

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 9, 2018

10:00 AM

Council Hearing Room

Sitting as the District Council

Dannielle M. Glaros, District 3, Chair

Derrick Leon Davis, District 6

Mel Franklin, District 9

Andrea C. Harrison, District 5

Mary A. Lehman, District 1

Obie Patterson, District 8

Deni L. Taveras, District 2

Karen R. Toles, District 7

Todd M. Turner, District 4, Vice Chair

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 interpreters 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.

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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. Sylvia Taylor, Member, International Church of Christ, Landover, Maryland

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 07022018](#)

District Council Minutes Dated July 2, 2018

Attachment(s):

[7-2-2018 District Council Minutes DRAFT](#)

ORAL ARGUMENTS**DSP-17048****Capital Court, Phase 1****Applicant(s):**

SLDM, Inc.

Location:

Located in the southeastern quadrant of the intersection of MD 214 (Central Avenue) and the Capital Beltway (I-95/495), on the south side of MD 214 (Central Avenue) (28.67 Acres; C-O Zone).

Request:

Requesting approval of a Detailed Site Plan (DSP) for 306 single-family attached (townhouse) development on 28.67 acres.

Council District:

6

Appeal by Date:

6/14/2018

Review by Date:

6/14/2018

Action by Date:

7/13/2018

History:

03/29/2018	M-NCPPC Technical Staff	approval with conditions
05/10/2018	M-NCPPC Planning Board	approval with conditions
06/04/2018	Sitting as the District Council	deferred
	<i>Council deferred this item to June 5, 2018.</i>	
06/05/2018	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 8-0; Absent: Council Member Franklin).</i>	

Attachment(s):[DSP-17048 Zoning Agenda Item Summary \(ZAIS\)](#)[DSP-17048 Planning Board Resolution 18-30](#)

DSP-17048_PORL

[DSP-17048 Technical Staff Report](#)

ORAL ARGUMENTS (Continued)**CDP-8309-01****The Villages of Marlborough****Applicant(s):**

Codale Commercial Funding, LLC

Location:

The larger Villages of Marlborough is located northwest of the Town of Upper Marlboro at the intersection of MD 725 (Marlboro Pike) and Brown Station Road. The triangular Parcel O site is located in the northern quadrant of the intersection of John Rogers Boulevard and Governor's Grove Drive (367 Acres; R-U Zone).

Request:

Requesting approval for a Comprehensive Design Plan proposing to develop a 6.38-acre site known as Parcel O, where the Marlborough Golf Course Clubhouse building was previously located before being razed, within a larger fully-developed project known as The Villages of Marlborough, with 206 multifamily dwelling units (DUs).

Council District:

6

Appeal by Date:

5/31/2018

Review by Date:

5/31/2018

Action by Date:

7/13/2018

History:

03/01/2018	M-NCPPC Technical Staff	approval with conditions
04/26/2018	M-NCPPC Planning Board	approval with conditions
05/07/2018	Sitting as the District Council	deferred
	<i>Council deferred this item.</i>	
05/14/2018	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 9-0).</i>	
05/31/2018	Person of Record	appealed
	<i>Russell W. Shipley, Esq., counsel for the Villages of Marlboro HOA, filed an appeal of the Planning Board's Decision.</i>	

Attachment(s):[CDP-8309.01 Zoning Agenda Item Summary \(ZAIS\)](#)[CDP-8309-01 Planning Board Resolution 18-26](#)

CDP-8309-01_PORL

[CDP-8309-01 Technical Staff Report](#)

ORAL ARGUMENTS (Continued)**DSP-17053****Sacred Heart Home****Applicant(s):**

Sacred Heart, Inc.

Location:

Located at 5805 Queens Chapel Road, on the eastern side of the roadway, approximately 1,800 feet north of its intersection with Hamilton Street in Hyattsville, MD. More specifically, the property is described as Lot 1, Block A, of the Manor Wood Court subdivision (8.90 Acres; R-55 / D-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan for construction of a 60,242-square-foot nursing home (44 beds) and a 9,188 -square -foot -convent on the property. The project is anticipated to be phased, with an expansion of the use being the first phase of development.

Council District:

2

Appeal by Date:

6/28/2018

Review by Date:

6/28/2018

Action by Date:

9/4/2018

Municipality:

City of Hyattsville

History:

04/27/2018

M-NCPPC Technical Staff

approval with conditions

05/24/2018

M-NCPPC Planning Board

approval with conditions

06/04/2018

Sitting as the District Council

elected to review

Council elected to review this item (Vote: 6-0; Absent: Council Members Davis, Franklin, and Lehman).

