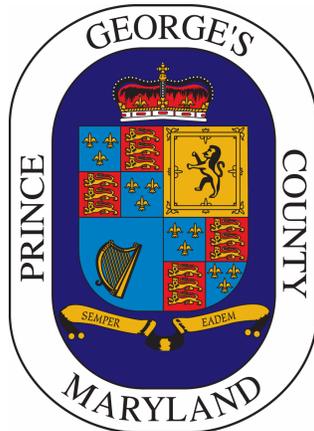


# Prince George's County Council

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



## **Zoning Minutes - Final**

**Monday, September 22, 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. 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**

**10:23 AM CALL TO ORDER**

*The meeting was called to order at 10:23 a.m. with nine members present at roll call.*

**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  
Ruth Grove, Development Review Division  
Jimi Jones, Supervisor, Development Review Division*

**INVOCATION - Edwin H. Brown, County Employee**

*Council Member Harrison requested prayer for Robert Williams, Jr., Council Administrator, as he recovers from a recent injury to his arm, elbow and fingers.*

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 07232014](#)

**District Council Minutes dated July 23, 2014**

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

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

[MINDC 09082014](#)**District Council Minutes dated September 8, 2014**

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

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

**Absent:** Toles

**ORAL ARGUMENT**[DSP-04076-04](#)**EYA Hyattsville Redevelopment, Phase I**

**Applicant(s):** L H West Associates Ltd.

**Location:** Located on the west side of Baltimore Avenue (US1), South of its intersection with Madison Street (6.77 Acres; M-U-I / D-D-O Zones).

**Request:** Requesting approval for a Detailed Site Plan for the following amendments to the previously approved plans: convert three live/work units to residential units with resulting architectural changes; revise the layout of the tot lot; add 156 square feet of land to the application; revise the Lot 129/130 courtyard, building footprint, lot line and trash enclosure; add a privacy fence to Lot 127; and revise sheets and tables.

**Council District:** 2

**Appeal by Date:** 7/24/2014

**Action by Date:** 1/22/2015

**Municipality:** City of Hyattsville

**History:**

*M-NCPPC Planning Staff, Ruth Grover, provided an overview of the Detailed Site Plan application. Faith Davis spoke in opposition. Larry Taub, 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 CASESERR-235Tang PropertiesValidation of Multi-Family Rental License No. M-0135

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

**Location:** Located at 905 Fairview Avenue, Takoma Park, Maryland (0.159 Acres; R-18 Zone).

**Request:** Requesting approval for validation of Prince Georges County Multi-Family Rental License No. M-0135 issued in error on February 1, 2013 for 6 apartment units located in the R-18 Zone.

**Council District:** 2

**Appeal by Date:** 8/25/2014

**Action by Date:** 2/23/2015

**Municipality:** None

**Opposition:** None

**History:**

*Council referred item to staff for preparation of an approving document in accordance with the Zoning Hearing Examiner's Decision (Vote: 7-0; Absent: Council Members Lehman and Toles).*

**A motion was made by Vice Chair Campos, 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, Harrison, Olson, Patterson and Turner

**Absent:** Lehman and Toles

*Council adopted the prepared Order of approval (Vote: 7-0; Absent: Council Members Lehman and Toles).*

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

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

**Absent:** Lehman and Toles

*Backup: Zoning Ordinance in accordance with the Zoning Hearing Examiner, subject to final action by the District Council.*

**NEW CASES (Continued)**[ERR-236](#)**Crest Apartments****Validation of Multi Family Rental License No. M-0032**

- Applicant(s):** Crest Apartments
- Location:** Located at 5225, 5227, 5229 and 5231 Marlboro Pike, Capitol Heights, Maryland (1.97 Zcres, R-18 Zone).
- Request:** Requesting approval for validation of Prince Georges County Multi-Family Rental License No. M-0032 issued in error on December 27, 2013 for 44 apartment units located in the R-18 Zone.
- Council District:** 7
- Appeal by Date:** 8/29/2014
- Action by Date:** 2/27/2015
- Municipality:** None
- Opposition:** None
- History:**

*Council adopted the prepared Order of approval in accordance with the Zoning Hearing Examiner (Vote: 9-0).*

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

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

*Backup: Zoning Ordinance in accordance with the Zoning Hearing Examiner, subject to final action by the District Council.*

**REFERRED FOR DOCUMENT**[CNU-34763-2011](#)**Eberwein Group, LLC t/a Merlin Auto Club**

- Applicant(s):** Eberwein Group, LLC t/a Merlin Auto Club
- Location:** Located at 5603 Marlboro Pike, District Heights, Maryland (0.987 Acres; R-18 Zone).
- Request:** Requesting approval of a Nonconforming Use Certification for an existing used car dealership in the R-18 Zone.
- Council District:** 7
- Appeal by Date:** 7/30/2014
- Action by Date:** 9/29/2014
- Municipality:** City of District Heights
- Opposition:** None
- History:**

