



Prince George's County Council

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

Zoning Minutes - Draft 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

Monday, March 27, 2017

10:00 AM

Council Hearing Room

9:30 AM AGENDA BRIEFING - (ROOM 2027)

10:35 AM CALL TO ORDER - (COUNCIL HEARING ROOM)

The meeting was called to order by Chairman Davis at 10:35 a.m. with seven members present at roll call. Council Member Franklin arrived at 10:49 a.m. Council Member Glaros arrived at 11:26 a.m.

Present: 9 - Chairman Derrick Davis
Vice Chair Dannielle Glaros
Council Member Mel Franklin
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: Stan Brown, People's Zoning Counsel
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*

*M-NCPPC
Ruth Grover, Development Review Division
Susan Lareuse, Development Review Division*

INVOCATION

The Invocation was provided by Edwin H. Brown, Jr., County Employee. Council Member Lehman requested prayer for victims of violence everywhere. Council Member Harrison requested prayer for the family and church membership of the First Baptist Church of Highland Park in his passing of Reverend McCord, Pastor Emeritus. Council Member Davis requested prayer for two of his family members suffering from strokes.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Turner.

APPROVAL OF DISTRICT COUNCIL MINUTES

A motion was made by Council Member Turner, seconded by Council Member Harrison, that this be approved. The motion carried by the following vote:

[MINDC 03132017](#) District Council Minutes dated March 13, 2017

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

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

Absent: Glaros and Franklin

Attachment(s): **[3-13-2017 District Council Minutes DRAFT](#)**

[MINDC 03212017](#) District Council Minutes dated March 21, 2017

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

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

Absent: Glaros and Franklin

Attachment(s): [3-21-2017 District Council Minutes DRAFT](#)

ORAL ARGUMENTS

CSP-15003

Recovery Centers of America, Melwood Road Facility

Applicant(s): 4620 Melwood Road OPCO LLC

Location: Located on the eastern side of Melwood Road, approximately 2,600 feet north of its intersection with Pennsylvania Avenue (MD 4) (68.6 Acres; M-X-T Zone).

Request: Requesting approval of a Conceptual Site Plan for a 85,733-square-foot, 120-bed, group residential facility and medical facility for 64 patients a day for recovering alcoholics and drug addicts.

Council District: 6

Appeal by Date: 2/9/2017

Review by Date: 2/9/2017

Action by Date: 4/10/2017

History:

Dennis Whitley, III, Esq. raised a preliminary motion to dismiss the appeal filed by Joan Robertson. Stan Brown, People's Zoning Counsel spoke to the legalities of the motion. The Council decided to proceed with the Oral Argument hearing. Ruth Grover, M-NCPPC, provided an overview of the Conceptual Site Plan application. Joan Robertson and Sandra Russell spoke in opposition. Denis Whitley, III, Esq. and John Lombardo spoke in support, on behalf of the applicant.

Council took this case under advisement.

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

Attachment(s): [CSP-15003 Zoning AIS](#)
[CSP-15003 Planning Board Resolution 16-142](#)
CSP-15003_PORL
[CSP-15003 Technical Staff Report](#)

MANDATORY REVIEW (Using Oral Argument Procedures)[CSP-16004](#)**The Ascent**

Applicant(s): Davey Street, LLC.

Location: Located on the south side of Southern Avenue, north of Atkins Avenue, west of Davey Street, extending westward past Cavalier Street, approximately 640 feet (5.05 Acres; R-T / C-S-C / T-D-O Zones).

Request: Requesting approval of a Conceptual Site Plan to rezone the property from the Commercial Shopping Center (C-S-C) and Townhouse (R-T) Zones to the M-X-T Zone.

Council District: 7

Appeal by Date: 3/2/2017

Action by Date: 4/11/2017

Comment(s): District Council review of this case is required by Section 27-548.09.01(b) of the Zoning Ordinance.

Municipality: Town of Capitol Heights

History:

Susan LaReuse, M-NCPPC, provided an overview of the Conceptual Site Plan application. Dan Lynch Esq., on behalf of the applicant, and Bandele MCQueen, on behalf of the City of Capitol Heights, spoke in support. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

The Mandatory Review Hearing was held and Council took this case under advisement.

