

# Prince George's County Council

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



## **Zoning Minutes - Final**

**Monday, May 12, 2014**

**10:00 AM**

**Council Hearing Room**

## **Sitting as the District Council**

*Mel Franklin, District 9, Chairman  
Will A. Campos, District 2, Vice Chair  
Derrick Leon Davis, District 6  
Andrea C. Harrison, District 5  
Mary A. Lehman, District 1  
Eric C. Olson, District 3  
Obie Patterson, District 8  
Karen R. Toles, District 7  
Ingrid 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 on video and audio tapes. 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**

**10:23 AM CALL TO ORDER**

*The meeting was called to order at 10:23 a.m. with nine members present at roll call*

**Present:**        9 -     Chairman Mel Franklin  
                                 Vice Chair Will Campos  
                                 Council Member Derrick Davis  
                                 Council Member Andrea Harrison  
                                 Council Member Mary Lehman  
                                 Council Member Eric Olson  
                                 Council Member Obie Patterson  
                                 Council Member Karen Toles  
                                 Council Member Ingrid Turner

**INVOCATION - Chuckwunonso "Angel" Dureke, County Employee**

*Council Member Harrison requested prayer for kidnapped children in Nigeria to comfort them and their families.*

**PLEDGE OF ALLEGIANCE**

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

ORAL ARGUMENTS[CSP-01008-02](#)Greenbelt Station

- Applicant(s):** NVR MS Cavalier Greenbelt LLC
- Location:** Located north of Greenbelt Road (MD 193), between Metro/CSX tracks and Cherrywood Lane, from Branchville Road to the Capital Beltway (I-495/95).
- Request:** Requesting approval of a Conceptual Site Plan for elimination of Conditions 1(c) (i) and 1(c)(ii) of Conceptual Site Plan CSP-01008-01, realignment of the north/south connector road within the North Core Area, realignment of trails and removal of the pedestrian overpass.
- Council District:** 1
- Appeal by Date:** 3/27/2014
- Review by Date:** 3/27/2014
- Action by Date:** 7/11/2014
- Municipality:** City of Greenbelt
- History:**

*Jill Kosack, M-NCPPC planning staff, provided an overview of the Conceptual Site Plan application. Norman Rivera, Esq., and Thomas Haller, Esq., provided argument on behalf of the applicant. William Orleans spoke in opposition. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented. Mr. Brown also noted that although the the action deadline for this case is stated as July 11, 2014, if it is the Council's will to approve this item, it may consider approving a final document sooner than the July 11, 2014 deadline in order to meet GSA requirements in relation to the potential FBI building.*

*Subsequent to the Oral Argument, Council referred this item to staff for preparation of an approving document, with conditions (Vote: 9-0).*

**This Conceptual Site Plan hearing was held.**

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

**Aye:** 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner

ORAL ARGUMENTS (Continued)[SE-4730](#)**SMO - Sandy Spring Road**

- Applicant(s):** Walnut Limited Partnership/PEH, LLC/SMO
- Location:** Located on the northeast corner of the intersection of Bauer Lane and Sandy Spring Road (MD 198) (1.62 Acres; C-S-C Zone).
- Request:** Requesting approval of a Special Exception to raze and rebuild an existing gas station and food and beverage store and add a car wash.
- Council District:** 1
- Appeal by Date:** 3/27/2014
- Review by Date:** 3/27/2014
- Action by Date:** 7/25/2014
- Comment(s):** Per ZHE Notice of Decision, the original Applicant was Southern Maryland Oil. The Application was revised to reflect the change in the legal entity that will operate the use.
- Municipality:** None
- Opposition:** None
- History:**

*Tom Lockard, M-NCPPC planning staff, provided an overview of the Special Exception application. Daniel Lynch, Esq., provided argument on behalf of the applicant. There was no opposition. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.*

*Subsequent to the Oral Argument, Council referred this item to staff for preparation of an approving document, with conditions (Vote: 8-0; Absent: Council Member Olson).*

**This Special Exception hearing was held.**

**A motion was made by Council Member Lehman, seconded by Council Member Turner, that this Special Exception be referred for document. The motion carried by the following vote:**

**Aye:** 8 - Franklin, Campos, Davis, Harrison, Lehman, Patterson, Toles and Turner

**Absent:** Olson

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**REFERRED FOR DOCUMENT**[DSP-12059](#)**Riverdale Road McDonalds****Companion Case(s):** DPLS-396**Applicant(s):** McDonalds USA LLC**Location:** Located on the northeast quadrant of the intersection of Kenilworth Avenue (MD 201) and Riverdale Road (1.11 Acres; C-S-C Zone).**Request:** Requesting approval of a Detailed Site Plan for a 4,387-square-foot, one-story, freestanding McDonalds eating and drinking establishment with drive-through service on an existing McDonalds site in the Commercial Shopping Center (C-S-C) Zone. The DSP proposes to demolish the existing McDonalds restaurant building and replace it with a new prototype building.**Council District:** 3**Appeal by Date:** 1/9/2014**Review by Date:** 1/30/2014**Action by Date:** 5/23/2014**Municipality:** Town of Riverdale Park**History:**