*Council adopted the prepared Order of approval, with conditions in accordance with the Zoning Hearing Examiner's decision (Vote: 9-0).*

**A motion was made by Council Member Toles, seconded by Council Member Harrison, that this Certified Nonconforming Use be approved with conditions. The motion carried by the following vote:**

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

*Backup: Order in accordance with the Zoning Hearing Examiner, subject to final action by the District Council.*

**ITEMS FOR DISCUSSION****DSP-89063-07****Duvall Village Shopping Center, Wal-Mart**

**Applicant(s):** Wal-Mart Real Estate Business Trust

**Location:** Located on 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.

**Council District:** 5

**Appeal by Date:** 5/1/2014

**Review by Date:** 5/1/2014

**Action by Date:** 9/29/2014

**History:**

*Council referred item to staff for the preparation of an Order of Remand (Vote: 9-0).*

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

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

**SE-4720****Maages Auditorium d/b/a Sinsaysonals**

**Applicant(s):** Maages Auditorium

**Location:** Located south of Lanham Severn Road (MD 564), approximately 350 feet west of 98th Avenue (0.74 Acres; C-M Zone).

**Request:** Requesting approval of a Special Exception for adult entertainment in the C-M Zone.

**Council District:** 3

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

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

**Action by Date:** 9/23/2014

**Municipality:** None

**Opposition:** Woodstream Village HOA, et.al.

**History:**

*Council referred item to staff for the preparation of an Order of Denial (Vote: 9-0).*

**A motion was made by Council Member Olson, seconded by Vice Chair Campos, that this Special Exception be referred for document. The motion carried by the following vote:**

**Aye:** 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, 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.*

**(a) ZONING HEARING EXAMINER**

*In the event the District Council elects to make the final decision in this case, the Council should consider whether it wants an oral argument pursuant to CB-61-1997.*

[SE-4646](#)**Anthony George Project**

- Applicant(s):** Rock Hill Sand and Gravel Corporation/Gudelsky Corporation t/a Anthony George Project
- Location:** Located on the north side of Evergreen Way, north of its intersection with Brandywine Road (MD 381) and approximately 3,478 feet south of the intersection of Brandywine Road and Gibbons Church Road (23.03 Acres; O-S Zone).
- Request:** Requesting approval of a Special Exception for permission to use approximately 23.03 acres of land, zoned O-S (Open space), for the purpose of Surface Mining of Sand and Gravel.
- Council District:** 9
- Appeal by Date:** 10/16/2014
- Review by Date:** 10/16/2014
- Opposition:** None
- History:**

*Council took no action on this item.*

**Council did not elect to make the final decision on this Special Exception.**

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**PENDING FINALITY (Continued)****(b) PLANNING BOARD****CNU-24399-13****El Puente De Oro Restaurant**

- Applicant(s):** El Puente De Oro Restaurant
- Location:** Located on the south side of University Boulevard (MD 193), approximately 1,050 feet east of the intersection of New Hampshire Avenue, and west of Riggs Road (4.82 Acres; C-S-C Zone).
- Request:** Requesting approval of a Certification of a Nonconforming Use for a restaurant with live entertainment (not adult oriented), music, and dancing beyond 12:00 a.m.
- Council District:** 2
- Appeal by Date:** 10/9/2014
- Review by Date:** 10/9/2014
- History:**

*Council took no action on this item.*

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

**CNU-33101-13****Colonial Village Apartments**

- Applicant(s):** Colonial Village Apartments Limited Partnership
- Location:** Located on both sides of Marcy Avenue and east of its intersection with Deal Drive (13.83 Acres; R-18 Zone).
- Request:** Requesting approval of a Certification of a Nonconforming Use for a 330-unit apartment building that was constructed in 1961/1962.
- Council District:** 8
- Appeal by Date:** 10/9/2014
- Review by Date:** 10/9/2014
- History:**

*Council took no action on this item.*

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

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**PENDING FINALITY (Continued)**[CNU-4668-14](#)**Parkview Garden Apartments**

**Applicant(s):** Parkview Gardens Associates

**Location:** Located on 64th Avenue, north of East-West Highway (MD 410), in Riverdale, Maryland (27.74 Acres; R-18 Zone).

**Request:** Requesting Certification of a Nonconforming Use for an existing, 592-unit, multifamily apartment complex that was built between 1960 and 1963.

**Council District:** 3

**Appeal by Date:** 10/9/2014

**Review by Date:** 10/9/2014

**History:**

*Council took no action on this item.*

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

[CSP-12002](#)**Mattawoman-Brandywine Commerce Center North**

**Companion Case(s):** DSP-12033

**Applicant(s):** Mattawoman Development, LLC.

**Location:** Located southwest of the intersection of Timothy Road and Brandywine Heights Road and west of a Consolidated Road Corporation railroad in Brandywine, Maryland.

