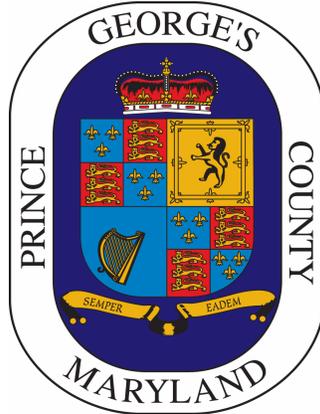


# Prince George's County Council

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



## **Zoning Agenda - Final**

**(9:30 AM Agenda Briefing Rm 2027)**

**Monday, October 15, 2018**

**10:00 AM**

**Council Hearing Room**

## **Sitting as the District Council**

*Dannielle M. Glaros, District 3, Chair*

*Derrick Leon Davis, District 6*

*Mel Franklin, District 9*

*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, Vice Chair*

*Robert J. Williams, Jr., Council Administrator*

RULES OF COURTESY

You are now participating in the process of representative government. We welcome your interest and hope you will attend Prince George's County District Council meetings often. Good government depends on the interest and involvement of you and your fellow citizens. All District Council Sessions are public meetings, however, a part of the meeting may be conducted in closed session.

To insure fair and orderly meetings, the District Council has adopted rules which apply to all members of the Council, administrative staff, news media, citizens and visitors which provide that no one may delay or interrupt the proceedings or refuse to obey the orders of the presiding officer. No posters or placards may be brought into the hearing room, nor any food and drink. Citizens are admitted up to the Fire Safety capacity only.

ORAL ARGUMENT HEARINGS

Testimony at Oral Argument Hearings is limited to thirty (30) minutes for each side, including questions from the Council Members, unless extended by the Chairman of the Council. Persons wishing to give oral argument on a specific case should sign the forms provided in the front of the hearing room. Testimony at Oral Argument Hearings must be based on the record, and no new evidence will be permitted. Only persons of record may testify.

EVIDENTIARY HEARINGS

A verbatim transcript is prepared for all Evidentiary Hearings. Testimony and evidence are presented and exhibits introduced. Transcripts of these hearings along with any exhibits, constitute the record in the case.

ORDER OF PRESENTATION AT HEARINGS

1. Orientation by the Planning Staff or appropriate staff person
2. Testimony from the side requesting the hearing
3. Testimony from the side favoring the decision
4. Comments by the People's Zoning Counsel
5. Five (5) minute rebuttal from the side requesting hearing
6. Five (5) minute rebuttal from the side favoring decision

PARTICIPATION IN ZONING MEETINGS

Meetings of the District Council are formal proceedings and are recorded. If you are eligible to participate, register with the Clerk, and when called by the presiding officer, follow the following steps:

1. Come forward to the speaker's podium and state your name and address for the record.
2. Present comments as succinctly as possible.
3. Confine remarks to information contained in the record, except for Evidentiary Hearings.
4. Observe time limitations as directed by the presiding officer.
5. Give any written statements to the Clerk of the Council

In accordance with ADA Requirements, accommodations for hearing impaired, disabled persons and visually impaired can be provided upon reasonable notice to the Clerk of the Council. Sign language interpreters are available with advance notice by calling 301-952-3600. In the event of inclement weather, please call 301-952-4810 to confirm the status of County Business.

FOR LIVE STREAMING AND VIDEO VISIT OUR WEBSITE AT: <http://pgccouncil.us>

PLEASE SILENCE ALL CELLULAR PHONES WHILE IN THE HEARING ROOM.

**9:30 AM AGENDA BRIEFING - (ROOM 2027)**

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

**INVOCATION**

*Mrs. Daria Bailey, County Employee*

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 09242018](#)

**District Council Minutes Dated September 24, 2018**

**Attachment(s):**

[9-24-2018 District Council Minutes DRAFT](#)

**ORAL ARGUMENTS****CDP-1701****The Preserve at Westphalia****Applicant(s):**

Green Revolution Realty, LLC

**Location:**

Located in the northwest quadrant of the intersection of Westphalia Road and Ritchie Marlboro Road in Upper Marlboro, Maryland (63.66 Acres; R-M / L-A-C Zones).

**Request:**

Requesting approval of a Comprehensive Design Plan (CDP) to develop a 63.66-acre site with a range of 235–330 residential dwelling units and 12,500 square feet of commercial development. Specifically, the CDP illustrates 101 single-family detached (SFD) dwellings in the Residential Medium Development (R-M) Zone, and 147 single-family attached (SFA) dwellings and 22 SFD dwellings in the Local Activity Center (L-A-C) Zone. In addition, the CDP also includes a 1.93-acre area for the proposed 12,500 square feet of commercial development.

