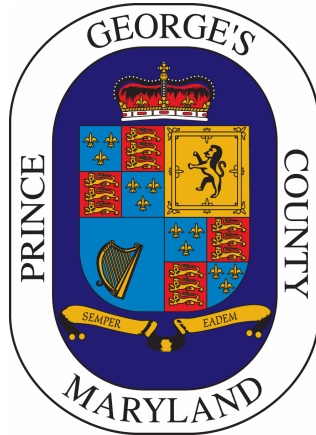


Prince George's County Council

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



Zoning Minutes - Final

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**10:22 AM CALL TO ORDER**

The meeting was called to order at 10:22 a.m. with seven members present at roll call. Council Member Harrison was absent due to illness. Council Member Davis arrived at 10:35 a.m.

Present: 8 - Chairman Mel Franklin
 Vice Chair Will Campos
 Council Member Derrick Davis
 Council Member Mary Lehman
 Council Member Eric Olson
 Council Member Obie Patterson
 Council Member Karen Toles
 Council Member Ingrid Turner

Absent: Council Member Andrea Harrison

*Also Present: Rajesh Kumar, Principal Counsel to the District Council
 Stan Brown, People's Zoning Counsel
 Robert J. Williams, Jr., Council Administrator
 William M. Hunt, Deputy Council Administrator
 Redis C. Floyd, Clerk of the Council
 Donna J. Brown, Deputy Clerk of the Council*

*M-NCPPC
 Sherri Conner, Development Review Division
 Jimi Jones, Supervisor, Development Review Division*

*DPIE
 Jerry Green, Acting Code Enforcement Officer
 William Edelen, Code Enforcement Officer*

INVOCATION - Reverend Barry N. Wade Sr., Pastor,**The Body of Christ Church, Capitol Heights**

Council Member Toles requested prayer for Lt. Governor Anthony Brown and his family due to the loss of his father. Council Chair Franklin requested prayer for wisdom and guidance from God for himself and his colleagues.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Olson.

APPROVAL OF DISTRICT COUNCIL MINUTES[MINDC 01272014](#)**District Council Minutes dated January 27, 2014**

A motion was made by Council Member Turner, seconded by Council Member Patterson, that the Minutes be approved. The motion carried by the following vote:

Aye: 7 - Franklin, Campos, Lehman, Olson, Patterson, Toles and Turner

Absent: Davis and Harrison

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:

Sherrri Conner, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Tom Haller, Esq., 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.

This Detailed Site Plan hearing was held and the case was taken under advisement.

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

[ERR-214](#)**Jianping Wu****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:

Prior to Oral Argument, People's Zoning Counsel, Stan Brown, stated that there was a request from the Applicant to remand this case to the Zoning Hearing Examiner to correct an error. Stan Brown also stated that he was in agreement with the request for remand and that there was no opposition.

Subsequently, Council referred this item to staff for preparation of a remanding document to the Zoning Hearing Examiner (Vote: 7-0; Absent: Council Members Harrison and Olson).

A motion was made by Vice Chair Campos, seconded by Council Member Davis, that this Permit issued in error be referred for document. The motion carried by the following vote:

Aye: 7 - Franklin, Campos, Davis, Lehman, Patterson, Toles and Turner

Absent: Harrison and Olson

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:

Council adopted the prepared Zoning Ordinance No. 2 - 2014 (Vote: 8-0; Absent: Council Member Harrison).

A motion was made by Chairman Franklin, seconded by Council Member Davis, that this Permit issued in error be approved. The motion carried by the following vote:

Aye: 8 - Franklin, Campos, Davis, Lehman, Olson, Patterson, Toles and Turner

Absent: Harrison

Backup: Zoning Ordinance No. 2-2014

ITEM(S) FOR DISCUSSION[DSP-12045](#)**First Beginnings Children's Center (Remand)**[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:***Council deferred this item to February 11, 2014***This Detailed Site Plan was deferred to February 11, 2014.****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:

Council referred this item to staff for preparation of an approving document, with conditions (Vote: 7-0; Absent: Council Members Harrison and Lehman).

A motion was made by Council Member Davis, seconded by Council Member Turner, that this Conceptual Site Plan be referred for document. The motion carried by the following vote:

Aye: 7 - Franklin, Campos, Davis, Olson, Patterson, Toles and Turner

Absent: Harrison and Lehman

[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: 11/21/2013

Review by Date: 11/21/2013

Action by Date: 3/14/2014

History:

Council referred this item to staff for preparation of an approving document, with conditions (Vote: 7-0; Absent: Council Members Harrison and Lehman).

A motion was made by Council Member Davis, seconded by Council Member Turner, that this Detailed Site Plan be referred for document. The motion carried by the following vote:

Aye: 7 - Franklin, Campos, Davis, Olson, Patterson, Toles and Turner

Absent: Harrison and Lehman

[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:

Council referred this item to staff for preparation of an approving document, with conditions (Vote: 7-0; Absent: Council Members Harrison and Lehman).

A motion was made by Council Member Davis, seconded by Council Member Turner, that this Detailed Site Plan be referred for document. The motion carried by the following vote:

Aye: 7 - Franklin, Campos, Davis, Olson, Patterson, Toles and Turner

Absent: Harrison and Lehman

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:

Council deferred this item.

This Detailed Site Plan was deferred.

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

Action by Date: 4/21/2014

Municipality: N/A

Opposition: Gordon's Corners Citizens Association et al.

History:

Council deferred this item to March 17, 2014.

This Special Exception was deferred to March 17, 2014.

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 Lot 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:**

Council took no action on this item.

Council did not elect to review this Detailed Site Plan.

11:14 AM ADJOURN

The meeting was adjourned at 11:14 a.m.

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Redis C. Floyd, Clerk of the Council