



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

Dannielle M. Glaros, District 3, Chair

Derrick Leon Davis, District 6

Mel Franklin, District 9

Andrea C. Harrison, District 5

Mary A. Lehman, District 1

Obie Patterson, District 8

Deni L. Taveras, District 2

Karen R. Toles, District 7

Todd M. Turner, District 4, Vice Chair

Robert J. Williams, Jr., Council Administrator

Monday, October 15, 2018

10:00 AM

Council Hearing Room

9:51 AM AGENDA BRIEFING - (ROOM 2027)

At 9:51 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.

10:24 AM CALL TO ORDER - (COUNCIL HEARING ROOM)

The meeting was called to order by Chair Glaros at 10:24 a.m. with five members present at roll call. Council Member Patterson arrived at 10:39 a.m. Council Member Toles arrived at 12:00 p.m. Council Member Franklin arrived at 12:20 p.m.

Present: 8 - Chair Dannielle Glaros
 Council Member Derrick Davis
 Council Member Mel Franklin
 Council Member Mary Lehman
 Council Member Obie Patterson
 Council Member Deni Taveras
 Council Member Karen Toles
 Vice Chair Todd Turner

Absent: Council Member Andrea Harrison

*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
Redis C. Floyd, Clerk of the Council
Donna J. Brown, Deputy Clerk of the Council
Leonard Moses, Office of the Clerk of the Council

M-NCPPC
Jill Kosack, Supervisor, Development Review Division
Howard Berger, Supervisor, Historic Preservation Section
Thomas Gross, Historic Preservation Section

INVOCATION

The Invocation was provided by Mrs. Daria Bailey, County Employee. Council Member requested prayer for residents of Florida in light of recent hurricane and for civility.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Turner.

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 09242018](#)

District Council Minutes Dated September 24, 2018

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

Aye: 5 - Glaros, Davis, Lehman, Taveras and Turner

Absent: Franklin, Harrison, Patterson and Toles

ORAL ARGUMENTS[CDP-1701](#)**The Preserve at Westphalia**

- Applicant(s):** Green Revolution Realty, LLC
- Location:** Located in the northwest quadrant of the intersection of Westphalia Road and Ritchie Marlboro Road in Upper Marlboro, Maryland (63.66 Acres; R-M / L-A-C Zones).
- Request:** Requesting approval of a Comprehensive Design Plan (CDP) to develop a 63.66-acre site with a range of 235–330 residential dwelling units and 12,500 square feet of commercial development. Specifically, the CDP illustrates 101 single-family detached (SFD) dwellings in the Residential Medium Development (R-M) Zone, and 147 single-family attached (SFA) dwellings and 22 SFD dwellings in the Local Activity Center (L-A-C) Zone. In addition, the CDP also includes a 1.93-acre area for the proposed 12,500 square feet of commercial development.
- Council District:** 6
- Appeal by Date:** 9/4/2018
- Review by Date:** 10/1/2018
- Action by Date:** 1/3/2019

History:

Jill Kosack, M-NCPPC, provided an overview of the Comprehensive Design Plan application. Vaneta Wills and Marwin Glenn spoke in opposition. Marvo Jo Camap, Esq., attorney for the applicant, spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, commented on the factual and legal arguments presented by the parties. Council took this item under advisement.

This Comprehensive Design Plan hearing was held and the case was taken under advisement.

ORAL ARGUMENTS (Continued)[HPC-062-10](#)**Appeal of Decision of Historic Preservation Commission****Briarly Academy (Old Hotel) (Historic Resource - Area 62-10)**

- Applicant(s):** Jumes House/Briarly Academy
- Location:** Located off a rise of ground immediately east of Old Washington-Baltimore turnpike between Vansville and Muirkirk and identified as 11777 OLD Baltimore Pike, Beltsville, Maryland 20705.
- Request:** The instant action involves the appeal of the Decision of the Historic Preservation Commission (“HPC”) to amend the July 1981 Historic Sites and Districts Plan, which included the subject property, the Briarly Academy (Old Hotel)(62-10) in its Historic Resource Inventory, by designating the Briarly Academy (Old Hotel) as a Historic Site in the Plan’s Inventory of Historic Sites.
- Council District:** 1
- Appeal by Date:** 6/15/2018
- Action by Date:** 1/28/2019
- Opposition:** None
- History:**

Howard Berger, HPC, M-NCPPC and Thomas Gross, HPC, M-NCPPC, provided an overview of the Historic Preservation Commission (HPC) Decision appeal. Joseph Suntum, Esq. attorney for the applicant, spoke in opposition to the designation. Bradley Farrar, attorney for the HPC, spoke in support of the designation on behalf of the HPC. Stan Brown, People's Zoning Counsel, commented on the factual and legal arguments presented by the parties. Council took this item under advisement.

This Appeal of Historic Site Designation hearing was held and the case was taken under advisement.

