

Prince George's County Council

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



Zoning Agenda - Final

Monday, November 16, 2015

10:00 AM

Council Hearing Room

Sitting as the District Council

*Mel Franklin, District 9, Chairman
Derrick Leon Davis, District 6, Vice Chair
Dannielle M. Glaros, District 3
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**

Brenda Otto, County Employee

PLEDGE OF ALLEGIANCE**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 11092015](#)

District Council Minutes dated November 9, 2015

ORAL ARGUMENTS

[SE-4667 REMAND](#)

Sycamore Hill (Remand)

Companion Case(s): SE-4667

Applicant(s): Presidential Care, LLC / Stoddard Baptist Home, Inc.

Location: Located on the east side of Lottsford Vista Road, across from its intersection with Cleary Lane, also identified as 3911 Lottsford Vista Road, Bowie, Maryland (7.91 Acres; R-R Zone).

Request: Requesting approval of a Special Exception for an Adult Day Care for 15 persons and a 63-unit Assisted Living Facility for 78 persons.

Council District: 5

Appeal by Date: 9/4/2015

Review by Date: 9/30/2015

Action by Date: 2/15/2016

Opposition: The Willow Grove Citizens Association, et. al.

History:

05/04/2015 Sitting as the District Council remanded

Council adopted the prepared Order of Remand to the Zoning Hearing Examiner (Vote: 8-0; Absent: Council Member Patterson).

08/05/2015 Zoning Hearing Examiner approval with conditions

09/04/2015 Person of Record appealed

Ms. Tiffany Alston filed an appeal of the Zoning Hearing Examiner's decision and requested Oral Argument.

09/04/2015	Person of Record	appealed
	<i>Margaret Boles, Acting President, Mattie Gibson, Treasurer, Florence Miller, Secretary and Barrington McKoy, Safety Officer, Willow Grove Citizens Association, appealed the Zoning Hearing Examiner's decision and requested Oral Arguments.</i>	
09/21/2015	Sitting as the District Council	elected to make the final decision
	<i>Council elected to make the final decision on this item (Vote: 9-0).</i>	

ORAL ARGUMENTS (Continued)**DSP-03063-01****Worship World Church****Applicant(s):**

Worship World Church

Location:

Located at 13910 Laurel-Bowie Road in Laurel, Maryland in the northwest quadrant of the Laurel-Bowie Road/Briarwood Drive intersection (1.40 Acres; R-55 Zone).

Request:

Requesting approval of a Detailed Site Plan to convert a single-family home within the One-Family Detached Residential (R-55) Zone to a 36-seat church with associated parking.

Council District:

1

Appeal by Date:

8/20/2015

Review by Date:

9/21/2015

Action by Date:

2/15/2016

History:

06/03/2015	M-NCPPC Technical Staff	approval with conditions
07/16/2015	M-NCPPC Planning Board	approval with conditions
09/21/2015	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 9-0).</i>	

1:30 PM ORAL ARGUMENTS (Continued)**[ERR-252](#)****Shadyside Properties Shopping Center, LLC/Allen Su
Validation of Use and Occupancy Permit No. 44936-2013-00****Applicant(s):**

Shadyside Properties Shopping Center, LLC / Allen Su

Location:

Located within a small strip shopping center at 2323 Shadyside Avenue, Suitland, Maryland (0.398 Acres; R-T Zone).

Request:

Requesting approval for validation of Prince George's County Use and Occupancy Permit No. 44936-2013-00 issued in error for a new tenant (Barber Shop/Beauty Salon, t/a Lillie's Barbershop Unisex).

Council District:

7

Appeal by Date:

9/28/2015

Action by Date:

2/29/2016

Opposition:

None

History:

08/27/2015

Zoning Hearing Examiner

approval

10/05/2015

Sitting as the District Council

deferred

Council deferred this item to October 19, 2015.

10/19/2015

Sitting as the District Council

elected to make the final decision

Council elected to make the final decision on this item (Vote: 9-0) and requested expedited scheduling.

