

Case No.: A-9981-C

Applicant: Jemal's Fairfield Farms, LLC  
(Project Name – Addison Row at Cheverly Metro)

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

ZONING ORDINANCE NO. 9 - 2007

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

WHEREAS, 34.4 acres of land in the I-1, I-2 and C-O Zones, located on the northeast quadrant of Addison Road and Minnesota Avenue, south of the Cheverly Metro Station, Capitol Heights, Maryland, to rezone the property 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, who have filed recommendations with the District Council; and

WHEREAS, a public hearing was held before the Zoning Hearing Examiner; and

WHEREAS, the Zoning Hearing Examiner's recommendations were duly filed with and considered by the District Council; and

WHEREAS, having reviewed the record in this case, the District Council has determined, based on consideration of the entire record, that the subject property should be rezoned to the M-X-T Zone; and

WHEREAS, as the basis for this action, the District Council adopts the recommendations of the Zoning Hearing Examiner as its findings and conclusions in this

case.

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 No. A-9981-C is hereby amended, subject to the following conditions:

1. The final location of dwelling types shall be determined at the time of Conceptual Site Plan review, due to the extensive environmental constraints on site.
2. During Conceptual Site Plan review, the Planning Board or its designee shall ensure there is adequate open space at the perimeter to serve as a buffer between the project and adjacent residential development of lower density.
3. Multi-family development shall have direct access to arterial or collector roads and shall not have primary access through single-family residential streets.
4. Wherever possible, living areas shall be linked to community facilities, transportation facilities, employment areas, and other living areas by a continuous system of pedestrian walkways and bike trails utilizing the open space network.
5. Buffering in the form of landscaping, open space, berming, attractive fencing, and/or other creative site planning techniques shall be utilized to protect residential areas from commercial, industrial and other incompatible uses.
6. The Conceptual Site Plan shall show right-of-way along Addison Road consistent with Master Plan recommendations. This right-of-way shall be shown for dedication at the time of preliminary plan of subdivision. At the time of Conceptual Site Plan review Applicant shall address access to Addison Road for this site in detail. Consideration shall be given to consolidation of access points to the extent feasible as well as the alignment of access points opposite existing streets.
7. At time of Conceptual Site Plan review a geotechnical report shall be submitted that evaluates the existing soil conditions on the site and their suitability for the redevelopment proposed.
8. A Type I Tree Conservation Plan will be required at the time of Conceptual Site Plan review. The TCP I should propose the preservation of as much of the existing

vegetation as possible (as deemed appropriate by the Planning Board or its designee) and should provide some areas of afforestation adjacent to the expanded buffer.

9. A determination regarding stream valley dedication and/or trail construction along Beaverdam Creek will be made at the time of CSP.
10. At time of Conceptual Site Plan review, Applicant and staff of the Department of Parks and Recreation shall develop a mutually acceptable package of parkland, outdoor recreational facilities, fees or donations to meet the future needs of the residents of the planned community.
11. The Landover and Vicinity Master Plan recommends that Addison Road be designated as a sidewalk/bikeway with appropriate signage. Because Addison Road is a County right-of-way, the Applicant and its heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the DPWT for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
12. Prior to 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:

Addison Road at Eastern Avenue

- a. Restriping the eastbound Eastern Avenue approach to provide an exclusive left-turn lane and a shared through/right-turn lane
- b. Provisions of a dual right-turn lane along the southbound Addison Road approach

Sheriff Road at Addison Road

- a. Provision of two (2) through and exclusive right-turn and left-turn lanes along the westbound Sheriff Road approach
- b. Provision of an exclusive left-turn lane along the eastbound Sheriff Road approach

13. At the time of preliminary plan of subdivision a revised traffic study shall be submitted. The improvements set forth above shall be reviewed and revised if deemed necessary. The review shall include an analysis of queuing within the left-turn lane along eastbound Eastern Avenue. The traffic study shall also review

each proposed access point along Addison Road to determine the appropriate land configuration at each location and to determine if signalization merits further study. Such further study of traffic signal warrants shall be conducted at the time of Detailed Site Plan. This revised study shall also consider traffic calming measures along Doewood Lane, if an access point is aligned opposite to it, and Elkwood/Nast Street, if an access point is aligned opposite to Elkwood Lane.

14. Prior to Detailed Site Plan approval the Applicant shall submit a noise study and shall use the appropriate noise and vibration mitigation measures in developing the property.
15. All future submission packages shall contain a signed Natural Resources Inventory (NRI). The NRI shall be used to prepare a site layout that results in non-essential impact to the regulated features of the site.
16. Any proposed route for the shuttle service through the Town of Cheverly shall be reviewed at the time of subdivision review, and must be submitted to the Town for its review and approval.
17. The residential development of the project shall be limited to a maximum of 2,000 dwelling units and the total development on the property shall be limited to uses that generate no more than 1,683 AM and 2,323 PM peak vehicle hour trips.

SECTION 2. 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-9981-C from the I-1, I-2 and C-O zones to the M-X-T Zone.

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 1.

Ordered this 24th day of September, 2007, by the following vote:

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

Opposed:

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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: \_\_\_\_\_  
Camille A. Exum  
Chair

ATTEST:

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

A-9981-C  
Jemal's Fairfield Farms, 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-9981-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-9981-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 December 26, 2007, 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