

# 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, April 23, 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.

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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**

*Mr. Johnie Higgs, County Employee*

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 04162018](#)

**District Council Minutes dated April 16, 2018**

**REFERRED FOR DOCUMENT**[ERR-265](#)**Ali I. Tangoren Family Settlement Revocable Family Trust/ Ali I. Tangoren, Trustee**  
**Validation of Multifamily Rental License No. M-130 Issued in Error****Applicant(s):**

Ali I. Tangoren

**Location:**

Located at 833 Fairview Avenue, Takoma Park, Maryland (.16 Acres; R-18 Zone).

**Request:**

Requesting validation of Prince George's County Multifamily Rental License No. M-130 issued in error for a 3-unit apartment building in the R-18 Zone.

**Council District:**

2

**Appeal by Date:**

12/7/2017

**Action by Date:**

5/7/2018

**Opposition:**

None

**History:**

11/07/2017

Zoning Hearing Examiner

approval with conditions

01/08/2018

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).*

03/26/2018

Sitting as the District Council

referred for document

*A motion to refer to staff to prepare a document of disapproval was made by Council Member Taveras, but failed for lack of a second. Council took this case under advisement.*

03/26/2018

Sitting as the District Council

hearing held; case taken under advisement

*Ras Cannady, M-NCCPC, provided an overview of the application for Validation of a Permit Issued in Error. Ali Taneoren, Applicant, spoke in support. Renee Palacios, Representative of the Department of Permits, Inspection and Enforcement, responded to questions posed by the Council. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.**Council took this case under advisement.*

03/26/2018            Sitting as the District Council            case taken under advisement  
*Council took this case under advisement.*

04/16/2018            Sitting as the District Council            referred for document  
*Council referred item to staff for preparation of document of remand  
(Vote: 7-0; Absent: Council Members Davis and Franklin).*

**Attachment(s):**            [ERR-265 Zoning Hearing Examiner Decision](#)

**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.*

**(a) PLANNING BOARD****DSP-17011****Matapeake Parcel 1, 2, & A****Applicant(s):**

Fairfield Building Co.

**Location:**

Located on the east side of Matapeake Business Drive, one-quarter mile east of the intersection of Timothy Branch Drive and US 301 (Robert Crain Highway), also identified as 7651 Matapeake Business Drive in Brandywine, Maryland (12.38 Acres; M-X-T Zone).

**Request:**

Requesting approval of a Detailed Site Plan (DSP) for 312 multifamily units on Parcels 1, 2 (previously Parcels 8 and 9) and A.

**Council District:**

9

**Appeal by Date:**

5/17/2018

**Review by Date:**

5/17/2018

**History:**

02/16/2018

M-NCPPC Technical Staff

approval with conditions

04/12/2018

M-NCPPC Planning Board

approval with conditions

**PENDING FINALITY (Continued)****(a) PLANNING BOARD (Continued)**[DDS-642](#)**Matapeake Parcel 1, 2, & A****Applicant(s):**

Fairfield Building Co.

**Location:**

Located on the east side of Matapeake Business Drive, one-quarter mile east of the intersection of Timothy Branch Drive and US 301 (Robert Crain Highway), also identified as 7651 Matapeake Business Drive in Brandywine, Maryland (12.38 Acres; M-X-T Zone).

**Request:**

Requesting approval of a Departure from Design Standards from Section 27-558(a) of the Prince George's County Zoning Ordinance to allow parking spaces with varied depths from 18 feet to 21 feet by 9 feet in width.

**Council District:**

9

**Appeal by Date:**

5/17/2018

**Review by Date:**

5/17/2018

**History:**

02/16/2018

M-NCPPC Technical Staff

approval with conditions

04/12/2018

M-NCPPC Planning Board

approval with conditions

**PENDING FINALITY (Continued)****(a) PLANNING BOARD (Continued)**[DSP-87050-12](#)**The Shops at Oxford (Constellation Centre)****Applicant(s):**

Oxon Hill Road LLC

**Location:**

Located on the north side of Oxon Hill Road at its intersection with I-95/495 (Capital Beltway), approximately 1,000 feet west of the intersection with MD 414 (St. Barnabas Road) (24.95 Acres; C-S-C Zone).

**Request:**

Requesting approval of a Detailed Site Plan (DSP) for construction of 16,000 square feet of commercial retail uses, The Shops at Oxford, within the existing parking area of Constellation Centre.

**Council District:**

8

**Appeal by Date:**

5/3/2018

**Review by Date:**

5/3/2018

**History:**

02/26/2018	M-NCPPC Technical Staff	approval with conditions
03/29/2018	M-NCPPC Planning Board	approval with conditions
04/16/2018	Sitting as the District Council	deferred

*Council deferred this item to April 23, 2018.*

**Attachment(s):**

[DSP-87050-12 Zoning Agenda Item Summary \(ZAIS\)](#)



**PENDING FINALITY (Continued)****(a) PLANNING BOARD (Continued)****[SDP-1501 Amended](#)****Oak Creek Club, Phase 5 (Amended)****Applicant(s):**

NVR-MS Cavalier Oak Creek, LLC

**Location:**

Located north of oak grove road, 3,200 feet west of the intersection with church road south (117.49 Acres; R-L Zone).

**Request:**

Requesting waiver and reconsideration of the conditions to construct a roundabout at the intersection of Oak Grove Road and Church Road and convert the roundabout to a four-way signal-controlled intersection. (The original request was approval of a Specific Design Plan for Phase 5 of the development, which proposes 213 single-family units).

