



Prince George's County Planning Department
Community Planning Division

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org
301-952-3972

October 7, 2019

MEMORANDUM

TO: Andree Green Checkley, Planning Director

VIA: Debra Borden, Principal Counsel
Kipling Reynolds, AICP, Chief, Community Planning Division *Kee*
Scott Rowe, AICP, CNU-A, Supervisor, Long-Range Planning Section, Community Planning Division *BSR*

FROM: Thomas Lester, Senior Planner, Long-Range Planning Section, Community Planning Division *BSR* for Thomas Lester

SUBJECT: **Administrative Correction of the County Zoning Map and the 2013 *Approved Greenbelt Metro Area and MD 193 Corridor Sectional Map Amendment (SMA)***

The first purpose of this memorandum is to request permission to correct the official Prince George's County Zoning Map to include annotation of an approved conditional Zoning Map Amendment (ZMA), A-9540-C (See Attachment 5.) The referenced ZMA was enacted October 14, 1985 by the County Council of Prince George's County, sitting as the District Council, and reclassified the subject properties from the R-18 (Multifamily Medium Density Residential) Zone to the C-O (Commercial Office) Zone with the condition that a development phasing plan be approved by the Planning Board at the time of Subdivision and that this plan include an assessment of transportation needs for each phase of development. The condition is stated under Section 2 of A-9540 as:

"The rezoning approved herein is subject to the condition that a development phasing plan be approved by the Planning Board at the time of Subdivision. In this plan, transportation needs shall be assessed for each phase of development to assure that necessary transportation improvements are in place when they are needed." (A-9540, Section 2.) (See Attachment 2.)

The second purpose of this memorandum is to request permission to correct the 2013 *Approved Greenbelt Metro Area and MD 193 Corridor Sectional Map Amendment (SMA)* to reference this case on page 268 (see Attachment 4) to ensure that the condition of the zoning approved in A-9540-C is brought forward with the application of the Development District Overlay Zone (DDOZ) as is required by the zoning code, Section 27-157(b), and summarized on page 253 of the SMA:

"...it is not the intent of an SMA to repeal the additional requirements determined via conditional zoning cases that have been approved prior to the initiation of a sectional map amendment. As such, it is appropriate that, when special conditions to development of specific properties have been publicly agreed upon and have become part of the existing zoning map applicable to the site, those same conditions shall be brought forward in the SMA." (See Attachment 3.)

The subject properties of this Administrative Correction include the following:

Property Tax Account	Address	Parcel	WSSC Grid Location
3136942	6400 Cherrywood Lane	J	211NE06/212NE06
3136959	6410 Cherrywood Lane	K	211NE06/212NE06
3136967	6420 Cherrywood Lane	L	211NE06/212NE06

(See Attachment 1.)

With your concurrence and authorization, the Information Management Division will proceed with the revision and update the Prince George's County Zoning Map to reflect the correction. Furthermore, this signed Administrative Correction will be included with the digital and printed copies of the 2013 *Approved Greenbelt Metro Area and MD 193 Corridor Sector Plan and SMA* to supplement the published version.

