

Prince George's County Council

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



Zoning Agenda

Monday, November 18, 2013

10:00 AM

Council Hearing Room

Sitting as the District Council

Andrea C. Harrison, Chair, District 5

Mary A. Lehman, District 1

Will A. Campos, District 2

Eric C. Olson, District 3

Ingrid M. Turner, District 4

Derrick Leon Davis, District 6

Karen R. Toles, District 7

Obie Patterson, Vice Chair, District 8

Mel R. Franklin, District 9

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.

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 on video and audio tapes. 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.

THE USE OF CELLULAR PHONES IN THE HEARING ROOM IS PROHIBITED

9:30 AM AGENDA BRIEFING**10:00 AM CALL TO ORDER****INVOCATION****PLEDGE OF ALLEGIANCE****APPROVAL OF DISTRICT COUNCIL MINUTES****ORAL ARGUMENTS****[DSP-12045 REMAND](#) First Beginnings Children's Center (Remand)****Companion Case(s):** DSP-12045**Applicant(s):** First Beginnings Children's Center LLC**Location:** Located in the northeastern quadrant of the intersection of Silver Hill Road (MD 458) and Old Silver Hill Road (4.02 Acres; C-S-C Zone)**Request:** Requesting approval of a Detailed Site Plan for a day care center for thirty-eight children in an existing shopping center and additional review required by the District Council's Order of Remand dated July 15, 2013**Council District:** 7**Appeal by Date:** 10/17/2013**Review by Date:** 10/17/2013**Action by Date:** 2/17/2014**History:**

07/15/2013 Sitting as the District Council remanded

Council referred DSP-12045 to staff for preparation of an Order of Remand (Vote 9-0) and subsequently adopted the prepared Order of Remand (Vote 9-0).

08/22/2013 M-NCPPC Technical Staff approval with conditions

09/12/2013 M-NCPPC Planning Board approval with conditions

09/23/2013 Sitting as the District Council elected to review

Council elected to review (Voice Vote: 8-0; Absent: Council Member Franklin).

Attachment(s): [DSP-12045 REMAND Technical Staff Report](#)
 DSP-12045 REMAND_PORL
[DSP-12045 REMAND Planning Board Resolution 13-23](#)

DSP-13008**Gilpin Property**

Applicant(s): Boundary Stone SE #6, LLC
Location: Located in the southeastern quadrant of the intersection of Southern Avenue and Wheeler Road (14.43 Acres; I-1 Zone)
Request: Requesting approval of a Detailed Site Plan for conversion of an existing building into a consolidated-storage building with 615 interior-access units
Council District: 7
Appeal by Date: 10/17/2013
Review by Date: 10/17/2013
Action by Date: 2/17/2014

History:

07/10/2013	M-NCPPC Technical Staff	disapproved
09/12/2013	M-NCPPC Planning Board	approval with conditions
09/23/2013	Sitting as the District Council	deferred
	<i>Council deferred this item to September 30, 2013.</i>	
09/30/2013	Sitting as the District Council	deferred
09/30/2013	Sitting as the District Council	elected to review
	<i>Council elected to review (Vote: 8-0; Absent: Council Member Turner)</i>	

Attachment(s): [DSP-13008 Technical Staff Report](#)
 DSP-13008_PORL
[DSP-13008 Planning Board Resolution 13-93](#)

MANDATORY REVIEW (Using Oral Argument Procedures)**DSP-05084-02****University Town Center, Parcel S****Applicant(s):**

ECHO-UTC, LLC

Location:

Located on the north side of East-West Highway (MD 410), in the northeast quadrant of its intersection with America Boulevard (3.49 Acres; M-X-T & T-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan for a mixed-use development of 85,524 square feet, including a food and beverage store, other retail, office, and amendments to the use table, building height, and reduction in width and design of the streetscape.

Council District:

2

Action by Date:

2/17/2014

Comment(s):

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

Municipality:

City of Hyattsville

History:

10/16/2013

M-NCPPC Technical Staff

approval with conditions

10/31/2013

M-NCPPC Planning Board

approval with conditions

11/06/2013

Person of Record

waived right to appeal

On November 6, 2013 all Persons of Record waived their right to appeal the decision of the Planning Board and the 30-day Notice requirement.

