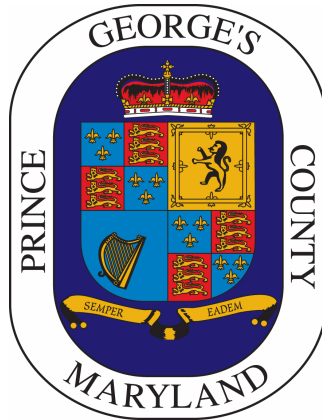


# Prince George's County Council

*Wayne K. Curry Administration Building  
1301 McCormick Dr  
Largo, MD 20774*



## **Zoning Agenda - Final**

**Accessible in a Hybrid Manner -- Both Virtually and In-Person**

**Tuesday, July 12, 2022  
10:00 AM**

**Council Hearing Room**

### **Sitting as the District Council**

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

*Edward P. Burroughs, III, District 8*

*Thomas E. Dernoga, District 1*

*Mel Franklin, At-Large*

*Dannielle M. Glaros, District 3*

*Sydney J. Harrison, Vice Chair, District 9*

*Jolene Ivey, District 5*

*Johnathan M. Medlock, District 6*

*Rodney C. Streeter, District 7*

*Deni L. Taveras, District 2*

*Todd M. Turner, District 4*

*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.

**10:00 AM CALL TO ORDER - (Accessible in a Hybrid Manner -- Both Virtually and In-Person)**

**INVOCATION / MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 06282022](#)

**District Council Minutes Dated June 28, 2022**

**Attachment(s):**

[6-28-2022 District Council Minutes Draft](#)

**ITEM(S) FOR DISCUSSION****CSP-18002 Remand****Magruder Pointe (Remand Pursuant to Court Order)****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

**Municipality:**

City of Hyattsville.

**History:**

07/18/2018

M-NCPPC Technical Staff

disapproval

*DISAPPROVAL of the request and decline to recommend rezoning 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.*

07/18/2018

M-NCPPC Technical Staff

approval with conditions

*APPROVAL of rezoning the 4.66-acre property in the Open Space (O-S) Zone to the One-Family Detached Residential (R-55) Zone and permit single-family attached residential development with a required detailed site plan, in accordance with the goals and recommendations of the Traditional Residential Neighborhood Character Area on the property.*

07/26/2018

M-NCPPC Planning Board

disapproval

*DISAPPROVAL of the request and decline to recommend rezoning 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.*

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07/26/2018	M-NCPPC Planning Board	approval with conditions
	<i>APPROVAL of recommendation to rezone the 4.66-acre property in the Open Space (O-S) Zone to the One-Family Detached Residential (R-55) Zone and permit single-family attached residential development with a required detailed site plan, in accordance with the goals and recommendations of the Traditional Residential Neighborhood Character Area on the property. The maximum density for single-family attached is 9 dwelling units per acre and the maximum density for single-family detached is as permitted in the R-55 Zone, or 6.7 dwelling units per acre.</i>	
08/15/2018	Clerk of the Council	mailed
	<i>Notice of Mandatory Review Hearing (using Oral Argument procedures) was mailed to Persons of Record.</i>	
09/04/2018	Person of Record	appealed
	<i>Mr. Daniel Muth, Mr. Greg Smith, Mr. Peter Anton Veigas, Ms. Wendy Beatty, Ms. Sarah Eisen, Ms. Nina Faye, Mr. Paul Hrusa, and Mr. Chris Currie, filed an appeal in opposition to the proposal and requested Oral Argument.</i>	
09/10/2018	Person of Record	filed
	<i>Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter with an attached legal opinion by their attorney, J. Carroll Holzer, Esq. in opposition to the proposal and opposition to the proposed September 17, 2018 Oral Argument.</i>	
09/10/2018	Applicant	filed
	<i>Norman D. Rivera, Esq., attorney for the applicant, filed a rebuttal to the September 4, 2018 appeal filed by Mr. Daniel Muth, Mr. Greg Smith, Mr. Peter Anton Veigas, Ms. Wendy Beatty, Ms. Sarah Eisen, Ms. Nina Faye, Mr. Paul Hrusa, and Mr. Chris Currie.</i>	
09/17/2018	Sitting as the District Council	continued at a later date
	<i>Stan Brown, People's Zoning Counsel, spoke to the need to continue this case until Tuesday, October 15, 2018 at 10:00 a.m.</i>	
09/24/2018	Person of Record	filed
	<i>Candace B. Hollingsworth, Mayor, City of Hyattsville, filed a letter requesting a remand to the Planning Board to allow the city to submit additional testimony related to the R-55 recommendation.</i>	

