

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2013 Legislative Session

Resolution No. CR-81-2013
Proposed by Council Member Patterson (By request – Planning Board)
Introduced by Council Members Franklin and Davis
Co-Sponsors _____
Date of Introduction July 24, 2013

RESOLUTION

1 A RESOLUTION concerning

2 The Subregion 5 Sectional Map Amendment

3 For the purpose of approving, with amendments and revisions, as an Act of the County
4 Council of Prince George's County, Maryland, sitting as the District Council, the Subregion 5
5 Sectional Map Amendment, thereby setting forth and adopting detailed zoning proposals in
6 Planning Areas 81A, 81B, 83, 84, and 85A for the area generally comprised of the properties
7 bounded by Andrews Air Force Base (to the north) and Charles County (to the south), and
8 between these boundaries, the Potomac River, Gallahan Road, Old Fort Road, Steed Road,
9 Allentown Road and Tinkers Creek (to the west), and Piscataway Creek, a PEPCO electric utility
10 right-of-way and the Pope's Creek CONRAIL railroad (to the east).

11 WHEREAS, upon approval by the District Council, this Sectional Map Amendment will
12 amend the 1993 *Subregion V Approved Master Plan and Sectional Map Amendment (Planning*
13 *Areas 81A, 81B, 83, 84, 85A,(excluding 85B))*; the 2002 *Prince George's County Approved*
14 *General Plan*, the 2005 *Countywide Green Infrastructure Functional Master Plan*, the 2008
15 *Approved Public Safety Facilities Master Plan*, the 2009 *Master Plan of Transportation*, the
16 2010 *Approved Historic Sites and Districts Plan*, and the 2010 *Approved Water Resources*
17 *Functional Master Plan*; and

18 WHEREAS, on November 20, 2007, in Council Resolution CR-88-2007, the County
19 Council of Prince George's County, Maryland, sitting as the District Council, directed The
20 Maryland-National Capital Park and Planning Commission (M-NCPPC) to prepare a new
21 Subregion 5 Master Plan and Sectional Map Amendment in order to develop a comprehensive

1 approach to implementing the recommendations of the 2002 General Plan and to ensure that
2 future development is consistent with County policies; and

3 WHEREAS, on November 20, 2007, the District Council endorsed the Goals, Concepts,
4 Guidelines and the Public Participation Program prepared by the Planning Board and established
5 the Plan boundaries (Planning Areas 81A, 81B, 83, 84 and 85A and excluded Planning Area 85B
6 included in the Subregion 6 Master Plan) pursuant to Section 27-643 of the Zoning Ordinance;
7 and

8 WHEREAS, the Planning Board hosted a series of listening sessions to gather community
9 guidance and inform the public of the planning process and solicit issues and concerns, and the
10 Planning Board staff further conducted nine planning workshops as the major component of the
11 Public Participation Program to involve the community in the preparation of the plan; and

12 WHEREAS on September 9, 2009, the District Council adopted CR-61-2009 approving the
13 Adopted Subregion 5 Master Plan and Proposed Sectional Map Amendment; and

14 WHEREAS, pursuant to an action filed in the Circuit Court for Prince George's County, on
15 October 26, 2012, in consolidated cases CAL09-31402/CAL09-32017, the Circuit Court for
16 Prince George's County declared void the adoption of CR-61-2009 by the District Council for
17 failure to meet the affidavit requirement pursuant to Md. Ann. Code, State Gov't § 15-831
18 (2012), and returned the matter to the District Council for review of the recommendations of The
19 Maryland-National Capital Park and Planning Commission ("M-NCPPC"); and

20 WHEREAS, on November 5, 2012, the District Council, on its own motion, and pursuant to
21 the October 26, 2012, Order of Court and § 27-227 of the Zoning Ordinance, voted to reconsider
22 CR-61-2009 concerning the Subregion 5 Master Plan and Sectional Map Amendment; and

23 WHEREAS, by Order dated November 13, 2012, the District Council remanded the
24 Subregion 5 Master Plan and Sectional Map Amendment to the Planning Board for the purposes
25 of compliance with affidavit requirements pursuant to Md. Ann. Code § 15-831 and resubmittal
26 of its February 2009 Preliminary Subregion 5 Master Plan and Proposed Sectional Map
27 Amendment to the District Council; and

28 WHEREAS, in order to reapprove the Subregion 5 Sectional Map Amendment, the District
29 Council for Prince George's County, in conjunction with the Prince George's County Planning
30 Board, held a joint public hearing on April 11, 2013; and

