

Prince George's County Council

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



Zoning Agenda - Final

**Monday, October 4, 2021
10:00 AM**

VIRTUAL MEETING

Sitting as the District Council

Calvin S. Hawkins, II, Chair, At-Large

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

Jolene Ivey, District 5

Rodney C. Streeter, District 7

Deni L. Taveras, Vice Chair, District 2

Todd M. Turner, District 4

Robert J. Williams, Jr., Council Administrator

RULES OF COURTESY (VIRTUAL)

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. To ensure 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.

VIRTUAL DISTRICT COUNCIL MEETINGS

Given the current state of the novel coronavirus (COVID-19) pandemic, and under the Governor's "Proclamation and Declaration of State of Emergency and Existence of Catastrophic Health Emergency – COVID-19" and the Prince George's County State of Emergency Declarations, the District Council is operating under emergency procedures. As authorized by CB-33-2020 hearings will be conducted virtually and in accordance with District Council Rules of Procedure.

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. Testimony at Oral Argument Hearings must be based on the record, and no new evidence will be permitted. Only persons of record may testify. Persons of Record wishing to give oral argument on a specific case should register with the Clerk of the Council by email to clerkofthecouncil@co.pg.md.us or faxed to (301) 952-5178 by 3:00 p.m. on the day BEFORE the meeting.

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. Five (5) minute rebuttal from the side requesting hearing
5. Five (5) minute rebuttal from the side favoring decision
6. Comments by the People's Zoning Counsel

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. State your name and address for the record and 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/LIVE>
PLEASE SILENCE ALL CELLULAR PHONES DURING THE MEETING.

VIEW USING THE LINK PROVIDED AT: <https://pgccouncil.us/LIVE>

10:00 AM CALL TO ORDER - (VIRTUAL MEETING)

INVOCATION / MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 09282021](#)

District Council Minutes dated September 28, 2021

Attachment(s):

[DRAFT District Council Minutes dated 09-20-2021](#)

REFERRED FOR DOCUMENT**DSP-20006 Remand****Checkers Laurel (Remand)****Applicant(s):**

Mar Chek, Inc.

Location:

Located on the east side of US 1 (Baltimore Avenue), approximately 400 feet north of its intersection with Mulberry Street (0.84 Acres; C-S-C / R-55 Zones).

Request:

Requesting approval of a Detailed Site Plan (DSP) for the development of a 1,170-square-foot eating and drinking establishment with drive-through service, specifically a Checkers.

Council District:

1

Appeal by Date:

7/22/2021

Review by Date:

7/22/2021

Action by Date:

10/12/2021

History:

10/14/2020	M-NCPPC Technical Staff	approval with conditions
11/19/2020	M-NCPPC Planning Board	approval with conditions
01/11/2021	Sitting as the District Council	deferred
<i>Council deferred this item to January 25, 2021.</i>		
01/25/2021	Sitting as the District Council	elected to review
<i>Council elected to review this item (Vote: 10-0-1; Abstain: Council Member Franklin).</i>		
02/03/2021	Clerk of the Council	mailed
<i>Notice of Oral Argument Hearing mailed to Persons of Record.</i>		
02/22/2021	Sitting as the District Council	announced hearing date
03/08/2021	Sitting as the District Council	referred for document

Adam Bossi, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Matthew Tedesco, Esq., Attorney for the applicant spoke in support. Michael Ostroff, Esq., attorney for Kathryn A. Nuzback Revocable Trust, person of record, spoke in opposition. 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 a document of remand to the Planning Board (Vote: 10-0; Absent: Council Member Franklin).

03/22/2021	Sitting as the District Council	remanded
	<i>Council adopted the prepared Order of remand to the Planning Board (Vote: 10-0; Absent: Council Member Franklin)</i>	
03/24/2021	Clerk of the Council	mailed
	<i>Notice of District Council Decision was mailed to Persons of Record.</i>	
05/06/2021	M-NCPPC Technical Staff	approval with conditions
06/17/2021	M-NCPPC Planning Board	approval with conditions
07/13/2021	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 10-0; Absent: Council Member Franklin).</i>	
08/06/2021	Clerk of the Council	mailed
	<i>Notice of District Council Hearing Scheduled for Monday, September 13, 2021 was mailed to all Persons of Record.</i>	
09/13/2021	Sitting as the District Council	hearing held; referred for document
	<i>Adam Bossi, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented by the parties. Matthew Tedesco, Esq., Attorney for the applicant spoke in support. R. Manny Montero, Esq. and Michael A. Ostroff, Esq spoke in opposition. Council referred this item to staff for preparation of a document of approval with conditions (Vote: 10-0; Absent: Council Member Streeter).</i>	

