

Prince George's County Council

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



Zoning Agenda - Final

Monday, February 22, 2016

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**

Thomas Mayah, County Employee

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

[MINDC 02082016](#)

District Council Minutes dated February 8, 2016

Attachment(s):

[2-08-2016 District Council Minutes DRAFT](#)

MANDATORY REVIEW (Using Oral Argument Procedures)

[DSP-14040](#)

Holladay Company's Addition to Brentwood to 8-15

Applicant(s):

Aslan, LLC

Location:

Located on the eastern side of Rhode Island Avenue, between Volta Avenue and Webster Street (0.70 Acres; U-L-I / D-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan for the construction of a three story mixed-use building which includes 19,067 square feet of fabrication/retail/office and residential development.

Council District:

2

Appeal by Date:

12/10/2015

Comment(s):

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

Municipality:

Town of Brentwood

History:

10/01/2015

M-NCPPC Technical Staff

approval with conditions

11/05/2015

M-NCPPC Planning Board

approval with conditions

01/25/2016 Sitting as the District Council rescheduled
Due to inclement weather, the District Council Meeting was rescheduled to Tuesday, February 2, 2016.

Attachment(s): [DSP-14040_ZAIS](#)
[DSP-14040 Planning Board Resolution 15-112](#)
 DSP-14040_PORL
[DSP-14040 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION

[SE-4749](#)

Bhagya Village

Companion Case(s): DDS-627

Applicant(s): Bhagya Village, LLC.

Location: Located on the east side of Cipriano Road, approximately 2,640 feet north of its intersection with Good Luck Road, and identified as 6711 Cipriano Road, Greenbelt, Maryland.

Request: Requesting approval of a Special Exception to use approximately 6.01 acres of R-80 (One-Family Detached Residential) zoned land as Apartment Housing for the Elderly and Physically Handicapped.

Council District: 4

Appeal by Date: 11/21/2015

Review by Date: 11/21/2015

Action by Date: 4/8/2016

Opposition: Dr. Ronald C. Carlson, David R. Brace, Raintree Homeowners Association, et. al.

History:

04/15/2015 M-NCPPC Technical Staff approval with conditions
 05/21/2015 M-NCPPC Planning Board no motion to consider
 10/22/2015 Zoning Hearing Examiner disapproval
 11/09/2015 Sitting as the District Council elected to make the final decision
Council elected to review this item (Vote: 9-0).

11/09/2015 Applicant appealed
Michelle LaRocca, Esq., attorney for the applicant, filed exceptions to the Zoning Hearing Examiner's decision and requested Oral Argument.

02/08/2016

Sitting as the District Council

hearing held; case taken under advisement

Chairman Davis announced that the Oral Argument hearings for SE-4749 Bhagya Village DDS-627 Bhagya Village would be held in tandem. Taslima Alam, M-NCPPC, provided an overview of the Special Exception and Departure from Design Standards applications. Michelle LaRocca, Esq., spoke in support on behalf of the applicant. Michael Herman, Esq., H. Kent Hills, Ronald C. Carlson, David Brace and Omar Naz, who were formerly in opposition, spoke in support of the project with the revised conditions agreed to by the parties. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented, noting that the agreement mentioned is not currently in the case record.

Council took this case under advisement.

Attachment(s):

SE-4749 _Applicant Exceptions to the ZHE decision

[SE-4749 Zoning Hearing Examiner Decision](#)

SE-4749 _PORL

[SE-4749 Technical Staff Report](#)**ITEM(S) FOR DISCUSSION (Continued)**[DDS-627](#)**Bhagya Village****Companion Case(s):** SE-4749**Applicant(s):** Bhagya Village, LLC

Location: Located at 6711 Cipriano Road on the east side of Cipriano Road, approximately, 1,300 feet (one-quarter mile) north of its intersection with Good Luck Road and approximately, 2,640 feet (one-half mile) south of Greenbelt Road (MD 193).

Request: Requesting approval of a Departure from Design Standards for the location of a loading space and its access driveway less than 50 feet from a residential zone in accordance with Subtitle 27 of the Prince George's County Code.

