

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, March 9, 2020

10:00 AM

Council Hearing Room

Sitting as the District Council

Todd M. Turner, Council 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, Vice Chair, At-Large

Jolene Ivey, District 5

Rodney C. Streeter, 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 and interpreters for non-english speakers 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.

FOR LIVE STREAMING AND VIDEO VISIT OUR WEBSITE AT: <http://pgccouncil.us>

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 02242020](#)

District Council Minutes dated February 24, 2020

Attachment(s):

[02-24-2020 District Council Minutes DRAFT](#)

ORAL ARGUMENTS**CSP-18003****Calm Retreat****Applicant(s):**

Calm Retreat, LLC

Location:

Located at 15111 and 15207 US 301 (Robert Crain Highway), approximately 1,900 feet north of its intersection with Chadds Ford Drive (72.10 Acres; M-X-T Zone).

Request:

Requesting approval of a Conceptual Site Plan (CSP) for development of 550-650 one-family, attached (townhouse) dwelling units; 100-200 two-family, attached dwelling units; and 10,000-20,00 square feet of commercial/retail uses.

Council District:

9

Appeal by Date:

12/26/2019

Review by Date:

1/30/2020

Action by Date:

3/30/2020

Comment(s):

Although Planning Board's decision regarding CSP-18003 was transmitted to all persons of record on November 26, 2019. The application case file was returned to the Planning Board to comply with State Ethics Law. The case was retransmitted to the District Council after compliance on December 5, 2019.

History:

10/30/2019	M-NCPPC Technical Staff	approval with conditions
11/21/2019	M-NCPPC Planning Board	approval with conditions
01/06/2020	Sitting as the District Council	deferred
	<i>Council deferred this item.</i>	
01/28/2020	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 10-0; Absent: Council Member Franklin).</i>	
02/05/2020	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	

Attachment(s):

[CSP-18003 Planning Board Resolution 19-125](#)

CSP-18003_PORL

[CSP-18003 Technical Staff Report](#)

ORAL ARGUMENTS (Continued)**CDP-1201-01****Brandywine Village****Applicant(s):**

Brandywine Partners, LLC

Location:

Located in the northwest quadrant of the intersection of US 301 (Robert Crain Highway) and Chadds Ford Drive, east of General Lafayette Boulevard (44.33 Acres; L-A-C Zone).

Request:

Requesting approval of a Comprehensive Design Plan for an increase of 2,000 square feet from the previously approved 218,500 square feet of commercial/retail space, to a total of 220,500 square feet, and to add a new location of a commercial building.

Council District:

9

Appeal by Date:

1/9/2020

Review by Date:

1/30/2020

Action by Date:

3/30/2020

History:

10/30/2019	M-NCPPC Technical Staff	approval with conditions
12/05/2019	M-NCPPC Planning Board	approval with conditions
01/06/2020	Sitting as the District Council	deferred
	<i>Council deferred this item.</i>	
01/28/2020	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 10-0; Absent: Council Member Franklin).</i>	
02/05/2020	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	

Attachment(s):[CDP-1201-01 Planning Board Resolution 9-124](#)

CDP-1201-01_PORL

[CDP-1201-01 Technical Staff Report](#)

REFERRED FOR DOCUMENT**DSP-19039****NSR Properties****Applicant(s):**

NSR Properties, LLC

Location:

Located in the southwest quadrant of the intersection of MD 410 (East West Highway) and Belcrest Road (0.86 Acres; M-U-I / T-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan (DSP) for an amendment to the list of allowed uses to permit a new gas station on the subject property. Construction of site improvements for a new gas station, drive-up automated teller machine (ATM), and 9,592-square-foot building to include a food and beverage store and office use.

Council District:

2

Appeal by Date:

2/13/2020

Action by Date:

3/23/2020

Comment(s):

Mandatory Review:

District Council review of this case is required by Section 27-548.09.01 (b) of the Zoning Ordinance.

Municipality:

City of Hyattsville

History:

11/26/2019

M-NCPPC Technical Staff

disapproval

Disapproval of an amendment to the list of allowed uses to permit a new gas station on the subject property.

11/26/2019

M-NCPPC Technical Staff

approval with conditions

Approval of construction of site improvements to include a food and beverage store and office use while removing the gas station and associated site improvements.

01/09/2020

M-NCPPC Planning Board

disapproval

Disapproval of the property owner's request to add gas station to the list of permitted uses to allow a new gas station on the subject property.

01/09/2020

M-NCPPC Planning Board

approval with conditions

Approval of construction of site improvements to include a food and beverage store and office use while removing the gas station and associated site improvements.

01/23/2020 Clerk of the Council mailed
Notice of Mandatory Review Hearing (using Oral Argument procedures) was mailed to Persons of Record.

01/28/2020 Sitting as the District Council announced hearing date
Council announced the hearing date.

