

Prince George's County Council

Zoning Minutes - Final Sitting as the District Council

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

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

Monday, October 5, 2020

12:00 PM

VIRTUAL MEETING

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

12:00 PM CALL TO ORDER - (VIRTUAL HEARING)

Pursuant to the provisions of Sections 27-131 and 27-132(a) of the Zoning Ordinance, the District Council meeting was convened virtually by Council Chair Turner at 12:00 p.m. with ten members present at roll call. Council Member Dernoga arrived at 12:03 p.m.

Present:

11 - Council Chair Todd Turner

Council Member Monique Anderson-Walker

Council Member Derrick Davis

Council Member Thomas Dernoga

Council Member Mel Franklin

Council Member Dannielle Glaros

Council Member Sydney Harrison

Vice Chair Calvin S. Hawkins

Council Member Jolene Ivey

Council Member Rodney Streeter

Council Member Deni Taveras

Also Present: Stan Brown, People's Zoning Counsel

Robert J. Williams, Jr., Council Administrator William M. Hunt, Deputy Council Administrator

Rajesh Kumar, Principal Counsel to the District Council

Donna J. Brown, Clerk of the Council

Leonard Moses, Zoning Assistant, Office of the Clerk

James Walker-Bey, Zoning Reference Aide, Office of the Clerk

Theresa Myers, Legislative Assistant, Office of the Clerk

Dinora Hernandez, Legislative Officer

Ellis Watson, Legislative Officer

M-NCPPC

Jill Kosack, Supervisor, Development Review Division

Sherrie Conner, Supervisor, Development Review Division

Andrew Bishop, Development Review Division

Eddie Diaz-Campbell, Development Review Division

Tom Burke, Development Review Division

Henry Zhang, Development Review Division

Deborah Borden, Deputy General Counsel

David Warner, Principal Counsel

APPROVAL OF DISTRICT COUNCIL MINUTES

MINDC 09212020 District Council Minutes dated September 21, 2020

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

Aye: 10 - Turner, Anderson-Walker, Davis, Franklin, Glaros, Harrison,

Hawkins, Ivey, Streeter and Taveras

Absent: Dernoga

Attachment(s): 09-21-2020 District Council Minutes DRAFT

12:00 PM MANDATORY REVIEW (Using Oral Argument Procedures)

The following hearing was Continued from Monday, September 21, 2020.

<u>DSP-06001-03</u> <u>The Commons at Addison Road Metro</u>

Applicant(s): 6301 Central Avenue, LLC

Location: Located in the southwest quadrant of the intersection of MD 214 (Central

Avenue) and Addison Road, across from the Addison Road Metro Station, at

6301 Central Avenue (2.98 Acres; C-S-C / R-55 / D-D-O).

Request: Requested approval of an amendment to a Detailed Site Plan (DSP) for a

mixed-use building including 193 multifamily dwelling units and 11,000

square feet of ground-floor commercial uses.

Council District: 7

Appeal by Date: 8/17/2020 **Action by Date:** 10/30/2020

Comment(s): Mandatory Review:

District Council review of this case is required by Section 27-548.26(b) of the

Zoning Ordinance.

History:

Andrew Bishop, M-NCPPC, provided an overview of the Detailed Site Plan application. Bradley Heard, appellant, spoke in opposition. Christopher Hatcher, Esq., attorney for the applicant, spoke in support along with Stephanie Farrell of Torti Gallas, who responded to Council Member questions. 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 to staff for an approving document, with conditions (Vote: 11-0).

The hearing was held; subsequently, a motion was made by Council Member Streeter, seconded by Council Member Davis, that this Detailed Site Plan be referred for document. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison,

Hawkins, Ivey, Streeter and Taveras

Attachment(s):

DSP-06001-03 Zoning Agenda Item Summary

DSP-06001-03 Heard to Brown

Correspondence 09282020

DSP-06001-03 District Council Notice of

Hearing Continued

DSP-06001-03 Response Letter Hatcher to

Brown

DSP-06001-03 Appeal Letter Heard to Brown

DSP-06001-03 District Council Notice of

Hearing

DSP-06001-03 Appeal Letter Hatcher to Brown

DSP-06001-03 Planning Board Resolution No.

