

ZONING MINUTES

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL

Monday, September 9, 2013

AGENDA BRIEFING-*The agenda briefing was held at 9:30 a.m.*

CALL TO ORDER

Pursuant to the provisions of Section 27-132(a) of the Zoning Ordinance, at 10:20 a.m. the Chairperson convened the meeting and the following Members were present:

*Andrea Harrison, Chair
Obie Patterson, Vice Chair
Will A. Campos
Derrick Leon Davis
Mel Franklin
Mary A. Lehman
Eric C. Olson
Karen R. Toles
Ingrid M. Turner*

*Also Present: Stan D. Brown, People's Zoning Counsel
Rajesh Kumar, Principal Counsel to the District Council
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
*Steve Adams, Supervisor, Development Review Division
Jimi Jones, Supervisor, Development Review Division
Susan Lareuse, Development Review Division*

INVOCATION - *The Invocation was provided by Pleshette Monroe, County Employee*

PLEDGE OF ALLEGIANCE – *The Pledge of Allegiance was led by Council Member Campos.*

ORAL ARGUMENTS**SDP 1003/01 Smith Home Farm, Section 1A****Dan Ryan Builders, Inc., Applicant****Located approximately 1,900 feet east of the intersection of Pennsylvania Avenue (MD 4) and Presidential Parkway (76.44 Acres; R-M Zone)****Requesting approval of a revision to Specific Design Plan to add townhouse architecture, widen some townhouses lots to 22 feet wide and reorient six groups of townhouses****Action by:****10/09/2013****CD: 6**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On July 8, 2013, Council Elected to Review (Voice Vote: 9-0).

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT*After orientation by staff, the oral argument hearing was held. Ms. Marva Jo Camp, Esq. spoke in support on behalf of the applicant. Council took this case under advisement.***SE/VSE 4654 Dash-In Woodward Road****(Companion Case: DSDS 663)****Dash-In Food Stores, Inc., Applicant****Located along the south side of Woodward Road (MD 223) at its intersection with Stuart Lane and Woody Terrace (0.71 Acres; C-S-C Zone)****Requesting approval of a Special Exception for a gas station in the C-S-C Zone and a variance at the western driveway entrance from Woodward Road****Action by:****10/16/2013****CD: 9**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

Zoning Hearing Examiner: Approval, with Conditions

Municipality: None

Opposition: None

On April 22, 2013, Council elected to make the final decision (Voice Vote: 9-0).

HEARING HELD; COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF AN APPROVING DOCUMENT WITH CONDITIONS*After orientation by staff, the Oral Argument hearing was held. Daniel Lynch, Esq., attorney for the applicant, spoke in support. Council Member Franklin moved to refer SE/VSE 4654 to staff for preparation of an approving document, with conditions. The motion was seconded by Council Member Harrison and carried by a roll call vote of 6-0 (Absent: Council Members Davis, Toles, and Turner).*

ORAL ARGUMENTS (Continued)**DSDS 663 Dash-In Woodyard Road
(Companion Case: SE 4654)****Dash-In Food Stores, Inc., Applicant****Located along the south side of Woodyard Road (MD 223) at its intersection
with Stuart Lane and Woody Terrace
(0.71 Acres; C-S-C Zone)****Requesting approval of a Departure from Sign Design Standards to allow a
freestanding sign from Sections 27-614(a)(1) and 27-614(a)(4) of the Zoning
Ordinance****Action by:
11/08/2013
CD: 9**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On February 25, 2013, Council deferred this case to 3/11/2013.

On March 11, 2013, Council Elected to Review (Voice Vote: 8-1; Absent:
Council Member Lehman).**HEARING HELD; COUNCIL REFERRED ITEM TO STAFF FOR
PREPARATION OF AN APPROVING DOCUMENT WITH CONDITIONS***After orientation by staff, the Oral Argument hearing was held. Daniel Lynch, Esq., attorney for the applicant, spoke in support. Council Member Franklin moved to refer DSDS 663 to staff for preparation of an approving document, with conditions. The motion was seconded by Council Member Harrison and carried by a roll call vote of 6-0 (Absent: Council Members Davis, Toles, and Turner).*

MANDATORY REVIEW (Using Oral Argument Procedures)**DSP 99006/01 McDonald's- Hyattsville
McDonald's Corp., Applicant****Action by:
11/08/2013****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)****CD: 2****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**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On June 5, 2013, Daniel F. Lynch, Esquire, Attorney for the Applicant, appealed the Planning Board's decision and requested Oral Argument.

