# **Prince George's County Council**

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



## **Zoning Agenda - Final**

Tuesday, February 2, 2016 11:15 AM

**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

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### 11:15 AM CONVENE - (APPROXIMATE TIME - FOLLOWING COUNTY COUNCIL SESSION)

### APPROVAL OF DISTRICT COUNCIL MINUTES

MINDC 01112016 District Council Minutes dated January 11, 2016

Attachment(s): 1-11-2015 District Council Minutes DRAFT

**NEW CASE(S)** 

**ERR-248 Barbara England T/A BJ Folston & Associates, LLC** 

Validation of Multi-Family Rental Housing License M-0426

Applicant(s): Barbara England T/A BJ Folston & Associates, LLC

**Location:** Located at 3601 Maywood Lane, Suitland, Maryland (14,389 square feet;

R-10 Zone).

**Request:** Requesting approval for validation of Prince George's County's

Multi-Family Rental Housing License No. M-0426, issued in error on

Mary 14, 2015 for eight (8) apartment units.

**Council District:** 7

**Appeal by Date:** 11/19/2015 **Action by Date:** 3/21/2016

*Opposition:* None

History:

10/20/2015 Zoning Hearing Examiner approval

01/11/2016 Sitting as the District Council deferred

Council deferred this item to January 25, 2016.

01/25/2016 Sitting as the District Council rescheduled

Due to inclement weather, the District Council Meeting was rescheduled

to Tuesday, February 2, 2016.

Attachment(s): ERR-248 Zoning AIS

**ERR-248 Zoning Hearing Examiner Decision** 

ERR-248\_PORL

### NEW CASE(S) (Continued)

**ERR-238 REMAND Alvin E. Courtney, Jr. (Remand)** 

Validation of Multifamily Rental Housing License M-1066

**Companion Case(s)**: ERR-238

**Applicant(s):** Alvin Courtney

**Location:** Located at 3505 Varnum Street, Brentwood, Maryland (4.92 Acres;

R-55/D-D-O Zones).

**Request:** Requesting approval for validation of Prince George's County's

Multifamily Rental Housing License No. M-1066 issued in error on July 6,

2013 for three (3) multifamily dwelling units.

**Council District**: 2

 Appeal by Date:
 1/11/2016

 Action by Date:
 4/29/2016

Municipality: Town of Brentwood

**Opposition:** None

History:

07/06/2015 Sitting as the District Council remanded

Council adopted the prepared Order of Remand to the Zoning Hearing

Examiner (Vote: 8-0; Absent: Council Member Glaros).

12/11/2015 Zoning Hearing Examiner approval with conditions

01/25/2016 Sitting as the District Council rescheduled

Due to inclement weather, the District Council Meeting was rescheduled

to Tuesday, February 2, 2016.

Attachment(s): ERR-238 Remand Zoning AIS

ERR-238 Remand Zoning Hearing Examiner Decision

ERR 238 District Council Decision 07062015

### **NEW CASE(S) (Continued)**

**ERR-254 Melvin V. Felix** 

Validation of Multifamily Rental License No. 6823/Case No. M-791

**Applicant(s):** Melvin V. Felix

**Location:** Located at 3526 Maywood Lane, Suitland, Maryland.

**Request:** Requesting approval for validation of Prince George's County Multifamily

Rental Housing License No. 6823/ Case No. M-791, issued in error for

two additions to a single-family home.

**Council District:** 7

 Appeal by Date:
 12/23/2015

 Action by Date:
 4/22/2016

 Opposition:
 None

History:

11/23/2015 Zoning Hearing Examiner approval with conditions

01/11/2016 Sitting as the District Council deferred

Council deferred this item to January 25, 2016.

01/25/2016 Sitting as the District Council rescheduled

Due to inclement weather, the District Council Meeting was rescheduled

to Tuesday, February 2, 2016.

Attachment(s): ERR-254 Zoning AIS

ERR-254 Zoning Hearing Examiner Decision

**ERR-254 PORL** 

### REFERRED FOR DOCUMENT

**ERR-253 Beltsville Gardens, LLC** 

Validation of Multifamily Rental Housing License M-0570

**Applicant(s):** Beltsville Gardens Apartments

**Location:** Located at 4710 St. Mary's Street, Beltsville, Maryland (36,555 square

feet; R-18 Zone).

