

Prince George's County Council

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



Zoning Agenda - Final

Monday, February 13, 2017

10:00 AM

Council Hearing Room

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

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**

Johnie L. Higgs, County Employee

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

MINDC 01232017

District Council Minutes dated January 23, 2017

Attachment(s):

1-23-2017 District Council Minutes DRAFT

ORAL ARGUMENTS

[A-10035](#)

Smithfield Properties

Applicant(s):

Liberty 5801 Columbia Park Road, LLC.

Location:

The subject 17.9-acre site is located in the corner of the intersection of Columbia Park Road and Cabin Branch Road within an industrial use area (10.063 Acres; I-3 Zone).

Request:

Requesting approval for a Zoning Map Amendment to rezone approximately 17.9 acres of land in the I-3 (Planned Industrial/Employment Park) Zone, to the I-2 (Heavy Industrial) Zone.

Council District:

5

Appeal by Date:

11/14/2016

Action by Date:

4/13/2017

Municipality:

None

Opposition:

Town of Cheverly

History:

04/14/2016

M-NCPPC Technical Staff

disapproval

04/28/2016

M-NCPPC Planning Board

no motion to consider

10/14/2016

Zoning Hearing Examiner

approval

01/09/2017 Sitting as the District Council elected to make the final decision

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

Attachment(s):

[A-10035 Zoning AIS](#)

[A-10035 Zoning Hearing Examiner Decision](#)

A-10035 PORL

[A-10035 Technical Staff Report](#)

ELIGIBLE FOR FINAL ACTION (Orientation if Desired)

[CNU-31260-2015-U](#)

MT Laney

Applicant(s):

Laney Recycling LLC

Location:

Located on the west side of Old Gunpowder Road, north of the intersection of Contee Road and approximately 300 feet south of the intersection of Old Gunpowder Road and Sandy Spring Road, also identified as 14852 Old Gunpowder Road, Laurel, Maryland (7.325 Acres; I-2 Zone).

Request:

Requesting approval of a Certification of a Non-Conforming Use for a Concrete Recycling Facility. Certification of the existing concrete recycling plant is required due to the adoption of CB-78-2004.

Council District:

1

Appeal by Date:

2/14/2017

Action by Date:

3/16/2017

Opposition:

None

History:

08/04/2016

M-NCPPC Administrative Certification approval

Alan Hirsch, Chief, Development Review Division, transmitted a memorandum recommending that the use be certified as nonconforming since the application was found to fulfill the requirements of the Zoning Ordinance for administrative certification of the use in question, and no request for the Planning Board to conduct a public hearing was received within the time period specified on the public notice sign.

09/12/2016

Sitting as the District Council elected to review

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

10/24/2016 Sitting as the District Council directed Clerk to refer to ZHE
for hearing

Prior to Oral Argument hearing, Stan Brown, People's Zoning Counsel, indicated that this case should be referred to the Zoning Hearing Examiner to conduct an evidentiary hearing pursuant to Section 27-244.

Council instructed the Clerk to refer the item to the Zoning Hearing Examiner for hearing.

10/24/2016 Clerk of the Council administrative referral to the
Zoning Hearing Examiner

01/30/2017 Zoning Hearing Examiner approval with conditions

Attachment(s): [CNU-31260-2015-U_ZoningAIS](#)
[CNU-31260-2015-U Zoning Hearing Examiner Decision](#)
CNU-31260-2015-U PORL
[CNU-31260-2015-U_ZoningAIS_07292016](#)

NEW CASE(S)

A-10036 Remand

Donnell Drive (Remand)

Companion Case(s): A-10036

Applicant(s): Visconsi Land Co., Ltd

Location: Located in the southeast quadrant of the intersection of Donnell Drive and Pennsylvania Avenue (MD 4), identified as 3700 and 3710 Donnell Drive, District Heights, Maryland (2.42 Acres; R-T (M-I-O) Zone).

Request: Requesting approval of a Zoning Map Amendment for the rezoning of approximately 2.42 acres of R-T (Townhouse) zoned land to the C-M (Commercial Miscellaneous) Zone.

