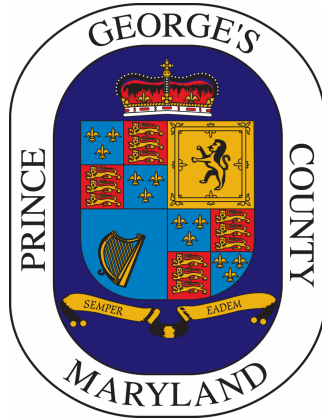


Prince George's County Council

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



Zoning Agenda

Monday, February 10, 2014

10:00 AM

Council Hearing Room

Sitting as the District Council

*Mel Franklin, District 9, Chairman
Will A. Campos, District 2, Vice Chair
Derrick Leon Davis, District 6
Andrea C. Harrison, District 5
Mary A. Lehman, District 1
Eric C. Olson, District 3
Obie Patterson, District 8
Karen R. Toles, District 7
Ingrid 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 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 - Reverend Barry N. Wade Sr., Pastor,
The Body of Christ Church, Capitol Heights**

PLEDGE OF ALLEGIANCE**APPROVAL OF DISTRICT COUNCIL MINUTES**

MINDC 01272014

District Council Minutes dated January 27, 2014**Attachment(s):**

Jan-27-2014 District Council Minutes draft

ORAL ARGUMENTS[DSP-04082-04](#)**Brighton Place****Applicant(s):**

Beazer Homes

Location:

Located on the east side of Rollins Avenue, approximately 1,500 feet south of its intersection with Old Central Avenue (MD 332) (29 Acres; R-55 & R-T (D-D-O) Zones)

Request:

Requesting approval of a Detailed Site Plan adding elevations TRI, TRJ, TRK and TRP of the Chandler townhouse model

Council District:

7

Appeal by Date:

11/6/2013

Review by Date:

11/6/2013

Action by Date:

4/11/2014

History:

09/04/2013	M-NCPPC Technical Staff	approval with conditions
10/03/2013	M-NCPPC Planning Board	approval with conditions
10/21/2013	Sitting as the District Council	deferred
	<i>Council deferred this item to 10/28/2013.</i>	
10/28/2013	Sitting as the District Council	deferred
11/04/2013	Sitting as the District Council	elected to review

Attachment(s): [DSP-04082-04 Planning Board Resolution 13-101](#)
 DSP-04082-04_PORL
[DSP-04082-04 Technical Staff Report](#)

[ERR-214](#)

Validation of Multi-Family Rental Permit No. M-682

Applicant(s): Jianping Wu
Location: 3607 Longfellow Street, Hyattsville, Maryland (0.5915 Acres; R-55 Zone).
Request: Requesting approval of a Validation of the last Multi-Family Rental Permit issued by Prince George's County (M-682), which was issued in error on September 17, 1991, for seven (7) apartment units.
Council District: 2
Appeal by Date: 11/6/2013
Review by Date: 11/6/2013
Action by Date: 4/7/2014
Municipality: City of Hyattsville
Opposition: None

History:

10/07/2013	Zoning Hearing Examiner	denial
11/04/2013	Applicant	appealed

On November 4, 2013, Lawrence N. Taub filed an appeal on behalf of the applicant and requested Oral Argument.

Attachment(s): [ERR-214 ZHE Zoning Case Summary](#)
[ERR-214 Zoning Hearing Examiner Decision](#)
 ERR-214 ZHE POR
[ERR-214 File Materials](#)
[ERR-214 Appeal Letter](#)

REFERRED FOR DOCUMENT[ERR-228](#)**ERR 228 Bojangles' Restaurant****Applicant(s):**

Bojangles' Restaurant Inc.

