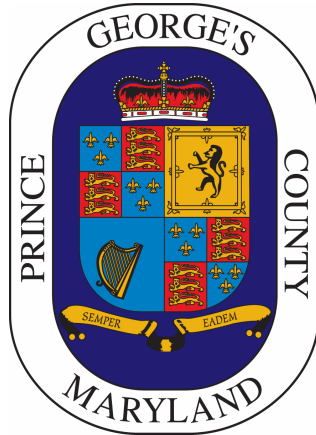


Prince George's County Council

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



Zoning Minutes - Final

Monday, January 27, 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 on video and audio tapes. 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

10:11 AM CALL TO ORDER

The meeting was called to order at 10:11 a.m. with seven members present at roll call. Council Member Harrison was absent due to illness. Council Member Toles was 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

*Also Present: Rajesh Kumar, Principal Counsel to the District Council
 Stan Brown, People's Zoning Counsel
 Robert J. Williams, Jr., Council Administrator
 William M. Hunt, Deputy Council Administrator
 Redis C. Floyd, Clerk of the Council
 Donna J. Brown, Deputy Clerk of the Council*

*M-NCPPC
Tom Lockard, Development Review Division
Ruth Grover, Development Review Division
Meika Fields, Development Review Division*

*DPIE
Karen Spears, Department of Permitting, Inspection & Enforcement*

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

Council Member Lehman requested prayer for those killed in the Columbia Mall incident and all victims of violence. Chair Franklin requested prayer for Council Member Harrison as she recovers.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Lehman.

POINT OF PERSONAL PRIVILEGE

Vice Chair Campos took a Point of Personal Priviledge to recognize City of Hyattville Chief of Police Holland and his wife, Susan Holland, for their yearly participation in the 'Polar Bear Plunge' which brings awareness to the Special Olympics. Mr. Campos also acknowledged his participation in this year's plunge thanks to the Hollands and their daughter, Desiree, a Special Olympian.

APPROVAL OF DISTRICT COUNCIL MINUTES[MINDC 01132014](#)**District Council Minutes dated January 13, 2014**

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

Aye: 7 - Franklin, Campos, Davis, Lehman, Olson, Patterson and Turner

Absent: Harrison and Toles

ORAL ARGUMENTS[A-10029](#)**Santos, LLC**

- Applicant(s):** Santos, LLC
- Location:** Located at the eastern terminus of Woodcliff Court, approximately 1,100 feet southeast of Annapolis Road (R-R Zone; 7.88 Acres)
- Request:** Requesting approval of a Zoning Map Amendment to rezone a property from the R-R Zone to the C-M Zone.
- Council District:** 6
- Appeal by Date:** 10/15/2013
- Review by Date:** 10/15/2013
- Action by Date:** 3/13/2014
- Municipality:** City of Bowie
- Opposition:** Richard Macchio
- History:**

Tom Lockard, M-NCPPC planning staff, provided an overview of the Zoning Map Amendment application. Daniel Lynch, Esq., spoke in support on behalf of the applicant. Joseph Mienert, spoke in support on behalf of the City of Bowie. Richard Macchio spoke in opposition. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.

This Zoning Map Amendment hearing was held and the case was taken under advisement.

[DSP-10027](#)**Farmington Road Car Wash**

- Applicant(s):** Interstate Farmington, LLC
- Location:** Northeastern quadrant of the intersection of Indian Head Highway (MD 210) and Farmington Road East. (2.647 Acres; C-M Zone)
- Request:** Requesting approval of a Detailed Site Plan for a 9,129-square-foot combined car wash and retail building.
- Council District:** 9
- Appeal by Date:** 8/22/2013
- Review by Date:** 9/23/2013
- Action by Date:** 3/28/2014
- History:**

Ruth Grover, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. J. Carroll Holzer, Esq. spoke in opposition on behalf of Doris Sharp et al and others verbally identified. Matthew Tedesco, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.

