

Prince George's County Council

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



Zoning Agenda - Final

Monday, November 13, 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. 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)

10:00 A.M. - PRESENTATION OF PROCLAMATIONS/COMMENDATIONS - (COUNCIL HEARING ROOM)

PROCLAMATION presented to Joslyn (Jos) N. Williams, recognizing his long-standing, professional, and exemplary service to the “Metropolitan Washington, AFL-CIO” in Prince George’s County. (Council Chairman Derrick Leon Davis and Council Vice Chair Dannielle M. Glaros)

CALL TO ORDER - (COUNCIL HEARING ROOM)

INVOCATION

Ms. Shirley Tomko, County Employee

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 1162017](#)

District Council Minutes dated November 6, 2017

Attachment(s):

[11-6-2017 District Council Minutes DRAFT](#)

ORAL ARGUMENTS[SE/VSE-4750](#)**Sheriff Road Seventh Day Adventist Church**

Companion Case(s): DPLS-425

Applicant(s): Sheriff Road Seventh-Day Adventist Company

Location: Located at the intersection of Eastern Avenue and 59th Avenue, and identified as 602 59th Avenue, Fairmount Heights, Maryland (0.2860 Acres; R-55 Zone).

Request: Requesting approval for a Special Exception for permission to use approximately 0.2860-acre of R-55 (One-Family Detached Residential) zoned land for a 40-seat church. Also requesting Variance 4750 to reduce the minimum setback requirements for the church set forth in Sections 27.341.02 (a) (1) and 442 (e) of the Zoning Ordinance.

Council District: 5

Appeal by Date: 10/10/2017

Review by Date: 10/10/2017

Action by Date: 3/8/2018

Comment(s): The companion case, DPLS-425 was elected to review by Council on 3/13/2017.

Municipality: Town of Fairmount Heights

Opposition: Town of Fairmount Heights, et. al.

History:

01/17/2017	M-NCPPC Technical Staff	approval with conditions
02/23/2017	M-NCPPC Planning Board	approval with conditions
09/08/2017	Zoning Hearing Examiner	approval with conditions
09/11/2017	Sitting as the District Council	elected to make the final decision

Council elected to make the final decision on this item (Vote: 9-0).

10/06/2017	Clerk of the Council	mailed
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Notice of Oral Argument Hearing was mailed to all Persons of Record.

Attachment(s):

[SEVSE-4750 Zoning AIS](#)

[SEVSE-4750 Zoning Hearing Examiner Decision](#)

SEVSE-4750 PORL

[SE-4750 Planning Board Resolution 17-23](#)

[SE-4750 Technical Staff Report](#)

ORAL ARGUMENTS (Continued)[DPLS-425](#)**Sheriff Road Seventh Day Adventist****Companion Case(s):** SE/VSE-4750**Applicant(s):** The Seventh Day Adventist Church of Sheriff Road**Location:** Located at the intersection of Eastern Avenue and 59th Avenue, also identified as 602 59th Avenue, Fairmount Heights, Maryland, 20743. The corner property has frontage on both 59th Avenue and Eastern Avenue (0.286 Acres; R-55 Zone).**Request:** Requesting approval for a Departure from Parking and Loading Standards for ten of the required ten off-street parking spaces.**Council District:** 5**Appeal by Date:** 3/30/2017**Review by Date:** 3/30/2017**Action by Date:** 2/15/2018**Municipality:** Town of Fairmount Heights**History:**

01/17/2017 M-NCPPC Technical Staff approval with conditions

02/23/2017 M-NCPPC Planning Board approval with conditions

03/13/2017 Sitting as the District Council elected to review

Council elected to review this item (Vote: 8-0; Absent: Council Member Franklin).

10/06/2017 Clerk of the Council mailed

*Notice of Oral Argument Hearing was mailed to all Persons of Record.***Attachment(s):**[DPLS-425_Zoning AIS](#)[DPLS-425 Planning Board Resolution 17-24](#)[DPLS-425_PORL](#)[DPLS-425 Technical Staff Report](#)

ORAL ARGUMENTS (Continued)**SE/VSE-4783****Chuck's Used Auto Parts****Applicant(s):**

CC Clifton Road, LLC./Chuck's Used Auto Parts, Inc.

