

Prince George's County Council

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



Zoning Minutes - Draft

Monday, September 25, 2017

10:00 AM

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.

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)

10:00 AM CALL TO ORDER - (COUNCIL HEARING ROOM)

The meeting was called to order by Chairman Davis at 10:30 a.m. with seven members present at roll call. Council Member Toles arrived at 10:33 a.m. Council Member Franklin arrived at 10:40 a.m.

Present: 9 - Chairman Derrick Davis
 Vice Chair Dannielle Glaros
 Council Member Mel Franklin
 Council Member Andrea Harrison
 Council Member Mary Lehman
 Council Member Obie Patterson
 Council Member Deni Taveras
 Council Member Karen Toles
 Council Member Todd Turner

INVOCATION

The Invocation was provided by Edwin H. Brown, Jr., County Employee. Council Member Davis requested prayer for civility in the nation, for Karen Campbell and family during her mother's illness.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Patterson.

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 09112017](#)

District Council Minutes dated September 11, 2017

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

Aye: 8 - Davis, Glaros, Harrison, Lehman, Patterson, Taveras, Toles and Turner

Absent: Franklin

Attachment(s): [9-11-2017 District Council Minutes DRAFT](#)

[MINDC 09122017](#)

District Council Minutes Dates September 12, 2017

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

Aye: 8 - Davis, Glaros, Harrison, Lehman, Patterson, Taveras, Toles and Turner

Absent: Franklin

Attachment(s): [9-12-2017 District Council Minutes DRAFT](#)

MANDATORY REVIEW (Using Oral Argument Procedures)**DSP-16051****Carrollton Shopping Center**

- Applicant(s):** Lowe's Home Centers, LLC
- Location:** Located in the northeast quadrant of the intersection of Annapolis Road (MD 450) and Riverdale Road (27.75 Acres; R-55 / C-S-C / T-D-O Zones).
- Request:** Requesting approval of a Detailed Site Plan for a change of the underlying zoning for a portion of Parcel B from the existing One-Family Residential (R-55) Zone to the Commercial Shopping Center (C-S-C) Zone. No new development is proposed as part of this application.
- Council District:** 3
- Appeal by Date:** 8/31/2017
- Action by Date:** 10/30/2017
- Comment(s):** District Council review of this case is required by Section 27-548.09.01(b)(1) of the Zoning Ordinance.
- Municipality:** City of New Carrollton
- History:**

Henry Zhang, M-NCCPC, provided an overview of the Detailed Site Plan application. Andre Gingles, Esq., spoke in support on behalf of the applicant and answered questions posed by the Council. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.

Council referred item to staff for preparation of an approving document (Vote: 8-0; Absent: Council Member Toles).

A motion was made by Vice Chair Glaros, seconded by Council Member Taveras, that this Detailed Site Plan hearing was held and referred for document. The motion carried by the following vote:

Aye: 8 - Davis, Glaros, Franklin, Harrison, Lehman, Patterson, Taveras and Turner

Absent: Toles

Attachment(s): [DSP-16051 Zoning AIS](#)
[DSP-16051 Planning Board Resolution 17-99](#)
 DSP-16051_PORL
[DSP-16051 Technical Staff Report](#)

NEW CASE(S)**[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: 10/6/2017

Opposition: None

History:

Council elected to schedule Oral Arguments (Vote: 9-0).

A motion was made by Council Member Toles, seconded by Council Member Franklin, that Council elect to make the final decision on this this Permit issued. The motion carried by the following vote:

Aye: 9 - Davis, Glaros, Franklin, Harrison, Lehman, Patterson, Taveras, Toles and Turner

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

NEW CASE(S) (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:** 10/6/2017
- Opposition:** None
- History:**

Council elected to schedule Oral Arguments (Vote: 9-0).