Location:

Located on the north side of US 301 approximately 203 feet east of its intersection with Osborne Road, aka 7571 Southwest Crain Highway, Upper Marlboro (1.761 Acres; C-S-C Zone)

Request:

Requesting approval for a validation of Prince George's County Sign Permits 9325-2001-01 and 28174-2001-01 Issued in Error on November 15, 2001 for a sign located on approximately 1.76 acres of land in the C-S-C Zone

Council District:

9

Appeal by Date:

1/13/2014

Review by Date:

1/30/2014

Action by Date:

4/30/2014

Municipality:

None

Opposition:

None

History:

12/12/2013

Zoning Hearing Examiner

approval

01/27/2014

Sitting as the District Council

referred for document

Council referred item to staff for the preparation of an approving document (Vote: 7-0; Absent: Council Members Harrison and Toles).

Attachment(s):[ERR 228 Zoning Hearing Examiner Decision](#)

ERR-228 POR

Backup: Zoning Ordinance No. 2-2014.

ITEM(S) FOR DISCUSSION**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
	<i>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).</i>	
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
	<i>Council elected to review (Voice Vote: 8-0; Absent: Council Member Franklin).</i>	
11/18/2013	Sitting as the District Council	hearing held; case taken under advisement
	<i>Ruth Grover, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Arthur Horne, Jr., Esq. and the applicant Tasha Upchurch spoke in support of the application. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.</i>	

Attachment(s): [DSP-12045 REMAND Technical Staff Report](#)

DSP-12045 REMAND_PORL

[DSP-12045 REMAND Planning Board Resolution 13-23](#)

[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

Action by Date:

3/14/2014

History:

10/09/2013

M-NCPPC Technical Staff

approval with conditions

10/31/2013

M-NCPPC Planning Board

approval with conditions

11/18/2013

Sitting as the District Council

elected to review

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

01/13/2014

Sitting as the District Council

hearing held; case taken under advisement

Chairman Franklin announced that the Oral Argument Hearings for CSP-07004/01, DSP-13001, and DSP-13006 would be held in tandem. Henry Zhang, M-NCPPC planning staff, provided an overview of the Conceptual and Detailed Site Plan applications. William Shipp, Esq., spoke in support on behalf of the applicant. Steven Gang, architect, assisted in the applicant's presentation. Stan Brown, People's Zoning Counsel, provided an overview of the cases and spoke to the legalities of the argument presented.

Attachment(s):[CSP-07004-01 Planning Board Resolution 10-59](#)

CSP-07004-01_PORL

[CSP-07004-01 Technical Staff Report](#)

[DSP-13001](#)**Westphalia Town Center Umbrella DSP for Residential Architecture****Applicant(s):**

Walton Westphalia Development, 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 (478.8 Acres; M-X-T Zone).

Request:

Requesting approval of a Detailed Site Plan for an Umbrella DSP for Residential Architecture (excluding multifamily buildings)

Council District:

6

Appeal by Date:

11/2/2013

Review by Date:

11/2/2013

Action by Date:

3/14/2014

History:

09/11/2013	M-NCPPC Technical Staff	approval with conditions
10/17/2013	M-NCPPC Planning Board	approval with conditions
10/28/2013	Sitting as the District Council	elected to review
	<i>Council elected to review (Voice Vote: 9-0)</i>	
01/13/2014	Sitting as the District Council	hearing held; case taken under advisement

Chairman Franklin announced that the Oral Argument Hearings for CSP-07004/01, DSP-13001, and DSP-13006 would be held in tandem. Henry Zhang, M-NCPPC planning staff, provided an overview of the Conceptual and Detailed Site Plan applications. William Shipp, Esq., spoke in support on behalf of the applicant. Steven Gang, architect, assisted in the applicant's presentation. Stan Brown, People's Zoning Counsel, provided an overview of the cases and spoke to the legalities of the argument presented.

