



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
(301) 952-3600

December 1, 2009

RE: SMA Revisory Petition for Sector Plan and Sectional Map Amendment
for the East Glenn Dale Area, CR-23-2006 (DR-2)
RSSJ Associates, LLC, Petitioners

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of Zoning Ordinance No. 19 - 2009 setting forth the action taken by the District Council in this case on November 16, 2009.

CERTIFICATE OF SERVICE

This is to certify that on December 1, 2009 this notice and attached Council order were mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script that reads "Redis C. Floyd".

Redis C. Floyd
Clerk of the Council

(10/97)

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THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
(301) 952-3600

November 20, 2009

DISTRICT COUNCIL PRELIMINARY NOTICE OF CONDITIONAL ZONING APPROVAL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland, requiring notice of decision of the District Council, a copy of Zoning Ordinance No. 19 - 2009 granting preliminary conditional zoning approval of SMA Revisory Petition for the Sector Plan and Sectional Map Amendment for the East Glenn Dale Area, CR-23-2006 (DR-2) is attached.

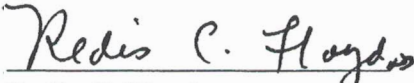
In compliance with the provisions of Section 27-157(b) of the Zoning Ordinance, the applicant must file a written acceptance or rejection of the land use classification as conditionally approved within ninety (90) days from the date of approval by the District Council. Upon receipt by the Clerk's Office of a written acceptance by the applicant, a final Order will be issued with an effective date for conditional approval shown as the date written acceptance was received by the Clerk's Office.

The failure to accept the conditions in writing within ninety (90) days from the date of approval shall be deemed a rejection. Rejection shall void the Map Amendment and revert the property to its prior zoning classification.

Written approval or rejection of conditions must be received by the Clerk's Office no later than the close of business (5:00 p.m.) on January 14, 2010.

CERTIFICATE OF SERVICE

This is to certify that on November 20, 2009 this notice and attached Order were mailed, postage prepaid, to the attorney/correspondent and applicant(s). Notice of final approval will be sent to all persons of record.



Redis C. Floyd
Clerk of the Council

Case No.: East Glenn Dale SMA
CR-23-2006
Request for Revision

Applicant: RSSJ Associates

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

ZONING ORDINANCE NO. 19 - 2009

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, with conditions.

WHEREAS, in Council Resolution 23-2006, adopted on March 28, 2006, the District Council approved the Sector Plan and Sectional Map Amendment for the East Glenn Dale Area, to rezone portions of Planning Area 70, for the area bounded by Good Luck Road to the north, Springfield Road and Hillmeade Road to the east, Daisy Lane to the south, and Greenbelt Road (MD 193) to the west; and

WHEREAS, included in the properties affected by the East Glenn Dale Sector Plan and SMA was a property described as 23.84 +/- acres in the E-I-A Zone, fronting on Lanham-Severn Road, immediately south and west of the intersection of Lanham-Severn and Wingate Drive, between Lanham-Severn and the railroad tracks; and

WHEREAS, the subject property, in Amendment 1 in CR-23-2006, was rezoned from the E-I-A Zone to the O-S Zone; and

WHEREAS, the owners of the subject property filed an action in the Circuit Court for Prince George's County, CAL 06-09417, a petition for review to challenge the O-S zoning of the property in the East Glenn Dale SMA; and

WHEREAS, the owners and the District Council, in an effort to settle the controversy in CAL 06-09417, have agreed that the owners may, after dismissal without prejudice of their petition for review, present to the Council a proposal to revise the O-S zoning imposed in CR-23-2006, to have the property rezoned to the C-O Zone, subject to detailed site plan review; and

WHEREAS, the District Council has heard from the owners, and from its counsel, and has determined that the property may be rezoned to the C-O Zone, with detailed site plan review, based on the following findings:

A. The subject property, a somewhat narrow parcel of about 23.84 acres with extensive frontage on Lanham-Severn Road, sits between Lanham-Severn and the railroad tracks, roughly 2000 feet east of the intersection of Lanham-Severn and Glenn Dale Boulevard (MD 193). The property is wooded and undeveloped; it had been, prior to 2006, classified E-I-A (Employment Institutional Area) for many years, since prior to the 1993 Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity (Planning Area 70). The property had been zoned E-I-A, with an approved Basic Plan showing office park development, because of its location just east of commercially developed property on Lanham-Severn, and because of its good access to Lanham-Severn and its intersection with MD 193.

B. In the East Glenn Dale Master Plan and Sectional Map Amendment, approved in CR-23-2006, a number of amendments were made to the comprehensive zoning map adopted and approved in 1993. One of the policies advanced in the East Glenn Dale SMA was reduction in the substantial unused (or under-used) acreage that had been approved for office and commercial development, and the subject property was among those rezoned for that reason. In reviewing the inventory of commercial and residential zoning for the East Glenn Dale SMA, the District Council determined that a better balance between future residential and commercial land uses required a reduction of the unused commercially zoned properties, including the subject tract. With the advancement of this policy in the SMA, the Council left open to affected owners the prospect of commercial office or retail zoning, by individual application, if an owner were able to show conformance of its development proposal with Master Plan goals, policies, and objectives.