2020-59

DSP-06001-03_POR List

DSP-06001-03 Technical Staff Report

DSP-06001-03 Transcripts Continuance Request

(3-5-20)

SDP-0007-03 Planning Board Exhibits

1:30 PM ORAL ARGUMENTS

CNU-26029-2019 E&K International Food Market

Applicant(s): Ebrima Jallow

Location: Located on the west side of Livingston Road, approximately 0.3 miles north

of Oxon Hill Road (0.25 Acres; C-M Zone).

Request: Requesting approval of a Certification of a Nonconforming Use (CNU) for a

food or beverage store.

Council District: 8

 Appeal by Date:
 8/17/2020

 Review by Date:
 9/21/2020

 Action by Date:
 10/26/2020

<u> History</u>:

Prior to the hearing, Stan Brown, People's Zoning Counsel, spoke to the procedural posture of the application and the applicant's request to withdraw. Ebrima Jallow, applicant, spoke and reiterated his request to withdraw the application. Council referred item to staff for the preparation of an disapproving document in accordance with the applicant's request to withdraw (Vote: 11-0).

A motion was made by Council Member Anderson-Walker, seconded by Council Member Streeter, that this Certification of a Nonconforming Use be referred for document. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison,

Hawkins, Ivey, Streeter and Taveras

Attachment(s): CNU-26029-2019 Zoning Agenda Item

Summary

CNU-26029-2019 Applicant email to Brown

9302020

CNU-26029-2019 Transcripts

CNU-26029-2019 Applicant Withdrawal Request CNU-26029-2019 Applicant Withdrawal Request

email

CNU-26029-2019 Applicant Withdrawal Request

initial email

CNU-26029-2019 District Council Hearing

Notice

CNU-26029-2019 Planning Board Resolution

CNU-26029-2019 POR List

CNU-26029-2019 Technical Staff Report

1:30 PM ORAL ARGUMENTS (Continued)

SDP-0007-03 Amazon.com Services

Applicant(s): Amazon.com Services, LLC.

Location: Located in the northeastern quadrant of the intersection of Queens Court and

Prince George's Boulevard (28.01 Acres; E-I-A Zones).

Request: Requesting approval of an amendment to a Specific Design Plan (SDP) to

increase the land area covered by pavement for parking, loading, and

circulation for a warehouse and distribution facility.

Council District: 4

 Appeal by Date:
 9/4/2020

 Review by Date:
 9/30/2020

 Action by Date:
 10/30/2020

<u> History</u>:

Tom Burke, M-NCPPC, provided an overview of the Specific Design Plan application. G. Macy Nelson, attorney for appellants, spoke in opposition. Heather Dlhopolsky, Esq., attorney for the applicant, spoke in support. David Warner, Principal Counsel, M-NCPPC, responded to Council Member questions. 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 referred the item to staff for preparation of an approving document, with conditions (Vote: 10-1; Against: Council Member Dernoga).

The hearing was held; subsequently, a motion was made by Council Chair Turner, seconded by Council Member Davis, that this Specific Design Plan be referred for document. The motion carried by the following vote:

Aye: 10 - Turner, Anderson-Walker, Davis, Franklin, Glaros, Harrison,

Hawkins, Ivey, Streeter and Taveras

Nay: 1 - Dernoga

Attachment(s): SDP-0007-03 Zoning Agenda Item Summary

SDP-0007-03 District Council Hearing Notice SDP-0007-03 Letter from Nelson to Brown

(Appeal)

SDP-0007-03 Planning Board Resolution

2020-129

SDP-0007-03_PORL

SDP-0007-03 Technical Staff Report

SDP-0007-03 Transcripts

SDP-0007-03 Letter from Dlhopolsky to Brown SDP-0007-03 Correspondence Nelson to Brown

10-1-2020

1:30 PM ORAL ARGUMENTS (Continued)

The following hearing was Continued from Monday, September 14, 2020.

DSP-18005 Magruder Pointe

Applicant(s): Werrlein WSSC, LLC

Location: Located in the southeast quadrant of the intersection of Hamilton Street and

40th Avenue (8.26 Acres; R-55 / D-D-O Zones).

Request: Requesting approval of a Detailed Site Plan (DSP) application proposes to

develop 15 single-family attached units and 16 single-family detached units on

the upper parcel, where the former Washington Suburban Sanitary

Commission (WSSC) Headquarters building was located.

