



Prince George's County Council

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

Zoning Agenda

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

Tuesday, October 28, 2014

10:30 AM

Council Hearing Room

ADDITIONS TO THE COUNTY COUNCIL AGENDA

CONVENE

ITEM(S) FOR DISCUSSION

[DSP-99044-07](#)**Prince George's Plaza, Parcel A-1 Chick-fil-A (Remand)****REMAND****Companion Case(s):** DSP-99044-07**Applicant(s):** Chick-fil-A**Location:** Located at the northeastern quadrant of the intersection of East-West Highway (MD 410) and Belcrest Road (51.03 Acres; C-S-C / T-D-O Zones).**Request:** Requesting approval of a Detailed Site Plan amending the Table of Uses of the 1998 Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone to permit a freestanding eating and drinking establishment with drive-through.**Council District:** 2**Appeal by Date:** 8/21/2014**Review by Date:** 9/22/2014**Action by Date:** 2/18/2015**Municipality:** City of Hyattsville**History:**

10/16/2013 M-NCPPC Technical Staff approval with conditions

11/21/2013 M-NCPPC Planning Board approval with conditions

12/23/2013 Applicant appealed

Daniel F. Lynch, Esquire, attorney for the applicant, filed an appeal to the decision of the Planning Board and requested oral argument.

02/24/2014 Sitting as the District Council deferred

Chairman Franklin announced that the Oral Argument Hearing for this Detailed Site Plan would be deferred until March 17, 2014 at 1:30 p.m.

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.

- 04/14/2014 Sitting as the District Council referred for document
- Stan Brown, People's Zoning Counsel, indicated that a procedural issue regarding this case should be addressed prior to Oral Argument. Daniel Lynch, on behalf of the applicant, requested the case be remanded to the Planning Board for inclusion of additional individuals as persons of record. Stan Brown, People's Zoning Counsel, delineated an additional condition of remand. Mr. Lynch requested that the Council condition the remand to require that the case be returned within ninety days. Vice-Chair Campos provided clarifying remarks.*
- Prior to Oral Argument, and following brief discussion, Council referred item to staff for preparation of an Order of Remand to the Planning Board to allow additional Persons of Record to sign up and to address the drive-through component of the proposal (Vote: 9-0).*
- 04/21/2014 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 Turner).*
- 07/17/2014 M-NCPPC Planning Board returned case to Clerk
- The Planning Board adopted Resolution No. 14-63 indicating that the Planning Board has no authority to re-open or reconsider this case. Therefore this case was returned to the District Council. Pursuant to the appeal filed on December 23, 2013, this matter will be scheduled for Oral Argument.*
- 09/08/2014 Sitting as the District Council Clerk directed to schedule a public hearing
- Clerk directed to schedule for Oral Argument Hearing.*

10/20/2014

Sitting as the District Council

hearing held; case taken under advisement

Meika Fields, M-NCPPC Planning Staff, provided an overview of the Detailed Site Plan application. Dan Lynch, attorney for the applicant, raised a procedural issue prior to the Oral Argument hearing regarding exclusion of a letter by the City of College Park, which he perceived to be outside of the record in this case. Stan Brown, People's Zoning Counsel, opined that the letter should not be included. Dan Lynch, attorney for the applicant, spoke in support on behalf of the applicant. E.I. Cornbrooks, IV, City Attorney, spoke in opposition on behalf of the City of Hyattsville. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the arguments presented.

This Detailed Site Plan hearing was held and the case was taken under advisement.

Attachment(s):

[DSP-99044-07 \(Remand\) Planning Board Resolution 14-\(](#)

[DSP-99044-07 Technical Staff Report](#)

[DSP-99044-07_PORL](#)

REFERRED FOR DOCUMENT**DSP-11025-01****Salubria Center****Applicant(s):**

Pinnacle Harbor, LLC

Location:

Located at the southeast quadrant of the intersection of Oxon Hill Road and Harborview Avenue (43.79 Acres; M-X-T Zone).

Request:

Requesting approval of a Detailed Site Plan for revised architecture for a 53,790-square-foot hotel with 100 rooms, as required by condition 14 of Zoning Ordinance No. 15-2012 and condition 6 of the District Council Order for DSP-11025.

Council District:

8

Appeal by Date:

9/4/2015

Action by Date:

2/18/2015

Comment(s):

District Council review of this case is required by conditions imposed by the District Council on Zoning Case A-9882-C.

History:

06/24/2014

M-NCPPC Technical Staff

approval with conditions

07/17/2014

M-NCPPC Planning Board

approval with conditions

10/20/2014

Sitting as the District Council

hearing held; referred for docume

Meika Fields, M-NCPPC Planning Staff, provided an overview of the Detailed Site Plan application. Andre Gingles, spoke in support on behalf of the applicant. Karen Egloff spoke in opposition. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the arguments presented.

This Detailed Site Plan hearing was held. Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0).

Attachment(s):[DSP-11025-01 Planning Board Resolution 14-66](#)

DSP-11025-01_PORL

[DSP-11025-01 Technical Staff Report](#)

Backup: Order of Approval, affirming the Planning Board's Decision.

REFERRED FOR DOCUMENT (Continued)[HPC-68-041-03](#)**Appeal of Decision of Historic Preservation Commission
Classification of Marche' Florists Building (Historic Resource - Area
68-041-03)****Applicant(s):**

Appellant: Barbara Johnson t/a White Anjelica, LLC

Location:

The Marche' Florists Building is located within a 0.868-acre parcel on the west side of Rhode Island Avenue at its intersection with Crittenden Street and 42nd Place.

Request:

The instant action involves the appeal of the Decision of the Historic Preservation Commission ("the HPC") to amend the Prince George's County Historic Sites and Districts Plan by designating the Marche' Florists Building (Historic Resource 68-041-03) and its Environmental Setting as a Historic Site in the Plan's Inventory of Historic Sites.

Council District:

2

Appeal by Date:

9/11/2014

Action by Date:

3/26/2015

Municipality:

City of Hyattsville

Opposition:

None

History:

12/23/2013

Historic Preservation Commission approval

The Historic Preservation Commission found that the Marche' Florists Building should be designated as a Prince George's County Historic Site according to the criteria included in the December 10, 2013 staff report.

01/07/2014

Applicant appealed

Barbara Johnson t/a White Anjelica, LLC, Applicant, filed an appeal of the Historic Preservation Commission's decision.

08/27/2014

Zoning Hearing Examiner approval with conditions

The ZHE recommends that the District Council approve the designation of the Marche' Florists Building and its Environmental Setting as a Historic Site with conditions.

09/08/2014

Applicant appealed

Mr. William M. Shipp, Esquire filled an appeal on behalf of the applicant and requested Oral Argument.

10/20/2014

Sitting as the District Council

hearing held; referred for docume

Howard Berger, M-NCPPC Planning Staff, provided an overview of the Historic Preservation Commission application. William Shipp, attorney for the applicant, Barbara Johnson and Stuart Eisenburg spoke in support. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the arguments presented. Oral argument hearing was held.

This Appeal of the Decision of the Historic Preservation Commission hearing was held. Council referred item to staff for preparation of a document disapproving the Zoning Hearing Examiner decision and removing the Historic Preservation Commission designation as a historic site (8-1; Opposed; Council Member Lehman).

Attachment(s):

[HPC-68-041-03 Zoning Hearing Examiner Decision](#)

HPC-68-041-03 POR_L

[HPC- 68-041-03 HPC Decision](#)

[HPC 68-041-03 Appeal Letter](#)

Backup: Order of Denial.

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-4667**Sycamore Hill****Applicant(s):**

Presidential Care, LLC / Stoddard Baptist Home

Location:

Located on the east side of Lottsford Vista Road, across from its intersection with Cleary Lane, also identified as 3911 Lottsford Vista Road, Bowie, Maryland (7.91 Acres; R-R Zone).

Request:

Requesting approval of a Special Exception for an Adult Day Care for 15 persons and a 63-unit Assistant Living Facility for 78 persons.

Council District:

5

Appeal by Date:

11/14/2014

Review by Date:

1/14/2015

Opposition:

The Willow Grove Citizens Association, et. al.

History:

04/28/2014	M-NCPPC Technical Staff	approval with conditions
05/15/2014	M-NCPPC Planning Board	no motion to consider
10/15/2014	Zoning Hearing Examiner	approval with conditions
10/20/2014	Sitting as the District Council	deferred

Council deferred this item.

ADJOURN