

Prince George's County Council

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



Zoning Minutes - Final

Monday, July 21, 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. 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

10:38 AM CALL TO ORDER

The meeting was called to order at 10:38 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
 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
 Howard Stone, Audits & Investigations
 Todd Turner, Legislative Officer*

*M-NCPPC
Tom Lockard, Development Review Division*

INVOCATION - Rodney Taylor, County Employee

Council Member Harrison requested prayer for her staff member, Iretha Tate in the passing of her aunt. Council Member Campos requested prayer for various regions of the world experiencing civil unrest and terrorism. Council Member Lehman requested prayer for Markian Melnick (husband of Delegate Joseline Pena-Melnyk) in his recovery from a bicycle accident. Council Member Toles requested prayer for Rev. Dr. Edwards, Mission on Love Charities, in the passing of his sister-in-law.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Toles.

APPROVAL OF DISTRICT COUNCIL MINUTES[MINDC 07142014](#)**District Council Minutes dated July 14, 2014**

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

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

Absent: Campos

NEW CASE[A-10028-C](#)**Buena Vista West**

Applicant(s): Buena Vista West, LLC
Lanham Development Group, LLC, et. al.

Location: Located at the northwest quadrant of the intersection of Annapolis Road (MD 450) and Martin Luther King, Jr. Highway (MD 704) on both sides of Lottsford Vista Road and north of Business Parkway, in Lanham, Maryland (30.62 Acres; I-1 & R-R Zones).

Request: Requesting approval of a Zoning Map Amendment for the rezoning of approximately 30.62 acres of I-1 (Light Industrial) and R-R (Rural Residential) zoned land to the M-X-T (Mixed Use - Transportation Oriented) Zone.

Council District: 5

Appeal by Date: 7/11/2014

Action by Date: 11/10/2014

Opposition: None

History:

Council adopted the prepared Zoning Ordinance No. 11-2014 in accordance with the Zoning Hearing Examiner's decision of approval, with conditions (Vote: 8-0; Absent: Campos).

A motion was made by Council Member Harrison, seconded by Council Member Davis, that this Zoning Map Amendment 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 No. 11-2014.

REFERRED FOR DOCUMENT[DSP-99006-01](#)**McDonald's- Hyattsville**

- Applicant(s):** McDonald's Corp.
- Location:** Located on the south side of East-West Highway (MD 410) at its intersection with Toledo Terrace (13.21 Acres; C-S-C/T-D-O-Z Zones)
- Request:** Requesting approval of a Detailed Site Plan to amend the Table of Uses of the 1998 Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone (TDDP), to permit a 4,197-square-foot restaurant freestanding eating and drinking establishment with drive-through in the C-S-C and T-D-O Zones
- Council District:** 2
- Appeal by Date:** 6/20/2013
- Review by Date:** 6/20/2013
- Comment(s):** District Council review of this case is required by Section 27-548.09.01 (b) of the Zoning Ordinance.

History:

Council adopted the prepared Order Affirming the Planning Board's Decision of approval, with conditions (Vote: 9-0).

A motion was made by Vice Chair Campos, seconded by Council Member Davis, that this Detailed 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

ITEMS FOR DISCUSSION

[DSP-07073-01](#)**National Harbor, Beltway Parcel, MGM Lots 2-7****Companion Case(s):** DDS-623**Applicant(s):** MGM National Harbor, LLC**Location:** Located approximately one mile north of the Woodrow Wilson Bridge, southwest of the intersection of I-95/495 (Capital Beltway) and Indian Head Highway (MD 210) (49.47 Acres; M-X-T Zone).**Request:** Requesting approval of a Detailed Site Plan for an entertainment establishment of a commercial nature with a video lottery facility, retail, restaurants and a 300-room hotel for a total of approximately 1,078,237 square feet of development.**Council District:** 8**Appeal by Date:** 6/9/2014**Review by Date:** 6/9/2014**Action by Date:** 10/14/2014**History:**

Under discussion, Council Member Patterson spoke to his concerns with the project and expressed optimism that issues previously raised will be satisfactorily addressed. Council Member Lehman explained her vote in opposition. Council Member Harrison sought to clarify that she and other Council Members were on official County business on July 15 when the hearing for this case was heard. She and Council Member Olson expressed their support for Council Member Patterson in his quest to address transportation issues related to the project. Council Members Turner, Campos and Davis explained their votes in support of approval.

