

Case No.: S.E. 4474

Applicant: TDB Properties, LLC

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

ZONING ORDINANCE NO. 3 2005

AN ORDINANCE to approve a special exception.

WHEREAS, an application has been filed for property described as approximately 4.96 acres of land, in the I-2 Zone, located on the west side of Forestville Road, approximately 440 feet north of Suit Road, identified as 3709 Forestville Road, Forestville, for approval of a special exception for a Concrete Batching Plant and variance of a 300 foot setback requirement for certain concrete plant components and truck parking from residential 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, which has filed recommendations with the District Council; and

WHEREAS, a public hearing on the application 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, the District Council has determined that the application should be approved; and

WHEREAS, to protect adjacent properties and the surrounding neighborhood, this special exception is granted subject to conditions; and

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

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

Section 1. The Zoning Map of the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended to show an approved special exception for a Concrete Batching Plant and Variance on the property which is the subject of Application No. S.E. 4474. All development and use of the subject property under this special exception shall conform to the site plan filed in accordance with this decision.

Section 2. The special exception approved herein is subject to the following conditions:

1. Prior to the issuance of any building permits for 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. Restripe the existing three-lane northbound Forestville Road approach to provide an exclusive left-turn lane, a shared through/left-turn lane, and an exclusive right-turn lane.
  - b. Right-of-way dedication and roadway improvements along the frontage of the property on Forestville Road shall meet DPW&T Standard No. 100.03 for an urban four-lane collector road.
  - c. All improvements within the public right-of-way as dedicated to the County shall be in accordance with the County Road Ordinance, the Department of Public Works and Transportation's Specifications and Standards, and the Americans with Disabilities Act.
2. The applicant shall provide a fence for screening and sound mitigation along the subject property's western property line, as follows:
  - a. The fence shall be sight-tight, with vinyl and not wood facing.
  - b. The fence shall mitigate sound from the property, so that plant operations will not violate any applicable standards.
3. The applicant shall provide a decorative fence along its Forestville Road frontage, as follows:
  - a. The fence shall be designed and constructed with iron pickets and concrete masonry columns, substantially as shown in the fence design plan submitted to Urban Design.
  - b. Fence design and placement shall be approved by Urban Design.
4. The applicant shall submit in the record a new site plan showing all required fencing and other modifications to

site structures.

Section 3. This Ordinance shall take effect on the date of its enactment.

Enacted this 9th day of May, 2005, by the following vote:

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

Opposed:

Abstained:

Absent: Council Member Bland

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: \_\_\_\_\_  
Samuel H. Dean, Chairman

ATTEST:

\_\_\_\_\_

S.E. 4474

Page 5

Redis C. Floyd  
Clerk of the Council