

Prince George's County Council

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



Zoning Agenda - Final

Monday, February 23, 2015

10:00 AM

Council Hearing Room

Sitting as the District Council

*Mel Franklin, District 9, Chairman
Derrick Leon Davis, District 6, Vice Chair
Dannielle M. Glaros, District 3
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 - Rodney C. Taylor, County Employee****PLEDGE OF ALLEGIANCE****APPROVAL OF DISTRICT COUNCIL MINUTES**[MINDC 02092015](#)

District Council Minutes dated February 9, 2015

Attachment(s):[02-09-2015 District Council Minutes DRAFT](#)**ORAL ARGUMENTS**[CSP-06002-01](#)**Melford****Applicant(s):**

St. John Properties, Inc.

Location:

Located northeast quadrant of the intersection of Robert S. Crain Highway (MD 3) and John Hanson Highway (US 50/301) (260.63 Acres; M-X-T Zone).

Request:

Requesting approval of a Conceptual Site Plan to add: 2,500 residential units, including 500 townhouses, 1,000 age-restricted multifamily dwelling units, and 1,000 multifamily dwelling units; 268,500 square feet of retail uses; and 260,000 square feet of office space to a conceptual site plan with 1,547,874 square feet of approved office/research and development uses to create an integrated mixed-use development.

Council District:

4

Appeal by Date:

1/8/2015

Review by Date:

1/30/2015

Action by Date:

4/24/2015

Municipality:

City of Bowie

History:

10/30/2014

M-NCPPC Technical Staff

approval with conditions

12/04/2014

M-NCPPC Planning Board

approval with conditions

01/07/2015 Person of Record appealed
Martha Ainsworth, Chair Prince George's Sierra Club, Sally Mitchell, Bruce Pletsch, President, Sherwood Manor Civic Association, Lauren Ragsac and Fred Tutman, Patuxent Riverkeeper, appealed the Planning Board's decision and requested Oral Arguments.

01/12/2015 Sitting as the District Council did not elect to review
Council took no action on this item.

Attachment(s): CSP-06002-01 Appeal Letter
[CSP-06002-01 Planning Board Resolution 14-128](#)
 CSP-06002-01_PORL
[CSP-06002-01 Technical Staff Report](#)

ORAL ARGUMENTS (Continued)

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 for a mixed-use development of 314 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

Action by Date:

4/24/2015

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.
 07/14/2014 Sitting as the District Council deferred
Council deferred this item to July 21, 2014.

07/18/2014	Person of Record	appealed
	<i>Mary C. Angevine, Jacob Ko Klaver and Bernadine Karns, President, Calverton Citizens Association, all submitted letters of appeal of the Planning Board's decision and requested Oral Argument.</i>	
07/21/2014	Sitting as the District Council	did not elect to review
	<i>Council took no action on this item.</i>	
07/22/2014	Person of Record	appealed
	<i>Barbara Sollner-Webb, Vice-President and President-Elect, West Laurel Civic Association, Inc. and Paul Mastradone submitted letters of appeal of the Planning Board's decision and requested Oral Argument.</i>	
07/23/2014	Person of Record	appealed
	<i>Marcia and Robert Van Horn submitted a letter of appeal of the Planning Board's decision and requested Oral Argument.</i>	
07/24/2014	Person of Record	appealed
	<i>Melissa G. Daston, President, West Laurel Civic Association, Inc. submitted a letter of appeal of the Planning Board's decision and requested Oral Argument.</i>	
02/12/2015	Applicant	transmitted a letter
	<i>Edward C. Gibbs, Jr., Esq., Attorney for the applicant, submitted a Response and Opposition to the Appeal of West Laurel Civic Association.</i>	
02/12/2015	Applicant	transmitted a letter
	<i>Edward C. Gibbs, Jr., Esq., Attorney for the applicant, submitted a Response and Opposition to the Appeals of Barbara Sollner-Webb, Paul Mastradone, Mary C. Angevine, Jacob Ko Klaver, Calverton Citizens Association and Marcia and Robert Van Horn.</i>	
<u>Attachment(s):</u>	CSP-13008 Response to Appeal - Paul Mastradone et. al CSP-13008 Response to Appeal-West Laurel Civic Assc. CSP-13008 Appeal Letters CSP-13008 Planning Board Resolution 14-50 CSP-13008_PORL CSP-13008 Technical Staff Report	

NEW CASES[ERR-237](#)**Deemiracle Auto Group****Validation of Use and Occupancy Permit No. 31769-2012-00****Applicant(s):**

Deemiracle Auto Group, LLC

Location:

Lokated at 900 Larchmont Avenue, Capitol Heights, Maryland (.138 Acres; C-M Zones)

Request:

Requesting approval for validation of Prince Georges County Use and Occupancy Permit 31769-2012-00 issued in error on October 16, 2012, for "Auto & Other Motor Veh Ret, Auto Accessory Install Serv" in the C-M Zone.

