

Prince George's County Council

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



Zoning Agenda - Final

Monday, November 9, 2015

10:00 AM

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

9:30 AM AGENDA BRIEFING - (ROOM 2027)**10:00 AM CALL TO ORDER - (COUNCIL HEARING ROOM)****INVOCATION**

Edwin H. Brown, Jr., County Employee

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

[MINDC 10192015](#)

District Council Minutes dated October 19, 2015

[MINDC 10272015](#)

District Council Minutes dated October 27, 2015

ORAL ARGUMENTS

[SE-4757](#)

Potomac Energy Holdings, LLC

Companion Case(s): DPLS-415; DSDS-688

Applicant(s): Potomac Energy Holding, LLC

Location: Located on the north side of Greenbelt Road (MD 193), at its intersection with Aerospace Road, also identified as 10000 Greenbelt Road, Lanham, Maryland (0.897 Acres; I-1 Zone).

Request: Requesting approval of a Special Exception to use approximately 0.897 acres of land, in the I-1 (Light Industrial) Zone, for a Gas Station and Food or Beverage Store.

Council District: 4

Appeal by Date: 10/5/2015

Review by Date: 10/5/2015

Action by Date: 2/8/2016

Opposition: Rick Dorsey

History:

04/22/2015	M-NCPPC Technical Staff	approval with conditions
06/04/2015	M-NCPPC Planning Board	approval with conditions
09/04/2015	Zoning Hearing Examiner	approval with conditions

09/21/2015	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) and Council Member Turner requested expedited scheduling of the hearing.</i>
10/05/2015	Person of Record	appealed <i>Ricky D. Dorsey appealed the Zoning Hearing Examiner's decision and requested Oral Arguments.</i>
11/03/2015	Applicant	filed <i>Daniel F. Lynch, Esq., Attorney for the applicant, submitted a response to the Appeal of Ricky Dorsey.</i>
<u>Attachment(s):</u>	SE-4757_Appeal_10052015 SE-4757 Zoning Hearing Examiner Decision SE-4757_PORL ZHE SE-4757 Planning Board Resolution 15-43 SE-4757 Technical Staff Report	

ORAL ARGUMENTS (Continued)**DSDS-688****Potomac Energy Holdings**

<u>Companion Case(s):</u>	DPLS-415; SE-4757
<u>Applicant(s):</u>	Potomac Energy Holdings, LLC
<u>Location:</u>	Located on the northeast corner of the intersection of Greenbelt Road (MD 193) and Aerospace Road (0.897 Acres; I-1 Zone).
<u>Request:</u>	Requesting approval of a Departure from Sign Design Standards for a departure of five feet from the required ten-foot setback for a freestanding sign in accordance with Subtitle 27 of the Prince George's County Code.
<u>Council District:</u>	4
<u>Appeal by Date:</u>	7/9/2015
<u>Review by Date:</u>	7/9/2015
<u>Action by Date:</u>	2/8/2016

History:

04/22/2015	M-NCPPC Technical Staff	approval with conditions
06/04/2015	M-NCPPC Planning Board	approval
06/22/2015	Sitting as the District Council	elected to review <i>Council elected to review this item (Vote: 8-0; Absent: Council Member Patterson).</i>

07/06/2015	Person of Record	appealed
	<i>Mr. Ricky D. Dorsey appealed the Planning Board's decision and requested Oral Arguments.</i>	
11/03/2015	Applicant	filed
	<i>Daniel F. Lynch, Esq., Attorney for the applicant, submitted a response to the Appeal of Ricky Dorsey.</i>	
<u>Attachment(s):</u>	DSDS-688 Planning Board Resolution 15-45 DSDS-688_PORL	

ORAL ARGUMENTS (Continued)**DPLS-415****Potomac Energy Holdings**

<u>Companion Case(s):</u>	DSDS-688; SE-4757
<u>Applicant(s):</u>	Potomac Energy Holdings, LLC
<u>Location:</u>	Located on the northeast corner of the intersection of Greenbelt Road (MD 193) and Aerospace Road (0.897 Acres; I-1 Zone).
<u>Request:</u>	Requesting approval of a Departure form Parking and Loading Standards for a departure of five of the required 25 parking spaces in accordance with Subtitle 27 of the Prince George's County Code.
<u>Council District:</u>	4
<u>Appeal by Date:</u>	7/9/2015
<u>Review by Date:</u>	7/9/2015
<u>Action by Date:</u>	2/8/2016

History:

04/22/2015	M-NCPPC Technical Staff	approval with conditions
06/04/2015	M-NCPPC Planning Board	approval
06/22/2015	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 8-0; Absent: Council Member Patterson).</i>	
07/06/2015	Person of Record	appealed
	<i>Mr. Ricky D. Dorsey appealed the Planning Board's decision and requested Oral Arguments.</i>	

11/03/2015 Applicant filed
Daniel F. Lynch, Esq., Attorney for the applicant, submitted a response to the Appeal of Ricky Dorsey.

