

Prince George's County Council

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



Zoning Agenda

Monday, September 9, 2013

10:00 AM

Council Hearing Room

Sitting as the District Council

Andrea C. Harrison, Chair, District 5

Mary A. Lehman, District 1

Will A. Campos, District 2

Eric C. Olson, District 3

Ingrid M. Turner, District 4

Derrick Leon Davis, District 6

Karen R. Toles, District 7

Obie Patterson, Vice Chair, District 8

Mel R. Franklin, District 9

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 A.M. AGENDA BRIEFING

10:00 AM CALL TO ORDER

**INVOCATION - Mrs. Sylvia Taylor, Member, International Church of Christ,
Landover, Maryland**

PLEDGE OF ALLEGIANCE

ORAL ARGUMENTS

[SDP-1003-01](#)

Smith Home Farm, Section 1A

Applicant: Dan Ryan Builders, Inc.

Location: Approximately 1,900 feet east of the intersection of Pennsylvania Avenue (MD 4) and Presidential Parkway (76.44 Acres; R-M Zone)

Request: Requesting approval of a revision to Specific Design Plan to add townhouse architecture, widen some townhouses lots to 22 feet wide and reorient six groups of townhouses

Council District: 6

Appeal by Date: 7/25/2013

Review by Date: 7/25/2013

History

05/01/2013	M-NCPPC Technical Staff	Approval with conditions
06/20/2013	M-NCPPC Planning Board	Approval with conditions
07/08/2013	Sitting as the District Council	ELECTED TO REVIEW

Attachments: [SDP-1003-01 MNCPPC Staff Report](#)
[SDP-1003-01 Planning Board Resolution 13-62](#)

RUNNING AGENDA ON PAGE 8

ORAL ARGUMENTS (Continued)[SE/VSE-4654](#)**Dash-In Woodyard****Companion Cases:** DSDS-663**Applicant:** Dash-In Food Stores, Inc.**Location:** Located along the south side of Woodyard Road (MD 223) at its intersection with Stuart Lane and Woody Terrace (0.71 Acres; C-S-C Zone)**Request:** Requesting approval of a Special Exception for a gas station in the C-S-C Zone and a variance at the western driveway entrance from Woodyard Road**Council District:** 9**Appeal by Date:** 3/14/2013**Review by Date:** 3/14/2013**Action by Date:** 10/16/2013**Municipality:** None**Opposition:** None**History**

01/03/2013	M-NCPPC Technical Staff	Approval with conditions
01/17/2013	M-NCPPC Planning Board	Approval with conditions
04/18/2013	Zoning Hearing Examiner	Approval with conditions
04/22/2013	Sitting as the District Council	ELECTED TO MAKE THE FINAL DECISION

On April 22, 2013, Council elected to make the final decision (Voice Vote: 9-0).

Attachments: [SE-4654 Technical Staff Report](#)
[SE 4654 Planning Board Resolution](#)
[Zoning Case Summary Sheet](#)
[SE/VSE 4654 ZHE Decision](#)

[DSDS-663](#)**Dash-In Woodyard Road****Companion Cases:** SE/VSE-4654**Applicant:** Dash-In Woodyard Road**Location:** Located along the south side of Woodyard Road (MD 223) at its intersection with Stuart Lane and Woody Terrace (0.71 Acres; C-S-C Zone)**Request:** Requesting approval of a Departure from Sign Design Standards to allow a freestanding sign from Sections 27-614(a)(1) and 27-614(a)(4) of the Zoning Ordinance**Council District:** 9**Appeal by Date:** 3/14/2013**Review by Date:** 3/14/2013**Action by Date:** 11/8/2013**History**

02/25/2013 Sitting as the District Council deferred
On February 25, 2013, Council deferred this case to 3/11/2013.

09/04/2013 Sitting as the District Council ELECTED TO REVIEW
On March 11, 2013, Council elected to Review (Voice Vote: 8-1; Absent: Council Member Lehman).

Attachments: [DSDS 663 Planning Board Resolution](#)
[DSDS-663 Technical Staff Report](#)

MANDATORY REVIEW (Using Oral Argument Procedures)

[DSP-99006-01](#)

McDonald's- Hyattsville

Applicant: McDonald's Corp.

Location: Located on the south side of East-West Highway (MD 410) at its intersection with Toledo Terrace (13.21 Acres; C-S-C/T-D-O-Z Zones)

Request: Requesting approval of a Detailed Site Plan to amend the Table of Uses of the 1998 Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone (TDDP), to permit a 4,197-square-foot restaurant freestanding eating and drinking establishment with drive-through in the C-S-C and T-D-O Zones

Council District: 2

Appeal by Date: 6/20/2013

Review by Date: 6/20/2013

Action by Date: 11/8/2013

Comments: District Council review of this case is required by Section 27-548.09.01 (b) of the Zoning Ordinance

History

06/05/2013 Person of Record Appealed
On June 5, 2013, Daniel F. Lynch, Esquire, Attorney for the Applicant, appealed the Planning Board's decision and requested Oral Argument.

