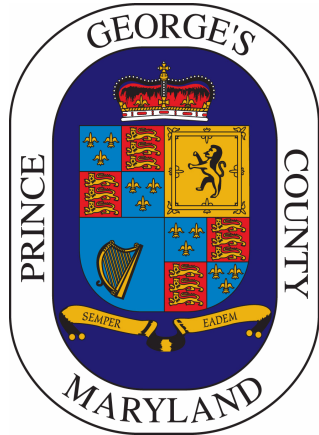


Prince George's County Council

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



Zoning Minutes - Draft

Monday, June 2, 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

10:24 AM CALL TO ORDER

The meeting was called to order at 10:24 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

*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*

*M-NCPPC
Ruth Grover, Development Review Division
Tom Lockard, Development Review Division*

**INVOCATION - Reverend Charles Winston McNeil, Jr., Senior Pastor
Unity Baptist Church, Washington, D. C**

Council Member Davis requested prayer for his 97-year-old grandmother-in-law who is recovering from a stroke. Council Member Lehman requested prayer for the Kalie family in the passing of Jenny Lee Kalie, a loving wife, mother, activist, and retired Prince George's County Teacher.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Campos.

APPROVAL OF DISTRICT COUNCIL MINUTES

MINDC 03172014 District Council Minutes dated March 17, 2014

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

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

MINDC 03182014 District Council Minutes dated March 18, 2014

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

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

MINDC 03242014 District Council Minutes dated March 24, 2014

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

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

MINDC 04012014 District Council Minutes dated April 1, 2014

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

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

MINDC 04142014 District Council Minutes dated April 14, 2014

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

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

MINDC 04212014 District Council Minutes dated April 21, 2014

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

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

ORAL ARGUMENTS**DSP-13012 Conifer Village at Oakcrest**

Applicant(s): Conifer Realty LLC

Location: Located at the northwestern quadrant of the intersection of Brooks Drive and Ridley Street (4.343 Acres; R-10 Zone).

Request: Requesting approval of a Detailed Site Plan for construction of 120 senior, age-restricted units of multifamily housing in a single building.

Council District: 7

Appeal by Date: 5/1/2014

Review by Date: 5/1/2014

Action by Date: 9/1/2014

History:

Ruth Grover, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Russell Warfel, Esq. spoke in support on behalf of the applicant. He was assisted by Jessica Zanega of Conifer Realty. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.

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

NEW CASE(S)

ERR-214 Remand

Jianping WuValidation of Multi-Family Rental Permit No. M-682Companion Case(s): ERR-214Applicant(s): Jianping WuLocation: 3607 Longfellow Street, Hyattsville, Maryland (0.5915 Acres; R-55 Zone).Request: Validation of Multi-Family Rental Permit No. M-682Council District: 2Appeal by Date: 5/22/2014Action by Date: 9/22/2014Municipality: City of HyattsvilleOpposition: NoneHistory:

Council adopted the prepared Zoning Ordinance No. 5 - 2014 in accordance with the Zoning Hearing Examiner decision (Vote: 8-0; Absent: Council Member Davis).

A motion was made by Vice Chair Campos, seconded by Council Member Turner, that this Permit issued in error be approved with conditions. The motion carried by the following vote:

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

Absent: Davis

Backup: Zoning Ordinance in accordance with the Zoning Hearing Examiner's Decision.

NEW CASE(S) (Continued)

ERR-230

Lester LangfordValidation of Rental Housing Licenses M-1100 and M-1091Applicant(s):

Lester Langford

Location:

Located at 5511 and 5513 Sachem Drive, Forest Heights, Maryland.

Request:

Requesting approval for a validation of a Prince George's County Rental Housing License M-1100 issued in error on June 8, 2008, for a three unit attached apartment building on approximately 10,423 sq. ft. of land in the R-55 Zone.

Also Requesting approval of a validation of a Prince George's County Rental Housing License M-1091 issued in error on October 26, 2007, for a three unit attached apartment building on approximately 9,159 sq. ft. of land, in the R-55 Zone.

Council District:

8

Appeal by Date:

5/22/2014

Action by Date:

9/22/2014

Municipality:

Town of Forest Heights

Opposition:

None

History:

Council adopted the prepared Zoning Ordinance No. 6 - 2014 in accordance with the Zoning Hearing Examiner decision (Vote: 8-0; Absent: Council Member Davis).

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

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

Absent: Davis

Backup: Zoning Ordinance in accordance with the Zoning Hearing Examiner's Decision.

