The Maryland-National Capital Park and Planning Commission
PRINCE GEORGE'S COUNTY
Planning Department
1616 McCormick Drive, Largo, MD 20774 • pgplanning.org • Maryland Relay 7-1-1

August 4, 2025

MEMORANDUM

TO: Lakisha Hull, Planning Director

VIA: David Warner, Principal Counsel

Sherri K. Conner, Acting Chief, Development Review Division SC

FROM: Hyojung Garland, AICP, LEED AP, Supervisor, Urban Design Section, Development Review Division HG

Meng Sun, Ph.D, AICP, LEED GA, Planner III, Urban Design Section, Development Review Division MS

SUBJECT: **Administrative Correction to the Official Zoning Map for 7521 Marlboro Pike, Tax Map 81 Grid F4, Planning Area 75A, Tax Account 0421388**

Summary

The purpose of this memorandum is to request approval to make administrative corrections to the Official Zoning Map for 7521 Marlboro Pike, Tax Account 0421388, in District Heights.

This request is made pursuant to the authority granted under the Prince George's County Zoning Ordinance, specifically the following provisions:

Sec. 27-1600 Official Zoning Map
27-1601. Establishment

(b) In accordance with prescriptions of State law applicable to the zoning classifications of land in that portion of the Maryland-Washington Regional District within Prince George's County, the Clerk of the Council shall maintain and be the custodian of the Official Zoning Map of Prince George's County. With respect to any electronic map or layer within the County's Geographic Information System ("GIS"), however, it is the intent of this Subtitle to delegate such duty to the Maryland-National Capital Park and Planning Commission ("M-NCPPC"), for the purpose of maintaining an accurate, publicly available electronic version of the Official Zoning Map and to record the same onto permanent media in furtherance of protecting the digital integrity of the document. In the event that minor drafting or other clerical errors or omissions are identified within the GIS mapping

system, then the Planning Director may correct such minor errors or omissions, provided that the Director issues a written statement of justification to the Clerk of the Council and District Council as to the subject correction prior to making said change. The Planning Director shall not make any substantive amendments or changes to the electronic maps without specific authority conferred by the District Council or pursuant to express authority set forth in this Subtitle.

27-3305. Planning Director

(a) Powers and Duties

The Planning Director shall have the following powers and duties under this Ordinance:

(3) To make administrative corrections to the Official Zoning Map and comprehensive plans.

On September 28, 2023, NSR Petro Services LLC filed Detailed Site Plan DSP-16039, for Forestville Center, which has been heard and approved with conditions by the Prince George's County Planning Board on June 26, 2025. One of the conditions of approval includes verifying the property's zoning prior to certification of the plans. During the review of the resubmitted materials, staff found inconsistent zoning designations for the property, between the previously approved zoning map amendment and the official zoning designation on PGAtlas for the property. Specifically, pursuant to Zoning Map Amendment A-9961-C (Zoning Ordinance No. 9-2005), the District Council approved rezoning the subject property from the Townhouse (R-T) Zone to the Commercial Shopping Center (C-S-C) and One-Family Detached Residential (R-55) Zones, as shown in Exhibit 41(C). However, according to PGAtlas, the Official Zoning Map before April 1, 2022 (prior Zoning Map) identified the property as C-S-C only, which was also reflected in the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (2009 SMA). However, the 2009 SMA also notes A-9961-C as being applicable to the property. Given the prior erroneous zoning map identification of the property, the current Official Zoning Map identifies the property in the Commercial, General and Office (CGO) Zone only, as converted from the prior C-S-C Zone during the 2021 *Approved Countywide Sectional Map Amendment* (CMA).

The Development Review Division, Community Planning Division, and Information Management Division staff extensively researched the available zoning history of this property, and the processes by which the 2009 SMA and the CMA were approved. Staff found that the 2009 SMA erroneously identified the property in the C-S-C Zone, without the R-55-zoned portion of the site, as was reflected in the prior zoning map. This error was carried forward through the CMA, which was adopted as the Official Zoning Map of Prince George's County on April 1, 2022. As a result, the subject property's zoning designation was erroneously identified as CGO, omitting the Residential, Single-Family-65 (RSF-65) designation which the property would have been converted to from the R-55-zoned portion of land approved under A-9961-C.

Staff contacted the Clerk of the County Council and received a copy of Exhibit 41(C) (See Attachment 4), associated with Zoning Map Amendment A-9961-C (Zoning Ordinance No.9 2005). The Clerk noted that their role is limited to providing permanent documentation and does not extend to offering interpretations or opinions regarding the content of the exhibit.

Zoning History

The 1986 *Approved Sectional Map Amendment for Suitland District Heights and Vicinity* (1986 SMA) rezoned the property from the Rural Residential (R-R) Zone to the R-T Zone (see Attachment 1).

On February 2, 2004, Atlantic Plumbing filed a request, Zoning Map Amendment A-9961, for 1.37 acres of land on the south side of Marlboro Pike, approximately 590 feet west of Forestville Road, known as 7521 Marlboro Pike, Forestville. The applicant requested reclassification from the R-T Zone to the C-S-C Zone.

On November 18, 2004, the Planning Board recommended approval of A-9961 (PGCPB Resolution No. 04-243(C)), with two conditions (see Attachment 2). On February 2, 2005, a public hearing was held before the Zoning Hearing Examiner. On July 25, 2005, the Zoning Hearing Examiner's recommendations on A-9961 were filed with and considered by the District Council (see Attachment 3). On September 12, 2005, the District Council adopted the recommendations of the Zoning Hearing Examiner, as its findings of fact and conclusions of law, and approved A-9961-C (Zoning Ordinance No. 9-2005), to rezone the property from R-T (1.37 acres) to C-S-C (1.18 acres) and R-55 (0.19 acre), with three conditions. Section 1 of Zoning Ordinance No.9-2005 stated that "The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended by rezoning the property which is the subject of Application No. A-9961-C from the R-T Zone to the C-S-C and R-55 Zones , as shown in Exhibit 41(c) . The parcel lying south and west of the line between Parcel 15 (west of the subject property) and a point on the east side of the property, as indicated on Exhibit 41(c), shall be placed in the R-55 Zone. The remaining 1.18-acre portion of the subject property, abutting C-S-C land to the east and west, shall be placed in the C-S-C Zone." (See Attachment 4).

In November 2009, the 2009 SMA amended portions of the *Approved Master Plan and Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B* (1985-master plan; 1986-sectional map amendment). The subject property was identified in the 2009 SMA as being zoned C-S-C, but also referenced A-9961 with an asterisk (page 286). The asterisk referred to the zoning designation of the property as "Per File No. A-9961 PGCPB No. 04-243(C)" (See Attachment 5). While PGCPB Resolution No. 04-243(C) recommended approval of A-9961, to rezone the property from the R-T Zone to the C-S- C Zone, with two conditions, the Planning Board's resolution was not the final decision, only the recommendation to the District Council. The final decision of A-9961 was adopted by the District Council on September 12, 2005, through Zoning Ordnance No. 9-2005, which designated the zoning of the property as C-S-C (1.18 acres) and R-55 (0.19 acre). The 2009 SMA erroneously identified the zoning for the subject property as C-S-C, without the R-55 portion. On July 23, 2019, the Prince George's County Council authorized The Maryland-National Capital Park and Planning Commission (through Council Resolution CR-27-2019) to prepare the CMA, to implement the zones contained in a new Zoning Ordinance for the County, adopted by the Council through Council Bill CB-13-2018, on October 23, 2018. The CMA covers all of Prince George's County, except for the City of Laurel, and applied the new zoning regulations to land in the County and transitioned the prior zones to the

most similar zones contained in the new Zoning Ordinance. The Zoning Ordinance Rewrite process culminated on November 29, 2021, when the Prince George's County Council unanimously adopted CR-136-2021, approving the CMA. Under CR-136-2021, the County's new Zoning Ordinance, Subdivision Regulations, and Landscape Manual became effective on April 1, 2022.

The Prince George's County Countywide Sectional Map Amendment Approved Guide to New Zones (CR-27-2019 (CR-2) Attachment C) (July 2019)[1], provided guidance on the conversion from the prior to the new zoning designations. On page 4, the R-55 Zone will be converted to the RSF-65 Zone, and on page 5, the C-S-C Zone will be converted to the CGO Zone (see Attachment 6). The Zoning Comparison Swipe Tool website reflects the subject property's prior zoning designation as C-S-C only, and the current Zoning designation as CGO only (see Attachment 7). PGAtlas also reflects this designation of the prior and current zoning for the subject property (see Attachment 8). It appears that the final decision of A-9961-C was not considered as part of the CMA, and the property's erroneous zoning designation of C-S-C without the R-55 designation in the 2009 SMA was carried forward in the current zoning map, which was adopted on April 1, 2022.

Staff Conclusion

Staff find that the subject property's prior zoning designation was erroneously identified in PGAtlas as entirely C-S-C, without reflecting the R-55 designated portion of the property, which was carried forward in the 2009 SMA. This error continued to be carried forward through the 2021 CMA, which was adopted as the current Official Zoning Map of Prince George's County on April 1, 2022. As a result, the subject property's current zoning designation is erroneously identified as CGO only, omitting the RSF-65 designation.

Pursuant to the District Council's decision on A-9961-C (Zoning Ordinance No. 9-2005), the prior zoning designation for the property should be C-S-C (1.18 acres) and R-55 (0.19 acre). Page 2 of Zoning Map Amendment A9961-C (Zoning Ordinance No. 9-2005) notes: "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 the subject of Application on No. A-9961-C from the R-T Zone to the C-S-C and R-55 zones, as shown in Exhibit 41 (c). The parcel lying south and west of the line between Parcel 15 (west of the subject property) and a point on the east side of the property, as indicated on Exhibit 41(c), shall be placed in the R-55 Zone. The remaining -1.18 acre portion of the subject property, abutting C-S-C land to the east and west, shall be placed in the C-S-C Zone." Based on the guidance of the prior zone to new zone conversion by *The Prince George's County Countywide Sectional Map Amendment Approved Guide to New Zones*- (CR27-2019 (CR-2) Attachment C) (July 2019), the current zoning designation for the property should be CGO (1.18 acres) and RSF-65 (0.19 acre).

[1] http://zoningpgc.pgplanning.com/wp-content/uploads/2019/08/Zoning-Rewrite-Decision-Matrix-Brochure-August-2019-v2.pdf

Upon approval of this administrative correction, the current zoning map of the property will be revised to the CGO and RSF-65 Zones. The division of the two zones should be in accordance with the District Council's decision on A-9961-C (Zoning Ordinance No. 9-2005).

