



Prince George's County Council

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

Zoning Minutes - Draft 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

Monday, September 23, 2019

10:00 AM

Council Hearing Room

9:45 AM AGENDA BRIEFING - (ROOM 2027)

At 9:45 a.m., due to a lack of a quorum of members, a public statement was read and the Agenda Briefing was conducted as an informal discussion in lieu of a public meeting.

10:02 AM CALL TO ORDER - (COUNCIL HEARING ROOM)

Pursuant to the provisions of Section 27-132(a) of the Zoning Ordinance, the meeting was called to order by Chair Turner at 10:02 a.m. with eight members present at roll call. Council Member Glaros arrived at 10:10 a.m., Council Member Taveras arrived at 10:22 a.m., and Council Member Franklin arrived at 11:11 a.m.

Present: 11 - Chair Todd Turner
Council Member Monique Anderson-Walker
Council Member Derrick Davis
Council Member Thomas Dernoga
Council Member Mel Franklin
Council Member Dannielle Glaros
Council Member Sydney Harrison
Council Member Calvin S. Hawkins
Council Member Jolene Ivey
Vice Chair Rodney Streeter
Council Member Deni Taveras

*Also Present: Stan Brown, People's Zoning Counsel
Robert J. Williams, Jr., Council Administrator
Rajesh Kumar, Principal Counsel to the District Council
Donna J. Brown, Acting Clerk of the Council
Leonard Moses, Zoning Assistant, Office of the Clerk
James Walker-Bey, Zoning Reference Aide, Office of the Clerk*

*M-NCPPC
Jeremy Hrulbutt, Development Review Division
Thomas Burke, Development Review Division
Ras Cannady, Development Review Division*

*DPIE
Tim Holden, Inspector*

INVOCATION

The Invocation was provided by Mr. Howard Stone, County Employee. Chair Turner requested prayer for civility and honest discourse.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Chair Streeter.

APPROVAL OF DISTRICT COUNCIL MINUTES[MINDC 09092019](#)**District Council Minutes dated September 9, 2019**

A motion was made by Council Member Davis, seconded by Vice Chair Streeter, that the Minutes be approved. The motion carried by the following vote:

Aye: 8 - Turner, Anderson-Walker, Davis, Dernoga, Harrison, Hawkins, Ivey and Streeter

Absent: Franklin, Glaros and Taveras

Attachment(s): 9-9-2019 District Council Minutes DRAFT

[MINDC 09102019](#)**District Council Minutes dated September 10, 2019**

A motion was made by Council Member Davis, seconded by Vice Chair Streeter, that the Minutes be approved. The motion carried by the following vote:

Aye: 8 - Turner, Anderson-Walker, Davis, Dernoga, Harrison, Hawkins, Ivey and Streeter

Absent: Franklin, Glaros and Taveras

Attachment(s): [9-10-2019 District Council Minutes DRAFT](#)

[MINDC 09172019](#)**District Council Minutes dated September 17, 2019**

A motion was made by Council Member Davis, seconded by Vice Chair Streeter, that the Minutes be approved. The motion carried by the following vote:

Aye: 8 - Turner, Anderson-Walker, Davis, Dernoga, Harrison, Hawkins, Ivey and Streeter

Absent: Franklin, Glaros and Taveras

Attachment(s): 9-17-2019 District Council Minutes DRAFT

ORAL ARGUMENTS**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

Action by Date: 10/21/2019

History:

Jeremy Hurlbutt, M-NCPPC, provided an overview of the SDP application. Chris Enzaday, attorney for Saint Joseph Catholic Church, and Bishop Roy E. Campbell, Jr., Saint Joseph Catholic Church, spoke in opposition. Edward Gibbs, Esq., attorney for the 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.

This Conceptual Site Plan hearing was held and the case was taken under advisement.

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

[CSP-03001-01_PORL](#)

[CSP-03001-01_Technical Staff Report](#)

ORAL ARGUMENTS (Continued)[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

Action by Date: 10/21/2019

History:

Thomas Burke, M-NCPPC, provided an overview of the DSP application. Thomas Haller, Esq., attorney for the 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.

This Detailed Site Plan hearing was held and the case was taken under advisement.

Attachment(s): [DSP-05036-03 Planning Board Resolution 19-70](#)
DSP-05036-03_PORL
[DSP-05036-03 Technical Staff Report](#)

NEW CASE(S)[ERR-280](#)**JH Chevet Manor**

Applicant(s): JH Chevet Manor, LLC

Location: Located on the south side of Wheeler Road and its intersection with Vermillion Avenue (2.25 Acres; R-10 Zone).

