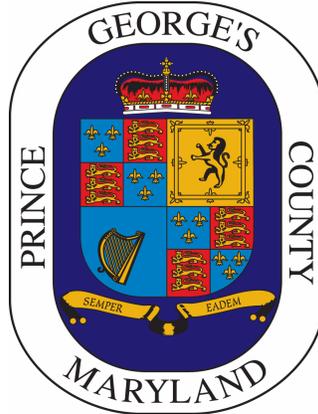


Prince George's County Council

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



Zoning Agenda - Final

**Monday, March 29, 2021
10:00 AM**

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>

10:00 AM CALL TO ORDER - (VIRTUAL MEETING)

INVOCATION / MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 03222021](#)

District Council Minutes dated March 22, 2021

Attachment(s):

[03-22-2021 District Council Minutes Draft](#)

ORAL ARGUMENTS**A-10020-C-01****Woodmore Overlook Commercial****Applicant(s):**

Woodmore Overlook Commercial, LLC

Location:

Located in the northwest quadrant of the intersection of Landover Road (MD 202) and Lottsford Road (18.33 Acres; M-X-T Zone).

Request:

Requesting approval of a Zoning Map Amendment for the amendment of all conditions of approval specifically related to transportation improvements set forth in Conditions 5.a and 5.b; 6; 7; and 8 imposed by the District Council upon its adoption of Zoning Ordinance 6-2010, which rezoned the subject property from the I-3 (Planned Industrial/Employment Park) Zone to the M-X-T (Mixed Use-Transportation Oriented) Zone.

Council District:

5

Appeal by Date:

2/24/2021

Action by Date:

7/9/2021

Opposition:

Lake Arbor Civic Association., Samuel Dean, LaRay Benton

History:

| | | |
|------------|---|--------------------------|
| 02/09/2021 | Zoning Hearing Examiner | approval with conditions |
| 02/15/2021 | Applicant | appealed |
| | <i>Norman Rivera, Esq., attorney for the applicant, filed exceptions to the Zoning Hearing Examiner's Recommendation and requested a hearing.</i> | |
| 02/17/2021 | Applicant | appealed |
| | <i>Norman Rivera, Esq., attorney for the applicant, filed revised exceptions to the Zoning Hearing Examiner's Recommendation and requested a hearing.</i> | |
| 02/19/2021 | Person of Record | appealed |
| | <i>Samuel H. Dean, Vice President, Lake Arbor Civic Association, filed exceptions to the Zoning Hearing Examiner decision.</i> | |
| 02/20/2021 | Person of Record | appealed |
| | <i>Samuel H. Dean, Vice President, Lake Arbor Civic Association, filed corrected exceptions to the Zoning Hearing Examiner decision.</i> | |

| | | |
|------------|---|------------------------|
| 02/23/2021 | Person of Record | filed |
| | <i>Samuel H. Dean, Vice President, Lake Arbor Civic Association, filed a request to remand the case to the Zoning Hearing Examiner.</i> | |
| 02/24/2021 | Person of Record | appealed |
| | <i>LaRay Benton, person of record, filed exceptions to the Zoning Hearing Examiner decision.</i> | |
| 02/24/2021 | Applicant | filed |
| | <i>Norman Rivera, Esq., attorney for the applicant, filed an opposition to the request for remand.</i> | |
| 03/22/2021 | Sitting as the District Council | announced hearing date |

Attachment(s):

- [A-10020-C-01 Zoning Agenda Item Summary](#)
- [A-10020 Presentation Slides](#)
- [A-10020-C-01 Rivera Opposition to Remand](#)
- [A-10020-C-01 Benton Appeal](#)
- [A-10020-C-01 Dean Remand Request](#)
- [A-10020-C-01 Dean Corrected Appeal](#)
- A-10020-C-01 POR List
- [A-10020-C-01 Dean Appeal](#)
- [A-10020-C-01 Rivera Revised Exceptions to ZHE](#)
- [A-10020-C-01 Rivera Exceptions to ZHE Decision](#)
- A-10020-C-01 ZHE Memo to Clerk
- [A-10020-C-01 Notice of Decision](#)
- [A-10020-C-01 ZHE Decision](#)
- [A-10020-C-01 Transcripts 12-14-2020](#)
- [A-10020-C-01 Transcripts 11-30-2020](#)
- [A-10020-C-01 Transcript 10-07-2020](#)