**Request:** Requesting approval of a Conceptual Site Plan for a solar powered electric generating facility.

**Council District:** 9

**Appeal by Date:** 10/9/2014

**Review by Date:** 10/9/2014

**History:**

*Council took no action on this item.*

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

**PENDING FINALITY (Continued)**[DSP-12033](#)**Mattawoman-Brandywine Commerce Center North****Companion Case(s):** CSP-12002**Applicant(s):** Mattawoman Development, LLC.**Location:** Located southwest of the intersection of Timothy Road and Brandywine Heights Road and west of a Consolidated Road Corporation railroad in Brandywine, Maryland.**Request:** Requesting approval of a Detailed Site Plan for a solar powered electric generating facility.**Council District:** 9**Appeal by Date:** 10/9/2014**Review by Date:** 10/9/2014**History:***Council took no action on this item.***This Detailed Site Plan was not elected to review by Council.**[DDS-625](#)**Parcel 33 Consolidated Storage****Companion Case(s):** DPLS-402; DSP-13039**Applicant(s):** Tyvec Limited Partnership**Location:** Located southeast quadrant of the intersection of Frolich Lane and Kenilworth Avenue (MD 201) (1.5 Acres; I-2 Zone).**Request:** Requesting approval of a Departure from Design Standards for five and three feet from the 15-foot required height of the two accesses to the loading spaces.**Council District:** 5**Appeal by Date:** 9/4/2014**Review by Date:** 9/30/2014**History:***Council took no action on this item.***This Departure from Design Standards was not elected to review by Council.**

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**PENDING FINALITY (Continued)**[DPLS-402](#)**Parcel 33 Consolidated Storage**

**Companion Case(s):** DDS-625; DSP-13039

**Applicant(s):** Tyvec Limited Partnership

**Location:** Located southeast quadrant of the intersection of Frolich Lane and Kenilworth Avenue (MD 201) (1.2 Acres; I-2 Zone).

**Request:** Requesting approval of a Departure from Parking and Loading Standards for reduction in the number of required loading spaces from four to two.

**Council District:** 5

**Appeal by Date:** 9/4/2014

**Review by Date:** 9/30/2014

**History:**

*Council took no action on this item.*

**This Departure from Parking and Loading Standards was not elected to review by Council.**

[DSP-13039](#)**Parcel 33 Consolidated Storage**

**Companion Case(s):** DDS-625; DPLS-402

**Applicant(s):** Tyvec Limited Partnership

**Location:** Located southeast quadrant of the intersection of Frolich Lane and Kenilworth Avenue (MD 201) (1.5 Acres; I-2 Zone).

**Request:** Requesting approval of a 83,990-square-foot consolidated storage facility and a resident manager's apartment.

**Council District:** 5

**Appeal by Date:** 9/4/2014

**Review by Date:** 9/30/2014

**History:**

*Council took no action on this item.*

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

**PENDING FINALITY (Continued)****DPLS-406****Edge Medical**

**Applicant(s):** George C. E. and Edith Osuala

**Location:** Located on the east side of Kenilworth Avenue (MD 201) approximately 2,940 feet south of East-West Highway (MD410) (0.214 Acres; C-S-C Zone).

**Request:** Requesting approval of a Departure from Parking and Loading Standards of four parking spaces from the required fourteen parking spaces in the Zoning Ordinance.

**Council District:** 3

**Appeal by Date:** 10/9/2014

**Review by Date:** 10/9/2014

**Municipality:** Town of Riverdale Park

**History:**

*Council took no action on this item.*

**This Departure from Parking and Loading Standards was not elected to review by Council.**

**DSP-13038****Red Dirt Studio**

**Applicant(s):** Margaret Boozer

**Location:** Located at 4051 34th Street in Mount Rainier, Maryland on the east side of 34th Street, approximately 1,200 feet north of its intersection with Rhode Island Avenue (0.30 Acres; R-55 / D-D-O Zones).

**Request:** Requesting approval of a Detailed Site Plan for the conversion of a 9,671-square-foot existing building in to a craftsman design and production shop use.

**Council District:** 2

**Appeal by Date:** 10/16/2014

**Review by Date:** 10/16/2014

**Municipality:** City of Mount Rainier

**History:**

*Council took no action on this item.*

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

**PENDING FINALITY (Continued)**

[DSP-13040](#)

**Brentwood**

**Applicant(s):** Landex Companies

**Location:** Located on the east side of Rhode Island Avenue (US 1) between 38th and 39th Streets (1.63 Acres; D-D-O / M-U-TC Zones).

**Request:** Requesting approval of a Detailed Site Plan for a mixed-use building with 147 residential units, 6,350 square feet of retail space, and 2,768 square feet of artist studio space.

**Council District:** 2

**Appeal by Date:** 10/16/2014

**Review by Date:** 10/16/2014

**Municipality:** Town of Brentwood

**History:**

*Council took no action on this item.*

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

**11:05 AM ADJOURN**

*The meeting was adjourned at 11:05 a.m.*

Prepared by:

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Leonard Moses, Zoning Assistant

Submitted by:

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Redis C. Floyd, Clerk of the Council