A motion was made by Council Member Toles, seconded by Vice Chair Glaros, that Council elect to make the final decision on this this Permit issued. The motion carried by the following vote:

Aye: 9 - Davis, Glaros, Franklin, Harrison, Lehman, Patterson, Taveras, Toles and Turner

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

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-4794](#)**Uptown Suites; Lanham**

- Applicant(s):** Connor & Gaskin Unlimited, LLC.
- Location:** Located on the southeast side of Willowdale Road, approximately 1000 feet east of its intersection with Forbes Boulevard (3.01 Acres; I-2 Zone)
- Request:** Requesting approval of a Special Exception for a Hotel in the I-2 Zone.
- Council District:** 5
- Appeal by Date:** 10/16/2017
- Review by Date:** 10/16/2017
- Opposition:** None
- History:**

Council deferred this item to October 16, 2017.

This Special Exception was deferred

- Attachment(s):** [SE-4794 Zoning Hearing Examiner Decision](#)
[SE-4794 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-13048-01](#)**TopGolf at Potomac Business Park, Lots 6, 7 & 8****Companion Case(s):** DSDS-692**Applicant(s):** TopGolf**Location:** The subject site, which consists of three noncontiguous lots, Lots 6, 7, and 8, is generally located approximately 500 feet east of Indian Head Highway (MD 210), on the south side of Oxon Hill Road (MD 414) and on both sides of Clipper Way (formerly Felker Avenue) (15.36 Acres; I-3 Zone).**Request:** Requesting approval of a Detailed Site Plan for a 64,232-square-foot golf driving range combined with an eating and drinking establishment, specifically a TopGolf Facility, on 15.36 acres in the Planned Industrial/Employment Park (I-3) Zone. The application also includes variances from the building and parking setbacks established in Section 27-474(b) of the Zoning Ordinance.**Council District:** 8**Appeal by Date:** 8/31/2017**Review by Date:** 10/2/2017**History:**

Council took no action on this item.

This Detailed Site Plan was not elected to review.

Attachment(s): [DSP-13048-01 Zoning AIS](#)
[DSP-13048-01 Planning Board Resolution 17-106](#)
DSP-13048-012_PORL
[DSP-13048-01 Technical Staff Report](#)

PENDING FINALITY (Continued)**[DSDS-692](#)****TopGolf at Potomac Business Park, Lots 6, 7 & 8**

Companion Case(s): DSP-13048-01

Applicant(s): TopGolf

Location: The subject site, which consists of three noncontiguous lots, Lots 6, 7, and 8, is generally located approximately 500 feet east of Indian Head Highway (MD 210), on the south side of Oxon Hill Road (MD 414) and on both sides of Clipper Way (formerly Felker Avenue) (15.36 Acres; I-3 Zone).

Request: Requesting approval of a Departure from Sign Design Standards for an increase in the area of building-mounted signage in accordance with Subtitle 27 of the Prince George's County Code.

Council District: 8

Appeal by Date: 8/31/2017

Review by Date: 10/2/2017

History:

Council took no action on this item.

This Departure from Sign Design Standards was not elected to review

Attachment(s): [DSDS-692 Zoning AIS](#)
[DSDS-692 Planning Board Resolution 17-107](#)
DSDS-692_PORL
[DSDS-692 Technical Staff Report](#)

PENDING FINALITY (Continued)[DSP-16037](#)**Brooks Drive South****Companion Case(s):** DPLS-449**Applicant(s):** Oakcrest West, LLC**Location:** Located in the northwestern quadrant of the intersection of Pennsylvania Avenue (MD 4) and Brooks Drive (11.04 Acres; R-10 Zone).**Request:** Requesting approval of a Detailed Site Plan for a 36,185-square-foot food and beverage store and 130,000-square-foot of consolidated storage.**Council District:** 7**Appeal by Date:** 8/31/2017**Review by Date:** 10/2/2017**History:***Council took no action on this item.***This Detailed Site Plan was not elected to review****Attachment(s):** [DSP-16037 Planning Board Resolution 17-110](#)
[DSP-16057 Technical Staff Report](#)
DSP-16057_PORL (1)

