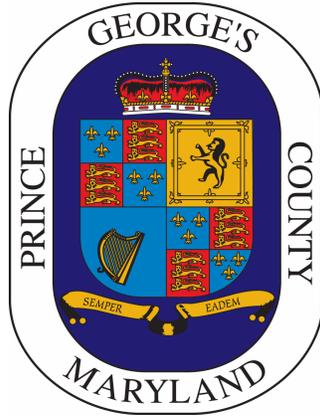


Prince George's County Council

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



Zoning Agenda - Final

Monday, April 24, 2017

1:30 PM

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

12:00 P.M. - MEET AND GREET - (ROOM 2027)

Congressman Anthony Brown

1:00 PM AGENDA BRIEFING - (ROOM 2027)

1:30 PM CALL TO ORDER - (COUNCIL HEARING ROOM)

INVOCATION

Mr. Thomas Mayah, County Employee

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 04102017](#) **District Council Minutes dated April 10, 2017**

Attachment(s): [4-10-2017 District Council Minutes DRAFT](#)

[MINDC 04112017-1](#) **District Council Minutes dated April 11, 2017 Part 1**

Attachment(s): [4-11-2017-1 District Council Minutes Part 1 DRAFT](#)

[MINDC 04112017-2](#) **District Council Minutes dated April 11, 2017 Part 2**

Attachment(s): [4-11-2017-2 District Council Minutes Part 2 DRAFT](#)

ORAL ARGUMENTS**A-10036 Remand****Donnell Drive (Remand)****Companion Case(s):** A-10036**Applicant(s):** Visconsi Land Co., Ltd**Location:** Located in the southeast quadrant of the intersection of Donnell Drive and Pennsylvania Avenue (MD 4), identified as 3700 and 3710 Donnell Drive, District Heights, Maryland (2.42 Acres; R-T (M-I-O) Zone).**Request:** Requesting approval of a Zoning Map Amendment for the rezoning of approximately 2.42 acres of R-T (Townhouse) zoned land to the C-M (Commercial Miscellaneous) Zone.**Council District:** 6**Appeal by Date:** 2/13/2017**Action by Date:** 6/12/2017**Opposition:** Linda Dabney**History:**

02/18/2016 M-NCPPC Technical Staff disapproval

Disapproval of the C-M Zone

02/18/2016 M-NCPPC Technical Staff approval

Approval of the C-O Zone for Parcel A

05/05/2016 M-NCPPC Planning Board approval with conditions

Approval of the C-M Zone, with conditions

08/10/2016 Zoning Hearing Examiner approval with conditions

Approval of the C-M Zone, with conditions

08/24/2016 Clerk of the Council transmitted

The Clerk of the Council transmitted a router indicating that due to its relationship with a pending Zoning Map Amendment, and in accordance with Section 27-213.28, it is appropriate for this request to be Remanded back to the Zoning Hearing Examiner until after final action by the Council on the respective Zoning Map Amendment.

08/25/2016	Applicant	filed
	<i>Thomas Haller, Esq., attorney for the applicant, filed a letter with the Clerk of the Council requesting that the District Council remand this case to the Zoning Hearing Examiner in accordance with Section 27-213.28.</i>	
09/12/2016	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of a document of Remand to the Zoning Hearing Examiner in accordance with Section 27-213.28 (Vote: 7-0; Absent: Council Members Harrison and Taveras).</i>	
09/12/2016	Sitting as the District Council	remanded
	<i>Council adopted the prepared Order of Remand (Vote: 7-0; Absent: Council Members Harrison and Taveras).</i>	
01/12/2017	Zoning Hearing Examiner	approval with conditions
02/13/2017	Sitting as the District Council	referred for document
	<i>Stan Brown, People's Zoning Counsel, brought to the Council's attention that this case is still eligible for appeal until close of business today, February 13, 2017. He noted that the Council could take preliminary action today; however, if an appeal is filed timely, the case would be scheduled for oral argument hearing.</i>	
	<i>Council referred item to staff for preparation of an approving document, with conditions (Vote: 8-0; Absent: Council Member Harrison).</i>	
02/13/2017	Person of Record	appealed
	<i>Ms. Linda Dabney filed an appeal in opposition to the proposal and requested Oral Argument.</i>	
04/14/2017	Applicant	filed
	<i>Thomas S. Haller, Esq., attorney for the applicant, filed a response to the February 13, 2017 appeal filed by Ms. Dabney.</i>	

