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Zoning Map Amendment Melwood Estates

ZMA-2025-003

REQUEST	STAFF RECOMMENDATION
To rezone the property from the Agricultural-Residential (AR) Zone to the Residential, Single-Family-Attached (RSF-A) Zone, for the future development of single-family detached dwelling units.	With the conditions recommended herein: <ul style="list-style-type: none">• DISAPPROVAL of Zoning Map Amendment ZMA-2025-003

Location: On the east side of Melwood Road, approximately 1,550 feet north of its intersection with MD 4 (Pennsylvania Avenue)

Gross Acreage: 27.54

Zone: AR

Planning Area: 78

Council District: 06

Municipality: N/A

Applicant/Address:
Day Land Investment, LLC
7607 Georgian Drive
Upper Marlboro, MD 20772

Staff Reviewer: Candra Teshome
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Planning Board Date: 11/20/2025

Planning Board Action Limit: N/A*

Staff Report Date: 11/07/2025

Date Accepted: 08/25/2025

Informational Mailing: 03/14/2025

Acceptance Mailing: 08/04/2025

Sign Posting Deadline: N/A

*See Page 3 of the technical staff report for Planning Board action, in accordance with Code requirements.

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
Lakisha Hull, Planning Director

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

SUBJECT: Zoning Map Amendment ZMA-2025-003
Melwood Estates

REQUEST: To rezone the property from the Agricultural-Residential (AR) Zone to the Residential, Single-Family-Attached (RSF-A) Zone for the future development of single-family detached dwelling units.

RECOMMENDATION: **DISAPPROVAL**

NOTE:

Per Section 27-3601(c)(1) of the Prince George's County adopted Zoning Ordinance, the Planning Director has received the zoning map amendment application. Per Section 27-3601(d)(5) of the Prince George's County adopted Zoning Ordinance, the Planning Director shall prepare a technical staff report, which shall include a recommendation on the application.

The Prince George's County Planning Board has scheduled this application on the agenda date of November 20, 2025. Per Prince George's County Zoning Ordinance Section 27-3601(d)(7)(A-B), the Planning Board shall decide whether to hold a non-evidentiary hearing on the application within 15 days after receipt of the technical staff report, or at its first meeting after the preparation of the report if no meeting has occurred within the 15 days. If the Planning Board decides not to conduct a hearing, the recommendation in the technical staff report constitutes the Planning Board's recommendation, and the Planning Director shall transmit the technical staff report to the ZHE. If the Planning Board decides to hear the matter, it shall set a hearing date which shall be at least 30 days after its decision to hear the matter.

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 Zoning 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 DISAPPROVAL, 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 located on the east side of Melwood Road, approximately 1,550 feet north of its intersection with MD 4 (Pennsylvania Avenue). The subject property totals 27.54 acres and is comprised of Lot 8, recorded in the Prince George's County Land Records in Plat Book NLP 118 page 67, approved on December 1, 1983; and Lot 11, Outlots A and B, recorded in Plat Book NLP 147, page 100, approved on July 13, 1989.
- 2. History:** The following applications were previously approved for the subject property:

Lot 8 is subject to Preliminary Plan of Subdivision (PPS) 4-83005, titled Melwood Estates, which was approved on March 10, 1983 for 10 single-family detached dwelling units (PGCPB Resolution No. 83-29), one of which was for Lot 8. Lot 11, Outlots A and B, are subject to PPS 4-88049, also titled Melwood Estates, which was approved on June 30, 1988, for one single-family detached lot and two outlots to be conveyed to the owner of Lot 8 (PGCPB Resolution No. 88-307). The property is subject to both PPS 4-83005 and PPS 4-88049; however, if the Prince George's County District Council approves this rezoning, a new PPS for the contemplated development would be required. As a result, none of the conditions of approval of the prior PPS are applicable to this ZMA.
- 3. Neighborhood and Surrounding Uses:** The major roadways and features forming the general neighborhood are bounded by Westphalia Road to the north and west, MD 4 to the south, and a Potomac Electric Power Company (PEPCO) right-of-way to the east. 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—** Single-family detached dwelling units in the Agricultural-Residential (AR) Zone, with undeveloped single-family attached lots in the Residential, Multifamily-20 (RMF-20) Zone beyond.
- East—** PEPCO right-of-way in the AR Zone and residential uses in the Residential, Rural (RR) Zone beyond.
- South—** Vacant wooded Maryland-National Capital Park and Planning Commission parkland in the Reserved Open Space (ROS) Zone, with single-family attached dwellings in the Legacy Comprehensive Design (LCD) Zone beyond.
- West—** Single-family detached dwellings in the AR Zone, and Melwood Road, with single-family detached and attached dwellings beyond, in the Town Activity Center-Edge (TAC-E) Zone.

