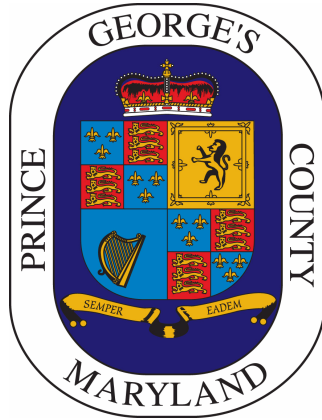


# Prince George's County Council

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



## **Zoning Agenda - Final**

**Monday, May 4, 2015**

**1:30 PM**

**Council Hearing Room**

## **Sitting as the District Council**

*Mel Franklin, District 9, Chairman  
Derrick Leon Davis, District 6, Vice Chair  
Dannielle M. Glaros, District 3  
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**

**1:00 PM AGENDA BRIEFING - (ROOM 2027)****1:30 PM CALL TO ORDER - (COUNCIL HEARING ROOM)****INVOCATION - Thomas Mayah, County Employee****PLEDGE OF ALLEGIANCE****APPROVAL OF DISTRICT COUNCIL MINUTES**[MINDC 04272015](#)**District Council Minutes dated April 27, 2015****Attachment(s):**[04-27-2015 District Council Minutes DRAFT](#)[MINDC 04282015](#)**District Council Minutes dated April 28, 2015****Attachment(s):**[04-28-2015 District Council Minutes DRAFT](#)**ORAL ARGUMENTS**[A-10024 Remand](#)**Fairview Commercial****Applicant(s):**

DD Land Holding, LLC

**Location:**

Located northwest quadrant of the intersection of Martin Luther King Jr. Highway (MD 704) and Whitfield Chapel Road (7.65 Acres; R-80 Zone)

**Request:**

Requesting approval of a Zoning Map Amendment for rezoning subject property from the R-80 to C-S-C Zone for development of retail commercial uses.

**Council District:**

5

**Appeal by Date:**

1/12/2015

**Action by Date:**

6/1/2015

**Municipality:**

None

**Opposition:**

Judith Dobbins, et. al.

**History:**

03/08/2012	M-NCPPC Technical Staff	disapproval
07/12/2012	M-NCPPC Planning Board	disapproval
12/31/2012	Zoning Hearing Examiner	disapproval

01/29/2013	Applicant	appealed	<i>Mike S. Nagy, Esquire, Attorney for the applicant filed exceptions to the decision of the Zoning Hearing Examiner and requested oral argument.</i>
05/06/2013	Sitting as the District Council	hearing held	<i>The Oral argument hearing was held; Council took this case under advisement.</i>
05/13/2013	Sitting as the District Council	remanded	<i>Council referred this item to staff for preparation of an Order of Remand and subsequently adopted the Order of Remand to the Zoning Hearing Examiner.</i>
05/16/2014	Office of the Clerk of the Council	transmitted	<i>The Clerk transmitted remanded case file to the Zoning Hearing Examiner.</i>
12/12/2014	Zoning Hearing Examiner	disapproval	
01/12/2015	Applicant	appealed	<i>Mike S. Nagy, Esquire, Attorney for the applicant, filed exceptions to the Remand decision of the Zoning Hearing Examiner and requested oral argument.</i>

**Attachment(s):**[A-10024 \(REMAND\) ZHE Decision](#)

A-10024 POR

[A-10024 District Council Decision](#)[A-10024 ZHE Decision](#)[A-10024 Planning Board Resolution 12-60](#)[A-10024 Technical Staff Report](#)

**REFERRED FOR DOCUMENT****DSP-13027****Longfellow Street Property****Applicant(s):**

Lilian Koo

**Location:**

Located on the northeastern side of Longfellow Street, approximately 440 feet southeast of its intersection with Queens Chapel Road in Hyattsville (0.13 Acres; R-35 / D-D-O Zones).

**Request:**

Requesting approval of a Detailed Site Plan for a conversion of a one-family detached dwelling to a building containing up to three dwelling units.

