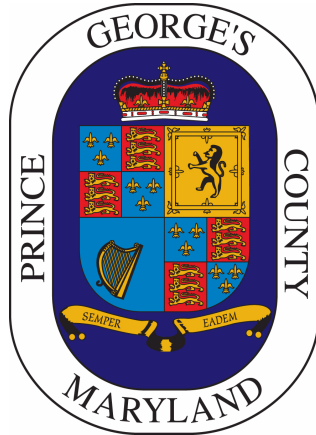


Prince George's County Council

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



Zoning Minutes - Final

Monday, July 20, 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

10:20 AM HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE - (ROOM 2027)

Committee Meeting Held

(SEE SEPARATE AGENDA)

12:59 PM COMMITTEE OF THE WHOLE - (ROOM 2027)

Committee of the Whole Meeting Held

FY2016 Board of Education Budget Reconciliation

(SEE SEPARATE AGENDA)

2:00 PM AGENDA BRIEFING - (ROOM 2027)

2:45 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 2:45 p.m. with eight members present at roll call. Council Member Turner was out on County business.

Present: 8 - 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

Absent: 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 Zvakos, Legislative Officer*

*M-NCPPC
Ruth Grover, Development Review Division*

INVOCATION

The Invocation was provided by Pastor William Tucker, Remnant Church of Christ, Temple Hills, MD. Council Member Taveras requested prayer for Clarence Shaw and his family in the loss of his mother. Council Member Toles requested prayer for the family of Leslie Friend, District 7 resident and Council appointee to the Redevelopment Authority, in her passing.

PLEDGE OF ALLEGIANCE**APPROVAL OF DISTRICT COUNCIL MINUTES**[MINDC 07062015](#)**District Council Minutes dated July 6, 2015**

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

Attachment(s): [07-06-2015 District Council Minutes DRAFT](#)

[MINDC 07142015](#)**District Council Minutes dated July 14, 2015**

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

Attachment(s): [07-14-2015 District Council Minutes DRAFT](#)

ORAL ARGUMENTSCDP-0101-03Central 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

Action by Date: 10/19/2015

History:

Ruth Grover, M-NCPPC, provided an overview of the Conceptual Design Plan application. William Shipp, Esq., spoke in support on behalf of the applicant as did Chris Hensley on behalf of Victoria Falls Community Association. 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 Turner).

This Comprehensive Design Plan hearing was held; subsequently, a motion was made by Council Member Lehman, seconded by Council Member Harrison, that this Comprehensive Design Plan be referred for document. The motion carried by the following vote:

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

Absent: Turner

Council adopted the prepared Order of approval, with conditions (Vote: 8-0; Absent: Council Member Turner).

A motion was made by Council Member Lehman, seconded by Council Member Harrison, that this Comprehensive Design Plan be approved with conditions. The motion carried by the following vote:

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

Absent: Turner

ORAL ARGUMENTS (Continued)**SDP-1003-06****Smith Home Farm, Section 1A, 1B, 2 & 3****Applicant(s):** SHF Project Owner, LLC**Location:** Located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4) (27.85 Acres; R-M Zone).**Request:** Requesting approval of a Specific Design Plan to revise the Section 3 layout to include 140 two-family dwellings, reduce the number of townhouses from 210 to 130, to add several models to the approved architecture for the specific design plan (SDP), and to revise the permit trigger for the approval of the SDP for the Westphalia Central Park.**Council District:** 6**Appeal by Date:** 6/11/2015**Review by Date:** 6/11/2015**Action by Date:** 9/21/2015**History:**

Ruth Grover, M-NCPPC, provided an overview of the Specific Design Plan application. The appellant, Ms. Colette Goldson, testified that her original concerns stated in her June 11, 2015 appeal letter have since been alleviated and therefore, she verbally withdrew her appeal to the application. Marva Jo Camp, Esq., spoke in support on behalf of the applicant. 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: 7-0; Absent: Council Members Toles and Turner).

The Specific Design Plan hearing was held. Subsequently, a motion was made by Vice Chair Davis, seconded by Council Member Harrison, that this Specific Design Plan be referred for document. The motion carried by the following vote:

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

Absent: Toles and Turner

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-45099-2014-01](#)**Nuzback Restaurant Bar**

Applicant(s): Nuzback Restaurant & Bar

Location: Located on the south side of Magnolia Street, approximately 150 feet east of the intersection with Baltimore Avenue (US 1) and Mulberry Street (1.033 Acres; C-S-C Zone).