PENDING FINALITY (Continued)[DPLS-449](#)**Brooks Drive South****Companion Case(s):** DSP-16037**Applicant(s):** Oakcrest West, LLC**Location:** Located in the northwestern quadrant of the intersection of Pennsylvania Avenue (MD 4) and Brooks Drive (11.04 Acres; R-10 Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards to allow a reduction of 32 parking spaces.**Council District:** 7**Appeal by Date:** 8/31/2017**Review by Date:** 10/2/2017**History:***Council took no action on this item.***This Departure from Parking and Loading Standards was not elected to review.****Attachment(s):** [DPLS-449 Planning Board Resolution 17-111](#)
[DPLS-449 Technical Staff Report](#)
[DPLS-449 Zoning AIS](#)
DPLS-449_PORL

PENDING FINALITY (Continued)[DSP-16057](#)**Powder Mill Road Consolidated Storage****Applicant(s):** Arcland**Location:** Located on the north side of Powder Mill Road (MD 212), approximately 1,300 feet east of its intersection with Baltimore Avenue (US 1) (4.86 Acres, I-2 Zone).**Request:** Requesting approval of a Detail Site Plan to develop the subject property with a 136,000-square-foot, three-story consolidated storage facility, and proposes to raze two existing buildings located closest to Cook Road, with the facility located within the footprint of the razed office buildings, and proposes to retain the other two existing office buildings on-site.**Council District:** 1**Appeal by Date:** 10/19/2017**Review by Date:** 10/19/2017**History:***Council took no action on this item.***This Detailed Site Plan was not elected to review.****Attachment(s):** [DSP 16057 Planning Board Resolution 17-117](#)
[DSP-16057 Technical Staff Report](#)

PENDING FINALITY (Continued)**[SDP-1302-02](#)****Parkside (formerly Smith Home Farm)**

Applicant(s): SHF Project Owner, LLC

Location: Located on the east and west side of Melwood Road, approximately 6,400 feet south of its intersection with Westphalia Road (147.79 Acres; R-M/M-I-O Zones).

Request: Requesting approval for an infrastructure Specific Design Plan for 159 single-family attached (townhouses) lots in Section 5 and rough grading in Section 6.

Council District: 6

Appeal by Date: 10/19/2017

Review by Date: 10/19/2017

History:

Council deferred this item to October 16, 2017.

This Specific Design Plan was deferred.

Attachment(s): [SDP-1302-02 Technical Staff Report](#)
[SDP-1302-02 Planning Board Resolution 17-120](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON OCTOBER 16, 2017 AT 1:30 P.M.

Hearing Dates & Times Subject to Change

[CNU-23930-2015](#)

Red Top Road Apartments, 6816 Red Top Road

Applicant(s): Schuyler, LLLP

Location: Located on the northwest quadrant of the intersection of Red Top Road and Fairview Avenue (0.20 Acres; R-18 Zone)

Request: Requesting approval for certification of an existing six-unit apartment building that was permitted and built in 1949 prior to the zoning change. Because some development regulations in the R-18 Zone were changed or adopted after the apartment use was lawfully established, the complex became nonconforming.

Council District: 2

Appeal by Date: 8/17/2017

Action by Date: 1/15/2018

Comment(s): In accordance with the Planning Board Resolution and Sec 27-244(f)(5) of the Zoning Ordinance, this case may be appealed to the District Council.

This Certification of a Nonconforming Use hearing date was announced.

Attachment(s): [CNU-23930-2015 Zoning AIS](#)
[CNU-23930-2015 Planning Board Resolution 17-104](#)
CNU-23930-2015_PORL
[CNU-23930-2015 Technical Staff Report](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON OCTOBER 16, 2017 AT 1:30 P.M.

Hearing Dates & Times Subject to Change

[CNU-23929-2015](#)

Red Top Road Apartments, 6814 Red Top Road

Applicant(s): Schuyler, LLLP

Location: Located on the northwest quadrant of the intersection of Red Top Road and Fairview Avenue (0.17 Acres; R-18 Zone).

Request: Requesting approval for certification of an existing six-unit apartment building that was permitted and built in 1949 prior to the zoning change. Because some development regulations in the R-18 Zone were changed or adopted after the apartment use was lawfully established, the complex became nonconforming.

