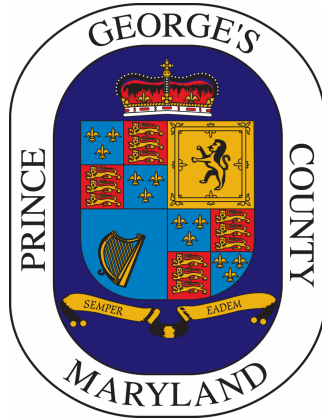


Prince George's County Council

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



Zoning Agenda

Monday, November 4, 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****PLEDGE OF ALLEGIANCE****ORAL ARGUMENTS****[ROSP SE-4388-01](#)****Kreative Kids Child Care Center****Applicant(s):**

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

Action by Date:

1/27/2014

Municipality:

None

Opposition:

None

History:

09/24/2012	M-NCPPC Technical Staff	approval with conditions
11/01/2012	M-NCPPC Planning Board	no motion to consider
06/28/2013	Zoning Hearing Examiner	approval with conditions
07/08/2013	Sitting as the District Council	deferred
07/15/2013	Sitting as the District Council	elected to make the final decision

*Council elected to make the final decision (Voice Vote: 9-0).***Attachment(s):**

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

[SE-4703](#)**Ace Cash Express****Applicant(s):**

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

Action by Date:

1/27/2014

Municipality:

None

Opposition:

None

History:

03/14/2013

M-NCPPC Technical Staff

approval with conditions

04/04/2013

M-NCPPC Planning Board

no motion to consider

06/27/2013

Zoning Hearing Examiner

approval with conditions

07/08/2013

Sitting as the District Council

deferred

Council deferred this case to July 15, 2013.

07/15/2013

Sitting as the District Council

elected to make the final decision

*Council elected to make the final decision (Voice Vote: 9-0).***Attachment(s):**[SE 4703 Zoning Hearing Examiner Decision](#)[SE 4703 MNCPPC Staff Report](#)

REFERRED FOR DOCUMENT[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

Council elected to review (Voice Vote: 8-0; Absent: Council Member Toles).

10/28/2013

Sitting as the District Council

referred for document

*Jill Kosack, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Tom Haller, Esq., spoke in support 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.**Council referred this item to staff for the preparation of an Approving Order, with conditions (Vote: 9-0)***Attachment(s):**[DSP-05052-01 Planning Board Resolution 13-71](#)[DSP-05052-01 Technical Staff Report](#)*Backup: Approving Order, with conditions.*

[DSP-06003-01](#)**New Born Church of God****Applicant(s):**

New Born Church of God & True Holiness, Inc.

Location:

Located on the east side of Rollins Avenue opposite its intersection of District Avenue (4.65 Acres; R-T/D-D-O Zones)

Request:

Requesting approval of a Detailed Site Plan for grading of the rear of an existing 6,064-square-foot Church with an existing 20-child day care use and a variance request from Section 25-122(b)(1)(G) for the removal of one specimen tree

Council District:

7

Appeal by Date:

8/29/2013

Review by Date:

9/30/2013

Action by Date:

1/20/2014

History:

07/03/2013	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 (Vote: 8-0; Absent: Council Member Turner).</i>	
10/21/2013	Sitting as the District Council	referred for document
	<i>Council referred this item to staff for the preparation of an Approving Order, with conditions (Vote: 8-0; Absent: Council Member Olson).</i>	
10/21/2013	Sitting as the District Council	hearing held

Meika Fields, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Paris Phelps spoke in support 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.

Attachment(s):[DSP 06003-01 Planning Board Resolution](#)[DSP-06003-01 Technical Staff Report](#)*Backup: Approving Order, with conditions.*

[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	deferred
	<i>Council deferred this case to July 15, 2013.</i>	
07/15/2013	Sitting as the District Council	elected to review
	<i>Council elected to review (Voice Vote: 9-0).</i>	
09/23/2013	Sitting as the District Council	hearing held; case taken under advisement
	<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>	
10/28/2013	Sitting as the District Council	referred for document
	<i>Council referred this item to staff for the preparation of an Approving Order, with conditions (Vote: 9-0).</i>	

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

Backup: Approving Order, with conditions.

