

# Prince George's County Council

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



## **Zoning Minutes - Final**

**Monday, June 30, 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**

**10:42 AM CALL TO ORDER**

*The meeting was called to order at 10:42 a.m. with eight members present at roll call.*

**Present:**           8 -     Chairman Mel Franklin  
                                      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

**Absent:**                 Vice Chair Will Campos

*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  
Ruth Grover, Development Review Division*

**INVOCATION - Pastor Sullivan McGraw**  
**New Life Worship Center, Capitol Heights, Maryland**

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 05052014](#)           **District Council Minutes dated May 5, 2014**

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

**Aye:**                   6 -     Franklin, Davis, Harrison, Lehman, Olson and Toles

**Absent:**               Campos, Patterson and Turner

[MINDC 05122014](#)**District Council Minutes dated May 12, 2014**

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

**Aye:** 6 - Franklin, Davis, Harrison, Lehman, Olson and Toles

**Absent:** Campos, Patterson and Turner

[MINDC 05132014](#)**District Council Minutes dated May 13, 2014**

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

**Aye:** 6 - Franklin, Davis, Harrison, Lehman, Olson and Toles

**Absent:** Campos, Patterson and Turner

**ORAL ARGUMENT**[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:**

*Ruth Grover, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application and Glenn Burton, M-NCPPC Transportation staff, responded to questions. G. Macy Nelson, Esq., Attorney for the opposition, along with Jennifer Dwyer and Margaret Boles, spoke in opposition. Andre Gingles, Esq., Attorney for the applicant, along with Denise Tyler and Margaret Douglas, spoke in support. 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-233](#)**Capital Crossing Apartments, LLC****Validation of Multi-Family Rental Permit No. 7034/(M-384)**

**Applicant(s):** Capital Crossing Apartments, LLC

**Location:** Located at 3801, 3803, 3901, 3903, 3905, 3907, 3911, 3913, 3920, 3922, 3924, 3926, 3928, 3930, 3932, 3934, 3936, 3938, 3940, 3942, 3946, 3944, 3948, 3950 Southern Avenue and Suitland Road in Suitland, Maryland (134.67 Acres; R-10 Zone).

**Request:** Requesting approval for validation of Prince George's County Use and Occupancy Permit No. 7034 (M-384) issued in error on April 30, 1996, to operate a 31-unit multifamily apartment complex.

**Council District:** 7

**Appeal by Date:** 6/16/2014

**Review by Date:** 6/16/2014

**Action by Date:** 10/14/2014

**Municipality:** None

**Opposition:** None

**History:**

*Council deferred this item to the end of the agenda.*

**This Permit issued in error was deferred to the latter part of the agenda.**

*Backup: Zoning Ordinance in accordance with the Zoning Hearing Examiner's Decision.*

**REFERRED FOR DOCUMENT**[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:**

*Council adopted the prepared order of approval (Vote: 8-0; Absent: Council Member Campos).*

**This Certified Nonconforming Use was approval.**

*Backup: Order of Approval in accordance with the Planning Board's Decision.*

**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****SE-4741****Jim McKay Auto Mart**

- Applicant(s):** 4815 St. Barnabas Road, LLC.
- Location:** Located in the northwest quadrant of the intersection of St. Barnabas Road (MD 414) and Raleigh Road, also identified as 4815 St. Barnabas Road, Temple Hills, Maryland (0.6 Acres; C-S-C Zone).
- Request:** Requesting approval of a Special Exception for permission to use 0.6 acre of land in the C-S-C Zone for a Vehicle Sales Lot.
- Council District:** 8
- Appeal by Date:** 7/17/2014
- Review by Date:** 7/17/2014
- Opposition:** None
- History:**

*Council took no action.*

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

*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.*

**PENDING FINALITY (Continued)**

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

**(b) PLANNING BOARD**[CNU-42913-13](#)**Lexington Apartments**

- Applicant(s):** Lexington Apartments, LLC
- Location:** The subject property is identified as Lot 1, Block 2 in the New Hampshire Estates Subdivision located in the northwestern quadrants of the intersections of Merrimac Drive and Tahona Drive (1.9 Acres; R-18 Zone).
- Request:** Requesting approval of a Nonconforming use Certification for an existing 56-unit, multifamily apartment building in the R-18 Zone.
- Council District:** 2
- Appeal by Date:** 7/17/2014
- Review by Date:** 7/17/2014
- History:**

