

Prince George's County Council

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

Zoning Minutes - Final Sitting as the District Council

Jolene Ivey, Chair, District 5
Sydney J. Harrison, Vice Chair, District 9
Wala Blegay, District 6
Edward P. Burroughs, III, District 8
Thomas E. Dernoga, District 1
Wanika Fisher, District 2
Mel Franklin, At-Large
Calvin S. Hawkins, II, At-Large
Eric C. Olson, District 3
Krystal Oriadha, District 7
Ingrid S. Watson, District 4

Jennifer A. Jenkins, Council Administrator

Monday, February 12, 2024

10:00 AM

Council Hearing Room

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

Pursuant to the provisions of Sections 27-131 and 27-132(a) of the Zoning Ordinance, the District Council meeting was convened by Council Chair Ivey at 10:16 a.m. with eleven members present at roll call.

Present:

11 - Chair Jolene Ivey

Vice Chair Sydney Harrison

Council Member Thomas Dernoga

Council Member Wala Blegay

Council Member Edward Burroughs

Council Member Wanika Fisher

Council Member Mel Franklin

Council Member Calvin S. Hawkins

Council Member Eric Olson

Council Member Krystal Oriadha

Council Member Ingrid Watson

Also Present:

Karen T. Zavokas, Acting Associate Council Administrator

Stan Brown, People's Zoning Counsel

Rajesh Kumar, Principal Counsel to the District Council

Donna J. Brown, Clerk of the Council

James Walker-Bey, Associate Clerk of the Council

Akinjide Adeyemo, Zoning Reference Aide, Office of the Clerk

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was given by Council Member Blegay

APPROVAL OF DISTRICT COUNCIL MINUTES

MINDC 01222024 District Council Minutes Dated January 22, 2024

A motion was made by Vice Chair Harrison, seconded by Council Member Watson, that this Minutes be approval. The motion carried by the following vote:

Aye: 10 - Ivey, Harrison, Dernoga, Blegay, Burroughs, Fisher, Hawkins, Olson,

Oriadha and Watson

Absent: Franklin

Attachment(s): 1-22-2024 District Council Minutes Draft

REFERRED FOR DOCUMENT

DSP-04054-07 Bellefonte

Applicant(s): Clinton Self Storage LLC.

Location: Located on the north side of MD 223 (Woodyard Road), at its intersection

with Louie Pepper Drive (7.64 Acres; I E / M I O Zones (Prior I-4 / M-I-O

Zones).

Request: Requesting approval of a Detailed Site Plan (DSP) for the addition of 19,440

square feet of additional consolidated storage via two buildings on Lot 159, and a variance to Section 27-472(d)(1) of the prior Prince George's County Zoning Ordinance, regarding the maximum floor area ratio (FAR) permitted.

Council District: 9

Appeal by Date: 1/18/2024 **Action by Date:** 2/29/2024

Comment(s): Mandatory Review:

{District Council review of this case is required by Zoning Ordinance No.

5-1991 (ZMA A-9758-C)

History:

Council adopted prepared order of approval.

A motion was made by Vice Chair Harrison, seconded by Council Member Fisher, that this Detailed Site Plan (Prior Ordinance) be approved. The motion carried by the following vote:

Aye: 11 - Ivey, Harrison, Dernoga, Blegay, Burroughs, Fisher, Franklin,

Hawkins, Olson, Oriadha and Watson

Attachment(s): DSP-04054-07 Zoning Agenda Item Summary

DSP-04054-07 Notice of Final Decision DSP-04054-07 Bellefonte Final Order DSP-04054-07 Presentation Slides

DSP-04054-07 Notice of Mandatory Review

Hearing

DSP-04054-07 Planning Board Resolution

DSP-04054-07 PORL

DSP-04054-07 Technical Staff Report DSP-04054-07 Transcripts 11-30-2023 DSP-04054-07 Transcripts 11-9-2023 DSP-04054-07 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) ZONING HEARING EXAMINER

SE-2022-002 Glenn Dale Self Storage (Arcland Duvall Street)

Applicant(s): Arcland Property Company, LLC

Location: Located in the southwest quadrant of the intersection of Glenn Dale

Boulevard and MD 564 (Lanham-Severn Road) (3.34 Acres; CS Zone (Prior

C-M Zone).

Request: Request approval of a Special Exception (SE) to use approximately 3.34

acres of land in the CS (Commercial Service) Zone located at 10810 and 10812 Duvall Street, Glenn Dale, Maryland for a Consolidated Storage

facility.

Council District: 4

Appeal by Date: 2/20/2024
Review by Date: 2/20/2024
Opposition: Sean Suhar

History:

Council elected to review this item (Vote:10-0-1)

A motion was made by Council Member Watson, seconded by Council Member Fisher, that Council elect to review this Special Exception. The motion carried by the following vote:

Aye: 10 - Ivey, Harrison, Dernoga, Blegay, Burroughs, Fisher, Hawkins, Olson,

Oriadha and Watson

Abstain: 1 - Franklin

Attachment(s):

SE-2022-002 Zoning Agenda Item Summary

SE 2022-002 Tedesco to Brown (Request for

extension & reschedule Oral Argument Hearing)

2-22-2024

SE-2022-002 Oral Argument Hearing

SE 2022-002 Notice of ZHE Decision

SE 2022-002 ZHE Decision

SE-2022-002 PORL

SE-2022-002 Technical Staff Report

SE-2022-002 Exhibit List

SE-2022-002 Exhibits #1-52

SE-2022-002 Transcripts

(b) PLANNING BOARD

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.

<u>DET-2022-017</u> <u>Upper Marlboro Self-Storage</u>

Applicant(s): GP Upper Marlboro, LLC

Location: Located in the northeast quadrant of the intersection of US 301 (Robert

Crain Highway) and MD 4 (Pennsylvania Avenue) (10.71 Acres; C G O

Zone (Prior C-S-C Zone).

Request: Requesting approval of a Detailed Site Plan (DET) for development of a

157,500- square-foot consolidated storage facility.

Council District: 9

Appeal by Date: 2/29/2024 **Review by Date:** 2/29/2024

History:

Council waived election to review for this item (Vote:11-0).

A motion was made by Vice Chair Harrison, seconded by Council Member Fisher, that this Detailed Site Plan be waived election to review. The motion carried by the following vote:

Aye: 11 - Ivey, Harrison, Dernoga, Blegay, Burroughs, Fisher, Franklin,

Hawkins, Olson, Oriadha and Watson

Attachment(s): DET-2022-017 Zoning Agenda Item Summary

DET-2022-017 Planning Board Resolution

DET-2022-017 PORL

DET-2022-017 Technical Staff Report

DSP-21037 Glenwood Hills

Applicant(s): Glenwood Hills Venture, LLC

Location: Located south of MD 214 (Central Avenue), approximately 700 feet west of

its intersection with Shady Glen Drive (133.45 Acres; RMF-48 / RSF-65

Zones (Prior; M-X-T / R-55 / M-I-O Zones).

Request: Requesting approval a Detailed Site Plan (DSP) for development of a 524

multifamily residential and 126 single-family attached (townhouse)

dwellings, 49,000 square feet of retail, and 775,000 square feet of industrial

uses.

Council District: 6

Appeal by Date: 2/29/2024 **Review by Date:** 2/29/2024

History:

Council waived election to review for this item (Vote:11-0).

A motion was made by Council Member Blegay, seconded by Council Member Fisher, that this Detailed Site Plan (Prior Ordinance) be waived election to review. The motion carried by the following vote:

Aye: 11 - Ivey, Harrison, Dernoga, Blegay, Burroughs, Fisher, Franklin,

Hawkins, Olson, Oriadha and Watson

Attachment(s): DSP-21037 Zoning Agenda Item Summary

DSP-21037 Planning Board Resolution

DSP-21037 PORL

DSP-21037 Technical Staff Report

(c) PLANNING BOARD'S REPRESENTATIVE

CNU-05388-2023-U 8121 Ardwick Ardmore Road Hyattsville

Applicant(s): Eastern Outdoor Advertising Co.

Location: Located on the intersection of Ardwick Ardmore Road and John Hansen

Highway (2.93 Acres; I E 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, 2023. This outdoor advertising sign was erected in

1998.

Council District: 5

Review by Date: 3/6/2024

<u> History</u>:

Council waived election to review for this item (Vote:11-0).

A motion was made by Chair Ivey, seconded by Vice Chair Harrison, that Council waive election to review for this Certification of a Nonconforming Use. The motion carried by the following vote:

Aye: 11 - Ivey, Harrison, Dernoga, Blegay, Burroughs, Fisher, Franklin,

Hawkins, Olson, Oriadha and Watson

Attachment(s): CNU-05388-2023-U Zoning Agenda Item

Summary

<u>CNU-05388-2023-U Case File</u> CNU 05388-2023-U PLB Memo

CNU-13054-2023-U 4242 Andalusia Lane Capitol Heights

Applicant(s): Clear Channel Outdoor

Location: Located on the right of Kenilworth Ave running southwest, approximately

480 feet northwest of the Intersection with Eastern Avenue (.0730 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, 2023. This outdoor advertising sign was erected in

1963.

