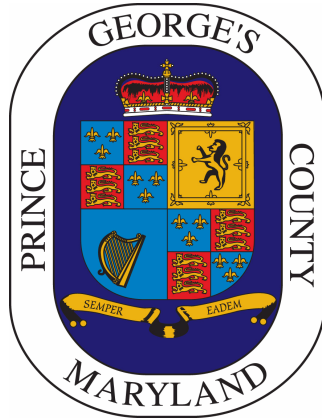


Prince George's County Council

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



Zoning Agenda

Monday, January 27, 2014

10:00 AM

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

9:30 AM AGENDA BRIEFING**10:00 AM CALL TO ORDER****INVOCATION -Mrs. Sylvia Taylor, International Church of Christ, Landover****PLEDGE OF ALLEGIANCE****APPROVAL OF DISTRICT COUNCIL MINUTES**

MINDC 01132014

District Council Minutes dated January 13, 2014**Attachment(s):**

Jan-13-2014 Draft_ District Council Minutes

ORAL ARGUMENTS[A-10029](#)**Santos, LLC****Applicant(s):**

Santos, LLC

Location:

Located at the eastern terminus of Woodcliff Court, approximately 1,100 feet southeast of Annapolis Road (R-R Zone; 7.88 Acres)

Request:

Requesting approval of a Zoning Map Amendment to rezone a property from the R-R Zone to the C-M Zone.

Council District:

6

Appeal by Date:

10/15/2013

Review by Date:

10/15/2013

Action by Date:

3/13/2014

Municipality:

City of Bowie

Opposition:

Richard Macchio

History:

01/29/2013

M-NCPPC Technical Staff

disapproved

02/14/2013

M-NCPPC Planning Board

transmitted a letter

No motion to consider

09/09/2013

Zoning Hearing Examiner

disapproved

09/13/2013

Zoning Hearing Examiner

disapproved

On September 13, 2013, the Zoning Hearing Examiner filed an amended notice of decision.

10/10/2013 Applicant transmitted a letter
On October 10, 2013, Daniel F. Lynch, Esquire, Attorney for the Applicant, filed an appeal on behalf of the Applicant.

Attachment(s): [A-10029 Zoning Hearing Examiner Decision](#)
[A-10029 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, 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.

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).***Attachment(s):**[DSP-12019 Planning Board Resolution 13-117](#)

DSP-12019_PORL

[DSP-12019 Technical Staff Report](#)

NEW CASE(S)[ERR-228](#)**ERR 228 Bojangles' Restaurant****Applicant(s):**

Bojangles' Restaurant Inc.

Location:

Located on the north side of US 301 approximately 203 feet east of its intersection with Osborne Road, aka 7571 Southwest Crain Highway, Upper Marlboro (1.761 Acres; C-S-C Zone)

Request:

Requesting approval for a validation of Prince George's County Sign Permits 9325-2001-01 and 28174-2001-01 Issued in Error on November 15, 2001 for a sign located on approximately 1.76 acres of land in the C-S-C Zone

Council District:

9

Appeal by Date:

1/13/2014

Review by Date:

1/30/2014

Action by Date:

4/30/2014

Municipality:

None

Opposition:

None

History:

12/12/2013

Zoning Hearing Examiner

approval

Attachment(s):[ERR 228 Zoning Hearing Examiner Decision](#)

ERR-228 POR

In making the final decision in this case, the District Council should consider whether it wants to conduct an Oral Argument, pursuant to Section 27-131 (c)(2).

REFERRED FOR DOCUMENT[DSP-12049](#)**Little Gifts from God Day Care Center****Applicant(s):**

Karen Williamson

Location:

Located on the northeast side of Old Alexandria Ferry Road, at its intersection with Highland Meadows Drive (0.38 Acres; I-1 Zone)

Request:

Requesting approval of a Detailed Site Plan for a day care center for 64 children within an existing 2,600-square-foot building and an associated outdoor play area

Council District:

9

Appeal by Date:

8/29/2013

Review by Date:

9/30/2013

Action by Date:

1/27/2014

History:

06/26/2013

M-NCPPC Technical Staff

approval with conditions

07/25/2013

M-NCPPC Planning Board

approval with conditions

09/09/2013

Sitting as the District Council

elected to review

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

10/28/2013

Sitting as the District Council

hearing held; case taken under advisement

Jill Kosack, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Arthur Horne, 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.

01/13/2014

Sitting as the District Council

referred for document

*Council referred this item to staff for the preparation of an approving document, with conditions (Vote: 7-0; Absent: Council Members Davis and Olson).***Attachment(s):**[DSP-12049 Technical Staff](#)[DSP 12049 Planning Board Resolution](#)

[ROSP SE-4388-01](#)**Kreative Kids Child Care Center****Applicant(s):**

Monika and Jalindar Mahabare

Location:

Located on the northeast corner of Collier Road and Cherry Hill Road (0.24 Acres; R-R Zone).

