

# ZONING MINUTES

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

Monday, November 18, 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 10:35 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: Rajesh Kumar, Principal Counsel to the District Council  
Stan D. 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  
Sandra Eubanks, Director, HEHS  
Leroy Maddox, Jr., Legislative Officer*

**M-NCPPC**  
*Ruth Grover, Development Review Division  
Meika Fields, Development Review Division  
Susan Lareuse, Development Review Division*

**INVOCATION** - *The Invocation was provided by Pastor Vernon N. Lattimore  
Bethesda Baptist Church, Washington, D.C*

- *Council Member Campos requested prayer for the family and friends of Dr. Ron Kirby in his passing.*
- *Council Member Harrison requested prayer for those affected by weather conditions across the country, including the tornados.*

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

**APPROVAL OF DISTRICT COUNCIL MINUTES**  
**3/25/2013, 5/6/2013, 5/13/2013**

**APPROVED**

*Council Member Turner moved to approve the District Council minutes for the dates specified above. The motion was seconded by Council Member Patterson and carried by a roll call vote of 9-0.*

**ORAL ARGUMENTS**

**DSP-12045 First Beginnings Children's Center (Remand)**  
**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**

**Action by:**  
**2/17/2014**  
**CD: 7**

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

On September 23, 2013, Council elected to review (Voice Vote: 8-0; Absent: Council Member Franklin).

**HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT**

*After orientation by staff, the oral argument hearing was held. Mr. Arthur Horne, Jr. along with the applicant, Ms. Tasha Upchurch, spoke in support. Council took this case under advisement.*

**ORAL ARGUMENTS (Continued)****DSP-13008 Gilpin Property****Boundary Stone SE #6, LLC, Applicant****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****Action by:****2/17/2014****CD: 7**

Technical Staff: Disapproval

Planning Board: Approval, with Conditions

On September 23, 2013, Council deferred this item to September 30, 2013.

On September 30, 2013, Council elected to review (Voice Vote: 8-0; Absent: Council Member Turner).

**HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT***After orientation by staff, the oral argument hearing was held. Mr. Arthur Horne, Jr. along with the applicant, Mr. Harvey Mazell, spoke in support. Council took this case under advisement.*

**MANDATORY REVIEW (Using Oral Argument Procedures)****DSP-05084/02 University Town Center, Parcel S****ECHO-UTC, LLC, Applicant****Located on the north side of East-West Highway (MD 410),****in the northeast quadrant of its intersection with America Boulevard****(3.49 Acres; M-X-T & T-D-O Zones)****Requesting approval of a Detailed Site Plan for a mixed-use development of 85,524 square feet, including a food and beverage store, other retail, office, and amendments to the use table, building height, and reduction in width and design of the streetscape****Action by:****2/17/2014****CD: 2**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

District Council review of this case is required by Section 27-548.09.01(b)(1) of the Zoning Ordinance.

On November 6, 2013, all Persons of Record and Stan Brown, the People's Zoning Counsel waived their right to appeal the decision of the Planning Board and the 30-day Notice of Hearing requirement.

Council Member Campos requested to expedite scheduling.

Proposed Backup: Order of Approval, with conditions.

**HEARING HELD; COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF AN APPROVING DOCUMENT AND SUBSEQUENTLY ADOPTED THE PREPARED ORDER OF APPROVAL, WITH CONDITIONS**

*After orientation by staff, the Oral Argument hearing was held. Council Member Campos moved to refer DSP-05084/02 to staff for preparation of an approving Order. The motion was seconded by Council Member Olson and carried by a roll call vote of 9-0.*

*Council Member Campos moved adoption of the prepared Order of approval with conditions. The motion was seconded by Council Member Olson and carried by a roll call vote of 9-0.*

*Motion to accept the additions package made by Council Member Davis; seconded by Council Member Olson. Motion carried 9-0.*

**MANDATORY REVIEW (Using Oral Argument Procedures)****DSP 07011/04 Woodmore Town Centre at Glenarden, Outlot B  
Woodmore Town Centre, Applicant****Located at the northwest quadrant of the intersection of Ruby Lockart  
Boulevard and St. Joseph's Drive (7.64 Acres; M-X-T Zone)****Requesting approval of a Detailed Site Plan for 49,768 square feet of  
commercial space in three separate buildings, including a health club, a fast-  
food restaurant, and general retail****Action by:  
2/17/2014  
CD: 5**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

District Council review of this case is required A-9613-C.

