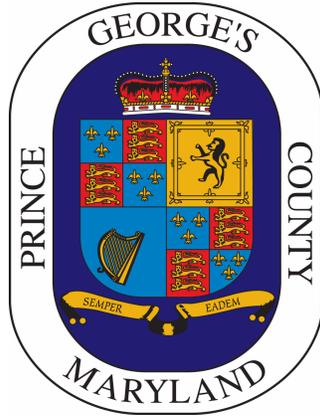


Prince George's County Council

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



Zoning Agenda

Monday, September 22, 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 - Edwin H. Brown, County Employee****PLEDGE OF ALLEGIANCE****APPROVAL OF DISTRICT COUNCIL MINUTES**[MINDC 07232014](#)**District Council Minutes dated July 23, 2014****Attachment(s):**[07-23-2014 District Council Minutes draft](#)[MINDC 09082014](#)**District Council Minutes dated September 8, 2014****Attachment(s):**[09-08-2014 District Council Minutes draft](#)**ORAL ARGUMENT**[DSP-04076-04](#)**EYA Hyattsville Redevelopment, Phase I****Applicant(s):**

Gregory Shron

Location:

Located on the west side of Baltimore Avenue (US1), South of its intersection with Madison Street (6.77 Acres; M-U-I / D-D-O Zones).

Request:

Requesting approval for a Detailed Site Plan for the following amendments to the previously approved plans: convert three live/work units to residential units with resulting architectural changes; revise the layout of the tot lot; add 156 square feet of land to the application; revise the Lot 129/130 courtyard, building footprint, lot line and trash enclosure; add a privacy fence to Lot 127; and revise sheets and tables.

Council District:

2

Appeal by Date:

7/24/2014

Action by Date:

1/22/2015

Municipality:

City of Hyattsville

History:

05/30/2014

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

did not elect to review

Council took no action on this item.

07/24/2014

Person of Record

appealed

Ms. Faith Davis appealed the Planning Board's decision in opposition and requested Oral Argument.

Attachment(s):[DSP-04076-04 Appeal Letter](#)[DSP-04076-04 Planning Board Resolution 14-53](#)[DSP-04076-04 PORL](#)[DSP-04076-04 Technical Staff Report](#)**NEW CASES****ERR-235****Tang Properties****Validation of Multi-Family Rental License No. M-0135****Applicant(s):**

Tang Properties, LLC

Location:

Located at 905 Fairview Avenue, Takoma Park, Maryland (0.159 Acres; R-18 Zone).

Request:

Requesting approval for validation of Prince Georges County Multi-Family Rental License No. M-0135 issued in error on February 1, 2013 for 6 apartment units located in the R-18 Zone.

Council District:

2

Appeal by Date:

8/25/2014

Action by Date:

2/23/2015

Municipality:

None

Opposition:

None

History:

07/31/2014

Zoning Hearing Examiner

approval

Attachment(s):[ERR-235 Zoning Hearing Examiner Decision](#)

Backup: Zoning Ordinance in accordance with the Zoning Hearing Examiner, subject to final action by the District Council.

NEW CASES (Continued)[ERR-236](#)**Crest Apartments****Validation of Multi Family Rental License No. M-0032**

Applicant(s): Crest Apartments

Location: Located at 5225, 5227, 5229 and 5231 Marlboro Pike, Capitol Heights, Maryland (1.97 Zcres, R-18 Zone).

Request: Requesting approval for validation of Prince Georges County Multi-Family Rental License No. M-0032 issued in error on December 27, 2013 for 44 apartment units located in the R-18 Zone.

Council District: 7

Appeal by Date: 8/29/2014

Action by Date: 2/27/2015

Municipality: None

Opposition: None

History:

07/30/2014 Zoning Hearing Examiner approval

Attachment(s): [ERR-236 Zoning Hearing Examiner Decision](#)

Backup: Zoning Ordinance in accordance with the Zoning Hearing Examiner, subject to final action by the District Council.

REFERRED FOR DOCUMENT[CNU-34763-2011](#)**Eberwein Group, LLC t/a Merlin Auto Club****Applicant(s):**

Eberwein Group, LLC t/a Merlin Auto Club

Location:

Located at 5603 Marlboro Pike, District Heights, Maryland (0.987 Acres; R-18 Zone).

Request:

Requesting approval of a Nonconforming Use Certification for an existing used car dealership in the R-18 Zone.

Council District:

7

Appeal by Date:

7/30/2014

Action by Date:

9/29/2014

Municipality:

City of District Heights

Opposition:

None

History:

02/29/2012

M-NCPPC Administrative Certification approval

03/26/2012

Sitting as the District Council elected to review

04/04/2012

Clerk of the Council transmitted

Pursuant to Sec. 27-244 of the Zoning Ordinance, the Clerk of the Council transmitted the entire case to the Zoning Hearing Examiner for a Public Hearing.

