

# Prince George's County Council

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



## **Zoning Minutes - Final**

**Monday, April 13, 2015**

**10:00 AM**

**Council Hearing Room**

## **Sitting as the District Council**

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

**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 - (ROOM 2027)****10:17 AM 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 at 10:17 a.m. with nine members present at roll call.*

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

*M-NCPPC*

*Tom Lockard, Development Review Division*

**INVOCATION - Pastor William Tucker, Remnant Church of Christ, Temple Hills**

*Council Member Toles requested prayer for the employees of the Census Bureau in Suitland, Maryland and especially the security guard, Lawrence Buckner, who was shot and killed trying to thwart a domestic violence situation. Council Member Davis requested prayer for the family of Joy Stevens, a secretary at one of the civic associations in Largo in her passing. Council Member Turner requested prayer for the family of 16 year-old Okon Ntekem and students of Bowie High School in his passing while returning from a spring break event with the school ROTC program.*

**PLEDGE OF ALLEGIANCE**

*The Pledge of Allegiance was led by Council Member Turner.*

**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 03232015](#)

**District Council Minutes dated March 23, 2015**

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

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

**Attachment(s):** [03-23-2015 District Council Minutes DRAFT](#)

[MINDC 03312015](#)

**District Council Minutes dated March 31, 2015**

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

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

**Attachment(s):** [03-31-2015 District Council Minutes DRAFT](#)

**ORAL ARGUMENT**[SE-4734](#)**Mill Branch Crossing (Walmart)**

- Applicant(s):** Wal-Mart Real Estate Business Trust
- Location:** Located northeast quadrant of the intersection of Robert Crain Highway (US 301) and Mill Branch Road (24.90 Acres; C-S-C Zone).
- Request:** Requesting approval of a Special Exception for a department or variety store over 125,000 square feet in the C-S-C Zone.
- Council District:** 4
- Appeal by Date:** 2/20/2015
- Review by Date:** 2/20/2015
- Action by Date:** 6/22/2015
- Municipality:** City of Bowie
- Opposition:** The Patuxent Riverkeeper, et. al.
- History:**

*Prior to the Oral Argument, a preliminary motion by Mr. G. Macy Nelson was considered. The motion included a request that Council Member Turner recuse himself and that the case be continued until the County and City of Bowie provide documents requested under the Maryland Public Information Act. Andre Gingles, Esq. provided argument in opposition to the request, on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented. The case was continued to May 11, 2015 at 10:00 a.m.*

**A motion was made by Council Member Turner, seconded by Council Member Harrison, that this Special Exception be continued to a later date. The motion carried by the following vote:**

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

- Attachment(s):** SE-4734 Applicants Exceptions to ZHE  
Decision  
[SE-4734 Zoning Hearing Examiner Decision](#)  
[SE-4734 Technical Staff Report](#)  
SE-4734\_PORL  
SE-4734 Opposition Letters  
SE-4734 Response to Appeal

**10:39 AM RECESS**

*The meeting was recessed at 10:39 a.m.*

**10:50 AM RECONVENE**

*The meeting reconvened at 10:50 a.m.*

**ITEM(S) FOR DISCUSSION**[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 for a mixed-use development of 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

**Action by Date:** 4/24/2015

**History:**

*Prior to the motion, Council Member Lehman provided a rationale for the remand. Subsequently, Council referred item to staff for preparation of a remanding document to the Planning Board (Vote: 9-0).*

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

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

**Attachment(s):** CSP-13008 Response to Appeal - Paul Mastradone et. al  
CSP-13008 Response to Appeal-West Laurel Civic Assc.  
CSP-13008 Appeal Letters  
[CSP-13008 Planning Board Resolution 14-50](#)  
CSP-13008\_PORL  
[CSP-13008 Technical Staff Report](#)

**ITEM(S) FOR DISCUSSION (Continued)****DSP-13027****Longfellow Street Property**

- Applicant(s):** Lilian Koo
- Location:** Located on the northeastern side of Longfellow Street, approximately 440 feet southeast of its intersection with Queens Chapel Road in Hyattsville (0.13 Acres; R-35 / D-D-O Zones).
- Request:** Requesting approval of a Detailed Site Plan for a conversion of a one-family detached dwelling to a building containing up to three dwelling units.
- Council District:** 2
- Appeal by Date:** 12/26/2014
- Review by Date:** 1/30/2015
- Action by Date:** 5/8/2015
- Municipality:** City of Hyattsville
- Attachment(s):** [DSP-13027 Planning Board Resolution 14-121](#)  
DSP-13027\_PORL  
[DSP-13027 Technical Staff Report](#)

*Council referred item to staff for preparation of an disapproving document (Vote: 9-0).*

