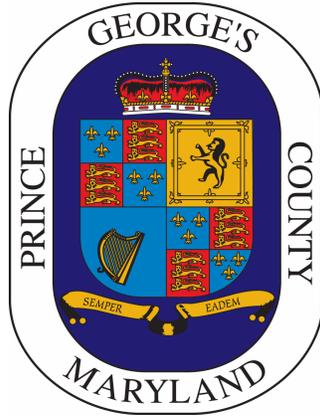


Prince George's County Council

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



Zoning Agenda

Monday, February 24, 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 - Johnie L. Higgs, County Employee****PLEDGE OF ALLEGIANCE****APPROVAL OF DISTRICT COUNCIL MINUTES**

MINDC 01142014 **District Council Minutes dated January 14, 2014**

Attachment(s): 01-14-2014 District Council Minutes draft

MINDC 02102014 **District Council Minutes dated February 10, 2014**

Attachment(s): 02-10-2014 District Council Minutes draft

MINDC 02112014 **District Council Minutes dated February 11, 2014**

Attachment(s): 02-11-2014 District Council Minutes draft

MANDATORY REVIEW (Using Oral Argument Procedures)

[CSP-13003](#) **Hyattsville Zip-In**

Companion Case(s): DSP-12062

Applicant(s): NSR Properties, LLC

Location: Located at the southwest quadrant of the intersection of East-West Highway (MD 410) and Belcrest Road.

Request: Requesting approval of a Conceptual Site Plan for revisions to an existing gas station and food and beverage store and amending the Table of Uses of the 1998 Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone, to permit a proposed car wash.

Council District: 2

Appeal by Date: 1/27/2014

Action by Date: 4/25/2014

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

Municipality: Hyattsville

History:

11/21/2013	M-NCPPC Technical Staff	approval with conditions
12/19/2013	M-NCPPC Planning Board	approval with conditions
12/23/2013	Applicant	appealed

On December 23, 2013, Michele La Rocca, Esquire, filed an appeal to the decision of the Planning Board on behalf of the applicant and requested oral argument.

Attachment(s): CSP-13003&DSP-12062 Appeal Letter
[CSP-13003 Planning Board Resolution 13-143](#)
 CSP-13003_PORL

[DSP-12062](#)

Hyattsville Zip-In

Applicant(s): NSR Properties, LLC

Location: Located at the southwest quadrant of the intersection of East-West Highway (MD 410) and Belcrest Road.

Request: Requesting approval of a Conceptual Site Plan for revisions to an existing gas station and food and beverage store and amending the Table of Uses of the 1998 Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone, to permit a proposed car wash.

Council District: 2

Appeal by Date: 1/27/2014

Action by Date: 4/25/2014

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

Municipality: City of Hyattsville

History:

11/21/2013	M-NCPPC Technical Staff	approval with conditions
12/19/2013	M-NCPPC Planning Board	approval with conditions
12/23/2013	Applicant	appealed

On December 23, 2013, Michele La Rocca, Esquire, filed an appeal to the decision of the Planning Board on behalf of the applicant and requested oral argument.

Attachment(s): CSP-13003&DSP-12062 Appeal Letter
[DSP-12062 Planning Board Resolution 13-144](#)
 DSP-12062_PORL

ORAL ARGUMENTS[DSP-06088-01](#)**Stratford Estates, Section 2****Applicant(s):**

Dan Ryan Builders Mid-Atlantic, Inc.

Location:

Located on the eastern side of Old Crain Highway, approximately 1,000 feet north of its intersection with Marlboro Pike

Request:

Requesting approval of a Detailed Site Plan to revise the previously approved architectural elevations.

Council District:

6

Appeal by Date:

12/19/2013

Review by Date:

1/21/2014

Action by Date:

4/25/2014

History:

10/10/2013

M-NCPPC Technical Staff

approval with conditions

11/14/2013

M-NCPPC Planning Board

approval with conditions

01/13/2014

Sitting as the District Council

elected to review

*Council elected to review (Voice Vote: 8-0; Absent: Council Member Olson).***Attachment(s):**[DSP-06088-01 Planning Board Decision 13-124](#)

DSP-06088-01_PORL

[DSP-06088-01 Technical Staff Report](#)**1:00 PM MEET AND GREET - Congressman Steny H. Hoyer (ROOM 2027)**

1:30 PM DISTRICT COUNCIL - (CONTINUED)**MANDATORY REVIEW (Using Oral Argument Procedures)**[DSP-99044-07](#)**Prince George's Plaza, Parcel A-1 Chick-fil-A****Applicant(s):**

Chick-Fil-A

Location:

Located at the northeastern quadrant of the intersection of East-West Highway (MD 410) and Belcrest Road.

Request:

Requesting approval of a Detailed Site Plan amending the Table of Uses of the 1998 Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone to permit a freestanding eating and drinking establishment with drive-through.

Council District:

2

Appeal by Date:

12/25/2013

Action by Date:

4/25/2014

Comment(s):

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

Municipality:

City of Hyattsville

History:

10/16/2013

M-NCPPC Technical Staff

approval with conditions

11/21/2013

M-NCPPC Planning Board

approval with conditions

12/23/2013

Applicant

appealed

*Daniel F. Lynch, Esquire, attorney for the applicant, filed an appeal to the decision of the Planning Board and requested oral argument.***Attachment(s):**[DSP-99077-07 Planning Board Resolution 13-127](#)

DSP-99044-07_PORL

ORAL ARGUMENTS - (CONTINUED)**DSP-13025****University of Maryland Student Housing at Knox Road****Applicant(s):**

Toll Brothers, LLC

Location:

Located on the south side of Knox Road, approximately 1,000 feet west of its intersection with Baltimore Avenue (US 1) (6.208 Acres; M-U-I / D-D-O Zones).