07/15/2014

Zoning Hearing Examiner approval

09/08/2014

Sitting as the District Council elected to review

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

09/08/2014

Sitting as the District Council reconsidered

Council reconsidered its previous action to elect to reivew (Vote: 9-0).

09/08/2014

Sitting as the District Council referred for document

Council referred item to staff for the preparation of an approving document, with conditions (Vote: 9-0).

Attachment(s):[CNU-34763-2011 Zoning Hearing Examiner Decision](#)

Backup: Order in accordance with the Zoning Hearing Examiner, subject to final action by the District Council.

ITEMS FOR DISCUSSION[DSP-89063-07](#)**Duvall Village Shopping Center, Wal-Mart****Applicant(s):**

Wal-Mart Real Estate Business Trust

Location:

Located on 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.

Council District:

5

Appeal by Date:

5/1/2014

Review by Date:

5/1/2014

Action by Date:

9/29/2014

History:

02/20/2014	M-NCPPC Technical Staff	approval with conditions
03/27/2014	M-NCPPC Planning Board	approval with conditions
04/14/2014	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 9-0).</i>	
05/01/2014	Person of Record	appealed
	<i>G. Macy Nelson, Attorney for the opposition, filed an appeal to the decision of the Planning Board and requested Oral Argument.</i>	
06/30/2014	Sitting as the District Council	hearing held; case taken under advisement

Ruth Grover, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application and Glenn Burton, M-NCPPC Transportation staff, responded to questions. G. Macy Nelson, Esq., Attorney for the opposition, along with Jennifer Dwyer and Margaret Boles, spoke in opposition. Andre Gingles, Esq., Attorney for the applicant, along with Denise Tyler and Margaret Douglas, spoke in support. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.

Attachment(s):[DSP-89063-07 Planning Board Resolution 14-16](#)

DSP-89063-07_PORL

[DSP-89063-07 Technical Staff Report](#)[DSP-89063-01 Appeal Letter](#)

ITEMS FOR DISCUSSION (Continued)[SE-4720](#)**Maages Auditorium d/b/a Sinsaysionals****Applicant(s):**

Maages Auditorium

Location:

Located south of Lanham Severn Road (MD 564), approximately 350 feet west of 98th Avenue (0.74 Acres; C-M Zone).

Request:

Requesting approval of a Special Exception for adult entertainment in the C-M Zone.

Council District:

3

Appeal by Date:

4/25/2014

Review by Date:

4/25/2014

Action by Date:

9/23/2014

Municipality:

None

Opposition:

Woodstream Village HOA, et.al.

History:

12/26/2012	M-NCPPC Technical Staff	disapproval
01/10/2013	M-NCPPC Planning Board	no motion to consider
03/26/2014	Zoning Hearing Examiner	disapproval
04/14/2014	Sitting as the District Council	did not elect to make the final decision
	<i>Council took no action on this item.</i>	
04/25/2014	Applicant	appealed
	<i>Dennis Whitley, III, Esq., Attorney for the Applicant, appealed the decision of the Zoning Hearing Examiner and requested Oral Argument.</i>	
09/08/2014	Sitting as the District Council	hearing held; case taken under advisement

Tom Lockard, M-NCPPC planning staff, provided an overview of the Special Exception application. Dennis Whitley, III spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented. Council took this case under advisement.

Attachment(s): [SE-4720 Zoning Hearing Examiner Decision](#)
 SE-4720 PORL
[SE-4720 Technical Staff Report](#)
[SE-4720 Appeal Letter](#)

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

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.

SE-4646

Anthony George Project

Applicant(s): Rock Hill Sand and Gravel Corporation/Gudelsky Corporation t/a Anthony George Project

Location: Located on the north side of Evergreen Way, north of its intersection with Brandywine Road (MD 381) and approximately 3,478 feet south of the intersection of Brandywine Road and Gibbons Church Road (23.03 Acres; O-S Zone).

Request: Requesting approval of a Special Exception for permission to use approximately 23.03 acres of land, zoned O-S (Open space), for the purpose of Surface Mining of Sand and Gravel.

Council District: 9

Appeal by Date: 10/16/2014

Review by Date: 10/16/2014

Opposition: None

History:

02/28/2014	M-NCPPC Technical Staff	approval with conditions
03/13/2014	M-NCPPC Planning Board	no motion to consider
09/16/2014	Zoning Hearing Examiner	approval with conditions

Attachment(s): [SE 4646 Zoning Hearing Examiner's Decision](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD****CNU-24399-13****El Puente De Oro Restaurant****Applicant(s):**

El Puente De Oro Restaurant

Location:

Located on the south side of University Boulevard (MD 193), approximately 1,050 feet east of the intersection of New Hampshire Avenue, and west of Riggs Road (4.82 Acres; C-S-C Zone).

