



Prince George's County Council

Sitting as the District Council

Zoning Agenda Item Summary

Case No.: SE-4816 **Councilmanic District:** 9
Meeting Date: 7/13/2021 **Zone(s):** C-S-C
Case Name: ROYAL FARMS #220 ACCOKEEK
Applicant: Two Farms, Inc.
Location: Located on the west side of MD 210 (Indian Head Highway), in the southwest quadrant of its intersection with MD 375 (Livingston Road) (2.94 Acres; C-S-C Zone).
Request: Requesting approval of a Special Exception (SE) to use approximately 2.94 acres of land, in the C-S-C (Commercial Shopping Center) Zone, for a Gas Station with an associated Food or Beverage Store.
Companion Case(s): ROW Royal Farms Remand

DECISIONS/RECOMMENDATION:

Technical Staff: Approval with Conditions

Planning Board:

Zoning Hearing Examiner: Approval with Conditions

Municipality:

Opposition: Sangee and Sulojana Tharmarajah, et al.

LEGAL DEADLINES:

Appeal date: 2/10/2021

Review date: 2/10/2021

Action date: 6/10/2021

Comments:

Staff: Ras Tafari Cannady II, AICP

HISTORY:

Acting Body:	Date:	Action:
M-NCPPC Technical Staff	06/28/2019	approval with conditions
Zoning Hearing Examiner	01/11/2021	approval with conditions
Sitting as the District Council	01/25/2021	elected to make the final decision

Notes: People's Zoning Counsel, Stan Brown, provided an orientation, recommending that Council elect to review the Special Exception and ROW cases given many appellants concerns regarding receipt of the Zoning Hearing Examiner decision and time to appeal. Council elected to review (Vote: 10-0-1: Abstain: Council Member Franklin).

Aye: 10 Hawkins, Anderson-Walker, Davis, Dernoga, Glaros, Harrison,
Ivey, Streeter, Taveras and Turner
Abstain: 1 Franklin

Person of Record 02/05/2021 appealed

Notes: *Rev. Dr. Robert L. Screen filed exceptions to the Zoning Hearing Examiner's Decision in opposition to the proposal.*

Person of Record 02/09/2021 appealed

Notes: *G. Macy Nelson, Esq., attorney for the Dharam Singh Goraya, et al., filed an appeal of the Zoning Hearing Examiner's Decision and requested Oral Argument.*

Person of Record 02/10/2021 appealed

Notes: *Madeline Kochen Esq., Pro Se Opponent, filed an appeal of the Zoning Hearing Examiner's Decision and requested Oral Argument.*

Clerk of the Council 03/04/2021 mailed

Notes: *Notice of Oral Argument Hearing was mailed to Persons of Record.*

Person of Record 03/23/2021 appealed

Notes: *J. Carroll Holzer, Esq. and Sean P. Canavan, Esq., attorneys for Accokeek, Mattawoman, Piscataway Creeks Communities Council, Inc. (AMP Creeks Council), filed an appeal of the Zoning Hearing Examiner's Decision and requested Oral Argument.*

Sitting as the District Council 03/29/2021 announced hearing date

Applicant 04/06/2021 withdrawn

Notes: *Lawrence N. Taub, Esq., attorney for Property Owners, and Matthew C. Tedesco, Esq., attorney for Applicant, filed a request to formally withdraw both SE-4816 and ROW Royal Farms #220 (Accokeek) applications.*

Applicant 04/08/2021 withdrawn

Notes: *Lawrence N. Taub, Esq., attorney for Property Owners, and Matthew C. Tedesco, Esq., attorney for Applicant, filed a second request to formally withdraw both SE-4816 and ROW Royal Farms #220 (Accokeek) applications.*

Sitting as the District Council 04/12/2021 referred for document

Notes: *Stan Brown, People's Zoning Counsel, provided a procedural and process overview of the current posture of the Special Exception and Right-of-Way cases. Subsequently, Council referred item to staff for preparation of a document of dismissal pursuant to the applicant's request for administrative withdrawal in accordance with Section 27-299 (Vote: 8-0; Absent: Council Members Dernoga, Franklin, and Glaros).*

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

Absent: 3 Dernoga, Franklin and Glaros

Sitting as the District Council 05/10/2021 dismissed

Notes: *Council adopted the prepared order of Dismissal (Vote: 8-0; Absent: Council Members Dernoga, Franklin, and Glaros).*

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

Absent: 3 Dernoga, Franklin and Glaros

Clerk of the Council 05/12/2021 mailed

Notes: *Notice of District Council Final Decision was mailed to all Persons of Record.*

Person of Record 06/12/2021 filed

Notes: *Madeline Kochen, Esq., Person of Record appearing pro se, filed a request for Reconsideration and Amendment of Final Decision.*

Sitting as the District Council 07/13/2021 denied for reconsideration

Notes: *After procedural and posture orientation by Stan Brown, People's Zoning Counsel, Council denied the request for reconsideration (Vote: 8-0; Absent: Council Members Dernoga, Franklin, and Glaros).*

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

Absent: 3 Dernoga, Franklin and Glaros

Clerk of the Council 07/30/2021 mailed

Notes: *Notice of Decision on Reconsideration request was mailed to Persons of Record.*

Document(s): SE-4816 and ROW Royal Farms Reconsideration Letter Denial, SE-4816 Kochen to Brown_Reconsideration 6-12-21, SE-4816 Notice of District Council Final Decison, SE-4816 Notice of District Council Hearing, SE-4816 Memo to Clerk, SE-4816 Notice of Decision, SE-4816 ZHE Decision, SE-4816 PORL, SE-4816 Royal Farms Technical Staff Report, SE-4816 Royal Farms 220 Accokeek __ZHE Case file_part 1, SE-4816 Case File Part 1, SE-4816 Royal Farms 220 Accokeek __ZHE Case file_Part 2, SE-4816 ROW Screen_appeal 2-5-2021, SE-4816 Nelson to Brown_appeal 2-9-21, SE-4816 ROW Kochen to Brown_appeal 2-10-21, SE-4816 ROW Holzer and Canavan to Brown_appeal 3-23-2021, SE-4816 ROW Tedesco and Taub to Brown_withdrawal 4-06-2021, SE-4816 ROW Tedesco and Taub to Brown_2nd withdrawal email 4-08-2021, SE-4816 ROW Tedesco and Taub to Brown_2nd withdrawal 4-08-2021