



# 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

*Dannielle M. Glaros, District 3, Chair*

*Derrick Leon Davis, District 6*

*Mel Franklin, District 9*

*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, Vice Chair*

*Robert J. Williams, Jr., Council Administrator*

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**Monday, February 26, 2018**

**10:00 AM**

**Council Hearing Room**

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### **9:45 AM AGENDA BRIEFING - (ROOM 2027)**

*At 9:45 a.m., due to a lack of a quorum of members, a public statement was read and the Agenda Briefing was conducted as an informal discussion in lieu of a public meeting.*

### **10:17 AM CALL TO ORDER - (COUNCIL HEARING ROOM)**

*The meeting was called to order by Chair Glaros at 10:17 a.m. with eight members present at roll call. Council Member Franklin arrived at 11:07 a.m.*

**Present:**        9 -     Chair Dannielle Glaros  
                                 Council Member Derrick Davis  
                                 Council Member Mel Franklin  
                                 Council Member Andrea Harrison  
                                 Council Member Mary Lehman  
                                 Council Member Obie Patterson  
                                 Council Member Deni Taveras  
                                 Council Member Karen Toles  
                                 Vice Chair Todd Turner

*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  
Leonard Moses, Office of the Clerk of the Council*

*M-NCPPC*

*Henry Zhang, Development Review Division  
Ruth Grover, Development Review Division  
Taslina Alam, Development Review Division  
Jill Kosack, Supervisor, Development Review Division  
Ivy Thompson, Development Review Division*

*DPIE*

*Bill Edelen, Inspector*

**INVOCATION**

*The Invocation was provided by Ms. Wanda Brooks, County Employee. Council Member Lehman requested prayer in celebration of Mr. Fred Tuttmann's 60 birthday. Council Member Harrison requested prayer for the family of her brother in-law, William Harrison, in his passing. Council Chair Glaros requested prayer for Sgt. Mujahid Ramziddin the police officer who was shot and passed away last week along with our public safety officials. Chair Glaros also requested prayer for our kids, teens and students, especially the children returning to school for the first time since the school shooting in Florida.*

**PLEDGE OF ALLEGIANCE**

*The Pledge of Allegiance was led by Council Member Turner.*

**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 02122018](#)

**District Council Minutes dated February 12, 2018**

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

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**Aye:** 7 - Glaros, Davis, Harrison, Lehman, Patterson, Taveras and Turner

**Absent:** Franklin and Toles

**Attachment(s):** [2-12-2018 District Council Minutes DRAFT](#)

**MANDATORY REVIEW (Using Oral Argument Procedures)**

[CSP-16001](#)

**Metro City**

**Applicant(s):** Metro City, LLC

**Location:** Located on the west side of Addison Road and the east side of Rollins Avenue, approximately 4,000 feet southwest from the intersection of MD 214 (Central Avenue) and Addison Road (39.68 Acres; R-T Zone).

**Request:** Requesting approval of a Conceptual Site Plan to expand the boundary of the approved Addison Road Metro Town Center D-D-O Zone to include the subject property, and to rezone the property from the R-T Zone to the M-X-T Zone for a mixed-use development consisting of 1,043 dwelling units and approximately 151,365 square feet of commercial/retail space.

**Council District:** 7

**Appeal by Date:** 2/7/2018

**Review by Date:** 2/8/2018

**Action by Date:** 3/13/2018

**History:**

*Henry Zhang, M-NCPPC, provided an overview of the Conceptual Site Plan application. Traci Scudder, Esq., attorney for the applicant and Andy Interdonato, engineering partner, spoke in support and answered questions on behalf of the applicant. 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 Conceptual Site Plan was hearing held and the case was taken under advisement.**

**ORAL ARGUMENTS****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 an amendment of condition of the District Council decision dated February 12, 2013, that Condition 1(k), supra, 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:** 4/4/2018
- Municipality:** Hyattsville
- Opposition:** None
- History:**

*Prior to Oral Argument, Stan Brown, People's Zoning Counsel, summarized a request for Remand filed by the applicant.*

*Council referred item to staff for preparation of a document of remand to the Zoning Hearing Examiner (Vote: 7-0; Absent: Council Members Davis and Lehman).*

**A motion was made by Council Member Taveras, seconded by Vice Chair Turner, that this Amendment of Conditions be referred for document. The motion carried by the following vote:**

