

ZONING MINUTES

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

Monday, October 21, 2013

AGENDA BRIEFING-*The agenda briefing was held at 9:45 a.m.*

CALL TO ORDER

Pursuant to the provisions of Section 27-132(a) of the Zoning Ordinance, at 10:15 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 (arrived at 10:19 a.m.)
Mel Franklin
Mary A. Lehman
Karen R. Toles
Ingrid M. Turner*

Absent: Council Member Eric Olson (out on County business)

*Also Present: Stan D. Brown, People's Zoning Counsel
Rajesh Kumar, Principal Counsel to the District Council
Robert J. Williams, Jr., Council Administrator
Redis C. Floyd, Clerk of the Council
Donna J. Brown, Deputy Clerk of the Council*

*M-NCPPC
Ivy Thompson, Development Review Division
Meika Fields, Development Review Division*

INVOCATION - *The Invocation was provided by Reverend Barry N. Wade, Sr., Pastor, Reid Temple A.M.E., Glen Dale, Maryland*

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

ORAL ARGUMENTS**CNU-32917-2010 Convenience & Dollar Plus Market
Eagle Management Company, Applicant****Action by:
1/20/2014****Located southeast of Southern Avenue, approximately 1,240 feet northeast of
Pennsylvania Avenue (MD 4) (0.043 Acres; R-T Zone)****CD: 7****Requesting approval of a Nonconforming Use Certification for a
convenience/retail store in the R-T Zone**

Technical Staff: Disapproval

Planning Board: Approval

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

On July 15, 2013, Council elected to review (Vote: 9-0).

On September 3, 2013, the Planning Board transmitted a corrected coversheet to the Clerk and all Persons of Record.

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT*After orientation by staff, the oral argument hearing was held. Dennis Whitley, Esq., spoke in support on behalf of the applicant. No one spoke in opposition. Council took this case under advisement.*

ORAL ARGUMENTS (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).

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

After orientation by staff, the Oral Argument hearing was held. Parris Phelps spoke in support on behalf of the applicant. No one spoke in opposition. Council Member Toles moved to refer DSP 06003/01 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).

ITEMS FOR DISCUSSION**SE/VSE-4698 A-1 Vehicle Salvage Yard****W & C Property Management, LLC, Applicant****Located along the north and south sides of Kilmer Place, approximately 280 feet east of its intersection with 52nd Avenue (1.98 Acres; I-1 Zone)****Requesting approval of a Special Exception for a vehicle salvage yard in the I-1 Zone including variances to the ten percent green space requirement for the I-1 Zone and the building setback requirement of Sections 27-469(b)(1) and 27-474(a)(1)(b) of the Zoning Ordinance, respectively****Action By:****1/23/2014****CD: 5**

Technical Staff: Approval, with Conditions

Planning Board: No Motion to Consider

Zoning Hearing Examiner: Approval, with Conditions

Municipality: None

Opposition: William Hwang, et. al.

On July 8, 2013, Council elected to make the final decision (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 AND SUBSEQUENTLY ADOPTED THE PREPARED ORDER

Council Member Harrison moved to refer SE/VSE-4698 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 Harrison 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).

ITEMS FOR DISCUSSION (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 March 7, 2013, Nii-Kwashie Aryeetey filed an appeal in opposition to the proposal and requested Oral Argument.

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).

**COUNCIL RECONSIDERED AND VACATED ITS ORIGINAL ORDER OF
REMAND AND REFERRED ITEM TO STAFF FOR PREPARATION OF AN
APPROVING DOCUMENT, WITH CONDITIONS.**

Following a brief synopsis and analysis of the current posture of the case by People's Zoning Counsel, Stan Brown, Council Member Franklin moved to reconsider and vacate the previous order of Remand to the Planning Board for SDP-0608/01. The motion was seconded by Council Member Turner and carried by a roll call vote of 8-0 (Absent: Council Member Olson).

Council Member Franklin moved to refer SDP-0608/01 to staff for preparation of an approving document, 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.

30th Day**PLANNING BOARD**

CNU-25543-2013-U Forestville Commercial Center, Lot 6, Blk A

11/12/2013

Powell & Powell, Applicant

CD: 6

Located south of Parston Drive and approximately 718 +/- feet southeast of Forestville Road aka as 7901 Arston Drive, District Heights

(0.05 Acres; I-1/DDOZ Zones)

Requesting approval of a Nonconforming Use Certification for a vehicle storage yard and automobile towing station rezoned from the I-1 Zone to the I-1/DDOZ Zone on November 17, 2009 by the Marlboro Pike Sector Plan and Sectional Map Amendment

M-NCPPC Administrative Certification: Approval

COUNCIL ELECTED TO MAKE THE FINAL DECISION

Council Member Davis moved election to review for CNU-25543-2013-U. The motion was seconded by Council Member Franklin and carried by a voice vote 8-0 (Absent: Council Member Olson).

DSP-04082/04 Brighton Place

11/06/2013

Beazer Homes, Applicant

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

COUNCIL DEFERRED TO 10/28/2013

Action on this item was deferred to October 28, 2013.

SDP-1003/03 Smith Home Farm, Section 1B

11/14/2013

SHF Project Owner, LLC, Applicant

CD: 6

Located approximately 3,000 feet east of the intersection of Pennsylvania Avenue (MD 4) and Presidential Parkway (49.36 Acres; R-M Zone)

Requesting approval of a Specific Design Plan for addition of one single-family attached architectural model

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

COUNCIL TOOK NO ACTION

No action was taken on this item.

Motion to convene in Executive Session made by Council Member Davis; seconded by Council Member Patterson. Motion carried 8-0 (Absent: Council Member Olson).

ADJOURNED -The District Council session was recessed at 11:01 a.m.

Held

EXECUTIVE SESSION – (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

To consult with counsel to seek legal advice and to discuss pending or potential litigation in accordance with Section 10-508(a)(7, 8), State Government, Maryland Annotated Code.

1:30 P.M.

TRANSPORTATION, HOUSING AND THE ENVIRONMENT COMMITTEE MEETING – (ROOM 2027)

Prepared by:

Submitted by:

Leonard Moses
Zoning Assistant

Redis C. Floyd
Clerk of the Council