

Prince George's County Council

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



Monday, September 30, 2013

10:00 AM

Council Hearing Room

Sitting as the District Council

Andrea C. Harrison, Chair, District 5

Mary A. Lehman, District 1

Will A. Campos, District 2

Eric C. Olson, District 3

Ingrid M. Turner, District 4

Derrick Leon Davis, District 6

Karen R. Toles, District 7

Obie Patterson, Vice Chair, District 8

Mel R. Franklin, District 9

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 - Mrs. Sylvia Taylor, Member, International Church of Christ, Landover, Maryland****PLEDGE OF ALLEGIANCE****MANDATORY REVIEW (Using Oral Argument Procedures)**[DSP-13014](#)**Forestville Plaza Shopping Center**

Applicant(s): PMM Enterprises, LLC

Location: In the northeastern quadrant of the intersection of Forestville Road and Old Marlboro Pike (MD725) (18.17 Acres; I-1 Zone)

Request: Requesting approval of a Detailed Site Plan to rezone the property from the Light Industrial (I-1) Zone to the Commercial Shopping Center (C-S-C) Zone in a Development District Overlay (D-D-O) Zone.

Council District: 6

Appeal by Date: 8/29/2013

Action by Date: 11/29/2013

Comment(s): District Council review of this case is required by Section 27-548.26 of the Zoning Ordinance.

History:

07/10/2013	M-NCPPC Technical Staff	approval with conditions
07/25/2013	M-NCPPC Planning Board	approval with conditions
08/23/2013	Person of Record <i>Benjamin J. Woolery, Esquire</i>	appealed <i>appealed the Planning Board's decision in opposition and requested Oral Argument.</i>

Attachment(s): [DSP-13014 Technical Staff Report](#)
[DSP-13014 Planning Board Resolution 13-79](#)

[SDP-9907-01](#)**Beech Tree, East Village, Infrastructure Transportation****Staging Plan Revision****Applicant(s):** VOB Limited Partnership**Location:** Southwestern quadrant of the intersection of Robert Crain Highway (US 301) and Leeland Road.
(1,212.06 / 68.39 Acres; R-S Zone)**Request:** Requesting approval of a Specific Design Plan to revise the approved transportation improvement staging plan.**Council District:** 6**Appeal by Date:** 8/22/2013**Action by Date:** 11/29/2013**Comment(s):** District Council review of this case is required by A-9763-C and CDP-9706.**History:**06/19/2013 M-NCPPC approval with conditions
Technical Staff07/18/2013 M-NCPPC Planning approval with conditions
Board07/29/2013 Person of Record appealed
*Mark Noblett appealed the Planning Board's decision in opposition and requested Oral Argument.***Attachment(s):** [SDP-9907-01 Technical Staff Report](#)
[SDP-9907-01 Planning Board Resolution 13-77](#)
[SDP-9907-01 Staff Report and Case File 1 of 2](#)
[SDP-9907-01 Staff Report and Case File 2 of 2](#)
SDP-9907-01 Appeal Letter

REFERRED FOR DOCUMENT**CNU-3916-2012** **Rockport Autos, LLC**

Applicant(s): Rockport Autos, LLC

Location: Located on the northwest side of Martin Luther King, Jr. Highway (MD 704) and the northeast side of Glenarden Parkway

Request: Requesting approval of a Non-Conforming Use Certification for a used vehicle service repair in the M-U-I/D-D-O Zone

Council District: 5

Action by Date: 10/7/2013

History:

01/23/2013	M-NCPPC Technical Staff	disapproval
03/07/2013	M-NCPPC Planning Board	disapproval
03/25/2013	Sitting as the District Council	elected to review
	<i>(Voice Vote: 8-0; Absent: Council Member Olson)</i>	
03/25/2013	Clerk of the Council	Transmitted
	<i>Clerk transmitted case to the Zoning Hearing Examiner to hold a public hearing prior to final action by the District Council.</i>	
04/11/2013	Applicant	appealed
	<i>Puja Gupta, Attorney for the Applicant filed an appeal on behalf of the Applicant and requested Oral Argument.</i>	
04/19/2013	Zoning Hearing Examiner	returned case to Clerk
	<i>The Zoning Hearing Examiner returned the case back to the Clerk pursuant to Section 27-244(5)(A)(B)(C) of the Zoning Ordinance, to allow the District Council to hold a public hearing.</i>	

07/08/2013 Sitting as the District Council hearing held; case taken under advisement

Ivy Thompson, M-NCPPC planning staff, provided an overview of the Certification of Nonconforming Use application. Nakia Gray and Puja Gupta spoke in support of the Certification of Nonconforming Use on behalf of the applicant. Suellan Ferguson, spoke in opposition on behalf of the City of Glenarden. Stan Brown, People's Zoning Counsel, responded to questions posed by Council and spoke to the merits of the case and legalities of the argument presented.