District Council Review of this case is required by Section 27-548.09.01 (b) of the Zoning Ordinance.

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT

After orientation by staff, the oral argument hearing was held. Daniel Lynch, Esq. spoke in support on behalf of the applicant. Council took this case under advisement.

DISTRICT COUNCIL RECESSED AT 11:37 A.M.**DISTRICT COUNCIL RECONVENED AT 1:41 P.M.**

1:41 P.M. ORAL ARGUMENTS

**SA 130001 Cafritz Property at Riverdale Park
Town Center Development Plan
Calvert Tract, LLC, Applicant
Located approximately 1,400 feet north of the intersection of Baltimore
Avenue (US 1) and East-West Highway (MD 410), on the east side of
Baltimore Avenue (35.71 Acres; M-U-TC Zone)
Requesting approval of a Secondary Amendment to the Approved
Cafritz Property at Riverdale Park Town Center Development Plan
Dated July 12, 2012**

**Action by:
11/08/2013
CD: 3**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On June 17, 2013, Council Elected to Review (Voice Vote: 8-1; Absent: Council Member Turner).

On July 8, 2013, Suellen M. Ferguson, Esquire, Attorney for the Opposition appealed the Planning Board's decision on behalf of the Town of University Park and requested Oral Argument.

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT

After orientation by staff, the oral argument hearing was held. John Tobori, Mayor, Town of University Park, Ms. Suellen Ferguson, Esq., representing the Town of University Park, Ms. Terry Shum, Planning Director, City of College Park, Ms. Susan Dorn, Ms. Barbara Morris-Troiano, and Mr. Victor Stone spoke in opposition. Larry Taub, Esq., attorney for the applicant, and Mr. Frederick Sussman, Esq., representing the Town of Riverdale Park, spoke in support. Council took this case under advisement.

ORAL ARGUMENTS (Continued)

**DSP 13009 & SP 130002 Cafritz Property at Riverdale Park
Calvert Tract, LLC, Applicant
Located approximately 1,400 feet north of the intersection of Baltimore
Avenue (US 1) and East-West Highway (MD 410), on the east side of
Baltimore Avenue (37.73 Acres; M-U-TC/R-55 Zones)
Requesting approval of a Detailed Site Plan and Special Permit for
126 residential townhomes, 855 multifamily units, and approximately 187,277
square feet of commercial gross floor area**

**Action by:
11/08/2013
CD: 3**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On June 17, 2013, Council Elected to Review (Voice Vote: 8-1; Absent: Council Member Turner).

On July 8, 2013, Suellen M. Ferguson, Esquire, Attorney for the Opposition appealed the Planning Board's decision on behalf of the City of College Park and requested Oral Argument.

On July 8, 2013, Suellen M. Ferguson, Esquire, Attorney for the Opposition appealed the Planning Board's decision on behalf of the Town of University Park and requested Oral Argument.

On July 8, 2013, Susan Dorn et. al. appealed in opposition to the Planning Board's decision and requested Oral Argument.

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT

After orientation by staff, the oral argument hearing was held. John Tabori, Mayor, Town of University Park, Ms. Suellen Ferguson, Esq., representing the Town of University Park, Ms. Terry Shum, Planning Director, City of College Park, Ms. Susan Dorn, Ms. Barbara Morris-Troiano, and Mr. Victor Stone spoke in opposition. Larry Taub, Esq., attorney for the applicant, and Mr. Frederick Sussman, Esq., representing the Town of Riverdale Park, spoke in support. Council took this case under advisement.

ITEM FOR DISCUSSION

CNU-3916-2012 Rockport Autos, LLC
Rockport Autos, LLC, Applicant
Located at the northwest side of Martin Luther King Jr. Highway (MD 704)
and the northeast side of Glenarden Parkway
(0.35 Acre; MUI/D-D-O Zones)
Requesting approval of a Non-Conforming Use Certification for a used
vehicle service repair in the M-U-I/D-D-O Zone

Action by:
10/07/2013
CD: 5

Technical Staff: Disapproval
Planning Board: Disapproval

On March 25, 2013, Council Elected to Review (Voice Vote: 8-0; Absent: Council Member Olson).

