



Prince George's County Council

County Administration
Building
14741 Governor Oden
Bowie Drive
Upper Marlboro, Maryland
20772-3050

Zoning Minutes - Draft Sitting as the District Council

Derrick Leon Davis, District 6, Chairman
Mel Franklin, District 9
Dannielle M. Glaros, District 3, Vice Chairwoman
Andrea C. Harrison, District 5
Mary A. Lehman, District 1
Obie Patterson, District 8
Deni L. Taveras, District 2
Karen R. Toles, District 7
Todd M. Turner, District 4

Robert J. Williams, Jr., Council Administrator

Monday, April 18, 2016

10:00 AM

Council Hearing Room

9:30 AM AGENDA BRIEFING - (ROOM 2027)

10:00 AM CALL TO ORDER - (COUNCIL HEARING ROOM)

Pursuant to the provisions of Section 27-132(a) of the Zoning Ordinance, the meeting was called to order at 10:37 a.m. with nine members present at roll call.

Present: 9 - Chairman Derrick Davis
 Vice Chair Dannielle Glaros
 Council Member Andrea Harrison
 Council Member Deni Taveras
 Council Member Karen Toles
 Council Member Mary Lehman
 Council Member Mel Franklin
 Council Member Obie Patterson
 Council Member Todd Turner

*Also Present: Stan Brown, People's Zoning Counsel
Rajesh A. 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 Zavakos, Zoning and Legislative Counsel*

*M-NCPPC
Cynthia Fenton, Development Review Division
Jimi Jones, Supervisor, Development Review Division*

INVOCATION

The Invocation was provided by Christine Osei, County Employee. Chairman Davis requested prayer for family of Prince George's County Firefighter, John Ulmschneider, who killed in the line of duty and for injured Firefighter Kevin Swain as he recovers. He also requested prayer for the community at large and encouraged voter participation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Lehman.

APPROVAL OF DISTRICT COUNCIL MINUTES

[MINDC 04042016](#)

District Council Minutes dated April 4, 2016

A motion was made by Vice Chair Glaros, seconded by Council Member Franklin, that these Minutes be approved. The motion carried by the following vote:

Aye: 9 - Davis, Glaros, Harrison, Taveras, Toles, Lehman, Franklin, Patterson and Turner

Attachment(s): [4-04-2016 District Council Minutes DRAFT](#)

ORAL ARGUMENTS[DSP-15012](#)**Royal Farms, Brandywine****Companion Case(s):** DDS-632**Applicant(s):** Two Farms, Inc.**Location:** Located on the west side of Branch Avenue (MD 5) in the southwest quadrant of its intersection with Moores Road.**Request:** Requesting approval of a Detailed Site Plan for a gas station and a 4,946-square-foot food and beverage store.**Council District:** 9**Appeal by Date:** 3/21/2016**Review by Date:** 3/21/2016**Action by Date:** 5/16/2016**History:**

Cynthia Fenton, M-NCPPC, provided an overview of the Detailed Site Plan application. Bernard E. Brooks and Eugene Newman spoke in opposition. Matthew Tedesco, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

Council referred item to staff for preparation of an approving document, with conditions (Vote: 8-0; Absent: Council Member Toles).

This Detailed Site Plan hearing was held; subsequently, a motion was made by Council Member Franklin, seconded by Council Member Taveras, that this Detailed Site Plan be referred for document. The motion carried by the following vote:

Aye: 8 - Davis, Glaros, Harrison, Taveras, Lehman, Franklin, Patterson and Turner

Absent: Toles

EXECUTIVE SESSION (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

[EX 04182016](#)

Motion to convene in executive session to consult with counsel to obtain legal advice in accordance with Section 3-305(b) (7), General Provisions Article, Annotated Code of Maryland.

History:

Topics Discussed:

(1.) *Continuation of discussion regarding procedural requirements governing the District Council's review of zoning cases; and*

(2.) *Discussion with legal counsel concerning the merits of election to review an application for detailed site plan that pending finality before the counsel.*

A motion was made by Council Member Franklin, seconded by Vice Chair Glaros, that this Executive Session be convened. The motion carried by the following vote:

Aye: 9 - Davis, Glaros, Harrison, Taveras, Toles, Lehman, Franklin, Patterson and Turner

RECESS

The meeting went into recess at 11:56 a.m.

RECONVENE

The meeting was reconvened at 12:57 p.m.

DRAFT

NEW CASE(S)

[ERR-254](#)

Marilyn V. Felix

Validation of Multifamily Rental License No. 6823/Case No. M-791

Applicant(s):

Marilyn V. Felix

Location:

Located at 3526 Maywood Lane, Suitland, Maryland.

