

Prince George's County Council

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



Zoning Agenda - Final

Tuesday, May 12, 2015

11:00 AM

Council Hearing Room

Sitting as the District Council

*Mel Franklin, District 9, Chairman
Derrick Leon Davis, District 6, Vice Chair
Dannielle M. Glaros, District 3
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

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. 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

(COUNTY COUNCIL - SEE SEPARATE AGENDA)**11:00 AM CONVENE (COUNCIL HEARING ROOM)****REFERRED FOR DOCUMENT****[CSP-11002](#)****Kiplinger Property, Expedited Transit-Oriented Development Project****Companion Case(s):** DPLS-417; DSP-14010**Applicant(s):** Kiplinger Washington Editors**Location:** Located on the south side of East-West Highway (MD 410), at the southwest corner of the intersection of East-West Highway (MD 410) and Editors Park Drive, within the City of Hyattsville (11.68 Acres, M-X-T / T-D-O Zones).**Request:** Requesting approval of a Conceptual Site Plan to revise the original CSP-11002 for the purpose of changing the development concept from multifamily and retail uses and layout, to eliminate the retail use and propose multifamily, townhouses and two-family dwellings.**Council District:** 2**Appeal by Date:** 5/21/2015**Review by Date:** 5/21/2015**Action by Date:** 5/18/2015**Comment(s):** This case is designated for expedited review in accordance with Section 27-290.01(a)(1)(B).**Municipality:** City of Hyattsville**History:**

03/11/2015 M-NCPPC Technical Staff approval with conditions

04/16/2015 M-NCPPC Planning Board approval with conditions

04/27/2015 Sitting as the District Council elected to review

Council elected to review this item (Vote: 8-0; Absent: Council Member Lehman).

05/11/2015 Sitting as the District Council referred for document

*Council referred item to staff for preparation of an approving document, with conditions (Vote: 8-0; Absent: Council Member Toles).***Attachment(s):** [CSP-11002 Planning Board Resolution 13-20\(A\)](#)

CSP-11002_PORL

REFERRED FOR DOCUMENT (Continued)[DSP-14010](#)**Kiplinger, Phase I, Expedited Transit-Oriented Development Project****Companion Case(s):** CSP-11002; DPLS-417**Applicant(s):** Fore Property Company**Location:** Located on the south side of East-West Highway (MD 410), at the southwest corner of the intersection of East-West Highway (MD 410) and Editors Park Drive, within the City of Hyattsville (11.68 Acres, M-X-T / T-D-O Zones).**Request:** Requesting approval of a Detailed Site Plan for development on proposed Lot 1, including a multifamily development of 352 dwelling units and an access road, which provides the main roadway through the development property.**Council District:** 2**Appeal by Date:** 5/21/2015**Review by Date:** 5/21/2015**Action by Date:** 5/18/2015**Comment(s):** This case is designated for expedited review in accordance with Section 27-290.01**Municipality:** City of Hyattsville**History:**

03/11/2015 M-NCPPC Technical Staff approval with conditions

04/16/2015 M-NCPPC Planning Board approval with conditions

04/27/2015 Sitting as the District Council elected to review

Council elected to review this item (Vote: 8-0; Absent: Council Member Lehman).

05/11/2015 Sitting as the District Council referred for document

*Council referred item to staff for preparation of an approving document, with conditions (Vote: 8-0; Absent: Council Member Toles).***Attachment(s):** [DSP-14010 Planning Board Resolution 15-26](#)

DSP-14010_PORL

REFERRED FOR DOCUMENT (Continued)**DPLS-417****Kiplinger, Phase I, Expedited Transit-Oriented Development Project****Companion Case(s):** CSP-11002; DSP-14010**Applicant(s):** Fore Property Company**Location:** Located on the south side of East-West Highway (MD 410), at the southwest corner of the intersection of East-West Highway (MD 410) and Editors Park Drive, within the City of Hyattsville (11.68 Acres, M-X-T / T-D-O Zones).**Request:** Requesting approval of a Departure from Parking and Loading Standards for a reduction in the number of loading spaces for the multifamily development from 2 loading spaces to 1.**Council District:** 2**Appeal by Date:** 5/21/2015**Review by Date:** 5/21/2015**Comment(s):** This case is a companion to DSP-14010 and CSP-11002 (Revised) that are designated for expedited review in accordance with Section 27-290.01.**Municipality:** City of Hyattsville**History:**

03/11/2015	M-NCPPC Technical Staff	approval
04/16/2015	M-NCPPC Planning Board	approval
04/27/2015	Sitting as the District Council	elected to review

Council elected to review this item (Vote: 8-0; Absent: Council Member Lehman).

05/11/2015	Sitting as the District Council	referred for document
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*Council referred item to staff for preparation of an approving document (Vote: 8-0; Absent: Council Member Toles).***Attachment(s):** [DPLS-417 Planning Board Resolution 15-27](#)

DPLS-417_PORL

ITEM(S) FOR DISCUSSION**A-10024 Remand****Fairview Commercial****Applicant(s):**

DD Land Holding, LLC

Location:

Located northwest quadrant of the intersection of Martin Luther King Jr. Highway (MD 704) and Whitfield Chapel Road (7.65 Acres; R-80 Zone)

Request:

Requesting approval of a Zoning Map Amendment for rezoning subject property from the R-80 to C-S-C Zone for development of retail commercial uses.

Council District:

5

Appeal by Date:

1/12/2015

Action by Date:

6/1/2015

Municipality:

None

Opposition:

Judith Dobbins, et. al.

History:

03/08/2012

M-NCPPC Technical Staff

disapproval

07/12/2012

M-NCPPC Planning Board

disapproval

12/31/2012

Zoning Hearing Examiner

disapproval

01/29/2013

Applicant

appealed

Mike S. Nagy, Esquire, Attorney for the applicant filed exceptions to the decision of the Zoning Hearing Examiner and requested oral argument.

05/06/2013

Sitting as the District Council

hearing held

The Oral argument hearing was held; Council took this case under advisement.

05/13/2013

Sitting as the District Council

remanded

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

05/16/2014

Office of the Clerk of the Council

transmitted

The Clerk transmitted remanded case file to the Zoning Hearing Examiner.

12/12/2014

Zoning Hearing Examiner

disapproval

01/12/2015 Applicant appealed
Mike S. Nagy, Esquire, Attorney for the applicant, filed exceptions to the Remand decision of the Zoning Hearing Examiner and requested oral argument.

05/04/2015 Sitting as the District Council hearing held; case taken under advisement
Tom Lockard, M-NCPPC, provided an overview of the Zoning Map Amendment application. Michael Nagy, Esq., spoke in support on behalf of the applicant. Kathy Ruttenhouse, Tjuana Fisher, Judith Dobbins and Lula Beatty spoke in opposition. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.

Council took this case under advisement.

Attachment(s):

[A-10024 \(REMAND\) ZHE Decision](#)

A-10024 POR

[A-10024 District Council Decision](#)

[A-10024 ZHE Decision](#)

[A-10024 Planning Board Resolution 12-60](#)

[A-10024 Technical Staff Report](#)

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