

Prince George's County Council

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



Zoning Agenda - Final

Monday, November 6, 2017

1:30 PM

Council Hearing Room

Sitting as the District Council

Derrick Leon Davis, District 6, Chairman

Mel Franklin, District 9

Dannielle M. Glaros, District 3, Vice Chairwoman

Andrea C. Harrison, District 5

Mary A. Lehman, District 1

Obie Patterson, District 8

Deni L. Taveras, District 2

Karen R. Toles, District 7

Todd M. Turner, District 4

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.

11:30 A.M. MEET AND GREET - (ROOM 2027)

U.S. Department of Agriculture, Agricultural Research Service

U.S. Department of the Treasury, Bureau of Engraving and Printing

1:30 PM CALL TO ORDER - (COUNCIL HEARING ROOM)

INVOCATION

Jacqueline B. Woody, County Employee

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 10232017](#)

District Council Minutes dated October 23, 2017

Attachment(s):

[10-23-2017 District Council Minutes DRAFT](#)

ORAL ARGUMENTS[ERR-266](#)**Vizion Realty, LLC****Validation of Multifamily Rental License No. M-370 Issued In Error****Applicant(s):**

Vizion Realty, LLC

Location:

Located at 4775 Huron Avenue, Suitland, Maryland (0.319 Acres; M-U-TC / D-D-O Zones).

Request:

Request for validation of Prince George's County Multifamily Rental License No. M-370 issued in error for a 15 unit apartment building located in the M-U-TC (Mixed-Use Town Center) and the D-D-O (Development District Overlay) (Southern Green Line) Zones.

Council District:

7

Appeal by Date:

6/8/2017

Action by Date:

11/6/2017

Opposition:

None

History:

05/09/2017	Zoning Hearing Examiner	approval
06/12/2017	Sitting as the District Council	deferred
	<i>Council deferred this item to a later date.</i>	
09/11/2017	Sitting as the District Council	deferred
	<i>Council deferred this item to September 25, 2017.</i>	
09/25/2017	Sitting as the District Council	elected to make the final decision
	<i>Council elected to schedule Oral Arguments (Vote: 9-0).</i>	
10/03/2017	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to all Persons of Record.</i>	

Attachment(s):[ERR-266 Zoning Hearing Examiner Decision](#)

ERR-266 PORL

ORAL ARGUMENTS (Continued)[ERR-267](#)**Vizion Realty, LLC****Validation of Multifamily Rental License No.M-369 Issued in Error****Applicant(s):**

Vizion Realty, LLC

Location:

Located at 4785 Huron Avenue, Suitland, Maryland (0.5400 Acres; M-U-TC / D-D-O Zones).

Request:

Requesting validation of Prince George's County Multifamily Rental License No. M-369 issued in error for a 15 unit apartment building, located in the M-U-TC (Mixed-Use Town Center) and the D-D-O (Development District Overlay) (Southern Green Line) Zones.

Council District:

7

Appeal by Date:

6/8/2017

Action by Date:

11/6/2017

Opposition:

None

History:

05/09/2017	Zoning Hearing Examiner	approval
06/12/2017	Sitting as the District Council	deferred
	<i>Council deferred this item to a later date.</i>	
09/11/2017	Sitting as the District Council	deferred
	<i>Council deferred this item to September 25, 2017.</i>	
09/25/2017	Sitting as the District Council	elected to make the final decision
	<i>Council elected to schedule Oral Arguments (Vote: 9-0).</i>	
10/03/2017	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to all Persons of Record.</i>	

Attachment(s):[ERR-267 Zoning Hearing Examiner Decision](#)

ERR-267 PORL

NEW CASE(S)**DSP-11017 Amend of
Conditions****Hyattsville Subway Sandwich Shop (Amendment of Conditions)****Applicant(s):**

Jagjot Khandpur

Location:

Located on the western side of Baltimore Avenue (US 1), approximately 790 feet south of its intersection of Farragut Street (0.15 Acres, M-U-I/D-D-O Zones).

Request:

Requesting approval for amendment of condition 1(k), for the District Council decision dated February 12, 2013, be revised to allow a wooden fence enclosure for the dumpster to the rear of the site.

Council District:

2

Appeal by Date:

10/20/2017

Action by Date:

3/5/2018

Municipality:

Hyattsville

Opposition:

None

History:

10/08/2012	M-NCPPC Technical Staff	approval with conditions
10/11/2012	M-NCPPC Planning Board	approval with conditions
02/12/2013	Sitting as the District Council	approval with conditions
06/06/2017	Applicant	filed

Jigjot S. Khandpur, attorney for the applicant, filed a request to amend condition 1(k) of the District Council final decision dated February 12, 2013.

