

Prince George's County Council

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



Zoning Agenda

Monday, May 5, 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 PM AGENDA BRIEFING**1:30 PM CALL TO ORDER****INVOCATION - Howard Stone, County Employee****PLEDGE OF ALLEGIANCE****ORAL ARGUMENTS****[CNU-625-76](#)****Holland Gardens Nursery and Landscaping, Inc.****Applicant(s):**

Department of Environmental Resources, Petitioner

Location:

Located on the north side of Sellman Road, east of its intersection with Weymouth Avenue (6.03 Acres; R-80 Zone)

Request:

Requesting revocation of an approved Nonconforming Use Certification of permit CNU-625-76, for a nursery and garden center.

Council District:

1

Appeal by Date:

10/17/2013

Review by Date:

10/17/2013

Action by Date:

7/7/2014

History:

07/04/2013	M-NCPPC Technical Staff	approval
09/12/2013	M-NCPPC Planning Board	approval
09/23/2013	Sitting as the District Council	did not elect to make the final decision
10/11/2013	Applicant	appealed

Timothy F. Maloney and Levi S. Zaslow, attorney's for the applicant, filed an appeal to the decision of the Planning Board.

Attachment(s):[CNU-6255-76 Planning Board Resolution 13-92](#)

CNU-625-76 PORL

[CNU-625-76 Technical Staff Report](#)

CNU-625-76 Appeal Letter

[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

Action by Date: 7/14/2014

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
	<i>Council took no action on this item.</i>	
02/24/2014	Sitting as the District Council	deferred
	<i>Upon further consideration, Council deferred this item to March 17, 2014.</i>	
03/17/2014	Sitting as the District Council	rescheduled
	<i>Due to inclement weather conditions, Prince George's County Government was closed and this item was rescheduled.</i>	
03/18/2014	Sitting as the District Council	elected to make the final decision
	<i>Council elected to make the final decision (Vote: 9-0).</i>	

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

[DDS-613](#)**In Loving Hands****Companion Case(s):** DPLS-373; SE-4704**Applicant(s):** 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 Departure from Design Standards of 12 feet from the required 22-foot-wide driveway aisle width and a departure from Section 4.7 of the Landscape Manual**Council District:** 8**Appeal by Date:** 11/21/2013**Review by Date:** 11/21/2013**Action by Date:** 7/14/2014**History:**

09/10/2013 M-NCPPC Technical Staff approval with conditions

10/17/2013 M-NCPPC Planning Board approval with conditions

10/28/2013 Sitting as the District Council elected to review

*Council elected to review (Voice Vote: 9-0).***Attachment(s):** [DDS-613 Planning Board Resolution 13-109](#)
DDS-613_PORL
[DDS-613 Technical Staff Report and file materials](#)[DPLS-373](#)**In Loving Hands****Companion Case(s):** DDS-613; SE-4704**Applicant(s):** Carlos Watson**Location:** Located at the terminus of Lucille Court, approximately 210 feet north of its intersection with Lucille Drive (.48 Acres; R-R Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards for the waiver of three of the required four parking spaces.**Council District:** 8**Appeal by Date:** 11/21/2013**Review by Date:** 11/21/2013**Action by Date:** 7/14/2014**History:**

09/10/2013 M-NCPPC Technical Staff approval with conditions

10/17/2013 M-NCPPC Planning Board approval with conditions
 10/28/2013 Sitting as the District Council elected to review
Council elected to review (Voice Vote: 9-0).

Attachment(s): [DPLS-373 Planning Board Resolution 13-110](#)
 DPLS-373_PORL
[DPLS-373 Technical Staff Report and case backup](#)

ELIGIBLE FOR FINAL ACTION (Orientation if Desired)

[CNU-25543-2013](#)

Forestville Commercial Center - Lot 6, Blk A

Companion Case(s): CNU-25543-2013-U
Applicant(s): 7901 Parston Drive, LLC
Location: Located at 7901 Parston Drive, District Heights, Maryland (I-1 / DDOZ).
Request: Requesting approval of a Nonconforming Use Certification for a Vehicle Storage Yard and Vehicle Towing Station, on approximately 21,934 square feet in the I-1/ DDO (Light Industrial/Development District Overlay) Zones.
Council District: 6
Appeal by Date: 4/28/2014
Action by Date: 5/27/2014
Municipality: None
Opposition: None
History:

10/09/2013 M-NCPPC Administrative Certification approval
 10/21/2013 Sitting as the District Council elected to review
Council elected to review (Vote: 8-0; Absent: Council Member Olson)
 11/13/2013 Clerk of the Council transmitted
Pursuant to Section 27-244 of the Zoning Ordinance, this case was transmitted to the Zoning Hearing Examiner.
 04/11/2014 Zoning Hearing Examiner approval
Attachment(s): [CNU-255432013 Zoning Hearing Examiner Decision](#)
[CNU-25543-2013 Zoning Case Summary and case backup](#)
 CNU-25543-2013 PORL

Backup: Order of Approval in accordance with the Zoning Hearing Examiner Decision.

REFERRED FOR DOCUMENT

DSP-12061

Franklin Park at Greenbelt Station

Applicant(s):

Franklin Park at Greenbelt Station

Location:

Located on the northeast quadrant of the intersection of Breezewood Drive and Cherrywood Lane (151.79 Acres; M-U-I / D-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan for the addition of two new freestanding monument signs, two new building-mounted banner signs, and 27 freestanding pole banner signs within an existing multifamily residential development in the M-U-I and D-D-O Zones.

Council District:

4

Appeal by Date:

1/9/2014

Review by Date:

1/30/2014

Action by Date:

5/23/2014

Municipality:

City of Greenbelt

History:

11/01/2013	M-NCPPC Technical Staff	approval with conditions
12/05/2013	M-NCPPC Planning Board	approval with conditions
01/13/2014	Sitting as the District Council	elected to review
	<i>Council elected to review (Voice Vote: 9-0).</i>	
03/24/2014	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0).</i>	
03/24/2014	Sitting as the District Council	hearing held
	<i>Jill Kosack, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Lawrence Taub, 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>	

Attachment(s):

[DSP-12061 Planning Board Resolution 13-135](#)

DSP-12061_PORL

[DSP-12061 Technical Staff Report](#)

Backup: Order of Approval, with Conditions.

ITEM(S) FOR DISCUSSION

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.

04/14/2014

Sitting as the District Council

hearing held; case taken under advisement

Taslina Alam, M-NCPPC planning staff, provided an overview of the Departure of Parking and Loading Standards application. Thomas Haller, Esq., spoke 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):

[DPLS-387 Planning Board Resolution 13-121](#)

DPLS-387_PORL

[DPLS-387 Technical Staff Report](#)

Backup: Order of Approval, with Conditions.

DSP-12059**Riverdale Road McDonalds**

Companion Case(s): DPLS-396

Applicant(s): McDonalds USA LLC

Location: Located on the northeast quadrant of the intersection of Kenilworth Avenue (MD 201) and Riverdale Road (1.11 Acres; C-S-C Zone).

Request: Requesting approval of a Detailed Site Plan for a 4,387-square-foot, one-story, freestanding McDonalds eating and drinking establishment with drive-through service on an existing McDonalds site in the Commercial Shopping Center (C-S-C) Zone. The DSP proposes to demolish the existing McDonalds restaurant building and replace it with a new prototype building.

Council District: 3

Appeal by Date: 1/9/2014

Review by Date: 1/30/2014

Action by Date: 5/23/2014

Municipality: Town of Riverdale Park

History:

10/31/2013	M-NCPPC Technical Staff	approval with conditions
12/05/2013	M-NCPPC Planning Board	approval with conditions
01/13/2014	Sitting as the District Council	elected to review
	<i>Council elected to review (Voice Vote: 9-0).</i>	
03/24/2014	Sitting as the District Council	hearing held; case taken under advisement

Henry Zhang, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Edward Gibbs, Esq., Attorney for the applicant, and Sara Imhulse, Town Administrator, Town of Riverdale Park, 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-12059 Planning Board Resolution 13-133](#)