[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	appealed
	<i>Nii-Kwashie Aryeetey filed an appeal in opposition to the proposal and requested Oral Argument</i>	
06/10/2013	Sitting as the District Council	hearing held; case taken under advisement
07/08/2013	Sitting as the District Council	referred for document
	<i>Council referred this item to staff for the preparation of an Order of Remand (Vote: 9-0).</i>	
07/08/2013	Sitting as the District Council	approval with conditions
	<i>Council adopted the prepared Order of Remand (Vote: 9-0).</i>	
08/01/2013	M-NCPPC Planning Board	transmitted a letter
	<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>	

09/23/2013	Sitting as the District Council	authorized for Chair's signature
	<i>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).</i>	
10/21/2013	Sitting as the District Council	vacated
	<i>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).</i>	
10/21/2013	Sitting as the District Council	referred for document
	<i>Council referred this item to staff for the preparation of an Approving Order, with conditions (Vote: 8-0; Absent Council Member Olson).</i>	
10/28/2013	Sitting as the District Council	deferred
	<i>Council deferred this item to 11/4/2013.</i>	

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

Backup: Approving Order, with conditions.

ITEM(S) FOR DISCUSSION

CDP-0902

CDP 0902 & VD 0902 The Villages at Timothy Branch

Applicant(s):

Timothy Brandywine Investments One & Two, LLC

Location:

Located on the East side of US 301 (Robert S. Crain Highway), southeast of its intersections with MD 5 (Branch Avenue), and MD 381 (Brandywine Road) (262 Acres, R-M Zone)

Request:

Requesting approval of a Comprehensive Design Plan for 1,069 dwelling units in the R-M Zoned portion of the Villages at Timothy Branch development distributed as follows: 101 single-family detached units, 80 one-family semidetached units, 368 one-family attached units, 312 two-family attached units and 208 multifamily units

Council District:

9

History:

09/20/2010

M-NCPPC Technical Staff

approval with conditions

10/28/2010	M-NCPPC Planning Board	approval with conditions
11/08/2010	Person of Record	appealed
	<i>Kamita Gray filed an appeal to the Planning Board's decision in opposition to the proposal and requested Oral Argument.</i>	
01/24/2011	Sitting as the District Council	remanded
	<i>Council elected to review (Voice Vote: 9-0).</i>	
11/14/2011	Sitting as the District Council	hearing held; case taken under advisement
	<i>Oral Argument hearing was held; Council took this case under advisement.</i>	
01/23/2012	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of an order of Remand to the Planning Board (Vote: 8-0; Absent: Council Member Turner).</i>	
01/23/2012	Sitting as the District Council	remanded
	<i>Council adopted the prepared Order of Remand (Vote: 8-0; Absent: Council Member Turner).</i>	

On or about April 10, 2013, during the pendency of the remand order before the Planning Board, the Applicant, through counsel, filed a Complaint for Declaratory Judgment in the Circuit Court for Prince George's County, case number CAL13-09722, seeking an order from the Circuit Court declaring the rights of the parties. The District Council filed a motion to dismiss the complaint, which was denied. The District Council subsequently appealed the Circuit Court's decision to the Court of Special Appeals.

During the pendency of the appeal in the Court of Special Appeal, the parties engaged in settlement negotiations and reached an agreement.

On October 28, 2013, the District Council dismissed its appeal in the Court of Special Appeals.

On or about October 30, 2013, the parties filed a Joint Motion for Consent Order of Remand in the Circuit Court for Prince George's County. The Circuit Court granted the Joint Motion and signed a Consent Order, which remanded CDP-0902 from the Circuit Court to the District Council for appropriate action.

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-620****Washington Research Library Consortium**

Companion Case(s): DPLS-393; SDP-9211-02

Applicant(s): Washington Research Library Consortium

Location: Located on the southwestern side of Commerce Drive, approximately 400 feet northwest of its intersection with Prince George's Boulevard (3.35 Acres; E-I-A Zone).

