



Prince George's County Council

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

Zoning Minutes - Final 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, March 11, 2019

10:00 AM

Council Hearing Room

9:41 AM AGENDA BRIEFING - (ROOM 2027)

The agenda briefing convened at 9:41 a.m.

10:10 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 at 10:10 a.m. with 9 members present at roll call. Council Member Taveras arrived at 10:33 a.m.

Present: 10 - Chair Todd Turner
Council Member Monique Anderson-Walker
Council Member Derrick Davis
Council Member Thomas Dernoga
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

Absent: Council Member Mel Franklin

POINT OF PERSONAL PRIVILEGE

Council Chair Turner took a Point of Personal Privilege to acknowledge his daughter, Maya, on her 16th Birthday.

INVOCATION

The Invocation was provided by Mr. Edwin H. Brown, Jr., County Employee.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Glaros.

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 02252019](#)

District Council Minutes dated February 25, 2019

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

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

Absent: Franklin and Taveras

MANDATORY REVIEW (Using Oral Argument Procedures)[DSP-14008-03](#)**Crescents at Largo Town Center, Parcel 1****Applicant(s):** Largo Land Development, LLC**Location:** Located in the northwest quadrant of Landover Road (MD 202) and Central Avenue (MD 214), within the southeast quadrant of the Largo Town Center (3.89 Acres; M-U-I / D-D-O Zones)**Request:** Requesting approval of a Detailed Site Plan (DSP) to allow an “Assisted Living Facility” and “Nursing or Care Home” as permitted uses on the subject property.**Council District:** 6**Appeal by Date:** 2/14/2019**Action by Date:** 4/8/2019**Comment(s):** Mandatory Review:
District Council review of this case is required by Section 27-548.26(b) of the Zoning Ordinance.**History:**

Henry Zhang, M-NCPPC planning staff, provided an overview of the Comprehensive Design Plan 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. Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0; Absent: Council Members Franklin and Taveras).

This Mandatory Review hearing was held; subsequently, a motion was made by Council Member Davis, 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, Davis, Dernoga, Glaros, Harrison, Hawkins, Ivey and Streeter**Absent:** Franklin and Taveras**Attachment(s):** [DSP-14008-03 Zoning Agenda Item Summary](#)
[DSP-14008-03 Planning Board Resolution 18-122](#)
DSP-14008-03_PORL
[DSP-14008-03 Technical Staff Report](#)

ORAL ARGUMENTS[ERR-268 Remand](#)**835 Fairview Ave (Remand)****Validation of Multifamily Rental License No. M-0131 Issued In Error****Companion Case(s):** ERR-268**Applicant(s):** Carline Brice**Location:** Located at 835 Fairview Avenue, Takoma Park, Maryland (0.17 Acres, R-18 Zone).**Request:** Requesting approval of validation of Prince George's County Multi-Family Rental Housing License No. M-0131 issued in error on April 18, 2015, for six (6) apartment units, on approximately 7448 square feet of land, located in the R-18 (Multi-Family Medium Density Residential) Zone.**Council District:** 2**Appeal by Date:** 9/27/2018**Action by Date:** 4/1/2019**Opposition:** None**History:**

Traci Scudder, Esq., attorney for the applicant, requested the case be continued. Council continued this case to March 25, 2019 for its Oral Argument Hearing.

This Permit issued in error hearing was continued at a later date.

Attachment(s): [ERR 268 Zoning Hearing Examiner Decision](#)
ERR 268 PORL

REFERRED FOR DOCUMENT[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:**

Council adopted the prepared Zoning Ordinance No. 2- 2019 of approval (Vote: 8-0; Absent: Council Members Davis, Franklin, and Taveras).

A motion was made by Vice Chair Streeter, seconded by Council Member Glaros, that this Zoning Map Amendment be adopted. The motion carried by the following vote:

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

Absent: Davis, Franklin and Taveras

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

REFERRED FOR DOCUMENT[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:

Council adopted the prepared Order of approval, with conditions (Vote: 10-0; Absent: Council Member Franklin).

A motion was made by Council Member Taveras, seconded by Council Member Davis, that this Detailed Site Plan be approved with conditions. The motion carried by the following vote:

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

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

REFERRED FOR DOCUMENT (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:**

Council adopted the prepared Order of approval, with conditions (Vote: 10-0; Absent: Council Member Franklin).

A motion was made by Council Member Taveras, seconded by Vice Chair Streeter, that this Detailed Site Plan be approval with conditions. The motion carried by the following vote:

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

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

REFERRED FOR DOCUMENT (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:**

Council adopted the prepared Order of approval, with conditions (Vote: 10-0; Absent: Council Member Franklin).