Request:

Requesting approval of a Certification of a Nonconforming Use for a restaurant with live entertainment (not adult oriented), music, and dancing beyond 12:00 a.m.

Council District:

2

Appeal by Date:

10/9/2014

Review by Date:

10/9/2014

History:

07/15/2014

M-NCPPC Technical Staff

approval

09/04/2014

M-NCPPC Planning Board

approval

Attachment(s):[CNU-24399-13 Planning Board Resolution 14-82](#)[CNU-24399-13_PORL](#)[CNU-24399-13 Technical Staff Report](#)**CNU-33101-13****Colonial Village Apartments****Applicant(s):**

Colonial Village Apartments Limited Partnership

Location:

Located on both sides of Marcy Avenue and east of its intersection with Deal Drive (13.83 Acres; R-18 Zone).

Request:

Requesting approval of a Certification of a Nonconforming Use for a 330-unit apartment building that was constructed in 1961/1962.

Council District:

8

Appeal by Date:

10/9/2014

Review by Date:

10/9/2014

History:

07/03/2014

M-NCPPC Technical Staff

approval

09/04/2014

M-NCPPC Planning Board

approval

Attachment(s): [CNU-33101-13 Planning Board Resolution 14-80](#)
 CNU-33101-13_PORL
[CNU-33101-13 Technical Staff Report](#)

PENDING FINALITY (Continued)

[CNU-4668-14](#)

Parkview Garden Apartments

Applicant(s): Parkview Gardens Associates
Location: Located on 64th Avenue, north of East-West Highway (MD 410), in Riverdale, Maryland (27.74 Acres; R-18 Zone).
Request: Requesting Certification of a Nonconforming Use for an existing, 592-unit, multifamily apartment complex that was built between 1960 and 1963.
Council District: 3
Appeal by Date: 10/9/2014
Review by Date: 10/9/2014

History:

07/14/2014	M-NCPPC Technical Staff	approval
09/04/2014	M-NCPPC Planning Board	approval

Attachment(s): [CNU-4668-14 Planning Board Resolution 14-81](#)
 CNU-4668-14_PORL
[CNU-4668-14 Technical Staff Report](#)

[CSP-12002](#)

Mattawoman-Brandywine Commerce Center North

Companion Case(s): DSP-12033
Applicant(s): Mattawoman Development, LLC.
Location: Located southwest of the intersection of Timothy Road and Brandywine Heights Road and west of a Consolidated Road Corporation railroad in Brandywine, Maryland.
Request: Requesting approval of a Conceptual Site Plan for a solar powered electric generating facility.
Council District: 9
Appeal by Date: 10/9/2014
Review by Date: 10/9/2014

History:

07/17/2014	M-NCPPC Technical Staff	approval with conditions
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09/04/2014 M-NCPPC Planning Board approval with conditions

Attachment(s): [CSP-12002 Planning Board Resolution 14-84](#)

CSP-12002_PORL

[CSP-12002 Technical Staff Report](#)

PENDING FINALITY (Continued)

[DSP-12033](#)

Mattawoman-Brandywine Commerce Center North

Companion Case(s): CSP-12002

Applicant(s): Mattawoman Development, LLC.

Location: Located southwest of the intersection of Timothy Road and Brandywine Heights Road and west of a Consolidated Road Corporation railroad in Brandywine, Maryland.

Request: Requesting approval of a Detailed Site Plan for a solar powered electric generating facility.

Council District: 9

Appeal by Date: 10/9/2014

Review by Date: 10/9/2014

History:

07/17/2014 M-NCPPC Technical Staff approval with conditions

09/04/2014 M-NCPPC Planning Board approval with conditions

Attachment(s): [DSP-12033 Planning Board Resolution 14-85](#)

DSP-12033_PORL

[DSP-12033 Technical Staff Report](#)

PENDING FINALITY (Continued)**DDS-625****Parcel 33 Consolidated Storage****Companion Case(s):** DPLS-402; DSP-13039**Applicant(s):** Tyvec Limited Partnership**Location:** Located southeast quadrant of the intersection of Frolich Lane and Kenilworth Avenue (MD 201) (1.5 Acres; I-2 Zone).**Request:** Requesting approval of a Departure from Design Standards for five and three feet from the 15-foot required height of the two accesses to the loading spaces.**Council District:** 5**Appeal by Date:** 9/4/2014**Review by Date:** 9/30/2014**History:**

