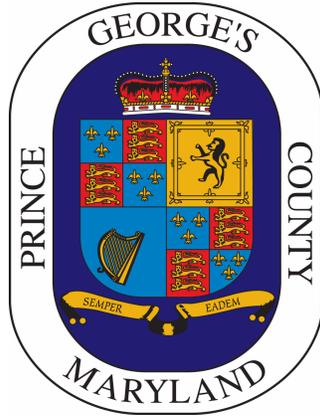


Prince George's County Council

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



Zoning Agenda

Monday, April 14, 2014

1:30 PM

Council Hearing Room

Sitting as the District Council

*Mel Franklin, District 9, Chairman
Will A. Campos, District 2, Vice Chair
Derrick Leon Davis, District 6
Andrea C. Harrison, District 5
Mary A. Lehman, District 1
Eric C. Olson, District 3
Obie Patterson, District 8
Karen R. Toles, District 7
Ingrid 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 on video and audio tapes. 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 P.M. AGENDA BRIEFING**1:30 P.M. CALL TO ORDER****INVOCATION- Rodney C. Taylor, County Employee****PLEDGE OF ALLEGIANCE****ORAL ARGUMENTS****[DPLS-387](#)****Comunicar****Applicant(s):**

JU DI, LLC.

Location:

Located at the southeast corner of Kenilworth Avenue (MD 201) and Kennedy Street (0.159 Acres; C-O Zone).

Request:

Requesting approval of a Departure from Parking and Loading Standards for a waiver of six parking spaces from the required nine parking spaces for a tax and travel service office

Council District:

3

Appeal by Date:

12/19/2013

Review by Date:

1/21/2014

Action by Date:

6/13/2014

Municipality:

Town of Riverdale Park

History:

09/16/2013

M-NCPPC Technical Staff

approval with conditions

11/14/2013

M-NCPPC Planning Board

approval with conditions

01/13/2014

Sitting as the District Council

elected to review

Council elected to review (Voice Vote: 9-0).

03/17/2014

Sitting as the District Council

rescheduled

*Due to inclement weather conditions, Prince George's County Government was closed and this item was rescheduled.***Attachment(s):**[DPLS-387 Planning Board Resolution 13-121](#)

DPLS-387_PORL

[DPLS-387 Technical Staff Report](#)

MANDATORY REVIEW (Using Oral Argument Procedures)[DSP-99044-07](#)**Prince George's Plaza, Parcel A-1 Chick-fil-A****Applicant(s):**

Chick-fil-A

Location:

Located at the northeastern quadrant of the intersection of East-West Highway (MD 410) and Belcrest Road.

Request:

Requesting approval of a Detailed Site Plan amending the Table of Uses of the 1998 Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone to permit a freestanding eating and drinking establishment with drive-through.

Council District:

2

Appeal by Date:

12/25/2013

Action by Date:

6/13/2014

Comment(s):

District Council Review of this case is required by Section 27-548.09.01(b) of the Zoning Ordinance.

Municipality:

City of Hyattsville

History:

10/16/2013

M-NCPPC Technical Staff

approval with conditions

11/21/2013

M-NCPPC Planning Board

approval with conditions

12/23/2013

Applicant

appealed

Daniel F. Lynch, Esquire, attorney for the applicant, filed an appeal to the decision of the Planning Board and requested oral argument.

02/24/2014

Sitting as the District Council

deferred

Chairman Franklin announced that the Oral Argument Hearing for this Detailed Site Plan would be deferred until March 17, 2014 at 1:30 p.m.

02/24/2014

Sitting as the District Council

deferred

Vice-Chair Campos reiterated that the Oral Argument Hearing for this Detailed Site Plan would be deferred until March 17, 2014 at 1:30 p.m.

03/17/2014

Sitting as the District Council

rescheduled

*Due to inclement weather conditions, Prince George's County Government was closed and this item was rescheduled.***Attachment(s):**[DSP-99077-07 Planning Board Resolution 13-127](#)

DSP-99044-07_PORL

[DSP-99044-07 Technical Staff Report](#)

REFERRED FOR DOCUMENT[CSP-13003](#)**Hyattsville Zip-In****Companion Case(s):** DSP-12062**Applicant(s):** NSR Properties, LLC**Location:** Located at the southwest quadrant of the intersection of East-West Highway (MD 410) and Belcrest Road.**Request:** Requesting approval of a Conceptual Site Plan for revisions to an existing gas station and food and beverage store and amending the Table of Uses of the 1998 Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone, to permit a proposed car wash.**Council District:** 2**Appeal by Date:** 1/27/2014**Action by Date:** 4/25/2014**Comment(s):** District Council review of this case is required by Section 27-548.09.01(b) of the Zoning Ordinance.**Municipality:** Hyattsville**History:**

| | | |
|------------|-------------------------|--------------------------|
| 11/21/2013 | M-NCPPC Technical Staff | approval with conditions |
| 12/19/2013 | M-NCPPC Planning Board | approval with conditions |
| 12/23/2013 | Applicant | appealed |