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

[DSP-12019](#)**Dunkin' Donuts, Lanham**

- Applicant(s):** Dunkin' Donuts - Lanham
- Location:** Located on the south side of Annapolis Road (MD 450), 650 feet northeast of its intersection with Harkins Road
- Request:** Requesting approval of a Detailed Site Plan for a 304-square-foot building addition to an existing eating and drinking establishment with drive-through, and site modifications
- Council District:** 3
- Appeal by Date:** 12/12/2013
- Review by Date:** 1/13/2014
- Action by Date:** 3/28/2014
- History:**

Meika Fields, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Traci Scudder, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.

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

NEW CASE(S)[ERR-228](#)**ERR 228 Bojangles' Restaurant**

- Applicant(s):** Bojangles' Restaurant Inc.
- Location:** Located on the north side of US 301 approximately 203 feet east of its intersection with Osborne Road, aka 7571 Southwest Crain Highway, Upper Marlboro (1.761 Acres; C-S-C Zone)
- Request:** Requesting approval for a validation of Prince George's County Sign Permits 9325-2001-01 and 28174-2001-01 Issued in Error on November 15, 2001 for a sign located on approximately 1.76 acres of land in the C-S-C Zone
- Council District:** 9
- Appeal by Date:** 1/13/2014
- Review by Date:** 1/30/2014
- Action by Date:** 4/30/2014
- Municipality:** None
- Opposition:** None
- History:**

Council referred item to staff for the preparation of an approving document (Vote: 7-0; Absent: Council Members Harrison and Toles).

A motion was made by Chairman Franklin, seconded by Council Member Turner, that this Permit issued in error be referred for document. The motion carried by the following vote:

Aye: 7 - Franklin, Campos, Davis, Lehman, Olson, Patterson and Turner

Absent: Harrison and Toles

REFERRED FOR DOCUMENT[DSP-12049](#)**Little Gifts from God Day Care Center**

- Applicant(s):** Karen Williamson
- Location:** Located on the northeast side of Old Alexandria Ferry Road, at its intersection with Highland Meadows Drive (0.38 Acres; I-1 Zone)
- Request:** Requesting approval of a Detailed Site Plan for a day care center for 64 children within an existing 2,600-square-foot building and an associated outdoor play area
- Council District:** 9
- Appeal by Date:** 8/29/2013
- Review by Date:** 9/30/2013
- Action by Date:** 1/27/2014
- History:**

Council adopted the prepared Order of approval, with conditions (Vote: 7-0; Absent: Council Members Harrison and Toles).

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

Aye: 7 - Franklin, Campos, Davis, Lehman, Olson, Patterson and Turner

Absent: Harrison and Toles

[ROSP SE-4388-01](#)**Kreative Kids Child Care Center**

- Applicant(s):** Monika and Jalindar Mahabare
- Location:** Located on the northeast corner of Collier Road and Cherry Hill Road (0.24 Acres; R-R Zone).
- Request:** Requesting approval of a Revision of Site Plan Special Exception for a major revision to approved Special Exception SE-4388 to increase the child enrollment from 32 children to 62 children and an Alternative Compliance request from Section 4.2 of the Landscape Manual
- Council District:** 1
- Appeal by Date:** 7/29/2013
- Review by Date:** 7/29/2013
- Action by Date:** 1/27/2014
- Municipality:** None
- Opposition:** None
- History:**

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

A motion was made by Council Member Lehman, seconded by Council Member Olson, that this Special Exception be denial. The motion carried by the following vote:

Aye: 7 - Franklin, Campos, Davis, Lehman, Olson, Patterson and Turner

Absent: Harrison and Toles

[SE-4703](#)**Ace Cash Express**

Applicant(s): Ace Cash Express, Inc.

