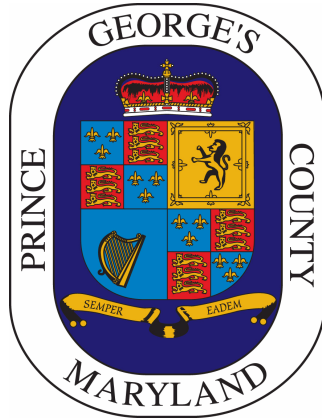


# Prince George's County Council

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



## **Zoning Agenda - Final**

**Monday, March 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****10:00 AM CALL TO ORDER**

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

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

[MINDC 02232015](#) District Council Minutes dated February 23, 2015

**Attachment(s):** [02-23-2015 District Council Minutes DRAFT](#)

[MINDC 02242015](#) District Council Minutes dated February 24, 2015

**Attachment(s):** [02-24-2015 District Council Minutes DRAFT](#)

**ORAL ARGUMENTS**

[DDS-628](#) **Philmatt-Afrik, Inc.**

**Companion Case(s):** DPLS-410

**Applicant(s):** Phoenix Land Design, Inc.

**Location:** Located at the northeast intersection of Old Landover Road at its intersections with Cooper Lane to the west and Warner Avenue to the east in Landover Hills (0.381 Acres; C-S-C Zone).

**Request:** Requesting approval of a Departure from Design Standards for a departure of 43 feet from Section 27-579(b) to allow access to the loading space to be located within 50 feet of residentially-zoned property.

**Council District:** 5

**Appeal by Date:** 2/12/2015

**Review by Date:** 2/12/2015

**Action by Date:** 5/8/2015

**History:**

11/24/2014 M-NCPPC Technical Staff approval with conditions

01/08/2015 M-NCPPC Planning Board approval with conditions

01/26/2015                      Sitting as the District Council                      elected to review  
*Council elected to review this item (Vote: 8-0; Absent: Council Member Patterson).*

**Attachment(s):**                      [DDS-628 Planning Board Resolution 14-140](#)  
 DDS-628\_PORL  
[DDS-628 Technical Staff Report](#)

### **ORAL ARGUMENTS (Continued)**

#### **DPLS-410**

#### **Philmatt-Afrik, Inc.**

**Companion Case(s):**                      DDS-628

**Applicant(s):**                      Philmatt-Afrik, Inc.

**Location:**                      Located at the northeast intersection of Old Landover Road at its intersections with Cooper Lane to the west and Warner Avenue to the east in Landover Hills (0.381 Acres; C-SC Zone).

**Request:**                      Requesting approval of a Departure from Parking and Loading Standards from the Zoning Ordinance requirement of 32 parking spaces for a commercial retail food market.

**Council District:**                      5

**Appeal by Date:**                      2/12/2015

**Review by Date:**                      2/12/2015

**Action by Date:**                      5/8/2015

#### **History:**

11/24/2014                      M-NCPPC Technical Staff                      approval with conditions

01/08/2015                      M-NCPPC Planning Board                      approval with conditions

01/26/2015                      Sitting as the District Council                      elected to review

*Council elected to review this item (Vote: 8-0; Absent: Council Member Patterson).*

**Attachment(s):**                      [DPLS-410 Planning Board Resolution 14-139](#)  
 DPLS-410\_PORL  
[DPLS-410 Technical Staff Report](#)

**ORAL ARGUMENTS (Continued)****DSP-14005****Walker Mill Business Park Lot 9****Applicant(s):**

Wasim Butt

**Location:**

Located on the north side of Prosperity Court, approximately 150 feet east of its intersection with Prosperity Way (0.72 Acres; I-1 Zone).

**Request:**

Requesting approval of a Detailed Site Plan for a vehicle towing company and automobile storage yard in the Light Industrial (I-1) Zone.

