

Case No.: A-9992-C

Applicant: Ritchie Highway, LLC
(Alexan Morning Star II)

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

ZONING ORDINANCE NO. 23 - 2008

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-9992 (Alexan Morning Star II) was filed, to rezone approximately 10.67 acres of land in the I-3 Zone, on the north side of Ritchie Marlboro Road, west of White House Road and east of the Ritchie Marlboro interchange, identified as 1700 Ritchie Marlboro Road, Upper Marlboro, to the R-T 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, the Zoning Hearing Examiner held a public hearing and filed recommendations with the District Council; and

WHEREAS, having reviewed the record and the Examiner's decision, the District Council has determined that the application should be approved, and the subject property should be rezoned to the R-T 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, this rezoning is approved with 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 that is the subject of Application No. A-9992-C from the I-3 Zone to the R-T Zone.

SECTION 2. The rezoning approved herein is subject to the following conditions:

1. A new Forest Stand Delineation, in accordance with the Prince George's Woodland Conservation and Tree Preservation Technical Manual, shall be required at the time of subdivision.
2. A new Tree Conservation Plan must be submitted to M-NCPPC prior to subdivision approval.
3. The unmitigated 65 dBA (Ldn) ground level and second-story noise contours associated with the proposed arterial roads shall be shown on each preliminary plan and Type I Tree Conservation Plan.
4. Since the site is located to the north of the planned northern gateway of the Westphalia Community and to the west of an existing residential development, a Detailed Site Plan shall be required for the single-family development as well as the Metropolitan Dwelling Units to insure that the design and site arrangement will be harmonious with the surrounding development.
5. Applicant shall provide standard sidewalks on both sides of all internal roads and along the site's entire frontage on Ritchie Marlboro Road, unless this requirement is modified by the Department of Public Works and Transportation.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect initially on the date of its enactment, as conditionally approved, and shall become effective when the applicant accepts in writing the conditions in Section 2.

Enacted this 8th day of September, 2008, for initial approval, by the following vote:

In Favor: Council Members Dean, Bland, Campos, Exum, Harrison, Knotts and Turner

Opposed:

Abstained: Council Member Dernoga

Absent: Council Member Olson

Vote: 7-0-1

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

A-9992-C

Ritchie Highway, LLC
(Alexan Morning Star II)

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-9992-C, to rezone the subject property from the I-3 to the R-T Zone, attached 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-9992-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 December 5, 2008, 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:

Redis C. Floyd
Clerk of the Council