Attachments

Attachment 1: Property zoning map designation as R-T Zone, in the 1986 *Approved Sectional Map Amendment for Suitland District Heights and Vicinity* (1986 SMA)

Attachment 2: Prince George's County Planning Board Resolution on Zoning Map Amendment A-9961 (PGCPB Resolution No. 04-243 (C)), November 18, 2004

Attachment 3: Notice of Decision of the Zoning Hearing Examiner in Case No. A-9961, July 25, 2005

Attachment 4: Prince George's County District Council Decision on Case No. A-9961-C, Zoning Ordinance No. 9-2005, September 21, 2005

Attachment 5: Page 286 of the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (2009 SMA), showing the zoning designation of the property

Attachment 6: Pages 4–5 of *The Prince George's County Countywide Sectional Map Amendment Approved Guide to New Zones* (Prince George's County Council Resolution CR-27-2019 (CR-2) attachment C) (July 2019), provided guidance on prior zone and new zone conversion.

Attachment 7: The property's zoning designation (prior and new) on zoning comparison swipe tool

Attachment 8: The property's zoning designation on PGAtlas (prior and current)

READ AND AGREED

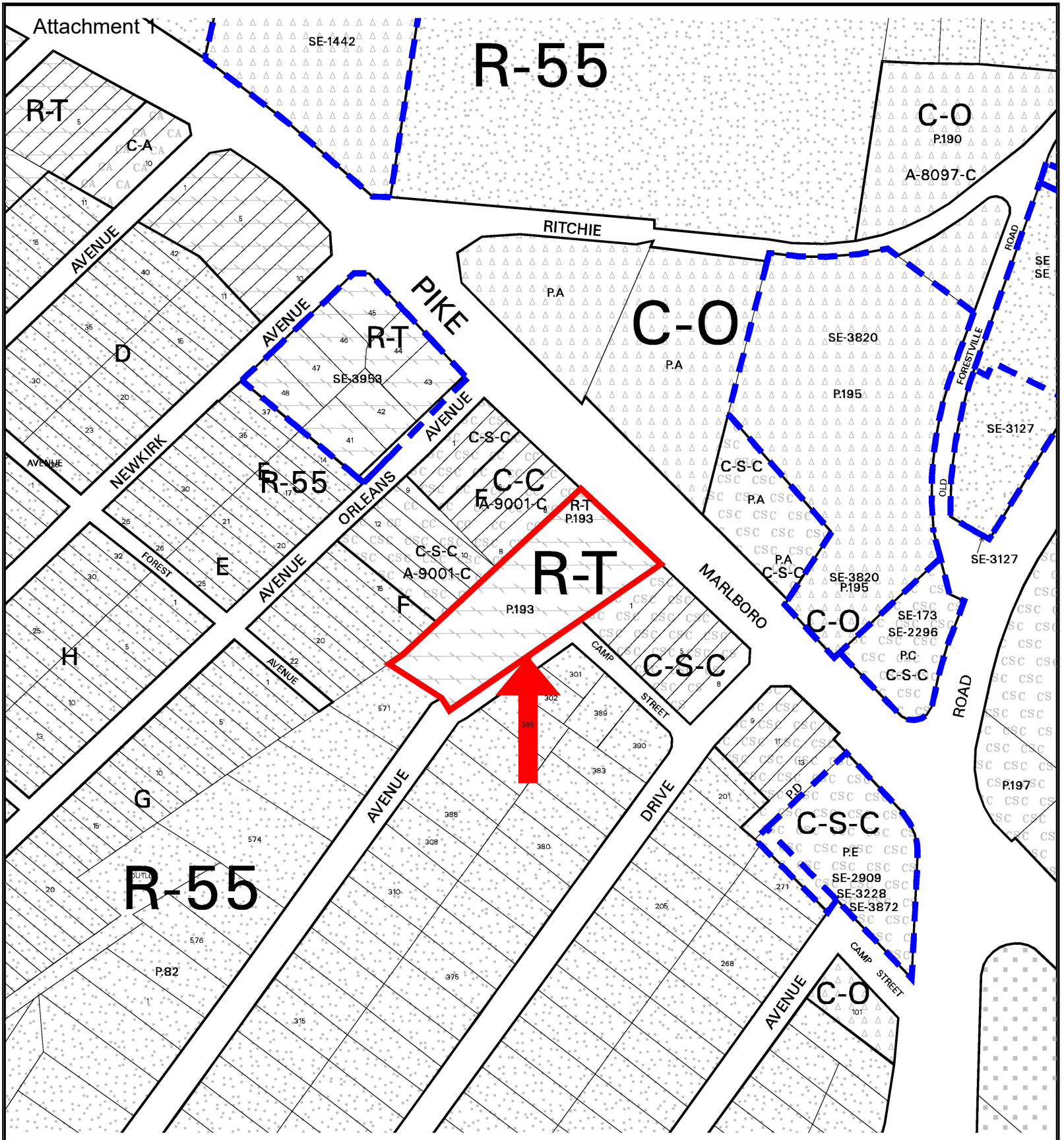
Lakisha Hull (Aug 5, 2025 11:38:04 EDT)

Lakisha Hull, Planning Director

08/05/2025

Date

cc: James Hunt, Acting Deputy Planning Director
Gwen McCall-Winston, Deputy Planning Director
David Warner, Principal Counsel
Tony Felts, Chief, Community Planning Division
Sherri Conner, Acting Chief, Development Review Division
James Cannistra, Chief, Information Management Division
Katina Shoulars, Chief, Countywide Planning Division
Alisha Alexander, Chief, Management Services Division



WSSC GRID: 205SE07
SCALE: 1" = 200'
TAX MAP: 81
TAX GRID: F4
COUNCIL DIST: 6
PRINTED: December 12, 2003

N

APPLICATION NO: _____
REQUEST: _____

_____

PAZ: _____
EXISTING ZONE: _____
PLANNING AREA: 75A

Attachment 2

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-3796

PGCPB No. 04-243(C) File No.-A-9961

CORRECTED RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed A-9961 requesting rezoning from the R-T Zone to the C-S-C Zone 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 October 7, 2004, the Prince George's County Planning Board finds:

A. **Field Inspection:** The subject property, 7521 Marlboro Pike, is located on the south side of Marlboro Pike approximately 590 feet west of Forestville Road. The property consists of 1.37 acres of land. The property is rectangularly shaped and improved with a two-story frame house, two sheds and a garage all in deteriorating condition. It has 180 feet of frontage on Marlboro Pike and approximately 270 feet of frontage on Pinevale Avenue.

The property is surrounded by the following uses:

North:	Across Marlboro Pike, an insurance office, a bank, and a gas station in the C-O and C-S-C- Zones respectively.
East	A mini-shopping mall with small retail and service uses in the C-S-C Zone
South:	Single-family residential properties in the R-55 Zone
Southeast:	Single-family residential properties in the R-55 Zone.
West:	A vacant land, a parking lot, and a meeting hall in the C-S-C Zone

B. **Neighborhood and Surrounding Uses:** The Planning Board accepts the neighborhood as defined by the applicant, which includes the following boundaries:

North: *[Marlboro Road] Walker Mill Road

East: *[Forestville Road] Capital Beltway (I-95)

South: *[Pennsylvania Avenue] Pennsylvania Avenue

West: *[Donnell Drive] Silver Hill Road

These boundaries include a much broader area than those defined by staff.

*Denotes correction
[Brackets] denotes deletion
Underlining denotes addition

D. **Master Plan Recommendation:** The 1986 master plan for Suitland District Heights and vicinity recommends the property for Low-Urban residential use. The master plan recommends Low-Urban residential density for the property. The intent of the master plan is to discourage commercial strip development along this section of Marlboro Pike and to protect the existing single-family detached residences in the immediate area. An illustrative scheme for proposed residential development (which includes the subject site) along Marlboro Pike is shown on page 99 of the master plan.

The 2002 General Plan places the property in the Developed Tier. The vision for the Developed 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 requests rezoning of the subject property from the R-T (Townhouses) Zone to C-S-C (Retail-Commercial). No specific information has been provided regarding the intended development of the property.

F. **Zoning Requirements: 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 and such mistake occurred not more than six years prior to the filing of an application for the proposed zoning map amendment providing, however, that for those properties for which the current Sectional Map Amendment has been adopted prior to 1990 such mistake shall have occurred not more than 10 years prior to the filing of an application for the proposed zoning map amendment.

H. The applicant contends that there has been a substantial change in the character of the neighborhood since the enactment of the current sectional map amendment in 1986.

As evidence of change in the character of the neighborhood, the applicant cites two rezoning cases, which, the applicant argues, are responsible for the decline in the availability of commercial property in the neighborhood. The two cases are:

1. The 1992 rezoning of the 5.2-acre property, at the south side of Marlboro Pike at its intersection with Forest Drive, from C-O to the R-18C Zone (A-9864-C). The applicant argues that this rezoning resulted in a significant decrease in the amount of commercial space.

2. The 1993 rezoning of the 1.73-acre property, at the north side of Marlboro Pike at its intersection with Sidney Road, from C-O to the R-18C Zone (A-9879-C).

The applicant also cited, as further evidence of change, the 1990 rezoning from R-T to C-S-C, of the .57-acre property located on the east side of Boons Lane, approximately 300 feet north of Marlboro Pike (A-9816). The applicant indicated that the primary justification for this zone was to "square-off" the boundaries of the adjoining C-S-C zoned properties between the rezoned property and Marlboro Pike. The applicant reasoned "although this rezoning case did not contribute to the reduced availability of commercially zoned property in the planning neighborhood, this rezoning nevertheless is evidence that the neighborhood has changed substantially since 1986."

The applicant also refers to the 1997 approval of a special exception to allow an expansion of an existing nursing home (SE-4259) on a 3-acre property in a C-O Zone as a second factor that is evidence of change in the character of the neighborhood. The applicant noted that the special exception property, which is located approximately 550 feet northwest of the subject site across Marlboro Pike, was rezoned from the R-R Zone to the C-O Zone during the 1986 sectional map amendment and yet, still maintains its residential nature.

The increasing presence of churches in the neighborhood is also another factor cited by the applicant as further evidence of substantial change in the neighborhood. The applicant noted that over 50 percent of the 215, 000 square feet of commercial retail space at the Forest Hill Plaza Shopping Center, located in the northeast quadrant of the intersection of Marlboro Pike and Forestville Road, has been converted to noncommercial, religious use. The applicant argues that this trend has resulted in the loss of a considerable amount of commercial retail space, particularly on the east side of the Marlboro Pike corridor where the subject property is located.

Finally, the applicant indicated that notwithstanding the intent of the 1986 master plan, none of the residential properties along Marlboro Pike that were placed in the R-T zone were developed with town houses. Moreover, with the enactment of CB-55-1996 that prohibited the expansion of R-T zoning throughout the county and required approval of special exception for townhouses in certain high-density residential zones, the number of townhouses developed has been substantially reduced. The applicant noted that all of the properties along Marlboro Pike that were rezoned to R-T in 1986 are developed with single-family detached dwellings, and that the master plan's intent for the higher density townhouse development to serve as a buffer between Marlboro Pike and the existing single-family dwellings to the south has not materialized. The applicant argues that, as it is the case for the other properties along Marlboro Pike, it is unlikely that the subject property could be successfully developed with townhouses. Moreover, given the nature of the property, which is wedged between two C-S-C zoned properties, it is almost impossible to develop the subject property with a quality residential development.

