

Prince George's County Council

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



Zoning Agenda - Final

Monday, September 12, 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

Pastor William Tucker, Remnant Church of Christ, Temple Hills, Maryland

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 07182016](#)

District Council Minutes dated July 18, 2016

Attachment(s):

[7-18-2016 District Council Minutes DRAFT](#)

[MINDC 07192016](#)

District Council Minutes dated July 19, 2016

Attachment(s):

[7-19-2016 District Council Minutes DRAFT](#)

ORAL ARGUMENTS**DSP-15020-01****Capital Plaza Walmart****Applicant(s):**

Wal-Mart Real Estate Business Trust

Location:

Located on the north side of Annapolis Road (MD 450), specifically within the Capital Plaza Shopping Center approximately 2,000 linear feet east of the intersection of MD 450 and the Baltimore–Washington Parkway (MD 295) (43.82 Acres; C-S-C / D-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan for the construction of a 35,287-square-foot addition to the existing 144,227-square-foot department store (which represents an expansion of a certified nonconforming use), modifications to the associated parking area, and other site improvements.

Council District:

3

Appeal by Date:

6/30/2016

Review by Date:

6/30/2016

Action by Date:

9/19/2016

Municipality:

Town of Landover Hills

History:

04/15/2016	M-NCPPC Technical Staff	approval with conditions
05/26/2016	M-NCPPC Planning Board	approval with conditions
06/13/2016	Sitting as the District Council	deferred
	<i>This item was deferred to June 20, 2016.</i>	
06/20/2016	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 8-0; Absent: Council Member Franklin).</i>	
06/29/2016	Person of Record	appealed
	<i>G. Macy Nelson, attorney for Richard Bailey, et al, filed an appeal in opposition of the Planning Board's decision and requested Oral Argument.</i>	

Attachment(s):[DSP-15020-01 Zoning AIS](#)[DSP-15020-01 Planning Board Resolution 16-60](#)

DSP-15020-01 POR

[DSP-15020-01 Technical Staff Report](#)

NEW CASE(S)**[ATBROW-7501](#)****SMO, Inc., 7501 Allentown Road**
(Authorization to Build in Planned Right-of-Way)**Applicant(s):**

SMO, Inc.

Location:

Located on the northeast side of Allentown Road at its intersection with Webster Lane and is identified as 7501 Allentown Road, Fort Washington, Maryland (0.863 Acres: C-S-C Zone).

Request:

Requesting approval for authorization by an existing Gas station to build within a proposed right-of-way for Allentown Road due to the reconfiguration of the existing pump islands and the enlargement of a canopy. The applicant also filed a request for an administrative revision to a special exception site plan, ROSP-997-05, that has been approved by the Planning Director.

Council District:

8

Appeal by Date:

8/12/2016

Action by Date:

1/11/2017

Opposition:

None

History:

04/12/2016

Applicant

filed

Daniel F. Lynch, Esq., Attorney for the applicant, filed a request for authorization of the issuance of a permit within a proposed right-of-way.

04/19/2016

Clerk of the Council

transmitted

The Clerk of the Council transmitted the case to the Zoning Hearing Examiner for a Public Hearing.

07/13/2016

Zoning Hearing Examiner

approval with conditions

Attachment(s):[AuthToBuild-7501 ZoningAIS](#)[AuthToBuild-7501_Zoning Hearing Examiner Decision](#)

AuthToBuild-7501_PORL

ITEM(S) FOR DISCUSSION**A-10036****Donnell Drive****Applicant(s):**

Visconsi Land Co., Ltd

Location:

Located in the southeast quadrant of the intersection of Donnell Drive and Pennsylvania Avenue (MD 4), identified as 3700 and 3710 Donnell Drive, District Heights, Maryland (2.42 Acres; R-T Zone).

Request:

Requesting approval of a Zoning Map Amendment for the rezoning of approximately 2.42 acres of R-T (Townhouse) zoned land to the C-M (Commercial Miscellaneous) Zone.

Council District:

6

Appeal by Date:

9/9/2016

Action by Date:

1/30/2017

Comment(s):

Due to its relationship with a pending Zoning Map Amendment, and in accordance with Section 27-213.28, it is appropriate for this request to be Remanded back to the Zoning Hearing Examiner until after final action by the Council on the respective Zoning Map Amendment.