Attachments: [DSP 99006-01 Planning Board Resolution](#)
[DSP-99006-01 Tech Staff Report](#)

1:30 P.M. ORAL ARGUMENTS (Continued)[SA-130001](#)**Cafritz Property at Riverdale Park Town Center Development Plan****Applicant:** Calvert Tract, LLC**Location:** Located approximately 1,400 feet north of the intersection of Baltimore Avenue (US 1) and East-West Highway (MD 410), on the east side of Baltimore Avenue (35.71 Acres; M-U-T-C)**Request:** Requesting approval of a Secondary Amendment to the Approved Cafritz Property at Riverdale Park Town Center Development Plan dated July 12, 2012**Council District:** 3**Appeal by Date:** 7/8/2013**Review by Date:** 7/8/2013**Action by Date:** 11/8/2013**History**

05/08/2013 M-NCPPC Technical Staff Approval with conditions

05/23/2013 M-NCPPC Planning Board Approval with conditions

06/17/2013 Sitting as the District Council ELECTED TO REVIEW

07/08/2013 Person of Record Appealed

*On July 8, 2013, Suellen M. Ferguson, Esquire, Attorney for the Opposition appealed the Planning Board's decision on behalf of the Town of University Park and requested Oral Argument.***Attachments:** [SA 130001 Planning Board Resolution](#)
[SA-130001 Technical Staff Report](#)[DSP-13009 & SP-130002](#)**Cafritz Property at Riverdale Park****Applicant:** Calvert Tract, LLC**Location:** Located approximately 1,400 feet north of the intersection of Baltimore Avenue (US 1) and East-West Highway (MD 410), on the east side of Baltimore Avenue (37.73 Acres; M-U-TC/R-55 Zones)**Request:** Requesting approval of a Detailed Site Plan and Special Permit for 126 residential townhomes, 855 multifamily units, and approximately 187,277 square feet of commercial gross floor area**Council District:** 3**Appeal by Date:** 7/8/2013**Review by Date:** 7/8/2013**Action by Date:** 11/8/2013**History**

07/08/2013 Person of Record Appealed

On July 8, 2013, Suellen M. Ferguson, Esquire, Attorney for the Opposition appealed the Planning Board's decision on behalf of the City of College Park and requested Oral Argument.

- 07/08/2013 Person of Record Appealed
On July 8, 2013, Suellen M. Ferguson, Esquire, Attorney for the Opposition appealed the Planning Board's decision on behalf of the Town of University Park and requested Oral Argument.
- 07/08/2013 Person of Record Appealed
On July 8, 2013, Susan Dorn et. al. appealed in opposition to the Planning Board's decision and requested Oral Argument.
- 09/04/2013 Sitting as the District Elected to Review
 Council
On June 17, 2013, Council elected to Review (Voice Vote: 8-1; Absent: Council Member Turner).

Attachments: [DSP 13009 Planning Board Resolution](#)
[DSP-13009 Technical Staff \(1 of 2\)](#)
[DSP-13009 Technical Staff \(2 of 2\)](#)

ITEM(S) FOR DISCUSSION

[CNU-3916-2012](#)

Rockport Autos, LLC

Applicant: Rockport Autos, LLC
Location: Located on the northwest side of Martin Luther King, Jr. Highway (MD 704) and the northeast side of Glenarden Parkway
Request: Requesting approval of a Non-Conforming Use Certification for a used vehicle service repair in the M-U-I/D-D-O Zone
Council District: 5
Action by Date: 10/7/2013

History

- 01/23/2013 M-NCPPC Technical Staff Disapproval
 03/07/2013 M-NCPPC Planning Board Disapproval
 03/25/2013 Sitting as the District Elected to Review
 Council
(Voice Vote: 8-0; Absent: Council Member Olson)
- 07/08/2013 Sitting as the District HEARING HELD
 Council
Ivy Thompson, M-NCPPC planning staff, provided an overview of the Certification of Nonconforming Use application. Nakia Gray and Puja Gupta spoke in support of the Certification of Nonconforming Use on behalf of the applicant. Suellen Ferguson, spoke in opposition on behalf of the City of Glenarden. Stan Brown, People's Zoning Counsel, responded to questions posed by Counsel and spoke to the merits of the case and legalities of the argument presented. The case was taken under advisement.
- 07/08/2013 Sitting as the District taken under advisement
 Council

Attachments: [CNU-3916-2012 MNCPPC Staff Report](#)
[CNU-3916-2012 Planning Board Resolution](#)

PENDING FINALITY

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

(b) PLANNING BOARD**[DSP-05070-03](#)****The Brick Yard (North Portion)**

Applicant: PRI Brickyard MD Holdings, LLC

Location: Located approximately 800 feet southwest of the intersection of Contee Road and Mid-Atlantic Boulevard (52.75 Acres; I-3 Zone)

Request: Requesting approval of a Detailed Site Plan for addition of a 290,000-square-foot manufacturing building to the existing industrial Park

Council District: 1

Appeal by Date: 8/29/2013

Review by Date: 9/30/2013

Attachments: [DSP 05070-03 Planning Board Resolution](#)
[DSP-05070-03 Technical Staff Report](#)

[DSP-06003-01](#)**New Born Church of God**

Applicant: New Born Church of God & True Holiness, Inc.

Location: Located approximately 800 feet southwest of the intersection of Contee Road and Mid-Atlantic Boulevard (52.75 Acres; I-3 Zone)

Request: Requesting approval of a Detailed Site Plan for grading of the rear of an existing site improved with an existing 6,064-square-foot Church with an existing 20-child day care use and a variance request from Section 25-122(b)(1)(G) for the removal of one specimen tree

Council District: 7

Appeal by Date: 8/29/2013

Review by Date: 9/30/2013

Attachments: [DSP 06003-01 Planning Board Resolution](#)
[DSP-06003-01 Technical Staff Report](#)

(b) PLANNING BOARD (Continued)[DSP-10027](#)**Farmington Road Car Wash**

Applicant: 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

History

06/13/2013 M-NCPPC Technical Staff Approval with conditions

07/18/2013 M-NCPPC Planning Board Approval with conditions

09/05/2013 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.

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

[DSP-12049](#)**Little Gifts from God Day Care Center**

Applicant: 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

Attachments: [DSP-12049 Technical Staff](#)
[DSP 12049 Planning Board Resolution](#)

ADJOURN