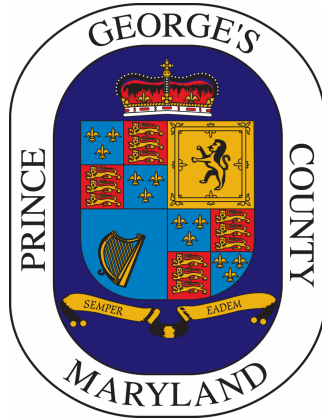


# Prince George's County Council

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



## **Zoning Agenda**

**Monday, July 21, 2014**

**10:00 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. 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****10:00 AM CALL TO ORDER****INVOCATION - Rodney Taylor, County Employee****PLEDGE OF ALLEGIANCE****APPROVAL OF DISTRICT COUNCIL MINUTES**[MINDC 07142014](#)**District Council Minutes dated July 14, 2014****Attachment(s):**[07-14-2014 District Council Minutes DRAFT](#)**NEW CASE**[A-10028-C](#)**Buena Vista West****Applicant(s):**

Buena Vista West, LLC

Lanham Development Group, LLC, et. al.

**Location:**

Located at the northwest quadrant of the intersection of Annapolis Road (MD 450) and Martin Luther King, Jr. Highway (MD 704) on both sides of Lottsford Vista Road and north of Business Parkway, in Lanham, Maryland (30.62 Acres; I-1 & R-R Zones).

**Request:**

Requesting approval of a Zoning Map Amendment for the rezoning of approximately 30.62 acres of I-1 (Light Industrial) and R-R (Rural Residential) zoned land to the M-X-T (Mixed Use - Transportation Oriented) Zone.

**Council District:**

5

**Appeal by Date:**

7/11/2014

**Action by Date:**

11/10/2014

**Opposition:**

None

**History:**

01/15/2014

M-NCPPC Technical Staff

approval with conditions

01/30/2014

M-NCPPC Planning Board

no motion to consider

06/11/2014

Zoning Hearing Examiner

approval with conditions

**Attachment(s):**[A-10028-C Zoning Hearing Examiner Decision](#)[A-10028-C Technical Staff Report](#)

*Backup: Zoning Ordinance No. 11-2014.*

**REFERRED FOR DOCUMENT**

[DSP-99006-01](#)

**McDonald's- Hyattsville**

**Applicant(s):**

McDonald's Corp.

**Location:**

Located on the south side of East-West Highway (MD 410) at its intersection with Toledo Terrace (13.21 Acres; C-S-C/T-D-O-Z Zones)

**Request:**

Requesting approval of a Detailed Site Plan to amend the Table of Uses of the 1998 Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone (TDDP), to permit a 4,197-square-foot restaurant freestanding eating and drinking establishment with drive-through in the C-S-C and T-D-O Zones

**Council District:**

2

**Appeal by Date:**

6/20/2013

**Review by Date:**

6/20/2013

**Comment(s):**

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

**History:**

04/10/2013

M-NCPPC Technical Staff

approval with conditions

05/16/2013

M-NCPPC Planning Board

approval with conditions

06/05/2013

Applicant

appealed

*On June 5, 2013, Daniel F. Lynch, Esquire, Attorney for the Applicant, appealed the Planning Board's decision and requested Oral Argument.*

09/09/2013

Sitting as the District Council

hearing held; case taken under advisement

*Steve Adams, M-NCPPC, provided an overview of the Detailed Site Plan application. Dan Lynch spoke in support of the case on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the case. The Oral Argument hearing was held; Council took this case under advisement.*

