

Prince George's County Council

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



Zoning Agenda - Final

Monday, April 18, 2016

10:00 AM

Council Hearing Room

Sitting as the District Council

Derrick Leon Davis, District 6, Chairman

Mel Franklin, District 9

Dannielle M. Glaros, District 3, Vice Chairwoman

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 - (ROOM 2027)**10:00 AM CALL TO ORDER - (COUNCIL HEARING ROOM)****INVOCATION**

Christine Osei, County Employee

PLEDGE OF ALLEGIANCE**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 04042016](#)

District Council Minutes dated April 4, 2016

Attachment(s):

[4-04-2016 District Council Minutes DRAFT](#)

ORAL ARGUMENTS

[DSP-15012](#)

Royal Farms, Brandywine

Applicant(s):

Two Farms, Inc.

Location:

Located on the west side of Branch Avenue (MD 5) in the southwest quadrant of its intersection with Moores Road.

Request:

Requesting approval of a Detailed Site Plan for a gas station and a 4,946-square-foot food and beverage store.

Council District:

9

Appeal by Date:

3/21/2016

Review by Date:

3/21/2016

Action by Date:

5/16/2016

History:

12/30/2015

M-NCPPC Technical Staff

approval with conditions

02/04/2016

M-NCPPC Planning Board

approval with conditions

03/14/2016

Sitting as the District Council

did not elect to review

Council took no action on this item.

03/15/2016	Person of Record	appealed
	<i>Mr. Bernard E. Brooks filed an appeal in opposition to the proposal and requested Oral Argument.</i>	
04/13/2016	Applicant	filed
	<i>Matthew C. Tedesco, Esq., Attorney for the Applicant, filed a response to March 15, 2016 appeal.</i>	

EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)[EX 04182016](#)

Motion to convene in executive session to consult with counsel to obtain legal advice in accordance with Section 3-305(b) (7), General Provisions Article, Annotated Code of Maryland.

RECESS**RECONVENE****NEW CASE(S)**[ERR-254](#)**Melvin V. Felix****Validation of Multifamily Rental License No. 6823/Case No. M-791****Applicant(s):**

Melvin V. Felix

Location:

Located at 3526 Maywood Lane, Suitland, Maryland.

Request:

Requesting approval for validation of Prince George's County Multifamily Rental Housing License No. 6823/ Case No. M-791, issued in error for two additions to a single-family home.

Council District:

7

Appeal by Date:

12/23/2015

Action by Date:

4/22/2016

Opposition:

None

History:

11/23/2015	Zoning Hearing Examiner	approval with conditions
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01/11/2016	Sitting as the District Council	deferred
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Council deferred this item to January 25, 2016.

01/25/2016	Sitting as the District Council	rescheduled
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Due to inclement weather, the District Council Meeting was rescheduled to Tuesday, February 2, 2016.

02/02/2016 Sitting as the District Council deferred
This item was deferred to a later date.

03/14/2016 Sitting as the District Council deferred
Council deferred this item to March 28, 2016.

03/28/2016 Sitting as the District Council deferred
Council deferred this item.

Attachment(s): [ERR-254 Zoning AIS](#)
 [ERR-254 Zoning Hearing Examiner Decision](#)
 ERR-254 PORL

ITEM(S) FOR DISCUSSION

ERR-238 REMAND

Alvin E. Courtney, Jr. (Remand)

Validation of Multifamily Rental Housing License M-1066

Companion Case(s): ERR-238

Applicant(s): Alvin Courtney

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: 1/11/2016

Action by Date: 5/29/2016

Municipality: Town of Brentwood

Opposition: None

History:

07/06/2015 Sitting as the District Council remanded
Council adopted the prepared Order of Remand to the Zoning Hearing Examiner (Vote: 8-0; Absent: Council Member Glaros).

12/11/2015 Zoning Hearing Examiner approval with conditions

01/25/2016 Sitting as the District Council rescheduled
Due to inclement weather, the District Council Meeting was rescheduled to Tuesday, February 2, 2016.

