

Prince George's County Council

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



Zoning Minutes - Final

Monday, February 9, 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**10:34 AM CALL TO ORDER**

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 eight members present at roll call. Council Member Harrision was out on County Business and arrived at 11:32 a.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*

M-NCPPC

Tom Lockard, Development Review Division

Jimi Jones, Supervisor, Development Review Division

INVOCATION - Reverend Barry N. Wade Sr., Pastor,**The Body of Christ Church, Capitol Heights**

Council Member Turner requested prayer for the families of two national sports figures, Charlie Seaford, First African American to play in a PGA Tour event, and Dean Smith, North Carolina Basketball Coach, in their passing.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Patterson.

POINT OF PERSONAL PRIVILEGE

Chairman Franklin took a Point of Personal Privilege to address Governor Larry Hogan's proposed budget to the General Assembly and its effect on schools and taxes.

APPROVAL OF DISTRICT COUNCIL MINUTES[MINDC 01262015](#)**District Council Minutes dated January 26, 2015**

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

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

ORAL ARGUMENT[SE-4716](#)**Bazz and Crue**

Applicant(s): CD #15CL2001, Inc. d/b/a Bazz and Crue Group Hall
Location: Located at the northeast corner of Forestville Road and Marlboro Pike also identified as 7752 and 7754 Forestville Road (18.17 Acres; I-1/D-D-O Zones).
Request: Requesting approval of a Special Exception for Adult Entertainment in approximately 4000 square feet of an 18.17 acre Shopping Center in the C-S-C /D-D-O Zones.
Council District: 6
Appeal by Date: 8/7/2014
Review by Date: 9/8/2014
Action by Date: 3/9/2015
Municipality: None
Opposition: Mr. Johnson, Ms. Taylor and Ms. White.
History:

Tom Lockard, provided an overview of the Special Exception application. Dennis Whitley, III, Esquire, Attorney for the applicant, spoke in support. Douglas Edwards, spoke in opposition on behalf of the Coalition of Civic Associations for Central Prince George's County. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.

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

This Special Exception hearing was held; Subsequently, A motion was made by Vice Chair Davis, seconded by Council Member Harrison, that this Special Exception be referred for document. The motion carried by the following vote:

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

ELIGIBLE FOR FINAL ACTION (Orientation if Desired)[CNU-37342-2009](#)**Scott's Towing and Recovery Service**

- Applicant(s):** Scott's Towing & Recovery Service, LLC t/a Scott's Towing
- Location:** Located at 3803 Old Silver Hill Road, Suitland, Maryland (0.6397 Acres; C-S-C Zone).
- Request:** Requesting approval of a Certification of a Non-Conforming Use for a Vehicle Towing Station and Auto Storage Yard.
- Council District:** 7
- Appeal by Date:** 12/1/2014
- Action by Date:** 2/17/2015
- Opposition:** None
- History:**

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

A motion was made by Council Member Toles, seconded by Council Member Turner, that this Certification of a Nonconforming Use be referred for document. The motion carried by the following vote:

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

Council adopted the prepared Order of approval, with conditions (Vote: 9-0).

A motion was made by Council Member Toles, seconded by Council Member Harrison, that this Certification of a Nonconforming Use be approved with conditions. The motion carried by the following vote:

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

Backup: Order prepared in accordance with the ZHE decision.

NEW CASE(S)**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 deferred this item to February 23, 2015.

This Permit issued in error was deferred.

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

A motion was made by Council Member Taveras, seconded by Vice Chair Davis, 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

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 deferred this item to February 17, 2015.

This Special Exception was deferred.

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-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:

Council elected to make the final decision on this item (Vote: 9-0).

A motion was made by Council Member Patterson, seconded by Council Member Harrison, to elect to make the final decision this Special Exception. The motion carried by the following vote:

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

Absent: Turner

In the event the District Council elects to make the final decision in this case, the Council should consider whether it wants an oral argument pursuant to CB-61-1997.

PENDING FINALITY (Continued)[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
- Municipality:** City of Bowie
- Opposition:** The Patuxent Riverkeeper, et. al.
- History:**

Council elected to make the final decision on this item (Vote: 9-0).

A motion was made by Vice Chair Davis, seconded by Council Member Harrison, to elect to make the final decision on this Special Exception. The motion carried by the following vote:

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

Absent: Turner

In the event the District Council elects to make the final decision in this case, the Council should consider whether it wants an oral argument pursuant to CB-61-1997.

PENDING FINALITY (Continued)**(b) PLANNING BOARD**[CNU-33471-11](#)**CNC Concrete**

- Applicant(s):** Carlos Nazario, LLC
d/b/a CNC Concrete
- Location:** Located south of Sycamore Road between East Maple Avenue and Maryland Avenue, east of the Baltimore and Ohio Railroad tracks (0.9974 Acres; I-2).
- Request:** Requesting approval of a Certification of a nonconforming use for a concrete batching/mixing plant located in the I-2 Zone.
- Council District:** 1
- Appeal by Date:** 3/5/2015
- Review by Date:** 3/5/2015
- Municipality:** None
- History:**

Council took no action on this item.

This Certification of a Nonconforming Use was not elected to review by Council.

12:09 PM ADJOURN

The District Council Meeting was Adjourned at 12:09 p.m.

12:20 PM COMMITTEE OF THE WHOLE - (ROOM 2027)

[BR-02092015](#)

FISCAL YEAR 2015 BUDGET BRIEFING

Thomas Himler
Deputy Chief Administrative Officer for Budget, Finance & Administration

Terri Bacote-Charles
Director, Office of Management and Budget

The briefing was convened at 12:20 p.m. Thomas Himler, Deputy Chief Administrative Officer for Budget, Finance and Administration, provided an overview of the projected FY15 budget deficit. He and Terri Bacote-Charles, Director, Office of Management and Budget, responded to questions posed by the Council (See Administrative Day file for detailed Clerk's notes). The briefing concluded at 2:14 p.m.

2:24 PM CONCLUDED

The COMMITTEE OF THE WHOLE Meeting was concluded at 2:24 p.m.

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Redis C. Floyd, Clerk of the Council