

Prince George's County Council

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



Zoning Minutes - Final

Monday, October 5, 2015

1:30 PM

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

1:00 PM AGENDA BRIEFING - (ROOM 2027)**1:45 PM 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 1:45 p.m. with seven members present at roll call. Council Member Taveras arrived at 1:48 p.m. and Council Member Toles arrived at 2:08 p.m.

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
 Colette Gresham, Legislative Officer
 Mirinda Jackson, MBE Coordinator
 Ellis Watson, Legislative Aide
 Keith Timmons, Independent Auditor*

*M-NCPPC
Jimi Jones, Supervisor, Development Review Division*

*DPIE
Tony Best*

INVOCATION

Reverend Barry N. Wade, Sr., Pastor, The Body of Christ Church Capitol Heights, MD. Chair Franklin asked for prayers for the County Council, County Executive, and the entire community.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Franklin.

APPROVAL OF DISTRICT COUNCIL MINUTES[MINDC 09282015](#)**District Council Minutes dated September 28, 2015**

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

Aye: 7 - Franklin, Davis, Glaros, Harrison, Lehman, Patterson and Turner

Absent: Taveras and Toles

NEW CASES[ERR-249](#)**Candlewood Apartments/Trace Associates, Ltd****Validation of Multi-Family Rental Housing License No. M-577**

Applicant(s): Candlewood Apartments/Trace Associates, Ltd

Location: Located at 5009 Quincy Street, Bladensburg, Maryland (0.494 Acres; R-18 Zone).

Request: Requesting approval for validation of Prince George's County's Multi-Family Rental Housing License No. M-577, issued in error on January 6, 2015 for 12 apartment units, on approximately 21,526 square feet of land.

Council District: 5

Appeal by Date: 9/23/2015

Action by Date: 1/29/2016

Municipality: Town of Bladensburg

Opposition: None

History:

Council referred item to staff for preparation of an approving document (Vote: 8-0; Absent: Council Member Toles).

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

Aye: 8 - Franklin, Davis, Glaros, Harrison, Lehman, Patterson, Taveras and Turner

Absent: Toles

NEW CASES (Continued)**ERR-250****Kennedy House Apartments****Validation of Multi-Family Rental Housing License No. M-172**

- Applicant(s):** Kennedy House Apartments
- Location:** Located at 5651 Kennedy Street, Riverdale, Maryland (0.298 Acres; R-18 Zone).
- Request:** Requesting approval for validation of Prince George's County's Multi-Family Rental Housing License No. M-172, issued in error on March 2, 2013 for 16 apartment units.
- Council District:** 3
- Appeal by Date:** 9/25/2015
- Action by Date:** 1/29/2016
- Opposition:** None
- History:**

Council referred item to staff for preparation of an approving document (Vote: 8-0; Absent: Council Member Toles).

A motion was made by Council Member Glaros, seconded by Vice Chair Davis, that this Permit issued in error be referred for document. The motion carried by the following vote:

- Aye:** 8 - Franklin, Davis, Glaros, Harrison, Lehman, Patterson, Taveras and Turner
- Absent:** Toles

ERR-252**Shadyside Properties Shopping Center, LLC/Allen Su****Validation of Use and Occupancy Permit No. 44936-2013-00**

- Applicant(s):** Shadyside Properties Shopping Center, LLC / Allen Su
- Location:** Located within a small strip shopping center at 2323 Shadyside Avenue, Suitland, Maryland (0.398 Acres; R-T Zone).
- Request:** Requesting approval for validation of Prince George's County Use and Occupancy Permit No. 44936-2013-00 issued in error for a new tenant (Barber Shop/Beauty Salon, t/a Lillie's Barbershop Unisex).
- Council District:** 7
- Appeal by Date:** 9/28/2015
- Action by Date:** 2/29/2016
- Opposition:** None
- History:**

Council deferred this item to October 19, 2015.

This Permit issued in error was deferred to October 19, 2015.

Attachment(s): [ERR-252 Zoning AIS](#)
[ERR-252 Zoning Hearing Examiner Decision](#)
ERR-252_PORL

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

CSP-13001

Cabin Branch Village

Applicant(s): Mark Vogel, VP, LLP
Location: Located in the northwestern quadrant of the intersection of Armstrong Lane and Ryon Road (24.58 Acres; M-X-T Z / R-R Zones).
Request: Requesting approval of a Conceptual Site Plan for a mixed-use development, including 206 single-family attached units and two commercial retail pad sites.
Council District: 6
Appeal by Date: 10/15/2015
Review by Date: 10/15/2015
History:

Council took no action on this item.

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

Attachment(s): [CSP-13001_Zoning AIS](#)
[CSP-13001 Planning Board Resolution 15-85](#)
CSP-13001_PORL
[CSP-13001 Technical Staff Report resized](#)

1:54 PM RECESS

The meeting was recessed at 1:54 p.m.

1:58 PM RECONVENE

The meeting was reconvened at 1:58 p.m.

1:58 PM BRIEFING (COUNCIL HEARING ROOM)[BR 10052015](#)**MGM NATIONAL HARBOR - COMPLIANCE ISSUES****Facilitator:**

Mr. Roland L. Jones, Director, Office of Central Services

History:

The briefing was convened at 1:58 p.m. Mr. Roland Jones, Director, Office of Central Services facilitated a briefing on compliance issues related to the MGM National Harbor Community Benefits Agreement. The Independent Auditor, Keith Timmons, assisted in responding to questions posed by the Council. Mirinda Jackson, Compliance Manager, spoke to her new roles and responsibilities in the process. Michael Little, business owner, provided comments regarding business information that should not be publicly released. Bruce Branch, Executive Director of the Maryland Business Clergy Partnership, spoke regarding the need for better contracts for minorities that reflect the community and public release of information about contracts and job opportunities. The briefing concluded at 3:33 p.m.

This Briefing was held.**3:33 PM ADJOURN***The meeting was adjourned at 3:33 p.m.***EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)**[EX 10052015](#)

Consult with Counsel to obtain legal advice in accordance with Maryland Annotated Code, State Government, Section 10-508 (a)(7).

A motion was made by Vice Chair Davis, seconded by Council Member Patterson, that this Executive Session be convened. The motion carried by the following vote:**Aye:** 8 - Franklin, Davis, Glaros, Harrison, Lehman, Patterson, Taveras and Turner**Absent:** Toles**A motion was made by Vice Chair Davis, seconded by Council Member Lehman, that this Executive Session be reconsidered. The motion carried by the following vote:****Aye:** 8 - Franklin, Davis, Glaros, Harrison, Lehman, Patterson, Taveras and Turner**Absent:** Toles

After receiving suggested language from Zoning and Legislative Counsel, Karen Zvakos, Council revised the Executive Session citation as follows:

Motion to convene in executive session, in accordance with Section 3-305(b), (4, 7) General Provisions Article, Annotated Code of Maryland, as follows: 1. to consider a matter that concerns the proposal for a business to locate, expand, or remain in the State; and 2. to consult with legal counsel to seek legal advice.

Topics Discussed:

(1.) Update on compliance as to status and compliance concerning the Community Benefit Agreement between the County and MGM International.

(2.) Discussion of appointment and procedural steps concerning representation for the Council on the MGM Oversight Committee.

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

Aye: 8 - Franklin, Davis, Glaros, Harrison, Lehman, Patterson, Taveras and Turner

Absent: Toles

Council Member Toles was not present for the vote to convene in Executive Session but was present and attended when the Executive Session was convened.