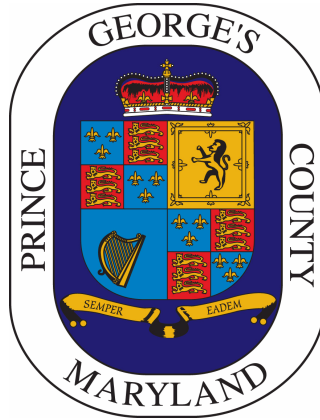


Prince George's County Council

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



Zoning Agenda - Final

(1:00 PM Agenda Briefing Rm 2027)

Monday, April 16, 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 AM CALL TO ORDER - (COUNCIL HEARING ROOM)

INVOCATION

Rev. Ray Raysor, Pastor, Saint Didymus Church, Bladensburg, MD.

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 03262018](#)

District Council Minutes dated March 26, 2018

Attachment(s):

[3-26-2018 District Council Minutes DRAFT](#)

[MINDC 04102018](#)

District Council Minutes dated April 10, 2018

Attachment(s):

[4-10-2018 District Council ADDITIONS Minutes DRAFT](#)

ORAL ARGUMENTS[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

Council deferred this item to January 8, 2018.

12/11/2017	Person of Record	appealed
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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.

03/12/2018	Clerk of the Council	mailed
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Notice of Oral Argument Hearing was mailed to Persons of Record.

Attachment(s): [SE-VSE 4792 Zoning Hearing Examiner](#)
 SEVSE 4792E_ PORL
[SE-4792 Technical Staff Report](#)
 SE-4792 Appeal Letter

ITEM(S) FOR DISCUSSION

[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
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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.

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.

(a) PLANNING BOARD**[DSP-16025](#)****Woodmore Overlook****Applicant(s):**

Woodmore Overlook, LLC

Location:

Located on the north side of Ruby Lockhart Boulevard, west of its intersection with Lottsford Road (26.30 Acres; M-X-T Zone).

Request:

Requesting approval of a Detailed Site Plan proposing 215 single-family attached residential units (townhouses) on 26.30 acres.

Council District:

5

Appeal by Date:

5/10/2018

Review by Date:

5/10/2018

History:

03/09/2018

M-NCPPC Technical Staff

approval with conditions

04/05/2018

M-NCPPC Planning Board

approval with conditions

Attachment(s):**[DSP-16025 Zoning Agenda Item Summary \(AIS\)](#)**

PENDING FINALITY (Continued)**(a) PLANNING BOARD (Continued)****DSP-87050-12****The Shops at Oxford (Constellation Centre)****Applicant(s):**

Oxon Hill Road LLC

Location:

Located on the north side of Oxon Hill Road at its intersection with I-95/495 (Capital Beltway), approximately 1,000 feet west of the intersection with MD 414 (St. Barnabas Road) (24.95 Acres; C-S-C Zone).

Request:

Requesting approval of a Detailed Site Plan (DSP) for construction of 16,000 square feet of commercial retail uses, The Shops at Oxford, within the existing parking area of Constellation Centre.

Council District:

8

Appeal by Date:

5/3/2018

Review by Date:

5/3/2018

History:

02/26/2018

M-NCPPC Technical Staff

approval with conditions

03/29/2018

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-87050-12 Zoning Agenda Item Summary \(ZAIS\)](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD'S REPRESENTATIVE**[CNU-60088-2017-U](#)**4706 Upsher Street, Bladensburg****Applicant(s):**

April Mackoff, Clear Channel Outdoor

Location:

Located approximately 248 feet northeast of the intersection of Upshur Street and 47th Street. (0.1150 Acres; I-1 Zone).

Request:

Requesting Certification of Nonconforming Use for existing outdoor advertising signs 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 1990.

Council District:

5

Review by Date:

4/25/2018

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:

03/26/2018

M-NCPPC Administrative Certification approval

Attachment(s):[CNU-60088-2017-U Zoning Agenda Item Summary \(ZAI\)](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD'S REPRESENTATIVE (Continued)**[CNU-689-2018-U](#)**11454 Baltimore Avenue****Applicant(s):**

April Mackoff, Clear Channel Outdoor

Location:

Approximately 95 feet south of the intersection of Baltimore Avenue and Odell Road.

Request:

Requesting Certification of Nonconforming Use for existing outdoor advertising signs 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 1973.

Council District:

1

Review by Date:

4/25/2018

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:

03/26/2018

M-NCPPC Administrative Certification approval

Attachment(s):[CNU-689-2018-U Zoning Agenda Item Summary \(ZAIS\)](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD'S REPRESENTATIVE (Continued)**[CNU-60094-2017-U](#)**4800 Baltimore Avenue, Hyattsville****Applicant(s):**

April Mackoff, Clear Channel Outdoor

Location:

Approximately 115 feet northwest of the intersection of Baltimore Avenue and Emerson Street.

Request:

Requesting Certification of Nonconforming Use for existing outdoor advertising signs 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 1974.

Council District:

5

Review by Date:

4/30/2018

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:

03/30/2018

M-NCPPC Administrative Certification approval

Attachment(s):[CNU-60094-2017-U Zoning Agenda Item Summary \(ZAI\)](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD'S REPRESENTATIVE (Continued)**[CNU-5403-2018-U](#)**5715 Livingston Road, Oxon Hill****Applicant(s):**

April Mackoff, Clear Channel Outdoor

Location:

Located approximately 2,364 feet south of the intersection of Livingston Road and Indian Head Highway (3.4 Acres; R-55 Zone).

Request:

Requesting Certification of Nonconforming Use for existing outdoor advertising signs 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 1939.

Council District:

8

Review by Date:

4/30/2018

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:

03/30/2018

M-NCPPC Administrative Certification approval

Attachment(s):[CNU-5403-2018-U Zoning Agenda Item Summary \(ZAIS\)](#)

CASE SCHEDULED FOR MANDATORY REVIEW ON MAY 14, 2018 at 1:30 P.M.[DSP-17030](#)**Children's National Regional Outpatient Center
Woodmore Towne Centre at Glenarden, Lot 17****Companion Case(s):** DDS-646**Applicant(s):** WTC Lot 17, LLC

Location: The overall Woodmore Towne Centre site is on the north side of MD 202 (Landover Road), approximately 550 feet northwest of its intersection with St. Joseph's Drive, immediately adjacent to and east of the I-95/495 (Capital Beltway). The commercial portion of Woodmore Towne Centre, which includes 141 acres of the overall 244 acres of land, is located in the southern portion of the property. The subject site (Lot 17), is located at the southwestern perimeter of the overall site, with frontage on the ramp to the I-95/495 (Capital Beltway) at the interchange with MD 202 (Landover Road) (6.95 Acres; M-X-T Zone).

Request: Requesting approval Detailed Site Plan (DSP) for a 60,450-square-foot medical office building, the Children's National Regional Outpatient Center.

Council District: 5**Appeal by Date:** 5/3/2018**Action by Date:** 6/11/2018

Comment(s): Mandatory Reivew:
District Council review of this case is required by conditions imposed by Council on Zoning Case A-9613-C.

Municipality: City of Glenarden**History:**

03/13/2018	M-NCPPC Technical Staff	approval with conditions
03/29/2018	M-NCPPC Planning Board	approval with conditions
04/12/2018	Clerk of the Council	mailed

Notice of Mandatory Review Hearing (using Oral Argument procedures) was mailed to Persons of Record.

Attachment(s): [DSP-17030 Zoning Agenda Item Summary](#)
[DSP-17030 Planning Board Resolution 18-22](#)

ADJOURN