



The Maryland-National Capital Park and Planning Commission



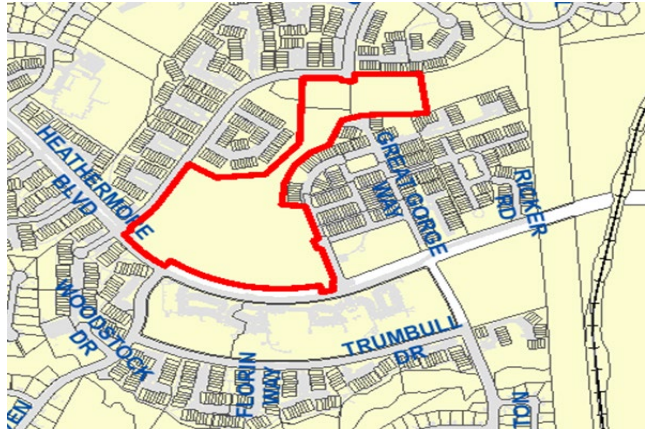
PRINCE GEORGE'S COUNTY
Planning Department

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Note: Staff reports can be accessed at <https://www.mncppc.org/883/Watch-Meetings>

Zoning Map Amendment West Marlton

ZMA-2024-005

REQUEST		STAFF RECOMMENDATION	
To rezone a portion of property from the Legacy Comprehensive Design (LCD) Zone to the Residential, Multifamily-12 (RMF-12) Zone.		With the conditions recommended herein: <ul style="list-style-type: none">• APPROVAL of Zoning Map Amendment ZMA-2024-005	
Location: At the northeastern corner of the intersection of Heathermore Boulevard and Woodstock Drive East.			
Gross Acreage:	18.03		
Zone:	LCD		
Planning Area:	82A		
Council District:	09		
Municipality:	N/A		
Applicant/Address: Lake Marlton Land Holdings, LLC 3097 Greenway Baltimore, MD 21218		Planning Board Date:	07/31/2025
Staff Reviewer: Candra Teshome Phone Number: 301-952-3749 Email: Candra.Teshome@ppd.mncppc.org		Planning Board Action Limit:	N/A
		Staff Report Date:	07/24/2025
		Date Accepted:	04/15/2025
		Informational Mailing:	11/13/2024
		Acceptance Mailing:	04/10/2025
		Sign Posting Deadline:	N/A

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at

http://www.mncppcapps.org/planning/Person_of_Record/.

Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT

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

VIA: Jeremy Hurlbutt, Supervisor, Zoning Section
Development Review Division

FROM: Candra Teshome, Planner III, Zoning Section
Development Review Division

SUBJECT: Zoning Map Amendment ZMA-2024-005
West Marlton

REQUEST: To rezone a portion of property from the Legacy Comprehensive Design (LCD) Zone
to the Residential, Multifamily-12 (RMF-12) Zone.

RECOMMENDATION: **APPROVAL, with conditions**

NOTE:

The Prince George's County Planning Board has scheduled this application on the consent agenda for transmittal to the Zoning Hearing Examiner on the agenda date of July 31, 2025, and will provide a recommendation to the Zoning Hearing Examiner. All parties will be notified of the Planning Board's recommendation.

You are encouraged to become a person of record in this application. Requests to become Persons of Record should be submitted electronically, by email to: ZHE@co.pg.md.us. 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 301-952-3530.

EVALUATION CRITERIA

The Zoning Review staff have reviewed the subject application and present the following evaluation and findings leading to a recommendation of APPROVAL, with conditions, as further described in the Recommendation section of this technical staff report. Section 27-3601(e) of the Prince George's County Zoning Ordinance sets forth the required findings in evaluating this request, as follows:

In determining whether to adopt or disapprove a proposed zoning map amendment (ZMA), the District Council may consider many factors. No amendment to the CBCAO Zone shall be granted without the applicant demonstrating conformance with the decision standards in Section 27-3603(d), CBCAO Zoning Map Amendment Decision Standards. No amendment to a Transit-Oriented/Activity Center base zone shall be granted except in accordance with the locational standards of Section 27-4204(b)(2) of this Ordinance. No other zoning map amendment shall be granted without the applicant demonstrating either:

- (1) There has been a substantial change in the character of the neighborhood; or**
- (2) There was a mistake in the original zone for the land subject to the amendment which has never been the subject of an adopted sectional map amendment; or**
- (3) There was a mistake in the current sectional map amendment.**

