



Prince George's County Council

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

Zoning Agenda

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

Monday, March 17, 2014

1:30 PM

Council Hearing Room

DUE TO INCLEMENT WEATHER, PRINCE GEORGE'S COUNTY GOVERNMENT IS CLOSED TODAY, MONDAY, MARCH 17, 2014.

ZONING CASES ON THE AGENDA TODAY WILL BE RESCHEDULED AND APPROPRIATE PERSONS OF RECORD WILL BE NOTIFIED.

THANK YOU, AND WE APOLOGIZE FOR ANY INCONVENIENCE THIS MAY HAVE CAUSED.

1:00 PM AGENDA BRIEFING

1:30 PM CALL TO ORDER

INVOCATION - Thomas S. Mayah, County Employee

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 02242014](#)

District Council Minutes dated February 24, 2014

Attachment(s):

[02-24-2014 District Council Minutes Draft](#)

[MINDC 02252014](#)

District Council Minutes dated February 25, 2014

Attachment(s):

[02-25-2014 District Council Minutes Draft](#)

[MINDC 03112014](#)**District Council Minutes dated March 11, 2014****Attachment(s):** [03-11-2014 District Council Minutes Draft](#)**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 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:** 5/16/2014**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).***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:

5/16/2014

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.***Attachment(s):**[DSP-99077-07 Planning Board Resolution 13-127](#)

DSP-99044-07_PORL

[DSP-99044-07 Technical Staff Report](#)**ITEM(S) FOR DISCUSSION**

[DSP-04082-04](#)**Brighton Place****Applicant(s):**

Beazer Homes

Location:

Located on the east side of Rollins Avenue, approximately 1,500 feet south of its intersection with Old Central Avenue (MD 332) (29 Acres; R-55 & R-T (D-D-O) Zones)

Request:

Requesting approval of a Detailed Site Plan adding elevations TRI, TRJ, TRK and TRP of the Chandler townhouse model

Council District:

7

Appeal by Date:

11/6/2013

Review by Date:

11/6/2013

Action by Date:

4/11/2014

History:

09/04/2013	M-NCPPC Technical Staff	approval with conditions
10/03/2013	M-NCPPC Planning Board	approval with conditions
10/21/2013	Sitting as the District Council	deferred
	<i>Council deferred this item to 10/28/2013.</i>	
10/28/2013	Sitting as the District Council	deferred
11/04/2013	Sitting as the District Council	elected to review
02/10/2014	Sitting as the District Council	hearing held; case taken under advisement

Sherri Conner, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Tom Haller, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.

Attachment(s):

[DSP-04082-04 Planning Board Resolution 13-101](#)

DSP-04082-04_PORL

[DSP-04082-04 Technical Staff Report](#)

[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.***Attachment(s):**[DSP-06088-01 Planning Board Decision 13-124](#)

DSP-06088-01_PORL

[DSP-06088-01 Technical Staff Report](#)

[DSP-10027](#)**Farmington Road Car Wash****Applicant(s):**

Interstate Farmington, LLC

Location:

Northeastern quadrant of the intersection of Indian Head Highway (MD 210) and Farmington Road East. (2.647 Acres; C-M Zone)

Request:

Requesting approval of a Detailed Site Plan for a 9,129-square-foot combined car wash and retail building.

Council District:

9

Appeal by Date:

8/22/2013

Review by Date:

9/23/2013

Action by Date:

3/28/2014

History:

06/13/2013

M-NCPPC Technical Staff

approval with conditions

07/18/2013

M-NCPPC Planning Board

approval with conditions

08/21/2013

Person of Record

appealed

On August 21, 2013, Thomas E. Dernoga, Esquire, appealed on behalf of Doris Sharp et. al in opposition to the proposal and requested Oral Argument.

09/09/2013

Sitting as the District Council

did not elect to make the final decision

01/22/2014

Applicant

transmitted a letter

Matthew Tedesco, Esquire, Attorney for the Applicant, filed a response to the appeal on behalf of the applicant.

