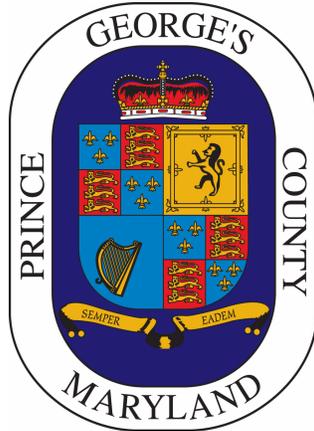


Prince George's County Council

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



Zoning Minutes - Draft

Monday, September 8, 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. 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**1:56 PM CALL TO ORDER**

The meeting was called to order at 1:56 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
William M. Hunt, Deputy Council Administrator
Redis C. Floyd, Clerk of the Council
Donna J. Brown, Deputy Clerk of the Council*

*M-NCPPC
Tom Lockard, Development Review Division*

INVOCATION- Mrs. Sylvia Taylor
International Church of Christ, Landover, MD

Council Member Lehman requested prayer for the blind and visually impaired. Council Member Harrison requested prayer for those who are hurting, emotionally / mentally challenged, or in need of love. Council Member Campos requested prayer for unaccompanied immigrant children in the County. Council Member Olson requested prayer for Thelma Flores in her passing and her three-year old daughter who is hospitalized from a Riverdale accident.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Davis.

APPROVAL OF DISTRICT COUNCIL MINUTES

MINDC 07212014 District Council Minutes dated July 21, 2014

A motion was made by Council Member Turner, seconded by Council Member Olson, that the Minutes be approved. The motion carried by the following vote:

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

ORAL ARGUMENTS

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

Action by Date: 9/23/2014

Municipality: None

Opposition: Woodstream Village HOA, et.al.

History:

Tom Lockard, M-NCPPC planning staff, provided an overview of the Special Exception application. Dennis Whitley, III 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. Council took this case under advisement.

This Special Exception hearing was held and the case taken under advisement.

ELIGIBLE FOR FINAL ACTION (Orientation if Desired)**CNU-34763-2011 Eberwein Group, LLC t/a Merlin Auto Club**

- Applicant(s):** Eberwein Group, LLC t/a Merlin Auto Club
- Location:** Located at 5603 Marlboro Pike, District Heights, Maryland (0.987 Acres; R-18 Zone).
- Request:** Requesting approval of a Nonconforming Use Certification for an existing used car dealership in the R-18 Zone.
- Council District:** 7
- Appeal by Date:** 7/30/2014
- Action by Date:** 9/29/2014
- Municipality:** City of District Heights
- Opposition:** None
- History:**

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

A motion was made by Council Member Toles, seconded by Council Member Olson, that this Certified Nonconforming Use be elected to review. The motion carried by the following vote:

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

Council reconsidered its previous action to elect to review (Vote: 9-0).

A motion was made by Council Member Toles, seconded by Council Member Olson, that the previous action on this Certified Nonconforming Use be reconsidered. The motion carried by the following vote:

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

Council referred item to staff for the preparation of an approving document, with conditions (Vote: 9-0).

A motion was made by Council Member Toles, seconded by Council Member Patterson, that this Certified Nonconforming Use be referred for document. The motion carried by the following vote:

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

NEW CASES

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.

A-10031-C**Amber Ridge****Applicant(s):** RWSC, LLC**Location:** Located on the west side of Robert Crain Highway (US 301) approximately 1,200 feet south of its intersection with Mitchellville Road and 500 feet north of Pointer Ridge Drive, Bowie, Maryland (19 Acres; C-S-C Zone).**Request:** Requesting approval of a Zoning Map Amendment for approximately 19 acres of land from the C-S-C (Commercial Shopping Center) to the M-X-T (Mixed Use - Transportation Oriented) Zone.**Council District:** 4**Appeal by Date:** 7/24/2014**Action by Date:** 1/22/2015**Opposition:** None**History:**

Council Member Turner acknowledged Mayor Pro-Tem, Ike Trout, City of Bowie and residents of the City that were present. Council adopted the prepared Zoning Ordinance No. 12 - 2014 in accordance with the Zoning Hearing Examiner's decision (Vote: 9-0).

A motion was made by Council Member Turner, seconded by Council Member Davis, that this Zoning Map Amendment be approved with conditions. The motion carried by the following vote:

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

Backup: Zoning Ordinance in accordance with the Zoning Hearing Examiner, subject to final action by the District Council.