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

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

Absent: Franklin

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](#)

ITEM(S) FOR DISCUSSION[A-10046-C](#)**Renard Lakes**

- Applicant(s):** Strittmatter Properties, LLC / Renard Lakes Holdings, LLC
- Location:** Northwest quadrant of the intersection of US 301 (Robert Crain Highway) and Dyson Road (167.84 Acres; R-S Zone).
- Request:** Requesting approval of a Zoning Map Amendment to rezone approximately 167.84 acres of R-S (Residential Suburban) zoned land to the I-1 (Light Industrial) Zone.
- Council District:** 9
- Appeal by Date:** 8/13/2018
- Opposition:** Darnetta Simmons, Jeffery Simmons and Matthew Hitt
- History:**

Stan Brown, People's Zoning Counsel, provided an overview of the procedural history of this case. Council took this case under advisement.

This Zoning Map Amendment case was taken under advisement.

- Attachment(s):** [A-10046 Zoning Agenda Item Summary](#)
[A-10046 - Zoning Hearing Examiner Decision](#)
A-10046-PORL

ITEM(S) FOR DISCUSSION (Continued)CDP-1702WAWA 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:

Under discussion on the motion, Council Member Dernoga, reiterated concerns raised during the oral argument hearing regarding exhibits within the original basic plan case related to this Comprehensive Design Plan and stated his opposition. Council referred item to staff for preparation of an approving document, with conditions (Vote: 6-3; Opposed: Council Members Dernoga, Ivey, and Streeter; Absent: Council Members Franklin and Glaros).

A motion was made by Council Member Taveras, seconded by Council Member Davis, that this Comprehensive Design Plan be referred for document. The motion carried by the following vote:

Aye: 6 - Turner, Anderson-Walker, Davis, Harrison, Hawkins and Taveras

Nay: 3 - Dernoga, Ivey and Streeter

Absent: Franklin and Glaros

Council adopted the prepared Order of approval, with conditions (Vote: 6-3; Opposed: Council Members Dernoga, Ivey, and Streeter; Absent: Council Members Franklin and Glaros).

A motion was made by Council Member Taveras, seconded by Council Member Davis, that this Comprehensive Design Plan be approved with conditions. The motion carried by the following vote:

Aye: 6 - Turner, Anderson-Walker, Davis, Harrison, Hawkins and Taveras

Nay: 3 - Dernoga, Ivey and Streeter

Absent: Franklin and Glaros

Attachment(s): [CDP-1702 Zoning Agenda Item Summary](#)
[CDP-1702 Planning Board Resolution 18-108](#)
 CDP-1702_PORL
[CDP-1702 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION (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:

Council referred item to staff for preparation of an approving document, with conditions (Vote: 7-3; Opposed: Council Members Dernoga, Ivey, and Streeter; Absent: Council Member Franklin).

A motion was made by Council Member Taveras, seconded by Council Member Davis, that this Specific Design Plan be referred for document. The motion carried by the following vote:

Aye: 7 - Turner, Anderson-Walker, Davis, Glaros, Harrison, Hawkins and Taveras

Nay: 3 - Dernoga, Ivey and Streeter

Absent: Franklin

Council adopted the prepared Order of approval, with conditions (Vote: 7-3; Opposed: Council Members Dernoga, Ivey, and Streeter; Absent: Council Member Franklin).

A motion was made by Council Member Taveras, seconded by Council Member Davis, that this Specific Design Plan be approved with conditions. The motion carried by the following vote:

Aye: 7 - Turner, Anderson-Walker, Davis, Glaros, Harrison, Hawkins and Taveras

Nay: 3 - Dernoga, Ivey and Streeter

Absent: Franklin

Attachment(s): [SDP-1703 Zoning Agenda Item Summary](#)
[SDP-1703 Planning Board Resolution 18-126](#)
SDP-1703 PORL
[SDP-1703 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.

(a) PLANNING BOARD[DSP-07059](#)**7800 Delano Road Property**

Applicant(s): M. Luis Construction Company, Inc.

Location: Located on the north side of Delano Road, approximately 720 feet east of its intersection with Old Alexandria Ferry Road (0.46 Acres; I-1 / M-I-O).

Request: Requesting approval of a Detailed Site Plan (DSP) for a contractor's office with an outdoor storage yard in the Light Industrial (I-1) Zone.

Council District: 9

Appeal by Date: 3/21/2019

Review by Date: 3/21/2019

History:

Council waived its right to elect to review this item (Vote: 10-0; Absent: Council Member Franklin).

