

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**SITTING AS THE DISTRICT COUNCIL**

**2019 Legislative Session**

Resolution No. CR-12-2019

Proposed by Council Member Harrison

Introduced by Council Members Harrison, Davis, Turner, Tavares and Anderson-Walker

Co-Sponsors \_\_\_\_\_

Date of Introduction February 12, 2019

**RESOLUTION**

1 A RESOLUTION concerning

2 Subregion 6 Sectional Map Amendment

3 For the purpose of approving, in accordance with such orders issued by courts of competent  
4 jurisdiction within this State which are binding, as a matter of law, upon this legislative body, the  
5 *Subregion 6 Master Plan and Sectional Map Amendment*, based on the 2009 record of joint  
6 public hearing testimony compiled as to said sectional map amendment endorsed by the Prince  
7 George's County Planning Board of the Maryland-National Capital Park and Planning  
8 Commission and approved by the County Council of Prince George's County, Maryland, sitting  
9 as the District Council, as to certain property located within the Subregion 6 plan area  
10 boundaries.

11 WHEREAS, this case involves the comprehensive rezoning of land in Prince George's  
12 County, by County Resolutions CR-62-2009, CR-82-2013, and CR-83-2013, respectively, to  
13 approve the 2009 *Subregion 6 Master Plan and Sectional Map Amendment* ("SMA"); and

14 WHEREAS, pursuant to the prescriptions of Division II, Land Use Article, Annotated Code  
15 of Maryland ("RDA"), coupled with its state-mandated procedures within the local zoning laws,  
16 the Prince George's County Planning Board of the Maryland-National Capital Park and Planning  
17 Commission ("PGCPB"), in conjunction with the County Council of Prince George's County,  
18 Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional  
19 District within Prince George's County ("District Council") initiated, prepared, and conducted a  
20 duly advertised joint public hearing on the *Preliminary Subregion 6 Master Plan and Proposed*  
21 *Sectional Map Amendment*; and

1 WHEREAS, the master plan area is comprised of approximately 151 square miles in the  
 2 southeastern portion of Prince George's County, and it consists of roughly thirty-one percent of  
 3 the County's total land area; and

4 WHEREAS, the Subregion 6 plan area includes portions of Planning Areas 77, 78  
 5 (excluding properties that are expressly included within the 2007 *Westphalia Sector Plan and*  
 6 *Sectional Map Amendment* plan boundaries), 79, 82A, 82B, 85B, 86A, 86B, 87A, and 87B for  
 7 the area generally bounded by the Patuxent River to the east; the jurisdictional boundaries with  
 8 Charles County to the south; the Conrail Line, PEPCO power line right-of-way, Piscataway  
 9 Creek, Andrews Air Force Base, Old Alexandria Ferry Road, Branch Avenue, Allentown Road,  
 10 Interstate I-95/495 "Capital Beltway," Pennsylvania Avenue, and Ritchie-Marlboro Road to the  
 11 west; White House Road, Largo Road, Watkins Park Drive, Oak Grove Road, Leeland Road,  
 12 US 301 and District Branch to the north; and

13 WHEREAS, there are two (2) municipal corporations within the Subregion 6 plan area,  
 14 more specifically, the Town of Upper Marlboro and the Town of Eagle Harbor; and

15 WHEREAS, in accordance with prescriptions of applicable law, the District Council  
 16 adopted certain concepts, guidelines, goals, and a public participation program approved purpose  
 17 of the Subregion 6 Sectional Map Amendment is to approve comprehensive rezoning proposals  
 18 intended to implement the land use recommendations within the approved comprehensive master  
 19 plan vision for the uses of land within the plan area boundaries for the foreseeable future; and

20 WHEREAS, on April 23, 2009, the Planning Board held a public work session to consider  
 21 the recommendations and public hearing testimony; and

22 WHEREAS, on May 7, 2009, the Planning Board adopted the preliminary Subregion 6  
 23 Master Plan and endorsed the proposed Subregion 6 Sectional Map Amendment, with revisions,  
 24 in response to testimony received into the public record, as approved within the Prince George's  
 25 County Planning Board Resolution ("PGCPB Res. No. 09-066"); and

26 WHEREAS, on May 11, 2009, the PGCPB transmitted the 2009 *Adopted Subregion 6*  
 27 *Master Plan and Endorsed Sectional Map Amendment* to the District Council, along with all  
 28 record testimony and supporting public documents; and

29 WHEREAS, on May 19, 2009, the District Council held a publicly-advertised, open work  
 30 session to review: (1) the recommendations embodied within PGCPB Res. No. 09-066 as to the  
 31 *Adopted Subregion 6 Master Plan and Endorsed Sectional Map Amendment*; (2) the complete

1 record of joint public hearing testimony; and (3) supporting public documents related to the  
2 Board's action and/or in support of any revisions to the master plan and sectional map  
3 amendment, none of which include the subject property; and

4 WHEREAS, after concluding its public proceedings on May 19, 2009, the District Council  
5 adopted CR-029-2009, thereby proposing certain amendments to the 2009 *Adopted Subregion 6*  
6 *Master Plan and Endorsed Sectional Map Amendment*; and

7 WHEREAS, in accordance with the prescriptions of law, the District Council and Planning  
8 Board conducted a duly-advertised joint public hearing on June 22, 2009, to seek public  
9 comment and testimony on 10 proposed amendments to the adopted Subregion 6 Sectional Map  
10 Amendment; and