11/06/2013

People's Zoning Counsel

waived right to appeal

On November 6, 2013 Stan Brown, People's Zoning Counsel, waived his right to appeal the decision of the Planning Board and the 30-day Notice requirement.

11/07/2013

Sitting as the District Council

transmitted a letter

Council Member Campos requested to expedite scheduling.

Proposed Backup: Order of Approval, with conditions.

REFERRED FOR DOCUMENT[DSP-03089-01](#)**Hanson Palmer Industrial Park, Parcel C****Applicant(s):**

FCW Justice, Inc.

Location:

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)

Request:

Requesting approval of a Detailed Site Plan for a combined 12,754-square-foot restaurant, car wash and full-service laundromat building

Council District:

5

Appeal by Date:

8/1/2013

Review by Date:

9/2/2013

Action by Date:

11/22/2013

History:

05/22/2013	M-NCPPC Technical Staff	approval with conditions
06/27/2013	M-NCPPC Planning Board	approval with conditions
07/08/2013	Sitting as the District Council	elected to review
	<i>Council elected to review (Voice Vote: 9-0)</i>	
09/23/2013	Sitting as the District Council	hearing held; case taken under advisement

Jill Kosack, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Thomas Haller spoke on behalf of the applicant. Terry Speigner, Farnese Hicks, Tere Meads and Christina Orticke spoke in opposition. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.

10/28/2013	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of a disapproving document (Vote: 9-0).</i>	

Attachment(s):[DSP 03089-01 Technical Staff Report](#)[DSP 03089-01 Planning Board Resolution](#)*Backup: Order of Denial.*

[SE 4718](#)**D2 Fuego's****Applicant(s):**

D2 Fuego's

Location:

Located on the south side of Jackson Street, approximately 620 feet east of its intersection with 52nd Avenue (0.51 Acres; I-1 Zone).

Request:

Requesting approval of a Special Exception for adult entertainment in the I-1 Zone and a variance from the 1,000-foot minimum setback requirement from residentially-zoned land (Section 27-475.06.06(b))

Council District:

5

Appeal by Date:

6/19/2013

Review by Date:

6/19/2013

Action by Date:

11/18/2013

Municipality:

None

Opposition:

Town of Cheverly, et. al.

History:

12/26/2012

M-NCPPC Technical Staff

disapproval

01/10/2013

M-NCPPC Planning Board

no motion to consider

05/20/2013

Zoning Hearing Examiner

disapproval

06/10/2013

Sitting as the District Council

deferred

Council deferred this item to June 17, 2013.

06/17/2013

Sitting as the District Council

did not elect to make the final decision

06/19/2013

Applicant

appealed

Dennis Whitley III, Esquire filled an appeal to the decision of the Zoning Hearing Examiner and requested Oral Argument on behalf of the applicant.

10/28/2013

Sitting as the District Council

referred for document

Jimi Jones, M-NCPPC planning staff, provided an overview of the Special Exception application. Denis Whitley, III, Esq., spoke on behalf of the applicant. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented. Council referred item to staff for preparation of a disapproving document (Vote: 9-0).

Attachment(s): [SE-4718 ZHE Case Summary Sheet](#)
[SE-4718 ZHE Decistion](#)
 SE 4718 Letter from Hirsh to Epps-Webb
 SE-4718 POR
[SE-4718 Technical Staff Report](#)

Backup: Order of Denial.

ITEM(S) FOR DISCUSSION

[A-9903/02](#)

**A-9903/02-C, A-9280-C and A-9281/07-C Largo Town Center
 "Parcel D" (Remand)**

Applicant(s):

Commons at Largo, LLC/Parcel D

Location:

Located northwest quadrant of the intersection of Lottsford Road and Harry S. Truman Drive (19.89 acres; M-A-C Zone).

Request:

Requesting approval of an Amendment to the Basic Plan to include residential use on Parcels 1A and 1B of Block D in the Largo Town Center, in addition to previously approved office/commercial use and to amend condition 2 of the District Council Order of Approval.

