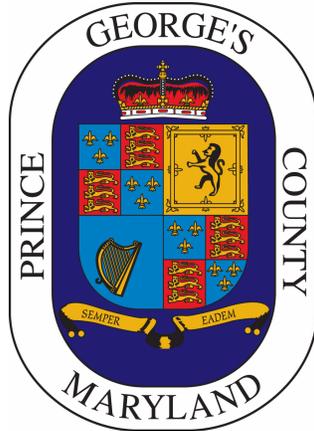


Prince George's County Council

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



Zoning Minutes - Final

Monday, June 8, 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

1:00 PM AGENDA BRIEFING - (ROOM 2027)

2:01 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 2:01 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
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

**INVOCATION - Mrs. Sylvia Taylor,
International Church of Christ, Landover, MD**

Council Member Glaros requested prayer for the Minor family in the passing of Ron Minor.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Taveras.

APPROVAL OF DISTRICT COUNCIL MINUTES[MINDC 05112015](#)**District Council Minutes dated May 11, 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: 9 - Franklin, Davis, Glaros, Harrison, Lehman, Patterson, Taveras, Toles and Turner

Attachment(s): [05-11-2015 District Council Minutes DRAFT](#)

[MINDC 05122015](#)**District Council Minutes dated May 12, 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: 9 - Franklin, Davis, Glaros, Harrison, Lehman, Patterson, Taveras, Toles and Turner

Attachment(s): [05-12-2015 District Council Minutes DRAFT](#)

NEW CASE(S)[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 referred item to staff for preparation of an approving document in accordance with the Zoning Hearing Examiner's decision (Vote: 9-0).

A motion was made by Council Member Glaros, seconded by Council Member Harrison, 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-246 Zoning Hearing Examiner Decision](#)

ERR-246 PORL

NEW CASE(S) (Continued)

[ERR-247](#)

Melvin F. Fox

Validation of Multifamily Rental License M-0168 Issued in Error

Applicant(s): Melvin F. Fox Living Trust

Location: Located at 5221 Marlboro Pike, Capitol Heights, Maryland (0.27 Acres; R-18 Zone).

Request: Requesting validation of Prince George's County Multifamily Rental License No. M-0168 issued in error.

Council District: 7

Appeal by Date: 6/3/2015

Action by Date: 10/2/2015

Opposition: None

History:

Council deferred this item.

This Permit issued in error was deferred

Attachment(s): [ERR-247 Zoning Hearing Examiner Decision](#)
ERR-247 PORL

ITEM(S) FOR DISCUSSION[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 referred item to staff for preparation of an approving document, with conditions (Vote: 8-1; Against: Council Member Toles).

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

- Aye:** 8 - Franklin, Davis, Glaros, Harrison, Lehman, Patterson, Taveras and Turner
- Nay:** 1 - Toles

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-4012-15](#)****Strathcona Apartments****Applicant(s):**

Greenbelt Park, LLC.

Location:

Located on the south side of Crescent Road at its intersection with Southway Road in the City of Greenbelt (1.29 Acres; R-18 / R-P-C Zones).

Request:

Requesting approval for Certification of an existing 42-unit, multifamily, garden-style apartment complex that was built when the property was not subject to the requirements of the Zoning Ordinance. Because development regulations were changed or adopted after the apartment use was lawfully established, the complex became nonconforming.

Council District: 4**Appeal by Date:** 6/11/2015**Review by Date:** 6/11/2015**Municipality:** City of Greenbelt**History:**

Council took no action on this item.

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

Attachment(s):

[CNU-4012-2015 Planning Board Resolution
15-29](#)

[CNU-4012-15_PORL](#)

[CNU-4012-2015 Technical Staff Report](#)

PENDING FINALITY (Continued)[DDS-626](#)**Potomac Energy Holdings, LLC****Companion Case(s):** 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 Capital Beltway (I-95 / 495, College Park exit) (0.73 Acres; C-S-C Zone).**Request:** Requesting approval of a Departure from Design Standards form Section 4.7 of the 2010 Prince George's County Landscape Manual.**Council District:** 1**Appeal by Date:** 6/11/2015**Review by Date:** 6/11/2015**History:***Council elected to review this item (Vote: 9-0).*

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

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

Attachment(s): [DDS-626 Planning Board Resolution 15-33](#)