Attachment(s): [A-10036 Remand Zoning AIS](#)
[A-10036 REMAND Zoning Hearing Examiner Decision](#)
A-10036 Remand_POR
[A-10036 Donnell Drive - Remand Order](#)
[A-10036 Zoning Hearing Examiner Decision](#)
[A-10036 Planning Board Resolution 16-57](#)
[A-10036 Technical Staff Report](#)

ORAL ARGUMENTS (Continued)

[CNU-43544-2015](#)

Langley Terrace Apartments

Applicant(s): Zupnik-Langley Park Associates, LLC
Location: Located on the east side of 14th Avenue and Langley Way (4.507 Acres; R-18 Zone).
Request: Requesting approval for certification of an existing, 106-unit multifamily garden-style apartment complex, that was built in 1950. Because development regulations were changed or adopted after the apartment use was lawfully established, the complex became nonconforming.
Council District: 2
Appeal by Date: 3/23/2017
Review by Date: 3/23/2017
Action by Date: 6/23/2017

History:

12/27/2016	M-NCPPC Technical Staff	approval
02/16/2017	M-NCPPC Planning Board	approval
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).

Attachment(s): [CNU-43544-2015 Zoning AIS](#)
[CNU-43544-2015 Planning Board Resolution 17-15](#)
CNU-43544-2015_PORL

ORAL ARGUMENTS (Continued)[DSP-16020](#)**Allentown Andrews Gateway**

Companion Case(s): DDS-638

Applicant(s): Camp Springs Allentown, LLC.

Location: Located in the northeast quadrant of the intersection of Branch Avenue (MD 5) and Allentown Road (MD 337) (13.03 Acres; M-X-T Zone).

Request: Requesting approval of a Detailed Site Plan for a mixed-use project consisting of 55,600 square-foot commercial development including one 36,000-square-foot grocery store (LIDL), one 5,600 square-foot gas station with food and beverage store (WAWA), one 14,000 square-foot in-line commercial building, of which 500 square feet is to be used for community meeting space, and 59 townhouse units.

Council District: 8

Appeal by Date: 3/9/2017

Review by Date: 3/9/2017

Action by Date: 4/28/2017

History:

01/05/2017	M-NCPPC Technical Staff	approval with conditions
02/02/2017	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>	

Attachment(s):

[DSP-16020 Zoning AIS](#)

[DSP-16020 Planning Board Resolution 17-12](#)

DSP-16020_PORL

ORAL ARGUMENTS (Continued)**DDS-638****Allentown Andrews Gateway****Companion Case(s):** DSP-16020**Applicant(s):** Camp Springs Allentown, LLC.**Location:** Located in the northeast quadrant of the intersection of Branch Avenue (MD 5) and Allentown Road (MD 337) (13.03 Acres; M-X-T Zone).**Request:** Requesting approval of a Departure from Design Standards for three departures from Section 27-579(b) of the Prince George's County Zoning Ordinance which prohibits loading spaces and access to a loading space to be located less than 50 feet from property proposed to be used for residential purposes.**Council District:** 8**Appeal by Date:** 3/9/2017**Review by Date:** 3/9/2017**Action by Date:** 6/23/2017**History:**

01/05/2017 M-NCPPC Technical Staff approval with conditions

02/02/2017 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).***Attachment(s):**[DDS-638 Zoning AIS](#)[DDS-638 Planning Board Resolution 17-13](#)

