

Prince George's County Council

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



Zoning Agenda - Final

Monday, May 8, 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.

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.

10:00 AM HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE – (ROOM 2027)

(SEE SEPARATE AGENDA)

1:00 PM AGENDA BRIEFING - (ROOM 2027)

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

INVOCATION

Edwin H. Brown, Jr., County Employee

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 04242017](#)

District Council Minutes dated April 24, 2017

Attachment(s):

[4-24-2017 District Council Minutes DRAFT](#)

[MINDC 04252017](#)

District Council Minutes dated April 25, 2017

Attachment(s):

[4-25-2017 District Council ADDITIONS Minutes DRAFT](#)

ORAL ARGUMENTS**CNU-24691-2016****Hampshire View, Lot 4, Block 2****Applicant(s):**

Aster DeMissie Revocable Trust

Location:

Located on the east side of Red Top Road in Takoma Park, approximately 510 feet south of the intersection of Red Top Road and East-West Highway (MD 410) (0.1240 Acres; R-18 Zone).

Request:

Requesting approval for certification of an existing, three-unit multifamily apartment building that was built in 1951. Because development regulations were changed or adopted after the apartment use was lawfully established, the complex became nonconforming.

Council District:

2

Appeal by Date:

3/23/2017

Review by Date:

3/23/2017

Action by Date:

7/7/2017

History:

12/27/2016	M-NCPPC Technical Staff	approval
02/16/2017	M-NCPPC Planning Board	approval
02/27/2017	Sitting as the District Council	elected to review

Council elected to review this item (Vote: 5-0; Absent: Council Members Glaros, Harrison, Lehman and Toles).

Attachment(s):[CNU-24691-2016 Zoning AIS](#)[CNU-24691 Planning Board Resolution 17-16](#)

CNU-24691-2016_PORL

[CNU-24691-2016 Technical Staff Report](#)

ORAL ARGUMENTS (Continued)**DDS-635****Dollar General - Livingston Road****Companion Case(s):** DPLS-431**Applicant(s):** Pace Livingston, LLC.**Location:** Located on the east side of Livingston Road 125 feet north of its intersection with Saint Barnabas Road (MD 414), also identified as 6712 Livingston Road (0.84 Acres: C-S-C Zone).**Request:** Requesting approval of a Departure from Design Standards for a waiver of 38.5 feet from Section 27-579(b) to allow access to the loading space to be located within 50 feet of residentially-zoned property.**Council District:** 8**Appeal by Date:** 3/2/2017**Review by Date:** 3/2/2017**Action by Date:** 7/7/2017**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 deferred

Council deferred this item to February 27, 2017.

02/27/2017 Sitting as the District Council elected to review

*Council elected to review this item (Vote: 5-0; Absent: Council Members Glaros, Harrison, Lehman and Toles).***Attachment(s):**[DDS-635 Zoning AIS](#)[DDS-635 Planning Board Resolution 17-06](#)[DDS-635 Technical Staff Report](#)

ORAL ARGUMENTS (Continued)**DPLS-431****Dollar General - Livingston Road****Companion Case(s):** DDS-635**Applicant(s):** Pace Livingston, LLC.**Location:** Located on the east side of Livingston Road 125 feet north of its intersection with Saint Barnabas Road (MD 414), also identified as 6712 Livingston Road (0.84 Acres: C-S-C Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards for a departure of 17 parking spaces from the Zoning Ordinance requirement of 43 parking spaces.**Council District:** 8**Appeal by Date:** 3/2/2017**Review by Date:** 3/2/2017**Action by Date:** 7/7/2017**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 deferred

Council deferred this item to February 27, 2017.

02/27/2017 Sitting as the District Council elected to review

*Council elected to review this item (Vote: 5-0; Absent: Council Members Glaros, Harrison, Lehman and Toles).***Attachment(s):**[DPLS-431 Zoning AIS](#)[DPLS-431 Planning Board Resolution 17-05](#)[DPLS-431 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION**A-10036 Remand****Donnell Drive (Remand)****Companion Case(s):** A-10036**Applicant(s):** Visconsi Land Co., Ltd**Location:** Located in the southeast quadrant of the intersection of Donnell Drive and Pennsylvania Avenue (MD 4), identified as 3700 and 3710 Donnell Drive, District Heights, Maryland (2.42 Acres; R-T (M-I-O) Zone).**Request:** Requesting approval of a Zoning Map Amendment for the rezoning of approximately 2.42 acres of R-T (Townhouse) zoned land to the C-M (Commercial Miscellaneous) Zone.**Council District:** 6**Appeal by Date:** 2/13/2017**Action by Date:** 6/12/2017**Opposition:** Linda Dabney**History:**

