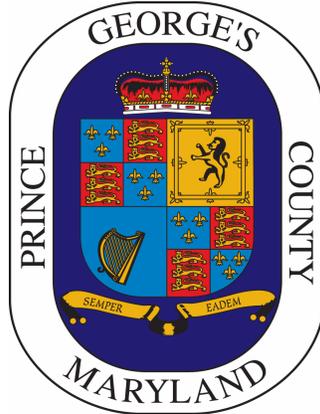


Prince George's County Council

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



Zoning Agenda - Final

(10:30 AM Agenda Briefing Rm 2027)

Monday, May 6, 2019

10:45 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.

FOR LIVE STREAMING AND VIDEO VISIT OUR WEBSITE AT: <http://pgccouncil.us>

PLEASE SILENCE ALL CELLULAR PHONES WHILE IN THE HEARING ROOM.

9:30 AM MEET & GREET (COMMITTEE HEARING ROOM 2027)

The Honorable Ben Cardin, United States Senator

10:30 AM AGENDA BRIEFING - (ROOM 2027)

10:45 AM CALL TO ORDER - (COUNCIL HEARING ROOM)

INVOCATION

Reverend Ray Raysor, County Employee

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 04292019](#)

District Council Minutes dated April 29, 2019

Attachment(s):

[4-29-2019 District Council Minutes DRAFT](#)

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 (c)(2).

ERR-274**Robert and Cynthia Moses Validation of Rental Housing License No. M-141 Issued In Error****Applicant(s):**

Robert and Cynthia Moses

Location:

Located at the south intersection of Buchanan Street and east of Edmonston Road, also identified as 4611 Edmonston Road, Hyattsville, Maryland 20781.

Request:

Requesting approval for validation of Rental Housing License No. M-141 issued in error to Robert and Cynthia Moses to operate a multifamily dwelling unit on 0.14-acre site in the R-55 (One-Family Detached Residential) Zone, and identified as 4611 Edmonston Road, Hyattsville, Maryland.

Council District:

5

Appeal by Date:

5/2/2019

Action by Date:

7/31/2019

Opposition:

None

History:

04/02/2019

Zoning Hearing Examiner

approval

Attachment(s):[ERR-274 Zoning Agenda Item Summary](#)[ERR 274 Zoning Hearing Examiner's Decision](#)

ERR-274 PORL

NEW CASE(S) (Continued)

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).

A-9968-01**Willowbrook****Applicant(s):**

Willowbrook

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 Zones).

Request:

Requesting approval to amend the Basic Plan for Willowbrook to increase the number of dwelling units, to increase the percentage of single family attached dwelling units, to change the size and location of dwelling units, and to revise conditions and considerations of Basic Plan approval.

Council District:

4

Appeal by Date:

4/17/2019

Action by Date:

5/17/2019

Opposition:

None

History:

08/20/2018 M-NCPPC Technical Staff approval with conditions

09/26/2018 M-NCPPC Technical Staff filed

Technical staff submitted a corrected coversheet for the Technical Staff Report dated August 20, 2018 correcting the stated Planning Area, Council District and Election District along with additional page numbers.

10/18/2018 M-NCPPC Planning Board approval with conditions

02/19/2019 M-NCPPC Planning Board filed

The October 18, 2018 Planning Board Resolution (PGCPB No. 18-92) was corrected administratively on February 19, 2019 to correct a minor administrative error in the subject decision.

04/02/2019 Zoning Hearing Examiner approval with conditions

04/29/2019 Sitting as the District Council deferred

Council deferred this item to May 6, 2019.

Attachment(s): [A9968-01- Zoning Hearing Examiner's Decision](#)
[A-9968-01 Planning Board Resolution](#)
A-9968-01- PORL
[A-9968-01 MNCPP Technical Staff Report](#)

NEW CASE(S) (Continued)

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).

[A-9975-01](#)

Locust Hill

Applicant(s): WBLH, LLC

Location: On the north and south sides of Oak Grove Road, west of Leeland Road, and east of Church Road, approximately 1.2 miles west of US 301. 505.81 Acres; R / L Zones).

