

Prince George's County Council

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



Zoning Minutes - Final

Monday, January 26, 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**10:19 AM CALL TO ORDER**

Pursuant to the provisions of Section 27-132(a) of the Zoning Ordinance, the meeting was called to order by Chairman Franklin at 10:19 a.m. with eight members present at roll call. Council Member Patterson was out on County business.

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*

*M-NCPPC
Jill Kosack, Development Review Division
Jimi Jones, Supervisor, Development Review Division*

*DPIE
Michael O'Connell
Tony Best*

INVOCATION - Reverend C.T. Riley, Pastor, First Mt. Zion Missionary Baptist Church, Inc., Fort Washington

Chairman Franklin requested special prayer for three gentlemen wounded in a Clinton shooting this weekend. Council Member Taveras requested prayer for Chillum Ray Community Association President, Clarence Shaw, whose mother is ill.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Harrison.

APPROVAL OF DISTRICT COUNCIL MINUTES[MINDC 01122015](#)**District Council Minutes dated January 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: 8 - Franklin, Davis, Glaros, Harrison, Lehman, Taveras, Toles and Turner

Absent: Patterson

ORAL ARGUMENT[DSP-14002](#)**Annapolis Road Self Storage Zone**

Applicant(s): Annapolis Road Self Storage, LLC

Location: Located on the southwest quadrant of the intersection of Forbes Boulevard and Annapolis Road (MD 450) (4.90 Acres; I-1 Zone).

Request: Requesting approval of a Detailed Site Plan for a 112,990-square-foot consolidated storage use, with accessory office and apartment uses, in seven separate buildings with a total of 1,054 storage units.

Council District: 5

Appeal by Date: 10/30/2014

Review by Date: 10/30/2014

Action by Date: 3/27/2015

History:

Jill Kosacak, M-NCPPC, provided an overview of the Detailed Site Plan Application. Arthur Horne, Jr., Esq., Attorney for the applicant, Ms. Diane Tipton, applicant, and Mr. Sam Butts, Architect, spoke in support. Stan Brown, People's Zoning Council, spoke to the legalities of the argument presented.

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

This Detailed Site Plan hearing was held; Subsequently, A motion was made by Council Member Harrison, seconded by Vice Chair Davis, that this Detailed Site Plan be referred for document. The motion carried by the following vote:

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

Absent: Patterson

NEW CASE[ERR-239](#)Rivion JohnsonValidation of Multi-family Rental License M-1110 Issued in Error

Applicant(s): Rivion Johnson

Location: Located at 809 Cedar Heights Drive, Capitol Heights, Maryland (9,375 sq. ft; R-18 Zone).

Request: Requesting approval for validation of Prince George's County Multi-Family Rental License No. M-1110 issued in error on April 24, 2014 for four (4) apartment units.

Council District: 5

Appeal by Date: 12/8/2014

Action by Date: 4/30/2015

Municipality: None

Opposition: None

History:

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

A motion was made by Council Member Harrison, seconded by Vice Chair Davis, that this Permit issued in error 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 Zoning Ordinance No. 1- 2015 of approval in accordance with 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 Permit issued in error be approved. The motion carried by the following vote:

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

Absent: Patterson

REFERRED FOR DOCUMENT[DSP-81052-02](#)**Inglewood Business Park, Lot 6**

Companion Case(s): DSP-85014-02; DSP-85098-03; DSP-85099-02

Applicant(s): 3510 Inglewood, LLC.

Location: Located at the southeastern quadrant of the intersection of McCormick Drive and Peppercorn Place (4.34 Acres; C-O / D-D-O Zones)..

Request: Requesting approval of a Detailed Site Plan for addition of uses as authorized by Section 27-548.26(b) of the Prince George's County Zoning Ordinance.

Council District: 6

Appeal by Date: 10/9/2014

Action by Date: 2/18/2015

Comment(s): District Council review of this case is required by Section 27-548(b) of the Zoning Ordinance.

History:

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

A motion was made by Vice Chair Davis, seconded by Council Member Harrison, that this Detailed Site Plan be approved 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-85014-02](#)**Inglewood Business Park, Lot 13A**

Applicant(s): 3510 Inglewood, LLC.

Location: Located on the eastern side of McCormick Drive, approximately 700 feet south of its intersection with Peppercorn Place (6.51 Acres; C-O / D-D-O Zones).

Request: Requesting approval of a Detailed Site Plan for addition of uses as authorized by Section 27-548.26(b) of the Prince George's County Zoning Ordinance.

Council District: 6

Appeal by Date: 10/9/2014

Action by Date: 2/18/2015

Comment(s): District Council review of this case is required by Section 27-548(b) of the Zoning Ordinance.