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09/24/2018	Clerk of the Council	mailed
	<i>Notice of Mandatory Review Hearing (using Oral Argument procedures) was mailed to Persons of Record.</i>	
09/26/2018	Person of Record	filed
	<i>Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter in opposition to the proposed October 15, 2018 Oral Argument.</i>	
09/27/2018	Person of Record	filed
	<i>Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a second letter in opposition to the proposed October 15, 2018 Oral Argument.</i>	
10/12/2018	Applicant	filed
	<i>Norman D. Rivera, Esq., attorney for the applicant, filed a letter concurring with a continuance of the October 15, 2018 Oral Argument to satisfy state affidavit requirements.</i>	
10/15/2018	Sitting as the District Council	continued at a later date
	<i>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.</i>	
10/17/2018	Person of Record	filed
	<i>J. Carroll Holzer, Esq., attorney for Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter in opposition to the proposed October 15, 2018 Oral Argument.</i>	
12/12/2018	Clerk of the Council	mailed
	<i>Notice of Mandatory Review Hearing (using Oral Argument procedures) was mailed to Persons of Record.</i>	
01/14/2019	Sitting as the District Council	postponed
	<i>Due to inclement weather conditions and pursuant to Sec. 27-291 of the Zoning Ordinance, this District Council Session was postponed to Tuesday, January 15, 2019 immediately following the County Council Session.</i>	

01/15/2019	Sitting as the District Council	hearing held; referred for document
	<i>Henry Zhang, M-NCCPC, provided an overview of the Conceptual Site Plan application. Jim Chandler with the City of Hyattsville spoke in opposition as did Greg Smith and Daniel Muth. Norman Rivera, Esq., attorney for the applicant, spoke in support on behalf of the applicant as did the following individuals: Charlie Kenny, Nick Harris, Michael Romero, Brenda Cain, Alyce Thompson and Flawn Williams. 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 Mandatory Review Hearing was held and this item was referred to staff for preparation of an Order of Remand to the Planning Board (Vote: 11-0).</i>	
01/28/2019	Sitting as the District Council	remanded
	<i>Council adopted the prepared Order of Remand to the Planning Board (Vote: 10-0; Absent: Council Member Franklin).</i>	
01/31/2019	Clerk of the Council	mailed
	<i>The Notice of Decision of the District Council was mailed to Persons of Record.</i>	
02/25/2019	M-NCPPC Technical Staff	approval with conditions
	<i>The Urban Design Section provided supplemental evaluation and analysis and again recommended APPROVAL of Conceptual Site Plan CSP-18002 for Magruder Pointe as outlined in PGCPB Resolution No. 18-74(A) approving of rezoning the 4.66-acre property in the Open Space (O-S) Zone to the One-Family Detached Residential (R-55) Zone and permit single-family attached residential development with a required detailed site plan, in accordance with the goals and recommendations of the Traditional Residential Neighborhood Character Area on the property. The maximum density for single-family attached is 9 dwelling units per acre and the maximum density for single-family detached is as permitted in the R-55 Zone, or 6.7 dwelling units per acre.</i>	

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03/28/2019	M-NCPPC Planning Board	no recommendation
	<i>After much discussion, a motion for approval failed (a 2-2 tie vote) and no further motions were put forward. Therefore, the findings, including the supplemental analysis required by the remand, are forwarded to the District Council for final decision, without a recommendation supporting any rezoning of the property as required by Section 27-548.26(b).</i>	
04/10/2019	Clerk of the Council	mailed
	<i>Notice of Mandatory Review Hearing (using Oral Argument procedures) was mailed to Persons of Record.</i>	
04/15/2019	Sitting as the District Council	announced hearing date
05/13/2019	Sitting as the District Council	hearing held; referred for document
	<i>Jill Kosack, M-NCCPC, provided an overview of the Conceptual Site Plan application. Norman Rivera, Esq., attorney for the applicant, spoke in support on behalf of the applicant as did the following individuals: James Danly, Michael Romero, Nicholas Harrison, Flawn Williams and Alyce Thompson. Jim Chandler, Assistant City Administrator for the City of Hyattsville, spoke in opposition as did Daniel Muth, Daniel Schnable, Thresea Immordino, Karen Veigas, Maureen Vosmek, Jennifer Bosworth, Tim Davis and Greg Smith. 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 Mandatory Review Hearing was held and Council referred this item to staff for preparation of an approving document with conditions (Vote: 8-0-1; Absent: Council Members Franklin and Glaros; Abstained: Council Member Anderson-Walker).</i>	
06/10/2019	Sitting as the District Council	approval with conditions
	<i>Council adopted the prepared Order of approval, with conditions (Vote: 11-0).</i>	
06/14/2019	Clerk of the Council	mailed
	<i>The Notice of Final Decision of the District Council was mailed to Persons of Record.</i>	