**Council District:**

7

**Appeal by Date:**

2/12/2015

**Review by Date:**

2/12/2015

**Action by Date:**

5/8/2015

**Municipality:**

Town of Capitol Heights

**History:**

11/25/2014

M-NCPPC Technical Staff

approval with conditions

01/08/2015

M-NCPPC Planning Board

approval with conditions

01/26/2015

Sitting as the District Council

elected to review

*Council elected to review this item (Vote: 8-0; Absent: Council Member Patterson).*

02/25/2015

Person of Record

filed

*Wasim Butt, Applicant waived his right to the 30-day notice requirement.*

02/27/2015

People's Zoning Counsel

filed

*Stan Brown, Esquire, People's Zoning Counsel, waived his right to the 30-day notice requirement.*

03/02/2015

Person of Record

filed

*Rafik Bazikian waived his right to the 30-day notice requirement.*

03/02/2015

Person of Record

filed

*Stevie Cox, on behalf of the Town of Capitol Heights, waived the Town's right to the 30-day notice requirement.***Attachment(s):**[DSP-14005 Planning Board Resolution 14-141](#)

DSP-14005\_PORL

[DSP-14005 Technical Staff Report](#)

**1: 30 P.M. ORAL ARGUMENTS (Continued)****DSP-13027****Longfellow Street Property****Applicant(s):**

Lilian Koo

**Location:**

Located on the northeastern side of Longfellow Street, approximately 440 feet southeast of its intersection with Queens Chapel Road in Hyattsville (0.13 Acres; R-35 / D-D-O Zones).

**Request:**

Requesting approval of a Detailed Site Plan for a conversion of a one-family detached dwelling to a building containing up to three dwelling units.

**Council District:**

2

**Appeal by Date:**

12/26/2014

**Review by Date:**

1/30/2015

**Action by Date:**

5/8/2015

**Municipality:**

City of Hyattsville

**History:**

10/03/2014

M-NCPPC Technical Staff

approval with conditions

11/20/2014

M-NCPPC Planning Board

approval with conditions

01/12/2015

Sitting as the District Council

deferred

*Council deferred this item to January 26, 2015.*

01/26/2015

Sitting as the District Council

elected to review

*Council elected to review this item (Vote: 8-0; Absent: Council Member Patterson).*

**Attachment(s):**

[DSP-13027 Planning Board Resolution 14-121](#)

DSP-13027\_PORL

[DSP-13027 Technical Staff Report](#)

**NEW CASES****A-9775-01-C****Springdale Estates****Applicant(s):**

Klein Bellehaven LLC

**Location:**

Located on the southeast side of Saint Joseph's Drive and the south side of Ardwick-Ardmore Road in Landover (4.98 Acres; L-A-C Zone)

**Request:**

Requesting approval of an Amendment of Basic Plan and Conditions for Springdale Estates to remove the 50,000 square feet of commercial retail space approved by the District Council in A-9775-C and add a residential component of 15 dwelling units per acre or approximately 70 townhouses.

**Council District:**

5

**Appeal by Date:**

3/9/2015

**Action by Date:**

4/6/2015

**Opposition:**

The Ardmore-Springdale Civic Association

**History:**

11/22/2013

Applicant

transmitted

*Nat Ballard, Consultant for the applicant transmitted an application to amend the approved Basic Plan for A-9775-C.*

11/26/2013

Clerk of the Council

administrative referral to the Zoning Hearing Examiner

*The Clerk of the Council transmitted the request for amendment of Approved Basic Plan A-9775-C to the Zoning Hearing Examiner for scheduling of a public hearing.*

09/24/2014

M-NCPPC Technical Staff

approval with conditions

11/13/2014

M-NCPPC Planning Board

approval with conditions

02/20/2015

Zoning Hearing Examiner

disapproval

03/06/2015

Applicant

appealed

*Michael S. Nagy, Esquire, Attorney for the Applicant, filed exceptions to the decision of the Zoning Hearing Examiner and requested Oral Argument.*

**Attachment(s):** [A-9775-01-C Zoning Hearing Examiner Decision](#)  
A-9775-01-C PORL  
[A-9775-01-C Planning Board Resolution 14-115](#)  
[A-9775-01-C Technical Staff Report](#)  
A-9775-01 Appeal Letter

**NEW CASES (Continued)****ERR-242****South Hill Apartments, LLC****Validation of Multifamily Rental License M-0164 Issued in Error**

**Applicant(s):** South Hill Apartments, LLC  
**Location:** Located at 4105 Southern Avenue, Capitol Heights, Maryland (1.32 Acres; R-T Zone).  
**Request:** Requesting approval for validation of Prince George's County Multifamily Rental License No. M-0164 issued in error on October 1, 2014 for a 69-unit multifamily apartment building.  
**Council District:** 7  
**Appeal by Date:** 3/6/2015  
**Action by Date:** 6/4/2015  
**Opposition:** None  
**History:**  
02/04/2015 Zoning Hearing Examiner approval  
**Attachment(s):** [ERR-242 Zoning Hearing Examiner Decision](#)



**REFERRED FOR DOCUMENT**[SE-4716](#)**Bazz and Crue****Applicant(s):**

CD #15CL2001, Inc. d/b/a Bazz and Crue Group Hall

**Location:**

Located at the northeast corner of Forestville Road and Marlboro Pike also identified as 7752 and 7754 Forestville Road (18.17 Acres; I-1/D-D-O Zones).

