

Prince George's County Council

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



Zoning Agenda - Final

Monday, March 28, 2016

1:30 PM

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

1:00 PM AGENDA BRIEFING - (ROOM 2027)**1:30 PM CALL TO ORDER - (COUNCIL HEARING ROOM)****INVOCATION**

Mr. Rodney Taylor, County Employee

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

[MINDC 03142016](#)

District Council Minutes dated March 14, 2016

Attachment(s):

[3-14-2016 District Council Minutes DRAFT](#)

ORAL ARGUMENTS

[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
Council elected to review this item (Vote: 8-0; Absent: Council Member Lehman).

Attachment(s): DSP-13008-01_PORL
[DSP-13008-01 Technical Staff Report](#)

NEW CASE(S)

[ERR-254](#)

Melvin V. Felix

Validation of Multifamily Rental License No. 6823/Case No. M-791

Applicant(s):

Melvin V. Felix

Location:

Located at 3526 Maywood Lane, Suitland, Maryland.

Request:

Requesting approval for validation of Prince George's County Multifamily Rental Housing License No. 6823/ Case No. M-791, issued in error for two additions to a single-family home.

Council District:

7

Appeal by Date:

12/23/2015

Action by Date:

4/22/2016

Opposition:

None

History:

11/23/2015 Zoning Hearing Examiner approval with conditions

01/11/2016 Sitting as the District Council deferred

Council deferred this item to January 25, 2016.

01/25/2016 Sitting as the District Council rescheduled

Due to inclement weather, the District Council Meeting was rescheduled to Tuesday, February 2, 2016.

02/02/2016 Sitting as the District Council deferred

This item was deferred to a later date.

03/14/2016 Sitting as the District Council deferred

Council deferred this item to March 28, 2016.

Attachment(s): [ERR-254 Zoning AIS](#)
[ERR-254 Zoning Hearing Examiner Decision](#)

ERR-254 PORL

NEW CASE(S) (Continued)[ERR-255](#)**Cheryl Burgess Carter****Validation of Multifamily Rental License No. M-0845 Issued in Error****Applicant(s):**

Cheryl Burgess Carter

Location:

Located at 8212 Bellefonte Lane, Clinton, Maryland.

Request:

Requesting approval for validation of Prince George's County Multifamily Rental License No. M-0845 issued in error for a 6-unit apartment building located in the R-R (Rural-Residential) Zone.

Council District:

9

Appeal by Date:

3/14/2016

Action by Date:

6/10/2016

Opposition:

None

History:

02/11/2016

Zoning Hearing Examiner

approval with conditions

REFERRED FOR DOCUMENT**Fence Waiver-We-Rek** **Jacqueline Hudak/We-Rek, Inc. d/b/a**

Applicant(s): Jacqueline Hudak/We-Rek, Inc. d/b/a/ Accokeek Auto Parts

Location: Located at 17305 and 17307 Manning Drive, Accokeek, Maryland (4.60 Acres; R-A- Zone).

Request: Requesting approval of a waiver of the fencing requirements for a certified nonconforming Salvage Yard in the R-4 (Residential Agricultural) Zone.

Council District: 9

Appeal by Date: 3/7/2016

Action by Date: 6/3/2016

Opposition: None

History:

02/04/2016	Zoning Hearing Examiner	approval with conditions
03/14/2016	Sitting as the District Council	referred for document

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

SDP-1003-07 **Parkside (formerly Smith Home Farm)**

Applicant(s): SHF Project Owner, LLC

Location: Located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4) (250.85 Acres; R-M Zone).

Request: Requesting approval of a Specific Design Plan to revise Section 2 to revise the layout and unit mix; to add one single-family detached unit and 26 townhouses; to add Stanley Martin townhouse architecture; and to adjust the location of the mixed retirement development as proposed in Applicant's Exhibit 2B. No changes are proposed in Sections 1A, 1B, or 3 under this application.

Council District: 6

Appeal by Date: 1/14/2016

Review by Date: 1/30/2016

Action by Date: 4/4/2016

History:

11/04/2015	M-NCPPC Technical Staff	approval with conditions
12/10/2015	M-NCPPC Planning Board	approval with conditions

01/11/2016	Sitting as the District Council	deferred
	<i>Council deferred this item to January 25, 2016.</i>	
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 pursuant to Section 27-291 of the Zoning Ordinance.</i>	
02/02/2016	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 9-0).</i>	
03/14/2016	Sitting as the District Council	hearing held; referred for docume
	<i>Susan Lareuse, M-NCPPC, provided an overview of the Specific Design Plan application. Arthur Horne, Esq. spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.</i>	
	<i>Council referred item to staff for preparation of an approving document, with conditions (Vote: 8-0; Absent: Council Member Patterson).</i>	

Attachment(s):

[SDP-1003-07 Planning Board Resolution 15-121](#)

SDP-1003-07_PORL

[SDP-1003-07 Technical Staff Report condensed](#)

