

ZONING MINUTES

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

Monday, July 15, 2013

AGENDA BRIEFING-*The agenda briefing was held at 1:00 p.m.*

CALL TO ORDER

Pursuant to the provisions of Section 27-132(a) of the Zoning Ordinance, at 1:47 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 (arrived at 1:54 p.m.)
Mary A. Lehman
Eric C. Olson
Karen R. Toles (arrived at 1:56 p.m.)
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
Sherri Mosley, Development Review Division*

INVOCATION - *The Invocation was provided by Johnie L. Higgs, County Employee*

- *Council Chair Harrison requested continued prayer for healing of our nation, particularly the hearts and minds of all who have been injured and affected by the Trayvon Martin verdict.*
- *Council Member Olson requested prayer for the remembrance of Donald L. Byrd, former College Park City Council Member who passed recently.*

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

ORAL ARGUMENTS

SDP 0805 Kenwood Village
White House Road Ltd. Partners, Applicant
Located south of the intersection of White House Road and Harry S. Truman Drive (63.07 Acres; R-S Zone)
Requesting approval of a Specific Design Plan for 72 single-family detached residential lots

Action by:
9/16/2013
CD: 6

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

On May 9, 2013, Michele LaRocca, Esq. filed an appeal on behalf of the owner and applicant on the decision of the Planning Board and requested Oral Argument.

On May 13, 2013, the Council elected to review this case (Voice Vote: 7-0; Absent: Council Members Olson and Turner).

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT

After orientation by staff, the oral argument hearing was held. Ms. Michele LaRocca, Esq., attorney for the applicant, spoke in support along with Mr. Charles Renniger of Largo Civic Association. Council took this case under advisement.

ORAL ARGUMENTS (Continued)

SDP 1205 Smith Home Farm
SHF Project Owner, LLC, Applicant
Located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (223 Acres; R-M Zone)
Requesting approval of a Specific Design Plan for an umbrella application for single-family detached architecture

Action by:
9/16/2013
CD: 6

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

On June 10, 2013, the Council elected to review this case (Voice Vote: 8-0; Absent: Council Member Campos).

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT

After orientation by staff, the oral argument hearing was held. Ms. Marva Jo Camp, Esq., attorney for the applicant, spoke in support along with Mr. Steven Paul, Executive VP of Mid Atlantic Builders. Council took this case under advisement.

REFERRED FOR DOCUMENT

DSP 12034 Keane Enterprises, Inc.
Keane Enterprises, Inc., Applicant

Located at the 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 Zones)

Requesting 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

Action by:
10/07/2013
CD: 3

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On July 8, 2013, the Oral Argument hearing was held; Council referred this item to staff for the preparation on an approving document (Vote: 7-0; Absent: Council Members Davis and Franklin).

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

COUNCIL ADOPTED THE PREPARED ORDER AFFIRMING THE
PLANNING BOARD'S DECISION OF APPROVAL, WITH AN ADDITIONAL
CONDITION

Council Member Olson moved adoption of the prepared order affirming the Planning Board decision of approval with an additional condition. The motion was seconded by Council Member Patterson and carried by a roll call vote of 8-0 (Absent: Council Member Davis).

ITEM FOR DISCUSSION

DSP 12045 First Beginnings Children's Center
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 38
children in existing shopping center

Action by:
9/17/2013
CD: 7

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

On April 15, 2013, Council deferred this item to May 6, 2013.

On May 6, 2013, Council elected to review (Voice Vote: 8-0; Absent: Council Member Davis).

Following M-NCPPC Orientation on Monday, June 10, 2013, this case was continued to Monday, June 17, 2013.

On June 17, 2013, the Oral Argument hearing was held; Council took this case under advisement.

COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF AN
ORDER OF REMAND TO THE PLANNING BOARD AND SUBSEQUENTLY
ADOPTED THE PREPARED ORDER

Council Member Toles moved referral of DSP 12045 to staff for preparation of an order of Remand to the Planning Board. The motion was seconded by Council Member Franklin and carried by a roll call vote of 9-0.