On March 25, 2013, Clerk transmitted case to the Zoning Hearing Examiner to hold a public hearing prior to final action by the District Council.

On April 11, 2013, Puja Gupta, Attorney for the Applicant filed an appeal on behalf of the Applicant and requested Oral Argument.

On April 19, 2013, the Zoning Hearing Examiner returned the case back to the Clerk pursuant to Section 27-244(5)(A)(B)(C) of the Zoning Ordinance, to allow the District Council to hold a public hearing.

On July 8, 2013, the Oral Argument hearing was held; Council took this case under advisement.

COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF AN
ORDER OF DENIAL

Council Member Harrison moved referral of CNU-3916-2012 to staff for preparation of an order of Denial. The motion was seconded by Council Member Davis and carried by a roll call vote of 8-0 (Absent: Council Member Turner).

PENDING FINALITY

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make final decision or an appeal is filed.

30th Day

PLANNING BOARD

DSP 05070/03 The Brick Yard (North Portion)
PRI Brickyard MD Holdings, LLC, Applicant
Located approximately 800 feet southwest of the intersection of Contee Road and Mid-Atlantic Boulevard (52.75 Acres; I-3 Zone)
Requesting approval of a Detailed Site Plan for addition of a 290,000-square-foot manufacturing building to the existing industrial Park

Appeal by:
8/29/2013
Review by:
9/30/2013
CD: 1

Technical Staff: Approval, with Conditions
Planning Board: Approval, with Conditions

COUNCIL TOOK NO ACTION
No action was taken on this item.

DSP 06003/01 New Born Church of God
New Born Church of God & True Holiness, Inc., Applicant
Located on the east side of Rollins Avenue opposite its intersection of District Avenue (4.65 Acres; R-T/D-D-O Zone)
Requesting approval of a Detailed Site Plan for grading of the rear of an existing site improved with an existing 6,064-square-foot Church with an existing 20 child day care use and a variance request from Section 25-122(b)(1)(G) for the removal of one specimen tree

Appeal by:
8/29/2013
Review by:
9/30/2013
CD: 7

Technical Staff: Approval, with Conditions
Planning Board: Approval, with Conditions

COUNCIL TOOK NO ACTION
No action was taken on this item.

PENDING FINALITY (Continued)

The following decisions will become final unless the District Council elects, **BY MAJORITY VOTE**, to make final decision or an appeal is filed.

30th Day

PLANNING BOARD

DSP 10027 Farmington Road Car Wash
Interstate Farmington, LLC, Applicant
Located at the northeastern quadrant of the intersection of Indian Head Highway (MD 210) and Farmington Road East (2.647 Acres; C-M Zone)
Requesting approval of a Detailed Site Plan for a 9,129-square-foot combined car wash and retail building

Appeal by:
8/22/2013
Review by:
9/23/2013
CD: 9

Technical Staff: Approval, with Conditions
Planning Board: Approval, with Conditions

On August 21, 2013, Thomas E. Dernoga, appealed on behalf of Doris Sharp et. al in opposition to the proposal and requested Oral Argument.

COUNCIL TOOK NO ACTION

No action was taken on this item.

DSP 12049 Little Gifts from God Day Care Center
Karen Williamson, Applicant
Located on the northeast side of Old Alexandria Ferry Road, at its intersection with Highland Meadows Drive (0.38 Acres; I-1 Zone)
Requesting approval of a Detailed Site Plan for a day care center for 64 children within an existing 2,600-square-foot building and an associated outdoor play area

Appeal by:
8/29/2013
Review by:
9/30/2013
CD: 9

Technical Staff: Approval, with Conditions
Planning Board: Approval, with Conditions

COUNCIL TOOK NO ACTION

No action was taken on this item.

DISTRICT COUNCIL ADJOURNED AT 5:02 P.M.

Prepared by:

Submitted by:

Leonard Moses
Zoning Assistant

Redis C. Floyd
Clerk of the Council