Request:

Requesting approval for validation of Prince George's County Multifamily Rental Housing License No. 6823/ Case No. M-791, issued in error for two additions to a single-family home.

Council District:

7

Appeal by Date:

12/23/2015

Action by Date:

4/22/2016

Opposition:

None

History:

Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0).

A motion was made by Council Member Toles, seconded by Vice Chair Glaros, that this Permit issued in error be referred for document. The motion carried by the following vote:

Aye: 9 - Davis, Glaros, Harrison, Taveras, Toles, Lehman, Franklin, Patterson and Turner

Attachment(s):

[ERR-254 Zoning AIS](#)

[ERR-254 Zoning Hearing Examiner Decision](#)

ERR-254 PORL

ITEM(S) FOR DISCUSSION**ERR-238 REMAND****Alvin E. Courtney, Jr. (Remand)****Validation of Multifamily Rental Housing License M-1066****Companion Case(s):** ERR-238**Applicant(s):** Alvin Courtney**Location:** Located at 3505 Varnum Street, Brentwood, Maryland (4.92 Acres; R-55/D-D-O Zones).**Request:** Requesting approval for validation of Prince George's County's Multifamily Rental Housing License No. M-1066 issued in error on July 6, 2013 for three (3) multifamily dwelling units.**Council District:** 2**Appeal by Date:** 1/11/2016**Action by Date:** 5/29/2016**Municipality:** Town of Brentwood**Opposition:** None**History:**

Council referred item to staff for preparation of an approving document, with conditions (Vote: 9-0).

A motion was made by Council Member Taveras, seconded by Vice Chair Glaros, that this Permit issued in error be referred for document. The motion carried by the following vote:

Aye: 9 - Davis, Glaros, Harrison, Taveras, Toles, Lehman, Franklin, Patterson and Turner

Attachment(s): [ERR-238 Remand_Reconsideration Request](#)
[ERR-238 Remand_Zoning AIS_02102016](#)
[ERR 238 District Council Final](#)
[Decision_02082016](#)
[ERR-238 Remand_Zoning Hearing Examiner](#)
[Decision](#)
[ERR 238 District Council Decision 07062015](#)

Council adopted the prepared Zoning Ordinance No. 7 - 2016 of approval, with conditions (Vote: 9-0).

A motion was made by Council Member Taveras, seconded by Council Member Patterson, that this Permit issued in error be approved with conditions. The motion carried by the following vote:

Aye: 9 - Davis, Glaros, Harrison, Taveras, Toles, Lehman, Franklin, Patterson and Turner

PENDING FINALITY

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision or an appeal is filed.

(a) ZONING HEARING EXAMINER

In the event the District Council elects to make the final decision in this case, an oral argument will be scheduled pursuant to Sec. 27-131 of the Zoning Ordinance.

[SE-4771](#)**Ritchie Land Reclamation Rubble Fill**

- Applicant(s):** Ritchie Land Reclamation, L.P.
- Location:** Located on the southwest side of Ritchie Marlboro Road, approximately 3,000 feet south of its intersection with White House Road, also identified as 2001 and 2002 Ritchie Marlboro Road, Upper Marlboro, Maryland (289.39 Acres; O-S / R-A. Zones).
- Request:** Requesting approval of a Special Exception to continue, and expand, an existing Rubble Fill on approximately 289.39 acres of land, in the O-S (Open Space) and R-A (Residential-Agricultural) Zones.
- Council District:** 6
- Appeal by Date:** 5/16/2016
- Review by Date:** 5/16/2016
- Opposition:** None
- History:**
Council deferred this item to May 2, 2016.
This Special Exception was deferred.
- Attachment(s):** [SE-4771 Zoning Hearing Examiner Decision](#)
SE-4771 PORL

PENDING FINALITY (Continued)**(b) PLANNING BOARD****CDP-9306-03****Villages at Piscataway**

Applicant(s): NVR MS Cavalier Preserve, LLC

Location: Located south of Floral Park Road, near its intersection with Piscataway Road. Danville Estates, where the lot consolidation will happen, is located on the east side of Danville Road, approximately 4,000 feet southeast of its intersection with Floral Park Road. The proposed revision to the CDP is specific to this village, which is one of five villages within the overall development (878.90 Acres; R-L & L-A-C Zones).

Request: Requesting approval of a Comprehensive Design Plan to modify the previously approved layout of the development to consolidate the development pod previously shown on the west side of the Potomac Electric Power Company (PEPCO) right-of-way into the development pod on the east side of the right-of-way, to create a new tree preservation bank as part of the tree conservation plan (TCP), and to adjust the development standards to allow for smaller lots within the large-lot component (Danville Estates) of the overall project. The overall density of the comprehensive design plan (CDP) is proposed to remain unchanged.

