

Prince George's County Council

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



Zoning Agenda - Final

Monday, November 14, 2016

1:00 PM

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

11:00 AM COMMITTEE OF THE WHOLE - (ROOM 2027)

(SEE SEPARATE AGENDA)

12:30 PM AGENDA BRIEFING - (ROOM 2027)

1:00 PM CALL TO ORDER - (COUNCIL HEARING ROOM)

INVOCATION

Edwin H. Brown, Jr., County Employee

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 11072016](#)

District Council Minutes dated November 7, 2016

Attachment(s):

[11-07-2016 District Council Minutes DRAFT](#)

ITEM(S) FOR DISCUSSION**DSP-12018****U-Haul Moving and Storage Operation and Bottled Gas Sales****Applicant(s):**

Jim Lorimer

Location:

Located in the southeastern quadrant of the intersection of New Hampshire Avenue (MD 650) and East-West Highway (MD 410) at 6889 New Hampshire Avenue (4.68 Acres; C-M Zone).

Request:

Requesting approval of a Detailed Site Plan for the addition of a moving and storage operation and bottled gas sales to the existing vehicle rental site.

Council District:

2

Appeal by Date:

9/1/2016

Review by Date:

9/30/2016

Action by Date:

11/18/2016

History:

06/21/2016	M-NCPPC Technical Staff	approval with conditions
07/28/2016	M-NCPPC Planning Board	approval with conditions
09/12/2016	Sitting as the District Council	deferred
	<i>Council deferred this item to September 19, 2016</i>	
09/19/2016	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 8-0; Absent: Council Member Franklin).</i>	
11/07/2016	Sitting as the District Council	hearing held; case taken under advisement

Ruth Grover, M-NCPPC, provided an overview of the Detailed Site Plan application. Michelle Larocca, Esq. spoke in support, on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

The case was taken under advisement.

Attachment(s):[DSP-12018 ZoningAIS](#)[DSP-12018 Planning Board Resolution 16-92](#)

DSP-12018_PORL

[DSP-12018 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION (Continued)**DSP-15043****4100 Laurel Road (Hidden Village)****Applicant(s):**

4100 Laurel Road LLC

Location:

Located at the north end of Laurel Road, approximately 340 feet north of its intersection with Beech Road. More specifically, the site is located at 4100 Laurel Road in Temple Hills, Maryland, and is also part of the Hidden Valley Subdivision (0.896 Acres; I-1 Zone).

Request:

Requesting approval of a Detailed Site Plan for a one-story 246-square-foot office with associated parking and landscaping, and a 720-square-foot future garage to be used for the maintenance of company vehicles.

Council District:

7

Appeal by Date:

10/13/2016

Review by Date:

10/13/2016

Action by Date:

11/18/2016

History:

07/15/2016

M-NCPPC Technical Staff

approval with conditions

09/08/2016

M-NCPPC Planning Board

approval with conditions

09/19/2016

Sitting as the District Council

elected to review

Council elected to review this item (Vote: 8-0; Absent: Council Member Franklin).

11/07/2016

Sitting as the District Council

hearing held; case taken under advisement

Susa Lareuse, M-NCPPC, provided an overview of the Detailed Site Plan application. Christina Caron-Moroney spoke in support, on behalf of the applicant. Cheryl Christmas and Karen Long spoke in opposition. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

The case was taken under advisement.

Attachment(s):[DSP-15043 Zoning AIS](#)[DSP-15043 Planning Board Resolution 16-103](#)

DSP-15043_PORL

[DSP-15043 Technical Staff Report](#)**ITEM(S) FOR DISCUSSION (Continued)**

[SE-4758](#)**Marlow Heights Citgo**

Companion Case(s): DPLS-413; DSDS-686

Applicant(s): St. Barnabas Road Plaza, LLC

Location: Located at the northwest corner of St. Barnabas Road and Dallas Drive, also identified as 4801 St. Barnabas Road, Temple Hills, Maryland (0.32 Acres; C-S-C Zone).

Request: Requesting approval of a Special Exception to develop 0.32 acres (13,846 square feet) of land in the C-S-C (Commercial Shopping Center) Zone as a Gasoline Station, Food and Beverage Store, Auto Repair and accompanying office and storage.

Council District: 7

Appeal by Date: 8/17/2016

Review by Date: 9/30/2016

Action by Date: 1/16/2017

Opposition: None

History:

02/09/2016	M-NCPPC Technical Staff	approval with conditions
03/17/2016	M-NCPPC Planning Board	approval with conditions
07/01/2016	Zoning Hearing Examiner	approval with conditions
07/12/2016	Applicant	filed

Michele La Rocca, Esq., attorney for the applicant, filed a request with the Zoning Hearing Examiner for reconsideration of the Zoning Hearing Examiner's decision.

07/12/2016	Zoning Hearing Examiner	transmitted
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The Zoning Hearing Examiner transmitted a letter to the Clerk granting the applicants request to schedule a reconsideration hearing of the Zoning Hearing Examiner's decision.

