

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2018 Legislative Session

Resolution No. CR-13-2018
Proposed by Council Member Franklin
Introduced by Council Members Franklin and Davis
Co-Sponsors _____
Date of Introduction March 6, 2018

RESOLUTION

1 A RESOLUTION concerning

2 The Subregion 5 Master Plan and Sectional Map Amendment

3 For the purpose of approving, pursuant to the Land Use Article, Annotated Code of Maryland, as
4 well as the Zoning Ordinance for Prince George's County, being also Subtitle 27, Prince
5 George's County Code, as an Act of the Prince George's County Council, sitting as the District
6 Council for that portion of the Maryland-Washington Regional District in Prince George's
7 County, Maryland, certain specified minor amendments for certain parcels of land within the
8 2013 Subregion 5 Master Plan and Sectional Map Amendment, as set forth herein and proposed
9 via Council Resolution CR-062-2017, in order to realize certain specific transportation policy
10 goals and to facilitate the respective implementation of approved land use and development
11 strategies within applicable comprehensive plans.

12 WHEREAS, pursuant to the authority conferred by the Maryland General Assembly upon
13 this local legislative body via the Regional District Act ("RDA"), more specifically, within Titles
14 21 and 22, Land Use Article, Annotated Code of Maryland, the County Council of Prince
15 George's County, Maryland, sitting as the District Council for that portion of the Maryland-
16 Washington Regional District in Prince George's County ("District Council"), approved the
17 2013 *Subregion 5 Master Plan and Sectional Map Amendment* via adoption of Council
18 Resolution 080-2013 ("CR-080-2013") and Council Resolution 081-2013 ("CR-81-2013"),
19 respectively, on July 24, 2013; and

1 WHEREAS, in accordance with its local zoning procedures, the District Council approved
2 certain comprehensive land use and development policies for the physical development of land
3 within the plan area boundaries via its adoption of CR-080-2013 on July 24, 2013; and

4 WHEREAS, as expressly authorized within the local zoning laws, the District Council
5 concurrently approved certain specific zoning proposals to realize the development policy vision
6 within a Sectional Map Amendment (“SMA”) for the geographic area of the County included
7 within the plan boundaries via adoption of CR-081-2013, on July 24, 2013; and

8 WHEREAS, prior to its July 24, 2013, approval of the 2013 *Subregion 5 Master Plan and*
9 *Sectional Map Amendment*, on April 2, 2013, the District Council considered and approved
10 certain land use and development policies as to certain land dually sited within the *Central*
11 *Branch Avenue Corridor Revitalization Sector Plan* and a portion of the Subregion 5 master plan
12 area; and

13 WHEREAS, the District Council takes administrative notice that the 2013 *Central Branch*
14 *Avenue Corridor Revitalization Sector Plan* states its purpose, which is to respond to public
15 comments at workshops urging that land use and development policies for the Clinton
16 Commercial Core focus areas be updated to address public concerns about poor connectivity,
17 lack of quality retail choices, traffic congestion, and a lack of prior plan implementation; and

18 WHEREAS, the District Council also finds that, in rendering its final decision to approve
19 the *Central Branch Avenue Corridor Revitalization Sector Plan*, the approved land use and
20 development policy addressed the public’s concerns raised and approved comprehensive goals
21 and implementation strategies to facilitate redevelopment, make vital transportation
22 improvements to promote economic development and better connectivity within the Clinton
23 Commercial Core focus area of the plan; and

24 WHEREAS, as approved by the District Council, the 2013 *Central Branch Avenue*
25 *Corridor Revitalization Sector Plan* further calls for specific strategies to implement the current
26 land use and development policies for the subject properties within the downtown Clinton
27 Commercial Core focus area, including updated zoning and accelerated rezoning in the mixed-
28 use areas of the plan, to realize and redevelop the Clinton focus area with high-quality
29 development and desirable mix of uses; and

30 WHEREAS, despite the comprehensive development policy approved on April 2, 2013, by
31 the District Council to update the recommendations for the Clinton Commercial Core focus area,

