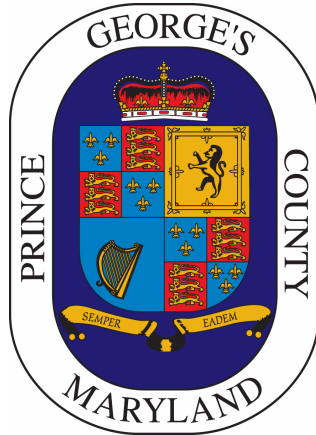


Prince George's County Council

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



Zoning Minutes - Draft

Monday, May 11, 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)**10:30 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 10:30 a.m. with eight members present at roll call. Council Member Glaros arrived at 12:10 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*

*M-NCPPC
Tom Lockard, Development Review Division
Jimi Jones, Supervisor, Development Review Division
Susan Lareuse, Development Review Division*

INVOCATION - Thomasayah, County Employee

Chairman Franklin requested prayer for all mothers in continued observation of Mother's Day. Council Member Harrison requested prayer for the families of two community activist, Otis Phillips and Bob Ballard who passed away. Council Member Davis also acknowledged the influence of Otis Phillips and requested prayer for the family of William Mason in his passing.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Toles.

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 05042015](#)

District Council Minutes dated May 4, 2015

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

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

DRAFT

ORAL ARGUMENTS[SE-4734](#)**Mill Branch Crossing (Walmart)**

- Applicant(s):** Wal-Mart Real Estate Business Trust
- Location:** Located northeast quadrant of the intersection of Robert Crain Highway (US 301) and Mill Branch Road (24.90 Acres; C-S-C Zone).
- Request:** Requesting approval of a Special Exception for a department or variety store over 125,000 square feet in the C-S-C Zone.
- Council District:** 4
- Appeal by Date:** 2/20/2015
- Review by Date:** 2/20/2015
- Action by Date:** 6/22/2015
- Municipality:** City of Bowie
- Opposition:** The Patuxent Riverkeeper, et. al.
- History:**

Prior to the Oral Argument, a preliminary motion by Mr. G. Macy Nelson to require that Council Member Turner recuse himself from the case, was considered. Andre Gingles, Esq. provided argument in opposition to the request, on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented regarding the preliminary motion and questioned Council Member Turner with regard to the motion. Council Member Turner decided to participate. Judicial notices were made of two additional issues raised by Mr. Nelson and the oral argument hearing proceeded.

Tom Lockard, M-NCPPC, provided an overview of the Special Exception application. Andre Gingles, Esq., spoke in support on behalf of the applicant, as did Joe Meinert, on behalf of the City of Bowie and Helen Simms. G. Macy Nelson, John Trussell, Andrew Bottner and Michael A. Terry spoke in opposition. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

Council took this case under advisement.

This Special Exception was hearing held and the case was taken under advisement.

- Attachment(s):** SE-4734 Applicants Exceptions to ZHE
Decision
[SE-4734 Zoning Hearing Examiner Decision](#)
[SE-4734 Technical Staff Report](#)
SE-4734_PORL
SE-4734 Opposition Letters
SE-4734 Response to Appeal

ORAL ARGUMENTS (Continued)**SE-4717****X4B Luxury Club**

- Applicant(s):** CD#15CL2001, Inc. d/b/a Shriners United d/b/a X4B Luxury Club
- Location:** Located along the south side of Brinkley Road approximately 1,400 feet east of its intersection with Fisher Road (9.3 Acres; C-S-C Zone).
- Request:** Requesting approval of a Special Exception to operate an adult entertainment establishment in the C-S-C Zone.
- Council District:** 8
- Appeal by Date:** 2/23/2015
- Review by Date:** 2/23/2015
- Action by Date:** 6/22/2015
- Municipality:** None
- Opposition:** Indian Head Highway Area Action Council, District IV Citizens Advisory Council

Prior to M-NCPPC staff overview, Stan Brown, People's Zoning Counsel, questioned whether the Council wanted to proceed with the Oral Argument with neither the applicant's attorney, Dennis Whitley, Esquire, nor the applicant present. Council took a brief recess.

- Attachment(s):** [SE-4717 -Zoning Hearing Examiner Decision](#)
[SE-4717 Technical Staff Report](#)
SE-4717 -PORL

12:33 PM RECESS

The meeting went into recess at 12:33 p.m.

12:39 PM RECONVENE

The meeting was reconvened at 12:39 p.m.

ORAL ARGUMENTS (Continued)[SE-4717](#)**X4B Luxury Club**

- Applicant(s):** CD#15CL2001, Inc. d/b/a Shriners United d/b/a X4B Luxury Club
- Location:** Located along the south side of Brinkley Road approximately 1,400 feet east of its intersection with Fisher Road (9.3 Acres; C-S-C Zone).
- Request:** Requesting approval of a Special Exception to operate an adult entertainment establishment in the C-S-C Zone.
- Council District:** 8
- Appeal by Date:** 2/23/2015
- Review by Date:** 2/23/2015
- Action by Date:** 6/22/2015
- Municipality:** None
- Opposition:** Indian Head Highway Area Action Council, District IV Citizens Advisory Council

History:

Chairman Franklin announced that the oral argument would be continued to a later date.