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

Attachment(s): [CSP-16004 Zoning AIS](#)

ITEM(S) FOR DISCUSSION[CNU-48061-2015](#)**McGhee Property**

Applicant(s): Tommy and Fred McGhee

Location: Located approximately 100 feet west of its intersection with Ventura Avenue and Old Central Avenue (MD214). The rectangular shaped property, which consists of part of Lot 2, is comprised of 0.50 acre of land in the R-T (Townhouse) and T-D-O (Transit-District-Overlay) Zone (0.5 Acres; R-T / T-D-O Zones).

Request: Requesting approval of a certification of nonconforming use for an automotive repair facility with four service bays and an automobile parking compound in accordance with Subtitle 27 of the Prince George's County Code.

Council District: 7

Appeal by Date: 2/9/2017

Review by Date: 2/9/2017

Action by Date: 5/12/2017

History:

Council deferred this item to April 24, 2017.

This Certification of a Nonconforming Use was deferred.

Attachment(s): [CNU-48061-2015 Zoning AIS](#)
[CNU-48061-2015 Planning Board Resolution 16-141](#)
CNU-48061-2015_PORL

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**[CDP-9503-H1](#)****Bealle Hill Forest, Block B, Lot 19**

Companion Case(s): SDP-0619-H1

Applicant(s): Angernette Coy-Coates

Location: Located on the southeast corner of the intersection of Bealle Hill Forest Lane and Bellevue Ridge Road, within the Bealle Hill Forest Subdivision (0.50 Acres; R-L Zone).

Request: Requesting approval for a minor amendment to a Comprehensive Design Plan (CDP) to construct a 16-foot octagonal gazebo in the rear yard of an existing single-family detached dwelling within the rear-yard setback.

Council District: 9

Appeal by Date: 3/9/2017

Review by Date: 4/13/2017

History:

Council took no action on this item.

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

Attachment(s): [CDP-9503-H1 Planning Board Resolution 17-09](#)
[CDP-9503-H1 Technical Staff Report](#)

PENDING FINALITY (Continued)[SDP-0619-H1](#)**Bealle Hill Forest, Block B, Lot 19****Companion Case(s):** CDP-9503-H1**Applicant(s):** Angernette Coy-Coates**Location:** Located on the southeast corner of the intersection of Bealle Hill Forest Lane and Bellevue Ridge Road, within the Bealle Hill Forest Subdivision (0.50 Acres; R-L Zone).**Request:** Requesting approval for a minor amendment to a Specific Design Plan (SDP) to construct a 16-foot octagonal gazebo in the rear yard of an existing single-family detached dwelling within the rear-yard setback.**Council District:** 9**Appeal by Date:** 3/9/2017**Review by Date:** 4/13/2017**History:***Council took no action on this item.***This Specific Design Plan was not elected to review by Council.****Attachment(s):** [SDP-0619-H1 Zoning AIS](#)
[SDP-0619-H1 Planning Board Resolution 17-10](#)
SDP-0619-H1_PORL
[SDP-0619-H1 Technical Staff Report](#)

PENDING FINALITY (Continued)[DDS-634](#)**George Kalonturas Property****Companion Case(s):** DPLS-433**Applicant(s):** George Kalonturas**Location:** Located on the north side of Spring Lane, approximately 120 feet east of Kenilworth Avenue (MD 201), also identified as 5410 Spring Lane, Riverdale Park, Maryland (0.13 Acres; R-55 Zone).**Request:** Requests a Departure from Design Standards from Section 4.2, Requirements for Landscape Strips Along Streets, and Section 4.7, Buffering Incompatible Uses, of the 2010 Prince George's County Landscape Manual requirements.**Council District:** 3**Appeal by Date:** 3/30/2017**Review by Date:** 3/30/2017**Municipality:** Town of Riverdale Park**History:**

Council took no action on this item.

This Departure from Design Standards was not elected to review by Council.

