

Prince George's County Council

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



Zoning Agenda

Monday, July 15, 2013

1:30 PM

Council Hearing Room

Sitting as the District Council

Andrea C. Harrison, Chair, District 5

Mary A. Lehman, District 1

Will A. Campos, District 2

Eric C. Olson, District 3

Ingrid M. Turner, District 4

Derrick Leon Davis, District 6

Karen R. Toles, District 7

Obie Patterson, Vice Chair, District 8

Mel R. Franklin, District 9

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 on video and audio tapes. 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

1:00 PM AGENDA BRIEFING**1:30 PM CALL TO ORDER****INVOCATION - Johnie L. Higgs, County Employee****PLEDGE OF ALLEGIANCE****ORAL ARGUMENTS****[SDP-0805](#)****Kenwood Village**

Applicant: White House Road Ltd. Partners
Location: Located south of the intersection of White House Road and Harry S. Truman Drive (63.07 Acres; R-S Zone)
Request: Requesting approval of a Specific Design Plan for 72 single-family detached residential lots
Council District: 6
Appeal by Date: 6/6/2013
Review by Date: 6/6/2013
Action by Date: 9/16/2013

History

| | | |
|-----------|---|--------------------------|
| 3/14/2013 | M-NCPPC Technical Staff | Approval with conditions |
| 5/2/2013 | M-NCPPC Planning Board | Approval with conditions |
| 5/9/2013 | Applicant | Appealed |
| | <i>Michele LaRocca, Esq. filed an appeal on behalf of the owner and applicant on the decision of the Planning Board and requested Oral Argument</i> | |
| 5/13/2013 | Sitting as the District Council | ELECTED TO REVIEW |
| | <i>(Voice Vote: 7-0; Absent: Council Members Olson and Turner)</i> | |

Attachments: [SDP-0805 Technical Staff Report 3-28-13](#)
[SDP-0805 Planning Board Resolution 13-31](#)

[SDP-1205](#)**Smith Home Farm**

Applicant: SHF Project Owner, LLC
Location: Located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (223 Acres; R-M Zone)
Request: Requesting approval of a Specific Design Plan for an umbrella application for single-family detached architecture
Council District: 6
Appeal by Date: 6/13/2013
Review by Date: 6/13/2013
Action by Date: 9/16/2013

History

| | | |
|----------|-------------------------|--------------------------|
| 4/4/2013 | M-NCPPC Technical Staff | Approval with conditions |
| 5/9/2013 | M-NCPPC Planning Board | Approval with conditions |

6/10/2013 Sitting as the District Council ELECTED TO REVIEW
 Council
 (Voice Vote: 8-0; Abset: Council Member Campos)

Attachments: [SDP-1205 Technical Staff Report](#)
[SDP-1205 Planning Board Resolution 13-41](#)

REFERRED FOR DOCUMENT

DSP-12034

Keane Enterprises, Inc.

Applicant: Keane Enterprises, Inc.

Location: Northeast corner of the intersection of Baltimore Avenue (US 1) and Berwyn House Road (2.86 Acres; M-U-I/R-55/D-D-O)

Request: Approval of a Detailed Site Plan for a mixed-use development with a 156-room hotel, 23,615 square feet of retail, and a parking garage

Council District: 3

Action by Date: 10/7/2013

Comments: District Council review of this case is required by Section 27-548.26 (b).

Backup: Order Affirming the Planning Board's decision, with conditions.

History

| | | |
|----------|---------------------------------|--------------------------|
| 4/1/2013 | M-NCPPC Technical Staff | Approval with conditions |
| 5/2/2013 | M-NCPPC Planning Board | Approval with conditions |
| 7/8/2013 | Sitting as the District Council | REFERRED FOR DOCUMENT |
| 7/8/2013 | Sitting as the District Council | HEARING HELD |

Jill Kosack, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Chris Hatcher spoke in support of the application on behalf of the applicant. Terry Schum also spoke in support on behalf of the City of College Park. Stan Brown, People's Zoning Council, spoke to the merits of the case and the legalities of the argument presented.

