

Prince George's County Council

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



Zoning Agenda

Monday, March 24, 2014

9:15 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

9:00 A.M. AGENDA BRIEFING

9:15 A.M. CALL TO ORDER

INVOCATION - Thomasayah, County Employee

PLEDGE OF ALLEGIANCE

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 02242014](#) **District Council Minutes dated February 24, 2014**

Attachment(s): [02-24-2014 District Council Minutes Draft](#)

[MINDC 02252014](#) **District Council Minutes dated February 25, 2014**

Attachment(s): [02-25-2014 District Council Minutes Draft](#)

[MINDC 03112014](#) **District Council Minutes dated March 11, 2014**

Attachment(s): [03-11-2014 District Council Minutes Draft](#)

ORAL ARGUMENTS**DSP-12059****Riverdale Road McDonalds****Companion Case(s):** DPLS-396**Applicant(s):** McDonalds USA LLC**Location:** Located on the northeast quadrant of the intersection of Kenilworth Avenue (MD 201) and Riverdale Road (1.11 Acres; C-S-C Zone).**Request:** Requesting approval of a Detailed Site Plan for a 4,387-square-foot, one-story, freestanding McDonalds eating and drinking establishment with drive-through service on an existing McDonalds site in the Commercial Shopping Center (C-S-C) Zone. The DSP proposes to demolish the existing McDonalds restaurant building and replace it with a new prototype building.**Council District:** 3**Appeal by Date:** 1/9/2014**Review by Date:** 1/30/2014**Action by Date:** 5/23/2014**Municipality:** Town of Riverdale Park**History:**

10/31/2013 M-NCPPC Technical Staff approval with conditions

12/05/2013 M-NCPPC Planning Board approval with conditions

01/13/2014 Sitting as the District Council elected to review

*Council elected to review (Voice Vote: 9-0).***Attachment(s):** [DSP-12059 Planning Board Resolution 13-133](#)

DSP-12059_PORL

[DSP-12059 Technical Staff Report](#)

[DPLS-396](#)**Riverdale Road McDonalds****Companion Case(s):** DSP-12059**Applicant(s):** McDonalds USA LLC**Location:** Located on the northeast quadrant of the intersection of Kenilworth Avenue (MD 201) and Riverdale Road (1.11 Acres; C-S-C Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards (Sections 27-568 and 27-582) to reduce the required number of parking spaces from 52 to 46 and to not provide the required one loading space due to the site's small size.**Council District:** 3**Appeal by Date:** 1/9/2014**Review by Date:** 1/30/2014**Action by Date:** 5/23/2014**Municipality:** Town of Riverdale Park**History:**

10/31/2013	M-NCPPC Technical Staff	approval
12/05/2013	M-NCPPC Planning Board	approval
01/13/2014	Sitting as the District Council	elected to review

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

Attachment(s): [DPLS-396 Planning Board Resolution 13-134](#)

DPLS-396_PORL

[DPLS-396 Technical Staff Report](#)

[DSP-12061](#)**Franklin Park at Greenbelt Station****Applicant(s):**

Franklin Park at Greenbelt Station

Location:

Located on the northeast quadrant of the intersection of Breezewood Drive and Cherrywood Lane (151.79 Acres; M-U-I / D-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan for the addition of two new freestanding monument signs, two new building-mounted banner signs, and 27 freestanding pole banner signs within an existing multifamily residential development in the M-U-I and D-D-O Zones.

Council District:

4

Appeal by Date:

1/9/2014

Review by Date:

1/30/2014

Action by Date:

5/23/2014

Municipality:

City of Greenbelt

History:

11/01/2013

M-NCPPC Technical Staff

approval with conditions

12/05/2013

M-NCPPC Planning Board

approval with conditions

01/13/2014

Sitting as the District Council

elected to review

*Council elected to review (Voice Vote: 9-0).***Attachment(s):**[DSP-12061 Planning Board Resolution 13-135](#)

DSP-12061_PORL

[DSP-12061 Technical Staff Report](#)[DSP-13017](#)**1800 Prosperity Way****Applicant(s):**

James F. Schneider

Location:

Located in the southeast quadrant of the intersection of Prosperity Way and Prosperity Court (0.72 Acres; I-1 Zone).

Request:

Requesting approval of a Detailed Site Plan for a contractor's storage yard.

Council District:

7

Appeal by Date:

1/9/2014

Review by Date:

1/30/2014

Action by Date:

5/23/2014

Municipality:

Capitol Heights

History:

11/07/2013

M-NCPPC Technical Staff

approval with conditions

12/05/2013 M-NCPPC Planning Board approval with conditions
 01/13/2014 Sitting as the District Council elected to review
Council elected to review (Voice Vote: 9-0).

Attachment(s): [DSP-13017 Planning Board Resolution 13-128](#)
 DSP-13017_PORL
[DSP-13017 Technical Staff Report](#)

DSP-13020**Walker Mill Business Park, Lot 8**

Applicant(s): Wasim and Naira Butt
Location: Located on the north side of Prosperity Court, approximately 150 feet east of its intersection with Prosperity Way (1.58 Acres; I-1 Zone).
Request: Requesting approval of a Detailed Site Plan for a proposed vehicle towing company and automobile storage yard.
Council District: 7
Appeal by Date: 1/9/2014
Review by Date: 1/30/2014
Action by Date: 5/23/2014
Municipality: Capitol Heights

History:

10/02/2013 M-NCPPC Technical Staff approval with conditions
 12/05/2013 M-NCPPC Planning Board approval with conditions
 01/13/2014 Sitting as the District Council elected to review
Council elected to review (Voice Vote: 9-0).

Attachment(s): [DSP-13020 Planning Board Resolution 13-130](#)
 DSP-13020_PORL
[DSP-13020 Technical Staff Report](#)

RECESS**3:00 P.M. RECONVENE**

MANDATORY REVIEW (Using Oral Argument Procedures)**SDP-0315-04****Beech Tree, East Village Sections 4 & 5****Applicant(s):**

VOB Limited Partnership

Location:

Located on the southwest quadrant of the intersection of Robert S. Crain Highway (US 301) and Leeland Road (22.90 Acres; R-S Zone).

Request:

Requesting approval of a Specific Design Plan to add 11.90 acres, 107 single-family attached lots to the existing 39 lots, and single-family attached architecture and a variance from the requirement of Section 27-515(b), Footnote 29.

Council District:

6

Appeal by Date:

2/13/2014

Action by Date:

4/23/2014

Comment(s):

District Council review of this case is required by A-9763-C.

History:

12/09/2013

M-NCPPC Technical Staff

approval with conditions

01/09/2014

M-NCPPC Planning Board

approval with conditions

SDP-0902-01**Beech Tree, East Village, Sections 11 and 13****Applicant(s):**

VOB Limited Partnership

Location:

Located on the southwest quadrant of the intersection of Robert S. Crain Highway (US 301) and Leeland Road.

Request:

Requesting approval of a Specific Design Plan to revise Section 13 from 49 single-family detached lots to 112 single-family attached lots and add single-family attached architecture and a variance from the requirement of Section 27-515(b), Footnote 29.

Council District:

6

Appeal by Date:

2/13/2014

Action by Date:

4/23/2014

Comment(s):

District Council review of this case is required by A-9763-C

History:

12/06/2013

M-NCPPC Technical Staff

approval with conditions

01/09/2014

M-NCPPC Planning Board

approval with conditions

REFERRED FOR DOCUMENT[DSP-04082-04](#)**Brighton Place****Applicant(s):**

Beazer Homes

Location:

Located on the east side of Rollins Avenue, approximately 1,500 feet south of its intersection with Old Central Avenue (MD 332) (29 Acres; R-55 & R-T (D-D-O) Zones)

Request:

Requesting approval of a Detailed Site Plan adding elevations TRI, TRJ, TRK and TRP of the Chandler townhouse model

Council District:

7

Appeal by Date:

11/6/2013

Review by Date:

11/6/2013

Action by Date:

4/11/2014

History:

09/04/2013	M-NCPPC Technical Staff	approval with conditions
10/03/2013	M-NCPPC Planning Board	approval with conditions
10/21/2013	Sitting as the District Council	deferred
	<i>Council deferred this item to 10/28/2013.</i>	
10/28/2013	Sitting as the District Council	deferred
11/04/2013	Sitting as the District Council	elected to review
02/10/2014	Sitting as the District Council	hearing held; case taken under advisement

Sherrri Conner, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Tom Haller, Esq., spoke in support 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.

03/18/2014	Sitting as the District Council	referred for document
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Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0).

Attachment(s):[DSP-04082-04 Planning Board Resolution 13-101](#)

DSP-04082-04_PORL

[DSP-04082-04 Technical Staff Report](#)

DSP-10027Farmington Road Car WashApplicant(s):

Interstate Farmington, LLC

Location:

Northeastern quadrant of the intersection of Indian Head Highway (MD 210) and Farmington Road East. (2.647 Acres; C-M Zone).

Request:

Requesting approval of a Detailed Site Plan for a 9,129-square-foot combined car wash and retail building.

Council District:

9

Appeal by Date:

8/22/2013

Review by Date:

9/23/2013

Action by Date:

3/28/2014

History:

06/13/2013

M-NCPPC Technical Staff

approval with conditions

07/18/2013

M-NCPPC Planning Board

approval with conditions

08/21/2013

Person of Record

appealed

On August 21, 2013, Thomas E. Dernoga, Esquire, appealed on behalf of Doris Sharp et. al in opposition to the proposal and requested Oral Argument.

09/09/2013

Sitting as the District Council

did not elect to make the final decision

01/22/2014

Applicant

transmitted a letter

Matthew Tedesco, Esquire, Attorney for the Applicant, filed a response to the appeal on behalf of the applicant.

01/27/2014

Sitting as the District Council

hearing held; case taken under advisement

Ruth Grover, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. J. Carroll Holzer, Esq. spoke in opposition on behalf of Doris Sharp et al and others verbally identified. Matthew Tedesco, Esq., spoke in support 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.

03/18/2014

Sitting as the District Council

referred for document

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

Attachment(s): [DSP-10027 Planning Board Resolution 13-78](#)
[DSP-10027 Technical Staff Report](#)

[DSP-12019](#)

Dunkin' Donuts, Lanham

Applicant(s): Dunkin' Donuts - Lanham

Location: Located on the south side of Annapolis Road (MD 450), 650 feet northeast of its intersection with Harkins Road

Request: Requesting approval of a Detailed Site Plan for a 304-square-foot building addition to an existing eating and drinking establishment with drive-through, and site modifications.

Council District: 3

Appeal by Date: 12/12/2013

Review by Date: 1/13/2014

Action by Date: 3/28/2014

History:

09/30/2013	M-NCPPC Technical Staff	approval with conditions
11/13/2013	M-NCPPC Planning Board	approval with conditions
11/18/2013	Sitting as the District Council	elected to review
	<i>Council elected to review (Vote: 8-0; Absent: Council Member Turner).</i>	
01/27/2014	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. Traci Scudder, Esq., spoke in support 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.

03/18/2014	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0).</i>	

Attachment(s): [DSP-12019 Planning Board Resolution 13-117](#)
 DSP-12019_PORL
[DSP-12019 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION**CSP-13003****Hyattsville Zip-In****Companion Case(s):** DSP-12062**Applicant(s):** NSR Properties, LLC**Location:** Located at the southwest quadrant of the intersection of East-West Highway (MD 410) and Belcrest Road.**Request:** Requesting approval of a Conceptual Site Plan for revisions to an existing gas station and food and beverage store and 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 proposed car wash.**Council District:** 2**Appeal by Date:** 1/27/2014**Action by Date:** 4/25/2014**Comment(s):** District Council review of this case is required by Section 27-548.09.01(b) of the Zoning Ordinance.**Municipality:** Hyattsville**History:**

11/21/2013	M-NCPPC Technical Staff	approval with conditions
12/19/2013	M-NCPPC Planning Board	approval with conditions
12/23/2013	Applicant	appealed

On December 23, 2013, Michele La Rocca, Esquire, filed an appeal to the decision of the Planning Board on behalf of the applicant and requested oral argument.

