

PGCPB No. 2023-94

R E S O L U T I O N

WHEREAS, the Prince George's County Zoning Ordinance provides procedures for the comprehensive rezoning of all planning areas in Prince George's County by adoption of a Sectional Map Amendment; and

WHEREAS, on March 28, 2023, the County Council of Prince George's County, Maryland, sitting as the District Council, pursuant to Sections 27-3502 and 3503 of the Zoning Ordinance, adopted CR-020-2023, thereby authorizing initiation of a Sectional Map Amendment concurrent with the initiation of a minor amendment to the 2006 *Approved Master Plan for the Henson Creek-South Potomac Planning Area*; and

WHEREAS, the boundaries of the proposed Sectional Map Amendment shall be limited to an area north of and not including the Broad Creek Conservancy, east of Livingston Road, south of Old Fort Road, and west of MD 210; as well as the area designated as and adjacent to the Rosecroft Mixed-Use Area (Tax Accounts 1265594, 1226422, 1226430, 1288968, 1292119, 1292481, 1292499, 1292507, 1292515, 1306018, 1329408, 1329416, 1335181, 1335199, 1339787, 1346022, 1349497, 3511813, and 9999999); and

WHEREAS, pursuant to Sections 27-3502 and 27-3503 of the Zoning Ordinance, this Sectional Map Amendment was prepared and reviewed concurrently with a minor amendment to the 2006 *Approved Master Plan for the Henson Creek-South Potomac Planning Area*; and

WHEREAS, this Sectional Map Amendment covers the portion of the Prince George's County Zoning Map identified in 0 1 of this Resolution within Planning Areas 76B and 80, adopted into the Maryland-Washington Regional District on April 26, 1927; and

WHEREAS, the Zoning Map for this plan area became effective on April 1, 2022, pursuant to approval of Council Resolution CR-136-2021, the Countywide Sectional Map Amendment, on November 29, 2021; and

WHEREAS, comprehensive rezoning of the plan area previously occurred on April 25, 2006, pursuant to approval of CR-30-2006, the *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*; and

WHEREAS, additional amendments of the Zoning Map are necessary to implement, and bring the zoning of Planning Areas 76B and 80 into conformance with, the *Approved Master Plan for the Henson Creek-South Potomac Planning Area* as amended by the concurrent minor plan amendment; and

Underline indicates language added to the proposed SMA pursuant to the motion of the Planning Board at its September 7, 2023 Work Session.

[Brackets] indicate language deleted from the proposed SMA pursuant to the motion of the Planning Board at its September 7, 2023 Work Session.

WHEREAS, pursuant to Section 27-3200 and Section 27-3307(a)(1) of the Zoning Ordinance, the Prince George's County Historic Preservation Commission reviewed the proposed sectional map amendment and provided comment to the Planning Board; and

WHEREAS, pursuant to Section 27-3407(b) of the Zoning Ordinance, the Planning Board notified all owners of land within the boundaries of this Sectional Map Amendment for which a change in zoning is proposed about the joint public hearing to receive testimony on this proposed Sectional Map Amendment; and

WHEREAS, pursuant to Sections 27-3407(b) and 27-3502(d)(3) of the Zoning Ordinance, the municipality of Forest Heights lies within one mile of the boundaries of the land subject to this Sectional Map Amendment and has received appropriate notification of this Sectional Map Amendment; and

WHEREAS, pursuant to Section 27-3503(a)(5)(A) of the Zoning Ordinance, no property was zoned by zoning map amendment within five years prior to the initiation of this Sectional Map Amendment; and

WHEREAS, pursuant to Section 27-3503(a)(5)(B) of the Zoning Ordinance, no property may be zoned to a less intense category if, based on existing physical development at the time of adoption of the sectional map amendment, the zoning would create a nonconforming use, but this zoning may be approved, however, if there is a significant public benefit to be served by the zoning based on facts peculiar to the subject property and the immediate neighborhood, and in recommending the zoning, the Planning Board shall identify these properties and provide written justification supporting the zoning at the time of transmittal; and

WHEREAS, the property at 2101 Brinkley Road, Tax Map and Grid 96E4, Tax Account 1265594, is being recommended for a less-intense zone resulting in the creation of a nonconforming use and, pursuant to Section 27-3503(a)(5)(B) of the Zoning Ordinance, the Planning Board will provide written justification supporting the zoning recommendation under Zoning Change [3]2 below; and

WHEREAS, pursuant to Section 27-3503(b)(4)(D)(i) of the Zoning Ordinance, the acceptance and processing of Zoning Map Amendment applications within the subject planning area shall be postponed until final action on this Sectional Map Amendment by the District Council; and

WHEREAS, pursuant to Section 27-3503(b)(4)(D)(ii) of the Zoning Ordinance, the Department of Permitting, Inspections and Enforcement shall postpone the processing and issuance of building permits within the area of this Sectional Map Amendment until after final action on this Sectional Map Amendment if the lot or parcel of land on which construction is proposed is in a Nonresidential zone, is proposed by the Planning Board for a zone in which the proposed use is not permitted, and is undeveloped; and

WHEREAS, pursuant to Section 27-3503(b)(4)(D)(iii) of the Zoning Ordinance, the processing of Zoning Map Amendment applications within the subject planning area by the District Council shall be postponed until final action on this Sectional Map Amendment; and

WHEREAS, pursuant to Section 27-3502(d)(2) of the Zoning Ordinance, this proposed Sectional Map Amendment was released for public review and comment on April 14, 2023; and

WHEREAS, pursuant to Section 27-3502(d)(3) of the Zoning Ordinance, a copy of this proposed Sectional Map Amendment was transmitted to the County Executive and each municipality whose territorial boundaries are within or are located within one mile of the area of this Sectional Map Amendment for their comments; and

WHEREAS, the purpose of this proposed Sectional Map Amendment is to protect the health, safety, and general welfare of all citizens in Prince George's County; and

WHEREAS, approval of this Sectional Map Amendment will result in the revision of the official 1 inch = 200 feet scale Zoning Maps for Planning Areas 76B and 80; and

WHEREAS, on June 13, 2023, the County Council, sitting as the District Council, and the Prince George's County Planning Board, held a Joint Public Hearing to receive testimony from the public; and

WHEREAS, on September 7, 2023, the Prince George's County Planning Board held a public work session to examine the analysis of testimony, transcripts of oral testimony provided at the joint public hearing, and written testimonies (exhibits) contained within the Joint Public Hearing records; and

WHEREAS, this Sectional Map Amendment conforms with the applicable requirements of Sections 27-3502 and 27-3503 of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission does hereby endorse this Sectional Map Amendment for the Henson Creek-South Potomac Planning Area by this resolution and recommends that it be approved as an amendment to the Zoning Map for that portion of the Maryland-Washington Regional District in Prince George's County;

BE IT FURTHER RESOLVED that, in accordance with Section 27-3502(f)(6)(B) of the Prince George's County Zoning Ordinance, a copy of this endorsed Sectional Map Amendment and its concurrent adopted minor master plan amendment will be transmitted to the County Executive and to each municipality within one mile of the area of the Sectional Map Amendment; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board finds that the Sectional Map Amendment has been prepared in accordance with the requirements of Sections 27-3502 and 27-3503 of the Zoning Ordinance; and