4. **Request:** This application seeks a zoning map amendment to rezone the subject property from the AR Zone to the Residential, Single-Family-Attached (RSF-A) Zone, pursuant to Section 27-3601 of the Prince George's County Zoning Ordinance.

5. **General and Master Plan Recommendations:**

General Plan: Per the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035), the subject property is located in the Established Communities Growth Policy Area. The vision for Established Communities is that it is 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), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met (page 20).

Master Plan: The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) recommends Low-Density Residential land use on the subject property. The sector plan is silent on the definition of Low-Density Residential. The intended character for the subject property is shown on Map 4: Land Use (page 19) as Low-Density Residential. Pursuant to the 2007 Westphalia SMA, Map 21: Approved SMA Zoning Pattern (page 84) shows that the subject property was retained in the prior Residential-Agricultural (R-A) Zone, at the time the SMA was adopted.

Other Master/Sector Plans and SMA History

1980 Sectional Map Amendment for Planning Area 77 and 78 Melwood-Westphalia

The 1980 *Melwood-Westphalia Sectional Map Amendment* rezoned a portion of the subject property from the Residential Rural (R-R) Zone to the R-A Zone. The property is described as "woodland; located in the northeast quadrant of the intersection of Old Marlboro Pike and Melwood Road." The property was rezoned because of its location "in Sewer System Area 6 with a small part of Parcel 11 in System Area 4" (page 79). The properties included in this application would have been impacted by a capital project to "extend sewer service from Turkey Branch to the Robershire Subdivision, which fronts on Brown Station Road"

(page 71). However, it is noted that these capital improvements were not completed because “no projects have been proposed to extend the Turkey Branch Line or provide sewer lines in other branches to allow suburban development on the south side of White House Road” (page 71).

1994 Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia (Planning Area 77 and 78)

The 1994 Melwood-Westphalia Master Plan and SMA retained the subject property in the R-A Zone. This plan described the property as the “Roblee” area and is shown on Map 7 (page 51). The Roblee area appears to be an equestrian farm or house some other animal activities on the property. The area is surrounded by “nine homes on larger, more rural parcels in the O-S and R-A Zone; stables and horses are as much as part of this neighborhood landscape as are houses and people” (page 52).

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 zoning map amendment, 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 273601(e)(3) of the Zoning Ordinance, because there was a mistake in the current SMA.

a. **Applicant Mistake Analysis**

The applicant contends that retaining the subject property in the R-A Zone (current AR Zone) through the approval of the latest SMA was a mistake. The applicant states that the District Council failed to consider existing facts, including the subject

property's adjacency to the town center edge, to support development of the Westphalia Town Center. In addition, the applicant argues that the AR Zone is inconsistent with the policies outlined in the SMA, that retention in the AR Zone undermines connection and transition to surrounding residential areas, and that purposes of the R-A Zone established in Section 27-426(a) of the prior Zoning Ordinance are the basis for the mistake.

The applicant contends three distinct mistakes, as follows:

Mistake 1 (Applicant's Argument)

The District Council erred because, in approving the 2007 Westphalia SMA, it carried forward a mistake in the 1994 Master Plan and SMA. The 1994 Master Plan and SMA described the property and surrounding area as "nine homes on larger, more rural parcels in the O-S and R-A zone; stables and horses are as much as part of this neighborhood landscape as are houses and people" (page 52). The applicant's SOJ, submitted August 18, 2025, reads "...given the primary land use of the Subject Property is residential, retaining the subject property as R-A (now AR) was a mistake and inconsistent with the purpose of the zoning designation, inconsistent with the Sector Plan's land use recommendation, and based on an inaccurate factual predicate that there were agricultural uses on the Subject Property" (page 12). In the Subdivision and Development Review Committee (SDRC) comments, Staff requested that the applicant provide information demonstrating that the description of the property and surrounding area in the 1994 Master Plan and SMA was incorrect and that this description was relied upon in retaining the R-A zoning in the 2007 Westphalia SMA. The applicant responded that arguments regarding the 1994 Master Plan and SMA were "moot" because the 2007 Westphalia SMA supersedes the 1994 Master Plan and SMA (see SDRC response letter).