**Council District:**

6

**Appeal by Date:**

9/4/2018

**Review by Date:**

10/1/2018

**Action by Date:**

1/3/2019

**History:**

07/18/2018	M-NCPPC Technical Staff	approval with conditions
07/26/2018	M-NCPPC Planning Board	approval with conditions
09/04/2018	Person of Record	appealed
	<i>Mr. Marwin Glenn filed an appeal in opposition to the proposal and requested Oral Argument.</i>	
09/04/2018	Person of Record	appealed

*Ms. Veneta Wills filed an appeal in opposition to the proposal and requested Oral Argument.*

**Attachment(s):**

[CDP-1701 Zoning Agenda Item Summary](#)

[CDP-1701 Planning Board Resolution 18-71](#)

CDP-1701\_PORL

[CDP-1701 Technical Staff Report\\_Supplemental](#)

**ORAL ARGUMENTS (Continued)**[HPC-062-10](#)**Appeal of Decision of Historic Preservation Commission  
Briarly Academy (Old Hotel) (Historic Resource - Area 62-10)****Applicant(s):**

Jumes House/Briarly Academy

**Location:**

Located off a rise of ground immediately east of Old Washington-Baltimore turnpike between Vansville and Muirkirk and identified as 11777 OLD Baltimore Pike, Beltsville, Maryland 20705.

**Request:**

The instant action involves the appeal of the Decision of the Historic Preservation Commission (“HPC”) to amend the July 1981 Historic Sites and Districts Plan, which included the subject property, the Briarly Academy (Old Hotel)(62-10) in its Historic Resource Inventory, by designating the Briarly Academy (Old Hotel) as a Historic Site in the Plan’s Inventory of Historic Sites.

**Council District:**

1

**Appeal by Date:**

6/15/2018

**Action by Date:**

1/28/2019

**Opposition:**

None

**History:**

05/31/2018

Zoning Hearing Examiner

approval

06/13/2018

Applicant

appealed

*Joseph P. Suntum, Esq., Counsel for Elpis Sakaria, Owner, filed Exceptions to the Zoning Hearing Examiner's Decision and requested Oral Argument.*

07/09/2018

Sitting as the District Council

announced hearing date

09/17/2018

Sitting as the District Council

announced hearing date

10/01/2018

Applicant

filed

*Joseph P. Suntum, Esq. counsel for the owner, filed a request for a stay or postponement of the hearing, pending a decision from the Maryland Court of Special Appeals.*

10/09/2018

Historic Preservation Commission

filed

*John Peter Thompson, Chairman, submitted a letter in opposition to Ms. Sakaria's request for a stay and asked that the stay be denied.*

**Attachment(s):** [HPC 062-010 - Zoning Hearing Examiner Decision](#)  
HPC 062-010 - PORL  
[HPC-062-10 Zoning Agenda Item Summary \(ZAIS\)](#)

**MANDATORY REVIEW (Using Oral Argument Procedures)**

[CSP-18002](#)

**Magruder Pointe**

**Applicant(s):**

Werlein WSSC, LLC

**Location:**

Located in the southeast quadrant of the intersection of Hamilton Street and 40th Avenue, north of Gallatin Street and west of 40th Place. The subject site is also located within the Traditional Residential Neighborhood (TRN) Character Area of the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District (Gateway Arts District Sector Plan and SMA) (8.26 Acres; R-55/O-S/D-D-O Zones) .

**Request:**

Requesting approval of a Conceptual Site Plan (CSP) application proposing to rezone the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use-Infill (M-U-I) Zone for a future single-family residential development. No site improvements have been proposed in this CSP.

**Council District:**

2

**Appeal by Date:**

9/4/2018

**Review by Date:**

9/30/2018

**Action by Date:**

10/30/2018

**Comment(s):**

Mandatory Review:

District Council review of this case is required by Section 27-548.26(b) of the Zoning Ordinance.

