

# ZONING MINUTES

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

Monday, November 4, 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 1:43 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  
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**  
*Taslina Alam, Development Review Division*

**INVOCATION** - *The Invocation was provided by Edwin H. Brown, Jr., County Employee.*

- *Council Member Davis requested prayer for Peggy Butts who is recovering from a fall and awaiting surgery.*
- *Council Member Campos requested prayer for the family of Joan Mitchell who passed away.*
- *Council Member Franklin requested prayer for the family of Marjorie Watson, a Cheltenham activist, who passed from breast cancer.*

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

**ORAL ARGUMENTS**

**ROSP-SE-4388/01 Kreative Kids Child Care Center**

**Monika and Jalindar Mahabare, Applicant**

**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**

**Action by:**

**1/27/2014**

**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.

On July 15, 2013, Council elected to make the final decision (Voice Vote: 9-0).

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

*After orientation by staff, the oral argument hearing was held Michael Nagy, Esq., spoke in support on behalf of the applicant. Council took this case under advisement.*

**ORAL ARGUMENTS (Continued)****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****Action by:****1/27/2014****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.

On July 15, 2013, Council elected to make the final decision (Voice Vote: 9-0).

**HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT***After orientation by staff, the oral argument hearing was held William Shipp, Esq., spoke in support on behalf of the applicant. Council took this case under advisement.*

**REFERRED FOR DOCUMENT**

**DSP-05052/01 Holmehurst Estates (formerly Henderson Property)  
Caruso Bowie 11, LLC, Applicant  
Located at the southwest quadrant of the intersection of Annapolis Road  
(MD 450) and Enterprise Road (MD 193) (7.226 Acres; R-R Zone)  
Requesting approval of a Detailed Site Plan to add architecture for nine  
new house types and reduce the minimum house size**

**Action by:  
1/27/2014  
CD: 5**

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).

On October 28, 2013, the Oral Argument hearing was held; Council referred this item to staff for the preparation of an Approving Order, with conditions (Vote: 9-0)

Backup: Approving Order, with conditions.

**COUNCIL ADOPTED THE PREPARED ORDER OF APPROVAL WITH  
CONDITIONS**

*Council Member Harris moved adoption of the prepared Order of approval with conditions. The motion was seconded by Council Member Patterson and carried by a roll call vote of 8-0 (Absent: Council Member Olson).*

**REFERRED FOR DOCUMENT (Continued)**

**DSP-06003/01 New Born Church of God**  
**New Born Church of God & True Holiness, Inc., Applicant**  
**Located on the east side of Rollins Avenue opposite its intersection of**  
**District Avenue (4.65 Acres; R-T/D-D-O Zones)**  
**Requesting approval of a Detailed Site Plan for grading of the rear of an**  
**existing site improved with 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**

**Action by:**  
**1/20/2014**  
**CD: 7**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On September 9, 2013, Council elected to review (Vote: 8-0; Absent Council Member Turner).

On October 21, 2013, the Oral Argument hearing was held; Council 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 ADOPTED THE PREPARED ORDER OF APPROVAL WITH CONDITIONS**

*Council Member Toles moved adoption of the prepared Order of approval with conditions. The motion was seconded by Council Member Davis and carried by a roll call vote of 8-0 (Absent: Council Member Olson).*

**REFERRED FOR DOCUMENT (Continued)****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.

On October 28, 2013, Council referred this item to staff for the preparation of an Approving Order, with conditions (Vote: 9-0).

Backup: Approving Order, with conditions.

**COUNCIL ADOPTED THE PREPARED ORDER OF APPROVAL WITH CONDITIONS***Council Member Toles moved adoption of the prepared Order of approval with conditions. The motion was seconded by Council Member Davis and carried by a roll call vote of 8-0 (Absent: Council Member Olson).*

**REFERRED FOR DOCUMENT (Continued)**

**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).

On October 28, 2013, Council deferred this item to 11/4/2013.

Backup: Approving Order, with conditions.

**COUNCIL ADOPTED THE PREPARED ORDER OF APPROVAL WITH CONDITIONS**

*Council Member Franklin moved adoption of the prepared Order of approval with conditions. The motion was seconded by Council Member Patterson and carried by a roll call vote of 8-0 (Absent: Council Member Olson).*

**ITEMS FOR DISCUSSION**

**CDP 0902 & VD 0902 The Villages at Timothy Branch**  
**Timothy Brandywine Investments One & Two, LLC, Applicants**  
**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)**  
**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**

CD: 9

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

On November 8, 2010 Kamita Gray filed an appeal to the Planning Board's decision in opposition to the proposal and requested Oral Argument.

On January 24, 2011, Council elected to review (Voice Vote: 9-0).