Council District: 4**Appeal by Date:** 7/16/2015**Review by Date:** 7/16/2015**Action by Date:** 4/8/2016**History:**

04/15/2015	M-NCPPC Technical Staff	approval with conditions
06/11/2015	M-NCPPC Planning Board	approval with conditions
06/22/2015	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 8-0; Absent: Council Member Patterson).</i>	
02/08/2016	Sitting as the District Council	hearing held; case taken under advisement
	<i>Chairman Davis announced that the Oral Argument hearings for SE-4749 Bhagya Village DDS-627 Bhagya Village would be held in tandem. Taslima Alam, M-NCPPC, provided an overview of the Special Exception and Departure from Design Standards applications. Michelle LaRocca, Esq., spoke in support on behalf of the applicant. Michael Herman, Esq., H. Kent Hills, Ronald C. Carlson, David Brace and Omar Naz, who were formerly in opposition, spoke in support of the project with the revised conditions agreed to by the parties. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented, noting that the agreement mentioned is not currently in the case record.</i>	
	<i>Council took this case under advisement.</i>	
<u>Attachment(s):</u>	DDS-627 Planning Board Resolution 15-53 DDS-627_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**DSP-02021-01****Kinder Kidz Early Learning Center****Applicant(s):**

Nancy Henderson

Location:

Located on the north side of Mitchellville Road, approximately 1,015 feet west of the intersection of Mitchellville Road and Robert S. Crain Highway (US 301).

Request:

Requesting approval of a Detailed Site Plan to add a day care center as an accessory use to an existing church. The applicant is proposing to reduce the 248-seat church to a 208-seat church and add a 32-child, 1,343-square-foot, day care center within the vacant private school area of the church, and add an 80-square-foot storage shed located on the west side of the existing church.

Council District:

4

Appeal by Date:

3/17/2016

Review by Date:

3/17/2016

Municipality:

City of Bowie

History:

01/06/2016

M-NCPPC Technical Staff

approval with conditions

02/11/2016

M-NCPPC Planning Board

approval with conditions

PENDING FINALITY (Continued)[DSP-12048](#)**Christ Apostolic Church****Applicant(s):**

Charles Uwaje

Location:

Located on the south side of Riverdale Road, at its intersection with Chestnut Avenue, between Veterans Parkway (MD 410) and Finns Lane, approximately one mile east of the intersection of Riverdale Road and the Baltimore Washington Parkway (MD 295). The area includes large wooded single-family lots to the south on Riverdale Road and apartment complexes to the north and west of the site.

Request:

Requesting approval of a Detailed Site Plan to convert a single-family dwelling in the One-Family Detached Residential (R-80) Zone to a 24-seat church with associated parking and to erect a sign on the site (1.0 Acre; R-80 Zone).

Council District:

3

Appeal by Date:

3/10/2016

Review by Date:

3/10/2016

History:

12/18/2015

M-NCPPC Technical Staff

approval with conditions

02/04/2016

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-12048_Zoning AIS](#)[DSP-12048 Planning Board Resolution 16-05](#)

DSP-12048 PORL

[DSP-12048 Technical Staff Report](#)

PENDING FINALITY (Continued)[ROSP-856-05](#)**Potomac Energy Holdings - Greenbelt Road****Applicant(s):**

Potomac Energy Holdings, LLC

Location:

Located on the southwest side of Greenbelt Road (MD 193) between Cipriano Road and Baywood Road.

Request:

Requesting approval of a minor revision of the approved site plan in order to slightly increase the size of an existing canopy, replace underground tanks, and add a single-sided diesel fueling position and canopy to the rear of the site. The existing building, monument sign, parking area, and access drives are to remain unchanged.

Council District:

3

Appeal by Date:

3/17/2016

Review by Date:

3/17/2016

History:

01/05/2016

M-NCPPC Technical Staff

approval with conditions

02/11/2016

M-NCPPC Planning Board

approval with conditions

ADJOURN**11:30 AM BRIEFING - (COUNCIL HEARING ROOM)**[BR 02222016](#)**UPDATES ON THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS BUDGET**

Dr. Kevin M. Maxwell

Chief Executive Officer, Prince George's County Public Schools