**Council District:**

6

**Appeal by Date:**

4/12/2018

**Review by Date:**

5/16/2018

**Comment(s):**

This case was originally transmitted on March 13, 2018 to the Council, but was returned and retransmitted on April 12, 2018 in order to satisfy affidavit requirements.

**History:**

01/31/2018

M-NCPPC Technical Staff

approval with conditions

03/08/2018

M-NCPPC Planning Board

approval with conditions

**Attachment(s):****[SDP-1501 Planning Board Resolution 15-141](#)**

**PENDING FINALITY (Continued)****(a) PLANNING BOARD (Continued)****[SDP-0417 Amended](#)****Oak Creek Club, Phase 3 (Amended)****Applicant(s):**

Oak Creek Club, Corporation

**Location:**

Located in the northwest intersection of Oak Grove Road and Church Road (64.73 Acres; R-L Zone).

**Request:**

Requesting waiver and reconsideration of the conditions to construct a roundabout at the intersection of Oak Grove Road and Church Road and convert the roundabout to a four-way signal-controlled intersection. (The original request was approval of a Specific Design Plan for the construction of 92 single-family detached houses in the R-L Zone).

**Council District:**

6

**Appeal by Date:**

4/12/2018

**Review by Date:**

5/14/2018

**Comment(s):**

This case was originally transmitted on March 13, 2018 to the Council, but was returned and retransmitted on April 12, 2018 in order to satisfy affidavit requirements.

**History:**

01/31/2018

M-NCPPC Technical Staff

approval with conditions

03/08/2018

M-NCPPC Planning Board

approval with conditions

**PENDING FINALITY (Continued)****(a) PLANNING BOARD (Continued)****[SDP-0610 Amended](#)****Oak Creek Club, Phase 4 (Amended)****Applicant(s):**

Oak Creek Club Corporation

**Location:**

Located approximately 2,000 feet west of intersection of Oak Grove Road & Church Road & 5,000 feet east of Church and Mary Bowie Parkway.

**Request:**

Requesting waiver and reconsideration of the conditions to construct a roundabout at the intersection of Oak Grove Road and Church Road and convert the roundabout to a four-way signal-controlled intersection. (The original request was approval of a Specific Design Plan for construction of 135 single-family detached houses in the R-L Zone).

**Council District:**

6

**Appeal by Date:**

4/12/2018

**Review by Date:**

5/14/2018

**Comment(s):**

This case was originally transmitted to the Council on March 13, 2018, but was returned and retransmitted on April 12, 2018 in order to satisfy affidavit requirements.

**History:**

01/31/2018

M-NCPPC Technical Staff

approval with conditions

03/08/2018

M-NCPPC Planning Board

approval with conditions

**PENDING FINALITY (Continued)****(a) PLANNING BOARD (Continued)**

[SDP-0610-01](#)  
[Amended](#)

**Oak Creek Club, Phase 4 (Amended)****Applicant(s):**

NVR-MS Cavalier Oak Creek, Club, LLC.

**Location:**

Located approximately 2,000 feet west of the intersection of Oak Grove and Church Roads 5,000 feet east of the intersection of Church Road and Mary Bowie Parkway (69.68 Acres; R-L Zone).

**Request:**

Requesting waiver and reconsideration of the conditions to construct a roundabout at the intersection of Oak Grove Road and Church Road and convert the roundabout to a four-way signal-controlled intersection. (The original request was for a Specific Design Plan to reconfigure Landbay 'N' so as to provide internal access to the 10 lots fronting on Oak Grove Road in Specific Design Plan SDP-0610 and provide a current approval that will supersede SDP-0610).

**Council District:**

6

**Appeal by Date:**

4/12/2018

**Review by Date:**

5/14/2018

**Comment(s):**

This case was originally transmitted on March 13, 2018 to the Council, but was returned and retransmitted on April 12, 2018 in order to satisfy affidavit requirements.

**History:**

01/31/2018	M-NCPPC Technical Staff	approval with conditions
03/08/2018	M-NCPPC Planning Board	approval with conditions

**PENDING FINALITY (Continued)****(b) PLANNING BOARD'S REPRESENTATIVE****CNU-5403-2018-U****5715 Livingston Road, Oxon Hill****Applicant(s):**

April Mackoff, Clear Channel Outdoor

**Location:**

Located approximately 2,364 feet south of the intersection of Livingston Road and Indian Head Highway (3.4 Acres; R-55 Zone).

**Request:**

Requesting Certification of Nonconforming Use for existing outdoor advertising signs pursuant to Council Bill 84-2016 which requires that applications for the certification of outdoor advertising signs in existence as of January 1, 2002, be filed no later than December 31, 2021. This outdoor advertising sign was erected in 1939.

**Council District:**

8

**Review by Date:**

4/30/2018

**Comment(s):**

In the event the District Council elects to review this case, it will be sent to the ZHE for a hearing pursuant to Section 27-244(e) of the Zoning Ordinance.

**History:**

03/30/2018

M-NCPPC Administrative Certification approval

04/16/2018

Sitting as the District Council deferred

*Council deferred this item to April 23, 2018.***Attachment(s):**[CNU-5403-2018-U Zoning Agenda Item Summary \(ZAIS\)](#)**ADJOURN****11:00 AM BRIEFING: VENTURE PHILANTHROPY PARTNERS (VPP) & TELEPHARMACY INITIATIVES (COUNCIL HEARING ROOM)***(SEE SEPARATE AGENDA)***1:30 PM TRANSPORTATION, HOUSING AND THE ENVIRONMENT COMMITTEE - (ROOM 2027)***(SEE SEPARATE AGENDA)*