

Case No. SP-05002B-C

Applicant: Addison Road South, LLC

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

ORDER TO REZONE  
DEVELOPMENT DISTRICT PROPERTY, WITH  
CONDITIONS, AND APPROVE A CONCEPTUAL SITE PLAN

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 05-187, to approve a development district zoning change proposed in a conceptual site plan, to rezone property from the R-55 to the M-U-I Zone, for the development of a mixed-use community (known as Addison Road South, Phase II) consisting of 84 single-family attached residences, and 6 live/work units, on property described as approximately 15.91 acres of land in the R-55/D-D-O Zone, located on the west side of Addison Road and Rollins Avenue, approximately 3,000 feet south of its intersection with Central Avenue, Capitol Heights, is hereby:

AFFIRMED, and the rezoning of the subject property from the R-55 to the M-U-I Zone, together with the proposed conceptual site plan, are hereby

APPROVED, for the reasons stated by the Planning Board, whose findings and conclusions are hereby adopted as the findings of fact and conclusions of law of the District Council.

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to signature approval of the conceptual site plan, the plan shall be revised to change the unit type along the southwest property line, adjacent to Parcel 208, from townhouses to single-family detached units. The plan may include additional single-family attached units (not to exceed 90 total units) if the location is found to be appropriate and suitable at the time of detailed site plan review.

2. Detailed site plan approval is required prior to approval of final plat.
3. At the time of detailed site plan, the plans shall identify the location and width of all streets, including private streets, alleys, and drive aisles.
4. The Woodland Conservation Threshold for this site shall remain at 20 percent. Prior to certificate approval of the CSP, the worksheet on the TCP shall be revised to reflect the M-U-I zoning and the following note shall be added beneath it:

Per a condition of the Planning Board, the WCT for this site is 20%.

5. Development of this conceptual site plan shall be in compliance with an approved Type I Tree Conservation Plan (TCP I/15/05). The following note shall be placed on the Final Plat of Subdivision:

Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCP I/15/05), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.

6. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
7. Prior to signature approval of the preliminary plan, the applicant shall determine the extent of the land that should be the subject of a Phase I archaeological investigation with the concurrence of the Development Review Division (DRD). The applicant shall complete and submit a Phase I investigation (including research into the property history and archaeological literature) for those lands determined to be subject. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.
8. Prior to approval of a detailed site plan, the applicant shall submit Phase II and Phase III investigations as determined by DRD staff as needed. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994)* and

must be presented in a report following the same guidelines. Report editorial style shall follow the *American Antiquity* or *Society of Historical Archaeology* style guide.

9. Prior to signature approval of the CSP, the plans shall be revised to list the proposed uses as single-family and live/work units. The commercial area of the live/work units shall be limited to commercial retail and office uses only.

Ordered this 13th day of February, 2006, 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.: SP-05002B-C

Applicant: Addison Road South, 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 approves Application No. SP-05002B-C, to approve with conditions a conceptual site plan to rezone property from the R-55 to the M-U-I Zone; and

WHEREAS, the applicant has duly consented in writing to the 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 development district rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Application No. SP-05002B-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional rezoning 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 rezoned 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 March 15, 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