02/02/2016	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>	
02/08/2016	Sitting as the District Council	approval with conditions
	<i>Council adopted the prepared Zoning Ordinance No. 2 - 2016 validating Multifamily Rental Housing License M-1066 (Vote: 7-0; Absent: Council Members Harrison and Lehman).</i>	
02/10/2016	Clerk of the Council	mailed
	<i>The Notice of Final Decision of the District Council was mailed to Persons of Record.</i>	
02/19/2016	Applicant	filed
	<i>Thomas H. Haller, Esquire, attorney for the applicant, filed a Request for Reconsideration pursuant to section 27-135(a) of the Prince George's County Code and requested Oral Argument.</i>	
02/22/2016	Sitting as the District Council	reconsidered
	<i>Stan Brown, People's Zoning Counsel, sought to clarify the request for reconsideration.</i>	
	<i>Council granted the request for reconsideration (Vote: 7-0; Absent: Council Members Franklin and Toles).</i>	
02/22/2016	Sitting as the District Council	directed Clerk to schedule a public hearing
	<i>Council directed the Clerk to schedule an Oral Argument for this item (Vote: 7-0; Absent: Council Members Franklin and Toles).</i>	
04/04/2016	Sitting as the District Council	hearing held; case taken under advisement
	<i>Jimi Jones, Supervisor, M-NCPPC, provided an overview of the application for validation of a permit issued in error. Thomas Haller, Esq., spoke in support on behalf of the applicant. He and the applicant, Alvin Courtney, Jr., responded to questions posed by the Council. There was no opposition. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.</i>	
	<i>Council took this case under advisement.</i>	

Attachment(s): ERR-238 Remand_Reconsideration Request
[ERR-238 Remand_Zoning AIS_02102016](#)
[ERR 238 District Council Final Decision_02082016](#)
[ERR-238 Remand_Zoning Hearing Examiner Decision](#)
[ERR 238 District Council Decision 07062015](#)

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

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.

[SE-4771](#)

RITCHIE LAND RECLAMATION RUBBLE FILL

Applicant(s): Ritchie Land Reclamation, L.P.

Location: Located on the southwest side of Ritchie Marlboro Road, approximately 3,000 feet south of its intersection with White House Road, also identified as 2001 and 2002 Ritchie Marlboro Road, Upper Marlboro, Maryland (289.39 Acres; O-S / R-A. Zones).

Request: Requesting approval of a Special Exception to continue, and expand, an existing Rubble Fill on approximately 289.39 acres of land, in the O-S (Open Space) and R-A (Residential-Agricultural) Zones.

Council District: 6

Appeal by Date: 5/16/2016

Review by Date: 5/16/2016

Opposition: None

History:

01/20/2016	M-NCPPC Technical Staff	disapproval
01/28/2016	M-NCPPC Planning Board	no motion to consider
04/14/2016	Zoning Hearing Examiner	approval with conditions

Attachment(s): [SE-4771 Zoning Hearing Examiner Decision](#)
SE-4771 PORL

PENDING FINALITY (Continued)**(b) PLANNING BOARD**[CDP-9306-03](#)**Villages at Piscataway****Applicant(s):**

NVR MS Cavalier Preserve, LLC

Location:

Located south of Floral Park Road, near its intersection with Piscataway Road. Danville Estates, where the lot consolidation will happen, is located on the east side of Danville Road, approximately 4,000 feet southeast of its intersection with Floral Park Road. The proposed revision to the CDP is specific to this village, which is one of five villages within the overall development (878.90 Acres; R-L & L-A-C Zones).

Request:

Requesting approval of a Comprehensive Design Plan to modify the previously approved layout of the development to consolidate the development pod previously shown on the west side of the Potomac Electric Power Company (PEPCO) right-of-way into the development pod on the east side of the right-of-way, to create a new tree preservation bank as part of the tree conservation plan (TCP), and to adjust the development standards to allow for smaller lots within the large-lot component (Danville Estates) of the overall project. The overall density of the comprehensive design plan (CDP) is proposed to remain unchanged.

Council District:

9

Appeal by Date:

5/5/2016

Review by Date:

5/5/2016

History:

02/24/2016

M-NCPPC Technical Staff

approval with conditions

03/31/2016

M-NCPPC Planning Board

approval with conditions

PENDING FINALITY (Continued)[CNU-55018-2015](#)**Hampshire View Lot 8 Block 3****Applicant(s):**

T. Brandford Howell and Anne Margaret Howell

Location:

Located in the northwest quadrant of the intersection of Red Top Road and Fairview Avenue (0.166 Acres; R-18 Zone)

Request:

Requesting approval of a certification of an existing six-unit apartment building that was permitted and built in 1949. Because some development regulations in the R-18 Zone were changed or adopted after the apartment use was lawfully established, the complex became nonconforming.