DDS-638_PORL

MANDATORY REVIEW (Using Oral Argument Procedures)[DSP-16029](#)**Riverfront at West Hyattsville Metro
Expedited Transit-Oriented Development Project****Applicant(s):**

West Hyattsville Property Co., LLC

Location:

Located on the west side of Ager Road, at its intersection with Lancer Drive, north of the West Hyattsville Metro Station, abutting the west side of the Metro Station. The subject property is also located in the 2006 Approved West Hyattsville Transit District Development Plan and Transit District Overlay Zoning Map Amendment (West Hyattsville TDDP/TDOZMA) area (18.45 Acres; M-X-T / T-DO Zones).

Request:

Requesting approval of a Detailed Site Plan (DSP) for infrastructure, proposing grading and development of infrastructure, including the location and design of the roadways, the lot layout for a 183-townhouse development, parking lots and on-street parking, landscaping, utility location, fencing, and sidewalks on the subject property to prepare for a future multiphase mixed-use development.

Council District:

2

Appeal by Date:

4/28/2017

Action by Date:

5/1/2017

Comment(s):

District Council review of this case is required by Section 27-548.09.01(a)(1)(C) of the Zoning Ordinance.

Municipality:

City of Hyattsville

History:

03/15/2017	M-NCPPC Technical Staff	approval with conditions
03/23/2017	M-NCPPC Planning Board	approval with conditions
04/10/2017	Sitting as the District Council	announced hearing date

Attachment(s):

[DSP-16029 Zoning AIS](#)
[DSP-16029 Planning Board Resolution 17-43](#)
 DSP-16029_PORL
[DSP-16029 Technical Staff Report](#)

MANDATORY REVIEW (Using Oral Argument Procedures) (Continued)[DSP-15045](#)**210 Maryland Park****Expedited Transit Oriented Development Project****Applicant(s):**

Community First Development Corporation, LLC

Location:

Located in the southwest quadrant of the intersection of Southern Avenue and Maryland Park Drive (3.89 Acres; R-55 / T-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan for a 220,882-square-foot mixed-use development consisting of 1,948 square feet of commercial/retail space, 165 multifamily dwelling units and 13 townhouse units. This application also requests a change of the underlying zoning for the property from the existing One-Family Detached Residential (R-55) Zone to the Mixed Use–Infill (M-U-I) Zone.

Council District:

7

Appeal by Date:

4/27/2017

Action by Date:

5/1/2017

Comment(s):

District Council review of this case is required by Section 27-546.16 of the Zoning Ordinance.

History:

03/15/2017

M-NCPPC Technical Staff

approval with conditions

03/23/2017

M-NCPPC Planning Board

approval with conditions

04/10/2017

Sitting as the District Council

announced hearing date

Attachment(s):[DSP-15045 Zoning AIS](#)[DSP-15045 Planning Board Resolution 17-01](#)

DSP-15045_PORL

[DSP-15045 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION**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).

03/13/2017

Sitting as the District Council

hearing held; case taken under advisement

Taslina Alam, M-NCPPC, provided an overview of the application for certification of a non-conforming use. Michael Nagy, 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.

03/27/2017

Sitting as the District Council

deferred

Council deferred this item to April 24, 2017.

04/10/2017 Sitting as the District Council referred for document
Council referred item to staff for preparation of an approving document (Vote: 6-0; Absent: Council Members Franklin, Glaros, and Toles).

04/10/2017 Sitting as the District Council reconsidered
Council reconsidered its previous motion to refer item to staff for preparation of an approving document (Vote: 7-0; Absent: Council Members Franklin and Glaros).

