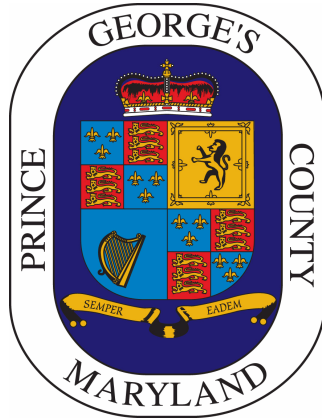


Prince George's County Council

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



Zoning Agenda

Monday, May 12, 2014

10:00 AM

Council Hearing Room

Sitting as the District Council

*Mel Franklin, District 9, Chairman
Will A. Campos, District 2, Vice Chair
Derrick Leon Davis, District 6
Andrea C. Harrison, District 5
Mary A. Lehman, District 1
Eric C. Olson, District 3
Obie Patterson, District 8
Karen R. Toles, District 7
Ingrid 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 on video and audio tapes. 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 - Chuckwunonso "Angel" Dureke, County Employee****PLEDGE OF ALLEGIANCE****ORAL ARGUMENTS****[CSP-01008-02](#)****Greenbelt Station****Applicant(s):**

NVR MS Cavalier Greenbelt LLC

Location:

Located north of Greenbelt Road (MD 193), between Metro/CSX tracks and Cherrywood Lane, from Branchville Road to the Capital Beltway (I-495/95).

Request:

Requesting approval of a Conceptual Site Plan for elimination of Conditions 1(c)(i) and 1(c)(ii) of Conceptual Site Plan CSP-01008-01, realignment of the north/south connector road within the North Core Area, realignment of trails and removal of the pedestrian overpass.

Council District:

1

Appeal by Date:

3/27/2014

Review by Date:

3/27/2014

Action by Date:

7/11/2014

Municipality:

City of Greenbelt

History:

01/17/2014

M-NCPPC Technical Staff

approval with conditions

02/20/2014

M-NCPPC Planning Board

approval with conditions

03/17/2014

Sitting as the District Council

rescheduled

Due to inclement weather conditions, Prince George's County Government was closed and this item was rescheduled.

03/18/2014

Sitting as the District Council

elected to review

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

Attachment(s):[CSP-01008-02 Planning Board Resolution 14-07](#)

CSP-01008-02_PORL

[CSP-01008-02 Technical Staff Report](#)

[SE-4730](#)**SMO - Sandy Spring Road****Applicant(s):**

Walnut Limited Partnership/PEH, LLC/SMO

Location:

Located on the northeast corner of the intersection of Bauer Lane and Sandy Spring Road (MD 198) (1.62 Acres; C-S-C Zone).

Request:

Requesting approval of a Special Exception to raze and rebuild an existing gas station and food and beverage store and add a car wash.

Council District:

1

Appeal by Date:

3/27/2014

Review by Date:

3/27/2014

Action by Date:

7/25/2014

Comment(s):

Per ZHE Notice of Decision, the original Applicant was Southern Maryland Oil. The Application was revised to reflect the change in the legal entity that will operate the use.

Municipality:

None

Opposition:

None

History:

10/30/2013

M-NCPPC Technical Staff

approval with conditions

11/14/2013

M-NCPPC Planning Board

no motion to consider

02/25/2014

Zoning Hearing Examiner

approval with conditions

03/17/2014

Sitting as the District Council

rescheduled

Due to inclement weather conditions, Prince George's County Government was closed and this item was rescheduled.

03/18/2014

Sitting as the District Council

elected to make the final decision

*Council elected to make the final decision (Vote: 9-0).***Attachment(s):**[SE-4730 Zoning Hearing Examiner Decision](#)[SE-4730 Technical Staff Report](#)

REFERRED FOR DOCUMENT[DSP-12059](#)**Riverdale Road McDonalds****Companion Case(s):** DPLS-396**Applicant(s):** McDonalds USA LLC**Location:** Located on the northeast quadrant of the intersection of Kenilworth Avenue (MD 201) and Riverdale Road (1.11 Acres; C-S-C Zone).**Request:** Requesting approval of a Detailed Site Plan for a 4,387-square-foot, one-story, freestanding McDonalds eating and drinking establishment with drive-through service on an existing McDonalds site in the Commercial Shopping Center (C-S-C) Zone. The DSP proposes to demolish the existing McDonalds restaurant building and replace it with a new prototype building.**Council District:** 3**Appeal by Date:** 1/9/2014**Review by Date:** 1/30/2014**Action by Date:** 5/23/2014**Municipality:** Town of Riverdale Park**History:**