Request: Request approval to amend the Basic Plan for Locust Hill to increase the proportion of attached dwelling units to add conventional townhouses, to revise the layout, and to revise conditions of approval.

Council District: 6 & 4

Appeal by Date: 4/17/2019

Action by Date: 5/17/2019

Opposition: None

History:

08/20/2018 M-NCPPC Technical Staff approval with conditions

09/26/2018 M-NCPPC Technical Staff filed

Technical staff submitted a corrected coversheet for the Technical Staff Report dated August 20, 2018 correcting the stated Planning Area, Council District and Election District.

10/18/2018 M-NCPPC Planning Board approval with conditions

Approval with Conditions

02/14/2019 Zoning Hearing Examiner approval with conditions

03/04/2019 Clerk of the Council transmitted

The case was returned to the Zoning Hearing Examiner's Office in order to satisfy affidavit requirements.

04/01/2019 Zoning Hearing Examiner approval with conditions

04/29/2019 Sitting as the District Council deferred

Council deferred this item to May 6, 2019.

Attachment(s): [A-9975-01 Zoning Hearing Examiner Decision](#)

[A-9975-01 Planning Board Resolution](#)

A-9975-01 - PORL

ITEM(S) FOR DISCUSSION

[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.

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](#)

ITEM(S) FOR DISCUSSION (Continued)[ERR-265 Remand](#)

Ali I. Tangoren Family Settlement Revocable Family Trust/ Ali I. Tangoren, Trustee (Remand)
Validation of Multifamily Rental License No. M-130 Issued in Error

Applicant(s):

Ali Tangoren

Location:

Located at 833 Fairview Avenue, Takoma Park, Maryland (0.16 Acres; R-18 Zone).

Request:

Requesting validation of Prince George's County Multifamily Rental License No. M-130 issued in error for a 3-unit apartment building in the R-18 Zone.

Council District:

2

Appeal by Date:

11/21/2018

Action by Date:

5/21/2019

Opposition:

Takoma Branch Civic Association

History:

11/07/2017

Zoning Hearing Examiner

approval with conditions

01/08/2018	Sitting as the District Council	elected to make the final decision
	<i>Council elected to make the final decision on this item (Vote: 8-0; Absent: Council Member Toles).</i>	
03/26/2018	Sitting as the District Council	hearing held; case taken under advisement
	<i>Ras Cannady, M-NCCPC, provided an overview of the application for Validation of a Permit Issued in Error. Ali Taneoren, Applicant, spoke in support. Renee Palacios, Representative of the Department of Permits, Inspection and Enforcement, responded to questions posed by the Council. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.</i>	
03/26/2018	Sitting as the District Council	case taken under advisement
	<i>A motion to refer to staff to prepare a document of disapproval was made by Council Member Taveras, but failed for lack of a second. Council took this case under advisement.</i>	
04/16/2018	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of document of remand (Vote: 7-0; Absent: Council Members Davis and Franklin).</i>	
04/23/2018	Sitting as the District Council	deferred
	<i>Council deferred this item to May 7, 2018.</i>	
05/07/2018	Sitting as the District Council	remanded
	<i>Council adopted the prepared Order of Remand (Vote: 7-0; Absent: Council Members Franklin and Toles).</i>	
11/20/2018	Zoning Hearing Examiner	transmitted
	<i>The Zoning Hearing Examiner (ZHE) transmitted the case recommending that Council Remand it back to the ZHE to allow the Applicant one last opportunity to submit floor plans, invoices for expenditures made in reliance on the permit, and testimony as to compliance with all applicable provisions of the Zoning Ordinance.</i>	
01/14/2019	Sitting as the District Council	postponed
01/15/2019	Sitting as the District Council	elected to review
	<i>Council elected to review 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
	<i>Ivy Thompson, M-NCPPC, provided an overview of the application for validation of a permit issued in error. Thomas Haller, 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>	
<u>Attachment(s):</u>	ERR 265 Remand Zoning Hearing Examiner Decision ERR-265 Remand PORL ERR-265 Zoning Hearing Examiner Decision	

