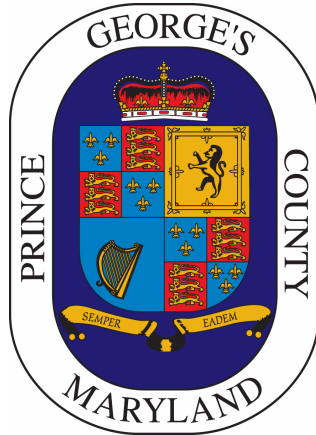


Prince George's County Council

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



Zoning Minutes - Final

Monday, May 5, 2014

1:30 PM

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

1:00 PM AGENDA BRIEFING

1:54 PM CALL TO ORDER

The meeting was called to order at 1:54 p.m. with seven members present at roll call. Council Members Patterson and Toles arrived at 1:57 p.m.

Present: 9 - Chairman Mel Franklin
 Vice Chair Will Campos
 Council Member Derrick Davis
 Council Member Andrea Harrison
 Council Member Mary Lehman
 Council Member Eric Olson
 Council Member Obie Patterson
 Council Member Karen Toles
 Council Member Ingrid Turner

*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
 Jimi Jones, Supervisor, Development Review Division
 Ivy Thompson, Development Review Division*

INVOCATION - Howard Stone, County Employee

Council Member Campos requested prayer for Sylvia Brown, staff member, as she recovers from surgery. Council Chair Franklin requested prayer for the County Council.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Olson.

ORAL ARGUMENTS**[CNU-625-76](#)****Holland Gardens Nursery and Landscaping, Inc.**

Applicant(s): Department of Environmental Resources, Petitioner
Location: Located on the north side of Sellman Road, east of its intersection with Weymouth Avenue (6.03 Acres; R-80 Zone)
Request: Requesting revocation of an approved Nonconforming Use Certification of permit CNU-625-76, for a nursery and garden center.
Council District: 1
Appeal by Date: 10/17/2013
Review by Date: 10/17/2013
Action by Date: 7/7/2014

History:

Stan Brown, People's Zoning Counsel, noted that the applicant has made a request for continuance. Levi Zaslow, attorney for the property owner, stated his argument for the request. Council Member Lehman stated her opposition to the request. The continuance was not granted. Mr. Zaslow, requested to be heard on an additional procedural issue prior to the oral argument hearing. The meeting went into recess to allow Mr. Zaslow to confer with the People's Zoning Counsel.

The meeting reconvened and Stan Brown, People's Zoning Counsel, spoke to the applicant's proffer to recuse Council Member Lehman due to email communications between her aide and county agencies which he alleges are proof of a conflict of interest and bias from her office on this case. Mr. Brown noted that the applicant will be permitted to state his proffer in writing for the case record. Council Member Lehman stated her intention to participate in this case despite the request.

Ivy Thompson, M-NCPPC planning staff, provided an overview of the Certification of Nonconforming Use application for revocation. Levi Zaslow, attorney for the property owner, presented his argument in opposition.

Jared McCarthy, Deputy County Attorney, Office of Law, provided argument, on behalf of the Department of Environmental Resources in favor of the application for revocation. Stan Brown,

People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.

This Certified Nonconforming Use hearing was held.

Council referred this item to staff for preparation of an approving document in accordance with the Planning Board decision (Vote: 8-0; Absent: Council Member Turner).

A motion was made by Council Member Lehman, seconded by Council Member Olson, that this Certified Nonconforming Use be referred for document. The motion carried by the following vote:

Aye: 8 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson and Toles
Absent: Turner

ORAL ARGUMENTS (Continued)

[SE-4704](#)

In Loving Hands

Companion Case(s): DDS-613; DPLS-373

Applicant(s): In Loving Hands, LLC/Carlos Watson

Location: Located at the terminus of Lucille Court, approximately 210 feet north of its intersection with Lucille Drive (0.48 Acres; R-R Zone).

Request: Requesting approval of a Special Exception for a Congregate Living Facility for up to 15 residents.

Council District: 8

Appeal by Date: 3/17/2014

Review by Date: 3/17/2014

Action by Date: 7/14/2014

Municipality: None

Opposition: None

History:

Chairman Franklin announced that the Oral Argument hearings for SE-4704, DDS-613 and DPLS-373 would be held in tandem.