BACKGROUND

- 1. Location and Site Description:** The subject property is comprised of three deed parcels totaling 29.32 acres and is in the northeast corner of the intersection of Heathermore Boulevard and Woodstock Drive East. The parcels are known as Parcels 101, 102, and 103. Access to the property is proposed from Heathermore Boulevard, Marlton Center Drive, and Woodstock Drive East. Parcels 101 and 103 are located within the Residential, Multifamily-12 (RMF-12) Zone and are not the subject of this application, but were included to identify them as part of the proposed development site with which the applicant requests consistent zoning. Parcel 102 is split-zoned with approximately 18.03 acres in the Legacy Comprehensive Design (LCD) Zone, and the remaining approximately 7.75 acres in the RMF-12 Zone. The 18.03-acre portion of Parcel 102 is requested for rezoning to RMF-12 with this application.
- 2. History:** The following applications were previously approved for the subject property:

On February 26, 1969, the Prince George's County District Council approved Zoning Map Amendment (Basic Plan) A-6696, to rezone the subject property from the prior Rural Residential Zone to the prior Planned Community (R-P-C) Zone. This application contained 1,964+ acres of land, of which 395.22 acres were already developed. The Official Plan for Marlton was adopted by the Prince George's County Planning Board on July 13, 1970.

The approved Official Plan for Marlton was amended in 1990, under Case Nos. A-9730 and A-9731. Each of these cases underwent several subsequent amendments. A-9731 impacted 1.86 acres of land on Parcel 102, rezoning the property from the Commercial Shopping Center Zone to the Multifamily Low Density Residential (R-30) Zone.

In 1993, a 28.93-acre portion of the assemblage, specifically, Tax Map 119 Grids A-1, A-2, and B-2, part of Parcel 102, was downzoned from the General Commercial, Existing (C-2) Zone overlaid by R-P-C, to R-30 overlaid by R-P-C in the 1993 *Approved Subregion VI Study Area Master Plan and Sectional Map Amendment (Planning Areas 79, 82A, 82B, 86A, 86B, 87A and 87B)*.

In 1994, the subject property was also included as an unplatted outparcel under Preliminary Plan of Subdivision (PPS) 4-94029. This approval has since expired.

In 2013, the property was rezoned with the adoption of the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA). This amendment rezoned a portion of Parcel 102, which was split-zoned, from the C-2 Zone overlaid by the R-P-C Zone to the Local Activity Center (L-A-C) Zone overlaid by the R-P-C Zone.

Effective April 1, 2022, the Countywide Sectional Map Amendment (CMA) converted the subject property's prior L-A-C overlaid by R-P-C zoning to its current LCD zoning.

3. **Neighborhood and Surrounding Uses:** The general neighborhood is bounded to the north by Croom Road, to the south by Duley Station Road, to the east by a Potomac Electric Power Company (PEPCO) right-of-way, and to the west by US 301 (Robert Crain Highway) (see Figure 1 below). The general neighborhood primarily includes residential subdivisions, commercial/retail uses, and undeveloped land. The immediate properties surrounding the subject property and their current respective zoning designations are as follows:

North—	Woodstock Drive East and residential uses and undeveloped land in the Residential, Single-Family-Attached (RSF-A) Zone.
East—	Residential uses in the RMF-12 Zone.
South—	Heathermore Boulevard and multifamily uses beyond in the Residential, Multifamily-20 Zone.
West—	Woodstock Drive East, with residential uses beyond in the RSF-A Zone.

