

# Prince George's County Council

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



## **Zoning Minutes - Draft**

**Monday, April 21, 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**

**1:42 PM CALL TO ORDER**

*The meeting was called to order at 1:42 p.m. with seven members present at roll call. Council Members Harrison and Turner were 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 Karen Toles

**Absent:**            Council Member Andrea Harrison  
                                 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  
Jill Kosack, Development Review Division*

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

*The Invocation was provided by Pastor William Tucker, Remnant Church of Christ, Temple Hills, Maryland. Council Member Olson requested prayer for Minister Diane Tanker, Minister of Paint Branch Unitarian Universalist, recovering from a stroke. Council Member Davis requested prayer for Angelica Fletcher, niece of Council Member Harrison, undergoing surgery. Council Member Campos requested prayer for the father of Anna Lucie, staff member, recovering from a stroke. Council Member Davis requested prayer for the father of Angela Angel, staff member, also recovering from a stroke.*

**PLEDGE OF ALLEGIANCE**

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

**NEW CASE(S)**

**ERR-229**

**Ying & Gina Yee**

**Validation of Use and Occupancy Permits Nos. 6353-U & 6354-U**

**Applicant(s):**

Ying & Gina Yee

**Location:**

Located at 4227 and 4229 Guilford Drive, College Park, Maryland (1.761 Acres; M-U-I Zone).

**Request:**

Requesting approval for validation of Use and Occupancy Permits 6353-U and 6354-U issued in error on March 11, 1963 for 2 three unit attached apartment buildings in the M-U-I Zone and in the College Park Development District Overlay Zone.

**Council District:**

3

**Appeal by Date:**

4/11/2014

**Action by Date:**

7/10/2014

**Municipality:**

None

**Opposition:**

None

**History:**

*Council adopted Zoning Ordinance No. 3 -2014 in accordance with the Zoning Hearing Examiner Decision (Vote 7-0; Absent: Council Members Harrison and Turner).*

**A motion was made by Council Member Olson, seconded by Vice Chair Campos, that this Permit issued in error be approved. The motion carried by the following vote:**

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**Aye:** 7 - Franklin, Campos, Davis, Lehman, Olson, Patterson and Toles  
**Absent:** Harrison and Turner

*Backup: Zoning Ordinance No. 3 - 2014.*

**REFERRED FOR DOCUMENT**

**CSP-13003                      Hyattsville Zip-In**

**Companion Case(s):** DSP-12062

**Applicant(s):** NSR Properties, LLC

**Location:** Located at the southwest quadrant of the intersection of East-West Highway (MD 410) and Belcrest Road.

**Request:** Requesting approval of a Conceptual Site Plan for revisions to an existing gas station and food and beverage store and amending the Table of Uses of the 1998 Approved Transit District Development Plan for the Prince Geoge's Plaza Transit District Overlay Zone, to permit a proposed car wash.

**Council District:** 2

**Appeal by Date:** 1/27/2014

**Action by Date:** 4/25/2014

**Comment(s):** District Council review of this case is required by Section 27-548.09.01(b) of the Zoning Ordinance.

**Municipality:** Hyattsville

**History:**

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

**A motion was made by Vice Chair Campos, seconded by Council Member Davis, that this Conceptual Site Plan be approved with conditions. The motion carried by the following vote:**

**Aye:** 7 - Franklin, Campos, Davis, Lehman, Olson, Patterson and Toles  
**Absent:** Harrison and Turner

*Backup: Order of Approval, with Conditions.*

**REFERRED FOR DOCUMENT (Continued)**

DSP-12062

**Hyattsville Zip-In**

**Companion Case(s):** CSP-13003

**Applicant(s):** NSR Properties, LLC

**Location:** Located at the southwest quadrant of the intersection of East-West Highway (MD 410) and Belcrest Road.

**Request:** Requesting approval of a Detailed Site Plan for revisions to an existing gas station and food and beverage store and amending the Table of Uses of the 1998 Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone, to permit a proposed car wash.

**Council District:** 2

**Appeal by Date:** 1/27/2014

**Action by Date:** 4/25/2014

**Comment(s):** District Council review of this case is required by Section 27-548.09.01(b) of the Zoning Ordinance.

**Municipality:** City of Hyattsville

**History:**

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

**A motion was made by Vice Chair Campos, 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 Toles

**Absent:** Harrison and Turner

*Backup: Order of Approval, with Conditions.*

REFERRED FOR DOCUMENT (Continued)

DSP-99044-07

Prince George's Plaza, Parcel A-1 Chick-fil-A

- Applicant(s):** Chick-fil-A
- Location:** Located at the northeastern quadrant of the intersection of East-West Highway (MD 410) and Belcrest Road.
- Request:** Requesting approval of a Detailed Site Plan amending the Table of Uses of the 1998 Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone to permit a freestanding eating and drinking establishment with drive-through.
- Council District:** 2
- Appeal by Date:** 12/25/2013
- Action by Date:** 6/13/2014
- Comment(s):** District Council Review of this case is required by Section 27-548.09.01(b) of the Zoning Ordinance.
- Municipality:** City of Hyattsville
- History:**

*Council adopted the prepared Order of Remand to the Planning Board (Vote: 7-0; Absent: Council Members Harrison and Turner).*

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

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

**Absent:** Harrison and Turner

*Backup: Order of Remand to the Planning Board.*

**ITEM(S) FOR DISCUSSION**

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 deferred this item to May 5, 2014*

**This Special Exception was deferred to May 5, 2014.**

DRAFT



**PENDING FINALITY**

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

**PLANNING BOARD****DSP-13012****Conifer Village at Oakcrest****Applicant(s):** Conifer Realty LLC**Location:** Located at the northwestern quadrant of the intersection of Brooks Drive and Ridley Street (4.343 Acres; R-10 Zone).**Request:** Requesting approval of a Detailed Site Plan for construction of 120 senior, age-restricted units of multifamily housing in a single building.**Council District:** 7**Appeal by Date:** 5/1/2014**Review by Date:** 5/1/2014**Action by Date:** 9/1/2014**History:**

*Council elected to review this item (Vote 6-0; Absent: Council Members Davis, Harrison and Toles).*

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

**Aye:** 6 - Franklin, Campos, Lehman, Olson, Patterson and Toles

**Absent:** Davis, Harrison and Turner

**1:54 P.M. RECESS**

*The meeting went into recess at 1:54 p.m.*

**7:10 P.M. RECONVENE**

*The Meeting Reconvened at 7:10 p.m.*

**7:10 PM PUBLIC HEARING - (COUNCIL HEARING ROOM)**

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
PROPOSED FISCAL YEAR 2014-2015 OPERATING AND CAPITAL BUDGETS  
AND THE M-NCPPC CAPITAL IMPROVEMENT PROGRAM  
FOR FISCAL YEARS 2015-2020

(SEE SEPARATE AGENDA)

**The Public Hearing was held.**

**7:21 P.M. ADJOURN**

*The meeting was adjourned at 7:21 p.m.*

Prepared by:

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

Submitted by:

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Redis C. Floyd, Clerk of the Council