

Prince George's County Council

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



Zoning Agenda - Final

Monday, March 13, 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.

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

Mr. Johnie L. Higgs, County Employee

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 02272017](#)

District Council Minutes dated February 27, 2017

Attachment(s):

[2-27-2017 District Council Minutes DRAFT](#)

[MINDC 03072017](#)

District Council Minutes dated March 7, 2017

Attachment(s):

[3-07-2017 District Council Minutes DRAFT](#)

ORAL ARGUMENTS**[CNU-48061-2015](#)****McGhee Property****Applicant(s):**

Tommy and Fred McGhee

Location:

Located approximately 100 feet west of its intersection with Ventura Avenue and Old Central Avenue (MD214). The rectangular shaped property, which consists of part of Lot 2, is comprised of 0.50 acre of land in the R-T (Townhouse) and T-D-O (Transit-District-Overlay) Zone (0.5 Acres; R-T / T-D-O Zones).

Request:

Requesting approval of a certification of nonconforming use for an automotive repair facility with four service bays and an automobile parking compound in accordance with Subtitle 27 of the Prince George's County Code.

Council District:

7

Appeal by Date:

2/9/2017

Review by Date:

2/9/2017

Action by Date:

5/12/2017

History:

10/14/2016

M-NCPPC Technical Staff

disapproval

01/05/2017

M-NCPPC Planning Board

approval

01/23/2017

Sitting as the District Council

elected to review

Council elected to review this item (Vote: 6-0; Absent: Council Members Franklin, Patterson, and Turner).

Attachment(s):[CNU-48061-2015_Zoning AIS](#)[CNU-48061-2015 Planning Board Resolution 16-141](#)

CNU-48061-2015_PORL

ORAL ARGUMENTS (Continued)**DSP-15039****Daycare Center at 6000 Marlboro Pike****Applicant(s):**

Rosbor, Tillie

Location:

Located in the northeast quadrant of the intersection of Belwood Street and Marlboro Pike, at 6000 Marlboro Pike (0.74 Acres; C-S-C Zone).

Request:

Requesting approval of a Detailed Site Plan for a 2,757-square-foot day care center for 63 children. The applicant proposes to locate the daycare center in an existing building previously used for a professional office.

Council District:

7

Appeal by Date:

2/9/2017

Review by Date:

2/9/2017

Action by Date:

3/24/2017

History:

11/21/2016

M-NCPPC Technical Staff

approval with conditions

01/05/2017

M-NCPPC Planning Board

approval with conditions

01/23/2017

Sitting as the District Council

elected to review

*Council elected to review this item (Vote: 7-0; Absent: Council Members Franklin and Patterson).***Attachment(s):**[DSP-15039 Zoning AIS](#)[DSP-15039 Planning Board Resolution 16-153](#)

DSP-15039_PORL

[DSP-15039 Technical Staff Report](#)

REFERRED FOR DOCUMENT[CNU-31260-2015-U](#)**MT Laney****Applicant(s):**

Laney Recycling LLC

Location:

Located on the west side of Old Gunpowder Road, north of the intersection of Contee Road and approximately 300 feet south of the intersection of Old Gunpowder Road and Sandy Spring Road, also identified as 14852 Old Gunpowder Road, Laurel, Maryland (7.325 Acres; I-2 Zone).

Request:

Requesting approval of a Certification of a Non-Conforming Use for a Concrete Recycling Facility. Certification of the existing concrete recycling plant is required due to the adoption of CB-78-2004.

Council District:

1

Appeal by Date:

2/14/2017

Action by Date:

3/16/2017

Opposition:

None

History:

08/04/2016

M-NCPPC Administrative Certification approval

Alan Hirsch, Chief, Development Review Division, transmitted a memorandum recommending that the use be certified as nonconforming since the application was found to fulfill the requirements of the Zoning Ordinance for administrative certification of the use in question, and no request for the Planning Board to conduct a public hearing was received within the time period specified on the public notice sign.

09/12/2016

Sitting as the District Council elected to review

Council elected to review this item (Vote: 8-0; Absent: Council Member Harrison).

