

Case No.: CSP-16002-C
Shaban Property

Applicant: Randy and Nahida Shaban

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

ORDER OF APPROVAL WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the application to approve conceptual site plan application CSP-16002, proposing to rezone the subject property from the Commercial Shopping Center (C-S-C) and Open Space (O-S) Zones to the Mixed Use-Infill (M-U-I) Zone, is hereby DENIED in part and APPROVED in part. The application is DENIED for rezoning of the subject property to the Mixed Use-Infill (M-U-I) Zone. The application is APPROVED to rezone Parcel A-3 and Part of Parcel A of the subject property from the Open Space (O-S) Zone to the Commercial Shopping Center (C-S-C) Zone.

As the basis for this final decision, and as expressly authorized by the Regional District Act, namely Title 22 and Title 25 of the Land Use Article of the Annotated Code of Maryland, and Subtitle 27 of the Prince George's County Code, the District Council hereby adopt the findings and conclusions of the Planning Board set forth in PGCPB No. 17-57.

Approval of CSP-16002-C,¹ to rezone Parcel A-3 and Part of Parcel A of the subject property from the Open Space (O-S) Zone to the Commercial Shopping Center (C-S-C) Zone, is subject to the following conditions:

1. Prior to certification, the conceptual site plan (CSP) shall be revised or additional information shall be provided, as follows:

¹ Although rezoning for the subject property is through a Conceptual Site Plan, all Zoning Map Amendments which are approved subject to conditions shall be shown on the Zoning Map with the letter "C" after the application number. *See* PGCC § 27-157(b)(6).

- a. Label the gross floor area of the existing buildings.
 - b. Remove one of the bearings and distances and, if necessary, submit a minor final plat to reflect the new bearings and distances.
 - c. Extend the potential building envelope on Part of Parcel A to Edgewood Road and into Parcel A-1 to be more consistent with urban design recommendations in the 2010 *Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment*. Eliminate all access points shown on Part of Parcel A and Parcel A-3 and one of the access points shown on Parcel A-2. Shift the access shown on Parcel A-1 further to the west.
 - d. Show a landscape buffer envelope along Parcels A-1 and A-2 that abut the single-family residential.
2. If residential or outdoor recreational use is proposed in any future development review applications for this site, a Phase I or Phase II noise study shall be submitted. It shall include an exhibit of the location of the lower and upper unmitigated 65dBA Ldn noise contours in conjunction with the proposed development.
 3. At the time of building permit issuance, applications for building permits associated with a residential or outdoor recreational use shall be prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45dBA Ldn or less for the portions of the residential units within the unmitigated 65dBA Ldn or higher noise impact area. The certification shall also state that the exterior noise levels have been reduced through the proposed building materials and structures to less than 65dBA for the portions of any outdoor recreation area that is within the unmitigated 65dBA Ldn or higher noise impact area.

Ordered this 19th day of June, 2017, by the following vote:

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

Opposed:

Abstained:

Absent: Council Members Franklin, Glaros and Turner.

Vote: 6-0

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: _____
Derrick Leon Davis, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

DRAFT