

# Prince George's County Council

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



## **Zoning Agenda - Final**

**Monday, May 11, 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 - Thomas Mayah, County Employee**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 05042015](#)

**District Council Minutes dated May 4, 2015**

**ORAL ARGUMENTS**

[SE-4734](#)

**Mill Branch Crossing (Walmart)**

**Applicant(s):**

Wal-Mart Real Estate Business Trust

**Location:**

Located northeast quadrant of the intersection of Robert Crain Highway (US 301) and Mill Branch Road (24.90 Acres; C-S-C Zone).

**Request:**

Requesting approval of a Special Exception for a department or variety store over 125,000 square feet in the C-S-C Zone.

**Council District:**

4

**Appeal by Date:**

2/20/2015

**Review by Date:**

2/20/2015

**Action by Date:**

6/22/2015

**Municipality:**

City of Bowie

**Opposition:**

The Patuxent Riverkeeper, et. al.

**History:**

11/26/2013	M-NCPPC Technical Staff	disapproval
12/12/2013	M-NCPPC Planning Board	no motion to consider
01/21/2015	Zoning Hearing Examiner	disapproval
01/26/2015	Sitting as the District Council	deferred
	<i>Council deferred this item to February 9, 2015.</i>	
02/09/2015	Sitting as the District Council	elected to make the final decision
	<i>Council elected to make the final decision on this item (Vote: 9-0).</i>	

- 02/20/2015 Applicant appealed  
*Andre J. Gingles, Esquire, Attorney for the applicant, filed exceptions to the Zoning Hearing Examiner's decision and requested Oral Argument.*
- 04/07/2015 Person of Record filed  
*G. Macy Nelson, Esquire, Attorney for citizens , filed a response to the applicants exceptions to the Zoning Hearing Examiner and citizen-protestants' proposed findings of fact and conclusions of law.*
- 04/07/2015 Person of Record filed  
*Michael A. Terry, Thomas A. Terry and CJ Lammers each filed memorandums in support of the Zoning Hearing Examiner's decision of denial.*
- 04/13/2015 Sitting as the District Council continued to a later date  
*Prior to the Oral Argument, a preliminary motion by Mr. G. Macy Nelson was considered. The motion included a request that Council Member Turner recuse himself and that the case be continued until the County and City of Bowie provide documents requested under the Maryland Public Information Act. Andre Gingles, Esq. provided argument in opposition to the request, on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented. The case was continued to May 11, 2015 at 10:00 a.m.*

**Attachment(s):**

SE-4734 Applicants Exceptions to ZHE Decision  
[SE-4734 Zoning Hearing Examiner Decision](#)  
[SE-4734 Technical Staff Report](#)  
 SE-4734\_PORL  
 SE-4734 Opposition Letters  
 SE-4734 Response to Appeal

**ORAL ARGUMENTS (Continued)****SE-4717****X4B Luxury Club****Applicant(s):**

CD#15CL2001, Inc. d/b/a Shriners United d/b/a X4B Luxury Club

**Location:**

Located along the south side of Brinkley Road approximately 1,400 feet east of its intersection with Fisher Road (9.3 Acres; C-S-C Zone).

**Request:**

Requesting approval of a Special Exception to operate an adult entertainment establishment in the C-S-C Zone.

**Council District:**

8

**Appeal by Date:**

2/23/2015

**Review by Date:**

2/23/2015

**Action by Date:**

6/22/2015

**Municipality:**

None

**Opposition:**

Indian Head Highway Area Action Council, District IV Citizens Advisory Council

**History:**

10/24/2012

M-NCPPC Technical Staff

disapproval

11/08/2012

M-NCPPC Planning Board

no motion to consider

01/22/2015

Zoning Hearing Examiner

approval with conditions

01/26/2015

Sitting as the District Council

deferred

*Council deferred this item to February 9, 2015.*

02/09/2015

Sitting as the District Council

elected to make the final decision

*Council elected to make the final decision on this item (Vote: 9-0).***Attachment(s):**[SE-4717 -Zoning Hearing Examiner Decision](#)[SE-4717 Technical Staff Report](#)

SE-4717 -PORL

**11:30 AM ORAL ARGUMENTS (Continued)**[CSP-11002](#)**Kiplinger Property, Expedited Transit-Oriented Development Project****Companion Case(s):** DPLS-417; DSP-14010**Applicant(s):** Kiplinger Washington Editors**Location:** Located on the south side of East-West Highway (MD 410), at the southwest corner of the intersection of East-West Highway (MD 410) and Editors Park Drive, within the City of Hyattsville (11.68 Acres, M-X-T / T-D-O Zones).**Request:** Requesting approval of a Conceptual Site Plan to revise the original CSP-11002 for the purpose of changing the development concept from multifamily and retail uses and layout, to eliminate the retail use and propose multifamily, townhouses and two-family dwellings.**Council District:** 2**Appeal by Date:** 5/21/2015**Review by Date:** 5/21/2015**Action by Date:** 5/18/2015**Comment(s):** This case is designated for expedited review in accordance with Section 27-290.01(a)(1)(B).**Municipality:** City of Hyattsville**History:**

03/11/2015 M-NCPPC Technical Staff approval with conditions

04/16/2015 M-NCPPC Planning Board approval with conditions

04/27/2015 Sitting as the District Council elected to review

*Council elected to review this item (Vote: 8-0; Absent: Council Member Lehman).***Attachment(s):** [CSP-11002 Planning Board Resolution 13-20\(A\)](#)

CSP-11002\_PORL

**ORAL ARGUMENTS (Continued)**[DSP-14010](#)**Kiplinger, Phase I, Expedited Transit-Oriented Development Project****Companion Case(s):** CSP-11002; DPLS-417**Applicant(s):** Fore Property Company**Location:** Located on the south side of East-West Highway (MD 410), at the southwest corner of the intersection of East-West Highway (MD 410) and Editors Park Drive, within the City of Hyattsville (11.68 Acres, M-X-T / T-D-O Zones).**Request:** Requesting approval of a Detailed Site Plan for development on proposed Lot 1, including a multifamily development of 352 dwelling units and an access road, which provides the main roadway through the development property.**Council District:** 2**Appeal by Date:** 5/21/2015**Review by Date:** 5/21/2015**Action by Date:** 5/18/2015**Comment(s):** This case is designated for expedited review in accordance with Section 27-290.01**Municipality:** City of Hyattsville**History:**

03/11/2015	M-NCPPC Technical Staff	approval with conditions
04/16/2015	M-NCPPC Planning Board	approval with conditions
04/27/2015	Sitting as the District Council	elected to review

*Council elected to review this item (Vote: 8-0; Absent: Council Member Lehman).***Attachment(s):** [DSP-14010 Planning Board Resolution 15-26](#)

DSP-14010\_PORL

**ORAL ARGUMENTS (Continued)**[DPLS-417](#)**Kiplinger, Phase I, Expedited Transit-Oriented Development Project****Companion Case(s):** CSP-11002; DSP-14010**Applicant(s):** Fore Property Company**Location:** Located on the south side of East-West Highway (MD 410), at the southwest corner of the intersection of East-West Highway (MD 410) and Editors Park Drive, within the City of Hyattsville (11.68 Acres, M-X-T / T-D-O Zones).**Request:** Requesting approval of a Departure from Parking and Loading Standards for a reduction in the number of loading spaces for the multifamily development from 2 loading spaces to 1.**Council District:** 2**Appeal by Date:** 5/21/2015**Review by Date:** 5/21/2015**Comment(s):** This case is a companion to DSP-14010 and CSP-11002 (Revised) that are designated for expedited review in accordance with Section 27-290.01.**Municipality:** City of Hyattsville**History:**

03/11/2015	M-NCPPC Technical Staff	approval
04/16/2015	M-NCPPC Planning Board	approval
04/27/2015	Sitting as the District Council	elected to review

*Council elected to review this item (Vote: 8-0; Absent: Council Member Lehman).***Attachment(s):** [DPLS-417 Planning Board Resolution 15-27](#)

DPLS-417\_PORL



**NEW CASE(S)**[ERR-244](#)**AG TDG Pinewood, LLC.****Validation of Multifamily Rental License M-504 Issued in Error****Applicant(s):**

AG TDG Pinewood, LLC.