Attachment(s):

[DSP-20006 Remand Zoning Agenda Item Summary](#)
[DSP-20006 Remand Presentation Slides](#)
[DSP-20006 Remand Planning Board Resolution 2020-152](#)
 DSP-20006_PORL
[DSP-20006 Technical Staff Report](#)
[DSP-20006 Notice of District Council Decision Remand](#)
[DSP-20006 Remand Notice of District Council Oral Argu](#)
[DSP-20006 PLB Transcripts 05-20-2021](#)
[DSP-20006 Remand Planning Board Record](#)
[PZC Notice of Intention to Participate District Council 9-1](#)

ITEM(S) FOR DISCUSSION**CSP-20007****Clay Property****Applicant(s):**

MRBCO, LLC

Location:

Located at the terminus of Dean Drive and Calverton Drive within the municipal boundaries of the City of Hyattsville (12.87 Acres; R-80 Zone).

Request:

Requesting approval of a Conceptual Site Plan (CSP) to change the underlying zone of the property from the One-Family Detached Residential Zone (R-80) to the One-Family Triple-Attached Residential (R-20) Zone to accommodate development of 137 townhouses.

Council District:

2

Appeal by Date:

8/26/2021

Review by Date:

9/27/2021

Action by Date:

10/27/2021

Comment(s):

Mandatory Review:

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

Municipality:

Hyattsville

History:

07/09/2021

M-NCPPC Technical Staff

disapproval

07/22/2021

M-NCPPC Planning Board

disapproval

08/16/2021

Applicant

appealed

Chris Hatcher, Esq., attorney for the applicant, appealed the Planning Board's decision.

08/17/2021

Clerk of the Council

mailed

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

08/26/2021

Applicant

filed

Chris Hatcher, Esq., attorney for the applicant, filed a Supplement to appeal of the Planning Board's decision that was filed on August 16, 2021.

09/14/2021

Person of Record

filed

G. Macy Nelson, attorney for Citizen-Protestants filed a letter in response to the August 16, 2021 appeal that was submitted.

09/20/2021

Sitting as the District Council

hearing held; case taken under advisement

Jeremy Hurlbutt, M-NCPPC planning staff, provided an overview of the Conceptual Site Plan application. Chris Hatcher, Esq., Attorney for the applicant spoke in support. G. Macy Nelson, Esq., for Citizen-Protestants spoke in opposition. 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 took this case under advisement.

Attachment(s):[CSP-20007 Zoning Agenda Item Summary](#)[CSP-20007 Presentation Slides](#)[CSP-20007 \(email\) Nelson to Brown Citizen-Respondents](#)[CSP-20007 Nelson to Brown Citizen-Respondents' Answer](#)[CSP-20007 \(email\) Hatcher to Brown Supplement to Petition](#)[CSP-20007 - Hatcher to Brown Supplement to Petition for](#)[CSP-20007 Notice of Oral Argument Hearing](#)[CSP-20007 \(email\) Appeal from Hatcher to Brown 8-16-2](#)[CSP-20007 Appeal from Hatcher to Brown 8-16-21](#)[CSP-20007 Planning Board Resolution Revised](#)

CSP-20007 PORL

[CSP-20007 Technical Staff Report](#)[CSP-20007 Transcripts 07-15-2021](#)[CSP-20007 -Planning Board Record](#)[PZC Notice of Intention to Participate District Council 9-2](#)

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-4694 Remand****Word Power Baptist Tabernacle****Applicant(s):**

Word Power Baptist Tabernacle, Inc.

Location:

Located on the southern side of Marlboro Pike, approximately 2,000 feet east of its intersection with Penn Crossing Drive. (0.65 Acres; R-18 Zone).

Request:

Requesting approval of a Special Exception (SE) for permission to use approximately 0.65- acre of R-18 (Multifamily Medium Density Residential) zoned land, for a 128-seat, 2,540-square-foot church. Also requesting approval of a variance to reduce the minimum setback requirements for a church, set forth in Sections 27-341.02(a)(1) and 442-(e) of the Zoning Ordinance.

