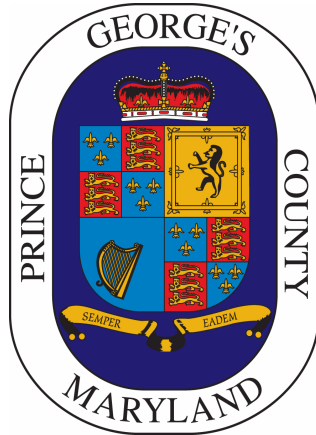


# Prince George's County Council

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



## **Zoning Minutes - Final**

**Monday, June 22, 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**

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**1:00 PM AGENDA BRIEFING - (ROOM 2027)**

**1:45 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 1:45 p.m. with nine members present at roll call.*

**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*

*Jimi Jones, Supervisor, Development Review Division  
Ruth Grover, Development Review Division  
Glen Burton, Transportation Section*

*DPIE*

*Mike O'Connel, Inspector*

**INVOCATION - Edwin H. Brown, Jr., County Employee**

*Council Members Davis and Harrison requested prayer for Dawn McRae, a current county employee and former District 6 staff member, in the passing of her mother Yvonne Marshall and for her sister Brenda Hester, who is recovering from injuries sustained in an automobile accident. Council Member Taveras requested prayer for Haitians being deported today. Council Member Toles requested prayer for Jack Lawlah, husband of former Secretary Gloria Lawlah, in his illness. Chairman Franklin requested prayer for the people of Charleston South Carolina and the AME Church in light of the recent shooting incident.*

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 06082015](#)      **District Council Minutes dated June 8, 2015**

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

**Attachment(s):**      [06-08-2015 District Council Minutes DRAFT](#)

[MINDC 06152015](#)      **District Council Minutes dated June 15, 2015**

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

**Attachment(s):**      [06-15-2015 District Council Minutes DRAFT](#)

**ORAL ARGUMENTS**[DSP-89063-07](#)**Duvall Village Shopping Center, Wal-Mart (Remand)**[Remand](#)**Companion Case(s):** DSP-89063-07**Applicant(s):** Wal-Mart Real Estate Business Trust**Location:** Located at the southeastern quadrant of the intersection of Annapolis Road (MD 450) and Glenn Dale Road (MD 953) (12.25 Acres; C-G Zone).**Request:** Requesting approval of a Detailed Site Plan for a 77,916-square-foot Wal-Mart in the Duvall Village Shopping Center in the General Commercial, Existing (C-G) Zone.**Council District:** 5**Appeal by Date:** 5/7/2015**Review by Date:** 5/7/2015**Action by Date:** 9/21/2015**History:**

*Ruth Grover, M-NCPPC, provided an overview of the Detailed Site Plan application. Henry Wixon, President, Glenn Dale Citizens Association, G. Macy Nelson, Esq. on behalf of citizen protestants, Jennifer Dwyer and Bremante Bryant spoke in opposition. Andre Gingles, Esq., on behalf of the applicant, Victoria Thomas, Montgomery Beard, III, and Solange Hess spoke in support. Glen Burton, Transportation Section, M-NCPPC, answered questions related to traffic. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.*

*This case was taken under advisement.*

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

**Attachment(s):** [DSP-89063-07 Remand Planning Board Resolution 14-16\(A\)](#)  
[DSP-89063-07 Remand\\_PORL](#)  
[DSP-89063-07 Remand Technical Staff Report](#)  
[DSP-89063-07 Remand Technical Staff Reprt \(Additional Back-up\)](#)  
[DSP-89063-07 District Council Decision 09232014](#)

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**ORAL ARGUMENTS (Continued)****[ERR-238](#)****Alvin E. Courtney, Jr.****Validation of Multifamily Rental Housing License M-1066**

**Applicant(s):** Alvin E. Courtney, Jr.

**Location:** Located at 3505 Varnum Street, Brentwood, Maryland (4.92 Acres; R-55/D-D-O Zones).

**Request:** Requesting approval for validation of Prince George's County's Multifamily Rental Housing License No. M-1066 issued in error on July 6, 2013 for three (3) multifamily dwelling units.