Council District: 2

Appeal by Date: 8/17/2020
Review by Date: 9/21/2020
Action by Date: 10/16/2020
Municipality: Hyattsville

History:

Henry Zhang, M-NCPPC, provided an overview of the Detailed Site Plan application. Stan Brown, People's Zoning Counsel, outlined the procedural issues raised by appellants. After a preliminary procedural discussion, Council Member Hawkins voluntarily recused himself from the hearing. Greg Smith and Daniel Muth, appellants, spoke in opposition. Norman Rivera, Esq., attorney for the applicant, spoke in support. Deborah Borden, Deputy General Counsel, M-NCPPC, and Rajesh Kumar, Principal Counsel to the District Council, responded to Council Member questions. 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.

This Detailed Site Plan hearing was held and the case was taken under advisement.

Attachment(s):

DSP-18005 Zoning Agenda Item Summary

DSP-18005 Ambler email to Brown 09282020

Request to Postpone

DSP-18005 District Council Notice of

Hearing Continued

DSP-18005 Letter from Smith to Brown

corrected (appeal)

DSP-18005 Letter from Smith to Brown original

(appeal)

DSP-18005 District Council Notice of Hearing

DSP-18005 Email from Rivera to Brown (Hold

Withdrawal)

DSP-18005 Letter from Rivera to Brown

(Withdrawl)

DSP-18005 Letter from Rivera to Brown

(Appeal)

DSP-18005 Planning Board Resolution NO.

2020-105

DSP-18005 PORL

DSP-18005 Technical Staff Report

NEW CASE(S)

A-10051 Carozza Property

Applicant(s): Maria Volpe and Sandra Carey

Location: Located in the southwest quadrant of the interchange of MD 4 (Pennsylvania

Avenue) and MD 223 (Woodyard Road), on the north side of Marlboro Pike

(60.02 Acres; R-R Zone).

Request: Requesting approval for the rezoning of approximately 60.02 acres of R-R

(Rural Residential) zoned land to the M-X-T (Mixed Use – Transportation Oriented) Zone within the M-I-O (Military Installation Overlay) Zone.

Council District: 9

 Appeal by Date:
 9/21/2020

 Action by Date:
 2/28/2021

 Opposition:
 None

History:

Council elected to review (Vote: 9-0; Absent: Council Members Franklin and Hawkins).

A motion was made by Council Member Harrison, seconded by Council Member Davis, that this Zoning Map Amendment be elected to review. The motion carried by the following vote:

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

Streeter and Taveras

Absent: Franklin and Hawkins

Attachment(s): A-10051 Zoning Agenda Item Summary

A-10051 ZHE- Decison

A-10051 Technical Staff Report

A-10051 PORL

A-10051 Color Power Point Presentation

In making the final decision in this case, the District Council should consider whether it wants to conduct an Oral Argument, pursuant to Section 27-131 (c)(2).

ITEM(S) FOR DISCUSSION

CSP-19010 LIW Ironworks

Applicant(s): LIW Ironworks, Inc.

Location: Located on the north side of Cornett Street, approximately 475 feet east of its

intersection with Livingston Road, at 10929 Indian Head Highway (MD 210)

(1.5 Acres; I-3 Zone).

Request: Requesting approval of a Conceptual Site Plan (CSP) for development of up

to 19,000 square feet of a contractor's office and warehouse with fabrication.

Council District: 8

 Appeal by Date:
 8/17/2020

 Review by Date:
 9/21/2020

 Action by Date:
 10/26/2020

History:

Council deferred this case to October 19, 2020.

This Conceptual Site Plan was deferred.

Attachment(s): CSP-19010 Zoning Agenda Item Summary

CSP-19010 District Council Notice of Hearing CSP-19010 Planning Board Resolution No.

2020-92

CSP-19010 POR List

CSP-19010 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.

(b) PLANNING BOARD

<u>DSP-12043-01</u> <u>Westphalia Town Center (Special Purpose)</u>

Applicant(s): Westphalia Development

Location: Located at the intersection of MD 4 (Pennsylvania Avenue) and Melwood

Road, approximately 800 feet north of Woodyard Road (478.48 Acres;

M-X-T / M-I-O Zones).

Request: Requesting approval of an amendment to a Detailed Site Plan (DSP) that

requests the modification of the condition regarding the timing for the

community center in Open Space 2 and a condition to modify the timing for

the dedication of the school site, known as Parcel 25.

Council District: 6

Appeal by Date: 10/29/2020 **Review by Date:** 10/29/2020

History:

Council deferred this case to October 19, 2020.

This Detailed Site Plan was deferred.