07/08/2014	M-NCPPC Technical Staff	approval with conditions
07/31/2014	M-NCPPC Planning Board	approval with conditions
09/08/2014	Sitting as the District Council	did not elect to review
09/08/2014	Sitting as the District Council	deferred

*Council deferred this item to September 22, 2014***Attachment(s):** [DDS-625 Planning Board Resolution 14-73](#)

DDS-625_PORL

[DDS-625 Technical Staff Report](#)**DPLS-402****Parcel 33 Consolidated Storage****Companion Case(s):** DDS-625; DSP-13039**Applicant(s):** Tyvec Limited Partnership**Location:** Located southeast quadrant of the intersection of Frolich Lane and Kenilworth Avenue (MD 201) (1.2 Acres; I-2 Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards for reduction in the number of required loading spaces from four to two.**Council District:** 5**Appeal by Date:** 9/4/2014**Review by Date:** 9/30/2014**History:**

07/08/2014	M-NCPPC Technical Staff	approval with conditions
07/31/2014	M-NCPPC Planning Board	approval with conditions
09/08/2014	Sitting as the District Council	did not elect to review
09/08/2014	Sitting as the District Council	deferred

Council deferred this item to September 22, 2014.

Attachment(s): [DPLS-402 Planning Board Resolution 14-72](#)
DPLS-402_PORL
[DPLS-402 Technical Staff Report](#)

PENDING FINALITY (Continued)

[DSP-13039](#)

Parcel 33 Consolidated Storage

Companion Case(s): DDS-625; DPLS-402

Applicant(s): Tyvec Limited Partnership

Location: Located southeast quadrant of the intersection of Frolich Lane and Kenilworth Avenue (MD 201) (1.5 Acres; I-2 Zone).

Request: Requesting approval of a 83,990-square-foot consolidated storage facility and a resident manager's apartment.

Council District: 5

Appeal by Date: 9/4/2014

Review by Date: 9/30/2014

History:

07/08/2014	M-NCPPC Technical Staff	approval with conditions
07/31/2014	M-NCPPC Planning Board	approval with conditions
09/08/2014	Sitting as the District Council	deferred

Council deferred this item to September 22, 2014.

Attachment(s): [DSP-13039 Planning Board Resolution 14-71](#)
DSP-13039_PORL
[DSP-13039 Technical Staff Report](#)

PENDING FINALITY (Continued)**DPLS-406****Edge Medical****Applicant(s):**

George C. E. and Edith Osuala

Location:

Located on the east side of Kenilworth Avenue (MD 201) approximately 2,940 feet south of East-West Highway (MD410) (0.214 Acres; C-S-C Zone).

Request:

Requesting approval of a Departure from Parking and Loading Standards of four parking spaces from the required fourteen parking spaces in the Zoning Ordinance.

Council District:

3

Appeal by Date:

10/9/2014

Review by Date:

10/9/2014

Municipality:

Town of Riverdale Park

History:

07/15/2014

M-NCPPC Technical Staff

approval with conditions

09/04/2014

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DPLS-406 Planning Board Resolution 14-83](#)[DPLS-406_PORL](#)[DPLS-406 Technical Staff Report](#)**DSP-13038****Red Dirt Studio****Applicant(s):**

Margaret Boozer

Location:

Located at 4051 34th Street in Mount Rainier, Maryland on the east side of 34th Street, approximately 1,200 feet north of its intersection with Rhode Island Avenue (0.30 Acres; R-55 / D-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan for the conversion of a 9,671-square-foot existing building in to a craftsman design and production shop use.

Council District:

2

Appeal by Date:

10/16/2014

Review by Date:

10/16/2014

Municipality:

City of Mount Rainier

History:

08/18/2014

M-NCPPC Technical Staff

approval with conditions

09/11/2014

M-NCPPC Planning Board

approval with conditions

PENDING FINALITY (Continued)[DSP-13040](#)**Brentwood****Applicant(s):**

Landex Companies

Location:

Located on the east side of Rhode Island Avenue (US 1) between 38th and 39th Streets (1.63 Acres; D-D-O / M-U-TC Zones).

Request:

Requesting approval of a Detailed Site Plan for a mixed-use building with 147 residential units, 6,350 square feet of retail space, and 2,768 square feet of artist studio space.

Council District:

2

Appeal by Date:

10/16/2014

Review by Date:

10/16/2014

Municipality:

Town of Brentwood

History:

08/27/2014

M-NCPPC Technical Staff

approval with conditions

09/11/2014

M-NCPPC Planning Board

approval with conditions

ADJOURN