

ACTION
ZONING AGENDA

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

March 24, 2008

9:30 A.M. AGENDA BRIEFING

10:22 A.M. CALL TO ORDER

INVOCATION – Ms. Sherrell Myers, County Employee

PLEDGE OF ALLEGIANCE

ORAL ARGUMENT

**Hearing held;
Council
referred item to
staff for
preparation of
an Order of
Remand to the
Planning Board**

**SDP 0607 Acton Park, Phase I
Acton Park, Inc., Applicant
Located southeast side of Enterprise Road, approximately 2,000 feet
south of its intersection with John Hanson Highway (MD 50)
(83.57 acres; R-S Zone)
Requesting approval of a Specific Design Plan for 12 single-family
detached units, 1 soccer field, and infrastructure for the stormwater
management facilities and a road extension**

**05/23/08
CD: 6**

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

On 1/28/08, Council elected to review (Vote: Voice Vote Carried).

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

**Council
referred item to
staff for
preparation of
an Approving
Order**

**SE 4467 Chestnut Oaks Senior Housing (Amendment of Condition)
Chestnut Oaks Land, Inc. and Palmer Land, LLC, Applicant
Thomas H. Haller, Esq., Correspondent
Located northwest side of Palmer Road approximately 3,600 feet east of
its intersection with Indian Head Highway and approximately 2,700 feet
west of Tucker Road, Fort Washington (21.2 acres; R-E Zone)
Requesting approval of an amendment of condition for age restrictions
consistent with the Federal Fair Housing Act of approved Special
Exception SE 4467 dated 02/28/05**

**06/19/08
CD: 8**

**Council
adopted Zoning
Ordinance
No. 7-2008**

Technical Staff: Approval
Planning Board: None
Zoning Hearing Examiner: Approval, with conditions
Municipality: None
Opposition: None

Pursuant to Section 27-324(a)(1), the District Council may amend any imposed condition if the amendment does not constitute an enlargement or extension of a Special Exception Use.

Backup: Zoning Ordinance in Accordance with the Zoning Hearing Examiner

REFERRED FOR DOCUMENTS

**Council
deferred item to
3/25/08**

**ERR 198 Chestnut Hill Apartments
Chestnut Hill Associates, Ltd. Partnership, Applicant
Located 3917 23rd Parkway, Hillcrest Heights, Maryland (adjacent to
intersection of Callaway Street and 23rd Parkway) (12.85 acres; R-18
Zone)
Requesting approval of a Validation of Permit Issued in Error for Multi-
Family Rental License No. M-0377**

**Action by:
03/31/08
CD: 7**

Technical Staff: None
Planning Board: None
Zoning Hearing Examiner: Approval
Municipality: None
Opposition: None

On January 14, 2008, Council deferred this case to a later date.

On 3/10/08, after orientation by staff, Council referred this item to staff for preparation of an Approving Order (Vote: 8-0).

Backup: Order of Approval

**Council
deferred item to
a later date**

**ERR 199 Surrey Square Apartments
Lerner Development Company Limited Partnership, Applicant
Located southeast quadrant of the intersection of Pennsylvania Avenue
and Regency Parkway (17.082 acres; R-18 Zone)
Requesting approval of a Validation of Multi-Family Rental Permit
M-0496, issued in error on September 12, 2005, for 418 apartment units**

**Action by:
05/16/08
CD: 7**

Technical Staff: None
Planning Board: None
Zoning Hearing Examiner: Approval
Municipality: None
Opposition: None

On 3/10/08, after orientation by staff, Council referred this item to staff for preparation of an Approving Order (Vote: 8-0).

Backup: Order of Approval

REFERRED FOR DOCUMENTS (Continued)

Council moved reconsideration; Council referred item to staff for preparation of an Order of Remand and subsequently adopted a prepared Order of Remand to the Zoning Hearing Examiner

SE 4515 Rockville Fuel & Feed Company, Applicant (Remand)
Garland Stillwell, Esq., Correspondent
Located northwest quadrant of intersection of I-495 and D'Arcy Road
(424,581 square feet/9.74 acres; I-2 Zone)
Requesting approval of a Special Exception for a concrete batching plant

Action by:
03/27/08
CD: 6

Technical Staff: Approval, with conditions
 Planning Board: Approval, with conditions
 Zoning Hearing Examiner: Approval, with conditions
 Municipality: None
 Opposition: Little Washington Civic Association

On 10/15/07, Council elected to make the final decision (Vote: Voice Vote Carried). On 2/25/08, the oral argument hearing was held and Council referred the item to staff for preparation of an Order of Denial (Vote: 8-0).

