

Case No.: A-10036-C

Applicant: Visconsi Land
Company, Ltd.

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

ZONING ORDINANCE NO. 8-2017

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, Zoning Map Amendment Application No. 10036 (A-10036) is a request (based on an alleged mistake in the 2010 Subregion 4 Master Plan and Sectional Map Amendment) to rezone approximately 2.42 acres of land currently zoned R-T (Townhouse) to the C-M (Commercial Miscellaneous) Zone. The land is located in the southeast quadrant of the intersection of Donnell Drive and Pennsylvania Avenue (MD 4), identified as 3700 Donnell Drive, District Heights, Maryland, which is also located within the boundaries of a proposed Military Installation Overlay Zone Map Amendment (MIOZMA); 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 Board. The Board filed its recommendation of approval with the District Council; and

WHEREAS, on April 13 and May 26, 2016, the Zoning Hearing Examiner held evidentiary hearings to consider the Applicant's request for rezoning; and

WHEREAS, on August 10, 2016, the Zoning Hearing Examiner recommended approval of the Applicant's request for rezoning; and

WHEREAS, on August 25, 2016, the Applicant filed a written request to remand the application to the Zoning Hearing Examiner; and

WHEREAS, on September 12, 2016, the District Council adopted an order of remand to the Zoning Hearing Examiner pursuant to the Applicant's request and in accordance with PGCC § 27-213.28; and

WHEREAS, on January 11, 2017, the Zoning Hearing Examiner held an evidentiary hearing pursuant to the Council's Remand Order; and

WHEREAS, on January 12, 2017, the Zoning Hearing Examiner recommended approval of the Applicant's request for rezoning from the R-T (Townhouse) Zone to the C-M (Commercial Miscellaneous) Zone; and

WHEREAS, on February 13, 2017, Linda Dabney, a person of record on remand, appealed the Examiner's recommendation of approval to the District Council; and

WHEREAS, on April 14, 2017, the Applicant filed a written response to Linda Dabney's appeal; and

WHEREAS, on April 24, 2017, the District Council held oral argument; and

WHEREAS, on May 8, 2017, the District Council referred this matter to staff to prepare this document; and

WHEREAS, having reviewed the record, the District Council finds that the disposition recommendation of the Zoning Hearing Examiner, to approve the Applicant's request to rezone approximately 2.42 acres of land currently zoned R-T (Townhouse) to the C-M (Commercial Miscellaneous) Zone, should be granted; and

WHEREAS, as the basis for its final decision, the District Council adopts and incorporates by reference, except as otherwise stated herein, findings of fact and conclusions of law of the Zoning Hearing Examiner's recommendation of approval issued on January 12, 2017; and

WHEREAS, the District Council finds that, on remand, Linda Dabney was a person of record before the Zoning Hearing Examiner; and

WHEREAS, the District Council finds that Linda Dabney has standing to appeal the recommendation of the Zoning Hearing Examiner; and

WHEREAS, the District Council otherwise adopts and incorporates by reference, as if fully restated herein, the findings and conclusions contained within the Applicant's response to Linda Dabney's appeal; and

WHEREAS, District Council finds that the issues raised by Linda Dabney in opposition to the Applicant's request for rezoning are without factual and legal merit.

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 2.42 acres of land currently zoned R-T (Townhouse) to the C-M (Commercial Miscellaneous) Zone, located in the southeast quadrant of the intersection of Donnell Drive and Pennsylvania Avenue (MD 4), identified as 3700 Donnell Drive, District Heights, Maryland.

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, rezoning is subject to the following conditions:

1. A detailed site plan shall be approved prior to issuance of any building permit.
2. A 75-foot-wide vegetative buffer shall be established along the eastern boundary of Parcel 240, Tax Map 89 (3710 Donnell Drive), as shown on Zoning Hearing Examiner Exhibit 22.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall become effective on the date of its enactment, as conditionally approved, and shall become final and effective if the Applicant timely accepts, in writing, the conditions of approval herein.

ENACTED this 12th day of June, 2017, for initial approval, by the following vote:

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

Opposed:

Abstained:

Absent:

Vote: 9-0

DRAFT

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