

Case No.: A-9683-C

Applicant: Image Development  
Corporation

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

ZONING ORDINANCE NO. 11 - 2005

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, by amending an approved basic plan, with conditions.

WHEREAS, on March 2, 1989, the District Council approved Application No. A-9683-C, for R-T zoning, with basic plan, on approximately 39.978 acres of land, located on north side of Westphalia Road, between Chester Grove Road and Cedar Way, Upper Marlboro, Maryland; and

WHEREAS, the applicant has filed a request with the District Council to amend the basic plan and conditions of zoning for Application No. A-9683-C; and

WHEREAS, the applicant's request was given public notice, in accordance with all requirements of law, and a public hearing on the request was held by the District Council; and

WHEREAS, having reviewed the record in this case and the testimony and exhibits presented at the public hearings, the District Council has determined that the request to amend the basic plan meets the requirements of Section 27-135(c)(1) and

should be approved, with conditions, as recommended by the Zoning Hearing Examiner; 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 basic plan for Application No. A-9683-C is hereby amended, subject to the following conditions:

- (1) A contiguous 6.4-acre tract lying adjacent to the M-NCPPC parkland (Westphalia Neighborhood Park), to the west of the subject property, shall be dedicated for use as a community park, open space, or recreational facilities.
- (2) A fifty-foot landscaped buffer strip, west of the ultimate right-of-way of Cedar Way, west of its intersection with Westphalia Road, north to "Outlot A", at the current termination of Cedar Way, shall be maintained by the Applicant and thereafter by the ultimate builder/homeowners' association, to assure maintenance in perpetuity.
- (3) Vehicular access from Cedar Way to the subject property shall be allowed provided the access point does not align with Spring Way. Traffic calming devices on Cedar Way shall be considered at the time of preliminary plan and shall be constructed by the developer.
- (4) The citizens living in the Cedar Way/Spring Way community (see footnote 1) and the Westphalia Community Coordination Council, or its subsequent entity, shall be given the opportunity to review and comment on any proposed Subdivision or Site Plan prior to its submittal for local government review and approval, and this community and coordination council, or its subsequent entity, shall be made persons of record in

any Subdivision Site Plan Applications for the subject property.

- (5) The Applicant shall pay the amount of \$300.00 per unit into an escrow account established by the Westphalia Community Coordination Council, or its subsequent entity, to be utilized at its discretion. Such sum shall be paid into the escrow account prior to the issuance of any permit, including grading, for the subject property.
- (6) The maximum number of units per acre shall be six (6), and the total number of units shall be no more than 200.
- (7) The Cedar Way/Spring Way community (see footnote 1) and Westphalia Community Coordination Council, or its subsequent entity, shall have the right to monitor at all times, and seek enforcement of, the development of the subject property and its conformance to these conditions and State and County laws.
- (8) All parties of record in this Application and the Cedar Way/Spring Way community lot owners shall be notified by the Applicant upon the filing of the Preliminary Plat of Subdivision or any other Application for the subject property.
- (9) The citizens living in the Cedar Way/Spring Way community (see footnote 1) and Westphalia Community Coordination Council, or its subsequent entity, shall be given the opportunity to review and comment on any proposed Subdivision or Site Plan prior to its submittal for local government review and approval, and this community and Coordination Council, or its subsequent entity, shall be made persons of record in any Subdivision Site Plan Applications for the subject property.
- (10) Developer agrees to utilize Prince George's County minority contractors/suppliers in the development of this project at least in the amount of fifteen (15) percent of any contracts for services or supplies. Developer/Builder shall certify to the Prince George's County Minority Business Commission, at the time of

building permit that the condition has been fulfilled including names and addresses of such contractor/suppliers.

SECTION 2. This Ordinance shall take effect on the date of its enactment.

Enacted this 17th day of October, 2005, by the following vote:

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

Opposed:

Abstained:

Absent: Council Member Harrington

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: \_\_\_\_\_  
Samuel H. Dean, Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council