02/18/2016 M-NCPPC Technical Staff disapproval

Disapproval of the C-M Zone

02/18/2016 M-NCPPC Technical Staff approval

Approval of the C-O Zone for Parcel A

05/05/2016 M-NCPPC Planning Board approval with conditions

Approval of the C-M Zone, with conditions

08/10/2016 Zoning Hearing Examiner approval with conditions

Approval of the C-M Zone, with conditions

08/24/2016 Clerk of the Council transmitted

The Clerk of the Council transmitted a router indicating that due to its relationship with a pending Zoning Map Amendment, and in accordance with Section 27-213.28, it is appropriate for this request to be Remanded back to the Zoning Hearing Examiner until after final action by the Council on the respective Zoning Map Amendment.

08/25/2016	Applicant	filed
	<i>Thomas Haller, Esq., attorney for the applicant, filed a letter with the Clerk of the Council requesting that the District Council remand this case to the Zoning Hearing Examiner in accordance with Section 27-213.28.</i>	
09/12/2016	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of a document of Remand to the Zoning Hearing Examiner in accordance with Section 27-213.28 (Vote: 7-0; Absent: Council Members Harrison and Taveras).</i>	
09/12/2016	Sitting as the District Council	remanded
	<i>Council adopted the prepared Order of Remand (Vote: 7-0; Absent: Council Members Harrison and Taveras).</i>	
01/12/2017	Zoning Hearing Examiner	approval with conditions
02/13/2017	Sitting as the District Council	referred for document
	<i>Stan Brown, People's Zoning Counsel, brought to the Council's attention that this case is still eligible for appeal until close of business today, February 13, 2017. He noted that the Council could take preliminary action today; however, if an appeal is filed timely, the case would be scheduled for oral argument hearing.</i>	
	<i>Council referred item to staff for preparation of an approving document, with conditions (Vote: 8-0; Absent: Council Member Harrison).</i>	
02/13/2017	Person of Record	appealed
	<i>Ms. Linda Dabney filed an appeal in opposition to the proposal and requested Oral Argument.</i>	
04/14/2017	Applicant	filed
	<i>Thomas S. Haller, Esq., attorney for the applicant, filed a response to the February 13, 2017 appeal filed by Ms. Dabney.</i>	

04/24/2017 Sitting as the District Council hearing held; case taken under advisement

Chirstina Pompa, M-NCPPC, provided an overview of the Zoning Map Amendment application. Linda Dabney spoke in opposition. Thomas Haller, 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):

[A-10036 Remand_Zoning AIS](#)

[A-10036 REMAND_Zoning Hearing Examiner Decision](#)

A-10036 Remand_POR

[A-10036 Donnell Drive - Remand Order](#)

[A-10036 Zoning Hearing Examiner Decision](#)

[A-10036 Planning Board Resolution 16-57](#)

[A-10036 Technical Staff Report](#)

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 <i>Council elected to review this item (Vote: 6-0; Absent: Council Members Franklin, Patterson, and Turner).</i>
03/13/2017	Sitting as the District Council	hearing held; case taken under advisement <i>Taslina 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.</i> <i>Council took this case under advisement.</i>
03/27/2017	Sitting as the District Council	deferred <i>Council deferred this item to April 24, 2017.</i>
04/10/2017	Sitting as the District Council	referred for document <i>Council referred item to staff for preparation of an approving document (Vote: 6-0; Absent: Council Members Franklin, Glaros, and Toles).</i>
04/10/2017	Sitting as the District Council	reconsidered <i>Council reconsidered its previous motion to refer item to staff for preparation of an approving document (Vote: 7-0; Absent: Council Members Franklin and Glaros).</i>
04/10/2017	Sitting as the District Council	deferred <i>Council deferred this item to April 24, 2017</i>
04/24/2017	Sitting as the District Council	deferred <i>Council deferred this item to May 8, 2017.</i>
<u>Attachment(s):</u>		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.

(a) ZONING HEARING EXAMINER

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.

SE-4760**Verizon Wireless - Glenarden****Applicant(s):**

Verizon Wireless - Glenarden

Location:

Located on the south side of Landover Road (MD 202), approximately 600 feet west of Martin Luther King, Jr., Highway (MD 704), also identified as 7781 Landover Road, Landover, Maryland (1.53 Acres; R-35 Zone).

