

Prince George's County Council

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



Zoning Agenda

Monday, June 2, 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 - Reverend Charles Winston McNeil, Jr., Senior Pastor
Unity Baptist Church, Washington, D. C**

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 03172014](#) **District Council Minutes dated March 17, 2014**

Attachment(s): [03-17-2014 District Council Minutes Draft](#)

[MINDC 03182014](#) **District Council Minutes dated March 18, 2014**

Attachment(s): [03-18-2014 District Council Minutes Draft](#)

[MINDC 03242014](#) **District Council Minutes dated March 24, 2014**

Attachment(s): [03-24-2014 District Council Minutes Draft](#)

[MINDC 04012014](#) **District Council Minutes dated April 1, 2014**

Attachment(s): [04-01-2014 District Council Minutes Draft](#)

[MINDC 04142014](#) **District Council Minutes dated April 14, 2014**

Attachment(s): [04-14-2014 District Council Minutes Draft](#)

[MINDC 04212014](#) **District Council Minutes dated April 21, 2014**

Attachment(s): [04-21-2014 District Council Minutes Draft](#)

ORAL ARGUMENTS**DSP-13012****Conifer Village at Oakcrest****Applicant(s):**

Conifer Realty LLC

Location:

Located at the northwestern quadrant of the intersection of Brooks Drive and Ridley Street (4.343 Acres; R-10 Zone).

Request:

Requesting approval of a Detailed Site Plan for construction of 120 senior, age-restricted units of multifamily housing in a single building.

Council District:

7

Appeal by Date:

5/1/2014

Review by Date:

5/1/2014

Action by Date:

9/1/2014

History:

02/27/2014

M-NCPPC Technical Staff

approval with conditions

03/27/2014

M-NCPPC Planning Board

approval with conditions

04/11/2014

Person of Record

waived right to appeal

All Persons of Record waived their right to appeal this case.

04/14/2014

Sitting as the District Council

deferred

Council deferred this item to April 21, 2014.

04/21/2014

Sitting as the District Council

elected to review

*Council elected to review this item (Vote 6-0; Absent: Council Members Davis, Harrison and Toles).***Attachment(s):**[DSP-13012 Planning Board Resolution 14-17](#)

DSP-13012_PORL

[DSP-13012 Technical Staff Report](#)

NEW CASE(S)[ERR-214 Remand](#)**Jianping Wu****Validation of Multi-Family Rental Permit No. M-682****Companion Case(s):** ERR-214**Applicant(s):** Jianping Wu**Location:** 3607 Longfellow Street, Hyattsville, Maryland (0.5915 Acres; R-55 Zone).**Request:** Validation of Multi-Family Rental Permit No. M-682**Council District:** 2**Appeal by Date:** 5/22/2014**Action by Date:** 9/22/2014**Municipality:** City of Hyattsville**Opposition:** None**History:**

04/22/2014 Zoning Hearing Examiner approval with conditions

Backup: Zoning Ordinance in accordance with the Zoning Hearing Examiner's Decision.

NEW CASE(S) (Continued)[ERR-230](#)**Lester Langford****Validation of Rental Housing Licenses M-1100 and M-1091****Applicant(s):**

Lester Langford

Location:

Located at 5511 and 5513 Sachem Drive, Forest Heights, Maryland.

Request:

Requesting approval for a validation of a Prince George's County Rental Housing License M-1100 issued in error on June 8, 2008, for a three unit attached apartment building on approximately 10,423 sq. ft. of land in the R-55 Zone.

Also Requesting approval of a validation of a Prince George's County Rental Housing License M-1091 issued in error on October 26, 2007, for a three unit attached apartment building on approximately 9,159 sq. ft. of land, in the R-55 Zone.

Council District:

8

Appeal by Date:

5/22/2014

Action by Date:

9/22/2014

Municipality:

Town of Forest Heights

Opposition:

None

History:

04/22/2014

Zoning Hearing Examiner

approval

Backup: Zoning Ordinance in accordance with the Zoning Hearing Examiner's Decision.

NEW CASE(S) (Continued)[ERR-232](#)**Calvert Hall****Validation of Multi-Family Rental Permit No. M-0174****Applicant(s):**

Calvert Hall Limited Partnership

Location:

Located at 3805, 3807, 3809, 3811, 3813, 3815, 3817, 3819, 3821, 3823, 3825, and 3827 67th Avenue, Landover, MD (7.55 Acres; R-18 Zone).

