

# Prince George's County Council

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



## **Zoning Agenda - Final**

**Monday, March 14, 2016**

**10:00 AM**

**Council Hearing Room**

## **Sitting as the District Council**

*Derrick Leon Davis, District 6, Chairman*

*Mel Franklin, District 9*

*Dannielle M. Glaros, District 3, Vice Chairwoman*

*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**

*Mrs. Sylvia Taylor, International Church of Christ, Landover, MD 20785.*

**PLEDGE OF ALLEGIANCE****APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 02222016](#)

**District Council Minutes dated February 22, 2016**

**Attachment(s):** [2-22-2016 District Council Minutes approved](#)

**MANDATORY REVIEW (Using Oral Argument Procedures)**

[CDP-0501](#)

**Smith Home Farms (Reconsideration)**

[Reconsideration](#)

**Companion Case(s):** SDP-1003-06 Reconsideraton

**Applicant(s):** SHF Project Owner, LLC

**Location:** Located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4) (757 Acres; R-M / L-A-C Zones).

**Request:** Requesting reconsideration of approved Comprehensive Design Plan (CDP) 0501, specifically Conditions 10, 11, 24, 31, and 32 and findings related to certain services for the design, grading, and construction of the Westphalia Central Park and the issuance of building permits.

**Council District:** 6

**Appeal by Date:** 2/19/2016

**Action by Date:** 4/12/2016

**Comment(s):** District Council review of this case is required because PGCPB No. 06-56(C)(A) recommends that the District Council amend their final action, specifically conditions 31 & 32, in the previous Council order of approval of CDP-0501.

**History:**

01/07/2016 M-NCPPC Planning Board approval with conditions  
*On December 17, 2015, Planning Board approved the request for reconsideration based on mistake and other good cause in furtherance of substantial public interest.*

02/18/2016 Person of Record filed  
*Marva Jo Camp, Esquire, and Norman D. Rivera, Esquire, with independent law firms, co-counsel to DASC, LLC ("Applicant"), filed a request for clarification of the Parkside reconsideration.*

**Attachment(s):** [CDP-0501 Reconsideration Zoning AIS](#)

### **ORAL ARGUMENTS**

[SDP-1003-06](#)  
[Reconsideration](#)

### **Parkside (Formerly Smith Home Farm) (Reconsideration)**

**Companion Case(s):** CDP-0501 Reconsideration

**Applicant(s):** SHF Project Owner, LLC

**Location:** Located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4) (250.85 Acres; R-M Zone).

**Request:** Requesting reconsideration of approved Specific Design Plan (SDP) 1003-06, specifically Condition 3 and findings related to the approval of Specific Design Plan SDP-1003-06, for the purpose of addressing the development of the Westphalia Central Park and the issuance of building permits.

**Council District:** 6

**Appeal by Date:** 2/11/2016

**Review by Date:** 2/11/2016

**Action by Date:** 4/4/2016

**History:**

11/20/2015 Applicant filed  
*Robert J. Antonetti, Jr., attorney for the applicant, filed a request for reconsideration with the Planning Board.*

01/07/2016 M-NCPPC Planning Board approval with conditions  
*On December 17, 2015, Planning Board approved the request for reconsideration based on mistake and other good cause in furtherance of substantial public interest.*

01/25/2016	Sitting as the District Council	rescheduled
	<i>Due to inclement weather, the District Council Meeting was rescheduled to Tuesday, February 2, 2016.</i>	
02/02/2016	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 9-0).</i>	
<b><u>Attachment(s):</u></b>	<a href="#">SDP-1003-06 Reconsideration Planning Board Resolutior</a> <a href="#">SDP-1003-06 Reconsideration file materials</a>	

**ORAL ARGUMENTS (Continued)****SDP-1003-07****Parkside (formerly Smith Home Farm)****Applicant(s):**

SHF Project Owner, LLC

**Location:**

Located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4) (250.85 Acres; R-M Zone).

**Request:**

Requesting approval of a Specific Design Plan to revise Section 2 to revise the layout and unit mix; to add one single-family detached unit and 26 townhouses; to add Stanley Martin townhouse architecture; and to adjust the location of the mixed retirement development as proposed in Applicant's Exhibit 2B. No changes are proposed in Sections 1A, 1B, or 3 under this application.

**Council District:**

6

**Appeal by Date:**

1/14/2016

**Review by Date:**

1/30/2016

**Action by Date:**

4/4/2016

**History:**

11/04/2015	M-NCPPC Technical Staff	approval with conditions
12/10/2015	M-NCPPC Planning Board	approval with conditions
01/11/2016	Sitting as the District Council	deferred
	<i>Council deferred this item to January 25, 2016.</i>	
01/25/2016	Sitting as the District Council	rescheduled
	<i>Due to inclement weather, the District Council Meeting was rescheduled to Tuesday, February 2, 2016 pursuant to Section 27-291 of the Zoning Ordinance.</i>	

02/02/2016 Sitting as the District Council elected to review  
*Council elected to review this item (Vote: 9-0).*

**Attachment(s):** [SDP-1003-07 Planning Board Resolution 15-121](#)  
 SDP-1003-07\_PORL  
[SDP-1003-07 Technical Staff Report condensed](#)

**NEW CASE(S)**

[ERR-248](#)

**Barbara England T/A BJ Folston & Associates, LLC**  
**Validation of Multi-Family Rental Housing License M-0426**

**Applicant(s):** Barbara England T/A BJ Folston & Associates, LLC  
**Location:** Located at 3601 Maywood Lane, Suitland, Maryland (14,389 square feet; R-10 Zone).  
**Request:** Requesting approval for validation of Prince George's County's Multi-Family Rental Housing License No. M-0426, issued in error on May 14, 2015 for eight (8) apartment units.  
**Council District:** 7  
**Appeal by Date:** 11/19/2015  
**Action by Date:** 3/21/2016  
**Opposition:** None

**History:**

10/20/2015 Zoning Hearing Examiner approval

01/11/2016 Sitting as the District Council deferred  
*Council deferred this item to January 25, 2016.*

01/25/2016 Sitting as the District Council rescheduled  
*Due to inclement weather, the District Council Meeting was rescheduled to Tuesday, February 2, 2016.*

02/02/2016 Sitting as the District Council deferred  
*This item was deferred to a later date.*

**Attachment(s):** [ERR-248 Zoning AIS](#)  
[ERR-248 Zoning Hearing Examiner Decision](#)  
 ERR-248\_PORL

**NEW CASE(S) (Continued)**[ERR-254](#)**Melvin V. Felix****Validation of Multifamily Rental License No. 6823/Case No. M-791****Applicant(s):**

Melvin V. Felix

**Location:**

Located at 3526 Maywood Lane, Suitland, Maryland.

**Request:**

Requesting approval for validation of Prince George's County Multifamily Rental Housing License No. 6823/ Case No. M-791, issued in error for two additions to a single-family home.

**Council District:**

7

**Appeal by Date:**

12/23/2015

**Action by Date:**

4/22/2016

**Opposition:**

None

**History:**

11/23/2015

Zoning Hearing Examiner

approval with conditions

01/11/2016

Sitting as the District Council

deferred

*Council deferred this item to January 25, 2016.*

01/25/2016

Sitting as the District Council

rescheduled

*Due to inclement weather, the District Council Meeting was rescheduled to Tuesday, February 2, 2016.*

02/02/2016

Sitting as the District Council

deferred

*This item was deferred to a later date.***Attachment(s):**[ERR-254 Zoning AIS](#)[ERR-254 Zoning Hearing Examiner Decision](#)

ERR-254 PORL

**NEW CASE(S) (Continued)****Fence Waiver-We-Rek**     **Jacqueline Hudak/We-Rek, Inc. d/b/a**

**Applicant(s):** Jacqueline Hudak/We-Rek, Inc. d/b/a/ Accokeek Auto Parts

**Location:** Located at 17305 and 17307 Manning Drive, Accokeek, Maryland (4.60 Acres; R-A- Zone).

**Request:** Requesting approval of a waiver of the fencing requirements for a certified nonconforming Salvage Yard in the R-4 (Residential Agricultural) Zone.

**Council District:** 9

**Appeal by Date:** 3/7/2016

**Action by Date:** 6/3/2016

**Opposition:** None

**History:**

02/04/2016	Zoning Hearing Examiner	approval with conditions
------------	-------------------------	--------------------------

**REFERRED FOR DOCUMENT****DSP-14040**     **Holladay Company's Addition to Brentwood to 8-15**

**Applicant(s):** Aslan, LLC

**Location:** Located on the eastern side of Rhode Island Avenue, between Volta Avenue and Webster Street (0.70 Acres; U-L-I / D-D-O Zones).

**Request:** Requesting approval of a Detailed Site Plan for the construction of a three story mixed-use building which includes 19,067 square feet of fabrication/retail/office and residential development.

**Council District:** 2

**Appeal by Date:** 12/10/2015

**Action by Date:** 4/22/2016

**Comment(s):** District Council review of this case is required by Section 27-548.26(b)(B) of the Zoning Ordinance.

**Municipality:** Town of Brentwood

**History:**

10/01/2015	M-NCPPC Technical Staff	approval with conditions
11/05/2015	M-NCPPC Planning Board	approval with conditions
01/25/2016	Sitting as the District Council	rescheduled

*Due to inclement weather, the District Council Meeting was rescheduled to Tuesday, February 2, 2016.*



02/22/2016 Sitting as the District Council hearing held; referred for docume  
*Cynthia Fenton, M-NCPPC, provided an overview of the Detailed Site Plan application. Russell Warfel, Esq. spoke in support on behalf of the applicant. There was no opposition. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.*

*Council referred item to staff for preparation of an approving document, with conditions (Vote: 7-0; Absent: Council Members Toles and Franklin).*

**Attachment(s):** [DSP-14040 ZAIS](#)  
[DSP-14040 Planning Board Resolution 15-112](#)  
 DSP-14040\_PORL  
[DSP-14040 Technical Staff Report](#)

#### **REFERRED FOR DOCUMENT (Continued)**

[SE-4749](#)

#### **Bhagya Village**

**Companion Case(s):** DDS-627

**Applicant(s):** Bhagya Village, LLC.

**Location:** Located on the east side of Cipriano Road, approximately 2,640 feet north of its intersection with Good Luck Road, and identified as 6711 Cipriano Road, Greenbelt, Maryland.

**Request:** Requesting approval of a Special Exception to use approximately 6.01 acres of R-80 (One-Family Detached Residential) zoned land as Apartment Housing for the Elderly and Physically Handicapped.

**Council District:** 4

**Appeal by Date:** 11/21/2015

**Review by Date:** 11/21/2015

**Action by Date:** 4/8/2016

**Opposition:** Dr. Ronald C. Carlson, David R. Brace, Raintree Homeowners Association, et. al.

#### **History:**

04/15/2015	M-NCPPC Technical Staff	approval with conditions
05/21/2015	M-NCPPC Planning Board	no motion to consider
10/22/2015	Zoning Hearing Examiner	disapproval
11/09/2015	Sitting as the District Council	elected to make the final decision

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

11/09/2015	Applicant	appealed
	<i>Michelle LaRocca, Esq., attorney for the applicant, filed exceptions to the Zoning Hearing Examiner's decision and requested Oral Argument.</i>	
02/08/2016	Sitting as the District Council	hearing held; case taken under advisement
	<i>Chairman Davis announced that the Oral Argument hearings for SE-4749 Bhagya Village DDS-627 Bhagya Village would be held in tandem. Taslima Alam, M-NCPPC, provided an overview of the Special Exception and Departure from Design Standards applications. Michelle LaRocca, Esq., spoke in support on behalf of the applicant. Michael Herman, Esq., H. Kent Hills, Ronald C. Carlson, David Brace and Omar Naz, who were formerly in opposition, spoke in support of the project with the revised conditions agreed to by the parties. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented, noting that the agreement mentioned is not currently in the case record.</i>	
	<i>Council took this case under advisement.</i>	
02/22/2016	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of an approving document, with conditions (Vote: 7-0; Absent: Council Members Toles and Franklin).</i>	
	<b><u>Attachment(s):</u></b> SE-4749 _Applicant Exceptions to the ZHE decision <a href="#">SE-4749 Zoning Hearing Examiner Decision</a> SE-4749 _PORL <a href="#">SE-4749 Technical Staff Report</a>	

**REFERRED FOR DOCUMENT (Continued)**[DDS-627](#)**Bhagya Village****Companion Case(s):** SE-4749**Applicant(s):** Bhagya Village, LLC**Location:** Located at 6711 Cipriano Road on the east side of Cipriano Road, approximately, 1,300 feet (one-quarter mile) north of its intersection with Good Luck Road and approximately, 2,640 feet (one-half mile) south of Greenbelt Road (MD 193).**Request:** Requesting approval of a Departure from Design Standards for the location of a loading space and its access driveway less than 50 feet from a residential zone in accordance with Subtitle 27 of the Prince George's County Code.**Council District:** 4**Appeal by Date:** 7/16/2015**Review by Date:** 7/16/2015**Action by Date:** 4/8/2016**History:**

04/15/2015 M-NCPPC Technical Staff approval with conditions

06/11/2015 M-NCPPC Planning Board approval with conditions

06/22/2015 Sitting as the District Council elected to review

*Council elected to review this item (Vote: 8-0; Absent: Council Member Patterson).*

02/08/2016                      Sitting as the District Council                      hearing held; case taken under advisement

*Chairman Davis announced that the Oral Argument hearings for SE-4749 Bhagya Village DDS-627 Bhagya Village would be held in tandem. Taslima Alam, M-NCPPC, provided an overview of the Special Exception and Departure from Design Standards applications. Michelle LaRocca, Esq., spoke in support on behalf of the applicant. Michael Herman, Esq., H. Kent Hills, Ronald C. Carlson, David Brace and Omar Naz, who were formerly in opposition, spoke in support of the project with the revised conditions agreed to by the parties. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented, noting that the agreement mentioned is not currently in the case record.*

*Council took this case under advisement.*

02/22/2016                      Sitting as the District Council                      referred for document

*Council referred item to staff for preparation of an approving document, with conditions (Vote: 7-0; Absent: Council Members Toles and Franklin).*

**Attachment(s):**

[DDS-627 Planning Board Resolution 15-53](#)  
DDS-627\_PORL

**ITEM(S) FOR DISCUSSION****DSP-13031****Beyond Restaurant****Applicant(s):**

Beyond Restaurant c/o James Ibe

**Location:**

Located on the east side of Baltimore Avenue (Alt. US 1), approximately 150 feet north of its intersection with Annapolis Road (MD 450). The site also has frontage on 46th Street to the east and on Shepherd Street, a paper street, to the south (1.63 Acres; M-X-T / D-D-O / I-D-O Zones).

**Request:**

Requesting approval of a Detailed Site Plan for renovation and expansion of an existing 18,905-square-foot building to include a multi-venue eating and drinking establishment and office use of 24,000 square feet. In one section of the building the applicant proposes a dinner theater.

**Council District:**

5

**Appeal by Date:**

12/3/2015

**Review by Date:**

1/4/2016

**Action by Date:**

4/8/2016

**Municipality:**

Town of Bladensburg

**History:**

09/21/2015 M-NCPPC Technical Staff approval with conditions

10/29/2015 M-NCPPC Planning Board approval with conditions

11/09/2015 Sitting as the District Council elected to review

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

12/03/2015 Person of Record appealed

*Alicia C. Melendez, Chair, Citizens' Action Committee of Bladensburg, appealed the Planning Board's decision and requested Oral Arguments.*

01/25/2016 Sitting as the District Council rescheduled

*Due to inclement weather, the District Council Meeting was rescheduled to Monday, February 8, 2016.*

02/01/2016 Applicant filed

*Traci R. Scudder, attorney for the applicant, filed a rebuttal to the December 3, 2015 appeal of Alicia C. Melendez.*

02/08/2016                      Sitting as the District Council                      hearing held; case taken under advisement

*Tom Lockard, M-NCPPC, provided an overview of the Detailed Site Plan application. Alicia Melendez spoke in opposition. Traci Scudder, Esq., attorney for the applicant, Walter James Jr., Mayor of the Town of Bladensburg, Mark Ferguson, Demetrius Givens, Commissioner, Town of Cottage City and Melanie Jones, Commissioner, Town of Cottage City spoke in support. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.*

*Council took this case under advisement.*

**Attachment(s):**

[DSP-13031 Zoning AIS](#)

[DSP-13031 Planning Board Resolution 15-107](#)

DSP-13031\_PORL

**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**

[DSP-00019-02](#)

**Chick-Fil-A Ballpark Road**

**Applicant(s):**

Chick-fil-A, Inc.

**Location:**

Located on the west side of Ballpark Road, approximately 400 feet south of its intersection with Robert S. Crain Highway (US 301).

**Request:**

Requesting approval of a 5,235-square-foot eating and drinking establishment with drive-through window, specifically a Chick-fil-A restaurant. The existing restaurant on the property will be removed.

**Council District:**

4

**Appeal by Date:**

3/24/2016

**Review by Date:**

3/24/2016

**History:**

01/13/2016

M-NCPPC Technical Staff

approval with conditions

02/18/2016

M-NCPPC Planning Board

approval with conditions

**PENDING FINALITY (Continued)****DSP-02021-01****Kinder Kidz Early Learning Center****Applicant(s):**

Nancy Henderson

**Location:**

Located on the north side of Mitchellville Road, approximately 1,015 feet west of the intersection of Mitchellville Road and Robert S. Crain Highway (US 301).

**Request:**

Requesting approval of a Detailed Site Plan to add a day care center as an accessory use to an existing church. The applicant is proposing to reduce the 248-seat church to a 208-seat church and add a 32-child, 1,343-square-foot, day care center within the vacant private school area of the church, and add an 80-square-foot storage shed located on the west side of the existing church.

**Council District:**

4

**Appeal by Date:**

3/17/2016

**Review by Date:**

3/17/2016

**Municipality:**

City of Bowie

**History:**

01/06/2016

M-NCPPC Technical Staff

approval with conditions

02/11/2016

M-NCPPC Planning Board

approval with conditions

02/22/2016

Sitting as the District Council

deferred

*This item was deferred to March 14, 2016.*

**DSP-15012****Royal Farms, Brandywine****Applicant(s):**

Two Farms, Inc.

**Location:**

Located on the west side of Branch Avenue (MD 5) in the southwest quadrant of its intersection with Moores Road.

**Request:**

Requesting approval of a Detailed Site Plan for a gas station and a 4,946-square-foot food and beverage store.

**Council District:**

9

**Appeal by Date:**

3/21/2016

**Review by Date:**

3/21/2016

**History:**

12/30/2015

M-NCPPC Technical Staff

approval with conditions

02/04/2016

M-NCPPC Planning Board

approval with conditions

**PENDING FINALITY (Continued)****ROSP-856-05****Potomac Energy Holdings - Greenbelt Road****Applicant(s):**

Potomac Energy Holdings, LLC

**Location:**

Located on the southwest side of Greenbelt Road (MD 193) between Cipriano Road and Baywood Road.

**Request:**

Requesting approval of a minor revision of the approved site plan in order to slightly increase the size of an existing canopy, replace underground tanks, and add a single-sided diesel fueling position and canopy to the rear of the site. The existing building, monument sign, parking area, and access drives are to remain unchanged.

**Council District:**

3

**Appeal by Date:**

3/17/2016

**Review by Date:**

3/17/2016

**History:**

01/05/2016	M-NCPPC Technical Staff	approval with conditions
02/11/2016	M-NCPPC Planning Board	approval with conditions
02/22/2016	Sitting as the District Council	deferred

*This item was deferred to March 14, 2016.***ADJOURN****1:30 PM RULES/GENERAL ASSEMBLY COMMITTEE – (COUNCIL HEARING ROOM)***(SEE SEPARATE AGENDA)*