

ZONING MINUTES

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

Monday, April 15, 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: 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
Mira Asare, Zoning Information
Leonard Moses, Zoning Assistant*

M-NCPPC
Tom Lockard, Development Review Division

INVOCATION - *The Invocation was provided by Reverend Jacqueline Norris-Baker, Ministerial Staff, Reid Temple A.M.E., Glen Dale, Maryland*

- *Council Member Toles gave special thanks for the Church Service she attended and wished her mother a Happy Birthday.*

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

POINT OF PERSONAL PRIVILEGE – *Chair Harrison acknowledged the presence of State Senator JoAnne Benson and former County Council Member Audrey Scott.*

APPROVAL OF DISTRICT COUNCIL MINUTES
3/11/2013

APPROVED

Council Member Olson moved to approve the District Council minutes for the date specified above. The motion was seconded by Council Member Patterson and carried by a roll call vote of 9-0.

ORAL ARGUMENT

SE 4669 Robin Dale Surface Mining (Remand)

Chaney Enterprises, Applicant

Located on the south side of McKendree Road, approximately one mile west of the intersection of McKendree Road and Robert Crain Highway (US 301) (175.13 Acres; R-A Zone)

Requesting approval of a Special Exception for surface mining of sand and gravel in the R-A Zone

Action by:
5/30/13
CD: 9

Technical Staff: Approval, with Conditions
Planning Board: Approval, with Conditions
Zoning Hearing Examiner: Approval, with Conditions
Municipality: None
Opposition: Kelly Canavan, et. al.

On May 14, 2012, Council elected to make the final decision
(Voice Vote: 9-0)

On May 21, 2012, J. Carroll Holzer, Esq., Attorney for the opposition appealed the Zoning Hearing Examiner's decision and requested Oral Argument.

On October 9, 2012, Edward Gibbs, Attorney for the applicant filed a response to the appeal filed by J. Carroll Holzer, Esq., on behalf of the opposition.

On October 15, 2012, following orientation prior to Oral Argument, Council referred item to staff for preparation of an Order of Remand to the Zoning Hearing Examiner.

On October 16, 2012, Council adopted an Order of Remand to the Zoning Hearing Examiner (Vote: 7-0; Absent: Council Members Toles and Turner).

On December 10, 2012, the Zoning Hearing Examiner filed her recommendation with the District Council.

On January 8, 2013, Vangie Wright et.al. appealed the Zoning Hearing Examiner's decision and requested Oral Argument.

On January 9, 2013, Kamita Gray, on behalf of Brandywine/TB Southern Region Neighborhood Coalition appealed the Zoning Hearing Examiner's decision and requested Oral Argument.

On January 14, 2013, the Council elected to make the final decision (Voice Vote: 9-0).

On April 5, 2013, Edward Gibbs, Jr., Esq., filed a response to the appeal and exceptions filed by Vangie Wright et. al., and Kamita Gray on behalf of Brandywine/TB Southern Region Neighborhood Coalition.

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT

After orientation by staff, the oral argument hearing was held. Council took this case under advisement.

DRAFT

REFERRED FOR DOCUMENT**DDS 564 BP Amoco Station (US 301) (On Remand from Appellate Court)
(Companion Case: SE 4549)****Petroleum Marketing Group, Inc., Applicant
(formerly Eastern Petroleum Corporation)****Located east side of US 301 approximately 289 feet south of Croom Road,
known as 7620-7624 southeast Crain Highway (2.98 acres; C-S-C Zone)****Requesting approval of a Departure from Sign Design Standards to allow
a reduced setback from the adjoining residential zone****Action by:**
5/24/13
CD: 9

Technical Staff: Approval

Planning Board: Approval

On June 18, 2007, Council elected to review (Vote: Voice Vote Carried). On October 22, 2007, Council withdrew its election to review.

Opposition, Dedra Billings, et. al., filed suit in the Circuit Court for Prince George's County, CAL07-32022, opposing Council election to withdraw its election to review. The Circuit Court ruled in favor of opposition. Council elected to appeal the decision of the Circuit Court to the Maryland appellate courts.

On June 20, 2011, the Court of Appeals affirmed the Circuit Court and the Court of Special Appeals, and held, in relevant part, that the Council could not summarily withdraw its election to review a case and finalize the Planning Board's decision without holding a hearing. County Council et. al., v. Billings, 420 Md. 84; 21 A.3d 1065 (2011).

On February 11, 2013, Council referred item to the Clerk to schedule an Oral Argument hearing for 3/25/13.

On March 25, 2013, the Oral Argument hearing was held; Council referred item to staff for preparation of an approving Order with a condition (Voice Vote: 8-0; Absent: Olson).

**COUNCIL ADOPTED THE PREPARED ORDER AFFIRMING THE
PLANNING BOARD'S DECISION OF APPROVAL, WITH A
CONDITION**

Council Member Franklin moved adoption of the prepared order affirming the Planning Board decision of approval with a condition. The motion was seconded by Council Member Davis and carried by a roll call vote of 8-0 (Absent: Council Member Toles).

REFERRED FOR DOCUMENT (Continued)**SE 4549 BP Amoco Station (US 301) (On Remand from Appellate Court)
(Companion Case: DDS 564)****Action by:****5/24/13****Petroleum Marketing Group, Inc., Applicant****CD: 9****(formerly Eastern Petroleum Corporation)****Daniel F. Lynch, III, Esq., Correspondent****Located east side of US 301 approximately 289 feet south of Croom Road,
known as 7620-7624 southeast Crain Highway(2.98 acres; C-S-C Zone)****Requesting approval of a Special Exception for a car wash and gas station**

Technical Staff: Approval, with conditions

Planning Board: Approval, with conditions

Zoning Hearing Examiner: Approval, with conditions

Municipality: None

Opposition: Dedra Billings

On September 24, 2007, Council elected to make the final decision (Vote: Voice Vote Carried). On October 22, 2007, Council withdrew its election to make the final decision.

Opposition, Dedra Billings, et. al., filed suit in the Circuit Court for Prince George's County, CAL07-32022, opposing Council election to withdraw its election to make the final decision. The Circuit Court ruled in favor of opposition. Council elected to appeal the decision of the Circuit Court to the Maryland appellate courts.

On June 20, 2011, the Court of Appeals affirmed the Circuit Court and the Court of Special Appeals, and held, in relevant part, that the Council could not summarily withdraw its election to make the final decision in a case and finalize the Zoning Hearing Examiner's decision without holding a hearing. County Council et. al., v. Billings, 420 Md. 84; 21 A.3d 1065 (2011).

On February 11, 2013, Council referred item to the Clerk to schedule an Oral Argument hearing for 3/25/13.

On March 25, 2013, the Oral Argument hearing was held; Council referred item to staff for preparation of an approving order with an additional condition (Voice Vote: 8-0; Absent: Olson).

**COUNCIL ADOPTED THE PREPARED ZONING ORDINANCE
NO. 2-2013 IN ACCORDANCE WITH THE ZONING HEARING
EXAMINER'S DECISION OF APPROVAL WITH AN ADDITIONAL
CONDITION**

Council Member Franklin moved adoption of the prepared Zoning Ordinance No. 2 -2013 in accordance with the Zoning Hearing Examiner's decision of approval with an additional condition. The motion was seconded by Council Member Davis and carried by a roll call vote of 9-0.

REFERRED FOR DOCUMENT (Continued)

ERR 225 Calvert Investors, LLC
Use and Occupancy Permit No. 689508-U
Calvert Investors, LLC, Applicant
Located at 4611/4613 Calvert Road, College Park (1.02 Acres; R-18 Zone)
Requesting approval for a validation of a Permit Issue in Error on March 16, 1973 to operate a 31-unit multifamily apartment buildings

Action by:
6/07/13
CD: 3

Technical Staff: None
Planning Board: None
Zoning Hearing Examiner: Approval
Municipality: City of College Park
Opposition: None

On March 25, 2013, Council referred item to staff for preparation of an approving document in accordance with the Zoning Hearing Examiner's decision (Voice Vote: 9-0).

COUNCIL ADOPTED THE PREPARED ZONING ORDINANCE NO. 3-2013 IN ACCORDANCE WITH THE ZONING HEARING EXAMINER'S DECISION OF APPROVAL

Council Member Olson moved adoption of the prepared Zoning Ordinance No. 3 -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.

ITEMS FOR DISCUSSION**DSP 12008 New Life Christian Academy of Bowie****Pastor Shawn McBride, Applicant****Located in the City of Bowie between Annapolis Road (MD 450) and Old Annapolis Road, approximately 300 feet east of their intersection****(0.336 Acre; C-S-C Zone)****Requesting approval of a Detailed Site Plan for a 32-child day care center with before and after care, accessory to a Church****Action by:****5/10/13****CD: 4**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On January 14, 2013, Council deferred this case to 1/28/13.

On January 28, 2013 Council elected to review (Voice Vote: 9-0).

On March 11, 2013, the Oral Argument hearing was held; Council took this case under advisement.

COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF AN ORDER OF REMAND TO THE PLANNING BOARD

Council Member Turner moved referral of DSP 12008 to staff for preparation of an order of Remand to the Planning Board. The motion was seconded by Council Member Campos and carried by a roll call vote of 9-0.

ITEMS FOR DISCUSSION (Continued)

SE 4639/AC 11018/01 The Little People's Place
The Little People's Place, Applicant
Located approximately 653 feet west of the intersection of Dower House
Road and Woodyard Road (MD 223) (0.4796 Acre; R-R Zone)
Requesting approval of a Special Exception for a day care center

Action by:
4/23/13
CD: 9

Technical Staff: Approval, with Conditions
Planning Board: No Motion to Consider
Zoning Hearing Examiner: Approval, with Conditions
Municipality: None
Opposition: James and Sheila Alford

On November 5, 2012, Council took no Action.

On November 23, 2012, Sheila Ann Alford, filed an appeal to the Zoning Hearing Examiner's decision in opposition and requested Oral Argument.

On February 25, the Oral Argument hearing was held; Council took this case under advisement.

COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF A
ZONING ORDINANCE WITH CONDITIONS IN ACCORDANCE WITH
THE ZONING HEARING EXAMINER'S DECISION

Council Member Franklin moved referral of SE 4639/AC 11018/01 to staff for preparation of a Zoning Ordinance with conditions in accordance with the Zoning Hearing Examiner's Decision. The motion was seconded by Council Member Davis 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.

30th Day

PLANNING BOARD

DSP 12024 Alta at Camp Springs
Branch Apartments, LLC, Applicant
Located northeast of the Branch Avenue Metro Station, in
the northwest quadrant of the intersection of Auth Way
and Telfair Boulevard (6.26 Acres; M-X-T Zone)
Requesting approving of a Detailed Site Plan for a 208-unit multifamily
residential community on Parcel A-2

5/02/13
CD: 9

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

COUNCIL TOOK NO ACTION
No action was taken on this item.

DSP 12031 Enterprise Holdings
Enterprise Holdings, Applicant
Located at the south side of Annapolis Road (MD 450),
approximately 200 feet west of its intersection with Cooper Lane
(.408 Acres; C-S-C/D-D-O Zones)
Requesting approving of a Detailed Site Plan for a car rental operation

4/25/13
CD: 5

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

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 12045 First Beginnings Children Center

5/09/13

First Beginnings Children Center LLC, Applicant

CD: 7

Located in the northeastern quadrant of the intersection of Silver Hill Road (MD 458) and Old Silver Hill Road (4.02 Acres; C-S-C Zone)

Requesting approval of a Detailed Site Plan for a day care center for 38 children in existing shopping center

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

COUNCIL DEFERRED ITEM TO 5/06/2013

Action on this item was deferred to May 6, 2013

ADJOURNED -- *The District Council session was adjourned at 12:39 p.m.*

Prepared by:

Submitted by:

Leonard Moses
Zoning Assistant

Redis C. Floyd
Clerk of the Council

ZONING MINUTES

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Monday, April 22, 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 1:42 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: 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*

*M-NCPPC
Meika Fields, Development Review Division*

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

- *Council Member Turner requested prayer for the family of Mary Benson, an Enterprise Estates activist, who passed away.*
- *Council Chair Harrison requested prayer for the victims in Texas fertilizer plant explosion and for Boston in the wake of the Boston Marathon bombings.*

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

ORAL ARGUMENT

DSP 12046 & SP 120001 North Pointe, (aka Ager Road Station & Queens Chapel Apartments)

North Pointe LLC, Applicant

Located at the southeastern quadrant of the intersection of Ager Road and Nicholson Street (9.42 Acres; R-18/D-D-O Zones)

Requesting approval of a Detailed Site Plan to add six units to an existing 228-unit multifamily development, and a reduction in the parking requirement by fourteen spaces

Action by:

6/20/13

CD: 2

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On February 25, 2013, Council elected to review (Voice Vote: 7-0; Absent: Council Members Lehman and Turner).