**Aye:** 7 - Glaros, Franklin, Harrison, Patterson, Taveras, Toles and Turner

**Absent:** Davis and Lehman

**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

**ORAL ARGUMENTS (Continued)**[SE-4765](#)**Mirant MD Ash Management, LLC/Brandywine Fly Ash Storage****Site****Applicant(s):** NRG MD Ash Management, LLC**Location:** Located on the north side of North Keys Road approximately, 2,200 feet north of Gibbons Church Road (178.78 Acres; O-S Zone).**Request:** Requesting approval of a Special Exception for a ten-year extension to continue the existing fly ash rubble-fill disposal operation mounds in the O-S (Open Space) Zone.**Council District:** 9**Appeal by Date:** 10/30/2017**Review by Date:** 11/27/2017**Action by Date:** 3/28/2018**Municipality:** None**Opposition:** Patuxent River Keeper, et. al.**History:**

*Taslina Alam, M-NCPPC, provided an overview of the Special Exception application. William Peters, Frederick Tutman, Dr. Henry Cole, Richard Bergren, Joanne Flynn, and Kamita Gray spoke in opposition. Russell Shipley Esq. and Arthur Horne, Esq., spoke in support on behalf of the applicant. 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 hearing was held and the case was taken under advisement.**

**Attachment(s):** [SE-4765 Zoning Hearing Examiner Decision](#)

SE-4765 PORL

[SE-4765 Technical Staff Report](#)**1:09 PM RECESS**

*The meeting went into recess at 1:09 p.m. and reconvened at 1:52 p.m.*

**1:52 PM RECONVENE**

*The meeting was reconvened at 1:52 p.m.*

**1:52 PM ORAL ARGUMENTS (Continued)**[DSP-16044](#)**The Woodlands at Reid Temple**

- Applicant(s):** Reid Temple Community Development Corporation
- Location:** Located on the eastern side of MD 193 (Glenn Dale Boulevard), approximately 170 feet north of its intersection with Daisy Lane (10.75 Acres, R-R/R- 18C Zone).
- Request:** Requesting approval of a Detailed Site Plan for a 261,205-square-foot, 252-unit apartment housing for the elderly and associated site improvements on a 10.75-acres property in the Rural Residential (R-R) and Multifamily Medium Density Residential-Condominium (R-18C) Zones (10.75 Acres; R-R/R-18C Zone).
- Council District:** 4
- Appeal by Date:** 1/11/2018
- Review by Date:** 1/30/2018
- Action by Date:** 3/23/2018

**History:**

*Jill Kosack, M-NCPPC, provided an overview of the Detailed Site Plan application. Patti Thorpe, Connie Cronin on behalf of Robert Cronin, Marc McDermott and Henry Wixon spoke in opposition. Arthur Horne, Esq., spoke in support on behalf of the applicant. 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 Detailed Site Plan hearing was held and the case was taken under advisement.**

- Attachment(s):** [DSP-16044 Planning Board Resolution 17-151](#)  
[DSP-16044 Technical Staff Report](#)  
DSP-16044\_PORL

NEW CASE(S)[ERR-270](#)**Marquis and Laura Dennis****Validation of Residential Grading Walk-through Permit No.****30733-2017 Issued in Error**

- Applicant(s):** Marquis and Laura Dennis
- Location:** Located at 502 Dennis Magruder Drive, Upper Marlboro, Maryland (0.358 Acres; R-R Zone).
- Request:** Requesting approval for validation of Prince George's County Residential Grading Walk-through Permit No. 30733-2017. The Permit was issued in error for a "Pavilion Porch with Fireplace" to be added to a single family home located in the R-R (Rural Residential) Zone.
- Council District:** 6
- Appeal by Date:** 2/20/2018
- Action by Date:** 5/18/2018
- Opposition:** None

**History:**

*Council referred item to staff for preparation of an approving document, with conditions in accordance with the Zoning Hearing Examiner decision (Vote: 9-0).*

**A motion was made by Council Member Davis, seconded by Vice Chair Turner, that this Permit issued in error be referred for document. The motion carried by the following vote:**

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

**Attachment(s):** [ERR270 Zoning Hearing Examiner Decision](#)  
ERR 270 PORL

*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).*

**ITEM(S) FOR DISCUSSION****[A-9956-C Amend of Conditions](#)****The Revenue Authority of Prince George's County/DR Horton, Inc./Balk Hill Village (Amendment of Conditions)**

