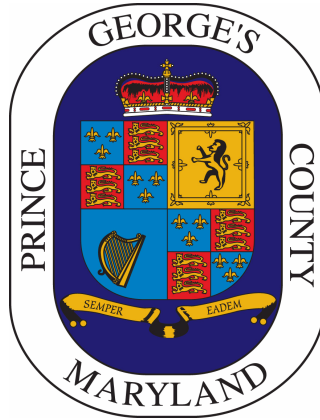


Prince George's County Council

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



Zoning Agenda - Final

Monday, June 22, 2015

1:30 PM

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

1:00 PM AGENDA BRIEFING - (ROOM 2027)**1:30 PM CALL TO ORDER - (COUNCIL HEARING ROOM)****INVOCATION****PLEDGE OF ALLEGIANCE****APPROVAL OF DISTRICT COUNCIL MINUTES**[MINDC 06082015](#)**District Council Minutes dated June 8, 2015****Attachment(s):**[06-08-2015 District Council Minutes DRAFT](#)[MINDC 06152015](#)**District Council Minutes dated June 15, 2015****Attachment(s):**[06-15-2015 District Council Minutes DRAFT](#)**ORAL ARGUMENTS**[DSP-89063-07](#)**Duvall Village Shopping Center, Wal-Mart (Remand)**[Remand](#)**Companion Case(s):** DSP-89063-07**Applicant(s):** Wal-Mart Real Estate Business Trust**Location:** Located at the southeastern quadrant of the intersection of Annapolis Road (MD 450) and Glenn Dale Road (MD 953) (12.25 Acres; C-G Zone).**Request:** Requesting approval of a Detailed Site Plan for a 77,916-square-foot Wal-Mart in the Duvall Village Shopping Center in the General Commercial, Existing (C-G) Zone.**Council District:** 5**Appeal by Date:** 5/7/2015**Review by Date:** 5/7/2015**Action by Date:** 9/21/2015**History:**

09/23/2014 Sitting as the District Council remanded

Council adopted the prepared Order of Remand to the Planning Board (Vote: 9-0).

02/26/2015 M-NCPPC Technical Staff approval with conditions

04/02/2015	M-NCPPC Planning Board	approval with conditions <i>The Prince George's County Planning Board adopted Amended Resolution PGCPB No. 14-16(A).</i>
04/13/2015	Sitting as the District Council	elected to review <i>Council elected to review this item (Vote: 9-0).</i>
05/07/2015	Person of Record	appealed <i>Henry Wixon, President, Glenn Dale Citiznes Association, Inc., filed an appeal to the Planning Board's Amended Resolution No. 14-16(A) and requested Oral Argument.</i>
05/07/2015	Person of Record	appealed <i>G. Macy Nelson, attorney for Jennifer Dwyer, et al, filed an appeal in opposition of the Planning Board's decision and requested Oral Argument.</i>
<u>Attachment(s):</u>	DSP-89063-07 Remand Planning Board Resolution 14-16 DSP-89063-07 Remand_PORL DSP-89063-07 Remand Technical Staff Report DSP-89063-07 Remand Technical Staff Reprt (Additional DSP-89063-07 District Council Decision 09232014	

ORAL ARGUMENTS (Continued)[ERR-238](#)**Alvin E. Courtney, Jr.****Validation of Multifamily Rental Housing License M-1066****Applicant(s):**

Alvin E. Courtney, Jr.

Location:

Located at 3505 Varnum Street, Brentwood, Maryland (4.92 Acres; R-55/D-D-O Zones).

Request:

Requesting approval for validation of Prince George's County's Multifamily Rental Housing License No. M-1066 issued in error on July 6, 2013 for three (3) multifamily dwelling units.

Council District:

2

Appeal by Date:

5/8/2015

Action by Date:

10/6/2015

Municipality:

Town of Brentwood

Opposition:

None

History:

04/08/2015	Zoning Hearing Examiner	approval with conditions
05/07/2015	Applicant	appealed

Traci Scudder, Esquire, attorney for the applicant, filed exceptions to the Zoning Hearing Examiner Decision and requested Oral Argument.