Backup: Order of Denial

Council deferred item to 3/25/08

ROSP SE 1673/06 Shell Oil Gasoline Station
(Companion Case: SE 4597)
Motiva Enterprises, LLC (Shell Oil Company), Applicant
John R. Barr, Esq., Correspondent
Located northeast quadrant Sandy Spring Road and Bauer Lane (6000
Sandy Spring Road, Laurel, Maryland) (0.094 acre; C-S-C Zone)
Requesting approval of a minor Revision of Site Plan to remove
underground storage tanks, validate accessory building and relocate
parking spaces

Action by:
04/25/08
CD: 1

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

On 10/15/07, Council elected to review (Vote: Voice Vote Carried).

On 11/2/07, John R. Barr, Esq., filed exceptions to the Planning Board's decision on behalf of the applicant. On 11/15/07, John R. Barr, Esq., requested oral argument. On 1/2/08, John R. Barr, Esq., withdrew the appeal filed on 11/2/07.

On 2/25/08, the oral argument hearing was held and Council referred this item to staff for preparation of an Approving Order, with additional conditions (Vote: 8-0).

Backup: Approving Order, with additional conditions

REFERRED FOR DOCUMENTS (Continued)

**Council
deferred item to
3/25/08**

**SE 4597 Shell Oil Gasoline Station
(Companion Case: RO SP SE 1673/06)
Motiva Enterprises, LLC (Shell Oil Company), Applicant
John R. Barr, Esq., Correspondent
Located on the northeast quadrant of Sandy Spring Road and Bauer
Lane; 200 ft. east of Bauer Lane; also known as 6004 Sandy Spring Road,
Laurel, Maryland (1.02 acres; C-S-C Zone)
Requesting approval of a Special Exception to install underground
storage tanks, an access ramp and pavement improvements and to create
cuing areas for support of a gasoline station**

**Action by:
03/25/08
CD: 1**

Technical Staff: Approval, with conditions
Planning Board: Approval, with condition
Zoning Hearing Examiner: Approval, with conditions
Municipality: City of Laurel
Opposition: None

On 10/15/07, Council elected to make the final decision (Vote: Voice Vote Carried). On 2/25/08, the oral argument hearing was held and Council referred this item to staff for preparation of an Approving Order, with additional conditions (Vote: 8-0).

Backup: Approving Order, with additional conditions

Motion to convene into Executive Session was made by Council Member Exum. Council Member Turner seconded the motion and carried by roll call vote of 8-0 (In favor: Council Members Dean, Bland, Campos, Dernoga, Exum, Knotts, Olson and Turner).

Executive Session (Executive Conference Room)

HELD

Discussion of pending litigation in accordance with the Maryland Annotated Code, State Government, Section 10-508 (a) (8)

ITEMS FOR DISCUSSION

Council referred item to staff for preparation of an Order of Remand and subsequently adopted a prepared Order of Remand to the Zoning Hearing Examiner

SE 4477 WAWA (Beltsville)

WAWA, Inc., Applicant

Norman Rivera, Esq./Michael Nagy, Esq., Correspondents

Located southeast side of Baltimore Avenue (US 1), extending through to Rhode Island Avenue, 200 feet south of the intersection (2.75 acres; C-S-C Zone)

Requesting approval of a Special Exception for a gas station in the C-S-C Zone

Technical Staff: Denial

Planning Board: Approval

Zoning Hearing Examiner: Approval, with condition

Municipality: None

Opposition: Mohammad Anvari & Ashdar, Inc.

CD: 1

On 2/28/05, Council elected to make the final decision (Vote: 7-0; Absent: Council Members Harrington and Hendershot). On 6/13/05, the Oral Argument hearing was held, and Council took the case under advisement. On 7/11/05, Council adopted the prepared Zoning Ordinance #7-2005 for Approval, with conditions (Vote: 8-0; Absent: Council Member Harrington).