09/09/2013 Sitting as the District Council referred for document

Council referred this item to Staff for the preparation of an Order of Denial (Vote: 8-0; Absent: Council Member Turner).

Attachment(s): [CNU-3916-2012 MNCPPC Staff Report](#)
 [CNU-3916-2012 Planning Board Resolution](#)

Backup: Order of Denial.

[SA-130001](#)**Cafritz Property at Riverdale Park Town Center Development****Plan****Applicant(s):** Calvert Tract, LLC**Location:** Located approximately 1,400 feet north of the intersection of Baltimore Avenue (US 1) and East-West Highway (MD 410), on the east side of Baltimore Avenue (35.71 Acres; M-U-T-C)**Request:** Requesting approval of a Secondary Amendment to the Approved Cafritz Property at Riverdale Park Town Center Development Plan dated July 12, 2012**Council District:** 3**Appeal by Date:** 7/8/2013**Review by Date:** 7/8/2013**Action by Date:** 11/8/2013**History:**

05/08/2013	M-NCPPC Technical Staff	approval with conditions
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05/23/2013	M-NCPPC Planning Board	approval with conditions
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06/17/2013	Sitting as the District Council	elected to review
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Council elected to review (Voice Vote: 8-1; Absent: Council Member Turner).

07/08/2013	Person of Record	appealed
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On July 8, 2013, Suellen M. Ferguson, Esquire, Attorney for the Opposition appealed the Planning Board's decision on behalf of the Town of University Park and requested Oral Argument.

09/09/2013 Sitting as the District Council hearing held; case taken under advisement
Chair Harrison announced that the oral argument hearings for SA-130001 Cafritz Property at Riverdale Park Town Center Development Plan and DSP-13009 & SP-130002 Cafritz Property at Riverdale Park, would be held in tandem. Susan Lareuse, M-NCPPC, provided an overview of the Secondary Amendment and Detailed Site Plan applications. The Honorable John Tabori, Mayor of the Town of University Park, Suellen Ferguson, Terry Schum, Susan Dorn, Barbara Morris-Troiano spoke in opposition to the applications. Larry Taub, on behalf of the applicant and Frederick Sussman, on behalf of the Town of Riverdale Park spoke in support. Stan Brown, People's Zoning Counsel, spoke to the legalities of the case, noting that the Special Permit is not before the Council as it is not reviewable by the District Council.

09/23/2013 Sitting as the District Council referred for document
Council referred this item to Staff for the preparation of an Order of Approval, with Conditions (Vote: 9-0).

Attachment(s): Appeal 7-8-2013
[SA 130001 Planning Board Resolution](#)
[SA-130001 Technical Staff Report](#)

Backup: Order of Approval, with Conditions

[DSP-13009](#)**Cafritz Property at Riverdale Park****Applicant(s):** Calvert Tract, LLC**Location:** Located approximately 1,400 feet north of the intersection of Baltimore Avenue (US 1) and East-West Highway (MD 410), on the east side of Baltimore Avenue (37.73 Acres; M-U-TC/R-55 Zones)**Request:** Requesting approval of a Detailed Site Plan and Special Permit for 126 residential townhomes, 855 multifamily units, and approximately 187,277 square feet of commercial gross floor area**Council District:** 3**Appeal by Date:** 7/8/2013**Review by Date:** 7/8/2013**Action by Date:** 11/8/2013**History:**

05/09/2013	M-NCPPC Technical Staff	approval with conditions
06/06/2013	M-NCPPC Planning Board	approval with conditions
06/17/2013	Sitting as the District Council	elected to review <i>Council elected to Review (Voice Vote: 8-1; Absent: Council Member Turner).</i>
07/08/2013	Person of Record	appealed <i>On July 8, 2013, Suellen M. Ferguson, Esquire, Attorney for the Opposition appealed the Planning Board's decision on behalf of the City of College Park, the Town of University Park and requested Oral Argument.</i>
07/08/2013	Person of Record	appealed <i>On July 8, 2013, Susan Dorn et. al. appealed in opposition to the Planning Board's decision and requested Oral Argument.</i>

09/09/2013 Sitting as the District Council hearing held; case taken under advisement