HEARING HELD; COUNCIL REFERRED ITEM TO STAFF TO PREPARE AN ORDER AFFIRMING THE PLANNING BOARD'S DECISION OF APPROVAL WITH CONDITIONS AND SUBSEQUENTLY ADOPTED THE PREPARED ORDER

After orientation by staff, the Oral Argument hearing was held. Council Member Campos moved to refer DSP 12046 & SP 120001 to staff for preparation of an Order affirming the Planning Board's decision of approval, with conditions. The motion was seconded by Council Member Franklin 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 Davis and carried by a roll call vote of 9-0.

REFERRED FOR DOCUMENT

SE 4639/AC 11018/01 The Little People's Place

The Little People's Place, Applicant

Located approximately 653 feet west of the intersection of Dower House Road and Woodward Road (MD 223) (0.4796 Acre; R-R Zone)

Requesting approval of a Special Exception for a day care center

Action by:

4/23/13

CD: 9

Technical Staff: Approval, with Conditions

Planning Board: No Motion to Consider

Zoning Hearing Examiner: Approval, with Conditions

Municipality: None

Opposition: James and Sheila Alford

On November 5, 2012, Council took no Action.

On November 23, 2012, Sheila Ann Alford, filed an appeal to the Zoning Hearing Examiner's decision in opposition and requested Oral Argument.

On February 25, the Oral Argument hearing was held; Council took this case under advisement.

On April 15, 2013, Council referred this item to staff for the preparation of an approving Order, with conditions (Voice Vote: 9-0).

COUNCIL ADOPTED THE PREPARED ZONING ORDINANCE NO. 4 AFFIRMING THE ZONING HEARING EXAMINER'S DECISION OF APPROVAL, WITH ADDITIONAL CONDITIONS

Council Member Franklin moved adoption of the prepared Zoning Ordinance No. 4 -2013 in accordance with the Zoning Hearing Examiner's decision of approval, with additional conditions. The motion was seconded by Council Member Davis 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.

30th Day

ZONING HEARING EXAMINER

SE/VSE 4654 Dash-In Woodward Road

(Companion Case: DSDS 663)

Dash-In Food Stores, Inc., Applicant

Located along the south side of Woodward 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 Woodward Road

5/20/2013

CD: 9

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

Zoning Hearing Examiner: Approval, with Conditions

Municipality: None

Opposition: None

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 ELECTED TO MAKE THE FINAL DECISION

Council Member Franklin moved election to make the final decision for SE/VSE 4654. The motion was seconded by Council Member Turner and carried by a voice vote 9-0.

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 12025 Largo Center West Parcels B and C

5/16/2013

a/k/a Largo Town Center West

CD: 6

Largo Centre West (DC) ASLI V, LLP, Applicant

Located at the southwest of Largo Drive West, approximately 315 feet west of its intersection with Lottsford Road

(16.11 Acres; M-U-I/D-D-O-Z Zones)

Requesting approval of a Detailed Site Plan for a mixed-use development with 532 multifamily dwelling units in two buildings and 7,952 square feet of commercial space

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

COUNCIL DEFERRED ITEM TO 5/13/2013

Action on this item was deferred to May 13, 2013

ROSP 4368/01 Chick-Fil-A (Bowie)

5/16/2013

(Companion Case: DPLS 381)

CD: 4

Chick-Fil-A Inc., Applicant

Located on the east side of Robert Crain Highway (US 301) at its intersection with Ballpark Road (1.04 Acres; C-M Zone)

Requesting approval of a Revision of Site Plan for a minor revision to SE 4368 to add a 550-square-foot addition and change the single-lane drive-through to a double-lane drive-through

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

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****DPLS 381 Chick-Fil-A (Bowie)****5/16/2013****(Companion Case: RO SP 4368/01)****CD: 4****Chick-Fil-A Inc., Applicant****Located on the east side of Robert Crain Highway (US 301) at its intersection with Ballpark Road (1.04 Acres; C-M Zone)****Requesting approval of a Parking and Loading Standards waiver of five parking spaces from the required 56 parking spaces**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

COUNCIL TOOK NO ACTION*No action was taken on this item.***RECESS** -- *The District Council session was recessed at 2:03 p.m.***RECONVENED** -- *Council session was reconvened at 7:10 p.m.***JOINT PUBLIC HEARING – (COUNCIL HEARING ROOM)****THE PRELIMINARY SUBREGION 6 MASTER PLAN AND PROPOSED SECTIONAL MAP AMENDMENT (SMA)****Held**

The Maryland-National Capital Park and Planning Commission has published the Preliminary Subregion 6 Master Plan and Proposed Sectional (Zoning) Map Amendment (SMA). Although the *Subregion 6 Master Plan and Sectional Map Amendment* was approved on September 15, 2009 by Prince George's County Council Resolution 62-2009, the Circuit Court for Prince George's County reversed and voided CR-62-2009 on October 26, 2012. This public hearing is part of a process leading to the approval of a new master plan and sectional map amendment that will replace the 1993 *Approved Subregion 6 Study Area Master Plan and 1994 Approved Sectional Map Amendment*, the 1994 *Melwood Westphalia Master Plan and Sectional Map Amendment*, the *Approved Subregion 5 Master Plan and Sectional Map Amendment (Planning Area 85B)* and the 2002 *Approved Prince George's County General Plan* and other functional master plans.

(SEE SEPARATE AGENDA)

ADJOURNED -- *Council session was adjourned at 8:50 p.m.*

Prepared by:

Submitted by:

Leonard Moses
Zoning Assistant

Redis C. Floyd
Clerk of the Council

DRAFT

ZONING MINUTES

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Monday, June 10, 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 10:33 a.m. the Chairperson convened the meeting and the following Members were present:

*Andrea Harrison, Chair
Obie Patterson, Vice Chair
Derrick Leon Davis
Mel Franklin
Mary A. Lehman
Eric C. Olson
Karen R. Toles
Ingrid M. Turner*

Absent: Council Member Will A. Campos (out on County Business)

*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*

*M-NCPPC
Susan LaReuse, Development Review Division
Ruth Grover, Development Review Division*

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

- Council Member Toles requested prayer for Dr. Mary Francis Watson, sister of Senator Joanne Benson, in her surgical procedure and health challenges*
- Council Member Olson requested prayer for the family of Judge David Ross who passed last week*
- Council Chair Harrison requested prayer for the family of Cornice Cooper, a longtime resident of Glenarden and active community member*

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

ORAL ARGUMENTS**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 to revise the recreational amenities, the proposed grading and the
tree conservation plan****Action by:****7/10/2013****CD: 9**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On February 11, 2013, Council took no Action.

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

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT

After orientation by staff, the oral argument hearing was held. Andre Gingles, Esq. Attorney for the applicant and Larry Mack, spoke in support. Mr. Nii-Kwashie Aryeetey, Mr. Roger Pico and Ms. Patrice Crews spoke in opposition. Council took this case under advisement.

RUNNING AGENDA ON PAGE 3**ORAL ARGUMENTS (Continued)****DSP 12045 First Beginnings Children's Center****First Beginnings Children's Center LLC, Applicant****Located at the northeastern quadrant of the intersection of Silver Hill Road (MD 458) and Old Silver Hill Road (4.02 Acres; C-S-C Zone)****Requesting approval of a Detailed Site Plan for a day care center for 38 children in existing shopping center**

Action by:

9/09/2013

CD: 7

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On April 15, 2013, Council deferred this item to May 6, 2013.

On May 6, 2013, Council Elected to Review (Voice Vote: 8-0; Absent: Council Member Davis).

FOLLOWING PARK & PLANNING ORIENTATION, ORAL ARGUMENT HEARING WAS CONTINUED TO 6/17/2013*After orientation by staff, People's Zoning Council, Stan Brown, recommended that the hearing be continued to next week in order to allow the applicant, Ms.**Upchurch, to be accompanied by her attorney. Council continued this case to June 17, 2013.**Motion to convene in Executive Session made by Council Member Davis; seconded by Council Member Franklin. Motion carried 8-0 (Absent: Council Member Campos).***DISTRICT COUNCIL RECESSED AT 12:50 P.M.****EXECUTIVE SESSION – (1ST FLOOR EXECUTIVE CONFERENCE ROOM)**

To discuss personnel issues, pending or potential litigation, and to consult with counsel to seek legal advice in accordance with Sections 10-508(a)(1, 7, 8), State Government, Annotated Code of Maryland.

DISTRICT COUNCIL RECONVENED AT 2:17 P.M.

ELIGIBLE FOR FINAL ACTION (Orientation, if desired)**SE 2635 & SE 3400 Six Flags America, L.P.****3400 Six Flags America, L.P., Applicant****Located at the north side of Central Avenue, approximately 6,380 feet east of intersection with Enterprise Road, identified as 13710 Central Avenue, Largo (397 Acres; R-A & R-S Zones)****Requesting approval of amendment of conditions of an approved Special Exception for a Commercial Recreation Attraction in the R-A and R-S Zones****Action by:
10/01/2013****CD: 6**

Technical Staff: Approval of Conditions 1,2,6,19,22, & 32

Approval in part & Denial in part of Condition 20

Planning Board: None

Zoning Hearing Examiner: Approval, with Conditions

Municipality: None

Opposition: Karen Roycroft, et. al.

On July 26, 2012, Edward C. Gibbs, Jr., Attorney for the Applicant filed a request to amend conditions No. 2, No. 4, No. 7, No. 27, No. 29, and No. 47.

On July 31, 2012, pursuant to Section 27-324 of the Zoning Ordinance the Clerk transmitted the request to the Zoning Hearing Examiner for a hearing.

On January 9, 2013, Edward C. Gibbs, Jr., Attorney for the Applicant filed an amended request to amend conditions No. 27 and No. 29.

On May 3, 2013, the Zoning Hearing Examiner filed her recommendation with the District Council.

In making the final decision in this case, the District Council should consider whether it wants to conduct an Oral Argument, pursuant to Section 27-131 (c)(2).

Backup: Zoning Ordinance in accordance with the ZHE decision.

COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF AN APPROVING DOCUMENT IN ACCORDANCE WITH THE ZONING HEARING EXAMINER DECISION

Council Member Davis moved to refer SE 2635 & SE 3400 to staff for preparation of an approving document in accordance with the Zoning Hearing Examiner decision. The motion was seconded by Council Member Franklin and carried by a roll call vote of 8-0 (Absent: Council Member Campos).

REFERRED FOR DOCUMENT

DSP 11024/01 Henson Valley Academy at Clinton Baptist Church
Henson Valley Academy, Applicant
Located on the north side of Woodward Road (MD 223), approximately 485
feet east of its intersection with Mike Shapiro Drive
(9.12 Acres; R-80 Zone)

Action by:
7/05/2013
CD: 9

Requesting approval of a Detailed Site Plan for an addition of a day care center
for twenty-five children and a private school for one hundred twenty-five
children to an existing church

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

On February 11, 2013, Council took no Action.

On March 4, 2013, LaWanda Turner appealed the Planning Board's decision on behalf of the applicant and requested Oral Argument.

On May 6, 2013, the Oral Argument hearing was held; Council referred this item to Staff for the preparation of an Approving Document (Vote: 8-0; Absent: Council Member Davis).

Backup: Order Affirming the Planning Board's decision, with conditions.

COUNCIL ADOPTED THE PREPARED ORDER AFFIRMING THE
PLANNING BOARD'S DECISION OF APPROVAL WITH ADDITIONAL
CONDITIONS

Council Member Franklin moved adoption of the prepared order affirming the Planning Board decision of approval with a condition. The motion was seconded by Council Member Davis and carried by a roll call vote of 8-0 (Absent: Council Member Campos).

ITEM FOR DISCUSSION

SE 4647 Millville Quarry (Remand)
Bardon Inc. (Aggregate Industries, Inc.), Applicant
Located on the south side of Accokeek Road (MD 373), on the east side of
McKendree Road, just southeast of intersection of these roads, and west of
Robert S. Crain Highway (US 301) (456.75 Acres; R-R Zone)
Requesting approval of a Special Exception for surface mining of sand and
gravel in the R-R Zone

Action by:
7/01/2013
CD: 9

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

Zoning Hearing Examiner: Approval, with Conditions
Municipality: None
Opposition: None

On November 19, 2012, Council adopted the prepared Order of Remand to the Zoning Hearing Examiner (Vote: 9-0)

On February 11, 2013, Council elected to make the final decision (Voice Vote: 9-0).