Council District: 2

Appeal by Date: 8/17/2017

Action by Date: 1/15/2018

Comment(s): In accordance with the Planning Board Resolution and Sec 27-244(f)(5) of the Zoning Ordinance, this case may be appealed to the District Council.

This Certification of a Nonconforming Use hearing date was announced.

Attachment(s): [CNU-23929-2015 Zoning AIS](#)
[CNU-23929-2015 Planning Board Resolution 17-103](#)
CNU-23929-2015_PORL
[CNU-23929-2015 Technical Staff Report](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON OCTOBER 16, 2017 AT 1:30 P.M.

Hearing Dates & Times Subject to Change

[CNU-23928-2015](#)

Red Top Road Apartments, 6812 Red Top Road

Applicant(s): Schuyler, LLLP

Location: Located in the northwest quadrant of the intersection of Red Top Road and Fairview Avenue (0.17 Acres; R-18 Zone).

Request: Requesting approval for certification of an existing six-unit apartment building that was permitted and built in 1948 prior to the zoning change. Because some development regulations in the R-18 Zone were changed or adopted after the apartment use was lawfully established, the complex became nonconforming.

Council District: 2

Appeal by Date: 8/17/2017

Action by Date: 1/15/2018

Comment(s): In accordance with the Planning Board Resolution and Sec 27-244(f)(5) of the Zoning Ordinance, this case may be appealed to the District Council.

This Certification of a Nonconforming Use hearing date was announced.

Attachment(s): [CNU-23928-2015 Zoning AIS](#)
[CNU-23928-2015 Planning Board Resolution 17-102](#)
CNU-23928-2015_PORL
[CNU-23928-2015 Technical Staff Report](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON OCTOBER 16, 2017 AT 1:30 P.M.

Hearing Dates & Times Subject to Change

[CNU-23927-2015](#)

Red Top Road Apartments, 6810 Red Top Road

Applicant(s): Schuyler, LLLP

Location: Located in the northwest quadrant of the intersection of Red Top Road and Fairview Avenue (0.17 Acres; R-18 Zone).

Request: Requesting approval for certification of an existing six-unit apartment building that was permitted and built in 1948. Because some development regulations in the R-18 Zone were changed or adopted after the apartment use was lawfully established, the complex became nonconforming.

Council District: 2

Appeal by Date: 8/17/2017

Action by Date: 1/15/2018

Comment(s): In accordance with the Planning Board Resolution and Sec 27-244(f)(5) of the Zoning Ordinance, this case may be appealed to the District Council.

This Certification of a Nonconforming Use hearing date was announced.

Attachment(s): [CNU-23927-2015 Planning Board Resolution 17-101](#)
CNU-23927-2015_PORL
[CNU-23927-2015 Technical Staff Report](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON OCTOBER 16, 2017 AT 1:30 P.M.

Hearing Dates & Times Subject to Change

[CNU-23926-2015](#)

Red Top Road Apartments, 6808 Red Top Road

Applicant(s): Schuyler, LLLP

Location: Located in the northwest quadrant of the intersection of Red Top Road and Fairview Avenue (0.17 Acres; R-18 Zone).

Request: Requesting approval for certification of an existing six-unit apartment building that was permitted and built in 1949 prior to the zoning change. Because some development regulations in the R-18 Zone were changed or adopted after the apartment use was lawfully established, the complex became nonconforming

Council District: 2

Appeal by Date: 8/17/2017

Action by Date: 1/15/2018

Comment(s): In accordance with the Planning Board Resolution and Sec 27-244(f)(5) of the Zoning Ordinance, this case may be appealed to the District Council.

This Certification of a Nonconforming Use hearing date was announced.

Attachment(s): [CNU-23926-2015 Planning Board Resolution 17-100](#)
CNU-23926-2015_PORL
[CNU-23926-2015 Technical Staff Report](#)

ADJOURN

The meeting was adjourned at 10:58 a.m.