Attachment(s): [ERR-238 Zoning Hearing Examiner Decision](#)
ERR-238 PORL

ITEM(S) FOR DISCUSSION[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
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Council elected to make the final decision on this item (Vote: 9-0).

05/11/2015 Sitting as the District Council continued to a later date

Prior to M-NCPPC staff overview, Stan Brown, People's Zoning Counsel, questioned whether the Council wanted to proceed with the Oral Argument in the absence of all pertinent parties. Council took a brief recess.

Chairman Franklin announced that the oral argument would be continued to a later date.

06/15/2015 Sitting as the District Council hearing held; case taken under advisement

Tom Lockard, M-NCPPC, provided an overview of the Special Exception application. Dennis Whitley, III, Esq., spoke in support on behalf of the applicant. Mary Francis Doyle, Sara Cavitt, Property Standards Chair and Secretary, Indian Head Highway Area Action Council, and Dierdra Bonekemper, spoke in opposition. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

Council took this case under advisement.

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

REFERRED FOR DOCUMENT[ERR-246](#)**Chesapeake Landing, LLC****Validation of Multifamily Rental License M-0175****Applicant(s):**

Chesapeake Landing, LLC.

Location:

Located at 7501, 7503, 7505, 7507, 7509, 7511, 7513, 7515, 7519, 7521, 7523, 7525, 7527, and 7529 Buchanan Street, Landover Hills, Maryland (7.94 Acres; R-18 Zone).

Request:

Requesting approval for validation of Prince George's County Multifamily Rental License No. M-0175 issued in error for the Chesapeake Landing Apartments.

Council District:

3

Appeal by Date:

5/11/2015

Action by Date:

9/8/2015

Opposition:

None

History:

04/09/2015	Zoning Hearing Examiner	approval
06/08/2015	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 (Vote: 9-0).</i>		
<u>Attachment(s):</u>	ERR-246 Zoning Hearing Examiner Decision	
	ERR-246 PORL	

REFERRED FOR DOCUMENT (Continued)[SE-4734](#)**Mill Branch Crossing (Walmart)**

<u>Applicant(s):</u>	Wal-Mart Real Estate Business Trust
<u>Location:</u>	Located northeast quadrant of the intersection of Robert Crain Highway (US 301) and Mill Branch Road (24.90 Acres; C-S-C Zone).
<u>Request:</u>	Requesting approval of a Special Exception for a department or variety store over 125,000 square feet in the C-S-C Zone.
<u>Council District:</u>	4
<u>Appeal by Date:</u>	2/20/2015
<u>Review by Date:</u>	2/20/2015
<u>Action by Date:</u>	6/22/2015
<u>Municipality:</u>	City of Bowie
<u>Opposition:</u>	The Patuxent Riverkeeper, et. al.
<u>History:</u>	

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
<i>Andre J. Gingles, Esquire, Attorney for the applicant, filed exceptions to the Zoning Hearing Examiner's decision and requested Oral Argument.</i>		

- 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.
- 05/11/2015 Sitting as the District Council hearing held; case taken under advisement
Prior to the Oral Argument, a preliminary motion by Mr. G. Macy Nelson to require that Council Member Turner recuse himself from the case, was considered. 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 regarding the preliminary motion and questioned Council Member Turner with regard to the motion. Council Member Turner decided to participate. Judicial notices were made of two additional issues raised by Mr. Nelson and the oral argument hearing proceeded.

Tom Lockard, M-NCPPC, provided an overview of the Special Exception application. Andre Gingles, Esq., spoke in support on behalf of the applicant, as did Joe Meinert, on behalf of the City of Bowie and Helen Simms. G. Macy Nelson, John Trussell, Andrew Bottner and Michael A. Terry spoke in opposition. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

Council took this case under advisement.

06/08/2015

Sitting as the District Council

referred for document

Council referred item to staff for preparation of an approving document, with conditions (Vote: 8-1; Against: Council Member Toles).

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

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-4756](#)**Potomac Energy Holdings, LLC**

Companion Case(s): DDS-626; DPLS-411; DSDS-684

Applicant(s): Potomac Energy Holdings, LLC

Location: Located on the northeast side of Baltimore Avenue (US 1) approximately 400 feet north of the I-95/495 (Capital Beltway) College park exit (0.728 Acres; C-S-C Zone).

