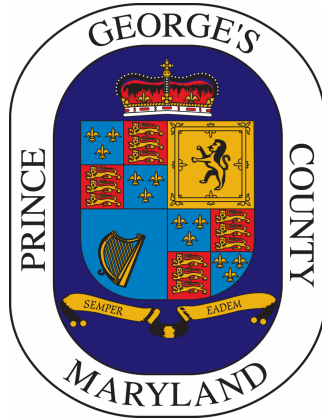


Prince George's County Council

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



Zoning Agenda - Final

Monday, June 8, 2015

1:30 PM

Council Hearing Room

Sitting as the District Council

*Mel Franklin, District 9, Chairman
Derrick Leon Davis, District 6, Vice Chair
Dannielle M. Glaros, District 3
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

1:00 PM AGENDA BRIEFING - (ROOM 2027)**1:30 PM CALL TO ORDER - (COUNCIL HEARING ROOM)**

INVOCATION - Mrs. Sylvia Taylor,
International Church of Christ, Landover, MD

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

[MINDC 05112015](#) **District Council Minutes dated May 11, 2015**

Attachment(s): [05-11-2015 District Council Minutes DRAFT](#)

[MINDC 05122015](#) **District Council Minutes dated May 12, 2015**

Attachment(s): [05-12-2015 District Council Minutes DRAFT](#)

NEW CASE(S)

[ERR-246](#) **Chesapeake Landing, LLC**
Validation of Multifamily Rental License M-0175

Applicant(s): Chesapeake Landing, LLC.

Location: Located at 7501, 7503, 7505, 7507, 7509, 7511, 7513, 7515, 7519, 7521, 7523, 7525, 7527, and 7529 Buchanan Street, Landover Hills, Maryland (7.94 Acres; R-18 Zone).

Request: Requesting approval for validation of Prince George's County Multifamily Rental License No. M-0175 issued in error for the Chesapeake Landing Apartments.

Council District: 3

Appeal by Date: 5/11/2015

Opposition: None

History:

04/09/2015 Zoning Hearing Examiner approval

Attachment(s): [ERR-246 Zoning Hearing Examiner Decision](#)
ERR-246 PORL

NEW CASE(S) (Continued)[ERR-247](#)**Melvin F. Fox****Validation of Multifamily Rental License M-0168 Issued in Error****Applicant(s):**

Melvin F. Fox Living Trust

Location:

Located at 5221 Marlboro Pike, Capitol Heights, Maryland (0.27 Acres; R-18 Zone).

Request:

Requesting validation of Prince George's County Multifamily Rental License No. M-0168 issued in error.

Council District:

7

Appeal by Date:

6/3/2015

Opposition:

None

History:

05/04/2015

Zoning Hearing Examiner

approval

Attachment(s):[ERR-247 Zoning Hearing Examiner Decision](#)

ERR-247 PORL

ITEM(S) FOR DISCUSSION[SE-4734](#)**Mill Branch Crossing (Walmart)****Applicant(s):**

Wal-Mart Real Estate Business Trust

Location:

Located northeast quadrant of the intersection of Robert Crain Highway (US 301) and Mill Branch Road (24.90 Acres; C-S-C Zone).

Request:

Requesting approval of a Special Exception for a department or variety store over 125,000 square feet in the C-S-C Zone.

Council District:

4

Appeal by Date:

2/20/2015

Review by Date:

2/20/2015

Action by Date:

6/22/2015

Municipality:

City of Bowie

Opposition:

The Patuxent Riverkeeper, et. al.

History:

11/26/2013

M-NCPPC Technical Staff

disapproval

12/12/2013

M-NCPPC Planning Board

no motion to consider

01/21/2015

Zoning Hearing Examiner

disapproval

01/26/2015	Sitting as the District Council	deferred
	<i>Council defered this item to February 9, 2015.</i>	
02/09/2015	Sitting as the District Council	elected to make the final decision
	<i>Council elected to make the final decision on this item (Vote: 9-0).</i>	
02/20/2015	Applicant	appealed
	<i>Andre J. Gingles, Esquire, Attorney for the applicant, filed exceptions to the Zoning Hearing Examiner's decision and requested Oral Argument.</i>	
04/07/2015	Person of Record	filed
	<i>G. Macy Nelson, Esquire, Attorney for citizens , filed a response to the applicants exceptions to the Zoning Hearing Examiner and citizen-protestants' proposed findings of fact and conclusions of law.</i>	
04/07/2015	Person of Record	filed
	<i>Michael A. Terry, Thomas A. Terry and CJ Lammers each filed memorandums in support of the Zoning Hearing Examiner's decision of denial.</i>	
04/13/2015	Sitting as the District Council	continued to a later date
	<i>Prior to the Oral Argument, a preliminary motion by Mr. G. Macy Nelson was considered. The motion included a request that Council Member Turner recuse himself and that the case be continued until the County and City of Bowie provide documents requested under the Maryland Public Information Act. Andre Gingles, Esq. provided argument in opposition to the request, on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented. The case was continued to May 11, 2015 at 10:00 a.m.</i>	

05/11/2015

Sitting as the District Council

hearing held; case taken under advisement

Prior to the Oral Argument, a preliminary motion by Mr. G. Macy Nelson to require that Council Member Turner recuse himself from the case, was considered. Andre Gingles, Esq. provided argument in opposition to the request, on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented regarding the preliminary motion and questioned Council Member Turner with regard to the motion. Council Member Turner decided to participate. Judicial notices were made of two additional issues raised by Mr. Nelson and the oral argument hearing proceeded.

Tom Lockard, M-NCPPC, provided an overview of the Special Exception application. Andre Gingles, Esq., spoke in support on behalf of the applicant, as did Joe Meinert, on behalf of the City of Bowie and Helen Simms. G. Macy Nelson, John Trussell, Andrew Bottner and Michael A. Terry spoke in opposition. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

Council took this case under advisement.

Attachment(s):

SE-4734 Applicants Exceptions to ZHE Decision

[SE-4734 Zoning Hearing Examiner Decision](#)[SE-4734 Technical Staff Report](#)

SE-4734_PORL

SE-4734 Opposition Letters

SE-4734 Response to Appeal

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-4012-15****Strathcona Apartments****Applicant(s):**

Greenbelt Park, LLC.

Location:

Located on the south side of Crescent Road at its intersection with Southway Road in the City of Greenbelt (1.29 Acres; R-18 / R-P-C Zones).

Request:

Requesting approval for Certification of an existing 42-unit, multifamily, garden-style apartment complex that was built when the property was not subject to the requirements of the Zoning Ordinance. Because development regulations were changed or adopted after the apartment use was lawfully established, the complex became nonconforming.

Council District:

4

Appeal by Date:

6/11/2015

Review by Date:

6/11/2015

Municipality:

City of Greenbelt

History:

03/23/2015

M-NCPPC Technical Staff

approval

05/07/2015

M-NCPPC Planning Board

approval

Attachment(s):[CNU-4012-2015 Planning Board Resolution 15-29](#)

CNU-4012-15_PORL

[CNU-4012-2015 Technical Staff Report](#)

PENDING FINALITY (Continued)**DDS-626****Potomac Energy Holdings, LLC****Companion Case(s):** DPLS-411; DSDS-684**Applicant(s):** Potomac Energy Holdings, LLC**Location:** Located on the northeast side of Baltimore Avenue (US 1), approximately 400 feet north of the Capital Beltway (I-95 / 495, College Park exit) (0.73 Acres; C-S-C Zone).**Request:** Requesting approval of a Departure from Design Standards form Section 4.7 of the 2010 Prince George's County Landscape Manual.**Council District:** 1**Appeal by Date:** 6/11/2015**Review by Date:** 6/11/2015**History:**

03/31/2015 M-NCPPC Technical Staff approval with conditions

05/07/2015 M-NCPPC Planning Board approval with conditions

Attachment(s): [DDS-626 Planning Board Resolution 15-33](#)

DDS-626_PORL

DPLS-411**Potomac Energy Holdings, LLC****Companion Case(s):** DDS-626; DSDS-684**Applicant(s):** Potomac Energy Holdings, LLC**Location:** Located on the northeast side of Baltimore Avenue (US 1), approximately 400 feet north of the Capital Beltway (I-95 / 495, College Park exit) (0.73 Acres; C-S-C Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards from Section 27-582(a) of the Prince George's County Zoning Ordinance for the elimination of the loading space requirement due to the 50-foot setback requirement from a residential property set forth in Section 27-579.**Council District:** 1**Appeal by Date:** 6/11/2015**Review by Date:** 6/11/2015**History:**

03/31/2015 M-NCPPC Technical Staff approval with conditions

05/07/2015 M-NCPPC Planning Board approval with conditions

Attachment(s): [DPLS-411 Planning Board Resolution 15-34](#)

DPLS-411_PORL

PENDING FINALITY (Continued)

[DSDS-684](#)

Potomac Energy Holdings, LLC

Companion Case(s): DDS-626; DPLS-411

Applicant(s): Potomac Energy Holdings, LLC

Location: Located on the northeast side of Baltimore Avenue (US 1), approximately 400 feet north of the Capital Beltway (I-95 / 495, College Park exit) (0.73 Acres; C-S-C Zone).

Request: Requesting approval of a Departure from Sign Design Standards from Section 27-614(a)(1) of the Zoning Ordinance in order to allow a freestanding sign on a property where the main building associated with the freestanding sign is set back less than 4 feet from the front streetline. The proposed building is set back 24 feet from the front streetline along Baltimore Avenue (US 1). Therefore, a departure of approximately 16 feet is requested.

Council District: 1

Appeal by Date: 6/11/2015

Review by Date: 6/11/2015

History:

03/31/2015 M-NCPPC Technical Staff approval with conditions

05/07/2015 M-NCPPC Planning Board approval with conditions

Attachment(s): [DSDS-684 Planning Board Resolution 15-32](#)

DSDS-684_PORL

PENDING FINALITY (Continued)**DSP-14025****Wood Glen****Companion Case(s):** DDS-630**Applicant(s):** Palisades Development at Good Luck Road, LLC**Location:** Located on the east side of Good Luck Road, approximately 400 feet south of its intersection with Greenbelt Road (MD 193) (11.87 Acres; C-O Zone).**Request:** Requesting approval of a Detailed Site Plan for 138 single-family attached dwelling units in the Commercial Office (C-O) Zone.**Council District:** 3**Appeal by Date:** 6/11/2015**Review by Date:** 6/11/2015**History:**

04/16/2015 M-NCPPC Technical Staff approval with conditions

05/07/2015 M-NCPPC Planning Board approval with conditions

Attachment(s): [DSP-14025 Planning Board Resolution 15-39](#)

DSP-14025_PORL

[DSP-14025 Technical Staff Report](#)**DDS-630****Wood Glen****Companion Case(s):** DSP-14025**Applicant(s):** Palisades Development at Good Luck Road, LLC**Location:** Located on the east side of Good Luck Road, approximately 400 feet south of its intersection with Greenbelt Road (MD 193) (11.87 Acres; C-O Zone).**Request:** Requesting approval of a Departure from Design Standards for the purpose of seeking relief from the 2010 Prince George's Landscape Manual, Section 4.10, Street Trees along Private Streets.**Council District:** 3**Appeal by Date:** 6/11/2015**Review by Date:** 6/11/2015**History:**

04/16/2015 M-NCPPC Technical Staff approval

05/07/2015 M-NCPPC Planning Board approval

Attachment(s): [DDS-630 Planning Board Resolution 15-40](#)
 DDS-630_PORL
[DDS-630 Technical Staff Report](#)

PENDING FINALITY (Continued)

[DSP-09030](#)

Addison's Addition to Cedar Hill

Applicant(s): Wallis Sibila

Location: Located east of Old Chapel Road, on the north side of South Homestake Drive, approximately 85 feet east of its intersection with West Vein Road (3.88 Acres; R-R Zone).

Request: Requesting approval of a Detailed Site Plan for house placement, architecture, and landscaping for three new single-family homes, as required by Condition 8 of Preliminary Plan of Subdivision 4-08007.

Council District: 4

Appeal by Date: 6/25/2015

Review by Date: 6/25/2015

History:

04/22/2015 M-NCPPC Technical Staff approval with conditions

05/21/2015 M-NCPPC Planning Board approval with conditions

Attachment(s): [DSP-09030 Planning Board Resolution 15-47](#)
 DSP-09030_PORL
[DSP-09030 Technical Staff Report](#)

PENDING FINALITY (Continued)**[SDP-1003-06](#)****Smith Home Farm, Section 1A, 1B, 2 & 3****Applicant(s):**

SHF Project Owner, LLC

Location:

Located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4) (27.85 Acres; R-M Zone).

Request:

Requesting approval of a Specific Design Plan to revise the Section 3 layout to include 140 two-family dwellings, reduce the number of townhouses from 210 to 130, to add several models to the approved architecture for the specific design plan (SDP), and to revise the permit trigger for the approval of the SDP for the Westphalia Central Park.

Council District:

6

Appeal by Date:

6/11/2015

Review by Date:

6/11/2015

History:

03/31/2015

M-NCPPC Technical Staff

approval with conditions

05/07/2015

M-NCPPC Planning Board

approval with conditions

Attachment(s):**[SDP-1003-06 Planning Board Resolution 15-36](#)****[SDP-1003-06_PORL](#)****[SDP-1003-06 Technical Staff Report](#)****[SDP-1003-06 Waiver Technical Staff Report](#)****ADJOURN****EXECUTIVE SESSION – (1ST FLOOR EXECUTIVE CONFERENCE ROOM)****[EX 06082015](#)**

Motion to convene in executive session, in accordance with Section 3-305(b) (7, 8), General Provisions Article, Annotated Code of Maryland, as follows:

1. to consult with legal counsel to seek legal advice; and
2. to discuss pending or potential litigation.