Council District: 6

Appeal by Date: 2/13/2017

Action by Date: 5/12/2017

Opposition: Linda Dabney

History:

08/24/2016	Clerk of the Council	transmitted
	<i>The Clerk of the Council transmitted a router indicating that due to its relationship with a pending Zoning Map Amendment, and in accordance with Section 27-213.28, it is appropriate for this request to be Remanded back to the Zoning Hearing Examiner until after final action by the Council on the respective Zoning Map Amendment.</i>	
08/25/2016	Applicant	filed
	<i>Thomas Haller, Esq., attorney for the applicant, filed a letter with the Clerk of the Council requesting that the District Council remand this case to the Zoning Hearing Examiner in accordance with Section Section 27-213.28.</i>	
09/12/2016	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of a document of Remand to the Zoning Hearing Examiner in accordance with Section 27-213.28 (Vote: 7-0; Absent: Council Members Harrison and Taveras).</i>	
09/12/2016	Sitting as the District Council	remanded
	<i>Council adopted the prepared Order of Remand (Vote: 7-0; Absent: Council Members Harrison and Taveras).</i>	
01/12/2017	Zoning Hearing Examiner	approval with conditions
<u>Attachment(s):</u>	A-10036 Remand Zoning AIS A-10036 REMAND_Zoning Hearing Examiner Decision A-10036 Remand_POR A-10036 Donnell Drive - Remand Order A-10036 Zoning Hearing Examiner Decision A-10036 Planning Board Resolution 16-57 A-10036 Technical Staff Report	

REFERRED FOR DOCUMENT[DSP-16034](#)**H & E Equipment Services, Forestville Commercial Center, Lot 12, Block D****Applicant(s):**

H & E Equipment Services, Inc.

Location:

Located on the south side of Parston Drive, approximately 1,400 feet east of its intersection with Forestville Drive (1.71 Acres; I-1, D-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan to change the Development District Overlay Zone (D-D-O) Zone use table to allow the sales and rental of heavy motorized equipment or construction equipment of all kinds with outdoor display, including maintenance of said equipment within an enclosed building, and two amendments to the development district standard to reduce the parking to no more than 30 spaces and to allow the existing barbed wire and chain-link fencing at the perimeter of the site.

Council District:

6

Appeal by Date:

1/5/2017

Action by Date:

3/3/2017

Comment(s):

District Council review of this case is required by Section 27-548.09.01(b)(1) of the Zoning Ordinance

History:

10/26/2016	M-NCPPC Technical Staff	approval with conditions
12/01/2016	M-NCPPC Planning Board	approval with conditions
01/09/2017	Sitting as the District Council	announced hearing date
01/23/2017	Sitting as the District Council	hearing held; referred for document

Susan Lareuse, M-NCPPC, provided an overview of the Detailed Site Plan application. Matthew Tedesco, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

Council referred item to staff for preparation of an approving document with conditions.

Attachment(s): [DSP-16034 Zoning AIS](#)
[DSP-16034 Planning Board Resolution 16-130](#)
 DSP-16034_PORL
[DSP-16034 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION

[DSP-15016](#)

Blue, Parcels 61 and 130

Applicant(s): Hyattsville Route One Partners, LLC
Location: Located located on the western side of Baltimore Avenue (US 1), approximately 115 feet south of its intersection with Jefferson Street at 5334 Baltimore Avenue, in the City of Hyattsville (0.56 Acres; C-D-O / D-D-O Zones).
Request: Requesting approval of a Detailed Site Plan for a 16-townhouse development.
Council District: 2
Appeal by Date: 12/1/2016
Review by Date: 1/2/2017
Action by Date: 2/13/2017
Municipality: City of Hyattsville

History:

09/26/2016	M-NCPPC Technical Staff	approval with conditions
10/27/2016	M-NCPPC Planning Board	approval with conditions
11/07/2016	Sitting as the District Council	deferred
	<i>Council deferred this item to November 14, 2016.</i>	
11/14/2016	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 9-0).</i>	
01/23/2017	Sitting as the District Council	hearing held; case taken under advisement

Ruth Grover, M-NCPPC, provided an overview of the Detailed Site Plan application. Larry Taub, Esq., spoke in support on behalf of the applicant. Jim Chandler spoke in opposition on behalf of the City of Hyattsville. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

Council took this case under advisement.