This Special Exception was continued to a later date.

- Attachment(s):** [SE-4717 -Zoning Hearing Examiner Decision](#)
[SE-4717 Technical Staff Report](#)
SE-4717 -PORL

11:30 AM ORAL ARGUMENTS (Continued)**CSP-11002****Kiplinger Property, Expedited Transit-Oriented Development Project****Companion Case(s):** DPLS-417; DSP-14010**Applicant(s):** Kiplinger Washington Editors**Location:** Located on the south side of East-West Highway (MD 410), at the southwest corner of the intersection of East-West Highway (MD 410) and Editors Park Drive, within the City of Hyattsville (11.68 Acres, M-X-T / T-D-O Zones).**Request:** Requesting approval of a Conceptual Site Plan to revise the original CSP-11002 for the purpose of changing the development concept from multifamily and retail uses and layout, to eliminate the retail use and propose multifamily, townhouses and two-family dwellings.**Council District:** 2**Appeal by Date:** 5/21/2015**Review by Date:** 5/21/2015**Action by Date:** 5/18/2015**Comment(s):** This case is designated for expedited review in accordance with Section 27-290.01(a)(1)(B).**Municipality:** City of Hyattsville**History:**

Chairman Franklin announced that the oral argument hearings for the following cases would held in tandem: CSP-11002 Kiplinger Property, Expedited Transit-Oriented Development Project, DSP-14010 Kiplinger, Phase I, Expedited Transit-Oriented Development Project and DPLS-417 Kiplinger, Phase I, Expedited Transit-Oriented Development Project. Susan Lareuse, M-NCPPC, provided an overview of the Conceptual Site Plan, Detailed Site Plan and Departure from Parking and Loading Standards applications. Bill Shipp, Esq., spoke in support on behalf of the applicant, as did Jim Chandler, on behalf of the City of Hyattsville. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

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

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

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

Absent: Toles

ORAL ARGUMENTS (Continued)[DSP-14010](#)**Kiplinger, Phase I, Expedited Transit-Oriented Development Project****Companion Case(s):** CSP-11002; DPLS-417**Applicant(s):** Fore Property Company**Location:** Located on the south side of East-West Highway (MD 410), at the southwest corner of the intersection of East-West Highway (MD 410) and Editors Park Drive, within the City of Hyattsville (11.68 Acres, M-X-T / T-D-O Zones).**Request:** Requesting approval of a Detailed Site Plan for development on proposed Lot 1, including a multifamily development of 352 dwelling units and an access road, which provides the main roadway through the development property.**Council District:** 2**Appeal by Date:** 5/21/2015**Review by Date:** 5/21/2015**Action by Date:** 5/18/2015**Comment(s):** This case is designated for expedited review in accordance with Section 27-290.01**Municipality:** City of Hyattsville**History:**

Chairman Franklin announced that the oral argument hearings for the following cases would held in tandem: CSP-11002 Kiplinger Property, Expedited Transit-Oriented Development Project, DSP-14010 Kiplinger, Phase I, Expedited Transit-Oriented Development Project and DPLS-417 Kiplinger, Phase I, Expedited Transit-Oriented Development Project. Susan Lareuse, M-NCPPC, provided an overview of the Conceptual Site Plan, Detailed Site Plan and Departure from Parking and Loading Standards applications. Bill Shipp, Esq., spoke in support on behalf of the applicant, as did Jim Chandler, on behalf of the City of Hyattsville. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

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

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

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

Absent: Toles

ORAL ARGUMENTS (Continued)[DPLS-417](#)**Kiplinger, Phase I, Expedited Transit-Oriented Development Project****Companion Case(s):** CSP-11002; DSP-14010**Applicant(s):** Fore Property Company**Location:** Located on the south side of East-West Highway (MD 410), at the southwest corner of the intersection of East-West Highway (MD 410) and Editors Park Drive, within the City of Hyattsville (11.68 Acres, M-X-T / T-D-O Zones).**Request:** Requesting approval of a Departure from Parking and Loading Standards for a reduction in the number of loading spaces for the multifamily development from 2 loading spaces to 1.**Council District:** 2**Appeal by Date:** 5/21/2015**Review by Date:** 5/21/2015**Comment(s):** This case is a companion to DSP-14010 and CSP-11002 (Revised) that are designated for expedited review in accordance with Section 27-290.01.**Municipality:** City of Hyattsville**History:**

Chairman Franklin announced that the oral argument hearings for the following cases would held in tandem: CSP-11002 Kiplinger Property, Expedited Transit-Oriented Development Project, DSP-14010 Kiplinger, Phase I, Expedited Transit-Oriented Development Project and DPLS-417 Kiplinger, Phase I, Expedited Transit-Oriented Development Project. Susan Lareuse, M-NCPPC, provided an overview of the Conceptual Site Plan, Detailed Site Plan and Departure from Parking and Loading Standards applications. Bill Shipp, Esq., spoke in support on behalf of the applicant, as did Jim Chandler, on behalf of the City of Hyattsville. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

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 Taveras, seconded by Vice Chair Davis, that this Departure from Parking and Loading Standards 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 CASE(S)[ERR-244](#)**AG TDG Pinewood, LLC.****Validation of Multifamily Rental License M-504 Issued in Error**

Applicant(s): AG TDG Pinewood, LLC.

