

Case No. DSP-09015 Westphalia Center
The Moore Property

Applicant: Evangel Cathedral, Inc.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER OF REMAND

On or about July 13, 2011, the applicant filed an action in the Circuit Court for Prince George's County, seeking judicial review of the District Council's Order of Denial dated June 14, 2011, in DSP-09015. Prior to any ruling by the Circuit Court, the applicant filed a Motion to Remand DSP-09015 to the District Council. The Circuit Court granted the applicant's motion and remanded DSP-09015 to the District Council on October 10, 2012. Upon review of the Circuit Court's Order and applicant's Motion to Remand, the District Council voted 8-0 on November 19, 2012, to reconsider its Order of Denial.

IT IS HEREBY ORDERED, after review of the administrative record, that the case designated DSP-09015, a detailed site plan application for infrastructure plans to include the rough grading and construction of stormwater management facilities, the extension of water and sewer, establishment of public and private roadways, associated recreational facilities including a pad site for a future community building, a pad site for a future 8,000-square-foot commercial structure and associated parking, located on the north and west sides of Moore's Way, a private street winding from Pennsylvania Avenue (MD 4) to Melwood Road, approximately one-half mile north of Pennsylvania Avenue and one-half mile east of Presidential Parkway, in Planning Area 78 and Councilmanic District 6, is:

REMANDED, pursuant to §27-132 and §27-290, to the Planning Board, to reopen the record to take further testimony and address the following issues:

1. On remand, the Planning Board shall take further testimony to determine whether DSP-09015 is consistent with the purposes of the M-X-T Zone set out in CB-78-2006 to provide a more direct link between the M-X-T Zone and recommendations in the approved General Plan, master plans, and sector plan to create compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses.
2. On remand, the Planning Board shall take further testimony to determine whether DSP-09015 is in conformance with Preliminary Plan of Subdivision 4-08018, approved by the Planning Board in PGCPB Resolution No. 09-95.
3. On remand, the Planning Board shall take further testimony to determine whether DSP-09015 was approved in accordance with the order of approval for projects requiring site plan review pursuant to §27-220(a) of the Zoning Ordinance.
4. On remand, the Planning Board shall take further testimony and analyze whether DSP-09015 is in conformance with the environmental relationship between the proposed general land use types or if identified, the specific land use type, and surrounding land use so as to conform with the enacted Westphalia Sector Plan and Sectional Map Amendment.
5. On remand, pursuant to §27-107.01(a) (179) of the Zoning Ordinance, all interested persons should be allowed to register as persons of record for this case.

Ordered this 20th day of November, 2012, by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Lehman, Olson, Patterson and Toles.

Opposed:

Abstained:

Absent: Council Member Turner

Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

By: _____
Andrea C. Harrison, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council