On February 26, 2013, Dion Zanfordino et. al. filed an appeal in opposition to the decision of the Zoning Hearing Examiner and requested Oral Argument.

On May 13, 2013, the Oral Argument hearing was held; Council took this case under advisement.

COUNCIL DEFERRED ITEM TO 06/17/2013
Action on this item was deferred to June 17, 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.

30th Day

ZONING HEARING EXAMINER

SE 4718 D2 Fuego's
D2 Fuego's, Applicant

6/19/2013
CD: 5

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))

Technical Staff: Disapproval
Planning Board: No motion to consider
Zoning Hearing Examiner: Disapproval
Municipality: None
Opposition: Town of Cheverly, et. al.

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 DEFERRED ITEM TO 6/17/2013
Action on this item was deferred to June 17, 2013

PLANNING BOARD

DPLS 377 CVS Mitchellville

(Companion Case: DSP 12060)

The Velmeir Company, Applicant

Located at the northwest corner of the intersection of Robert Crain Highway

(US 301) and Mitchellville Road (2.68 Acres; C-M Zone)

Requesting approval of a Departure from Parking and Loading Standards for a reduction in the parking requirement by seven spaces

6/20/2013

CD: 4

Technical Staff: Approval

Planning Board: Approval

COUNCIL TOOK NO ACTION

No action was taken on this item.

DSP 12060 CVS Mitchellville

(Companion Case: DPLS 377)

The Velmeir Company, Applicant

Located at the northwest corner of the intersection of Robert Crain Highway

(US 301) and Mitchellville Road (2.68 Acres; C-M Zone)

Requesting approval of a Detailed Site Plan for a 13,225-square-foot department and variety store with food and beverage sales

6/20/2013

CD: 4

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

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 04067/03 Balk Hill Village, Phase II

6/21/2013

D.R. Horton, Inc., Applicant

CD: 5

Located on the southwestern side of Campus Way North, northwest and southeast of its intersection with St. Joseph's Drive (117.89 Acres; M-X-T Zone)

Requesting approval for a Detailed Site Plan for Phase II of the development, including the addition of 163 additional dwelling units, consisting of 81 single-family detached dwelling units and 82 townhouses

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

COUNCIL TOOK NO ACTION

No action was taken on this item.

DSP 07076/08 Brandywine Crossing Phase II

6/27/2013

Faison and Associates, Applicant

CD: 9

Located at the northeast quadrant of the intersection of Timothy Branch Drive and Robert Crain Highway (US 301), on the west side of Matapeake Business Drive (34.10 Acres; C-S-C Zone)

Requesting approval of a Detailed Site Plan to revise the building architecture for Buildings K, L and R and to update the landscape plan to meet the requirements of the 2010 Prince George's County Landscape Manual

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

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 12043 Westphalia Town Center, Special Purpose
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 (478.48 Acres; M-X-T Zone)
Requesting approval of a special purpose Detailed Site Plan for Westphalia
Town Center development**

6/17/2013
CD: 6

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

COUNCIL TOOK NO ACTION
No action was taken on this item.

**DSP 12056 Strayer University
Campus Way, LLC, Applicant
Located at the northwest quadrant of the intersection of Auth Way and
Brittania Way, approximately 2,000 feet west of the Branch Avenue Metro
Station (5.40 Acres; I-3 Zone)
Requesting approval of a Detailed Site Plan for one 38,000-square-foot building
and associated parking for Strayer University**

6/14/2013
CD: 9

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

**On May 8, 2013, all Persons of Record waived their right to appeal the decision
of the Planning Board.**

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 12058 & AC 13008 Amara MLK****AMARA Properties LLC, Applicant****Located on the southwest quadrant of the intersection of Martin Luther King Jr. Highway (MD 704) and Goodland Drive (.868 Acres; C-M Zone)****Requesting approval of a Detailed Site Plan for a 280-square-foot building addition to expand food and beverage service in an existing gas station with service bays**

6/27/2013

CD: 5

Technical Staff: Approval, with Conditions**Planning Board: Approval, with Conditions****COUNCIL TOOK NO ACTION***No action was taken on this item.***SDP 1205 Smith Home Farm****SHF Project Owner, LLC, Applicant****Located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (223 Acres; R-M Zone)****Requesting approval of a Specific Design Plan for an umbrella application for single-family detached architecture**

6/13/2013

CD: 6

Technical Staff: Approval, with Conditions**Planning Board: Approval, with Conditions****COUNCIL ELECTED TO REVIEW***Council Member Davis moved election to review SDP-1205. The motion was seconded by Council Member Turner and carried by a voice vote 8-0 (Absent: Council Member Campos).***Motion to convene in Executive Session made by Council Member Davis; seconded by Council Member Franklin. Motion carried 8-0 (Absent: Council Member Campos).**

DISTRICT COUNCIL ADJOURNED AT 2:29 P.M.

EXECUTIVE SESSION – (1ST FLOOR EXECUTIVE CONFERENCE ROOM) – EXECUTIVE SESSION HELD

To discuss personnel issues, pending or potential litigation, and to consult with counsel to seek legal advice in accordance with Sections 10-508(a)(1, 7, 8), State Government, Annotated Code of Maryland.

Topics Discussed:

- (1) Timothy Branch**
- (2) Charter Review Commission appointment process**
- (3) P.G.C. Board of Education appointment process**

Topic (3) was continued to June 12, 2013

Prepared by:

Submitted by:

Leonard Moses
Zoning Assistant

Redis C. Floyd
Clerk of the Council

ZONING MINUTES

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Monday, June 17, 2013

AGENDA BRIEFING-*The agenda briefing was held at 10:05 a.m.*

CALL TO ORDER

Pursuant to the provisions of Section 27-132(a) of the Zoning Ordinance, at 10:28 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 (arrived at 10:48 a.m.)
Mary A. Lehman
Eric C. Olson
Karen R. Toles*

Absent: Council Member Ingrid M. Turner (out ill)

*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
Karen Zavakos, Legislative Officer
Redis C. Floyd, Clerk of the Council
Donna J. Brown, Deputy Clerk of the Council*

M-NCPPC

*Ruth Grover, Development Review Division
Susan Lareuse, Development Review Division*

INVOCATION - *The Invocation was provided by Howard Stone, County Employee*

- *Council Chair Harrison wished Happy Birthday to her grandmother, Ruth Hammet, who turned 97, and also requested prayer for general comfort for the people.*

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

ORAL ARGUMENT

DSP 12045 First Beginnings Children’s Center
First Beginnings Children’s Center LLC, Applicant
Located at the northeastern quadrant of the intersection of Silver Hill Road
(MD 458) and Old Silver Hill Road (4.02 Acres; C-S-C Zone)
Requesting approval of a Detailed Site Plan for a day care center for 38
children in existing shopping center

Action by:
9/17/2013
CD: 7

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

On April 15, 2013, Council deferred this item to May 6, 2013.

On May 6, 2013, Council elected to review (Voice Vote: 8-0; Absent: Council Member Davis).

Following M-NCPPC Orientation on Monday, June 10, 2013, this case was continued to Monday, June 17, 2013.

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT

After orientation by staff, the oral argument hearing was held. Council took this case under advisement.

DRAFT

MANDATORY REVIEW (Using Oral Argument Procedures)**CSP 11002 Kiplinger Property**
Kiplinger Property, Applicant**Action by:**
9/16/2013**Located at the south side of East-West Highway (MD 410) at the southeast corner of the intersection of East-West Highway and Toledo Terrace extended, within the City of Hyattsville**
(11.68 Acres; C-S-C Zone)**CD: 2****Requesting approval of a Conceptual Site Plan to rezone the property from the C-S-C Zone to the M-X-T Zone, and to provide for a conceptual plan for the property as a mixed-use development**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

District Council Review of this case is required by Section 27-548.09.01 (b)(5)

HEARING HELD; COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF AN APPROVING ORDER IN ACCORDANCE WITH THE PLANNING BOARD'S DECISION AND SUBSEQUENTLY ADOPTED THE PREPARED ORDER

After orientation by staff, the Oral Argument hearing was held. Council Member Campos moved to refer CSP 11002 to staff for preparation of an Order affirming the Planning Board's decision of approval, with conditions. The motion was seconded by Council Member Olson and carried by a roll call vote of 8-0 (Absent: Council Member Turner).

Council Member Campos 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 Turner)..

ITEM FOR DISCUSSION**SE 4647 Millville Quarry (Remand)****Bardon Inc. (Aggregate Industries, Inc.), Applicant****Located on the south side of Accokeek Road (MD 373), on the east side of McKendree Road, just southeast of intersection of these roads, and west of Robert S. Crain Highway (US 301) (456.75 Acres; R-R Zone)****Requesting approval of a Special Exception for surface mining of sand and gravel in the R-R Zone****Action by:****7/01/2013****CD: 9**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

Zoning Hearing Examiner: Approval, with Conditions

Municipality: None

Opposition: None

On November 19, 2012, Council adopted the prepared Order of Remand to the Zoning Hearing Examiner (Vote: 9-0)

On February 11, 2013, Council elected to make the final decision (Voice Vote: 9-0).

On February 26, 2013, Dion Zanfordino et. al. filed an appeal in opposition to the decision of the Zoning Hearing Examiner and requested Oral Argument.

On May 13, 2013, the Oral Argument hearing was held; Council took this case under advisement.

On June 10, 2013, this case was deferred to June 17, 2013.

COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF A ZONING ORDINANCE IN ACCORDANCE WITH THE ZONING HEARING EXAMINER'S DECISION OF APPROVAL, WITH ADDITIONAL CONDITIONS AND SUBSEQUENTLY ADOPTED ZONING ORDINANCE NO. 6-2013

Council Member Franklin moved to refer SE 4647 to staff for preparation of an approving document with additional conditions in accordance with the Zoning Hearing Examiner's decision. The motion was seconded by Council Member Campos and carried by a roll call vote of 6-2 (Opposed: Council Members Lehman and Patterson; Absent: Council Member Turner).

Council Member Franklin moved adoption of the prepared Zoning Ordinance No. 6 -2013 in accordance with the Zoning Hearing Examiner's decision of approval, with additional conditions. The motion was seconded by Council Member Davis and carried by a roll call vote of 6-2 (Opposed: Council Members Lehman and Patterson; 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 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))

6/19/2013**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.

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.

PLANNING BOARD**DSP 10016 From the Heart Ministries****From the Heart Ministries, Applicant**

Located Approximately 0.25 mile southwest of the intersection of the northbound Capital Beltway (I-95/495) ramp and Allentown Road (MD 337), on the north side of Allentown Road (21.37 Acres; C-S-C Zone)

Requesting approval of a Detailed Site Plan for a private school for 148 students and a day care center with a maximum enrollment of 60 children within an existing church in an integrated shopping center

7/11/2013**CD: 9**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

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**SA 130001 Cafritz Property at Riverdale Park****Town Center Development Plan****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 (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

7/08/2013

CD: 3

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

COUNCIL ELECTED TO REVIEW

Council Member Olson moved election to review SA 130001. The motion was seconded by Council Member Patterson and carried by a voice vote 8-0 (Absent: Council Member Turner).

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 for 126 residential townhomes, 855 multifamily units, and approximately 187,277 square feet of commercial gross floor area

7/08/2013

CD: 3

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

COUNCIL ELECTED TO REVIEW

Council Member Olson moved election to review DSP 13009. The motion was seconded by Council Member Patterson and carried by a voice vote 8-0 (Absent: Council Member Turner).

ADJOURN

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

EXECUTIVE SESSION – (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

Discussion of personnel issues in accordance with Maryland Annotated Code, State Government, Section 10-508 (a) (1) (i) (ii).