Request:

Requesting approval of a Revision of Site Plan Special Exception for a major revision to approved Special Exception SE-4388 to increase the child enrollment from 32 children to 62 children and an Alternative Compliance request from Section 4.2 of the Landscape Manual

Council District:

1

Appeal by Date:

7/29/2013

Review by Date:

7/29/2013

Action by Date:

1/27/2014

Municipality:

None

Opposition:

None

History:

09/24/2012	M-NCPPC Technical Staff	approval with conditions
11/01/2012	M-NCPPC Planning Board	no motion to consider
06/28/2013	Zoning Hearing Examiner	approval with conditions
07/08/2013	Sitting as the District Council	deferred
	<i>Council deferred this case to July 15, 2013.</i>	
07/15/2013	Sitting as the District Council	elected to make the final decision
	<i>Council elected to make the final decision (Voice Vote: 9-0).</i>	
11/04/2013	Sitting as the District Council	hearing held; case taken under advisement
	<i>Taslima Alam, M-NCPPC planning staff, provided an overview of the Revision of Site Plan application. Michael Nagy, 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.</i>	
01/13/2014	Sitting as the District Council	referred for document
	<i>Council referred item to staff for the preparation of a disapproving document (Vote: 8-0; Absent: Council Member Olson).</i>	

Attachment(s): [ROSP SE 4388-01 Zoning Hearing Examiner Decision](#)
[ROSP-4388-01 MNCPPC Staff Report](#)

[SE-4703](#)

Ace Cash Express

Applicant(s): Ace Cash Express, Inc.

Location: Located east of Baltimore Avenue (US 1) between Locust Grove Drive and Chestnut Ridge Drive (2.14 Acres; C-M & R-55 Zones)

Request: Requesting approval of a Special Exception for a check cashing business in the C-M and R-55 Zones

Council District: 1

Appeal by Date: 7/29/2013

Review by Date: 7/29/2013

Action by Date: 1/27/2014

Municipality: None

Opposition: None

History:

03/14/2013	M-NCPPC Technical Staff	approval with conditions
04/04/2013	M-NCPPC Planning Board	no motion to consider
06/27/2013	Zoning Hearing Examiner	approval with conditions
07/08/2013	Sitting as the District Council	deferred
	<i>Council deferred this case to July 15, 2013.</i>	
07/15/2013	Sitting as the District Council	elected to make the final decision
	<i>Council elected to make the final decision (Voice Vote: 9-0).</i>	
11/04/2013	Sitting as the District Council	hearing held; case taken under advisement
	<i>Taslina Alam, M-NCPPC planning staff, provided an overview of the Revision of Site Plan application. William Shipp, 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.</i>	
01/13/2014	Sitting as the District Council	referred for document
	<i>Council referred this item to staff for the preparation of an approving document, with conditions (Vote: 8-0; Absent: Council Member Olson).</i>	

Attachment(s): [SE 4703 Zoning Hearing Examiner Decision](#)
[SE 4703 MNCPPC Staff Report](#)

ITEM(S) FOR DISCUSSION

[DSP-13007](#)

Royal Farms - Allentown Road

Applicant(s):

Two Farms INC d/b/a Royal Farms

Location:

Located in the southwest quadrant of the intersection of Allentown Road (MD 337) and Branch Avenue (MD 5) (1.647 Acres; C-M Zone)

Request:

Requesting approval of a Detailed Site Plan for construction of a new gas station with ten pumping stations, a 5,125-square-foot food and beverage store and a 1,255-square-foot car wash

Council District:

8

Appeal by Date:

10/17/2013

Review by Date:

10/17/2013

Action by Date:

3/14/2014

History:

06/26/2013

M-NCPPC Technical Staff

approval with conditions

09/12/2013

M-NCPPC Planning Board

approval with conditions

09/23/2013

Sitting as the District Council

deferred

Council deferred this item to September 30, 2013

09/30/2013

Sitting as the District Council

elected to review

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

10/15/2013

Person of Record

appealed

Harry C. Storm, Esquire, appealed on behalf of Morauer Allentown Way, LLC, et. al. in opposition to the proposal and requested Oral Argument.

12/30/2013

Person of Record

withdrew appeal

Harry C. Storm, Esquire, filed a request to withdraw the appeal and request for Oral Argument on behalf of Morauer Allentown Way, LLC, et. al.

12/30/2013

Applicant

transmitted a letter

Matthew C. Tedesco, Esquire, Attorney for the Applicant, filed a request to withdraw the car wash from the DSP application.

Attachment(s): [DSP-03098-03 Planning Board Resolution 13-147](#)

DSP-03098-03_PORL

[DSP-03098-03 Technical Staff Report](#)

[SDP-1205-01](#)

Smith Home Farm, Umbrella Application for Architecture

Applicant(s): SHF Project Owner, LLC

Location: Located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4).

Request: Requesting approval of a Specific Design Plan to add eight single-family detached house models.

Council District: 6

Appeal by Date: 2/13/2014

Review by Date: 2/13/2014

History:

12/02/2013 M-NCPPC Technical Staff approval with conditions

01/09/2014 M-NCPPC Planning Board approval with conditions

Attachment(s): [SDP-1205-01 Planning Board Resolution 13-152](#)

SDP-1205-01_PORL

[SDP-1205-01 Technical Staff Report](#)

ADJOURN

EXECUTIVE SESSION

[EX 01272014](#)

To consult with counsel to seek legal advice and to discuss pending or potential litigation in accordance with Sections 10-508(a)(7, 8), State Government, Annotated Code of Maryland.