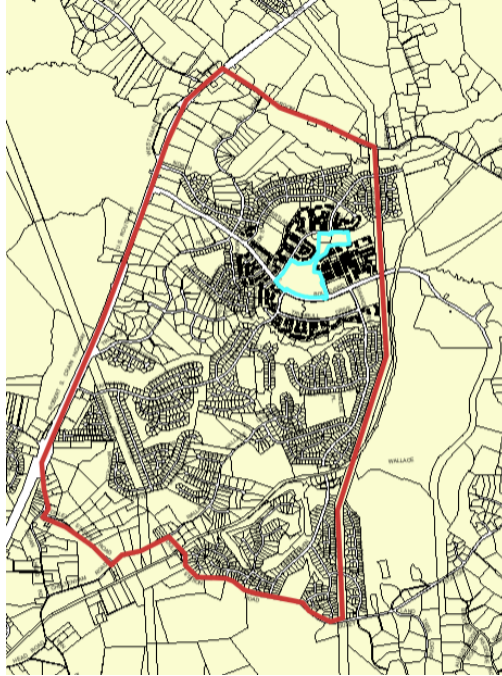


Figure 1: Map of the General Neighborhood

4. **Request:** This application seeks a zoning map amendment (ZMA) to rezone the LCD portions of the subject property to the RMF-12 Zone, pursuant to Section 27-3601 of the Prince George's County Zoning Ordinance. The applicant has depicted Parcels 102 and 103 on the conceptual site plan to indicate that the assemblage is a unified development. Parcels 102 and 103, which are zoned RMF-12, are not the subject of this application.
5. **General and Master Plan Recommendations:** The Growth Policy Map in the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) demonstrates the County's vision for land use. It is a visual guide showing how Prince George's County should develop, with different land uses reflecting the desired functions and development intensities.

The Growth Policy Map places this application in the Established Communities, as defined by Plan 2035. Established communities are existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers. These areas are considered most appropriate for context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), community facilities (such as libraries, schools, parks, and open space), and infrastructure (such as sidewalks) to ensure that the needs of existing residents are met (page 20).

The Subregion 6 Master Plan and SMA recommends Residential Medium-High land uses on the northern portion, and Mixed-Use land uses on the southern portion of the property. The master plan defines Residential Medium-High land use as "Residential areas between 8 and 20 dwelling units per acre and a mix of dwelling unit types including apartments," (page 40). Mixed-Use land use is defined in the master plan as, "Areas of mixed residential, commercial, employment, and institutional uses. Residential uses are expected to dominate overall land use in the designated area and may include a range of unit types," (page 40).

The subject property (Parcel 102) is labeled as an activity center on Appendix C, page 256 of the master plan. An activity center is defined as, “A community focal point providing for the combination, rather than scatteration, of general retail, service, commercial, professional office, higher density housing, and appropriate public/quasi-public uses,” (page 259). Parcel 102 is zoned as “a comprehensive design zone, L-A-C, which would permit the mix of residential and commercial uses envisioned for this site. This comprehensive design zone would also allow for a specific design plan that could incorporate a high-quality design for the buildings and public spaces,” (page 209).

FINDINGS

6. **Compliance with Applicable Provisions of the Zoning Ordinance:** The following analysis is based on the referrals received and the statement of justification (SOJ) submitted by the applicant, to address the required findings for approval. To approve the requested ZMA, Section 27-3601(e) of the Zoning Ordinance states the following:

In determining whether to adopt or disapprove a proposed zoning map amendment (ZMA), the District Council may consider many factors. No amendment to the CBCAO Zone shall be granted without the applicant demonstrating conformance with the decision standards in Section 27-3603(d), CBCAO Zoning Map Amendment Decision Standards. No amendment to a Transit-Oriented/Activity Center base zone shall be granted except in accordance with the locational standards of Section 27-4204(b)(2) of this Ordinance. No other zoning map amendment shall be granted without the applicant demonstrating either:

- (1) There has been a substantial change in the character of the neighborhood; or**
- (2) There was a mistake in the original zone for the land subject to the amendment which has never been the subject of an adopted sectional map amendment; or**
- (3) There was a mistake in the current sectional map amendment.**

Background on the Change/Mistake Rule

The applicant’s SOJ contends that the ZMA should be granted based upon Section 27-3601(e)(1) of the Zoning Ordinance, that there has been a substantial change in the character of the neighborhood; and Section 27-3601(e)(3) of the Zoning Ordinance, that there was a mistake in the current sectional map amendment.

Zoning decisions of the legislative body have a strong presumption of correctness and validity. Accordingly, a request to rezone an individual parcel requires evidence that there has either been a substantial change in the character of the neighborhood since the time the zoning was put in place, or a showing that there was a “mistake” at the time of the most recent rezoning. Relevant to this ZMA application, in the case of a “mistake,” “[e]rror can be established by showing that at the time of the comprehensive zoning, the Council failed to take into account then existing facts, or projects or trends, which were reasonably foreseeable of fruition in the future, so that the Council’s action was premised initially on a

misapprehension.” *Boyce v. Sembly*, 25 Md. App. 43, 51 (1975) (citation omitted). “[I]t is necessary not only to show the facts that existed at the time of the comprehensive zoning, but also which, if any, of those facts were not actually considered by the Council. The evidentiary burden can be accomplished [...] by producing evidence that the Council failed to make any provision to accommodate a project, trend, or need which it [sic], itself, recognized at the time of the comprehensive zoning.” *Id.* at 52.

