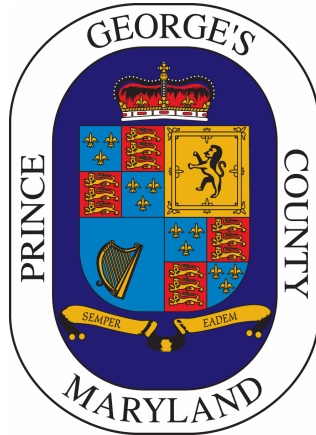


# Prince George's County Council

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



## **Zoning Minutes - Draft**

**Monday, February 23, 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)**

**10:34 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 10:34 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  
Meika Fields, Development Review Division  
Jill Kosack, Development Review Division  
Steve Adams, Supervisor, Development Review Division  
Jimi Jones, Supervisor, Development Review Division*

*DPIE  
Tony Best*

**INVOCATION - Rodney C. Taylor, County Employee**

*The Invocation was provide by Rodney C. Taylor, County Employee.*

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF DISTRICT COUNCIL MINUTES**[MINDC 02092015](#)

District Council Minutes dated February 9, 2015

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

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

**ORAL ARGUMENTS**[CSP-06002-01](#)**Melford**

**Applicant(s):** St. John Properties, Inc.

**Location:** Located northeast quadrant of the intersection of Robert S. Crain Highway (MD 3) and John Hanson Highway (US 50/301) (260.63 Acres; M-X-T Zone).

**Request:** Requesting approval of a Conceptual Site Plan to add: 2,500 residential units, including 500 townhouses, 1,000 age-restricted multifamily dwelling units, and 1,000 multifamily dwelling units; 268,500 square feet of retail uses; and 260,000 square feet of office space to a conceptual site plan with 1,547,874 square feet of approved office/research and development uses to create an integrated mixed-use development.

**Council District:** 4

**Appeal by Date:** 1/8/2015

**Review by Date:** 1/30/2015

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

**Municipality:** City of Bowie

**History:**

*Prior to the Oral Argument, a preliminary motion by Mr. Fred Tutman was considered. The motion to request that Council Member Turner recuse himself and the rationale was presented. After questioning by the People's Zoning Counsel, Stan Brown, Council Member Turner decided not to recuse himself and the Oral Argument hearing proceeded. Meika Fields and Jill Kosack, M-NCPPC, provided an overview of the Conceptual Site Plan application. Frederick Tutman and Martha Ainsworth spoke in opposition. Robert Antionetti, Esq. spoke in support, on behalf of the applicant. Other speakers in support were Andrew Roud and Joe Meinert on behalf of the City of Bowie. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.*

*Council took this case under advisement.*

**This Conceptual Site Plan hearing was held and the case was taken under advisement.**

**12:48 PM RECESS**

*The meeting went into recess at 12:48 p.m.*

**12:50 PM RECONVENE**

*The meeting reconvened at 12:50 p.m. in order to take an Executive Session Vote.*

**EXECUTIVE SESSION – (1ST FLOOR EXECUTIVE CONFERENCE ROOM)****[EX 02232015](#)**

To consult with counsel to seek legal advice and to discuss pending or potential litigation in accordance with Section 3-305(b)(7, 8), General Provisions, Annotated Code of Maryland.

**History:**

*Topics discussed:*

*(1.) Discussion of pending adult entertainment litigation in Federal Court: Maages, et al. v. Prince George's County.*

*(2.) Discussion of legal strategy related to federal adult entertainment litigation.*

**A motion was made by Council Member Harrison, seconded by Vice Chair Davis, that this Executive Session be convened. The motion carried by the following vote:**

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

**12:51 PM RECESS**

*The meeting went into recess at 12:51 p.m.*

**2:02 PM RECONVENE**

*Vice-Chair Davis reconvened the meeting at 2:02 p.m., indicating that the Chairman was called away on County business.*

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**ORAL ARGUMENTS (Continued)****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:**

*Jill Kosack, M-NCPPC, provided an overview of the Conceptual Site Plan application. Marcia Van Horn, Barbara Sollner-Webb, President, West Laurel Civic Association, Bernadine Karns, President, Calverton Citizens Association, Jacob Ko Klaver, Paul Masterdone, Karen Coakley, President, Beltsville Civic Association, and David Timus, Jr. spoke in opposition. Edward Gibbs, Esq. spoke in support on behalf of the Applicant. Stan Brown, People's Zoning Counsel, answered questions from Council Member Lehman.*