Prepared by:

Submitted by:

Leonard Moses
Zoning Assistant

Redis C. Floyd
Clerk of the Council

DRAFT

ZONING MINUTES

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Tuesday, June 18, 2013

(COUNTY COUNCIL SEE SEPARATE AGENDA)

Pursuant to the provisions of Section 27-132(a) of the Zoning Ordinance, at 3:49 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: 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
Karen Zvakos, Legislative Officer
Courtney Glass, Office of the County Executive
Josh Hamlin, Office of Law*

REFERRED FOR DOCUMENT**SE 2635 & SE 3400 Six Flags America, L.P.****Six Flags America, L.P., Applicant****Located at the north side of Central Avenue, approximately 6,380 feet east of intersection with Enterprise Road, identified as 13710 Central Avenue, Largo (397 Acres; R-A & R-S Zones)****Requesting approval of amendment of conditions of an approved Special Exception for a Commercial Recreation Attraction in the R-A and R-S Zones**Action by:
10/01/2013
CD: 6**Technical Staff: Approval of Conditions 1,2,6,19,22, & 32****Approval in part & Denial in part of Condition 20****Planning Board: None****Zoning Hearing Examiner: Approval, with Conditions****Municipality: None****Opposition: Karen Roycroft, et. al.****On July 26, 2012, Edward C. Gibbs, Jr., Attorney for the Applicant filed a request to amend conditions No. 2, No. 4, No. 7, No. 27, No. 29, and No. 47.****On July 31, 2012, pursuant to Section 27-324 of the Zoning Ordinance the Clerk transmitted the request to the Zoning Hearing Examiner for a hearing.****On January 9, 2013, Edward C. Gibbs, Jr., Attorney for the Applicant filed an amended request to amend conditions No. 27 and No. 29.****On May 3, 2013, the Zoning Hearing Examiner filed her recommendation with the District Council.****On June 10, 2013, Council referred this item to Staff for the preparation of a Zoning Ordinance in accordance with the ZHE's decision.****Backup: Zoning Ordinance No. 7-2013 in accordance with the ZHE's decision.****COUNCIL ADOPTED THE PREPARED ZONING ORDINANCE NO.7-2013 IN ACCORDANCE WITH THE ZONING HEARING EXAMINER'S DECISION OF APPROVAL WITH CONDITIONS**

Council Member Davis moved adoption of the prepared Zoning Ordinance No. 7 -2013 in accordance with the Zoning Hearing Examiner's decision of approval with conditions. The motion was seconded by Council Member Franklin and carried by a roll call vote of 9-0.

CONCLUDED- *District Council session concluded at 3:51 p.m.*

Prepared by:

Submitted by:

Leonard Moses
Zoning Assistant

Redis C. Floyd
Clerk of the Council

DRAFT

ZONING MINUTES

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

Monday, July 8, 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 10:29 a.m. the Chairperson convened the meeting and the following Members were present:

*Andrea Harrison, Chair
Obie Patterson, Vice Chair (arrived at 10:32 a.m.)
Will A. Campos
Derrick Leon Davis (arrived at 10:31 a.m.)
Mel Franklin (arrived at 11:14 a.m.)
Mary A. Lehman
Eric C. Olson
Karen R. Toles (arrived at 12:20 p.m.)
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*

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

INVOCATION - *The Invocation was provided by Reverend Barry N. Wade, Sr., Pastor, The Body of Christ Church, Capitol Heights, Maryland*

- *Council Chair Harrison requested prayer for all of the residents, business owners, and workers of the County for health and prosperity that they prosper as their souls prosper.*

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

ORAL ARGUMENTS**CSP 12001 Forks of the Road****Forks of the Road, LLC., Applicant****Located at the northwest quadrant of the intersection of Ritchie-Marlboro Road and Old Marlboro Pike (MD 725) (8.98 Acres; M-X-T Zone)****Requesting approval of a Conceptual Site Plan for 59,156 square feet of commercial development****Action by:****10/07/2013****CD: 6**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On May 13, 2013, Council elected to review (Voice Vote: 7-0; Absent: Council Members Olson and Turner).

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT

After orientation by staff, the oral argument hearing was held. Mr. Robert J. Antonetti, Jr. spoke in support on behalf of the applicant. Anne Overton spoke in opposition. Council took this case under advisement.

DRAFT

ORAL ARGUMENTS (Continued)**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.

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT

After orientation by staff, the oral argument hearing was held. NaKia Gray and Puja Gupta spoke in support on behalf of the applicant. Sue Ellen Ferguson, spoke in opposition. Council took this case under advisement.

MANDATORY REVIEW(Using Oral Argument Procedures)**DSP 12034 Keane Enterprises, Inc.
Keane Enterprises, Inc., Applicant****Action by:
10/07/2013****Located at the northeast corner of the intersection of Baltimore Avenue (US 1)
and Berwyn House Road (2.86 Acres; M-U-I/R-55/D-D-O Zones)****CD: 3****Requesting approval of a Detailed Site Plan for a mixed-use development with
a 156-room hotel, 23,615 square feet of retail and a parking garage**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

District Council Review of this case is required by Section 27-548.26 (b).

**HEARING HELD; COUNCIL REFERRED ITEM TO STAFF FOR
PREPARATION OF AN ORDER AFFIRMING THE PLANNING BOARD'S
DECISION WITH CONDITIONS**

After orientation by staff, the Oral Argument hearing was held. Chris Hatcher, attorney for the applicant and Terry Schum, attorney for the City of College Park, spoke in support. No one spoke in opposition. Council Member Olson moved to refer DSP 12034 to staff for preparation of an Order affirming the Planning Board's decision of approval, with conditions. The motion was seconded by Council Member Turner and carried by a roll call vote of 7-0 (Absent: Council Members Davis and Franklin).

ITEM FOR DISCUSSION

**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, club house and to revise the recreational amenities, the proposed
grading and the tree conservation plan**

**Action by:
7/10/2013
CD: 9**

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

On February 11, 2013, Council Took no Action.

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.

**COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF AN
ORDER OF REMAND TO THE PLANNING BOARD AND SUBSEQUENTLY
ADOPTED THE PREPARED ORDER**

Council Member Franklin moved referral of SDP 0608-01 to staff for preparation of an order of Remand to the Planning Board. The motion was seconded by Council Member Turner and carried by a roll call vote of 9-0.

Council Member Franklin moved adoption of the prepared order of Remand. 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.

30th Day

ZONING HEARING EXAMINER

**ROSP SE 3473/01 Little Workers of Sacred Hearts Nursery
Little Workers of Sacred Hearts Covenant, Inc., Applicant
Located along the south side of Queensbury Road, approximately 130 feet
west of 49th Avenue, and 120 feet east of 48th Avenue
(0.44 Acre; R-55 Zone)**

**7/24/2013
CD: 3**

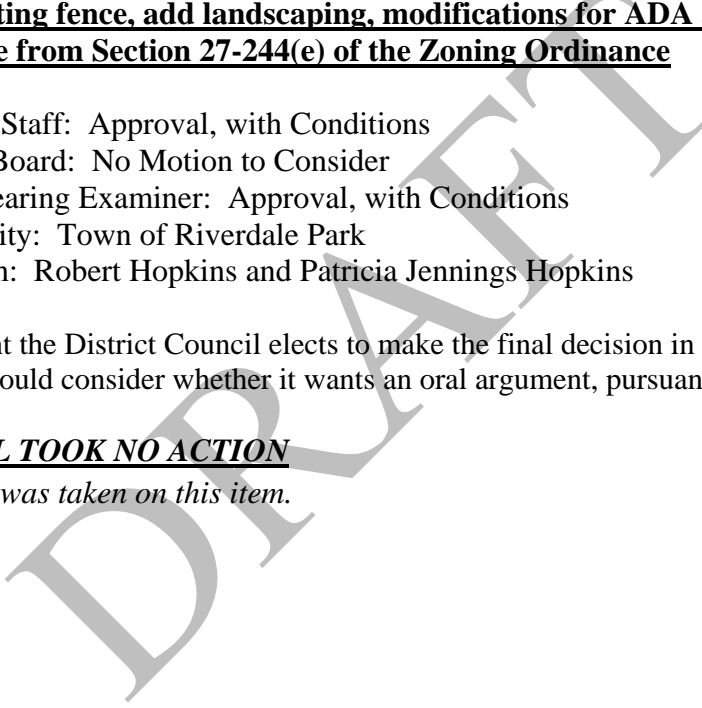
**Requesting approval of a Revision of Site Plan Special Exception for a major
revision to increase enrollment from 25 to 30 students, add a 752-square-foot
building addition, add a semi-circular driveway, remove and replace a portion
of an existing fence, add landscaping, modifications for ADA accessibility and
a variance from Section 27-244(e) of the Zoning Ordinance**

Technical Staff: Approval, with Conditions
Planning Board: No Motion to Consider
Zoning Hearing Examiner: Approval, with Conditions
Municipality: Town of Riverdale Park
Opposition: Robert Hopkins and Patricia Jennings Hopkins

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

ZONING HEARING EXAMINER

ROSP SE 4388/01 Kreative Kids Child Care Center

7/29/2013

Monika and Jalindar Mahabare, Applicant

CD: 1

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

Technical Staff: Approval, with Conditions

Planning Board: No Motion to Consider

Zoning Hearing Examiner: Approval, with Conditions

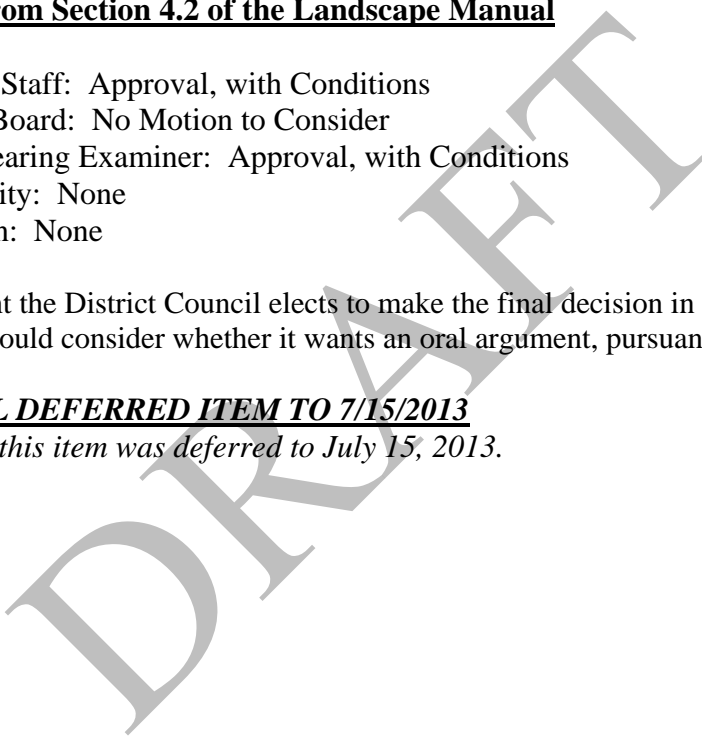
Municipality: None

Opposition: None

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 DEFERRED ITEM TO 7/15/2013

Action on this item was deferred to July 15, 2013.



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**ZONING HEARING EXAMINER****SE/VSE 4698 A-1 Vehicle Salvage Yard****W & C Property Management, LLC, Applicant**

Located along the north side 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 the Sections 27-469(b)(1) and 27-474(a)(1)(b) of the Zoning Ordinance, respectively

7/25/2013**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.

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 ELECTED TO MAKE THE FINAL DECISION

Council Member Harrison moved election to make the final decision for SE/VSE 4698. The motion was seconded by Council Member Turner and carried by a voice vote 9-0.

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

7/29/2013**CD: 1**

Technical Staff: Approval, with Conditions
 Planning Board: No Motion to Consider
 Zoning Hearing Examiner: Approval, with Conditions
 Municipality: None
 Opposition: None

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 DEFERRED ITEM TO 7/15/2013

Action on this item was deferred to July 15, 2013.

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**ZONING HEARING EXAMINER****SE 4722 Lighthouse at Twin Lakes Apartments****Lighthouse Holdings, LLC, Applicant**

Located at the north side of Calverton Boulevard, west side of Beltsville Road and south of the Capital Beltway (I-95/495) (32.89 Acres; R-18 Zone)

Requesting approval of a Special Exception for alteration, extension, or enlargement of a certified nonconforming use to convert existing spaces located within the apartment buildings to new dwelling units

7/25/2013**CD: 1**

Technical Staff: Approval, with Conditions

Planning Board: No Motion to Consider

Zoning Hearing Examiner: Approval, with Conditions

Municipality: None

Opposition: None

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 DEFERRED ITEM TO 7/15/2013

Action on this item was deferred to July 15, 2013.

PLANNING BOARD**CDP 1201 Brandywine Village****Brandywine Investment Associates, LLP, Applicant**

Located at the northwest corner of the intersection of Robert Crain Highway (US 301) and Chadds Ford Road (44.33 Acres; L-A-C Zone)

Requesting approval of a Comprehensive Design Plan for a mixed-use Development of 191 townhouses and approximately 218,500 square feet of retail, medical, general office space, variance from Section 27-480(b) for minimum lot size and Section 27-515(b)(7), footnote 29, for maximum percentage of townhouses

7/25/2013**CD: 9**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

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

CNU-28266-2012 Roberto’s Market

7/25/2013

James Schneider, Applicant

CD: 2

Located at the west side of Ager Road approximately 520 feet north of Hamilton Street (0.319 Acre; M-X-T/T-D-O Zones)

Requesting approval of a Nonconforming Use Certification for a food or beverage store in the M-X-T/T-D-O Zones

Technical Staff: Disapproval

Planning Board: Disapproval

COUNCIL TOOK NO ACTION

No action was taken on this item.

