

# Prince George's County Council

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



## **Zoning Agenda - Final**

**(11:00 AM Agenda Briefing Rm 2027)**

**Monday, March 26, 2018**

**11:30 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.

**11:00 AM AGENDA BRIEFING - (ROOM 2027)**

**11:30 AM CALL TO ORDER - (COUNCIL HEARING ROOM)**

**INVOCATION**

*Ms. Christine Osei, County Employee*

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 03122018](#)

**District Council Minutes dated March 12, 2018**

**Attachment(s):**

[3-12-2018 District Council Minutes DRAFT](#)

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

**NEW CASE(S)**[ERR-266 Remand](#)**Vizion Realty, LLC (REMAND)****Validation of Multifamily Rental License No. M-370 Issued In Error****Applicant(s):**

Vizion Realty, LLC

**Location:**

Located at 4785 Huron Avenue, Suitland, Maryland (0.5400 Acres; M-U-TC / D-D-O Zones).

**Request:**

Request for validation of Prince George's County Multifamily Rental License No. M-370 issued in error for a 15 unit apartment building located in the M-U-TC (Mixed-Use Town Center) and the D-D-O (Development District Overlay) (Southern Green Line) Zones.

**Council District:**

7

**Appeal by Date:**

3/19/2018

**Action by Date:**

6/15/2018

**Opposition:**

None

**History:**

11/06/2017

Sitting as the District Council

remanded

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

02/15/2018

Zoning Hearing Examiner

approval

**Attachment(s):**[ERR-266 Remand Zoning AIS](#)

**NEW CASE(S) (Continued)**[ERR-267 Remand](#)**Vizion Realty, LLC (REMAND)****Validation of Multifamily Rental License No.M-369 Issued in Error****Location:**

Located at 4785 Huron Avenue, Suitland, Maryland (0.5400 Acres; M-U-TC / D-D-O Zones).

**Request:**

Requesting validation of Prince George's County Multifamily Rental License No. M-369 issued in error for a 15 unit apartment building, located in the M-U-TC (Mixed-Use Town Center) and the D-D-O (Development District Overlay) (Southern Green Line) Zones.

**Council District:**

7

**Appeal by Date:**

3/19/2018

**Action by Date:**

6/15/2018

**Opposition:**

None

**History:**

11/06/2017

Sitting as the District Council

remanded

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

02/15/2018

Zoning Hearing Examiner

approval

**Attachment(s):**

[ERR-267 Remand Zoning AIS](#)

*In making the final decision in this case, the District Council should consider whether it wants to conduct an Oral Argument, pursuant to Section 27-131 (c)(2).*

**REFERRED FOR DOCUMENT**[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 Review:

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
02/08/2018	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	
02/12/2018	Sitting as the District Council	announced hearing date
03/12/2018	Sitting as the District Council	hearing held; referred for document

*Ruth Grover, 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, recused himself from the oral argument proceedings.*

*The Oral Argument hearing was held and Council referred this item to staff for preparation of an approving order with conditions.*

**Attachment(s):**      [DSP-16027 Zoning AIS](#)

**ITEM(S) FOR DISCUSSION**

[SE-4765](#)

**Mirant MD Ash Management, LLC/Brandywine Fly Ash Storage Site**

**Applicant(s):**

NRG MD Ash Management, LLC

**Location:**

Located on the north side of North Keys Road approximately, 2,200 feet north of Gibbons Church Road (178.78 Acres; O-S Zone).

**Request:**

Requesting approval of a Special Exception for a ten-year extension to continue the existing fly ash rubble-fill disposal operation mounds in the O-S (Open Space) Zone.

**Council District:**

9

**Appeal by Date:**

10/30/2017

**Review by Date:**

11/27/2017

**Action by Date:**

3/28/2018

**Municipality:**

None

**Opposition:**

Patuxent River Keeper, et. al.