*Council took this case under advisement.*

**This Conceptual Site Plan was held and the case was taken under advisement.**

**3:59 PM RECESS**

*The meeting went into recess at 3:59 p.m.*

**4:12 PM COMMITTEE OF THE WHOLE - (ROOM 2027)**[TA 02232015](#)

PROPOSED AMENDMENTS TO THE ADOPTED COLLEGE  
PARK-RIVERDALE PARK TRANSIT DISTRICT DEVELOPMENT PLAN  
(CR-98-2014)

(DIGEST OF TESTIMONY)

*The Committee of the Whole convened at 4:12 p.m. with six members present (Absent: Council Members Franklin, Lehman and Toles).*

*Chad Williams, M-NCPPC, Project Coordinator, provided a brief overview and indicated that items T-1, T-2 and T-3 were received after the close of the record and would be subject to the Council's discretion to be included in the record.*

*Council Member Glaros moved to include the three letters in the record. The motion was seconded by Council Member Harrison and carried 6-0 (Absent: Council Members Franklin, Lehman and Toles).*

*Mr. Williams provided an overview of the Digest of Testimony and responded to questions posed by the Council.*

*Council Member Glaros moved preparation of an approving document with revisions as outlined. The motion was seconded by Council Member Harrison and carried 6-0 (Absent: Council Members Franklin, Lehman and Toles).*

*The Committee of the Whole concluded at 4:36 p.m.*

**4:38 PM RECONVENE**

*The meeting was reconvened at 4:38 p.m.*

**NEW CASES****[ERR-237](#)****Deemiracle Auto Group****Validation of Use and Occupancy Permit No. 31769-2012-00**

**Applicant(s):** Deemiracle Auto Group, LLC

**Location:** Located at 900 Larchmont Avenue, Capitol Heights, Maryland (.138 Acres; C-M Zones)

**Request:** Requesting approval for validation of Prince Georges County Use and Occupancy Permit 31769-2012-00 issued in error on October 16, 2012, for “Auto & Other Motor Veh Ret, Auto Accessory Install Serv” in the C-M Zone.

**Council District:** 7

**Appeal by Date:** 9/15/2014

**Action by Date:** 3/2/2015

**Municipality:** None

**Opposition:** None

**History:**

*Council referred item to staff for preparation of an approving document, with conditions (Vote: 5-0; Absent: Council Members Franklin, Glaros, Lehman and Patterson).*

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

**Aye:** 5 - Davis, Harrison, Taveras, Toles and Turner

**Absent:** Franklin, Glaros, Lehman and Patterson



NEW CASES (Continued)ERR-241Hampshire View Apartments II, LLCValidation of Multi-Family Rental License No. M-0105

**Applicant(s):** Hampshire View Apartments II, LLC

**Location:** Located at 951-957 East West Highway, Takoma Park (1.003 Acres; R-18 Zone)

**Request:** Requesting approval for validation of Prince George's County Multi-Family Rental License No. M-0105 issued in error on August 19, 2011 for one apartment building containing 31 dwelling units, on approximately 4.98 acres located in the R-18 (Multi-Family Medium Density Residential) Zone.

**Council District:** 2

**Appeal by Date:** 2/6/2015

**Action by Date:** 5/7/2015

**Municipality:** None

**Opposition:** None

**History:**

*Council referred item to staff for preparation of an approving document (Vote: 5-0; Absent: Council Members Franklin, Glaros, Lehman and Patterson).*

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

**Aye:** 5 - Davis, Harrison, Taveras, Toles and Turner

**Absent:** Franklin, Glaros, Lehman and Patterson

*Council adopted the prepared Zoning Ordinance No. 2 - 2015 of approval in accordance with the Zoning Hearing Examiner (Vote: 5-0; Absent: Council Members Franklin, Glaros, Lehman and Patterson).*

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

**Aye:** 5 - Davis, Harrison, Taveras, Toles and Turner

**Absent:** Franklin, Glaros, Lehman and Patterson

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**REFERRED FOR DOCUMENT**[ERR-240](#)**Belford Towers, LLC****Validation of Multi-Family Rental License No. M-0017**

- Applicant(s):** Belford Towers, LLC
- Location:** 6731, 6733 and 6735 New Hampshire Avenue, Takoma Park, Maryland (9.75 Acres; R-10 Zone).
- Request:** Requesting approval for validation of Prince George's County Multi-Family Rental License No. M-0017 issued in error on November 12, 2012 for three apartment units.
- Council District:** 2
- Appeal by Date:** 2/17/2015
- Action by Date:** 5/15/2015
- Municipality:** None
- Opposition:** None
- History:**

*Council adopted the prepared Zoning Ordinance No. 3 - 2015 of approval in accordance with the Zoning Hearing Examiner (Vote: 6-0; Absent: Council Members Franklin, Glaros and Patterson).*

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

**Aye:** 6 - Davis, Harrison, Lehman, Taveras, Toles and Turner

**Absent:** Franklin, Glaros and Patterson

*Backup: Order of Approval, in accordance with the ZHE decision.*

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**REFERRED FOR DOCUMENT (Continued)**[DSP-14002](#)**Annapolis Road Self Storage Zone**

**Applicant(s):** Annapolis Road Self Storage, LLC

**Location:** Located on the southwest quadrant of the intersection of Forbes Boulevard and Annapolis Road (MD 450) (4.90 Acres; I-1 Zone).

