



# Prince George's County Council

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

## Zoning Minutes - Final Sitting as the District Council

*Derrick Leon Davis, District 6, Chairman*  
*Mel Franklin, District 9*  
*Dannielle M. Glaros, District 3, Vice Chairwoman*  
*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*

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Monday, September 12, 2016

10:00 AM

Council Hearing Room

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**9:30 AM AGENDA BRIEFING - (ROOM 2027)**

**10:00 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 by Chairman Davis at 10:15 a.m. with seven members present at roll call. Council Member Franklin arrived at 10:27 a.m. Council Member Harrison was absent due to a family emergency.*

**Present:**        8 -     Chairman Derrick Davis  
                                 Vice Chair Dannielle Glaros  
                                 Council Member Deni Taveras  
                                 Council Member Karen Toles  
                                 Council Member Mary Lehman  
                                 Council Member Mel Franklin  
                                 Council Member Obie Patterson  
                                 Council Member Todd Turner

**Absent:**                     Council Member Andrea Harrison

*Also Present: Stan Brown, People's Zoning Counsel  
 Robert J. Williams, Jr., Council Administrator  
 William M. Hunt, Deputy Council Administrator  
 Rajesh Kumar, Principal Counsel to the District Council  
 Redis C. Floyd, Clerk of the Council  
 Donna J. Brown, Deputy Clerk of the Council  
 Karen Zavakos, Zoning and Legislative Counsel*

*M-NCPPC  
 Cynthia Fenton, Development Review Division  
 Henry Zhang, Supervisor, Development Review Division*

### **INVOCATION**

*The Invocation was provided by Mr. Edwin H. Brown, Jr. County Employee. Council Member Davis requested a moment of silence in remembrance of the events of and those affected by the attacks of September 11, 2001. He also requested prayer for Council Member Harrison and her family. Council Member Glaros requested prayer for the Parkdale High School students and faculty in the passing of their Principal. Council Member Toles echoed the request regarding September 11.*

### **PLEDGE OF ALLEGIANCE**

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

### **APPROVAL OF DISTRICT COUNCIL MINUTES**

#### **[MINDC 07182016](#) District Council Minutes dated July 18, 2016**

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

**Aye:** 7 - Davis, Glaros, Taveras, Toles, Lehman, Patterson and Turner

**Absent:** Harrison and Franklin

**Attachment(s):** [7-18-2016 District Council Minutes DRAFT](#)

#### **[MINDC 07192016](#) District Council Minutes dated July 19, 2016**

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

**Aye:** 7 - Davis, Glaros, Taveras, Toles, Lehman, Patterson and Turner

**Absent:** Harrison and Franklin

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**Attachment(s):** [7-19-2016 District Council Minutes DRAFT](#)

**ORAL ARGUMENTS**

**DSP-15020-01**

**Capital Plaza Walmart**

**Applicant(s):** Wal-Mart Real Estate Business Trust

**Location:** Located on the north side of Annapolis Road (MD 450), specifically within the Capital Plaza Shopping Center approximately 2,000 linear feet east of the intersection of MD 450 and the Baltimore–Washington Parkway (MD 295) (43.82 Acres; C-S-C / D-D-O Zones).

**Request:** Requesting approval of a Detailed Site Plan for the construction of a 35,287-square-foot addition to the existing 144,227-square-foot department store (which represents an expansion of a certified nonconforming use), modifications to the associated parking area, and other site improvements.

