

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2006 Legislative Session

Resolution No. CR-30-2006
 Proposed by The Chairman (by request – Planning Board)
 Introduced by Council Members Bland and Knotts
 Co-Sponsors _____
 Date of Introduction April 25, 2006

RESOLUTION

1 A RESOLUTION concerning

2 Master Plan and Sectional Map Amendment for Henson Creek and South Potomac
 3 For the purpose of approving the Master Plan and Sectional Map Amendment for Henson Creek
 4 and South Potomac, thereby defining long range land use and development policies, and setting
 5 forth and adopting detailed zoning proposals in Planning Areas 76B and 80, for the area
 6 generally bounded to the north by the Capital Beltway, to the west by the Potomac River, to the
 7 south by Piscataway Creek, to the east by Gallahan Road, Steed Road, Tinkers Creek and
 8 Allentown Road.

9 WHEREAS, the Master Plan and Sectional Map Amendment for Henson Creek-South
 10 Potomac area amends the Planning Areas 76B and 80 portion of the 1981 *Adopted and Approved*
 11 *Master Plan for Subregion VII, Henson Creek (Planning Areas 76A and 76B) and South*
 12 *Potomac (Planning Area 80)*; the Planning Areas 76B and 80 portion of the 1984 *Sectional Map*
 13 *Amendment for Subregion VII (Henson Creek-South Potomac)*; the 2002 *Prince George's*
 14 *County Approved General Plan*; the 2005 *Countywide Green Infrastructure Plan*, the 1982
 15 *Master Plan of Transportation*, the 1983 *Functional Master Plan for Public School Sites*, the
 16 1990 *Public Safety Master Plan*, the 1992 *Prince George's County Historic Sites and District*
 17 *Plan*, and the 1975 *Countywide Trails Plan*, including the 1985 *Equestrian Addendum*; and

18 WHEREAS, the purpose of the Master Plan and Sectional Map Amendment for the Henson
 19 Creek-South Potomac area is to develop visions, goals, policies, strategies, and appropriate
 20 zoning to implement a comprehensive policy plan for the area, in accordance with the goals and
 21 policies of the 2002 *Prince George's County Approved General Plan*; and

1 WHEREAS, the Master Plan and Sectional Map Amendment for the Henson Creek-South
2 Potomac area contains a zoning proposal known as the sectional map amendment (SMA),
3 intended to implement the land use recommendations of the master plan for the foreseeable
4 future; and

5 WHEREAS, pursuant to the requirements of Section 27-642 of the Zoning Ordinance for
6 the preparation of a new master plan and sectional map amendment, the Prince George's County
7 Planning Board published an informational brochure and held a public forum on January 13,
8 2004, to inform the public of the intent and procedures for preparing a new master plan and
9 sectional map amendment and to learn about the issues and concerns of the community; and

10 WHEREAS, on May 11, 2004, the District Council endorsed the goals, concepts and
11 guidelines prepared by the Planning Board pursuant to Section 27-643 of the Zoning Ordinance;
12 and

13 WHEREAS, the Planning Board hosted a series of stakeholder meetings to inform the
14 planning process and solicit issues and concerns; and conducted a one-day pre-charrette, a seven-
15 day charrette, and a one-day post-charrette as the major component of the public participation
16 program to involve the community in the preparation of the plan; and

17 WHEREAS, prior to publishing the preliminary plan, the Planning Board of The
18 Maryland-National Capital Park and Planning Commission submitted the plan to the District
19 Council and the County Executive for review of the sufficiency of planned public facilities,
20 pursuant to Section 27-644 of the Zoning Ordinance; and

21 WHEREAS, on July 12, 2005, the District Council and the Planning Board held a duly-
22 advertised joint public hearing on the *Preliminary Henson Creek-South Potomac Master Plan*
23 *and Proposed Sectional Map Amendment*; and

24 WHEREAS, on October 27, 2005 and November 12, 2005; the Planning Board held
25 worksessions to consider the public hearing testimony; and

