

Prince George's County Council

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



Zoning Minutes - Final

Monday, May 4, 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)**1:54 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 1:54 p.m. with eight members present at roll call. Council Member Patterson was out due to death in the family.

Present: 8 - Chairman Mel Franklin
 Vice Chair Derrick Davis
 Council Member Dannielle Glaros
 Council Member Andrea Harrison
 Council Member Mary Lehman
 Council Member Deni Taveras
 Council Member Karen Toles
 Council Member Todd Turner

Absent: Council Member Obie Patterson

*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

Tom Lockard, Development Review Division

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

The Invocation was provided by Edwin H. Brown, County Employee. Council Member Toles requested prayer for former Delegate Melanie Griffith and her family in the passing of her mother.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Lehman.

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 04272015](#)

District Council Minutes dated April 27, 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: 8 - Franklin, Davis, Glaros, Harrison, Lehman, Taveras, Toles and Turner

Absent: Patterson

[MINDC 04282015](#)

District Council Minutes dated April 28, 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: 8 - Franklin, Davis, Glaros, Harrison, Lehman, Taveras, Toles and Turner

Absent: Patterson

ORAL ARGUMENTS

A-10024-C REMAND

Fairview Commercial

Applicant(s): DD Land Holding, LLC

Location: Located northwest quadrant of the intersection of Martin Luther King Jr. Highway (MD 704) and Whitfield Chapel Road (7.65 Acres; R-80 Zone)

Request: Requesting approval of a Zoning Map Amendment for rezoning subject property from the R-80 to C-S-C Zone for development of retail commercial uses.

Council District: 5

Appeal by Date: 1/12/2015

Action by Date: 6/1/2015

Municipality: None

Opposition: Judith Dobbins, et. al.

Attachment(s): [A-10024-C \(REMAND\) District Council Final Decision 05122015](#)
[A-10024-C \(REMAND\) ZHE Decision](#)
A-10024-C POR
[A-10024-C District Council Decision 05132013](#)
[A-10024-C ZHE Decision](#)
[A-10024-C Planning Board Resolution 12-60](#)
[A-10024-C Technical Staff Report](#)

RECESS

Council took a brief recess to allow Persons of Record to sign up to speak.

RECONVENE

A-10024-C REMANDFairview Commercial

- Applicant(s):** DD Land Holding, LLC
- Location:** Located northwest quadrant of the intersection of Martin Luther King Jr. Highway (MD 704) and Whitfield Chapel Road (7.65 Acres; R-80 Zone)
- Request:** Requesting approval of a Zoning Map Amendment for rezoning subject property from the R-80 to C-S-C Zone for development of retail commercial uses.
- Council District:** 5
- Appeal by Date:** 1/12/2015
- Action by Date:** 6/1/2015
- Municipality:** None
- Opposition:** Judith Dobbins, et. al.
- History:**

Tom Lockard, M-NCPPC, provided an overview of the Zoning Map Amendment application. Michael Nagy, Esq., spoke in support on behalf of the applicant. Kathy Ruttenhouse, Tjuana Fisher, Judith Dobbins and Lula Beatty spoke in opposition. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

Council took this case under advisement.

This Zoning Map Amendment was hearing held and the case was taken under advisement.

- Attachment(s):** [A-10024-C \(REMAND\) District Council Final Decision 05122015](#)
[A-10024-C \(REMAND\) ZHE Decision](#)
A-10024-C POR
[A-10024-C District Council Decision 05132013](#)
[A-10024-C ZHE Decision](#)
[A-10024-C Planning Board Resolution 12-60](#)
[A-10024-C Technical Staff Report](#)

REFERRED FOR DOCUMENT[DSP-13027](#)**Longfellow Street Property**

- Applicant(s):** Lilian Koo
- Location:** Located on the northeastern side of Longfellow Street, approximately 440 feet southeast of its intersection with Queens Chapel Road in Hyattsville (0.13 Acres; R-35 / D-D-O Zones).
- Request:** Requesting approval of a Detailed Site Plan for a conversion of a one-family detached dwelling to a building containing up to three dwelling units.
- Council District:** 2
- Appeal by Date:** 12/26/2014
- Review by Date:** 1/30/2015
- Action by Date:** 5/8/2015
- Municipality:** City of Hyattsville
- History:**

Council adopted the prepared Order of Disapproval In Part, and Approval In Part, with Conditions (Vote: 8-0; Absent: Council Member Patterson).

