

# Prince George's County Council

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



## **Zoning Agenda - Final**

**Monday, May 15, 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.

FOR LIVE STREAMING AND VIDEO VISIT OUR WEBSITE AT: <http://pgccouncil.us>

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. Thomas Mayah, County Employee*

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

[MINDC 05082017](#)

**District Council Minutes dated May 8, 2017**

**Attachment(s):**

[5-08-2017 District Council Minutes DRAFT](#)

**ORAL ARGUMENTS (RECONSIDERATION HEARING)**

[DSP-16021](#)

**River of Life Church (Reconsideration Request)**

Reconsideration

**Companion Case(s):** DSP-16021

**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 reconsideration of the District Council's February 13, 2017 decision, specifically requesting that Condition 1(f) be deleted to allow the existing, six foot high chain link fence to remain.

**Council District:** 7

**History:**

09/27/2016	M-NCPPC Technical Staff	approval with conditions
10/26/2016	M-NCPPC Planning Board	approval with conditions

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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>	
12/12/2016	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	
01/23/2017	Sitting as the District Council	hearing held; case taken under advisement
	<i>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.</i>	
	<i>Council took this case under advisement.</i>	
02/13/2017	Sitting as the District Council	referred for document
	<i>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.</i>	
02/13/2017	Sitting as the District Council	approval with conditions
	<i>Council adopted the revised Order of approval, with conditions (9-0).</i>	
02/17/2017	Clerk of the Council	mailed
	<i>The Notice of Final Decision of the District Council was mailed to Persons of Record.</i>	
03/01/2017	Applicant	filed
	<i>Michele La Rocca, Esq., attorney for the applicant, filed a request with the Clerk of the Council for reconsideration of the District Council's February 13, 2017 decision.</i>	
03/13/2017	Sitting as the District Council	reconsidered
	<i>Stan Brown, People's Zoning Counsel, spoke to the process and clarified that the motion will allow the case to be scheduled for a reconsideration hearing. Council reconsidered this item and set it in for a reconsideration hearing (Vote: 8-0; Absent: Council Member Franklin).</i>	

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

**MANDATORY REVIEW (Using Oral Argument Procedures)**

[DSP-16030](#)

**JSF Largo**

**Applicant(s):** 4620 Melwood Road OPCO LLC

**Location:** Located in the northwestern quadrant of the intersection of Arena Drive and MD Route 202 (10.94 Acres; M-U-I / D-D-O Zone).

**Request:** Requesting approval of a Detailed Site Plan proposing to construct a building with 134,439 square feet of consolidated storage and 4,965 square feet of commercial space and to modify the list of permitted uses to allow the consolidated storage use on the subject property as authorized by Section 27-548.26(b) of the Prince George's County Zoning Ordinance.

**Council District:** 6

**Appeal by Date:** 5/10/2017

**Action by Date:** 6/12/2017

**Comment(s):** District Council review of this case is required by Section 27-548.26(b) (1)(B) of the Zoning Ordinance.

**History:**

03/09/2017	M-NCPPC Technical Staff	approval with conditions
04/06/2017	M-NCPPC Planning Board	approval with conditions
04/24/2017	Sitting as the District Council	announced hearing date

**Attachment(s):** [DSP-16030 Zoning AIS](#)  
[DSP-16030 Planning Board Resolution 17-51](#)  
 DSP-16030\_PORL  
[DSP-16030 Technical Staff Report](#)

**NEW CASE(S)**[ERR-258](#)**Manucher and Soraya Bahrami**  
**Validation of Prince George's County Electrical Permit**  
**511968-1998-00****Applicant(s):**

Manucher and Soraya Bahrami

**Location:**

Located at 4212 Knox Road, College Park, Maryland (0.119 Acres; M-U-I Zone).

**Request:**

Requesting approval for validation of Prince George's County Electrical Permit 511968-1998-00 issued in error for a three (3) unit apartment building located in the M-U-I (Mixed Use-In fill) Zone.

**Council District:**

3

**Appeal by Date:**

4/24/2017

**Action by Date:**

7/24/2017

**Municipality:**

City of College Park

**Opposition:**

None

**History:**

03/24/2017

Zoning Hearing Examiner approval

**Attachment(s):**[ERR-258 Zoning AIS](#)[ERR-258 Zoning Hearing Examiner Decision](#)

ERR-258 PORL

**NEW CASE(S) (Continued)**[ERR-259](#)**Manucher Bahrami and Cameron Bahrami**  
**Validation of Electrical Permit 481352-1996-00****Applicant(s):**

Manucher Bahrami and Cameron Bahrami

**Location:**

Located at 4210 Knox Road, College Park, Maryland (0.119 Acres; M-U-I Zone).

