

# ZONING MINUTES

## COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

### SITTING AS THE DISTRICT COUNCIL

Monday, October 28, 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 10:18 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: 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  
Henry Zhang, Development Review Division  
Jimi Jones, Supervisor, Development Review Division*

**INVOCATION** - *The Invocation was provided by Dr. Bobby Manning, Senior Pastor, First Baptist Church of District Heights, District Heights, Maryland*

- *Council Member Harrison requested prayer for those that are struggling and that the stony hearts be made flesh, to take away malice and instill humility for all.*
- *Council Member Toles requested prayer for Ms. Sheila Stewart, a Radio Personality in Maryland, who was killed in an auto accident in Georgia.*

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

**ORAL ARGUMENTS**

**DSP 05052/01 Holmehurst Estates (formerly Henderson Property)**  
**Caruso Bowie 11, LLC, Applicant**

**Action by:**  
**1/27/2014**

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

**CD: 5**

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

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On July 24, 2013, Council elected to review (Voice Vote: 8-0; Absent: Council Member Toles).

**HEARING HELD; COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF AN APPROVING DOCUMENT**

*After orientation by staff, the Oral Argument hearing was held. Tom Haller, attorney for the applicant, spoke in support. No one spoke in opposition. Council Member Harrison moved to refer DSP 05052/01 to staff for preparation of an Order affirming the Planning Board's decision of approval, with conditions. The motion was seconded by Council Member Davis and carried by a roll call vote of 9-0.*

**DSP 12049 Little Gifts from God Day Care Center**  
**Karen Williamson, Applicant**

**Action by:**  
**1/27/2014**

**Located on the northeast side of Old Alexandria Ferry Road, at its intersection with Highland Meadows Drive (0.38 Acres; I-1 Zone)**

**CD: 9**

**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**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On September 9, 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, Esq. spoke in support on behalf of the applicant. No one spoke in opposition. Council took this case under advisement.*

**MANDATORY REVIEW (Using Oral Argument Procedures)**

**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

District Council Review of this case is required by 2010 Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment.

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

*After orientation by staff, the mandatory review hearing was held. Mr. John McDonough, Esq. spoke in support on behalf of the applicant. No one spoke in opposition. Council took this case under advisement.*

**DISTRICT COUNCIL RECESSED AT 11:50 A.M.**

**DISTRICT COUNCIL RECONVENED AT 1:50 P.M.**

1:50 P.M.

**ORAL ARGUMENTS****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 September 10, 2007, Council directed staff to set this case in for oral argument hearing. On November 5, 2007, the oral argument hearing was held and Council took this case under advisement. On January 14, 2008, Council referred this item to staff for preparation of an Approving Order, with conditions (Vote: 9-0).

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.

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

*After orientation by staff, the oral argument hearing was held. Arthur Horne, Esq. spoke in support on behalf of the applicant. Chuck Renniger spoke in opposition. Bill Washburn, M-NCPPC, responded to questions. Council took this case under advisement.*

**ORAL ARGUMENTS (Continued)****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 10, 2013, Council deferred this item to June 17, 2013.

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.

**HEARING HELD; COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF AN ORDER OF DENIAL**

*After orientation by staff, the Oral Argument hearing was held. Dennis Whitley, attorney for the applicant, spoke in support. No one spoke in opposition. Council Member Harrison moved to refer SE 4718 to staff for preparation of an Order of Denial. The motion was seconded by Council Member Franklin and carried by a roll call vote of 9-0.*

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

**Located at 8200, 8202, 8204, 8206, 8208, 8210, 8106, 8108, 8110, 8012 and 8014 New Hampshire Avenue; 1030, 1032, 1034, 1036 University Boulevard; 1200, 1202, 1204, and 1206 Lebanon Street; 8100 and 8102 Tahona Drive, Silver Spring (4.7 Acres; R-18 Zone)**

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

Action by:

3/3/2014

CD: 2

Technical Staff: None

Planning Board: None

Zoning Hearing Examiner: Approval

Municipality: None

Opposition: None

On October 11, 2013, all Persons of Record waived their right to appeal. On October 16, 2013, Stan Brown, the People's Zoning Counsel waived his right to appeal.

Council Member Campos now wishes to waive his 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.