10/24/2016 Sitting as the District Council directed Clerk to refer to ZHE
for hearing

Prior to Oral Argument hearing, Stan Brown, People's Zoning Counsel, indicated that this case should be referred to the Zoning Hearing Examiner to conduct an evidentiary hearing pursuant to Section 27-244.

Council instructed the Clerk to refer the item to the Zoning Hearing Examiner for hearing.

10/24/2016 Clerk of the Council administrative referral to the
Zoning Hearing Examiner

01/30/2017 Zoning Hearing Examiner approval with conditions

02/13/2017 Sitting as the District Council referred for document

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

Attachment(s):

[CNU-31260-2015-U_ZoningAIS](#)

[CNU-31260-2015-U Zoning Hearing Examiner Decision](#)

CNU-31260-2015-U PORL

REFERRED FOR DOCUMENT (Continued)[ERR-262](#)**Westwood Place Apartments, LLC****Validation of Multifamily Rental License No. M-1160 Issued in Error****Applicant(s):**

Westwood Place Apartments, LLC

Location:

Located in the R-18 (Multifamily Medium Density Residential) Zone, and identified as 7200 Jaywick Avenue, Fort Washington, Maryland (11.65 Acres; R-18 Zone).

Request:

Requesting approval for validation of Prince George's County Multifamily Rental License No. M-1160 issued in error for a 246-unit apartment building located in the R-18 (Multifamily Medium Density Residential) Zone.

Council District:

8

Appeal by Date:

2/10/2017

Action by Date:

5/11/2017

Opposition:

None

History:

01/11/2017

Zoning Hearing Examiner

approval with conditions

02/27/2017

Sitting as the District Council

referred for document

Cynthia Pompa, M-NCPPC, provided an overview of the application for validation of a permit issued in error. Mr. Tim Holden, Department of Permits, Inspections and Enforcement, responded to questions posed by the Council.

Council referred this item to staff for preparation of an approving document (Vote: 5-0; Absent: Council Members Glaros, Harrison, Lehman and Toles).

Attachment(s):[ERR-262 Zoning AIS](#)[ERR-262 Zoning Hearing Examiner Decision](#)

ITEM(S) FOR DISCUSSION (Continued)[DSP-15025](#)**6320 Allentown Road Day Care Center****Applicant(s):**

ABDOW Family, LLC.

Location:

Located in the northeast quadrant of the intersection of Allentown Road and Allentown Way, at 6320 Allentown Road in Camp Springs (0.46 Acres; C-S-C / M-I-O Zones).

Request:

Requesting approval of a Detailed Site Plan for a day care center for 78 children. The applicant proposes to locate the daycare center in an existing building that was previously used as a real estate office.

Council District:

8

Appeal by Date:

2/9/2017

Review by Date:

2/9/2017

Action by Date:

3/24/2017

History:

11/30/2016

M-NCPPC Technical Staff

approval with conditions

01/05/2017

M-NCPPC Planning Board

approval with conditions

01/23/2017

Sitting as the District Council

elected to review

Council elected to review this item (Vote: 7-0; Absent: Council Members Franklin and Patterson).

02/27/2017

Sitting as the District Council

hearing held; case taken under advisement

Henry Zhang, M-NCCPC, provided an overview of the Detailed Site Plan application. Paul Jackson, Esq., spoke in support of behalf of the applicant, as did Leon Turner on behalf of the Camp Springs Civic Association. Dr. Downing, Director of the facility, answered 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.

Attachment(s):[DSP-15025 Zoning AIS](#)[DSP-15025 Planning Board Resolution 16-154](#)

DSP-15025_PORL

ITEM(S) FOR DISCUSSION (Continued)**DSP-16021****River of Life Church****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 approval of a Detailed Site Plan to increase an existing day care center enrollment from 30 to 55 children.

Council District:

7

Appeal by Date:

11/24/2016

Review by Date:

11/24/2016

Action by Date:

2/13/2017

History:

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

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.

Council took this case under advisement.

- 02/13/2017 Sitting as the District Council referred for document
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.
- 02/13/2017 Sitting as the District Council approval with conditions
Council adopted the revised Order of approval, with conditions (9-0).
- 02/17/2017 Clerk of the Council mailed
The Notice of Final Decision of the District Council was mailed to Persons of Record.
- 03/01/2017 Applicant filed
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.