02/24/2014 Sitting as the District Council hearing held; case taken under advisement

Chairman Franklin announced that the Oral Argument Hearings for CSP-13003 Hyattsville Zip-In and DSP-12062 Hyattsville Zip-In would be held in tandem. Jill Kosack, M-NCPPC planning staff, provided an overview of the Conceptual Site Plan and Detailed Site Plan applications. Michele LaRocca, Esq. and Said Chaudhry spoke in support. Jim Chandler spoke in opposition on behalf of the City of Hyattsville. Suellen Ferguson, Esq., and The Honorable John Rogard Tabori spoke in opposition on behalf of the Town of University Park. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.

Attachment(s): CSP-13003&DSP-12062 Appeal Letter
[CSP-13003 Planning Board Resolution 13-143](#)
 CSP-13003_PORL

[DSP-12062](#)

Hyattsville Zip-In

Companion Case(s): CSP-13003

Applicant(s): NSR Properties, LLC

Location: Located at the southwest quadrant of the intersection of East-West Highway (MD 410) and Belcrest Road.

Request: Requesting approval of a Conceptual Site Plan for revisions to an existing gas station and food and beverage store and 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 proposed car wash.

Council District: 2

Appeal by Date: 1/27/2014

Action by Date: 4/25/2014

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

Municipality: City of Hyattsville

History:

11/21/2013 M-NCPPC Technical Staff approval with conditions

12/19/2013 M-NCPPC Planning Board approval with conditions

12/23/2013 Applicant appealed
On December 23, 2013, Michele La Rocca, Esquire, filed an appeal to the decision of the Planning Board on behalf of the applicant and requested oral argument.

02/24/2014 Sitting as the District Council hearing held; case taken under advisement
Chairman Franklin announced that the Oral Argument Hearings for CSP-13003 Hyattsville Zip-In and DSP-12062 Hyattsville Zip-In would be held in tandem. Jill Kosack, M-NCPPC planning staff, provided an overview of the Conceptual Site Plan and Detailed Site Plan applications. Michele LaRocca, Esq. and Said Chaudhry spoke in support. Jim Chandler spoke in opposition on behalf of the City of Hyattsville. Suellen Ferguson, Esq., and The Honorable John Rogard Tabori spoke in opposition on behalf of the Town of University Park. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.

Attachment(s):

CSP-13003&DSP-12062 Appeal Letter

[DSP-12062 Planning Board Resolution 13-144](#)

DSP-12062_PORL

[SE-4605](#)**Barnabas Road Concrete Recycling Facility (Remand)****Applicant(s):**

Barnabas Road Associates, LLC

Location:

Located at the Terminus of Clifton Road, approximately 1,150 feet south of its intersection with St. Barnabas Road (4.38 acres; I-1 Zone).

Request:

Requesting approval of a Special Exception for a Concrete Recycling Facility.

Council District:

8

Municipality:

N/A

Opposition:

Gordon's Corners Citizens Association et al.

History:

- 10/29/2010 Applicant appealed
On October 29, 2010, the Applicant filed a Petition for a Writ of Mandamus in the Circuit Court requesting that the Court order the District Council to make a final decision on this application. On April 5, 2011, the Court was notified that the Applicant was withdrawing their Petition for Writ of Mandamus pursuant to an agreement between the parties that the District Council would render a final decision on this Application by adopting an Order either approving or denying the Application.
- 04/11/2011 Sitting as the District Council referred for document
On April 11, 2011, Council reconsidered previous action and subsequently referred item to staff for the preparation of an Order of Denial (Vote: 9-0).
- 05/09/2011 Sitting as the District Council disapproval
On May 9, 2011, Council adopted an Order of Denial (Vote: 9-0).
- On June 3, 2011, the Applicant appealed to the Circuit Court for Prince George's County in Civil Action Number 11-13616. In June 2012, the Circuit Court reversed the District Council's decision. In July 2013, the District Council appealed the case to the Court of Special Appeals of Maryland. The Court of Special Appeals of Maryland instructed the Circuit Court to vacate the ruling of the District Council and remand the case to the District Council for a new decision applying the correct legal standard for a special exception and to limit its decision based solely on the administrative record.*
- The Circuit Court has complied with Court of Special Appeals Mandate and this matter is before us for a new decision no later than March 2014.*
- 02/10/2014 Sitting as the District Council deferred
Council deferred this item to March 17, 2014.
- 03/18/2014 Sitting as the District Council deferred
Council deferred this item to March 24, 2014.

ADJOURN