

ZONING MINUTES

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

Monday, September 30, 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 10:20 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: Rajesh Kumar, Principal Counsel to the District Council
Stan D. Brown, People's Zoning Counsel
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
Karen T. Zavakos, Zoning and Legislative Counsel*

M-NCPPC
Ruth Grover, Development Review Division

INVOCATION - *The Invocation was provided by Mrs. Sylvia Taylor, Member, International Church of Christ, Landover, Maryland.*

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

MANDATORY REVIEW (USING ORAL ARGUMENT PROCEDURES)**DSP 13014 Forestville Plaza Shopping Center**
PMM Enterprises, LLC, Applicant**Action by:**
11/29/2013**Located at the northeastern quadrant of the intersection of Forestville Road and Old Marlboro Pike (MD 725) (18.17 Acres; I-1 Zone)****CD: 6****Requesting approval of a Detailed Site Plan to rezone the property from the Light Industrial (I-1) Zone to the Commercial Shopping Center (C-S-C) Zone in a Development District Overlay (D-D-O) Zone**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On August 23, 2013, Benjamin J. Woolery, Esquire appealed the Planning Board's decision in opposition and requested Oral Argument.

District Council Review of this case is required by Section 27-548.26 of the Zoning Ordinance.

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

After orientation by staff, the Oral Argument hearing was held. Thomas Haller, Esq., attorney for the applicant, spoke in support. Benjamin Woolery spoke in opposition. Council Member Davis moved to refer DSP-13014 to staff for preparation of an approving document. The motion was seconded by Council Member Campos and carried by a roll call vote of 8-0 (Absent: Council Member Turner).

MANDATORY REVIEW (Using Oral Argument Procedures) (Continued)

**SDP 9907/01 Beech Tree East Village, Infrastructure
Transportation Staging Plan Revision
VOB Limited Partnership, Applicant**

**Action by:
10/30/2013
CD: 6**

**Located at the southwestern quadrant of the intersection of Robert Crain
Highway (US 301) and Leeland Road (68.39 Acres; R-S Zone)
Requesting approval of a Specific Design Plan to revise the approved
transportation improvement staging plan**

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

On July 29, 2013, Mark Noblett appealed the Planning Board's decision in opposition and requested Oral Argument.

District Council Review of this case is required by A-9763-C and CDP-9706.

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

After orientation by staff, the Oral Argument hearing was held. Robert Antonetti, Esq., attorney for the applicant, spoke in support. Stan Brown, People's Zoning Counsel, called on Mr. Glen Burton, M-NCPPC Transportation Section, to address the issue in the appeal by Mr. Mark Noblett. Council Member Davis moved to refer SDP 9907/01 to staff for preparation of an approving document, with conditions. The motion was seconded by Council Member Franklin and carried by a roll call vote of 7-0 (Absent: Council Members Olson and Turner).

REFERRED FOR DOCUMENT**CNU-3916-2012 Rockport Autos, LLC****Rockport Autos, LLC, Applicant****Located at the northwest side of Martin Luther King Jr. Highway (MD 704)****and the northeast side of Glenarden Parkway****(0.35 Acre; MUI/D-D-O Zones)****Requesting approval of a Non-Conforming Use Certification for a used vehicle service repair in the M-U-I/D-D-O Zone****Action by:****10/07/2013****CD: 5**

Technical Staff: Disapproval

Planning Board: Disapproval

On March 25, 2013, Council Elected to Review (Voice Vote: 8-0; Absent: Council Member Olson).

On March 25, 2013, Clerk transmitted case to the Zoning Hearing Examiner to hold a public hearing prior to final action by the District Council.

On April 11, 2013, Puja Gupta, Attorney for the Applicant filed an appeal on behalf of the Applicant and requested Oral Argument.

On April 19, 2013, the Zoning Hearing Examiner returned the case back to the Clerk pursuant to Section 27-244(5)(A)(B)(C) of the Zoning Ordinance, to allow the District Council to hold a public hearing.

On July 8, 2013, the Oral Argument hearing was held; Council took this case under advisement.

On September 9, 2013, Council referred this item to Staff for the preparation of an Order of Denial (Vote: 8-0; Absent: Council Member Turner).

Backup: Order of Denial.

