

Prince George's County Council

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



Zoning Agenda

Monday, July 14, 2014

10:00 AM

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

9:30 AM AGENDA BRIEFING

10:00 AM CALL TO ORDER

INVOCATION - Johnie L. Higgs, County Employee

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 06022014](#) **District Council Minutes dated June 2, 2014**

Attachment(s): [06-02-2014 District Council Minutes DRAFT](#)

[MINDC 06032014](#) **District Council Minutes dated June 3, 2014**

Attachment(s): [06-03-2014 District Council Minutes DRAFT](#)

[MINDC 06172014](#) **District Council Minutes dated June 17, 2014**

Attachment(s): [06-17-2014 District Council Minutes DRAFT](#)

[MINDC 06302014](#) **District Council Minutes dated June 30, 2014**

Attachment(s): [06-30-2014 District Council Minutes DRAFT](#)

ORAL ARGUMENTS[DSP-07073-01](#)**National Harbor, Beltway Parcel, MGM Lots 2-7****Companion Case(s):** DDS-623**Applicant(s):** MGM National Harbor, LLC**Location:** Located approximately one mile north of the Woodrow Wilson Bridge, southwest of the intersection of I-95/495 (Capital Beltway) and Indian Head Highway (MD 210) (49.47 Acres; M-X-T Zone).**Request:** Requesting approval of a Detailed Site Plan for an entertainment establishment of a commercial nature with a video lottery facility, retail, restaurants and a 300-room hotel for a total of approximately 1,078,237 square feet of development.**Council District:** 8**Appeal by Date:** 6/9/2014**Review by Date:** 6/9/2014**Action by Date:** 10/14/2014**History:**

04/24/2014	M-NCPPC Technical Staff	approval with conditions
	<i>William Nuckols appealed the Planning Board's decision in opposition and requested Oral Argument.</i>	
05/09/2014	M-NCPPC Planning Board	approval with conditions
05/12/2014	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 9-0).</i>	
06/09/2014	Person of Record	appealed
	<i>William Nuckols appealed the Planning Board's decision in opposition and requested Oral Argument.</i>	

Attachment(s): [DSP-07073-01 Planning Board Resolution 14-36](#)[DSP-07073-01_PORL](#)[DSP-07073-01 & DDS-623 Appeal Letter](#)

[DDS-623](#)**National Harbor, Beltway Parcel, MGM Lot 4****Companion Case(s):** DSP-07073-01**Applicant(s):** MGM National Harbor, LLC**Location:** Located approximately one mile north of the Woodrow Wilson Bridge, southwest of the intersection of I-95/495 (Capital Beltway) and Indian Head Highway (MD 210) (49.47 Acres; M-X-T Zone).**Request:** Requesting approval of a Departure from Section 27-558(a) of the Zoning Ordinance to allow a reduced standard, nonparallel parking space size to be used for all of the provided parking spaces.**Council District:** 8**Appeal by Date:** 6/9/2014**Review by Date:** 6/9/2014**Action by Date:** 10/14/2014**History:**

04/24/2014 M-NCPPC Technical Staff approval with conditions

05/08/2014 M-NCPPC Planning Board approval with conditions

05/12/2014 Sitting as the District Council elected to review

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

06/09/2014 Person of Record appealed

*William Nuckols appealed the Planning Board's decision in opposition and requested Oral Argument.***Attachment(s):** [DDS-623 Planning Board Resolution 14-37](#)

DDS-623_PORL

[DSP-07073-01 & DDS-623 Appeal Letter](#)

NEW CASE[ERR-234](#)**Temnit and Fitwi Tekeste****Validation of Multi-Family Rental License No. 3933/(Project ID # M-798)****Applicant(s):**

Temnit and Fitwi Tekeste

Location:

Located at 6112 41st Avenue, Hyattsville, Maryland (0.128 Acres; R-18 Zone).

Request:

Requesting approval for validation of Prince George's County Multi-Family Rental License No. 3933 (Project ID# M-798) issued in error on May 25, 1990, to operate a three unit multifamily dwelling.

Council District:

2

Appeal by Date:

7/3/2014

Review by Date:

7/3/2014

Action by Date:

11/3/2014

Municipality:

City of Hyattsville

Opposition:

None

History:

06/03/2014

Zoning Hearing Examiner

approval

ITEM FOR DISCUSSION[DSP-99006-01](#)**McDonald's- Hyattsville****Applicant(s):**

McDonald's Corp.