Request: Requesting approval of a Departure from Design Standards for a departure of five feet of the 45-foot required length of a loading space

Council District: 4

Appeal by Date: 11/28/2013

Review by Date: 11/28/2013

History:

09/25/2013	M-NCPPC Technical Staff	approval
10/24/2013	M-NCPPC Planning Board	approval
10/28/2013	Person of Record	waived right to appeal

All Persons of Record waived their right to appeal.

11/01/2013	People's Zoning Counsel	waived right to appeal
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Stan Brown, the People's Zoning Counsel waived his right to appeal.

Attachment(s): [DDS-620 Planning Board Resolution 13-114](#)

DDS-620_PORL

[DDS-620 Technical Staff Report](#)

Council Member Turner now wishes to waive Council's right to review. A majority vote of the full Council is required.

[DPLS-393](#)**Washington Research Library Consortium****Companion Case(s):** DDS-620; SDP-9211-02**Applicant(s):** Washington Research Library Consortium**Location:** Located on the southwestern side of Commerce Drive, approximately 400 feet northwest of its intersection with Prince George's Boulevard (3.35 Acres; E-I-A Zone)**Request:** Requesting approval of a Departure from Design Standards for a departure of five feet of the 45-foot required length of a loading space**Council District:** 4**Appeal by Date:** 11/28/2013**Review by Date:** 11/28/2013**History:**

09/25/2013	M-NCPPC Technical Staff	approval
10/24/2013	M-NCPPC Planning Board	approval
10/28/2013	Person of Record	waived right to appeal

All Persons of Record waived their right to appeal.

11/01/2013	People's Zoning Counsel	waived right to appeal
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*Stan Brown, the People's Zoning Counsel waived his right to appeal.***Attachment(s):** [DPLS-393 Planning Board Resolution 13-113](#)

DPLS-393_PORL

[DPLS-393 Technical Staff Report](#)*Council Member Turner now wishes to waive Council's right to review. A majority vote of the full Council is required.*

[SDP-9211-02](#)**Washington Research Library Consortium****Companion Case(s):** DDS-620; DPLS-393**Applicant(s):** Washington Research Library Consortium**Location:** Located on the southwestern side of Commerce Drive, approximately 400 feet northwest of its intersection with Prince George's Boulevard (3.35 Acres; E-I-A Zone).**Request:** Requesting approval of a Departure from Design Standards for a departure of five feet of the 45-foot required length of a loading space.**Council District:** 4**Appeal by Date:** 11/28/2013**Review by Date:** 11/28/2013**History:**

09/25/2013 M-NCPPC Technical Staff approval with conditions

10/24/2013 M-NCPPC Planning Board approval with conditions

10/28/2013 Person of Record waived right to appeal

All Persons of Record waived their right to appeal.

11/01/2013 People's Zoning Counsel waived right to appeal

*Stan Brown, the People's Zoning Counsel waived his right to appeal.***Attachment(s):** [SDP-9211-02 Planning Board Resolution 13-112](#)

SDP-9211-02_PORL

[SDP-9211-02 Technical Staff Report](#)*Council Member Turner now wishes to waive Council's right to review. A majority vote of the full Council is required.*

[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
	<i>Council deferred this item to 10/28/2013.</i>	
10/28/2013	Sitting as the District Council	deferred

Attachment(s):

[DSP-04082-04 Planning Board Resolution 13-101](#)

DSP-04082-04_PORL

[DSP-04082-04 Technical Staff Report](#)

**3:30 P.M. BALTIMORE GAS & ELECTRIC (BGE) BRIEFING
(COUNCIL HEARING ROOM)**

Michael L. Fowler, External Affairs Manager

RECESS

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

SUITLAND HIGH SCHOOL AUDITORIUM

5200 SILVER HILL ROAD

SUITLAND, MARYLAND 20747

ADJOURN