

Case No.: A-9775-01-C Springdale Estates

Applicant: Klein Bellehaven, LLC

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

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate the Applicant's acceptance of conditional zoning approved in Zoning Ordinance No. 6, 2015, and to grant final conditional zoning approval in Application No. A-9775-01-C.

WHEREAS, the District Council in enacting Zoning Ordinance No. 6, 2015, approved Application No. A-9775-01-C, to remove the 50,000 square feet of commercial retail space approved by the District Council in A-9775-C and to add a residential component on 4.98 acres of land, located at the southwest quadrant of the intersection of St. Joesph's Drive and Ardwick-Ardmore Road, in the L-A-C (Local Activity Center) Zone, in Planning Area 73, and in Councilmanic District 5, attached conditions; and

WHEREAS, the District Council, pursuant to its decision in Zoning Ordinance No. 6, 2015, enacted on March 31, 2015, deems it appropriate to accept the Applicant's consent to the conditions in Zoning Ordinance No. 6, 2015; and approve final conditional rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval is hereby granted. Applicant's written acceptance of the conditions in Zoning Ordinance No. 6, 2015, at the time of initial conditional zoning approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

SECTION 2. Use of the subject property as conditionally reclassified 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.

SECTION 3. This Ordinance is effective 30, April, 2015, 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: _____
Mel Franklin, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

Case No.: A-9775-01-C Springdale Estates

Applicant: Klein Bellehaven, LLC

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

ZONING ORDINANCE NO. 6 - 2015

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

WHEREAS, Application No. A-9775-01-C, was filed to remove the 50,000 square feet of commercial retail space approved by the District Council in A-9775-01-C and add a residential component (of 15 dwelling units per acre or approximately 70 townhouses) on 4.98 acres of land, located at the southwest quadrant of the intersection of St. Joseph's Drive and Ardwick-Ardmore Road, in the L-A-C (Local Activity Center) Zone, in Planning Area 73, and in Councilmanic District 5; and

WHEREAS, the Application was reviewed by the Technical Staff of the Prince George's County Planning Board, which filed a report, and recommended approval with conditions, Ex. 34; and

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

WHEREAS, the Application was reviewed by the Planning Board, which held a public

hearing to consider evidence, subsequently, by Resolution, No. 14-115, recommended approval of the application subject to conditions, Ex. 33 (b); and

WHEREAS, a public hearing on the application was held before the Prince George's County Zoning Hearing Examiner, which filed a disposition recommendation of denial, subject to remand and amendment of the Application; and

WHEREAS, the Applicant file exceptions to the disposition recommendation of the Zoning Hearing Examiner; and

WHEREAS, oral argument was held on March 23, 2015; and

WHEREAS, having reviewed the record in this case, and the exceptions filed by the Applicant, the District Council has determined that Application No. A-9775-01-C, should be APPROVED to remove the 50,000 square feet of commercial retail space approved by the District Council in A-9775-C and to add a residential component on 4.98 acres of land, located at the southwest quadrant of the intersection of St. Joseph's Drive and Ardwick-Ardmore Road, in the L-A-C (Local Activity Center) Zone, in Planning Area 73, and in Councilmanic District 5; and

WHEREAS, in order to ensure overall compatibility of land use types within the proposed development and with surrounding land uses, the residential component density shall not exceed 13 dwelling units per acre or shall not exceed a total of 65 townhomes on 4.98 acres of land, located at the southwest quadrant of the intersection of St. Joseph's Drive and Ardwick-Ardmore Road, in the L-A-C (Local Activity Center) Zone, in Planning Area 73, and in Councilmanic District 5; and

WHEREAS, as the basis for this final decision, and as expressly authorized by the Regional District Act within Title 22 of the Land Use Article of the Annotated Code of Maryland, and the Zoning Ordinance of Prince George’s County, Maryland, being also Subtitle 27 of the Prince George’s County Code, we hereby adopt, with modifications, certain findings and conclusions as set forth within the disposition recommendation of the Zoning Hearing Examiner.¹ *See Templeton v. County Council of Prince George’s County*, 23 Md. App. 596, 329 A.2d 428 (1974).