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07/09/2019	Person of Record	filed	<i>The City of Hyattsville and certain persons of record filed petitions for judicial review of the District Council's final decision to rezone the subject property and amend the table of uses of the Development District Overlay Zone.</i>
12/16/2020	Circuit Court	filed	<i>The Honorable Beverly J. Woodard issued a Memorandum Opinion AFFIRMING the Final Decision of the District Council.</i>
12/30/2020	Person of Record	filed	<i>Certain Persons of Record and the City of Hyattsville, respectively, appealed the judgment of the Circuit Court to the Court of Special Appeals.</i>
01/04/2021	Person of Record	filed	<i>Certain Persons of Record and the City of Hyattsville, respectively, appealed the judgment of the Circuit Court to the Court of Special Appeals.</i>
02/23/2022	Court of Special Appeals	filed	<i>The Court of Special Appeals published its decision in this matter. In its decision, the Court affirmed the District Council's final decision to rezone the subject property from the O-S Zone to the R-55 Zone. The Court also affirmed the District Council's decision to amend the table of uses in the Development District Overlay Zone to allow townhouses in the R-55 Zone. The Court also affirmed the District Council's final decision to set the density for townhouses in the R-55 zone because there was no cap on density in the Zoning Ordinance for such use in the R-55 Zone. However, the Court found that the District Council erred when it calculated density per acreage as opposed to per net acreage of lot or tract area. As a result, the Court ordered that the Circuit Court should remand this matter to the District Council to recalculate density for one-family detached dwelling units not to exceed 6.7 dwelling units per net acre of net lot or tract area and that the District Council may establish a density for townhouses per net acre of net lot or tract area that is different from the density for one-family detached dwelling units only to meet the goals of the Development District and the purposes of the Overlay Zone.</i>

06/02/2022

Circuit Court

filed

*The District Council received an Order from the Circuit Court dated May 12, 2022, granting the parties' motion to issue an order of remand to the District Council on the issue of density.*

06/23/2022

Clerk of the Council

mailed

*The Clerk of the Council notified counsel for all parties to this litigation that this matter would appear on today's agenda for action pursuant to the Order of Remand from the Circuit Court consistent with the decision of the Court of Special Appeals.*

**Attachment(s):**[CSP-18002 Remand Zoning Agenda Item Summary](#)[CSP-18002 Presentation Slides](#)[CSP-18002 Remand Notice of Action](#)[CSP-18002 City of Hyattsville v. Prince George's Cty. Co](#)[CSP-18002 Memorandum Opinion Circuit Court](#)[CSP-18002 Remand Order remanding case to District Cou](#)[CSP-18002 Remand Planning Board Resolution 18-74\(A\)](#)[CSP-18002 Remand PORL\\_searchable](#)[CSP-18002 Remand Technical Staff Report and Memoran](#)

**PENDING FINALITY**

*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.*

**(a) PLANNING BOARD****DSP-06015-01****Capitol Heights Shopping Center****Applicant(s):**

ZP NO. 141, LLC.

**Location:**

Located on the south side of MD 214 (Central Avenue), approximately 200 feet east of its intersection with Shady Glen Drive (26.73 Acres; LTO-E Zone).

**Request:**

Requesting approval of a Detailed Site Plan (DSP) for approval of an integrated shopping center with a gross floor area of 113,389 square feet in both the prior Commercial Shopping Center (C-S-C) Zone and Development District Overlay (D-D-O) Zone.

**Council District:**

6

**Appeal by Date:**

8/4/2022

**Review by Date:**

9/6/2022

**History:**

05/26/2022

M-NCPPC Technical Staff

approval with conditions

06/30/2022

M-NCPPC Planning Board

approval with conditions

**Attachment(s):**[DSP-06015-01 Zoning Agenda Item Summary](#)[DSP-06015-01 Planning Board Resolution](#)

DSP-06015-01\_PORL

[DSP-06015-01 Technical Staff Report](#)

**PENDING FINALITY (continued)****[SDP-1603-02](#)****National Capital Business Park****Applicant(s):**

AMS 2022 BTS – Upper Marlboro MD, LLC

**Location:**

Located on the north side of Leland Road, approximately 3,178 feet west of intersection of Leeland Road and southbound US 301 (Robert Crain Highway) (90.11 Acres; LCD Zone).

**Request:**

Requesting approval of a Specific Design Plan (SDP) for the development of a 3,428,985-square-foot warehouse / distribution facility, with on-site parking spaces and a trailer and loading area.

