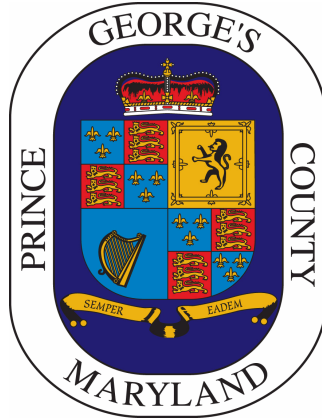


Prince George's County Council

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



Zoning Agenda - Final

(Approximate Time - immediately following County Council Session)

**Tuesday, July 6, 2021
01:00 PM**

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>

1:00 PM CALL TO ORDER - (VIRTUAL MEETING)

(Approximate Time - immediately following County Council Session)

ITEM(S) FOR DISCUSSION

[SE-4774 Remand](#)

**Palmer Road Class 3 Fill Facility
(Remanded from Circuit Court)**

Companion Case(s): SE-4774

Location:

Located on the northern side of Palmer Road, abutting the western side of Tucker Road, and identified as 1500 and 1611 Ferguson Lane, Fort Washington, Maryland (173.584 Acres; R-E Zone).

Request:

Requesting approval of a Special Exception to continue using approximately 173.584 acres of land in the R-E (Residential-Estate) Zone as a Class III Fill. Also requesting a variance from the requirement that the use not be located within a three (3) mile radius of properties containing an active or pre-existing approved or nonconforming Class III Fill, sanitary landfill, transfer station, rubble fill, recycling facility, mining facility, processing facility, sand and gravel operation, or wash plant.

Council District:

8

Action by Date:

9/20/2021

Opposition:

Stephen Briggs, et. al.

History:

03/15/2017	M-NCPPC Technical Staff	approval with conditions
03/30/2017	M-NCPPC Planning Board	no motion to consider
07/21/2017	Zoning Hearing Examiner	approval with conditions
09/11/2017	Sitting as the District Council	elected to make the final decision

Council elected to make the final decision on this item (Vote: 9-0).

09/21/2017	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	
10/23/2017	Sitting as the District Council	case taken under advisement
	<i>Taslima Alam, M-NCPPC, provided an overview of the Special Exception application. Arthur Horne, Esq., spoke in support, on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented. The Oral Argument hearing was held and Council took this case under advisement.</i>	
02/12/2018	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of a disapproving document (Vote: 8-0; Absent: Council Member Toles).</i>	
02/12/2018	Sitting as the District Council	disapproval
	<i>Council referred item to staff for preparation of a disapproving document (Vote: 8-0; Absent: Council Member Toles).</i>	
02/15/2018	Clerk of the Council	mailed
	<i>The Notice of Final Decision of the District Council was mailed to Persons of Record.</i>	
02/21/2018	Applicant	filed
	<i>Mr. Arthur Horne, Esquire, attorney for the applicant, requested reconsideration of the District Council's February 12, 2018 decision.</i>	
02/26/2018	Sitting as the District Council	case taken under advisement
	<i>Council took this case under advisement.</i>	
03/13/2018	Applicant	filed
	<i>Dennis Whitley II, Esquire, attorney for the applicant, filed a Petition for Judicial Review in Circuit Court.</i>	
03/20/2018	Applicant	withdrawn
	<i>Arthur J. Horne, Jr., Esquire, attorney for the applicant, withdrew his request for District Council to reconsider its action since the Council took it under advisement and the applicant has filed an appeal to the Circuit Court.</i>	
03/26/2018	Sitting as the District Council	no action
	<i>Chair Glaros announced that the request for reconsideration was withdrawn; therefore, no action was required by the District Council.</i>	

01/11/2021	Circuit Court	remanded
	<i>The Circuit Court remanded the matter back to the District Council with instructions to conduct further proceedings on the merits of the Petitioner's application in Special Exception 4774 and Variance 4774 consistent with the opinion of the Court of Special Appeals.</i>	
05/10/2021	Sitting as the District Council	elected to make the final decision
	<i>Council directed the Clerk to schedule an Oral Argument hearing for this item in accordance with the Circuit Court Remand (Vote: 11-0).</i>	
06/14/2021	Sitting as the District Council	announced hearing date
06/21/2021	Sitting as the District Council	hearing held; case taken under advisement
	<i>Sam Braden IV, M-NCPPC planning staff, provided an overview of the Special Exception application. Hazel Robinson, President, Tantallon Square Area Civic Association, spoke in opposition. Russell W. Shipley, 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 took this case under advisement.</i>	

