

# Prince George's County Council

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



## **Zoning Agenda**

**Monday, October 28, 2013**

**10:00 AM**

**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**

**9:30 AM AGENDA BRIEFING****10:00 AM CALL TO ORDER****INVOCATION**

*Dr. Bobby Manning, Senior Pastor, First Baptist Church of District Heights, District Heights, Maryland*

**PLEDGE OF ALLEGIANCE****ORAL ARGUMENTS****[DSP-05052-01](#)****Holmehurst Estates (formerly Henderson Property)****Applicant(s):**

Caruso Bowie 11, LLC

**Location:**

The southwest quadrant of the intersection of Annapolis Road (MD 450) and Enterprise Road (MD 193) (7.226 Acres; R-R Zone).

**Request:**

Requesting approval of a Detailed Site Plan to add architecture for nine new house types and reduce the minimum house size.

**Council District:**

5

**Appeal by Date:**

8/15/2013

**Review by Date:**

9/16/2013

**Action by Date:**

1/27/2014

**History:**

05/30/2013	M-NCPPC Technical Staff	approval with conditions
07/11/2013	M-NCPPC Planning Board	approval with conditions
07/24/2013	Sitting as the District Council	elected to review
	<i>Council elected to review (Voice Vote: 8-0; Absent: Council Member Toles).</i>	

**Attachment(s):**

[DSP-05052-01 Technical Staff Report](#)

[DSP-05052-01 Planning Board Resolution 13-71](#)

**DSP-12049**      **Little Gifts from God Day Care Center****Applicant(s):** Karen Williamson**Location:** Located on the northeast side of Old Alexandria Ferry Road, at its intersection with Highland Meadows Drive (0.38 Acres; I-1 Zone)**Request:** Requesting approval of a Detailed Site Plan for a day care center for 64 children within an existing 2,600-square-foot building and an associated outdoor play area**Council District:** 9**Appeal by Date:** 8/29/2013**Review by Date:** 9/30/2013**Action by Date:** 1/27/2013**History:**

06/26/2013	M-NCPPC Technical Staff	approval with conditions
07/25/2013	M-NCPPC Planning Board	approval with conditions
09/09/2013	Sitting as the District Council	elected to review
	<i>Council elected to review (Voice Vote: 8-0; Absent: Council Member Turner).</i>	

**Attachment(s):**    [DSP-12049 Technical Staff](#)  
                               [DSP 12049 Planning Board Resolution](#)

**MANDATORY REVIEW (Using Oral Argument Procedures)****DSP-11005**      **Yale House****Applicant(s):** College Park Investments, LLC.**Location:** 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).**Request:** 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.**Council District:** 3**Appeal by Date:** 8/29/2013**Action by Date:** 1/27/2014**Comment(s):** District Council review of this case is required by the 2010 Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment.**Municipality:** City of College Park**History:**

07/02/2013	M-NCPPC Technical Staff	approval with conditions
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07/25/2013 M-NCPPC Planning Board approval with conditions

**Attachment(s):** [DSP-11005 Technical Staff Report](#)  
[DSP-11005 Planning Board Resolution 13-91](#)  
 DSP-11005\_POR

### **1:30 P.M. ORAL ARGUMENTS**

[A-9903/02](#) **A-9903/02-C, A-9280-C and A-9281/07-C Largo Town Center "Parcel D"**

**(Remand)**

**Applicant(s):** Commons at Largo, LLC/Parcel D

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

**Request:** 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.

**Council District:** 6

**Appeal by Date:** 6/27/2013

**Action by Date:** 1/18/2014

**Municipality:** None

**Opposition:** Charles Renniger, et. al.

**History:**

11/05/2007	Sitting as the District Council	hearing held; case taken under advisement
01/14/2008	Sitting as the District Council <i>Council referred this item to staff for preparation of an approving document, with conditions (Vote: 9-0).</i>	referred for document
01/28/2008	Sitting as the District Council <i>Council adopted Zoning Ordinance No. 3-2008 in accordance with the Zoning Hearing Examiner's decision (Vote: 9-0).</i>	approval with conditions
03/06/2008	Applicant <i>Arthur J. Horne, Jr., Esq., submitted letter rejecting the conditions of approval on behalf of the applicant.</i>	Rejected

07/19/2012	Circuit Court	remanded
	<i>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.</i>	
11/05/2012	Sitting as the District Council	reconsidered
	<i>Council reconsidered item (Vote: 9-0).</i>	
11/05/2012	Sitting as the District Council	referred for document
	<i>Following reconsideration, Council referred item to staff for preparation of an order of Remand to the Zoning Hearing Examiner (Vote: 9-0).</i>	
11/05/2012	Sitting as the District Council	remanded
	<i>Council adopted an Order of Remand to the Zoning Hearing Examiner (Vote: 9-0).</i>	
06/12/2013	Zoning Hearing Examiner	approval with conditions
06/27/2013	Applicant	appealed
	<i>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.</i>	
<b><u>Attachment(s):</u></b>	A-9903-02-C Remand Appeal 06272013	
	<a href="#">A-9903-02-C Remand ZHE Case Summary Sheet</a>	
	<a href="#">A-9903-02-C Remand ZHE Decistion</a>	
	A-9903-02-C Remand POR	

[SE 4718](#)**D2 Fuego's****Applicant(s):**

D2 Fuego's

**Location:**

Located on the south side of Jackson Street, approximately 620 feet east of its intersection with 52nd Avenue (0.51 Acres; I-1 Zone).

**Request:**

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))

**Council District:**

5

**Appeal by Date:**

6/19/2013

**Review by Date:**

6/19/2013

**Action by Date:**

11/18/2013

**Municipality:**

None

**Opposition:**

Town of Cheverly, et. al.

**History:**

06/10/2013

Sitting as the District Council  
*Council deferred this item to June 17, 2013.*

deferred

06/17/2013

Sitting as the District Council

did not elect to make the  
final decision

06/19/2013

Applicant  
*Dennis Whitley III, Esquire filled an appeal to the decision of the Zoning Hearing Examiner and requested Oral Argument on behalf of the applicant.*

appealed

**Attachment(s):**[SE-4718 ZHE Case Summary Sheet](#)[SE-4718 ZHE Decistion](#)[SE 4718 Letter from Hirsh to Epps-Webb](#)

SE-4718 POR

[SE-4718 Technical Staff Report](#)

**NEW CASE****ERR-227****Langley Gardens Apartments Multi-Family Rental License # M-0516**

**Applicant(s):** Langley Gardens Apartments, Ltd Partnership

**Location:** 8106, 8108, 8110, 8112, 8114, 8200, 8202, 8204, 8206, 8208, 8210 New Hampshire Ave., 1000, 1200, 1202, 1204, 1206, Lebanon Street, 1030, 1032, 1034, 1036, 1040 University Blvd., 8100 and 8102 Takoma Drive, Silver Spring, MD.

**Request:** Requesting approval for a validation of Prince George's County's Multi-Family Rental License No. M-0516, Permit Issued in Error on August 19, 2011 for 204 apartment units

**Council District:** 2

**Appeal by Date:** 11/1/2013

**Action by Date:** 3/3/2014

**Municipality:** None

**Opposition:** None

**History:**

10/02/2013	Zoning Hearing Examiner	approval
10/11/2013	Person of Record <i>All Persons of Record waived their right to appeal.</i>	waived right to appeal
10/16/2013	People's Zoning Counsel <i>Stan Brown, the People's Zoning Counsel waived his right to appeal.</i>	waived right to appeal

**Attachment(s):** [ERR-227 ZHE Case Summary](#)  
[ERR-227 Zoning Hearing Examiner Decision](#)  
 ERR-227 ZHE POR  
[ERR-227 File Materials](#)

*Council Member Campos now wishes to waive Council's right to make the final decision. A majority vote of the full Council is required.*

*Backup: Zoning Ordinance No. 10-2013 in accordance with the ZHE decision.*



**REFERRED FOR DOCUMENT**[SDP-0608-01](#)**The Preserve at Piscataway****Applicant(s):** Woodlawn Development Group**Location:** Located at the south side of Floral Park Road, at its intersection with Piscataway Road (304.90 Acres; R-L Zone).**Request:** Requesting approval of a Specific Design Plan to eliminate the proposed golf course and club house, and to revise the recreational amenities, the proposed grading and the tree conservation plan.**Council District:** 9**Appeal by Date:** 3/7/2013**Review by Date:** 3/7/2013**History:**

01/02/2013	M-NCPPC Technical Staff	approval with conditions
01/31/2013	M-NCPPC Planning Board	approval with conditions
02/11/2013	Sitting as the District Council	did not elect to make the final decision
03/07/2013	Person of Record <i>Nii-Kwashie Aryeetey filed an appeal in opposition to the proposal and requested Oral Argument</i>	appealed
06/10/2013	Sitting as the District Council	hearing held; case taken under advisement
07/08/2013	Sitting as the District Council <i>Council referred this item to staff for the preparation of an Order of Remand (Vote: 9-0).</i>	referred for document
07/08/2013	Sitting as the District Council <i>Council adopted the prepared Order of Remand (Vote: 9-0).</i>	approval with conditions
08/01/2013	M-NCPPC Planning Board <i>Elizabeth Hewlett, Chairman of the Prince George's County Planning Board transmitted a letter concerning the Remand Order adopted by the District Council.</i>	transmitted a letter

- 09/23/2013      Sitting as the District Council      authorized for Chair's signature  
*Council authorized the Chair to sign a 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 (Vote: 9-0).*
- 10/21/2013      Sitting as the District Council      vacated  
*Pursuant to Zoning Ordinance sections 27-135 (b)(1)(2), District Council Rule of Procedure No. 8 and County Council Rule of Procedure No. 9.6, the District Council sua sponte reconsidered their prior decision and after testimony from the People's Zoning Counsel, vacated the July 8, 2013 Order of Remand (Vote: 8-0; Absent Council Member Olson).*
- 10/21/2013      Sitting as the District Council      referred for document  
*Council referred this item to staff for the preparation of an Approving Order, with conditions (Vote: 8-0; Absent Council Member Olson).*

**Attachment(s):**      [SDP-0608-01 MNCPPC Staff Report](#)  
                                 [SDP-0608-01 Planning Board Resolution 13-02](#)  
                                 [SDP-0608-01 District Council Order of Remand 07-08-20](#)

*Backup: Approving Order, with conditions*

**ITEM(S) FOR DISCUSSION****DSP-03089-01**      **Hanson Palmer Industrial Park, Parcel C****Applicant(s):** FCW Justice, Inc.**Location:** 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)**Request:** Requesting approval of a Detailed Site Plan for a combined 12,754-square-foot restaurant, car wash and full-service laundromat building**Council District:** 5**Appeal by Date:** 8/1/2013**Review by Date:** 9/2/2013**Action by Date:** 11/22/2013**History:**

05/22/2013      M-NCPPC Technical Staff      approval with conditions

06/27/2013      M-NCPPC Planning Board      approval with conditions

07/08/2013      Sitting as the District Council      elected to review  
*Council elected to review (Voice Vote: 9-0)*09/23/2013      Sitting as the District Council      hearing held; case taken  
under advisement*Jill Kosack, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Thomas Haller spoke on behalf of the applicant. Terry Speigner, Farnese Hicks, Tere Meads and Christina Orticke spoke in opposition. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.***Attachment(s):**      [DSP 03089-01 Technical Staff Report](#)  
[DSP 03089-01 Planning Board Resolution](#)

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

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

**Action by Date:**

11/22/2013

**History:**

05/15/2013	M-NCPPC Technical Staff	approval with conditions
06/20/2013	M-NCPPC Planning Board	approval with conditions
07/08/2013	Sitting as the District Council <i>Council deferred this case to July 15, 2013.</i>	deferred
07/15/2013	Sitting as the District Council <i>Council elected to review (Voice Vote: 9-0).</i>	elected to review
09/23/2013	Sitting as the District Council  <i>Ruth Grover, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Larry Taub spoke on behalf of the applicant. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.</i>	hearing held; case taken under advisement

**Attachment(s):**[DSP 12051 Technical Staff Report](#)[DSP 12051 Planning Board Resolution](#)

**DSP-99006-01**      **McDonald's- Hyattsville****Applicant(s):** McDonald's Corp.**Location:** Located on the south side of East-West Highway (MD 410) at its intersection with Toledo Terrace (13.21 Acres; C-S-C/T-D-O-Z Zones)**Request:** Requesting approval of a Detailed Site Plan to amend the Table of Uses of the 1998 Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone (TDDP), to permit a 4,197-square-foot restaurant freestanding eating and drinking establishment with drive-through in the C-S-C and T-D-O Zones**Council District:** 2**Appeal by Date:** 6/20/2013**Review by Date:** 6/20/2013**Action by Date:** 11/8/2013**Comment(s):** District Council review of this case is required by Section 27-548.09.01 (b) of the Zoning Ordinance.**History:**