11 WHEREAS, on July 9, 2009, the PGCPB reviewed the technical staff's digest of testimony  
12 for the record joint public hearing testimony conducted on June 22, 2009, and transmitted its  
13 recommendations to the District Council in accordance with Section 27-646(a)(3) of the local  
14 zoning laws; and

15 WHEREAS, on September 15, 2009, upon consideration of the entire public record  
16 compiled for the proposed Subregion 6 plan and comprehensive zoning proposal, the District  
17 Council approved the 2009 *Subregion 6 Master Plan and Sectional Map Amendment* via its  
18 adoption of CR-062-2009; and

19 WHEREAS, thereafter, on October 26, 2012, the Circuit Court for Prince George's County,  
20 Maryland, reversed and voided the District Council's action to approve CR-062-2009, which had  
21 previously approved the 2009 *Subregion 6 Master Plan and Sectional Map Amendment*, and  
22 remanded the matter to the PGCPB for purposes of meeting the affidavit requirements applicable  
23 pursuant to Title 5, Subtitle 8, General Provisions Article ("the Prince George's County Public  
24 Ethics Law," formerly codified at Title 15, Subtitle 8, State Government Article, Annotated  
25 Code of Maryland); and

26 WHEREAS, in response to the circuit court's binding mandate, the PGCPB re-released the  
27 2009 *Preliminary Subregion 6 Master Plan and Proposed Sectional Map Amendment* for public  
28 review and comment; and

29 WHEREAS, on April 22, 2013, the PGCPB and District Council conducted a duly-  
30 advertised joint public hearing in accordance with the prescriptions of law, to seek public  
31 comment and to receive testimony into a record of public hearing testimony; and

1 WHEREAS, after approval of the *Subregion 6 Master Plan and Sectional Map Amendment*  
2 by the District Council via adoption of CR-082-2013 and CR-083-2013 on July 24, 2013, certain  
3 aggrieved property owners filed a timely action in the Circuit Court for Prince George's County,  
4 Maryland, seeking judicial review of the District Council's decision as to their respective  
5 property within the Subregion 6 plan area boundaries; and

6 WHEREAS, after the June 2014 order issued by the circuit court (Lamasney, J.) affirming  
7 the decision of the District Council as to the subject property, said aggrieved parties sought  
8 further, appellate relief in the Court of Special Appeals of Maryland; and

9 WHEREAS, on May 30, 2017, in respective, unreported opinion and orders, the Court of  
10 Special Appeals of Maryland denied the respective property owners' claims to any property  
11 interest in the zoning classifications granted by the District Council but, at the same time, the  
12 appellate court also voided the District Council's 2013 decision on remand from the 2012 circuit  
13 court order as to the subject properties; and

14 WHEREAS, on July 20, 2018, the Circuit Court for Prince George's County, Maryland  
15 (Green, J.), issued an Order of Court consistent with the unreported disposition of the court of  
16 special appeals, and further remanding this matter to the District Council for the affected  
17 property owners' submission of update Public Ethics Affidavits required by the State Public  
18 Ethics Law applicable to Prince George's County; and

19 WHEREAS, pursuant to the respective court orders described above, the affected property  
20 owners have now filed their supplemental State Public Ethics Affidavits required by Title 5,  
21 Subtitle 8, General Provisions Article, Annotated Code of Maryland; and

22 WHEREAS, having duly reviewed the record of joint public hearing testimony in  
23 accordance with State and County zoning laws, as modified by the equally applicable State  
24 Public Ethics Law provisions governing the Council's consideration and approval of the  
25 Subregion 6 Sectional Map Amendment and, in accordance with such orders issued by courts of  
26 competent jurisdiction, the District Council shall approve anew the Subregion 6 Sectional Map  
27 Amendment based on the 2009 record of joint public hearing testimony as to property specified  
28 herein.

29 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's  
30 County, Maryland, sitting as the District Council for that part of the Maryland-Washington  
31 Regional District in Prince George's County, Maryland, that, in accordance with the disposition

of the court of special appeals and remand issued by the circuit court ordering approval of a new decision as to certain property within the Subregion 6 plan area, the District Council hereby approves the Subregion 6 Sectional Map Amendment, as endorsed by the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission, and embodied within its approved resolution PGCPB Res. No. 09-66 (attached hereto as "Attachment A"), for the following property:

**Property Name:** "Christmas Farm"

**Property Address:** 8200 and 8204 Rosaryville Road

**Property Details:** 117.14 acres in the R-A Zone  
Tax Map 109, Grid A-4  
Parcel 71

**Tax Account Nos.:** 1718915, 1718923

**2009 Master**

**Plan Discussion:**

The property abuts Rosaryville Park to the south and residential development to the west. To the north lies the as-yet-undeveloped Mill Creek residential subdivision, which will necessarily bring more road traffic to this area. Rosaryville Road and Woodyard Road experience high traffic volumes.

"Policy 2" within the approved Transportation Chapter of the master plan recommends that road systems be improved concurrently with anticipated development in the area to align road intersection capacity with demand. Both Woodyard Road and Rosaryville Road now perform poorly, according to standardized level-of-service assessments and experience significant respective congestion.

A potential expansion of development density could further compromise the transportation infrastructure affecting properties in this area. The adopted plan recommends caution as to future development, including the potential strains on water and sewer capacity. It should also be noted that this property is adjacent to Mount Airy plantation and Rosaryville State Park.

**2009 PGCPB**

Retain R-A Zone

Adopted this 12th day of February, 2019.

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: \_\_\_\_\_  
Todd M. Turner  
Chair

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council