01/30/2020 Applicant appealed
Daniel F. Lynch, Esq., attorney for the applicant, filed an appeal to the Planning Board's decision and requested the District Council approve the gas station, food and beverage store, and office building with amendments.

02/24/2020 Sitting as the District Council hearing held; referred for document
Jeremey Hurlbutt, M-NCPPC, provided an overview of the Detailed Site Plan application. Daniel F. Lynch, Esq., attorney for the applicant, spoke on behalf of the applicant. Jim Chandler, City of Hyattsville, spoke in opposition. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented. The Mandatory Review Hearing was held and Council referred this item to staff for preparation of an approving document in accordance with applicant's request (Vote: 10-0; Absent: Council Member Streeter).

Attachment(s):

[DSP-19039 Planning Board Resolution 19-137](#)

[DSP-19039 Corrected Planning Board Resolution](#)

DSP-19039_PORL

[DSP-19039 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION**A-10050****Bowman Property**

Applicant(s): Roma S. Bowman Living Trust, et al; and Marsha J. Bowman Living Trust

Location: Located on the south side of Prince George's Avenue, 4935 and 4937 Prince George's Avenue, Beltsville, Maryland (1.0255 Acres; R-R / R-10 Zones).

Request: Requesting approval of a Zoning Map Amendment to rezone approximately 33,502-square-feet of R-10 (Multifamily High Density Residential) zoned land to the C-S-C (Commercial Shopping Center) Zone.

Council District: 1

Appeal by Date: 10/28/2019

Action by Date: 3/25/2020

Opposition: None

History:

05/21/2019	M-NCPPC Technical Staff	disapproval
06/06/2019	M-NCPPC Planning Board	no motion to consider
09/26/2019	Zoning Hearing Examiner	approval with conditions
11/18/2019	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 10-0; Absent: Council Member Franklin).</i>	
01/06/2020	Sitting as the District Council	hearing held; case taken under advisement

David Simon, M-NCPPC, provided an overview of the Zoning Map Amendment application. Russel Shipley, Esq., attorney for the applicant, spoke in support of the application. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented. The Oral Argument Hearing was held and Council took this case under advisement.

Attachment(s): [A-10050 ZHE Decision](#)

A-10050 Bowman PORL

[A-10050 Technical Staff Report w backup](#)

ITEM(S) FOR DISCUSSION (Continued)**ROW-12790****Cherry Associates, Limited Partnership/Janjer Enterprises, Inc.****Applicant(s):**

Cherry Associates, Limited Partnership/Janjer Enterprises, Inc.

Location:

Located in the southeastern quadrant of the intersection of Old Fort Road South and Indian Head Highway (MD 210) (0.545 Acres; C-S-C zone).

Request:

Requesting approval for to authorize the issuance of permits (5920-2018-CCGN and 4494-2018-G) for C-S-C (Commercial Shopping Center) zoned property within the proposed right-of-way for Indian Head Highway (MD 210).

Council District:

9

Appeal by Date:

11/4/2019

Action by Date:

4/2/2020

History:

03/21/2019

Applicant

filed

This Authorization to Build in the Right of Way was filed by the applicant on March 12, 2019.

10/04/2019

Zoning Hearing Examiner

approval with conditions

11/01/2019

Applicant

appealed

Lawrence Taub, Esq., attorney for the applicant, filed exceptions to the ZHE decision and requested Oral Arguments.

11/18/2019

Sitting as the District Council

announced hearing date

01/06/2020

Sitting as the District Council

hearing held; case taken under advisement

*David Simon, M-NCPPC, provided an overview of the authorization for permits in the right-of-way application. Larry Taub, Esq., attorney for the applicant, spoke in support of the application and deletion of a condition. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented. The Oral Argument Hearing was held and Council took this case under advisement.***Attachment(s):**[ROW-12790 ZHE Decision](#)

ROW -12790 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-4811****Contee Estate Assisted Living, LLC. / Marie Abayomi-Cole****Applicant(s):**

Contee Estate Assisted Living, LLC. / Marie Abayomi-Cole

Location:

Located on the south side of Veronica Lane, approximately 200 feet southeast of its intersection with Contee Road also identified as 7111 Veronica Lane, Laurel, Maryland 20707 (1.32 Acres; R-R Zone).

Request:

Requesting approval of a Special Exception (SE) for a Congregate Living Facility to serve up to sixteen (16) residents in a 7,431-square-foot single-family detached dwelling on approximately 1.32 acres of land in the R-R (Rural Residential) Zone.

Council District:

1

Appeal by Date:

3/16/2020

Review by Date:

3/16/2020

Opposition:

Jennifer Krochmal, et. al.

History:

08/28/2019	M-NCPPC Technical Staff	approval with conditions
09/12/2019	M-NCPPC Planning Board	no motion to consider
02/14/2020	Zoning Hearing Examiner	approval with conditions
02/24/2020	Sitting as the District Council	deferred

Council deferred this item to March 9, 2020.