1 the *Central Branch Avenue Corridor Revitalization Sector Plan* did not include a concurrent
2 Sectional Map Amendment, in accordance with the local zoning procedures, to approve detailed
3 zoning proposals for purposes of realizing the sector plan policy vision; and

4 WHEREAS, although the Council approved funding for a subsequent Sectional Map
5 Amendment process to approve specific zoning proposals consistent with the approved 2013
6 comprehensive plan, to date the Planning Board has not initiated any Sectional Map Amendment
7 process for the Central Branch Avenue Corridor Revitalization Plan area; and

8 WHEREAS, as a result, and notwithstanding overlapping area plan designations as to
9 certain properties dually-situated within the Subregion 5 Master Plan and Central Branch Avenue
10 Corridor Revitalization Sector Plan areas, the District Council hereby finds that there is a need to
11 harmonize the development and land use policies within the 2013 *Subregion 5 Master Plan and*
12 *SMA* with those of the 2013 *Central Branch Avenue Revitalization Corridor Sector Plan* for
13 certain properties in the general vicinity of Old Branch Road/Woodyard Road, as identified
14 herein; and

15 WHEREAS, the District Council further finds that, as recounted in the 2013
16 comprehensive plan and prior applicable master plans for the Subregion 5 plan area, there are
17 continuing regional transportation challenges along the US 301 and MD 5 corridors, resulting
18 from commuter traffic moving both into and returning from Charles County, that continue stymie
19 the potential for development in the southern area of the County within the master plan area
20 boundaries; and

21 WHEREAS, the District Council further finds that the 2013 *Central Branch Avenue*
22 *Corridor Revitalization Sector Plan* calls for an expedited rezoning process to achieve parity
23 between the zoning and land use development policies approved for the subject properties; and

24 WHEREAS, on July 7, 2015, and as is permitted pursuant to the its authority set forth in its
25 local law and the public general laws of the State, including Section 1-207, General Provisions
26 Article, Annotated Code of Maryland, as well as longstanding precedent established by the
27 Maryland Courts, the District Council approved a new, limited minor amendment process to the
28 text of its local laws via enactment of CB-035-2015, which is codified as Section 27-642 of the
29 Zoning Ordinance; and

30 WHEREAS, in order to realize the Central Branch Avenue and Subregion 5 plan visions,
31 particularly those relevant to transportation improvements in the Brandywine and Clinton areas

1 of the County, Section 27-642 of the Zoning Ordinance provides a specific process to consider
2 and approve certain targeted adjustments when justifiable and appropriate—here—to align the
3 land use and zoning classification for specified land located in the plan area with current County
4 development policies; and

5 WHEREAS, the District Council finds that the proposed changes in the Clinton
6 Commercial Core focus area will augment efforts to facilitate a public-private partnership to
7 funds millions in transportation improvements, especially the improvement of the MD-223/Old
8 Branch Avenue/Brandywine Road intersection in downtown Clinton, as approved in the current
9 Capital Improvement and Operating and Expense Budgets for the County, more specifically, *CIP*
10 *No. FD660002, Brandywine Road & MD 223 Intersection*; and

11 WHEREAS, as approved by the District Council within the 2013 *Subregion 5 Master Plan*
12 *and Sectional Map Amendment*, the land use and development policies for the area of the plan
13 described as the “Brandywine Community Center” call for a “mix of residential and commercial
14 land uses”; and

15 WHEREAS, District Council also finds that, in accordance with the prescriptions of the
16 Land Use Article, Annotated Code of Maryland, the current General Plan for the County, *Plan*
17 *Prince George’s 2035*, designates the plan area that includes the Brandywine Community Center
18 as “Town Center” with a corresponding mix of residential and commercial uses, which is not
19 consistent with the prescriptions governing the uses of land and requirements for development
20 under the current zoning classification for the subject property; and

21 WHEREAS, the proposed land use brings the subject properties into conformance with the
22 both the generalized future land use recommendation for the area within the current General
23 Development Plan for the County, *Plan Prince George’s 2035*, and the 2013 *Subregion 5 Master*
24 *Plan and Sectional Map Amendment*, which respectively call for mixed use zoning and land use
25 for the area of the subject properties known as the Brandywine Community Center; and

26 WHEREAS, on July 18, 2017, pursuant to its comprehensive planning and zoning authority
27 conferred by the Maryland General Assembly upon this local legislative body via the RDA, Land
28 Use Article, and Section 1-207, General Provisions Article, Annotated Code of Maryland, as
29 well as the provisions of its local zoning laws, namely Section 27-642 and Part 13 of the Zoning

1 Ordinance, the District Council unanimously adopted Council Resolution CR-062-2017, thereby
2 initiating certain proposed minor amendments to the 2013 *Subregion 5 Master Plan and*
3 *Sectional Map Amendment*; and

4 WHEREAS, as required by the procedures specified at law, CR-062-2017 included a
5 statement of the date for a joint public hearing to occur on October 10, 2017, to receive public
6 comments and other testimony in a record of joint public hearing testimony on the eight (8)
7 proposed minor amendments to the 2013 *Subregion 5 Master Plan and Sectional Map*
8 *Amendment*; and

9 WHEREAS, in accordance with the applicable prescriptions of state and local law, the
10 District Council and the Prince George's County Planning Board of the Maryland-National
11 Capital Park and Planning Commission conducted a duly-advertised joint public hearing on
12 October 10, 2017, in order to seek testimony and other public comment as to the proposed minor
13 amendments within a record of joint public hearing testimony; and

14 WHEREAS, after the close of the joint public hearing record on October 20, 2017, the
15 Planning Department technical staff prepared a digest of the testimony within the hearing record
16 for presentation of its analysis to the Prince George's Planning; and

17 WHEREAS, on November 2, 2017, the Planning Board conducted a public work session to
18 review the testimony within the public hearing record as well as associated technical staff
19 recommendations thereon; and

20 WHEREAS, after completing its review of the hearing record, the Planning Board
21 transmitted the public hearing record of testimony, together with its recommendation and the
22 assessments prepared by the Technical Staff on November 9, 2017; and

23 WHEREAS, on January 30 and February 27, 2018, respectively, the Council held public
24 meetings, convened as the Committee of the Whole, to be briefed by the Council's Zoning and
25 Legislative Counsel and the Planning Department Technical Staff regarding the testimony and
26 other exhibits within the joint public hearing record; and

27 WHEREAS, after respective procedural and substantive presentation by legal counsel to the
28 Council and Planning Board technical staff, as well as questions and other discussion regarding
29 the record of hearing testimony for the proposed minor amendments, the Council noted specific
30 support within several exhibits within the record of joint public hearing testimony that support
31 the proposed zoning changes for the properties that are the subject of proposed Minor

1 Amendments Four and Five and, in contrast, only general opposition within the hearing record
2 for Amendments Four and Five; and

3 WHEREAS, at the February 27, 2018, meeting of the Council convened as Committee of
4 the Whole and, having reviewed the testimony within the joint public hearing record in light of
5 applicable comprehensive plans for the area, the Council further noted the existence of current
6 applicable land use and development policies calling for mixed use residential and commercial
7 development for properties within Brandywine Community Center, which must facilitate the
8 critical transportation improvements in the Brandywine area; and

9 WHEREAS, upon concluding its discussion regarding the eight (8) proposed minor
10 amendments to the 2013 *Subregion 5 Master Plan and Sectional Map Amendment*, the Council
11 voted unanimously 7–0 to direct staff to prepare a Resolution of Approval as to proposed Minor
12 Amendments Four, Five, and Six, respectively; and to expressly reject the remaining proposed
13 minor amendments within CR-062-2017 by Disapproval of proposed Minor Amendments One,
14 Two, Three, Seven, and Eight, respectively; and

15 WHEREAS, it is the additional finding of the Council that the approval of the subject
16 proposed Minor Amendments 4, 5, and 6 shall not, by way of such modifications to zoning
17 classification, be deemed to supplant or otherwise exempt potential future development
18 proposals for the affected properties from conformance with all land use and development
19 regulations imposed by the Zoning Ordinance, particularly, all required public participation and
20 entitlement processes including, but not limited to, any applicable preliminary plan applications,
21 site plan applications, and association notification procedures.