Attachment(s): [DPLS-415 Planning Board Resolution 15-44](#)
DPLS-415_PORL

NEW CASE(S)

[ERR-251](#)

Troy Samuels

Validation of Building Permit No. 9518-2014 Issued in Error

Applicant(s):

Troy Samuels

Location:

Located at 4504 41st Avenue, North Brentwood, Maryland (0.063 Acres; R-55 Zone).

Request:

Requesting approval for validation of Prince George's County Building Permit No. 9518-2014 issued in error for two additions to a single-family home located in the R-55 (One-Family Detached Residential) Zone.

Council District:

2

Appeal by Date:

10/15/2015

Action by Date:

2/15/2016

Municipality:

Town of North Brentwood

Opposition:

None

History:

09/15/2015 Zoning Hearing Examiner approval

10/19/2015 Sitting as the District Council deferred

Council deferred this item.

Attachment(s): [ERR-251 ZAIS](#)
[ERR-251 Zoning Hearing Examiner Decision](#)
ERR-251 PORL

REFERRED FOR DOCUMENT[CSP-03006-02](#)**Woodmore Towne Centre at Glenarden****Applicant(s):**

Woodmore Towne Centre LLC

Location:

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

Request:

Requesting approval of a Conceptual Site Plan to relocate the hotel and conference center from Pod B to Pod E, relocate the multifamily from Pod D to Pod B, and add an institutional use to Pod E.

Council District:

5

Appeal by Date:

9/3/2015

Review by Date:

9/30/2015

Action by Date:

1/18/2016

Comment(s):

District Council review of this case is required by conditions imposed by Council on Zoning Case A-9613-C.

Municipality:

Town of Glenarden

History:

06/17/2015

M-NCPPC Technical Staff

approval with conditions

07/30/2015

M-NCPPC Planning Board

approval with conditions

08/17/2015

Person of Record

appealed

Edward Estes appealed the Planning Board's decision and requested Oral Arguments.

10/13/2015

Applicant

transmitted a letter

Edward C. Gibbs, Jr., Esq., Attorney for the applicant, submitted a response to the Appeal of Edward Estes.

10/19/2015

Sitting as the District Council

hearing held; referred for docume

*Susan Lareuse, M-NCPPC staff, provided an overview of the Detailed Site Plan application. She also noted corrections to the exhibit list of record as delineated on page 79 of the transcript. Edward Estes spoke in opposition. Edward Gibbs, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented and clarified the record with regard to certain exhibits submitted to the Planning Board.**Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0).*

Attachment(s): CSP-03006-02_Response to 08172015 Appeal
 CSP-03006-02_Appeal_08172015
[CSP-03006-02 Planning Board Resolution 15-68](#)
 CSP-03006-02_PORL
[CSP-03006-02 Technical Staff Report resized2](#)

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

[SE-4749](#)

Bhagya Village

Companion Case(s): DDS-627

Applicant(s): Bhagya Village, LLC.

Location: Located on the east side of Cipriano Road, approximately 2,640 feet north of its intersection with Good Luck Road, and identified as 6711 Cipriano Road, Greenbelt, Maryland.

Request: Requesting approval of a Special Exception to use approximately 6.01 acres of R-80 (One-Family Detached Residential) zoned land as Apartment Housing for the Elderly and Physically Handicapped.

Council District: 4

Appeal by Date: 11/21/2015

Review by Date: 11/21/2015

Opposition: Dr. Ronald C. Carlson, David R. Brace, Raintree Homeowners Association, et. al.

History:

04/15/2015	M-NCPPC Technical Staff	approval with conditions
05/21/2015	M-NCPPC Planning Board	no motion to consider
10/22/2015	Zoning Hearing Examiner	disapproval

Attachment(s): [SE-4749 Zoning Hearing Examiner Decision](#)
 SE-4749_PORL
[SE-4749 Technical Staff Report](#)

PENDING FINALITY (Continued)[SE-4746](#)**Crown Castle - Briesmaster Property****Applicant(s):**

Crown Castle/Briesmaster Property

Location:

Located on the southeast side of Livingston Road, approximately 350 feet south of its intersection with Piscataway Road (MD 223), also identified as 14200 Livingston Road, Clinton, Maryland (24.03 Acres; R-A Zone).

