

Case No.: A-9967-C

Applicant: Washington Park
Estates LLC
(Bevard East)

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

ZONING ORDINANCE NO. 7 - 2006

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-9967-C was been filed for property described as approximately 562.85 acres of land in the R-E Zone, on the east side of Piscataway Road, about 595 feet northeast of Mary Catherine Drive, in Clinton, Maryland, to rezone the property to the R-L 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, 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, having reviewed the record in this case, the District Council has determined that the subject property should be rezoned to the R-L Zone; 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; and

WHEREAS, to protect adjacent properties and the general neighborhood, approval of the amended basic plan is granted subject to conditions.

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-9967-C from the R-E Zone to the R-L Zone.

SECTION 2. The basic plan for Application No. A-9967-C is hereby approved as amended, subject to the following conditions:

1. The basic plan shall be revised as follows, and submitted to the Office of the Zoning Hearing Examiner for inclusion in the record:
 - The right-of-way for A-65 as designated on the Subregion V Master Plan shall be shown. A determination shall be made at the time of preliminary plan concerning dedication, reservation, or no preservation strategy for the right-of-way for this facility within the subject property.

- The Basic Plan shall be revised to reflect a proposed basic plan density of 827 units and a maximum of 165 attached units (20% of the total, as provided in Section 27-514.10 of the Zoning Ordinance). With the provision of density increments, Applicant shall construct no more than 827 units.
2. A preliminary plan of subdivision shall be required for the proposed development.
 3. A soils study shall be submitted as part of any application for a natural resources inventory. The study shall clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. Borings and test pits in fill areas shall be deep enough to reach undisturbed ground.
 4. The Comprehensive Design Plan ("CDP") shall avoid impacts to sensitive environmental features. If avoidance is not possible, the impacts shall be the minimum necessary to support the development concept as a whole.
 5. If impacts to regulated environmental features remain after the redesign, variation requests shall be submitted as part of any application for a preliminary plan of subdivision. The variation request must have a separate justification statement for each impact or impact type, in conformance with Section 24-113 of the Subdivision Regulations, a map on 8.5 x 11 inch paper showing each impact, and noting the quantities of impacts proposed for each individual impact.
 6. A Phase I noise study shall be required as part of any application for a CDP. The CDP and Type I Tree Conservation Plan ("TCPI") shall show all unmitigated 65 dBA Ldn noise contours associated with traffic-generated noise.
 7. The CDP shall provide for minimum 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road.
 8. Applicant shall execute a large lot component located in approximately 118 acres of land, at the southern portion of the site, south of the tributary and north of Thrift Road. The lot size shall not be less than 30,000 square feet for lots bordering Thrift Road and adjoining subdivisions, as

shown on Exhibit 20. The remaining lots shall be a minimum of 20,000 square feet. The layout shall be determined at the time of the CDP and preliminary plan of subdivision approval.

Considerations:

1. At the time of Comprehensive Design Plan review specific acreage of parkland dedication shall be determined. The dedicated parkland should be of sufficient acreage to accommodate a baseball field, soccer field, a parking lot with a minimum of 100 parking spaces, a playground, picnic shelter, basketball court, trail and stormwater management pond. The dedicated parkland shall be located along Piscataway Road.
2. At the time of Comprehensive Design Plan review any recreational facilities to be constructed by Applicant shall be constructed on dedicated parkland. The recreational facilities package shall be reviewed and approved by appropriate M-NCPPC staff.
3. As a public benefit feature, Applicant shall contribute \$2 million to the construction of a community center to be located at Cosca Regional Park.
4. At the time of Comprehensive Design Plan review, Applicant and Staff should address the feasibility of installing traffic calming measures and pedestrian crosswalks at the following intersections:
 - Piscataway Road/Windbrook Drive;
 - Piscataway Road/Mary Catherine Drive;
 - Piscataway Road/entrance to Bevard North; and
 - Piscataway Road/entrance to Bevard East

SECTION 3. BE IT FURTHER ENACTED that the rezoning approved herein shall become effective when the applicant accepts in writing the conditions in Section 2.

Enacted this 27th day of February, 2006, for initial approval, by the following vote:

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

Opposed:

Abstained:

Absent: Council Member Dernoga

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.: A-9967-C

Applicant: Washington Park
Estates, LLC
(Renard Lakes)

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-9967-C, to rezone the subject property from the R-E Zone to the R-L 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-9967-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 March 28, 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