Request: Requesting approval for certification of a nonconforming use for a parking compound in the R-55 Zone. Because Zoning Regulations were changed or adopted after the permitted use was lawfully established, the use became nonconforming. The nonconforming status began October 3, 1967.

Council District: 1

Appeal by Date: 8/6/2015

Review by Date: 9/8/2015

History:

Council took no action on this item.

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

Attachment(s): [CNU-45099-2014-01 Planning Board Resolution 15-63](#)
CNU-45099-2014-01_PORL
[CNU-45099-2014-01 Technical Staff Report](#)

PENDING FINALITY (Continued)**DSP-10046-01****Heathermore**

Applicant(s): Heathermore Associates, L.P.

Location: Located at the current terminus of Heathermore Boulevard, on its northern side (12.19 Acres; R-30 Zone).

Request: Requesting approval of a Detailed Site Plan for architecture for 92 townhouse units.

Council District: 9

Appeal by Date: 8/6/2015

Review by Date: 9/8/2015

History:

Council took no action on this item.

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

Attachment(s): [DSP-10046-01 Planning Board Resolution 15-58](#)

DSP-10046-01_PORL revised 07172015

[DSP-10046-01 Technical Staff Report](#)

DSP-14001**Evangel Christian Child Care Center**

Applicant(s): UGO Ucheya Apugo

Location: Located on the west side of Cedar Lane, south of Powder Mill Road (MD 212) (4.06 Acres; R-R Zone).

Request: Requesting approval of a Detailed Site Plan for a day care center, with a maximum enrollment of 100 children.

Council District: 1

Appeal by Date: 8/6/2015

Review by Date: 9/8/2015

History:

Council took no action on this item.

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

Attachment(s): [DSP-14001 Planning Board Resolution 15-57](#)

DSP-14001_PORL

[DSP-14001 Technical Staff Report](#)

PENDING FINALITY (Continued)[DSP-14028](#)**Prince George's Regional Hospital
Expedited Transit-Oriented Development Project****Applicant(s):**

Dimentions Health Corporation

Location:

The Larger site is located in the southwest quadrant of the intersection of Arena Drive and Lottsford Road, with frontage on Arena Drive, Lottsford Drive, and the Capital Beltway (I-95/495). The proposed hospital campus is located east of Capital Center Boulevard, directly adjacent to the Washington Metropolitan Area Transit Authority's (WMATA) Largo Metro Station to the south and east (77.83 Acres; M-X-T/D-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan for a 231-bed regional hospital and to validate the remaining portion of the existing shopping center as constructed.

Council District:

6

Appeal by Date:

7/30/2015

Review by Date:

7/30/2015

Comment(s):

This case is designated for expedited review in accordance with Section 27-107.01(a)(242.2)(B) and 27-290.01.

History:

Council took no action on this item.

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

Attachment(s):[DSP-14028 Planning Board Resolution 15-60](#)

DSP-14028_PORL

[DSP-14028 Technical Staff Report](#)

PENDING FINALITY (Continued)**DSP-14032****5900 Burgundy Street**

Applicant(s): Francisco Nadal

Location: Located on the north side of Burgundy Street in Capitol Heights, Maryland, also known as 5900 Burgundy Street (0.138 Acres; R-55/T-D-O Zone).

Request: Requesting approval of a Detailed Site Plan to validate the construction of a new single-family detached residence within the One-Family Detached Residential (R-55) Zone and the Transit District Overlay (T-D-O) Zone of the 2008 Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment (Capitol Heights TDDP).

Council District: 7

Appeal by Date: 7/30/2015

Review by Date: 7/30/2015

History:

Council took no action on this item.

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

Attachment(s): [DSP-14032 Planning Board Resolution 15-54](#)
DSP-14032_PORL
[DSP-14032 Technical Staff Report](#)

3:38 PM ADJOURN

The meeting was adjourned at 3:38 p.m.

EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

EX 07202015 To consult with counsel to seek legal advice and to discuss pending or potential litigation in accordance with Section 3-305(b)(7, 8), General Provisions, Annotated Code of Maryland.

History:

Council deferred this item to July 21, 2015.

This Executive Session was deferred.