Request:

Requesting approval of a validation of Prince George's County's Multi-Family License No. M-0174, issued in error on June 21, 2001, for 162 apartment units.

Council District:

5

Appeal by Date:

5/27/2014

Action by Date:

9/22/2014

Municipality:

None

Opposition:

None

History:

04/24/2014

Zoning Hearing Examiner

approval

Backup: Zoning Ordinance in accordance with the Zoning Hearing Examiner's Decision.

REFERRED FOR DOCUMENT[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
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Council elected to review this item (Vote 9-0).

05/12/2014 Sitting as the District Council hearing held; referred for docume

Jill Kosack, M-NCPPC planning staff, provided an overview of the Conceptual Site Plan application. Norman Rivera, Esq., and Thomas Haller, Esq., provided argument on behalf of the applicant. William Orleans spoke in opposition. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented. Mr. Brown also noted that although the the action deadline for this case is stated as July 11, 2014, if it is the Council's will to approve this item, it may consider approving a final document sooner than the July 11, 2014 deadline in order to meet GSA requirements in relation to the potential FBI building.

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

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

CSP-01008-02_PORL

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

Backup: Order of Approval, with Conditions.

REFERRED FOR DOCUMENT (Continued)

[SE-4704](#)

In Loving Hands

Companion Case(s): DDS-613; DPLS-373

Applicant(s): In Loving Hands, LLC/Carlos Watson

Location: Located at the terminus of Lucille Court, approximately 210 feet north of its intersection with Lucille Drive (0.48 Acres; R-R Zone).

Request: Requesting approval of a Special Exception for a Congregate Living Facility for up to 15 residents.

Council District: 8

Appeal by Date: 3/17/2014

Review by Date: 3/17/2014

Action by Date: 7/14/2014

Municipality: None

Opposition: None

History:

09/10/2013 M-NCPPC Technical Staff approval with conditions

10/17/2013	M-NCPPC Planning Board	approval with conditions
02/14/2014	Zoning Hearing Examiner	approval with conditions
02/24/2014	Sitting as the District Council	did not elect to make the final decision
	<i>Council took no action on this item.</i>	
02/24/2014	Sitting as the District Council	deferred
	<i>Upon further consideration, Council deferred this item to March 17, 2014.</i>	
03/17/2014	Sitting as the District Council	rescheduled
	<i>Due to inclement weather conditions, Prince George's County Government was closed and this item was rescheduled.</i>	
03/18/2014	Sitting as the District Council	elected to make the final decision
	<i>Council elected to make the final decision (Vote: 9-0).</i>	
05/05/2014	Sitting as the District Council	hearing held
	<i>Chairman Franklin announced that the Oral Argument hearings for SE-4704, DDS-613 and DPLS would be held in tandem.</i>	
	<i>Jimi Jones, M-NCPPC planning staff, provided an overview of the application. Tracy Scudder, spoke to the case 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.</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: 8-0; Absent: Council Member Turner).</i>	

Attachment(s): [SE-4704 Zoning Hearing Examiner Decision](#)
[SE-4704 Planning Board Resolution 13-108](#)
SE-4704_PORL
[SE-4704 Technical Staff Report](#)

Backup: Zoning Ordinance in accordance with the Zoning Hearing Examiner's Decision.

REFERRED FOR DOCUMENT (Continued)**DDS-613****In Loving Hands****Companion Case(s):** DPLS-373; SE-4704**Applicant(s):** Carlos Watson**Location:** Located at the terminus of Lucille Court, approximately 210 feet north of its intersection with Lucille Drive (0.48 Acres; R-R Zone).**Request:** Requesting approval of a Departure from Design Standards of 12 feet from the required 22-foot-wide driveway aisle width and a departure from Section 4.7 of the Landscape Manual**Council District:** 8**Appeal by Date:** 11/21/2013**Review by Date:** 11/21/2013**Action by Date:** 7/14/2014**History:**

09/10/2013 M-NCPPC Technical Staff approval with conditions

10/17/2013 M-NCPPC Planning Board approval with conditions

10/28/2013 Sitting as the District Council elected to review

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

05/05/2014 Sitting as the District Council hearing held

*Chairman Franklin announced that the Oral Argument hearings for SE-4704, DDS-613 and DPLS would be held in tandem.**Jimi Jones, M-NCPPC planning staff, provided an overview of the application. Tracy Scudder, spoke to the case 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 referred for document

*Council referred item to staff for preparation of an approving document, with conditions (Vote: 8-0; Absent: Council Member Turner).***Attachment(s):** [DDS-613 Planning Board Resolution 13-109](#)

DDS-613_PORL

[DDS-613 Technical Staff Report and file materials](#)

Backup: Order of Approval, with Conditions.

