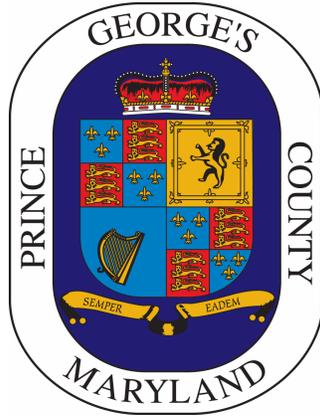


# Prince George's County Council

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



## **Zoning Agenda - Final**

**(1:00 PM Agenda Briefing Rm 2027)**

**Monday, May 7, 2018**

**1:30 PM**

**Council Hearing Room**

## **Sitting as the District Council**

*Dannielle M. Glaros, District 3, Chair*

*Derrick Leon Davis, District 6*

*Mel Franklin, District 9*

*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, Vice Chair*

*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. All District Council Sessions are public meetings, however, a part of the meeting may be conducted in closed session.

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.

**1:00 PM AGENDA BRIEFING - (ROOM 2027)**

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

**INVOCATION**

Howard W. Stone, County Employee

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 04232018](#)

**District Council Minutes dated April 23, 2018**

**ITEM(S) FOR DISCUSSION**[SE/VSE-4792](#)**Ernest Maier Concrete Batching Plant****Applicant(s):**

Ernest Maier, Inc.

**Location:**

Located west side of Kenilworth Avenue (MD 201), approximately 254 feet west of its intersection with Upshur Street (3.95 Acres; I-2 Zone).

**Request:**

Requesting approval of a Special Exception to operate a Concrete Batching Plant. Variance from Section 27-343.02(a)(1) to allow a concrete batching plant and its components to be within 100-foot setback from adjacent property located in the Industrial zone. And a second variance from Section 27-474(b) to reduce the 25-foot setback from Kenilworth Avenue by five feet.

**Council District:**

5

**Appeal by Date:**

12/11/2017

**Review by Date:**

1/9/2018

**Action by Date:**

5/9/2018

**Municipality:**

Bladensburg

**Opposition:**

Port Towns Environmental Action et al.

**History:**

06/14/2017	M-NCPPC Technical Staff	approval with conditions
09/14/2017	M-NCPPC Planning Board	no motion to consider
11/09/2017	Zoning Hearing Examiner	approval with conditions
11/13/2017	Sitting as the District Council	deferred
	<i>Council deferred this item to January 8, 2018.</i>	
12/11/2017	Person of Record	appealed
	<i>On December 11, 2017, David C. Blitzer filed exceptions in opposition to the decision of the Zoning Hearing Examiner on behalf of Port Towns Environmental Action et. al. and requested Oral Arguments.</i>	
03/12/2018	Clerk of the Council	mailed
	<i>Notice of Oral Argument Hearing was mailed to Persons of Record.</i>	

04/16/2018

Sitting as the District Council

hearing held; case taken under advisement

*Prior to the oral argument hearing, Daniel Lynch, Esq., raised objections to a document that was circulated with regard to the application, which appeared to be a County document. He requesting that the record reflect that the document was not issued by the County. Ivy Thompson, M-NCCPC, provided an overview of the Special Exception application. The following persons spoke in opposition: David Blitzer, Esq., Carlyncia S. Peck, Dr. Sacoby Wilson and Alicia Melendez. Due to procedural concerns, the meeting went into recess. Once reconvened, Rajesh Kumar, Principal Counsel to the District Council explained the role of Stan Brown, People's Zoning Counsel, who was unable to attend the hearing and cautioned persons of record to keep their testimony to matters that are within the record. Ms. Melendez concluded her remarks, following by comments by The Honorable Victor Ramirez, Senator, 47th Legislative District. Daniel Lynch, Esq., spoke in support of behalf of the applicant, as did the following persons: Susan McCutchen, Suellen Ferguson, The Honorable Takisha James, Mayor of the Town of Bladensburg and Jim Foster on behalf of the Anacostia Watershed Society.*

*Council took this case under advisement.*

**Attachment(s):**

[SE-VSE 4792 Zoning Hearing Examiner](#)

SEVSE 4792E\_ PORL

[SE-4792 Technical Staff Report](#)

SE-4792 Appeal Letter

**REFERRED FOR DOCUMENT**[ERR-265](#)**Ali I. Tangoren Family Settlement Revocable Family Trust/ Ali I. Tangoren, Trustee**  
**Validation of Multifamily Rental License No. M-130 Issued in Error****Applicant(s):**

Ali I. Tangoren

**Location:**

Located at 833 Fairview Avenue, Takoma Park, Maryland (.16 Acres; R-18 Zone).

