

Case No.: A-9977

Applicant: Woodyard Land, LLC

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

ZONING ORDINANCE NO. 8 - 2007

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

WHEREAS, Application No. A-9977 was filed for property described as approximately 27.50 acres of land in the R-R Zone, located in the southwest quadrant of the intersection of Marlboro Pike and Woodyard Road, identified as 5801 Woodyard Road, and 10401 Marlboro Pike, Upper Marlboro, to rezone the property to the R-T Zone;

WHEREAS, the applicant's request was given public notice, in accordance with all requirements of law, and a public hearing on the request was held by the District Council; and

WHEREAS, having reviewed the record in this case and the testimony and exhibits presented at the public hearings, the District Council has determined that the request to amend the Zoning Map should be granted, in accordance with Section 27-433 (d) of the Zoning Ordinance; and

WHEREAS, as the basis for this action, the District Council adopts the following as its findings of fact and conclusions of law:

A. The subject property is located in Planning Area 77, and is adequately described in the technical staff report. It is included in the area covered by the Approved 1994 Mellwood-Westphalia Master Plan and Sectional Map Amendment. The property was not, however, within the area included in the 2006 Westphalia Sector Plan and SMA. The 1994 Master Plan that covers the property is somewhat out of date, and it does not necessarily reflect the existing conditions in and character of the neighborhood.

B. The 2002 General Plan placed the subject property in the Developing Tier. The proposed rezoning, from R-R to R-T, will allow the development of Metropolitan Dwelling Units at a maximum density of six (6.0) dwelling units per acre. Metropolitan Dwelling Units are consistent with the visions, goals, and policies for the Developing Tier, to maintain a pattern of low- to moderate-density suburban residential communities.

C. Most of the properties in the vicinity of the subject property, though zoned R-R, have been developed with uses other than conventional subdivisions at half acre densities, as anticipated by the Master Plan. Development of Metropolitan Dwelling Units on the subject property, under R-T zoning, will be consistent with the surrounding development.

D. The negative impacts of the proposed road improvements and relocations surrounding the subject property (Osborne Road, Dower House Road, Marlboro Pike and Woodyard Road, MD 223) were not

adequately taken into account, at the time of the 1994 Master Plan and SMA, which placed the property in the R-R Zone. Development of the subject property with Metropolitan Dwelling Units will provide a transition and buffer between the higher density development to the north and east and the existing lower density subdivisions south of the site.

E. The present R-T rezoning, under which the subject property's development will be limited to Metropolitan Dwelling Units, is justified on the basis of mistake, that the Council in 1994 did not anticipate future roadway improvements and future growth and development of surrounding properties.

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 amended by rezoning the property that is the subject of Application No. A-9977 from the R-R to the R-T Zone, with residential development in accordance with Section 27-433 (d) of the Zoning Ordinance.

SECTION 2. This Ordinance shall take effect on the date of its enactment.

Enacted this 23rd day of July, 2007, by the following vote:

In Favor: Council Members Exum, Bland, Campos, Dean, Dernoga, Harrington, Knotts and Turner

Opposed:

Abstained:

Absent: Council Member Olson

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: _____
Camille A. Exum, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council