**Council District:**

2

**Appeal by Date:**

12/26/2014

**Review by Date:**

1/30/2015

**Action by Date:**

5/8/2015

**Municipality:**

City of Hyattsville

**History:**

10/03/2014	M-NCPPC Technical Staff	approval with conditions
11/20/2014	M-NCPPC Planning Board	approval with conditions
01/12/2015	Sitting as the District Council	deferred
	<i>Council deferred this item to January 26, 2015.</i>	
01/26/2015	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 8-0; Absent: Council Member Patterson).</i>	
03/09/2015	Sitting as the District Council	hearing held; case taken under advisement

*Ruth Grover, M-NCPPC, provided an overview of the Detailed Site Plan application. Arthur Horne, Jr., Esq. spoke in support, on behalf of the applicant. Jim Chandler expressed concerns on behalf of the City of Hyattsville. Lilian Koo, Applicant, was called upon to answer additional questions posed by the Council. Stan Brown, People's Zoning Counsel, indicated concurrence with the Planning Board's recommendation and spoke to the legalities of the case.*

*Council took this case under advisement.*

04/13/2015 Sitting as the District Council referred for document  
*Council referred item to staff for preparation of an disapproving document (Vote: 9-0).*

**Attachment(s):** [DSP-13027 Planning Board Resolution 14-121](#)  
 DSP-13027\_PORL  
[DSP-13027 Technical Staff Report](#)

**REFERRED FOR DOCUMENT (Continued)**

[DSP-14005](#)

**Walker Mill Business Park Lot 9**

**Applicant(s):** Wasim Butt  
**Location:** Located on the north side of Prosperity Court, approximately 150 feet east of its intersection with Prosperity Way (0.72 Acres; I-1 Zone).  
**Request:** Requesting approval of a Detailed Site Plan for a vehicle towing company and automobile storage yard in the Light Industrial (I-1) Zone.  
**Council District:** 7  
**Appeal by Date:** 2/12/2015  
**Review by Date:** 2/12/2015  
**Action by Date:** 5/8/2015  
**Municipality:** Town of Capitol Heights

**History:**

11/25/2014	M-NCPPC Technical Staff	approval with conditions
01/08/2015	M-NCPPC Planning Board	approval with conditions
01/26/2015	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 8-0; Absent: Council Member Patterson).</i>	
02/25/2015	Person of Record	filed
	<i>Wasim Butt, Applicant waived his right to the 30-day notice requirement.</i>	
02/27/2015	People's Zoning Counsel	filed
	<i>Stan Brown, Esquire, People's Zoning Counsel, waived his right to the 30-day notice requirement.</i>	
03/02/2015	Person of Record	filed
	<i>Rafik Bazikian waived his right to the 30-day notice requirement.</i>	

- 03/02/2015                      Person of Record                      filed  
*Stevie Cox, on behalf of the Town of Capitol Heights, waived the Town's right to the 30-day notice requirement.*
- 03/09/2015                      Sitting as the District Council                      referred for document  
*Henry Zhang, M-NCPPC, provided an overview of the Detailed Site Plan application. Rafik Bazikian, Engineer, spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, indicated concurrence with the Planning Board's recommendation.*  
  
*Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0).*
- 04/27/2015                      Sitting as the District Council                      deferred  
*Council deferred this item.*

**Attachment(s):**

[DSP-14005 Planning Board Resolution 14-141](#)

DSP-14005\_PORL

[DSP-14005 Technical Staff Report](#)

**REFERRED FOR DOCUMENT (Continued)**[ERR-243](#)**Peter Tatchell****Validation of Multifamily Rental License M-682 Issued in Error****Applicant(s):**

Peter Tatchell

**Location:**

Located at 6106 41st Avenue, Hyattsville, Maryland (0.12 Acres; R-35 Zone).

**Request:**

Requesting approval for validation of Prince George's County Multifamily Rental License No. M-682 issued in error in 1973 for a 3-unit multifamily apartment building.

**Council District:**

2

**Appeal by Date:**

4/10/2015

**Review by Date:**

4/10/2015

**Action by Date:**

7/9/2015

**Municipality:**

City of Hyattsville

**Opposition:**

None

**History:**

03/11/2015

Zoning Hearing Examiner

approval

04/27/2015

Sitting as the District Council

referred for document

*Council referred item to staff for preparation of an approving document (Vote: 8-0; Absent: Council Member Lehman).***Attachment(s):**[ERR-243 Zoning Hearing Examiner Decision](#)

ERR-243 PORL



**ITEM(S) FOR DISCUSSION**[SE-4667](#)**Sycamore Hill****Applicant(s):**

Presidential Care, LLC / Stoddard Baptist Home, Inc.

