

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)

Tuesday, January 15, 2019

11:45 AM (approximate time)

District Council Session will take place immediately following the County Council Session (it was postponed from Monday January 14, 2019 due to inclement weather conditions and pursuant to Sec. 27-291 of the Zoning Ordinance).

Council Hearing Room

Sitting as the District Council

Todd M. Turner, 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, At-Large

Jolene Ivey, District 5

Rodney C. Streeter, Vice Chair, 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 interpreters 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)

11:45 AM CALL TO ORDER - (COUNCIL HEARING ROOM) (Immediately following County Council Session)

INVOCATION

*Reverend Rochelle Andrews, Minister
Community Engagement University United Methodist Church, College Park, MD*

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 10222018](#)

District Council Minutes dated October 22, 2018

History:

01/14/2019 Sitting as the District Council postponed

Attachment(s): 10-22-2018 District Council Minutes DRAFT

[MINDC 10232018](#)

District Council Minutes dated October 23, 2018

History:

01/14/2019 Sitting as the District Council postponed

Attachment(s): 10-23-2018 District Council Minutes DRAFT

ORAL ARGUMENTS[DSP-03012-04](#)**Aldi, Inc., Hyattsville****Applicant(s):**

ALDI Inc.

Location:

Located within the southwest quadrant of the intersection of Hamilton Street and MD 500 (Queens Chapel Road), approximately 400 feet west of the intersection, within the City of Hyattsville (2.29 Acres; M-X-T / T-D-O Zones).

Request:

Requesting approval for a Detailed Site Plan to construct a 3,161-square-foot addition to an existing food and beverage store and the addition of new building-mounted signage.

Council District:

2

Appeal by Date:

10/18/2018

Review by Date:

10/18/2018

Action by Date:

1/25/2019

Municipality:

City of Hyattsville

History:

07/13/2018	M-NCPPC Technical Staff	approval with conditions
09/13/2018	M-NCPPC Planning Board	approval with conditions
09/24/2018	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 7-0; Absent: Council Members Franklin and Toles).</i>	
01/14/2019	Sitting as the District Council	postponed

Attachment(s):

[DSP-03012-04 Zoning Agenda Item Summary](#)
[DSP-03012-04 Planning Board Resolution 18-78](#)
 DSP-03012-04_PORL
[DSP-03012-04 Technical Staff Report](#)

MANDATORY REVIEW (Using Oral Argument Procedures)**CSP-18002****Magruder Pointe****Applicant(s):**

Werlein WSSC, LLC

Location:

Located in the southeast quadrant of the intersection of Hamilton Street and 40th Avenue, north of Gallatin Street and west of 40th Place. The subject site is also located within the Traditional Residential Neighborhood (TRN) Character Area of the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District (Gateway Arts District Sector Plan and SMA) (8.26 Acres; R-55/O-S/D-D-O Zones) .

Request:

Requesting approval of a Conceptual Site Plan (CSP) application proposing to rezone the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use-Infill (M-U-I) Zone for a future single-family residential development. No site improvements have been proposed in this CSP.

Council District:

2

Appeal by Date:

9/4/2018

Review by Date:

9/30/2018

Action by Date:

1/29/2019

Comment(s):

Mandatory Review:

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

Municipality:

City of Hyattsville

History:

07/18/2018

M-NCPPC Technical Staff

disapproval

DISAPPROVAL of the request and decline to recommend rezoning the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use-Infill (M-U-I) Zone.

07/18/2018

M-NCPPC Technical Staff

approval with conditions

APPROVAL of rezoning the 4.66-acre property in the Open Space (O-S) Zone to the One-Family Detached Residential (R-55) Zone and permit single-family attached residential development with a required detailed site plan, in accordance with the goals and recommendations of the Traditional Residential Neighborhood Character Area on the property.