10/31/2013	M-NCPPC Technical Staff	approval with conditions
12/05/2013	M-NCPPC Planning Board	approval with conditions
01/13/2014	Sitting as the District Council	elected to review
	<i>Council elected to review (Voice Vote: 9-0).</i>	
03/24/2014	Sitting as the District Council	hearing held; case taken under advisement
	<i>Henry Zhang, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Edward Gibbs, Esq., Attorney for the applicant, and Sara Imhulse, Town Administrator, Town of Riverdale Park, spoke in support. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.</i>	
05/05/2014	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0).</i>	

Attachment(s): [DSP-12059 Planning Board Resolution 13-133](#)
 DSP-12059_PORL
[DSP-12059 Technical Staff Report](#)

Backup: Order of Approval, with Conditions.

DPLS-396

Riverdale Road McDonalds

Companion Case(s): DSP-12059

Applicant(s): McDonalds USA LLC

Location: Located on the northeast quadrant of the intersection of Kenilworth Avenue (MD 201) and Riverdale Road (1.11 Acres; C-S-C Zone).

Request: Requesting approval of a Departure from Parking and Loading Standards (Sections 27-568 and 27-582) to reduce the required number of parking spaces from 52 to 46 and to not provide the required one loading space due to the site's small size.

Council District: 3

Appeal by Date: 1/9/2014

Review by Date: 1/30/2014

Action by Date: 5/23/2014

Municipality: Town of Riverdale Park

History:

10/31/2013	M-NCPPC Technical Staff	approval
12/05/2013	M-NCPPC Planning Board	approval
01/13/2014	Sitting as the District Council	elected to review
	<i>Council elected to review (Voice Vote: 9-0).</i>	
03/24/2014	Sitting as the District Council	hearing held; case taken under advisement

Henry Zhang, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Edward Gibbs, Esq., Attorney for the applicant, and Sara Imhulse, Town Administrator, Town of Riverdale Park, spoke in support. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.

05/05/2014	Sitting as the District Council	referred for document
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Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0).

Attachment(s): [DPLS-396 Planning Board Resolution 13-134](#)
DPLS-396_PORL
[DPLS-396 Technical Staff Report](#)

Backup: Order of Approval, with Conditions.

[DSP-13020](#)

Walker Mill Business Park, Lot 8

Applicant(s): Wasim and Naira Butt
Location: Located on the north side of Prosperity Court, approximately 150 feet east of its intersection with Prosperity Way (1.58 Acres; I-1 Zone).
Request: Requesting approval of a Detailed Site Plan for a proposed vehicle towing company and automobile storage yard.
Council District: 7
Appeal by Date: 1/9/2014
Review by Date: 1/30/2014
Action by Date: 5/23/2014
Municipality: Capitol Heights

History:

10/02/2013	M-NCPPC Technical Staff	approval with conditions
12/05/2013	M-NCPPC Planning Board	approval with conditions
01/13/2014	Sitting as the District Council	elected to review
	<i>Council elected to review (Voice Vote: 9-0).</i>	
03/24/2014	Sitting as the District Council	hearing held; case taken under advisement

Jill Kosack, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Wasim Butt, applicant, and the project Engineer, Rafik Bazikian, spoke in support. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.

05/05/2014	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0).</i>	

Attachment(s): [DSP-13020 Planning Board Resolution 13-130](#)
DSP-13020_PORL
[DSP-13020 Technical Staff Report](#)

Backup: Order of Approval, with Conditions.

[SE 4647](#)

Millville Quarry (Remand)

<u>Applicant(s):</u>	Bardon Inc. (Aggregate Industries, Inc.), Applicant	
<u>Location:</u>	Located on the south side of Accokeek Road (MD 373), on the east side of McKendree Road, just southeast of intersection of these roads, and west of Robert S. Crain Highway (US 301)	
<u>Request:</u>	Requesting approval of a Special Exception for surface mining of sand and gravel in the R-R Zone	
<u>Council District:</u>	9	
<u>Action by Date:</u>	7/1/2013	
<u>Municipality:</u>	Municipality: None	
<u>Opposition:</u>	Opposition: None	
<u>History:</u>		
11/08/2012	M-NCPPC Technical Staff	approval with conditions
11/09/2012	M-NCPPC Planning Board	approval with conditions
11/19/2012	Sitting as the District Council	remanded
	<i>Remanded to the Zoning Hearing Examiner (Vote: 9-0)</i>	
11/28/2012	Clerk of the Council	transmitted
	<i>Notice of Decision was mailed to all POR</i>	
11/28/2012	Clerk of the Council	transmitted
	<i>The Clerk transmitted the case to the Zoning Hearing Examiner.</i>	
01/30/2013	Zoning Hearing Examiner	approval with conditions
02/11/2013	Sitting as the District Council	elected to make the final decision
	<i>(Voice Vote: 9-0)</i>	
04/11/2013	Clerk of the Council	transmitted
	<i>Notice of Oral Argument hearing was mailed to all POR.</i>	
05/13/2013	Sitting as the District Council	hearing held; case taken under advisement
06/10/2013	Sitting as the District Council	deferred
	<i>Deferred to June 17, 2013</i>	