**Request:** Requesting approval for validation of Prince George's County Multifamily

Rental Housing License No. M-0570, issued in error on April 24, 2014 for

12 apartment units.

**Council District:** 1

 Appeal by Date:
 1/7/2016

 Action by Date:
 4/29/2016

*Opposition*: None

History:

12/08/2015 Zoning Hearing Examiner approval

01/11/2016 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 Franklin).

01/25/2016 Sitting as the District Council rescheduled

Due to inclement weather, the District Council Meeting was rescheduled

to Tuesday, February 2, 2016.

Attachment(s): ERR-253 Zoning Hearing Examiner Decision

ERR-253 PORL

ERR-253 Zoning AIS

### **ITEM(S) FOR DISCUSSION**

<u>DSP-15029</u> U.S. Business Interiors (USBI), Parcel N, Largo Centre West

Applicant(s): U.S. Business Interior Realty Holdings, Inc. c/o NAI The Michael

Companies, Inc.

**Location:** Located at 8800 Lottsford Road, approximately 770 feet east of the

intersection of Harry S. Truman Drive and Largo Drive West, on the west side of Lottsford Road. The site is located within the Transit Oriented Development (TOD) Care Area of the Largo Town Center Sector Plan and

SMA.

**Request:** Requesting approval of a Detailed Site Plan to change the list of allowed

uses on the subject property as authorized by Section 27-548.26(b) of the Prince George's County Zoning Ordinance for the 2013 Approved Largo Town Center Sector Plan and Sectional Map Amendment (Largo Town

Center Sector Plan and SMA).

**Council District**: 6

**Appeal by Date:** 12/10/2015 **Action by Date:** 3/11/2016

**Comment(s):** District Council review of this case is required by Section 27-548.26(b) of

the Zoning Ordinance.

History:

10/14/2015 M-NCPPC Technical Staff approval with conditions

11/05/2015 M-NCPPC Planning Board approval with conditions

01/11/2016 Sitting as the District Council hearing held; case taken under

advisement

Cynthia Fenton, M-NCPPC, provided an overview of the Detailed Site Plan application. Arthur Horne, Jr., Esq., spoke in support on behalf of the applicant. Charles Renninger spoke in opposition on behalf of Largo Civic Association. Stan Brown, People's Zoning Council, spoke to the

legalities of the argument presented.

After the Mandatory Review Hearing, Council took this case under

advisement.

Attachment(s): DSP-15029 ZAIS

DSP-15029 Planning Board Resolution 15-115

DSP-15029 PORL

DSP-15029 Technical Staff Report

### 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

**CNU-21215-2015 House of Prayer Church of God** 

**Applicant(s):** House of Prayer Church of God

**Location:** Located on Central Avenue (MD 214), approximately 900 feet east of the

intersection of Morgan Boulevard and Ritchie Road also identified as 8513

Central Avenue (0.45 Acres; R-R Zone).

**Request:** Requesting approval for Certification of a Nonconforming use for a church

in the R-R Zone. Because zoning regulations were changed or adopted

after the permitted use was lawfully established, the use became

nonconforming.

Council District: 6

**Appeal by Date:** 2/11/2016 **Review by Date:** 2/11/2016

History:

11/16/2015 M-NCPPC Technical Staff approval 01/07/2016 M-NCPPC Planning Board approval

01/25/2016 Sitting as the District Council rescheduled

Due to inclement weather, the District Council Meeting was rescheduled

to Tuesday, February 2, 2016.

Attachment(s): CNU-21215-2015 Planning Board Resolution 15-130

CNU-21215-2015 PORL

CNU-21215-2015 Technical Staff Report

**CNU-39600-2015 Addison Chapel Apartments** 

*Applicant(s):* Addison Chapel, LLC.

**Location:** Located at the intersection of Addison Road and Elkwood Lane in Capital

Heights, Maryland (8.62 Acres; R-18 Zone).

**Request:** Requesting approval for certification of an existing 320-unit multifamily

apartment complex that was constructed in 1949, when the property was subject to the requirements of the "Residence C" Zone classification. Because development regulations were changed or adopted after the

apartment use was lawfully established, the complex became

nonconforming.

**Council District:** 5

 Appeal by Date:
 2/11/2016

 Review by Date:
 2/11/2016

History:

12/01/2015 M-NCPPC Technical Staff approval
01/07/2016 M-NCPPC Planning Board approval
01/25/2016 Sitting as the District Council rescheduled

Due to inclement weather, the District Council Meeting was rescheduled

to Tuesday, February 2, 2016.

Attachment(s): CNU-39600-2015 Planning Board Resolution 15-135

CNU-39600-2015 PORL

CNU-39600-2015 Technical Staff Report

**CNU-43620-2015** Firewood Unlimited

**Applicant(s):** Keith DeMarr

**Location:** Located on the east side of Piscataway Road and northeast of Delancey

Street (15.83 Acres; R-E Zone).

**Request:** Requesting approval for Certification of a nonconforming use for

year-round sales and storage of firewood business with a single-family house in a single-family residential lot in accordance with Subtitle 27 of

the Prince George's County Code.

Council District: 9

**Appeal by Date:** 1/14/2016 **Review by Date:** 1/30/2016

History:

10/12/2015 M-NCPPC Technical Staff disapproval

12/10/2015 M-NCPPC Planning Board approval

01/11/2016 Sitting as the District Council deferred

Council deferred this item to January 25, 2016.

01/25/2016 Sitting as the District Council rescheduled

Due to inclement weather, the District Council Meeting was rescheduled to Tuesday, February 2, 2016 pursuant to Section 27-291 of the Zoning

Ordinance.

Attachment(s): CNU-43620-2015 Planning Board Resolution 15-125

CNU-43620-2015 PORL

CNU-43620-2015 Technical Staff Report

**CNU-46571-2014-02** Washington Baptist Seminary

**Applicant(s):** Washington Baptist Theological Seminary

**Location:** The subject properties consist of three lots, identified as Lots 21, 22, and 1,

located on the north side of Eastern Avenue, approximately 217 feet west of Varnum Street, in the North Woodridge/Avondale neighborhood

(0.4755 Acres; R-55 Zone).

**Request:** Requesting approval for Certification of a Nonconforming use for a church

in the R-55 Zone. Because zoning regulations were changed or adopted

after the permitted uses was lawfully established, the use became

nonconforming.

**Council District**: 2

 Appeal by Date:
 2/11/2016

 Review by Date:
 2/11/2016

<u> History</u>:

12/02/2015 M-NCPPC Technical Staff approval
01/07/2016 M-NCPPC Planning Board approval
01/25/2016 Sitting as the District Council rescheduled

Due to inclement weather, the District Council Meeting was rescheduled

to Tuesday, February 2, 2016.

Attachment(s): CNU-46571-2014-02 Planning Board Resolution 15-136

CNU-46571-2014-02 PORL

CNU-46571-2014-02 Technical Staff Report

CSP-06001-01 Glenn Dale Commons

**Applicant(s):** Jemal's Greentec

**Location:** Located west and south of Northern Avenue, east of Glenn Dale Road, and

north of Greenbelt Road (MD 193) (74.56 Acres; M-X-T Zone).

**Request:** Requesting approval of a Conceptual Site Plan for a mixed-use

development consisting of approximately 65-70 single-family detached dwelling units; 150-200 townhouse dwelling units; 50-100 two-family (two-over-two) condominiums; 200-300 multifamily dwelling units; approximately 214,969 square feet of existing commercial/office space to

remain; and 50,000 square feet of commercial/retail space.

Council District: 4

<u>Appeal by Date</u>: 1/14/2016 <u>Review by Date</u>: 1/30/2016

History:

11/25/2015 M-NCPPC Technical Staff approval with conditions

12/15/2015 M-NCPPC Planning Board approval with conditions

01/11/2016 Sitting as the District Council deferred

Council deferred this item to January 25, 2016.

01/25/2016 Sitting as the District Council rescheduled

Due to inclement weather, the District Council Meeting was rescheduled to Tuesday, February 2, 2016 pursuant to Section 27-291 of the Zoning

Ordinance.

Attachment(s): CSP-06001-01 Zoning AIS

CSP-06001-01 Planning Board Resolution 15-127

CSP-06001-01 PORL

**DSP-11003 One Town Center** 

Companion Case(s): DDS-608

*Applicant(s):* One Town Center, LLC.

**Location:** Located on the east side of Auth Way, approximately 1,385 feet from the

entrance to the Branch Avenue Metro Station platform (10.71 Acres;

M-X-T / D-D-O Zones).

**Request:** Requesting approval of a Detailed Site Plan for a four-story office of

581,244 square feet and a five-story parking garage associated with the

office building.