BE IT FURTHER RESOLVED that the endorsed Sectional Map Amendment comprises the text, tables, maps, and graphics set forth in this resolution, and the following areas are reclassified as part of this action, consistent with the recommendations of the 2006 *Approved Master Plan for the Henson Creek-South Potomac Planning Area*, as amended by PGCPB No. 2023-XX:

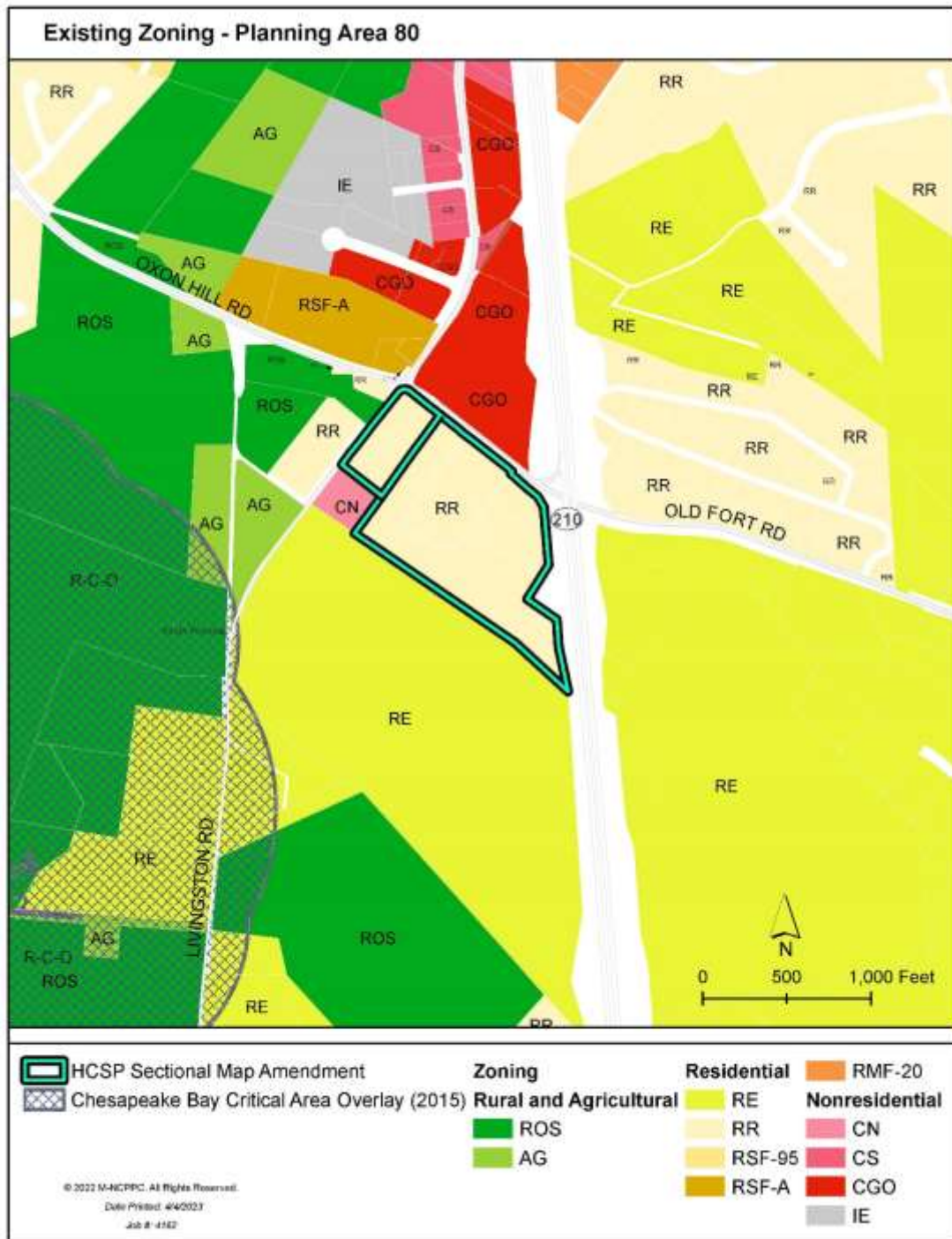
Table 1: Comprehensive Rezoning Changes

Change	Zoning Change	Acreage
1	RR to CGO	<u>22.04</u> [21.36]
[2]	RR to CN	3.92]
[3] <u>2</u>	CGO/RMF-12/RR to RR	24.84
[4]	CGO/RMF-12 to RR	14.85]

Table 2: Zoning Inventory (in acres), Base Zones

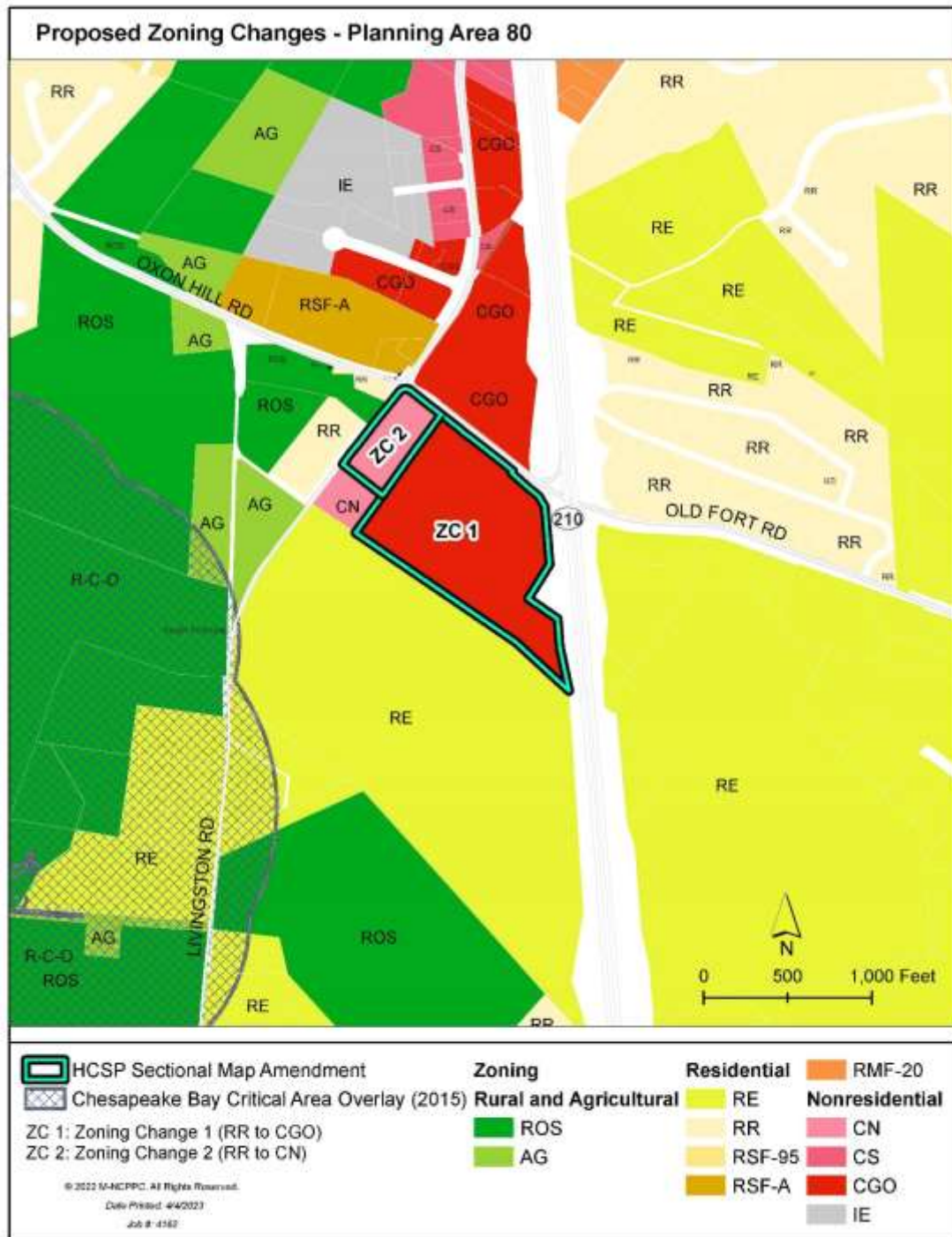
Zoning Class	Proposed Acreage	Existing Acreage	Change in Acreage
RR	<u>28.09</u> [39.69]	38.53	<u>-10.44</u> [1.16]
CN	<u>0</u> [3.92]	0	<u>0</u> [3.92]
CGO	<u>28.23</u> [21.36]	12.79	<u>15.44</u> [8.57]
RMF-12	<u>8.66</u> [0]	13.65	<u>-4.99</u> [-13.65]