On December 23, 2013, Michele La Rocca, Esquire, filed an appeal to the decision of the Planning Board on behalf of the applicant and requested oral argument.

| | | |
|------------------------------|--|---|
| 02/24/2014 | Sitting as the District Council | hearing held; case taken under advisement |
| | <p><i>Chairman Franklin announced that the Oral Argument Hearings for CSP-13003 Hyattsville Zip-In and DSP-12062 Hyattsville Zip-In would be held in tandem. Jill Kosack, M-NCPPC planning staff, provided an overview of the Conceptual Site Plan and Detailed Site Plan applications. Michele LaRocca, Esq. and Said Chaudhry spoke in support. Jim Chandler spoke in opposition on behalf of the City of Hyattsville. Suellen Ferguson, Esq., and The Honorable John Rogard Tabori spoke in opposition on behalf of the Town of University Park. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.</i></p> | |
| 03/24/2014 | Sitting as the District Council | referred for document |
| | <p><i>Council referred item to staff for preparation of an approving document, with conditions (Vote: 8-0; Absent: Council Member Olson).</i></p> | |
| <u>Attachment(s):</u> | <p>CSP-13003 & DSP-12062 Appeal Letter CSP-13003 Planning Board Resolution 13-143 CSP-13003_PORL CSP-13003 Technical Staff Report</p> | |
| | <p><i>Backup: Order of Approval, with Conditions.</i></p> | |

[DSP-12062](#)**Hyattsville Zip-In****Companion Case(s):** CSP-13003**Applicant(s):** NSR Properties, LLC**Location:** Located at the southwest quadrant of the intersection of East-West Highway (MD 410) and Belcrest Road.**Request:** Requesting approval of a Conceptual Site Plan for revisions to an existing gas station and food and beverage store and amending the Table of Uses of the 1998 Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone, to permit a proposed car wash.**Council District:** 2**Appeal by Date:** 1/27/2014**Action by Date:** 4/25/2014**Comment(s):** District Council review of this case is required by Section 27-548.09.01(b) of the Zoning Ordinance.**Municipality:** City of Hyattsville**History:**

11/21/2013 M-NCPPC Technical Staff approval with conditions

12/19/2013 M-NCPPC Planning Board approval with conditions

12/23/2013 Applicant appealed

On December 23, 2013, Michele La Rocca, Esquire, filed an appeal to the decision of the Planning Board on behalf of the applicant and requested oral argument.

02/24/2014 Sitting as the District Council hearing held; case taken under advisement

Chairman Franklin announced that the Oral Argument Hearings for CSP-13003 Hyattsville Zip-In and DSP-12062 Hyattsville Zip-In would be held in tandem. Jill Kosack, M-NCPPC planning staff, provided an overview of the Conceptual Site Plan and Detailed Site Plan applications. Michele LaRocca, Esq. and Said Chaudhry spoke in support. Jim Chandler spoke in opposition on behalf of the City of Hyattsville. Suellen Ferguson, Esq., and The Honorable John Rogard Tabori spoke in opposition on behalf of the Town of University Park. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.

03/24/2014 Sitting as the District Council referred for document
Council referred item to staff for preparation of an approving document, with conditions (Vote: 8-0; Absent: Council Member Olson).

Attachment(s): CSP-13003&DSP-12062 Appeal Letter
[DSP-12062 Planning Board Resolution 13-144](#)
 DSP-12062_PORL
[DSP-12062 Technical Staff Report](#)

Backup: Order of Approval, with Conditions.

DSP-06088-01

Stratford Estates, Section 2

Applicant(s): Dan Ryan Builders Mid-Atlantic, Inc.

Location: Located on the eastern side of Old Crain Highway, approximately 1,000 feet north of its intersection with Marlboro Pike.

Request: Requesting approval of a Detailed Site Plan to revise the previously approved architectural elevations.

Council District: 6

Appeal by Date: 12/19/2013

Review by Date: 1/21/2014

Action by Date: 4/25/2014

History:

10/10/2013 M-NCPPC Technical Staff approval with conditions

11/14/2013 M-NCPPC Planning Board approval with conditions

01/13/2014 Sitting as the District Council elected to review

Council elected to review (Voice Vote: 8-0; Absent: Council Member Olson).