On November 14, 2011, the Oral Argument hearing was held; Council took this case under advisement.

On January 23, 2012, Council referred item to staff for preparation of an order of Remand to the Planning Board and subsequently adopted the prepared Order (Vote: 8-0; Absent: Council Member Turner).

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.



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

*After orientation by staff, the Oral Argument hearing was held. Council Member Franklin moved to refer CDP-0902 & VD-0902 to staff for preparation of an Order of approval, with conditions. The motion was seconded by Council Member Patterson and carried by a roll call vote of 8-0 (Absent: Council Member Olson).*

*Council Member Franklin moved adoption of the prepared Order of approval with conditions. The motion was seconded by Council Member Davis and carried by a roll call vote of 8-0 (Absent: Council Member Olson).*

**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-620 Washington Research Library Consortium**

**(Companion Case: DPLS-393 & SDP-9211-02)**

**Washington Research Library Consortium, Applicant**

**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)**

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

**11/28/2013**

**CD: 4**

Technical Staff: Approval

Planning Board: Approval

On October 28, 2013, all Persons of Record waived their right to appeal. On November 1, 2013, Stan Brown, the People's Zoning Counsel waived his right to appeal.

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

**COUNCIL WAIVED ITS RIGHT TO REVIEW THIS ITEM**

*Council Member Turner moved to waive Council's right to review DDS-620. The motion was seconded by Council Member Davis and carried by a vote of 8-0 (Absent: Council Member Olson).*

**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.

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

**PLANNING BOARD**

**DPLS-393 Washington Research Library Consortium**

**11/28/2013**

**(Companion Case: DDS-620 & SDP-9211-02)**

**CD: 4**

**Washington Research Library Consortium, Applicant**

**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)**

**Requesting approval of a Departure from Parking and Loading**

**Standards for the required parking to be reduced from 42 to 32 parking paces**

Technical Staff: Approval

Planning Board: Approval

On October 28, 2013, all Persons of Record waived their right to appeal. On November 1, 2013, Stan Brown, the People's Zoning Counsel waived his right to appeal.

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

**COUNCIL WAIVED ITS RIGHT TO REVIEW THIS ITEM**

*Council Member Turner moved to waive Council's right to review DPLS-393. The motion was seconded by Council Member Davis and carried by a vote of 8-0 (Absent: Council Member Olson).*

**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.

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

**PLANNING BOARD**

**SDP-9211-02 Washington Research Library Consortium  
(Companion Case: DDS 620 & DPLS 393)**

**11/28/2013  
CD: 4**

**Washington Research Library Consortium, Applicant**

**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)**

**Requesting approval of a Specific Design Plan for a 13,892-square-foot addition to an existing 43,942-square-foot warehouse (for a total of 57,834 square feet) used as a book storage facility**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On October 28, 2013, all Persons of Record waived their right to appeal. On November 1, 2013, Stan Brown, the People's Zoning Counsel waived his right to appeal.

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

**COUNCIL WAIVED ITS RIGHT TO REVIEW THIS ITEM**

*Council Member Turner moved to waive Council's right to review SDP-9211-02. The motion was seconded by Council Member Davis and carried by a vote of 8-0 (Absent: Council Member Olson).*

**DSP-04082/04 Brighton Place**

**11/06/2013  
CD: 7**

**Beazer Homes, Applicant**

**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.

On October 28, 2013, the Council deferred this item to 11/4/2013.

**COUNCIL ELECTED TO REVIEW**

*Council Member Toles moved election to review DSP-04082/04. The motion was seconded by Council Member Franklin and carried by a vote of 8-0 (Absent: Council Member Olson).*

**RECESSED** - *The District Council session was recessed at 3:01 p.m*

**COUNCIL RECONVENED AT 3:42 P.M.**

3:42 P.M.

**BALTIMORE GAS & ELECTRIC (BGE) BRIEFING  
(COUNCIL HEARING ROOM) – BRIEFING HELD**

**Michael L. Fowler, External Affairs Manager**

**COUNCIL RECESSED AT 4:13 P.M.**

**COUNCIL RECONVENED AT 7:18 P.M.**

7:18 P.M.

**COUNTY COUNCIL TOWN HALL MEETING - MEETING HELD**

**SUITLAND HIGH SCHOOL AUDITORIUM  
5200 SILVER HILL ROAD  
SUITLAND, MARYLAND 20747**

**(SEE SEPARATE AGENDA)**

**COUNCIL ADJOURNED AT 9:18 P.M.**

**Prepared by:**

**Submitted by:**

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Leonard Moses  
Zoning Assistant

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Redis C. Floyd  
Clerk of the Council