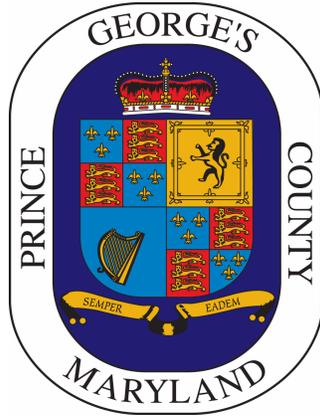


Prince George's County Council

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



Zoning Agenda - Final

Monday, March 27, 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.

THE USE OF CELLULAR PHONES IN THE HEARING ROOM IS PROHIBITED

9:30 AM AGENDA BRIEFING - (ROOM 2027)

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

INVOCATION

Edwin H. Brown, Jr., County Employee

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 03132017](#)

District Council Minutes dated March 13, 2017

Attachment(s):

[3-13-2017 District Council Minutes DRAFT](#)

[MINDC 03212017](#)

District Council Minutes dated March 21, 2017

Attachment(s):

[3-21-2017 District Council Minutes DRAFT](#)

ORAL ARGUMENTS**CSP-15003****Recovery Centers of America, Melwood Road Facility****Applicant(s):**

4620 Melwood Road OPCO LLC

Location:

Located on the eastern side of Melwood Road, approximately 2,600 feet north of its intersection with Pennsylvania Avenue (MD 4) (68.6 Acres; M-X-T Zones).

Request:

Requesting approval of a Conceptual Site Plan for a 85,733-square-foot, 120-bed, group residential facility and medical facility for 64 patients a day for recovering alcoholics and drug addicts.

Council District:

6

Appeal by Date:

2/9/2017

Review by Date:

2/9/2017

Action by Date:

4/10/2017

History:

11/17/2016

M-NCPPC Technical Staff

approval with conditions

01/05/2017

M-NCPPC Planning Board

approval with conditions

01/23/2017

Sitting as the District Council

did not elect to review

Council took no action on this item.

02/08/2017

Person of Record

appealed

Ms. Mary Joan Robertson, President, Melwood Road Civic Association (MRCA), filed an appeal in opposition to the proposal and requested Oral Argument.

03/22/2017

Applicant

filed

Dennis Whitley II, Esquire, attorney for the applicant, filed a request to dismiss the 2/8/2017 appeal filed by Ms. Mary Joan Robertson on behalf of the Melwood Road Civic Association (MRCA).

Attachment(s):[CSP-15003_Zoning AIS](#)[CSP-15003 Planning Board Resolution 16-142](#)[CSP-15003_PORL](#)[CSP-15003 Technical Staff Report](#)

MANDATORY REVIEW (Using Oral Argument Procedures)**CSP-16004****The Ascent****Applicant(s):**

Davey Street, LLC.

Location:

Located on the south side of Southern Avenue, north of Atkins Avenue, west of Davey Street, extending westward past Cavalier Street, approximately 640 feet (5.05 Acres; R-T / C-S-C / T-D-O Zones).

Request:

Requesting approval of a Conceptual Site Plan to rezone the property from the Commercial Shopping Center (C-S-C) and Townhouse (R-T) Zones to the M-X-T Zone.

Council District:

7

Appeal by Date:

3/2/2017

Action by Date:

4/11/2017

Comment(s):

District Council review of this case is required by Section 27-548.09.01(b) of the Zoning Ordinance.

Municipality:

Town of Capitol Heights

History:

12/21/2016

M-NCPPC Technical Staff

approval with conditions

01/26/2017

M-NCPPC Planning Board

approval with conditions

02/13/2017

Sitting as the District Council

announced hearing date

Attachment(s):[CSP-16004 Zoning AIS](#)

ITEM(S) FOR DISCUSSION**CNU-48061-2015****McGhee Property****Applicant(s):**

Tommy and Fred McGhee

Location:

Located approximately 100 feet west of its intersection with Ventura Avenue and Old Central Avenue (MD214). The rectangular shaped property, which consists of part of Lot 2, is comprised of 0.50 acre of land in the R-T (Townhouse) and T-D-O (Transit-District-Overlay) Zone (0.5 Acres; R-T / T-D-O Zones).

Request:

Requesting approval of a certification of nonconforming use for an automotive repair facility with four service bays and an automobile parking compound in accordance with Subtitle 27 of the Prince George's County Code.

Council District:

7

Appeal by Date:

2/9/2017

Review by Date:

2/9/2017

Action by Date:

5/12/2017

History:

10/14/2016

M-NCPPC Technical Staff

disapproval

01/05/2017

M-NCPPC Planning Board

approval

01/23/2017

Sitting as the District Council

elected to review

Council elected to review this item (Vote: 6-0; Absent: Council Members Franklin, Patterson, and Turner).

03/13/2017

Sitting as the District Council

hearing held; case taken under advisement

Taslima Alam, M-NCPPC, provided an overview of the application for certification of a non-conforming use. Michael Nagy, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

Council took this case under advisement.

Attachment(s):[CNU-48061-2015_Zoning AIS](#)[CNU-48061-2015 Planning Board Resolution 16-141](#)[CNU-48061-2015_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.

PLANNING BOARD**[CDP-9503-H1](#)****Bealle Hill Forest, Block B, Lot 19**

Companion Case(s): SDP-0619-H1

Applicant(s): Angernette Coy-Coates

Location: Located on the southeast corner of the intersection of Bealle Hill Forest Lane and Bellevue Ridge Road, within the Bealle Hill Forest Subdivision (0.50 Acres; R-L Zone).

Request: Requesting approval for a minor amendment to a Comprehensive Design Plan (CDP) to construct a 16-foot octagonal gazebo in the rear yard of an existing single-family detached dwelling within the rear-yard setback.

