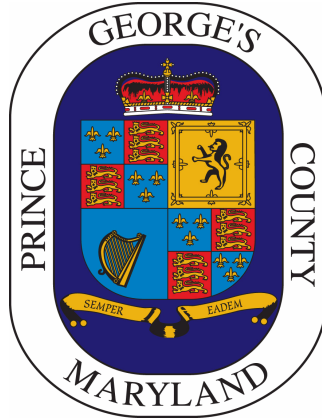


Prince George's County Council

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



Zoning Agenda - Final

**Tuesday, February 9, 2021
12:00 PM**

VIRTUAL MEETING

Sitting as the District Council

Calvin S. Hawkins, II, Chair, At-Large

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

Jolene Ivey, District 5

Rodney C. Streeter, District 7

Deni L. Taveras, Vice Chair, District 2

Todd M. Turner, District 4

Robert J. Williams, Jr., Council Administrator

RULES OF COURTESY (VIRTUAL)

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. To ensure 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.

VIRTUAL DISTRICT COUNCIL MEETINGS

Given the current state of the novel coronavirus (COVID-19) pandemic, and under the Governor's "Proclamation and Declaration of State of Emergency and Existence of Catastrophic Health Emergency – COVID-19" and the Prince George's County State of Emergency Declarations, the District Council is operating under emergency procedures. As authorized by CB-33-2020 hearings will be conducted virtually and in accordance with District Council Rules of Procedure.

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. Testimony at Oral Argument Hearings must be based on the record, and no new evidence will be permitted. Only persons of record may testify. Persons of Record wishing to give oral argument on a specific case should register with the Clerk of the Council by email to clerkofthecouncil@co.pg.md.us or faxed to (301) 952-5178 by 3:00 p.m. on the day BEFORE the meeting.

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. Five (5) minute rebuttal from the side requesting hearing
5. Five (5) minute rebuttal from the side favoring decision
6. Comments by the People's Zoning Counsel

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. State your name and address for the record and 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.

FOR LIVE STREAMING AND VIDEO VISIT OUR WEBSITE AT: <http://pgccouncil.us/LIVE>
PLEASE SILENCE ALL CELLULAR PHONES DURING THE MEETING.

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

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

INVOCATION / MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 01252021](#)

District Council Minutes dated January 25, 2021

Attachment(s):

[DRAFT District Council Minutes dated 01-25-2021](#)

[MINDC 01282021](#)

District Council Minutes dated January 28, 2021

Attachment(s):

[DRAFT District Council Minutes dated 01-28-2021](#)

REFERRED FOR DOCUMENT[A-10051](#)**Carozza Property****Applicant(s):**

Maria Volpe and Sandra Carey

Location:

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:

9

Appeal by Date:

9/21/2020

Action by Date:

3/1/2021

Opposition:

None

History:

10/17/2019

M-NCPPC Technical Staff

disapproval

08/20/2020

Zoning Hearing Examiner

remanded

The Zoning Hearing Examiner recommended a Remand back to the Office of the Zoning Hearing Examiner, with conditions.

09/21/2020

Applicant

appealed

Russell W. Shipley, Esq., attorney for the applicant, filed exceptions to the Zoning Hearing Examiner Decision and requested a hearing.

10/05/2020

Sitting as the District Council

elected to review

Council elected to review (Vote: 9-0; Absent: Council Members Franklin and Hawkins).

12/18/2020

Clerk of the Council

mailed

Notice of Oral Argument Hearing were mailed to Persons of Record.

01/11/2021

Sitting as the District Council

announced hearing date

01/25/2021

Sitting as the District Council

referred for document

People's Zoning Counsel, Stan Brown, provided an orientation, recommending that Council Remand the case in accordance with the Zoning Hearing Examiner recommendation and the concurring letter by Russell Shipley, Esq., attorney for the applicant. Subsequently, Council referred item to staff for preparation of an order of remand to the Zoning Hearing Examiner (Vote: 11-0).

Attachment(s):[A-10051 Zoning Agenda Item Summary](#)[A-10051 Amendment to Exception Shipley to Brown 0121](#)[A-10051 Applicant_ Exceptions to the ZHE Decision](#)[A-10051 ZHE- Decison](#)[A-10051 Technical Staff Report](#)

A-10051 PORL

A-10051 Color Power Point Presentation Updated

A-10051 Color Power Point Presentation

[A-10051 Oral Argument Hearing Notice](#)[A-10051 ZHE Record \(Part 1\)](#)[A-10051 ZHE Record \(Part 2\)](#)

REFERRED FOR DOCUMENT (Continued)[A-8589-04](#)**Bowie New Town Center (Former "Sears Parcel")
(Basic Plan Amendment)****Applicant(s):**

Seritage SRC Finance, LLC

Location:

Located on the northwest side of Evergreen Parkway and on the south side of MD 197 (Collington Road), though it does not extend to the intersection of these two roads. (10.81 Acres; M-A-C Zone).

Request:

Requesting approval of an amendment of the Basic Plan for Bowie New Town Center as it pertains to the former Sears Parcel, also identified as Lot 6 in PPS 4-03121. In particular Applicant seeks: removal/revision of certain conditions of approval and considerations set forth in A-8589-C; affirmation of the available/unallocated commercial and office square footage approved in A-8589-C; and, an increase to the permitted residential density cap in the M-A-C (Major Activity Center) Zone.

Council District:

4

Appeal by Date:

1/2/2021

Action by Date:

2/15/2021

Municipality:

City of Bowie

Opposition:

None

History:

08/05/2020	M-NCPPC Technical Staff	approval with conditions
10/01/2020	M-NCPPC Planning Board	approval with conditions
12/18/2020	Zoning Hearing Examiner	approval with conditions
01/11/2021	Sitting as the District Council	deferred
	<i>Council deferred this item to January 25, 2021.</i>	
01/25/2021	Sitting as the District Council	referred for document

*Council referred to staff for an approving document, with conditions (Vote: 10-0; Absent: Council Member Glaros).***Attachment(s):**[A-8589-C-04 Zoning Agenda Item Summary](#)[A-8589-C-04 - Seritage Bowie Town Center Notice of De](#)[A-8589-C-04 Seritage Bowie Town Center ZHE Decison](#)[A-8589-C-04 - Seritage Bowie Town Center PORL](#)[A-8589-C-04 Technical Staff Report](#)[A-8589-C-04 Planning Board Resolution 2020-134 - SIG](#)

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.

PLANNING BOARD[CSP-07004-01](#)[Amended](#)**Westphalia Center (Amended)****Applicant(s):**

Evangel Cathedral

Location:

Located on the north side of Pennsylvania Avenue (MD 4), west of Melwood Road, and east of the interchange of Suitland Parkway and Pennsylvania Avenue (530 Acres; M-X-T Zone).

Request:

Requesting approval of a Conceptual Site Plan (CSP) revises Conditions 15, 16, 24, and 25 regarding the special-purpose detailed site plan, and Conditions 30 and 31 regarding phasing and the restriction on development of attached dwelling units. These changes will allow the development of the Moore Property to proceed prior to other portions of Westphalia. Development on the Moore Property would be a maximum of 505 attached dwelling units, 135 multifamily units, and 3,000 square feet of community/retail land use.

Council District:

6

Appeal by Date:

3/4/2021

Review by Date:

3/4/2021

History:

01/07/2021

M-NCPPC Technical Staff

approval with conditions

01/28/2021

M-NCPPC Planning Board

approval with conditions

Attachment(s):[CSP-07004-01 Zoning Agenda Item Summary](#)[CSP-07004-01 Planning Board Resolution](#)

CSP-07004-01_PORL

[CSP-07004-01 Technical Staff Report](#)

PENDING FINALITY (Continued)**DSP-19062****Westphalia Town Center North****Applicant(s):**

D.R. Horton

Location:

Located at the intersection of MD 4 (Pennsylvania Avenue) and Melwood Road, approximately 800 feet north of Woodyard Road (88.06 Acres; Zones M-X-T / M-I-O).

Request:

Requesting approval of a Detailed Site Plan (DSP) for construction of 34 single-family detached dwelling units and 605 single-family attached (townhouse) dwelling units, including 133 on condominium parcels and 472 on fee-simple lots.

Council District:

6

Appeal by Date:

3/4/2021

Review by Date:

3/4/2021

History:

01/07/2021

M-NCPPC Technical Staff

approval with conditions

01/28/2021

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-19062 Zoning Agenda Item Summary](#)[DSP-19062 Planning Board Resolution](#)

DSP-19062 PORL

[DSP-19062 Technical Staff Report](#)

PENDING FINALITY (Continued)**DSP-20014****Harmony at Brandywine****Applicant(s):**

Brandywine IL AL Investors, LLC

Location:

Located on the west side of MD 5 (Branch Avenue), approximately 1,600 feet north of Moores Road, in Brandywine (8.24 Acres; M-X-T Zone).

Request:

Requesting approval of a Detailed Site Plan (DSP) for a 195-unit elderly care facility made up of 93 independent living apartments, 62 assisted living units, and 40 memory care home units in the Mixed Use-Transportation Oriented (M-X-T) Zone.

