

ZONING MINUTES

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Monday, September 23, 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 1:10 p.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

*Jill Kosack, Development Review Division
Ruth Grover, Development Review Division
Tom Lockard, Development Review Division*

INVOCATION - *The Invocation was provided by Mr. Rodney Taylor, Member, Union Bethel A.M.E. Church, Brandywine, Maryland.*

- *Council Chair Harrison requested prayers for Navy yard victims and specifically the family of Sylvia Frazier, a resident of Glenarden and faithful member of Raimer Christian Center. She also requested prayer for the victims of flooding in Colorado.*
- *Council Member Franklin requested prayer for the family of Vernard Wright, IT Director, due to the passing of his father. He also mentioned birthday wishes to Ms. Rita Henry of his staff.*
- *Council Member Turner requested prayer for Ann Washington who is recovering from surgery.*

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

ORAL ARGUMENTS**DSP-03089/01 Hanson Palmer Industrial Park, Parcel C
FCW Justice, Inc., Applicant****Action by:**
11/22/2013
CD: 5**Located on the west side of Lottsford Vista Road, approximately 1,125 feet south of its intersection with Martin Luther King Highway (MD 704) (3.397 Acres; I-1 Zone)****Requesting approval of a Detailed Site Plan for a combined 12,754-square-foot restaurant, car wash and full-service laundromat building**

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. Mr. Thomas Haller, Esq. spoke in support on behalf of the applicant. Terry Speigner, Farnese J. Hicks, Tere Meads, and Christina Orticke spoke in opposition. Council took this case under advisement.***DSP-12051 Andrews Ridge Apartments****AG/TDG Pinewood, LLC, Applicant****Action by:**
11/22/2013
CD: 7**Located on the southern side of Suitland Road (MD 218), between its intersection with Regency Parkway to the west and Walls Lane to the east (11.06 Acres; R-18 Zone)****Requesting approval of a Detailed Site Plan for a 2,503-square-foot community building/leasing office for an existing multifamily complex**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On July 8, 2013, Council deferred this case to July 15, 2013.

On July 15, 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. Mr. Lawrence Taub, Esq. spoke in support on behalf of the applicant. Council took this case under advisement.*

ORAL ARGUMENTS (Continued)**SE/VSE-4698 A-1 Vehicle Salvage Yard****W & C Property Management, LLC, Applicant****Located along the north side of Kilmer Place, approximately 280 feet east of its intersection with 52nd Avenue (1.98 Acres; I-1 Zone)****Requesting approval of a Special Exception for a vehicle salvage yard in the I-1 Zone including variances to the ten percent green space requirement for the I-1 Zone and the building setback requirement of the Sections 27-469(b)(1) and 27-474(a)(1)(b) of the Zoning Ordinance, respectively****Action By:****1/23/2014****CD: 5**

Technical Staff: Approval, with Conditions

Planning Board: No Motion to Consider

Zoning Hearing Examiner: Approval, with Conditions

Municipality: None

Opposition: William Hwang, et. al.

On July 8, 2013, Council elected to make the final decision (Voice Vote: 9-0).

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT*After orientation by staff, the oral argument hearing was held. Mr. Edward Gibbs, Esq. spoke in support on behalf of the applicant. Council took this case under advisement.*

ITEMS FOR DISCUSSION**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.

On September 9, 2013, the Oral Argument hearing was held; Council took this case under advisement.

COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF AN APPROVING DOCUMENT

Council Member Olson moved to refer SA-130001 to staff for preparation of an approving document. The motion was seconded by Council Member Davis and carried by a roll call vote of 9-0.

ITEMS FOR DISCUSSION (Continued)

Council referred item to staff for preparation of an approving Order with conditions

DSP-13009 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.

On September 9, 2013, the Oral Argument hearing was held; Council took this case under advisement.

COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF AN APPROVING DOCUMENT WITH CONDITIONS

Council Member Olson moved to refer DSP-13009 to staff for preparation of an approving document, with conditions. The motion was seconded by Council Member Davis and carried by a roll call vote of 9-0.

ITEMS FOR DISCUSSION (Continued)**SDP-1003/01 Smith Home Farm, Section 1A**
Dan Ryan Builders, Inc., Applicant**Action by:**
10/09/2013**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**CD: 6**Technical Staff: Approval, with Conditions
Planning Board: Approval, with Conditions

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

On September 9, 2013, the Oral Argument hearing was held; Council took this case under advisement.

COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF AN APPROVING DOCUMENT WITH CONDITIONS AND SUBSEQUENTLY ADOPTED THE PREPARED ORDER*Council Member Davis moved referral of SDP-1003/01 to staff for preparation of an approving document, with conditions. The motion was seconded by Council Member Franklin and carried by a roll call vote of 9-0.**Council Member Davis moved adoption of the prepared order of Approval, with conditions. The motion was seconded by Council Member Patterson and carried by a roll call vote of 9-0.*

ITEMS FOR DISCUSSION (Continued)

**SDP-0608/01 The Preserve at Piscataway
Woodlawn Development Group, Applicant
Located at the south side of Floral Park Road, at its intersection with
Piscataway Road (304.90 Acres; R-L Zone)
Requesting approval of a Specific Design Plan to eliminate the proposed golf
course, club house and to revise the recreational amenities, the proposed
grading and the tree conservation plan**

CD: 9

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

On March 7, 2013, Nii-Kwashie Aryeetey filed an appeal in opposition to the proposal and requested Oral Argument.

On June 10, 2013, the Oral Argument hearing was held; Council took this case under advisement.

On July 8, 2013, Council referred this item to Staff for the preparation of an Order of Remand and subsequently adopted the Remand Order (Vote: 9-0).

On August 1, 2013, Elizabeth Hewlett, Chairman of the Prince George's County Planning Board transmitted a letter concerning the Remand Order adopted by the District Council.

This case is before the District Council to seek authorization of a proposed letter to Elizabeth Hewlett, Chairman of the Prince George's County Planning Board, requesting the Planning Board to take further action on this case in accordance with Section 27-528(f) of the Zoning Ordinance.

COUNCIL AUTHORIZED THE CHAIR'S SIGNATURE

Council Member Franklin moved to authorize the Chair's signature. The motion was seconded by Council Member Davis and carried by a roll call vote of 8-0 (Absent: Council Member Harrison).

ITEMS FOR DISCUSSION (Continued)**SMA Revisory Petition for the Subregion 5 Sectional Map Amendment (CR-81-2013)****CD: 9****Aggregate Industries Land Company, Inc., Petitioner****Daniel F. Lynch, Attorney for Petitioner****Requesting a revision to a portion of the Approved Subregion 5 Sectional Map Amendment to rezone from the R-R (Rural Residential) Zone to the M-X-T (Mixed Use – Transportation Oriented) Zone**

On August 23, 2013, Daniel F. Lynch, Attorney for the Applicant, filed a petition for revision of the SMA on behalf of the property owner.

On September 23, 2013, the Principal Counsel to the District Council filed a legal opinion advising that the petition does provide a reasonable basis to consider revising the Sectional Map Amendment.

This case is before the District Council to determine whether to adopt an order of Denial for the proposed revisory petition or to hold a public hearing on the issue of mistake in the adoption of the Subregion 5 Sectional Map Amendment (CR-81-2013).

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

Council Member Franklin moved referral of the SMA Revisory Petition 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 9-0.

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

ZONING HEARING EXAMINER

SE/VSE-4637 Ransom Motors II Vehicle Salvage

10/7/2013

Walter M. and Henry A. Meinhardt, Applicant

CD: 9

Located on the south side of Short Cut Road, approximately 138 feet east of the intersection of Branch Avenue (MD 5) and Robert Crain Highway (US 301) (4.86 Acres; I-1 Zone)

Requesting approval of a Special Exception to operate a vehicle salvage yard in the I-1 Zone and a variance from Section 27-417.03(2) for fence material and from Section 27-474 for front and side yard building setbacks

Technical Staff: Approval, with conditions

Planning Board: No Motion to Consider

Zoning Hearing Examiner: Approval, with a condition

Municipality: None

Opposition: None

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.

COUNCIL DEFERRED ITEM TO 09/30/2013

Action on this item was deferred to September 30, 2013.

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

CNU-625-76 Holland Gardens Nursery and Landscaping, Inc.

10/17/2013

Department of Environmental Resources, Petitioner

CD: 1

Mr. & Mrs. Leupen, Property Owner

Located on the north side of Sellman Road, east of its intersection with

Weymouth Avenue (6.03 Acres; R-80 Zone)

Requesting approval of a Nonconforming Use Certification for revocation of

CNU-625-76, a nonconforming use for a nursery and garden center

Technical Staff: Approval

Planning Board: Approval

COUNCIL TOOK NO ACTION

No action was taken on this item.

CNU-28728-2012 Rendevous

10/17/2013

Maredec USA, Inc. d/b/a Rendevous, Applicant

CD: 1

Located on the northwest quadrant of Southard Drive at its intersection with

Bacon Drive, approximately 160 feet southwest of Baltimore Avenue (US1)

(1.2 Acres; I-2 Zone)

Requesting approval of a Nonconforming Use Certification for an

auditorium/banquet hall

Technical Staff: Disapproval

Planning Board: Disapproval

COUNCIL TOOK NO ACTION

No action was taken on this item.

