

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed A-9977 requesting a Zoning Map Amendment in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on July 6, 2006, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The property is located in the southwest quadrant of the intersection of Marlboro Pike and MD 223 (Woodyard Road). It is largely undeveloped except for some farming and agricultural buildings and a small, older mobile home park, the Norbourne Mobile Home Park at the southern end of the site. The area is characterized by a mix of low-suburban density residential development on the west side of Woodyard Road and rural/agricultural development across Woodyard Road from the subject property to the east.

B. **Development Data Summary:**

| | EXISTING | PROPOSED |
|--|--|---|
| Zone(s) | R-R | R-T |
| Acreage | 30.42 acres | 30.42 acres |
| Use(s) | Residential—Single-family detached units | Residential Metropolitan—Single-family attached units |
| Density—Max. Dwelling Units per net acre | 2.27 | 6.0-9.0 |
| Minimum Lot Area | 20,000 sq. ft. | 2,200 sq. ft. |

C. **History:** The Approved 1994 Melwood-Westphalia SMA rezoned this property from the R-A Zone to the R-R Zone.

D. **Master Plan Recommendation:** The plan concept for residential areas in the 1994 Melwood-Westphalia master plan designates this property for low-suburban residential land use to allow for single-family detached development on 20,000-square-foot lots that are consistent with the surrounding development.

The General Plan recommended that this property be placed in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable.

E. **Request:** The applicant is requesting to rezone the property from the R-R Zone to the R-T Zone.

F. **Neighborhood and Surrounding Uses:** The applicant defines the neighborhood as being those properties within roughly a one-mile radius around the site south of MD 4 (Pennsylvania Avenue). The boundaries of the neighborhood are proposed to be the intersections of Perrywood Road and Arethusa Road to the south, William Beanes Road and Lowery Lane to the east, Old Marlboro Pike and Marlboro Pike to the west, and MD 4 to the north.

The applicant has defined a neighborhood that straddles two planning areas that are subject to two different master plans and SMAs and is divided by a major road, MD 223 (Woodyard Road). In planning, neighborhoods are considered to be units of a larger community and can be defined by streams or natural features as well as major roads. In addition, they are usually not divided by major roadways. Staff recommends the following neighborhood based on the nearest major roads; it should be noted that this area is designated as the Meadows neighborhood in the 1994 Melwood-Westphalia master plan:

North—MD 4 (Pennsylvania Avenue)

East—MD 223 (Woodyard Road)

South—Dower House Road

West—Dower House Road

The property is surrounded by the following uses:

North—Undeveloped land in the R-R Zone on the west side of MD 223 and undeveloped land in the C-O Zone on the east side of MD 223.

East—Across MD 223 currently undeveloped land with some farming uses in the R-A Zone.

South—Single-family subdivision, Windsor Park, in the R-R Zone.

West—Single-family cluster development, Belmont Crest, under construction in the R-R Zone.

The neighborhood includes a mix of industrial, commercial and residential uses. The area around the subject property is entirely residential; the commercial and industrial uses are to the north along Dower House Road or between Marlboro Pike and MD 4 (Pennsylvania Avenue).

The applicant has noted that plans to build a senior housing facility across MD 223 to the east from the site have recently been submitted. The Planning Department, however, does not currently have an active application for this project, although a pre-review for a future application has been completed by staff.

G. Zoning Requirements:

1. Change/Mistaking Findings: [27-157(a)]

Section 27-157(a) of the Zoning Ordinance provides that no application shall be granted without the applicant proving that either:

- (A) **There has been a substantial change in the character of the neighborhood;
or**
- (B) **Either**
 - (i) **There was a mistake in the original zoning for property which has never been the subject of an adopted Sectional Map Amendment, or**
 - (ii) **There was a mistake in the current Sectional Map Amendment.**

Applicant's Position: The applicant claims that the zoning classification of R-R (Rural Residential) approved for the subject property by the District Council through the 1994 Mellwood-Westphalia master plan and sectional map amendment constitutes a mistake pursuant to Section 27-157(a)(1)(B)(i) of the Zoning Ordinance. The applicant argues that the property should have been zoned at a higher density because of the impact of the master plan's recommended long-range transportation improvements involving proposed road realignments and widening of roads in the planning areas.

“Subregion VI Study Area

“As stated, the properties within the proposed zoning neighborhood, located in the southeast quadrant of the intersection of MD 4 and Woodyard Road are located within the Subregion VI Study Area and Sectional Map Amendment. These documents were approved in September of 1993 and May 1994 respectively. More specifically the neighborhood is located in what has been identified as the Rosaryville Community. On pages 92 and 93 the specific community recommendations are set forth:

““The Plan recommends that the established Low-Suburban character of this community continue, R-A zoning (i.e., two-acre single-family development) is proposed to remain around Rosaryville State Park, at the upper end of Piscataway Creek (except immediately north of the Williamsburg Estates Subdivision) and *between Woodyard Road and the PEPCO right-of-way for approximately one mile south of Pennsylvania Avenue*, except for one area between Pennsylvania Avenue and South Osbourne Road, which is generally suitable for office commercial land use.’ [Emphasis added]