Council District: 9

Appeal by Date: 3/9/2017

Review by Date: 4/13/2017

History:

12/28/2016 M-NCPPC Technical Staff approval

02/02/2017 M-NCPPC Planning Board approval

Attachment(s): [CDP-9503-H1 Planning Board Resolution 17-09](#)
[CDP-9503-H1 Technical Staff Report](#)

PENDING FINALITY (Continued)**[SDP-0619-H1](#)****Bealle Hill Forest, Block B, Lot 19****Companion Case(s):** CDP-9503-H1**Applicant(s):** Angermette Coy-Coates**Location:** Located on the southeast corner of the intersection of Bealle Hill Forest Lane and Bellevue Ridge Road, within the Bealle Hill Forest Subdivision (0.50 Acres; R-L Zone).**Request:** Requesting approval for a minor amendment to a Specific Design Plan (SDP) to construct a 16-foot octagonal gazebo in the rear yard of an existing single-family detached dwelling within the rear-yard setback.**Council District:** 9**Appeal by Date:** 3/9/2017**Review by Date:** 4/13/2017**History:**

12/28/2016 M-NCPPC Technical Staff approval with conditions

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

Attachment(s): [SDP-0619-H1 Zoning AIS](#)
[SDP-0619-H1 Planning Board Resolution 17-10](#)
SDP-0619-H1_PORL
[SDP-0619-H1 Technical Staff Report](#)

PENDING FINALITY (Continued)**DDS-634****George Kalonturas Property****Companion Case(s):** DPLS-433**Applicant(s):** George Kalonturas**Location:** Located on the north side of Spring Lane, approximately 120 feet east of Kenilworth Avenue (MD 201), also identified as 5410 Spring Lane, Riverdale Park, Maryland (0.13 Acres; R-55 Zone).**Request:** Requests a Departure from Design Standards from Section 4.2, Requirements for Landscape Strips Along Streets, and Section 4.7, Buffering Incompatible Uses, of the 2010 Prince George's County Landscape Manual requirements.**Council District:** 3**Appeal by Date:** 3/30/2017**Review by Date:** 3/30/2017**Municipality:** Town of Riverdale Park**History:**

01/12/2017 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 deferred

*Council deferred this item to March 27, 2017.***Attachment(s):** [DDS-634 Zoning AIS](#)
[DDS-634 Planning Board Resolution 17-18](#)
DDS-634_PORL
[DDS-634 Technical Staff Report](#)

PENDING FINALITY (Continued)**[DPLS-433](#)****George Kalonturas Property****Companion Case(s):** DDS-634**Applicant(s):** George Kalonturas**Location:** Located on the north side of Spring Lane, approximately 120 feet east of Kenilworth Avenue (MD 201), also identified as 5410 Spring Lane, Riverdale Park, Maryland (0.13 Acres; R-55 Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards for a departure of the two required parking spaces because access to the parking is located within a right-of-way.**Council District:** 3**Appeal by Date:** 3/30/2017**Review by Date:** 3/30/2017**Municipality:** Town of Riverdale Park**History:**

01/12/2017	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	deferred

Council deferred this item to March 27, 2017.

Attachment(s): [DPLS-433 Zoning AIS](#)
[DPLS-433 Planning Board Resolution 17-19](#)
DPLS-433_PORL
[DPLS-433 Technical Staff Report](#)

RECESS**RECONVENE****1:30 PM MANDATORY REVIEW (Using Oral Argument Procedures) (Continued)**[DSP-16043](#)**New Carrollton Town Center, Phase 1A
Expedited Transit-Oriented Development Project****Companion Case(s):** DDS-636**Applicant(s):** New Carrollton Developer, LLC**Location:** Located on the north side of Garden City Drive, in the northwest quadrant of its intersection with John Hanson Highway (US 50). The subject property is also located in the Metro Core Neighborhood of the 2010 Approved New Carrollton Transit District Development Plan and Transit District Overlay Zoning Map Amendment (New Carrollton TDDP / TDOZMA). The property is abutting the east side of the New Carrollton Metro Station and includes property owned by the Washington Metropolitan Area Transit Authority (WMATA) (15.5 Acres; M-X-T / T-D-O Zones).**Request:** Requesting approval of a Detailed Site Plan for development on Parcels 1 and 2 to construct an eight-story commercial office building and a seven-story parking garage as Phase 1A of a multiphase mixed-use development.**Council District:** 3**Appeal by Date:** 3/30/2017**Review by Date:** 3/30/2017**Action by Date:** 4/3/2017**Comment(s):** District Council review of this case is required by Section 27-548.09.01 of the Zoning Ordinance for an amendment to the building height as dictated by the 2010 Approved New Carrollton Transit District Development Plan and Transit District Overlay Zoning Map Amendment.**History:**

02/08/2017	M-NCPPC Technical Staff	approval with conditions
02/23/2017	M-NCPPC Planning Board	approval with conditions

03/03/2017 Person of Record waived right to appeal
Mr. William Shipp, Esq. transmitted letters from all Persons of Record waiving their right to appeal the Planning Board Decision and the required days for hearing notice.

03/13/2017 Sitting as the District Council announced hearing date

Attachment(s):

[DSP-16043 Zoning AIS](#)

[DSP-16043 Planning Board Resolution 17-34](#)

DSP-16043_PORL

[DSP-16043 Technical Staff Report condensed](#)

ADJOURN

EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

[EX 03272017](#)

Motion to convene in executive session in accordance with Section 3-305(b), (1) (i) (ii), (7) and (8), General Provisions Article, Annotated Code of Maryland, as follows:

1. to discuss personnel issues,
2. to consult with legal counsel to seek legal advice; and
3. to discuss pending or potential litigation.