26 WHEREAS, on December 1, 2005 the Planning Board, in response to the public hearing
27 testimony, adopted the master plan and endorsed the sectional map amendment with revisions as
28 described in Prince George's County Planning Board Resolution PGCPB No. 05-241 and
29 transmitted the plan and sectional map amendment to the District Council on December 27,
30 2005; and

31 WHEREAS, on January 12, 2006, the Planning Board, in response to the completed Camp

1 Springs Arts District Planning Study, which included a planning charrette held in the community
2 during November 2005, approved text and illustration changes to the adopted master plan to
3 maintain consistency with the detailed study recommendations as described in Prince George's
4 County Planning Board Resolution PGCPB No. 06-01 and transmitted to the District Council on
5 January 13, 2006; and

6 WHEREAS, on January 17, 2006, the District Council held a worksession to review
7 Planning Board recommendations on the public hearing testimony and proposed a number of
8 amendments to the adopted plan and endorsed sectional map amendment; and

9 WHEREAS, it was the intent of the District Council to include among the amendments all
10 the proposed zoning changes that were endorsed by the Planning Board but not advertised for
11 citizen comments at the July 12, 2005 joint public hearing; and

12 WHEREAS, on January 31, 2006, the District Council adopted Council Resolution 9-2006,
13 containing 15 proposed amendments, including the eight SMA amendments endorsed by the
14 Planning Board (which did not require additional public hearings) for the purpose of obtaining
15 additional public testimony, and announcing a second joint public hearing on the identified
16 amendments; and

17 WHEREAS, on March 21, 2006, the District Council and the Planning Board of The
18 Maryland-National Capital Park and Planning Commission held a duly advertised second public
19 hearing on the proposed amendments contained in CR-9-2006; and

20 WHEREAS, on April 6, 2006, the Planning Board reviewed the digest of testimony from
21 the March 21, 2006, hearing and provided comments on the proposed amendments and approved
22 transmittal to the District Council in accordance with Section 27-646(a)(3) of the Zoning
23 Ordinance; and

24 WHEREAS, on April 18, 2006, the District Council held a worksession to review public
25 hearing testimony on the proposed amendments, other subjects, and the Planning Board
26 comments on the amendments, and the Council endorsed the findings of the Planning Board with
27 these additional findings:

- 28 a. The zoning of property generally described as the "Ejtemai Property" on the northwest
29 quadrant of the intersection of Livingston Road and Oxon Hill/Old Fort Roads is
30 appropriate for development of townhouse style dwelling units with an urban character

- 1 that is characteristic of traditional small town development. The zoning ordinance should
 2 be revised to allow this style of development.
- 3 b. Quality, affordable work force housing should be encouraged at appropriate locations.
- 4 c. “The Report of the Senior Living Market Study Prince George’s County, Maryland”
 5 which was transmitted to the District Council on March 13, 2006, by M-NCPPC finds
 6 that Prince George’s County is underserved and sufficient demand exists for active adult
 7 housing and a new zone should be developed for active adult housing. Development of
 8 active adult communities can revitalize neighboring communities with a low impact on
 9 public facilities.
- 10 d. Property acquisition and construction of new highway interchanges along Indian Head
 11 Highway will reduce development density and lower impact on public facilities for
 12 affected properties.
- 13 e. During review of development applications, the District Council can assure adequate
 14 buffering and viewshed protection for the Rural Tier and the Broad Creek Historic
 15 District.
- 16 f. The property generally described as the “Kaydot Property” on the southwest quadrant of
 17 the intersection of Indian Head Highway (MD 210) and Old Fort Road North should
 18 remain in a residential zoning category, but has the possibility of being developed in the
 19 future with retail commercial uses through the filing of a rezoning application that is
 20 sensitive to architectural techniques that are compatible with the surrounding Historic
 21 District which it borders.
- 22 g. The Rural Tier transitional area designation for property located in the Developing Tier,
 23 encouraging voluntary compliance with planning guidelines, means that enforcement
 24 cannot be applied, thereby creating ambiguity in the development process and a negative
 25 fiscal impact on property owners. The District Council should retain the authority to
 26 place conditions on development, to help maintain the character of the Historic District,
 27 through site plan review during the development review process for all properties
 28 buffering the Historic District. The recommendation for a Rural Tier transitional area
 29 should be deleted from the master plan.
- 30 h. Historic sites and historic districts should not be invisible to the surrounding community.
- 31 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George’s

County, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that the master plan and sectional map amendment for the Henson Creek-South Potomac area as adopted and endorsed on December 1, 2005, by PGCPB No. 05-241 and amended on January 12, 2006, by PGCPB No. 06-01, are hereby approved, with the following amendments and revisions:

SMA ZONING AMENDMENTS

AMENDMENT 1

Change the existing C-S-C Zone to the R-55 Zone on the E & E Developer's Enterprises, Inc. property, located on the east side of Livingston Road north of Arthur Drive as recommended by the Planning Board.

Existing Zone: C-S-C **Transmitted SMA Zone:** R-55 (SMA Change Number 2 as revised by PGCPB No.05-241, Section V, Item 5.)

Account: 1291806 **Street Address:** 8400 Oxon Hill Road **Acreage:** 0.68
Tax Map: 113 Grid: F1 Parcel: 23

Existing Zone: C-S-C **Transmitted SMA Zone:** R-55 (SMA Change Number 2 as revised by PGCPB No.05-241, Section V, Item 5.)

Account: 1291814 **Street Address:** 0000 Oxon Hill Road **Acreage:** 1.00
Tax Map: 113 Grid: F1 Parcel: 25

AMENDMENT 2

Change the existing C-S-C Zone to the R-18C Zone on the former ABC Drive-in property, located on the east side of Indian Head Highway (MD 210), north of Palmer Road as recommended by the Planning Board.

Existing Zone: C-S-C **Transmitted SMA Zone:** R-18C (SMA Change Number 7 as modified by PGCPB No.05-241, Section V, Item 8)

Account: 1192277 **Street Address:** 8500 Indian Head Highway **Acreage:** 10.98
Tax Map: 114 Grid: A1 and A2 Parcel: 84

AMENDMENT 3

Change the existing C-S-C Zone to the R-T Zone on the Ejtemai property, located on the northwest quadrant of the intersection of Livingston Road and Oxon Hill/Old Fort Roads in the Broad Creek area as recommended by the Planning Board. **Add language to the master plan that supports a new or revised zoning category to be developed to allow for an R-T (Residential-Townhouse) for "Towns" design concept to be implemented.**

Existing Zone: C-S-C **Transmitted SMA Zone:** R-T (SMA Change Number 12 per PGCPB No.05-241, Section V, Item 8)

Account: 0283952 **Street Address:** 9515 Livingston Road **Acreage:** 0.37
Tax Map: 114 Grid: A4 Parcel: 230

Existing Zone: C-S-C **Transmitted SMA Zone:** R-T (SMA Change Number 12 per PGCPB No.05-241, Section V, Item 8)

Account: 0311423 **Street Address:** 9519 Livingston Road **Acreage:** 0.72
Tax Map: 114 Grid: A4 Parcel: 229

Existing Zone: C-S-C **Transmitted SMA Zone:** R-T (SMA Change Number 12 per PGCPB No.05-241, Section V, Item 8)
Account: 0384990 **Street Address:** 0000 Oxon Hill Road **Acreage:** approx. 10.00
Tax Map: 114 Grid: A4 Parcel: 144

AMENDMENT 4

Change the existing O-S Zone to the R-E Zone on the Melwood property located on the south side of Riverview Road across from Broad Creek Drive as recommended by the Planning Board.