The standards in Section 27-3601(e)(1) and (3) are applicable to this application. Pursuant to the Maryland Supreme Court’s pending decision in *Cnty. Council of Prince George’s Cnty. v. Robin Dale Land LLC*, No. 38, SEPT. TERM, 2024, (Md. July 3, 2025), the District Council’s 2021 countywide rezoning (CMA) was not a comprehensive rezoning, or a substantive change in the law, but rather a “mapping exercise.” Accordingly, the most recent zoning for purposes of evaluating whether there has been a substantial change in the character of the neighborhood, or whether the District Council erred when it rezoned the property, is the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment*. As explained above, the 2013 Sectional Map Amendment rezoned a portion of the subject property from the C-2 Zone overlaid by the R-P-C Zone, to the L-A-C Zone overlaid by the R-P-C Zone. The remainder of the subject property was retained in the R-30 Zone.

The current LCD zoning was put in place through the CMA, which was adopted in November 2021. The CMA reclassified all land within the County into the new zones created by the current Zoning Ordinance, which became effective on April 1, 2022. Largely, the CMA translated the prior zone for each property to the most similar current zone. With respect to the subject property proposed herein for rezoning, the CMA translated approximately 18.03 acres into the LCD Zone, and the remaining approximately 7.75 acres into the RMF-12 Zone.

a. **Applicant Change Analysis**

The applicant contends that the Marlton neighborhood has undergone substantial “change” that reduces the feasibility of developing the subject property as envisioned in the original basic plan and in harmony with the most recent rezoning. The neighborhood was originally envisioned as an all-inclusive, mixed-use suburban community to contain residential and commercial uses. The commercial uses, including office/retail and a library, were proposed to be contained on a portion of the assemblage that is the subject of this application, specifically Parcel 102. The applicant points to one distinct change (the provided SOJ contains additional details on the change outlined) as follows:

Change 1 (Applicant’s Argument)

The applicant contends that substantial change in the neighborhood has occurred since the adoption of the latest CMA. Specifically, the applicant contends that the change was driven by the sale of 537 acres of land known as the Marlton Forest, by the Girl Scout Council of the Nation’s Capital (GSCNC) to The Maryland-National Capital Park and Planning Commission (M-NCPPC), in 2024. The 537 acres are comprised of several parcels, with one of the closest, addressed 9000 Heathermore Boulevard, being approximately 1,800 feet from the subject property’s eastern lot line. M-NCPPC acquired the land to implement conservation strategies outlined in several guiding documents, including the *Priority Preservation Area Functional Master Plan* (page 21). M-NCPPC envisions a conservation park with a trail system and recreational opportunities. Before M-NCPPC acquired the Marlton Forest,

GSCNC had explored selling the land for development. A real estate company's offering memo specifically marketed the property for 1,178 residential lots, which sparked public opposition and led to the decision to sell the land to M-NCPPC. The applicant contends this sale resulted in the loss of approximately 1,300 potential dwelling units.

In addition, Heathermore Boulevard was envisioned to be expanded in the 2009 *Approved Countywide Master Plan of Transportation*, from West Marlton through East Marlton, to support the development of additional residential dwelling units. However, the 2025 *Go Prince George's Preliminary Plan* proposes that Heathermore Boulevard's terminus remain, cutting off the previously proposed access to Croom Road.

Applicant Mistake Analysis

The applicant contends that rezoning the L-A-C portion of the subject property to the current LCD Zone through the approval of the latest sectional map amendment was a mistake. The applicant states that the criteria established in Section 27-4205(c) of the Zoning Ordinance are the basis for the mistake.

