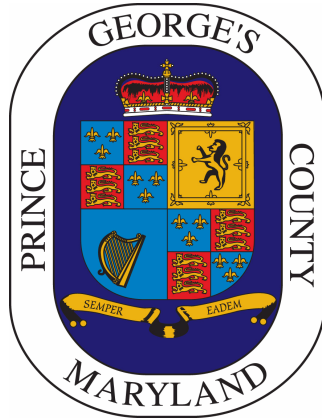


Prince George's County Council

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



Zoning Agenda - Final

Monday, October 23, 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.

1:00 PM AGENDA BRIEFING - (ROOM 2027)

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

INVOCATION

Mr. Thomas S. Mayah, County Employee

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 10162017](#)

District Council Minutes dated October 16, 2017

Attachment(s):

[10-16-2017 District Council Minutes DRAFT](#)

ORAL ARGUMENTS**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, file 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
Notice of Oral Argument Hearing was mailed to Persons of Record.

09/11/2017 Sitting as the District Council announced hearing date

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](#)

ORAL ARGUMENTS (Continued)[SE-4774](#)**Palmer Road Class 3 Fill Facility****Applicant(s):**

Palmer Road Landfill, Inc./ Palmer Road Landfill Company and Palmer Road, LLC.

Location:

Located on the northern side of Palmer Road, abutting the western side of Tucker Road, and identified as 1500 and 1611 Ferguson Lane, Fort Washington, Maryland (173.584 Acres; R-E Zone).

Request:

Requesting approval of a Special Exception to continue using approximately 173.584 acres of land in the R-E (Residential-Estate) Zone as a Class III Fill. Also requesting a variance from the requirement that the use not be located within a three (3) mile radius of properties containing an active or pre-existing approved or nonconforming Class III Fill, sanitary landfill, transfer station, rubble fill, recycling facility, mining facility, processing facility, sand and gravel operation, or wash plant.

Council District:

8

Appeal by Date:

8/21/2017

Review by Date:

9/20/2017

Action by Date:

2/19/2018

Opposition:

Stephen Briggs, et. al.

History:

03/15/2017	M-NCPPC Technical Staff	approval with conditions
03/30/2017	M-NCPPC Planning Board	no motion to consider
07/21/2017	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).

09/21/2017	Clerk of the Council	mailed
------------	----------------------	--------

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

Attachment(s):

[SE-4774 Zoning AIS](#)

[SE-4774 Zoning Hearing Examiner Decision](#)

SE-4774 PORL

[SE-4774 Technical Staff Report](#)

REFERRED FOR DOCUMENT[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:

06/26/2017

M-NCPPC Technical Staff

approval

07/27/2017

M-NCPPC Planning Board

approval with conditions

08/21/2017

Clerk of the Council

mailed

Notice of Mandatory Review Hearing (using Oral Argument procedures) was mailed to Persons of Record.

09/11/2017

Sitting as the District Council

announced hearing date

09/25/2017

Sitting as the District Council

hearing held; referred for document

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).

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

(b) PLANNING BOARD

DPLS-448

Steeplechase 95, Building D

Applicant(s): Atapco Ritchie Interchange, Inc.

Location: Located on west side of Hampton Park Boulevard, approximately 2,200 feet north of its intersection with Ritchie Marlboro Road (6.44 Zone; I-1 Zone).

Request: Requesting approval of departure from parking and loading of 216 parking spaces from the required 355 parking spaces required for a 30,250-square-foot launch trampoline park facility.

Council District: 6

Appeal by Date: 11/3/2017

Review by Date: 11/3/2017

History:

09/08/2017	M-NCPPC Technical Staff	approval
09/28/2017	M-NCPPC Planning Board	approval

Attachment(s): [DPLS-448 Planning Board Resolution 17-128](#)
 DPLS-448 PORL
[DPLS-448 Technical Staff Report](#)

ADJOURN

7:00 PM TOWN HALL MEETING - EDUCATION - (COUNCIL HEARING ROOM)

(SEE SEPARATE AGENDA)