Attachment(s):[DSP-13001 Planning Board Resolution 13-107](#)

DSP-13001_PORL

[DSP-13001 Technical Staff Report and case backup](#)

[DSP-13006](#)**Westphalia Town Center, Phase I****Applicant(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

Action by Date:

3/14/2014

History:

10/17/2013

M-NCPPC Technical Staff

approval with conditions

11/07/2013

M-NCPPC Planning Board

approval with conditions

11/18/2013

Sitting as the District Council

elected to review

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

01/13/2014

Sitting as the District Council

hearing held; case taken under advisement

*Chairman Franklin announced that the Oral Argument Hearings for CSP-07004/01, DSP-13001, and DSP-13006 would be held in tandem. Henry Zhang, M-NCPPC planning staff, provided an overview of the Conceptual and Detailed Site Plan applications. William Shipp, Esq., spoke in support on behalf of the applicant. Steven Gang, architect, assisted in the applicant's presentation. Stan Brown, People's Zoning Counsel, provided an overview of the cases and spoke to the legalities of the argument presented.***Attachment(s):**[DSP-13006 Planning Board Resolution 13-119](#)

DSP-13006_PORL

[DSP-13006 Technical Staff Report](#)

[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

Council deferred this item to September 30, 2013.

09/30/2013

Sitting as the District Council

deferred

09/30/2013

Sitting as the District Council

elected to review

Council elected to review (Vote: 8-0; Absent: Council Member Turner)

11/18/2013

Sitting as the District Council

hearing held; case taken under advisement

*Meika Fields, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Arthur Horne, Jr., Esq., and the applicant Harvey Maizel spoke in support of the application. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented.***Attachment(s):**[DSP-13008 Technical Staff Report](#)

DSP-13008_PORL

[DSP-13008 Planning Board Resolution 13-93](#)

[SE-4605](#)**Barnabas Road Concrete Recycling Facility (Remand)****Applicant(s):**

Barnabas Road Associates, LLC

Location:

Located at the Terminus of Clifton Road, approximately 1,150 feet south of its intersection with St. Barnabas Road (4.38 acres; I-1 Zone)

Request:

Requesting approval of a Special Exception for a Concrete Recycling Facility

Council District:

8

Municipality:

N/A

Opposition:

Gordon's Corners Citizens Association et al.

History:

10/29/2010

Applicant

appealed

On October 29, 2010, the Applicant filed a Petition for a Writ of Mandamus in the Circuit Court requesting that the Court order the District Council to make a final decision on this application. On April 5, 2011, the Court was notified that the Applicant was withdrawing their Petition for Writ of Mandamus pursuant to an agreement between the parties that the District Council would render a final decision on this Application by adopting an Order either approving or denying the Application.

04/11/2011

Sitting as the District Council

referred for document

On April 11, 2011, Council reconsidered previous action and subsequently referred item to staff for the preparation of an Order of Denial (Vote: 9-0).

05/09/2011

Sitting as the District Council

disapproval

On May 9, 2011, Council adopted an Order of Denial (Vote: 9-0).

On June 3, 2011, the Applicant appealed to the Circuit Court for Prince George's County in Civil Action Number 11-13616. In June 2012, the Circuit Court reversed the District Council's decision. In July 2013, the District Council appealed the case to the Court of Special Appeals of Maryland. The Court of Special Appeals of Maryland instructed the Circuit Court to vacate the ruling of the District Council and remand the case to the District Council for a new decision applying the correct legal standard for a special exception and to limit its decision based solely on the administrative record.

The Circuit Court has complied with Court of Special Appeals Mandate and this matter is before us for a new decision no later than March 2014.

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[DSP-04040-06](#)**Waterford****Applicant(s):**

Stanley Martin Homes

Location:

Located on the north side of Woodmore Road, approximately 2,000 feet east of its intersection with Pleasant Prospect Road (261.19 Acres; R-A Zone).

Request:

Requesting approval of a Detailed Site Plan review of building architecture for Lott 99, Block A, in accordance with condition 20 of the District Council Order for DSP-04040.

Council District:

6

Appeal by Date:

3/6/2014

Review by Date:

3/6/2014

History:

12/23/2013

M-NCPPC Technical Staff

approval with conditions

01/30/2014

M-NCPPC Planning Board

approval with conditions

ADJOURN