On August 10, 2005, Harry C. Storm, Esq., and Stuart Barr, Esq., filed a Petition for Judicial Review on behalf of Mohammad Anvari & Ash-Dar Enterprises, Inc. The Circuit Court affirmed the District Council's decision, and this case was then appealed. The Court of Special Appeals has remanded this case back to the District Council.

ITEMS FOR DISCUSSION (Continued)

Council referred item to staff for preparation of an Approving Order, with conditions and subsequently adopted Zoning Ordinance No. 8-2008

SE 4529 Beechfield (Remand)
Coscan Adler, LP, Applicant
Richard K. Reed, Esq., Applicant
Located northeast quadrant of John Hanson Highway (Rt. 50) and Enterprise Road (Rt. 193) (83.9 acres; R-E Zone)
Requesting approval of a Special Exception for a planned retirement community

Action by:
04/30/08
CD: 6

Technical Staff: Approval, with conditions
Planning Board: No Recommendation
Zoning Hearing Examiner: Denial
Municipality: None
Opposition: Enterprise Estates Civic Association

On 11/19/07, Council elected to make the final decision (Vote: Voice Vote Carried).

On 12/3/07, Richard K. Reed, Esq., and Megan M. Bramble, Esq., filed exceptions to the Zoning Hearing Examiner’s decision and requested oral argument.

On 1/28/08, the oral argument hearing was held and Council took the case under advisement.

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

Council took no action

SE 4569 Bowie Assisted Living, Inc.
Howard & Tatjana Aldag, Applicants
Located southeast side of Lanham Severn Road, approximately 550 linear feet north of Driscoll Road (2.26 acres; R-R Zone)
Requesting approval of a Special Exception to increase the number of residents from 8 to 16 people

03/28/08
CD: 4

Technical Staff: Approval, with conditions
 Planning Board: No Recommendation
 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

SE 4607 Ashton Property
(Companion Case: Authorization to Build in Planned Right-of-Way – Cori D. and Danon Ashton, Applicants)
Located 50± feet southwest of the intersection of Holly Road and Holly Way; also off the 16000 block of MD Route 210 Indian Head Highway, also known as 16900 Holly Road, Accokeek. (0.758 acre; R-R Zone)
Requesting approval of a Special Exception for a Daycare facility for up to 56 children.

04/11/08
CD: 9

Technical Staff: Approval, with conditions
 Planning Board: No Recommendation
 Zoning Hearing Examiner: Approval
 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.

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**

Council elected to review

DSDS 644 BP (Woodyard Road)
Eastern Petroleum Corporation, Applicant
Located north side of Woodyard Road approximately 84 feet east of Clinton Street (0.738 acre; C-M Zone)
Requesting approval of a Departure of Sign Design Standards for 19.5 feet from the 40-foot setback requirement for the main building associated with a freestanding sign and for 0.7 feet for a freestanding sign from the 10-foot street line setback requirement

04/03/08
CD: 9

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

Council took no action

SP 86116/14 Waterside Subdivision, Lot 10
Samuel M. and Susan L. Todd, Applicants
Located 8209 Waterside Court, Fort Washington, MD 20744 (.52 acre; R-R, L-D-O Zones)
Requesting approval of a Detailed Site Plan for a boat pier for an existing single-family house

04/10/08
CD: 8

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

Council elected to review

SP 85077/01 Senses of a Child Development Center, Inc.
Gwendolyn Lee, Applicant
Located on the north side of Allentown Road, approximately 350 feet west of its intersection with Temple Hill Road (2.01 acres; C-O Zone)
Requesting Approval of a Detailed Site Plan for a Day Care Center for 40 children

04/10/08
CD: 8

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

**(COUNTY COUNCIL ITEM – SEE SEPARATE
COUNTY COUNCIL ACTION AGENDA)**

**DISTRICT COUNCIL RECESSED AT 11:05 A.M. EXECUTIVE
SESSION CONVENED AT 11:10 A.M. DISTRICT COUNCIL
RECONVENED AT 11:55 A.M. DISTRICT COUNCIL ADJOURNED
AT 12:10 P.M.**