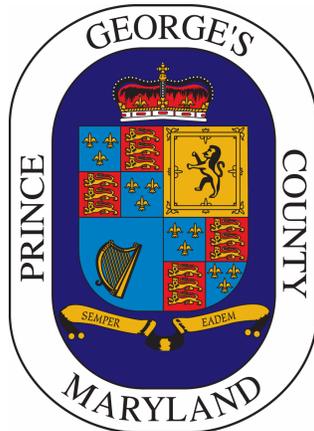


Prince George's County Council

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



Zoning Minutes - Final

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 Zavakos, 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.

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

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.

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

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:

Leonard Moses, Zoning Assistant

Submitted by:

Redis C. Floyd, Clerk of the Council