CNU-32917-2010 Convenience & Dollar Plus Market

Appeal by:

AG/TDG Pinewood, LLC, Applicant

08/01/2013

Located Southeast of Southern Avenue, approximately 1,240 feet northeast of Pennsylvania Avenue (MD 4) (0.43 Acres; R-T Zone)

Review by:

Requesting approval of a Nonconforming Use Certification for a convenience/retail store in the R-T Zone

9/02/2013

CD: 7

Technical Staff: Disapproval

Planning Board: Approval

COUNCIL DEFERRED ITEM TO 7/15/2013

Action on this item was deferred to July 15, 2013.

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 90076/04 Tantallon on the Potomac, Lot 6, Block E****Walter T. & Genevive J. During, Applicant****Located on the east side of Firth of Tae Drive, 700 feet south of its intersection with Swan Creek Road (0.46 Acres; R-R, L-D-O Zones)****Requesting approval for a Conservation Plan and a Detailed Site Plan to Construct a 3,308-square-foot single-family detached dwelling with a garage on a vacant and wooded property within the Chesapeake Bay Critical Area (CBCA)****Appeal by:
08/01/2013****Review by:
9/02/2013****CD: 8**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

COUNCIL DEFERRED ITEM TO 7/15/2013*Action on this item was deferred to July 15, 2013.***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****Appeal by:
08/01/2013****Review by:
9/02/2013****CD: 5**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

COUNCIL ELECTED TO REVIEW*Council Member Harrison moved election to review DSP-03089/01. The motion was seconded by Council Member Turner and carried by a voice vote 9-0.*

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 12051 Andrews Ridge Apartments****7/25/2013****AG/TDG Pinewood, LLC, Applicant****CD: 7**

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

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

COUNCIL DEFERRED ITEM TO 7/15/2013

Action on this item was deferred to July 15, 2013.

SDP 1003/01 Smith Home Farm, Section 1A**7/25/2013****Dan Ryan Builders, Inc., Applicant****CD: 6**

Located approximately 1,900 feet east of the intersection of Pennsylvania Avenue (MD 4) and Presidential Parkway (76.44 Acres; R-M Zone)

Requesting approval of a revision to Specific Design Plan to add townhouse architecture, widen some townhouses lots to 22 feet wide and reorient six groups of townhouses

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

COUNCIL ELECTED TO REVIEW

Council Member Davis moved election to review SDP 1003/01. The motion was seconded by Council Member Turner and carried by a voice vote 9-0.

ADJOURNED -- *The District Council session was adjourned at 12:42 p.m.*

1:30 P.M.

COMMITTEE OF THE WHOLE – (ROOM 2027) -COMMITTEE MEETING HELD

ADOPTED SUBREGION 5 MASTER PLAN AND ENDORSED SECTIONAL MAP AMENDMENT (SMA)

**ADOPTED SUBREGION 6 MASTER PLAN AND ENDORSED
SECTIONAL MAP AMENDMENT (SMA)
(DIGEST OF TESTIMONY)**

Prepared by:

Submitted by:

Leonard Moses
Zoning Assistant

Redis C. Floyd
Clerk of the Council

DRAFT

ZONING MINUTES

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Monday, July 15, 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 1:47 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 (arrived at 1:54 p.m.)
Mary A. Lehman
Eric C. Olson
Karen R. Toles (arrived at 1:56 p.m.)
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
Sherri Mosley, Development Review Division*

INVOCATION - *The Invocation was provided by Johnie L. Higgs, County Employee*

- *Council Chair Harrison requested continued prayer for healing of our nation, particularly the hearts and minds of all who have been injured and affected by the Trayvon Martin verdict.*
- *Council Member Olson requested prayer for the remembrance of Donald L. Byrd, former College Park City Council Member who passed recently.*

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

ORAL ARGUMENTS

SDP 0805 Kenwood Village
White House Road Ltd. Partners, Applicant
Located south of the intersection of White House Road and Harry S. Truman Drive (63.07 Acres; R-S Zone)
Requesting approval of a Specific Design Plan for 72 single-family detached residential lots

Action by:
9/16/2013
CD: 6

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

On May 9, 2013, Michele LaRocca, Esq. filed an appeal on behalf of the owner and applicant on the decision of the Planning Board and requested Oral Argument.

On May 13, 2013, the Council elected to review this case (Voice Vote: 7-0; Absent: Council Members Olson and Turner).

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT

After orientation by staff, the oral argument hearing was held. Ms. Michele LaRocca, Esq., attorney for the applicant, spoke in support along with Mr. Charles Renniger of Largo Civic Association. Council took this case under advisement.

ORAL ARGUMENTS (Continued)

SDP 1205 Smith Home Farm
SHF Project Owner, LLC, Applicant
Located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (223 Acres; R-M Zone)
Requesting approval of a Specific Design Plan for an umbrella application for single-family detached architecture

Action by:
9/16/2013
CD: 6

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

On June 10, 2013, the Council elected to review this case (Voice Vote: 8-0; Absent: Council Member Campos).

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT

After orientation by staff, the oral argument hearing was held. Ms. Marva Jo Camp, Esq., attorney for the applicant, spoke in support along with Mr. Steven Paul, Executive VP of Mid Atlantic Builders. Council took this case under advisement.

REFERRED FOR DOCUMENT**DSP 12034 Keane Enterprises, Inc.
Keane Enterprises, Inc., Applicant****Located at the northeast corner of the intersection of Baltimore Avenue (US 1)
and Berwyn House Road (2.86 Acres; M-U-I/R-55/D-D-O Zones)****Requesting approval of a Detailed Site Plan for a mixed-use development with a
156-room hotel, 23,615 square feet of retail and a parking garage****Action by:
10/07/2013
CD: 3**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On July 8, 2013, the Oral Argument hearing was held; Council referred this item to staff for the preparation on an approving document (Vote: 7-0; Absent: Council Members Davis and Franklin).

Backup: Order Affirming the Planning Board's decision, with conditions.

**COUNCIL ADOPTED THE PREPARED ORDER AFFIRMING THE
PLANNING BOARD'S DECISION OF APPROVAL, WITH AN ADDITIONAL
CONDITION**

Council Member Olson moved adoption of the prepared order affirming the Planning Board decision of approval with an additional condition. The motion was seconded by Council Member Patterson and carried by a roll call vote of 8-0 (Absent: Council Member Davis).

ITEM FOR DISCUSSION

DSP 12045 First Beginnings Children's Center
First Beginnings Children's Center LLC, Applicant
Located at the northeastern quadrant of the intersection of Silver Hill Road
(MD 458) and Old Silver Hill Road (4.02 Acres; C-S-C Zone)
Requesting approval of a Detailed Site Plan for a day care center for 38
children in existing shopping center

Action by:
9/17/2013
CD: 7

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

On April 15, 2013, Council deferred this item to May 6, 2013.

On May 6, 2013, Council elected to review (Voice Vote: 8-0; Absent: Council Member Davis).

Following M-NCPPC Orientation on Monday, June 10, 2013, this case was continued to Monday, June 17, 2013.

On June 17, 2013, the Oral Argument hearing was held; Council took this case under advisement.

COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF AN
ORDER OF REMAND TO THE PLANNING BOARD AND SUBSEQUENTLY
ADOPTED THE PREPARED ORDER

Council Member Toles moved referral of DSP 12045 to staff for preparation of an order of Remand to the Planning Board. The motion was seconded by Council Member Franklin and carried by a roll call vote of 9-0.

Council Member Toles moved adoption of the prepared order of Remand. The motion was seconded by Council Member Franklin 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.

30th Day**ZONING HEARING EXAMINER****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****7/29/2013****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.

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 ELECTED TO MAKE THE FINAL DECISION

Council Member Lehman moved election to make the final decision for ROSP SE 4388/01. The motion was seconded by Council Member Turner and carried by a voice vote 9-0.

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**ZONING HEARING EXAMINER****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****7/29/2013****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.

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 ELECTED TO MAKE THE FINAL DECISION

Council Member Lehman moved election to make the final decision for SE 4703. The motion was seconded by Council Member Franklin and carried by a voice vote 9-0.

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**ZONING HEARING EXAMINER****SE 4722 Lighthouse at Twin Lakes Apartments****Lighthouse Holdings, LLC, Applicant****Located at the north side of Calverton Boulevard, west side of Beltsville Road and south of the Capital Beltway (I-95/495) (32.89 Acres; R-18 Zone)****Requesting approval of a Special Exception for alteration, extension, or enlargement of a certified nonconforming use to convert existing spaces located within the apartment buildings to new dwelling units****7/25/2013****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.

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**

CNU-32917-2010 Convenience & Dollar Plus Market
AG/TDG Pinewood, LLC, Applicant
Located Southeast of Southern Avenue, approximately 1,240 feet northeast of
Pennsylvania Avenue (MD 4) (0.43 Acres; R-T Zone)
Requesting approval of a Nonconforming Use Certification for a
convenience/retail store in the R-T Zone

Appeal by:
08/01/2013
Review by:
9/02/2013
CD: 7

Technical Staff: Disapproval
 Planning Board: Approval

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

COUNCIL ELECTED TO REVIEW

Council Member Toles moved election to review CNU-32917-2010. The motion was seconded by Council Member Olson and carried by a voice vote 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

7/25/2013
CD: 7

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

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

COUNCIL ELECTED TO REVIEW

Council Member Toles moved election to review DSP 12051. The motion was seconded by Council Member Franklin and carried by a voice vote 9-0.

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 90076/04 Tantallon on the Potomac, Lot 6, Block E
Walter T. & Genevive J. During, Applicant
Located on the east side of Firth of Tae Drive, 700 feet south of its
intersection with Swan Creek Road (0.46 Acres; R-R, L-D-O Zones)
Requesting approval for a Conservation Plan and a Detailed Site Plan to
Construct a 3,308-square-foot single-family detached dwelling with a garage on a
vacant and wooded property within the Chesapeake Bay Critical
Area (CBCA)

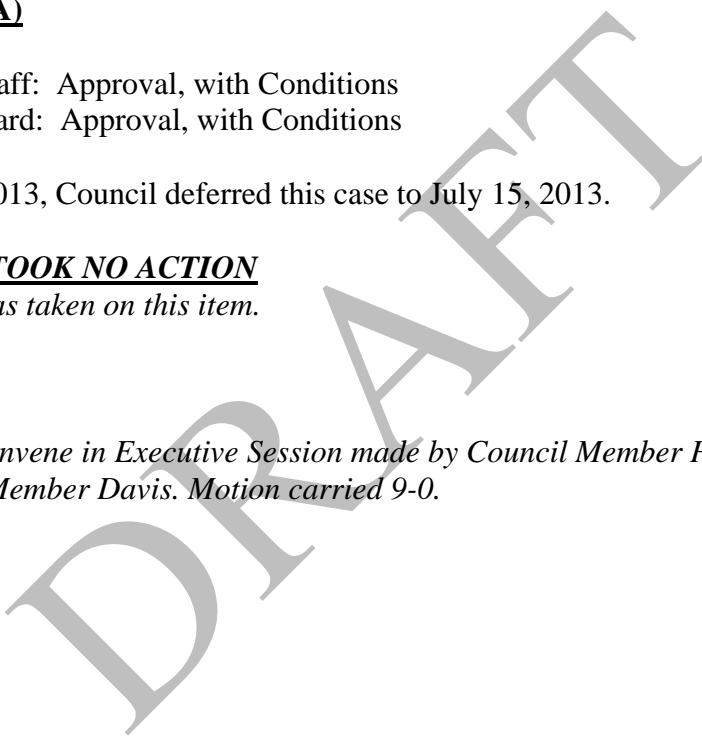
Appeal by:
08/01/2013
Review by:
9/02/2013
CD: 8

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

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

COUNCIL TOOK NO ACTION
No action was taken on this item.

Motion to convene in Executive Session made by Council Member Patterson; seconded by Council Member Davis. Motion carried 9-0.



DISTRICT COUNCIL ADJOURNED AT 2:50 P.M.

3:08 P.M. EXECUTIVE SESSION – (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

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

Topics Discussed:

- (1) Victoria Falls Committee for Truth in Taxation, LLC, et al. v. Prince George's County, Maryland - Petition for Writ of Certiorari Granted, Case No. 59, September Term, 2013.
- (2) 2. Jones v. County Council of Prince George's Co., sitting as the District Council - Pet. Docket No. 120, Petition for Writ of Certiorari Denied, 07/13.

7:00 P.M.

