

# Prince George's County Council

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



## **Zoning Agenda**

**Monday, April 13, 2015**

**10:00 AM**

**Council Hearing Room**

## **Sitting as the District Council**

*Mel Franklin, District 9, Chairman  
Derrick Leon Davis, District 6, Vice Chair  
Dannielle M. Glaros, District 3  
Andrea C. Harrison, District 5  
Mary A. Lehman, District 1  
Obie Patterson, District 8  
Deni L. Taveras, District 2  
Karen R. Toles, District 7  
Todd 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**

**9:30 AM AGENDA BRIEFING - (ROOM 2027)****10:00 AM CALL TO ORDER - (COUNCIL HEARING ROOM)****INVOCATION - Pastor William Tucker, Remnant Church of Christ, Temple Hills****PLEDGE OF ALLEGIANCE****APPROVAL OF DISTRICT COUNCIL MINUTES**[MINDC 03232015](#)**District Council Minutes dated March 23, 2015****Attachment(s):**[03-23-2015 District Council Minutes DRAFT](#)[MINDC 03312015](#)**District Council Minutes dated March 31, 2015****Attachment(s):**[03-31-2015 District Council Minutes DRAFT](#)**ORAL ARGUMENT**[SE-4734](#)**Mill Branch Crossing (Walmart)****Applicant(s):**

Wal-Mart Real Estate Business Trust

**Location:**

Located northeast quadrant of the intersection of Robert Crain Highway (US 301) and Mill Branch Road (24.90 Acres; C-S-C Zone).

**Request:**

Requesting approval of a Special Exception for a department or variety store over 125,000 square feet in the C-S-C Zone.

**Council District:**

4

**Appeal by Date:**

2/20/2015

**Review by Date:**

2/20/2015

**Action by Date:**

6/22/2015

**Municipality:**

City of Bowie

**Opposition:**

The Patuxent Riverkeeper, et. al.

**History:**

11/26/2013	M-NCPPC Technical Staff	disapproval
12/12/2013	M-NCPPC Planning Board	no motion to consider
01/21/2015	Zoning Hearing Examiner	disapproval
01/26/2015	Sitting as the District Council	deferred

*Council deferred this item to February 9, 2015.*

02/09/2015                      Sitting as the District Council                      elected to make the final decision  
*Council elected to make the final decision on this item (Vote: 9-0).*

02/20/2015                      Applicant                      filed  
*Andre J. Gingles, Esquire, Attorney for the applicant, filed exceptions to the Zoning Hearing Examiner's decision and requested Oral Argument.*

04/07/2015                      Person of Record                      filed  
*G. Macy Nelson, Esquire, Attorney for citizens , filed a response to the applicants exceptions to the Zoning Hearing Examiner and citizen-protestants' proposed findings of fact and conclusions of law.*

04/07/2015                      Person of Record                      filed  
*Michael A. Terry, Thomas A. Terry and CJ Lammers each filed memorandums in support of the Zoning Hearing Examiner's decision of denial.*

**Attachment(s):**

SE-4734 Applicants Exceptions to ZHE Decision

[SE-4734 Zoning Hearing Examiner Decision](#)

[SE-4734 Technical Staff Report](#)

SE-4734 POR List

SE-4734 Opposition Letters

SE-4734 Response to Appeal

**ITEM(S) FOR DISCUSSION****CSP-13008****Tidler/Wardlaw Property****Applicant(s):**

Migus, LLC

**Location:**

The subject property is located in the northwest quadrant of the intersection of Powder Mill Road (MD 212) and Old Gunpowder Road (7.08 Acres; M-X-T Zone).

**Request:**

Requesting approval of a Conceptual Site Plan for a mixed-use development of 314 multifamily dwelling units and 8,000 square feet of commercial office space, in a single multi-story building.

