Case No.: A-9954-C

Applicant: Edwards Property

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

ZONING ORDINANCE NO. 10 - 2004

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-9954-C has been filed for property described as approximately 4.1412 acres of land, in the R-R Zone, located on the north side of Riggs Road, east of Edwards Way and west of Adelphi Road, also known as 9100 Riggs Road, Adelphi, Maryland, to rezone the property to the L-A-C 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 L-A-C Zone with conditions; 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.

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-9954-C from the R-R Zone to the L-A-C Zone.

SECTION 2. Application No. A-9954-C is approved subject to the following conditions:

(1) The Basic Plan shall be revised to show the following rights-of-way along the frontages of the subject property: MD 212 -- 40 feet from center line (toward the ultimate right-of-way of 80 feet); Adelphi Road -- 50 feet from center line (toward the ultimate right-of-way of 100 feet); Edwards Way -- 35 feet from center line (in accordance with Zoning Ordinance requirements adjacent to a commercial zone).

(2) The Applicant will provide a double left-turn lane along southbound/westbound MD 212 at the approach to Adelphi Road.

Timing of this improvement will be determined at the preliminary plan of subdivision.

(3) Prior to the approval of the Specific Design Plan for the subject property, the Applicant shall submit an acceptable traffic signal warrant study to the County Department of Public Works and Transportation (DPW&T) for the intersection of Adelphi Road and Edwards Way. The Applicant shall use a new 12-hour count and shall analyze signal warrants under total future traffic as well as existing traffic.

(4) During the review of Preliminary Plan of Subdivision, the Applicant shall provide more detailed operational analyses at the intersections of MD 212/Edwards Way and MD 212/ site entrance. The scope of these analyses will be determined after approval of the proposed Basic Plan and in consideration of the permitted access to the site.

(5) Total commercial development of the subject 4.14 acre site shall be limited to a maximum of 40,000 square feet.

(6) During the Comprehensive Design Plan and subdivision review, the Applicant shall address the addition of public streets to accomplish access from Adelphi Road or obtain a variance from Section 24-121 of the Subdivision Regulations.

(7) Development of the subject property shall have a woodland

conservation threshold of 20 percent. If off-site mitigation is proposed, the first priority for mitigation sites shall be within the Anacostia Watershed.

(8) During the Comprehensive Design Plan and the Specific Design Plan review, the Applicant shall address the following issues:

A. Architectural design shall be distinctive in order to create an image of quality and permanence.

B. A build-to line shall be considered in order to create an inviting streetscape.

C. The streetscape shall create a pedestrian-friendly environment with consideration of the following elements:

(1) Street furniture including pedestrian lighting

(2) Trash receptacles

(3) Bike racks

(4) Pedestrian crosswalks should be a contrasting paving material

(5) Need for bus stop

D. Massive surface parking facilities adjacent to either Riggs Road or Adelphi Road shall be prohibited.

E. An architectural focal point and/or sculpture located within a green area shall be provided at the intersection of Adelphi and Riggs Road.

F. No loading and/or dumpster areas shall be visible from adjacent roadways.

G. The design plans shall address the entire property, so that the final development of the individual lots creates a visually cohesive development, compatible in regard to architectural treatment and site layout.

(9) Additional conditions of approval:

A. The leadership of the Buck Lodge Citizen’s Association, White Oak Manor Civic Association, and Hampton’s Association will each nominate two representatives and one alternate to participate with the developer of the subject property in regular meetings, scheduled by the developer, during each of the phases of development (including but not limited to the Preliminary Plan of Subdivision, Comprehensive Design Plan, and Specific Design Plan) of the property.

B. At the time of Preliminary Plan application, the

developer of the subject property shall include the intersection of Metzerott Road and Riggs Road in its traffic study, to demonstrate the adequacy of transportation facilities in the surrounding area.

C. Any required widening and improvements to the public rights-of-way for Riggs Road, Adelphi Road, and Edwards Way shall include five-foot wide sidewalks, in accordance with applicable State and County standards.

D. The developer of the subject property shall work with the Maryland State Highway Administration on the improvements to Riggs Road, Maryland Route 212, to provide a center turn lane to allow northbound traffic to make left turns into the subject property without impeding through traffic.

E. The developer of the subject property shall be responsible for payments for all road and intersection improvements necessary to mitigate any failing traffic condition caused by the on-site development. Such improvements will be determined at the time of Preliminary Plan review.

F. The developer of the subject property shall work with the various transit authorities and agencies to maintain the locations of the existing bus stops along Riggs Road and Adelphi Road. The developer shall construct a bus pull-off area to allow the loading and unloading of passengers out of the travel lanes of

the roadways, within the public rights-of-way.

G. The developer of the subject property shall work with the Prince George's Department of the Environment, to utilize low impact stormwater management techniques to the degree practicable.

H. The developer of the subject property shall take all reasonable actions to alleviate and reduce the possibility of crime occurring on or adjacent to the property.

J. The developer shall keep clean all areas of the subject property, during and after development.

K. The developer shall incorporate trees, shrubs, open areas, flowers, walkways, and lighting into the site plan. The property shall be cleared of poorly lit or secluded areas, and adequate safety lighting shall be installed to improve visibility into the site and deter illegal activity.

(10) The developer shall make its best efforts to include a restaurant as an ancillary tenant on the subject property.

SECTION 3. This Ordinance is effective 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 30th day of July, 2004, for initial approval, by

the following vote:

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

Opposed:

Abstained:

Absent:

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:_____
Tony Knotts, Chairman

ATTEST:

_____
Redis C. Floyd
Clerk of the Council

Case No.: A-9954-C

Applicant: Edwards Property

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-9954-C, to rezone the subject property from the R-R Zone to the L-A-C Zone, attached conditions; 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 conditional rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Application No. A-9954-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 September 1, 2004, 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:_____
Tony Knotts, Chairman

ATTEST:

_____

Redis C. Floyd
Clerk of the Council