

# Prince George's County Council

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



## **Zoning Agenda - Final**

**Monday, June 20, 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, Maryland 20785*

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 06132016-1](#)      **District Council Minutes dated June 13, 2016-Part 1**

**Attachment(s):**      [6-13-2016 District Council Minutes\\_Part 1 DRAFT](#)

[MINDC 06132016-2](#)      **District Council Minutes dated June 13, 2016-Part 2**

**Attachment(s):**      [6-13-2016 District Council Minutes\\_Part 2 DRAFT](#)

**ORAL ARGUMENTS****A-10030****Oakcrest, Lots 11-13****Applicant(s):**

Nazario Family, LLC/Oak Crest Lots 11-13

**Location:**

Located at the northwest quadrant of the intersection of Magnolia Street and Clarke Avenue, approximately 320 feet east of Baltimore Avenue (US 1), identified as Part of Lot 23, and Lots 12-13, Block 3 of the Oak Crest Subdivision, Laurel, Maryland.

**Request:**

Requesting approval of a Zoning Map Amendment to rezone approximately 0.518 acre (approximately 22,500 sq. ft) of R-55 (One-Family Detached Residential) zoned land to the C-S-C (Commercial Shopping Center) Zone.

**Council District:**

1

**Appeal by Date:**

3/25/2016

**Action by Date:**

7/25/2016

**Opposition:**

None

**History:**

09/30/2015	M-NCPPC Technical Staff	disapproval
02/24/2016	Zoning Hearing Examiner	disapproval
03/23/2016	Applicant	appealed

*Michael S. Nagy, Esquire, attorney for the applicant, filed exceptions to the Zoning Hearing Examiner's decision and requested Oral Argument.*

03/28/2016	Sitting as the District Council	announced hearing date
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*Council announced that the Oral Argument Hearing is scheduled for May 16, 2016.*

05/16/2016	Sitting as the District Council	deferred
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*At the request of the attorney for the applicant, council deferred this hearing to June 20, 2016.*

06/13/2016	Sitting as the District Council	announced hearing date
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*Council announced that the Oral Argument Hearing is rescheduled for June 20, 2016*

**Attachment(s):** [A-10030 Zoning AIS](#)  
 A-10030 Exceptions to the ZHE Decision  
[A-10030 Zoning Hearing Examiner Decision](#)  
 A-10030 PORL

**REFERRED FOR DOCUMENT**

[ROSP SE-3344-05](#)

**Collington Episcopal Life Care Community**

**Applicant(s):** Collington Episcopal Life Care Community, Inc.

**Location:** Located in the northeast quadrant of the intersection of Lottsford Road and Campus Way North.

**Request:** Requesting approval for a Revision of Site Plan Special Exception for a further amendment to the approved Site Plan to allow the construction of small sunrooms and/or additions to existing dwellings (cottages and villas).

**Council District:** 5

**Appeal by Date:** 5/13/2016

**Action by Date:** 9/26/2016

**Opposition:** None

**History:**

06/25/2015	Applicant	filed
	<i>Gregory C. Benefiel, on behalf of the applicant, filed a request for a Revision of a Site Plan Special Exception with the Clerk of the Council.</i>	
07/09/2015	Clerk of the Council	administrative referral to the Zoning Hearing Examiner
12/21/2015	M-NCPPC Technical Staff	approval with conditions
01/28/2016	M-NCPPC Planning Board	no motion to consider
04/28/2016	Zoning Hearing Examiner	approval with conditions
06/13/2016	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 Turner).</i>	

**Attachment(s):** [ROSP SE-3344-05 Zoning AIS](#)  
[ROSP SE-3344-05 Zoning Hearing Examiner Decision](#)  
 ROSP SE-3344-05 PORL

**ITEM(S) FOR DISCUSSION**

[SDP-0315-04 Amend  
Conditions](#)

**Beech Tree, East Village Sections 4 & 5****Applicant(s):**

VOB Limited Partnership

**Location:**

Located on the west side of Robert S. Crain Highway (US 301), south of Leeland Road; specifically Section 4 is located on the north side of Beech Tree Parkway and on the east and west sides of Moores Plains Boulevard and Section 5 is located on the south side of Beech Tree Parkway.

