

Prince George's County Council

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



Zoning Agenda

Monday, September 23, 2013

1:30 PM

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

1:00 PM AGENDA BRIEFING**1:30 PM CALL TO ORDER****INVOCATION**

*Mr. Rodney Taylor, Member, Union Bethel A.M.E. Church,
Brandywine, Maryland*

PLEDGE OF ALLEGIANCE**ORAL ARGUMENTS**[DSP-03089-0](#)**Hanson Palmer Industrial Park, Parcel C**1**Applicant:** FCW Justice, Inc.**Location:** On the west side of Lottsford Vista Road, approximately 1,125 feet south of its intersection with Martin Luther King Highway (MD 704) (3.397 Acres; I-1 Zone)**Request:** Requesting approval of a Detailed Site Plan for a combined 12,754-square-foot restaurant, car wash and full-service laundromat building**Council District:** 5**Appeal by Date:** 8/1/2013**Review by Date:** 9/2/2013**Action by Date:** 11/22/2013**History:**

05/22/2013 M-NCPPC approval with conditions
Technical Staff

06/27/2013 M-NCPPC approval with conditions
Planning Board

07/08/2013 Sitting as the elected to review
District Council

Council elected to review (Voice Vote: 9-0)

Attachments: [DSP 03089-01 Technical Staff Report](#)
[DSP 03089-01 Planning Board Resolution](#)

RUNNING AGENDA ON PAGE 6

[DSP-12051](#)**Andrews Ridge Apartments**

Applicant: AG/TDG Pinewood, LLC

Location: Located on the southern side of Suitland Road (MD 218), between its intersection with Regency Parkway to the west and Walls Lane to the east (11.06 Acres; R-18 Zone)

Request: Requesting approval of a Detailed Site Plan for a 2,503-square-foot community building/leasing office for an existing multifamily complex

Council District: 7

Appeal by Date: 7/25/2013

Review by Date: 7/25/2013

Action by Date: 11/22/2013

History:

05/15/2013 M-NCPPC approval with conditions
Technical Staff

06/20/2013 M-NCPPC approval with conditions
Planning Board

07/08/2013 Sitting as the deferred
District Council

Council deferred this case to July 15, 2013.

07/15/2013 Sitting as the elected to review
District Council

Council Elected to Review (Voice Vote: 9-0).

Attachments: [DSP 12051 Technical Staff Report](#)
[DSP 12051 Planning Board Resolution](#)

[SE/VSE-4698](#)**A-1 Vehicle Salvage Yard****Applicant:** W & C Property Management, LLC**Location:** Located along the north side of Kilmer Place, approximately 280 feet east of its intersection with 52nd Avenue (1.98 Acres; I-1 Zone)**Request:** Requesting approval of a Special Exception for a vehicle salvage yard in the I-1 Zone including variances to the ten percent green space requirement for the I-1 Zone and the building setback requirement of the Sections 27-469(b)(1) and 27-474(a)(1)(b) of the Zoning Ordinance, respectively**Council District:** 5**Appeal by Date:** 7/25/2013**Review by Date:** 7/25/2013**Action by Date:** 1/23/2014**Municipality:** None**Opposition:** William Hwang et. al.**History:**

01/24/2013	M-NCPPC Technical Staff	approval with conditions
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02/07/2013	M-NCPPC Planning Board	no motion to consider
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06/25/2013	Zoning Hearing Examiner	approval with conditions
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07/08/2013	Sitting as the District Council	elected to make the final decision
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*Council Elected to Make the Final Decision (Voice Vote: 9-0).***Attachments:** [SE/VSE-4698 Technical Staff Report](#)
[SE/VSE-4698 ZHE Decision](#)

ITEM(S) FOR DISCUSSION[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 approval with conditions
Technical Staff05/23/2013 M-NCPPC approval with conditions
Planning Board06/17/2013 Sitting as the elected to review
District Council*Council elected to review (Voice Vote: 8-1; Absent:
Council Member Turner).*

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.*

09/09/2013 Sitting as the District Council hearing held; case taken under advisement

Chair Harrison announced that the oral argument hearings for SA-130001 Cafritz Property at Riverdale Park Town Center Development Plan and DSP-13009 & SP-130002 Cafritz Property at Riverdale Park, would be held in tandem. Susan Lareuse, M-NCPPC, provided an overview of the Secondary Amendment and Detailed Site Plan applications. The Honorable John Tabori, Mayor of the Town of University Park, Suellen Ferguson, Terry Schum, Susan Dorn, Barbara Morris-Troiano spoke in opposition to the applications. Larry Taub, on behalf of the applicant and Frederick Sussman, on behalf of the Town of Riverdale Park spoke in support. Stan Brown, People's Zoning Counsel, spoke to the legalities of the case, noting that the Special Permit is not before the Council as it is not reviewable by the District Council.

