

Case No.: A-9953-C

Applicant: Manekin Corp., LLC

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

ZONING ORDINANCE NO. 14 - 2006

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-9953-C was filed, to rezone from the R-R to the I-3 Zone a property described as approximately 22.89 acres of land on the south side of Muirkirk Road, about 730 feet west of its intersection with Virginia Manor Road, Beltsville; and

WHEREAS, the zoning plat for the subject property divides the property into 2 parcels, Parcel A, 236,794 sq. ft. fronting on Muirkirk Road, and Parcel B, 760,376 sq. ft. also fronting on Muirkirk, separated from Parcel A by a stream valley;

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, which filed recommendations with the District Council; and

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

WHEREAS, the District Council, after a remand for additional evidence, has determined from the record that the property should be rezoned in part, and the remainder of the case should be remanded, to be included as part of the Subregion I Master Plan and Sectional Map Amendment proceedings; and

WHEREAS, by this action, the District Council approves the I-3 Zone for Parcel B, 760,376 sq. ft., and remands the case as to Parcel A, 236,794 sq. ft.

WHEREAS, to protect adjacent properties and the surrounding neighborhood, the rezoning herein is approved with conditions; and

WHEREAS, as the basis for this action, the District Council adopts in part the report of the Zoning Hearing Examiner as its findings and conclusions in this case, as well as the report of the Technical Staff, as follows:

A. The District Council agrees with and adopts the Examiner's findings (Decision dated March 15, 2006) on pages 2 (paragraph 1) and 3 (paragraphs 2, 3, 4, 5, 6 and 7).

B. The District Council agrees with the Technical Staff's finding that the subject property would have been considered for the I-3 Zone at the time of the Subregion I Master Plan and SMA, if transportation capacity had not been an issue. The District Council does not agree that the entire subject property is necessarily appropriate for employment development. The District Council finds that Parcel A is separated from Parcel B by an environmental feature which orients Parcel A toward the property to the west, rather than to the existing employment park which abuts Parcel A.

C. The District Council further finds that the applicant has provided evidence in the record sufficient to support the conclusion that the reduction in industrial zoning inventory now provides additional transportation holding capacity. Specifically, the Transportation Planning Section found that three changes had occurred, including the Pines of Laurel development, the Errigo Property, and the Longwood/PEPCO Tract. The Technical Staff Report cited other changes which also reduce the transportation demands

in Subregion I, such as the elimination of Employment Area 2 for employment development. The applicant further presented evidence, and the Council finds, as to Employment Area 5, that the Master Plan assumed 146 more acres of employment development than actually existed. The District Council finds, from the totality of the evidence, that sufficient changes have occurred in the transportation holding capacity to support the rezoning of the subject property.

D. The applicant provided sufficient evidence, and the Council finds, that there was a substantial increase in development of employment land between 1995 and 2000, exceeding the absorption rate assumed in the Master Plan. From the economic analysis and testimony presented by the applicant, the District Council finds that the Master Plan mistakenly assumed that the supply of land zoned for employment exceeded the demand. The Plan erroneously underestimated the absorption rate.

E. The District Council further finds that employment development of the subject property is more compatible, from a land use perspective, than residential development in the R-R Zone.

F. The District Council concludes that the modifications to the transportation holding capacity, together with mistaken assumptions about the absorption of industrial land, support the Council's decision to rezone the portion of the subject property designated as Parcel B. The District Council agrees that the record here indicates changes in neighborhood character and Master Plan and SMA errors. The District Council concludes that the neighborhood changes support the proposed rezoning but are not sufficient to change its character. The District Council instead has determined that the subject property should be rezoned because of mistaken Master Plan assumptions,

recommendations that retained the subject property in the R-R Zone, in the SMA.

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 in part the property which is the subject of A-9953-C, so that Parcel B only is reclassified from the R-R to the I-3 Zone.

SECTION 2. The portion of the subject property not rezoned shall be reexamined again as part of the Subregion I Master Plan and Sectional Map Amendment proceedings for Laurel, Beltsville, and Vicinity.

SECTION 3. Application A-9953-C is approved subject to the following conditions:

1. Before permits are issued, the applicant shall obtain approval of a detailed site plan, in accordance with Part 3, Division 9, of the Zoning Ordinance.
2. Site plan review shall include architectural review, to ensure compatibility with the adjoining employment park.
3. The applicant shall show green area covering at least 25 per cent of the net acreage of the site.

SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall become effective initially on the date of its enactment, and the rezoning approved herein shall become effective when the applicant accepts in writing the conditions in Section 3.

Enacted this 10th day of August, 2006, for initial approval, by the following vote:

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

Opposed:

Abstained:

Absent: Council Member Harrington

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: \_\_\_\_\_  
Thomas E. Dernoga  
Chairman

ATTEST:

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

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Applicant: Manekin Corp., 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-9953-C, to rezone the subject property from R-R to I-3, attached conditions to the rezoning; and

WHEREAS, the applicant has duly consented in writing to the Council's 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-9953-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 on September 26, 2006, the date of receipt of the applicant's acceptance of the conditions imposed.

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