READ AND AGREED



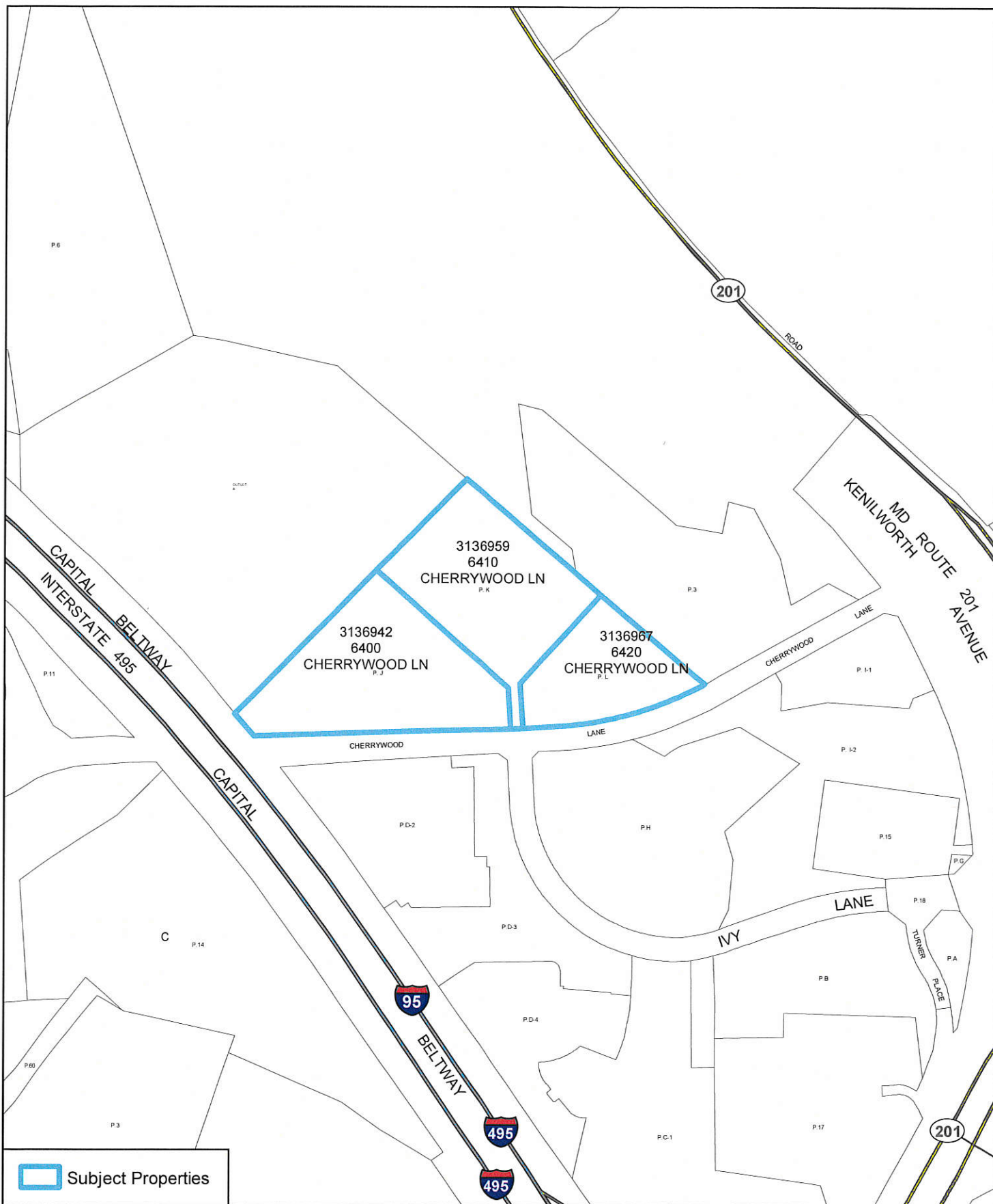
Andree Green Checkley, Planning Director

10/10/19
Date

Attachments:

1. Location of Subject Property
2. A-9540
3. Page 253 of the 2013 *Approved Greenbelt Metro Area and MD 193 Corridor SMA*
4. Pages 268 and 277 from the 2013 *Approved Greenbelt Metro Area & MD 193 Corridor SMA*
5. Zoning Map - Correction

cc: Derick Berlage, Acting Deputy Planning Director
James Cannistra, Division Chief, Information Management Division
Michael Shean, GISP, Supervisor, Information Management Division
Dan Hartmann, Administrative Manager, Office of the Planning Director
Development Review Division Staff
Countywide Planning Division Staff
Community Planning Division Staff



 Subject Properties

0 250 500 Feet

The Maryland-National Capital
Park and Planning Commission

Attachment 1: Location of Subject Properties



All maps, imagery, and associated data are intended to provide general information and are not to be used as a recognized reference or for official purposes. M-NCPPC assumes no responsibility for the use, implementation, or derivation of information or graphics from the GIS web site or as otherwise stated.

DISTRICT COUNCIL COPY

APPLICATION FOR ZONING MAP AMENDMENT
Maryland-Washington Regional District in
Prince George's County, MarylandPRINCE GEORGE'S COUNTY COUNCIL
COUNTY ADMINISTRATION BUILDING
UPPER MARLBORO, MARYLAND

Petition No. A- 9540
 Zoning Map No. 14.20
 Planning Area 67
 Grid Coordinates N. E.
 Filing Fee \$1,100.00 + \$90.00 Posting
 Paid By Greenbelt Associates
 Checked By H. Jones
 Filing Date 2-1-85

Contract Pur. ☐Agent ☐

February 1, 1985

1. I (We) Albert H. Small, Theodore N. Lerner, Harold Kramer
 Applicant's Name (202) 296-5780 Date
 2. of Suite 444, Washington Square, 1050 Connecticut Ave., N.W., Washington, D.C. 20036
 Address City or Post Office State Telephone
 hereby petition your Honorable Body to amend the Zoning Map of the Maryland-Washington Regional District in
 Prince George's County, Maryland, by reclassifying from the
 3. R-18 (Multiple-Family, Med. Density Residential) Zone to the C-0 (Commercial-Office) Zone
 the property described as follows, and shown outlined in red on the maps attached hereto, which are made a part
 of this application:

DESCRIPTION OF PROPERTY

Address, if Any		Greenbelt	Berwyn - 21st
		Incorporated Area	Election District
			16.234 ⁺ Acres
			Total Area (Ac/SqFt)
Lot	Block	Subdivision	
	26. C-2	P/O Parcel 16	2584
Plat Book	Page #	Parcel	Liber
			335
			Folio

North of future intersection of Ivy Lane and future Cherrywood Lane extended
 Location of Property

6. NAME, ADDRESS AND SIGNATURES OF OWNERS:

(All owners of record are required to sign this application)

Albert H. Small

Name

Theodore N. Lerner

Name

Harold Kramer

Name

7. George A. Brugger

Correspondent

Nancy L. Slepicka

10210 Greenbelt Road, Seabrook
 Address MD 20706

(301) 794-6900

Telephone

DO NOT WRITE BELOW THIS LINE

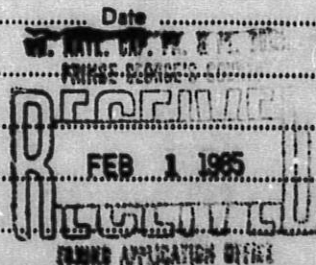
DISTRICT COUNCIL RECORD

Park and Planning Commission Recommendation:

District Council Hearing Date

District Council Action

Notes



A- 9540 ZHE-

EX. #

L



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
(301) 952-3600

A-9540
(Small, Lerner & Kramer)

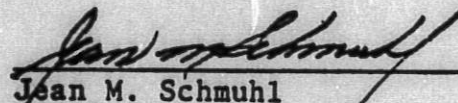
DISTRICT COUNCIL PRELIMINARY NOTICE OF CONDITIONAL ZONING APPROVAL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland, requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in your case on October 14, 1985.

In compliance with the provisions of Section 27-157(b) of the Zoning Ordinance, the applicant must file a written acceptance or rejection of the land use classification as conditionally approved within ninety (90) days from the date of approval, or the failure to do so shall be deemed a rejection. Rejection shall void the Map Amendment and revert the property to its prior zoning classification. The written approval or rejection must be received in this office on or before January 13, 1986.

CERTIFICATE OF SERVICE

This is to certify that on October 17, 1985, this notice and attached Order were mailed, postage prepaid, to all persons of record.


Jean M. Schmuhl
Clerk of the Council

(6/85)

Case No.: A-9540

Applicant(s): Albert H. Small,

Theodore N. Lerner & Harold Kramer

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

ZONING ORDINANCE NO. 58 - 1985

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, subject to conditions, in accordance with Section 27-157(b).

WHEREAS, Application No. A-9540 has been filed for property described as approximately 16.234 acres, more or 'less, described as being Parcel "H", located on the north side of proposed Cherrywood Lane, opposite Ivy Lane, east of the Capital Beltway, in the City of Greenbelt, to rezone the property from the R-18 Zone(s) to the C-O Zone(s); and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, a public hearing on the application was held before the Zoning Hearing Examiner; and

WHEREAS, having reviewed the record in this case, the District Council has determined that the application should be granted; and

WHEREAS, in order to protect adjacent properties and the neighborhood, the rezoning herein is granted with conditions; and

WHEREAS, as the basis for this action, the District Council adopts the recommendation of the Zoning Hearing Examiner as its findings and conclusions in this case.

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 which is subject of Application No. A-9540 from the R-18 Zone(s) to the C-O Zone(s).

Section 2. The approval of this application is subject to the following condition(s):

The rezoning approved herein is subject to the condition that a development phasing plan be approved by the Planning Board at the time of subdivision. In this plan, transportation needs shall be assessed for each phase, to assure that necessary transportation improvements will be in place when they are needed.

Section 3. This Ordinance shall take effect initially on the date of its enactment, and it shall become final upon acceptance by the applicant of the land use classification as conditionally approved herein.

Enacted this 14th day of October, 1985, for initial approval, by the following vote:

In Favor: Council Members Amonett, Bell, Castaldi, Casula, Cicoria, Herl, Mills, and Wilson

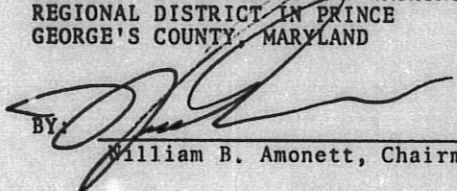
Opposed:

Abstained:

Absent: Council Member Pemberton

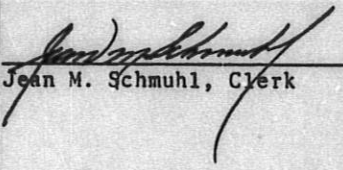
Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, SITTING AS THE DISTRICT
COUNCIL FOR THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE
GEORGE'S COUNTY, MARYLAND

BY: 

William B. Amonett, Chairman

ATTEST:


Jean M. Schmuhl, Clerk

“The area of the ‘property,’ as the word is used in Subsection (g)(2), above, is the minimum required by the Zoning Ordinance which makes the use legally existing when the sectional map amendment is approved.”