Request:

Requesting approval of a Special Exception for permission to use approximately 3,600 square feet of a 24.03 acre parcel of R-A zoned land for a Monopole with a height of 113 feet, and related equipment pad and cabinet.

Council District:

9

Appeal by Date:

12/2/2015

Review by Date:

1/4/2016

Opposition:

None

History:

06/23/2015	M-NCPPC Technical Staff	approval with conditions
07/09/2015	M-NCPPC Planning Board	no motion to consider
11/02/2015	Zoning Hearing Examiner	approval

Attachment(s):[SE-4746 Zoning Hearing Examiner Decision](#)

SE-4746 PORL

In the event the District Council elects to make the final decision in this case, an oral argument will be scheduled pursuant to Sec. 27-131 of the Zoning Ordinance.

PENDING FINALITY (Continued)**(b) PLANNING BOARD****CDP-9601-01****Springdale Estates****Applicant(s):**

Klein Bellehaven, LLC

Location:

Located on the southeast side of St. Joseph's Drive and the south side of Ardwick-Ardmore Road, approximately 1,000 feet southwest of its intersection with Lottsford Vista Road in Landover, Maryland.

Request:

Requesting approval of a Comprehensive Design Plan for an amendment to Comprehensive Design Plan CDP-9601 for approval of 65 single-family attached (townhouse) units, replacing 55,756 square feet of approved commercial uses with an expansion of the existing townhouse community.

Council District:

5

Appeal by Date:

11/19/2015

Review by Date:

11/19/2015

History:

09/10/2015

M-NCPPC Technical Staff

approval with conditions

10/15/2015

M-NCPPC Planning Board

approval with conditions

Attachment(s):[CDP-9601-01 Zoning AIS](#)[CDP-9601-01 Planning Board Resolution 15-99](#)

CDP-9601-01_PORL

[CDP-9601-01 Technical Staff Report](#)

PENDING FINALITY (Continued)**DSP-13031****Beyond Restaurant****Applicant(s):**

Beyond Restaurant c/o James Ibe

Location:

Located on the east side of Baltimore Avenue (Alt. US 1), approximately 150 feet north of its intersection with Annapolis Road (MD 450). The site also has frontage on 46th Street to the east and on Shepherd Street, a paper street, to the south (1.63 Acres; M-X-T / D-D-O / I-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan for renovation and expansion of an existing 18,905-square-foot building to include a multi-venue eating and drinking establishment and office use of 24,000 square feet. In one section of the building the applicant proposes a dinner theater.

Council District:

5

Appeal by Date:

12/3/2015

Review by Date:

1/4/2016

Municipality:

Town of Bladensburg

History:

09/21/2015

M-NCPPC Technical Staff

approval with conditions

10/29/2015

M-NCPPC Planning Board

approval with conditions

DSP-14010-01**Kiplinger, Phase II****Applicant(s):**

The Kiplinger Washington Editor's Inc.

Location:

Located on the south side of East-West Highway (MD 410), at the southwest corner of the intersection of MD 410 and Editor's Park Drive, within the City of Hyattsville.

Request:

Requesting approval of a Detailed Site Plan for a residential development including 86 townhouse units and 40 two-over-two dwelling units, for a total of 126 units.

Council District:

2

Appeal by Date:

12/3/2015

Review by Date:

1/4/2015

Municipality:

City of Hyattsville

History:

09/17/2015

M-NCPPC Technical Staff

approval with conditions

10/29/2015

M-NCPPC Planning Board

approval with conditions

11/06/2015 Council Member transmitted a letter
Council Member Taveras wishes to waive Council's right to review. A majority vote of the full Council is required.

PENDING FINALITY (Continued)**DSP-14031****4900 Beech Place Property****Applicant(s):**

Progressive Waste Solutions

Location:

Located on the east side of Beech Place, approximately 500 feet south of its intersection with Beech Road (15-18 Acres; I-1 Zone).

Request:

Requesting approval of a Detailed Site Plan for a trash removal service including a two-story 42,314-square-foot trucking dispatch building, two fuel dispensers, and fleet parking for the Portion of the property owned by Progressive Waste Solutions. The application also includes a variance from the requirement that trash removal services be located more than 1,000 feet from any land in a residential zone.

Council District:

8

Appeal by Date:

12/7/2015

Review by Date:

1/5/2016

History:

09/17/2015	M-NCPPC Technical Staff	approval with conditions
10/29/2015	M-NCPPC Planning Board	approval with conditions

ADJOURN