Attachment(s):[DSP-16021 Zoning AIS](#)[DSP-16021 Planning Board Resolution 16-120](#)

DSP-16021_PORL

[DSP-16021 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.

(a) ZONING HEARING EXAMINER

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.

SE-4778**Dollar General****Applicant(s):**

Fort Knox Upper Marlboro II, LLC. t/a Dollar General

Location:

Located on the south side of Marlboro Pike (MD 725), approximately 1,000 feet west of its intersection with Robert S. Crain Highway (US 301), also identified as 15301 Marlboro Pike, Upper Marlboro, Maryland (1.30 Acres; I-1 Zone).

Request:

Requesting approval of a special exception to construct a 10,800-square-foot one-story department or variety store, specifically a Dollar General store.

Council District:

9

Appeal by Date:

3/27/2017

Review by Date:

3/27/2017

Opposition:

None

History:

10/13/2016	M-NCPPC Technical Staff	approval with conditions
10/27/2016	M-NCPPC Planning Board	no motion to consider
02/24/2017	Zoning Hearing Examiner	approval with conditions

Attachment(s):[SE-4778 Zoning AIS](#)[SE-4778 Zoning Hearing Examiner Decision](#)

SE-4778 PORL

[SE-4778 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD****DDS-634****George Kalonturas Property****Companion Case(s):** DPLS-433**Applicant(s):** George Kalonturas**Location:** Located on the north side of Spring Lane, approximately 120 feet east of Kenilworth Avenue (MD 201), also identified as 5410 Spring Lane, Riverdale Park, Maryland (0.13 Acres; R-55 Zone).**Request:** Requests a Departure from Design Standards from Section 4.2, Requirements for Landscape Strips Along Streets, and Section 4.7, Buffering Incompatible Uses, of the 2010 Prince George's County Landscape Manual requirements.**Council District:** 3**Appeal by Date:** 3/30/2017**Review by Date:** 3/30/2017**Municipality:** Town of Riverdale Park**History:**

01/12/2017 M-NCPPC Technical Staff approval with conditions

02/23/2017 M-NCPPC Planning Board approval with conditions

Attachment(s): [DDS-634 Zoning AIS](#)
[DDS-634 Planning Board Resolution 17-18](#)
DDS-634_PORL
[DDS-634 Technical Staff Report](#)

PENDING FINALITY (Continued)**[DPLS-433](#)****George Kalonturas Property****Companion Case(s):** DDS-634**Applicant(s):** George Kalonturas**Location:** Located on the north side of Spring Lane, approximately 120 feet east of Kenilworth Avenue (MD 201), also identified as 5410 Spring Lane, Riverdale Park, Maryland (0.13 Acres; R-55 Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards for a departure of the two required parking spaces because access to the parking is located within a right-of-way.**Council District:** 3**Appeal by Date:** 3/30/2017**Review by Date:** 3/30/2017**Municipality:** Town of Riverdale Park**History:**

01/12/2017 M-NCPPC Technical Staff approval with conditions

02/23/2017 M-NCPPC Planning Board approval with conditions

Attachment(s): [DPLS-433 Zoning AIS](#)
[DPLS-433 Planning Board Resolution 17-19](#)
DPLS-433_PORL
[DPLS-433 Technical Staff Report](#)

PENDING FINALITY (Continued)[DDS-636](#)**New Carrollton Town Center, Phase 1A****Companion Case(s):** DSP-16043**Applicant(s):** New Carrollton Developer, LLC**Location:** Located on the north side of Garden City Drive, in the northwest quadrant of its intersection with John Hanson Highway (US 50). The subject property is also located in the Metro Core Neighborhood of the New Carrollton TDDP. The property is abutting the east side of the New Carrollton Metro Station and includes property owned by the Washington Metropolitan Area Transit Authority (WMATA) (15.5 Acres; M-X-T / T-D-O Zones).**Request:** Requesting approval for a Departure from Design Standards (DDS) from Section 27-558(a) of the Zoning Ordinance to allow a reduced standard, nonparallel, parking space size of 8.5 by 19 feet to be used for parking spaces within the parking garage.**Council District:** 3**Appeal by Date:** 3/30/2017**Review by Date:** 3/30/2017**History:**