Location:

Located on the west side of Clifton Road, approximately 688 feet south of St. Barnabas Road (MD 414), also identified as 4743 Clifton Road, Temple Hills, Maryland (0.99 Acres; I-1 Zone).

Request:

Requesting approval of a Special Exception for permission to use approximately 0.99 acre of land in the I-1 (Light Industrial) Zone to operate a Vehicle Salvage Yard. Also requesting approval of Variance 4783, a two (2) foot variance to Section 27-474(a)(1) of the Zoning Ordinance, which requires a thirty (30) foot side yard setback from adjoining land in any nonresidential zone, for the existing one-story brick building, and a waiver of this setback requirement for the proposed eight (8)-foot-tall sight-tight fence to be located on the property line.

Council District:

7

Appeal by Date:

9/28/2017

Review by Date:

10/2/2017

Action by Date:

2/28/2018

Opposition:

None

History:

01/03/2017	M-NCPPC Technical Staff	approval with conditions
02/16/2017	M-NCPPC Planning Board	no motion to consider
08/29/2017	Zoning Hearing Examiner	approval with conditions
09/11/2017	Sitting as the District Council	elected to make the final decision

Council elected to make the final decision on this item (Vote: 9-0).

10/06/2017	Clerk of the Council	mailed
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Notice of Oral Argument Hearing was mailed to all Persons of Record.

Attachment(s):

SE-4783 PORL

[SE-4783 Technical Staff Report](#)[SE-4783 Zoning AIS](#)[SE-VSE-4783 Zoning Hearing Examiner Decision](#)

NEW CASE(S)

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).

[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

Jagjot 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
11/06/2017	Sitting as the District Council	deferred

Council deferred this item to November 13, 2017.

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

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/VSE-4792](#)

Ernest Maier Concrete Batching Plant

Applicant(s): Ernest Maier, Inc.
Location: Located west side of Kenilworth Avenue (MD 201), approximately 254 feet west of its intersection with Upshur Street (3.95 Acres; I-2 Zone).
Request: Requesting approval of a Special Exception to operate a Concrete Batching Plant. Variance from Section 27-343.02(a)(1) to allow a concrete batching plant and its components to be within 300-foot setback from property located in a residential or commercial zone. And a second variance from Section 27-474(b) to reduce the 25-foot setback from Kenilworth Avenue by five feet.
Council District: 5
Appeal by Date: 12/11/2017
Review by Date: 1/9/2018
Municipality: Blandensburg
Opposition: Port Towns Environmental Action et al.

History:

06/14/2017	M-NCPPC Technical Staff	approval with conditions
09/14/2017	M-NCPPC Planning Board	no motion to consider
11/09/2017	Zoning Hearing Examiner	approval with conditions

Attachment(s): [SE-4792 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'S REPRESENTATIVE**

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.

[CNU-40940-2017-U](#)

“5300 Tuxedo Road”**Applicant(s):**

April Mackoff, Clear Channel Outdoor

Location:

Located approximately 1,065 feet east of the intersection of Tuxedo Road and Kenilworth Avenue (5.52 Acres; D-D-O Zone).

Request:

Requesting Certification of Nonconforming Use 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 1985.

Council District:

5

Review by Date:

1/2/2018

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:

10/31/2017

M-NCPPC Administrative Certification approval

PENDING FINALITY (Continued)[CNU-40950-2017-U](#)**“4300 Kenilworth Ave.”****Applicant(s):**

April Mackoff, Clear Channel Outdoor

Location:

Located approximately 255 feet north of the intersection of Kenilworth Avenue and Windom Road (1.228 Acres; I-1 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 1986.

Council District:

5

Review by Date:

1/2/2018

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:

10/31/2017

M-NCPPC Administrative Certification approval

ADJOURN