Council District:

7

Appeal by Date:

9/15/2014

Action by Date:

3/2/2015

Municipality:

None

Opposition:

None

History:

08/13/2014

Zoning Hearing Examiner

approval

02/09/2015

Sitting as the District Council

deferred

*Council deferred this item to February 23, 2015.***Attachment(s):**[ERR 237 - Zoning Hearing Examiner Decision](#)

NEW CASES (Continued)[ERR-241](#)**Hampshire View Apartments II, LLC****Validation of Multi-Family Rental License No. M-0105****Applicant(s):**

Hampshire View Apartments II, LLC

Location:

Located at 951-957 East West Highway, Takoma Park (1.003 Acres; R-18 Zone)

Request:

Requesting approval for validation of Prince George's County Multi-Family Rental License No. M-0105 issued in error on August 19, 2011 for one apartment building containing 31 dwelling units, on approximately 4.98 acres located in the R-18 (Multi-Family Medium Density Residential) Zone.

Council District:

2

Appeal by Date:

2/6/2015

Action by Date:

5/7/2015

Municipality:

None

Opposition:

None

History:

01/13/2015

Zoning Hearing Examiner

approval

Attachment(s):[ERR-241 Zoning Hearing Examiner Decision](#)**REFERRED FOR DOCUMENT**[ERR-240](#)**Belford Towers, LLC****Validation of Multi-Family Rental License No. M-0017****Applicant(s):**

Belford Towers, LLC

Location:

6731, 6733 and 6735 New Hampshire Avenue, Takoma Park, Maryland (9.75 Acres; R-10 Zone).

Request:

Requesting approval for validation of Prince George's County Multi-Family Rental License No. M-0017 issued in error on November 12, 2012 for three apartment units.

Council District:

2

Appeal by Date:

2/17/2015

Action by Date:

5/15/2015

Municipality:

None

Opposition:

None

History:

01/15/2015	Zoning Hearing Examiner	approval with conditions
01/26/2015	Zoning Hearing Examiner	transmitted
	<i>The Zoning Hearing Examiner transmitted an Errata for the recommendation filed on January 15, 2015.</i>	
02/02/2015	Person of Record	waived right to appeal
	<i>All Persons of Record waived their right to appeal this case.</i>	
02/02/2015	People's Zoning Counsel	waived right to appeal
	<i>Stan Brown, Peoples Zoning Counsel, waived his right to appeal this case.</i>	
02/09/2015	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of an approving document (Vote: 9-0).</i>	

Attachment(s): [ERR240 - Zoning Hearing Examiner Decision](#)
[ERR-240- Errata to ZHE Decision](#)

Backup: Order of Approval, in accordance with the ZHE decision.

REFERRED FOR DOCUMENT (Continued)

[DSP-14002](#)

Annapolis Road Self Storage Zone

Applicant(s):

Annapolis Road Self Storage, LLC

Location:

Located on the southwest quadrant of the intersection of Forbes Boulevard and Annapolis Road (MD 450) (4.90 Acres; I-1 Zone).

Request:

Requesting approval of a Detailed Site Plan for a 112,990-square-foot consolidated storage use, with accessory office and apartment uses, in seven separate buildings with a total of 1,054 storage units.

Council District:

5

Appeal by Date:

10/30/2014

Review by Date:

10/30/2014

Action by Date:

3/27/2015

History:

09/02/2014	M-NCPPC Technical Staff	approval with conditions
09/25/2014	M-NCPPC Planning Board	approval with conditions
10/06/2014	Sitting as the District Council	deferred

This item was deferred to October 20, 2014.

10/20/2014 Sitting as the District Council elected to review
Council elected to review this item (Vote: 9-0).