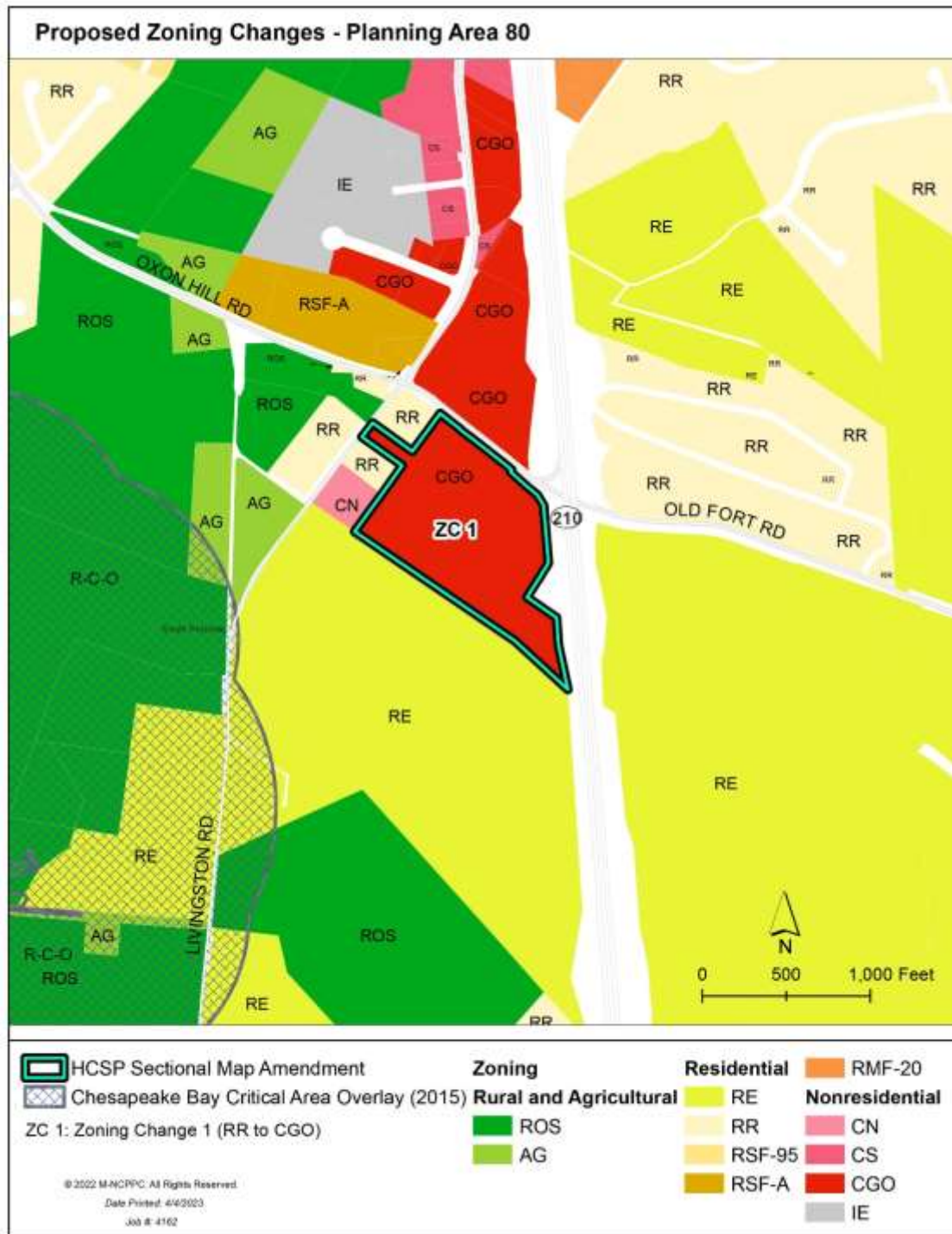
Map 1: Existing Zoning – Planning Area 80



