

Prince George's County Council

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



Zoning Minutes - Draft

Monday, July 14, 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

10:18 AM CALL TO ORDER

The meeting was called to order at 10:18 a.m. with seven members present at roll call. Council Members Harrison and Toles were out on County business.

Present: 7 - Chairman Mel Franklin
 Vice Chair Will Campos
 Council Member Derrick Davis
 Council Member Mary Lehman
 Council Member Eric Olson
 Council Member Obie Patterson
 Council Member Ingrid Turner

Absent: Council Member Andrea Harrison
 Council Member Karen Toles

INVOCATION - Johnie L. Higgs, County Employee

Council Member Lehman requested prayer for Mark Melnyk (husband of Delegate Joseline Pena Melnyk) who was in a bicycle accident and is in Washington Hospital Center recovering from serious injuries.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Olson.

ORAL ARGUMENTS

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:**

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.

This Detailed Site Plan hearing was held and the case was taken under advisement.

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:**

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.

This Departure from Design Standards was hearing held and the case was taken under advisement.

NEW CASE

ERR-234

Temnit and Fitwi Tekeste**Validation of Multi-Family Rental License No. 3933/(Project ID # M-798)**

Applicant(s): Temnit and Fitwi Tekeste

Location: Located at 6112 41st Avenue, Hyattsville, Maryland (0.128 Acres; R-18 Zone).

Request: Requesting approval for validation of Prince George's County Multi-Family Rental License No. 3933 (Project ID# M-798) issued in error on May 25, 1990, to operate a three unit multifamily dwelling.

Council District: 2

Appeal by Date: 7/3/2014

Review by Date: 7/3/2014

Action by Date: 11/3/2014

Municipality: City of Hyattsville

Opposition: None

History:

Council adopted the prepared Zoning Ordinance No. 10-2014 in accordance with the Zoning Hearing Examiner's decision.

A motion was made by Vice Chair Campos, seconded by Council Member Turner, that this Permit issued in error be approved. The motion carried by the following vote:

Aye: 6 - Franklin, Campos, Davis, Lehman, Patterson and Turner

Absent: Harrison, Olson and Toles

ITEM FOR DISCUSSION

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:**

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).

A motion was made by Vice Chair Campos, seconded by Council Member Davis, that this Detailed Site Plan be referred for document. The motion carried by the following vote:

Aye: 6 - Franklin, Campos, Davis, Lehman, Patterson and Turner**Absent:** Harrison, Olson and Toles

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-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 an Adult Entertainment in approximately 4000 square feet of an 18.17 acre Shopping Center in the C-S-C /D-D-O Zone.
- Council District:** 6
- Appeal by Date:** 8/7/2014
- Review by Date:** 9/8/2014
- Municipality:** None
- Opposition:** Margaret White, et. al.
- History:**

Council took no action on this item.

Council did not elect to make the final decision on this Special Exception.

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.

PENDING FINALITY (Continued)**(b) PLANNING BOARD****CSP-07001-01****Westphalia Row**

Applicant(s): Westphalia Row Partners, LLC.

Location: Located southwest corner of the intersection of Ritchie-Marlboro Road and Sansbury Road (20.67 Acres; M-X-T Zone).

Request: Requesting approval of a Conceptual Site Plan for a revision of the previously approved Conceptual Site Plan for Westphalia Row, by replacing the previously approved triplex residential units with townhouses.

Council District: 6

Appeal by Date: 7/31/2014

Review by Date: 7/31/2014

History:

Council took no action on this item.

This Conceptual Site Plan was not elected to review by Council.

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:

Council deferred this item to July 21, 2014.

This Conceptual Site Plan was deferred to July 21, 2014.

1:34 PM ADJOURN

The meeting was adjourned at 1:34 p.m.

2:00 PM BRIEFING - (ROOM 2027)

CONGRESSWOMAN DONNA F. EDWARDS

The Briefing was held.

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Redis C. Floyd, Clerk of the Council