Council District: 9

Appeal by Date: 5/5/2016

Review by Date: 5/5/2016

History:

Council took no action on this item.

This Comprehensive Design Plan was not elected to review by Council.

PENDING FINALITY (Continued)[CNU-55018-2015](#)**Hampshire View Lot 8 Block 3**

Applicant(s): T. Brandford Howell and Anne Margaret Howell

Location: Located in the northwest quadrant of the intersection of Red Top Road and Fairview Avenue (0.166 Acres; R-18 Zone)

Request: Requesting approval of a certification of an existing six-unit apartment building that was permitted and built in 1949. Because some development regulations in the R-18 Zone were changed or adopted after the apartment use was lawfully established, the complex became nonconforming.

Council District: 2

Appeal by Date: 5/5/2016

Review by Date: 5/5/2016

History:

Council took no action on this item.

This Certification of a Nonconforming Use was not elected to review by Council.

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PENDING FINALITY (Continued)[DSP-07073-02](#)**National Harbor, Beltway Parcel, Parcels 1-3 & 5-7****Companion Case(s):** DDS-624**Applicant(s):** National Harbor Beltway Parcel, LLC**Location:** The subject site is generally located approximately one mile northeast of the Woodrow Wilson Bridge, in the southwest quadrant of the intersection of the Capital Beltway (I-95/495) and Indian Head Highway (MD 210). The tract is south of I-95/495, and west of Oxon Hill Road, with frontage on Oxon Hill Road to the east, National Avenue to the north, and Harborview Avenue to the south. The Beltway Parcel is on an elevated plateau overlooking the waterfront entertainment/retail complex portion of National Harbor (49.66 Acres; M-X-T Zone).**Request:** Requesting approval of a Detailed Site Plan for a gas station/food and beverage store; commercial recreational/outdoor exhibition areas; a 500-room hotel; 891 multifamily/timeshare residential units; retail, restaurant, entertainment; and a heliport consisting of a total of 1,278,100 square feet on proposed Parcels 1, 2, 3, 5, 6, and 7 of the National Harbor, Beltway Parcel.**Council District:** 8**Appeal by Date:** 4/21/2016**Review by Date:** 4/21/2016**History:***Council took no action on this item.***This Detailed Site Plan was not elected to review by Council.**

PENDING FINALITY (Continued)[DDS-624](#)**National Harbor, Beltway Parcel, Proposed Parcel 5****Companion Case(s):** DSP-07073-02**Applicant(s):** National Harbor Beltway Parcel, LLC**Location:** The subject site is generally located approximately one mile northeast of the Woodrow Wilson Bridge, in the southwest quadrant of the intersection of the Capital Beltway (I-95/495) and Indian Head Highway (MD 210). The tract is south of I-95/495, and west of Oxon Hill Road, with frontage on Oxon Hill Road to the east, National Avenue to the north, and Harborview Avenue to the south. The Beltway Parcel is on an elevated plateau overlooking the waterfront entertainment/retail complex portion of National Harbor (49.66 Acres; M-X-T Zone).**Request:** Requesting approval of a Departure from Design Standards for a parking space size of 9 feet by 18 feet for all non-handicapped spaces on Parcel 5 only.**Council District:** 8**Appeal by Date:** 4/21/2016**Review by Date:** 4/21/2016**History:***Council took no action on this item.***This Departure from Design Standards was not elected to review by Council.**

PENDING FINALITY (Continued)**DSP-07074-01****Town Center at Camp Springs Aspire Apollo**

Applicant(s): Residences at Town Center, LLC

Location: Located directly north of the Branch Avenue Metro Station on the west side of Auth Way, near the intersection of Telfair Boulevard (19.37 Acres; M-X-T Zone).

Request: Requesting approval of Detailed Site Plan including revisions to the site plan, landscape plan, and architectural elevations previously approved and Planning Board Conditions 2, 4, 5, 13(c), 13(e), and 15, as stated in Prince George's County Planning Board (PGCPB) Resolution No. 08-102. Minor revisions to the site plan encompass slightly different architectural design and building materials, revised recreational amenities and common courtyard spaces, changes to the bedroom counts, and a relocation of one dwelling unit from Phase II to Phase I of the project. The requested amendments to the conditions and the plans do not include changes in the proposed building footprint, building height, setbacks, and overall site design.

Council District: 8

Appeal by Date: 5/12/2016

Review by Date: 5/12/2016

History:

Council took no action on this item.

This Detailed Site Plan was not elected to review by Council.

