



Prince George's County Council

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

Zoning Minutes - Final Sitting as the District Council

Derrick Leon Davis, District 6, Chairman
Mel Franklin, District 9
Dannielle M. Glaros, District 3, Vice Chairwoman
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

Monday, March 14, 2016

10:00 AM

Council Hearing Room

9:30 AM AGENDA BRIEFING - (ROOM 2027)

10:26 AM CALL TO ORDER - (COUNCIL HEARING ROOM)

Pursuant to the provisions of Section 27-132(a) of the Zoning Ordinance, the meeting was called to order at 10:26 a.m. with eight members present at roll call. Council Member Franklin arrived at 11:24 a.m.

Present: 9 - Chairman Derrick Davis
Vice Chair Dannielle Glaros
Council Member Andrea Harrison
Council Member Deni Taveras
Council Member Karen Toles
Council Member Mary Lehman
Council Member Mel Franklin
Council Member Obie Patterson
Council Member Todd Turner

*Also Present: Stan Brown, People's Zoning Counsel
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 Zavakos, Zoning and Legislative Counsel*

*M-NCPPC
Susan Lareuse, Development Review Division
Jimi Jones, Supervisor, Development Review Division*

*DPIE
Tim Holden*

POINT OF PERSONAL PRIVILEGE:

Chairman Davis took a Point of Personal Privilege to offer condolences to the family of 29-year-old Officer First Class Jacai Colson, killed in the line of duty on yesterday and also offer deepest sympathy to the law enforcement community in mourning.

INVOCATION

The Invocation was provided by Mrs. Sylvia Taylor, International Church of Christ, Landover, MD 20785. Council Member Toles read portions of a letter from the Fraternal Order of Police regarding the loss of Officer First Class Jacai Colson and requested prayer for police officers county-wide. Council Member Harrison requested prayer for the County, the nation and the District 5 community in light of recent violence and "uncivilized" behavior.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Patterson.

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 02222016](#)

District Council Minutes dated February 22, 2016

A motion was made by Vice Chair Glaros, seconded by Council Member Patterson, that this Minutes be approved. The motion carried by the following vote:

Aye: 7 - Davis, Glaros, Taveras, Toles, Lehman, Patterson and Turner

Absent: Harrison and Franklin

MANDATORY REVIEW (Using Oral Argument Procedures)[CDP-0501](#)**Smith Home Farms (Reconsideration)**[Reconsideration](#)**Companion Case(s):** SDP-1003-06 Reconsideration**Applicant(s):** SHF Project Owner, LLC**Location:** Located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4) (757 Acres; R-M / L-A-C Zones).**Request:** Requesting reconsideration of approved Comprehensive Design Plan (CDP) 0501, specifically Conditions 10, 11, 24, 31, and 32 and findings related to certain services for the design, grading, and construction of the Westphalia Central Park and the issuance of building permits.**Council District:** 6**Appeal by Date:** 2/19/2016**Action by Date:** 4/12/2016**Comment(s):** District Council review of this case is required because PGCPB No. 06-56(C)(A) recommends that the District Council amend their final action, specifically conditions 31 & 32, in the previous Council order of approval of CDP-0501.**History:**

Chairman Davis announced that the Mandatory Review hearings for CDP-0501 Smith Home Farms (Reconsideration) and SDP-1003-06 Parkside (Formerly Smith Home Farm) (Reconsideration) would be held in tandem. Susan Lareuse, M-NCPPC, provided an overview of the Comprehensive Design Plan and Specific Design Plan applications. She was assisted by Darin Conforti and Helen Asan, also of M-NCPPC. Robert Antonetti, Jr. Esq. spoke in support on behalf of the applicant. Marva Jo Camp spoke in support of the project and requested clarification to the plan as detailed verbally and in writing. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

Council took this case under advisement.

This Mandatory Review hearing was held and the case taken under advisement.