Chair Harrison announced that the oral argument hearings for SA-130001 Cafritz Property at Riverdale Park Town Center Development Plan and DSP-13009 & SP-130002 Cafritz Property at Riverdale Park, would be held in tandem. Susan Lareuse, M-NCPPC, provided an overview of the Secondary Amendment and Detailed Site Plan applications. The Honorable John Tabori, Mayor of the Town of University Park, Suellen Ferguson, Terry Schum, Susan Dorn, Barbara Morris-Troiano spoke in opposition to the applications. Larry Taub, on behalf of the applicant and Frederick Sussman, on behalf of the Town of Riverdale Park spoke in support. Stan Brown, People's Zoning Counsel, spoke to the legalities of the case, noting that the Special Permit is not before the Council as it is not reviewable by the District Council.

09/23/2013 Sitting as the District Council referred for document

Council referred this item to Staff for the preparation of an Order of Approval, with Conditions (Vote: 9-0).

Attachment(s): [DSP 13009 Planning Board Resolution](#)
[DSP-13009 Technical Staff \(1 of 2\)](#)
[DSP-13009 Technical Staff \(2 of 2\)](#)

Backup: Order of Approval, with Conditions

[SE/VSE-4654](#)**Dash-In Woodyard Road****Companion Case(s):** DSDS-663**Applicant(s):** Dash-In Food Stores, Inc.**Location:** Located along the south side of Woodyard Road (MD 223) at its intersection with Stuart Lane and Woody Terrace (0.71 Acres; C-S-C Zone)**Request:** Requesting approval of a Special Exception for a gas station in the C-S-C Zone and a variance at the western driveway entrance from Woodyard Road**Council District:** 9**Appeal by Date:** 3/14/2013**Review by Date:** 3/14/2013**Action by Date:** 10/16/2013**Municipality:** None**Opposition:** None**History:**

01/03/2013	M-NCPPC Technical Staff	approval with conditions
01/17/2013	M-NCPPC Planning Board	approval with conditions
04/18/2013	Zoning Hearing Examiner	approval with conditions
04/22/2013	Sitting as the District Council	elected to make the final decision <i>Council elected to make the final decision (Voice Vote: 9-0).</i>
09/09/2013	Sitting as the District Council	referred for document <i>Council referred this item to Staff for the preparation of an Order of Approval, with Conditions (Vote: 6-0; Absent: Council Members Olson, Toles and Turner).</i>

09/09/2013 Sitting as the District Council hearing held
Council
Chair Harrison announced that the oral argument hearings for SE/VSE-4654 Dash-In Woodyard and DSDS-663 Dash in Woodyard, would be held in tandem. Jimi Jones, M-NCPPC, provided an overview of the Special Exception and Departure from Sign Design Standards case applications. Dan Lynch spoke in support of the cases on behalf of the applicant.

Attachment(s): [SE-4654 Technical Staff Report](#)
[SE 4654 Planning Board Resolution](#)
[Zoning Case Summary Sheet](#)
[SE/VSE-4654 ZHE Decision](#)

Backup: Order of Approval, with Conditions

[DSDS-663](#)**Dash-In Woodyard Road****Companion Case(s):** SE/VSE-4654**Applicant(s):** Dash-In Woodyard Road**Location:** Located along the south side of Woodyard Road (MD 223) at its intersection with Stuart Lane and Woody Terrace (0.71 Acres; C-S-C Zone)**Request:** Requesting approval of a Departure from Sign Design Standards to allow a freestanding sign from Sections 27-614(a)(1) and 27-614(a)(4) of the Zoning Ordinance**Council District:** 9**Appeal by Date:** 3/14/2013**Review by Date:** 3/14/2013**Action by Date:** 11/8/2013**History:**

01/03/2013	M-NCPPC Technical Staff	approval with conditions
02/07/2013	M-NCPPC Planning Board	approval with conditions
02/25/2013	Sitting as the District Council	deferred
	<i>On February 25, 2013, Council deferred this case to 3/11/2013.</i>	
03/11/2013	Sitting as the District Council	elected to review
	<i>On March 11, 2013, Council elected to Review (Voice Vote: 8-1; Absent: Council Member Lehman).</i>	
09/09/2013	Sitting as the District Council	referred for document
	<i>Council referred this item to Staff for the preparation of an Order of Approval, with Conditions (Vote: 6-0; Absent: Council Members Olson, Toles and Turner).</i>	

09/09/2013 Sitting as the District Council hearing held
 Council
Chair Harrison announced that the oral argument hearings for SE/VSE-4654 Dash-In Woodyard and DSDS-663 Dash in Woodyard, would be held in tandem. Jimi Jones, M-NCPPC, provided an overview of the Special Exception and Departure from Sign Design Standards case applications. Dan Lynch spoke in support of the cases on behalf of the applicant.