On November 15, 2013, all Persons of Record and Stan Brown, the People's Zoning Counsel waived their right to appeal the decision of the Planning Board and the 30-day Notice of Hearing requirement.

Council Member Harrison requested to expedite scheduling.

Proposed Backup: Order of Approval, with conditions.

**HEARING HELD; COUNCIL REFERRED ITEM TO STAFF FOR  
PREPARATION OF AN APPROVING DOCUMENT AND SUBSEQUENTLY  
ADOPTED THE PREPARED ORDER OF APPROVAL, WITH CONDITIONS**

*After orientation by staff, the Oral Argument hearing was held. Council Member Harrison moved to refer DSP 07011/04 to staff for preparation of an approving Order. The motion was seconded by Council Member Patterson and carried by a roll call vote of 8-0 (Absent: Council Member Turner).*

*Council Member Harrison 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 8-0 (Absent: Council Member Turner).*

**REFERRED FOR DOCUMENT**

**DSP-03089/01 Hanson Palmer Industrial Park, Parcel C**  
**FCW Justice, Inc., Applicant**

**Action by:**  
**11/22/2013**

**Located on the west side of Lottsford Vista Road, approximately 1,125 feet south of its intersection with Martin Luther King Highway (MD 704)**

**CD: 5**

**(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)

On September 23, 2013, the Oral Argument hearing was held; Council took this case under advisement.

On October 28, 2013, Council referred this item to staff for the preparation of an Order of Denial (Vote: 9-0).

Backup: Order of Denial.

**COUNCIL DEFERRED THIS ITEM TO 11/19/2013**

*Action on this item was deferred to November 19, 2013*

**REFERRED FOR DOCUMENT****SE-4718 D2 Fuego's****D2 Fuego's, Applicant****Located on the south side of Jackson Street, approximately 620 feet east of its intersection with 52nd Avenue (0.51 Acres; I-1 Zone)****Requesting approval of a Special Exception for adult entertainment in the I-1 Zone and a variance from the 1,000-foot minimum setback requirement from residentially-zoned land (Section 27-475.06.06(b))****Action by:****11/18/2013****CD: 5**

Technical Staff: Disapproval

Planning Board: No motion to consider

Zoning Hearing Examiner: Disapproval

Municipality: None

Opposition: Town of Cheverly, et. al.

On June 17, 2013, Council took no Action.

On June 19, 2013, Dennis Whitley III, Esquire filled an appeal to the decision of the Zoning Hearing Examiner and requested Oral Argument on behalf of the applicant.

On October 28, 2013, the Oral Argument hearing was held; Council referred item to staff for preparation of an Order of Denial (Vote: 9-0).

Backup: Order of Denial.

**COUNCIL ADOPTED THE PREPARED ORDER OF DENIAL**

*Council Member Harrison moved adoption of the prepared 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).*

**ITEMS FOR DISCUSSION**

**A-9903/02-C, A-9280-C and A-9281/07-C Largo Town Center  
“Parcel D” (Remand)**

**Commons at Largo, LLC/Parcel D, Applicant**

**Located northwest quadrant of the intersection of Lottsford Road and Harry  
S. Truman Drive (19.89 acres; M-A-C Zone)**

**Requesting approval of an Amendment to the Basic Plan to include  
residential use on Parcels 1A and 1B of Block D in the Largo Town Center, in  
addition to previously approved office/commercial use and to amend  
condition 2 of the District Council Order of Approval**

**Action by:  
1/10/2014  
CD: 6**

Technical Staff: Denial

Planning Board: Denial

Zoning Hearing Examiner: Approval, with conditions

Municipality: None

Opposition: Charles Renninger, et. al.

On January 28, 2008, Council adopted Zoning Ordinance No. 3-2008 in accordance with the Zoning Hearing Examiner’s decision (Vote: 9-0).