**Request:**

Requesting approval of a Special Exception for Adult Entertainment in approximately 4000 square feet of an 18.17 acre Shopping Center in the C-S-C /D-D-O Zones.

**Council District:**

6

**Appeal by Date:**

8/7/2014

**Review by Date:**

9/8/2014

**Action by Date:**

3/9/2015

**Municipality:**

None

**Opposition:**

Mr. Johnson, Ms. Taylor and Ms. White.

**History:**

10/24/2012	M-NCPPC Technical Staff	disapproval
11/09/2012	M-NCPPC Planning Board	no motion to consider
07/08/2014	Zoning Hearing Examiner	disapproval
07/14/2014	Sitting as the District Council	did not elect to make the final decision

*Council took no action on this item.*

08/01/2014	Applicant	appealed
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*Dennis Whitely, III, Esquire, Attorney for the applicant, filed an appeal to the decision of the Zoning Hearing Examiner and requested Oral Argument.*

02/09/2015

Sitting as the District Council

hearing held; referred for docume

*Tom Lockard, provided an overview of the Special Exception application. Dennis Whitley, III, Esquire, Attorney for the applicant, spoke in support. Douglas Edwards, spoke in opposition on behalf of the Coalition of Civic Associations for Central Prince George's County. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.*

*Council referred item to staff for preparation of a disapproving document (Vote:9-0).*

**Attachment(s):**[SE-4716 Zoning Hearing Examiner Decision](#)[SE-4716 Technical Staff Report](#)

SE-4716 Appeal Letter

SE-4716 POR List

*Backup: Order of Denial.*

**ITEMS FOR DISCUSSION**[SE/VSE-4738](#)**Potomac Business Park****Applicant(s):**

Oxon Hill Associates, LLC

**Location:**

Located on the south side of Oxon Hill Road (MD 414) at Clipper Way (formerly Felker Avenue), approximately 400 feet east of the intersection of Oxon Hill Road and Indian Head Highway (MD 210) (15.44 Acres; I-3 Zone).

**Request:**

Requesting approval of a Special Exception for a department or variety store in the I-3 Zone with over 85,000 square feet with food and beverage component.

**Council District:**

8

**Appeal by Date:**

9/4/2014

**Review by Date:**

9/30/2014

**Action by Date:**

3/30/2015

**Municipality:**

Forest Heights

**Opposition:**

Karen Egloff et. al.

**History:**

01/08/2014	M-NCPPC Technical Staff	approval with conditions
01/23/2014	M-NCPPC Planning Board	no motion to consider
08/05/2014	Zoning Hearing Examiner	disapproval
09/04/2014	Applicant	appealed
	<i>Andre Gingles, Esquire, Attorney for the Applicant, filed exceptions to the decision of the Zoning Hearing Examiner and requested Oral Argument.</i>	
09/08/2014	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>	
01/05/2015	Person of Record	filed
	<i>G. Macy Nelson, Esquire, Attorney for citizens, filed a memorandum in support of the Hearing Examiner's decision and in opposition to the Applicants exceptions filed to the decision of the Zoning Hearing Examiner.</i>	

01/12/2015

Sitting as the District Council

hearing held; case taken under advisement

*Chairman Franklin announced that Oral Argument hearings for SE/VSE-4738 Potomac Business Park and DSP-13048 Potomac Business Park, Super Walmart would be held in tandem. Tom Lockard and Jill Kosack, M-NCPPC planning staff, provided an overview of the Special Exception and Detailed Site Plan applications. Andre Gingles, Esq., Attorney for the applicant, Robert Ross, Jacoline Key, Ardania Williams and Nathaniel Bryant spoke in support. Nicole Nelson, G. Macy Nelson, Nancy Sierra, Patricia Monroe, and Paulette Chambers Brown spoke in opposition. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.*

**Attachment(s):**

SE-4738 Opposition Response to Exceptions

SE/VSE-4738 Appeal Letter

[SE/VSE-4738 Zoning Hearing Examiner Decision](#)

SE/VSE-4738 letter from Hirsch to Epps-Webb

SE-4738 PORL

[SE-4738 Technical Staff Report](#)

**ITEMS FOR DISCUSSION (Continued)****DSP-13048****Potomac Business Park, Super Walmart****Applicant(s):**

Oxon Hill Associates, LLC

**Location:**

Located on the southeast corner of the intersection of Oxon Hill Road (MD 414) and Clipper Way (15.44 Acres; I-3 Zone).