*Council took no action on this item.*

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



**PENDING FINALITY (Continued)**

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

[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 to develop the subject property with a mixed-use development, including 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

**History:**

*Council deferred this item.*

**This Conceptual Site Plan was deferred.**

**PENDING FINALITY (Continued)**

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

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

- Applicant(s):** Gregory Shron
- 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
- Review by Date:** 7/24/2014
- Municipality:** City of Hyattsville
- History:**

*Council took no action on this item.*

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

**PENDING FINALITY (Continued)**

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

[DSP-13048](#)**Potomac Business Park, Super Walmart**

- Applicant(s):** Oxon Hill Associates, LLC
- Location:** Located on the southeast corner of the intersection of Oxon Hill Road (MD 414) and Clipper Way (15.44 Acres; I-3 Zone).
- Request:** Requesting approval of a Detailed Site Plan for 100,310-square-foot department or variety store combined with a food and beverage store.
- Council District:** 8
- Appeal by Date:** 7/10/2014
- Review by Date:** 7/10/2014
- History:**

*Council elected to review this item (Vote: 8-0; Absent: Council Member Campos).*

**This Detailed Site Plan was elected to review.**

**RECESS**

*The meeting was recessed at 12:24 p.m.*

**RECONVENE**

**NEW CASE(S)**[ERR-233](#)**Capital Crossing Apartments, LLC****Validation of Multi-Family Rental Permit No. 7034/(M-384)**

**Applicant(s):** Capital Crossing Apartments, LLC

**Location:** Located at 3801, 3803, 3901, 3903, 3905, 3907, 3911, 3913, 3920, 3922, 3924, 3926, 3928, 3930, 3932, 3934, 3936, 3938, 3940, 3942, 3946, 3944, 3948, 3950 Southern Avenue and Suitland Road in Suitland, Maryland (134.67 Acres; R-10 Zone).

**Request:** Requesting approval for validation of Prince George's County Use and Occupancy Permit No. 7034 (M-384) issued in error on April 30, 1996, to operate a 31-unit multifamily apartment complex.

**Council District:** 7

**Appeal by Date:** 6/16/2014

**Review by Date:** 6/16/2014

**Action by Date:** 10/14/2014

**Municipality:** None

**Opposition:** None

**History:**

*Council deferred this item to July 14, 2014.*

**This Permit issued in error was deferred to July 14, 2014.**

**PENDING FINALITY (Continued)**

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

[SE-4741](#)**Jim McKay Auto Mart**

- Applicant(s):** 4815 St. Barnabas Road, LLC.
- Location:** Located in the northwest quadrant of the intersection of St. Barnabas Road (MD 414) and Raleigh Road, also identified as 4815 St. Barnabas Road, Temple Hills, Maryland (0.6 Acres; C-S-C Zone).
- Request:** Requesting approval of a Special Exception for permission to use 0.6 acre of land in the C-S-C Zone for a Vehicle Sales Lot.
- Council District:** 8
- Appeal by Date:** 7/17/2014
- Review by Date:** 7/17/2014
- Opposition:** None
- History:**

*Upon additional consideration, Council revisited this item and elected to make the final decision (Vote: 8-0: Council Member Campos).*

**Upon additional consideration, Council elected to make the final decision on this Special Exception.**

**12:33 PM ADJOURN**

*The meeting was adjourned at 12:33 p.m.*

**EXECUTIVE SESSION**

[EX 06302014](#)

To consult with counsel to obtain legal advice and to consult with staff, consultants, or other individuals about pending or potential litigation in accordance with Section 10-508(a)(7, 8), State Government, Annotated Code of Maryland and to discuss public security and the development/implementation of emergency plans in accordance with Maryland Annotated Code, State Government, Section 10-508 (a) (10).

**A motion was made by Council Member Davis, seconded by Council Member Patterson, to convene in Executive Session. The motion carried by the following vote:**

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

**COUNTY COUNCIL SESSION**

*(SEE SEPARATE AGENDA)*

**1:47 PM CALL TO ORDER**

Prepared by:

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Leonard Moses, Zoning Assistant

Submitted by:

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Redis C. Floyd, Clerk of the Council