**Council District:** 3

**Appeal by Date:** 6/30/2016

**Review by Date:** 6/30/2016

**Action by Date:** 9/19/2016

**Municipality:** Town of Landover Hills

**History:**

*Prior to Oral Argument hearing, Stan Brown, People's Zoning Counsel, provided a procedural clarification indicating that the appeal filed in this case is invalid, due to the appellants' failure to demonstrate "aggreivement," as now required by State law. He indicated that the hearing would still move forward because the Council elected to review the case on its own. Cynthia Fenton, M-NCPPC, provided an overview of the Detailed Site Plan application. Andre Gingles, Esq. on behalf of the applicant, Jeff Schomisch on behalf of the Town of Landover Hills, Debi Sandlin on behalf of the Town of Bladensburg and Mike Callahan on behalf of the Town of Cheverly spoke in support. David Lynch, Esq. spoke to the procedural issue of aggreivement. He and Richard Bailey, Delvin Champagne and Mamie Small spoke in opposition. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.*

*Council took this case under advisement.*

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

**Attachment(s):** [DSP-15020-01 Zoning AIS](#)  
[DSP-15020-01 Planning Board Resolution](#)  
[16-60](#)  
 DSP-15020-01 POR  
[DSP-15020-01 Technical Staff Report](#)

**NEW CASE(S)****[ATBROW-7501](#)****SMO, Inc., 7501 Allentown Road****(Authorization to Build in Planned Right-of-Way)****Applicant(s):**

SMO, Inc.

**Location:**

Located on the northeast side of Allentown Road at its intersection with Webster Lane and is identified as 7501 Allentown Road, Fort Washington, Maryland (0.863 Acres: C-S-C Zone).

**Request:**

Requesting approval for authorization by an existing Gas station to build within a proposed right-of-way for Allentown Road due to the reconfiguration of the existing pump islands and the enlargement of a canopy. The applicant also filed a request for an administrative revision to a special exception site plan, ROSP-997-05, that has been approved by the Planning Director.

**Council District:** 8**Appeal by Date:** 8/12/2016**Action by Date:** 1/11/2017**Opposition:** None**History:**

*Council referred item to staff for preparation of an approving document in accordance with the Zoning Hearing Examiner's decision (Vote: 8-0; Absent: Council Member Harrison).*

**A motion was made by Council Member Patterson, seconded by Council Member Franklin, that this Authorization to Build in the Right of Way be referred for document. The motion carried by the following vote:**

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

**Absent:** Harrison

**Attachment(s):**[AuthToBuild-7501 ZoningAIS](#)[AuthToBuild-7501\\_Zoning Hearing Examiner](#)[Decision](#)

AuthToBuild-7501\_PORL

**ITEM(S) FOR DISCUSSION**[A-10036](#)**Donnell Drive****Applicant(s):** Visconsi Land Co., Ltd**Location:** Located in the southeast quadrant of the intersection of Donnell Drive and Pennsylvania Avenue (MD 4), identified as 3700 and 3710 Donnell Drive, District Heights, Maryland (2.42 Acres; R-T Zone).**Request:** Requesting approval of a Zoning Map Amendment for the rezoning of approximately 2.42 acres of R-T (Townhouse) zoned land to the C-M (Commercial Miscellaneous) Zone.**Council District:** 6**Appeal by Date:** 9/9/2016**Action by Date:** 1/30/2017**Comment(s):** Due to its relationship with a pending Zoning Map Amendment, and in accordance with Section 27-213.28, it is appropriate for this request to be Remanded back to the Zoning Hearing Examiner until after final action by the Council on the respective Zoning Map Amendment.**Opposition:** None**History:**

*Council referred item to staff for preparation of a document of Remand to the Zoning Hearing Examiner in accordance with Section 27-213.28 (Vote: 7-0; Absent: Council Members Harrison and Taveras).*

**A motion was made by Chairman Davis, seconded by Council Member Turner, that this Zoning Map Amendment be referred for document. The motion carried by the following vote:**

**Aye:** 7 - Davis, Glaros, Toles, Lehman, Franklin, Patterson and Turner**Absent:** Harrison and Taveras

*Council adopted the prepared Order of Remand (Vote: 7-0; Absent: Council Members Harrison and Taveras).*

**A motion was made by Chairman Davis, seconded by Council Member Patterson, that this Zoning Map Amendment be remanded. The motion carried by the following vote:**

