

# Prince George's County Council

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



## **Zoning Minutes - Final**

**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**

**10:31 AM CALL TO ORDER**

*The meeting was called to order at 10:31 a.m. with eight members present at roll call. Council Member Harrison was absent due to health reasons.*

**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  
Jill Kosack, Development Review Division  
Ruth Grover, Development Review Division  
Meika Fields, Development Review Division*

**INVOCATION - Johnie L. Higgs, County Employee**

*Council Member Olson requested prayer for the family of Guy Tiberio, Former Mayor of the Town of Riverdale Park, in his passing. Council Member Lehman requested prayer for her daughter's classmate, John Abendroth, a student at Eleanor Roosevelt High School who is in the hospital due to being hit by a car while riding his bike.*

**PLEDGE OF ALLEGIANCE**

*The Pledge of Allegiance was led by Council Member Turner.*

**APPROVAL OF DISTRICT COUNCIL MINUTES****MINDC 01142014      District Council Minutes dated January 14, 2014**

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

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

**Absent:**                Harrison

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

**A motion was made by Vice Chair Campos, seconded by Council Member Olson, that these Minutes be approved. The motion carried by the following vote:**

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

**Absent:**                Harrison

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

**A motion was made by Vice Chair Campos, seconded by Council Member Olson, that these Minutes be approved. The motion carried by the following vote:**

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

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**Absent:** Harrison

**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:**

*Chairman Franklin announced that the Oral Argument Hearings for CSP-13003 Hyattsville Zip-In and DSP-12062 Hyattsville Zip-In would be held in tandem. Jill Kosack, M-NCPPC planning staff, provided an overview of the Conceptual Site Plan and Detailed Site Plan applications. Michele LaRocca, Esq. and Said Chaudhry spoke in support. Jim Chandler spoke in opposition on behalf of the City of Hyattsville. Suellen Ferguson, Esq., and The Honorable John Rogard Tabori spoke in opposition on behalf of the Town of University Park. Stan Brown, People's Zoning Counsel, provided an overview of the case and spoke to the legalities of the argument presented. **This Conceptual Site Plan hearing was held and the case was taken under advisement.***

[DSP-12062](#)**Hyattsville Zip-In****Companion Case(s):** CSP-13003**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 Detailed 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:**

*Chairman Franklin announced that the Oral Argument Hearings for CSP-13003 Hyattsville Zip-In and DSP-12062 Hyattsville Zip-In would be held in tandem. Jill Kosack, M-NCPPC planning staff, provided an overview of the Conceptual Site Plan and Detailed Site Plan applications. Michele LaRocca, Esq. and Said Chaudhry spoke in support. Jim Chandler spoke in opposition on behalf of the City of Hyattsville. Suellen Ferguson, Esq., and The Honorable John Rogard Tabori spoke in opposition on behalf of the Town of University Park. 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.**

**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:**

*Ruth Grover, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Chris Hatcher, Esq., Alfred Weaver, Sally Wolfe, John Peter Thompson and Billie Hinnefeld spoke in support. 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.**

[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:** 6/13/2014
- 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:**

*Chairman Franklin announced that the Oral Argument Hearing for this Detailed Site Plan would be deferred until March 17, 2014 at 1:30 p.m.*

**This Detailed Site Plan was deferred to March 17, 2014.**

**RECESS**

*Meeting went into Recess at 11:44 a.m.*

**1:00 PM MEET AND GREET - Congressman Steny H. Hoyer (ROOM 2027)****History:**

*The Meet and Greet was held at 1:00 p.m.*

**RECONVENED**

*The meeting reconvened at 2:37 p.m.*



**2:37 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:** 6/13/2014
- 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:**

*Vice-Chair Campos reiterated that the Oral Argument Hearing for this Detailed Site Plan would be deferred until March 17, 2014 at 1:30 p.m.*

**This Detailed Site Plan was deferred to March 17, 2014.**

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**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:**

*Meika Fields, M-NCPPC planning staff, provided an overview of the Detailed Site Plan application. Thomas Haller, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, provided an overview of the case and the appeal noted by Ms. Hilton who was unable to attend.*

**This Detailed Site Plan hearing was held.**

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

**A motion was made by Council Member Olson, 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, Lehman, Olson, Patterson and Turner

**Absent:** Harrison and Toles

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**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:**

*Council adopted the prepared Order of approval, with conditions (Vote: 7-0; Absent: Council Members Harrison and Toles).*

**A motion was made by Council Member Davis, seconded by Council Member Turner, that this Conceptual Site Plan be approved with conditions. The motion carried by the following vote:**

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

**Absent:** Harrison and Toles

*Backup: Order of Approval, with Conditons*

[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:**

*Under discussion, Stan Brown, People's Zoning Counsel, read into the record a new condition to be added to the prepared order.*

*Council adopted the prepared Order, as amended, Affirming Planning Board Decision, with Conditions (Vote: 7-0; Absent: Council Members Harrison and Toles).*

**A motion was made by Council Member Davis, seconded by Council Member Turner, that this Detailed Site Plan be approved with conditions. The motion carried by the following vote:**

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

**Absent:** Harrison and Toles

*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:**

*Council adopted the prepared Order of approval, with conditions (Vote: 7-0; Absent: Council Members Harrison and Toles).*

**A motion was made by Council Member Davis, seconded by Council Member Turner, that this Detailed Site Plan be approved with conditions. The motion carried by the following vote:**

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

**Absent:** Harrison and Toles

*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:**

*Council adopted the prepared Order of Remand to the Zoning Hearing Examiner (Vote: 8-0; Absent: Council Member Harrison).*

**A motion was made by Vice Chair Campos, seconded by Council Member Turner, that this Permit issued in error be remanded. The motion carried by the following vote:**

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

**Absent:** Harrison

*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

**Action by Date:** 7/14/2014

**Municipality:** None

**Opposition:** None

**History:**

*Council took no action on this item.*

**Council did not elect to make the final decision on this Special Exception.**

**(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:**

*Council took no action on this item.*

**This Detailed Site Plan was not elected to review by Council.**

[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:**

*Council took no action on this item.*

**This Specific Design Plan was not elected to review.**



[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**Action by Date:** 7/14/2014**Municipality:** None**Opposition:** None**History:**

*Upon further consideration, Council deferred this item to March 17, 2014.*

**This Special Exception was deferred to March 17, 2014.**

**3:34 PM ADJOURN**

*The meeting was adjourned at 3:34 p.m.*

Prepared by:

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Leonard Moses, Zoning Assistant

Submitted by:

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Redis C. Floyd, Clerk of the Council