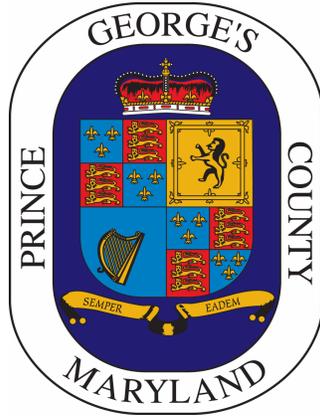


Prince George's County Council

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



Zoning Agenda

Monday, October 21, 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 - Reverend Barry N. Wade, Sr., Pastor
The Body of Christ Church Capitol Heights, Maryland

PLEDGE OF ALLEGIANCE**ORAL ARGUMENTS****[CNU-32917-20](#) Convenience & Dollar Plus Market****[10](#)**

Applicant(s): Eagle Management Company
Location: Located southeast of Southern Avenue, approximately 1,240 feet northeast of Pennsylvania Avenue (MD 4) (0.043 Acres; R-T Zone)
Request: Requesting approval of a Nonconforming Use Certification for a convenience/retail store in the R-T Zone
Council District: 7
Appeal by Date: 8/1/2013
Review by Date: 9/2/2013
Action by Date: 1/20/2014

History:

05/20/2013	M-NCPPC Technical Staff	disapproval
06/27/2013	M-NCPPC Planning Board	approval
07/08/2013	Sitting as the District Council <i>Deferred to July 15, 2013</i>	deferred
07/15/2013	Sitting as the District Council <i>Council elected to review (Vote: 9-0).</i>	elected to review
09/03/2013	M-NCPPC Planning Board <i>The Planning Board transmitted a corrected coversheet to the Clerk and all Persons of Record.</i>	Transmitted

Attachment(s): [CNU-32917-2010 MNCPPC Staff Report](#)
[CNU 32917-2010 Planning Board Resolution 13-66](#)

DSP-06003-01 **New Born Church of God**

Applicant(s): New Born Church of God & True Holiness, Inc.

Location: Located on the east side of Rollins Avenue opposite its intersection of District Avenue (4.65 Acres; R-T/D-D-O Zones)

Request: Requesting approval of a Detailed Site Plan for grading of the rear of an existing 6,064-square-foot Church with an existing 20-child day care use and a variance request from Section 25-122(b)(1)(G) for the removal of one specimen tree

Council District: 7

Appeal by Date: 8/29/2013

Review by Date: 9/30/2013

Action by Date: 1/20/2014

History:

07/03/2013	M-NCPPC Technical Staff	approval with conditions
07/25/2013	M-NCPPC Planning Board	approval with conditions
09/09/2013	Sitting as the District Council	elected to review

Council elected to review (Vote: 8-0; Absent: Council Member Turner).

Attachment(s): [DSP 06003-01 Planning Board Resolution](#)
[DSP-06003-01 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION**[SE/VSE-4698](#) A-1 Vehicle Salvage Yard**

Applicant(s): W & C Property Management, LLC

Location: Located along the north and south sides of Kilmer Place, approximately 280 feet east of its intersection with 52nd Avenue (1.98 Acres; I-1 Zone)

Request: Requesting approval of a Special Exception for a vehicle salvage yard in the I-1 Zone including variances to the ten percent green space requirement for the I-1 Zone and the building setback requirement of Sections 27-469(b)(1) and 27-474(a)(1)(b) of the Zoning Ordinance, respectively

Council District: 5

Appeal by Date: 7/25/2013

Review by Date: 7/25/2013

Action by Date: 1/23/2014

Municipality: None

Opposition: William Hwang et. al.

History:

01/24/2013	M-NCPPC Technical Staff	approval with conditions
02/07/2013	M-NCPPC Planning Board	no motion to consider
06/25/2013	Zoning Hearing Examiner	approval with conditions
07/08/2013	Sitting as the District Council	elected to make the final decision

Council Elected to Make the Final Decision (Voice Vote: 9-0).

09/23/2013	Sitting as the District Council	hearing held; case taken under advisement
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Tom Lockard, M-NCPPC planning staff, provided an overview of the Special Exception application, noting that the Variance request is no longer necessary due to conditions imposed by the Planning Board. Ed Gibbs spoke 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.

