

Case No.: A-9198-C

Applicant: Mirant Mid-  
Atlantic, LLC

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

ZONING ORDINANCE NO. 12 - 2003

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, by amending an approved site plan, with conditions.

WHEREAS, on June 18, 1979, the District Council approved Application No. A-9198, for I-1 zoning, with a site plan, on approximately 139 acres of land, located on south side of Westphalia Road, east of Pennsylvania Avenue, Upper Marlboro, Maryland; and

WHEREAS, the applicant has filed a request with the District Council to amend the site plan and conditions of zoning for Application No. A-9198; and

WHEREAS, the applicant's request was given public notice, in accordance with all requirements of law, and a public hearing on the request was held by the District Council; and

WHEREAS, having reviewed the record in this case and the testimony and exhibits presented at the public hearings, the District Council has determined that the request to amend the site plan meets the requirements of Section 27-195(b) and should

be approved, with conditions, as recommended by the Zoning Hearing Examiner; and

WHEREAS, to protect adjacent properties and the general neighborhood, approval of the amended site plan is granted subject to conditions.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The site plan for Application No. A-9198-C is hereby amended, subject to the following conditions:

1. Development of the subject property in accordance with I-1 regulations shall be subject to site plan approval by the Planning Board. In such site plan review, the Board shall determine that all conditions are met and that the following criteria are satisfied:
  - a. Development on the subject property will not adversely affect adjoining or nearby properties because of stormwater runoff. There shall be included as part of the subject property's development an on-site stormwater management control program, approved by the Planning Board, to insure that runoff from the subject tract will not pollute nearby rivers and streams and will not cause flooding on other property.
  - b. The northwest entrance to the subject property, where access to Westphalia Road may be provided as stated in Conditions (2) and (4), shall be provided with suitable landscaping.
2. The exterior wall construction of any building facing Pennsylvania Avenue shall not be constructed of corrugated metal or corrugated fiberglass material.

3. On all buildings on the subject property, walls facing Pennsylvania Avenue which are constructed of concrete block or cinder block shall be covered with materials suitable to conceal the appearance of such construction.
4. The loading and outside storage areas associated with any major building shall not be located on a wall facing Pennsylvania Avenue. All loading docks and storage areas shall be oriented away from Pennsylvania Avenue.

SECTION 2. This Ordinance shall take effect on the date of its enactment.

Enacted this 24th day of November, 2003, by the following vote:

In Favor: Council Members Knotts, Bland, Dean, Dernoga, Exum, Harrington and Peters

Opposed:

Abstained:

Absent: Council Members Shapiro and Hendershot

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: \_\_\_\_\_  
Peter A. Shapiro, Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council