02/08/2017	M-NCPPC Technical Staff	approval
02/23/2017	M-NCPPC Planning Board	approval
03/01/2017	Person of Record	waived right to appeal

*Mr. William Shipp, Esq. transmitted letters from all Persons of Record waiving their right to appeal the Planning Board's Decision.***Attachment(s):**[DDS-636 Zoning AIS](#)[DDS-636 Planning Board Resolution 17-35](#)

DDS-636_PORL

[DDS-636 Technical Staff Report](#)

PENDING FINALITY (Continued)**DPLS-425****Sheriff Road Seventh Day Adventist****Applicant(s):**

The Seventh Day Adventist Church of Sheriff Road

Location:

Located at the intersection of Eastern Avenue and 59th Avenue, also identified as 602 59th Avenue, Fairmount Heights, Maryland, 20743. The corner property has frontage on both 59th Avenue and Eastern Avenue (0.286 Acres; R-55 Zone).

Request:

Requesting approval for a Departure from Parking and Loading Standards for ten of the required ten off-street parking spaces.

Council District:

5

Appeal by Date:

3/30/2017

Review by Date:

3/30/2017

Comment(s):

This case has a companion case, SE-4750, that is currently scheduled for a hearing by the Zoning Hearing Examiner.

Municipality:

Town of Fairmount Heights

History:

01/17/2017

M-NCPPC Technical Staff

approval with conditions

02/23/2017

M-NCPPC Planning Board

approval with conditions

Attachment(s):

[DPLS-425 Zoning AIS](#)

[DPLS-425 Planning Board Resolution 17-24](#)

DPLS-425_PORL

[DPLS-425 Technical Staff Report](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON MARCH 27, 2017, 1:30 P.M.*Hearing Dates & Times Subject to Change*[DSP-16043](#)**New Carrollton Town Center, Phase 1A**
Expedited Transit-Oriented Development Project**Companion Case(s):** DDS-636**Applicant(s):** New Carrollton Developer, LLC**Location:** Located on the north side of Garden City Drive, in the northwest quadrant of its intersection with John Hanson Highway (US 50). The subject property is also located in the Metro Core Neighborhood of the 2010 Approved New Carrollton Transit District Development Plan and Transit District Overlay Zoning Map Amendment (New Carrollton TDDP / TDOZMA). The property is abutting the east side of the New Carrollton Metro Station and includes property owned by the Washington Metropolitan Area Transit Authority (WMATA) (15.5 Acres; M-X-T / T-D-O Zones).**Request:** Requesting approval of a Detailed Site Plan to development on Parcels 1 and 2 to construct an eight-story commercial office building and a seven-story parking garage as Phase 1A of a multiphase mixed-use development.**Council District:** 3**Appeal by Date:** 3/30/2017**Review by Date:** 3/30/2017**Action by Date:** 4/3/2017**Comment(s):** District Council review of this case is required by Section 27-548.09.01 of the Zoning Ordinance for an amendment to the building height as dictated by the 2010 Approved New Carrollton Transit District Development Plan and Transit District Overlay Zoning Map Amendment.**History:**

02/08/2017	M-NCPPC Technical Staff	approval with conditions
02/23/2017	M-NCPPC Planning Board	approval with conditions
03/03/2017	Person of Record	waived right to appeal

Mr. William Shipp, Esq. transmitted letters from all Persons of Record waiving their right to appeal the Planning Board Decision and the required days for hearing notice.

Attachment(s): [DSP-16043 Zoning AIS](#)
 [DSP-16043 Planning Board Resolution 17-34](#)
 DSP-16043_PORL
 [DSP-16043 Technical Staff Report condensed](#)

ADJOURN

1:30 PM COMMITTEE OF THE WHOLE - BRIEFING ON ZONING ORDINANCE REWRITE
- (COUNCIL HEARING ROOM)

(SEE SEPARATE AGENDA)