Mistake 2 (Applicant's Argument)

The District Council failed to consider that the AR Zone does not provide an appropriate transition from the Westphalia Town Center, from land to the west in the TAC-E Zone and the residentially zoned land to the east of the subject property. The applicant's SOJ, submitted August 18, 2025, reads "...it was a mistake to fail to consider the Subject Property for rezoning to further support this area and to transition between the town center and the residential densities of the surrounding properties – especially considering the adjacent property to the west beyond Melwood Road was rezoned with the SMA" (page 10). As support, the applicant cites Sector Plan recommendations for: (a) "townhomes and small lot single-family homes" as transitions between "higher density units and lower density single-family neighborhoods"; and (b) for "areas closer to the town center" to be "more compact and outlying areas more rural" (pages 30–31).

Mistake 3 (Applicant's Argument)

The District Council failed to consider the underlying merits of a rezoning request presented by the former property owner. On May 23, 2006, Jenny Day requested that the District Council retain the subject property, or

a portion thereof, in the R-A Zone, on the condition that it be rezoned to a residential multifamily zoning class upon sale or transfer:

“Another item that's not addressed and this will be my last point, on the SMA, is, could rezoning of our property to residential multifamily be accomplished with the provision that current zoning R-A remain in effect until the sale of the property which would then change with the express desire of the purchaser zoning of the property to residential multifamily. We desire such designation zoning. I want to thank you. Transcript of Proceedings, May 23, 2006 Joint Public Hearing on for the Preliminary Sector Plan and Proposed Sectional Map Amendment for Westphalia” (JPH Transcript, p. 71, ln. 4–10).

The applicant argues that both aspects of the request were deemed impermissible by the District Council—rezoning to a residential multifamily zoning class required a basic plan, and conditional rezonings are not allowed in SMAs. As a result, the District Council either dismissed the requests without evaluating their merits or interpreted the request as a desire to retain the R-A Zone. The applicant claims that, in so doing, the District Council overlooked the option of rezoning the property to a higher-density zone and states that this was a mistake, given nearby properties being rezoned to M-X-T under similar Sector Plan principals for similarly sited land.

b. **Staff Findings**

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

Mistake (Staff)

As discussed in detail above, the “mistake” prong of the “change/mistake” test 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: Mistake in the 2007 SMA

The applicant states that the 2007 Westphalia SMA carried forward a mistake in the 1994 Master Plan and SMA. The applicant's revised SOJ, dated August 18, 2025, reads “Within the 1994 Melwood Westphalia Approved Master Plan and Sectional Map Amendment, the Subject Property was in an area described as “beyond the transmission lines, are nine homes on larger, more rural parcels in the O-S and R-A Zone; stables and horses are as much as part of this neighborhood landscape as are houses and people” (page 52).

The applicant goes on to argue that Section 27-4201(d)(1) of the Zoning Ordinance states that, “the purposes of the Agricultural-Residential (AR) Zone are: (A) To provide for large-lot single-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” (page 12). The applicant contends that the subject property is

residential in use and character and that retaining the subject property's R-A zoning at the time the District Council adopted the 2007 Westphalia SMA, was a mistake of fact and a failure to consider its use, location, and character within the context of the SMA.

As previously noted, in SDRC comments, staff requested that the applicant provide information demonstrating that the description of the property and surrounding area in the 1994 Master Plan and SMA was incorrect and that this description was relied upon in retaining the R-A zoning in the 2007 Westphalia SMA. The applicant responded that the arguments regarding the 1994 Master Plan and SMA were "moot" because the 2007 Westphalia SMA supersedes the 1994 Master Plan and SMA (see SDRC response letter). Given the lack of a link between the 1994 Master Plan and SMA and the 2007 Westphalia SMA, staff concur with the applicant. Arguments regarding the 1994 Master Plan and SMA are moot. Staff, nonetheless, address the substance of the applicant's arguments here for purposes of completeness.