COUNCIL DEFERRED ITEM TO 10/1/2013*Action on this item was deferred to October 1, 2013.*

REFERRED FOR DOCUMENT**SA-130001 Cafritz Property at Riverdale Park
Town Center Development Plan
Calvert Tract, LLC, Applicant****Action by:
11/08/2013
CD: 3****Located approximately 1,400 feet north of the intersection of Baltimore Avenue (US 1) and East-West Highway (MD 410), on the east side of Baltimore Avenue (35.71 Acres; M-U-TC Zone)
Requesting approval of a Secondary Amendment to the Approved Cafritz Property at Riverdale Park Town Center Development Plan
Dated July 12, 2012**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On June 17, 2013, Council elected to review (Voice Vote: 8-1; Absent: Council Member Turner).

On July 8, 2013, Suellen M. Ferguson, Esquire, Attorney for the Opposition appealed the Planning Board's decision on behalf of the Town of University Park and requested Oral Argument.

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

On September 23, 2013, Council referred this item to Staff for the preparation of an Order of Approval, with Conditions (Vote: 9-0).

Backup: Order of Approval, with Conditions.

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

Karen Zavakos, Legislative Officer spoke to a technical correction on page 34. Council Member Olson moved adoption of the prepared order affirming the Planning Board decision 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 Turner).

REFERRED FOR DOCUMENT (Continued)

**DSP-13009 Cafritz Property at Riverdale Park
Calvert Tract, LLC, Applicant
Located approximately 1,400 feet north of the intersection of Baltimore
Avenue (US 1) and East-West Highway (MD 410), on the east side of
Baltimore Avenue (37.73 Acres; M-U-TC/R-55 Zones)
Requesting approval of a Detailed Site Plan and Special Permit for
126 residential townhomes, 855 multifamily units, and approximately 187,277
square feet of commercial gross floor area**

**Action by:
11/08/2013
CD: 3**

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

On June 17, 2013, Council elected to review (Voice Vote: 8-1; Absent: Council Member Turner).

On July 8, 2013, Suellen M. Ferguson, Esquire, Attorney for the Opposition appealed the Planning Board's decision on behalf of the City of College Park, the Town of University Park and requested Oral Argument.

On July 8, 2013, Susan Dorn et. al. appealed in opposition to 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.

On September 23, 2013, Council referred this item to Staff for the preparation of an Order of Approval, with Conditions (Vote: 9-0).

Backup: Order of Approval, with Conditions.

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

Council Member Olson moved adoption of the prepared order affirming the Planning Board decision 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 Turner).

REFERRED FOR DOCUMENT (Continued)**SE/VSE 4654 Dash-In Woodyard Road
(Companion Case: DSDS 663)****Dash-In Food Stores, Inc., Applicant****Located along the south side of Woodyard Road (MD 223) at its intersection
with Stuart Lane and Woody Terrace (0.71 Acres; C-S-C Zone)****Requesting approval of a Special Exception for a gas station in the C-S-C
Zone and a variance at the western driveway entrance from Woodyard Road****Action by:
10/16/2013
CD: 9**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

Zoning Hearing Examiner: Approval, with Conditions

Municipality: None

Opposition: None

On April 22, 2013, Council elected to make the final decision
(Voice Vote: 9-0).

On September 9, 2013, the Oral Argument hearing was held; Council referred this
item to Staff for the preparation of an Order of Approval, with Conditions. (Vote:
6-0; Absent: Council Members Olson, Toles and Turner).

Backup: Order of Approval, with Conditions.

**COUNCIL ADOPTED THE PREPARED ZONING ORDINANCE NO. 8 OF
APPROVAL WITH CONDITIONS**

*Council Member Franklin moved adoption of the prepared Zoning Ordinance No.
8 -2013 in accordance with the Zoning Hearing Examiner's decision of approval
with conditions. The motion was seconded by Council Member Davis and carried
by a roll call vote of 7-0 (Absent: Council Members Olson and Turner).*

REFERRED FOR DOCUMENT (Continued)

DSDS 663 Dash-In Woodyard Road
(Companion Case: SE/VSE 4654)
Dash-In Food Stores, Inc., Applicant

Action by:
11/08/2013
CD: 9

Located along the south side of Woodyard Road (MD 223) at its intersection with Stuart Lane and Woody Terrace (0.71 Acres; C-S-C Zone)
Requesting approval of a Departure from Sign Design Standards to allow a freestanding sign from Sections 27-614(a)(1) and 27-614(a)(4) of the Zoning Ordinance

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

On February 25, 2013, Council deferred this case to 3/11/2013.