DDS-626_PORL

PENDING FINALITY (Continued)[DPLS-411](#)**Potomac Energy Holdings, LLC****Companion Case(s):** DDS-626; 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 Capital Beltway (I-95 / 495, College Park exit) (0.73 Acres; C-S-C Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards from Section 27-582(a) of the Prince George's County Zoning Ordinance for the elimination of the loading space requirement due to the 50-foot setback requirement from a residential property set forth in Section 27-579.**Council District:** 1**Appeal by Date:** 6/11/2015**Review by Date:** 6/11/2015**History:***Council elected to review this item (Vote: 9-0).*

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

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

Attachment(s): [DPLS-411 Planning Board Resolution 15-34](#)

DPLS-411_PORL

PENDING FINALITY (Continued)[DSDS-684](#)**Potomac Energy Holdings, LLC****Companion Case(s):** DDS-626; DPLS-411**Applicant(s):** Potomac Energy Holdings, LLC**Location:** Located on the northeast side of Baltimore Avenue (US 1), approximately 400 feet north of the Capital Beltway (I-95 / 495, College Park exit) (0.73 Acres; C-S-C Zone).**Request:** Requesting approval of a Departure from Sign Design Standards from Section 27-614(a)(1) of the Zoning Ordinance in order to allow a freestanding sign on a property where the main building associated with the freestanding sign is set back less than 4 feet from the front streetline. The proposed building is set back 24 feet from the front streetline along Baltimore Avenue (US 1). Therefore, a departure of approximately 16 feet is requested.**Council District:** 1**Appeal by Date:** 6/11/2015**Review by Date:** 6/11/2015**History:***Council elected to review this item (Vote: 9-0).*

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

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

Attachment(s): [DSDS-684 Planning Board Resolution 15-32](#)
DSDS-684_PORL

PENDING FINALITY (Continued)[DSP-14025](#)**Wood Glen**

Companion Case(s): DDS-630

Applicant(s): Palisades Development at Good Luck Road, LLC

Location: Located on the east side of Good Luck Road, approximately 400 feet south of its intersection with Greenbelt Road (MD 193) (11.87 Acres; C-O Zone).

Request: Requesting approval of a Detailed Site Plan for 138 single-family attached dwelling units in the Commercial Office (C-O) Zone.

Council District: 3

Appeal by Date: 6/11/2015

Review by Date: 6/11/2015

History:

Council took no action on this item.

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

Attachment(s): [DSP-14025 Planning Board Resolution 15-39](#)

DSP-14025_PORL

[DSP-14025 Technical Staff Report](#)

[DDS-630](#)**Wood Glen**

Companion Case(s): DSP-14025

Applicant(s): Palisades Development at Good Luck Road, LLC

Location: Located on the east side of Good Luck Road, approximately 400 feet south of its intersection with Greenbelt Road (MD 193) (11.87 Acres; C-O Zone).

Request: Requesting approval of a Departure from Design Standards for the purpose of seeking relief from the 2010 Prince George's Landscape Manual, Section 4.10, Street Trees along Private Streets.

Council District: 3

Appeal by Date: 6/11/2015

Review by Date: 6/11/2015

History:

Council took no action on this item.

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

Attachment(s): [DDS-630 Planning Board Resolution 15-40](#)

DDS-630_PORL

[DDS-630 Technical Staff Report](#)

PENDING FINALITY (Continued)[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 deferred this item to June 22, 2015.***This Detailed Site Plan was deferred to June 22, 2015.****Attachment(s):** [DSP-09030 Planning Board Resolution 15-47](#)
DSP-09030_PORL
[DSP-09030 Technical Staff Report](#)

PENDING FINALITY (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:

Council took no action on this item.

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

Attachment(s): [SDP-1003-06_Appeal](#)
[SDP-1003-06 Planning Board Resolution 15-36](#)
[SDP-1003-06_PORL](#)
[SDP-1003-06 Technical Staff Report](#)
[SDP-1003-06 Waiver Technical Staff Report](#)

2:15 PM ADJOURN

The meeting was adjourned at 2:15 p.m.

EXECUTIVE SESSION – (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

EX 06082015 Motion to convene in executive session, in accordance with Section 3-305(b) (7, 8), General Provisions Article, Annotated Code of Maryland, as follows:

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

History:

Council deferred this item.

This Executive Session was deferred.