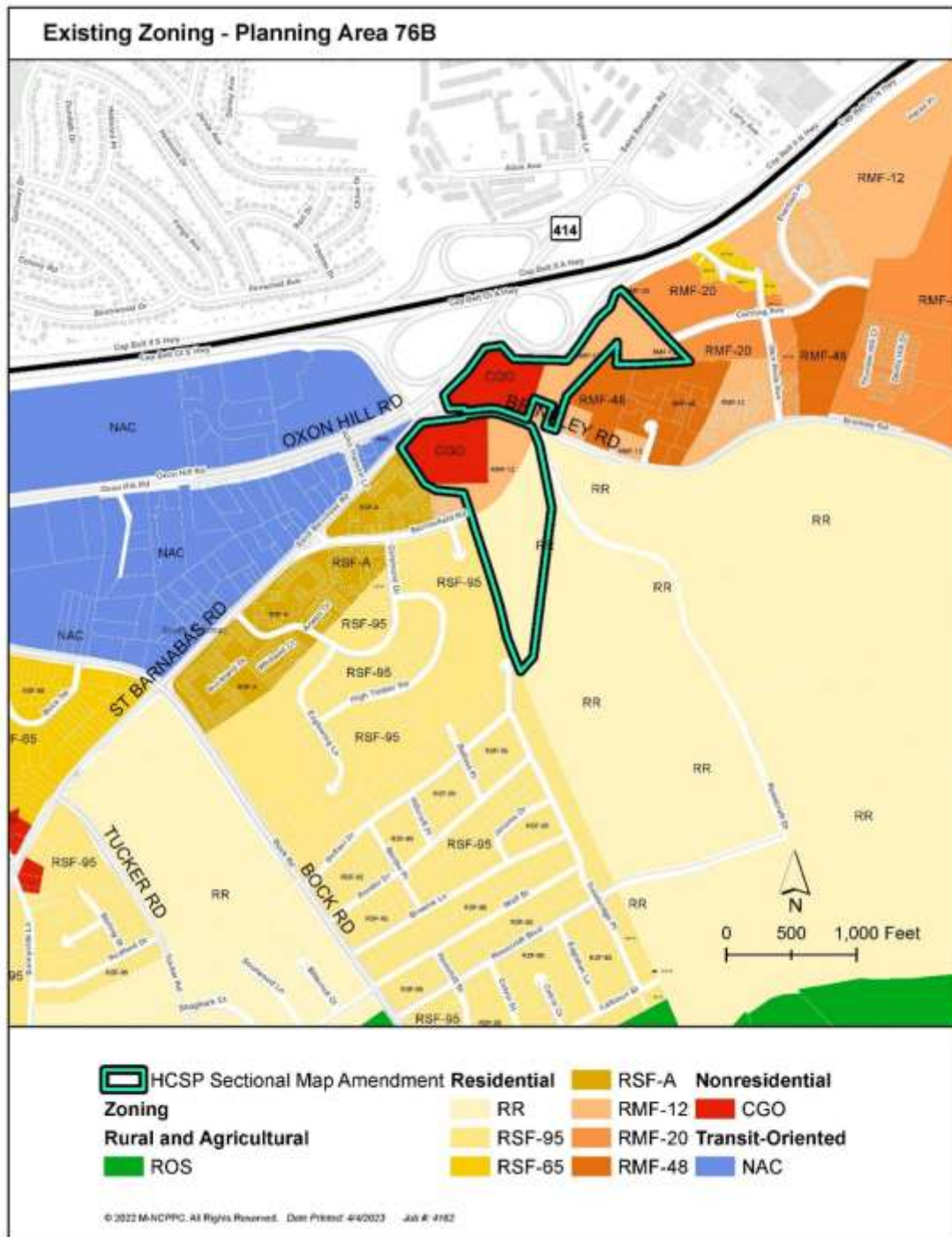
Source: Prince George's County Planning Department, *GIS Open Data Portal*, 2023, <https://gisdata.pgplanning.org/opendata/>.