Attachment(s): [DSP-15016 Zoning AIS](#)
[DSP-15016 Planning Board Resolution 16-119](#)
 DSP-15016_PORL
[DSP-15016 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION (Continued)

DSP-16021

River of Life Church

Applicant(s):

River of Life Church

Location:

Located on the south side of Norcross Street, approximately 260 feet southeast of its intersection with Saint Clair Drive (8.98 Acres; R-55 Zone).

Request:

Requesting approval of a Detailed Site Plan to increase an existing day care center enrollment from 30 to 55 children.

Council District:

7

Appeal by Date:

11/24/2016

Review by Date:

11/24/2016

Action by Date:

2/13/2017

History:

09/27/2016	M-NCPPC Technical Staff	approval with conditions
10/26/2016	M-NCPPC Planning Board	approval with conditions
11/07/2016	Sitting as the District Council	deferred
	<i>Council deferred this item to November 14, 2016.</i>	
11/14/2016	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 9-0).</i>	
01/23/2017	Sitting as the District Council	hearing held; case taken under advisement

Jill Kosack, M-NCPPC, provided an overview of the Detailed Site Plan application. Michelle LaRocca, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

Council took this case under advisement.

Attachment(s): [DSP-16021 Zoning AIS](#)
[DSP-16021 Planning Board Resolution 16-120](#)
 DSP-16021_PORL
[DSP-16021 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION (Continued)

[ERR-257](#)

831 Fairview Avenue Apartments, LLC
Validation of Multifamily Rental License No. M-0129 Issued in Error

Applicant(s): 831 Fairview Avenue Apartments, LLC
Location: Located at 831 Fairview Avenue, Takoma Park Maryland (0.1720 Acres; R-18 Zone).
Request: Requesting approval for validation of Prince George's County Multifamily Rental License No. M-0129 issued in error for a 6-unit apartment building located in the R-18 (Multifamily Medium Density Residential) Zone.
Council District: 2
Appeal by Date: 9/12/2016
Action by Date: 2/28/2017
Opposition: None
History:

08/11/2016	Zoning Hearing Examiner	approval with conditions
09/19/2016	Sitting as the District Council	deferred
	<i>Council deferred this item.</i>	
10/17/2016	Sitting as the District Council	elected to make the final decision

Council elected to make the final decision on this item (Vote: 7-0; Absent: Council Members Franklin and Turner).

01/09/2017 Sitting as the District Council hearing held; case taken under advisement

Taslina Alam, M-NCPPC, provided an overview of the Permit Issued in Error application. Thomas Haller, Esq. spoke in support, on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

Council took this case under advisement.

Attachment(s): [ERR-257 Zoning AIS](#)
 [ERR 257 Zoning Hearing Examiner Decision](#)
 ERR-257 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

DDS-635

Dollar General - Livingston Road

Companion Case(s): DPLS-431

Applicant(s): Pace Livingston, LLC.

Location: Located on the east side of Livingston Road 125 feet north of its intersection with Saint Barnabas Road (MD 414), also identified as 6712 Livingston Road (0.84 Acres: C-S-C Zone).

Request: Requesting approval of a Departure from Design Standards for a waiver of 38.5 feet from Section 27-579(b) to allow access to the loading space to be located within 50 feet of residentially-zoned property.

Council District: 8

Appeal by Date: 3/2/2017

Review by Date: 3/2/2017

History:

12/21/2016 M-NCPPC Technical Staff approval with conditions

01/26/2017 M-NCPPC Planning Board approval with conditions

Attachment(s): [DDS-635 Zoning AIS](#)

PENDING FINALITY (Continued)**DPLS-431****Dollar General - Livingston Road**

Companion Case(s): DDS-635

Applicant(s): Pace Livingston, LLC.

Location: Located on the east side of Livingston Road 125 feet north of its intersection with Saint Barnabas Road (MD 414), also identified as 6712 Livingston Road (0.84 Acres: C-S-C Zone).

Request: Requesting approval of a Departure from Parking and Loading Standards for a departure of 17 parking spaces from the Zoning Ordinance requirement of 43 parking spaces.