Opposition:

None

History:

02/18/2016

M-NCPPC Technical Staff

disapproval

Disapproval of the C-M Zone

02/18/2016

M-NCPPC Technical Staff

approval

Approval of the C-O Zone for Parcel A

05/05/2016

M-NCPPC Planning Board

approval with conditions

Approval of the C-M Zone, with conditions

08/10/2016

Zoning Hearing Examiner

approval with conditions

Approval of the C-M Zone, with conditions

08/24/2016

Clerk of the Council

transmitted

The Clerk of the Council transmitted a router indicating that due to its relationship with a pending Zoning Map Amendment, and in accordance with Section 27-213.28, it is appropriate for this request to be Remanded back to the Zoning Hearing Examiner until after final action by the Council on the respective Zoning Map Amendment.

08/25/2016

Applicant

filed

Thomas Haller, Esq., attorney for the applicant, filed a letter with the Clerk of the Council requesting that the District Council remand this case to the Zoning Hearing Examiner in accordance with Section Section 27-213.28.

Attachment(s):[A-10036 Zoning AIS](#)[A-10036 Zoning Hearing Examiner Decision](#)

A-10036 PORL

[A-10036 Planning Board Resolution 16-57](#)[A-10036 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.

(a) ZONING HEARING EXAMINER[SE-4758](#)**Marlow Heights Citgo****Companion Case(s):** DPLS-413; DSDS-686**Applicant(s):** St. Barnabas Road Plaza, LLC

Location: Located at the northwest corner of St. Barnabas Road and Dallas Drive, also identified as 4801 St. Barnabas Road, Temple Hills, Maryland (0.32 Acres; C-S-C Zone).

Request: Requesting approval of a Special Exception to develop 0.32 acres (13,846 square feet) of land in the C-S-C (Commercial Shopping Center) Zone as a Gasoline Station, Food and Beverage Store, Auto Repair and accompanying office and storage.

Council District: 7**Appeal by Date:** 8/17/2016**Review by Date:** 9/30/2016**Opposition:** None**History:**

02/09/2016	M-NCPPC Technical Staff	approval with conditions
03/17/2016	M-NCPPC Planning Board	approval with conditions
07/01/2016	Zoning Hearing Examiner	approval with conditions

07/12/2016	Applicant	filed
	<i>Michele La Rocca, Esq., attorney for the applicant, filed a request with the Zoning Hearing Examiner for reconsideration of the Zoning Hearing Examiner's decision.</i>	
07/12/2016	Zoning Hearing Examiner	transmitted
	<i>The Zoning Hearing Examiner transmitted a letter to the Clerk granting the applicants request to schedule a reconsideration hearing of the Zoning Hearing Examiner's decision.</i>	
07/13/2016	Clerk of the Council	transmitted
	<i>The Clerk returned the entire case file to the Zoning Hearing Examiner's (ZHE) Office in accordance with the Zoning Hearing Examiner's July 12, 2016 letter.</i>	
08/02/2016	Zoning Hearing Examiner	approval
	<u>Attachment(s):</u> SE-4758 Zoning AIS SE-4758-RECON_Zoning Hearing Examiner Decison SE-4758_RECON_PORL	

In the event the District Council elects to make the final decision in this case, an oral argument will be scheduled pursuant to Sec. 27-131 of the Zoning Ordinance.

PENDING FINALITY (Continued)

(b) PLANNING BOARD

CDP-0102-H1

Chaddsford, Section 7, Lot 22

Companion Case(s): SDP-0705-H1

Applicant(s): Gus Anderson

Location: Located on the west side of Eve Way, approximately 440 feet north of its intersection with Lafayette Boulevard, within the The Glen at Chaddsford Subdivision (0.12 Acres; R-M Zone).

Request: The subject homeowner's minor amendment to a specific design plan (SDP) is a request to construct a 12-foot by 14-foot deck to be attached to the rear of an existing single-family detached dwelling.

Council District: 1

Appeal by Date: 9/1/2016

Review by Date: 9/30/2016

History:

07/11/2016 M-NCPPC Technical Staff approval

07/28/2016 M-NCPPC Planning Board approval

Attachment(s): [CDP-0102-H1 Zoning AIS](#)
[CDP-0102-H1 Planning Board Resolution 16-89](#)
 CDP-0102-H1_PORL
[CDP-0102-H1 Technical Staff Report](#)

PENDING FINALITY (Continued)

[SDP-0705-H1](#) **Chaddsford, Section 7, Lot 22**

Companion Case(s): CDP-0102-H1

Applicant(s): Gus Anderson

Location: Located on the west side of Eve Way, approximately 440 feet north of its intersection with Lafayette Boulevard, within the The Glen at Chaddsford Homeowners Subdivision (0.12 Acres; R-M Zone).

Request: The subject homeowner's minor amendment to a specific design plan (SDP) is a request to construct a 12-foot by 14-foot deck to be attached to the rear of an existing single-family detached dwelling.

Council District: 9

Appeal by Date: 9/1/2016

Review by Date: 9/30/2016

History:

07/11/2016 M-NCPPC Technical Staff approval

07/28/2016 M-NCPPC Planning Board approval

Attachment(s): [SDP-0705-H1 Zoning AIS](#)
[SDP-0705-H1 Planning Board Resolution 16-87](#)
 SDP-0705-H1 PORL
[SDP-0705-H1 Technical Staff Report](#)

PENDING FINALITY (Continued)[CNU-31260-2015-U](#)**MT Laney****Applicant(s):**

Laney Recycling LLC

Location:

Located at 14852 Old Gunpowder Road, Laurel, Maryland

Request:

Requesting approval of a Certification of a Non-Conforming Use for a concrete recycling plant. Certification of the existing concrete recycling plant is required due to the adoption of CB-78-2004.

Council District:

1

Review by Date:

9/30/2016

Comment(s):

According to the M-NCPPC Memorandum, this permit application has been found to fulfill the requirements for administrative certification and there was no timely request for the Planning Board to conduct a public hearing.

History:

08/04/2016

M-NCPPC Administrative Certification approval

Alan Hirsch, Chief, Development Review Division, transmitted a memorandum recommending that the use be certified as nonconforming since the application was found to fulfill the requirements of the Zoning Ordinance for administrative certification of the use in question, and no request for the Planning Board to conduct a public hearing was received within the time period specified on the public notice sign.

Attachment(s):[CNU-31260-2015-U_ZoningAIS](#)

PENDING FINALITY (Continued)**CSP-14002****Vista Gardens West****Applicant(s):**

Buena Vista West, LLC

Location:

Located at the intersection of Annapolis Road (MD 450) and Martin Luther King Jr. Highway (MD 704) (31.34 Acres; M-X-T Zone).

Request:

Requesting approval of a Conceptual Site Plan to develop approximately 31.34 acres of land into a mixed-use development, including 75,000 square feet of new commercial space, a gas station and associated food and beverage store, a 124-room hotel, and 115 single-family attached dwelling units, in addition to an existing office building of 14,881 square feet.

Council District:

5

Appeal by Date:

9/1/2016

Review by Date:

9/30/2016

History:

06/23/2016

M-NCPPC Technical Staff

approval with conditions

07/28/2016

M-NCPPC Planning Board

approval with conditions

Attachment(s):[CSP-14002 Zoning AIS](#)[CSP-14002 Planning Board Resolution 16-90](#)

CSP-14002_PORL

[CSP-14002 Technical Staff Report](#)

PENDING FINALITY (Continued)**DSP-12018****U-Haul Moving and Storage Operation and Bottled Gas Sales****Applicant(s):**

Jim Lorimer

Location:

Located in the southeastern quadrant of the intersection of New Hampshire Avenue (MD 650) and East-West Highway (MD 410) at 6889 New Hampshire Avenue (4.68 Acres; C-M Zone).

Request:

Requesting approval of a Detailed Site Plan for the addition of a moving and storage operation and bottled gas sales to the existing vehicle rental site.

Council District:

2

Appeal by Date:

9/1/2016

Review by Date:

9/30/2016

History:

06/21/2016

M-NCPPC Technical Staff

approval with conditions

07/28/2016

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-12018 ZoningAIS](#)[DSP-12018 Planning Board Resolution 16-92](#)

DSP-12018_PORL

[DSP-12018 Technical Staff Report](#)**DSP-15036****District Electrical Services****Applicant(s):**

Brian McLaughlin

Location:

Located on the south side of Decatur Street between 46th Avenue and 47th Avenue, approximately 461 feet past its intersection with Baltimore Avenue (US 1), in the City of Hyattsville (0.88 Acres; M-X-T / D-D-O / I-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan for the expansion of the existing parking lot and the provision of outdoor storage for an existing contractor services business.

Council District:

5

Appeal by Date:

8/25/2016

Review by Date:

9/26/2016

Municipality:

City of Hyattsville

History:

06/06/2016	M-NCPPC Technical Staff	approval with conditions
07/21/2016	M-NCPPC Planning Board	approval with conditions

Attachment(s): [DSP-15036 Zoning AIS](#)
[DSP-15036 Planning Board Resolution 16-82](#)
 DSP-15036_PORL
[DSP-15036 Technical Staff Report](#)

PENDING FINALITY (Continued)

[DSP-16005](#)

Addison Overlook

Applicant(s):

Addison Overlook, LLC

Location:

Located on the east side of Addison Road, approximately 300 feet north of its intersection with Ronald Road and approximately 3,000 feet south of the Addison Road metro station (10.56 Acres; R-T / R-18 Zones).

Request:

Requesting approval of a Detailed Site Plan for 56 quadruple-attached dwelling units in the Townhouse (R-T) and Multifamily Medium Density Residential.

Council District:

6

Appeal by Date:

9/1/2016

Review by Date:

9/30/2016

History:

07/07/2016	M-NCPPC Technical Staff	approval with conditions
07/28/2016	M-NCPPC Planning Board	approval with conditions

Attachment(s): [DSP-16005 Zoning AIS](#)
[DSP-16005 Planning Board Resolution 16-97](#)
 DSP-16005_PORL
[DSP-16005 Technical Staff Report](#)

CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON 10/17/2016 AT 10:00 A.M.[CSP-03006-03](#)**Woodmore Towne Centre at Glenarden
(CSP-03006-03, DSP-0711-02 & DSP-07057-01)****Applicant(s):**

Woodmore Towne Centre at Glenarden

Location:

Located in the northwestern quadrant of the intersection of Ruby Lockhart Boulevard and St. Joseph's Drive (244.63 Acres; M-X-T Zone).

Request:

Requesting approval of an Amendment of Conditions to amend the following Conditions:

Delete in its entirety Condition 1(a)(iii) of the District Council's January 23, 2006 approval of Conceptual Site Plan 03006 for construction of 900-1,100 dwelling units, 400,000-1 million sq. ft. commercial retail, 550,000-1 million sq. ft. commercial office and up to 500,000 sq. ft. of institutional use; Delete in its entirety Condition (4)(c) of the District Council's April 21, 2009 approval of Detailed Site Plan 07011/01; Delete in its entirety Condition 8(c) of the District Council's September 21, 2009 approval of Detailed Site Plan 07057; and Modify Condition 18(i) of the District Council's November 9, 2015 approval of Conceptual Site Plan 03006/02.

Council District:

5

Appeal by Date:

8/22/2016

Action by Date:

10/31/2016

Municipality:

City of Glenarden

Opposition:

Edward Estes

History:

03/25/2016

Applicant

filed

Matthew C. Tedesco, Esq., Attorney for the applicant, filed a request for the District Council to amend certain conditions of approval.

03/30/2016

Clerk of the Council

transmitted

The Clerk of the Council transmitted the case to the Zoning Hearing Examiner for a Public Hearing.

08/05/2016

Zoning Hearing Examiner

approval with conditions

08/22/2016

Person of Record

appealed

Chris Duffy, Authorized Agent for Woodmore Towne Centre LLC, filed an appeal to the Zoning Hearing Examiner's Decision.

Attachment(s): [CSP-03006-03_DSP-07011-02_DSP-07057-01_Zoning_AI](#)
[CSP-03006-03_DSP-07011-02_DSP-07057-01_Zoning_He](#)
CSP-03006-03_DSP-07011-02_DSP-07057-01_PORL

ADJOURN

EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

EX 09122016

Motion to convene in executive session to consult with staff, consultants, or other individuals about pending or potential litigation in accordance with Section 3-305(b) (8), General Provisions Article, Annotated Code of Maryland.