ITEM(S) FOR DISCUSSION[CDP-0501](#)[Reconsideration](#)**Smith Home Farms (Reconsideration)****Companion Case(s):** SDP-1003-06 Reconsideration**Applicant(s):** SHF Project Owner, LLC**Location:** Located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4) (757 Acres; R-M / L-A-C Zones).**Request:** Requesting reconsideration of approved Comprehensive Design Plan (CDP) 0501, specifically Conditions 10, 11, 24, 31, and 32 and findings related to certain services for the design, grading, and construction of the Westphalia Central Park and the issuance of building permits.**Council District:** 6**Appeal by Date:** 2/19/2016**Action by Date:** 4/12/2016**Comment(s):** District Council review of this case is required because PGCPB No. 06-56(C)(A) recommends that the District Council amend their final action, specifically conditions 31 & 32, in the previous Council order of approval of CDP-0501.**History:**

01/07/2016	M-NCPPC Planning Board	approval with conditions
	<i>On December 17, 2015, Planning Board approved the request for reconsideration based on mistake and other good cause in furtherance of substantial public interest.</i>	
02/18/2016	Person of Record	filed
	<i>Marva Jo Camp, Esquire, and Norman D. Rivera, Esquire, with independent law firms, co-counsel to DASC, LLC ("Applicant"), filed a request for clarification of the Parkside reconsideration.</i>	

03/14/2016 Sitting as the District Council hearing held; case taken under advisement

Chairman Davis announced that the Mandatory Review hearings for CDP-0501 Smith Home Farms (Reconsideration) and SDP-1003-06 Parkside (Formerly Smith Home Farm) (Reconsideration) would be held in tandem. Susan Lareuse, M-NCPPC, provided an overview of the Comprehensive Design Plan and Specific Design Plan applications. She was assisted by Darin Conforti and Helen Asan, also of M-NCPPC. Robert Antonetti, Jr. Esq. spoke in support on behalf of the applicant. Marva Jo Camp spoke in support of the project and requested clarification to the plan as detailed verbally and in writing. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

Council took this case under advisement.

Attachment(s): [CDP-0501 Reconsideration_Zoning AIS](#)

ITEM(S) FOR DISCUSSION (Continued)

[SDP-1003-06
Reconsideration](#)

Parkside (Formerly Smith Home Farm) (Reconsideration)

Companion Case(s): CDP-0501 Reconsideration

Applicant(s): SHF Project Owner, LLC

Location: Located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4) (250.85 Acres; R-M Zone).

Request: Requesting reconsideration of approved Specific Design Plan (SDP) 1003-06, specifically Condition 3 and findings related to the approval of Specific Design Plan SDP-1003-06, for the purpose of addressing the development of the Westphalia Central Park and the issuance of building permits.

Council District: 6

Appeal by Date: 2/11/2016

Review by Date: 2/11/2016

Action by Date: 4/4/2016

History:

11/20/2015 Applicant filed

Robert J. Antonetti, Jr., attorney for the applicant, filed a request for reconsideration with the Planning Board.

01/07/2016	M-NCPPC Planning Board	approval with conditions
	<i>On December 17, 2015, Planning Board approved the request for reconsideration based on mistake and other good cause in furtherance of substantial public interest.</i>	
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	elected to review
	<i>Council elected to review this item (Vote: 9-0).</i>	
03/14/2016	Sitting as the District Council	hearing held; case taken under advisement
	<i>Chairman Davis announced that the Mandatory Review hearings for CDP-0501 Smith Home Farms (Reconsideration) and SDP-1003-06 Parkside (Formerly Smith Home Farm) (Reconsideration) would be held in tandem. Susan Lareuse, M-NCPPC, provided an overview of the Comprehensive Design Plan and Specific Design Plan applications. She was assisted by Darin Conforti and Helen Asan, also of M-NCPPC. Robert Antonetti, Jr. Esq. spoke in support on behalf of the applicant. Marva Jo Camp spoke in support of the project and requested clarification to the plan as detailed verbally and in writing. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.</i>	
	<i>Council took this case under advisement.</i>	
<u>Attachment(s):</u>	SDP-1003-06 Reconsideration Planning Board Resolutior SDP-1003-06 Reconsideration file materials	

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[DDS-632](#)**Royal Farms, Brandywine****Companion Case(s):** DSP-15012**Applicant(s):** Two Farms, Inc.**Location:** Located on the west side of Branch Avenue (MD 5) in the southwest quadrant of its intersection with Moores Road (5.03 Acres; C-M Zone).**Request:** Requesting approval of a Departure from Design Standards for a loading space access driveway to be located less than the required 50 feet from a residentially-zoned property.**Council District:** 9**Appeal by Date:** 3/17/2016**Review by Date:** 4/11/2016**History:**

12/30/2015	M-NCPPC Technical Staff	approval
02/04/2016	M-NCPPC Planning Board	approval