NEW CASES (Continued)

ERR-226

Ravenswood Road Apartments**Validation of Multi-Family Rental License M-0758**

- Applicant(s):** Ravenswood Road Apartments
- Location:** Located at 4701 - 4703 Ravenswood Road, Riverdale, Maryland (0.42 Acres; R-55).
- Request:** Requesting approval for validation of Prince George's County Multi-Family Rental License No. M-0758 issued in error on June 11, 2001 for 23 apartment units.
- Council District:** 3
- Appeal by Date:** 8/18/2014
- Action by Date:** 2/16/2015
- Municipality:** Town of Riverdale Park
- Opposition:** None
- History:**

Council adopted the prepared Zoning Ordinance No. 13 - 2014 in accordance with the Zoning Hearing Examiner's decision (Vote: 9-0).

A motion was made by Council Member Olson, seconded by Council Member Lehman, that this Permit Issued in Error be approved. The motion carried by the following vote:

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

Backup: Zoning Ordinance in accordance with the Zoning Hearing Examiner, subject to final action by the District Council.

NEW CASE (Continued)

ERR-233

Capital Crossing Apartments, LLCValidation of Multi-Family Rental Permit No. 7034/(M-384)Applicant(s): Capital Crossing Apartments, LLCLocation: Located at 3801, 3803, 3901, 3903, 3905, 3907, 3911, 3913, 3920, 3922, 3924, 3926, 3928, 3930, 3932, 3934, 3936, 3938, 3940, 3942, 3946, 3944, 3948, 3950 Southern Avenue and Suitland Road in Suitland, Maryland (134.67 Acres; R-10 Zone).Request: Requesting approval for validation of Prince George's County Use and Occupancy Permit No. 7034 (M-384) issued in error on April 30, 1996, to operate a 31-unit multifamily apartment complex.Council District: 7Appeal by Date: 6/16/2014Review by Date: 6/16/2014Action by Date: 10/14/2014Municipality: NoneOpposition: NoneHistory:

Council adopted the prepared Zoning Ordinance No. 14 - 2014 in accordance with the Zoning Hearing Examiner's decision (Vote: 9-0).

A motion was made by Council Member Toles, seconded by Council Member Patterson, that this Permit issued in error be approved. The motion carried by the following vote:

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

Backup: Zoning Ordinance in accordance with the Zoning Hearing Examiner, subject to final action by the District Council.

ITEM FOR DISCUSSION

DSP-99044-07

Prince George's Plaza, Parcel A-1 Chick-fil-A (Remand)

REMAND

Companion Case(s): DSP-99044-07**Applicant(s):** Chic-fil-A**Location:** Located at the northeastern quadrant of the intersection of East-West Highway (MD 410) and Belcrest Road (51.03 Acres; C-S-C / T-D-O Zones).**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:** 8/21/2014**Review by Date:** 9/22/2014**Municipality:** City of Hyattsville*Clerk directed to schedule for Oral Argument Hearing.***The Clerk of the Council was directed to schedule this Detailed Site Plan for Oral Argument Hearing.**

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/VSE-4738**Potomac Business Park**

- Applicant(s):** Oxon Hill Asspciates, LLC
- Location:** Located on the south side of Oxon Hill Road (MD 414) at Clipper Way (formerly Felker Avenue), approximately 400 feet east of the intersection of Oxon Hill Road and Indian Head Highway (MD 210) (15.44 Acres; I-3 Zone).
- Request:** Requesting approval of a Special Exception for a department or variety store in the I-3 Zone with over 85,000 square feet with food and beverage component.
- Council District:** 8
- Appeal by Date:** 9/4/2014
- Review by Date:** 9/30/2014
- Municipality:** Forest Heights
- Opposition:** Karen Egloff et. al.
- History:**

Council elected to make the final decision on this item (Vote: 9-0).

A motion was made by Council Member Patterson, seconded by Council Member Turner, to elect to make the final decision on this Special Exception/Variance SE. The motion carried by the following vote:

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

PENDING FINALITY (Continued)

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.

(b) PLANNING BOARD

CSP-13006

Brightseat Road Property

- Applicant(s):** Brightseat Development Associates, LLC.
- Location:** Located at the northwest quadrant of the intersection of Brightseat Road/Sheriff Road and Redskins Road (22.12 Acres; M-X-T & O-S Zones).
- Request:** Requesting approval of a Conceptual Site Plan to develop the subject property with 380 multifamily units and associated parking.
- Council District:** 5
- Appeal by Date:** 8/21/2014
- Review by Date:** 9/22/2014
- History:**

Council took no action on this item.

