

September 1, 2023

MEMORANDUM

TO: Prince George's County Planning Board

VIA: Suzann M. King, Acting Planning Director
Tony Felts, AICP, Division Chief, Community Planning Divisions

FROM: Sarah Benton, AICP, Supervisor, Long-Range Planning Section, Community Planning Division
Lyndsey Clouatre, Planner III, Long-Range Planning Section, Community Planning Division

SUBJECT: **Proposed Minor Master Plan Amendment and Concurrent Sectional Map Amendment for the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* – Section 27-3503(a)(5)(B) Nonconforming Use Zoning Analysis**

Per Section 27-3503(a)(5)(B) of the Zoning Ordinance, the Planning Board shall identify properties where the proposed zoning would create a nonconforming use at the time of adoption of the sectional map amendment. The section also states that the Planning Board shall provide written justification supporting the zoning if that zoning has significant public benefit based on facts peculiar to the subject property and the immediate neighborhood. This written justification shall be provided at the time of transmittal of the endorsed SMA to the District Council. The attached analysis fulfills the requirement outlined in the Zoning Ordinance.

Enclosure:
Attachment 1: Section 27-3503(a)(5)(B) Nonconforming Use Zoning Analysis

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Summary of Section 27-3503(a)(5)(B)

Section 27-3503(a)(5)(B) of the Zoning Ordinance states that the Planning Board shall identify properties where the proposed zoning would create a nonconforming use and that the Planning Board shall provide written justification supporting the zoning if that zoning has significant public benefit based on facts peculiar to the subject property and the immediate neighborhood.

A nonconforming use is defined by the Zoning Ordinance as the use of any building, structure, or land which is not in conformance with a requirement of the zone in which it is located as it specifically applies to the use and not the other standards regarding the physical requirements of the zone.

Affected Properties

The following property listed in the Sectional Map Amendment for the Minor Amendment to the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* is being proposed for a zone that does not allow one of its current uses on a portion of the property, creating a nonconforming use. However, there is significant public benefit to rezone this property as proposed.

- 2101 Brinkley Road (Tax ID 1265594)

Change Number	Current Zone	Proposed Zone	Address	Lot/Parcel	Tax Account(s)	Existing Land Use
ZC 3	RR/CGO/ RMF-12	RR	2101 Brinkley Road	Parcel 301	1265594	Wooded, residential, commercial (florist shop (closed))

Discussion: Rezoning the subject property to RR may create a nonconforming use on a portion of the property because consumer goods establishments are prohibited in the RR zone and a nursery is only permitted as an accessory to an agricultural use in the RR zone. There is a building that previously contained a florist shop with an accessory nursery, but it is no longer in business. This property is located within the Rosecroft Mixed-Use Area, which is proposed for elimination under Minor Amendments 1, 3, 8, 9, 11, 12, 13, and 14; 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."). Though this creates a nonconforming use, this supports the land use recommendation for the Rosecroft Mixed-Use Area and eliminates a zoning incongruence between this parcel and the remainder of the parcels within the Rosecroft Mixed-Use Area, which are zoned RR. 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 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.