Attachment(s): [CDP-0501 Reconsideration_Zoning AIS](#)

ORAL ARGUMENTS[SDP-1003-06](#)**Parkside (Formerly Smith Home Farm) (Reconsideration)**[Reconsideration](#)**Companion Case(s):** CDP-0501 Reconsideration**Applicant(s):** SHF Project Owner, LLC**Location:** Located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4) (250.85 Acres; R-M Zone).**Request:** Requesting reconsideration of approved Specific Design Plan (SDP) 1003-06, specifically Condition 3 and findings related to the approval of Specific Design Plan SDP-1003-06, for the purpose of addressing the development of the Westphalia Central Park and the issuance of building permits.**Council District:** 6**Appeal by Date:** 2/11/2016**Review by Date:** 2/11/2016**Action by Date:** 4/4/2016**History:**

Chairman Davis announced that the Mandatory Review hearings for CDP-0501 Smith Home Farms (Reconsideration) and SDP-1003-06 Parkside (Formerly Smith Home Farm) (Reconsideration) would be held in tandem. Susan Lareuse, M-NCPPC, provided an overview of the Comprehensive Design Plan and Specific Design Plan applications. She was assisted by Darin Conforti and Helen Asan, also of M-NCPPC. Robert Antonetti, Jr. Esq. spoke in support on behalf of the applicant. Marva Jo Camp spoke in support of the project and requested clarification to the plan as detailed verbally and in writing. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

Council took this case under advisement.

This Specific Design Plan was hearing was held and the case was taken under advisement.

Attachment(s): [SDP-1003-06 Reconsideration Planning Board Resolution 15-36](#)
[SDP-1003-06 Reconsideration file materials](#)

ORAL ARGUMENTS (Continued)[SDP-1003-07](#)**Parkside (formerly Smith Home Farm)****Applicant(s):** SHF Project Owner, LLC**Location:** Located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (MD 4) (250.85 Acres; R-M Zone).**Request:** Requesting approval of a Specific Design Plan to revise Section 2 to revise the layout and unit mix; to add one single-family detached unit and 26 townhouses; to add Stanley Martin townhouse architecture; and to adjust the location of the mixed retirement development as proposed in Applicant's Exhibit 2B. No changes are proposed in Sections 1A, 1B, or 3 under this application.**Council District:** 6**Appeal by Date:** 1/14/2016**Review by Date:** 1/30/2016**Action by Date:** 4/4/2016**History:***Susan Lareuse, M-NCPPC, provided an overview of the Specific Design Plan application.**Arthur Horne, Esq. spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.**Council referred item to staff for preparation of an approving document, with conditions (Vote: 8-0; Absent: Council Member Patterson).***This Specific Design Plan hearing was held; Subsequently, a motion was made by Chairman Davis, seconded by Vice Chair Glaros that this case be referred for document. The motion carried by the following vote:****Aye:** 8 - Davis, Glaros, Harrison, Taveras, Toles, Lehman, Franklin and Turner**Absent:** Patterson

NEW CASE(S)[ERR-248](#)**Barbara England T/A BJ Folston & Associates, LLC****Validation of Multi-Family Rental Housing License M-0426**

Applicant(s): Barbara England T/A BJ Folston & Associates, LLC

Location: Located at 3601 Maywood Lane, Suitland, Maryland (14,389 square feet; R-10 Zone).

Request: Requesting approval for validation of Prince George's County's Multi-Family Rental Housing License No. M-0426, issued in error on May 14, 2015 for eight (8) apartment units.

Council District: 7

Appeal by Date: 11/19/2015

Action by Date: 3/21/2016

Opposition: None

History:

Council referred item to staff for preparation of an approving document, with conditions (Vote: 8-0; Absent: Council Member Patterson).

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

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

Absent: Patterson

Council adopted the prepared Zoning Ordinance No. 4 - 2016 validating Multi-Family Rental Housing License No. M-0426 (Vote: 8-0; Absent: Council Member Patterson).

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

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

Absent: Patterson

NEW CASE(S) (Continued)[ERR-254](#)**Marilyn V. Felix****Validation of Multifamily Rental License No. 6823/Case No. M-791****Applicant(s):**

Marilyn V. Felix

Location:

Located at 3526 Maywood Lane, Suitland, Maryland.

Request:

Requesting approval for validation of Prince George's County Multifamily Rental Housing License No. 6823/ Case No. M-791, issued in error for two additions to a single-family home.

Council District:

7

Appeal by Date:

12/23/2015

Action by Date:

4/22/2016

Opposition:

None

History:*Council deferred this item to March 28, 2016.***This Permit issued in error was deferred.****Attachment(s):**[ERR-254 Zoning AIS](#)[ERR-254 Zoning Hearing Examiner Decision](#)

ERR-254 PORL

NEW CASE(S) (Continued)**Fence****Jacqueline Hudak/We-Rek, Inc. d/b/a Accokeek Auto Parts****Waiver-We-Rek**

- Applicant(s):** Jacqueline Hudak/We-Rek, Inc. d/b/a/ Accokeek Auto Parts
- Location:** Located at 17305 and 17307 Manning Drive, Accokeek, Maryland (4.60 Acres; R-A- Zone).
- Request:** Requesting approval of a waiver of the fencing requirements for a certified nonconforming Salvage Yard in the R-4 (Residential Agricultural) Zone.
- Council District:** 9
- Appeal by Date:** 3/7/2016
- Action by Date:** 6/3/2016
- Opposition:** None
- History:**

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

A motion was made by Council Member Franklin, seconded by Vice Chair Glaros, that this Fence Waiver be referred for document. The motion carried by the following vote:

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

REFERRED FOR DOCUMENT[DSP-14040](#)**Holladay Company's Addition to Brentwood to 8-15**

- Applicant(s):** Aslan, LLC
- Location:** Located on the eastern side of Rhode Island Avenue, between Volta Avenue and Webster Street (0.70 Acres; U-L-I / D-D-O Zones).
- Request:** Requesting approval of a Detailed Site Plan for the construction of a three story mixed-use building which includes 19,067 square feet of fabrication/retail/office and residential development.
- Council District:** 2
- Appeal by Date:** 12/10/2015
- Action by Date:** 4/22/2016
- Comment(s):** District Council review of this case is required by Section 27-548.26(b)(B) of the Zoning Ordinance.
- Municipality:** Town of Brentwood
- History:**

Council adopted the prepared Order of approval, with conditions (9-0).

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

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

- Attachment(s):** [DSP-14040_ZAIS](#)
[DSP-14040 Planning Board Resolution 15-112](#)
DSP-14040_PORL
[DSP-14040 Technical Staff Report](#)

REFERRED FOR DOCUMENT (Continued)[SE-4749](#)**Bhagya Village****Companion Case(s):** DDS-627**Applicant(s):** Bhagya Village, LLC.**Location:** Located on the east side of Cipriano Road, approximately 2,640 feet north of its intersection with Good Luck Road, and identified as 6711 Cipriano Road, Greenbelt, Maryland.**Request:** Requesting approval of a Special Exception to use approximately 6.01 acres of R-80 (One-Family Detached Residential) zoned land as Apartment Housing for the Elderly and Physically Handicapped.**Council District:** 4**Appeal by Date:** 11/21/2015**Review by Date:** 11/21/2015**Action by Date:** 4/8/2016**Opposition:** Dr. Ronald C. Carlson, David R. Brace, Raintree Homeowners Association, et. al.**History:**

Council adopted the prepared Zoning Ordinance No. 5 - 2016 of approval, with conditions (Vote: 9-0).

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

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

Attachment(s): SE-4749 _Applicant Exceptions to the ZHE decision

[SE-4749 Zoning Hearing Examiner Decision](#)

SE-4749 _PORL

[SE-4749 Technical Staff Report](#)

REFERRED FOR DOCUMENT (Continued)[DDS-627](#)**Bhagya Village****Companion Case(s):** SE-4749**Applicant(s):** Bhagya Village, LLC**Location:** Located at 6711 Cipriano Road on the east side of Cipriano Road, approximately, 1,300 feet (one-quarter mile) north of its intersection with Good Luck Road and approximately, 2,640 feet (one-half mile) south of Greenbelt Road (MD 193).**Request:** Requesting approval of a Departure from Design Standards for the location of a loading space and its access driveway less than 50 feet from a residential zone in accordance with Subtitle 27 of the Prince George's County Code.**Council District:** 4**Appeal by Date:** 7/16/2015**Review by Date:** 7/16/2015**Action by Date:** 4/8/2016**History:**

Council adopted the prepared Order of approval, with conditions (9-0).