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

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

Absent: Franklin

Attachment(s): [DSP-07059 Zoning Agenda Item Summary](#)
[DSP-07059 Planning Board Resolution 19-16](#)

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.

(a) PLANNING BOARD (Continued)[DSP-07060](#)**7701 & 7705 Poplar Hill Lane**

Applicant(s): M. Luis Construction Company, Inc.

Location: Located on the south side of Poplar Hill Lane, approximately 660 feet east of its intersection with Old Alexandria Ferry Road (1.02 Acres; I-1 / M-I-O Zones).

Request: Requesting approval of a Detailed Site Plan (DSP) for a contractor's office with an outdoor storage yard in the Light Industrial (1-1) Zone.

Council District: 9

Appeal by Date: 3/21/2019

Review by Date: 3/21/2019

History:

Council waived its right to elect to review this item (Vote: 10-0; Absent: Council Member Franklin).

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

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

Absent: Franklin

Attachment(s): [DSP-07060 Zoning Agenda Item Summary](#)
[DSP-07060 Planning Board Resolution 19-15](#)

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.

(a) PLANNING BOARD (Continued)**DSP-18008****7709 Poplar Hill Lane Property**

Applicant(s): M. Luis Construction Company, Inc.

Location: Located on the south side of Poplar Hill Lane, approximately 1,060 feet east of its intersection with Old Alexandria Ferry Road (0.6284 Acres; I-1 / M-I-O Zones).

Request: Requesting approval of a Detailed Site Plan (DSP) for a contractor's office with an outdoor storage yard in the Light Industrial (I-1) Zone.

Council District: 9

Appeal by Date: 3/21/2019

Review by Date: 3/21/2019

History:

Council waived its right to elect to review this item (Vote: 10-0; Absent: Council Member Franklin).

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

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

Absent: Franklin

Attachment(s): [DSP-18008 Zoning Agenda Item Summary](#)
[DSP-18008 Planning Board Resolution 19-14](#)

11:08 AM ADJOURN**ADJ25-19****Adjourn****History:**

The meeting was adjourned at 11:08 a.m.

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

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

Absent: Franklin

EXECUTIVE SESSION Summary

[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.

History:

On 2/25/2019, a motion was made by Vice Chair Streeter, seconded by Council Member Hawkins, to convene into Executive Session. The motion carried by the following vote: Aye: 11, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter, Taveras, and Turner.

Date of Executive Session: February 25, 2019

Beginning Time: 12:38 p.m.

Ending Time: 1:19 p.m.

Members Present:

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

Others Present:

Robert Williams, Jr.

Karen Campbell

Donna Brown

Ellis Watson

Topics Discussed:

- 1. SE-VSE Ernest Maier (Provided legal direction on case-CM Ivey was not present).*
- 2. County Council v. Barnabas Road Associates, LLC – Court of Special Appeals (CAL 11-13616).*

Vote Closing the Meeting pursuant to Section 3-305(b) (7,8): 11 - 0

This Executive Session was Summary

EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)[EX 03112019](#)

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:

The Chair read the following closing statement/motion to convene in executive session: "Motion to convene in executive session pursuant to section 3-305(b)(7)–(8), general provisions article, annotated code of maryland, only to discuss pending or potential litigation and to consult with counsel to seek legal advice, specifically, to be briefed by counsel as to and to discuss status of court rulings involving the prince george's county council recently issued by the court of special appeals of maryland and the circuit court for prince george's county, maryland.." The Executive Session was held (See District Council Minutes dated March 25, 2019 for details).

Topics Discussed:

Update on the following litigation cases:

1) Varsity Investment Group, LLC, et al. v. Prince George's County, MD — CAL18-41277 and

2) Davona Grant, et al. v. County Council of Prince George's County sitting as the District Council, et al. — Court of Special Appeals, Appeal No. 809, September Term, 2017/ Case No. 75, September Term, 2018.

The Executive Session convened at 11:19 a.m. and adjourned at 12:20 p.m.

The attendees were as follows:

Members Present: CM Anderson-Walker, CM Davis, CM Dernoga, CM Glaros, CM Harrison, CM Hawkins, CM Ivey, CM Streeter, CM Taveras, and CM Turner.

Others Present: Bobby Williams, Jr., Ree Floyd, Raj Kumar, and Colette Gresham.

No actions were taken.

A motion was made by Council Member Davis, seconded by Vice Chair Streeter, that this Executive Session be convened into Executive Session. The motion carried by the following vote:

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

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Redis C. Floyd, Clerk of the Council