History:

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

A motion was made by Vice Chair Davis, seconded by Council Member Harrison, that this Detailed Site Plan be approved 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-85098-03](#)**Inglewood Business Park, Lot 40****Companion Case(s):** DSP-81052-02; DSP-85014-02; DSP-85099-02**Applicant(s):** 3510 Inglewood, LLC.**Location:** Located on the southern and southwestern sides of the cul-de-sac of Caraway Court, approximately 700 feet south of its intersection with McCormick Drive (6.76 Acres; C-O / D-D-O Zones).**Request:** Requesting approval of a Detailed Site Plan for addition of uses as authorized by Section 27-548.26(b) of the Prince George's County Zoning Ordinance.**Council District:** 6**Appeal by Date:** 10/9/2014**Action by Date:** 2/18/2015**Comment(s):** District Council review of this case is required by Section 27-548(b) of the Zoning Ordinance.**History:**

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

A motion was made by Vice Chair Davis, seconded by Council Member Harrison, that this Detailed Site Plan be approved 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-85099-02](#)**Inglewood Business Park, Lot 41****Companion Case(s):** DSP-81052-02; DSP-85014-02; DSP-85098-03**Applicant(s):** 3510 Inglewood, LLC.**Location:** Located on the southeastern side of cul-de-sac of Caraway Court, approximately 700 feet south of its intersection with McCormick Drive (6.57 Acres; C-O / D-D-O Zones).**Request:** Requesting approval of a Detailed Site Plan for addition of uses as authorized by Section 27-548.26(b) of the Prince George's County Zoning Ordinance.**Council District:** 6**Appeal by Date:** 10/9/2014**Action by Date:** 2/18/2015**Comment(s):** District Council review of this case is required by Section 27-548(b) of the Zoning Ordinance.**History:**

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

A motion was made by Vice Chair Davis, seconded by Council Member Harrison, that this Detailed Site Plan be approved 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-13047](#)**Shady Glen Fire Station**

- Applicant(s):** Prince George's County
- Location:** Located southeast quadrant of the intersection of Central Avenue (MD 214) and Shady Glen Drive (2.46 Acres; C-S-C / D-D-O Zones).
- Request:** Requesting approval of a Detailed Site Plan for a 13,888-square-foot fire station and a 14,280-square-foot firefighter training facility on Parcel A, Capitol Heights Shopping Center, and Parcel 194.
- Council District:** 6
- Appeal by Date:** 11/27/2014
- Action by Date:** 3/13/2015
- Comment(s):** District Council review of this case is required by Section 27-292 of the Zoning Ordinance.

History:

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

A motion was made by Vice Chair Davis, seconded by Council Member Harrison, that this Detailed Site Plan be approved with conditions. 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.

(a) ZONING HEARING EXAMINER**SE-4717****X4B Luxury Club**

Applicant(s): CD#15CL2001, Inc. d/b/a Shriners United d/b/a X4B Luxury Club

Location: Located along the south side of Brinkley Road approximately 1,400 feet east of its intersection with Fisher Road (9.3 Acres; C-S-C Zone).

Request: Requesting approval of a Special Exception to operate an adult entertainment establishment in the C-S-C Zone.

Council District: 8

Appeal by Date: 2/23/2015

Review by Date: 2/23/2015

Action by Date: 6/22/2015

Municipality: None

Opposition: Indian Head Highway Area Action Council, District IV Citizens Advisory Council

History:

Council deferred this item to February 9, 2015.

This Special Exception was deferred to February 9, 2015.

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.

PENDING FINALITY (Continued)[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
- Municipality:** City of Bowie
- Opposition:** The Patuxent Riverkeeper, et. al.
- History:**

Council deferred this item to February 9, 2015.

This Special Exception was deferred to February 9, 2015.

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.

PENDING FINALITY (Continued)**(b) PLANNING BOARD****DPLS-372****4760 Stamp Road**

Applicant(s): Jerome Ford

Location: Located on the north side of Stamp Road, approximately 665 feet south of the intersection of Stamp Road and Beech Road (0.0914 Acres; I-1 Zone).

Request: Requesting approval of a Departure from Parking and Loading Standards for four parking spaces and one loading space to reflect the actual size of the property as a wholesale and incidental sales establishment.

Council District: 7 (formerly District 8 until December 2014)

Appeal by Date: 1/15/2015

Review by Date: 1/30/2015

History:

Council took no action on this item.

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

DPLS-401**Executive Barbershop Cosmetology**

Applicant(s): Marvin and Jennifer Mallard

Location: Located on the south side of Beech Road east of Stamp Road (0.9732 Acres; I-1 Zone).

Request: Requesting approval of a Departure of Parking and Loading Standards for a departure of 14 parking spaces and one loading space for Units J-2, K-2 and L-2 from the required 70 parking spaces.

Council District: 7 (formerly District 8 until December 2014)

Appeal by Date: 1/8/2015

Review by Date: 1/30/2015

History:

Council took no action on this item.

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

PENDING FINALITY (Continued)[DDS-628](#)**Philmatt-Afrik, Inc.****Companion Case(s):** DPLS-410**Applicant(s):** Phoenix Land Design, Inc.**Location:** Located at the northeast intersection of Old Landover Road at its intersections with Cooper Lane to the west and Warner Avenue to the east in Landover Hills (0.381 Acres; C-S-C Zone).**Request:** Requesting approval of a Departure from Design Standards for a departure of 43 feet from Section 27-579(b) to allow access to the loading space to be located within 50 feet of residentially-zoned property.**Council District:** 5**Appeal by Date:** 2/12/2015**Review by Date:** 2/12/2015**History:**

Council elected to review this item (Vote: 8-0; Absent: Council Member Patterson).