First, regarding the existing use and character of the subject property, staff does not find that the description of the subject property and adjacent parcels in the 1994 Master Plan were inaccurate. There is no evidence that there were not "stables and horses" on the subject property or within the immediate vicinity. In fact, aerial imagery from 1993 reveals what appear to be agricultural structures on the subject property. Therefore, staff find there is no evidence that the District Council's adoption of the 2007 Westphalia SMA carried forward a mistake.

Second, regarding the contention that the subject property is residential in use and character, per Section 27-426(a), the purposes of the R-A Zone are identical to the purposes provided for in the current AR Zone noted above, in Section 27-4201(d)(1). Per Section 27-107.01(a)(9) of the prior Zoning Ordinance, the definition of "Agriculture" reads, in part, "Agriculture includes equine activities and equine facilities. Equine activities include teaching equestrian skills, participating in equestrian events, competitions, exhibitions or other displays of equestrian skills, and caring for, breeding, boarding, dealing, selling, renting, riding or training equines. Equine facilities include barns, stables, rings, paddocks or accessory buildings or structures used for equine activities." In addition, the principal use classification dwelling, one-family detached (in general) is permitted by right in the R-A Zone and as part of a property assembly with an equestrian recreational facility. Aerial imagery obtained by staff, via PGAtlas, demonstrate that the subject property contains residential and agriculture uses including horses, barn, paddock, stable and other agricultural equipment dating back to at least 1993. The property can simultaneously contain a residence and structures, activities, animals and equipment associated with agriculture.