NEW CASE(S) (Continued)

ERR-232

Calvert Hall**Validation of Multi-Family Rental Permit No. M-0174**

Applicant(s): Calvert Hall Limited Partnership

Location: Located at 3805, 3807, 3809, 3811, 3813, 3815, 3817, 3819, 3821, 3823, 3825, and 3827 64th Avenue, Landover, MD (7.55 Acres; R-18 Zone).

Request: Requesting approval of a validation of Prince George's County's Multi-Family License No. M-0174, issued in error on June 21, 2001, for 162 apartment units.

Council District: 5

Appeal by Date: 5/27/2014

Action by Date: 9/22/2014

Municipality: None

Opposition: None

History:

Council adopted the prepared Zoning Ordinance No. 7 - 2014 in accordance with the Zoning Hearing Examiner decision (Vote: 9-0).

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

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

Backup: Zoning Ordinance in accordance with the Zoning Hearing Examiner's Decision.

REFERRED FOR DOCUMENT

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:**

Under discussion, Council Member Lehman thanked the applicant for working with the City of West Laurel to resolve outstanding issues. Council Member Lehman also requested a modification in additional condition No. 3 of the prepared order. Subsequently, Council adopted the modified prepared Order of approval, with conditions (Vote: 9-0).

A motion was made by Council Member Lehman, seconded by Council Member Turner, that this Conceptual 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.

REFERRED FOR DOCUMENT (Continued)

SE-4704

In Loving Hands**Companion Case(s):** DDS-613; DPLS-373**Applicant(s):** In Loving Hands, LLC/Carlos Watson**Location:** Located at the terminus of Lucille Court, approximately 210 feet north of its intersection with Lucille Drive (0.48 Acres; R-R Zone).**Request:** Requesting approval of a Special Exception for a Congregate Living Facility for up to 15 residents.**Council District:** 8**Appeal by Date:** 3/17/2014**Review by Date:** 3/17/2014**Action by Date:** 7/14/2014**Municipality:** None**Opposition:** None**History:**

Council adopted the prepared Zoning Ordinance No. 8 - 2014 in accordance with the Zoning Hearing Examiner decision (Vote: 9-0).

A motion was made by Council Member Patterson, 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: Zoning Ordinance in accordance with the Zoning Hearing Examiner's Decision.

REFERRED FOR DOCUMENT (Continued)

DDS-613

In Loving Hands**Companion Case(s):** DPLS-373; SE-4704**Applicant(s):** Carlos Watson**Location:** Located at the terminus of Lucille Court, approximately 210 feet north of its intersection with Lucille Drive (0.48 Acres; R-R Zone).**Request:** Requesting approval of a Departure from Design Standards of 12 feet from the required 22-foot-wide driveway aisle width and a departure from Section 4.7 of the Landscape Manual**Council District:** 8**Appeal by Date:** 11/21/2013**Review by Date:** 11/21/2013**Action by Date:** 7/14/2014**History:**

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

A motion was made by Council Member Patterson, seconded by Council Member Davis, that this Departure from Design 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.

REFERRED FOR DOCUMENT (Continued)

DPLS-373

In Loving Hands**Companion Case(s):** DDS-613; SE-4704**Applicant(s):** Carlos Watson**Location:** Located at the terminus of Lucille Court, approximately 210 feet north of its intersection with Lucille Drive (0.48 Acres; R-R Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards for the waiver of three of the required four parking spaces.**Council District:** 8**Appeal by Date:** 11/21/2013**Review by Date:** 11/21/2013**Action by Date:** 7/14/2014**History:**

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

A motion was made by Council Member Patterson, 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

REFERRED FOR DOCUMENT (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:**

Council adopted the prepared Zoning Ordinance No. 9 - 2014 in accordance with the Zoning Hearing Examiner decision (Vote: 8-0; Absent: Council Member Campos).

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

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

Backup: Zoning Ordinance in accordance with the Zoning Hearing Examiner's Decision.

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

In the event the District Council elects to make the final decision in this case, the Council should consider whether it wants an oral argument pursuant to CB-61-1997.

SE-4719**Music Studio 63****d/b/a Grandma's South Carolina Catering****Applicant(s):**

Music Studio 63

d/b/a Grandma's South Carolina Catering

Location:

Located south of East Capitol Street, southeast of Athena Street, and southwest of Yeoman Place (0.38 Acres; C-M/D-D-O Zones).

