

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 11, 2019

10:00 AM

Council Hearing Room

Sitting as the District Council

Todd M. Turner, Chair, District 4

Monique Anderson-Walker, District 8

Derrick Leon Davis, District 6

Thomas E. Dernoga, District 1

Mel Franklin, At-Large

Dannielle M. Glaros, District 3

Sydney J. Harrison, District 9

Calvin S. Hawkins, II, At-Large

Jolene Ivey, District 5

Rodney C. Streeter, Vice Chair, District 7

Deni L. Taveras, District 2

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

Mrs. Sylvia Taylor, International Church of Christ, Landover, MD

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 01282019](#)

District Council Minutes dated January 28, 2019

ORAL ARGUMENTS**SE/VSE-4792 Remand Ernest Maier Concrete Batching Plant (Remand)****Companion Case(s):** SE/VSE-4792**Applicant(s):** Ernest Maier, Inc.**Location:** Located west side of Kenilworth Avenue (MD 201), approximately 254 feet west of its intersection with Upshur Street (3.95 Acres; I-2 Zone).**Request:** Requesting approval of a Special Exception to operate a Concrete Batching Plant. Variance from Section 27-343.02(a)(1) to allow a concrete batching plant and its components to be within 100-foot setback from adjacent property located in the Industrial zone. And a second variance from Section 27-474(b) to reduce the 25-foot setback from Kenilworth Avenue by five feet.**Council District:** 5**Appeal by Date:** 9/24/2018**Review by Date:** 10/1/2018**Action by Date:** 4/1/2019**Municipality:** Bladensburg**Opposition:** Port Towns Environmental Action et al.**History:**

06/14/2017	M-NCPPC Technical Staff	approval with conditions
09/14/2017	M-NCPPC Planning Board	no motion to consider
11/09/2017	Zoning Hearing Examiner	approval with conditions
12/11/2017	Person of Record	appealed

On December 11, 2017, David C. Blitzer filed exceptions in opposition to the decision of the Zoning Hearing Examiner on behalf of Port Towns Environmental Action et. al. and requested Oral Arguments.

04/11/2018	Applicant	filed
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Daniel F. Lynch, Esq., attorney for the applicant filed a reply to the 12/11/2017 appeal and requested the Zoning Hearing Examiner's decision be affirmed.

04/16/2018 Sitting as the District Council hearing held; case taken under advisement

Prior to the oral argument hearing, Daniel Lynch, Esq., attorney for the applicant, raised objections to a document that was circulated with regard to the application, which appeared to be a County document. He requesting that the record reflect that the document was not issued by the County. Ivy Thompson, M-NCCPC, provided an overview of the Special Exception application. The following persons spoke in opposition: David Blitzer, Esq., attorney for the opposition, Carlyncia S. Peck, Dr. Sacoby Wilson, and Alicia Melendez. Due to procedural concerns, the meeting went into recess. Once reconvened, Rajesh Kumar, Principal Counsel to the District Council, explained the role of Stan Brown, People's Zoning Counsel, who was unable to attend the hearing. Mr. Kumar also cautioned persons of record to keep their testimony to matters that are within the record. Ms. Melendez concluded her remarks, followed by additional opposition comments by The Honorable Victor Ramirez, Senator, 47th Legislative District. Daniel Lynch, Esq., spoke in support of behalf of the applicant and the following persons also spoke in support: Susan McCutchen, Suellen Ferguson, Esq., attorney for the Town of Bladensburg, along with The Honorable Takisha James, Mayor of Town of Bladensburg and Jim Foster on behalf of the Anacostia Watershed Society. Council took this case under advisement.

05/07/2018 Sitting as the District Council remanded

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

05/07/2018 Sitting as the District Council referred for document

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

08/23/2018 Zoning Hearing Examiner approval with conditions

09/17/2018 Sitting as the District Council deferred

Council deferred this item to September 24, 2018.

09/21/2018 Person of Record appealed

David C. Blitzer, Esquire, attorney for the opposition, filed an appeal in opposition to the proposal and requested Oral Argument.

09/24/2018 Sitting as the District Council did not elect to make the final decision

Council took no action on this item.

02/04/2019 Applicant filed

Daniel F. Lynch, Esq., attorney for the applicant filed a reply to the 9/21/2018 appeal and requested the Zoning Hearing Examiner's decision be affirmed.

Attachment(s):

[SE/VSE-4792 Remand Zoning Agenda Item Summary](#)

[SE/VSE-4792 Remand Zoning Hearing Examiner Decision](#)

SE-4792 PORL

[SE-4792 Technical Staff Report](#)

PENDING FINALITY

(b) PLANNING BOARD

[DSP-17026](#)

Marlboro Ridge, Phase 6

Applicant(s):

Toll MD V Limited Partnership

Location:

The subject DSP is a portion of a larger development known as Marlboro Ridge, which is located on the southwest side of Ritchie Marlboro Road, approximately 2,500 feet south of its intersection with Westphalia Road. The area covered in the subject DSP is located in the northern portion of the property, west of the Potomac Electric Power Company (PEPCO) power line right-of-way that bisects the overall site (92.60 Acres; R-R / M-I-O Zones).