Request: Requesting approval of a Special Exception to use approximately 0.728 acres of land, in the C-S-C (Commercial Shopping Center) Zone for a Gas Station and Car Wash.

Council District: 1

Appeal by Date: 7/16/2015

Review by Date: 7/16/2015

Opposition: None

History:

03/31/2015	M-NCPPC Technical Staff	approval with conditions
05/07/2015	M-NCPPC Planning Board	approval with conditions
06/16/2015	Zoning Hearing Examiner	approval with conditions

Attachment(s): [SE-4756 Zoning Hearing Examiner Decision](#)
SE-4756_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****CNU-15552-2014****Hampshire View****Applicant(s):**

Maudestine Bell

Location:

Located on the west side of Fairview Avenue, approximately 300 feet north of its intersection with Red Top Road (0.25 Acres; R-18 Zone).

Request:

Requesting approval of a certification of a nonconforming use for a six-unit multifamily building in accordance with Subtitle 27 of the Prince George's County Code.

Council District:

2

Appeal by Date:

7/16/2015

Review by Date:

7/16/2015

History:

04/13/2015

M-NCPPC Technical Staff

approval

06/11/2015

M-NCPPC Planning Board

approval

Attachment(s):[CNU-15552-2014 Planning Board Resolution 15-49](#)[CNU-15552-2014_PORL](#)[CNU-15552-2014 Technical Staff Report](#)**CSP-14003****Hampton Park****Applicant(s):**

Velocity Capital, LLC

Location:

Located in the southwest quadrant of the intersection of Central Avenue (MD 214) (24.55 Acres; M-X-T Zone).

Request:

Requesting approval of a Conceptual Site Plan to redevelop a portion of an existing shopping center property with a mixed-use project, including approximately 135,000 square feet of commercial/retail space, 125,000 square feet of office space, 600 residential multifamily dwelling units, and a 250-room hotel, to be constructed in two phases.

Council District:

6

Appeal by Date:

7/16/2015

Review by Date:

7/16/2015

History:

05/06/2015

M-NCPPC Technical Staff

approval with conditions

06/11/2015 M-NCPPC Planning Board approval with conditions

Attachment(s): [CSP-14003 Planning Board Resolution 15-52](#)

CSP-14003_PORL

[CSP-14003 Technical Staff Report](#)

PENDING FINALITY (Continued)

[DDS-627](#)

Bhagya Village

Applicant(s): Bhagya Village, LLC

Location: Located at 6711 Cipriano Road on the east side of Cipriano Road, approximately, 1,300 feet (one-quarter mile) north of its intersection with Good Luck Road and approximately, 2,640 feet (one-half mile) south of Greenbelt Road (MD 193).

Request: Requesting approval of a Departure from Design Standards for the location of a loading space and its access driveway less than 50 feet from a residential zone in accordance with Subtitle 27 of the Prince George's County Code.

Council District: 4

Appeal by Date: 7/16/2015

Review by Date: 7/16/2015

History:

04/15/2015 M-NCPPC Technical Staff approval with conditions

06/11/2015 M-NCPPC Planning Board approval with conditions

Attachment(s): [DDS-627 Planning Board Resolution 15-53](#)

DDS-627_PORL

PENDING FINALITY (Continued)**[DSDS-688](#)****Potomac Energy Holdings****Companion Case(s):** DPLS-415**Applicant(s):** Potomac Energy Holdings, LLC**Location:** Located on the northeast corner of the intersection of Greenbelt Road (MD 193) and Aerospace Road (0.897 Acres; I-1 Zone).**Request:** Requesting approval of a Departure from Sign Design Standards for a departure of five feet from the required ten-foot setback for a freestanding sign in accordance with Subtitle 27 of the Prince George's County Code.**Council District:** 4**Appeal by Date:** 7/9/2015**Review by Date:** 7/9/2015**History:**

04/22/2015 M-NCPPC Technical Staff approval with conditions

06/04/2015 M-NCPPC Planning Board approval

Attachment(s): [DSDS-688 Planning Board Resolution 15-45](#)