“If the locations of existing roadways and the capacities of those roadways within the subject rezoning ‘neighborhood’ were proposed to remain unchanged perhaps the plan recommendation for Low-Suburban densities for *the area between Woodyard Road and the PEPCO right-of-way for approximately one mile south of Pennsylvania Avenue* would be appropriate. (This portion of the Rosaryville Community is located immediately across Woodyard Road from the subject site.) However, given the proposed relocation of major collectors, William Beanes Road (C-605) and Osbourne Road (C-606) and the proposed upgrading of Woodyard Road (A-53) to a four to six lane divided roadway from Pennsylvania Avenue south, it can be argued that a more intensive land use should have been designated for this area of our zoning neighborhood. The Circulation and Transportation section of the Master Plan also advocates the upgrading of MD 4/Pennsylvania Avenue extended to a six to eight lane freeway and the construction of two additional reversible express bus/HOV lanes from the Capital Beltway to the Anne Arundel

County line. With all of the proposed road improvements, upgrades, and relocations it was a mistake to leave the area between Woodyard Road and the PEPCO right of way in the R-A Zone.

“Mellwood Westphalia Master Plan

“The Residential Areas Chapter of the Master Plan places the subject property in the Meadows neighborhood of the Melwood Community. The boundaries of the neighborhood are Pennsylvania Avenue to the north, Dower House Road to the west and south and Woodyard Road to the south and east. The western portion of this neighborhood is primarily zoned for commercial and industrial uses while the eastern portion is zoned residential.

“Specifically, on page 65 of the Master Plan it states:

““In the Mellwood Community future residential development on 20,000 square foot lots is proposed. This necessitates rezoning from R-A to the R-R Zone the undeveloped residential parcels south of Marlboro Pike and south of the Windsor Park subdivision. The proposed zoning change would allow for new residential development on lots that are consistent with the surrounding development.’

“The subject property is one of the undeveloped residential parcels south of Marlboro Pike that was rezoned to R-R.

“As was the case in the Subregion VI Master Plan, the District Council mistakenly failed to take the impacts of the proposed roadway relocations, upgrades and widenings into account when assigning the zoning to certain properties, including the subject property. The proposed realignment of Marlboro Pike and the widening/upgrading of MD 4 and Woodyard Road have a unique impact on the subject parcel.

“While, on page 117 the Circulation and Transportation section of the Plan acknowledges that MD 4 is a major east-west corridor and that the intersection of MD 4 and Woodyard Road will require upgrading to adequately handle the traffic demand from the Melwood, Westphalia and Rosaryville areas and that the intersection of Marlboro Pike and Woodyard Road must be relocated to the south to provide adequate weaving distances it continued to propose the development of single-family detached housing on half acre lots adjacent to the intersection this major arterial and two collector roadways.

“The proposed alignment for C-629 Marlboro Pike leaves its existing alignment west of the subject property then runs south through the adjacent Belmont Crest subdivision before turning east and continuing through the southernmost portion of the subject property to its intersection with Woodyard Road. At Woodyard Road Marlboro Pike will align with the realigned William Beanes Road. The result is that the subject property will be severely impacted by these two 4 to 6 lane collector roads, Marlboro Pike and Woodyard Road. Placing half acre single-family detached residences in such close proximity to a major intersection of MD 4 and between two upgraded and realigned collector roadways was a mistake. The subject property should have been zoned for a higher design single family attached or multifamily residential development. These more intense residential uses would act as a buffer and transition from the more conventional suburban

neighborhoods to the south.

“A more intense residential zone, such as the R-T which is proposed will also be more compatible with the recently approved Belmont Crest R-R cluster subdivision of 109 dwelling units located immediately west of the site and the special exception for multifamily housing recently filed for a property on the east side of Woodyard road at the William Beanes relocated intersection.”

- H. **Staff’s Analysis:** The primary reason for zoning the subject property R-R in the 1994 Melwood-Westphalia master plan was to create a compatible development pattern in the neighborhood. On p. 65 the concept for this residential neighborhood was discussed. The applicant noted that the master plan text stated: “The proposed zoning change would allow for new residential development on lots that are consistent with surrounding development.”

It is clear from this discussion that there was a conscious effort by the District Council to allow for an increase in density, while at the same time ensuring that the new development was at a density that was compatible within this neighborhood, as well as in the planning area to the south where properties are at an even lower density in the R-A Zone with two-acre lots. The applicant’s contention that R-T zoning would allow for a more compatible development pattern if a senior housing facility is built across Woodyard Road from this property is not relevant given that this type of development is permitted by special exception in the R-A as well as the R-R Zone. Given that this use is permitted by special exception, there is already a presumption of compatibility.