10/28/2013

Sitting as the District Council

referred for document

10/28/2013

Sitting as the District Council

approval with conditions

*Document: Order Affirming Planning Board Decision, with Conditions*

- 11/20/2013                      Person of Record                      appealed  
*The City of Hyattsville through its attorneys Richard T. Colaresi and E.I.Cornbrooks, IV filed a Petition for Judicial Review in the Circuit Court for Prince Georges County, Maryland.*
- 11/26/2013                      Person of Record                      appealed  
*The City of Hyattsville through its attorneys Richard T. Colaresi and E.I.Cornbrooks, IV filed a Revised Petition for Judicial Review in the Circuit Court for Prince Georges County, Maryland.*
- 06/24/2014                      Circuit Court                              transmitted  
*The Circuit Court for Prince George's County, by Order, Reversed the decision of the District Council.*
- The petition for judicial review challenged the District Council's approval of the applicant's revised Detailed Site Plan. At issue in the petition for judicial review was the District Council's condition of approval which granted, over Planning Board's objection, the applicant's request to amend the Table of Uses in order to construct a McDonald's with a drive-through. The Circuit Court remanded this matter to the District Council with instructions to review the Planning Board's resolution.*
- Accordingly, this matter is before the Council for appropriate action.*
- 07/14/2014                      Sitting as the District Council                      referred for document  
*Council referred this item to staff for preparation of an approving document in accordance with the Planning Board's decision (Vote: 6-0; Absent: Council Members Harrison, Olson and Toles).*

**Attachment(s):**

[DSP-99006-01 District Council Order](#)

[DSP 99006-01 Planning Board Resolution](#)

[DSP-99006-01 Tech Staff Report](#)

**ITEMS FOR DISCUSSION**[DSP-07073-01](#)**National Harbor, Beltway Parcel, MGM Lots 2-7****Companion Case(s):** DDS-623**Applicant(s):** MGM National Harbor, LLC**Location:** Located approximately one mile north of the Woodrow Wilson Bridge, southwest of the intersection of I-95/495 (Capital Beltway) and Indian Head Highway (MD 210) (49.47 Acres; M-X-T Zone).**Request:** Requesting approval of a Detailed Site Plan for an entertainment establishment of a commercial nature with a video lottery facility, retail, restaurants and a 300-room hotel for a total of approximately 1,078,237 square feet of development.**Council District:** 8**Appeal by Date:** 6/9/2014**Review by Date:** 6/9/2014**Action by Date:** 10/14/2014**History:**

04/24/2014 M-NCPPC Technical Staff approval with conditions

05/09/2014 M-NCPPC Planning Board approval with conditions

05/12/2014 Sitting as the District Council elected to review

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

06/09/2014 Person of Record appealed

*William Nuckols appealed the Planning Board's decision in opposition and requested Oral Argument.*

07/14/2014

Sitting as the District Council

hearing held; case taken under  
advisement

*Chairman Franklin announced that the Oral Argument Hearings for DSP-07073-01 National Harbor, Beltway Parcel, MGM Lots 2-7 and DDS-623 National Harbor, Beltway Parcel, MGM Lot 4 would be held in tandem. Susan Lareuse, M-NCPPC, provided an overview of the Detailed Site Plan application, Meika Fields, M-NCPPC, provided an overview of the Departure from Design Standards application and Tom Masog, M-NCPPC, provided an overview on the traffic analysis. William Nuckols and Karen Egloff spoke in opposition. Arthur Horne, Esq., attorney for the applicant, and Andre Gingles, Esq., spoke in support. Stan Brown, People's Zoning Counsel, provided an overview of the oral argument presented and spoke to the legalities of the case.*

**Attachment(s):**[DSP-07073-01 Planning Board Resolution 14-36](#)

DSP-07073-01\_PORL

DSP-07073-01 &amp; DDS-623 Appeal Letter

**ITEMS FOR DISCUSSION (Continued)**[DDS-623](#)**National Harbor, Beltway Parcel, MGM Lot 4****Companion Case(s):** DSP-07073-01**Applicant(s):** MGM National Harbor, LLC**Location:** Located approximately one mile north of the Woodrow Wilson Bridge, southwest of the intersection of I-95/495 (Capital Beltway) and Indian Head Highway (MD 210) (49.47 Acres; M-X-T Zone).**Request:** Requesting approval of a Departure from Section 27-558(a) of the Zoning Ordinance to allow a reduced standard, nonparallel parking space size to be used for all of the provided parking spaces.**Council District:** 8**Appeal by Date:** 6/9/2014**Review by Date:** 6/9/2014**Action by Date:** 10/14/2014**History:**

04/24/2014 M-NCPPC Technical Staff approval with conditions

05/08/2014 M-NCPPC Planning Board approval with conditions

05/12/2014 Sitting as the District Council elected to review

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

06/09/2014 Person of Record appealed

*William Nuckols appealed the Planning Board's decision in opposition and requested Oral Argument.*



