



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
301-952-3600

July 7, 2026

DISTRICT COUNCIL PRELIMINARY NOTICE OF CONDITIONAL ZONING APPROVAL

Pursuant to the provisions of Section 27-3416 of the Zoning Ordinance of Prince George's County, Maryland, requiring notice of decision of the District Council, a copy of Zoning Ordinance No. 5 - 2026 granting preliminary conditional zoning approval of ZMA-2025-003-C (Amendment of Conditions) Melwood Estates, is attached.

In compliance with the provisions of Section 27-3601(d)(9) of the Zoning Ordinance, the applicant must file a written acceptance or rejection of the land use classification as conditionally approved within ninety (90) days from the date of approval by the District Council. Upon receipt by the Clerk's Office of a written acceptance by the applicant, a final Order will be issued with an effective date for conditional approval shown as the date written acceptance was received by the Clerk's Office.

The failure to accept the conditions in writing within ninety (90) days from the date of approval shall be deemed a rejection. Rejection shall void the Map Amendment and revert the property to its prior zoning classification.

Written approval or rejection of conditions must be received by the Clerk's Office no later than the close of business (5:00 p.m.) on September 21, 2026.

CERTIFICATE OF SERVICE

This is to certify that on July 7, 2026, this notice and attached Order were mailed, postage prepaid, to the attorney/correspondent and applicant(s). Notice of final approval will be sent to all persons of record.

A handwritten signature in cursive script, reading "Donna J. Brown".

Donna J. Brown
Clerk of the Council

Case No.: ZMA-2025-003-C
Melwood Estates

Applicant: Day Land Investment, LLC

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

ZONING ORDINANCE NO. 5-2026

AN ORDINANCE granting a request from Applicant under the change-mistake rule to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, by an individual Zoning Map Amendment, No. 2025-003 (ZMA-2025-003 or application), to rezone approximately 27.54 acres of land in the AR (Agricultural-Residential) Zone, consisting of Lot 1 and Outlots A & B, Tax Map 100, Grid B1, to the RSF-A (Residential, Single-Family Attached) Zone.

WHEREAS, in Maryland, the change-mistake rule applies to all piecemeal zoning applications involving Euclidian zones, including those involving conditional zoning. *Cnty. Council of Prince George's* 691 (2015); and

WHEREAS, under the New Zoning Ordinance, when determining whether to adopt or disapprove a proposed zoning map amendment (ZMA), the District Council may consider many factors but in doing so, no zoning map amendment shall be granted without the Applicant demonstrating either:

- (1) There has been a substantial change in the character of the neighborhood; or
- (2) There was a mistake in the original zone for the land subject to the amendment which has never been the subject of an adopted sectional map amendment; or
- (3) There was a mistake in the current sectional map amendment. PGCC § 27-3601(e), and

WHEREAS, under Maryland law, the original or comprehensive zoning may be changed (unless by a subsequent comprehensive zoning) only by a subsequent piecemeal zoning and in a Euclidean or conventional zone (such as the case here), the map amendment may be granted only upon a showing of unforeseen changes in the surrounding neighborhood occurring since the prior original zoning or comprehensive rezoning or mistake of fact made by the zoning authority in the original zoning or previous comprehensive rezoning; and

WHEREAS, the “change-mistake” rule is a rule of the either /or type where 1) the “change” half of the “change-mistake” rule requires that, in order for a piecemeal Euclidean zoning change to be approved, there must be a satisfactory showing that there has been significant and unanticipated change in a relatively well-defined area (the “neighborhood”) surrounding the property in question since its original or last comprehensive rezoning, whichever occurred most recently and 2) the “mistake” option of the rule requires a showing that the underlying assumptions or premises relied upon by the legislative body during the immediately preceding original or comprehensive rezoning were incorrect; and

WHEREAS, there must be a showing of a mistake of fact where mistake in this context does not refer to a mistake in judgment and even where evidence of a change or mistake is adduced, there is no reciprocal right to a change in zoning, nor is there a threshold evidentiary standard which when met compels rezoning and even with very strong evidence of change or mistake, piecemeal zoning may be granted, but is not required to be granted, except where a failure to do so would deprive the owner of all economically viable use of the property, *Zimmer Dev. Co.*, 444 Md. 490, 512-515, 120 A.3d 677, 689-691 (2015) citing *Mayor & Council of Rockville v. Rylyns Enterprises, Inc.*, 372 Md. 514, 539, 814 A.2d 469, 483 (2002); and

WHEREAS, the subject property is also in the M-I-O (Military Installation Overlay) Zone for Height, Surface E (Conical Surface), and will remain therein upon the granting of this rezoning; and

WHEREAS, the property is generally located on the east side of Melwood Road, approximately 1,550 feet north of its intersection with Pennsylvania Avenue (MD Route 4); and

WHEREAS, the application was advertised, and the property was posted prior to public hearings, in accordance with all requirements of law; and

WHEREAS, Technical Staff of the Planning Department and Planning Board, adopting the recommendation of Technical Staff, recommended against the request to rezone the subject property; and

WHEREAS, on February 4, 2026, the ZHE conducted an un-opposed evidentiary hearing on the rezoning request, and the record was left open for additional documents; and

WHEREAS, on March 9, 2026, the ZHE closed the record after additional documents were received into the record; and

WHEREAS, on April 14, 2026, the ZHE filed her written decision recommending approval of the rezoning request wherein grounds for the rezoning request based on mistake were summarized as follows:

- It was a mistake to retain the R-A zoning since the subject property abuts the Edge area of the Westphalia Town Center and the existing zoning was contrary to the goals and policies of the Sector Plan for the Town Center and the surrounding properties, as they related to density and character of planned development. This mistake was compounded by the rezoning of the adjacent property to the west of Melwood Road.
- The retention of the R-A zoning was based on an inaccurate description of the existing land uses on the subject property used in the 1994 Melwood-Westphalia Master Plan and Sectional Map Amendment.

