

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.

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

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****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

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****James Schneider, Applicant****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****7/25/2013****CD: 2**

Technical Staff: Disapproval

Planning Board: Disapproval

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

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)

(DIGEST OF TESTIMONY)

**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