**Request:**

Requesting approval to Amend a Condition (Condition 8) on the original Specific Design Plan-03015-04 which the District Council approved on April 1, 2014. Specifically requesting that approved condition 8 in SDP-0315-04 be revised to reflect an updated number of townhouses in East Village 5 ("EV5") of the Beechtree project to be built with side entries.

**Council District:**

6

**Comment(s):**

Case would normally get a hearing before the Zoning Hearing Examiner (ZHE). However; the ZHE is recommending that this request be dismissed or denied due to the restraints placed on the District Council in the recent 'Zimmer' decision.

**History:**

04/01/2014	Sitting as the District Council	approval with conditions
	<i>Council adopted the prepared Order of approval, with conditions (Vote: 9-0).</i>	
05/24/2016	Applicant	filed
	<i>Robert J. Antonetti, Jr., Esquire, attorney for the applicant, filed a Request to Amend a Condition (Condition 8).</i>	
05/31/2016	Clerk of the Council	transmitted
	<i>Clerk of the Council transmitted the request to the Zoning Hearing Examiner.</i>	
06/06/2016	Zoning Hearing Examiner	transmitted
	<i>Zoning Hearing Examiner transmitted a memorandum recommending that the request be dismissed or denied due to the restraints placed on the District Council in the recent 'Zimmer' decision.</i>	

06/15/2016

Applicant

filed

*Robert J. Antonetti, Jr., Esquire, attorney for the applicant, filed a response to the June 6, 2016 memorandum from the Zoning Hearing Examiner's Office indicating that the applicant still believes that the ZHE should hold a hearing.*

**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-04081-09](#)**Greenbelt Station, Phase 1****Applicant(s):**

NVR MS Cavalier Greenbelt

**Location:**

Located north of Greenbelt Road, west of Cherrywood Lane, and south of the Capital Beltway, bounded on the west side by the Greenbelt Metrorail and MARC rail tracks (64.21 Acres; M-X-T / D-D-O Zones).

**Request:**

Requesting approval of a Detailed Site Plan for Phase 1 of the South Core of the overall development known as Greenbelt Station. The applicant is requesting a revision to the trigger for the construction of the stream valley trail.

**Council District:**

4

**Appeal by Date:**

7/7/2016

**Review by Date:**

7/7/2016

**Municipality:**

City of Greenbelt

**History:**

05/18/2016

M-NCPPC Technical Staff

approval with conditions

06/02/2016

M-NCPPC Planning Board

approval with conditions

**PENDING FINALITY (Continued)**[DSP-06072-01](#)**Glenn Dale Commons, Phase 1****Applicant(s):**

SLDM, LLC.

**Location:**

Phase 1 of the Glenn Dale Commons project is located in the northwestern quadrant of the intersection of Aerospace Road and Hubble Drive in the central western portion of the larger Glenn Dale Commons development as approved in Conceptual Site Plan CSP-06001-01 (11.95 Acres; M-X-T / I-1 Zones).

**Request:**

Requesting approval of a Detailed Site Plan for 111 townhouses and 32 two-family dwellings (a total of 175 units). This DSP is the townhouse and two-family dwelling component of the larger Glenn Dale Commons project. This also includes a variance from the requirements of Section 27-548 of the Zoning Ordinance.

**Council District:**

4

**Appeal by Date:**

6/30/2016

**Review by Date:**

6/30/2016

**History:**

05/05/2016

M-NCPPC Technical Staff

approval with conditions

05/26/2016

M-NCPPC Planning Board

approval with conditions

**Attachment(s):**[DSP-06072-01 Zoning AIS](#)



**PENDING FINALITY (Continued)**[DSP-08039-08](#)**Westphalia Row, Phase III****Applicant(s):**

Westphalia Row Partners, LLC.

**Location:**

Located in the southwest corner of the intersection of Ritchie Marlboro Road and Sansbury Road. This intersection is designated by the February 2007 Approved Westphalia Sector Plan and Sectional Map Amendment (Westphalia Sector Plan SMA) as one of nine gateways into Westphalia area (20.67 Acres; M-X-T Zone).

**Request:**

Requesting approval of a Detailed Site Plan for 67 fee-simple, rear-loaded townhouses and 10,000 square feet of commercial uses. This DSP is a revision to the previously approved DSP for Phase III of the Westphalia Row project that included 250 multifamily units and 57,600 square feet of commercial uses.