Council District:

9

Appeal by Date:

3/4/2021

Review by Date:

3/4/2021

History:

12/23/2020

M-NCPPC Technical Staff

approval with conditions

01/28/2021

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-20014 Zoning Agenda Item Summary](#)[DSP-20014 Planning Board Resolution](#)

DSP-20014_PORL

[DSP-20014 Technical Staff Report](#)

PENDING FINALITY (Continued)**DSP-20018****Dunkin Donuts Clinton****Applicant(s):**

MPB Realty

Location:

Located on the south side of MD 223 (Woodyard Road), west of MD 5 (Branch Avenue), approximately 165 feet east of its intersection with Pine View Lane (1.05 Acres; C-S-C / C-O / M-I-O Zones).

Request:

Requesting approval of a Detailed Site Plan (DSP) for construction of an 1,802-square-foot eating and drinking establishment with drive-through service on Parcel B, within the existing Clinton Gardens shopping center.

Council District:

9

Appeal by Date:

3/4/2021

Review by Date:

3/4/2021

History:

12/22/2020

M-NCPPC Technical Staff

approval with conditions

01/28/2021

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-20018 Zoning Agenda Item Summary](#)[DSP-20018 Planning Board Resolution](#)

DSP-20018_PORL

[DSP-20018 Technical Staff Report](#)

PENDING FINALITY (Continued)**SDP-1803 Remand****Applicant(s):****Location:****Request:****Council District:****Appeal by Date:****Review by Date:****History:**

07/01/2020	M-NCPPC Technical Staff	approval with conditions
09/10/2020	M-NCPPC Planning Board	approval with conditions
09/21/2020	Sitting as the District Council	deferred
10/05/2020	Sitting as the District Council	elected to review
10/07/2020	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing scheduled for November 9, 2020 at 10:00 a.m. was mailed to Persons of Record.</i>	
10/15/2020	Person of Record	appealed
	<i>William Piermattei and Suhani Chitalia, attorneys for appellants, filed an appeal of the Planning Board's Decision.</i>	
10/26/2020	Sitting as the District Council	announced hearing date
11/09/2020	Sitting as the District Council	hearing held; case taken under advisement
11/10/2020	Sitting as the District Council	referred for document
11/16/2020	Sitting as the District Council	remanded
	<i>Council adopted the prepared order of remand to the Planning Board (Vote: 9-0; Absent: Council Members Franklin and Hawkins).</i>	
12/31/2020	M-NCPPC Technical Staff	approval with conditions
01/14/2021	M-NCPPC Planning Board	approval with conditions

01/25/2021

Sitting as the District Council

deferred

Council deferred this item.

Attachment(s):

[SDP-1803 Zoning Agenda Item Summary](#)

[SDP-1803 Remand Planning Board Resolution 2020-131\(](#)

SDP-1803 Remand PORL

[SDP-1803 Remand Technical Staff Report](#)

CASE(S) SCHEDULED FOR MANDATORY REVIEW HEARING ON FEBRUARY 22, 2021 AT 10:00 A.M.

Hearing Dates & Times Subject to Change

DSP-20017

Royal Farms #381 Walker Mill Road

Applicant(s):

Two Farms, Inc.

Location:

Located in the southwest quadrant of the intersection of Walker Mill Road and Ritchie Road (7.67 Acres; I-1 / M-I-O).

Request:

Requesting approval of a Detailed Site Plan (DSP) for construction of a 4,649 square-foot food and beverage store, gas station, and a 1,248 square-foot car wash.

Council District:

6

Appeal by Date:

1/14/2021

Review by Date:

2/1/2021

Action by Date:

3/15/2021

Comment(s):

Mandatory Review:

District Council review of this case is required by conditions imposed by Council on Zoning Cases A-9190-C and A-8033-C.

History:

10/27/2020	M-NCPPC Technical Staff	approval with conditions
12/10/2020	M-NCPPC Planning Board	approval with conditions
01/14/2021	Clerk of the Council	mailed

Notice of Mandatory Review Hearing was mailed to Persons of Record.

Attachment(s):

[DSP-20017 Zoning Agenda Item Summary](#)

[DSP-20017 Notice of Mandatory Review](#)

[DSP-20017 Planning Board Resolution 2020-165](#)

DSP-20017_PORL

[DSP-20017 Technical Staff Report](#)

[DSP-20017 Transcripts 11-12-2020](#)

[DSP-20017 Planning Board Record](#)

[ADJ7-21](#)

ADJOURN