Attachment(s): DSP-12043-01 Zoning Agenda Item Summary

DSP-12043-01 Planning Board Resolution

DSP-12043-01 PORL

DSP-12043-01 Technical Staff Report

PENDING FINALITY (Continued)

<u>DSP-19031</u> <u>7-Eleven Branch Avenue</u>

Applicant(s): 7-Eleven, Inc.

Location: Located on the east side of MD 5 (Branch Avenue), south of MD 373

(Accokeek Road) and MD 38(Brandywine Road), and to the west of MD

631 (Old Brandywine Road) (2.00 Acres; C-M / C-S-C Zones).

Request: Requesting approval of a Detailed Site Plan (DSP), to develop the site with a

3,484-square-foot food and beverage store, a gas station, and a

982-square-foot car wash.

Council District: 9

Appeal by Date: 10/15/2020 **Review by Date:** 10/15/2020

History:

Council elected to review this item (11-0).

A motion was made by Council Member Harrison, seconded by Council Member Dernoga, that this Detailed Site Plan be elected to review. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison,

Hawkins, Ivey, Streeter and Taveras

Attachment(s): DSP-19031 Zoning Agenda Item Summary

DSP-19031 Planning Board Resolution

DSP-19031 PORL

DSP-19031 Technical Staff Report

PENDING FINALITY (Continued)

SDP-1803 7-Eleven at Brandywine Village

Applicant(s): 7-Eleven, Inc.

Location: Located at the northwest corner of the intersection of Chadds Ford Drive and

US 301 (Robert Crain Highway) (1.14 Acres; L-A-C Zone).

Request: Requesting approval of a Specific Design Plan (SDP) for a 3,062-square-foot

food and beverage store and a gas station in the Local Activity Center

(L-A-C) Zone.

Council District: 9

Appeal by Date: 10/15/2020 **Review by Date:** 10/15/2020

History:

Council elected to review this item (11-0).

A motion was made by Council Member Harrison, seconded by Council Member Anderson-Walker, that this Specific Design Plan be elected to review. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison,

Hawkins, Ivey, Streeter and Taveras

Attachment(s): SDP-1803 Zoning Agenda Item Summary

SDP-1803 Planning Board Resolution

SDP-1803 PORL

SDP-1803 Technical Staff Report

PENDING FINALITY (Continued)

SDP-1802 Brandywine Village Commercial

Applicant(s): Brandywine Partners, LLC

Location: Located in the northwest quadrant of the intersection of US 301 (Robert

Crain Highway) and Chadds Ford Drive (12.29 Acres; L-A-C Zone).

Request: Requesting approval of a Specific Design Plan (SDP) for a 2,200-square-foot

eating and drinking establishment with drive-through, a 16,000-square-foot commercial retail building with drive-through, and associated infrastructure in

the Local Activity Center (L-A-C) Zone.

Council District: 9

Appeal by Date: 10/15/2020 **Review by Date:** 10/15/2020

History:

Council waived election to review for this item (Vote: 11-0).

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

Ave: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison,

Hawkins, Ivey, Streeter and Taveras

Attachment(s): SDP-1802 Zoning Agenda Item Summary

SDP-1802 Planning Board Resolution

SDP-1802 PORL

SDP-1802 Technical Staff Report

Hearing Dates & Times Subject to Change

<u>DSP-19050</u> <u>Dewey Property</u>

Companion Case(s): DDS-660

Applicant(s): Bald Eagle Partners

Location: Located on the north side of Toledo Road, approximately 240 feet west of

Adelphi Road (21.16 Acres; M-U-I / T-D-O).

Request: Requesting approval of a Detailed Site Plan (DSP) for a mixed-use building

consisting of 321 multifamily dwelling units and 1,258 square feet of

commercial/retail uses on proposed Parcel 5.

Council District: 2

Appeal by Date: 9/4/2020

Review by Date: 9/30/2020

Action by Date: 10/30/2020

Municipality: Hyattsville

This Detailed Site Plan hearing date was announced.

Attachment(s): DSP-19050 Zoning Agenda Item Summary

Letter from Ciferri to Brown (Appeal)

<u>DSP-19050_DSP-19050-01 Transcripts</u>

<u>DSP-19050 Planning Board Resolution</u>

2020-125

DSP-19050 PORL

DSP-19050 Technical Staff Report DSP-19050 Planning Board Record

DSP-19050 Correspondence from Ciferri to

Brown (10022020)

(DSP-19050) 3-31-20 Letter from Ciferri to

Planning Board

(DSP-19050) 4-8-20 Letter from Ciferri to

Planning Board

(DSP-19050 & DSP-19050-01) 7-10-20 Letter

from Ciferri to Planning Board

(DSP-19050 & DSP-19050-01) 7-15-20 Letter

from Ciferri to Planning Board

Hearing Dates & Times Subject to Change

DSP-19050-01 Dewey Property

Applicant(s): Bald Eagle Partners

Location: Located on the north side of Toledo Road, approximately 240 feet west of

Adelphi Road (21.16 Acres; M-U-I / T-D-O Zones).