Existing Zone: O-S **Transmitted SMA Zone:** R-E (SMA Change Number 13 per PGCPB No.05-241, Section V, Item 9)
Account: 0352609 **Street Address:** 10710 Riverview Road **Acreage:** 5.04
Tax Map: 122 Grid: D4 Parcel: 144

AMENDMENT 5

Change the existing R-E Zone to the R-R Zone on the Wills Lane property, located south of Allentown Road between Wills Lane, Kilbourne Drive and Lanham Lane as recommended by the Planning Board.

Existing Zone: R-E **Transmitted SMA Zone:** R-R (SMA Change Number 14 per PGCPB No.05-241, Section V, Item 10)
Account: 2958940 **Street Address:** 0000 Wills Lane **Acreage:** 4.00
Tax Map: 106 Grid: C4 Parcel: 249

Existing Zone: R-E **Transmitted SMA Zone:** R-R (SMA Change Number 14 per PGCPB No.05-241, Section V, Item 10)
Account: 0961714 **Street Address:** 7736 Wills Lane **Acreage:** 1.47
Tax Map: 106 Grid: C4 Parcel: 249

Existing Zone: R-E **Transmitted SMA Zone:** R-R (SMA Change Number 14 per PGCPB No.05-241, Section V, Item 10)
Account: 0989343 **Street Address:** 7731 Wills Lane **Acreage:** approx. 15.00
Tax Map: 106 Grid: C4 Parcel: 248

AMENDMENT 6

Change the existing R-R Zone to the R-55 Zone for the Kairos Development Corporation, Inc. property, located on the north side of Middleton Lane between Edgewood Drive and Kenwood Street.

Existing Zone: R-R **Transmitted SMA Zone:** R-80 (SMA Change Number 15 per PGCPB No.05-241, Section V, Item 11)
Account: 0480749 **Street Address:** 0000 Edgewood Drive **Acreage:** 0.015
Tax Map: 97 Grid: F2 Parcel: 287

Existing Zone: R-R **Transmitted SMA Zone:** R-80 (SMA Change Number 15 per PGCPB No.05-241, Section V, Item 11)
Account: 0480756 **Street Address:** 5625 Middleton Lane **Acreage:** 1.38
Tax Map: 97 Grid: F2 Lot: 18

AMENDMENT 7

Change the existing R-R Zone to the R-80 Zone on the Housing and Community Development Agency property known as the Thomas Edison tract, located on the east side of Leon Street, north of Allentown Road as recommended by the Planning Board.

Existing Zone: R-R **Transmitted SMA Zone:** R-80 (SMA Change Number 16 per PGCPB No.05-241, Section V, Item 12)

Account: 0436527 **Street Address:** 5800 Leon Street **Acreage:** 29.03
Tax Map: 98 **Grid:** B3 **Parcel:** A

AMENDMENT 8

Change the R-R Zone to the R-80 Zone on the Trammell Crow property, located on the east side of Branch Avenue, south of Deerpond Lane.

Existing Zone: R-R **Transmitted SMA Zone:** R-30C (SMA Change Number 17 per PGCPB No.05-241, Section V, Item 13)

Account: 0416404 **Street Address:** 0000 Branch Avenue **Acreage:** 20.00
Tax Map: 98 **Grid:** A2 **Parcel:** 36

Existing Zone: R-R **Transmitted SMA Zone:** R-30C (SMA Change Number 17 per PGCPB No.05-241, Section V, Item 13)

Account: 0426312 **Street Address:** 0000 Branch Avenue **Acreage:** 2.86
Tax Map: 98 **Grid:** B3 **Parcel:** 174

AMENDMENT 9

Change the existing R-R Zone to the R-18C Zone for the CRET Development, Inc. property, located on the east side of Livingston Road south of Muir Drive. (New SMA Change 18) **Add language to the plan text referencing the 2006 M-NCPPC Senior Market Study report findings that Prince George's County is underserved and sufficient demand exists for active adult housing and a new zone should be developed for active adult housing.**

