



Prince George's County Council

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

Zoning Minutes - Final 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

Monday, November 13, 2017

10:00 AM

Council Hearing Room

9:30 AM AGENDA BRIEFING - (ROOM 2027)

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

Presentation of Proclamations commenced at 10:08 a.m.

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)

Council Chairman Derrick Leon Davis and Council Vice Chair Dannielle M. Glaros presented a proclamation to Joslyn (Jos) N. Williams, recognizing his long-standing, professional, and exemplary service to the "Metropolitan Washington, AFL-CIO" in Prince George's County. Mr. Williams was present to accept. Council Members Franklin, Harrison, Lehman, Patterson, Taveras, Toles and Turner were also part of the presentation.

CALL TO ORDER - (COUNCIL HEARING ROOM)

Pursuant to the provisions of Section 27-132(a) of the Zoning Ordinance, the District Council meeting was convened by Chairman Davis at 10:34 a.m. with nine members present at roll call.

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

*Also Present: Robert Williams, Council Administrator
William M. Hunt, Deputy Council Administrator
Rajesh Kumar, Principal Counsel to the District Council
Stan Brown, People's Zoning Counsel
Redis C. Floyd, Clerk of the Council
Donna J. Brown, Deputy Clerk of the Council*

*M-NCPPC
Taslima Alam, Development Review Division
Ivy Thompson, Development Review Division*

INVOCATION

The Invocation was provided by Ms. Shirley Tomko, County Employee. Council Member Glaros requested prayer for all staff and employees. Chairman Davis reiterated his request for a prayer of civility in the nation.

POINT OF PERSONAL PRIVILEGE

Chairman Davis announced the retirement of Ms. Shirley Tomko, who worked in the Office of Budget and Management. He also thanked her for serving Prince George's County Government for 32 years.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Harrison.

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 1162017](#)

District Council Minutes dated November 6, 2017

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

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

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:**

Chairman Davis announced that the oral argument hearings for SE/VSE-4750 and DPLS-425 Sheriff Road Seventh Day Adventist Church would be held in tandem. Ivy Thompson, M-NCPPC, provided an overview of the Special Exception and Departure applications. Traci Scudder, Esq., spoke in support on behalf of the applicant. Todd Pounds, Esq. spoke in opposition on behalf of the Town of Fairmount Heights. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented. The Oral Argument hearing was held and Council took this case under advisement.

This Special Exception/Variance hearing was held and the case was taken under advisement.

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:

Chairman Davis announced that the oral argument hearings for SE/VSE-4750 and DPLS-425 Sheriff Road Seventh Day Adventist Church would be held in tandem. Ivy Thompson, M-NCPPC, provided an overview of the Special Exception and Departure applications. Traci Scudder, Esq., spoke in support on behalf of the applicant. Todd Pounds, Esq. spoke in opposition on behalf of the Town of Fairmount Heights. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented. The Oral Argument hearing was held and Council took this case under advisement.

This Departure from Parking and Loading Standards hearing was held and case was taken under advisement.

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:

Taslina Alam, M-NCPPC, provided an overview of the Special Exception application. Nate Forman, Esq., spoke in support on behalf of the applicant. Chuck Pounds, applicant, assisted in responding to questions posed by the Council. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented. The Oral Argument hearing was held and Council took this case under advisement.

This Special Exception/Variance hearing was held and the case was taken under advisement.

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:

Council elected to schedule Oral Arguments (Vote: 8-0; Absent: Council Member Glaros).

A motion was made by Council Member Taveras, seconded by Council Member Patterson, that this Amendment of Conditions be elected to review. The motion carried by the following vote:

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

Absent: Glaros

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 100-foot setback from adjacent property located in the Industrial 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:** Bladensburg**Opposition:** Port Towns Environmental Action et al.**History:**

Council deferred this item to January 8, 2018.

This Special Exception/Variance was deferred.

Attachment(s): [SE-4792 Technical Staff Report](#)
[SE-VSE 4792 Zoning Hearing Examiner](#)
SEVSE 4792E_ PORL
SE-4792 Appeal Letter

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:

Council took no Action.

This Certification of a Nonconforming Use was not elected to review by Council.

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:

Council took no Action.

This Certification of a Nonconforming Use was not elected to review by Council.

ADJOURN

The meeting was adjourned at 11:48 a.m.