ORAL ARGUMENTS (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

Action by Date:

4/23/2021

History:

| | | |
|------------|---|--------------------------|
| 01/07/2021 | M-NCPPC Technical Staff | approval with conditions |
| 01/28/2021 | M-NCPPC Planning Board | approval with conditions |
| 02/09/2021 | Sitting as the District Council | deferred |
| | <i>Council deferred this item to February 22, 2021.</i> | |
| 02/22/2021 | Sitting as the District Council | elected to review |
| | <i>Council elected to review this item (Vote: 10-0: Absent: Council Member Franklin).</i> | |
| 03/22/2021 | Sitting as the District Council | announced hearing date |

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

DSP-19062 PORL

[DSP-19062 Technical Staff Report](#)[DSP-19062 Presentation Slides](#)[DSP-19062 Planning Board Record](#)[DSP-19062 \(CSP-07004-01 AMENDED\) Transcripts 01-2](#)

ORAL ARGUMENTS (Continued)[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

Action by Date:

4/23/2021

History:

| | | |
|------------|---|--------------------------|
| 01/07/2021 | M-NCPPC Technical Staff | approval with conditions |
| 01/28/2021 | M-NCPPC Planning Board | approval with conditions |
| 02/09/2021 | Sitting as the District Council | deferred |
| | <i>Council deferred this item to February 22, 2021.</i> | |
| 02/22/2021 | Sitting as the District Council | elected to review |
| | <i>Council elected to review this item (Vote: 10-0: Absent: Council Member Franklin).</i> | |
| 03/22/2021 | Sitting as the District Council | announced hearing date |

Attachment(s):

[CSP-07004-01 Zoning Agenda Item Summary](#)

[CSP-07004-01 Amended Presentation Slides](#)

[CSP-07004-01 Planning Board Resolution](#)

CSP-07004-01_PORL

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

[DSP-19062 \(CSP-07004-01 AMENDED\) Transcripts 01-2](#)

[DSP-19062 \(CSP-07004-01 AMENDED\) Planning Board](#)

NEW CASE(S)

In making the final decision in this case, the District Council should consider whether it wants to conduct an Oral Argument, pursuant to Section 27-131.01 (c)(2).

[A-9968-02-C](#)

National Capital Business Park (formerly Willowbrook)
(Basic Plan Amendment)

Applicant(s):

National Capitol Business Park

Location:

Located on the north side of Leeland Road, approximately 3, 178 feet west of the intersection of Leeland Road and US 301 (Robert Crain Highway), Upper Marlboro, Maryland (442.30, Acres; R-S / I-1 / R-A Zones).

Request:

Requesting approval to amend the existing Basic Plan (A-9968-01) for the project previously know as "Willowbrook" (Zoning Ordinance 5-2019) to replace the currently approved residential land use patterns with certain employment and institutional uses permitted in the R-S Zone.

Council District:

4

Appeal by Date:

4/7/2021

Action by Date:

5/7/2021

History:

11/12/2020

Applicant

filed

Robert J. Antonetti, Jr., Esq., attorney for the applicant, filed a Basic Plan Amendment application with the Clerk of the Council.

12/30/2020

M-NCPPC Technical Staff

transmitted

Sherrri Conner, Planning Supervisor, M-NCPPC transmitted a memo to the Clerk stating that staff found the subject application to be complete.

01/04/2021

Clerk of the Council

transmitted

The Clerk of the Council transmitted the application to the Zoning Hearing Examiner.

03/23/2021

Zoning Hearing Examiner

approval with conditions

Attachment(s):

[A-9968-C-02 Zoning Agenda Item Summary](#)

[A-9968-C-02- Notice of ZHE Decision](#)

[A-9968-C-02 - ZHE Decision](#)

A-9968-C-02 - PORL

[A-9968-C-02- Memo to Clerk](#)

ITEM(S) FOR DISCUSSION[DSP-19045](#)[Reconsideration](#)**Royal Farms Greenbelt (Reconsideration)****Applicant(s):**

RF Greenbelt RE LLC

Location:

Located on the north side of MD 193 (Greenbelt Road), approximately 635 feet east of its intersection with Walker Drive (4.07 Acres; C-O Zone).

