

Case No.: A-10043  
Linda Lane Commercial Park

Applicant: Curtis Properties, Inc.

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

ZONING ORDINANCE NO. 9 –2018

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, Zoning Map Amendment Application No. 10043 (A-10043) is a request for the rezoning of approximately 5.61 acres of land, located on the west side of Branch Avenue (MD 5), in the southwest quadrant of its intersection with Linda Lane, and east of Old Branch Avenue, also identified as 5620 Linda Lane, and 5702 and 5710 Old Branch Avenue, Temple Hills, Maryland, from the C-S-C (Commercial Shopping Center)/R-80 (One-Family Detached Residential)/M-I-O (Military Installation Overlay) to the M-X-T (Mixed Use-Transportation Oriented)/M-I-O Zones; and

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

WHEREAS, the application was reviewed by the Planning Department's Technical Staff; and

WHEREAS, Technical Staff recommended that the request to rezone the subject property from the C-S-C (Commercial Shopping Center)/R-80 (One-Family Detached Residential)/M-I-O (Military Installation Overlay) to the M-X-T (Mixed Use-Transportation Oriented)/M-I-O Zones should be DENIED; and

WHEREAS, the Planning Board elected to adopt the recommendations of Technical Staff;  
and

WHEREAS, on February 14, 2018, an evidentiary hearing was held on the proposed rezoning before the Zoning Hearing Examiner; and

WHEREAS, at the close of the evidentiary hearing the record was left open for several documents, and upon receipt of which, the record was closed on March 6, 2018; and

WHEREAS, on April 10, 2018, the Zoning Hearing Examiner issued a notice of decision;  
and

WHEREAS, the Examiner recommended that the request to rezone the subject property from the C-S-C (Commercial Shopping Center)/R-80 (One-Family Detached Residential)/M-I-O (Military Installation Overlay) to the M-X-T (Mixed Use-Transportation Oriented)/M-I-O Zones should be APPROVED; and

WHEREAS, pursuant to Section 27-131 of the County Code, an appeal or exceptions to a decision of the Zoning Hearing Examiner shall be filed within thirty (30) days after the written decision of the Examiner; and

WHEREAS, pursuant to law, the District Council finds that no timely appeal or exceptions were filed; and

WHEREAS, having reviewed the record, the District Council hereby adopts the disposition recommendation of the Zoning Hearing Examiner; and

WHEREAS, as the basis for its final decision, the District Council adopts and incorporates by reference, as if fully stated herein, the findings of fact and conclusions of law within the Examiner's decision issued on April 10, 2018.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The request to rezone approximately 5.61 acres of land, located on the west side of Branch Avenue (MD 5), in the southwest quadrant of its intersection with Linda Lane, and east of Old Branch Avenue, also identified as 5620 Linda Lane, and 5702 and 5710 Old Branch Avenue, Temple Hills, Maryland, from the C-S-C (Commercial Shopping Center)/R-80 (One-Family Detached Residential)/M-I-O (Military Installation Overlay) to the M-X-T (Mixed Use-Transportation Oriented)/M-I-O Zones is hereby APPROVED.

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

ENACTED this 2<sup>nd</sup> day of July, 2018, by the following vote:

In Favor: Council Members Davis, Franklin, Glaros, Lehman, Patterson, Taveras, Toles and Turner.

Opposed:

Abstained:

Absent: Council Member Harrison.

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: \_\_\_\_\_  
Dannielle M. Glaros, Chair

ATTEST:

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