Request:

Requesting approval of a Special Exception for continue operation of an Auditorium/Catering Establishment/Banquet Hall with Adult Entertainment.

Council District:

7

Appeal by Date:

6/30/2014

Review by Date:

6/30/2014

Municipality:

None

Opposition:

None

History:

Council took no action on this item.

Council did not elect to make the final decision on this Special Exception.

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.

(b) PLANNING BOARD**CNU-2764-12****Atlas Foundations of Washington, LLC****Applicant(s):** Edward E. Perez-Reyes**Location:** Located southwest of Beech Way and west of Stamp Road, at the intersection of Beech Way and Stamp Road (0.284 Acres; C-S-C Zone).**Request:** Requesting Certification of a Nonconforming Use for a contractor's office with outdoor storage of materials only in accordance with Subtitle 27 of the Prince George's County Code.**Council District:** 8**Appeal by Date:** 6/12/2014**Review by Date:** 6/12/2014**History:**

Council deferred this item to June 3, 2014.

This Certified Nonconforming Use was deferred to June 3, 2014.

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-03033-02 East Marlton, Section 18, 19, 20, 21, and 22

Applicant(s): Lake Marlton L.P.

Location: Located off the proposed East Marlton Avenue, which is an extension of Heathermore Boulevard, northwest of the developing site. Also, the subject site is located on the northwest side of Croom Road (MD 382) and the northeast side of Marlton Town Center (178.15 Acres; R-R/R-80/R-T/R-P-C Zones).

Request: Requesting approval of a Detailed Site Plan for a revision to a DSP to combine Detailed Site Plans DSP-03033 and DSP-03035, update landscaping, add new house types, and revise the layout for Section 21.

Council District: 9

Appeal by Date: 6/26/2014

Review by Date: 6/26/2014

History:

Council took no action on this item.

This Detailed Site Plan 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.

DSP-03098-03 Metropolitan At College Park**Reconsideration**

- Applicant(s):** Metropolitan Development Group, LLC.
- Location:** Located on the southeast corner of the intersection of Baltimore Avenue (US 1) and Cherokee Street (4.22 Acres; M-U-I/D-D-O Zones).
- Request:** Requesting elimination of Condition 2 of approved PGCPB Resolution No. 13-147(C) that requires the applicant to vacate a 20-foot-wide public right-of-way dedicated to the City of College Park, because the applicant's property was not a part of the original land dedication.
- Council District:** 3
- Appeal by Date:** 6/26/2014
- Review by Date:** 6/26/2014
- Municipality:** City of College Park
- History:**

Council took no action on this item.

This Detailed Site Plan 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.

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 took no action on this item.

This Detailed Site Plan 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.

ROSP-3728-02 McDonald's - Allentown Road

Companion Case(s): DPLS-398

Applicant(s): McDonald's USA, LLC

Location: The subject property is a combination of two parcels located at the southwest corner of the intersection of Temple Hill Road and Allentown Road, also known as 7100 Allentown Road (1.916 Acres; C-S-C/R-80 Zones).

Request: Requesting approval of a Revision of Site Plan to replace an existing 4,259-square-foot building with a 4,393-square-foot building, and to replace the existing single-lane drive-through with a dual-lane drive-through in accordance with Subtitle 27 of the Prince George's County Code.

Council District: 8

Appeal by Date: 6/26/2014

Review by Date: 6/26/2014

History:

Council took no action on this item.

This Revision of Site Plan 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.

DPLS-398 McDonald's - Allentown Road

Companion Case(s): ROSP-3728-02

Applicant(s): McDonald's USA, LLC

Location: The subject property is a combination of two parcels located at the southwest corner of the intersection of Temple Hill Road and Allentown Road, also known as 7100 Allentown Road (1.916 Acres; C-S-C/R-80 Zones).

Request: Requesting approval of a Departure from Parking and Loading Standards for a departure of 16 parking spaces, since some of the existing parking on the site would be taken by a proposed dual-lane drive-through and relocation of the trash enclosure in accordance with Subtitle 27 of the Prince George's County Code.

Council District: 8

Appeal by Date: 6/26/2014

Review by Date: 6/26/2014

History:

Council took no action on this item.

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

11:42 AM ADJOURN

The meeting was adjourned at 11:42 a.m.

EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

EX 06022014

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 by counsel regarding the recent decision in Zimmer Development v. Prince George's County Council sitting as the District Council.

A motion was made by Council Member Toles, seconded by Council Member Davis, that this Executive Session be convened. 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