The criteria at issue are the requirements that a property must have a basic plan, comprehensive design plan (CDP), or specific design plan (SDP) approved prior to April 1, 2022 and is fully developed in accordance with the plan, or the approved basic plan, CDP, or SDP remains valid in accordance with Section 27-1700, Transitional Provisions, of the Zoning Ordinance, on April 1, 2022. The applicant contends two distinct mistakes as follows:

Mistake 1 (Applicant's Argument)

The District Council failed to apply the criteria contained in Section 27-4205(c) when it elected to rezone the property to the LCD Zone. Specifically, the applicant contends that the subject property did not meet the requirement that the property be fully developed under a basic plan, CDP, or SDP approved prior to April 1, 2022.

The applicant states that the District Council failed to consider that the subject property was never issued a CDP or SDP. The applicant states that without CDP or SDP approval, there is no clear pathway to develop the site and placement in the LCD Zone was a mistake, because the site did not receive each of the required approvals under the prior zoning ordinance, constituting an error.

Mistake 2 (Applicant's Argument)

The District Council failed to consider that the subject property was not within a comprehensive design zone at the time a basic plan Amendment was approved per A-6696/A9730/A9731-03. The applicant states that this amendment to the basic plan, approved in 2000, was the last amendment completed per the County's approval process. The applicant acknowledges the basic plan remains valid. The subject property was rezoned to the L-A-C Zone from the C-2 Zone by the Subregion 6 Master Plan and SMA effective July 24, 2013. However, the applicant contends that the last amendment occurred with the approval of the basic plan amendment in 2000 and that the property was not within a comprehensive design zone, constituting an error in the rezoning to LCD with the most recent sectional map amendment.

b. **Staff Findings**

The following is staff's analysis of the change and mistakes stated by the applicant:

Change 1 (Staff)

The original vision for the Marlton neighborhood was for the development of a self-contained, mixed-use suburban community. However, the neighborhood has diverged from its original intent, resulting in substantial change in the neighborhood.

The proposal to rezone a portion of the property to the RMF-12 Zone is consistent with Plan 2035, because it represents context-sensitive infill; however, the proposal is not consistent with the property's mixed-use land designation contained in the Subregion 6 Master Plan and SMA.

While the community was originally conceived as a mixed-use neighborhood, Marlton has evolved into a primarily residential community. The neighborhood has lost approximately 20 percent of its residential potential due to the sale of lots previously designated for the construction of residential dwelling units and subsequently placed in conservation prohibiting development. This substantial reduction in planned residential density fundamentally challenges the economic feasibility and intended scale of the supporting mixed-use components proposed in the original plan.

This coupled with proposed changes to the transportation infrastructure make it infeasible to develop the property as originally envisioned. Heathermore Boulevard was originally planned as an arterial road but has since been proposed to remain a dead-end collector road that terminates prior to connecting to East Marlton. This change terminates an important internal circulation pathway that does not support the development of a commercial center internal to the community. The community is largely comprised of cul-de-sacs that contribute to design limitations preventing most of the housing units from accessing the subject property.

In addition, the community is anchored by several commercial/retail uses, including Marlton Plaza addressed 9516 Crain Highway, Osborne Shopping Center located at 7583 Crain Highway and Marlboro Square addressed 5701 Crain Highway, which are equal to or faster than driving to the subject property for access to commercial/retail uses.

Staff find that the fundamental planning assumptions for the Marlton neighborhood are no longer valid. These changes render the existing zoning classification incompatible with the current reality and the future needs of the neighborhood. Substantial change has occurred in the neighborhood and, therefore, this request can be found to meet the requirements of Section 27-3601(e)(1).

Mistake (Staff)

The "mistake" prong requires a showing that the underlying assumptions or premises relied upon by the District Council during the rezoning were incorrect. For example, there was some incorrect fact or evidence that the Council relied on when

making its decision that resulted in it applying the wrong zoning. It does not, however, refer to a mere mistake in judgment.

Mistake 1: Development Background and Current Process

The applicant states that the District Council failed to consider that the subject property was never issued a CDP or SDP hindering the property from reaching full development. Per Section 27-4205(c)(2) of the Zoning Ordinance, the first alternative criterion is that land within an L-A-C Zone is fully developed in accordance with an approved basic plan, CDP, or SDP prior to April 1, 2022.

The property was rezoned with the adoption of the Subregion 6 Master Plan and SMA. This amendment rezoned a portion of Parcel 102, which was split-zoned, from the C-2 Zone overlaid by the R-P-C Zone to the L-A-C Zone.