Council District: 5

Review by Date: 3/6/2024

History:

Council waived election to review for this item (Vote:11-0).

A motion was made by Chair Ivey, seconded by Council Member Fisher, that Council waive election to review for this Certification of a Nonconforming Use. The motion carried by the following vote:

Aye: 11 - Ivey, Harrison, Dernoga, Blegay, Burroughs, Fisher, Franklin,

Hawkins, Olson, Oriadha and Watson

Attachment(s): CNU-13054-2023-U Zoning Agenda Item

Summary

<u>CNU-13054-2023-U Case File</u> CNU 13054-2023-U PLB Memo

CNU-13055-2023-U 7911 Cedarville Road Brandywine

Applicant(s): Clear Channel Outdoor

Location: Located to the east of Robert Crain Highway running north, approximately

1490 feet southeast of the intersection with Cedarville Road (52.57 Acres;

C-S-C 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, 2023. This outdoor advertising sign was erected in

1965.

Council District: 9

Review by Date: 3/6/2024

History:

Council waived election to review for this item (Vote:11-0).

A motion was made by Vice Chair Harrison, seconded by Council Member Fisher, that Council waive election to review for this Certification of a Nonconforming Use. The motion carried by the following vote:

Aye: 11 - Ivey, Harrison, Dernoga, Blegay, Burroughs, Fisher, Franklin,

Hawkins, Olson, Oriadha and Watson

Attachment(s): CNU-13055-2023-U Zoning Agenda Item

Summary

<u>CNU-13055-2023-U Case File</u> CNU 13055-2023-U PLB Memo

CNU-13056-2023-U 16415 Old Central Avenue Upper Marlboro

Applicant(s): Clear Channel Outdoor

Location: Located on the intersection of Old Central Ave and Route 301(2.15 Acres; C

S 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, 2023. This outdoor advertising sign was erected in

1965.

Council District: 4

Review by Date: 3/6/2024

History:

Council waived election to review for this item (Vote:11-0).

A motion was made by Council Member Watson, seconded by Council Member Fisher, that Council waive election to review for this Certification of a Nonconforming Use.

The motion carried by the following vote:

Aye: 11 - Ivey, Harrison, Dernoga, Blegay, Burroughs, Fisher, Franklin,

Hawkins, Olson, Oriadha and Watson

Attachment(s): CNU-13056-2023-U Zoning Agenda Item

Summary

<u>CNU 13056-2023-U Case File</u> <u>CNU 13056-2023-U PLB Memo</u>

CNU-15160-2023-U 11504 East Maple Avenue Beltsville

Applicant(s): Kurt Rutherford

Location: Located on the Northwest side of East Maple Ave., approximately 300 ft

north of the intersection of East Maple and Odell Road (5,250 Sq. Ft.; I-2

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, 2023. This outdoor advertising sign was erected in

1998.

Council District: 1

Review by Date: 3/6/2024

History:

Council waived election to review for this item (Vote:11-0).

A motion was made by Council Member Dernoga, seconded by Council Member Fisher, that Council waive election to review for this Certification of a Nonconforming Use. The motion carried by the following vote:

Aye: 11 - Ivey, Harrison, Dernoga, Blegay, Burroughs, Fisher, Franklin,

Hawkins, Olson, Oriadha and Watson

Attachment(s): CNU-15160-2023-U Zoning Agenda Item

Summary

<u>CNU-15160-2023-U Case File</u> CNU 15160-2023-U PLB Memo

CNU-36134-2022-U 2300 Robert Crain Highway Upper Marlboro

Applicant(s): Eastern Outdoor, Kurt Rutherford

Location: Located on the intersection of Swanson Road and Crain Highway (23.40)

Acres; O-S 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, 2023. This outdoor advertising sign was erected in

2000.

Council District: 9

Review by Date: 3/6/2024

History:

Council waived election to review for this item (Vote:11-0).

A motion was made by Vice Chair Harrison, seconded by Council Member Fisher, that Council waive election to review for this Certification of a Nonconforming Use. The motion carried by the following vote:

Aye: 11 - Ivey, Harrison, Dernoga, Blegay, Burroughs, Fisher, Franklin,

Hawkins, Olson, Oriadha and Watson

Attachment(s): CNU-36134-2022-U Zoning Agenda Item

Summary

<u>CNU-36134-2022-U Case File</u> CNU 36134-2022-U PLB Memo

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON FEBRUARY 26, 2024 AT 10:00 A.M.

