

Case No.: A-9960-C-01
Manokeek (Development)
Amendment of Conditions

Applicant: Signature Land Holdings, LLC

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

ZONING ORDINANCE NO. 3 –2022

AN ORDINANCE concerning an application request to delete Condition 5 of Zoning Map Amendment A-9960-C, previously enacted by the District Council in Zoning Ordinance No. 2-2006, which approved rezoning of approximately ± 7.238 acres of land, located on the east and west side of Manning Road East, approximately 120 feet north of Berry Road (MD 228) and approximately 2,300 feet east of the Indian Head Highway (MD 210)/Berry Road intersection, from the R-R (Rural Residential) Zone to the M-X-T (Mixed Use Transportation Oriented) Zone, identified as Outparcels A&B on Tax Map 161, Grid E2, and among the Land Records of Prince George's County in Plat Book ME 252, Plat No. 64, in Accokeek, Council District 9.

WHEREAS, on January 9, 2006, the District Council enacted Zoning Ordinance No. 2-2006, approving Zoning Map Amendment A-9960 to rezone the property subject to seven (7) conditions:¹

1. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

¹ Zoning Ordinance No. 2-2006, conditionally approved Zoning Map Amendment A-9960-C. The "C" indicates "Conditions" were imposed by the District Council when the property was rezoned in 2006. PGCC § 27-157(b). The "01" indicates the instant application request or first amendment of conditions previously imposed by the District Council.

- a. Widening of the southbound approach of Manning Road, to provide four approach lanes, two left-turn lanes, one through lane, and one right-turn lane.
 - b. Operation of the dual left-turn lanes along the westbound MD Route 228 approach.
 - c. Modification of the island in the southwest quadrant of the intersection, to eliminate the eastbound free right turn along MD Route 228 and restriping to provide two receiving lanes for the westbound left turns.
 - d. Restriping the shoulder of westbound MD 228 to provide an exclusive right-turn lane.
 - e. Elimination of the split-phasing of the MD Route 228/Manning Road signal.
2. The total combined development of the western portion (8.57 acres) of the subject property and Pod 2 on CSP 99050 shall not exceed the total development approval for Pod 2 on CSP 99050.
3. The wetland area located at the southwestern corner of this property shall be protected from grading disturbances, throughout the development process. During the review of all subsequent plans, the wetland and the 25-foot buffer area shall be shown on all plans and shall be protected by a platted conservation easement.
4. All Conceptual Site Plans, Preliminary Plans of Subdivision, Detailed Site Plans, and Tree Conservation Plans proposing residential development on this site shall include a Phase I and Phase II Noise Study, as appropriate, to show the location of the 65 dBA Ldn noise contour (mitigated and unmitigated) and to show that all State noise standards have been met for interior areas of residential and residential type uses.
5. The Conceptual Site Plan shall show the proposed community center in a more prominent location; and
6. The bufferyard required between land uses in the M-X-T Zone and uses on adjoining R-R land shall be doubled.
7. The Woodland Conservation Threshold shall be at 20 percent; and

WHEREAS, the sole request of this application is to delete Condition 5 of Zoning Map Amendment A-9960-C, which the District Council approved by enactment of Zoning Ordinance No. 2-2006; and

WHEREAS, the development has proceeded in a manner different from that anticipated in 2006 and as a result there is no longer a need or a demand for two community centers; and

WHEREAS, the original Signature Club was requested to be a gated community, creating an access problem to the community center; and

WHEREAS, the development character has since changed from a gated community to regular open development, eliminating any access issues; and

WHEREAS, the Applicant is requesting deletion of Condition 5 and has proffered covenants guaranteeing all property owners the right to have unlimited access to, and use of the one clubhouse; and

WHEREAS, the application was advertised and the property was duly posted prior to public hearing; and

WHEREAS, on November 17, 2021, the Zoning Hearing Examiner held an unopposed evidentiary hearing on the application request; and

WHEREAS, the record was left open until December 16, 2021, for submission of several additional documents into the record; and