Council referred item to staff for preparation of an approving document, with conditions (Vote: 8-1; Opposed: Council Member Lehman).

A motion was made by Council Member Patterson, seconded by Council Member Davis, that this Detailed Site Plan be referred for document. The motion carried by the following vote:

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

Nay: 1 - Lehman

Council adopted the prepared Order Affirming the Planning Board's Decision, with conditions (Vote: 8-1; Opposed: Council Member Lehman).

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

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

Nay: 1 - Lehman

ITEMS FOR DISCUSSION (Continued)[DDS-623](#)**National Harbor, Beltway Parcel, MGM Lot 4****Companion Case(s):** DSP-07073-01**Applicant(s):** MGM National Harbor, LLC**Location:** Located approximately one mile north of the Woodrow Wilson Bridge, southwest of the intersection of I-95/495 (Capital Beltway) and Indian Head Highway (MD 210) (49.47 Acres; M-X-T Zone).**Request:** Requesting approval of a Departure from Section 27-558(a) of the Zoning Ordinance to allow a reduced standard, nonparallel parking space size to be used for all of the provided parking spaces.**Council District:** 8**Appeal by Date:** 6/9/2014**Review by Date:** 6/9/2014**Action by Date:** 10/14/2014**History:**

Council referred item to staff for preparation of an approving document, with conditions (Vote: 8-1; Opposed: Council Member Lehman).

A motion was made by Council Member Patterson, seconded by Council Member Davis, that this Departure from Design Standards be referred for document. The motion carried by the following vote:

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

Nay: 1 - Lehman

Council adopted the prepared Order Affirming the Planning Board's Decision, with conditions (Vote: 8-1; Opposed: Council Member Lehman).

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

Nay: 1 - Lehman

ITEMS FOR DISCUSSION (Continued)**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:**

Council deferred this item to 7/23/2014.

This Detailed Site Plan was deferred to July 23, 2014.

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**CSP-13008****Tidler/Wardlaw Property**

- Applicant(s):** Migus, LLC
- Location:** The subject property is located in the northwest quadrant of the intersection of Powder Mill Road (MD 212) and Old Gunpowder Road (7.08 Acres; M-X-T Zone).
- Request:** Requesting approval of a Conceptual Site Plan to develop the subject property with a mixed-use development, including 314 multifamily dwelling units and 8,000 square feet of commercial office space, in a single multi-story building.
- Council District:** 1
- Appeal by Date:** 7/24/2014
- Review by Date:** 7/24/2014
- History:**

Council took no action on this item.

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

11:29 AM BRIEFING (COUNCIL HEARING ROOM)

This Briefing was held.

**Metropolitan Washington Council of Governments (COG) – Prince George’s Connection:
Strategies for Creating Great Communities**

Chuck Bean Executive Director

The briefing was convened at 11:29 a.m. Mr. Chuck Bean, Executive Director, facilitated a Power-Point presentation entitled, "Council of Governments, One Region Moving Forward, COG - Prince George's Connection: Strategies for Creating Great Communities," which focused on Cooperative Purchasing Savings, Transportation Savings, Street Smart Campaign, Commuter Connections, The Environment, Homeland Security and Public Safety, the Region Forward Vision, Regional Transportation Priorities Plan, Regional Goals, Activity Centers, Place Types and Opportunity Types. He and Robert Griffith, Acting Director of Transportation Planning, responded to questions posed by the Council regarding: Metro center development, Mixed-use planning, multi-modal transportation strategies, housing strategies, and affordable housing. Mr. Bean acknowledged the efforts of the following individuals around transportation issues in the County: Todd Turner, Barry Stanton, and Adam Ortiz. The briefing concluded at 12:09 p.m.

12:07 PM ADJOURN**12:27 PM COMMITTEE OF THE WHOLE - (ROOM 2027)**

This Committee Meeting was held.

FY 2015 BOE Operating Budget Transfer Request

- **George Margolies - Chief of Staff**
- **Ifeoma Smith - Financial Administrator**
- **Paula Davis - Financial Administrator**

2:42 PM GENERAL ASSEMBLY/COMMITTEE OF THE WHOLE MEETING – (ROOM 2027)

This Committee Meeting was held.

- **Discussion of Potential 2015 Legislative Initiatives**

(SEE SEPARATE AGENDA)

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Redis C. Floyd, Clerk of the Council