Attachments: [DSP-12034 MNCPPC Staff Report](#)
[DSP-12034 Planning Board Resolution 13-36](#)

ITEM FOR DISCUSSION**[DSP-12045](#)****First Beginnings Children's Center**

Applicant: First Beginnings Children's Center LLC

Location: 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)

Request: Requesting approval of a Detailed Site Plan for a day care center for 38 children in existing shopping center

Council District: 7

Appeal by Date: 5/9/2013

Review by Date: 5/9/2013

Action by Date: 9/17/2013

History

2/27/2013 M-NCPPC Technical Staff Approval with conditions

4/4/2013 M-NCPPC Planning Board Approval with conditions

4/15/2013 Sitting as the District Council deferred

Council deferred this item to May 6, 2013.

5/6/2013 Sitting as the District Council ELECTED TO REVIEW

(Voice Vote: 8-0; Absent: Council Member Davis).

6/10/2013 Sitting as the District Council continued to a later date

Following M-NCPPC Staff Orientation, this case was continued to Monday, June 17, 2013.

6/17/2013 Sitting as the District Council TAKEN UNDER ADVISEMENT

The Oral Argument hearing was held; Council took this case under advisement.

Attachments: [DSP-12045 MNCPC Technical Staff Report](#)
[DSP-12045 Planning Board Resolution 13-23](#)

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.

(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.

[ROSP
SE-4388-01](#)

Kreative Kids Child Care Center

Applicant: Monika and Jalindar Mahabare
Location: Located on the northeast corner of Collier Road and Cherry Hill Road (0.24 Acres; R-R Zone)
Request: Requesting approval of a Revision of Site Plan Special Exception for a major revision to approved Special Exception SE-4388 to increase the child enrollment from 32 children to 62 children and an Alternative Compliance request from Section 4.2 of the Landscape Manual
Council District: 1
Appeal by Date: 7/29/2013
Review by Date: 7/29/2013
Municipality: None
Opposition: None

History

| | | |
|-----------|---------------------------------|--------------------------|
| 9/24/2012 | M-NCPPC Technical Staff | Approval with conditions |
| 11/1/2012 | M-NCPPC Planning Board | NO MOTION TO CONSIDER |
| 6/28/2013 | Zoning Hearing Examiner | Approval with conditions |
| 7/8/2013 | Sitting as the District Council | deferred |

Deferred to July 15, 2013

Attachments: [ROSP-4388-01 MNCPPC Staff Report](#)
[ROSP SE 4388-01 Zoning Hearing Examiner Decision](#)

[SE-4703](#)

Ace Cash Express

Applicant: Ace Cash Express, Inc.
Location: Located east of Baltimore Avenue (US 1) between Locust Grove Drive and Chestnut Ridge Drive (2.14 Acres; C-M & R-55 Zones)
Request: Requesting approval of a Special Exception for a check cashing business in the C-M and R-55 Zones
Council District: 1
Appeal by Date: 7/29/2013
Review by Date: 7/29/2013
Municipality: None
Opposition: None

History

| | | |
|-----------|-------------------------|--------------------------|
| 3/14/2013 | M-NCPPC Technical Staff | Approval with conditions |
| 4/4/2013 | M-NCPPC Planning Board | NO MOTION TO CONSIDER |
| 6/27/2013 | Zoning Hearing Examiner | Approval with conditions |

7/8/2013 Sitting as the District Council deferred
 Council
Deferred to July 15, 2013

Attachments: [SE 4703 MNCPPC Staff Report](#)
[SE 4703 Zoning Hearing Examiner Decision](#)

[SE-4722](#)**Lighthouse at Twin Lakes Apartments**

Applicant: Lighthouse Holdings, LLC

Location: Located at the north side of Calverton Boulevard, west side of Beltsville Road and south of the Capital Beltway (I-95/495) (32.89 Acres; R-18 Zone)

