

Case No. DSP-10038
Stephen's Crossing

Applicant: Route 301 Industrial,
CPI Limited Partnership

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

ORDER AFFIRMING PLANNING BOARD DECISION,
WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 12-77, to approve with conditions a detailed site plan for grading and infrastructure only, specifically grading for Mattawoman Drive right-of-way improvements, a stormdrain outfall pipe, and an underground sewer pipe, located northeast of the intersection of Brandywine Road (MD 381) and Robert Crain Highway (US 301), in Planning Area 85A, and Council District 9, is:

AFFIRMED, as the basis for this action, the District Council adopts the findings and conclusions stated by the Planning Board in its Resolution, PGCPB No. 12-77, as its findings and conclusions in this case, except as otherwise provided herein.

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to certificate of approval of the detailed site plan, the following revisions shall be made, or information shall be provided:
 - a. Obtain certification approval of Conceptual Site Plan CSP-09003-01 for Stephen's Crossing and revise the DSP as necessary, to be in conformance with the approved CSP.
2. Prior to any ground disturbance or approval of any grading permits, the applicant shall ensure that all artifacts from the Phase I and Phase II archeological investigations are properly curated. The curated artifact collection and associated documentation shall be deposited with the Maryland Historical Trust's (MHT) archeological research facility, the Maryland Archeological Conservation (MAC) Lab at Jefferson Patterson Park and

Museum in St. Leonard, Maryland. Proof of receipt of the artifact collection and associated documentation by the MAC Lab shall be submitted to Historic Preservation staff.

3. Prior to approval of permits for the installation of infrastructure, Record Plats REP 209-19 and MMB 234-05 and 06 shall be corrected in accordance with Section 24-108 of the Subdivision Regulations, for which no preliminary plan is required, to reflect the revised approved conservation easement limits, the WSSC right-of-way for the sewer, 100-year floodplain easement limits, correct zoning, and site plan approvals, with appropriate plat notes in accordance with the approval of this DSP application.
4. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S. on the subject property, the applicant shall submit to The Maryland-National Capital Park and Planning Commission (M-NCPPC) Prince George's Planning Department, Development Review Division copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
5. The approval of future DSPs and associated TCPs for lots and parcels subject to CSP-09003-01 and DSP-10038 shall reflect the off-site woodland conservation impacts and mitigation approved under Type II Tree Conservation Plan TCPII-055-09.
6. At the time of any development application for the subject property not limited to infrastructure, with frontage on historic Brandywine Road, appropriate landscape treatment for the historic road adjacent to the right-of-way shall be provided.

Approval of DSP-10038 is subject to the October 2012 Memorandum and Order of the Circuit Court for Prince George's County, which VOIDED and REVERSED the 2009 Adopted and Approved Subregion 5 Master Plan and Sectional Map Amendment in case number CAL09-31402.¹ The Court's decision reverted the zone of the subject property from M-X-T to I-1. Planning Board's approval of DSP-10038 was conditioned the M-X-T zone. In order to protect adjacent properties and the surrounding neighborhood, affirmance of the Planning Board's decision is also subject to the following additional conditions by the District Council.

¹ The Council may take judicial notice of any evidence contained in the record of any earlier phase of the approval process relating to all or a portion of the same property, including the approval of a preliminary plat of subdivision. See Prince George's County Code (P.G.C.C.), Subtitle 27, §27-141, (2008-09 ed., as amended).

- 7. Approval of DSP-10038, for grading and infrastructure only, specifically grading for Mattawoman Drive right-of-way improvements, a stormdrain outfall pipe, and an underground sewer pipe, located northeast of the intersection of Brandywine Road (MD 381) and Robert Crain Highway (US 301), in Planning Area 85A, and Council District 9, is subject to the retransmittal or resubmission, by Planning Board, of the recently VOIDED and REVERSED 2009 Adopted and Approved Subregion 5 Master Plan and Sectional Map Amendment (CAL09-31402) to the District Council, and its adoption of a new resolution concerning the Subregion 5 Master Plan and Sectional Map Amendment rezoning the subject property to the M-X-T zone.
- 8. The applicant shall not commence grading and infrastructure, specifically grading for Mattawoman Drive right-of-way improvements, a stormdrain outfall pipe, and an underground sewer pipe for the subject property located northeast of the intersection of Brandywine Road (MD 381) and Robert Crain Highway (US 301), in Planning Area 85A, and Council District 9 until the District Council adopts a new resolution concerning the remanded 2009 Adopted and Approved Subregion 5 Master Plan and Sectional Map Amendment rezoning the subject property to the M-X-T zone.

Ordered this 20th day of November, 2012, by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Lehman, Olson, Patterson, Toles 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: _____
Andrea C. Harrison, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council