



Prince George's County Council

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

Zoning Minutes - Final Sitting as the District Council

Derrick Leon Davis, District 6, Chairman
Mel Franklin, District 9
Dannielle M. Glaros, District 3, Vice Chairwoman
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

Monday, November 14, 2016

1:00 PM

Council Hearing Room

11:20 AM COMMITTEE OF THE WHOLE - (ROOM 2027)

(SEE SEPARATE AGENDA)

12:30 PM AGENDA BRIEFING - (ROOM 2027)

1:24 PM CALL TO ORDER - (COUNCIL HEARING ROOM)

Pursuant to the provisions of Section 27-132(a) of the Zoning Ordinance, the meeting was called to order by Chairman Davis at 1:24 p.m. with eight members present at roll call. Council Member Franklin arrived at 1:31 p.m.

Present: 9 - Chairman Derrick Davis
Vice Chair Dannielle Glaros
Council Member Andrea Harrison
Council Member Deni Taveras
Council Member Karen Toles
Council Member Mary Lehman
Council Member Mel Franklin
Council Member Obie Patterson
Council Member Todd Turner

*Also Present: Robert J. Williams, Jr., Council Administrator
William M. Hunt, Deputy Council Administrator
Rajesh Kumar, Principal Counsel to the District Council
Redis C. Floyd, Clerk of the Council
Donna J. Brown, Deputy Clerk of the Council
Karen Zavakos, Zoning and Legislative Counsel*

INVOCATION

The Invocation was provided by Mr. Edwin H. Brown, Jr., County Employee. Council Member Lehman requested prayer for the Country due to the unrest in light of the Presidential election.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Turner.

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 11072016](#)

District Council Minutes dated November 7, 2016

A motion was made by Vice Chair Glaros, seconded by Council Member Turner, that these Minutes be approved. The motion carried by the following vote:

Aye: 7 - Davis, Glaros, Harrison, Taveras, Lehman, Patterson and Turner

Absent: Toles and Franklin

Attachment(s): [11-07-2016 District Council Minutes DRAFT](#)

ITEM(S) FOR DISCUSSION**DSP-12018****U-Haul Moving and Storage Operation and Bottled Gas Sales**

Applicant(s): Jim Lorimer

Location: Located in the southeastern quadrant of the intersection of New Hampshire Avenue (MD 650) and East-West Highway (MD 410) at 6889 New Hampshire Avenue (4.68 Acres; C-M Zone).

Request: Requesting approval of a Detailed Site Plan for the addition of a moving and storage operation and bottled gas sales to the existing vehicle rental site.

Council District: 2

Appeal by Date: 9/1/2016

Review by Date: 9/30/2016

Action by Date: 11/18/2016

History:

Council referred item to staff for preparation of a disapproving document (Vote: 7-0; Absent: Council Members Franklin and Toles).

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

Aye: 7 - Davis, Glaros, Harrison, Taveras, Lehman, Patterson and Turner

Absent: Toles and Franklin

Council adopted the prepared Order of Denial (Vote: 7-0; Absent: Council Members Franklin and Toles).

A motion was made by Council Member Taveras, seconded by Council Member Turner, that this Detailed Site Plan be disapproved. The motion carried by the following vote:

Aye: 7 - Davis, Glaros, Harrison, Taveras, Lehman, Patterson and Turner

Absent: Toles and Franklin

Attachment(s): [DSP-12018_District Council Final Decison.docx](#)
[DSP-12018 ZoningAIS](#)
[DSP-12018 Planning Board Resolution 16-92](#)
DSP-12018_PORL
[DSP-12018 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION (Continued)**DSP-15043****4100 Laurel Road (Hidden Village)**

Applicant(s): 4100 Laurel Road LLC

Location: Located at the north end of Laurel Road, approximately 340 feet north of its intersection with Beech Road. More specifically, the site is located at 4100 Laurel Road in Temple Hills, Maryland, and is also part of the Hidden Valley Subdivision (0.896 Acres; I-1 Zone).

Request: Requesting approval of a Detailed Site Plan for a one-story 246-square-foot office with associated parking and landscaping, and a 720-square-foot future garage to be used for the maintenance of company vehicles.

