

Case No.: A-9960-C

Applicant: TSC/MUMA Mattawoman
Associates, LP

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

ZONING ORDINANCE NO. 2 - 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-9960-C was filed for property described as about 12.54 acres of land, located approximately 120 feet north of Berry Road (MD Route 228) and 2,300 feet east of the intersection of Indian Head Highway and MD 228, in Accokeek, to rezone the property from the R-R to the M-X-T 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 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 has determined, after consideration of the entire record, that the subject property should be rezoned to the M-X-T Zone; and

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 the report of the Zoning Hearing Examiner as its findings and conclusions in this case, except that the Council has determined that the entire property, and not just 8.57 acres, should be placed in the M-X-T Zone.

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 which is the subject of Application No. A-9960-C from the R-R Zone to the M-X-T Zone.

SECTION 2. Application A-9960-C is approved subject to the following conditions:

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.

- 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.
 - 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.

SECTION 3. 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 2.

Enacted this 9th day of January, 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

Case No.: A-9960-C

Applicant: TSC/MUMA
Mattawoman Associates, LP

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-9960-C, to rezone the subject property from R-R to M-X-T, 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-9960-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 April 4, 2006, 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: _____
Thomas E. Dernoga
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council