The applicant concludes that the cumulative effect of the loss of commercial properties to medium-density residential properties, the loss of commercial shopping center space to religious uses, and the loss of commercial office property to residential nursing care use have substantially changed the commercial character of the neighborhood.

I. **Conformance with the Purposes of the R-T and C-S-C Zones:** The purposes of the R-T Zone are contained in Section 27-433(a)(1) and (2) 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.**

   (I) **To promote the health, safety, and welfare of the present and future inhabitants of the County.**

The purposes of the C-S-C Zone (Commercial Shopping Center) are contained in Section 27-454(a)(1) of the Zoning Ordinance:

   (A) **To provide locations for predominantly retail commercial shopping facilities.**

(B) **To provide locations for compatible institutional, recreational, and service uses.**

(C) **To exclude uses incompatible with general retail shopping centers and institutions.**

(D) **For the C-S-C Zone to take the place of C-1, C-2, C-C, and C-G Zones.**

The Planning Board believes the C-S-C Zone is most appropriate for the subject property. The property is sandwiched between C-S-C Zoned properties along a major arterial. It is unlikely that such a small property would yield an attractive townhouse development in accordance with the purposes of the R-T Zone. The Board accepts the neighborhood defined by the applicant and, based on testimony and applicant's exhibits 1A, 1B and 2, is persuaded that a substantial change has occurred. Exhibits 1A and 1B illustrate rezonings that have occurred that established a trend of uses that where not anticipated by the 1986 master plan. The most notable changes include the large concentration of churches occupying commercial space and a nursing home located across Marlboro Pike from the subject property. Exhibit 2 is a Zoning Hearing Examiner decision (A-9958) that illustrates how several small changes in a neighborhood can cumulatively rise to the level of a substantial change in the character of the neighborhood.

The Planning Board further recommends that any development of the property be subject to Detailed Site Plan review in accordance with Part 3 Subdivision 9 of the Zoning Ordinance. Particular attention shall be paid to landscaping, fencing and buffering between residential uses.

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 APPROVED, subject to the following conditions:

1. Prior to the issuance of any permits, the applicant, his heirs, successors or assignees shall submit a detailed site plan for review and approval by the Planning Board or its designee in accordance with Part 3 Subdivision 9 of the Zoning Ordinance. The site plan review shall focus on the proposed landscaping, fencing, and buffering as well as the siting of any proposed building, paving and on-site parking, especially between the internal portion of the site and the existing residential uses.

2. All future development applications on this site shall include a Phase I and/or Phase II Noise Study as appropriate, show the locations of the 65dBA Ldn noise contour (mitigated or unmitigated) and show that all state noise standards have been met for interior areas.

* * * * * * * * * * * * * * *

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 Vaughns, seconded by Commissioner Squire, with Commissioners Vaughns, Squire and Hewlett voting in favor of the motion, Commissioner Harley opposing the motion and with Commissioner Eley absent at its regular meeting held on Thursday, October 21, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of November 2004.

Trudye Morgan Johnson
Executive Director

Frances J. Guertin

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JJ:rmk

(Revised 8/9/01)

APPROVED AS TO LEGAL SUFFICIENCY.

MAC

M-NCPPC Legal Department

Date 1-5-05

Attachment 3

OFFICE OF ZONING HEARING EXAMINER

FOR PRINCE GEORGE'S COUNTY, MARYLAND

NOTICE OF DECISION

Councilmanic District: 6

A-9961 – Atlantic Plumbing Supply Profit Sharing Trust Fund
Case Number

On the 25th day of July, 2005, the attached Decision of the Zoning Hearing Examiner in Case No. A-9961 was filed with the District Council. This is not the final decision, only the recommendation of the Hearing Examiner to the District Council.

Within 30 calendar days after the above date, any person of record may file exceptions with the Clerk of the Council to any portion of this Decision, and may request oral argument thereon before the District Council.* If oral argument is requested, all persons of record will be notified of the date scheduled for oral argument before the District Council. In the event no exception or request for oral argument is filed with the Clerk of the Council within 30 calendar days from the above date, the District Council may act upon the application and must decide within 120 days or the case will be considered denied. Persons of record will be notified in writing of the action of the District Council.

Zoning Hearing Examiner
County Administration Building
Upper Marlboro, MD 20772
952-3644

*Instructions regarding exceptions and requests for oral argument are found on the reverse side of this notice.

cc: Edward C. Gibbs, Jr., Gibbs and Haller, 4640 Forbes Boulevard, Lanham, MD 20706
Edward Needle, Trustee, Atlantic Plumbing Supply Profit Sharing Trust Fund, 807 "V" Street. N.W., Washington, D.C. 20001
Shepherd Tullier, Land Visions Inc., 1982 Moreland Pkwy., St. 201, Annapolis, MD 21401
Stan D. Brown, People's Zoning Counsel, 9500 Arena Drive, Suite 104, Largo, MD 20774

NOTEDC2

INSTRUCTIONS FOR FILING

I. Exception(s) Taken to the Examiner's Decision Shall Be:

a) In writing;
b) Numbered in sequence;
c) Specific as to the error(s) which are claimed to have been committed by the Examiner;

(The page and paragraph numbers of the Examiner's Decision should be identified.)

d) Specific as to those portions of the record, including the Hearing Examiner's Decision, relied upon to support your allegation of error(s) committed by the Examiner.

(The exhibit number, transcript page number, and/or the page and paragraph numbers of the Examiner's Decision should be identified.)

II. Requests for Oral Argument:

If you desire oral argument before the District Council, request must be made, in writing, at the time of filing your exception(s).

III. Notification to All Persons of Record:

Your request for oral argument and/or exception(s) must contain a certificate of service to the effect that a copy thereof was sent by you to all persons of record by regular mail.

(A list of these persons and their addresses is included in this notice of Examiner's decision sent to you herewith or is available from the Clerk to the Council.)

IV. When to File:

Your request for oral argument and/or exception(s) must be filed within 30 calendar days after the Examiner's Decision has been filed with the District Council.

V. Where to File:

Clerk of the County Council
County Administration Building
Upper Marlboro, Maryland 20772
Phone: 952-3600

INSTRUCTIONS FOR REPLY TO A REQUEST FILED FOR ORAL ARGUMENT

If you are notified that another person of record has requested oral argument, you may:

1) Participate in the hearing if there is oral argument, and/or
2) Reply, in writing, to the District Council, opposition. Copies of any written material to be submitted in support of this opposition position shall be filed with the Clerk and all other persons of record no later than five (5) business days before the date of oral argument.

DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND
OFFICE OF THE ZONING HEARING EXAMINER

ZONING MAP AMENDMENT

9961

DECISION

Application:	R-T to C-S-C Zone
Applicant:	Atlantic Plumbing Supply Profit Sharing Trust Fund
Opposition:	None
Hearing Date:	February 2, 2005
Hearing Examiner:	Maurene Epps Webb
Recommendation:	Approval with Conditions

Nature of Proceedings

(1) Application A-9961 is a request for the rezoning of approximately 1.37 acres located on the south side of Marlboro Pike approximately 590 feet west of Forestville Road, identified as 7521 Marlboro Pike, from the R-T Zone (Townhouse) to the C-S-C (Commercial Shopping Center) Zone.

(2) The Technical Staff recommended that the Application be denied. (Exhibit 24) The Planning Board recommended that it be approved subject to conditions. (Exhibits 27 and 32) No one appeared in opposition to the request. At the close of the hearing the record was left open to receive revised site plans that reflected split-zoning for the site. These items were received on June 15, 2005 and the record was closed at that time. (Exhibits 61(a)-(d))

ISSUE

(1) The Applicant alleges that there has been substantial change in the character of the neighborhood since the District Council's adoption of the 1986 Sectional Map Amendment for Suitland-District Heights and Vicinity.

FINDINGS OF FACT

(1) The subject property consists of 1.37 acres and is rectangular in shape. It is developed and improved with a two-story detached single-family dwelling located at its nearest point approximately 17 feet from Marlboro Pike, two (2) sheds and an accessory garage, all in deteriorating condition.

(2) Half of the site is wedged between a R-55 zoned single-family subdivision. The half closest to Marlboro Pike is flanked by land in the C-C and C-S-C Zones. The site has more than 180 feet of frontage on Marlboro Pike and approximately 270 feet of frontage on Pinevale Avenue.

Surrounding Property

(3) The subject property is surrounded by the following uses:

- North – Across Marlboro Pike is an insurance office, bank and a gas Station in the C-O and C-S-C Zones
- South and Southeast – single-family residential properties in the R-55 Zone
- East – A mini-shopping mall with small retail and service uses in the C-S-C Zone
- West – A vacant property, a parking lot and a meeting hall in the C-S-C Zone

Neighborhood

(4) The Technical Staff provided the following boundaries for the neighborhood: to the north, Marlboro Pike; to the east, Forestville Road; to the south, Pennsylvania Avenue; and to the west, Donnell Drive. Applicant believes the neighborhood boundaries should be Walker Mill Road to the north, Pennsylvania Avenue to the south, the Capital Beltway to the east, and Silver Hill Road to the west. (Exhibit 34) This area is also identified as the District Heights Community in the Master Plan. The courts have accepted neighborhoods having a radius of one mile from the affected property, and those that were identical to neighborhood areas delineated on a master plan. *See*, Birckhead v. Board of County Commissioners, 260 Md. 594 (1971); Brown v. Wimpress, 250 Md. 200 (1968).

(5) This Examiner generally accepts the neighborhood proffered by the Applicant. (Exhibit 8) It is reasonable to extend the neighborhood slightly from that proposed by Staff since it is very restrictive to limit the northern boundary to the street on which the site is situated. Accordingly, the neighborhood for purposes of this decision shall be defined as Walker Mill Road to the north, Pennsylvania Avenue to the south, the Capital Beltway to the east, and Silver Hill Road to the west.

Master Plan/Sectional Map Amendment

(6) The subject property lies within the northern boundary of the District Heights Community as described in the 1986 Master Plan for Suitland–District Heights and Vicinity (Planning Areas 75A and 75B) The 1986 Master Plan for Suitland-District Heights and Vicinity recommends that the property be developed with townhouses "in order to reduce the possibility of strip-commercial uses along this section of [Marlboro] Pike." (1986 Master Plan for Suitland-District Heights and Vicinity, p. 95)

(7) The Master Plan also recognized the need for additional commercial retail uses within the Planning Area:

> Commercial retail planning in Suitland-District Heights will be for a projected year 2000 population of 102,000 persons, recognizing that the total residential holding capacity exceeds this level. This population level will result in a total retail floor space deficit of 1,209,055 square feet for Planning Area residents, assuming both a 100 percent capture rate and the conservation of all existing retail floor space as a base for meeting future need....
>
> Existing commercial retail areas – whether in highway-commercial strips, centers or spot locations – should remain largely retail in the future, with marginal shifts such as lot assembly, redevelopment, infill, changing use, consolidation of use areas, changing ownerships and management styles each contributing to achievement of the Plan and other County/local objectives.

(1986 Master Plan for Suitland-District Heights and Vicinity, pp. 151, 153)

(8) The 1986 Sectional Map Amendment for Suitland-District Heights and Vicinity rezoned the property from the R-R to the R-T Zone.

(9) The property is located within the Developed Tier, discussed in the 2002 General Plan. The vision for the Developed Tier "is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium-to high-density neighborhoods." (2002 General Plan, p. 31)

Additional Facts

(10) Applicant is a profit-sharing trust that makes investments for the benefit of the employees of the Atlantic Plumbing Supply Company. (T. 3-4) Applicant's representative stated that the home on the site is vacant and Applicant intends to market the property and place all proceeds in the trust.

(11) Applicant requests that the 1.37 acres be rezoned from the R-T to the C-S-C Zone. The 1986 Sectional Map Amendment placed or retained the site and several nearby parcels in the R-T Zone in order to preserve the residential character of the neighborhood. Applicant argues that there has been substantial change in the character of this neighborhood since the adoption of the Master Plan and Sectional Map Amendment that negate the validity of the R-T Zone on the subject site. Applicant offered the testimony of Shepherd Tullier, accepted as an expert in the area of land use planning, in support of its argument. Mr. Tullier proffered several indicia of change in the character of the neighborhood defined by Applicant:

- The 1992 rezoning of a 5.2-acre parcel at the south side of the Marlboro Pike/Forest Drive intersection from the C-O Zone to the R-18C Zone (A-9864-C). A Detailed Site Plan has been approved for condominiums and additional townhouses at this site. (Exhibit 36)

- The rezoning of a 1.75-acre parcel on the north side of Marlboro Pike adjacent to the Post Office at Sydney Avenue from the C-O Zone to the R-18C Zone. (A-9879)
- A .57-acre portion of a parcel on the east of Boone's Lane, approximately 300 feet north of Marlboro Pike was rezoned to the C-S-C Zone to "square off" the property.

(Exhibits 7, 31 and 34)

(12) There was an additional rezoning just outside of the southern boundary of the neighborhood, 300 feet from the intersection of Walters Lane and Pennsylvania Avenue. This 11-acre parcel was rezoned from the C-O to the R-18C Zone and has been developed with townhouses. A nursing home in the C-O Zone and within the neighborhood received Special Exception approval to expand by an additional 12,000 square feet. Moreover, several churches have located within the neighborhood on commercially or industrially zoned properties. (Exhibits 7 and 34; T. 25-26) The cumulative effect of the rezonings and the increase in residential/institutional uses has been to decrease the available land in the neighborhood for commercial development.

(13) The Technical Staff recommended that the Application be denied, primarily because it believed the request was in conflict with the Master Plan recommendation for residential development at the estate density. (Exhibit 5) Staff believed that the request would "negatively impact the existing stable single-family residential communities to the rear of the subject property ... in terms of noise and visual pollution." (Exhibit 16) The Applicant was precluded by Section 27-143(a)(4) of the Zoning Ordinance from requesting that the property be dual-zoned. However, it also recognizes the possible negative impact to the homes to the rear and is not opposed to the imposition of a split zone on the property, as discussed *infra.* (Exhibits 13 and 41(a))

(14) Staff also did not belief change in the character of the neighborhood was shown:

> The neighborhood has not seen substantial change in the character to justify the rezoning of this property from the R-T Zone to the C-S-C Zone. Two (2) rezonings cited by the applicant were for commercial to residential zoning which might support a change toward residential. The one rezoning from residential to commercial consists of one-half acre of land which does not change the character of the neighborhood. The applicant notes this rezoning was to correct or adjust the zoning boundary line for the site.
>
> The applicant contends that the development of a nursing home in a commercial zone via a special exception application supports the change argument. However, as part of the District Council approval of a special exception, it must find that the use does not impair the integrity of the master plan.

> The applicant also contends that the increasing presence of churches in the commercial shopping centers in the neighborhood reduces available commercial space. While churches are occupying space in shopping centers, etc., the properties are still zoned commercial and may be reused in a commercial manner in the future. This situation is not occurring solely in the subject area and it is not static.
>
> The last point the applicant makes is that some R-T zoned properties have not developed with townhouses but with single-family detached units. The applicant states that because the plan envisioned townhouses providing a buffer between the existing commercial uses on Marlboro Pike and the abutting single-family detached development, the absence of the townhouses supports a rezoning of the property to commercial use. The fact that a residentially zoned property develops with a permitted lower density residential use than what was envisioned by the master plan does not support a commercial rezoning of the subject site even though the envisioned development was to function as a buffer. The new development, recognizing the existing commercial uses along the corridor, now has become the buffer.

(Exhibit 16, p. 3)

(15) Staff also reviewed the adequacy of public facilities serving the site.[1] It concluded that all public service response times fell within the acceptable range with the exception of ladder service. The Environmental Planning Section noted that the site is located within the Air Compactable Installation Use Zone of Andrews Air Force Base. The Air Force Base is a major noise generator and properties within the Use Zone could be negatively impacted by noise in excess of generally accepted decibel levels. (Exhibit 18)

(16) The Planning Board recommended that the Application be approved. (Exhibit 27) In arriving at its recommendation the Board reasoned as follows:

> The Planning Board believes the C-S-C Zone is most appropriate for the subject property. The property is sandwiched between C-S-C Zoned properties along a major arterial. It is unlikely that such a small property would yield an attractive townhouse development in accordance with the purposes of the R-T Zone. The Board accepts the neighborhood defined by the applicant and, based on testimony and applicant's exhibits 1A, 1B and 2, is persuaded that a substantial change has occurred. Exhibits 1A and 1B illustrate rezonings that have occurred that established a trend of uses that [were] not anticipated by the 1986 master plan. The most notable changes include the large concentration of churches occupying commercial space and a nursing home located across Marlboro Pike from the subject property. Exhibit 2 is a Zoning Hearing Examiner decision (A-9958) that illustrates how several small changes in a neighborhood can

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[1] Staff's review occurred prior to the County Council's adoption of CB-89-2004. This bill amended the adequate public facilities requirements set forth in Section 24-122.01 of the Prince George's County Code.

cumulatively rise to the level of a substantial change in the character of the neighborhood.

(Exhibit 27, p.5)

(17) The subject property lies slightly beyond the municipal boundaries of the City of District Heights. However, the City noted its support of the rezoning Application. (Exhibit 10)

APPLICABLE LAW

(1) Section 27-157 governs the instant Application. This Section provides, in pertinent part, as follows:

(a) **Change/Mistake rule.**

(1) 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 and such mistake occurred not more than six years prior to the filing of an application for the proposed zoning map amendment providing, however, that for those properties for which the current Sectional Map Amendment has been adopted prior to 1990 such mistake shall have occurred not more than ten (10) years prior to the filing of an application for the proposed zoning map amendment.

(b) **Conditional approval.**

(1) When it approves a Zoning Map Amendment, the District Council may impose reasonable requirements and safeguards (in the form of conditions) which the Council finds are necessary to either:

(A) Protect surrounding properties from adverse effects which might accrue from the Zoning Map Amendment; or

(B) Further enhance the coordinated, harmonious, and systematic development of the Regional District.

(2) In no case shall these conditions waive or lessen the requirements of, or prohibit uses allowed in, the approved zone.

(3) All building plans shall list the conditions and shall show how the proposed development complies with them.

(4) Conditions imposed by the District Council shall become a permanent part of the Zoning Map Amendment, and shall be binding for as long as the zone remains in effect on the property (unless amended by the Council).

(5) If conditions are imposed, the applicant shall have ninety (90) days from the date of approval to accept or reject the rezoning as conditionally approved. He shall advise (in

writing) the Council, accordingly. If the applicant accepts the conditions, the Council shall enter an order acknowledging the acceptance and approving the Map Amendment, at which time the Council's action shall be final. Failure to advise the Council shall be considered a rejection of the conditions. Rejection shall void the Map Amendment and revert the property to its prior zoning classification. The Council shall enter an order acknowledging the rejection, voiding its previous decision, and reverting the property to its prior zoning classification, at which time the Council's action shall be final.

(6) All Zoning Map Amendments which are approved subject to conditions shall be shown on the Zoning Map with the letter "C" after the application number.

(2) It is helpful to review the purposes of the applicable zones to properly determine whether the Application should be approved. The property is currently zoned R-T. The purposes of the R-T Zone are as follows:

Sec. 27-433. R-T Zone (Townhouse).

(a) Purposes.

(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.

(3) Applicant is requesting a rezoning to the C-S-C Zone. The purposes of the commercial zone, in general, and the C-S-C Zone, in particular, are found in Sections 27-446 and 27-454. Section 27-446 provides as follows:

(a) The purposes of Commercial Zones are:

(1) To implement the general purposes of this Subtitle;

(2) To provide sufficient space and a choice of appropriate locations for a variety of commercial uses to supply the needs of the residents and businesses of the County for commercial goods and services;

(3) To encourage retail development to locate in concentrated groups of compatible commercial uses which have similar trading areas and frequency of use;

(4) To protect adjacent property against fire, noise, glare, noxious matter, and other objectionable influences;

(5) To improve traffic efficiency by maintaining the design capacities of streets, and to lessen the congestion on streets, particularly in residential areas;

(6) To promote the efficient and desirable use of land, in accordance with the purposes of the General Plan, Area Master Plans and this Subtitle;

(7) To increase the stability of commercial areas;

(8) To protect the character of desirable development in each area;

(9) To conserve the aggregate value of land and improvements in the County; and

(10) To enhance the economic base of the County.

(4) Section 27-454 provides, in pertinent part, as follows:

(a) **Purposes.**

(1) The purposes of the C-S-C Zone are:

(A) To provide locations for predominantly retail commercial shopping facilities;

(B) To provide locations for compatible institutional, recreational, and service uses;

(C) To exclude uses incompatible with general retail shopping centers and institutions; and

(D) For the C-S-C Zone to take the place of the C-1, C-2, C-C, and C-G Zones.

(5) If the District Council is inclined to rezone that rear portion of the property flanked by homes in the R-55 Zone to the R-55 Zone, the application must satisfy the purposes of the R-55 Zone set forth in Section 27- 430(a) of the Zoning Ordinance:

(1) The purposes of the R-55 Zone are:

(A) To provide for and encourage variation in the size, shape, and width of one-family detached residential subdivision lots, in order to better utilize the natural terrain;

(B) To facilitate the planning of higher density one-family residential developments with small lots and dwellings of various sizes and styles;

(C) To encourage the preservation of trees and open spaces; and

(D) To prevent soil erosion and stream valley flooding.

(6) The Court of Appeals of Maryland has repeatedly recognized that there is a strong presumption of the correctness of original zoning and of comprehensive rezoning, and that "strong evidence" of error is required to overcome that presumption. Pattey v. Board of County Comm'rs for Worcester County, 271 Md. 352, 359, 317 A.2d 142, 146 (1874); Wakefield v. Kraft, 202 Md. 136, 141-142, 96 A2d 27, 29 (1953); Trainer v. Lipchin, 269 Md. 667, 672-73, 309 A.2d 471, 474 (1973);Stratakis v. Beauchamp, 268 Md. 643, 652-53, 304 A.2d 2441, 249 (1973); Howard County v. Dorsey, 292, Md. 351, 438 A.2d 1339(1982).

(7) The zoning agency may review cumulative changes in the neighborhood since the prior rezoning when assessing whether a zoning amendment request should be granted. Town of Somerset v. County Council for Montgomery, 229 Md. 42, 181 A. 2d 671(1962); Montgomery County v. Greater Colesville Citizens Assn., 170 Md. App. 374, 521 A.2d 770 (1987). Some cumulative changes that may be indicative of substantial change in the character of the neighborhood are road upgrades, prior rezonings, new and modified infrastructures, and new development. Bowman Group v. Moser, 112 Md. App. 694, 686 A.2d 643 (1996)

Burden of Proof

(8) The burden of proof in any zoning case shall be the Applicant's. Section 27-142(a). Zoning cases are those matters designated to be heard before the Zoning Hearing Examiner by the Zoning Ordinance of Prince George's County. Section 27-107.01(a)(266). In an attempt to rezone its property, Applicant has the burden of proving that its request will not be a real detriment to the public. Bowman, *supra.* However, in a piecemeal rezoning case, sufficient evidence to "permit" a rezoning does not "require" a rezoning unless an Applicant is denied all reasonable use of the property. Valenzia v. Zoning Board, 270 Md. 479, 484, 312 A.2d 277 (1973); Messenger v. Board of County Commissioners, 259 Md. 693, 271 A.2d 166, 171 (1970).

CONCLUSION

(1) The Applicant primarily argues that there has been substantial change in the character of the neighborhood since the last rezoning of the property. It has met its burden of showing cumulative changes that can be found to have changed the character of the neighborhood as envisioned in the most recent comprehensive zoning of the area. It has also shown that a pattern of non-commercial use of commercially zoned land exists and that it, and the rezonings, reduced the available commercial land in the area.

(2) It has been held that Master Plan recommendations are merely a guide or non-binding piece of evidence in the review of piecemeal rezoning applications. Richmarr Holly Hills, Inc. v. American PCS, L.P., 117 Md. App. 607, 701 A.2d 879 (1997); Nottingham Village v. Baltimore County, 266 Md. 339, 292 A. 2d 680 (1972) The record in the instant case indicates that all of the goals of the Master Plan would not be furthered by the Application, but this should not bar approval of the request.

(3) The properties on both sides of the subject site and the properties across Marlboro Pike have been developed with commercial uses. Other parcels within the neighborhood that were intended for commercial uses have been rezoned and are, for the most part, developed with townhouses. This pattern of development since the adoption of the Sectional Map Amendment vitiated the Master Plan's suggestion that the subject property be developed with townhouses as a transition zone. If the request

were granted, however, other goals of the Master Plan, namely the provision of additional commercial retail space, would be furthered.

(4) The requested rezoning would satisfy the purposes of commercial zones, in general, and the C-S-C Zone, in particular. The site abuts C-S-C zoned land on both sides and would be an additional location for predominantly retail commercial shopping facilities to locate. (Section 27-454(a)(1)(A)) The size of the parcel would most likely lead to the development of a single commercial use compatible with those in existence along Marlboro Pike. (Section 27-454(a)(1)(B))

(5) There are properties to the rear of the subject site in the R-55 Zone. I agree with Staff that the placement of the C-S-C Zone might negatively impact these properties, and, therefore, recommend that the site be split-zoned. While such dual-zoning is not encouraged it does occur from time to time if it furthers the public, health, safety and welfare as it would in the case at bar. The record was left open to allow Applicant the opportunity to submit site plans that show a split-zoning of the parcel. (Exhibit 41 (a)-(d)) Exhibit 41(c) best addresses the Applicant's desires and the needs of the residentially-zoned properties that abut the site to its rear. It roughly places the rear portion of the site in the R-55 zone and the portion to the front (which abuts C-S-C zoned property), in the C-S-C Zone. If the District Council does not believe this split zoning satisfies the purposes of the R-55 Zone, an alternative would be to retain the R-T zoning of the rear portion of the site. Under either scenario the adjacent developed homes would be better buffered from any commercial development that will occur on the northern portion of the subject property.

RECOMMENDATION

Approve application A-9961 with the following conditions:

1. The property shall be split-zoned. The 0.44-acre portion of the property delineated by a diagonal line between Parcel 15 to the west of the site and a point to the west of the front property line of the R-55 zoned parcel to the east of the subject site as indicated on Exhibit 41(c) shall be placed in the R-55 Zone. The remaining 0.93-acre portion of the property that abuts C-S-C zoned land to the east and west as indicated on Exhibit 41(c) shall be placed in the C-S-C Zone.

2. Prior to the issuance of any permits, the Applicant, its heirs, successors or assigns shall submit a Detailed Site Plan for review and approval by the Planning Board or its designee in accordance with Part 3, Subdivision 9 of the Zoning Ordinance. The site plan review shall focus on the proposed landscaping, fencing, and buffering as well as the siting of any proposed building, paving and on-site parking, especially between the internal portion of the site and the existing residential uses.

3. All future development applications on this site shall include a Phase I and/or Phase II Noise Study as appropriate, show the locations of the 65dBA Ldn noise contour (mitigated or unmitigated) and show that all state noise standards have been met for interior areas.

[Note: The Site Plan is Exhibit 41(c); The approval of the Application requires a two-thirds vote of all members of the District Council, pursuant to Article 28, Section 8-104(a)(3) of the Annotated Code of Maryland)

THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

September 21, 2005

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, a copy of the Zoning Ordinance No. 9-2005 granting preliminary conditional zoning approval of A-9961-C Atlantic Plumbing, is attached.

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 by the District Council. Upon receipt by the Clerk's Office of a written acceptance by the applicant, a final Order will be issued with an effective date for conditional approval shown as the date written acceptance was received by the Clerk's Office.

The failure to accept the conditions in writing within ninety (90) days from the date of approval shall be deemed a rejection. Rejection shall void the Map Amendment and revert the property to its prior zoning classification.

Written approval or rejection of conditions must be received by the Clerk's Office no later than the close of business (5:00 p.m.) on December 12, 2005.

CERTIFICATE OF SERVICE

This is to certify that on September 21, 2005, this notice and attached Order were mailed, postage prepaid, to the attorney/correspondent and applicant(s). Notice of final approval will be sent to all persons of record.

Redis C. Floyd
Clerk of the Council

(5/99)

Case No.: A-9961-C

Applicant: Atlantic Plumbing Supply Profit Sharing Trust Fund

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

ZONING ORDINANCE NO. 9 - 2005

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, by approving a rezoning, with conditions.

WHEREAS, Application No. A-9961-C has been filed, to rezone from the R-T to the C-S-C Zone property described as approximately 1.37 acres of land on the south side of Marlboro Pike, about 590 feet west of the intersection with Forestville Road, identified as 7521 Marlboro Pike, Forestville; and

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

WHEREAS, the application was reviewed by the Technical Staff and the Planning Board, which filed recommendations with the District Council; and

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

WHEREAS, the Zoning Hearing Examiner's recommendations were filed with and considered by the District Council; and

WHEREAS, the District Council has determined, after consideration of the entire record, that the subject property should be zoned in part R-55 and in part C-S-C; and

WHEREAS, to protect adjacent properties and the neighborhood, this rezoning is granted with conditions; and

WHEREAS, as the basis for this action, the District Council adopts the recommendations of the Zoning Hearing Examiner as its findings of fact and conclusions of law 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 the subject of Application No. A-9961-C from the R-T Zone to the C-S-C and R-55 zones, as shown in Exhibit 41 (c). The parcel lying south and west of the line between Parcel 15 (west of the subject property) and a point on the east side of the property, as indicated on Exhibit 41 (c), shall be placed in the R-55 Zone. The remaining 1.18-acre portion of the subject property, abutting C-S-C land to the east and west, shall be placed in the C-S-C Zone.

SECTION 2. Application A-9961-C is approved subject to the following conditions: (This applies to both the R55 & CSC portions)

1. Before issuance of permits, the applicant or its successors or assigns shall submit a detailed site plan for review and approval, in accordance with Part 3, Subdivision 9, of the Zoning Ordinance.

2. Detailed site plan review is to determine the adequacy

of proposed landscaping, fencing, and buffering, and the location of proposed buildings, paving, and on-site parking, especially as between the internal portion of the site and residential uses on adjacent properties.

3. All future development on this site shall include a Phase I or Phase II Noise Study, as appropriate, to show the locations of the 65 dBA Ldn noise contour (mitigated or unmitigated), and show that all State noise standards have been met, for interior areas.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall become effective on the date of its enactment, and the rezoning approved herein shall become effective when the applicant accepts in writing the conditions in Section 2.

Enacted this 12th day of September, 2005, for initial approval, by the following vote:

In Favor: Council Members Dean, Bland, Campos, Exum, Harrington, Hendershot and Peters

Opposed:

Abstained:

Absent: Council Members Dernoga and Knotts

Vote: 7-0

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: Samuel H. Dean
Samuel H. Dean, Chairman

ATTEST:

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

Case No.: A-9961-C

Applicant: Atlantic Plumbing Supply Profit Sharing Trust Fund

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

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate the applicant's acceptance of conditional zoning and to grant final conditional zoning approval.

WHEREAS, the District Council in approving Application No. A-9961-C, to rezone the subject property from the R-T Zone to the C-S-C Zone, attached conditions; and

WHEREAS, the applicant has duly consented in writing to the conditions; and

WHEREAS, the District Council, having reviewed the application and the administrative record, deems it appropriate to accept the applicant's consent to the conditions and to approve final conditional rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Application No. A-9961-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional zoning approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

SECTION 2. Use of the subject property as conditionally reclassified shall be subject to all requirements in the applicable

zones and to the requirements in the conditions referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient grounds for the District Council to annul the rezoning approved herein; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; or to take any other action deemed necessary to obtain compliance.

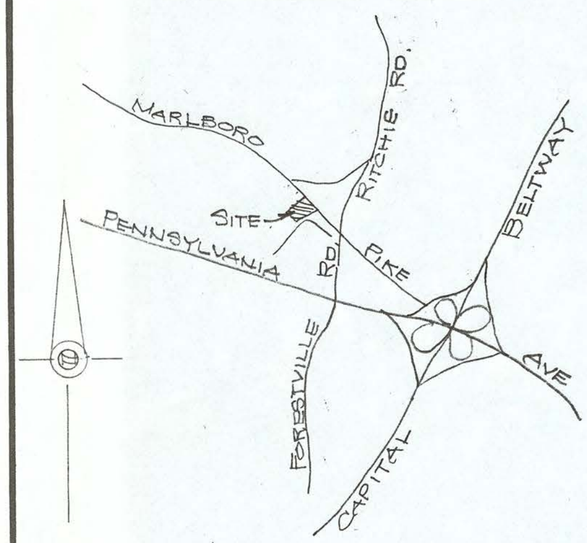
SECTION 3. This Ordinance is effective on October 26, 2005, the date of receipt of the applicant's acceptance of the conditions imposed.

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: Samuel H. Dean
Samuel H. Dean, Chairman

ATTEST:

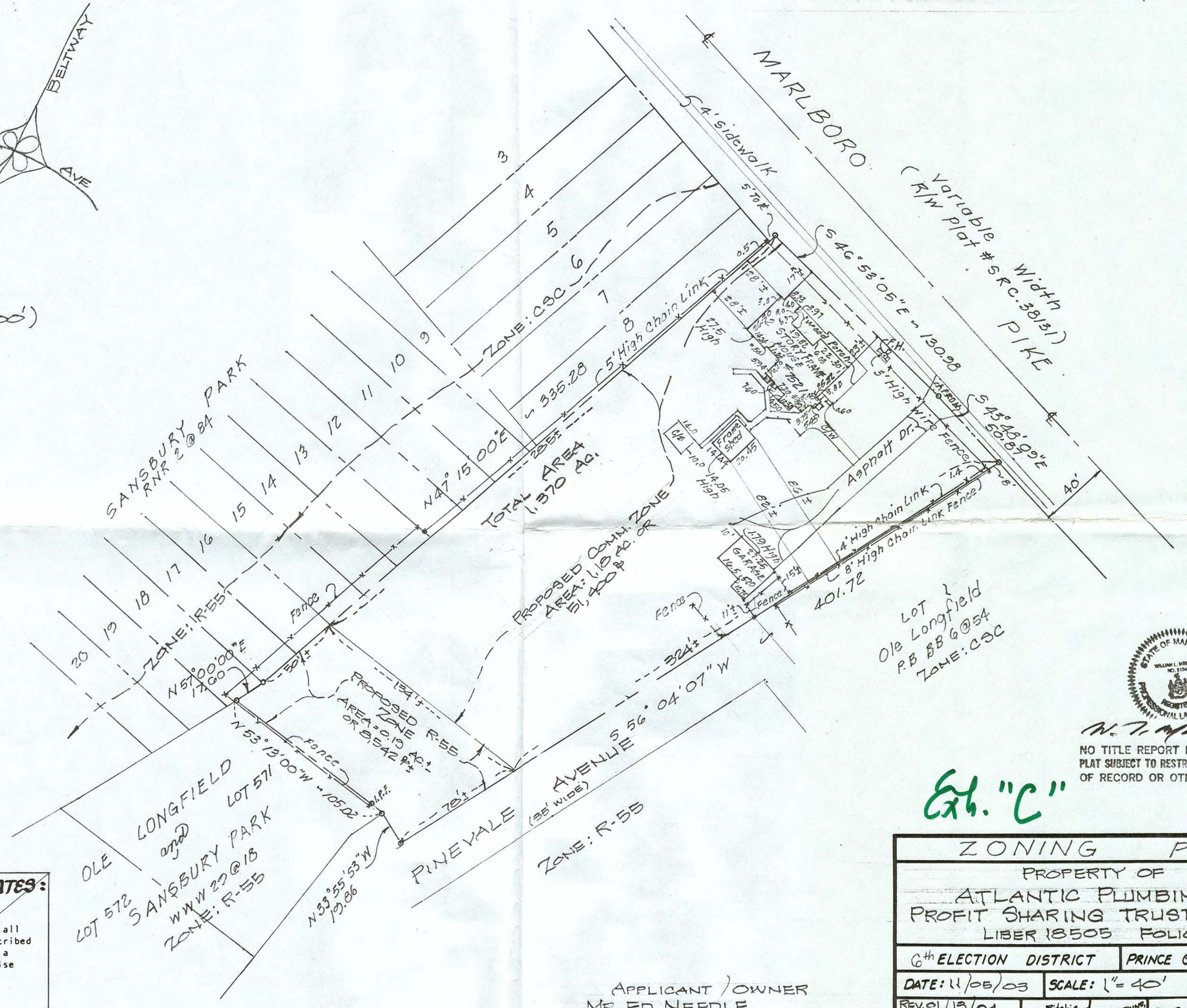
Redis C. Floyd
Clerk of the Council



LOCATION MAP
(SCALE: 1"=2000')

NOTE:
EXIST. ZONE - RT
REQUESTED ZONE - COMMERCIAL & R-55

1"=40'



STATE OF MARYLAND
WILLIAM L. MEEKINS
NO. 2134
REGISTERED
PROFESSIONAL LAND SURVEYOR

11-5-03

NO TITLE REPORT FURNISHED.
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.

Exh. "C"

SURVEYOR'S CERTIFICATES:

I hereby certify that the position of all the existing improvements on the above described property has been carefully established by a transit-tape survey and that unless otherwise shown, there are no visible encroachments.

Date:

I hereby certify that I have carefully surveyed the property as shown by this plat and iron pipe are in place as shown.

Date:

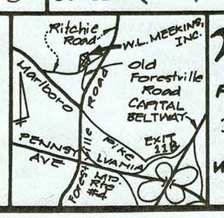
APPLICANT / OWNER
MR. ED NEEDLE
% ATLANTIC PLUMBING SUPPLY
PROFIT SHARING TRUST FUND
807 "V" STREET, N.W.
WASHINGTON, D.C. 20001
CONTACT: MR. ED GIBBS
PH. 301-306-0033

ZONING PLAT

PROPERTY OF
ATLANTIC PLUMBING SUPPLY
PROFIT SHARING TRUST FUND
LIBER 18505 FOLIO 453

6th ELECTION DISTRICT	PRINCE GEORGE'S COUNTY, MD.
DATE: 11/05/03	SCALE: 1"= 40'
SHEET 1 OF 1	

REV. 01/13/04
" 02/03/05
" 04/13/05



W.L. MEEKINS, INC.
3101 RITCHIE ROAD
FORESTVILLE, MD. 20747-4434
PHONE
301-736-6387/5366/7115
FAX 301-736-5364
W.L. MEEKINS, LAND SURVEYOR
MD #2134 VA #576

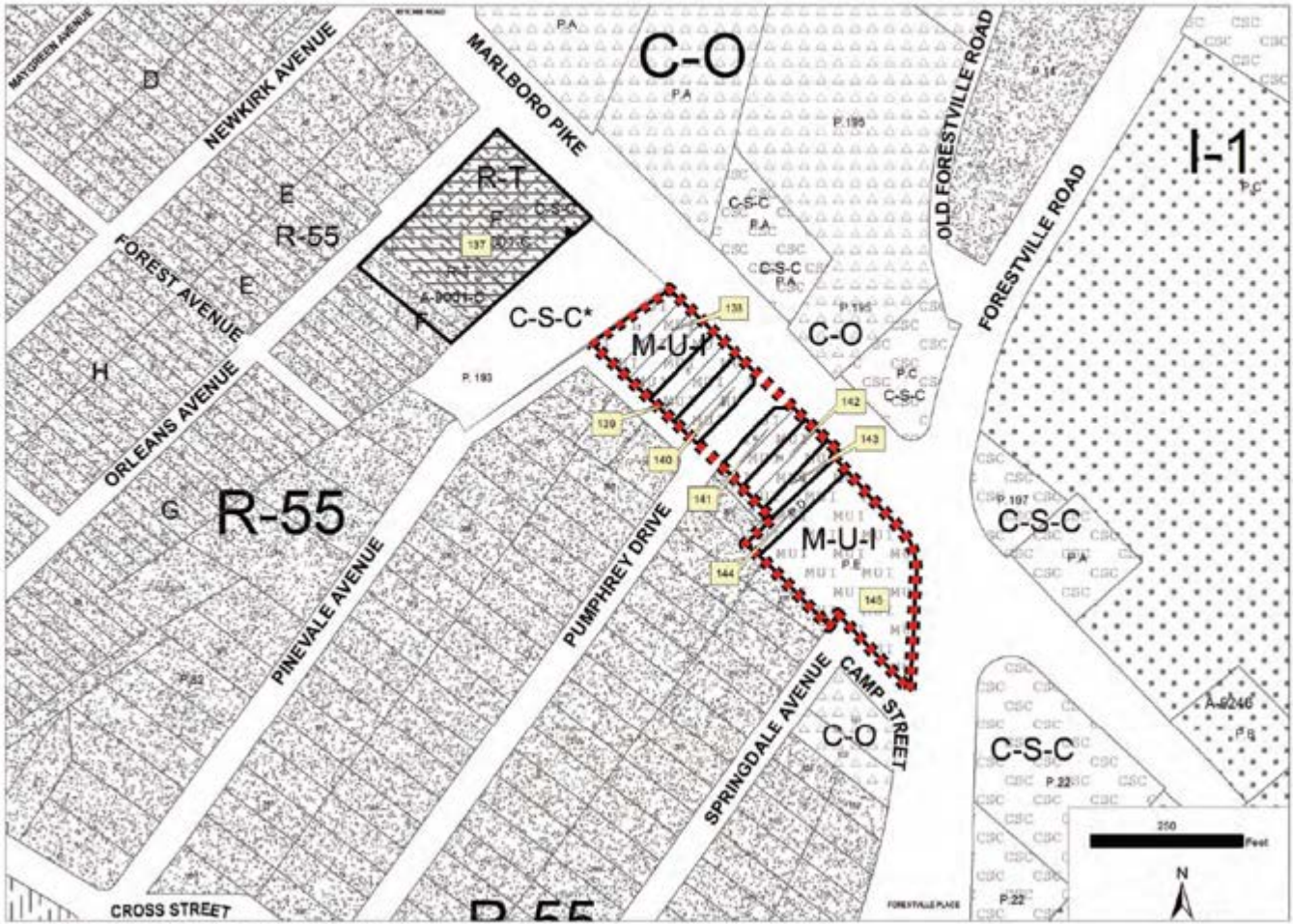
621968

APPROVED MARLBORO PIKE SECTOR PLAN AND PROPOSED SMA

Index Y: SMA change 137 (C-S-C, C-C to R-T)

Index Z: SMA change 138-145 (C-S-C to M-U-I with Commercial B-DOZ)

Attachment 5



*Per File No. A-9961 PGCPB No. 04-243(C)

PART 1

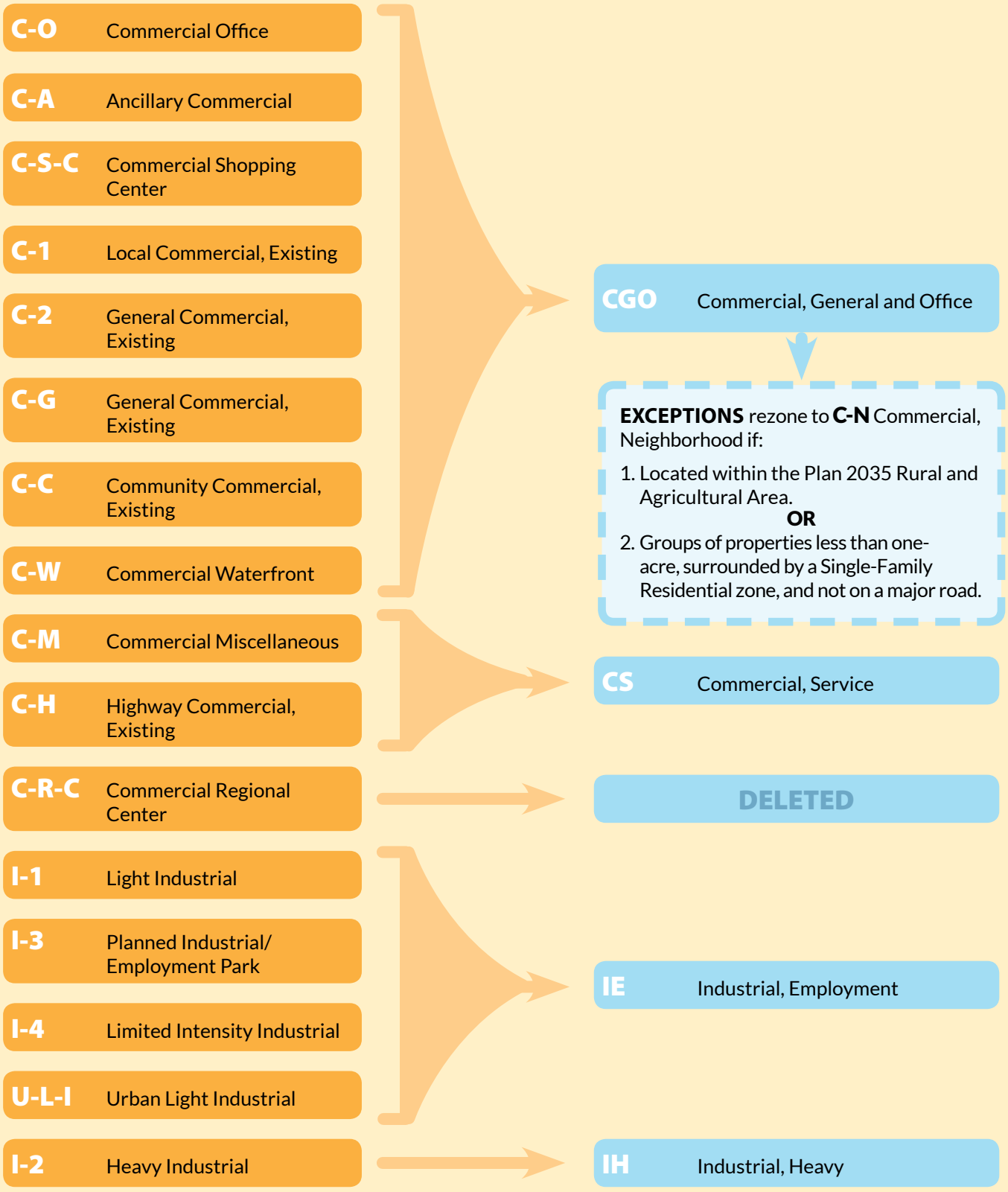
Attachment 6

New Zone Conversion Chart

BASE ZONES—RESIDENTIAL

R-E	Residential-Estate	RE	Residential Estate
R-R	Rural Residential	RR	Residential, Rural
R-80	One-Family Detached Residential	RSF-95	Residential, Single-Family—95
R-55	One-Family Detached Residential	RSF-65	Residential, Single-Family—65
R-35	One-Family Semidetached, and Two-Family Detached, Residential	RSF-A	Residential, Single-Family—Attached
R-20	One-Family Triple-Attached Residential		
R-T	Townhouse		
R-30	Multifamily Low Density Residential	RMF-12	Residential, Multifamily—12
R-30C	Multifamily Low Density Residential—Condominium		
R-18	Multifamily Medium Density Residential	RMF-20	Residential, Multifamily—20
R-18C	Multifamily Medium Density Residential—Condominium		
R-10	Multifamily High Density Residential	RMF-48	Residential, Multifamily—48
R-10A	Multifamily, High Density Residential—Efficiency		
R-H	Multifamily High-Rise Residential		

BASE ZONES—NONRESIDENTIAL



Deletion of the following zones is proposed because zone structures are duplicated or no longer in use; C-R-C, R-L, R-S, R-M, R-U, E-I-A, V-L, V-M, L-A-C, M-A-C, R-P-C, M-X-T, M-U-I, UC-4, UC-3, UC-2, UC-1, R-O-D, A-C-O, T-D-O, and D-D-O.

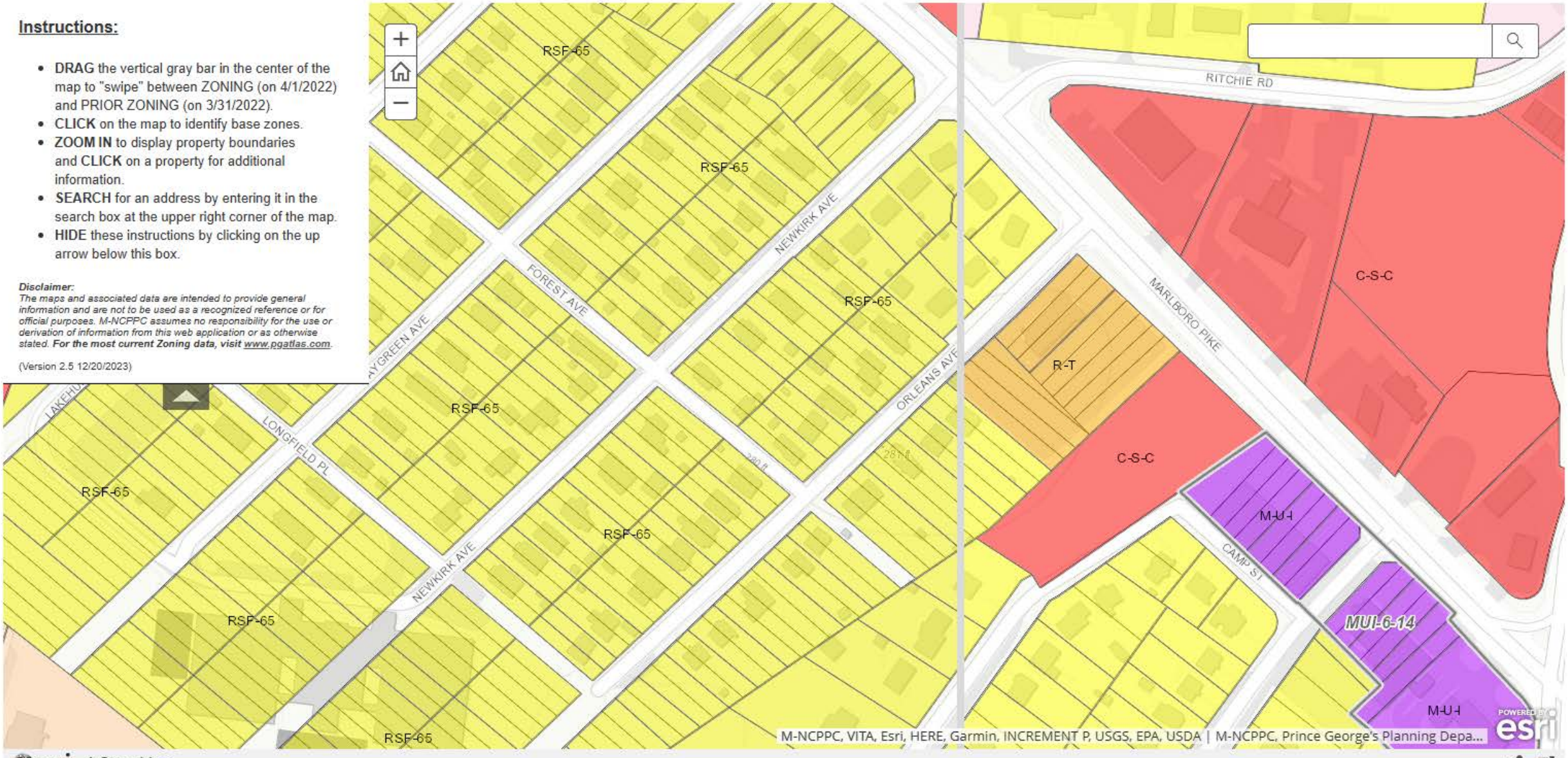
ZONING (on 4/1/2022) Attachment 7 **PRIOR ZONING** (on 3/31/2022)

Instructions:

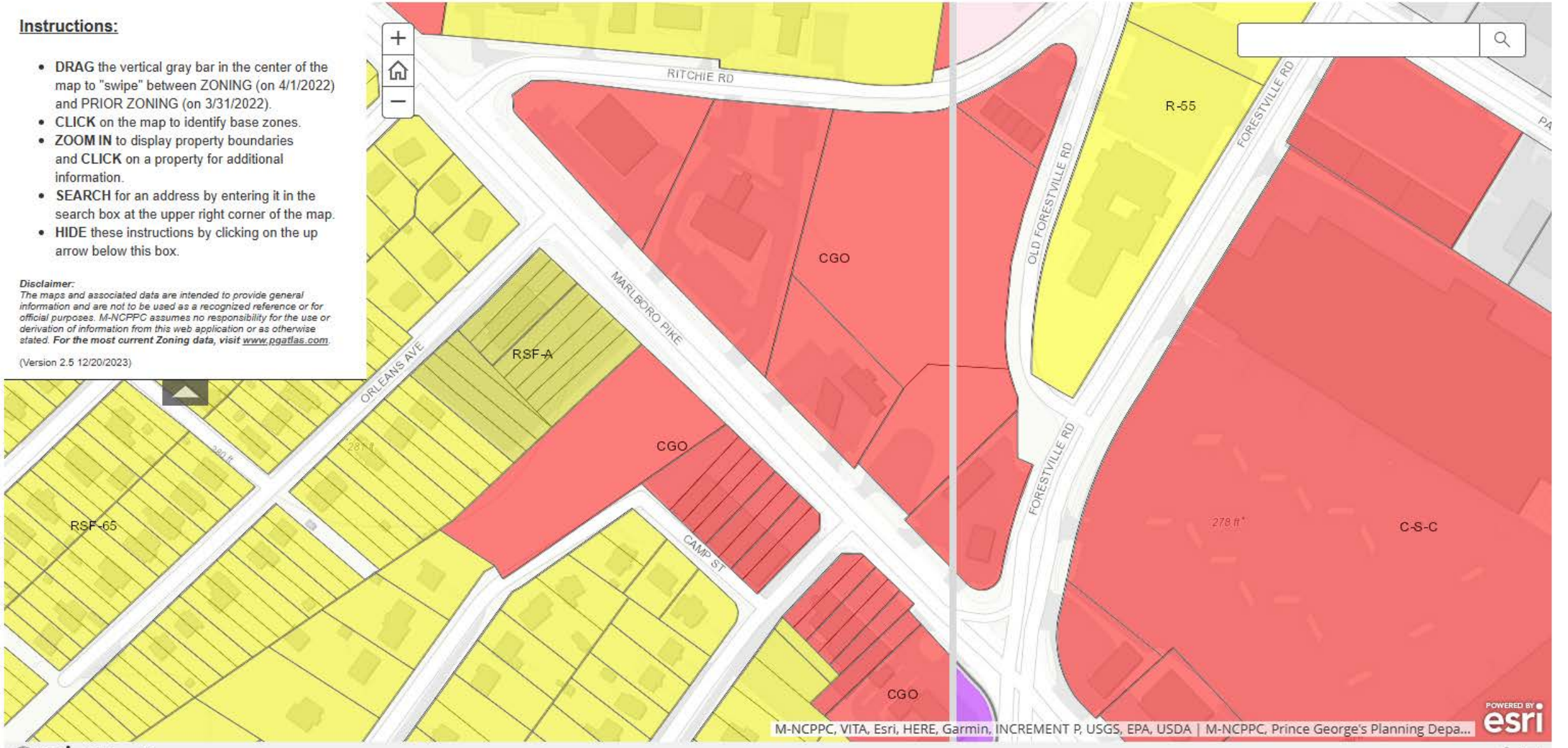
- **DRAG** the vertical gray bar in the center of the map to "swipe" between ZONING (on 4/1/2022) and PRIOR ZONING (on 3/31/2022).
- **CLICK** on the map to identify base zones.
- **ZOOM IN** to display property boundaries and **CLICK** on a property for additional information.
- **SEARCH** for an address by entering it in the search box at the upper right corner of the map.
- **HIDE** these instructions by clicking on the up arrow below this box.

Disclaimer:
The maps 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 or derivation of information from this web application or as otherwise stated. ***For the most current Zoning data, visit*** *www.pgatlas.com.*

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ZONING (on 4/1/2022) | **PRIOR ZONING** (on 3/31/2022)

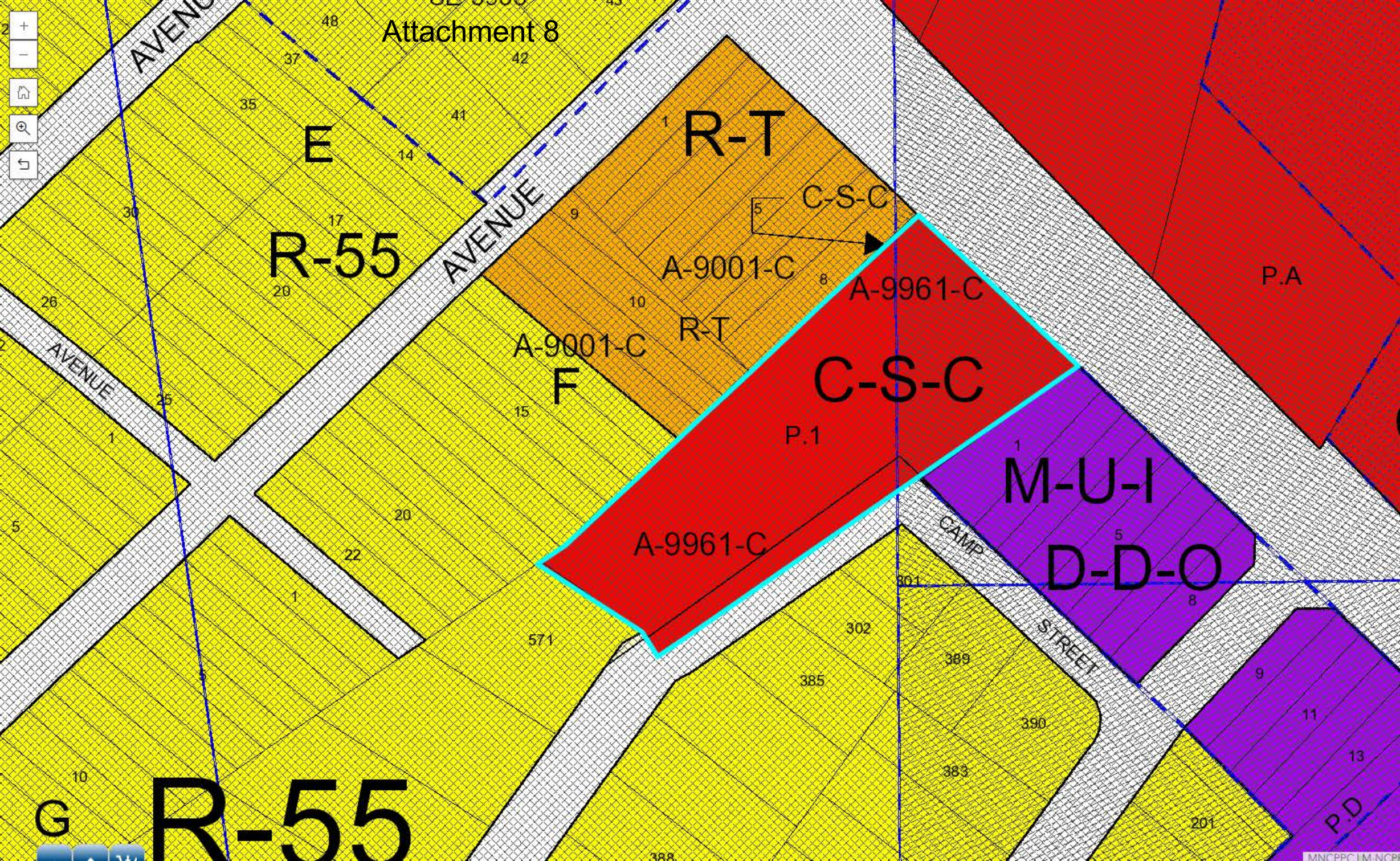


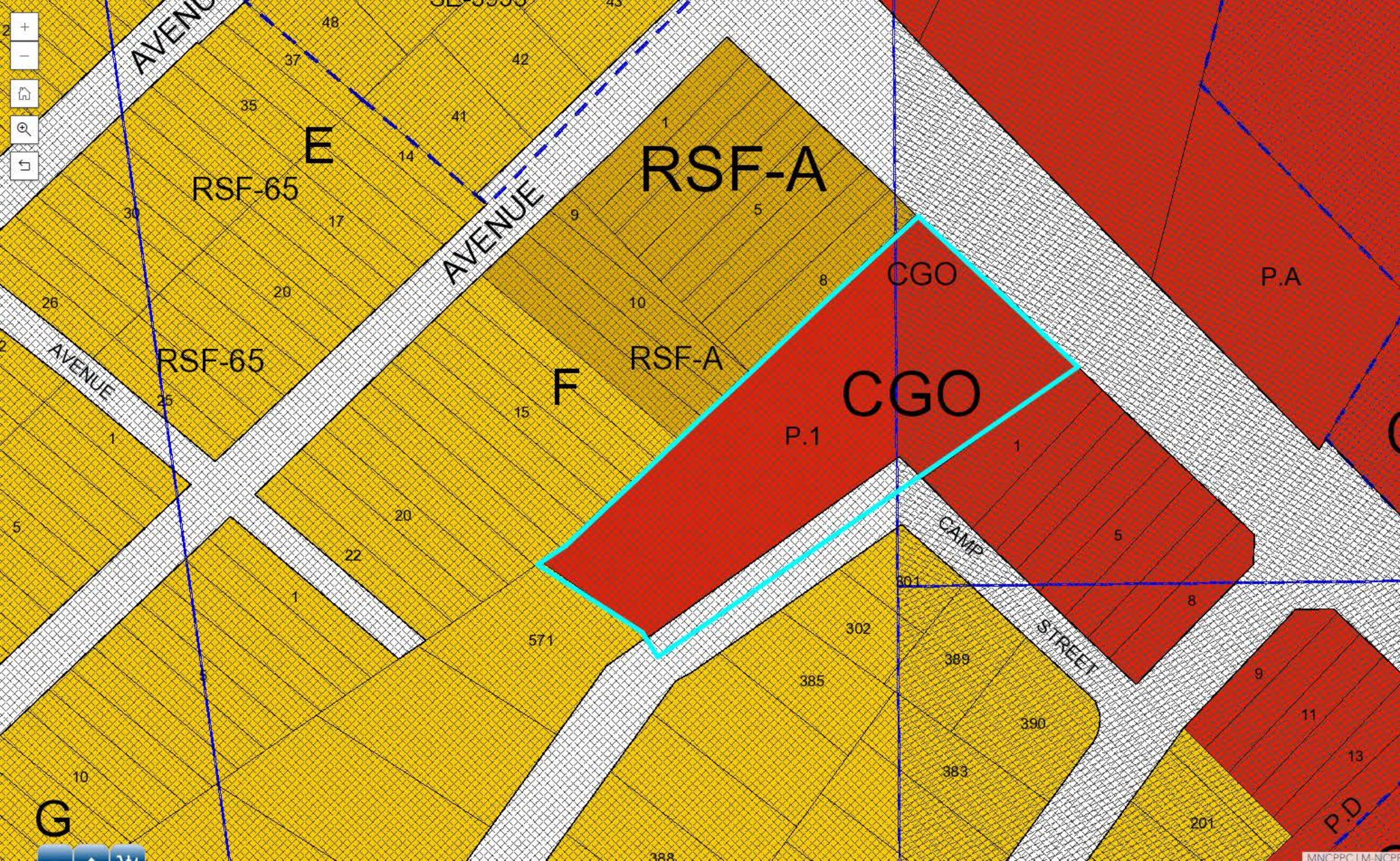
Instructions:

- **DRAG** the vertical gray bar in the center of the map to "swipe" between ZONING (on 4/1/2022) and PRIOR ZONING (on 3/31/2022).
- **CLICK** on the map to identify base zones.
- **ZOOM IN** to display property boundaries and **CLICK** on a property for additional information.
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(Version 2.5 12/20/2023)


Attachment 8
AVENUE
AVENUE
AVENUE
E
R-55
R-T
C-S-C
A-9001-C
R-T
A-9001-C
F
A-9961-C
C-S-C
P.1
A-9961-C
M-U-I
D-D-O
P.A
CAMP
STREET
G
R-55
P.D


AVENUE
AVENUE
AVENUE
E
RSF-65
RSF-65
F
RSF-A
RSF-A
CGO
CGO
P.1
P.A
CAMP
STREET
G
P.D
48
37
42
35
41
14
30
17
1
9
5
8
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201
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8

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