Held COUNTY COUNCIL TOWN HALL MEETING

HEALTH CARE

Northwestern High School Auditorium
7000 Adelphi Road
Hyattsville, Maryland 20782

Prepared by:

Submitted by:

Leonard Moses
Zoning Assistant

Redis C. Floyd
Clerk of the Council

ZONING MINUTES

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Tuesday, July 24, 2013

(COUNTY COUNCIL SEE SEPARATE AGENDA)

Pursuant to the provisions of Section 27-132(a) of the Zoning Ordinance, at 5:25 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
Ingrid M. Turner*

Absent: Council Member Karen R. Toles

*Also Present: 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*

ITEMS FOR DISCUSSION**CSP 12001 Forks of the Road****Forks of the Road, LLC., Applicant****Located at the northwest quadrant of the intersection of Ritchie-Marlboro Road and Old Marlboro Pike (MD 725) (8.98 Acres; M-X-T Zone)****Requesting approval of a Conceptual Site Plan for 59,156 square feet of commercial development**

Action by:

10/07/2013

CD: 6

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On May 13, 2013, Council elected to review (Voice Vote: 7-0; Absent: Council Members Olson and Turner).

On July 8, 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 Davis moved referral of CSP 12001 to staff for preparation of an approving document with conditions. The motion was seconded by Council Member Campos and carried by a roll call vote of 8-0 (Absent: Council Member Toles).

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

ITEMS FOR DISCUSSION (Continued)**SDP 0805 Kenwood Village****White House Road Ltd. Partners, Applicant****Located south of the intersection of White House Road and Harry S.****Truman Drive (63.07 Acres; R-S Zone)****Requesting approval of a Specific Design Plan for 72 single-family detached residential lots**

Action by:

9/16/2013

CD: 6

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On May 9, 2013, Michele LaRocca, Esq. filed an appeal on behalf of the owner and applicant on the decision of the Planning Board and requested Oral Argument.

On May 13, 2013, the Council elected to review this case (Voice Vote: 7-0; Absent: Council Members Olson and Turner).

On July 15, 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 Davis moved referral of SDP 0805 to staff for preparation of an approving document with conditions. The motion was seconded by Council Member Campos and carried by a roll call vote of 8-0 (Absent: Council Member Toles).

Council Member Davis 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 8-0 (Absent: Council Member Toles).

ITEMS FOR DISCUSSION (Continued)**SDP 1205 Smith Home Farm****SHF Project Owner, LLC, Applicant****Located approximately 3,000 feet east of the intersection of Westphalia Road and Pennsylvania Avenue (223 Acres; R-M Zone)****Requesting approval of a Specific Design Plan for an umbrella application for single-family detached architecture****Action by:****9/16/2013****CD: 6**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On June 10, 2013, the Council elected to review this case (Voice Vote: 8-0; Absent: Council Member Campos).

On July 15, 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 Davis moved referral of SDP 0805 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 8-0 (Absent: Council Member Toles).

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

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**

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

Appeal by:
08/15/2013

Review by:
9/16/2013

CD: 5

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

COUNCIL ELECTED TO REVIEW

Council Member Harrison moved election to review DSP 05052/01. The motion was seconded by Council Member Turner and carried by a voice vote 8-0 (Absent Council Member Toles).

DSP 07076/09 Brandywine Crossing Phase II
Faison and Associates, Applicant
Located at the northeast quadrant of the intersection of Timothy Branch
Drive and Robert Crain Highway (US 301), on the west side of Matapeake
Business Drive (34.10 Acres; C-S-C Zone)
Requesting approval of a Detailed Site Plan to revise the building
architecture for Buildings J and N and to update the landscape plan to meet
the requirements of the 2010 Prince George's County Landscape Manual

Appeal by:
08/15/2013

Review by:
9/16/2013

CD: 9

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

Council Member Franklin wishes to waive his right to review. A majority vote of the full Council is required.

COUNCIL WAIVED ITS RIGHT TO REVIEW

Council Member Franklin moved that Council waive its right to review DSP 07076/09. The motion was seconded by Council Member Turner and carried by a voice vote 8-0 (Absent Council Member Toles).

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

NCGS 21 Grimes Market-Aquasco

Deborah L. Boling, Applicant

Located along the west side of Aquasco Road (MD 381) at its intersection with St. Phillips Road (1.01 Acres; C-S-C Zone)

Requesting approval of a certified Non-Conforming Gas Station to revise the site plan to show the actual location of an existing pump island, and a variance from Section 27-358(a)(8) to waive five feet of the required 25-foot setback from the street line in order to validate the location of an existing gasoline pump

**Appeal by:
08/15/2013**

**Review by:
9/16/2013**

CD: 9

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

COUNCIL TOOK NO ACTION

No action was taken on this item.

ADJOURN -- *The District Council session was adjourned at 5:33 p.m.*

Prepared by:

Submitted by:

Leonard Moses
Zoning Assistant

Redis C. Floyd
Clerk of the Council

ZONING MINUTES

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

Monday, September 9, 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: 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
*Steve Adams, Supervisor, Development Review Division
Jimi Jones, Supervisor, Development Review Division
Susan Lareuse, Development Review Division*

INVOCATION - *The Invocation was provided by Pleshette Monroe, County Employee*

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

ORAL ARGUMENTS**SDP 1003/01 Smith Home Farm, Section 1A****Dan Ryan Builders, Inc., Applicant****Located approximately 1,900 feet east of the intersection of Pennsylvania Avenue (MD 4) and Presidential Parkway (76.44 Acres; R-M Zone)****Requesting approval of a revision to Specific Design Plan to add townhouse architecture, widen some townhouses lots to 22 feet wide and reorient six groups of townhouses****Action by:****10/09/2013****CD: 6**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

On July 8, 2013, Council Elected to Review (Voice Vote: 9-0).

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT*After orientation by staff, the oral argument hearing was held. Ms. Marva Jo Camp, Esq. spoke in support on behalf of the applicant. Council took this case under advisement.***SE/VSE 4654 Dash-In Woodward Road****(Companion Case: DSDS 663)****Dash-In Food Stores, Inc., Applicant****Located along the south side of Woodward 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 Woodward 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).

HEARING HELD; COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF AN APPROVING DOCUMENT WITH CONDITIONS*After orientation by staff, the Oral Argument hearing was held. Daniel Lynch, Esq., attorney for the applicant, spoke in support. Council Member Franklin moved to refer SE/VSE 4654 to staff for preparation of an approving document, with conditions. The motion was seconded by Council Member Harrison and carried by a roll call vote of 6-0 (Absent: Council Members Davis, Toles, and Turner).*

ORAL ARGUMENTS (Continued)**DSDS 663 Dash-In Woodyard Road**
(Companion Case: SE 4654)**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 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**Action by:**
11/08/2013
CD: 9

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).**HEARING HELD; COUNCIL REFERRED ITEM TO STAFF FOR**
PREPARATION OF AN APPROVING DOCUMENT WITH CONDITIONS

After orientation by staff, the Oral Argument hearing was held. Daniel Lynch, Esq., attorney for the applicant, spoke in support. Council Member Franklin moved to refer DSDS 663 to staff for preparation of an approving document, with conditions. The motion was seconded by Council Member Harrison and carried by a roll call vote of 6-0 (Absent: Council Members Davis, Toles, and Turner).

MANDATORY REVIEW (Using Oral Argument Procedures)**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.

District Council Review of this case is required by Section 27-548.09.01 (b) of the Zoning Ordinance.

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT

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

DISTRICT COUNCIL RECESSED AT 11:37 A.M.**DISTRICT COUNCIL RECONVENED AT 1:41 P.M.**

1:41 P.M. ORAL ARGUMENTS

SA 130001 Cafritz Property at Riverdale Park
Town Center Development Plan
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 (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

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 Town of University Park and requested Oral Argument.

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT

After orientation by staff, the oral argument hearing was held. John Tobori, Mayor, Town of University Park, Ms. Suellen Ferguson, Esq., representing the Town of University Park, Ms. Terry Shum, Planning Director, City of College Park, Ms. Susan Dorn, Ms. Barbara Morris-Troiano, and Mr. Victor Stone spoke in opposition. Larry Taub, Esq., attorney for the applicant, and Mr. Frederick Sussman, Esq., representing the Town of Riverdale Park, spoke in support. Council took this case under advisement.

ORAL ARGUMENTS (Continued)**DSP 13009 & SP 130002 Cafritz Property at Riverdale Park
Calvert Tract, LLC, Applicant****Action by:
11/08/2013****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)****CD: 3****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**

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 and requested Oral Argument.

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 July 8, 2013, Susan Dorn et. al. appealed in opposition to the Planning Board's decision and requested Oral Argument.

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT

After orientation by staff, the oral argument hearing was held. John Tabori, Mayor, Town of University Park, Ms. Suellen Ferguson, Esq., representing the Town of University Park, Ms. Terry Shum, Planning Director, City of College Park, Ms. Susan Dorn, Ms. Barbara Morris-Troiano, and Mr. Victor Stone spoke in opposition. Larry Taub, Esq., attorney for the applicant, and Mr. Frederick Sussman, Esq., representing the Town of Riverdale Park, spoke in support. Council took this case under advisement.

ITEM FOR DISCUSSION

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.

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

Council Member Harrison moved referral of CNU-3916-2012 to staff for preparation of an order of Denial. The motion was seconded by Council Member Davis and carried by a roll call vote of 8-0 (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

PLANNING BOARD

DSP 05070/03 The Brick Yard (North Portion)
PRI Brickyard MD Holdings, LLC, Applicant
Located approximately 800 feet southwest of the intersection of Contee Road and Mid-Atlantic Boulevard (52.75 Acres; I-3 Zone)
Requesting approval of a Detailed Site Plan for addition of a 290,000-square-foot manufacturing building to the existing industrial Park

Appeal by:
8/29/2013
Review by:
9/30/2013
CD: 1

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

COUNCIL TOOK NO ACTION
No action was taken on this item.

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 Zone)
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

Appeal by:
8/29/2013
Review by:
9/30/2013
CD: 7

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

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 10027 Farmington Road Car Wash
Interstate Farmington, LLC, Applicant
Located at the northeastern quadrant of the intersection of Indian Head Highway (MD 210) and Farmington Road East (2.647 Acres; C-M Zone)
Requesting approval of a Detailed Site Plan for a 9,129-square-foot combined car wash and retail building

Appeal by:
8/22/2013
Review by:
9/23/2013
CD: 9

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

On August 21, 2013, Thomas E. Dernoga, appealed on behalf of Doris Sharp et. al in opposition to the proposal and requested Oral Argument.

COUNCIL TOOK NO ACTION

No action was taken on this item.

DSP 12049 Little Gifts from God Day Care Center
Karen Williamson, Applicant
Located on the northeast side of Old Alexandria Ferry Road, at its intersection with Highland Meadows Drive (0.38 Acres; I-1 Zone)
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

Appeal by:
8/29/2013
Review by:
9/30/2013
CD: 9

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

COUNCIL TOOK NO ACTION

No action was taken on this item.

DISTRICT COUNCIL ADJOURNED AT 5:02 P.M.

Prepared by:

Submitted by:

Leonard Moses
Zoning Assistant

Redis C. Floyd
Clerk of the Council

ZONING MINUTES

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Monday, September 23, 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 1:10 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
*Jill Kosack, Development Review Division
Ruth Grover, Development Review Division
Tom Lockard, Development Review Division*

INVOCATION - *The Invocation was provided by Mr. Rodney Taylor, Member, Union Bethel A.M.E. Church, Brandywine, Maryland.*

- *Council Chair Harrison requested prayers for Navy yard victims and specifically the family of Sylvia Frazier, a resident of Glenarden and faithful member of Raimer Christian Center. She also requested prayer for the victims of flooding in Colorado.*
- *Council Member Franklin requested prayer for the family of Vernard Wright, IT Director, due to the passing of his father. He also mentioned birthday wishes to Ms. Rita Henry of his staff.*
- *Council Member Turner requested prayer for Ann Washington who is recovering from surgery.*

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

ORAL ARGUMENTS**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)

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT

After orientation by staff, the oral argument hearing was held. Mr. Thomas Haller, Esq. spoke in support on behalf of the applicant. Terry Speigner, Farnese J. Hicks, Tere Meads, and Christina Orticke spoke in opposition. Council took this case under advisement.

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).

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT

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

ORAL ARGUMENTS (Continued)**SE/VSE-4698 A-1 Vehicle Salvage Yard****W & C Property Management, LLC, Applicant****Located along the north side 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 the 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).

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT

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

ITEMS FOR DISCUSSION**SA-130001 Cafritz Property at Riverdale Park****Town Center Development Plan****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 (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****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 Town of University Park 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 DOCUMENT

Council Member Olson moved to refer SA-130001 to staff for preparation of an approving document. The motion was seconded by Council Member Davis and carried by a roll call vote of 9-0.

