

Prince George's County Council

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



Zoning Agenda - Final

Monday, October 17, 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

Pastor William Tucker, Remnant Church of Christ, Temple Hills, Maryland

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 09192016](#)

District Council Minutes dated September 19, 2016

ORAL ARGUMENTS[CSP-03006-03](#)**Woodmore Towne Centre at Glenarden
(CSP-03006-03, DSP-0711-02 & DSP-07057-01)****Applicant(s):**

Woodmore Towne Centre at Glenarden

Location:

Located in the northwestern quadrant of the intersection of Ruby Lockhart Boulevard and St. Joseph's Drive (244.63 Acres; M-X-T Zone).

Request:

Requesting approval of an Amendment of Conditions to amend the following Conditions:

Delete in its entirety Condition 1(a)(iii) of the District Council's January 23, 2006 approval of Conceptual Site Plan 03006 for construction of 900-1,100 dwelling units, 400,000-1 million sq. ft. commercial retail, 550,000-1 million sq. ft. commercial office and up to 500,000 sq. ft. of institutional use; Delete in its entirety Condition (4)(c) of the District Council's April 21, 2009 approval of Detailed Site Plan 07011/01; Delete in its entirety Condition 8(c) of the District Council's September 21, 2009 approval of Detailed Site Plan 07057; and Modify Condition 18(i) of the District Council's November 9, 2015 approval of Conceptual Site Plan 03006/02.

Council District:

5

Appeal by Date:

8/22/2016

Action by Date:

10/31/2016

Municipality:

City of Glenarden

Opposition:

Edward Estes

History:

03/25/2016

Applicant

filed

Matthew C. Tedesco, Esq., Attorney for the applicant, filed a request for the District Council to amend certain conditions of approval.

03/30/2016

Clerk of the Council

transmitted

The Clerk of the Council transmitted the case to the Zoning Hearing Examiner for a Public Hearing.

08/05/2016

Zoning Hearing Examiner

approval with conditions

08/22/2016

Person of Record

appealed

Chris Duffy, Authorized Agent for Woodmore Towne Centre LLC, filed an appeal to the Zoning Hearing Examiner's Decision.

09/12/2016 Sitting as the District Council announced hearing date

Attachment(s): [CSP-03006-03_DSP-07011-02_DSP-07057-01 Zoning AI](#)
[CSP-03006-03_DSP-07011-02_DSP-07057-01 Zoning He](#)
 CSP-03006-03_DSP-07011-02_DSP-07057-01 PORL

ORAL ARGUMENTS (Continued)

[SE-4758](#)

Marlow Heights Citgo

Companion Case(s): DPLS-413; DSDS-686

Applicant(s): St. Barnabas Road Plaza, LLC

Location: Located at the northwest corner of St. Barnabas Road and Dallas Drive, also identified as 4801 St. Barnabas Road, Temple Hills, Maryland (0.32 Acres; C-S-C Zone).

Request: Requesting approval of a Special Exception to develop 0.32 acres (13,846 square feet) of land in the C-S-C (Commercial Shopping Center) Zone as a Gasoline Station, Food and Beverage Store, Auto Repair and accompanying office and storage.

Council District: 7

Appeal by Date: 8/17/2016

Review by Date: 9/30/2016

Action by Date: 1/16/2017

Opposition: None

History:

02/09/2016 M-NCPPC Technical Staff approval with conditions

03/17/2016 M-NCPPC Planning Board approval with conditions

07/01/2016 Zoning Hearing Examiner approval with conditions

07/12/2016 Applicant filed

Michele La Rocca, Esq., attorney for the applicant, filed a request with the Zoning Hearing Examiner for reconsideration of the Zoning Hearing Examiner's decision.

07/12/2016 Zoning Hearing Examiner transmitted

The Zoning Hearing Examiner transmitted a letter to the Clerk granting the applicants request to schedule a reconsideration hearing of the Zoning Hearing Examiner's decision.

