

Case No.: SP-05113-C

Applicant: Pointe at Cheverly, LLC

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

ZONING ORDINANCE NO. 10 – 2007

AN ORDINANCE to approve a rezoning and detailed site plan, with conditions.

WHEREAS, Application No. SP-05113 was filed for approval of a detailed site plan for a mixed-use residential and commercial project, with 244 multifamily residential dwelling units and 5,580 square feet of commercial space, and to rezone the subject property to the M-U-I Zone, for a project referred to as The Pointe at Cheverly, on property described as approximately 3.34 acres of land in the C-O and C-S-C zones, located in the southeastern quadrant of the intersection of 57th Street and Annapolis Road, (MD 450), Cheverly; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the Planning Board held a public hearing on the application and filed recommendations with the District Council; and

WHEREAS, having reviewed the record, the District Council has determined that the application should be approved; and

WHEREAS, to protect adjacent properties and the surrounding neighborhood, this rezoning and detailed site plan approval are granted subject to conditions; and

WHEREAS, as the basis for this action, the District Council adopts Planning Board Resolution No. 07-122, as its findings of fact and conclusions of law in this case.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map of the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended by rezoning the property that is the subject of SP-05113 from the C-O, C-S-C zones to the M-U-I Zone, in accordance with CB-80-2005.

SECTION 2. The detailed site plan shown in Application SP-05113 is hereby approved, with conditions.

SECTION 3. The rezoning and detailed site plan approved herein are subject to the following conditions:

1. Prior to signature approval of the subject detailed site plan, the applicant shall obtain signature approval of Preliminary Plan 4-05152.
2. Prior to signature approval of the subject detailed site plan, the applicant shall revise the plans as follows:
 - a. To show the proposed five-foot-wide ADA walkway along the entire length of the proposed driveway from the proposed traffic circle with a direct connection to the existing sidewalk along Annapolis Road.
 - b. To provide a Class II hiker/biker trail along the subject site's entire frontage of Annapolis Road (MD 450), unless modified by SHA.
3. Prior to approval of the final plat, a note shall be added to the plat stating that, prior to issuance of the first building permit, the applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of appropriate Class III bikeway signage along 57th Avenue.

4. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustic analysis shall be placed on the building permits stating that the building shells of structures within prescribed noise contours have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.

SECTION 4. 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 3.

Ordered this 24th day of September, 2007, by the following vote:

In Favor: Council Members Exum, Bland, Campos, Dean, Dernoga, Harrington, Knotts, Olson and Turner

Opposed:

Abstained:

Absent:

Vote: 9-0

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: _____
Camille A. Exum, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

Case No.: SP-05113-C

Applicant: Pointe at Cheverly, LLC

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

FINAL CONDITIONAL ZONING APPROVAL

AN ORDER to incorporate the applicant's acceptance of conditional rezoning and to grant final conditional zoning approval, with conditions.

WHEREAS, the District Council approved Application No. SP-05113-C, to approve with conditions a detailed site plan for a mixed-use residential and commercial project, with 244 multifamily residential dwelling units and 5,580 square feet of commercial space, and to rezone the subject property to the M-U-I Zone, for a project referred to as The Point at Cheverly, on property described as approximately 3.34 acres of land in the C-O and C-S-C zones, located in the southeastern quadrant of the intersection of 57th Street and Annapolis Road, (MD 450), Cheverly; 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 the detailed site plan.

IT IS, THEREFORE, ORDERED:

1. Final conditional zoning approval of Application No. SP-05113-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

2. Use of the subject property as conditionally approved 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.

3. This Ordinance is effective on December 11, 2007, 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: _____
David C. Harrington
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council