Map 2: Proposed Zoning Changes – Planning Area 80



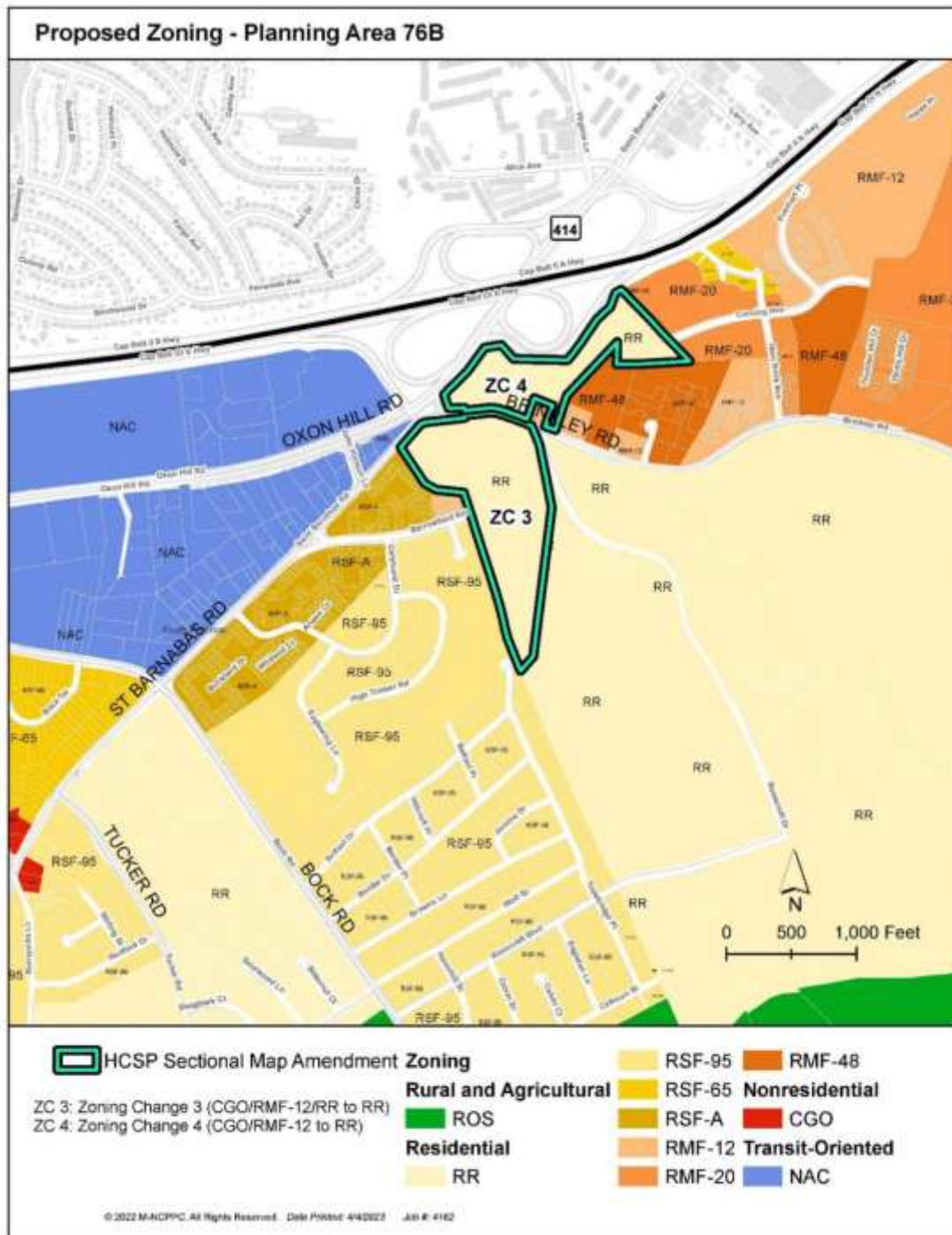


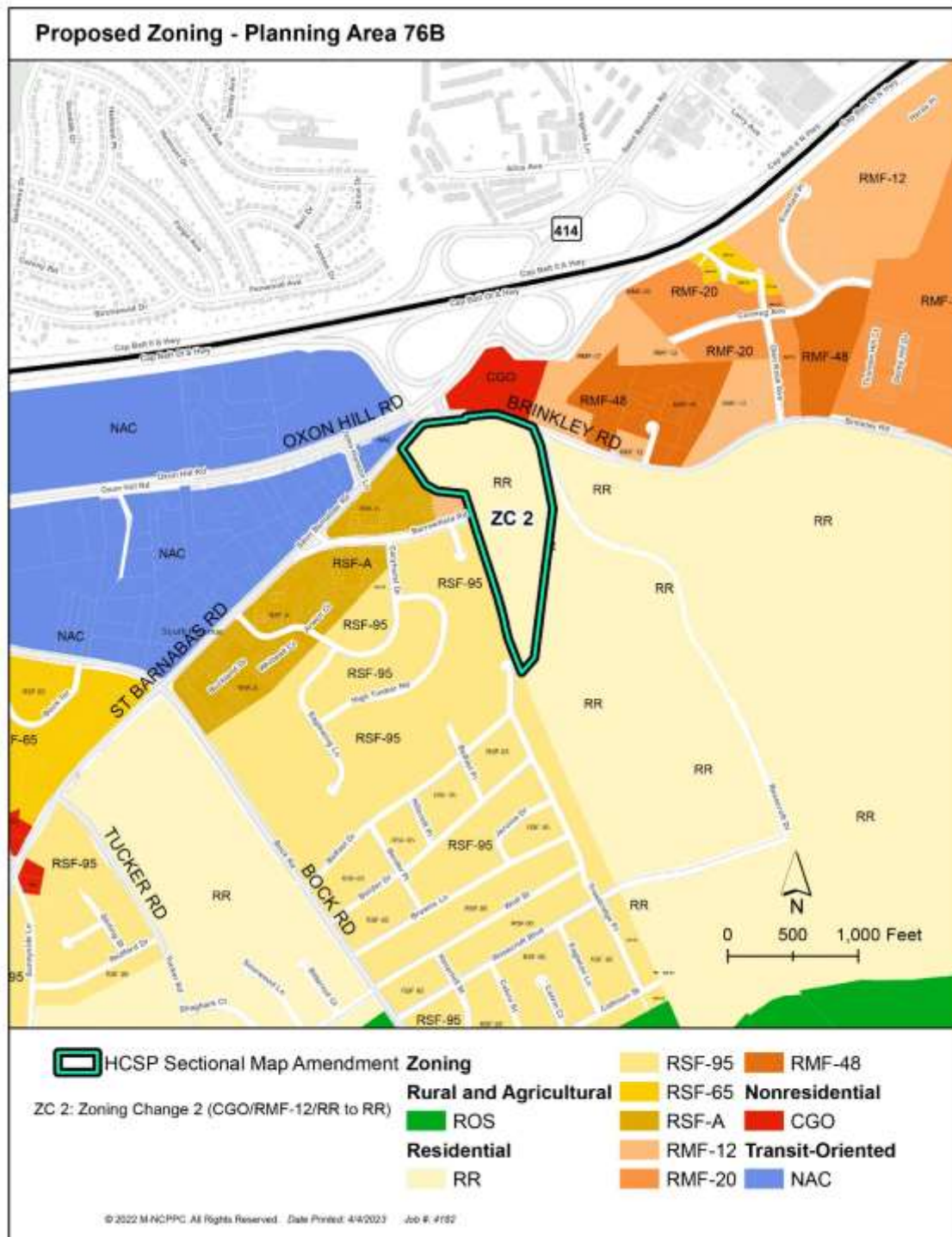
Map 3: Existing Zoning – Planning Area 76B



Source: Prince George's County Planning Department, *GIS Open Data Portal*, 2023, <https://gisdata.pgplanning.org/opendata/>.

Map 4: Proposed Zoning Changes – Planning Area 76B[





Zoning Change 1: RR to CGO¹

Change Number	Zoning Change	Area of Change (Acres)	Approved CMA/SMA/ TDOZMA/ ZMA/ SE Number	Approved CMA/SMA/ TDOZMA/ ZMA/SE Date	200' Scale Index Map
1	RR to CGO	[21.36]	CMA	April 1, 2022	213SE01
		<u>22.04</u>	SMA	April 25, 2006	

Two of these properties (7707 Kaydot Road and a Prince George's County-owned right-of-way parcel on Old Fort Road) are located in the Established Communities as defined by Plan 2035 and in the Henson Creek Mixed Use Activity Center as defined by the Adopted Minor Amendment (PGCPB No. 2023-XX) to the 2006 *Approved Master Plan for the Henson Creek-South Potomac Planning Area*. The Future Land Use Map in the Adopted Minor Master Plan Amendment recommends a mix of uses [in this area] on these properties. The third subject property is located in the Rural and Agricultural Area as defined by Plan 2035 and is located within the Broad Creek Historic District pursuant to the 2010 Approved Historic Sites and Districts Plan, and the Adopted Minor Master Plan Amendment recommends residential low uses on this property. (See Map 5: Zoning Change (ZC) 1: RR to CGO.)

These parcels are currently classified in the Rural Residential Zone, which is incompatible with the recommendation of the Adopted Minor Master Plan Amendment for a mix of commercial, institutional, and healthcare uses on the subject properties[y as part of the broader plan for the Henson Creek Transit Village.] The proposed Commercial, General/Office (CGO) Zone supports the recommended mix of commercial, institutional, and healthcare uses.

Section 27-4203(d) articulates the purposes of the CGO Zone:

The purposes of the Commercial, General and Office (CGO) Zone are:

(A) To provide lands for a diverse range of business, civic, and mixed-use development, typically at or near major intersections where visibility and good access are important, in a form that supports connections and a balance between automobile access and pedestrian-friendliness;

(B) To incorporate development with multiple uses, shared parking, and coordinated signage and landscaping; and

(C) To accommodate higher-density residential uses as part of vertically or horizontally mixed-use development.

The CGO Zone is the most appropriate zone for the subject parcels because it allows for a broad range of healthcare uses on Tax Accounts 0381566 and 0374363 (7707 Kaydot Road) while ensuring secondary vehicular access to any future development on the larger parcel via Tax Account 0283960, also zoned

¹ The acreages shown in the tables in this Sectional Map Amendment are estimates of acreage to be rezoned; the actual acreage will depend on future engineering surveys. In approving the Zoning Maps, the District Council is approving the boundary lines, not a precise acreage amount.

CGO and under the same private ownership. Common zoning between the parcels eliminates the potential risk that a future development may face regarding legal access through a secondary driveway built on an adjoining lot under the same ownership.

Tax Account 0283960 is within a designated Historic District and all development will be subject to the Historic Area Work Permit requirements of Subtitle 29, Division 4 of the Prince George's County Code.

[The proposed Commercial, General/Office (CGO) Zone supports the recommended mix of commercial, institutional, and healthcare uses.]

Zoning Change	Address	Tax Map and Grid	Tax Account	Description	Lot	Block	Parcel	Ownership
ZC 1	7707 Kaydot Road	0123 00A1	0381566	Near Broadcreek L 5272 F 529	N/A	N/A	0180	Private
	Old Fort Road	0114 00A4	0374363	N/A	N/A	N/A	0009	County
	<u>Livingston Road</u>	<u>0114 00A4</u>	<u>0283960</u>	<u>Nr Broad Creek</u>	<u>N/A</u>	<u>N/A</u>	<u>0188</u>	<u>Private</u>

Map 5: Zoning Change (ZC) 1: RR to CGO





Source: Prince George's County Planning Department, *GIS Open Data Portal*, 2023, <https://gisdata.pgplanning.org/opendata/>

[Zoning Change 2: RR to CN

Change Number	Zoning Change	Area of Change (Acres)	Approved CMA/SMA/ TDOZMA/ ZMA/SE Number	Approved CMA/SMA/ TDOZMA/ ZMA/SE Date	200' Scale Index Map
2	RR to CN	3.92	CMA	April 1, 2022	213SE01
			SMA	April 25, 2006	

The subject properties are located in the Rural and Agricultural Area as defined by Plan 2035 and are located within the Broad Creek Historic District pursuant to the 2010 *Approved Historic Sites and Districts Plan*. The Future Land Use Map in the Adopted Minor Master Plan Amendment recommends commercial uses on these properties. (See Map 6: Zoning Change (ZC) 2: RR to CN.)

