



Prince George's County Council

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

Zoning Minutes - Final 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, February 13, 2017

10:00 AM

Council Hearing Room

9:30 AM AGENDA BRIEFING - (ROOM 2027)

10:16 AM CALL TO ORDER - (COUNCIL HEARING ROOM)

Pursuant to the provisions of Section 27-132(a) of the Zoning Ordinance, the meeting was called to order at 10:16 a.m. with seven members present at roll call. Council Member Franklin arrived at 10:28 a.m. Council Member Glaros arrived at 11:19 a.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: Stan Brown, People's Zoning Counsel
Robert J. Williams, Jr., Council Administrator
William M. Hunt, Deputy Council Administrator
Rajesh Kumar, Principal Counsel to the District Council
Redis C. Floyd, Clerk of the Council
Donna J. Brown, Deputy Clerk of the Council
Karen Zavakos, Zoning and Legislative Counsel*

*M-NCPPC
Taslima Alam, Development Review Division*

INVOCATION

The Invocation was provided by Ms. Wanda Brooks, County Employee. Council Member Davis requested prayer and acknowledgement of the Clerk of the Council, Redis "Ree" Floyd on her Birthday.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Toles.

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 01232017](#) **District Council Minutes dated January 23, 2017**

A motion was made by Council Member Turner, seconded by Council Member Toles, that these Minutes be approved. The motion carried by the following vote:

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

Absent: Glaros and Franklin

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:

Taslina Alam, M-NCPPC, provided an overview of the Zoning Map Amendment application. Michael Callahan, spoke in opposition. 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.

Council took this case under advisement.

This Zoning Map Amendment hearing was held and the case was taken under advisement.

- 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:**

Council referred item to staff for preparation of an approving document, with conditions (Vote: 7-0; Absent: Council Members Glaros and Harrison).

A motion was made by Council Member Lehman, seconded by Council Member Turner, that this Certification of a Nonconforming Use be referred for document. The motion carried by the following vote:

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

Absent: Glaros and Harrison

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

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:**

Stan Brown, People's Zoning Counsel, brought to the Council's attention that this case is still eligible for appeal until close of business today, February 13, 2017. He noted that the Council could take preliminary action today; however, if an appeal is filed timely, the case would be scheduled for oral argument hearing.

Council referred item to staff for preparation of an approving document, with conditions (Vote: 8-0; Absent: Council Member Harrison).

A motion was made by Chairman Davis, seconded by Council Member Turner, that this Zoning Map Amendment be referred for document. The motion carried by the following vote:

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

Absent: Harrison

Attachment(s): [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:

Council adopted the prepared Order of approval, with conditions (9-0).

A motion was made by Chairman Davis, seconded by Council Member Turner, that this Detailed Site Plan be approved with conditions. The motion carried by the following vote:

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

- 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:

Stan Brown, People's Zoning Counsel, spoke to new procedural issues related to this case as a result of a change of ownership during the pendency of this application. Council referred this item for preparation of an Order of Remand to the Planning Board.

A motion was made by Chairman Davis, seconded by Council Member Taveras, that this Detailed Site Plan be referred for document. The motion carried by the following vote:

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

Council adopted the prepared Order of Remand (9-0).

A motion was made by Chairman Davis, seconded by Council Member Taveras, that this Detailed Site Plan be remanded. The motion carried by the following vote:

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

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:

Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0). Under discussion, Council Member Toles and Raj Kumar, Principal Counsel to the District Council, delineated revisions to the prepared document.

A motion was made by Council Member Toles, seconded by Vice Chair Glaros, that this Detailed Site Plan be referred for document. The motion carried by the following vote:

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

Council adopted the revised Order of approval, with conditions (9-0).

A motion was made by Chairman Davis, seconded by Council Member Toles, that this Detailed Site Plan be approval with conditions. The motion carried by the following vote:

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

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:**

Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0).

A motion was made by Council Member Taveras, 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

Council adopted the prepared Zoning Ordinance No. 1 - 2017 Validation of Multifamily Rental License No. M-0129 (Vote: 9-0).

A motion was made by Council Member Taveras, seconded by Vice Chair Glaros, that this Permit issued in error be approved with conditions. The motion carried by the following vote:

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

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:

Council deferred this item to February 27, 2017.

This Departure from Design Standards was deferred.

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:

Council deferred this item to February 27, 2017.

This Departure from Parking and Loading Standards was deferred.

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:

Council took no action on this item.

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

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:***Council deferred this item to February 27, 2017.***This Detailed Site Plan was deferred.****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:***Council deferred this item to February 27, 2017.***This Departure from Design Standards was deferred.****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

This Conceptual Site Plan hearing date was announced.

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

11:44 AM ADJOURN

The meeting was adjourned at 11:44 a.m.

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.

History:

Topics Discussed:

(1) Deputy County Attorney update on federal litigation matters concerning County Adult Entertainment legislation.

(2) Deputy County Attorney update on pawnshop litigation in Circuit Court

(3) Principal Counsel provided update on various pending zoning litigation matters:

(A) Terry v. County Council, Court of Special Appeals of Maryland

(B) County Council v. Chaney Enterprises, Court of Appeals of Maryland

(C) Price v. Prince George's County, CAE16-15008 (tax rate challenge)

A motion was made by Vice Chair Glaros, seconded by Council Member Patterson, that this Executive Session be convened. The motion carried by the following vote:

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

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

(SEE SEPARATE AGENDA)

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Redis C. Floyd, Clerk of the Council