Location:

Located on the south side of East-West Highway (MD 410) at its intersection with Toledo Terrace (13.21 Acres; C-S-C/T-D-O-Z Zones)

Request:

Requesting approval of a Detailed Site Plan to amend the Table of Uses of the 1998 Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone (TDDP), to permit a 4,197-square-foot restaurant freestanding eating and drinking establishment with drive-through in the C-S-C and T-D-O Zones

Council District:

2

Appeal by Date:

6/20/2013

Review by Date:

6/20/2013

Action by Date:

11/8/2013

Comment(s):

District Council review of this case is required by Section 27-548.09.01 (b) of the Zoning Ordinance.

History:

04/10/2013

M-NCPPC Technical Staff

approval with conditions

05/16/2013

M-NCPPC Planning Board

approval with conditions

06/05/2013

Applicant

appealed

On June 5, 2013, Daniel F. Lynch, Esquire, Attorney for the Applicant, appealed the Planning Board's decision and requested Oral Argument.

09/09/2013

Sitting as the District Council

hearing held; case taken under advisement

Steve Adams, M-NCPPC, provided an overview of the Detailed Site Plan application. Dan Lynch spoke in support of the case on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the case. The Oral Argument hearing was held; Council took this case under advisement.

10/28/2013

Sitting as the District Council

referred for document

10/28/2013

Sitting as the District Council

approval with conditions

Document: Order Affirming Planning Board Decision, with Conditions

- 11/20/2013 Person of Record appealed
The City of Hyattsville through its attorneys Richard T. Colaresi and E.I.Cornbrooks, IV filed a Petition for Judicial Review in the Circuit Court for Prince Georges County, Maryland.
- 11/26/2013 Person of Record appealed
The City of Hyattsville through its attorneys Richard T. Colaresi and E.I.Cornbrooks, IV filed a Revised Petition for Judicial Review in the Circuit Court for Prince Georges County, Maryland.
- 06/24/2014 Circuit Court transmitted
The Circuit Court for Prince George’s County, by Order, Reversed the decision of the District Council.
- The petition for judicial review challenged the District Council’s approval of the applicant’s revised Detailed Site Plan. At issue in the petition for judicial review was the District Council's condition of approval which granted, over Planning Board's objection, the applicant's request to amend the Table of Uses in order to construct a McDonald’s with a drive-through. The Circuit Court remanded this matter to the District Council with instructions to review the Planning Board’s resolution.*
- Accordingly, this matter is before the Council for appropriate action.*

Attachment(s):

[DSP-99006-01 District Council Order](#)

[DSP 99006-01 Planning Board Resolution](#)

[DSP-99006-01 Tech 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.

(a) ZONING HEARING EXAMINER**SE-4716****Bazz and Crue**

<u>Applicant(s):</u>	CD #15CL2001, Inc. d/b/a Bazz and Crue Group Hall	
<u>Location:</u>	Located at the northeaset corner of Forestville Road and Marlboro Pike also identified as 7752 and 7754 Forestville Road (18.17 Acres; I-1/D-D-O Zones).	
<u>Request:</u>	Requesting approval of a Special Exception for an Adult Entertainment in an approximately 4000 square feet of an 18.17 acre Shopping Center in the C-S-C /D-D-O Zone.	
<u>Council District:</u>	6	
<u>Appeal by Date:</u>	8/7/2014	
<u>Review by Date:</u>	9/8/2014	
<u>Municipality:</u>	None	
<u>Opposition:</u>	Margaret White, et. al.	
<u>History:</u>		
10/24/2012	M-NCPPC Technical Staff	disapproval
11/09/2012	M-NCPPC Planning Board	no motion to consider
07/08/2014	Zoning Hearing Examiner	disapproval
<u>Attachment(s):</u>	SE-4716 Zoning Hearing Examiner Decision SE-4716 Technical Staff Report	

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.

PENDING FINALITY (Continued)**(b) PLANNING BOARD****CSP-07001-01****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 approval of a Conceptual Site Plan for a revision of the previously approved Conceptual Site Plan for Westphalia Row, by replacing the previously approved triplex residential units with townhouses.

Council District:

6

Appeal by Date:

7/31/2014

Review by Date:

7/31/2014

History:

05/22/2014

M-NCPPC Technical Staff

approval with conditions

06/26/2014

M-NCPPC Planning Board

approval with conditions

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 to develop the subject property with a mixed-use development, including 314 multifamily 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

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

Council deferred this item.

ADJOURN

1:00 P.M. BRIEFING - (ROOM 2027)

CONGRESSWOMAN DONNA F. EDWARDS