**Council District:** 9

 Appeal by Date:
 2/11/2016

 Review by Date:
 2/11/2016

History:

12/03/2015 M-NCPPC Technical Staff approval with conditions

01/07/2016 M-NCPPC Planning Board approval with conditions

01/25/2016 Sitting as the District Council rescheduled

Due to inclement weather, the District Council Meeting was rescheduled

to Tuesday, February 2, 2016.

Attachment(s): DSP-11003 Planning Board Resolution 15-138

DSP-11003 PORL

DSP-11003 Technical Staff Report

**DDS-608 One Town Center** 

Companion Case(s): DSP-11003

*Applicant(s):* One Town Center, LLC.

**Location:** Located on the east side of Auth Way, approximately 1,385 feet from the

entrance to the Branch Avenue Metro Station platform (10.71 Acres;

M-X-T / D-D-O Zones).

**Request:** Requesting approval of a Departure from Design Standard (DDS) to

modify the dimensions of the parking space within the proposed parking garage to allow a reduction of one and one-half feet to the length and

one-foot to the width of the parking stall.

Council District: 9

 Appeal by Date:
 2/18/2016

 Review by Date:
 2/18/2016

History:

12/03/2015 M-NCPPC Technical Staff approval

01/07/2016 M-NCPPC Planning Board approval

01/25/2016 Sitting as the District Council rescheduled

Due to inclement weather, the District Council Meeting was rescheduled

to Tuesday, February 2, 2016.

Attachment(s): DDS-608\_PORL

DDS-608 Technical Staff Report

DSP-15004 Freestate Shopping Center, Children of America Daycare Center

**Applicant(s):** Federal Realty Investment Trust

**Location:** Located on the north side of Annapolis Road (MD 450), at its intersection

with Superior Lane. Access to the site is via four driveway entrances from

MD 450.

**Request:** Requesting approval of a Detailed Site Plan for a day care center for 232

children. The applicant proposes to demolish the existing

26,344-square-foot bowling alley building, which is currently vacant, and

construct a new building in the same location.

**Council District**: 4

**Appeal by Date:** 1/14/2016 **Review by Date:** 1/30/2016

History:

11/05/2015 M-NCPPC Technical Staff approval with conditions

12/10/2015 M-NCPPC Planning Board approval with conditions

01/11/2016 Sitting as the District Council deferred

Council deferred this item to January 25, 2016.

01/25/2016 Sitting as the District Council rescheduled

Due to inclement weather, the District Council Meeting was rescheduled to Tuesday, February 2, 2016 pursuant to Section 27-291 of the Zoning

Ordinance.

Attachment(s): DSP-15004 Zoning AIS

DSP-15004 Planning Board Resolution 15-122

DSP-15004 PORL

DSP-15004Technical Staff Report

**DSP-15026 Patient First Landover Hills** 

**Applicant(s):** Rebkee Partners Landover, LLC

**Location:** Located on the south side of Annapolis Road (MD 450), in the southeast

quadrant of the intersection of MD 450 and 62nd Avenue (1.33 Acres;

C-S-C Zone).

**Request:** Requesting approval of a Detailed Site Plane for the construction of an

8,190-square-foot medical clinic for Patient First, with associated parking

and other site improvements.

Council District: 5

 Appeal by Date:
 2/18/2016

 Review by Date:
 2/18/2016

**Municipality:** Landover Hills

<u> History</u>:

12/18/2015 M-NCPPC Technical Staff approval with conditions

01/14/2016 M-NCPPC Planning Board approval with conditions

01/25/2016 Sitting as the District Council rescheduled

Due to inclement weather, the District Council Meeting was rescheduled

to Tuesday, February 2, 2016.

Attachment(s): DSP-15026 Planning Board Resolution 16-01

DSP-15026 PORL

DSP-15026 Technical Staff Report

DSP-89010-03 Doubletree by Hilton Largo Lot 46

**Applicant(s):** Largo Hotel, LLC.

**Location:** Located in the southeast quadrant of the intersection of Landover Road

(MD 202) and the Capital Beltway (I-95 / 495), approximately 920 feet southwest of the intersection of Landover Road (MD 202) and McCormick

Drive (8.12 Acres; C-O / D-D-O Zones).

**Request:** Requesting approval of a Detailed Site Plan for a 75-hoot-high

freestanding sign of 195 square feet in size to advertise a hotel on Lot 46

of the Inglewood Business Park.