02/24/2014 Sitting as the District Council hearing held; case taken under advisement

Ruth Grover, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Chris Hatcher, Esq., Alfred Weaver, Sally Wolfe, John Peter Thompson and Billie Hinnefeld spoke in support. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.

ITEM(S) FOR DISCUSSION[SE 4647](#)**Millville Quarry (Remand)****Applicant(s):**

Bardon Inc. (Aggregate Industries, Inc.), Applicant

Location:

Located on the south side of Accokeek Road (MD 373), on the east side of McKendree Road, just southeast of intersection of these roads, and west of Robert S. Crain Highway (US 301)

Request:

Requesting approval of a Special Exception for surface mining of sand and gravel in the R-R Zone

Council District:

9

Action by Date:

7/1/2013

Municipality:

Municipality: None

Opposition:

Opposition: None

History:

| | | |
|------------|---|---|
| 11/08/2012 | M-NCPPC Technical Staff | approval with conditions |
| 11/09/2012 | M-NCPPC Planning Board | approval with conditions |
| 11/19/2012 | Sitting as the District Council | remanded |
| | <i>Remanded to the Zoning Hearing Examiner (Vote: 9-0)</i> | |
| 11/28/2012 | Clerk of the Council | transmitted |
| | <i>Notice of Decision was mailed to all POR</i> | |
| 11/28/2012 | Clerk of the Council | transmitted |
| | <i>The Clerk transmitted the case to the Zoning Hearing Examiner.</i> | |
| 01/30/2013 | Zoning Hearing Examiner | approval with conditions |
| 02/11/2013 | Sitting as the District Council | elected to make the final decision |
| | <i>(Voice Vote: 9-0)</i> | |
| 04/11/2013 | Clerk of the Council | transmitted |
| | <i>Notice of Oral Argument hearing was mailed to all POR.</i> | |
| 05/13/2013 | Sitting as the District Council | hearing held; case taken under advisement |
| 06/10/2013 | Sitting as the District Council | deferred |
| | <i>Deferred to June 17, 2013</i> | |

| | | |
|------------|---|--------------------------|
| 06/17/2013 | Sitting as the District Council | referred for document |
| | <i>Council referred item to staff for preparation of an approving document in accordance with the Zoning Hearing Examiner's decision of approval, with additional conditions.</i> | |
| 06/17/2013 | Sitting as the District Council | approval with conditions |
| | <i>Council adopted Zoning Ordinance No. 6-2013 in accordance with the Zoning Hearing Examiner's decision of approval, with additional conditions.</i> | |
| 06/19/2013 | Clerk of the Council | transmitted |
| | <i>Notice of Final Decision was mailed to all POR.</i> | |
| 07/18/2013 | Applicant | appealed |
| | <i>Daniel F. Lynch, Esq. filed a petition for Judicial Review in Circuit Court.</i> | |
| 11/20/2013 | Zoning Hearing Examiner | transmitted |
| | <i>The Zoning Hearing Examiner transmitted a memo with revised plans in accordance with the conditions imposed by Zoning Hearing Examiners decision dated January 30, 2013.</i> | |

This case is on remand from the Circuit Court for Prince George's County after the Applicant appealed certain conditions of approval in S.E. 4647. The Circuit Court has directed the District Council to schedule S.E. 4647 on an Agenda in April 2014, and render a final decision in May 2014, in light of the Court of Special Appeals decision in East Star, LLC v. County Comm'r of Queen Anne's County, 203 Md. App. 477, 38 A.3d 524 (2012). This matter is before the District Council for a new decision no later than May 12, 2014.

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, the Council should consider whether it wants an oral argument pursuant to CB-61-1997.

SE-4720**Maages Auditorium d/b/a Sinsaysionals**

| | | |
|---------------------------------|--|-----------------------|
| <u>Applicant(s):</u> | Maages Auditorium | |
| <u>Location:</u> | Located south of Lanham Severn Road (MD 564), approximately 350 feet west of 98th Avenue (0.74 Acres; C-M Zone). | |
| <u>Request:</u> | Requesting approval of a Special Exception for adult entertainment in the C-M Zone. | |
| <u>Council District:</u> | 3 | |
| <u>Appeal by Date:</u> | 4/25/2014 | |
| <u>Review by Date:</u> | 4/25/2014 | |
| <u>History:</u> | | |
| 12/26/2012 | M-NCPPC Technical Staff | disapproval |
| 01/10/2013 | M-NCPPC Planning Board | no motion to consider |
| 03/26/2014 | Zoning Hearing Examiner | disapproval |
| <u>Attachment(s):</u> | SE-4720 Zoning Hearing Examiner Decision SE-4720 PORL SE-4720 Technical Staff Report | |

[SE/VSE-4723](#)**Model Prayer Ministries International****Applicant(s):**

Model Prayer Ministries International

Location:

Located South of Annapolis Road (MD 450) and west of 52nd Avenue and the intersection of Annapolis Road and 52nd Avenue (0.52 Acres; R-55 Zone).