**History:**

07/07/2016	M-NCPPC Technical Staff	disapproval
07/11/2016	M-NCPPC Planning Board	no motion to consider
09/28/2017	Zoning Hearing Examiner	approval with conditions
11/06/2017	Sitting as the District Council	elected to make the final decision

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

01/25/2018	Clerk of the Council	mailed
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*Notice of Oral Argument Hearing was mailed to Persons of Record.*



02/26/2018                      Sitting as the District Council                      hearing held; case taken under advisement

*Taslina Alam, M-NCPPC, provided an overview of the Special Exception application. William Peters, Frederick Tutman, Dr. Henry Cole, Richard Bergren, Joanne Flynn, and Kamita Gray spoke in opposition. Russell Shipley Esq. and 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-4765 Zoning Hearing Examiner Decision](#)  
SE-4765 PORL  
[SE-4765 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

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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
	<i>Council elected to make the final decision on this item (Vote: 9-0).</i>	
09/21/2017	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	
10/23/2017	Sitting as the District Council	hearing held; case taken under advisement
	<i>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.</i>	
	<i>The Oral Argument hearing was held and Council took this case under advisement.</i>	
02/12/2018	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of a disapproving document (Vote: 8-0; Absent: Council Member Toles).</i>	
02/12/2018	Sitting as the District Council	disapproval
	<i>Council adopted the prepared Order of Denial (Vote: 8-0; Absent: Council Member Toles).</i>	
02/15/2018	Clerk of the Council	mailed
	<i>The Notice of Final Decision of the District Council was mailed to Persons of Record.</i>	
02/21/2018	Applicant	filed
	<i>Mr. Arthur Horne, Esquire, attorney for the applicant, requested reconsideration of the District Council's February 12, 2018 decision.</i>	
02/26/2018	Sitting as the District Council	case taken under advisement
	<i>Council took this case under advisement.</i>	
03/13/2018	Applicant	filed
	<i>Dennis Whitley II, Esquire, attorney for the applicant, filed a Petition for Judicial Review in Circuit Court.</i>	

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03/20/2018 Applicant withdrawn  
*Arthur J. Horne, Jr., Esquire, attorney for the applicant, withdrew his request for District Council to reconsider its action since the Council took it under advisement and the applicant has filed an appeal to the Circuit Court.*

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

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

[SE-4794](#)

**Uptown Suites; Lanham**

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

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01/22/2018	Sitting as the District Council	announced hearing date
	<i>Council announced the hearing date.</i>	
02/12/2018	Sitting as the District Council	hearing held; case taken under advisement
	<i>Ivy Thompson, M-NCPPC, provided an overview of the Special Exception and Departure applications. Daniel Lynch, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.</i>	
	<i>The Oral Argument hearing was held and Council took this case under advisement.</i>	
02/26/2018	Sitting as the District Council	deferred
	<i>Council deferred this item to March 12, 2018.</i>	
03/12/2018	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of an approving document, with conditions (Vote: 7-0; Absent: Council Members Franklin and Harrison).</i>	
03/12/2018	Sitting as the District Council	approval with conditions
	<i>Council adopted the prepared Zoning Ordinance No. 4 - 2018 approving the rezoning request in accordance with the Zoning Hearing Examiner's decision (Vote: 6-0; Absent: Council Members Franklin, Harrison, and Toles).</i>	
03/23/2018	Clerk of the Council	received
	<i>The Clerk of the Council received a request for reconsideration.</i>	

**Attachment(s):**[SE-4794 Zoning Hearing Examiner Decision](#)[SE-4794 Technical Staff Report](#)

SE-4794 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.*

**(a) ZONING HEARING EXAMINER****SE-4785****Traditions at Beechfield - Enterprise Road****Applicant(s):**

Greenlife Property Group, LLC./Beechfield

**Location:**

Located in the northeast quadrant of MD 193 (Enterprise Road) and US 50 (John Hanson Highway) (83.68 Acres; R-E Zone).

**Request:**

Requesting approval of a Special Exception for permission to use approximately 82.68 acres of R-E (Residential – Estate) zoned land1 for a Planned Retirement Community (major revision to prior SE-4529).

**Council District:**

6

**Appeal by Date:**

3/29/2018

**Review by Date:**

3/29/2018

**Opposition:**

Steve Brigham, Edwin Brown, Sr., et. al.

**History:**

10/05/2017	M-NCPPC Technical Staff	approval with conditions
10/19/2017	M-NCPPC Planning Board	no motion to consider
02/27/2018	Zoning Hearing Examiner	approval with conditions
03/12/2018	Sitting as the District Council	deferred

*Council deferred this item to March 26, 2018.*

**Attachment(s):**[SE-4785 Zoning AIS](#)[SE-4785 Zoning Hearing Examiner Decision](#)

SE-4785 PORL

*In the event the District Council elects to make the final decision in this case, an oral argument will be scheduled pursuant to Sec. 27-131 of the Zoning Ordinance.*

**ADJOURN**