Jimi Jones, M-NCPPC planning staff, provided an overview of the application. Tracy Scudder, spoke to the case 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 Special Exception hearing was held.

Council referred item to staff for preparation of an approving document, with conditions (Vote:

8-0; Absent: Council Member Olson).

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

Aye: 8 - Franklin, Campos, Davis, Harrison, Lehman, Patterson, Toles and Turner
Absent: Olson

ORAL ARGUMENTS (Continued)

DDS-613

In Loving Hands

Companion Case(s): DPLS-373; SE-4704

Applicant(s): Carlos Watson

Location: Located at the terminus of Lucille Court, approximately 210 feet north of its intersection with Lucille Drive (0.48 Acres; R-R Zone).

Request: Requesting approval of a Departure from Design Standards of 12 feet from the required 22-foot-wide driveway aisle width and a departure from Section 4.7 of the Landscape Manual

Council District: 8

Appeal by Date: 11/21/2013

Review by Date: 11/21/2013

Action by Date: 7/14/2014

History:

Chairman Franklin announced that the Oral Argument hearings for SE-4704, DDS-613 and DPLS-373 would be held in tandem.

Jimi Jones, M-NCPPC planning staff, provided an overview of the application. Tracy Scudder, spoke to the case 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 Departure from Design Standards hearing was held.

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

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

Aye: 8 - Franklin, Campos, Davis, Harrison, Lehman, Patterson, Toles and Turner

Absent: Olson

ORAL ARGUMENTS (Continued)

[DPLS-373](#)

In Loving Hands

Companion Case(s): DDS-613; SE-4704

Applicant(s): Carlos Watson

Location: Located at the terminus of Lucille Court, approximately 210 feet north of its intersection with Lucille Drive (0.48 Acres; R-R Zone).

Request: Requesting approval of a Departure from Parking and Loading Standards for the waiver of three of the required four parking spaces.

Council District: 8

Appeal by Date: 11/21/2013

Review by Date: 11/21/2013

Action by Date: 7/14/2014

History:

Chairman Franklin announced that the Oral Argument hearings for SE-4704, DDS-613 and DPLS-373 would be held in tandem.

Jimi Jones, M-NCPPC planning staff, provided an overview of the application. Tracy Scudder, spoke to the case 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 Departure from Parking and Loading Standards hearing was held.

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

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

Aye: 8 - Franklin, Campos, Davis, Harrison, Lehman, Patterson, Toles and Turner

Absent: Olson

ELIGIBLE FOR FINAL ACTION (Orientation if Desired)[CNU-25543-2013](#)**Forestville Commercial Center - Lot 6, Blk A****Companion Case(s):** CNU-25543-2013-U**Applicant(s):** 7901 Parston Drive, LLC**Location:** Located at 7901 Parston Drive, District Heights, Maryland (I-1 / DDOZ).**Request:** Requesting approval of a Nonconforming Use Certification for a Vehicle Storage Yard and Vehicle Towing Station, on approximately 21,934 square feet in the I-1/DDO (Light Industrial/Development District Overlay) Zones.**Council District:** 6**Appeal by Date:** 4/28/2014**Action by Date:** 5/27/2014**Municipality:** None**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 Davis, seconded by Council Member Turner, that this Certified Nonconforming Use be referred for document. The motion carried by the following vote:

Aye: 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner

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

A motion was made by Council Member Davis, seconded by Council Member Turner, that this Certified Nonconforming Use be approved. The motion carried by the following vote:

Aye: 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner

Backup: Order of Approval in accordance with the Zoning Hearing Examiner Decision.

REFERRED FOR DOCUMENT

[DSP-12061](#)

Franklin Park at Greenbelt Station

Applicant(s): Franklin Park at Greenbelt Station

Location: Located on the northeast quadrant of the intersection of Breezewood Drive and Cherrywood Lane (151.79 Acres; M-U-I / D-D-O Zones).

Request: Requesting approval of a Detailed Site Plan for the addition of two new freestanding monument signs, two new building-mounted banner signs, and 27 freestanding pole banner signs within an existing multifamily residential development in the M-U-I and D-D-O Zones.

Council District: 4

Appeal by Date: 1/9/2014

Review by Date: 1/30/2014

Action by Date: 5/23/2014

Municipality: City of Greenbelt

History:

Council deferred this item to May 12, 2014.