**Aye:** 7 - Davis, Glaros, Toles, Lehman, Franklin, Patterson and Turner**Absent:** Harrison and Taveras

**Attachment(s):** [A-10036 Zoning AIS](#)  
[A-10036 Zoning Hearing Examiner Decision](#)  
A-10036 PORL  
[A-10036 Planning Board Resolution 16-57](#)  
[A-10036 Technical Staff Report](#)

**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.*

**(a) ZONING HEARING EXAMINER**

[SE-4758](#)

**Marlow Heights Citgo**

**Companion Case(s):** DPLS-413; DSDS-686

**Applicant(s):** St. Barnabas Road Plaza, LLC

**Location:** Located at the northwest corner of St. Barnabas Road and Dallas Drive, also identified as 4801 St. Barnabas Road, Temple Hills, Maryland (0.32 Acres; C-S-C Zone).

**Request:** Requesting approval of a Special Exception to develop 0.32 acres (13,846 square feet) of land in the C-S-C (Commercial Shopping Center) Zone as a Gasoline Station, Food and Beverage Store, Auto Repair and accompanying office and storage.

**Council District:** 7

**Appeal by Date:** 8/17/2016

**Review by Date:** 9/30/2016

**Opposition:** None

**History:**

*Council elected to make the final decision on this item (Vote: 8-0; Absent: Council Member Harrison).*

**A motion was made by Council Member Toles, seconded by Council Member Franklin, that Council elect to make the final decision on this Special Exception. The motion carried by the following vote:**

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

**Absent:** Harrison

**Attachment(s):** [SE-4758 Zoning AIS](#)  
[SE-4758-RECON\\_Zoning Hearing Examiner Decision](#)  
SE-4758\_RECON\_PORL

*In the event the District Council elects to make the final decision in this case, an oral argument will be scheduled pursuant to Sec. 27-131 of the Zoning Ordinance.*

**PENDING FINALITY (Continued)**

**(b) PLANNING BOARD**

[CDP-0102-H1](#)

**Chaddsford, Section 7, Lot 22**

**Companion Case(s):** SDP-0705-H1

**Applicant(s):** Gus Anderson

**Location:** Located on the west side of Eve Way, approximately 440 feet north of its intersection with Lafayette Boulevard, within the The Glen at Chaddsford Subdivision (0.12 Acres; R-M Zone).

**Request:** The subject homeowner's minor amendment to a specific design plan (SDP) is a request to construct a 12-foot by 14-foot deck to be attached to the rear of an existing single-family detached dwelling.

**Council District:** 9

**Appeal by Date:** 9/1/2016

**Review by Date:** 9/30/2016

**History:**

*Council took no action on this item.*

**This Comprehensive Design Plan was not elected to review by Council.**

**Attachment(s):** [CDP-0102-H1 ZoningAIS](#)  
[CDP-0102-H1 Planning Board Resolution 16-89](#)  
CDP-0102-H1\_PORL  
[CDP-0102-H1 Technical Staff Report](#)

**PENDING FINALITY (Continued)**[SDP-0705-H1](#)**Chaddsford, Section 7, Lot 22****Companion Case(s):** CDP-0102-H1**Applicant(s):** Gus Anderson**Location:** Located on the west side of Eve Way, approximately 440 feet north of its intersection with Lafayette Boulevard, within the The Glen at Chaddsford Homeowners Subdivision (0.12 Acres; R-M Zone).**Request:** The subject homeowner's minor amendment to a specific design plan (SDP) is a request to construct a 12-foot by 14-foot deck to be attached to the rear of an existing single-family detached dwelling.**Council District:** 9**Appeal by Date:** 9/1/2016**Review by Date:** 9/30/2016**History:***Council took no action on this item.***This Specific Design Plan was not elected to review by Council.****Attachment(s):** [SDP-0705-H1 Zoning AIS](#)  
[SDP-0705-H1 Planning Board Resolution 16-87](#)  
SDP-0705-H1 PORL  
[SDP-0705-H1 Technical Staff Report](#)