Request:

Requested approval of a Detailed Site Plan (DSP) for the development of a 4,649-square-foot food and beverage store, a gas station, and a separate 4,368-square-foot commercial building

Council District:

4

Appeal by Date:

2/11/2021

Review by Date:

2/11/2021

Action by Date:

4/9/2021

History:

| | | |
|------------|--|---------------------------|
| 09/30/2020 | M-NCPPC Technical Staff | approval with conditions |
| 11/12/2020 | M-NCPPC Planning Board | approval with conditions |
| 12/03/2020 | M-NCPPC Planning Board | reconsidered |
| 01/07/2021 | M-NCPPC Planning Board | approval with conditions |
| 01/25/2021 | Sitting as the District Council | waived election to review |
| | <i>Council waived election to review for this item (Vote: 11-0).</i> | |
| 02/08/2021 | Person of Record | appealed |
| | <i>Todd K. Pounds, Esq., attorney for the City of Greenbelt, and G. Macy Nelson, Esq., attorney for Thomas Watts, Jr., et. al, filed an appeal of the Planning Board decision and requested Oral Argument.</i> | |
| 02/17/2021 | Clerk of the Council | mailed |
| | <i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i> | |
| 03/08/2021 | Sitting as the District Council | announced hearing date |
| 03/11/2021 | Applicant | filed |
| | <i>Thomas H. Haller, Esq., attorney for the applicant, filed a response to the 2/8/2021 appeal.</i> | |

03/22/2021

Sitting as the District Council

hearing held; case taken under
advisement

Adam Bossi, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. G. Macy Nelson, Esq., attorney for appellants, and Todd K. Pounds, Esq., attorney for the City of Greenbelt, along with Mayor Colin Byrd spoke in opposition. Thomas H. Haller, Esq., Attorney for the applicant, spoke in support. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented by the parties. Council took case under advisement.

Attachment(s):[DSP-19045 Zoning Agenda Item Summary](#)[DSP-19045 PowerPoint Slides](#)[DSP-19045 Haller Response to Appeal 03112021](#)[DSP-19045 PZC Notice of Intention to Participate 2021.03.04](#)[DSP-19045 PZC disclosure letter 2021.03.04](#)[DSP-19045 Notice of Oral Argument Hearing](#)[DSP-19045 Appeal Letter Pounds and Nelson to Brown 03112021](#)[DSP-19045 Planning Board Resolution 2020-154 \(A\)](#)[DSP-19045 Planning Board Resolution 2020-154](#)

DSP-19045 PORL

[DSP-19045 Technical Staff Report](#)[DSP-19045 Transcripts 09-24-2020](#)[DSP-19045 Transcripts 10-15-2020](#)[DSP-19045 Transcripts 10-29-2020](#)[DSP-19045 Transcripts 12-03-2020](#)[DSP-19045 Transcripts 12-17-2020](#)[DSP-19045 Planning Board Record](#)

ITEM(S) FOR DISCUSSION (Continued)**SDP-1803 Remand****Applicant(s):****Location:****Request:****Council District:****Appeal by Date:****Review by Date:****Action 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 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 |
| | <i>Council deferred this item.</i> | |
| 02/09/2021 | Sitting as the District Council | elected to review |
| | <i>Council elected to review this item (10-0: Absent: Council Member Franklin).</i> | |
| 02/17/2021 | Clerk of the Council | mailed |
| | <i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i> | |
| 03/08/2021 | Sitting as the District Council | announced hearing date |
| 03/22/2021 | Sitting as the District Council | hearing held; case taken under advisement |

Adam Bossi, M-NCPPC planning staff, provided an overview of the Specific Design Plan application. William Piermattei, Jacqueline Kapinos, and Min Hei (Michelle) Kim, University of Maryland Environmental Law Clinic, attorneys for persons of record, along with Valerie Davis, Jamila Balamani, and Jennifer Jackson spoke in opposition. Arthur J. Horne, Esq., Attorney for the applicant, spoke in support. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented by the parties. Council took this case under advisement.