This Detailed Site Plan was deferred to May 12, 2014.

Backup: Order of Approval, with Conditions.

ITEM(S) FOR DISCUSSION[DPLS-387](#)**Comunicar****Applicant(s):** JU DI, LLC.**Location:** Located at the southeast corner of Kenilworth Avenue (MD 201) and Kennedy Street (0.159 Acres; C-O Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards for a waiver of six parking spaces from the required nine parking spaces for a tax and travel service office**Council District:** 3**Appeal by Date:** 12/19/2013**Review by Date:** 1/21/2014**Action by Date:** 6/13/2014**Municipality:** Town of Riverdale Park**History:**

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

A motion was made by Council Member Olson, seconded by Council Member Davis, that this Departure from Parking and Loading Standards be referred for document.

The motion carried by the following vote:

Aye: 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner

Council adopted the prepared Order of approval with conditions (Vote: 9-0).

A motion was made by Council Member Olson, seconded by Council Member Davis, that this Departure from Parking and Loading Standards be approval with conditions.

The motion carried by the following vote:

Aye: 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner

Backup: Order of Approval, with Conditions.

ITEM(S) FOR DISCUSSION (Continued)**DSP-12059****Riverdale Road McDonalds****Companion Case(s):** DPLS-396**Applicant(s):** McDonalds USA LLC**Location:** Located on the northeast quadrant of the intersection of Kenilworth Avenue (MD 201) and Riverdale Road (1.11 Acres; C-S-C Zone).**Request:** Requesting approval of a Detailed Site Plan for a 4,387-square-foot, one-story, freestanding McDonalds eating and drinking establishment with drive-through service on an existing McDonalds site in the Commercial Shopping Center (C-S-C) Zone. The DSP proposes to demolish the existing McDonalds restaurant building and replace it with a new prototype building.**Council District:** 3**Appeal by Date:** 1/9/2014**Review by Date:** 1/30/2014**Action by Date:** 5/23/2014**Municipality:** Town of Riverdale Park**History:**

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

This Detailed Site Plan was referred for document.

Aye: 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner

DPLS-396**Riverdale Road McDonalds****Companion Case(s):** DSP-12059**Applicant(s):** McDonalds USA LLC**Location:** Located on the northeast quadrant of the intersection of Kenilworth Avenue (MD 201) and Riverdale Road (1.11 Acres; C-S-C Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards (Sections 27-568 and 27-582) to reduce the required number of parking spaces from 52 to 46 and to not provide the required one loading space due to the site's small size.**Council District:** 3**Appeal by Date:** 1/9/2014**Review by Date:** 1/30/2014

Action by Date: 5/23/2014
Municipality: Town of Riverdale Park
History:

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

A motion was made that this Departure from Parking and Loading Standards be referred for document. The motion carried by the following vote:

Aye: 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner

ITEM(S) FOR DISCUSSION (Continued)

DSP-13017

1800 Prosperity Way

Applicant(s): James F. Schneider
Location: Located in the southeast quadrant of the intersection of Prosperity Way and Prosperity Court (0.72 Acres; I-1 Zone).
Request: Requesting approval of a Detailed Site Plan for a contractor's storage yard.
Council District: 7
Appeal by Date: 1/9/2014
Review by Date: 1/30/2014
Action by Date: 5/23/2014
Municipality: Capitol Heights
History:

Council deferred this item to May 12, 2014

This Detailed Site Plan was deferred to May 12, 2014.

DSP-13020

Walker Mill Business Park, Lot 8

Applicant(s): Wasim and Naira Butt
Location: Located on the north side of Prosperity Court, approximately 150 feet east of its intersection with Prosperity Way (1.58 Acres; I-1 Zone).
Request: Requesting approval of a Detailed Site Plan for a proposed vehicle towing company and automobile storage yard.
Council District: 7
Appeal by Date: 1/9/2014
Review by Date: 1/30/2014
Action by Date: 5/23/2014

Municipality: Capitol Heights

History:

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

This Detailed Site Plan was referred for document.

Aye: 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner

ITEM(S) FOR DISCUSSION (Continued)

[SE-4605](#)

Barnabas Road Concrete Recycling Facility (Remand)

Applicant(s): Barnabas Road Associates, LLC

Location: Located at the Terminus of Clifton Road, approximately 1,150 feet south of its intersection with St. Barnabas Road (4.38 acres; I-1 Zone).