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

PENDING FINALITY (Continued)**CSP-13010****Bed and Breakfast Inn Amendment to the Prince George's County Gateway Arts District D-D-O Zone****Applicant(s):** Prince George's County Planning Department**Location:** All properties in the R-O-S, O-S, R-A, R-E, R-R, R-80, and R-55 Zones in the Prince George's County Gateway Arts District D-D-O Zone that are within the municipal boundaries of the City of Hyattsville, the City of Mount Rainier, and the Town of Brentwood.**Request:** Requesting approval of a Conceptual Site Plan to amend the Prince George's County Gateway Arts District D-D-O Zone to include bed and breakfast inns as a permitted use and their associated standards within the municipal boundaries of the City of Hyattsville, the City of Mount Rainier, and the Town of Brentwood.**Council District:** 2**Appeal by Date:** 9/4/2014**Review by Date:** 9/30/2014**Municipality:** Hyattsville**History:***Council took no action on this item.***This Conceptual Site Plan was not elected to review by Council.****DDS-625****Parcel 33 Consolidated Storage****Companion Case(s):** DPLS-402; DSP-13039**Applicant(s):** Tyvec Limited Partnership**Location:** Located southeast quadrant of the intersection of Frolich Lane and Kenilworth Avenue (MD 201) (1.5 Acres; I-2 Zone).**Request:** Requesting approval of a Departure from Design Standards for five and three feet from the 15-foot required height of the two accesses to the loading spaces.**Council District:** 5**Appeal by Date:** 9/4/2014**Review by Date:** 9/30/2014**This Departure from Design Standards was did not elect to review.***Council deferred this item to September 22, 2014***This Departure from Design Standards was deferred to September 22, 2014.****PENDING FINALITY (Continued)**

DPLS-402 **Parcel 33 Consolidated Storage**

Companion Case(s): DDS-625; DSP-13039

Applicant(s): Tyvec Limited Partnership

Location: Located southeast quadrant of the intersection of Frolich Lane and Kenilworth Avenue (MD 201) (1.2 Acres; I-2 Zone).

Request: Requesting approval of a Departure from Parking and Loading Standards for reduction in the number of required loading spaces from four to two.

Council District: 5

Appeal by Date: 9/4/2014

Review by Date: 9/30/2014

This Departure from Parking and Loading Standards was did not elect to review.

Council deferred this item to September 22, 2014.

This Departure from Parking and Loading Standards was deferred to September 22, 2014.

DSP-13039 **Parcel 33 Consolidated Storage**

Companion Case(s): DDS-625; DPLS-402

Applicant(s): Tyvec Limited Partnership

Location: Located southeast quadrant of the intersection of Frolich Lane and Kenilworth Avenue (MD 201) (1.5 Acres; I-2 Zone).

Request: Requesting approval of a 83,990-square-foot consolidated storage facility and a resident manager's apartment.

Council District: 5

Appeal by Date: 9/4/2014

Review by Date: 9/30/2014

History:

Council deferred this item to September 22, 2014.,

This Detailed Site Plan was deferred to September 22, 2014.

PENDING FINALITY (Continued)

DPLS-379

Woodstream Church**Companion Case(s):** CSP-96046-01; DSDS-683; DSP-98001-02**Applicant(s):** Woodstream Church, Inc.**Location:** Located southwestern quadrant of the intersection of Lottsford Road and Ruby Lockhart Boulevard (15.3 Acres; I-3 Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards to reduce the required number of parking spaces by 95 spaces.**Council District:** 5**Appeal by Date:** 9/4/2014**Review by Date:** 9/30/2014**History:***Council took no action on this item.***This Departure from Parking and Loading Standards was not elected to review by Council.***Note: CSP-96046-01 and DSP-98001-02 are Mandatory Review(Using Oral Argument Procedures) Cases, pending scheduling.*

DSDS-683

Woodstream Church**Companion Case(s):** CSP-96046-01; DPLS-379; DSP-98001-02**Applicant(s):** Woodstream Church, Inc.**Location:** Located southwestern quadrant of the intersection of Lottsford Road and Ruby Lockhart Boulevard (15.3 Acres; I-3 Zone).**Request:** Requesting approval of a Conceptual Site Plan for a 69,060-square-foot family life center and building additions to an existing church with 445 students and a 250-child day care center.**Council District:** 5**Appeal by Date:** 9/4/2014**Review by Date:** 9/30/2014**History:***Council took no action on this item.***This Departure from Sign Design Standards was not elected to review by Council.***Note: CSP-96046-01 and DSP-98001-02 are Mandatory Review(Using Oral Argument Procedures) Cases, pending scheduling.*

PENDING FINALITY (Continued)

DPLS-404

6196 Oxon Hill Road Riverside Office Building**Applicant(s):** Guardian Fund II Riverview, LLC.**Location:** Located on the south side of Oxon Hill Road, approximately 3,960 feet east of the intersection of Indian Head Highway (MD 210) and Oxon Hill Road (2.936 Acres; C-S-C Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards for 96 parking spaces from the required 338 parking spaces for a multiuse commercial office building.**Council District:** 8**Appeal by Date:** 9/4/2014**Review by Date:** 9/30/2014**History:***Council took no action on this item.***This Departure from Parking and Loading Standards was not elected to review by Council.**

