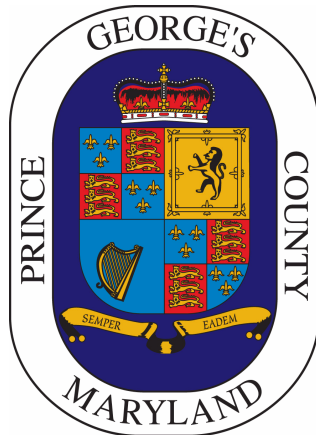


Prince George's County Council

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



Zoning Minutes - Final

Monday, March 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

10:31 AM CALL TO ORDER

Pursuant to the provisions of Section 27-132(a) of the Zoning Ordinance, the meeting was called to order at 10:31 a.m. with nine members present at roll call.

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
 Karen Zvakos, Legislative Officer*

*M-NCPPC
Ivy Thompson, Development Review Division
Henry Zhang, Development Review Division
Jimi Jones, Supervisor, Development Review Division
Ruth Grover, Development Review Division*

**INVOCATION - Mrs. Sylvia Taylor,
International Church of Christ, Landover, MD**

Council Member Turner requested prayer for Officer Brennan Rabain, Prince George's County Police Department, killed in the line of duty.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Toles.

10:35 AM RECESS

10:36 AM RECONVENE**POINT OF PERSONAL PRIVILEGE**

Chairman Franklin offered condolences to the family and colleagues of Officer Brennan Rabain who was killed in a car accident in the line of duty. He also the acknowledged the 50th Anniversary of the march on Selma specifically "Bloody Sunday" and thanked all those who sacrificed for civil rights including those who paid the ultimate sacrifice.

APPROVAL OF DISTRICT COUNCIL MINUTES[MINDC 02232015](#)**District Council Minutes dated February 23, 2015**

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

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

[MINDC 02242015](#)**District Council Minutes dated February 24, 2015**

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

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

ORAL ARGUMENTS[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**Action by Date:** 5/8/2015**History:**

The Oral Argument hearings for DDS-628 Philmatt-Afrik, Inc. and DDS-628 Philmatt-Afrik, Inc. were held in tandem. Ivy Thompson, M-NCPPC, provided an overview of the Departure of Design Standards and Departure from Parking and Loading Standards applications. Thomas Haller, Esq. spoke in support, on behalf of the applicant. Stan Brown, People's Zoning Counsel, indicated concurrence with the Planning Board's recommendation.

Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0).

This Departure from Parking and Loading Standards hearing was held; Subsequently, A motion was made by Council Member Harrison, seconded by Vice Chair Davis, that this Departure from Design Standards be referred for document. The motion carried by the following vote:

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

ORAL ARGUMENTS (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**Action by Date:** 5/8/2015**History:**

The Oral Argument hearings for DDS-628 Philmatt-Afrik, Inc. and DDS-628 Philmatt-Afrik, Inc. were held in tandem. Ivy Thompson, M-NCPPC, provided an overview of the Departure of Design Standards and Departure from Parking and Loading Standards applications. Thomas Haller, Esq. spoke in support, on behalf of the applicant. Stan Brown, People's Zoning Counsel, indicated concurrence with the Planning Board's recommendation.

Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0).

This Departure from Parking and Loading Standards hearing was held; Subsequently, A motion was made by Council Member Harrison, seconded by Vice Chair Davis, that this Departure from Parking and Loading Standards be referred for document. The motion carried by the following vote:

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

ORAL ARGUMENTS (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:**

Henry Zhang, M-NCPPC, provided an overview of the Detailed Site Plan application. Rafik Bazikian, Engineer, spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, indicated concurrence with the Planning Board's recommendation.

Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0).