01/27/2014

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. J. Carroll Holzer, Esq. spoke in opposition on behalf of Doris Sharp et al and others verbally identified. Matthew Tedesco, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.

Attachment(s):[DSP-10027 Planning Board Resolution 13-78](#)[DSP-10027 Technical Staff Report](#)

[DSP-12019](#)**Dunkin' Donuts, Lanham****Applicant(s):**

Dunkin' Donuts - Lanham

Location:

Located on the south side of Annapolis Road (MD 450), 650 feet northeast of its intersection with Harkins Road

Request:

Requesting approval of a Detailed Site Plan for a 304-square-foot building addition to an existing eating and drinking establishment with drive-through, and site modifications

Council District:

3

Appeal by Date:

12/12/2013

Review by Date:

1/13/2014

Action by Date:

3/28/2014

History:

09/30/2013

M-NCPPC Technical Staff

approval with conditions

11/13/2013

M-NCPPC Planning Board

approval with conditions

11/18/2013

Sitting as the District Council

elected to review

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

01/27/2014

Sitting as the District Council

hearing held; case taken under advisement

*Meika Fields, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Traci Scudder, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.***Attachment(s):**[DSP-12019 Planning Board Resolution 13-117](#)

DSP-12019_PORL

[DSP-12019 Technical Staff Report](#)

[SE-4605](#)**Barnabas Road Concrete Recycling Facility (Remand)****Applicant(s):**

Barnabas Road Associates, LLC

Location:

Located at the Terminus of Clifton Road, approximately 1,150 feet south of its intersection with St. Barnabas Road (4.38 acres; I-1 Zone).

Request:

Requesting approval of a Special Exception for a Concrete Recycling Facility.

Council District:

8

Municipality:

N/A

Opposition:

Gordon's Corners Citizens Association et al.

History:

10/29/2010

Applicant

appealed

On October 29, 2010, the Applicant filed a Petition for a Writ of Mandamus in the Circuit Court requesting that the Court order the District Council to make a final decision on this application. On April 5, 2011, the Court was notified that the Applicant was withdrawing their Petition for Writ of Mandamus pursuant to an agreement between the parties that the District Council would render a final decision on this Application by adopting an Order either approving or denying the Application.

04/11/2011

Sitting as the District Council

referred for document

On April 11, 2011, Council reconsidered previous action and subsequently referred item to staff for the preparation of an Order of Denial (Vote: 9-0).

05/09/2011

Sitting as the District Council

disapproval

On May 9, 2011, Council adopted an Order of Denial (Vote: 9-0).

On June 3, 2011, the Applicant appealed to the Circuit Court for Prince George's County in Civil Action Number 11-13616. In June 2012, the Circuit Court reversed the District Council's decision. In July 2013, the District Council appealed the case to the Court of Special Appeals of Maryland. The Court of Special Appeals of Maryland instructed the Circuit Court to vacate the ruling of the District Council and remand the case to the District Council for a new decision applying the correct legal standard for a special exception and to limit its decision based solely on the administrative record.

02/10/2014

Sitting as the District Council

deferred

Council deferred this item to March 17, 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-4704**In Loving Hands**

Companion Case(s): DDS-613; DPLS-373

Applicant(s): In Loving Hands, LLC/Carlos Watson

Location: Located at the terminus of Lucille Court, approximately 210 feet north of its intersection with Lucille Drive (0.48 Acres; R-R Zone).

Request: Requesting approval of a Special Exception for a Congregate Living Facility for up to 15 residents.

Council District: 8

Appeal by Date: 3/17/2014

Review by Date: 3/17/2014

Municipality: None

Opposition: None

History:

09/10/2013	M-NCPPC Technical Staff	approval with conditions
10/17/2013	M-NCPPC Planning Board	approval with conditions
02/14/2014	Zoning Hearing Examiner	approval with conditions
02/24/2014	Sitting as the District Council	did not elect to make the final decision

Council took no action on this item.