07/14/2014

Sitting as the District Council

hearing held; case taken under advisement

*Chairman Franklin announced that the Oral Argument Hearings for DSP-07073-01 National Harbor, Beltway Parcel, MGM Lots 2-7 and DDS-623 National Harbor, Beltway Parcel, MGM Lot 4 would be held in tandem. Susan Lareuse, M-NCPPC, provided an overview of the Detailed Site Plan application, Meika Fields, M-NCPPC provided an overview of the Departure from Design Standards application and Tom Masog, M-NCPPC provided an overview on the traffic analysis. William Nuckols and Karen Egloff spoke in opposition. Arthur Horne, Esq., attorney for the applicant, and Andre Gingles, Esq., spoke in support. Stan Brown, People's Zoning Counsel, provided an overview of the oral argument presented and spoke to the legalities of the case.*

**Attachment(s):**[DDS-623 Planning Board Resolution 14-37](#)

DDS-623\_PORL

DSP-07073-01 &amp; DDS-623 Appeal Letter

**ITEMS FOR DISCUSSION (Continued)****DSP-13012****Conifer Village at Oakcrest****Applicant(s):**

Conifer Realty LLC

**Location:**

Located at the northwestern quadrant of the intersection of Brooks Drive and Ridley Street (4.343 Acres; R-10 Zone).

**Request:**

Requesting approval of a Detailed Site Plan for construction of 120 senior, age-restricted units of multifamily housing in a single building.

**Council District:**

7

**Appeal by Date:**

5/1/2014

**Review by Date:**

5/1/2014

**Action by Date:**

9/1/2014

**History:**

02/27/2014

M-NCPPC Technical Staff

approval with conditions

03/27/2014

M-NCPPC Planning Board

approval with conditions

04/11/2014

Person of Record

waived right to appeal

*All Persons of Record waived their right to appeal this case.*

04/14/2014

Sitting as the District Council

deferred

*Council deferred this item to April 21, 2014.*

04/21/2014

Sitting as the District Council

elected to review

*Council elected to review this item (Vote 6-0; Absent: Council Members Davis, Harrison and Turner).*

06/02/2014

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. Russell Warfel, Esq. spoke in support on behalf of the applicant. He was assisted by Jessica Zanega of Conifer Realty. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.***Attachment(s):**[DSP-13012 Planning Board Resolution 14-17](#)

DSP-13012\_PORL

[DSP-13012 Technical Staff Report](#)

**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****CSP-13008****Tidler/Wardlaw Property****Applicant(s):**

Migus, LLC

**Location:**

The subject property is located in the northwest quadrant of the intersection of Powder Mill Road (MD 212) and Old Gunpowder Road (7.08 Acres; M-X-T Zone).

**Request:**

Requesting approval of a Conceptual Site Plan to develop the subject property with a mixed-use development, including 314 multifamily dwelling units and 8,000 square feet of commercial office space, in a single multi-story building.

**Council District:**

1

**Appeal by Date:**

7/24/2014

**Review by Date:**

7/24/2014

**History:**

05/07/2014	M-NCPPC Technical Staff	approval with conditions
06/19/2014	M-NCPPC Planning Board	approval with conditions
06/30/2014	Sitting as the District Council	deferred
	<i>Council deferred this item.</i>	
07/14/2014	Sitting as the District Council	deferred
	<i>Council deferred this item to July 21, 2014.</i>	
07/18/2014	Person of Record	appealed
	<i>Mary C. Angevine, Jacob Ko Klaver and Bernadine Karns, President, Calverton Citizens Association, all submitted letters of appeal of the Planning Board's decision and requested Oral Argument.</i>	

**Attachment(s):**

[CSP-13008 Planning Board Resolution 14-50](#)

CSP-13008\_PORL

[CSP-13008 Technical Staff Report](#)

**11:00 AM BRIEFING (COUNCIL HEARING ROOM)**

**Metropolitan Washington Council of Governments (COG) – Prince George’s Connection:  
Strategies for Creating Great Communities**

**Chuck Bean Executive Director**

**ADJOURN**

**12:00 PM COMMITTEE OF THE WHOLE - (ROOM 2027)**

**FY 2015 BOE Operating Budget Transfer Request**

- **George Margolies - Chief of Staff**
- **Ifeoma Smith - Financial Administrator**
- **Paula Davis - Financial Administrator**

**2:00 PM GENERAL ASSEMBLY/COMMITTEE OF THE WHOLE MEETING – (ROOM 2027)**

- **Discussion of Potential 2015 Legislative Initiatives**

*(SEE SEPARATE AGENDA)*