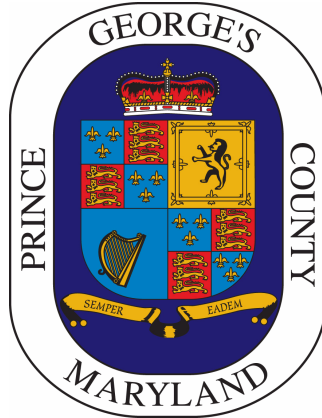


Prince George's County Council

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



Zoning Agenda - Final

(9:30 AM Agenda Briefing Rm 2027)

Monday, July 22, 2019

10:00 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 AGENDA BRIEFING - (ROOM 2027)

10:00 AM CALL TO ORDER - (COUNCIL HEARING ROOM)

INVOCATION

Ms. Olga Antelo Vasquez, County Employee

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 07082019](#)

District Council Minutes dated July 8, 2019

ORAL ARGUMENTS**SDP-1801****Bevard East Umbrella Architecture****Applicant(s):**

Lennar Bevard, LLC

Location:

Located on the east side of MD 223 (Piscataway Drive), approximately four miles southwest of its intersection with MD 5 (Branch Avenue), and bounded on the east by Thrift Drive (562.85 Acres; R-L Zone).

Request:

Requesting approval of a Specific Design Plan (SDP) for umbrella architecture for 18 single-family detached models and 4 single-family attached (townhouse) models for the Bevard East Subdivision.

Council District:

9

Appeal by Date:

6/27/2019

Review by Date:

6/27/2019

Action by Date:

9/16/2019

History:

04/16/2019	M-NCPPC Technical Staff	approval with conditions
05/02/2019	M-NCPPC Planning Board	approval with conditions
06/10/2019	Sitting as the District Council	deferred
	<i>Council deferred this item to June 17, 2019.</i>	
06/17/2019	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 9-0-2; Abstained: Council Members Franklin and Hawkins).</i>	
06/19/2019	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	

Attachment(s):[SDP-1801 Planning Board Resolution](#)[SDP-1801 Technical Staff Report](#)

SDP-1801_PORL

REFERRED FOR DOCUMENT[ERR-275](#)**Carrollton Manor Apartments****Validation of Permits No. M-549, 558-74PP, and CM-54281****Issued in Error****Applicant(s):**

HGLC, LLLP / Carrollton Manor Apartments

Location:

Located within an area governed by the New Carrollton Transportation Development Overlay Zone ("TDOZ"). A portion of the subject property lies within the municipal boundaries of the City of New Carrollton. (7.7992 Acres; R-18 Zone).

Request:

Requesting approval for validation of Permits No. M-549, 558-74PP, and CM-54281 issued in error by the Department of Permitting, Inspections and Enforcement ("DPIE") and the City of New Carrollton, respectively to allow the rental of 187 apartment dwelling units within five (5) buildings.

Council District:

3

Appeal by Date:

6/24/2019

Action by Date:

10/21/2019

Municipality:

City of New Carrollton

Opposition:

None

History:

05/23/2019

Zoning Hearing Examiner

approval with conditions

07/08/2019

Sitting as the District Council

referred for document

Council referred item to staff for preparation of an approving document, with conditions in accordance with the Zoning Hearing Examiner's decision (Vote: 9-0; Absent: Council Members Franklin and Ivey).

Attachment(s):[ERR-275 Zoning Hearing Examiners Decision](#)

ERR-275 PORL

REFERRED FOR DOCUMENT[CNU-27104-2017](#)**Brandon Investments****Applicant(s):**

Moises Arias / Brandon Investments, LLC

Location:

On the north side of Fairview Avenue, approximately 0.25 mile west of the intersection of Fairview Avenue and MD 410 (East West Highway) (10,804 Square feet, R-18 Zone).

Request:

Requesting approval of certification of a nonconforming use for a six-unit multifamily dwelling in the R-18 Zone.

Council District:

2

Appeal by Date:

4/25/2019

Review by Date:

4/25/2019

Action by Date:

9/16/2019

History:

02/12/2019

M-NCPPC Technical Staff

approval

03/21/2019

M-NCPPC Planning Board

approval

04/15/2019

Sitting as the District Council

elected to review

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

06/17/2019

Sitting as the District Council

hearing held; case taken under advisement

Ras Cannady, II, M-NCPPC, provided an overview of the CNU application. Moises Arias, 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. The Oral Argument Hearing was held and Council took this case under advisement.