**Council District:** 2

**Appeal by Date:** 5/8/2015

**Action by Date:** 10/6/2015

**Municipality:** Town of Brentwood

**Opposition:** None

**History:**

*Jimi Jones, M-NCPPC, provided an overview of the application for validation of the referenced Multifamily Rental Housing License. Traci Scudder, Esq. on behalf of the applicant, and Alvin E. Courtney, Jr., applicant, spoke in support. Mike O'Connel, Inspector, DPIE, answered questions regarding permitting regulations. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.*

*Council referred item to staff for preparation of a document of remand to the Zoning Hearing Examiner (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

**Attachment(s):** ERR-238 Appeal  
[ERR-238 Zoning Hearing Examiner Decision](#)  
ERR-238 PORL

**ITEM(S) FOR DISCUSSION**[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 referred item to staff for preparation of a disapproving document (Vote: 8-0; Absent: Council Member Franklin).*

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

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

**Absent:** Franklin

*Council adopted the prepared Order of Denial (Vote: 7-0; Absent: Council Members Franklin and Turner).*

**A motion was made by Council Member Patterson, seconded by Council Member Taveras, that this Special Exception be disapproved. The motion carried by the following vote:**

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

**Absent:** Franklin and Turner

**REFERRED FOR DOCUMENT**[ERR-246](#)**Chesapeake Landing, LLC****Validation of Multifamily Rental License M-0175**

**Applicant(s):** Chesapeake Landing, LLC.

**Location:** Located at 7501, 7503, 7505, 7507, 7509, 7511, 7513, 7515, 7519, 7521, 7523, 7525, 7527, and 7529 Buchanan Street, Landover Hills, Maryland (7.94 Acres; R-18 Zone).

**Request:** Requesting approval for validation of Prince George's County Multifamily Rental License No. M-0175 issued in error for the Chesapeake Landing Apartments.

**Council District:** 3

**Appeal by Date:** 5/11/2015

**Action by Date:** 9/8/2015

**Opposition:** None

**History:**

*Council adopted the prepared Zoning Ordinance No. 11 - 2015 in accordance with the Zoning Hearing Examiner's decision, validating Multifamily Rental License No. M-0175 (Vote: 8-0; Absent: Council Member Franklin).*

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

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

**Absent:** Franklin



**REFERRED FOR DOCUMENT (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

**Action by Date:** 6/22/2015

**Municipality:** City of Bowie

**Opposition:** The Patuxent Riverkeeper, et. al.

*Council deferred this item to the end of the agenda.*

**Council deferred this item to the end of the agenda.**

**Attachment(s):** SE-4734 Petition for Judicial Review 07162015  
SE-4734 Opposition Letters  
SE-4734 Response to Appeal  
SE-4734 Applicants Exceptions to ZHE  
Decision  
[SE-4734 Zoning Hearing Examiner Decision](#)  
SE-4734\_PORL  
[SE-4734 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-4756](#)**Potomac Energy Holdings, LLC**

**Companion Case(s):** DDS-626; DPLS-411; DSDS-684

**Applicant(s):** Potomac Energy Holdings, LLC

**Location:** Located on the northeast side of Baltimore Avenue (US 1) approximately 400 feet north of the I-95/495 (Capital Beltway) College park exit (0.728 Acres; C-S-C Zone).

**Request:** Requesting approval of a Special Exception to use approximately 0.728 acres of land, in the C-S-C (Commercial Shopping Center) Zone for a Gas Station and Car Wash.