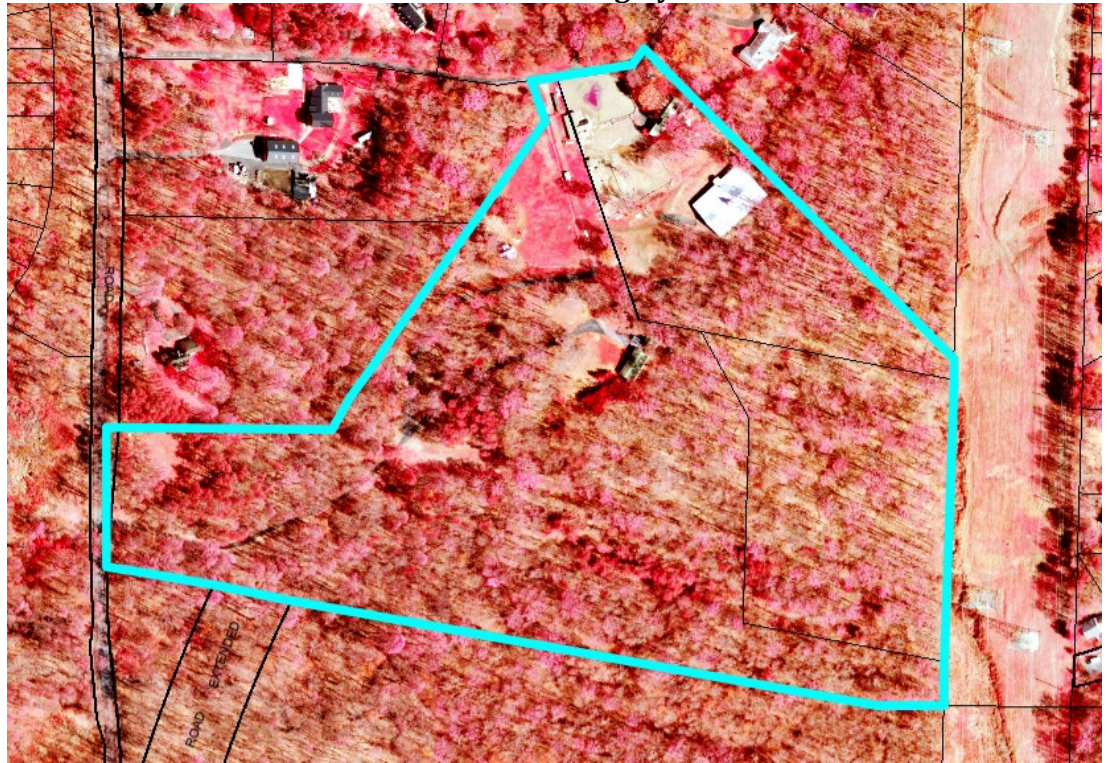
2025 Bird's Eye View



2024 Aerial Imagery



2007 Aerial Imagery



1993 Aerial Imagery



In addition, the previous owner of the subject property or a portion thereof, Jenny Day, testified to the District Council on May 23, 2006, that “We have a 25-acre horse farm with an arena and two other families living in Melwood Estates have horses, as well. This area was an established Marlboro Hunt fixture and horses have been a time-honored tradition in this area. The horse community is accustomed to transversing neighboring fields, riding along pastures and trails and the PEPCO right-of-way. With inevitable and dramatic changes that will be occurring with development, it's important that trails be established and linked throughout the rezoned area for equestrian activities” (JPH Transcript, p. 70, ln. 12–14).

Staff find that the applicant has not demonstrated that the District Council made a mistake of fact when it adopted the 2007 Westphalia SMA. The District Council had at its disposal the necessary planning tools, studies, public input and data, which provided a comprehensive analysis of the planning area. This enabled it to make a deliberate legislative decision to retain the subject property’s R-A zoning designation.

Mistake 2: Factual Inconsistency with Zoning Purpose

The applicant states that the District Council erred when it failed to consider the subject property for rezoning to support the development of the Westphalia Town Center and to provide a transition between residential densities in the surrounding area. Specifically, the applicant argues that the District Council erred by failing to rezone the subject property to a higher density due to its adjacency to the TAC-E Zone stating “...that the requested RSF-A Zone provides the best comparable zone for development of single-family detached homes that will complement and be consistent with the surrounding Westphalia area” (page 3).

Staff find that this argument does not support a finding that the District Council made a mistake of fact when it retained the subject property in the R-A Zone. An argument for mistake that relies on the surrounding zoning should include proof that the District Council was unaware of or mistaken about the property’s location, with respect to the surrounding zoning (see *Beachwood I Limited Partnership*, 107 Md. App. at 654–56; *Howard County v. Doresy*, 292 Md. 351, 364–65 (1982)). The applicant has provided no such evidence. Under these circumstances, questioning whether AR (prior R-A) is an appropriate transition between TAC-E (prior M-X-T) and RR (prior R-R), considering the Sector Plan recommendations, would be questioning the Council’s judgement, rather than identifying an error in its assumptions. As mentioned above, the District Council had at its disposal the information necessary to make an informed, deliberative legislative decision. The District Council is within its right to choose the most restrictive zoning designation to transition from an urban edge. The applicant is essentially arguing that the District Council made a poor planning choice—and error in judgement—but provides no evidence that it relied on an incorrect or missing fact in its decision making. As noted above, even “a case of bad judgment [. . .] is immunized from second-guessing” *Id.* at 645.

Mistake 3: Failure to Fully Consider Property Owner Testimony

In the revised SOJ, the applicant contends that the previous owner’s (Jenny Day) May 23, 2006, request to rezone the subject property from the R-A Zone to a residential multifamily zoning class zone—while stipulating that the R-A Zone

remain in effect until the property was sold—demonstrates that the Council overlooked existing facts that supported higher residential density for the site.

The transcript analysis of the May 23, 2006 Joint Public Hearing (JPH Transcript), which was provided to the District Council for its July 11, 2006 Worksession, contains responses to Ms. Day's testimony. With respect to Ms. Day's request for residential multifamily zoning upon sale of the property, the Transcript Analysis provided an explanation of the proper means of securing residential multifamily zoning:

"There are established procedures in the Zoning Ordinance that allow an applicant to request a rezoning through a zoning map amendment process, whenever the applicant is ready to do so. Alternatively, rezoning may occur in an SMA, but under either process rezoning becomes effective upon approval. There are no procedures in the zoning ordinance that allow approval of any rezoning that becomes effective upon sale of the property" (page 63).

