

Case No.: A-9956-C

Applicant: Rocky Gorge Homes
(Balk Hill)

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 A-9956-C, to rezone the subject property from the I-3 Zone to the M-X-T Zone, attached conditions; and

WHEREAS, the applicant has duly consented in writing to the 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 A-9956-C is hereby granted. The Applicant's written acceptance of the conditions referred to above, at the time of initial conditional zoning approval, are 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 on October 1, 2002, 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: _____
Peter A. Shapiro, Chair

ATTEST:

Redis C. Floyd, Clerk

Exhibit A

Case No.: A-9956-C

Applicant: Rocky Gorge Homes
(Balk Hill)

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

ZONING ORDINANCE NO. 16 - 2002

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

WHEREAS, Application A-9956-C was filed for property described as approximately 123.2 acres of land in the I-3 Zone, located 1,460 feet northwest of the intersection of Campus Way North and Lottsford Road, Largo, to rezone the property to the M-X-T Zone; and

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

WHEREAS, the application was reviewed by the Technical Staff which filed recommendations with the District Council; and

WHEREAS, a public hearing was held before the Zoning Hearing Examiner, who filed recommendations which the District Council has considered; and

WHEREAS, the District Council has determined, after consideration of the entire record, that the subject property should be rezoned to the M-X-T Zone; and

WHEREAS, in order to protect adjacent properties and the surrounding neighborhood, this rezoning is granted with conditions; and

WHEREAS, as the basis for this action, the District Council adopts the recommendations of the Zoning Hearing Examiner as its findings of fact and conclusions of law in this case.

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 A-9956-C from the I-3 Zone to the M-X-T Zone.

SECTION 2. Application A-9956 is approved subject to the following conditions:

1. The following improvements shall be funded by the Applicant, with the timing to be determined at the time of preliminary plan of subdivision:
 - a. The construction of Campus Way as an arterial facility within the limits of the subject property.
 - b. The construction of St. Joseph's Drive as a collector facility within the limits of the subject property.
2. The Applicant shall provide an additional eastbound through lane along MD 202 through the I-95 interchange, and additional eastbound and westbound through lanes along MD 202 between the I-95 interchange and Lottsford Road. Additionally, the Applicant shall provide a second

eastbound left turn lane along MD 202 at the McCormick Drive/St. Joseph's Drive intersection. These improvements shall be either directly provided by the Applicant, or shall be funded by the Applicant by payment of a fee, not to exceed \$1.24 million (in 2002 dollars) to be paid on a pro-rata basis to be determined at the time of preliminary plan of subdivision.

3. Future submitted plans shall demonstrate provision of adequate right-of-way for the following facilities:
 - a. Campus Way, an arterial facility with a right-of-way of 120 feet.
 - b. St. Joseph's Drive, a collector facility with a right-of-way of 80 feet.
 - c. A concept for future ramps to and from the west via Ruby Lockhart Boulevard between MD 202 and St. Joseph's Drive.
4. The Applicant shall study the planned Campus Way/St. Joseph's Drive intersection and the possible need for traffic controls at that location at the time of preliminary plan of subdivision.
5. The development of the subject property shall be limited to 20,000 square feet of retail space, 328,480 square feet of general office space, and 393 residences, or other permitted uses which generate no more than 1,013 AM and 1,058 PM peak hour vehicle trips.
6. No more than 119 of the single-family dwelling units shall be attached units.
7. The Conceptual Site Plan shall include a tree stand delineation plan. Where possible, major stands of trees shall be preserved, especially along streams and where they serve as a buffer between the subject property and adjacent land.
8. At the time of Conceptual Site Plan, TCPI/05/97 shall be revised as required if areas along St. Joseph's Drive and Campus Way North are not proposed for woodland reforestation or preservation.

9. All public sidewalks shall comply with applicable ADA standards and be free of above ground utilities and street trees.
10. An Advisory Planning Committee, consisting of the Applicant and representatives from St. Joseph's Parish and the Lake Arbor, Fox Lake, Largo, and Kettering Civic Associations, shall be established to advise the Revenue Authority, a community development corporation, or another nonprofit entity about the development, use, and disposition of the 20-acre employment parcel.
11. The Applicant shall work with the Fox Lake and Ridgewood communities in restoring the entranceway hardscape and landscape at a cost not to exceed \$35,000.
12. The open area designated on the Basic Plan as the Balk Hill Circle shall include an amphitheater or other suitable facility that may be used for outdoor cultural activities.
13. The community building shall be designed with an area suitable for community theatrical productions.
14. No building permits shall be issued for Balk Hill Village until the percent of capacity at all affected school clusters is less than or equal to 105 percent or three years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement where the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council (if required) to construct or secure funding for construction of all or part of a school to advance capacity.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall become effective on the date of its enactment, but the rezoning shall not be effective until the Applicant accepts in writing the conditions attached to the rezoning.

Enacted this 23rd day of July, 2002, for initial approval, by the following vote:

In Favor: Council Members Shapiro, Dernoga, Hendershot, Knotts,

Rusell, Scott, and Wilson

Opposed: Council Member Bailey

Abstained:

Absent: Council Member Estep

Vote: 7-1

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: _____
Peter A. Shapiro, Chair

ATTEST:

Redis C. Floyd, Acting Clerk