

Case No.: A-9961-C

Applicant: Atlantic Plumbing  
Supply Profit Sharing  
Trust Fund

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

ZONING ORDINANCE NO. 9 - 2005

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

WHEREAS, Application No. A-9961-C has been filed, to rezone from the R-T to the C-S-C Zone property described as approximately 1.37 acres of land on the south side of Marlboro Pike, about 590 feet west of the intersection with Forestville Road, identified as 7521 Marlboro Pike, Forestville; 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, which 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 filed with and considered by the District Council; and

WHEREAS, the District Council has determined, after consideration of the entire record, that the subject property should be zoned in part R-55 and in part C-S-C; and

WHEREAS, to protect adjacent properties and the neighborhood, this rezoning is granted with conditions; and

WHEREAS, as the basis for this action, the District Council adopts the 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 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-9961-C from the R-T Zone to the C-S-C and R-55 zones, as shown in Exhibit 41 (c). The parcel lying south and west of the line between Parcel 15 (west of the subject property) and a point on the east side of the property, as indicated on Exhibit 41 (c), shall be placed in the R-55 Zone. The remaining 1.18-acre portion of the subject property, abutting C-S-C land to the east and west, shall be placed in the C-S-C Zone.

SECTION 2. Application A-9961-C is approved subject to the following conditions:

1. Before issuance of permits, the applicant or its successors or assigns shall submit a detailed site plan for review and approval, in accordance with Part 3,

Subdivision 9, of the Zoning Ordinance.

2. Detailed site plan review is to determine the adequacy of proposed landscaping, fencing, and buffering, and the location of proposed buildings, paving, and on-site parking, especially as between the internal portion of the site and residential uses on adjacent properties.
3. All future development on this site shall include a Phase I or Phase II Noise Study, as appropriate, to show the locations of the 65 dBA Ldn noise contour (mitigated or unmitigated), and show that all State noise standards have been met, for interior areas.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall become 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 12th day of September, 2005, for initial approval, by the following vote:

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

Opposed:

Abstained:

Absent: Council Members Dernoga and Knotts

Vote: 7-0

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:

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

Case No.: A-9961-C

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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-9961-C, to rezone the subject property from the R-T Zone to the C-S-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-9961-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 October 26, 2005, 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: \_\_\_\_\_  
Samuel H. Dean, Chairman

ATTEST:

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Redis C. Floyd  
Clerk of the Council