06/07/2017	Clerk of the Council	transmitted
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The Clerk of the Council transmitted the case to the Zoning Hearing Examiner for a Public Hearing.

10/05/2017	Zoning Hearing Examiner	approval with conditions
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Attachment(s):[DSP-11017 District Council Decision](#)[DSP-11017 Planning Board Resolution 12-98](#)[DSP-11017 Technical Staff Report](#)[DSP-11017 Zoning Hearing Examiner Decision](#)

DSP-11017_PORL

NEW CASE(S) (Continued)[ERR-268](#)**835 Fairview Ave****Validation of Multifamily Rental License No. M-0131 Issued In Error****Applicant(s):**

Carline Brice

Location:

Located at 835 Fairview Avenue, Takoma Park, Maryland (0.17 Acres, R-18 Zone).

Request:

Requesting approval of validation of Prince George's County Multi-Family Rental Housing License No. M-0131 issued in error on April 18, 2015, for six (6) apartment units, on approximately 7448 square feet of land, located in the R-18 (Multi-Family Medium Density Residential) Zone.

Council District:

2

Appeal by Date:

10/27/2017

Action by Date:

2/26/2018

Opposition:

None

History:

09/27/2017

Zoning Hearing Examiner

disapproval

Attachment(s):[ERR 268 Zoning Hearing Examiner Decision](#)

ERR 268 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).

REFERRED FOR DOCUMENT**A-10024-C Amend
Conditions****Fairview Commercial (Amendment of Conditions)****Applicant(s):**

DD Land Holding, LLC / Fairview Commercial

Location:

Located at the northwest intersection of Martin Luther King, Jr. Highway (MD 704) and Whitfield Chapel Road (7.65 Acres; C-S-C Zone).

Request:

Requesting approval for the amendment of Condition b, imposed by the District Council upon its adoption of Zoning Ordinance 10-2015.

Council District:

5

Appeal by Date:

7/28/2017

Action by Date:

2/12/2018

Municipality:

None

Opposition:

Whitfield Garden & Civic Association, et. al.

History:

05/12/2015

Sitting as the District Council

approval with conditions

Council Member Harrison verbally expressed one revision to the prepared document. Subsequently, Council adopted the modified prepared Zoning Ordinance No. 10 - 2015 of approval, with conditions, reversing the recommendation of the Zoning Hearing Examiner.

01/18/2017

Applicant

filed

Michael S. Nagy, Esq., attorney for the applicant, filed a request for Amendment of Condition of Zoning Ordinance No. 10 - 2015.

01/19/2017

Clerk of the Council

transmitted

The Clerk of the Council transmitted the case to the Zoning Hearing Examiner for a Public Hearing.

07/13/2017

Zoning Hearing Examiner

approval with conditions

07/28/2017

Applicant

appealed

Michael S. Nagy, Esq., attorney for the applicant, DD Land Holding, LLC, filed Exceptions to the Zoning Hearing Examiner's Decision and requested oral argument.

08/21/2017

Clerk of the Council

mailed

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

09/01/2017	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	
09/11/2017	Sitting as the District Council	announced hearing date
10/23/2017	Sitting as the District Council	hearing held; referred for document

Taslina Alam, M-NCPPC, provided an overview of the application for amendment of condition for referenced Zoning Map Amendment application. Michael Nagy, Esq., spoke in support, on behalf of the applicant. Johnnie Tucker and Kathy Rittenhouse spoke in opposition. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.

The Oral Argument hearing was held and Council referred item to staff for preparation of an approving document, with conditions (Vote: 6-0; Absent: Council Members Franklin, Glaros and Toles).

Attachment(s):

[A-10024-C Amend Cond_Zoning Hearing Examiner Deci:](#)

[A-10024-C Amend Cond_PORL](#)

[A-10024-C \(REMAND\) District Council Final Decision 0](#)

[A-10024-C \(REMAND\) ZHE Decision](#)

A-10024-C POR

[A-10024-C District Council Decision 05132013](#)

[A-10024-C ZHE Decision](#)

[A-10024-C Planning Board Resolution 12-60](#)

[A-10024-C 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.

(a) ZONING HEARING EXAMINER[SE-4765](#)**Mirant MD Ash Management, LLC/Brandywine Fly Ash Storage Site****Applicant(s):**

NRG MD Ash Management, LLC

Location:

Located on the north side of North Keys Road approximately, 2,200 feet north of Gibbons Church Road (178.78 Acres; O-S Zone).