ITEMS FOR DISCUSSION (Continued)

Council referred item to staff for preparation of an approving Order with conditions

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 and requested Oral Argument.

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 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.

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

Council Member Olson moved to refer DSP-13009 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 9-0.

ITEMS FOR DISCUSSION (Continued)**SDP-1003/01 Smith Home Farm, Section 1A
Dan Ryan Builders, Inc., Applicant****Located approximately 1,900 feet east of the intersection of Pennsylvania Avenue (MD 4) and Presidential Parkway (76.44 Acres; R-M Zone)
Requesting approval of a revision to Specific Design Plan to add townhouse architecture, widen some townhouses lots to 22 feet wide and reorient six groups of townhouses****Action by:
10/09/2013
CD: 6**

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

On July 8, 2013, Council elected to review (Voice Vote: 9-0).

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 DOCUMENT WITH CONDITIONS AND SUBSEQUENTLY
ADOPTED THE PREPARED ORDER**

Council Member Davis moved referral of SDP-1003/01 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 9-0.

Council Member Davis 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 9-0.

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, 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.

This case is before the District Council to seek authorization of a proposed 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.

COUNCIL AUTHORIZED THE CHAIR'S SIGNATURE

Council Member Franklin moved to authorize the Chair's signature. The motion was seconded by Council Member Davis and carried by a roll call vote of 8-0 (Absent: Council Member Harrison).

ITEMS FOR DISCUSSION (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 Applicant, 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.

This case is before the District Council to determine whether to adopt an order of Denial for the proposed revisory petition or to hold a public hearing on the issue of mistake in the adoption of the Subregion 5 Sectional Map Amendment (CR-81-2013).

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

Council Member Franklin moved referral of the SMA Revisory Petition to staff for preparation of an order of Denial. The motion was seconded by Council Member Davis 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.

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

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 DEFERRED ITEM TO 09/30/2013

Action on this item was deferred to September 30, 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.

30th Day**PLANNING BOARD****CNU-625-76 Holland Gardens Nursery and Landscaping, Inc.****10/17/2013****Department of Environmental Resources, Petitioner****CD: 1****Mr. & Mrs. Leupen, Property Owner****Located on the north side of Sellman Road, east of its intersection with****Weymouth Avenue (6.03 Acres; R-80 Zone)****Requesting approval of a Nonconforming Use Certification for revocation of****CNU-625-76, a nonconforming use for a nursery and garden center**

Technical Staff: Approval

Planning Board: Approval

COUNCIL TOOK NO ACTION*No action was taken on this item.***CNU-28728-2012 Rendezvous****10/17/2013****Maredec USA, Inc. d/b/a Rendezvous, Applicant****CD: 1****Located on the northwest quadrant of Southard Drive at its intersection with****Bacon Drive, approximately 160 feet southwest of Baltimore Avenue (US1)****(1.2 Acres; I-2 Zone)****Requesting approval of a Nonconforming Use Certification for an****auditorium/banquet hall**

Technical Staff: Disapproval

Planning Board: Disapproval

COUNCIL TOOK NO ACTION*No action was taken on this item.***DPLS-388 Bates Trucking and Trash Removal****10/17/2013****(Companion Case: DSP-96026/01)****CD: 5****Bates Enterprises II, LLC, Applicant****Located on the Northwestern quadrant of the intersection of 49th and****Webster Streets (1.5 Acres; I-1/I-D-O Zones)****Requesting approval of a Departure from Parking and Loading Standards****for 20 spaces pursuant to Section 27-588 in order to be permitted to provide only 13 of the 33 parking spaces required by Section 27-582**

Technical Staff: Approval

Planning Board: Approval

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-96026-01 Bates Trucking and Trash Removal
(Companion Case: DPLS-388)****10/17/2013
CD: 5****Bates Enterprises II, LLC, Applicant**

Located on the northwestern quadrant of the intersection of 49th and Webster Streets (1.5 Acres; I-1/I-D-O Zones)

Requesting approval of a Detailed Site Plan for demolition of a 6,000-square-foot building on the site, construction of a new 8,254-square-foot building, renovation and enlargement of an existing building into a 7,750-square-foot building, attendant parking and loading, truck storage, and landscaping

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

COUNCIL TOOK NO ACTION

No action was taken on this item.

DSP-12045 First Beginnings Children's Center (Remand)**10/17/2013
CD: 7****First Beginnings Children's Center LLC, Applicant**

Located at the northeastern quadrant of the intersection of Silver Hill Road (MD 458) and Old Silver Hill Road (4.02 Acres; C-S-C Zone)

Requesting approval of a Detailed Site Plan for a day care center for thirty-eight children in an existing shopping center and additional review required by the District Council's Order of Remand dated July 15, 2013

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

COUNCIL ELECTED TO REVIEW

Council Member Toles moved election to review DSP-12045. The motion was seconded by Council Member Davis and carried by a voice vote 8-0 (Absent: Council Member Franklin).

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****10/17/2013****Two Farms INC d/b/a Royal Farms, Applicant****CD: 8**

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

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

COUNCIL DEFERRED ITEM TO 09/30/2013

Action on this item was deferred to September 30, 2013.

DSP-13008 Gilpin Property**10/17/2013****Boundary Stone SE #6, LLC, Applicant****CD: 7**

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

Technical Staff: Disapproval

Planning Board: Approval, with Conditions

COUNCIL DEFERRED ITEM TO 09/30/2013

Action on this item was deferred to September 30, 2013.

DSP-13016 Save A Lot Food Stores**10/17/2013****Save A Lot Food Stores, Applicant****CD: 3**

Located approximately 137 yards south of the intersection of Annapolis Road and 85th Avenue (22.56 Acres; M-X-T/T-D-O Zones)

Requesting approval of a Detailed Site Plan for approval of business identification signage for a grocery store

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

COUNCIL DEFERRED ITEM TO 09/30/2013

Action on this item was deferred to September 30, 2013.

Motion to accept the additions package made by Council Member Olson; seconded by Council Member Davis. Motion carried 8-0 (Absent: Council Member Franklin).

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 13026 Carrollton Station

10/21/2013

BE Master NC Station LLC, Applicant

CD: 3

Located at the northeast corner of the intersection of West Lanham Drive and Harkins Road (13.67 Acres; M-X-T/TDOZ Zones)

Requesting Approval of a Detailed Site Plan for a mixed-use project consisting of 556 multifamily residential units and 200,000 square feet of office and retail/commercial space

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

All Persons of Record waived their right to appeal. Council Member Olson wishes to waive his right to review. A majority vote of the full Council is required.

COUNCIL WAIVED ITS RIGHT TO REVIEW THIS ITEM

Council Member Olson moved to waive Council's right to review DSP-13026. The motion was seconded by Council Member Davis and carried by a voice vote 8-0 (Absent: Council Member Franklin).

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

DISTRICT COUNCIL RECESSED AT 5:10 P.M. - The District Council session was recessed at 5:10 p.m.

Held

EXECUTIVE SESSION – (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

To consult with counsel to obtain legal advice and to consult with staff, consultants, or other individuals about pending or potential litigation in accordance with Section 10-508(a)(7, 8), State Government, Annotated Code of Maryland.

7:14 P.M. JOINT PUBLIC HEARING – (COUNCIL HEARING ROOM)**Held THE PRELIMINARY EASTOVER/FOREST HEIGHTS/GLASSMANOR
SECTOR PLAN AND
PROPOSED SECTIONAL MAP AMENDMENT**

Pursuant to Sections 21-105 and 21-216 of the Land Use Article of the Annotated Code of Maryland, and the provisions of Division 4, Part 3, and Part 13 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, the Prince George's County Council, sitting as the District Council, and the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission hereby give notice of a joint public hearing to receive testimony regarding the *Preliminary Eastover/Forest Heights/Glassmanor Sector Plan and Proposed Sectional Map Amendment*, including recommendations for land use to ensure future development is consistent with County policies, as well as related recommendations for the rezoning of land in order to implement the land use recommendations for properties within a plan area consisting of approximately 618 acres, including the Town of Forest Heights and the unincorporated areas known as Glassmanor and Eastover. The study area is generally bounded by Southern Avenue and the District of Columbia as a northwest boundary, Owens and Livingston Roads as the northeast boundary, Interstate 495/I-495 (Capital Beltway) as the southeast boundary, and the municipal boundary for the Town of Forest Heights as the southwest boundary. This public hearing is part of a process leading to the approval of the sector plan and sectional map amendment that will replace portions of *The Approved Master Plan and Sectional Map Amendment for The Heights & Vicinity Planning Area 76A* and the 2002 *Prince George's County Approved General Plan*, and certain other functional master plans.

(SEE SEPARATE AGENDA)

COUNCIL ADJOURNED AT 8:11 P.M. - *The Council session was adjourned at 5:10 p.m.*

Prepared by:

Submitted by:

Leonard Moses
Zoning Assistant

Redis C. Floyd
Clerk of the Council

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****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**

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 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

DRAFT

ZONING MINUTES

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

Tuesday, October 1, 2013

(FOR COUNTY COUNCIL ITEMS – SEE SEPARATE AGENDA)

CALL TO ORDER

Pursuant to the provisions of Section 27-132(a) of the Zoning Ordinance, at 2:14 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
Karen R. Toles
Ingrid M. Turner*

Absents: Council Member Eric Olson

*Also Present: 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*

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).

On September 30, 2013, Council deferred this item to October 1, 2013.

Backup: Order of Denial.

COUNCIL ADOPTED THE PREPARED ORDER OF DENIAL

Council Member Harrison moved adoption of the prepared Order of Denial. 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

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)
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

CD: 6

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.

On September 30, 2013, the Oral Arguments hearing was held; Council referred this item to staff for the preparation of an Order of Approval, with Conditions (Vote: 8-0).

Backup: Order of Approval, with Conditions.

COUNCIL ADOPTED THE PREPARED ORDER AFFIRMING THE PLANNING BOARD'S DECISION OF APPROVAL WITH CONDITIONS

Council Member Davis moved adoption of the prepared Order affirming the Planning Board decision 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).

Prepared by:

Submitted by:

Leonard Moses
 Zoning Assistant

Redis C. Floyd
 Clerk of the Council

ZONING MINUTES

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Tuesday, October 15, 2013

(FOR COUNTY COUNCIL ITEMS– SEE SEPARATE AGENDA)

CALL TO ORDER

Pursuant to the provisions of Section 27-132(a) of the Zoning Ordinance, at 2:08 p.m. the Vice Chairperson convened the meeting and the following Members were present:

*Obie Patterson, Vice Chair
Derrick Leon Davis
Mel Franklin
Mary A. Lehman
Eric C. Olson
Karen R. Toles
Ingrid M. Turner*

*Absent: Council Member Will A. Campos (out ill)
Council Member Andrea Harrison (out on County business)*

*Also Present: 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*

REFERRED FOR DOCUMENT

**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.

On September 30, 2013, the Oral Argument hearing was held; Council referred item to staff for the preparation of an Approving document (Vote: 7-0; Absent: Council Members Olson and Turner).

Backup: Order of Approval, with Conditions.

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

Council Member Patterson 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 7-0 (Absent: Council Members Campos and Harrison).

ADJOURN -- *The District Council session was adjourned at 2:11 p.m.*

Prepared by:

Submitted by:

Leonard Moses
Zoning Assistant

Redis C. Floyd
Clerk of the Council

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

DRAFT

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.

30th 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.

30th Day

PLANNING BOARD

DSP-04082/04 Brighton Place

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

11/06/2013

CD: 7

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.

DRAFT

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

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

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.

30th Day

PLANNING BOARD

DDS-620 Washington Research Library Consortium

11/28/2013

(Companion Case: DPLS-393 & 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 Design Standards for a departure of five feet of the 45-foot required length of a loading space

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.

30th Day

PLANNING BOARD

DPLS-393 Washington Research Library Consortium

(Companion Case: DDS-620 & 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 Parking and Loading

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

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 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.

30th 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

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

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:

Leonard Moses
Zoning Assistant

Redis C. Floyd
Clerk of the Council

ZONING MINUTES

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Monday, November 18, 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 10:35 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
Sandra Eubanks, Director, HEHS
Leroy Maddox, Jr., Legislative Officer*

M-NCPPC

*Ruth Grover, Development Review Division
Meika Fields, Development Review Division
Susan Lareuse, Development Review Division*

INVOCATION - *The Invocation was provided by Pastor Vernon N. Lattimore
Bethesda Baptist Church, Washington, D.C*

- *Council Member Campos requested prayer for the family and friends of Dr. Ron Kirby in his passing.*
- *Council Member Harrison requested prayer for those affected by weather conditions across the country, including the tornados.*

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

APPROVAL OF DISTRICT COUNCIL MINUTES
3/25/2013, 5/6/2013, 5/13/2013

APPROVED

Council Member Turner moved to approve the District Council minutes for the dates specified above. The motion was seconded by Council Member Patterson and carried by a roll call vote of 9-0.