This is an accurate statement of how the requested residential multifamily zone may be approved. Specifically, the residential multifamily zone is a Comprehensive Design Zone (CDZ). Accordingly, under the prior Zoning Ordinance, a property owner could apply for the residential multifamily zone via ZMA, accompanied by a basic plan (prior Zoning Ordinance § 27-179). Notably, because the residential multifamily zone was a CDZ, no finding of mistake would have been required. The residential multifamily zone could also have been imposed via an SMA, if a ZMA application, including a basic plan, was provided (prior Zoning Ordinance §§ 27-223(b)(1); 27-179(c)(1)(D)). However, as noted in the applicant's SOJ, the 2007 Westphalia SMA did not include a basic plan for the subject property. Based on the foregoing, the subject property was retained in the R-A Zone. Accordingly, rather than demonstrating evidence of a mistake, the record demonstrates that the District Council granted the permissible part of Ms. Day's request – retaining the subject property in the R-A Zone. It also declined the improper portion of Ms. Day's request – rezoning to residential multifamily upon sale of the property – based on the accurate information that the residential multifamily zone could subsequently be requested through the ZMA process, under the prior Zoning Ordinance.

The applicant bolsters its argument that Ms. Day's testimony should have been treated only as a request for up-zoning by noting that "adjacent and nearby properties were rezoned to the M-X-T zone pursuant to the principals laid out in the Sector Plan for similarly situated land" and that "the District Council did not account for the Property's existing use, location and character." This appears to be a call back to "Mistake 1" and "Mistake 2" above. As detailed above, staff does not find either "Mistake 1" or "Mistake 2" meet the standard for a finding of mistake.

Therefore, the applicant has not demonstrated that the District Council made a mistake of fact by granting the legally permissible portion of the prior owner's request.

Staff find that the applicant has failed to demonstrate that the District Council made a mistake of fact regarding the prior owner's testimony.

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 has not demonstrated that a mistake of fact occurred when the District Council adopted the 2007 Westphalia SMA. Staff confirmed that the prior R-A (current AR) zoning designation is consistent with the use, location, and character of the subject property and the abutting and adjacent properties in the AR Zone. Per Section 27-441 of the prior Zoning Ordinance, the R-A Zone permits, by right, one-family detached dwellings, in addition to dwellings associated with equestrian recreational facilities, horses, and other agricultural activities. Recent aerial imagery shows an equine/agricultural use on a portion of the subject property and testimony from the previous owner confirms these uses and demonstrates the importance of equine culture in this community—as noted in the 1994 SMA.

Staff find that the applicant has not demonstrated a mistake of fact regarding the assertion that the District Council erred when it retained the property in the R-A Zone for the subject property (and surrounding area), which is located between land in the TAC-E (prior M-X-T) and RR (prior R-R) Zones. The Council had all necessary planning tools and data at its disposal to make a deliberate and informed legislative decision regarding the subject property's role as a transition area. The choice of the most restrictive zoning to buffer the TAC-E (prior M-X-T) Zone is a policy judgment, which cannot be second guessed at this juncture. The applicant's argument is legally insufficient to prove a "mistake of fact."

Staff find that the applicant has not demonstrated a mistake of fact regarding the previous property owner's testimony on May 23, 2006. The Council retained the R-A zoning, which was the only legally permissible portion of the owner's request. Rejecting the request for conditional residential multifamily zoning was a correct application of the law, not a factual oversight. The Council acted lawfully and consistently with the portion of the request that was viable.

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 October 17, 2025 (Smith to Teshome), the Historic Preservation Section noted that the sector plan includes goals and policies related to historic preservation (pages 66–68). 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. 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 October 17, 2025 (Calomese to Teshome), the Community Planning Division noted that, pursuant to

Section 27-3601(e)(3), there was not a mistake made in the 2007 Westphalia SMA. The current zone classification of the subject property has been retained because it is consistent with the abutting properties, who at the time of the SMA, requested to retain the R-A Zone. The current zone maintains the integrity of the community and is appropriate because there is a history of the subject property being retained for residential, agricultural, and equestrian uses.

