

Case Nos: S.E. 2635 and S.E. 3400  
Six Flags America

Applicant: Six Flags America L.P.

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

ZONING ORDINANCE NO. 7 - 2013

AN ORDINANCE to approve Special Exceptions.

WHEREAS, Applications S.E. 2635 and S.E. 3400 were filed to request permission to amend conditions of approved Special Exceptions for a Commercial Recreation Attraction on approximately 397.73 acres of R-A (Residential Agricultural) and R-S (Residential Suburban Development) Zoned land located on the north side of Central Avenue, approximately 3,000 feet west of its intersection with Church Road and approximately 3,150 feet east of its intersection with Enterprise Road, identified as 13710 Central Avenue, Largo, Maryland; and

WHEREAS, the applications were advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the applications were reviewed by the Technical Staff and Planning Board, which filed recommendations with the District Council; and

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

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

WHEREAS, as the basis for this action, the District Council adopts the findings of fact, conclusions, and decision of the Zoning Hearing Examiner, as its findings and conclusions.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Special Exceptions 2635 and 3400 are approved, subject to the following conditions:

1. In general, no structure, including any observation tower, shall be constructed higher than 200 feet in height measured from grade. However, roller coasters and other attractions may exceed 200 feet in height. The exact height of such an attraction shall be determined based upon the review and approval of the appropriate Site Plan.
2. A noise study shall be submitted with the Detailed Site Plan for each new ride or activity that will demonstrate to the satisfaction of the Planning Board that noise levels from any sounds (including any crowd noise) will not exceed 65 dBA at all property lines, except as permitted in Condition 19 herein.
3. Prior to the approval of any Detailed Site Plans, the Applicant shall provide a updated conceptual landscaping, planting, and screening plan to be approved by the Planning Board or designee that includes the area of the proposed attractions. The Conceptual Site Plan shall demonstrate the relationship and function of plantings (such as screening of parking or rides); compliance with Conditions 14 and 15 below; and existing vegetation to be preserved.
4. All activities which will charge a separate admission to the park will include a traffic analysis showing compliance with Sections 27-342 (b)(1)(B) of the Zoning Ordinance at the time of Detailed Site Plan submission.
5. The area in which the Six Flags management shall have discretion to freely locate rides movable rides shall be the area enclosed by a dashed line and labeled "General Activity Area."
6. The Six Flags management shall have discretion within the area defined in Condition 5 (General Activity Area) to freely locate movable rides, rides without substantial foundations, food stands, concession and/or ticket stands, or similar facilities, but not rides or structures with substantial foundations. The determination of Six Flags to install rides or improvements authorized by this Condition shall not require the filing of a Conceptual Site Plan revision or Detailed Site Plan of any nature.

7. The entrance to the site from Central Avenue shall be designed in a manner to minimize the impact on through traffic movement along Central Avenue.
8. If attendance is significantly higher than projected and extensive use is made of the "Overflow Parking" area, additional parking shall be provided in accordance with this Conceptual Site Plan.
9. All future on-site parking areas shall be screened from Central Avenue.
10. All future animal display areas shall be enclosed by two (2) fences. The inner fence shall be at least 30 feet from any adjoining residential property.
11. All fencing shall be maintained in good physical repair, and any trees near the fencing shall be trimmed to prevent them from coming into contact with the fence.
12. All green areas and landscape strips within the existing parking compound and landscape buffers along the property lines approved by the general Conceptual Landscape Plan on December 7, 1982, shall be preserved and maintained.
13. The Applicant shall provide information on the adequacy of on-site drainage, sewage and water for all new improvements along with the Detailed Site Plan application for the new improvements.
14. Each Detailed Site Plan shall provide information indicating the type of glare and light that can be expected to be generated by the proposed uses(s) and that such lighting will have no adverse impact on adjoining properties.
15. The facility, where feasible, shall incorporate barrier-free design to provide accessibility for handicapped patrons.
16. Traffic to and from the subject property shall be monitored for a reasonable time after each new attraction opens, to determine if Level of Service "D" is exceeded in the vicinity of the site entrance. If such a traffic level is exceeded, the Applicant shall bear the cost of improving the design of the entranceway, by adding or widening lanes or making other modifications. All such modifications shall be reviewed and approved by the appropriate County or State authority.

