



Prince George's County Council

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

Zoning Minutes - Draft 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, November 6, 2017

1:30 PM

Council Hearing Room

11:30 A.M. MEET AND GREET - (ROOM 2027)

The meet and greet convened at 11:54 a.m. Council Member Turner welcomed the panelists from the U.S. Department of Agriculture and U.S. Department of the Treasury, Bureau of Engraving and Printing for an informal dialogue on a proposal to relocate the bureau to the Beltsville Agricultural Research Center. (See Administrative Day File, within the Office of the Clerk of the Council, for detailed Clerk's notes). The meet and greet concluded at 12:45 p.m.

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

The meeting was called to order by Vice-Chairwoman Glaros at 2:04 p.m. with seven members present at roll call. Council Member Davis arrived at 2:10 p.m. Council Member Toles arrived at 2:17 p.m.

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

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

*M-NCPPC
Ivy Thompson, Development Review Division*

INVOCATION

The Invocation was provided by Jacqueline B. Woody, County Employee. Council Member Turner requested prayer for the residents of Texas and those families affected by the recent mass shooting incident in Sutherland, Texas.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Franklin.

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 10232017](#)

District Council Minutes dated October 23, 2017

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

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

Absent: Davis and Toles

Attachment(s): [10-23-2017 District Council Minutes DRAFT](#)

NEW CASE(S)**[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 amendment of condition 1(k), for the District Council decision dated February 12, 2013, 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:** 3/5/2018
- Municipality:** Hyattsville
- Opposition:** None
- History:**

Council deferred this item to November 13, 2017.

This Amendment of Conditions was deferred.

- 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

NEW CASE(S) (Continued)[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: 2/26/2018

Opposition: None

History:

Council elected to schedule Oral Arguments (Vote: 8-0; Absent: Council Member Toles).

A motion was made by Council Member Taveras, seconded by Council Member Turner, that Council elect to make the final decision on this Permit issued in error. The motion carried by the following vote:

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

Absent: Toles

Attachment(s): [ERR 268 Zoning Hearing Examiner Decision](#)
ERR 268 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).

REFERRED FOR DOCUMENT**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:

Council adopted Zoning Ordinance No. 12 - 2017 (Vote 8-0; Absent: Council Member Toles).

A motion was made by Council Member Harrison, seconded by Council Member Lehman, that this Zoning Map Amendment be approved with conditions. The motion was carried by the following vote:

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

- Attachment(s):** [A-10024-C Amend Cond Zoning Hearing Examiner Decision](#)
[A-10024-C Amend Cond_PORL](#)
[A-10024-C \(REMAND\) District Council Final Decision 05122015](#)
[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](#)

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[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**Municipality:** None**Opposition:** Patuxent River Keeper, et. al.**History:**

Council elected to make the final decision on this case (Vote: 8-0; Absent: Council Member Toles).

A motion was made by Council Member Franklin, seconded by Vice Chair Glaros, that Council elected to make the final decision on this Special Exception. The motion carried by the following vote:

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

Absent: Toles

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

SE-4765 PORL

[SE-4765 Technical Staff Report](#)

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.

PENDING FINALITY (Continued)**(b) PLANNING BOARD**[DSP-05044-08](#)**Steeplechase Business Park, Parcels 37 and 64**

- Applicant(s):** Atapco Ritchie Interchange, Inc.
- Location:** Located on the south side of Alaking Court, approximately 1,200 feet from the intersection of Alaking Court and Hampton Park Boulevard (2.79 Acres; I-1 Zone).
- Request:** Requesting approval of a Detailed Site Plan to develop the property with a 74,789-square-foot, 123-room, 5-story hotel building and a restaurant in accordance with County Council Bill CB-97-2004.
- Council District:** 6
- Appeal by Date:** 11/27/2017
- Review by Date:** 11/27/2017
- History:**

Council took no action on this item.

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

- Attachment(s):** [DSP-05044-08 Planning Board Resolution 17-130](#)
[DSP-05044-08 Technical Staff Report](#)
DSP-05044-08_PORL

PENDING FINALITY (Continued)**DSP-17004****Turkish American Community Center Day Care**

Applicant(s): Turkiye Diyanet Vakfi

Location: Located on the north side of Good Luck Road, approximately 3,200 feet southwest of its intersection with Greenbelt Road (MD 193) (11.74 Acres; R-80 Zones).

Request: Requesting approval of a Detailed Site Plan for addition of a day care center, with a maximum enrollment of 120 children, to an existing religious institution (mosque) in the One-Family Detached Residential (R-80) Zone.

Council District: 4

Appeal by Date: 11/27/2017

Review by Date: 11/27/2017

History:

Council took no action on this item.

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

Attachment(s): [DSP-17004 Planning Board Resolution 17-129](#)
[DSP-17004 Technical Staff Report](#)
[DSP-17004 PORL](#)

PENDING FINALITY

[DSP-87050-11](#)

The Oxford (Constellation Centre)

Applicant(s): 6009 Oxon Hill Road LLC

Location: Located on the north side of Oxon Hill Road, approximately 1,000 feet west of its intersection with St. Barnabas Road (MD 414) (33.15 Acres; C-S-C Zone).

Request: Requesting approval of a Detailed Site Plan for conversion of an existing general office building to 187 multifamily residential units.

Council District: 8

Appeal by Date: 11/30/2017

Review by Date: 11/30/2017

History:

Council took no action on this item.

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

Attachment(s): [DSP-87050-11 Planning Board Resolution 17-134](#)
DSP-87050-11_PORL
[DSP-87050-11 Technical Staff Report](#)

DRAFT

PENDING FINALITY (Continued)**[SDP-1003-13](#)****Parkside (formerly Smith Home Farm), Sections 1A, 1B, 2, and 3**

Applicant(s): SHF Project Owner, LLC

Location: Located on the eastern side of Pennsylvania Avenue (MD 4), approximate 1,800 feet east of its intersection with Suitland Parkway (265 Acres; R-M/M-I-O Zones).

Request: Requesting approval to amend previously approved Specific Design Plan to increase the gross floor area of the clubhouse by adding a mezzanine and with minimal changes to the building footprint, elevations and no changes to the building height and number of stories.

Council District: 6

Appeal by Date: 11/27/2017

Review by Date: 11/27/2017

History:

Council took no action on this item.

This Specific Design Plan was not elected to review by Council.

Attachment(s): [SDP-1003-13 Planning Board Resolution 17-133](#)
[SDP-1003-13 Technical Staff Report](#)
SDP-1003-13_PORL

ORAL ARGUMENTS**ERR-266****Vizion Realty, LLC****Validation of Multifamily Rental License No. M-370 Issued In Error**

- Applicant(s):** Vizion Realty, LLC
- Location:** Located at 4775 Huron Avenue, Suitland, Maryland (0.319 Acres; M-U-TC / D-D-O Zones).
- Request:** Request for validation of Prince George's County Multifamily Rental License No. M-370 issued in error for a 15 unit apartment building located in the M-U-TC (Mixed-Use Town Center) and the D-D-O (Development District Overlay) (Southern Green Line) Zones.
- Council District:** 7
- Appeal by Date:** 6/8/2017
- Action by Date:** 11/6/2017
- Opposition:** None
- History:**

Chairman Davis announced that the oral argument hearings for ERR-266 Vizion Realty, LLC, Validation of Multifamily Rental License No. M-370 Issued In Error and ERR-267 Vizion Realty, LLC, Validation of Multifamily Rental License No. M-369 Issued in Error would be held in tandem. Ivy Thompson, M-NCPPC, provided an overview of the two applications for Validation of Rental License Issued in Error. Paul Jackson, Esq. spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented. The Oral Argument hearing was held and Council took this case under advisement.

This Permit issued in error hearing was held; case taken under advisement

- Attachment(s):** [ERR-266 Zoning Hearing Examiner Decision](#)
ERR-266 PORL

ORAL ARGUMENTS (Continued)**[ERR-267](#)****Vizion Realty, LLC****Validation of Multifamily Rental License No.M-369 Issued in Error**

- Applicant(s):** Vizion Realty, LLC
- Location:** Located at 4785 Huron Avenue, Suitland, Maryland (0.5400 Acres; M-U-TC / D-D-O Zones).
- Request:** Requesting validation of Prince George's County Multifamily Rental License No. M-369 issued in error for a 15 unit apartment building, located in the M-U-TC (Mixed-Use Town Center) and the D-D-O (Development District Overlay) (Southern Green Line) Zones.
- Council District:** 7
- Appeal by Date:** 6/8/2017
- Action by Date:** 11/6/2017
- Opposition:** None
- History:**

Chairman Davis announced that the oral argument hearings for ERR-266 Vizion Realty, LLC, Validation of Multifamily Rental License No. M-370 Issued In Error and ERR-267 Vizion Realty, LLC, Validation of Multifamily Rental License No.M-369 Issued in Error would be held in tandem. Ivy Thompson, M-NCPPC, provided an overview of the two applications for Validation of Rental License Issued in Error. Paul Jackson, Esq. spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented. The Oral Argument hearing was held and Council took this case under advisement.

This Permit issued in error hearing was held; case taken under advisement

Attachment(s): [ERR-267 Zoning Hearing Examiner Decision](#)
ERR-267 PORL

RECESS

The meeting went into recess at 2:53 p.m.

