

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, February 25, 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 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

Mr. Howard Stone, County Employee

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 02112019](#)

District Council Minutes dated February 11, 2019

Attachment(s):

[2-11-2019 District Council Minutes DRAFT](#)

ORAL ARGUMENTS**CDP-1702****WAWA Adelphi****Applicant(s):**

ZP No. 139, LLC

Location:

The subject site is a triangular property bounded on three sides by the public rights-of-way of MD 212 (Riggs Road) to the south, Edwards Way to the west and Adelphi Road to the east (4.14 Acres; L-A-C Zone).

Request:

Requesting approval for a Comprehensive Design Plan (CDP) proposing to develop a 4.14-acre vacant, wooded site with 5,619 square feet of commercial development, consisting of a food and beverage store and a gas station.

Council District:

2

Appeal by Date:

12/20/2018

Review by Date:

1/30/2019

Action by Date:

3/18/2019

Comment(s):

(This case is for the same property as SDP-1703, but is not a 'companion case' (per M-NCPPC Staff Reviewer))

History:

10/11/2018	M-NCPPC Technical Staff	approval with conditions
11/15/2018	M-NCPPC Planning Board	approval with conditions
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>	
01/24/2019	Clerk of the Council	mailed

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

Attachment(s):

[CDP-1702 Zoning Agenda Item Summary](#)

[CDP-1702 Planning Board Resolution 18-108](#)

CDP-1702_PORL

[CDP-1702 Technical Staff Report](#)

ORAL ARGUMENTS (Continued)**SDP-1703****WAWA Adelphi****Applicant(s):**

ZP No. 139, LLC

Location:

The subject site is a triangular property bounded on three sides by the public rights-of-way of MD 212 (Riggs Road) to the south, Edwards Way to the west, and Adelphi Road to the east. The site has a street address at 9100 Riggs Road, Hyattsville, Maryland (4.11 Acres; L-A-C Zone).

Request:

Requesting approval of a Specific Design Plan (SDP) for development of a 5,619-square-foot food and beverage store and a gas station.

Council District:

2

Appeal by Date:

1/17/2019

Review by Date:

1/30/2019

Action by Date:

3/18/2019

Comment(s):

(This case is for the same property as CDP-1702, but is not a 'companion case' (per M-NCPPC Staff Reviewer)

History:

11/20/2018	M-NCPPC Technical Staff	approval with conditions
12/13/2018	M-NCPPC Planning Board	approval with conditions
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>	
01/24/2019	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	

Attachment(s):

[SDP-1703 Zoning Agenda Item Summary](#)

[SDP-1703 Planning Board Resolution 18-126](#)

SDP-1703 PORL

[SDP-1703 Technical Staff Report](#)

ORAL ARGUMENTS (Continued)[DSP-11017](#)[AmendCond Remand](#)**Hyattsville Subway Sandwich Shop (Amendment of Conditions)**
(REMAND)**Companion Case(s):** DSP-11017 Amend of Conditions**Applicant(s):** Jagjot Khandpur**Location:** Located on the western side of Baltimore Avenue (US 1), approximately 790 feet south of its intersection of Farragut Street (0.15 Acres, M-U-I/D-D-O Zones).**Request:** Requesting approval for an amendment of condition of the District Council decision dated February 12, 2013, that Condition 1(k), supra, be revised to allow a wooden fence enclosure for the dumpster to the rear of the site.**Council District:** 2**Appeal by Date:** 9/7/2018**Action by Date:** 4/1/2019**Municipality:** Hyattsville**Opposition:** None**History:**

06/06/2017

Applicant

filed

Jagjot S. Khandpur, attorney for the applicant, filed a request to amend condition 1(k) of the District Council final decision dated February 12, 2013.

06/07/2017

Clerk of the Council

transmitted

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

10/05/2017

Zoning Hearing Examiner

approval with conditions

11/06/2017

Sitting as the District Council

deferred

Council deferred this item to November 13, 2017.

11/13/2017

Sitting as the District Council

elected to make the final decision

Council elected to schedule Oral Arguments (Vote: 8-0; Absent: Council Member Glaros).