07/26/2018	M-NCPPC Planning Board	disapproval	<i>DISAPPROVAL of the request and decline to recommend rezoning the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use-Infill (M-U-I) Zone.</i>
07/26/2018	M-NCPPC Planning Board	approval with conditions	<i>APPROVAL of recommendation to rezone the 4.66-acre property in the Open Space (O-S) Zone to the One-Family Detached Residential (R-55) Zone and permit single-family attached residential development with a required detailed site plan, in accordance with the goals and recommendations of the Traditional Residential Neighborhood Character Area on the property. The maximum density for single-family attached is 9 dwelling units per acre and the maximum density for single-family detached is as permitted in the R-55 Zone, or 6.7 dwelling units per acre.</i>
09/04/2018	Person of Record	appealed	<i>Mr. Daniel Muth, Mr. Greg Smith, Mr. Peter Anton Veigas, Ms. Wendy Beatty, Ms. Sarah Eisen, Ms. Nina Faye, Mr. Paul Hrusa, and Mr. Chris Currie, filed an appeal in opposition to the proposal and requested Oral Argument.</i>
09/10/2018	Applicant	filed	<i>Norman D. Rivera, Esq., attorney for the applicant, filed a rebuttal to the September 4, 2018 appeal filed by Mr. Daniel Muth, Mr. Greg Smith, Mr. Peter Anton Veigas, Ms. Wendy Beatty, Ms. Sarah Eisen, Ms. Nina Faye, Mr. Paul Hrusa, and Mr. Chris Currie.</i>
09/10/2018	Person of Record	filed	<i>Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter with an attached legal opinion by their attorney, J. Carroll Holzer, Esq. in opposition to the proposal and opposition to the proposed September 17, 2018 Oral Argument.</i>
09/17/2018	Sitting as the District Council	continued at a later date	<i>Stan Brown, People's Zoning Counsel, spoke to the need to continue this case until Tuesday, October 15, 2018 at 10:00 a.m.</i>
09/24/2018	Person of Record	filed	<i>Candace B. Hollingsworth, Mayor, City of Hyattsville, filed a letter requesting a remand to the Planning Board to allow the city to submit additional testimony related to the R-55 recommendation.</i>

09/26/2018	Person of Record	filed
	<i>Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter in opposition to the proposed October 15, 2018 Oral Argument.</i>	
09/27/2018	Person of Record	filed
	<i>Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a second letter in opposition to the proposed October 15, 2018 Oral Argument.</i>	
10/09/2018	Person of Record	filed
	<i>J. Carroll Holzer, Esq., attorney for Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter in opposition to the proposed October 15, 2018 Oral Argument.</i>	
10/12/2018	Applicant	filed
	<i>Norman D. Rivera, Esq., attorney for the applicant, filed a letter concurring with a continuance of the October 15, 2018 Oral Argument to satisfy state affidavit requirements.</i>	
10/15/2018	Sitting as the District Council	continued at a later date
	<i>Stan Brown, People's Zoning Counsel, provided an overview on the status of the case and outlined the reasons why the hearing would take place at a later date in order to satisfy state affidavit requirements. The case was continued as requested and agreed to by certain members of the opposition and the applicant.</i>	
01/14/2019	Sitting as the District Council	postponed

Attachment(s): [CSP-18002 Zoning Agenda Item Summary](#)
 [CSP-18002 Planning Board Resolution 18-74](#)
 CSP-18002_PORL_Rev
 [CSP-18002 Technical Staff Report Supplemental](#)

NEW CASE(S)**[ERR-265 Remand](#)****Ali I. Tangoren Family Settlement Revocable Family Trust/ Ali I. Tangoren, Trustee (Remand)**
Validation of Multifamily Rental License No. M-130 Issued in Error**Applicant(s):**

Ali Tangoren

Location:

Located at 833 Fairview Avenue, Takoma Park, Maryland (0.16 Acres; R-18 Zone).

Request:

Requesting validation of Prince George's County Multifamily Rental License No. M-130 issued in error for a 3-unit apartment building in the R-18 Zone.

Council District:

2

Appeal by Date:

11/21/2018

Action by Date:

4/22/2019

Opposition:

Takoma Branch Civic Association

History:

11/07/2017

Zoning Hearing Examiner

approval with conditions

01/08/2018

Sitting as the District Council

elected to make the final decision

Council elected to make the final decision on this item (Vote: 8-0; Absent: Council Member Toles).

03/26/2018

Sitting as the District Council

hearing held; case taken under advisement

Ras Cannady, M-NCCPC, provided an overview of the application for Validation of a Permit Issued in Error. Ali Taneoren, Applicant, spoke in support. Renee Palacios, Representative of the Department of Permits, Inspection and Enforcement, responded to questions posed by the Council. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented. Council took this case under advisement.