17. There shall be no development other than that in existence, in operation, or shown on either an approved Detailed or Conceptual Site Plan as of the effective date of this Ordinance within 100 feet of the Special Exception property line (as revised pursuant to Sections 27-319(f) and 27-320 of the Zoning Ordinance), once such line is legally established. Notwithstanding the above, for the purposes of new additional development, if, after the Special Exception property line has been revised pursuant to Sections 27-319 (f) and 27-320 of the Zoning Ordinance, the property owner(s) of property contiguous to the said revised Special Exception property line establishes, on its property, through a legally enforceable agreement, a non-disturbance setback area contiguous to the said revised Special Exception property line, then the 100 foot restriction line shall be measured from the outer boundary of the non-disturbance setback area and not from the revised Special Exception property line.
18. The Applicant's Detailed Site Plans shall include a safety plan for patrons, employees, surrounding property residents and animals.
19. (a) Except as permitted herein, noise levels from any sound (including any crowd noises) shall not exceed 65 dBA at all new property lines of the Special Exception as determined by the submission of a new site plan pursuant to Sections 27-319 (f) and 27-320 of the Zoning Ordinance. However, noise levels from any sound emanating from all rides and attractions (including any crowd noise) shall not exceed 65 dBA at the property line of the Special Exception as approved by Zoning Ordinance No. 29-1985 until such time as a Use and Occupancy permit is issued for a home (not including a "model home" until or unless such "model home" is used for occupancy as a home) built on the property constituting the subject matter of Zoning Map Amendment Application A-9761-C (the R-S zoned land to the west and north of the new property line of the Special Exception [as revised pursuant to Sections 27-319 (f) and 27-320 of the Zoning Ordinance])). Once such a Use and Occupancy permit has been issued, the noise levels from any sound emanating from the above rides and attractions (including any crowd noise) shall not exceed 65 dBA at the closest boundary line of the applicable approved Specific Design Plan on which the home has been constructed.  
  
(b) Notwithstanding the above, if, after the new property lines of the Special Exception have been determined pursuant to Sections 27-319 (f) and 27-320 of the Zoning Ordinance, the property owner(s) of the property contiguous to the said revised Special Exception property line establishes on its property through

a legally enforceable agreement, a non-disturbance setback area contiguous to the said revised Special Exception property line, then noise levels specified in this condition shall be measured from either the line established by the immediately preceding paragraph of this condition, or the outer boundary of the non-disturbance setback area, whichever shall be farthest from the revised Special Exception property line.

20. During the Fright Fest Halloween Festival, the operators of the park may at their discretion, allow the park to remain open and operational for a total of eight (8) nights on Fridays and/or Saturdays until midnight. In addition, between May 1<sup>st</sup> and June 15<sup>th</sup>, the park operators may allow the park to remain open and operational until midnight for a total of six (6) nights in order to host events which will be restricted to celebrate after prom and graduation for high school students. During these nights, operations at the park shall cease at midnight with the exception of those actions necessary to expeditiously close the park with the exception of the above, on all other days, operation of the park shall close at 10:30 p.m. with the exception of those actions necessary to expeditiously close the park
21. All permits shall be reviewed and approved by the Maryland-National Capital Park and Planning Commission (designated staff) prior to issuance.
22. Fireworks displays shall be limited to six (6) evenings per season. The days for such fireworks shall be within the discretion of the park operators.
23. Except as provided in Condition 6, a Detailed Site Plan application shall be required to be approved after a public hearing before the Planning Board. The procedure regarding notice of the hearing shall be as follows: A minimum of 30 days notice of such hearing shall be given to all parties of record. Permanent parties of record shall include the presidents of the Kettering Civic Association, Kettering Townhouse Condominium Association, Canterbury Citizens Association, Kingsford Citizens Association, Enterprise Estates Citizens Association, Woodmore Meadows Homeowner's Association and the City of Bowie and any civic association formed for the Rolling Meadows Community, i.e., any development of the property forming the subject matter of A-9761. All other parties of record shall include those persons who register with the Clerk of the Council as described below.

