

Prince George's County Council

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



Zoning Agenda

Monday, June 30, 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 - Pastor Sullivan McGraw
New Life Worship Center, Capitol Heights, Maryland

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

MINDC 05052014	<u>District Council Minutes dated May 5, 2014</u>
MINDC 05122014	<u>District Council Minutes dated May 12, 2014</u>
MINDC 05132014	<u>District Council Minutes dated May 13, 2014</u>

ORAL ARGUMENT

[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

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

05/01/2014 Person of Record appealed
G. Macy Nelson, Attorney for the opposition, filed an appeal to the decision of the Planning Board and requested Oral Argument.

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](#)

NEW CASE(S)[ERR-233](#)**Capital Crossing Apartments, LLC**
Validation of Multi-Family Rental Permit No. 7034/(M-384)

Applicant(s): Capital Crossing Apartments, LLC
Location: Located at 3801, 3803, 3901, 3903, 3905, 3907, 3911, 3913, 3920, 3922, 3924, 3926, 3928, 3930, 3932, 3934, 3936, 3938, 3940, 3942, 3946, 3944, 3948, 3950 Southern Avenue and Suitland Road in Suitland, Maryland (134.67 Acres; R-10 Zone).
Request: Requesting Validation of Use and Occupancy Permit No. 7034 (M-384) issued in error on April 30, 1996, to operate a 31-unit multifamily apartment complex.
Council District: 7
Appeal by Date: 6/16/2014
Action by Date: 10/14/2014
Municipality: None
Opposition: None
History:

05/16/2014 Zoning Hearing Examiner approval

Attachment(s): [ERR-233 Zoning Hearing Examiner Decision](#)

Backup: Zoning Ordinance in accordance with the Zoning Hearing Examiner's Decision.

REFERRED FOR DOCUMENT[CNU-625-76](#)**Holland Gardens Nursery and Landscaping, Inc.****Applicant(s):**

Department of Environmental Resources, Petitioner

Location:

Located on the north side of Sellman Road, east of its intersection with Weymouth Avenue (6.03 Acres; R-80 Zone)

Request:

Requesting revocation of an approved Nonconforming Use Certification of permit CNU-625-76, for a nursery and garden center.

Council District:

1

Appeal by Date:

10/17/2013

Review by Date:

10/17/2013

Action by Date:

7/7/2014

History:

07/04/2013	M-NCPPC Technical Staff	approval
09/12/2013	M-NCPPC Planning Board	approval
09/23/2013	Sitting as the District Council	did not elect to make the final decision
10/11/2013	Applicant	appealed

Timothy F. Maloney and Levi S. Zaslow, attorney's for the property owner, filed an appeal to the decision of the Planning Board.

05/05/2014

Sitting as the District Council

hearing held

Stan Brown, People's Zoning Counsel, noted that the applicant has made a request for continuance. Levi Zaslow, attorney for the property owner, stated his argument for the request. Council Member Lehman stated her opposition to the request. The continuance was not granted. Mr. Zaslow, requested to be heard on an additional procedural issue prior to the oral argument hearing. The meeting went into recess to allow Mr. Zaslow to confer with the People's Zoning Counsel.

The meeting reconvened and Stan Brown, People's Zoning Counsel, spoke to the applicant's proffer to recuse Council Member Lehman due to email communications between her aide and county agencies which he alleges are proof of a conflict of interest and bias from her office on this case. Mr. Brown noted that the applicant will be permitted to state his proffer in writing for the case record. Council Member Lehman stated her intention to participate in this case despite the request.

Ivy Thompson, M-NCPPC planning staff, provided an overview of the Certification of Nonconforming Use application for revocation. Levi Zaslow, attorney for the property owner, presented his argument in opposition.

Jared McCarthy, Deputy County Attorney, Office of Law, provided argument, on behalf of the Department of Environmental Resources in favor of the application for revocation. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.

05/05/2014

Sitting as the District Council

referred for document

Council referred this item to staff for preparation of an approving document in accordance with the Planning Board decision (Vote: 8-0; Absent: Council Member Turner).

Attachment(s):

[CNU-625-76 Planning Board Resolution 13-92](#)

CNU-625-76 PORL

[CNU-625-76 Technical Staff Report](#)

CNU-625-76 Appeal Letter

Backup: Order of Approval in accordance with the Planning Board's Decision.

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-4741****Jim McKay Auto Mart****Applicant(s):**

4815 St. Barnabas Road, LLC.

Location:

Located in the northwest quadrant of the intersection of St. Barnabas Road (MD 414) and Raleigh Road, also identified as 4815 St. Barnabas Road, Temple Hills, Maryland (0.6 Acres; C-S-C Zone).

Request:

Requesting approval of a Special Exception for permission to use 0.6 acre of land in the C-S-C Zone for a Vehicle Sales Lot.

Council District:

8

Appeal by Date:

7/17/2014

Review by Date:

7/17/2014

Opposition:

None

History:

03/12/2014	M-NCPPC Technical Staff	approval with conditions
03/27/2014	M-NCPPC Planning Board	no motion to consider
06/17/2014	Zoning Hearing Examiner	approval

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)

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision or an appeal is filed.

(b) PLANNING BOARD**CNU-42913-13****Lexington Apartments****Applicant(s):**

Lexington Apartments, LLC

Location:

The subject property is identified as Lot 1, Block 2 in the New Hampshire Estates Subdivision located in the northwestern quadrants of the intersections of Merrimac Drive and Tahona Drive (1.9 Acres; R-18 Zone).

Request:

Requesting approval of a Nonconforming use Certification for an existing 56-unit, multifamily apartment building in the R-18 Zone.

Council District:

2

Appeal by Date:

7/17/2014

Review by Date:

7/17/2014

History:

05/02/2014

M-NCPPC Technical Staff

approval

06/12/2014

M-NCPPC Planning Board

approval

Attachment(s):[CNU-42913-13 Planning Board Resolution No 14-49](#)[CNU-42913-13_PORL](#)[CNU-42913-13 Technical Staff Report](#)

[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

PENDING FINALITY (Continued)

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision or an appeal is filed.

[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

Review by Date:

7/24/2014

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

[DSP-13048](#)

Potomac Business Park, Super Walmart

Applicant(s):

Oxon Hill Associates, LLC

Location:

Located on the southeast corner of the intersection of Oxon Hill Road (MD 414) and Clipper Way (15.44 Acres; I-3 Zone).

Request:

Requesting approval of a Detailed Site Plan for 100,310-square-foot department or variety store combined with a food and beverage store.

Council District:

8

Appeal by Date:

7/10/2014

Review by Date:

7/10/2014

History:

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

06/05/2014 M-NCPPC Planning Board approval with conditions

06/17/2014 Sitting as the District Council deferred

Council deferred this item to June 30, 2014.

Attachment(s):

[DSP-13048 Planning Board Resolution 14-48](#)

DSP-13048_PORL

[DSP-13048 Technical Staff Report](#)

ADJOURN

COUNTY COUNCIL SESSION

(SEE SEPARATE AGENDA)

1:30 P.M. CALL TO ORDER