MANDATORY REVIEW (Using Oral Argument Procedures)[CSP-18002](#)**Magruder Pointe**

- Applicant(s):** Werlein 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:

9/4/2018

Review by Date:

9/30/2018

Action by Date:

10/30/2018

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:

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.

This Conceptual Site Plan was continued to a later date.

DRAFT

NEW CASE(S)[DSP-11017](#)[AmendCond Remand](#)**Hyattsville Subway Sandwich Shop (Amendment of Conditions)****(REMAND)****Companion Case(s):** DSP-11017 Amend of Conditions**Applicant(s):** Jagjot Khandpur**Location:** Located on the western side of Baltimore Avenue (US 1), approximately 790 feet south of its intersection of Farragut Street (0.15 Acres, M-U-I/D-D-O Zones).**Request:** Requesting approval for an amendment of condition of the District Council decision dated February 12, 2013, that Condition 1(k), supra, be revised to allow a wooden fence enclosure for the dumpster to the rear of the site.**Council District:** 2**Appeal by Date:** 9/7/2018**Action by Date:** 2/28/2019**Municipality:** Hyattsville**Opposition:** None**History:**

Council elected to review this item (Vote: 5-0; Absent: Council Members Harrison, Lehman, Patterson, and Toles).

A motion was made by Council Member Taveras, seconded by Vice Chair Turner, that this Amendment of Conditions be elected to review by Council. The motion carried by the following vote:

Aye: 5 - Glaros, Davis, Franklin, Taveras and Turner

Absent: Harrison, Lehman, Patterson and Toles

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**This was case taken under advisement**[DSP-18017](#)**JDA Baltimore Avenue****Applicant(s):** JSF Management, LLC**Location:** Located on the west side of US 1 (Baltimore Avenue), in the northwest quadrant of the “T” intersection of US 1 and Hollywood Road, at 9604 Baltimore Avenue. The site is also within the Corridor Infill Character Area and is subject to the Development District Overlay (D-D-O) Zone standards found in the Central US 1 Corridor Sector Plan and SMA (0.88 Acres; C-S-C Zone).**Request:** Requesting approval of a Detailed Site Plan to modify the Table of Uses of the 2010 Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment (Central US 1 Corridor Sector Plan and SMA), to expressly permit a consolidated storage facility on the subject site and construct a 116,615-square-foot building.**Council District:** 1**Appeal by Date:** 9/4/2018**Review by Date:** 9/30/2018**Action by Date:** 10/30/2018**Comment(s):** Mandatory Review:
District Council review of this case is required by Section 27-548.26(b) of the Zoning Ordinance.**History:***Council deferred this item to October 22, 2018.***This Detailed Site Plan was deferred.**

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/VSE-4750 Remand Sheriff Road Seventh Day Adventist Church (Remand)**

Companion Case(s): DPLS-425; SE/VSE-4750

Applicant(s): Sheriff Road Seventh-Day Adventist Company

Location: Located at the intersection of Eastern Avenue and 59th Avenue, and identified as 602 59th Avenue, Fairmount Heights, Maryland (0.2860 Acres; R-55 Zone).

Request: Requesting approval for a Special Exception for permission to use approximately 0.2860-acre of R-55 (One-Family Detached Residential) zoned land for a 40-seat church. Also requesting Variance 4750 to reduce the minimum setback requirements for the church set forth in Sections 27.341.02 (a) (1) and 442 (e) of the Zoning Ordinance.

Council District: 5

Appeal by Date: 10/29/2018

Review by Date: 10/29/2018

Comment(s): The companion case, DPLS-425 was approved with conditions by Council on 2/12/2018.

Municipality: Town of Fairmount Heights

Opposition: Town of Fairmount Heights, et. al.

History:

Council took no action on this item.

Council did not elect to make the final decision on this Special Exception/Variance.

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.

12:48 PM ADJOURN

A motion was made by Council Member Davis, seconded by Council Member Lehman, that this be motion to adjourn passed. The motion carried by the following vote:

Aye: 8 - Glaros, Davis, Franklin, Lehman, Patterson, Taveras, Toles and Turner

Absent: Harrison

EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

[EX 10152018](#)

Motion to convene in executive session to consider the investment of public funds in accordance with Section 3-305(b) (5), General Provisions Article, Annotated Code of Maryland.

History:

The Chairman read the following closing statement/motion to convene in executive session: "Motion to convene in executive session to consider the investment of public funds in accordance with Section 3-305(b) (5), General Provisions Article, Annotated Code of Maryland only to discuss potential recipients for the Prince George's County Domestic Violence Grant Award Program. The Executive Session was held (See District Council Minutes dated October 22,2018 for details).

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

Aye: 8 - Glaros, Davis, Franklin, Lehman, Patterson, Taveras, Toles and Turner

Absent: Harrison

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Redis C. Floyd, Clerk of the Council