Request: Requesting for validation of Prince George's County's Multi-Family Rental Housing License No. M-0643, issued in error on March 10, 2017 for 109 apartment units.

Council District: 7

Appeal by Date: 9/20/2019

Action by Date: 1/29/2020

Opposition: None

History:

Council referred item to staff for preparation of an approving document in accordance with the Zoning Hearing Examiner's decision (Vote: 8-0; Absent: Council Members Dernoga, Franklin, and Harrison).

A motion was made by Vice Chair Streeter, seconded by Council Member Glaros, that this Permit issued in error be referred for document. The motion carried by the following vote:

Aye: 8 - Turner, Anderson-Walker, Davis, Glaros, Hawkins, Ivey, Streeter and Taveras

Absent: Dernoga, Franklin and Harrison

Attachment(s): [ERR-280-JH chevet manor ZHE Decision](#)
ERR-280-JH chevet manor 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[ERR-273](#)**Abdul Q. Muhammad****Validation of Multi-Family Rental Housing License M-0790****Applicant(s):** Abdul Q. Muhammad**Location:** Located at 3523 Maywood Lane, Suitland, Maryland (0.2560 Acres; R-10 / D-D-O Zones).**Request:** Requesting validation of Prince George's County's Multi-Family Rental Housing License No. M-0790, issued in error.**Council District:** 7**Appeal by Date:** 9/4/2019**Action by Date:** 1/29/2020**Opposition:** None**History:**

Council adopted the prepared Zoning Ordinance No.12 - 2019 validating Prince George's County's Multi-Family Rental Housing License No. M-0790 (Vote: 8-0; Absent: Council Members Davis, Franklin, and Harrison).

A motion was made by Vice Chair Streeter, seconded by Council Member Glaros, that this Permit issued in error be approved. The motion carried by the following vote:

Aye: 8 - Turner, Anderson-Walker, Dernoga, Glaros, Hawkins, Ivey, Streeter and Taveras

Absent: Davis, Franklin and Harrison

Attachment(s): [ERR 273-ZHE Decision](#)

ERR 273-PORL

REFERRED FOR DOCUMENT (Continued)[ERR-278](#)**KBIZ Dry Cleaning****Validation of Use and Occupancy Permit 40101-2013 for a Dry Cleaning/Laundry Service**

- Applicant(s):** KBIZ, Inc.
- Location:** Located on the northwest side of Annapolis Road approximately 320 feet south west of its intersection with Gallatin Street, also identified as 7450 Annapolis Road, Landover Hills, Maryland (0.6890 Acres; M-U-I / D-D-O Zones).
- Request:** Requesting validation of Prince George's County's Use and Occupancy Permit 40101-2013-00, issued in error.
- Council District:** 3
- Appeal by Date:** 9/6/2019
- Action by Date:** 1/29/2020
- Opposition:** None
- History:**
- Council adopted the prepared Zoning Ordinance No.13 - 2019 validating Prince George's County's Use and Occupancy Permit 40101-2013-00 (Vote: 8-0; Absent: Council Members Davis, Franklin, and Harrison).*
- A motion was made by Council Member Glaros, seconded by Vice Chair Streeter, that this Permit issued in error be approved. The motion carried by the following vote:**
- Aye:** 8 - Turner, Anderson-Walker, Dernoga, Glaros, Hawkins, Ivey, Streeter and Taveras
- Absent:** Davis, Franklin and Harrison
- Attachment(s):** [ERR 278 - ZHE Decision](#)
ERR 278 - PORL

ITEM(S) FOR DISCUSSION[DSP-15031-01](#)**EZ Storage College Park****Companion Case(s):** DDS-648; DPLS-459**Applicant(s):** Siena Corporation**Location:** Located on the south side of Branchville Road approximately 1,800 feet east of its intersection with Rhode Island Avenue (1.82 Acres; I-2 Zone).**Request:** Requesting for approval of a Detailed Site Plan (DSP) for a 122,190-square-foot, 950-unit consolidated storage facility on 1.82 acres, including variances to Section 27-474(b) of the Prince George's County Zoning Ordinance for minimum setback from the street, and Section 27-475.04(a)(1)(c) of the Zoning Ordinance for maximum building height.**Council District:** 1**Appeal by Date:** 7/18/2019**Review by Date:** 7/18/2019**Action by Date:** 10/7/2019**History:**

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

A motion was made by Council Member Dernoga, seconded by Vice Chair Streeter, that this Detailed Site Plan be referred for document. The motion carried by the following vote:

Aye: 9 - Turner, Anderson-Walker, Dernoga, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Absent: Davis and Franklin

Attachment(s): [DSP-15031-01 Planning Board Resolution 19-65](#)[DSP-15031-01 PORL](#)[DSP-15031-01 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION (Continued)[DDS-648](#)**EZ Storage College Park****Companion Case(s):** DPLS-459; DSP-15031-01**Applicant(s):** Siena Corporation**Location:** Located on the south side of Branchville Road approximately 1,800 feet east of its intersection with Rhode Island Avenue (1.82 Acres; I-2 Zone).**Request:** Requesting approval of a Departure from Design Standards (DDS) from the requirements of Section 27-578(a) of the Prince George's County Zoning Ordinance, to allow the loading space size to be reduced to 10 feet wide by 20 feet long.**Council District:** 1**Appeal by Date:** 7/18/2019**Review by Date:** 7/18/2019**Action by Date:** 11/8/2019**History:**

Council referred item to staff for preparation of an approving document, with conditions (Vote: 10-0; Absent: Council Member Davis).

A motion was made by Council Member Dernoga, seconded by Council Member Harrison, that this Departure from Design Standards be referred for document. The motion carried by the following vote:

Aye: 10 - Turner, Anderson-Walker, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Absent: Davis

Attachment(s): [DDS-648 Planning Board Resolution 19-67](#)

DDS-648_PORL

[DDS-648_Technical Staff Report](#)

ITEM(S) FOR DISCUSSION (Continued)[DPLS-459](#)**EZ Storage College Park****Companion Case(s):** DDS-648; DSP-15031-01**Applicant(s):** Siena Corporation**Location:** Located on the south side of Branchville Road approximately 1,800 feet east of its intersection with Rhode Island Avenue (1.82 Acres; I-2 Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards (DPLS) from the requirements of Section 27-568(a) of the Prince George's County Zoning Ordinance, to provide a reduced number of parking spaces.**Council District:** 1**Appeal by Date:** 7/18/2019**Review by Date:** 7/18/2019**Action by Date:** 11/8/2019**History:**

Council referred item to staff for preparation of an approving document, with conditions (Vote: 10-0; Absent: Council Member Davis).

A motion was made by Council Member Dernoga, seconded by Council Member Glaros, that this Departure from Parking and Loading Standards be referred for document. The motion carried by the following vote:

Aye: 10 - Turner, Anderson-Walker, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Absent: Davis

Attachment(s): [DPLS- Planning Board Resolution 19-66](#)

DPLS-459 PORL

[DPLS-459 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**DSP-13009-15****Riverdale Park Station (Cafritz Property)**

Companion Case(s): SA-130001-02; SP-130003

Applicant(s): Calvert Tract, LLC

Location: Located on the east side of US 1 (Baltimore Avenue), approximately 1,400 feet north of its intersection with MD 410 (East West Highway). More specifically, the properties, Parcels K and L, that are the subject of this DSP amendment are located northeast and southeast of the intersection of Van Buren Street and 47th Street (37.34 Acres; M-U-TC Zone).

Request: Requesting approval of a Detailed Site Plan (DSP) to construct two multifamily buildings with a total of 632 units, including 195 age-restricted units, and 450 square feet of restaurant or retail to be located in a freestanding trolley car.

Council District: 3

Appeal by Date: 10/17/2019

Review by Date: 10/17/2019

Municipality: Riverdale Park and College Park

History:

Council waived election to review for this item (Vote: 10-0; Absent: Council Member Davis).

A motion was made by Council Member Glaros, seconded by Council Member Harrison, that Council waive election to review for this Detailed Site Plan. The motion carried by the following vote:

Aye: 10 - Turner, Anderson-Walker, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Absent: Davis

Attachment(s): [DSP-130009-15 Planning Board Resolution 19-91](#)
 DSP-13009-15 PORL
[DSP-13009-15 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.

[SA-130001-02](#)

Riverdale Park Station (Cafritz Property)

Companion Case(s): DSP-13009-15; SP-130003

Applicant(s): Calvert Tract, LLC

Location: Located on the east side of US 1 (Baltimore Avenue), approximately 1,400 feet north of its intersection with MD 410 (East West Highway). More specifically, the properties, Parcels K and L, that are the subject of this DSP amendment are located northeast and southeast of the intersection of Van Buren Street and 47th Street (37.34 Acres; M-U-TC Zone).