Conditional Zoning

The inclusion of safeguards, requirements, and conditions beyond the normal provisions of the Zoning Ordinance that can be attached to individual zoning map amendments via “conditional zoning” cannot be utilized in SMAs. In the piecemeal rezoning process, conditions are used to: (1) protect surrounding properties from potential adverse effects that might accrue from a specific zoning map amendment; and/or (2) to enhance coordinated, harmonious, and systematic development of the Regional District. When approved by the District Council, and accepted by the zoning applicant, “conditions” become part of the County Zoning Map requirements applicable to a specific property and are as binding as any provision of the County Zoning Ordinance [see Conditional Zoning Procedures, Section 27-157(b)].

In theory, zoning actions taken as part of the comprehensive rezoning (SMA) process should be compatible with other land uses without the use of conditions. However, it is not the

intent of an SMA to repeal the additional requirements determined via conditional zoning cases that have been approved prior to the initiation of a sectional map amendment. As such, it is appropriate that, when special conditions to development of specific properties have been publicly agreed upon and have become part of the existing zoning map applicable to the site, those same conditions shall be brought forward in the SMA. This is accomplished by continuing the approved zoning with “conditions” and showing the zoning application number on the newly adopted zoning map. This would take place only when it is found that the existing zoning is compatible with the intended zoning pattern or when ordinance limitations preclude a rezoning. Similarly, findings contained in previously approved SMAs shall be brought forward in the SMA where the previous zoning category has been maintained.

Comprehensive Design Zones

Comprehensive design zones (CDZs) may be included in a sectional map amendment. Normally, the flexible nature of these zones requires a basic plan of development to be submitted through the zoning application process (zoning map amendment) in order to

evaluate the comprehensive design proposal. It is only through approval of a basic plan, which identifies land use types, quantities, and relationships, that a CDZ can be recognized. Under this process, an application must be filed, including a basic plan, and the Planning Board must have considered and made a recommendation on the zoning application in order for the CDZ to be included within the SMA. During the comprehensive rezoning, prior to the submission of such proposals, property must be classified in a conventional zone that provides an appropriate “base density” for development. In theory, the “base density” zone allows for an acceptable level of alternative development should the owner choose not to pursue full development potential indicated by the master plan.

Under limited circumstances, a CDZ may be approved in a sectional map amendment without the filing of a formal rezoning application by an applicant. The recommendations of the sector plan and the SMA zoning change, including any design guidelines or standards, may constitute the basic plan for development. In these cases, overall land use types, quantities, and relationships for the recommended development concept should be described in the SMA text and be subject to further adjustment during the second phase of review, the comprehensive design plan, as more

Change Number	Zoning Change	Areas of Change (acres)	Approved SMA/ZMA/SE		200' Scale Index Map
			Number	Date	
9	Superimpose DDOZ	670.55	SMA SE-2158 CSP-05001-C <u>A-9540-C</u>	10/16/01 11/19/69 9/8/05 <u>10/14/85</u>	210NE05 210NE06 211NE05 211NE06 212NE05 212NE06
Discussion: The DDOZ (Development District Overlay Zone) is implemented to achieve the vision, goals, policies, and strategies of the sector plan to promote high-quality development, a mix of uses, pedestrian- and transit-oriented development at appropriate locations, an eco-community at the Greenbelt Metro Station, and preservation and restoration of the natural environment.					
Use	Address	Tax Map and Grid	Legal Description	Tax Account	
Greenbelt Metro Station, Franklin Park Apts., Capital Office Park, Beltway Plaza, misc. retail & service commercial, misc. industrial, institutional, and undeveloped land	Multiple addresses in Greenbelt and Berwyn Heights	025E4, 025F4, 026A1, 26A2, 026A3, 026A4, 026B1, 026B2, 026B3, 026B4, 026C3, 026C4, 034A1, 034B1	All properties within the Greenbelt Metro Metropolitan Center, and properties within the University Boulevard (MD 193) Corridor bounded by the CSX, Metro Green Line, and 58th Avenue to the west, the residential portion of Berwyn Heights to the south, Edmonston Road to the east, and the Greenbelt Metro Metropolitan Center to the north (refer to the zoning change map).	106 PROPERTIES	

Note: Correction Underlined

