

Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
Development Review Division  
301-952-3470



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# ZONING MAP AMENDMENT

## A-9945

Application	General Data	
Project Name Ernest Howard Property  Location East side of Old Largo Road approximately 920' north of its intersection with Town Farm Road, known as 2110 Old Largo Road.  Applicant/Address Ernest Howard 2110 Old Largo Road Upper Marlboro, Maryland 20772	Date Accepted	5/23/00
	Planning Board Action Limit	N/A
	ZHE Hearing Date	N/A
	Plan Acreage	5.5265 Acres
	Zone	R-E
	Dwelling Units	N/A
	Square Footage	N/A
	Planning Area	79
	Council District	06
	Municipality	N/A
	200-Scale Base Map	203SE12L

Purpose of Application		Notice Dates	
Rezoning from R-E to R-R		Adjoining Property Owners (CB-15-1998)	06/02/00
		Previous Parties of Record (CB-13-1997)	N/A
		Sign(s) Posted on Site	N/A
		Variance(s): Adjoining Property Owners	N/A
Staff Recommendation		Staff Reviewer Tom Lockard	
APPROVAL	APPROVAL WITH CONDI-TIONS	DISAPPROVAL	DISCUSSION
X			

September 20, 2000

**TECHNICAL STAFF REPORT:**

TO: The Prince George's County Planning Board  
The Prince George's County District Council

VIA: Arie Stouten, Zoning Supervisor

FROM: Tom Lockard, Senior Planner

SUBJECT: **Zoning Application No. A-9945**

REQUEST: **Rezoning from R-E to R-R**

RECOMMENDATION: **Approval**

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NOTE:

This application is on the agenda for the Planning Board to decide whether or not to schedule a public hearing. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and sent to the Office of the Zoning Hearing Examiner at the address indicated above. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3280.

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## FINDINGS:

- A. Location and Field Inspection: The subject property is located on the east side of Old Largo Road, 920 $\nabla$  feet north of its intersection with Town Farm Road. The subject property is made up of three parcels rectangular in shape. It is developed with a single-family residence and several outbuildings.
- B. History: The subject property was retained in the R-E Zone by the *Sectional Map Amendment (SMA) for Subregion VI* which was approved on May 24, 1994.
- C. Master Plan Recommendation: The 1993 *Master Plan for Subregion VI* recommends Estate Residential (1.0-1.5 dwellings per acre) density for the subject property.
- D. Request: R-E Zone to the R-R Zone
- E. Neighborhood and Surrounding Uses: The site is surrounded by the following uses:

North, East and West - Undeveloped land (the DeCesaris Property) in the R-R Zone.

South - Across MD 202 is the University of Maryland Experimental Farm in the O-S Zone.

The neighborhood is defined by the following boundaries:

North - MD 193/Oak Grove Road

East - Conrail Tracks

South - Town Farm Road

West - MD 202

The surrounding neighborhood is suburban in character and developed with single-family residences and townhouses.

- F. Zoning Requirements:

Change/Mistaking Findings: [27-157(a)]

**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.**

G. Applicant's Position: The applicant claims both change and mistake:

**Change:** The applicant claims there has been a change in the character of the surrounding neighborhood, which they define as being the DeCesaris Property, which is the 89 acre parcel of land which surrounds the site on three sides. This property was placed in the R-R Zone by the 1994 SMA and subsequently subdivided into lots smaller than those permitted on the subject property (15,000 square foot lots vs. 40,000 square foot lots). The resulting development, now beginning to take place, has changed the character of the surrounding neighborhood sufficiently to make the granting of this rezoning request proper.

**Mistake:** When the District Council rezoned the DeCesaris Property to the R-R Zone, it was with the intent to provide for a transition from the townhouses and single-family residences in Perrywood (R-S Zone), to the north, and the large-lot development (one acre lots in the R-E Zone) in Brock Hall Manor, to the south. What the District Council failed to recognize was that the subject property was surrounded by the DeCesaris Property, and thus the same zoning category should have been applied to it.

H. Staff's Analysis:

**Change:** Ongoing development of the surrounding area in the R-R Zone and the use of net lot averaging to further reduce the size of lots in the area adjoining the subject property has created a change in the development potential of the subject property, compared to the situation existing prior to the SMA. R-E Zone development of the subject property is at a competitive disadvantage to other R-E Zone areas in the MD 202 Corridor, due to the close proximity of denser development on all sides. While this does not necessarily constitute a substantial change in the character of the neighborhood per se, it is indicative of a changing development dynamic for the area.

**Mistake:** This argument has merit. While the 1993 Master Plan's land use proposal for the subject 5.53 acre property remains the same as for the surrounding 89 acre property - Estate Residential - subsequent rezoning by amendment of the latter to R-R during the SMA approval action has created a difference in permitted development density between the subject parcel and adjoining land. The amendment was based on the argument that R-R zoning would provide an effective buffer between the continuing R-S zoning to the north and R-E zoning to the south. There is no apparent reason why this argument should not apply equally to the subject property, which is now an enclave of R-E zoning surrounded by R-R zoning. In retrospect, exclusion of the subject property from the amendment appears to have been a mistake and has created a clear anomaly.

- I. Conformance with the Purposes of the Zone Requested: The purposes of the R-R Zone are contained in Section 27-428 of the Zoning Ordinance:

1. **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;**
2. To facilitate the planning of one-family residential developments with moderately large lots and dwellings of various sizes and styles;
3. To encourage the preservation of trees and open spaces; and
4. To prevent soil erosion and stream valley flooding.

Finding: Development of the subject property in the R-R Zone would be consistent with the District Council's vision of providing a transition between the higher suburban densities to the north with the estate densities to the south. There would be no adverse impact upon surrounding properties, in that they are already in the zone being requested.

Development of this 5.53 acre site on 20,000 square foot lots would serve the purposes of the R-R Zone by providing for the ability to have greater flexibility in lot sizes and shapes. This would allow for a more economical land utilization and variation in use types, housing size and style.

Conversely, the site would seem a poor choice to remain in the R-E Zone. The purposes of the R-E Zone are:

1. **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;**
2. **To facilitate the planning of one-family residential developments with large lots and dwellings of various sizes and styles;**
3. To encourage the preservation of trees and open spaces in order to create an estate-like atmosphere; and
4. To prevent soil erosion and stream valley flooding.

In view of the R-R Zoning which surrounds it, restricting development of the site to the limited uses and lot sizes permitted in the R-E Zone would put this property at a disadvantage to other estate developments in the neighborhood. By doing so, the chances that it could develop in the large-lot estate-like atmosphere are greatly reduced.

## CONCLUSION:

The applicant has met their burden of proof in this application. Therefore, staff recommends APPROVAL of ZMA A-9945.