Council District:

7

Appeal by Date:

10/21/2021

Review by Date:

10/21/2021

Action by Date:

2/22/2022

Opposition:

None

History:

02/11/2016	M-NCPPC Technical Staff	approval with conditions
03/03/2016	M-NCPPC Planning Board	no motion to consider
08/21/2019	Zoning Hearing Examiner	dismissed
09/20/2019	Applicant	withdrew appeal
	<i>Traci R. Scudder, Esq., attorney for the applicant, filed an appeal to the 8/21/2019 Zoning Hearing Examiner dismissal and requested the case not be dismissed.</i>	
10/15/2019	Clerk of the Council	mailed

Notice of appeal consideration was mailed to Persons of Record.

10/28/2019	Sitting as the District Council	case taken under advisement
	<i>Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the facts and current posture of the case. Traci Scudder, Esq., attorney for the applicant, presented the appeal of the Zoning Hearing Examiner dismissal. Council took this case under advisement.</i>	
11/04/2019	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of document reversing the Zoning Hearing Examiner dismissal order and remanding the item to the Zoning Hearing Examiner for further processing. (Vote: 9-0; Absent: Council Member's Franklin and Hawkins).</i>	
11/18/2019	Sitting as the District Council	deferred
	<i>Council deferred this item to a later date.</i>	
01/06/2020	Sitting as the District Council	reversed ZHE dismissal and remanded for further processing
	<i>Council adopted the prepared Order reversing the Zoning Hearing Examiner (ZHE) dismissal order and remanding the item to the ZHE for further processing (Vote: 10-0; Absent: Council Member Anderson-Walker).</i>	
01/15/2020	Clerk of the Council	mailed
	<i>The Notice of Decision of the District Council was mailed to Persons of Record.</i>	
01/27/2021	M-NCPPC Technical Staff	approval with conditions
	<i>This Special Exception was approved with conditions.</i>	
02/17/2021	M-NCPPC Planning Board	no motion to consider
09/21/2021	Zoning Hearing Examiner	approval with conditions

Attachment(s):

[SE-4694 Remand Zoning Agenda Item Summary](#)

[SE-4694 Remand ZHE Notice of Decision](#)

[SE-4694 Remand ZHE Decision](#)

SE-4694 Remand PORL

[SE-4694 Technical Staff Report](#)

[SE-4694 Remand Exhibit List](#)

[SE-4694 Remand Memo to Clerk](#)

[SE-4694 Remand Transcripts 6-09-2021](#)

[SE-4694 Transcripts 6-23-2016](#)

[SE-4694 District Council Final Decision](#)

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-4838****The Grove at Glenarden****Applicant(s):**

CHI, Inc. First Baptist Church of Glenarden

Location:

Located in the northeast quadrant of the intersection of Watkins Park Road and Oak Grove Road, Largo, Maryland (6.4 Acres; R-E Zone).

Request:

Requesting approval of a Special Exception (SE) for permission to use approximately 6.4 (Subject Property) acres of R-E (Residential Estate) Zoned land as Apartment Housing for the Elderly or Physically Handicapped.

Council District:

6

Appeal by Date:

10/27/2021

Review by Date:

10/27/2021

Action by Date:

2/25/2022

Opposition:

None

History:

04/13/2021	M-NCPPC Technical Staff	approval with conditions
06/03/2021	M-NCPPC Planning Board	no motion to consider
09/27/2021	Zoning Hearing Examiner	approval with conditions

Attachment(s):[SE-4838 Zoning Agenda Item Summary](#)[SE-4838 ZHE Notice of Decision](#)[SE-4838 ZHE Decision](#)

SE-4838 PORL

[SE-4838 Technical Staff Report](#)[SE-4838 Transcripts 06-30-2021](#)[SE-4838 Exhibits](#)[SE-4838 Summary](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON OCTOBER 25, 2021 AT 10:00 A.M.

Hearing Dates & Times Subject to Change

[A-10055](#)

National View

Applicant(s):

Harbor View Development, LLC

Location:

Located on the north side of the Capital Beltway(I-495) , adjacent to the northeast quadrant of the intersection of the Capital Beltway (I-495) and Indian Head Highway (MD 210) (20.01 Acres; R-55 / R-R Zones).

Request:

Requesting approval of a Zoning Map Amendment for the rezoning of approximately 20.01 acres of R-55 (One-Family Detached Residential) and R-R (Rural Residential) zoned land to the M-X-T (Mixed Use – Transportation Oriented) Zone.