Attachment(s):[SE-4811 ZHE Decision](#)

SE-4811 PORL

[SE-4811 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**CDP-0501-02****Parkside****Applicant(s):**

SHF Project Owner, LLC

Location:

Located approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue) (757 Acres; L-A-C / R-M Zones).

Request:

Requesting approval of a Comprehensive Design Plan (CDP) to amend Condition 25 of the Prince George's County District Council's Order approving Comprehensive Design Plan CDP-0501, as it relates to the timing for commercial development in the Local Activity Center (L-A-C) zoned portion of the property.

Council District:

6

Appeal by Date:

3/26/2020

Review by Date:

3/26/2020

History:

01/14/2020

M-NCPPC Technical Staff

approval with conditions

02/20/2020

M-NCPPC Planning Board

approval with conditions

Attachment(s):[CDP-0501-02 Planning Board Resolution 20-12](#)

CDP-0501-02_PORL

[CDP-0501-02 Technical Staff](#)

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)**CSP-18007****Hope Village Center****Applicant(s):**

VMD-Upper Marlboro, LLC

Location:

Located in the southeast corner of the intersection of MD 223 (Woodyard Road) and Marlboro Pike (37.59 Acres; M-X-T / M-I-O Zones).

Request:

Requesting approval of a Conceptual Site Plan (CSP) for a mixed-use development with 38 single-family, attached residential units and 181,950 square feet of commercial and institutional uses, including a hotel, gas station, assisted living facility, and church.

Council District:

9

Appeal by Date:

4/2/2020

Review by Date:

4/2/2020

History:

01/21/2020

M-NCPPC Technical Staff

approval with conditions

02/27/2020

M-NCPPC Planning Board

approval with conditions

Attachment(s):[CSP-18007 Planning Board Resolution 2020-19](#)

CSP-18007_PORL

[CSP-18007 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.

(c) PLANNING BOARD'S REPRESENTATIVE**CNU-51699-2019-U****13561 Baltimore Avenue****Applicant(s):**

April Mackoff

Location:

Located on Baltimore Avenue in the southeast quadrant of the intersection of Baltimore Avenue and Contee Road, 13561 Baltimore Ave, Laurel, MD 20707 (2.6230 Acres; C-M Zone).

Request:

Requesting Certification of Nonconforming Use for an existing outdoor advertising sign. Certification of existing outdoor advertising signs is required pursuant to Council Bill 84-2016. It requires that applications for the certification of outdoor advertising signs in existence as of January 1, 2002, be filed no later than December 31, 2021. This outdoor advertising sign was erected in 1984.

Council District:

1

Review by Date:

4/3/2020

History:

03/04/2020

M-NCPPC Administrative Certification approval

Attachment(s):[CNU-51699-2019-U File Materials](#)

PENDING FINALITY (Continued)

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision.

(c) PLANNING BOARD'S REPRESENTATIVE (Continued)[CNU-55255-2019-U](#)**3200 Kenilworth Avenue****Applicant(s):**

April Mackoff

Location:

Located on the west side of Kenilworth Avenue at its intersection with 52nd Avenue, 3200 Kenilworth Avenue, Hyattsville, Maryland 20781 (1.73 Acres; I-2 Zone).

Request:

Requesting Certification of Nonconforming Use for an existing outdoor advertising sign. Certification of existing outdoor advertising signs is required pursuant to Council Bill 84-2016. It requires that applications for the certification of outdoor advertising signs in existence as of January 1, 2002, be filed no later than December 31, 2021. This outdoor advertising sign was erected in 1986.

Council District:

5

Review by Date:

4/3/2020

History:

03/04/2020

M-NCPPC Administrative Certification approval

Attachment(s):[CNU-55255-2019-U File Materials](#)

PENDING FINALITY (Continued)

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision.

(c) PLANNING BOARD'S REPRESENTATIVE (Continued)[CNU-56955-2019-U](#)**7136 Brick Kiln Circle****Applicant(s):**

April Mackoff

Location:

Located on the east side of Baltimore Avenue approximately 740 feet northeast of its intersection with Muirkirk Road, 7136 Brick Kiln Circle, Beltsville, Maryland 20705 (0.1090 Acres; I-2 Zone).

Request:

Requesting Certification of Nonconforming Use for an existing outdoor advertising sign. Certification of existing outdoor advertising signs is required pursuant to Council Bill 84-2016. It requires that applications for the certification of outdoor advertising signs in existence as of January 1, 2002, be filed no later than December 31, 2021. This outdoor advertising sign was erected in 1987.

Council District:

1

Review by Date:

4/3/2020

History:

03/04/2020

M-NCPPC Administrative Certification approval

Attachment(s):[CNU-56955-2019-U](#)**ADJOURN**[ADJ18-20](#)**ADJOURN****1:00 PM MEET AND GREET - (ROOM 2027)**

Prince George's Chamber of Commerce