

Case No.: A-9970-C

Applicant: SCAD, LLC
(Renard Lakes)

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

ZONING ORDINANCE NO. 3 - 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-9970 was filed for property described as approximately 167.84 acres of land, in the I-1 Zone, located on the northwest corner of U.S. Route 301 and Dyson Road, Brandywine, Maryland, to rezone the property to the R-S 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 Examiner's recommendations were filed with and considered by the District Council; and

WHEREAS, the District Council has determined, based on review of the entire record, that the subject property should be rezoned to the R-S 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-9970-C from the I-1 Zone to the R-S Zone.

SECTION 2. The basic plan for Application No. A-9970-C is hereby amended, subject to the following conditions:

1. The Basic Plan shall be revised to show the following:

(a) Land use and quantities:

- Total area: 167.84 acres
- Land in the 100-year floodplain: 21.65 acres
- Net Area (gross less half the floodplain):
157.02_± acres
- Density Permitted under the R-S Zone: 1.6 - 2.6
du/ac
- Permitted Dwelling Unit Range: 251-405
dwellings

(b) Proposed Land Use Types and Quantities:

- Single-family detached and attached units
 - Public Active Open Space
 - Passive Open Space
 - Recreational Facilities
2. Applicant shall submit a preliminary plan of subdivision for the proposed development.
 3. A bufferyard shall be provided along the western property line. The bufferyard shall include a wall of which the height, material and design shall be determined during the Comprehensive Design Plan phase of review. The width of the bufferyard shall also be determined during the Comprehensive Design Plan phase of review.
 4. An approved Natural Resources Inventory shall be required as part of any application for a Comprehensive Design Plan.
 5. As part of any application for a Natural Resources Inventory, a soils study shall be submitted. 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.
 6. With the application for the first Comprehensive Design Plan (with a Type I Tree Conservation Plan (TCP I)), the applicant shall include a Phase I Noise Study, and staff and Planning Board shall address noise on the subject property as follows:
 - (a) The study shall show all unmitigated 65 dBA Ldn noise contours associated with traffic generation, and 65 dBA noise contours from gunfire on the adjacent firing range. The TCP I shall show conceptually how noise on the property will be reduced to or below 65 dBA.
 - (b) The study, or an applicant memorandum accompanying it, shall show how the applicant will afford maximum protection to property residents from firing range noise. The applicant shall review all sound protection or sound barrier measures available and shall

explain why it proposes the system shown in the CDP and TCP I.

- (c) Before approval of the first CDP and TCP I, the technical staff, under the direction of the Environmental Planning Section, shall conduct a noise test at the site, while the firing range is in use, and include the results of the test in the CDP record.
 - (d) In its review of the first CDP and TCP I, the Planning Board shall consider whether to limit the times (or recommend limitation of the times) when the firing range may be used. With its decision on the first CDP and TCP I, the Board shall include in the record a statement showing how funds budgeted (or appropriated) for the firing range have been or will be expended. This statement shall advise how such funds have been or are to be used for public safety and protection from noise disturbances.
7. At the time of Comprehensive Design Plan, the Applicant will be responsible for providing alternative intersection designs at the two intersections of Dyson Road at the southbound and northbound lanes of U.S. 301.
8. Unless modified at the time of Comprehensive Design Plan or Preliminary Plan (as a result of a finding that the level of service is adequate), at the time of building permit the Applicant shall be required to provide improvements at the intersection of U.S. 301 and Brandywine Road (MD 381). These improvements include:
- Widening the eastbound MD 381 approach from the existing one left turn lane and one through/right lane to one left turn lane, one through lane, and one right turn lane;
 - Modifying the westbound MD 381 approach from the existing one left turn lane, one through lane, and one right turn lane to one left turn lane, one through lane, and one through/right turn lane; and
 - Widening the westbound MD 381 approach to provide an additional receiving lane, to accommodate the second westbound MD 381 through lane.

- Applicant will be responsible for any additional signage, pavement markings, and traffic signal modifications at the intersection of MD 381 and U.S. 301.
9. At the time of building permit Applicant shall be required to provide geometric improvements at the intersections of U.S. 301 southbound/Dyson Road and U.S. 301 northbound/Dyson Road. These additional or alternative geometric improvements will be identified by the Applicant and agreed to by the State Highway Administration. At the time of Specific Design Plan the Applicant will be required to conduct traffic signal warrant studies at these two intersections and will be responsible for the construction of traffic signals at both locations if required by the State Highway Administration. Applicant will be responsible for any additional signage and pavement markings, and the lengthening of turn lanes on U.S. 301 and Dyson Road as required by SHA and/or the Department of Public Works and Transportation (DPW&T).
 10. At the time of submission of the final plat Applicant will be responsible for the dedication of 40 feet from the Master Plan centerline of Dyson Road.
 11. At the time of building permit Applicant will be required to provide for an acceleration lane, deceleration lane, and a left turn lane at the site's proposed access point along Dyson Road if this location is approved by DPW&T or at a nearby access point on Dyson Road approved by DPW&T.
 12. At the time of Comprehensive Design Plan review, the plan shall reflect the location of the service road recommended by SHA to serve and provide future access to properties along U.S. 301. This roadway will connect to the realigned Dyson Road to the west of U.S. 301. The amount and location of land to be dedicated for right-of-way shall be determined prior to SHA issuance of access permits.
 13. The applicant shall disclose the location of the firing range and recycling center near the subject property to the final purchasers of residences in the proposed community. The disclosure shall be made at the time of signature of the first purchase-and-sale agreement. Copies of the disclosure statement shall be retained by the seller and the applicant, and the statements shall be included as part of the agreement.

14. The following note shall be included on each final plat, for any part of the subject property:

Note that the property in this plat adjoins government property used (as of February 2006) as a police firing range and a County recycling center.

This condition shall be carried forward and included with each approved Comprehensive Design Plan and Specific Design Plan.

Considerations:

1. The Comprehensive Design Plan 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 and shall be located where previous impacts have occurred, to the fullest extent possible. To avoid permanent impacts to the stream system for a road crossing, an entrance serving the isolated eastern portion of the site shall be fully investigated and utilized if possible.
2. At the time of Comprehensive Design Plan, the Applicant shall consider a second egress/access point to the proposed site, along the existing road to Piscataway Creek Stream Valley Park on the western edge of the property. This roadway should have a right-of-way width of 60 feet.

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 13th day of February, 2006, for initial approval, by the following vote:

In Favor: Council Members Dernoga, Bland, Campos, Dean and Peters

Opposed:

Abstained:

Absent: Council Members Exum, Harrington, Hendershot and Knotts

Vote: 5-0

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-9970-C

Applicant: SCAD, 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-9970-C, to rezone the subject property from the I-1 Zone to the R-S 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-9970-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