**Request:**

Requesting validation of Prince George's County Multifamily Rental License No. M-130 issued in error for a 3-unit apartment building in the R-18 Zone.

**Council District:**

2

**Appeal by Date:**

12/7/2017

**Action by Date:**

5/7/2018

**Opposition:**

None

**History:**

11/07/2017

Zoning Hearing Examiner

approval with conditions

01/08/2018

Sitting as the District Council

elected to make the final decision

*Council elected to make the final decision on this item (Vote: 8-0; Absent: Council Member Toles).*

03/26/2018

Sitting as the District Council

referred for document

*A motion to refer to staff to prepare a document of disapproval was made by Council Member Taveras, but failed for lack of a second. Council took this case under advisement.*

03/26/2018

Sitting as the District Council

hearing held; case taken under advisement

*Ras Cannady, M-NCCPC, provided an overview of the application for Validation of a Permit Issued in Error. Ali Taneoren, Applicant, spoke in support. Renee Palacios, Representative of the Department of Permits, Inspection and Enforcement, responded to 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.*

03/26/2018            Sitting as the District Council            case taken under advisement  
*Council took this case under advisement.*

04/16/2018            Sitting as the District Council            referred for document  
*Council referred item to staff for preparation of document of remand  
(Vote: 7-0; Absent: Council Members Davis and Franklin).*

04/23/2018            Sitting as the District Council            deferred  
*Council deferred this item to May 7, 2018.*

**Attachment(s):**        [ERR-265 Zoning Hearing Examiner Decision](#)

**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-13045-02****Greenbelt Station, Phase 3****Applicant(s):**

NVR MS Cavalier Greenbelt, LLC

**Location:**

Located on the west side of Greenbelt Station Parkway, approximately 1,800 feet north of its intersection with MD 193 (Greenbelt Road), within the western portion of Phase 3 of the larger Greenbelt Station development (13.16 Acres; M-X-T / D-D-O Zones).

**Request:**

Requesting approval of a Detailed Site Plan for the purpose of amending Condition 1(k) of DSP-13045 only, and does not propose to amend any of the previously approved site improvements.

**Council District:**

4

**Appeal by Date:**

5/31/2018

**Review by Date:**

5/31/2018

**Municipality:**

City of Greenbelt

**History:**

03/22/2018

M-NCPPC Technical Staff

approval with conditions

04/26/2018

M-NCPPC Planning Board

approval with conditions

**PENDING FINALITY (Continued)**

**PLANNING BOARD (Continued)**

[CDP-8309-01](#)

**The Villages of Marlborough**

**Applicant(s):**

Codale Commercial Funding, LLC

**Location:**

The larger Villages of Marlborough is located northwest of the Town of Upper Marlboro at the intersection of MD 725 (Marlboro Pike) and Brown Station Road. The triangular Parcel O site is located in the northern quadrant of the intersection of John Rogers Boulevard and Governor's Grove Drive (367 Acres; R-U Zone).

**Request:**

Requesting approval for a Comprehensive Design Plan proposing to develop a 6.38-acre site known as Parcel O, where the Marlborough Golf Course Clubhouse building was previously located before being razed, within a larger fully-developed project known as The Villages of Marlborough, with 206 multifamily dwelling units (DUs).

**Council District:**

6

**Appeal by Date:**

5/31/2018

**Review by Date:**

5/31/2018

**History:**

03/01/2018

M-NCPPC Technical Staff

approval with conditions

04/26/2018

M-NCPPC Planning Board

approval with conditions

**PENDING FINALITY (Continued)****PLANNING BOARD (Continued)****[SDP-0417 Amended](#)****Oak Creek Club, Phase 3 (Amended)****Applicant(s):**

Oak Creek Club, Corporation

**Location:**

Located in the northwest intersection of Oak Grove Road and Church Road (64.73 Acres; R-L Zone).

**Request:**

Requesting waiver and reconsideration of the conditions to construct a roundabout at the intersection of Oak Grove Road and Church Road and convert the roundabout to a four-way signal-controlled intersection. (The original request was approval of a Specific Design Plan for the construction of 92 single-family detached houses in the R-L Zone).

**Council District:**

6

**Appeal by Date:**

4/12/2018

**Review by Date:**

5/14/2018

**Comment(s):**

This case was originally transmitted on March 13, 2018 to the Council, but was returned and retransmitted on April 12, 2018 in order to satisfy affidavit requirements.