03/26/2018

Sitting as the District Council

referred for document

A motion to refer to staff to prepare a document of disapproval was made by Council Member Taveras, but failed for lack of a second. Council took this case under advisement.

03/26/2018	Sitting as the District Council	case taken under advisement
	<i>After the motion to refer the item to staff for a disapproving document failed, Council took this case under advisement.</i>	
04/16/2018	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of document of remand (Vote: 7-0; Absent: Council Members Davis and Franklin).</i>	
04/23/2018	Sitting as the District Council	deferred
	<i>Council deferred this item to May 7, 2018.</i>	
05/07/2018	Sitting as the District Council	remanded
	<i>Council adopted the prepared Order of Remand (Vote: 7-0; Absent: Council Members Franklin and Toles).</i>	
11/20/2018	Zoning Hearing Examiner	transmitted
	<i>The Zoning Hearing Examiner (ZHE) transmitted the case recommending that Council Remand it back to the ZHE.</i>	
01/14/2019	Sitting as the District Council	postponed
<u>Attachment(s):</u>	ERR-265 Zoning Hearing Examiner Decision ERR 265 Remand Zoning Hearing Examiner Decision ERR-265 Remand PORL	

NEW CASE(S) (Continued)**ERR-272****Century Link, Inc. / Alan Ganey****Validation of CG Permit No. 6658-2015-1 Issued in Error****Applicant(s):**

CenturyLink, Inc. / Alan Ganey

Location:

Located at 11700 Prospect Hill Road, Glen Dale, Maryland (3.36 Acres; R-R Zone).

Request:

Requesting approval for validation of CG Permit No. 6658-2015-01 issued in error, to construct an underground telecommunications vault on 4,372-square-feet of a 3.36-acre site.

Council District:

4

Appeal by Date:

1/10/2019

Action by Date:

4/30/2019

Opposition:

None

History:

12/11/2018	Zoning Hearing Examiner	approval
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01/14/2019 Sitting as the District Council postponed

Attachment(s): [ERR-272 Zoning Agenda Item Summary](#)
 [ERR-272 Zoning Hearing Examiner Decision](#)
 ERR-272 PORL

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

[HPC-062-10](#)

Appeal of Decision of Historic Preservation Commission **Briarly Academy (Old Hotel) (Historic Resource - Area 62-10)**

Applicant(s): Jumes House/Briarly Academy

Location: Located off a rise of ground immediately east of Old
 Washington-Baltimore turnpike between Vansville and Muirkirk and
 identified as 11777 OLD Baltimore Pike, Beltsville, Maryland 20705.

Request: The instant action involves the appeal of the Decision of the Historic
 Preservation Commission ("HPC") to amend the July 1981 Historic
 Sites and Districts Plan, which included the subject property, the Briarly
 Academy (Old Hotel)(62-10) in its Historic Resource Inventory, by
 designating the Briarly Academy (Old Hotel) as a Historic Site in the
 Plan's Inventory of Historic Sites.

Council District: 1

Appeal by Date: 6/15/2018

Action by Date: 1/28/2019

Opposition: None

History:

05/31/2018 Zoning Hearing Examiner approval

06/13/2018 Applicant appealed

*Joseph P. Suntum, Esq., Counsel for Elpis Sakaria, Owner, filed
 Exceptions to the Zoning Hearing Examiner's Decision and requested
 Oral Argument.*