Council District: 7

Appeal by Date: 10/13/2016

Review by Date: 10/13/2016

Action by Date: 11/18/2016

History:

Council deferred this item to the end of the agenda.

This Detailed Site Plan was deferred to the end of the agenda.

Attachment(s): [DSP 15043 4100 District Council Final Decision](#)
[DSP-15043 Zoning AIS](#)
[DSP-15043 Planning Board Resolution 16-103](#)
DSP-15043_PORL
[DSP-15043 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION (Continued)[SE-4758](#)**Marlow Heights Citgo****Companion Case(s):** DPLS-413; DSDS-686**Applicant(s):** St. Barnabas Road Plaza, LLC**Location:** Located at the northwest corner of St. Barnabas Road and Dallas Drive, also identified as 4801 St. Barnabas Road, Temple Hills, Maryland (0.32 Acres; C-S-C Zone).**Request:** Requesting approval of a Special Exception to develop 0.32 acres (13,846 square feet) of land in the C-S-C (Commercial Shopping Center) Zone as a Gasoline Station, Food and Beverage Store, Auto Repair and accompanying office and storage.**Council District:** 7**Appeal by Date:** 8/17/2016**Review by Date:** 9/30/2016**Action by Date:** 1/16/2017**Opposition:** None**History:**

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

A motion was made by Council Member Toles, seconded by Council Member Lehman, that this Special Exception be referred for document. The motion carried by the following vote:

Aye: 9 - Davis, Glaros, Harrison, Taveras, Toles, Lehman, Franklin, Patterson and Turner

Council adopted the prepared Zoning Ordinance No. 13 - 2016 of approval, with conditions.

A motion was made by Council Member Toles, seconded by Council Member Lehman, that this Special Exception be approval with conditions. The motion carried by the following vote:

Aye: 9 - Davis, Glaros, Harrison, Taveras, Toles, Lehman, Franklin, Patterson and Turner

Attachment(s): [SE 4758 District Council Final Decision](#)
[SE-4758 Zoning AIS](#)
[SE-4758-RECON_Zoning Hearing Examiner Decision](#)
[SE-4758_RECON_PORL](#)
[SE-4758 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION (Continued)[DPLS-413](#)**Marlow Heights Citgo****Companion Case(s):** DSDS-686; SE-4758**Applicant(s):** St Barnabas Road Plaza, LLC.**Location:** The subject property is a rectangular-shaped parcel at the northwest corner of the intersection of St. Barnabas Road and Dallas Drive (0.32 Acres; C-S-C Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards for a departure of one required loading space in accordance with Subtitle 27 of the Prince George's County Code.**Council District:** 7**Appeal by Date:** 4/21/2016**Review by Date:** 4/21/2016**Action by Date:** 1/16/2017**History:**

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

A motion was made by Council Member Toles, seconded by Vice Chair Glaros, that this Departure from Parking and Loading Standards be referred for document. The motion carried by the following vote:

Aye: 9 - Davis, Glaros, Harrison, Taveras, Toles, Lehman, Franklin, Patterson and Turner

Council adopted the prepared Order of approval (9-0).

A motion was made by Council Member Toles, seconded by Council Member Lehman, that this Departure from Parking and Loading Standards be approved. The motion carried by the following vote:

Aye: 9 - Davis, Glaros, Harrison, Taveras, Toles, Lehman, Franklin, Patterson and Turner

Attachment(s): [DPLS 413 District Council Final Decision](#)
[DPLS-413 Planning Board Resolution 16-28](#)
DPLS-413_PORL
[DPLS-413 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION (Continued)[DSDS-686](#)**Marlow Heights Citgo****Companion Case(s):** DPLS-413; SE-4758**Applicant(s):** St Barnabas Road Plaza, LLC.**Location:** The subject property is a rectangular-shaped parcel at the northwest corner of the intersection of St. Barnabas Road and Dallas Drive (0.32 Acres; C-S-C Zone).**Request:** Requesting approval of a Departure from Sign Design Standards from Section 27-614(a)(1) of the Zoning Ordinance, which requires buildings identified by freestanding signs in all commercial and industrial zones (except the I-3 Zone) to be located at least forty feet behind the right-of-way. The existing building is 36 feet from the right-of-way of St. Barnabas Road, necessitating a departure of four feet. In addition, the applicant is requesting a departure of 13.5 feet for canopy signage above the 70 feet permitted by the County Code.**Council District:** 7**Appeal by Date:** 4/21/2016**Review by Date:** 4/21/2016**Action by Date:** 1/16/2017**History:**