NATURE OF REQUEST

Applicant seeks an amendment of the Basic Plan for Springdale Estates² to remove the 50,000 square feet of commercial retail space approved by the District Council in A-9775-C and add a residential component of 15 dwelling units per acre or approximately 70 townhouses on 4.98 acres of land in the L-A-C (Local Activity Center) Zone. The subject property is located at the southwest quadrant of the intersection of St. Joseph’s Drive and Ardwick-Ardmore Road.

The Technical Staff and Planning Board reviewed the Application and recommended approval. Ex. 33 and 34.

Paulette Spencer, on behalf of the Ardmore-Springdale Civic Association, appeared in

¹ The Zoning Ordinance of Prince George’s County, Maryland, being also Subtitle 27 of the Prince George’s County Code, §§27-101 (2011 Ed. & Supp. 2014) *et seq.*, are styled “the Zoning Ordinance” and cited “§ 27- ___” herein. References to the Zoning Hearing Examiner are styled “ZHE” herein. References to the Development Review Division of the Maryland-National Capital Park and Planning Commission are styled “Technical Staff” herein. References to Applicant, Klein Bellehaven, LLC, are styled “Applicant” herein. Citations to exhibits within the administrative record created before the ZHE, as listed on the ZHE Document Sheet, are styled “Ex. ___” herein.

² The development was changed from Bellehaven Estates to Springdale Estates in 2013. (Ex. 27(a)).

opposition at the hearing held by this Examiner.

FINDINGS OF FACT

Applicant is requesting that the Basic Plan for 33.1 acres in the L-A-C Zone (that was rezoned from the R-R Zone to the L-A-C Zone by the District Council upon its approval of the 1990 Master Plan and Sectional Map Amendment for Largo-Lottsford Planning Area 73 (discussed below)) be divided to carve out the unimproved 4.98 acres. Pursuant to the approved Basic Plan (A-9775-C) approved in 1996 and subsequent Comprehensive Design Plan (CDP-9601), those 4.98 acres were to be developed with 55,756 square feet of commercial use.³ Applicant proposes to delete the requirement that it be developed with commercial uses, and allow it to construct up to 70 attached dwellings.

The 4.98 acres has frontage on St. Joseph's Drive and Ardwick-Ardmore Road. Both are collector roadways with an 80-foot right-of-way. (12/8/2014, Tr. p. 9).

There are no streams, 100-year floodplain, severe slopes, or steep slopes with highly erodible soils on the site. There are no scenic or historic roads located in the area. The site does not contain any elements of the Countywide Green Infrastructure Plan.

Surrounding Uses

The subject property is surrounded by the following uses:

North – across Ardwick-Ardmore Road, single family dwellings in the R-80 Zone

³ See recitation of the zoning history of the subject property set forth in the Technical Staff Report. Ex. 34.

South – A fire station and single-family attached dwellings in the L-A-C Zone
East – Single-family dwellings (attached and detached) in the L-A-C Zone
West – Across St. Joseph’s Drive, Dr. Charles Herbert Flowers High School in the R-R Zone

The neighborhood, in which the subject property is located, is defined by the following boundaries:

North – John Hanson Highway (US 50)
South – Lottsford Road/Landover Road (MD 202)
East – Lottsford – Vista Road
West – The Capital Beltway (I-95/495)

The neighborhood is generally residential in character. However, a large mixed-use planned community, Woodmore Towne Centre, is located in the southwest corner. It is approximately one-half mile from the subject property.

Master Plan/Zoning

The approval of the 1990 Master Plan and Sectional Map Amendment for Largo-Lottsford Planning Area 73, granted two (2) separate Zoning Map Amendments - A-9774 (R-S Zone) and A-9775 (L-A-C zone) for Bellehaven Estates. In 1996 the District Council approved A-9775-C wherein the 1990 Basic Plan was amended, in pertinent part, to revise the 28.0 acres of L-A-C and R-S zoned land to 33.1 acres of L-A-C zoned land, to reduce the commercial square footage from 100,000 square feet to 50,000 square feet, and to increase the residential component from 85 dwelling units to 163 dwellings (150 attached and 13 detached). Ex. 12 and 13. In 2009 the District Council approved a Specific Design Plan (SDP-9612/03) for the commercial portion of the revised Basic Plan, consisting of 39,964 square feet of gross floor area

in four buildings, to include a pharmacy and day care center. Ex. 36.