Request: Requesting approval of an amendment to a Detailed Site Plan (DSP) for a

development consisting of 529 multifamily dwelling units on proposed Parcels

1, 2, and 3, as the second phase of the Dewey Property mixed-use

development.

Council District: 2

Appeal by Date: 9/4/2020

Review by Date: 9/30/2020

Action by Date: 10/30/2020

Municipality: Hyattsville

This Detailed Site Plan hearing date was announced.

Attachment(s): DSP-19050-01 Zoning Agenda Item Summary

<u>Letter from Ciferri to Brown (Appeal)</u>
<u>DSP-19050_DSP-19050-01 Transcripts</u>
DSP-19050-01 Planning Board Resolution

2020-127

DSP-19050-01 PORL

DSP-19050-01 Technical Staff Report DSP-19050-01 Planning Board Record

DSP-19050-01 Correspondence from Ciferri to

Brown (10022020)

(DSP-19050-01 & DSP-19050) 7-10-20 Letter

from Ciferri to Planning Board

(DSP-19050-01 & DSP-19050) 7-15-20 Letter

from Ciferri to Planning Board

(DSP-19050-01) 5-28-20 Letter from Ciferri to

Hurlbutt

Hearing Dates & Times Subject to Change

DSP-19060 McDonald's Landover

Applicant(s): McDonald's Corp

Location: Located on the north side of MD 214 (Central Avenue) at its intersection

with Brightseat Road (1.17 Acres; M-U-I / D-D-O / M-I-O).

Request: Requesting approval of a Detailed Site Plan (DSP) requests to raze the

existing McDonald's eating and drinking establishment with drive-through service and replace it with a new 4,540-square-foot McDonald's eating and

drinking establishment with drive-through service.

Council District: 5

 Appeal by Date:
 9/4/2020

 Review by Date:
 9/30/2020

 Action by Date:
 11/13/2020

This Detailed Site Plan hearing date was announced.

Attachment(s): DSP-19060 Zoning Agenda Item Summary

DSP-19060 Planning Board Resolution

2020-121

DSP-19060 Transcripts

DSP-19060 PORL

DSP-19060 Technical Staff Report
DSP-19060 Planning Board Record

<u>DSP-19060 (NRIX-094-2019)</u> <u>DSP-19060 (TCPX-S-114-2019)</u>

Hearing Dates & Times Subject to Change

SE-4795 Strickland Funeral Home

Applicant(s): Eric D. Strickland

Location: Located in the southwest quadrant of the intersection of MD 193 (Enterprise

Road) and Belvidere Road (7.39 Acres; R-R Zone).

Request: Request approval of a Special Exception (SE) to construct an

11,612-square-foot Funeral Home and a 9,184-square-foot "ancillary"

Reception Hall on 7.39 acres of R-R (Rural Residential) zoned land located in the southwest quadrant of the intersection of Enterprise Road (MD 193) and Belvidere Road, and identified as 3800 Enterprise Road, Bowie, Maryland

Council District: 5

 Appeal by Date:
 8/17/2020

 Review by Date:
 9/21/2020

 Action by Date:
 2/14/2021

Opposition: Raycena Moyer and Samuel Moyer

This Special Exception hearing date was announced.

Attachment(s): SE-4795 Zoning Agenda Item Summary

SE-4795 ZHE- Decision

SE-4795 PORL

SE-4795 Technical Staff Report

SE-4795 Color Powerpoint Presentation

SE-4795 ZHE Record (Part 2)

ADJ48-20 ADJOURN

History:

The District Council Meeting was adjourned at 5:28 p.m. (Vote: 11-0).

A motion was made by Council Member Streeter, seconded by Council Member Anderson-Walker, that this meeting be adjourned. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison,

Hawkins, Ivey, Streeter and Taveras

Prepared by:		
Leonard Moses, Zoning Assistant		
Leonard Woses, Zonnig Assistant		
Submitted by:		
Donna J. Brown, Clerk of the Council		