Request:

Requesting approval for a Detailed Site Plan to develop Phase 6 with 88 single-family attached (townhouses) and three single-family detached dwelling units.

Council District:

6

Appeal by Date:

2/14/2019

Review by Date:

2/14/2019

History:

11/29/2018 M-NCPPC Technical Staff approval with conditions

01/10/2019 M-NCPPC Planning Board approval with conditions

01/28/2019 Sitting as the District Council deferred

Council deferred this item to February 11, 2019.

Attachment(s): [DSP-17026 Zoning Agenda Item Summary](#)
[DSP-17026 Planning Board Resolution 18-129](#)
 DSP-17026_PORL
[DSP-17026 Technical Staff Report](#)

PENDING FINALITY (Continued)

(b) PLANNING BOARD (Continued)

SDP-1302-03

Parkside (formerly Smith Home Farm) Section 5 and 6

Applicant(s): SHF Project Owner, LLC

Location: The larger Parkside (formerly known as Smith Home Farm) subdivision is a tract of land consisting of wooded undeveloped land and active farmland, located approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue). Sections 5 and 6, totaling approximately 147.79 acres, are located in the far southeastern portion of the larger Parkside development, south of the central park and Blythewood site, on both sides of Woodyard Road (MC-632) (147.79 Acres; R-M / M-I-O).

Request: Requesting approval of a Specific Design Plan for infrastructure for an additional 134 single-family attached units and 86 two-family attached units in Section 5, which has an approved SDP for 159 single-family attached (townhouse) units, and 274 single-family attached units and 32 single-family detached units in Section 6 for a subtotal of 526 dwelling units and 599 lots. The grand total of dwelling units in Sections 5 (including the previously approved 159 units) and Section 6 will be 685.

Council District: 6

Appeal by Date: 2/15/2019

Review by Date: 2/15/2019

History:

11/28/2018	M-NCPPC Technical Staff	approval with conditions
01/10/2019	M-NCPPC Planning Board	approval with conditions
01/28/2019	Sitting as the District Council	deferred

Council deferred this item to February 11, 2019.

Attachment(s): [SDP-1302-03 Zoning Agenda Item Summary](#)
[SDP-1302-03 Planning Board Resolution 18-130](#)
 SDP-1302-03_PORL

CASE(S) SCHEDULED FOR MANDATORY REVIEW ON MARCH 11, 2019 AT 10:00 A.M.*Hearing Dates & Times Subject to Change***DSP-14008-03****Crescents at Largo Town Center, Parcel 1****Applicant(s):**

Largo Land Development, LLC

Location:

Located in the northwest quadrant of Landover Road (MD 202) and Central Avenue (MD 214), within the southeast quadrant of the Largo Town Center (3.89 Acres; M-U-I / D-D-O Zones)

Request:

Requesting approval of a Detailed Site Plan (DSP) for 352 multifamily (Phase I) and 84 townhome (Phase II) residential units.

Council District:

6

Appeal by Date:

2/14/2019

Action by Date:

4/8/2019

Comment(s):

Mandatory Review:

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

History:

11/15/2018

M-NCPPC Technical Staff

approval with conditions

01/10/2019

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-14008-03 Zoning Agenda Item Summary](#)[DSP-14008-03 Planning Board Resolution 18-122](#)

DSP-14008-03_PORL

[DSP-14008-03 Technical Staff Report](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT ON MARCH 11, 2019 AT 10:00 A.M.*Hearing Dates & Times Subject to Change***[ERR-268 Remand](#)****835 Fairview Ave (Remand)****Validation of Multifamily Rental License No. M-0131 Issued In Error****Companion Case(s):** ERR-268**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:** 9/27/2018**Action by Date:** 4/1/2019**Opposition:** None**History:**

09/27/2017	Zoning Hearing Examiner	disapproval
11/06/2017	Sitting as the District Council	elected to make the final decision
	<i>Council elected to schedule Oral Arguments (Vote: 8-0; Absent: Council Member Toles).</i>	
02/12/2018	Sitting as the District Council	hearing held; referred for document
	<i>Taslima Alam, M-NCPPC, provided an overview of the permit issued in error application. Carline Brice and Remy Msilus, spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.</i>	
02/26/2018	Sitting as the District Council	remanded
	<i>Council adopted the prepared Order of Remand (Vote 8-0; Absent: Council Member Harrison).</i>	
08/28/2018	Zoning Hearing Examiner	disapproval

09/14/2018

Applicant

appealed

Traci Scudder, Esq. attorney for the applicant, appealed the Zoning Hearing Examiner's decision and requested another Remand.

Attachment(s):

[ERR 268 Zoning Hearing Examiner Decision](#)

ERR 268 PORL

ADJOURN

[ADJ12-19](#)

Adjourn