Council District:

2

Appeal by Date:

5/5/2016

Review by Date:

5/5/2016

History:

02/12/2016

M-NCPPC Technical Staff

approval

03/31/2016

M-NCPPC Planning Board

approval

PENDING FINALITY (Continued)[DSP-07073-02](#)**National Harbor, Beltway Parcel, Parcels 1-3 & 5-7****Companion Case(s):** DDS-624**Applicant(s):** National Harbor Beltway Parcel, LLC**Location:** The subject site is generally located approximately one mile northeast of the Woodrow Wilson Bridge, in the southwest quadrant of the intersection of the Capital Beltway (I-95/495) and Indian Head Highway (MD 210). The tract is south of I-95/495, and west of Oxon Hill Road, with frontage on Oxon Hill Road to the east, National Avenue to the north, and Harborview Avenue to the south. The Beltway Parcel is on an elevated plateau overlooking the waterfront entertainment/retail complex portion of National Harbor (49.66 Acres; M-X-T Zone).**Request:** Requesting approval of a Detailed Site Plan for a gas station/food and beverage store; commercial recreational/outdoor exhibition areas; a 500-room hotel; 891 multifamily/timeshare residential units; retail, restaurant, entertainment; and a heliport consisting of a total of 1,278,100 square feet on proposed Parcels 1, 2, 3, 5, 6, and 7 of the National Harbor, Beltway Parcel.**Council District:** 8**Appeal by Date:** 4/21/2016**Review by Date:** 4/21/2016**History:**

02/18/2016	M-NCPPC Technical Staff	approval with conditions
03/17/2016	M-NCPPC Planning Board	approval with conditions
04/04/2016	Sitting as the District Council	deferred

This item was deferred to April 18, 2016.

PENDING FINALITY (Continued)[DDS-624](#)**National Harbor, Beltway Parcel, Proposed Parcel 5****Companion Case(s):** DSP-07073-02**Applicant(s):** National Harbor Beltway Parcel, LLC**Location:** The subject site is generally located approximately one mile northeast of the Woodrow Wilson Bridge, in the southwest quadrant of the intersection of the Capital Beltway (I-95/495) and Indian Head Highway (MD 210). The tract is south of I-95/495, and west of Oxon Hill Road, with frontage on Oxon Hill Road to the east, National Avenue to the north, and Harborview Avenue to the south. The Beltway Parcel is on an elevated plateau overlooking the waterfront entertainment/retail complex portion of National Harbor (49.66 Acres; M-X-T Zone).**Request:** Requesting approval of a Departure from Design Standards for a parking space size of 9 feet by 18 feet for all non-handicapped spaces on Parcel 5 only.**Council District:** 8**Appeal by Date:** 4/21/2016**Review by Date:** 4/21/2016**History:**

02/18/2016	M-NCPPC Technical Staff	approval
03/17/2016	M-NCPPC Planning Board	approval
04/04/2016	Sitting as the District Council	deferred

This item was deferred to April 18, 2016.

PENDING FINALITY (Continued)**DSP-07074-01****Town Center at Camp Springs Aspire Apollo****Applicant(s):**

Residences at Town Center, LLC

Location:

Located directly north of the Branch Avenue Metro Station on the west side of Auth Way, near the intersection of Telfair Boulevard (19.37 Acres; M-X-T Zone).

Request:

Requesting approval of Detailed Site Plan including revisions to the site plan, landscape plan, and architectural elevations previously approved and Planning Board Conditions 2, 4, 5, 13(c), 13(e), and 15, as stated in Prince George's County Planning Board (PGCPB) Resolution No. 08-102. Minor revisions to the site plan encompass slightly different architectural design and building materials, revised recreational amenities and common courtyard spaces, changes to the bedroom counts, and a relocation of one dwelling unit from Phase II to Phase I of the project. The requested amendments to the conditions and the plans do not include changes in the proposed building footprint, building height, setbacks, and overall site design.

Council District:

8

Appeal by Date:

5/12/2016

Review by Date:

5/12/2016

History:

03/25/2016

M-NCPPC Technical Staff

approval with conditions

04/07/2016

M-NCPPC Planning Board

approval with conditions

DSP-14024**Maple Ridge Apartments, Parcel B****Applicant(s):**

Engineering and Technical Consultants LLC

Location:

Located on the west side of Brightseat Road, approximately 1,500 feet north of its intersection with Landover Road (MD 202) (9.89 Acres; M-X-T Zone).

Request:

Requesting approval of a Detailed Site Plan to add 87 parking spaces to an existing multifamily development.