Request:

Requesting approval of a Detailed Site Plan for a mixed-use project with 11,909 square feet of retail development and 445 student housing units, for at total gross area of 655,139 square feet.

Council District:

3

Appeal by Date:

1/9/2014

Review by Date:

1/30/2014

Action by Date:

4/25/2014

Municipality:

College Park

History:

10/30/2013

M-NCPPC Technical Staff

approval with conditions

12/05/2013

M-NCPPC Planning Board

approval with conditions

01/09/2014

Person of Record

appealed

Kerri Hilton filed an appeal in opposition to the proposal and requested Oral Argument.

01/13/2014

Sitting as the District Council

did not elect to review

02/14/2014

Applicant

filed

Thomas H. Haller, Esquire, Attorney for the Applicant, filed a response to the appeal of Kerri Hilton on behalf of the applicant.

Attachment(s):

DSP-13025 Appeal Letter

[DSP-13025 Planning Board Resolution 13-137](#)

DSP-13025_PORL

[DSP-13025 Technical Staff Report](#)

REFERRED FOR DOCUMENT[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
	<i>Council elected to review (Voice Vote: 8-0; Absent: Council Member Turner).</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.

02/10/2014	Sitting as the District Council	referred for document
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Council referred this item to staff for preparation of an approving document, with conditions (Vote: 7-0; Absent: Council Members Harrison and Lehman).

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

Backup: Order of Approval, with Conditions

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.

02/10/2014	Sitting as the District Council	referred for document
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Council referred this item to staff for preparation of an approving document, with conditions (Vote: 7-0; Absent: Council Members Harrison and Lehman).

Attachment(s): [DSP-13001 Planning Board Resolution 13-107](#)
 DSP-13001_PORL
[DSP-13001 Technical Staff Report and case backup](#)

Backup: Order of Approval, with Conditions

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

02/10/2014	Sitting as the District Council	referred for document
	<i>Council referred this item to staff for preparation of an approving document, with conditions (Vote: 7-0; Absent: Council Members Harrison and Lehman).</i>	

Attachment(s): [DSP-13006 Planning Board Resolution 13-119](#)
 DSP-13006_PORL
[DSP-13006 Technical Staff Report](#)

Backup: Order of Approval, with Conditons

[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.

02/10/2014	Sitting as the District Council	referred for document
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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).

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](#)

Backup: Order of Remand.

PENDING FINALITY

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision or an appeal is filed.

(a) ZONING HEARING EXAMINER

In the event the District Council elects to make the final decision in this case, the Council should consider whether it wants an oral argument pursuant to CB-61-1997.

[SE-4704](#)

In Loving Hands

Companion Case(s): DDS-613; DPLS-373

Applicant(s): In Loving Hands, LLC/Carlos Watson

Location: Located at the terminus of Lucille Court, approximately 210 feet north of its intersection with Lucille Drive (0.48 Acres; R-R Zone).

Request: Requesting approval of a Special Exception for a Congregate Living Facility for up to 15 residents.

Council District: 8

Appeal by Date: 3/17/2014

Review by Date: 3/17/2014

Municipality: None

Opposition: None

History:

09/10/2013	M-NCPPC Technical Staff	approval with conditions
10/17/2013	M-NCPPC Planning Board	approval with conditions
02/14/2014	Zoning Hearing Examiner	approval with conditions

Attachment(s): [SE-4704 Zoning Hearing Examiner Decision](#)
[SE-4704 Planning Board Resolution 13-108](#)
 SE-4704_PORL
[SE-4704 Technical Staff Report](#)

(b) PLANNING BOARD

[DSP-13002](#)**Patriots Landing**

Applicant(s): Marenberg Enterprises, Inc.

Location: Located on the eastern and western sides of Devitt Place between its intersections with Irvington Street to the south and Maury Avenue to the north, and on the northern and southern sides of Maury Avenue east and west of its intersection with Devitt Place (5.04 Acres; R-18 Zone).

Request: Requesting approval of a Detailed Site Plan for a 63-unit townhouse residential revitalization development.

Council District: 8

Appeal by Date: 3/13/2014

Review by Date: 3/13/2014

History:

12/31/2013 M-NCPPC Technical Staff approval with conditions

02/06/2014 M-NCPPC Planning Board approval with conditions

Attachment(s): [DSP-13002 Planning Board Resolution 14-04](#)

DSP-13002_PORL

[DSP-13002 Technical Staff Report](#)

[SDP-1003-04](#)**Smith Home Farms, Section 1A**

Applicant(s): Ryland Homes

Location: Located approximately 3,000 feet east of the intersection of Pennsylvania Avenue (MD 4) and Presidential Parkway (76.44 Acres; R-M Zone).

Request: Requesting approval of a Specific Design Plan for the Addition of one single-family attached architectural model.

Council District: 6

Appeal by Date: 3/13/2014

Review by Date: 3/13/2014

History:

01/02/2014 M-NCPPC Technical Staff approval with conditions

02/06/2014

M-NCPPC Planning Board

approval with conditions

Attachment(s):

[SDP-1003-04 Planning Board Resolution 14-02](#)

SDP-1003-04_PORL

[SDP-1003-04 Technical Staff Report](#)

ADJOURN