**Location:**

Located on the east side of Lottsford Vista Road, across from its intersection with Cleary Lane, also identified as 3911 Lottsford Vista Road, Bowie, Maryland (7.91 Acres; R-R Zone).

**Request:**

Requesting approval of a Special Exception for an Adult Day Care for 15 persons and a 63-unit Assistant Living Facility for 78 persons.

**Council District:**

5

**Appeal by Date:**

11/14/2014

**Review by Date:**

1/14/2015

**Action by Date:**

5/14/2015

**Opposition:**

The Willow Grove Citizens Association, et. al.

**History:**

04/28/2014	M-NCPPC Technical Staff	approval with conditions
05/15/2014	M-NCPPC Planning Board	no motion to consider
10/15/2014	Zoning Hearing Examiner	approval with conditions
10/20/2014	Sitting as the District Council	deferred
	<i>Council deferred this item.</i>	
10/28/2014	Sitting as the District Council	did not elect to make the final decision
	<i>Council took no action on this item.</i>	
11/14/2014	Person of Record	appealed
	<i>Ms. Florence Miller, on behalf of Willow Grove Citizens Association, filed exceptions to the decision of the Zoning Hearing Examiner and requested Oral Argument.</i>	
11/14/2014	Person of Record	appealed
	<i>Ms. Tiffany Alston Gray filed exceptions to the decision of the Zoning Hearing Examiner and requested Oral Argument</i>	

04/27/2015                      Sitting as the District Council                      hearing held; case taken under advisement

*Taslina Alam, M-NCPPC, provided an overview of the Special Exception application. Tiffany Alston Gray and Margaret Boles spoke in opposition. Arthur Horne, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Council, spoke to the legalities of the arguments presented and pointed out that the listed applicant, Presidential Care, LLC would need to be reinstated by the State prior to a final decision on this case.*

*Council took this case under advisement.*

**Attachment(s):**

SE4667 POR List

[SE-4667 Zoning Hearing Examiner Decision](#)

[SE-4667 Technical Staff Report](#)

SE-4667 Appeal Letters

**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**

**CDP-0101-03**

**Central Wholesaler at Town Center Business Campus**

**Applicant(s):**

CWI Limited Partnership

**Location:**

Located on the eastern side of Konterra Drive approximately 800 feet south of its intersection with Van Dusen Road (25.23 Acres; E-I-A Zone).

**Request:**

Requesting approval of a Comprehensive Design Plan to increase the overall trip cap for the project to allow for the ultimate build out of the site at 342,378 square feet with approximately 120,000 square feet on Lot 3.

**Council District:**

1

**Appeal by Date:**

5/21/2015

**Review by Date:**

5/21/2015

**History:**

03/18/2015

M-NCPPC Technical Staff

approval with conditions

04/16/2015

M-NCPPC Planning Board

approval with conditions

04/27/2015                      Sitting as the District Council                      deferred

*Council deferred this item.*

**Attachment(s):**                      [CDP-0101-03 Planning Board Resolution 15-24](#)

CDP-0101-03\_PORL

**ADJOURN**

**7:00 PM PUBLIC HEARING - (COUNCIL HEARING ROOM)**

**PRINCE GEORGE'S COUNTY PROPOSED FY 2016 OPERATING BUDGET, SIX YEAR CAPITAL PROGRAM (INCLUDING THE CAPITAL IMPROVEMENT BUDGET) AND THE PRINCE GEORGE'S COUNTY BOARD OF EDUCATION PORTION OF THE COUNTY FY 2016 OPERATING BUDGET, PROPOSED BUDGET OF THE REDEVELOPMENT AUTHORITY, REVENUE AUTHORITY AND INDUSTRIAL DEVELOPMENT AUTHORITY OF PRINCE GEORGE'S COUNTY, AND THE CONSTANT YIELD TAX RATE**