Request:

Requesting approval for a Special Exception to remove and replace a 95-foot-high monopole to support wireless telecommunication antennas on privately-owned land not meeting the minimum 2.5-acre requirement pursuant to Section 27-445.04(a)(3)(C) of the Prince George's County Code.

Council District:

5

Appeal by Date:

6/2/2017

Review by Date:

6/2/2017

Opposition:

None

History:

11/17/2016	M-NCPPC Technical Staff	approval
12/08/2016	M-NCPPC Planning Board	no motion to consider
05/03/2017	Zoning Hearing Examiner	approval with conditions

Attachment(s):

[SE-4760 Zoning AIS](#)
[SE-4760 Zoning Hearing Examiner Decision](#)
 SE-4760 PORL

PENDING FINALITY (Continued)**(b) PLANNING BOARD**[CNU-6452-2017-U](#)**11616 Livingston Road****Applicant(s):**

April Mackoof, Clear Channel Outdoor

Location:

Located at 11616 Livingston Road, Fort Washington (3.5 Acres; C-M Zone).

Request:

Requesting certification of existing outdoor advertising sign. Certification of existing outdoor advertising signs is required 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 1963.

Council District:

8

Review by Date:

5/25/2017

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:

04/25/2017

M-NCPPC Administrative Certification approval

Attachment(s):[CNU-6452-2017-U M-NCPPC Administrative Certificatio](#)

PENDING FINALITY (Continued)**CSP-16007****Amber Ridge****Applicant(s):**

RWSC, LLC.

Location:

Located on the western side of Robert S. Crain Highway (US 301), approximately 1,200 feet south of its intersection with Mitchellville Road and approximately 500 feet north of its intersection with Pointer Ridge Drive (19.04 Acres; M-X-T Zone).

Request:

Requesting approval of a Conceptual Site Plan for a mix of 150–200 front-loaded and rear-loaded townhouses and 10,000–20,000 square feet of commercial uses.

Council District:

4

Appeal by Date:

6/1/2017

Review by Date:

6/1/2017

History:

03/15/2017

M-NCPPC Technical Staff

approval with conditions

04/20/2017

M-NCPPC Planning Board

approval with conditions

Attachment(s):[CSP-16007 Zoning AIS](#)[CSP-16007 Planning Board Resolution 17-55](#)

CSP-16007_PORL

[CSP-16007 Technical Staff Report](#)

PENDING FINALITY (Continued)**DSP-14006****Berwyn Heights McDonald's****Applicant(s):**

McDonald's USA, LLC

Location:

Located at 6219 Greenbelt Road (MD 193) in the southwestern quadrant of the intersection of MD 193 and 63rd Avenue.(0.915 Acres; C-S-C / D-D-O Zones)

Request:

Requesting approval of a Detailed Site Plan for a 4,388-square-foot eating and drinking establishment with drive-through service.

Council District:

3

Appeal by Date:

5/25/2017

Review by Date:

5/25/2017

History:

03/08/2017

M-NCPPC Technical Staff

approval with conditions

04/20/2017

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-14006 Zoning AIS](#)[DSP-14006 Planning Board Resolution 17-53](#)

DSP-14006_PORL

[DSP-14006 Technical Staff Report](#)

PENDING FINALITY (Continued)**DSP-16045****Recovery Centers of America, Melwood Road Facility****Applicant(s):**

4620 Melwood Road OPCO LLC

Location:

Located 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 / M-I-O Zones).

Request:

Requesting approval for a Detailed Site Plan for an 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:

6/1/2017

Review by Date:

6/1/2017

History:

03/22/2017

M-NCPPC Technical Staff

approval with conditions

04/27/2017

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-16045 Zoning AIS](#)[DSP-16045 Planning Board Resolution 17-61](#)

DSP-16045_PORL

[DSP-16045 Technical Staff Report](#)**ADJOURN****EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)****EX 05082017**

Motion to convene in executive session to consult with counsel to seek legal advice and to discuss pending or potential litigation in accordance with section 3-305(b)(7, 8), General Provisions Article, Annotated Code of Maryland.

**7:00 PM PUBLIC HEARING - COUNTY BUDGET, CIP, BOE, CONSTANT YIELD
(COUNCIL HEARING ROOM)***(SEE SEPARATE AGENDA)*