



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, May 8, 2017

1:30 PM

Council Hearing Room

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

The Health, Education and Human Services Committee meeting was held. See Separate Standing Committee Report for details.

1:00 PM AGENDA BRIEFING - (ROOM 2027)

2:05 PM CALL TO ORDER - (COUNCIL HEARING ROOM)

Pursuant to the provisions of Section 27-132(a) of the Zoning Ordinance, the meeting was called to order by Vice-Chairwoman Glaros at 2:05 p.m. with five members present at roll call. Chairman Davis arrived at 2:17 p.m. Council Member Harrison arrived at 2:18 p.m. Council Member Toles arrived at 3:26 p.m. Council Member Lehman was absent due to illness.

Present: 8 - Chairman Derrick Davis
Vice Chair Dannielle Glaros
Council Member Mel Franklin
Council Member Andrea Harrison
Council Member Obie Patterson
Council Member Deni Taveras
Council Member Karen Toles
Council Member Todd Turner

Absent: Council Member Mary Lehman

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

M-NCPPC
Christina Pompa, Supervisor, Development Review Division
Henry Zhang, Supervisor, Development Review Division

INVOCATION

The Invocation was provided by Edwin H. Brown, Jr., County Employee.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Glaros.

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 04242017](#) **District Council Minutes dated April 24, 2017**

A motion was made by Council Member Turner, seconded by Council Member Franklin, that these Minutes be approved. The motion carried by the following vote:

Aye: 5 - Glaros, Franklin, Patterson, Taveras and Turner

Absent: Davis, Harrison, Lehman and Toles

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

[MINDC 04252017](#)District Council Minutes dated April 25, 2017

A motion was made by Council Member Turner, seconded by Council Member Franklin, that these Minutes be approved. The motion carried by the following vote:

Aye: 5 - Glaros, Franklin, Patterson, Taveras and Turner

Absent: Davis, Harrison, Lehman and Toles

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:

Christina Pompa, M-NCPPC, provided an overview of the application for Certification of a Non-conforming Use. Paul Jackson, Esq., spoke in support on behalf of the current property owner. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

Council took this case under advisement.

This Certification of a Nonconforming Use hearing was held and the case was taken under advisement.

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:**

Chairman Davis announced that the Oral Argument hearings for DDS-635 and DPLS-431 Dollar General - Livingston Road would be held in tandem. Henry Zhang provided an overview of the applications for Departure from Design Standards and Departure from Parking and Loading Standards. Joyce Morgan read a statement and relayed opposition on behalf of Jacquelyn Dickerson who was present but unable to speak due to illness. Thomas Haller, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Council, spoke to the legalities of the argument presented.

Council took this case under advisement.

This Departure from Design Standards hearing was held and the case was taken under advisement.

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:**

Chairman Davis announced that the Oral Argument hearings for DDS-635 and DPLS-431 Dollar General - Livingston Road would be held in tandem. Henry Zhang provided an overview of the applications for Departure from Design Standards and Departure from Parking and Loading Standards. Joyce Morgan read a statement and relayed opposition on behalf of Jacquelyn Dickerson who was present but unable to speak due to illness. Thomas Haller, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Council, spoke to the legalities of the argument presented.

Council took this case under advisement.

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

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:**

Council referred item to staff for preparation of an approving document, with conditions (Vote: 7-0; Absent: Council Member Lehman; Abstain: Council Member Turner).

A motion was made by Chairman Davis, seconded by Council Member Franklin, that this Zoning Map Amendment be referred for document. The motion carried by the following vote:

Aye: 7 - Davis, Glaros, Franklin, Harrison, Patterson, Taveras and Toles**Absent:** Lehman**Abstain:** 1 - Turner**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:**

Under discussion, Council Member Toles delineated an additional condition. Council referred item to staff for preparation of an approving document, with conditions (Vote: 8-0; Absent: Council Member Lehman).

A motion was made by Council Member Toles, seconded by Council Member Harrison, that this Certification of a Nonconforming Use be referred for document.

The motion carried by the following vote:

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

Absent: Lehman

Council adopted the prepared Order of approval, with conditions (Vote: 8-0; Absent: Council Member Lehman).

A motion was made by Council Member Toles, seconded by Vice Chair Glaros, that this Certification of a Nonconforming Use be approved with conditions. The motion carried by the following vote:

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

Absent: Lehman

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.

(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:**

Council took no action on this item.

Council did not elect to make the final decision on this Special Exception.

- 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:

Council deferred this item to May 15, 2017.

This Certification of a Nonconforming Use was deferred

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

CSP-16007Amber 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:

Council took no action on this item.

This Conceptual Site Plan was not elected to review by Council.

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

DSP-14006Berwyn 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:

Council took no action on this item.

This Detailed Site Plan was not elected to review by Council.

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

[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:

Council deferred this item to May 15, 2017.

This Detailed Site Plan was deferred.

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

3:38 PM ADJOURN

The meeting was adjourned at 3:38 p.m.

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.

This Executive Session was deferred.

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

The public hearing was held. See separate meeting minutes for details.

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Redis C. Floyd, Clerk of the Council