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

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

NEW CASES[A-9775-01-C](#)Springdale Estates

- Applicant(s):** Klein Bellehaven LLC
- Location:** Located on the southeast side of Saint Joseph's Drive and the south side of Ardwick-Ardmore Road in Landover (4.98 Acres; L-A-C Zone)
- Request:** Requesting approval of an Amendment of Basic Plan and Conditions for Springdale Estates to remove the 50,000 square feet of commercial retail space approved by the District Council in A-9775-C and add a residential component of 15 dwelling units per acre or approximately 70 townhouses.
- Council District:** 5
- Appeal by Date:** 3/9/2015
- Action by Date:** 4/6/2015
- Municipality:** One-Mile Glenarden
- Opposition:** The Ardmore-Springdale Civic Association

Council Member Harrison announced that an Oral Argument hearing is scheduled to occur on March 23, 2015, due to an appeal by the applicant.

Council Member Harrison announced that an Oral Argument hearing is scheduled to occur on March 23, 2015, due to an appeal by the applicant.

[ERR-242](#)South Hill Apartments, LLCValidation of Multifamily Rental License M-0164 Issued in Error

- Applicant(s):** South Hill Apartments, LLC
- Location:** Located at 4105 Southern Avenue, Capitol Heights, Maryland (1.32 Acres; R-T Zone).
- Request:** Requesting approval for validation of Prince George's County Multifamily Rental License No. M-0164 issued in error on October 1, 2014 for a 69-unit multifamily apartment building.
- Council District:** 7
- Appeal by Date:** 3/6/2015
- Action by Date:** 6/4/2015
- Opposition:** None
- History:**

Council referred item to staff for preparation of an approving document (Vote: 9-0).

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

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

REFERRED FOR DOCUMENT[SE-4716](#)**Bazz and Crue**

- Applicant(s):** CD #15CL2001, Inc. d/b/a Bazz and Crue Group Hall
- Location:** Located at the northeast corner of Forestville Road and Marlboro Pike also identified as 7752 and 7754 Forestville Road (18.17 Acres; I-1/D-D-O Zones).
- Request:** Requesting approval of a Special Exception for Adult Entertainment in approximately 4000 square feet of an 18.17 acre Shopping Center in the C-S-C /D-D-O Zones.
- Council District:** 6
- Appeal by Date:** 8/7/2014
- Review by Date:** 9/8/2014
- Action by Date:** 3/9/2015
- Municipality:** None
- Opposition:** Mr. Johnson, Ms. Taylor and Ms. White.
- History:**

Council adopted the prepared Order of disapproval (Vote: 9-0).

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

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

Backup: Order of Denial.

ITEMS FOR DISCUSSION[SE/VSE-4738](#)**Potomac Business Park**

- Applicant(s):** Oxon Hill Associates, LLC
- Location:** Located on the south side of Oxon Hill Road (MD 414) at Clipper Way (formerly Felker Avenue), approximately 400 feet east of the intersection of Oxon Hill Road and Indian Head Highway (MD 210) (15.44 Acres; I-3 Zone).
- Request:** Requesting approval of a Special Exception for a department or variety store in the I-3 Zone with over 85,000 square feet with food and beverage component.
- Council District:** 8
- Appeal by Date:** 9/4/2014
- Review by Date:** 9/30/2014
- Action by Date:** 3/30/2015
- Municipality:** Forest Heights
- Opposition:** Karen Egloff et. al.

History:

Under discussion, Council Member Patterson outlined his concerns with the application, which included proximity to neighborhood schools and traffic/transportation issues.

Council referred item to staff for preparation of a disapproving document (vote: 9-0).

A motion was made by Council Member Patterson, seconded by Council Member Toles, that this Special Exception/Variance SE be referred for document. The motion carried by the following vote:

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

ITEMS FOR DISCUSSION (Continued)[DSP-13048](#)**Potomac Business Park, Super Walmart**

- Applicant(s):** Oxon Hill Associates, LLC
- Location:** Located on the southeast corner of the intersection of Oxon Hill Road (MD 414) and Clipper Way (15.44 Acres; I-3 Zone).
- Request:** Requesting approval of a Detailed Site Plan for 100,310-square-foot department or variety store combined with a food and beverage store.
- Council District:** 8
- Appeal by Date:** 7/10/2014
- Review by Date:** 7/10/2014
- Action by Date:** 3/13/2015

History:

Council referred item to staff for preparation of a disapproving document (vote: 9-0).