**Council District:** 1

**Appeal by Date:** 7/16/2015

**Review by Date:** 7/16/2015

**Action by Date:** 1/14/2016

**Opposition:** None

**History:**

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

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

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

**Absent:** Franklin

*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****CNU-15552-2014****Hampshire View**

**Applicant(s):** Mauestine Bell

**Location:** Located on the west side of Fairview Avenue, approximately 300 feet north of its intersection with Red Top Road (0.25 Acres; R-18 Zone).

**Request:** Requesting approval of a certification of a nonconforming use for a six-unit multifamily building in accordance with Subtitle 27 of the Prince George's County Code.

**Council District:** 2

**Appeal by Date:** 7/16/2015

**Review by Date:** 7/16/2015

**History:**

*Council took no action on this item.*

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

**Attachment(s):** [CNU-15552-2014 Planning Board Resolution 15-49](#)

[CNU-15552-2014\\_PORL](#)

[CNU-15552-2014 Technical Staff Report](#)

**CSP-14003****Hampton Park**

**Applicant(s):** Velocity Capital, LLC

**Location:** Located in the southwest quadrant of the intersection of Central Avenue (MD 214) (24.55 Acres; M-X-T Zone).

**Request:** Requesting approval of a Conceptual Site Plan to redevelop a portion of an existing shopping center property with a mixed-use project, including approximately 135,000 square feet of commercial/retail space, 125,000 square feet of office space, 600 residential multifamily dwelling units, and a 250-room hotel, to be constructed in two phases.

**Council District:** 6

**Appeal by Date:** 7/16/2015

**Review by Date:** 7/16/2015

**History:**

*Council took no action on this item.*

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

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**Attachment(s):**     [CSP-14003 Planning Board Resolution 15-52](#)  
CSP-14003\_PORL  
[CSP-14003 Technical Staff Report](#)

**PENDING FINALITY (Continued)**

[DDS-627](#)

**Bhagya Village**

**Applicant(s):**     Bhagya Village, LLC

**Location:**        Located at 6711 Cipriano Road on the east side of Cipriano Road, approximately, 1,300 feet (one-quarter mile) north of its intersection with Good Luck Road and approximately, 2,640 feet (one-half mile) south of Greenbelt Road (MD 193).

**Request:**           Requesting approval of a Departure from Design Standards for the location of a loading space and its access driveway less than 50 feet from a residential zone in accordance with Subtitle 27 of the Prince George's County Code.

**Council District:**   4

**Appeal by Date:**   7/16/2015

**Review by Date:**   7/16/2015

**History:**

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

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

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

**Absent:**             Patterson

**PENDING FINALITY (Continued)**[DSDS-688](#)**Potomac Energy Holdings****Companion Case(s):** DPLS-415**Applicant(s):** Potomac Energy Holdings, LLC**Location:** Located on the northeast corner of the intersection of Greenbelt Road (MD 193) and Aerospace Road (0.897 Acres; I-1 Zone).**Request:** Requesting approval of a Departure from Sign Design Standards for a departure of five feet from the required ten-foot setback for a freestanding sign in accordance with Subtitle 27 of the Prince George's County Code.**Council District:** 4**Appeal by Date:** 7/9/2015**Review by Date:** 7/9/2015**History:***Council elected to review this item (Vote: 8-0; Absent: Council Member Patterson).*

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

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

**PENDING FINALITY (Continued)****[DPLS-415](#)****Potomac Energy Holdings****Companion Case(s):** DSDS-688**Applicant(s):** Potomac Energy Holdings, LLC**Location:** Located on the northeast corner of the intersection of Greenbelt Road (MD 193) and Aerospace Road (0.897 Acres; I-1 Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards for a departure of five of the required 25 parking spaces in accordance with Subtitle 27 of the Prince George's County Code.**Council District:** 4**Appeal by Date:** 7/9/2015**Review by Date:** 7/9/2015**History:***Council elected to review this item (Vote: 8-0; Absent: Council Member Patterson).*