REFERRED FOR DOCUMENT (Continued)

DPLS-373

In Loving Hands

Companion Case(s): DDS-613; SE-4704

Applicant(s): Carlos Watson

Location: Located at the terminus of Lucille Court, approximately 210 feet north of its intersection with Lucille Drive (.48 Acres; R-R Zone).

Request: Requesting approval of a Departure from Parking and Loading Standards for the waiver of three of the required four parking spaces.

Council District: 8

Appeal by Date: 11/21/2013

Review by Date: 11/21/2013

Action by Date: 7/14/2014

History:

09/10/2013 M-NCPPC Technical Staff approval with conditions

10/17/2013 M-NCPPC Planning Board approval with conditions

10/28/2013 Sitting as the District Council elected to review

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

05/05/2014 Sitting as the District Council hearing held

Chairman Franklin announced that the Oral Argument hearings for SE-4704, DDS-613 and DPLS would be held in tandem.

Jimi Jones, M-NCPPC planning staff, provided an overview of the application. Tracy Scudder, spoke to the case 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 referred for document

Council referred item to staff for preparation of an approving document, with conditions (Vote: 8-0; Absent: Council Member Turner).

Attachment(s): [DPLS-373 Planning Board Resolution 13-110](#)

DPLS-373_PORL

[DPLS-373 Technical Staff Report and case backup](#)

Backup: Order of Approval, with Conditions

REFERRED FOR DOCUMENT (Continued)

[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
	<i>Due to inclement weather conditions, Prince George's County Government was closed and this item was rescheduled.</i>	
03/18/2014	Sitting as the District Council	elected to make the final decision
	<i>Council elected to make the final decision (Vote: 9-0).</i>	

05/12/2014

Sitting as the District Council

hearing held; referred for docume

Tom Lockard, M-NCPPC planning staff, provided an overview of the Special Exception application. Daniel Lynch, Esq., provided argument on behalf of the applicant. There was no opposition. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.

Subsequent to the Oral Argument, Council referred this item to staff for preparation of an approving document, with conditions (Vote: 8-0; Absent: Council Member Olson).

Attachment(s):[SE-4730 Zoning Hearing Examiner Decision](#)[SE-4730 Technical Staff Report](#)

Backup: Zoning Ordinance in accordance with the Zoning Hearing Examiner's Decision.

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, the Council should consider whether it wants an oral argument pursuant to CB-61-1997.

SE-4719**Music Studio 63****d/b/a Grandma's South Carolina Catering****Applicant(s):**

Music Studio 63

d/b/a Grandma's South Carolina Catering

Location:

Located south of East Capitol Street, southeast of Athena Street, and southwest of Yeoman Place (0.38 Acres; C-M/D-D-O Zones).

Request:

Requesting approval of a Special Exception for continue operation of an Auditorium/Catering Establishment/Banquet Hall with Adult Entertainment.

Council District:

7

Appeal by Date:

6/30/2014

Review by Date:

6/30/2014

Municipality:

None

Opposition:

None

History:

11/19/2012

M-NCPPC Technical Staff

disapproval

12/06/2012

M-NCPPC Planning Board

no motion to consider

05/30/2014

Zoning Hearing Examiner

disapproval

PENDING FINALITY (Continued)

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

(b) PLANNING BOARD**CNU-2764-12****Atlas Foundations of Washington, LLC****Applicant(s):**

Edward E. Perez-Reyes

Location:

Located southwest of Beech Way and west of Stamp Road, at the intersection of Beech Way and Stamp Road (0.284 Acres; C-S-C Zone).

Request:

Requesting Certification of a Nonconforming Use for a contractor's office with outdoor storage of materials only in accordance with Subtitle 27 of the Prince George's County Code.

Council District:

8

Appeal by Date:

6/12/2014

Review by Date:

6/12/2014

History:

01/29/2014

M-NCPPC Technical Staff

disapproval

04/08/2014

M-NCPPC Technical Staff

approval

Taslina Alam, Senior Planner, Zoning Review Section, Development Review Division submitted a supplemental addendum to the Technical Staff Report changing the staff recommendation from the original DISSAPPROVAL to APPROVAL.

