

Case No.: A-10006-C

Applicant: Cedarville Road, LLC
(for George Curtis, Jr. and Lyda Curtis)

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

ZONING ORDINANCE NO. 11 - 2009

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, with conditions.

WHEREAS, Application No. A-10006 was filed for property described as about 51.67 acres of land in the R-R Zone, located on the east side of MD 5/US 301, at the southeast quadrant of its intersection with Cedarville Road, extending to the Charles County line, in Brandywine, Maryland, to rezone the property to the C-S-C Zone; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the application was reviewed by the Technical Staff and the Planning Board, which filed recommendations with the District Council; and

WHEREAS, a public hearing was held before the Zoning Hearing Examiner, who filed recommendations with the District Council; and

WHEREAS, the District Council has determined, based on consideration of the entire record, that the subject property should be rezoned to the C-S-C Zone; and

WHEREAS, as the basis for this action, the District Council adopts the recommendations of the Zoning Hearing Examiner as its findings and conclusions in this case; and

WHEREAS, to protect adjacent properties and the general neighborhood, approval of Application No. A-10006-C is granted subject to conditions.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended by rezoning the property that is the subject of Application No. A-10006 from the R-R Zone to the C-S-C Zone.

SECTION 2. Application No. A-10006-C is approved subject to the following conditions:

1. The Applicants shall obtain an approved Detailed Site Plan to ensure compatibility with the nearby industrially-developed properties, conformance with the purposes of the C-S-C Zone, views to the site from US 301 and to address buffering necessary to screen the view of the development from the adjacent properties in the Rural Tier and along US 301. The applicant shall work with the Brandywine/TB Route 301 East-West Region Neighborhood Coalition to reach an agreement to establish the appropriate buffer, subject to final approval by the Prince George's County Planning Board.
2. All future submissions for development activities on the subject property shall include a signed Natural Resources Inventory (NRI). The NRI shall be used by the designers to prepare a site layout that limits impacts to the Regulated Areas and Evaluation Areas of the site to the greatest extent possible.
3. Future development proposals shall provide water quality treatment areas through the site through the use of bioretention areas, rain gardens or other environmentally sensitive design techniques. Impervious surfaces shall be fragmented to the fullest extent possible, with water quality features located between the buildings, parking areas and travel aisles. Furthermore, to protect and conserve the agricultural industry and natural resources, the development plans shall be in conformance with the Approved Countywide Green Infrastructure Plan, as the subject property contains streams, 100-year floodplain, and wetlands associated with the Mattawoman Creek. Pursuant to the 2005 or revised Approved Countywide Green Infrastructure Plan, it is acknowledged that the

Mattawoman stream environs is a regulated area and will be off limits for development purposes other than necessary for infrastructure construction, such as, but not limited to, utility connections and storm drain outfalls. The protection of the environmental features associated with the subject property shall be addressed in subsequent development stages.

4. Woodland conservation that is required by the Woodland Conservation Ordinance and Tree Preservation Ordinance should be provided on-site to the greatest extent possible.
5. The submission package of the next Development Review Application shall include an Inventory of Significant Visual Features for the viewshed of historic Cedarville Road.
6. Access to the site shall be oriented to Cedarville Road with no permanent direct access from US 301.
7. The Applicants shall address the following trails issues at the time of Preliminary Plan and Detailed Site Plan:
 - a. Subject to SHA approval, provide adequate pedestrian crosswalks for the two legs of the intersection of Cedarville Road and US 301 that abut the subject property.
 - b. Subject to SHA approval, provide sidewalks along the property's frontages of US 301 and Cedarville Road at the time of site plan.
 - c. Provide interior sidewalks and sidewalk connections.
 - d. Work with M-NCPPC Parks and Recreation to develop a trail plan along Mattawoman Creek stream valley on or adjacent to the subject property.
 - e. Provide connections from the subject site to the future trail alignment.

- these
8. The Applicants shall evaluate the extraction of mineral and sellable resources on the site prior to any development that would make valuable resources inaccessible. A special exception shall be obtained prior to any surface mining.
 9. Adequate right-of-way consistent with Master Plan recommendations must be dedicated along the property's frontages in concert with the subdivision of the property.
 10. The proposed development will provide for the orderly growth and development of the 52+/- acre property through the realization of a mixed office and commercial/retail center, configured in a pedestrian oriented plaza/mall, in accordance with the goals of the 2002 General Plan. Furthermore, it is recognized that with the subject property's generous size and width, the development will facilitate a non-linear, plaza or mall configuration of buildings that will promote the most beneficial relationship between the uses of land and buildings. The provision of a buffer, as shown on the current Master Plan along the property's eastern boundary, will protect the adjoining landowners from adverse impacts, if any, from the proposed development.
 11. It is acknowledged that in order to develop the property as proposed, the subject property must be subdivided in accordance with the Subdivision Regulations of Prince George's County, Maryland (Subtitle 24 of the County Code for Prince George's County, Maryland).

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect initially on the date of its enactment, as conditionally approved, and shall become final and effective when the applicant accepts in writing the conditions in Section 2.

Enacted this 22nd day of June, 2009, for initial approval, by the following vote:

In Favor: Council Members Bland, Dean, Exum, Olson, Harrison, Knotts and Turner.

Opposed:

Abstained:

Absent: Council Members Campos and Dernoga.

Vote: 7-0

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: _____
Marilynn M. Bland, Chairperson

ATTEST:

Redis C. Floyd
Clerk of the Council

Case No.: A-10006-C

Applicant: Cedarville Road, LLC
(for George Curtis, Jr. and
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COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate the applicant's acceptance of conditional zoning and to grant final conditional zoning approval.

WHEREAS, the District Council in approving Application No. A-10006-C, to rezone the subject property from the R-R Zone to the C-S-C Zone, attached conditions; and

WHEREAS, the District Council, having reviewed the application and the administrative record, deems it appropriate to accept the applicant's consent to the conditions and to approve final conditional rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Application No. A-10006-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional zoning approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

SECTION 2. Use of the subject property as conditionally reclassified shall be subject to all requirements in the applicable zones and to the requirements in the conditions referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient grounds for the District Council to annul the rezoning approved herein; to

revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; or to take any other action deemed necessary to obtain compliance.

SECTION 3. This Ordinance is effective June 24, 2009, the date of receipt of the applicant's acceptance of the conditions imposed.

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: _____
Marilynn M. Bland, Chairperson

ATTEST:

Redis C. Floyd
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