07/13/2016	Clerk of the Council	transmitted
	<i>The Clerk returned the entire case file to the Zoning Hearing Examiner's (ZHE) Office in accordance with the Zoning Hearing Examiner's July 12, 2016 letter.</i>	
08/02/2016	Zoning Hearing Examiner	approval
09/12/2016	Sitting as the District Council	elected to make the final decision
	<i>Council elected to make the final decision on this item (Vote: 8-0; Absent: Council Member Harrison).</i>	
<u>Attachment(s):</u>	SE-4758 Zoning AIS SE-4758-RECON_Zoning Hearing Examiner Decision SE-4758_RECON_PORL	

ORAL ARGUMENTS (Continued)**DSDS-686****Marlow Heights Citgo**

<u>Companion Case(s):</u>	DPLS-413; SE-4758
<u>Applicant(s):</u>	St Barnabas Road Plaza, LLC.
<u>Location:</u>	The subject property is a rectangular-shaped parcel at the northwest corner of the intersection of St. Barnabas Road and Dallas Drive (0.32 Acres; C-S-C Zone).
<u>Request:</u>	Requesting approval of a Departure from Sign Design Standards from Section 27-614(a)(1) of the Zoning Ordinance, which requires buildings identified by freestanding signs in all commercial and industrial zones (except the I-3 Zone) to be located at least forty feet behind the right-of-way. The existing building is 36 feet from the right-of-way of St. Barnabas Road, necessitating a departure of four feet. In addition, the applicant is requesting a departure of 13.5 feet for canopy signage above the 70 feet permitted by the County Code.
<u>Council District:</u>	7
<u>Appeal by Date:</u>	4/21/2016
<u>Review by Date:</u>	4/21/2016
<u>Action by Date:</u>	1/16/2017
<u>History:</u>	

02/09/2016	M-NCPPC Technical Staff	approval
03/17/2016	M-NCPPC Planning Board	approval

03/28/2016 Sitting as the District Council elected to review
Council elected to review this item (Vote: 9-0).

ORAL ARGUMENTS (Continued)

[DPLS-413](#)

Marlow Heights Citgo

Companion Case(s): DSDS-686; SE-4758

Applicant(s): St Barnabas Road Plaza, LLC.

Location: The subject property is a rectangular-shaped parcel at the northwest corner of the intersection of St. Barnabas Road and Dallas Drive (0.32 Acres; C-S-C Zone).

Request: Requesting approval of a Departure from Parking and Loading Standards for a departure of one required loading space in accordance with Subtitle 27 of the Prince George's County Code.

Council District: 7

Appeal by Date: 4/21/2016

Review by Date: 4/21/2016

Action by Date: 1/16/2017

History:

02/09/2016 M-NCPPC Technical Staff approval

03/17/2016 M-NCPPC Planning Board approval

03/28/2016 Sitting as the District Council elected to review

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

NEW CASE(S)[ERR-257](#)**831 Fairview Avenue Apartments, LLC****Validation of Multifamily Rental License No. M-0129 Issued in Error****Applicant(s):**

831 Fairview Avenue Apartments, LLC

Location:

Located at 831 Fairview Avenue, Takoma Park Maryland (0.1720 Acres; R-18 Zone).

Request:

Requesting approval for validation of Prince George's County Multifamily Rental License No. M-0129 issued in error for a 6-unit apartment building located in the R-18 (Multifamily Medium Density Residential) Zone.

Council District:

2

Appeal by Date:

9/12/2016

Action by Date:

1/30/2017

Opposition:

None

History:

08/11/2016 Zoning Hearing Examiner approval with conditions

09/19/2016 Sitting as the District Council deferred

*Council deferred this item.***Attachment(s):**[ERR-257 Zoning AIS](#)[ERR 257 Zoning Hearing Examiner Decision](#)

ERR-257 PORL

ITEM(S) FOR DISCUSSION[SDP-0416-03](#)**Beech Tree, South Village, Section 4 & 5****Applicant(s):**

VOB Limited Partnership

Location:

Located on the west side of Robert S. Crain Highway (US 301), south of Leeland Road, in Planning Area 79 and Council District 6. The area covered by Specific Design Plan SDP-0416 in South Village, Sections 4 and 5, is located in the southeastern portion, along the southern boundary of Beech Tree development (41.32 Acres; R-S Zone).