- The retention of the R-A zoning did not consider the merits of the request for rezoning made by Jenny Day at the Joint Public Hearing on May 23, 2026.
- An expert for the Applicant opined that the Sector Plan failed to address the fact that the County's Ten-Year Comprehensive Water and Sewer Plan had placed the entirety of the subject property in the S-4 category by 2002. Expert also opined that Back Branch abuts the subject property, and in 2006, following the approval of System Area S-4 for Smith Home Farm, an extension of public water and sewer was authorized by WSSC with the trunk sewer running adjacent to the subject property, and had the District Council been aware of this access to public water and sewer, given the goals and policies of the Sector Plan and the SMA itself, it may have granted a rezoning, ZHE Decision at 32, and

WHEREAS, upon careful review of the record, the District Council also finds that Applicant's Revised Statement of Justification demonstrates that the previous owner's (Jenny Day) May 23, 2006 request to rezone the subject property from the R-A Zone to a residential multifamily zoning class zone-while stipulating that the R-A Zone remain in effect until the property was sold-is persuasive proof that the District Council overlooked existing facts that supported higher residential density for the site and that Ms. Day's testimony should have been treated only as a request for up-zoning by noting that "adjacent and nearby properties were rezoned to the M-X-T zone pursuant to the principals laid out in the Sector Plan for similarly situated land" and that "the District Council did not account for the Property's existing use, location and character," and

WHEREAS, to prove that the District Council made a mistake when it retained the R-A Zone for the subject property in 2007, it is necessary not only for Applicant to show the facts that existed at the time of the comprehensive zoning but also which, if any, of those facts were not actually considered by the [District] [C]ouncil. *Boyce v. Sembly*, 25 Md. App. 43, 334 A.2d 137 (1975); and

WHEREAS, the District Council finds, as the ZHE found, that the District Council in 2006 may have been unaware of Ms. Day's public request for a rezoning because 1) neither the Adopted nor the Approved Westphalia SMA's include her request under the Public Rezoning Request Table and Map, and 2) while Staff stated that the request was discussed in the Transcript Analysis of Testimony provided after the May 2006 Joint Public Hearing, none of this information is in the record, which supports Applicant's argument for the District Council to grant the requested rezoning because based on the record, the District Council did not have this information prior to approving the 2007 SMA.

WHEREAS, the District Council does not grant the request for rezoning based on any consideration of restrictive covenants in the record between Applicant and any other party; and

WHEREAS, Applicant has proffered certain conditions on the development of the subject property as follows:

The Applicant understands that the provisions of the RSF-A Zone allow for the development of various types of attached dwelling units and for a higher density of development than proposed/envisioned, neither of which are the Applicant's intent for the development of the Subject Property. Accordingly, Applicant offers that conditions be applied pursuant to the provisions of Section 27-3601(d)(9)(A)(ii) to further enhance the coordinated, harmonious, and systematic development of the regional district are an appropriate part of the remedy, as follows:

1. The Net Density of development of the subject property shall not be greater than 3.5 dwelling units per acre; and
2. "Dwelling, single-family detached" units shall be the only Residential Use permitted on the subject property, unless other dwelling units are permitted as part of a planned retirement community, Statement of Justification at 14, and

WHEREAS, grant of the requested rezoning by the District Council based on mistake only, in the 2006 record, is not conditioned in any way on Applicant's proffered conditions subject to any restrictive covenant between Applicant and any other party.

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 conditionally rezoned for approximately 27.54 acres of land in the AR (Agricultural-Residential) Zone, consisting of Lot 1 and Outlots A & B, Tax Map 100, Grid B1, to the RSF-A (Residential, Single-Family Attached) Zone.

SECTION 2. The request to rezone approximately 27.54 acres of land in the AR (Agricultural-Residential) Zone, consisting of Lot 1 and Outlots A & B, Tax Map 100, Grid B1, to the RSF-A (Residential, Single-Family Attached) Zone, is hereby subject to conditions proffered by Applicant as follows:

1. The Net Density of development of the subject property shall not be greater than 3.5 dwelling units per acre; and
2. "Dwelling, single-family detached" units shall be the only Residential Use permitted on the subject property, unless other dwelling units are permitted as part of a planned retirement community, Statement of Justification at 14.

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

SECTION 4. If the Applicant fails to accept the land use classification conditionally approved in this Ordinance, in writing, within ninety (90) days, the subject property shall revert to the AR (Agricultural-Residential) Zone.

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

ENACTED this 22 day of June 2026, by the following vote:

In Favor: Council Members Adams, Adams-Stafford, Dernoga, Harrison, Hunter, Fisher, Olson, and Ivey.

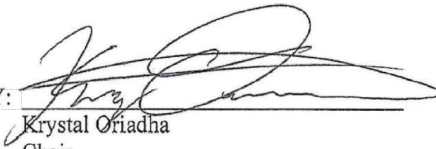
Opposed:

Abstained:

Absent: Council Members Blegay, Burroughs and Oriadha.

Vote: 8-0.

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: 
Krystal Oriadha
Chair

ATTEST:



Donna J. Brown
Clerk of the Council