

***ACTION***  
***ZONING AGENDA***

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

January 30, 2012

**9:30 A.M.            AGENDA BRIEFING**

**10:08 A.M.            CALL TO ORDER**

**INVOCATION – Reverend Clarence Parker III, Associate Minister  
The Sanctuary at Kingdom Square, Capitol Heights, Maryland**

**PLEDGE OF ALLEGIANCE – Council Member Lehman**

**ORAL ARGUMENTS**

**Hearing held;  
Council  
referred item to  
staff for  
preparation of  
an approving  
order with an  
additional  
condition**

**DDS 597 The Tire Depot (Remand)  
(Companion Case: SE 4673)  
Africa Women's Health and Social Empowerment Association  
t/a The Tire Depot LLC, Applicant  
Located at the intersection of Scott Key Drive and Foster Street, east of  
Marlboro Pike (MD 725)(.3049 Acre; C-S-C & R-55 Zones)  
Requesting approval of a Departure from Design Standards for the  
location of a loading space less than 50 feet from a residential zone and  
three feet from the height requirement for a loading space located within  
a building greater than 3,000 square feet of gross floor area**

**Action by:  
3/30/12  
CD: 6**

Technical Staff: Approval  
Planning Board: Approval

On March 15, 2011, Council adopted an Order of Remand to the Planning Board (Vote: 9-0).

On November 14, 2011, Council elected to review (Voice Vote: 9-0).

**RUNNING AGENDA ON PAGE 3**

**ORAL ARGUMENTS (Continued)**

**Hearing held;  
Council  
referred item to  
staff for  
preparation of  
an approving  
order with an  
additional  
condition**

**SE 4673 The Tire Depot (Remand)  
(Companion Case: DDS 597)  
Africa Women’s Health and Social Empowerment Association  
t/a The Tire Depot LLC, Applicant  
Located at the intersection of Scott Key Street and Foster Drive, east of  
Marlboro Pike (.3049 Acre; C-S-C & R-55 Zones)  
Requesting approval of a Special Exception for Vehicle parts or tire store  
with installation and an adjacent parking lot**

**Action by:  
05/09/12  
CD: 6**

Technical Staff: Approval, with Conditions  
Planning Board: Approval, with Conditions  
Zoning Hearing Examiner: Approval, with a Condition  
Municipality: City of District Heights  
Opposition: None

On March 15, 2011, Council adopted an Order of Remand to the Zoning Hearing Examiner (Vote: 9-0).

On November 14, 2011, Council elected to review (Voice Vote: 9-0).

**ELIGIBLE FOR FINAL ACTION (Orientation, if desired)**

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

**DSP 06018 Towne Place Suites by Marriott**  
**Towne Place Suites by Marriott, Applicant**  
**Located on the west side of Baltimore Avenue (US 1), approximately 900 ft. south of its intersection with Cherry Hill Road, College Park**  
**Requesting to amend or delete condition 9 of a Detailed Site Plan for construction of a 75-room hotel and rezoning of 0.9 acre from the C-S-C Zone to the M-U-I Zone**

**CD: 1**

Technical Staff: None

Planning Board: None

Zoning Hearing Examiner: Approval, with conditions

Municipality: City of College Park

Opposition: None

On March 9, 2009, Council referred this item to staff for preparation of an Order of Remand and adopted the Order of Remand to the Planning Board.

On October 26, 2010, Council reconsidered this case. Council referred item to staff for preparation of an approving document with additional conditions and adopted an Order Affirming the Planning Board decision, with conditions.

On November 17, 2011, Matthew C. Tedesco submitted a letter requesting amendment of condition 6 of the Council's Order adopted on October 26, 2010.

On January 17, 2012, the Zoning Hearing Examiner filed her recommendation with the District Council, for approval, with conditions of DSP 06018 Towne Place Suites by Marriot.

This item is before the District Council today as a case eligible for final action.

**REFERRED FOR DOCUMENT**

**Council  
adopted the  
prepared order  
Affirming the  
Planning  
Board's  
decision of  
Approval with  
conditions**

**CDP 9902/03 Oak Creek Club  
(Companion Case: CDP 9903/02)  
Oak Creek Club Corporation, Applicant  
Located on the east and west sides of Church Road, approximately 2,800  
feet south of its intersection with Central Avenue (MD 214)  
(892 & 33 Acres; R-L & L-A-C Zones)  
Requesting approval of a Comprehensive Design Plan to amend  
condition 27 of CDP 9902 as modified in CDP 9902/02 for the Oak Creek  
Club project regarding the trigger for commencing construction of the  
golf clubhouse**

**Action by:  
3/23/12  
CD: 6**

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

On June 13, 2011, Council took no Action.

On June 27, 2011, Erica A. Leatham, Esq. filed an appeal in opposition to the Planning Board's decision, on behalf of Oak Creek Golf (OCG) and requested Oral Argument.

On June 29, 2011, Kamal Riad, filed an appeal to the Planning Board's decision in opposition to the proposal and requested Oral Argument.

On June 30, 2011, Erica A. Leatham, Esq. filed an amended and restated appeal in opposition to the Planning Board's decision, on behalf of Oak Creek Golf (OCG) and requested Oral Argument.

On January 23, 2012, the two appeals filed by Erica A Leatham on behalf of Oak Creek Golf (OCG) on June 27, 2011 and June 30, 2011 were dismissed.