ITEM(S) FOR DISCUSSION (Continued)[SE/VSE-4772](#)**Sunoco Gas Station and Car Wash**

<u>Companion Case(s):</u>	DPLS-438
<u>Applicant(s):</u>	Clearview 6308 LLC / Sunoco Car Wash
<u>Location:</u>	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).
<u>Request:</u>	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.
<u>Council District:</u>	8
<u>Appeal by Date:</u>	3/28/2019
<u>Review by Date:</u>	3/28/2019
<u>Action by Date:</u>	7/26/2019
<u>Opposition:</u>	None
<u>History:</u>	

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
Council elected to make the final decision on this item (Vote: 11-0).

03/27/2019 Clerk of the Council mailed
Notice of Oral Argument Hearing was mailed to Persons of Record.

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.

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
	<i>Council deferred this item.</i>	
09/17/2018	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 8-0; Absent: Council Member Glaros).</i>	
10/22/2018	Sitting as the District Council	rescheduled
	<i>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.</i>	
02/26/2019	M-NCPPC Planning Board	filed
	<i>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.</i>	

03/27/2019 Clerk of the Council mailed
Notice of Oral Argument Hearing was mailed to Persons of Record.

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.

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) PLANNING BOARD**CSP-18009****Landover Crossing Shopping Center**

Companion Case(s): DSP-18032

Applicant(s): Landover (Landover Crossing), LLC

Location: Located in the southeast quadrant of the intersection of MD 202 (Landover Road) and Brightseat Road, more specifically, the property is located at 8585 Landover Road in Landover, Maryland (19.61 Acres; M-X-T Zone).

Request: Requesting approval of a Conceptual Site Plan (CSP), with the companion Detailed Site Plan DSP-18032(PGCPB No. 19-41), for validation of the number of parking spaces provided on an existing commercial property, in accordance with Section 27-574 of the Prince George's County Zoning Ordinance, validation of the existing building-mounted and freestanding signage in accordance with Sections 27-613(f) and 27-614(e), respectively, and to establish parking and signage standards for future tenants.

Council District: 5

Appeal by Date: 5/16/2019

Review by Date: 5/16/2019

History:

03/12/2019	M-NCPPC Technical Staff	approval
04/11/2019	M-NCPPC Planning Board	approval
04/29/2019	Sitting as the District Council	deferred

Council deferred this item to May 6, 2019.

Attachment(s): [CSP-18009 Planning Board Resolution](#)
CSP-18009 PORL
[CSP-18009 Technical Staff Report 19-40](#)

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.

(a) PLANNING BOARD (Continued)**DSP-18032****Landover Crossing Shopping Center****Companion Case(s):** CSP-18009**Applicant(s):** Landover Crossing Shopping Center**Location:** Located in the southeast quadrant of the intersection of MD 202 (Landover Road) and Brightseat Road, more specifically, the property is located at 8585 Landover Road in Landover, Maryland (19.61 Acres; M-X-T Zone).**Request:** Requesting approval of a Detailed Site Plan (DSP), with the companion Conceptual Site Plan CSP-18009 (PGCPB No. 19-40), for validation of the number of parking spaces provided on an existing commercial property, in accordance with Section 27-574 of the Prince George's County Zoning Ordinance, validation of the existing building-mounted and freestanding signage in accordance with Sections 27-613(f) and 27-614(e), respectively, and to establish parking and signage standards for future tenants.**Council District:** 5**Appeal by Date:** 5/16/2019**Review by Date:** 5/16/2019**History:**

03/12/2019	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	deferred

Council deferred this item to May 6, 2019.

Attachment(s): [DSP-18032 Planning Board Resolution 19-41](#)

DSP-18032 PORL

[DSP-18032 Technical Staff Report](#)

[ADJ60-19](#)

ADJOURN

11:30 AM GOVERNMENT OPERATIONS AND FISCAL POLICY COMMITTEE - (COMMITTEE HEARING ROOM 2027)

(SEE SEPARATE AGENDA)