

Case No.: A-9903/02-C, A-9280-C,
and A-9281/07-C

Applicant: Commons at Largo, LLC

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

ZONING ORDINANCE NO. 3- 2008

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

WHEREAS, Application Nos. A-9903/02-C, A-9280-C, and A-9281/07-C were filed for property described as approximately 19.9 acres of land in the M-A-C Zone, located on the northwest side of the intersection of Lottsford Road and Harry S. Truman Drive (8900 Lottsford Road is at the corner of Harry S. Truman Drive and Lottsford Road, and 9000 Lottsford Road is at the corner of Grand Boulevard and Lottsford Road), Largo, Maryland, to modify the basic plan and conditions attached thereto; 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 have filed recommendations with the District Council; and

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

WHEREAS, having reviewed the record, the District Council has determined that the applications to modify the basic plan and its conditions should be modified, as recommended by the Examiner; and

WHEREAS, as the basis for this action, the District Council adopts the decision 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 the amended basic plan is granted subject to conditions.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The basic plan for Application Nos. A-9903/02-C, A-9280-C and A-9281/07-C is hereby amended, as shown in the applications, with basic plan as modified herein.

SECTION 2. Approval of the basic plan as amended is subject to the following conditions:

1. The basic plan shall be revised and submitted to the Zoning Hearing Examiner for approval, prior to Comprehensive Design Plan review, to include the following:
 - a. The original parcels and approved land uses; and
 - b. Land use quantities and densities that reflect what was allowed in the most recently approved amendments.
2. Residential construction and use shall be limited as follows:
 - a. All residential units shall be marketed and sold as condominium units, and all shall be subject to a single condominium regime.
 - b. No permit may be issued for the construction or use of any residential unit until the applicant has completed the construction of a minimum 500,000 square feet of the proposed gross floor area of the commercial office use north of Grand Boulevard.
 - c. Prior to issuance of the 281st NRC (new residential condominium) permit for the residential unit construction, the applicant shall commence construction of the remaining 500,000 or more square feet of

of the proposed gross floor area of the commercial office use north of Grand Boulevard.

3. At the time of Comprehensive Design Plan review, the applicant shall:
 - a. Submit design guidelines that establish design and review parameters, including design, material, and color, for architecture, signage, and landscaping for the entire site. The design guidelines shall also address the streetscape design along both Lottsford Road and Harry S. Truman Drive and the streetscape and alignment of the proposed Grand Boulevard.
 - b. Provide a site-wide pedestrian circulation plan, including the location of a bus stop and its supporting pedestrian path network, and the location and design of pedestrian crossings and other protective measures that protect the pedestrian from vehicular traffic.
 - c. Propose buffering and screening design, specifically relating the residential development to internal and external uses, the recreational facility package, and noise mitigation measures for the proposed residential use.
 - d. Provide additional space between the proposed office building and the vertical mixed-use middle section, for improved streetscape design, including additional landscaping and service-related amenities.
 - e. State the timing of completion of the proposed recreation facilities package.
 - f. Make design of the site consistent with that described in the Concept Plan. (Exhibits 9 (a) and 9 (b)).
4. Prior to the submission of the Comprehensive Design Plan application, a revised Forest Stand Delineation text and plan shall be submitted for Parcels 1A and 1B, as part of a Natural Resources Inventory (NRI) application. A staff signed NRI shall be included in the Comprehensive Design Plan application package.
5. A Type 1 Tree Conservation Plan shall be submitted with every application for a preliminary plan of subdivision, Comprehensive Design Plan, Conceptual Site Plan, or Special Exception. A Type II Tree Conservation Plan shall be submitted with all applications for Specific Design Plan, Detailed Site Plan, or grading permits.
6. All subsequent plan submittals shall reflect the location of the unmitigated 65 dBA Ldn noise contour lines for Lottsford Road on this property, based on a

phase I noise study.

7. The preliminary plan of subdivision submittal shall include a phase II noise study that generally reflects the proposed mitigation measures, to ensure that all exterior activity areas and interior residential areas meet or exceed the State noise standards for noise impacts from Lottsford Road.
8. The Specific Design Plan shall include a phase II noise study for noise impacts on Lottsford Road, and specific mitigation measures that will ensure compliance with State noise standards for exterior and interior residential areas.
9. The subject property shall have a phase I archeological investigation conducted to identify any archeological sites that may be significant to the history of human settlement in Prince George's County, including the possible existence of slave quarters and graves, as well as archeological evidence of the presence of Native American peoples. Potential archeological sites must be considered in the review of development applications, and potential means for preservation of these resources should be considered.
10. A qualified archaeologist must conduct all investigations and follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the Planning Board *Guidelines for Archeological Review* (May 2005). Report preparation shall follow the Maryland Historical Trust guidelines and the *American Antiquity* or *Society of Historical Archaeology* style guide.
11. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid, and excavations should be clearly identified on a map to be submitted as part of the report. These investigations must be presented in a draft report following the same guidelines. After approval of the draft report, four copies of the final report must be submitted to M-NCPPC Historic Preservation staff. M-NCPPC must concur with the final Phase I report and recommendations, before signature approval.
12. The Phase 1 archeological field investigations should also include a pedestrian survey, to locate attributes like surface depressions, fieldstones, and vegetation common in burial/cemetery environs.
13. After filing the archeological report with M-NCPPC Historic Preservation, and before Planning Board approval of a preliminary plan of subdivision, the applicant shall provide a plan for (i) evaluating the resource at Phase II level,

or (ii) avoiding and preserving the resource in place, if it is determined that potentially significant archeological resources exist in the project area.

14. All conditions of approval and CDP considerations listed in the previously approved Basic Plan Amendments and subsequent Preliminary Plan and Comprehensive Design Plan approvals will remain in effect, unless otherwise modified herein.

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 effective when the applicant accepts in writing the conditions in Section 2.

Enacted this 28th day of January, 2008, for initial approval, by the following vote:

In Favor: Council Members Harrington, Bland, Campos, Dean, Dernoga, Exum, Knotts, Olson and Turner

Opposed:

Abstained:

Absent:

Vote: 9-0

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: _____
David C. Harrington, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

A-9903/02-C, A-9280-C & A-9281/07-C
Commons at Largo, LLC

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-9903/02-C, A-9280-C and A-9281-C, to amend the approved basic plan on the subject property, 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-9903/02-C, A-9280-C, and A-9281/07-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 _____, 2008, 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: _____
David C. Harrington, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council