Existing Zone: R-R **Transmitted SMA Zone:** R-R **Proposed Zone:** R-18C
Account: 1293448 **Street Address:** 7220 Livingston Road **Acreage:** 18.08
Tax Map: 105 **Grid:** B2 **Parcel:** 49

AMENDMENT 10

Change the existing R-E Zone to the R-R Zone for the Tilch and Walzel properties, located north of Fort Washington Road, east of Livingston Road. (New SMA Change 19)

Existing Zone: R-E **Transmitted SMA Zone:** R-E **Proposed Zone:** R-R
Account: 0296616 **Street Address:** 10510 Livingston Road **Acreage:** 2.00
Tax Map: 123 **Grid:** A2 **Parcel:** 108

Existing Zone: R-E **Transmitted SMA Zone:** R-E **Proposed Zone:** R-R
Account: 0399352 **Street Address:** 10706 Livingston Road **Acreage:** 1.26
Tax Map: 123 **Grid:** A3 **Parcel:** 98

Existing Zone: R-E **Transmitted SMA Zone:** R-E **Proposed Zone:** R-R
Account: 0403634 **Street Address:** 11005 Fort Washington Road **Acreage:** 31.15
Tax Map: 123 **Grid:** A2 **Parcel:** 193

Existing Zone: R-E **Transmitted SMA Zone:** R-E **Proposed Zone:** R-R
Account: 0403642 **Street Address:** 00000 Indian Head Highway **Acreage:** 2.00
Tax Map: 123 **Grid:** A2 **Parcel:** 185

Existing Zone: R-E **Transmitted SMA Zone:** R-E **Proposed Zone:** R-R
Account: 2753697 **Street Address:** 10610 Livingston Road **Acreage:** 7.45
Tax Map: 123 **Grid:** A2 **Parcel:** 108

AMENDMENT 11

Retain the existing R-R Zone on the Kaydot property, located on the southwest quadrant of the intersection of Indian Head Highway (MD 210) and Old Fort Road North. **Add language to the plan text that refers to its possibility of being developed in the future with retail commercial uses through the filing of a rezoning application that is sensitive to architectural techniques that are compatible with the surrounding Historic District which it borders.**

Existing Zone: R-R **Transmitted SMA Zone:** R-R **Proposed Zone:** C-S-C or R-80
Account: 0381566 **Street Address:** 7707 Kaydot Road **Acreage:** 21.36
Tax Map: 123 **Grid:** A1 **Parcel:** 180

AMENDMENT 12

Rezone the existing R-E Zone to the I-1 Zone for the improved portion of the PEPCO Palmers Corner Substation property, located on the southwest corner of the intersection of Tucker Road and Bock Road. (New SMA Change 20) **Revise SMA text to acknowledge that proposed improvements to the PEPCO facility which exceed 69kV and are subject to regulation by the Public Service Commission and not the county. The I-1 Zone is approved to ensure that the all emergency improvements scheduled for a portion of the site can be built without additional rezoning or special exception procedures.**

Existing Zone: R-E **Transmitted SMA Zone:** R-E **Proposed Zone:** I-1
Account: 0370932 **Street Address:** 3001 Tucker Road **Acreage:** Approximately 6± acres of the 36.71 acres site.
Tax Map: 114 **Grid:** F1 **Parcel:** A

PLAN/ SMA TEXT AMENDMENTS

AMENDMENT 13

Delete the recommendation for a Rural Tier Transitional Area, including all designations, guidelines, and references from the master plan text and maps, because the authority of the District Council always considers compatibility issues.

AMENDMENT 14

Realign proposed road A-68 such that the southern edge of the 100-foot right-of-way is on the northern property line of Cerrito property.

Delete proposed road C-727 south of A-68. Revise Maps 22, 23, and 24 to terminate the proposed C-727 at A-68 as described in the adopted plan text.

