



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, 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

Monday, June 10, 2019

10:00 AM

Council Hearing Room

9:30 AM AGENDA BRIEFING - (ROOM 2027)

At 9:44 a.m., due to a lack of a quorum of members, a public statement was read and the Agenda Briefing was conducted as an informal discussion in lieu of a public meeting.

10:09 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 10:09 a.m. with nine members present at roll call. Council Member Dernoga arrived at 10:17 a.m and Council Member Franklin arrived at 10:45 a.m.

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

INVOCATION

Council Member Glaros requested prayer for Stephen Tyrell Jones, a Prince Georgian security officer who lost his life 10 years ago at the Holocaust Museum and all of those who lost their lives in the line of duty. She also requested a call to action for the love we share, the bond we share, to remember that hate has not place, and to keep in mind colleagues and staff whose families are undergoing treatments including Council Member Hawkins' whose mother has been in the hospital. Council Member Hawkins requested prayer for the the family of Joseph Aloysius Quander, Jr. a public safety official who passed. Council Member Taveras requested prayer for a quick recovery for Big Pappi (David Ortiz) who was shot in the Dominican Republic. Council Member Harrison requested prayer for the entire leadership of Prince George's County Government, County Council, and County Executive that they serve with humility and grace and to remember it's about the people of the county. Council Member Anderson-Walker requested prayer for the children who were separated at the border from their parents.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Streeter.

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 05132019](#)

District Council Minutes dated May 13, 2019

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

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

Absent: Franklin

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

[MINDC 05142019](#)

District Council Minutes dated May 14, 2019

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

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

Absent: Franklin

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:

Chairman Turner indicated that the Oral Argument hearings for DSP-18039 Townes at Peerless and DDS-651 Townes at Peerless would be held in tandem. Henry Zhang, M-NCPPC, provided an overview of the Detailed Site Plan and Departure from Design Standards applications. Andre Gingles, Esq., attorney for the applicant, 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.

This Detailed Site Plan hearing was held and the case was taken under advisement.

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:**

Chairman Turner indicated that the Oral Argument hearings for DSP-18039 Townes at Peerless and DDS-651 Townes at Peerless would be held in tandem. Henry Zhang, M-NCPPC, provided an overview of the Detailed Site Plan and Departure from Design Standards applications. Andre Gingles, Esq., attorney for the applicant, 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.

This Departure from Design Standards hearing was held and the case was taken under advisement.

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:

Council referred item to staff for preparation of an approving document in accordance with the Zoning Hearing Examiner's decision (Vote: 11-0).

A motion was made by Council Member Taveras, seconded by Council Member Glaros, that this Permit issued in error 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): [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:

Council adopted the prepared Order of denial (Vote: 11-0).

A motion was made by Council Member Anderson-Walker, seconded by Council Member Franklin, that this Certification of a Nonconforming Use be disapproved. 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-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:***Council adopted the prepared Order of approval, with conditions (Vote: 11-0).***A motion was made by Council Member Taveras that this Conceptual Site Plan be approved with conditions. The motion carried by the following vote:****Aye:** 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras**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:**

Council referred item to staff for preparation of a disapproving document (Vote: 11-0).

A motion was made by Council Member Anderson-Walker, seconded by Vice Chair Streeter, that this Special Exception/Variance SE 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): [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 Zone).**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:**

Council referred item to staff for preparation of a disapproving document (Vote: 11-0).

A motion was made by Council Member Anderson-Walker, seconded by Council Member Glaros, that this Departure from Parking and Loading Standards 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): [DPLS-438 Zoning Agenda Item Summary](#)
[DPLS-438 Planning Board Resolution 18-51](#)
DPLS-438 PORL
[DPLS-438 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-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:**

Council waived election to review for this item (Vote: 11-0).

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

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

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:**

Council waived election to review for this item (Vote: 11-0).

A motion was made by Council Member Ivey, seconded by Council Member Franklin, that hat Council waive election to review for this Detailed Site 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): [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:

Council deferred this item to June 17, 2019.

This Specific Design Plan was deferred.

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:

Council deferred this item to June 17, 2019.

This Specific Design Plan was deferred

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:***Council waived election to review for this item (Vote: 11-0).***A motion was made by Vice Chair Streeter, seconded by Council Member Davis, that hat Council waive election to review for this Certification of a Nonconforming Use.****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-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

This Zoning Map Amendment hearing date was announced.

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

This Authorization to Build in the Right of Way hearing date was announced.**Attachment(s):**[ROW- Royal Farms ZHE Decision](#)

ROW - Royal Farms PORL

[ADJ71-19](#)

ADJOURN

History:

Meeting went into Recess

Meeting Reconvened

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

COUNTY COUNCIL ITEMS (COUNCIL HEARING ROOM)

The County Council Session was held. See Separate County Council minutes for details.

(SEE SEPARATE AGENDA)

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Donna J. Brown, Acting Clerk of the Council