

Case No.: A-10055-C
National View

Applicant: Harbor View Development, 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 -2021, and to grant final conditional zoning approval in Application No. A-10055-C.

WHEREAS, the District Council in enacting Zoning Ordinance 6 -2021, approved the Applicant's request to rezone approximately 20.01 acres of R-55 (One-Family Detached Residential) and R-R (Rural Residential) zoned land to the M-X-T (Mixed Use – Transportation Oriented) Zone. A portion of the property also lies within the Chesapeake Bay Critical Area and is zoned I-D-O (Intensely Developed Overlay). The subject property is located on the north side of the Capital Beltway (I-495) , adjacent to the northeast quadrant of the intersection of the Capital Beltway (I-495) and Indian Head Highway (MD 210), and is identified as 6403 and 6407 Oxon Hill Road, 100-110 Crow Way, 1-121 Chippewa Drive and 5808-6008 Bald Eagle Drive, Oxon Hill, Council District 8; and

WHEREAS, the District Council, pursuant to its decision in Zoning Ordinance 6 - 2021, deems it appropriate to accept Applicant's consent to the conditions in Zoning Ordinance 6 - 2021; and approve final conditional zoning.


NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Zoning Ordinance 6 - 2021, is hereby granted. Applicant's written acceptance of the conditions in Zoning Ordinance 6 -2021, 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 zone and conditions referenced above. Failure to comply with the conditions of rezoning shall constitute a zoning violation and shall constitute 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; and/or to take any other action deemed necessary to obtain compliance.

SECTION 3. This Ordinance is effective October 27, 2021, the date of receipt of the Applicant's acceptance of the conditions in Zoning Ordinance 6 -2021.

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: 

Calvin S. Hawkins, II, Chair

ATTEST:



Donna J. Brown
Clerk of the Council



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
301-952-3600

October 27, 2021

DISTRICT COUNCIL PRELIMINARY NOTICE OF CONDITIONAL ZONING APPROVAL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland, requiring notice of decision of the District Council, a copy of Zoning Ordinance No. 6 - 2021 granting preliminary conditional zoning approval of A-10055-C National View, is attached.

In compliance with the provisions of Section 27-157(b) of the Zoning Ordinance, the applicant must file a written acceptance or rejection of the land use classification as conditionally approved within ninety (90) days from the date of approval by the District Council. Upon receipt by the Clerk's Office of a written acceptance by the applicant, a final Order will be issued with an effective date for conditional approval shown as the date written acceptance was received by the Clerk's Office.

The failure to accept the conditions in writing within ninety (90) days from the date of approval shall be deemed a rejection. Rejection shall void the Map Amendment and revert the property to its prior zoning classification.

Written approval or rejection of conditions must be received by the Clerk's Office no later than the close of business (5:00 p.m.) on January 24, 2022.

CERTIFICATE OF SERVICE

This is to certify that on October 27, 2021, this notice and attached Order were mailed, postage prepaid, to the attorney/correspondent and applicant(s). Notice of final approval will be sent to all persons of record.

A handwritten signature in cursive script that reads "Donna J. Brown".

Donna J. Brown
Clerk of the Council



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
301-952-3600

October 27, 2021

**RE: A-10055-C National View
Harbor View Development, LLC, Applicant**

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed a copy of Zoning Ordinance No. 6 - 2021 setting forth the action taken by the District Council in this case on October 26, 2021.

CERTIFICATE OF SERVICE

This is to certify that on October 27, 2021 this notice and attached Council order were mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script that reads "Donna J. Brown".

Donna J. Brown
Clerk of the Council

Case No.: A-10055-C
National View

Applicant: Harbor View Development, LLC

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

ZONING ORDINANCE NO. 6 –2021

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.

WHEREAS, Zoning Map Amendment Application No. 10055 (A-10055) is a request to rezone approximately 20.01 acres of R-55 (One-Family Detached Residential) and R-R (Rural Residential) zoned land to the M-X-T (Mixed Use – Transportation Oriented) Zone. A portion of the property also lies within the Chesapeake Bay Critical Area and is zoned I-D-O (Intensely Developed Overlay). The subject property is located on the north side of the Capital Beltway (I-495), adjacent to the northeast quadrant of the intersection of the Capital Beltway (I-495) and Indian Head Highway (MD 210), and is identified as 6403 and 6407 Oxon Hill Road, 100-110 Crow Way, 1-121 Chippewa Drive and 5808-6008 Bald Eagle Drive, Oxon Hill, Council District 8; and

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

WHEREAS, the application was reviewed by the Planning Department's Technical Staff and;

WHEREAS, Technical Staff recommended disapproval of the application; and

WHEREAS, the Planning Board adopted Technical Staff's recommendation of disapproval; and

WHEREAS, on February 10, 2021, March 24, 2021, April 28, 2021 and May 5, 2021, the Zoning Hearing Examiner held evidentiary hearings on the application; and

WHEREAS, several individuals appeared in support of and in opposition to the Application; and

WHEREAS, at the conclusion of the final hearing the record was left open to allow Applicants to submit additional information. These items were submitted on May 14, 2021 and the record was closed at that time; and

WHEREAS, on July 20, 2021, the Examiner recommended that the application request, to rezone approximately 20.01 acres of R-55 (One-Family Detached Residential) and R-R (Rural Residential) zoned land to the M-X-T (Mixed Use – Transportation Oriented) Zone, be approved subject to conditions; and

WHEREAS, a hearing was held before the District Council on October 25, 2021; and

WHEREAS, having carefully considered the issues raised by the opposition at oral argument on October 25, 2021, the District Council adopts, and incorporates by reference, the Examiner’s findings and conclusions on each issue raised by the opposition; and

WHEREAS, as a basis for this final decision, the District Council adopts, and incorporates by reference, the Examiner’s recommendation as its own to conditionally rezone the subject property.