Council District:

6

Appeal by Date:

6/27/2013

Action by Date:

1/10/2014

Municipality:

None

Opposition:

Charles Renniger, et. al.

History:

11/05/2007	Sitting as the District Council	hearing held; case taken under advisement
01/14/2008	Sitting as the District Council	referred for document
	<i>Council referred this item to staff for preparation of an approving document, with conditions (Vote: 9-0).</i>	
01/28/2008	Sitting as the District Council	approval with conditions
	<i>Council adopted Zoning Ordinance No. 3-2008 in accordance with the Zoning Hearing Examiner's decision (Vote: 9-0).</i>	
03/06/2008	Applicant	Rejected
	<i>Arthur J. Horne, Jr., Esq., submitted letter rejecting the conditions of approval on behalf of the applicant.</i>	

07/19/2012	Circuit Court	remanded
	<i>Circuit Court for Prince George's County addressed CAL08 – 07343 Commons at Largo, LLC v. County Council of Prince George's County, Maryland, sitting as the District Council. The Circuit Court remanded the above referenced cases to the District Council by consensus of the parties for appropriate action.</i>	
11/05/2012	Sitting as the District Council	reconsidered
	<i>Council reconsidered item (Vote: 9-0).</i>	
11/05/2012	Sitting as the District Council	referred for document
	<i>Following reconsideration, Council referred item to staff for preparation of an order of Remand to the Zoning Hearing Examiner (Vote: 9-0).</i>	
11/19/2012	Sitting as the District Council	remanded
	<i>Council adopted an Order of Remand to the Zoning Hearing Examiner (Vote: 9-0).</i>	
06/12/2013	Zoning Hearing Examiner	approval with conditions
06/27/2013	Applicant	appealed
	<i>Arthur J. Horne, Jr., Esquire filed an appeal to the decision of the Zoning Hearing Examiner and requested Oral Argument on behalf of the applicant.</i>	
10/28/2013	Sitting as the District Council	hearing held; case taken under advisement
	<i>Jimi Jones, M-NCPPC planning staff, provided an overview of the Zoning Map Amendment Plan application. Arthur Horne, Esq., spoke in support on behalf of the applicant. Charles Renninger, spoke in opposition on behalf of the Largo Civic Association. William Washburn, M-NCPPC assisted in responding to questions posed by the Council. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.</i>	

Attachment(s):

A-9903-02-C Remand Appeal 06272013

[A-9903-02-C Remand ZHE Case Summary Sheet](#)[A-9903-02-C Remand ZHE Decistion](#)

A-9903-02-C Remand POR

DSP-11005Yale HouseApplicant(s):

College Park Investments, LLC.

Location:

Approximately 200 feet south of the intersection of Yale Avenue and Knox Road, within the City of College Park (0.25 Acre; R-18/DDOZ Zones).

Request:

Requesting approval of a Detailed Site Plan for rezoning of the site from the Multifamily Medium-Density Residential (R-18) Zone to the Mixed-Use-Infill (M-U-I) Zone and adding four dwelling unites to the existing building.

Council District:

3

Appeal by Date:

8/29/2013

Action by Date:

1/27/2014

Comment(s):

District Council review of this case is required by the 2010 Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment.

Municipality:

City of College Park

History:

07/02/2013

M-NCPPC Technical Staff

approval with conditions

07/25/2013

M-NCPPC Planning Board

approval with conditions

10/28/2013

Sitting as the District Council

hearing held; case taken under advisement

Henry Zhang, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Ellen Davis, Esq. and Gerard McDohnough spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented. Council took this case under advisement.

Attachment(s):[DSP-11005 Technical Staff Report](#)[DSP-11005 Planning Board Resolution 13-91](#)

DSP-11005_POR

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.

PLANNING BOARD**CSP-07004-01****Westphalia Center****Applicant(s):**

Westphalia Development USA, LLC

Location:

Located on the north side of Pennsylvania Avenue (MD 4), west of Melwood Road, and east of the interchange of Suitland Parkway and Pennsylvania Avenue (530 Acres; M-X-T Zone).

