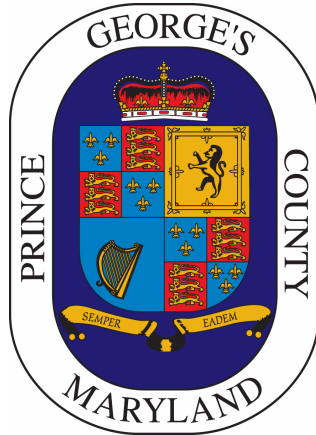


Prince George's County Council

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



Zoning Minutes - Final

Monday, November 9, 2015

10:00 AM

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

9:30 AM AGENDA BRIEFING - (ROOM 2027)**10:18 AM 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 10:18 a.m. with eight members present at roll call. Council Member Glaros arrived at 11:11 a.m.

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*

M-NCPPC

Tom Lockard, Development Review Division

Jimi Jones, Supervisor, Development Review Division

INVOCATION

The Invocation was provided by Edwin H. Brown, Jr., County Employee. Council Member Taveras requested prayer for the victims of a multi-vehicle, fatal car accident in Chillum, Maryland. Council Member Franklin requested prayer for the family of Dashelle Brown, in her passing.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Patterson.

ORAL ARGUMENTS[SE-4757](#)**Potomac Energy Holdings, LLC****Companion Case(s):** DPLS-415; DSDS-688**Applicant(s):** Potomac Energy Holding, LLC**Location:** Located on the north side of Greenbelt Road (MD 193), at its intersection with Aerospace Road, also identified as 10000 Greenbelt Road, Lanham, Maryland (0.897 Acres; I-1 Zone).**Request:** Requesting approval of a Special Exception to use approximately 0.897 acres of land, in the I-1 (Light Industrial) Zone, for a Gas Station and Food or Beverage Store.**Council District:** 4**Appeal by Date:** 10/5/2015**Review by Date:** 10/5/2015**Action by Date:** 2/8/2016**Opposition:** Rick Dorsey**History:**

Chairman Franklin announced that the Oral Argument hearings for SE-4757 Potomac Energy Holdings, LLC, DSDS-688 Potomac Energy Holdings and DPLS-415 Potomac Energy Holdings would be held in tandem. Tom Lockard, M-NCPPC, provided an overview of the Special Exception, Departure from Design Standards and Departure from Parking and Loading Standards applications. Sean Morris, Esq., Attorney for the Opposition, and Ricky D. Dorsey spoke in opposition. Daniel Lynch, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.

Council took this case under advisement.

This Special Exception hearing was held and the case was taken under advisement.

Attachment(s): SE-4757_Appeal_10052015
[SE-4757 Zoning Hearing Examiner Decision](#)
SE-4757_PORL ZHE
[SE-4757 Planning Board Resolution 15-43](#)
[SE-4757 Technical Staff Report](#)

ORAL ARGUMENTS (Continued)[DSDS-688](#)**Potomac Energy Holdings****Companion Case(s):** DPLS-415; SE-4757**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**Action by Date:** 2/8/2016**History:**

Chairman Franklin announced that the Oral Argument hearings for SE-4757 Potomac Energy Holdings, LLC, DSDS-688 Potomac Energy Holdings and DPLS-415 Potomac Energy Holdings would be held in tandem. Tom Lockard, M-NCPPC, provided an overview of the Special Exception, Departure from Design Standards and Departure from Parking and Loading Standards applications. Sean Morris, Esq., Attorney for the Opposition, and Ricky D. Dorsey spoke in opposition. Daniel Lynch, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.

Council took this case under advisement.

This Departure from Sign Design Standards hearing was held and the case was taken under advisement

Attachment(s): [DSDS-688 Planning Board Resolution 15-45](#)

DSDS-688_PORL

ORAL ARGUMENTS (Continued)[DPLS-415](#)**Potomac Energy Holdings****Companion Case(s):** DSDS-688; SE-4757**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**Action by Date:** 2/8/2016**History:**

Chairman Franklin announced that the Oral Argument hearings for SE-4757 Potomac Energy Holdings, LLC, DSDS-688 Potomac Energy Holdings and DPLS-415 Potomac Energy Holdings would be held in tandem. Tom Lockard, M-NCPPC, provided an overview of the Special Exception, Departure from Design Standards and Departure from Parking and Loading Standards applications. Sean Morris, Esq., Attorney for the Opposition, and Ricky D. Dorsey spoke in opposition. Daniel Lynch, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the arguments presented.