The meeting reconvened at 3:04 p.m.

ORAL ARGUMENTS (Continued)[ERR-266](#)**Vizion Realty, LLC****Validation of Multifamily Rental License No. M-370 Issued In Error**

Applicant(s): Vizion Realty, LLC

Location: Located at 4775 Huron Avenue, Suitland, Maryland (0.319 Acres; M-U-TC / D-D-O Zones).

Request: Request for validation of Prince George's County Multifamily Rental License No. M-370 issued in error for a 15 unit apartment building located in the M-U-TC (Mixed-Use Town Center) and the D-D-O (Development District Overlay) (Southern Green Line) Zones.

Council District: 7

Appeal by Date: 6/8/2017

Action by Date: 11/6/2017

Opposition: None

History:

Council referred this item to staff for preparation of a document (Vote 9-0).

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

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

Attachment(s): [ERR-266 Zoning Hearing Examiner Decision](#)

ERR-266 PORL

ORAL ARGUMENTS (Continued)[ERR-267](#)**Vizion Realty, LLC****Validation of Multifamily Rental License No.M-369 Issued in Error**

- Applicant(s):** Vizion Realty, LLC
- Location:** Located at 4785 Huron Avenue, Suitland, Maryland (0.5400 Acres; M-U-TC / D-D-O Zones).
- Request:** Requesting validation of Prince George's County Multifamily Rental License No. M-369 issued in error for a 15 unit apartment building, located in the M-U-TC (Mixed-Use Town Center) and the D-D-O (Development District Overlay) (Southern Green Line) Zones.
- Council District:** 7
- Appeal by Date:** 6/8/2017
- Action by Date:** 11/6/2017
- Opposition:** None
- History:**

Council referred this item to staff for preparation of a document (Vote 9-0).

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

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

Attachment(s): [ERR-267 Zoning Hearing Examiner Decision](#)
ERR-267 PORL

RECESS

The meeting went into recess at 3:09 p.m.

The meeting reconvened at 7:00 p.m.

ORAL ARGUMENTS (Continued)[ERR-266](#)**Vizion Realty, LLC****Validation of Multifamily Rental License No. M-370 Issued In Error**

- Applicant(s):** Vizion Realty, LLC
- Location:** Located at 4775 Huron Avenue, Suitland, Maryland (0.319 Acres; M-U-TC / D-D-O Zones).
- Request:** Request for validation of Prince George's County Multifamily Rental License No. M-370 issued in error for a 15 unit apartment building located in the M-U-TC (Mixed-Use Town Center) and the D-D-O (Development District Overlay) (Southern Green Line) Zones.
- Council District:** 7
- Appeal by Date:** 6/8/2017
- Action by Date:** 11/6/2017
- Opposition:** None
- History:**

Council adopted the prepared Order of Remand (Vote: 7-0; Absent: Council Members Glaros and Toles).

A motion was made by Council Member Harrison, seconded by Council Member Taveras, that this Permit issued in error be remanded to the Zoning Hearing Examiner. The motion carried by the following vote:

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

Absent: Glaros and Toles

Attachment(s): [ERR-266 Zoning Hearing Examiner Decision](#)
ERR-266 PORL

ORAL ARGUMENTS (Continued)[ERR-267](#)**Vizion Realty, LLC****Validation of Multifamily Rental License No.M-369 Issued in Error**

- Applicant(s):** Vizion Realty, LLC
- Location:** Located at 4785 Huron Avenue, Suitland, Maryland (0.5400 Acres; M-U-TC / D-D-O Zones).
- Request:** Requesting validation of Prince George's County Multifamily Rental License No. M-369 issued in error for a 15 unit apartment building, located in the M-U-TC (Mixed-Use Town Center) and the D-D-O (Development District Overlay) (Southern Green Line) Zones.
- Council District:** 7
- Appeal by Date:** 6/8/2017
- Action by Date:** 11/6/2017
- Opposition:** None
- History:**

Council adopted the prepared Order of Remand (Vote: 7-0; Absent: Council Members Glaros and Toles).

A motion was made by Council Member Harrison, seconded by Council Member Franklin, that this Permit issued in error be remanded to the Zoning Hearing Examiner. The motion carried by the following vote:

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

Absent: Glaros and Toles

Attachment(s): [ERR-267 Zoning Hearing Examiner Decision](#)
ERR-267 PORL

ADJOURN

The meeting was adjourned at 7:03 p.m.

7:00 P.M. JOINT PUBLIC HEARING - (COUNCIL HEARING ROOM)

The Joint Public Hearing was held. See separate meeting minutes for details.