Within 30 days of the final approval of this Condition, the Applicant shall mail, by certified mail, return receipt requested, a notice to all persons who testified before the Zoning Hearing Examiner in Case No. S.E. 2635 on April 26, 1984; May 1, 1984; May 10, 1984; and on May 15, 1984. This notice shall advise said persons of their responsibility to register, within ninety days of the final approval of the condition, with the Clerk of the Council in writing, if they wish to remain parties of record for a period of five more years from the date of final approval of the condition. The date of final approval shall be deemed to be the date on which the Council's resolution approving this condition is mailed to all current parties of record.

No later than ninety days prior to the expiration of each fifth year following these registrations the Applicant shall notify all those persons registered with the Clerk of the Council of the requirement to re-register for five more years. Such persons must re-register in writing prior to the expiration of said five year period.

In any event, the presidents of the aforementioned citizens organization and the City of Bowie shall remain permanent parties of record. It shall be the responsibility of the Applicant to maintain an updated record of current presidents of the aforementioned citizens organizations and annually provide the Clerk of the Council with such information.

24. The parking compound for the Special Exception property (as revised pursuant to Sections 27-319 (f) and 27-320 of the Zoning Ordinance) shall consist of all those spaces as shown on the Conceptual Site Plan as of the effective date of this Ordinance and overflow parking as authorized in S.E. 2635. That parking which is currently constructed is sufficient for all rides, attraction and improvements shown on the approved conceptual site plan as of the effective date of this Ordinance, pursuant to Section 27-342 (b)(2)(A) of the Zoning Ordinance.
25. Both entrances shall allow inbound traffic from both directions on MD Rt. 214, and they shall operate freely, without gates.
26. All toll collection facilities shall be located to avoid obstructing the orderly flow of traffic on Central Avenue.
27. Message signs shall be installed along MD Rt. 214 as required by the State Highway Administration to guide traffic into both entrances.

28. Pedestrian walkways shall be provided within the parking compound.
29. The Applicant shall establish a citizen's advisory committee, to advise it about how to operate the Special Exception use in a manner compatible with the surrounding community. The following shall apply to this committee:
  - (a) At a minimum, the committees' membership shall include members of the Kettering Civic Federation, the Kingsford Civic Association, the Enterprise Estates Civic Association, and the Kettering Townhouse Condominium Association, and representatives of the City of Bowe, the Planning Commission, and the County's Department of Environmental Resources.
  - (b) On a finding, by majority vote of the full committee, that any condition stated herein has been violated, the committee may petition the Director of Environmental Resources for Modification of Conditions, revocation, or other appropriate action.
30. All lights shall be focused on the parking areas and access road areas. Access road lighting shall be of low intensity and shall conform in height to existing entrance road lighting.
31. Except for parking, access and appropriate signage, no rides, attractions, or other development shall be placed within 800 feet of the current right-of-way line of Central Avenue.
32. There shall be no use of sound amplification equipment, other than authorized emergency equipment, after 10:30 p.m. with the exception of those days on which the park is allowed to remain open until midnight. On those days the use of sound amplification equipment is allowed until midnight.
33. The Applicant shall submit Detailed Site Plans for each of the new attractions shown on the Conceptual Site Plan.
34. Information regarding compliance with Condition 1 to 33 of this approval as applicable shall be provided at the Detailed Site Plan stage for each of the new attractions shown on the Conceptual Site Plan. The Detailed Site Plan application for each new Attraction shall reference the Attraction Number on the Conceptual Site Plan. The location of Attractions #36 and #40 shall be reviewed by DER at the Detailed Site Plan stage to insure no interference with the stormwater management ponds. During the Detailed Site Plan

stage, Attraction #43 may be relocated to the water ride area if it is determined that it is appropriate to locate all water-related attractions in one area.

SECTION 2. This Ordinance shall take effect on the date of its enactment.

Enacted this 18th day of June, 2013 by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Lehman, Olson, Patterson, Toles 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: \_\_\_\_\_  
Andrea C. Harrison, Chair

ATTEST:

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