Council referred item to staff for preparation of an approving document, with conditions (Vote: 8-0; Absent: Council Member Franklin).

A motion was made by Council Member Toles, seconded by Council Member Lehman, that this Departure from Sign Design Standards be referred for document. The motion carried by the following vote:

Aye: 8 - Davis, Glaros, Harrison, Taveras, Toles, Lehman, Patterson and Turner

Absent: Franklin

Council adopted the prepared Order of approval (8-0; Absent: Council Member Franklin).

A motion was made by Council Member Toles, seconded by Vice Chair Glaros, that this Departure from Sign Design Standards be approved. The motion carried by the following vote:

Aye: 8 - Davis, Glaros, Harrison, Taveras, Toles, Lehman, Patterson and Turner

Absent: Franklin

Attachment(s): [DSDS-686 Planning Board Resolution 16-29](#)
DSDS-686_PORL
[DSDS-686 Technical Staff Report](#)
[DSDS 686 District Council Final Decision](#)

ITEM(S) FOR DISCUSSION (Continued)[DSP-15043](#)**4100 Laurel Road (Hidden Village)**

Applicant(s): 4100 Laurel Road LLC

Location: Located at the north end of Laurel Road, approximately 340 feet north of its intersection with Beech Road. More specifically, the site is located at 4100 Laurel Road in Temple Hills, Maryland, and is also part of the Hidden Valley Subdivision (0.896 Acres; I-1 Zone).

Request: Requesting approval of a Detailed Site Plan for a one-story 246-square-foot office with associated parking and landscaping, and a 720-square-foot future garage to be used for the maintenance of company vehicles.

Council District: 7

Appeal by Date: 10/13/2016

Review by Date: 10/13/2016

Action by Date: 11/18/2016

Council Member Toles moved a motion to Remand; Subsequently, the Chair called a brief recess.

Attachment(s): [DSP 15043 4100 District Council Final Decision](#)
[DSP-15043 Zoning AIS](#)
[DSP-15043 Planning Board Resolution 16-103](#)
DSP-15043_PORL
[DSP-15043 Technical Staff Report](#)

RECESS

RECONVENE

ITEM(S) FOR DISCUSSION (Continued)[DSP-15043](#)**4100 Laurel Road (Hidden Village)****Applicant(s):** 4100 Laurel Road LLC**Location:** Located at the north end of Laurel Road, approximately 340 feet north of its intersection with Beech Road. More specifically, the site is located at 4100 Laurel Road in Temple Hills, Maryland, and is also part of the Hidden Valley Subdivision (0.896 Acres; I-1 Zone).**Request:** Requesting approval of a Detailed Site Plan for a one-story 246-square-foot office with associated parking and landscaping, and a 720-square-foot future garage to be used for the maintenance of company vehicles.**Council District:** 7**Appeal by Date:** 10/13/2016**Review by Date:** 10/13/2016**Action by Date:** 11/18/2016**History:**

Under discussion on the motion, Council Member Toles outlined her reasons for requesting a remand. Rajesh Kumar, Principal Counsel to the District Council, responded to questions posed by the Council regarding the impacts of the Zimmer decision on the Council's actions in this case.

The motion to Remand failed (Vote: 3-6; Opposed: Council Members Davis, Franklin, Glaros, Harrison, Taveras, and Turner).

A motion was made by Council Member Toles, seconded by Council Member Lehman, that this Detailed Site Plan be remanded. The motion failed by the following vote:

Aye: 3 - Toles, Lehman and Patterson

Nay: 6 - Davis, Glaros, Harrison, Taveras, Franklin and Turner

Under discussion on the motion, Council Member Toles requested clarification of the conditions that would be included in the proposed document. Rajesh Kumar, Principal Counsel to the District Council, responded to questions posed by the Council.