Council District:

5

Appeal by Date:

5/12/2016

Review by Date:

5/12/2016

Municipality:

City of Glenarden

History:

03/02/2016	M-NCPPC Technical Staff	approval with conditions
04/07/2016	M-NCPPC Planning Board	approval with conditions

PENDING FINALITY (Continued)**DSP-15011****Forks of the Road****Applicant(s):**

Forks of the Road, LLC.

Location:

Located in the northwest quadrant of the intersection of Ritchie Marlboro Road and Old Marlboro Pike (MD 725). This intersection is designated by the approved 2007 Westphalia Sector Plan and Sectional Map Amendment (Westphalia Sector Plan and SMA) as one of the nine gateways into the Westphalia area (8-98 Acres; M-X-T Zone).

Request:

Requesting approval of a Detailed Site Plan for grading and infrastructure only, specifically, clearing, grading the site, and installing a sewer pipe.

Council District:

6

Appeal by Date:

4/28/2016

Review by Date:

4/28/2016

History:

02/17/2016	M-NCPPC Technical Staff	approval with conditions
03/24/2016	M-NCPPC Planning Board	approval with conditions
04/04/2016	Sitting as the District Council	deferred

This item was deferred to April 18, 2016.

PENDING FINALITY (Continued)**DSP-15020****Pollo Campero, Capital Plaza****Applicant(s):**

Campero USA, Corp.

Location:

Located on the north side of Annapolis Road (MD 450), specifically within the Capital Plaza Shopping Center approximately 1,000 linear feet east of the intersection of MD 450 and the Baltimore–Washington Parkway (MD 295) (43.82 Acres; C-S-C / D-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan for the construction of a 2,757-square-foot eating and drinking establishment, with drive-through service, including additional outdoor seating, associated parking, and other site improvements.

Council District:

3

Appeal by Date:

5/12/2016

Review by Date:

5/12/2016

Municipality:

Landover Hills

History:

03/10/2016

M-NCPPC Technical Staff

approval with conditions

04/07/2016

M-NCPPC Planning Board

approval with conditions

DSP-15042**Cambridge Apartments at New Carrollton Station****Applicant(s):**

Jason T. Klippel

Location:

Located on the eastern side of 85th Avenue, approximately 1,500 feet south of its intersection with Annapolis Road (MD 450).

Request:

Requesting approval of a Detailed Site Plan to replace a swimming pool and restroom building with a 3,876-square-foot leasing office/fitness center.

Council District:

3

Appeal by Date:

5/12/2015

Review by Date:

5/12/2015

History:

03/09/2016

M-NCPPC Technical Staff

approval with conditions

04/07/2016

M-NCPPC Planning Board

approval with conditions

PENDING FINALITY (Continued)**SDP-0320-03****The Preserve, Danville Estates****Applicant(s):**

NVR MS Cavalier Preserve, LLC

Location:

Located on the south side of Danville Road, approximately 4,000 feet southeast of its intersection with Floral Park Road (145.32 Acres; R-L Zone).

Request:

Requesting approval of a Specific Design Plan to revise the layout of a previously approved specific design plan (SDP) for the development of 124 lots for single-family detached dwelling units in the Residential Low Development (R-L) Zone within Danville Estates.

Council District:

9

Appeal by Date:

5/5/2016

Review by Date:

5/5/2016

History:

02/29/2016

M-NCPPC Technical Staff

approval with conditions

03/31/2016

M-NCPPC Planning Board

approval with conditions

CASE(S) SCHEDULED FOR MANDATORY REVIEW HEARING ON MAY 2, 2016 AT 1:30 P.M.*Hearing Dates & Times Subject to Change***DSP-14036****5936 Old Central Avenue****Applicant(s):**

AMB Architectural Design Studio LLC

Location:

Located in the northwest quadrant of Old Central Avenue and Chamber Avenue.

Request:

Requesting approval for a mixed-use project consisting of 9,990 square feet of office and retail/commercial space. This application also requests a change of the underlying zoning for the property from the existing Light Industrial Zone (I-1) to the Commercial Shopping Center (C-S-C) Zone and a partial waiver (36.2 percent) from tree canopy coverage requirements.

Council District:

7

Appeal by Date:

4/7/2016

Comment(s):

District Council review of this case is required by TDOZ Section 27-548.09.01(b)(1) of the Zoning Ordinance.

History:

01/29/2016	M-NCPPC Technical Staff	approval with conditions
03/03/2016	M-NCPPC Planning Board	approval with conditions

ADJOURN

1:00 PM PUBLIC SAFETY & FISCAL MANAGEMENT COMMITTEE MEETING (ROOM 2027)

(SEE SEPARATE AGENDA)