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

**A motion was made by Council Member Olson, seconded by Council Member Davis, that this Detailed Site Plan be approved with conditions. The motion carried by the following vote:**

**Aye:** 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner

*Backup: Order of Approval, with Conditions.*

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**REFERRED FOR DOCUMENT (Continued)**[DPLS-396](#)**Riverdale Road McDonalds****Companion Case(s):** DSP-12059**Applicant(s):** McDonalds USA LLC**Location:** Located on the northeast quadrant of the intersection of Kenilworth Avenue (MD 201) and Riverdale Road (1.11 Acres; C-S-C Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards (Sections 27-568 and 27-582) to reduce the required number of parking spaces from 52 to 46 and to not provide the required one loading space due to the site's small size.**Council District:** 3**Appeal by Date:** 1/9/2014**Review by Date:** 1/30/2014**Action by Date:** 5/23/2014**Municipality:** Town of Riverdale Park**History:**

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

**A motion was made by Council Member Olson, seconded by Council Member Davis, that this Departure from Parking and Loading Standards be approved with conditions.**

**The motion carried by the following vote:**

**Aye:** 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner

*Backup: Order of Approval, with Conditions.*

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**REFERRED FOR DOCUMENT (Continued)**[SE 4647](#)**Millville Quarry (Remand)**

- Applicant(s):** Bardon Inc. (Aggregate Industries, Inc.), Applicant
- Location:** Located on the south side of Accokeek Road (MD 373), on the east side of McKendree Road, just southeast of intersection of these roads, and west of Robert S. Crain Highway (US 301)
- Request:** Requesting approval of a Special Exception for surface mining of sand and gravel in the R-R Zone
- Council District:** 9
- Action by Date:** 7/1/2013
- Municipality:** Municipality: None
- Opposition:** Opposition: None
- History:**

*Council adopted Zoning Ordinance No. 4-2014 consistent with the Circuit Court order (Vote: 9-0).*

**A motion was made by Chairman Franklin, seconded by Council Member Davis, that this Special Exception be approved with conditions. The motion carried by the following vote:**

**Aye:** 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner

*Backup: Order of Approval, with Conditions.*



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**ITEM(S) FOR DISCUSSION**[DSP-12061](#)**Franklin Park at Greenbelt Station**

- Applicant(s):** Franklin Park at Greenbelt Station
- Location:** Located on the northeast quadrant of the intersection of Breezewood Drive and Cherrywood Lane (151.79 Acres; M-U-I / D-D-O Zones).
- Request:** Requesting approval of a Detailed Site Plan for the addition of two new freestanding monument signs, two new building-mounted banner signs, and 27 freestanding pole banner signs within an existing multifamily residential development in the M-U-I and D-D-O Zones.
- Council District:** 4
- Appeal by Date:** 1/9/2014
- Review by Date:** 1/30/2014
- Action by Date:** 5/23/2014
- Municipality:** City of Greenbelt
- History:**

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

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

**Aye:** 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner

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

**A motion was made by Council Member Turner, seconded by Council Member Davis, that this Detailed Site Plan be approved with conditions. The motion carried by the following vote:**

**Aye:** 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner

**ITEM(S) FOR DISCUSSION (Continued)**[DSP-13017](#)**1800 Prosperity Way**

**Applicant(s):** James F. Schneider  
**Location:** Located in the southeast quadrant of the intersection of Prosperity Way and Prosperity Court (0.72 Acres; I-1 Zone).  
**Request:** Requesting approval of a Detailed Site Plan for a contractor's storage yard.  
**Council District:** 7  
**Appeal by Date:** 1/9/2014  
**Review by Date:** 1/30/2014  
**Action by Date:** 5/23/2014  
**Municipality:** Capitol Heights  
**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 Davis, that this Detailed Site Plan be referred for document. The motion carried by the following vote:**

**Aye:** 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner

**REFERRED FOR DOCUMENT (Continued)**

[DSP-13020](#)

**Walker Mill Business Park, Lot 8**

**Applicant(s):** Wasim and Naira Butt

**Location:** Located on the north side of Prosperity Court, approximately 150 feet east of its intersection with Prosperity Way (1.58 Acres; I-1 Zone).

**Request:** Requesting approval of a Detailed Site Plan for a proposed vehicle towing company and automobile storage yard.