DSP-12059_PORL

[DSP-12059 Technical Staff Report](#)

[DPLS-396](#)**Riverdale Road McDonalds****Companion Case(s):** DSP-12059**Applicant(s):** McDonalds USA LLC**Location:** Located on the northeast quadrant of the intersection of Kenilworth Avenue (MD 201) and Riverdale Road (1.11 Acres; C-S-C Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards (Sections 27-568 and 27-582) to reduce the required number of parking spaces from 52 to 46 and to not provide the required one loading space due to the site's small size.**Council District:** 3**Appeal by Date:** 1/9/2014**Review by Date:** 1/30/2014**Action by Date:** 5/23/2014**Municipality:** Town of Riverdale Park**History:**

10/31/2013	M-NCPPC Technical Staff	approval
12/05/2013	M-NCPPC Planning Board	approval
01/13/2014	Sitting as the District Council	elected to review
	<i>Council elected to review (Voice Vote: 9-0).</i>	
03/24/2014	Sitting as the District Council	hearing held; case taken under advisement

Henry Zhang, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Edward Gibbs, Esq., Attorney for the applicant, and Sara Imhulse, Town Administrator, Town of Riverdale Park, 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): [DPLS-396 Planning Board Resolution 13-134](#)

DPLS-396_PORL

[DPLS-396 Technical Staff Report](#)

[DSP-13017](#)**1800 Prosperity Way****Applicant(s):**

James F. Schneider

Location:

Located in the southeast quadrant of the intersection of Prosperity Way and Prosperity Court (0.72 Acres; I-1 Zone).

Request:

Requesting approval of a Detailed Site Plan for a contractor's storage yard.

Council District:

7

Appeal by Date:

1/9/2014

Review by Date:

1/30/2014

Action by Date:

5/23/2014

Municipality:

Capitol Heights

History:

11/07/2013

M-NCPPC Technical Staff

approval with conditions

12/05/2013

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).

03/24/2014

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. James Schneider, applicant, 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-13017 Planning Board Resolution 13-128](#)

DSP-13017_PORL

[DSP-13017 Technical Staff Report](#)

[DSP-13020](#)**Walker Mill Business Park, Lot 8****Applicant(s):**

Wasim and Naira Butt

Location:

Located on the north side of Prosperity Court, approximately 150 feet east of its intersection with Prosperity Way (1.58 Acres; I-1 Zone).

Request:

Requesting approval of a Detailed Site Plan for a proposed vehicle towing company and automobile storage yard.

Council District:

7

Appeal by Date:

1/9/2014

Review by Date:

1/30/2014

Action by Date:

5/23/2014

Municipality:

Capitol Heights

History:

10/02/2013	M-NCPPC Technical Staff	approval with conditions
12/05/2013	M-NCPPC Planning Board	approval with conditions
01/13/2014	Sitting as the District Council	elected to review
	<i>Council elected to review (Voice Vote: 9-0).</i>	
03/24/2014	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. Wasim Butt, applicant, and the project Engineer, Rafik Bazikian, 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-13020 Planning Board Resolution 13-130](#)

DSP-13020_PORL

[DSP-13020 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

Action by Date:

4/21/2014

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.

The Circuit Court has complied with Court of Special Appeals Mandate and this matter is before us for a new decision no later than March 2014.

02/10/2014	Sitting as the District Council	deferred
	<i>Council deferred this item to March 17, 2014.</i>	
03/17/2014	Sitting as the District Council	rescheduled
	<i>Due to inclement weather conditions, Prince George's County Government was closed and this item was rescheduled.</i>	
03/18/2014	Sitting as the District Council	deferred
	<i>Council deferred this item to March 24, 2014.</i>	
03/24/2014	Sitting as the District Council	deferred
	<i>Rajesh Kumar, Principal Counsel to the District Council, announced that the parties of the case have agreed to extend the District Council's decision period until April 21, 2014. Council deferred this case to April 21, 2014.</i>	
04/21/2014	Sitting as the District Council	deferred
	<i>Rajesh Kumar, Principal Counsel to the District Council, indicated that the parties of this case have agreed to another extension to the District Council's decision until May 5, 2014. Council deferred this case to May 5, 2014.</i>	

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-15315-13](#)

6801 Red Top Road

Applicant(s):

Robert and Paulette Delapenha

Location:

Located at the northeastern quadrant of the intersection of Red Top Road and Fairview Avenue (0.252 Acres; R-18 Zone).

