



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, May 15, 2017

10:00 AM

Council Hearing Room

9:30 AM AGENDA BRIEFING - (ROOM 2027)

10:13 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 by Chairman Davis at 10:13 a.m. at with five members present at roll call. Council Member Patterson arrived at 10:23 a.m. and Council Member Toles arrived at 10:35 a.m.

Present: 7 - Chairman Derrick Davis
 Council Member Andrea Harrison
 Council Member Mary Lehman
 Council Member Obie Patterson
 Council Member Deni Taveras
 Council Member Karen Toles
 Council Member Todd Turner

Absent: Vice Chair Dannielle Glaros
 Council Member Mel Franklin

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

Jill Kosack, Development Review Division

Christina Pompa, Supervisor, Development Review Division

INVOCATION

The Invocation was provided by Mr. Thomas Mayah, County Employee. Council Member Lehman requested prayer for the family of Kay Harrison in her passing. Council Member Davis requested prayer for the family of George H. Braxton, Jr., former Legislative Branch employee, in his passing.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Harrison.

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 05082017](#)

District Council Minutes dated May 8, 2017

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

Aye: 5 - Davis, Harrison, Lehman, Taveras and Turner

Absent: Glaros, Franklin, Patterson and Toles

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

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:

Jill Kosack, M-NCCPC, provided an overview of the Detailed Site Plan application. Edward Gibbs, Jr., Esq., spoke in support of behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.

The Mandatory Review Hearing was held and Council referred this item to staff for preparation of an approving document with conditions (Vote: 6-0; Absent: Council Members Franklin, Glaros and Taveras).

The Mandadoty Review hearing was held; subsequently, a motion was made by Chairman Davis, seconded by Council Member Harrison, that this Detailed Site Plan be referred for document. The motion carried by the following vote:

Aye: 6 - Davis, Harrison, Lehman, Patterson, Toles and Turner

Absent: Glaros, Franklin and Taveras

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

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:**

Jill Kosack, M-NCCPC, provided an overview of request for reconsideration. Michelle LaRocca, Esq., spoke in support of behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the request.

Council approved the reconsideration request (Vote: 7-0; Absent: Council Members Franklin and Glaros).

A motion was made by Council Member Toles, seconded by Council Member Turner, that the reconsideration request for this Detailed Site Plan be approved. The motion carried by the following vote:

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

Absent: Glaros and Franklin

Michelle LaRocca, Esq., outlined the basis for removal of Condition 1(f) from the District Council's decision. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.

The request for removal of the condition was granted (Vote: 7-0; Absent: Council Members Franklin and Glaros).

A motion was made by Council Member Toles, seconded by Chairman Davis, that the condition be removed from the previous decision on this Detailed Site Plan. The motion carried by the following vote:

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

Absent: Glaros and Franklin

Council referred this item to staff for preparation of an approving document, with conditions; which redacts Condition 1(f) (Vote: 7-0; Absent: Council Members Franklin and Glaros).

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

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

Absent: Glaros and Franklin

Attachment(s): [DSP-16021 Zoning AIS](#)
[DSP-16021 Planning Board Resolution 16-120](#)
 DSP-16021_PORL
[DSP-16021 Technical Staff Report](#)
[DSP 16021 Reconsideration District Council](#)
[Final Decision 05162017](#)

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:

Council referred this item to staff for preparation of an approving document in accordance with the Zoning Hearing Examiner (Vote: 7-0; Absent: Council Members Franklin and Glaros).

A motion was made by Chairman Davis, seconded by Council Member Harrison, that this Permit issued in error be referred for document. The motion carried by the following vote:

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

Absent: Glaros and Franklin

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:

Council referred this item to staff for preparation of an approving document in accordance with the Zoning Hearing Examiner (Vote: 7-0; Absent: Council Members Franklin and Glaros).

A motion was made by Chairman Davis, seconded by Council Member Harrison, that this Permit issued in error be referred for document. The motion carried by the following vote:

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

Absent: Glaros and Franklin

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:

Council referred this item to staff for preparation of an approving document in accordance with the Zoning Hearing Examiner (Vote: 7-0; Absent: Council Members Franklin and Glaros).

A motion was made by Chairman Davis, seconded by Council Member Harrison, that this Permit issued in error be referred for document. The motion carried by the following vote:

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

Absent: Glaros and Franklin

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:**

Council referred this item to staff for preparation of an approving document in accordance with the Zoning Hearing Examiner (Vote: 6-0; Absent: Council Members Franklin, Glaros, and Turner).

A motion was made by Chairman Davis, seconded by Council Member Harrison, that this Permit issued in error be referred for document. The motion carried by the following vote:

Aye: 6 - Davis, Harrison, Lehman, Patterson, Taveras and Toles

Absent: Glaros, Franklin and Turner

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:**

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

A motion was made by Council Member Patterson, seconded by Council Member Harrison, that this Departure from Design Standards be referred for document. The motion carried by the following vote:

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

Absent: Glaros and Franklin

Council adopted the prepared Order of approval, with conditions (Vote: 7-0; Absent: Council Members Franklin and Glaros).

A motion was made by Council Member Patterson, seconded by Council Member Turner, that this Departure from Design Standards be approved with conditions. The motion carried by the following vote:

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

Absent: Glaros and Franklin

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:**

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

A motion was made by Council Member Patterson, seconded by Council Member Harrison, that this Departure from Parking and Loading Standards be referred for document. The motion carried by the following vote:

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

Absent: Glaros and Franklin

Rajesh Kumar, Principal Counsel to the District Council, clarified the condition included in the order. Council adopted the prepared Order of approval, with conditions (Vote: 7-0; Absent: Council Members Franklin and Glaros).

A motion was made by Council Member Patterson, seconded by Council Member Turner, that this Departure from Parking and Loading Standards be approved with conditions. The motion carried by the following vote:

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

Absent: Glaros and Franklin

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:

Council took no action on this item.

This Certification of a Nonconforming Use was not elected to review by Council.

Attachment(s): [CNU-6452-2017-U M-NCPPC Administrative Certification](#)

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:

Council took no action on this item.

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

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
- Action by Date:** 7/5/2017
- 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

This Conceptual Site Plan hearing date was announced.

- Attachment(s):** [CSP-16002 District Council Final Decision](#)
[06192017 DRAFT](#)
[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
- Action by Date:** 7/5/2017
- Comment(s):** District Council review of this case is required by Section 27-441(b)(3) of the Zoning Ordinance.

This Detailed Site Plan hearing date was announced.

- Attachment(s):** [DSP-16014 District Council Final Decision 06192017 DRAFT](#)
[DSP-16014 Zoning AIS](#)
[DSP-16014 Planning Board Resolution 17-60](#)
DSP-16014_PORL
[DSP-16014 Technical Staff Report](#)

ADJOURN

The meeting was adjourned at 11:31 a.m.

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.

A motion was made by Council Member Taveras, seconded by Council Member Turner, that this Executive Session be convened into Executive Session. The motion carried by the following vote:

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

Absent: Glaros and Franklin

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Redis C. Floyd, Clerk of the Council