Council District:

8

Appeal by Date:

8/19/2021

Action by Date:

2/17/2022

Municipality:

Forest Heights

Opposition:

IHAAC, Tina McDowell, Karen Egloff, et. al.

History:

11/24/2020	M-NCPPC Technical Staff	disapproval
12/28/2020	M-NCPPC Planning Board	no motion to consider
07/20/2021	Zoning Hearing Examiner	approval with conditions
09/13/2021	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 8-0-2; Absent: Council Member Streeter; Abstained: Council Members Franklin and Harrison)</i>	
09/22/2021	Clerk of the Council	mailed

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

Attachment(s):

[A-10055 Notice of Oral Argument Hearing](#)

[A-10055 - Zoning Agenda Item Summary](#)

[A-10055 - Notice of ZHE Decision](#)

[A-10055 - ZHE Decision](#)

A-10055 - Harbor View - PORL

[A-10055 Technical Staff Report](#)

[A-10055 - Exhibit List](#)

[A-10055 - Exhibits 1-118](#)

[A-10055 - Memo to Clerk](#)

[A-10055 - Transcripts](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON OCTOBER 25, 2021 AT 10:00 A.M.

Hearing Dates & Times Subject to Change

[CDP-8304-02](#)

15151 Sweitzer Lane Property

Applicant(s):

BHOOPENDRA PRAKASH

Location:

Located in the southeast quadrant of the intersection of MD 198 (Sandy Spring Road) and Sweitzer Lane (0.96 Acres; E-I-A Zone).

Request:

Requesting approval of a comprehensive design plan (CDP) is to replace the existing primary monument sign with a 25-foot freestanding sign, to improve the visibility of the existing fuel filling station site.

Council District:

1

Appeal by Date:

9/2/2021

Review by Date:

9/30/2021

Action by Date:

11/12/2021

History:

07/06/2021	M-NCPPC Technical Staff	approval
07/29/2021	M-NCPPC Planning Board	approval
09/13/2021	Sitting as the District Council	elected to review

Council elected to review this item (Vote: 9-0-1; Absent: Council Member Streeter, Abstained: Council Member Franklin).

09/22/2021	Clerk of the Council	mailed
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Notice of Oral Argument Hearing was mailed to Persons of Record.

Attachment(s):

[CDP-8304-02 Notice of Oral Argument Hearing](#)

[CDP-8304-02 Zoning Agenda Item Summary](#)

[CDP-8304-02 Planning Board Resolution 2021-98 - Signe](#)

[CDP-8304-02_PORL](#)

[CDP-8304-02 Technical Staff Report](#)

[CDP-8304-02 Transcripts 07-22-2021](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON OCTOBER 25, 2021 AT 10:00 A.M.

Hearing Dates & Times Subject to Change

DSP-18056

Willis Property

Applicant(s):

Ed Willis

Location:

Located on the north side of Wesson Drive, approximately 564 feet west of Bridgeport Drive (0.50 Acres; R-80 / D-D-O / M-I-O Zones).

Request:

Requesting approval of a Detailed Site Plan (DSP) to develop a single-family detached residential dwelling within a Development District Overlay (D-D-O) Zone.

Council District:

8

Appeal by Date:

9/2/2021

Review by Date:

9/30/2021

Action by Date:

11/12/2021

History:

06/22/2021	M-NCPPC Technical Staff	approval with conditions
07/29/2021	M-NCPPC Planning Board	approval with conditions
09/13/2021	Sitting as the District Council	elected to review

Council elected to review this item (Vote: 8-0-2; Absent: Council Member Streeter; Abstained: Council Members Franklin and Harrison)

09/22/2021	Clerk of the Council	mailed
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Notice of Oral Argument Hearing was mailed to Persons of Record.

Attachment(s):

[DSP-18056 Notice of Oral Argument Hearing](#)

[DSP-18056 Zoning Agenda Item Summary](#)

[DSP-18056 Planning Board Resolution 2021-91 - Signed](#)

DSP-18056_PORL

[DSP-18056 Technical Staff Report](#)

[DSP-18056 Transcripts 07-08-2021](#)

[ADJ50-21](#)

ADJOURN

10:15 AM COMMITTEE OF THE WHOLE - (VIRTUAL MEETING)

(SEE SEPARATE AGENDA)