**Request:**

Requesting approval of a Detailed Site Plan for 100,310-square-foot department or variety store combined with a food and beverage store.

**Council District:**

8

**Appeal by Date:**

7/10/2014

**Review by Date:**

7/10/2014

**Action by Date:**

3/13/2015

**History:**

04/24/2014

M-NCPPC Technical Staff

approval with conditions

06/05/2014

M-NCPPC Planning Board

approval with conditions

06/17/2014

Sitting as the District Council

deferred

*Council deferred this item to June 30, 2014.*

06/30/2014

Sitting as the District Council

elected to review

*Council elected to review this item (Vote: 8-0; Absent: Council Member Campos).*

01/12/2015

Sitting as the District Council

hearing held; case taken under advisement

*Chairman Franklin announced that Oral Argument hearings for SE/VSE-4738 Potomac Business Park and DSP-13048 Potomac Business Park, Super Walmart would be held in tandem. Tom Lockard and Jill Kosack, M-NCPPC planning staff, provided an overview of the Special Exception and Detailed Site Plan applications. Andre Gingles, Esq., Attorney for the applicant, Robert Ross, Jacoline Key, Arдания Williams and Nathaniel Bryant spoke in support. Nicole Nelson, G. Macy Nelson, Nancy Sierra, Patricia Monroe, and Paulette Chambers Brown spoke in opposition. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.***Attachment(s):**[DSP-13048 Planning Board Resolution 14-48](#)

DSP-13048\_PORL

[DSP-13048 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.*

**(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-4739****Henson Creek Retirement Community****Applicant(s):**

Henson Creek House, LLC

**Location:**

Located on the west side of Temple Hill Road, approximately 200 feet south of the Capital Beltway (I-95/495)(16.38 Acres; R-80 Zone).

**Request:**

Requesting approval of a Special Exception for permission to use approximately 16.38 acres of land in the R-80 Zone for a Planned Retirement Community.

**Council District:**

8

**Appeal by Date:**

3/25/2015

**Review by Date:**

3/25/2015

**Opposition:**

None

**History:**

04/24/2014

M-NCPPC Technical Staff

approval with conditions

05/08/2014

M-NCPPC Planning Board

no motion to consider

02/23/2015

Zoning Hearing Examiner

approval with conditions

**Attachment(s):**[SE-4739 Zoning Hearing Examiner Decision](#)

SE-4739 PORL

[SE-4739 Technical Staff Report](#)

**PENDING FINALITY (Continued)****(b) PLANNING BOARD****[SDP-0610-01](#)****Oak Creek Club, Phase 4****Landbays D, E and N****Applicant(s):**

NVR-MS Cavalier Oak Creek Club, LLC.

**Location:**

Located in two segments within the development: Landbay 'N' in the western portion of the development, approximately 2,000 feet west of the intersection of Oak Grove and Church Roads, and Landbays 'D' and 'E' in the eastern portion, approximately 5,000 feet east of the intersection of Church Road and Mary Bowie Parkway (69.68 Acres; R-L Zone).

**Request:**

Requesting approval of a Specific Design Plan to reconfigure Landbay 'N' so as to provide internal access to the 10 lots fronting on Oak Grove Road in Specific Design Plan SDP-0610 and provide a current approval that will supersede SDP-0610.

**Council District:**

6

**Appeal by Date:**

3/12/2015

**Review by Date:**

3/12/2015

**History:**

12/29/2014	M-NCPPC Technical Staff	approval with conditions
02/05/2015	M-NCPPC Planning Board	approval with conditions
02/23/2015	Sitting as the District Council	deferred

*Council deferred this item to March 9, 2015.*

**Attachment(s):**

**[SDP-0610-01 Planning Board Resolution 15-04](#)**

**[SDP-0610-01\\_PORL](#)**

**[SDP-0610-01 Technical Staff Report](#)**

**ADJOURN**