Council referred item to staff for preparation of an approving document, with conditions (Vote: 7-2; Opposed: Council Members Lehman and Patterson).

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

Aye: 7 - Davis, Glaros, Harrison, Taveras, Toles, Franklin and Turner

Nay: 2 - Lehman and Patterson

Attachment(s): [DSP 15043 4100 District Council Final Decision](#)
[DSP-15043 Zoning AIS](#)
[DSP-15043 Planning Board Resolution 16-103](#)
 DSP-15043_PORL
[DSP-15043 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, an oral argument will be scheduled pursuant to Sec. 27-131 of the Zoning Ordinance.

[SE-4775](#) **Hotel at Cafritz Property at Riverdale Park**
[Reconsideration](#)

Companion Case(s): SE-4775

Applicant(s): Calvert Tract Parcel 6A, LLC

Location: Located at the southwest corner of the future intersection of Van Buren Street and Rhode Island Avenue, Riverdale Park, Maryland, and identified as the western half of Parcel F (0.87 Acres; M-U-TC Zone).

Request: Requesting approval of a Special Exception for permission to use approximately 0.87 acres of land in the M-U-TC (Mixed Use Town Center) Zone for a Hotel.

Council District: 3

Appeal by Date: 11/16/2016

Review by Date: 1/3/2017

Municipality: Town of Riverdale Park

Opposition: None

History:

Council took no action on this item.

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

Attachment(s): [SE-4775 Reconsideration_Zoning AIS](#)
[SE-4775 Reconsideration Zoning Hearing](#)
[Examiner Decision](#)
 SE-4775 Reconsideration_PORL
[SE-4775 Technical Staff Report](#)

PENDING FINALITY (Continued)**(b) PLANNING BOARD****DSP-15016****Blue, Parcels 61 and 130**

- Applicant(s):** Hyattsville Route One Partners, LLC
- Location:** Located located on the western side of Baltimore Avenue (US 1), approximately 115 feet south of its intersection with Jefferson Street at 5334 Baltimore Avenue, in the City of Hyattsville.
- Request:** Requesting approval of a Detailed Site Plan for a 16-townhouse development.
- Council District:** 2
- Appeal by Date:** 12/1/2016
- Review by Date:** 1/2/2017
- Municipality:** City of Hyattsville

History:

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

A motion was made by Council Member Taveras, seconded by Chairman Davis, that this Detailed Site Plan be elected to review. The motion carried by the following vote:

Aye: 9 - Davis, Glaros, Harrison, Taveras, Toles, Lehman, Franklin, Patterson and Turner

- Attachment(s):** [DSP-15016 Zoning AIS](#)
[DSP-15016 Planning Board Resolution 16-119](#)
DSP-15016_PORL
[DSP-15016 Technical Staff Report](#)

PENDING FINALITY (Continued)**DSP-16021****River of Life Church**

Applicant(s): River of Life Church

Location: Located on the south side of Norcross Street, approximately 260 feet southeast of its intersection with Saint Clair Drive (8.98 Acres; R-55 Zone).

Request: Requesting approval of a Detailed Site Plan to increase an existing day care center enrollment from 30 to 55 children.

Council District: 7

Appeal by Date: 11/24/2016

Review by Date: 11/24/2016

History:

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

A motion was made by Council Member Toles, seconded by Chairman Davis, that this Detailed Site Plan be elected to review. The motion carried by the following vote:

Aye: 9 - Davis, Glaros, Harrison, Taveras, Toles, Lehman, Franklin, Patterson and Turner

Attachment(s): [DSP-16021 Zoning AIS](#)
[DSP-16021 Planning Board Resolution 16-120](#)
DSP-16021_PORL
[DSP-16021 Technical Staff Report](#)

ADDITIONS TO THE AGENDA

PENDING FINALITY

[DSP-16006](#)

LIDL (Suitland)

Expedited Transit-Oriented Development Project

Applicant(s): LIDL US Operations, LLC

Location: Located on the east side of Branch Avenue (MD 5) and in the southeast quadrant of the intersection of Curtis Drive and Branch Avenue (4.28 Acres; M-X-T/D-D-O Zones).