07/09/2018 Sitting as the District Council announced hearing date

09/17/2018 Sitting as the District Council announced hearing date

10/01/2018	Applicant	filed
	<i>Joseph P. Suntum, Esq. counsel for the owner, filed a request for a stay or postponement of the hearing, pending a decision from the Maryland Court of Special Appeals.</i>	
10/09/2018	Historic Preservation Commission	filed
	<i>John Peter Thompson, Chairman, HPC, submitted a letter in opposition to Ms. Sakaria's request for a stay and asked that the stay be denied.</i>	
10/15/2018	Sitting as the District Council	hearing held; case taken under advisement
	<i>Howard Berger, HPC, M-NCPPC and Thomas Gross, HPC, M-NCPPC, provided an overview of the Historic Preservation Commission (HPC) Decision appeal. Joseph Suntum, Esq. attorney for the applicant, spoke in opposition to the designation. Bradley Farrar, attorney for the HPC, spoke in support of the designation on behalf of the HPC. Stan Brown, People's Zoning Counsel, commented on the factual and legal arguments presented by the parties. Council took this item under advisement.</i>	
01/14/2019	Sitting as the District Council	postponed
<u>Attachment(s):</u>	HPC 062-010 - Zoning Hearing Examiner Decision HPC 062-010 - PORL HPC-062-10 Zoning Agenda Item Summary (ZAIS)	

REFERRED FOR DOCUMENT[DSP-03089-01](#)**Hanson Palmer Industrial Park, Parcel C****(Pursuant to Decision of the Court of Special Appeals)****Applicant(s):**

FCW Justice, Inc.

Location:

On the west side of Lottsford Vista Road, approximately 1,125 feet south of its intersection with Martin Luther King Highway (MD 704) (3.397 Acres; I-1 Zone)

Request:

Requesting approval of a Detailed Site Plan for a combined 12,754-square-foot restaurant, car wash and full-service laundromat building

Council District:

5

Appeal by Date:

8/1/2013

Review by Date:

9/2/2013

Action by Date:

11/22/2013

History:

05/22/2013	M-NCPPC Technical Staff	approval with conditions
06/27/2013	M-NCPPC Planning Board	approval with conditions
07/08/2013	Sitting as the District Council	elected to review
	<i>Council elected to review (Voice Vote: 9-0)</i>	
09/23/2013	Sitting as the District Council	hearing held; case taken under advisement
	<i>Jill Kosack, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Thomas Haller spoke on behalf of the applicant. Terry Speigner, Farnese Hicks, Tere Meads and Christina Orticke spoke in opposition. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.</i>	
10/28/2013	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of a disapproving document (Vote: 9-0).</i>	
11/18/2013	Sitting as the District Council	deferred
	<i>This item was deferred to November 19, 2013.</i>	

11/18/2013	Sitting as the District Council	deferred
	<i>Council deferred this item to November 19, 2013.</i>	
11/19/2013	Sitting as the District Council	disapproval
12/13/2013	Applicant	filed
	<i>Thomas H. Haller, Esquire, attorney for the applicant, filed a Petition for Judicial Review in Circuit Court.</i>	
09/05/2018	Court of Special Appeals	filed
	<i>This item is on the agenda pursuant to a Court Order directing the District Council to affirm the Planning Board's decision with conditions.</i>	
01/14/2019	Sitting as the District Council	postponed
<u>Attachment(s):</u>	<u>DSP-03089-01 CSA Opinion</u> <u>DSP-03089-01 File Material</u> <u>DSP 03089-01 Technical Staff Report</u> <u>DSP 03089-01 Planning Board Resolution</u>	

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-4517****Rockhill Sand & Gravel Corporation****Applicant(s):**

Rock Hill Sand and Gravel

Location:

Located on the east side of Gibbons Church Road, approximately 1,200 feet northeast of its intersection with Brandywine Road, also identified as 15620 Brandywine Road, Brandywine, Maryland (570.40 Acres; O-S / I-2 Zones).

Request:

Requesting approval for a Special Exception for permission to extend the validity period for previously approved SE 4352 to mine the remaining sand and gravel or the purpose of Surface Mining.

Council District:

9

Appeal by Date:

11/26/2018

Review by Date:

1/24/2019

Opposition:

N/A

History:

07/18/2018	M-NCPPC Technical Staff	approval with conditions
07/26/2018	M-NCPPC Planning Board	no motion to consider
10/25/2018	Zoning Hearing Examiner	approval with conditions
01/14/2019	Sitting as the District Council	postponed

Attachment(s):[SE-4517 Zoning Agenda Item Summary](#)[SE-4517 Zoning Hearing Examiner Decision](#)

SE-4517 PORL

PENDING FINALITY (Continued)**(a) ZONING HEARING EXAMINER (Continued)**[SE-4812](#)**Dash-In****Applicant(s):**

Dash-In Food Stores, Inc.