Council took this case under advisement.

This Departure from Parking and Loading Standards hearing was held and the case was taken under advisement.

Attachment(s): [DPLS-415 Planning Board Resolution 15-44](#)

DPLS-415_PORL

NEW CASE(S)[ERR-251](#)Troy SamuelsValidation of Building Permit No. 9518-2014 Issued in Error

- Applicant(s):** Troy Samuels
- Location:** Located at 4504 41st Avenue, North Brentwood, Maryland (0.063 Acres; R-55 Zone).
- Request:** Requesting approval for validation of Prince George's County Building Permit No. 9518-2014 issued in error for two additions to a single-family home located in the R-55 (One-Family Detached Residential) Zone.
- Council District:** 2
- Appeal by Date:** 10/15/2015
- Action by Date:** 2/15/2016
- Municipality:** Town of North Brentwood
- Opposition:** None
- History:**

Council referred item to staff for preparation of an approving document (Vote: 8-0; Absent: Council Member Lehman).

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

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

Absent: Lehman

Council adopted the prepared Zoning Ordinance No. 19 - 2015 validating Building Permit No. 9518-2014 (Vote: 8-0; Absent: Council Member Lehman).

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

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

Absent: Lehman

REFERRED FOR DOCUMENT[CSP-03006-02](#)**Woodmore Towne Centre at Glenarden**

- Applicant(s):** Woodmore Towne Centre LLC
- Location:** Located in the northwestern quadrant of the intersection of Ruby Lockhart Boulevard and St. Joseph's Drive (244.63 Acres; M-X-T).
- Request:** Requesting approval of a Conceptual Site Plan to relocate the hotel and conference center from Pod B to Pod E, relocate the multifamily from Pod D to Pod B, and add an institutional use to Pod E.
- Council District:** 5
- Appeal by Date:** 9/3/2015
- Review by Date:** 9/30/2015
- Action by Date:** 1/18/2016
- Comment(s):** District Council review of this case is required by conditions imposed by Council on Zoning Case A-9613-C.
- Municipality:** Town of Glenarden
- History:**

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

A motion was made by Council Member Harrison, seconded by Vice Chair Davis, that this Conceptual Site Plan be approved with conditions. The motion carried by the following vote:

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

- Attachment(s):** CSP-03006-02_Response to 08172015 Appeal
 CSP-03006-02_Appeal_08172015
[CSP-03006-02 Planning Board Resolution 15-68](#)
 CSP-03006-02_PORL
[CSP-03006-02 Technical Staff Report resized2](#)

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-4749](#)**Bhagya Village****Companion Case(s):** DDS-627**Applicant(s):** Bhagya Village, LLC.**Location:** Located on the east side of Cipriano Road, approximately 2,640 feet north of its intersection with Good Luck Road, and identified as 6711 Cipriano Road, Greenbelt, Maryland.**Request:** Requesting approval of a Special Exception to use approximately 6.01 acres of R-80 (One-Family Detached Residential) zoned land as Apartment Housing for the Elderly and Physically Handicapped.**Council District:** 4**Appeal by Date:** 11/21/2015**Review by Date:** 11/21/2015**Opposition:** Dr. Ronald C. Carlson, David R. Brace, Raintree Homeowners Association, et. al.**History:**

Council elected to review this item (Vote: 9-0).

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

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

Attachment(s): SE-4749 _Applicant Exceptions to the ZHE decision
[SE-4749 Zoning Hearing Examiner Decision](#)
 SE-4749 _PORL
[SE-4749 Technical Staff Report](#)

PENDING FINALITY (Continued)[SE-4746](#)**Crown Castle - Briesmaster Property**

- Applicant(s):** Crown Castle/Briesmaster Property
- Location:** Located on the southeast side of Livingston Road, approximately 350 feet south of its intersection with Piscataway Road (MD 223), also identified as 14200 Livingston Road, Clinton, Maryland (24.03 Acres; R-A Zone).
- Request:** Requesting approval of a Special Exception for permission to use approximately 3,600 square feet of a 24.03 acre parcel of R-A zoned land for a Monopole with a height of 113 feet, and related equipment pad and cabinet.
- Council District:** 9
- Appeal by Date:** 12/2/2015
- Review by Date:** 1/4/2016
- Opposition:** None
- History:**

Council took no action on this item.