DRAFT

PENDING FINALITY (Continued)**DSP-08039-06****Westphalia Row****Applicant(s):** Westphalia Row Partners, LLC**Location:** Located southwest corner of the intersection of Ritchie-Marlboro Road and Sansbury Road (20.67 Acres; M-X-T Zone).**Request:** Requesting modification of a previously approved Detailed Site Plan for Phase II of Westphalia Row to replace triplex residential units with 55 rear-loaded townhouses.**Council District:** 6**Appeal by Date:** 9/4/2014**Review by Date:** 9/30/2014**History:***Council took no action on this item.***This Detailed Site Plan was not elected to review by Council.****DSP-10046****Heathermore****Applicant(s):** Heathermore Associates, LP**Location:** Located at the end and on the north side of Heathermore Boulevard in Marlton (12.26 Acres; R-30/R-P-C Zones).**Request:** Requesting approval of a Detailed Site Plan for infrastructure and landscaping for a 92-unit townhouse.**Council District:** 9**Appeal by Date:** 9/4/2014**Review by Date:** 9/30/2014**History:***Council took no action on this item.***This Detailed Site Plan was not elected to review by Council.**

PENDING FINALITY (Continued)**DSP-12034-01 Keane Enterprises, Inc. - Phase 2**

- Applicant(s):** Keane Enterprises, Inc.
- Location:** Located approximately 300 feet southeast of the intersection of Baltimore Avenue (US 1) and Berwyn House Road (5.27 Acres; M-U-I/ D-D-O Zones).
- Request:** Requesting approval of a Detailed Site Plan addition of 2.12 acres of land, which is to be redeveloped from an existing commercial office use to a seven-story, 275-unit, multifamily residential apartment building with 1,000 square feet of commercial retail use.
- Council District:** 3
- Appeal by Date:** 9/4/2014
- Review by Date:** 9/30/2014
- Municipality:** College Park
- History:**

Council took no action on this item.

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

DSP-86072-01 St. Mary's Catholic Church Daycare Center

- Applicant(s):** St. Mary's Catholic Church
- Location:** Located approximately 2,650 feet south of Gallahan Road on the west side of Piscataway Road (16.30 Acres; R-A & R-R Zones)
- Request:** Requesting revision to the approved Detailed Site Plan to provide a day care center for 30 children in existing church space.
- Council District:** 9
- Appeal by Date:** 9/4/2014
- Review by Date:** 9/30/2014
- History:**

Council waived its right to review this item (Vote: 9-0).

A motion was made by Chairman Franklin, seconded by Vice Chair Campos, that Council waive its right to review this Detailed Site Plan. The motion carried by the following vote:

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

PENDING FINALITY (Continued)**DSP-90076-06 Tantallon on the Potomac, 6E**

Applicant(s): Walter T. & Genevieve J. During

Location: Located on the east side of Firth of Tae Drive 700 feet south of its intersection with Swan Creek Road (0.46 Acres; R-R / L-D-O Zones).

Request: Requesting approval for a Detailed Site Plan for the construction of a 3,308-square-foot single-family detached dwelling with a garage on a vacant and partially-wooded property within the Chesapeake Bay Critical Area (CBCA).

Council District: 8

Appeal by Date: 8/21/2014

Review by Date: 9/22/2014

History:

Council took no action on this item.

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

SDP-0506-03 Smith Home Farm

Applicant(s): SHF Project Owner, LLC

Location: Located south of Westphalia Road and east of Presidential Parkway, in the middle of the larger Smith Home Farm project site (19.60 Acres; R-M Zone).

Request: Requesting approval of a Detailed Site Plan to to add entrance features, fencing, and landscaping along Central Park Drive (MC-631) and Rock Spring Drive (C-627).

Council District: 6

Appeal by Date: 9/4/2014

Review by Date: 9/30/2014

History:

Council took no action on this item.

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

2:56 PM RECESS

The meeting was recessed at 2:56 p.m.

7:11 PM PUBLIC HEARING - (COUNCIL HEARING ROOM)**PH 09082014****THE CHESAPEAKE BAY CRITICAL AREA OVERLAY ZONE
SECTIONAL MAP AMENDMENT**

Pursuant to Sections 21-105 and 21-216 of the Land Use Article of the Annotated Code of Maryland, and the provisions of Subdivision 6, Division 2, Part 3 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, the Prince George's County Council, sitting as the District Council, public hearing to receive testimony regarding the Chesapeake Bay Critical Area Sectional Map Amendment. The Critical Area encompasses land within 1,000 feet of the mean high tide along the shores of the Anacostia, Potomac and Patuxent Rivers.

(SEE SEPARATE AGENDA)

This Public Hearing was held.

DRAFT