In addition, staff would contend that the decision to limit the density on this site was also influenced by the limitation of the existing and planned transportation network. A major objective of the plan was to “provide a transportation and circulation system that will result in a balance between transportation and land use recommendations” (p. 109). This balance is reached by both providing road improvements and for varying land-use types and densities. As noted above, an increased suburban density was recommended for this property, and staff contends that in addition to creating a compatible development pattern, it was also to ensure the transportation network could support both the local traffic as well as the external traffic which uses the major roadways serving this area.

In reviewing this application, the Transportation Planning staff discussed the master planned roadway network and its limitations and some factual errors in the applicant’s justification:

“With regard to the consistency of this request with the underlying master plan, the second full paragraph on page 118 of the Melwood-Westphalia master plan states that the 1982 General Plan had recommended upgrading MD 223 to a four- to six-lane facility. The text continues by stating that present commuting trends, planned development in the Melwood and Rosaryville areas, and a planned extension of MD 223 from MD 4 to MD 202 would result in higher ultimate traffic volumes than can be accommodated on a six-lane arterial. While the extension of MD 223 is not an element of the draft Westphalia sector plan (scheduled for a joint public hearing on may 23, 2006), this sector plan proposes additional density near this site by moving the proposed town center eastward within the Westphalia Planning Area. Given the statements made in the Melwood-Westphalia master plan along with the uncertainties introduced by the Westphalia sector plan, the Transportation Planning Section would believe that an intensification of zoning

at this time within the MD 223 corridor would worsen the situation described in the master plan.”

Transportation staff also noted that C-629 would be constructed with a pavement width of 52 feet and would likely be operated as a two-lane road initially. C-629 will never be a six-lane road as is suggested on page 10 of the justification statement. It should also be noted that none of the recommended transportation improvements cited above by the applicant are funded in the county’s Capital Improvement Program.

In regard to the impact of this proposed road (C29 relocated) on any future development of the site, staff does not believe that its impact would negate the possibility of designing an attractive single-family development in the R-R Zone. In fact, if the rezoning were to be approved, staff would suggest that an isolated development of attached units could be created and that this one property is neither necessary nor large enough to serve as a buffer.

I. **Conformance with the Purposes of the Zone Requested:** The purposes of the R-T Zone are contained in Section 27-433(a) of the Zoning Ordinance:

- (1) **The general purpose of the R-T Zone is to provide for attractive communities with a variety of dwelling types designed to efficiently utilize available land area, public utilities, and public facilities.**
- (2) **The specific purposes of the R-T Zone are:**
 - (A) **To provide the maximum possible amount of freedom in the grouping, layout, and design of townhouses and other attached dwellings;**
 - (B) **To encourage variety in the design and mix of dwelling unit types, and in site design;**
 - (C) **To protect or enhance (where feasible) important or distinguishing natural features of the site through innovative site layout and green area design;**
 - (D) **To avoid the monotony of similarly designed or sited rows of attached dwellings commonly known as "row houses," by encouraging variety in the number of dwelling units per building group and the relationship between building groups and parking;**
 - (E) **To provide the maximum possible amount of visible open space for the development;**
 - (F) **To provide recreational and other community facilities which are normally associated with less dense zoning categories and are easily accessible to all residents;**
 - (G) **To permit the greatest possible amount of freedom in the type of ownership of attached dwelling unit development;**

- (H) To prevent detrimental effects on the use or development of adjacent properties and the neighborhood; and**
- (I) To promote the health, safety, and welfare of the present and future inhabitants of the County.**

The applicant is proposing to build metropolitan dwellings on the subject property. They have outlined the purposes of this zone in their justification statement. The proposed design may or may not achieve the R-T purposes but this is not a required finding at this stage. The design of the development is not relevant to the review of this Euclidian rezoning since the appropriateness of the proposed design and its details will be reviewed per a separate detailed site plan process.

CONCLUSION:

Staff finds that, indeed, the District Council did take into consideration the proposed roadway relocations, upgrades and widenings when assigning the zoning to certain properties, including the subject property. The Council also took into account the impact of the proposed realignment of Marlboro Pike and the widening/upgrading of MD 4 and MD 223. The District Council concluded that this neighborhood and the surrounding planning areas should remain low-suburban density. In fact, with the completion of the preliminary draft of the Melwood-Westphalia Master Plan, as noted by Transportation Staff, the decision to focus density north of MD 4 has been even further strengthened. Staff also noted that existing and planned transportation facilities, as well as public schools, in the area are inadequate.

The master plan addressed the possible impact of MD 223 on adjoining residential development by recommending that the road be designed with parkway character as discussed previously. In addition, C-629, the planned relocation of Marlboro Pike, will be designed as a two-lane road, which will improve circulation for local traffic.

Based on the preceding analysis, staff does not believe that the District Council erred in placing the subject property in the R-R Zone and, therefore, recommends that this application be DENIED.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and recommends to the District Council for Prince George's County, Maryland that the above-noted application be DENIED.

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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 Eley, seconded by Commissioner Vaughns, with Commissioners Eley, Vaughns and Parker voting in favor of the motion, and with Commissioners Squire and Clark absent at its regular meeting held on Thursday, July 6, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of July 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator