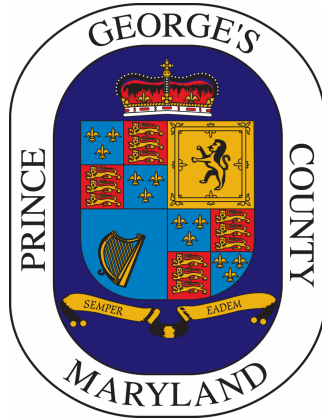


# Prince George's County Council

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



## **Zoning Agenda - Final**

**Monday, April 4, 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**

*Thomas Mayah, County Employee*

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 03282016](#)

**District Council Minutes dated March 28, 2016**

**ORAL ARGUMENTS**

[ERR-238 REMAND](#)

**Alvin E. Courtney, Jr. (Remand)**

**Validation of Multifamily Rental Housing License M-1066**

**Companion Case(s):** ERR-238

**Applicant(s):** Alvin Courtney

**Location:** Located at 3505 Varnum Street, Brentwood, Maryland (4.92 Acres; R-55/D-D-O Zones).

**Request:** Requesting approval for validation of Prince George's County's Multifamily Rental Housing License No. M-1066 issued in error on July 6, 2013 for three (3) multifamily dwelling units.

**Council District:** 2

**Appeal by Date:** 1/11/2016

**Action by Date:** 4/29/2016

**Municipality:** Town of Brentwood

**Opposition:** None

**History:**

07/06/2015                      Sitting as the District Council                      remanded

*Council adopted the prepared Order of Remand to the Zoning Hearing Examiner (Vote: 8-0; Absent: Council Member Glaros).*

12/11/2015	Zoning Hearing Examiner	approval with conditions
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	referred for document
	<i>Council referred item to staff for preparation of an approving document in accordance with the Zoning Hearing Examiner's decision (Vote: 9-0).</i>	
02/08/2016	Sitting as the District Council	approval with conditions
	<i>Council adopted the prepared Zoning Ordinance No. 2 - 2016 validating Multifamily Rental Housing License M-1066 (Vote: 7-0; Absent: Council Members Harrison and Lehman).</i>	
02/10/2016	Clerk of the Council	mailed
	<i>The Notice of Final Decision of the District Council was mailed to Persons of Record.</i>	
02/19/2016	Applicant	filed
	<i>Thomas H. Haller, Esquire, attorney for the applicant, filed a Request for Reconsideration pursuant to section 27-135(a) of the Prince George's County Code and requested Oral Argument.</i>	
02/22/2016	Sitting as the District Council	reconsidered
	<i>Stan Brown, People's Zoning Counsel, sought to clarify the request for reconsideration.</i>	
	<i>Council granted the request for reconsideration (Vote: 7-0; Absent: Council Members Franklin and Toles).</i>	
02/22/2016	Sitting as the District Council	directed Clerk to schedule a public hearing
	<i>Council directed the Clerk to schedule an Oral Argument for this item (Vote: 7-0; Absent: Council Members Franklin and Toles).</i>	

**Attachment(s):**

ERR-238 Remand\_Reconsideration Request

[ERR-238 Remand\\_Zoning AIS\\_02102016](#)[ERR 238 District Council Final Decision\\_02082016](#)[ERR-238 Remand\\_Zoning Hearing Examiner Decision](#)[ERR 238 District Council Decision 07062015](#)

**REFERRED FOR DOCUMENT****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.*



03/28/2016                      Sitting as the District Council                      referred for document  
*Council referred item to staff for preparation of an approving document  
 (Vote: 9-0).*

**ITEM(S) FOR DISCUSSION****DSP-13008-01****Gilpin Property****Applicant(s):**

Silver Branch, LLC

**Location:**

Located in the southeastern quadrant of the intersection of Southern Avenue and Wheeler Road, approximately 770 feet northeast of Southview Drive.

**Request:**

Requesting approval of a Detailed Site Plan for the construction of an additional 98,832 square feet of consolidated-storage use with an additional 948 interior and exterior-access units in one new building and three building expansions to the existing 58,430-square-foot consolidated storage building with 515 interior-access units.

**Council District:**

7

**Appeal by Date:**

2/11/2016

**Review by Date:**

2/11/2016

**Action by Date:**

4/8/2016

**History:**

12/03/2015	M-NCPPC Technical Staff	approval with conditions
01/07/2016	M-NCPPC Planning Board	approval with conditions
02/08/2016	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 8-0; Absent: Council Member Lehman).</i>	
03/28/2016	Sitting as the District Council	hearing held; case taken under advisement
	<i>Jill Kosack, M-NCPPC, provided an overview of the Detailed Site Plan application. Dan Lynch, Esq. spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.</i>	

*Council took this case under advisement.*

**Attachment(s):**

DSP-13008-01\_PORL

[DSP-13008-01 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**[DSP-07073-02](#)**National Harbor, Beltway Parcel, Parcels 1-3 & 5-7****Companion Case(s):** DDS-624**Applicant(s):** National Harbor Beltway Parcel, LLC

**Location:** The subject site is generally located approximately one mile northeast of the Woodrow Wilson Bridge, in the southwest quadrant of the intersection of the Capital Beltway (I-95/495) and Indian Head Highway (MD 210). The tract is south of I-95/495, and west of Oxon Hill Road, with frontage on Oxon Hill Road to the east, National Avenue to the north, and Harborview Avenue to the south. The Beltway Parcel is on an elevated plateau overlooking the waterfront entertainment/retail complex portion of National Harbor (49.66 Acres; M-X-T Zone).

**Request:** Requesting approval of a Detailed Site Plan for a gas station/food and beverage store; commercial recreational/outdoor exhibition areas; a 500-room hotel; 891 multifamily/timeshare residential units; retail, restaurant, entertainment; and a heliport consisting of a total of 1,278,100 square feet on proposed Parcels 1, 2, 3, 5, 6, and 7 of the National Harbor, Beltway Parcel.

**Council District:** 8**Appeal by Date:** 4/21/2016**Review by Date:** 4/21/2016**History:**

02/18/2016	M-NCPPC Technical Staff	approval with conditions
03/17/2016	M-NCPPC Planning Board	approval with conditions



**PENDING FINALITY (Continued)**[DDS-624](#)**National Harbor, Beltway Parcel, Proposed Parcel 5****Companion Case(s):** DSP-07073-02**Applicant(s):** National Harbor Beltway Parcel, LLC**Location:** The subject site is generally located approximately one mile northeast of the Woodrow Wilson Bridge, in the southwest quadrant of the intersection of the Capital Beltway (I-95/495) and Indian Head Highway (MD 210). The tract is south of I-95/495, and west of Oxon Hill Road, with frontage on Oxon Hill Road to the east, National Avenue to the north, and Harborview Avenue to the south. The Beltway Parcel is on an elevated plateau overlooking the waterfront entertainment/retail complex portion of National Harbor (49.66 Acres; M-X-T Zone).**Request:** Requesting approval of a Departure from Design Standards for a parking space size of 9 feet by 18 feet for all non-handicapped spaces on Parcel 5 only.**Council District:** 8**Appeal by Date:** 4/21/2016**Review by Date:** 4/21/2016**History:**

02/18/2016	M-NCPPC Technical Staff	approval
03/17/2016	M-NCPPC Planning Board	approval

**PENDING FINALITY (Continued)****DSP-15011****Forks of the Road****Applicant(s):**

Forks of the Road, LLC.

**Location:**

Located in the northwest quadrant of the intersection of Ritchie Marlboro Road and Old Marlboro Pike (MD 725). This intersection is designated by the approved 2007 Westphalia Sector Plan and Sectional Map Amendment (Westphalia Sector Plan and SMA) as one of the nine gateways into the Westphalia area (8-98 Acres; M-X-T Zone).

**Request:**

Requesting approval of a Detailed Site Plan for grading and infrastructure only, specifically, clearing, grading the site, and installing a sewer pipe.

**Council District:**

6

**Appeal by Date:**

4/28/2016

**Review by Date:**

4/28/2016

**History:**

02/17/2016

M-NCPPC Technical Staff

approval with conditions

03/24/2016

M-NCPPC Planning Board

approval with conditions

**ADJOURN****12:00 PM RULES/GENERAL ASSEMBLY COMMITTEE – (COUNCIL HEARING ROOM)***(SEE SEPARATE AGENDA)*