Attachment(s): [DSDS 663 Planning Board Resolution](#)
[DSDS-663 Technical Staff Report](#)

Backup: Order of Approval, with Conditions

[REV](#)
[CR-81-2013](#)

SMA Revisory Petition for the Subregion 5 Sectional Map Amendment (CR-81-2013)

Companion Case(s): CR-81-2013

Applicant(s): Aggregate Industries Land Company, Inc.,
 Petitioner

Daniel F. Lynch, Attorney for Petitioner

Request: Requesting a revision to a portion of the Approved Subregion 5 Sectional Map Amendment to rezone from the R-R (Rural Residential) Zone to the M-X-T (Mixed Use – Transportation Oriented) Zone

Council District: 9

History:

08/23/2013 Applicant filed a petition for revision
Daniel F. Lynch, Attorney for the Applicant, filed a petition for revision of the SMA on behalf of the property owner.

09/23/2013 Sitting as the District Council referred for document
Council
Under discussion on the motion, Rajesh Kumar, Principal Counsel to the District Council, summarized the requirements for approval of the revisory petition and his legal opinion on the matter. Council referred this item to staff for the preparation of an Order of Denial (Vote: 8-0; Absent: Council Member Harrison).

09/23/2013 Principal Counsel to the District Council filed a legal opinion
the District Council
The Principal Counsel to the District Council filed a legal opinion advising that the petition does not provide a reasonable basis to consider revising the Sectional Map Amendment.

Backup: Order of Denial

PENDING FINALITY

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make final decision or an appeal is filed.

(a) ZONING HEARING EXAMINER

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.

[SE/VSE-4637](#)

Ransom Motors II Vehicle Salvage

Applicant(s): Walter M. and Henry A. Meinhardt
Location: South side of Short Cut Road, approximately 138 feet east of the intersection of Branch Avenue (MD 5) and Robert Crain Highway (US 301) (4.86 Acres; I-1 Zone)
Request: Requesting approval of a Special Exception to operate a vehicle salvage yard in the I-1 Zone, a variance from Section 27-417.03(2) for fence material and from Section 27-474 for front and side yard building setbacks
Council District: 9
Appeal by Date: 10/7/2013
Review by Date: 10/7/2013
Municipality: None
Opposition: None

History:

05/29/2013	M-NCPPC Technical Staff	approval with conditions
06/13/2013	M-NCPPC Planning Board	no motion to consider
09/06/2013	Zoning Hearing Examiner	approval with conditions
09/23/2013	Sitting as the District Council	deferred

Council deferred this item to September 30, 2013.

Attachment(s): [SE-4637 Technical Staff Report](#)
[SE-4637 Planning Board Recommendation](#)
 SE-4637 PORL
[SE-4637 ZHE Case Summary](#)
[SE-4637 Zoning Hearing Examiner Decision](#)

(b) PLANNING BOARD[DSP-13007](#)**Royal Farms - Allentown Road**

Applicant(s): Two Farms INC d/b/a Royal Farms
Location: Located in the southwest quadrant of the intersection of Allentown Road (MD 337) and Branch Avenue (MD 5) (1.647 Acres; C-M Zone)
Request: Requesting approval of a Detailed Site Plan for construction of a new gas station with ten pumping stations, a 5,125-square-foot food and beverage store and a 1,255-square-foot car wash
Council District: 8
Appeal by Date: 10/17/2013
Review by Date: 10/17/2013

History:

06/26/2013	M-NCPPC Technical Staff	approval with conditions
09/12/2013	M-NCPPC Planning Board	approval with conditions
09/23/2013	Sitting as the District Council	deferred

Council deferred this item to September 30, 2013

Attachment(s): [DSP-13007 Technical Staff Report](#)
[DSP-13007 Planning Board Resolution 13-94](#)

[DSP-13008](#)**Gilpin Property**

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: 10/17/2013

Review by Date: 10/17/2013

History:

07/10/2013	M-NCPPC Technical Staff	disapproved
09/12/2013	M-NCPPC Planning Board	approval with conditions
09/23/2013	Sitting as the District Council	deferred

Council deferred this item to September 30, 2013.

Attachment(s): [DSP-13008 Technical Staff Report](#)
 DSP-13008_PORL
[DSP-13008 Planning Board Resolution 13-93](#)

ADJOURN**COUNTY COUNCIL ITEM****(SEE SEPARATE AGENDA)**