Attachment(s):

[SDP-1803 Remand Zoning Agenda Item Summary](#)
[SDP-1803 Remand Presentation Slides](#)
[SDP-1803 Remand Notice of Oral Argument Hearing](#)
[SDP-1803 Remand Planning Board Resolution 2020-131\(](#)
 SDP-1803 Remand PORL
[SDP-1803 Remand Technical Staff Report](#)
[SDP-1803 Remand Transcripts](#)
[SDP-1803 District Council Order of Remand](#)
[SDP-1803 Planning Board Record Remand](#)
[SDP-1803 Planning Board Record](#)

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) PLANNING BOARD**DSP-20013****St. Joseph's House****Applicant(s):**

St. Joseph's House, LTD.

Location:

Located in the northeast quadrant of the intersection of Oliver Street and 40th Avenue, within the municipal limits of the City of Hyattsville (0.18 Acres; R-55 / D-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan (DSP) to develop a family day care use within an existing single-family detached residential dwelling, including a building addition, within the Development District Overlay (D-D-O) Zone 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).

Council District:

2

Appeal by Date:

4/22/2021

Review by Date:

4/22/2021

Municipality:

Hyattsville

History:

02/23/2021

M-NCPPC Technical Staff

approval with conditions

03/18/2021

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-20013 Zoning Agenda Item Summary](#)[DSP-20013 Planning Board Resolution 2021-39 - Signed](#)

DSP-20013 PORL

[DSP-20013 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.

DSP-20029**Behnke Property 7-Eleven****Applicant(s):**

Root 1, LLC, ETAL

Location:

Located on the west side of US 1 (Baltimore Avenue) south of its intersection with Howard Avenue (1.89 Acres; C-M Zone).

Request:

Requesting approval of a Detailed Site Plan (DSP) for development of a 4,500-square-foot food and beverage store and a gas station with eight multi-product dispensers.

Council District:

1

Appeal by Date:

4/8/2021

Review by Date:

4/8/2021

History:

| | | |
|------------|---------------------------------|--------------------------|
| 01/19/2021 | M-NCPPC Technical Staff | approval with conditions |
| 03/04/2021 | M-NCPPC Planning Board | approval with conditions |
| 03/22/2021 | Sitting as the District Council | deferred |

Council deferred this item to March 29, 2021.

Attachment(s):

[DSP-20029 Zoning Agenda Item Summary](#)

[DSP-20029 Planning Board Resolution 2021-21 - Signed](#)

DSP-20029_PORL

[DSP-20029 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.

DSP-20046**2914 Westbrook Lane****Applicant(s):**

Chesapeake Custom Builders, LLC

Location:

Located on the north side of Westbrook Lane, approximately 0.5 mile north of its intersection with Woodmore Road (2.20 Acres; R-A Zone).

Request:

Requesting approval of a Detailed Site Plan (DSP) for a single-family detached dwelling unit within the Aviation Policy Areas (APA) 3M area.

Council District:

6

Appeal by Date:

4/22/2021

Review by Date:

4/22/2021

History:

02/24/2021

M-NCPPC Technical Staff

approval with conditions

03/18/2021

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-20046 Agenda Item Summary](#)[DSP-20046 Planning Board Resolution 2021-37 - Signed](#)

DSP-20046_PORL

[DSP-20046 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.

[DSP-95063-09](#)**The Children's Guild (St. John Baptist De La Salle)****Companion Case(s):** DDS-675**Applicant(s):** The Children's Guild, Inc.**Location:** Located on the west side of Sargent Road, 625 feet north of its intersection with Chillum Road (9.26 Acres; R-55 Zone).**Request:** Requesting approval of a Detailed Site Plan (DSP) for the addition of a 5,524-square-foot modular classroom building to an existing school, an increase of the total student enrollment to 190 students, and the replacement of the existing playground equipment.**Council District:** 2**Appeal by Date:** 4/8/2021**Review by Date:** 4/8/2021**History:**

| | | |
|------------|---------------------------------|--------------------------|
| 01/12/2021 | M-NCPPC Technical Staff | approval with conditions |
| 02/18/2021 | M-NCPPC Planning Board | approval with conditions |
| 03/22/2021 | Sitting as the District Council | deferred |

Council deferred this item to March 29, 2021.