Attachment(s): [DDS-634 Zoning AIS](#)
[DDS-634 Planning Board Resolution 17-18](#)
DDS-634_PORL
[DDS-634 Technical Staff Report](#)

PENDING FINALITY (Continued)**[DPLS-433](#)****George Kalonturas Property**

Companion Case(s): DDS-634

Applicant(s): George Kalonturas

Location: Located on the north side of Spring Lane, approximately 120 feet east of Kenilworth Avenue (MD 201), also identified as 5410 Spring Lane, Riverdale Park, Maryland (0.13 Acres; R-55 Zone).

Request: Requesting approval of a Departure from Parking and Loading Standards for a departure of the two required parking spaces because access to the parking is located within a right-of-way.

Council District: 3

Appeal by Date: 3/30/2017

Review by Date: 3/30/2017

Municipality: Town of Riverdale Park

History:

Council took no action on this item.

This Departure from Parking and Loading Standards was not elected to review by Council.

Attachment(s): [DPLS-433 Zoning AIS](#)
[DPLS-433 Planning Board Resolution 17-19](#)
DPLS-433_PORL
[DPLS-433 Technical Staff Report](#)

12:02 PM RECESS

The meeting was recessed at 12:02 p.m.

1:37 PM RECONVENE

The meeting was reconvened at 1:37 p.m.

1:37 PM MANDATORY REVIEW (Using Oral Argument Procedures) (Continued)

[DSP-16043](#)

New Carrollton Town Center, Phase 1A
Expedited Transit-Oriented Development Project

Companion Case(s): DDS-636

Applicant(s): New Carrollton Developer, LLC

Location: Located on the north side of Garden City Drive, in the northwest quadrant of its intersection with John Hanson Highway (US 50). The subject property is also located in the Metro Core Neighborhood of the 2010 Approved New Carrollton Transit District Development Plan and Transit District Overlay Zoning Map Amendment (New Carrollton TDDP / TDOZMA). The property is abutting the east side of the New Carrollton Metro Station and includes property owned by the Washington Metropolitan Area Transit Authority (WMATA) (15.5 Acres; M-X-T / T-D-O Zones).

Request: Requesting approval of a Detailed Site Plan for development on Parcels 1 and 2 to construct an eight-story commercial office building and a seven-story parking garage as Phase 1A of a multiphase mixed-use development.

Council District: 3

Appeal by Date: 3/30/2017

Review by Date: 3/30/2017

Action by Date: 4/3/2017

Comment(s): District Council review of this case is required by Section 27-548.09.01 of the Zoning Ordinance for an amendment to the building height as dictated by the 2010 Approved New Carrollton Transit District Development Plan and Transit District Overlay Zoning Map Amendment.

History:

Susan LaReuse, M-NCPPC, provided an overview of the Conceptual Site Plan application. William Shipp, Esq. spoke in support, on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

This Detailed Site Plan hearing was held; subsequently, a motion was made by Vice Chair Glaros, seconded by Council Member Taveras, that this Detailed Site Plan be referred for document. The motion carried by the following vote:

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

A motion was made by Vice Chair Glaros, seconded by Council Member Turner, that this Detailed Site Plan be approval with conditions. The motion carried by the following vote:

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

Attachment(s): [DSP-16043 Zoning AIS](#)
[DSP-16043 Planning Board Resolution 17-34](#)
 DSP-16043_PORL
[DSP-16043 Technical Staff Report condensed](#)

2:19 PM ADJOURN

The meeting was adjourned at 2:19 p.m.

EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

EX 03272017

Motion to convene in executive session in accordance with Section 3-305(b), (1) (i) (ii), (7) and (8), General Provisions Article, Annotated Code of Maryland, as follows:

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

History:

Topics Discussed:

(1) Discussion of pending zoning litigation:

- (A) Petition for judicial review of MIOZMA in Circuit Court (CAL16-04632)*
- (B) Terry v. County Council (Court of Special Appeals Case No. 02756, Sept. Term 2015)*
- (C) Fred Price v. County Council in Circuit Court, (CAE16-37806)*
- (D) Zimmer Dev't Co. v. County Council, (CAL15-09136)*

(2) Discussion of personnel issues (Status of County Contracts for Legislative Branch)

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

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

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Redis C. Floyd, Clerk of the Council

DRAFT