Council District: 8

Appeal by Date: 3/2/2017

Review by Date: 3/2/2017

History:

12/21/2016	M-NCPPC Technical Staff	approval with conditions
01/26/2017	M-NCPPC Planning Board	approval with conditions

Attachment(s): [DPLS-431 Zoning AIS](#)

DSP-16017**Mount Oak Estates, Lot 19**

Applicant(s): Shane Serrant

Location: Located on the east side of Westbrook Lane in the existing Mount Oak Estates Subdivision, northwest of its intersection with Woodmore Road. Westbrook Lane is one-third mile west of the intersection of Woodmore Road and Church Road (2.63 Acres; R-A Zone).

Request: Requesting approval of a Detailed Site Plan for one single family detached residential house.

Council District: 6

Appeal by Date: 3/2/2017

Review by Date: 3/2/2017

History:

12/21/2016	M-NCPPC Technical Staff	approval with conditions
01/26/2017	M-NCPPC Planning Board	approval with conditions

Attachment(s): [DSP-16017 Zoning AIS](#)

PENDING FINALITY (Continued)[DSP-16020](#)**Allentown Andrews Gateway****Companion Case(s):** DDS-638**Applicant(s):** Camp Springs Allentown, LLC.**Location:** Located in the northeast quadrant of the intersection of Branch Avenue (MD 5) and Allentown Road (MD 337) (13.03 Acres; M-X-T Zone).**Request:** Requesting approval of a Detailed Site Plan for a mixed-use project consisting of 55,600 square-foot commercial development including one 36,000-square-foot grocery store (LIDL), one 5,600 square-foot gas station with food and beverage store (WAWA), one 14,000 square-foot in-line commercial building, of which 500 square feet is to be used for community meeting space, and 59 townhouse units.**Council District:** 8**Appeal by Date:** 3/9/2017**Review by Date:** 3/9/2017**History:**

01/05/2017 M-NCPPC Technical Staff approval with conditions

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

Attachment(s): [DSP-16020 Zoning AIS](#)[DDS-638](#)**Allentown Andrews Gateway****Companion Case(s):** DSP-16020**Applicant(s):** Camp Springs Allentown, LLC.**Location:** Located in the northeast quadrant of the intersection of Branch Avenue (MD 5) and Allentown Road (MD 337) (13.03 Acres; M-X-T Zone).**Request:** Requesting approval of a Departure from Design Standards for three departures from Section 27-579(b) of the Prince George's County Zoning Ordinance which prohibits loading spaces and access to a loading space to be located less than 50 feet from property proposed to be used for residential purposes.**Council District:** 8**Appeal by Date:** 3/9/2017**Review by Date:** 3/9/2017**History:**

01/05/2017 M-NCPPC Technical Staff approval with conditions

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

Attachment(s): [DDS-638 Zoning AIS](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON MARCH 27, 2017 AT 10:00

A.M.

Hearing Dates & Times Subject to Change

[CSP-16004](#)

The Ascent

Applicant(s):

Davey Street, LLC.

Location:

Located on the south side of Southern Avenue, north of Atkins Avenue, west of Davey Street, extending westward past Cavalier Street, approximately 640 feet (5.05 Acres; R-T / C-S-C / T-D-O Zones).

Request:

Requesting approval of a Conceptual Site Plan to rezone the property from the Commercial Shopping Center (C-S-C) and Townhouse (R-T) Zones to the M-X-T Zone.

Council District:

7

Appeal by Date:

3/2/2017

Action by Date:

4/11/2017

Comment(s):

District Council review of this case is required by Section 27-548.09.01(b) of the Zoning Ordinance.

Municipality:

Town of Capitol Heights

History:

12/21/2016

M-NCPPC Technical Staff

approval with conditions

01/26/2017

M-NCPPC Planning Board

approval with conditions

Attachment(s): [CSP-16004 Zoning AIS](#)

ADJOURN

12:30 PM EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

[EX 02132017](#)

Motion to convene in executive session to consult with counsel to seek legal advice and to discuss pending or potential litigation in accordance with section 3-305(b)(7, 8), General Provisions Article, Annotated Code of Maryland.

**3:00 PM BRIEFING BY THE MARYLAND CENTER ON ECONOMIC POLICY (MDCEP)
(COUNCIL HEARING ROOM)**

(SEE SEPARATE AGENDA)