PENDING FINALITY (Continued)**DSDS-686****Marlow Heights Citgo****Companion Case(s):** DPLS-413**Applicant(s):** St Barnabas Road Plaza, LLC.**Location:** The subject property is a rectangular-shaped parcel at the northwest corner of the intersection of St. Barnabas Road and Dallas Drive (0.32 Acres; C-S-C Zone).**Request:** Requesting approval of a Departure from Sign Design Standards from Section 27-614(a)(1) of the Zoning Ordinance, which requires buildings identified by freestanding signs in all commercial and industrial zones (except the I-3 Zone) to be located at least forty feet behind the right-of-way. The existing building is 36 feet from the right-of-way of St. Barnabas Road, necessitating a departure of four feet. In addition, the applicant is requesting a departure of 13.5 feet for canopy signage above the 70 feet permitted by the County Code.**Council District:** 7**Appeal by Date:** 4/21/2016**Review by Date:** 4/21/2016**History:**

02/09/2016 M-NCPPC Technical Staff approval

03/17/2016 M-NCPPC Planning Board approval

DPLS-413**Marlow Heights Citgo****Companion Case(s):** DSDS-686**Applicant(s):** St Barnabas Road Plaza, LLC.**Location:** The subject property is a rectangular-shaped parcel at the northwest corner of the intersection of St. Barnabas Road and Dallas Drive (0.32 Acres; C-S-C Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards for a departure of one required loading space in accordance with Subtitle 27 of the Prince George's County Code.**Council District:** 7**Appeal by Date:** 4/21/2016**Review by Date:** 4/21/2016**History:**

02/09/2016 M-NCPPC Technical Staff approval

03/17/2016 M-NCPPC Planning Board approval

PENDING FINALITY (Continued)

[DSP-15019](#)

Accokeek Dollar General

Companion Case(s): DDS-631
Applicant(s): Tom James
Location: Located on the south side of Livingston Road (MD 373), approximately 300 feet east of its intersection with Indian Head Highway (MD 210) (1.17 Acres; C-S-C Zone).
Request: Requesting approval of a Detailed Site Plan for a proposed 9,140-square-foot variety store and associated site improvements.
Council District: 9
Appeal by Date: 4/21/2016
Review by Date: 4/21/2016

History:

02/09/2016 M-NCPPC Technical Staff approval with conditions

03/17/2016 M-NCPPC Planning Board approval with conditions

[DDS-631](#)

Accokeek Dollar General

Companion Case(s): DSP-15019
Applicant(s): Tom James
Location: Located on the south side of Livingston Road (MD 373), approximately 300 feet east of its intersection with Indian Head Highway (MD 210) (1.17Acres; C-S-C Zone).
Request: Requesting approval of a Departure from Design Standards seeking relief from Section 27-579(b) of the Prince George's County Zoning Ordinance to locate an exterior loading space and its vehicular driveway within 50 feet of a residentially-zoned property.
Council District: 9
Appeal by Date: 4/21/2016
Review by Date: 4/21/2016

History:

02/09/2016 M-NCPPC Technical Staff approval

03/17/2016 M-NCPPC Planning Board approval

PENDING FINALITY (Continued)**DSP-15035****Rising Generations at Washington Business Park, Lot 2B****Applicant(s):**

WBP Enterprises, LLC

Location:

Located on Forbes Boulevard at the intersection of Willowdale Road, just north of Martin Luther King, Jr. Highway (MD 704) (1.25 Acres; I-2 Zone).

Request:

Requesting approval of a Detailed Site Plan to construct a 10,657-square-foot day care facility for 157 children in the Heavy Industrial (I-2) Zone, with associated play area, parking, and signage on the site.

Council District:

5

Appeal by Date:

4/21/2016

Review by Date:

4/21/2016

History:

02/11/2016

M-NCPPC Technical Staff

approval with conditions

03/17/2016

M-NCPPC Planning Board

approval with conditions

SDP-1011**Westphalia Central Park - Phase I, Parkside****Applicant(s):**

SHF Project Owner, LLC

Location:

The subject SDP includes the entire Westphalia Central Park that is located in the eastern quadrant of the intersection of Central Park Drive (MC-631) and P-615, in an irregular shape of a goldfish with a long tail. The two roadways intersect in the front and to the west of the Central Park, in the middle of the larger Parkside project site. Another master plan roadway, MC-632, divides the entire park in the north/south direction from the middle into distinct eastern and western parts. The proposed Phase I is located in the western part (131 Acres; R-M Zone).

Request:

Requesting approval of a Specific Design Plan for the Westphalia Central Park, as required by Condition 23 attached to the previously approved Comprehensive Design Plan, CDP-0501.

Council District:

6

Appeal by Date:

4/21/2016

Review by Date:

4/21/2016

History:

02/09/2016

M-NCPPC Technical Staff

approval with conditions

03/17/2016

M-NCPPC Planning Board

approval with conditions

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON MAY 16, 2016 at 10:00 A.M.*Hearing Dates & Times Subject to Change***A-10030-C****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.***ADJOURN****3:00 PM RULES/GENERAL ASSEMBLY COMMITTEE – (COUNCIL HEARING ROOM)***(SEE SEPARATE AGENDA)*