01/26/2015 Sitting as the District Council hearing held; referred for docume
Jill Kosacak, M-NCPPC, provided an overview of the Detailed Site Plan Application. Arthur Horne, Jr., Esq., Attorney for the applicant, Ms. Diane Tipton, applicant, and Mr. Sam Butts, Architect, spoke in support. Stan Brown, People's Zoning Council, spoke to the legalities of the argument presented.

Council referred item to staff for preparation of an approving document, with conditions (Vote:8-0; Absent: Council Member Patterson).

Attachment(s):

[DSP-14002 Planning Board Resolution 14-100](#)

DSP-14002_PORL

[DSP-14002 Technical Staff Report](#)

Backup: Order of Approval, with Conditions.

ITEM FOR DISCUSSION[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:

7 (formerly District 8)

Appeal by Date:

7/17/2014

Review by Date:

7/17/2014

Action by Date:

2/17/2015

Comment(s):

Due to inclement weather conditions and pursuant to Sec. 27-291 of the Zoning Ordinance, Prince George's County Government was closed on February 17, 2015 and this item was postponed to February 23, 2015.

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
06/30/2014	Sitting as the District Council	did not elect to make the final decision
	<i>Council took no action.</i>	
06/30/2014	Sitting as the District Council	elected to make the final decision
	<i>Upon additional consideration, Council revisited this item and elected to make the final decision (Vote: 8-0; Absent: Council Member Campos).</i>	
10/20/2014	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. Todd Pounds, Esq., Attorney for the applicant, spoke in support. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.

02/09/2015 Sitting as the District Council deferred

Council deferred this item to February 17, 2015.

02/17/2015 Sitting as the District Council postponed

Due to inclement weather conditions and pursuant to Sec. 27-291 of the Zoning Ordinance, Prince George's County Government was closed and this item was postponed to February 23, 2015.

Attachment(s):

[SE-4741 Zoning Hearing Examiner Decision](#)

[SE-4741 Technical 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.

PLANNING BOARD**DSP-14026****Ascend Apollo****Applicant(s):**

Commons at Largo, LLC

Location:

Located northwest quadrant of the intersection of Harry S. Truman Drive and Lottsford Road, on both sides of the existing Grand Boulevard which leads to the Largo Town Center Metro Station (19.90 Acres; M-X-T and D-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan for a mixed-use project with 846 residential multifamily units and approximately 19,024 square feet of retail and restaurant space.

Council District:

6

Appeal by Date:

3/20/2015

Review by Date:

3/20/2015

History:

01/21/2015

M-NCPPC Technical Staff

approval with conditions

02/12/2015

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-14026 Technical Staff Report](#)

PENDING FINALITY (Continued)[SDP-0610-01](#)**Oak Creek Club, Phase 4****Landbays D, E and N****Applicant(s):**

NVR-MS Cavalier Oak Creek Club, LLC.

Location:

Located in two segments within the development: Landbay 'N' in the western portion of the development, approximately 2,000 feet west of the intersection of Oak Grove and Church Roads, and Landbays 'D' and 'E' in the eastern portion, approximately 5,000 feet east of the intersection of Church Road and Mary Bowie Parkway (69.68 Acres; R-L Zone).

Request:

Requesting approval of a Specific Design Plan to reconfigure Landbay 'N' so as to provide internal access to the 10 lots fronting on Oak Grove Road in Specific Design Plan SDP-0610 and provide a current approval that will supersede SDP-0610.

Council District:

6

Appeal by Date:

3/12/2015

Review by Date:

3/12/2015

History:

12/29/2014

M-NCPPC Technical Staff

approval with conditions

02/05/2015

M-NCPPC Planning Board

approval with conditions

Attachment(s):[SDP-0610-01 Planning Board Resolution 15-04](#)

SDP-0610-01_PORL

[SDP-0610-01 Technical Staff Report](#)**ADJOURN**

12:30 P.M. - EXECUTIVE SESSION – (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

[EX 02232015](#)

To consult with counsel to obtain legal advice and to consult with staff, consultants, or other individuals about pending or potential litigation in accordance with Section 3-305 (a) (7, 8), General Provisions, Annotated Code of Maryland.

2:00 P.M. - COMMITTEE OF THE WHOLE - (ROOM 2027)

[TA 02/23/2015](#)

PROPOSED AMENDMENTS TO THE ADOPTED COLLEGE
PARK-RIVERDALE PARK TRANSIT DISTRICT DEVELOPMENT PLAN
(CR-98-2014)

(DIGEST OF TESTIMONY)