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

- Attachment(s):** [SE-4746 Zoning Hearing Examiner Decision](#)
SE-4746 PORL

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****CDP-9601-01****Springdale Estates**

Applicant(s): Klein Bellehaven, LLC

Location: Located on the southeast side of St. Joseph's Drive and the south side of Ardwick-Ardmore Road, approximately 1,000 feet southwest of its intersection with Lottsford Vista Road in Landover, Maryland.

Request: Requesting approval of a Comprehensive Design Plan for an amendment to Comprehensive Design Plan CDP-9601 for approval of 65 single-family attached (townhouse) units, replacing 55,756 square feet of approved commercial uses with an expansion of the existing townhouse community.

Council District: 5

Appeal by Date: 11/19/2015

Review by Date: 11/19/2015

History:

Council elected to review this item (Vote: 9-0).

A motion was made by Council Member Harrison, seconded by Vice Chair Davis, that this Comprehensive Design Plan 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): [CDP-9601-01_Zoning_AIS](#)
[CDP-9601-01 Planning Board Resolution 15-99](#)
CDP-9601-01_PORL
[CDP-9601-01 Technical Staff Report](#)

PENDING FINALITY (Continued)**DSP-13031****Beyond Restaurant**

Applicant(s): Beyond Restaurant c/o James Ibe

Location: Located on the east side of Baltimore Avenue (Alt. US 1), approximately 150 feet north of its intersection with Annapolis Road (MD 450). The site also has frontage on 46th Street to the east and on Shepherd Street, a paper street, to the south (1.63 Acres; M-X-T / D-D-O / I-D-O Zones).

Request: Requesting approval of a Detailed Site Plan for renovation and expansion of an existing 18,905-square-foot building to include a multi-venue eating and drinking establishment and office use of 24,000 square feet. In one section of the building the applicant proposes a dinner theater.

Council District: 5

Appeal by Date: 12/3/2015

Review by Date: 1/4/2016

Municipality: Town of Bladensburg

History:

Council elected to review this item (Vote: 9-0).

A motion was made by Council Member Harrison, seconded by Vice Chair Davis, that this Detailed Site Plan be elected to review. The motion carried by the following vote:

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

PENDING FINALITY (Continued)**DSP-14010-01****Kiplinger, Phase II**

Applicant(s): The Kiplinger Washington Editor's Inc.

Location: Located on the south side of East-West Highway (MD 410), at the southwest corner of the intersection of MD 410 and Editor's Park Drive, within the City of Hyattsville.

Request: Requesting approval of a Detailed Site Plan for a residential development including 86 townhouse units and 40 two-over-two dwelling units, for a total of 126 units.

Council District: 2

Appeal by Date: 12/3/2015

Review by Date: 1/4/2015

Municipality: City of Hyattsville

History:

Council waived its right to review this item (Vote: 9-0).

A motion was made by Council Member Taveras, seconded by Vice Chair Davis, that Council waive its right to review this Detailed Site Plan. The motion carried by the following vote:

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

DSP-14031**4900 Beech Place Property**

Applicant(s): Progressive Waste Solutions

Location: Located on the east side of Beech Place, approximately 500 feet south of its intersection with Beech Road (15-18 Acres; I-1 Zone).

Request: Requesting approval of a Detailed Site Plan for a trash removal service including a two-story 42,314-square-foot trucking dispatch building, two fuel dispensers, and fleet parking for the Portion of the property owned by Progressive Waste Solutions. The application also includes a variance from the requirement that trash removal services be located more than 1,000 feet from any land in a residential zone.

Council District: 8

Appeal by Date: 12/7/2015

Review by Date: 1/5/2016

History:

Council took no action on this item.

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

11:26 AM ADJOURN

The meeting was adjourned at 11:26 a.m.