Per Section 27-478(a) of the prior Zoning Ordinance, properties in a comprehensive design zone require three-phase development plan review, the first of which is basic plan approval at the time of rezoning. Division 2 of the prior Zoning Ordinance established specific planned community zones, which were comprehensive design zones under the prior Zoning Ordinance.

Section 27-538 of the prior Zoning Ordinance established the R-P-C Zone, which the subject property was placed in with the approval of A-6696, in 1969. This zoning approval included the Official Plan for Marlton, which was adopted by the Prince George's County Planning Board on July 13, 1970. This plan is the original basic plan for Marlton. It included the subject property, and it established the general scale of development, and the proposed land uses for this large-scale planned community. Basic plans are valid indefinitely, as they establish the initial framework for development and place land into comprehensive design zones. The applicant acknowledges that the original basic plan remains valid.

The second phase is the review of a CDP, text, and schedule, which shall show amounts and locations of land use, the circulation system, and the portions of development which may be constructed during the same time. The third phase is the review of a SDP, which serves as the final design of the development for each portion to be constructed during the same period. The subject property did not receive a CDP or SDP approval under the prior Zoning Ordinance. Further, the subject property did not receive approvals that would permit access to the current Zoning Ordinance's grandfathering clause.

The applicant further contends that the pathway to development of the property is hindered due to procedural issues in the development process. The applicant states that the property never received approval of a CDP or SDP under the prior Zoning Ordinance, and due to this, the current Zoning Ordinance is not clear on the pathway to development. The applicant contends the District Council made a mistake placing the property within an LCD Zone, because all required approvals were not issued prior to the rezoning.

There are conflicting development plan requirements. The LCD portion of Parcel 102 requires development in accordance with its prior L-A-C Zone, which would require a basic plan amendment, CDP, PPS, and SDP/detailed site plan. The

previously referenced basic plan designates the mixed-residential and office/commercial/retail use and imposes conditions requiring a detailed site plan. Concurrently, the L-A-C Zone requires an SDP. For the RMF-12-zoned portion of the site, there is no inherent requirement or ability to develop under the prior Zoning Ordinance's conditions. It is presumed that a detailed site plan will be required for any townhouse development within this zone, consistent with current RMF-12 regulations.

Staff agree that procedural issues exist regarding the development approval process for the subject property; however, the assertion that the District Council failed to consider that the subject property was never issued a CDP or SDP to facilitate the full development of the property does not constitute a "mistake."

Mistake 2: Invalid Zone

The applicant alleges the District Council failed to consider that the subject property was not within a comprehensive design zone at the time a basic plan amendment was approved per A-6696/A9730/A9731-03. The applicant states that the property was within the C-2 Zone, and therefore, ineligible to be rezoned to LCD.

As established above, the Official Plan for Marlton was approved with A-6696, in 1969, which placed the subject property in the R-P-C Zone. The applicant contends that the property was in the C-2 Zone when a basic plan amendment was approved. A 19.91-acre portion of the property was rezoned from C-2 to L-A-C under the Subregion 6 Master Plan and SMA. Therefore, at the time of the latest CMA, adopted in November 2021, the property was within a comprehensive design zone. Staff do not find any mistake in this regard.

Conclusion

For a mistake to be a legally justifiable basis for rezoning, there must have been a basic and actual mistake by the legislative body, in this case the District Council.

Staff find that the applicant's argument that the District Council's error by not considering the procedural impacts related to the development process created by placement of the subject property in the LCD Zone is not justified. The District Council considered the Official Plan of Marlton, which identified the subject property as a Local Activity Center. In addition, the Subregion 6 Master Plan and SMA was considered, which incorporates the Official Plan of Marlton in Appendices B, C and D. The purpose of the LCD Zone is to recognize comprehensive design zones established prior to April 1, 2022, which includes capturing and bringing forward any development approvals, conditions and requirements approved by a valid basic plan.

Any lack of development approval clarity currently arises from the inherent complexity of transitional provisions within a comprehensive Zoning Ordinance rewrite and the lack of prior detailed development approvals on this specific un-platted parcel, rather than from a factual error or the misinterpretation of conditions present at the time the original zoning decisions were made.

Staff find that the applicant's argument that the subject property was not in a comprehensive design zone at the time of the most recent sectional map

amendment is not justified. A 19.91-acre portion of the property was rezoned from C-2 to L-A-C under the Subregion 6 Master Plan and SMA. Consequently, placement of the subject property in the LCD Zone under the most recent sectional map amendment was valid. Staff find that the applicant has not demonstrated a “mistake” in the subject rezoning.