**Municipality:**

City of Hyattsville

**History:**

07/18/2018

M-NCPPC Technical Staff

disapproval

*DISAPPROVAL of the request and decline to recommend rezoning the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use-Infill (M-U-I) Zone.*

07/18/2018

M-NCPPC Technical Staff

approval with conditions

*APPROVAL of rezoning the 4.66-acre property in the Open Space (O-S) Zone to the One-Family Detached Residential (R-55) Zone and permit single-family attached residential development with a required detailed site plan, in accordance with the goals and recommendations*

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		<i>of the Traditional Residential Neighborhood Character Area on the property.</i>
07/26/2018	M-NCPPC Planning Board	disapproval
		<i>DISAPPROVAL of the request and decline to recommend rezoning the property from the One-Family Detached Residential (R-55) and Open Space (O-S) Zones to the Mixed Use-Infill (M-U-I) Zone.</i>
07/26/2018	M-NCPPC Planning Board	approval with conditions
		<i>APPROVAL of recommendation to rezone the 4.66-acre property in the Open Space (O-S) Zone to the One-Family Detached Residential (R-55) Zone and permit single-family attached residential development with a required detailed site plan, in accordance with the goals and recommendations of the Traditional Residential Neighborhood Character Area on the property. The maximum density for single-family attached is 9 dwelling units per acre and the maximum density for single-family detached is as permitted in the R-55 Zone, or 6.7 dwelling units per acre.</i>
09/04/2018	Person of Record	appealed
		<i>Mr. Daniel Muth, Mr. Greg Smith, Mr. Peter Anton Veigas, Ms. Wendy Beatty, Ms. Sarah Eisen, Ms. Nina Faye, Mr. Paul Hrusa, and Mr. Chris Currie, filed an appeal in opposition to the proposal and requested Oral Argument.</i>
09/10/2018	Applicant	filed
		<i>Norman D. Rivera, Esq., attorney for the applicant, filed a rebuttal to the September 4, 2018 appeal filed by Mr. Daniel Muth, Mr. Greg Smith, Mr. Peter Anton Veigas, Ms. Wendy Beatty, Ms. Sarah Eisen, Ms. Nina Faye, Mr. Paul Hrusa, and Mr. Chris Currie.</i>
09/10/2018	Person of Record	filed
		<i>Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter with an attached legal opinion by their attorney, J. Carroll Holzer, Esq. in opposition to the proposal and opposition to the proposed September 17, 2018 Oral Argument.</i>
09/17/2018	Sitting as the District Council	continued to a later date
		<i>Stan Brown, People's Zoning Counsel, spoke to the need to continue this case until Tuesday, October 15, 2018 at 10:00 a.m.</i>
09/24/2018	Person of Record	filed
		<i>Candace B. Hollingsworth, Mayor, City of Hyattsville, filed a letter</i>

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*requesting a remand to the Planning Board to allow the city to submit additional testimony related to the R-55 recommendation.*

09/26/2018

Person of Record

filed

*Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter in opposition to the proposed October 15, 2018 Oral Argument.*

09/27/2018

Person of Record

filed

*Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a second letter in opposition to the proposed October 15, 2018 Oral Argument.*

10/09/2018

Person of Record

filed

*J. Carroll Holzer, Esq., attorney for Mr. Greg Smith, Mr. Daniel Muth, and Mr. Carl Nielsen, filed a letter in opposition to the proposed October 15, 2018 Oral Argument.*

10/12/2018

Applicant

filed

*Norman D. Rivera, Esq., attorney for the applicant, filed a letter concurring with a continuance of the October 15, 2018 Oral Argument to satisfy state affidavit requirements.*

**Attachment(s):**

[CSP-18002 Zoning Agenda Item Summary](#)

[CSP-18002 Planning Board Resolution 18-74](#)

CSP-18002\_PORL\_Rev

[CSP-18002 Technical Staff Report Supplemental](#)

**NEW CASE(S)**[DSP-11017](#)[AmendCond Remand](#)**Hyattsville Subway Sandwich Shop (Amendment of Conditions)**  
**(REMAND)****Companion Case(s):** DSP-11017 Amend of Conditions**Applicant(s):** Jagjot Khandpur**Location:** Located on the western side of Baltimore Avenue (US 1), approximately 790 feet south of its intersection of Farragut Street (0.15 Acres, M-U-I/D-D-O Zones).**Request:** Requesting approval for an amendment of condition of the District Council decision dated February 12, 2013, that Condition 1(k), supra, be revised to allow a wooden fence enclosure for the dumpster to the rear of the site.**Council District:** 2**Appeal by Date:** 9/7/2018**Action by Date:** 2/28/2019**Municipality:** Hyattsville**Opposition:** None**History:**