A motion was made by Council Member Taveras, seconded by Vice Chair Davis, that this Detailed Site Plan be disapproved in part, and approved in part, with conditions.

The motion carried by the following vote:

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

REFERRED FOR DOCUMENT (Continued)[DSP-14005](#)**Walker Mill Business Park Lot 9****Applicant(s):** Wasim Butt**Location:** Located on the north side of Prosperity Court, approximately 150 feet east of its intersection with Prosperity Way (0.72 Acres; I-1 Zone).**Request:** Requesting approval of a Detailed Site Plan for a vehicle towing company and automobile storage yard in the Light Industrial (I-1) Zone.**Council District:** 7**Appeal by Date:** 2/12/2015**Review by Date:** 2/12/2015**Action by Date:** 5/8/2015**Municipality:** Town of Capitol Heights**History:**

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

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

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

Absent: Patterson and Taveras

REFERRED FOR DOCUMENT (Continued)[ERR-243](#)**Peter Tatchell****Validation of Multifamily Rental License M-682 Issued in Error**

- Applicant(s):** Peter Tatchell
- Location:** Located at 6106 41st Avenue, Hyattsville, Maryland (0.12 Acres; R-35 Zone).
- Request:** Requesting approval for validation of Prince George's County Multifamily Rental License No. M-682 issued in error in 1973 for a 3-unit multifamily apartment building.
- Council District:** 2
- Appeal by Date:** 4/10/2015
- Review by Date:** 4/10/2015
- Action by Date:** 7/9/2015
- Municipality:** City of Hyattsville
- Opposition:** None
- History:**

Council adopted the prepared Zoning Ordinance No. 7-2015 of approval (Vote: 7-0; Absent: Council Members Patterson and Taveras).

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

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

Absent: Patterson and Taveras

ITEM(S) FOR DISCUSSION[SE-4667](#)**Sycamore Hill**

- Applicant(s):** Presidential Care, LLC / Stoddard Baptist Home, Inc.
- Location:** Located on the east side of Lottsford Vista Road, across from its intersection with Cleary Lane, also identified as 3911 Lottsford Vista Road, Bowie, Maryland (7.91 Acres; R-R Zone).
- Request:** Requesting approval of a Special Exception for an Adult Day Care for 15 persons and a 63-unit Assistant Living Facility for 78 persons.
- Council District:** 5
- Appeal by Date:** 11/14/2014
- Review by Date:** 1/14/2015
- Action by Date:** 5/14/2015
- Opposition:** The Willow Grove Citizens Association, et. al.
- History:**

Council referred item to staff for preparation of a document of Remand to the Zoning Hearing Examiner (Vote: 8-0; Absent: Council Member Patterson).

A motion was made by Council Member Harrison, 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, Taveras, Toles and Turner

Absent: Patterson

Council adopted the prepared Order of Remand to the Zoning Hearing Examiner (Vote: 8-0; Absent: Council Member Patterson).

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

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

Absent: Patterson

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-0101-03****Central 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:

Council deferred this item to May 11, 2015.

This Comprehensive Design Plan was deferred.

Attachment(s): [CDP-0101-03 District Council Final Decision 07202015](#)

[CDP-0101-03 Planning Board Resolution 15-24](#)

[CDP-0101-03_PORL](#)

[CDP-0101-03 Technical Staff Report](#)

3:39 PM ADJOURN

The District Council meeting was adjourned at 3:39 p.m.

7:12 PM PUBLIC HEARING - (COUNCIL HEARING ROOM)

PRINCE GEORGE'S COUNTY PROPOSED FY 2016 OPERATING BUDGET, SIX YEAR CAPITAL PROGRAM (INCLUDING THE CAPITAL IMPROVEMENT BUDGET) AND THE PRINCE GEORGE'S COUNTY BOARD OF EDUCATION PORTION OF THE COUNTY FY 2016 OPERATING BUDGET, PROPOSED BUDGET OF THE REDEVELOPMENT AUTHORITY, REVENUE AUTHORITY AND INDUSTRIAL DEVELOPMENT AUTHORITY OF PRINCE GEORGE'S COUNTY, AND THE CONSTANT YIELD TAX RATE

The Public Hearing was held.

(SEE SEPARATE AGENDA)

11:23 PM ADJOURN

The Public Hearing was adjourned at 11:23 p.m.