22 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
23 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
24 Regional District in Prince George's County, Maryland, that, in accordance with provisions of
25 the Land Use Article and the General Provisions Article, Annotated Code of Maryland, as well
26 as Part 13 of the Zoning Ordinance for Prince George's County, being also Subtitle 27 of the
27 Prince George's County Code, the proposed Minor Amendments Four, Five, and Six to the 2013
28 *Subregion 5 Master Plan and Sectional Map Amendment*, as recited below, be and the same are
29 hereby APPROVED.
30

MINOR AMENDMENT NUMBER FOUR:

Amend the zoning classification for property located in the southwest quadrant of the intersection of Piscataway Road and Brandywine Road, from the C-S-C, C-O, and R-80 Zones, respectively, to the M-X-T Zone, as follows:

Lot 2 Tax Account Nos. 0975334, 0975342; Parcel 225 Tax Account No. 0906164; Parcel 212 Tax Account No. 0906172; Parcel 213 Tax Account No. 0906180; Parcel 226 Tax Account No. 0906198; Parcel 85 Tax Account No. 0906214; Parcel 59 Tax Account No. 0975276; Parcel 47 Tax Account No. 0912592; Parcel 46 Tax Account No. 0906156; Parcel 48 Tax Account No. 0864934; Lot 1 Tax Account No. 0912980; Parcel 56 Tax Account No. 0912972; Parcel 57 Tax Account No. 0915991; Lots 1-3 Tax Account No. 0911578; Parcel 58 Tax Account No. 0852731; Parcel 26 Tax Account No. 0888776; Parcel 83 Tax Account No. 0975300 ;Parcel 60 Tax Account No. 0874289; and Parcel 61 Tax Account No. 0883843.

MINOR AMENDMENT NUMBER FIVE:

Amend the zoning classification for property located on the east side of Old Branch Avenue, approximately 1,100 feet north of its intersection with Piscataway Road/Woodyard Road (MD 223) and north side of Woodyard Road (MD 223) from the C-S-C, C-O, R-55, and R-80 Zones, respectively, to the M-X-T Zone, as follows:

Parcel 37 Tax Account No. 0975268; Parcel 198 Tax Account No. 0983858; Parcel 149 Tax Account No. 0980540; Parcel 191 Tax Account Nos. 0872051 and 3245958; Parcel 187 Tax Account No. 0872044; Parcel 151 Tax Account No. 0980557; and Lot 1 Tax Account No. 0872077.

MINOR AMENDMENT NUMBER SIX:

Amend the zoning classification for property located on the west side of MD 5/US 301, approximately 1,900 feet north of its intersection with Chadds Ford Drive from the R-R to the M-X-T Zone, as follows:

Parcel 21, Tax Account No. 1182377; and Parcel 23, Tax Account Nos. 1180801 and 1180793.

BE IT FURTHER RESOLVED that, in accordance with provisions of the Regional District Act, Division II, Land Use Article and the General Provisions Article, Annotated Code of Maryland, as well as Part 13 of the Zoning Ordinance for Prince George’s County, being also

1 Subtitle 27 of the Prince George’s County Code, proposed Minor Amendments One, Two,
2 Three, Seven, and Eight, as proposed via the District Council’s adoption of CR-062-2017 on July
3 18, 2017, be and the same are hereby DISAPPROVED.

4 BE IT FURTHER RESOLVED that the Clerk of the Council shall transmit a copy of this
5 Resolution to the Prince George’s County Planning Board of the Maryland-National Capital Park
6 and Planning Commission in accordance with the prescriptions of Section 27-642 of the County
7 Zoning Ordinance.

8 BE IT FURTHER RESOLVED that the provisions of this Resolution are hereby declared to
9 be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence,
10 clause, phrase, or word of this Resolution is declared invalid or unconstitutional by a court of
11 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
12 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
13 Resolution, since the same would have been enacted or adopted without the incorporation in this
14 Resolution of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph,
15 subparagraph, subsection, or section.

Adopted this 6th day of March , 2018.

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: _____
Dannielle M. Glaros
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council