Location:

Located in the southeast quadrant of the intersection of Dangerfield Road (to the south), and Old Alexandria Ferry Road (to the north) with Woodyard Road (MD 223), approximately 5,500 feet east of Branch Avenue (MD 5), also identified as 8828 Woodyard Road, Clinton, Maryland (2.32 Acres; C-S-C / M-I-O Zones).

Request:

Requesting approval of a Special Exception for permission to raze an existing Gas Station and Convenience Store and redevelop the site with a Gas Station and Convenience Store, and a Car Wash.

Council District:

9

Appeal by Date:

12/14/2018

Review by Date:

1/30/2019

Opposition:

None

History:

06/14/2018	M-NCPPC Technical Staff	approval with conditions
06/21/2018	M-NCPPC Planning Board	no motion to consider
11/15/2018	Zoning Hearing Examiner	approval with conditions
01/14/2019	Sitting as the District Council	postponed

Attachment(s):[SE-4812 Zoning Agenda Item Summary](#)[SE 4812 Zoning Hearing Examiner Decision](#)

SE 4812 PORL

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-1702****WAWA Adelphi****Applicant(s):**

ZP No. 139, LLC

Location:

The subject site is a triangular property bounded on three sides by the public rights-of-way of MD 212 (Riggs Road) to the south, Edwards Way to the west and Adelphi Road to the east (4.14 Acres; L-A-C Zone).

Request:

Requesting approval for a Comprehensive Design Plan (CDP) proposing to develop a 4.14-acre vacant, wooded site with 5,619 square feet of commercial development, consisting of a food and beverage store and a gas station.

Council District:

2

Appeal by Date:

12/20/2018

Review by Date:

1/30/2019

Comment(s):

(This case is for the same property as SDP-1703, but is not a 'companion case' (per M-NCPPC Staff Reviewer))

History:

10/11/2018	M-NCPPC Technical Staff	approval with conditions
11/15/2018	M-NCPPC Planning Board	approval with conditions
01/14/2019	Sitting as the District Council	postponed

Attachment(s):

[CDP-1702 Zoning Agenda Item Summary](#)

[CDP-1702 Planning Board Resolution 18-108](#)

[CDP-1702_PORL](#)

[CDP-1702 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)****SDP-1703****WAWA Adelphi****Applicant(s):**

ZP No. 139, LLC

Location:

The subject site is a triangular property bounded on three sides by the public rights-of-way of MD 212 (Riggs Road) to the south, Edwards Way to the west, and Adelphi Road to the east. The site has a street address at 9100 Riggs Road, Hyattsville, Maryland (4.11 Acres; L-A-C Zone).

Request:

Requesting approval of a Specific Design Plan (SDP) for development of a 5,619-square-foot food and beverage store and a gas station.

Council District:

2

Appeal by Date:

1/17/2019

Review by Date:

1/30/2019

Comment(s):

(This case is for the same property as CDP-1702, but is not a 'companion case' (per M-NCPPC Staff Reviewer)

History:

11/20/2018	M-NCPPC Technical Staff	approval with conditions
12/13/2018	M-NCPPC Planning Board	approval with conditions
01/14/2019	Sitting as the District Council	postponed

Attachment(s):

[SDP-1703 Zoning Agenda Item Summary](#)
[SDP-1703 Planning Board Resolution 18-126](#)
[SDP-1703 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)****CSP-17003****Branch Avenue MXT****Applicant(s):**

Black-Eyed Susan Partners, LLC

Location:

Located on the west side of MD 5 (Branch Avenue), and the east side of MD 381 (Brandywine Road) at its intersection with Savannah Parkway, approximately 1,600 feet north of Moores Road (74.83 Acres; M-X-T Zone).

Request:

Requesting approval of a Conceptual Site Plan (CSP) for the development of up to 450 townhouses and two-over-two units, 220 multifamily dwelling units, an assisted living facility with 120 units, and 90 senior housing dwelling units, as well as up to approximately 60,000 square feet of commercial/retail space (74.83 Acres; M-X-T Zone).