Request: Requesting approval of a Special Exception for alteration, extension, or enlargement of a certified nonconforming use to convert existing spaces located within the apartment buildings to new dwelling units

Council District: 1

Appeal by Date: 7/25/2013

Review by Date: 7/25/2013

Municipality: None

Opposition: None

History

| | | |
|------------|---------------------------------|--------------------------|
| 11/6/2012 | M-NCPPC Technical Staff | Approval with conditions |
| 11/29/2012 | M-NCPPC Planning Board | NO MOTION TO CONSIDER |
| 6/25/2013 | Zoning Hearing Examiner | Approval with conditions |
| 7/8/2013 | Sitting as the District Council | deferred |

Deferred to July 15, 2013

Attachments: [SE 4722 MNCPPC Staff Report](#)
[SE 4722 Zoning Hearing Examiner Decision](#)

(b) PLANNING BOARD[CNU-32917-20](#)**Convenience & Dollar Plus Market**[10](#)

Applicant: AG/TDG Pinewood, LLC

Location: Located Southeast of Southern Avenue, approximately 1,240 feet northeast of Pennsylvania Avenue (MD 4) (0.43 Acres; R-T Zone)

Request: Requesting approval of a Nonconforming Use Certification for a convenience/retail store in the R-T Zone

Council District: 7

Appeal by Date: 8/1/2013

Review by Date: 9/2/2013

History

| | | |
|-----------|---------------------------------|-------------|
| 5/20/2013 | M-NCPPC Technical Staff | Disapproval |
| 6/27/2013 | M-NCPPC Planning Board | Approval |
| 7/8/2013 | Sitting as the District Council | deferred |

Deferred to July 15, 2013

Attachments: [CNU-32917-2010 MNCPPC Staff Report](#)
[CNU 32917-2010 Planning Board Resolution 13-66](#)

[DSP-12051](#)**Andrews Ridge Apartments**

Applicant: AG/TDG Pinewood, LLC
Location: 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)
Request: Requesting approval of a Detailed Site Plan for a 2,503-square-foot community building/leasing office for an existing multifamily complex
Council District: 7
Appeal by Date: 7/25/2013
Review by Date: 7/25/2013

History

| | | |
|-----------|---------------------------------|--------------------------|
| 5/15/2013 | M-NCPPC Technical Staff | Approval with conditions |
| 6/20/2013 | M-NCPPC Planning Board | Approval with conditions |
| 7/8/2013 | Sitting as the District Council | deferred |

Deferred to July 15, 2013

Attachments: [DSP 12051 MNCPPC Staff Report](#)
[DSP 12051 Planning Board Resolution 13-60](#)

[DSP-90076-04](#)**Tantallon on the Potomac, Lot 6, Block E**

Applicant: Walter T. & Genevive J. During
Location: Located on the east side of Firth of Tae Drive, 700 feet south of its intersection with Swan Creek Road (0.46 Acres; R-R, L-D-O Zones)
Request: Requesting approval for a Conservation Plan and a Detailed Site Plan to Construct a 3,308-square-foot single-family detached dwelling with a garage on a vacant and wooded property within the Chesapeake Bay Critical Area (CBCA)
Council District: 8
Appeal by Date: 8/1/2013
Review by Date: 9/2/2013

History

| | | |
|-----------|---------------------------------|--------------------------|
| 5/30/2013 | M-NCPPC Technical Staff | Approval with conditions |
| 6/27/2013 | M-NCPPC Planning Board | Approval with conditions |
| 7/8/2013 | Sitting as the District Council | deferred |

Deferred to July 15, 2013

Attachments: [DSP-90076-04 MNCPPC Staff Report](#)
[DSP-90076-04 Planning Board Resolution 13-69](#)

7:00 P.M. COUNTY COUNCIL TOWN HALL MEETING

HEALTH CARE

*Northwestern High School Auditorium
7000 Adelphi Road
Hyattsville, Maryland 20782*

ADJOURN