**Location:**

Located at 5601, 5603, 5605, 5607, 5609, 5611, 5613, 5615, 5617, 5619, 5621, 5623, 5625, 5627, 5629, 5631 and 5633 Regency Park Court, Suitland, Maryland (11.063 Acres; R-18 Zone).

**Request:**

Requesting approval for validation of Prince George's County Multifamily Rental License No. M-504 issued in error on May 27, 2013 for Andrews Ridge Apartments (formerly Pinewood Chase Apartments, Section 1).

**Council District:**

7

**Appeal by Date:**

5/18/2015

**Opposition:**

None

**History:**

04/16/2015

Zoning Hearing Examiner

approval

04/30/2015

Person of Record

waived right to appeal

*All Persons of Record waived their right to appeal this case.*

04/30/2015

People's Zoning Counsel

waived right to appeal

*Stan Brown, Peoples Zoning Counsel, waived his right to appeal this case.***Attachment(s):**[ERR-244 Zoning Hearing Examiner Decision](#)

ERR-244 PORL

**REFERRED FOR DOCUMENT**[ERR-242](#)**South Hill Apartments, LLC****Validation of Multifamily Rental License M-0164 Issued in Error****Applicant(s):**

South Hill Apartments, LLC

**Location:**

Located at 4105 Southern Avenue, Capitol Heights, Maryland (1.32 Acres; R-T Zone).

**Request:**

Requesting approval for validation of Prince George's County Multifamily Rental License No. M-0164 issued in error on October 1, 2014 for a 69-unit multifamily apartment building.

**Council District:**

7

**Appeal by Date:**

3/6/2015

**Action by Date:**

6/4/2015

**Opposition:**

None

**History:**

02/04/2015

Zoning Hearing Examiner

approval

03/09/2015

Sitting as the District Council

referred for document

*Council referred item to staff for preparation of an approving document (Vote: 9-0).***Attachment(s):**[ERR-242 Zoning Hearing Examiner 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.*

**PLANNING BOARD****CDP-0101-03****Central Wholesaler at Town Center Business Campus****Applicant(s):**

CWI Limited Partnership

**Location:**

Located on the eastern side of Konterra Drive approximately 800 feet south of its intersection with Van Dusen Road (25.23 Acres; E-I-A Zone).

**Request:**

Requesting approval of a Comprehensive Design Plan to increase the overall trip cap for the project to allow for the ultimate build out of the site at 342,378 square feet with approximately 120,000 square feet on Lot 3.

**Council District:**

1

**Appeal by Date:**

5/21/2015

**Review by Date:**

5/21/2015

**History:**

03/18/2015	M-NCPPC Technical Staff	approval with conditions
04/16/2015	M-NCPPC Planning Board	approval with conditions
04/27/2015	Sitting as the District Council	deferred
	<i>Council deferred this item.</i>	
05/04/2015	Sitting as the District Council	deferred

**Attachment(s):**

[CDP-0101-03 Planning Board Resolution 15-24](#)  
CDP-0101-03\_PORL

**PENDING FINALITY (Continued)**[DSP-14008](#)**The Crescents at Largo Town Center, Phases I & II****Applicant(s):**

Largo Crescents, LLC

**Location:**

Located in the northwest quadrant of Landover Road (MD 202) and Central Avenue (MD 214), within the southeast quadrant of Largo Town Center (18.01 Acres; M-U-I / D-D-O Zones).

**Request:**

Requesting approval of a Detailed Site Plan for 352 multifamily (Phase I) and 84 townhome (Phase II) residential units.

**Council District:**

6

**Appeal by Date:**

6/4/2015

**Review by Date:**

6/4/2015

**History:**

04/02/2015

M-NCPPC Technical Staff

approval with conditions

04/30/2015

M-NCPPC Planning Board

approval with conditions

**ADJOURN****1:30 PM COW WORKSESSION (ROOM 2027)****PRINCE GEORGE'S COUNTY BUDGET****Proposed FY 2016-2021 Capital Improvement Program (CIP)**

(SEE SEPARATE AGENDA)