01/25/2018	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	
02/22/2018	Applicant	filed
	<i>Jagjot S. Khndpur, Esq., attorney for the applicant, filed a letter requesting a remand to the Zoning Hearing Examiner.</i>	
02/26/2018	Sitting as the District Council	referred for document
	<i>Prior to Oral Argument, Stan Brown, People's Zoning Counsel, summarized a request for Remand filed by the applicant. Council referred item to staff for preparation of a document of remand to the Zoning Hearing Examiner (Vote: 7-0; Absent: Council Members Davis and Lehman).</i>	
03/12/2018	Sitting as the District Council	remanded
	<i>Council adopted the prepared Order of Remand (Vote: 7-0; Absent: Council Members Franklin and Harrison).</i>	
08/23/2018	Zoning Hearing Examiner	approval with conditions
09/17/2018	Sitting as the District Council	deferred
	<i>Council deferred this item to a later date.</i>	
10/15/2018	Sitting as the District Council	elected to make the final decision
	<i>Council elected to review this item (Vote: 5-0; Absent: Council Members Harrison, Lehman, Patterson, and Toles).</i>	
01/23/2019	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	

Attachment(s):[DSP-11017 AmendCond Remad Agenda Item Summary](#)[DSP-11017 District Council Decision_02122013](#)[DSP-11017 Planning Board Resolution 12-98](#)[DSP-11017 Technical Staff Report](#)

EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)[EX 02252019](#)

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.

RECESS**RECONVENE****1:30 PM ORAL ARGUMENTS**[DSP-17054](#)**Mama's Care Assisted Living Facility****Applicant(s):**

Emmanuel Isong, T/A Mama's Care Assisted Living

Location:

Located at 4111 East West Highway, on the south side of the roadway, approximately 450 feet east of its intersection with MD 500 (Queens Chapel Road) (0.43 Acres; R-55 / D-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan to expand an existing congregate living facility to allow for up to 14 residents and validate the parking compound previously constructed without a permit, within the One-Family Detached Residential (R-55) Zone and the Development District Overlay (D-D-O) Zone 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).

Council District:

2

Appeal by Date:

1/10/2019

Review by Date:

1/30/2019

Action by Date:

3/18/2019

Municipality:

City of Hyattsville

History:

10/31/2018	M-NCPPC Technical Staff	approval with conditions
12/06/2018	M-NCPPC Planning Board	approval with conditions
01/14/2019	Sitting as the District Council	postponed
01/15/2019	Sitting as the District Council	elected to review

Council elected to review this item (Vote: 11-0).

01/23/2019 Clerk of the Council mailed
Notice of Oral Argument Hearing was mailed to Persons of Record.

Attachment(s): [DSP-17054 Zoning Agenda Item Summary](#)
[DSP-17054 Planning Board Resolution 18-118](#)
 DSP-17054_PORL
[DSP-17054 Technical Staff Report](#)

1:30 PM ORAL ARGUMENTS (Continued)

DSP-18003

Landy Property

Applicant(s):

Marvin Blumberg Company

Location:

Located in the northwest quadrant of the intersection of Belcrest Road and Toledo Terrace, on the northeast side of Northwest Drive, between Dean Drive and Belcrest Road (24.60 Acres; R-20 / T-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan proposing to grade and develop infrastructure for 131 single-family attached (townhouse) lots, including the location and design of the roadways, one recreational area, on-street parking, landscaping, utility location, fencing and sidewalks as well as rough grading for the rest of the subject property.

Council District:

2

Appeal by Date:

12/13/2018

Review by Date:

1/30/2019

Action by Date:

3/18/2019

Municipality:

City of Hyattsville

History:

10/03/2018	M-NCPPC Technical Staff	approval with conditions
11/08/2018	M-NCPPC Planning Board	approval with conditions
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>
01/23/2019	Clerk of the Council	mailed
		<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>

Attachment(s): [DSP-18003 Zoning Agenda Item Summary](#)
[DSP-18003 Planning Board Resolution 18-102](#)
 DSP-18003_PORL
[DSP-18003 Technical Staff Report](#)

1:30 PM ORAL ARGUMENTS (Continued)

[DSP-90076-07](#)

Tantallon on the Potomac, Lot 12, Block E

Applicant(s): Chris Underwood

Location: Located approximately 300 feet east of Firth of Tae Drive on Moyer Court, approximately 1,025 feet south of Swan Creek Road, also identified as 700 Moyer Court, Fort Washington, Maryland (1.32 Acres; R-R / L-D-O Zones).

Request: Requesting approval of a Detailed Site Plan for the construction of a 3,600-square-foot single-family detached dwelling with a garage on a vacant and partially-wooded property within the Chesapeake Bay Critical Area (CBCA). The detailed site plan was originally accepted as a limited minor amendment for Planning Director level review; however, as allowed by Prince George's County Zoning Ordinance Section 27-289(c) a citizen requested a public hearing.