Attachment(s):[DSP-17053 Zoning Agenda Item Summary \(ZAIS\)](#)[DSP-17053 Planning Board Resolution 18-38](#)

DSP-17053_PORL

[DSP-17053 Technical Staff Report](#)

ORAL ARGUMENTS (Continued)**SDP-1704****Summerfield at Morgan Station, Phase 3****Applicant(s):**

Summerfield Morgan Investments, LLC

Location:

Located approximately 1,200 feet north of the intersection of MD 214 (Central Avenue) and Summerfield Boulevard, across from the Morgan Boulevard Metro Station (11.34 Acres; L-A-C / D-D-O / M-I-O Zones).

Request:

Requesting approval of a Specific Design Plan (SDP) for 52 single-family attached units (townhouses) in Phase 3 of a larger development known as Summerfield at Morgan Station.

Council District:

5

Appeal by Date:

6/21/2018

Review by Date:

6/21/2018

Action by Date:

9/4/2018

History:

04/17/2018

M-NCPPC Technical Staff

approval with conditions

05/17/2018

M-NCPPC Planning Board

approval with conditions

06/04/2018

Sitting as the District Council

elected to review

*Council elected to review this item (Vote: 6-0; Absent: Council Members Davis, Franklin, and Lehman).***Attachment(s):**[SDP-1704 Zoning Agenda Item Summary \(ZAIS\)](#)[SDP-1704 Planning Board Resolution 18-35](#)

SDP-1704_PORL

[SDP-1704 Technical Staff Report](#)

NEW CASE(S)[ERR-271](#)**Eugene Broadus****Validation of Use and Occupancy Permit No. 8851-1998-U****Issued in Error****Applicant(s):**

Eugene Broadus

Location:Located at 5932 Baltic Street, Capitol Heights, Maryland 20743
(0.2296 Acres; R-20 Zone).**Request:**

Requesting validation of Prince George's County Use and Occupancy Permit No. 8851-1998-U, issued in error, to operate a repair shop, storage yard, and storage of commercial vehicles on 10,000 square feet of R-20 (One-Family Triple-Attached Residential) zoned land.

Council District:

7

Appeal by Date:

5/17/2018

Action by Date:

9/17/2018

History:

04/17/2018

Zoning Hearing Examiner

approval with conditions

06/04/2018

Sitting as the District Council

deferred

*Council deferred this item to July 9, 2018.***Attachment(s):**[ERR-271 Zoning Agenda Item Summary](#)

NEW CASE(S) (Continued)**ROW-Chick-Fil-A****Chick-Fil-A, Inc. / KRB Group Ventures, LLC****Applicant(s):**

Chick-Fil-A, Inc.

Location:

Located on the west side of Crain Highway (US 301) at its intersection with Chrysler Drive, also identified as 5301 Southwest Crain Highway, Upper Marlboro, Maryland (1.46 Acres; I-1 / I-2 Zones).

Request:

Requesting approval for authorization to construct 22 parking spaces, a drive aisle, a retaining wall and a required Landscape Strip within the proposed right-of-way for A-61, a proposed arterial service road until such time as Crain Highway (US 301) is upgraded to an expressway.

Council District:

9

Appeal by Date:

7/6/2018

Action by Date:

1/4/2019

Opposition:

None

History:

03/30/2018

Applicant

filed

Daniel F. Lynch, Esq., Attorney for the applicant filed a request for authorization of a permit within a proposed right-of-way.

04/19/2018

Clerk of the Council

transmitted

The Clerk of the Council transmitted the case to the Zoning Hearing Examiner for Hearing.

06/06/2018

Zoning Hearing Examiner

approval

Attachment(s):

[ROW-Chick-Fil-A Zoning Agenda Item Summary \(ZAIS\)](#)

[ROW-Chick-Fil-A Zoning Hearing Examiner Decision](#)

ROW-ChickFil-A PORL

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).

REFERRED FOR DOCUMENT[A-10042](#)**Brandywine Waldorf Medical Dental Center****Applicant(s):**

Brandywine Waldorf Medical Center

Location:

Northwest quadrant of the intersection of Brandywine Road and Branch Avenue (Route 5) identified as 13518 and 13600 Brandywine Road, Brandywine, MD 20613 (2.99 acres; C-O Zone).