On March 6, 2008, Arthur J. Horne, Jr., Esq., submitted letter rejecting the conditions of approval on behalf of the applicant.

On July 19, 2012, the Circuit Court for Prince George’s County addressed CAL08 – 07343 Commons at Largo, LLC v. County Council of Prince George’s County, Maryland, sitting as the District Council. The Circuit Court remanded the above referenced cases to the District Council by consensus of the parties for appropriate action.

On November 5, 2012, Council moved to reconsider this case (Vote: 9-0); following reconsideration, Council referred item to staff for preparation of an order of Remand to the Zoning Hearing Examiner (Vote: 9-0).

On November 19, 2012, Council adopted an Order of Remand to the Zoning Hearing Examiner (Vote: 9-0).

On June 12, 2013, the Zoning Hearing Examiner filed her recommendation with the District Council.

On June 27, 2013, Arthur J. Horne, Jr., Esquire filed an appeal to the decision of the Zoning Hearing Examiner and requested Oral Argument on behalf of the applicant.

On October 28, 2013, the Oral Argument hearing was held; Council took this case under advisement.



**COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF A REMANDING DOCUMENT AND SUBSEQUENTLY ADOPTED THE PREPARED ORDER OF REMAND TO THE ZONING HEARING EXAMINER**

*Council Member Davis moved referral of A-9903/02-C, A-9280-C and A-9281/07-C to staff for preparation of an order of Remand to the Zoning Hearing Examiner. The motion was seconded by Council Member Campos and carried by a roll call vote of 8-0 (Absent: Council Member Turner).*

*Council Member Davis moved adoption of the prepared order of Remand. The motion was seconded by Council Member Patterson and carried by a roll call vote of 8-0 (Absent: Council Member Turner).*

**ITEM FOR DISCUSSION (Continued)**

**DSP-11005 Yale House**

**College Park Investments, LLC, Applicant**

**Located approximately 200 feet south of the intersection of Yale Avenue and Knox Road, within the City of College Park (0.25 Acre; R-18/DDOZ Zones) Requesting approval of a Detailed Site Plan for rezoning of the site from the Multifamily Medium-Density Residential (R-18) Zone to the Mixed-Use-Infill (M-U-I) Zone and adding four dwelling units to the existing building**

**Action by:**

**1/27/2014**

**CD: 3**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On October 28, 2013, Mandatory Review (Using Oral Argument Procedures) hearing was held; Council took this case under advisement.

**COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF AN APPROVING DOCUMENT AND SUBSEQUENTLY ADOPTED THE PREPARED ORDER OF APPROVAL, WITH CONDITIONS**

*Council Member Olson moved to refer DSP-11005 to staff for preparation of an approving Order. The motion was seconded by Council Member Franklin and carried by a roll call vote of 8-0 (Absent: Council Member Turner).*

*Council Member Olson moved adoption of the prepared Order of approval with conditions. 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.

**30<sup>th</sup> Day****PLANNING BOARD**

**CSP-07004/01 Westphalia Center**  
**Westphalia Development USA, LLC, Applicant**  
**Located north side of Pennsylvania Avenue (MD 4), west of its intersection with Melwood Road and east of its intersection with Suitland Parkway (530 Acres; M-X-T Zone)**  
**Requesting reconsideration of an approved Conceptual Site Plan to revise Condition 2(i) of approved PGCPB Resolution No. 10-59(C) to allow more design flexibility in the number and location of the front-loaded garage residential units**

**Appeal by:**  
**12/05/2013**  
**Review by:**  
**1/06/2014**  
**CD: 6**

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

**COUNCIL ELECTED TO REVIEW**

*Council Member Davis moved election to review CSP-07004/01. The motion was seconded by Council Member Campos and carried by a voice vote of 8-0 (Absent: Council Member Turner).*

**CNU-11100-2013 American Legion Post #28**  
**American Legion Post #28, Applicant**  
**Located on the west side of Powder Mill Road (MD 212) approximately 600 feet north of its intersection with Cherry Hill Road (6.43 Acres; R-T Zone)**  
**Requesting approval of a Nonconforming Use Certification for an existing mobile home trailer in the R-T Zone**

**Appeal by:**  
**12/05/2013**  
**Review by:**  
**1/06/2014**  
**CD: 1**

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.

