

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed Zoning Map Amendment Application No. A-9958 requesting a rezoning of a 9.21 ± acre property from the R-A (Rural Agricultural) Zone to the C-S-C (Commercial Shopping Center) Zone in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, the Technical Staff Report released on February 20, 2003, recommended DENIAL of the rezoning request; and

WHEREAS, after consideration of the evidence presented at the public hearing on April 24, 2003 the Prince George's County Planning Board disagreed with the staff recommendation; and

WHEREAS, after consideration of the evidence presented at the public hearing on April 24, 2003, the Prince George's County Planning Board finds:

A. Location and Field Inspection: The subject property is located on the northwest side of US 301, 700± feet northeast of Osborne Road and on the northeast side of Osborne Road, 550± feet northwest of US 301. It is an L-shaped property that wraps around the existing Osborne Shopping Center. The property consists of 9.21 acres of land and is undeveloped. It has 180 feet of frontage on US 301 and approximately 100 feet of frontage on Osborne Road.

B. Development Data Summary:

	EXISTING	PROPOSED
Zone(s)	R-A	C-S-C
Acreage	9.21	9.21
Use(s)	Undeveloped	Commercial
Density/ DU	0.5	N/A
Minimum Lot Area	87,120	N/A

C. History: The property was retained in the R-A Zone in the approved 1994 *Sectional Map Amendment (SMA) for Subregion VI*.

D. Master Plan Recommendation: The 1993 *Approved Master Plan for Subregion VI* places the property in the Queensland community and recommends the property for residential development at rural density (single-family detached homes on lots of two acres). In the Living Area Section (page 91) under Specific Community Recommendations, the master plan recommends the following:

“Queensland contains extensive tracts of land in farming or estate use, similar in many ways to the Rural Planning Area east of US 301. It is largely zoned R-A for single-family homes on two acres and presents a good opportunity for eventual development in

accordance with the goals, concepts and objectives stipulated in the General Plan. Many of the estates have equestrian related activity....

The Plan supports retention of the Queensland Community in rural-residential use, consistent with the objective to retain the existing established character of rural areas within the Subregion VI Study Area. Therefore, with the exception of committed subdivisions at Queensland and Maryvale (Low Suburban, R-R and Estate, R-E densities) it is recommended that the community remain in two-acre (R-A) Zoning.”

The master plan does contain one recommendation regarding the expansion of commercial areas along highway corridors:

- “3. Rezone from residential to a commercial category, where either a compatible long standing commercial use occupies the site, or where a limited extension of an existing commercially zoned property is appropriate.”

This recommendation was implemented in the subsequent SMA for one property in the Queensland Community, as 1.67 acres was reclassified from the R-A Zone to the C-M Zone (Change D-4). This rezoning request could be considered to be consistent with the spirit of the master plan.

The master plan shows US 301 as a freeway in this area. As part of the upgrade, the plan proposes a new grade-separated interchange for US 301, Croom Road and Osborne Road. Part of this interchange impacts the subject property where it fronts on Osborne Road. There is no timetable for construction of these improvements.

E. Request: The applicant requests a rezoning of the property from the R-A (Residential-Agricultural) Zone to the C-S-C (Commercial Shopping Center) Zone.

F. Neighborhood and Surrounding Uses: Staff defines the neighborhood boundaries for the subject application to be:

North: Pennsylvania Avenue (MD 4)

East: Old Crain Highway

South: US 301

West: South Osborne Road

The Planning Board agrees with the applicant that this neighborhood, as defined by the staff, is too confined. The correct neighborhood to consider in this instance would include the entirety of Planning Area 82A, since this more closely corresponds to the market area for the existing shopping center on the site. Therefore, the Planning Board defines the neighborhood boundaries for the subject application to generally be:

North: Pennsylvania Avenue (MD 4)

East: US 301, Popes Creek (Conrail) Railroad Tracks

South: PEPCO Right-of-Way

West: Piscataway Creek, Woodyard Road

A more specific boundary description of Planning Area 82A can be found in Section 27-676 of the Zoning Ordinance. It contains three separate communities: Queensland, Rosaryville and Marlton. The neighborhood is largely rural in character, with single-family residences and undeveloped land prevailing. Commercial uses are found along the major transportation routes particularly US 301 and Woodyard Road.

The site is surrounded by the following uses:

North: Single-family home in the R-A Zone

East: Undeveloped land in the R-A Zone

South: Existing Osborne Shopping Center in the C-S-C Zone

West: Strip Commercial uses along US 301 in the C-S-C Zone

G. 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.

Applicant's Position: Because the Sectional Map Amendment (SMA) for Subregion VI was approved in 1994, the applicant is precluded from presenting a mistake argument. Therefore, the

applicant must show there has been a substantial change in the character of the neighborhood since that time. The applicant claims:

“The subject property was initially part of a residential subdivision known as Lots 9–14, Block H of the Maryvale Subdivision. That subdivision has been abandoned in that the development was impractical since the access to the site was considered dangerous because of its proximity to the existing shopping center access. The property is separated (from adjoining properties) by a large ravine to the (north)east. The subdivided property across the ravine has also been abandoned and is currently being developed as a church site.

“In addition, a proposed road known as C-615 will further isolate the subject property from the residential uses to the north and east. The resulting area of the abandoned subdivision with limited access should logically become part of the Osborne Shopping Centerr

In addition to the changes brought about by the abandonment of the subdivisions, the building of the church and the uncertainty about the planned interchange, the applicant points out that there have been changes to the expected commercial development called for in the Subregion VI Master Plan. There has been a significant reduction in the amount of projected commercial expansion at existing shopping centers (Marlboro Centre, Marlton Shopping Center) while other centers have not developed at all (King’s Grant). Additionally, commercially-zoned land which was expected to be used for retail-commercial space is now planned for non-commercial uses, such as a proposed senior housing project adjacent to Marlton.

Taken singularly, none of the changes set forth by the applicant are sufficient to show a substantial change in the character of the neighborhood. However, when taken cumulatively, they do constitute a substantial change to the character of the neighborhood. The Master Plan Right-of-Way for the interchange at US 301 and Croom Road has a much greater impact on the subject property and it’s surrounding environs than did the alignment shown in the Master Plan. Similarly, the applicant’s abandonment of the residential subdivision and its planned access road radically changed the development potential for the site. The proposed expansion of the shopping center also meets the spirit of the Commercial Area recommendations and guidelines found in the Master Plan.

H. Conformance with the Purposes of the R-A and C-S-C Zones: The purposes of the R-A Zone are contained in *Section 27-426 (a)* of the Zoning Ordinance:

(A) To provide for large-lot one-family detached residential subdivisions, while encouraging the retention of agriculture as a primary land use;

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

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

The purposes of the C-S-C Zone are contained in **Section 27-454 (a)** 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;
and**
- (D) **For the C-S-C Zone to take the place of the C-1, C-2, C-C and C-G Zones.**

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.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Scott, with Commissioners Eley, Scott and Hewlett voting in favor of the motion, and with Commissioner Lowe absent at its regular meeting held on Thursday, April 24, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of May 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator