

Prince George's County Council

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



Zoning Agenda

Monday, February 9, 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**10:00 AM CALL TO ORDER**

**INVOCATION - Reverend Barry N. Wade Sr., Pastor,
The Body of Christ Church, Capitol Heights**

PLEDGE OF ALLEGIANCE**APPROVAL OF DISTRICT COUNCIL MINUTES**[MINDC 01262015](#)**District Council Minutes dated January 26, 2015****Attachment(s):**[01-26-2015 District Council Minutes DRAFT](#)**ORAL ARGUMENT**[SE-4716](#)**Bazz and Crue****Applicant(s):**

CD #15CL2001, Inc. d/b/a Bazz and Crue Group Hall

Location:

Located at the northeast corner of Forestville Road and Marlboro Pike also identified as 7752 and 7754 Forestville Road (18.17 Acres; I-1/D-D-O Zones).

Request:

Requesting approval of a Special Exception for Adult Entertainment in approximately 4000 square feet of an 18.17 acre Shopping Center in the C-S-C /D-D-O Zones.

Council District:

6

Appeal by Date:

8/7/2014

Review by Date:

9/8/2014

Action by Date:

3/9/2015

Municipality:

None

Opposition:

Mr. Johnson, Ms. Taylor and Ms. White.

History:

10/24/2012	M-NCPPC Technical Staff	disapproval
11/09/2012	M-NCPPC Planning Board	no motion to consider
07/08/2014	Zoning Hearing Examiner	disapproval
07/14/2014	Sitting as the District Council	did not elect to make the final decision

Council took no action on this item.

08/01/2014 Applicant appealed
Dennis Whitely, III, Esquire, Attorney for the applicant, filed an appeal to the decision of the Zoning Hearing Examiner and requested Oral Argument.

Attachment(s): [SE-4716 Zoning Hearing Examiner Decision](#)
[SE-4716 Technical Staff Report](#)
 SE-4716 Appeal Letter
 SE-4716 POR List

ELIGIBLE FOR FINAL ACTION (Orientation if Desired)

[CNU-37342-2009](#)

Scott's Towing and Recovery Service

Applicant(s): Scott's Towing & Recovery Service, LLC t/a Scott's Towing
Location: Located at 3803 Old Silver Hill Road, Suitland, Maryland (0.6397 Acres; C-S-C Zone).
Request: Requesting approval of a Certification of a Non-Conforming Use for a Vehicle Towing Station and Auto Storage Yard.
Council District: 7
Appeal by Date: 12/1/2014
Action by Date: 2/17/2015
Opposition: None
History:

08/01/2012 M-NCPPC Technical Staff approval
 09/24/2012 Sitting as the District Council elected to review
 11/14/2014 Zoning Hearing Examiner approval

Backup: Order prepared in accordance with the ZHE decision.

NEW CASE(S)**[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

Attachment(s):[ERR 237 - Zoning Hearing Examiner Decision](#)**[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
The Zoning Hearing Examiner transmitted an Errata for the recommendation filed on January 15, 2015.

02/02/2015 Person of Record waived right to appeal
All Persons of Record waived their right to appeal this case.

02/02/2015 People's Zoning Counsel waived right to appeal
Stan Brown, Peoples Zoning Counsel, waived his right to appeal this case.

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

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

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

Council took no action.

06/30/2014 Sitting as the District Council elected to make the final decision

Upon additional consideration, Council revisited this item and elected to make the final decision (Vote: 8-0; Absent: Council Member Campos).

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.

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.

(a) ZONING HEARING EXAMINER

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
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.

Attachment(s): [SE-4717 -Zoning Hearing Examiner Decision](#)
SE-4717 POR List
[SE-4717 Technical Staff Report](#)

In the event the District Council elects to make the final decision in this case, the Council should consider whether it wants an oral argument pursuant to CB-61-1997.

PENDING FINALITY (Continued)

[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
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

Council deferred this item to February 9, 2015.

Attachment(s): [SE-4734 Technical Staff Report](#)
[SE-4734 Zoning Hearing Examiner Decision](#)
SE-473 POR List

In the event the District Council elects to make the final decision in this case, the Council should consider whether it wants an oral argument pursuant to CB-61-1997.

PENDING FINALITY (Continued)**(b) PLANNING BOARD**[CNU-33471-11](#)**CNC Concrete****Applicant(s):**Carlos Nazario, LLC
d/b/a CNC Concrete**Location:**

Located south of Sycamore Road between East Maple Avenue and Maryland Avenue, east of the Baltimore and Ohio Railroad tracks (0.9974 Acres; I-2).

Request:

Requesting approval of a Certification of a nonconforming use for a concrete batching/mixing plant located in the I-2 Zone.

Council District:

1

Appeal by Date:

3/5/2015

Review by Date:

3/5/2015

Municipality:

None

History:

12/17/2014

M-NCPPC Technical Staff

approval

01/29/2015

M-NCPPC Planning Board

approval

Attachment(s):[CNU-33471-11 Technical Staff Report](#)**ADJOURN**

11:30 A.M. - COMMITTEE OF THE WHOLE - (ROOM 2027)

FISCAL YEAR 2016 BUDGET BRIEFING

Thomas Himler

Deputy Chief Administrative Officer for Budget, Finance & Administration

Terri Bacote-Charles

Director, Office of Management and Budget