**Council District:** 6

 Appeal by Date:
 2/11/2016

 Review by Date:
 2/11/2016

History:

12/01/2015 M-NCPPC Technical Staff approval with conditions

01/07/2016 M-NCPPC Planning Board approval with conditions

01/25/2016 Sitting as the District Council rescheduled

Due to inclement weather, the District Council Meeting was rescheduled

to Tuesday, February 2, 2016.

Attachment(s): DSP-89010-03 Planning Board Resolution 15-140

DSP-89010-03 PORL

DSP-89010-03 Technical Staff Report

SDP-1003-06 Parkside (Formerly Smith Home Farm) (Reconsideration)

Reconsideraton

<u>Companion Case(s)</u>: CDP-0501 Reconsideration

<u>Applicant(s)</u>: SHF Project Owner, LLC

**Location:** Located approximately 3,000 feet east of the intersection of Westphalia

Road and Pennsylvania Avenue (MD 4) (250.85 Acres; R-M Zone).

**Request:** Requesting reconsideration of approved Specific Design Plan (SDP)

1003-06, specifically Condition 3 and findings related to the approval of Specific Design Plan SDP-1003-06, for the purpose of addressing the development of the Westphalia Central Park and the issuance of building

permits.

**Council District**: 6

**Appeal by Date:** 2/11/2016 **Review by Date:** 2/11/2016

History:

11/20/2015 Applicant filed

Robert J. Antonetti, Jr., attorney for the applicant, filed a request for

reconsideration with the Planning Board.

01/07/2016 M-NCPPC Planning Board approval with conditions

On December 17, 2015, Planning Board approved the request for

reconsideration based on mistake and other good cause in furtherance of

substantial public interest.

01/25/2016 Sitting as the District Council rescheduled

Due to inclement weather, the District Council Meeting was rescheduled

to Tuesday, February 2, 2016.

Attachment(s): SDP-1003-06 Reconsideration Planning Board Resolution

SDP-1003-06 Reconsideration file materials

**SDP-1003-07 Parkside (formerly Smith Home Farm)** 

**Applicant(s):** SHF Project Owner, LLC

**Location:** Located approximately 3,000 feet east of the intersection of Westphalia

Road and Pennsylvania Avenue (MD 4) (250.85 Acres; R-M Zone).

**Request:** Requesting approval of a Specific Design Plan to revise Section 2 to revise

the layout and unit mix; to add one single-family detached unit and 26 townhouses; to add Stanley Martin townhouse architecture; and to adjust

the location of the mixed retirement development as proposed in

Applicant's Exhibit 2B. No changes are proposed in Sections 1A, 1B, or 3

under this application.

**Council District:** 6

 Appeal by Date:
 1/14/2016

 Review by Date:
 1/30/2016

History:

11/04/2015 M-NCPPC Technical Staff approval with conditions

12/10/2015 M-NCPPC Planning Board approval with conditions

01/11/2016 Sitting as the District Council deferred

Council deferred this item to January 25, 2016.

01/25/2016 Sitting as the District Council rescheduled

Due to inclement weather, the District Council Meeting was rescheduled to Tuesday, February 2, 2016 pursuant to Section 27-291 of the Zoning

Ordinance.

Attachment(s): SDP-1003-07 Planning Board Resolution 15-121

SDP-1003-07 PORL

SDP-1003-07 Technical Staff Report condensed

SDP-1501 Oak Creek Club, Phase 5

**Applicant(s):** NVR-MS Cavalier Oak Creek Owner, LLC

**Location:** Located in the northwestern quadrant of the intersection of Oak Grove

Road and Church Road. The specific area of the subject SDP for Phase 5 is located on the north side of Oak Grove Road at the western end of the

overall Oak Creek Club development (117.49 Acres; R-L Zone).

**Request:** Requesting approval of a Specific Design Plan for Phase 5 of the

development, which proposes 213 single-family units.

Council District: 6

 Appeal by Date:
 2/11/2016

 Review by Date:
 2/11/2016

History:

12/02/2015 M-NCPPC Technical Staff approval with conditions

01/07/2016 M-NCPPC Planning Board approval with conditions

01/28/2016 Sitting as the District Council rescheduled

Due to inclement weather, the District Council Meeting was rescheduled

to Tuesday, February 2, 2016.

Attachment(s): SDP-1501 Planning Board Resolution 15-141

### **ADJOURN**