04/10/2017 Sitting as the District Council deferred
Council deferred this item to April 24, 2017

Attachment(s):

[CNU-48061-2015_Zoning AIS](#)

[CNU-48061-2015 Planning Board Resolution 16-141](#)

CNU-48061-2015_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-07058-01****Marlboro Ridge, Phase 5****Applicant(s):**

Toll MD V Limited Partnership

Location:

Located a portion of a larger development known as Marlboro Ridge, which is located on the southwest side of Ritchie Marlboro Road, approximately 2,500 feet south of its intersection with Westphalia Road. The area covered in the subject DSP approval is located in the northern portion of the property, west of and immediately adjacent to the Potomac Electric Power Company (PEPCO) power line right-of-way that bisects the overall site (85.14 Acres; R-R / M-I-O Zones).

Request:

Requesting approval of a Detailed Site Plan for a revision of Phase 5 of the Marlboro Ridge Development to change the lot distribution from 70 small single-family detached lots and 55 large single-family detached lots to 62 townhouses and 59 single-family detached units.

Council District:

6

Appeal by Date:

5/11/2017

Review by Date:

5/11/2017

History:

03/10/2017

M-NCPPC Technical Staff

approval with conditions

04/06/2017

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-07058-01_Zoning AIS](#)[DSP-07058-01 Planning Board Resolution 17-52](#)

DSP-07058-01_PORL

[DSP-07058-01 Technical Staff Report](#)

PENDING FINALITY (Continued)**[CNU-30038-2015](#)****Obinne Enterprises 3800 38th Avenue****Applicant(s):**

Ferdinand & Anthonia Obichere

Location:

Located on the southwest side of 38th Avenue approximately 800 feet west of Bladensburg Road, also known as 3800 38th Avenue (0.167 Acres; R-18 Zone).

Request:

Requesting certification of a nonconforming use for an existing, four-unit apartment building that was constructed in 1936. At that time, the property was subject to the requirements of the Residential "C" Zone classification. Because development regulations were changed or adopted after the use was lawfully established, the density of the multifamily apartment building became nonconforming.

Council District:

5

Appeal by Date:

5/11/2017

Review by Date:

5/11/2017

History:

02/27/2017

M-NCPPC Technical Staff

approval

04/06/2017

M-NCPPC Planning Board

approval

Attachment(s):[CNU-30038-2015_Zoning AIS](#)[CNU-30038-2015 Planning Board Resolution 17-50](#)[CNU-30038-2015_PORL](#)[CNU-30038-2015 Technical Staff Report](#)

PENDING FINALITY (Continued)**CNU-35221-2016****Obinne Enterprises 3802 38th Avenue****Applicant(s):**

Ferdinand & Anthonia Obichere

Location:

Located on the southwest side of 38th Avenue where it intersects Parkwood Street, approximately 800 feet west of Bladensburg Road, also known as 3802 38th Avenue (0.088 Acres; R-18 Zones).

Request:

Requesting certification of nonconforming use for an existing, four-unit apartment building that was constructed in 1936. At that time, the property was subject to the requirements of the Residential "C" Zone classification. Because development regulations were changed or adopted after the use was lawfully established, the density of the multifamily apartment building became nonconforming.

Council District:

5

Appeal by Date:

5/11/2017

Review by Date:

5/11/2017

History:

02/27/2017

M-NCPPC Technical Staff

approval

04/06/2017

M-NCPPC Planning Board

approval

Attachment(s):[CNU-35221-2016_Zoning AIS](#)[CNU-35221-2016 Planning Board Resolution 17-49](#)[CNU-35221-2016_PORL](#)[CNU-35221-2016 Technical Staff Report](#)

PENDING FINALITY (Continued)**DSP-16010****Cabin Branch Village****Applicant(s):**

VP, LLP
c/o Mark Vogel

Location:

Located in the northwestern quadrant of the intersection of Armstrong Lane and Ryon Road. The project is located within the boundaries of the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment (24.59 Acres; M-X-T / R-R / M-I-O Zones).

Request:

Requesting approval of a Detailed Site PPlan for 204 single-family attached dwelling units (townhouses).