**Request:**

Requesting approval for validation of Prince George's County Electrical Permit 481352-1996-00 issued in error for a three (3) unit apartment building located in the M-U-I (Mixed Use-In fill) Zone.

**Council District:**

3

**Appeal by Date:**

4/24/2017

**Action by Date:**

7/24/2017

**Municipality:**

City of College Park

**Opposition:**

None

**History:**

03/24/2017

Zoning Hearing Examiner

approval

**Attachment(s):**[ERR-259 Zoning AIS](#)[ERR-259 Zoning Hearing Examiner Decision](#)

ERR-259 PORL

**NEW CASE(S) (Continued)**[ERR-260](#)**Manucher Bahrami and Cameron Bahrami**  
**Validation of Prince George's County Electrical Permit**  
**481354-1996-00**

**Applicant(s):** Manucher Bahrami and Cameron Bahrami

**Location:** Located at 4214 Knox Road, College Park, Maryland (0.119 Acres; M-U-I Zone).

**Request:** Requesting approval for validation of Prince George's County Electrical Permit 481354-1996-00 issued in error for a three (3) unit apartment building located in the M-U-I (Mixed Use-In fill) Zone.

**Council District:** 3

**Appeal by Date:** 4/24/2017

**Action by Date:** 7/24/2017

**Municipality:** City of College Park

**Opposition:** None

**History:**

03/24/2017                      Zoning Hearing Examiner                      approval

**Attachment(s):**        [ERR-260 Zoning AIS](#)  
                                  [ERR-260 Zoning Hearing Examiner Decision](#)  
                                  ERR-260 PORL



**NEW CASE(S) (Continued)****[ERR-261](#)****Siamack Bahrami and Azar Dashti LivingTrust**  
**Validation of Electrical Permit 481353-1996-00****Applicant(s):**

Siamack Bahrami and Azar Dashti LivingTrust

**Location:**

Located at 4216 Knox Road, College Park, Maryland (0.119 Acres; M-U-I Zone).

**Request:**

Requesting approval for validation of Prince George's County Electrical Permit 481353-1996-00 issued in error for a three (3) unit apartment building located in the M-U-I (Mixed Use-In fill) Zone.

**Council District:**

3

**Appeal by Date:**

4/24/2017

**Action by Date:**

7/24/2017

**Municipality:**

City of College Park

**Opposition:**

None

**History:**

03/24/2017

Zoning Hearing Examiner

approval

**Attachment(s):**[ERR-261 Zoning AIS](#)[ERR-261 Zoning Hearing Examiner Decision](#)

ERR-261 PORL

**ITEM(S) FOR DISCUSSION**[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**Action by Date:** 7/7/2017**History:**

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

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

02/13/2017 Sitting as the District Council deferred

*Council deferred this item to February 27, 2017.*

02/27/2017 Sitting as the District Council elected to review

*Council elected to review this item (Vote: 5-0; Absent: Council Members Glaros, Harrison, Lehman and Toles).*

05/08/2017                      Sitting as the District Council                      hearing held; case taken under advisement

*Chairman Davis announced that the Oral Argument hearings for DDS-635 and DPLS-431 Dollar General - Livingston Road would be held in tandem. Henry Zhang provided an overview of the applications for Departure from Design Standards and Departure from Parking and Loading Standards. Joyce Morgan read a statement and relayed opposition on behalf of Jacquelyn Dickerson who was present but unable to speak due to illness. Thomas Haller, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Council, spoke to the legalities of the argument presented.*

*Council took this case under advisement.*

**Attachment(s):**

[DDS-635 Zoning AIS](#)

[DDS-635 Planning Board Resolution 17-06](#)

[DDS-635 Technical Staff Report](#)

**ITEM(S) FOR DISCUSSION (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

**Action by Date:** 7/7/2017

**History:**

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

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

02/13/2017	Sitting as the District Council	deferred <i>Council deferred this item to February 27, 2017.</i>
02/27/2017	Sitting as the District Council	elected to review <i>Council elected to review this item (Vote: 5-0; Absent: Council Members Glaros, Harrison, Lehman and Toles).</i>
05/08/2017	Sitting as the District Council	hearing held; case taken under advisement  <i>Chairman Davis announced that the Oral Argument hearings for DDS-635 and DPLS-431 Dollar General - Livingston Road would be held in tandem. Henry Zhang provided an overview of the applications for Departure from Design Standards and Departure from Parking and Loading Standards. Joyce Morgan read a statement and relayed opposition on behalf of Jacquelyn Dickerson who was present but unable to speak due to illness. Thomas Haller, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Council, spoke to the legalities of the argument presented.</i>  <i>Council took this case under advisement.</i>

**Attachment(s):**[DPLS-431 Zoning AIS](#)[DPLS-431 Planning Board Resolution 17-05](#)[DPLS-431 Technical Staff Report](#)**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**

[CNU-6452-2017-U](#)**11616 Livingston Road****Applicant(s):**

April Mackoof, Clear Channel Outdoor

**Location:**

Located at 11616 Livingston Road, Fort Washington (3.5 Acres; C-M Zone).