Attachment(s):[DSP-95063-09 Zoning Agenda Item Summary](#)[DSP-95063-09 Planning Board Resolution 2021-14](#)

DSP-95063-09 PORL

[DSP-95063-09 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.

DDS-675**The Children's Guild (St. John Baptist De La Salle)**

Companion Case(s): DSP-95063-09

Applicant(s): The Children's Guild, Inc.

Location: Located on the west side of Sargent Road, 625 feet north of its intersection with Chillum Road (9.26 Acres; R-55 Zone).

Request: Requesting approval of a Departure from Design Standards (DDS) for a reduction in the requirements of the 2010 Prince George's County Landscape Manual (Landscape Manual).

Council District: 2

Appeal by Date: 4/8/2021

Review by Date: 4/8/2021

History:

| | | |
|------------|---------------------------------|----------|
| 01/12/2021 | M-NCPPC Technical Staff | approval |
| 02/18/2021 | M-NCPPC Planning Board | approval |
| 03/22/2021 | Sitting as the District Council | deferred |

Council deferred this item to March 29, 2021.

Attachment(s):

[DDS-675 Zoning Agenda Item Summary](#)

[DDS-675 Planning Board Resolution 2021-15](#)

DDS-675_PORL

[DDS-675 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD'S REPRESENTATIVE**

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to review.

CNU-37221-2020-U**14600 Robert Crain Highway Brandywine****Location:**

Located on the east side of US 301, south of its intersection with Short Cut Road (9.80 Acres; I-1 Zone).

Request:

Requesting Certification of Nonconforming Use for an outdoor advertising sign. Certification of existing outdoor advertising signs is required pursuant to Council Bill 84-2016 which requires that applications for the certification of outdoor advertising signs in existence as of January 1, 2002, be filed no later than December 31, 2021. This outdoor advertising sign was erected in 1980.

Council District:

9

Review by Date:

4/23/2021

History:

03/24/2021

M-NCPPC Administrative Certification approval

Attachment(s):

[CNU 37221-2020 Zoning Agenda Item Summary](#)

[CNU 37221-2020 Case File](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON APRIL 12, 2021 AT 10:00 A.M.*Hearing Dates & Times Subject to Change*[SE-4816](#)**ROYAL FARMS #220 ACCOKEEK****Companion Case(s):** ROW Royal Farms Remand**Applicant(s):** Two Farms, Inc.**Location:** Located on the west side of MD 210 (Indian Head Highway), in the southwest quadrant of its intersection with MD 375 (Livingston Road) (2.94 Acres; C-S-C Zone).**Request:** Requesting approval of a Special Exception (SE) to use approximately 2.94 acres of land, in the C-S-C (Commercial Shopping Center) Zone, for a Gas Station with an associated Food or Beverage Store.**Council District:** 9**Appeal by Date:** 2/10/2021**Review by Date:** 2/10/2021**Action by Date:** 6/10/2021**Opposition:** Sangee and Sulojana Tharmarajah, et al.**History:**

| | | |
|------------|---------------------------------|------------------------------------|
| 06/28/2019 | M-NCPPC Technical Staff | approval with conditions |
| 01/11/2021 | Zoning Hearing Examiner | approval with conditions |
| 01/25/2021 | Sitting as the District Council | elected to make the final decision |

People's Zoning Counsel, Stan Brown, provided an orientation, recommending that Council elect to review the Special Exception and ROW cases given many appellants concerns regarding receipt of the Zoning Hearing Examiner decision and time to appeal. Council elected to review (Vote: 10-0-1: Abstain: Council Member Franklin).

