

Prince George's County Council

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



Zoning Minutes - Draft

Monday, April 14, 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 P.M. AGENDA BRIEFING

1:40 P.M. CALL TO ORDER

The meeting was called to order at 1:40 p.m. with nine members present at roll call.

Present: 9 - Chairman Mel Franklin
 Vice Chair Will Campos
 Council Member Derrick Davis
 Council Member Andrea Harrison
 Council Member Mary Lehman
 Council Member Eric Olson
 Council Member Obie Patterson
 Council Member Karen Toles
 Council Member Ingrid Turner

*Also Present: Rajesh Kumar, Principal Counsel to the District Council
Stan Brown, People's Zoning Counsel
Robert J. Williams, Jr., Council Administrator
Redis C. Floyd, Clerk of the Council
Donna J. Brown, Deputy Clerk of the Council*

*M-NCPPC
Taslima Alam, Development Review Division
Meika Fields, Development Review Division*

INVOCATION- Rodney C. Taylor, County Employee

Council Member Harrison requested prayer for Dianne Cunningham and her family in the passing of her mother, Amy Wilkenson. Council Member Campos requested prayer for Laverne Williams in celebration of her birthday. Council Member Toles requested prayer for her mother in celebration of her birthday.

PLEDGE OF ALLEGIANCE**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 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:

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

This Departure from Parking and Loading Standards hearing was held and the case was taken under advisement.

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: 6/13/2014
- 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:

Stan Brown, People's Zoning Counsel, indicated that a procedural issue regarding this case should be addressed prior to Oral Argument. Dan Lynch, on behalf of the applicant, requested the case be remanded to the Planning Board for inclusion of additional individuals as persons of record. Stan Brown, People's Zoning Counsel, delineated an additional condition of remand. Mr. Lynch requested that the Council condition the remand to require that the case be returned within ninety days. Vice-Chair Campos provided clarifying remarks.

Prior to Oral Argument, and following brief discussion, Council referred item to staff for preparation of an Order of Remand to the Planning Board to allow additional Persons of Record to sign up and to address the drive-through component of the proposal (Vote: 9-0).

A motion was made by Vice Chair Campos, seconded by Council Member Davis, that this Detailed Site Plan be referred for document. The motion carried by the following vote:

Aye: 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner

REFERRED FOR DOCUMENT

CSP-13003

Hyattsville Zip-In**Companion Case(s):** DSP-12062**Applicant(s):** NSR Properties, LLC**Location:** Located at the southwest quadrant of the intersection of East-West Highway (MD 410) and Belcrest Road.**Request:** Requesting approval of a Conceptual Site Plan for revisions to an existing gas station and food and beverage store and 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 proposed car wash.**Council District:** 2**Appeal by Date:** 1/27/2014**Action by Date:** 4/25/2014**Comment(s):** District Council review of this case is required by Section 27-548.09.01(b) of the Zoning Ordinance.**Municipality:** Hyattsville**History:***Council deferred this item to April 21, 2014.***This Conceptual Site Plan was deferred to April 21, 2014.***Backup: Order of Approval, with Conditions.*

REFERRED FOR DOCUMENT (Continued)

DSP-12062

Hyattsville Zip-In**Companion Case(s):** CSP-13003**Applicant(s):** NSR Properties, LLC**Location:** Located at the southwest quadrant of the intersection of East-West Highway (MD 410) and Belcrest Road.**Request:** Requesting approval of a Detailed Site Plan for revisions to an existing gas station and food and beverage store and 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 proposed car wash.**Council District:** 2**Appeal by Date:** 1/27/2014**Action by Date:** 4/25/2014**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:***Council deferred this item to April 21, 2014.***This Detailed Site Plan was deferred to April 21, 2014.***Backup: Order of Approval, with Conditions.*

REFERRED FOR DOCUMENT (Continued)

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:

Council adopted the prepared Order of approval, with conditions (Vote: 9-0).

A motion was made by Council Member Davis, seconded by Vice Chair Campos, that this Detailed Site Plan be approved with conditions. The motion carried by the following vote:

Aye: 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner

Backup: Order of Approval, with Conditions.

ITEM(S) FOR DISCUSSION

SE 4647

Millville Quarry (Remand)

- Applicant(s):** Bardon Inc. (Aggregate Industries, Inc.), Applicant
- Location:** Located on the south side of Accokeek Road (MD 373), on the east side of McKendree Road, just southeast of intersection of these roads, and west of Robert S. Crain Highway (US 301)
- Request:** Requesting approval of a Special Exception for surface mining of sand and gravel in the R-R Zone
- Council District:** 9
- Action by Date:** 7/1/2013
- Municipality:** Municipality: None
- Opposition:** Opposition: None
- History:**

Council referred this item to staff for preparation of an approving document consistent with the Circuit Court order (Vote: 9-0).

A motion was made by Chairman Franklin, seconded by Council Member Harrison, that this Special Exception be referred for document. The motion carried by the following vote:

Aye: 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner

This case is on remand from the Circuit Court for Prince George's County after the Applicant appealed certain conditions of approval in S.E. 4647. The Circuit Court has directed the District Council to schedule S.E. 4647 on an Agenda in April 2014, and render a final decision in May 2014, in light of the Court of Special Appeals decision in East Star, LLC v. County Comm'r of Queen Anne's County, 203 Md. App. 477, 38 A.3d 524 (2012). This matter is before the District Council for a new decision no later than May 12, 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-4720**Maages Auditorium d/b/a Sinsaysionals**

- Applicant(s):** Maages Auditorium
- Location:** Located south of Lanham Severn Road (MD 564), approximately 350 feet west of 98th Avenue (0.74 Acres; C-M Zone).
- Request:** Requesting approval of a Special Exception for adult entertainment in the C-M Zone.
- Council District:** 3
- Appeal by Date:** 4/25/2014
- Review by Date:** 4/25/2014
- Municipality:** None
- Opposition:** Woodstream Village HOA, et.al.
- History:**

Council took no action on this item.

Council did not elect to make the final decision on this Special Exception.

PENDING FINALITY (Continued)

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision or an appeal is filed.

SE/VSE-4723**Model Prayer Ministries International**

Applicant(s): Model Prayer Ministries International

Location: Located South of Annapolis Road (MD 450) and west of 52nd Avenue and the intersection of Annapolis Road and 52nd Avenue (0.52 Acres; R-55 Zone).

Request: Requesting approval of a Special Exception for a church in the R-55 Zone and a Variance of 13 feet from the 25-foot setback requirement of Section 27-341.02(a) (1).

Council District: 5

Appeal by Date: 4/25/2014

Review by Date: 4/25/2014

Municipality: Town of Bladensburg

Opposition: None

History:

Council took no action on this item.

Council did not elect to make the final decision on this Special Exception/Variance.

PENDING FINALITY (Continued)

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision or an appeal is filed.

(b) PLANNING BOARD**DSP-13012****Conifer Village at Oakcrest**

Applicant(s): Conifer Realty LLC

Location: Located at the northwestern quadrant of the intersection of Brooks Drive and Ridley Street (4.343 Acres; R-10 Zone).

Request: Requesting approval of a Detailed Site Plan for construction of 120 senior, age-restricted units of multifamily housing in a single building.

Council District: 7

Appeal by Date: 5/1/2014

Review by Date: 5/1/2014

Action by Date: 9/1/2014

History:

Council deferred this item to April 21, 2014.

This Detailed Site Plan was deferred to April 21, 2014.

PENDING FINALITY (Continued)

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision or an appeal is filed.

DSP-13029**McDonald's Hillcrest Heights**

Applicant(s): McDonald's USA, LLC
Location: Located on the northwestern corner of the intersection of Branch Avenue (MD 5) and 32nd Avenue (4.32 Acres; C-S-C Zone).
Request: Requesting approval of a Detailed Site Plan for a 4,388-square-foot eating and drinking establishment with drive-through service.
Council District: 7
Appeal by Date: 4/24/2014
Review by Date: 4/24/2014
History:

Council took no action on this item.

This Detailed Site Plan was not elected to review by Council.

DSP-89063-07**Duvall Village Shopping Center, Wal-Mart**

Applicant(s): Wal-Mart Real Estate Business Trust
Location: Located on the southeastern quadrant of the intersection of Annapolis Road (MD 450) and Glenn Dale Road (MD 953) (12.25 Acres; C-G Zone).
Request: Requesting approval of a Detailed Site Plan for a 77,916-square-foot Wal-Mart.
Council District: 5
Appeal by Date: 5/1/2014
Review by Date: 5/1/2014
History:

Council elected to review this item (Vote: 9-0).

A motion was made by Council Member Harrison, seconded by Council Member Toles, that this Detailed Site Plan be elected to review. The motion carried by the following vote:

Aye: 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner

PENDING FINALITY (Continued)

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision or an appeal is filed.

SDP-1303**Brandywine Village**

Applicant(s): Brandywine Investments Associates, LLP

Location: Located on the northwest quadrant of the intersection of Robert Crain Highway (US 301) and Chaddsford Drive, on the east side of General Lafayette Boulevard (20.27 Acres; L-A-C Zone).

Request: Requesting approval of a Specific Design Plan for 188 single-family attached (townhouse) units in the Local Activity Center (L-A-C) Zone.

Council District: 9

Appeal by Date: 4/24/2014

Review by Date: 4/24/2014

History:

Council took no action on this item.

This Specific Design Plan was not elected to review by Council.

2:15 P.M. ADJOURN

The Meeting was Adjourned at 2:15 p.m.

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Redis C. Floyd, Clerk of the Council

DRAFT