07/08/2019

Sitting as the District Council

referred for document

Council referred item to staff for preparation of an approving document (Vote: 9-0; Absent: Council Members Franklin and Ivey).

Attachment(s):[CNU-27104-2017 Planning Board Resolution 19-27](#)[CNU-27104-2017_PORL](#)[CNU-27104-2017 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION[SE/VSE-4772](#)**Sunoco Gas Station and Car Wash****Companion Case(s):** DPLS-438**Applicant(s):** Clearview 6308 LLC / Sunoco Car Wash**Location:** 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).**Request:** 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.**Council District:** 8**Appeal by Date:** 3/28/2019**Review by Date:** 3/28/2019**Action by Date:** 7/26/2019**Opposition:** None**History:**

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
	<i>Council elected to make the final decision on 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

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.

05/06/2019 Sitting as the District Council deferred
Council deferred this item to a later date.

06/10/2019 Sitting as the District Council referred for document
Council referred item to staff for preparation of a disapproving document (Vote: 11-0).

06/17/2019 Sitting as the District Council disapproval
Council adopted the prepared Order of denial (Vote 11-0).

06/27/2019 Clerk of the Council mailed
The Notice of Final Decision of the District Council was mailed to Persons of Record.

07/02/2019 Applicant filed
Traci R. Scudder, esq., attorney for the applicant, filed a request for reconsideration of the District Council decision.

07/12/2019 Applicant filed
Traci R. Scudder, esq., attorney for the applicant, filed an amended request for reconsideration of the District Council decision.

Attachment(s):

[SEVSE-4772 Zoning Hearing Examiner Decision](#)

SEVSE-4772 PORL

[SEVSE-4772 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION[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 Zone).**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	
			<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>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.</i>
05/06/2019	Sitting as the District Council	deferred	
			<i>Council deferred this item to a later date.</i>
06/10/2019	Sitting as the District Council	referred for document	
			<i>Council referred item to staff for preparation of a disapproving document (Vote: 11-0).</i>
06/17/2019	Sitting as the District Council	disapproval	
			<i>Council adopted the prepared Order of denial (Vote 11-0).</i>
06/27/2019	Clerk of the Council	mailed	
			<i>The Notice of Final Decision of the District Council was mailed to Persons of Record.</i>
07/02/2019	Applicant	filed	
			<i>Traci R. Scudder, esq., attorney for the applicant, filed a request for reconsideration of the District Council decision.</i>
07/12/2019	Applicant	filed	
			<i>Traci R. Scudder, esq., attorney for the applicant, filed an amended request for reconsideration of the District Council decision.</i>

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.

PLANNING BOARD**CSP-03001-01****Balk Hill Village****Applicant(s):**

Balk Hill Ventures

Location:

Located in the northeast corner of the intersection of MD 202 (Landover Road) and Saint Joseph's Drive. (125.4 Acres; M-X-T Zone).

Request:

Requesting approval of a Conceptual Site Plan (CSP) amendment for Balk Hill Centre to revise the uses on Parcels 1 and 2 to reduce the commercial square footage from 349,480 to a range of 65,000 to 100,000 square feet and add 284 multifamily dwelling units.

Council District:

5

Appeal by Date:

7/25/2019

Review by Date:

7/25/2019

History:

05/14/2019	M-NCPPC Technical Staff	approval with conditions
06/20/2019	M-NCPPC Planning Board	approval with conditions
07/08/2019	Sitting as the District Council	deferred

Council deferred this item to July 22, 2019.

Attachment(s):

[CSP-03001-01 Planning Board Resolution 19-71](#)

[CSP-03001-01_PORL](#)

[CSP-03001-01 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.

DSP-05036-03**Villages of Savannah****Applicant(s):**

Mid-Atlantic Builders, Inc.

Location:

Located on the west side of Brandywine Road, approximately 5,000 feet north of the intersection of Brandywine Road and Floral Park Road (518.16 Acres; R-R Zone).

Request:

Requesting approval of a Detailed Site Plan (DSP) to revise the recreational facilities and the on-site trail network for a 357 single-family detached cluster subdivision.

Council District:

9

Appeal by Date:

7/25/2019

Review by Date:

7/25/2019

History:

05/14/2019	M-NCPPC Technical Staff	approval with conditions
06/20/2019	M-NCPPC Planning Board	approval with conditions
07/08/2019	Sitting as the District Council	deferred

Council deferred this item to July 22, 2019.