WHEREAS, on January 24, 2022, the Examiner's written recommendation was duly filed with the District Council; and

WHEREAS, on February 28, 2022, having reviewed the record in this case, the District Council voted to approve the application request to delete Condition 5 in accordance with the Examiner's written recommendation; and

WHEREAS, Conditions 1, 2, 3, 4, 6, and 7 of Zoning Map Amendment A-9960-C, remain in full force and effect; and

WHEREAS, as a basis for this final decision, except as stated otherwise herein, the District Council adopts and incorporates the findings and conclusions of the Examiner; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The application request to delete Condition 5 as of Zoning Map Amendment A-9960-C, enacted in Zoning Ordinance No. 2-2006, which approved rezoning of approximately ± 7.238 acres of land, located on the east and west side of Manning Road East, approximately 120 feet north of Berry Road (MD 228) and approximately 2,300 feet east of the Indian Head Highway (MD 210)/Berry Road intersection, from the R-R (Rural Residential) Zone to the M-X-T (Mixed Use Transportation Oriented) Zone, identified as Outparcels A&B on Tax Map 161, Grid E2, and among the Land Records of Prince George's County in Plat Book ME 252, Plat No. 64, in Accokeek, Council District 9, is APPROVED.

SECTION 2. Based on approval of the instant application request to delete Condition 5 of Zoning Map Amendment A-9960-C, enactment of this Zoning Ordinance amends Zoning Ordinance No. 2-2006, and the 2006 rezoning of the subject property remains conditionally approved as follows:²

1. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Widening of the southbound approach of Manning Road, to provide four approach lanes, two left-turn lanes, one through lane, and one right-turn lane.

² Strikethrough of Condition 5 denotes that it has been DELETED.

- b. Operation of the dual left-turn lanes along the westbound MD Route 228 approach.
 - c. Modification of the island in the southwest quadrant of the intersection, to eliminate the eastbound free right turn along MD Route 228 and restriping to provide two receiving lanes for the westbound left turns.
 - d. Restriping the shoulder of westbound MD 228 to provide an exclusive right-turn lane.
 - e. Elimination of the split-phasing of the MD Route 228/Manning Road signal.
- 2. The total combined development of the western portion (8.57 acres) of the subject property and Pod 2 on CSP 99050 shall not exceed the total development approval for Pod 2 on CSP 99050.
 - 3. The wetland area located at the southwestern corner of this property shall be protected from grading disturbances, throughout the development process. During the review of all subsequent plans, the wetland and the 25-foot buffer area shall be shown on all plans and shall be protected by a platted conservation easement.
 - 4. All Conceptual Site Plans, Preliminary Plans of Subdivision, Detailed Site Plans, and Tree Conservation Plans proposing residential development on this site shall include a Phase I and Phase II Noise Study, as appropriate, to show the location of the 65 dBA Ldn noise contour (mitigated and unmitigated) and to show that all State noise standards have been met for interior areas of residential and residential type uses.
 - 5. ~~The Conceptual Site Plan shall show the proposed community center in a more prominent location; and~~
 - 6. The bufferyard required between land uses in the M-X-T Zone and uses on adjoining R-R land shall be doubled.
 - 7. The Woodland Conservation Threshold shall be at 20 percent; and

SECTION 3. Use of the subject property shall be subject to all requirements in the applicable zones and to the requirements in the conditions, as amended, herein. Failure to comply with any stated condition shall constitute a zoning violation and shall constitute sufficient grounds for the District Council to revoke the rezoning of the subject property; to revoke any use and occupancy

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

SECTION 4. This Ordinance shall become effective upon enactment.

ENACTED this 14 day of March, 2022, by the following vote:

In Favor: Council Members Burroughs, Davis, Dernoga, Glaros, Hawkins, Ivey, Streeter, Taveras, and Turner.

Opposed:

Abstained:

Absent: Council Members Franklin and Harrison.

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: _____
Calvin S. Hawkins, II, Chair

ATTEST:

Donna J. Brown
Clerk of the Council