a Burger King. The specific changes include facade, sidewalk, and signage improvements; the removal of a 33-square-foot vestibule; the addition of a 182-square-foot pay station window to the existing building; and the validation of the 20-space parking lot located at the eastern side of the property, abutting 40th Place.

**Council District:**

5

**Appeal by Date:**

6/20/2019

**Review by Date:**

6/20/2019

**Municipality:**

Colmar Manor

**History:**

04/04/2019

M-NCPPC Technical Staff

approval with conditions

05/16/2019

M-NCPPC Planning Board

approval with conditions

**Attachment(s):**[DSP-18046 Planning Board Resolution](#)

DSP-18046\_PORL

[DSP-18046\\_Tecnical 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.*

**(b) 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:**

04/09/2019

M-NCPPC Technical Staff

approval with conditions

05/16/2019

M-NCPPC Planning Board

approval with conditions

**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.*

**(b) 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:**

04/16/2019

M-NCPPC Technical Staff

approval with conditions

05/02/2019

M-NCPPC Planning Board

approval with conditions

**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.*

**(c) PLANNING BOARD'S REPRESENTATIVE**[CNU-58226-2018-U](#)**5019 Marlboro Pike****Applicant(s):**

Alliance Energy, LLC

**Location:**

Located at the intersection of Marlboro Pike and Nova Ave at 5019 Marlboro Pike Capital Heights, MD 20748 (0.57 Acres; M-U-I / Residential Development DDO Zones).

**Request:**

Requesting Certification of Nonconforming Use for existing self-serve auto filling station. Certification of existing self-serve auto filling station is required pursuant to the Marlboro Pike Sector plan. An auto filling station is no longer permitted in the Residential Development DDOZ; however, any use which was lawful prior to the date of the Marlboro Pike Sector Plan and SMA does not need to meet the Marlboro Pike development district standards and can continue by certification of a nonconforming use. This self-serve auto filling station was built in 1996 and has continuously operated from then to the present.

**Council District:**

7

**Review by Date:**

6/28/2019

**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:**

05/29/2019

M-NCPPC Administrative Certification approval

**Attachment(s):**[CNU-58226-2018-U Case File Materials](#)

*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.*

**CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON JULY 8, 2019 AT 10:00 A.M.****A-10049****Khan Property****Applicant(s):**

Khan Properties, LLC

**Location:**

Located The property is located at the northwest quadrant of the intersection of U.S. 301 (Robert Crain Highway) and Missouri Avenue. Also Identified as 203 Crain Highway, Brandywine, Maryland (4.592 acres; R-R Zone).

**Request:**

Requesting approval of a Zoning Map Amendment to rezone approximately 4.592 acres of R-R (Rural Residential) zoned land to the C-M (Commercial Miscellaneous) Zone.

**Council District:**

9

**Appeal by Date:**

5/29/2019

**Action by Date:**

10/28/2019

**Opposition:**

None

**History:**

11/20/2018	M-NCPPC Technical Staff	disapproval
12/13/2018	M-NCPPC Planning Board	no motion to consider
04/29/2019	Zoning Hearing Examiner	approval with conditions
05/29/2019	Applicant	appealed

*Edward C. Gibbs, Jr., Esq., attorney for the applicant, filed an exception to the Zoning Hearing Examiner's Decision related to to Condition 2 and requested Oral Argument.*

**Attachment(s):**[A-10049 ZHE Decision](#)

A-10049 PORL

[A-10049 Technical Staff Report](#)

**CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON JULY 8, 2019 AT 10:00 A.M.**

ROW Royal Farms

**ROW Royal Farms #220 (Accokeek)**

**Applicant(s):**

Two Farms, Inc.

**Location:**

Located on the west side of Indian Head Highway, in the southwest quadrant of its intersection with Livingston Road, also identified as 15808 and 15812 Livingston Road, 100 Biddle Road, and 16001 Indian Head Highway, Accokeek, Maryland. (2.94 acres; C-S-C Zone).

**Request:**

Requesting approval for authorization to construct two (2) pylon signs, 22 parking spaces, drive aisle, free air station, five (5) gas pumps with canopy, large vehicle parking areas, all of the required landscaping, and the stormwater management facility within the proposed right-of-way for F-11 and C-525.

**Council District:**

9

**Appeal by Date:**

5/31/2019

**Action by Date:**

10/29/2019

**Comment(s):**

The Applicant has also submitted an application for a Special Exception for a Gas Station in combination with a Food or Beverage Store, Special Exception 4816.

**Opposition:**

Sangee and Sulojana Tharmarajah

**History:**

05/01/2019

Zoning Hearing Examiner

approval

05/31/2019

Person of Record

appealed

*Ms. Sangee Tharmarajah and Sulojana Tharmarajah filed an appeal of the Zoning Hearing Examiner's decision and requested Oral Argument.*

**Attachment(s):**

[ROW- Royal Farms ZHE Decision](#)

ROW - Royal Farms PORL

**ADJOURN**

**COUNTY COUNCIL ITEMS (COUNCIL HEARING ROOM)**

*(SEE SEPARATE AGENDA)*