

Case No.: A-10028-C Buena Vista West

Applicant: Buena Vista West, LLC
Lanham Dev. Group, LLC, et. al.

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

ZONING ORDINANCE NO. 11-2014

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-10028-C, as amended, was filed for the rezoning of property described as approximately 30.62 acres of I-1 (Light Industrial) and R-R (Rural Residential) zoned land to the M-X-T (Mixed Use-Transportation Oriented) Zone, located at the northwest quadrant of the intersection of Annapolis Road (MD 450) and Martin Luther King, Jr. Highway (MD 704) on both sides of Lottsford Vista Road and north of Business Parkway, in Lanham, Maryland, in Planning Area 70, Council District 5, in the Developing Tier; and

WHEREAS, the application was reviewed by the Technical Staff of the Prince George's County Planning Board, which filed a report with recommendations; 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 Technical Staff and the Planning Board, which filed recommendations with the District Council; and

WHEREAS, public hearings on the application were held before the Prince George's County Zoning Hearing Examiner, which filed a recommendation of approval with conditions; and

WHEREAS, having reviewed the record in this case, the District Council has determined that Application No. A-10028-C, as amended, should be granted; and

WHEREAS, as the basis for this decision, the District Council adopts and incorporates by reference, as if fully stated herein, the findings, conclusions and decision of the Zoning Hearing Examiner; and

WHEREAS, to protect adjacent properties and the general neighborhood, approval of the M-X-T Zone for the subject property is granted subject to conditions.

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 by rezoning the property which is the subject of Application No. A-10028-C from the I-1 and RR Zones to the M-X-T Zone, as amended.

SECTION 2. Application No. A-10028-C is subject to the following conditions:

1. The following road improvements shall be constructed as a part of the subject development, with timing to be determined at the time of preliminary plan of subdivision, with approval of the SHA where required:
 - a. Martin Luther King Highway (MD 704) and Forbes Boulevard: Construction of an additional northbound left turn lane on Forbes Boulevard (resulting in two left-turn lanes and one shared right/through lane on the approach).
 - b. Martin Luther King Highway (MD 704) and Vista Gardens shopping center driveway: Construction of a new approach from the north and a new traffic signal.
 - c. Martin Luther King Highway (MD 704) and Annapolis Road (MD 450):

Construct a third left-turn lane within the median on the eastbound approach of MD 450.

- d. The Applicants shall conduct a traffic study which shall include an evaluation of all site access points. Direct access to MD 450 and MD 704 will require approval of a variation.
2. The following recommendations should be observed during the preparation and review of the Conceptual Site Plan (CSP) and preliminary plan of subdivision:
- a. The site plan shall provide adequate open space at the interface, as determined by the Urban Design Section, to serve as a buffer between the project and abutting residential development.
 - b. Wherever possible, existing living areas shall be linked to community facilities, transportation facilities, employment areas, and other living areas by a continuous system of pedestrian walkways and bike trails utilizing the open space network.
 - c. Buffering in the form of landscaping, open space, berming, attractive fencing, and/or other creative site planning techniques should be utilized to protect existing residential areas, particularly the interface along Old Lottsford Vista Road.
 - d. Provide a bikeway through the subject property that connects the Washington, Baltimore & Annapolis (WB&A) Trail to internal streets and area roads, and connect specifically to Annapolis Road (MD 450) and Martin Luther King Junior Highway (MD 704). Also provide pedestrian and bicycle connections to the adjacent sidewalks, transit stops, bikeways, and roads. All bikeway location recommendations shall be approved by the Department of Public Works and Transportation (DPW&T) and shall be designed to meet or exceed County and State standards.
 - e. Provide sidewalks on both sides of all proposed internal streets. Right of way dedication and locations for sidewalks shall be reviewed and approved for feasibility and appropriateness by the Department of Public Works and Transportation and shall be designed to **exceed** County and State standards.
 - f. Provide sidewalks on the adjacent roadways that abut the subject property, including Annapolis Road (MD 450) and Martin Luther King Junior Highway (MD 704). Right of way dedication and locations for sidewalks shall be reviewed and approved for feasibility and appropriateness by the Department of Public Works and Transportation and shall be designed to **exceed** County and State standards.

- g. Provide right-of-way dedication along Martin Luther King Junior Highway (MD 704) that is sufficient for the inclusion bicycle lanes and a sidepath. Right of way dedication and locations for sidepaths and bike lanes shall be reviewed and approved for feasibility and appropriateness by the Department of Public Works and Transportation (DPW&T) and construction shall be designed to meet or exceed County and State standards.
3. All future submissions for development activities on the subject property shall contain a Natural Resources Inventory (NRI) plan that covers the entirety of the subject property. The NRI shall be used by the designers to prepare a site layout, which results in nonessential impact to the regulated features of the site.
4. The Preliminary Plan application package shall contain a Phase I noise study, certified by a professional acoustical engineer, which delineates the location of the unmitigated upper and lower level 65 dBA Ldn noise contours associated with Martin Luther King Jr. Highway (MD 704) and Annapolis Road (MD 450).
5. Any hotel use developed shall not exceed fifty (50) feet in height, above grade, to limit any adverse impact upon the single family homes across Annapolis Road (MD 450).
6. The Detailed Site Plan shall demonstrate the use of full-cut off optic light fixtures to the extent practicable.
7. Prior to signature approval of any preliminary plan, the Applicants, the Applicants heirs, successors and or assignees, shall record the existing dwellings located at 4901 Lottsford Vista Road (ca. 1930), 4823 Lottsford Vista Road (ca. 1940), and 4815 Lottsford Vista Road (ca. 1955) and any remnants of the Vista Raceway on a Maryland Inventory of Historic Properties (MIHP) form. Two copies of the MIHP form shall be submitted to and approved by the Historic Preservation Section prior to signature approval of the preliminary plan.

SECTION 3. 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 in Section 2.

ENACTED this 21st day of July, 2014, for initial approval, by the following vote:

In Favor: Council Members Davis, Franklin, Harrison, Lehman, Olson, Patterson, Toles and Turner.

Opposed:

Abstained:

Absent: Council Member Campos.

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: _____
Mel Franklin, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

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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 and to grant final conditional zoning approval.

WHEREAS, the District Council in approving Application No. A-10028-C, to rezone the subject property from the I-1 and R-R Zones to the M-X-T Zone, attached conditions; and

WHEREAS, the District Council, having reviewed the application and the administrative record, deems it appropriate to accept the applicant's consent to the conditions and to approve final conditional rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Application No. A-10028-C is hereby granted. The applicant's written acceptance of the conditions referred to above, 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 August 18, 2014, the date of receipt of the applicant's acceptance of the conditions imposed.

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