**Request:**

Requesting certification of existing outdoor advertising sign. Certification of existing outdoor advertising signs is required 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 1963.

**Council District:**

8

**Review by Date:**

5/25/2017

**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:**

04/25/2017

M-NCPPC Administrative Certification approval

05/08/2017

Sitting as the District Council deferred

*Council deferred this item to May 15, 2017.*

**Attachment(s):**

[CNU-6452-2017-U M-NCPPC Administrative Certificatio](#)

**PENDING FINALITY (Continued)****DSP-16045****Recovery Centers of America, Melwood Road Facility****Applicant(s):**

4620 Melwood Road OPCO LLC

**Location:**

Located located on the eastern side of Melwood Road, approximately 2,600 feet north of its intersection with Pennsylvania Avenue (MD 4) (68.6 Acres; M-X-T / M-I-O Zones).

**Request:**

Requesting approval for a Detailed Site Plan for an 85,733-square-foot, 120-bed group residential facility and medical facility for 64 patients a day for recovering alcoholics and drug addicts.

**Council District:**

6

**Appeal by Date:**

6/1/2017

**Review by Date:**

6/1/2017

**History:**

03/22/2017	M-NCPPC Technical Staff	approval with conditions
04/27/2017	M-NCPPC Planning Board	approval with conditions
05/08/2017	Sitting as the District Council	deferred

*Council deferred this item to May 15, 2017.*

**Attachment(s):**

[DSP-16045 Zoning AIS](#)

[DSP-16045 Planning Board Resolution 17-61](#)

DSP-16045\_PORL

[DSP-16045 Technical Staff Report](#)

**CASE(S) SCHEDULED FOR MANDATORY REVIEW ON JUNE 12, 2017 AT 10:00 A.M.****CSP-16002****Shaban Property****Applicant(s):**

Randy and Nahida Shaban

**Location:**

Located in the northwest quadrant of the intersection of Edgewood Road and Rhode Island Avenue. Specifically located at 4924 and 4926 Edgewood Road and 9900 Rhode Island Avenue in College Park.

**Request:**

Requesting approval of a Conceptual Site Plan proposing to rezone the property from the Commercial Shopping Center (C-S-C) and Open Space (O-S) Zones to the Mixed Use–Infill (M-U-I) Zone for a future mixed-use development, including residential and commercial uses.

**Council District:**

1

**Appeal by Date:**

5/25/2017

**Comment(s):**

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

**Municipality:**

City of College Park

**History:**

03/20/2017

M-NCPPC Technical Staff

approval with conditions

04/20/2017

M-NCPPC Planning Board

approval with conditions

**Attachment(s):**[CSP-16002 Zoning AIS](#)[CSP-16002 Planning Board Resolution 17-57](#)

CSP-16002\_PORL

[CSP-16002 Technical Staff Report](#)

**CASE(S) SCHEDULED FOR MANDATORY REVIEW ON JUNE 12, 2017 AT 10:00 A.M.***Hearing Dates & Times Subject to Change***DSP-16014****EPIC-SMVI****Applicant(s):**

Southern Maryland Vocational Industries, Inc. d/b/a EPIC

**Location:**

Located on the west side of Plaza Drive, approximately 1,650 feet south of its intersection with Silver Hill Road (1.07 Acres; R-55 Zone).

**Request:**

Requesting approval of a Detailed Site Plan to use an existing building as an eleemosynary/philanthropic institution.

**Council District:**

7

**Appeal by Date:**

5/25/2017

**Comment(s):**

District Council review of this case is required by Section 27-441(b)(3) of the Zoning Ordinance.

**History:**

03/23/2017

M-NCPPC Technical Staff

approval with conditions

04/20/2017

M-NCPPC Planning Board

approval with conditions

**Attachment(s):**[DSP-16014 Zoning AIS](#)[DSP-16014 Planning Board Resolution 17-60](#)

DSP-16014\_PORL

[DSP-16014 Technical Staff Report](#)**ADJOURN****1:30 PM COMMITTEE OF THE WHOLE - BUDGET WORKSESSION - CIP (COUNCIL HEARING ROOM)***(SEE SEPARATE AGENDA)***EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)****EX 05082017**

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:**

05/08/2017

Sitting as the District Council

deferred