**History:**

01/31/2018	M-NCPPC Technical Staff	approval with conditions
03/08/2018	M-NCPPC Planning Board	approval with conditions
04/23/2018	Sitting as the District Council	deferred

*Council deferred this item to a later date.*

**PENDING FINALITY (Continued)****PLANNING BOARD (Continued)****[SDP-0610 Amended](#)****Oak Creek Club, Phase 4 (Amended)****Applicant(s):**

Oak Creek Club Corporation

**Location:**

Located approximately 2,000 feet west of intersection of Oak Grove Road & Church Road & 5,000 feet east of Church and Mary Bowie Parkway.

**Request:**

Requesting waiver and reconsideration of the conditions to construct a roundabout at the intersection of Oak Grove Road and Church Road and convert the roundabout to a four-way signal-controlled intersection. (The original request was approval of a Specific Design Plan for construction of 135 single-family detached houses in the R-L Zone).

**Council District:**

6

**Appeal by Date:**

4/12/2018

**Review by Date:**

5/14/2018

**Comment(s):**

This case was originally transmitted to the Council on March 13, 2018, but was returned and retransmitted on April 12, 2018 in order to satisfy affidavit requirements.

**History:**

01/31/2018	M-NCPPC Technical Staff	approval with conditions
03/08/2018	M-NCPPC Planning Board	approval with conditions
04/23/2018	Sitting as the District Council	deferred

*Council deferred this item to a later date.*

**PENDING FINALITY (Continued)****PLANNING BOARD (Continued)**[SDP-0610-01](#)[Amended](#)**Oak Creek Club, Phase 4 (Amended)****Applicant(s):**

NVR-MS Cavalier Oak Creek, Club, LLC.

**Location:**

Located approximately 2,000 feet west of the intersection of Oak Grove and Church Roads 5,000 feet east of the intersection of Church Road and Mary Bowie Parkway (69.68 Acres; R-L Zone).

**Request:**

Requesting waiver and reconsideration of the conditions to construct a roundabout at the intersection of Oak Grove Road and Church Road and convert the roundabout to a four-way signal-controlled intersection. (The original request was for a Specific Design Plan to reconfigure Landbay 'N' so as to provide internal access to the 10 lots fronting on Oak Grove Road in Specific Design Plan SDP-0610 and provide a current approval that will supersede SDP-0610).

**Council District:**

6

**Appeal by Date:**

4/12/2018

**Review by Date:**

5/14/2018

**Comment(s):**

This case was originally transmitted on March 13, 2018 to the Council, but was returned and retransmitted on April 12, 2018 in order to satisfy affidavit requirements.

**History:**

01/31/2018	M-NCPPC Technical Staff	approval with conditions
03/08/2018	M-NCPPC Planning Board	approval with conditions
04/23/2018	Sitting as the District Council	deferred

*Council deferred this item to a later date.*

**PENDING FINALITY (Continued)****PLANNING BOARD (Continued)****[SDP-1501 Amended](#)****Oak Creek Club, Phase 5 (Amended)****Applicant(s):**

NVR-MS Cavalier Oak Creek, LLC

**Location:**

Located north of oak grove road, 3,200 feet west of the intersection with church road south (117.49 Acres; R-L Zone).

**Request:**

Requesting waiver and reconsideration of the conditions to construct a roundabout at the intersection of Oak Grove Road and Church Road and convert the roundabout to a four-way signal-controlled intersection. (The original request was approval of a Specific Design Plan for Phase 5 of the development, which proposes 213 single-family units).

**Council District:**

6

**Appeal by Date:**

4/12/2018

**Review by Date:**

5/16/2018

**Comment(s):**

This case was originally transmitted on March 13, 2018 to the Council, but was returned and retransmitted on April 12, 2018 in order to satisfy affidavit requirements.

**History:**

01/31/2018	M-NCPPC Technical Staff	approval with conditions
03/08/2018	M-NCPPC Planning Board	approval with conditions
04/23/2018	Sitting as the District Council	deferred

*Council deferred this item to a later date.*

**Attachment(s):**

**[SDP-1501 Planning Board Resolution 15-141](#)**

**ADJOURN****7:00 P.M. - BUDGET PUBLIC HEARING: COUNTY OPERATING/CIP, BOE, CYTR - (COUNCIL HEARING ROOM)**

*(SEE SEPARATE AGENDA)*