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

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

Absent: Patterson

PENDING FINALITY (Continued)**DPLS-410****Philmatt-Afrik, Inc.****Companion Case(s):** DDS-628**Applicant(s):** Philmatt-Afrik, Inc.**Location:** Located at the northeast intersection of Old Landover Road at its intersections with Cooper Lane to the west and Warner Avenue to the east in Landover Hills (0.381 Acres; C-SC Zone).**Request:** Requesting approval of a Departure from Parking and Loading Standards from the Zoning Ordinance requirement of 32 parking spaces for a commercial retail food market.**Council District:** 5**Appeal by Date:** 2/12/2015**Review by Date:** 2/12/2015**History:***Council elected to review this item (Vote: 8-0; Absent: Council Member Patterson).***A motion was made by Council Member Harrison, seconded by Vice Chair Davis, that this Departure from Parking and Loading Standards be elected to review. The motion carried by the following vote:****Aye:** 8 - Franklin, Davis, Glaros, Harrison, Lehman, Taveras, Toles and Turner**Absent:** Patterson**DSDS-687****Steeplechase 95 International Business Park, Parcel 49****Companion Case(s):** DSP-05044-07**Applicant(s):** Atapco Ritchie Interchange, Inc.**Location:** Located on the northeastern corner of the intersection of Hampton Park Boulevard and Ritchie-Marlboro Road, west of its intersection with the Capital Beltway (I-95 / 495) (12.84 Acres; I-1 Zone).**Request:** Requesting approval of a Departure from Sign Design Standards for an increase in the area of building-mounted signage.**Council District:** 6**Appeal by Date:** 2/12/2015**Review by Date:** 2/12/2015**History:***Council took no action on this item.***This Departure from Sign Design Standards was not elected to review by Council.**

PENDING FINALITY (Continued)[DSP-05044-07](#)**Steeplechase 95 International Business Park, Parcel 49****Companion Case(s):** DSDS-687**Applicant(s):** Atapco Ritchie Interchange, Inc.**Location:** Located on the northeastern corner of the intersection of Hampton Park Boulevard and Ritchie-Marlboro Road, west of its intersection with the Capital Beltway (I-95 / 495) (12.84 Acres; I-1 Zone).**Request:** Requesting approval of a Detailed Site Plan for an 8,647-square-foot multi-tenant retail building within the retail area of the Light Industrial (I-1) zone Steeplechase Business Park (12.84 Acres; I-1 Zone).**Council District:** 6**Appeal by Date:** 2/12/2015**Review by Date:** 2/12/2015**History:***Council took no action on this item.***This Detailed Site Plan was not elected to review by Council.**[DSP-14009](#)**Steeplechase 95 International Business Park, Parcels 58 & 59****Applicant(s):** Atapco Ritchie Interchange, Inc.**Location:** Located northeast of Walker Mill Road, approximately 400 feet west of its intersection with Hampton Park Boulevard (2.0 Acres; I-1 Zone).**Request:** Requesting approval of a Detailed Site Plan for a 6,831-square-foot auto parts store and a 2,344-square-foot eating and drinking establishment with drive-through service.**Council District:** 6**Appeal by Date:** 2/12/2015**Review by Date:** 2/12/2015**History:***Council took no action on this item.***This Detailed Site Plan was not elected to review by Council.**

PENDING FINALITY (Continued)[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**Municipality:** City of Hyattsville**History:**

Council elected to review this item (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 elected to review. The motion carried by the following vote:

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

Absent: Patterson

PENDING FINALITY (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**Municipality:** Town of Capitol Heights**History:**

Council elected to review this item (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 elected to review. The motion carried by the following vote:

Aye: 8 - Franklin, Davis, Glaros, Harrison, Lehman, Taveras, Toles and Turner**Absent:** Patterson**11:08 AM ADJOURN**

The meeting was adjourned at 11:08 a.m.

EXECUTIVE SESSION – (1ST FLOOR EXECUTIVE CONFERENCE ROOM)[EX 01262015](#)

To consult with counsel to seek legal advice and to discuss pending or potential litigation in accordance with Sections 10-508(a)(7, 8), State Government, Annotated Code of Maryland.

History:*Topics Discussed:*

(1.) *Amster v. Prince George's County Council, sitting as the District Council – update as to the December 30, 2014, unreported disposition issued by the Court of Special Appeals of Maryland.*

(2.) *Inglewood Business Park v. Prince George's County Council, sitting as the District Council -- update on posture of this Petition for Judicial Review brought by the Inglewood Business Park in the Circuit Court for Prince George's County.*

(3.) *Zachair v. Prince George's County, CAL14-07971 -- update on posture of Declaratory Judgment action brought by Zachair in the Circuit Court for Prince George's County (MPIA).*

Prior to District Council adjournment, A motion was made by Council Member Harrison, seconded by Vice Chair Davis, to convene into Executive Session. The motion carried by the following vote:

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

Absent: Patterson

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Redis C. Floyd, Clerk of the Council