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**PENDING FINALITY (Continued)**[CNU-31260-2015-U](#)**MT Laney****Applicant(s):** Laney Recycling LLC**Location:** Located at 14852 Old Gunpowder Road, Laurel, Maryland**Request:** Requesting approval of a Certification of a Non-Conforming Use for a concrete recycling plant. Certification of the existing concrete recycling plant is required due to the adoption of CB-78-2004.**Council District:** 1**Review by Date:** 9/30/2016**Comment(s):** According to the M-NCPPC Memorandum, this permit application has been found to fulfill the requirements for administrative certification and there was no timely request for the Planning Board to conduct a public hearing.**History:**

*Council elected to review this item (Vote: 8-0; Absent: Council Member Harrison).*

**A motion was made by Council Member Lehman, seconded by Council Member Franklin, that this Certification of a Nonconforming Use be elected to review by Council. The motion carried by the following vote:**

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

**Absent:** Harrison

**Attachment(s):** [CNU-31260-2015-U\\_ZoningAIS](#)

**PENDING FINALITY (Continued)**[CSP-14002](#)**Vista Gardens West**

**Applicant(s):** Buena Vista West, LLC

**Location:** Located at the intersection of Annapolis Road (MD 450) and Martin Luther King Jr. Highway (MD 704) (31.34 Acres; M-X-T Zone).

**Request:** Requesting approval of a Conceptual Site Plan to develop approximately 31.34 acres of land into a mixed-use development, including 75,000 square feet of new commercial space, a gas station and associated food and beverage store, a 124-room hotel, and 115 single-family attached dwelling units, in addition to an existing office building of 14,881 square feet.

**Council District:** 5

**Appeal by Date:** 9/1/2016

**Review by Date:** 9/30/2016

**History:**

*Council deferred this item to September 19, 2016*

**This Conceptual Site Plan was deferred to September 19, 2016**

**Attachment(s):** [CSP-14002 ZoningAIS](#)  
[CSP-14002 Planning Board Resolution 16-90](#)  
CSP-14002\_PORL  
[CSP-14002 Technical Staff Report](#)

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**PENDING FINALITY (Continued)****DSP-12018****U-Haul Moving and Storage Operation and Bottled Gas Sales**

**Applicant(s):** Jim Lorimer

**Location:** Located in the southeastern quadrant of the intersection of New Hampshire Avenue (MD 650) and East-West Highway (MD 410) at 6889 New Hampshire Avenue (4.68 Acres; C-M Zone).

**Request:** Requesting approval of a Detailed Site Plan for the addition of a moving and storage operation and bottled gas sales to the existing vehicle rental site.

**Council District:** 2

**Appeal by Date:** 9/1/2016

**Review by Date:** 9/30/2016

**History:**

*Council deferred this item to September 19, 2016*

**This Detailed Site Plan was deferred**

**Attachment(s):** [DSP-12018 ZoningAIS](#)  
[DSP-12018 Planning Board Resolution 16-92](#)  
DSP-12018\_PORL  
[DSP-12018 Technical Staff Report](#)

**DSP-15036****District Electrical Services**

**Applicant(s):** Brian McLaughlin

**Location:** Located on the south side of Decatur Street between 46th Avenue and 47th Avenue, approximately 461 feet past its intersection with Baltimore Avenue (US 1), in the City of Hyattsville (0.88 Acres; M-X-T / D-D-O / I-D-O Zones).

**Request:** Requesting approval of a Detailed Site Plan for the expansion of the existing parking lot and the provision of outdoor storage for an existing contractor services business.