Hearing Dates & Times Subject to Change

DSP-21001 Remand Suffrage Point

Applicant(s): Werrlein WSSC, LLC

Location: Located on the west side of 40th Place, at its intersection with Gallatin

Street. (4.66 Acres; RSF-65 Zone (Prior R-55 and D-D-O Zones).

Request: Requesting approval of a Detailed Site Plan (DSP) to develop 41

single-family attached dwelling units on the lower parcel of the project

formerly known as Magruder Pointe.

Council District: 2

Appeal by Date: 1/4/2024
Review by Date: 1/30/2024
Action by Date: 3/18/2024
Municipality: Hyattsville

This Detailed Site Plan (Prior Ordinance) hearing date was announced.

Attachment(s): D

DSP-21001 Remand Zoning Agenda Item

Summary

DSP-21001 Remand Presentation Slides

DSP-21001 Remand Smith to Brown (Corrected

Revised Testimony) 2-19-2024

DSP-21001 Remand Smith to Brown (Revised

Testimony) 2-19-2024

DSP-21001 Remand Davis to Brown (Request

to Reschedule Oral Argument & Testimony)

2-19-2024

DSP-21001 Remand Wolf to Brown (Request to

Reschedule Oral Argument & Testimony)

2-19-2024

DSP-21001 Remand Blackerby to Brown

(Request to Reschedule Oral Argument &

Testimony) 2-18-2024

DSP-21001 Remand Smith to Brown

(Testimony) 2-16-2024

DSP-21001 Remand Kole to Brown

(Testimony) 2-16-2024

DSP-21001 Remand Immordino to Brown

(Request to Reschedule Oral Argument &

Testimony) 2-16-2024

DSP-21001 Remand Gingold to Brown

(Testimony) 2-16-2024

DSP-21001 Remand Butt to Brown (Request to

Reschedule Oral Argument & Testimony)

2-16-2024

DSP-21001 Remand Graham (Request to

Reschedule Oral Argument & Testimony)

2-16-2024

DSP-21001 Remand Simasek & Swisher to

Brown (Testimony) 2-16-2024

DSP-21001 Remand Butt to Brown (Request to

Reschedule Oral Argument & Testimony)

2-15-2024

DSP-21001 Remand Boucher to Brown

(Request to Reschedule Oral Argument &

Testimony) 2-15-2024

DSP-21001 Remand Marsh to Brown (Request

to Reschedule Oral Argument & Testimony)

2-15-2024

DSP 21001 Remand City of Hyattsville to

Brown (Request to Reschedule Oral Argument)

2-12-2024

DSP-21001 Remand Waszczak (Request to

Reschedule Oral Argument & Testimony)

2-12-2024

DSP-21001 Remand Smith to Brown (Request

to Reschedule Oral Argument) 2-9-2024

DSP-21001 Remand Notice of Oral Argument

Hearing

DSP-21001 Remand Planning Board Resolution

DSP-21001 Remand PORL

DSP-21001 Remand Technical Staff Report

DSP-21001 Remand Transcripts 11-2-2023

DSP-21001 Remand Transcripts 10-5-2023

DSP-21001 Remand Planning Board Record

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON FEBRUARY 26, 2024 AT 10:00 A.M.

Hearing Dates & Times Subject to Change

CSP-21001 Remand Linda Lane Property

Applicant(s): Curtis Investment Group, Inc.

Location: Located in the southwest quadrant of the intersection of Linda Lane and MD

5 (Branch Avenue) (5.60 Acres; CN Zone (Prior M-X-T/ M I O Zones).

Request: Requesting approval of a Conceptual Site Plan (CSP) for a mixed-use

development consisting of 105 multifamily units and 104,600 square feet of

commercial/retail space.

Council District: 8

 Appeal by Date:
 2/8/2024

 Review by Date:
 2/8/2024

 Action by Date:
 3/22/2024

This Conceptual Site Plan hearing date was announced.

Attachment(s): CSP-21001 Remand Zoning Agenda Item

Summary

CSP-21001 Remand Presenation Slides

CSP-21001 Remand Notice of Oral Argument

Hearing

CSP-21001 Remand Planning Board Resolution

CSP-21001 Remand PORL

CSP-21001 Remand Technical Staff Report
CSP-21001 Remand Transcripts 12-7-2023
CSP-21001 Remand Planning Board Record

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON FEBRUARY 26, 2024 AT 10:00 A.M.

Hearing Dates & Times Subject to Change

DDS-649 Riverdale Laundromat (Wildercroft)

Applicant(s): NPKS LLC

Location: Located on the south side of Riverdale Road, approximately 1,000 feet east

of its intersection with US 295 (Baltimore-Washington Parkway) (.629

Acres; CGO Zone)(Prior C-A Zone).