**Council District:** 7

**Appeal by Date:** 1/9/2014

**Review by Date:** 1/30/2014

**Action by Date:** 5/23/2014

**Municipality:** Capitol Heights

**History:**

*Council deferred this item to May 13, 2014.*

**This Detailed Site Plan was deferred.**

*Backup: Order of Approval, with Conditions.*

**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****[CNU-40223-2013](#)****DC Materials**

- Applicant(s):** HMH Partnership
- Location:** Located 1,160 ft from the intersection of Kenilworth Avenue and 52nd Avenue identified as 3334 Kenilworth Avenue, Hyattsville (6.9186 Acres; I-2 Zone).
- Request:** Requesting approval of a Nonconforming Use Certification for a concrete recycling facility in the I-2 Zone.
- Council District:** 5
- Appeal by Date:** 6/6/2014
- Review by Date:** 6/6/2014
- History:**

*Council took no action on this item.*

**This Certified Nonconforming Use was not elected to review by Council.**

**PENDING FINALITY (Continued)**

*The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision or an appeal is filed.*

[DDS-623](#)**National Harbor, Beltway Parcel, MGM Lot 4**

**Companion Case(s):** DSP-07073-01

**Applicant(s):** MGM National Harbor, LLC

**Location:** Located approximately one mile north of the Woodrow Wilson Bridge, southwest of the intersection of I-95/495 (Capital Beltway) and Indian Head Highway (MD 210) (49.47 Acres; M-X-T Zone).

**Request:** Requesting approval of a Departure from Section 27-558(a) of the Zoning Ordinance to allow a reduced standard, nonparallel parking space size to be used for all of the provided parking spaces.

**Council District:** 8

**Appeal by Date:** 6/9/2014

**Review by Date:** 6/9/2014

**Action by Date:** 10/14/2014

**History:**

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

**A motion was made by Council Member Patterson, seconded by Council Member Davis, that this Departure from Design Standards be elected to review. The motion carried by the following vote:**

**Aye:** 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner

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**PENDING FINALITY (Continued)**

*The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision or an appeal is filed.*

[DSP-07073-01](#)**National Harbor, Beltway Parcel, MGM Lots 2-7**

**Companion Case(s):** DDS-623

**Applicant(s):** MGM National Harbor, LLC

**Location:** Located approximately one mile north of the Woodrow Wilson Bridge, southwest of the intersection of I-95/495 (Capital Beltway) and Indian Head Highway (MD 210) (49.47 Acres; M-X-T Zone).

**Request:** Requesting approval of a Detailed Site Plan for an entertainment establishment of a commercial nature with a video lottery facility, retail, restaurants and a 300-room hotel for a total of approximately 1,078,237 square feet of development.

**Council District:** 8

**Appeal by Date:** 6/9/2014

**Review by Date:** 6/9/2014

**Action by Date:** 10/14/2014

**History:**

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

**A motion was made by Council Member Patterson, seconded by Council Member Davis, that this Detailed Site Plan be elected to review. The motion carried by the following vote:**

**Aye:** 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner

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**PENDING FINALITY (Continued)**

*The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision or an appeal is filed.*

**DSP-13008 Remand**      **Gilpin Property**

**Companion Case(s):** DSP-13008

**Applicant(s):** Boundary Stone SE #6, LLC

**Location:** Located in the southeastern quadrant of the intersection of Southern Avenue and Wheeler Road (14.43 Acres; I-1 Zone).

**Request:** Requesting approval of a Detailed Site Plan for conversion of an existing building into a consolidated-storage building with 615 interior-access units

**Council District:** 7

**Appeal by Date:** 6/5/2014

**Review by Date:** 6/5/2014

**History:**

*Council deferred this item to June 2, 2014.*

**This Detailed Site Plan was deferred to June 2, 2014.**

**DSP-91057-03**      **Rainier Manor Apartments**

**Applicant(s):** Stavrou Associates, Inc.

**Location:** Located at the southeast corner of the intersection of Buchanan Street and Queen Chapel Road (MD 500) (3.73 Acres; R-10 / D-D-O Zones).

**Request:** Requesting approval of a Detailed Site Plan to construct a new, four-story, elderly housing multifamily apartment building for an additional 57 dwelling units on an existing developed site.

**Council District:** 2

**Appeal by Date:** 6/5/2014

**Review by Date:** 6/5/2014

**Municipality:** City of Mount Rainier

**History:**

*Council took no action on this item.*

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

**12:16 PM ADJOURN**

*The meeting was adjourned at 12:16 p.m.*

**1:02 PM COMMITTEE OF THE WHOLE - (ROOM 2027)**

FY 2015-2020 CAPITAL IMPROVEMENT PROGRAM (CIP)

(SEE SEPARATE AGENDA)

**2:30 PM EXECUTIVE SESSION – (1ST FLOOR EXECUTIVE CONFERENCE ROOM)**

[EX 05122014](#)

**To consult with counsel to obtain legal advice and to consult with staff, consultants, or other individuals about pending or potential litigation in accordance with Section 10-508(a)(7, 8), State Government, Annotated Code of Maryland.**

**History:**

*Topic Discussed:*

*Discussion and update from outside counsel concerning the pending litigation in Zachair, Ltd., et al., v. Prince George's County, Case No. CAL 13-09817 (consolidated) before Judge Lamasney.*

**A motion was made by Council Member Harrison, seconded by Council Member Davis, to convene in Executive Session. The motion carried by the following vote:**

**Aye:**                    9 -     Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner



Prepared by:

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

Submitted by:

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