Location: Located at 5601, 5603, 5605, 5607, 5609, 5611, 5613, 5615, 5617, 5619, 5621, 5623, 5625, 5627, 5629, 5631 and 5633 Regency Park Court, Suitland, Maryland (11.063 Acres; R-18 Zone).

Request: Requesting approval for validation of Prince George's County Multifamily Rental License No. M-504 issued in error on May 27, 2013 for Andrews Ridge Apartments (formerly Pinewood Chase Apartments, Section 1).

Council District: 7

Appeal by Date: 5/18/2015

Opposition: None

History:

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

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

Attachment(s): [ERR-244 Zoning Hearing Examiner Decision](#)
ERR-244 PORL

Council adopted the prepared Zoning Ordinance No. 8 - 2015 validating Multifamily Rental License No. M-504 (Vote: 9-0).

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

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

REFERRED FOR DOCUMENT[ERR-242](#)**South Hill Apartments, LLC****Validation of Multifamily Rental License M-0164 Issued in Error**

- Applicant(s):** South Hill Apartments, LLC
- Location:** Located at 4105 Southern Avenue, Capitol Heights, Maryland (1.32 Acres; R-T Zone).
- Request:** Requesting approval for validation of Prince George's County Multifamily Rental License No. M-0164 issued in error on October 1, 2014 for a 69-unit multifamily apartment building.
- Council District:** 7
- Appeal by Date:** 3/6/2015
- Action by Date:** 6/4/2015
- Opposition:** None
- History:**
- Council adopted the prepared Zoning Ordinance No. 9- 2015 validating Multifamily Rental License No. M-0164 (Vote: 9-0).*
- A motion was made by Council Member Toles, seconded by Council Member Turner, that this Permit issued in error be approved. The motion carried by the following vote:**
- Aye:** 9 - Franklin, Davis, Glaros, Harrison, Lehman, Patterson, Taveras, Toles and Turner
- Attachment(s):** [ERR-242 Zoning Hearing Examiner 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.

PLANNING BOARD**[CDP-0101-03](#)****Central Wholesaler at Town Center Business Campus**

Applicant(s): CWI Limited Partnership

Location: Located on the eastern side of Konterra Drive approximately 800 feet south of its intersection with Van Dusen Road (25.23 Acres; E-I-A Zone).

Request: Requesting approval of a Comprehensive Design Plan to increase the overall trip cap for the project to allow for the ultimate build out of the site at 342,378 square feet with approximately 120,000 square feet on Lot 3.

Council District: 1

Appeal by Date: 5/21/2015

Review by Date: 5/21/2015

History:

Council elected to review this item (Vote: 9-0).

A motion was made by Council Member Lehman, seconded by Vice Chair Davis, that this Comprehensive Design Plan be elected to review. The motion carried by the following vote:

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

Attachment(s): [CDP-0101-03 Planning Board Resolution 15-24](#)
CDP-0101-03_PORL

PENDING FINALITY (Continued)**DSP-14008****The Crescents at Largo Town Center, Phases I & II****Applicant(s):** Largo Crescents, LLC**Location:** Located in the northwest quadrant of Landover Road (MD 202) and Central Avenue (MD 214), within the southeast quadrant of Largo Town Center (18.01 Acres; M-U-I / D-D-O Zones).**Request:** Requesting approval of a Detailed Site Plan for 352 multifamily (Phase I) and 84 townhome (Phase II) residential units.**Council District:** 6**Appeal by Date:** 6/4/2015**Review by Date:** 6/4/2015**History:***Council elected to review this item (Vote: 9-0).***A motion was made by Vice Chair Davis, seconded by Council Member Turner, that this Detailed Site Plan be elected to review. The motion carried by the following vote:****Aye:** 9 - Franklin, Davis, Glaros, Harrison, Lehman, Patterson, Taveras, Toles and Turner**1:38 PM ADJOURN***The meeting was adjourned at 1:38 p.m.***2:22 PM COW WORKSESSION (ROOM 2027)****PRINCE GEORGE'S COUNTY BUDGET****Proposed FY 2016-2021 Capital Improvement Program (CIP)***The Committee Worksession was held and concluded at 5:25 p.m.*

(SEE SEPARATE AGENDA)