**Request:** Requesting approval of a Detailed Site Plan for a 112,990-square-foot consolidated storage use, with accessory office and apartment uses, in seven separate buildings with a total of 1,054 storage units.

**Council District:** 5

**Appeal by Date:** 10/30/2014

**Review by Date:** 10/30/2014

**Action by Date:** 3/27/2015

**History:**

*Council adopted the prepared Order of approval, with conditions (Vote: 6-0; Absent: Council Members Franklin, Glaros and Patterson).*

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

**Aye:** 6 - Davis, Harrison, Lehman, Taveras, Toles and Turner

**Absent:** Franklin, Glaros and Patterson

*Backup: Order of Approval, with Conditions.*

**ITEM FOR DISCUSSION**[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:** 7 (formerly District 8)**Appeal by Date:** 7/17/2014**Review by Date:** 7/17/2014**Action by Date:** 2/17/2015**Comment(s):** Due to inclement weather conditions and pursuant to Sec. 27-291 of the Zoning Ordinance, Prince George's County Government was closed on February 17, 2015 and this item was postponed to February 23, 2015.**Opposition:** None**History:**

*Council referred item to staff for preparation of an approving document (Vote: 6-0; Absent: Council Members Franklin, Glaros and Patterson).*

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

**Aye:** 6 - Davis, Harrison, Lehman, Taveras, Toles and Turner**Absent:** Franklin, Glaros and Patterson

*Council adopted the prepared Zoning Ordinance No. 4 - 2015 of approval, with conditions in accordance with the Zoning Hearing Examiner (Vote: 6-0; Absent: Council Members Franklin, Glaros and Patterson).*

**A motion was made by Council Member Toles, seconded by Council Member Turner, that this Special Exception be approved with conditions. The motion carried by the following vote:**

**Aye:** 6 - Davis, Harrison, Lehman, Taveras, Toles and Turner**Absent:** Franklin, Glaros and Patterson

**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**[DSP-14026](#)**Ascend Apollo**

**Applicant(s):** Commons at Largo, LLC

**Location:** Located northwest quadrant of the intersection of Harry S. Truman Drive and Lottsford Road, on both sides of the existing Grand Boulevard which leads to the Largo Town Center Metro Station (19.90 Acres; M-X-T and D-D-O Zones).

**Request:** Requesting approval of a Detailed Site Plan for a mixed-use project with 846 residential multifamily units and approximately 19,024 square feet of retail and restaurant space.

**Council District:** 6

**Appeal by Date:** 3/20/2015

**Review by Date:** 3/20/2015

**History:**

*Council elected to review this item (Vote: 6-0; Absent: Council Members Franklin, Glaros and Patterson).*

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

**Aye:** 6 - Davis, Harrison, Lehman, Taveras, Toles and Turner

**Absent:** Franklin, Glaros and Patterson

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**PENDING FINALITY (Continued)****[SDP-0610-01](#)****Oak Creek Club, Phase 4****Landbays D, E and N****Applicant(s):**

NVR-MS Cavalier Oak Creek Club, LLC.

**Location:**

Located in two segments within the development: Landbay 'N' in the western portion of the development, approximately 2,000 feet west of the intersection of Oak Grove and Church Roads, and Landbays 'D' and 'E' in the eastern portion, approximately 5,000 feet east of the intersection of Church Road and Mary Bowie Parkway (69.68 Acres; R-L Zone).

**Request:**

Requesting approval of a Specific Design Plan to reconfigure Landbay 'N' so as to provide internal access to the 10 lots fronting on Oak Grove Road in Specific Design Plan SDP-0610 and provide a current approval that will supersede SDP-0610.

**Council District:** 6**Appeal by Date:** 3/12/2015**Review by Date:** 3/12/2015**History:**

*Council deferred this item to March 9, 2015.*

**This Specific Design Plan was deferred to March 9, 2015.**

**4:49 PM ADJOURN**

*The District Council meeting was adjourned at 4:49 p.m.*

Prepared by:

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Leonard Moses, Zoning Assistant

Submitted by:

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Redis C. Floyd, Clerk of the Council