- Applicant(s):** The Revenue Authority of Prince George's County/DR Horton, Inc./Balk Hill Village
- Location:** Located 1,460 feet northwest of the intersection of Campus Way North and Lottsford Road (123.2 Acres, M-X-T Zone).
- Request:** Requesting to amend Conditions 5 and 10, imposed by the District Council upon its adoption of Zoning Ordinance 16-2002 which rezoned approximately 123.2 acres of land from the I-3 to the M-X-T Zone.
- Council District:** 5
- Appeal by Date:** 11/13/2017
- Action by Date:** 4/26/2018
- Opposition:** Fox Lake Homeowner's Association, et. al.
- History:**

*Council referred item to staff for preparation of an approving document, with conditions in accordance with the Zoning Hearing Examiner decision (Vote: 9-0).*

**A motion was made by Council Member Harrison, seconded by Council Member Davis, that this Amendment of Conditions be referred for document. The motion carried by the following vote:**

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

- Attachment(s):** [A-9956-C Zoning Hearing Examiner Decision](#)  
[A-9956-C Zoning Ordinance No. 16-2002](#)  
A-9956-C Appeal-Gibbs  
A-9956 Appeal - Nelson  
[A-9956-C\\_PORL](#)



**ITEM(S) FOR DISCUSSION (Continued)**[DSP-16053](#)**"4550 Rhode Island Avenue"****Companion Case(s):** CP-17003**Applicant(s):** 4550 Rhode Island Avenue, LLC**Location:** Located on the north side of US 1 (Rhode Island Avenue), approximately 225 feet northeast of its intersection with Wallace Street (.28 Acres, I-D-0/R-55/M-U-1/D-D-0 Zones).**Request:** Requesting approval of a Detailed Site Plan to add the use of "outdoor storage" to the table of uses for the subject property in the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District (Gateway Arts District Sector Plan and SMA) as a permitted use in the Neighborhood Arts and Production character area for Lots 31-33, Block A (and part of Parcel 295 and Lot 46A).**Council District:** 2**Appeal by Date:** 1/4/2018**Action by Date:** 3/1/2018**Comment(s):** Mandatory Reivew:  
District Council review of this case is required by Section 27-548.26(b)(1)(B) of the Zoning Ordinance**Municipality:** North Brentwood**History:**

*Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0).*

**A motion was made by Council Member Taveras, seconded by Council Member Davis, that this Detailed Site Plan be referred for document. The motion carried by the following vote:**

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

*Council adopted the prepared Order of approval, with conditions (Vote: 9-0).*

**A motion was made by Council Member Taveras, seconded by Council Member Lehman, that this Detailed Site Plan be approved with conditions. The motion carried by the following vote:**

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

**Attachment(s):** [DSP-16053 Planning Board Resolution 17-144](#)  
[DSP-16053 Technical Staff Report](#)  
DSP-16053\_PORL

**ITEM(S) FOR DISCUSSION (Continued)**[SE-4794](#)**Uptown Suites; Lanham**

**Applicant(s):** Connor & Gaskin Unlimited, LLC.

**Location:** Located on the southeast side of Willowdale Road, approximately 1000 feet east of its intersection with Forbes Boulevard (3.01 Acres; I-2 Zone)

**Request:** Requesting approval of a Special Exception for a Hotel in the I-2 Zone.

**Council District:** 5

**Appeal by Date:** 10/16/2017

**Review by Date:** 10/16/2017

**Action by Date:** 3/15/2018

**Opposition:** None

**History:**

*Council deferred this item to March 12, 2018.*

**This Special Exception was deferred**

**Attachment(s):** [SE-4794 Zoning Hearing Examiner Decision](#)

[SE-4794 Technical Staff Report](#)

SE-4794 PORL

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**ITEM(S) FOR DISCUSSION (Continued) - RECONSIDERATION REQUEST**[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:**

*Council took this case under advisement.*

**This Special Exception was taken under advisement.**

- Attachment(s):** [SE-4774 Zoning AIS](#)  
[SE-4774 Zoning Hearing Examiner Decision](#)  
SE-4774 PORL  
[SE-4774 Technical Staff Report](#)

**REFERRED FOR DOCUMENT**[ERR-268](#)**835 Fairview Ave****Validation of Multifamily Rental License No. M-0131 Issued In****Error**