Council District:

9

Appeal by Date:

12/13/2018

Review by Date:

1/30/2019

History:

09/24/2018	M-NCPPC Technical Staff	approval with conditions
11/08/2018	M-NCPPC Planning Board	approval with conditions
01/14/2019	Sitting as the District Council	postponed

Attachment(s):

[CSP-17003 Zoning Agenda Item Summary](#)
[CSP-17003 Planning Board Resolution 18-98](#)
CSP-17003_PORL
[CSP-17003 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)****DSP-04056-01****Brandywine 301 Industrial Park****Applicant(s):**

M & M Joint Venture, LLP

Location:

Located on the east side of Matapeake Business Drive, immediately east of its intersection with Timothy Branch Drive, more specifically, the property is located at 7651 Matapeake Business Drive in Brandywine, Maryland.

Request:

Requesting approval of a Detailed Site Plan (DSP) for construction of one freestanding sign and two building-mounted signs, validation of multiple existing building-mounted signs on an existing multi-tenant commercial building, and to establish building-mounted signage standards for future tenants.

Council District:

9

Appeal by Date:

1/17/2019

Review by Date:

1/30/2019

History:

11/09/2018	M-NCPPC Technical Staff	approval with conditions
12/13/2018	M-NCPPC Technical Staff	approval with conditions
01/14/2019	Sitting as the District Council	postponed

Attachment(s):

[DSP-04056-01 Zoning Agenda Item Summary](#)
[DSP-04056-01 Planning Board Resolution 18-121](#)
[DSP-04056-01 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)**[DSP-16032-01](#)**SMO, Incorporated****Companion Case(s):** DDS-643**Applicant(s):** SMO, Incorporated**Location:** Located on the west side of Old Branch Avenue between Kirby Road and Arbutus Lane. More specifically, the property is located at 7505 and 7509 Old Branch Avenue in Clinton, Maryland (1.58 Acres; C-M / M-I-O Zones).**Request:** Requesting approval of a Detailed Site Plan for modification to site improvements for a one-story, 23-foot-high, 3,400-square-foot food and beverage store, a gas station with eight multi-product dispensers, and a 2,926-square-foot car wash.**Council District:** 9**Appeal by Date:** 12/20/2018**Review by Date:** 1/30/2019**History:**

10/10/2018	M-NCPPC Technical Staff	approval with conditions
11/15/2018	M-NCPPC Planning Board	approval with conditions
01/14/2019	Sitting as the District Council	postponed

Attachment(s): [DSP-16032-01 Zoning Agenda Item Summary](#)
[DSP-16032-01 Planning Board Resolution 18-104](#)
 DSP-16032-01 PORL
[DSP-16032-01 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)****DDS-643****SMO, Incorporated****Companion Case(s):** DSP-16032-01**Applicant(s):** SMO, Incorporated**Location:** Located on the west side of Old Branch Avenue between Kirby Road and Arbutus Lane. More specifically, the property is located at 7505 and 7509 Old Branch Avenue in Clinton, Maryland (1.58 Acres; C-M / M-I-O Zones).**Request:** Requesting approval of a Departure from Design Standards (DDS) for the purpose of seeking relief from Section 27-579(b) of the Zoning Ordinance for a loading space to be located within 50 feet of residentially-zoned land.**Council District:** 9**Appeal by Date:** 12/20/2018**Review by Date:** 1/30/2019**History:**

10/10/2018	M-NCPPC Technical Staff	approval
11/15/2018	M-NCPPC Planning Board	approval
01/14/2019	Sitting as the District Council	postponed

Attachment(s): [DDS-643 Zoning Agenda Item Summary](#)
[DDS-643 Planning Board Resolution 18-105](#)
DDS-643_PORL
[DDS-643 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)****DSP-17052****Hillel at University of Maryland****Applicant(s):**

Maryland Hillel

Location:

Located on the east side of Yale Avenue, approximately 260 feet north of its intersection with College Avenue, also identified as 7505 Yale Avenue (0.87 Acres; M-U-I / D-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan (DSP) to construct a 38,728-square-foot cultural center, including an eating and drinking component.

