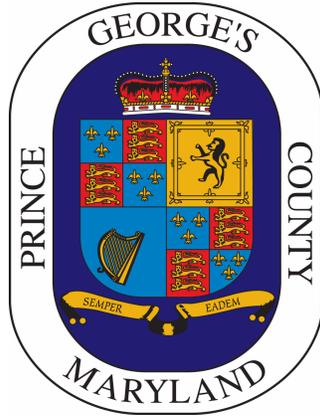


# Prince George's County Council

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



## **Zoning Agenda - Final**

**Monday, July 18, 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**

*Rodney C. Taylor, County Employee*

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 07112016](#)

**District Council Minutes dated July 11, 2016**

**ORAL ARGUMENTS**[SE-4733](#)**Walmart #2799 (Clinton)****Applicant(s):**

Walmart Real Estate Business Trust

**Location:**

The subject site is an approximately 23.4 acre portion of a larger developed site identified as Clinton Plaza, now known as the Woodyard Crossing Shopping Center. The Shopping Center is located in the northwest quadrant of the intersection of Branch Avenue (MD 5) and Woodyard Road (MD 223). Walmart currently occupies a 134,241 square foot freestanding structure located on the northernmost portion of the developed site as a permitted use.

**Request:**

Requesting approval of a Special Exception to use approximately 23.9 acres of land (part of the approximately 64 acre development known as Woodyard Crossing Shopping Center) in the C-S-C (Commercial Shopping Center) Zone, Clinton, Maryland, for a Department or Variety Store combined with Food and Beverage Store, in excess of 125,000 square feet (an approximately 171,634 square foot store is being proposed).

**Council District:**

9

**Appeal by Date:**

6/13/2016

**Review by Date:**

6/13/2016

**Action by Date:**

11/10/2016

**Opposition:**

Donald Hancock, et. al.

**History:**

06/26/2015	M-NCPPC Technical Staff	disapproval
07/16/2015	M-NCPPC Planning Board	no motion to consider
05/13/2016	Zoning Hearing Examiner	disapproval
05/16/2016	Sitting as the District Council	deferred
	<i>Council deferred this item to June 13, 2016.</i>	
06/13/2016	Sitting as the District Council	elected to make the final decision

*Council elected to make the final decision on this item (Vote: 9-0).*

06/13/2016 Applicant appealed

*Andre J. Gingles, Esquire, attorney for the applicant, filed Exceptions to the Zoning Hearing Examiner's Decision and requested Oral Argument.*

**Attachment(s):** [SE-4733 Zoning Hearing Examiner Decision](#)

SE-4733 PORL

[DSP-10044-01](#)

**Naylor Station**

**Applicant(s):** JBG Associates, L.L.C.

**Location:** Located on the northeast side of Branch Avenue (MD 5) and in the southeast quadrant of the intersection of Suitland Parkway and Branch Avenue.

**Request:** to redevelop an existing shopping center site with Phase 1 of a mixed-use development consisting of 598,400 square feet of office and 12,800 square feet of retail uses. The proposed development is a revision to the original DSP, which proposed 1,150,000 square feet of office space and an associated seven-story parking garage, as well as 12,000 square feet of retail use.

**Council District:** 7

**Appeal by Date:** 6/16/2016

**Review by Date:** 6/16/2016

**Action by Date:** 9/12/2016

**History:**

04/20/2016 M-NCPPC Technical Staff approval with conditions

05/12/2016 M-NCPPC Planning Board approval with conditions

06/13/2016 Sitting as the District Council elected to review

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

**Attachment(s):** [DSP-10044-01 Zoning AIS](#)  
[DSP-10044-01 Planning Board Resolution 16-58](#)

DSP-10044-01\_PORL

[DSP-10044-01 Technical Staff Report](#)

**REFERRED FOR DOCUMENT****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

*Council announced that the Oral Argument Hearing is scheduled for May 16, 2016.*

05/16/2016

Sitting as the District Council

deferred

*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

*Council announced that the Oral Argument Hearing is rescheduled for June 20, 2016*

06/20/2016

Sitting as the District Council

hearing held; referred for document

*Jimi Jones, M-NCPPC- provided an overview of the Zoning Map Amendment application. Michael Nagy, Esq. spoke in support, on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.*

*Council referred this item to staff for preparation of an Order of Disapproval in accordance with the Zoning Hearing Examiner's Decision (Vote: 7-0; Absent: Council Members Franklin and Toles.*

**Attachment(s):**[A-10030 Zoning AIS](#)

A-10030 Exceptions to the ZHE Decision

[A-10030 Zoning Hearing Examiner Decision](#)

A-10030 PORL

**ADJOURN****EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)**[EX 07182016](#)

Motion to convene in executive session in accordance with Section 3-305(b), (1) (i) (ii), (4), (7) and (8), General Provisions Article, Annotated Code of Maryland, as follows:

1. to discuss personnel issues,
2. to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
3. to consult with legal counsel to seek legal advice; and
4. to discuss pending or potential litigation.