07/13/2016	Clerk of the Council	transmitted
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The Clerk returned the entire case file to the Zoning Hearing Examiner's (ZHE) Office in accordance with the Zoning Hearing Examiner's July 12, 2016 letter.

08/02/2016	Zoning Hearing Examiner	approval
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09/12/2016	Sitting as the District Council	elected to make the final decision
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Council elected to make the final decision on this item (Vote: 8-0; Absent: Council Member Harrison).

10/17/2016 Sitting as the District Council hearing held; case taken under advisement

Chairman Davis announced that the oral argument hearings for SE-4758 Marlow Heights Citgo, DSDS-686 Marlow Heights Citgo and DPLS-413 Marlow Heights Citgo would be held in tandem. Christina Pompa, M-NCPPC, provided an overview of the Special Exception, Departure from Sign Design Standards and Departure from Parking and Loading Standards applications. Mr. Jimi Jones, supervisor, M-NCPPC and Mr. Henry Zhang, supervisor, M-NCPPC answered questions posed by Council. Michelle LaRocca, Esq., spoke in support on behalf of the applicant.

11/07/2016 Sitting as the District Council deferred

Council deferred this item to November 14, 2016.

Attachment(s):

[SE-4758 Zoning AIS](#)

[SE-4758-RECON_Zoning Hearing Examiner Decision](#)

SE-4758_RECON_PORL

[SE-4758 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION (Continued)[DPLS-413](#)**Marlow Heights Citgo****Companion Case(s):** DSDS-686; SE-4758**Applicant(s):** St Barnabas Road Plaza, LLC.**Location:** The subject property is a rectangular-shaped parcel at the northwest corner of the intersection of St. Barnabas Road and Dallas Drive (0.32 Acres; C-S-C Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards for a departure of one required loading space in accordance with Subtitle 27 of the Prince George's County Code.**Council District:** 7**Appeal by Date:** 4/21/2016**Review by Date:** 4/21/2016**Action by Date:** 1/16/2017**History:**

02/09/2016	M-NCPPC Technical Staff	approval
03/17/2016	M-NCPPC Planning Board	approval
03/28/2016	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 9-0).</i>	
10/17/2016	Sitting as the District Council	hearing held; case taken under advisement

Chairman Davis announced that the oral argument hearings for SE-4758 Marlow Heights Citgo, DSDS-686 Marlow Heights Citgo and DPLS-413 Marlow Heights Citgo would be held in tandem. Christina Pompa, M-NCPPC, provided an overview of the Special Exception, Departure from Sign Design Standards and Departure from Parking and Loading Standards applications. Mr. Jimi Jones, supervisor, M-NCPPC and Mr. Henry Zhang, supervisor, M-NCPPC answered questions posed by Council. Michelle LaRocca, Esq., spoke in support on behalf of the applicant.

11/07/2016	Sitting as the District Council	deferred
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Council deferred this item to November 14, 2016.

Attachment(s): [DPLS-413 Planning Board Resolution 16-28](#)
DPLS-413_PORL
[DPLS-413 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION (Continued)

[DSDS-686](#)

Marlow Heights Citgo

Companion Case(s): DPLS-413; SE-4758

Applicant(s): St Barnabas Road Plaza, LLC.

Location: The subject property is a rectangular-shaped parcel at the northwest corner of the intersection of St. Barnabas Road and Dallas Drive (0.32 Acres; C-S-C Zone).

Request: Requesting approval of a Departure from Sign Design Standards from Section 27-614(a)(1) of the Zoning Ordinance, which requires buildings identified by freestanding signs in all commercial and industrial zones (except the I-3 Zone) to be located at least forty feet behind the right-of-way. The existing building is 36 feet from the right-of-way of St. Barnabas Road, necessitating a departure of four feet. In addition, the applicant is requesting a departure of 13.5 feet for canopy signage above the 70 feet permitted by the County Code.

Council District: 7

Appeal by Date: 4/21/2016

Review by Date: 4/21/2016

Action by Date: 1/16/2017

History:

02/09/2016	M-NCPPC Technical Staff	approval
03/17/2016	M-NCPPC Planning Board	approval
03/28/2016	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 9-0).</i>	
10/17/2016	Sitting as the District Council	hearing held; case taken under advisement

Chairman Davis announced that the oral argument hearings for SE-4758 Marlow Heights Citgo, DSDS-686 Marlow Heights Citgo and DPLS-413 Marlow Heights Citgo would be held in tandem. Christina Pompa, M-NCPPC, provided an overview of the Special Exception, Departure from Sign Design Standards and Departure from Parking and Loading Standards applications. Mr. Jimi Jones, supervisor,

M-NCPPC and Mr. Henry Zhang, supervisor, M-NCPPC answered questions posed by Council. Michelle LaRocca, Esq., spoke in support on behalf of the applicant.

11/07/2016

Sitting as the District Council deferred

Council deferred this item to November 14, 2016.

Attachment(s):

[DSDS-686 Planning Board Resolution 16-29](#)

DSDS-686_PORL

[DSDS-686 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.

(a) ZONING HEARING EXAMINER

In the event the District Council elects to make the final decision in this case, an oral argument will be scheduled pursuant to Sec. 27-131 of the Zoning Ordinance.

[SE-4775](#)**Hotel at Cafritz Property at Riverdale Park****Reconsideration****Companion Case(s):** SE-4775**Applicant(s):** Calvert Tract Parcel 6A, LLC**Location:** Located at the southwest corner of the future intersection of Van Buren Street and Rhode Island Avenue, Riverdale Park, Maryland, and identified as the western half of Parcel F (0.87 Acres; M-U-TC Zone).**Request:** Requesting approval of a Special Exception for permission to use approximately 0.87 acres of land in the M-U-TC (Mixed Use Town Center) Zone for a Hotel.**Council District:** 3**Appeal by Date:** 11/16/2016**Review by Date:** 1/2/2017**Municipality:** Town of Riverdale Park**Opposition:** None**History:**

03/30/2016 M-NCPPC Technical Staff approval with conditions

04/14/2016 M-NCPPC Planning Board no motion to consider

06/27/2016 Zoning Hearing Examiner approval with conditions

07/05/2016 Applicant filed

Lawrence Taub, esq., attorney for the applicant, filed a request with the Zoning Hearing Examiner for reconsideration of the Zoning Hearing Examiner's decision.

07/07/2016 Zoning Hearing Examiner transmitted

The Zoning Hearing Examiner transmitted a letter granting the applicants request for reconsideration hearing of the Zoning Hearing Examiner's decision.

07/07/2016	Clerk of the Council	transmitted
	<i>Clerk of the Council returned the entire case file to the Zoning Hearing Examiner's Office for reconsideration hearing.</i>	
11/01/2016	Zoning Hearing Examiner	approval with conditions
11/07/2016	Sitting as the District Council	deferred
	<i>Council deferred this item to November 14, 2016.</i>	

Attachment(s): [SE-4775 Reconsideration Zoning AIS](#)
[SE-4775 Reconsideration Zoning Hearing Examiner Decis](#)
 SE-4775 Reconsideration_PORL
[SE-4775 Technical Staff Report](#)

PENDING FINALITY (Continued)

(b) PLANNING BOARD

DSP-15016

Blue, Parcels 61 and 130

Applicant(s): Hyattsville Route One Partners, LLC

Location: Located located on the western side of Baltimore Avenue (US 1), approximately 115 feet south of its intersection with Jefferson Street at 5334 Baltimore Avenue, in the City of Hyattsville.

Request: Requesting approval of a Detailed Site Plan for a 16-townhouse development.

Council District: 2

Appeal by Date: 12/1/2016

Review by Date: 1/2/2017

Municipality: City of Hyattsville

History:

09/26/2016	M-NCPPC Technical Staff	approval with conditions
10/27/2016	M-NCPPC Planning Board	approval with conditions
11/07/2016	Sitting as the District Council	deferred
	<i>Council deferred this item to November 14, 2016.</i>	

Attachment(s): [DSP-15016 Zoning AIS](#)
[DSP-15016 Planning Board Resolution 16-119](#)
 DSP-15016_PORL
[DSP-15016 Technical Staff Report](#)

PENDING FINALITY (Continued)

[DSP-16021](#)

River of Life Church

Applicant(s): River of Life Church

Location: Located on the south side of Norcross Street, approximately 260 feet southeast of its intersection with Saint Clair Drive (8.98 Acres; R-55 Zone).

Request: Requesting approval of a Detailed Site Plan to increase an existing day care center enrollment from 30 to 55 children.

Council District: 7

Appeal by Date: 11/24/2016

Review by Date: 11/24/2016

History:

09/27/2016	M-NCPPC Technical Staff	approval with conditions
10/26/2016	M-NCPPC Planning Board	approval with conditions
11/07/2016	Sitting as the District Council	deferred

Council deferred this item to November 14, 2016.

Attachment(s): [DSP-16021 Zoning AIS](#)
[DSP-16021 Planning Board Resolution 16-120](#)
 DSP-16021_PORL
[DSP-16021 Technical Staff Report](#)

ADJOURN

1:30 PM COUNTY COUNCIL ITEMS (COUNCIL HEARING ROOM)

(SEE SEPARATE AGENDA)

EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

[EX 11142016](#)

Motion to convene in executive session to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State in accordance with Section 3-305(b)(4), General Provisions Article, Annotated Code of Maryland and to consult with counsel to obtain legal advice in accordance with Section 3-305(b) (7), General Provisions Article, Annotated Code of Maryland.

7:00 PM COUNTY COUNCIL ITEMS (CHARLES HERBERT FLOWERS HIGH SCHOOL)

(SEE SEPARATE AGENDA)