A motion was made by Council Member Turner, seconded by Vice Chair Glaros, that this Departure from Design Standards be approved with conditions. The motion carried by the following vote:

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

Attachment(s): [DDS-627 Planning Board Resolution 15-53](#)
DDS-627_PORL

ITEM(S) FOR DISCUSSION**DSP-13031****Beyond Restaurant**

Applicant(s): Beyond Restaurant c/o James Ibe

Location: Located on the east side of Baltimore Avenue (Alt. US 1), approximately 150 feet north of its intersection with Annapolis Road (MD 450). The site also has frontage on 46th Street to the east and on Shepherd Street, a paper street, to the south (1.63 Acres; M-X-T / D-D-O / I-D-O Zones).

Request: Requesting approval of a Detailed Site Plan for renovation and expansion of an existing 18,905-square-foot building to include a multi-venue eating and drinking establishment and office use of 24,000 square feet. In one section of the building the applicant proposes a dinner theater.

Council District: 5

Appeal by Date: 12/3/2015

Review by Date: 1/4/2016

Action by Date: 4/8/2016

Municipality: Town of Bladensburg

History:

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

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

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

Absent: Glaros

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[DSP-00019-02](#)**Chick-Fil-A Ballpark Road**

- Applicant(s):** Chick-fil-A, Inc.
- Location:** Located on the west side of Ballpark Road, approximately 400 feet south of its intersection with Robert S. Crain Highway (US 301).
- Request:** Requesting approval of a 5,235-square-foot eating and drinking establishment with drive-through window, specifically a Chick-fil-A restaurant. The existing restaurant on the property will be removed.
- Council District:** 4
- Appeal by Date:** 3/24/2016
- Review by Date:** 3/24/2016
- History:**

Council took no action on this item.

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

PENDING FINALITY (Continued)[DSP-02021-01](#)**Kinder Kidz Early Learning Center****Applicant(s):** Nancy Henderson**Location:** Located on the north side of Mitchellville Road, approximately 1,015 feet west of the intersection of Mitchellville Road and Robert S. Crain Highway (US 301).**Request:** Requesting approval of a Detailed Site Plan to add a day care center as an accessory use to an existing church. The applicant is proposing to reduce the 248-seat church to a 208-seat church and add a 32-child, 1,343-square-foot, day care center within the vacant private school area of the church, and add an 80-square-foot storage shed located on the west side of the existing church.**Council District:** 4**Appeal by Date:** 3/17/2016**Review by Date:** 3/17/2016**Municipality:** City of Bowie**History:***Council took no action on this item.***This Detailed Site Plan was not elected to review by Council.**[DSP-15012](#)**Royal Farms, Brandywine****Companion Case(s):** DDS-632**Applicant(s):** Two Farms, Inc.**Location:** Located on the west side of Branch Avenue (MD 5) in the southwest quadrant of its intersection with Moores Road.**Request:** Requesting approval of a Detailed Site Plan for a gas station and a 4,946-square-foot food and beverage store.**Council District:** 9**Appeal by Date:** 3/21/2016**Review by Date:** 3/21/2016**Action by Date:** 5/16/2016**History:***Council took no action on this item.***This Detailed Site Plan was not elected to review by Council.**

PENDING FINALITY (Continued)

[ROSP-856-05](#)

Potomac Energy Holdings - Greenbelt Road

Applicant(s): Potomac Energy Holdings, LLC

Location: Located on the southwest side of Greenbelt Road (MD 193) between Cipriano Road and Baywood Road.

Request: Requesting approval of a minor revision of the approved site plan in order to slightly increase the size of an existing canopy, replace underground tanks, and add a single-sided diesel fueling position and canopy to the rear of the site. The existing building, monument sign, parking area, and access drives are to remain unchanged.

Council District: 3

Appeal by Date: 3/17/2016

Review by Date: 3/17/2016

History:

Council took no action on this item.

This Revision of Site Plan was not elected to review by Council.

12:09 PM ADJOURN

The meeting was adjourned at 12:09 p.m.

1:30 PM RULES/GENERAL ASSEMBLY COMMITTEE – (COUNCIL HEARING ROOM)

(SEE SEPARATE AGENDA)

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Redis C. Floyd, Clerk of the Council