ORAL ARGUMENTS

DSP-12045 First Beginnings Children's Center (Remand)
First Beginnings Children's Center LLC, Applicant
Located at the northeastern quadrant of the intersection of Silver Hill Road
(MD 458) and Old Silver Hill Road (4.02 Acres; C-S-C Zone)
Requesting approval of a Detailed Site Plan for a day care center for thirty-
eight children in an existing shopping center and additional review required
by the District Council's Order of Remand dated July 15, 2013

Action by:
2/17/2014
CD: 7

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

On September 23, 2013, Council elected to review (Voice Vote: 8-0; Absent: Council Member Franklin).

HEARING HELD; COUNCIL TOOK CASE UNDER ADVISEMENT

After orientation by staff, the oral argument hearing was held. Mr. Arthur Horne, Jr. along with the applicant, Ms. Tasha Upchurch, spoke in support. Council took this case under advisement.

ORAL ARGUMENTS (Continued)**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****Action by:****2/17/2014****CD: 7**

Technical Staff: Disapproval

Planning Board: Approval, with Conditions

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

On September 30, 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, Jr. along with the applicant, Mr. Harvey Mazell, spoke in support. Council took this case under advisement.*

MANDATORY REVIEW (Using Oral Argument Procedures)**DSP-05084/02 University Town Center, Parcel S****ECHO-UTC, LLC, Applicant****Located on the north side of East-West Highway (MD 410),
in the northeast quadrant of its intersection with America Boulevard
(3.49 Acres; M-X-T & T-D-O Zones)****Requesting approval of a Detailed Site Plan for a mixed-use development of
85,524 square feet, including a food and beverage store, other retail, office,
and amendments to the use table, building height, and reduction in width and
design of the streetscape****Action by:****2/17/2014****CD: 2**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

District Council review of this case is required by Section 27-548.09.01(b)(1) of the Zoning Ordinance.

On November 6, 2013, all Persons of Record and Stan Brown, the People's Zoning Counsel waived their right to appeal the decision of the Planning Board and the 30-day Notice of Hearing requirement.

Council Member Campos requested to expedite scheduling.

Proposed Backup: Order of Approval, with conditions.

**HEARING HELD; COUNCIL REFERRED ITEM TO STAFF FOR
PREPARATION OF AN APPROVING DOCUMENT AND SUBSEQUENTLY
ADOPTED THE PREPARED ORDER OF APPROVAL, WITH CONDITIONS**

After orientation by staff, the Oral Argument hearing was held. Council Member Campos moved to refer DSP-05084/02 to staff for preparation of an approving Order. The motion was seconded by Council Member Olson 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 Olson and carried by a roll call vote of 9-0.

Motion to accept the additions package made by Council Member Davis; seconded by Council Member Olson. Motion carried 9-0.

MANDATORY REVIEW (Using Oral Argument Procedures)**DSP 07011/04 Woodmore Town Centre at Glenarden, Outlot B
Woodmore Town Centre, Applicant****Located at the northwest quadrant of the intersection of Ruby Lockart
Boulevard and St. Joseph's Drive (7.64 Acres; M-X-T Zone)****Requesting approval of a Detailed Site Plan for 49,768 square feet of
commercial space in three separate buildings, including a health club, a fast-
food restaurant, and general retail****Action by:
2/17/2014
CD: 5**

Technical Staff: Approval, with Conditions

Planning Board: Approval, with Conditions

District Council review of this case is required A-9613-C.

On November 15, 2013, all Persons of Record and Stan Brown, the People's Zoning Counsel waived their right to appeal the decision of the Planning Board and the 30-day Notice of Hearing requirement.

Council Member Harrison requested to expedite scheduling.

Proposed Backup: Order of Approval, with conditions.

**HEARING HELD; COUNCIL REFERRED ITEM TO STAFF FOR
PREPARATION OF AN APPROVING DOCUMENT AND SUBSEQUENTLY
ADOPTED THE PREPARED ORDER OF APPROVAL, WITH CONDITIONS**

After orientation by staff, the Oral Argument hearing was held. Council Member Harrison moved to refer DSP 07011/04 to staff for preparation of an approving Order. The motion was seconded by Council Member Patterson and carried by a roll call vote of 8-0 (Absent: Council Member Turner).

Council Member Harrison 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 Turner).

REFERRED FOR DOCUMENT**DSP-03089/01 Hanson Palmer Industrial Park, Parcel C**
FCW Justice, Inc., Applicant**Action by:**
11/22/2013**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)****CD: 5****Requesting approval of a Detailed Site Plan for a combined 12,754-square-foot restaurant, car wash and full-service laundromat building**

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.

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

Backup: Order of Denial.

COUNCIL DEFERRED THIS ITEM TO 11/19/2013*Action on this item was deferred to November 19, 2013*

REFERRED FOR DOCUMENT**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 17, 2013, Council took no Action.

On June 19, 2013, Dennis Whitley III, Esquire filed an appeal to the decision of the Zoning Hearing Examiner and requested Oral Argument on behalf of the applicant.

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

Backup: Order of Denial.

COUNCIL ADOPTED THE PREPARED ORDER OF DENIAL

Council Member Harrison moved adoption of the prepared Order of Denial. The motion was seconded by Council Member Davis and carried by a roll call vote of 8-0 (Absent: Council Member Turner).

ITEMS FOR DISCUSSION**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 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.

On October 28, 2013, the Oral Argument hearing was held; Council took this case under advisement.

COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF A REMANDING DOCUMENT AND SUBSEQUENTLY ADOPTED THE PREPARED ORDER OF REMAND TO THE ZONING HEARING EXAMINER

Council Member Davis moved referral of A-9903/02-C, A-9280-C and A-9281/07-C to staff for preparation of an order of Remand to the Zoning Hearing Examiner. The motion was seconded by Council Member Campos and carried by a roll call vote of 8-0 (Absent: Council Member Turner).

Council Member Davis moved adoption of the prepared order of Remand. The motion was seconded by Council Member Patterson and carried by a roll call vote of 8-0 (Absent: Council Member Turner).

ITEM FOR DISCUSSION (Continued)

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

On October 28, 2013, Mandatory Review (Using Oral Argument Procedures) hearing was held; Council took this case under advisement.

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

Council Member Olson moved to refer DSP-11005 to staff for preparation of an approving Order. The motion was seconded by Council Member Franklin and carried by a roll call vote of 8-0 (Absent: Council Member Turner).

Council Member Olson 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 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**PLANNING BOARD**

CSP-07004/01 Westphalia Center
Westphalia Development USA, LLC, Applicant
Located north side of Pennsylvania Avenue (MD 4), west of its intersection with Melwood Road and east of its intersection with Suitland Parkway (530 Acres; M-X-T Zone)
Requesting reconsideration of an approved Conceptual Site Plan to revise Condition 2(i) of approved PGCPB Resolution No. 10-59(C) to allow more design flexibility in the number and location of the front-loaded garage residential units

Appeal by:
12/05/2013
Review by:
1/06/2014
CD: 6

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

COUNCIL ELECTED TO REVIEW

Council Member Davis moved election to review CSP-07004/01. The motion was seconded by Council Member Campos and carried by a voice vote of 8-0 (Absent: Council Member Turner).

CNU-11100-2013 American Legion Post #28
American Legion Post #28, Applicant
Located on the west side of Powder Mill Road (MD 212) approximately 600 feet north of its intersection with Cherry Hill Road (6.43 Acres; R-T Zone)
Requesting approval of a Nonconforming Use Certification for an existing mobile home trailer in the R-T Zone

Appeal by:
12/05/2013
Review by:
1/06/2014
CD: 1

Technical Staff: Approval
 Planning Board: Approval

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-12019 Dunkin' Donuts – Lanham****Dunkin' Donuts-Lanham, Applicant**

**Located on the south side of Annapolis Road (MD 450),
650 feet northeast of its intersection with Harkins Road
(.294 Acres; M-X-T/T-D-O Zones)**

**Requesting approval of a Detailed Site Plan for a 304-square-foot building
addition to an existing eating and drinking establishment with drive-through,
and site modifications**

Appeal by:**12/12/2013****Review by:****1/13/2014****CD: 3**

Technical Staff: Approval, with conditions

Planning Board: Approval, with conditions

COUNCIL ELECTED TO REVIEW

Council Member Olson moved election to review DSP-12019. The motion was seconded by Council Member Davis and carried by a voice vote of 8-0 (Absent: Council Member Turner).

DSP-13004 Woodland Springs Apartments (District Heights)**Shelter Development, LLC., Applicant**

**Located at the northwest and southwest quadrants of the intersection of
Rochell Avenue and Atwood Street (39.5 Acres; R-18 Zone)**

**Requesting approval of a Detailed Site Plan residential revitalization for
addition of 36 townhouse rental units to an existing multifamily development
and a Specimen Tree Variance from the requirements of Section
25-122(b)(1)(G)**

Appeal by:**12/05/2013****Review by:****1/06/2014****CD: 6**

Technical Staff: Approval, with conditions

Planning Board: Approval, with conditions

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-13006 Westphalia Town Center, Phase I
Walton Westphalia Development USA, LLC, Applicant
Located north of Pennsylvania Avenue (MD 4), west of Melwood Road and east of the interchange of Suitland Parkway and Pennsylvania Avenue (90.23 Acres; M-X-T Zone)
Requesting approval of a Detailed Site Plan for the first phase of the Westphalia Town Center development of 348 townhouse units

Appeal by:
12/09/2013
Review by:
1/08/2014
CD: 6

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

COUNCIL ELECTED TO REVIEW

Council Member Davis moved election to review DSP-13006. The motion was seconded by Council Member Campos and carried by a voice vote of 8-0 (Absent: Council Member Turner).

ADJOURNED - *The District Council session was recessed at 3:37 p.m.*

2:19 P.M.

COUNTY COUNCIL SITTING AS THE BOARD OF HEALTH – (COUNCIL HEARING ROOM)

Briefing held

A. AFFORDABLE HEALTH CARE ACT UPDATE/TECHNICAL NAVIGATION

- Carolyn Quattrocki
Executive Director
Governor’s Office of Health Care Reform

Briefing held

B. MedStar Southern Maryland Hospital Center

Request for Letter of Support

- Michael Chiamonte
President
MedStar Southern Maryland Hospital Center

**Chair
Authorized to
Sign** **PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S
REPORT**

Proposed correspondence to Mr. Ben Steffen, Executive Director, Maryland Health Care Commission, expressing Council's support of access to quality health care for all citizens and in support of Med Star Southern Maryland Hospital Center Certificate of Need Application.

Held **EXECUTIVE SESSION – (1ST FLOOR EXECUTIVE CONFERENCE
ROOM)**

To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, to consult with counsel to seek legal advice, and to discuss pending or potential litigation in accordance with Section 10-508(a)(4, 7, 8), State Government, Annotated Code of Maryland.

3:52 P.M. **BRIEFING – (ROOM 2027)**

Briefing held **MARYLAND ASSOCIATION OF COUNTIES (MACo)**

Michael Sanderson, Executive Director
Rick Pollitt, 2013 MACo President

Prepared by:

Submitted by:

Leonard Moses
Zoning Assistant

Redis C. Floyd
Clerk of the Council

ZONING MINUTES

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

Monday, November 19, 2013

(FOR COUNTY COUNCIL ITEMS SEE SEPARATE AGENDA)

Pursuant to the provisions of Section 27-132(a) of the Zoning Ordinance, at 4:02 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: Robert J. Williams, Jr., Council Administrator
William M. Hunt, Deputy Council Administrator
Rajesh Kumar, Principal Counsel to the District Council
Redis C. Floyd, Clerk of the Council
Donna J. Brown, Deputy Clerk of the Council*

REFERRED FOR DOCUMENT**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.

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

On November 18, 2013, Council deferred this item to November 19, 2013.

Backup: Order of Denial.

COUNCIL ADOPTED THE PREPARED ORDER OF DENIAL*Council Member Harrison moved adoption of the prepared Order of Denial. The motion was seconded by Council Member Davis and carried by a roll call vote of 9-0.***ADJOURNED** -- *The District Council session was adjourned at 4:04 p.m.***Prepared by:****Submitted by:**

Leonard Moses
Zoning Assistant

Redis C. Floyd
Clerk of the Council