On January 23, 2012, the appeal filed by Kamal Riad on June 29, 2011 was withdrawn by Kamal Riad.

On January 23, 2012, the Oral Argument hearing was held; Council referred item to staff for the preparation of an approving order with additional conditions (Vote: 9-0).

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

**REFERRED FOR DOCUMENT (Continued)**

**Council adopted the prepared order Affirming the Planning Board's decision of Approval with conditions**

**CDP 9903/02 Oak Creek Club**  
**(Companion Case: CDP 9902/03)**  
**Oak Creek Club Corporation, Applicant**  
**Located on the east and west sides of Church Road, approximately 2,800 feet south of its intersection with Central Avenue (MD 214)**  
**(892 & 33 Acres; R-L & L-A-C Zones)**  
**Requesting approval of a Comprehensive Design Plan to amend condition 30 of CDP 9903 as modified in CDP 9903/01 for the Oak Creek Club project regarding the trigger for commencing construction of the golf clubhouse**

**Action by:**  
**3/23/12**  
**CD: 6**

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

On June 13, 2011, Council took no Action.

On June 27, 2011, Erica A. Leatham, Esq. filed an appeal in opposition to the Planning Board's decision, on behalf of Oak Creek Golf (OCG) and requested Oral Argument.

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On January 23, 2012, the two appeals filed by Erica A Leatham on behalf of Oak Creek Golf (OCG) on June 27, 2011 and June 30, 2011 were dismissed.

On January 23, 2012, the appeal filed by Kamal Riad on June 29, 2011 was withdrawn by Kamal Riad.

On January 23, 2012, the Oral Argument hearing was held; Council referred item to staff for the preparation of an approving order with additional conditions (Vote: 9-0).

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

**REFERRED FOR DOCUMENT (Continued)**

**Council adopted the prepared order Affirming the Planning Board’s decision of Approval with conditions**

**SDP 0409/02 Beech Tree, North Village, Sections 4 and 5**  
**VOB Limited Partnership, Applicant**  
**Located on the southern side of Leeland Road approximately 3,200 feet west of its intersection with Robert Crain Highway (US 301) (41.86 Acres; R-S Zone)**  
**Requesting approval of a Specific Design Plan for elimination of a connection to Leeland Road and a minor reconfiguration of the lot layout with a resultant addition of one lot for a single-family detached house**

**Action by:**  
**2/23/12**  
**CD: 6**

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

On January 23, 2012, the Oral Argument hearing was held; Council referred item to staff for preparation of an approving order with conditions (Vote: 9-0).

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

**Council deferred item to 2/13/2012**

**SMA Revisory Petition for Subregion 5 Master Plan and Sectional Map Amendment (CR-61-2009)**  
**Lawrence Management Property, Petitioner**  
**John R. Barr, Esq., Attorney for the Petitioner**  
**Revisory Petition for Lot 57 in the Belle-Fonte Subdivision off of Bellefonte and Colonial Lanes in Clinton**  
**Requesting a Revision to the Portion of Burdened Property zoned R-R to I-4 to allow the owner the Right-of-Way to use its access for commercial vehicles**

**CD: 9**

On January 28, 2010, the Principal Counsel to the District Council filed a memorandum advising that the amended petition does not allege facts sufficient for the District Council to find mistake.

On February 22, 2010, the District Council adopted an Order of Denial to Petition for Revision of Lawrence Property Management, LLC Sector Plan and Sectional Map Amendment for Subregion 5 (Vote: 9-0).

This case is before the District Council to review and consider whether to consent to a remand from the Circuit Court.

On January 23, 2012, Council referred item to staff for the preparation of a document of consent to remand.

Backup: Consent Order of the District Council to Remand from the Circuit Court of Prince Georges County, Maryland.

**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.

**30<sup>th</sup> Day**

Council elected to review

**PLANNING BOARD**

**CNU 31934-2011 BP Gas Station- Marlboro Pike**  
**Kazco Properties, Applicant**  
**Located on Marlboro Pike, right across from Hybrid Avenue**  
**aka 4909 Marlboro Pike (.5220 Acre; M-U-I/DDOZ Zones)**  
**Requesting approval of a Nonconforming Use Certification for an existing gas station with an outdoor component in the M-U-I Zone**

**Appeal by:**  
**01/26/12**  
**Review by:**  
**1/30/12**  
**CD: 7**

M-NCPPC Administrative Certification: Approval

On January 23, 2012, Council deferred this case to 1/30/12.

Council took no action

**DSDS 672 Calverton Shopping Center**  
**Calverton Enterprises Management, Applicant**  
**Located northeast corner of the intersection of Beltsville Drive and Powder Mill Road (8.445 Acres; C-S-C Zone)**  
**Requesting approval of a Departure from Sign Design Standards for location, height and area for a freestanding sign**

**Appeal by:**  
**01/12/12**  
**Review by:**  
**1/30/12**  
**CD: 1**

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

On January 23, 2012, Council deferred this case to 1/30/12.

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

**DISTRICT COUNCIL ADJOURNED AT 11:13 A.M.**

**EXECUTIVE SESSION – (EXECUTIVE CONFERENCE ROOM)**

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

**Topics Discussed:**

1. Appointments to the Property Tax Assessment Appeals Board
2. Appointments to the EDI Fund Financial Advisory Committee
3. Update on assignment and reassignment of zoning cases and related District Council matters