**COUNCIL WAIVED ITS RIGHT TO FURTHER REVIEW AND SUBSEQUENTLY ADOPTED ZONING ORDINANCE NO. 10-2013 FOR APPROVAL IN ACCORDANCE WITH THE ZONING HEARING EXAMINER'S DECISION**

*Council Member Campos moved for Council to waive its right to further review.. The motion was seconded by Council Member Turner and carried by a roll call vote of 9-0.*

*Council Member Campos moved adoption of the prepared Zoning Ordinance No. 10 -2013 in accordance with the Zoning Hearing Examiner's decision of approval. The motion was seconded by Council Member Davis and carried by a roll call vote of 9-0.*

**REFERRED FOR DOCUMENT**

**SDP-0608/01 The Preserve at Piscataway  
Woodlawn Development Group, Applicant  
Located at the south side of Floral Park Road, at its intersection with  
Piscataway Road (304.90 Acres; R-L Zone)  
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**

CD: 9

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

On June 10, 2013, the Oral Argument hearing was held; Council took this case under advisement.

On July 8, 2013, Council referred this item to Staff for the preparation of an Order of Remand and subsequently adopted the Remand Order (Vote: 9-0).

On August 1, 2013, Elizabeth Hewlett, Chairman of the Prince George's County Planning Board transmitted a letter concerning the Remand Order adopted by the District Council.

On September 23, 2013, 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).

On October 21, 2013, 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) and referred this item to staff for the preparation of an Approving Order, with conditions (Vote: 8-0; Absent Council Member Olson).

Backup: Approving Order, with conditions.

**COUNCIL DEFERRED THIS ITEM TO 11/4/2013**  
*Action on this item was deferred to November 4, 2013.*

**ITEMS FOR DISCUSSION**

**DSP-03089/01 Hanson Palmer Industrial Park, Parcel C**  
**FCW Justice, Inc., Applicant**  
**Located 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)**  
**Requesting approval of a Detailed Site Plan for a combined 12,754-square-foot restaurant, car wash and full-service laundromat building**

**Action by:**  
**11/22/2013**  
**CD: 5**

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.

**COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF AN ORDER OF DENIAL**

*Council Member Harrison moved referral of DSP-03089/01 to staff for preparation of an order of denial. The motion was seconded by Council Member Patterson and carried by a roll call vote of 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**

**Action by:**  
**11/22/2013**  
**CD: 7**

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

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

On July 15, 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.

**COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF AN APPROVING ORDER WITH CONDITIONS**

*Council Member Toles moved referral of DSP-12051 to staff for preparation of an approving order, with conditions. The motion was seconded by Council Member Franklin and carried by a roll call vote of 9-0.*



**ITEMS FOR DISCUSSION (Continued)****DSP 99006/01 McDonald's- Hyattsville  
McDonald's Corp., Applicant****Action by:  
11/08/2013****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)****CD: 2****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**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On June 5, 2013, Daniel F. Lynch, Esquire, Attorney for the Applicant, appealed the Planning Board's decision and requested Oral Argument.

On September 9, 2013, the Oral Argument hearing was held; Council took this case under advisement.

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

*Council Member Campos moved to refer DSP 99006/01 to staff for preparation of an approving order, with conditions. The motion was seconded by Council Member Davis 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 Turner 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.

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

**PLANNING BOARD**

**DDS-613 In Loving Hands**  
**(Companion Cases: DPLS-373 & SE-4704)**

**11/21/2013**  
**CD: 8**

**Carlos Watson, Applicant**

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

**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**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

**COUNCIL ELECTED TO REVIEW**

*Council Member Patterson moved election to review DDS-613. The motion was seconded by Council Member Franklin and carried by a vote 9-0.*

**DPLS-373 In Loving Hands**  
**(Companion Cases: DDS-613 & SE-4704)**

**11/21/2013**  
**CD: 8**

**Carlos Watson, Applicant**

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

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

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

**COUNCIL ELECTED TO REVIEW**

*Council Member Patterson moved election to review DPLS-373. The motion was seconded by Council Member Davis and carried by a vote 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.

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

**PLANNING BOARD**

**DSP-04082/04 Brighton Place**

**Beazer Homes, Applicant**

**11/06/2013**

**CD: 7**

**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)**

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

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On October 21, 2013, the Council deferred this item to 10/28/2013.

**COUNCIL DEFERRED THIS ITEM TO 11/4/2013**

*Action on this item was deferred to November 4, 2013.*

**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**

**DSP-13001 Westphalia Town Center,**  
**Umbrella DSP for Residential Architecture**  
**Walton Westphalia Development, LLC, Applicant**  
**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)**  
**Requesting approval of a Detailed Site Plan for Umbrella DSP for**  
**Residential Architecture (excluding multifamily buildings)**

**11/21/2013**  
**CD: 6**

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

**COUNCIL ELECTED TO REVIEW**

*Council Member Davis moved election to review DSP-13001. The motion was seconded by Council Member Turner and carried by a vote 9-0.*

**ADJOURNED** - *The District Council session was adjourned at 2:57 p.m.*

**Prepared by:**

**Submitted by:**

---

Leonard Moses  
Zoning Assistant

---

Redis C. Floyd  
Clerk of the Council