- c. **Environmental Planning**—In a memorandum dated October 17, 2025 (Kirchhof to Teshome), the Environmental Planning Section noted that the requested rezoning would decrease the woodland conservation threshold from 50 percent to 20 percent. The Environmental Planning Section recommends that, should this rezoning be approved, the 20 percent woodland conservation threshold be met on-site, in accordance with Section 25-121(c)(3) of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO). Staff also recommend that any unforested riparian buffers on-site shall be afforested, in accordance with Section 25-121(c)(1)(c) of the WCO. Per the applicable master plans and the environmental requirements in Section 24-4300 of the Prince George's County Subdivision Regulations, Section 27-6800 of the Zoning Ordinance, and Subtitle 25, Division 2, of the Prince George's County Code, woodland conservation requirements will be evaluated through the review of tree conservation plans associated with future development applications.
- d. **Transportation Planning**—In a memorandum dated October 17, 2025 (Smith to Teshome), the Transportation Planning Section noted that implementation of the master-planned bicycle and pedestrian facilities will be evaluated with subsequent applications. Both the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2007 Westphalia Sector Plan and SMA recommend a designated shared-use bikeway along Melwood Road, and to preserve segments of the road with a green buffer as part of the community's trail and greenway network. In addition, if rezoned, staff would recommend extensive and comprehensive connections, facilities, and amenities throughout the site, to meet the intent of both the MPOT and sector plan. Amenities, such as long- and short-term bicycle parking, crosswalks, convenient pathways, wayfinding signage to the nearby transit stops, etc., would be evaluated with the development. Transportation Planning staff require the submission of a traffic impact study, should the request for rezoning be approved.
- e. **Subdivision**—In a memorandum dated October 21, 2025 (Bartlett to Teshome), the Subdivision Section noted that this property is subject to PPS 4-83005 and PPS 4-88049. However, if the rezoning is approved, the proposed development will require the filing of a new PPS, which will supersede the existing approvals. As such, none of the conditions of approval for the prior approved preliminary plans would be applicable. Instead, a new PPS and certificate of adequacy (in conformance with Section 24-4503(a)(2) of the Subdivision Regulations) will be required for the proposed development and division of land following approval of this application, per Section 24-3402(b)(3) of the Subdivision Regulations. The proposed site layout and lotting pattern will be further evaluated with a PPS and must comply with all design standards contained in the Subdivision Regulations. A final plat of subdivision is required subsequent to a PPS, before any permits may be approved for development of this site.

- f. **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 comments on the subject application.
 - g. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated October 27, 2025 (Guzman to Teshome), DPIE provided an analysis of site design and required approvals related to roadway frontage improvements, stormdrain, stormwater management, and floodplain. These items will be considered with any future development applications for the site.
 - h. **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 comments on the subject application.
8. **Community Feedback:** At the time of the writing of this technical staff report, the Prince George's County Planning Department received four written correspondences from the community, expressing support regarding the zoning map amendment proposed with this application. One letter dated September 22, 2025, from Robert Clagett, expresses strong support for the project and states that the development team have engaged the community on multiple occasions. Robert Clagett further states that he supports the construction of single-family dwelling units considering an influx of townhomes in the area.

In a letter dated September 25, 2025, Ralph Day also expresses strong support for the proposed rezoning. Ralph Day states the development team has been respectful, inclusive, and productive with outreach to the community and that single-family dwelling units are a balanced and appropriate fit for their community.

In a letter dated October 1, 2025, LaShauna Tillmon expresses full support for the proposed zoning map amendment and feels that Westphalia would benefit from the creation of a cohesive, well-managed community that enhances quality of life. LaShauna Tillmon states that beyond the provision of new single-family dwelling units, the development proposal offers investment in infrastructure, connectivity, and the long-term resilience of the community.

In a letter dated October 3, 2025, Tiana Wollard expresses trust in the development team to bring value and prosperity to the new development and the County, in general.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, as related to the applicant's contention that a "mistake of fact" occurred when the Prince George's County District Council adopted the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, staff recommend DISPROVAL of Zoning Map Amendment ZMA-2025-003, for Melwood Estates.