06/17/2013	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of an approving document in accordance with the Zoning Hearing Examiner's decision of approval, with additional conditions.</i>	
06/17/2013	Sitting as the District Council	approval with conditions
	<i>Council adopted Zoning Ordinance No. 6-2013 in accordance with the Zoning Hearing Examiner's decision of approval, with additional conditions.</i>	
06/19/2013	Clerk of the Council	transmitted
	<i>Notice of Final Decision was mailed to all POR.</i>	
07/18/2013	Applicant	appealed
	<i>Daniel F. Lynch, Esq. filed a petition for Judicial Review in Circuit Court.</i>	
11/20/2013	Zoning Hearing Examiner	transmitted
	<i>The Zoning Hearing Examiner transmitted a memo with revised plans in accordance with the conditions imposed by Zoning Hearing Examiners decision dated January 30, 2013.</i>	
04/14/2014	Sitting as the District Council	referred for document
	<i>Council referred this item to staff for preparation of an approving document consistent with the Circuit Court order (Vote: 9-0).</i>	

Backup: Order of Approval, with Conditions.

ITEM(S) FOR DISCUSSION**DSP-12061****Franklin Park at Greenbelt Station****Applicant(s):**

Franklin Park at Greenbelt Station

Location:

Located on the northeast quadrant of the intersection of Breezewood Drive and Cherrywood Lane (151.79 Acres; M-U-I / D-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan for the addition of two new freestanding monument signs, two new building-mounted banner signs, and 27 freestanding pole banner signs within an existing multifamily residential development in the M-U-I and D-D-O Zones.

Council District:

4

Appeal by Date:

1/9/2014

Review by Date:

1/30/2014

Action by Date:

5/23/2014

Municipality:

City of Greenbelt

History:

11/01/2013

M-NCPPC Technical Staff

approval with conditions

12/05/2013

M-NCPPC Planning Board

approval with conditions

01/13/2014

Sitting as the District Council

elected to review

Council elected to review (Voice Vote: 9-0).

03/24/2014

Sitting as the District Council

referred for document

Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0).

03/24/2014

Sitting as the District Council

hearing held

Jill Kosack, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Lawrence Taub, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.

05/05/2014

Sitting as the District Council

deferred

*Council deferred this item to May 12, 2014.***Attachment(s):**[DSP-12061 Planning Board Resolution 13-135](#)

DSP-12061_PORL

[DSP-12061 Technical Staff Report](#)

[DSP-13017](#)**1800 Prosperity Way****Applicant(s):**

James F. Schneider

Location:

Located in the southeast quadrant of the intersection of Prosperity Way and Prosperity Court (0.72 Acres; I-1 Zone).

Request:

Requesting approval of a Detailed Site Plan for a contractor's storage yard.

Council District:

7

Appeal by Date:

1/9/2014

Review by Date:

1/30/2014

Action by Date:

5/23/2014

Municipality:

Capitol Heights

History:

11/07/2013

M-NCPPC Technical Staff

approval with conditions

12/05/2013

M-NCPPC Planning Board

approval with conditions

01/13/2014

Sitting as the District Council

elected to review

Council elected to review (Voice Vote: 9-0).

03/24/2014

Sitting as the District Council

hearing held; case taken under advisement

Jill Kosack, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. James Schneider, 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.

05/05/2014

Sitting as the District Council

deferred

*Council deferred this item to May 12, 2014***Attachment(s):**[DSP-13017 Planning Board Resolution 13-128](#)

DSP-13017_PORL

[DSP-13017 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**[CNU-40223-2013](#)****DC Materials****Applicant(s):**

HMH Partnership

Location:

Located 1,160 ft from the intersection of Kenilworth Avenue and 52nd Avenue identified as 3334 Kenilworth Avenue, Hyattsville (6.9186 Acres; I-2 Zone).

Request:

Requesting approval of a Nonconforming Use Certification for a concrete recycling facility in the I-2 Zone.