04/17/2014

M-NCPPC Planning Board

approval

PENDING FINALITY (Continued)

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

DSP-03033-02**East Marlton, Section 18, 19, 20, 21, and 22****Applicant(s):**

Lake Marlton L.P.

Location:

Located off the proposed East Marlton Avenue, which is an extension of Heathermore Boulevard, northwest of the developing site. Also, the subject site is located on the northwest side of Croom Road (MD 382) and the northeast side of Marlton Town Center (178.15 Acres; R-R/R-80/R-T/R-P-C Zones).

Request:

Requesting approval of a Detailed Site Plan for a revision to a DSP to combine Detailed Site Plans DSP-03033 and DSP-03035, update landscaping, add new house types, and revise the layout for Section 21.

Council District:

9

Appeal by Date:

6/26/2014

Review by Date:

6/26/2014

History:

04/17/2014

M-NCPPC Technical Staff

approval with conditions

05/22/2014

M-NCPPC Planning Board

approval with conditions

DSP-03098-03**Metropolitan At College Park****Reconsideration****Applicant(s):**

Metropolitan Development Group, LLC.

Location:

Located on the southeast corner of the intersection of Baltimore Avenue (US 1) and Cherokee Street (4.22 Acres; M-U-I/D-D-O Zones).

Request:

Requesting elimination of Condition 2 of approved PGCPB Resolution No. 13-147(C) that requires the applicant to vacate a 20-foot-wide public right-of-way dedicated to the City of College Park, because the applicant's property was not a part of the original land dedication.

Council District:

3

Appeal by Date:

6/26/2014

Review by Date:

6/26/2014

Municipality:

City of College Park

History:

05/05/2014

M-NCPPC Technical Staff

approval

05/22/2014 M-NCPPC Planning Board approval

PENDING FINALITY (Continued)

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

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

Council adopted the prepared Order of Remand to the Planning Board (Vote: 7-0; Absent: Council Members Harrison and Lehman).

05/01/2014 M-NCPPC Planning Board returned case to Clerk

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.

05/12/2014 Sitting as the District Council deferred

Council deferred this item to June 2, 2014.

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

[DSP-13008 Technical Staff Report](#)

DSP-13008_PORL

PENDING FINALITY (Continued)

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

[ROSP-3728-02](#)**McDonald's - Allentown Road****Companion Case(s):** DPLS-398**Applicant(s):** McDonald's USA, LLC**Location:** The subject property is a combination of two parcels located at the southwest corner of the intersection of Temple Hill Road and Allentown Road, also known as 7100 Allentown Road (1.916 Acres; C-S-C/R-80 Zones).**Request:** Requesting approval of a Revision of Site Plan to replace an existing 4,259-square-foot building with a 4,393-square-foot building, and to replace the existing single-lane drive-through with a dual-lane drive-through in accordance with Subtitle 27 of the Prince George's County Code.**Council District:** 8**Appeal by Date:** 6/26/2014**Review by Date:** 6/26/2014**History:**

04/14/2014	M-NCPPC Technical Staff	approval with conditions
05/22/2014	M-NCPPC Planning Board	approval with conditions

PENDING FINALITY (Continued)

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

DPLS-398**McDonald's - Allentown Road**

Companion Case(s): ROSP-3728-02

Applicant(s): McDonald's USA, LLC

Location: The subject property is a combination of two parcels located at the southwest corner of the intersection of Temple Hill Road and Allentown Road, also known as 7100 Allentown Road (1.916 Acres; C-S-C/R-80 Zones).

Request: Requesting approval of a Departure from Parking and Loading Standards for a departure of 16 parking spaces, since some of the existing parking on the site would be taken by a proposed dual-lane drive-through and relocation of the trash enclosure in accordance with Subtitle 27 of the Prince George's County Code.

Council District: 8

Appeal by Date: 6/26/2014

Review by Date: 6/26/2014

History:

04/14/2014 M-NCPPC Technical Staff approval

05/22/2014 M-NCPPC Planning Board approval

ADJOURN**EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)****EX 06022014**

To consult with counsel to obtain legal advice and to consult with staff, consultants, or other individuals about pending or potential litigation in accordance with Section 10-508(a)(7, 8), State Government, Annotated Code of Maryland.