DPLS-388 Bates Trucking and Trash Removal

10/17/2013

(Companion Case: DSP-96026/01)

CD: 5

Bates Enterprises II, LLC, Applicant

Located on the Northwestern quadrant of the intersection of 49th and

Webster Streets (1.5 Acres; I-1/I-D-O Zones)

Requesting approval of a Departure from Parking and Loading Standards

for 20 spaces pursuant to Section 27-588 in order to be permitted to provide only 13 of the 33 parking spaces required by Section 27-582

Technical Staff: Approval

Planning Board: Approval

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-96026-01 Bates Trucking and Trash Removal
(Companion Case: DPLS-388)****10/17/2013
CD: 5****Bates Enterprises II, LLC, Applicant**

Located on the northwestern quadrant of the intersection of 49th and Webster Streets (1.5 Acres; I-1/I-D-O Zones)

Requesting approval of a Detailed Site Plan for demolition of a 6,000-square-foot building on the site, construction of a new 8,254-square-foot building, renovation and enlargement of an existing building into a 7,750-square-foot building, attendant parking and loading, truck storage, and landscaping

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

COUNCIL TOOK NO ACTION

No action was taken on this item.

DSP-12045 First Beginnings Children's Center (Remand)**10/17/2013
CD: 7****First Beginnings Children's Center LLC, Applicant**

Located at the northeastern quadrant of the intersection of Silver Hill Road (MD 458) and Old Silver Hill Road (4.02 Acres; C-S-C Zone)

Requesting approval of a Detailed Site Plan for a day care center for thirty-eight children in an existing shopping center and additional review required by the District Council's Order of Remand dated July 15, 2013

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

COUNCIL ELECTED TO REVIEW

Council Member Toles moved election to review DSP-12045. The motion was seconded by Council Member Davis and carried by a voice vote 8-0 (Absent: Council Member Franklin).

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-13007 Royal Farms – Allentown Road****10/17/2013****Two Farms INC d/b/a Royal Farms, Applicant****CD: 8**

Located at southwest quadrant of the intersection of Allentown Road (MD 337) and Branch Avenue (MD 5) (1.647 Acres; C-M Zone)

Requesting approval of a Detailed Site Plan for construction of a new gas station with ten pumping stations, a 5,125-square-foot food and beverage store, and a 1,255-square-foot car wash

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

COUNCIL DEFERRED ITEM TO 09/30/2013

Action on this item was deferred to September 30, 2013.

DSP-13008 Gilpin Property**10/17/2013****Boundary Stone SE #6, LLC, Applicant****CD: 7**

Located at the southeastern quadrant of the intersection of Southern Avenue and Wheeler Road (14.43 Acres; I-1 Zone)

Requesting approval of a Detailed Site Plan for conversion of an existing building into a consolidated-storage building with 615 interior-access units

Technical Staff: Disapproval

Planning Board: Approval, with Conditions

COUNCIL DEFERRED ITEM TO 09/30/2013

Action on this item was deferred to September 30, 2013.

DSP-13016 Save A Lot Food Stores**10/17/2013****Save A Lot Food Stores, Applicant****CD: 3**

Located approximately 137 yards south of the intersection of Annapolis Road and 85th Avenue (22.56 Acres; M-X-T/T-D-O Zones)

Requesting approval of a Detailed Site Plan for approval of business identification signage for a grocery store

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

COUNCIL DEFERRED ITEM TO 09/30/2013

Action on this item was deferred to September 30, 2013.

Motion to accept the additions package made by Council Member Olson; seconded by Council Member Davis. Motion carried 8-0 (Absent: Council Member Franklin).

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 13026 Carrollton Station

10/21/2013

BE Master NC Station LLC, Applicant

CD: 3

Located at the northeast corner of the intersection of West Lanham Drive and Harkins Road (13.67 Acres; M-X-T/TDOZ Zones)

Requesting Approval of a Detailed Site Plan for a mixed-use project consisting of 556 multifamily residential units and 200,000 square feet of office and retail/commercial space

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

All Persons of Record waived their right to appeal. Council Member Olson wishes to waive his right to review. A majority vote of the full Council is required.

COUNCIL WAIVED ITS RIGHT TO REVIEW THIS ITEM

Council Member Olson moved to waive Council's right to review DSP-13026. The motion was seconded by Council Member Davis and carried by a voice vote 8-0 (Absent: Council Member Franklin).

Motion to convene in Executive Session made by Council Member Patterson; seconded by Council Member Turner. Motion carried 8-0 (Absent: Council Member Franklin).

DISTRICT COUNCIL RECESSED AT 5:10 P.M. - The District Council session was recessed at 5:10 p.m.

Held

EXECUTIVE SESSION – (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

To consult with counsel to obtain legal advice and to consult with staff, consultants, or other individuals about pending or potential litigation in accordance with Section 10-508(a)(7, 8), State Government, Annotated Code of Maryland.