General Plan

The Plan Prince George's 2035 General Plan makes no specific recommendations concerning this property.

Applicant's Request

The Applicant seeks to amend the Basic Plan for Springdale Estates to add 70 townhouse units and delete the commercial component approved by the District Council in its prior rezoning. Applicant noted that it had expended "significant time and effort to market the property" over the years but "as a result of location and market conditions" was unable to develop commercial/retail uses on the 4.98 acres. Ex. 44.

The Applicant's expert, Micheal Lenhart, an expert in traffic engineering and transportation planning, prepared a traffic analysis for the Application and concluded that the request meets the requirements of transportation § 27-195(b)(1)(C) of the Zoning Ordinance. Mr. Lenhart opined as follows:

27-195(b)(1)(C) states that transportation facilities, including streets and public transit which are existing, which are under construction, or which 100 percent of the construction funds are allocated within the adopted County Capital Improvement Program within the State consolidated transportation program, or will be provided by the Applicant will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved general or master plans, or urban renewal plans. And the traffic report that we did dated September 10th, 2013 essentially evaluates the approved basic plan, which included 55,000 square feet of commercial space, which included a 5,000 foot daycare center. When you compare that 55,000 square feet of commercial space which was previously approved to the townhouse units that we have in this

situation the project generates, or the property would generate 69 fewer trips in the morning peak hour, 216 fewer trips in the evening peak hour, and 2,227 fewer trips on a daily basis than the 55,000 square feet of commercial. Therefore, this amendment would actually reduce the traffic demands on the roadway network, therefore, it would satisfy criteria 27-195(b)(1)(C).

27-195(b)(2) states that notwithstanding subparagraphs C and D above where the application anticipates construction schedule for more than six years, public facilities existing were scheduled for construction in the first six years will be adequate to serve the development proposed to occur within the first six years. The Council shall also find that public facilities probably will be adequately supplied for the remainder of the project, and considering the probability of future public facilities construction the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, relationship of the development to public transportation, or any other matter that indicates public or private funds will likely be expended for the necessary facilities. And again, based upon our report dated September 10th, 2013, this amendment will reduce the traffic generated by this property thereby satisfying that criteria, and that was also stated by Staff in the Staff Report that they concurred with that finding.

(12/8/2014, Tr. pp. 9-11).

The Applicant also supplied testimony from Mr. Joseph DelBazo, an expert in land use planning, who provided an orientation as to the location of the subject property, using an aerial of the area. Ex. 39. Mr. DelBazo also opined that the request satisfied all applicable provisions of the Zoning Ordinance, and various Plans, as follows:

27-195(b)(1)(A) requires that the basic plan be in conformance with either the general plan map, the area plan map, or an urban renewal map, or that it is in conformance with the principles and design guidelines set forth in those plans.... [I]n 1990 the Largo-Lottsford Master Plan was adopted, and that placed a village activity center in the area of this intersection ... where the property is. The 1990 plan cut up the Largo-Lottsford Master Plan area into three separate communities, and the Enterprise Community is the northern community in that plan....

So, on Ex. 39, the staff identified Landover Road/Lottsford Road as the ... southern boundary of the neighborhood; Lottsford Vista Road as the eastern; U.S.

50 as the northern; and the Beltway as the western boundary.... So, ... the Enterprise Community includes the area that became Woodmore Towne Center, the subject property, and the parks just to the east of this site.

So, the Master Plan from 1990, which is still the Master Plan here, 24-year old Master Plan, ... recommended 15 dwelling units, up to 15 dwelling units per acre in this Enterprise Community, and specifically within this village activity center, that's the floating zone, floating symbol that's on top of this property. The Master Plan also recommended in this Enterprise Community 40,000 to 150,000 square feet of commercial, new commercial....