Request: Requesting approval of a Departure from Design Standards (DDS) for a

37.2-foot departure for a 12.8-foot offset from a residential zone

(Multifamily Medium Density Residential (R-18)) located to the west of the

property.

Council District: 3

 Appeal by Date:
 2/8/2024

 Review by Date:
 2/8/2024

 Action by Date:
 3/18/2024

This Departure from Design Standards hearing date was announced.

Attachment(s): DDS-649 Zoning Agenda Item Summary

DDS-649 Presentation Slides

DDS-649 Notice of Oral Argument Hearing

DDS-649 Planning Board Resolution

DDS-649 PORL

DDS-649 Technical Staff Report
DDS-649 Transcripts 12-7-2023
DDS-649 Planning Board Record

ADJOURN

ADJ14-24 ADJOURN

History:

Meeting adjourned at 10:46 am.

A motion was made by Council Member Watson, seconded by Council Member Fisher, that this meeting be adjourned. The motion carried by the following vote:

Aye:

11 - Ivey, Harrison, Dernoga, Blegay, Burroughs, Fisher, Franklin, Hawkins, Olson, Oriadha and Watson

EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

EX 02122024

Motion to convene in executive session to consult with counsel to seek legal advice and to discuss pending or potential litigation in accordance with section 3-305(b)(7, 8), General Provisions Article, Annotated Code of Maryland more specifically, to receive a litigation update for the Prince George's County Office of Law.

History:

The Chair read the following closing statement/motion to convene in executive session: "Motion to convene in executive session to consult with counsel to seek legal advice and to discuss pending or potential litigation in accordance with section 3-305(b)(7, 8), General Provisions Article, Annotated Code of Maryland more specifically, to receive a litigation update for the Prince George's County Office of Law" The Executive Session was held.

On 1/22/2024, A motion was made by Council Member Watson, seconded by Council Member Fisher, that this Executive Session be convened into Executive Session. The motion carried by the following vote: Aye: 11, Ivey, Harrison, Dernoga, Blegay, Burroughs, Fisher, Franklin, Hawkins, Olson, Oriadha and Watson.

Date of Executive Session: February 12, 2024

Time of Vote to Close Session: 10:45 a.m.

Beginning Time: 10:59 a.m.

Ending Time: 12:29 p.m.

Members Present:

CM Ivev. Chairwoman

CM Harrison, Vice-Chairman

CM Blegay

CM Burroughs

CM Dernoga

CM Fisher

CM Franklin *virtual

CM Hawkins

CM Olson

CM Oriadha

CM Watson

Members Absent:

All Members Present

Others Present:

Jennifer Jenkins

Colette Gresham

Karen Zavakos

Donna Brown

Rhonda Weaver

Linda Allen

Sean Dixon

Shelley Johnson

Rajesh Kumar

Reese Espy-Glassman

Ellis Watson

Topics Discussed:

- 1. County Attorney Rhonda Weaver, Deputy Director of Finance Linda Allen, and Deputy County Attorney Sean Dixon provided an update on MGM Tax litigation case.
- Deputy County Attorney Sean Dixon provided an update on Iverson Mall litigation, including: 1) Receivership Action and 2) Debt Collection Action.
- Deputy County Attorney Shelley Johnson provided a pending litigation update on the following cases:
- a. Jerry Costen, et. al. v. Cpl. Owens and Prince George's County, Maryland (State and Federal cases)
- b. Demonte Ward-Blake v. Prince George's County, Maryland
- c. Lynn Strange v. Prince George's County, Maryland
- d. McMurray v. Tallant
- e. Denise Venero v. Prince George's County, Maryland (Pit Bull Ban case)
- f. Leslie Jamie v. Prince George's County, Maryland
- g. Kayvon Hines v. Wormuth
- h. Frazier v. Prince George's County, Maryland (Pretrial Detainee case)
- 2. Principal Counsel to the County Council, Rajesh Kumar, provided an update on pending litigation in the Appellate Court of Maryland for Bradley E. Heard v. County Council of Prince George's, et. al.

Actions Taken:

1. No Action Taken

Vote Closing the Meeting pursuant to Section 3-305(b) (1): 11-0, Motion by: CM Fisher; Second: CM Watson

Vote to Adjourn: 11-0, Motion by: CM Ivey; Second: CM Harrison

A motion was made by Council Member Watson, seconded by Council Member Fisher, that this Executive Session be convened into Executive Session. The motion carried by the following vote:

Aye: 11 - Ivey, Harrison, Dernoga, Blegay, Burroughs, Fisher, Franklin,

Hawkins, Olson, Oriadha and Watson