

Case No.: A-10000

Applicant: LMJ Real Properties and
Investments, Inc.

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

ZONING ORDINANCE NO. 11 - 2010

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

WHEREAS, Application No. A-10000 was filed for property described as approximately 5.068 acres of land, located at the terminus of Defiance Drive, approximately 160 feet east of its intersection with Star Drive, also identified as 1700 Defiance Drive, Fort Washington, to rezone the property to the R-R Zone; 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 duly filed with and considered by the District Council; and

WHEREAS, having reviewed the record in this case, the District Council has determined,

based on consideration of the entire record, that the subject property should be rezoned to the R-R Zone; and

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

A. The District Council adopts the descriptions of the subject and surrounding properties and the neighborhood, as set out by the staff in the Technical Staff Report. As indicated by staff and examiner, surrounding and neighborhood properties are most often developed with single-family detached residential units on lots of about one quarter to one half acre. Though they are in the R-E Zone, requiring minimum lot sizes of 40,000 square feet, most existing housing lots are smaller than 20,000 square feet, because they were subdivided earlier than 1967, the grandfather date.

B. The subject property at this time, on what is called Parcel 311, 1.06 acres, has a single-family dwelling, a barn, and other accessory buildings. The remainder of the tract, called Parcel 16, about four acres, has stables and other outbuildings. The applicant initially proposed single-family detached residential development, with lots 20,000 square feet or larger, but in the applicant's most recent revision, the rezoned property will have R-R zoning on only a part, as shown in the attached exhibit, and the remainder will be left in the R-E Zone. With total acreage of about 5.068, the applicant and subsequent owners will be allowed no more than six dwelling units, instead of the nine units first proposed.

C. Development of the property with six new single-family detached dwelling units will be in keeping with the density and character of the neighborhood, as defined by staff and

examiner in the record. As stated, existing residential densities are about two units per acre, on housing lots subdivided in the 1950s and 1960s.

D. As the basis for this rezoning, under § 27-157 (a) of the Zoning Ordinance, the District Council concludes from the record that the Council made an error, as to the subject property, in the most recent Sectional Map Amendment. The Henson Creek – South Potomac Master Plan and SMA, approved by the District Council in 2006, left the subject tract in the R-E Zone. But this land, undeveloped and surrounded by lots of one half acre or less, should have been allowed about six residential lots, as that density is consistent with what exists in this part of the defined neighborhood.

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 in part the property that is the subject of Application No. A-10000 from the R-E to the R-R Zone. The center line of Defiance Drive, as extended by the applicant, shall be the dividing line between the portion of the property (to the west and south) remaining in the R-R Zone and the portion (north and east, closest to Defiance Drive) reclassified to the R-R Zone. By the rezoning, with a part of the subject property rezoned R-R and the remainder left in the R-E Zone, the applicant shall be permitted to construct, under current zoning densities (20,000 square feet per unit in R-R and 40,000 square feet per unit in R-E), no more than six residential units on the subject property. The rezoning shall conform substantially to Exhibit A1, submitted by the applicant in October 2010.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall become effective on the date of its enactment.

Enacted this 26th day of October, 2010, by the following vote:

In Favor: Council Members Dernoga, Bland, Campos, Dean, Harrison, Knotts, Olson and

Turner

Opposed:

Abstained:

Absent: Council Member Exum

Vote: 8-0

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

BY: _____
Thomas E. Dernoga, Chairman

ATTEST:

Redis C. Floyd,
Clerk of the Council