10/30/2015

Person of Record

filed

*Michelle LaRocca, attorney for the applicant, filed a letter with All Persons of Record along with People's Zoning Counsel waiving their right to the thirty (30) day notice of hearing.***Attachment(s):**[ERR-252 Zoning AIS](#)[ERR-252 Zoning Hearing Examiner Decision](#)

ERR-252_PORL

ITEM(S) FOR DISCUSSION[SE-4757](#)**Potomac Energy Holdings, LLC****Companion Case(s):** DPLS-415; DSDS-688**Applicant(s):** Potomac Energy Holding, LLC**Location:** Located on the north side of Greenbelt Road (MD 193), at its intersection with Aerospace Road, also identified as 10000 Greenbelt Road, Lanham, Maryland (0.897 Acres; I-1 Zone).**Request:** Requesting approval of a Special Exception to use approximately 0.897 acres of land, in the I-1 (Light Industrial) Zone, for a Gas Station and Food or Beverage Store.**Council District:** 4**Appeal by Date:** 10/5/2015**Review by Date:** 10/5/2015**Action by Date:** 2/8/2016**Opposition:** Rick Dorsey**History:**

04/22/2015	M-NCPPC Technical Staff	approval with conditions
06/04/2015	M-NCPPC Planning Board	approval with conditions
09/04/2015	Zoning Hearing Examiner	approval with conditions
09/21/2015	Sitting as the District Council	elected to make the final decision
	<i>Council elected to make the final decision on this item (Vote: 9-0) and Council Member Turner requested expedited scheduling of the hearing.</i>	
10/05/2015	Person of Record	appealed
	<i>Ricky D. Dorsey appealed the Zoning Hearing Examiner's decision and requested Oral Arguments.</i>	
11/03/2015	Applicant	filed
	<i>Daniel F. Lynch, Esq., Attorney for the applicant, submitted a response to the Appeal of Ricky Dorsey.</i>	

11/09/2015 Sitting as the District Council hearing held; case taken under advisement

Chairman Franklin announced that the Oral Argument hearings for SE-4757 Potomac Energy Holdings, LLC, DSDS-688 Potomac Energy Holdings and DPLS-415 Potomac Energy Holdings would be held in tandem. Tom Lockard, M-NCPPC, provided an overview of the Special Exception, Departure from Design Standards and Departure from Parking and Loading Standards applications. Sean Morris, Esq., Attorney for the Opposition, and Ricky D. Dorsey spoke in opposition. Daniel Lynch, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.

Council took this case under advisement.

Attachment(s):

SE-4757_Appeal_10052015

[SE-4757 Zoning Hearing Examiner Decision](#)

SE-4757_PORL ZHE

[SE-4757 Planning Board Resolution 15-43](#)

[SE-4757 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION (Continued)

DSDS-688

Potomac Energy Holdings

Companion Case(s): DPLS-415; SE-4757

Applicant(s): Potomac Energy Holdings, LLC

Location: Located on the northeast corner of the intersection of Greenbelt Road (MD 193) and Aerospace Road (0.897 Acres; I-1 Zone).

Request: Requesting approval of a Departure from Sign Design Standards for a departure of five feet from the required ten-foot setback for a freestanding sign in accordance with Subtitle 27 of the Prince George's County Code.

Council District: 4

Appeal by Date: 7/9/2015

Review by Date: 7/9/2015

Action by Date: 2/8/2016

History:

04/22/2015 M-NCPPC Technical Staff approval with conditions

06/04/2015 M-NCPPC Planning Board approval

06/22/2015	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 8-0; Absent: Council Member Patterson).</i>	
07/06/2015	Person of Record	appealed
	<i>Mr. Ricky D. Dorsey appealed the Planning Board's decision and requested Oral Arguments.</i>	
11/03/2015	Applicant	filed
	<i>Daniel F. Lynch, Esq., Attorney for the applicant, submitted a response to the Appeal of Ricky Dorsey.</i>	
11/09/2015	Sitting as the District Council	hearing held; case taken under advisement
	<i>Chairman Franklin announced that the Oral Argument hearings for SE-4757 Potomac Energy Holdings, LLC, DSDS-688 Potomac Energy Holdings and DPLS-415 Potomac Energy Holdings would be held in tandem. Tom Lockard, M-NCPPC, provided an overview of the Special Exception, Departure from Design Standards and Departure from Parking and Loading Standards applications. Sean Morris, Esq., Attorney for the Opposition, and Ricky D. Dorsey spoke in opposition. Daniel Lynch, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.</i>	
	<i>Council took this case under advisement.</i>	
<u>Attachment(s):</u>	DSDS-688 Planning Board Resolution 15-45 DSDS-688_PORL	

ITEM(S) FOR DISCUSSION (Continued)**DPLS-415****Potomac Energy Holdings****Companion Case(s):** DSDS-688; SE-4757**Applicant(s):** Potomac Energy Holdings, LLC**Location:** Located on the northeast corner of the intersection of Greenbelt Road (MD 193) and Aerospace Road (0.897 Acres; I-1 Zone).**Request:** Requesting approval of a Departure form Parking and Loading Standards for a departure of five of the required 25 parking spaces in accordance with Subtitle 27 of the Prince George's County Code.**Council District:** 4**Appeal by Date:** 7/9/2015**Review by Date:** 7/9/2015**Action by Date:** 2/8/2016**History:**

04/22/2015 M-NCPPC Technical Staff approval with conditions

06/04/2015 M-NCPPC Planning Board approval

06/22/2015 Sitting as the District Council elected to review

Council elected to review this item (Vote: 8-0; Absent: Council Member Patterson).

07/06/2015 Person of Record appealed

Mr. Ricky D. Dorsey appealed the Planning Board's decision and requested Oral Arguments.

11/03/2015 Applicant filed

Daniel F. Lynch, Esq., Attorney for the applicant, submitted a response to the Appeal of Ricky Dorsey.

11/09/2015 Sitting as the District Council hearing held; case taken under advisement

Chairman Franklin announced that the Oral Argument hearings for SE-4757 Potomac Energy Holdings, LLC, DSDS-688 Potomac Energy Holdings and DPLS-415 Potomac Energy Holdings would be held in tandem. Tom Lockard, M-NCPPC, provided an overview of the Special Exception, Departure from Design Standards and Departure from Parking and Loading Standards applications. Sean Morris, Esq., Attorney for the Opposition, and Ricky D. Dorsey spoke in opposition. Daniel Lynch, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.

Council took this case under advisement.

Attachment(s): [DPLS-415 Planning Board Resolution 15-44](#)
DPLS-415_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

[DSP-05114-02](#)

Avondale Overlook, Metropolitan at Hyattsville

Applicant(s): 2300 Queens Chapel, LLC

Location: Located on the north side of Queens Chapel Road (MD 500), approximately 175 feet east of its intersection with Russell Avenue, and approximately 1,450 feet east of its intersection with Russell Avenue, and approximately 1,450 feet east of the boundary line of the District of Columbia (10.33 Acres; R-10 Zone).

Request: Requesting approval for a Detailed Site Plan to add 71 fee-simple single-family attached units to an existing multifamily development.

Council District: 2

Appeal by Date: 12/12/2015

Review by Date: 1/11/2016

Municipality: City of Hyattsville

History:

10/02/2015 M-NCPPC Technical Staff approval with conditions

11/05/2015

M-NCPPC Planning Board

approval with conditions

ADJOURN

2:30 PM COMMITTEE OF THE WHOLE (COUNCIL HEARING ROOM)

(SEE SEPARATE AGENDA)

3:30 PM BRIEFING - (COUNCIL HEARING ROOM)

[BR 11162015](#)

STATE MEDICINAL CANNABIS LAW

Facilitators:

Dr. Fern Piret, Planning Director, M-NCPPC

Alan Hirsch, Division Chief, Development Review, M-NCPPC

Deborah Borden, Associate General Counsel, M-NCPPC