The properties at 9612 and 9700 Livingston Road (Parcels 186, 187, and 222) are in common ownership and are currently zoned CN and RR. This reclassification will facilitate uniform development across a single common-ownership property. Parcel 188 is part of a common ownership property to the east recommended for a mix of commercial, institutional, and healthcare uses. Parcel 189 is owned by a public utility but is located on a key intersection abutted on the east and north by the Henson Creek Transit Village.

Section 27-4203(b) articulates the purposes of the Commercial, Neighborhood (CN) Zone:

The purposes of the Commercial, Neighborhood (CN) Zone are:

- (A) To provide lands for a range of small-scale, low-intensity retail and service commercial development that provides goods and services primarily serving the daily needs of residents of the immediately surrounding neighborhoods; and
- (B) To ensure uses, development intensities, and development forms that are consistent with a pedestrian-friendly and neighborhood-scale, traditional main street character, that are well-connected to and compatible with surrounding areas, and that do not attract significant traffic from outside the surrounding neighborhoods.

The CN Zone is the most appropriate zone to ensure that commercial development of the subject properties is of a scale and intensity compatible with the Rural and Agricultural Area and the Broad Creek Historic District. Development of these properties through more intense commercial zones would facilitate inappropriate densities and uses for the protected area.

These properties are within a designated Historic District and all development will be subject to the Historic Area Work Permit requirements of Subtitle 29, Division 4 of the Prince George's County Code.

The subject property is currently classified in the Residential, Rural (RR) Zone, which does not support the commercial development recommended by the Adopted Minor Master Plan Amendment.

Zoning Change	Address	Tax Map and Grid	Tax Account	Description	Lot	Block	Parcel	Ownership
ZC 2	Livingston Road	0114 00A4	0370635	Broad Creek Public Utility Operating Property	N/A	N/A	0189	Potomac Electric Power Company
	Livingston Road	0114 00A4	0283960	Nr Broad Creek	N/A	N/A	0188	Private
	Livingston Road	0114 00A4	0353649	Nr Broad Creek	N/A	N/A	0222	Private
	9612 Livingston Road	0114 00A4	0353656	Nr Broad Creek	N/A	N/A	0187	Private

Map 6: Zoning Change (ZC) 2: RR to CN



Source: Prince George's County Planning Department, *GIS Open Data Portal*, 2023, <https://gisdata.pgplanning.org/opendata/>.

Zoning Change [3]2: RR/CGO/RMF-12 to RR

Change Number	Zoning Change	Area of Change (Acres)	Approved CMA/SMA/ TDOZMA/ ZMA/ SE Number	Approved CMA/SMA/ TDOZMA/ ZMA/SE Date	200' Scale Index Map
[3]2	CGO/RMF-12/RR to RR	11.59	CMA	April 1, 2022	208SE02
			SMA	April 25, 2006	

The property at 2101 Brinkley Road is located in the Established Communities as defined by Plan 2035. This address is located within the Developing Tier identified in the 2006 *Approved Master Plan for the Henson Creek-South Potomac Planning Area* and within the Residential, Low-Density future land use category as defined by the Adopted Minor Amendment (PGCPB No. 020-2023) to the 2006 *Approved Master Plan for the Henson Creek-South Potomac Planning Area*. The Future Land Use designation in the Adopted Minor Master Plan Amendment, Residential Low, recommends a maximum density of 3.5 dwelling units per acre (primarily single-family detached). (See Map 7: Zoning Change (ZC) 3: CGO/RMF-12/RR to RR.)

The parcel is split zoned CGO/RMF-12/RR, with 6.6 acres located in the CGO Zone, 4.99 acres located in the RMF-12 zone, and 13.25 acres of the parcel located in the RR zone. This is incompatible with the recommendation of the Adopted Minor Master Plan Amendment, which recommends low-density single-family detached dwellings compatible with the existing local character and density. The proposed Residential, Rural (RR) Zone supports the recommended low-density single-family detached dwellings, as it prescribes a maximum density of 2.17 single-family detached dwelling units per acre. Further, this reclassification will eliminate the split zoning across the parcel.

Zoning Change	Address	Tax Map and Grid	Tax Account	Description	Lot	Block	Parcel	Ownership
ZC [3]2	2101 Brinkley Road	0096 00E4	1265594	N/A	N/A	N/A	0301	Private

Zoning Change [3]2: Justification of Nonconforming Use

Section 27-3503(a)(5)(B) of the Zoning Ordinance states:

No property may be zoned to a less intense category (see Section 27-4102(b)) if...[b]ased on existing physical development at the time of adoption of the sectional map amendment, the zoning would create a nonconforming use. This zoning may be approved, however, if there is a significant public benefit to be served by the zoning based on facts peculiar to the subject property and the immediate neighborhood. In recommending the zoning, the Planning Board shall identify these properties and provide written justification supporting the zoning at the time of transmittal. The failure of either the Planning Board or property owner to identify these properties, or a failure of the Planning Board to provide the written justification, shall not invalidate any District Council action in the approval of the sectional map amendment.