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

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

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-4739](#)**Henson Creek Retirement Community**

- Applicant(s):** Henson Creek House, LLC
- Location:** Located on the west side of Temple Hill Road, approximately 200 feet south of the Capital Beltway (I-95/495)(16.38 Acres; R-80 Zone).
- Request:** Requesting approval of a Special Exception for permission to use approximately 16.38 acres of land in the R-80 Zone for a Planned Retirement Community.
- Council District:** 8
- Appeal by Date:** 3/25/2015
- Review by Date:** 3/25/2015
- Municipality:** None
- Opposition:** None
- History:**

Council deferred this item to March 23, 2015.

This Special Exception was deferred to March 23, 2015.

PENDING FINALITY (Continued)**(b) PLANNING BOARD**[SDP-0610-01](#)**Oak Creek Club, Phase 4****Landbays D, E and N**

Applicant(s): NVR-MS Cavalier Oak Creek Club, LLC.

Location: Located in two segments within the development: Landbay 'N' in the western portion of the development, approximately 2,000 feet west of the intersection of Oak Grove and Church Roads, and Landbays 'D' and 'E' in the eastern portion, approximately 5,000 feet east of the intersection of Church Road and Mary Bowie Parkway (69.68 Acres; R-L Zone).

Request: Requesting approval of a Specific Design Plan to reconfigure Landbay 'N' so as to provide internal access to the 10 lots fronting on Oak Grove Road in Specific Design Plan SDP-0610 and provide a current approval that will supersede SDP-0610.

Council District: 6

Appeal by Date: 3/12/2015

Review by Date: 3/12/2015

History:

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

A motion was made by Vice Chair Davis, seconded by Council Member Toles, that this Specific 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

ADDITION**History:**

Council accepted the addition package (Vote: 9-0).

A motion was made by Vice Chair Davis, seconded by Council Member Turner, to accept the additions package. The motion carried by the following vote:

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

ITEM(S) FOR DISCUSSION[CSP-06002-01](#)**Melford**

Applicant(s): St. John Properties, Inc.

Location: Located northeast quadrant of the intersection of Robert S. Crain Highway (MD 3) and John Hanson Highway (US 50/301) (260.63 Acres; M-X-T Zone).

Request: Requesting approval of a Conceptual Site Plan to add: 2,500 residential units, including 500 townhouses, 1,000 age-restricted multifamily dwelling units, and 1,000 multifamily dwelling units; 268,500 square feet of retail uses; and 260,000 square feet of office space to a conceptual site plan with 1,547,874 square feet of approved office/research and development uses to create an integrated mixed-use development.

Council District: 4

Appeal by Date: 1/8/2015

Review by Date: 1/30/2015

Action by Date: 4/24/2015

Municipality: City of Bowie

History:

Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0).

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

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

Nay: 1 - Lehman

11:19 AM RECESS

The meeting went into recess at 11:19 a.m.

1:55 PM RECONVENE

The meeting reconvened at 1:55 p.m.

1:55 PM ORAL ARGUMENTS (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

Action by Date: 5/8/2015

Municipality: City of Hyattsville

History:

Ruth Grover, M-NCPPC, provided an overview of the Detailed Site Plan application. Arthur Horne, Jr., Esq. spoke in support, on behalf of the applicant. Jim Chandler expressed concerns on behalf of the City of Hyattsville. Lilian Koo, Applicant, was called upon to answer additional questions posed by the Council. Stan Brown, People's Zoning Counsel, indicated concurrence with the Planning Board's recommendation and spoke to the legalities of the case.

Council took this case under advisement.

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

2:28 PM ADJOURN

The meeting was adjourned at 2:28 p.m.

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Redis C. Floyd, Clerk of the Council