

Case No.: A-10049-C
Khan Property

Applicant: Khan Properties, 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. 15-2019, and to grant final conditional zoning approval in Application No. A-10049-C.

WHEREAS, the District Council in enacting Zoning Ordinance 15-2019, approved the Applicant's request to rezone approximately 4.592 acres of R-R (Rural Residential) zoned land to the C-M (Commercial Miscellaneous) Zone, located at the northwest quadrant of the intersection of U.S. 301 (Robert Crain Highway) and Missouri Avenue, part of Tax Parcel 203 recorded in the Land Records for Prince George's County in Liber 4422 at Folio 143, and identified as 0 Crain Highway, Brandywine, Maryland,¹ Councilmanic District 9, with conditions; and

WHEREAS, the District Council, pursuant to its decision in Zoning Ordinance 15-2019, deems it appropriate to accept Applicant's consent to the conditions in Zoning Ordinance 15-2019; and approve final conditional zoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Zoning Ordinance 15-2019, is hereby granted. Applicant's written acceptance of the conditions in Zoning Ordinance 15-2019, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional

¹ The property is also described as 203 Crain Highway on a deed of sale. (Exhibits 44 and 45).

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 referenced above. Failure to comply with any stated condition 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 December 4, 2019, the date of receipt of the Applicant's acceptance of the conditions in Zoning Ordinance 15-2019.

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: _____
Todd M. Turner, Chair

ATTEST:

Donna J. Brown
Clerk of the Council

Case No.: A-10049-C
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Applicant: Khan Properties, LLC

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

ZONING ORDINANCE NO. 15-2019

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. 10049 (A-10049) is a request to rezone approximately 4.592 acres of land in the R-R (Rural Residential) Zone to the C-M (Commercial Miscellaneous) Zone, located at the northwest quadrant of the intersection of U.S. 301 (Robert Crain Highway) and Missouri Avenue, part of Tax Parcel 203 recorded in the Land Records for Prince George's County in Liber 4422 at Folio 143, identified as 0 Crain Highway, Brandywine, Maryland,¹ Councilmanic District 9; 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 did not hold a hearing on the application but elected to adopt Technical Staff's recommendation of disapproval; and

WHEREAS, on February 6, 2019, the Zoning Hearing Examiner held an evidentiary hearing on the application; and

¹ The property is also described as 203 Crain Highway on a deed of sale. (Exhibits 44 and 45).

WHEREAS, at the close of the hearing, the record was left open to allow the Applicant additional time to submit certain documents; and

WHEREAS, on February 8, 2019, the Examiner closed the record; and

WHEREAS, on April 29, 2019, the Examiner recommended that the application request to rezone the subject property from the R-R (Rural Residential) Zone to the C-M (Commercial Miscellaneous) Zone be approved subject to conditions; and

WHEREAS, on May 29, 2019, the Applicant filed exceptions to Condition 2 of the Examiner's recommendation of approval; and

WHEREAS, a hearing was held before the District Council on July 8, 2019; and

WHEREAS, the District Council will grant the Applicant's request to amended Condition 2 of the Examiner's recommendation of approval; and

WHEREAS, Condition 2 shall be amended as proposed by the Applicant; and

WHEREAS, as a basis of this final decision, the District Council adopts and incorporates by reference, except as otherwise stated herein, the Examiner's findings and conclusions to 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 4.592 acres of R-R (Rural Residential) zoned land to the C-M (Commercial Miscellaneous) Zone, located at the northwest quadrant of the intersection of U.S. 301 (Robert Crain Highway) and Missouri Avenue, part of Tax Parcel 203 recorded in the Land Records for Prince George's County in Liber 4422 at Folio 143, and identified as 0 Crain Highway, Brandywine, Maryland.

SECTION 2. The request to rezone approximately 4.592 acres of R-R (Rural Residential) zoned land to the C-M (Commercial Miscellaneous) Zone, located at the northwest quadrant of the intersection of U.S. 301 (Robert Crain Highway) and Missouri Avenue, part of Tax Parcel 203 recorded in the Land Records for Prince George's County in Liber 4422 at Folio 143, and identified as 0 Crain Highway, Brandywine, Maryland, Councilmanic District 9, is hereby APPROVED, subject to the following conditions:

- (1) A Detailed Site Plan shall be approved prior to the issuance of permits to ensure adequate buffering and compatibility with the platted residential development to the southwest, protection of any regulated natural features, and efficient internal circulation.
- (2) No development shall occur within the proposed right-of-way for US 301, unless permission for such development is granted by the District Council pursuant to the provisions of Section 27-259 of the Zoning Ordinance.

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

SECTION 4. If the Applicant fails to accept the land use classifications conditionally approved in this Ordinance in writing within ninety (90) days, the 4.592 acres of the subject property shall revert to the Rural Residential (R-R) Zone.

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

ENACTED this 15th day of October, 2019, by the following vote:

In Favor: Council Members Anderson-Walker, Davis, Dernoga, Glaros, Harrison, Hawkins, Ivey, Streeter, Taveras, and Turner.

Opposed:

Abstained:

Absent: Council Member Franklin.

Vote: 10-0.

COUNTY COUNCIL OF PRINCE GEORGE'S
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DISTRICT COUNCIL FOR THAT PART OF THE
MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Todd M. Turner, Chair

ATTEST:

Donna J. Brown
Acting Clerk of the Council