In 1996 the basic plan was approved, and in that basic plan the Council based on a market study that was done by the applicant the Council approved 50,000 square feet of retail, specifically....

[T]he Council approved 50,000 square feet on the five-acre property in Springdale Estates. In 2000 the high school was built across the street, and then in 2002 the General Plan came around. Now, the General Plan established the three tiers, developed, developing and ... rural tier, and within those tiers it established a series of corridors and centers.... There was a little policy shift, I think, and that went from starting to focus in on centers, rather than so much the corridors and the wedges that were from the old plan.... This property is not within a center, the general plan created the Landover Mall Regional Center which includes, on that Ex. 39 it include Woodmore Towne Centre, the old Landover Mall site, and the properties to the south of the interchange....

In 2006 Woodmore Towne Center started to develop, or it was approved, and it was approved with 750,000 square feet of retail which, again, if you go back to the '90 Plan, the 750,000 square feet of retail is five times what was anticipated for the Enterprise Community....

So, then in 2009 Woodmore started to develop; in 2010 the fire station was constructed; and now ... Woodmore Towne Centre has almost 550,000 square feet of retail constructed with another 200,000 square feet already approved by the preliminary plan that was approved in 2006....

The ... 2014 plan placed its property in an established community, and the established community recognizes that there is going to be additional residential growth within the established community [but the policies] ... relating to commercial uses says ... to limit the expansion of new commercial zoning outside of the regional transit districts and the local centers to encourage reinvestment and

growth in designated centers and existing commercial areas.... So this doesn't say you can't have commercial outside of regional transit site[s], but it does say, let's ... look at focusing our development into those areas. So, with the two regional transit sites nearby, the Largo Town Center, Metro Regional Transit Center, and the Landover Metro Local Center, I think it's appropriate, and in conformance with the plan to remove the commercial from this site and add the dwelling units that are up to 15 dwelling units per acre as approved in the original Master Plan, and recognized in the General Plan.

(12/8/2014, Tr. pp. 19-24).

Mr. DelBazo testified that a mix of uses is **not** required to be located on Applicant's property. (12/8/2014, Tr. p. 38). Applicant believes its request to amend the Basic Plan should, therefore, be granted, since the L-A-C Zone does not require commercial uses; major commercial uses have developed nearby, vitiating the need for them at the subject property; and the more compatible use for the property would be additional attached housing. Ex. 34, pp. 10-12; (12/8/2014, Tr. pp. 38-39).

Citizen Opposition

The Ardmore-Springdale Civic Association is opposed to the Application. The President of the Association provided the following basis for its position:

The Civic Association is opposed to it because we do not feel that Klein Enterprises have satisfied us in reference to getting viable commercial businesses in that community.... What we did not want was a pizza shop, places that ... drew in a crowd being it's right across the street from a high school

[T]hen we heard that [Klein Enterprises] wanted to rezone it ... for residential, and I'm not a person good with 4.9 acre visualization, but some of my members are, and they thought it was a tight fit to have 70 attached homes....

So, if ... we said maybe we could settle with 50 townhomes, anything less

than 70, we just feel that 70 in an area where it's one way in and one way out and it's close, the fire station is next door, more or less, so you've got the fire station interaction going on with the community, got the school across the street, and we just feel that 70 townhomes was just a tad too much for 4.98 acres of land use.

(12/8/2014, Tr. pp. 52-54).