02/24/2014	Sitting as the District Council	deferred
------------	---------------------------------	----------

Upon further consideration, Council deferred this item to March 17, 2014.

Attachment(s): [SE-4704 Zoning Hearing Examiner Decision](#)
[SE-4704 Planning Board Resolution 13-108](#)
 SE-4704_PORL
[SE-4704 Technical Staff Report](#)

(a) ZONING HEARING EXAMINER (Continued)

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-4676](#)**Red Top Gas Station****Applicant(s):**

Man H. Kim t/a Red Top Gas Station

Location:

Located on the southwest quadrant of the intersection at East-West Highway (MD 410) and Red Top Road (0.749 Acres; C-S-C Zone).

Request:

Requesting approval of a Special Exception for a major change revision for expansion of convenience store and service area at an existing full-service gas station/convenience store and car wash in the C-S-C Zone.

Council District:

2

Appeal by Date:

3/31/2014

Review by Date:

3/31/2014

Municipality:

None

Opposition:

None

History:

09/25/2013	M-NCPPC Technical Staff	approval with conditions
10/10/2013	M-NCPPC Planning Board	no motion to consider
02/27/2014	Zoning Hearing Examiner	approval with conditions

Attachment(s):

[SE 4676 Zoning Hearing Examiner Decision](#)
[SE 4676 Technical Staff Report](#)

(a) ZONING HEARING EXAMINER (Continued)

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-4730**SMO - Sandy Spring Road**

Applicant(s): Walnut Limited Partnership/PEH, LLC/SMO

Location: Located on the northeast corner of the intersection of Bauer Lane and Sandy Spring Road (MD 198) (1.62 Acres; C-S-C Zone).

Request: Requesting approval of a Special Exception to raze and rebuild an existing gas station and food and beverage store and add a car wash.

Council District: 1

Appeal by Date: 3/27/2014

Review by Date: 3/27/2014

Comment(s): Per ZHE Notice of Decision, the original Applicant was Southern Maryland Oil. The Application was revised to reflect the change in the legal entity that will operate the use.

Municipality: None

Opposition: None

History:

10/30/2013	M-NCPPC Technical Staff	approval with conditions
11/14/2013	M-NCPPC Planning Board	no motion to consider
02/25/2014	Zoning Hearing Examiner	approval with conditions

Attachment(s): [SE-4730 Zoning Hearing Examiner Decision](#)
[SE-4730 Technical Staff Report](#)

(b) PLANNING BOARD

[CSP-01008-02](#)**Greenbelt Station****Applicant(s):**

NVR MS Cavalier Greenbelt LLC

Location:

Located north of Greenbelt Road (MD 193), between Metro/CSX tracks and Cherrywood Lane, from Branchville Road to the Capital Beltway (I-495/95).

Request:

Requesting approval of a Conceptual Site Plan for elimination of Conditions 1(c)(i) and 1(c)(ii) of Conceptual Site Plan CSP-01008-01, realignment of the north/south connector road within the North Core Area, realignment of trails and removal of the pedestrian overpass.

Council District:

1

Appeal by Date:

3/27/2014

Review by Date:

3/27/2014

Municipality:

City of Greenbelt

History:

01/17/2014

M-NCPPC Technical Staff

approval with conditions

02/20/2014

M-NCPPC Planning Board

approval with conditions

Attachment(s):[CSP-01008-02 Planning Board Resolution 14-07](#)[CSP-01008-02_PORL](#)[CSP-01008-02 Technical Staff Report](#)[CSP-09003](#)**Stephen's Crossing at Brandywine****Applicant(s):**

Route 301 Ind. CPI LTD Partnership

Location:

Located northeast of the intersection of Brandywine Road (381) and Robert Crain Highway (US 301).