Council District:

5

Appeal by Date:

6/6/2014

Review by Date:

6/6/2014

History:

05/09/2014

M-NCPPC Administrative Certification approval

Attachment(s):[CNU-40223-2013 File Materials](#)[CNU-40223-2013 Memorandum](#)**[DDS-623](#)****National Harbor, Beltway Parcel, MGM Lot 4****Companion Case(s):** DSP-07073-01**Applicant(s):**

MGM National Harbor, LLC

Location:

Located approximately one mile north of the Woodrow Wilson Bridge, southwest of the intersection of I-95/495 (Capital Beltway) and Indian Head Highway (MD 210) (49.47 Acres; M-X-T Zone).

Request:

Requesting approval of a Departure from Section 27-558(a) of the Zoning Ordinance to allow a reduced standard, nonparallel parking space size to be used for all of the provided parking spaces.

Council District:

8

Appeal by Date:

6/9/2014

Review by Date:

6/9/2014

History:

04/24/2014

M-NCPPC Technical Staff approval with conditions

05/08/2014 M-NCPPC Planning Board approval with conditions

Attachment(s): [DDS-623 Planning Board Resolution 14-37](#)

DDS-623_PORL

[DSP-07073-01](#)

National Harbor, Beltway Parcel, MGM Lots 2-7

Companion Case(s): DDS-623

Applicant(s): MGM National Harbor, LLC

Location: Located approximately one mile north of the Woodrow Wilson Bridge, southwest of the intersection of I-95/495 (Capital Beltway) and Indian Head Highway (MD 210) (49.47 Acres; M-X-T Zone).

Request: Requesting approval of a Detailed Site Plan for an entertainment establishment of a commercial nature with a video lottery facility, retail, restaurants and a 300-room hotel for a total of approximately 1,078,237 square feet of development.

Council District: 8

Appeal by Date: 6/9/2014

Review by Date: 6/9/2014

History:

04/24/2014 M-NCPPC Technical Staff approval with conditions

05/09/2014 M-NCPPC Planning Board approval with conditions

Attachment(s): [DSP-07073-01 Planning Board Resolution 14-36](#)

DSP-07073-01_PORL

[DSP-13008 Remand](#)

Gilpin Property

Companion Case(s): DSP-13008

Applicant(s): Boundary Stone SE #6, LLC

Location: Located in the southeastern quadrant of the intersection of Southern Avenue and Wheeler Road (14.43 Acres; I-1 Zone).

Request: Requesting approval of a Detailed Site Plan for conversion of an existing building into a consolidated-storage building with 615 interior-access units

Council District: 7

Appeal by Date: 6/5/2014

Review by Date: 6/5/2014

History:

07/10/2013 M-NCPPC Technical Staff disapproved

09/12/2013	M-NCPPC Planning Board	approval with conditions
02/11/2014	Sitting as the District Council	remanded
	<i>Council adopted the prepared Order of Remand to the Planning Board (Vote: 7-0; Absent: Council Members Harrison and Lehman).</i>	
05/01/2014	M-NCPPC Planning Board	returned case to Clerk
	<i>The Planning Board adopted Resolution No. 14-35 indicating that it has no authority to re-open or reconsider the detailed site plan and therefore returned the matter to the District Council.</i>	

Attachment(s): [DSP-13008 Planning Board Resolution 14-35](#)
[DSP-13008 Technical Staff Report](#)
 DSP-13008_PORL

[DSP-91057-03](#)

Rainier Manor Apartments

Applicant(s): Stavrou Associates, Inc.
Location: Located at the southeast corner of the intersection of Buchanan Street and Queen Chapel Road (MD 500) (3.73 Acres; R-10 / D-D-O Zones).
Request: Requesting approval of a Detailed Site Plan to construct a new, four-story, elderly housing multifamily apartment building for an additional 57 dwelling units on an existing developed site.
Council District: 2
Appeal by Date: 6/5/2014
Review by Date: 6/5/2014
Municipality: City of Mount Rainier

History:

03/26/2014	M-NCPPC Technical Staff	approval with conditions
05/01/2014	M-NCPPC Planning Board	approval with conditions

Attachment(s): [DSP-91057-03 Planning Board Resolution 14-31](#)
 DSP-09017-03_PORL

EXECUTIVE SESSION – (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

[EX 05122014](#)

ADJOURN

COMMITTEE OF THE WHOLE - (ROOM 2027)

FY 2015-2020 CAPITAL IMPROVEMENT PROGRAM (CIP)

(SEE SEPARATE AGENDA)