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COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session _____ 1990

Resolution No. _____ CR-92-1990

Proposed by _____ Council Member Bell

Introduced by _____ Council Members Bell, Casula, and
_____ Pemberton

Co-Sponsors _____

Date of Introduction _____ October 23, 1990

RESOLUTION

A RESOLUTION concerning

Approval of the Second and Third Amendments
to the Memorandum of Understanding By and
Between the National Capital Planning Commission
and James T. Lewis Enterprises regarding
the PortAmerica Development.

FOR the purpose of approving the terms and conditions of the second and third amendments to the Memorandum of Understanding by and between the National Capital Planning Commission and James T. Lewis Enterprises, Ltd., dated May 7, 1985, and amended April 7, 1988, February 1, 1990, and April 5, 1990, concerning the development of PortAmerica.

WHEREAS, pursuant to Zoning Ordinances No. 44-1983 through 49-1983, dated July 12, 1983, the Prince George's County Council, sitting as the District Council, adopted the M-X-T zoning category

for certain parcels of land located east of the Potomac River, south of the Capital Beltway, west of Oxon Hill Road, and north of Fort Foote Road, in Oxon Hill, Maryland, and imposed certain conditions on the development of said site; and

WHEREAS, the property comprises the project known as PortAmerica being developed by James T. Lewis Enterprises, Ltd; and

WHEREAS, pursuant to CR-27-1986, dated March 11, 1986, the Prince George's County Council, sitting as the District Council, approved the terms and conditions of a Memorandum of Understanding (MOU) by and between the National Capital Planning Commission and J.T.L. Enterprises, Ltd. (currently James T. Lewis Enterprises, Ltd.), dated May 7, 1985; and

WHEREAS, the approval expressed in CR-27-1986 was made to satisfy a condition imposed by the United States Congress in Public Law 99-215 upon the provision of access across parkland to and between the two PortAmerica parcels; and

WHEREAS, the Council interprets Public Law 99-215 to also require Council approval of amendments to the Memorandum of Understanding dated May 7, 1985; and

WHEREAS, James T. Lewis Enterprises, Ltd., and the National Capital Planning Commission jointly amended the Memorandum of Understanding on April 7, 1988, and the amendment was subsequently approved by the County Council in CR-38-1988; and

WHEREAS, the National Capital Planning Commission approved further revisions to the Memorandum of Understanding on February 1, 1990, (the "Second Amended MOU") and April 5, 1990, (the "Third

Amended MOU"), thereby reflecting changes in the land use plan arising from Conceptual Site Plan review for the Waterfront Parcel, and clarifying the permitted height and treatment of architectural features and uninhabited mechanical penthouses; and

WHEREAS, the conditions and restrictions contained in the amendments to the Memorandum of Understanding are not in apparent conflict with the general intent of conditions imposed pursuant to local zoning ordinances.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's County, Maryland, that the terms and conditions of the Third Amended Memorandum of Understanding by and between the National Capital Planning Commission and James T. Lewis Enterprises, Ltd., attached as Appendix A, are hereby approved.

BE IT FURTHER RESOLVED that the approval expressed in this resolution is not intended and is not to be construed to waive, restrict, or abridge the ability of the Prince George's County Planning Board or the District Council to decide, or rule upon in accordance with the requirements of local law, any zoning or land use issue or application related to the PortAmerica project. The approval expressed in this resolution is not an endorsement of any specific land use or site planning aspect of the PortAmerica project.

BE IT FURTHER RESOLVED that this Resolution shall take effect on the day of its adoption.

Adopted this 13th day of November, 1990.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Jo Ann T. Bell
Chairman

ATTEST:

Jean M. Schmuhl, CMC
Clerk of the Council

NOTE: Attachment "A" is available in hard copy only.