DSDS-688_PORL

PENDING FINALITY (Continued)**DPLS-415****Potomac Energy Holdings****Companion Case(s):** DSDS-688**Applicant(s):** Potomac Energy Holdings, LLC**Location:** Located on the northeast corner of the intersection of Greenbelt Road (MD 193) and Aerospace Road (0.897 Acres; I-1 Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards for a departure of five of the required 25 parking spaces in accordance with Subtitle 27 of the Prince George's County Code.**Council District:** 4**Appeal by Date:** 7/9/2015**Review by Date:** 7/9/2015**History:**

04/22/2015 M-NCPPC Technical Staff approval with conditions

06/04/2015 M-NCPPC Planning Board approval

Attachment(s): [DPLS-415 Planning Board Resolution 15-44](#)

DPLS-415_PORL

DSP-09030**Addison's Addition to Cedar Hill****Applicant(s):** Wallis Sibila**Location:** Located east of Old Chapel Road, on the north side of South Homestake Drive, approximately 85 feet east of its intersection with West Vein Road (3.88 Acres; R-R Zone).**Request:** Requesting approval of a Detailed Site Plan for house placement, architecture, and landscaping for three new single-family homes, as required by Condition 8 of Preliminary Plan of Subdivision 4-08007.**Council District:** 4**Appeal by Date:** 6/25/2015**Review by Date:** 6/25/2015**History:**

04/22/2015 M-NCPPC Technical Staff approval with conditions

05/21/2015 M-NCPPC Planning Board approval with conditions

06/08/2015 Sitting as the District Council deferred

Council deferred this item to June 22, 2015.

Attachment(s): [DSP-09030 Planning Board Resolution 15-47](#)
 DSP-09030_PORL
 [DSP-09030 Technical Staff Report](#)

PENDING FINALITY (Continued)

[DSP-13015](#)

Arlington Chemical

Applicant(s): McKinley & Associates, LLC

Location: Located at 2313 51st Place and on the east side of 51st Place,
 approximately 300 feet north of its intersection with Tuxedo Road (0.25
 Acres; I-2 / D-D-O Zones).

Request: Requesting approval of a Detailed Site Plan to add "crematory" as a
 permitted use to Table 12-Part 3, Industrial Uses, of the 2005 Approved
 Sector Plan and Sectional Map Amendment for the Tuxedo Road/Arbor
 Street/Cheverly Metro Area (Tuxedo Road/Arbor Street/Cheverly Metro
 Area Sector Plan and SMA).

Council District: 5

Appeal by Date: 7/16/2015

Review by Date: 7/16/2015

History:

05/13/2015 M-NCPPC Technical Staff approval with conditions

06/11/2015 M-NCPPC Planning Board approval with conditions

Attachment(s): [DSP-13015 Planning Board Resolution 15-50](#)
 DSP-13015_PORL
 [DSP-13015 Technical Staff Report](#)

PENDING FINALITY (Continued)[DSP-14035](#)**Comcast Building****Applicant(s):**

Comcast of Maryland, LLC

Location:

Located on the north side of Farragut Street, approximately 200 feet west of its intersection with Rhode Island Avenue (US 1), also identified as 4308-4314 Farragut Street in Hyattsville, Maryland (0.67 Acres; C-O / D-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan for a 615-square-foot extension to an existing telecommunications equipment hum within the C-O Zone and the D-D-O Zone of the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District (Gateway Arts District Sector Plan and SMA).

Council District:

2

Appeal by Date:

7/16/2015

Review by Date:

7/16/2015

Municipality:

City of Hyattsville

History:

05/05/2015

M-NCPPC Technical Staff

approval with conditions

06/11/2015

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-14035 Planning Board Resolution 15-51](#)

DSP-14035_PORL

[DSP-14035 Technical Staff Report](#)**ADJOURN****EXECUTIVE SESSION**[EX 06222015](#)

Motion to convene in executive session, in accordance with Section 3-305(b) (7, 8), General Provisions Article, Annotated Code of Maryland, as follows:

1. to consult with legal counsel to seek legal advice; and
2. to discuss pending or potential litigation.