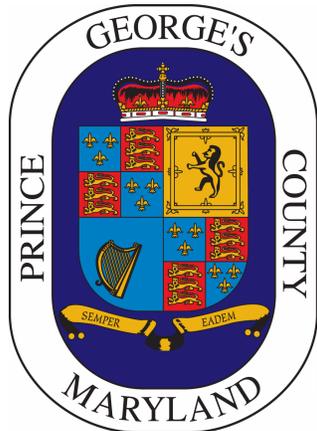


# Prince George's County Council

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



## **Zoning Minutes - Draft**

**Monday, March 24, 2014**

**9:15 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

**9:00 A.M. AGENDA BRIEFING**

**9:41 A.M. CALL TO ORDER**

*The meeting was called to order at 9:41 a.m. with eight members present at roll call. Vice-Chair Campos arrived at 10:11 a.m.*

**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  
Henry Zhang, Development Review Division  
Jill Kosack, Development Review Division*



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

**ORAL ARGUMENTS****DSP-12059                      Riverdale Road McDonalds**

**Companion Case(s):** DPLS-396

**Applicant(s):** McDonalds USA LLC

**Location:** Located on the northeast quadrant of the intersection of Kenilworth Avenue (MD 201) and Riverdale Road (1.11 Acres; C-S-C Zone).

**Request:** Requesting approval of a Detailed Site Plan for a 4,387-square-foot, one-story, freestanding McDonalds eating and drinking establishment with drive-through service on an existing McDonalds site in the Commercial Shopping Center (C-S-C) Zone. The DSP proposes to demolish the existing McDonalds restaurant building and replace it with a new prototype building.

**Council District:** 3

**Appeal by Date:** 1/9/2014

**Review by Date:** 1/30/2014

**Action by Date:** 5/23/2014

**Municipality:** Town of Riverdale Park

**History:**

*Chairman Franklin indicated that the Oral Argument hearings for DSP-12059 Riverdale Road McDonalds and DPLS-396 Riverdale Road McDonalds would be held in tandem. Henry Zhang, M-NCPPC planning staff, provided an overview of the Detailed Site Plan and Departure from Parking and Loading Standards applications. Edward Gibbs, Esq., spoke in support on behalf of the applicant. Sara Imhulse, spoke in support on behalf of the Town of Riverdale Park. 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 taken under advisement.**

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**ORAL ARGUMENTS (Continued)****DPLS-396                      Riverdale Road McDonalds**

**Companion Case(s):** DSP-12059

**Applicant(s):** McDonalds USA LLC

**Location:** Located on the northeast quadrant of the intersection of Kenilworth Avenue (MD 201) and Riverdale Road (1.11 Acres; C-S-C Zone).

**Request:** Requesting approval of a Departure from Parking and Loading Standards (Sections 27-568 and 27-582) to reduce the required number of parking spaces from 52 to 46 and to not provide the required one loading space due to the site's small size.

**Council District:** 3

**Appeal by Date:** 1/9/2014

**Review by Date:** 1/30/2014

**Action by Date:** 5/23/2014

**Municipality:** Town of Riverdale Park

**History:**

*Chairman Franklin indicated that the Oral Argument hearings for DSP-12059 Riverdale Road McDonalds and DPLS-396 Riverdale Road McDonalds would be held in tandem. Henry Zhang, M-NCPPC planning staff, provided an overview of the Detailed Site Plan and Departure from Parking and Loading Standards applications. Edward Gibbs, Esq., spoke in support on behalf of the applicant. Sara Imhulse, spoke in support on behalf of the Town of Riverdale Park. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.*

**This Departure from Parking and Loading Standards hearing was held and the case was taken under advisement.**

ORAL ARGUMENTS (Continued)

DSP-12061

Franklin Park at Greenbelt Station

- Applicant(s): Franklin Park at Greenbelt Station
- Location: Located on the northeast quadrant of the intersection of Breezewood Drive and Cherrywood Lane (151.79 Acres; M-U-I / D-D-O Zones).
- Request: Requesting approval of a Detailed Site Plan for the addition of two new freestanding monument signs, two new building-mounted banner signs, and 27 freestanding pole banner signs within an existing multifamily residential development in the M-U-I and D-D-O Zones.
- Council District: 4
- Appeal by Date: 1/9/2014
- Review by Date: 1/30/2014
- Action by Date: 5/23/2014
- Municipality: City of Greenbelt
- History:

*Jill Kosack, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Lawrence 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.*

*Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0).*

**A motion was made by Council Member Turner, seconded by Vice Chair Campos, 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

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**ORAL ARGUMENTS (Continued)****DSP-13017**                      **1800 Prosperity Way**

**Applicant(s):** James F. Schneider  
**Location:** Located in the southeast quadrant of the intersection of Prosperity Way and Prosperity Court (0.72 Acres; I-1 Zone).  
**Request:** Requesting approval of a Detailed Site Plan for a contractor's storage yard.  
**Council District:** 7  
**Appeal by Date:** 1/9/2014  
**Review by Date:** 1/30/2014  
**Action by Date:** 5/23/2014  
**Municipality:** Capitol Heights  
**History:**

*Jill Kosack, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. James Schneider, applicant, 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.**

**DSP-13020**                      **Walker Mill Business Park, Lot 8**

**Applicant(s):** Wasim and Naira Butt  
**Location:** Located on the north side of Prosperity Court, approximately 150 feet east of its intersection with Prosperity Way (1.58 Acres; I-1 Zone).  
**Request:** Requesting approval of a Detailed Site Plan for a proposed vehicle towing company and automobile storage yard.  
**Council District:** 7  
**Appeal by Date:** 1/9/2014  
**Review by Date:** 1/30/2014  
**Action by Date:** 5/23/2014  
**Municipality:** Capitol Heights  
**History:**