Attachment(s):

[DSP-05036-03 Planning Board Resolution 19-70](#)
[DSP-05036-03 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.

DSP-14026-02**Amore Apollo Expedited Transit-Oriented Development****Applicant(s):**

Ascend Apollo, LLC

Location:

Located in the northwest quadrant of the intersection of Harry S. Truman Drive and Lottsford Road. (19.75 Acres; M-X-T / D-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan (DSP) amendment for the Phase II mixed-use building and includes a revision of the architecture, a modification of the building footprint, and a reduction in the number of dwelling units from 422 to 379, while retaining 4,489 square feet of commercial/retail uses.

Council District:

6

Appeal by Date:

8/1/2019

Review by Date:

9/1/2019

Comment(s):

Expedited TOD:

This case is designated for expedited review in accordance with Sections 27-107-01(a)(242.2)(B) and 27-290.01.

History:

06/04/2019	M-NCPPC Technical Staff	approval with conditions
06/27/2019	M-NCPPC Planning Board	approval with conditions
07/08/2019	Sitting as the District Council	deferred

Council deferred this item to July 22, 2019.

Attachment(s):

[DSP-14026-02 Planning Board Resolution 19-75](#)

[DSP-14026-02 Technical Staff Report](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT ON SEPTEMBER 9, 2019 AT 10:00 A.M.*Hearing Dates & Times Subject to Change***A-10045****Clavelli Property****Applicant(s):**

Loreto J. Clavelli

Location:

Located on the west side of MD 337 (Allentown Road) approximately 1,200 feet north of the intersection of Allentown Road and Steed Road, also identified as 9005, 9009 and 9021 Allentown Road, Fort Washington, Maryland (11.952 Acres; R-E Zone).

Request:

Requesting approval to rezone approximately 11.95 acres of land, in the R-E (Residential-Estate) to the R-80 (one-Family Detached Residential) Zone.

Council District:

8

Appeal by Date:

7/11/2019

Opposition:

N/A

History:

03/01/2019	M-NCPPC Technical Staff	disapproval
03/15/2019	M-NCPPC Planning Board	no motion to consider
06/11/2019	Zoning Hearing Examiner	disapproval
07/10/2019	Applicant	appealed

Russell W. Shipley, Esq., attorney for the applicant, filed exceptions to the Zoning Hearing Examiner's decision and requested Oral Argument.

Attachment(s):

[A-10045 Zoning Hearing Examiner Decision .pdf](#)

A-10045 PORL

CASE(S) SCHEDULED FOR ORAL ARGUMENT ON SEPTEMBER 9, 2019 AT 10:00 A.M.*Hearing Dates & Times Subject to Change***DSP-18024****Woodmore Overlook, Commercial****Applicant(s):**

Woodmore Overlook Commercial, LLC

Location:

Located on the south side of Ruby Lockhart Boulevard, in the northwest quadrant of the intersection of Lottsford Road and MD 202 (Landover Road) (19.97 Acres; M-X-T Zone).

Request:

Requesting approval of a Detailed Site Plan (DSP) for construction of a 4,649-square-foot food and beverage store with a gas station on Parcel 3, a 164-unit multifamily building on Parcel 6, and infrastructure for future commercial development on Parcels 1, 2, 4 and 5.

Council District:

5

Appeal by Date:

7/18/2019

Review by Date:

7/18/2019

Action by Date:

9/19/2019

History:

05/15/2019	M-NCPPC Technical Staff	approval with conditions
06/13/2019	M-NCPPC Planning Board	approval with conditions
06/20/2019	Applicant	appealed
	<i>Norman Rivera, Esq., attorney for the applicant, filed an appeal to delete Condition 1.g. of the Planning Board's decision and requested Oral Argument.</i>	
06/20/2019	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	
07/09/2019	Person of Record	appealed
	<i>Sam H. Dean, Vice President, Lake Arbor Civic Association, appealed the Planning Board's decision and requested disapproval.</i>	
07/15/2019	Person of Record	appealed
	<i>LaRay J. Benton appealed the Planning Board's decision and requested a hearing.</i>	

07/15/2019

Clerk of the Council

mailed

Notice of rescheduled Oral Argument Hearing was mailed to Persons of Record.

Attachment(s):

[DSP-18024 Planning Board Resolution 19-72](#)

DSP-18024_PORL

[DSP-18024_Technical Staff Report](#)

ADJOURN