However, staff find that a substantial change in the character of the neighborhood has occurred since the last comprehensive rezoning, making the current zoning inappropriate. The most recent sectional map amendment was approved in 2013. On July 15, 2021, M-NCPPC’s Transportation Planning Section requested that the County Council initiate a new master plan of transportation. The County Council approved the initiation on September 21, 2021. It wasn’t until January 30, 2025, that permission was granted to print the resulting Go Prince George’s plan, which was published on February 27, 2025, and is currently under public review and comment. This plan is not expected to be fully adopted until 2026. Therefore, the decision to downgrade Heathermore Boulevard’s road classification and maintain its dead-end status occurred after the approval of the most recent sectional map amendment. In addition, the sale of 537 acres of land to M-NCPPC was finalized in 2024, also after the adoption of the most recent sectional map amendment. Staff also note that a more relaxed standard is applied by the Maryland courts when the request is to rezone the property within the same Euclidian category to another (residential to residential) as opposed to different categories (e.g., residential to commercial or industrial). Here, the existing L-A-C zoning permitted approximately 19.91 acres to be developed with a maximum residential density of 15 dwelling units per gross residential acre. The requested zoning (RMF-12) will allow 12 dwelling units per acre of net lot acreage for townhouse dwelling units. The proposed change in zoning does not provide a higher density than allowed by the current zone.

Staff find that substantial change has occurred in the character of the neighborhood after the adoption of the last comprehensive rezoning, making the current LCD Zone inappropriate for the community.

7. Referral Comments: The subject application was referred to the concerned agencies and divisions. The referral comments are incorporated herein by reference, and major findings are summarized as follows:

- a. **Historic Preservation**—In a memorandum dated April 21, 2025 (Smith to Teshome), the Historic Preservation Section noted that the Subregion 6 Master Plan and SMA includes goals and policies related to historic preservation (pages 161–173). However, these are not specific to the subject site, or applicable to the proposed development. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. A Phase I archaeology survey will not be recommended at the time of PPS. The subject property does not contain and is not adjacent to any designated Prince George’s County historic sites or resources.
- b. **Community Planning**—In a memorandum dated June 30, 2025 (Tariq to Teshome), the Community Planning Section noted that pursuant to Section 27-3601(e)(1), staff find there has been a substantial change in the

character of the neighborhood. Staff noted that the proposed application to rezone the property for the future development of 150 to 170 townhouse dwelling units is consistent with Plan 2035 because it represents context-sensitive infill. However, it is not consistent with the Subregion 6 Master Plan and SMA mixed-use land designation. Staff note that although the community was originally envisioned as a residential community with a commercial core, Marlton has evolved into a wholly residential community. This represents “a substantial change in the character of the neighborhood” as defined in Section 27-3601(e)(1).

- c. **Environmental Planning**—In a memorandum dated June 27, 2025 (Juba to Teshome), the Environmental Planning Section noted no objections to the proposed rezoning; however, it will result in changes to the existing woodland conservation thresholds. The land area in this ZMA is being utilized for woodland conservation requirements from prior entitlements by property outside of the ZMA area comprising Type 2 Tree Conservation Plan TCP2-039-95-03. Therefore, a determination of what percentage of existing woodland preservation can be utilized for this project and what percentage is for use for other parts of TCP2-039-95-03 must also be determined at the time of detailed site plan.
- d. **Transportation Planning**—In a memorandum dated July 2, 2025 (Smith to Teshome), the Transportation Planning Section provided the following evaluation:

A traffic impact analysis was submitted for review with this application. The results, at this time, yield that all intersections will meet the adequacy standards. However, a determination of adequacy will be evaluated with a subsequent application.

Master Plan Pedestrian and Bike Facilities

- Heathermore Boulevard: Shared-use facility

The sector plan identifies Heathermore Boulevard as a shared-use facility. Staff recommend shared road pavement markings, or an alternative facility be implemented. All pedestrian and bicycle infrastructure will be evaluated with subsequent applications. Staff indicated that they have no objections to the proposed rezoning.