Agency Comments

The Urban Design Staff expressed concern with the Application:

One of the stated purposes of the L-A-C Zone in the Zoning Ordinance is to "Group uses serving public, quasi-public, and commercial needs together for the convenience of the populations they serve." An additional purpose is to integrate residential uses in a manner that "provides the convenience of proximity to an activity center." The original basic plan and subsequent CDP were approved with a mix of commercial and residential uses which included over 50,000 square feet of commercial development including a day care for children and a fire station, and a mix of single-family detached and attached units. While most of the residential units and the fire station have been constructed, none of the commercial retail area, which was approved to be located adjacent to the fire station, has been developed. The proposed residential use is a permitted use in the L-A-C Zone, but from an urban design perspective it is not clear how the site will continue to meet the purposes of the zone. The fire station may serve as a community focal point or activity center depending upon how well-integrated it is programmatically within the community. It appears the fire station might be the extent of sustainable nonresidential uses for this neighborhood considering the site's proximity to the Woodmore Towne Centre, a significant retail center, which is less than one mile away....

Ex. 34, pp. 9-10.

The Transportation Planning Section reviewed the effect the Application would have on the roadways within the study area of the site and offered the following comment:

The subject property is located within Transportation Service Area (TSA) 2, as defined in the *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level of Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Guidelines.

Unsignalized intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency....

The applicant proposes to eliminate the commercial uses, including the day care center. The comparison of estimated site trip generation indicates that the proposal would generate less traffic if developed as single family attached residential than it would if the retail and day care uses were to be developed. It is therefore determined that the proposed change would have no net impact on any critical intersections in the area. Therefore, the transportation staff believes that past findings of transportation adequacy do accommodate the subject proposal for 75 single family residences.

CDP-9601 placed limits on vehicular access points to St. Joseph's Drive. It is recommended that individual residential and commercial lots should not have direct access to St. Joseph's Drive. A-9775/01 shows one access point onto St. Joseph's Drive, and appears to comply with this condition. It is noted that several alleys are shown without turnarounds on this plan. This should be addressed at the preliminary plan and specific design plan stages.

It is noted that a traffic study will be required at the preliminary plan stage of development. The "Transportation Review Guidelines, Part 1" require a traffic

study for any proposed subdivision generating more than 50 or more new trips during any peak hour. Critical intersections to be included in the traffic study will be identified at that stage.

Ardwick-Ardmore Road and St. Joseph Drive are both listed in the *Approved Master Plan Amendment and Adopted Sectional Map Amendment for Largo-Lottsford* as collector roadways with 80 foot rights-of-way. It does not appear that any further dedication is required although this will be reviewed at a later stage.

Transportation facilities will be adequate to carry the anticipated traffic generated by the development based on the proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems.

Based on the preceding findings, the Transportation Planning Section would conclude that existing transportation facilities and those to be provided by the applicant will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. Furthermore, the uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved Area Master Plan, in accordance with Section 27-195 of the Prince George's County Code, particularly based upon the proposed residential density and use. Given that the application is a revision to a basic plan which is largely otherwise developed, no conditions are recommended at this time.

Ex. 34, pp. 40-42.

Staff reviewed the effect that the request would have on public facilities and found that the Application would not have an adverse impact upon police, fire and rescue, school or water and sewer facilities. Ex. 34, pp. 37-39.

Planning Board

The Planning Board also recommended approval of the Application. Planning Board recommended as follows:

The Planning Board finds that the requested revision in land use from commercial

to residential is reasonable, given the significant changes in neighborhood character that have taken place since the 1996 Planning Board approval. The most significant change is the existence of a major commercial retail center within walking distance of the site. The proposed residential use is also compatible with existing townhouse units immediately east of the development site. It is recommended, however, that the applicant explore the possibility of a pedestrian connection between the existing townhomes and the new development. Such a connection will enhance pedestrian connectivity between the new townhomes and the surrounding community.

The existing L-A-C zoning on the site permits residential and/or nonresidential uses configured as a neighborhood-serving activity center. However, the proposed site appears to be too small to permit such an activity center to develop at a scale that will ensure its economic viability. The proximity of the Woodmore Towne Centre shopping center presents an added barrier to the potential success of any commercial development at this site. For these reasons, the Planning Board supports the applicant's request to amend the basic plan to permit the proposed residential development....

Ex. 33, p. 9. Technical Staff ultimately recommended approval of the request, for the same reasons advanced by Planning Board. Ex. 34, p. 11.