*Jill Kosack, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Wasim Butt, applicant, and the project Engineer, Rafik Bazikian, 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.**

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**REFERRED FOR DOCUMENT**

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:**

*Council adopted the prepared Order of approval, with conditions (Vote: 9-0).*

**A motion was made by Council Member Olson, seconded by Council Member Harrison, that this Detailed Site Plan be approved with conditions. The motion carried by the following vote:**

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

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**ITEM(S) FOR DISCUSSION**

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 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:** Hyattsville**History:**

*Council referred item to staff for preparation of an approving document, with conditions (Vote: 8-0; Absent: Council Member Olson).*

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

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

**Absent:** Olson

ITEM(S) FOR DISCUSSION (Continued)

DSP-12062

Hyattsville Zip-InCompanion Case(s): CSP-13003Applicant(s): NSR Properties, LLCLocation: 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: 2Appeal by Date: 1/27/2014Action by Date: 4/25/2014Comment(s): District Council review of this case is required by Section 27-548.09.01(b) of the Zoning Ordinance.Municipality: City of HyattsvilleHistory:

*Council referred item to staff for preparation of an approving document, with conditions (Vote: 8-0; Absent: Council Member Olson).*

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

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

**Absent:** Olson

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**ITEM(S) FOR DISCUSSION (Continued)**

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:**

*Rajesh Kumar, Principal Counsel to the District Council, announced that the parties of the case have agreed to extend the District Council's decision period until April 21, 2014. Council deferred this case to April 21, 2014.*

**This Special Exception was deferred to April 21, 2014.**

**11:29 A.M. RECESS**

*Meeting went into Recess at 11:29 a.m.*

**3:41 P.M. RECONVENE**

*The Meeting reconved at 3:45 a.m.*

**MANDATORY REVIEW (Using Oral Argument Procedures)****SDP-0315-04****Beech Tree, East Village Sections 4 & 5**

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

**Location:** Located on the southwest quadrant of the intersection of Robert S. Crain Highway (US 301) and Leeland Road (22.90 Acres; R-S Zone).

**Request:** Requesting approval of a Specific Design Plan to add 11.90 acres, 107 single-family attached lots to the existing 39 lots, and single-family attached architecture and a variance from the requirement of Section 27-515(b), Footnote 29.

**Council District:** 6

**Appeal by Date:** 2/13/2014

**Action by Date:** 4/23/2014

**Comment(s):** District Council review of this case is required by A-9763-C.

**History:**

*Chairman Franklin indicated that the Oral Argument hearings for SDP-0315-04 Beech Tree, East Village Sections 4 & 5 and SDP-0902-01 Beech Tree, East Village, Sections 11 and 13 would be held in tandem. Jill Kosack, M-NCPPC planning staff, provided an overview of the Specific Design Plan application. James Schneider, applicant, 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 Specific Design Plan hearing was held.**

*Council referred item to staff for preparation of an approving order, with conditoins (Vote: 7-0; Absent: Council Members Lehman and Olson).*

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

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

**Absent:** Lehman and Olson

MANDATORY REVIEW (Using Oral Argument Procedures) (Continued)**SDP-0902-01                      Beech Tree, East Village, Sections 11 and 13**

- Applicant(s):**            VOB Limited Partnership
- Location:**                Located on the southwest quadrant of the intersection of Robert S. Crain Highway (US 301) and Leeland Road.
- Request:**                 Requesting approval of a Specific Design Plan to revise Section 13 from 49 single-family detached lots to 112 single-family attached lots and add single-family attached architecture and a variance from the requirement of Section 27-515(b), Footnote 29.
- Council District:**        6
- Appeal by Date:**        2/13/2014
- Action by Date:**        4/23/2014
- Comment(s):**            District Council review of this case is required by A-9763-C
- History:**

*Chairman Franklin indicated that the Oral Argument hearings for SDP-0315-04 Beech Tree, East Village Sections 4 & 5 and SDP-0902-01 Beech Tree, East Village, Sections 11 and 13 would be held in tandem. Jill Kosack, M-NCPPC planning staff, provided an overview of the Specific Design Plan application. James Schneider, applicant, 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 Specific Design Plan hearing was held.**

*Council referred item to staff for preparation of an approving order, with conditions (Vote: 7-0; Absent: Council Members Lehman and Olson).*

**A motion was made by Council Member Davis, seconded by Vice Chair Campos, that this Specific Design Plan be referred for document. The motion carried by the following vote:**

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

**Absent:**                    Lehman and Olson

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**REFERRED FOR DOCUMENT**

DSP-04082-04

**Brighton Place****Applicant(s):** Beazer Homes**Location:** Located on the east side of Rollins Avenue, approximately 1,500 feet south of its intersection with Old Central Avenue (MD 332) (29 Acres; R-55 & R-T (D-D-O) Zones)**Request:** Requesting approval of a Detailed Site Plan adding elevations TRI, TRJ, TRK and TRP of the Chandler townhouse model**Council District:** 7**Appeal by Date:** 11/6/2013**Review by Date:** 11/6/2013**Action by Date:** 4/11/2014**History:**

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

**A motion was made by Council Member Toles, seconded by Council Member Davis, that this Detailed Site Plan be approval with conditions. The motion carried by the following vote:**

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

**Absent:** Lehman and Olson

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**REFERRED FOR DOCUMENT (Continued)**

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:**

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

**A motion was made by Chairman Franklin, seconded by Council Member Davis, that this Detailed Site Plan be approval with conditions. The motion carried by the following vote:**

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

**Absent:** Lehman and Olson

**4:16 P.M. ADJOURN**

*The meeting was adjourned at 4:16 p.m.*

Prepared by:

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

Submitted by:

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

DRAFT