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 rezone approximately 20.01 acres of R-55 (One-Family Detached Residential) and R-R (Rural Residential) zoned land to the M-X-T (Mixed Use – Transportation Oriented) Zone, located on the north side of the Capital Beltway (I-495),

adjacent to the northeast quadrant of the intersection of the Capital Beltway (I-495) and Indian Head Highway (MD 210), and is identified as 6403 and 6407 Oxon Hill Road, 100-110 Crow Way, 1-121 Chippewa Drive and 5808-6008 Bald Eagle Drive, Oxon Hill, Council District 8.

SECTION 2. The request to rezone approximately 20.01 acres of R-55 (One-Family Detached Residential) and R-R (Rural Residential) zoned land to the M-X-T (Mixed Use – Transportation Oriented) Zone, located on the north side of the Capital Beltway (I-495), adjacent to the northeast quadrant of the intersection of the Capital Beltway (I-495) and Indian Head Highway (MD 210), and is identified as 6403 and 6407 Oxon Hill Road, 100-110 Crow Way, 1-121 Chippewa Drive and 5808-6008 Bald Eagle Drive, Oxon Hill, Council District 8, is hereby APPROVED, subject to the following conditions:

- (1) Prior to Conceptual Site Plan review and the issuance of any permit Applicant shall submit written evidence from the SHA indicating its approval of the proposed access to the property via the state-owned right-of-way and with Mr. Lenhart's March 16, 2021 response to SHA's concerns with the Traffic Study (Exhibit 72).
- (2) The request will be subject to Conceptual and Detailed Site Plan approval in accordance with the strictures found in Part 3, Division 9 of the Zoning Ordinance (2019 Edition, 2020 Supplement). Additionally, special attention should be given to the development's compatibility with the surrounding area and any restrictions associated with the I-D-O Zone, as well as some appropriate recognition of the historic Butler House property.
- (3) The Conceptual Site Plan shall include the following:
 - (a) A general description of the pedestrian system proposed;
 - (b) The proposed floor area ratio;
 - (c) The type and location of uses proposed, and the range of square footage anticipated to be devoted to each;
 - (d) A general description of any incentives to be used under the optional method of development;

- (e) Areas proposed for landscaping and screening;
 - (f) The proposed sequence of development; and
 - (g) The physical and functional relationship of the project uses and components.
- (4) The following information shall be included on the Detailed Site Plans:
- (a) The proposed drainage system;
 - (b) All improvements and uses proposed on the property;
 - (c) The proposed floor area ratio of the project, and detailed description of any bonus incentives to be used; and
 - (d) Supporting evidence which shows that the proposed development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program or within the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in a specific public facilities financing and implementation program, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plan approval, whichever occurred last.
- (5) In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9 of the Zoning Ordinance (2019 Edition, 2020 Supplement), the Planning Board shall also find that:
- (a) The proposed development is in conformance with the purposes and other provisions of Part 10, Division 2, Subdivision 1 of the Zoning Ordinance (2019 Edition, 2020 Supplement);
 - (b) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;

- (c) The proposed development is compatible with existing and proposed development in the vicinity;
- (d) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;
- (e) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;
- (f) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development and the immediate area and sidewalk improvements, internal pedestrian connections, connectivity with adjacent properties and other pedestrian-oriented development shall be evaluated;
- (g) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and, in areas adjacent to existing homes or the adjacent park adequate attention has been paid to minimize any adverse impact of design or other amenities on these areas;
- (h) Applicant has submitted a noise study and shall use the appropriate noise and vibration mitigation measurements in developing the property; and
- (i) On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant (either wholly or, where authorized pursuant to Section 24- 124(a)(8) of the County Subdivision Regulations, through participation in a road club).

SECTION 3. A building permit, use permit, or subdivision permit may not be issued or approved for the subject property except in accordance with the conditions set forth in this Ordinance.

SECTION 4. If the Applicant fails to accept the land use classification conditionally approved in this Ordinance, in writing, within ninety (90) days, the subject property shall revert to the R-55 (One-Family Detached Residential) and R-R (Rural Residential) Zones.

SECTION 5. BE IT FURTHER ENACTED that this Ordinance shall become effective on the date of its enactment.

ENACTED this 26 day of October, 2021, by the following vote:

In Favor: Council Members Davis, Franklin, Glaros, Harrison, Hawkins, Taveras, and Turner.

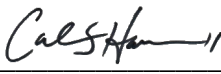
Opposed:

Abstained:

Absent: Council Members Anderson-Walker, Dernoga, Ivey, and Streeter.

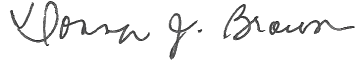
Vote: 7-0.

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: 

Calvin S. Hawkins, II, Chair

ATTEST:



Donna J. Brown
Clerk of the Council