Request: Requesting approval of a Detailed Site Plan for the development of a site to construct a 31,400 square-foot food and beverage store (4.28 Acres; M-X-T/D-D-O Zones).

Council District: 7

Appeal by Date: 12/14/2016

Review by Date: 1/14/2017

History:

Council took no action on this item.

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

PENDING FINALITY (Continued)[DSP-87048-50](#)**Six Flags America**

- Applicant(s):** Six Flags America, LP
- Location:** North side of Central Avenue (MD 214) approximately 4, 000 linear feet from the intersection of Enterprise Road (265.62 Acres; R-A/R-S Zones).
- Request:** Requesting approval of a Detailed Site Plan for a revision to Detailed Site Plan DSP-87048 to add and construct a new attraction within the amusement park. The new ride is known as the “Starflyer,” which consists of a 242-foot-high attraction in the form of a star, in which swings are attached.
- Council District:** 6
- Appeal by Date:** 12/14/2016
- Review by Date:** 1/14/2017
- Comment(s):** Council Chair Davis to ask Council to waive its right to review this item.

History:

Council waived its right to review this item (Vote: 7-0-1; Absent: Council Member Toles; Abstained: Council Member Lehman).

A motion was made by Chairman Davis, seconded by Council Member Turner, that Council waive its right to review this Detailed Site Plan. The motion carried by the following vote:

- Aye:** 7 - Davis, Glaros, Harrison, Taveras, Franklin, Patterson and Turner
- Absent:** Toles
- Abstain:** 1 - Lehman

ITEM(S) FOR DISCUSSION (Continued)**DSP-15043****4100 Laurel Road (Hidden Village)****Applicant(s):** 4100 Laurel Road LLC**Location:** Located at the north end of Laurel Road, approximately 340 feet north of its intersection with Beech Road. More specifically, the site is located at 4100 Laurel Road in Temple Hills, Maryland, and is also part of the Hidden Valley Subdivision (0.896 Acres; I-1 Zone).**Request:** Requesting approval of a Detailed Site Plan for a one-story 246-square-foot office with associated parking and landscaping, and a 720-square-foot future garage to be used for the maintenance of company vehicles.**Council District:** 7**Appeal by Date:** 10/13/2016**Review by Date:** 10/13/2016**Action by Date:** 11/18/2016**History:**

Council adopted the prepared Order of approval, with conditions (Vote: 7-2; Opposed: Council Members Lehman and Toles).

A motion was made by Chairman Davis, seconded by Council Member Turner, that this Detailed Site Plan be approved with conditions. The motion carried by the following vote:

Aye: 7 - Davis, Glaros, Harrison, Taveras, Franklin, Patterson and Turner

Nay: 2 - Toles and Lehman

Attachment(s): [DSP 15043 4100 District Council Final Decision](#)
[DSP-15043 Zoning AIS](#)
[DSP-15043 Planning Board Resolution 16-103](#)
DSP-15043_PORL
[DSP-15043 Technical Staff Report](#)

2:34 PM ADJOURN

The meeting was adjourned at 2:34 p.m.

1:30 PM COUNTY COUNCIL ITEMS (COUNCIL HEARING ROOM)

(SEE SEPARATE AGENDA)

EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

[EX 11142016](#)

Motion to convene in executive session to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State in accordance with Section 3-305(b)(4), General Provisions Article, Annotated Code of Maryland and to consult with counsel to obtain legal advice in accordance with Section 3-305(b) (7), General Provisions Article, Annotated Code of Maryland.

A motion was made by Council Member Turner, seconded by Council Member Franklin, that this Executive Session be convened. The motion carried by the following vote:

Aye: 9 - Davis, Glaros, Harrison, Taveras, Toles, Lehman, Franklin, Patterson and Turner

7:00 PM COUNTY COUNCIL ITEMS (CHARLES HERBERT FLOWERS HIGH SCHOOL)

(SEE SEPARATE AGENDA)