Request:

Rezoning of properties from C-O to M-X-T Zone

Council District:

9

Appeal by Date:

6/22/2018

Action by Date:

1/20/2019

History:

12/19/2017	M-NCPPC Technical Staff	approval
01/04/2018	M-NCPPC Planning Board	no motion to consider
05/23/2018	Zoning Hearing Examiner	approval
07/02/2018	Sitting as the District Council	referred for document

Stan Brown, People's Zoning Counsel, spoke to an error in the acreage of the application and additional fees associated with the change. Council referred this item to staff for preparation of an approving document (Vote: 7-0; Absent: Council Members Harrison and Lehman).

REFERRED FOR DOCUMENT[SE-4785](#)**Traditions at Beechfield - Enterprise Road****Applicant(s):**

Greenlife Property Group, LLC./Beechfield

Location:

Located in the northeast quadrant of MD 193 (Enterprise Road) and US 50 (John Hanson Highway) (83.68 Acres; R-E Zone).

Request:

Requesting approval of a Special Exception for permission to use approximately 82.68 acres of R-E (Residential – Estate) zoned land for a Planned Retirement Community (major revision to prior SE-4529).

Council District:

6

Appeal by Date:

3/29/2018

Review by Date:

3/29/2018

Action by Date:

7/27/2018

Opposition:

Steve Brigham, Edwin Brown, Sr., et. al.

History:

10/05/2017	M-NCPPC Technical Staff	approval with conditions
10/19/2017	M-NCPPC Planning Board	no motion to consider
02/27/2018	Zoning Hearing Examiner	approval with conditions
03/12/2018	Sitting as the District Council	deferred
	<i>Council deferred this item to March 26, 2018.</i>	
03/26/2018	Sitting as the District Council	elected to make the final decision
	<i>Council elected to make the final decision on this item (Vote: 7-0; Absent: Council Members Franklin and Toles).</i>	
07/02/2018	Sitting as the District Council	hearing held; referred for document

Taslima Alam, M-NCPPC, provided an overview of the Special Exception application. Thomas Haller, Esq., attorney for the applicant, spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.

The Oral Argument hearing was held and Council referred this item to staff for preparation of an approving document with conditions (Vote: 7-0; Absent: Council Members Harrison and Lehman).

Attachment(s): [SE-4785 Zoning AIS](#)
[SE-4785 Zoning Hearing Examiner Decision](#)
 SE-4785 PORL

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

DPLS-451

Palmer Park

Applicant(s): Housing Initiative Partnership
Location: Located in the southwest quadrant of the intersection of Barlowe Road and Palmer Park Road (0.85 acre; R-20 Zone).
Request: Requesting approval for Departure of Parking and Loading Standards for a departure from Section 27-568 of the Zoning Ordinance for a reduction of 4 parking spaces from the 19-space parking requirement and variance requests to Sections 27-120.01(a) and 27-442(c), (d), and (e).
Council District: 5
Appeal by Date: 7/19/2018
Review by Date: 7/19/2018

History:

05/23/2018	M-NCPPC Technical Staff	approval with conditions
06/14/2018	M-NCPPC Planning Board	approval with conditions
07/02/2018	Sitting as the District Council	deferred

Council deferred this item to July 9, 2018.

Attachment(s): [DPLS-451 Zoning Agenda Item Summary \(ZAIS\)](#)
[DPLS-451 Planning Board Resolution 18-48](#)
 DPLS-451_PORL
[DPLS-451 Technical Staff Report](#)

PENDING FINALITY (Continued)**PLANNING BOARD****DSP-17037****Eritrean Church****Applicant(s):**

Eritrean Orthodox Tewahdo Church

Location:

Located on the south side of Bladensburg Road, approximately 250 feet east of its intersection with 43rd Avenue (2.16 acres; M-X-T, D-D-O, I-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan for the conversion of existing warehouse buildings for use as a church and multipurpose building.

Council District:

5

Appeal by Date:

7/19/2018

Review by Date:

7/19/2018

History:

05/11/2018	M-NCPPC Technical Staff	approval with conditions
06/14/2018	M-NCPPC Planning Board	approval with conditions
07/02/2018	Sitting as the District Council	deferred

*Council deferred this item to July 9, 2018.***Attachment(s):**[DSP-17037 Zoning Agenda Item Summary \(ZAIS\)](#)[DSP-17037 Planning Board Resolution 18-41](#)

DSP-17037 PORL

[DSP-17037 Technical Staff Report](#)

CASE(S) SCHEDULED FOR MANDATORY REVIEW HEARING ON 7/23/2018 AT 10:00 A.M.*Hearing Dates & Times Subject to Change***SDP-0315-09****Beech Tree, East Village, Sections 4 and 5****Applicant(s):**

VOB Limited Partnership

Location:

The Beech Tree project site is located on the west side of US 301 (Robert S. Crain Highway), south of Leeland Road. The area covered by Specific Design Plan SDP-0315, East Village, Section 4, is located on the north side of Beech Tree Parkway and on the east and west sides of Moores Plains Boulevard. East Village, Section 5, is located on the south side of Beech Tree Parkway, just east of the recreation center (23.35 Acres; R-S Zone).