04/10/2013	M-NCPPC Technical Staff	approval with conditions
05/16/2013	M-NCPPC Planning Board	approval with conditions
06/05/2013	Applicant	appealed
	<i>On June 5, 2013, Daniel F. Lynch, Esquire, Attorney for the Applicant, appealed the Planning Board's decision and requested Oral Argument.</i>	
09/09/2013	Sitting as the District Council	hearing held; case taken under advisement
	<i>Steve Adams, M-NCPPC, provided an overview of the Detailed Site Plan application. Dan Lynch spoke in support of the case on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the case. The Oral Argument hearing was held; Council took this case under advisement.</i>	

**Attachment(s):** [DSP 99006-01 Planning Board Resolution](#)  
[DSP-99006-01 Tech Staff Report](#)

**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.*

**PLANNING BOARD****DDS-613      In Loving Hands**

**Companion Case(s):** DPLS-373; SE-4704

**Applicant(s):** Carlos Watson

**Location:** Located at the terminus of Lucille Court, approximately 210 feet north of its intersection with Lucille Drive (0.48 Acres; R-R Zone).

**Request:** Requesting approval of a Departure from Design Standards of 12 feet from the required 22-foot-wide driveway aisle width and a departure from Section 4.7 of the Landscape Manual

**Council District:** 8

**Appeal by Date:** 11/21/2013

**Review by Date:** 11/21/2013

**History:**

09/10/2013      M-NCPPC Technical Staff      approval with conditions

10/17/2013      M-NCPPC Planning Board      approval with conditions

**Attachment(s):** [DDS-613 Planning Board Resolution 13-109](#)

DDS-613\_PORL

[DDS-613 Technical Staff Report and file materials](#)

**DPLS-373      In Loving Hands**

**Companion Case(s):** DDS-613; SE-4704

**Applicant(s):** Carlos Watson

**Location:** Located at the terminus of Lucille Court, approximately 210 feet north of its intersection with Lucille Drive (.48 Acres; R-R Zone).

**Request:** Requesting approval of a Departure from Parking and Loading Standards for the waiver of three of the required four parking spaces.

**Council District:** 8

**Appeal by Date:** 11/21/2013

**Review by Date:** 11/21/2013

**History:**

09/10/2013 M-NCPPC Technical Staff approval with conditions  
 10/17/2013 M-NCPPC Planning Board approval with conditions

**Attachment(s):** [DPLS-373 Planning Board Resolution 13-110](#)  
 DPLS-373\_PORL  
[DPLS-373 Technical Staff Report and case backup](#)

[DSP-04082-04](#) **Brighton Place**

**Applicant(s):** Beazer Homes

**Location:** Located on the east side of Rollins Avenue, approximately 1,500 feet south of its intersection with Old Central Avenue (MD 332) (29 Acres; R-55 & R-T (D-D-O) Zones)

**Request:** Requesting approval of a Detailed Site Plan adding elevations TRI, TRJ, TRK and TRP of the Chandler townhouse model

**Council District:** 7

**Appeal by Date:** 11/6/2013

**Review by Date:** 11/6/2013

**History:**

09/04/2013 M-NCPPC Technical Staff approval with conditions  
 10/03/2013 M-NCPPC Planning Board approval with conditions  
 10/21/2013 Sitting as the District Council deferred  
*Council deferred this item to 10/28/2013.*

**Attachment(s):** [DSP-04082-04 Planning Board Resolution 13-101](#)  
 DSP-04082-04\_PORL  
[DSP-04082-04 Technical Staff Report](#)

**DSP-13001**      **Westphalia Town Center Umbrella DSP for Residential Architecture****Applicant(s):**      Walton Westphalia Development, LLC**Location:**      Located on the north side of Pennsylvania Avenue (MD 4), west of Melwood Road, and east of the interchange of Suitland Parkway and Pennsylvania Avenue (478.8 Acres; M-X-T Zone).**Request:**      Requesting approval of a Detailed Site Plan for an Umbrella DSP for Residential Architecture (excluding multifamily buildings)**Council District:**      6**Appeal by Date:**      11/2/2013**Review by Date:**      11/2/2013**History:**

09/11/2013      M-NCPPC Technical Staff      approval with conditions

10/17/2013      M-NCPPC Planning Board      approval with conditions

**Attachment(s):**      [DSP-13001 Planning Board Resolution 13-107](#)  
DSP-13001\_PORL  
[DSP-13001 Technical Staff Report and case backup](#)**ADJOURN**