06/06/2017	Applicant	filed
	<i>Jagjot S. Khandpur, attorney for the applicant, filed a request to amend condition 1(k) of the District Council final decision dated February 12, 2013.</i>	
06/07/2017	Clerk of the Council	transmitted
	<i>The Clerk of the Council transmitted the case to the Zoning Hearing Examiner for a Public Hearing.</i>	
10/05/2017	Zoning Hearing Examiner	approval with conditions
11/06/2017	Sitting as the District Council	deferred
	<i>Council deferred this item to November 13, 2017.</i>	
11/13/2017	Sitting as the District Council	elected to make the final decision
	<i>Council elected to schedule Oral Arguments (Vote: 8-0; Absent: Council Member Glaros).</i>	
01/25/2018	Clerk of the Council	mailed

*Notice of Oral Argument Hearing was mailed to Persons of Record.*

02/22/2018 Applicant filed  
*Jagjot S. Khndpur, Esq., attorney for the applicant, filed a letter requesting a remand to the Zoning Hearing Examiner.*

02/26/2018 Sitting as the District Council referred for document  
*Prior to Oral Argument, Stan Brown, People's Zoning Counsel, summarized a request for Remand filed by the applicant. Council referred item to staff for preparation of a document of remand to the Zoning Hearing Examiner (Vote: 7-0; Absent: Council Members Davis and Lehman).*

03/12/2018 Sitting as the District Council remanded  
*Council adopted the prepared Order of Remand (Vote: 7-0; Absent: Council Members Franklin and Harrison).*

08/23/2018 Zoning Hearing Examiner approval with conditions

09/17/2018 Sitting as the District Council deferred  
*Council deferred this item to a later date.*

**Attachment(s):**

[DSP-11017 AmendCond Remad Agenda Item Summary](#)  
[DSP-11017 District Council Decision\\_02122013](#)  
[DSP-11017 Planning Board Resolution 12-98](#)  
[DSP-11017 Technical Staff Report](#)

*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).*

**ITEM(S) FOR DISCUSSION****DSP-18017****JDA Baltimore Avenue****Applicant(s):**

JSF Management, LLC

**Location:**

Located on the west side of US 1 (Baltimore Avenue), in the northwest quadrant of the “T” intersection of US 1 and Hollywood Road, at 9604 Baltimore Avenue. The site is also within the Corridor Infill Character Area and is subject to the Development District Overlay (D-D-O) Zone standards found in the Central US 1 Corridor Sector Plan and SMA (0.88 Acres; C-S-C Zone).

**Request:**

Requesting approval of a Detailed Site Plan to modify the Table of Uses of the 2010 Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment (Central US 1 Corridor Sector Plan and SMA), to expressly permit a consolidated storage facility on the subject site and construct a 116,615-square-foot building.

**Council District:**

1

**Appeal by Date:**

9/4/2018

**Review by Date:**

9/30/2018

**Action by Date:**

10/30/2018

**Comment(s):**

Mandatory Review:

District Council review of this case is required by Section 27-548.26(b) of the Zoning Ordinance.

**History:**

07/11/2018	M-NCPPC Technical Staff	approval with conditions
07/26/2018	M-NCPPC Planning Board	approval with conditions
08/31/2018	Person of Record	appealed

*Ms. Mary Cook, Mr. Oscar Gregory, Ms. Stasia Hutchison, and Myron Hutchison filed an appeal in opposition to the proposal and requested Oral Argument.*

09/10/2018	Applicant	filed
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*Edward, C. Gibbs, Esq., attorney for the applicant, filed a response to the August 31, 2018 appeal filed by Ms. Mary Cook, Mr. Oscar Gregory, Ms. Stasia Hutchison, and Myron Hutchison.*

09/17/2018	Sitting as the District Council	hearing held; case taken under advisement
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*Henry Zhang, M-NCCPC, provided an overview of the Detailed Site*

*Plan application. The following people spoke in opposition: Terry Schum on behalf of the College Park City Council, Mary Cook, Myron Hutchison, Stasia Hutchison and Oscar Gregory. Judy Blumenthal, Robert Duchene, Peter Moran and Edward Gibbs, Esq., attorney for the applicant, spoke in support of the application. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented by the parties. The Mandatory Review Hearing was held and Council took this item under advisement.*

**Attachment(s):**

[DSP-18017 Zoning Agenda Item Summary](#)

[DSP-18017 Planning Board Resolution 18-73](#)

DSP-18017\_PORL

[DSP-18017 Technical Staff Report](#)



*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.*

**ADJOURN**

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

[EX 10152018](#)

Motion to convene in executive session to consider the investment of public funds in accordance with Section 3-305(b) (5), General Provisions Article, Annotated Code of Maryland.