**Council District:**

4

**Appeal by Date:**

8/8/2022

**Review by Date:**

9/6/2022

**History:**

06/16/2022

M-NCPPC Technical Staff

approval with conditions

06/30/2022

M-NCPPC Planning Board

approval with conditions

**Attachment(s):**[SDP-1603-02 Zoning Agenda Item Summary](#)[SDP-1603-02 Planning Board Resolution 2022-76 - Signe](#)

SDP-1603-02\_PORL

[SDP-1603-02 Technical Staff Report](#)

**CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON SEPTEMBER 12, 2022 AT 10:00 A.M.**

*Hearing Dates & Times Subject to Change*

**CDP-0505-02**

**National Capital Business Park**

**Applicant(s):**

NCBP PROPERTY, LLC

**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) (426.52 Acres; LCD (R-S) Zone).

**Request:**

Requesting approval of a Comprehensive Design Plan (CDP) to increase the total gross floor area of the permitted employment and institutional uses from previously approved 3.5 million to 5.5 million square feet.

**Council District:**

4

**Appeal by Date:**

6/23/2022

**Review by Date:**

6/23/2022

**Action by Date:**

9/20/2022

**History:**

04/20/2022	M-NCPPC Technical Staff	approval with conditions
05/19/2022	M-NCPPC Planning Board	approval with conditions
06/06/2022	Sitting as the District Council	waived election to review
	<i>Council waived election to review for this item (Vote: 11-0).</i>	
06/21/2022	Person of Record	filed
	<i>G. Macy Nelson, attorney for Citizen-Protestants file Exceptions and Request Oral Argument Hearing.</i>	
06/28/2022	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	

**Attachment(s):**

[CDP-0505-02 Notice of Oral Argument Hearing](#)  
[CDP-0505-02 Nelson to Brown \(Exception & Oral Argum](#)  
[CDP-0502-02 Zoning Agenda Item Summary](#)  
[CDP-0505-02 Planning Board Resolution 2022-53 - Signe](#)  
 CDP-0505-02\_PORL  
[CDP-0505-02 Technical Staff Report](#)

**CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON SEPTEMBER 12, 2022 AT 10:00 A.M.**

*Hearing Dates & Times Subject to Change*

**DSP-21019**

**Arcland Self Storage**

**Applicant(s):**

Arcland Property Company

**Location:**

Located on the east side of Dangerfield Road, approximately 350 feet south of its intersection with MD 223 (Woodyard Road) (4.56 Acres; CGO / M-I-O Zones).

**Request:**

Requesting approval of a Detailed Site Plan (DSP) for the development of a 116,283-square-foot consolidated storage facility in two buildings within the Military Installation Overlay (M-I-O) Zone.

**Council District:**

9

**Appeal by Date:**

7/7/2022

**Review by Date:**

7/7/2022

**Action by Date:**

9/27/2022

**History:**

04/26/2022	M-NCPPC Technical Staff	approval with conditions
06/02/2022	M-NCPPC Planning Board	approval with conditions
06/28/2022	Sitting as the District Council	elected to review

*Council elect to review for this item (Vote:8-0; Absent: Council Member Burroughs, Franklin, Glaros).*

**Attachment(s):**

[DSP-21019 Zoning Agenda Item Summary](#)

[DSP-21019 Planning Board Resolution 2022-55](#)

DSP-21019\_PORL

[DSP-21019 Technical Staff Report](#)

**CASE(S) SCHEDULED FOR MANDATORY REVIEW HEARING ON SEPTEMBER 12, 2022 AT 10:00 A.M.**

*Hearing Dates & Times Subject to Change*

**DSP-21031**

**Bell Station Center, Parcel B**

**Applicant(s):**

Broglan, LLC

**Location:**

Located in the southeast quadrant of the intersection of MD 193 (Glenn Dale Boulevard) and Bell Station Road (8.99 Acres; CGO Zone).

**Request:**

Requesting approval of a Detailed Site Plan (DSP) for the development of a 68,475-square-foot commercial shopping center.

**Council District:**

4

**Appeal by Date:**

7/21/2022

**Action by Date:**

9/27/2022

**Comment(s):**

Mandatory Review:

{District Council review of this case is required by conditions imposed by Council on Zoning Case A-9995-C}

**History:**

05/12/2022

M-NCPPC Technical Staff

approval with conditions

06/16/2022

M-NCPPC Planning Board

approval with conditions

06/28/2022

Clerk of the Council

mailed

*Notice of Mandatory Review Hearing (using Oral Argument procedures) was mailed to Persons of Record.*

**Attachment(s):**

[DSP-21031 Notice of Mandatory Review Hearing](#)

[DSP-21031 Planning Board Resolution](#)

DSP-21031\_PORL

[DSP-21031 Technical Staff Report](#)

**ADJOURN**

[ADJ89-22](#)

**ADJOURNED**

**10:30 A.M. COUNTY COUNCIL - (Accessible in a Hybrid Manner -- Both Virtually and In-Person)**

*(SEE SEPARATE AGENDA)*