**A motion was made by Council Member Turner, seconded by Vice Chair Davis, that this Departure from Parking and Loading Standards be elected to review. The motion carried by the following vote:**

**Aye:** 8 - Franklin, Davis, Glaros, Harrison, Lehman, Taveras, Toles and Turner**Absent:** Patterson**[DSP-09030](#)****Addison's Addition to Cedar Hill****Applicant(s):** Wallis Sibila**Location:** Located east of Old Chapel Road, on the north side of South Homestake Drive, approximately 85 feet east of its intersection with West Vein Road (3.88 Acres; R-R Zone).**Request:** Requesting approval of a Detailed Site Plan for house placement, architecture, and landscaping for three new single-family homes, as required by Condition 8 of Preliminary Plan of Subdivision 4-08007.**Council District:** 4**Appeal by Date:** 6/25/2015**Review by Date:** 6/25/2015**History:***Council took no action on this item.*

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

**Attachment(s):** [DSP-09030 Planning Board Resolution 15-47](#)  
[DSP-09030\\_PORL](#)  
[DSP-09030 Technical Staff Report](#)

**PENDING FINALITY (Continued)****DSP-13015****Arlington Chemical**

**Applicant(s):** McKinley & Associates, LLC

**Location:** Located at 2313 51st Place and on the east side of 51st Place, approximately 300 feet north of its intersection with Tuxedo Road (0.25 Acres; I-2 / D-D-O Zones).

**Request:** Requesting approval of a Detailed Site Plan to add "crematory" as a permitted use to Table 12-Part 3, Industrial Uses, of the 2005 Approved Sector Plan and Sectional Map Amendment for the Tuxedo Road/Arbor Street/Cheverly Metro Area (Tuxedo Road/Arbor Street/Cheverly Metro Area Sector Plan and SMA).

**Council District:** 5

**Appeal by Date:** 7/16/2015

**Review by Date:** 7/16/2015

**History:**

*Council took no action on this item.*

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

**Attachment(s):** [DSP-13015 Planning Board Resolution 15-50](#)  
DSP-13015\_PORL  
[DSP-13015 Technical Staff Report](#)

**PENDING FINALITY (Continued)****[DSP-14035](#)****Comcast Building**

**Applicant(s):** Comcast of Maryland, LLC

**Location:** Located on the north side of Farragut Street, approximately 200 feet west of its intersection with Rhode Island Avenue (US 1), also identified as 4308-4314 Farragut Street in Hyattsville, Maryland (0.67 Acres; C-O / D-D-O Zones).

**Request:** Requesting approval of a Detailed Site Plan for a 615-square-foot extension to an existing telecommunications equipment hum within the C-O Zone and the D-D-O Zone of the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District (Gateway Arts District Sector Plan and SMA).

**Council District:** 2

**Appeal by Date:** 7/16/2015

**Review by Date:** 7/16/2015

**Municipality:** City of Hyattsville

**History:**

*Council took no action on this item.*

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

**Attachment(s):** [DSP-14035 Planning Board Resolution 15-51](#)  
DSP-14035\_PORL  
[DSP-14035 Technical Staff Report](#)

**RECESS****RECONVENE**



**REFERRED FOR DOCUMENT (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

**Action by Date:** 6/22/2015

**Municipality:** City of Bowie

**Opposition:** The Patuxent Riverkeeper, et. al.

**History:**

*Council adopted the prepared Zoning Ordinance No. 12 - 2015 of approval, with conditions (Vote: 7-2; Against: Council Members Taveras and Toles).*

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

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

**Nay:** 2 - Taveras and Toles

**4:03 PM ADJOURN**

*The meeting was adjourned at 4:03 p.m.*

EX 06222015

1. to consult with legal counsel to seek legal advice; and
2. to discuss pending or potential litigation.

*Topics discussed:*

2.) Discussion of strategy and litigation procedure related to new case, *Zimmer Dev't v. Prince George's County*, CAL15-01936.

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