Attachment(s): [SE/VSE-4698 Technical Staff Report](#)
[SE/VSE-4698 ZHE Decision](#)

[SDP-0608-01](#)**The Preserve at Piscataway****Applicant(s):** Woodlawn Development Group**Location:** Located at the south side of Floral Park Road, at its intersection with Piscataway (304.90 Acres; R-L Zone)**Request:** Requesting approval of a Specific Design Plan to eliminate the proposed golf course and to revise the recreational grading and the tree conservation plan**Council District:** 9**Appeal by Date:** 3/7/2013**Review by Date:** 3/7/2013**History:**

01/02/2013	M-NCPPC Technical Staff	approval with conditions
01/31/2013	M-NCPPC Planning Board	approval with conditions
02/11/2013	Sitting as the District Council	did not elect to make the final decision
03/07/2013	Person of Record <i>Nii-Kwashie Aryeetey filed an appeal in opposition to the proposal and requested Oral Argument</i>	appealed
06/10/2013	Sitting as the District Council	hearing held; case taken under advisement
07/08/2013	Sitting as the District Council <i>Council referred this item to staff for the preparation of an Order of Remand (Vote: 9-0).</i>	referred for document
07/08/2013	Sitting as the District Council	approval with conditions <i>Council adopted the prepared Order of Remand (Vote: 9-0).</i>
08/01/2013	M-NCPPC Planning Board <i>Elizabeth Hewlett, Chairman of the Prince George's County Planning Board transmitted a letter concerning the Remand Order adopted by the District Council.</i>	transmitted a letter
09/23/2013	Sitting as the District Council <i>Council authorized the Chair to sign a letter to Elizabeth Hewlett, Chairman of the Prince George's County Planning Board, requesting the Planning Board to take further action on this case in accordance with Section 27-528(f) of the Zoning Ordinance.</i>	authorized for Chair's signature

Attachment(s): [SDP-0608-01 MNCPPC Staff Report](#)
[SDP-0608-01 Planning Board Resolution 13-02](#)
[SDP-0608-01 District Council Order 07-08-2013](#)

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.

PLANNING BOARD

[CNU-25543-20](#) **Forestville Commercial Center - Lot 6, Blk A**
[13-U](#)

Applicant(s): Powell & Powell

Location: Located south of Parston Drive and approximately 718 +/- feet southeast of Forestville Road aka as 7901 Arston Drive, District Heights
(.50 Acres; I-1/DDOZ Zones)

Request: Requesting approval of a Nonconforming Use Certification for a vehicle storage yard and automobile towing station rezoned from the I-1 Zone to the I-1/DDOZ Zone on November 17, 2009 by the Marlboro Pike Sector Plan and Sectional Map Amendment

Council District: 6

Appeal by Date: 11/12/2013

Review by Date: 11/12/2013

Municipality: Distric Heights

History:

10/09/2013	M-NCPPC Administrative Certification	approval
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[DSP-04082-04](#)**Brighton Place****Applicant(s):** Beazer Homes**Location:** Located on the east side of Rollins Avenue, approximately 1,500 feet south of its intersection with Old Central Avenue (MD 332) (29 Acres; R-55 & R-T (D-D-O) Zones)**Request:** Requesting approval of a Detailed Site Plan adding elevations TRI, TRJ, TRK and TRP of the Chandler townhouse model**Council District:** 7**Appeal by Date:** 11/6/2013**Review by Date:** 11/6/2013**History:**

09/04/2013	M-NCPPC Technical Staff	approval with conditions
10/03/2013	M-NCPPC Planning Board	approval with conditions

Attachment(s): [DSP-04082-04 Planning Board Resolution 13-101](#)

DSP-04082-04_PORL

[DSP-04082-04 Technical Staff Report](#)[SDP-1003-03](#)**Smith Home Farm, Section 1B****Applicant(s):** SHF Project Owner, LLC**Location:** Approximately 3,000 feet east of the intersection of Pennsylvania Avenue (MD 4) and Presidential Parkway.**Request:** Requesting approval of a Specific Design Plan for the addition of one single-family attached architectural model.**Council District:** 6**Appeal by Date:** 11/14/2013**Review by Date:** 11/14/2013**History:**

08/28/2013	M-NCPPC Technical Staff	approval with conditions
10/10/2013	M-NCPPC Planning Board	approval with conditions

ADJOURN

[EX 10/21/2013](#) **EXECUTIVE SESSION - (1ST FLOOR EXECUTIVE CONFERENCE ROOM)**

To consult with counsel to seek legal advice and to discuss pending or potential litigation in accordance with Section 10-508(a)(7, 8), State Government, Maryland Annotated Code.

1:30 PM

**TRANSPORTATION, HOUSING AND THE ENVIRONMENT COMMITTEE
MEETING – (ROOM 2027)**