Attachment(s):[SE-4774 Zoning Agenda Item Summary](#)[SE-4774 Presentation Slides](#)[SE-4774 Notice of District Council Final Decision](#)[SE-4774 Circuit Court Order Remanding Case to District C](#)[SE-4774 Zoning Hearing Examiner Decision](#)

SE-4774 PORL

[SE-4774 Technical Staff Report](#)[SE-4774 Case File](#)[SE-4774 \(5-19-2021 PZC Notice of Intention to Participat](#)[SE-4774 Circuit Court Remand Notice of District Council](#)

ELIGIBLE FOR FINAL ACTION[CNU-51074-2020-U](#)**6313 Rhode Island Avenue Riverdale****Applicant(s):**

April Mackoff, Clear Channel Outdoor LLC

Location:

Located at the intersection of East-West Highway and Rhode Island Avenue (0.14 Acres; MU-TC Zone).

Request:

Requesting Certification of Nonconforming Use for an outdoor advertising sign. Certification of existing outdoor advertising signs is required pursuant to Council Bill 84-2016 which 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 1979.

Council District:

3

Appeal by Date:

7/2/2021

Review by Date:

3/31/2021

Action by Date:

9/1/2021

Municipality:

Riverdale Park

History:

03/01/2021	M-NCPPC Administrative Certification	approval
------------	--------------------------------------	----------

03/08/2021	Sitting as the District Council	deferred
------------	---------------------------------	----------

Council deferred this item to March 22, 2021.

03/22/2021	Sitting as the District Council	elected to review
------------	---------------------------------	-------------------

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

03/24/2021	Clerk of the Council	transmitted
------------	----------------------	-------------

The case was transmitted to the Zoning Hearing Examiner (ZHE) for hearing in accordance with Section 27-244 of the Zoning Ordinance.

06/17/2021	Zoning Hearing Examiner	approval
------------	-------------------------	----------

06/21/2021	Sitting as the District Council	deferred
------------	---------------------------------	----------

Council deferred this item to the next District Council Session.

Attachment(s):

[CNU-51074-2020 Zoning Agenda Item Summary](#)

[CNU-51074-2020 - Notice of Decision](#)

[CNU -51074-2020-U ZHE Decision](#)

CNU-51074-2020 PORL

[CNU-51074-2020 Case File](#)

[CNU-51074-2020 -Transcript dtd 5-19-21](#)

[Memo to Clerk - CNU-51074-2020 dtd 6-17-2021](#)

[CNU-51074-2020 Clerk memo to ZHE](#)

[CNU-51074-2020 Exhibits](#)

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.

ZONING HEARING EXAMINER**SE-4836****The Children's Guild Preschool****Applicant(s):**

The Children's Guild, Inc.

Location:

Located in the northeast quadrant of the intersection of Rhode Island Avenue and Hollywood Road (2.15 Acres; R-55 Zone).

Request:

Requesting approval of a Special Exception (SE) to operate a 120 student Private School for preschool aged students within an existing Church and associated playground improvement, on approximately 2.15 acres of land in the R-55 (One-Family Detached Residential) Zone.

Council District:

1

Appeal by Date:

7/12/2021

Review by Date:

7/12/2021

Municipality:

College Park

Opposition:

None

History:

02/16/2021	M-NCPPC Technical Staff	approval with conditions
03/05/2021	M-NCPPC Planning Board	no recommendation
06/11/2021	Zoning Hearing Examiner	approval with conditions
06/21/2021	Sitting as the District Council	deferred

Council deferred this item to the next District Council Session.

Attachment(s):[SE-4836 - Zoning Agenda Item Summary](#)[SE-4836 - Notice of Decision](#)[SE-4836 -ZHE Decision](#)

SE-4836 - PORL

[SE-4836 Technical Staff Report](#)[SE-4836 -Transcripts 04-21-2021](#)[SE-4836 - Memo to Clerk](#)[SE-4836 - Case File](#)

ADJOURN