**30<sup>th</sup> Day****PLANNING BOARD****DSP-12019 Dunkin' Donuts – Lanham****Dunkin' Donuts-Lanham, Applicant**

**Located on the south side of Annapolis Road (MD 450),  
650 feet northeast of its intersection with Harkins Road  
(.294 Acres; M-X-T/T-D-O Zones)**

**Requesting approval of a Detailed Site Plan for a 304-square-foot building  
addition to an existing eating and drinking establishment with drive-through,  
and site modifications**

**Appeal by:****12/12/2013****Review by:****1/13/2014****CD: 3**

Technical Staff: Approval, with conditions

Planning Board: Approval, with conditions

**COUNCIL ELECTED TO REVIEW**

*Council Member Olson moved election to review DSP-12019. The motion was seconded by Council Member Davis and carried by a voice vote of 8-0 (Absent: Council Member Turner).*

**DSP-13004 Woodland Springs Apartments (District Heights)****Shelter Development, LLC., Applicant**

**Located at the northwest and southwest quadrants of the intersection of  
Rochell Avenue and Atwood Street (39.5 Acres; R-18 Zone)**

**Requesting approval of a Detailed Site Plan residential revitalization for  
addition of 36 townhouse rental units to an existing multifamily development  
and a Specimen Tree Variance from the requirements of Section  
25-122(b)(1)(G)**

**Appeal by:****12/05/2013****Review by:****1/06/2014****CD: 6**

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.

**30<sup>th</sup> Day**

**PLANNING BOARD**

**DSP-13006 Westphalia Town Center, Phase I**  
**Walton Westphalia Development USA, LLC, Applicant**  
**Located north of Pennsylvania Avenue (MD 4), west of Melwood Road and east of the interchange of Suitland Parkway and Pennsylvania Avenue (90.23 Acres; M-X-T Zone)**  
**Requesting approval of a Detailed Site Plan for the first phase of the Westphalia Town Center development of 348 townhouse units**

**Appeal by:**  
**12/09/2013**  
**Review by:**  
**1/08/2014**  
**CD: 6**

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

**COUNCIL ELECTED TO REVIEW**

*Council Member Davis moved election to review DSP-13006. The motion was seconded by Council Member Campos and carried by a voice vote of 8-0 (Absent: Council Member Turner).*

**ADJOURNED** - *The District Council session was recessed at 3:37 p.m.*

**2:19 P.M.**

**COUNTY COUNCIL SITTING AS THE BOARD OF HEALTH – (COUNCIL HEARING ROOM)**

**Briefing held**

**A. AFFORDABLE HEALTH CARE ACT UPDATE/TECHNICAL NAVIGATION**

- Carolyn Quattrocki  
Executive Director  
Governor’s Office of Health Care Reform

**Briefing held**

**B. MedStar Southern Maryland Hospital Center**

Request for Letter of Support

- Michael Chiamonte  
President  
MedStar Southern Maryland Hospital Center

**Chair  
Authorized to  
Sign**                    **PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S  
REPORT**

Proposed correspondence to Mr. Ben Steffen, Executive Director, Maryland Health Care Commission, expressing Council's support of access to quality health care for all citizens and in support of Med Star Southern Maryland Hospital Center Certificate of Need Application.

**Held**                    **EXECUTIVE SESSION – (1<sup>ST</sup> FLOOR EXECUTIVE CONFERENCE  
ROOM)**

To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, to consult with counsel to seek legal advice, and to discuss pending or potential litigation in accordance with Section 10-508(a)(4, 7, 8), State Government, Annotated Code of Maryland.

**3:52 P.M.**            **BRIEFING – (ROOM 2027)**

**Briefing held**      **MARYLAND ASSOCIATION OF COUNTIES (MACo)**

Michael Sanderson, Executive Director  
Rick Pollitt, 2013 MACo President

**Prepared by:**

**Submitted by:**

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Leonard Moses  
Zoning Assistant

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Redis C. Floyd  
Clerk of the Council