Attachment(s):

[SE-4816 Zoning Agenda Item Summary](#)

[SE-4816 Notice of District Council Hearing](#)

SE-4816 Memo to Clerk

[SE-4816 Notice of Decision](#)

[SE-4816 ZHE Decision](#)

SE-4816 PORL

[SE-4816 Royal Farms Technical Staff Report](#)

[SE-4816 Royal Farms #220 Accokeek ZHE Case file p](#)

[SE-4816 Case File Part 1](#)

[SE-4816 Royal Farms #220 Accokeek ZHE Case file P](#)

[SE-4816 Kochen to Brown \(appeal\) 2-10-21](#)

[SE-4816 Nelson to Brown \(appeal\) 2-9-21](#)

[SE-4816 Deyton to Brown \(appeal\) 2-9-21](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON APRIL 12, 2021 AT 10:00 A.M.*Hearing Dates & Times Subject to Change*[ROW Royal Farms](#)
[Remand](#)**Royal Farms #220 (Accokeek) (Remand)****Companion Case(s):** SE-4816**Applicant(s):** Two Farms, Inc.**Location:** Located on the west side of MD 210 (Indian Head Highway), in the southwest quadrant of its intersection with MD 375 (Livingston Road) (2.94 Acres; C-S-C Zone).**Request:** Requesting approval of a application to Authorize the Issuance of Building Permits for Structures Within a Proposed Right-of-Way (ROW) for two (2) pylon signs, 22 parking spaces, free air station, five (5) multi dispenser gasoline pumps with canopy, large vehicle parking areas, all of the required landscaping, and a stormwater management facility, all within the proposed rights-of-way for F-11 and C-525.**Council District:** 9**Appeal by Date:** 2/10/2021**Action by Date:** 6/10/2021**Opposition:** Sangee and Sulojana Tharmarajah, et al.**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.

06/05/2019 Clerk of the Council mailed

06/10/2019 Sitting as the District Council announced hearing date

06/28/2019 Applicant filed

Matthew C. Tedesco, Esq., attorney for the applicant, filed a response to the 5/31/2019 Exceptions and requested to dismiss the Exceptions to the Zoning Hearing Examiner's decision for lack of standing.

07/08/2019 Sitting as the District Council hearing held; case taken under advisement

10/07/2019 Sitting as the District Council referred for document

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|------------|---|------------------------------------|
| 10/28/2019 | Sitting as the District Council | remanded |
| | <i>Council adopted the prepared Order of remand to the Zoning Hearing Examiner (Vote: 8-0; Absent: Council Members Dernoga, Franklin, and Glaros).</i> | |
| 11/01/2019 | Clerk of the Council | transmitted |
| | <i>The Clerk returned the entire case file to the Zoning Hearing Examiner's (ZHE) Office in accordance with the 10/28/2019 Order of Remand.</i> | |
| 11/01/2019 | Clerk of the Council | mailed |
| | <i>The Notice of Decision of the District Council was mailed to Persons of Record.</i> | |
| 01/11/2021 | Zoning Hearing Examiner | approval with conditions |
| 01/25/2021 | Sitting as the District Council | elected to make the final decision |
| | <i>People's Zoning Counsel, Stan Brown, provided an orientation, recommending that Council elect to review the ROW and Special Exception cases given many appellants concerns regarding receipt of the decision and time to appeal. Council elected to review (Vote: 10-0-1: Abstain: Council Member Franklin).</i> | |

Attachment(s):

[ROW Royal Farms #220 \(Accokeek\) \(Remand\) Zoning A](#)
[ROW Royal Farms 220 Remand Notice of District Council](#)
[ROW Royal Farms #220 \(Accokeek\) \(Remand\)- Notice of](#)
[ROW Royal Farms #220 \(Accokeek\) \(Remand\)- ZHE Dec](#)
[ROW Royal Farms #220 \(Accokeek\) \(Remand\)- PORL](#)
[ROW Royal Farms #220 \(Accokeek\) \(Remand\) Case File](#)
[ROW Royal Farms #220 \(Accokeek\) \(Remand\) Deyton to](#)
[ROW Royal Farms #220 \(Accokeek\) \(Remand\) Kochen to](#)
[ROW Royal Farms #220 \(Accokeek\) \(Remand\) Nelson to](#)

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