Council District: 8

Appeal by Date: 1/3/2019

Review by Date: 1/30/2019

Action by Date: 3/18/2019

History:

10/24/2018	M-NCPPC Technical Staff	approval with conditions
11/29/2018	M-NCPPC Planning Board	approval with conditions
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>	
01/23/2019	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	

Attachment(s): [DSP-90076-07 Zoning Agenda Item Summary](#)
[DSP-90076-07 Planning Board Resolution 18-114](#)
[DSP-90076-07 POR](#)
[DSP-90076-07 Technical Staff Report](#)

NEW CASE(S)[A-10047](#)**St. Barnabas Mixed-Use Park****Applicant(s):** 1323 E Street, SE, LLC**Location:** Located in the northeastern quadrant of the intersection of St. Barnabas Road and Temple Hills Road, also identified as 4634, 4710, 4718, 4720, 4740, 4806 and 4810 St. Barnabas Road, Temple Hills, Maryland (11.07 Acres; C-S-C / I-1 Zones).**Request:** Requesting approval of a Zoning Map Amendment for the rezoning of approximately 11.07 acres of land from the C-S-C (Commercial Shopping Center) / I-1 (Light Industrial) to the M-X-T (Mixed Use-Transportation Oriented) Zone.**Council District:** 7**Appeal by Date:** 1/22/2019**Action by Date:** 4/30/2019**Opposition:** None**History:**

06/14/2018	M-NCPPC Technical Staff	disapproval
06/21/2018	M-NCPPC Planning Board	no motion to consider
12/21/2018	Zoning Hearing Examiner	approval
01/28/2019	Sitting as the District Council	deferred

Council deferred this item to February 11, 2019.

Attachment(s): [A-10047 Zoning Agenda Item Summary](#)
[A-10047 Zoning Hearing Examiner Decision](#)
A-10047 - PORL

ITEM(S) FOR DISCUSSION

[A-10000-C-01](#)
[AmendCond](#)

**LMJ Real Properties and Investments, Inc. / Linda Jones /
 Defiance Drive (Amendment of Condition)**

Applicant(s):

LMJ Real Properties and Investments, Inc. / Linda Jones / Defiance Drive

Location:

Located at the terminus of Defiance Drive, approximately 160 feet east of its intersection with Star Drive (5.068 Acres; R-R Zone).

Request:

Requesting approval for the amendment of the “condition” imposed by the District Council upon its adoption of Zoning Ordinance 11-2010, which rezoned the subject property from the R-E Zone to the R-E and R-R (Rural Residential) Zones. The Council also imposed a limit on the number of homes that could be constructed. Applicant requests that the District Council amend the condition that split zoned the property and limited the number of dwelling units.

Council District:

8

Appeal by Date:

11/26/2018

Action by Date:

5/30/2019

Opposition:

None

History:

11/08/2018	Zoning Hearing Examiner	disapproval
11/26/2018	Applicant	appealed
	<i>Michael S. Nagy, Esq., attorney for the applicant, filed exceptions to the Zoning Hearing Examiner's Decision and requested oral argument.</i>	
01/15/2019	Sitting as the District Council	announced hearing date
01/28/2019	Sitting as the District Council	hearing held; case taken under advisement

Taslima Alam, M-NCPPC, provided an overview of the Zoning Map Amendment application. Michael Nagy, Esq., attorney for the applicant, spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, commented on the factual and legal arguments presented by the parties. Council took this item under advisement.

Attachment(s): [A-10000-C-01 AmendCond Zoning Agenda Item Summar](#)
[A-10000-C-01 Zoning Hearing Examiner Decision](#)
A-10000-C-01 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.

(a) ZONING HEARING EXAMINER

[SE-4815](#)

Hunt Real Estate Development

Applicant(s): HRES Capitol Heights, LLC

Location: Located on the west side of Walker Mill Road, approximately 350 feet south of its intersection with Addison Road, also identified as 6618 Walker Mill Road, Capitol Heights, Maryland (43,273 square feet; C-S-C Zone).

Request: Requesting approval of a Special Exception for permission to use approximately 43,273 square feet of land, in the C-S-C (Commercial Shopping Center) Zone for a Gas Station and an associated Food or Beverage Store (a permitted use).

Council District: 7

Appeal by Date: 2/25/2019

Review by Date: 2/25/2019

Opposition: None

History:

08/29/2018	M-NCPPC Technical Staff	approval with conditions
09/20/2018	M-NCPPC Planning Board	no motion to consider
01/24/2019	Zoning Hearing Examiner	approval with conditions
01/28/2019	Sitting as the District Council	deferred

Council deferred this item to February 11, 2019.