Request:

Requesting approval of a Special Exception for a ten-year extension to continue the existing fly ash rubble-fill disposal operation mounds in the O-S (Open Space) Zone.

Council District:

9

Appeal by Date:

10/30/2017

Review by Date:

11/27/2017

Municipality:

None

Opposition:

Patuxent River Keeper, et. al.

History:

07/07/2016	M-NCPPC Technical Staff	disapproval
07/11/2016	M-NCPPC Planning Board	no motion to consider
09/28/2017	Zoning Hearing Examiner	approval with conditions

Attachment(s):[SE-4765 Zoning Hearing Examiner Decision](#)

SE-4765 PORL

[SE-4765 Technical Staff Report](#)

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)**(b) PLANNING BOARD**[DSP-05044-08](#)**Steeplechase Business Park, Parcels 37 and 64****Applicant(s):**

Atapco Ritchie Interchange, Inc.

Location:

Located on the south side of Alaking Court, approximately 1,200 feet from the intersection of Alaking Court and Hampton Park Boulevard (2.79 Acres; I-1 Zone).

Request:

Requesting approval of a Detailed Site Plan to develop the property with a 74,789-square-foot, 123-room, 5-story hotel building and a restaurant in accordance with County Council Bill CB-97-2004.

Council District:

6

Appeal by Date:

11/27/2017

Review by Date:

11/27/2017

History:

09/07/2017

M-NCPPC Technical Staff

approval with conditions

10/19/2017

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-05044-08 Planning Board Resolution 17-130](#)[DSP-05044-08 Technical Staff Report](#)

DSP-05044-08_PORL

PENDING FINALITY (Continued)[DSP-17004](#)**Turkish American Community Center Day Care****Applicant(s):**

Turkiye Diyanet Vakfi

Location:

Located on the north side of Good Luck Road, approximately 3,200 feet southwest of its intersection with Greenbelt Road (MD 193) (11.74 Acres; R-80 Zones).

Request:

Requesting approval of a Detailed Site Plan for addition of a day care center, with a maximum enrollment of 120 children, to an existing religious institution (mosque) in the One-Family Detached Residential (R-80) Zone.

Council District:

4

Appeal by Date:

11/27/2017

Review by Date:

11/27/2017

History:

09/07/2017

M-NCPPC Technical Staff

approval with conditions

10/19/2017

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-17004 Planning Board Resolution 17-129](#)[DSP-17004 Technical Staff Report](#)[DSP-17004_PORL](#)

PENDING FINALITY[DSP-87050-11](#)**The Oxford (Constellation Centre)****Applicant(s):**

6009 Oxon Hill Road LLC

Location:

Located on the north side of Oxon Hill Road, approximately 1,000 feet west of its intersection with St. Barnabas Road (MD 414) (33.15 Acres; C-S-C Zone).

Request:

Requesting approval of a Detailed Site Plan for conversion of an existing general office building to 187 multifamily residential units.

Council District:

8

Appeal by Date:

11/30/2017

Review by Date:

11/30/2017

History:

09/21/2017

M-NCPPC Technical Staff

approval with conditions

10/26/2017

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-87050-11 Planning Board Resolution 17-134](#)

DSP-87050-11_PORL

[DSP-87050-11 Technical Staff Report](#)

PENDING FINALITY (Continued)**[SDP-1003-13](#)****Parkside (formerly Smith Home Farm), Sections 1A, 1B, 2, and 3****Applicant(s):**

SHF Project Owner, LLC

Location:

Located on the eastern side of Pennsylvania Avenue (MD 4), approximately 11,800 feet east of its intersection with Suitland Parkway (265 Acres; R-M/M-I-O Zones).

Request:

Requesting approval to amend previously approved Specific Design Plan to increase the gross floor area of the clubhouse by adding a mezzanine and with minimal changes to the building footprint, elevations and no changes to the building height and number of stories.

Council District:

6

Appeal by Date:

11/27/2017

Review by Date:

11/27/2017

History:

09/11/2017

M-NCPPC Technical Staff

approval with conditions

10/19/2017

M-NCPPC Planning Board

approval with conditions

Attachment(s):[SDP-1003-13 Planning Board Resolution 17-133](#)[SDP-1003-13 Technical Staff Report](#)

SDP-1003-13_PORL

ADJOURN**7:00 P.M. JOINT PUBLIC HEARING - (COUNCIL HEARING ROOM)***(SEE SEPARATE AGENDA)*