Request: Requesting approval of a Special Exception for a Concrete Recycling Facility.

Council District: 8

Action by Date: 4/21/2014

Municipality: N/A

Opposition: Gordon's Corners Citizens Association et al.

History:

Council referred item to staff for preparation of an disapproving document (Vote: 8-0; Absent: Council Member Toles).

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

Aye: 8 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson and Turner

Absent: Toles

Council adopted the prepared Order of Denial (Vot: 8-0; Absent: Council Member Toles).

A motion was made by Council Member Patterson, seconded by Council Member Davis, that this Special Exception be disapproved. The motion carried by the following vote:

Aye: 8 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson and Turner

Absent: 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.

PLANNING BOARD**CNU-15315-13****6801 Red Top Road**

- Applicant(s):** Robert and Paulette Delapenha
- Location:** Located at the northeastern quadrant of the intersection of Red Top Road and Fairview Avenue (0.252 Acres; R-18 Zone).
- Request:** Requesting approval of a Nonconforming Use Certification for a six-unit apartment in the R-18 Zone.
- Council District:** 2
- Appeal by Date:** 5/29/2014
- Review by Date:** 5/29/2014
- History:**

Council took no action on this item.

This Certified Nonconforming Use was not elected to review by Council.

CNU-23538-13**Fleetwood Village Apartments**

- Applicant(s):** Fleetwood Village Limited Partnership
- Location:** The subject property is identified as three separated deed parcels located in the northeastern, northwestern, and southern quadrants of the intersections of Eastern Avenue, Greenlawn Drive, Knollbrook Drive, and Chillum Road (9.379 Acres; R-18 Zone).
- Request:** Requesting approval of a Nonconforming Use Certification for a 252-unit multifamily apartment building located on three separate parcels in the R-18 Zone in accordance with Subtitle 27 of the Prince George's County Code
- Council District:** 2
- Appeal by Date:** 5/22/2014
- Review by Date:** 5/22/2014
- History:**

Council took no action on this item.

This Certified Nonconforming Use was not elected to review by Council.

PENDING FINALITY (Continued)

[DSP-13037](#)

Beech Tree Commercial Center

Applicant(s): VOB Limited Partnership

Location: The subject commercially-zoned property is located in the actual southwestern quadrant of the intersection of US 301 and Leeland Road, east of Moores Plains Boulevard, and north and south of the platted, but unconstructed, Effie Bowie Drive.

Request: Requesting approval of a Detailed Site Plan for infrastructure and rough grading only for a future commercial shopping center in the C-S-C Zone.

Council District: 6

Appeal by Date: 5/22/2014

Review by Date: 5/22/2014

History:

Council took no action on this item.

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

[SDP-0002-04](#)

Cameron Grove, Lot 80, Block A

Applicant(s): Walter H. Person

Location: On the southern side of the cul-de-sac of Pine Ridge Court, approximately 360 feet south of its intersection with New Acadia Lane (0.228 Acres; R-L Zone).

Request: Requesting approval of a Detailed Site Plan for the addition of a sun room to an existing single-family detached dwelling.

Council District: 6

Appeal by Date: 5/29/2014

Review by Date: 5/29/2014

History:

Council took no action on this item.

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

3:28 PM RECESS

Meeting was recessed at 3:38 p.m.

7:16 PM RECONVENE

7:16 PM PUBLIC HEARING - (COUNCIL HEARING ROOM)

This Public Hearing was Held.

PUBLIC HEARING ON THE PRINCE GEORGE'S COUNTY PROPOSED FY 2015
OPERATING BUDGET, SIX YEAR CAPITAL PROGRAM
(INCLUDING THE CAPITAL IMPROVEMENT BUDGET)
AND THE PRINCE GEORGE'S COUNTY BOARD OF EDUCATION
PORTION OF THE COUNTY FY 2015 OPERATING BUDGET,
PROPOSED BUDGET OF THE
REDEVELOPMENT AUTHORITY, REVENUE AUTHORITY
AND INDUSTRIAL DEVELOPMENT AUTHORITY OF
PRINCE GEORGE'S COUNTY, AND
THE CONSTANT YIELD TAX RATE.

9:25 PM ADJOURN

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Redis C. Floyd, Clerk of the Council