The State Highway Administration ("SHA") advised that it had no objection to the request, but did ask that if a traffic impact study is required, a copy be forwarded to SHA if it reveals any impact to a State road network. Ex. 34, p. 46.

CONCLUSIONS

The order of approvals for the L-A-C Zone is a Basic Plan, Comprehensive Design Plan, and Specific Design Plan (such plans must be approved prior to or concurrent with Preliminary Plan). *See* § 27-478. The original Basic Plan and Comprehensive Plan for the subject property included approximately 33 acres. The current proposed amendment of the Basic Plan is

for approximately 4.98 vacant acres for proposed uses. The remaining 29 acres of the approved Basic Plan and Comprehensive Design Plan has been developed.

L-A-C uses may be mixed within a total development, or within buildings in the development. Although the ZHE recommended that the Basic Plan Amendment Application should be remanded and amended to add a day care use within the proposed residential townhouse buildings, we conclude that the Zoning Ordinance only requires that the 4.98 acre Basic Plan Amendment may be mixed within the total 33 acre development (the 33 acres includes the residential uses and the institutional fire station use). *See* § 27-479. One of the purposes of the L-A-C Zone is to “assure compatibility of proposed land uses with existing and proposed surrounding land uses...”

Therefore, even though the Applicant filed a Basic Plan Amendment for only the proposed 4.98 acres, our approval of the Basic Plan Amendment is for the entire 33 acres. *See* § 27-494(a)(3). Finally, in order to ensure overall compatibility of land use types within the proposed development and with surrounding land uses, the residential component density shall not exceed 13 dwelling units per acre or shall not exceed a total of 65 townhomes on the 4.98 acres of land in the L-A-C (Local Activity Center) Zone.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George’s County, Maryland, is hereby amended to remove the 50,000 square feet of commercial retail space approved by the District Council in A-9775-C and to add a residential component on 4.98 acres of land, located at the southwest quadrant of the intersection of St. Joseph’s Drive and

Ardwick-Ardmore Road, in the L-A-C (Local Activity Center) Zone, in Planning Area 73, and in Councilmanic District 5.

SECTION 2. To protect adjacent properties and the general neighborhood, and in order to ensure overall compatibility of land use types within the proposed development and with surrounding land uses, the residential component density shall not exceed 13 dwelling units per acre or shall not exceed a total of 65 townhomes on the 4.98 acres of land, located at the southwest quadrant of the intersection of St. Joseph's Drive and Ardwick-Ardmore Road, in the L-A-C (Local Activity Center) Zone, in Planning Area 73, and in Councilmanic District 5.

SECTION 3. The approval of A-9775-01-C and the residential component density not to exceed 13 dwelling units per acre or a total of 65 townhomes on the 4.98 acres of land in the L-A-C (Local Activity Center) Zone, shall apply at Comprehensive Design Plan, Specific Design Plan and Subdivision Plat review.

SECTION 4. At the time of Comprehensive Design Plan, the Applicant should incorporate the following elements in the plan design:

- a. A centralized functional open space area;
- b. Pedestrian connectivity between the proposed and adjacent townhouse development;
- c. Safe and efficient pedestrian access to Charles Herbert Flowers High School;
- d. Appropriate screening between the fire station and the proposed townhouse development in accordance with (or greater than) Section 4.7 (Buffering Incompatible Uses) of the 2010 Prince George's County Landscape Manual; and

- e. A design which minimizes impervious surfaces in order to maximize useable private and public open space.

SECTION 5. BE IT FURTHER ENACTED that this Ordinance shall become effective initially on the date of its enactment, as conditionally approved, and shall become final and effective when the Applicant accepts in writing the conditions of approval herein.

ENACTED this 31th day of March, 2015, for initial approval, by the following vote:

In Favor: Council Members Davis, Franklin, Glaros, Lehman, Patterson, Taveras and Toles.

Opposed:

Abstained:

Absent: Council Members Harrison and Turner.

Vote: 7-0

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: _____
 Mel Franklin, Chairman

ATTEST:

 Redis C. Floyd
 Clerk of the Council