**Council District:**

1

**Appeal by Date:**

7/24/2014

**Review by Date:**

7/24/2014

**Action by Date:**

4/24/2015

**History:**

05/07/2014	M-NCPPC Technical Staff	approval with conditions
06/19/2014	M-NCPPC Planning Board	approval with conditions
06/30/2014	Sitting as the District Council	deferred
	<i>Council deferred this item.</i>	
07/14/2014	Sitting as the District Council	deferred
	<i>Council deferred this item to July 21, 2014.</i>	
07/18/2014	Person of Record	appealed
	<i>Mary C. Angevine, Jacob Ko Klaver and Bernadine Karns, President, Calverton Citizens Association, all submitted letters of appeal of the Planning Board's decision and requested Oral Argument.</i>	
07/21/2014	Sitting as the District Council	did not elect to review
	<i>Council took no action on this item.</i>	
07/22/2014	Person of Record	appealed
	<i>Barbara Sollner-Webb, Vice-President and President-Elect, West Laurel Civic Association, Inc. and Paul Mastradone submitted letters of appeal of the Planning Board's decision and requested Oral Argument.</i>	

07/23/2014	Person of Record	appealed
	<i>Marcia and Robert Van Horn submitted a letter of appeal of the Planning Board's decision and requested Oral Argument.</i>	
07/24/2014	Person of Record	appealed
	<i>Melissa G. Daston, President, West Laurel Civic Association, Inc. submitted a letter of appeal of the Planning Board's decision and requested Oral Argument.</i>	
02/12/2015	Applicant	transmitted a letter
	<i>Edward C. Gibbs, Jr., Esq., Attorney for the applicant, submitted a Response and Opposition to the Appeal of West Laurel Civic Association.</i>	
02/12/2015	Applicant	transmitted a letter
	<i>Edward C. Gibbs, Jr., Esq., Attorney for the applicant, submitted a Response and Opposition to the Appeals of Barbara Sollner-Webb, Paul Mastradone, Mary C. Angevine, Jacob Ko Klaver, Calverton Citizens Association and Marcia and Robert Van Horn.</i>	
02/23/2015	Sitting as the District Council	hearing held; case taken under advisement
	<i>Jill Kosack, M-NCPPC, provided an overview of the Conceptual Site Plan application. Marcia Van Horn, Barbara Sollner-Webb, President, West Laurel Civic Association, Bernadine Karns, President, Calverton Citizens Association, Jacob Ko Klaver, Paul Masterdone, Karen Coakley, President, Beltsville Civic Association, and David Timus, Jr. spoke in opposition. Edward Gibbs, Esq. spoke in support on behalf of the Applicant. Stan Brown, People's Zoning Counsel, answered questions from Council Member Lehman.</i>	

*Council took this case under advisement.*

**Attachment(s):**

CSP-13008 Response to Appeal - Paul Mastradone et. al  
 CSP-13008 Response to Appeal-West Laurel Civic Assc.  
 CSP-13008 Appeal Letters  
[CSP-13008 Planning Board Resolution 14-50](#)  
 CSP-13008\_PORL  
[CSP-13008 Technical Staff Report](#)

**ITEM(S) FOR DISCUSSION (Continued)****DSP-13027****Longfellow Street Property****Applicant(s):**

Lilian Koo

**Location:**

Located on the northeastern side of Longfellow Street, approximately 440 feet southeast of its intersection with Queens Chapel Road in Hyattsville (0.13 Acres; R-35 / D-D-O Zones).

**Request:**

Requesting approval of a Detailed Site Plan for a conversion of a one-family detached dwelling to a building containing up to three dwelling units.

**Council District:**

2

**Appeal by Date:**

12/26/2014

**Review by Date:**

1/30/2015

**Action by Date:**

5/8/2015

**Municipality:**

City of Hyattsville

**History:**

10/03/2014	M-NCPPC Technical Staff	approval with conditions
11/20/2014	M-NCPPC Planning Board	approval with conditions
01/12/2015	Sitting as the District Council	deferred
	<i>Council deferred this item to January 26, 2015.</i>	
01/26/2015	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 8-0; Absent: Council Member Patterson).</i>	
03/09/2015	Sitting as the District Council	hearing held; case taken under advisement

*Ruth Grover, M-NCPPC, provided an overview of the Detailed Site Plan application. Arthur Horne, Jr., Esq. spoke in support, on behalf of the applicant. Jim Chandler expressed concerns on behalf of the City of Hyattsville. Lilian Koo, Applicant, was called upon to answer additional questions posed by the Council. Stan Brown, People's Zoning Counsel, indicated concurrence with the Planning Board's recommendation and spoke to the legalities of the case.*

*Council took this case under advisement.*

**Attachment(s):** [DSP-13027 Planning Board Resolution 14-121](#)  
 DSP-13027\_PORL  
[DSP-13027 Technical Staff Report](#)

### **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**

[CDP-0901](#)  
[Reconsideration](#)

#### **The Villages at Timothy Branch**

**Companion Case(s):** CDP-0902

**Applicant(s):** Timothy Brandywine Investments One & Two, LLC

**Location:** Located on the east side of US 301 (Robert S. Crain Highway), southeast of its intersection with MD 5 (Branch Avenue), and south of MD 381 (Brandywine Road) (72.26 Acres; L-A-C / R-M Zone).

**Request:** Requesting reconsideration of approved Conceptual Design Plan-0901 Conditions 14-21 and the appropriate findings specific to the applicant's responsibility to construct off-site recreational facilities in the Brandywine Area Community Park (M-NCPPC) because the conditions can no longer be implemented.

**Council District:** 9

**Appeal by Date:** 4/23/2015

**Review by Date:** 4/23/2015

**History:**

01/23/2012	Sitting as the District Council	approval with conditions  <i>Council adopted the prepared Order affirming the Planning Boards decision of approval, with conditions (Vote 8-0: Absent: Council Member Turner).</i>
02/11/2015	M-NCPPC	transmitted a letter  <i>The Planning Director of the Maryland-National Capital Park and Planning Commission requested a reconsideration of Conditions 14-21 and findings related to off-site recreational facilities at the Brandywine Area Community Park because the conditions can no longer be implemented.</i>



03/19/2015 M-NCPPC Planning Board approval with conditions

*The Prince George's County Planning Board adopted Amended Resolution PGCPB No. 10-111(A).*

**Attachment(s):**

[CDP-0901 Amended Planning Board Resolution 10-111\(A\)](#)

CDP-0901\_PORL

[CDP-0901 Reconsideration Technical Staff Report](#)

**PLANNING BOARD (Continued)**

[CDP-0902](#)

[Reconsideration](#)

**The Villages of Timothy Branch**

**Companion Case(s):** CDP-0901 Reconsideration; CDP-0902

**Applicant(s):**

Timothy Brandywine Investments One & Two, LLC

**Location:**

Located on the east side of US 301 (Robert S. Crain Highway), southeast of its intersection with MD 5 (Branch Avenue), and south of MD 381 (Brandywine Road) (72.26 Acres; L-A-C / R-M Zone).

**Request:**

Requesting reconsideration of approved Conceptual Design Plan-0902 Conditions 20-27 and the appropriate findings specific to the applicant's responsibility to construct off-site recreational facilities in the Brandywine Area Community Park (M-NCPPC) because the conditions can no longer be implemented.

**Council District:**

9

**Appeal by Date:**

4/23/2015

**Review by Date:**

4/23/2015

**History:**

01/23/2012

Sitting as the District Council

remanded

*Council referred item to staff for preparation of an order of Remand to the Planning Board and subsequently adopted the prepared Order (Vote 8-0: Absent: Council Member Turner).*

11/04/2013

Sitting as the District Council

approval with conditions

*Council adopted the prepared Order affirming the Planning Boards decision of approval, with conditions (Vote 8-0: Absent: Council Member Olson).*

02/11/2015 M-NCPPC transmitted a letter  
*The Planning Director of the Maryland-National Capital Park and Planning Commission requested a reconsideration of Conditions 20-27 and findings related to off-site recreational facilities at the Brandywine Area Community Park because the conditions can no longer be implemented.*

03/19/2015 M-NCPPC Planning Board approval with conditions  
*The Prince George's County Planning Board adopted Amended Resolution PGCPB No. 10-110(A).*

**Attachment(s):** [CDP-0902 Amended Planning Board Resolution 10-110\(A\)](#)  
 CDP-0902\_PORL  
[CDP-0902 Reconsideration Technical Staff Report](#)

#### **PLANNING BOARD (Continued)**

##### **CNU-30304-12**

##### **Pleasant House Apartments**

**Applicant(s):** Borger Management / Pleasant House

**Location:** Located at the intersection of Seat Pleasant Drive and Hill Road, identified as Pleasant House, Parcel A, Block 1 (7.94 Acres; R-18 Zone).

**Request:** Requesting approval for certification of an existing 192-unit multifamily apartment complex that was constructed in 1964. Because some development regulations in the R-18 Zone were changed or adopted after the apartment use was lawfully established, the complex became nonconforming.

**Council District:** 7

**Appeal by Date:** 4/23/2015

**Review by Date:** 4/23/2015

##### **History:**

02/02/2015 M-NCPPC Technical Staff approval

03/19/2015 M-NCPPC Planning Board approval

**Attachment(s):** [CNU-30304-12 Planning Board Resolution 15-20](#)  
 CNU-30304-12\_PORL  
[CNU-30304-12 Technical Staff Report](#)

**PLANNING BOARD (Continued)**[DSP-14022](#)**The Hotel at the University of Maryland****Applicant(s):**

Southern Management Corporation, Inc.

**Location:**

Located on the eastern side of Baltimore Avenue (US 1), approximately 200 feet south of its intersection with Paint Branch Parkway (3.29 Acres; M-U-I/D-D-O Zones).

**Request:**

Requesting approval of a Detailed Site Plan for the redevelopment of a site with a single building complex with a varied building height including a 300-room hotel on top of the ground-floor retail space, 57,000 square feet of retail space, a conference center for 4,280 occupants, and a parking garage.

**Council District:**

3

**Appeal by Date:**

4/30/2015

**Review by Date:**

4/30/2015

**Municipality:**

City of College Park

**History:**

12/03/2014

M-NCPPC Technical Staff

approval with conditions

03/26/2015

M-NCPPC Planning Board

approval with conditions

**Attachment(s):**[DSP-14022 Planning Board Resolution 14-122](#)

DSP-14022\_PORL

[DSP-14022 Technical Staff Report condensed](#)

**PLANNING BOARD (Continued)**[DSP-89063-07](#)**Duvall Village Shopping Center, Wal-Mart (Remand)**[Remand](#)**Companion Case(s):** DSP-89063-07**Applicant(s):** Wal-Mart Real Estate Business Trust**Location:** Located at 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 in the Duvall Village Shopping Center in the General Commercial, Existing (C-G) Zone.**Council District:** 5**Appeal by Date:** 5/7/2015**Review by Date:** 5/7/2015**History:**

09/23/2014

Sitting as the District Council

remanded

*Council adopted the prepared Order of Remand to the Planning Board (Vote: 9-0).*

02/26/2015

M-NCPPC Technical Staff

approval with conditions

04/02/2015

M-NCPPC Planning Board

approval with conditions

*The Prince George's County Planning Board adopted Amended Resolution PGCPB No. 14-16(A).***Attachment(s):**[DSP-89063-07 Remand Planning Board Resolution 14-16](#)

DSP-89063-07 Remand\_PORL

[DSP-89063-07 Remand Technical Staff Report](#)[DSP-89063-07 Remand Technical Staff Reprt \(Additional](#)[DSP-89063-07 District Council Decision 09232014](#)**ADJOURN**