Request:

Requesting approval of a Specific Design Plan to replace 53 previously approved single-family detached lots in Section 5 with 141 single-family attached lots, and does not propose any changes in previously approved Section 4 of South Village, Beech Tree development.

Council District:

6

Appeal by Date:

8/11/2016

Action by Date:

10/31/2016

Comment(s):

District Council review of this case is required due to conditions imposed by Council on Zoning Case A-9763-C.

History:

06/09/2016	M-NCPPC Technical Staff	approval with conditions
07/07/2016	M-NCPPC Planning Board	approval with conditions
09/19/2016	Sitting as the District Council	hearing held; case taken under advisement

Jill Kosack, M-NCPPC, provided an overview of the Specific Design Plan application. Robert Antonetti, Jr., Esq., provided argument in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

Council took this case under advisement.

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.

PLANNING BOARD**CNU-15093-2015****Ebony Inn****Applicant(s):**

King Oak Enterprises

Location:

Located approximately 622 feet southwest of the intersection of Addison Road and Sheriff Road. The trapezoid shaped property consists of Parcel 13, Part of Lot 3, Lot 4, and Lot 5.

Request:

Requesting approval of a certification of a nonconforming use for an eating and drinking establishment with adult-oriented entertainment on a property zoned M-U-I in a D-D-O Zone.

Council District:

5

Appeal by Date:

10/27/2016

Review by Date:

10/27/2016

Municipality:

Fairmount Heights

History:

08/18/2016

M-NCPPC Technical Staff

disapproval

09/22/2016

M-NCPPC Planning Board

approval

Attachment(s):[CNU-15093-2015 Zoning AIS](#)

PENDING FINALITY (Continued)[DPLS-428](#)**Tropicana Grill****Applicant(s):**

Old Landover, LLC.

Location:

Located at the southeast section of Maryland Avenue, just southwest of the intersection of Maryland Avenue and Old Landover Road, at its intersections in Landover Hills, also known as 3503 Maryland Avenue (0.12 Acres; C-S-C Zone).

Request:

Requesting approval of a Departure from Parking and Loading Standards for relief from one of the nine required parking spaces from the Prince George's County Zoning Ordinance requirement for a food and beverage store and restaurant use.

Council District:

5

Appeal by Date:

11/3/2016

Review by Date:

11/3/2016

History:

08/23/2016

M-NCPPC Technical Staff

approval with conditions

09/29/2016

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DPLS-428 Zoning AIS](#)

PENDING FINALITY (Continued)[DSP-15044](#)**Woodspring Suites at Greenbelt, Parcel A-3****Applicant(s):**

Sandpiper Hospitality V, LLC

Location:

Located on the northwestern side of Greenway Center Drive, approximately 1,000 feet west of its intersection with Hanover Parkway. The site is also located adjacent to the Baltimore-Washington Parkway (MD 295), at 7480 Greenway Center Drive (3.04 Acres; C-O Zone).

Request:

Requesting approval of a Detailed Site Plan for the construction of a 124-room, 52,040-square-foot hotel and ancillary site improvements.

Council District:

4

Appeal by Date:

11/10/2016

Review by Date:

11/10/2016

Municipality:

City of Greenbelt

History:

09/14/2016

M-NCPPC Technical Staff

approval with conditions

10/06/2016

M-NCPPC Planning Board

approval with conditions

Attachment(s):[DSP-15044 Zoning AIS](#)

PENDING FINALITY (Continued)[SDP-1003-09](#)**Parkside (formerly Smith Home Farm), Section 1A****Applicant(s):**

SHF Project Owner, LLC.

Location:

Located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4); Section 1A, is located in the far southwestern portion of the larger Parkside development. (76.44 Acres; R-M Zone).

Request:

Requesting approval of a Specific Design Plan to add a main entrance monument sign for the entire residential development along Central Park Drive, as required by SDP-0506-03 Condition 1(d).

Council District:

6

Appeal by Date:

11/3/2016

Review by Date:

11/3/2016

History:

08/15/2016

M-NCPPC Technical Staff

approval with conditions

09/29/2016

M-NCPPC Planning Board

approval with conditions

Attachment(s):[SDP-1003-09 Zoning AIS](#)**ADJOURN**