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

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

**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**[CDP-0901](#)**The Villages at Timothy Branch**[Reconsideration](#)**Companion Case(s):** CDP-0902**Applicant(s):** Timothy Brandywine Investments One & Two, LLC**Location:** Located on the east side of US 301 (Robert S. Crain Highway), southeast of its intersection with MD 5 (Branch Avenue), and south of MD 381 (Brandywine Road) (72.26 Acres; L-A-C / R-M Zone).**Request:** Requesting reconsideration of approved Conceptual Design Plan-0901 Conditions 14-21 and the appropriate findings specific to the applicant's responsibility to construct off-site recreational facilities in the Brandywine Area Community Park (M-NCPPC) because the conditions can no longer be implemented.**Council District:** 9**Appeal by Date:** 4/23/2015**Review by Date:** 4/23/2015**Attachment(s):** [CDP-0901 Amended Planning Board Resolution 10-111\(A\)](#)  
CDP-0901\_PORL  
[CDP-0901 Reconsideration Technical Staff Report](#)

*Council took no action on this item.*

**This Comprehensive Design Plan was not elected to review by Council.**



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**PLANNING BOARD (Continued)**[CDP-0902](#)**The Villages of Timothy Branch**[Reconsideration](#)**Companion Case(s):** CDP-0901 Reconsideration; CDP-0902**Applicant(s):** Timothy Brandywine Investments One & Two, LLC**Location:** Located on the east side of US 301 (Robert S. Crain Highway), southeast of its intersection with MD 5 (Branch Avenue), and south of MD 381 (Brandywine Road) (72.26 Acres; L-A-C / R-M Zone).**Request:** Requesting reconsideration of approved Conceptual Design Plan-0902 Conditions 20-27 and the appropriate findings specific to the applicant's responsibility to construct off-site recreational facilities in the Brandywine Area Community Park (M-NCPPC) because the conditions can no longer be implemented.**Council District:** 9**Appeal by Date:** 4/23/2015**Review by Date:** 4/23/2015**History:***Council took no action on this item.***This Comprehensive Design Plan was not elected to review by Council.****Attachment(s):** [CDP-0902 Amended Planning Board Resolution 10-110\(A\)](#)  
CDP-0902\_PORL  
[CDP-0902 Reconsideration Technical Staff Report](#)

**PLANNING BOARD (Continued)**[CNU-30304-12](#)**Pleasant House Apartments**

**Applicant(s):** Borger Management / Pleasant House

**Location:** Located at the intersection of Seat Pleasant Drive and Hill Road, identified as Pleasant House, Parcel A, Block 1 (7.94 Acres; R-18 Zone).

**Request:** Requesting approval for certification of an existing 192-unit multifamily apartment complex that was constructed in 1964. Because some development regulations in the R-18 Zone were changed or adopted after the apartment use was lawfully established, the complex became nonconforming.

**Council District:** 7

**Appeal by Date:** 4/23/2015

**Review by Date:** 4/23/2015

**History:**

*Council took no action on this item.*

**This Certification of a Nonconforming Use was not elected to review by Council.**

**Attachment(s):** [CNU-30304-12 Planning Board Resolution 15-20](#)  
CNU-30304-12\_PORL  
[CNU-30304-12 Technical Staff Report](#)

**PLANNING BOARD (Continued)**[DSP-14022](#)**The Hotel at the University of Maryland**

- Applicant(s):** Southern Management Corporation, Inc.
- Location:** Located on the eastern side of Baltimore Avenue (US 1), approximately 200 feet south of its intersection with Paint Branch Parkway (3.29 Acres; M-U-I/D-D-O Zones).
- Request:** Requesting approval of a Detailed Site Plan for the redevelopment of a site with a single building complex with a varied building height including a 300-room hotel on top of the ground-floor retail space, 57,000 square feet of retail space, a conference center for 4,280 occupants, and a parking garage.
- Council District:** 3
- Appeal by Date:** 4/30/2015
- Review by Date:** 4/30/2015
- Municipality:** City of College Park
- History:**

*Council took no action on this item.*

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

- Attachment(s):** [DSP-14022 Planning Board Resolution 14-122](#)  
DSP-14022\_PORL  
[DSP-14022 Technical Staff Report condensed](#)

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**PLANNING BOARD (Continued)**[DSP-89063-07](#)**Duvall Village Shopping Center, Wal-Mart (Remand)**[Remand](#)**Companion Case(s):** DSP-89063-07**Applicant(s):** Wal-Mart Real Estate Business Trust**Location:** Located at the southeastern quadrant of the intersection of Annapolis Road (MD 450) and Glenn Dale Road (MD 953) (12.25 Acres; C-G Zone).**Request:** Requesting approval of a Detailed Site Plan for a 77,916-square-foot Wal-Mart in the Duvall Village Shopping Center in the General Commercial, Existing (C-G) Zone.**Council District:** 5**Appeal by Date:** 5/7/2015**Review by Date:** 5/7/2015**History:**

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

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

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

**Attachment(s):** [DSP-89063-07 Remand Planning Board Resolution 14-16\(A\)](#)  
[DSP-89063-07 Remand\\_PORL](#)  
[DSP-89063-07 Remand Technical Staff Report](#)  
[DSP-89063-07 Remand Technical Staff Reprt \(Additional Back-up\)](#)  
[DSP-89063-07 District Council Decision 09232014](#)

**11:01 AM ADJOURN**

*The meeting was adjourned at 11:01 a.m.*

Prepared by:

\_\_\_\_\_  
Leonard Moses, Zoning Assistant

Submitted by:

\_\_\_\_\_  
Redis C. Floyd, Clerk of the Council