Council District:

3

Appeal by Date:

1/17/2019

Review by Date:

1/30/2019

Municipality:

City of College Park

History:

11/15/2018	M-NCPPC Technical Staff	approval with conditions
12/13/2018	M-NCPPC Planning Board	approval with conditions
01/14/2019	Sitting as the District Council	postponed

Attachment(s):[DSP-17052 Zoning Agenda Item Summary](#)[DSP-17052 Planning Board Resolution 18-123](#)[DSP-17052 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)****DSP-17054****Mama's Care Assisted Living Facility****Applicant(s):**

Emmanuel Isong, T/A Mama's Care Assisted Living

Location:

Located at 4111 East West Highway, on the south side of the roadway, approximately 450 feet east of its intersection with MD 500 (Queens Chapel Road) (0.43 Acres; R-55 / D-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan to expand an existing congregate living facility to allow for up to 14 residents and validate the parking compound previously constructed without a permit, within the One-Family Detached Residential (R-55) Zone and the Development District Overlay (D-D-O) Zone of the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District (Gateway Arts District Sector Plan and SMA).

Council District:

2

Appeal by Date:

1/10/2019

Review by Date:

1/30/2019

Municipality:

City of Hyattsville

History:

10/31/2018	M-NCPPC Technical Staff	approval with conditions
12/06/2018	M-NCPPC Planning Board	approval with conditions
01/14/2019	Sitting as the District Council	postponed

Attachment(s):[DSP-17054 Zoning Agenda Item Summary](#)[DSP-17054 Planning Board Resolution 18-118](#)

DSP-17054_PORL

[DSP-17054 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)****DSP-18003****Landy Property****Applicant(s):**

Marvin Blumberg Company

Location:

Located in the northwest quadrant of the intersection of Belcrest Road and Toledo Terrace, on the northeast side of Northwest Drive, between Dean Drive and Belcrest Road (24.60 Acres; R-20 / T-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan proposing to grade and develop infrastructure for 131 single-family attached (townhouse) lots, including the location and design of the roadways, one recreational area, on-street parking, landscaping, utility location, fencing and sidewalks as well as rough grading for the rest of the subject property.

Council District:

2

Appeal by Date:

12/13/2018

Review by Date:

1/30/2019

Municipality:

City of Hyattsville

History:

10/03/2018

M-NCPPC Technical Staff

approval with conditions

11/08/2018

M-NCPPC Planning Board

approval with conditions

01/14/2019

Sitting as the District Council

postponed

Attachment(s):[DSP-18003 Zoning Agenda Item Summary](#)[DSP-18003 Planning Board Resolution 18-102](#)

DSP-18003_PORL

[DSP-18003 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)****DSP-18019****Chick-fil-A, Upper Marlboro****Applicant(s):**

Chick-fil-A, Inc.

Location:

Located on the west side of US 301 (Robert S. Crain Highway) at the southwest quadrant of its intersection with Chrysler Drive (4.99 Acres; I-1 / I-2 Zones).

Request:

Requesting approval of a Detailed Site Plan for approval of a 4,999-square-foot eating and drinking establishment with drive-through service on Lot 2. Specifically, the application is proposing a Chick-fil-A restaurant. The existing automotive repair facility on the property is proposed to remain.

Council District:

9

Appeal by Date:

12/13/2018

Review by Date:

1/30/2019

History:

09/24/2018	M-NCPPC Technical Staff	approval with conditions
11/08/2018	M-NCPPC Planning Board	approval with conditions
01/14/2019	Sitting as the District Council	postponed

Attachment(s):[DSP-18019 Zoning Agenda Item Summary](#)[DSP-18019 Planning Board Resolution 18-97](#)

DSP-18019_PORL

[DSP-18019 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)****DSP-88114-02****Salvation Army****Applicant(s):**

Salvation Army

Location:

Located on Lot 4, Block C and Parcel 2 on the west side of MD 201 (Kenilworth Avenue) at its intersection with 52nd Avenue (6.54 Acres; I-2 Zone).

Request:

Requesting approval of a Detailed Site Plan for a 20,400-square-foot addition to an existing building in the Heavy Industrial (I-2) Zone, and the construction of an open-sided, 6,000-square-foot pavilion. Specifically, the building addition is being constructed to store inventory for Salvation Army's online retail sales and includes a truck servicing bay. The existing adult rehabilitation center use in the two existing buildings is proposed to remain.