Attachment(s): [SE-4815 Zoning Agenda Item Summary](#)
[SE-4815 Zoning Hearing Examiner Decision](#)
SE-4815 PORL
[SE-4815 Technical Staff Report](#)

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.

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.

(b) PLANNING BOARD

DSP-14028-02

Prince George's Regional Hospital

Applicant(s):

Revenue Authority of Prince George's County

Location:

Located on the east side of Harry S. Truman Drive, at the intersection of Medical Center Drive and Lottsford Road (21.81 Acres; M-X-T / D-D-O Zones).

Request:

Requesting approval of Detailed Site Plan (DSP) for a parking garage with 1,155 spaces for use by the previously approved hospital.

Council District:

6

Appeal by Date:

3/14/2019

Review by Date:

3/14/2019

History:

12/28/2018

M-NCPPC Technical Staff

approval with conditions

02/07/2019

M-NCPPC Planning Board

approval with conditions

Attachment(s):

[Agenda Item Summary](#)

[DSP-14028-02 Planning Board Resolution 19-11](#)

DSP-14028-02_PORL

[DSP-14028-02 Technical Staff Report](#)

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.

(b) PLANNING BOARD (Continued)**DSP-18026****Retail at Melford Town Center****Applicant(s):**

St. John Properties

Location:

The larger Melford property is located in the northeastern quadrant of the intersection of MD 3 (Robert Crain Highway) and US 50/US 301 (John Hanson Highway) within the City of Bowie. The specific site included in this DSP is located on the north side of Melford Boulevard, on both sides of East West Boulevard (8.83 Acres; M-X-T Zone).

Request:

Requesting approval for a Detailed Site Plan (DSP) for 57,845 square feet of commercial retail space.

Council District:

4

Appeal by Date:

2/28/2019

Review by Date:

2/28/2019

Municipality:

City of Bowie

History:

12/31/2018

M-NCPPC Technical Staff

approval with conditions

01/24/2019

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-18026 Zoning Agenda Item Summary](#)[DSP-18026 Planning Board Resolution 19-12](#)

DSP-18026_PORL

[DSP-18026 Technical Staff Report](#)

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.

(b) PLANNING BOARD (Continued)**DSP-18027****7-Eleven, Laurel-Baltimore Avenue****Applicant(s):**

7-Eleven, Inc.

Location:

Located on the west side of US I (Baltimore Avenue), in the southwest quadrant of its intersection with Academy Lane (1.72 Acres; C-M Zone).

Request:

Requesting approval of a Detailed Site Plan (DSP) proposing to raze a property with an existing used car sales business and to construct a 4,950-square-foot food and beverage store and a gas station. The project will entail the complete removal of all existing structures on the property.

Council District:

1

Appeal by Date:

3/7/2019

Review by Date:

3/7/2019

History:

12/20/2018

M-NCPPC Technical Staff

approval with conditions

01/31/2019

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-18027 Zoning Agenda Item Summary](#)[DSP-18027 Planning Board Resolution 19-03](#)

DSP-18027_PORL

[DSP-18027 Technical Staff Report](#)

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.

(b) PLANNING BOARD (Continued)**DSP-18034****Townhouse Infrastructure at Melford Town Center****Applicant(s):**

St. John Properties, Inc.

Location:

The entire Melford property is located in the northeastern quadrant of the intersection of MD 3 (Robert Crain Highway) and US 50/US 301 (John Hanson Highway) within the City of Bowie. The specific limits of this DSP are located on the northern side of Melford Boulevard, in the northeastern and northwestern quadrants of its intersection with Curie Drive (28.38 Acres; M-X-T Zones).

Request:

Requesting approval of a Detailed Site Plan (DSP) for approval of infrastructure for 205 single-family attached (townhouses) and 44 two-family attached dwelling units in the Mixed Use-Transportation Oriented (M-X-T) Zone. The infrastructure DSP includes the location and design of the public roadways and private alleys, the lot and parcel layout, on-street parking, landscaping, utility location, fencing, and sidewalks

Council District:

4

Appeal by Date:

2/28/2019

Review by Date:

2/28/2019

Municipality:

City of Bowie

History:

12/28/2018

M-NCPPC Technical Staff

approval with conditions

01/24/2019

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-18034 Zoning Agenda Item Summary](#)[DSP-18034 Planning Board Resolution 19-13](#)

DSP-18034_PORL

[DSP-18034 Technical Staff Report](#)**ADJOURN**