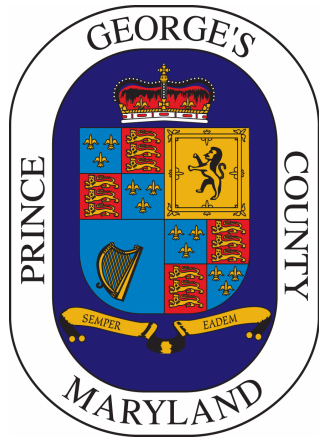


# Prince George's County Council

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



## **Zoning Minutes - Draft**

**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 Privilege 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

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**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' RestaurantApplicant(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 ZoneCouncil District: 9Appeal by Date: 1/13/2014Review by Date: 1/30/2014Action by Date: 4/30/2014Municipality: NoneOpposition: NoneHistory:

*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

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**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



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**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

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**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**

- 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

DRAFT