- Applicant(s):** Carline Brice
- Location:** Located at 835 Fairview Avenue, Takoma Park, Maryland (0.17 Acres, R-18 Zone).
- Request:** Requesting approval of validation of Prince George's County Multi-Family Rental Housing License No. M-0131 issued in error on April 18, 2015, for six (6) apartment units, on approximately 7448 square feet of land, located in the R-18 (Multi-Family Medium Density Residential) Zone.
- Council District:** 2
- Appeal by Date:** 10/27/2017
- Action by Date:** 3/27/2018
- Opposition:** None

**History:**

*Council adopted the prepared Order of Remand (Vote 8-0; Absent: Council Member Harrison).*

**A motion was made by Council Member Taveras, seconded by Council Member Lehman, that this Permit issued in error be remanded. The motion carried by the following vote:**

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

- Attachment(s):** [ERR 268 Zoning Hearing Examiner Decision](#)  
ERR 268 PORL

**REFERRED FOR DOCUMENT (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:**

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

**A motion was made by Council Member Toles, seconded by Council Member Davis, that this Special Exception/Variance SE be approved with conditions. The motion carried by the following vote:**

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

**Absent:** Harrison

**Attachment(s):** SE-4783 PORL  
[SE-4783 Technical Staff Report](#)  
[SE-4783 Zoning AIS](#)  
[SE-VSE-4783 Zoning Hearing Examiner Decision](#)

**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) PLANNING BOARD****[DPLS-443](#)****Rivertowne Suites Office Condominium**

- Location:** Located on the northern side of Bock Road, approximately 250 linear feet east of its intersection with Livingston Road (0.68 Acres; C-O Zone).
- Request:** Requesting approval of a Departure from Parking and Loading Standards for a departure of eight parking spaces from the required 53 parking spaces to add a medical office use in a multi-use condominium complex in accordance with Subtitle 27 of the Prince George's County Code.
- Council District:** 8
- Appeal by Date:** 3/22/2018
- Review by Date:** 3/22/2018
- History:**

*Council deferred this item to March 12, 2018.*

**This Departure from Parking and Loading Standards was deferred.**

**PENDING FINALITY (Continued)**[DSP-16050](#)**Great Eastern Plaza Daycare**

- Applicant(s):** St. Paul Baptist Church, Inc.
- Location:** Located on the south side of MD 725 (Marlboro Pike), approximately 500 feet south of its intersection with Regency Parkway. Also identified as 6419 Marlboro Pike and 6423 Marlboro Pike (23.90 Acres; C-S-C Zone).
- Request:** Requesting approval of a Detailed Site Plan for a day care center and an outdoor play area, with a maximum enrollment of 136 children, in the Commercial Shopping Center (C-S-C) Zone.
- Council District:** 7
- Appeal by Date:** 3/22/2018
- Review by Date:** 3/22/2018
- Municipality:** City of District Heights
- History:**

*Council took no action on this item.*

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

**PENDING FINALITY (Continued)****(b) PLANNING BOARD'S REPRESENTATIVE****CNU-55310-2017-U****5600 Sunnyside Avenue****Applicant(s):** April Mackoff, Clear Channel Outdoor**Location:** Located at 5600 Sunnyside Avenue, Beltsville, Maryland 20705 (0.67 Acres; I-2 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 1981.**Council District:** 1**Review by Date:** 3/15/2018**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 deferred this item to March 12, 2018.***This Certification of a Nonconforming Use was deferred.**



**PENDING FINALITY (Continued)**[CNU-55514-2017-U](#)**10801 Baltimore Avenue**

**Applicant(s):** April Mackoff, Clear Channel Outdoor

**Location:** 10801 Baltimore Ave, Beltsville, MD 20705 (0.58 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 1987.

**Council District:** 1

**Review by Date:** 3/15/2018

**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 deferred this item to March 12, 2018.*

**This Certification of a Nonconforming Use was deferred.**

*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.*

**3:16 PM ADJOURN**

*The meeting was adjourned at 3:16 p.m.*

**4:00 PM CHARTER REVIEW COMMISSION - (ROOM 2027)**

*(SEE SEPARATE AGENDA)*

Prepared by:

\_\_\_\_\_  
Leonard Moses, Digitization Manager

Submitted by:

\_\_\_\_\_  
Redis C. Floyd, Clerk of the Council