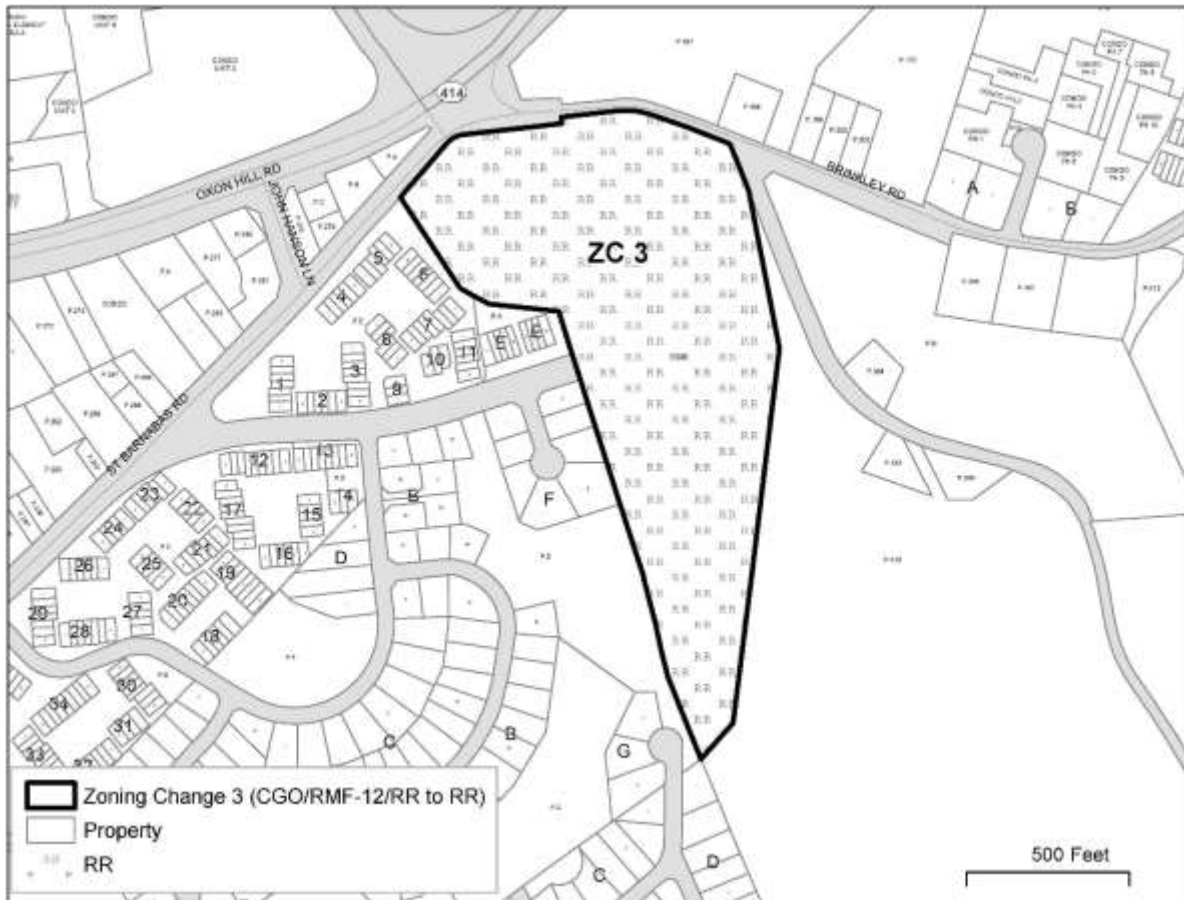
Zoning Change [3]2, if approved, [will] may create a nonconforming use.

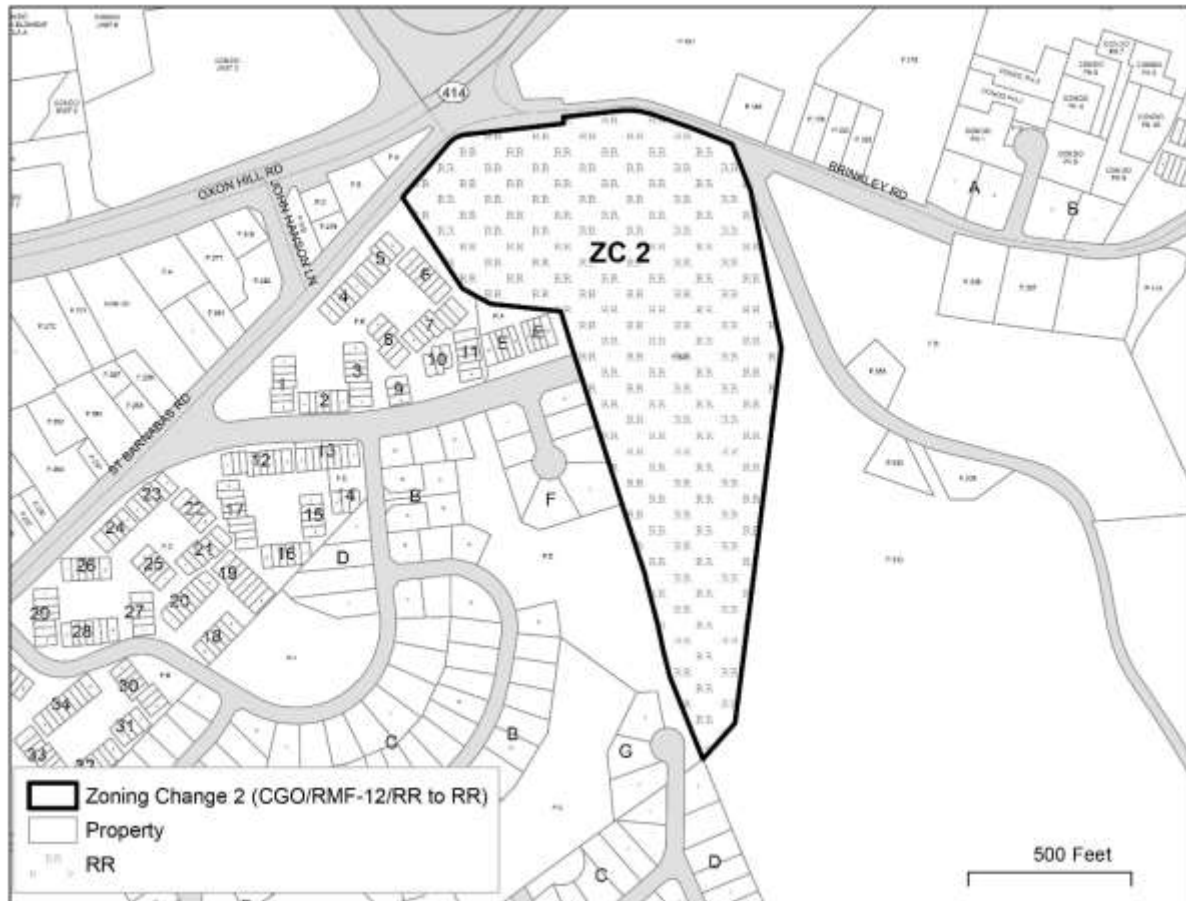
A florist shop with an accessory structure for a nursery previously operated on the portion of 2101 Brinkley Road zoned CGO; the shop closed in early 2021. This use conformed with both the CGO zone and the property's location within the Rosecroft Mixed-Use Area, which was designated in the 2006 *Approved Master Plan for the Henson Creek-South Potomac Planning Area* and encouraged neighborhood-serving commercial amenities.

The proposed reclassification of the subject property to the RR zone, a lower-intensity zone, makes the subject retail facility nonconforming because a consumer goods establishment is prohibited in the RR zone and a nursery is only permitted as an accessory to an agricultural use in the RR zone.

The adopted minor plan amendment for the Henson Creek-South Potomac Planning area, pursuant to PGCPB No. 2023-XX, recommends elimination of the Rosecroft Mixed-Use Area. A mixed-use future land use designation is no longer appropriate here given recent development activity, lack of viability of a light rail station at Rosecroft, and the County's current legislative priorities related to mixed-use focused on transit-oriented development. Rezoning the 11.59 acres (of the total 24.84-acre property) currently zoned CGO and RMF-12 to RR would allow for redevelopment of the property with the low-density single-family detached dwellings that are compatible with the Low Density Residential land use recommendation in the adopted amendment to the master plan (see PGCPB No. 2023-XX) and consistent with the land use and zoning recommendations of adjacent parcels. This is also supported by Plan Prince George's 2035 Land Use Policy 7 ("Limit future mixed-use land uses outside of the Regional Transit Districts and Local Centers.") and LU7.1 ("Reevaluate mixed-use land use designations outside of the Regional Transit Districts and Local Centers as master plans are updated."). This reclassification is necessary because there is a significant public benefit to be served by the zoning based on facts peculiar to the subject property and the immediate neighborhood, namely for the reasons stated above.