Location: Located east of Baltimore Avenue (US 1) between Locust Grove Drive and Chestnut Ridge Drive (2.14 Acres; C-M & R-55 Zones)

Request: Requesting approval of a Special Exception for a check cashing business in the C-M and R-55 Zones

Council District: 1

Appeal by Date: 7/29/2013

Review by Date: 7/29/2013

Action by Date: 1/27/2014

Municipality: None

Opposition: None

History:

Under discussion, Council Member Lehman requested clarification of items in the draft order, to which Rajesh Kumar, Principal Counsel to the District Council and Stan Brown, People's Zoning Counsel responded. Subsequently, Council adopted the prepared Order of approval, with conditions (Vote: 7-0; Absent: Council Members Harrison and Toles).

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

Aye: 7 - Franklin, Campos, Davis, Lehman, Olson, Patterson and Turner

Absent: Harrison and Toles

ITEM(S) FOR DISCUSSION[DSP-13007](#)**Royal Farms - Allentown Road**

- Applicant(s):** Two Farms INC d/b/a Royal Farms
- Location:** Located in the southwest quadrant of the intersection of Allentown Road (MD 337) and Branch Avenue (MD 5) (1.647 Acres; C-M Zone)
- Request:** Requesting approval of a Detailed Site Plan for construction of a new gas station with ten pumping stations, a 5,125-square-foot food and beverage store and a 1,255-square-foot car wash
- Council District:** 8
- Appeal by Date:** 10/17/2013
- Review by Date:** 10/17/2013
- Action by Date:** 3/14/2014
- History:**

Council referred this item to staff for the preparation of an approving document, with conditions (Vote: 7-0; Absent: Council Members Harrison and Toles).

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

Aye: 7 - Franklin, Campos, Davis, Lehman, Olson, Patterson and Turner

Absent: Harrison and Toles

Council adopted the prepared Order of approval, with conditions (Vote: 7-0; Absent: Council Members Harrison and Toles).

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

Aye: 7 - Franklin, Campos, Davis, Lehman, Olson, Patterson and Turner

Absent: Harrison and Toles

PENDING FINALITY

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make final decision or an appeal is filed.

PLANNING BOARD**DSP-03098-03****Metropolitan at College Park**

Applicant(s): Metropolitan Development Group LLC
Location: Located on the southeast corner of the intersection of Baltimore Avenue (US 1) and Cherokee Street.
Request: Requesting approval of a Detailed Site Plan for a mixed-use project consisting of 228 multifamily dwelling units, approximately 4,133 square feet of ground floor retail, 55 townhouses, and a 313-space parking garage.
Council District: 3
Appeal by Date: 2/13/2014
Review by Date: 2/13/2014
Municipality: City of College Park

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

SDP-1205-01**Smith Home Farm, Umbrella Application for Architecture**

Applicant(s): SHF Project Owner, LLC
Location: Located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4).
Request: Requesting approval of a Specific Design Plan to add eight single-family detached house models.
Council District: 6
Appeal by Date: 2/13/2014
Review by Date: 2/13/2014

This Specific Design Plan was not elected to review by Council.

ADJOURN

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

EXECUTIVE SESSION**[EX 01272014](#)**

To consult with counsel to seek legal advice and to discuss pending or potential litigation in accordance with Sections 10-508(a)(7, 8), State Government, Annotated Code of Maryland.

History:*Topics Discussed:**(1) Discussion of the following ongoing litigation matters:*

- (a) St. Barnabas Road litigation returned from court of special appeals*
- (b) Cafritz rezoning appeal to court of special appeals*
- (c) Subregion 5 and 6 litigation*
- (d) Zimmer v. Prince George's County*

(2) Advice of Counsel

- (a) Redistricting and legal advice concerning redrawing of Councilmanic boundaries*

A motion was made by Council Member Davis, seconded by Council Member Turner, to convene into Executive Session. The motion carried by the following vote:

Aye: 7 - Franklin, Campos, Davis, Lehman, Olson, Patterson and Turner

Absent: Harrison and Toles

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Redis C. Floyd, Clerk of the Council