Council District:

5

Appeal by Date:

12/20/2018

Review by Date:

1/30/2019

History:

10/11/2018	M-NCPPC Technical Staff	approval with conditions
11/15/2018	M-NCPPC Planning Board	approval with conditions
01/14/2019	Sitting as the District Council	postponed

Attachment(s):

[DSP-88114-02 Zoning Agenda Item Summary](#)
[DSP-88114-02 Planning Board Resolution 18-107](#)
DSP-88114-02_PORL
[DSP-88114-02 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD (Continued)****DSP-90076-07****Tantallon on the Potomac, Lot 12, Block E****Applicant(s):**

Chris Underwood

Location:

Located approximately 300 feet east of Firth of Tae Drive on Moyer Court, approximately 1,025 feet south of Swan Creek Road, also identified as 700 Moyer Court, Fort Washington, Maryland (1.32 Acres; R-R / L-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan for the construction of a 3,600-square-foot single-family detached dwelling with a garage on a vacant and partially-wooded property within the Chesapeake Bay Critical Area (CBCA). The detailed site plan was originally accepted as a limited minor amendment for Planning Director level review; however, as allowed by Prince George's County Zoning Ordinance Section 27-289(c) a citizen requested a public hearing.

Council District:

8

Appeal by Date:

1/3/2019

Review by Date:

1/30/2019

History:

10/24/2018	M-NCPPC Technical Staff	approval with conditions
11/29/2018	M-NCPPC Planning Board	approval with conditions
01/14/2019	Sitting as the District Council	postponed

Attachment(s):

[DSP-90076-07 Zoning Agenda Item Summary](#)
[DSP-90076-07 Planning Board Resolution 18-114](#)
[DSP-90076-07 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-17601-2018-U****5509 Branchville Road College Park****Applicant(s):**

April Mackoff, Clear Channel Outdoor

Location:

5509 Branchville Road, College Park, MD 20740 (0.576 Acres; C-S-C Zone).

Request:

Requesting Certification of Nonconforming Use for existing outdoor advertising signs 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 1989.

Council District:

1

Review by Date:

1/18/2019

Comment(s):

In the event the District Council elects to review this case, it will be sent to the ZHE for a hearing pursuant to Section 27-244(e) of the Zoning Ordinance.

History:

10/19/2018	M-NCPPC Administrative Certification	approval
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10/22/2018	Sitting as the District Council	deferred
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Council deferred this item.

01/14/2019	Sitting as the District Council	postponed
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Attachment(s):[CNU-17601-2018-U Zoning Agenda Item Summary](#)

In the event the District Council elects to review this case, it will be sent to the ZHE for a hearing pursuant to Section 27-244(e) of the Zoning Ordinance.

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON 1/28/2019 AT 10:00 A.M.*Hearing Dates & Times Subject to Change*[A-10000-C-01
AmendCond](#)**LMJ Real Properties and Investments, Inc. / Linda Jones /
Defiance Drive (Amendment of Condition)****Applicant(s):**

LMJ Real Properties and Investments, Inc. / Linda Jones / Defiance Drive

Location:

Located at the terminus of Defiance Drive, approximately 160 feet east of its intersection with Star Drive (5.068 Acres; R-R Zone).

Request:

Requesting approval for the amendment of the “condition” imposed by the District Council upon its adoption of Zoning Ordinance 11-2010, which rezoned the subject property from the R-E Zone to the R-E and R-R (Rural Residential) Zones. The Council also imposed a limit on the number of homes that could be constructed. Applicant requests that the District Council amend the condition that split zoned the property and limited the number of dwelling units.

Council District:

8

Appeal by Date:

11/26/2018

Action by Date:

4/30/2019

Opposition:

None

History:

11/08/2018

Zoning Hearing Examiner

disapproval

11/26/2018

Applicant

appealed

Michael S. Nagy, Esq., attorney for the applicant, filed exceptions to the Zoning Hearing Examiner's Decision and requested oral argument.

Attachment(s):[A-10000-C-01 AmendCond Zoning Agenda Item Summar](#)[A-10000-C-01 Zoning Hearing Examiner Decision](#)

A-10000-C-01 PORL

ADJOURN

EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

[EX 01142019](#)

Motion to convene in executive session to consult with counsel to seek legal advice and to discuss pending or potential litigation in accordance with section 3-305(b)(7, 8), General Provisions Article, Annotated Code of Maryland.