Request:

Requesting approval of a Conceptual Site Plan for a Mixed-use development of 1,390 residential units and 300,000 square feet of commercial office/retail space and variances from Section 27-547(b), Footnote 7, and Section 27-548(h).

Council District:

9

Appeal by Date:

4/10/2014

Review by Date:

4/10/2014

History:

02/05/2014

M-NCPPC Technical Staff

approval with conditions

03/06/2014 M-NCPPC Planning Board approval with conditions

Attachment(s): [CSP-09003 Planning Board Resolution 14-09](#)

CSP-09003_PORL

[CSP-09003 Technical Staff Report](#)

[DSP-04040-07](#)

Waterford, Lot 100, Block A

Applicant(s): Chesapeake Custom Homes, LLC

Location: Located on the south side of John Hanson Highway (US 50) and on the north side of Woodmore Road, approximately 2,000 feet east of its intersection with Pleasant Prospect Road.

Request: Requesting approval of a Detailed Site Plan for review of building architecture for Lot 100, Block A, in accordance with Condition 20 of the District Council Order for DSP-04040 and a variance from Section 27-442(c) for lot coverage.

Council District: 6

Appeal by Date: 3/27/2014

Review by Date: 3/27/2014

History:

01/15/2014 M-NCPPC Technical Staff approval with conditions

02/20/2014 M-NCPPC Planning Board approval with conditions

Attachment(s): [DSP-04040-07 Planning Board Resolution 14-06](#)

DSP-04040-07_PORL

[DSP-04040-07 Technical Staff Report](#)

[DSP-09017-03](#)**Fairwood****Applicant(s):**

NVR MS Cavalier Fairwood, LLC

Location:

Located south of Annapolis Road (MD 450) and north of John Hanson Highway (US 50), east and west of Church Road, and approximately 1,400 feet east of the intersection of Annapolis Road (MD 450) and Enterprise Road (MD 193) (1,059 Acres; M-X-C Zone).

Request:

Requesting approval of a Detailed Site Plan to add nine new front elevations to the previously approved single-family detached model, Rome.

Council District:

6

Appeal by Date:

3/27/2014

Review by Date:

3/27/2014

History:

01/07/2014

M-NCPPC Technical Staff

approval with conditions

02/20/2014

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-09017-03 Planning Board Resolution 14-03](#)

DSP-09017-03_PORL

[DSP-09017-03 Technical Staff Report](#)[SDP-9201-03](#)**Villages at Morgan Metro (formerly Summerfield)****Applicant(s):**

Hunt Summerfield, LLC

Location:

Located on the eastern side of Garret A. Morgan Boulevard, approximately one-half mile north of its intersection with Central Avenue (MD 214).

Request:

Requesting approval of a Specific Design Plan for the addition of a pool house, two pools, and a maintenance building and renovation of the existing leasing center.

Council District:

5

Appeal by Date:

4/10/2014

Review by Date:

4/10/2014

History:

02/05/2014

M-NCPPC Technical Staff

approval with conditions

03/06/2014

M-NCPPC Planning Board

approval with conditions

Attachment(s): [SDP-9201-03 Planning Board Resolution 14-11](#)

SDP-9201-03_PORL

[SDP-9201-03 Technical Staff Report](#)

[ROSP-4699-01](#)

The Evergreens at Laurel

Applicant(s): Rock Engineering Company

Location: Located on the southern corner at the intersection of South Laurel Drive and Laurel-Bowie Road (MD 197).

Request: Requesting approval of a Revision of Site Plan to modify landscaping, for placement of HVAC units, and to revise the private walkways.

Council District: 1

Appeal by Date: 4/10/2014

Review by Date: 4/10/2014

History:

01/22/2014 M-NCPPC Technical Staff approval with conditions

03/06/2014 M-NCPPC Planning Board approval with conditions

Attachment(s): [ROSP-4699-01 Planning Board Resolution 14-08](#)

ROSP-4699-01_PORL

[ROSP-4699-01 Technical Staff Report](#)

ADJOURN