Request:

Requesting reconsideration of an approved Conceptual Site Plan to revise Condition 2(i) of approved PGCPB Resolution No. 10-59(C) to allow more design flexibility in the number and location of the front-loaded garage residential units

Council District:

6

Appeal by Date:

12/5/2013

Review by Date:

1/6/2014

History:

10/09/2013

M-NCPPC Technical Staff

approval with conditions

10/31/2013

M-NCPPC Planning Board

approval with conditions

CNU-11100-2013**American Legion Post #28****Applicant(s):**

American Legion Post #28

Location:

Located on the west side of Powder Mill Road (MD 212) approximately 600 feet north of its intersection with Cherry Hill Road (6.43 Acres; R-T Zone)

Request:

Requesting approval of a Nonconforming Use Certification for a mobile home trailer in the R-T Zone.

Council District:

1

Appeal by Date:

12/5/2013

Review by Date:

1/6/2014

History:

09/24/2013

M-NCPPC Technical Staff

approval

10/31/2013

M-NCPPC Planning Board

approval

[DSP-12019](#)**Dunkin' Donuts, Lanham****Applicant(s):**

Dunkin' Donuts - Lanham

Location:Located on the south side of Annapolis Road (MD 450),
650 feet northeast of its intersection with Harkins Road**Request:**Requesting approval of a Detailed Site Plan for a 304-square-foot building
addition to an existing eating and drinking establishment with
drive-through,
and site modifications**Council District:**

3

Appeal by Date:

12/12/2013

Review by Date:

1/13/2014

History:

09/30/2013

M-NCPPC Technical Staff

approval with conditions

11/13/2013

M-NCPPC Planning Board

approval with conditions

[DSP-13004](#)**Woodland Springs Apartments (District Heights)****Applicant(s):**

Shelter Development, LLC.

Location:Located at the northwest and southwest quadrants of the intersection of
Rochell Avenue and Atwood Street (39.5 Acres; R-18 Zone).**Request:**Requesting approval of a Detailed Site Plan residential revitalization for
addition of 36 townhouse rental units to an existing multifamily
development and a Specimen Tree Variance from the requirements of
Section 25-122(b)(1)(G).**Council District:**

6

Appeal by Date:

12/5/2013

Review by Date:

1/6/2014

Municipality:

City of District Heights

History:

09/04/2013

M-NCPPC Technical Staff

approval with conditions

10/31/2013

M-NCPPC Planning Board

approval with conditions

DSP-13006Westphalia Town Center, Phase IApplicant(s):

Walton Westphalia Development USA, LLC

Location:

Located north of Pennsylvania Avenue (MD 4), west of Melwood Road and east of the interchange of Suitland Parkway and Pennsylvania Avenue

Request:

Requesting approval of a Detailed Site Plan for the first phase of the Westphalia Town Center development of 348 townhouse units

Council District:

6

Appeal by Date:

12/9/2013

Review by Date:

1/8/2014

History:

10/17/2013

M-NCPPC Technical Staff

approval with conditions

11/07/2013

M-NCPPC Planning Board

approval with conditions

ADJOURN1:30 P.M. COUNTY COUNCIL SITTING AS THE BOARD OF HEALTH – (COUNCIL HEARING ROOM)**A. AFFORDABLE HEALTH CARE ACT UPDATE/TECHNICAL NAVIGATION**

Carolyn Quattrocki
Executive Director
Governor's Office of Health Care Reform

B. MedStar Southern Maryland Hospital Center**Request for Letter of Support**

Michael Chiaramonte
President
MedStar Southern Maryland Hospital Center

PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S REPORT

Proposed correspondence to Mr. Ben Steffen, Executive Director, Maryland Health Care Commission, expressing Council's support of access to quality health care for all citizens and in support of Med Star Southern Maryland Hospital Center Certificate of Need Application.

[EX 11182013](#)

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

To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, to consult with counsel to seek legal advice, and to discuss pending or potential litigation in accordance with Section 10-508(a)(4, 7, 8), State Government, Annotated Code of Maryland.

3:00 P.M. BRIEFING - (ROOM 2027)

MARYLAND ASSOCIATION OF COUNTIES (MACo)

**Michael Sanderson, Executive Director
Rick Pollitt, 2013 MACo President**