**Council District:** 5

**Appeal by Date:** 8/25/2016

**Review by Date:** 9/26/2016

**Municipality:** City of Hyattsville

**History:**

*Council deferred this item to September 19, 2016*

**This Detailed Site Plan was deferred**

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**Attachment(s):** [DSP-15036\\_Zoning AIS](#)  
[DSP-15036 Planning Board Resolution 16-82](#)  
DSP-15036\_PORL  
[DSP-15036 Technical Staff Report](#)

**PENDING FINALITY (Continued)**[DSP-16005](#)**Addison Overlook**

**Applicant(s):** Addision Overlook, LLC

**Location:** Located on the east side of Addison Road, approximately 300 feet north of its intersection with Ronald Road and approximately 3,000 feet south of the Addison Road metro station (10.56 Acres; R-T / R-18 Zones).

**Request:** Requesting approval of a Detailed Site Plan for 56 quadruple-attached dwelling units in the Townhouse (R-T) and Multifamily Medium Density Residential.

**Council District:** 6

**Appeal by Date:** 9/1/2016

**Review by Date:** 9/30/2016

**History:**

*Council took no action on this item.*

**This Detailed Site Plan was not elected to review by Council.**

**Attachment(s):** [DSP-16005 ZoningAIS](#)  
[DSP-16005 Planning Board Resolution 16-97](#)  
DSP-16005\_PORL  
[DSP-16005 Technical Staff Report](#)

**CASE(S) SCHEDULED FOR ORAL ARGUMENT HEARING ON 10/17/2016 AT 10:00 A.M.**[CSP-03006-03](#)**Woodmore Towne Centre at Glenarden****(CSP-03006-03, DSP-0711-02 & DSP-07057-01)****Applicant(s):**

Woodmore Towne Centre at Glenarden

**Location:**

Located in the northwestern quadrant of the intersection of Ruby Lockhart Boulevard and St. Joseph's Drive (244.63 Acres; M-X-T Zone).

**Request:**

Requesting approval of an Amendment of Conditions to amend the following Conditions:

Delete in its entirety Condition 1(a)(iii) of the District Council's January 23, 2006 approval of Conceptual Site Plan 03006 for construction of 900-1,100 dwelling units, 400,000-1 million sq. ft. commercial retail, 550,000-1 million sq. ft. commercial office and up to 500,000 sq. ft. of institutional use; Delete in its entirety Condition (4)(c) of the District Council's April 21, 2009 approval of Detailed Site Plan 07011/01; Delete in its entirety Condition 8(c) of the District Council's September 21, 2009 approval of Detailed Site Plan 07057; and Modify Condition 18(i) of the District Council's November 9, 2015 approval of Conceptual Site Plan 03006/02.

**Council District:**

5

**Appeal by Date:**

8/22/2016

**Action by Date:**

10/31/2016

**Municipality:**

City of Glenarden

**Opposition:**

Edward Estes

**This Amendment of Conditions hearing date was announced.****Attachment(s):**[CSP-03006-03\\_DSP-07011-02\\_DSP-07057-01](#)[Zoning AIS](#)[CSP-03006-03\\_DSP-07011-02\\_DSP-07057-01](#)[Zoning Hearing Examiner Decision](#)

CSP-03006-03\_DSP-07011-02\_DSP-07057-01

PORL

**1:21 PM ADJOURN**

*The meeting was adjourned at 1:21 p.m.*

**EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)**

**EX 09122016** Motion to convene in executive session to consult with staff, consultants, or other individuals about pending or potential litigation in accordance with Section 3-305(b) (8), General Provisions Article, Annotated Code of Maryland.

**History:**

*Topic Discussed:*

*(1.) Update on Chaney Enterprises v. Prince George's County Council from the Court of Special Appeals.*

*(2.) Discussion of legal and procedural options on a pending Detailed Site Plan, DSP-15020-01 under the applicable provisions of the Prince George's County Zoning Ordinance.*

*(3.) Update on Circuit Court ruling by Judge Hill for Duvall Walmart CAL -15-32602.*

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

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

**Absent:** Harrison

Prepared by:

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

Submitted by:

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