C. In the circumstances of this case, where the owner has come forward to the District Council with a commercial office park site plan, a plan that has been reviewed by Council staff and by community representatives, the Council has determined that this property is eligible, legally, for a revision of the zoning imposed in the East Glenn Dale SMA, in Amendment 1 of CR-23-2006. That is, the Circuit Court has remanded the case involving the subject property to the District Council, the Council has agreed to consider a revision of the SMA and a rezoning of the property, and there is no impediment in the Zoning Ordinance to a revision of the SMA as the owners propose.

D. As stated, the subject property is narrow, and it has extensive frontage with the railroad right-of-way to the rear. It is therefore not well suited to residential development like that in the Wingate subdivision just to the north and east of the property. Moreover, the owners have agreed with community representatives, and the Council agrees, that access from the subject property to Lanham-Severn should be limited, to reduce the likelihood of interference between existing residential vehicles and the worker vehicle counts to be generated from the property. Because of its location on Lanham-Severn immediately east of MD 193, access to and from the subject property will be readily available, for workers on the property.

E. Though the policy of the East Glenn Dale SMA, as mentioned above, was to reduce unused commercial acreage in this section of Planning Area 70, the Master Plan and SMA recognized that local commercial development, if well designed, is vital to residents and workers in the Glenn Dale Area. The proposed C-O zoning for the subject property will allow the owner to present a commercial office park proposal, with amenities for the community, if appropriate, in the detailed site plan process, to enhance local employment opportunities and potentially reduce commuter mileage for area residents and workers.

F. Both the East Glenn Dale Master Plan and SMA, approved in 2006, and the 2002 General Plan for Prince George's County recognize goals for the Developing Tier, including this section of Lanham-Severn Road, that would be promoted by quality office park development at the subject property. The General Plan proposes low- to moderate-density land uses, except in centers and corridors, and the reinforcing of existing residential suburban neighborhoods. The proposed

office park will protect and preserve the Wingate community to the north and will provide business and employment opportunities for Glenn Dale residents and workers. The General Plan also seeks to balance the pace of development with the ability of the private sector to provide adequate transportation facilities, and it encourages contiguous development where public facilities and services can be more efficiently provided. An office park on the subject property will meet these goals.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County is hereby amended by rezoning the property that is the initial subject of Amendment 1 in CR-23-2006, 23.84 +/- acres in the O-S Zone on the south side of Lanham-Severn Road, approximately 2000 feet east of the intersection of Lanham-Severn and Glenn Dale Boulevard (MD 193), from the O-S Zone to the C-O Zone.

SECTION 2. The zoning approved herein is subject to the condition that prior to approval of any permits on the subject property, the owners shall obtain approval of a Detailed Site Plan, from the Planning Board and District Council.

SECTION 3. This Ordinance shall take effect initially on the date of its enactment, as conditionally approved, and shall become final and effective when the applicant accepts in writing the condition in Section 2.

Enacted this 16th day of November, 2009, for initial approval, by the following vote:

East Glenn Dale SMA
CR-23-2006
Request for Revision

In Favor: Council Member Bland, Campos, Dean, Dernoga, Exum, Harrison, Knotts and
Turner.

Opposed:

Abstained:

Absent: Council Member Olson.

Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE
GEORGE'S COUNTY, MARYLAND

BY: Marilynn M. Bland
Marilynn M. Bland, Chairperson

ATTEST:

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

East Glenn Dale SMA
CR-23-2006
Request for Revision

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

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate the applicant's acceptance of conditional zoning and to grant final conditional zoning approval.

WHEREAS, the District Council in approving a revision to Amendment 1 in CR-23-2006, the East Glenn Dale Sector Plan and SMA, to rezone the subject property from the O-S Zone to the C-O Zone, attached a condition; and

WHEREAS, the District Council, having reviewed the request for revision deems it appropriate to accept the applicant's consent to the condition and to approve final conditional rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning is hereby granted. The applicant's written acceptance of the condition referred to above, at the time of initial conditional zoning approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

SECTION 2. Use of the subject property as conditionally reclassified shall be subject to all requirements in the applicable zones and to the requirements in the condition referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient grounds for the District Council to annul the rezoning approved herein; to revoke use and occupancy

permits; to institute appropriate civil or criminal proceedings; or to take any other action deemed necessary to obtain compliance.

SECTION 3. This Ordinance is effective November 30, 2009 the date of receipt of the applicant's acceptance of the condition imposed.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: Marilyn M. Bland
Marilynn M. Bland, Chairperson

ATTEST:

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