Council District:

6

Appeal by Date:

4/27/2017

Review by Date:

4/27/2017

History:

02/22/2017	M-NCPPC Technical Staff	approval with conditions
03/23/2017	M-NCPPC Planning Board	approval with conditions
04/10/2017	Sitting as the District Council	deferred

This item was deferred to April 24, 2017.

Attachment(s):

[DSP-16010_Zoning AIS](#)
[DSP16010 Planning Board Resolution 17-41](#)
DSP-16010_PORL
[DSP-16010 Technical Staff Report condensed](#)

PENDING FINALITY (Continued)[DSP-16018](#)**Glenn Dale Commons Phase 4****Applicant(s):**SDLM, LLC
c/o Sean Bruce**Location:**

Located in the southwestern quadrant of the intersection of Aerospace Road and Forbes Boulevard (5.21 Acres; M-X-T Zone).

Request:

Requesting approval of a Detailed Site Plan for approval of 69 single-family attached dwelling units (townhouses).

Council District:

4

Appeal by Date:

4/27/2017

Review by Date:

4/27/2017

History:

02/22/2017	M-NCPPC Technical Staff	approval with conditions
03/23/2017	M-NCPPC Planning Board	approval with conditions
04/10/2017	Sitting as the District Council	deferred

*This item was deferred to April 24, 2017.***Attachment(s):**[DSP-16018 Zoning AIS](#)[DSP-16018 Planning Board Resolution 17-40](#)

DSP-16018_PORL

[DSP-16018 Technical Staff Report](#)

PENDING FINALITY (Continued)**SDP-1603****Willowbrook, Phase 1****Applicant(s):**

WBLH, LLC

Location:

Located on the north side of Leeland Road, approximately 3,500 feet west of its intersection with Robert Crain Highway (US 301) (440.85 Acres; R-S / I-1 Zones).

Request:

Requesting approval for Phase One (Phase 1) of the development, which proposes 183 single-family detached and 93 single-family attached market-rate lots and 43 single-family detached and 52 single-family attached mixed-retirement residential lots, and single-family attached architecture by NV Homes, Ryan Homes and Toll Brothers.

Council District:

4

Appeal by Date:

5/4/2017

Review by Date:

5/4/2017

History:

02/02/2017	M-NCPPC Technical Staff	approval with conditions
03/30/2017	M-NCPPC Planning Board	approval with conditions
04/10/2017	Sitting as the District Council	deferred

This item was deferred to April 24, 2017.

Attachment(s):

[SDP-1603 Zoning AIS](#)

[SDP-1603 Planning Board Resolution 17-44](#)

SDP-1603_PORL

[SDP-1603 Technical Staff Report](#)

PENDING FINALITY (Continued)**SDP-1605****Canter Creek, Phase II, III, IV****Applicant(s):**

Walton Development and Management

Location:

Located on the western side of Frank Tippet Road, approximately 1,000 feet south of its intersection with Rosaryville Road (173.58 Acres; R-S / M-I-O).

Request:

Requesting approval for an infrastructure Specific Design Plan (SDP) for grading and installation of five stormwater management ponds for Phases II, III, and IV of the Canter Creek project.

Council District:

9

Appeal by Date:

3/13/2017

Review by Date:

5/12/2017

History:

02/23/2017

M-NCPPC Technical Staff

approval with conditions

03/09/2017

M-NCPPC Planning Board

approval with conditions

Attachment(s):[SDP-1605 Zoning AIS](#)[SDP-1605 Planning Board Resolution 17-38](#)

SDP-1605_PORL

[SDP-1605 Technical Staff Report](#)

CASE(S) SCHEDULED FOR MANDATORY REVIEW ON MAY 15, 2017 - 10:00 A.M.*Hearing Dates & Times Subject to Change***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

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

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

DSP-16030_PORL

[DSP-16030 Technical Staff Report](#)**ADJOURN****7:00 PM PUBLIC HEARING - M-NCPPC BUDGET PUBLIC HEARING (COUNCIL HEARING ROOM)***(SEE SEPARATE AGENDA)*