Request:

Requesting approval of a Special Exception for a church in the R-55 Zone and a Variance of 13 feet from the 25-foot setback requirement of Section 27-341.02(a)(1).

Council District:

5

Appeal by Date:

4/25/2014

Review by Date:

4/25/2014

Municipality:

Town of Bladensburg

History:

09/16/2013

M-NCPPC Technical Staff

approval with conditions

10/03/2013

M-NCPPC Planning Board

no motion to consider

03/26/2014

Zoning Hearing Examiner

approval with conditions

Attachment(s):[SE-4723 Zoning Hearing Examiner Decision](#)

SE-VSE-4723 PORL

[SE-4723 Technical Staff Report](#)**(b) PLANNING BOARD**[DSP-13012](#)**Conifer Village at Oakcrest****Applicant(s):**

Conifer Realty LLC

Location:

Located at the northwestern quadrant of the intersection of Brooks Drive and Ridley Street (4.343 Acres; R-10 Zone).

Request:

Requesting approval of a Detailed Site Plan for construction of 120 multifamily housing units in a single building.

Council District:

7

Appeal by Date:

5/1/2014

Review by Date:

5/1/2014

History:

02/27/2014

M-NCPPC Technical Staff

approval with conditions

03/27/2014

M-NCPPC Planning Board

approval with conditions

Attachment(s): [DSP-13012 Planning Board Resolution 14-17](#)
 DSP-13012_PORL
[DSP-13012 Technical Staff Report](#)

[DSP-13029](#)**McDonald's Hillcrest Heights**

Applicant(s): McDonald's USA, LLC
Location: Located on the northwestern corner of the intersection of Branch Avenue (MD 5) and 32nd Avenue (4.32 Acres; C-S-C Zone).
Request: Requesting approval of a Detailed Site Plan for a 4,388-square-foot eating and drinking establishment with drive-through service.
Council District: 7
Appeal by Date: 4/24/2014
Review by Date: 4/24/2014

History:

| | | |
|------------|-------------------------|--------------------------|
| 02/26/2014 | M-NCPPC Technical Staff | approval with conditions |
| 03/20/2014 | M-NCPPC Planning Board | approval with conditions |

Attachment(s): [DSP-13029 Planning Board Resolution 14-13](#)
 DSP-13029_PORL
[DSP-13029 Technical Staff Report](#)

[DSP-89063-07](#)**Duvall Village Shopping Center, Wal-Mart**

Applicant(s): Wal-Mart Real Estate Business Trust
Location: Located on the southeastern quadrant of the intersection of Annapolis Road (MD 450) and Glenn Dale Road (MD 953) (12.25 Acres; C-G Zone).
Request: Requesting approval of a Detailed Site Plan for a 77,916-square-foot Wal-Mart.
Council District: 5
Appeal by Date: 5/1/2014
Review by Date: 5/1/2014

History:

| | | |
|------------|-------------------------|--------------------------|
| 02/20/2014 | M-NCPPC Technical Staff | approval with conditions |
| 03/27/2014 | M-NCPPC Planning Board | approval with conditions |

Attachment(s): [DSP-89063-07 Planning Board Resolution 14-16](#)

DSP-89063-07_PORL

[DSP-89063-07 Technical Staff Report](#)

[SDP-1303](#)

Brandywine Village

Applicant(s): Brandywine Investments Associates, LLP

Location: Located on the northwest quadrant of the intersection of Robert Crain Highway (US 301) and Chaddsford Drive, on the east side of General Lafayette Boulevard (20.27 Acres; L-A-C Zone).

Request: Requesting approval of a Specific Design Plan for 188 single-family attached (townhouse) units in the Local Activity Center (L-A-C) Zone.

Council District: 9

Appeal by Date: 4/24/2014

Review by Date: 4/24/2014

History:

02/20/2014 M-NCPPC Technical Staff approval with conditions

03/20/2014 M-NCPPC Planning Board approval with conditions

Attachment(s): [SDP-1303 Planning Board Resolution 14-14](#)

SDP-1303_PORL

[SDP-1303 Technical Staff Report](#)