Attachments: Appeal 7-8-2013

[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:

- 05/09/2013 M-NCPPC approval with conditions
Technical Staff
- 06/06/2013 M-NCPPC approval with conditions
Planning Board
- 06/17/2013 Sitting as the elected to review
District Council
*Council elected to Review (Voice Vote: 8-1; Absent:
Council Member Turner).*
- 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.*
- 09/09/2013 Sitting as the hearing held; case taken under
District Council advisement

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

[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**Action by Date:** 10/9/2013**History:**

05/01/2013	M-NCPPC Technical Staff	approval with conditions
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06/20/2013	M-NCPPC Planning Board	approval with conditions
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07/08/2013	Sitting as the District Council	elected to review
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Council elected to review (Voice Vote: 9-0).

09/09/2013	Sitting as the District Council	hearing held; case taken under advisement
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*Steve Adams, M-NCPPC, provided an overview of the Specific Design Plan application. Marva Jo Camp spoke in support of the measure on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to legalities of the case.***Attachments:** [SDP-1003-01 MNCPPC Staff Report](#)
[SDP-1003-01 Planning Board Resolution 13-62](#)

[SDP-0608-01](#)**The Preserve at Piscataway****Applicant:** Woodlawn Development Group**Location:** Located at the south side of Floral Park Road, at its intersection with Piscataway (304.90 Acres; R-L Zone)**Request:** Requesting approval of a Specific Design Plan to eliminate the proposed golf course and to revise the recreational grading and the tree conservation plan**Council District:** 9**Appeal by Date:** 3/7/2013**Review by Date:** 3/7/2013**Action by Date:** 7/10/2013

This case is before the District Council to seek authorization of a proposed letter to Elizabeth Hewlett, Chairman of the Prince George's County Planning Board, requesting the Planning Board to take further action on this case in accordance with Section 27-528(f) of the Zoning Ordinance.

History:

01/02/2013	M-NCPPC Technical Staff	approval with conditions
01/31/2013	M-NCPPC Planning Board	approval with conditions
02/11/2013	Sitting as the District Council	did not elect to make the final decision
03/07/2013	Person of Record	appealed <i>Nii-Kwashie Aryeetey filed an appeal in opposition to the proposal and requested Oral Argument</i>
06/10/2013	Sitting as the District Council	hearing held; case taken under advisement
07/08/2013	Sitting as the District Council	referred for document <i>Council referred this item to staff for the preparation of an Order of Remand (Vote: 9-0).</i>
07/08/2013	Sitting as the District Council	approval with conditions <i>Council adopted the prepared Order of Remand (Vote: 9-0).</i>

08/01/2013 M-NCPPC Planning Board transmitted a letter
Elizabeth Hewlett, Chairman of the Prince George's County Planning Board transmitted a letter concerning the Remand Order adopted by the District Council.

Attachments: [SDP-0608-01 MNCPPC Staff Report](#)
[SDP-0608-01 Planning Board Resolution 13-02](#)
[SDP-0608-01 District Council Order 07-08-2013](#)

[REV](#)
[CR-81-2013](#)

SMA Revisory Petition for the Subregion 5 Sectional Map Amendment (CR-81-2013)

Companion Cases: CR-81-2013

Applicant: Aggregate Industries Land Company, Inc.,
Petitioner
Daniel F. Lynch, Attorney for Petitioner

Request: Requesting a revision to a portion of the Approved Subregion 5 Sectional Map Amendment to rezone from the R-R (Rural Residential) Zone to the M-X-T (Mixed Use – Transportation Oriented) Zone

Council District: 9

This case is before the District Council to determine whether the petition should be reviewed in public hearing.

History:

08/23/2013 Applicant filed a petition for revision
Daniel F. Lynch, Attorney for the Applicant, filed a petition for revision of the SMA on behalf of the property owner.

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.

(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-4637](#)

Ransom Motors II Vehicle Salvage

Applicant: Walter M. and Henry A. Meinhardt

Location: South side of Short Cut Road, approximately 138 feet east of the intersection of Branch Avenue (MD 5) and Robert Crain Highway (US 301) (4.86 Acres; I-1 Zone)

Request: Requesting approval of a Special Exception to operate a vehicle salvage yard in the I-1 Zone, a variance from Section 27-417.03(2) for fence material and from Section 27-474 for front and side yard building setbacks

Council District: 9

Appeal by Date: 10/7/2013

Review by Date: 10/7/2013

Municipality: None

Opposition: None

History:

05/29/2013	M-NCPPC Technical Staff	approval with conditions
06/13/2013	M-NCPPC Planning Board	no motion to consider
09/06/2013	Zoning Hearing Examiner	approval with conditions

Attachments: [SE-4637 Technical Staff Report](#)
[SE-4637 Planning Board Recommendation](#)
 SE-4637 PORL
[SE-4637 ZHE Case Summary](#)
[SE-4637 Zoning Hearing Examiner Decision](#)

(b) PLANNING BOARD

[CNU-625-76](#)**Holland Gardens Nursery and Landscaping, Inc.**

Applicant: 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 approval of a Certified Nonconforming
Use for revocation of CNU-625-76, a
nonconforming use for a nursery and garden
center

Council District: 1

Appeal by Date: 10/17/2013

Review by Date: 10/17/2013

History:

07/04/2013	M-NCPPC Technical Staff	approval
09/12/2013	M-NCPPC Planning Board	approval

Attachments: [CNU-625-76 Technical Staff Report](#)
 CNU-625-76 PORL
[CNU-6255-76 Planning Board Resolution 13-92](#)

[CNU-28728-1](#)[2](#)**Rendevous**

Applicant: Mardec USA, Inc. d/b/a Rendevous

Location: Located on the northwest quadrant of Southard Drive at its intersection with Bacon Drive, approximately 160 feet southwest of Baltimore Avenue (US1)
(1.2 Acres; I-2 Zone)

Request: Requesting approval of a Certified Nonconforming Use for an auditorium/banquet hall

Council District: 1

Appeal by Date: 10/17/2013

Review by Date: 10/17/2013

History:

06/18/2013 M-NCPPC disapproval
Technical Staff

07/11/2013 M-NCPPC disapproval
Planning Board

Attachments: [CNU-28728-12 Technical Staff Report](#)

[CNU-28728-12 PORL](#)

[CNU-28728-12 Planning Board Resolution 13-87](#)

[DPLS-388](#)**Bates Trucking and Trash Removal**

Applicant: Bates Enterprises II, LLC

Location: Located on the Northwestern quadrant of the intersection of 49th and Webster Streets (1.5 Acres; I-1/I-D-O Zones)

Request: Requesting approval of a Departure from Parking and Loading Standards of 20 spaces pursuant to Section 27-588 in order to be permitted to be permitted to provide only 13 of the 33 parking spaces required by Section 27-582

Council District: 5

Appeal by Date: 10/17/2013

Review by Date: 10/17/2013

Municipality: Town of Bladensburg

History:

07/01/2013 M-NCPPC approval
Technical Staff

07/11/2013 M-NCPPC approval
Planning Board

Attachments: [DPLS-388 Technical Staff Report](#)
DPLS-388_PORL
[DPLS-388 Planning Board Resolution 13-85](#)

[DSP-96026-0](#)

1

Bates Trucking and Trash Removal

Companion Cases: DPLS-388

Applicant: Bates Enterprises II, LLC

Location: Located on the northwestern quadrant of the intersection of 49th and Webster Streets (1/5 Acres; I-1/I-D-O Zones)

Request: Requesting approval of a Detailed Site Plan for demolition of a 6,000-square-foot building on the site, construction of a new 8,254-square-foot building, renovation and enlargement of an existing building into a 7,750-square-foot building, attendant parking and loading, truck storage, and landscaping

Council District: 5

Appeal by Date: 10/17/2013

Review by Date: 10/17/2013

History:

07/01/2013 M-NCPPC approval with conditions
Technical Staff

09/12/2013 M-NCPPC approval with conditions
Planning Board

Attachments: [DSP-96026-01 Technical Staff Report](#)
DSP-96026-01_PORL
[DSP-96026-01 Planning Board Resolution 13-84](#)

[DSP-12045](#)
[REMAND](#)**First Beginnings Children's Center (Remand)****Companion Cases:** DSP-12045**Applicant:** First Beginnings Children's Center LLC**Location:** Located in the northeastern quadrant of the intersection of Silver Hill Road (MD 458) and Old Silver Hill Road (4.02 Acres; C-S-C Zone)**Request:** Requesting approval of a Detailed Site Plan for a day care center for thirty-eight children in an existing shopping center and additional review required by the District Council's Order of Remand dated July 15, 2013**Council District:** 7**Appeal by Date:** 10/17/2013**Review by Date:** 10/17/2013**History:**

07/15/2013 Sitting as the remanded
District Council

Council referred DSP-12045 to staff for preparation of an Order of Remand (Vote 9-0) and subsequently adopted the prepared Order of Remand (Vote 9-0).

08/22/2013 M-NCPPC approval with conditions
Technical Staff

09/12/2013 M-NCPPC approval with conditions
Planning Board

Attachments: [DSP-12045 REMAND Technical Staff Report](#)

DSP-12045 REMAND_PORL

[DSP-12045 REMAND Planning Board Resolution 13](#)

[DSP-13007](#)**Royal Farms - Allentown Road****Applicant:** 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**Council District:** 8**Appeal by Date:** 10/18/2013**Review by Date:** 10/18/2013**History:**06/26/2013 M-NCPPC approval with conditions
Technical Staff09/12/2013 M-NCPPC approval with conditions
Planning Board**Attachments:** [DSP-13007 Technical Staff Report](#)[DSP-13007 PORL](#)[DSP-13007 Planning Board Resolution 13-94](#)[DSP-13008](#)**Gilpin Property****Applicant:** Boundary Stone SE #6, LLC**Location:** Located in the southeastern quadrant of the intersection of Southern Avenue and Wheeler Road (14.43 Acres; I-1 Zone)**Request:** Requesting approval of a Detailed Site Plan for conversion of an existing building into a consolidated-storage building with 615 interior-access units**Council District:** 7**Appeal by Date:** 10/17/2013**Review by Date:** 10/17/2013**History:**07/10/2013 M-NCPPC disapproved
Technical Staff09/12/2013 M-NCPPC approval with conditions
Planning Board

Attachments: [DSP-13008 Technical Staff Report](#)
DSP-13008_PORL
[DSP-13008 Planning Board Resolution 13-93](#)

[DSP-13016](#)

Save A Lot Food Stores

Applicant: Save A Lot Food Stores
Location: Located approximately 137 yards south of the intersection of Annapolis Road and 85th Avenue (22.56 Acres; M-X-T/T-D-O Zones)
Request: Requesting approval of a Detailed Site Plan for approval of business identification signage for a grocery store
Council District: 3
Appeal by Date: 10/17/2013
Review by Date: 10/17/2013

History:

07/02/2013 M-NCPPC approval with conditions
Technical Staff
09/12/2013 M-NCPPC approval with conditions
Planning Board

Attachments: [DSP-13016 Technical Staff Report](#)
DSP-13016_PORL
[DSP-13016 Planning Board Resolution 13-89](#)

RECESS

[EX 09232013](#)

EXECUTIVE SESSION - (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

To consult with counsel to obtain legal advice and to consult with staff, consultants, or other individuals about pending or potential litigation in accordance with Section 10-508(a)(7, 8), State Government, Annotated Code of Maryland.

RECONVENE

7:00 P.M. JOINT PUBLIC HEARING - (COUUNCIL HEARING ROOM)

[JTPH](#)
[09232013](#)

**THE PRELIMINARY EASTOVER/FOREST
HEIGHTS/GLASSMANOR
SECTOR PLAN AND
PROPOSED 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 Division 4, Part 3, and Part 13 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, and the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission hereby give notice of a joint public hearing to receive testimony regarding the Preliminary Eastover/Forest Heights/Glassmanor Sector Plan and Proposed Sectional Map Amendment, including recommendations for land use to ensure future development is consistent with County policies, as well as related recommendations for the rezoning of land in order to implement the land use recommendations for properties within a plan area consisting of approximately 618 acres, including the Town of Forest Heights and the unincorporated areas known as Glassmanor and Eastover. The study area is generally bounded by Southern Avenue and the District of Columbia as a northwest boundary, Owens and Livingston Roads as the northeast boundary, Interstate 495/I-495 (Capital Beltway) as the southeast boundary, and the municipal boundary for the Town of Forest Heights as the southwest boundary. This public hearing is part of a process leading to the approval of the sector plan and sectional map amendment that will replace portions of The Approved Master Plan and Sectional Map Amendment for The Heights & Vicinity Planning Area 76A and the 2002 Prince George's County Approved General Plan, and certain other functional master plans.

(SEE SEPARATE AGENDA)

ADJOURN