Request:

Requesting approval of a Nonconforming Use Certification for a six-unit apartment in the R-18 Zone.

Council District:

2

Appeal by Date:

5/29/2014

Review by Date:

5/29/2014

History:

04/29/2014	M-NCPPC Technical Staff	approval
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04/29/2014 M-NCPPC Planning Board approval

Attachment(s): [CNU-15315-13 Planning Board Resolution 14-28](#)

CNU-15315-13_PORL

[CNU-15315-13 Technical Staff Report](#)

[CNU-23538-13](#)

Fleetwood Village Apartments

Applicant(s): Fleetwood Village Limited Partnership

Location: The subject property is identified as three separated deed parcels located in the northeastern, northwestern, and southern quadrants of the intersections of Eastern Avenue, Greenlawn Drive, Knollbrook Drive, and Chillum Road (9.379 Acres; R-18 Zone).

Request: Requesting approval of a Nonconforming Use Certification for a 252-unit multifamily apartment building located on three separate parcels in the R-18 Zone in accordance with Subtitle 27 of the Prince George's County Code

Council District: 2

Appeal by Date: 5/22/2014

Review by Date: 5/22/2014

History:

03/06/2014 M-NCPPC Technical Staff approval

04/17/2014 M-NCPPC Planning Board approval

[DSP-13037](#)

Beech Tree Commercial Center

Applicant(s): VOB Limited Partnership

Location: The subject commercially-zoned property is located in the actual southwestern quadrant of the intersection of US 301 and Leeland Road, east of Moores Plains Boulevard, and north and south of the platted, but unconstructed, Effie Bowie Drive.

Request: Requesting approval of a Detailed Site Plan for infrastructure and rough grading only for a future commercial shopping center in the C-S-C Zone.

Council District: 6

Appeal by Date: 5/22/2014

Review by Date: 5/22/2014

History:

03/18/2014 M-NCPPC Technical Staff approval with conditions

04/17/2014 M-NCPPC Planning Board approval with conditions

[SDP-0002-04](#)**Cameron Grove, Lot 80, Block A****Applicant(s):**

Walter H. Person

Location:

On the southern side of the cul-de-sac of Pine Ridge Court, approximately 360 feet south of its intersection with New Acadia Lane (0.228 Acres; R-L Zone).

Request:

Requesting approval of a Detailed Site Plan for the addition of a sun room to an existing single-family detached dwelling.

Council District:

6

Appeal by Date:

5/29/2014

Review by Date:

5/29/2014

History:

04/29/2014

M-NCPPC Technical Staff

approval with conditions

04/29/2014

M-NCPPC Planning Board

approval with conditions

Attachment(s):[SDP-0002-04 Planning Board Resolution 14-30](#)[SDP-0002-04_PORL](#)[SDP-0002-04 Technical Staff Report](#)**RECESS****RECONVENE****7:00 PM PUBLIC HEARING - (COUNCIL HEARING ROOM)**

PUBLIC HEARING ON THE PRINCE GEORGE'S COUNTY PROPOSED FY 2015
OPERATING BUDGET, SIX YEAR CAPITAL PROGRAM
(INCLUDING THE CAPITAL IMPROVEMENT BUDGET)
AND THE PRINCE GEORGE'S COUNTY BOARD OF EDUCATION
PORTION OF THE COUNTY FY 2015 OPERATING BUDGET,
PROPOSED BUDGET OF THE
REDEVELOPMENT AUTHORITY, REVENUE AUTHORITY
AND INDUSTRIAL DEVELOPMENT AUTHORITY OF
PRINCE GEORGE'S COUNTY, AND
THE CONSTANT YIELD TAX RATE.

ADJOURN