

# Prince George's County Council

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



## **Zoning Agenda - Final**

**(9:30 AM Agenda Briefing Rm 2027)**

**Monday, February 12, 2018**

**10:00 AM**

**Council Hearing Room**

## **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*

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. All District Council Sessions are public meetings, however, a part of the meeting may be conducted in closed session.

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.

**9:30 AM AGENDA BRIEFING - (ROOM 2027)**

**10:00 AM CALL TO ORDER - (COUNCIL HEARING ROOM)**

**INVOCATION**

*Ms. Pleshette Monroe, County Employee*

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF DISTRICT COUNCIL MINUTES**

**MINDC 01222018      District Council Minutes dated January 22, 2018**

**Attachment(s):**      1-22-2018 District Council Minutes DRAFT

**MINDC 01302018      District Council Minutes dated January 30, 2018**

**Attachment(s):**      1-30-2018 District Council Minutes DRAFT

**ORAL ARGUMENTS****SE-4794****Uptown Suites; Lanham****Applicant(s):**

Connor &amp; 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:**

05/18/2017 M-NCPPC Technical Staff approval with conditions

05/23/2017 M-NCPPC Planning Board no motion to consider

09/15/2017 Zoning Hearing Examiner approval with conditions

09/25/2017 Sitting as the District Council deferred

*Council deferred this item to October 16, 2017.*

10/16/2017 Sitting as the District Council elected to make the final decision

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

01/22/2018 Sitting as the District Council announced hearing date

*Council announced the hearing date.***Attachment(s):**[SE-4794 Zoning Hearing Examiner Decision](#)[SE-4794 Technical Staff Report](#)

SE-4794 PORL

**ORAL ARGUMENTS (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:**

09/27/2017

Zoning Hearing Examiner

disapproval

11/06/2017

Sitting as the District Council

elected to make the final decision

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

01/22/2018

Sitting as the District Council

announced hearing date

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

ERR 268 PORL

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

10/31/2017 M-NCPPC Technical Staff approval with conditions

11/30/2017 M-NCPPC Planning Board approval with conditions

12/15/2017 Clerk of the Council mailed

*Notice of Mandatory Review Hearing (using Oral Argument procedures) was mailed to Persons of Record.*

01/08/2018 Sitting as the District Council announced hearing date

01/22/2018 Sitting as the District Council announced hearing date

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

DSP-16053\_PORL

**REFERRED FOR DOCUMENT**[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

**Action by Date:**

2/15/2018

**History:**

09/07/2017	M-NCPPC Technical Staff	approval with conditions
10/19/2017	M-NCPPC Planning Board	approval with conditions
11/06/2017	Sitting as the District Council	did not elect to review
	<i>Council took no action on this item.</i>	
11/16/2017	Person of Record	appealed
	<i>On November 16, 2017, Mehmet Omur Naz, filed an appeal to the decision of the Planning Board and requested oral argument.</i>	
12/12/2017	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to all Persons of Record.</i>	
01/08/2018	Sitting as the District Council	announced hearing date

01/22/2018                      Sitting as the District Council                      hearing held; referred for document

*Ivy Thompson, M-NCCPC, provided an overview of the Detailed Site Plan application. Omar Naz, spoke in opposition. Arthur Horne, attorney for the applicant, spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.*

*Council referred item to staff for preparation of an approving document, with conditions (Vote: 6-0; Absent: Council Members Franklin, Harrison, and Toles)*

**Attachment(s):**                      [DSP-17004 Planning Board Resolution 17-129](#)  
    [DSP-17004 Technical Staff Report](#)  
    DSP-17004\_PORL  
    DSP-17004 Appeal

#### **ITEM(S) FOR DISCUSSION**

[SE/VSE-4750](#)

#### **Sheriff Road Seventh Day Adventist Church**

**Companion Case(s):** DPLS-425

**Applicant(s):** Sheriff Road Seventh-Day Adventist Company

**Location:** Located at the intersection of Eastern Avenue and 59th Avenue, and identified as 602 59th Avenue, Fairmount Heights, Maryland (0.2860 Acres; R-55 Zone).

**Request:** Requesting approval for a Special Exception for permission to use approximately 0.2860-acre of R-55 (One-Family Detached Residential) zoned land for a 40-seat church. Also requesting Variance 4750 to reduce the minimum setback requirements for the church set forth in Sections 27.341.02 (a) (1) and 442 (e) of the Zoning Ordinance.

**Council District:** 5

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

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

**Action by Date:** 3/8/2018

**Comment(s):** The companion case, DPLS-425 was elected to review by Council on 3/13/2017.

**Municipality:** Town of Fairmount Heights

**Opposition:** Town of Fairmount Heights, et. al.

**History:**



01/17/2017	M-NCPPC Technical Staff	approval with conditions
02/23/2017	M-NCPPC Planning Board	approval with conditions
09/08/2017	Zoning Hearing Examiner	approval with conditions
09/11/2017	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>	
10/06/2017	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to all Persons of Record.</i>	
11/13/2017	Sitting as the District Council	hearing held; case taken under advisement

*Chairman Davis announced that the oral argument hearings for SE/VSE-4750 and DPLS-425 Sheriff Road Seventh Day Adventist Church would be held in tandem. Ivy Thompson, M-NCPPC, provided an overview of the Special Exception and Departure applications. Traci Scudder, Esq., spoke in support on behalf of the applicant. Todd Pounds, Esq. spoke in opposition on behalf of the Town of Fairmont Heights. 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.*