- e. **Subdivision**—In a memorandum dated July 27, 2025 (Monoar to Teshome), the Subdivision Section provided a review of the subject application and staff did not indicate any objections to the proposed rezoning.
- f. **Prince George’s County Department of Parks and Recreation (DPR)**—In a revised memorandum dated July 10, 2025 (Thompson to Teshome), DPR provided an evaluation of the subject application as it pertains to public parks and recreational facilities.

As detailed in the applicant’s SOJ (SOJ-ZMA-2024-005), the overall project site includes approximately 11 acres of environmentally sensitive land, including primary management areas, stream buffers, and specimen trees, which are mostly outside of the area of this rezoning request. The master plan specifically recommends the expansion of the Marlton Linear Park through land conveyance, or

swaps, to enhance public access and ecological connectivity. In addition, the site is contiguous with public land (PEPCO right-of-way) and existing M-NCPPC parkland (Charles Branch Conservation Park), making it a logical extension of the County's green infrastructure network which is in alignment with Section 27-1300(p), (q), and (r), General Purpose and Intent, of the Zoning Ordinance, to provide open space to protect the natural features of the County; provide adequate recreational space; encourage the preservation of stream valleys, and protect and conserve natural resources. DPR is interested in accepting land dedication of this area for preservation purposes, which may be further discussed at future development stages of the project.

- g. **Prince George's County Fire/EMS Department**—At the time of the writing of this technical staff report, the Fire/EMS Department did not offer separate comments on the subject application.

- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated April 25, 2025 (from Lord-Attivor to Hancock), DPIE provided comments regarding the submitted traffic study as follows:

In Appendix B, Intersections 3 through 7, the applicant provided a Sim Traffic measure of effectiveness (MOE) at the above noted intersections without providing the Synchro model inputs (volumes, lane assignments, peak hour factor, etc.). We are unable to determine if capacity is met at the above-referenced intersections without the Synchro model inputs. The applicant should revise the study to provide Synchro modeling to include all intersection modeling geometry features to help determine if capacity is met, as well as queue lengths.

DPIE did not indicate any objection to the proposed rezoning.

- i. **Prince George's County Department of Public Works and Transportation (DPW&T)**—At the time of the writing of this technical staff report, DPW&T did not offer separate comments on the subject application.
- j. **Maryland State Highway Administration (SHA)**—At the time of the writing of this technical staff report, SHA did not offer separate comments on the subject application.
- k. **Washington Suburban Sanitary Commission (WSSC)**—At the time of the writing of this technical staff report, WSSC did not provide any comments.

- 8. **Community Feedback:** At the time of the writing of this technical staff report, the Prince George's County Planning Department received two written correspondences from the community expressing concern regarding the development proposed with this application. One email dated January 14, 2025, from Theresa Smith-Butler, the Vice President of the Marlton Control Commission (MCC), states that the community currently struggles with challenges associated with car theft and vandalism. The citizen takes issue with the proposed use and believes that an additional 200–247 townhomes in the community will strain resources and exacerbate existing challenges and stated that a petition from MCC and concerned residents is forthcoming.

In an email dated March 3, 2025, the President, Richard Saunders, and Vice President of MCC stated the project poses increased traffic congestion, infrastructure strain, environmental challenges, and potential impacts on property values. This email contained a petition which requests the rejection of the project by the Planning Board, that M-NCPPC conduct a comprehensive review of the long-term impact of the proposed project, and that the Planning Board prioritize the concerns of existing residents.

As indicated in the findings of this technical staff report, the rezoning of the subject property does not permit higher density than the current zoning. Future development applications will require adequacy analysis, demonstrated conformance with environmental regulations, and other design reviews, should this rezoning be approved.

RECOMMENDATION

Based upon the foregoing evaluation and analysis as related to the substantial change that has occurred in the character of the neighborhood after the adoption of the last comprehensive rezoning, the Zoning staff recommend that the Planning Board adopt the findings of this report and APPROVE Zoning Map Amendment ZMA-2024-005, for West Marlton, subject to the following conditions:

1. At the time of detailed site plan, the applicant shall remove the area of this application from Type 2 Tree Conservation Plan TCP2-039-95-03 through a TCP2 revision and submit a separate TCP2 that covers the area of the detailed site plan application.
2. At the time of preliminary plan of subdivision, the applicant shall revise the traffic impact analysis to provide Synchro modeling to include all intersection modeling geometry features to help determine if capacity is met, as well as queue lengths.