**Council District:**

6

**Appeal by Date:**

7/7/2016

**Review by Date:**

7/7/2016

**History:**

04/27/2016	M-NCPPC Technical Staff	approval with conditions
06/02/2016	M-NCPPC Planning Board	approval with conditions
06/13/2016	Sitting as the District Council	deferred

*This item was deferred to June 20, 2016.*

**PENDING FINALITY (Continued)**[DSP-08043-01](#)**Royal Farms, Sansbury****Applicant(s):**

Two Farms, Inc.

**Location:**

Located in the southeast corner of the intersection of Ritchie Marlboro Road and Sansbury Road. This intersection is designated by the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment (Westphalia Sector Plan and SMA) as one of nine gateways into Westphalia and is proposed as the location of a mixed-use village center (4.48 Acres; M-X-T Zone).

**Request:**

Requesting approval of a Detailed Site Plan for a 5,166-square-foot food and beverage store and gas station on 4.48 acres of land.

**Council District:**

6

**Appeal by Date:**

7/14/2016

**Review by Date:**

7/14/2016

**History:**

05/05/2016

M-NCPPC Technical Staff

approval with conditions

06/09/2016

M-NCPPC Planning Board

approval with conditions

**PENDING FINALITY (Continued)**[DSP-15020-01](#)**Capital Plaza Walmart****Applicant(s):**

Wal-Mart Real Estate Business Trust

**Location:**

Located on the north side of Annapolis Road (MD 450), specifically within the Capital Plaza Shopping Center approximately 2,000 linear feet east of the intersection of MD 450 and the Baltimore–Washington Parkway (MD 295) (43.82 Acres; C-S-C / D-D-O Zones).

**Request:**

Requesting approval of a Detailed Site Plan for the construction of a 35,287-square-foot addition to the existing 144,227-square-foot department store (which represents an expansion of a certified nonconforming use), modifications to the associated parking area, and other site improvements.

**Council District:**

3

**Appeal by Date:**

6/30/2016

**Review by Date:**

6/30/2016

**Municipality:**

Town of Landover Hills

**History:**

04/15/2016	M-NCPPC Technical Staff	approval with conditions
05/26/2016	M-NCPPC Planning Board	approval with conditions
06/13/2016	Sitting as the District Council	deferred

*This item was deferred to June 20, 2016.*

**PENDING FINALITY (Continued)**[DSP-15038](#)**Brooks Drive South****Applicant(s):**

Oakcrest West LLC

**Location:**

Located in the northwestern quadrant of the intersection of Brooks Drive and Pennsylvania Avenue (MD 4) (11.04 Acres; R-10 Zone).

**Request:**

Requesting approval of a Detailed Site Plan for infrastructure for 300 multifamily units.

**Council District:**

7

**Appeal by Date:**

6/30/2016

**Review by Date:**

6/30/2016

**History:**

04/18/2016	M-NCPPC Technical Staff	approval with conditions
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05/26/2016	M-NCPPC Planning Board	approval with conditions
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06/13/2016	Sitting as the District Council	deferred
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*This item was deferred to June 20, 2016.*

**PENDING FINALITY (Continued)****NCGS-22****Greenbelt Auto Holdings Corp****Applicant(s):**

Greenbelt Auto Holding Corp

**Location:**

Located in the northern quadrant at the intersection of Centerway Road and Crescent Road, within the Old Greenbelt Town Center, also identified as 159 Centerway and 161 Centerway (0.49 Acres; C-S-C Zone).

**Request:**

Requesting approval of a Nonconforming Gas Station to add a 12-foot-high by 20-foot-long by 12-foot-wide storage shed to an existing nonconforming use gas station and auto repair garage as an accessory building to replace a previously existing (without permits) storage shed, which is considered a nuisance/safety concern.

**Council District:**

4

**Appeal by Date:**

5/5/2016

**Review by Date:**

7/6/2016

**Municipality:**

City of Greenbelt

**History:**

02/12/2016

M-NCPPC Technical Staff

approval with conditions

03/31/2016

M-NCPPC Planning Board

approval with conditions

**ADJOURN**