On March 11, 2013, Council Elected to Review (Voice Vote: 8-1; Absent: Council Member Lehman).

On September 9, 2013, the Oral Argument hearing was held; Council referred this item to Staff for the preparation of an Order of Approval, with Conditions. (Vote: 6-0; Absent: Council Members Olson, Toles and Turner).

Backup: Order of Approval, with Conditions.

COUNCIL ADOPTED THE PREPARED ORDER OF APPROVAL WITH CONDITIONS

Council Member Franklin moved adoption of the prepared order affirming the Planning Board decision 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 Turner).

REFERRED FOR DOCUMENT (Continued)**SMA Revisory Petition for the Subregion 5 Sectional Map Amendment (CR-81-2013)****CD: 9****Aggregate Industries Land Company, Inc., Petitioner****Daniel F. Lynch, Attorney for Petitioner****Requesting a revision to a portion of the Approved Subregion 5 Sectional Map Amendment to rezone from the R-R (Rural Residential) Zone to the M-X-T (Mixed Use – Transportation Oriented) Zone**

On August 23, 2013, Daniel F. Lynch, Attorney for the Petitioner, filed a petition for revision of the SMA on behalf of the property owner.

On September 23, 2013, the Principal Counsel to the District Council filed a legal opinion advising that the petition does provide a reasonable basis to consider revising the Sectional Map Amendment.

On September 23, 2013, Council referred this item to staff for the preparation of an Order of Denial (Vote: 8-0; Absent: Council Member Harrison).

Backup: Order of Denial.

COUNCIL ADOPTED THE PREPARED ORDER OF DENIAL

Council Member Franklin moved adoption of the prepared Order of Denial. The motion was seconded by Council Member Davis and carried by a roll call vote of 7-0 (Absent: Council Member Turner).

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****SE/VSE-4637 Ransom Motors II Vehicle Salvage****Walter M. and Henry A. Meinhardt, Applicant****Located on the south side of Short Cut Road, approximately 138 feet east of the intersection of Branch Avenue (MD 5) and Robert Crain Highway (US 301) (4.86 Acres; I-1 Zone)****Requesting approval of a Special Exception to operate a vehicle salvage yard in the I-1 Zone and a variance from Section 27-417.03(2) for fence material and from Section 27-474 for front and side yard building setbacks****10/7/2013****CD: 9**

Technical Staff: Approval, with conditions

Planning Board: No Motion to Consider

Zoning Hearing Examiner: Approval, with a condition

Municipality: None

Opposition: None

On September 23, 2013, Council deferred this item to September 30, 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****DSP-13007 Royal Farms – Allentown Road****Two Farms Inc. d/b/a Royal Farms, Applicant****Located at southwest quadrant of the intersection of Allentown Road (MD 337) and Branch Avenue (MD 5) (1.647 Acres; C-M Zone)****Requesting approval of a Detailed Site Plan for construction of a new gas station with ten pumping stations, a 5,125-square-foot food and beverage store, and a 1,255-square-foot car wash****10/17/2013****CD: 8**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On September 23, 2013, Council deferred this item to September 30, 2013.

COUNCIL ELECTED TO REVIEW

Council Member Patterson moved election to review DSP-13007. The motion was seconded by Council Member Davis and carried by a voice vote 8-0 (Absent: Council Member Turner).

DSP-13008 Gilpin Property**Boundary Stone SE #6, LLC, Applicant****Located at the southeastern quadrant of the intersection of Southern Avenue and Wheeler Road (14.43 Acres; I-1 Zone)****Requesting approval of a Detailed Site Plan for conversion of an existing building into a consolidated-storage building with 615 interior-access units****10/17/2013****CD: 7**

Technical Staff: Disapproval

Planning Board: Approval, with Conditions

On September 23, 2013, Council deferred this item to September 30, 2013.

COUNCIL ELECTED TO REVIEW

Council Member Toles moved election to review DSP-13008. The motion was seconded by Council Member Franklin and carried by a voice vote 8-0 (Absent: Council Member Turner).

RECESSED -- *The District Council session was recessed at 11:14 a.m.*

COUNTY COUNCIL ITEM

(SEE SEPARATE AGENDA)

RECONVENED --*The District Council session was reconvened at 12:27 p.m.*

ADJOURNED --*The District Council session was adjourned at 12:34 p.m.*

Prepared by:

Submitted by:

Leonard Moses
Zoning Assistant

Redis C. Floyd
Clerk of the Council