**Attachment(s):**

[SEVSE-4750 Zoning AIS](#)

[SEVSE-4750 Zoning Hearing Examiner Decision](#)

SEVSE-4750 PORL

[SE-4750 Planning Board Resolution 17-23](#)

[SE-4750 Technical Staff Report](#)

**ITEM(S) FOR DISCUSSION (Continued)**[DPLS-425](#)**Sheriff Road Seventh Day Adventist****Companion Case(s):** SE/VSE-4750**Applicant(s):** The Seventh Day Adventist Church of Sheriff Road**Location:** Located at the intersection of Eastern Avenue and 59th Avenue, also identified as 602 59th Avenue, Fairmount Heights, Maryland, 20743. The corner property has frontage on both 59th Avenue and Eastern Avenue (0.286 Acres; R-55 Zone).**Request:** Requesting approval for a Departure from Parking and Loading Standards for ten of the required ten off-street parking spaces.**Council District:** 5**Appeal by Date:** 3/30/2017**Review by Date:** 3/30/2017**Action by Date:** 2/15/2018**Municipality:** Town of Fairmount Heights**History:**

01/17/2017 M-NCPPC Technical Staff approval with conditions

02/23/2017 M-NCPPC Planning Board approval with conditions

03/13/2017 Sitting as the District Council elected to review

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

10/06/2017 Clerk of the Council mailed

*Notice of Oral Argument Hearing was mailed to all Persons of Record.*

11/13/2017

Sitting as the District Council

hearing held; case taken under advisement

*Chairman Davis announced that the oral argument hearings for SE/VSE-4750 and DPLS-425 Sheriff Road Seventh Day Adventist Church would be held in tandem. Ivy Thompson, M-NCPPC, provided an overview of the Special Exception and Departure applications. Traci Scudder, Esq., spoke in support on behalf of the applicant. Todd Pounds, Esq. spoke in opposition on behalf of the Town of Fairmont Heights. 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.*

**Attachment(s):**[DPLS-425\\_Zoning AIS](#)[DPLS-425 Planning Board Resolution 17-24](#)

DPLS-425\_PORL

[DPLS-425 Technical Staff Report](#)

**ITEM(S) FOR DISCUSSION (Continued)**[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:**

03/15/2017	M-NCPPC Technical Staff	approval with conditions
03/30/2017	M-NCPPC Planning Board	no motion to consider
07/21/2017	Zoning Hearing Examiner	approval with conditions
09/11/2017	Sitting as the District Council	elected to make the final decision

*Council elected to make the final decision on this item (Vote: 9-0).*

09/21/2017	Clerk of the Council	mailed
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*Notice of Oral Argument Hearing was mailed to Persons of Record.*

10/23/2017

Sitting as the District Council

hearing held; case taken under advisement

*Taslina Alam, M-NCPPC, provided an overview of the Special Exception application. 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.*

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

SE-4774 PORL

[SE-4774 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.*

**PLANNING BOARD****DSP-17031****Blue Ocean Cedar Pointe****Applicant(s):**

Blue Ocean Realty, LLC

**Location:**

Located at the terminus of Serenade Lane, approximately 1,850 feet east of its intersection with Summit Creek (6.70 Acres; R-T / M-I-O Zones).

**Request:**

Requesting approval of a Detailed Site Plan for 34 single-family-attached dwelling units in the Townhouse (R-T) Zone on a 6.70-acre site, as required by Section 27-433(k)(1) of the Prince George's County Zoning ordinance.

**Council District:**

9

**Appeal by Date:**

3/1/2018

**Review by Date:**

3/1/2018

**History:**

12/20/2017

M-NCPPC Technical Staff

approval with conditions

01/25/2018

M-NCPPC Planning Board

approval with conditions

**Attachment(s):**[DSP-17031 Zoning AIS](#)

**CASE SCHEDULED FOR MANDATORY REVIEW HEARING MARCH 12, 2018 AT 10:00 A.M.***Hearing Dates & Times Subject to Change***DSP-16027****Royal Farms #287 (Forestville Road)****Applicant(s):**

Two Farms Inc. d/b/a Royal Farms

**Location:**

Located in the southeastern quadrant of the intersection of Forestville Road and MD 725 (Marlboro Pike) at 3300 Forestville Road in District Heights (2.16 Acres; C-S-C/D-D-O/M-I-O Zones).

**Request:**

Requesting approval of a Detailed Site Plan for the construction of a food and beverage store in combination with a gas station, to amend the use table in the D-D-O Zone to allow a food and beverage store in combination with a gas station, and to amend Development District Standards 2.1 and 4.1 of the D-D-O Zone to allow a reduction in the required plant material quantity and for not providing the required loading space.

**Council District:**

6

**Appeal by Date:**

3/1/2018

**Review by Date:**

3/1/2018

**Action by Date:**

4/9/2018

**Comment(s):**

Mandatory Reivew:

District Council review of this case is required by Section 27-548.26(b) of the Zoning Ordinance.

**History:**

12/20/2017

M-NCPPC Technical Staff

approval with conditions

01/25/2018

M-NCPPC Planning Board

approval with conditions

**Attachment(s):**[DSP-16027 Zoning AIS](#)**ADJOURN****2:00 PM - COUNTY COUNCIL ITEMS - (COUNCIL HEARING ROOM)***(SEE SEPARATE AGENDA)***4:00 PM - CHARTER REVIEW COMMISSION - (ROOM 2027)***(SEE SEPARATE AGENDA)*