Request: Requesting approval of a Secondary Amendment (SA) to construct two multifamily buildings with a total of 632 units, including 195 age-restricted units, and 450 square feet of restaurant or retail use to be located in a freestanding trolley car.

Council District: 3

Appeal by Date: 10/17/2019

Review by Date: 10/17/2019

Municipality: Riverdale Park and College Park

History:

Council waived election to review for this item (Vote: 10-0; Absent: Council Member Davis).

A motion was made by Council Member Glaros, seconded by Council Member Anderson-Walker, that Council waive election to review for this Secondary Amendment. The motion carried by the following vote:

Aye: 10 - Turner, Anderson-Walker, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Absent: Davis

Attachment(s): [SA-130001 Planning Board Resolution 19-92](#)

SA-130001-02 PORL

[SA-130001-01 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.

[SDP-0511-04](#)**Collington Center**

- Applicant(s):** MRPI Queens Court, LLC
- Location:** Located in the southwestern quadrant of the intersection of Queens Court and US 301 (Crain Highway) (51.45 Acres; E-I-A Zone).
- Request:** Requesting approval of a Specific Design Plan (SDP) for a 130,143-square-foot, 1,184-unit, 3-story consolidated storage facility, ancillary office, and outdoor recreational vehicle storage on a 3.97-acre lot within a 51.45-acre site.
- Council District:** 4
- Appeal by Date:** 10/17/2019
- Review by Date:** 10/17/2019
- Action by Date:** 11/22/2019

History:

Council elected to review this item (Vote: 10-0; Absent: Council Member Davis).

A motion was made by Chair Turner, seconded by Vice Chair Streeter, that this Specific Design Plan be elected to review. The motion carried by the following vote:

Aye: 10 - Turner, Anderson-Walker, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Absent: Davis

- Attachment(s):** [SDP-0511-04 Planning Board Resolution 19-90](#)
SDP-0511-04 PORL
[SDP-0511-04 Technical Staff Report](#)

[ADJ100-19](#)**ADJOURN****History:**

The meeting was adjourned at 11:21 a.m.

A motion was made by Vice Chair Streeter, seconded by Council Member Anderson-Walker, that this meeting be adjourned. The motion carried by the following vote:

Aye: 10 - Turner, Anderson-Walker, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Absent: Davis

EXECUTIVE SESSION SUMMARY**EX 09092019**

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.

History:

On 9/9/2019, a motion was made by Council Member Davis, seconded by Council Member Taveras, to convene into Executive Session. The motion carried by the following vote: Aye: 10, Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Ivey, Streeter and Taveras.

Date of Executive Session: September 9, 2019

Beginning Time: 12:57 p.m.

Ending Time: 1:21 p.m.

Members Present:

CM Turner, Chairman, CM Streeter, Vice-Chairman, CM Franklin, CM Davis, CM Ivey, CM Taveras, CM Harrison, CM Anderson-Walker, CM Glaros, CM Dernoga

Others Present:

Robert Williams, Jr., William Hunt, Donna Brown, Rajesh Kumar, Ellis Watson

Topics Discussed:

- 1. X4B Shriners United v. County Council – CAL 15-20084, Circuit Court for Prince George’s County.*
- 2. Jim Lorimer v. County Council – Appeal No. 1145, September Term 2017, Court of Special Appeals.*
- 3. Bruce Pletsch et. al. v. County Council – Appeal No. 486, September Term 2016, Court of Special Appeals.*
- 4. Thomas Terry et al. v. County Council – Appeal No. 2756, September Term 2015, Court of Special Appeals.*
- 5. Davona Grant et. al. v. County Council – Appeal No. 75, September 2018, Court of Appeals.*
- 6. Redeemed Church v. County Council – CAE 19-18641, Circuit Court for Prince George’s County.*
- 7. Corryne Carter et. al. v. County Council – CAL 19-23357, Circuit Court for Prince George’s County.*
- 8. County Council v. Barnabas Rd. Assoc., LLC. – Appeal No. 107, September Term 2015, Court of Special Appeals.*
- 9. Moore’s Corner v. County Council – CAL 19-19294, Circuit Court for Prince George’s County.*

10. Nico Banquet Hall v. County Council – Circuit Court for Prince George’s County.

11. Varsity v. Prince George’s County – CAL 18-41277, Circuit Court for Prince George’s County.

Vote Closing the Meeting pursuant to Section 3-305(b) (7,8): 10 - 0 (Absent: Council Member Hawkins)

This Executive Session was Summarized

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Donna J. Brown, Acting Clerk of the Council

DRAFT