Request:

Requesting approval for a specific design plan (SDP) to add one single-family attached (townhouse) architectural model, specifically the Haverford Homes Coltrane model, to the approved architecture for Sections 4 and 5 of Beech Tree, in the Residential Suburban Development (R-S) Zone.

Council District:

6

Appeal by Date:

7/12/2018

Action by Date:

10/2/2018

Comment(s):

Mandatory Review:

District Council review of this case is required by conditions imposed by Council on Zoning Case A-9763-C.

History:

05/29/2018

M-NCPPC Technical Staff

approval with conditions

06/07/2018

M-NCPPC Planning Board

approval with conditions

Attachment(s):[SDP-0315-09 Zoning Agenda Item Summary \(ZAIS\)](#)[SDP-0315-09 Planning Board Resolution 18-44](#)

SDP-0315-09_PORL

[SDP-0315-09 Technical Staff Report](#)

CASE(S) SCHEDULED FOR MANDATORY REVIEW HEARING ON 7/23/2018 AT 10:00 A.M.
(Continued)

Hearing Dates & Times Subject to Change

SDP-0416-07

Beech Tree, South Village, Sections 4 and 5

Applicant(s):

VOB Limited Partnership

Location:

The Beech Tree project site is located on the west side of US 301 (Robert S. Crain Highway), south of Leeland Road, in Planning Area 79 and Council District 6. The area covered by Specific Design Plan SDP-0416 in South Village, Sections 4 and 5, is located in the southeastern portion of Beech Tree development, along the southern boundary (41.32 Acres; R-S Zone).

Request:

Requesting approval for a Specific Design Plan (SDP) to add one single-family attached (townhouse) architectural model, specifically the Haverford Homes Coltrane model, to the approved architecture for Sections 4 and 5 of Beech Tree, in the Residential Suburban Development (R-S) Zone.

Council District:

6

Appeal by Date:

7/12/2018

Action by Date:

10/2/2018

Comment(s):

Mandatory Review:

District Council review of this case is required by conditions imposed by Council on Zoning Case A-9763-C

History:

05/29/2018 M-NCPPC Technical Staff approval with conditions

06/07/2018 M-NCPPC Planning Board approval with conditions

Attachment(s):

[SDP-0416-07 Zoning Agenda Item Summary \(ZAIS\)](#)

[SDP-0416-07 Planning Board Resolution 18-45](#)

SDP-0416-07_PORL

[SDP-0416-07 Technical Staff Report](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON 9/17/2018 AT 10:00 A.M.*Hearing Dates & Times Subject to Change*[HPC-062-10](#)**Appeal of Decision of Historic Preservation Commission
Briarly Academy (Old Hotel) (Historic Resource - Area 62-10)****Applicant(s):**

Jumes House/Briarly Academy

Location:

Located off a rise of ground immediately east of Old Washington-Baltimore turnpike between Vansville and Muirkirk and identified as 11777 OLD Baltimore Pike, Beltsville, Maryland 20705.

Request:

The instant action involves the appeal of the Decision of the Historic Preservation Commission ("HPC") to amend the July 1981 Historic Sites and Districts Plan, which included the subject property, the Briarly Academy (Old Hotel)(62-10) in its Historic Resource Inventory, by designating the Briarly Academy (Old Hotel) as a Historic Site in the Plan's Inventory of Historic Sites.

Council District:

1

Appeal by Date:

6/15/2018

Action by Date:

1/28/2019

Municipality:

City of Hyattsville

Opposition:

None

History:

05/31/2018

Zoning Hearing Examiner

approval

06/13/2018

Applicant

appealed

*Joseph P. Suntum, Esq., Counsel for Elpis Sakaria, Owner, filed Exceptions to the Zoning Hearing Examiner's Decision and requested Oral Argument.***Attachment(s):**[HPC 062-010 - Zoning Hearing Examiner Decision](#)

HPC 062-010 - PORL

[HPC-062-10 Zoning Agenda Item Summary \(ZAIS\)](#)

ADJOURN

EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

Motion to convene in executive session to consult with staff, consultants, or other individuals about pending or potential litigation in accordance with Section 3-305(b) (8), General Provisions Article, Annotated Code of Maryland.