

Case No.: S.E. 4398

Applicant: BP Amoco Corporation

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

ZONING ORDINANCE NO. 10 - 2002

AN ORDINANCE to approve a special exception.

WHEREAS, an application has been filed for property described as approximately 4.649 acres of land, in the C-M and R-A Zones, located on the west side of Crain Highway, approximately 250 feet north of its intersection with Danenhower Road, identified as 3507 S.E. Crain Highway, Upper Marlboro, for approval of a special exception for a Fast Food Restaurant or Food or Beverage Store; 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, who has filed recommendations with the District Council; and

WHEREAS, a public hearing on the application was held before the Zoning Hearing Examiner; and

WHEREAS, the Zoning Hearing Examiner's recommendations were duly filed with and considered by 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 special exception is granted subject to conditions; and

WHEREAS, as the basis for this action, the District Council adopts the decision and 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 of the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended to show an approved special exception for a Fast Food Restaurant or Food or Beverage Store on the property which is the subject of Application No. S.E. 4398. All development and use of the subject property under this special exception shall conform to the revised site plan to be filed in accordance with this decision.

Section 2. The special exception approval herein is subject to the following conditions:

1. Prior to signature approval of the TCPI, the FSD shall be amended:
 - a. To include a summary of Forest Structure Analysis which identifies the forest structure value of Stand A as priority woodland: and
 - b. To label the "Waters of the US" and the "Palustrine Forested Wetlands" or a reproducible graphic symbol shall be added to differentiate between the two elements which are both delineated with a wetland flag symbol.
2. Prior to signature approval, the TCPI shall be amended:

- a. As part of the Detailed Site Plan submission the plan shall show a minimum of a 10 foot-wide setback of the limits of disturbance from the retaining wall, and no impacts on the PMA.
 - b. To graphically illustrate the areas proposed as woodland conservation, label them as woodland conservation areas, and indicate their size. All woodland conservation areas shall have a minimum width of 35 feet.
 - c. To include the standard required Type I Tree Conservation Plan notes.
3. Prior to signature approval of the TCPI, a conceptual grading plan shall be submitted at the same scale as the TCPI. If the grading concept results in the need to clear and grade additional areas the TCPI shall be revised accordingly.
4. The Revised Site and Landscape Plans shall be reviewed and approved by the Office of the Zoning Hearing Examiner.

Section 3. This Ordinance shall take effect on the date of its enactment.

Enacted this 17th day of June, 2002, by the following vote:

In Favor: Council Members Shapiro, Bailey, Dernoga, Estepp, Knotts, Hendershot,

Russell, Scott, and Wilson

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: _____
Peter A. Shapiro, Chairman

ATTEST:

Redis C. Floyd
Acting Clerk of the Council