1 WHEREAS, pursuant to Section 27-645(b) of the Zoning Ordinance, the plan proposals for
 2 public facilities were referred to the County Executive and the District Council for review, and
 3 on June 11, 2013, the District Council adopted CR-53-2013, finding no inconsistencies between
 4 the proposed public facilities in the Plan proposal and any existing State or County facilities; and

5 WHEREAS, on June 13, 2013, the Planning Board held a work session to consider the plan
 6 public hearing testimony; and

7 WHEREAS, on June 27, 2013, the Planning Board, in response to the public hearing
 8 testimony endorsed the Subregion 5 Sectional Map Amendment as described in Prince George's
 9 County Planning Board Resolution PGCPB No. 13-75 and transmitted the endorsed Sectional
 10 Map Amendment and supporting documents to the District Council on July 2, 2013.

11 WHEREAS, on July 8, 2013, the District Council held a work session to review
 12 Planning Board endorsed Sectional Map Amendment reflecting public hearing testimony and,
 13 after discussion concerning the record of testimony and exhibits relevant to the Subregion 5
 14 Master Plan and SMA, the Council directed Technical Staff to prepare a resolution of approval
 15 with revisions.

16 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
 17 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
 18 Regional District in Prince George's County, Maryland, that the Subregion 5 Sectional Map
 19 Amendment, as endorsed on June 27, 2013, by PGCPB No. 13-75, be and the same is hereby
 20 approved, with the following revisions:

21 **REVISION ONE:**

22 Rezone approximately 365 acres located southwest of the intersection of Piscataway
 23 Road (MD 223) and Steed Road, known as Hyde Field (Tax Accounts 0328708;
 24 0327833; and 0360651) from the E-I-A (Employment and Institutional Area) Zone to the
 25 R-E (Residential-Estate) Zone.

26 **REVISION TWO:**

27 Rezone approximately 272.12 acres located east of Piscataway Road, south of Tippet
 28 Road, known as Bevard East (attached hereto as "Attachment A" and incorporated as if
 29 fully set forth herein- Tax Accounts for Bevard East) from the R-L (Residential-Low)
 30 Zone to the R-E (Residential-Estate).
 31

REVISION THREE:

Rezone approximately .46 acre located at 10398 Piscataway Road (Tax Account 0867465) from the R-R Zone to the C-S-C (Commercial Shopping Center) Zone.

REVISION FOUR:

Rezone approximately 74.93 acres located west of MD 5, at the intersection of MD 5 and future roadway A-65, (Tax Account 1189224), from the R-R (Rural-Residential) Zone to the M-X-T (Mixed-Use-Transportation Oriented) Zone.

REVISION FIVE:

Retain existing R-R (Rural Residential) Zone for the approximately 19 acres located south of Brandywine Road (MD 381) and north of Accokeek Road (MD 373) (Tax Accounts 1176650; 1149251; 3589389; 1148113; 1160928; 1147297; 1149269; 1176635; 1147305; 3589397; 1149277; 1148105; 1147206; 1153345; 1176668; 3165719; 1142678; 1153337; 1185206; 1147214; 1149285; 3925112; and 4062287).

REVISION SIX:

Rezone four properties fronting on US 301 (Tax Accounts 1134014; 1133990; 1134006; and 1149087) from I-3 (Industrial Planned Industrial/Employment Park) to C-S-C (Commercial Shopping Center) and property located at 7800 Matapeake Business Drive (Tax Account 3466257) I-1 (Light Industrial) to C-S-C (Commercial Shopping Center).

REVISION SEVEN:

Retain existing R-A (Residential-Agricultural) Zone and existing R-E (Residential-Estate) Zone for properties in the Rural Tier.

REVISION EIGHT:

Retain existing C-M (Commercial Miscellaneous) Zone for properties fronting the southwest quadrant of US 301 and McKendree Road (part of Tax Accounts 1191709, 1152040, and 1151992).

BE IT FURTHER RESOLVED that the planning staff is authorized to make appropriate textual, graphical, and map revisions to correct identified errors, reflect updated information and revisions, and incorporate the zoning map changes reflected in this Resolution.

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

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

Adopted this 24th day of July, 2013.

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: _____
 Obie Patterson
 Vice Chair

ATTEST:

 Redis C. Floyd
 Clerk of the Council