DSP-14024**Maple Ridge Apartments, Parcel B**

Applicant(s): Engineering and Technical Consultants LLC

Location: Located on the west side of Brightseat Road, approximately 1,500 feet north of its intersection with Landover Road (MD 202) (9.89 Acres; M-X-T Zone).

Request: Requesting approval of a Detailed Site Plan to add 87 parking spaces to an existing multifamily development.

Council District: 5

Appeal by Date: 5/12/2016

Review by Date: 5/12/2016

Municipality: City of Glenarden

History:

Council took no action on this item.

This Detailed Site Plan was not elected to review by Council.

PENDING FINALITY (Continued)**DSP-15011****Forks of the Road**

Applicant(s): Forks of the Road, LLC.

Location: Located in the northwest quadrant of the intersection of Ritchie Marlboro Road and Old Marlboro Pike (MD 725). This intersection is designated by the approved 2007 Westphalia Sector Plan and Sectional Map Amendment (Westphalia Sector Plan and SMA) as one of the nine gateways into the Westphalia area (8-98 Acres; M-X-T Zone).

Request: Requesting approval of a Detailed Site Plan for grading and infrastructure only, specifically, clearing, grading the site, and installing a sewer pipe.

Council District: 6

Appeal by Date: 4/28/2016

Review by Date: 4/28/2016

History:

Council took no action on this item.

This Detailed Site Plan was not elected to review by Council.

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PENDING FINALITY (Continued)[DSP-15020](#)**Pollo Campero, Capital Plaza**

Applicant(s): Campero USA, Corp.

Location: Located on the north side of Annapolis Road (MD 450), specifically within the Capital Plaza Shopping Center approximately 1,000 linear feet east of the intersection of MD 450 and the Baltimore–Washington Parkway (MD 295) (43.82 Acres; C-S-C / D-D-O Zones).

Request: Requesting approval of a Detailed Site Plan for the construction of a 2,757-square-foot eating and drinking establishment, with drive-through service, including additional outdoor seating, associated parking, and other site improvements.

Council District: 3

Appeal by Date: 5/12/2016

Review by Date: 5/12/2016

Municipality: Landover Hills

History:

Council took no action on this item.

This Detailed Site Plan was not elected to review by Council.

[DSP-15042](#)**Cambridge Apartments at New Carrollton Station**

Applicant(s): Jason T. Klippel

Location: Located on the eastern side of 85th Avenue, approximately 1,500 feet south of its intersection with Annapolis Road (MD 450).

Request: Requesting approval of a Detailed Site Plan to replace a swimming pool and restroom building with a 3,876-square-foot leasing office/fitness center.

Council District: 3

Appeal by Date: 5/12/2015

Review by Date: 5/12/2015

History:

Council took no action on this item.

This Detailed Site Plan was not elected to review by Council.

PENDING FINALITY (Continued)**SDP-0320-03****The Preserve, Danville Estates**

Applicant(s): NVR MS Cavalier Preserve, LLC

Location: Located on the south side of Danville Road, approximately 4,000 feet southeast of its intersection with Floral Park Road (145.32 Acres; R-L Zone).

Request: Requesting approval of a Specific Design Plan to revise the layout of a previously approved specific design plan (SDP) for the development of 124 lots for single-family detached dwelling units in the Residential Low Development (R-L) Zone within Danville Estates.

Council District: 9

Appeal by Date: 5/5/2016

Review by Date: 5/5/2016

History:

Council took no action on this item.

This Specific Design Plan was not elected to review by Council.

CASE(S) SCHEDULED FOR MANDATORY REVIEW HEARING ON MAY 2, 2016 AT 1:30 P.M.

Hearing Dates & Times Subject to Change

DSP-14036**5936 Old Central Avenue**

Applicant(s): AMB Architectural Design Studio LLC

Location: Located in the northwest quadrant of Old Central Avenue and Chamber Avenue.

Request: Requesting approval for a mixed-use project consisting of 9,990 square feet of office and retail/commercial space. This application also requests a change of the underlying zoning for the property from the existing Light Industrial Zone (I-1) to the Commercial Shopping Center (C-S-C) Zone and a partial waiver (36.2 percent) from tree canopy coverage requirements.

Council District: 7

Appeal by Date: 4/7/2016

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

History:

Council announced that the Mandatory Review Hearing is scheduled for May 2, 2016.

This Detailed Site Plan Mandatory Review hearing date was announced.

1:13 PM ADJOURN

The meeting was adjourned at 1:13 p.m.

1:45 PM PUBLIC SAFETY & FISCAL MANAGEMENT COMMITTEE MEETING (ROOM 2027)

(SEE SEPARATE AGENDA)

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