Retain the alignment of proposed road C-727 north of proposed road A-68 across from the primary entrance to the Rivertown Commons shopping center.

AMENDMENT 15

Revise plan text and maps as appropriate to show consistency between any District Council rezoning, the Proposed Land Use map, and any related text maps and illustrations.

AMENDMENT 16

ATTACHMENT A – DISTRICT COUNCIL REVISIONS TO THE TEXT OF THE ADOPTED AND ENDORSED HENSON CREEK AND SOUTH POTOMAC MASTER PLAN/SMA.

1 BE IT FURTHER RESOLVED that the planning staff is authorized to make appropriate
 2 text and map revisions, to correct identified errors, reflect updated information, and incorporate
 3 the Zoning Map changes reflected in this Resolution.

4 BE IT FURTHER RESOLVED that this Sectional Map Amendment is an amendment to
 5 the Zoning Ordinance and to the official Zoning Map for the Maryland-Washington Regional
 6 District in Prince George's County, Maryland. The zoning changes approved by this Resolution
 7 shall be depicted on the official Zoning Map of the County.

8 BE IT FURTHER RESOLVED that the provisions of this Resolution are severable. If any
 9 provision, sentence, clause, section, zone, zoning map, or part thereof is held illegal, invalid,
 10 unconstitutional, or unenforceable, such illegality, invalidity, unconstitutionality, or
 11 unenforceability shall not affect or impair any of the remaining provisions, sentences, clauses,
 12 sections, zones, zoning maps, or parts hereof or their application to other zones, persons, or
 13 circumstances. It is hereby declared to be the legislative intent that this Resolution would have
 14 been adopted as if such illegal, invalid, unconstitutional, or unenforceable provision, sentence,
 15 clause, section, zone, zoning map, or part had not been included therein.

16 BE IT FURTHER RESOLVED that this Resolution shall take effect on the date of its
 17 adoption.

Adopted this 25th day of April, 2006.

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: _____
 Thomas E. Dernoga
 Chairman

ATTEST:

 Redis C. Floyd
 Clerk of the Council

ATTACHMENT A
DISTRICT COUNCIL REVISIONS TO THE TEXT OF THE ADOPTED AND ENDORSED
HENSON CREEK AND SOUTH POTOMAC MASTER PLAN/SMA.

Development Pattern Element

A. Rural Tier

Modify text and maps to delete all references to the Rural Tier Transitional Area.

B. Developing Tier

1. Add a new strategy to Developing Tier Policy 6 (Plan text, p. 24): “Consider revising the zoning ordinance to allow development of townhouse style dwelling units in planned activity centers with a design concept that is characteristic of urban development in towns and cities.”
2. Add a new strategy to Developing Tier Policy 6, Henson Creek Transit Village, Guidelines (Plan text, p. 28): “Consider the possibility of additional retail commercial development on property located at the southwest corner of MD 210 and Old Fort Road North (known as the Kaydot property) through the filing of a rezoning application that is sensitive to architectural techniques that are compatible with the adjoining historic district.”

Economic Development, Housing, and Community Character Elements

A. Housing

Add a new strategy to Policy 1 on page 88 to read: “Consider revising the zoning ordinance to more efficiently provide a specific zoning category for active adult housing, pursuant to the “Report of the Senior Living Market Study Prince George’s County, Maryland” which was transmitted to the District Council on March 13, 2006, by M-NCPPC and finds that Prince George’s County is underserved and sufficient demand exists for active adult housing.”

B. Historic Preservation

1. Revise the new strategy added to adopted plan under Policy 1 on page 96 to read: “Ensure that new development adjoining Historic Sites (other than archeological sites) or Historic Districts is well buffered [, so that it will not be visible from the historic property].”
2. Add a new strategy under Policy 1 on page 96 to read: “Detailed site plan review should be required for development of property adjacent to the Broad Creek Historic District to ensure appropriate development techniques and buffering are utilized to help maintain the character of the Historic District.”