Council Member Toles moved adoption of the prepared order of Remand. The motion was seconded by Council Member Franklin 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****ROSP SE 4388/01 Kreative Kids Child Care Center****7/29/2013****Monika and Jalindar Mahabare, Applicant****CD: 1****Located on the northeast corner of Collier Road and Cherry Hill Road****(0.24 Acres; R-R Zone)****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**

Technical Staff: Approval, with Conditions

Planning Board: No Motion to Consider

Zoning Hearing Examiner: Approval, with Conditions

Municipality: None

Opposition: None

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

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 ELECTED TO MAKE THE FINAL DECISION

Council Member Lehman moved election to make the final decision for ROSP SE 4388/01. The motion was seconded by Council Member Turner and carried by a voice vote 9-0.

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**ZONING HEARING EXAMINER****SE 4703 Ace Cash Express****Ace Cash Express, Inc., Applicant****Located east of Baltimore Avenue (US 1) between Locust Grove Drive and Chestnut Ridge Drive (2.14 Acres; C-M & R-55 Zones)****Requesting approval of a Special Exception for a check cashing business in the C-M and R-55 Zones****7/29/2013****CD: 1**

Technical Staff: Approval, with Conditions

Planning Board: No Motion to Consider

Zoning Hearing Examiner: Approval, with Conditions

Municipality: None

Opposition: None

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

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 ELECTED TO MAKE THE FINAL DECISION

Council Member Lehman moved election to make the final decision for SE 4703. The motion was seconded by Council Member Franklin and carried by a voice vote 9-0.

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**ZONING HEARING EXAMINER****SE 4722 Lighthouse at Twin Lakes Apartments****Lighthouse Holdings, LLC, Applicant****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)****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****7/25/2013****CD: 1**

Technical Staff: Approval, with Conditions

Planning Board: No Motion to Consider

Zoning Hearing Examiner: Approval, with Conditions

Municipality: None

Opposition: None

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

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 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**

CNU-32917-2010 Convenience & Dollar Plus Market
AG/TDG Pinewood, LLC, Applicant
Located Southeast of Southern Avenue, approximately 1,240 feet northeast of
Pennsylvania Avenue (MD 4) (0.43 Acres; R-T Zone)
Requesting approval of a Nonconforming Use Certification for a
convenience/retail store in the R-T Zone

Appeal by:
08/01/2013
Review by:
9/02/2013
CD: 7

Technical Staff: Disapproval
 Planning Board: Approval

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

COUNCIL ELECTED TO REVIEW

Council Member Toles moved election to review CNU-32917-2010. The motion was seconded by Council Member Olson and carried by a voice vote 9-0.

DSP 12051 Andrews Ridge Apartments
AG/TDG Pinewood, LLC, Applicant
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

7/25/2013
CD: 7

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

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

COUNCIL ELECTED TO REVIEW

Council Member Toles moved election to review DSP 12051. The motion was seconded by Council Member Franklin and carried by a voice vote 9-0.

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 90076/04 Tantallon on the Potomac, Lot 6, Block E
Walter T. & Genevive J. During, Applicant
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)
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)

Appeal by:
08/01/2013
Review by:
9/02/2013
CD: 8

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

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

COUNCIL TOOK NO ACTION

No action was taken on this item.

Motion to convene in Executive Session made by Council Member Patterson; seconded by Council Member Davis. Motion carried 9-0.

DISTRICT COUNCIL ADJOURNED AT 2:50 P.M.

3:08 P.M. EXECUTIVE SESSION – (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

Held To discuss pending or potential litigation, and to consult with counsel to seek legal advice in accordance with Sections 10-508(a)(7, 8), State Government, Annotated Code of Maryland.

Topics Discussed:

- (1) Victoria Falls Committee for Truth in Taxation, LLC, et al. v. Prince George's County, Maryland - Petition for Writ of Certiorari Granted, Case No. 59, September Term, 2013.
- (2) 2. Jones v. County Council of Prince George's Co., sitting as the District Council - Pet. Docket No. 120, Petition for Writ of Certiorari Denied, 07/13.

7:00 P.M.

Held COUNTY COUNCIL TOWN HALL MEETING

HEALTH CARE

Northwestern High School Auditorium
7000 Adelphi Road
Hyattsville, Maryland 20782

Prepared by:

Submitted by:

Leonard Moses
Zoning Assistant

Redis C. Floyd
Clerk of the Council