Map [7]6: Zoning Change (ZC) [3]2: CGO/RMF-12/RR to RR[





Source: Prince George's County Planning Department, *GIS Open Data Portal*, 2023, <https://gisdata.pgplanning.org/opendata/>.

[Zoning Change 4: CGO/RMF-12 to RR

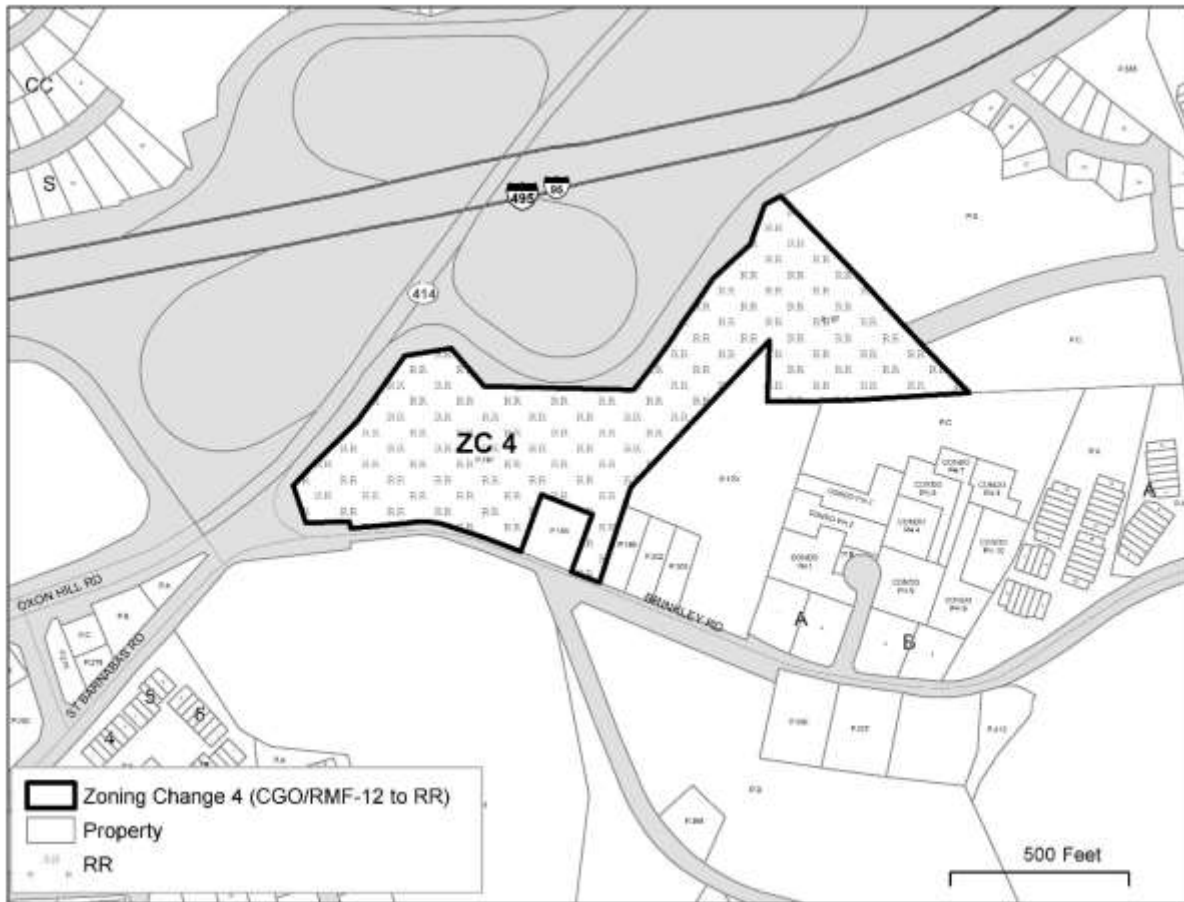
Change Number	Zoning Change	Area of Change (Acres)	Approved CMA/SMA/ TDOZMA/ ZMA/ SE Number	Approved CMA/SMA/ TDOZMA/ ZMA/SE Date	200' Scale Index Map
4	CGO/RMF-12 to RR	14.85	CMA	April 1, 2022	208SE02
			SMA	April 25, 2006	

The property at 2112 Brinkley Road is located in the Established Communities Growth Policy Area as defined by Plan 2035. This address is located within the Developed Tier identified in the 2006 *Approved Master Plan for the Henson Creek-South Potomac Planning Area* and within the Residential, Low-Density future land use category as defined by the Adopted Minor Amendment (PGCPB No. 2023-XX) to the 2006 *Approved Master Plan for the Henson Creek-South Potomac Planning Area*. The Future Land Use designation in the Adopted Minor Master Plan Amendment, Residential Low, recommends a maximum density of 3.5 dwelling units per acre (primarily single-family detached). (See Map 8: Zoning Change (ZC) 4: CGO/RMF-12 to RR below.)

The parcel is split zoned CGO/RMF-12, with 6.19 acres of the parcel located in the CGO Zone and 8.66 acres located in the RMF-12 zone. This is incompatible with the recommendation of the Adopted Master Plan Amendment, which recommends low-density single-family detached dwellings. The proposed Residential, Rural (RR) Zone supports the recommended low-density single-family detached dwellings, as it prescribes a maximum density of 2.17 single-family detached dwelling units per acre. Further, this reclassification will eliminate the split zoning across the parcel.

Zoning Change	Address	Tax Map and Grid	Tax Account	Description	Lot	Block	Parcel	Ownership
ZC 4	2112 Brinkley Road	0096 00E3	1346022	(Cor Use)	N/A	N/A	0167	Private

Map 8: Zoning Change (ZC) 4: CGO/RMF-12 to RR



Source: Prince George's County Planning Department, *GIS Open Data Portal*, 2023, <https://gisdata.pgplanning.org/opendata/>.


BE IT FURTHER RESOLVED that the Prince George's County Planning Department is hereby authorized to make appropriate textual and graphical revisions to the master plan and any amendments to correct identified errors, reflect updated information and revisions, and otherwise incorporate the changes reflected in this Resolution; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission finds that this Sectional Map Amendment, as heretofore described, is in conformance with the principles of orderly comprehensive land use planning and staged development being consistent with the 2006 *Approved Master Plan for the Henson Creek-South Potomac Planning Area*, as amended by PGCPB No. 2023-93, and with consideration having been given to the applicable County Laws, Plans, and Policies.

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Doerner, with Commissioners Doerner, Shapiro, and Washington voting in favor of the motion and Commissioners Bailey and Geraldo absent at its regular meeting held on Thursday, September 7, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of September, 2023.

Peter A. Shapiro
Chair


By Jessica Jones
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: September 18, 2023